

**UPDATED AGENDA
APRIL 27, 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/86208850500>

Or One tap mobile:

+12532050468,86208850500# US

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Or Telephone:

Dial (for higher quality, dial a number based on your current location): +1 253 205 0468 US +1 253 215 8782 US (Tacoma) +1 346 248 7799 US (Houston) +1 669 444 9171 US +1 669 900 9128 US (San Jose) +1 719 359 4580 US +1 646 558 8656 US (New York) +1 646 931 3860 US +1 689 278 1000 US +1 301 715 8592 US (Washington DC) +1 305 224 1968 US +1 309 205 3325 US +1 312 626 6799 US (Chicago) +1 360 209 5623 US +1 386 347 5053 US +1 507 473 4847 US +1 564 217 2000 US 877 853 5257 US (Toll-Free) 888 475 4499 US (Toll-Free)

Webinar ID: 862 0885 0500

International numbers available: <https://us02web.zoom.us/j/86208850500>

- I. CALL TO ORDER**
- II. ROLL CALL**
- III. INVOCATION GIVEN BY CLARENCE MILLER, CALVARY BAPTIST CHURCH**
- IV. PLEDGE OF ALLEGIANCE**
- V. REVISIONS TO THURSDAY, APRIL 27, 2023, AGENDA**

BLUE SHEET

ADDING ITEMS

IX. MAYOR'S AGENDA

Item No. 2. – PROCLAMATION: ARBOR DAY

Synopsis: Proclamation proclaiming April 28th, 2023, as Arbor Day, submitted by Tyrone A. Garner, Mayor/CEO

Tracking #: 212436

X. ADMINISTRATOR'S AGENDA

Item No. 2. - RESOLUTION: MEMORANDUM OF UNDERSTANDING WITH FOP, LODGE #4

Synopsis: A Resolution authorizing the County Administrator to execute a Memorandum of Understanding (MOU) with the Fraternal Order of Police, Lodge #4, effective 1/1/23 through 12/31/25, submitted by Patrick Waters, Acting Chief

Counsel. The MOU has been ratified by the Fraternal Order of Police.
Tracking #: 212424

REMOVING ITEMS

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

Synopsis: Update on the status of grants and grant process, submitted by David Johnston, County Administrator.

For information only.
Tracking #: 212424

VI. CLERK'S STATEMENT

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

VII. PLANNING AND ZONING CONSENT AGENDA

VIII. PLANNING AND ZONING NON-CONSENT AGENDA

IX. MAYOR'S AGENDA

X. REGULAR CONSENT AGENDA

XI. PUBLIC HEARING AGENDA

XII. STANDING COMMITTEES' AGENDA

XIII. ADMINISTRATOR'S AGENDA

XIV. COMMISSIONERS' AGENDA

XV. LAND BANK BOARD OF TRUSTEES' AGENDA

XVI. PUBLIC ANNOUNCEMENTS

XVII. ADJOURN

VI. 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.)

VII. PLANNING AND ZONING CONSENT AGENDA

A. CHANGE OF ZONE APPLICATIONS

1. COZ2022-051 - AUSTIN THOMPSON WITH ATLAS LAND CONSULTING

Synopsis: Change of Zone from R-1 Single Family District to RP-2(B) Planned Two Family District to remodel an existing structure into a duplex at 706 Shawnee Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 212396

2. **COZ2023-003 - MICHAEL BOURQUIN**

Synopsis: Change of Zone from R-1 Single Family District to C-1 Limited Business District for a fireworks stand at 5910 County Line Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751.

(RECOMMENDED FOR APPROVAL)

Tracking #: 212402

3. **COZ2023-004 - PAULA WESTERFIELD-WALLACE**

Synopsis: Change of Zone from R1 (WYCO) Residential District to R-1 Single Family District for a residence and dog kennel at 12200 Donahoo Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751.

(RECOMMENDED FOR APPROVAL)

Tracking #: 212403

4. **COZ2023-007 - AUSTIN THOMPSON WITH ATLAS LAND CONSULTING**

Synopsis: Change of Zone from R-1 Single Family District to R-M Mobile Home Park District for the Eden Village Mobile Home Park at 1013 Metropolitan Avenue, 1605 South Baltimore and 1003 Ruby Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 212406

B. SPECIAL USE PERMIT APPLICATIONS

1. **SP2022-106 - JOSHUA BROWN WITH TWISTED AUDIO CREATIONS**

Synopsis: Special Use Permit to operate a car audio installation business at 5235 State Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL FOR 1 YEAR)**

Tracking #: 212409

2. **SP2022-121 - LATIN QUARTERS, INC.**

Synopsis: Renewal of a Special Use Permit (SP2021-029 - expired 11/4/2022) for a restaurant and drinking establishment with live entertainment at 508 Kansas Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL FOR 6 MONTHS)**

Tracking #: 212412

3. **SP2022-122 - JIM DONOVAN WITH THE SHOWROOM FLOOR, LLC**

Synopsis: Renewal of a Special Use Permit (SP2021-009 - expires 5/6/2023) to operate a short-term rental at 1127 Southwest Boulevard, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751.

(RECOMMENDED FOR APPROVAL FOR 5 YEARS)

Tracking #: 212397

4. **SP2023-002 - MIKE UTT WITH NEW CINGULAR WIRELESS PCS, LLC**
Synopsis: Special Use Permit to install a monopole cell antenna to optimize cellular coverage in the immediate area at 1964 North 63rd Drive, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751.
(RECOMMENDED FOR APPROVAL FOR 10 YEARS)
Tracking #: 212413
5. **SP2023-005 - CHRISTOPHER CIESIEL WITH THE CAMPGROUND LLC**
Synopsis: Special Use Permit to operate a drinking establishment with live entertainment at 1639 Southwest Boulevard, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**
Tracking #: 212415
6. **SP2023-007 - RYAN DENK WITH MCANANY, VAN CLEAVE & PHILLIPS, P.A.**
Synopsis: Renewal of a Special Use Permit (SP2020-096 - expired 2/4/2023) for the Temporary Use of Land to allow for semi-truck parking at the American Inn Motel at 7949 Splitlog Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**
Tracking #: 212398
7. **SP2023-009 - JUDD CLAUSSEN WITH PHELPS ENGINEERING, INC.**
Synopsis: Renewal of a Special Use Permit (SP2022-013 - expires 5/5/2023) to continue to remove earthen material at 1215 Merriam Lane, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751.
(RECOMMENDED FOR APPROVAL FOR 2 YEARS)
Tracking #: 212399
8. **SP2023-010 - DANIEL CASTILLO WITH OVER UNDER**
Synopsis: Special Use Permit to operate a drinking establishment with sports watch parties at 401 North 6th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**
Tracking #: 212416

C. VACATION APPLICATIONS

1. **VAC2022-003 - LUKE KUSH CORPORATION**
Synopsis: Vacation of right-of-way easement at 1327 State Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751.
(RECOMMENDED FOR APPROVAL)
Tracking #: 212411

D. PLAN REVIEW APPLICATIONS

1. PR2022-037 - DARYL K. RAKOSKI

Synopsis: Preliminary and Final Plan Review to construct 62 single-family homes at 11465 Webster Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 212410

2. PR2023-011 - AUSTIN THOMPSON WITH ATLAS LAND CONSULTING

Synopsis: Preliminary and Final Plan Review (Eden Village) to construct a mobile home park at 1013 Metropolitan Avenue, 1605 South Baltimore and 1003 Ruby Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 212414

E. MASTER PLAN AMENDMENTS

1. MPL2023-002 - MICHAEL BOURQUIN

Synopsis: Master Plan Amendment from Rural Density Residential (City-Wide Comprehensive Plan) to Rural Commercial (City-Wide Comprehensive Plan) at 5910 County Line Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 212407

2. MPL2023-005 - AUSTIN THOMPSON WITH ATLAS LAND CONSULTANTS

Synopsis: Master Plan Amendment from Low-Density Residential (City-Wide Comprehensive Plan) to Medium-Density Residential (City-Wide Comprehensive Plan) at 1013 Metropolitan Avenue, 1605 South Baltimore and 1003 Ruby Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 212408

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

1. AN ORDINANCE rezoning property at 2730 South 69th Street (COZ2022-024) from R-1 Single Family District to A-G Agriculture District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751.

(RECOMMENDED FOR APPROVAL)

Tracking #: 212418

2. AN ORDINANCE authorizing a Special Use Permit (SP2022-081) for a kennel for six (6) dogs at 12200 Donahoo Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 212419

3. AN ORDINANCE authorizing a Special Use Permit (SP2021-090) for a liquor store at 146 South 18th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 212420
4. AN ORDINANCE authorizing a Special Use Permit (SP2023-004) for a short-term rental at 10 South Hallock, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 212421

VIII. PLANNING AND ZONING NON-CONSENT AGENDA

A. CHANGE OF ZONE APPLICATIONS

1. **COZ2023-001 - DAVID BLOCK WITH BLOCK AND COMPANY, INC.**
Synopsis: Change of Zone from CP-2 Planned General Business District to CP-3 Planned Commercial District to convert an office building into a mixed-use apartment building at 10200 Abilities Way, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL - 7/1 VOTE)**
Tracking #: 212400

B. SPECIAL USE PERMIT APPLICATIONS

1. **SP2023-006 - ADAM REYNOLDS**
Synopsis: Special Use Permit to operate a short-term rental at 4443 Eaton Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL FOR 1 YEAR - 6/2 VOTE)**
Tracking #: 212417

C. MASTER PLAN AMENDMENT APPLICATIONS

1. **MPL2023-001 - DAVID BLOCK WITH BLOCK AND COMPANY, INC.**
Synopsis: Master Plan Amendment from Regional Commercial (Prairie-Delaware-Piper Area Plan) to Mixed-Use (City-Wide Comprehensive Plan) to convert an office building into a mixed-use apartment building at 10200 Abilities Way, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 212401

D. MISCELLANEOUS

1. ORDINANCE: SHORT-TERM RENTAL USES

Synopsis: Consideration to create a new Short-Term Rental Ordinance and Staff review process, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

*This item was scheduled to appear before the **Administration & Human Services Standing Committee**, chaired by Commissioner Markley, on April 24, 2023. It was requested, and approved by the Mayor, to fast-track this item to April 27, 2023, full commission meeting. This item was previously heard by the Planning Commission and passed with a vote of 6 to 1.*

Tracking #: 212207

TAX STATUS REPORT BOARD OF COMMISSIONERS AGENDA FOR APRIL 27, 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.

IX. MAYOR'S AGENDA

Item No. 1 - UPDATE: SEVEN DAYS OF KINDNESS

Synopsis: Update on the status of Seven Days of Kindness, submitted by Ashley Hand, Director of Strategic Communication.

For information only.

Tracking #: 212427

Item No. 2 - PROCLAMATION: ARBOR DAY (ADDED PER BLUE SHEET)

Synopsis: Proclamation proclaiming April 28th, 2023, as Arbor Day, submitted by Tyrone A. Garner, Mayor/CEO.

Tracking #: 212436

X. REGULAR CONSENT AGENDA

Item No. 1 - NOMINATIONS: BOARDS AND COMMISSIONS

Synopsis: Nominations for Boards and Commissions:

Frank Aguilar to the Self Supported Municipal Imp. District (SSMID) from 4/27/2023 to 12/31/2025, submitted by Commissioner Kane.

Tracking #: 212425

Item No. 2 - PLAT: SWIFT ESTATES

Synopsis: Plat of Swift Estates, located at 1026 Oakland Avenue, and being developed by Swift RPM, submitted by Brent Thompson, County Surveyor, and Troy Shaw, County Engineer.

Tracking #: 212426

Item No. 3 - MINUTES

Synopsis: Minutes from the Full Commission meeting on July 28, 2022.

Tracking #: MINUTES

Item No. 4 - WEEKLY BUSINESS

Synopsis: Weekly business materials dated April 6th and 13th, 2023.

Tracking #: WEEKLY BUSINESS

XI. PUBLIC HEARING AGENDA

XII. STANDING COMMITTEES' AGENDA

Item No. 1. - RESOLUTION: AUTHORIZING THE PURCHASE OF PROPERTY FOR A NEW FIRE STATION 20.

Synopsis: Resolution authorizing the purchase of property at 521 S. 72nd St. for a new Fire Station 20, submitted by Daniel Kuhn, Senior Counsel, Legal Department.

It is requested that this item be fast-tracked to the April 27, 2023, Full Commission meeting.

Tracking #: 212391

XIII. ADMINISTRATOR'S AGENDA

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

Item No. 2 - RESOLUTION: MEMORANDUM OF UNDERSTANDING WITH FOP, LODGE #4 (ADDED PER BLUE SHEET)

Synopsis: A resolution authorizing the County Administrator to execute a Memorandum of Understanding (MOU) with the Fraternal Order of Police, Lodge #4, effective 1/1/23 through 12/31/25, submitted by Patrick Waters, Acting Chief Counsel, The MOU has been ratified by the Fraternal Order of Police.

Tracking #: 212435

XIV. COMMISSIONERS' AGENDA

XV. LAND BANK BOARD OF TRUSTEES' CONSENT AGENDA

Item No. 1. - LAND BANK OPTION APPLICATIONS

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

Please visit the new site to review the applications below.

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

A. Single Family Homes – 10 Homes

1. Jon Coverdale – 1 home
2917 S 27th ST – 149692
2. Maria Hill – 1 home
5409 Douglas Ave – 218112
5417 Douglas Ave – 218113
4. Dulce Dominguez & Fernando Sepulveda – 1 home
3111 S 33rd St – 150317
5. James Michael – 1 home
643 N 54th St – 051619
5310 Muncie Dr – 051618
6. Premier Developments LLC – 5 homes
3047 N 31st St – 099260
3051 N 31st St – 099261
3059 N 31st ST – 099262
3063 N 31st St – 099263
3065 N 31st St - 099264
7. Jose Cortez – 1 home
3233 N 44th Ter – 172212
3237 N 44th Ter - 172211
3241 N 44th Ter - 172210
3245 N 44th Ter - 172209
3301 N 44th Ter - 172208

Tracking #: 212404

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. Cintli Soto

812 Lafayette Ave - 111593

Tracking #: 212405

XVI. PUBLIC ANNOUNCEMENTS

XVII. ADJOURN

**AGENDA UPDATE
UNIFIED GOVERNMENT COMMISSION MEETING
THURSDAY, APRIL 27, 2023**

ADDING ITEMS

IX. MAYOR'S AGENDA

Item No. 2. – PROCLAMATION: ARBOR DAY

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Synopsis: A Resolution authorizing the County Administrator to execute a Memorandum of Understanding (MOU) with the Fraternal Order of Police, Lodge #4, effective 1/1/23 through 12/31/25, submitted by Patrick Waters, Acting Chief Counsel. The MOU has been ratified by the Fraternal Order of Police.

Tracking #: 212424

REMOVING ITEMS

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

Synopsis: Update on the status of grants and grant process, submitted by David Johnston, County Administrator.

For information only.

Tracking #: 212424



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: April 27, 2023

Re: Petition COZ2022-051

GENERAL INFORMATION

Applicant:

Austin Thompson

Status of Applicant:

Surveyor

Atlas Land Consulting
14500 Parallel Road, Unit R
Basehor, Kansas 66007

Requested Actions:

Approval of a Change of Zone.

Date of Application:

December 30, 2022

Purpose:

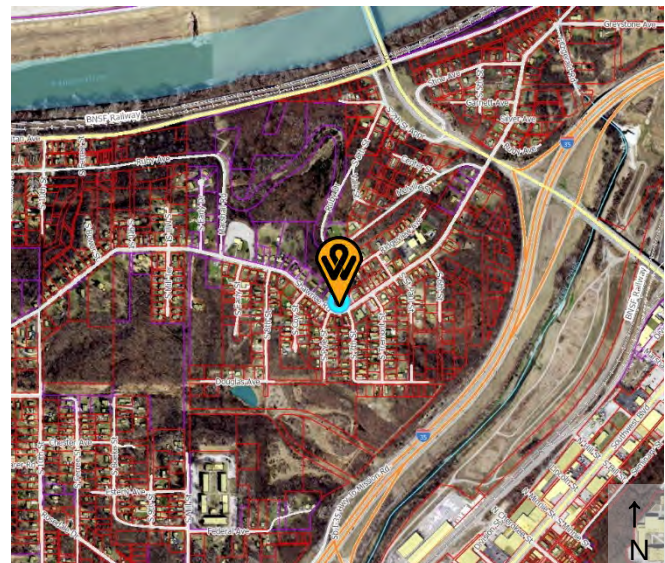
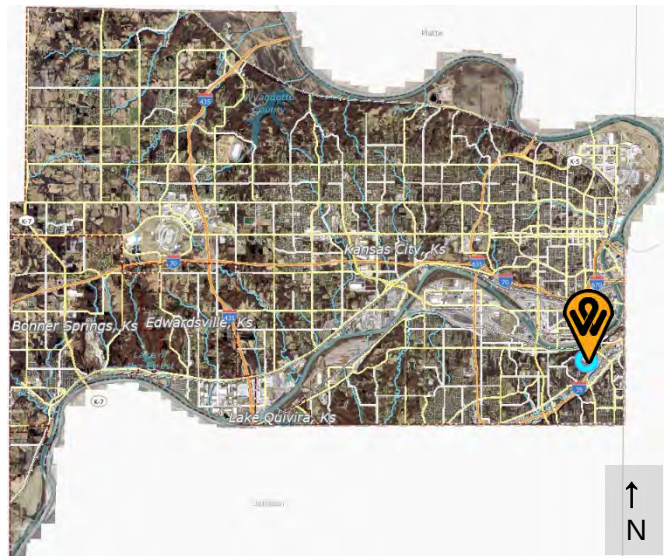
Approval of a Change of Zone from R-1
Single-Family District to RP-2(B)
Planned Two-Family District.

Property Location:

706 Shawnee Road
Kansas City, Kansas 66103

Commission Districts:

Commissioner At-Large, District #2:
Tom Burroughs
District #3 Commissioner:
Christian Ramirez



Existing Zoning:	R-1 Single-Family District
Adjacent Zoning:	North: R-1 Single-Family District South: R-1 Single-Family District East: C-1 Limited Business and R-2(B) Two-Family Districts West: R-1 Single-Family District
Adjacent Uses:	North: Single-family residence South: Single-family residences East: Single-family residences West: Single-family residence
Total Tract Size:	0.39 Acre
Comprehensive Plan Area:	The subject property is within the City-Wide Comprehensive Plan.
Comprehensive Plan Designation:	The City-Wide Comprehensive Plan designates this property as Low-Density Residential. The Low-Density Residential Land Use District allows single-family detached residential development. These uses are intended to meet a majority of the housing needs within the city. Allowed uses of the Low-Density Residential Land Use District include: single-family detached residences; institutional uses such as elementary and middle schools, small churches (less than 50,000 square feet), and libraries; and parks and open space. Discouraged uses include: all industrial uses; business parks; adult-oriented businesses; night clubs and bars with a majority of sales in alcohol; and medium- and high-density residences.
Major Street Plan:	The Major Street Plan classifies Shawnee Road as a Collector Street.
Required Parking:	Section 27-457(d) requires one (1) parking space for each dwelling unit shall be provided on the premises. The subject property has an existing driveway that, once repaved to UG standards, can hold two (1) vehicles, one (1) for each unit.
Advertisement:	<u>The Wyandotte Echo</u> – January 19, 2023 Letters to Property Owners – January 20, 2023; February 4, 2023; and March 12, 2023
Public Hearings:	April 10, 2023 and April 27, 2023

Public Support: None to date.

Public Opposition: None to date.

RELATED ENFORCEMENT AND ACTION ITEMS

Detailed Outline of Requested Action: The applicant, Austin Thompson with Atlas Land Consulting, is requesting a Change of Zone from the R-1 Single-Family District to the RP-2(B) Planned Two-Family District for an improved residential property. The subject property is an existing, vacant single-family residence. The applicant's client is proposing to renovate the residence into a two-family residence (duplex). The Change of Zone is being heard simultaneously with BOZA2022-070, a variance from the lot area and frontage minimums required for a new lot adjacent to a designated major street.

City Ordinance Requirements: Article VI, Sections 27-196—210; Article VII, Section 27-280; Article VIII, Sections 27-457, 27-673—704

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

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

Building or Code Enforcement Complaints:

1. Previous property owners have been cited by the Property Maintenance Compliance Division for the following violations:
 - a. 09/20/2000 – Vehicle parked on an unimproved surface (00208-00000-01695)
 - b. 12/19/2000 – Vehicle parked on an unimproved surface (00208-00000-02271)
 - c. 08/31/2001 – Overgrown grass/weeds (01212-00000-01238)
 - d. 07/11/2006 – Other multiple violations re: roofing and siding (06200-00000-03253)
 - e. 07/11/2008 – Other multiple violations re: overgrown grass/weeds and unsecured property (08212-03192)
 - f. 08/01/2008 – Unsecured structure (08225-01316)
 - g. 08/05/2008 – Other multiple violations (08200-07266)
 - h. 06/16/2010 – Overgrown grass/weeds (10212-00958)
 - i. 08/15/2013 – Broken windows (13200-02886)
 - j. 09/17/2013 – Unsecured structure (13225-01138)
 - k. 03/15/2017 – Unsecured structure (17225-00252)
 - l. 10/10/2018 – Unsecured structure (18225-04926)
 - m. 10/10/2018 – Unfit structure (18200-04380)
 - n. 10/30/2018 – 1st Administrative Citation: Unsecured structure (18229-02455)
 - o. 01/02/2019 – 14-Day Abatement re: Trash in driveway (19225-00011)

- p. 01/22/2019 – 1st Administrative Citation: 14-Day Abatement for trash in driveway (19299-00170)
 - q. 01/31/2019 – Vacant property (19230-00132)
 - r. 04/01/2019 – 1st Administrative Citation: Unfit and unsecured structure (19229-00807)
 - s. 06/05/2019 – 2nd Administrative Citation: Unfit and unsecured structure (19299-01495)
 - t. 01/28/2020 – 3rd Administrative Citation: Unfit and unsecured structure (20299-00187)
 - u. 04/31/2021 – Unfit structure for new owner (STR21-0250)
2. The current property owner has been cited by the Property Maintenance Compliance Division for the following violations:
- a. 11/24/2021 – Vacant property (VPC21-0604)
 - b. 03/25/2022 – Unfit structure (UNF22-0067)
 - c. 05/05/2022 – Structural issues (STR22-0382)
 - d. 05/24/2022 – Abatement (ABT22-1303)
 - e. 06/09/2022 – 1st Administrative Citation: Structural violation (CAC22-1296)
 - f. 10/21/2022 – 2nd Administrative Citation: Structural violation (CAC22-2901)
 - g. 11/22/2022 – 3rd Administrative Citation: Structural violation (CAC22-3147)

Outstanding or Related Permits and Cases:

1. The subject property has an open Property Maintenance Compliance case, STR22-0382. Three (3) administrative citations have been made to the subject property in relation to this case.

FACTORS TO BE CONSIDERED

1. Neighborhood character.

The subject property is within the Shawnee Heights Statistical Neighborhood and is within the Shawnee Road Neighborhood Group boundaries. The subject property lies within a transition area between duplex residentially and light commercially zoned parcels to the east and single-family residentially zoned to the west. Although Shawnee Road is the primary road in the local neighborhood, it is only designated as a Collector Street by the Major Streets Plan; therefore, the area has a meandering, residential aesthetic rather than a busier, commercial aesthetic.

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

The subject property is a transition point between the neighborhood commercial and duplex zoning district along the Shawnee Road corridor to the east, and the single-family residential zoning district to the west. Regardless of the location of the nearby parcels from the subject property, however, it appears that all uses

are currently single-family residences, except for one (1) possible neighborhood commercial use at 646 Shawnee Road. The subject property's proposed use is compatible with the zoning to the east because it will match the R-2(B) zoning and duplex use found in these eastern parcels. The subject property's proposed use is compatible with the uses to the west because both uses are low-intensity residential uses; as a duplex, the subject property will have a density of 0.2 acre per dwelling unit, which is consistent with the neighborhood and for the Low-Density Residential Land Use District.

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

As previously mentioned, the subject property is 0.39 acre, and therefore a duplex would have a density of approximately 0.2 acre per dwelling unit. This size makes the subject property suitable for use as a duplex in the R-2(B)/PR-2(B) District. Property Maintenance Compliance records indicate that the subject property has been sitting vacant since 2013, so there are yard cleanup and maintenance work to be done, but the existing building is standing and there is an existing driveway (albeit in need of repair) providing the residence with vehicular access to Shawnee Road. Therefore, the removal of any restrictions in the change of zone from R-1 to RP-2(B) will not detrimentally affect nearby properties.

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

Property Maintenance Compliance records indicate that the subject property has been sitting vacant since 2013. On August 15, 2013, the subject property was issued a code violation for broken windows and on September 17, 2013 was issued a 14-day abatement of a board structure. There have been a series of ongoing citations related to the subject property's vacancy status ever since (see the *Related Enforcement and Action Items* section of this report).

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.*

As previously mentioned, the existing property has sat vacant for almost a decade. Any renovation that creates a habitable residence would return a dwelling unit back to the Wyandotte County housing stock; a Change of Zone would result in a second dwelling unit being added to the housing stock—a net gain of one (1) unit. While restoring the subject property to habitable use should not on principle be contingent upon a rezoning to a greater residential intensity, such renovations would be more likely if a Change of Zone were to be granted. Improving a vacant and dilapidated property into a duplex (with the appearance of a single-family residence) will have a positive effect on visual quality of the neighborhood and marketability of nearby properties.

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

The proposed use will add one (1) additional dwelling unit beyond the initial zoning of the subject property, but such an addition will not create any increase of traffic or a parking demand in a manner that would adversely affect road capacity, safety or create parking problems. The existing driveway must be repaved to UG standards as part of the site-wide cleanup and renovation process, but otherwise the existing facilities will be sufficient to accommodate the parking requirements associated with the Change of Zone.

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

The City-Wide Master Plan designates this property as Low-Density Residential. The Low-Density Residential Land Use District allows single-family detached residential development. These uses are intended to meet a majority of the housing needs within the city. According to the City-Wide Master Plan, allowed uses of the Low-Density Residential Land Use District include: single-family detached residences; institutional uses such as elementary and middle schools, small churches (less than 50,000 square feet), and libraries; and parks and open space. Among the discouraged uses are medium- and high-density residences. While a Change of Zone to the RP-2(B) District will allow the subject property to be used as a duplex, the subject property is 0.39 acres; a duplex would create a density of approximately five (5) units per acre. This is consistent with the density anticipated by the Low-Density Residential Land Use District. Therefore, the proposed Change of Zone is in conformance with the City-Wide Master Plan.

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

The existing residence will be rehabilitated and converted from a single-family residence to a duplex. As there will be no increase in improved surface area on site, there will be no increase in stormwater runoff or other adverse effects to the natural land. Furthermore, neighborhoods with a higher density have less of an environmental impact per capita than less dense neighborhoods. Therefore, the Change of Zone would lead to less environmental harm, as it would allow for the net gain of one (1) unit to the county's housing stock without developing a previously undeveloped parcel.

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

a. *Water service*

The subject property receives water service via BPU.

b. Sanitary sewer service

The subject property is served by a sanitary sewer line on the south side of Shawnee Road. Additionally, a sanitary sewer on the north side of Shawnee Road ends to the east of the subject property at 658 Shawnee Road.

c. Storm water control

There are no local stormwater lines that serve the subject property. The closest stormwater line is located on South Tremont Street, approximately 370 linear feet to the southeast of the subject property.

d. Police

Police service is provided by South Division, District #335.

e. Fire

Fire service is provided by Fire Station #10, which is 2.1 miles from the subject property.

f. Transit

There is no public transit that reasonably serves the subject property. subject property is approximately 0.8 mile from bus stops at the intersection of South 7th Street Trafficway and Stine Avenue, served by Route 107/7th Street.

g. Schools

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

h. Streets

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

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

The Change of Zone will return one (1) dwelling unit to the Wyandotte County housing stock and will add another unit to the housing stock as well. Beside allowing for two (2) additional households return to live in an underdeveloped neighborhood, the economic impacts of small, incremental upzoning actions create an increase in customer bases and employee pools without increasing the physical area from which a business needs to draw.

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

The subject property is in compliance with all requirements of the R-2(B)/RP-2(B) Two-Family District but fails to meet the five (5)-acre and 300-foot street frontage minimums required for all new lots adjacent to an accessing a major street, which includes the portion of Shawnee Road between Greystone Avenue and Douglas Avenue. These violations are being addressed by BOZA2022-070, a concurrent variance request.

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

The relative gain to the public health, safety and welfare greatly exceeds any potential hardships imposed on the surrounding landowners is minimal. The subject property has a vacant residence, which has been unoccupied for the majority of the past 20 years, and because of this vacancy and neglect has been a blight on the local neighborhood, as evidenced by the myriad of Property Maintenance Compliance and Zoning citations issued against the property for violations ranging from an overgrown yard to dilapidated roofing and siding to an unsecured property that is being broken into. Furthermore, rehabilitation of the residence will create a second dwelling unit, available to be rented and allowing another family unit to come to or continue to live it Wyandotte County. If the application is denied, the current property owner will likely not put additional investment into the property and may eventually sell it, which is the story of the past several property owners.

PREVIOUS ACTIONS

- BOZA2022-070, a simultaneous variance from the minimum lot size and frontage for a lot adjacent to and accessing a street within the Major Streets Plan.

NEIGHBORHOOD MEETING

The applicant received neighborhood comments by receiving letters or phone calls through the date of January 20, 2023. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Driveway Repair
Parking
Planned District

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Change of Zone Application **COZ2022-051**, subject to:

1. This property is being rezoned to RP-2(B) Planned Two Family District, and all future expansion of the existing structure or other redevelopment of the property will require a final development plan process.
2. If, at a later date, the property owner intends to construct an accessory building that is in violation of the Zoning Code, the said property owner must apply for a separate variance from such violations prior to applying for a building permit;
3. The sidewalk along the frontage of the subject property (along Shawnee Road) must be cleared and repaired, if necessary;
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. This City Planning Commission case is being heard in conjunction with BOZA2022-070. 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 BOZA2022-070 by the Unified Government Board of Zoning Appeals and upon any ordinance publications required by law;
6. All existing and future driveways must feature curb cuts that are constructed to UG standards;
7. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
8. 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;

9. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed by right or by Special Use Permit under the new zoning district, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
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; and,
11. All conditions of approval herein must be constructed, executed, implemented, or otherwise completed within six (6) months of approval unless otherwise determined by the Director of Planning or their designee.

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 **COZ2022-051** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

April 10, 2023 City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Neighborhood Meeting Materials
Site Plan for 706 Shawnee Road Submitted by Applicant
Staff Site Visit Photographs, Dated February 22, 2023

REVIEW OF INFORMATION AND SCHEDULE

Action	City Planning Commission	Unified Government Board of Commissioners
Public Hearing		
Change of Zone	April 10, 2023	April 27, 2023
	Approval	

STAFF CONTACT: Michael Farley
mfarley@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2022-051** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____
2. _____; AND
3. _____

OR

I move the Unified Government Board of Commissioners **DENY** Petition **COZ2022-051** as it is not in compliance with the City Code and as it will not promote the public health, safety, and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

April 10, 2023 City Planning Commission Minutes:

Hearing starts at 2:02:10:

CHANGE OF ZONE APPLICATION COZ2022-051 – AUSTIN THOMPSON WITH ATLAS LAND CONSULTING - SYNOPSIS: Change of Zone from R-1 Single Family District to RP-2(B) Planned Two Family District to remodel an existing structure into a duplex at 706 Shawnee Road. Detailed Outline of Requested Action: The applicant, Austin Thompson with Atlas Land Consulting, is requesting a Change of Zone from the R-1 Single-Family District to the RP-2(B) Planned Two-Family District for an improved residential property. The subject property is an existing, vacant single-family residence. The applicant's client is proposing to renovate the residence into a two-family residence (duplex). The Change of Zone is being heard simultaneously with BOZA2022-070, a variance from the lot area and frontage minimums required for a new lot adjacent to a designated major 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 April 10, 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:

- Austin Thompson, applicant, Atlas Land Consulting, 14500 Parallel Road, Unit R, Basehor, Kansas 66007

Present in Opposition:

- No one appeared

Staff Recommendation starts at 2:03:54: Planning Director Hand stated that this application is being heard in conjunction with Appeal BOZA2022-070, which was approved earlier this evening by the Board of Zoning Appeals. He stated that the request is to change their zoning designation to RP-2(B) Planned Two Family District, which was noted by the applicant. This property is in the City-Wide Comprehensive Plan in the Shawnee Heights area. Staff has received no letters in support nor in opposition. There are some old Notices of Violation as the property has been vacant which will be resolved with this proposed rehabilitation project. Staff recommends approval subject to the conditions in the staff report.

Motion starts at 2:07:17:

On motion by Mrs. Jones, seconded by Ms. Armstrong, the Planning Commission voted as follows to recommend **APPROVAL of Change of Zone COZ2022-051 to RP-2(B) Two Family District:**

Carson	Chairman
Armstrong	Aye
Beth	Aye
Connelly	Aye
Eilts	Aye
Ernst	Aye
Jones	Aye
Miller	Not Present

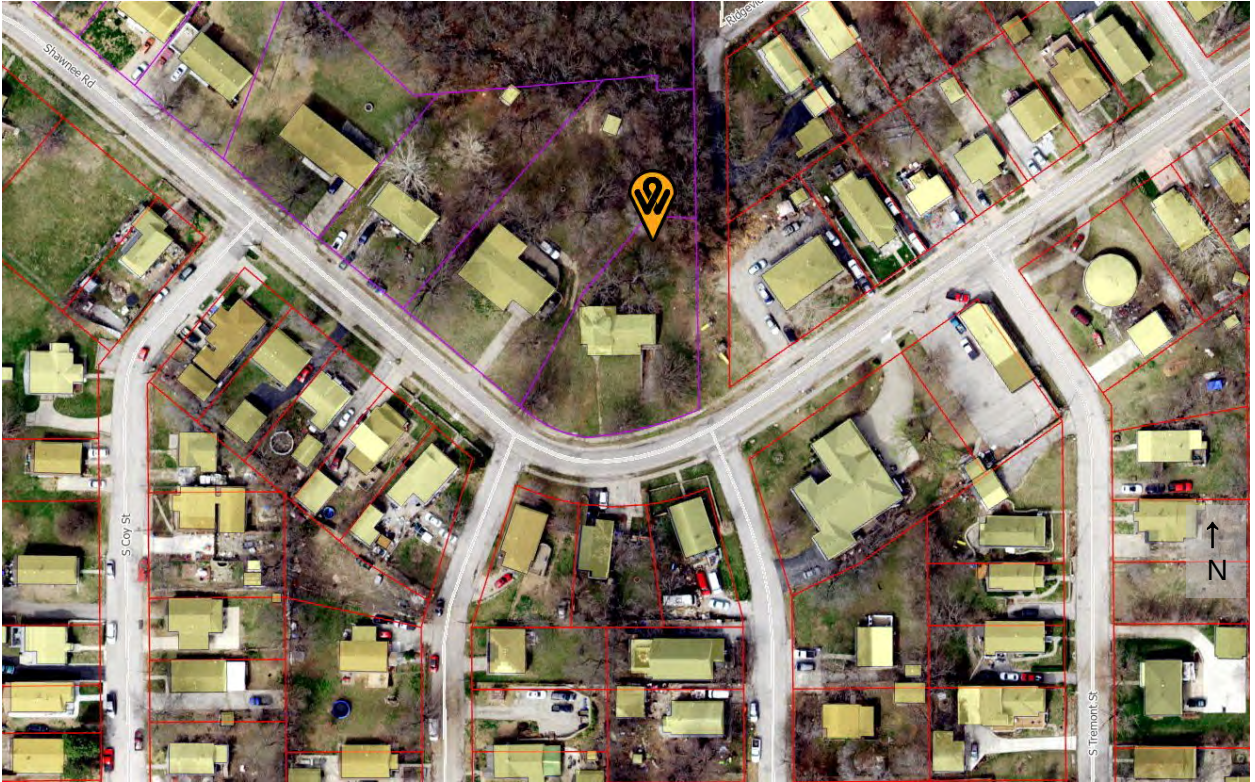
Mohler Aye
Straws Aye
Ward Not Present
Motion to recommend APPROVAL Passed: 8 to 0
Subject to:

1. This property is being rezoned to RP-2(B) Planned Two Family District, and all future expansion of the existing structure or other redevelopment of the property will require a final development plan process.
2. If, at a later date, the property owner intends to construct an accessory building that is in violation of the Zoning Code, the said property owner must apply for a separate variance from such violations prior to applying for a building permit;
3. The sidewalk along the frontage of the subject property (along Shawnee Road) must be cleared and repaired, if necessary;
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. This City Planning Commission case is being heard in conjunction with BOZA2022-070. 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 BOZA2022-070 by the Unified Government Board of Zoning Appeals and upon any ordinance publications required by law;
6. All existing and future driveways must feature curb cuts that are constructed to UG standards;
7. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
8. 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

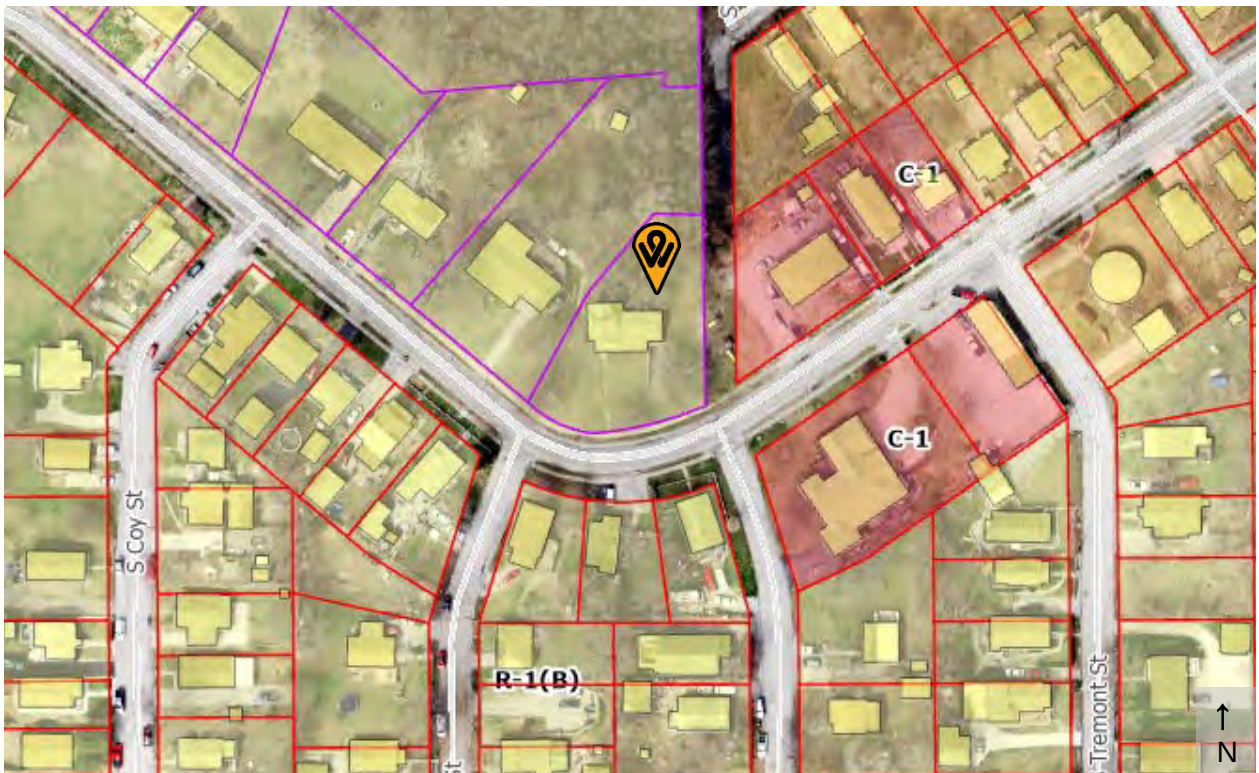
process. Bond applications shall only be approved by the Zoning Enforcement Officer, Lead Planner, or Director of Planning + Urban Design. Bond applications shall receive final approval before the applicant may request any inspection or re-inspection of a project or property for a Bonded Final Certificate of Occupancy;

- 9. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed by right or by Special Use Permit under the new zoning district, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;**
- 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; and,**
- 11. All conditions of approval herein must be constructed, executed, implemented, or otherwise completed within six (6) months of approval unless otherwise determined by the Director of Planning or their designee.**

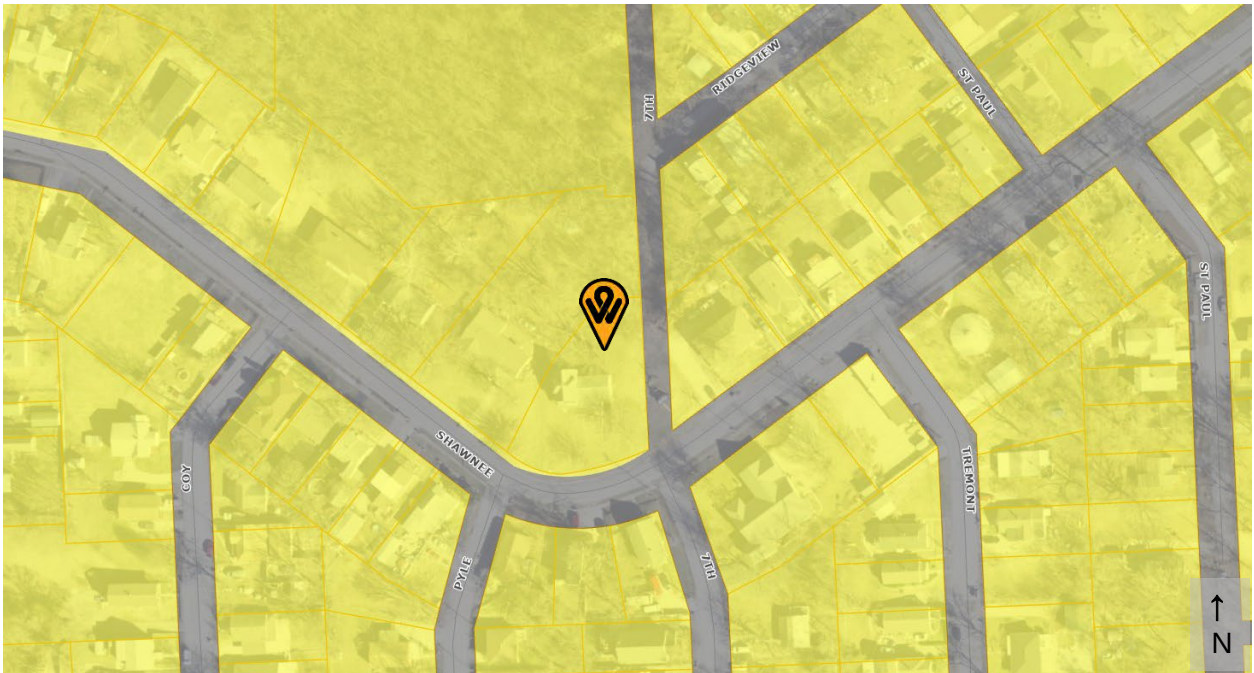
AERIAL MAP



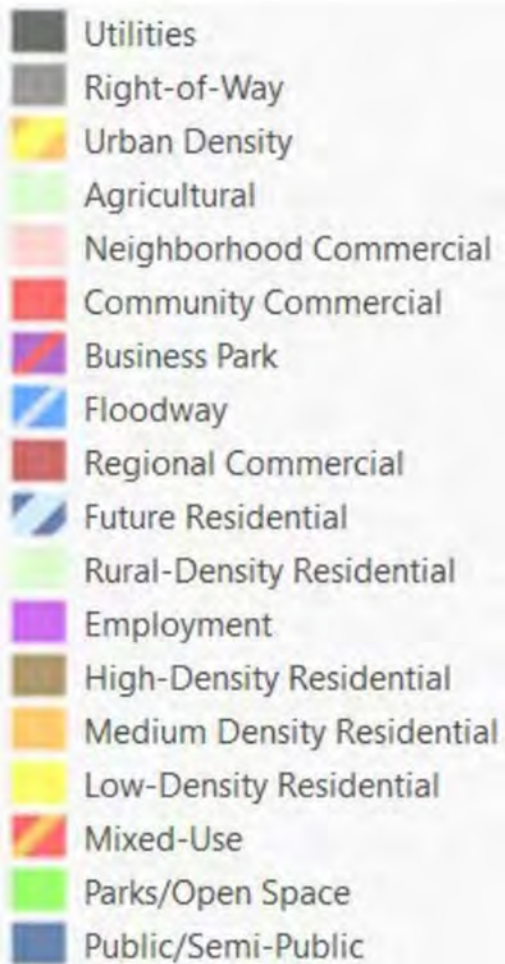
ZONING MAP



LAND USE MAP



City-Wide Comprehensive Plan Land Uses



NEIGHBORHOOD MEETING MATERIALS

January 11, 2023
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

COZ2022-051

The purpose of this COZ is at the following address:
706 Shawnee Rd Kansas City, KS 66103

The purpose of this letter is to explain the change of zone application at the address above. The owner is looking to convert the property from R-1 zoning to R-2(B) zoning. The owner wants to rehab the current structure into a duplex.

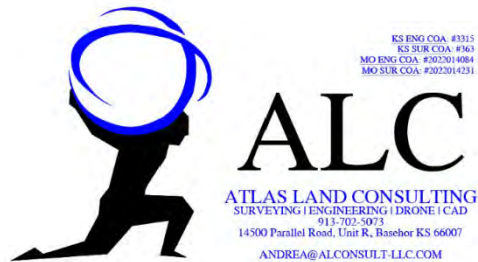
We are accepting any comments, questions or concerns until **January 20th, 2023**. After this date, we must turn this information into the city for their review.

I look forward to hearing from you to.

Please Contact:

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

Sincerely,



NEIGHBORHOOD MEETING MATERIALS, CONT.



KS ENG COA. #3313
KS SUR COA. #361
MO ENG COA. #202014084
MO SUR COA. #202014131

ALC
ATLAS LAND CONSULTING
SURVEYING | ENGINEERING | DRONE | CAD
913-707-5073
14500 Parallel Road, Unit R, Overland Park KS 66007
ANDREA@ALCONSULTLLC.COM

NEIGHBORHOOD MEETING RESPONSES BOZA 2022-070 AND COZ 2022-051

Anthony A Kovach
717 Shawnee Road, KCK
January 24th, 2023
913-321-9539

Called to ask what was being done – we explained project – he had no objections.

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:

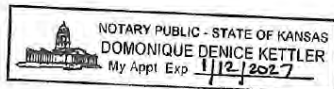
1. That I am the petitioner for Petition # BOZA 2022-070 and COZ 2022-051.
2. That I conducted a neighborhood meeting on JANUARY 24th 2023.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

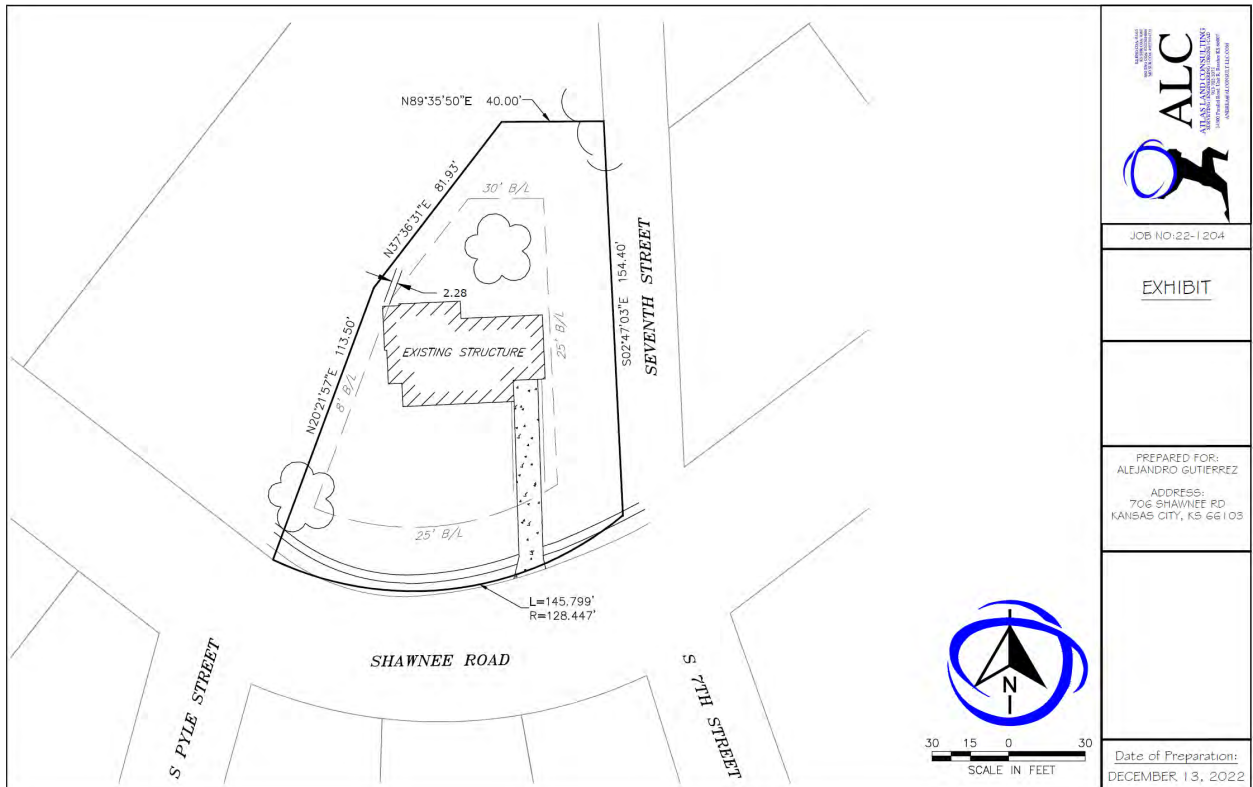
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 28th day of February, 2023.

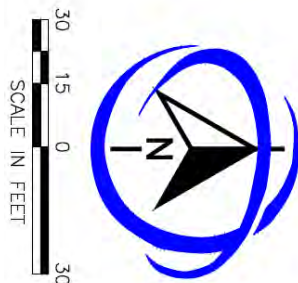
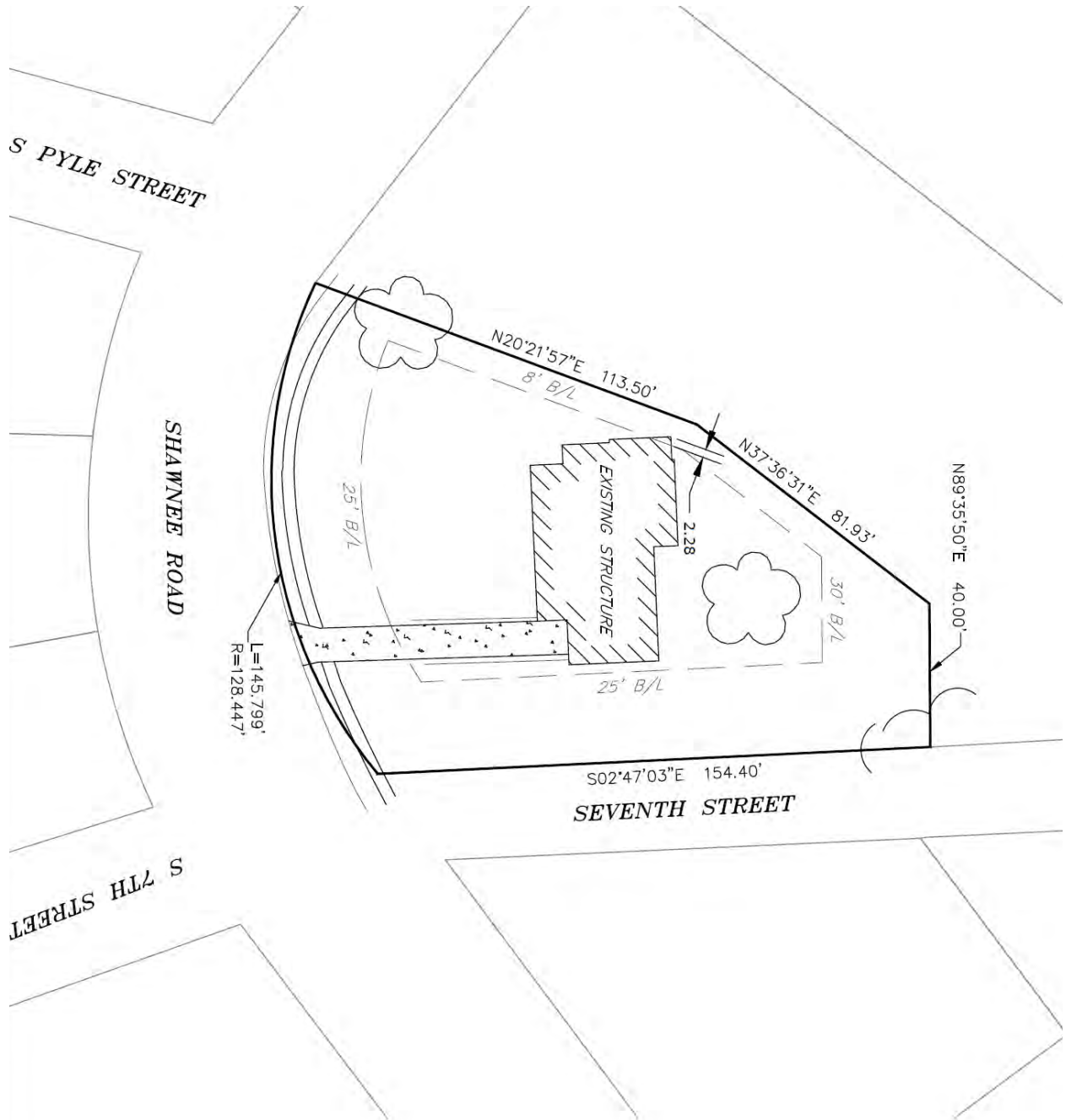
My commission expires 12th of January, 2027.


Notary Public

SITE PLAN OF 706 SHAWNEE ROAD SUBMITTED BY APPLICANT



SITE PLAN FOR 706 SHAWNEE ROAD SUBMITTED BY APPLICANT, CONT.



STAFF SITE VISIT PHOTOGRAPHS, DATED FEBRUARY 22, 2023



Upper Left: View of the front of the primary residence, facing north.

Upper Right: View of the rear of the primary residence, facing south.

Middle Left: View of the side of the primary residence, facing east.

Upper Right: View of the side of the primary residence, facing west.

Lower Left: View of the front of the primary residence from the Shawnee Road right-of-way, facing north.

STAFF SITE VISIT PHOTOGRAPHS, DATED FEBRUARY 22, 2023, CONT.



Upper Left: View of the existing sidewalk along Shawnee Road, facing west.

Upper Middle: Existing walkway leading up to the front door of the primary residence.

Upper Right: Condition of the (non-existent) driveway apron driveway leading to the attached garage.

Middle Left: View of the subject property and neighborhood, facing west.

Lower Left: View of the subject property and neighborhood, facing east.



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: April 27, 2023

Re: Petitions COZ2023-003 and MPL2023-002

GENERAL INFORMATION

Applicant:

Michael Bourquin

Status of Applicant:

Applicant
5920 County Line Road,
Kansas City, Kansas 66106

Requested Actions:

Approval of a Change of Zone and
Master Plan Amendment.

Date of Application:

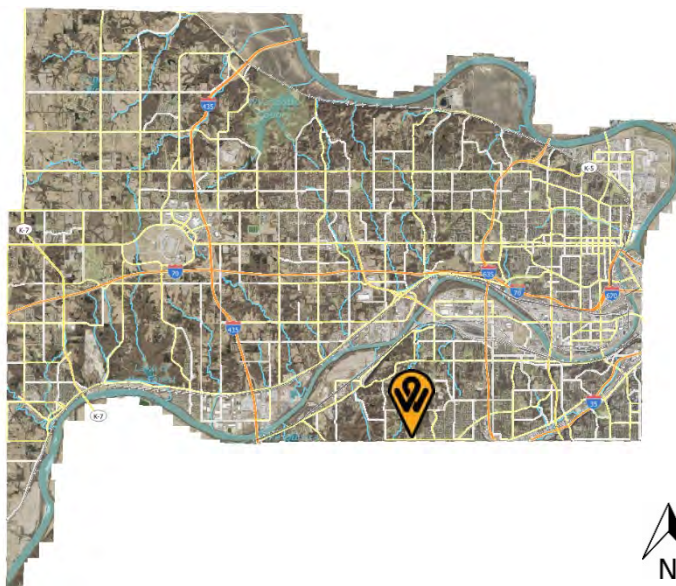
January 30, 2023

Purpose:

Change of Zone from R-1 Single-Family District to CP-1 Planned Limited Business District and Master Plan Amendment from Rural Density Residential to Rural Commercial to operate a lawn and garden retail business.

Property Location:

5910 County Line Road
Kansas City, Kansas 66106



Commission Districts:	Commissioner At-Large, District #2: Tom Burroughs District #6 Commissioner: Angela Markley		
Existing Zoning:	R-1 Single Family District		
Adjacent Zoning:	North:	R-1 Single Family and A-G Agriculture Districts	
	South:	R-1 Single-Family District (Shawnee, Kansas)	
	East:	R-1 Single Family District	
	West:	R-1 Single Family and A-G Agriculture Districts	
Adjacent Uses:	North:	Single Family Residence	
	South:	Single Family Residence in Johnson County, Kansas	
	East:	Single Family Residence	
	West:	Single Family Residence	
Total Tract Size:	1.18 Acres		
Master Plan Designation:	The City-Wide Comprehensive Plan designates this property as Rural-Density Residential. The Rural-Density Residential land use designation allows for agriculture, ranches, large-lot single-family detached residences, and passive parks and open spaces. The applicant is seeking a Master Plan Amendment, which will change the designation to Rural Commercial, which allows limited commercial development to serve the needs of the rural population.		
Major Street Plan:	The Major Street Plan designates South 59 th Street and County Line Road as Class C Thoroughfares.		
Parking Requirement:	Section 27-464(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”. It is unclear how many spaces are provided, as the applicant has no spaces marked. The applicant is required, however, to provide 19 spaces, one (1) of which being an ADA compliant space.		
Advertisement:	<u>The Wyandotte Echo</u> – February 16, 2023 Letters to Property Owners – February 17, 2023 and March 17, 2023		

Public Hearings:	April 10, 2023 and April 27, 2023
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Michael Bourquin, is requesting a Change of Zone from R-1 Single Family District to C-1 Limited Business District and a Master Plan Amendment from Rural Density Residential to Rural Commercial to operate a lawn and garden retail business at 5910 County Line Road.

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

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. There are no noise or disturbance complaints at 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. 2022 – PDEMO22-0029 – Demolition of a garage in the rear-yard
2. 2021 – BOZA2021-037 – Variance for an accessory structure

FACTORS TO BE CONSIDERED

Change of Zone

1. Neighborhood character.

The subject property is within the Morris Statistical Neighborhood and is within the Morris Neighborhood Group. The neighborhood is adjacent to Johnson County and features a mix of single-family residential lots, multi-family residential lots, and agricultural lots. The primary roads in the neighborhood are County Line Road, which runs west to Edwardsville, Kansas and east to Turner, and South 59th Street which runs north to the Turner Diagonal.

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 is not compatible as it is a commercial use located in an exclusively single-family neighborhood, however, as the property has been utilized for the subject business since the 1960s, the use is not expected to create any additional compatibility issues, as it is at the corner of an intersection, which is appropriate for small scale rural commercial.

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

The property is suitable for the proposed use as it has been utilized as a home gardening store since 1960. The removal of restrictions will not create any additional detrimental effects on nearby property, as the proposed use will not expand beyond its current scope and the Change of Zone is to reflect the historical use of the property, rather than an expansion of the use.

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

The property is not vacant and has been utilized as a home gardening store since the 1960s.

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

The proposed use is not necessary for the convenience and welfare of the public, however, may be seen as an asset and convenience to the public. The proposed use will not permanently injure the appropriate use, visual quality, or marketability of nearby property, as it is an existing use that is not seeking to expand in size or scope.

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

The proposed use will not increase traffic along County Line Road or South 59th Street to the point where it will exceed the capacity of these Class C Thoroughfares, nor will it increase the demand of parking on-site, as the existing use is not expanding, rather, the zoning is changing to reflect the property's historical use.

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

The proposed use is not compatible with the existing Master Plan designation, which allows for agriculture, ranches, large-lot single-family detached residences, and passive parks and open spaces. The applicant is requesting a Master Plan amendment to Rural Commercial, which allows limited commercial development to serve the needs of the rural population.

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

The proposed use will not create environmental harm, as it is an existing use, in an existing, permitted, built-out suburban neighborhood.

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

a. *Water service*

BPU provides water service.

b. *Sanitary sewer service*

The UG provides sanitary sewer service.

c. *Storm water control*

The UG provides storm water control, with an inlet to the east of the property.

d. *Police*

Police service is provided by South Patrol, District #334

e. *Fire*

Fire service is provided by Station #17, which is located 1.5 miles away from the subject property.

f. *Transit*

Transit service is provided by KCATA Route 499, which provides door to door Microtransit service.

g. *Schools*

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

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

The proposed use will not have a major economic impact as this is a pre-existing use that is not expanding in scope. This change of zone is to better reflect the historical use of the property, rather than a new or expanded use.

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

The property shall meet the conditions of approval under variance BOZA2021-037, approved in June 2022, otherwise, the change of zone will reflect the historic and existing use of the property, therefore, making it capable of meeting applicable ordinance requirements.

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

The relative gain to public health, safety, and welfare is minimal as this is a pre-existing business, which does not provide an essential service to the public. If denied, there would be very little hardship imposed on the landowner, as they could continue to operate their business under a legal non-conforming status.

Master Plan Amendment

1. *Whether events subsequent to the comprehensive plan adoption have changed the character and/or condition of the area so as to make the application acceptable.*

The current master plan designation for the subject property is Rural Density Residential, which is intended for large-lot single-family residences or agricultural uses. The proposed change to the Master Plan designation to Rural Commercial will reflect the historic and existing use of the property, which has been utilized as a lawn and garden retail space since the 1960's, pre-dating the 2008 City-Wide Master Plan.

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 County Line Road and South 59th Street is primarily residential and agricultural. The current use has been on the property since the 1960s, prior to the adoption of the City-Wide Master Plan in 2008. The use as a lawn and garden retail space can be seen as a small-scale commercial entity for the convenience of nearby property owners, many of which have large-lots to maintain. The proposed use would conform to the amended designation of Rural Commercial.

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

See Change of Zone factor #9 above.

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

The property has been utilized for the proposed business for over 60 years. The change of zone from R-1 Single Family District to C-1 Limited Business District and the master plan amendment from Rural Density Residential to Rural Commercial will bring the property into conformance with the zoning ordinance and the master plan.

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.*

This portion of County Line Road and South 59th Street corridor is primarily single-family residential, however, there is a commercial business located adjacent to the subject property to the east. Additionally, the surrounding land is already developed, whose development potential would not be negatively affected by this change. The proposed use is not seeking to expand the scope of the business, rather, change the zoning and master plan designation to accurately match the existing business.

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

The impacts of costs and potential benefits derived by the community would be minimal. The proposed use which has existed on the property since the 1960s and does not plan to expand in scope.

PREVIOUS ACTIONS

Approval of a Variance (BOZA2021-037) for a larger than allowed accessory structure in 2021.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on February 27, 2023. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Additional Entitlements Needed
Additional Variances Required
Parking
Right-of-Way Agreement

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Change of Zone Application **COZ2023-003** and Master Plan Amendment Application **MPL2023-002**, subject to:

1. The applicant must provide proof that the proposed site improvements are in progress within six (6) months of approval, otherwise, the Change of Zone ordinance will not be published. The applicant will have to re-apply for the Change of Zone;
2. The continuation use for on-site commercial storage from the existing accessory building to the proposed accessory building may occur so long as no additional uses are added. The proposed accessory building may only be used for storage related to the gardening store on the subject property. Any expansion of the uses will require successfully obtaining a Special Use Permit;
3. The design and exterior materials of the proposed accessory building must match the design and exterior material of the primary building;
4. The existing driveway is covered in gravel. The gravel must be removed, and the driveway must be paved. In order to pave the driveway, the applicant must obtain a right-of-way permit from the Public Works Department for the portion of the driveway and the driveway apron that is within the public right-of-way. The driveway must be paved with concrete and subject to Unified Government standards;
5. All vehicles must be parked on a paved surface;
6. The exterior walls shall be made of either horizontal clapboard, wood, or plywood siding, stone, artificial stone, brick, artificial brick, and textured finishes such as stucco. Fiberglass, plastic, and preformed, corrugated, or ribbed metals are not allowed. Metals can be used provided they have a factory applied and painted finish closely matching the color of the primary structure. Standard concrete masonry units are also not allowed, unless the walls of the building are painted the exact color of the primary structure;
7. ADA compliant parking proximate to the entrance must be installed, including the required graphics and sign placards;
8. 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;
9. The exterior walls shall be made of either horizontal clapboard, wood, or plywood siding, stone, artificial stone, brick, artificial brick, and textured finishes such as stucco. Fiberglass, plastic, and preformed, corrugated, or ribbed metals are not allowed. Metals can be used provided they have a factory applied and painted finish closely matching the color of the primary

- structure. Standard concrete masonry units are also not allowed unless the walls of the building are painted the exact color of the primary structure;
10. 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;
 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. 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;
 13. The applicant has filed and maintained a current business occupation tax application and entertainment licenses;
 14. Lighting shall be installed to have a 90-degree cutoff;
 15. 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;
 16. 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;

17. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
18. All existing and future driveways must feature curb cuts that are constructed to UG standards;
19. 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;
20. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed by right or by Special Use Permit under the new zoning district, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located; and,
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.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners concur with the findings contained within the staff report related to *Factors to be Considered* and *Key Issues* and recommends **APPROVAL** of Petitions **COZ2023-003** and **MPL2023-002** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

April 10, 2023 City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Site Plan
Site Photos, Provided by the Applicant
Site Photos, Taken by Staff, Dated February 10, 2023

REVIEW OF INFORMATION AND SCHEDULE

Action	City Planning Commission	Unified Government Board of Commissioners
Public Hearing	April 10, 2023	April 27, 2023
Rezoning	Approval	
Master Plan	April 10, 2023	April 27, 2023
	Approval	

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

MOTIONS

Change of Zone

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2022-003** 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 **COZ2022-003**, 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.

Master Plan Amendment

I move the Unified Government Board of Commissioners **APPROVE** Petition **MPL2023-002** 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 **MPL2023-002**, 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.

April 10, 2023 City Planning Commission Minutes:

Hearing starts at 2:30:35:

MASTER PLAN AMENDMENT MPL2023-002 – MICHAEL BOURQUIN – SYNOPSIS:

Master Plan Amendment from Rural Density Residential (City-Wide Area Plan) to Rural Commercial (City-Wide Area Plan) for a fireworks stand at 5910 County Line Road.

CHANGE OF ZONE APPLICATION COZ2023-003 – MICHAEL BOURQUIN -

SYNOPSIS: Change of Zone from R-1 Single Family District to C-1 Limited Business District for a fireworks stand at 5910 County Line Road.

Detailed Outline of Requested Action: The applicant, Michael Bourquin, is requesting a Change of Zone from R-1 Single Family District to C-1 Limited Business District and a Master Plan Amendment from Rural Density Residential to Rural Commercial to operate a lawn and garden retail business at 5910 County Line 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 April 10, 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:

- Michael Bourquin, applicant

Present in Opposition:

- No one appeared

Staff Recommendation starts at 2:33:00: Planning Director Hand stated that this request is for a Master Plan Amendment and Change of Zone for a non-conforming property that the Applicant wants to bring into compliance. This property is in the City-Wide Comprehensive Plan in the Turner area. The Applicant mentioned the accessory structure that is used for storage of the business, which received approval for a variance. All of the conditions from that Variance application have been carried over to the Change of Zone Application. Staff has received no letters in support nor in opposition. There are no Notices of Violation on this property. Staff recommends approval subject to the conditions in the staff report.

The Planning Commission addressed questions to the Staff regarding the fireworks stand and Director Hand stated that it will continue to operate as a retail site with the period allowed for fireworks stands (which is approximately six (6) days and July 4th.

Motion starts at 2:35:55:

On motion by Mrs. Jones, seconded by Ms. Armstrong, the Planning Commission voted as follows to recommend **APPROVAL of MPL2023-002:**

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

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

Subject to:

1. The applicant must provide proof that the proposed site improvements are in progress within six (6) months of approval, otherwise, the Change of Zone ordinance will not be published. The applicant will have to re-apply for the Change of Zone;
2. The continuation use for on-site commercial storage from the existing accessory building to the proposed accessory building may occur so long as no additional uses are added. The proposed accessory building may only be used for storage related to the gardening store on the subject property. Any expansion of the uses will require successfully obtaining a Special Use Permit;
3. The design and exterior materials of the proposed accessory building must match the design and exterior material of the primary building;
4. The existing driveway is covered in gravel. The gravel must be removed, and the driveway must be paved. In order to pave the driveway, the applicant must obtain a right-of-way permit from the Public Works Department for the portion of the driveway and the driveway apron that is

- within the public right-of-way. The driveway must be paved with concrete and subject to Unified Government standards;
5. All vehicles must be parked on a paved surface;
 6. The exterior walls shall be made of either horizontal clapboard, wood, or plywood siding, stone, artificial stone, brick, artificial brick, and textured finishes such as stucco. Fiberglass, plastic, and preformed, corrugated, or ribbed metals are not allowed. Metals can be used provided they have a factory applied and painted finish closely matching the color of the primary structure. Standard concrete masonry units are also not allowed, unless the walls of the building are painted the exact color of the primary structure;
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 10. 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;
 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. 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;
13. The applicant has filed and maintained a current business occupation tax application and entertainment licenses;
 14. Lighting shall be installed to have a 90-degree cutoff;
 15. 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;
 16. 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;
 17. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
 18. All existing and future driveways must feature curb cuts that are constructed to UG standards;
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 20. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed by right or by Special Use Permit under the new zoning district, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located; and,
 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.

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

COZ2023-003:

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

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

Subject to the above conditions.

ATTACHMENTS

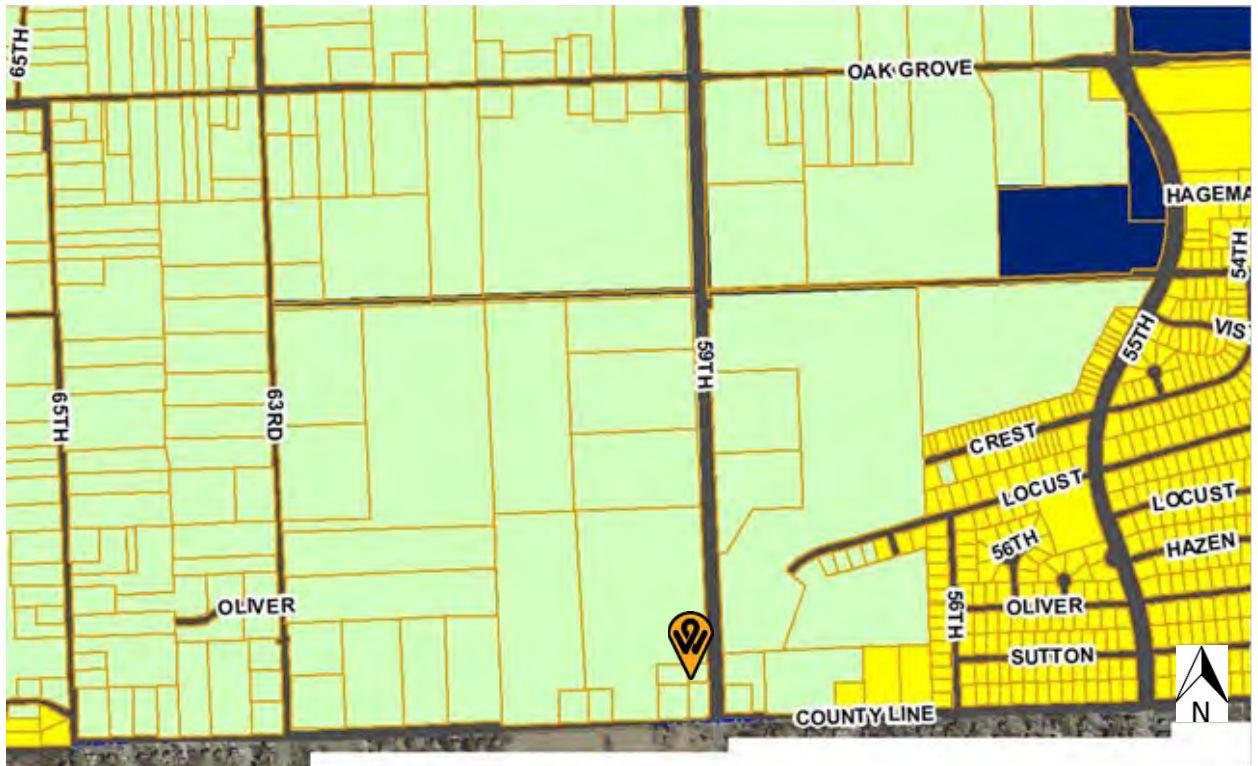
AERIAL IMAGERY



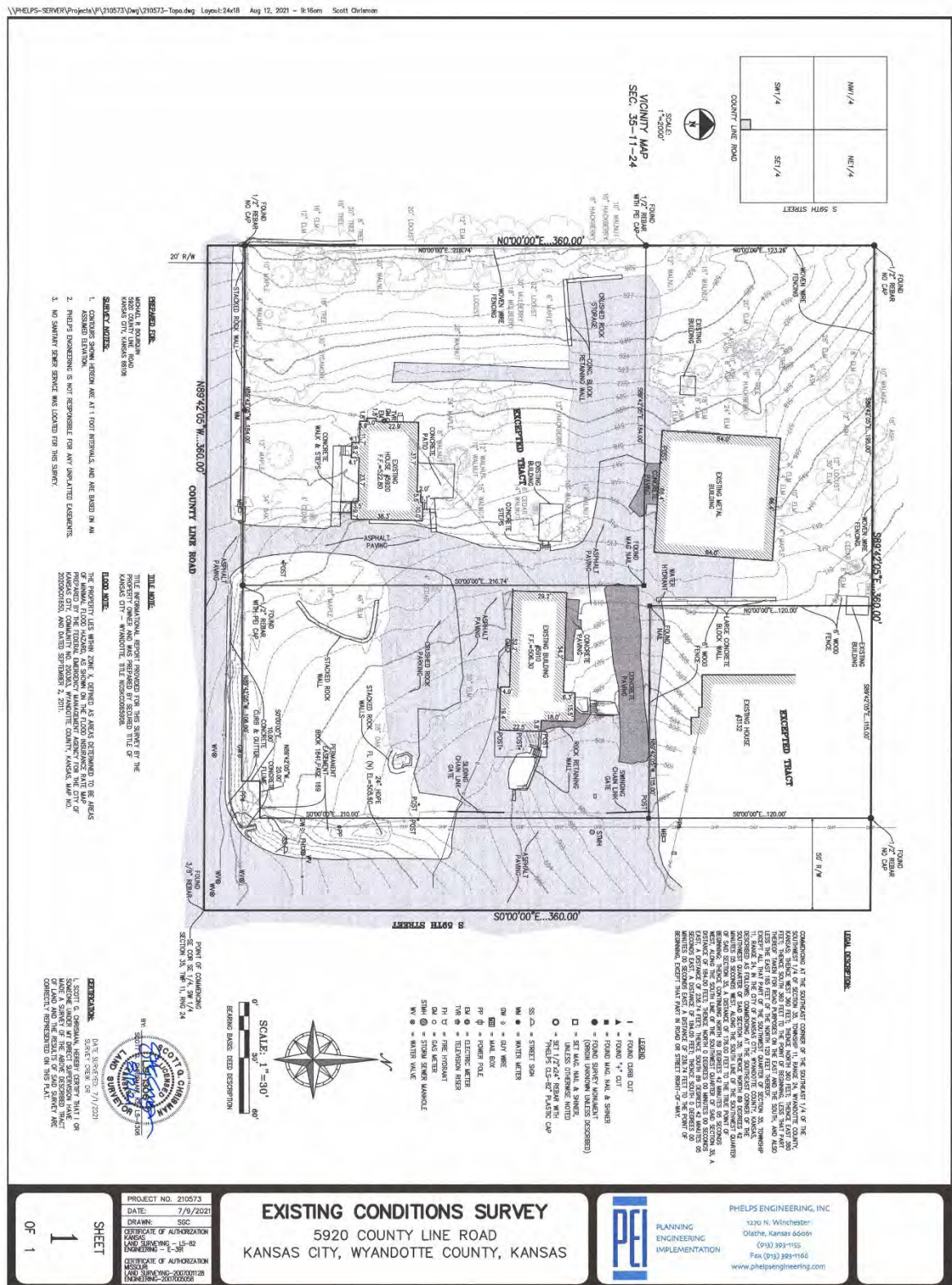
ZONING MAP



LAND USE MAP – CITY-WIDE MASTER PLAN



COZ2023-003 and MPL2023-002



SITE PHOTOS, TAKEN BY THE APPLICANT



SITE PHOTOS, TAKEN BY STAFF, DATED FEBRUARY 10, 2023



NEIGHBORHOOD MEETING MATERIALS

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas,
COUNTY OF Wyandotte) ss:

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

1. That I am the petitioner for Petition #COZ2023-003
2. That I conducted a neighborhood meeting on 2/27/23.
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.


Affiant

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

My commission expires _____ of _____, 20__.

Notary Public

Minutes for Neighborhood meeting, COZ2023-003

2/27/23, meeting called to order at 5:00pm, concluded at 5:40pm

There were no people in attendance, therefore no minutes to record.

Petitioner: Michael Bourquin

coz2023-003

Neighborhood Meeting Sign in Sheet

Date 2/27/23

Michael Bourquin - petitioner



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: April 27, 2023

Re: Petition COZ2023-004

GENERAL INFORMATION

Applicant:

Paula Westerfield-Wallace

Status of Applicant:

Property Owner
12200 Donahoo Road
Kansas City, Kansas 66103

Requested Action:

Approval of a Change of Zone.

Date of Application:

February 24, 2023

Purpose:

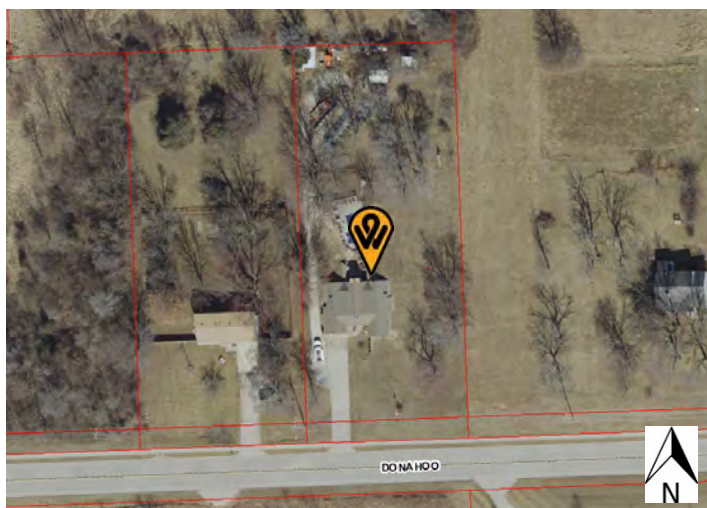
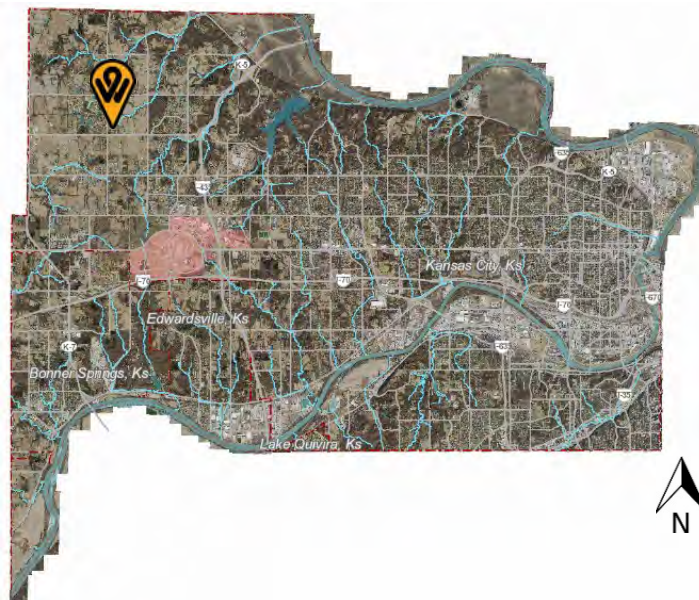
To Change the zoning district from R-1 Single Family District (WyCo) to R-1 Single Family District to keep a dog kennel.

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: Agricultural Lot with Residence West: Single-Family Residence
Total Tract Size:	1.28 Acre
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 (¼) lots.
Major Street Plan:	The Major Street Plan designates Donahoo Road as a Boulevard/Parkway.
Parking Requirement:	Section 27-454(e) states “Two off-street parking spaces shall be provided on the premises for each single-family dwelling, at least one of which shall be in a garage or carport”. The property provides at least four (4) spaces in the driveway and two (2) in a garage, a total of six (6) spaces.
Advertisement:	<u>The Wyandotte Echo</u> – March 16, 2023 Letters to Property Owner – March 17, 2023
Public Hearings:	April 10, 2023 and April 27, 2023
Public Support:	There were two (2) people present at the April 10, 2023 City Planning Commission meeting.
Public Opposition:	There was one (1) person present at the April 10, 2023 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Paula Westerfield-Wallace, is requesting a Change of Zone from R-1 Single Family District (WyCo) to R-1 Single Family District to keep a dog kennel with six (6) dogs on 1.28 acres at 12200 Donahoo Road. This Change of Zone is to remove the requirement of a 200-foot setback for the dog kennel.

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. 2023 – SP2022-081 – Special Use Permit to keep six (6) dogs.

FACTORS TO BE CONSIDERED

1. Neighborhood character.

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 single-family residences and agricultural uses. The proposed removal of restrictions intends to remove restrictions that were intended for kennel operations and/or livestock, rather than the construction of a kennel for full sized dog breeds. If managed properly, the removal of restrictions should not detrimentally affect nearby property.

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

The property is not vacant and is utilized as a single-family residence.

5. The extent to which the proposed use is reasonably necessary for the convenience and welfare of the public and will not substantially or

permanently injure the appropriate use, visual quality or marketability of nearby property.

The proposed use is not reasonably necessary for the convenience and welfare of the public, 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.

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

The proposed use will not increase traffic to the point of exceeding 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. The degree of conformance of the proposed use to the Master Plan.

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 ($\frac{1}{4}$) lots. The proposed plan will maintain a residence, but also include a dog kennel with six (6) dogs, which does conform with the master plan, as the property was approved to have six (6) dogs, rather than the code maximum of three (3) dogs.

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

The proposed use could potentially cause environmental harm if associated uses, such as animal waste is not disposed of, or if groundcover is not maintained, however, if managed properly, these are not expected to be an issue.

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

a. Water service

BPU provides water service to the subject property.

b. Sanitary sewer service

The subject property is served by a sanitary sewer.

c. Storm water control

There is no storm water control provided to the subject property.

d. Police

Police service is provided by West Patrol, District #228.

e. Fire

Fire service is provided by Station #8, which is one (1) mile away.

f. Transit

There is no transit service provided to the subject property.

g. Schools

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

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

The proposed use will have no economic impact on the community, as the petition is solely for the enjoyment and use of the applicants and to allow the proposed use on the property without the setback restrictions of the “grand-fathered” county zoning district.

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

The applicant is seeking this change of zone to bring the existing conditions of the property into compliance with the current city zoning code. Currently, the applicant has placed a dog kennel on the property, however, it is not capable of meeting the setbacks of the R-1 Single Family District (WyCo). The change of zone to R-1 Single Family District will allow the kennel to be placed on the property without the setback restrictions that the R-1 Single Family District (WyCo).

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

The relative gain to the public health, safety, and welfare is relatively small. There could be impacts to safety if the dogs escaped from the property and impacts to health in the form of contaminated water run-off. If the application is denied, the applicant would not be allowed to keep the kennel on the property but could keep the six (6) dogs.

PREVIOUS ACTIONS

- Approval of a Special Use Permit (SP2022-081) for two (2) years in 2023.
- Denial of a Variance (BOZA2022-075) for kennel setbacks in 2023.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on March 23, 2023. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Conditions of SP2022-081
Landscaping, Screening, and Buffer
Noise
Setback
Waste Disposal

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Change of Zone Application **COZ2023-004**, subject to:

1. The applicant shall provide landscape screening along the eastern and western property line in the form of shrubs or hedges, to screen the rear yard from neighboring properties;
2. The applicant will have to remove the shed in the rear yard as part of the Change of Zone;
3. The applicant shall retroactively pull a building permit for the kennel and provide proof to staff prior to approval of the Change of Zone;
4. The applicant shall ensure that animal waste is regularly cleared;
5. Per recommendation from the Wyandotte County Conservation District, the applicant shall get a yearly soil test on the property;
6. Per recommendation from the Wyandotte County Conservation District, the applicant should water their property more often to dilute any animal waste;
7. 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;
8. A retroactive building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by

buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;

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

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **COZ2022-004** subject to all comments and suggestions outlined in the staff report and the conditions of the City Planning Commission.

ATTACHMENTS

April 10, 2023 City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Site Plan
Site Photos, Provided by Staff, Dated August 11, 2022
Neighborhood Meeting Materials

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Board of Commissioners
Public Hearing	April 10, 2023	April 27, 2023
Change of Zone	Approval	

STAFF CONTACT:

James Molloy
jmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2023-004** 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 **COZ2022-004**, 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.

April 10, 2023 City Planning Commission Minutes:

Hearing starts at 2:37:44:

CHANGE OF ZONE APPLICATION COZ2023-004 – PAULA WESTERFIELD-

WALLACE SYNOPSIS: Change of Zone from R1 Residential (WYCO) District to R-1 Single Family District for a residence and dog kennel at 12200 Donahoo Road. Detailed Outline of Requested Action: The applicant, Paula Westerfield-Wallace, is requesting a Change of Zone from R-1 Single Family District (WyCo) to R-1 Single Family District to keep a dog kennel with six (6) dogs on 1.28 acres at 12200 Donahoo Road. This Change of Zone is to remove the requirement of a 200-foot setback for the dog kennel.

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 April 10, 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:

- Paula Westerfield-Wallace, applicant, 12200 Donahoo Road, Kansas City, Kansas 66109
- Mavis Hutchins, 12141 Donahoo Road, Kansas City, Kansas 66109
- Jamie Cochrane, 12220 Donahoo Road, Kansas City, Kansas 66109

Present in Opposition:

- James Woods, 12240 Donahoo Road, Kansas City, Kansas 66109

Staff Recommendation starts at 2:44:55: Planning Director Hand stated that this Change of Zone Application is a condition of approval from a previously approved Special Use Permit. He further stated that there was also a standard under the old county zoning that any structure with animals has to be 200 feet from any property line, which is not possible on this property. Staff and the Applicant worked through the issues and the setback Variance was denied, but the Special Use Permit was approved with a condition that the Applicant apply for the Change of Zone to R-1 Single Family District. The Applicant has acquired a conservation plan through the Wyandotte County Conservation District that addresses animal waste among other things. Staff has added a condition of approval for landscaping/screening around the kennel. Staff has also requested that the Applicant resolve and close the existing building permit that is still open for the kennel. Staff recommends approval subject to the conditions in the staff report.

Motion starts at 2:46:45:

On motion by Mr. Straws, seconded by Ms. Armstrong, the Planning Commission voted as follows to recommend **APPROVAL of Change of Zone COZ2023-004:**

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

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

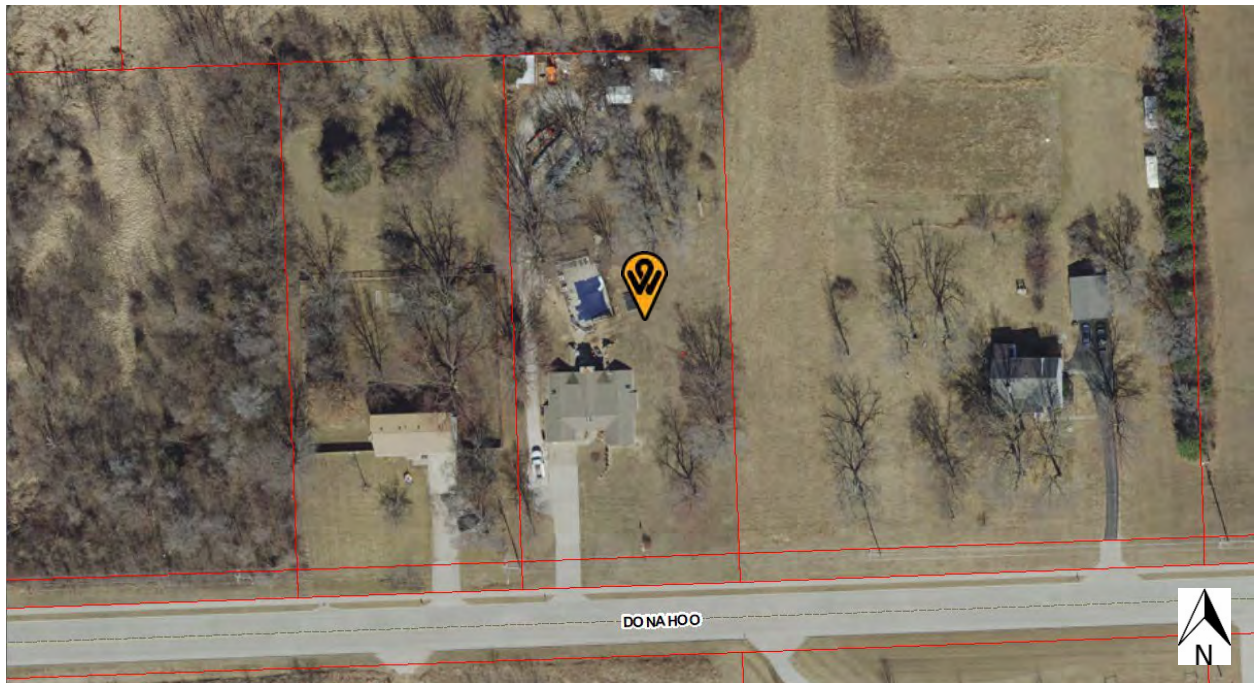
Subject to:

1. The applicant shall provide landscape screening along the eastern and western property line in the form of shrubs or hedges, to screen the rear yard from neighboring properties;
2. The applicant will have to remove the shed in the rear yard as part of the Change of Zone;
3. The applicant shall retroactively pull a building permit for the kennel and provide proof to staff prior to approval of the Change of Zone;
4. The applicant shall ensure that animal waste is regularly cleared;
5. Per recommendation from the Wyandotte County Conservation District, the applicant shall get a yearly soil test on the property;
6. Per recommendation from the Wyandotte County Conservation District, the applicant should water their property more often to dilute any animal waste;
7. 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;
8. A retroactive building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;

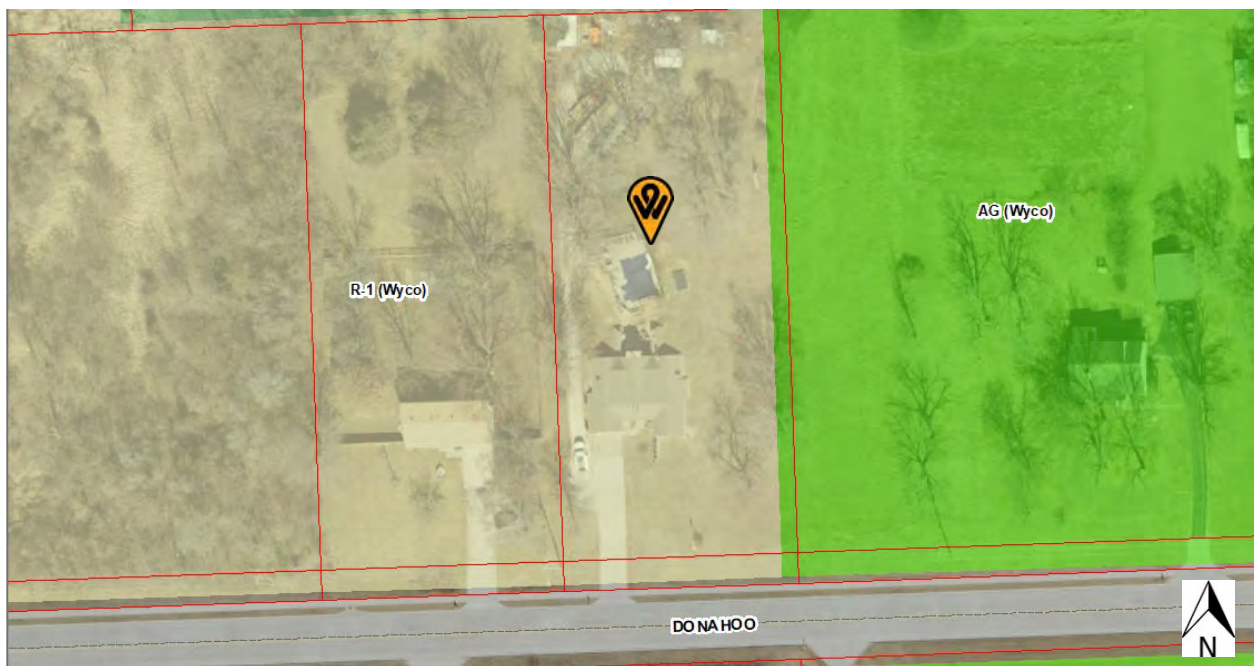
9. All existing and future driveways must feature curb cuts that are constructed to UG standards;
10. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements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

ATTACHMENTS

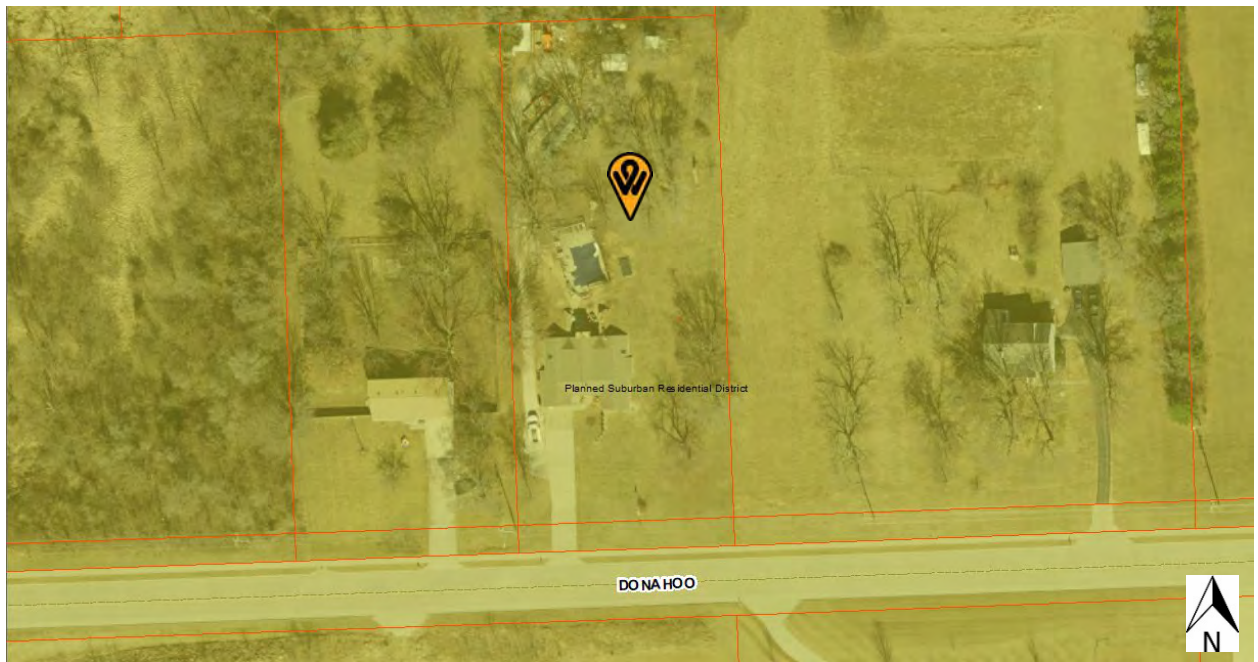
AERIAL IMAGERY



ZONING MAP



LAND USE MAP



SITE PLAN

RESIDENTIAL SITE PLAN

This Residential Site Plan should not be used to establish any fences, buildings, or other structures except as shown on this original copy.
This does not constitute a boundary survey. No property corners were set. This is a pre-construction Site Plan, only.

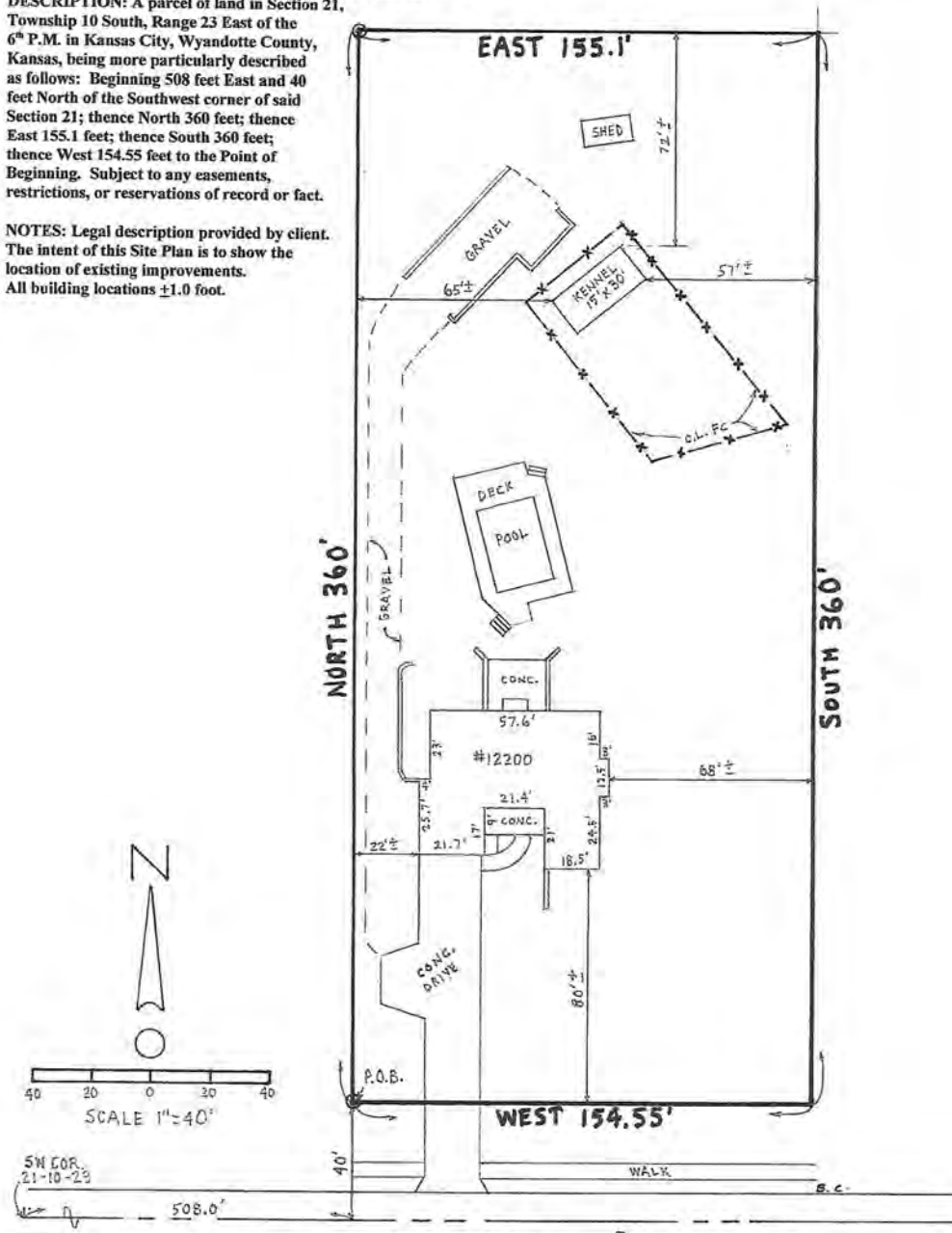
Job No. 22-97

ORDERED BY: Paula Westerfield-Wallace

FOR: 12200 Donahoo Road; Kansas City, KS 66109

DESCRIPTION: A parcel of land in Section 21, Township 10 South, Range 23 East of the 6th P.M. in Kansas City, Wyandotte County, Kansas, being more particularly described as follows: Beginning 508 feet East and 40 feet North of the Southwest corner of said Section 21; thence North 360 feet; thence East 155.1 feet; thence South 360 feet; thence West 154.55 feet to the Point of Beginning. Subject to any easements, restrictions, or reservations of record or fact.

NOTES: Legal description provided by client.
The intent of this Site Plan is to show the location of existing improvements.
All building locations ± 1.0 foot.



DONAHOO RD.

32' B-B

Richard D. Moore Land Survey, Inc. (913) 334-3888
23673 212th Street Leavenworth, KS 66048

December 6, 2022

Date

Richard D. Moore — L.S. 1394

WYANDOTTE COUNTY CONSERVATION DISTRICT COMMENTS



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

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

March 14, 2023

RE: COZ-2023-004 Mike and Paula Wallace R1 (WYCO) to R-1 for a residence and dog kennel at 12200 Donahoo Road

Dear Mr. Hand:

The Wyandotte County Conservation District has completed an environmental review of the: COZ-2023-004 Mike and Paula Wallace R1 (WYCO) to R-1 for a residence and dog kennel at 12200 Donahoo 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: Sharpsburg silty clay loam, 4 to 8 percent slopes, eroded and Shelby loam, 3 to 7 percent slopes. These soil types are considered very erodible when the surface is denuded of a protective cover.
- This property does not have enough acreage to dispose of animal waste in a safe manner. A plan needs to be created for properly handling the large amount of pet waste.
- From the pictures, and street views ground cover is limited in some areas. It can be from use by the dogs or too much urine in concentrated areas. If it is urine then additional watering can help dilute the urine and allow for good grass growth.
- Yearly soil testing is strongly suggested.

- Good grass cover is needed to protect the drainage way.

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

The ratings and other information in these reports are based on estimated engineering properties of the soils, on available test data and on field experience. The soil is ordinarily examined to a depth of about 6 feet. At a greater depth, additional geological investigation may be needed. The natural soils and drainage pattern may have been changed in this area due to previous urban development. Therefore, the physical composition influencing the structure of the natural soil has already been altered; however, some generalities can still be applied for these soils. On site investigation is needed for detail planning as some delineation on the maps includes soils that differ from the named soil. Soil lines may not be exact therefore; on site investigation is needed for site specific planning.

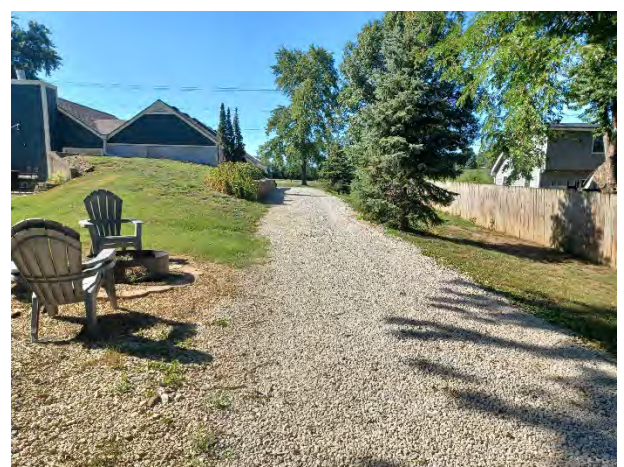
If you have any comments or questions, please do not hesitate to call me.

Sincerely,

Cheri Miller
District Manager

enclosures

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



NEIGHBORHOOD MEETING MATERIALS

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
) SS:
COUNTY OF Wyandotte)

Comes now Paula Wiskerfeld-Wallace of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition # CO22023-004
2. That I conducted a neighborhood meeting on March 23rd 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.

Paula Wiskerfeld-Wallace
Affiant

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

My commission expires _____ of _____, 200_.

Notary Public

Neighborhood Meeting Minutes:

Application number COZ2023-004

Date of Meeting: March 23rd at 6:30pm CST via Zoom

Meeting called to order at 6:32 pm CST

Names of attendees:

Jamie Cochran, Ryan Cochran, Mavis Hutchings, Bill Hutchings, Mike Wallace

I, Paula Westerfield-Wallace called the meeting to order. I thanked our neighbors for taking the time out of their evening to join. I explained why we, Mike and I, were applying for a re-zoning permit. I stated that our dog kennel can not achieve the distance of 200 feet from each property line due to the size of our lot and it was suggested to us that we rezone the property from R1 (WYCO) to R1. I explained that this change of zoning would remove the requirement of the 200 foot setback for the dog kennel.

Questions and Answers:

- No questions were asked
- All attendees had/have no issues with the kennel being on the property

Meeting adjourned at: 6:36pm CST

Minutes taken by Paula Westerfield-Wallace

March 7, 2023

Subject: Neighborhood Meeting

We have filed an application with the Department of Urban Planning and Land Use #COZ2023-004. The purpose of this:

➤ Change of Zone

is for a dog kennel at the following address: 12200 Donahoo Road, Kansas City, KS 66109

We are having a neighborhood meeting on March 23rd at 6:30pm via Zoom.

Meeting number 820 9577 9960 Passcode fuFVJ3

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,

Mike and Paula Wallace
12200 Donahoo Road Kansas City, KS 66109
Paula - 913-558-1745
Mike – 913-558-5669



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: April 27, 2023

Re: Petitions COZ2023-007, PR2023-010 and MPL2023-005

GENERAL INFORMATION

Applicant:

Austin Thompson

Status of Applicant:

Representative
Atlas Land Consulting
14500 Parallel Road, Unit R
Basehor, KS 66007

Requested Actions:

Change of Zone from R-1(B) Single Family to
RP-M Planned Mobile Home Park District.

Preliminary and Final Plan Review to
construct a mobile home park.

Master Plan Amendment from Low Density
Residential and Medium Density Residential
(City-Wide Comprehensive Plan).

Date of Application:

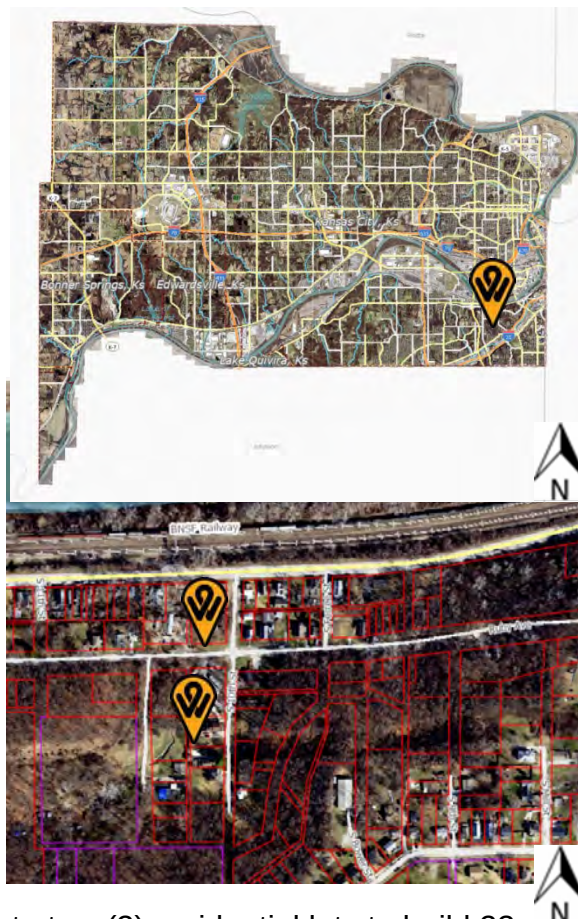
February 24, 2023

Purpose:

To rezone and create two (2) residential lots to build 23
dwelling units (mobile homes).

Property Location:

1013 Metropolitan Avenue, 1605 South Baltimore Street
and 1003 Ruby Avenue, Kansas City, KS 66101



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: None South: R-1(B) Single Family District East: R-1(B) Single Family District West: R-1(B) Single Family District
Adjacent Uses:	North: BNSF Railway right-of-way South: Single-family homes East: Single-family homes West: Undeveloped land and right-of-way
Total Tract Size:	2.61 Acres
Master Plan Area:	City-Wide Comprehensive Plan
Master Plan Designation:	The City-Wide Comprehensive 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 and parks, open space, etc. A Master Plan Amendment to Medium Density Residential has been applied for, which allows garden apartments, attached residences including townhomes, duplexes, triplexes, fourplexes, institutional uses such as elementary, middle and high schools, churches, libraries, parks and open space.
Major Street Plan:	The Major Street Plan classifies Metropolitan Avenue and 10 th Street as a Class C Thoroughfare, and Baltimore Street as a Local Street.
Required Parking:	Sec. 27-462(h) Two off-street parking spaces shall be provided for each dwelling unit. In addition, mobile home parks that do not have public streets shall provide visitor parking at a rate of one-quarter parking space for each mobile home lot, appropriately located and dispersed in separate parking lots having no more than eight parking spaces each. Appellant request 10 parking spaces, a violation of 42 parking spaces. Note: The proposed zoning code amendment parking requirement for a cottage court/tiny home is one (1) space per dwelling unit. 10 parking spaces are proposed. 23

parking spaces are required, a violation of 13 parking spaces.

Advertisement: The Wyandotte Echo – Change of Zone – March 16, 2023; Master Plan Amendment – March 16, 2023
Letters to Property Owners – Change of Zone – March 17, 2023; Plat – March 17, 2023; Plan Review – March 17, 2023; Master Plan Amendment – March 17, 2023

Public Hearings: April 10, 2023 and April 27, 2023

Public Support: None to date.

Public Opposition: None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Austin Thompson with Atlas Land Consulting, wants to rezone from R-1(B) Single Family District to RP-M Planned Mobile Home Park District, Preliminary and Final Plat two (2) residential lots, Final Development Plan to build a mobile home park, and amend the City-Wide Comprehensive Plan from Low Density Residential to Medium Density Residential to build a 23-unit mobile home park, in a single-family, cottage-like style on 2.61 acres.

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

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. None

Building, Zoning, or Code Enforcement Complaints:

1. ABT22-1584 – Trash from overflowing dumpster – June 14, 2022 (Closed).
2. Multiple violations for tires, junk, damaged fence, tree limbs from 2016 – 2017.

Outstanding or Related Permits and Cases:

1. None

FACTORS TO BE CONSIDERED

1. Neighborhood character

This character of the neighborhood is comprised of single-family homes along Metropolitan Avenue and South 10th Street and vacant parcels due to topography.

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

The zoning and uses of properties nearby are set out above. The proposed is not necessarily compatible with the surrounding properties, as while there are parcels of undeveloped land in the vicinity, higher density development should occur at major intersections along transit corridors, especially if residents are transit dependent.

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

The property is suitable for the existing development, which was legal, non-conforming. The applicant removed the existing mobile homes and is wanting to modify the layout.

The design concept, if modified per Staff's comments, should not detrimentally affect the nearby property although, as stated above, site design is crucial to minimize its affect on nearby property.

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

The property has been vacant for the past year.

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

The proposed development is reasonably necessary for individuals who need to find affordable housing that is not available elsewhere and transition to more permanent housing.

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.

Most residents will not have access to a vehicle, so traffic and parking will not be an issue. Guests will park in designated parking areas.

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

The proposed use does not conform to the Comprehensive Plan. An amendment to Medium Density Residential, which allows attached residences such as duplexes, townhomes, mid-rise apartments, and institutional uses such as schools, churches, and libraries.

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

The majority of the site has been graded from the previous use of the property. There are established tree stands to the south and west along the perimeter of the property, additional landscaping for site and buffering purposes will be provided, but generally, the proposed use will not cause environmental harm.

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

a. *Water service*

Water service is provided by BPU.

b. *Sanitary sewer service*

Sanitary sewer service is provided by the UG.

c. *Storm water control*

To be designed to meet City Code.

d. *Police*

Police service is provided by South Patrol, District #335.

e. *Fire*

Fire service is provided by Fire Station 10.

f. *Transit*

Kansas City ATA provides transit service along Ruby Avenue beginning at 12th Street, Route #104.

g. *Schools*

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

h. Streets

See item #6 above.

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

The proposed use will have a positive economic impact on the community by turning underutilized and unkept vacant lots into taxable lots with residential buildings.

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

The proposed use will need revisions to the site plan/design and building elevations to comply with applicable ordinance requirements.

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

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

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

Development can be used safely without danger to health or peril from fire, flood, and erosion. KCKFD may have comments pertaining to fire access for all structures within the proposed development.

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

Access to and from the public streets will be designed to provide a safe, convenient and functional system for vehicular traffic to Metropolitan Avenue and Ruby Avenue, however, there does need to be better access control, specifically creating a hammerhead for turnaround rather than a throughway off Metropolitan Avenue and removing head-in parking off Ruby Avenue right-of-way.

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

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

and continuously maintained.

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

Development patterns have been designed with minimal due regard to topography, much of the site has been graded flat. Most of the natural vegetation has been removed except for the existing tree stands around the perimeter along the northern, southern, and western edge of the property.

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

This is a dense, single-family detached, cottage-style development and as such does not have the amenities stated above, although on-site amenities should be provided for residents.

The community garden and community space for residents increasingly sounds like a group home.

PREVIOUS ACTIONS

- None

NEIGHBORHOOD MEETING

The applicant received neighborhood comments by receiving letters or phone calls through the date of March 27, 2023. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Pedestrian and Transit Access
Lighting / Glare
Parking
Landscaping

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Change of Zone Application **COZ2023-003**, Master Plan Amendment Application **MPL2023-002**, and Preliminary and Final Plan Review **PR2023-011** subject to:

1. **Add crosswalks across Ruby Avenue to delineate a clear and noticeable pedestrian path between both parcels;**

2. Utility easements shall be provided along each side of the lot to form a continuous utility easement. All easements shall be at least 10 feet wide. The required ten-foot width may be provided through five-foot easements on either side of lot or parcel lines when lines do not form, in whole or in part, the outside boundaries of the plat;
3. Utility easements shall connect with easements established in adjoining properties;
4. Per Sec. 27-317 Electrical power, telephone service, and cable television (if applicable) shall be provided by underground wiring for all new wiring provided;
5. Per the goDotte Mobility Plan, Metropolitan Avenue is designated as a Regional Trail, which requires a 10 foot sidewalk. As a 10 foot sidewalk is infeasible, a 5 foot wide sidewalk along Metropolitan Avenue is acceptable;
6. Sidewalks and pedestrian paths shall be ADA compliant;
7. All mobile homes shall have skirting around the perimeter of the trailers;
8. Community storm shelter shall comply with Building Inspection Division requirements and ADA requirements;
9. Maintain existing tree stands, as existing trees provide an enhanced buffer between the edge of the parcels around the perimeter bordering Metropolitan Avenue, South 10th Street and Baltimore Street;
10. All deciduous and shade trees shall be at least two (2) inch caliper when planted. Evergreens shall be at least six (6) feet in height when planted. Shrubs shall be at least five (5) gallons when planted. Throughout the development, there may be a variety of native grasses and plants (wildflowers);
11. All landscaping shall be irrigated;
12. Section 27-699(b)(5) states that all outside bins or trash container areas must be completely enclosed by an architectural screen to a height not less than the height of the bin or container. No trash enclosures may be located in required yards adjacent to street right-of-way. In commercially and industrially zoned areas where the trash container will not be visible from off the property due to other screening or topographic conditions and will not be visible from public parking or pedestrian areas on the site, such trash bin screening need not be provided. In industrially zoned areas where the trash container will not be visible from residential property and where such containers are kept directly alongside the building and in a well-kept manner, such screening need not be provided;
13. BPU ground mounted transformers shall be screened on all four (4) sides from public view. Architectural screening walls are the preferred method, but landscape screening is an allowable alternative. Screening shall be designed to be solid to the view, and any designs incorporating air circulation shall not be visible. Screening height must be the greater of either six (6) feet tall or the height of the utility being screened. Designs shall show two (2) possible site orientations. Designs will also incorporate all BPU Engineering specifications and largest of all the required dimensions. Refer to attached BPU Engineering documents for details;
14. Mechanical equipment or other utility hardware whether on the ground or on a building shall be screened from public view. Such screening shall be harmonious with building design and materials;

15. Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky-reflected glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed one-foot candle as measured from said property line. All lighting on the property, both on the buildings and in parking lots shall have 90-degree cutoff fixtures;
16. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
17. Per Business Licensing Department: All occupying business will need to file and maintain the occupation tax application with our office for their business activity located at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8780 or businesslicense@wycokck.org;
18. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
19. 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;
20. All existing and future driveways must feature curb cuts that are constructed to UG standards;
21. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
22. A Pre-Construction meeting is required for any improvements to public infrastructure upon the approval and issuance of a Development Review Committee (DRC) Permit. Any improvements to, construction or alteration of sanitary systems, stormwater systems, public or private streets, sidewalks, or other public infrastructure will require a pre-construction meeting with the Department of Public Works. The applicant is required to contact the

County Engineer at (913) 573-5400 or by info@wycokck.org prior to construction to arrange this meeting;

23. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed by right or by Special Use Permit under the new zoning district, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
24. All conditions of approval herein must be constructed, executed, implemented, or otherwise completed within 18 months of approval unless otherwise determined by the Director of Planning or their designee; and,
25. 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 **COZ2023-007**, **PR2023-011** and **MPL2023-005** subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

April 10, 2023 City Planning Commission Minutes
Aerial Photography
Zoning Map
Land Use Map
Regional Trail Cross Section
BPU Transformer Screening Standards
GeoSpatial Services Division Comment Letter
Applicant Response Letter
Neighborhood Meeting Minutes
Preliminary Plat
Final Plat
Demolition Plan
Site Plan

Grading Plan
Landscape Plan
Foundation Plan
Building Elevations
Site Photographs taken by Staff on March 29, 2023

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Unified Government Board of Commissioners</u>
Public Hearing Rezoning	April 10, 2023 Approval	April 27, 2023
Public Hearing Preliminary and Final Plat	April 10, 2023 Approved	TBD
Public Hearing P & F Plan	April 10, 2023 Approval	April 27, 2023
Public Hearing Master Plan	April 10, 2023 Approval	April 27, 2023

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

MOTIONS

Change of Zone Petition

I move the Unified Government Board of Commissioners **APPROVE** Petition COZ2023-007 as meeting all the requirements of the City Code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition COZ2023-007 as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

Plan Review

I move the Unified Government Board of Commissioners **APPROVE** Petition PR2023-011 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 PR2023-011, 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.

Master Plan Amendment

I move the Unified Government Board of Commissioners **APPROVE** Petition MPL2023-005 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 MPL2023-005, 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.

April 10, 2023 City Planning Commission Minutes:

Hearing starts at 2:47:48:

MASTER PLAN AMENDMENT MPL2023-005 – AUSTIN THOMPSON WITH ATLAS LAND CONSULTING – SYNOPSIS: Master Plan Amendment from Low-Density Residential (City-Wide Area Plan) to Medium-Density Residential (City-Wide Area Plan) at 1013 Metropolitan Avenue, 1605 South Baltimore and 1003 Ruby Avenue.

CHANGE OF ZONE APPLICATION COZ2023-007 – AUSTIN THOMPSON WITH ATLAS LAND CONSULTING - SYNOPSIS: Change of Zone from R-1 Single Family District to R-M Mobile Home Park District for the Eden Village Mobile Home Park, at 1013 Metropolitan Avenue, 1605 South Baltimore and 1003 Ruby Avenue.

PLAT2023-011 – AUSTIN THOMPSON WITH ATLAS LAND CONSULTING - SYNOPSIS: Preliminary and Final Plat (Eden Village) for 23 dwelling units on two (2) lots at 1013 Metropolitan Avenue, 1605 South Baltimore and 1003 Ruby Avenue.

PR2023-011 – AUSTIN THOMPSON WITH ATLAS LAND CONSULTING - SYNOPSIS: Preliminary and Final Plan Review to construct a mobile home park at 1013 Metropolitan Avenue, 1605 South Baltimore and 1003 Ruby Avenue.

Detailed Outline of Requested Action: The applicant, Austin Thompson with Atlas Land Consulting, wants to rezone from R-1(B) Single Family District to RP-M Planned Mobile Home Park District, Preliminary and Final Plat two (2) residential lots, Final Development Plan to build a mobile home park, and amend the City-Wide Comprehensive Plan from Low Density Residential to Medium Density Residential to build a 23-unit mobile home park, in a single-family, cottage-like style on 2.61 acres.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated April 10, 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 Master Plan Amendment and Change of Zone; and,
7. The Notices to property owners.

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

Present in Support:

- Austin Thompson, applicant, Atlas Land Consulting, 14500 Parallel Road, Unit R, Basehor, Kansas 66007
- Katrina Gerber, Three Dog Night Charities

Present in Opposition:

- No one appeared

Staff Recommendation starts at 2:51:13: Planning Director Hand stated that these applications are being heard in conjunction with Appeal BOZA2023-010 which was partially approved and partially denied earlier this evening by the Board of Zoning Appeals. He stated that the project was discussed in detail at the Board of Zoning Appeals meeting. This property is in the City-Wide Comprehensive Plan in the Argentine area. Staff recommends approval subject to the conditions in the staff report with the elimination of Condition 10 and amendment of Condition 5 from 10 feet to 5 feet to match the conditions of the Appeal.

Motion starts at 2:53:06:

On motion by Mrs. Jones, seconded by Mr. Ernst, the Planning Commission voted as follows to recommend **APPROVAL of Master Plan Amendment MPL2023-005:**

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

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

Subject to:

1. **Add crosswalks across Ruby Avenue to delineate a clear and noticeable pedestrian path between both parcels;**
2. **Utility easements shall be provided along each side of the lot to form a continuous utility easement. All easements shall be at least 10 feet wide. The required ten-foot width may be provided through five-foot easements on either side of lot or parcel lines when lines do not form, in whole or in part, the outside boundaries of the plat;**
3. **Utility easements shall connect with easements established in adjoining properties;**
4. **Per Sec. 27-317 Electrical power, telephone service, and cable television (if applicable) shall be provided by underground wiring for all new wiring provided;**

5. Per the goDotte Mobility Plan, Metropolitan Avenue is designated as a Regional Trail, which requires a 10 foot sidewalk. As a 10 foot sidewalk is infeasible, a 5 foot wide sidewalk along Metropolitan Avenue is acceptable;
6. Sidewalks and pedestrian paths shall be ADA compliant;
7. All mobile homes shall have skirting around the perimeter of the trailers;
8. Community storm shelter shall comply with Building Inspection Division requirements and ADA requirements;
9. Maintain existing tree stands, as existing trees provide an enhanced buffer between the edge of the parcels around the perimeter bordering Metropolitan Avenue, South 10th Street and Baltimore Street;
10. All deciduous and shade trees shall be at least two (2) inch caliper when planted. Evergreens shall be at least six (6) feet in height when planted. Shrubs shall be at least five (5) gallons when planted. Throughout the development, there may be a variety of native grasses and plants (wildflowers);
11. All landscaping shall be irrigated;
12. Section 27-699(b)(5) states that all outside bins or trash container areas must be completely enclosed by an architectural screen to a height not less than the height of the bin or container. No trash enclosures may be located in required yards adjacent to street right-of-way. In commercially and industrially zoned areas where the trash container will not be visible from off the property due to other screening or topographic conditions and will not be visible from public parking or pedestrian areas on the site, such trash bin screening need not be provided. In industrially zoned areas where the trash container will not be visible from residential property and where such containers are kept directly alongside the building and in a well-kept manner, such screening need not be provided;
13. BPU ground mounted transformers shall be screened on all four (4) sides from public view. Architectural screening walls are the preferred method, but landscape screening is an allowable alternative. Screening shall be designed to be solid to the view, and any designs incorporating air circulation shall not be visible. Screening height must be the greater of either six (6) feet tall or the height of the utility being screened. Designs shall show two (2) possible site orientations. Designs will also incorporate all BPU Engineering specifications and largest of all the required dimensions. Refer to attached BPU Engineering documents for details;
14. Mechanical equipment or other utility hardware whether on the ground or on a building shall be screened from public view. Such screening shall be harmonious with building design and materials;
15. Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky-reflected glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed one-foot candle as measured from said property line. All lighting on the property,

- both on the buildings and in parking lots shall have 90-degree cutoff fixtures;
16. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
 17. Per Business Licensing Department: All occupying business will need to file and maintain the occupation tax application with our office for their business activity located at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8780 or businesslicense@wycokck.org;
 18. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
 19. 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;
 20. All existing and future driveways must feature curb cuts that are constructed to UG standards;
 21. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
 22. A Pre-Construction meeting is required for any improvements to public infrastructure upon the approval and issuance of a Development Review Committee (DRC) Permit. Any improvements to, construction or alteration of sanitary systems, stormwater systems, public or private streets, sidewalks, or other public infrastructure will require a pre-construction meeting with the Department of Public Works. The applicant is required to contact the County Engineer at (913) 573-5400 or by info@wycokck.org prior to construction to arrange this meeting;
 23. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed by right or by Special Use Permit under the new zoning district, or any portion thereof, does not violate the applicable

and enforceable CC&R of the plat or subdivision within which the subject property is located;

24. All conditions of approval herein must be constructed, executed, implemented, or otherwise completed within 18 months of approval unless otherwise determined by the Director of Planning or their designee; and,
25. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

On motion by Mrs. Jones, seconded by Mr. Ernst, the Planning Commission voted as follows to recommend **APPROVAL of Change of Zone COZ2023-007:**

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

Motion to recommend APPROVAL Passed: 8 to 0
Subject to the above conditions.

On motion by Mrs. Jones, seconded by Mr. Beth, the Planning Commission voted as follows to **APPROVE Plat Application PLAT2023-011:**

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

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

On motion by Mrs. Jones, seconded by Mr. Beth, the Planning Commission voted as follows to recommend **APPROVAL of Plan Review Application PR2023-011:**

Carson	Chairman
Armstrong	Aye
Beth	Aye

Connelly	Aye
Eilts	Aye
Ernst	Aye
Jones	Aye
Miller	Not Present
Mohler	Aye
Straws	Aye
Ward	Not Present

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

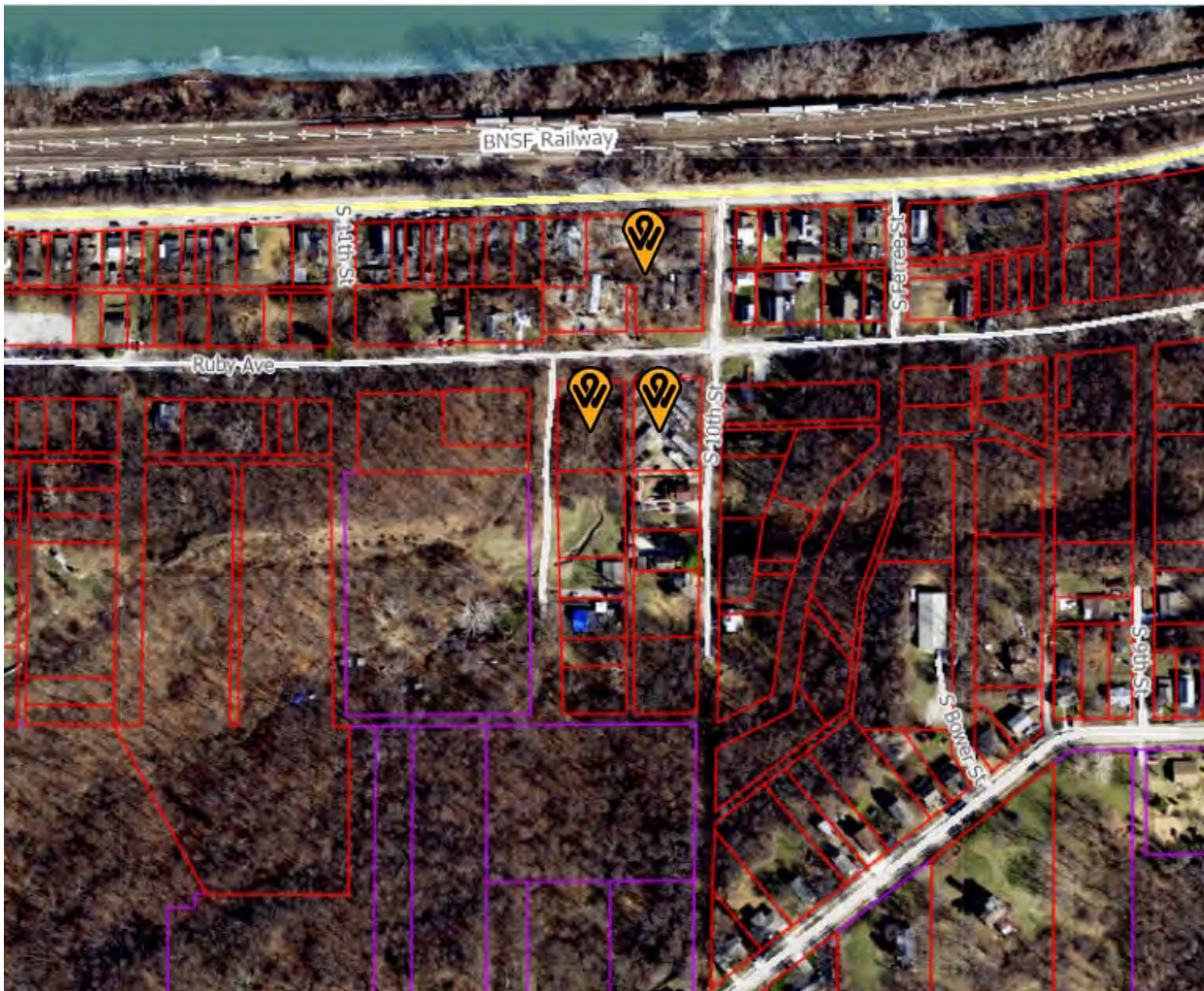


Figure 1. Aerial photograph of Eden Village (provided by UG Maps).

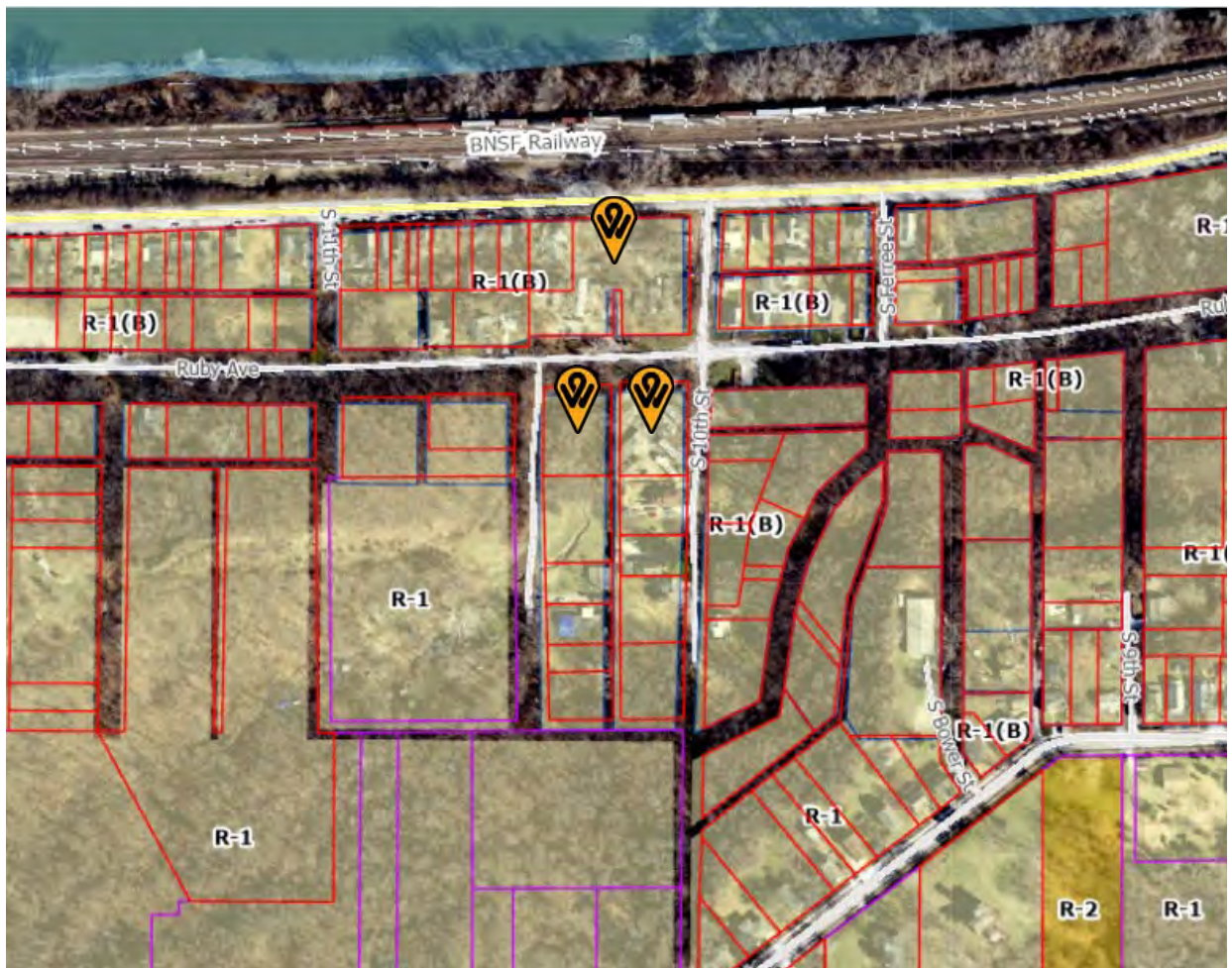
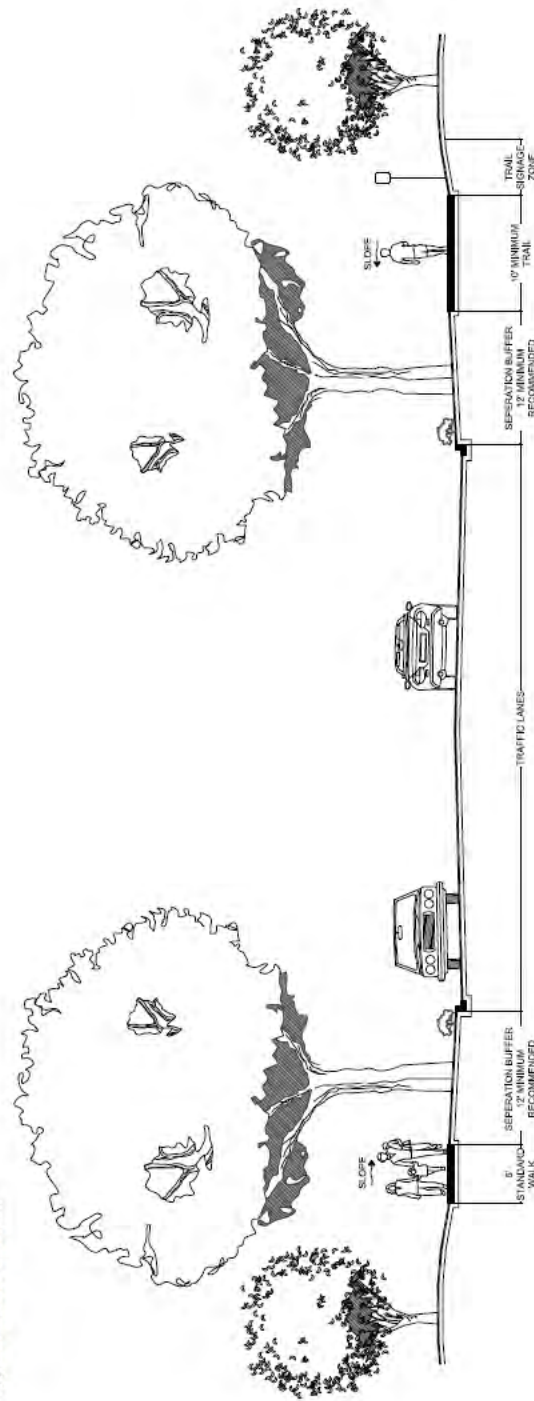


Figure 2. Zoning Map of Eden Village (provided by UG Maps).



Figure 3. City-Wide Comprehensive Plan Land Use Designation Map of Eden Village (provided by ArcGIS Pro).

Figure 7.3: Regional Trail
Typical Cross Section



Regional trails provide cross-county connections and linkages to regional trails outside of Wyandotte County. These trails are recommended to be at least 10-feet wide to accommodate pedestrians and less-experienced cyclists who do not feel comfortable riding in the street. More experienced cyclists are likely to ride in the street with vehicular traffic along designated bike routes.



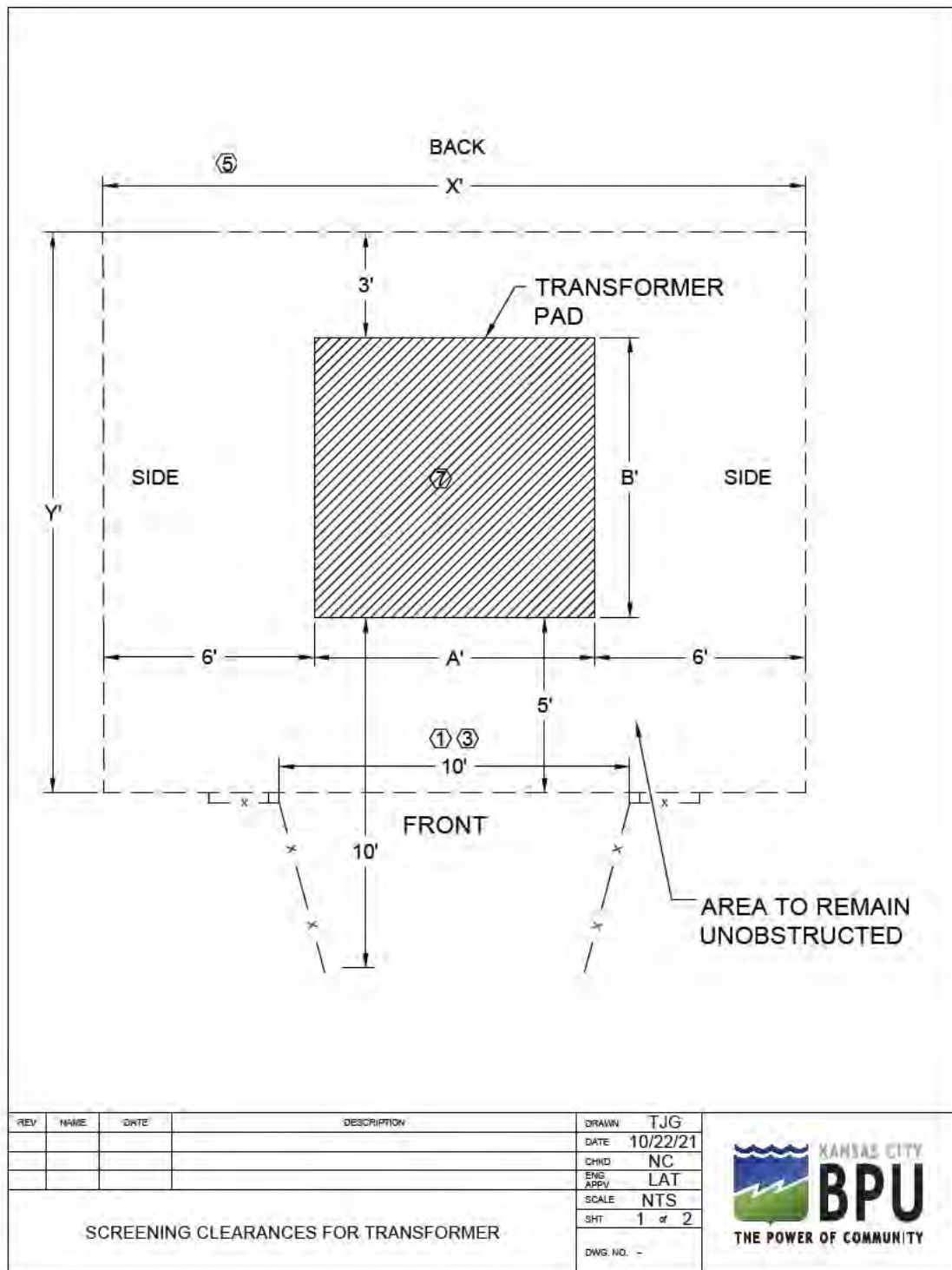


TABLE 1: DIMENSION REQUIREMENTS FOR TRANSFORMER

	"X"	"Y"	"A"	"B"
3 PHASE 75 TO 500KVA TRANSFORMERS	18' - 8"	13' - 6"	6' - 8"	5' - 6"
3 PHASE 750 TO 2500KVA TRANSFORMERS	20' - 0"	16' - 0"	8' - 0"	8' - 0"

***FOR SCREENING USING EVERGREEN TREE, SEE NOTES 5 AND 6

NOTES

1. GATE DOORS ARE REQUIRED FOR ALL TYPES OF SCREENING THAT ARE PLACED IN FRONT OF THE TRANSFORMERS.
2. FENCES SHALL BE INSTALLED 2' OFF THE GROUND AND HAVE ADEQUATE CLEARANCE TO OPEN GATE DOORS AT 180° AND HAVE 10' CLEARANCE FROM PAD WHEN GATE DOORS OPEN.
3. POSTS FOR GATE DOORS MUST BE INSTALLED A MINIMUM DISTANCE OF 10' APART IN THE FRONT.
4. FOR SLAT FENCES, CUSTOMER SHALL INSTALL A MINIMUM 4" SLATS AND HAVE 4" OF SPACE BETWEEN EACH SLAT.
5. 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
6. FOR EVERGREEN TREES, CUSTOMER SHALL PLANT EACH TREE SO THAT THERE IS 2' OR MORE OF SPACE FROM EDGE TO EDGE BETWEEN EACH TREE AT MATURITY. (E.G. BLUE ARROW JUNIPER GROWS UP TO 2' WIDE, SO THERE SHALL BE 4' OF SPACING BETWEEN EACH TREE TAKING ACCOUNT THE GROWTH OF SAPLINGS)
7. PAD MUST HAVE A MINIMUM CLEARANCE OF 6' ON EACH SIDE, 3' ON THE BACK, AND 5' ON THE FRONT ALLOWING FOR 10' ON THE FRONT WHEN GATE DOORS OPEN.

REV	NAME	DATE	DESCRIPTION	DRAWN	TJG
				DATE	10/22/21
				CHK'D	NC
				ENG APPV	LAT
				SCALE	NTS
				SHT	2 of 2
				DWG. NO.	-

SCREENING CLEARANCES FOR TRANSFORMER
NOTES





GeoSpatial Services
Division

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

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

To: Gunnar Hand, Planning and Urban Design
Janet Parker, Planning and Urban Design
From: Robert Ringel, GIS Analyst, Unified Government GSS
Date: March 8, 2023
RE: **EDEN VILLAGE**

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

And we have determined the following:

Takes all of CIC-TAS Parcels:

127000, 127016 & 127018

Owner-of-Record:

Three Dog Night Charities, Inc.

Jurat Signature:

Katrina Gerber, managing member - Three Dog Night Charities, Inc.

We find that the plat is: **Presently unacceptable for posting.**

Please note the following comments.

1) Legal Description

I recommend an overall boundary description including Ruby Avenue. Of the existing description of Lot 1, Block 1: cite where the point of beginning is located on the West Line of Lot 3. Cite how far past the east line of Lot 9 the distance goes. On the third line of the description, mention running along the South line of Lot 37. On the fourth line, mention running along the West lines of Lots 37 to 40 and their extension. On the sixth line, mention running along the South lines of Lots 1 and 2.

For the existing description of the other lot, mention running along the East lines of Lots 19 to 26, the South Line of Lot 26, its extension, and Lot 27, the West lines of Lots 27 to Lot 34, the North lines of Lot 34, its extension, and Lot 19.

2) Approvals

The wrong plat name is shown in the Planning Commission approval area. "For implied" needs to be changed to "or implied" in the County Surveyor Approval area.

Planning and Urban Design Comments:

General Planning

1. Planning Staff attempted to keep the property owners and this site as legal, non-conforming by simply replacing the mobile homes one (1) for one (1), however, the property owner(s) decided to change the design of the property and increase the number of mobile homes on site, thereby requiring these land use entitlements. **Please see the attached markup that shows the number of existing pads. 23 pads exists on the current site, we are not increasing the number of mobile homes on this project.**
2. How will these mobile homes be secured? Will these be tied down with straps and therefore mobile, homes may be replaced at any point in time, or will they be anchored with footings and foundation? Depending on how the question is answered, it makes more sense to rezone to RP-4 Planned Garden Apartment and create a cottage-style single-family homes totaling 23 units. **The mobile homes will be secured by straps and tied down.**
3. Why are there additional driveways if no one is going to have access to vehicles? Redesign the layout, such as narrowing the drive aisles and turning them into courtyards rather than parking pads or driveways. This will also negate the possible variance for landscape buffering and setbacks for the community building and mobile homes. **The drives have been narrowed to 20 feet where applicable to meet fire & parking code.**
4. Relocate the five (5) parking spaces from Ruby Avenue, as it is poor planning practice to back out onto a public street. **Please see the attached updates, the parking stalls have been relocated back to the private drive.**

14500 Parallel Rd Unit R Basehor, KS 66007

5. There should be better access control – rather than having a circular drive from Metropolitan Avenue to South 10th Street, install a hammerhead and remove parking from the right-of-way. **Please see attached updates, the circular drive has been removed.**
6. Provide a truck turning template depicting turning movements for delivery of mobile homes, but also fire trucks servicing the development. **Please see the attached dimension plan for vehicle tracking.**
7. Indicate on the Site Plan or Dimension Plan how ADA access is provided from the office building to the units on Lot 1. **With grade changes, it is not realistic to have an ADA path between the lots up top and the office building. We have provided parking spots up top that allow the use of a golf cart to help transport anyone should that be needed. Priority will be taken to house people with physical disabilities in the houses on the lower level.**
8. Add crosswalks across Ruby Avenue to delineate a clear and noticeable pedestrian path between both parcels. **A cross walk has been added.**
9. Utility easements shall be provided along each side of the lot to form a continuous utility easement. All easements shall be at least 10 feet wide. The required ten-foot width may be provided through five-foot easements on either side of lot or parcel lines when lines do not form, in whole or in part, the outside boundaries of the plat. **Please see attached update, a 10 feet u/e has been added around the outer boundary.**
10. Utility easements shall connect with easements established in adjoining properties. **Acknowledge**
11. Per Sec. 27-317 Electrical power, telephone service, and cable television (if applicable) shall be provided by underground wiring for all new wiring provided. **All new utilities will be underground.**
12. Per the goDotte Mobility Plan, Metropolitan Avenue is a designated as a Regional Trail, which requires a 10-foot sidewalk. **Is it possible if we delay these improvements until neighboring properties provide sidewalks, so that ours connects to something? Additionally, we don't believe there is even 10 feet in width between the street and the large detention hole to provide this if needed.**
13. Per Business Licensing Department: All occupying business will need to file and maintain the occupation tax application with our office for their business activity located at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8780 or businesslicense@wycokck.org. **Acknowledge**
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. **Acknowledge**
15. 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

14500 Parallel Rd Unit R Basehor, KS 66007

public utilities, including, but not limited to sewers, conduits, electric light pole lines, etc. that are now or may hereafter be installed in the tract of land hereby vacated. **Acknowledge**

16. All existing and future driveways must feature curb cuts that are constructed to UG standards. **Acknowledge**

17. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly. **Acknowledge**

18. A Pre-Construction meeting is required for any improvements to public infrastructure upon the approval and issuance of a Development Review Committee (DRC) Permit. Any improvements to, construction or alteration of: sanitary systems, stormwater systems, public or private streets, sidewalks, or other public infrastructure will require a pre-construction meeting with the Department of Public Works. The applicant is required to contact the County Engineer at (913) 573-5400 or by info@wycokck.org prior to construction to arrange this meeting. **Acknowledge**

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 by right or by Special Use Permit under the new zoning district, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located. **Acknowledge**

20. All conditions of approval herein must be constructed, executed, implemented, or otherwise completed within 18 months of approval unless otherwise determined by the Director of Planning or their designee. **Acknowledge**

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. **Acknowledge**

Building Architecture:

1. Provide elevations of the office building and storm shelter. **Please see attached elevations.**
2. Provide elevations of the mobile home. **Please see attached elevations.**

Landscaping and Screening:

1. The landscape plan shows trees not on a parcel. Revise and resubmit to either show the proposed vacated right-of-way as part of the project, or relocate the trees. **Acknowledge**
2. Maintain existing tree stands, as existing trees provide an enhanced buffer between the edge of the parcels around the perimeter bordering Metropolitan Avenue, South 10th Street and Baltimore Street. **Acknowledge**

14500 Parallel Rd Unit R Basehor, KS 66007

3. Each unit shall have a tree planted in the front or side yard. This seems to be for R-1 zoning, not applicable in RM zoning that we are rezoning the property to. Our zoning states "All multifamily residential projects shall include at least one shade tree per eight dwelling units and one shrub per dwelling unit in addition to the tree requirement. But not in addition to the buffer plantings if required." Our existing trees satisfy this, and we are adding shrubs to every proposed dwelling.

4. Sec. 27-469(g) Trees are required to be provided at not less than one per 10,000 square feet of site area. Based on the total tract size, 128 trees are required to be planted. This does not include the street trees to be planted along North 69th Street and State Avenue. Is this comment meant for our project? This states two different streets not near our project. Our zoning states: Trees are required at not less than one per 4,500 square feet of site area and buffer plantings are required adjacent to single family and two-family zoned property – and we are providing this – see landscape plan.

5. Sec. 27-700(b)(1) Buffer plantings, which shall include the equivalent of a minimum of one (1) evergreen tree or one (1) shade tree and three large shrubs for each 30 feet of adjacent project boundary, shall be provided for such development adjacent to single-family or two-family zoned property. In district R-M and C-O, buffer plantings may be required to be concentrated along potentially unsightly areas or where sensitive areas exist on adjacent property. See attached landscape plan, our existing trees do provide some of the trees, so we are asking for a variance. But we are not asking for zero buffering, just less than required. Also, please see attached images with proof of onsite screening.

6. All parking lot islands shall be curbed and landscaped. Painted, hatched islands are not permitted. We do not have any islands, hatched stall is ADA.

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

8. All landscaping shall be irrigated. Hose bibs are on site so that owner/occupants can maintain landscape.

9. 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. Trash enclosure/dumpster has been moved further into the site – keeping it out of the 20 feet yard setback that we are asking for with variances, from the 25 feet code requirement.

14500 Parallel Rd Unit R Basehor, KS 66007

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

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

Signage:

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. **Acknowledge**

14500 Parallel Rd Unit R Basehor, KS 66007

March 9, 2023
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

COZ2023-007/MPL2023-005/PR2023-011/PLAT2023-011/BOZA2023-010

The purpose of this Change of Zone is at the following address:

1013 Metropolitan Ave, 1605 S Baltimore St and 1003 Ruby Avenue

The purpose of this letter is to explain the change of zone, master plan amendment, plan review, preliminary and final plat, and board of zoning appeals at the address above. The owner is looking to construct a 23 dwelling mobile home park. The existing property is currently an abandoned mobile home park, and this process is to bring the subject property into compliance with the UG's Planning & Zoning Department.

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

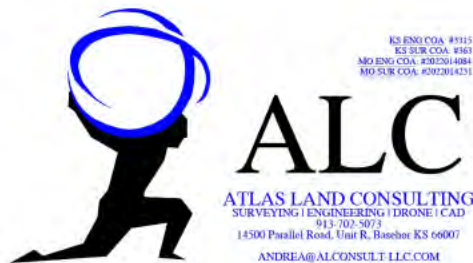
March 28th, 2023

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 Minutes

Application Number: COZ2023-007/MPL2023-005/PR2023-011/PLAT223-011/BOZA2023-010

Date and Location: Meeting via email & phone.

Name of people in attendance:

Nancy Wynn
913-281-2658
973 Ruby Ave Kansas City, Ks 66103

Nancy called asking what was going on with the project. We explained the general census of the project. Nancy said the Wynn family has no objections.

Peggy & Ray Pierce
816-769-8624
968 & 972 Ruby Ave

Peggy called to explain how ecstatic she was about the project. She has talked with the developer about the project itself and is all for the project moving forward.

Scott Myers
1021 Ruby Ave
913-645-5200

Scott called to inquire about the project. After explaining the project, Scott was not opposed to the project, but does have concerns about the trailer homes. He was shown an example home sometime last year by the developer and is okay with that model. If the home style has changed to represent more of a mobile style home then Scott is against the project.

Minutes taken by: Austin Thompson – Atlas Land Consulting

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
COUNTY OF Johnson) SS:

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

1. That I am the petitioner for Petition # COZ2023-007/MPL2023-005/PR2023-011/PLAT223-011/BOZA2023-010.
2. That I conducted a neighborhood meeting on 3/27/23.
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.



Affiant

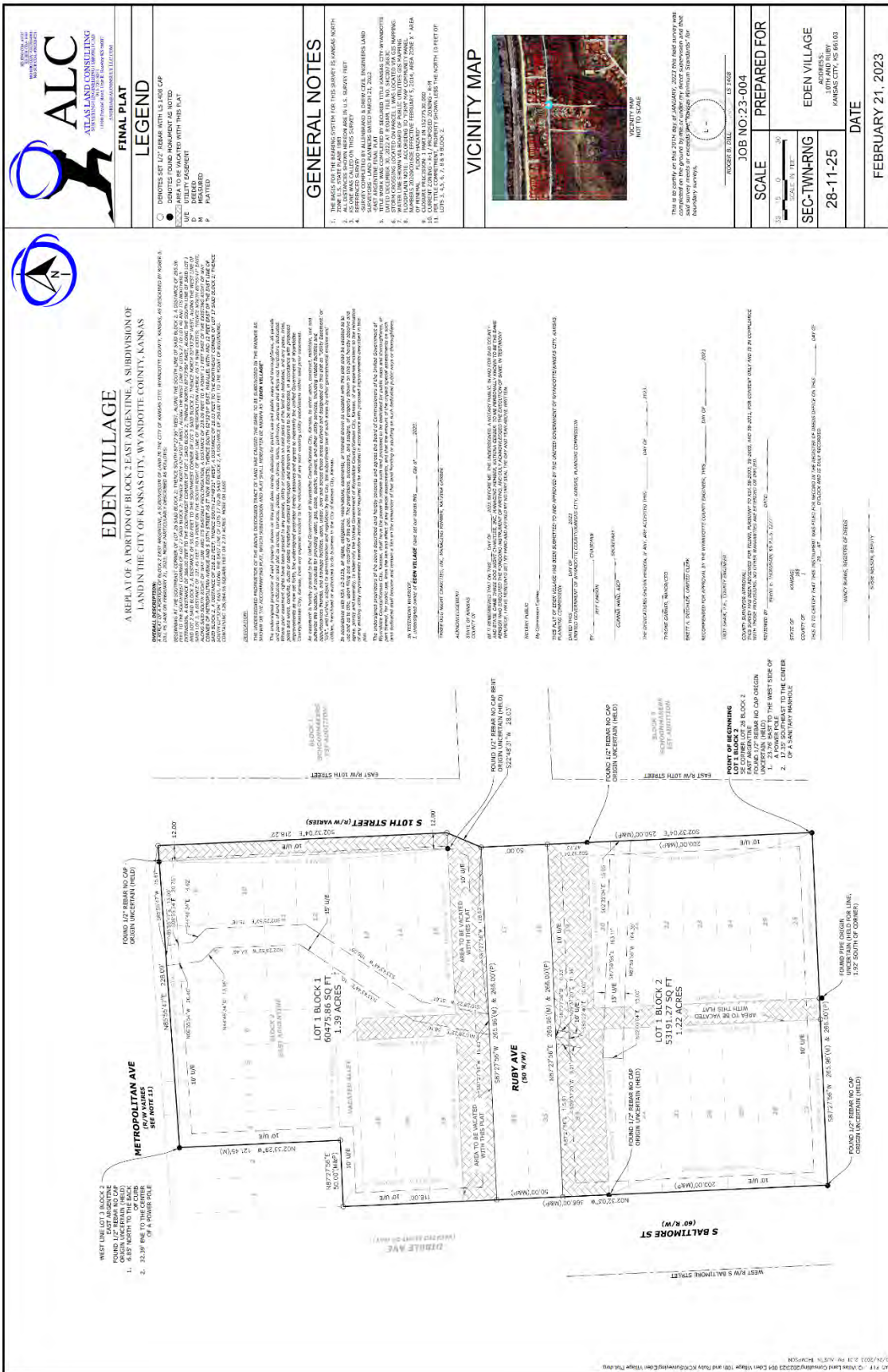
SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 27th day of March, 2023

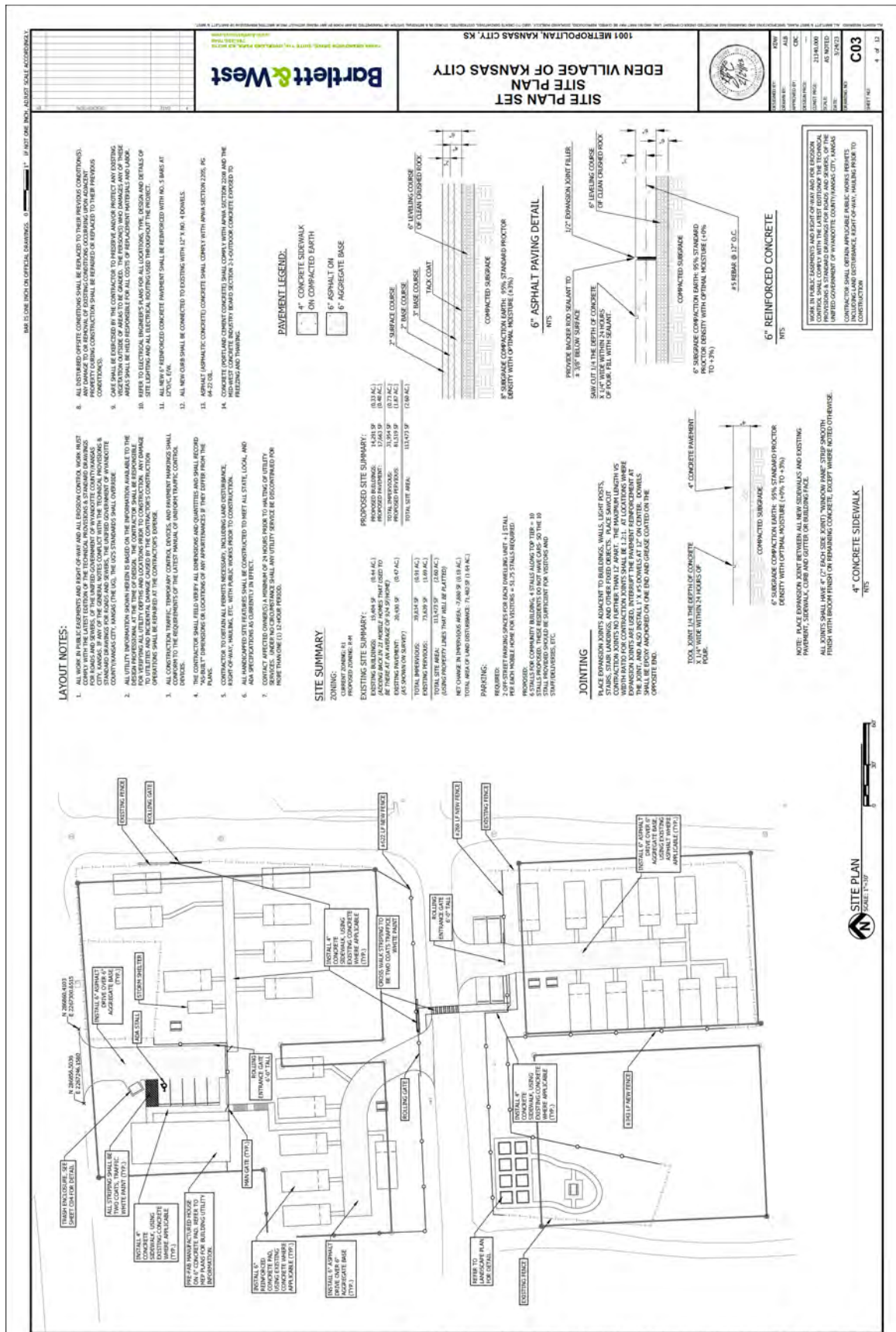
My commission expires 12th of January, 2027



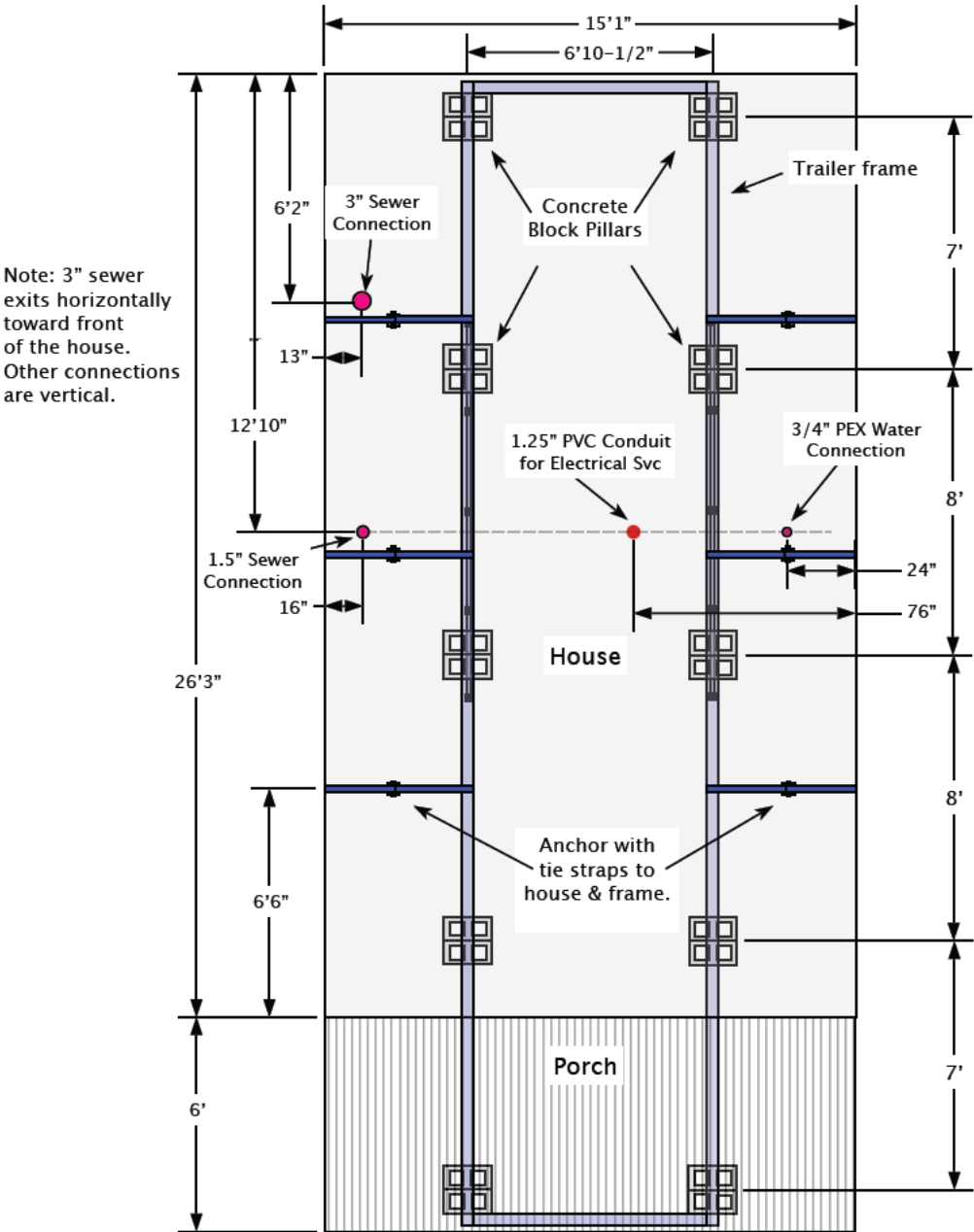


Notary Public



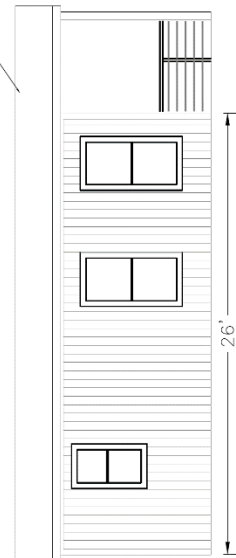


SolSource Foundation Plan
- Park Model - 7-5-22

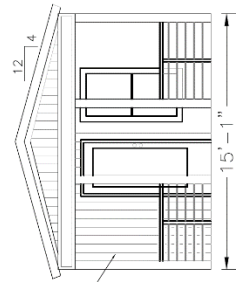


EDEN VILLAGE OF KANSAS CITY HOME ELEVATIONS

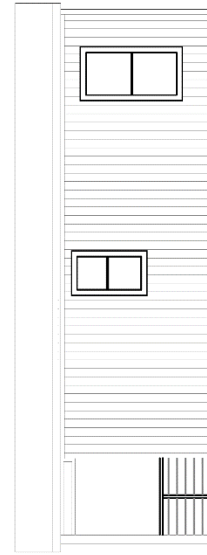
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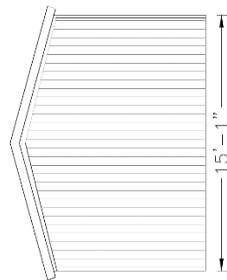
RIGHT ELEVATION



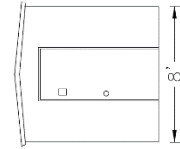
FRONT ELEVATION



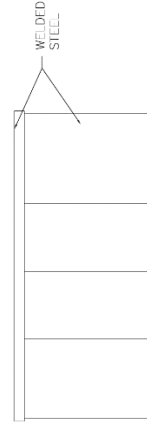
LEFT ELEVATION



REAR ELEVATION

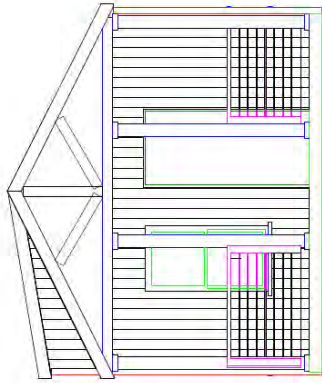


FRONT ELEVATION
STORM SHELTER

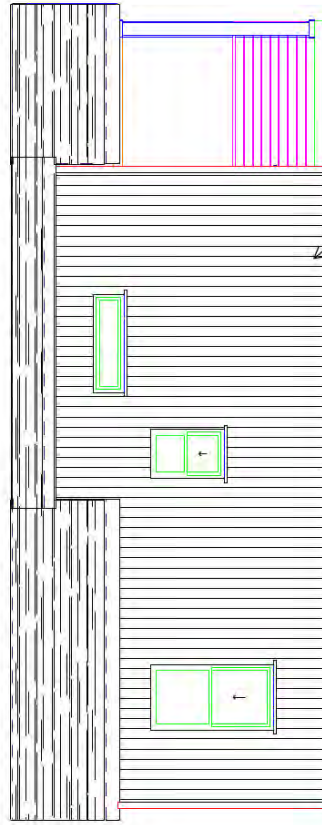


SIDE ELEVATION
STORM SHELTER

EDEN VILLAGE OF
KANSAS CITY
ELEVATIONS

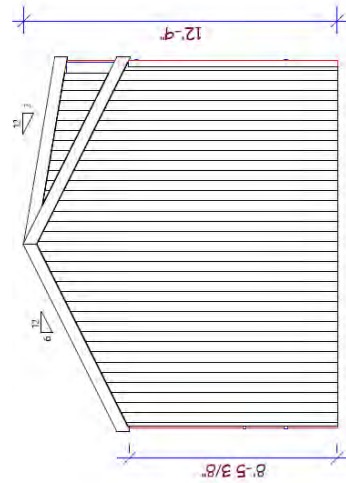


Front Elevation

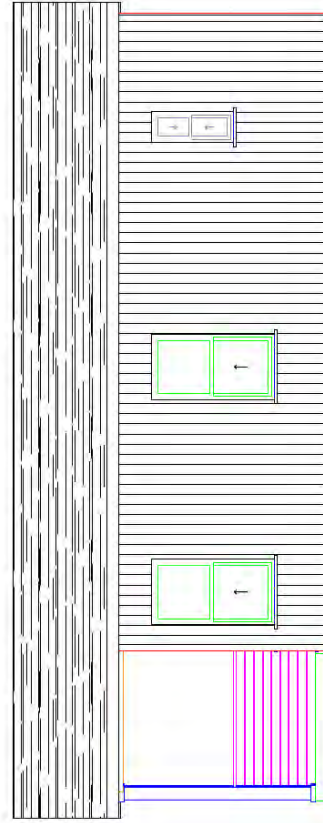


Left Elevation

6" SIDING

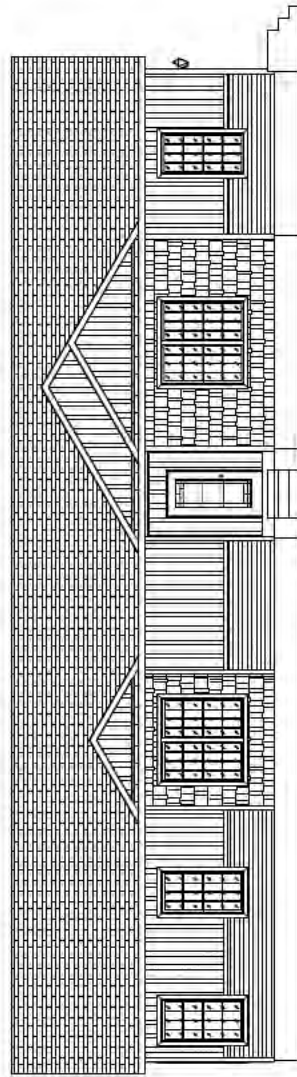


Rear Elevation

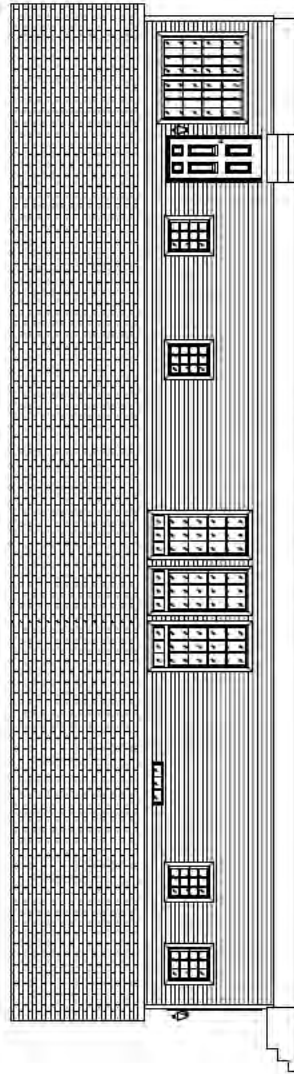


Right Elevation

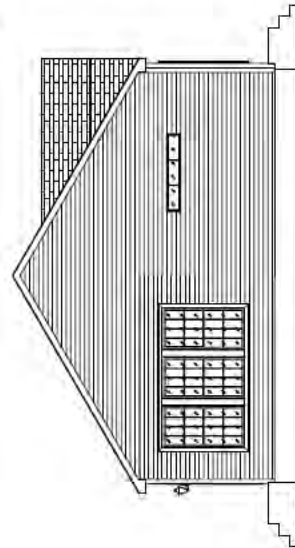
EDEN VILLAGE OF KANSAS CITY COMMUNITY BUILDING



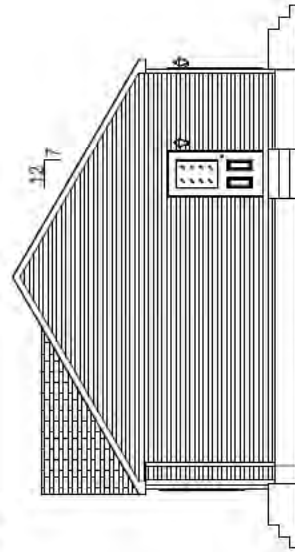
FRONT ELEVATION



REAR ELEVATION



SIDE ELEVATION



SIDE ELEVATION



Figure 4. Site Photograph of 1013 Metropolitan Avenue looking southeast from Metropolitan Avenue (provided by Planning Staff).



Figure 5. Site Photograph of 1013 Metropolitan Avenue looking south from Metropolitan Avenue (provided by Planning Staff).



Figure 6. Site Photograph of 1013 Metropolitan Avenue looking north from Ruby Avenue (provided by Planning Staff).



Figure 7. Site Photograph of 1003 Ruby Avenue and 1605 South Baltimore Street looking southwest from Ruby Avenue (provided by Planning Staff).



Figure 8. Site Photograph of 1013 Metropolitan Avenue, 1003 Ruby Avenue and 1605 South Baltimore Street looking east from Ruby Avenue (provided by Planning Staff).



Figure 9. Site Photograph of a mobile home model looking north from Metropolitan Avenue (provided by Planning Staff).



Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: April 27, 2023

Re: Petition SP2022-106

GENERAL INFORMATION

Applicant:

Joshua Brown

Status of Applicant:

Owners

Twisted Audio Creations

5235 State Avenue

Kansas City, Kansas 66102

Requested Action:

Approval of a Special Use Permit.

Date of Application:

October 28, 2022

Purpose:

To approve a Special Use Permit to operate a car audio installation business.

Property Location:

5235 State Avenue

Kansas City, Kansas 66102

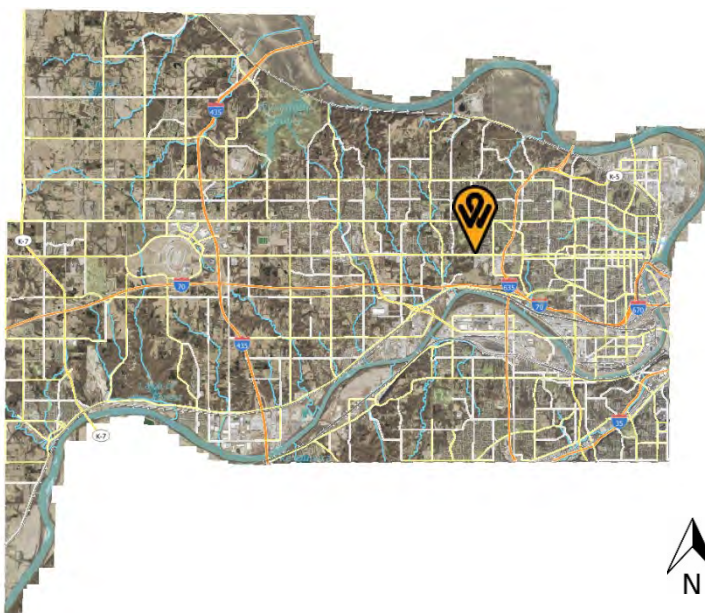
Commission Districts:

Commissioner At-Large, District #1:

Melissa Bynum

District #8 Commissioner:

Andrew Davis



Existing Zoning:	CP-2 Planned General Business District	
Adjacent Zoning:	North:	CP-2 Planned General Business and C-1 Limited Business District
	South:	R-1 Single Family District
	East:	R-1 Single Family District
	West:	R-1 Single Family District
Adjacent Uses:	North:	Vacant lodging space
	South:	Single-family residential
	East:	Vacant residential lot
	West:	Vacant residential lot
Total Tract Size:	2.05 Acres	
Master Plan Designation:	The City-Wide Comprehensive Plan designates this property as Mixed-Use, which allows for integrating complimentary land uses such as retail, offices, small businesses and mixed-use residential.	
Major Street Plan:	The Major Street Plan designates State Avenue as a Class A Thoroughfare.	
Parking Requirement:	Section 27-464(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”. The tenant space is 4,803 square feet, which requires 18 parking spaces, one (1) of which is ADA compliant. The site currently provides 42 parking spaces, including three (3) ADA compliant spaces.	
Advertisement:	<u>The Wyandotte Echo</u> – November 17, 2022 Letters to Property Owner – November 18, 2022, December 7, 2022, January 3, 2023, February 4, 2023, and March 6, 2023	
Public Hearings:	April 10, 2023 and April 27, 2023	
Public Support:	None to date.	
Public Opposition:	None to date.	

PROPOSAL

Detailed Outline of Requested Action: The applicant, Joshua Brown, is requesting a Special Use Permit to operate a car audio installation business at 5235 State Avenue. The shop has been in operation without proper permitting and has lost any legal non-

conforming status it once had, which necessitates the requirement for a Special Use Permit.

City Ordinance Requirements: 27-592 through 27-606

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. There have been several noise or disturbance complaints at the subject property.
 - a. 2021 – 2021-114551 – Public Urination
 - b. 2021 – 2021-0067284 – Criminal Damage
 - c. 2020 – 2020-00149412 – Theft
 - d. 2020 – 2020-00134509 – Battery
 - e. 2020 – 2020-00083779 – Battery
 - f. 2017 – 2017-00068550 – Theft

Building, Zoning, or Code Enforcement Complaints:

1. There have been several Notices of Violation on the subject property, including violations for operating a business and hosting competitions with a Special Use Permit.
 - a. 2022 – CAC22-2850 – Environmental
 - b. 2022 – ZONE2022-035 – Operating without a Special Use Permit
 - c. 2022 – ZONE2022-025 – Operating without a Special Use Permit
 - d. 2020 – 20225-03002 – Abatement for debris, junk, and trash
 - e. 2020 – 20225-02969 - Abatement for debris, junk, and trash
 - f. 2019 – 19229-01384 – Administrative Citation – Sinkhole in Parking lot
 - g. 2018 – 18200-01458 – Administrative Citation – Debris behind building

Outstanding or Related Permits and Cases:

1. There are no outstanding or related permits or cases.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The subject property is located within the Coronado Statistical Neighborhood and is not within a neighborhood group. The subject property is surrounded by many different uses, including single-family residential, mobile-home parks, non-retail residential, and higher intensity commercial uses. The property is located along State Avenue, a major mixed-use east to west corridor that runs east to I-70 and Downtown Kansas City, Missouri and West to Tonganoxie and Douglas County.

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

The surrounding zoning and uses are set out above. The proposed use of an car audio installation shop may not be compatible with nearby residential uses, as it is an auto-oriented commercial use, however, it should be compatible with nearby commercial uses.

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

The subject property is suitable for the car audio installation business, as it is located in an auto-oriented multi-tenant space and thus is not expected to have a negative impact on nearby property.

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

The property is not vacant and has been used as a multi-tenant commercial space.

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 Mixed-Use, which allows for integrating complimentary land uses such as retail, offices, small businesses and mixed-use residential. The proposed uses do not conform to the Master Plan designation, however, Staff notes that current Master Plan designation is suitable for future development along the State Avenue corridor and should remain. The property is currently suitable for the proposed use and maintaining the master plan will allow for a better land use in the future.

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

The proposed use will inherently increase traffic as the business is an auto-oriented shop and the car audio showcases will involve show cars and spectator cars coming to the site. Neither proposed use is expected to increase traffic to the point where it will exceed the capacity of State Avenue, a Class A Thoroughfare.

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

The proposed uses are not necessary for the convenience and welfare of the public, as they are not a public good, rather, a convenience for the shop owner and owners of show cars. The proposed car audio installation business will not substantially or permanently injure the use, quality, or marketability of adjoining property as long as it is 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, dust, and illumination are common issues with the proposed use. The car audio business should not create impacts if it is managed properly.

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

The proposed uses will not pollute the air, land, or water, as they are located within an existing, multi-tenant space, along a built-out mixed-use corridor.

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

The proposed uses will not damage or destroy an irreplaceable natural resource as they are located within an existing, multi-tenant space, along a built-out mixed-use corridor.

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. A denial of the application would cause the business owner to find a new location for their business and audio showcases.

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

The proposed car audio installation business should not result in the overcrowding of land or cause undue concentrations of population as long as it is managed properly.

PREVIOUS ACTIONS

There have been no previous planning entitlements on the property.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on March 24, 2023. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Noise
Vibration
Illumination
Parking
Landscaping
Public Right-of-Way
Additional Uses on the Property
Hours of Operation
Business Description
Property Maintenance Compliance
Commercial Design Guidelines
Security Plan

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Special Use Permit Application **SP2022-106**, for one **(1)** year, subject to:

1. All installation shall occur inside the enclosed building. No installation or testing of equipment shall occur outside of the enclosed building including, but not limited to the parking lot;
2. The applicant shall plant street trees as well as ornamental trees, shrubs, and hedges along the frontage of State Avenue;
3. The applicant shall create a painted walkway and sidewalk connection from the edge of the property to the front door;
4. The parking lot shall be patched, repaired, or repaved if needed, and new parking space markings shall be provided;
5. The property owner shall seek a right-of-way agreement for the signage and parking within the public right-of-way;
6. All waste receptacles on the property shall be enclosed in a trash enclosure;
7. Section 27-573-578 acknowledges the use of the Commercial Design Guidelines and their use in this district as established by Ordinance O-50-06;
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;

9. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
10. 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. 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. 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;
15. 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;
16. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
17. Any automotive-related business in Wyandotte County that is required to obtain any Special Use Permit, shall be responsible to ensure that the business operations are at all times compliant with all applicable local ordinances and State Statutes and Regulations [27-463 through 27-470; 27-592 through 27-616] [KSA 65-3424, KAR 28-29-29 through 28-29-33]. Proof of proper disposal of waste tires with a Kansas State permit-holding waste tire collector or waste tire processor is required to be maintained at the management office and provided to any enforcement staff upon request;
18. Any business or land use in Wyandotte County that is required to provide off-street parking shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-466 through 27-470; 27-592 through 27-616; 27-667 through 27-676]. Inoperable vehicles shall be stored inside an enclosed building. Inoperable vehicles may not be stored outside unless they are completely screened from view in accordance with all applicable ordinances. Outside storage shall not include wrecked or salvage vehicles. Any vehicle parked or stored

- outside must be on an improved surface, located on the same land parcel as the business use, and be parked within a regulation dimension parking stall. Any outside storage may not reduce the availability of all required parking spaces as required by ordinance;
19. 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;
 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.

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 **SP2022-106** subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

April 10, 2023 City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Site Plan
Site Plan Updated
Site Photos, Taken by Staff, Dated November 11, 2022
Neighborhood Meeting Materials

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	April 10, 2023	April 27, 2023
Special Use	Approval	

STAFF CONTACT:

James Molloy
jmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2022-106** 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 **SP2022-106**, 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.

April 10, 2023 City Planning Commission Minutes:

Hearing starts at 2:58:21:

SPECIAL USE PERMIT APPLICATION SP2023-106– JOSHUA BROWN WITH TWISTED AUDIO CREATIONS - SYNOPSIS: Special Use Permit to operate a car audio installation business at an existing car shop at 5235 State Avenue. Detailed Outline of Requested Action: The applicant, Joshua Brown, is requesting a Special Use Permit to operate a car audio installation business at 5235 State Avenue. The shop has been in operation without proper permitting and has lost any legal non-conforming status it once had, which necessitates the requirement for a Special Use Permit.

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 April 10, 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:

- Joshua Brown, applicant, Twisted Audio Creations, 5235 State Avenue, Kansas City, Kansas 66102

Present in Opposition:

- No one appeared

Staff Recommendation starts at 3:01:37: Planning Director Hand stated that this application is for car audio installation which requires a Special Use Permit. This property is in the City-Wide Comprehensive Plan in the Mid-Town area. Staff has received no letters in support nor in opposition. There are some older Notices of Violation which, have since been rectified. The original request was for audio installation and live events and the Applicant has removed the live events request. The Applicant could still have up to four (4) live events per year as of right. They will, however, have to comply with the noise ordinance. Staff recommends approval for one (1) year subject to the conditions in the staff report.

Motion starts at 3:03:01:

On motion by Mr. Ernst, seconded by Ms. Armstrong, the Planning Commission voted as follows to recommend **APPROVAL** of **Special Use Permit Application SP2022-106 for one (1) year:**

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

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

Subject to:

1. All installation shall occur inside the enclosed building. No installation or testing of equipment shall occur outside of the enclosed building including, but not limited to the parking lot;
2. The applicant shall plant street trees as well as ornamental trees, shrubs, and hedges along the frontage of State Avenue;
3. The applicant shall create a painted walkway and sidewalk connection from the edge of the property to the front door;
4. The parking lot shall be patched, repaired, or repaved if needed, and new parking space markings shall be provided;
5. The property owner shall seek a right-of-way agreement for the signage and parking within the public right-of-way;
6. All waste receptacles on the property shall be enclosed in a trash enclosure;
7. Section 27-573-578 acknowledges the use of the Commercial Design Guidelines and their use in this district as established by Ordinance O-50-06;
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;
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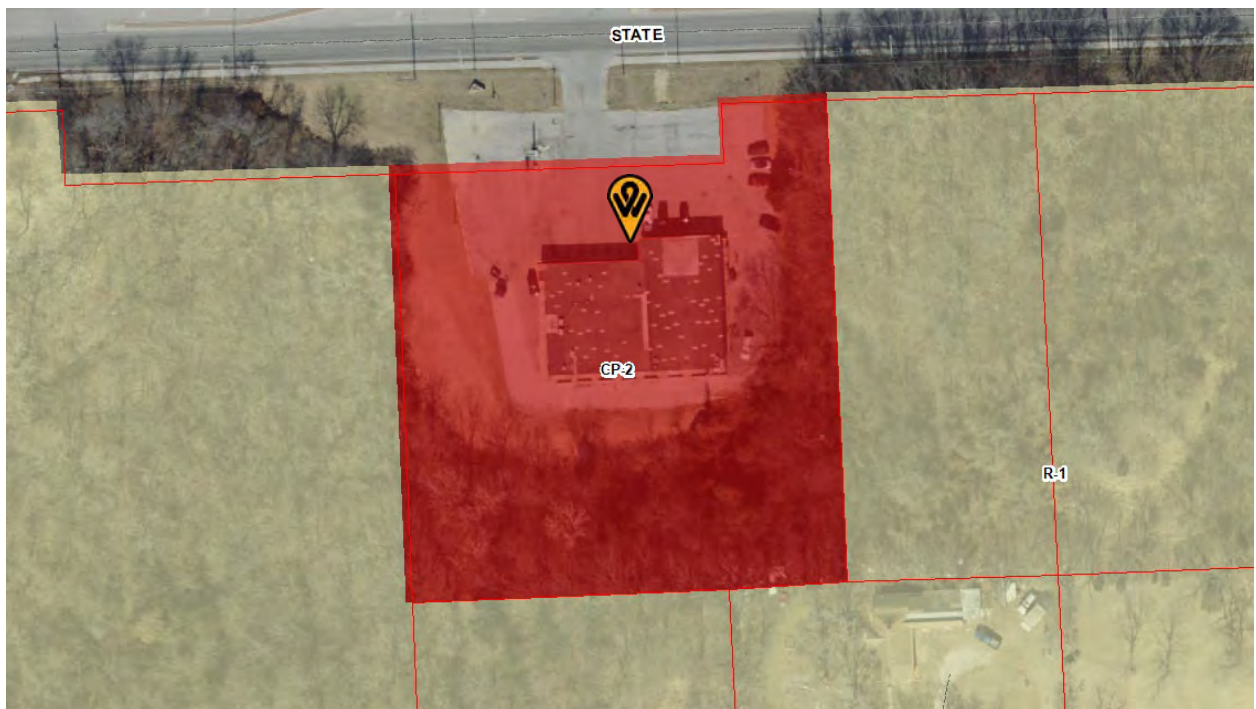
- stall. Any outside storage may not reduce the availability of all required parking spaces as required by ordinance;
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ATTACHMENTS

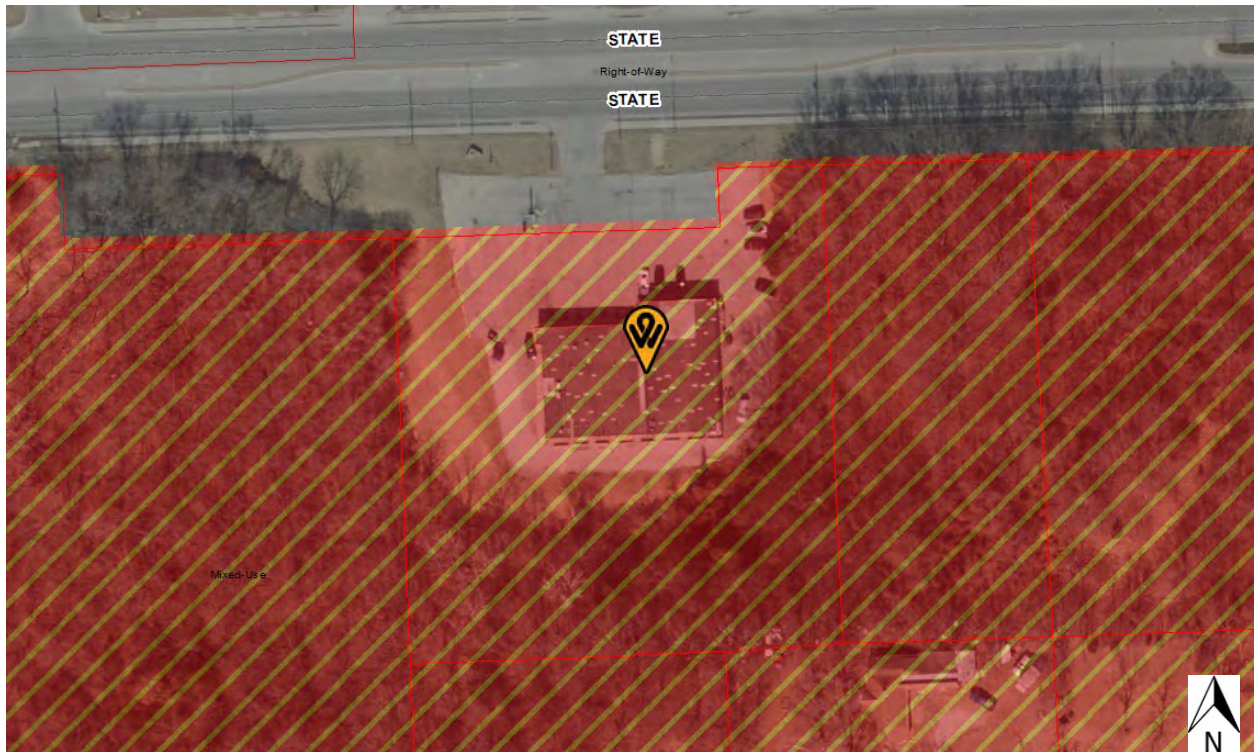
AERIAL IMAGERY



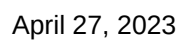
ZONING MAP



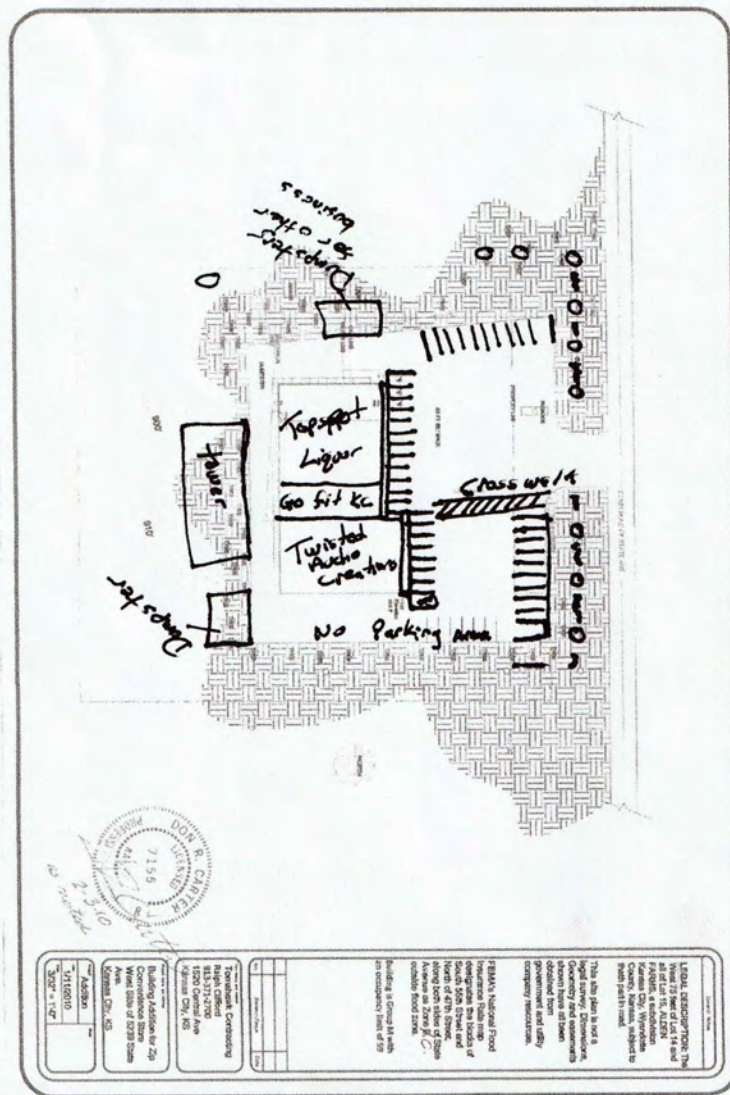
LAND USE MAP – CITY-WIDE MASTER PLAN



SP2022-106



UPDATED SITE PLAN



— Parking Lines to be restriped.

~~these~~ - shrubs to be planted

0. trees to be planted

SP2022-106

April 10, 2023

13

SITE PHOTOS, TAKEN BY STAFF, DATED NOVEMBER 11, 2022



NEIGHBORHOOD MEETING MATERIALS

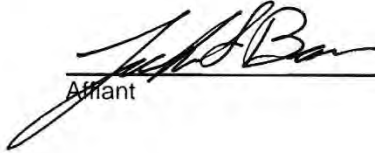
AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
COUNTY OF Wyndotte) SS:

Comes now Joshua L. Brown, of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition # Sp 2022-106
2. That I conducted a neighborhood meeting on March 24, 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

SP2022-106

March 24, 2023 Twisted Audio Creations llc. 5237 State Ave, Kansas City, Kansas.

Meeting called to order at 8:00 pm.

No Attendance showed.

Meeting Called adjourned at 8:30pm.

Minutes taken by Joshua Brown



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: April 27, 2023

Re: Petition SP2022-121

GENERAL INFORMATION

Applicant:
Nadia Griffitt

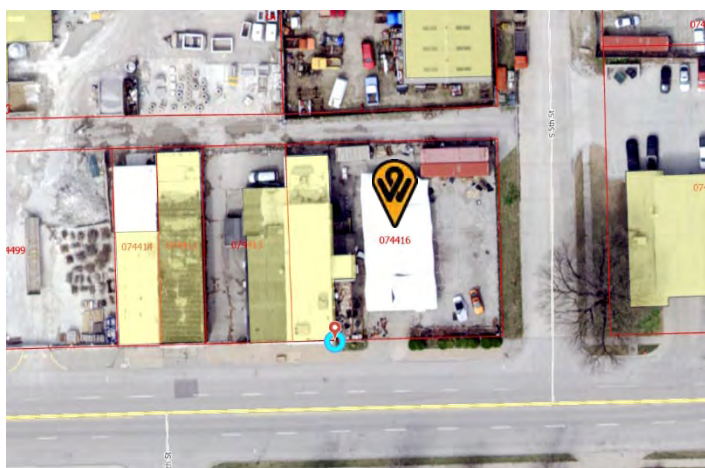
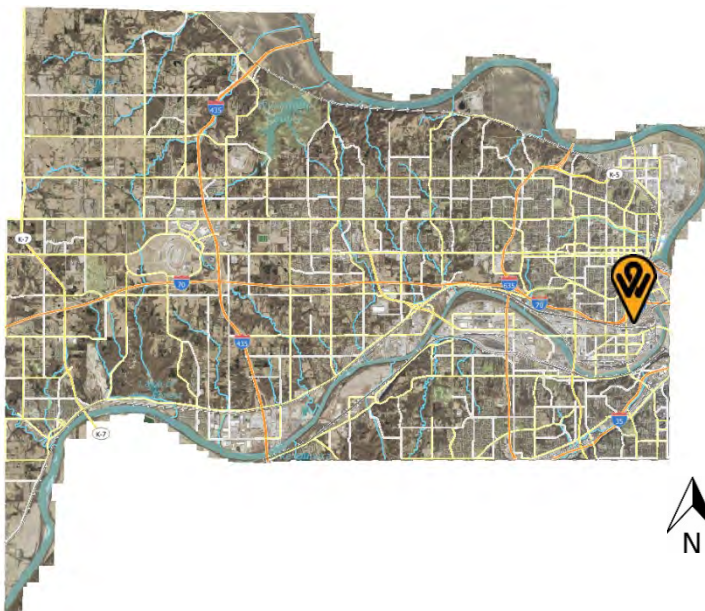
Status of Applicant:
President
Latin Quarters Inc.
508 Kansas Avenue
Kansas City, Kansas 66109

Requested Action:
Renewal of Special Use Permit.

Date of Application:
November 30, 2022

Purpose:
To renew a Special Use Permit
(which expired on September 30,
2022) to continue to operate a
drinking establishment with live
entertainment.

Property Location:
508 Kansas Avenue
Kansas City, Kansas 66109



Commission Districts:

Commissioner At-Large District #2: Tom Burroughs

District #2 Commissioner: Brian McKiernan



Existing Zoning:	M-2 General Industrial District	
Adjacent Zoning:	North:	M-3 Heavy Industrial District
	South:	M-2 General Industrial District
	East:	M-2 General Industrial District
	West:	M-2 General Industrial District
Adjacent Uses:	North:	Industrial Business
	South:	Office Building
	East:	KCK Fire Department Station #3
	West:	Commercial Buildings
Total Tract Size:	0.33 Acre	
Master Plan Designation:	The Armourdale Area Master Plan designates this area as Mixed-Use, which allows for mixed-use residential and commercial.	
Major Street Plan:	The Major Street Plan classifies Kansas Avenue as a Class B Thoroughfare.	
Parking Requirement:	Section 27-469(f) states that uses in this district require paved off-street parking at a ratio necessary to serve the employees, visitors, customers and others who may be on the premises. The ratio will vary among occupants and will be determined by the Director of Planning after receipt of a summary of parking needs and characteristics prepared by the owner or initial occupant. In no case, however, shall less than one space for each 500 square feet of building floor area be provided. For buildings larger than 20,000 square feet, only one (1) space for each 1,000 square feet needs to be provided for increments between 20,000 and 50,000 square feet. Parking requirements for a drinking establishment are one (1) space per 50 square feet of seating area, plus one (1) space for 200 square feet of remaining total floor area. One (1) out of every 25 parking spaces must be ADA Compliant. One (1) out of every six (6) ADA spaces must be van accessible. The previous approval provided 32 parking spaces with two (2) ADA parking spaces.	

Advertisement:	<u>The Wyandotte Echo</u> – January 19, 2023 Letters to Property Owner – January 20, 2023, February 4, 2023 and March 6, 2023
Public Hearings:	April 10, 2023 and April 27, 2023
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Nadia Griffitt, is requesting the renewal of a Special Use Permit (SP2021-029) to continue to operate a drinking establishment with live entertainment at 508 Kansas Avenue.

City Ordinance Requirements: 27-592 through 27-606

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. There have been multiple calls for police service since the approval of the Special Use Permit in 2021, many of which have involved criminal damage.
 - a. 2022 – 2022-50952 – Burglary and Criminal Damage
 - b. 2022 – 2022-26425 – Battery
 - c. 2021 – 2021-140768 – Criminal Damage, Vehicle Theft
 - d. 2021 – 2021-140152 – Burglary and Criminal Damage
 - e. 2021 – 2021-130953 – Burglary, Criminal Damage, Sexual Assault
 - f. 2021 – 2021-127143 – Criminal Damage, Sexual Assault

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 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 Armourdale Statistical Neighborhood. Kansas Avenue is a major corridor with a mix of commercial and industrial uses. Epiq Systems, Inc. is a legal service and technology company with offices

directly to the south. Kansas City, Kansas Fire Department Station #3 is directly to the East. Nearby properties on Kansas Avenue include restaurants and a hardware store. There are industrial uses and a rail yard to the North.

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

The zoning and uses are set out above. The proposed use could create issues of parking, noise, and traffic if not managed properly. The property is surrounded by other commercial and industrial uses, which are compatible 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.*

This property is suitable for use as a bar/night club or other small commercial business. The property could be suitable for a bar with live entertainment if properly managed. Noise and crowds could be an issue; however, the property is located in a commercial/industrial neighborhood and adjacent to a Class B Thoroughfare.

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

The property is not vacant and has been used as a bar/night club since 2016.

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 designates this area as mixed-use. This allows for mixed-use development with commercial and residential aspects. The proposed use does not conform to the Master Plan because it is not a mixed-use complex, rather a stand-alone commercial use that would be incompatible with residential uses.

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

The proposed use has the potential to increase vehicular traffic but should not exceed the capacity of the Class B Thoroughfare to accommodate it if managed properly while it hosts live entertainment.

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 necessary for the welfare of the public but provides a convenience in the form of entertainment. Live entertainment has the potential to create issues of noise and traffic for the adjacent businesses if not managed properly.

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

Noise, vibration, and illumination are issues that are related to live entertainment and could create problems for nearby businesses. Dust is not expected to be an issue because parking takes place on an improved surface parking lot.

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

The proposed use will not pollute the air, land, or water because it is for a bar and live entertainment within an existing structure.

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 conducted wholly within an existing business in an existing, built-out, mixed-use neighborhood.

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

The relative gain or loss to the public health, safety, and welfare is likely to be minimal as it only provides the convenience of entertainment with some economic benefit. If denied, the landowner could not use the property for a bar with live entertainment but could use the property as a restaurant or other commercial business, rent the property, or sell it.

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

The proposed use could create issues of overcrowding and undue concentrations of population if it is not managed properly. The Fire Department has previously expressed concern about the safety of the building due to potential overcrowding.

PREVIOUS ACTIONS

- Approval of a Special Use Permit for two (2) years (SP-2016-70) in 2016.
- Approval of a Variance (BZA 2230) in 2016.
- Approval of a Special Use Permit for one (1) year (SP2021-029) in 2021.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on February 17, 2023. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Building Safety
Trash
Noise
Parking
Illumination
Security
Previous Conditions of Approval

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Special Use Permit Application **SP2022-121**, for six (6) months, subject to:

1. Live entertainment shall be limited to Fridays and Saturdays, as well as occasionally on holidays as scheduled between 9pm and 1am.
2. The noise level shall be kept under 85 decibels per the M-3 Heavy Industrial District performance standard Sec. 27-470(d)(1)c.
3. Attendance is limited to 289, the legal occupancy of the building.
4. Respond and resolve any issues brought to the attention of the operator by residents and/or neighborhood groups.
5. 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 Board of Commissioners for revocation; Total public area has been established by the applicant as 4,200 square feet—2,600 square feet on the first floor and 1,600 square feet on the second floor.
6. The applicant shall not host any adult oriented entertainment.
7. The proposed parking plan submitted by the applicant demonstrates 32 parking spaces, two (2) of which are ADA-compliant. The parking lot must be striped, any potholes or cracks in the pavement must be repaired, ADA-compliant parking proximate to the entrance must be installed, per the submitted parking plan. Tents seen on the property are not allowed to be placed on required parking; and,
8. Must comply with the previously provided Landscape Plan which indicates trees and landscaping along South 5th Street on the East and Kansas Avenue on the western edges of the property.
9. All entertainment must cease by at least 1:00 AM
10. Doors and windows must stay closed during any entertainment performance;
11. 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.
12. No amplified speakers or entertainment is allowed in outdoor spaces; and,
 13. Any illumination that results from an entertainment event shall not be seen or otherwise impact adjacent residential uses.
 14. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process.
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 19. 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.
 20. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
 21. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit.
 22. The Special Use Permit shall be valid for six (6) months from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2)

- months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,
23. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

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 **SP2022-121** subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

April 10, 2023 City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Site and Floor Plan, Approved in 2016
Site Photos, Taken by Staff, Dated January 12, 2023
Site Photos, Taken by Staff, Dated March 27, 2023

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	April 10, 2023	April 27, 2023
Special Use	Approval	

STAFF CONTACT:

James Molloy
jmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2022-121** 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 **SP2022-121**, 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.

April 10, 2023 City Planning Commission Minutes:

Hearing starts at 3:04:04:

SPECIAL USE PERMIT APPLICATION SP2022-121 – NADIA GRIFFITT WITH LATIN QUARTERS, INC. - SYNOPSIS: Renewal of a Special Use Permit (SP2021-029 – expired 11/4/2022) for a restaurant and drinking establishment with live entertainment at 508 Kansas Avenue. Detailed Outline of Requested Action: The applicant, Nadia Griffitt, is requesting the renewal of a Special Use Permit (SP2021-029) to continue to operate a drinking establishment with live entertainment at 508 Kansas Avenue

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated April 10, 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:

- Israel Mendez, representing the applicant, Latin Quarters, 508 Kansas Avenue, Kansas City, Kansas 66105

Planning Commissioner Connelly questioned the applicant regarding expiration of the Special Use Permit. Mr. Mendez stated this is the first time that he has renewed the Special Use Permit on his own. Commissioner Jones stated that there is a discrepancy

in the expiration date between the agenda and staff report. Recording Secretary Parker stated that the application was approved on September 30, 2022; however, Special Use Permits are not official until published in the newspaper which was November 4, 2021 and expired on November 4, 2022.

Present in Opposition:

- No one appeared

Staff Recommendation starts at 3:09: Planning Director Hand stated that this is a request for a drinking establishment with live entertainment. Staff has received no letters in support nor in opposition. There have been a couple of police calls to the property but nothing critical as it relates to this use. Staff recommends approval for six (6) months, as this is a new applicant and considering past issues meeting all previous conditions of approval, subject to the conditions in the staff report. Director Hand stated that Staff allows an Applicant to continue to operate in the interim if and while they have filed an application for renewal of their Special Use Permit.

Motion starts at 3:13:20:

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

SP2022-121 for six (6) months:

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

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

1. **Live entertainment shall be limited to Fridays and Saturdays, as well as occasionally on holidays as scheduled between 9pm and 1am.**
2. **The noise level shall be kept under 85 decibels per the M-3 Heavy Industrial District performance standard Sec. 27-470(d)(1)c.**
3. **Attendance is limited to 289, the legal occupancy of the building.**
4. **Respond and resolve any issues brought to the attention of the operator by residents and/or neighborhood groups.**
5. **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 Board of Commissioners for revocation; Total public area has been established by the applicant as 4,200 square feet—2,600 square feet on the first floor and 1,600 square feet on the second floor.**
6. **The applicant shall not host any adult oriented entertainment.**

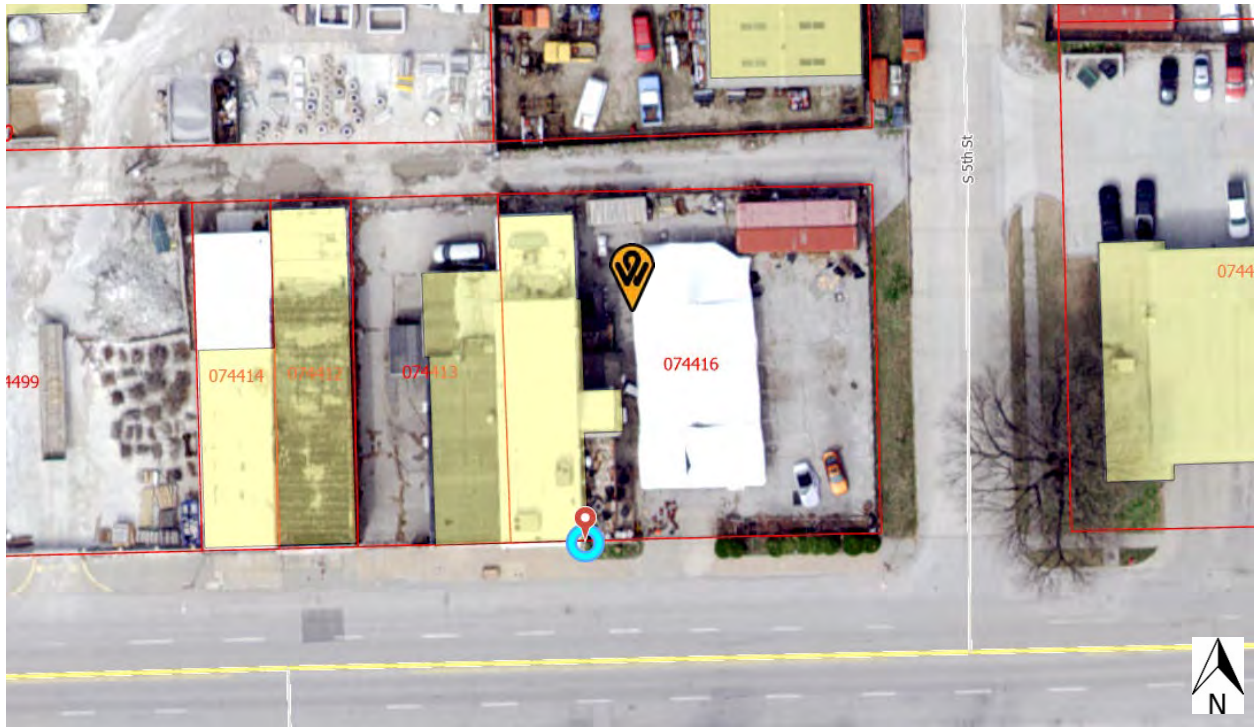
7. The proposed parking plan submitted by the applicant demonstrates 32 parking spaces, two (2) of which are ADA-compliant. The parking lot must be striped, any potholes or cracks in the pavement must be repaired, ADA-compliant parking proximate to the entrance must be installed, per the submitted parking plan. Tents seen on the property are not allowed to be placed on required parking; and,
8. Must comply with the previously provided Landscape Plan which indicates trees and landscaping along South 5th Street on the East and Kansas Avenue on the western edges of the property.
9. All entertainment must cease by at least 1:00 AM
10. Doors and windows must stay closed during any entertainment performance;
11. Must comply with Unified Government Security Ordinance (Chapter 4, Article II Division 1, Sec 4-104,f), including:
 - e. 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;
 - f. Patrons are not allowed to loiter in their vehicles. If so determined, they will be asked to leave;
 - g. An I.D. scanner will be used at all times;
 - h. At closing time, all security personnel will begin from a designated area to move patrons towards the exit and then to their vehicles.
12. No amplified speakers or entertainment is allowed in outdoor spaces; and,
13. Any illumination that results from an entertainment event shall not be seen or otherwise impact adjacent residential uses.
14. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process.
15. 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.
16. The applicant has filed and maintained a current business occupation tax application.
17. All existing and future driveways must feature curb cuts that are constructed to UG standards;
18. 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.
19. 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.
20. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all

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

21. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit.
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23. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

ATTACHMENTS

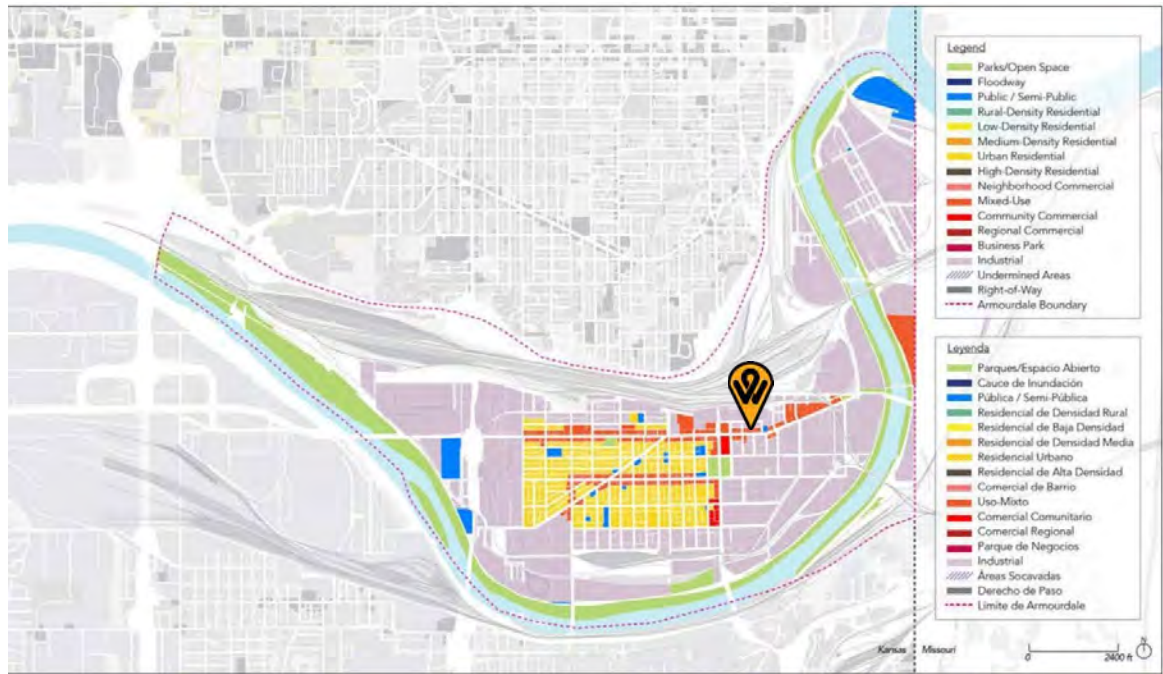
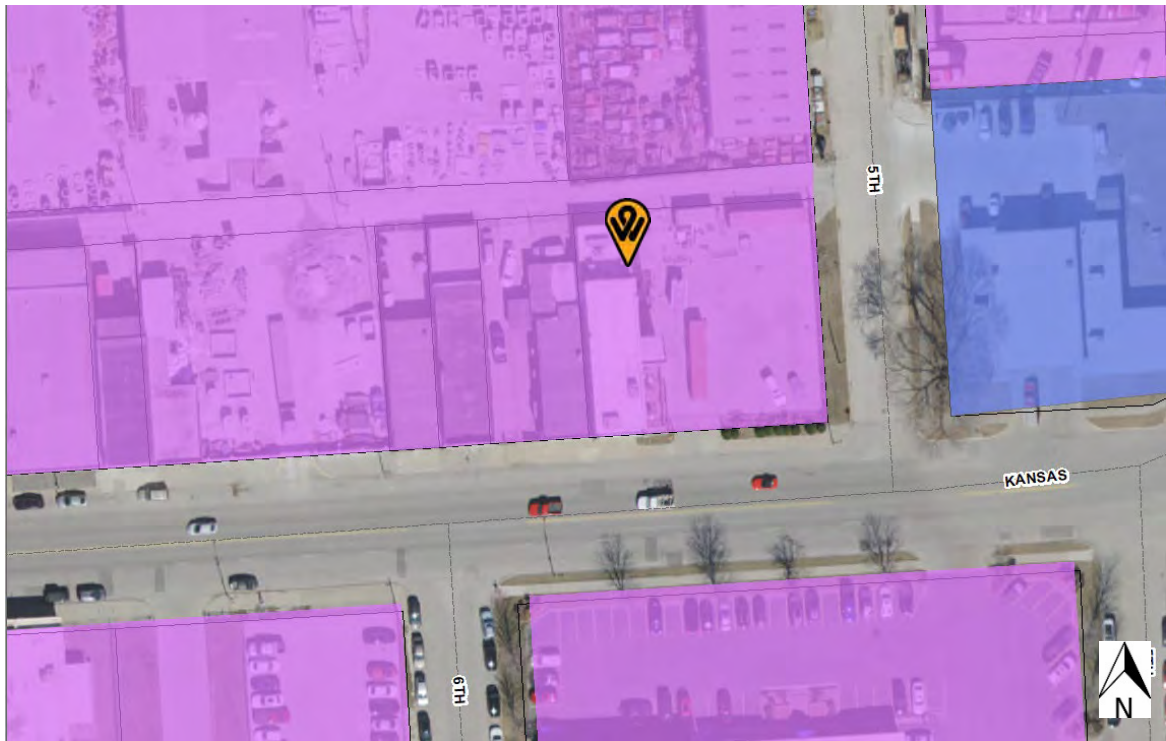
AERIAL IMAGERY



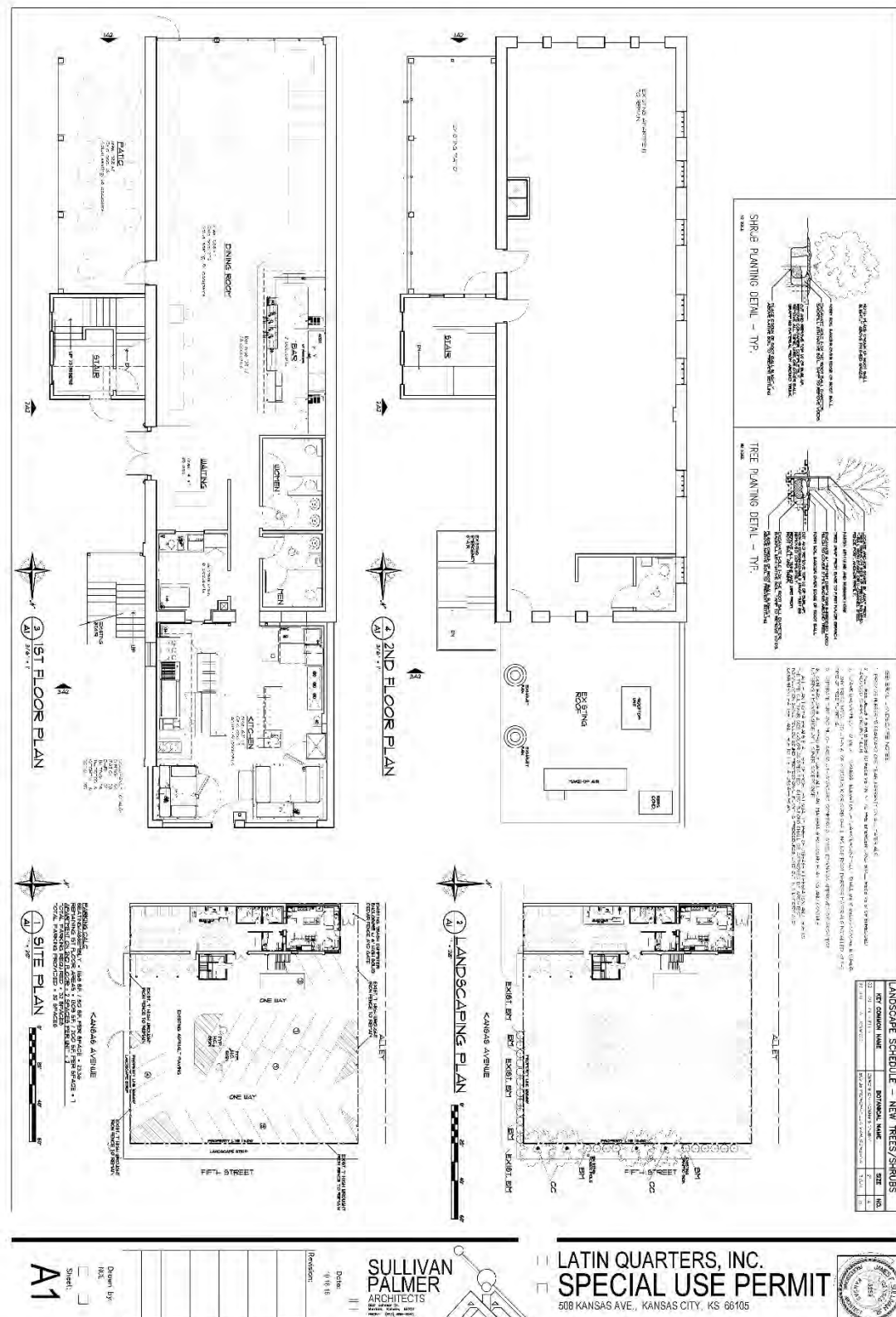
ZONING MAP



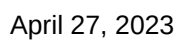
LAND USE MAP – ARMOURDALE AREA MASTER PLAN



The Unified Government of Wyandotte County and Kansas City, Kansas | Armourdale Area Master Plan / Reporte del Plan Maestro del Área de Armourdale | October 11th, 2021



SP2022-121

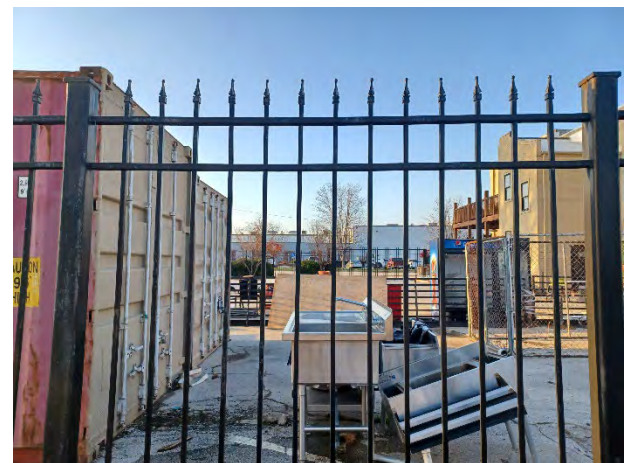


SITE PHOTOS, TAKEN BY STAFF, DATED JANUARY 12, 2023





SITE PHOTOS, TAKEN BY STAFF, DATED MARCH 27, 2023



NEIGHBORHOOD MEETING MATERIALS

MINUTES OF A NEIGHBORHOOD MEETING LATIN QUARTERS, INC.

A Neighborhood Meeting was called by the Secretary of Latin Quarters, Inc. to be held at 508 Kansas Ave, Kansas City, Kansas 66105 at 3:30 PM on the 17th day February 2023. The purpose of the meeting was to explain the proposal of Latin Quarters, Inc. pursuant to its application for Special Use Permit #SP2022-121 allowing live entertainment at a drinking establishment located at 508 Kansas Ave, KCKS, 66105.

Written notices of the meeting were sent to twenty (20) contacts in the immediate vicinity of 508 Kansas Ave, KCKS 66105, to Commissioners and other interested parties.

The meeting was called to order at 3:30 PM, February 17th, 2023 and there were two persons present: (Nadia Griffith, President of Latin Quarters, Inc. and Israel Mendez, Secretary of Latin Quarters, Inc.)

Nadia Griffith reported that this meeting was held pursuant to Special Use Permit #SP2022-121 filed before the Unified Government of Wyandotte County /Kansas City and that she desired to explain her plans for the use of the building. There were no respondents to the letters of invitation and after waiting for thirty minutes, the meeting was adjourned at 4:00 PM.

No other business was conducted at this meeting.



ISRAEL MENDEZ
SECRETARY, LATIN QUARTERS, INC.

LATIN QUARTERS
508 KANSAS AVENUE
KANSAS CITY, KANSAS 66105

January 2023

Wyandotte County

RE: SP 2022-121
508 Kansas Ave, KCKS 66105

Interested Parties:

Latin Quarters is making application for renewal of the special use permit to operate a drinking establishment with live entertainment. The Unified Government of Wyandotte County-Kansas City Kansas approved a similar request (SP2021-029) in 2021 and this application is to renew that permit for two years. A neighborhood meeting is scheduled for February 17, 2023 at 3:30 PM at the business location, 508 Kansas Ave. KCKS 66105.

The purpose of this meeting is to explain our request and answer any questions you may have about the business and its operation over this last year. I look forward to your attendance. If you are unable to attend or have any questions before the meeting you may email me at Israelkc@gmail.com or call me at 816-842-2582.

Thank you for your consideration of this invitation.

Sincerely,



Israel Mendez, Secretary
Latin Quarters, Inc.
816-842-2582

CC. distribution list—20 contacts

508 KANSAS AVE. KANSAS CITY, KANSAS 66105

SIGN IN SHEET

NAME	ORGANIZATION	ADDRESS
------	--------------	---------

1.

2.

3.

4.

5.

6.

7.

8.

9.

10.

11.

12.

13.

14.

15.

STATE OF)
) SS:
COUNTY OF)

Comes now April 5, 2023, of lawful age,
sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition # SP 2022-121
2. That I conducted a neighborhood meeting on
_____.
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.

Israel Mendez



Affiant

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

My commission expires _____ of _____, 200__.



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: April 27, 2023

Re: Petition SP2022-122

GENERAL INFORMATION

Applicant:

Jim Donovan

Status of Applicant:

Property Owner

The Showroom Floor, LLC
1127 Southwest Boulevard
Kansas City, Kansas 66103

Requested Action:

Renewal of a Special Use Permit.

Date of Application:

December 30, 2022

Purpose:

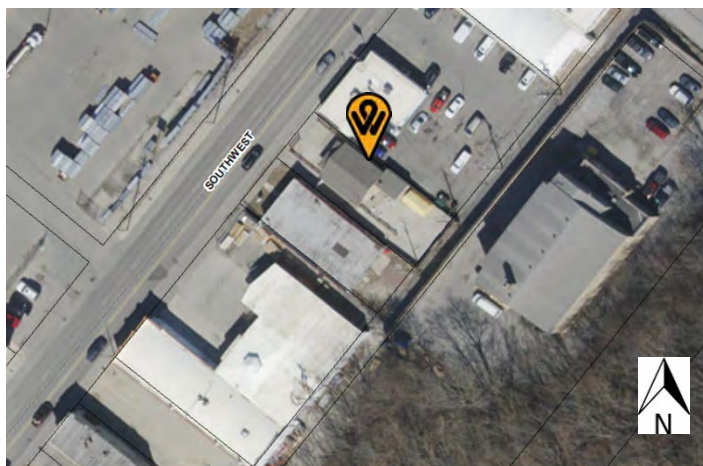
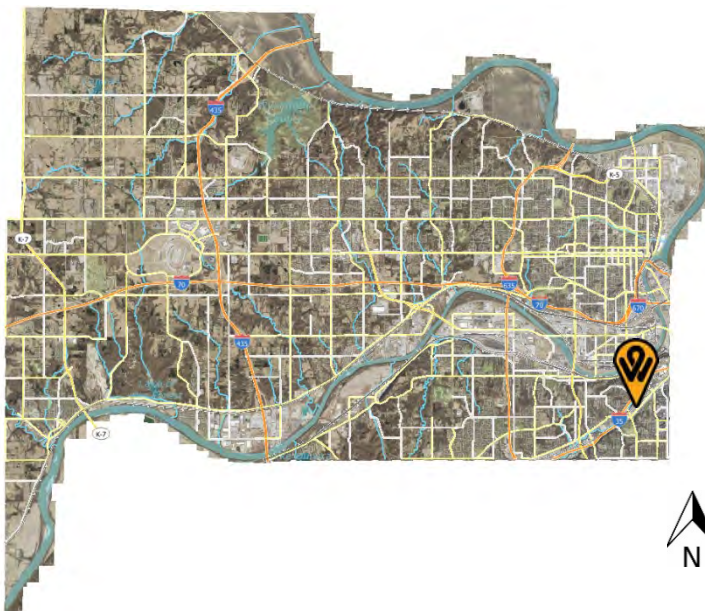
To renew a Special Use Permit (expires 3/25/2023) to operate a short-term rental. This is not the owner's primary residence.

Property Location:

1127 Southwest Boulevard
Kansas City, Kansas 66103

Commission Districts:

Commissioner At-Large District #2:
Tom Burroughs
District #3 Commissioner:
Christian Ramirez



Existing Zoning:	M-2 General Industrial District
Adjacent Zoning:	North: M-2 General Industrial District South: M-2 General Industrial District East: M-2 General Industrial District West: M-2 General Industrial District
Adjacent Uses:	North: Industrial Business South: Industrial Business East: Rest West: Industrial Business
Total Tract Size:	0.11 Acre
Master Plan Designation:	The Rosedale Master Plan designates this area as Creative and Industrial Mixed Use. Creative and Industrial Mixed Use is intended to promote a mix of low and medium intensity manufacturing uses alongside creative and artistic industries with potential for multifamily housing or live/work units.
Major Street Plan:	The Major Street Plan designates Southwest Boulevard as a Class C Thoroughfare.
Parking Requirement:	Section 27-469(e) states that uses in this district require paved off-street parking at a ratio necessary to serve the employees, visitors, customers and others who may be on the premises. As this is a residential use, the standard would default to the R-1 standard set in Sec 27-455(e), which states "Two off-street parking spaces shall be provided on the premises for each single-family dwelling". The property provides three (3) parking spaces in the rear.
Advertisement:	<u>The Wyandotte Echo</u> – January 19, 2023 Letters to Property Owner – January 20, 2023, February 4, 2023 and March 6, 2023
Public Hearings:	April 10, 2023 and April 27, 2023
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, James Donovan, is seeking a renewal of a Special Use Permit (which expires 03/25/2023) to continue to operate a short-term rental at 1127 Southwest Boulevard.

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 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 Rosedale Statistical Neighborhood and the Hilltop Neighborhood Group. The neighborhood is primarily commercial and industrial in nature. There are established single-family blocks to the east of the subject property. The property is located along Southwest Boulevard, a major thoroughfare that leads northeast into Kansas City, Missouri and The Crossroads District and southwest into Merriam, Kansas and Merriam Town Center.

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 of a short-term rental is compatible if properly managed.

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

This property was formerly a commercial business but has been modified for use as a short-term rental. This property is not suitable for use as a single-family home. 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.*

This property is not vacant. It is currently being used as a short-term rental.

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

Special Use Permits are not addressed in the Master Plan. The Rosedale Master Plan designates this property as Creative and Industrial Mixed Use. The Creative and Industrial Mixed-Use District is intended to promote a mix of low and medium intensity manufacturing uses alongside creative and artistic industries with potential for multifamily housing or live/work units. The proposed use conforms to the Master Plan because it is for short-term accommodations.

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

The proposed use has the potential to increase vehicular traffic but should not exceed the capacity of the Class C Thoroughfare 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 it the proposed use operates entirely within a permitted structure 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 been no noise complaints during the time the property has been used as such. Vibration, dust, and illumination are not expected to be issues.

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

The proposed use will not pollute the air, land, or water as it is an existing, permitted and legal non-conforming single family 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 commercial/industrial 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, which provides three (3) parking spaces. The maximum number of guests allowed at one time by SP-2019-18 and SP2021-009 was five (5). 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 (SP-2019-18) for two (2) years in 2019.
Approval of a Special Use Permit (SP2021-009) for two (2) years in 2021.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on January 28, 2023. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Noise
Parking
Adjacent to Industrial Uses
Third-Party Home Inspection

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Special Use Permit Application **SP2022-122, for five (5) years**, subject to:

- 1. The applicant shall reinstall the curbing along the northside of the property and remove the former driveway;**
- 2. Maximum number of guests shall be five (5);**

3. All parking must be off-street, maximum number of vehicles is four (4);
4. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
5. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;
6. Applicant is to maintain liability insurance;
7. The property must remain in proper maintenance and free of hazards, pests, or infestations;
8. The granting of this Special Use Permit does not transfer with a change of ownership of the property;
9. Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and www.hostcompliance.com/tips (website);
10. 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. The applicant has filed and maintained a current business occupation tax application;
12. All existing and future driveways must feature curb cuts that are constructed to UG standards;
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 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;
17. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
18. All conditions of approval herein must be constructed, executed, implemented, or otherwise completed within six (6) months of approval unless otherwise determined by the Director of Planning or their designee.

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 **SP2022-122** subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

April 10, 2023 City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Floor Plan
Site Plan
Home Inspection
Site Photos, Taken by Staff, Dated January 12, 2023
Responses to Draft Comments, Dated January 30, 2023

REVIEW OF INFORMATION AND SCHEDULE

Action	City Planning Commission	Unified Government Board of Commissioners
Public Hearing	April 10, 2023	April 27, 2023
Special Use	Approval	

STAFF CONTACT:

James Molloy

jmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2022-122** 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 **SP2022-122**, 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.

April 10, 2023, City Planning Commission Minutes:

SPECIAL USE PERMIT APPLICATION SP2022-122 – JIM DONOVAN WITH THE SHOWROOM FLOOR LLC – SYNOPSIS: Renewal of a Special Use Permit (SP2021-009 – expires 5/6/2023) to operate a short-term rental at 1127 Southwest Boulevard. Detailed Outline of Requested Action: The applicant, James Donovan, is seeking a renewal of a Special Use Permit (which expires 03/25/2023) to continue to operate a short-term rental at 1127 Southwest Boulevard.

The items I have just read are on the Consent Agenda. At this time, does any member of the Commission wish to disclose any contact on any of the items? (No one responded in the affirmative).

Please include the following items as part of the record for all of the Items on the Consent Agenda:

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;

4. The staff report and attachments dated April 10, 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.

The Commission will vote to approve in one vote these items unless someone requests that an item be removed from the Consent Agenda.

On motion by Mrs. Jones, seconded by Mr. Ernst, the Planning Commission voted as follows to **APPROVE** the items on the Consent Agenda:

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

Motion to **APPROVE** Passed: 8 to 0

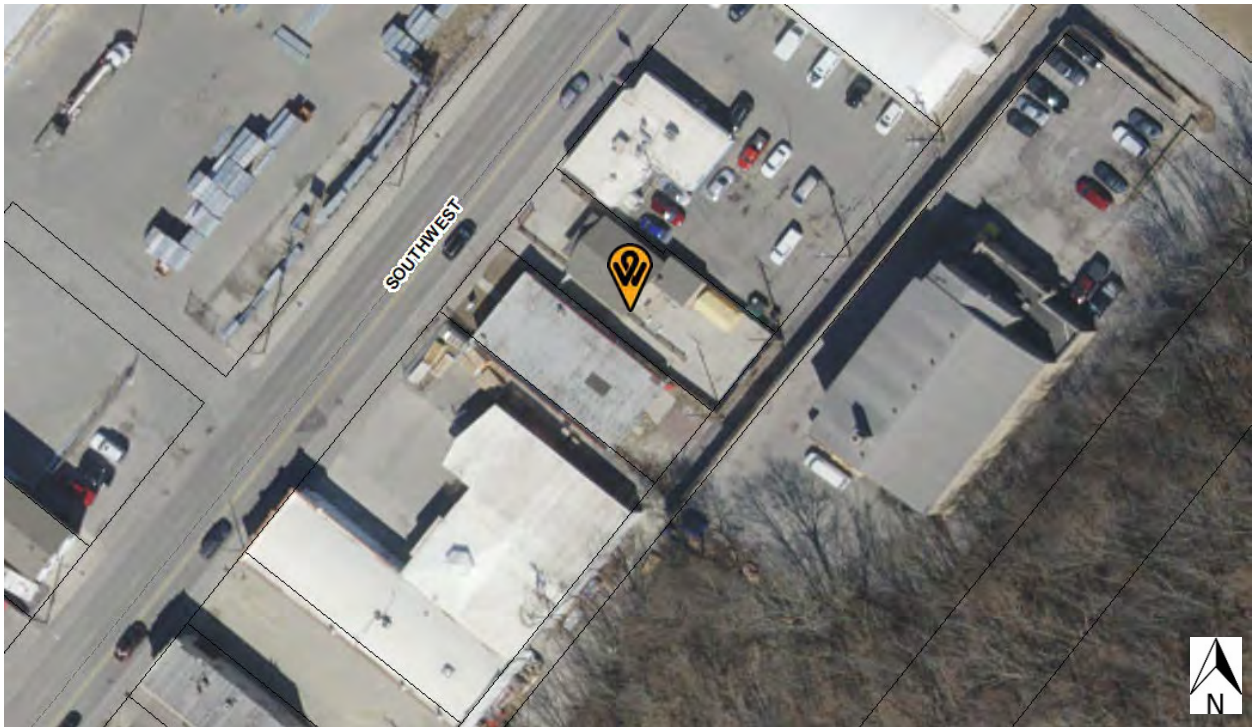
Subject to:

1. The applicant shall reinstall the curbing along the northside of the property and remove the former driveway;
2. Maximum number of guests shall be five (5);
3. All parking must be off-street, maximum number of vehicles is four (4);
4. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
5. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;
6. Applicant is to maintain liability insurance;
7. The property must remain in proper maintenance and free of hazards, pests, or infestations;
8. The granting of this Special Use Permit does not transfer with a change of ownership of the property;
9. Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and www.hostcompliance.com/tips (website);
10. 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. The applicant has filed and maintained a current business occupation tax application;

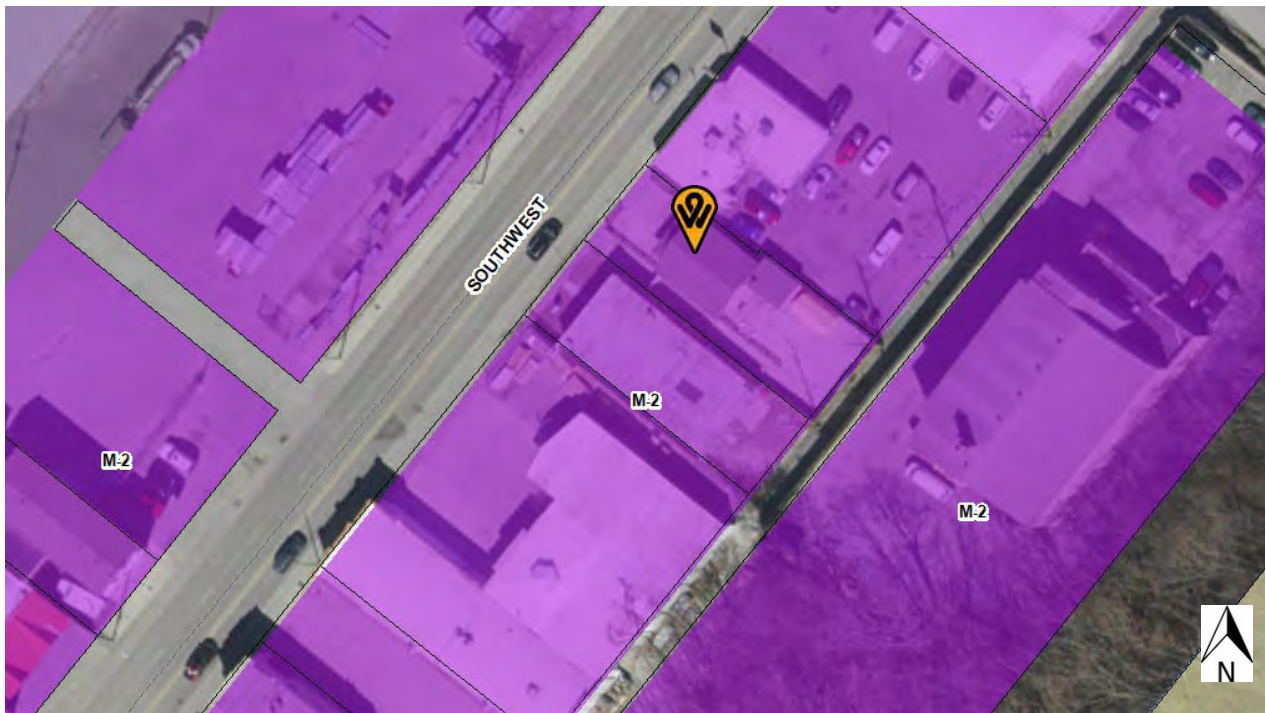
- 12. All existing and future driveways must feature curb cuts that are constructed to UG standards;**
- 13. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business 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 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;**
- 17. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,**
- 18. All conditions of approval herein must be constructed, executed, implemented, or otherwise completed within six (6) months of approval unless otherwise determined by the Director of Planning or their designee.**

ATTACHMENTS

AERIAL IMAGERY



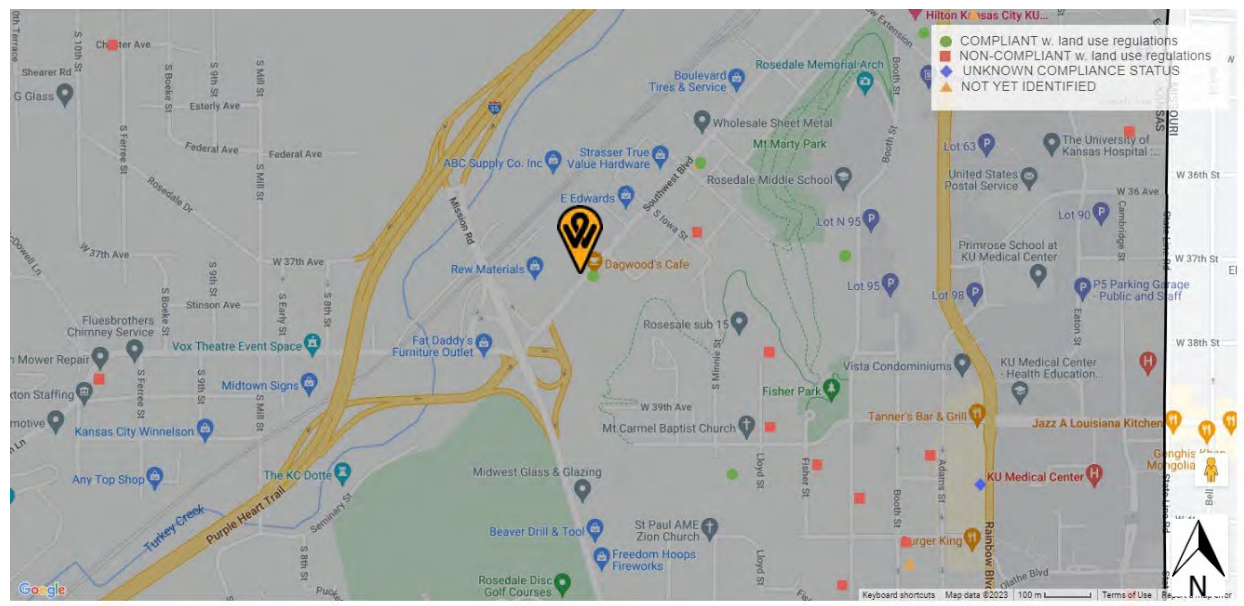
ZONING MAP



LAND USE MAP



GRANICUS HOST COMPLIANCE MAP



PLOT PLAN

PLAT OF SURVEY

ORDERED BY: Steve Garcia

FOR: 1127 Southwest Blvd.; Kansas City, KS 66103

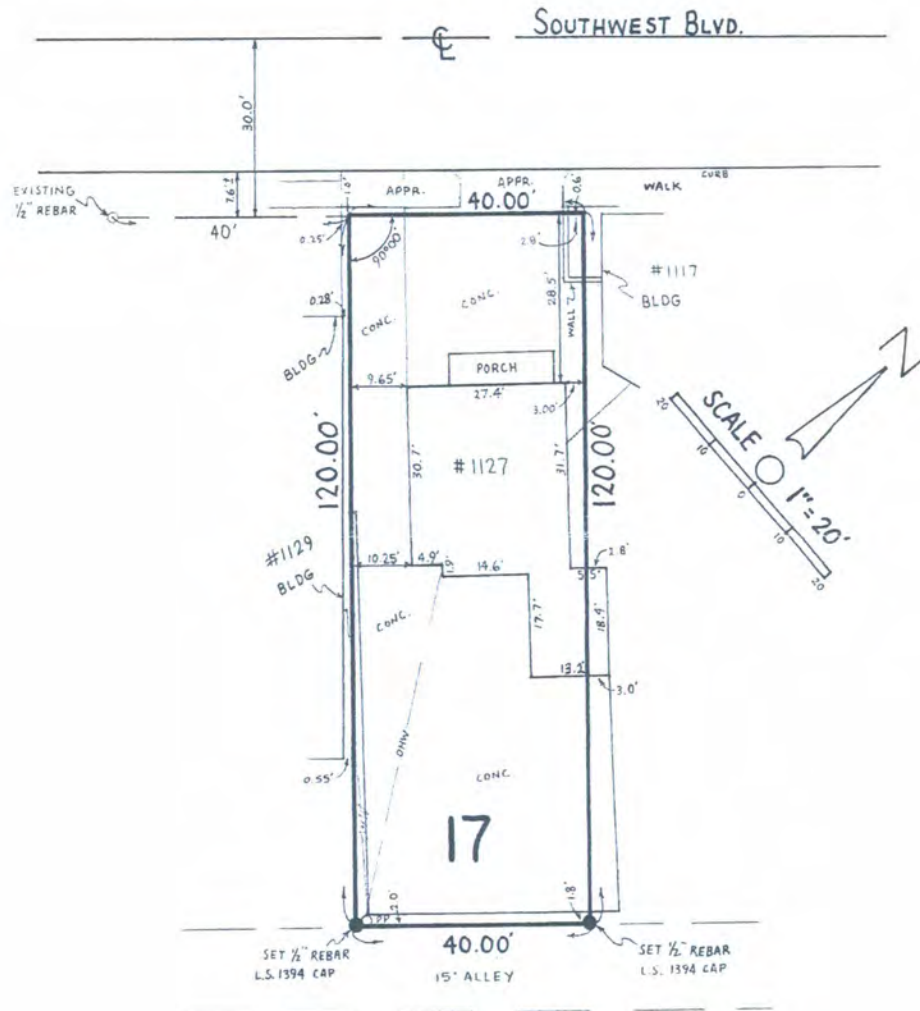
DESCRIPTION: Lot 17, Block 2, Rolling Mills Resurvey of Rosedale Lands, a subdivision of land in Kansas City, Wyandotte County, Kansas. Subject to any easements, restrictions, or reservations of record or fact.

NOTE: Legal description provided by client. No title commitment was provided regarding this property.

Per client request, no permanent survey markers were set at the front of the property.

Origin of all existing property corners unknown.

Part of the subject building encroaches onto the neighboring property as shown hereon.



Richard D. Moore - Land Survey, Inc. (913) 334-3888
7540 Leavenworth Rd. Kansas City, KS 66109

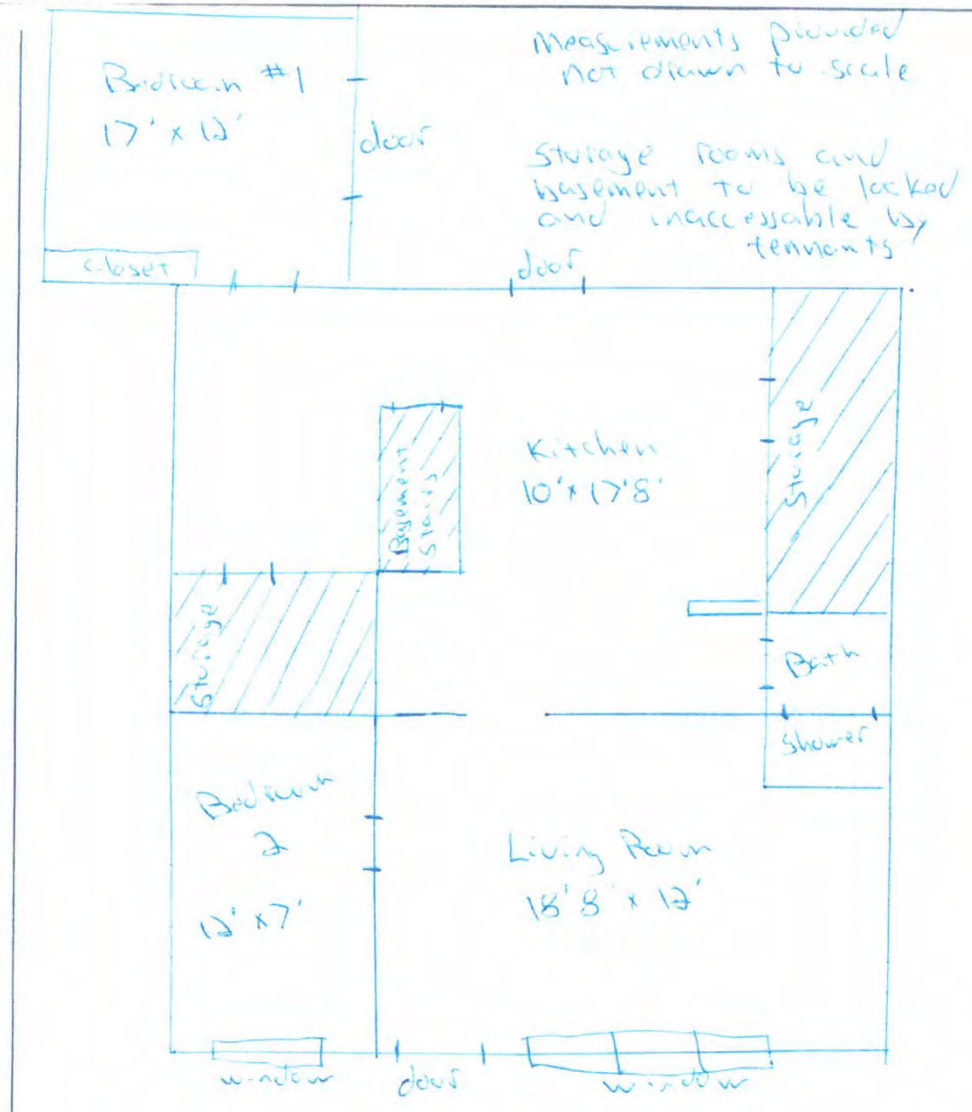
This is to certify that I have on this day made a survey of the premises herein described and that the results of said survey are correctly represented on this plat.

MAY 9, 2013
DATE

RICHARD D. MOORE L.S. 1394

FLOOR PLAN

Floor Plan



HOME INSPECTION

Lodging Establishment Inspection Report - 172335				
Kansas Department of Agriculture Department of Agriculture Kansas Department of Agriculture Food Safety and Lodging Program 1320 Research Park Drive Manhattan, KS 66502		Date: 3/15/2023 Time In: 3:00 PM Time Out: 5:25 PM Inspector Badge ID: KDA 145 Follow Up Required: Yes		
Establishment: 34391 SHOWROOM FLOOR (THE)	Address: 1127 Southwest BLVD	City/State: Kansas City, KS	Zip: 66103	Telephone: 9136604815
License #: 34391	Permit Holder: THE SHOWROOM FLOOR LLC	Inspection Reason: Routine	Est. Type: Lodging Establishment	Risk Category:

IN = In compliance OUT = Not in compliance N/O = Not observed N/A = Not applicable * = Corrected on site during inspection (COS)

LICENSURE 1 Application and fees submitted IN 2 Complete plans submitted IN 3 Variance request requirements met IN FOOD SERVICE AND FOOD SAFETY 4 Food service for the general public licensed N/A 5 Commercially prepared and prepackaged food meets requirements N/A 6 Food service for overnight guests in compliance N/A IMMINENT HEALTH HAZARD 7 Operations discontinued and regulatory authority notified IN GENERAL REQUIREMENTS 8 License posted and regulations in compliance IN 9 Hot water capacity sufficient to meet demand IN 10 Adequate hand washing facilities supplied and accessible IN 11 Toilet facilities: properly constructed, supplied and clean IN PERSONNEL 12 Employees excluded for health problems IN 13 Employee hands clean and properly washed N/O 14 Employee clothing clean and in good repair IN	GUEST AND PUBLIC SAFETY 15 Facility structurally sound with repairs and maintenance to ensure safety IN 16 Evacuation, fire, and carbon monoxide safety measures maintained OUT GUEST ROOMS 17 Guest rooms maintained clean and in good repair; toilet room and hand sink requirements met IN 18 Guest rooms properly serviced and cleaned, cribs clean IN 19 Coffeemakers and appliances approved, located, maintained clean and in good repair IN 20 Guestroom free of insects, rodents, and pests IN 21 Pet requirements met IN 22 Door lock requirements met IN DISHWARE AND UTENSILS 23 Dishware and utensils cleaned, sanitized, handled and stored OUT 24 Cleaning and sanitizing requirements met IN HOUSEKEEPING AND LAUNDRY FACILITIES 25 Carts properly designed, maintained and operated to prevent contamination N/A 26 Laundry facilities provided, maintained clean and in good repair N/A 27 Single use gloves available; storage areas maintained IN POISONOUS OR TOXIC MATERIALS 28 Toxic substances allowed, stored, located, labeled and used IN PUBLIC INDOOR AREAS 29 Public indoor areas: equipment and furnishing maintained, clean and in good repair IN 30 Fitness rooms bathhouse and spa maintained clean and in good repair N/A ICE AND ICE DISPENSING 31 Ice from approved source dispensed by sanitary methods N/A 32 Ice machines/buckets properly cleaned, sanitized, maintained and used N/A EXTERIOR PREMISES 33 Exterior areas including playgrounds and storage areas clean and in good repair IN 34 Refuse containers maintained: vector control measures implemented, pets IN SWIMMING POOLS, RWF'S AND HOT TUBS 35 Facility properly designed, maintained sanitary and safe IN 36 Water quality, clarity requirements met IN 37 Fecal, vomit, and body fluid response requirements met N/A 38 Operation and maintenance procedures met IN WATER SUPPLY SYSTEM 39 Potable water supply used IN 40 Boil water advisories properly addressed IN SEWAGE SYSTEMS 41 Sewage and waste water properly disposed IN ELECTRICAL SYSTEMS 42 Electrical properly installed and maintained OUT, (*) PLUMBING SYSTEMS 43 Plumbing properly installed, supplied and maintained IN 44 Proper use of backflow devices and testing requirements IN HVAC SYSTEMS 45 Approved equipment installed and maintained in good repair IN 46 Safety issues for gas, electric and ventilation met IN
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Non Violation Comments		
Item Number	Comment	
23	LE has a residential dishwashing machine. PIC will obtain heat strips to ensure proper temperature of 160F or greater is reached for sanitizer step of machine. If dish machine is unable to reach temperature PIC will manually sanitize all FCS after each guest stay. Provided education on manually sanitizing.	

Violation Comments		
Item Number	Violation of Code	Comment
16	4-27-8(c)(2)(B)	CO detector (Records) A 12-month history of all test results shall be logged and maintained at the lodging establishment and made available to KDA upon request. [No CO logs at time of inspection. COS, provided log template.]
16	4-27-8(d)(8)(A)	Smoke detectors (Maintained) All smoke detectors and heat-sensing devices shall be maintained in operating condition. [Smoke detector in back bedroom is not working. COS, PIC changed battery in detector.]
16	4-27-8(d)(8)(C)	Smoke detectors (Records) A 12-month history of test results shall be logged and maintained at the lodging establishment and made available to the secretary upon request. [No smoke detector log available at time of inspection. COS, Provided log templates.]
16	4-27-8(d)(7)	Emergency lighting shall be provided where guest room doors open to an interior corridor and where guest room doors open to the outside but not directly at ground level. [No emergency lighting at time of inspection. Discussed rechargeable battery flash lights and evacuation route diagram.***No COS.]
42	4-27-19(a)(1)(C)	Electrical system (GFCI by January 1, 2010) Each licensee shall ensure that the lodging establishment has a ground-fault circuit interrupter in each electrical outlet located within five feet of any water source, including a swimming pool and hot tub. [No GFCI at outlet where dishwash machine is plugged into. Location of outlet is less than five feet from water source. No COS. A ten day follow up is required. PIC will contact inspector with live video once updated if updated before 10 days.]

Inspection Published Comment:
Inspection Findings

Rooms Inspected:

LE has two rooms. Both rooms inspected. One is located in the front and the other in the back of the house.

P Violations: 3

Pf Violations: 2

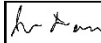
Cores:

All applicable logs provided.

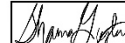
A ten day follow up is required.

Inspector contact information given

Person In Charge
Jim Donovan



Inspector
Shana Guyton





Kansas Department of Agriculture
Food Safety and Lodging Program
1320 Research Park Drive Manhattan, KS 66502
(office) 785-564-6767 (fax)

LODGING NOTICE OF NON COMPLIANCE WITH KANSAS LAW

Insp Date: March 15, 2023

Business ID: 34391

Inspection: 172335

Business: SHOWROOM FLOOR (THE)

Store ID:

1127 Southwest BLVD
Kansas City, KS 66103

Phone: 9136604815

Inspector Badge ID: KDA 145

Reason: Routine

Time In / Time Out

Date	In	Out
March 15, 2023	03:00 PM	05:25 PM

NOTICE OF NON COMPLIANCE WITH KANSAS LAW

This is to notify you that violations of the Kansas Lodging Inspection Act, K.S.A. 36-501 et seq. and regulations promulgated thereunder, were observed during an inspection conducted at the Lodging establishment identified below and documented on the inspection report attached hereto. The Kansas lodging establishment regulations can be found in K.A.R. 4-27-1 through K.A.R. 4-27-21.

REINSPECTION OF YOUR ESTABLISHMENT WILL BE MADE TO DETERMINE IF THE VIOLATIONS INDICATED ON THE INSPECTION REPORT HAVE BEEN CORRECTED. REINSPECTION WILL OCCUR ON OR SHORTLY AFTER THE DATE SPECIFIED BELOW.

The Kansas Lodging Inspection Act, grants the Kansas Department of Agriculture the authority to regulate all Kansas lodging establishments including hotels, motels, rooming houses, guest houses, and boarding houses such as bed and breakfast establishments. Failure to comply with the Kansas Lodging Inspection Act and its regulations may result in immediate closure of your establishment; civil penalties of up to \$500.00 per violation, denial, suspension or revocation of the lodging establishment license.

PLEASE CALL (785) 564-6767 IF YOU HAVE ANY QUESTIONS

Follow up Scheduled: March 25, 2023

Inspection Report Number: 172335

Inspection Report Date: March 15, 2023

Establishment Name: SHOWROOM FLOOR (THE)

Physical Address: 1127 Southwest

City: Kansas City

Zip: 66103

Additional Notes and Comments

Inspector

Acknowledged Receipt:

Lodging Establishment Inspection Report -				
Kansas Department of Agriculture Department of Agriculture Kansas Department of Agriculture Food Safety and Lodging Program 1320 Research Park Drive Manhattan, KS 66502		Date: 3/17/2023 Time In: 1:28 PM Time Out: 1:50 PM Inspector Badge ID: KDA 145 Follow Up Required: No		
Establishment: 34391 SHOWROOM FLOOR (THE)	Address: 1127 Southwest BLVD	City/State: Kansas City, KS	Zip: 66103	Telephone: 9136604815
License #: 34391	Permit Holder: THE SHOWROOM FLOOR LLC	Inspection Reason: Follow-up	Est. Type: Lodging Establishment	Risk Category:

IN = In compliance OUT = Not in compliance N/O = Not observed N/A = Not applicable * = Corrected on site during inspection (COS)

LICENSURE		GUEST AND PUBLIC SAFETY	
1 Application and fees submitted		15 Facility structurally sound with repairs and maintenance to ensure safety	
2 Complete plans submitted		16 Evacuation, fire, and carbon monoxide safety measures maintained	IN
3 Variance request requirements met		GUEST ROOMS	
FOOD SERVICE AND FOOD SAFETY		17 Guest rooms maintained clean and in good repair; toilet room and hand sink requirements met	
4 Food service for the general public licensed		18 Guest rooms properly serviced and cleaned, cribs clean	
5 Commercially prepared and prepackaged food meets requirements		19 Coffeemakers and appliances approved, located, maintained clean and in good repair	
6 Food service for overnight guests in compliance		20 Guestroom free of insects, rodents, and pests	
IMMINENT HEALTH HAZARD		21 Pet requirements met	
7 Operations discontinued and regulatory authority notified		22 Door lock requirements met	
GENERAL REQUIREMENTS		DISHWARE AND UTENSILS	
8 License posted and regulations in compliance		23 Dishware and utensils cleaned, sanitized, handled and stored	
9 Hot water capacity sufficient to meet demand		24 Cleaning and sanitizing requirements met	
10 Adequate hand washing facilities supplied and accessible		HOUSEKEEPING AND LAUNDRY FACILITIES	
11 Toilet facilities: properly constructed, supplied and clean		25 Carts properly designed, maintained and operated to prevent contamination	
PERSONNEL		26 Laundry facilities provided, maintained clean and in good repair	
12 Employees excluded for health problems		27 Single use gloves available; storage areas maintained	
13 Employee hands clean and properly washed		POISONOUS OR TOXIC MATERIALS	
14 Employee clothing clean and in good repair		28 Toxic substances allowed, stored, located, labeled and used	
		PUBLIC INDOOR AREAS	
		29 Public indoor areas; equipment and furnishing maintained, clean and in good repair	
		30 Fitness rooms bathhouse and spa maintained clean and in good repair	
		ICE AND ICE DISPENSING	
		31 Ice from approved source dispensed by sanitary methods	
		32 Ice machines/buckets properly cleaned, sanitized, maintained and used	
		EXTERIOR PREMISES	
		33 Exterior areas including playgrounds and storage areas clean and in good repair	
		34 Refuse containers maintained; vector control measures implemented, pets	
		SWIMMING POOLS, RWF'S AND HOT TUBS	
		35 Facility properly designed, maintained sanitary and safe	
		36 Water quality, clarity requirements met	
		37 Fecal, vomit, and body fluid response requirements met	
		38 Operation and maintenance procedures met	
		WATER SUPPLY SYSTEM	
		39 Potable water supply used	
		40 Boil water advisories properly addressed	
		SEWAGE SYSTEMS	
		41 Sewage and waste water properly disposed	
		ELECTRICAL SYSTEMS	
		42 Electrical properly installed and maintained	IN
		PLUMBING SYSTEMS	
		43 Plumbing properly installed, supplied and maintained	
		44 Proper use of backflow devices and testing requirements	
		HVAC SYSTEMS	
		45 Approved equipment installed and maintained in good repair	
		46 Safety issues for gas, electric and ventilation met	

Non Violation Comments		
Item Number	Comment	
Violation Comments		
Item Number	Violation of Code	Comment
Inspection Published Comment:		

Person In Charge
Jim Donovan

Inspector
Shana Guyton



SITE PHOTOS, TAKEN BY STAFF, DATED JANUARY 12, 2023



Unified Government of Wyandotte County * Kansas City, Kansas
Special Use Petition SP2022-122

Applicant Responses

Staff Comments and Suggestions

Planning and Urban Design Comments:

- 1. The applicant shall have a 3rd part (sic) home inspection performed on the residence prior to approval. Any cited issues shall be repaired prior to approval**

RESPONSE: In working with Planning staff, three options were discussed for inspection:

- Obtaining a home inspection similar to that of a home sale between a buyer and seller.
- Use the Kansas Department of Agriculture's Lodging Facility Licensing Guide.
- Continue use of the Unified Government's Neighborhood Resource Center's Rental Licensing and Inspection Division.

ISSUES:

- o Applicant contracted for a Home Inspection of the property when purchasing the property in 2017 and is willing to share this if necessary. Issues found have since been addressed and remedied. To conduct a second such inspection will involve a cost of \$500, an undue and unnecessary financial hardship in a duplicative effort.
- o The Kansas Department of Agriculture has stated that they do not conduct inspections of residential short-term rentals (ABnB's).
- o Two previous Special Use Permits (SP-2019-18 and SP2021-009) each required inspections. Said inspections were conducted by the Unified Government Rental Licensing and Inspection Division Neighborhood Resource Center.
- o In December, 2022 the same Neighborhood Resource Center's Rental Licensing and Inspection Division conducted an inspection and on December 20, 2022, approved an Annual Rental License on the property (incorporated herein and attached for review).

APPLICANT REQUEST:

Applicant requests that the Planning Engineering and Planning + Urban Design review and reconsider this suggestion and/or that the Planning Commission accept the December 20, 2022 Annual Rental License Inspection as satisfying the inspection requirement. A copy of the report is incorporated herein as Attachment A.

- 2. The applicant shall remove the curb cut and install a curb along the north side of the property, where the former driveway was located.**

RESPONSE: Applicant's initial SP in 2019 received a number of requirements from staff and the Planning Commission related to the front yard. Applicant complied with and satisfied all requirements with this application to include removing approximately 70% of

the impervious surface in the front yard. At no time at either of the previous applications was the curb cut identified as an issue.

However, an unintended consequence of removing the concrete in 2019 resulted in storm water issues with my neighboring property (Dagwood's Café) – water leaking through their walls and into the customer seating area, the kitchen, and the basement during rain (even light rain). Applicant worked with the then owner of Dagwood's Café to mitigate the issue by placing a stormwater collection system immediately adjacent to the remaining hard surface and running any stormwater that would have spilled off the sidewalk and into the front yard (now dirt or mud as a result of the rain) directly onto the remaining concrete pad. While this effort did result in all of the sidewalk runoff water not being capable of being a part of the water leak issue, it had little positive effect of the amount of water involved with leaking into the interior flooding of Dagwood's.

Through discussions with a Dagwood customer, the then owner of Dagwood's developed a means of addressing and resolving the stormwater issue.

Dagwood's Café has recently been sold. As part of the short-term rental's application, the new owner was invited to be a part of the Neighborhood Meeting (he was not included on the list of property owners but an invitation was extended). He chose to provide written comments that were incorporated into the minutes of the meeting and forwarded to staff. He voiced concern that removing the curb cut will again cause issues as well as a disruption in business and traffic flow. He requests that the curb cut not be removed.

Further, at no time in the initial 2019 SP or in the 2021 SP application was the curb cut identified as an issue. In fact, the curb cut has been a benefit to Dagwood's Café in that their customers have parked bicycles via the curb cut on the remaining applicant concrete pad, used the curb cut to lock their bikes on either/both sides of applicant's fence between our properties, and as an ADA-ish approach to accessing Dagwood's west side door from the street.

As part of the ABnB rules and regulations, guests are informed that they shall not park in the front of the property. Applicant furthered this effort by placing a fence parallel to the street at the interior end of the concrete pad while preserving the walkway to the front door from the street. Guest parking in the front yard has not been an issue in the four years of operating as an ABnB.

Finally, the current stormwater flow at the street includes a post-rain excessive puddle that runs across the entirety of this property with the lowest spot centering at the current primary driveway. Any curb work will interfere with this stormwater flow/sitting pattern and should be addressed in an all-encompassing fashion that would eliminate the curb-side puddle. (See Attachment C.)

Removing the curb cut creates an undo, unnecessary, and excessive financial burden and would worsen the current stormwater runoff of two properties as well as the flow in the street at the curb/curb cut.

APPLICANT REQUEST:

Applicant requests that the Planning Engineering and Planning + Urban Design review and reconsider this suggestion for the benefit of Dagwood's Café, their customers, and the applicant and/or that the Planning Commission waive this requirement.

3. Provide a detailed description of the areas rented for short-term rental.

The property consists of a single-family home. The entire home will be a short-term rental. The house consists of two (2) bedrooms, one (1) full bathroom, a full kitchen, and a commons area.

4. How many rooms are rented? Provide a scaled floor plan of the unit.

See #3 above, Attachment B, and Special Use Petition SP2022-122, Page 14.

5. Provide updated site pictures of the property and a scaled site plan.

See Attachment B.

6. What is the maximum number of vehicles allowed and where will they park? Indicate guest parking on the site plan.

The maximum number of vehicles at the property has historically been approved for four (4) off-street parking spaces. Guests may park on the driveway at the west side of the property and/or in the back yard.

7. What is the maximum number of people that will be staying at any one time?

The maximum number of people staying at the property at any one time is five (5).

8. What is the annual/projected annual occupancy rate for this listing?

History has shown the maximum occupancy rate since 2019 is 67%.

9. Who will be the designated property manager? Explain the details of this arrangement. What is their contact information? Provide the contact information to the neighbors within the notice area.

The property manager and contact information is:

James P. Donovan, Manager
(Husband of the property owner)
5400 Johnson Drive #166
Mission, KS 66205
913-660-4815
donovan66205@gmail.com

Contact information has been shared with neighbors within the notice area as part of the Neighborhood Meeting. Immediate neighbors to the left/right are known on a friendly basis.

10. How do you communicate with the neighbors if there are any issues?

In addition to exchanging contact information, I maintain a neighborly relationship with properties in the area, have been known to walk over to introduce myself and share neighbor stories, and even go as far as volunteering to maintain the front yard area of my immediate neighbor (since I am doing this property at the same time).

Other than racoon and the occasional pedestrian pass-through concerns (common in all neighborhoods), there are no neighbor issues. In fact, applicant believes we get along fairly well (as evident by the comments of the new owner of Dagwood's Café).

11. Do you have a Business License/Occupational Tax Receipt from the Unified Government?

Business License/Occupational Tax Receipt are updated and displayed inside the property.

12. How will you pay appropriate Kansas State Lodging Taxes? Does AirBNB or other short-term rental company deduct and pay these taxes?

AirBnB collects and pays all appropriate Kansas State Lodging Taxes.

13. Indicate how you will maintain the property in a safe and sanitary manner.

The property is maintained in a safe and sanitary manner and has passed a Unified Government annual Rental License Inspection. Specific items include:

- Smoke detectors are installed and updated annually
- GFCI outlets installed in all wet areas
- Exterior doors are double locked with a single key. Keyless entry also available on front and back doors
- No copper used in gas lines
- Windows are operable as designed and not blocked or boarded
- Handrails meet requirements
- Hot water tank and HVAC are properly installed and operational
- Electric panel and circuits are safe and operable
- Facility is cleaned and sanitized after each guest in accordance with ABnB's cleaning protocol

14. Host Compliance by Granicus.

Applicant recognizes that the Unified Government uses the services of Host Compliance by Granicus to monitor issues related to short-term rentals such as noise, etc. and to address violations. That contact information is made available to all guests in the welcome packet. The Unified Government issues notices on all short-term rentals who are not compliant.

15. Do you provide a guest manual that lists rules and regulations such as "no parties," etc.?

Yes.

16. The number of guests allowed must be appropriate to the number of available rooms and bedding.

Guests are allowed the appropriate to the number of available rooms and bedding.

NOTE: Under "Standard Conditions"

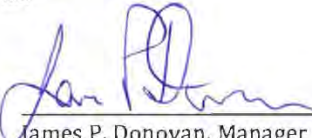
Two items of note for clarity sake:

2. All parking must be off-street, maximum number of vehicles is three (3)

Previous applications allowed for four vehicles. Four years of experience has indicated that there are rare occasions that guests arrive in as many as four vehicles. The property provides adequate off-street parking and can handle that number of vehicles.

15. The Special Use Permit shall be valid for five (5) years from the publication of the associated Ordinance.

Applicant's initial 2022 SP Application requested a 10-year Permit. The basis is the unique nature of this property (location – surrounded by commercial structures on all sides for blocks – , physical attribution – it is and has always been a two-bedroom, one-bath single family residence – , and the cost, complexity, expense, and time of complying with well-meaning regulations and applications.


James P. Donovan, Manager
The Showroom Floor, LLC
January 29, 2023

ATTACHMENT A – Unified Government Neighborhood Resource Center Rental Licensing and Inspection Division report approved Annual Rental License (two pages).

ATTACHMENT B – Site Pictures (seven pages).

ATTACHMENT C – Current street/curb side storm water puddle (one page).



RENTAL LICENSING AND INSPECTION DIVISION

Neighborhood Resource Center

Unified Government of Wyandotte County/Kansas City, Kansas

4953 State Avenue, Kansas City, Kansas 66102

p. (913) 573-8649 | f. (913) 573-8731 | www.wycokck.org/rentallicensing

2022

Rental License

THE SHOWROOM FLOOR, LLC
5400 JOHNSON DR STE #166
MISSION, KS 66205

Date Issued: 12/20/2022

This certifies that:

THE SHOWROOM FLOOR, LLC HOUSE 1127 SOUTHWEST BLVD
1127 SOUTHWEST BLVD
KANSAS CITY, KS 66103

has paid the Unified Government Rental License Fee of \$55.00. This entitles the owner to rent residential property in the City of Kansas City, Kansas.

The status of the License is: Annual

The Rental License expires on 4/30/2023

License #: **RL-0009148-L**

Rachel Miskec
Rental License Program Coordinator

THIS RECEIPT MUST BE PRESENTED UPON REQUEST
NO REFUNDS AVAILABLE

RL_Rental Receipt

Print Date: 12/20/2022



RENTAL LICENSING AND INSPECTION DIVISION

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Date: 12/20/2022

JAMES DONOVAN
5400 JOHNSON DR STE #166
MISSION, KS 66205

RE: Property: 1127 SOUTHWEST BLVD, KANSAS CITY, KS 66103
Case #:RLI-009149

Dear Landlord:

We are pleased to inform you that the above property(s) has been approved for an Annual Rental License. The Rental Licensing staff would like to thank you for your cooperation and efforts in making Kansas City, Kansas a more liveable city.

If you have any questions concerning your inspection or approval, please call the office at 913-573-8649

Sincerely,

Rachel Miskec, Rental License Program Coordinator
Rental Licensing/Inspection Division
Unified Government of Wyandotte County / Kansas City, Kansas

RL_Rental_Approval_Letter

Print Date: 12/20/2022 3:04:02 PM

1127 Southwest Blvd
Development Application Renewal
Short-term Rental



Front



Back side



East side



West side



Kitchen general area



Kitchen wet area



Living room and raised dining area



Living and dining area



Master Bedroom



Back hallway area

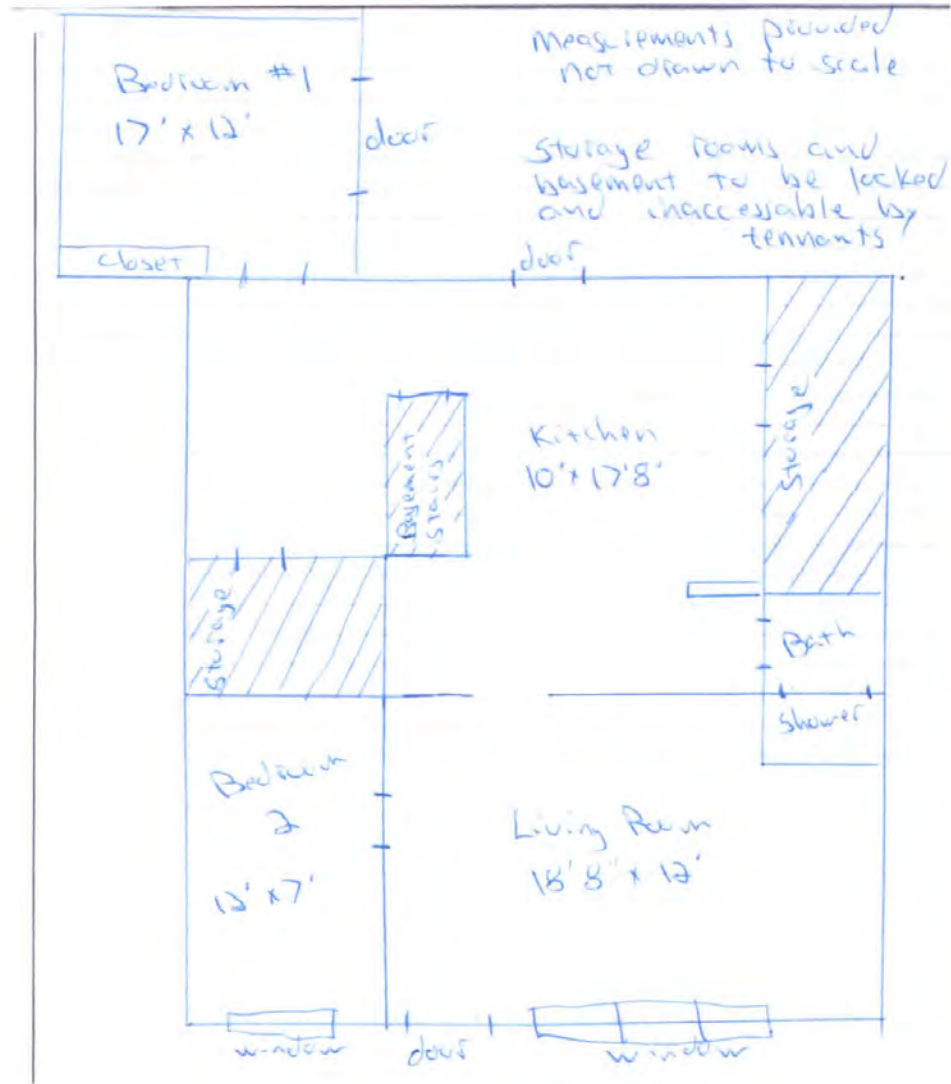


Second bedroom



Second bedroom

Special Use Petition SP2022-122
1127 Southwest Blvd
Scale Floorplan



ATTACHMENT C



Extent of stormwater curb side puddle resulting from 1 inch of snow January 26, 2023.
Two inches of rain has puddled as far left as mid Dagwood's.

AFFIDAVIT – NEIGHBORHOOD MEETING

Kansas
STATE OF _____)
~~Wyandotte~~) SS:
COUNTY OF Johnson)

James P. Donovan
Comes now _____, of lawful age, sound mind and open his/her oath states as follows:

2022-122

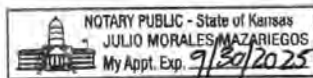
1. That I am the petitioner for Petition # _____.
2. That I conducted a neighborhood meeting on January 28, 2023.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.


Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 30th day of January 2025

My commission expires 9 of 30th 2025
September



Notary Public

Unified Government of Wyandotte County * Kansas City, Kansas
Special Use Petition SP2022-122

Neighborhood Meeting: January 28, 2023 at 4pm

Via Zoom:

<https://us02web.zoom.us/j/81615314063?pwd=eU1sMTQ2YlhxOEhYX2oZE9pVFVlQT09>

Prior to the Neighborhood Meeting, Applicant met personally with David Clark, the new owner of Dagwood's Café (the property immediately east of the applicant property). Mr. Clark chose to provide written comments that are incorporated into these meeting minutes by reference and are attached for review. These comments will be referred to in other portions of the application.

The meeting was called to order at 4pm by James P. Donovan, Manager, The Showroom Floor, LLC. At 402 a recorded introduction was created, no other person was present. The recording was paused. At 405 Peggy Donovan, Owner, The Showroom Floor, LLC, logged in via phone. The recording was reengaged for her brief inclusion and then paused after she left the meeting. At 420 Emily Donovan (daughter of Owner and Manager above) logged in via Zoom. The recording was reengaged for her brief inclusion and then paused after she left the meeting.

No other person(s) attended or attempted to attend the meeting.

No questions were asked and no substantive comments provided.

The meeting was concluded at 431 with the recording being reengaged for concluding remarks.

Minutes were taken by James P. Donovan, Manager, The Showroom Floor, LLC.

January 26, 2023

To whom it may concern:

The reason for this letter is to address the proposed concrete work at 1127 Southwest Boulevard. I am the owner of the building and business adjacent to the proposed work site. I am requesting that the work not be performed due to past issues with runoff at this location. The concrete work that was completed just a few years ago led to several issues with rain water. The water was unintentionally diverted to my building and required additional remediation after the water had done damage. My concern is that once the proposed work is completed, the water flow will change and, again, cause expensive issues as well as a disruption in business and traffic flow. Thank you for your time and consideration while deliberating this proposal. If you have any questions or anything else I can help with, please do not hesitate to contact me at the number below.

Sincerely,

A handwritten signature in blue ink, appearing to read 'David Clark', is written over a circular blue stamp or seal.

David Clark
Owner of Dagwood's Café, 1117 Southwest Boulevard

785-760-7180



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: April 10, 2023

Re: Petition SP2023-002

GENERAL INFORMATION

Applicant:

Mike Utt

Status of Applicant:

Representative

New Cingular Wireless PCS, LLC

7900 Xerxes Avenue, Suite S

Bloomington, MN 55435

Requested Action:

Approval of a Special Use Permit.

Date of Application:

January 26, 2023

Purpose:

To approve a Special Use Permit to install and operate a 115-foot tall stealth monopole telecommunications tower and associated ground equipment.

Property Location:

1963 North 63rd Drive

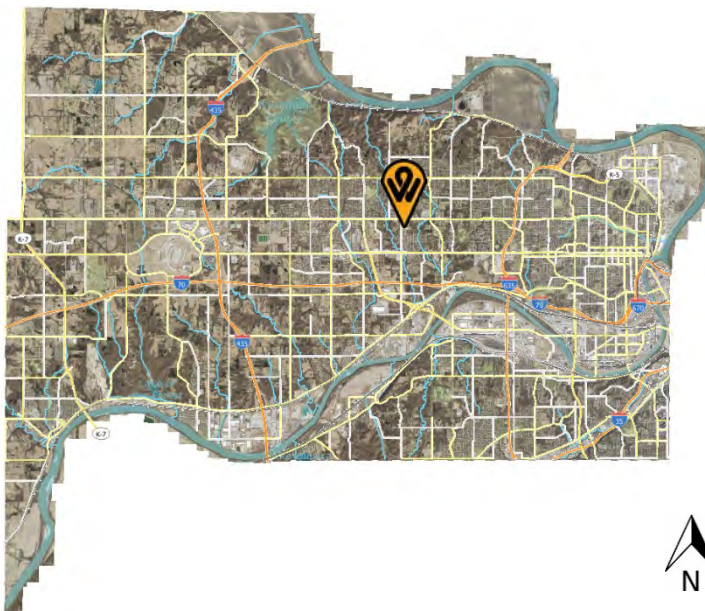
Kansas City, Kansas 66102

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 residential lot
	West:	Child care facility
Total Tract Size:	6.57 Acres	
Master Plan Designation:	The City-Wide Comprehensive 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 parking lot provides 72 parking spaces with three (3) ADA spaces. Sec. 27-688(b) Any use not included in the parking requirements found in this article shall be assigned a parking requirement by the Planning Commission.	
Advertisement:	<u>The Wyandotte Echo</u> – February 16, 2023 Letters to Property Owner – February 17, 2023 and March 6, 2023	
Public Hearings:	April 10, 2023 and April 27, 2023	
Public Support:	None to date.	
Public Opposition:	None to date.	

PROPOSAL

Detailed Outline of Requested Action: The applicant, Mike Utt, is requesting a Special Use Permit to install and operate a 115-foot tall stealth monopole telecommunications tower with support equipment within a 1,350 square foot enclosure for AT&T at 1963 North 63rd Street. The tower will be located in the rear of the property.

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. 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 is compatible with the site and nearby commercial uses, however, could create compatibility issues with nearby single-family residences if the use is not managed properly.

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

The property is suitable for the uses to which it has been restricted, but with proper safeguards, modifications of those restrictions, allowing a telecommunication tower, should not detrimentally affect nearby property.

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

The property is not vacant and has several 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 Comprehensive Plan designates this property as Community Commercial, which is intended to provide goods and services to adjacent districts and neighborhoods. The proposed use does not conform to the Master Plan.

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

The proposed use will not lead to an increase in traffic along North 63rd Drive, a local street, as the tower compound will be infrequently visited by personnel or contractors.

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

The proposed use is reasonably necessary for the convenience and welfare of the public as improved wireless coverage in this area is desirable as more users required high speed data service. The proposed use could affect the use, quality, or marketability of adjoining property if the use is 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.*

The proposed use could have the potential to create issues with noise from electrical equipment and illumination from lighting, if not 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 on an existing, permitted development.

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 development, 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.*

Provided the proposed installation is carried out in a sensitive manner, there would seem to be no gain to the public health, safety, and welfare from the denial of this application. As this is not the primary use of the underlying property, any

hardship from denial seems to be the sole loss of a potential revenue source for the property owner.

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

This is not expected to be a significant issue because the larger pole and ground equipment shelter/enclosure are in a location on the site that is setback from the property lines. Infrequent service will not add to or create undue concentrations of population.

PREVIOUS ACTIONS

Approval of a Special Use Permit (SP2022-123) for one (1) year in 2023. Note, this is an unrelated project on the property.

NEIGHBORHOOD MEETING

The applicant received neighborhood comments by receiving letters or phone calls through the date of February 26, 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 Telecommunication Ordinance
Landscaping/Screening/Buffering
Noise and Illumination
Visual Impacts

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Special Use Permit Application SP2023-002 **for ten (10) years**, subject to:

1. **The telecommunication tower shall be modified to be more stealth (internalized) than previously designed. Any additions or colocations to the tower must also be stealth;**
2. **All monopoles shall be stealth in addition to the proposed “tree” designed stealth screening;**
3. **Sec. 27-593(a)(30)k.5.(a)2.viii.A. Wireless communication facility compounds shall be screened with a minimum of ten (10) foot walls, from grade. These walls must be composed of either (a) solid masonry (b) wooden fencing set on steel rails with a maximum one-quarter (¼) inch gap between wood slats and masonry columns with a minimum width of two (2) feet and a maximum separation of 32 feet per column. If the applicant does not meet this standard, a deviation from the Board of Zoning Appeals is required;**

4. Sec. 27-593(a)(30)k.5.(a)2.viii.B. The applicant must submit a landscaping plan in accordance with Section 27-699 of this chapter. Further, an applicant must provide the Planning Department with a watering plan/schedule for the first 12 months subsequent to the issuance of a certificate of occupancy for the wireless communication facility to ensure the landscaping will survive;
5. Sec. 27-593(a)(30)k.5.(a)2.viii.C. All compound entry gates must be constructed of wood slats on steel rails;
6. Sec. 27-593(a)(30)k.5.(a)2.xix. All visible buildings or structures and equipment accessory to a communication tower shall be designed to blend in with the surrounding environment through the use of color, camouflage, and architecture;
7. Sec. 27-699(a)(5) The perimeter of all towers including tower compounds shall be landscaped with the equivalent of one (1) row of large shrubs planted on 15-foot centers and one (1) row of evergreen trees planted on 15-foot centers;
8. BPU ground mounted transformers shall be screened on all four (4) sides from public view. Architectural screening walls are the preferred method, but landscape screening is an allowable alternative. Screening shall be designed to be solid to the view, and any designs incorporating air circulation shall not be visible. Screening height must be the greater of either six (6) feet tall or the height of the utility being screened. Designs shall show two (2) possible site orientations. Designs will also incorporate all BPU Engineering specifications and largest of all the required dimensions. Refer to attached BPU Engineering documents for details;
9. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
10. If approved, the applicant must file and maintain a current business occupation tax application with this office;
11. All existing and future driveways must feature curb cuts that are constructed to UG standards;
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. 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. 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. 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 Department of Planning + Urban Design shall not give approval for any temporary certificate of occupancy (TCO) or final certificate of occupancy (CO) before the completion of all required work. For any project that requires a certificate of occupancy, prior to requesting for any certificate, the applicant, permit holder, and/or property owner shall complete all items required by: Approved Plans, Codes, Ordinances, Zoning District Regulations, Planned District Requirements, Master Plan Requirements, all Design Guideline Requirements, Overlay District Requirements, Requirements approved by the City Planning Commission and/or the UG Board of Commissioners. It is the collective responsibility of the applicant, permit holder, and property owner to ensure that any and all permits, land entitlements, deviations, or variances are obtained in advance of beginning of any work. Planning Department standards require that all required work be complete prior to requesting a TCO. The only item that is allowed to be incomplete is landscaping, which shall be complete before requesting a CO. A Bonded CO may be allowed in case of adverse weather conditions; however, all requirements must be completed for all items not secured by the bond;
 18. The Special Use Permit shall be valid for ten (10) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,

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 **SP2023-002** subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

April 10, 2023 City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Site Plan
Elevations
BPU Transformer Screening Requirements
Site Photos, taken by Staff, Dated January 12, 2023

REVIEW OF INFORMATION AND SCHEDULE

Action	City Planning Commission	Unified Government Board of Commissioners
Public Hearing	April 10, 2023	April 27, 2023
Special Use	Approval	

STAFF CONTACT:

James Molloy
jmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2023-002** 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 **SP2023-002**, 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.

April 10, 2023 City Planning Commission Minutes:

Hearing starts at 3:14:31:

SPECIAL USE PERMIT APPLICATION SP2023-002 – MIKE UTT WITH NEW CINGULAR WIRELESS PCS, LLC - SYNOPSIS: Special Use Permit to install a monopole cell antenna to optimize cellular coverage in the immediate area at 1964 North 63rd Drive. *Detailed Outline of Requested Action:* The applicant, Mike Utt, is requesting a Special Use Permit to install and operate a 115-foot-tall stealth monopole telecommunications tower with support equipment within a 1,350 square foot enclosure for AT&T at 1963 North 63rd Street. The tower will be located in the rear of the property.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated April 10, 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:

- Steve Ward, representing the applicant

Present in Opposition:

- No one appeared

Staff Recommendation starts at 3:16:57: Planning Director Hand stated that the request is for a Special Use Permit for a wireless communications facility. The property is in the City-Wide Comprehensive Plan in the downtown area. Staff has received no

letters in support nor in opposition. There are no Notices of Violation on this property. There was a recently approved Special Use Permit at this strip mall and the tower would be behind the building in the furthest corner of the parcel. He stated that the change in height described by the Applicant to now 115 feet is still within the allowable height range of the zoning code. Staff recommends approval subject to the conditions in the staff report.

Motion starts at 3:18:25:

On motion by Mrs. Jones, seconded by Ms. Armstrong, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit Application SP2023-002 for ten (10) years:**

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

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

Subject to:

1. The telecommunication tower shall be modified to be more stealth (internalized) than previously designed. Any additions or colocations to the tower must also be stealth;
2. All monopoles shall be stealth in addition to the proposed “tree” designed stealth screening;
3. Sec. 27-593(a)(30)k.5.(a)2.viii.A. Wireless communication facility compounds shall be screened with a minimum of ten (10) foot walls, from grade. These walls must be composed of either (a) solid masonry (b) wooden fencing set on steel rails with a maximum one-quarter ($\frac{1}{4}$) inch gap between wood slats and masonry columns with a minimum width of two (2) feet and a maximum separation of 32 feet per column. If the applicant does not meet this standard, a deviation from the Board of Zoning Appeals is required;
4. Sec. 27-593(a)(30)k.5.(a)2.viii.B. The applicant must submit a landscaping plan in accordance with Section 27-699 of this chapter. Further, an applicant must provide the Planning Department with a watering plan/schedule for the first 12 months subsequent to the issuance of a certificate of occupancy for the wireless communication facility to ensure the landscaping will survive;
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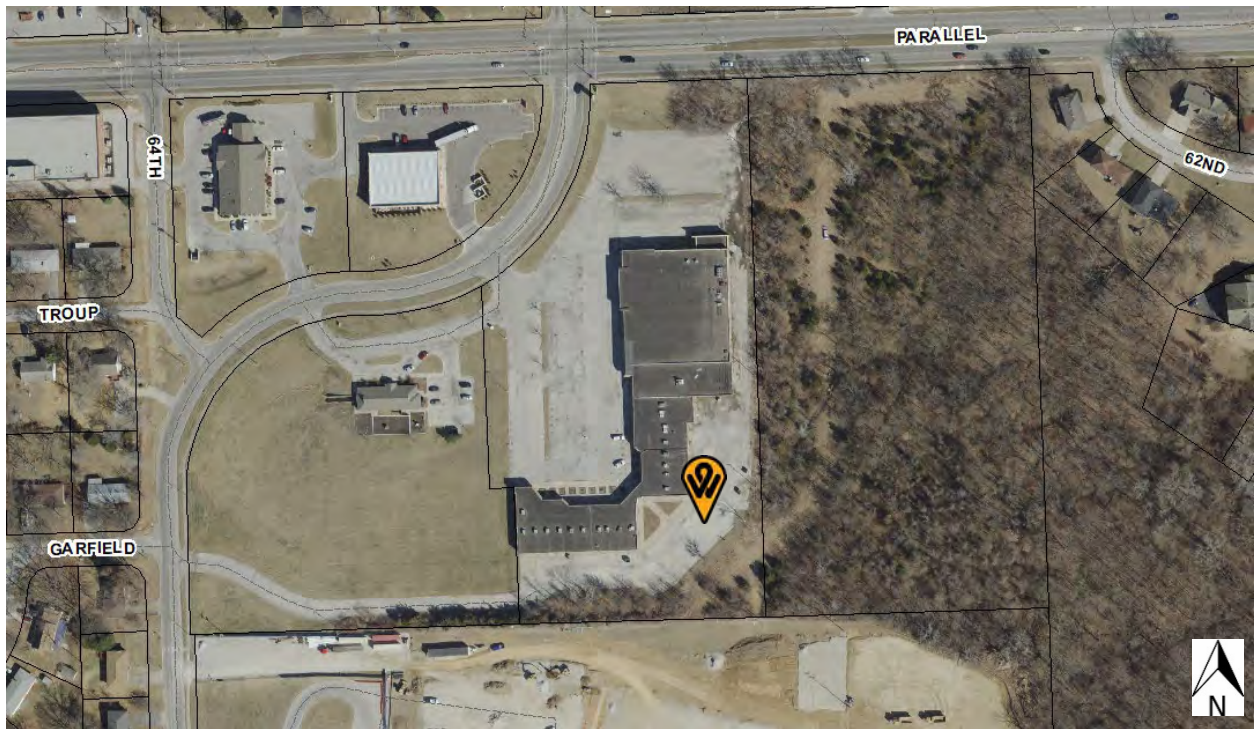
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15. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that 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;

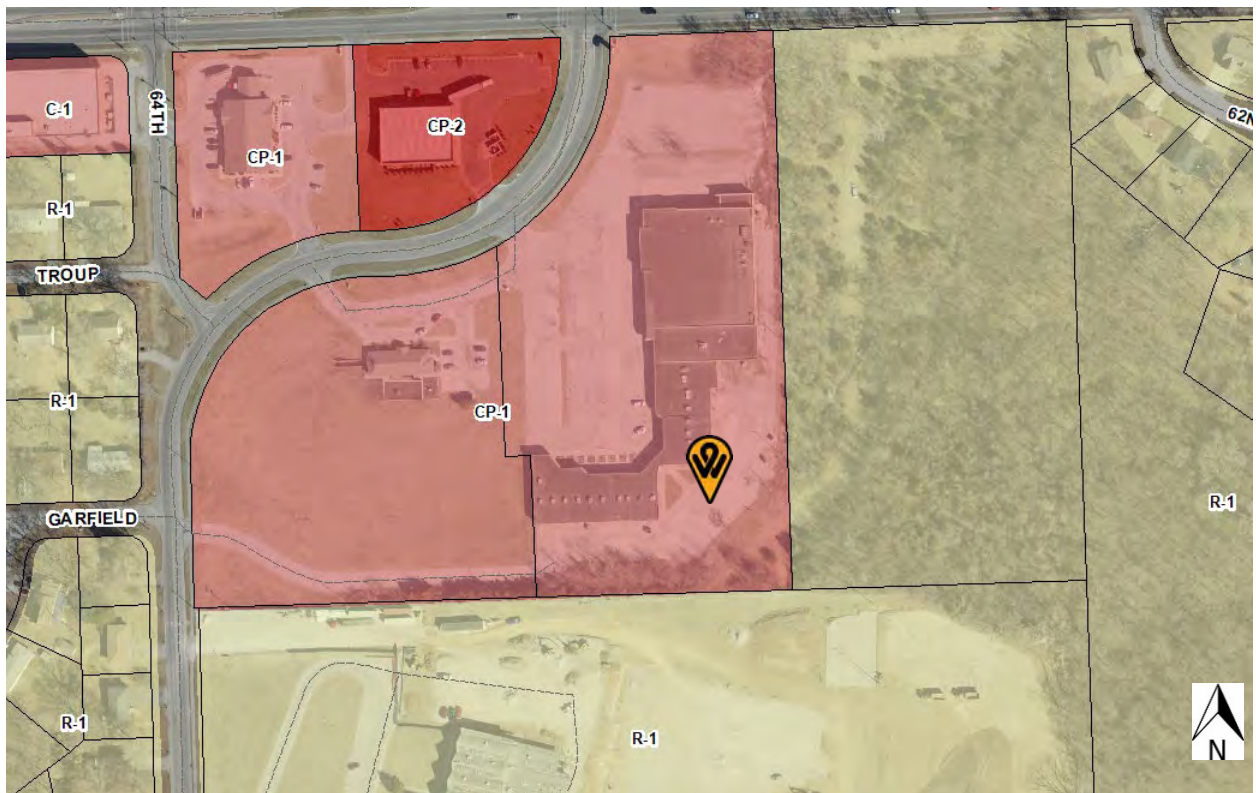
16. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 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 Department of Planning + Urban Design shall not give approval for any temporary certificate of occupancy (TCO) or final certificate of occupancy (CO) before the completion of all required work. For any project that requires a certificate of occupancy, prior to requesting for any certificate, the applicant, permit holder, and/or property owner shall complete all items required by: Approved Plans, Codes, Ordinances, Zoning District Regulations, Planned District Requirements, Master Plan Requirements, all Design Guideline Requirements, Overlay District Requirements, Requirements approved by the City Planning Commission and/or the UG Board of Commissioners. It is the collective responsibility of the applicant, permit holder, and property owner to ensure that any and all permits, land entitlements, deviations, or variances are obtained in advance of beginning of any work. Planning Department standards require that all required work be complete prior to requesting a TCO. The only item that is allowed to be incomplete is landscaping, which shall be complete before requesting a CO. A Bonded CO may be allowed in case of adverse weather conditions; however, all requirements must be completed for all items not secured by the bond;
18. The Special Use Permit shall be valid for ten (10) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,
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



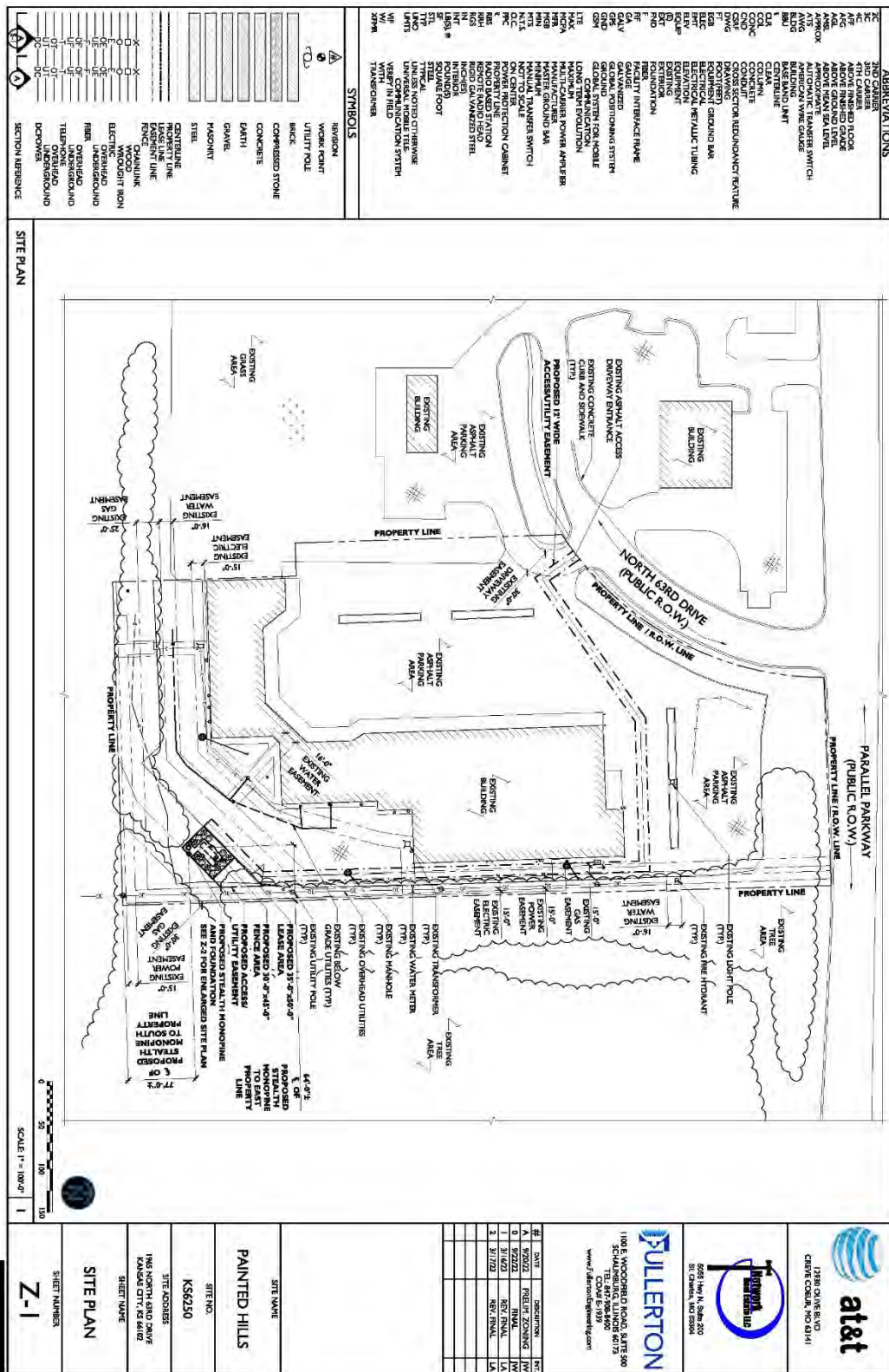
ZONING MAP



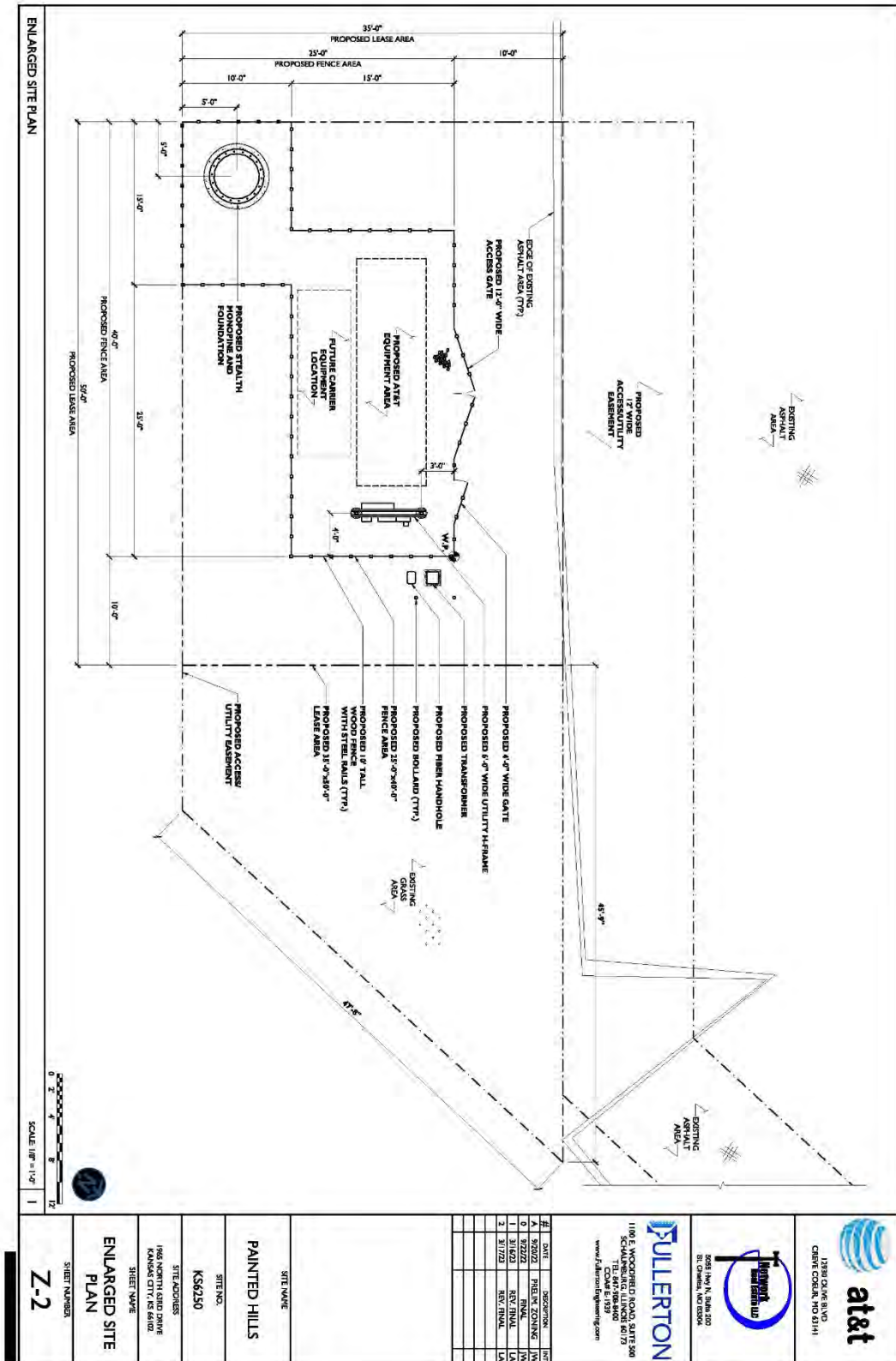
LAND USE MAP



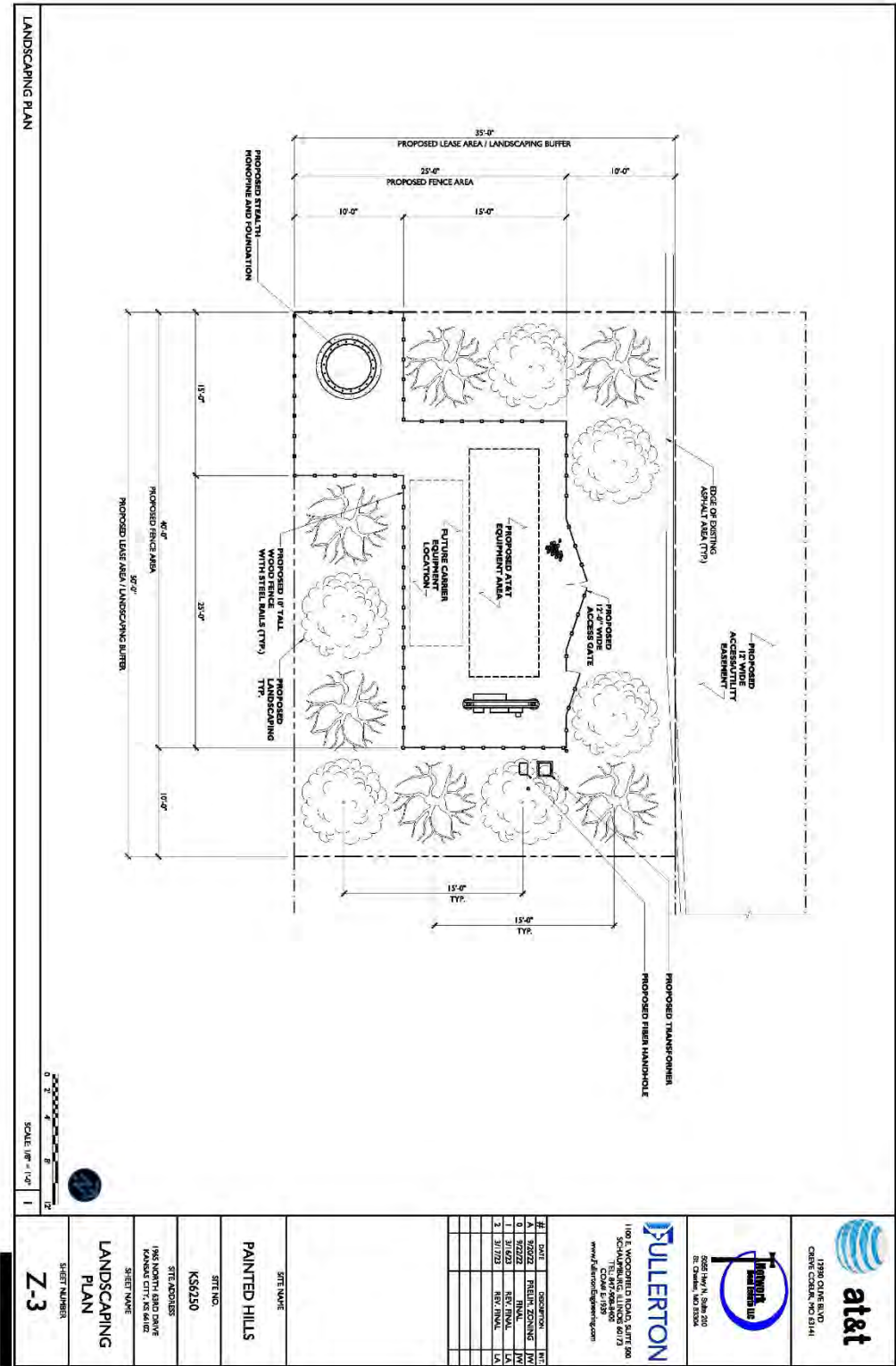
SITE PLAN

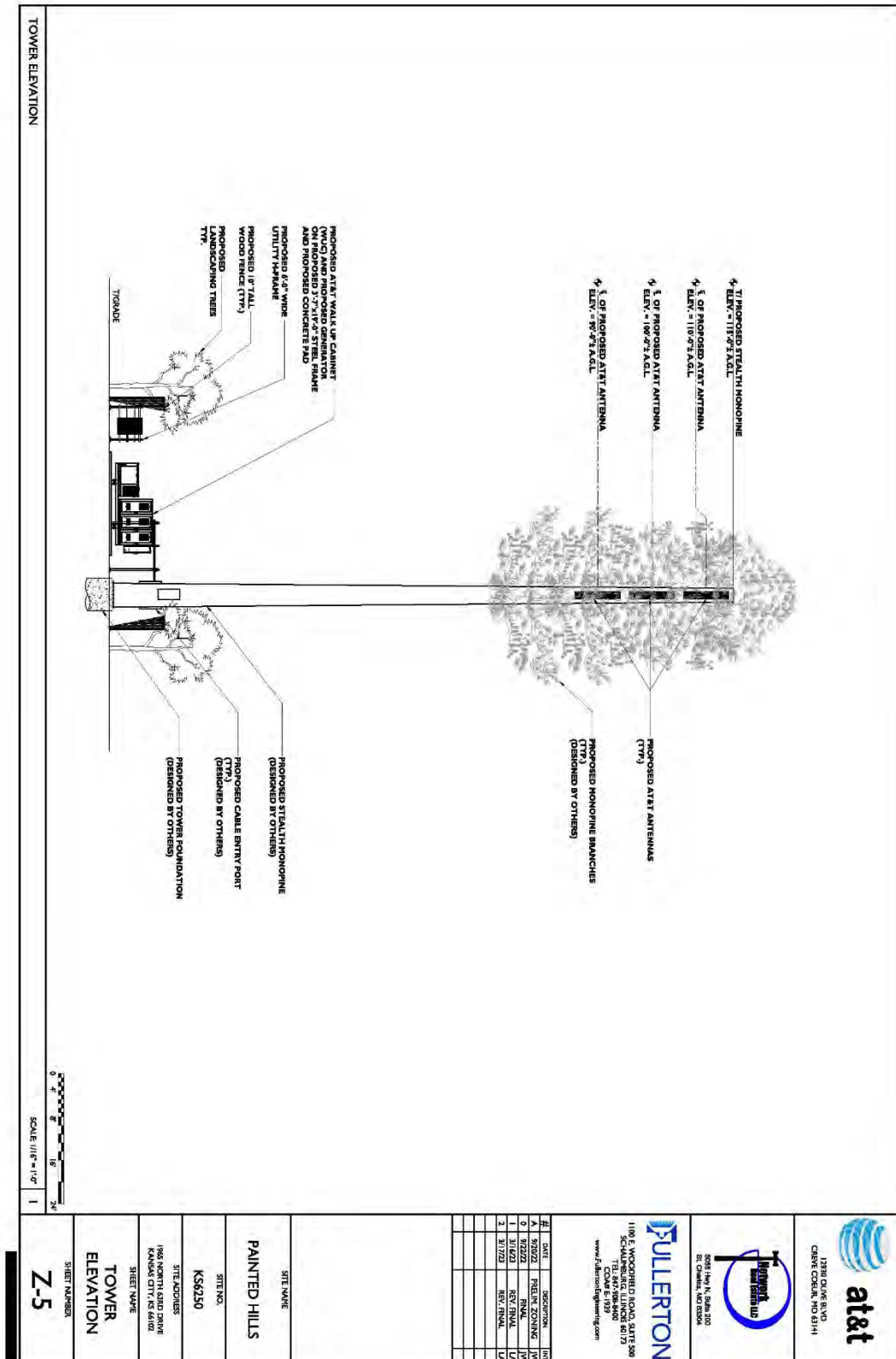


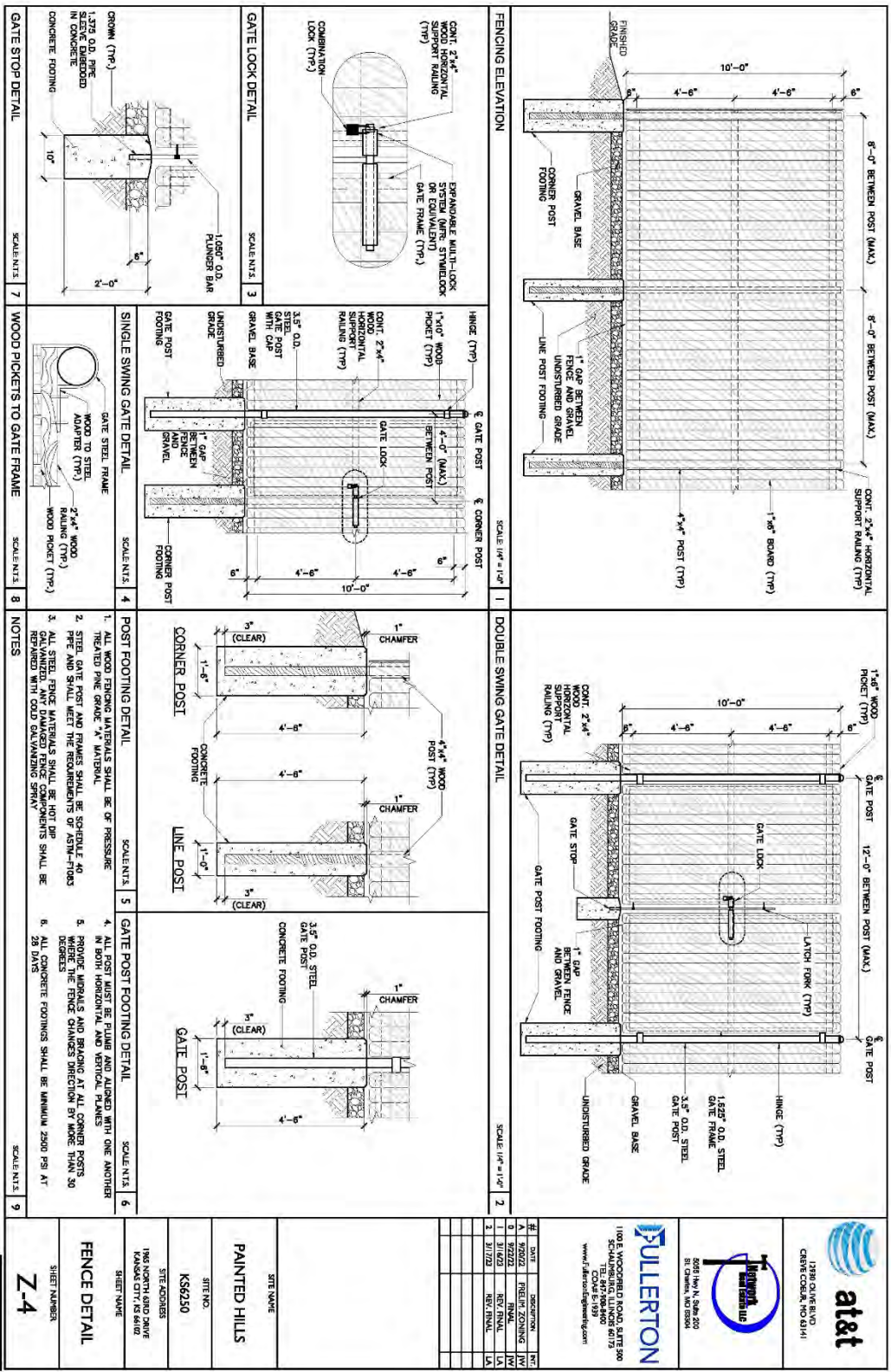
SITE PLAN



LANDSCAPE PLAN







BPU TRANSFORMER SCREENING REQUIREMENTS

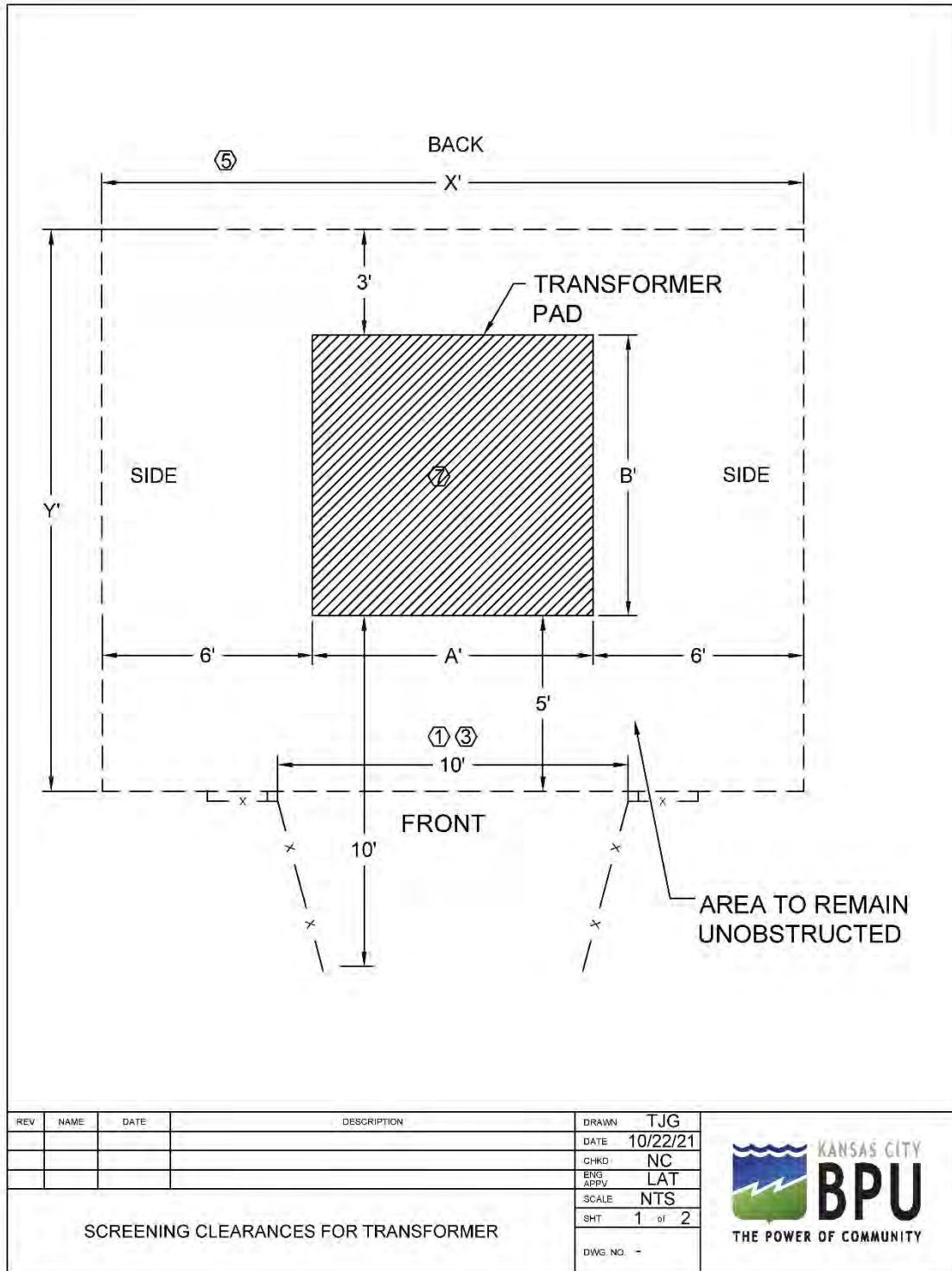


TABLE 1: DIMENSION REQUIREMENTS FOR TRANSFORMER

	"X"	"Y"	"A"	"B"
3 PHASE 75 TO 500KVA TRANSFORMERS	18' - 8"	13' - 6"	6' - 8"	5' - 6"
3 PHASE 750 TO 2500KVA TRANSFORMERS	20' - 0"	16' - 0"	8' - 0"	8' - 0"

***FOR SCREENING USING EVERGREEN TREE, SEE NOTES 5 AND 6

NOTES

1. GATE DOORS ARE REQUIRED FOR ALL TYPES OF SCREENING THAT ARE PLACED IN FRONT OF THE TRANSFORMERS.
2. FENCES SHALL BE INSTALLED 2' OFF THE GROUND AND HAVE ADEQUATE CLEARANCE TO OPEN GATE DOORS AT 180° AND HAVE 10' CLEARANCE FROM PAD WHEN GATE DOORS OPEN.
3. POSTS FOR GATE DOORS MUST BE INSTALLED A MINIMUM DISTANCE OF 10' APART IN THE FRONT.
4. FOR SLAT FENCES, CUSTOMER SHALL INSTALL A MINIMUM 4" SLATS AND HAVE 4" OF SPACE BETWEEN EACH SLAT.
5. 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
6. FOR EVERGREEN TREES, CUSTOMER SHALL PLANT EACH TREE SO THAT THERE IS 2' OR MORE OF SPACE FROM EDGE TO EDGE BETWEEN EACH TREE AT MATURITY. (E.G. BLUE ARROW JUNIPER GROWS UP TO 2' WIDE, SO THERE SHALL BE 4' OF SPACING BETWEEN EACH TREE TAKING ACCOUNT THE GROWTH OF SAPLINGS)
7. PAD MUST HAVE A MINIMUM CLEARANCE OF 6' ON EACH SIDE, 3' ON THE BACK, AND 5' ON THE FRONT ALLOWING FOR 10' ON THE FRONT WHEN GATE DOORS OPEN.

REV	NAME	DATE	DESCRIPTION	DRAWN	TJG
				DATE	10/22/21
				CHKD	NC
				ENG	LAT
				SCALE	NTS
				SHT	2 of 2
SCREENING CLEARANCES FOR TRANSFORMER NOTES				DWG. NO.	-



SITE PHOTOS, TAKEN BY STAFF, JANUARY 12, 2023



SITE PHOTOS, TAKEN BY STAFF, FEBRUARY 10, 2023



MINUTES:

Application Number _SP2023-002

Date and Location: _Phone or Email by Feb 26, 2023

Names of people in attendance: No call ins or emails

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: Feb 27, 2023

Minutes taken by: _Steven Ward, Ward Development Services

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF ILLINOIS)
) SS:
COUNTY OF SAINT CLAIR)

Comes now **Steven K. Ward**, of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition # **SP2023-002**.
2. That I conducted a neighborhood meeting from February 17, 2023 through February 26, 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.

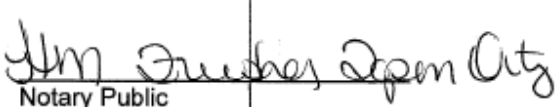
Further affiant saith not.



Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 27th day of March, 2023.

My commission expires 5th of June, 2024.



Notary Public





Ward Development Services, LLC
15 Park Place Professional Centre
Downers Grove, IL 60226
314.503.4444 Cell
618.222.3840 Office
866-655-2653 Fax

February 14, 2023

Name
Address
City/State/Zip

SUBJECT: Phone or Email Letter in place of Neighborhood Meeting (Painted Hill KSL06250)

I have filed an application with the Department of Urban Planning and Land Use #SP2023-002. The purpose of this:

➤ Special Use Permit

is for a Special Use Permit to install a stealth monopole cell antenna to optimize cellular coverage in the immediate area at the following address: 1965 North 63rd Dr., Kansas City, KS 66102. The 100' pole will be placed in the rear corner of the Parallel Plaza shopping center.

As part of the review process, we are asked to request public comments from neighboring properties. To that end, I will be answering any questions by email and or telephone call in reference to the special use permit in place of a neighborhood meeting. Please feel free to contact me by email (steve@ward-development.com) or phone (314) 503-4444 by Feb. 26, 2023 with any questions or concerns. These will be relayed to the Planning Commission. I have enclosed a drawing depicting the proposed layout and elevation view of the facility to help explain the purpose of this special use permit.

We look forward to hearing from you via email or phone in place of a neighborhood meeting. Please contact me at the email address/phone number listed below.

Sincerely,

Steven K. Ward

Steven K. Ward
314-503-4444 Cell
steve@ward-development.com
Agent for New Cingular Wireless PCS, LLC (AT&T Mobility)



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: April 27, 2023

Re: Petition SP2023-005

GENERAL INFORMATION

Applicant:

Christopher Ciesiel

Status of Applicant:

The Campground LLC d/b/a Sagebrush
4137 Kenwood Avenue
Kansas City, MO 64110

Requested Action:

Approval of a Special Use Permit.

Date of Application:

February 24, 2023

Purpose:

To operate a drinking establishment with live entertainment

Property Location:

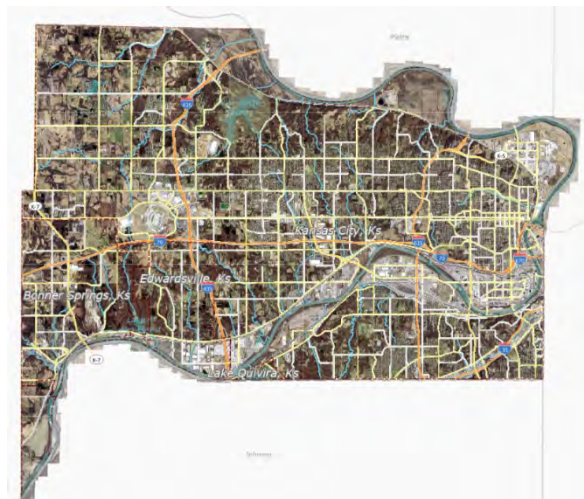
1639 Southwest Boulevard
Kansas City, KS 66103

Commission Districts:

Commissioner At-Large, District #2: Tom Burroughs
District #3 Commissioner: Christian Ramirez

Existing Zoning:

C-3 Commercial District



Adjacent Zoning:	North:	C-3 Commercial District
	South:	R-2(B) Two Family District
	East:	C-3 Commercial District
	West:	C-3 Commercial District
Adjacent Uses:	North:	Fourplexes and a commercial building
	South:	Single family homes
	East:	Commercial retail business
	West:	Commercial retail business
Total Tract Size:	0.11 Acres	
Master Plan Area:	City-Wide Comprehensive Plan	
Master Plan Designation:	The City-Wide Comprehensive Plan designates this property as Business Park, which allows warehouse (nonhazardous materials), distribution (nonhazardous materials), business/research parks, related commercial and service uses such as wholesale stores, outlet stores, office supply stores, service stations, convenience stores, hotels, motels, supporting restaurants, etc., and medical facilities.	
Major Street Plan:	The Major Street Plan classifies Southwest Boulevard as a Class C Thoroughfare and Ferree Street as a Local Street.	
Required Parking:	Sec. 27-668(a)(12) states taverns or private clubs serving alcoholic or cereal malt beverages shall provide one (1) space for each 50 square feet of seating area or assembly area plus one (1) space for each remaining 200 square feet of total floor area. 36 parking spaces are required. The applicant is providing three (3) parking spaces.	
	BOZA2023-007 has been filed for a parking reduction of 33 spaces.	
Advertisement:	<u>The Wyandotte Echo</u> – March 16, 2023 Letters to Property Owner – March 17, 2023	
Public Hearings:	April 10, 2023 and April 27, 2023	
Public Support:	None to date.	
Public Opposition:	None to date.	

PROPOSAL

Detailed Outline of Requested Action: The applicant, Christopher Ciesiel with The Campground LLC, seeks to operate a drinking establishment within an existing, vacant commercial addition that shares an interior wall with an existing coffee shop (Foxtrot Studio + Café) that will be opened up so customers/patrons can walk freely, and be served and allow patronage between both tenant spaces at 1639 Southwest Boulevard.

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. STR23-0264 – Scape and paint structure. Repair damage wall on the east side of the structure – March 2, 2023.
2. Citations for weeds, junk, graffiti, damaged structure between 2003 – 2018 (previous owner).

Outstanding or Related Permits and Cases:

1. BOZA2023-007 – parking variance for 33 parking spaces (scheduled to be heard on April 10, 2023).
2. DRC22-0024 – occupancy conversion and renovation of vacant space to assembly/retail occupancy.
 - a. Associated plumbing and electrical permits for renovation.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The subject property is within the Rosedale Statistical Area. Lots are generally narrow and urban in character. Commercial buildings along Southwest Boulevard transition to Merriam Lane to the west do not have the requisite parking for their businesses, therefore, they are legal, non-conforming. The surrounding residential neighborhood has alley access, however, off-street parking is used for those residents that do not have a detached garage or parking pad in their rear yard.

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 surrounding properties vary in use from mixed-use buildings, retail businesses, fourplexes, and single-family residences. This mixed use building in between two (2) mixed-use buildings to the east and west (across South Ferree Street), so the allowing of a drinking establishment inside a vacant commercial storefront and opening an interior wall with the existing coffee shop is compatible.

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

The property is suitable for a small drinking establishment because it is an urban, mixed-use area. There is a possibility for increased parking demand with the use, although philosophically, the parking code should evaluate alternate modes of transportation to reduce drinking and driving. Noise is also a factor, but can be mitigated if managed properly.

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

This storefront addition was built in 1981 and has been vacant since the mid-2000s, however the adjacent tenant space (coffee shop) with second-story apartments built in 1920 is currently occupied.

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

Special Use Permits are not addressed in the Comprehensive Plan. The Comprehensive Plan Business Park designation allows warehouse (nonhazardous materials), distribution (nonhazardous materials), business/research parks, related commercial and service uses such as wholesale stores, outlet stores, office supply stores, service stations, convenience stores, hotels, motels, supporting restaurants, etc., and medical facilities.

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

The current design of the neighborhood does not provide sufficient parking for multiple mixed-use buildings. There are three (3) off-street parking spaces that are allocated for the second-story apartments and some on-street parking spaces along South Ferree Street and Southwest Boulevard although it is considered insufficient and cannot be counted towards the parking total for the business. With the applicant's desire to open the floor plan and allow customers to walk freely between the drinking establishment and coffee shop and studio, the use should not substantially increase the amount of vehicular traffic that would not already occur if the vacant storefront was a general C-3 use that did not require specific parking per Sec. 27-668(a). The proximity to residences and its walkability, as it is on the corner with ample sidewalk and pedestrian connectivity is an asset rather than a hindrance.

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

The proposed use is not reasonably necessary for the convenience and welfare of the public, although it could be seen as desirable to have as a neighborhood feature. It is not concluded that the presence of a drinking establishment at this space will substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining property if properly managed.

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

There is a potential for noise to be a problem at this location, as a drinking establishment adjacent to a residential neighborhood tends to heighten neighbor's awareness of potential issues associated with a business.

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

The proposed use will not pollute air, land or water as it is located in an existing, permitted structure. If the applicant properly manages the property, 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 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 business/use that is allowed by right, and conforms to the legal, non-conforming C-3 parking regulations.

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

The proposed use would not result in overcrowding as the drinking establishment will exist within the smaller addition and patrons will be able to cross between the two (2) tenant spaces within an existing mixed-use building. A Certificate of Occupancy would provide a limit on undue concentrations of populations.

PREVIOUS ACTIONS

- None

NEIGHBORHOOD MEETING

The applicant received neighborhood comments by receiving letters or phone calls through the date of March 27, 2023. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Noise
Parking

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Special Use Permit Application SP2023-005 **for two (2) years**, subject to:

1. **This Special Use Permit petition is being heard in conjunction with BOZA2023-007, which is a reduction in on-premises, off-street parking;**
2. **Proposed hours of operation for Sagebrush will be:**
 - **Sunday and Monday: Closed;**
 - **Tuesday through Saturday: 4:00 PM to 10:00 PM;**
3. **Sidewalks shall remain clean and clear of trash and debris;**
4. **Alcohol can only be provided by licensed vendors;**
5. **No amplified speakers are allowed in outdoor spaces;**
6. **Rideshare will be available for customer transportation;**
7. **Per Sec. 27-317 Electrical power, telephone service, and cable television (if applicable) shall be provided by underground wiring for all new wiring provided;**
8. **Obtain a Right-of-Way permit via Public Works and plant two (2) street trees along the sidewalk adjacent to the west side of the building;**
9. **Resurface and strip the parking lot in the rear of the property;**
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 the Business Licensing Division. The office is located at the Neighborhood Resource Center, 4953 State Avenue,**

Kansas City, KS 66102. Their contact information is (913) 573-8780 or businesslicense@wycokck.org;

12. 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;
13. 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;
14. All existing and future driveways must feature curb cuts that are constructed to UG standards. Rebuild concrete apron and pave parking in the rear (asphalt, concrete or pervious pavers);
15. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
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 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; and,
20. All conditions of approval herein must be constructed, executed, implemented, or otherwise completed within six (6) months of approval unless otherwise determined by the Director of Planning or their designee

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 **SP2023-005** subject to all comments and suggestions outlined in this staff report and the conditions 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 **SP2023-005** subject to all comments and suggestions outlined in this staff report, and the condition of the City Planning Commission.

ATTACHMENTS

April 10, 2023 City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Site Plan
Floor Plan
Building Elevations
Site Photographs Provided by Staff on March xx, 2023.

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Board of Commissioners
Public Hearing	April 10, 2023	April 27, 2023
Special Use	Approval	

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2023-005** 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 of the Kansas City, Kansas City Planning Commission:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **SP2023-005** 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.

April 10, 2023 City Planning Commission Minutes:

Application Starts at 3:19:25;

SPECIAL USE PERMIT APPLICATION SP2023-005 – CHRISTOPHER CIESIEL WITH THE CAMPGROUND LLC - SYNOPSIS:

Special Use Permit to operate a drinking establishment with live entertainment at 1639 Southwest Boulevard. *Detailed Outline of Requested Action:* The applicant, Christopher Ciesiel with The Campground LLC, seeks to operate a drinking establishment within an existing, vacant commercial addition that shares an interior wall with an existing coffee shop (Foxtrot Studio + Café) that will be opened up so customers/patrons can walk freely, and be served and allow patronage between both tenant spaces at 1639 Southwest Boulevard.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated April 10, 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:

- Christopher Ciesiel, applicant, The Campground LLC d/b/a Sagebrush, 4137 Kenwood Avenue, Kansas City, Missouri 64110

Present in Opposition:

- No one appeared

Staff Recommendation starts at 3:22:03: Planning Director Hand stated that this case was heard in conjunction with Appeal BOZA2023-007, which was approved earlier this evening by the Board of Zoning Appeals. This property is in the City-Wide Comprehensive Plan in the Rosedale neighborhood. Staff has received no letters in support nor in opposition. There are some Notices of Violation due to the building being vacant that will be resolved with this rehabilitation project. Staff recommends approval for two (2) years subject to the conditions in the staff report.

Motion starts at 3:22:44:

On motion by Mrs. Jones, seconded by Mr. Ernst the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit Application SP2023-005 for two (2) years:**

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

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

Subject to:

1. This Special Use Permit petition is being heard in conjunction with BOZA2023-007, which is a reduction in on-premises, off-street parking;
2. Proposed hours of operation for Sagebrush will be:
 - Sunday and Monday: Closed;
 - Tuesday through Saturday: 4:00 PM to 10:00 PM;
3. Sidewalks shall remain clean and clear of trash and debris;
4. Alcohol can only be provided by licensed vendors;
5. No amplified speakers are allowed in outdoor spaces;
6. Rideshare will be available for customer transportation;
7. Per Sec. 27-317 Electrical power, telephone service, and cable television (if applicable) shall be provided by underground wiring for all new wiring provided;
8. Obtain a Right-of-Way permit via Public Works and plant two (2) street trees along the sidewalk adjacent to the west side of the building;
9. Resurface and strip the parking lot in the rear of the property;
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 the Business Licensing Division. The office is located at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102. Their contact information is (913) 573-8780 or businesslicense@wycokck.org;
12. 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;
13. 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;
14. All existing and future driveways must feature curb cuts that are constructed to UG standards. Rebuild concrete apron and pave parking in the rear (asphalt, concrete or pervious pavers);
 15. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
 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 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; and,

20. All conditions of approval herein must be constructed, executed, implemented, or otherwise completed within six (6) months of approval unless otherwise determined by the Director of Planning or their designee



Figure 1. Aerial photograph of 1639 Southwest Boulevard (provided by UG Maps).



Figure 2. Zoning Map of 1639 Southwest Boulevard (provided by UG Maps).



Figure 3. City-Wide Comprehensive Plan Land Use Designation Map of 1639 Southwest Boulevard (provided by ArcGIS Pro).

SAGEBRUSH SP2023-005

DEPARTMENT OF PLANNING & URBAN DESIGN ANSWERS TO STAFF COMMENTS AND SUGGESTIONS:

1. *This Special Use Permit petition is being heard in conjunction with BOZA2023-007, which is a reduction in on-premises, off-street parking.*
2. The proposed hours of operation for Sagebrush will be:
 - o Sunday: Closed
 - o Monday: Closed
 - o Tuesday: 4pm -10pm
 - o Wednesday: 4pm - 10pm
 - o Thursday: 4pm -10pm
 - o Friday: 4pm -10pm
 - o Saturday: 4pm -10pm
3. We will contract out a waste disposal company for weekly refuse pick-up. The receptacle will be clear from the public's right-of-way.
4. The sidewalks will remain clean and clear of trash and debris.
5. Alcohol will only be provided by licensed vendors (Sagebrush).
6. There will be no amplified speakers to the outdoors.
7. Rideshares (Uber, Lyft, etc.) will be available for customer transportation.
8. Per Sec. 27-317 Electrical power, telephone service, and cable television will be provided via underground wiring for all new wiring provided.
9. We will obtain a Right-of-Way permit from Public Works and plant two (2) street trees along the sidewalk adjacent to the west side of the building.
10. All existing and future driveways will feature curb cuts that are constructed to UG standards.
11. All existing and future driveways will feature curb cuts that are constructed to UG standards. We will resurface and stripe the parking lot in the rear of the property.
12. If we are unable to achieve parking variance BOZA2023-007 we will seek private, off-street parking with a properly executed legal document that would be filed with the UG and ratified by the City Planning Commission.
13. We acknowledge that both the property owner and Sagebrush will be collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements for our approval.
14. Pending approval, we will submit payment of \$125 for our ordinance publication fee within 30-days following the UG Board of Commissioners meeting.

SAGEBRUSH MINUTES FOR NEIGHBORHOOD MEETING

APPLICATION #:

SP2023-005 / BOZA2023-007

DATE & LOCATION:

Neighbors were given 10-days to reply to Christopher Ciesiel via email and/or personal phone.

MEETING CALLED TO ORDER AT:

N/A

NAMES OF PEOPLE IN ATTENDANCE:

Erin Stryka (Rosedale Neighborhood Association)

Brandy Biswell (Fluesbrothers)

James Winslow's letter was returned to me as "No such number unable to forward."

PRESENTATION:

A copy of our letter is attached to this correspondence.

QUESTIONS & ANSWERS:

ERIN STRYKA:

"Hi Christopher,

I received the notice about your new location with Jordan and Emily on SW Blvd-- exciting stuff! I'm looking forward to hearing about it and visiting you for a cocktail this summer.

Two questions I'm anticipating getting from neighbors--
What live entertainment is planned, and will it be audible outside the building?
Looks like you're applying for a variance for parking-- there's certainly plenty of street parking in the area, but have you made any official arrangements for shared parking with nearby landowners?

Feel free to give me a call at the number below (or, if you like, let's get coffee at Foxtrot!) Looking forward to having you in the neighborhood!"

CHRISTOPHER CIESIEL:

"Hey, Erin; and thank you for your excitement!

For one reason or another they lumped in "live music" to our permitting, but I can assure you we will not be hosting live music.

I believe parking will be our only issue with the county, but I agree that there is plenty of street parking around our location. Our friend and future business neighbor- Jordan Fox (Foxtrot)- has already spoken to the owner across the street about leased parking space, and evidently he is willing to entertain this option.

I'd love to meet up at Foxtrot sometime and chat (and officially meet!)!"

BRANDY BISWELL:

"Hi Christopher & Christin,

We just got your special use permit notice and wanted to welcome you to the neighborhood. Please let us know if there is anything we can do to help."

CHRISTOPHER CIESIEL:

"Thank you, Brandi! We're super excited join the neighborhood!

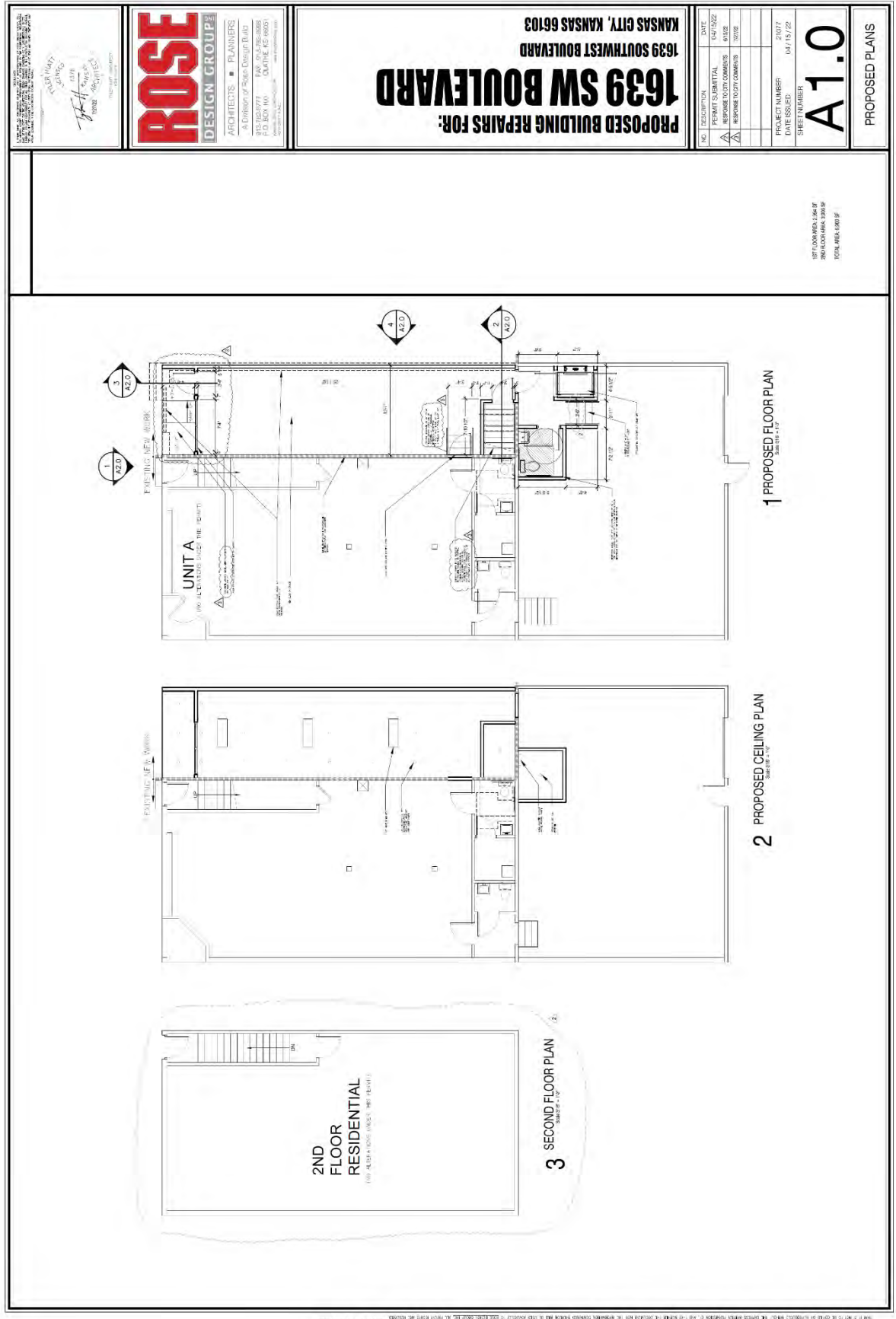
Ya'll picked an amazing name for your company!"

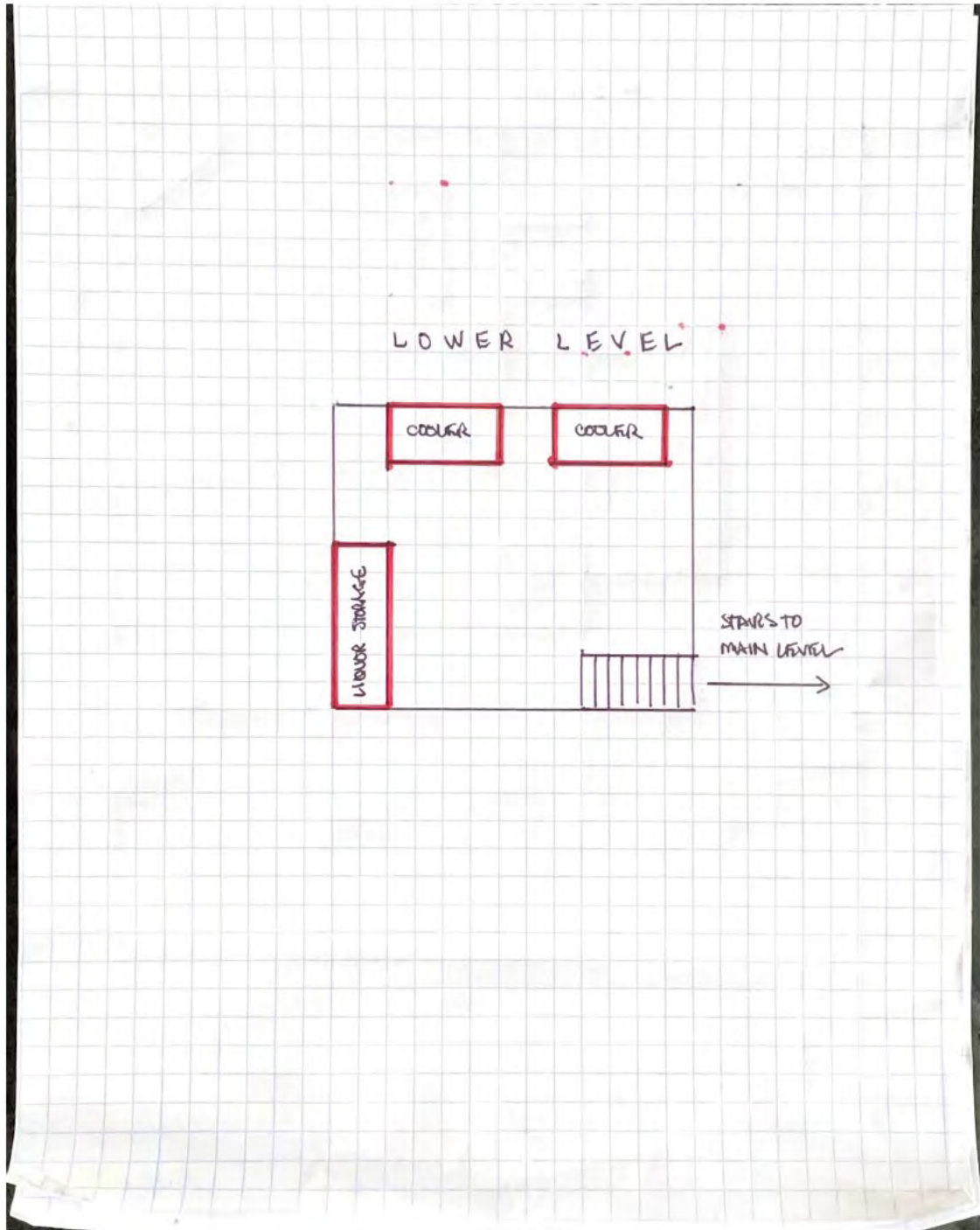
MEETING ADJOURNED AT:

Monday, March 27

MINUTES TAKEN BY:

Christopher Ciesiel





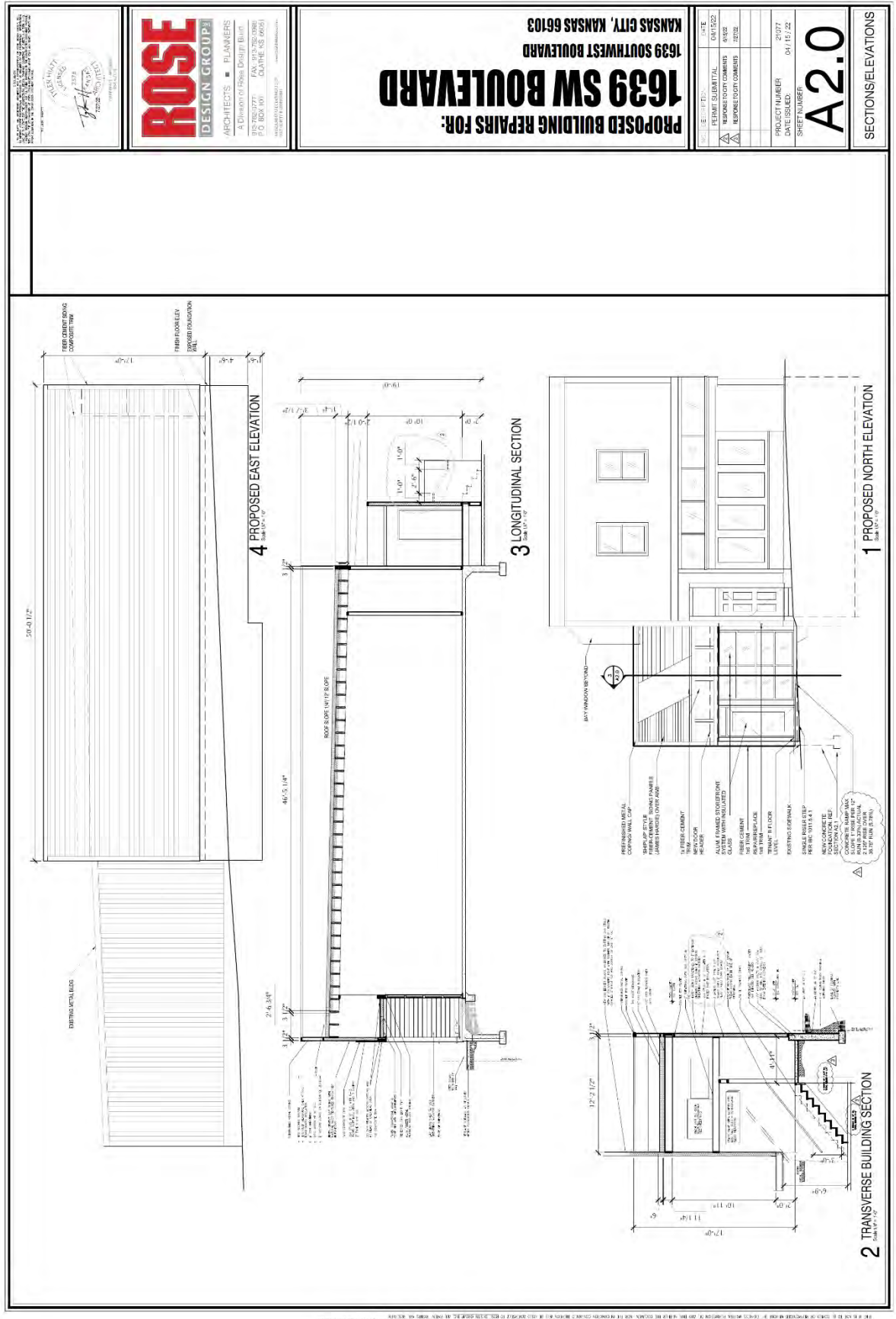




Figure 4. Site Photograph of 1639 Southwest Boulevard looking northeast from Ferree Street (provided by Planning Staff).

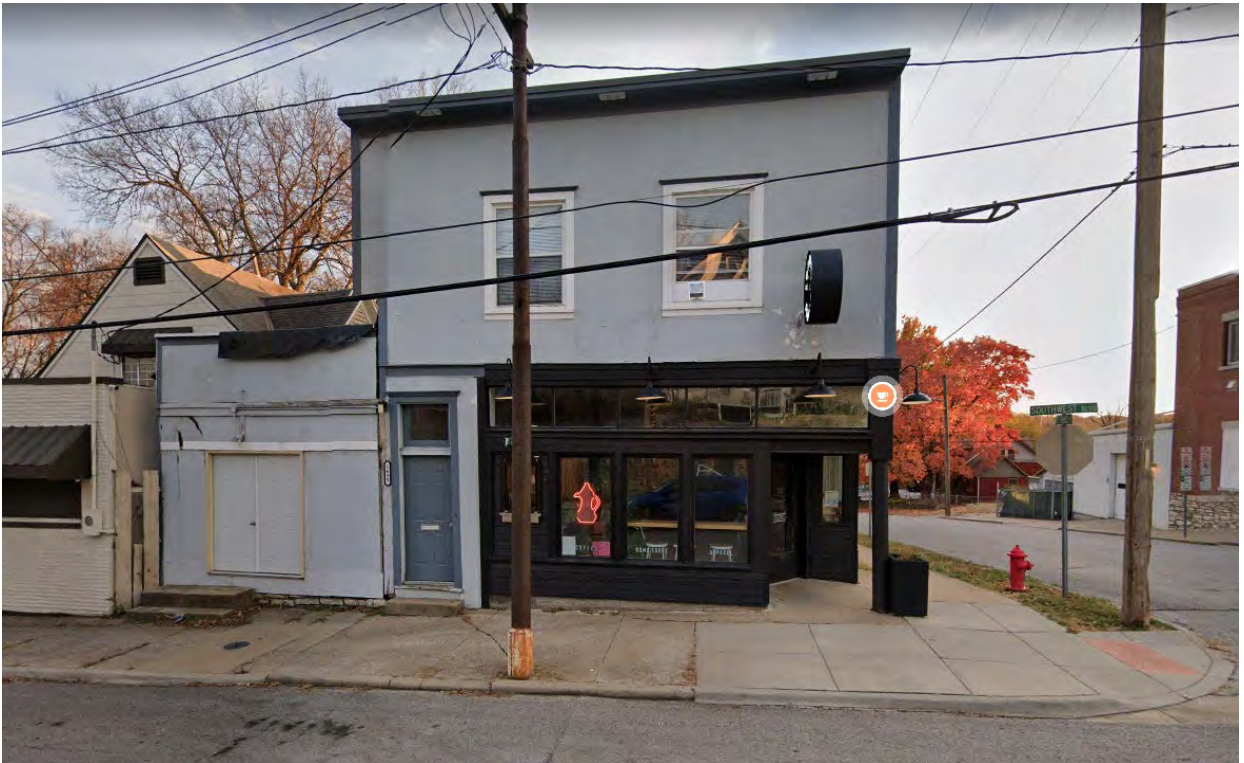


Figure 5. Site Photograph of 1639 Southwest Boulevard looking south from Southwest Boulevard (provided by Google Streetview).



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: April 27, 2023

Re: Petition SP2023-007

GENERAL INFORMATION

Applicant:
Ryan Denk

Status of Applicant:
McAnany Van Cleave & Phillips, P.A.
10 East Cambridge Circle Drive,
Suite 300
Kansas City, Kansas 66103

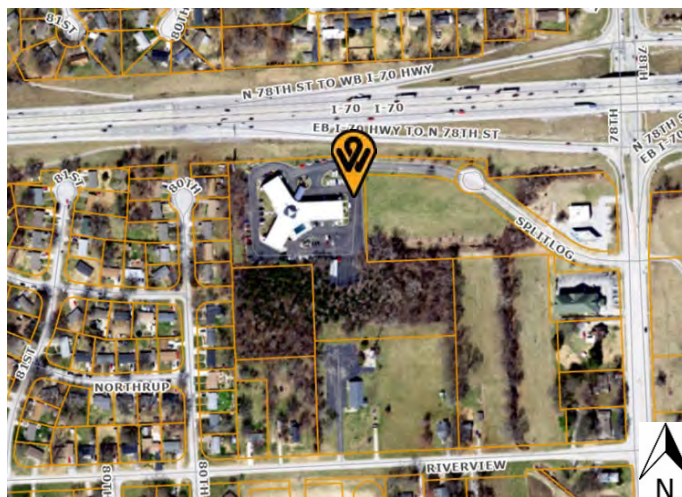
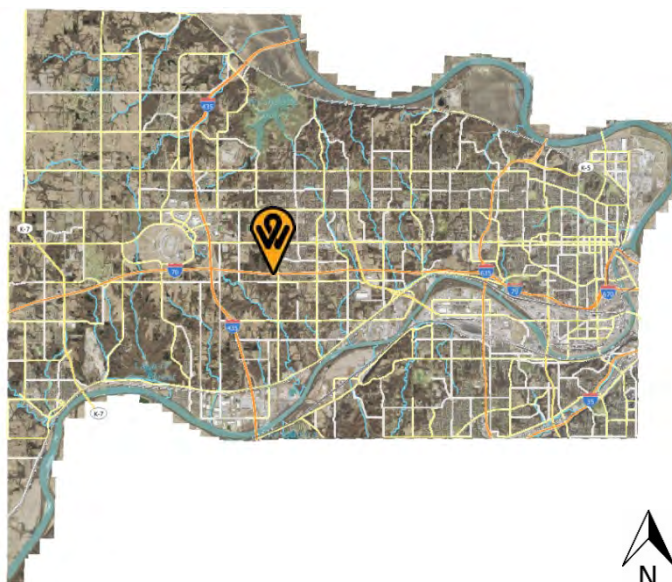
Requested Action:
Renewal of a Temporary Use of Land
Special Use Permit (SP-2020-95
expired November 30, 2022).

Date of Application:
February 24, 2023

Purpose:
To continue to allow tractor trailer
truck parking at the American Motel.

Property Location:
7949 Splitlog Avenue
Kansas City, Kansas 66112

Commission Districts:
Commissioner At-Large, District #1:
Melissa Bynum
District #8 Commissioner: Andrew
Davis



Existing Zoning:	CP-1 Planned Limited Business and R-1 Single-Family Districts	
Adjacent Zoning:	North:	KDOT Right-of-Way (Interstate 70)
	South:	R-1 Single Family District
	East:	R-1 Single Family District
	West:	R-1 Single Family District
Adjacent Uses:	North:	Interstate 70
	South:	Single family residence
	East:	Single family residence
	West:	Single family residences
Total Tract Size:	6.71 Acres	
Master Plan Designation:	The City-Wide Comprehensive Plan designates the subject property as Community Commercial, which allows for medium-sized box stores with small-scale accessory commercial uses. Uses may also include small-scale commercial centers.	
Major Street Plan:	The Major Street Plan classifies Splitlog Avenue as a Local Street.	
Parking Requirement:	Sec. 27-668(a)(8) One (1) space for each guest room plus one space for each two employees on the largest shift, plus adequate parking for banquet rooms, meeting rooms, restaurants and lounge areas. The property owner created a parking pad for these trailers separate from the parking requirement for the motel guests and employees. The use does not require additional parking.	
Advertisement:	<u>The Wyandotte Echo</u> – March 16, 2023 Letters to Property Owner – March 17, 2023	
Public Hearings:	April 10, 2023 and April 27, 2023	
Public Support:	None to date.	
Public Opposition:	None to date.	

PROPOSAL

Detailed Outline of Requested Action: The applicant, Ryan Denk, applied for the renewal of a Special Use Permit (expired November 30, 2022) to continue to park tractor trailer trucks at the American Motel at 7949 Splitlog Avenue. The continuation of

the use includes parking for 7 tractor trucks and trailers in the southeast corner of the parking lot.

City Ordinance Requirements: 27-592 through 27-606

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. There have been over 100 police calls for service on the subject property since the previous approval in 2020, with issues ranging from battery, assault, property theft, property damage, rape, and drug offenses.
2. Of the over 200 calls to the property, 60 of them involved complaints regarding vehicles, including stolen and recovered autos, abandoned vehicles checks, suspicious vehicle checks, and vehicle tows. KCKPD was not able to confirm whether any of these cases involved the semi-truck parking.

Building, Zoning, or Code Enforcement Complaints:

1. There have been no Notices of Violation since the previous approval in 2020.

Outstanding or Related Permits and Cases:

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

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The subject property is located within the Muncie-Stony Point Statistical Neighborhood. The neighborhood consists primarily of single-family residences to the east, south, and west, with Interstate 70 running east-west to the north of the subject property.

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

The zoning and uses of properties nearby are set out above. The parking of tractor trailers and the intensity of the commercial use is not compatible with the single-family residences to the west. Screening has been installed along the west property line, blocking the view of the trucks and trailers from the residences.

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

The property is suitable to be used for tractor trailer parking, as it is a large parking lot with space for maneuvering and appropriate screening. The removal of restrictions will not detrimentally affect nearby property as long as the property and use are managed properly.

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

The property is not vacant. The motel is an existing business operating since 1986.

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 the subject property as Community Commercial, which allows for medium-sized box stores with small-scale accessory commercial uses. Uses may also include small-scale commercial centers. The proposed use conforms to the community commercial designation with a Special Use Permit.

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

The proposed use is a continuation of the existing on-site use, and thus, will not result in the increase in traffic along Splitlog Avenue, a local street, or increase the demand for on-site parking on the subject property. The majority of the trucks arrive in the late evening hours on Splitlog Avenue, which only serves the motel at this location.

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 could be seen as a convenience to the public as it allows for tractor truck operators a place to lodge during their trip. Since the screening has been installed, the proposed use will not permanently injure the appropriate use, visual quality, or marketability of adjoining property.

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

The movement of tractor trailer trucks late at night could create problems associated with noise and illumination for nearby single-family residences.

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

The proposed use is a continuation of use and will not pollute the air, land, or water, as it is located on an existing, built-out commercial site, along a major interstate (Interstate 70).

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

The proposed use is a continuation of use and will not damage or destroy and irreplaceable natural resource, as it is located on an existing, built-out commercial site.

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 negligible for the proposed use, however, it would be a hardship on the individual landowner to prevent tractor trailer trucks from continuing to be parked on the site.

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

If the owner continues to allow 7 tractor trailer trucks to be parked on site, the proposed use will not result in overcrowding of land on the property. There is enough parking on site for guests as not to cause undue concentrations of population.

PREVIOUS ACTIONS

Approval of a Special Use Permit (SP-2018-45) for two (2) years in 2018.
Approval of a Special Use Permit (SP-2020-96) for two (2) years in 2020.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on March 25, 2023. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Security
Parking
Noise
Illumination
Screening
Previous Conditions of Approval

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Special Use Permit Application **SP2023-007, for two (2) years**, subject to:

1. Tractor trailer trucks are to be parked only in the 7 designated parking spaces in the southeast corner of the parking lot;
2. All parking lot lighting shall have 90-degree cutoff fixtures on them, as not to exceed one (1) footcandle at the property line;
3. The applicant will need to file and maintain a current business occupation tax application with the Business License Division;
4. No outside storage on site;
5. No inoperable vehicles kept on site;
6. All waste on the site must be cleaned and waste must be managed properly on site;
7. 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;
8. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
9. If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;
10. The applicant has filed and maintained a current business occupation tax application;
11. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
12. 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. 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. 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. 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 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,
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.

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 **SP2023-007** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

April 10, 2023 City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Neighborhood Meeting Minutes
Site Plan
Site Photos, Taken by Staff, Dated March 10, 2023

REVIEW OF INFORMATION AND SCHEDULE

Action	City Planning Commission	Unified Government Board of Commissioners
Public Hearing	April 10, 2023	April 27, 2023
Special Use	Approval	

STAFF CONTACT:

James Molloy
jmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2023-007** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **SP2023-007**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

April 10, 2023 City Planning Commission Minutes:

SPECIAL USE PERMIT APPLICATION SP2023-007 – RYAN DENK WITH MCANANY, VAN CLEAVE AND PHILLIPS, P.A. – SYNOPSIS: Renewal of a Special Use Permit (SP-2020-096 – expired 2/4/2023) for the Temporary Use of Land to allow for semi-truck parking at the American Inn Motel at 7949 Splitlog Avenue. Detailed Outline of Requested Action: The applicant, Ryan Denk, applied for the renewal of a Special Use Permit (expired November 30, 2022) to continue to park tractor trailer trucks at the American Motel at 7949 Splitlog Avenue. The continuation of the use includes parking for 7 tractor trucks and trailers in the southeast corner of the parking lot.

The items I have just read are on the Consent Agenda. At this time, does any member of the Commission wish to disclose any contact on any of the items? (No one responded in the affirmative).

Please include the following items as part of the record for all of the Items on the Consent Agenda:

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated April 10, 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.

The Commission will vote to approve in one vote these items unless someone requests that an item be removed from the Consent Agenda.

On motion by Mrs. Jones, seconded by Mr. Ernst, the Planning Commission voted as follows to **APPROVE** the items on the Consent Agenda:

Carson	Chairman
Armstrong	Aye
Beth	Aye
Connelly	Aye
Eilts	Aye
Ernst	Aye
Jones	Aye
Miller	Not Present
Mohler	Aye

Straws Aye
Ward Not Present
Motion to **APPROVE** Passed: 8 to 0
Subject to:

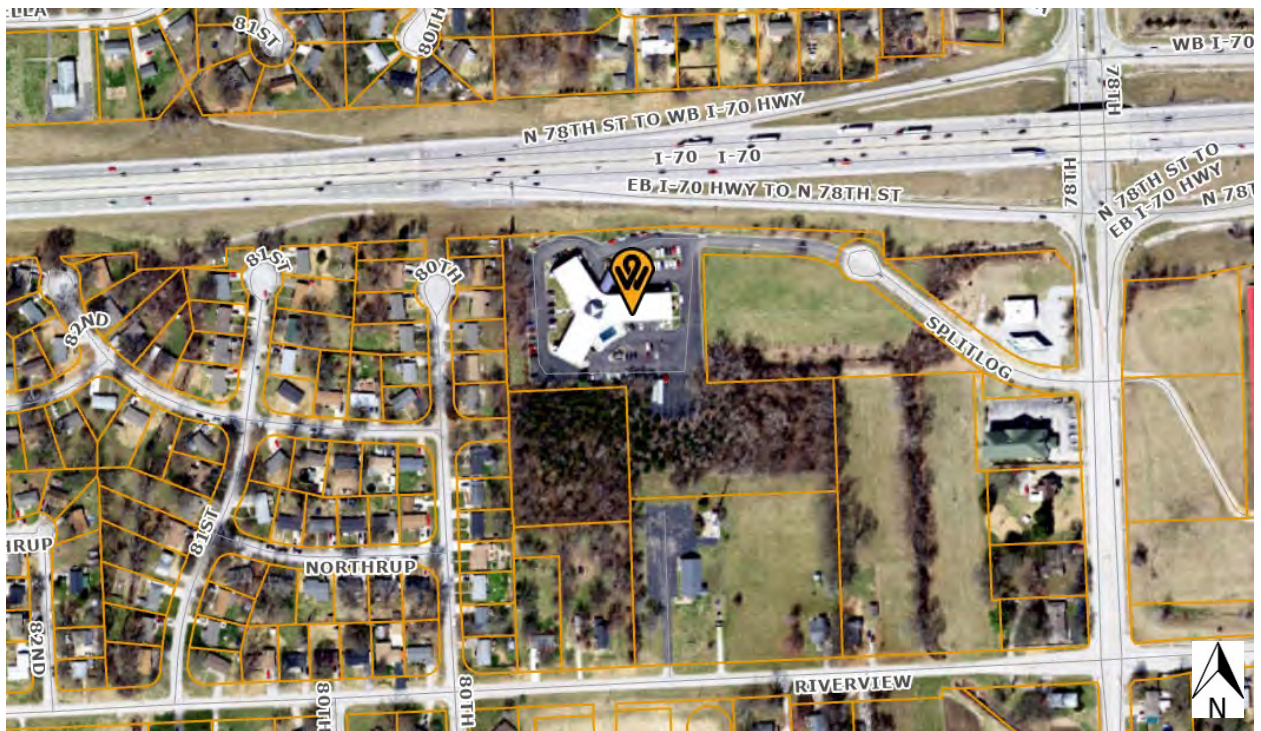
1. Tractor trailer trucks are to be parked only in the 7 designated parking spaces in the southeast corner of the parking lot;
2. All parking lot lighting shall have 90-degree cutoff fixtures on them, as not to exceed one (1) footcandle at the property line;
3. The applicant will need to file and maintain a current business occupation tax application with the Business License Division;
4. No outside storage on site;
5. No inoperable vehicles kept on site;
6. All waste on the site must be cleaned and waste must be managed properly on site;
7. 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;
8. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
9. If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;
10. The applicant has filed and maintained a current business occupation tax application;
11. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;

12. 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. 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. 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. 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 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,
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.

ATTACHMENTS

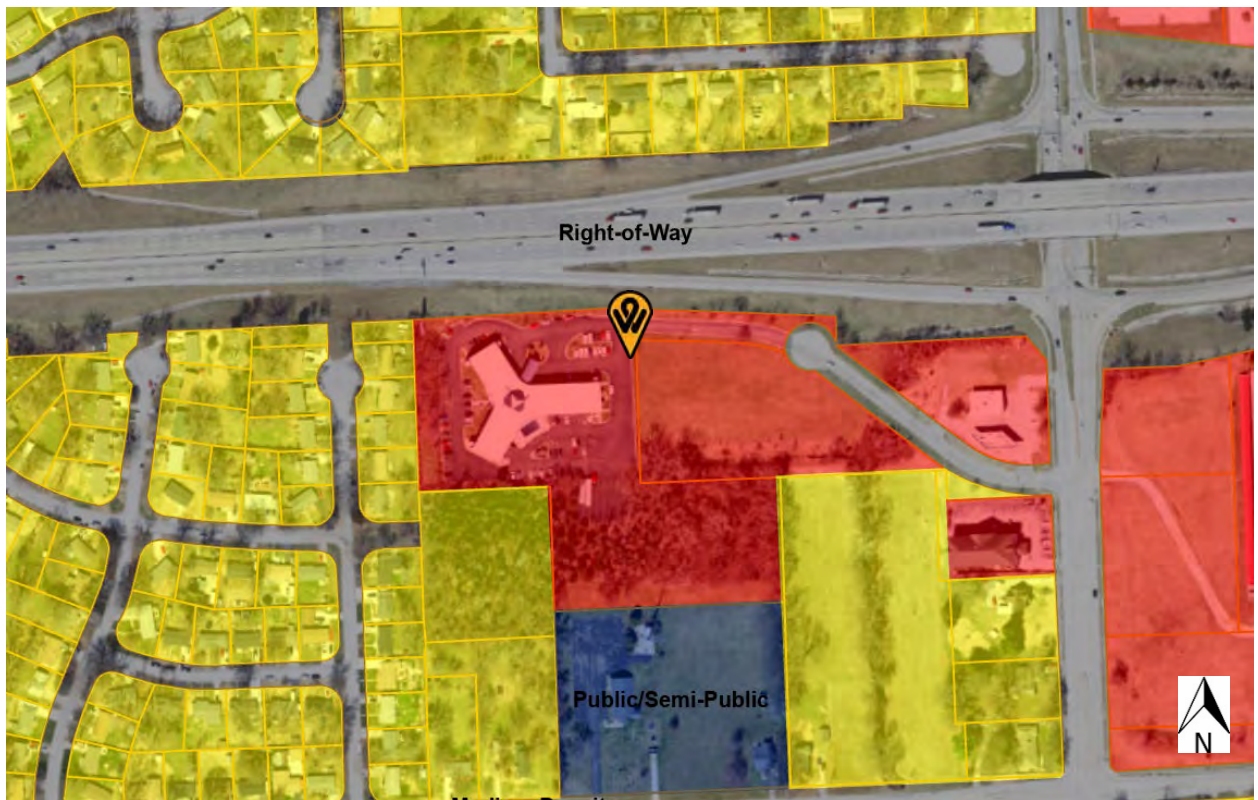
AERIAL IMAGERY



ZONING MAP



LAND USE MAP



NEIGHBORHOOD MEETING MINUTES

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF KANSAS)
) SS:
COUNTY OF WYANDOTTE)

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

1. That I am the petitioner for Petition #SP-2023-007.
2. That I conducted a neighborhood meeting on March 23, 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.

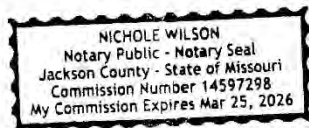
Further affiant saith not.

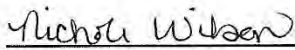


Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 28th day of March, 2023.

My commission expires 25th of March, 2026.





Notary Public

8OX5638.DOC

MINUTES FOR NEIGHBORHOOD MEETING

Application #SP-2023-007

Meeting Held: March 23, 2023, by videoconference

Meeting called to order at 5:30 p.m.

Attendees:

- Don White
- Pamela Hayward
- Spencer Low

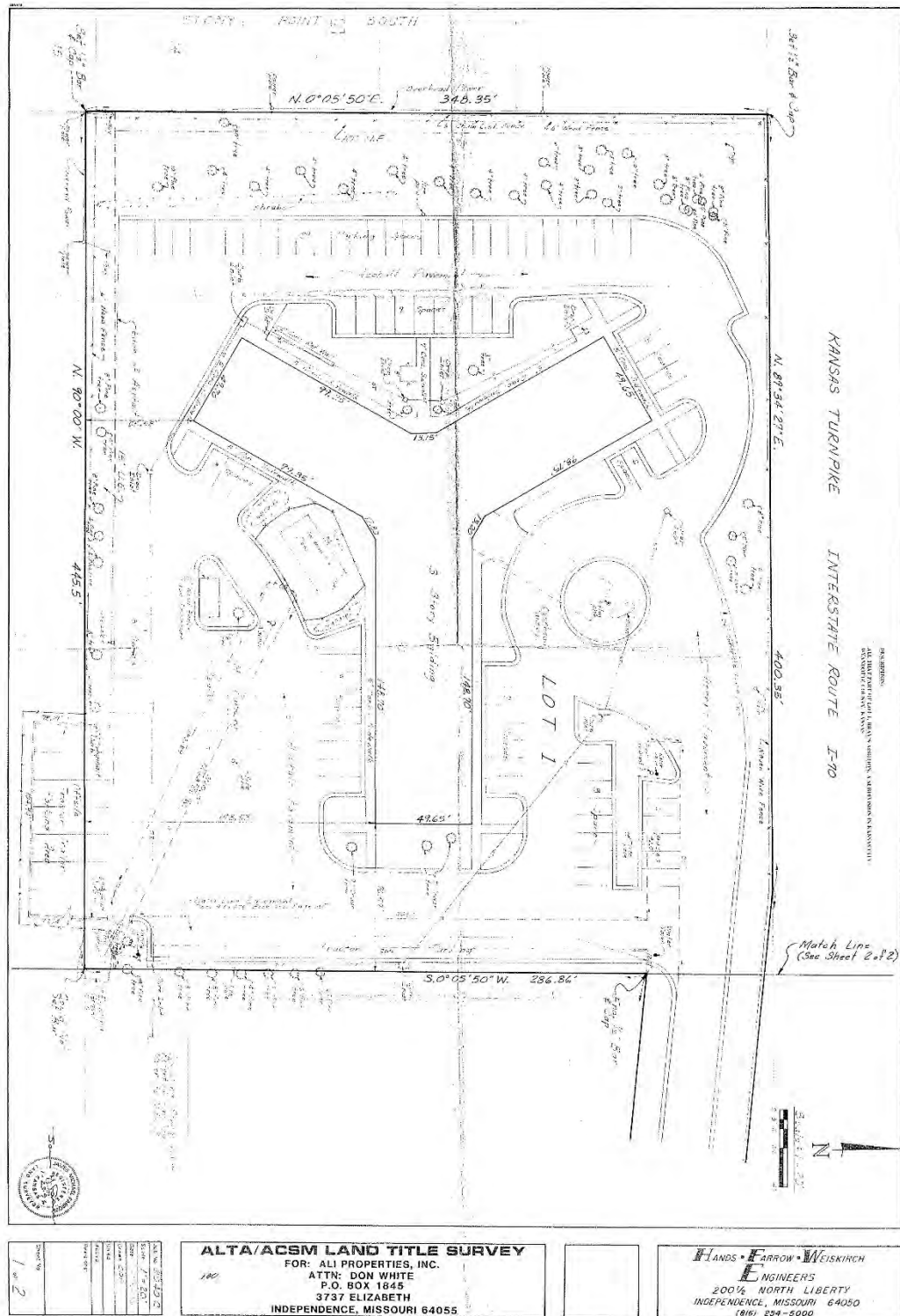
No neighbors attended the meeting, so no presentation was given and no questions were asked. Mr. White, Ms. Hayward and Mr. Low remained in the video call for 30 minutes, until 6:00 p.m. to ensure that no neighbors were running late.

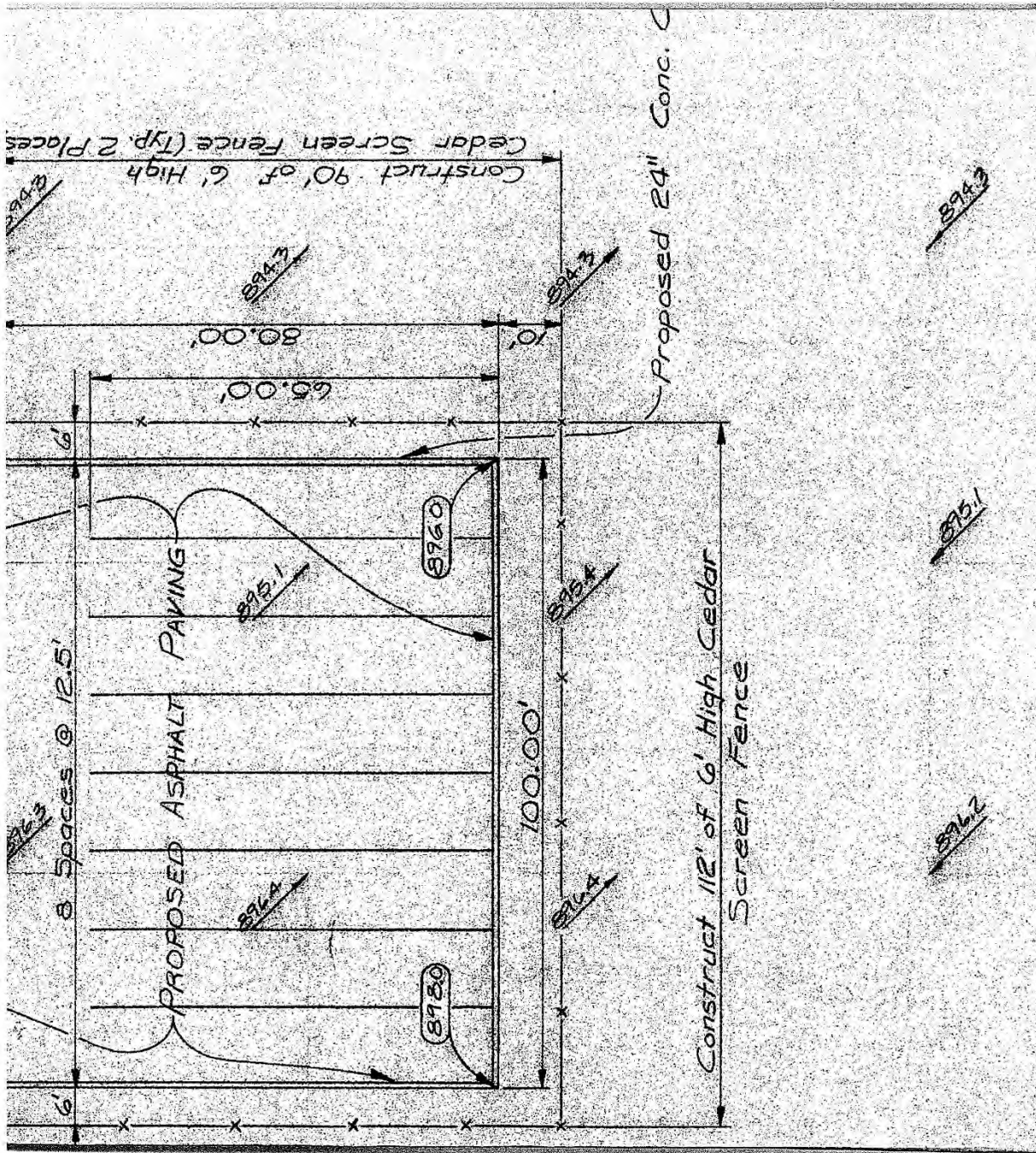
Meeting adjourned at 6:00 p.m.

Minutes taken by: Spencer A. Low

80X5688.DOCX

FLOOR PLAN





SITE PHOTOS, TAKEN BY STAFF, DATED MARCH 10, 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: April 27, 2023

Re: Petition SP2023-009

GENERAL INFORMATION

Applicant:

Judd Claussen

Status of Applicant:

Client Representative
Phelps Engineering
1270 North Winchester Street
Olathe, KS 66061

Requested Action:

Approval of a Special Use Permit.

Date of Application:

February 23, 2023

Purpose:

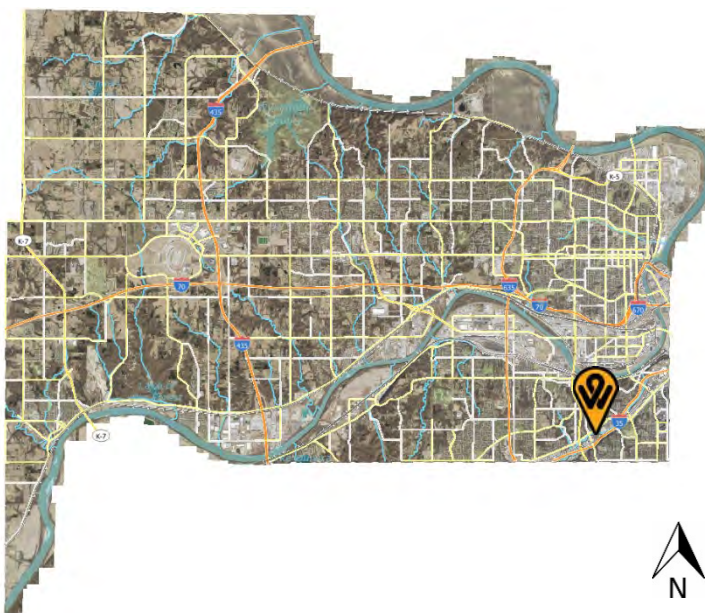
To approve a Special Use Permit to remove earthen fill from the property.

Property Location:

1215 Merriam Lane
Kansas City, KS 66103

Commission Districts:

Commissioner At-Large, District #2:
Tom Burroughs
District #3 Commissioner:
Christian Ramirez



Existing Zoning:	C-1 Limited Business District
Adjacent Zoning:	North: C-1 Limited Business and C-3 Commercial Districts South: M-2 General Industrial District East: C-3 Commercial District West: C-1 Limited Business District
Adjacent Uses:	North: Restaurant South: Turkey Creek East: Commercial Business West: Convenience store and fueling station
Total Tract Size:	1.06 Acres
Master Plan Designation:	The City-Wide Comprehensive Plan designates this property as industrial, which allows for manufacturing, processing, warehouse, distribution, outdoor storage, salvage, industrial-related offices, limited related commercial and service uses such as truck stops, service stations, and convenience stores, and mining/mineral extraction.
Major Street Plan:	The Major Street Plan designates Merriam Lane as a Class C Thoroughfare.
Parking Requirement:	Per Section 27-464(e), uses in the C-1 District require paved off-street parking at a ratio of no less than four (4) spaces per 1,000 square feet of floor area in the building. The subject property does not have a building, therefore there is no parking required. The subject property does not provide paved parking.
Advertisement:	<u>The Wyandotte Echo</u> – March 16, 2023 Letters to Property Owner – March 17, 2023
Public Hearings:	April 10, 2023 and April 27, 2023
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Judd Clausen, is requesting a rehearing of a Special Use Permit (SP2022-013, which expires 5/26/2022) to continue to remove earthen fill and grade the subject property at 1215 Merriam Lane. The applicant intends to export earthen fill only. This Special Use Permit initially arose as the result of a joint Building Inspection and Zoning Enforcement action beginning in 2018.

The petition is being reheard as the applicant has changed the scope of the remediation and removal of earthen fill project.

City Ordinance Requirements: 27-592 through 27-606

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. The current property owner has received no noise or disturbance complaints.

Building, Zoning, or Code Enforcement Complaints:

1. The current property owner has received environmental code enforcement complaints in 2017, 2018, 2019, and 2021.

Outstanding or Related Permits and Cases:

1. The current property owner has no outstanding building permits.
2. The current property owner has an outstanding citation for dumping more than 50 cubic yards of fill material without a Special Use Permit and for dumping within a floodplain. This citation was initially mailed to the property owner in February 2019.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The subject property is within the Shawnee Heights Statistical Neighborhood and is not within a neighborhood group. Properties along Southwest Boulevard/Merriam Lane feature a mix of heavy commercial and light industrial uses, along with some single-family residences. North of the Southwest Boulevard/Merriam Lane corridor, a majority of the properties are single-family residences. More industry, Turkey Creek, and the Interstate-35 corridor are to the south.

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

The zoning is similar to nearby uses and is of a less intense commercial district than some adjacent parcels. The use of the property is to store and remove earthen fill, however, this is not compatible with all nearby properties. The subject property abuts Turkey Creek, which presents issues with earthen materials entering the watershed and polluting the water in Turkey Creek and downstream.

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

The property has been previously approved for an earthen removal and fill project, however, staff must reevaluate the suitability for each rehearing. The proposed use is not suitable for a commercial corridor such as Merriam Lane nor for a property that is next to and in the floodplain of Turkey Creek. An earthen fill site would be more appropriate on a parcel that is 1) zoned for industrial use, 2) adjacent to industrially zoned properties, and 3) not abutting a waterway. The intent of the original Special Use Permit was to remedy fill that was illegally placed on the site initially, which the applicant has seemingly not yet accomplished.

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

While the subject property does not have a permanent structure, it has been used for earthen fill and removal for at least the past five (5) years and is therefore not vacant.

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 Comprehensive Plan designates this property as industrial, which allows for manufacturing, processing, warehouse, distribution, outdoor storage, salvage, industrial-related offices, limited related commercial and service uses such as truck stops, service stations, and convenience stores, and mining/mineral extraction. The proposed use does not conform to the Master Plan as there is no additional construction proposed with the earthen removal, rather, site remediation.

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 previously stated that there will be 20-30 truck trips per day, as the applicant has previously stated and intend to complete the project as soon as possible. Staff is unsure of how many trips will be required for the proposed use; however, it is not expected that the trips will result in an increase in the amount of vehicular traffic to the point where it exceeds the capacity of Merriam Lane, a Class C Thoroughfare.

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

The proposed use is reasonably necessary for the convenience and welfare of the public, as proper remediation of the subject property will reduce potential damage to Turkey Creek and the Turkey Creek floodplain. The proposed use, however, may substantially and permanently injure the use, quality, and marketability of adjoining property, as improper remediation and removal can damage and pollute Turkey Creek, as well as create issues with the Turkey

Creek floodplain, which could impact other adjoining properties. Additionally, a dirt removal operation may create visual impacts on adjoining properties.

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

Trucks driving on and off the subject property and removing earthen materials will certainly cause noise and vibration issues, and—depending on the hours of operation—lighting and illumination issues as well. This could be considered a problem for nearby properties. An earthen fill site also has dust issues, especially if not properly wetted or otherwise mitigated. Additionally, dirt and dust can be tracked into the public right-of-way.

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

The subject property abuts Turkey Creek, which presents issues with earthen materials entering the watershed and polluting the water in Turkey Creek and downstream.

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

The fill site is not only on a property adjacent to Turkey Creek, but the mound of earthen material itself is immediately adjacent to, if not within, the Turkey Creek floodplain. The fill site has also demonstrated failure to comply with only using earthen material as defined by the International Building Code, Appendix J, Section J107.4 and has further risked damaging Turkey Creek by improperly and inadequately establishing erosion control measures in prior submittals.

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 and welfare is minimal, however, the gain to safety could be substantial, as site remediation may reduce and mitigate impacts that previous fill projects have caused on the floodway. If denied, the applicant would not be able to continue with their removal and grading project.

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

The keeping of earthen material fill does not necessarily cause overcrowding nor undue concentrations of population. As the applicant's proposed use is to export, rather than continue to import, earthen materials from the subject property, any concern about the existing earthen material pile should lessen with every truck trip. Overcrowding of land may occur with the export operation if it is not managed properly.

PREVIOUS ACTIONS

- Approval of a Special Use Permit (SP-2019-77) for two (2) years in 2019 to bring in earthen fill.
- Approval of a Special Use Permit (SP2022-013) for one (1) year in 2022 to remove earthen fill.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on March 21, 2023. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Compliance with SP2023-009
Erosion Control
Fill or Removal Material
Floodplain and Floodway
Noise, Dust, Vibration, and Illumination
Buffering and Screening
Project Timeline

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Special Use Permit Application **SP2023-009, for two (2) years**, subject to:

1. **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;**
2. **The Subject Property is within a 100-year Special Flood Hazard Area (SFHA). A SFHA is defined as the area that would be inundated by the flood event having a 1 percent chance of being equaled or exceeded in any given year. Before the alteration to or construction of any new structure on the subject property, the applicant shall submit the following required information for review:**
 - a. **A Survey shall be provided showing the proper lines, setbacks, proposed and existing building elevations, 100-year floodplain and/or floodway shall be designated, the base flood elevation provided, FIRM panel number, and effective date shall be included. The Survey is required to be signed and sealed by and Kansas licensed surveyor or engineer;**

3. The hours of operation shall be 7:00 AM to 5:30 PM, Monday through Friday. Contact the neighborhood group and the surrounding residences at least 24 hours in advance of performing work on the weekend;
4. There shall be full compliance with the comments from the Wyandotte County Conservation District contained herein, which include;
 - a. Before any grading is done, the area that is not disturbed needs to be seeded and establish a good stand of grass. This will reduce run off into the borrow area.
 - b. Silt fence, placed on the contour, needs to be placed below the borrow area before any grading is done to protect the drainage way of Turkey Creek.
 - c. All erosion control items need to be checked once every week and after any rain event. Any repairs need on the silt fence need to be made immediately.
 - d. Four to six inches of good topsoil needs to be top dressed over borrow area.
 - e. Immediately after completion of grading, seeding and erosion control blanket needs to be installed or sod needs to be laid down on the disturbed area;
5. Trees to be planted at a ratio not less than one (1) per 7,000 square feet of site area;
6. Only the amount of fill that was brought in during the original dumping shall be removed;
7. Rumble strips and/or other mitigation measures must be installed on the subject property in order to prevent dirt, rubble, and other fill material from being tracked by work trucks onto and damaging the public right-of-way;
8. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
9. If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;
10. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
11. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
12. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit

- issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;
13. Section 27-464(g) requires that trees are required at not less than one (1) per 7,000 square feet of site area. The subject property has 46,174 square feet, requiring seven (7) trees be provided on the site plan;
 14. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
 15. 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;
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 17. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

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 **SP2023-009** subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

April 10, 2023 City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Floodplain Map
Response to Draft Report Comments, Provided by the Applicant
Neighborhood Meeting Materials
Grading Plan
Erosion Plan
Landscape Plan
Conservation District Comments
Site Photos, Taken by Staff, Dated March 10, 2023

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	April 10, 2023	April 27, 2023
Special Use	Approval	

STAFF CONTACT:

James Molloy
jmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2023-009** 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 **SP2023-009**, 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.

APRIL 10, 2023 CITY PLANNING COMMISSION MINUTES:

SPECIAL USE PERMIT APPLICATION SP2023-009 – JUDD CLAUSSEN WITH PHELPS ENGINEERING, INC. – SYNOPSIS: Renewal of a Special Use Permit (SP2022-013 – expires 5/5/2023) to continue to remove earthen fill at 1215 Merriam Lane. Detailed Outline of Requested Action: The applicant, Judd Clausen, is requesting a rehearing of a Special Use Permit (SP2022-013, which expires 5/26/2022) to continue to remove earthen fill and grade the subject property at 1215 Merriam Lane. The applicant intends to export earthen fill only. This Special Use Permit initially arose as the result of a joint Building Inspection and Zoning Enforcement action beginning in 2018. The petition is being reheard as the applicant has changed the scope of the remediation and removal of earthen fill project.

The items I have just read are on the Consent Agenda. At this time, does any member of the Commission wish to disclose any contact on any of the items? (No one responded in the affirmative).

Please include the following items as part of the record for all of the Items on the Consent Agenda:

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated April 10, 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.

The Commission will vote to approve in one vote these items unless someone requests that an item be removed from the Consent Agenda.

On motion by Mrs. Jones, seconded by Mr. Ernst, the Planning Commission voted as follows to **APPROVE** the items on the Consent Agenda:

Carson	Chairman
Armstrong	Aye
Beth	Aye
Connelly	Aye
Eilts	Aye
Ernst	Aye
Jones	Aye

Miller Not Present
Mohler Aye
Straws Aye
Ward Not Present
Motion to **APPROVE** Passed: 8 to 0
Subject to:

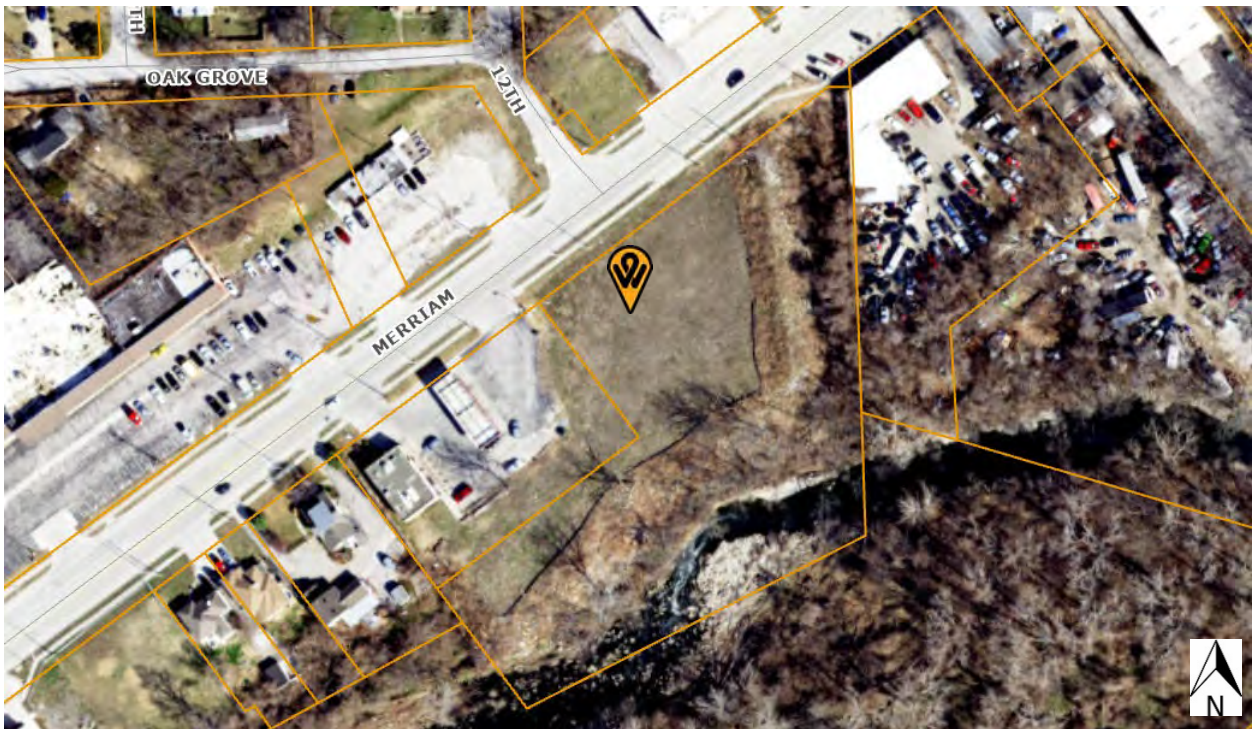
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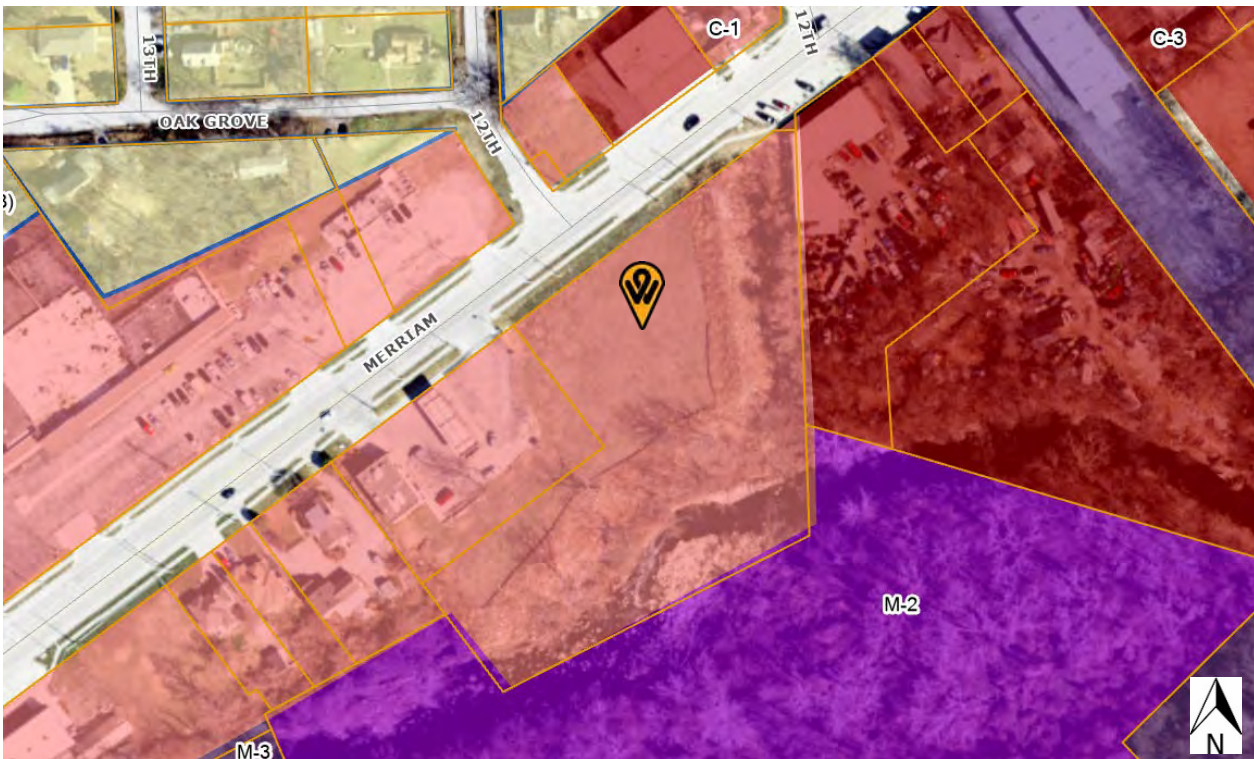
- storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business 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;
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 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

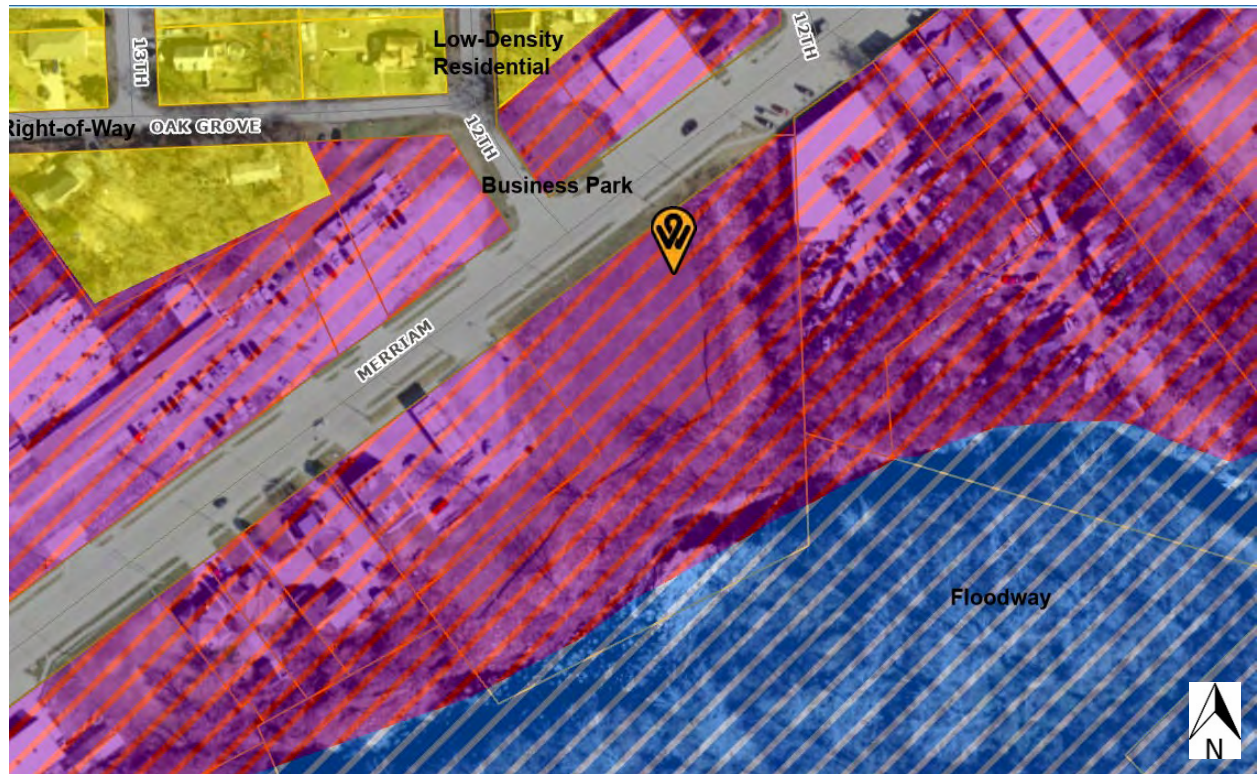
AERIAL IMAGERY



ZONING MAP



LAND USE MAP



FLOODPLAIN MAP



RESPONSE TO DRAFT REPORT COMMENTS, PROVIDED BY THE APPLICANT

THE FRIDKIN LAW FIRM, LLC

JOSEPH M. FRIDKIN
913-248-9100
EMAIL: JFRIDKIN@FRIDKINLAW.COM

10620 JOHNSON DRIVE, SUITE 100
SHAWNEE, KANSAS 66203
FAX 913-248-9111

March 24, 2023

SENT VIA ELECTRONIC MAIL

Planning and Urban Design Staff
EDR@wycokck.org

Re: Petition SP2023-009 to continue to remove earthen material from 1215 Merriam Lane.

RESPONSE TO STAFF COMMENTS AND SUGGESTIONS

Mr. Molloy:

The Petitioner responds to the Staff Comments and Suggestions (which start of Page 6 of the Staff Draft Report) as follows:

Planning and Urban Design Comments:

1. Correct. No work has commenced on the Property.
2. Landscape plan has been provided.
3. Acknowledged.
4. The Petitioner has not been able to remediate the Property due to several reasons. Primarily the great cost associated with the work. Further, there was ongoing litigation that further precluded the financial ability of the Petitioner to complete the work. It must be noted that the Petitioner did not create the need for the remediation for its Property, rather the Petitioner was duped into accepting "free dirt" from a heavy contractor known as Phillips Hardy, Inc. The Petitioner operates service stations and associated convenience stores. Phillips Hardy employees came to know Jahan Enterprises, LLC Member, Ali Khan and became "friends" with him through one of the service stations owned by the Petitioner that connects to the subject Property. Phillips Hardy indicated that they had a bunch of "free dirt" from the Turkey Creek Interceptor Project that they would be happy to give to the Petitioner. Phillips Hardy indicated to the Petitioner that their work would be done correctly, and given that Phillips Hardy was the contractor hired to undertake the Turkey Creek Interceptor Project, the Petitioner trusted that Phillips Hardy would do the work correctly and legally. Of course this did not happen. Phillips Hardy did not inform the Petitioner that the Petitioner would need to seek a land disturbance permit (and other permitting) to receive the "free dirt", nor did Phillips Hardy seek a Hauling Permit to move the materials from the Turkey Creek Interceptor Project, all of which resulted in a "stop work order" placed upon the Property, and a citation for importing improper fill materials on the Property, which must now be removed at the cost

of the Petitioner. Phillips Hardy dumped approximately 14,000 cubic yards of materials on the Property (That were deposited by dump trucks operating on a daily basis from July 3 through September 19, 2018). Since early 2019, the Petitioner has been in active litigation with Phillips Hardy. That litigation ended in January of 2023, immediately prior to trial. The significant expense associated with the remediation and the previously ongoing litigation with Phillips Hardy served to make it financially impossible to do the work. The financial value made it impossible for the Petitioner to seek bank financing to undertake the significant expense of correcting the damage done to the Property by Phillips Hardy (The Petitioner purchased the subject property for the price of \$130,000.). If the Petitioner was to remediate the Property on the terms of the current SUP the cost is over \$750,000 to remove the improper fill materials, and an additional removal of approximately 6,000 cubic yards of previously untouched earth to allow the Property to have a riverbank that reflect a 3 to 1 ratio from the historical floodplain line. The Petitioner seeks only to reduce the amount of earth to be removed from the Property to the improper fill materials, and to take the riverbank from the current flood plain line 1 to 1 slope ratio to 3 to 1 slope ratio (it must be noted that all adjacent properties located along that same riverbank have 1 to 1 slope ratios). The requested reduction to the removal of non-compliant fill materials will significantly reduce the cost to remediate the Property (An amount the Petitioner now has the financial ability to handle without financing.), and speed up the process of remediation.

5. The change requested is to limit the amount of materials to be removed from the Property to the improper fill material and utilize the existing floodplain line. The existing embankment slope is steep, and the revised grading plan would soften the grade to a 3H:1V slope. The grading plan will otherwise remain the same.
6. The work can be completed within 6 months, which is dependent upon the timing of our contractor's ability to mobilize its crew to perform the work.
7. Improper fill material was dumped on the Property. The Petitioner would like to limit the removal of soil from the Property to the improper fill material dumped on the Property.
8. The previous SUP did not require a Floodplain Development Permit.
9. Acknowledged and understood.
10. See landscape plan provided.
11. Yes, Sheet 1 is the updated grading plan.
12. Weekday normal business hours. 7 a.m. to 5:30 p.m.
13. 7 Trucks with 9 trips per day.
14. The purpose of the remediation is to remove non-compliant materials and take the current riverbank from a 1 to 1 slope ratio to 3 to 1. No materials whatsoever have been brought to the site since the "stop work order".
15. The route to the landfill will be provided pursuant to any hauling permit application.
16. The SWPP will contain dust mitigation. This will be provided as part of the Engineering comment responses for permit.

Planning Engineering Comments:

- A. N/A
- B. We will work with Engineering directly to address comments and concerns.
- C. N/A

Wyandotte County Conservation District Comments:

- 1. Acknowledged and understood.
- 2. Acknowledged and understood. We have added this note as #11 under the "Erosion Control Notes" on sheet 2 of the plans.
- 3. The SWPP will contain this information, which is acknowledged and understood. See also sheet 2 of the plans, keynote #3, which shows the silt fence at the toe of the slope.
- 4. The SWPP will contain this information, which is acknowledged and understood. See also note #5 under the "Erosion Control Notes" on sheet 2 of the plans.
- 5. Acknowledged and understood. We have added this note as #12 under the "Erosion Control Notes" on sheet 2 of the plans.
- 6. Acknowledged and understood. We have added this note as #13 under the "Erosion Control Notes" on sheet 2 of the plans.

Public Works Comments:

- 1. Acknowledged and understood. See also sheet 2 of the plans, keynote #3, which shows the silt fence at the toe of the slope.
- 2. Correct. The improper fill dirt will be removed. The remaining "clean" soil will stay on the Property.
- 3. Acknowledged and understood.

Thank you for your consideration. Please let me know if you need any further information or to enhance what we have provided in response to the comments and concerns of Staff.

Very truly yours,

THE FRIDKIN LAW FIRM, LLC

By: */s/ Joseph M. Fridkin*
Joseph M. Fridkin

NEIGHBORHOOD MEETING MINUTES

THE FRIDKIN LAW FIRM, LLC

JOSEPH M. FRIDKIN
913-248-9100
EMAIL: JFRIDKIN@FRIDKINLAW.COM

10620 JOHNSON DRIVE, SUITE 100
SHAWNEE, KANSAS 66203
FAX 913-248-9111

March 9, 2023

SENT U.S. MAIL
COMMISSIONER CHRISTIAN RAMIREZ
701 NORTH 7TH STREET, 9TH FLOOR
KANSAS CITY, KS 66101

Re: Petition SP2023-009 to continue to remove earthen material from 1215 Merriam Lane.

NOTICE OF PUBLIC MEETING

To Whom It May Concern:

Please be advised that a Public Meeting regarding the above referenced Petition for Special Use Permit will take place on March 21, 2023 at 6:00 pm via Zoom at the following link:

Join Zoom Meeting
<https://us05web.zoom.us/j/88382630213?pwd=RWVPTytQRmdycnFmcGpWl0l6cU0rQT09>
Meeting ID: 883 8263 0213
Passcode: b7v64H

The proposed changes are as follows: Renewal of a Special Use Permit (SP2022-013 – expires 5/5/2023) to continue to remove earthen material at 1215 Merriam Lane. Specifically, the Petitioner is seeking to change the existing SP2022-013 to limit the removal of earthen materials to those materials placed upon the property that are non-compliant with UG Code, and to create an approved grade for the river bank of Turkey Creek for this property.

Thank you for your consideration. Please feel free to contact me with any questions or concerns.

Very truly yours,

THE FRIDKIN LAW FIRM, LLC

By: */s/ Joseph M. Fridkin*
Joseph M. Fridkin

THE FRIDKIN LAW FIRM, LLC

JOSEPH M. FRIDKIN
913-248-9100
EMAIL: JFRIDKIN@FRIDKINLAW.COM

10620 JOHNSON DRIVE, SUITE 100
SHAWNEE, KANSAS 66203
FAX 913-248-9111

MEETING MINUTES

Regarding: Neighborhood Meeting for Special Use Permit Petition SP2023-009

Meeting Location: Via Zoom

Meeting Date: March 21, 2023

Attendees: Ali Khan, Jahan Enterprises, LLC (Owner)
Judd Claussen, Phelps Engineering
Joseph M. Fridkin, Counsel for the Owner
Neighbors: Dayanara Zamora on behalf of the property own

-
- Meeting commenced at 6:00 p.m.
 - Introduction to participants and roll of those present on the Zoom meeting.
 - Introduction of SUP request to remove 8,500 cubic yards of non-compliant soil, and the grading of the bank of Turkey Creek from the current condition to a 3 to 1 slope ratio from the Petitioner's property located at 1215 Merriam Lane.
 - Dayanara Zamora, daughter of Maria Eugenia Mendoza, 9901 Fairlane Road, Lenexa, KS 66215, asked what exactly is occurring on the property. She was informed that we are seeking to remove thousand of cubic yards of non-compliant fill material that was improperly dumped on the Property, which will result in graded, grassed in and trees added to the property as directed by the Unified Government. Ms. Zamora indicated that she is supportive of our Petition for Special Use Permit.
 - No other neighbors attended the Meeting
 - The meeting was adjourned at 6:10 p.m.

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF KANSAS)
) SS:
COUNTY OF JOHNSON)

Comes now JOSPEH M. FRIDKIN, counsel for Petitioner Jahan Enterprise, LLC,
of lawful age, sound mind and upon his/her oath states as follows:

1. That I am counsel of record for the petitioner for Petition #SP2023-009.
2. That I conducted a neighborhood meeting via Zoom on March 21, 2023 at 6:00 p.m.
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.

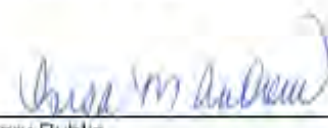
Further affiant saith not.


Affiant

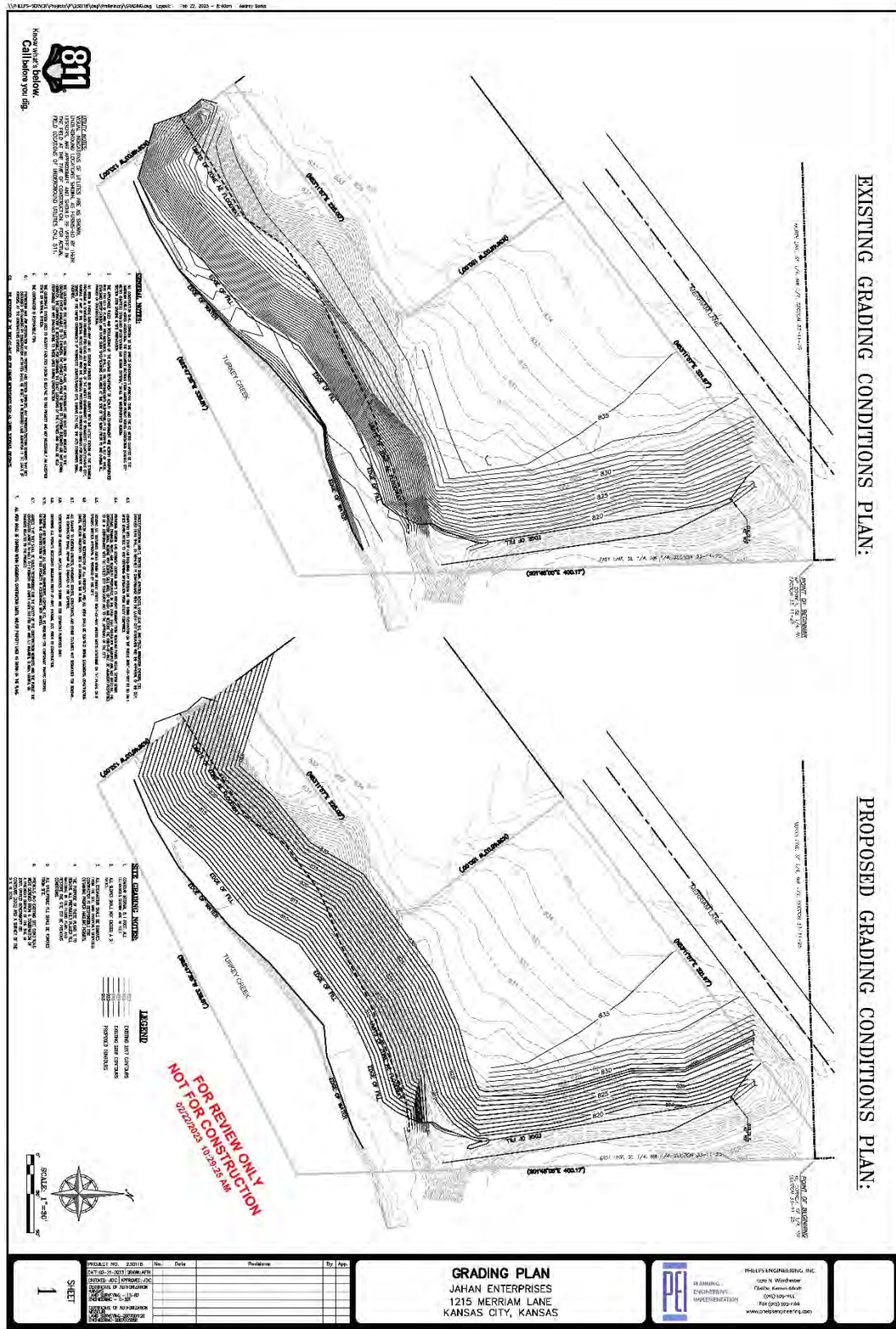
SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 24 day of March, 2023.

My commission expires 25th of March, 2024.

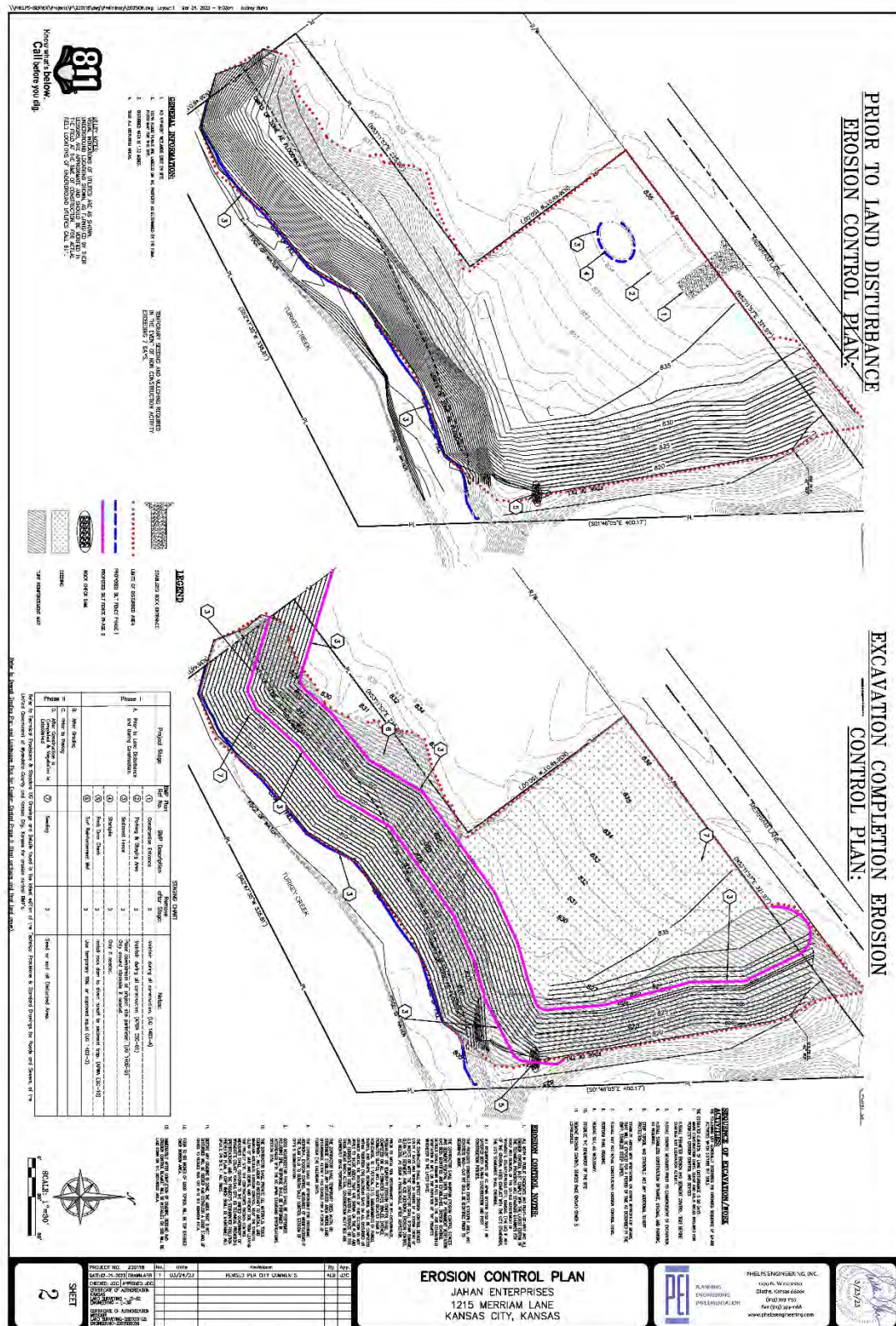



Notary Public

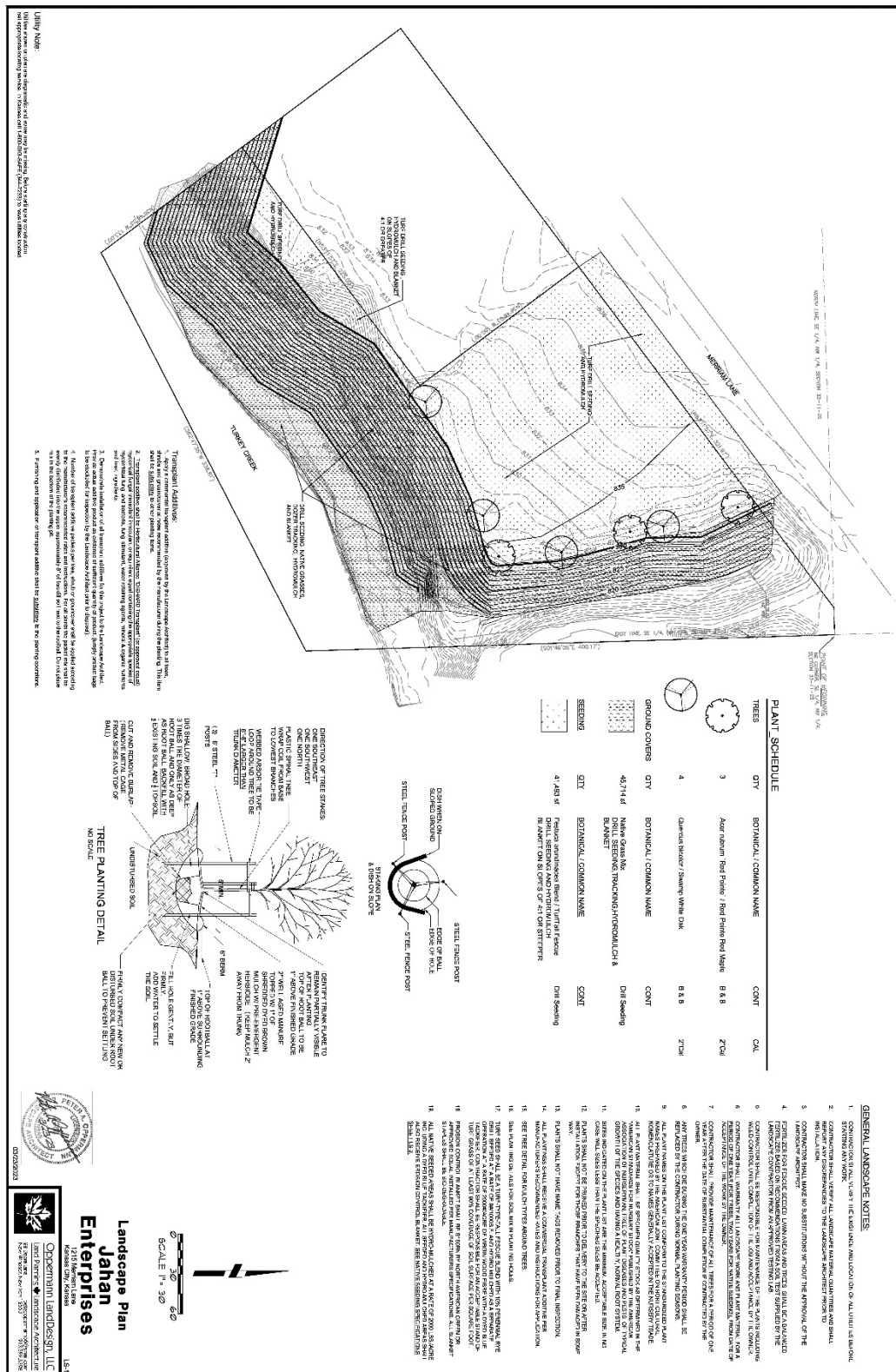
GRADING PLAN



23



24



WYANDOTTE COUNTY CONSERVATION DISTRICT COMMENTS



Wyandotte County Conservation District
1214 N. 79th Street - Kansas City, KS 66112 - Phone (913)-334-6329
wycd.conservations@gmail.com

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

March 14, 2023

RE: SP-2023-009 Joe Fridken for earth removal at 1215 Merriam Lane

Dear Mr. Hand:

The Wyandotte County Conservation District has completed an environmental review of the: SP-2023-009 Joe Fridken for earth removal at 1215 Merriam Lane.

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: Kennebec silt loam, occasionally flooded 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.
- Before any grading is done, the area that is not disturbed needs to be seeded and establish a good stand of grass. This will reduce run off into the borrow area.
- Silt fence, placed on the contour, needs to be placed below the borrow area before any grading is done to protect the drainage way of Turkey Creek.
- All erosion control items need to be checked once every week and after any rain event. Any repairs need on the silt fence need to be made immediately.
- Four to six inches of good top soil needs to be top dressed over borrow area.
- Immediately after completion of grading, seeding and erosion control blanket needs to be installed or sod needs to be laid down on the disturbed area.

The following Best Management Practices are recommended for this plat:

* **Access Road** – Temporary entrance/exit pads should be constructed of a stone base design to provide a buffer area where construction vehicles can drop their mud to avoid transporting it onto public roads. See the *Protecting Water Quality Field Guide* pages 27-29 for Temporary Gravel Construction Entrance/Exit Pad.

* **Dust Control** – Any combination of the following may be used to help reduce the dust and air pollution at a construction site; vegetative cover, sprinkling, barriers, street cleaning and mulching. See the *Protecting Water Quality Field Guide* pages 89-92 for Dust Control information.

* **Critical Area Planting** - After final grade has been completed permanent vegetation will be established. See the *Protecting Water Quality Field Guide* pages 35-54 for Temporary, and Permanent Seeding.

* **Filter Strips** – During development, strategic non disturbance of existing perennial grass vegetation can function as filter strips. See the *Protecting Water Quality Field Guide* pages 195-200 for Filter Strip.

* **Silt Fences**- Temporary sediment barrier consisting of a geotextile fabric which is attached to supporting posts and trenched into the ground may be substituted for vegetative strips. Install on the contour, where fence can intercept runoff as a sheet flow; not located in crossing channels, waterways or other concentrated flow paths. See the *Protecting Water Quality Field Guide* pages 175-181 for Sediment Fence.

* **Sediment Trap** -Temporary catch basins consisting of a row or more of entrenched and anchored straw bales can be utilized in minor swales with less than 2 acres of drainage. See the *Protecting Water Quality Field Guide* for Straw Bale Sediment Trap.

* **Mulching** – Mulch can be applied to seeded areas to help establish plant cover. It can also be used in unseeded areas to protect against erosion over the winter or until final grading and shaping can be accomplished. See the *Protecting Water Quality Field Guide* pages 61-66 for Mulching.

* **Precision Land Forming** – Keep disturbed areas small; open only the land that is minimally necessary to perform the intended construction activities; and only for the minimum duration of time necessary to complete construction. Permanent or temporary soil stabilization should be applied to denuded areas that will remain undisturbed for longer than 60 days.

* **Sediment Basins** – This best management practice should be utilized in the natural concentrated flow areas to protect adjacent property and meet the National Pollution Discharge Elimination Systems Permit (NPDES). See the *Water Quality Field Guide* pages 201 – 208 for Temporary Sediment Trap and pages 209-216 for Sediment Basin.

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

The ratings and other information in these reports are based on estimated engineering properties of the soils, on available test data and on field experience. The soil is

ordinarily examined to a depth of about 6 feet. At a greater depth, additional geological investigation may be needed. The natural soils and drainage pattern may have been changed in this area due to previous urban development. Therefore, the physical composition influencing the structure of the natural soil has already been altered; however, some generalities can still be applied for these soils. On site investigation is needed for detail planning as some delineation on the maps includes soils that differ from the named soil. Soil lines may not be exact therefore; on site investigation is needed for site specific planning.

If you have any comments or questions, please do not hesitate to call me.

Sincerely,

Cheri Miller
District Manager

enclosures

SITE PHOTOS, TAKEN BY STAFF, DATED MARCH 10, 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: April 27, 2023

Re: Petition SP2023-010

GENERAL INFORMATION

Applicant:
Daniel Castillo

Status of Applicant:
Representative
Over Under
401 North 6th Street
Kansas City, Kansas 66101

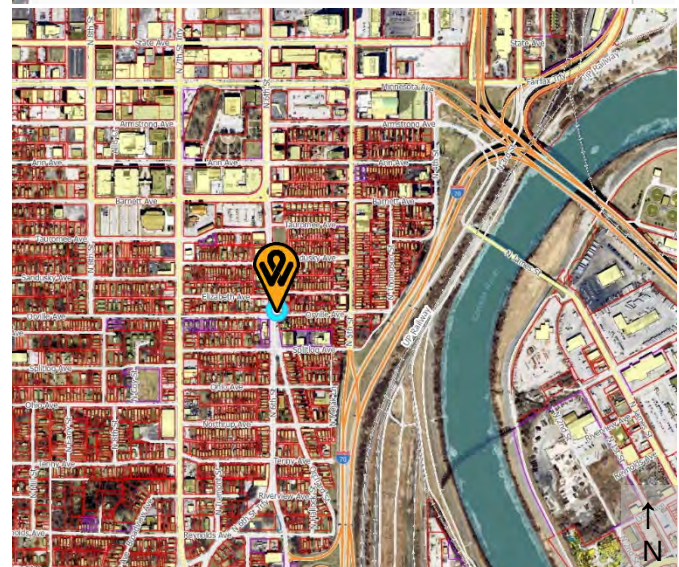
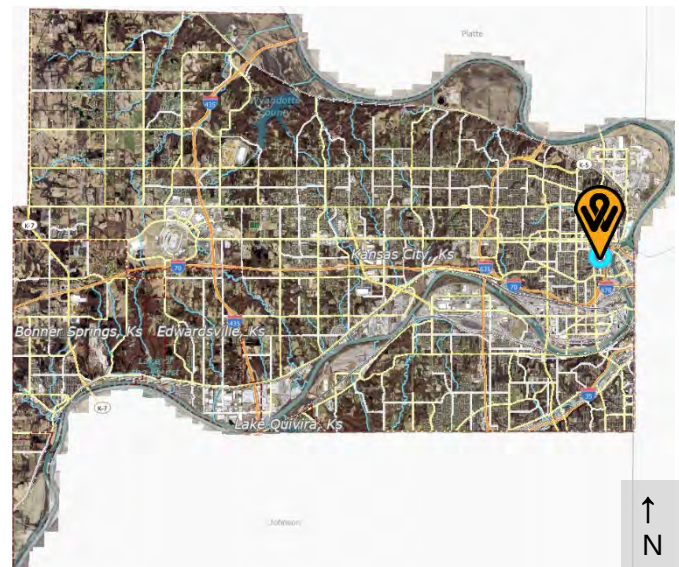
Requested Actions:
Approval of a Special Use Permit.

Date of Application:
February 24, 2023

Purpose:
Approve the operation of a drinking establishment with sports watch parties.

Property Location:
401 North 6th Street
Kansas City, Kansas 66101

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



Existing Zoning:	TND Traditional Neighborhood Design District, Transect Zone T-4
Adjacent Zoning:	North: TND Traditional Neighborhood Design District South: R-1(B) Single-Family District East: TND Traditional Neighborhood Design District West: TND Traditional Neighborhood Design District
Adjacent Uses:	North: Mixed-use building South: Single-family residence East: Vacated alley; Vacant lot West: Single-family residence
Total Tract Size:	0.05 Acre
Comprehensive Plan Area:	The subject property is within the Central Area Plan.
Comprehensive Plan Designation:	The Central Area Plan designates this property as Urban Density. The Urban Density Land Use District allows a mix of detached and attached residential. Allowed building types in the Urban Density Land Use District include: single-family homes; attached residences including town homes, duplexes, triplexes, and fourplexes; and, institutional, such as schools, churches and libraries.
Major Street Plan:	The Major Street Plan classifies North 6 th Street as a Local/Neighborhood Street. The Major Street Plan classifies Orville Avenue as a Local/Neighborhood Street.
Required Parking:	Section 27-472(n)(3)c requires two (2) parking spaces per 1,000 square feet of office or retail space. The subject property is a mixed-use building, with 2,162 square feet of commercial space on the first story where the proposed uses will occur. Although the Zoning Code requires five (5) parking spaces to serve the commercial space, the subject property is a legally non-conforming building that was constructed in 1925 and fills nearly the entirety to the parcel, and therefore no variance from the parking minimum is required.

Advertisement:	<u>The Wyandotte Echo</u> – March 16, 2023 Letters to Property Owners – March 17, 2023
Public Hearings:	April 10, 2023 and April 27, 2023
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The named Applicant, Daniel Castillo with Under Over, is requesting a Special Use Permit to operate a drinking establishment with live entertainment (sports watch parties). The subject property, a mixed-use building with a commercial storefront addressed as 401 North 6th Street and a second-story, two (2)-bedroom dwelling unit addressed as 401 H North 6th Street, is within the TND Traditional Design Neighborhood District, Transect Zone T-4.

City Ordinance Requirements: Article VIII, Sections 27-592 – 27-606

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. The previous property owners have not received any noise or disturbance complaints.
2. The current property owner has not received any noise or disturbance complaints.

Building or Code Enforcement Complaints:

1. The previous property owners have received citations from Building Inspection or Property Maintenance Compliance for the following violations:
 - a. Graffiti, 10/13/2003 (03220-00000-00025)
 - b. Delinquent rental property (property vacated), 2/15/2008 (02990-01220, 02991-01157, 02991-01246)
 - c. Environmental (weeds), 7/15/2008 (08200-07005)
 - d. Delinquent occupation tax license renewal (delinquent/late renewal in 2000, 2001, 2002, 2003, 2004, 2005, and 2006), 8/8/2008 (99980-00000-05694)
 - e. Graffiti, 2008 (two (2) citations)
 - f. Graffiti, 2009 (six (6) citations)
 - g. Other Multiple Violations (grass and weeds), 7/7/2009 (09220-02558)
 - h. Graffiti, 2010 (21 citations)
 - i. Other Multiple Violations (weeds and trash), 6/13/2011 (11200-02155)
 - j. Graffiti, 2011 (four (4) citations)
 - k. Graffiti, 2012 (12 citations)
 - l. Graffiti, 2013 (seven (7) citations)

- m. Graffiti, 2014 (four (4) citations)
 - n. Graffiti, 2015 (two (2) citations)
 - o. Over Multiple Violations (broken window glass), 2/9/2015 (15200-00481)
 - p. Other Multiple Violations (grass and weeds), 6/29/2015 (15200-02321)
 - q. Other Multiple Violations (building in need of repainting), 1/14/2016 (16200-00197)
 - r. Other Multiple Violations (grass and weeds), 9/8/2016 (16200-03605)
 - s. Other Multiple Violations 8/9/2017
 - t. 14-Day Abatement 8/23/2017
2. The current property owner has received citations from Building Inspection or Property Maintenance Compliance for the following violations:
 - a. Other Multiple Violations 6/5/2018
 - b. 14-Day Abatement 8/6/2018
 - c. Service Request 4/2/2019
 - d. Service Request 4/3/2019
 - e. Graffiti, 9/4/2019

Outstanding or Related Permits and Cases:

1. The previous property owners did not have any other outstanding or related permits or cases.
2. The current property owner does not have any other outstanding or related permits or cases.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The subject property is within the Riverview Statistical Neighborhood and is within the Strawberry Hill Neighborhood Association. The neighborhood is located immediately west of the Kansas River and Interstate-35/70 and is one of the oldest neighborhoods in Kansas City. Characteristics of the neighborhood include mixed-used buildings with shared walls, sidewalks, and small, dense single-family residential parcels located on side streets off of the main commercial and mixed-use streets—North 5th Street, North 6th Street, and North 7th Street Trafficway. Buildings along this street typically are composed of brick masonry or natural stone. The neighborhood lacks sufficient parking but is generally walkable with traffic access.

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

The nearby parcels on the 400-block of North 6th Street, on both sides of the public right-of-way, are zoned TND District and thus such mixed uses are anticipated. Current nearby uses include a funeral home, bars, apartment building, tax office, automotive repair, and spiritual consultant. The mixed nature of these uses and current presence of alcohol-serving establishments indicates

that a drinking establishment would be compatible. In fact, drinking establishments are encouraged to be located within the commercial or mixed-use areas of denser and walkable neighborhoods in order to reduce the opportunities for drinking and driving by the patrons.

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

The subject property is currently a space that features live entertainment and which alcohol is served. While the space was intended to sell vinyl records and other media of music—and thus serving alcohol and hosting live performances are considered secondary uses—the fact that such uses did occur on a regular basis without incident demonstrates that the subject property is suitable for a drinking establishment that promotes sports-watching parties.

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

The first story space on the subject property, 401 North 6th Street, is currently occupied by Manor Records, a non-profit record store and live performance space operated by Applicant; Applicant currently has a special use permit, SP2021-073 The second story is an occupied two (2)-bedroom apartment.

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

The Central Area Plan designates this property as Urban Density. The Urban Density Land Use District allows a mix of detached and attached residential. Allowed building types in the Urban Density Land Use District include: single-family homes; attached residences including town homes, duplexes, triplexes, and fourplexes; and, institutional, such as schools, churches and libraries. The subject property is a two (2)-story mixed-use commercial/residential building that is located at the northeast corner of the intersection of North 6th Street and Orville Avenue. The North 6th Street right-of-way includes on-street parking throughout the TND District, which extends for several blocks north of the subject property. Due to a quirk of the block layout, the subject property does not abut a public alley and as a consequence the subject property does not have any on-site parking at all, much less dedicated for residential uses. The lack of on-site parking is legally non-conforming, and is not required to be addressed through an expansion of parking, parking agreement, nor variance. Off-street, off-site parking agreements with nearby businesses are encouraged, however. Therefore, the proposed use conforms closely with the Central Area 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.*

As previously mentioned, the subject property is currently a space that features live entertainment and which alcohol is served. Even with the transition from a record store to a drinking establishment, the capacity of the first story will remain

at 64 persons. As the capacity has not increased, the proposed use will not result in increasing the amount of vehicular traffic to the point where it exceeds the capacity of the street network to accommodate it.

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

While it is important to the social and economic life of the community to have open and operating businesses in storefronts, a drinking establishment is not reasonably necessary to the convenience and welfare of the public. While drinking establishments can serve as social hubs, drinking establishments can also lead to health and safety issues, trash, noise, and disorderly conduct. Such issues could have a substantial or permanent injury to the visual quality of the adjoining commercial and residential uses, and to the marketability of adjoining residential properties.

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

Drinking establishments tend to generate more noise than a restaurant or other commercial use with an equivalent number of patrons or within an equivalent area of floor space. Such noise can be further exacerbated by live entertainment or showing sports on TV. Furthermore, drinking establishments often operate later than other businesses, sometimes as late as 2 AM. During late-night or early-morning hours, even lower levels of noise can be amplified (or perceived to be amplified). Such amplification can cause issues for nearby residential properties, or even the residential unit on the second story of the subject building. The late-night hours of operation of drinking establishments also requires external lighting for the safety of the patrons, and such lighting during late-night hours can cause issues for nearby residents as well. Therefore, several issues related to noise and illumination may be present on the subject property due to the proposed use. Applicant has stated that the drinking establishment will not be open past midnight any day of the week; Applicant should take steps to mitigate such potential issues such as light and amplified noise.

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

The proposed use will take place in an existing, operating mixed-use building. There is no proposed expansion of the building. Furthermore, the building takes up almost the entirety of the 0.05-acre parcel, shares a wall with the neighboring building, and is located in one (1) of the most highly concentrated and walkable areas of Kansas City. Given these characteristics of the building and neighborhood, the proposed use is likely to have less of an impact on the air, land, and water than an equivalent use located in a less dense area of the city or within a new development.

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

As addressed in Factor to be Considered #9, the location of the proposed drinking establishment within a dense, walkable neighborhood and its reuse of the ground floor of a mixed-use building demonstrate the minimal environmental impact that such a use would have. Therefore, for the same reasons, this proposed special use will not damage nor destroy an irreplaceable natural resource.

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

As addressed in Factor to be Considered #8, the late-night hours of a drinking establishment have the potential to cause issues related to noise and lighting. Furthermore, drinking establishments have the potential to cause issues related to alcohol consumption and anti-social behavior. There are, however, benefits to having local drinking establishments—including walkability that reduces the dangerous activity of drunk driving. So long as Applicant takes steps to mitigate noise, lighting, and overconsumption, then the special use can create a gain to the community through social gathering and sales taxes relative to the potential issues that could arise.

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

The capacity of the first story will remain at 64 persons. As the capacity does not change, then the proposed use will not result in overcrowding of land or cause undue concentrations of population.

PREVIOUS ACTIONS

- SP2021-073, a Special Use Permit to serve alcohol at a non-profit recording studio and bar

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting at 401 North 6th Street on March 27, 2023. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Dumpsters and Screening
Lack of On-Site Parking
Parking Agreement/Shared Parking

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Special Use Permit Application SP2023-010 **for two (2) years**, subject to:

1. A comprehensive waste plan between neighboring tenants is enacted by the landlord;
2. Sidewalks must remain clean and clear of trash and debris;
3. Construction plans should include soundproofing and consideration for the upstairs resident and adjoining neighbors;
4. If food is to be served, appropriate food handling licensing shall be obtained;
5. Hours of operation are as follows:
 - a. Monday-Thursday, 5:00 PM to 12:00 AM, and
 - b. Friday-Sunday 11:00 AM to 12:00 AM;
6. In the case of sports-watching parties, the hours of operation may commence earlier than posted, but shall not exceed the posted closing time;
7. The building capacity shall not exceed 64 persons;
8. Per Section 27-214(f)(7), in cases in which special use permit applications are conditionally approved by the unified government board of commissioners, the permit shall not take effect until the conditions are fulfilled. Such conditional approval shall expire after one year if the conditions are not met, unless otherwise specified in the approval;
9. All entertainment must cease by at least 12:00 AM;
10. Doors and windows must stay closed during any entertainment performance;
11. Must comply with Unified Government Security Ordinance (Chapter 4, Article II Division 1, Section 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; and,
 - d. At closing time, all security personnel will begin from a designated area to move patrons towards the exit and then to their vehicles.
12. No amplified speakers or entertainment is allowed in outdoor spaces;
13. Any illumination that results from an entertainment event shall not be seen or otherwise impact adjacent residential uses;
14. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;

15. The applicant has filed and maintained a current business occupation tax application and entertainment licenses;
16. 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;
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;
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; and,
20. All conditions of approval herein must be constructed, executed, implemented, or otherwise completed within six (6) months of approval unless otherwise determined by the Director of Planning or their designee.

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 **SP2023-010** subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

April 10, 2023 City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Neighborhood Meeting Materials
First Floor Plan of 401 North 6th Street Submitted by Applicant
Options for Off-Site/Shared Parking Proposed by Staff
Site Visit Photographs by Staff, Dated March 27, 2023

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>City Planning Commission</u>	<u>Unified Government Board of Commissioners</u>
Public Hearing		
Special Use Permit	April 10, 2023 Approval	April 27, 2023

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2023-010** as meeting all the requirements of the City code and being in the interest of the public health, safety and general 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 **SP2023-010**, as it is not in compliance with the City Code, as it will not promote the public health, safety and general welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

April 10, 2023 City Planning Commission Minutes:

Hearing starts at 3:34:27:

SPECIAL USE PERMIT APPLICATION SP2023-010 – DANIEL CASTILLO WITH

OVER UNDER - SYNOPSIS: Special Use Permit to operate a drinking establishment with sports watch parties at 401 North 6th Street. Detailed Outline of Requested Action:

The named Applicant, Daniel Castillo with Under Over, is requesting a Special Use Permit to operate a drinking establishment with live entertainment (sports watch parties). The subject property, a mixed-use building with a commercial storefront addressed as 401 North 6th Street and a second-story, two (2)-bedroom dwelling unit addressed as 401 H North 6th Street, is within the TND Traditional Design Neighborhood District, Transect Zone T-4.

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 April 10, 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. Planning Commissioner Elts stated that the Applicant told her he had filed this application.

Present in Support:

- Daniel Castillo, applicant, Over/Under, 401 North 6th Street, Kansas City, Kansas 66101

Present in Opposition:

- No one appeared

Staff Recommendation starts at 3:37:01: Planning Director Hand stated that as the Applicant mentioned, this is a new concept for an existing bar. The change in ownership is what has necessitated a new Special Use Permit. He stated that Staff applied the conditions from the prior Special Use Permit to this application. This property is located in the Central Area Plan. Staff has received no letters in support nor in opposition. There are some old Notices of Violation, which pre-dated the prior operation due to the property being vacant. Staff recommends approval for two (2) years subject to the conditions in the staff report.

Motion starts at 3:38:00:

On motion by Mr. Ernst, seconded by Mrs. Jones, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit Application SP2023-010 for two (2) years:**

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

Motion to recommend APPROVAL Passed: 8 to 0

Subject to:

1. A comprehensive waste plan between neighboring tenants is enacted by the landlord;
2. Sidewalks must remain clean and clear of trash and debris;
3. Construction plans should include soundproofing and consideration for the upstairs resident and adjoining neighbors;
4. If food is to be served, appropriate food handling licensing shall be obtained;
5. Hours of operation are as follows:
 - a. Monday-Thursday, 5:00 PM to 12:00 AM, and
 - b. Friday-Sunday 11:00 AM to 12:00 AM;
6. In the case of sports-watching parties, the hours of operation may commence earlier than posted, but shall not exceed the posted closing time;
7. The building capacity shall not exceed 64 persons;
8. Per Section 27-214(f)(7), in cases in which special use permit applications are conditionally approved by the unified government board of commissioners, the permit shall not take effect until the conditions are fulfilled. Such conditional approval shall expire after one year if the conditions are not met, unless otherwise specified in the approval;
9. All entertainment must cease by at least 12:00 AM;
10. Doors and windows must stay closed during any entertainment performance;
11. Must comply with Unified Government Security Ordinance (Chapter 4, Article II Division 1, Section 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; and,
 - d. At closing time, all security personnel will begin from a designated area to move patrons towards the exit and then to their vehicles.
- 12. No amplified speakers or entertainment is allowed in outdoor spaces;
- 13. Any illumination that results from an entertainment event shall not be seen or otherwise impact adjacent residential uses;
- 14. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
- 15. The applicant has filed and maintained a current business occupation tax application and entertainment licenses;
- 16. 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;
- 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;
- 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; and,

20. All conditions of approval herein must be constructed, executed, implemented, or otherwise completed within six (6) months of approval unless otherwise determined by the Director of Planning or their designee.

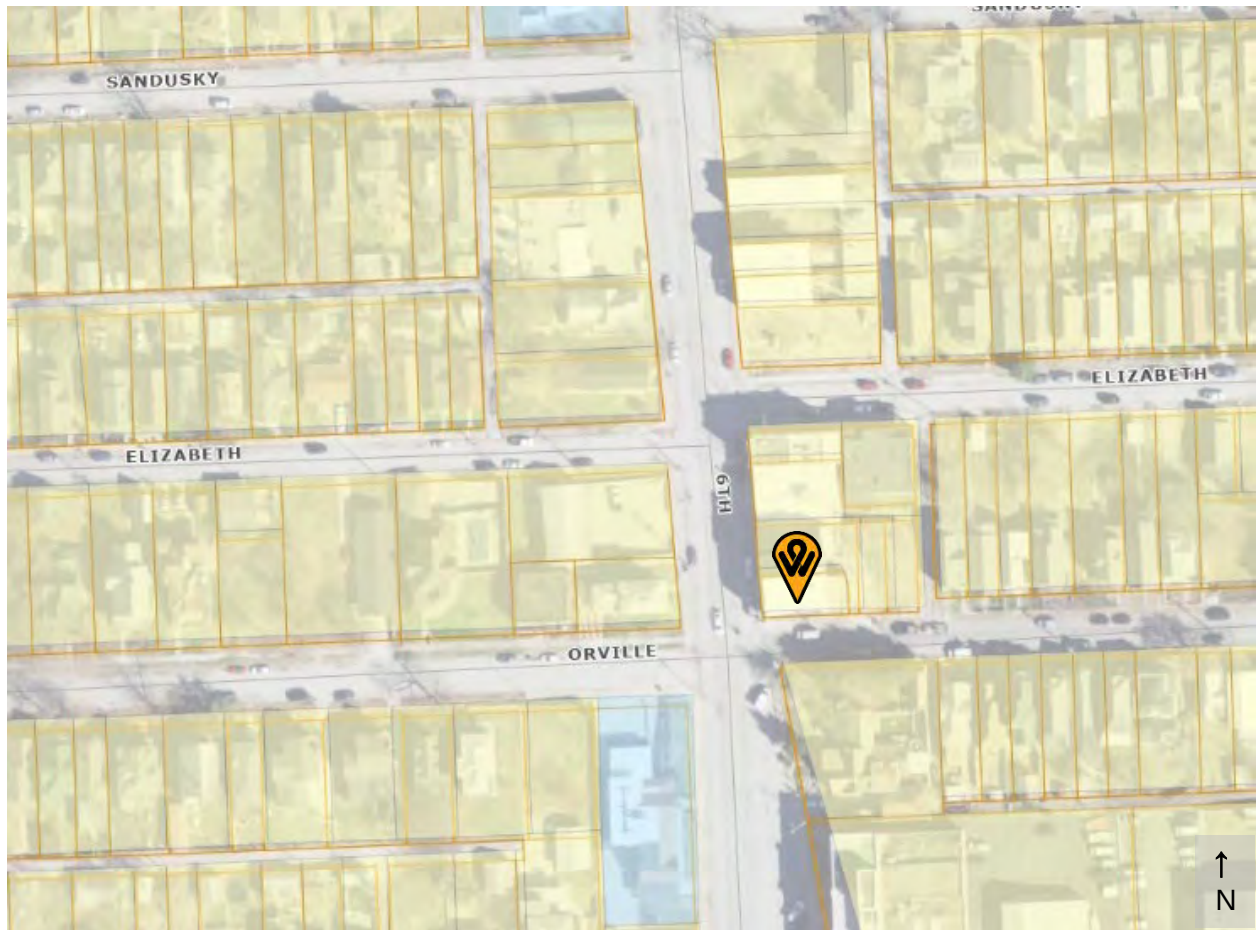
AERIAL MAP



ZONING MAP



LAND USE MAP



Central Area Plan Land Uses

Future Land Use

- Community Commercial
- High-Density Residential
- Medium Density Residential
- Mixed-Use
- Neighborhood Commercial
- Parks/Open Space
- Public/Semi-Public
- Right-of-Way
- Urban Density
- Utility

NEIGHBORHOOD MEETING MATERIALS

OverUnder

March 3, 2023

Subject: Neighborhood Meeting

I have filed an application with the Department of Urban Planning and Land Use. The purpose of the meeting is for a special use permit at 401 N Sixth Street, Kansas City, KS.

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

The meeting will be held at 401 N Sixth Street at 6:30 PM March 27, 2023.

I look forward to seeing you at the neighborhood meeting.

Sincerely,

Daniel Castillo, Owner

Neighborhood Meeting
March 27, 2023

In attendance: Daniel Castillo and Rebekah Suminski
Facilitator: Daniel
Secretary for meeting: Rebekah

Opened Zoom meeting at 6:20 pm

Opened the zoom meeting at 6:20 pm and waited for attendees. No one logged on.

Meeting adjourned at 6:45 pm

NEIGHBORHOOD MEETING MATERIALS, CONT.

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
COUNTY OF Wyandotte) SS:

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

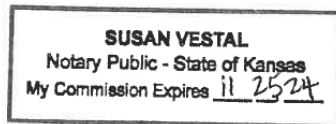
1. That I am the petitioner for Petition # Sp 2023-010.
2. That I conducted a neighborhood meeting on 3/27/23.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.


Affiant

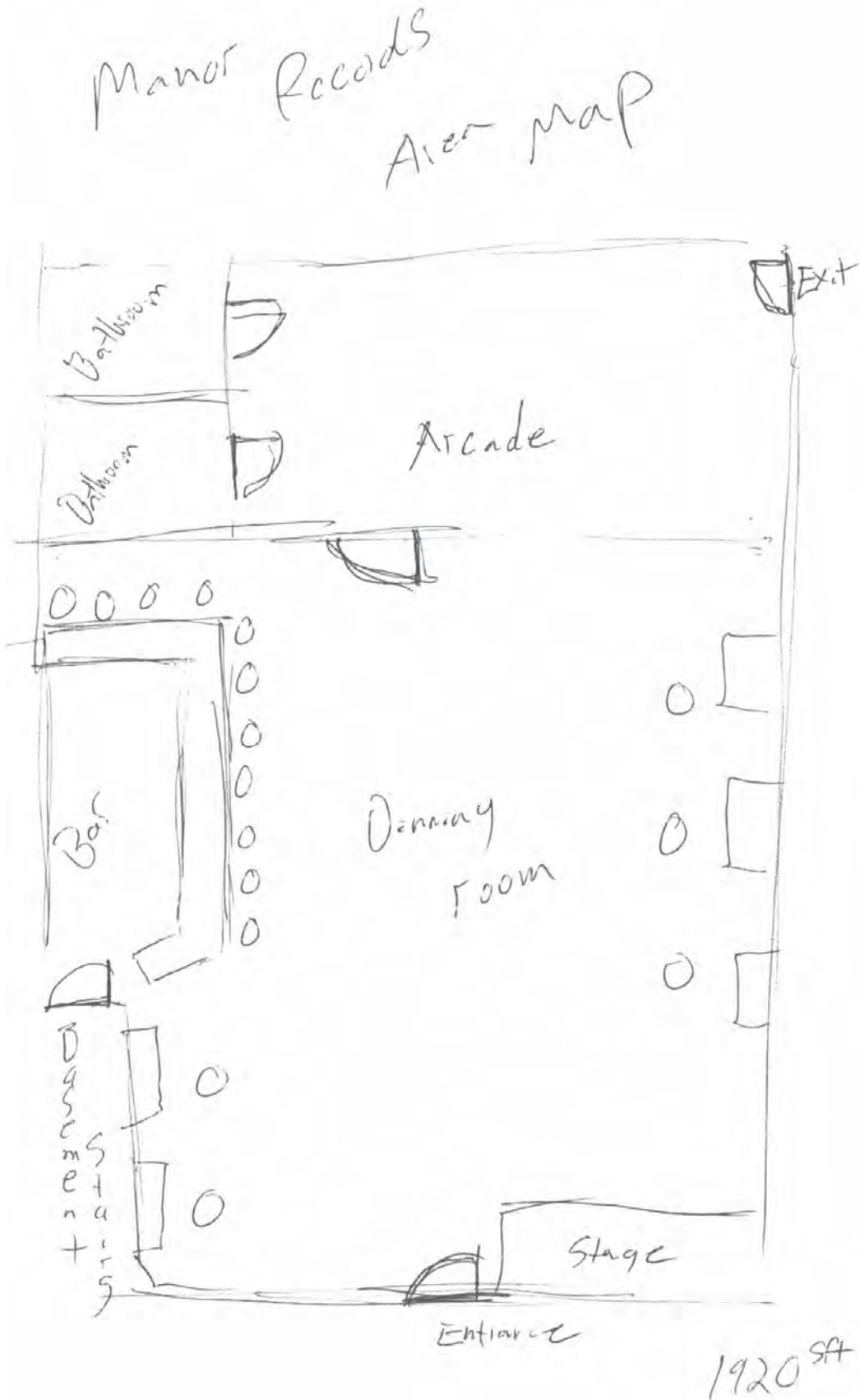
SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 29th day of March 2023

My commission expires 25th of 11, 2024

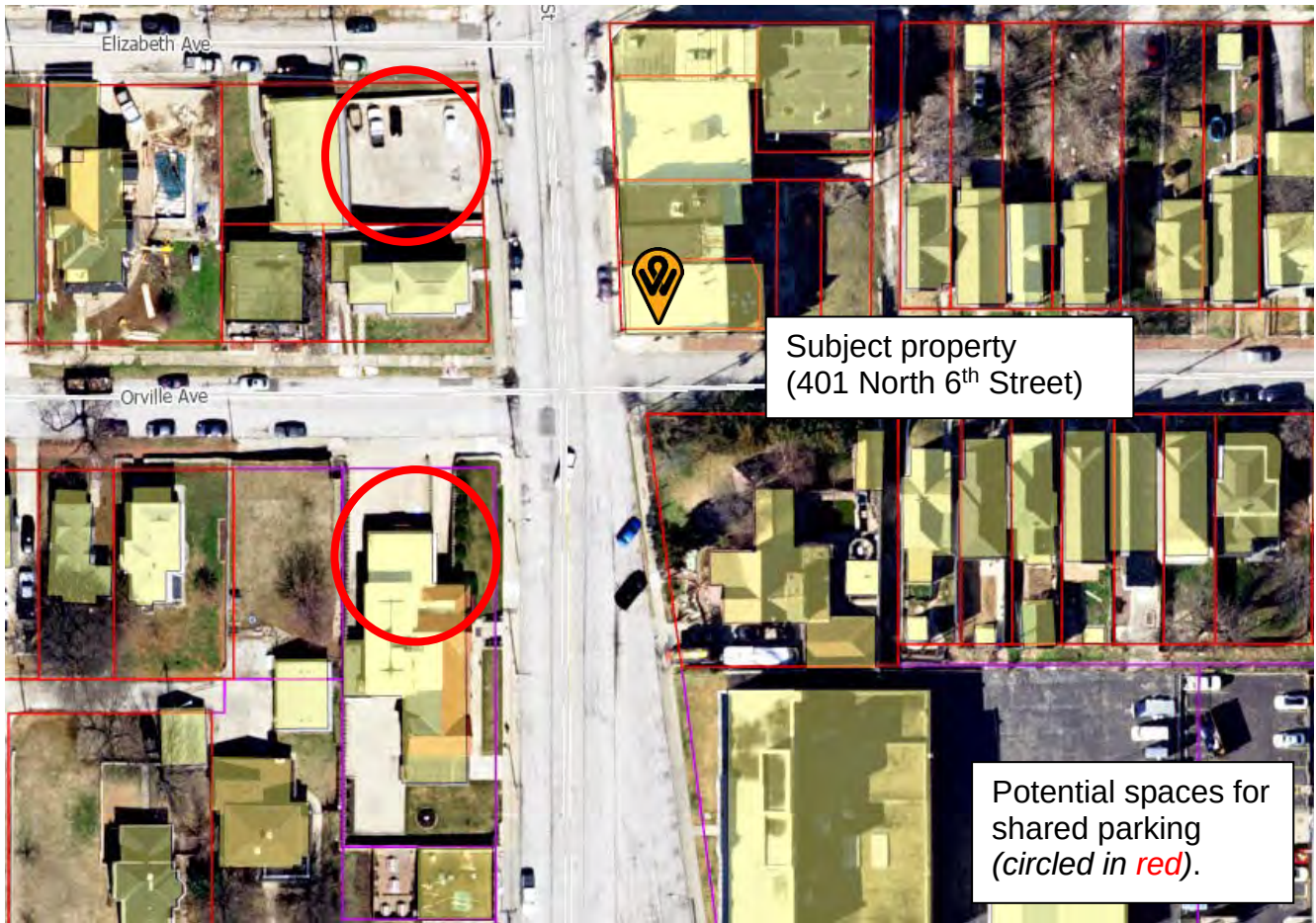



Notary Public

FIRST FLOOR PLAN OF 401 NORTH 6TH STREET SUBMITTED BY APPLICANT



OPTIONS FOR OFF-SITE/SHARED PARKING PROPOSED BY STAFF

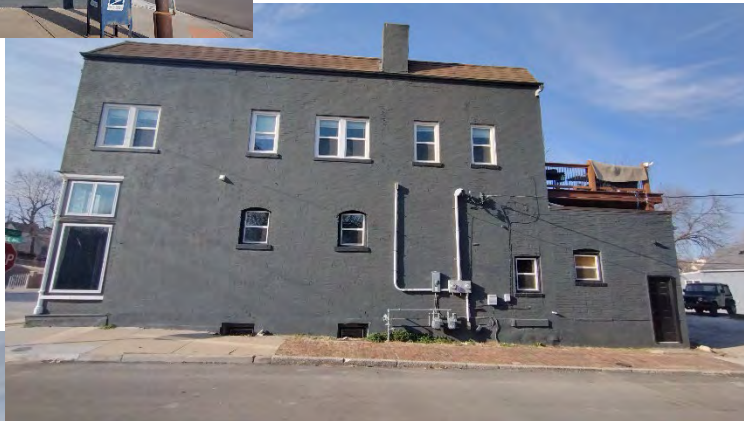


SITE VISIT PHOTOGRAPHS BY STAFF, DATED MARCH 27, 2023



Left: Storefront of 401 North 6th Street from the public right-of-way, facing east.

Below: Side façade of the subject property from the Orville Avenue public right-of-way, facing north.



Left & Below: Rear of the subject property, facing west. This demonstrates the dumpsters and residential parking on the adjacent parcel.

Below: Additional view of the rear of the subject property, facing north. Parking and dumpsters are visible.



SITE VISIT PHOTOGRAPHS BY STAFF, DATED MARCH 27, 2023



Above: On-street parking on North 6th Street is available in front of the subject property.

Direct Below: View of Orville Avenue, facing east.

Bottom Row: Additional view of Orville Avenue, facing west, demonstrating the residential nature of the neighborhood.



SITE VISIT PHOTOGRAPHS BY STAFF, DATED MARCH 27, 2023, CONT.



Left: Front yard parking lot serving the mixed-use building at 410 North 6th Street.

Direct Below: Side yard parking spaces at 340 North 6th Street, accessible off of Orville Avenue.

Bottom Row: Additional view of parking spaces at 340 North 6th Street.





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: April 27, 2023

Re: Petition VAC2022-003

GENERAL INFORMATION

Applicant:
Raymond Kush

Status of Applicant:
Property Owner
Luke Kush Corporation
9218 Metcalf Avenue, #396
Overland Park, Kansas 66212

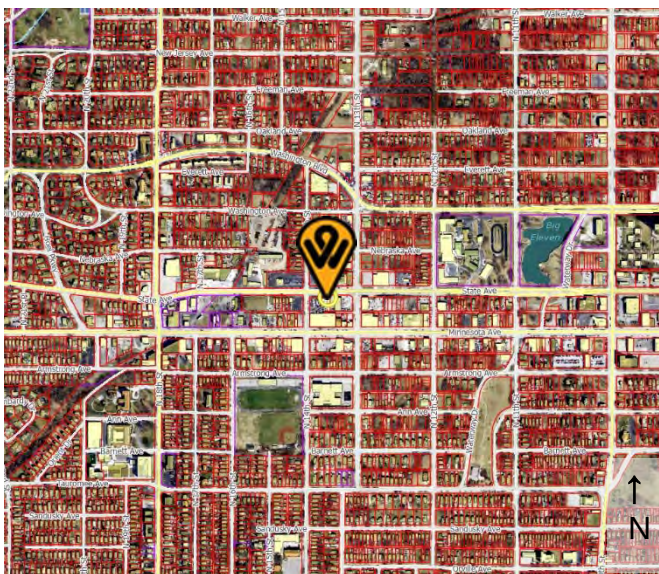
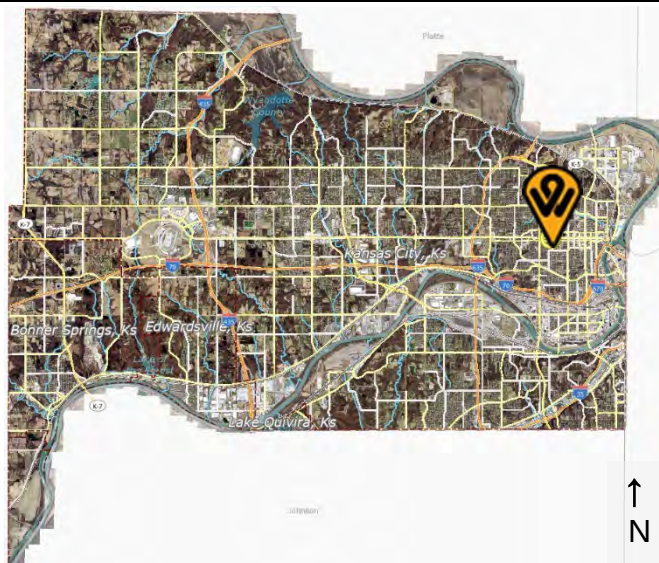
Requested Action:
Approval of a right-of-way easement.

Date of Application:
April 29, 2022

Purpose:
To vacate a portion of the State Avenue public right-of-way to add to the property at 1327 State Avenue.

Property Location:
1327 State Avenue
Kansas City, Kansas 66102

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



Existing Zoning:	C-3 Commercial District
Adjacent Zoning:	North: C-3 Commercial District South: C-3 Commercial District East: C-3 Commercial District West: C-3 Commercial District
Adjacent Uses:	North: Used auto sales lot; Restaurant South: Restaurant and Auto body shop (on-site); Parking lot and grocery store (off-site) East: Car audio sales West: Used auto sales lot
Neighborhood Characteristics:	The subject property is within the Riverview Statistical Neighborhood and is not within a neighborhood group. The neighborhood is dominated by the dual commercial corridors of Minnesota and State Avenues. North of State Avenue the parcels are primarily zoned for commercial and multi-family residential districts, while to the south of Minnesota Avenue the parcels are smaller and primarily zoned for single-family residential districts. Located in between Minnesota and State Avenue, the subject property—itsself a multi-tenant commercial building with a shared parking lot—is embedded within a mix of other commercial buildings and uses.
Total Tract Size:	1.22 Acres
Comprehensive Plan Area:	The subject property is within the Downtown Area Plan.
Comprehensive Plan Designation:	The Downtown Area Plan designates this property as Urban Residential. The Urban Residential Land Use District allows up to 12 dwelling units per acre (ideally designed as attached units such as townhomes or stacked duplexes). Allowed uses also include zero- or near-zero lot line single-family residences, residential-commercial live-work units (with commercial uses limited to the first story), and institutions such as schools and places of worship. Buildings and streets within the Urban Residential Land Use District should be designed on a highly walkable pedestrian scale.

Major Street Plan:	The Major Street Plan classifies State Avenue as a Class C Thoroughfare. The Major Street Plan classifies North 14 th Street as a Local/Neighborhood Street.
Required Parking:	Section 27-467(e) requires paved off-street parking at a ratio of not less than four (4) spaces per 1,000 square feet of floor area in the building. The conditions of approval for BZA-2065 and BZA-2068, a pair of related variance requests from on-site parking minimums, allow for a total of 30 parking spaces to serve all uses within the subject property (Parcel #080997). The current site plan demonstrates 50 on-site parking spaces, exceeding the number of parking spaces required by BZA-2065 and BZA-2068. The site plan, however, demonstrates one (1) ADA-compliant parking space. Per Section 27-676(a), a parking lot with 26 to 50 total parking spaces requires two (2) ADA-compliant parking spaces. Therefore, the parking lot does not currently meet Section 27-676(a).
Advertisement:	<u>The Wyandotte Echo</u> – March 16, 2023 Letters to Property Owners – March 17, 2023
Public Hearings:	April 10, 2023 and April 27, 2023
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: Property Owner-Applicant, Raymond Kush with Luke Kush Corporation, is requesting to vacate an area of public right-of-way. The area proposed to be vacated by Property Owner-Applicant is a portion of the State Avenue public right-of-way, in between Property Owner-Applicant's parcel to the south and the southern State Avenue sidewalk to the north. The vacation is being requested in order to maintain the existing parking lot and fence line of Property Owner-Applicant's property, and will create a northern parcel boundary for the subject property that is level with that of the adjacent parcel along State Avenue.

City Ordinance Requirements: Article VI, Sections 27-196—27-209; Article VIII, Sections 27-467, 27-667—27-676

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

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

Building, Zoning, or Code Enforcement Complaints:

1. An unknown property owner had received citations associated with 1328 Minnesota Avenue for the following violations:
 - a. Other Multiple Violations (“building needs to be painted and the grass cut”, 10/13/1999 (99200-00000-00571)
 - b. Other Multiple Violations (“inoperable [E]l [D]orado camper, fencing falling down and in disrepair trash and junk, old refrig[erator], siding, old soda machine, weeds and over-grown bushes, shopping carts, motors, old machinery, tanks”, 8/15/2000 (00200-00000-02486)
 - c. Other Multiple Violations (“tires stacked out front, oil coming out the doors”), 5/7/2001 (01200-00000-01494)*
 - d. Trash Abatement (“excessive trash at the curb”), 7/7/2005 (05505-00000-00060)
 - e. Public Health- Unsanitary Conditions, 8/30/2005 (05753-00000-00016)
 - f. Operating Without a License, 9/7/2005 (05124-00000-00014)
 - g. Other Multiple Violations, 3/16/2006 (06200-00000-01409)*
2. The current property owner has received citations associated with 1327 State Avenue for the following violations:
 - a. Graffiti, 12/27/2018 (18220-00902)
 - b. Other multiple violations (“piles of tires everywhere”), 1/15/2019 (19200-00335)
 - c. Zoning issues (“auto sales lot with inoperable cars and overflow/excess parking, overflow tire and junk storage”), 2/3/2021 (ZONE2021-001)
 - d. Structural damage “chipping paint on eaves and trim, and faded signage), 2/4/2021 (STR21-0075)
 - e. Abatement (“tires, loose trash and an appliance on the property”), 2/4/2021 (ABT21-0095)
 - f. 1st Administrative Citation (“environmental/planning & zoning violations”), 2/4/2022 (CAC22-0225)
 - g. 2nd Administrative Citation (“environmental/planning & zoning violations”), 3/1/2022 (CAC22-0046)
 - h. 3rd Administrative Citation (“environmental/planning & zoning violations”), 5/18/2022 (CAC22-0928)
 - i. 4th Administrative Citation (“environmental/planning & zoning violations”), 6/28/2022 (CAC22-1509)
 - j. 5th Administrative Citation (“environmental/planning & zoning violations”), 10/11/2022 (CAC22-2753)

- k. 6th Administrative Citation (“environmental/planning & zoning violations”), 12/6/2022 (CAC22-3295)
 - l. 7th Administrative Citation (“environmental/planning & zoning violations”), 01/23/2023 (CAC23-0248)
 - m. 8th Administrative Citation (“environmental/planning & zoning violations”), 02/16/2023 (CAC23-0534)
3. The current property owner has received citations associated with 1326 Minnesota Avenue for the following violations:
- a. Graffiti, 7/31/2018 (18220-00512)
 - b. Graffiti, 7/31/2018 (18220-00517)
 - c. Graffiti, 8/21/2018 (18220-00545)
 - d. Zoning issues (“outside tire storage, greater than 20% and not screened” and “outside vehicle work- tire changing”), 8/23/2018 (18215-00071)
 - e. Graffiti, 9/18/2018 (18220-00616)
 - f. Graffiti, 12/20/2018 (18220-00890)
 - g. Graffiti, 12/24/2018 (18220-00903)
 - h. Graffiti, 8/27/2019 (19220-00497)
 - i. Graffiti, 9/26/2019 (19220-00576)
 - j. Graffiti, 11/27/2019 (19220-00719)
 - k. Zoning issues (“tire shop working outside, outside storage, offsite advertising”), 1/25/2021 (ZONE2021-002)
 - l. 1st Administrative Citation (“environmental/planning & zoning violations”), 2/4/2022 (CAC22-0226)
 - m. 2nd Administrative Citation (“environmental/planning & zoning violations”), 3/1/2022 (CAC22-0407)
 - n. Graffiti, 3/15/2022 (GRA22-0061)
 - o. 3rd Administrative Citation (“environmental/planning & zoning violations”), 5/18/2022 (CAC22-0927)
 - p. 4th Administrative Citation (“environmental/planning & zoning violations”), 6/28/2022 (CAC22-1510)
 - q. 5th Administrative Citation (“environmental/planning & zoning violations”), 10/11/2022 (CAC22-2754)
 - r. 6th Administrative Citation (“environmental/planning & zoning violations”), 12/6/2022 (CAC22-3299)
 - s. 7th Administrative Citation (“environmental/planning & zoning violations”), 1/23/2023 (CAC23-0249)
 - t. 8th Administrative Citation (“environmental/planning & zoning violations”), 2/16/2023 (CAC23-0536)
4. The current property owner has received citations associated with 1328 Minnesota Avenue for the following violations:
- a. Environmental (“back parking lot is full of junk/trash and inoperative motor vehicles” and “trees...need to come down on the other side of the retaining wall”), 7/25/2007 (07200-02949)

- b. Environmental ("remove dirt ramp from the rite [sic] of way which is coming out of property at 1328 Minnesota Ave at the bottom southeast part of building were [sic]"), 8/30/2007 (07200-03580)
- c. Structural ("patio deck has been constructed covering about 2/3 of a sidewalk"), 8/5/2008 (08201-00380)
- d. Other Multiple Violations ("junk, trash and vehicles behind the building"), 3/29/2011 (11200-01139)
- e. Graffiti, 7/6/2011 (11220-00937)
- f. Stop Work Order ("installed restroom without permits"), 10/3/2011 (11395-00207)
- g. Graffiti, 11/4/2011 (11220-01413)
- h. Graffiti, 11/10/2011 (11220-01449)
- i. Inoperable and/or Unlicensed Vehicles, 1/24/2012 (12208-00108)
- j. Other Multiple Violations ("trash container is placed to[o] close [to]... the residence behind this business"), 5/29/2012 (12200-01869)
- k. Graffiti, 1/14/2016 (16220-00017)
- l. Graffiti, 4/11/2018 (18220-00268)
- m. Graffiti, 11/19/2018 (18220-00772)
- n. Graffiti, 12/5/2018 (18220-00838)
- o. Graffiti, 5/31/2019 (19220-00322)
- p. Graffiti, 8/26/2019 (19220-00493)
- q. Graffiti, 10/21/2019 (19220-00621)

** Later determined that there was no violation*

Outstanding or Related Permits and Cases:

1. The current property owner six (6) outstanding administrative citations associated with 1327 State Avenue. The administrative citations are associated with parent case ZONE2021-001.
2. The current property owner six (6) outstanding administrative citations associated with 1326 Minnesota Avenue. The administrative citations are associated with parent case ZONE2021-002.

FACTORS TO BE CONSIDERED

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

The area proposed to be vacated has already been improved. It makes up a portion of the parking lot that serves the multi-tenant commercial building located on the subject property. Applicant has not proposed any additional development at this time.

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

a. Water service

The subject property receives water service by BPU.

b. Sanitary sewer service

Sanitary sewer lines run through a portion of the subject property that was originally an alley, but which is now vacated. This vacated alley, and the sanitary sewer line underneath it, acts as a separator between the portions of the subject property that is addressed as 1327 Minnesota Avenue, to the south of the sanitary sewer line, and 1327 State Avenue, to the north of the sanitary sewer line.

c. Storm water control

The subject property is not served by any stormwater lines. The closest marked stormwater mains are south of Armstrong Avenue.

d. Police

Police service is provided by East Division, District #114.

e. Fire

Fire service is provided by Fire Station #11, which is 1.1 miles from the subject property.

f. Transit

The subject property is served by the 101/State Avenue bus route. The closest bus stops to the subject property are at the intersections of Minnesota Avenue and North 13th Street, and Minnesota Avenue and North 14th Street.

g. Schools

Public education is provided by Douglass Elementary School, Northwest Middle School, and Wyandotte High School, under Kansas City USD 500.

h. Streets

The subject property parking lot is served by North 14th Street, the primary commercial tenant spaces are served by Minnesota Avenue, and the subject property is adjacent to State Avenue.

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

There are no additional streets to be designed by this vacation, and the only loss of public right-of-way is in between the existing southern sidewalk along State Avenue and the existing boundary of the subject property. The right-of-way to be vacated would allow the northern boundary line of the subject property to match the northern boundary line of the adjacent parcel; there is no loss of sidewalk or reasonable future sidewalk expansion in the area proposed to be vacated.

While the public right-of-way proposed to be vacated is primarily adjacent to State Avenue, the western boundary of the area is adjacent to North 14th Street. Furthermore, the parking lot in which the area proposed to be vacated is accessible from North 14th Street. The current use of the property is automotive-related, and the parking lot is used to hold vehicles brought in for on-site repair. During site visits on December 15, 2022 and January 10, 2023, Staff observed the incompatibility of the existing use of the parking lot with the surrounding streets. Such incompatibility was marked by vehicles blocking sidewalks as the parking lot was backed up with cars, blocking sidewalks by parking on the sidewalk, blocking pass-through traffic by double-parking. Therefore, North 14th Street is not designed in a manner that can provide a safe, convenient, and functional system for existing vehicular traffic related to the subject property, and does not have the width necessary to accommodate traffic created by the existing uses of the subject property. The right-of-way was platted and paved well before the current uses were operating at the subject property, and the width and design of the street is consistent with other nearby streets within Downtown. The existing uses on the subject property, particularly the automotive uses, cause access issues and safety concerns to drivers and pedestrians alike. The incompatibility of the subject property's uses are demonstrated not only by site visits conducted by Staff, but by the sheer quantity of historic and outstanding violations against the subject property. Therefore, the streets are not designed so in a manner that can provide a safe, convenient and functional system for the current levels of vehicular traffic, and furthermore do not have the width nor structural quality as to accommodate traffic as determined by existing future land and building uses. Due to this assessment, Staff recommends that a relocation of such uses to a more appropriate site be considered.

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

The opportunity for expansion of the width of the sidewalk on the south side of State Avenue has already ended with a previous vacation—the vacation of the area equivalent to the subject property's proposed vacation, but adjacent to Parcel #080991 (to the immediate east of the subject property, and addressed as 1313 State Avenue). The public right-of-way on the north side of State Avenue remains wide enough to accommodate a spacious sidewalk. Such a sidewalk would create

a greater buffer between the paved street and the uses of private property; such sidewalks would also assure that all space—private and public—would be afforded light, open space, and air by creating a greater buffer. The proposed vacation, however, will not create any greater of a negative impact than the loss of a portion of the right-of-way to Parcel #080991 already did in the past.

The proposed vacation will formally allow for the existing parking lot to maintain its dimensions, and, indirectly, to maintain its existing uses. Having a large, unorganized parking lot that features wrecked cars visible from State Avenue is contrary to the Downtown Area Plan, which designates the subject property as Urban Residential and discourages surface parking, and furthers the decline of long-term sustained real estate values for the subject property and for the surrounding neighborhood.

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

The area proposed to be vacated has been previously improved and is indiscernible from the current boundaries of the subject property. There is currently no topographical features on the subject property or within the surrounding neighborhood to address.

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

The requested vacation will not create any additional lots. In fact, the area proposed to be vacated will be added to the existing subject property; area to be vacated has been previously improved as part of the subject property's parking lot and in fact is indistinguishable from the existing parking lot. Therefore, the vacation will not—and is not required to—result in additional space for schools, parks, playgrounds, and other community services.

7. Vacation will not create utility conflicts.

Staff has not identified any utilities within the area proposed to be vacated. Therefore, the proposed vacation will not create utility conflicts.

PREVIOUS ACTIONS

- BZA-2065, a variance of 16 parking spaces from the 16 parking spaces required by Code (2012) (granted to 1328 Minnesota Avenue)
- A-2012-9, a vacation of an alley, now incorporated into Parcel #080997 (granted to 1328 Minnesota Avenue)
- BZA-2068, a variance of 108 parking spaces from the 108 parking spaces required by Code (2012) (granted to 1328 Minnesota Avenue)

- SP-2015-45, a Special Use Permit for an automotive service shop at (withdrawn on 7/14/2015) (applied for under 1326 & 1328 Minnesota Avenue)
- BOZA2022-065, a simultaneous variance from the setback for paved areas and parking spaces

NEIGHBORHOOD MEETING

The applicant received neighborhood comments by receiving letters or phone calls through the date of December 26, 2022. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Compliance with the Downtown Area Plan
Fencing and Landscape Screening
Illumination
Legal Description
Parking Plan
Parking Space Designation
Property Maintenance Compliance Violations
Zoning Enforcement Violations

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Vacation Application VAC2022-003, subject to:

1. **A revised parking plan must be submitted that demonstrates the following:**
 - a. **Three (3) ADA-compliant parking spaces;**
 - b. **A fence line that does not enter the defined sight-distance triangle at the southeast corner of the State Avenue-North 14th Street intersection;**
 - c. **The text on the parking plan must include the address of the tenant to which the parking spaces are designated; and,**
 - d. **Each set of parking spaces that are designated to a distinct tenant must be striped in different colors so to visibly distinguish to which tenant each parking space or set of parking spaces belong. Colors should include green, orange, pink, and either white or yellow, but must not include red striping (pre-designated for fire lanes) or blue (pre-designated for ADA-compliant spaces and access aisles);**
2. **To maintain pedestrian safety on State Avenue, wheel stops must be installed at the head of each parking space. The location of these wheel stops must be demonstrated in the revised parking site plan;**
3. **Per Section 27-467(c)(6), “[a]ny outside storage or keeping of parts, equipment, inoperable vehicles or residual materials which is necessary, normally related and accessory to the principal use of the premises shall be screened from view from off the premises. Such outside storage shall be limited to areas directly adjacent to the main building, not including**

- more than 20 percent of the area of the main building and not in a required yard.” Unless Property Owner-Applicant will install fencing that fully screens the parking lot and is architecturally or aesthetically consistent with the subject property, inoperable vehicles are prohibited from being parked outside on the subject the property. Therefore, if Property Owner-Applicant constructed a wrought-iron fence with vegetative screening, the following conditions shall apply: inoperable vehicles, vehicles to be serviced, vehicles being serviced, or serviced vehicles waiting to be picked up shall not be parked within the public right-of-way; all inoperable vehicles or vehicles being serviced must be parked inside the primary building on site; the only vehicles which may be parked within the parking lot of the subject property are the operable vehicles of customers or employees; and, no vehicles shall be parked within the North 14th Street right-of-way;
4. At least 30 on-site parking spaces must be provided and striped, as required by the conditions of approval for appeals BZA-2065 and BZA-2068;
 5. Applicant must cure all outstanding violations on the subject property, regardless of the address assigned to the administrative citations. The administrative citation case must be closed before the variance can go into effect and the right-of-way vacation recorded with the Register of Deeds;
 6. Compliance with the submitted parking plan, which includes the following requirements: all parking spaces must be clearly marked and the total number of parking spaces must be provided; the number of parking spaces designated for each tenant must be provided, and the location of the designated parking for each tenant clearly marked and distinguishable from the designated parking of the other tenants; fencing not encroaching within the sight-distance triangle; and, compliance with all conditions of approval of BZA-2065 and BZA-2068, as contained within the respective staff reports for BZA-2065 and BZA-2068, and reflected within this staff report;
 7. Architectural screening in the form of a wrought-iron fence is required. Submit a revised site plan to include a 6-foot opaque fence with masonry columns every 32 feet on center. The fence must run along the northern and western boundaries of the subject property, along the State Avenue and North 14th Street rights-of-way, respectively;
 8. The wrought-iron fencing must not be installed within the sight distance triangle, as defined by Section 27-637(b) (“the short leg of which shall be 15 feet and the long leg of which shall be 140 feet measured along the curbline or edge of pavement”). This will result in the northwest-most existing parking space being left outside of the fence line. This area within the sight-distance triangle should be landscaped with low-lying vegetation in order to keep the area free of visual impediments;
 9. Compliance with the design principles of the Downtown Area Plan, with particular emphasis on the design principles of corner lots and surface parking in the West End District;

10. Compliance with all conditions of approval of previous entitlements associated with the subject property, including BZA-2065, A-2012-9, and BZA-2068;
11. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
12. 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;
13. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
14. All businesses on site must file and maintain a current business occupation tax application with this office;
15. All existing and future driveways must feature curb cuts that are constructed to UG standards;
16. A Right-of-Way Permit is required for any use of the right-of-way while erecting fencing along the subject property's boundary. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
17. A Pre-Construction meeting is required for any improvements to public infrastructure upon the approval and issuance of a Development Review Committee (DRC) Permit. Any improvements to, construction or alteration of: sanitary systems, stormwater systems, public or private streets, sidewalks, or other public infrastructure will require a pre-construction meeting with the Department of Public Works. The applicant is required to contact the County Engineer at (913) 573-5400 or by info@wycokck.org prior to construction to arrange this meeting;
18. 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 an area of 53,133 square feet, requiring eight (8) trees be provided on the site plan;
19. 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;
20. Section 27-699(a)(6) states that non-industrial and non-structural parking lots that have a paved area wider than a double-loaded aisle and more than 20,000 square feet in area shall provide one shade tree for each 20 parking spaces on the interior of the parking lot. Interior tree plantings are in addition to other landscaping requirements. The subject property has a parking lot with an area of approximately 26,000 square feet (including the area to be vacated);

21. 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;
22. This City Planning Commission case is being heard in conjunction with BOZA2022-065. 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 BOZA2022-065 by the Unified Government Board of Zoning Appeals and upon any ordinance publications required by law;
23. The City of Kansas City, Kansas reserves to itself the right to, at any time after the effective date of this ordinance, reenter or permit a public utility to reenter that portion of said tract of land hereby vacated for the purpose of repairing installing, constructing or reconstructing any public utilities, including, but not limited to sewers, conduits, electric light pole lines, etc. that are now or may hereafter be installed in the tract of land hereby vacated; and,
24. All conditions of approval herein must be constructed, executed, implemented, or otherwise completed within six (6) months of approval unless otherwise determined by the Director of Planning or their designee.

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 **VAC2022-003** subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

April 10, 2023 City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Applicant Responses to Staff Questions and Comments
Legal Description for the Subject Property Containing 1327 State Avenue
Site Plan of 1327 State Avenue Parking Lot Submitted by Applicant
Parking Lot Fencing Map as Proposed by Staff
Downtown Area Plan, Urban Residential Land Use District
Calculations of Sight-Distance Triangle
Site Visit Photographs by Staff, Dated December 15, 2022

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>City Planning Commission</u>	<u>Unified Government Board of Commissioners</u>
Public Hearing		
Vacation	April 10, 2023	April 27, 2023
	Approval	

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **VAC2022-003** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____
2. _____; AND
3. _____

OR

I move the Unified Government Board of Commissioners **DENY** Petition **VAC2022-003** as it is not in compliance with the City Code and as it will not promote the public health, safety, and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

April 10, 2023 City Planning Commission Minutes:

Hearing starts at 3:39:02:

VACATION APPLICATION VAC2022-003 – LUKE KUSH - SYNOPSIS: Vacation of right-of-way easements at 1327 State Avenue. Detailed Outline of Requested Action: Property Owner-Applicant, Raymond Kush with Luke Kush Corporation, is requesting to vacate an area of public right-of-way. The area proposed to be vacated by Property Owner-Applicant is a portion of the State Avenue public right-of-way, in between Property Owner-Applicant's parcel to the south and the southern State Avenue sidewalk to the north. The vacation is being requested in order to maintain the existing parking lot and fence line of Property Owner-Applicant's property, and will create a northern parcel boundary for the subject property that is level with that of the adjacent parcel along State Avenue.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated April 10, 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 Notices to property owners;
7. The publication in The ECHO; 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:

- Tracy Kush, applicant, Luke Kush Corporation, 1401 Minnesota Avenue, Kansas City, Kansas 66102

Present in Opposition:

- No one appeared

Staff Recommendation starts at 3:42:00: Planning Director Hand stated this case is being heard in conjunction with Appeal BOZA2023-065, which was approved by the Board of Zoning Appeals earlier this evening. Director Hand showed the Commission the area to be vacated. He stated that the County Engineer has reviewed the application and does not anticipate any road widening along this segment of State Avenue in the future. This property is in the Downtown Area Plan. Staff received no letters in support nor in opposition. As stated at the Board of Zoning Appeals hearing, there are numerous Notices of Violation on this property. He further stated that he will speak with Mrs. Kush tomorrow about the Staff's expectations for the landscaping and screening. Staff recommends approval subject to the conditions in the staff report.

Motion starts at 3:43:25:

On motion by Mrs. Jones, seconded by Mr. Ernst, the Planning Commission voted as follows to recommend **APPROVAL of Vacation Application VAC2022-003:**

Carson	Chairman
Armstrong	Aye
Beth	Aye
Connelly	Aye
Eilts	Aye
Ernst	Aye
Jones	Aye
Miller	Not Present
Mohler	Aye

Straws

Aye

Ward

Not Present

Motion to recommend APPROVAL Passed: 8 to 0

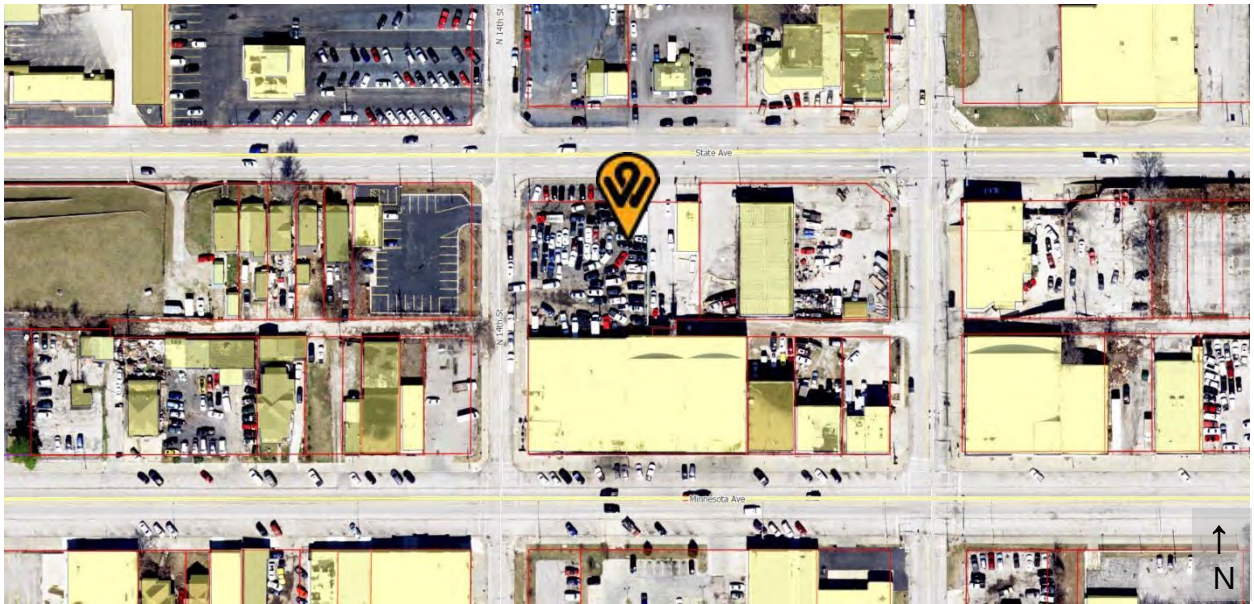
Subject to:

- 1. A revised parking plan must be submitted that demonstrates the following:**
 - a. Three (3) ADA-compliant parking spaces;**
 - b. A fence line that does not enter the defined sight-distance triangle at the southeast corner of the State Avenue-North 14th Street intersection;**
 - c. The text on the parking plan must include the address of the tenant to which the parking spaces are designated; and,**
 - d. Each set of parking spaces that are designated to a distinct tenant must be striped in different colors so to visibly distinguish to which tenant each parking space or set of parking spaces belong. Colors should include green, orange, pink, and either white or yellow, but must not include red striping (pre-designated for fire lanes) or blue (pre-designated for ADA-compliant spaces and access aisles);**
- 2. To maintain pedestrian safety on State Avenue, wheel stops must be installed at the head of each parking space. The location of these wheel stops must be demonstrated in the revised parking site plan;**
- 3. Per Section 27-467(c)(6), “[a]ny outside storage or keeping of parts, equipment, inoperable vehicles or residual materials which is necessary, normally related and accessory to the principal use of the premises shall be screened from view from off the premises. Such outside storage shall be limited to areas directly adjacent to the main building, not including more than 20 percent of the area of the main building and not in a required yard.” Unless Property Owner-Applicant will install fencing that fully screens the parking lot and is architecturally or aesthetically consistent with the subject property, inoperable vehicles are prohibited from being parked outside on the subject the property. Therefore, if Property Owner-Applicant constructed a wrought-iron fence with vegetative screening, the following conditions shall apply: inoperable vehicles, vehicles to be serviced, vehicles being serviced, or serviced vehicles waiting to be picked up shall not be parked within the public right-of-way; all inoperable vehicles or vehicles being serviced must be parked inside the primary building on site; the only vehicles which may be parked within the parking lot of the subject property are the operable vehicles of customers or employees; and, no vehicles shall be parked within the North 14th Street right-of-way;**
- 4. At least 30 on-site parking spaces must be provided and striped, as required by the conditions of approval for appeals BZA-2065 and BZA-2068;**
- 5. Applicant must cure all outstanding violations on the subject property, regardless of the address assigned to the administrative citations. The administrative citation case must be closed before the variance can go into effect and the right-of-way vacation recorded with the Register of Deeds;**
- 6. Compliance with the submitted parking plan, which includes the following requirements: all parking spaces must be clearly marked and the total**

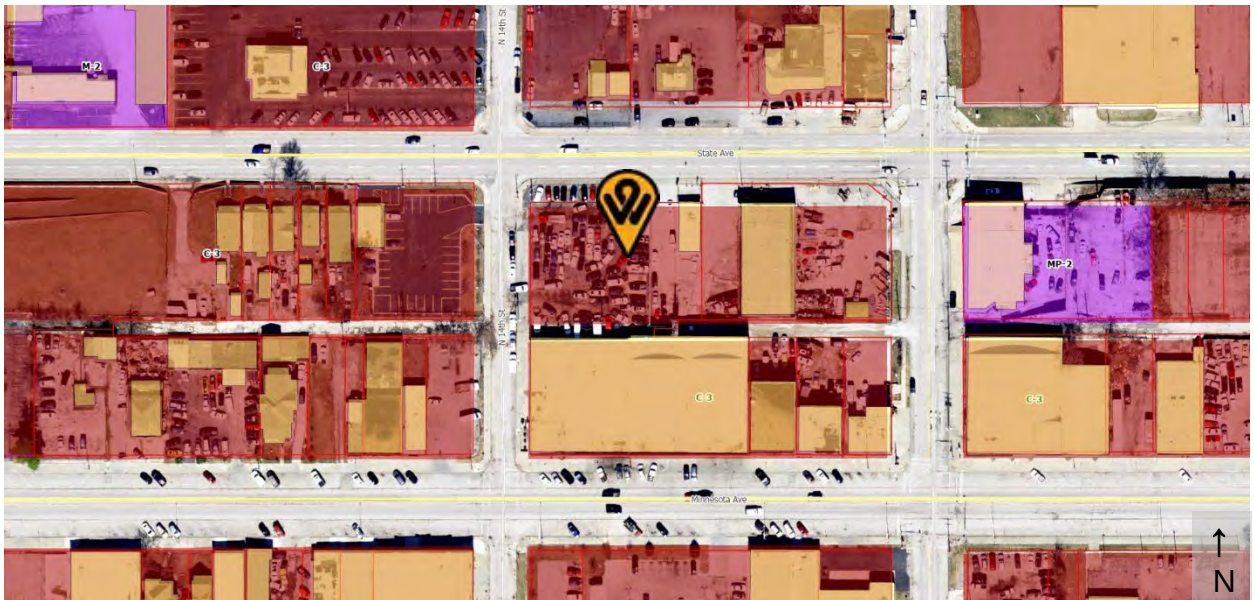
- number of parking spaces must be provided; the number of parking spaces designated for each tenant must be provided, and the location of the designated parking for each tenant clearly marked and distinguishable from the designated parking of the other tenants; fencing not encroaching within the sight-distance triangle; and, compliance with all conditions of approval of BZA-2065 and BZA-2068, as contained within the respective staff reports for BZA-2065 and BZA-2068, and reflected within this staff report;
7. Architectural screening in the form of a wrought-iron fence is required. Submit a revised site plan to include a 6-foot opaque fence with masonry columns every 32 feet on center. The fence must run along the northern and western boundaries of the subject property, along the State Avenue and North 14th Street rights-of-way, respectively;
 8. The wrought-iron fencing must not be installed within the sight distance triangle, as defined by Section 27-637(b) ("the short leg of which shall be 15 feet and the long leg of which shall be 140 feet measured along the curbline or edge of pavement"). This will result in the northwest-most existing parking space being left outside of the fence line. This area within the sight-distance triangle should be landscaped with low-lying vegetation in order to keep the area free of visual impediments;
 9. Compliance with the design principles of the Downtown Area Plan, with particular emphasis on the design principles of corner lots and surface parking in the West End District;
 10. Compliance with all conditions of approval of previous entitlements associated with the subject property, including BZA-2065, A-2012-9, and BZA-2068;
 11. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
 12. 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;
 13. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
 14. All businesses on site must file and maintain a current business occupation tax application with this office;
 15. All existing and future driveways must feature curb cuts that are constructed to UG standards;

16. A Right-of-Way Permit is required for any use of the right-of-way while erecting fencing along the subject property's boundary. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
17. A Pre-Construction meeting is required for any improvements to public infrastructure upon the approval and issuance of a Development Review Committee (DRC) Permit. Any improvements to, construction or alteration of: sanitary systems, stormwater systems, public or private streets, sidewalks, or other public infrastructure will require a pre-construction meeting with the Department of Public Works. The applicant is required to contact the County Engineer at (913) 573-5400 or by info@wycokck.org prior to construction to arrange this meeting;
18. 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 an area of 53,133 square feet, requiring eight (8) trees be provided on the site plan;
19. 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;
20. Section 27-699(a)(6) states that non-industrial and non-structural parking lots that have a paved area wider than a double-loaded aisle and more than 20,000 square feet in area shall provide one shade tree for each 20 parking spaces on the interior of the parking lot. Interior tree plantings are in addition to other landscaping requirements. The subject property has a parking lot with an area of approximately 26,000 square feet (including the area to be vacated);
21. 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;
22. This City Planning Commission case is being heard in conjunction with BOZA2022-065. 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 BOZA2022-065 by the Unified Government Board of Zoning Appeals and upon any ordinance publications required by law;
23. The City of Kansas City, Kansas reserves to itself the right to, at any time after the effective date of this ordinance, reenter or permit a public utility to reenter that portion of said tract of land hereby vacated for the purpose of repairing installing, constructing or reconstructing any public utilities, including, but not limited to sewers, conduits, electric light pole lines, etc. that are now or may hereafter be installed in the tract of land hereby vacated; and,
24. All conditions of approval herein must be constructed, executed, implemented, or otherwise completed within six (6) months of approval unless otherwise determined by the Director of Planning or their designee.

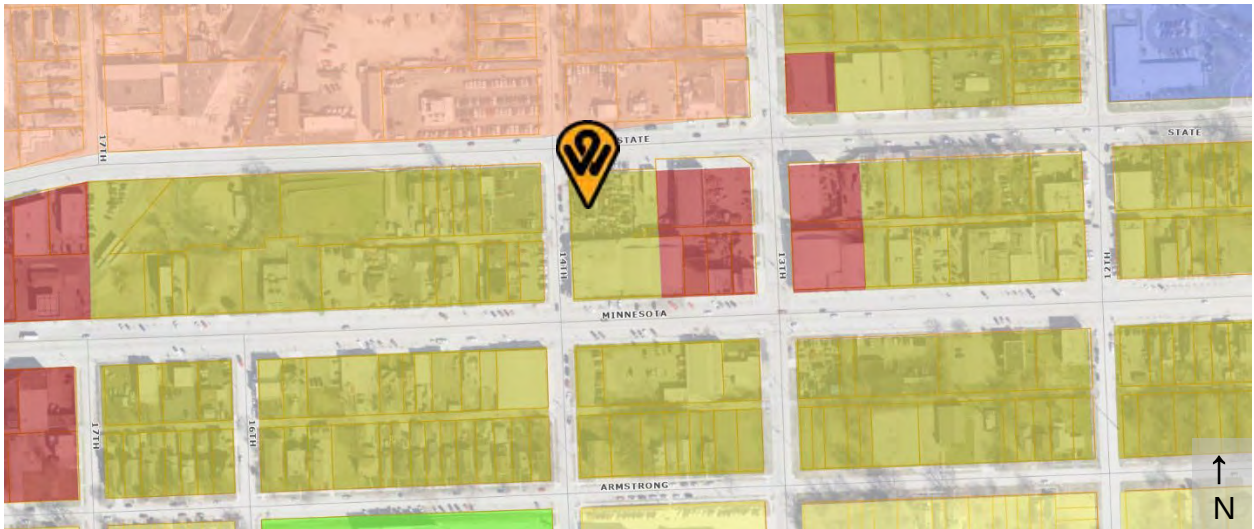
AERIAL MAP



ZONING MAP



LAND USE MAP



Downtown Area Plan Land Uses

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

APPLICANT RESPONSES TO STAFF QUESTIONS AND COMMENTS

Planning and Urban Design Comments: General

1. Provide a legal description of the subject property in a Microsoft Word format.

Staff Response: Applicant has not yet provided the requested materials. BOZA2022-065 will not be placed on the Board of Zoning Appeals agenda until all requested materials have been provided.

Response: Legal description in word is attached.

2. The non-compliant pole sign located in the right-of-way at the southeast corner of North 14th Street and State Avenue must be completely removed, both sign face and pole.

Staff Response: Applicant has not yet demonstrated proof of removal of the non-compliant pole. BOZA2022-065 will not be placed on the Board of Zoning Appeals agenda until proof of removal of all non-compliant structures have been removed.

Response: Pole is removed see attached photo.

3. To maintain pedestrian safety on State Avenue, wheel stops must be installed at the head of each parking space. The location of these wheel stops must be demonstrated in the revised parking site plan.

Staff Response: Applicant has not yet provided the requested materials. BOZA2022-065 will not be placed on the Board of Zoning Appeals agenda until all requested materials have been provided.

Response: Wheel stops are shown on plan.

4. Per Section 27-467(c)(6), "[a]ny outside storage or keeping of parts, equipment, inoperable vehicles or residual materials which is necessary, normally related and accessory to the principal use of the premises shall be screened from view from off the premises. Such outside storage shall be limited to areas directly adjacent to the main building, not including more than 20 percent of the area of the main building and not in a required yard." Unless Property Owner-Applicant will install fencing that fully screens the parking lot and is architecturally or aesthetically consistent with the subject property, inoperable vehicles are prohibited from being parked outside on the subject the property. Therefore, if Property Owner-Applicant constructed a wrought-iron fence with vegetative screening, the following conditions shall apply:

- a. Inoperable vehicles, vehicles to be serviced, vehicles being serviced, or serviced vehicles waiting to be picked up shall not be parked within the public right-of-way,;
- b. All inoperable vehicles or vehicles being serviced must be parked inside the primary building on site;
- c. The only vehicles which may be parked within the parking lot of the subject property are the operable vehicles of customers or employees; and,
- d. No vehicles shall be parked within the North 14th Street right-of-way.

Response: Screened are to accommodate inoperable vehicle screened with 7'-0" solid fence is shown on plan.

APPLICANT RESPONSES TO STAFF QUESTIONS AND COMMENTS, CONT.

5. When did Applicant purchase the subject property?

Staff Response: Applicant has not yet provided a response. BOZA2022-065 will not be placed on the Board of Zoning Appeals agenda until all responses have been provided.

Response: Building was bought in 2003.

6. Per the conditions of approval for appeals BZA-2065 and BZA2068 (see "Planning and Urban Design Comments: Previous Case: BZA-2065" and "Planning and Urban Design Comments: Previous Case: BZA-2068", both under the *Staff Comments and Suggestions* section of this report), 30 on-site parking spaces must be provided.

Staff Response: Applicant has submitted a revised parking plan that demonstrates at least 30 parking spaces. This parking plan can be found under "Site Plan of 1327 State Avenue Parking Lot Submitted by Applicant" within the *Attachments* section of this report.

7. This is the third parking-related variance in 10 years that the current property owner has applied for at the subject property. **What future steps is Property Owner-Applicant taking in order to reduce the amount of on-site surface parking located along State Avenue?**

Staff Response: Applicant has not yet provided a response. BOZA2022-065 will not be placed on the Board of Zoning Appeals agenda until all responses have been provided.

Response: Based on current conditions we have no plan to reduce on site surface parking.

8. The subject property has an active administrative citation, the latest, and eight (8th) of which was issued on February 16, 2023. **Applicant must cure all outstanding violations on the subject property, regardless of the address assigned to the administrative citations.** The administrative citation case must be closed before the variance can go into effect and the right-of-way vacation recorded with the Register of Deeds.

Response: Owner is working with the City to resolve these situations.

APPLICANT RESPONSES TO STAFF QUESTIONS AND COMMENTS, CONT.

Parking

1. Applicant has provided a revised parking plan see "Site Plan of 1327 State Avenue Parking Lot Submitted by Applicant" within the *Attachments* section of this report) that has addressed the following requirements stated by Staff:
 - a. The site plan must be easy to read, with thick, legible writing and lines and without additional lines commonly found on documents that are the result of several iterations of photocopies;
 - b. The site plan must be to scale so that all portions of the site plan are relatively proportional, and with the dimensions of all exterior boundaries of the parking lot, parking spaces, drives aisles, and entry/exit driveways provided;
 - c. All drive aisles must be clearly marked; and
 - d. All screening must be shown on the site plan, including the location of the fencing and landscaping vegetation.
2. There are, however, outstanding revisions that have not yet been reflected on the revised parking plan. **BOZA2022-065 will not be placed on the Board of Zoning Appeals agenda until a revised site plan has been provided. Provide a revised site plan of the parking lot that meets the following requirements that have not yet been addressed:**
 - a. **All parking spaces must be clearly marked and the total number of parking spaces must be provided;**

Response: Parking are numbered on site plan.

- b. **The number of parking spaces designated for each tenant must be provided, and the location of the designated parking for each tenant clearly marked and distinguishable from the designated parking of the other tenants;**

Response: Designated parking is shown on site plan.

- c. **Fencing not encroaching within the sight-distance triangle; and,**

Response: Fencing not encroaching on sight distance.

- d. **Compliance with all conditions of approval of BZA-2065 and BZA-2068 (see "Planning and Urban Design Comments: Previous Case: BZA-2065" and "Planning and Urban Design Comments: Previous Case: BZA-2068" within the *Staff Comments and Suggestions* section of this report). For Applicant's convenience, actionable items from the BZA-2065 and BZA-2068 have been identified below. Applicant is on notice to comply with all conditions of approval of BZA-2065 and BZA-2068, regardless of whether they are listed below or not.**

Response: Agreed.

APPLICANT RESPONSES TO STAFF QUESTIONS AND COMMENTS, CONT.

- i. **Mr. Kush applies for a variance for the rest of the building by August 21, 2012. The current variance is only for the one (1) tenant space. This would allow the owner to get the one (1) tenant in the building. The staff will be able to then take a look at the overall building/property. There is an opportunity to get some parking relief in the area.**

Response: Agreed.

- iii. **No parking of “for sale” vehicles (or parts) on the street.**

Response: Agreed.

- iv. **All garage doors closed unless moving a car in or out.**

Response: Agreed.

- v. **The owner does something with the alley. If he wants to “claim” it (as he is now, he needs to go through the process of vacating the alley so the neighbors and public have a voice. He stated that he believes that there is a fence there now.**

Response: Vacating application will be filled.

- vi. **The applicant submits a shared parking agreement between 1327 State Avenue and 1314-1328 (even#) Minnesota Avenue.**

Response: Agreement will be submitted.

- vii. **The agreement designates the first 20 parking spots (closest to the applicant[']s larger building) is reserved for the tenants in the Minnesota Ave building until... the current business at 1327 State Avenue is no longer in operation. At that point, an additional 10 parking spaces shall be reserved for the tenants in the Minnesota Ave building for a total of 30 spaces.**

Response: Parking Shown on site plan.

- viii. **The 1327 State Avenue site is striped according to the attached plan.**

Response: Agreed.

APPLICANT RESPONSES TO STAFF QUESTIONS AND COMMENTS, CONT.

- ix. All signs for the businesses are code complaint.

Response: Agreed.

- x. All signage on the alley side of the structures be permanently removed and signs for those alley-facing businesses on a separate parcel are removed permanently.

Response: Agreed.

- xi. Mr. Kush agrees not to impede the current level of access to his neighbor's properties. The area was designed to work as one. This includes allowing others to traverse (not park for any period of time without permission from that owner) each other's properties in the area. In particular this means Mr. Kush will never install a fence or other device that would prevent the historic use of the ground he owns to access path of buildings on adjacent properties.

Response: Agreed.

- xii. No parking or standing vehicles in the east portion of the alley (east of the power poles and transformers).

Response: Agreed.

- xiii. Any automotive sales business located on the Kush property will comply with current parking codes even if other businesses in the area are non-conforming and double-stacked vehicles.

Response: Agreed.

- xiv. All addressing is clearly visible from Minnesota Avenue with directions for access of that business. For example 13XX – access from alley off of 13th Street.

Response: Agreed.

3. Per the conditions of approval for appeals BZA-2065 and BZA2068, 30 on-site parking spaces must be provided. These parking spaces must be striped and demonstrated on the revised site plan.

Staff Response: Applicant has submitted a revised parking plan, which can be found under "Site Plan of 1327 State Avenue Parking Lot Submitted by Applicant" within the *Attachments* section of this report. Additional revisions to this parking plan must be provided, as identified above. BOZA2022-065 will not be placed on the Board of Zoning Appeals agenda until all requested materials have been provided.

Response: Site revised as shown.

APPLICANT RESPONSES TO STAFF QUESTIONS AND COMMENTS, CONT.

Fencing

1. Architectural screening in the form of a wrought-iron fence is required. Submit a revised site plan to include a 6-foot opaque fence with masonry columns every 32 feet on center. The fence must run along the northern and western boundaries of the subject property, along the State Avenue and North 14th Street rights-of-way, respectively.

Staff Response: Applicant has submitted a fencing plan within the revised site plan. The fence elevations can be found under "Site Plan of 1327 State Avenue Parking Lot Submitted by Applicant" within the *Attachments* section of this report.

2. The wrought-iron fencing must not be installed within the sight distance triangle, as defined by Section 27-637(b) ("the short leg of which shall be 15 feet and the long leg of which shall be 140 feet measured along the curblineline or edge of pavement"). This will result in the northwest-most existing parking space being left outside of the fence line. This area within the sight-distance triangle should be landscaped with low-lying vegetation in order to keep the area free of visual impediments.

Staff Response: The site/parking plan submitted by Applicant does not demonstrate a proper sight-distance triangle; the fence is within the area described by Section 27-637(b). Applicant must submit another revised site/parking plan. For a visual example of the sight-distance triangle and how it is measured, see "Calculations of Sight-Distance Triangle" within the *Attachments* section of this report. BOZA2022-065 will not be placed on the Board of Zoning Appeals agenda until all requested materials have been provided.

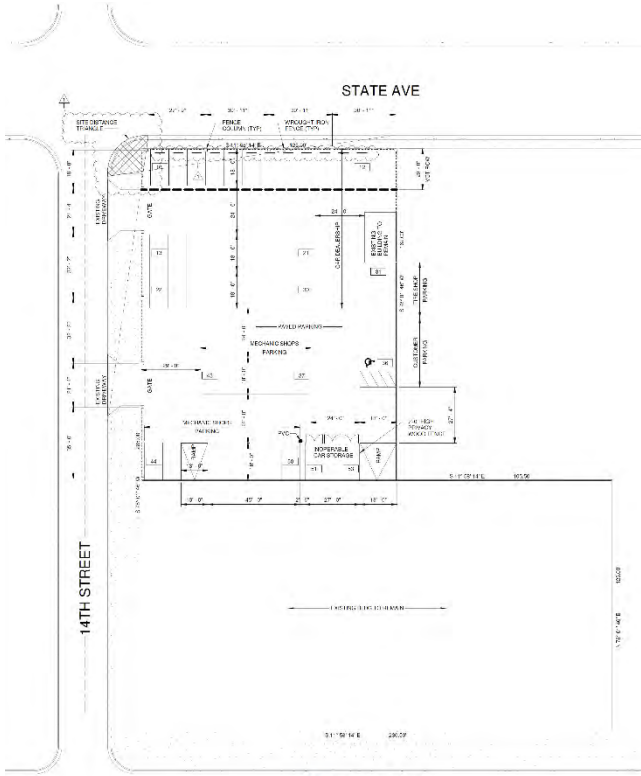
Response: Sight distance is shown on plan & fence is relocated to clear sight distance.

LEGAL DESCRIPTION FOR THE SUBJECT PROPERTY CONTAINING
1327 STATE AVENUE

Legal Description:

WYANDOTTE CITY 0801-0876, S4, T11, R4, ACRES 1.22, B123 L9 TO L15, E 5FT L16, E 5.5FT L19, L20 TO L28 & VAC ALLEY ADJ

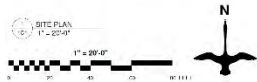
SITE PLAN OF 1327 STATE AVENUE PARKING LOT SUBMITTED BY APPLICANT



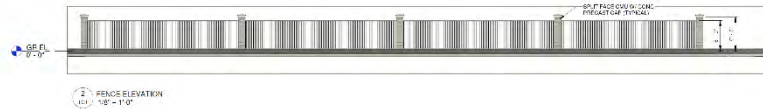
- SITE WORK SHALL COMPLY WITH THE FOLLOWING STANDARDS:**
1. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE KANSAS CITY PLUMBING, MECHANICAL AND ELECTRICAL CODES.
 2. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE KANSAS CITY PLUMBING, MECHANICAL AND ELECTRICAL CODES.
 3. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE KANSAS CITY PLUMBING, MECHANICAL AND ELECTRICAL CODES.
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 11. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE KANSAS CITY PLUMBING, MECHANICAL AND ELECTRICAL CODES.
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 14. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE KANSAS CITY PLUMBING, MECHANICAL AND ELECTRICAL CODES.
 15. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE KANSAS CITY PLUMBING, MECHANICAL AND ELECTRICAL CODES.
 16. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE KANSAS CITY PLUMBING, MECHANICAL AND ELECTRICAL CODES.
 17. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE KANSAS CITY PLUMBING, MECHANICAL AND ELECTRICAL CODES.
 18. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE KANSAS CITY PLUMBING, MECHANICAL AND ELECTRICAL CODES.
 19. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE KANSAS CITY PLUMBING, MECHANICAL AND ELECTRICAL CODES.
 20. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE KANSAS CITY PLUMBING, MECHANICAL AND ELECTRICAL CODES.



OFF-SITE PARKING
1" = 80' 0"



MINNESOTA AVE



No.	Description	Date
1	REVISIONS	01/11/2022
2		
3		
4		
5		
6		
7		
8		
9		
10		

USED CAR DEALERSHIP
1327 State Avenue
Kansas City, Kansas 66102

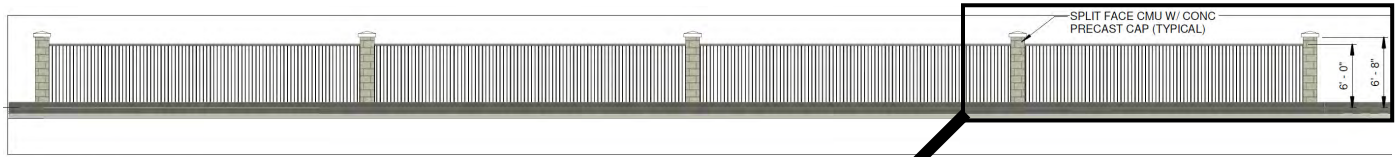
PROPOSED SITE PLAN

1C1

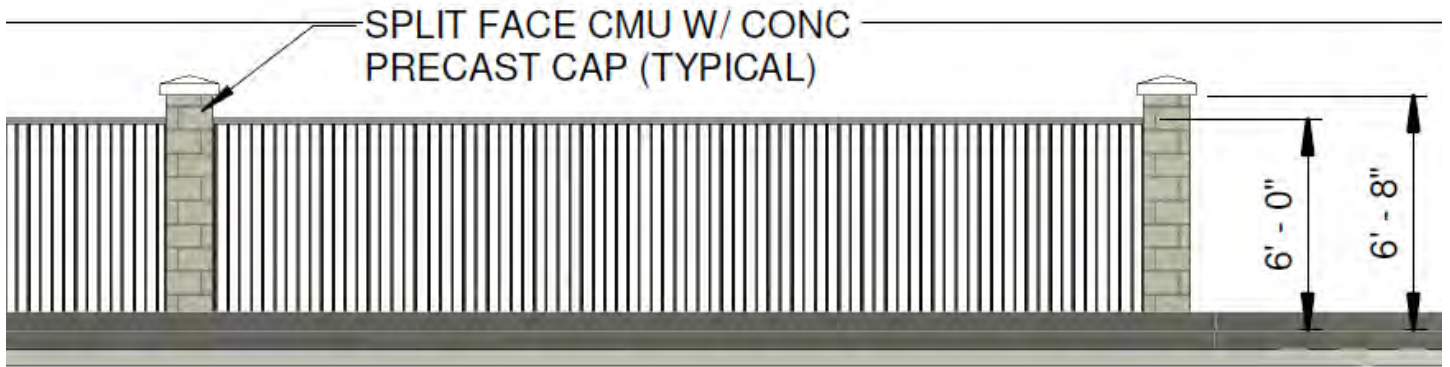
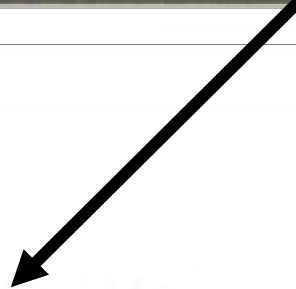
[illegible]

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SITE PLAN OF 1327 STATE AVENUE PARKING LOT SUBMITTED BY APPLICANT:
FENCING PROFILE



2 FENCE ELEVATION
101 1/8" = 1'-0"



PARKING LOT FENCING MAP AS PROPOSED BY STAFF



*A map of the subject property, with the approximate location of the wrought-iron fence must be erected (the fence is represented by **blue lines**). If the applicant does not wish to place the portion of the fence that is along North 14th Street at least 25 feet from the side yard line, then the wrought-iron fence must be no more than six (6) feet in height. A wrought-iron fence is by definition an open fence.*

DOWNTOWN AREA PLAN: URBAN RESIDENTIAL LAND USE DISTRICT

URBAN RESIDENTIAL

Use Definition:

Higher density residential, 12 units per acre or greater, in an urban format (typically attached units – townhomes/stacked flats). Detached patio homes/zero lot line or single family homes may be acceptable based upon density, design and location. Live/work units with commercial/retail/office on the first floor and residential above are allowed at the corners of blocks and if they do not deter from the residential character of the neighborhood. Institutions including schools and churches would be allowed within the urban residential land use designation.

Character:

- Front setbacks to accommodate stoops, porches and small yard spaces
- On-street parking available
- Alley access for dedicated parking integrated with building design
- Neighborhood scale civic uses encouraged
- Highly walkable pedestrian scale streets and buildings
- Neighborhood mixed-use locations provide commercial support
- Small park, open spaces and courtyards created for use by residents



DOWNTOWN AREA PLAN: MOBILITY FRAMEWORK – PARKING

e. Parking

The amount, location and design of parking are integral components of the overall experience and perception of Downtown. As an urban space, it is important to note that much of the land in Downtown is too valuable to use as surface parking, especially along street frontages. A few simple principles for parking provision are represented in this master plan.

- The provision of on-street parking is maximized throughout Downtown, except to make accommodation for transit and pedestrian enhancements.
- Minimal curb cuts are made for surface or structured parking – shared access (ingress and egress) points and alley access to parking is preferred
- Surface parking in the East Bluff and Downtown Core Districts is discouraged

I-23

DOWNTOWN MASTER PLAN

THE PLAN

I-24

- Surface parking must meet design guidelines that reinforce an urban street front in the West End District and it is encouraged that it be located behind buildings or secondary frontages
- Structured parking should be located in mixed-use formats to maintain active street fronts
- Urban parking standards should be applied to on-site parking provisions with credits provided for on-street parking and participation in a parking district to create shared use facilities for public parking
- Residential development must have dedicated parking provided

- Windows that provide transparency to buildings
- Design details such as moldings and accents that provide articulation in the building form
- Façade widths that break up block lengths
- Awnings and canopies that can bring the scale of the building to street levels
 - Architectural embellishments that add design character to the building



Parking Facilities – define functional and design characteristics that interface with the street level experience. Both surface and structured parking facilities should be integrated into the urban context.

Surface lots should be designed to encourage appropriate:

- Edge treatments – screening/buffering/landscaping or building façade continuation
- Surface treatment – appropriate surface materials and maintenance for the area
- Ingress/egress locations – in light of automobiles impact on pedestrian and traffic flow at the sidewalk and street
- Internal layout – addressing automobile and pedestrian flow as well as landscaping/softening within the parking area



Structured parking should be designed in an integrated manner with other structures to encourage a continuous street-front of active uses:

- Façade treatment – to blend visually with other buildings and structures
- Mixed-use structures - other uses on the ground level along public streets to minimize dead space along the street
- Function – providing a mixture of uses as part of the garage structure including retail, office or residential
- Building materials – in context with surrounding structures
- Ingress/egress locations – in light of automobile impact on pedestrian and traffic flow

DOWNTOWN AREA PLAN: WEST END DISTRICT PLAN IMPLEMENTATION

1. WEST END DISTRICT

The West End District (*Figure II-2*) represents an opportunity to create a dynamic neighborhood center and residential area that is connected to destinations throughout the community and metropolitan area via the roadway network, trails and transit availability. The West End is bounded by Washington Boulevard on the north, 10th Street on the east, Armstrong Avenue on the south and 18th Street on the west.

This location is close to the geographic center of the area of Kansas City, Kansas that is east of I-635. Currently, this area is a mix of land uses and development types including commercial, light industrial, residential, open space and civic uses. To successfully re-establish this district as a premiere urban neighborhood it needs a defined development pattern, mobility network and visual enhancements.

Originally, Big Eleven Lake/Waterway Park denoted the west end of downtown. Today those facilities and others such as the School for the Blind and the Granada Theater provide anchors for future development of the West End. And, accessibility to other public areas as well as adjacencies to well established urban neighborhoods and the recently rehabilitated Granada Theater provide an excellent context in which to develop a strong and active living environment.

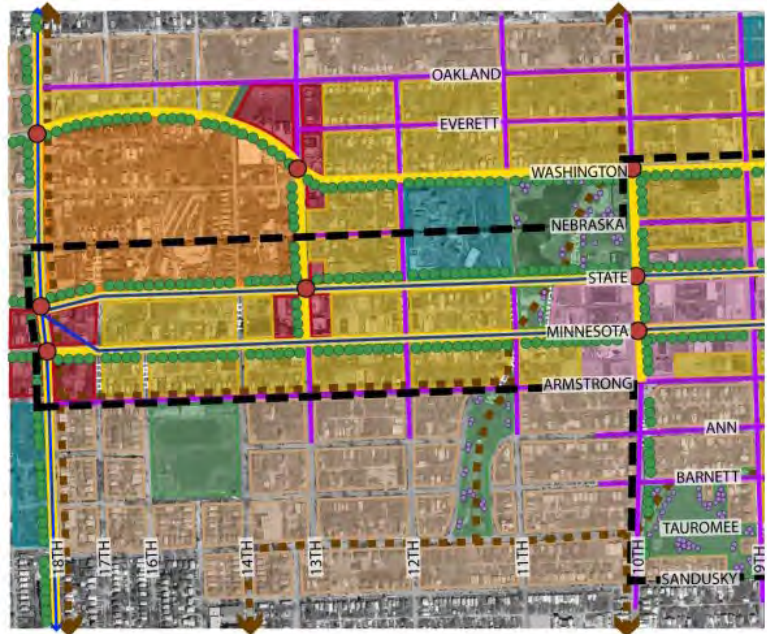


Figure II-2: West End District
Source: Gould Evans Associates

a. Land Use Framework

The land use designations in the West End District will provide a development framework for the establishment of new housing opportunities in an urban neighborhood. The future land use pattern in the West End District is developed around several recommendations:

- *Develop the State and Minnesota Avenue Corridors as urban residential neighborhood.*
 - Consolidate commercial uses to the Downtown Core, West End neighborhood center and primary intersections along Minnesota and State Avenue
 - Encourage and incent private market redevelopment of commercial and light industrial uses to residential uses.
 - Discourage redevelopment of existing use patterns in the corridors.
 - Support the proposed neighborhood center and transit spines along State and Minnesota Avenues with higher density development
 - Take advantage of visibility and neighborhood revitalization with mixed-use nodes for smaller commercial and office uses at major intersections
 - Along State and Minnesota at 10th Street, 13th Street and 18th Street
 - At 13th and Washington
- *Create the West End Neighborhood Center (between Washington and State, and 13th and 18th).*
 - Create large, long-term incremental public/private partnership project
 - Create neighborhood/community scale mixed-use commercial center with at least 2 support anchors (grocery, hardware, drug store, etc.)
 - Include a mixture of housing types including patio homes, town homes, senior facilities, single family detached and attached of both ownership and rental formats
 - Create greenspace, utilizing railroad right-of-way that is incorporated to provide open space and recreational opportunities for residents
 - Design a street pattern that encourages connectivity within the area, as well as to adjacent areas
 - Maintain historic structures and provide design guidelines to new development along 18th Street that respects the historic Westheight Manor neighborhood and historic district.
 - Provide guidance to development, through design, in the neighborhood center that is within the Westheight Manor Historic District Environs.
- *Expand Big 11 Lake Park and improve connections between park lands via the Riverfront Heritage Trail*
- *Strengthen and enhance the surrounding neighborhoods south of Armstrong (Waterway Neighborhood) and north of Washington (Strugglers Hill – Roots and Boulevard Neighborhoods)*
 - Provide financial and regulatory assistance to encourage neighborhood reinvestment and home improvement
 - Encourage neighborhood infill that is design sensitive to the context of the neighborhood

b. Mobility Framework

The mobility framework within the West End District will foster connectivity throughout the district and to Downtown and adjacent neighborhoods. This framework also supports the land use pattern proposed for the district. Implementation recommendations related to mobility address streets, pedestrian connections and transit in order to achieve the vision.

- *Redesign and build Minnesota and State Avenues to balanced street standards*
 - Support residential development through the provision of on-street parking
 - Improve streets with balanced street streetscape standards to create an effective interface with adjacent land uses
 - Enhance intersections at mixed-use nodes to foster pedestrian activity and provide district and neighborhood signage.
 - As allowable within the established right-of-way, provide for shared road lanes that can safely accommodate bicycling (primarily along Minnesota)

- Design for transit accommodations along Minnesota and State Avenues to serve the mixed-use nodes, as well as the residential uses and surrounding neighborhoods
- Investigate and possibly vacate 11th Street between Washington and State to integrate the School of the Blind Campus with Big 11 Lake Park
- Vacate and reroute the existing Highway 24 route between Washington and State to support the rejoining of Waterway Park (Big 11 Lake) and the creation of a segment of the Riverfront Heritage Trail
 - Work with the State Department of Transportation to re-designate the route for Highway 24 and achieve local control of right-of-way design through the Downtown
- Improve pedestrian streets to foster walking connections throughout the district and to foster connections to other districts and surrounding neighborhoods
 - Improve streets to pedestrian streetscape standards
 - Make pedestrian oriented enhancements at key intersections to reinforce key crossing points
 - Washington at 18th, 13th, 10th
 - State at 18th, 13th, 10th
 - Minnesota at 18th and 10th
- Provide transit accommodations for bus rapid transit/light rail/other emerging transit technologies along State and Minnesota Avenues to encourage connections to the east (Downtown Kansas City, Kansas and KCMO) and to the west (Village West)
 - Provide transit transfer point at 18th Street, as well as possible stops at 13th and 10th Streets
 - Explore the feasibility of a mixed-use transit center/station at 18th and Minnesota/State to support transfers related to bus, bus rapid transit, light rail or other transit technologies
 - Identify areas in which transit improvements will impact street design and preserve locations for future transit right-of-way and stops
- Explore feasibility of a Downtown circulator transit route on State and Minnesota between 5th and 18th Streets as reinvestment occurs.
 - Develop the Riverfront Heritage Trail system to provide a pedestrian trail to the West End District
 - Ensure connection to adjacent districts and neighborhoods, Downtown, and the riverfront
 - Provide off-street connections through Waterway Park to connect points north and south via the trail
 - Implement off-street trail design standard
 - Develop on-street trail routes along 18th Street, Armstrong Avenue and Taumee (the old Grandview Boulevard route). Trail design and location will depend upon width of right-of-way.

c. Design Framework

To support the envisioned development of the West End District as outlined by the Land Use and Mobility Frameworks, the Design Framework for the district becomes important (See **Appendix A** regarding other applicable design guidelines). In particular:

- The Minnesota and State Avenue corridors are viewed as urban neighborhood corridors with community and regional functions. Thus, these corridors must accommodate a pedestrian friendly experience at the street level reinforced by enhanced sidewalk, intersections, furnishings and other amenities. Additionally, they serve as primary and secondary transit corridors and must be developed at a density that supports transit.
- Within the Neighborhood and Downtown mixed-use nodes, commercial uses at ground level are encouraged to promote an active street life with other uses, such as office and residential on upper floors.
- Residential uses should front the street and create an active street setting that is pedestrian friendly.

Height – ranges from a minimum of 1 story to a maximum of 4 stories.

- 2 to 3 stories on the interior of blocks with 4 stories allowed at major intersections
- 1 story buildings are allowable based on proposed use and consideration of location within the context of the neighborhood (the development of single story buildings should be minimized to certain commercial uses and

residential formats that still meet urban neighborhood densities and urban formats)

Setbacks – intention is to create an urban environment

- Commercial and mixed-use buildings should have a zero foot front setback
- Residential buildings should have a front setback no greater than 20 feet depending upon the residential building form and the type of street
- Well designed public gathering places, courtyards and plazas can be used to maintain the street wall
- In locations where surface parking lots exist and remain, screening in the form of fencing, shrubs or a combination of both should be implemented

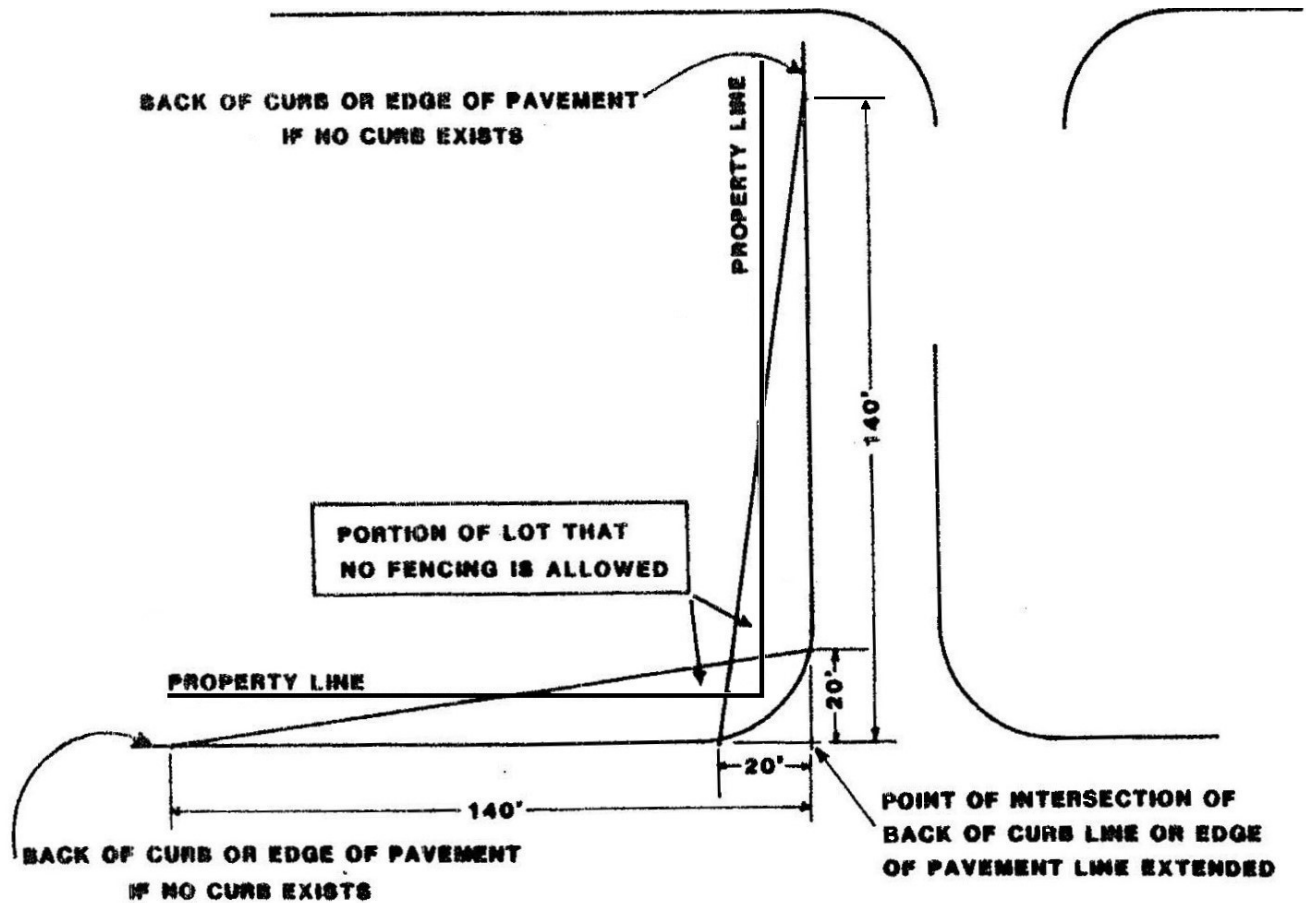
Streetscape/Gateways – should support pedestrian activity following the principles outlined in Chapter I of the plan for the various types of streets within the West End District. At the identified enhanced intersections public art and gateway/wayfinding features should be considered as part of the list of enhancements or improvements.

d. Pattern Pages

Because the Land Use, Mobility and Design Frameworks must work together to create the desired character and identity for Downtown and the District the following pattern page(s) have been created to provide examples of possible types of development that may occur on an identified catalyst block (*See Figure II-3*) within the context of the district.

This representation should be viewed as a depiction of desired principles and patterns discussed throughout the plan and not as specific development proposals.

CALCULATIONS OF SIGHT-DISTANCE TRIANGLE



CALCULATION OF SIGHT DISTANCE TRIANGLES

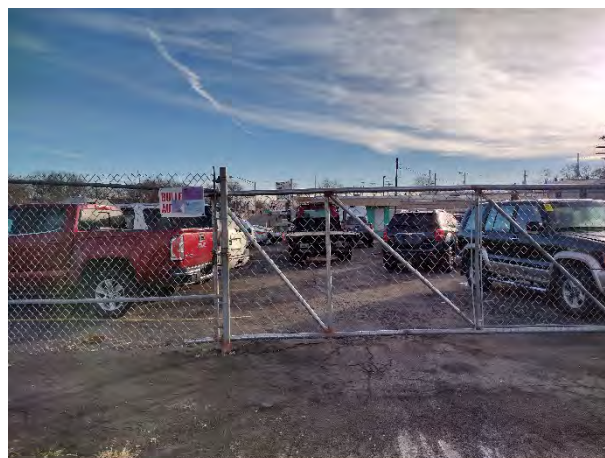
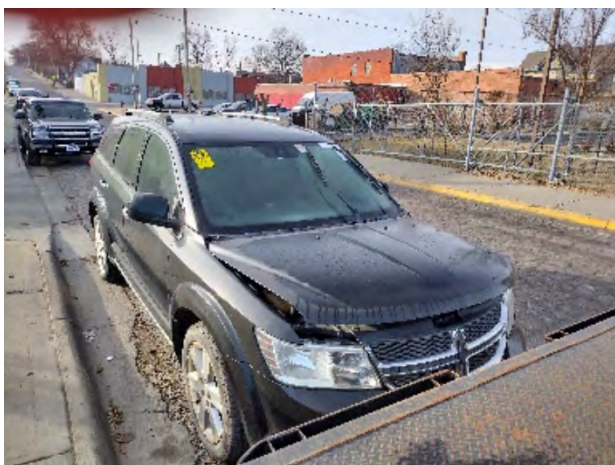
SITE VISIT PHOTOGRAPHS BY STAFF, DATED DECEMBER 15, 2022



SITE VISIT PHOTOGRAPHS BY STAFF, DATED DECEMBER 15, 2022, CONT.



SITE VISIT PHOTOGRAPHS BY STAFF, DATED JANUARY 10, 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: April 27, 2023

Re: **Petition PR2022-037**

GENERAL INFORMATION

Applicant:

Daryl Rakoski

Status of Applicant:

Premium Builders LLC
12525 Leavenworth Road
Kansas City, KS 66109

Requested Action:

Approval of a Preliminary and Final
Development Plan.

Date of Application:

September 30, 2022

Purpose:

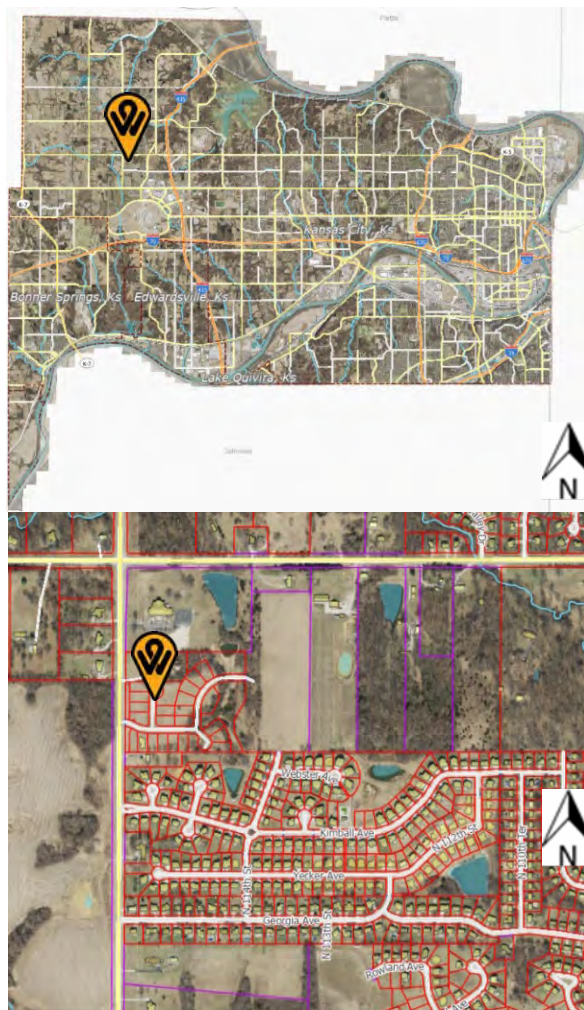
To add one (1) floor plan option and reduce
the square footage of two (2) floor plans
below the 1,600 square foot minimum for
Villas of Piper Valley, Phase 1

Property Location:

11465 Webster Avenue

Commission Districts:

Commissioner At-Large, District #1: Melissa
Bynum
District #5 Commissioner: Michael (Mike)
Kane



Existing Zoning: R-1 Single Family District

Adjacent Zoning:	North: A-G Agriculture District South: A-G Agriculture and R-1 Single Family Districts East: A-G Agriculture District West: A-G Agriculture (WYCO) and R-1 Large Lot Single Family (WYCO) Districts
Adjacent Uses:	North: Church and single-family residence South: Single family residences East: Single family residence West: Undeveloped farmland and single-family residences
Total Tract Size:	24.22 Acres
Master Plan Area:	Prairie Delaware Piper Master Plan
Master Plan Designation:	The Prairie Delaware Piper Master Plan designates this property as Suburban Residential, which allows single-family detached residential units on quarter-acre lots.
Major Street Plan:	The Major Street Plan classifies North 115 th Street as a Class C Thoroughfare.
Required Parking:	Required Parking: Sec. 27-454(e) states two (2) off-street parking spaces on the premises for each single-family dwelling, one (1) of which shall be in a garage or carport. 44 parking spaces are required. 44 parking spaces are provided.
Advertisement:	Property Owner Letters – Plan Review: October 21, 2022, November 7, 2022, December 7, 2022, January 3, 2023, and February 4, 2032; Plat: February 17, 2023 <u>Wyandotte Echo</u> – None Required
Public Hearings:	April 10, 2023 and April 27, 2023
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Daryl Rakoski with Premium Buildings LLC, has applied for a Preliminary and Final Development Plan to add an additional floor plan (previously three (3) and add two (2) floor plan square footages below the 1,600 square foot Prairie Delaware Piper Master Plan Area 1 Single Family Detached Residential Unit Size requirement for Villas of Piper Valley, Phase 1 located at 11465 Webster Avenue). A Final Plat has been filed to amend the subdivision to

make a portion of the development age restricted (Approved). The Capri floor plan is proposed to be 1,418 square feet, a deviation of 182 square feet and the Palazzo floor plan is proposed to be 1,519, a deviation of 81 square feet.

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

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. None

Building, Zoning, or Code Enforcement Complaints:

1. September 21, 2020 – Weeds, 14-Day Abatement

Outstanding or Related Permits and Cases:

1. In 2021, COZ 3240, rezoning the property from A-G Agriculture District to R-1 Single Family District was approved by the City Planning Commission and Board of Commission.
2. In 2021, Villas of Piper Valley, Phase 1 Preliminary and Final was approved by the City Planning Commission to build 22 of 62 single family homes.

FACTORS TO BE CONSIDERED

1. Neighborhood character.

The character of the neighborhood is primarily comprised of single-family homes to the south, and east. There area is a mixture of rural, farmland and large lot single family homes.

2. The extent to which the proposed use would increase the traffic or parking demand in ways that would adversely affect road capacity, safety, or create parking problems. Streets are designed so as to provide a safe, convenient, and functional system for vehicular traffic, and having such width, gradient, location, and structural quality as to accommodate prospective traffic as determined by existing and probable future land and building uses.

This is not applicable as the applicant is seeking a deviation in the Master Plan for the minimum square footage of single-family homes in Area 1 to build an age restricted subdivision. The site layout and number of residences will not change, therefore, this factor has been answered with the Final Plat.

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

The proposed use complies with the Master Plan designation of Suburban Residential, which allows detached single-family residences on one-quarter (1/4) acre. The Applicant is seeking a smaller house size/floor plan, which is permitted in the Prairie Delaware Piper Master Plan Area 1, if the development is for an age restricted single-family subdivision.

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

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

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

Development is of such character that it can be used safely without danger to health, or peril from fire, flood, erosion, excessive noise, or other adversity as Public Works has already approved the streets, sanitary sewer and storm sewer plans.

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

a. *Water service*

Water service is provided by BPU.

b. *Sanitary sewer service*

Sanitary sewer service is provided by the UG.

c. *Storm water control*

To be designed to meet City Code.

d. *Police*

Police service provided by West Patrol, District #224.

e. *Fire*

Fire service provided by Station #12, located at Hutton Road and Leavenworth Road.

f. *Transit*

Kansas City ATA does not provide transit service at this property. The closest transit stop is at Plaza at the Speedway, Route #101,

near Walmart at 108th Street, approximately 1.7 miles southeast of the site.

g. Schools

Public education is provided by Piper USD 203.

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

The Prairie-Delaware-Piper Area Master Plan states that Area 1, the area where the subject property lays, requires a minimum of 80% of the lots in a residential subdivision to have a lot width of 70 feet or greater. The Final Plat shows more than eight (8) of the lots with front boundary lines of less than 70 feet. Furthermore, the Prairie-Delaware-Piper Area Master Plan states that a maximum of 20% of lots may have a width of 50 feet or greater—Lot 1 still shows a lot width of 44.38 feet at the front property line. These lot width issues may be corrected by the submission of a revised Final Plat, unless the revised plat changes the number of lots by more than five percent (5%) of the total number of lots provided by the Preliminary Plat that was approved by the Board of Commissioners.

- 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 preliminary plat showed a relative attempt to take topography into account when designing the lots. Some of the lots have been developed within the subdivision.

- 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 plat is planned to be 24 lots and therefore is required to have one (1) amenity, which may be a small amenity. The final plat submitted by the applicant shows a clubhouse, which is a regular amenity. The clubhouse fulfills the Prairie-Delaware-Piper Area Master Plan residential development amenity requirement. In order for the amenity to qualify, however, it must be constructed in Phase I of the proposed development.

PREVIOUS ACTIONS

1. PLAT2021-002 – Villas of Piper Valley, Phase I was approved by the City Planning Commission on March 8, 2021.
2. Villas of Piper Valley Preliminary Plat and COZ 3240 was approved by the City Planning Commission and the Unified Government Board of Commissioners on November 9, 2020 and December 10, 2022.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting in-person on October 31, 2022, in the model home located at 11465 Webster Avenue. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

- Precedent set for houses less than the Prairie Delaware Piper Master Plan Area 1 Single Family Detached Residential Unit Size Requirement

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **APPROVAL** of Preliminary and Final Plan Review Application PR2022-037, subject to:

1. **Age restricted, single-family detached housing for seniors is allowed within Area 1 with a minimum of 1,250 square feet in a unit with a basement, or 1,400 square feet in a unit without a basement. No more than 20% (4 of 24 total lots in Phase 1 of this subdivision) of all properties in this subdivision can be built at the lower square feet threshold;**
2. **For Phase 2, the future plat requires the same Covenants, Conditions and Restrictions (CCRs) placed upon that phase as Phase 1;**
3. **Sec. 27-699(b)(9) Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged as to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky-reflected glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way;**
4. **All lighting whether mounted on the building or installed in the parking lot shall have 90-degree cutoff fixtures;**
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. **A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;**
8. **A Pre-Construction meeting is required for any improvements to public infrastructure upon the approval and issuance of a Development Review**

Committee (DRC) Permit. Any improvements to, construction or alteration of sanitary systems, stormwater systems, public or private streets, sidewalks, or other public infrastructure will require a pre-construction meeting with the Department of Public Works. The applicant is required to contact the County Engineer at (913) 573-5400 or by info@wycokck.org prior to construction to arrange this meeting;

- 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; and,**
- 10. All conditions of approval herein must be constructed, executed, implemented, or otherwise completed within 18 months of approval unless otherwise determined by the Director of Planning or their designee.**

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 **PR2022-037** subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

April 10, 2023 City Planning Commission Minutes
Aerial Map
Zoning Map
Prairie Delaware Piper Master Plan Land Use Map
KCKFD Comment Letter
GeoSpatial Services Comment Letter
Prairie Delaware Piper Master Plan Single Family Detached Residential Unit Size Table
Applicant Response Letter
Neighborhood Meeting Minutes
Final Plat
Floor Plans
Site Photographs taken on October 17, 2022 by Planning Staff

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>City Planning Commission</u>	<u>Unified Government Board of Commissioners</u>
Public Hearing		
Preliminary and		
Final Plan	April 10, 2023	April 27, 2023
	Approval	

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **PR2022-037**, 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 **PR2022-037**, 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.

April 10, 2023 City Planning Commission Minutes:

Hearing starts at 3:59:10:

PLAT APPLICATION PLAT2023-007 – AUSTIN THOMPSON WITH ATLAS LAND CONSULTING - SYNOPSIS: Final Plat (Villas of Piper Valley) to add restrictions at 11465 Webster Avenue.

PLAN REVIEW APPLICATION PR2023-037 – DARYL RAKOSKI - SYNOPSIS: Preliminary and Final Plan Review to construct 62 single-family homes at 11465 Webster Avenue.

Detailed Outline of Requested Action: The applicant, Daryl Rakoski with Premium Buildings LLC, has applied for a Preliminary and Final Development Plan to add an additional floor plan (previously three (3) and reduce two (2) floor plan square footages below the 1,600 square foot Prairie Delaware Piper Master Plan Area 1 Single Family Detached Residential Unit Size requirement for Villas of Piper Valley, Phase 1 located at 11465 Webster Avenue). A Final Plat has been filed to amend the subdivision to make the development age restricted. The Capri floor plan is proposed to be 1,418 square feet, a deviation of 182 square feet and the Palazzo floor plan is proposed to be 1,519, a deviation of 81 square feet.

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 April 10, 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. Chairman Carson stated that he was contacted by two (2) realtors that have clients who have purchased, or are going to purchase, homes in this subdivision.

Present in Support:

- Austin Thompson, applicant, Atlas Land Consulting, 14500 Parallel Road, Unit R, Basehor, Kansas 66007
- Jason Rakoski, 9023 Barstow Street, Lenexa, Kansas

Chairman Carson directed questions to Mr. Rakoski.

Present in Opposition:

- No one appeared

Staff Recommendation starts at 4:04:54: Planning Director Hand stated that these applications were held over from last month to provide additional information to Staff. The update to Staff was that they were not going to build more than 20% of the proposed smaller homes. They also clarified that two (2) of their model homes could be adjusted to be options for different smaller square feet models, if need be. The property is in the Prairie-Delaware-Piper Area Plan. Staff has received no letters in support nor in violation. Staff recommends approval subject to the conditions in the staff report. If the Commission wishes, there can be a condition in the motion addressing the minimum square footage as stated by the Applicant or add the 20% condition of the homes below 1600 square feet.

The Planning Commission directed questions and comments to Staff regarding the people that already purchased the land and are building or have built their homes at the current 1600 square footage, 55 and older age restriction that would allow a minimum of 1250 square feet without a basement and 1400 square feet with a basement, and the comments from GeoSpatial Services. Director Hand stated that regarding the plat, it can only move forward if all the existing property owners sign the plat.

Chairman Carson allowed the Applicant to respond. He also directed questions to the Applicant regarding holding the neighborhood meeting on Halloween night. Mr. Rakoski stated that no one attended the meeting, and no one reached out to him.

Commissioner Connelly left the meeting at 10:00 p.m.

Motion starts at 4:24:10:

On motion by Mrs. Jones, seconded by Ms. Armstrong, the Planning Commission voted as follows to **APPROVE PLAT2023-007 and no more than 20% of all properties in this subdivision can be built at the lower square feet threshold (between 1250 and 1600 square feet):**

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

Motion to **APPROVE** Passed: 7 to 0

Subject to:

1. Age restricted, single-family detached housing for seniors is allowed within Area 1 with a minimum of 1,250 square feet in a unit with a basement, or 1,400 square feet in a unit without a basement. No more than 20% (4 of 24 total lots in Phase 1 of this subdivision) of all properties in this subdivision can be built at the lower square feet threshold;
2. For Phase 2, the future plat requires the same Covenants, Conditions and Restrictions (CCRs) placed upon that phase as Phase 1;
3. Sec. 27-699(b)(9) Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged as to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky-reflected glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way;
4. All lighting whether mounted on the building or installed in the parking lot shall have 90-degree cutoff fixtures;
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. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to

- confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
8. A Pre-Construction meeting is required for any improvements to public infrastructure upon the approval and issuance of a Development Review Committee (DRC) Permit. Any improvements to, construction or alteration of sanitary systems, stormwater systems, public or private streets, sidewalks, or other public infrastructure will require a pre-construction meeting with the Department of Public Works. The applicant is required to contact the County Engineer at (913) 573-5400 or by info@wycokck.org prior to construction to arrange this meeting;
 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; and,
 10. All conditions of approval herein must be constructed, executed, implemented, or otherwise completed within 18 months of approval unless otherwise determined by the Director of Planning or their designee.

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

PR2022-037:

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

Motion to recommend **APPROVAL** Passed: 7 to 0
Subject to the above conditions.



Figure 1. Aerial Map of Villas of Piper Valley, Phase 1 (provided by UG Maps).

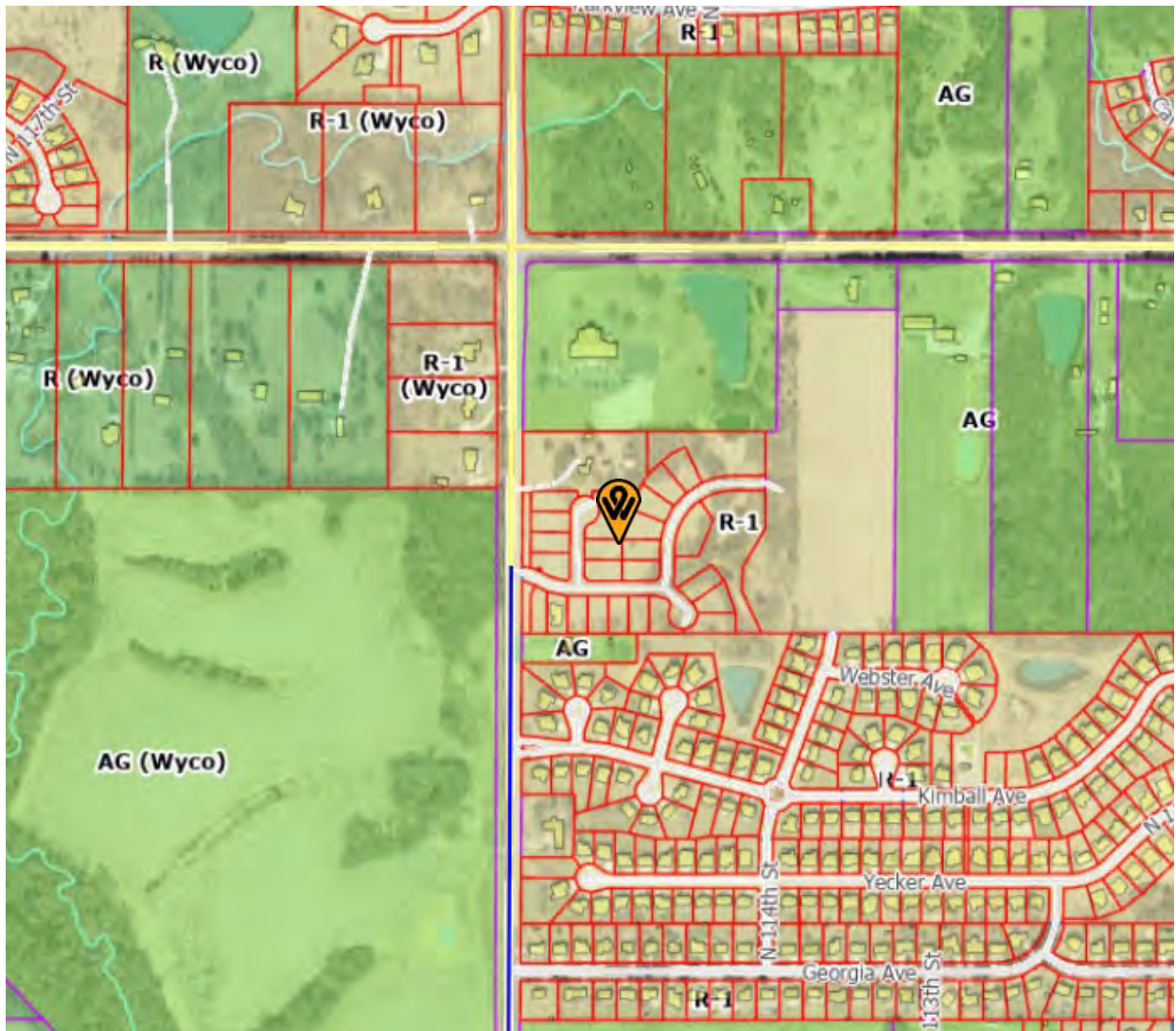


Figure 2. Zoning Map of Villas of Piper Valley, Phase 1 (provided by UG Maps).

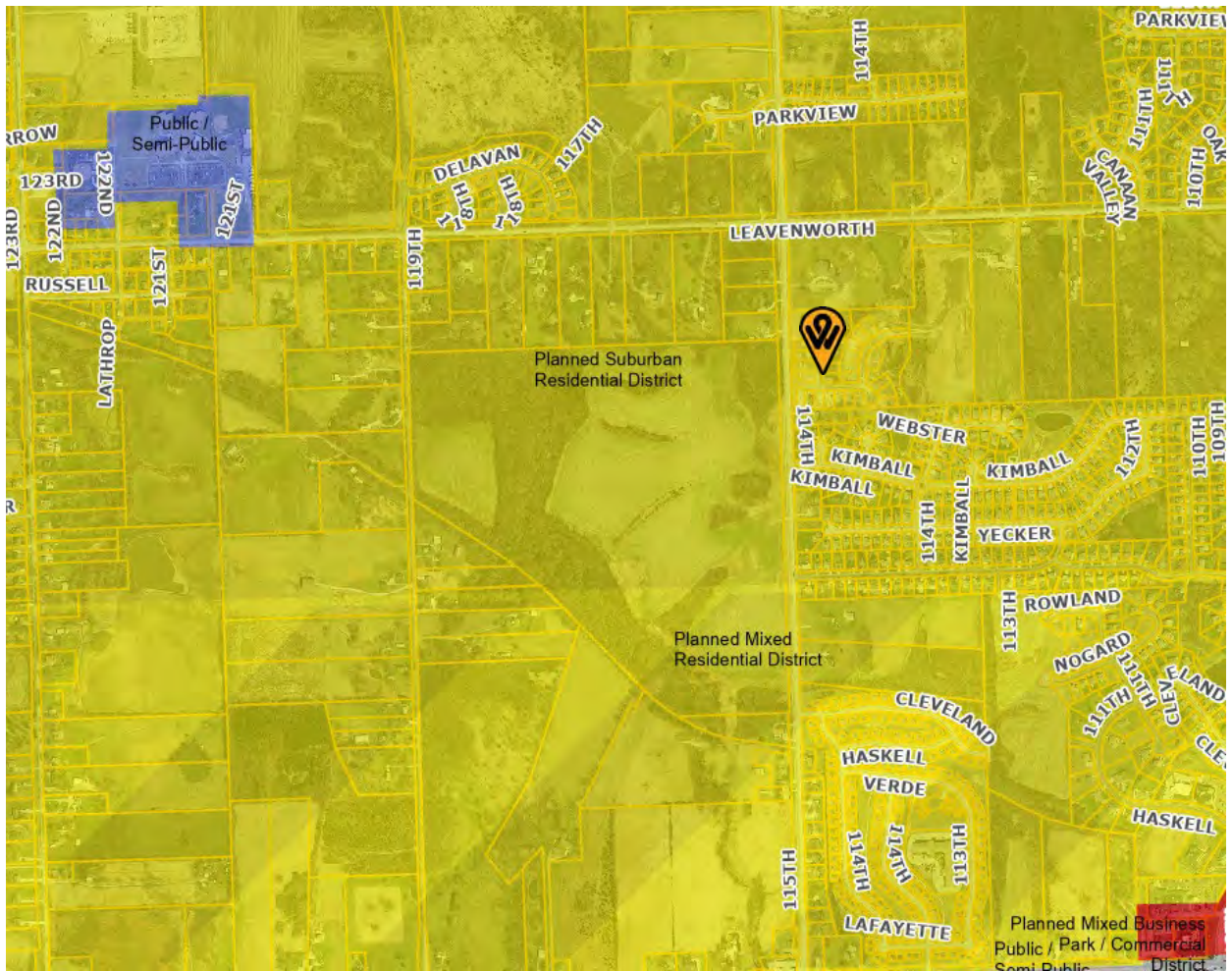


Figure 3. Prairie Delaware Piper Master Plan Land Use Designation Map of Villas of Piper Valley, Phase 1 (provided by ArcGIS Pro).

DEVELOPMENT REVIEW COMMITTEE

Unified Government of Wyandotte County/ Kansas City, Kansas



FIRE DEPARTMENT-FIRE PREVENTION DIVISION

815 North 6th St.

Kansas City, Kansas 66101

(913) 573-5550

(913) 551-0490 fax

DEPARTMENTAL REQUIREMENTS AND RECOMMENDATIONS

DRC No. PR2022-037 Address: 11465 Webster Avenue.

Development Name: DARYL RAKOSKI Description: new residential development

STAFF ONLY: ☐ A ☐ A/C ☐ F & F ☐ H/C ☐ R/A

Ordinance Requirements:

Before this Department can approve the issuance of a building permit for the above-named project, the developer, owner or contractor must address / agree with the following requirements, stipulated by the Unified Government Ordinances, by signing this form.

New multi-lot residential subdivisions must comply with the following requirements:

*Submit hydrant locations for review per Sec.507, 2012 IFC. All houses should be within 600' of a hydrant. All bldgs to be within 150' of code compliant access road(s) per Sec.503, 2012 IFC

*Signs for "NO PARKING" shall be posted per Sec.D103.6, 2012 IFC

-Roads 20 to 26 feet wide (curb face to curb face) - NO on street parking either side

-Roads over 26 to 32 feet wide (curb face to curb face) - Parking on one side

-Roads over 32 feet wide (curb face to curb face) - on street parking allowed both sides

-Dead end access roads 150'+, SHALL comply with Sec. D103.4 and table D103.4, 2012 IFC for min. road width 26'(curb face to curb face) and min. cul-de-sac diameter of 96'.

*Fire access entrance roads must comply with Sec.D104.3 separated by min. 1/2 the diagonal of the area served, with (2) minimum entrances for subdivisions with more than 75 units per City Ordinance Chapter 15, Article III-Sec.15.54, D107.1

NOTE: Items highlighted with (*) must be addressed prior to departmental approval.

Harvey Fields

Digitally signed by Harvey Fields
Date: 2022.10.14 16:09:10 -05'00'

10/14/2022

Attending DRC Member:

Date

I, _____, as _____ of the above referenced project, do hereby certify that I will comply with all of the above ordinance requirement(s), and give consideration to the recommendation(s) above.

Signature and Date

Contact Phone Number and Email Address

Mailing Address, City, State, and Zip Code



GeoSpatial Services
Division

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

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

To: Gunnar Hand, Planning and Urban Design
Janet Parker, Planning and Urban Design
From: Robert Ringel, GIS Analyst, Unified Government GSS
Date: February 6, 2023
RE: **REPLAT OF VILLAS OF PIPER VALLEY PHASE 1**

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

And we have determined the following:

Takes all of CIC-TAS Parcels:

423000 to 423029 & 892378

Owners-of-Record:

Premium Builders, LLC; Lonnie & Susan Purnell; Robert & Colleen Raveill;
Reid & Marisa Roberts

Jurat Signature:

Daryl Rakoski, managing member – Premium Builders, LLC

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

1) Taxes

There are past due taxes and special assessments that need to be paid.

2) Dedication

Change mentions of City of Kansas City/Wyandotte County to Unified Government of
Wyandotte County/Kansas City, Kansas, except for note about doing business in the City
of Kansas City, Kansas.

3) Ownership

There are more owners than shown on plat.

DEVELOPMENT POLICIES

Single Family Detached Residential Unit Size

Single family detached residential units are in demand in western Kansas City, Kansas. Some standards are needed to enhance the overall quality of development within this area.

Table 6 identifies the square footage requirements for single family detached units. The requirement varies based on the number of units within a subdivision and the location of the subdivision as illustrated on Map 11.

Residential unit square footage requirements are more flexible in subdivisions that have 100 or more units.

Table 6: Residential Unit Size

	Lot Width	Square Feet Minimum*
Area 1**	80-100% 70 feet	1600
	0-20% 50 feet	
Area 2	85-100% 75 feet	1750
	0-15% 50 feet	

*Square feet calculation is defined as the usable area, including floor and wall coverings, that is mechanically heated and cooled with proper natural light and egress to meet building code standards - must be shown on building plans to be counted, but does not include the garage.

**Age restricted, single family detached, housing for seniors is allowed in Area 1 with a minimum of 1,250 square feet in a unit with a basement, or 1,400 square feet in a unit without a basement.



KS ENG COA: #0315
KS SUR COA: #163
MO ENG COA: #2023014084
MO SUR COA: #2022014231

ALC
ATLAS LAND CONSULTING
SURVEYING | ENGINEERING | DRONE | CAD
913-702-5073
14500 Parallel Road, Unit R, Basehor KS 66007
ANDREA@ALCONSULT-LLC.COM

PR2022-037/PLAT23-007

1. The Prairie Delaware Piper Area Plan is explicit between the minimum single family detached square foot requirements Areas 1 and 2. The applicant states that they want to build smaller homes that are more affordable. By requesting a smaller square footage, below the 1,600 square foot requirement in Area 1, a precedent is being set where the Area Plan clearly states the requirement for all single-family homes, unless the development is for age-restricted, senior housing or 55+ age developments. **Acknowledge**
2. Age restricted, single-family detached, housing for seniors is allowed within Area 1 with a minimum of 1,250 square feet in a unit with a basement, or 1,400 square feet in a unit without a basement. **Acknowledge**
3. Is Phase 2 going to be age restricted? If so, that future plat requires the same Covenants, Conditions and Restrictions (CCRs) placed upon that phase as Phase 1. **Acknowledge**
4. Sec. 27-699(b)(9) Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged as to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky-reflected glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. **Acknowledge**
5. All lighting whether mounted on the building or installed in the parking lot shall have 90-degree cutoff fixtures. **Acknowledge**
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14500 Parallel Rd Unit R Basehor, KS 66007

7. All existing and future driveways must feature curb cuts that are constructed to UG standards. **Acknowledge**
8. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly. **Acknowledge**
9. 9A Pre-Construction meeting is required for any improvements to public infrastructure upon the approval and issuance of a Development Review Committee (DRC) Permit. Any improvements to, construction or alteration of: sanitary systems, stormwater systems, public or private streets, sidewalks, or other public infrastructure will require a pre-construction meeting with the Department of Public Works. The applicant is required to contact the County Engineer at (913) 573-5400 or by info@wycokck.org prior to construction to arrange this meeting. **Acknowledge**
10. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable. **Acknowledge**
11. All conditions of approval herein must be constructed, executed, implemented, or otherwise completed within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. **Acknowledge**

Development Review Committee

*Submit hydrant locations for review per Sec.507, 2012 IFC. All houses should be within 600' of a hydrant. All bldgs to be within 150' of code compliant access road(s) per Sec.503, 2012 IFC

*Signs for "NO PARKING" shall be posted per Sec.D103.6, 2012 IFC

-Roads 20 to 26 feet wide (curb face to curb face) - NO on street parking either side

-Roads over 26 to 32 feet wide (curb face to curb face) - Parking on one side

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-Dead end access roads 150'+, SHALL comply with Sec. D103.4 and table D103.4, 2012 IFC for min. road width 26'(curb face to curb face) and min. cul-de-sac diameter of 96'.

*Fire access entrance roads must comply with Sec.D104.3 separated by min. 1/2 the diagonal of the area served, with (2)minimum entrances for subdivisions with more than 75 units per City Ordinance Chapter 15, Article III-Sec.15.54, D107.1. **Waterline designed by the Board of Public Utilities. Neighbor is existing with existing utilities established.**

14500 Parallel Rd Unit R Basehor, KS 66007

Meeting Minutes for Neighborhood meeting

10/31/2022

Application Number PR 2022-037

Date and Location: 10/31/22 held at our model home – 11465 Webster Ave, KC, KS 66109

Meeting called to order at: 7:30pm

Names of people in attendance: 0

Meeting adjourned at: 8:00 pm

I stayed until 8:30pm in case anyone showed up late. No one did.

Minutes taken by: Jason Rakoski 

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
COUNTY OF Wyandotte) SS:

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

1. That I am the petitioner for Petition # PR2022-037
2. That I conducted a neighborhood meeting on 10/31.
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 3rd day of November, 2022.

My commission expires 1st of November, 2022.

CAROL CONLEY
Notary Public-State of Kansas
My Appl. Expires 6/1/25

Notary Public



FLOOR PLAN

COLUMBUS - CAPRI RANCH
REV. 07.22





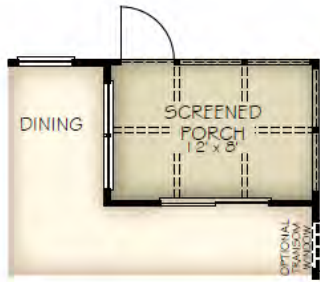
OPT. L-SHAPED SHOWER LAYOUT
WITH ZERO THRESHOLD



OPT. UNIVERSAL SHOWER
LAYOUT WITH ZERO THRESHOLD



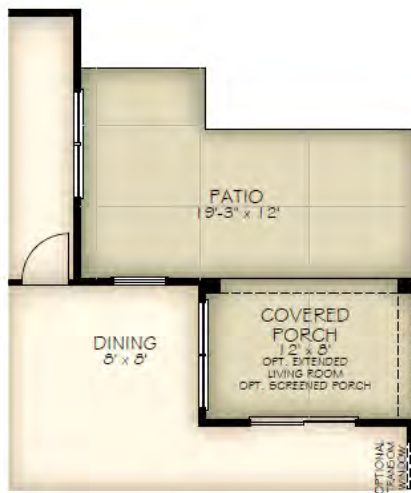
OPT. DELUXE KITCHEN



OPT. SCREENED PORCH
ILO COVERED PORCH



OPT. EXTENDED LIVING ROOM



OPT. PATIO

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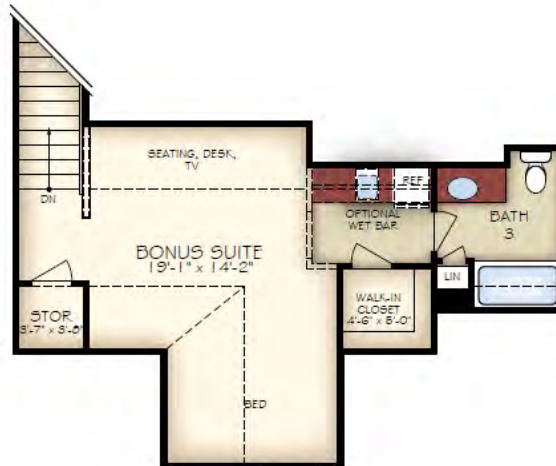
*Note: Zero threshold is not available with a basement home. There will be a threshold included.

COLUMBUS- CAPRI RANCH
REV. 07.22



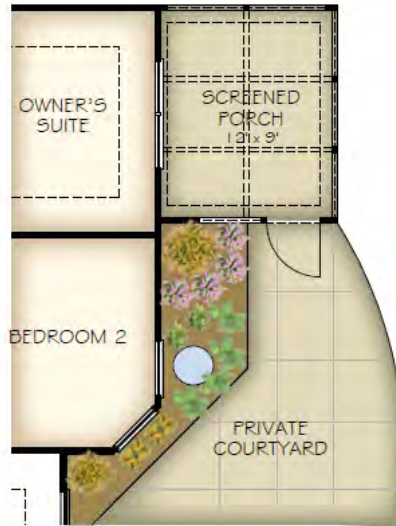


FIRST FLOOR PLAN W/
OPTIONAL BONUS SUITE

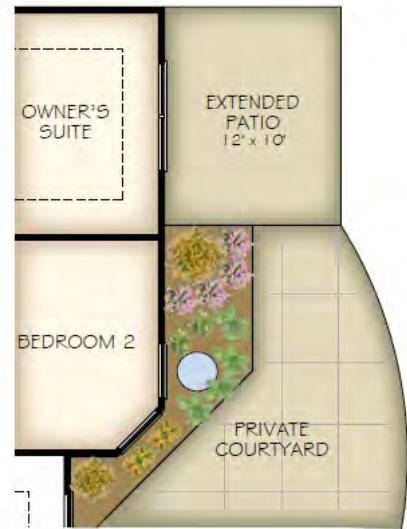


OPTIONAL SECOND FLOOR
BONUS SUITE

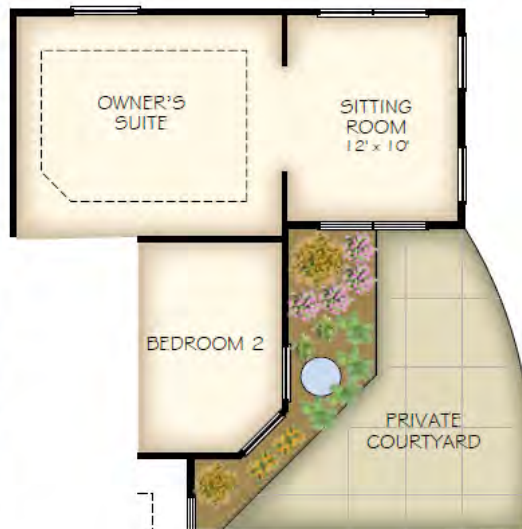
OPTIONAL SCREENED PORCH



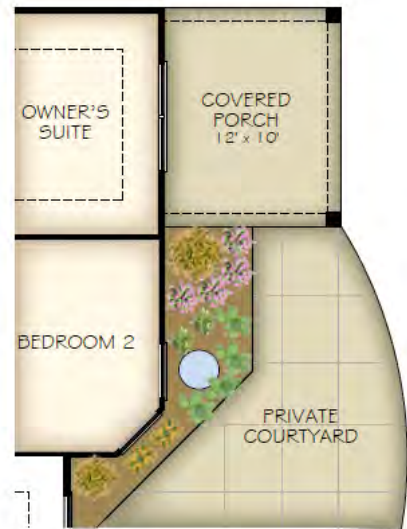
OPTIONAL EXTENDED COURTYARD
PAVEMENT



OPTIONAL OWNER'S SUITE SITTING ROOM

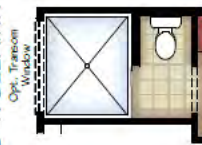


OPTIONAL COVERED PORCH





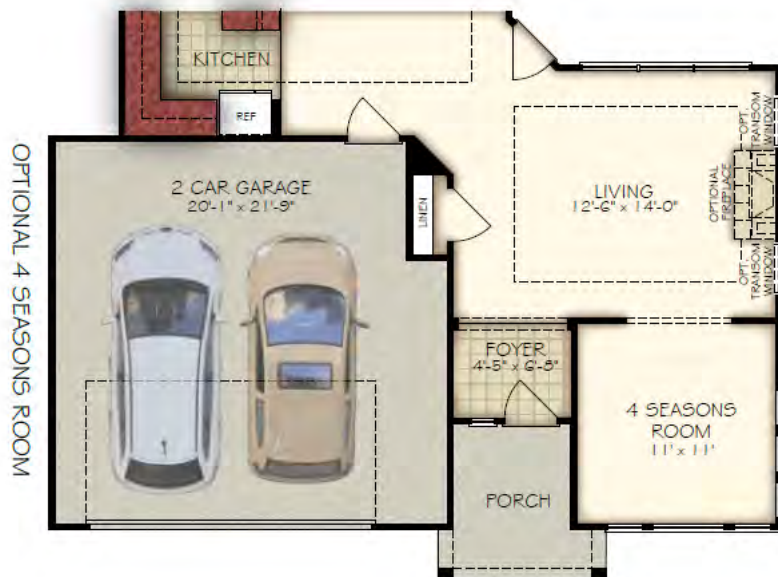
OPTIONAL DELUXE KITCHEN



OPTIONAL UNIVERSAL SHOWER
LAYOUT WITH ZERO THRESHOLD



OPTIONAL L-SHAPED SHOWER
LAYOUT WITH ZERO THRESHOLD



OPTIONAL 4 SEASONS ROOM

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*Note: Zero threshold is not available with a basement home. There will be a threshold included.



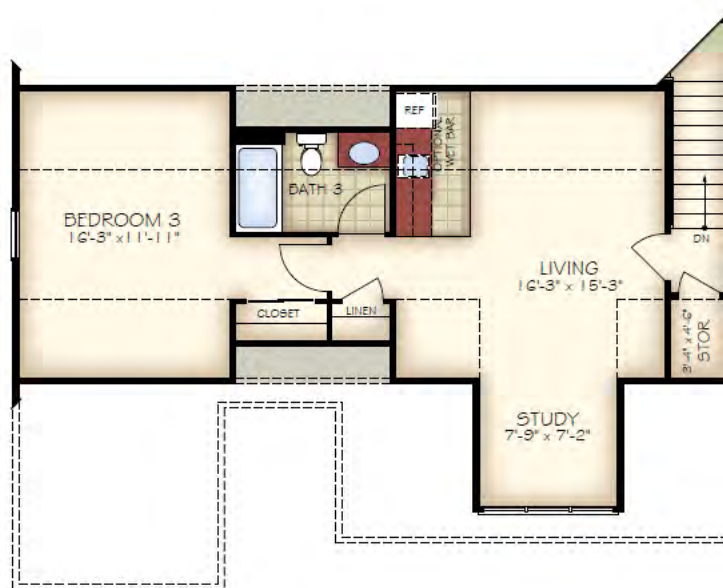
*Note: Tray Ceilings on the First Floor with Bonus Suite option are in the following areas:
Dining Room, Master Bedroom.

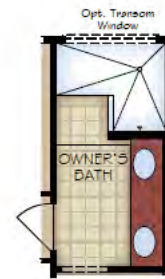
COLUMBUS - PORTICO BONUS
REV. 07.22

FIRST FLOOR PLAN
W/ BONUS SUITE



OPTIONAL SECOND FLOOR
BONUS SUITE

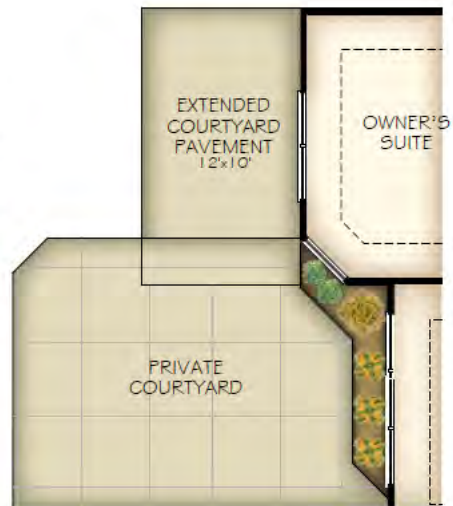




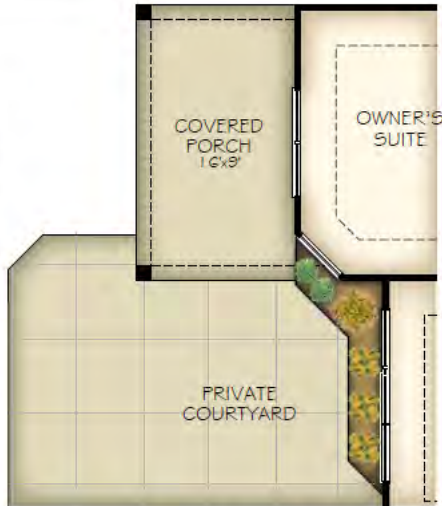
OPTIONAL L-SHAPED SHOWER LAYOUT
WITH ZERO THRESHOLD



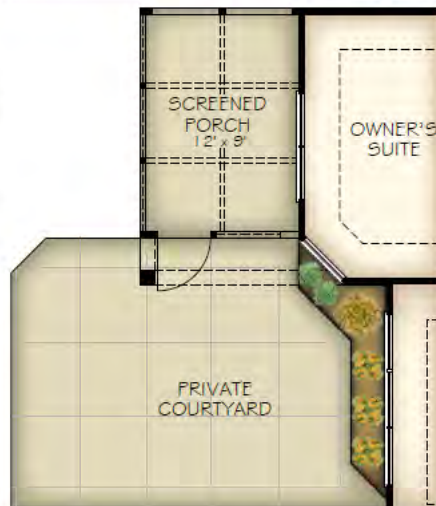
OPTIONAL UNIVERSAL
SHOWER LAYOUT
WITH ZERO THRESHOLD



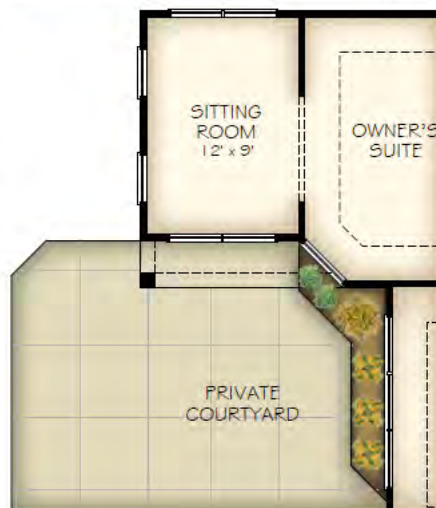
OPTIONAL EXTENDED
COURTYARD PAVEMENT



OPTIONAL COVERED PORCH



OPTIONAL SCREENED PORCH



OPTIONAL SITTING ROOM

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*Note: Zero threshold is not available with a basement home. There will be a threshold included.

COLUMBUS - PORTICO
REV. 07.22

*Optional courtyard features shown Artificial turf, Landscaping, Trellis/Pergola, Plant walls (2), Water feature, and Stepping stone paths (Piazza & Porch only)

COLUMBUS - PROMENADE III

REV. 07.22
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*Optional courtyard features shown: Artificial turf, Landscaping, Trellis/entry, Plant walls, (2), Water feature, and Sleeping stone patio (Piazza & Porch only)



COLUMBUS - PROMENADE III BONUS

REV. 07.22

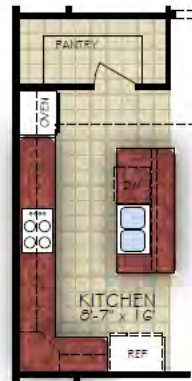
© IP86, LLC 2022



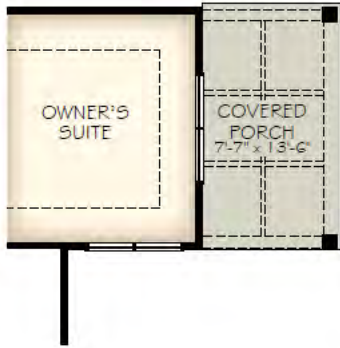
OPTIONAL L-SHAPED SHOWER
LAYOUT WITH ZERO THRESHOLD



OPTIONAL UNIVERSAL SHOWER LAYOUT
WITH ZERO THRESHOLD



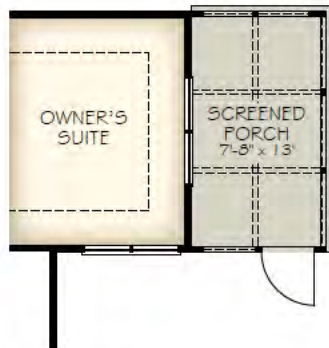
OPTIONAL DELUXE KITCHEN



OPTIONAL OWNER'S COVERED PORCH



OPTIONAL OWNER'S SITTING ROOM



OPTIONAL OWNER'S SCREENED PORCH

*Optional covered entrance shown! Artificial turf, landscaping, trellising, plant, water feature, and sleeping stone paths (Piazza & Porch only)
*Knee Zero threshold is not available with a basement room. There will be a threshold instead.

COLUMBUS - PROMENADE III
REV. 07.22
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Figure 4. Site Photograph of Villas of Piper Valley, Phase 1 looking south (provided by Planning Staff).



Figure 5. Site Photograph of Villas of Piper Valley, Phase 1 looking northwest (provided by Planning Staff).



Figure 6. Site Photograph of Villas of Piper Valley, Phase 1 looking north (provided by Planning Staff).



Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: April 27, 2023

Re: Petitions COZ2023-007, PR2023-010 and MPL2023-005

GENERAL INFORMATION

Applicant:

Austin Thompson

Status of Applicant:

Representative
Atlas Land Consulting
14500 Parallel Road, Unit R
Basehor, KS 66007

Requested Actions:

Change of Zone from R-1(B) Single Family to
RP-M Planned Mobile Home Park District.

Preliminary and Final Plan Review to
construct a mobile home park.

Master Plan Amendment from Low Density
Residential and Medium Density Residential
(City-Wide Comprehensive Plan).

Date of Application:

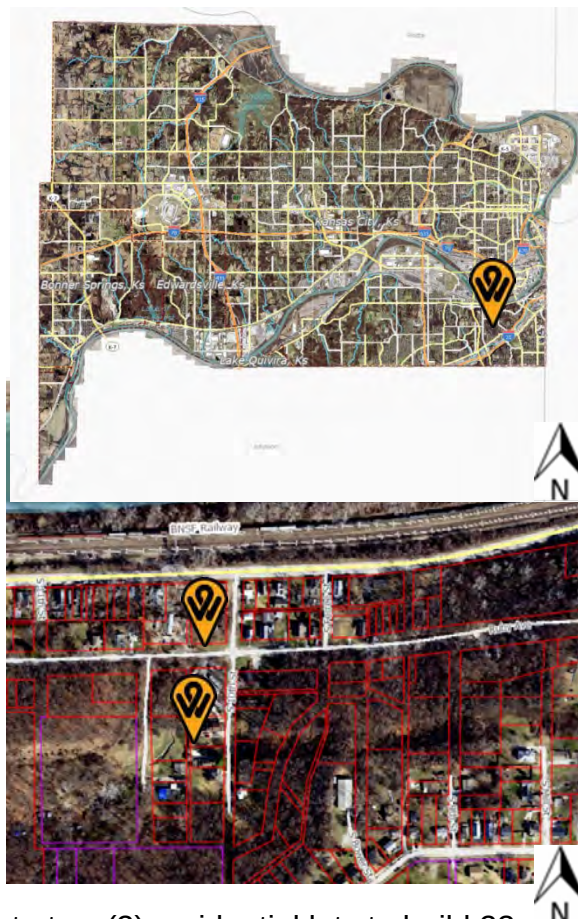
February 24, 2023

Purpose:

To rezone and create two (2) residential lots to build 23
dwelling units (mobile homes).

Property Location:

1013 Metropolitan Avenue, 1605 South Baltimore Street
and 1003 Ruby Avenue, Kansas City, KS 66101



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: None South: R-1(B) Single Family District East: R-1(B) Single Family District West: R-1(B) Single Family District
Adjacent Uses:	North: BNSF Railway right-of-way South: Single-family homes East: Single-family homes West: Undeveloped land and right-of-way
Total Tract Size:	2.61 Acres
Master Plan Area:	City-Wide Comprehensive Plan
Master Plan Designation:	The City-Wide Comprehensive 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 and parks, open space, etc. A Master Plan Amendment to Medium Density Residential has been applied for, which allows garden apartments, attached residences including townhomes, duplexes, triplexes, fourplexes, institutional uses such as elementary, middle and high schools, churches, libraries, parks and open space.
Major Street Plan:	The Major Street Plan classifies Metropolitan Avenue and 10 th Street as a Class C Thoroughfare, and Baltimore Street as a Local Street.
Required Parking:	Sec. 27-462(h) Two off-street parking spaces shall be provided for each dwelling unit. In addition, mobile home parks that do not have public streets shall provide visitor parking at a rate of one-quarter parking space for each mobile home lot, appropriately located and dispersed in separate parking lots having no more than eight parking spaces each. Appellant request 10 parking spaces, a violation of 42 parking spaces. Note: The proposed zoning code amendment parking requirement for a cottage court/tiny home is one (1) space per dwelling unit. 10 parking spaces are proposed. 23

parking spaces are required, a violation of 13 parking spaces.

Advertisement:	<u>The Wyandotte Echo</u> – Change of Zone – March 16, 2023; Master Plan Amendment – March 16, 2023 Letters to Property Owners – Change of Zone – March 17, 2023; Plat – March 17, 2023; Plan Review – March 17, 2023; Master Plan Amendment – March 17, 2023
Public Hearings:	April 10, 2023 and April 27, 2023
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Austin Thompson with Atlas Land Consulting, wants to rezone from R-1(B) Single Family District to RP-M Planned Mobile Home Park District, Preliminary and Final Plat two (2) residential lots, Final Development Plan to build a mobile home park, and amend the City-Wide Comprehensive Plan from Low Density Residential to Medium Density Residential to build a 23-unit mobile home park, in a single-family, cottage-like style on 2.61 acres.

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

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. None

Building, Zoning, or Code Enforcement Complaints:

1. ABT22-1584 – Trash from overflowing dumpster – June 14, 2022 (Closed).
2. Multiple violations for tires, junk, damaged fence, tree limbs from 2016 – 2017.

Outstanding or Related Permits and Cases:

1. None

FACTORS TO BE CONSIDERED

1. Neighborhood character

This character of the neighborhood is comprised of single-family homes along Metropolitan Avenue and South 10th Street and vacant parcels due to topography.

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

The zoning and uses of properties nearby are set out above. The proposed is not necessarily compatible with the surrounding properties, as while there are parcels of undeveloped land in the vicinity, higher density development should occur at major intersections along transit corridors, especially if residents are transit dependent.

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

The property is suitable for the existing development, which was legal, non-conforming. The applicant removed the existing mobile homes and is wanting to modify the layout.

The design concept, if modified per Staff's comments, should not detrimentally affect the nearby property although, as stated above, site design is crucial to minimize its affect on nearby property.

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

The property has been vacant for the past year.

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

The proposed development is reasonably necessary for individuals who need to find affordable housing that is not available elsewhere and transition to more permanent housing.

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.

Most residents will not have access to a vehicle, so traffic and parking will not be an issue. Guests will park in designated parking areas.

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

The proposed use does not conform to the Comprehensive Plan. An amendment to Medium Density Residential, which allows attached residences such as duplexes, townhomes, mid-rise apartments, and institutional uses such as schools, churches, and libraries.

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

The majority of the site has been graded from the previous use of the property. There are established tree stands to the south and west along the perimeter of the property, additional landscaping for site and buffering purposes will be provided, but generally, the proposed use will not cause environmental harm.

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

a. *Water service*

Water service is provided by BPU.

b. *Sanitary sewer service*

Sanitary sewer service is provided by the UG.

c. *Storm water control*

To be designed to meet City Code.

d. *Police*

Police service is provided by South Patrol, District #335.

e. *Fire*

Fire service is provided by Fire Station 10.

f. *Transit*

Kansas City ATA provides transit service along Ruby Avenue beginning at 12th Street, Route #104.

g. *Schools*

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

h. Streets

See item #6 above.

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

The proposed use will have a positive economic impact on the community by turning underutilized and unkept vacant lots into taxable lots with residential buildings.

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

The proposed use will need revisions to the site plan/design and building elevations to comply with applicable ordinance requirements.

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

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

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

Development can be used safely without danger to health or peril from fire, flood, and erosion. KCKFD may have comments pertaining to fire access for all structures within the proposed development.

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

Access to and from the public streets will be designed to provide a safe, convenient and functional system for vehicular traffic to Metropolitan Avenue and Ruby Avenue, however, there does need to be better access control, specifically creating a hammerhead for turnaround rather than a throughway off Metropolitan Avenue and removing head-in parking off Ruby Avenue right-of-way.

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

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

and continuously maintained.

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

Development patterns have been designed with minimal due regard to topography, much of the site has been graded flat. Most of the natural vegetation has been removed except for the existing tree stands around the perimeter along the northern, southern, and western edge of the property.

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

This is a dense, single-family detached, cottage-style development and as such does not have the amenities stated above, although on-site amenities should be provided for residents.

The community garden and community space for residents increasingly sounds like a group home.

PREVIOUS ACTIONS

- None

NEIGHBORHOOD MEETING

The applicant received neighborhood comments by receiving letters or phone calls through the date of March 27, 2023. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Pedestrian and Transit Access
Lighting / Glare
Parking
Landscaping

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Change of Zone Application **COZ2023-003**, Master Plan Amendment Application **MPL2023-002**, and Preliminary and Final Plan Review **PR2023-011** subject to:

1. **Add crosswalks across Ruby Avenue to delineate a clear and noticeable pedestrian path between both parcels;**

2. Utility easements shall be provided along each side of the lot to form a continuous utility easement. All easements shall be at least 10 feet wide. The required ten-foot width may be provided through five-foot easements on either side of lot or parcel lines when lines do not form, in whole or in part, the outside boundaries of the plat;
3. Utility easements shall connect with easements established in adjoining properties;
4. Per Sec. 27-317 Electrical power, telephone service, and cable television (if applicable) shall be provided by underground wiring for all new wiring provided;
5. Per the goDotte Mobility Plan, Metropolitan Avenue is designated as a Regional Trail, which requires a 10 foot sidewalk. As a 10 foot sidewalk is infeasible, a 5 foot wide sidewalk along Metropolitan Avenue is acceptable;
6. Sidewalks and pedestrian paths shall be ADA compliant;
7. All mobile homes shall have skirting around the perimeter of the trailers;
8. Community storm shelter shall comply with Building Inspection Division requirements and ADA requirements;
9. Maintain existing tree stands, as existing trees provide an enhanced buffer between the edge of the parcels around the perimeter bordering Metropolitan Avenue, South 10th Street and Baltimore Street;
10. All deciduous and shade trees shall be at least two (2) inch caliper when planted. Evergreens shall be at least six (6) feet in height when planted. Shrubs shall be at least five (5) gallons when planted. Throughout the development, there may be a variety of native grasses and plants (wildflowers);
11. All landscaping shall be irrigated;
12. Section 27-699(b)(5) states that all outside bins or trash container areas must be completely enclosed by an architectural screen to a height not less than the height of the bin or container. No trash enclosures may be located in required yards adjacent to street right-of-way. In commercially and industrially zoned areas where the trash container will not be visible from off the property due to other screening or topographic conditions and will not be visible from public parking or pedestrian areas on the site, such trash bin screening need not be provided. In industrially zoned areas where the trash container will not be visible from residential property and where such containers are kept directly alongside the building and in a well-kept manner, such screening need not be provided;
13. BPU ground mounted transformers shall be screened on all four (4) sides from public view. Architectural screening walls are the preferred method, but landscape screening is an allowable alternative. Screening shall be designed to be solid to the view, and any designs incorporating air circulation shall not be visible. Screening height must be the greater of either six (6) feet tall or the height of the utility being screened. Designs shall show two (2) possible site orientations. Designs will also incorporate all BPU Engineering specifications and largest of all the required dimensions. Refer to attached BPU Engineering documents for details;
14. Mechanical equipment or other utility hardware whether on the ground or on a building shall be screened from public view. Such screening shall be harmonious with building design and materials;

15. Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky-reflected glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed one-foot candle as measured from said property line. All lighting on the property, both on the buildings and in parking lots shall have 90-degree cutoff fixtures;
16. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
17. Per Business Licensing Department: All occupying business will need to file and maintain the occupation tax application with our office for their business activity located at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8780 or businesslicense@wycokck.org;
18. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
19. 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;
20. All existing and future driveways must feature curb cuts that are constructed to UG standards;
21. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
22. A Pre-Construction meeting is required for any improvements to public infrastructure upon the approval and issuance of a Development Review Committee (DRC) Permit. Any improvements to, construction or alteration of sanitary systems, stormwater systems, public or private streets, sidewalks, or other public infrastructure will require a pre-construction meeting with the Department of Public Works. The applicant is required to contact the

County Engineer at (913) 573-5400 or by info@wycokck.org prior to construction to arrange this meeting;

23. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed by right or by Special Use Permit under the new zoning district, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
24. All conditions of approval herein must be constructed, executed, implemented, or otherwise completed within 18 months of approval unless otherwise determined by the Director of Planning or their designee; and,
25. 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 **COZ2023-007**, **PR2023-011** and **MPL2023-005** subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

April 10, 2023 City Planning Commission Minutes
Aerial Photography
Zoning Map
Land Use Map
Regional Trail Cross Section
BPU Transformer Screening Standards
GeoSpatial Services Division Comment Letter
Applicant Response Letter
Neighborhood Meeting Minutes
Preliminary Plat
Final Plat
Demolition Plan
Site Plan

Grading Plan
Landscape Plan
Foundation Plan
Building Elevations
Site Photographs taken by Staff on March 29, 2023

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Unified Government Board of Commissioners</u>
Public Hearing Rezoning	April 10, 2023 Approval	April 27, 2023
Public Hearing Preliminary and Final Plat	April 10, 2023 Approved	TBD
Public Hearing P & F Plan	April 10, 2023 Approval	April 27, 2023
Public Hearing Master Plan	April 10, 2023 Approval	April 27, 2023

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

MOTIONS

Change of Zone Petition

I move the Unified Government Board of Commissioners **APPROVE** Petition COZ2023-007 as meeting all the requirements of the City Code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition COZ2023-007 as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

Plan Review

I move the Unified Government Board of Commissioners **APPROVE** Petition PR2023-011 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 PR2023-011, 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.

Master Plan Amendment

I move the Unified Government Board of Commissioners **APPROVE** Petition MPL2023-005 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 MPL2023-005, 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.

April 10, 2023 City Planning Commission Minutes:

Hearing starts at 2:47:48:

MASTER PLAN AMENDMENT MPL2023-005 – AUSTIN THOMPSON WITH ATLAS LAND CONSULTING – SYNOPSIS: Master Plan Amendment from Low-Density Residential (City-Wide Area Plan) to Medium-Density Residential (City-Wide Area Plan) at 1013 Metropolitan Avenue, 1605 South Baltimore and 1003 Ruby Avenue.

CHANGE OF ZONE APPLICATION COZ2023-007 – AUSTIN THOMPSON WITH ATLAS LAND CONSULTING - SYNOPSIS: Change of Zone from R-1 Single Family District to R-M Mobile Home Park District for the Eden Village Mobile Home Park, at 1013 Metropolitan Avenue, 1605 South Baltimore and 1003 Ruby Avenue.

PLAT2023-011 – AUSTIN THOMPSON WITH ATLAS LAND CONSULTING - SYNOPSIS: Preliminary and Final Plat (Eden Village) for 23 dwelling units on two (2) lots at 1013 Metropolitan Avenue, 1605 South Baltimore and 1003 Ruby Avenue.

PR2023-011 – AUSTIN THOMPSON WITH ATLAS LAND CONSULTING - SYNOPSIS: Preliminary and Final Plan Review to construct a mobile home park at 1013 Metropolitan Avenue, 1605 South Baltimore and 1003 Ruby Avenue.

Detailed Outline of Requested Action: The applicant, Austin Thompson with Atlas Land Consulting, wants to rezone from R-1(B) Single Family District to RP-M Planned Mobile Home Park District, Preliminary and Final Plat two (2) residential lots, Final Development Plan to build a mobile home park, and amend the City-Wide Comprehensive Plan from Low Density Residential to Medium Density Residential to build a 23-unit mobile home park, in a single-family, cottage-like style on 2.61 acres.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated April 10, 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 Master Plan Amendment and Change of Zone; and,
7. The Notices to property owners.

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

Present in Support:

- Austin Thompson, applicant, Atlas Land Consulting, 14500 Parallel Road, Unit R, Basehor, Kansas 66007
- Katrina Gerber, Three Dog Night Charities

Present in Opposition:

- No one appeared

Staff Recommendation starts at 2:51:13: Planning Director Hand stated that these applications are being heard in conjunction with Appeal BOZA2023-010 which was partially approved and partially denied earlier this evening by the Board of Zoning Appeals. He stated that the project was discussed in detail at the Board of Zoning Appeals meeting. This property is in the City-Wide Comprehensive Plan in the Argentine area. Staff recommends approval subject to the conditions in the staff report with the elimination of Condition 10 and amendment of Condition 5 from 10 feet to 5 feet to match the conditions of the Appeal.

Motion starts at 2:53:06:

On motion by Mrs. Jones, seconded by Mr. Ernst, the Planning Commission voted as follows to recommend **APPROVAL of Master Plan Amendment MPL2023-005:**

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

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

Subject to:

1. **Add crosswalks across Ruby Avenue to delineate a clear and noticeable pedestrian path between both parcels;**
2. **Utility easements shall be provided along each side of the lot to form a continuous utility easement. All easements shall be at least 10 feet wide. The required ten-foot width may be provided through five-foot easements on either side of lot or parcel lines when lines do not form, in whole or in part, the outside boundaries of the plat;**
3. **Utility easements shall connect with easements established in adjoining properties;**
4. **Per Sec. 27-317 Electrical power, telephone service, and cable television (if applicable) shall be provided by underground wiring for all new wiring provided;**

5. Per the goDotte Mobility Plan, Metropolitan Avenue is designated as a Regional Trail, which requires a 10 foot sidewalk. As a 10 foot sidewalk is infeasible, a 5 foot wide sidewalk along Metropolitan Avenue is acceptable;
6. Sidewalks and pedestrian paths shall be ADA compliant;
7. All mobile homes shall have skirting around the perimeter of the trailers;
8. Community storm shelter shall comply with Building Inspection Division requirements and ADA requirements;
9. Maintain existing tree stands, as existing trees provide an enhanced buffer between the edge of the parcels around the perimeter bordering Metropolitan Avenue, South 10th Street and Baltimore Street;
10. All deciduous and shade trees shall be at least two (2) inch caliper when planted. Evergreens shall be at least six (6) feet in height when planted. Shrubs shall be at least five (5) gallons when planted. Throughout the development, there may be a variety of native grasses and plants (wildflowers);
11. All landscaping shall be irrigated;
12. Section 27-699(b)(5) states that all outside bins or trash container areas must be completely enclosed by an architectural screen to a height not less than the height of the bin or container. No trash enclosures may be located in required yards adjacent to street right-of-way. In commercially and industrially zoned areas where the trash container will not be visible from off the property due to other screening or topographic conditions and will not be visible from public parking or pedestrian areas on the site, such trash bin screening need not be provided. In industrially zoned areas where the trash container will not be visible from residential property and where such containers are kept directly alongside the building and in a well-kept manner, such screening need not be provided;
13. BPU ground mounted transformers shall be screened on all four (4) sides from public view. Architectural screening walls are the preferred method, but landscape screening is an allowable alternative. Screening shall be designed to be solid to the view, and any designs incorporating air circulation shall not be visible. Screening height must be the greater of either six (6) feet tall or the height of the utility being screened. Designs shall show two (2) possible site orientations. Designs will also incorporate all BPU Engineering specifications and largest of all the required dimensions. Refer to attached BPU Engineering documents for details;
14. Mechanical equipment or other utility hardware whether on the ground or on a building shall be screened from public view. Such screening shall be harmonious with building design and materials;
15. Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky-reflected glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed one-foot candle as measured from said property line. All lighting on the property,

- both on the buildings and in parking lots shall have 90-degree cutoff fixtures;
16. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
 17. Per Business Licensing Department: All occupying business will need to file and maintain the occupation tax application with our office for their business activity located at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8780 or businesslicense@wycokck.org;
 18. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
 19. 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;
 20. All existing and future driveways must feature curb cuts that are constructed to UG standards;
 21. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
 22. A Pre-Construction meeting is required for any improvements to public infrastructure upon the approval and issuance of a Development Review Committee (DRC) Permit. Any improvements to, construction or alteration of sanitary systems, stormwater systems, public or private streets, sidewalks, or other public infrastructure will require a pre-construction meeting with the Department of Public Works. The applicant is required to contact the County Engineer at (913) 573-5400 or by info@wycokck.org prior to construction to arrange this meeting;
 23. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed by right or by Special Use Permit under the new zoning district, or any portion thereof, does not violate the applicable

and enforceable CC&R of the plat or subdivision within which the subject property is located;

24. All conditions of approval herein must be constructed, executed, implemented, or otherwise completed within 18 months of approval unless otherwise determined by the Director of Planning or their designee; and,
25. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

On motion by Mrs. Jones, seconded by Mr. Ernst, the Planning Commission voted as follows to recommend **APPROVAL of Change of Zone COZ2023-007:**

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

Motion to recommend APPROVAL Passed: 8 to 0
Subject to the above conditions.

On motion by Mrs. Jones, seconded by Mr. Beth, the Planning Commission voted as follows to **APPROVE Plat Application PLAT2023-011:**

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

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

On motion by Mrs. Jones, seconded by Mr. Beth, the Planning Commission voted as follows to recommend **APPROVAL of Plan Review Application PR2023-011:**

Carson	Chairman
Armstrong	Aye
Beth	Aye

Connelly	Aye
Eilts	Aye
Ernst	Aye
Jones	Aye
Miller	Not Present
Mohler	Aye
Straws	Aye
Ward	Not Present

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

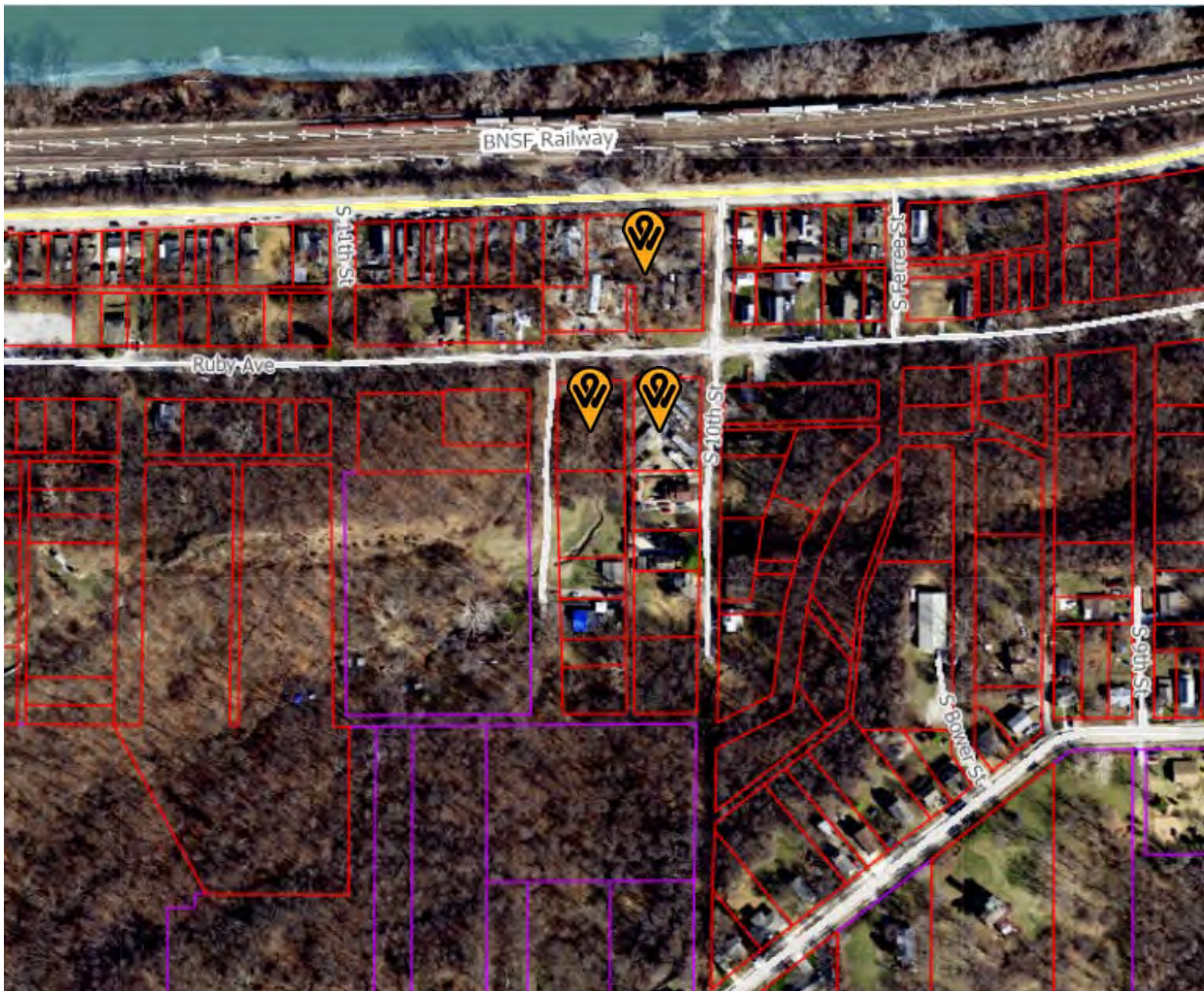


Figure 1. Aerial photograph of Eden Village (provided by UG Maps).

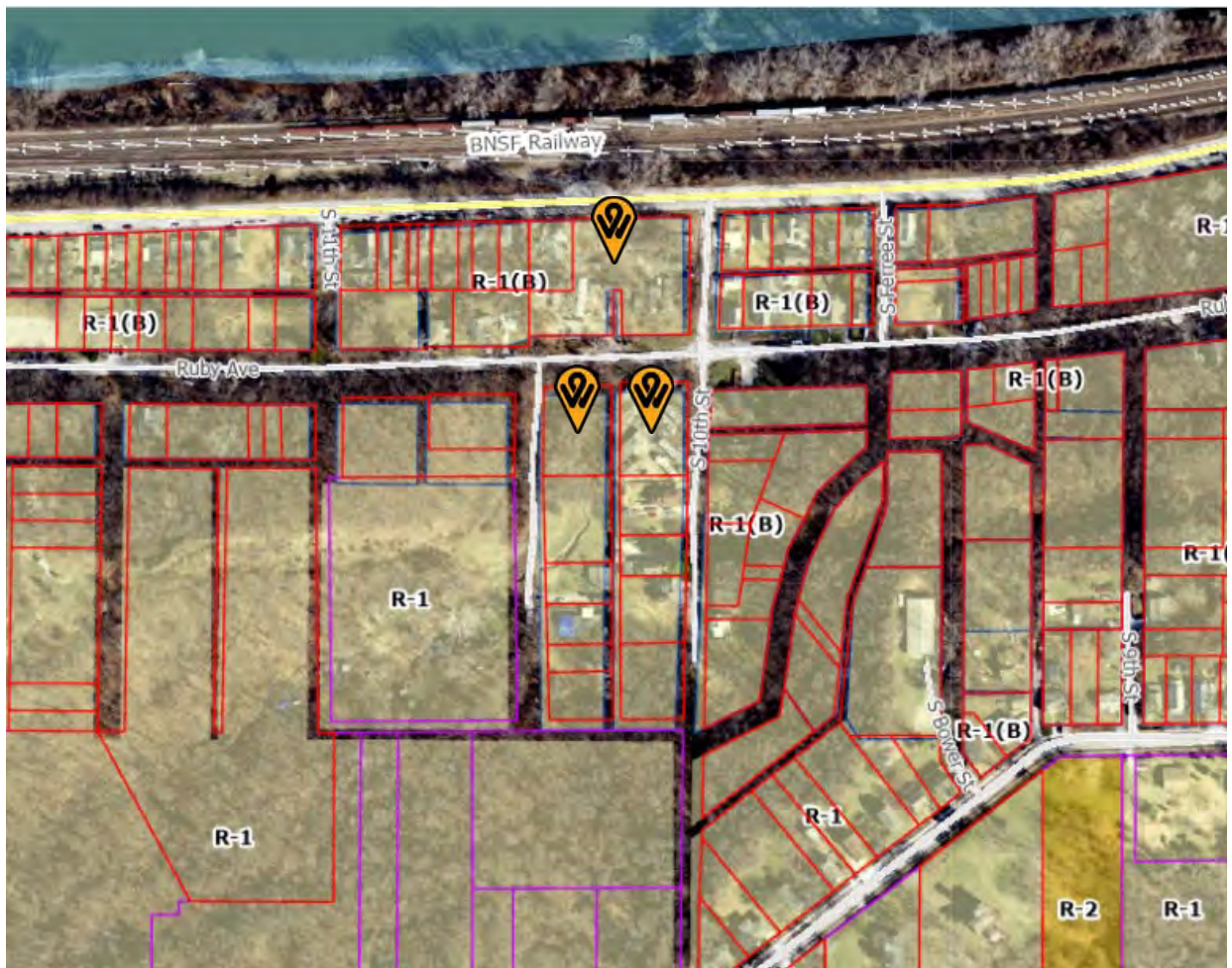
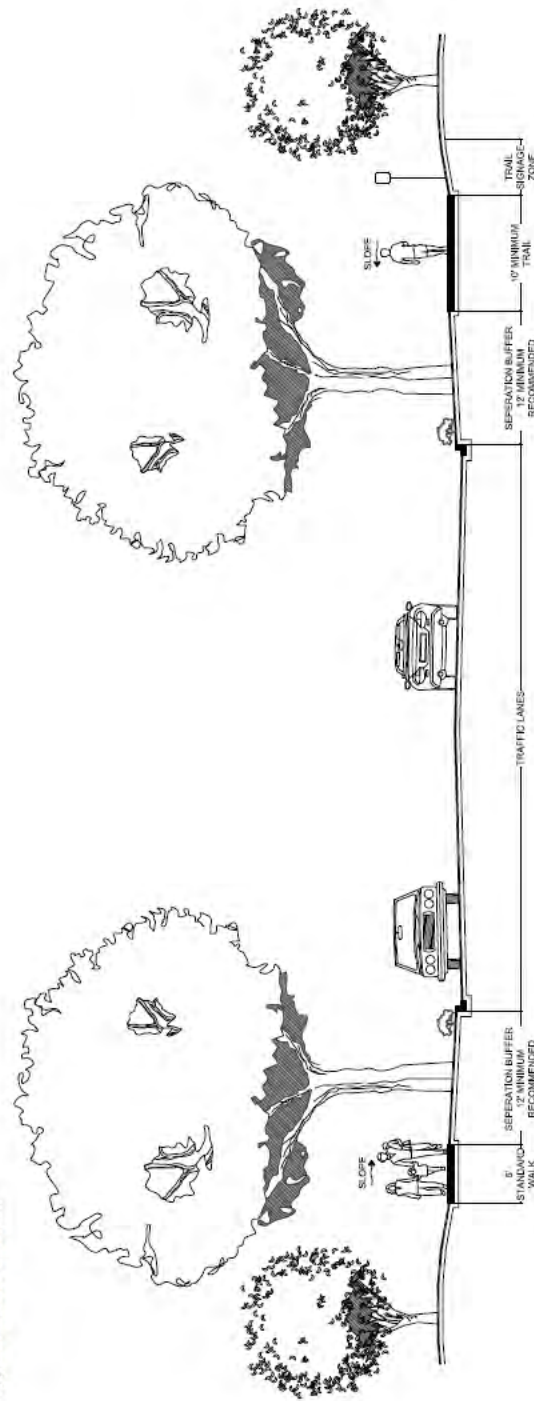


Figure 2. Zoning Map of Eden Village (provided by UG Maps).



Figure 3. City-Wide Comprehensive Plan Land Use Designation Map of Eden Village (provided by ArcGIS Pro).

Figure 7.3: Regional Trail
Typical Cross Section



Regional trails provide cross-county connections and linkages to regional trails outside of Wyandotte County. These trails are recommended to be at least 10-feet wide to accommodate pedestrians and less-experienced cyclists who do not feel comfortable riding in the street. More experienced cyclists are likely to ride in the street with vehicular traffic along designated bike routes.



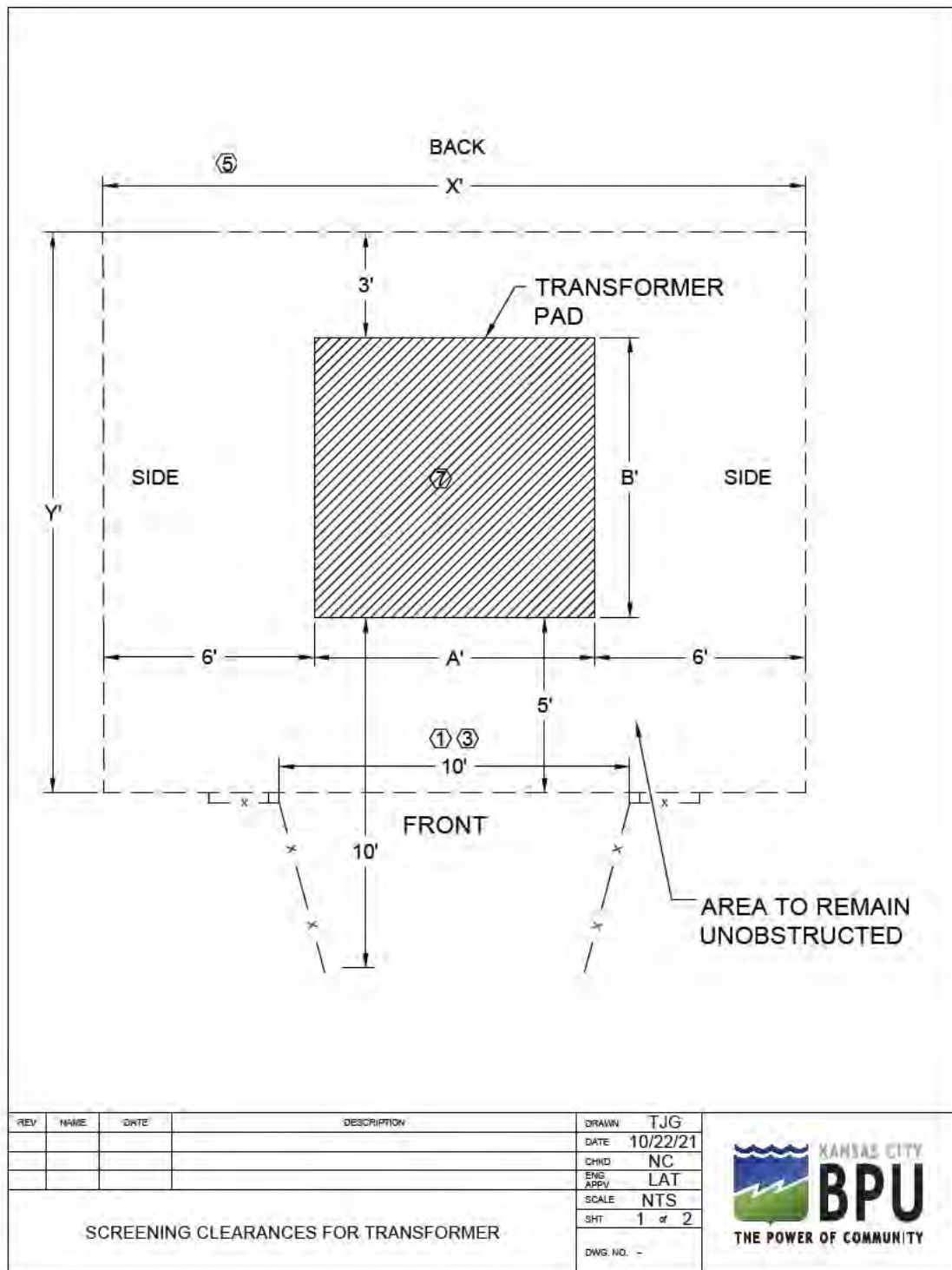


TABLE 1: DIMENSION REQUIREMENTS FOR TRANSFORMER

	"X"	"Y"	"A"	"B"
3 PHASE 75 TO 500KVA TRANSFORMERS	18' - 8"	13' - 6"	6' - 8"	5' - 6"
3 PHASE 750 TO 2500KVA TRANSFORMERS	20' - 0"	16' - 0"	8' - 0"	8' - 0"

***FOR SCREENING USING EVERGREEN TREE, SEE NOTES 5 AND 6

NOTES

1. GATE DOORS ARE REQUIRED FOR ALL TYPES OF SCREENING THAT ARE PLACED IN FRONT OF THE TRANSFORMERS.
2. FENCES SHALL BE INSTALLED 2' OFF THE GROUND AND HAVE ADEQUATE CLEARANCE TO OPEN GATE DOORS AT 180° AND HAVE 10' CLEARANCE FROM PAD WHEN GATE DOORS OPEN.
3. POSTS FOR GATE DOORS MUST BE INSTALLED A MINIMUM DISTANCE OF 10' APART IN THE FRONT.
4. FOR SLAT FENCES, CUSTOMER SHALL INSTALL A MINIMUM 4" SLATS AND HAVE 4" OF SPACE BETWEEN EACH SLAT.
5. 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
6. FOR EVERGREEN TREES, CUSTOMER SHALL PLANT EACH TREE SO THAT THERE IS 2' OR MORE OF SPACE FROM EDGE TO EDGE BETWEEN EACH TREE AT MATURITY. (E.G. BLUE ARROW JUNIPER GROWS UP TO 2' WIDE, SO THERE SHALL BE 4' OF SPACING BETWEEN EACH TREE TAKING ACCOUNT THE GROWTH OF SAPLINGS)
7. PAD MUST HAVE A MINIMUM CLEARANCE OF 6' ON EACH SIDE, 3' ON THE BACK, AND 5' ON THE FRONT ALLOWING FOR 10' ON THE FRONT WHEN GATE DOORS OPEN.

REV	NAME	DATE	DESCRIPTION	DRAWN	TJG
				DATE	10/22/21
				CHK'D	NC
				ENG APPV	LAT
				SCALE	NTS
				SHT	2 of 2
				DWG. NO.	-

SCREENING CLEARANCES FOR TRANSFORMER
NOTES





GeoSpatial Services
Division

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

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

To: Gunnar Hand, Planning and Urban Design
Janet Parker, Planning and Urban Design
From: Robert Ringel, GIS Analyst, Unified Government GSS
Date: March 8, 2023
RE: **EDEN VILLAGE**

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

And we have determined the following:

Takes all of CIC-TAS Parcels:

127000, 127016 & 127018

Owner-of-Record:

Three Dog Night Charities, Inc.

Jurat Signature:

Katrina Gerber, managing member - Three Dog Night Charities, Inc.

We find that the plat is: **Presently unacceptable for posting.**

Please note the following comments.

1) Legal Description

I recommend an overall boundary description including Ruby Avenue. Of the existing description of Lot 1, Block 1: cite where the point of beginning is located on the West Line of Lot 3. Cite how far past the east line of Lot 9 the distance goes. On the third line of the description, mention running along the South line of Lot 37. On the fourth line, mention running along the West lines of Lots 37 to 40 and their extension. On the sixth line, mention running along the South lines of Lots 1 and 2.

For the existing description of the other lot, mention running along the East lines of Lots 19 to 26, the South Line of Lot 26, its extension, and Lot 27, the West lines of Lots 27 to Lot 34, the North lines of Lot 34, its extension, and Lot 19.

2) Approvals

The wrong plat name is shown in the Planning Commission approval area. "For implied" needs to be changed to "or implied" in the County Surveyor Approval area.

Planning and Urban Design Comments:

General Planning

1. Planning Staff attempted to keep the property owners and this site as legal, non-conforming by simply replacing the mobile homes one (1) for one (1), however, the property owner(s) decided to change the design of the property and increase the number of mobile homes on site, thereby requiring these land use entitlements. **Please see the attached markup that shows the number of existing pads. 23 pads exists on the current site, we are not increasing the number of mobile homes on this project.**
2. How will these mobile homes be secured? Will these be tied down with straps and therefore mobile, homes may be replaced at any point in time, or will they be anchored with footings and foundation? Depending on how the question is answered, it makes more sense to rezone to RP-4 Planned Garden Apartment and create a cottage-style single-family homes totaling 23 units. **The mobile homes will be secured by straps and tied down.**
3. Why are there additional driveways if no one is going to have access to vehicles? Redesign the layout, such as narrowing the drive aisles and turning them into courtyards rather than parking pads or driveways. This will also negate the possible variance for landscape buffering and setbacks for the community building and mobile homes. **The drives have been narrowed to 20 feet where applicable to meet fire & parking code.**
4. Relocate the five (5) parking spaces from Ruby Avenue, as it is poor planning practice to back out onto a public street. **Please see the attached updates, the parking stalls have been relocated back to the private drive.**

14500 Parallel Rd Unit R Basehor, KS 66007

5. There should be better access control – rather than having a circular drive from Metropolitan Avenue to South 10th Street, install a hammerhead and remove parking from the right-of-way. **Please see attached updates, the circular drive has been removed.**
6. Provide a truck turning template depicting turning movements for delivery of mobile homes, but also fire trucks servicing the development. **Please see the attached dimension plan for vehicle tracking.**
7. Indicate on the Site Plan or Dimension Plan how ADA access is provided from the office building to the units on Lot 1. **With grade changes, it is not realistic to have an ADA path between the lots up top and the office building. We have provided parking spots up top that allow the use of a golf cart to help transport anyone should that be needed. Priority will be taken to house people with physical disabilities in the houses on the lower level.**
8. Add crosswalks across Ruby Avenue to delineate a clear and noticeable pedestrian path between both parcels. **A cross walk has been added.**
9. Utility easements shall be provided along each side of the lot to form a continuous utility easement. All easements shall be at least 10 feet wide. The required ten-foot width may be provided through five-foot easements on either side of lot or parcel lines when lines do not form, in whole or in part, the outside boundaries of the plat. **Please see attached update, a 10 feet u/e has been added around the outer boundary.**
10. Utility easements shall connect with easements established in adjoining properties. **Acknowledge**
11. Per Sec. 27-317 Electrical power, telephone service, and cable television (if applicable) shall be provided by underground wiring for all new wiring provided. **All new utilities will be underground.**
12. Per the goDotte Mobility Plan, Metropolitan Avenue is a designated as a Regional Trail, which requires a 10-foot sidewalk. **Is it possible if we delay these improvements until neighboring properties provide sidewalks, so that ours connects to something? Additionally, we don't believe there is even 10 feet in width between the street and the large detention hole to provide this if needed.**
13. Per Business Licensing Department: All occupying business will need to file and maintain the occupation tax application with our office for their business activity located at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8780 or businesslicense@wycokck.org. **Acknowledge**
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. **Acknowledge**
15. 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

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public utilities, including, but not limited to sewers, conduits, electric light pole lines, etc. that are now or may hereafter be installed in the tract of land hereby vacated. **Acknowledge**

16. All existing and future driveways must feature curb cuts that are constructed to UG standards. **Acknowledge**

17. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly. **Acknowledge**

18. A Pre-Construction meeting is required for any improvements to public infrastructure upon the approval and issuance of a Development Review Committee (DRC) Permit. Any improvements to, construction or alteration of: sanitary systems, stormwater systems, public or private streets, sidewalks, or other public infrastructure will require a pre-construction meeting with the Department of Public Works. The applicant is required to contact the County Engineer at (913) 573-5400 or by info@wycokck.org prior to construction to arrange this meeting. **Acknowledge**

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 by right or by Special Use Permit under the new zoning district, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located. **Acknowledge**

20. All conditions of approval herein must be constructed, executed, implemented, or otherwise completed within 18 months of approval unless otherwise determined by the Director of Planning or their designee. **Acknowledge**

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. **Acknowledge**

Building Architecture:

1. Provide elevations of the office building and storm shelter. **Please see attached elevations.**
2. Provide elevations of the mobile home. **Please see attached elevations.**

Landscaping and Screening:

1. The landscape plan shows trees not on a parcel. Revise and resubmit to either show the proposed vacated right-of-way as part of the project, or relocate the trees. **Acknowledge**
2. Maintain existing tree stands, as existing trees provide an enhanced buffer between the edge of the parcels around the perimeter bordering Metropolitan Avenue, South 10th Street and Baltimore Street. **Acknowledge**

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3. Each unit shall have a tree planted in the front or side yard. This seems to be for R-1 zoning, not applicable in RM zoning that we are rezoning the property to. Our zoning states "All multifamily residential projects shall include at least one shade tree per eight dwelling units and one shrub per dwelling unit in addition to the tree requirement. But not in addition to the buffer plantings if required." Our existing trees satisfy this, and we are adding shrubs to every proposed dwelling.

4. Sec. 27-469(g) Trees are required to be provided at not less than one per 10,000 square feet of site area. Based on the total tract size, 128 trees are required to be planted. This does not include the street trees to be planted along North 69th Street and State Avenue. Is this comment meant for our project? This states two different streets not near our project. Our zoning states: Trees are required at not less than one per 4,500 square feet of site area and buffer plantings are required adjacent to single family and two-family zoned property – and we are providing this – see landscape plan.

5. Sec. 27-700(b)(1) Buffer plantings, which shall include the equivalent of a minimum of one (1) evergreen tree or one (1) shade tree and three large shrubs for each 30 feet of adjacent project boundary, shall be provided for such development adjacent to single-family or two-family zoned property. In district R-M and C-O, buffer plantings may be required to be concentrated along potentially unsightly areas or where sensitive areas exist on adjacent property. See attached landscape plan, our existing trees do provide some of the trees, so we are asking for a variance. But we are not asking for zero buffering, just less than required. Also, please see attached images with proof of onsite screening.

6. All parking lot islands shall be curbed and landscaped. Painted, hatched islands are not permitted. We do not have any islands, hatched stall is ADA.

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

8. All landscaping shall be irrigated. Hose bibs are on site so that owner/occupants can maintain landscape.

9. 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. Trash enclosure/dumpster has been moved further into the site – keeping it out of the 20 foot yard setback that we are asking for with variances, from the 25 foot code requirement.

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

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

Signage:

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. **Acknowledge**

14500 Parallel Rd Unit R Basehor, KS 66007

March 9, 2023
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

COZ2023-007/MPL2023-005/PR2023-011/PLAT2023-011/BOZA2023-010

The purpose of this Change of Zone is at the following address:

1013 Metropolitan Ave, 1605 S Baltimore St and 1003 Ruby Avenue

The purpose of this letter is to explain the change of zone, master plan amendment, plan review, preliminary and final plat, and board of zoning appeals at the address above. The owner is looking to construct a 23 dwelling mobile home park. The existing property is currently an abandoned mobile home park, and this process is to bring the subject property into compliance with the UG's Planning & Zoning Department.

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

March 28th, 2023

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 Minutes

Application Number: COZ2023-007/MPL2023-005/PR2023-011/PLAT223-011/BOZA2023-010

Date and Location: Meeting via email & phone.

Name of people in attendance:

Nancy Wynn
913-281-2658
973 Ruby Ave Kansas City, Ks 66103

Nancy called asking what was going on with the project. We explained the general census of the project. Nancy said the Wynn family has no objections.

Peggy & Ray Pierce
816-769-8624
968 & 972 Ruby Ave

Peggy called to explain how ecstatic she was about the project. She has talked with the developer about the project itself and is all for the project moving forward.

Scott Myers
1021 Ruby Ave
913-645-5200

Scott called to inquire about the project. After explaining the project, Scott was not opposed to the project, but does have concerns about the trailer homes. He was shown an example home sometime last year by the developer and is okay with that model. If the home style has changed to represent more of a mobile style home then Scott is against the project.

Minutes taken by: Austin Thompson – Atlas Land Consulting

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
COUNTY OF Johnson) SS:

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

1. That I am the petitioner for Petition # COZ2023-007/MPL2023-005/PR2023-011/PLAT223-011/BOZA2023-010.
2. That I conducted a neighborhood meeting on 3/27/23.
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.



Affiant

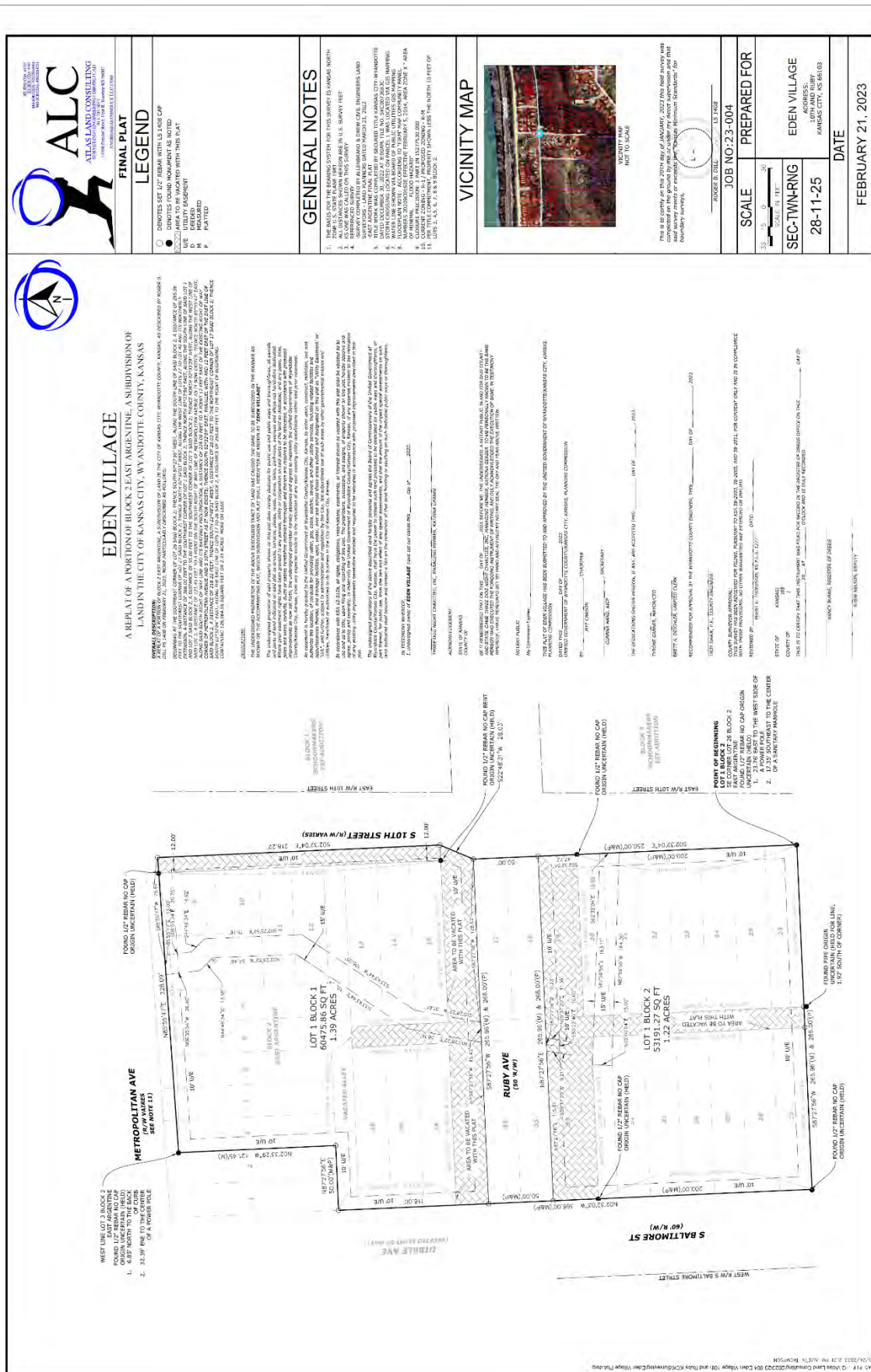
SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 27th day of March, 2023

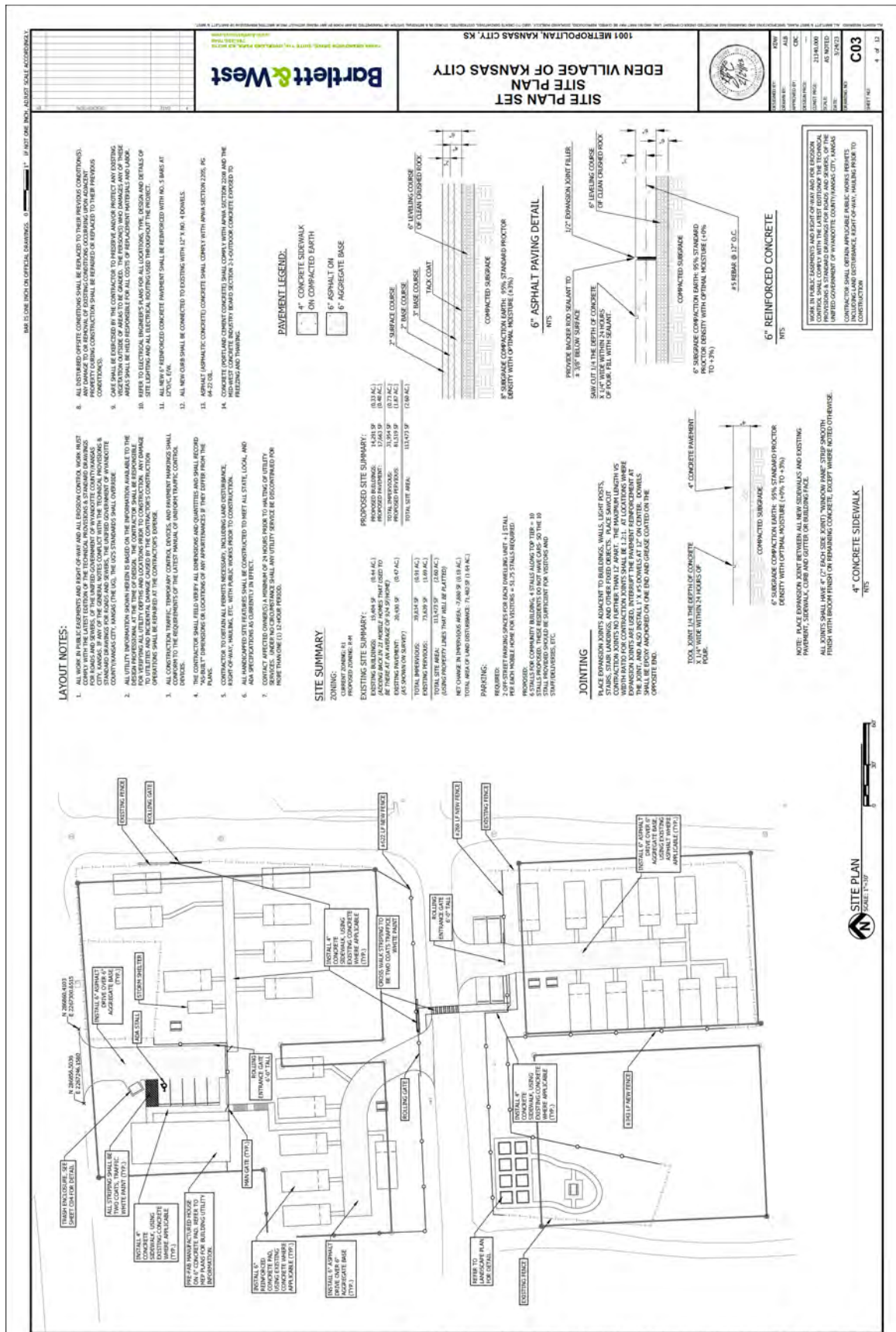
My commission expires 12th of January, 2027

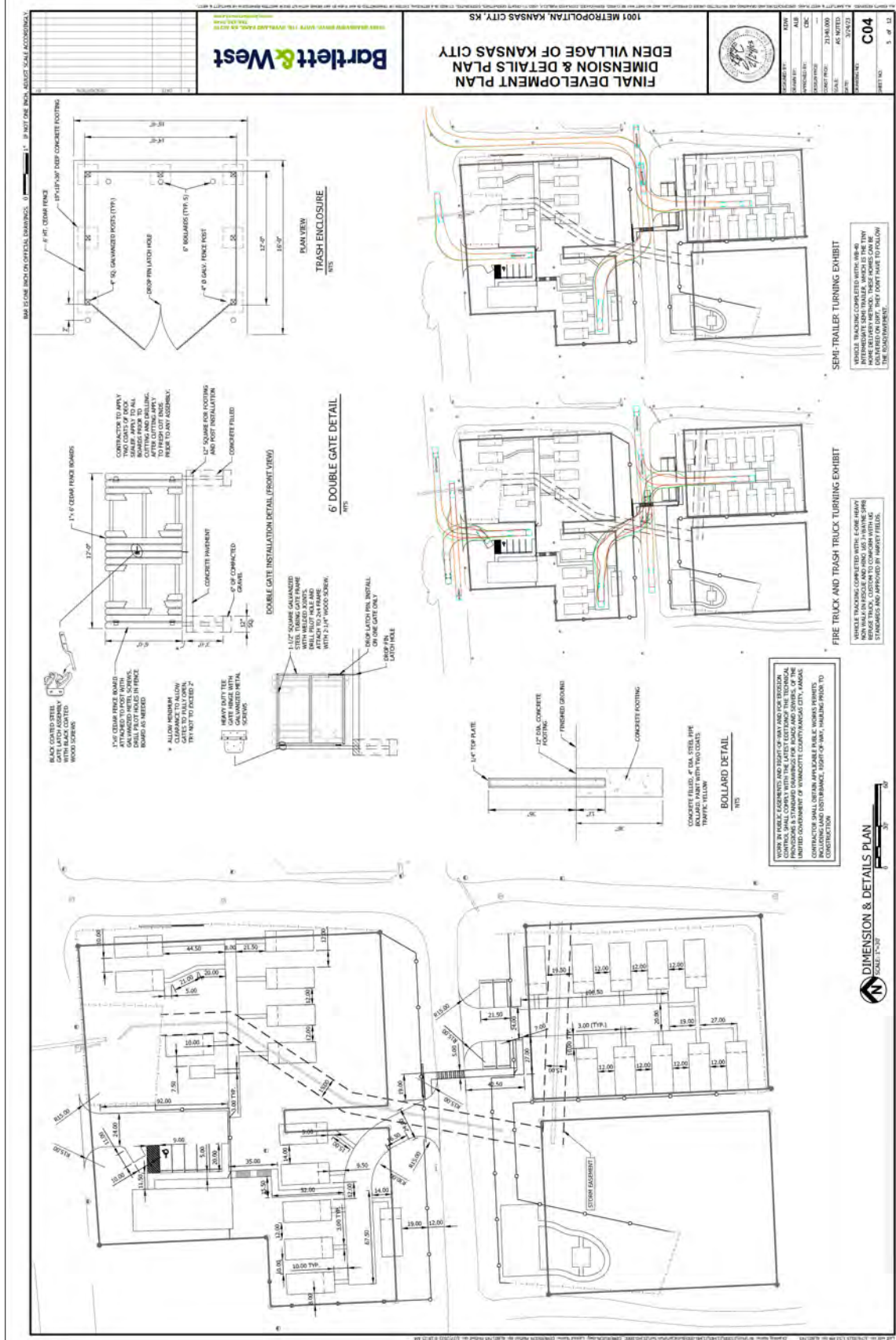




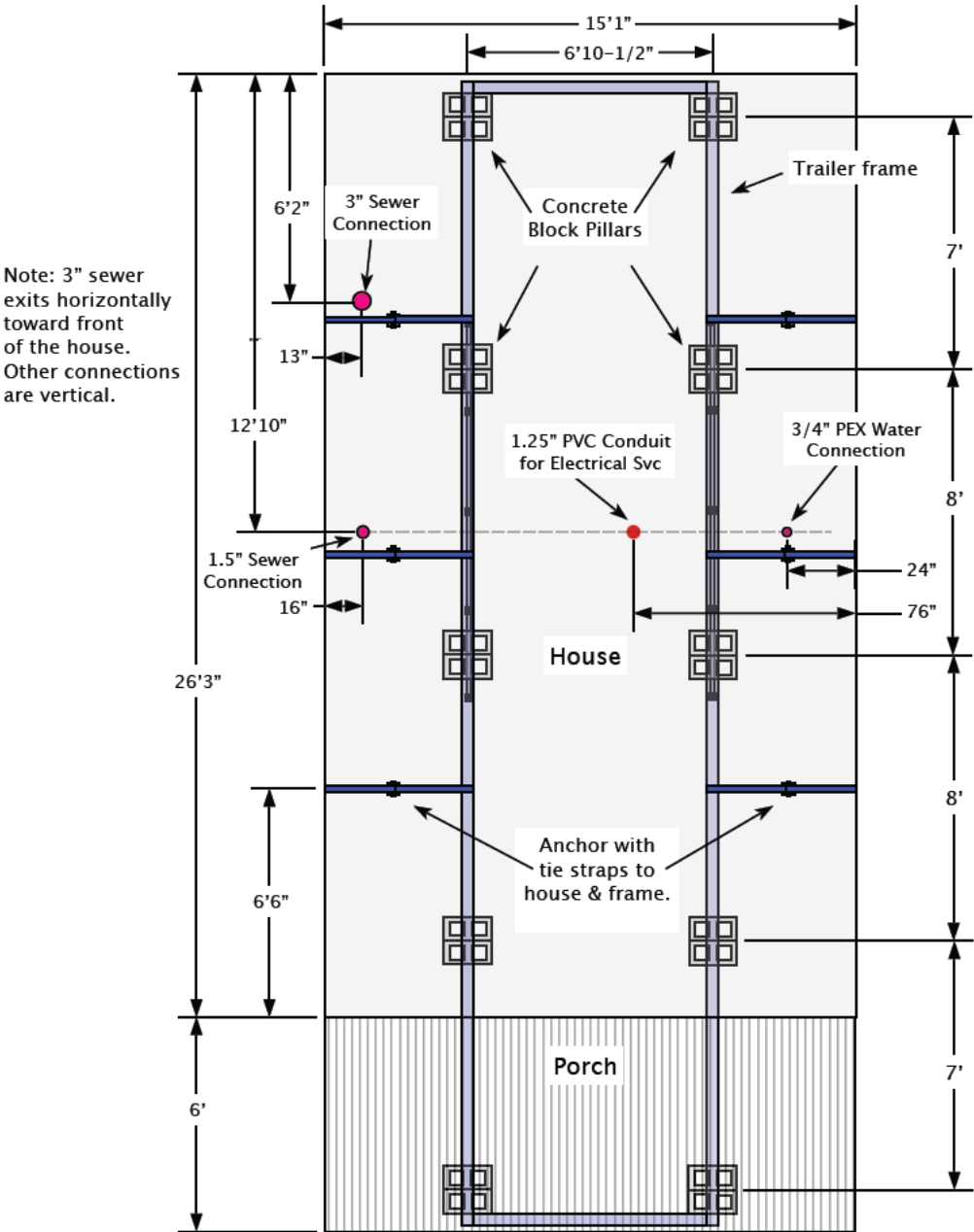
Notary Public





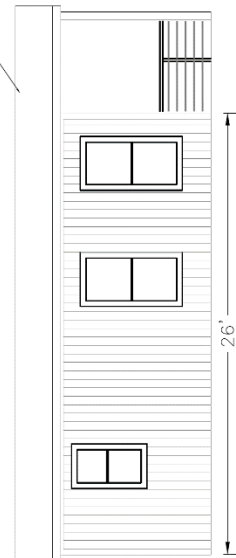


SolSource Foundation Plan
- Park Model - 7-5-22

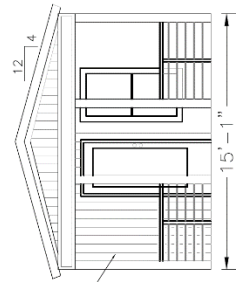


EDEN VILLAGE OF KANSAS CITY HOME ELEVATIONS

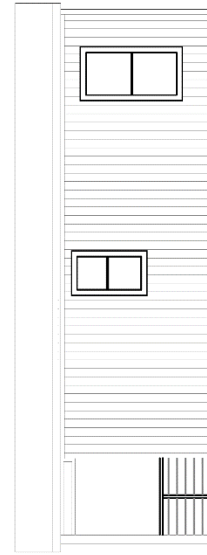
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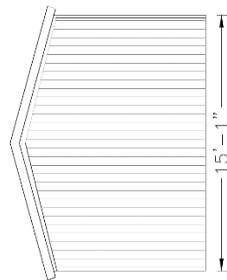
RIGHT ELEVATION



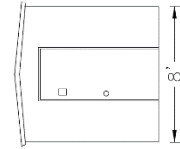
FRONT ELEVATION



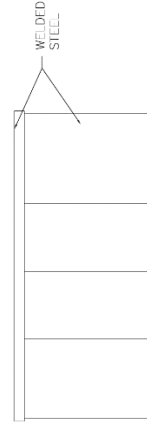
LEFT ELEVATION



REAR ELEVATION

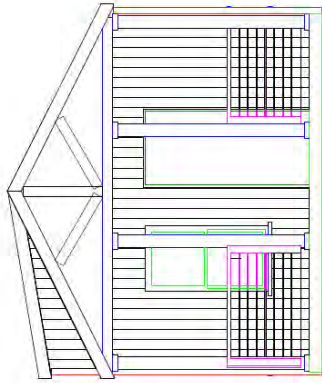


FRONT ELEVATION
STORM SHELTER

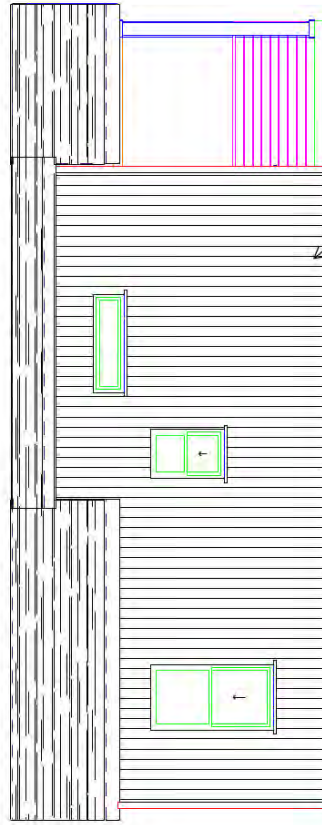


SIDE ELEVATION
STORM SHELTER

EDEN VILLAGE OF
KANSAS CITY
ELEVATIONS

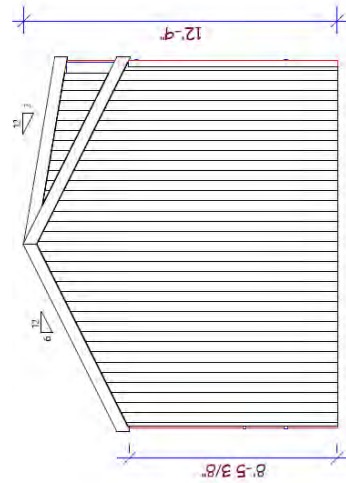


Front Elevation

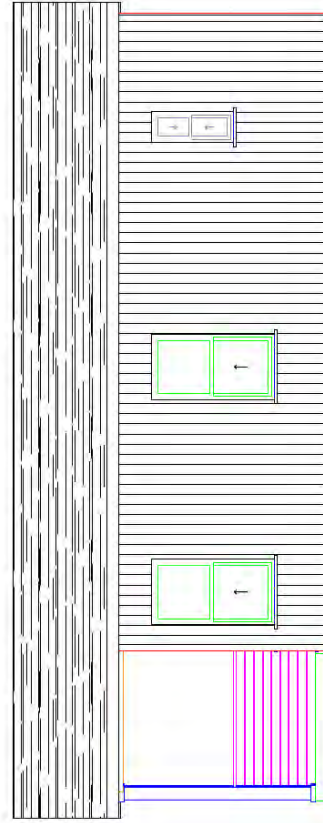


Left Elevation

6" SIDING

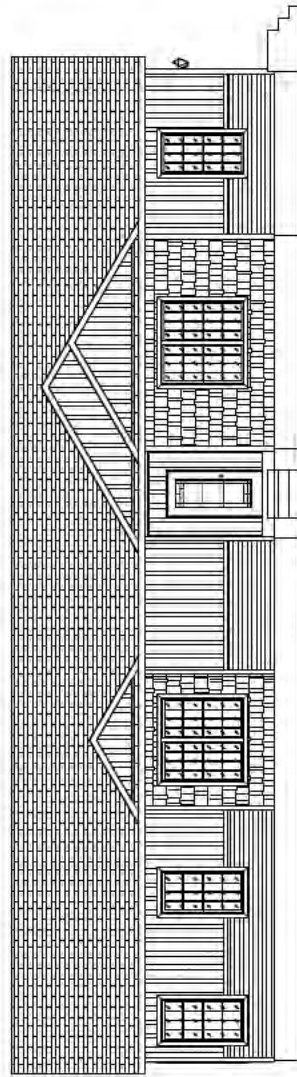


Rear Elevation

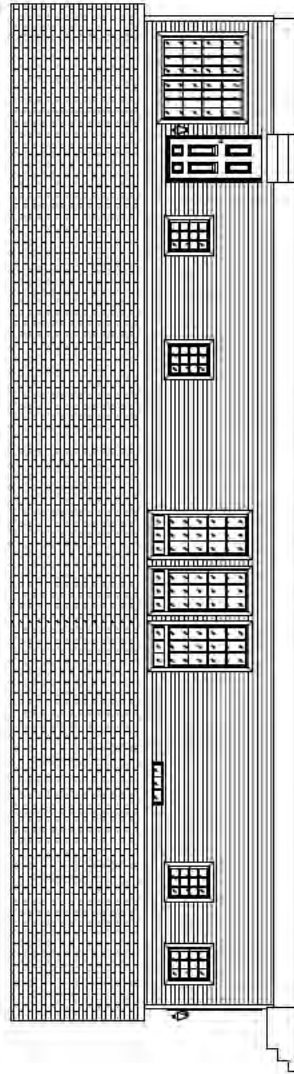


Right Elevation

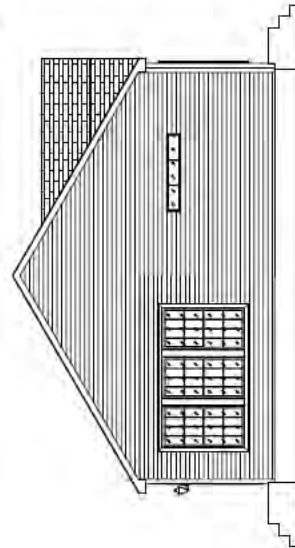
EDEN VILLAGE OF KANSAS
CITY COMMUNITY BUILDING



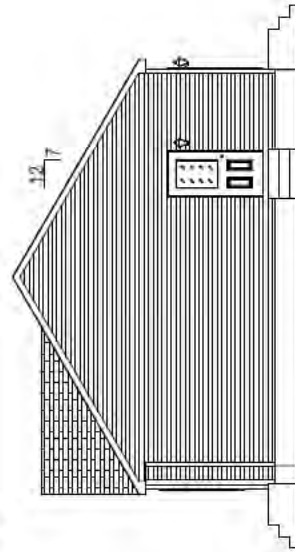
FRONT ELEVATION



REAR ELEVATION



SIDE ELEVATION



SIDE ELEVATION



Figure 4. Site Photograph of 1013 Metropolitan Avenue looking southeast from Metropolitan Avenue (provided by Planning Staff).



Figure 5. Site Photograph of 1013 Metropolitan Avenue looking south from Metropolitan Avenue (provided by Planning Staff).



Figure 6. Site Photograph of 1013 Metropolitan Avenue looking north from Ruby Avenue (provided by Planning Staff).



Figure 7. Site Photograph of 1003 Ruby Avenue and 1605 South Baltimore Street looking southwest from Ruby Avenue (provided by Planning Staff).



Figure 8. Site Photograph of 1013 Metropolitan Avenue, 1003 Ruby Avenue and 1605 South Baltimore Street looking east from Ruby Avenue (provided by Planning Staff).



Figure 9. Site Photograph of a mobile home model looking north from Metropolitan Avenue (provided by Planning Staff).



Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: April 27, 2023

Re: Petitions COZ2023-003 and MPL2023-002

GENERAL INFORMATION

Applicant:

Michael Bourquin

Status of Applicant:

Applicant

5920 County Line Road,
Kansas City, Kansas 66106

Requested Actions:

Approval of a Change of Zone and
Master Plan Amendment.

Date of Application:

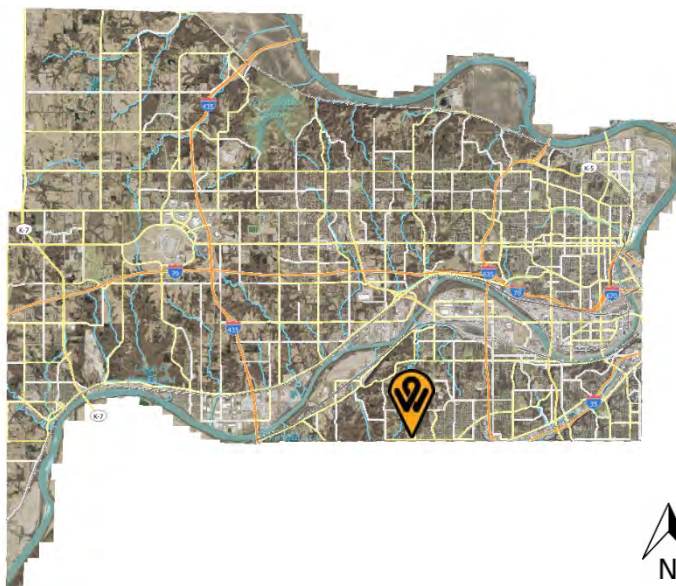
January 30, 2023

Purpose:

Change of Zone from R-1 Single-Family District to CP-1 Planned Limited Business District and Master Plan Amendment from Rural Density Residential to Rural Commercial to operate a lawn and garden retail business.

Property Location:

5910 County Line Road
Kansas City, Kansas 66106



Commission Districts:	Commissioner At-Large, District #2: Tom Burroughs District #6 Commissioner: Angela Markley		
Existing Zoning:	R-1 Single Family District		
Adjacent Zoning:	North:	R-1 Single Family and A-G Agriculture Districts	
	South:	R-1 Single-Family District (Shawnee, Kansas)	
	East:	R-1 Single Family District	
	West:	R-1 Single Family and A-G Agriculture Districts	
Adjacent Uses:	North:	Single Family Residence	
	South:	Single Family Residence in Johnson County, Kansas	
	East:	Single Family Residence	
	West:	Single Family Residence	
Total Tract Size:	1.18 Acres		
Master Plan Designation:	The City-Wide Comprehensive Plan designates this property as Rural-Density Residential. The Rural-Density Residential land use designation allows for agriculture, ranches, large-lot single-family detached residences, and passive parks and open spaces. The applicant is seeking a Master Plan Amendment, which will change the designation to Rural Commercial, which allows limited commercial development to serve the needs of the rural population.		
Major Street Plan:	The Major Street Plan designates South 59 th Street and County Line Road as Class C Thoroughfares.		
Parking Requirement:	Section 27-464(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”. It is unclear how many spaces are provided, as the applicant has no spaces marked. The applicant is required, however, to provide 19 spaces, one (1) of which being an ADA compliant space.		
Advertisement:	<u>The Wyandotte Echo</u> – February 16, 2023 Letters to Property Owners – February 17, 2023 and March 17, 2023		

Public Hearings:	April 10, 2023 and April 27, 2023
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Michael Bourquin, is requesting a Change of Zone from R-1 Single Family District to C-1 Limited Business District and a Master Plan Amendment from Rural Density Residential to Rural Commercial to operate a lawn and garden retail business at 5910 County Line Road.

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

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. There are no noise or disturbance complaints at 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. 2022 – PDEMO22-0029 – Demolition of a garage in the rear-yard
2. 2021 – BOZA2021-037 – Variance for an accessory structure

FACTORS TO BE CONSIDERED

Change of Zone

1. Neighborhood character.

The subject property is within the Morris Statistical Neighborhood and is within the Morris Neighborhood Group. The neighborhood is adjacent to Johnson County and features a mix of single-family residential lots, multi-family residential lots, and agricultural lots. The primary roads in the neighborhood are County Line Road, which runs west to Edwardsville, Kansas and east to Turner, and South 59th Street which runs north to the Turner Diagonal.

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 is not compatible as it is a commercial use located in an exclusively single-family neighborhood, however, as the property has been utilized for the subject business since the 1960s, the use is not expected to create any additional compatibility issues, as it is at the corner of an intersection, which is appropriate for small scale rural commercial.

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

The property is suitable for the proposed use as it has been utilized as a home gardening store since 1960. The removal of restrictions will not create any additional detrimental effects on nearby property, as the proposed use will not expand beyond its current scope and the Change of Zone is to reflect the historical use of the property, rather than an expansion of the use.

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

The property is not vacant and has been utilized as a home gardening store since the 1960s.

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

The proposed use is not necessary for the convenience and welfare of the public, however, may be seen as an asset and convenience to the public. The proposed use will not permanently injure the appropriate use, visual quality, or marketability of nearby property, as it is an existing use that is not seeking to expand in size or scope.

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

The proposed use will not increase traffic along County Line Road or South 59th Street to the point where it will exceed the capacity of these Class C Thoroughfares, nor will it increase the demand of parking on-site, as the existing use is not expanding, rather, the zoning is changing to reflect the property's historical use.

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

The proposed use is not compatible with the existing Master Plan designation, which allows for agriculture, ranches, large-lot single-family detached residences, and passive parks and open spaces. The applicant is requesting a Master Plan amendment to Rural Commercial, which allows limited commercial development to serve the needs of the rural population.

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

The proposed use will not create environmental harm, as it is an existing use, in an existing, permitted, built-out suburban neighborhood.

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

a. *Water service*

BPU provides water service.

b. *Sanitary sewer service*

The UG provides sanitary sewer service.

c. *Storm water control*

The UG provides storm water control, with an inlet to the east of the property.

d. *Police*

Police service is provided by South Patrol, District #334

e. *Fire*

Fire service is provided by Station #17, which is located 1.5 miles away from the subject property.

f. *Transit*

Transit service is provided by KCATA Route 499, which provides door to door Microtransit service.

g. *Schools*

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

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

The proposed use will not have a major economic impact as this is a pre-existing use that is not expanding in scope. This change of zone is to better reflect the historical use of the property, rather than a new or expanded use.

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

The property shall meet the conditions of approval under variance BOZA2021-037, approved in June 2022, otherwise, the change of zone will reflect the historic and existing use of the property, therefore, making it capable of meeting applicable ordinance requirements.

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

The relative gain to public health, safety, and welfare is minimal as this is a pre-existing business, which does not provide an essential service to the public. If denied, there would be very little hardship imposed on the landowner, as they could continue to operate their business under a legal non-conforming status.

Master Plan Amendment

1. *Whether events subsequent to the comprehensive plan adoption have changed the character and/or condition of the area so as to make the application acceptable.*

The current master plan designation for the subject property is Rural Density Residential, which is intended for large-lot single-family residences or agricultural uses. The proposed change to the Master Plan designation to Rural Commercial will reflect the historic and existing use of the property, which has been utilized as a lawn and garden retail space since the 1960's, pre-dating the 2008 City-Wide Master Plan.

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 County Line Road and South 59th Street is primarily residential and agricultural. The current use has been on the property since the 1960s, prior to the adoption of the City-Wide Master Plan in 2008. The use as a lawn and garden retail space can be seen as a small-scale commercial entity for the convenience of nearby property owners, many of which have large-lots to maintain. The proposed use would conform to the amended designation of Rural Commercial.

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

See Change of Zone factor #9 above.

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

The property has been utilized for the proposed business for over 60 years. The change of zone from R-1 Single Family District to C-1 Limited Business District and the master plan amendment from Rural Density Residential to Rural Commercial will bring the property into conformance with the zoning ordinance and the master plan.

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.*

This portion of County Line Road and South 59th Street corridor is primarily single-family residential, however, there is a commercial business located adjacent to the subject property to the east. Additionally, the surrounding land is already developed, whose development potential would not be negatively affected by this change. The proposed use is not seeking to expand the scope of the business, rather, change the zoning and master plan designation to accurately match the existing business.

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

The impacts of costs and potential benefits derived by the community would be minimal. The proposed use which has existed on the property since the 1960s and does not plan to expand in scope.

PREVIOUS ACTIONS

Approval of a Variance (BOZA2021-037) for a larger than allowed accessory structure in 2021.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on February 27, 2023. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Additional Entitlements Needed
Additional Variances Required
Parking
Right-of-Way Agreement

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Change of Zone Application **COZ2023-003** and Master Plan Amendment Application **MPL2023-002**, subject to:

1. The applicant must provide proof that the proposed site improvements are in progress within six (6) months of approval, otherwise, the Change of Zone ordinance will not be published. The applicant will have to re-apply for the Change of Zone;
2. The continuation use for on-site commercial storage from the existing accessory building to the proposed accessory building may occur so long as no additional uses are added. The proposed accessory building may only be used for storage related to the gardening store on the subject property. Any expansion of the uses will require successfully obtaining a Special Use Permit;
3. The design and exterior materials of the proposed accessory building must match the design and exterior material of the primary building;
4. The existing driveway is covered in gravel. The gravel must be removed, and the driveway must be paved. In order to pave the driveway, the applicant must obtain a right-of-way permit from the Public Works Department for the portion of the driveway and the driveway apron that is within the public right-of-way. The driveway must be paved with concrete and subject to Unified Government standards;
5. All vehicles must be parked on a paved surface;
6. The exterior walls shall be made of either horizontal clapboard, wood, or plywood siding, stone, artificial stone, brick, artificial brick, and textured finishes such as stucco. Fiberglass, plastic, and preformed, corrugated, or ribbed metals are not allowed. Metals can be used provided they have a factory applied and painted finish closely matching the color of the primary structure. Standard concrete masonry units are also not allowed, unless the walls of the building are painted the exact color of the primary structure;
7. ADA compliant parking proximate to the entrance must be installed, including the required graphics and sign placards;
8. 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;
9. The exterior walls shall be made of either horizontal clapboard, wood, or plywood siding, stone, artificial stone, brick, artificial brick, and textured finishes such as stucco. Fiberglass, plastic, and preformed, corrugated, or ribbed metals are not allowed. Metals can be used provided they have a factory applied and painted finish closely matching the color of the primary

- structure. Standard concrete masonry units are also not allowed unless the walls of the building are painted the exact color of the primary structure;
10. 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;
 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. 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;
 13. The applicant has filed and maintained a current business occupation tax application and entertainment licenses;
 14. Lighting shall be installed to have a 90-degree cutoff;
 15. 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;
 16. 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;

17. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
18. All existing and future driveways must feature curb cuts that are constructed to UG standards;
19. 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;
20. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed by right or by Special Use Permit under the new zoning district, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located; and,
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.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners concur with the findings contained within the staff report related to *Factors to be Considered* and *Key Issues* and recommends **APPROVAL** of Petitions **COZ2023-003** and **MPL2023-002** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

April 10, 2023 City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Site Plan
Site Photos, Provided by the Applicant
Site Photos, Taken by Staff, Dated February 10, 2023

REVIEW OF INFORMATION AND SCHEDULE

Action	City Planning Commission	Unified Government Board of Commissioners
Public Hearing	April 10, 2023	April 27, 2023
Rezoning	Approval	
Master Plan	April 10, 2023	April 27, 2023
	Approval	

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

MOTIONS

Change of Zone

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2022-003** 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 **COZ2022-003**, 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.

Master Plan Amendment

I move the Unified Government Board of Commissioners **APPROVE** Petition **MPL2023-002** 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 **MPL2023-002**, 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.

April 10, 2023 City Planning Commission Minutes:

Hearing starts at 2:30:35:

MASTER PLAN AMENDMENT MPL2023-002 – MICHAEL BOURQUIN – SYNOPSIS:

Master Plan Amendment from Rural Density Residential (City-Wide Area Plan) to Rural Commercial (City-Wide Area Plan) for a fireworks stand at 5910 County Line Road.

CHANGE OF ZONE APPLICATION COZ2023-003 – MICHAEL BOURQUIN -

SYNOPSIS: Change of Zone from R-1 Single Family District to C-1 Limited Business District for a fireworks stand at 5910 County Line Road.

Detailed Outline of Requested Action: The applicant, Michael Bourquin, is requesting a Change of Zone from R-1 Single Family District to C-1 Limited Business District and a Master Plan Amendment from Rural Density Residential to Rural Commercial to operate a lawn and garden retail business at 5910 County Line 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 April 10, 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:

- Michael Bourquin, applicant

Present in Opposition:

- No one appeared

Staff Recommendation starts at 2:33:00: Planning Director Hand stated that this request is for a Master Plan Amendment and Change of Zone for a non-conforming property that the Applicant wants to bring into compliance. This property is in the City-Wide Comprehensive Plan in the Turner area. The Applicant mentioned the accessory structure that is used for storage of the business, which received approval for a variance. All of the conditions from that Variance application have been carried over to the Change of Zone Application. Staff has received no letters in support nor in opposition. There are no Notices of Violation on this property. Staff recommends approval subject to the conditions in the staff report.

The Planning Commission addressed questions to the Staff regarding the fireworks stand and Director Hand stated that it will continue to operate as a retail site with the period allowed for fireworks stands (which is approximately six (6) days and July 4th.

Motion starts at 2:35:55:

On motion by Mrs. Jones, seconded by Ms. Armstrong, the Planning Commission voted as follows to recommend **APPROVAL of MPL2023-002:**

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

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

Subject to:

1. The applicant must provide proof that the proposed site improvements are in progress within six (6) months of approval, otherwise, the Change of Zone ordinance will not be published. The applicant will have to re-apply for the Change of Zone;
2. The continuation use for on-site commercial storage from the existing accessory building to the proposed accessory building may occur so long as no additional uses are added. The proposed accessory building may only be used for storage related to the gardening store on the subject property. Any expansion of the uses will require successfully obtaining a Special Use Permit;
3. The design and exterior materials of the proposed accessory building must match the design and exterior material of the primary building;
4. The existing driveway is covered in gravel. The gravel must be removed, and the driveway must be paved. In order to pave the driveway, the applicant must obtain a right-of-way permit from the Public Works Department for the portion of the driveway and the driveway apron that is

- within the public right-of-way. The driveway must be paved with concrete and subject to Unified Government standards;
5. All vehicles must be parked on a paved surface;
 6. The exterior walls shall be made of either horizontal clapboard, wood, or plywood siding, stone, artificial stone, brick, artificial brick, and textured finishes such as stucco. Fiberglass, plastic, and preformed, corrugated, or ribbed metals are not allowed. Metals can be used provided they have a factory applied and painted finish closely matching the color of the primary structure. Standard concrete masonry units are also not allowed, unless the walls of the building are painted the exact color of the primary structure;
 7. ADA compliant parking proximate to the entrance must be installed, including the required graphics and sign placards;
 8. 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;
 9. The exterior walls shall be made of either horizontal clapboard, wood, or plywood siding, stone, artificial stone, brick, artificial brick, and textured finishes such as stucco. Fiberglass, plastic, and preformed, corrugated, or ribbed metals are not allowed. Metals can be used provided they have a factory applied and painted finish closely matching the color of the primary structure. Standard concrete masonry units are also not allowed unless the walls of the building are painted the exact color of the primary structure;
 10. 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;
 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. 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;
13. The applicant has filed and maintained a current business occupation tax application and entertainment licenses;
 14. Lighting shall be installed to have a 90-degree cutoff;
 15. 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;
 16. 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;
 17. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
 18. All existing and future driveways must feature curb cuts that are constructed to UG standards;
 19. 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;
 20. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed by right or by Special Use Permit under the new zoning district, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located; and,
 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.

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

COZ2023-003:

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

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

Subject to the above conditions.

ATTACHMENTS

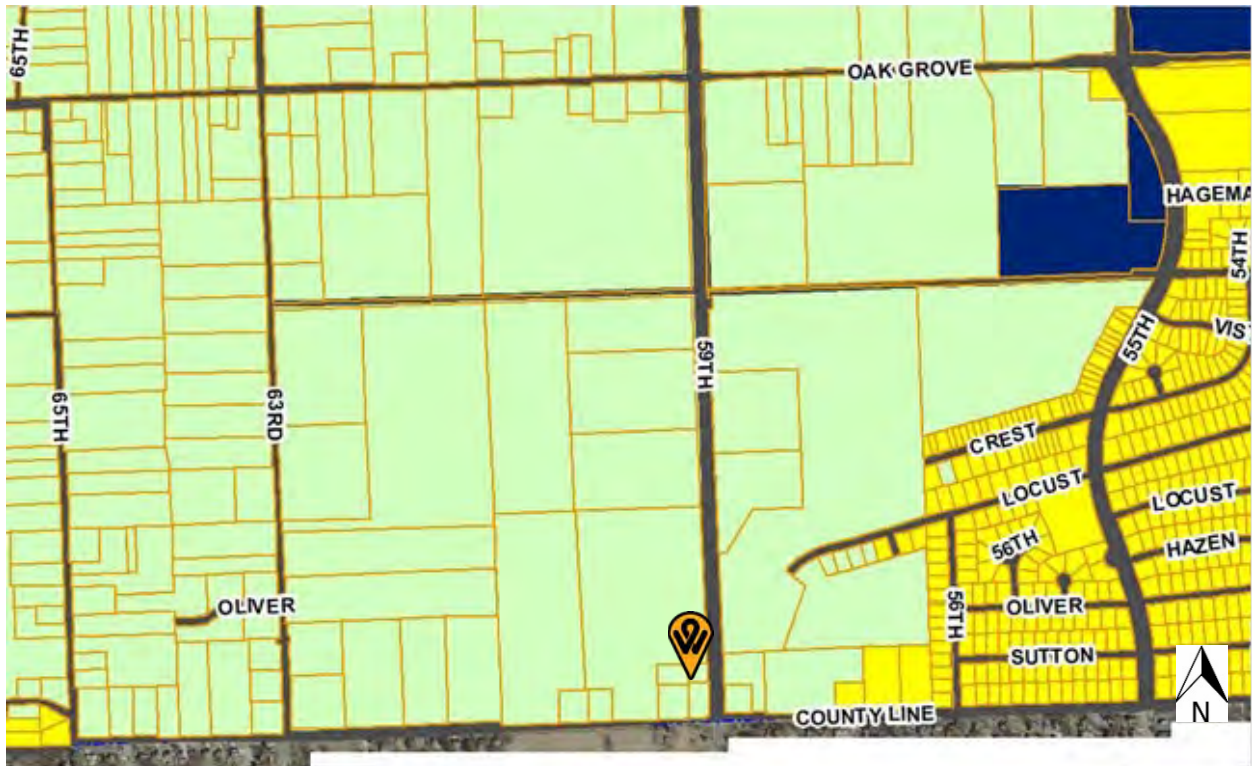
AERIAL IMAGERY



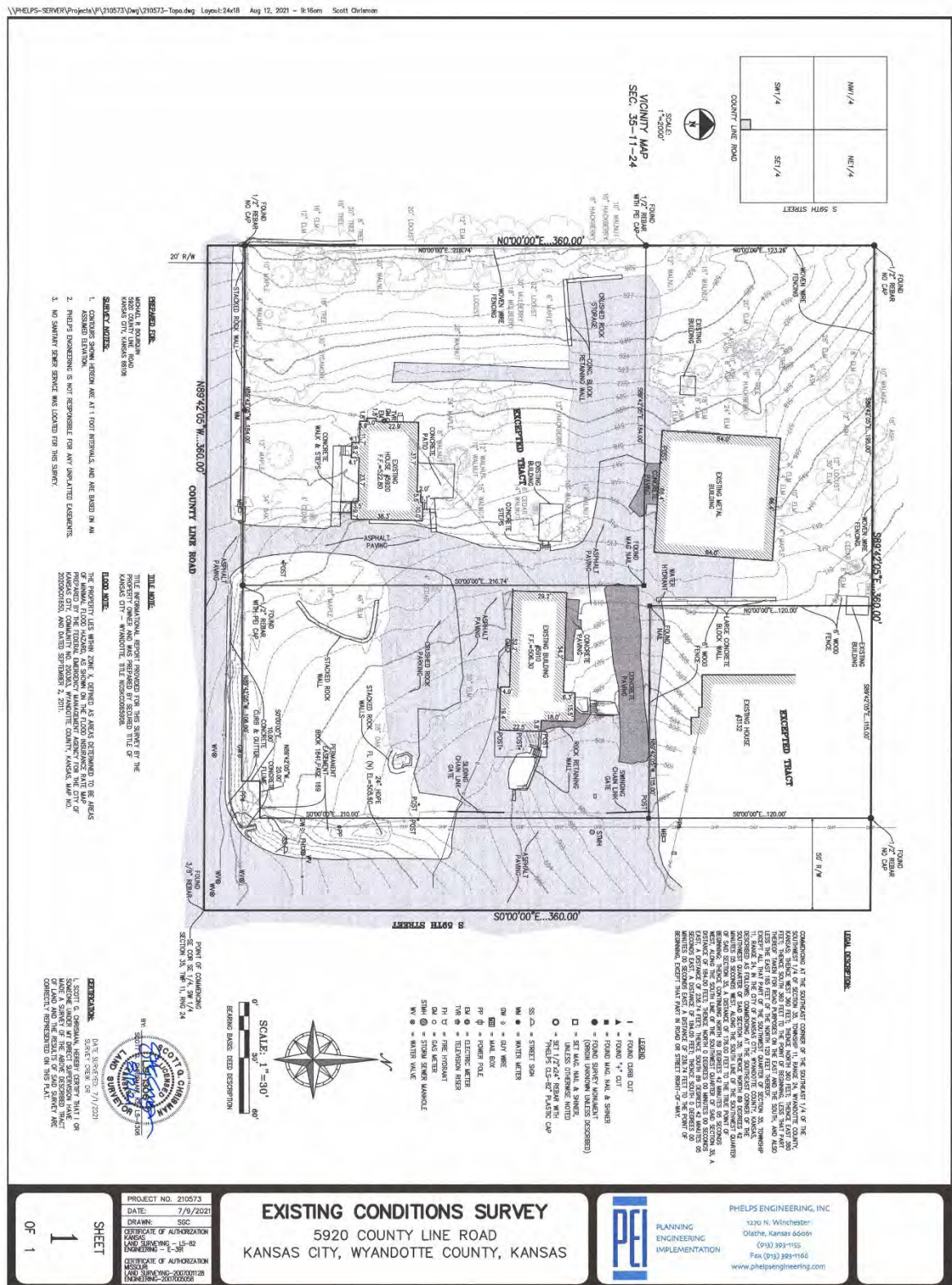
ZONING MAP



LAND USE MAP – CITY-WIDE MASTER PLAN



COZ2023-003 and MPL2023-002



SITE PHOTOS, TAKEN BY THE APPLICANT



SITE PHOTOS, TAKEN BY STAFF, DATED FEBRUARY 10, 2023



NEIGHBORHOOD MEETING MATERIALS

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas,
COUNTY OF Wyandotte) ss:

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

1. That I am the petitioner for Petition #COZ2023-003
2. That I conducted a neighborhood meeting on 2/27/23.
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.


Affiant

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

My commission expires _____ of _____, 20__.

Notary Public

Minutes for Neighborhood meeting, COZ2023-003

2/27/23, meeting called to order at 5:00pm, concluded at 5:40pm

There were no people in attendance, therefore no minutes to record.

Petitioner: Michael Bourquin

coz2023-003

Neighborhood Meeting Sign in Sheet

Date 2/27/23

Michael Bourquin - petitioner



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: April 27, 2023

Re: Petitions COZ2023-007, PR2023-010 and MPL2023-005

GENERAL INFORMATION

Applicant:

Austin Thompson

Status of Applicant:

Representative
Atlas Land Consulting
14500 Parallel Road, Unit R
Basehor, KS 66007

Requested Actions:

Change of Zone from R-1(B) Single Family to
RP-M Planned Mobile Home Park District.

Preliminary and Final Plan Review to
construct a mobile home park.

Master Plan Amendment from Low Density
Residential and Medium Density Residential
(City-Wide Comprehensive Plan).

Date of Application:

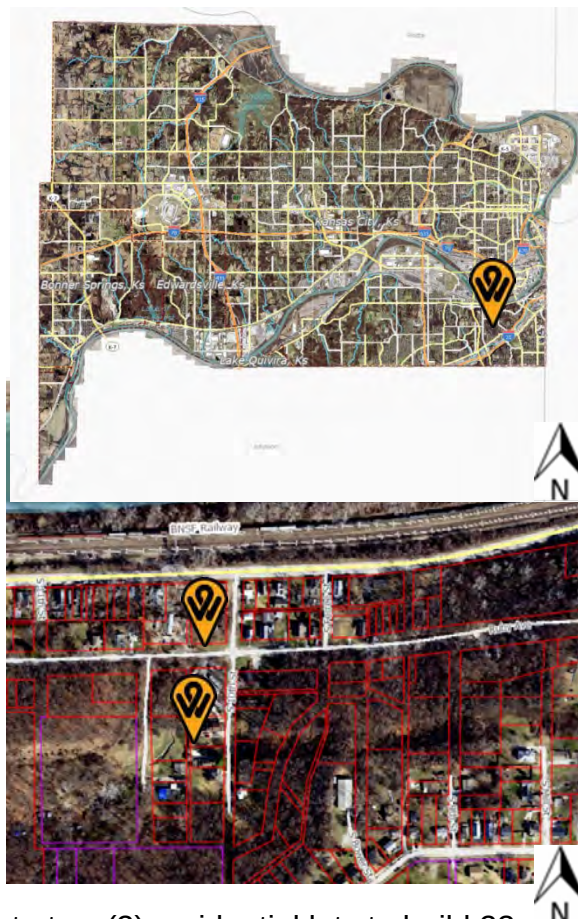
February 24, 2023

Purpose:

To rezone and create two (2) residential lots to build 23
dwelling units (mobile homes).

Property Location:

1013 Metropolitan Avenue, 1605 South Baltimore Street
and 1003 Ruby Avenue, Kansas City, KS 66101



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: None South: R-1(B) Single Family District East: R-1(B) Single Family District West: R-1(B) Single Family District
Adjacent Uses:	North: BNSF Railway right-of-way South: Single-family homes East: Single-family homes West: Undeveloped land and right-of-way
Total Tract Size:	2.61 Acres
Master Plan Area:	City-Wide Comprehensive Plan
Master Plan Designation:	The City-Wide Comprehensive 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 and parks, open space, etc. A Master Plan Amendment to Medium Density Residential has been applied for, which allows garden apartments, attached residences including townhomes, duplexes, triplexes, fourplexes, institutional uses such as elementary, middle and high schools, churches, libraries, parks and open space.
Major Street Plan:	The Major Street Plan classifies Metropolitan Avenue and 10 th Street as a Class C Thoroughfare, and Baltimore Street as a Local Street.
Required Parking:	Sec. 27-462(h) Two off-street parking spaces shall be provided for each dwelling unit. In addition, mobile home parks that do not have public streets shall provide visitor parking at a rate of one-quarter parking space for each mobile home lot, appropriately located and dispersed in separate parking lots having no more than eight parking spaces each. Appellant request 10 parking spaces, a violation of 42 parking spaces. Note: The proposed zoning code amendment parking requirement for a cottage court/tiny home is one (1) space per dwelling unit. 10 parking spaces are proposed. 23

parking spaces are required, a violation of 13 parking spaces.

Advertisement: The Wyandotte Echo – Change of Zone – March 16, 2023; Master Plan Amendment – March 16, 2023
Letters to Property Owners – Change of Zone – March 17, 2023; Plat – March 17, 2023; Plan Review – March 17, 2023; Master Plan Amendment – March 17, 2023

Public Hearings: April 10, 2023 and April 27, 2023

Public Support: None to date.

Public Opposition: None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Austin Thompson with Atlas Land Consulting, wants to rezone from R-1(B) Single Family District to RP-M Planned Mobile Home Park District, Preliminary and Final Plat two (2) residential lots, Final Development Plan to build a mobile home park, and amend the City-Wide Comprehensive Plan from Low Density Residential to Medium Density Residential to build a 23-unit mobile home park, in a single-family, cottage-like style on 2.61 acres.

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

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. None

Building, Zoning, or Code Enforcement Complaints:

1. ABT22-1584 – Trash from overflowing dumpster – June 14, 2022 (Closed).
2. Multiple violations for tires, junk, damaged fence, tree limbs from 2016 – 2017.

Outstanding or Related Permits and Cases:

1. None

FACTORS TO BE CONSIDERED

1. Neighborhood character

This character of the neighborhood is comprised of single-family homes along Metropolitan Avenue and South 10th Street and vacant parcels due to topography.

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

The zoning and uses of properties nearby are set out above. The proposed is not necessarily compatible with the surrounding properties, as while there are parcels of undeveloped land in the vicinity, higher density development should occur at major intersections along transit corridors, especially if residents are transit dependent.

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

The property is suitable for the existing development, which was legal, non-conforming. The applicant removed the existing mobile homes and is wanting to modify the layout.

The design concept, if modified per Staff's comments, should not detrimentally affect the nearby property although, as stated above, site design is crucial to minimize its affect on nearby property.

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

The property has been vacant for the past year.

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

The proposed development is reasonably necessary for individuals who need to find affordable housing that is not available elsewhere and transition to more permanent housing.

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.

Most residents will not have access to a vehicle, so traffic and parking will not be an issue. Guests will park in designated parking areas.

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

The proposed use does not conform to the Comprehensive Plan. An amendment to Medium Density Residential, which allows attached residences such as duplexes, townhomes, mid-rise apartments, and institutional uses such as schools, churches, and libraries.

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

The majority of the site has been graded from the previous use of the property. There are established tree stands to the south and west along the perimeter of the property, additional landscaping for site and buffering purposes will be provided, but generally, the proposed use will not cause environmental harm.

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

a. *Water service*

Water service is provided by BPU.

b. *Sanitary sewer service*

Sanitary sewer service is provided by the UG.

c. *Storm water control*

To be designed to meet City Code.

d. *Police*

Police service is provided by South Patrol, District #335.

e. *Fire*

Fire service is provided by Fire Station 10.

f. *Transit*

Kansas City ATA provides transit service along Ruby Avenue beginning at 12th Street, Route #104.

g. *Schools*

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

h. Streets

See item #6 above.

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

The proposed use will have a positive economic impact on the community by turning underutilized and unkept vacant lots into taxable lots with residential buildings.

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

The proposed use will need revisions to the site plan/design and building elevations to comply with applicable ordinance requirements.

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

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

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

Development can be used safely without danger to health or peril from fire, flood, and erosion. KCKFD may have comments pertaining to fire access for all structures within the proposed development.

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

Access to and from the public streets will be designed to provide a safe, convenient and functional system for vehicular traffic to Metropolitan Avenue and Ruby Avenue, however, there does need to be better access control, specifically creating a hammerhead for turnaround rather than a throughway off Metropolitan Avenue and removing head-in parking off Ruby Avenue right-of-way.

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

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

and continuously maintained.

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

Development patterns have been designed with minimal due regard to topography, much of the site has been graded flat. Most of the natural vegetation has been removed except for the existing tree stands around the perimeter along the northern, southern, and western edge of the property.

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

This is a dense, single-family detached, cottage-style development and as such does not have the amenities stated above, although on-site amenities should be provided for residents.

The community garden and community space for residents increasingly sounds like a group home.

PREVIOUS ACTIONS

- None

NEIGHBORHOOD MEETING

The applicant received neighborhood comments by receiving letters or phone calls through the date of March 27, 2023. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Pedestrian and Transit Access
Lighting / Glare
Parking
Landscaping

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Change of Zone Application **COZ2023-003**, Master Plan Amendment Application **MPL2023-002**, and Preliminary and Final Plan Review **PR2023-011** subject to:

1. **Add crosswalks across Ruby Avenue to delineate a clear and noticeable pedestrian path between both parcels;**

2. Utility easements shall be provided along each side of the lot to form a continuous utility easement. All easements shall be at least 10 feet wide. The required ten-foot width may be provided through five-foot easements on either side of lot or parcel lines when lines do not form, in whole or in part, the outside boundaries of the plat;
3. Utility easements shall connect with easements established in adjoining properties;
4. Per Sec. 27-317 Electrical power, telephone service, and cable television (if applicable) shall be provided by underground wiring for all new wiring provided;
5. Per the goDotte Mobility Plan, Metropolitan Avenue is designated as a Regional Trail, which requires a 10 foot sidewalk. As a 10 foot sidewalk is infeasible, a 5 foot wide sidewalk along Metropolitan Avenue is acceptable;
6. Sidewalks and pedestrian paths shall be ADA compliant;
7. All mobile homes shall have skirting around the perimeter of the trailers;
8. Community storm shelter shall comply with Building Inspection Division requirements and ADA requirements;
9. Maintain existing tree stands, as existing trees provide an enhanced buffer between the edge of the parcels around the perimeter bordering Metropolitan Avenue, South 10th Street and Baltimore Street;
10. All deciduous and shade trees shall be at least two (2) inch caliper when planted. Evergreens shall be at least six (6) feet in height when planted. Shrubs shall be at least five (5) gallons when planted. Throughout the development, there may be a variety of native grasses and plants (wildflowers);
11. All landscaping shall be irrigated;
12. Section 27-699(b)(5) states that all outside bins or trash container areas must be completely enclosed by an architectural screen to a height not less than the height of the bin or container. No trash enclosures may be located in required yards adjacent to street right-of-way. In commercially and industrially zoned areas where the trash container will not be visible from off the property due to other screening or topographic conditions and will not be visible from public parking or pedestrian areas on the site, such trash bin screening need not be provided. In industrially zoned areas where the trash container will not be visible from residential property and where such containers are kept directly alongside the building and in a well-kept manner, such screening need not be provided;
13. BPU ground mounted transformers shall be screened on all four (4) sides from public view. Architectural screening walls are the preferred method, but landscape screening is an allowable alternative. Screening shall be designed to be solid to the view, and any designs incorporating air circulation shall not be visible. Screening height must be the greater of either six (6) feet tall or the height of the utility being screened. Designs shall show two (2) possible site orientations. Designs will also incorporate all BPU Engineering specifications and largest of all the required dimensions. Refer to attached BPU Engineering documents for details;
14. Mechanical equipment or other utility hardware whether on the ground or on a building shall be screened from public view. Such screening shall be harmonious with building design and materials;

15. Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky-reflected glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed one-foot candle as measured from said property line. All lighting on the property, both on the buildings and in parking lots shall have 90-degree cutoff fixtures;
16. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
17. Per Business Licensing Department: All occupying business will need to file and maintain the occupation tax application with our office for their business activity located at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8780 or businesslicense@wycokck.org;
18. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
19. 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;
20. All existing and future driveways must feature curb cuts that are constructed to UG standards;
21. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
22. A Pre-Construction meeting is required for any improvements to public infrastructure upon the approval and issuance of a Development Review Committee (DRC) Permit. Any improvements to, construction or alteration of sanitary systems, stormwater systems, public or private streets, sidewalks, or other public infrastructure will require a pre-construction meeting with the Department of Public Works. The applicant is required to contact the

County Engineer at (913) 573-5400 or by info@wycokck.org prior to construction to arrange this meeting;

23. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed by right or by Special Use Permit under the new zoning district, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
24. All conditions of approval herein must be constructed, executed, implemented, or otherwise completed within 18 months of approval unless otherwise determined by the Director of Planning or their designee; and,
25. 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 **COZ2023-007**, **PR2023-011** and **MPL2023-005** subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

April 10, 2023 City Planning Commission Minutes
Aerial Photography
Zoning Map
Land Use Map
Regional Trail Cross Section
BPU Transformer Screening Standards
GeoSpatial Services Division Comment Letter
Applicant Response Letter
Neighborhood Meeting Minutes
Preliminary Plat
Final Plat
Demolition Plan
Site Plan

Grading Plan
 Landscape Plan
 Foundation Plan
 Building Elevations
 Site Photographs taken by Staff on March 29, 2023

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Unified Government Board of Commissioners</u>
Public Hearing Rezoning	April 10, 2023 Approval	April 27, 2023
Public Hearing Preliminary and Final Plat	April 10, 2023 Approved	TBD
Public Hearing P & F Plan	April 10, 2023 Approval	April 27, 2023
Public Hearing Master Plan	April 10, 2023 Approval	April 27, 2023

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

MOTIONS

Change of Zone Petition

I move the Unified Government Board of Commissioners **APPROVE** Petition COZ2023-007 as meeting all the requirements of the City Code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition COZ2023-007 as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

Plan Review

I move the Unified Government Board of Commissioners **APPROVE** Petition PR2023-011 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 PR2023-011, 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.

Master Plan Amendment

I move the Unified Government Board of Commissioners **APPROVE** Petition MPL2023-005 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 MPL2023-005, 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.

April 10, 2023 City Planning Commission Minutes:

Hearing starts at 2:47:48:

MASTER PLAN AMENDMENT MPL2023-005 – AUSTIN THOMPSON WITH ATLAS LAND CONSULTING – SYNOPSIS: Master Plan Amendment from Low-Density Residential (City-Wide Area Plan) to Medium-Density Residential (City-Wide Area Plan) at 1013 Metropolitan Avenue, 1605 South Baltimore and 1003 Ruby Avenue.

CHANGE OF ZONE APPLICATION COZ2023-007 – AUSTIN THOMPSON WITH ATLAS LAND CONSULTING - SYNOPSIS: Change of Zone from R-1 Single Family District to R-M Mobile Home Park District for the Eden Village Mobile Home Park, at 1013 Metropolitan Avenue, 1605 South Baltimore and 1003 Ruby Avenue.

PLAT2023-011 – AUSTIN THOMPSON WITH ATLAS LAND CONSULTING - SYNOPSIS: Preliminary and Final Plat (Eden Village) for 23 dwelling units on two (2) lots at 1013 Metropolitan Avenue, 1605 South Baltimore and 1003 Ruby Avenue.

PR2023-011 – AUSTIN THOMPSON WITH ATLAS LAND CONSULTING - SYNOPSIS: Preliminary and Final Plan Review to construct a mobile home park at 1013 Metropolitan Avenue, 1605 South Baltimore and 1003 Ruby Avenue.

Detailed Outline of Requested Action: The applicant, Austin Thompson with Atlas Land Consulting, wants to rezone from R-1(B) Single Family District to RP-M Planned Mobile Home Park District, Preliminary and Final Plat two (2) residential lots, Final Development Plan to build a mobile home park, and amend the City-Wide Comprehensive Plan from Low Density Residential to Medium Density Residential to build a 23-unit mobile home park, in a single-family, cottage-like style on 2.61 acres.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated April 10, 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 Master Plan Amendment and Change of Zone; and,
7. The Notices to property owners.

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

Present in Support:

- Austin Thompson, applicant, Atlas Land Consulting, 14500 Parallel Road, Unit R, Basehor, Kansas 66007
- Katrina Gerber, Three Dog Night Charities

Present in Opposition:

- No one appeared

Staff Recommendation starts at 2:51:13: Planning Director Hand stated that these applications are being heard in conjunction with Appeal BOZA2023-010 which was partially approved and partially denied earlier this evening by the Board of Zoning Appeals. He stated that the project was discussed in detail at the Board of Zoning Appeals meeting. This property is in the City-Wide Comprehensive Plan in the Argentine area. Staff recommends approval subject to the conditions in the staff report with the elimination of Condition 10 and amendment of Condition 5 from 10 feet to 5 feet to match the conditions of the Appeal.

Motion starts at 2:53:06:

On motion by Mrs. Jones, seconded by Mr. Ernst, the Planning Commission voted as follows to recommend **APPROVAL of Master Plan Amendment MPL2023-005:**

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

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

Subject to:

1. **Add crosswalks across Ruby Avenue to delineate a clear and noticeable pedestrian path between both parcels;**
2. **Utility easements shall be provided along each side of the lot to form a continuous utility easement. All easements shall be at least 10 feet wide. The required ten-foot width may be provided through five-foot easements on either side of lot or parcel lines when lines do not form, in whole or in part, the outside boundaries of the plat;**
3. **Utility easements shall connect with easements established in adjoining properties;**
4. **Per Sec. 27-317 Electrical power, telephone service, and cable television (if applicable) shall be provided by underground wiring for all new wiring provided;**

5. Per the goDotte Mobility Plan, Metropolitan Avenue is designated as a Regional Trail, which requires a 10 foot sidewalk. As a 10 foot sidewalk is infeasible, a 5 foot wide sidewalk along Metropolitan Avenue is acceptable;
6. Sidewalks and pedestrian paths shall be ADA compliant;
7. All mobile homes shall have skirting around the perimeter of the trailers;
8. Community storm shelter shall comply with Building Inspection Division requirements and ADA requirements;
9. Maintain existing tree stands, as existing trees provide an enhanced buffer between the edge of the parcels around the perimeter bordering Metropolitan Avenue, South 10th Street and Baltimore Street;
10. All deciduous and shade trees shall be at least two (2) inch caliper when planted. Evergreens shall be at least six (6) feet in height when planted. Shrubs shall be at least five (5) gallons when planted. Throughout the development, there may be a variety of native grasses and plants (wildflowers);
11. All landscaping shall be irrigated;
12. Section 27-699(b)(5) states that all outside bins or trash container areas must be completely enclosed by an architectural screen to a height not less than the height of the bin or container. No trash enclosures may be located in required yards adjacent to street right-of-way. In commercially and industrially zoned areas where the trash container will not be visible from off the property due to other screening or topographic conditions and will not be visible from public parking or pedestrian areas on the site, such trash bin screening need not be provided. In industrially zoned areas where the trash container will not be visible from residential property and where such containers are kept directly alongside the building and in a well-kept manner, such screening need not be provided;
13. BPU ground mounted transformers shall be screened on all four (4) sides from public view. Architectural screening walls are the preferred method, but landscape screening is an allowable alternative. Screening shall be designed to be solid to the view, and any designs incorporating air circulation shall not be visible. Screening height must be the greater of either six (6) feet tall or the height of the utility being screened. Designs shall show two (2) possible site orientations. Designs will also incorporate all BPU Engineering specifications and largest of all the required dimensions. Refer to attached BPU Engineering documents for details;
14. Mechanical equipment or other utility hardware whether on the ground or on a building shall be screened from public view. Such screening shall be harmonious with building design and materials;
15. Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky-reflected glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed one-foot candle as measured from said property line. All lighting on the property,

- both on the buildings and in parking lots shall have 90-degree cutoff fixtures;
16. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
 17. Per Business Licensing Department: All occupying business will need to file and maintain the occupation tax application with our office for their business activity located at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8780 or businesslicense@wycokck.org;
 18. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
 19. 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;
 20. All existing and future driveways must feature curb cuts that are constructed to UG standards;
 21. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
 22. A Pre-Construction meeting is required for any improvements to public infrastructure upon the approval and issuance of a Development Review Committee (DRC) Permit. Any improvements to, construction or alteration of sanitary systems, stormwater systems, public or private streets, sidewalks, or other public infrastructure will require a pre-construction meeting with the Department of Public Works. The applicant is required to contact the County Engineer at (913) 573-5400 or by info@wycokck.org prior to construction to arrange this meeting;
 23. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed by right or by Special Use Permit under the new zoning district, or any portion thereof, does not violate the applicable

and enforceable CC&R of the plat or subdivision within which the subject property is located;

24. All conditions of approval herein must be constructed, executed, implemented, or otherwise completed within 18 months of approval unless otherwise determined by the Director of Planning or their designee; and,
25. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

On motion by Mrs. Jones, seconded by Mr. Ernst, the Planning Commission voted as follows to recommend **APPROVAL of Change of Zone COZ2023-007:**

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

Motion to recommend APPROVAL Passed: 8 to 0
Subject to the above conditions.

On motion by Mrs. Jones, seconded by Mr. Beth, the Planning Commission voted as follows to **APPROVE Plat Application PLAT2023-011:**

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

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

On motion by Mrs. Jones, seconded by Mr. Beth, the Planning Commission voted as follows to recommend **APPROVAL of Plan Review Application PR2023-011:**

Carson	Chairman
Armstrong	Aye
Beth	Aye

Connelly	Aye
Eilts	Aye
Ernst	Aye
Jones	Aye
Miller	Not Present
Mohler	Aye
Straws	Aye
Ward	Not Present

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

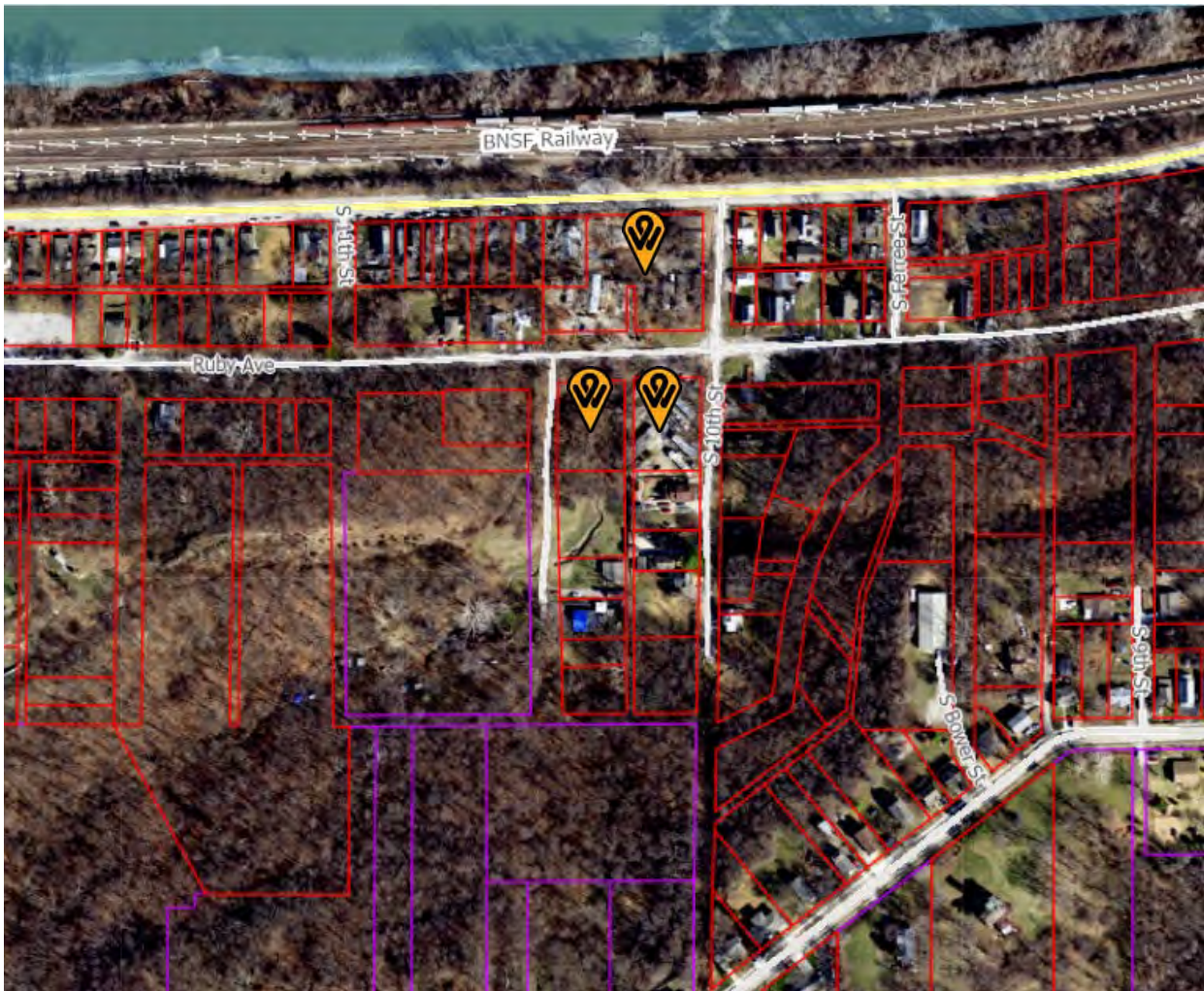


Figure 1. Aerial photograph of Eden Village (provided by UG Maps).

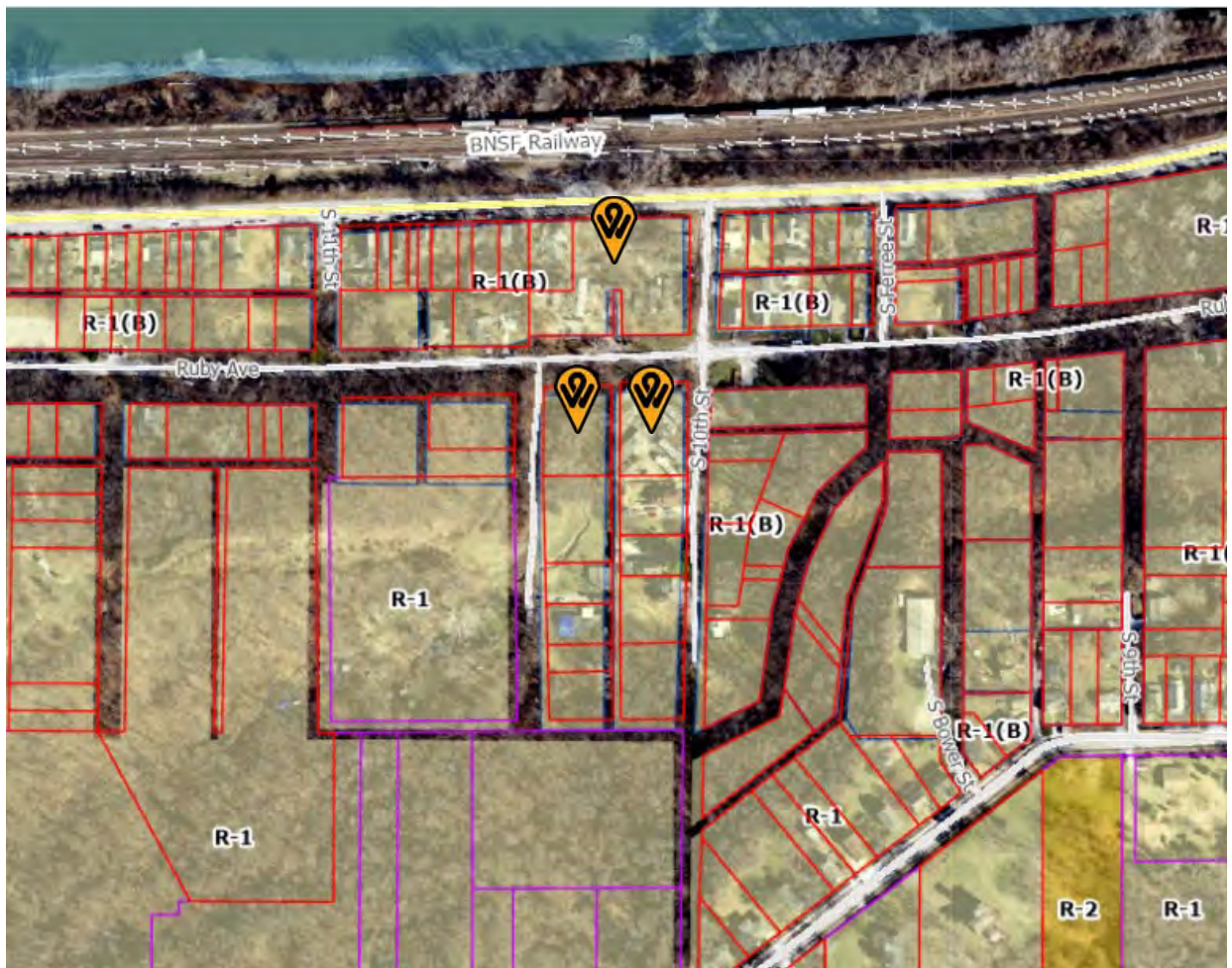
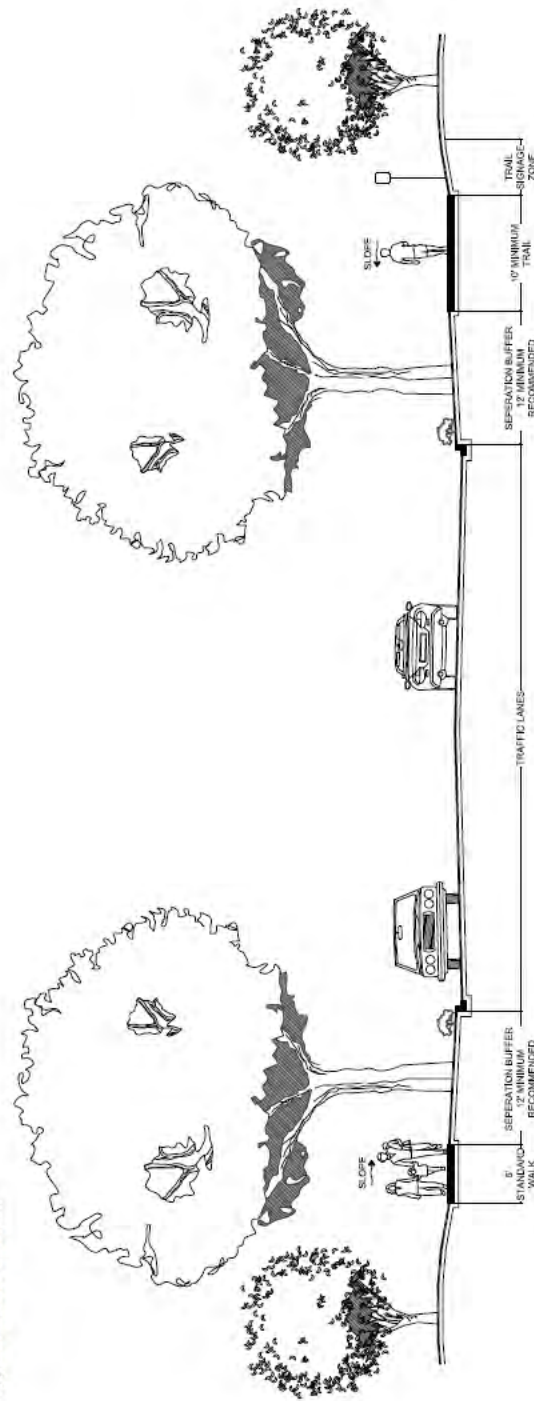


Figure 2. Zoning Map of Eden Village (provided by UG Maps).



Figure 3. City-Wide Comprehensive Plan Land Use Designation Map of Eden Village (provided by ArcGIS Pro).

Figure 7.3: Regional Trail
Typical Cross Section



Regional trails provide cross-county connections and linkages to regional trails outside of Wyandotte County. These trails are recommended to be at least 10-feet wide to accommodate pedestrians and less-experienced cyclists who do not feel comfortable riding in the street. More experienced cyclists are likely to ride in the street with vehicular traffic along designated bike routes.



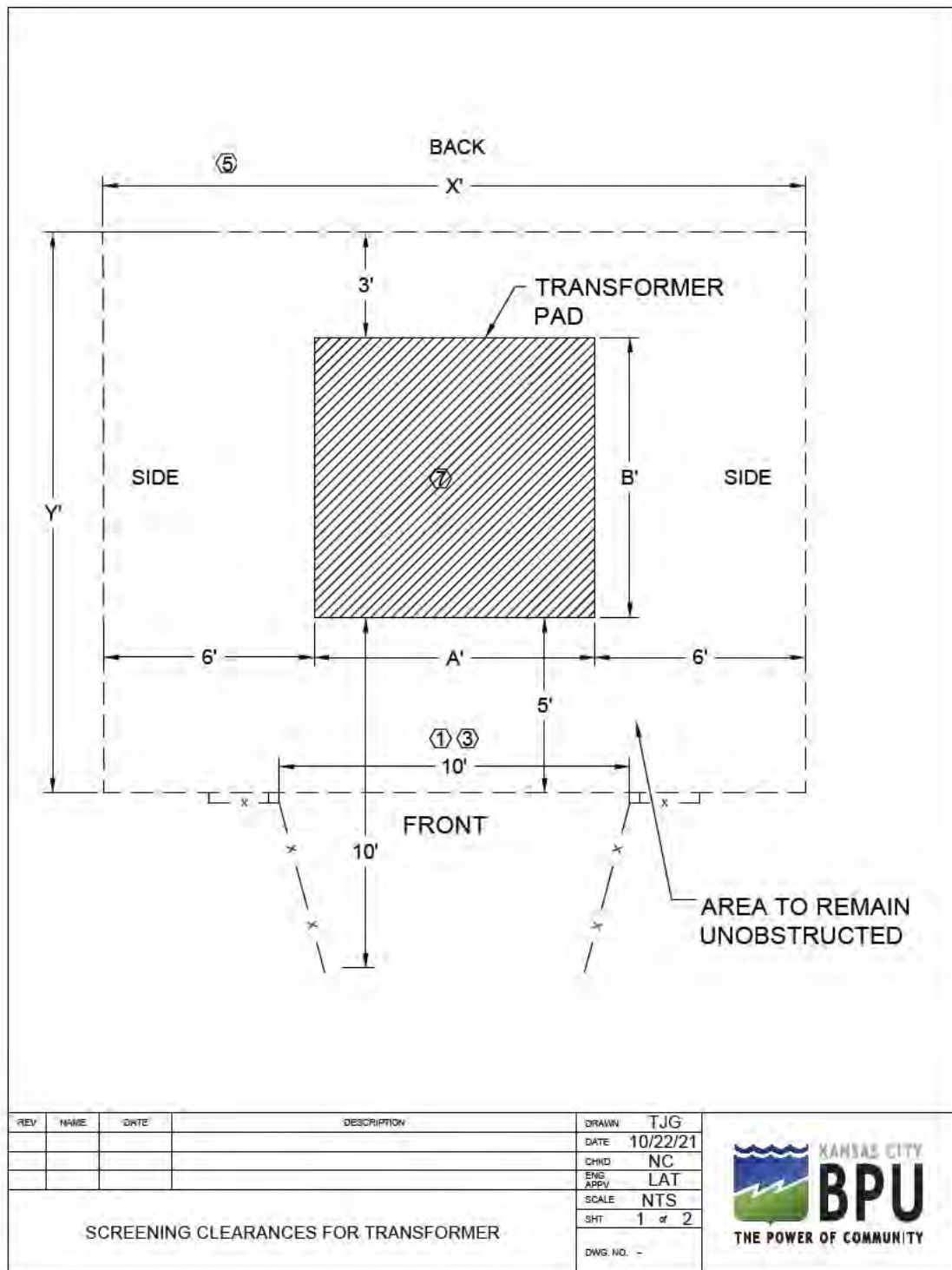


TABLE 1: DIMENSION REQUIREMENTS FOR TRANSFORMER

	"X"	"Y"	"A"	"B"
3 PHASE 75 TO 500KVA TRANSFORMERS	18' - 8"	13' - 6"	6' - 8"	5' - 6"
3 PHASE 750 TO 2500KVA TRANSFORMERS	20' - 0"	16' - 0"	8' - 0"	8' - 0"

***FOR SCREENING USING EVERGREEN TREE, SEE NOTES 5 AND 6

NOTES

1. GATE DOORS ARE REQUIRED FOR ALL TYPES OF SCREENING THAT ARE PLACED IN FRONT OF THE TRANSFORMERS.
2. FENCES SHALL BE INSTALLED 2' OFF THE GROUND AND HAVE ADEQUATE CLEARANCE TO OPEN GATE DOORS AT 180° AND HAVE 10' CLEARANCE FROM PAD WHEN GATE DOORS OPEN.
3. POSTS FOR GATE DOORS MUST BE INSTALLED A MINIMUM DISTANCE OF 10' APART IN THE FRONT.
4. FOR SLAT FENCES, CUSTOMER SHALL INSTALL A MINIMUM 4" SLATS AND HAVE 4" OF SPACE BETWEEN EACH SLAT.
5. 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
6. FOR EVERGREEN TREES, CUSTOMER SHALL PLANT EACH TREE SO THAT THERE IS 2' OR MORE OF SPACE FROM EDGE TO EDGE BETWEEN EACH TREE AT MATURITY. (E.G. BLUE ARROW JUNIPER GROWS UP TO 2' WIDE, SO THERE SHALL BE 4' OF SPACING BETWEEN EACH TREE TAKING ACCOUNT THE GROWTH OF SAPLINGS)
7. PAD MUST HAVE A MINIMUM CLEARANCE OF 6' ON EACH SIDE, 3' ON THE BACK, AND 5' ON THE FRONT ALLOWING FOR 10' ON THE FRONT WHEN GATE DOORS OPEN.

REV	NAME	DATE	DESCRIPTION	DRAWN	TJG
				DATE	10/22/21
				CHK'D	NC
				ENG APPV	LAT
				SCALE	NTS
				SHT	2 of 2
				DWG. NO.	-

SCREENING CLEARANCES FOR TRANSFORMER
NOTES





GeoSpatial Services
Division

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

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

To: Gunnar Hand, Planning and Urban Design
Janet Parker, Planning and Urban Design
From: Robert Ringel, GIS Analyst, Unified Government GSS
Date: March 8, 2023
RE: **EDEN VILLAGE**

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

And we have determined the following:

Takes all of CIC-TAS Parcels:

127000, 127016 & 127018

Owner-of-Record:

Three Dog Night Charities, Inc.

Jurat Signature:

Katrina Gerber, managing member - Three Dog Night Charities, Inc.

We find that the plat is: **Presently unacceptable for posting.**

Please note the following comments.

1) Legal Description

I recommend an overall boundary description including Ruby Avenue. Of the existing description of Lot 1, Block 1: cite where the point of beginning is located on the West Line of Lot 3. Cite how far past the east line of Lot 9 the distance goes. On the third line of the description, mention running along the South line of Lot 37. On the fourth line, mention running along the West lines of Lots 37 to 40 and their extension. On the sixth line, mention running along the South lines of Lots 1 and 2.

For the existing description of the other lot, mention running along the East lines of Lots 19 to 26, the South Line of Lot 26, its extension, and Lot 27, the West lines of Lots 27 to Lot 34, the North lines of Lot 34, its extension, and Lot 19.

2) Approvals

The wrong plat name is shown in the Planning Commission approval area. "For implied" needs to be changed to "or implied" in the County Surveyor Approval area.

Planning and Urban Design Comments:

General Planning

1. Planning Staff attempted to keep the property owners and this site as legal, non-conforming by simply replacing the mobile homes one (1) for one (1), however, the property owner(s) decided to change the design of the property and increase the number of mobile homes on site, thereby requiring these land use entitlements. **Please see the attached markup that shows the number of existing pads. 23 pads exists on the current site, we are not increasing the number of mobile homes on this project.**
2. How will these mobile homes be secured? Will these be tied down with straps and therefore mobile, homes may be replaced at any point in time, or will they be anchored with footings and foundation? Depending on how the question is answered, it makes more sense to rezone to RP-4 Planned Garden Apartment and create a cottage-style single-family homes totaling 23 units. **The mobile homes will be secured by straps and tied down.**
3. Why are there additional driveways if no one is going to have access to vehicles? Redesign the layout, such as narrowing the drive aisles and turning them into courtyards rather than parking pads or driveways. This will also negate the possible variance for landscape buffering and setbacks for the community building and mobile homes. **The drives have been narrowed to 20 feet where applicable to meet fire & parking code.**
4. Relocate the five (5) parking spaces from Ruby Avenue, as it is poor planning practice to back out onto a public street. **Please see the attached updates, the parking stalls have been relocated back to the private drive.**

14500 Parallel Rd Unit R Basehor, KS 66007

5. There should be better access control – rather than having a circular drive from Metropolitan Avenue to South 10th Street, install a hammerhead and remove parking from the right-of-way. **Please see attached updates, the circular drive has been removed.**
6. Provide a truck turning template depicting turning movements for delivery of mobile homes, but also fire trucks servicing the development. **Please see the attached dimension plan for vehicle tracking.**
7. Indicate on the Site Plan or Dimension Plan how ADA access is provided from the office building to the units on Lot 1. **With grade changes, it is not realistic to have an ADA path between the lots up top and the office building. We have provided parking spots up top that allow the use of a golf cart to help transport anyone should that be needed. Priority will be taken to house people with physical disabilities in the houses on the lower level.**
8. Add crosswalks across Ruby Avenue to delineate a clear and noticeable pedestrian path between both parcels. **A cross walk has been added.**
9. Utility easements shall be provided along each side of the lot to form a continuous utility easement. All easements shall be at least 10 feet wide. The required ten-foot width may be provided through five-foot easements on either side of lot or parcel lines when lines do not form, in whole or in part, the outside boundaries of the plat. **Please see attached update, a 10 feet u/e has been added around the outer boundary.**
10. Utility easements shall connect with easements established in adjoining properties. **Acknowledge**
11. Per Sec. 27-317 Electrical power, telephone service, and cable television (if applicable) shall be provided by underground wiring for all new wiring provided. **All new utilities will be underground.**
12. Per the goDotte Mobility Plan, Metropolitan Avenue is a designated as a Regional Trail, which requires a 10-foot sidewalk. **Is it possible if we delay these improvements until neighboring properties provide sidewalks, so that ours connects to something? Additionally, we don't believe there is even 10 feet in width between the street and the large detention hole to provide this if needed.**
13. Per Business Licensing Department: All occupying business will need to file and maintain the occupation tax application with our office for their business activity located at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8780 or businesslicense@wycokck.org. **Acknowledge**
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. **Acknowledge**
15. 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

14500 Parallel Rd Unit R Basehor, KS 66007

public utilities, including, but not limited to sewers, conduits, electric light pole lines, etc. that are now or may hereafter be installed in the tract of land hereby vacated. **Acknowledge**

16. All existing and future driveways must feature curb cuts that are constructed to UG standards. **Acknowledge**

17. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly. **Acknowledge**

18. A Pre-Construction meeting is required for any improvements to public infrastructure upon the approval and issuance of a Development Review Committee (DRC) Permit. Any improvements to, construction or alteration of: sanitary systems, stormwater systems, public or private streets, sidewalks, or other public infrastructure will require a pre-construction meeting with the Department of Public Works. The applicant is required to contact the County Engineer at (913) 573-5400 or by info@wycokck.org prior to construction to arrange this meeting. **Acknowledge**

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 by right or by Special Use Permit under the new zoning district, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located. **Acknowledge**

20. All conditions of approval herein must be constructed, executed, implemented, or otherwise completed within 18 months of approval unless otherwise determined by the Director of Planning or their designee. **Acknowledge**

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. **Acknowledge**

Building Architecture:

1. Provide elevations of the office building and storm shelter. **Please see attached elevations.**
2. Provide elevations of the mobile home. **Please see attached elevations.**

Landscaping and Screening:

1. The landscape plan shows trees not on a parcel. Revise and resubmit to either show the proposed vacated right-of-way as part of the project, or relocate the trees. **Acknowledge**
2. Maintain existing tree stands, as existing trees provide an enhanced buffer between the edge of the parcels around the perimeter bordering Metropolitan Avenue, South 10th Street and Baltimore Street. **Acknowledge**

14500 Parallel Rd Unit R Basehor, KS 66007

3. Each unit shall have a tree planted in the front or side yard. This seems to be for R-1 zoning, not applicable in RM zoning that we are rezoning the property to. Our zoning states "All multifamily residential projects shall include at least one shade tree per eight dwelling units and one shrub per dwelling unit in addition to the tree requirement. But not in addition to the buffer plantings if required." Our existing trees satisfy this, and we are adding shrubs to every proposed dwelling.

4. Sec. 27-469(g) Trees are required to be provided at not less than one per 10,000 square feet of site area. Based on the total tract size, 128 trees are required to be planted. This does not include the street trees to be planted along North 69th Street and State Avenue. Is this comment meant for our project? This states two different streets not near our project. Our zoning states: Trees are required at not less than one per 4,500 square feet of site area and buffer plantings are required adjacent to single family and two-family zoned property – and we are providing this – see landscape plan.

5. Sec. 27-700(b)(1) Buffer plantings, which shall include the equivalent of a minimum of one (1) evergreen tree or one (1) shade tree and three large shrubs for each 30 feet of adjacent project boundary, shall be provided for such development adjacent to single-family or two-family zoned property. In district R-M and C-O, buffer plantings may be required to be concentrated along potentially unsightly areas or where sensitive areas exist on adjacent property. See attached landscape plan, our existing trees do provide some of the trees, so we are asking for a variance. But we are not asking for zero buffering, just less than required. Also, please see attached images with proof of onsite screening.

6. All parking lot islands shall be curbed and landscaped. Painted, hatched islands are not permitted. We do not have any islands, hatched stall is ADA.

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

8. All landscaping shall be irrigated. Hose bibs are on site so that owner/occupants can maintain landscape.

9. 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. Trash enclosure/dumpster has been moved further into the site – keeping it out of the 20 foot yard setback that we are asking for with variances, from the 25 foot code requirement.

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

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

Signage:

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. **Acknowledge**

14500 Parallel Rd Unit R Basehor, KS 66007

March 9, 2023
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

COZ2023-007/MPL2023-005/PR2023-011/PLAT2023-011/BOZA2023-010

The purpose of this Change of Zone is at the following address:

1013 Metropolitan Ave, 1605 S Baltimore St and 1003 Ruby Avenue

The purpose of this letter is to explain the change of zone, master plan amendment, plan review, preliminary and final plat, and board of zoning appeals at the address above. The owner is looking to construct a 23 dwelling mobile home park. The existing property is currently an abandoned mobile home park, and this process is to bring the subject property into compliance with the UG's Planning & Zoning Department.

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

March 28th, 2023

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 Minutes

Application Number: COZ2023-007/MPL2023-005/PR2023-011/PLAT223-011/BOZA2023-010

Date and Location: Meeting via email & phone.

Name of people in attendance:

Nancy Wynn
913-281-2658
973 Ruby Ave Kansas City, Ks 66103

Nancy called asking what was going on with the project. We explained the general census of the project. Nancy said the Wynn family has no objections.

Peggy & Ray Pierce
816-769-8624
968 & 972 Ruby Ave

Peggy called to explain how ecstatic she was about the project. She has talked with the developer about the project itself and is all for the project moving forward.

Scott Myers
1021 Ruby Ave
913-645-5200

Scott called to inquire about the project. After explaining the project, Scott was not opposed to the project, but does have concerns about the trailer homes. He was shown an example home sometime last year by the developer and is okay with that model. If the home style has changed to represent more of a mobile style home then Scott is against the project.

Minutes taken by: Austin Thompson – Atlas Land Consulting

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
COUNTY OF Johnson) SS:

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

1. That I am the petitioner for Petition # COZ2023-007/MPL2023-005/PR2023-011/PLAT223-011/BOZA2023-010.
2. That I conducted a neighborhood meeting on 3/27/23.
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.



Affiant

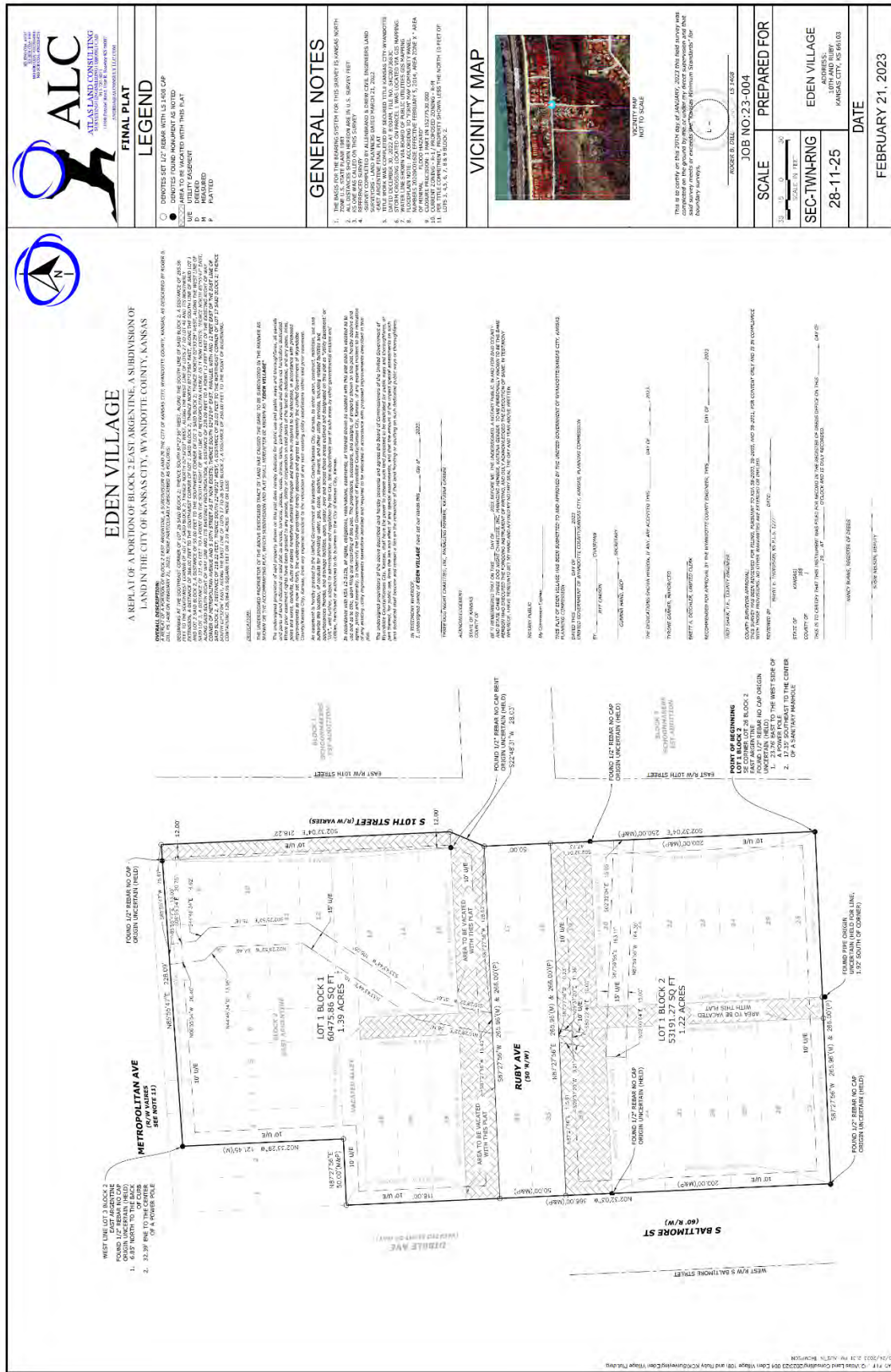
SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 27th day of March, 2023

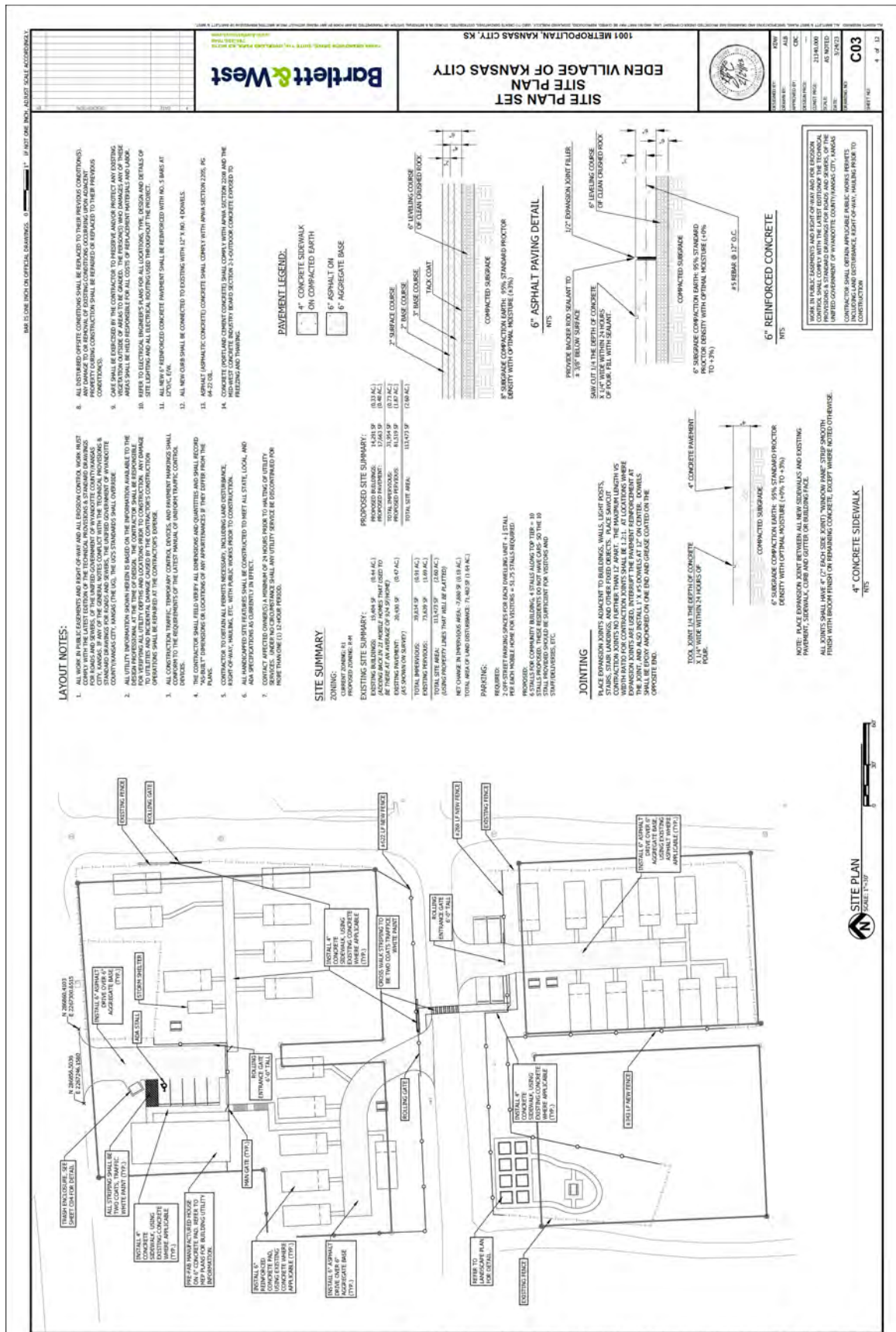
My commission expires 12th of January, 2027

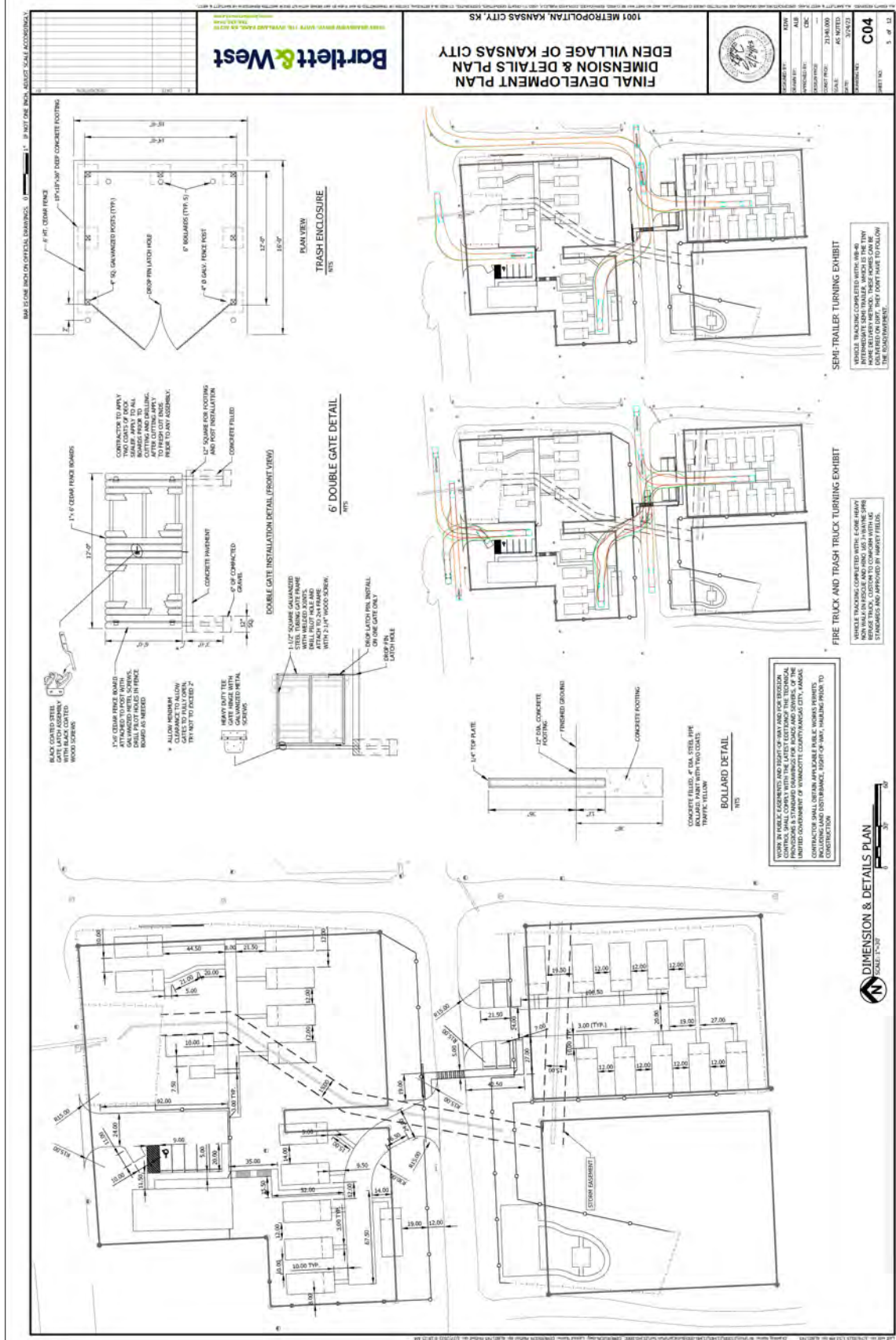




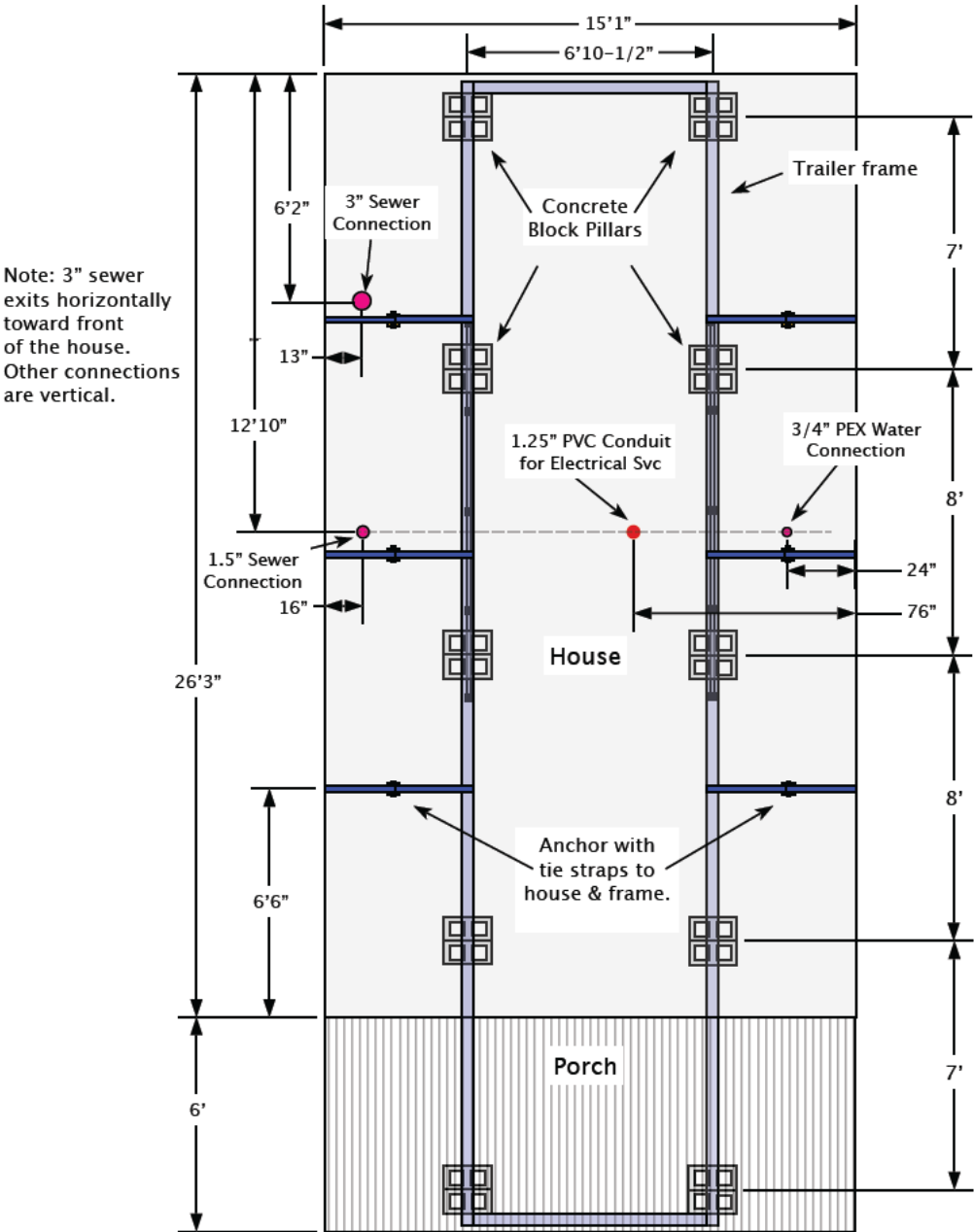
Notary Public





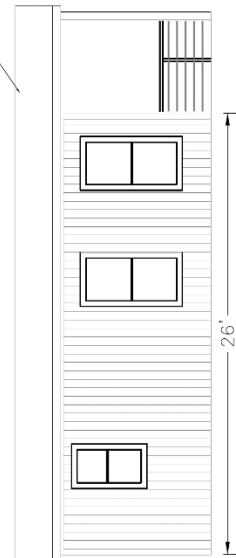


SolSource Foundation Plan
- Park Model - 7-5-22

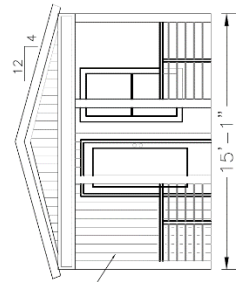


EDEN VILLAGE OF KANSAS CITY HOME ELEVATIONS

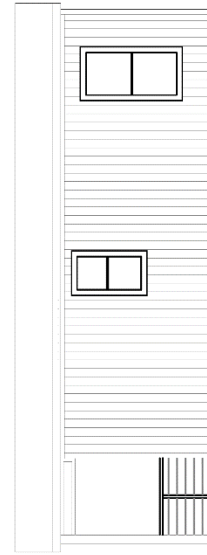
ASPHALT
SHINGLE



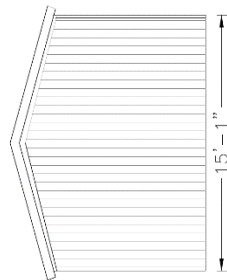
RIGHT ELEVATION



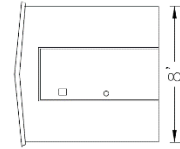
FRONT ELEVATION



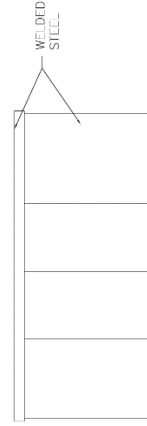
LEFT ELEVATION



REAR ELEVATION

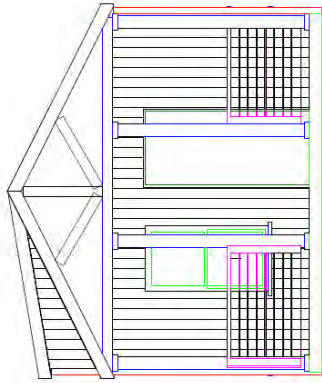


FRONT ELEVATION
STORM SHELTER

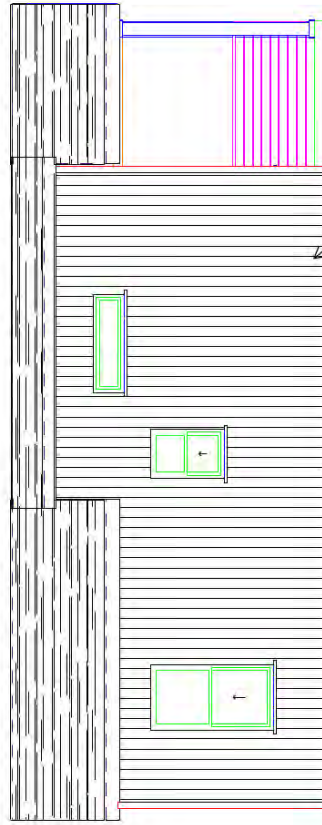


SIDE ELEVATION
STORM SHELTER

EDEN VILLAGE OF
KANSAS CITY
ELEVATIONS

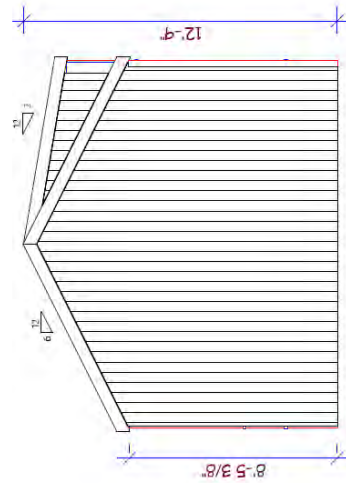


Front Elevation

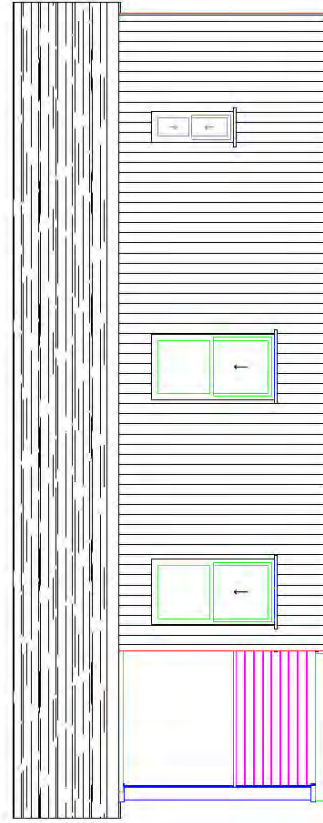


Left Elevation

6" SIDING

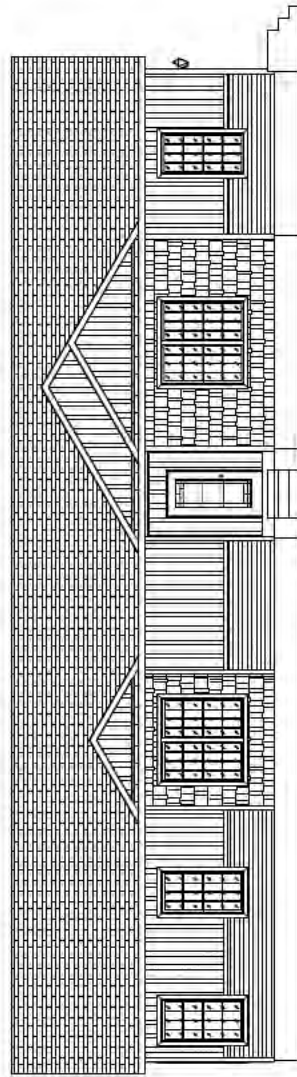


Rear Elevation

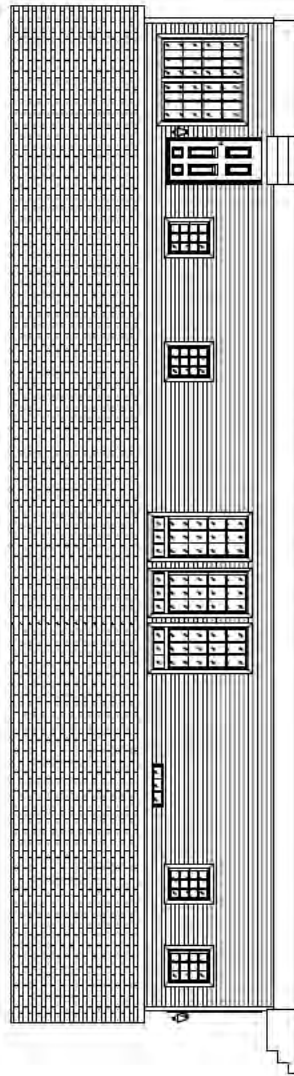


Right Elevation

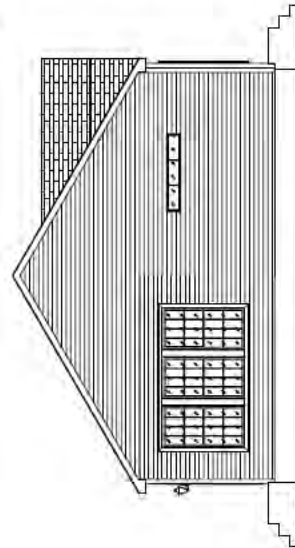
EDEN VILLAGE OF KANSAS CITY COMMUNITY BUILDING



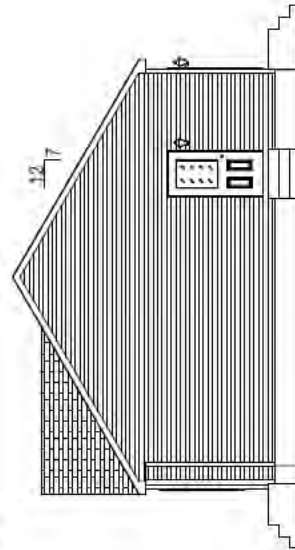
FRONT ELEVATION



REAR ELEVATION



SIDE ELEVATION



SIDE ELEVATION



Figure 4. Site Photograph of 1013 Metropolitan Avenue looking southeast from Metropolitan Avenue (provided by Planning Staff).



Figure 5. Site Photograph of 1013 Metropolitan Avenue looking south from Metropolitan Avenue (provided by Planning Staff).



Figure 6. Site Photograph of 1013 Metropolitan Avenue looking north from Ruby Avenue (provided by Planning Staff).



Figure 7. Site Photograph of 1003 Ruby Avenue and 1605 South Baltimore Street looking southwest from Ruby Avenue (provided by Planning Staff).



Figure 8. Site Photograph of 1013 Metropolitan Avenue, 1003 Ruby Avenue and 1605 South Baltimore Street looking east from Ruby Avenue (provided by Planning Staff).



Figure 9. Site Photograph of a mobile home model looking north from Metropolitan Avenue (provided by Planning Staff).

(First published _____)

COZ2022-024

ORDINANCE NO. _____

AN ORDINANCE rezoning property hereinafter described located at approximately 2730 South 69th Street, in Kansas City, Kansas, by changing the same from its present zoning of R-1 Single Family District to A-G Agriculture District.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF
THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY,
KANSAS, AS FOLLOWS:

Section 1. It is hereby found and determined that a petition was filed on June 24, 2022, by the owners of property to have the zoning of said property changed from its present zoning of R-1 Single Family District to A-G Agriculture District.

It is likewise found and determined that the Planning Commission published notice, mailed notices, held public hearing(s), prepared recommendations and followed the procedures provided by law.

Section 2. In compliance with recommendations of the Planning Commission, it is hereby ordained that the zoning of the following described property:

9261, S34, T11, R24, Acres 18.18, BEG SW COR NW ¼; E 684.8 FT, N 200 FT, E 714.53FT, N14W-89.21FT, N76E-180FT, N14W-170FT, W 639.39FT, N14W-180FT, W 810.08FT, S660FT TO POB CONTG 16.2 AC M/L, Located at approximately 2730 South 69th Street, Kansas City, Kansas,

be changed from its present zoning of R-1 Single Family District to A-G Agriculture District, as defined by the Zoning Ordinances of Kansas City, Kansas.

Section 3. The Planning and Urban Design Department of Kansas City, Kansas, is hereby ordered and directed to cause such designation to be made on the official District Map of said City in its custody and to show the property herein described to be now zoned for A-G Agriculture District. Said District Map, previously incorporated by reference by Section 27-408 of the Code of

Ordinances of Kansas City, Kansas, is hereby reincorporated as part of the Zoning Ordinance as amended.

Section 4. This ordinance shall be in full force and effect from and after its passage, approval and publication in the Wyandotte Echo.

PASSED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS THIS _____
DAY OF _____, 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 _____)

SP2022-081

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 SP2022-081, commonly known as 12200 Donahoo Road, Kansas City, Kansas, legally described as:

Section 21, Township 10, Range 23, BEG 508FT E & 40FT N OF SW COR; N 360FT, E 155.1FT, S 360FT, W 154.55FT TO POB CONTG 1.28AC M/L, located at approximately 12200 Donahoo Road, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for a dog kennel for six (6) dogs.

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 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.

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 _____)

SP2021-090

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 SP2021-090, commonly known as 146 South 18th Street, Kansas City, Kansas, legally described as:

LOTS ONE & TWO IN BLOCK SIX, SILVER SPRINGS, AN ADDITION IN KANSAS CITY, WYANDOTTE COUNTY, KANSAS, located at approximately 146 South 18th Street, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for a liquor store.

Section 3. Conditions and Stipulations. The Special Use permit granted in Section 1 and 2 hereinabove, in addition to full compliance with any general provisions contained in Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, is hereby contingent upon the performance and observation of the following additional and supplementary regulations, stipulations, conditions and restrictions, of which any violation of any hereafter enumerated will be an additional basis for revocation in addition to those factors specified in Section 27-214:

- 1. Per Section 27-575(d)(8), internal vehicular, bicycle and pedestrian circulation must connect in a manner obvious to users;**
- 2. Per Section 27-575(d)(12), pedestrian connections must be clearly defined in a combination of two or more of the following ways: six-inch vertical**

curb; trellis; special railing; bollards; special paving; low seat wall or other architectural features; pedestrian scale lighting; and, traffic calming devices;

3. Per Section 27-577(a)(5), Landscaping shall exceed the typical code requirements by at least 75 percent;
4. Per Section 27-577(b)(1), new construction must provide at least a 25-foot landscape zone between structures and/or parking lots and all public streets and access easements 40 feet wide or greater. This requirement may be reduced to 12 feet where there is no paving, other than a sidewalk, between a building and the right-of-way. The distance is to be measured from the public right-of-way or curbline of a private easement;
5. Per Section 27-577(b)(2), landscape berms and/or continuous rows of shrubs are required to screen parking from adjacent development or public streets. Shrubs used in this area must not exceed a maximum height of 30 inches at maturity;
6. Per Section 27-577(c)(4), landscape areas located between commercial districts and residential districts must provide 100 percent sight-obscuring year-round buffer using plant material or a combination of fence, berm and plant material;
7. Per Section 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;
8. Per Section 27-577(e)(1), parking lot landscaping must be used to minimize the expansive appearance of parking lots, provide shaded parking areas, and mitigate any negative acoustic impacts of motor vehicles;
9. Per Section 27-578(b)(3), minimum maintained lighting standards that provide for nighttime illumination of parking lots, walkways, entrances, exits and related areas to promote a safe environment;
10. Alcoholic liquor, CMB, non-alcoholic malt beverage, and any other goods or services may be sold in a retail liquor store. Lottery tickets and cigarette and tobacco products with proper licensure may be sold in a retail liquor store. Sales of other goods and services must not exceed 20% of total gross sales. The 20% excludes lottery, CMB and cigarette and tobacco product sales;
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. This City Planning Commission case is being heard in conjunction with BOZA2021-041. Any approval by the City Planning Commission of this case, and the conditions of approval contained herein, are contingent, and shall only go into effect, upon the approval of Appeal BOZA2021-041 by the

Board of Zoning Appeals and upon any ordinance publications required by law;

13. The applicant has filed and maintained a current business occupation tax application;
14. A building permit is required for the construction of a permanent structure greater than 120 square feet. 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. The applicant, contractors, subcontractors, and related third parties shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets and Retaining Walls, as applicable;
16. All existing and future driveways must feature curb cuts that are constructed to UG standards;
17. 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 10,019 square feet, requiring two (2) trees be provided on the site plan.
18. Section 27-467(g) requires that a six (6) foot high architectural screening is to be provided along all side and rear property lines common to or across an alley from residentially zoned property. Additional screening or buffering may be required to soften the visual impact of parking or unsightly areas;
19. 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. Any illumination that results from use of the parking lot shall not be seen or otherwise impact adjacent residential uses;
20. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
21. 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;
22. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for

renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,

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

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 _____)

SP2023-004

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 SP2023-004, commonly known as 10 South Hallock, Kansas City, Kansas, legally described as:

The north 40 feet of lot 9, all of lots 10, 11, and all that part of vacated Prospect Avenue now known as South 6th Street lying east of said south 6th Street as now located all in Block 21, River View Addition, a subdivision in the City of Kansas City, Wyandotte County, Kansas, except the following described tract. Beginning at the southeast corner of the north 40 feet of Lot 9, thence north 06°39'38" east 91.37 feet; thence south 87°13'30" east 45.07 feet to the northwest corner of Lot 2 Block 21; thence south 32°07'20" west, along the east line of Lots 11, 10, and 9, 104.59 feet to the point of beginning, located at approximately 10 South Hallock 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. Maximum number of guests shall be 7;**
- 2. All parking must be off-street, maximum number of vehicles is three (3);**
- 3. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;**
- 4. Applicant must maintain liability insurance;**
- 5. Applicant must maintain the property's physical condition through the duration of the permit;**
- 6. All reservations shall be a minimum stay of 24 hours;**
- 7. No meals shall be prepared in the dwelling by the owner or owner's agent;**
- 8. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;**
- 9. The owner or owner's agent/operator shall provide a guest book with the following information:**
 - a. Information within the dwelling unit to inform and assist renters/guests in the event of a natural disaster, power outage, or emergency including but not limited to tornado, severe weather or storm, or flash flooding. Information should contain appropriate designation for shelter in place, evacuation, or utility contact information;**
 - b. A lead-based paint notification for any property built before 1978.**
 - c. An asbestos notification for any property built before 1981.**
 - d. Information for the guest to report any concerns to Host Compliance at 913-246-5133 (phone number) and www.hostcompliance.com/tips (website);**
- 10. The property must remain in proper maintenance and free of hazards, pests, or infestations;**
- 11. Entertainment hours are limited to 10:00 AM to 12:00 AM;**
- 12. All entertainment must cease by 11:00 PM;**
- 13. All other applicable noise ordinance standards must be followed per Section 22-128;**
- 14. Doors and windows must stay closed during any entertainment performance;**
- 15. Any illumination that results from an entertainment event shall not be seen or otherwise impact adjacent residential uses;**
- 16. The Department of Planning + Urban Design shall not give approval for any temporary certificate of occupancy (TCO) or final certificate of occupancy (CO) before the completion of all required work. For any project that requires a certificate of occupancy, prior to requesting for any certificate, the applicant, permit holder, and/or property owner shall complete all items required by: Approved Plans, Codes, Ordinances, Zoning District**

Regulations, Planned District Requirements, Master Plan Requirements, all Design Guideline Requirements, Overlay District Requirements, Requirements approved by the City Planning Commission and/or the UG Board of Commissioners. It is the collective responsibility of the applicant, permit holder, and property owner to ensure that any and all permits, land entitlements, deviations, or variances are obtained in advance of beginning of any work. Planning Department standards require that all required work be complete prior to requesting a TCO. The only item that is allowed to be incomplete is landscaping, which shall be complete before requesting a CO. A Bonded CO may be allowed in case of adverse weather conditions; however, all requirements must be completed for all items not secured by the bond;

- 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 one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;**
- 21. All conditions of approval herein must be constructed, executed, implemented, or otherwise completed within six (6) months of approval unless otherwise determined by the Director of Planning or their designee; and,**
- 22. 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



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: April 27, 2023

Re: Petitions COZ2023-001 and MPL2023-001

GENERAL INFORMATION

Applicant:

David Block with Block and Co., Inc.

Status of Applicant:

Representative
Philip Goforth with Genesis Realty &
Development, LLC
4420 Madison Avenue
Kansas City, MO 64111

Requested Actions:

Master Plan Amendment from Planned
Commercial District (Prairie Delaware Piper
Master Plan) to Mixed Use (City-Wide
Comprehensive Plan).

Change of Zone from CP-2 Planned General
Business District to CP-3 Planned
Commercial District.

Date of Application:

January 27, 2023

Purpose:

To convert the former Cerner office building
towers to a mixed-use building with ground
floor commercial and 8-stories of apartments.



Property Location: 10200 Abilities Way, Kansas City, KS 66111

Commission District:	Commissioner At-Large, District #2: Tom Burroughs Commissioner District #7: Chuck Stites
Existing Zoning:	CP-2 Planned General Business District
Adjacent Zoning:	North: CP-2 Planned General Business District (across State Avenue) South: CP-2 Planned General Business District East: None (Interstate 435 right-of-way) West: A-G Agriculture District
Adjacent Uses:	North: Great Wolf Lodge (across State Avenue) South: Chateau Avalon Hotel East: Interstate 435 West: Kansas Speedway
Total Tract Size:	58.68 Acres
Master Plan Area:	Prairie Delaware Piper Master Plan
Master Plan Designation:	The Prairie Delaware Piper Master Plan designates this area as Planned Commercial, which allows major retail uses, including restaurants and hotels, as well as centers for large discount stores currently called big box centers and have stores that serve large populations. A Master Plan Amendment has been filed to amend to Mixed Use (City-Wide Comprehensive Plan), which allows specialty retail, sit-down restaurants, convenience retail uses such as banks, drug stores, professional and office services, institutional uses such as churches, schools, libraries, parks, plazas and open space, and mixed-density residential uses.
Major Street Plan:	The Major Street Plan classifies State Avenue and Village West Parkway as a Class A Thoroughfare.
Required Parking:	Sec. 27-467(e) requires paved off-street parking at a ratio of not less than four (4) spaces per 1,000 square feet of floor area in the building. 2,599 spaces currently exist. 736 parking spaces are required based on the potential of 464 apartment units and 477 parking spaces are required based on the potential of 119,226 square feet of ground floor retail and/or office, totaling 1,213 parking spaces.
Advertisement:	<u>The Wyandotte Echo</u> – February 16, 2023 Letters to Property Owners – February 17, 2023 and March 6, 2023

Public Hearings:	April 10, 2023 and April 27, 2023
Public Support:	None to date.
Public Opposition:	Greg Kindle, President, WYEDC, appeared in opposition due to a reduction in taxes generated on the property due to the change in use from office to mixed-use.

PROPOSAL

Detailed Outline of Requested Action: The applicant, David Block with Block and Co., Inc., seeks a Change of Zone from CP-2 Planned General Business District to CP-3 Planned Commercial District and a Master Plan Amendment from Planned Commercial (Prairie Delaware Piper Master Plan) to Mixed Use (City-Wide Comprehensive Plan) to operate a mixed use development with ground floor commercial (retail and/or office) below 8-stories of one (1), two (2) and three (3) bedroom apartments with on-site amenities for residents on 58.68 acres.

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

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. None

Building, Zoning, or Code Enforcement Complaints:

1. None

Outstanding or Related Permits and Cases:

1. #PR-2011-25 was approved by the Board of Commissioners on August 25, 2011 to build a 642,951 square foot, two (2) building office complex for the Cerner Corporation.

FACTORS TO BE CONSIDERED

1. Neighborhood character.

This character of the neighborhood is dominated by the Kansas Speedway to the west, but also the Speedway's ownership of frontage along Village West Parkway. This site is at the southern entrance into the Village West commercial development, which continues north on Village West Parkway and west on State Avenue.

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

With the exception of the Kansas Speedway, which is zoned A-G Agriculture District, that use operates with a Special Use Permit, and is commercial in nature, the area is largely undeveloped to the south along Village West Parkway with the exception of Chateau Avalon, abutting this property and Hollywood Casino further southwest. The Village West shopping area is north along State Avenue, across the street from this proposed use.

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

The property is currently suitable for office. Removal of the restrictions to allow the building to be converted to a mixed-use building will not detrimentally affect nearby property because the businesses that operate along the corridor are commercial and can be supported by the residents.

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

The property has been vacant since mid- to late-2020 as a result of the COVID-19 pandemic.

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

The proposed use is not reasonably necessary for the convenience and welfare of the public, except for those that choose to live in the development and will not substantially or permanently injure the appropriate use, visual quality, or marketability of nearby property as the physical site is not changing and there is a surplus of on-site, off-street parking to accommodate current and future land uses.

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

The proposed use will not increase traffic or parking demand in ways that will adversely affect the road capacity of Village West Parkway or State Avenue, safety or create parking problems because there is a surplus of parking for residents, guests and future development that may occur on the property.

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

The proposed use does not conform to the Prairie Delaware Piper Master Plan Planned Commercial designation, which allows major retail uses, including restaurants and hotels, as well as centers for large discount stores and other big

box commercial centers that serve large populations. A Master Plan Amendment has been filed to amend to Mixed Use (City-Wide Comprehensive Plan), which allows specialty retail, sit-down restaurants, convenience retail uses such as banks, drug stores, professional and office services, institutional uses such as churches, schools, libraries, parks, plazas and open space, and mixed-density residential uses.

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

The proposed use will not cause environmental harm if the proposed use, as the building and site are developed, and the Applicant intends to convert the building from offices to retail/office and apartments. The proposed use has the ability to enhance the environment by adding walking trails around existing detention basins and water features and replace dead trees and shrubs.

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

a. *Water service*

Water service is provided by BPU.

b. *Sanitary sewer service*

Sanitary sewer service is provided by the UG.

c. *Storm water control*

Designed to meet City Code.

d. *Police*

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

e. *Fire*

Fire service is provided by Station #6 located at 95th & State Avenue.

f. *Transit*

Kansas City ATA does not provide transit services near this property. The closest transit stop is at Village West Parkway and Bass Pro Drive, approximately 2,000 feet to the north.

g. *Schools*

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

h. Streets

See item #6 above.

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

The proposed use will have an economic impact on the community as residents will shop and patronize businesses in the Village West area, an otherwise vacant building will be revitalized.

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

The proposed use is capable of meeting applicable ordinance requirements.

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

The relative gain to the public health, safety and welfare as compared to the hardship imposed on the landowners is minimal. If this petition is denied, the applicant will still be able to use the property, however, not in the manner that was intended.

PREVIOUS ACTIONS

- #PR-2011-25 was approved by the Board of Commissioners on August 25, 2011 to build a 642,951 square foot, two (2) building office complex for the Cerner Corporation.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting in-person at 1919 Prairie Crossing on March 24, 2023. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Open Space
Tree Preservation
Pedestrian Connectivity
Phasing
Amenities
Screening and Landscaping

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 1 to recommend **APPROVAL** of Change of Zone Application **COZ2023-001** and Master Plan Amendment Application **MPL2023-001**, including the requested deviations from the multi-family guidelines subject to:

1. The following requirements of the office towers conversion to mixed-use within the Mixed-Use Design Guidelines *have not* been met and the Planning Commission has approved the below requested deviations:
 - a. Streets within these areas will be designed to be low-speed and bicycle and pedestrian friendly through provisions of wide sidewalks and pedestrian amenities such as street trees, landscaping, benches, trash receptacles, etc.;
 - b. A minimum of 75% of the buildings should have a zero (0) foot setback;
 - c. On-site parking will be located behind the buildings;
 - d. The frontage of all mixed-use buildings should include pedestrian-oriented elements such as:
 - i. Transparent display windows
 - ii. Outdoor seating for dining areas
 - iii. Public art and pedestrian amenities such as fountains, benches, etc.;
 - e. In multi-tenant, multi-story buildings, at least one, lobby entrance at the ground floor should be provided having direct visibility and access from the street; and,
 - f. High quality masonry building materials approved for this district are stone, brick, cast stone and stucco. Synthetic stone, such as pre-manufactured fiberglass, cultured stone, or glass-fiber reinforced concrete is permitted, provided that it is identical in appearance and of equal or greater durability to natural stone. These masonry materials shall be required to 65% of the sum total of all buildings facades, except single-family houses, which shall have 25% of the sum total of all facades.
2. A Final Development Plan is required for any additional development aside from the occupancy conversion and amenities, as shown conceptually in the out-parcel site layout;
3. Extend the sidewalk from the edge of the parking lot along the northern drive, closest to State Avenue right-in/right-out and stripe a crosswalk across Village West Parkway and tie into the existing sidewalk on the west side of Village West Parkway at Homestead-Miami Drive;
4. KDOT will reconstruct the Interstate 435 and State Avenue interchange to a Diverging Diamond Interchange (DDI), therefore build a sidewalk along State Avenue to the northeastern most property line towards I-435 and connect to the future sidewalk/intersection;
5. Install walking trails within the open space, around Little Turkey Creek (Lot 1C) and through the development as an amenity for residents;
6. Replace and repair existing curbs, pavement and landscaping;
7. Rideshare platforms (i.e., Uber, Lyft, etc. should be incorporated into this development as an alternative mode of transportation;

8. If not already provided, a Knox box shall be provided for KCKFD at the gated ingress/egress;
9. Record a deed to preserve the creek and open space to the south;
10. After preliminary conversations with Ryan Hurst, Interim Director, Department of Transportation, micro-transit is being studied within the Village West area in conjunction with employment centers in the area. Show the transit stop in front of the property on the site plan. A bench should be provided, but further discussions with KCATA is necessary to determine if a bus shelter is warranted. Contact Ryan Hurst, Department of Transportation at (913) 573-8312 or rhurst@wycokck.org;
11. No direct access onto State Avenue from 10200 Abilities Way;
12. Replace any trees and shrubs that are dead or dying;
13. Sec. 27-700(b)(9) Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky-reflected glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed one-foot candle as measured from said property line;
14. All lighting on the property, both on the buildings and in parking lots shall have 90-degree cutoff fixtures;
15. 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;
16. Per Business Licensing Department: All occupying businesses will need to file and maintain the occupation tax application with our office for their business activity;
17. 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;
18. 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;
19. A Pre-Construction meeting is required for any improvements to public infrastructure upon the approval and issuance of a Development Review Committee (DRC) Permit. Any improvements to, construction or alteration of sanitary systems, stormwater systems, public or private streets, sidewalks, or other public infrastructure will require a pre-construction

- meeting with the Department of Public Works. The applicant is required to contact the County Engineer at (913) 573-5400 or by info@wycokck.org prior to construction to arrange this meeting;
20. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
 21. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed by right or by Special Use Permit under the new zoning district, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located; and,
 22. 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 Unified Government 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 **COZ2023-001** and **MPL2023-001** subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

April 10, 2023 City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Designation Map
Mixed Use Land Use Designation
Mixed Use Design Guidelines
Amenity Standards
Applicant Response Letter
Neighborhood Meeting Minutes
Applicant Letter
Existing Site Plan for Cerner
Existing Landscape Plan for Cerner

Floor Plan
Building Elevation
Site Photographs taken by Staff on February 14, 2023

REVIEW OF INFORMATION AND SCHEDULE

Action	City Planning Commission	Unified Government Board of Commissioners
Public Hearing	April 10, 2023	April 27, 2023
Rezoning	Approval	
Master Plan	April 10, 2023	April 27, 2023
Amendment	Approval	

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

MOTIONS

Master Plan Amendment

I move the Unified Government Board of Commissioners **APPROVE** Petition **MPL2023-001** 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 **MPL2023-001** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

Change of Zone

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2023-001** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____;
2. _____; And

3. _____.

OR

I move the Unified Government Board of Commissioners **DENIAL** of Petition **COZ2023-001**, 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.

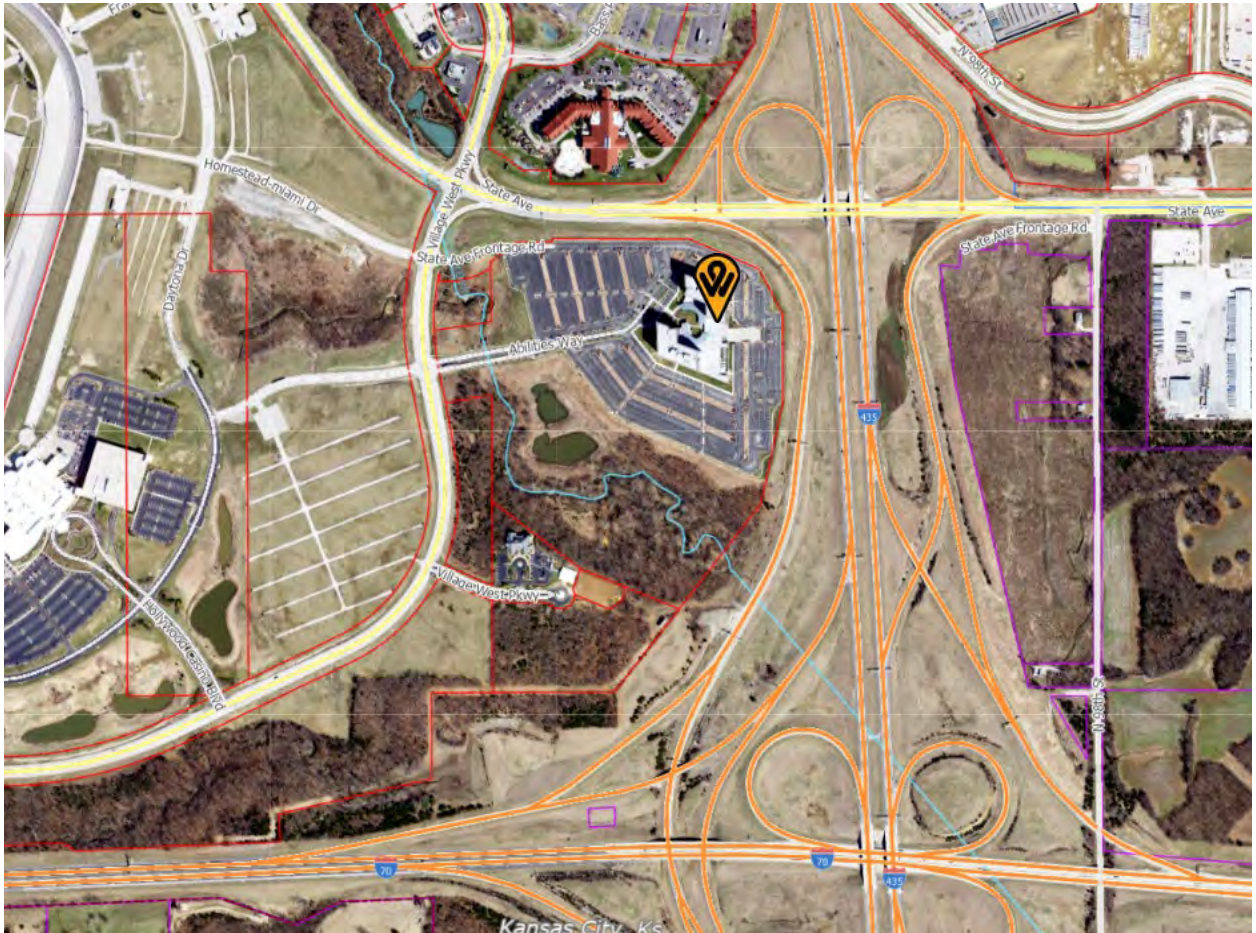


Figure 1. Aerial Map for 10200 Abilities Way (provided by UG Maps).

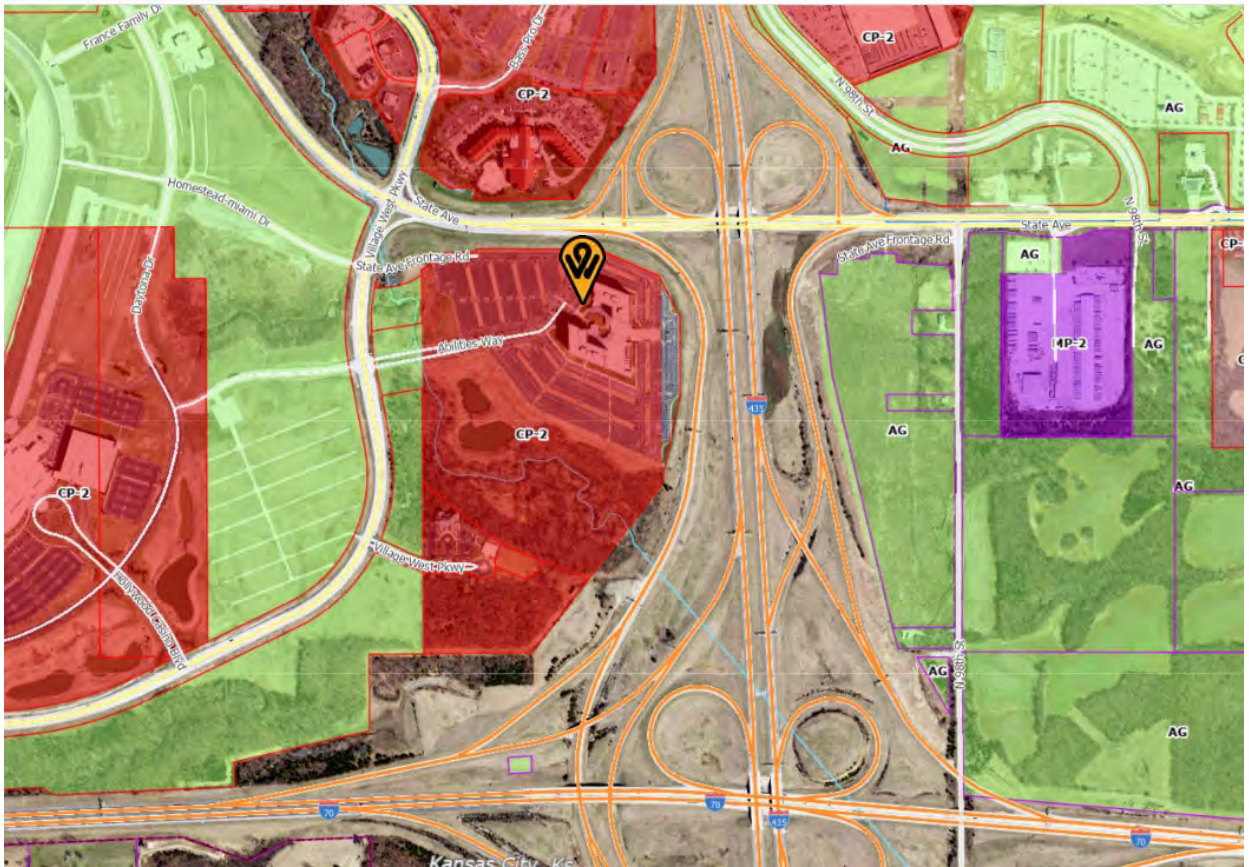


Figure 2. Zoning Map of 10200 Abilities Way (provided by UG Maps).

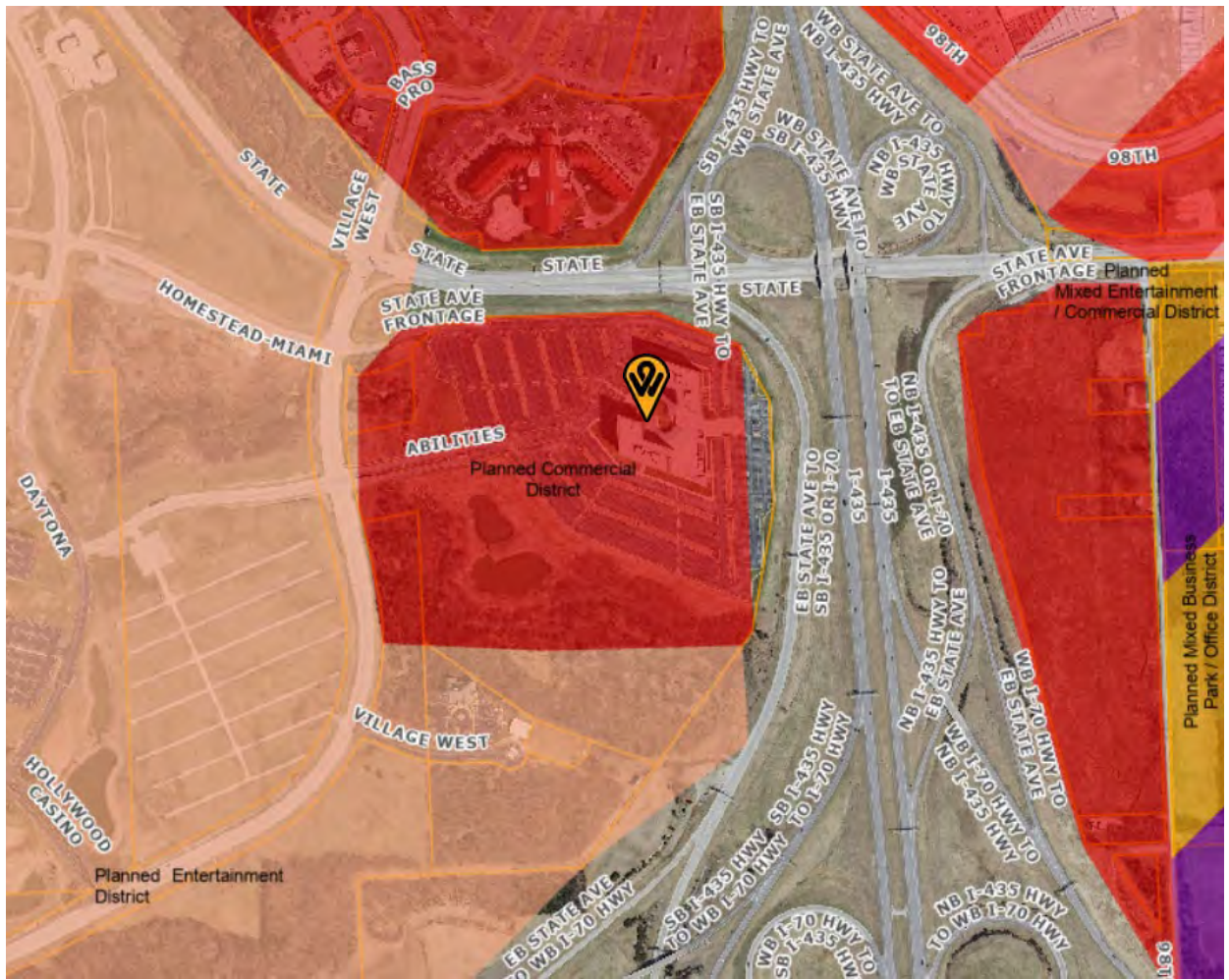


Figure 3. Prairie Delaware Piper Master Plan Land Use Designation Map (provided by ArcGIS Pro).

Mixed-Use: Located at major arterial intersections and within traditional neighborhood design (TND) developments, these areas are ideal for integrating complimentary land uses such as retail, offices, small businesses and mixed-use residential.

- **Allowed Uses:**
 - Specialty retail
 - Sit-down restaurants
 - Convenience retail uses such as banks, drug stores, etc.
 - Professional and office services
 - Institutional uses such as churches, schools, libraries, etc.
 - Parks, plazas and open space
 - Mixed-density residential uses
- **Discouraged Uses:**
 - Industrial uses
 - Business parks
 - Drive-through restaurants
 - Car lots
- **Required Infrastructure:**
 - Access to gravity sewer.
 - Access to a Class A or B thoroughfare or boulevard.
 - Minimum 8-foot sidewalk/trail.
 - Minimum 4-foot pedestrian path with landscape buffer and pedestrian lighting from parking areas to buildings.
 - A traffic study will be required to determine access improvements such as turn bays, intersection controls, etc.
- **Design Guidelines:**
 - All developments must meet the minimum mixed use guidelines outlined on page 43-44.
- **Recommended Density:**
 - No floor to area ratio restrictions; however, uses should have adequate parking that does not negatively impact adjacent neighborhoods.
 - Residential densities: 4 to 12 dwelling units per acre
- **Green Principles:**
 - Incentives should be provided for:
 - Leadership in Energy and Environmental Design (LEED) compliant construction and/or use of **National Association of Home Builders (NAHB)** Green Building Council Standards.
 - Energy Star qualified buildings.
 - Bicycle and pedestrian connections to adjacent neighborhoods and developments.
 - Enhanced pedestrian amenities including site furniture, trash receptacles, lighting, etc.
 - Use of Best Management Practices (BMPs) for storm water management.
 - Shared parking (on-street parking should count towards requirement).
 - Transit oriented development (TOD).
- **Cultural Principles:**
 - Incentives should be provided for:
 - Integration of a central gathering space and associated amenities.



City-Wide Master Plan

UNIFIED GOVERNMENT OF WYANDOTTE COUNTY / KANSAS CITY, KANSAS

Mixed-Use Design Guidelines

The following design guidelines apply to all new mixed-use developments.

- Each development will have an identifiable center that includes defined “people places” for residents, shoppers, workers and visitors to gather, interact and recreate.
- Housing choices will be provided by offering a diversity of product types and price points to meet the needs of multiple demographic groups.
- Transit connections and facilities will be included within the overall design of the site. Development densities for commercial, office and residential uses will be greater within these areas to encourage transit use.
- Streets within these areas will be designed to be low-speed and bicycle and pedestrian friendly through provision of wide sidewalks and pedestrian amenities such as street trees, landscaping, benches, trash receptacles, etc.
- When practical, parking requirements should be decreased within these areas to encourage transit ridership.
- Auto-oriented uses such as drive-through restaurants and banks will be discouraged.
- A minimum of 75% of buildings should have a zero foot setback.
- Primary building facades should be parallel to the sidewalk.
- Where buildings are set back from the right-of-way, the open areas should be enhanced and used as public spaces such as a plaza or courtyard.
- The frontage of all mixed-use buildings should include pedestrian-oriented elements such as:
 - Transparent display windows
 - Outdoor seating for dining areas
 - Public art and pedestrian amenities such as fountains, benches, etc.
- On-site parking will be located behind the buildings.
- In multi-tenant, single-story buildings, each use should have at least one ground floor entrance directly visible and accessible from the street.
- In multi-tenant, multi-story buildings, at least one, lobby entrance at the ground floor should be provided having direct visibility and access from the street.
- Landscape is required to screen all parking areas and service entries.
- Trees are required in the public right-of-way along streets, at a minimum of one (1) shade tree every forty (40) feet.



City-Wide Master Plan

UNIFIED GOVERNMENT OF WYANDOTTE COUNTY / KANSAS CITY, KANSAS



- Buffers will be provided as a necessary transition when a mixed-use development is located adjacent to an existing lower-intensity or higher-intensity use and/or when fronting a highway or expressway by one or a combination of the following:
 - Establish a 22-foot landscape easement for a 3-foot berm and a row of evergreen trees every thirty (30) feet and a row of three (3) gallon evergreen shrubs every four (4) feet on center.
 - Establish a 16-foot landscape easement for a 2-foot berm and a row of evergreen trees every thirty (30) feet.
 - Establish a 10 foot landscape easement for a 6-foot high solid wood fence or masonry wall and a row of evergreen trees every thirty (30) feet.
 - The applicant submits a landscape plan that adequately addresses softening the development, buffering traffic sound, headlight glare, and identifies how the landscaping would be maintained and who is responsible for that maintenance.
- High quality masonry building materials approved for this district are stone, brick, cast stone and stucco. Synthetic stone, such as pre-manufactured fiberglass, cultured stone, or glass-fiber reinforced concrete is permitted, provided that it is identical in appearance and of equal or greater durability to natural stone. These masonry materials shall be required on 65% of the sum total of all building façades, except single-family houses, which shall have 25% of the sum total of all façades.
- Stucco in a mixed-use development shall mean traditional stucco or gypsum concrete/plaster materials with a smooth sand finish. Cement board siding may be used to fulfill the masonry requirement but the percentage of masonry becomes 100% excluding trim. Exterior Insulation and Finish Systems (EIFS) or pre-manufactured panels are not permitted.
- All accessory units and garages shall be constructed from the same materials as the main structure.
- Commercial uses shall be permitted one (1) wall sign and one (1) monument sign. Within a development, consolidation of signage is highly encouraged.
- Freestanding pole/pylon signs are not permitted.
- Signs should be made of high quality and durable materials such as concrete, brick, stone, metal panels or heavy-weight plastic panels. Materials such as plywood or painted masonry are not permitted.
- Low-scale signs such as wall signs, awning signs and building signs should be used for retail and office uses.
- The size and look of the sign shall be governed by the Sign Chapter of the Unified Government Zoning Code. The applicant or Development Review Board may create more restrictive regulation. Less restrictive regulation may only be approved by the Unified Government Board of Commissioners through a separate Special Use Permit.

Amenity Guidelines

Amenities within residential developments are an important factor when potential home buyers consider purchasing a home. Amenities enhance the overall value of a neighborhood and allow residents to meet and get to know one another.

Single-Family Residential Amenity Guidelines

Amenities are required for each residential subdivision. The requirements are based on the number of units within the subdivision. Residential developments of any unit type with fewer than 50 dwelling units are required to have one (1) Small Amenity. Residential developments with 50-to-200 dwelling units are required to have two (2) Amenities. Only one (1) of the required amenities may be a Small Amenity. Residential developments with more than 200 dwelling units are required to have three (3) Amenities, of which one (1) amenity may be considered a Small Amenity. All amenities will be built in the first phase of the development.

Multi-Family Residential Amenity Guidelines

Multi-family developments shall incorporate recreational amenities based on the number of units within the development. Multi-family developments with less than 25 dwelling units are required to have one (1) Small Amenity. Multi-family developments with 25-to-150 dwelling units are required to have two (2) amenities. Only one (1) of the required amenities may be a Small Amenity. Multi-family development projects with more than 150 dwelling units are required to have three (3) amenities, of which one (1) amenity may be considered a Small Amenity. All amenities will be built in the first phase of the development.

Residential Amenity Reference Table

Small:	
Basketball, volleyball, or other court sport.	
Open play area of at least 15,000 square feet with maximum of three (3) percent slope and low benches and one play structure.	
One picnic area with a minimum size of five-thousand (5,000) square feet and including a minimum of two (2) picnic tables, one (1) shelter, and one (1) barbecue grill/pit per area.	
Option provided by owner, but must be considered equal to one of the other small options.	
Regular:	
Swimming pool	
Golf Course	
Residential Clubhouse	
Two (2) basketball, volleyball, or other court sports.	
Two (2) lot lots with a minimum size of four-thousand (4,000) square feet per area, one (1) play structure per lot, one (1) bench per lot.	
Two (2) picnic areas with a minimum size of five-thousand (5,000) square feet and including a minimum of two (2) picnic tables, one (1) shelter, and one (1) barbecue grill/pit per area.	
Trail(s) for pedestrians and/or bicycles that connect(s) to the overall trail network within the area. This trail may be within preserved natural corridor.	
Option provided by owner, but must be considered equal to one of the other regular options.	



Date: 2/28/2023

Omid Shahbazian

On behalf of applicant:

Block & Company, Inc & Genesis Realty & Development, LLC

4420 Madison Ave.
Kansas City, MO 64111

Reference: response to staff comments and recommendations Change of Zone Petition COZ2023-001 and Master Plan Amendment MPL2023-001 – [10200 Abilities Way, Kansas City, KS 66111]

Dear Byron Toy,

Please find following responses to DRAFT report, COZ2023-001_MPL2023-001. Upon review please let us know should you have any questions or concerns.

STAFF COMMENTS AND SUGGESTIONS

Planning and Urban Design Comments:

a) General Planning:

1. For reference, these two (2) office building towers are proposed to be converted into ground floor commercial retail/office with 8-stories of apartment units totaling between 416 and 464 units.
2. A Final Development Plan is required for any additional development aside from the occupancy conversion and amenities, as shown conceptually in the out- parcel site layout. **Final development plans will be submitted upon re-zoning approval and will be included comprehensive plans outlining occupancy type and amenities.**
 - a. What is the anticipated timeline for the future out-parcel development? **12-24 Month**
3. Review the Mixed-Use Design Guidelines. If the proposed development does not meet a specific standard or element, a deviation must be requested in writing, detailing how the development cannot meet each specific guideline. The deviation will be reviewed by Planning Staff and must be approved by the City Planning Commission. **Noted.**
4. Extend the sidewalk from the edge of the parking lot along the northern drive, closest to State Avenue right-in/right-out and stripe a crosswalk across Village West Parkway and tie into the existing sidewalk on the west side of Village West Parkway at Homestead-Miami Drive. **Development team will consider this request and will incorporate the design in final development plans upon re-zoning approval.**
5. KDOT will reconstruct the Interstate 435 and State Avenue interchange to a Diverging Diamond Interchange (DDI), therefore build a sidewalk along State Avenue to the northeastern most property line

4420 Madison Ave, Kansas City, MO 64111

towards I-435 and connect to the future sidewalk/intersection. Development team will consider this request and will incorporate the design in final development plans upon re-zoning approval

7. Install walking trails within the open space, around Little Turkey Creek (Lot 1C) and through the development as an amenity for residents. Development team has considered a walking trail for this re-development and will propose upon completion of re-zoning.

8. Replace and repair existing curbs, pavement and landscaping. **Noted.**

9. What on-site amenities will be available for residents? Walking trail, outdoor or indoor pool, Fitness/Gym/Wellness center, potential health clinic, residence lounge that would be designed in a way that residents have space to socialize and relax and may have featured amenities such theater room, kitchen, game room etc. the goal is to provide such amenities that enhances the living experience for residents and create a sense of community within the complex.

10. What programming is proposed between the 119,226 square feet of ground floor gross building area of Towers 1 and 2? Majority of space has been utilized for mechanical rooms, back of kitchen etc. rest of the remaining area planned for restaurant, GYM, retail, meeting room, lobby and residence lounge, residence indoor amenities that will be reflected in Final Development Plans.

11. Will both towers be redeveloped at the same time, or will the change of occupancy be a phased plan? Development team is planning to launch both towers at the same time.

12. Luxury senior housing is described as a floor within Tower 1, please clarify how this use fits within the overall mixed-use development. As a conceptual plan, development team believes that by having such a significant space as shared amenities between both towers, on-site dining, healthcare center, etc. incorporating a senior housing floor can provide range of benefits both to the seniors and the community as a whole despite the fact that brings sense of community to the complex. There are some steps to be taken to successfully incorporate this idea and development team hasn't finalized the decision on this this item yet.

13. Will there be Uber, Lyft or other rideshare pick-up/drop-off areas? Development team didn't plan for UBER, Lyft pick up / drop off station but will consider a location for this purpose during design development stage as will provide more comfort for the residences.

14. Will the loading docks in the rear be used? At this point the development team does not anticipate changing the rear loading docks.

15. Will the site remain gated? Do you intend to keep the guard house? Gated for Primary residences, we anticipate to keep the guard house however will be defined better once development plans completed and proposed for review.

16. Record a deed to preserve the creek and open space to the south. Development team need to further investigate this request, if the creek inside the property line we may need to incorporate some parking, trail etc.

17. Show the transit stop in front of the property on the site plan. A bench should be provided, and a bus shelter may be warranted. Further discussion with KCATA is necessary. **Contact Ryan Hurst,**

4420 Madison Ave, Kansas City, MO 64111

Department of Transportation at (913) 573-8312 or rhurst@wycokck.org. our traffic engineers will coordinate with Mr. Hurst during design development and KCATA.

18. No direct access onto State Avenue from the 10200 Abilities Way. Noted.

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

20. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly. Noted and will be coordinated during construction permit review process.

21. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly. Noted.

22. A Pre-Construction meeting is required for any improvements to public infrastructure upon the approval and issuance of a Development Review Committee (DRC) Permit. Any improvements to, construction or alteration of: sanitary systems, stormwater systems, public or private streets, sidewalks, or other public infrastructure will require a pre-construction meeting with the Department of Public Works. The applicant is required to contact the County Engineer at (913) 573-5400 or by info@wycokck.org prior to construction to arrange this meeting. Noted.

b) Landscaping and Screening:

1. Replace any trees and shrubs that are dead or dying. **Will be coordinated in final development plans.**

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

3. All lighting on the property, both on the buildings and in parking lots shall have 90-degree cutoff fixtures. **Noted a photometric study will be done for site lighting purpose.**

b) Signage:

1. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process. **Noted, a separate**

4420 Madison Ave, Kansas City, MO 64111



application for building signs will be provided to Planning and Urban design for future site and building signs.

Planning Engineering Comments:

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

1) None

B) Items that are conditions of approval:

1) Detailed engineering comments are made by separate technical review of the plans and submitted directly to the applicant. Provide revised plans and responses in accordance with the engineering comments. **Development team proposing no changes to current approved plan prior re-zoning to proper use for re-development.**

C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:

1) None

Best Regards

Omid shahbazian

Genesis Team

4420 Madison Ave, Kansas City, MO 64111



Application Number: COZ2023-001

Date and Location: March 24th, 2023, at 1919 Prairie Crossing St. Kansas City, KS

Meeting called to order at: 2pm

Names of people in attendance: Steve Beaumont

Questions:

- How many units in each building?
 - 464 in total
- Will there be additional parking garages built?
 - No, there are currently 3300 open spots.
- Will first floor be CP3 zoning?
 - Yes.

Meeting Adjourned at: 2:30pm

Minutes taken by: Arianna Tomes

Genesis Realty & Development, LLC
4420 Madison Ave. Kansas City, MO 64111
816-756-2331

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF KS)
COUNTY OF WY) SS:

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

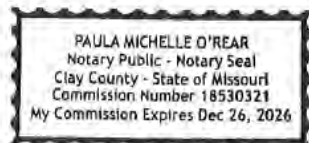
1. That I am the petitioner for Petition # COZ2023-001
2. That I conducted a neighborhood meeting on March 24th 2023.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

Philip Goforth
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 27th day of March, 2023.

My commission expires 26th of December 2026.



Paula Michelle O'Rear
Notary Public



Change of use description

Buildings & Existing Improvements

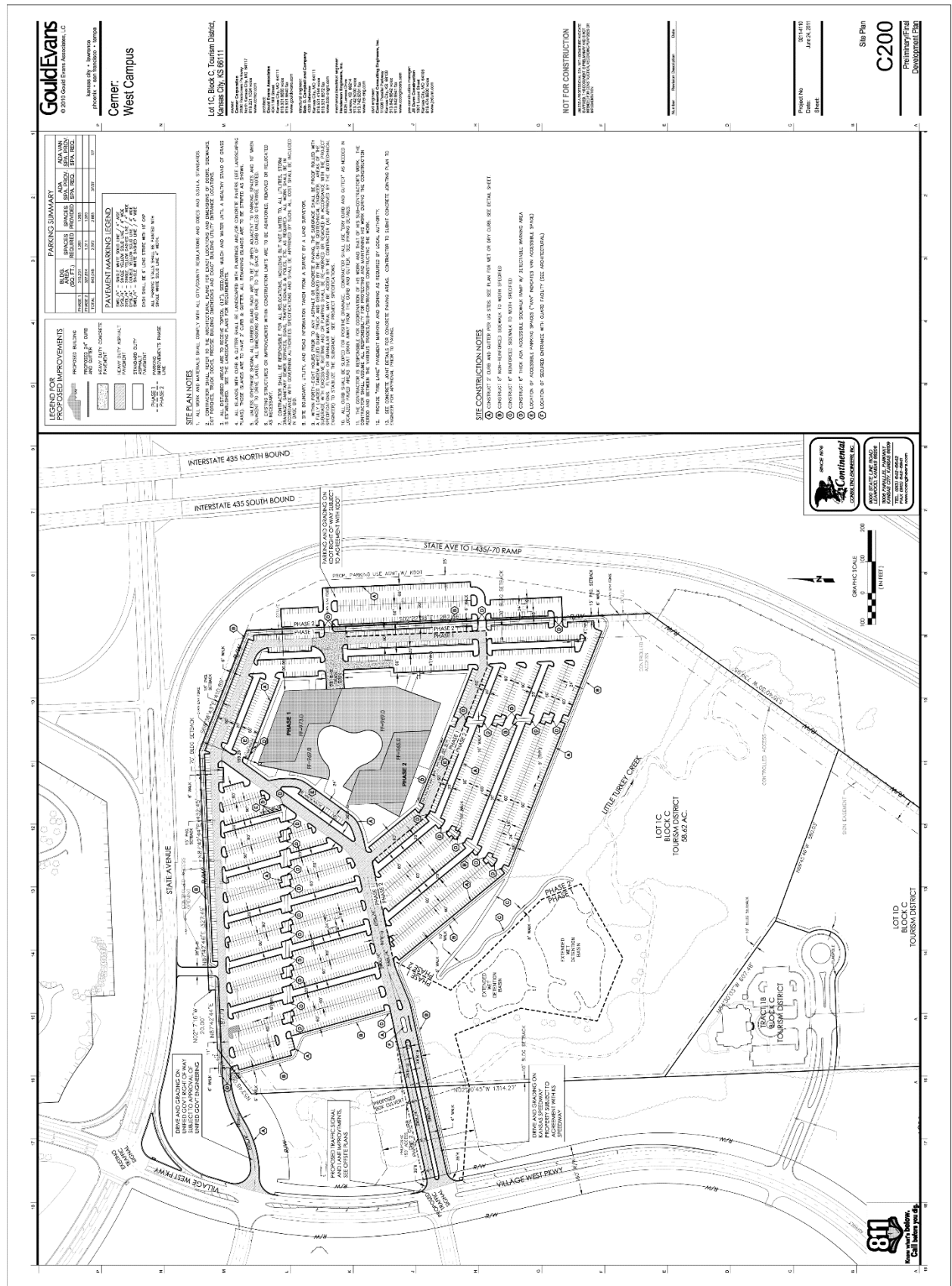
- The development team is requesting a change of use from its current exclusive designation of office to a zoning allowance of mixed-use.
- The mixed-use zoning would allow the re-development to include apartments, amenities, retail space, restaurants and still maintain some office areas specifically for co-working areas.
- The re-development plan could include a range of luxury apartments on upper floors, with the unit count ranging from 350 – 464.
- Lower floors would be used for the amenities and other common area uses described above.
- The plan would maintain the exterior of the buildings as-is.
- The re-development and construction would be interior, tenant-finish type of work to construct the individual apartment floor plans as depicted in pages below.

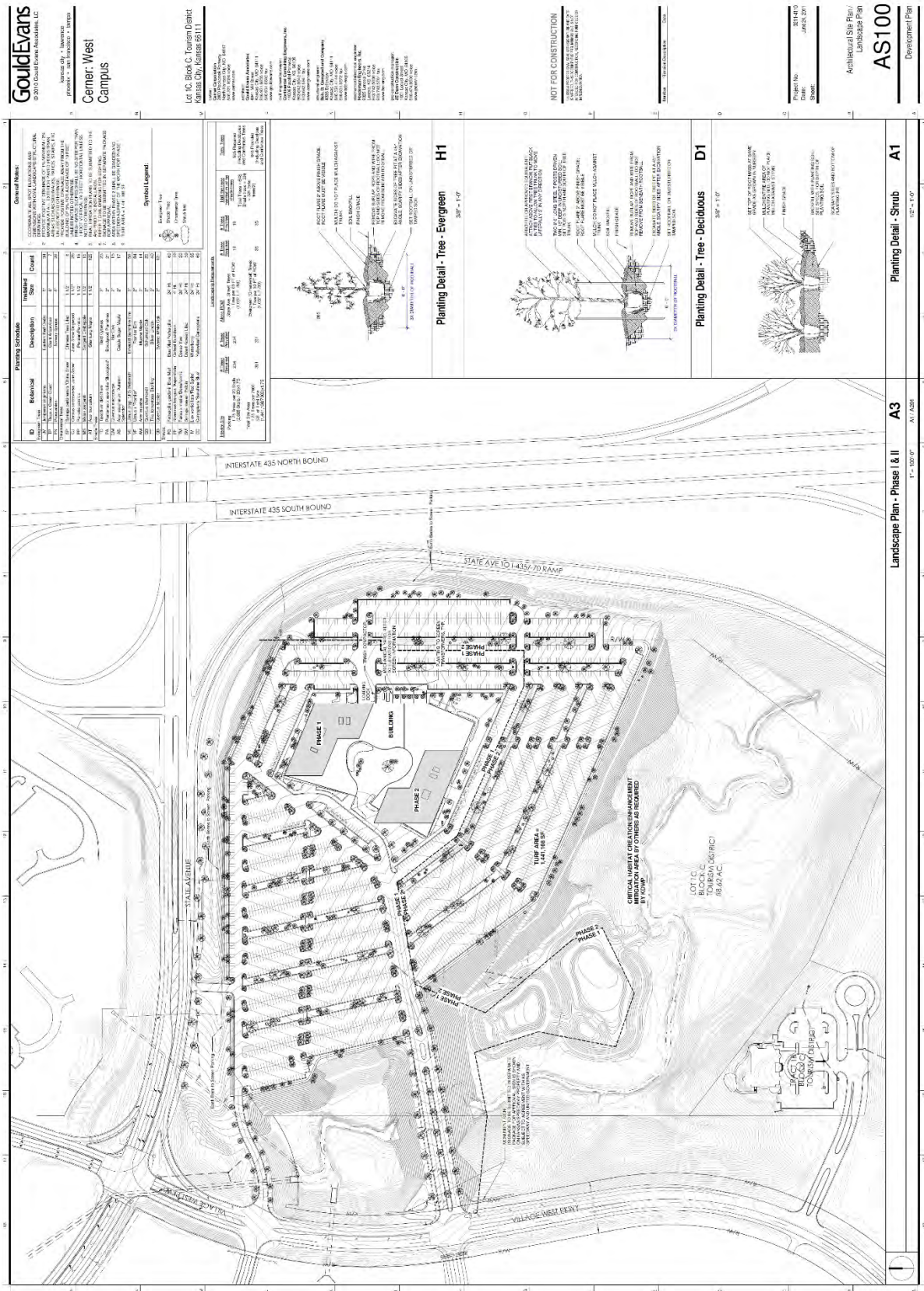
Use of excess land and out-parcels

- The re-development will maintain parking as required for the new residential component and possibly utilize excess land in the future, for other entertainment, hotel, retail and/or restaurant facilities.
- The mixed-use designation would accommodate these potential uses, which would enhance the overall re-use strategy and add to the quality of the area.

Residential Concepts

- The residential re-development concepts include two different density options, Study 1 – 464 units and Study 2 – 416 units.

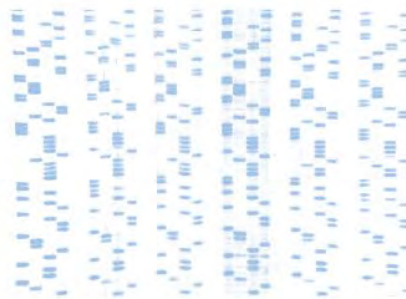




Existing Conditions

Quick Facts

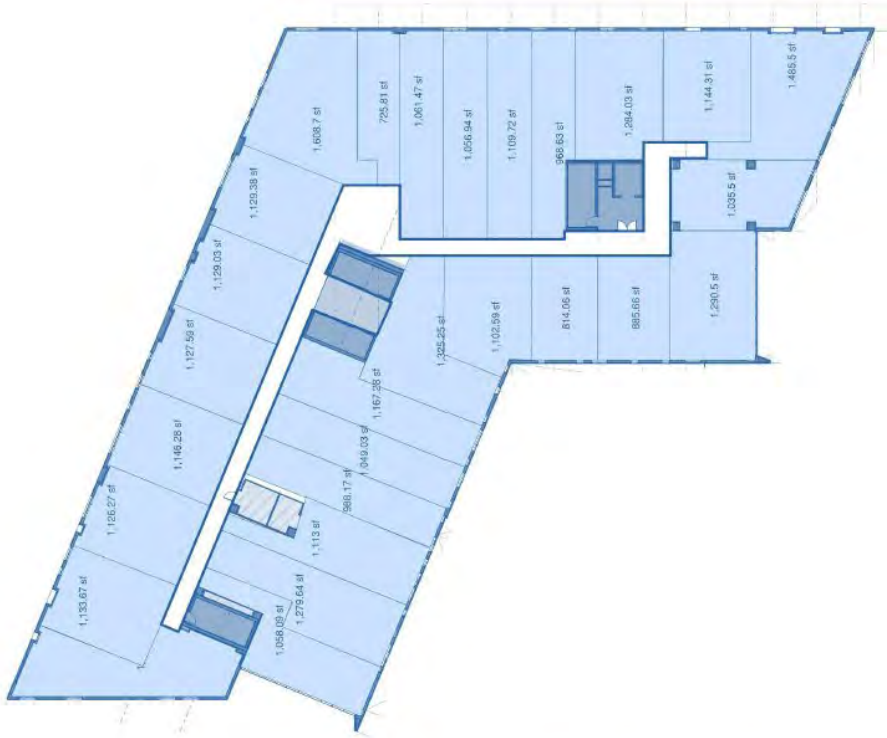
Site Acreage: 63.45
Parking: 2,599 spaces
GSF: 647,981 GSF
Height: 9 Stories | 158 feet



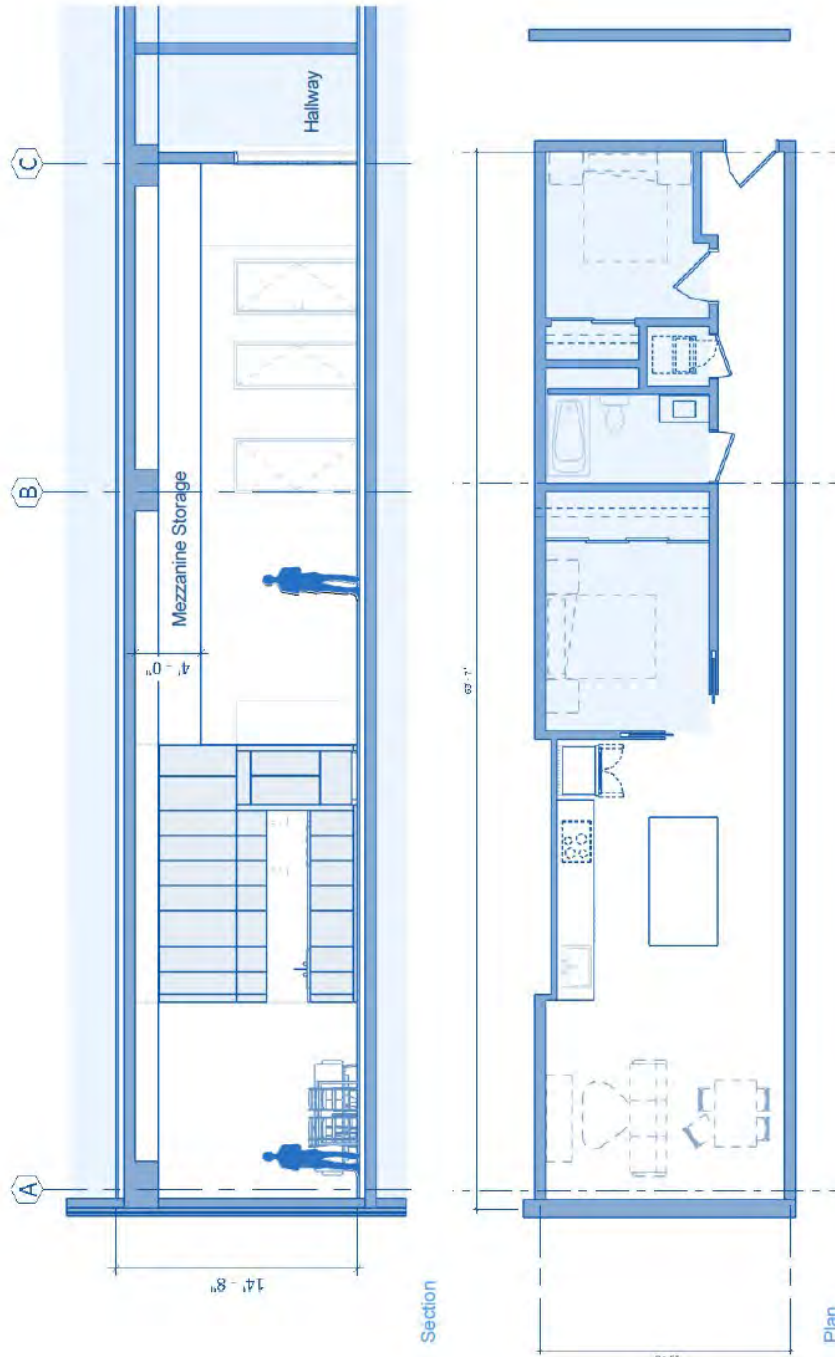
Site Plan

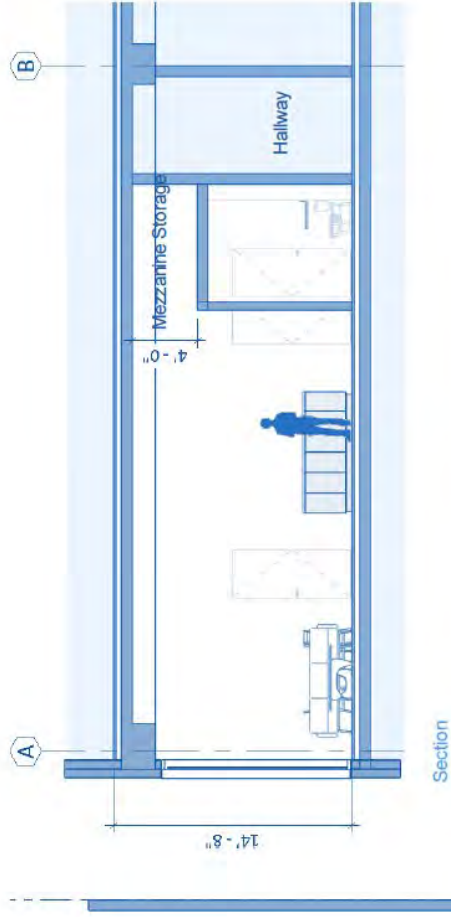
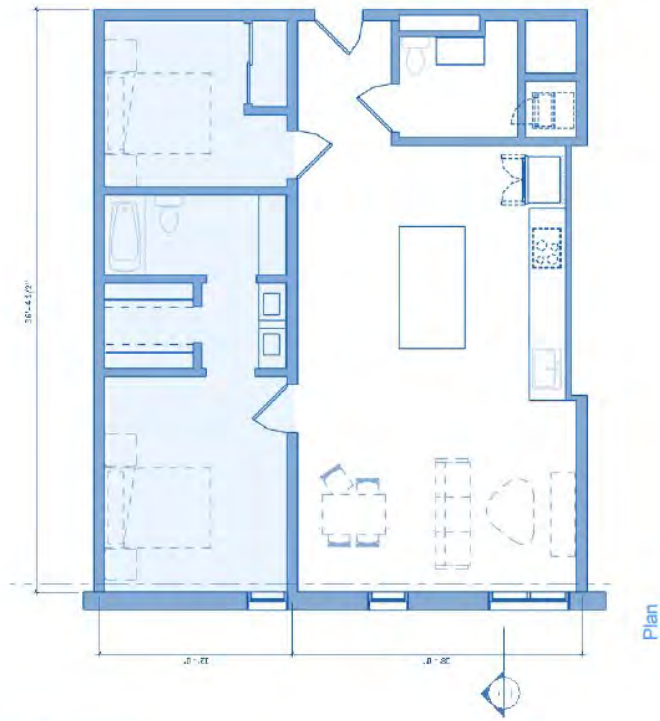
Level 2-9 Phase 1

GSF RESIDENTIAL FLOORS ONLY		Net Rentable	LEVELS (Above Grade)
264,375		236,716	9
Summary			
	NSF Target	Unit Perc	UNIT TOTAL
2-Borrow (Deep)	842 sf	28%	64
1-Borrow	823 sf	21%	48
1-BR 1-Borrow	1,076 sf	34%	80
2-BR 1-Borrow	1,330 sf	10%	24
3-BR	1,532 sf	7%	16
AVERAGE	1,020 sf		
		232	Net
		UNITS Estimate	87.2%



Residential Floorplate: Study 1

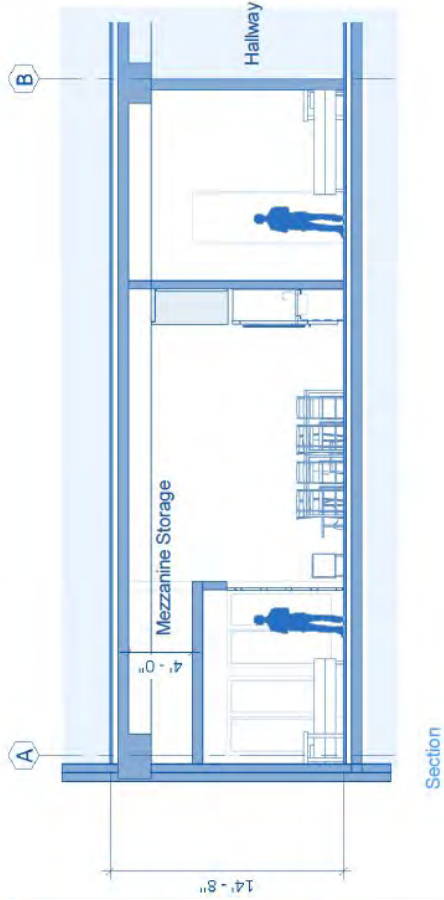




30 ft wide unit – 1,125 sf



Plan



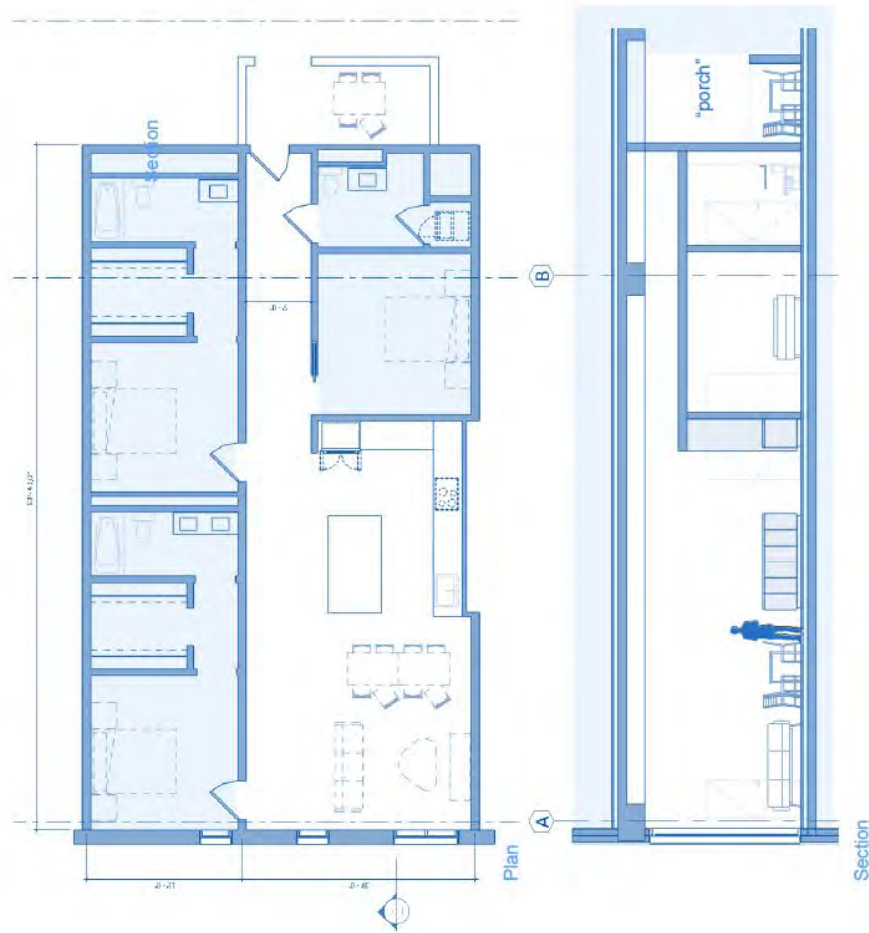
Section

End Unit 3-BR — 1,300 sf

Level 2-9 Phase 1

GSF RESIDENTIAL FLOORS ONLY		Net Rentable	LEVELS (Above Grade)
264,375		196,536	9
Summary			
	NSF Target	Unit Perc	UNIT TOTAL
1 BR 1-Borrow	814 sf	69%	144
1-BR 2-Borrow	1,307 sf	23%	48
3-BR	1,042 sf	8%	16
AVERAGE	940 sf		
208		Net	
		UNITS Estimate	74.3%

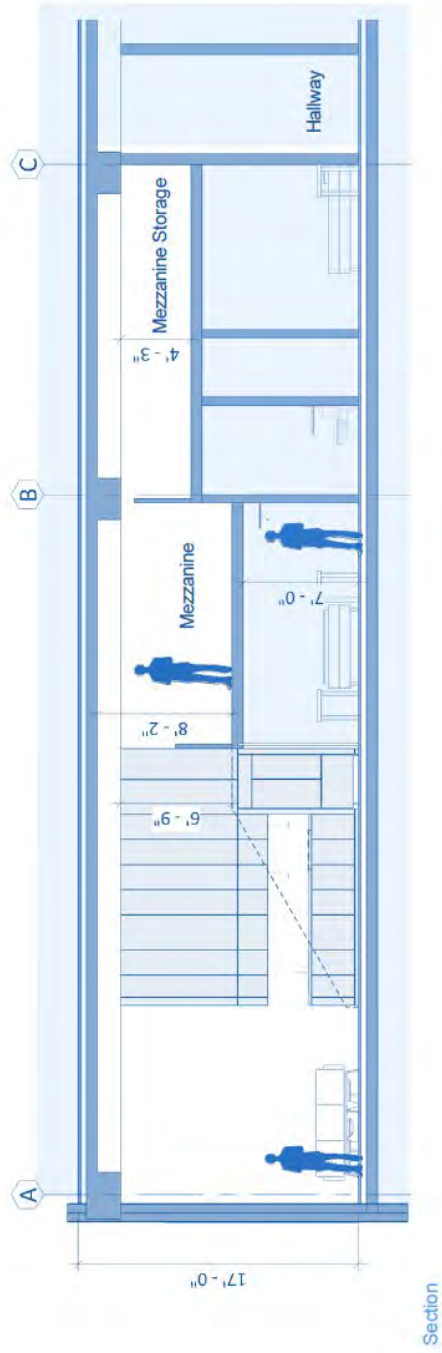




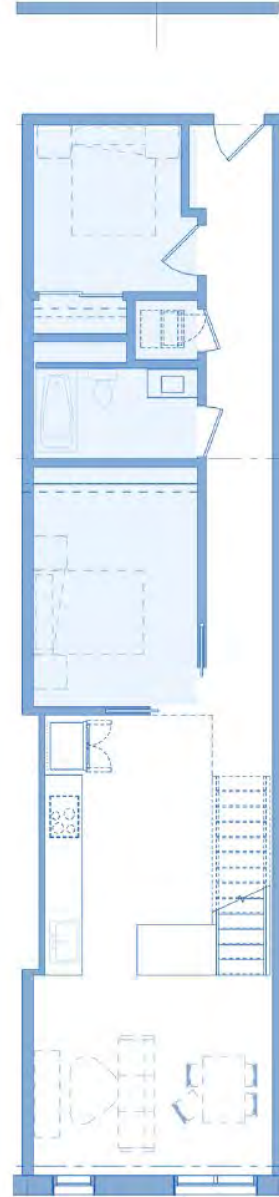
1-BR, 2-Borrowed Light, Front Porch Unit – 1,200 sf



Residential Floorplate Study: Level 1 Study 1

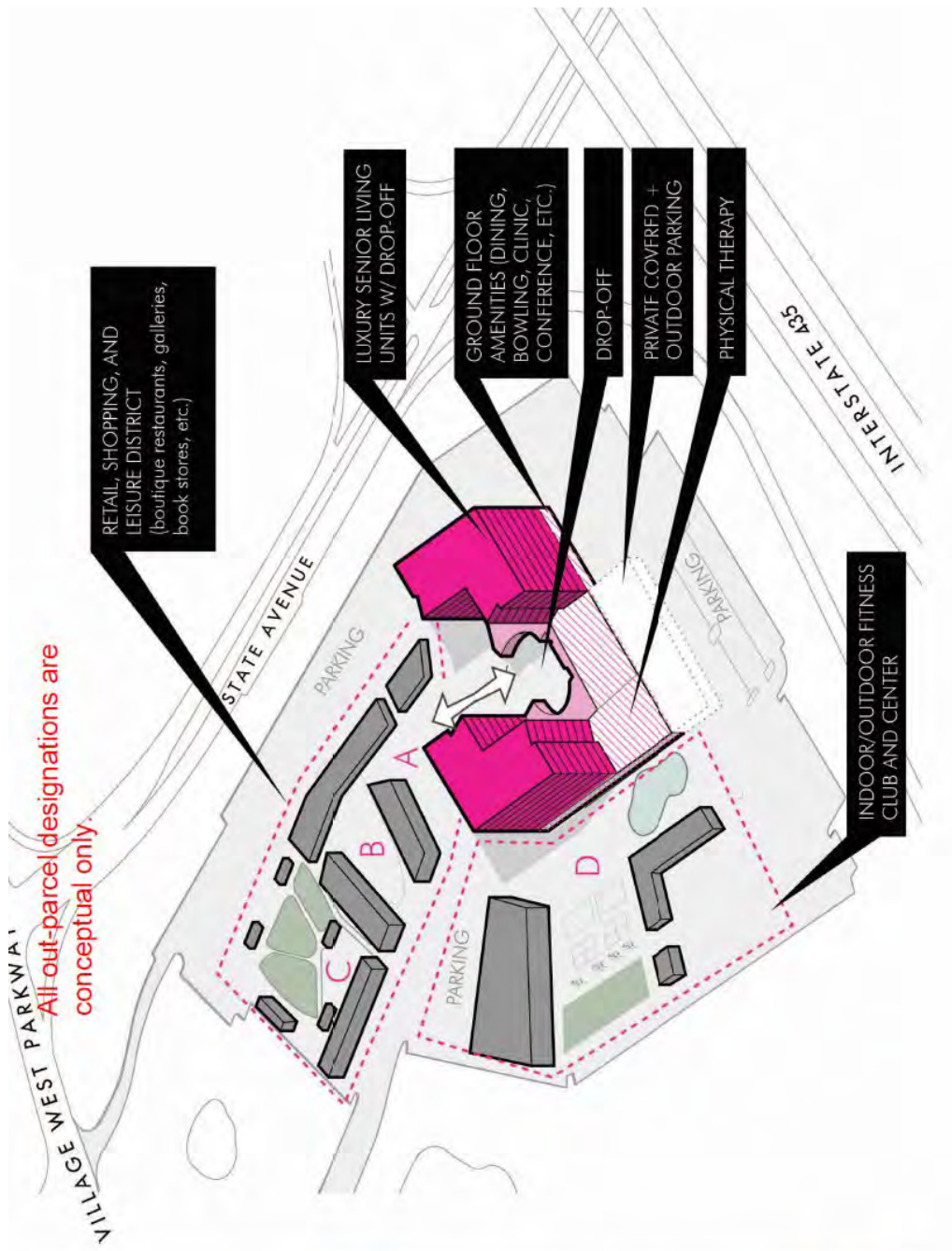


Section



Plan

15 ft wide unit - Deep Borrowed Light -- 1,050 sf



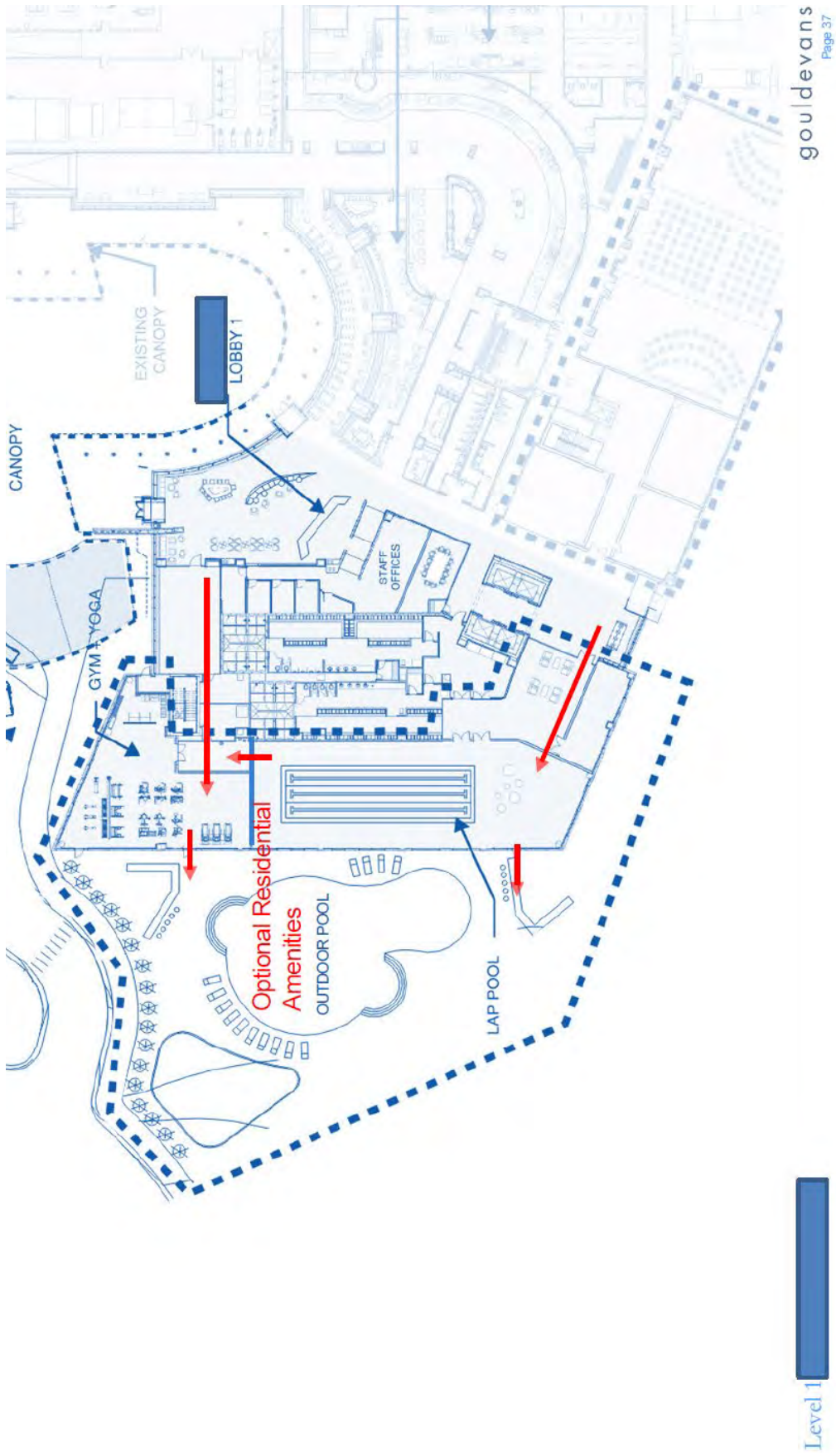
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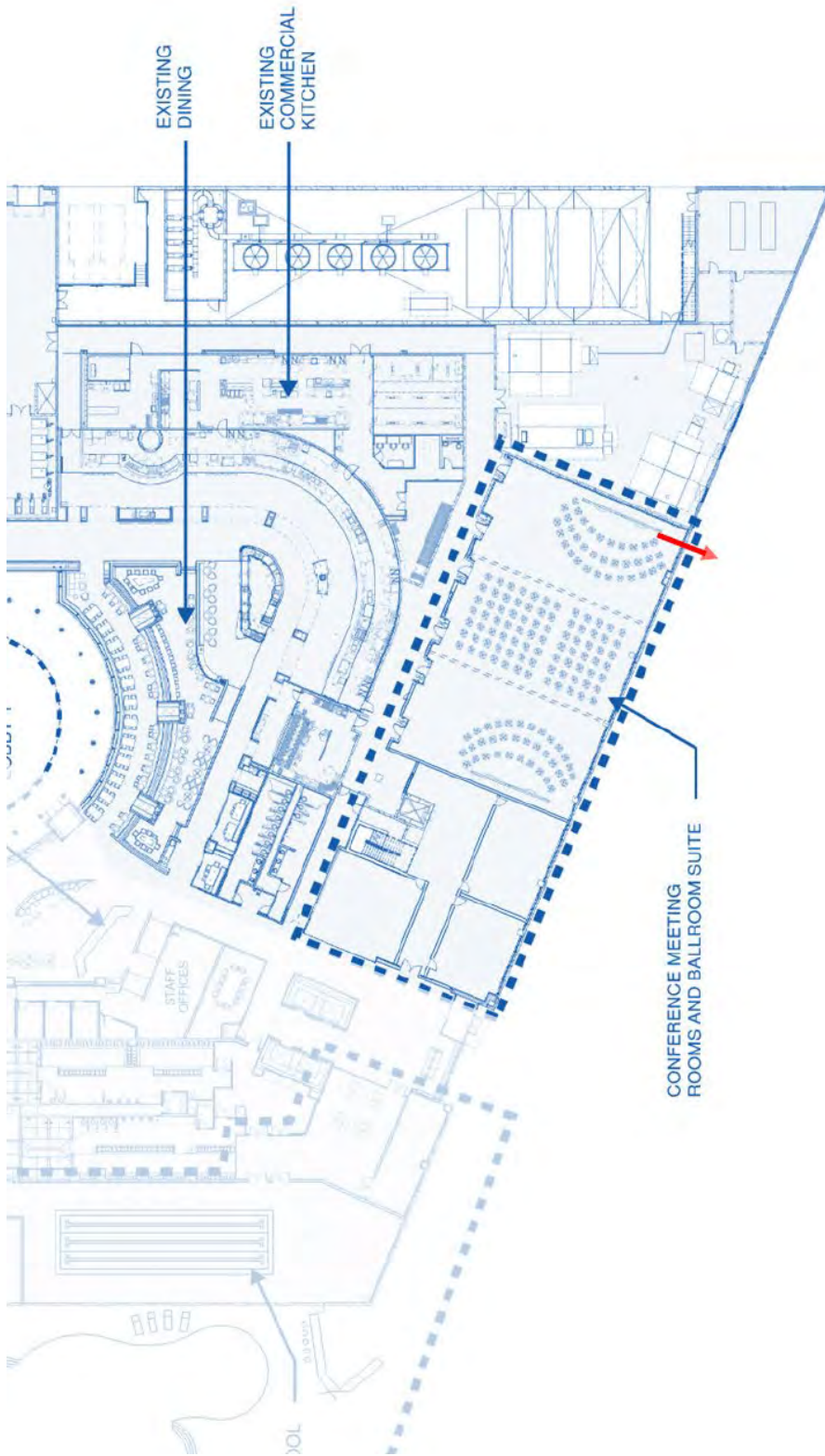
A RETAIL+ SHOPPING PLAZA
(boutique restaurants, galleries, book stores, thrift stores etc.)
- 

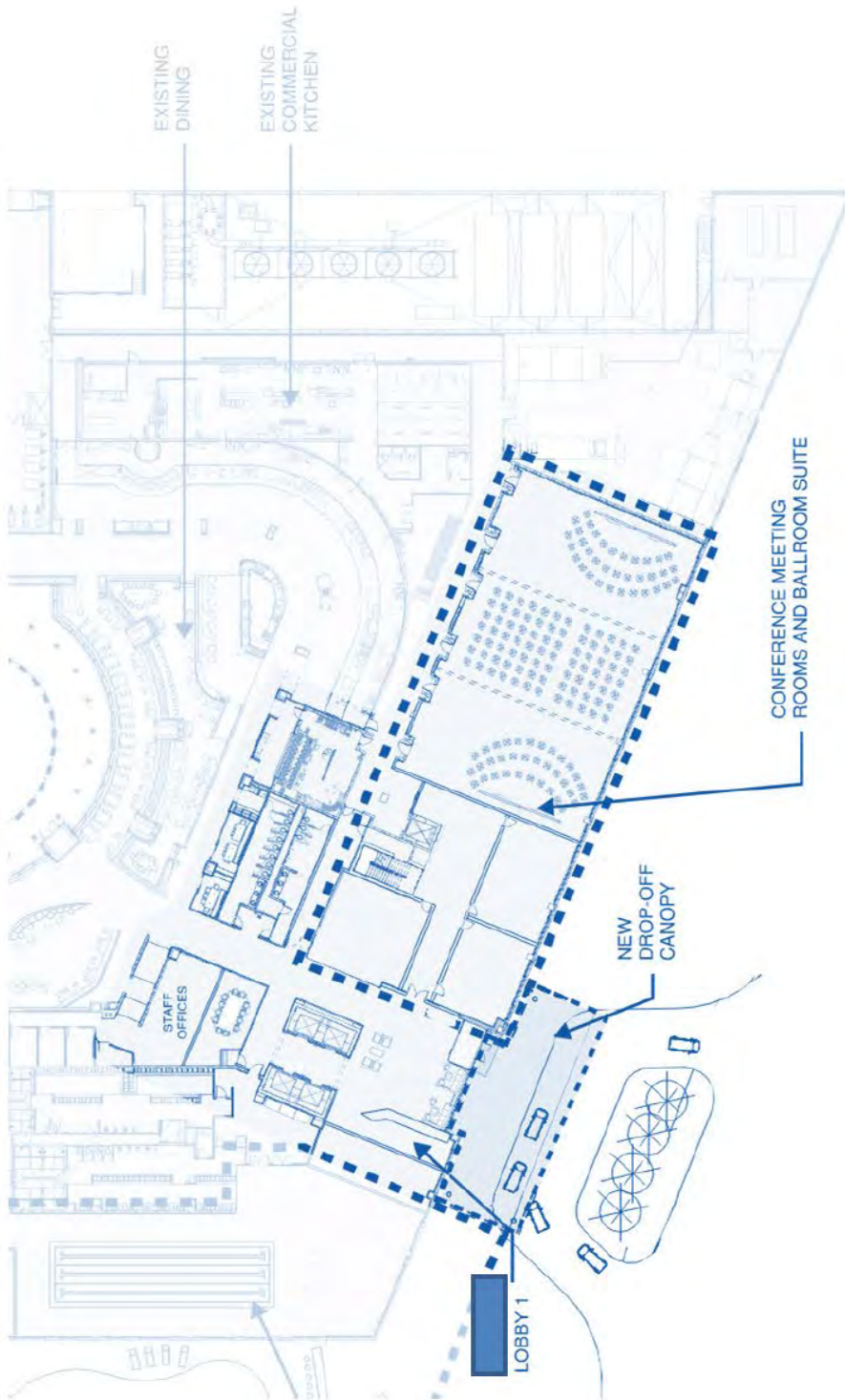
B DOUBLE-STORY OUTDOOR MALL
(surrounded by retail such as apparel, home furnishings, restaurants, and some essential services like beauty shops and a small-scale convenience mart. plaza doubles as weekend market)
- 

C DOG PARK/ MOVIE LAWN
(expansive landscaped lawn with interspersed shipping container snacks (coffee, tacos, juice bar, etc.). Lawn is partially allocated as a dog park and converted into public outdoor film viewing)
- 

D FITNESS CENTER
(with tiered outdoor courts, fields, and lawns for activities from racquetball and squash to yoga. shared outdoor pool with senior living)







Level 1





Amenity Courtyard Opportunity

gouldevans
Page 14





Figure 4. Site Photograph of 10200 Abilities Way looking northeast (provided by Planning Staff).



Figure 5. Site Photograph of 10200 Abilities Way looking east (provided by Planning Staff).



Figure 6. Site Photograph of 10200 Abilities Way looking east (provided by Planning Staff).



Figure 7. Site Photograph of 10200 Abilities Way looking west (provided by Planning Staff).



Figure 8. Site Photograph of 10200 Abilities Way looking south (provided by Planning Staff).



Figure 9. Site Photograph of 10200 Abilities Way looking east from Village West Parkway (provided by Planning Staff).



Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: April 27, 2023

Re: Special Use Petition SP2023-006

GENERAL INFORMATION

Applicant:

Adam Reynolds

Status of Applicant:

Property Owner
4990 Thille Street
Ventura, CA 93003

Requested Action:

Approval of a Special Use Permit.

Date of Application:

February 10, 2023

Purpose:

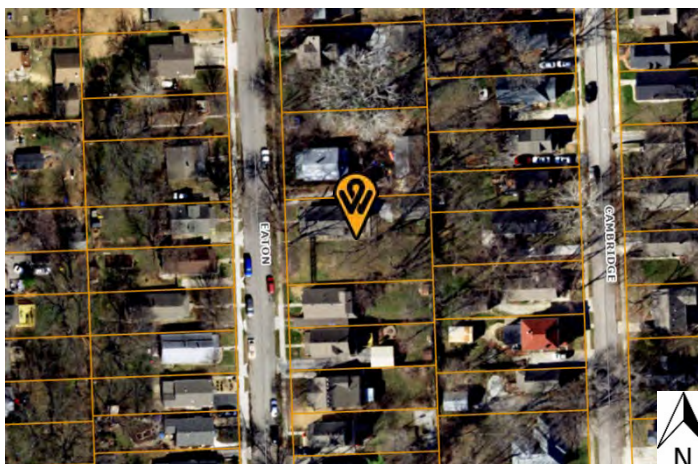
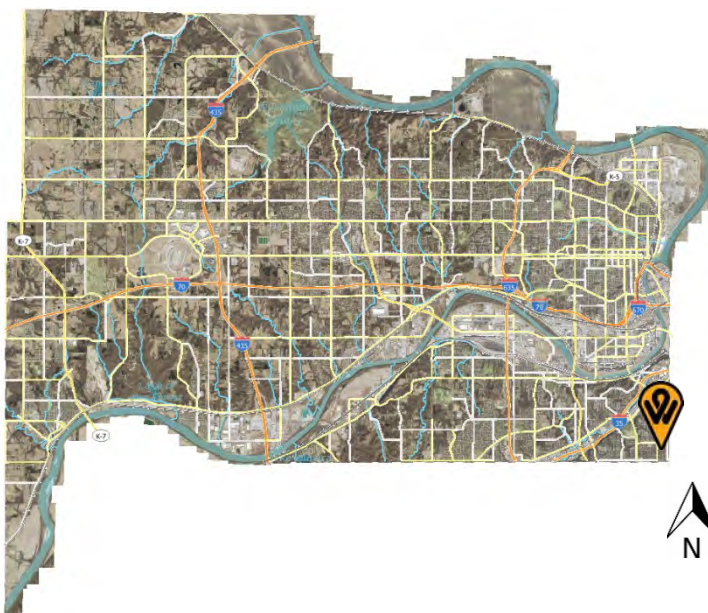
To approve a Special Use Permit to operate a short-term rental. This is not the owner's primary residence.

Property Location:

4443 Eaton Street
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:	0.25 Acre
Master Plan Designation:	The Rosedale Master Plan designates the subject property as Single Family, which allows for d for single family, detached houses. Townhomes and side-by-side rowhouses are appropriate where the property has frontage on a mixed use or neighborhood corridor.
Major Street Plan:	The Major Street Plan designates Eaton Street as a Local/Neighborhood Street.
Parking Requirement:	Section 27-455(d) "Two (2) off-street parking spaces shall be provided on the premises for each single-family dwelling". The property provides two (2) spaces and the rear, and two (2) in the driveway, a total of four (4) spaces.
Advertisement:	<u>The Wyandotte Echo</u> – March 16, 2023 Letters to Property Owner – March 17, 2023
Public Hearings:	April 10, 2023 and April 27, 2023
Public Support:	None to date.
Public Opposition:	Cori Stites submitted a letter in opposition after the meeting packet was completed and Recording Secretary Parker read it into the record.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Adam Reynolds, is requesting a Special Use Permit to operate a short-term rental at 4443 Eaton Street. This is not the owner's primary residence.

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. 2021 – STR21-0381- Structural
2. 2021 – ENV21-2388 – Trash and Debris
3. 2017 – 17208-01084 – Vehicle on unimproved surface
4. 2016 – 16200-02368 – Interior furniture on porch
5. 2015 – 15212-00861 – Tall Grass

Outstanding or Related Permits and Cases:

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

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The subject property is located within the Rosedale Statistical Neighborhood and the Rosedale Development Association Neighborhood Group. The neighborhood consists of a mix of single-family residences with a mix of duplexes, triplexes, and some fourplexes.

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 as a short-term rental, is consistent with other nearby properties in the neighborhood. The proposed use, however, may not be compatible with nearby single-family residences if the use is not managed properly.

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

This property is suitable for use as a single-family home. The property could be suitable for use as a short-term rental if properly managed. Removal of the restrictions that require a Special Use Permit for such activities has the potential to create issues such as parking, excessive noise, and overcrowding.

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

It is unclear how long, or if, the property has been vacant.

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

Special Use Permits are not addressed in the Rosedale Master Plan. The Rosedale Master Plan designates the subject property as Single Family, which allows for d for single family, detached houses. Townhomes and side-by-side rowhouses are appropriate where the property has frontage on a mixed use or neighborhood corridor. The proposed use conforms to the single-family designation if a Special Use Permit is obtained.

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

The proposed use is not expected to result in the increase of the amount of vehicular traffic to the point where it exceeds the capacity of Eaton Street, a local street. The property provides ample parking in the driveway and the rear.

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 and event space. If managed properly, the continued use of the property will not substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining property as the proposed use operates entirely within an existing dwelling in a built-out neighborhood.

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

Noise and vibration are issues that are related to short-term rentals. There have not been any noise complaints to date with the current applicant, as this is a new application. Dust or illumination are not typically related to the use of a residential property as a short-term rental and ostensibly are not considered to be problems for nearby property.

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

The proposed use would not pollute air or land as it is located in an existing, permitted structure. If the applicant properly manages the property, trash from guests should be minimal and temporary.

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

The proposed use would not damage or destroy an irreplaceable natural resource as it will operate within an existing structure in a built-out, mixed-use neighborhood.

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

The relative gain or loss to the public health, safety, and welfare is likely to be minimal as it only provides the convenience of a short-term rental with some economic benefit to the property. 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 or their primary residence.

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

The proposed use would not result in overcrowding as it operates within an existing structure on the site. The maximum number of overnight guests at one time is seven (7) and the maximum number of on-site, off-street vehicles for guests is three (3). If the applicant abides by the outlined conditions, undue concentrations of population should not be an issue

PREVIOUS ACTIONS

There have been no previous planning actions on the subject property.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on March 24, 2023. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Sidewalk
Driveway
Building Conformance
Parking

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 2 to recommend **APPROVAL** of Special Use Permit Application SP2023-006 **for one (1) year**, subject to:

- 1. Proof of all repairs or estimates to conduct repairs shall be provided to staff prior to approval of the ordinance;**
- 2. The applicant shall repair and/or repave the sidewalk in front of the property;**

3. The applicant shall repair and/or repave the walkway to the front door.
4. The applicant shall repave the driveway;
5. The debris in front of the residence shall be cleaned up and the applicant shall ensure no further debris is left in the future;
6. The applicant shall have a certified structural engineer shall perform a structural inspection to determine if structural repairs identified in the report need to be repaired immediately;
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 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;
8. Maximum number of guests shall be 7;
9. All parking must be off-street, maximum number of vehicles is three (3);
10. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
11. Applicant must maintain liability insurance;
12. Applicant must maintain the property's physical condition through the duration of the permit;
13. All reservations shall be a minimum stay of 24 hours;
14. No meals shall be prepared in the dwelling by the owner or owner's agent;
15. 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;
16. 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);
17. The property must remain in proper maintenance and free of hazards, pests, or infestations;
18. The granting of this Special Use Permit does not transfer with a change of ownership of the property;
19. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all

- ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
20. 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;
 21. The Department of Planning + Urban Design shall not give approval for any temporary certificate of occupancy (TCO) or final certificate of occupancy (CO) before the completion of all required work. For any project that requires a certificate of occupancy, prior to requesting for any certificate, the applicant, permit holder, and/or property owner shall complete all items required by: Approved Plans, Codes, Ordinances, Zoning District Regulations, Planned District Requirements, Master Plan Requirements, all Design Guideline Requirements, Overlay District Requirements, Requirements approved by the City Planning Commission and/or the UG Board of Commissioners. It is the collective responsibility of the applicant, permit holder, and property owner to ensure that any and all permits, land entitlements, deviations, or variances are obtained in advance of beginning of any work. Planning Department standards require that all required work be complete prior to requesting a TCO. The only item that is allowed to be incomplete is landscaping, which shall be complete before requesting a CO. A Bonded CO may be allowed in case of adverse weather conditions; however, all requirements must be completed for all items not secured by the bond;
 22. The Special Use Permit shall be valid for one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,
 23. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **SP2023-006** subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

April 10, 2023 City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Home Inspection Report
Floor Plan
Site Plan
Site Photos, Taken by Staff, Dated March 10, 2023
Neighborhood Meeting Materials

REVIEW OF INFORMATION AND SCHEDULE

Action	City Planning Commission	Unified Government Board of Commissioners
Public Hearing	April 10, 2023	April 27, 2023
Special Use	Approval	

STAFF CONTACT:

James Molloy
jmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2023-006** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **SP2023-006**, 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.

April 10, 2023 City Planning Commission Minutes:

Hearing starts at 3:23:55:

SPECIAL USE PERMIT APPLICATION SP2023-006 – ADAM REYNOLDS -

SYNOPSIS: Special Use Permit for a short-term rental at 4443 Eaton Street. Detailed Outline of Requested Action: The applicant, Adam Reynolds, is requesting a Special Use Permit to operate a short-term rental at 4443 Eaton Street. This is not the owner's primary residence.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated April 10, 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:

- Adam Reynolds, applicant, 4990 Thille Street, Ventura, CA 93003

Present in Opposition:

- Cori Stites submitted a letter in opposition and Recording Secretary Parker read it into the record.

Chairman Carson directed questions to the applicant regarding the statement by Ms. Stites that they had been operating a short-term rental without a Special Use Permit.

Staff Recommendation starts at 3:30:41: Planning Director Hand stated that the request is for a Special Use Permit for a short-term rental. Before tonight Staff had received no letters in support nor in opposition prior to posting the staff report. Staff recommends approval for one (1) year subject to the conditions in the staff report.

Commissioner Eilts addressed questions to the Staff and the Applicant regarding how long the Applicant has owned the property and how many short-term rentals are in the area.

Motion starts at 3:33:17:

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

SP2023-006 for one (1) year:

Carson	Chairman
Armstrong	Aye
Beth	Aye
Connelly	Aye
Eilts	No
Ernst	Aye
Jones	Aye
Miller	Not Present
Mohler	Aye
Straws	No
Ward	Not Present

Motion to recommend **APPROVAL** Passed: 6 to 2

Subject to:

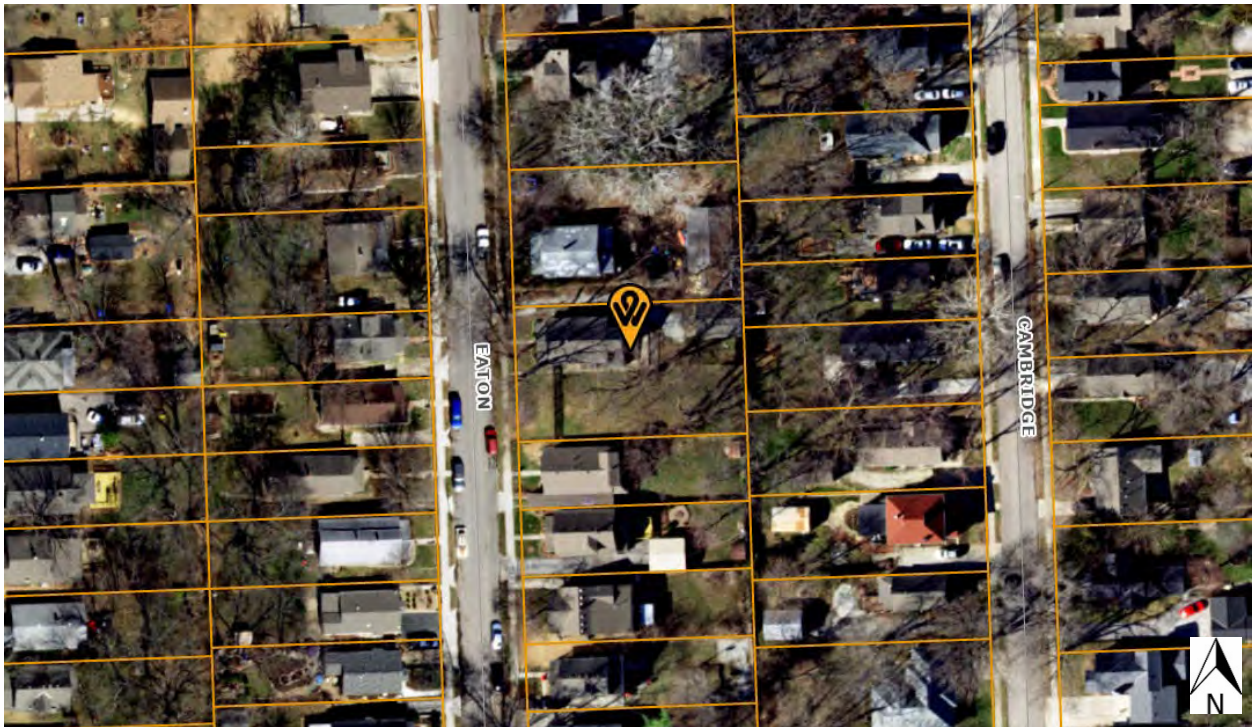
1. **Proof of all repairs or estimates to conduct repairs shall be provided to staff prior to approval of the ordinance;**
2. **The applicant shall repair and/or repave. the sidewalk in front of the property;**
3. **The applicant shall repair and/or repave the walkway to the front door.**
4. **The applicant shall repave the driveway;**
5. **The debris in front of the residence shall be cleaned up and the applicant shall ensure no further debris is left in the future;**
6. **The applicant shall have a certified structural engineer shall perform a structural inspection to determine if structural repairs identified in the report need to be repaired immediately;**
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 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;**
8. **Maximum number of guests shall be 7;**
9. **All parking must be off-street, maximum number of vehicles is three (3);**
10. **The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;**
11. **Applicant must maintain liability insurance;**
12. **Applicant must maintain the property's physical condition through the duration of the permit;**
13. **All reservations shall be a minimum stay of 24 hours;**
14. **No meals shall be prepared in the dwelling by the owner or owner's agent;**

- 15. 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;**
- 16. 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);**
- 17. The property must remain in proper maintenance and free of hazards, pests, or infestations;**
- 18. The granting of this Special Use Permit does not transfer with a change of ownership of the property;**
- 19. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;**
- 20. 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;**
- 21. The Department of Planning + Urban Design shall not give approval for any temporary certificate of occupancy (TCO) or final certificate of occupancy (CO) before the completion of all required work. For any project that requires a certificate of occupancy, prior to requesting for any certificate, the applicant, permit holder, and/or property owner shall complete all items required by: Approved Plans, Codes, Ordinances, Zoning District Regulations, Planned District Requirements, Master Plan Requirements, all Design Guideline Requirements, Overlay District Requirements, Requirements approved by the City Planning Commission and/or the UG Board of Commissioners. It is the collective responsibility of the applicant, permit holder, and property owner to ensure that any and all permits, land entitlements, deviations, or variances are obtained in advance of beginning**

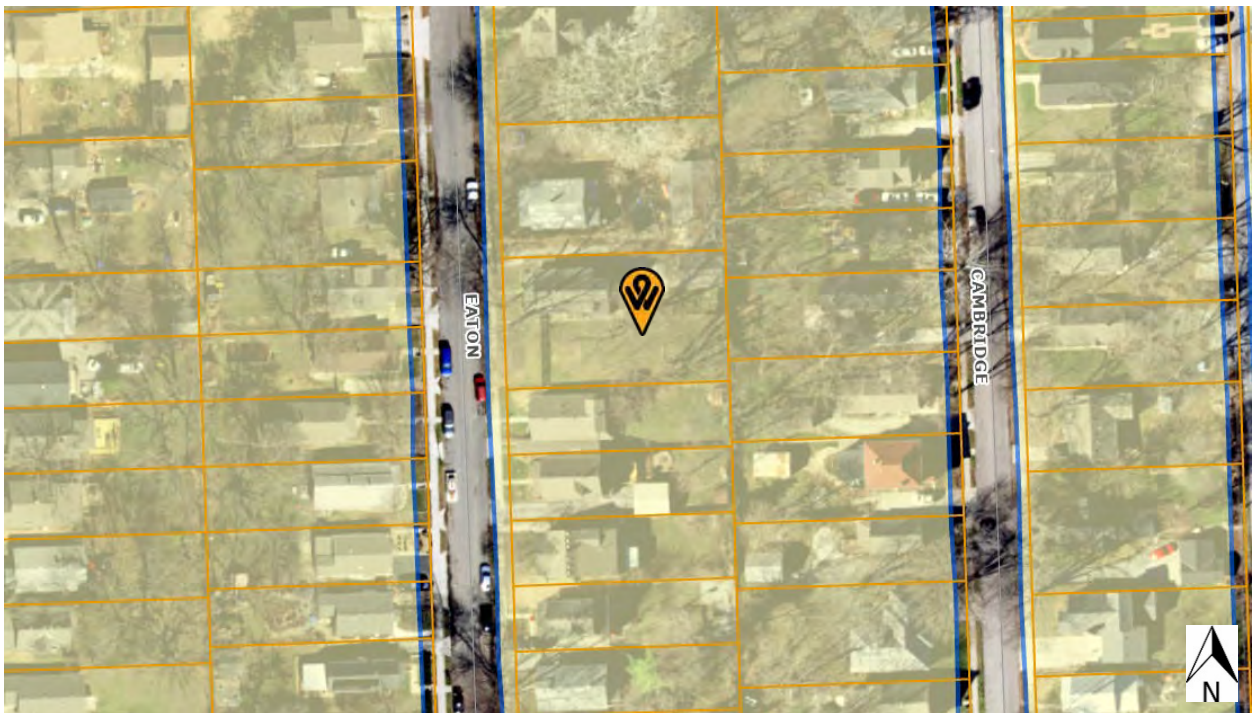
- of any work. Planning Department standards require that all required work be complete prior to requesting a TCO. The only item that is allowed to be incomplete is landscaping, which shall be complete before requesting a CO. A Bonded CO may be allowed in case of adverse weather conditions; however, all requirements must be completed for all items not secured by the bond;
22. The Special Use Permit shall be valid for one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,
23. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

ATTACHMENTS

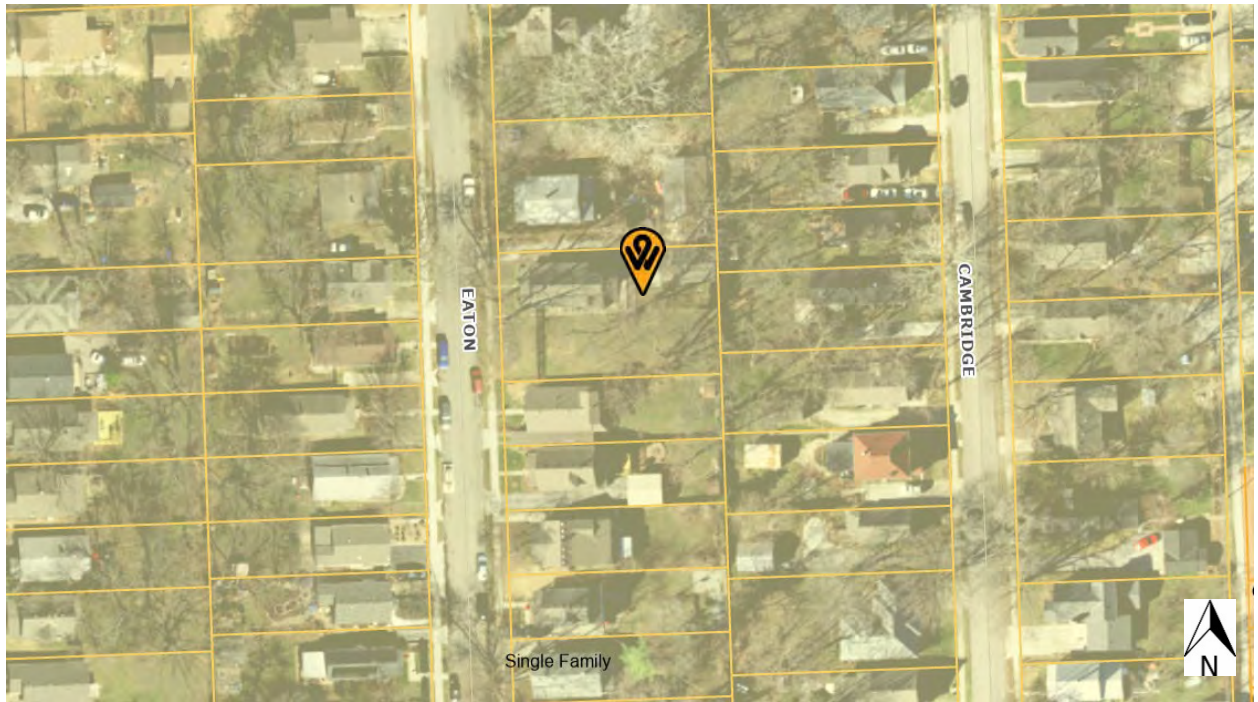
AERIAL IMAGERY



ZONING MAP



LAND USE MAP



Report Summary

The summary below consists of potentially significant findings. These findings can be a safety hazard, a deficiency requiring a major expense to correct or items I would like to draw extra attention to. The summary is not a complete listing of all the findings in the report, and reflects the opinion of the inspector. Please review all pages of the report as the summary alone does not explain all of the issues. All repairs should be done by a licensed & bonded tradesman or qualified professional. I recommend obtaining a copy of all receipts, warranties and permits for the work done.

Structure		
Page 8	Foundation	• Monitor/Repair: Crack(s) were observed on the foundation (See pictures below of some locations and examples). This implies that some structural movement of the building has occurred. Cracks of this type should be watched for any sign of additional movement and/or moisture. Crack(s) may need sealing over time to prevent moisture penetration. A foundation specialist could give a better evaluation of the severity of crack(s) and what action should be taken. • Repair/Specialist: Settlement crack(s) with moisture stains were observed on the interior foundation. See pictures of some locations and examples. This implies that some structural movement of the building has occurred and that some moisture has come through from the exterior. Cracks of this type as well as the foundation/support system should be inspected by a qualified foundation repair company, or structural engineer for any necessary repairs before closing. • Confer/Specialist: Structural repairs to foundation observed. See pictures below of some locations and examples. Recommend contacting homeowner regarding transferable warranty and monitoring for any further movement in the foundation walls. In the absence of a transferable warranty, a structural engineer or foundation specialist could be consulted before closing regarding quality of work performed.
Page 9	Slab	• Monitor: Cracking in the basement slab was observed. Additional movement can be a sign of foundation issues. Monitor for increased separation and repair as needed.
Page 9	Support Structure	• Repair: Temporary (gray) jack post(s) were observed in the basement. They should be replaced with permanent steel post(s). Repair as necessary. • Repair/specialist: Improper supporting of structural components of home was observed in one or more areas. See photos for examples and locations. Recommend consulting with a structural engineer before closing regarding a full structural evaluation. • Repair/Specialist: The absence of back blocking behind the structural repair beams was observed. Recommend a licensed structural specialist evaluate for necessary.

Page 10	Attic	• Repair/Specialist: Bowing within the attic sheathing was observed. See pictures below of some examples and locations. Recommend that a qualified contractor evaluate system for necessary repairs before closing. • Specialist: Inadequate support of roof within the attic was observed. Recommend consulting with a qualified contractor for further evaluation before closing.
Page 10	Wood Boring Insects	• Repair: Evidence of wood destroying insect activity was observed on the exterior of the home. There is risk of additional hidden damage. If the property has not already been treated in the previous five years or is not currently under a termite maintenance program, a licensed pest control specialist should be engaged before closing. Wood destroying insects can do a substantial amount of damage to the wood structural components of a home. See additional report for more information.

Roofing

Page 12	Sloped Roofing	• Repair/Specialist: Bowing to roof was observed. See pictures below of some examples and locations. Recommend that a qualified roofer evaluate system for necessary repairs before closing. • Repair: Tree limbs should be cut back so that they do not overhang the roof. • Repair/Specialist: A dip in the roof was observed. Recommend a licensed roofing company evaluate for necessary repairs.
Page 12	Flashing	• Repair: Flashing on the roof was incorrectly installed in one or more areas. See photos for examples and locations. Recommend repair by qualified roofing specialist. Roofing specialist could be further employed to evaluate remainder of roof while on job.
Page 13	Gutters	• Repair: The gutters require cleaning to avoid spilling roof runoff around the building which is a potential source of water entry or water damage. • Repair: Damaged gutter(s) observed on the home. Recommend repair.
Page 13	Downspouts	• Repair: Downspouts should discharge water at least 36" to 48" away from foundation to help prevent foundation damage and moisture intrusion. Recommend adding extensions. • Safety Notice: Downspout(s) discharges directly onto driveway/walkway. This can result in an icy/slippery surface in winter months. It is recommended this downspout be directed toward an area of soil away from the home or buried and extended into the yard. Recommend relocating downspout for safety reasons. • Repair: Loose, damaged, or missing downspouts should be repaired promptly. See photos for some examples and locations. Recommend repair. • Repair: Clogged downspouts should be promptly cleared of their obstruction. Recommend repair.

Exterior

Page 15	Siding/Trim	• Repair: Wood rot on the exterior of the home was observed. The wood rot is concentrated in small enough areas that the materials can likely be repaired rather than replaced. There is a chance of more wood rot that is not yet visible. See photos for some examples and locations, which is not an exhaustive list. Recommend repair. • Repair: Observed some areas of peeling paint on the exterior of the home (See pictures below of some locations and samples of the peeling paint). Repair as needed. • Repair: Observed one or more areas of damaged caulk on the exterior (See picture below of some locations and examples). Recommend repair.
Page 15	Exterior Doors	• Repair: An exterior entry door rubs the floor (see pictures for examples and locations). Recommend repair. • Repair: An exterior entry door is damaged. Recommend repair.
Page 16	Porch	• Monitor/Repair: Cracking at the front porch was observed. This is a common condition of concrete and does not appear to be a structural deficiency. Repair as necessary. • Monitor: Observed cracking and spalling on the walkway to the porch. Monitor and repair as needed. • Repair/Specialist: Significant settlement at the front entry walkway was observed. Deflections greater than 1/2" can present a trip hazard. Recommend that a concrete repair company evaluate for necessary repairs before closing.
Page 16	Deck	• Repair: The deck should be painted or stained to improve durability and longevity.
Page 17	Window Wells	• Repair: Damaged/missing window well covers should be replaced to prevent debris collection and water entry into the home.
Page 17	Landscaping	• Repair: Landscaping/soil should be at least 3 to 4 inches below siding to prevent damage.
Page 17	Fencing	• Repair: The fence gate experiences resistance opening. Recommend clearing area to allow gate proper opening distance. • Repair: Fence should be stained or painted to protect from moisture damage.
Page 18	Garage	• Repair: Damage to garage door(s) noted. Recommend repair.
Electrical		
Page 19	Main Panel	• Repair: Missing electric panel screw(s) should be replaced.
Page 20	Distribution Wiring	• Safety Issue/Specialist: Open junction box(es) were observed. See pictures for some examples and locations. Recommend repair. A licensed electrician could be further employed to evaluate the main electrical components of the home while bidding these repairs before closing.
Page 20	Outlets	• Repair: Loose outlet(s) in the home were observed. See pictures for examples and locations. Recommend repair. • Repair/Safety: GFCI outlets should be installed in any outlet within 6' of a water fixture. See photos for examples and locations. Recommend repair.

Heating

Page 22	Supply/Return Air Ductwork	• Repair/Specialist: An open air duct was observed. See pictures for some examples and locations. Recommend repair, and a qualified HVAC contractor evaluate the home for needed repairs before closing. • Repair/Specialist: Damaged duct work tape was observed. See pictures for some examples and locations. Recommend a qualified HVAC contractor evaluate the home for needed repairs before closing. • Repair/Specialist: improper duct work tape was observed. See pictures for some examples and locations. Recommend a qualified HVAC contractor evaluate the home for needed repairs before closing.
Page 22	Furnace	• Monitor: Rusting within the burner cabinet is noted but appears to be old. Monitor for increased rusting and service annually.

Cooling/Heat Pumps

Page 25	Central Air Conditioning	• Due to temperature constraints, was not able to fully inspect the cooling system. When outside temperature is below 65 degrees, substantial damage can be done to refrigerant lines. Recommend that a licensed professional evaluate HVAC system before closing. • Repair: The outdoors condensing unit needs to be cleaned. Recommend a licensed HVAC technician service this unit.
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Insulation/Ventilation

Page 26	Attic	• Repair: Insulation batts attached to roof sheathing observed. This maybe causing the shingles to hold heat and age faster than usual. Recommend removing insulation batts. • Repair: Observed a clogged gable vent. Recommend repair • Repair: Attic Access door does not latch. Recommend repair.
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Plumbing

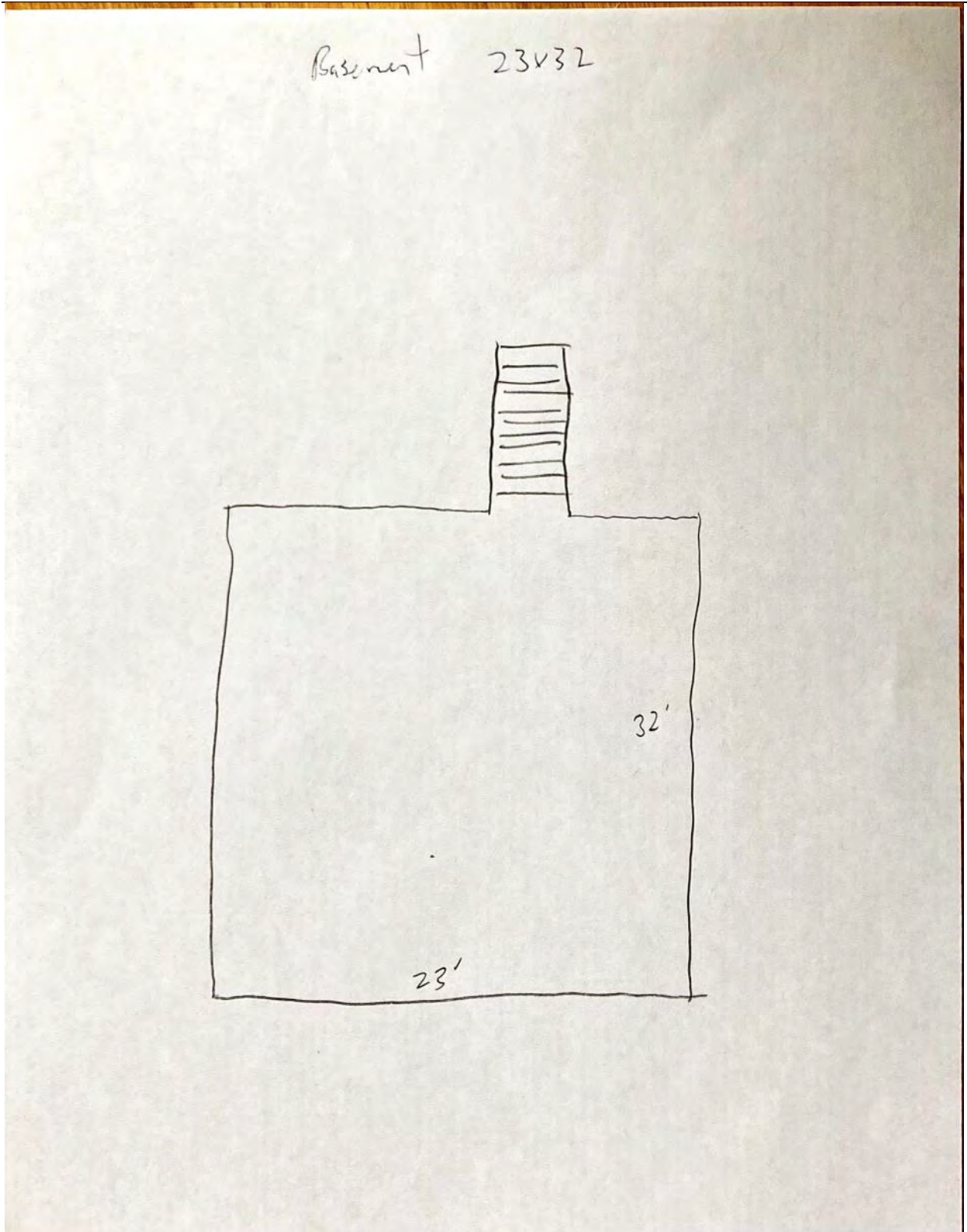
Page 28	Exterior Faucet	• Repair: Exterior faucet(s) did not operate at time of inspection. Confer with owner and repair if necessary.
Page 29	Sump Pump	• Monitor: Grinder pump cover has been sealed. As a result, the grinder pump could not be tested for correct operation.

Interior

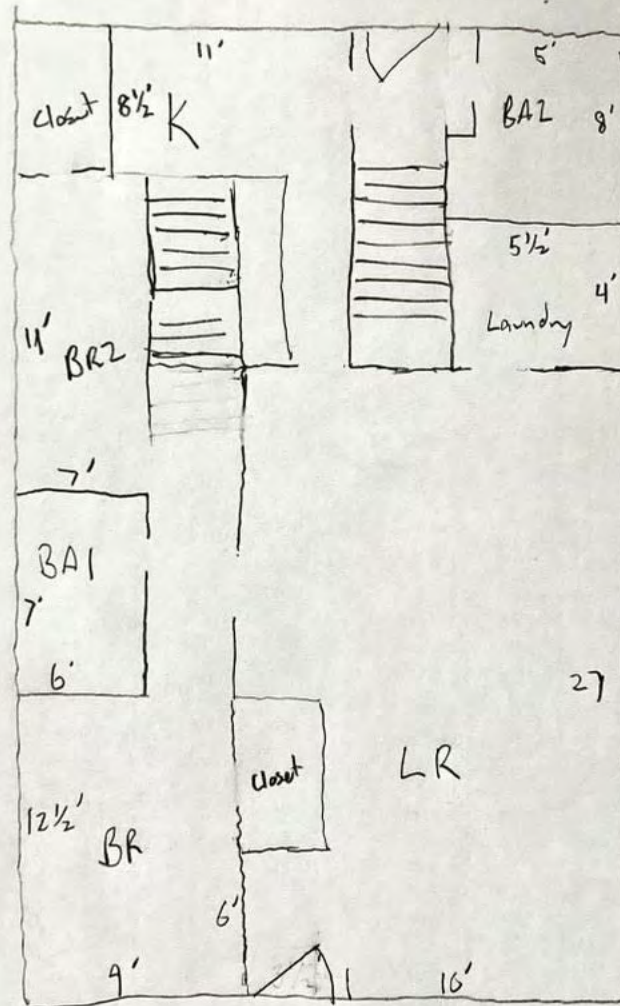
Page 31	Walls	• Monitor: Crack(s) in drywall/plaster on interior of the home observed. See pictures for some locations and examples. This type of cracking can be associated with settling of home, but is also typical with drywall/plaster construction and is not usually a structural deficiency. Monitor for further damage and repaired if necessary.
Page 31	Floor	• Monitor/Repair: Some floors are un-level. Repair as necessary. Recommend consulting with a qualified contractor and repairing as necessary.

Page 32	Windows	• Repair: Cracked/broken window(s) observed on the home. See photos for some examples and locations. Recommend repairing/replacing the window(s). • Repair: An inoperable window was observed in the home. See below pictures for locations and examples, which is not exhaustive. Recommend repair.
Page 32	Doors	• Repair: Damaged door trim was observed. Recommend repair.
Appliances		
Page 34	Dishwasher	• Noted: Due to insurance restrictions the dishwasher was not tested during the inspection. Recommend conferring with current owner regarding proper operation.
Page 34	Kitchen Exhaust Fan	• Repair: The kitchen exhaust fan was not properly operating at the time of inspection. Recommend repair.

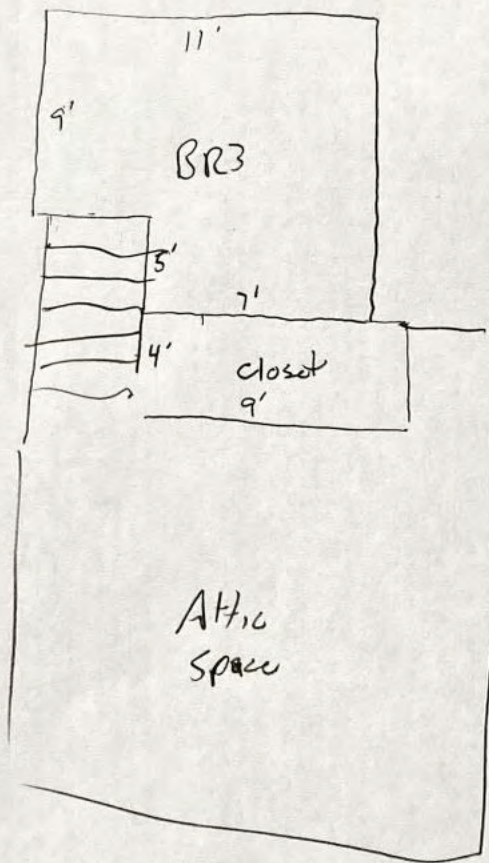
FLOOR PLAN



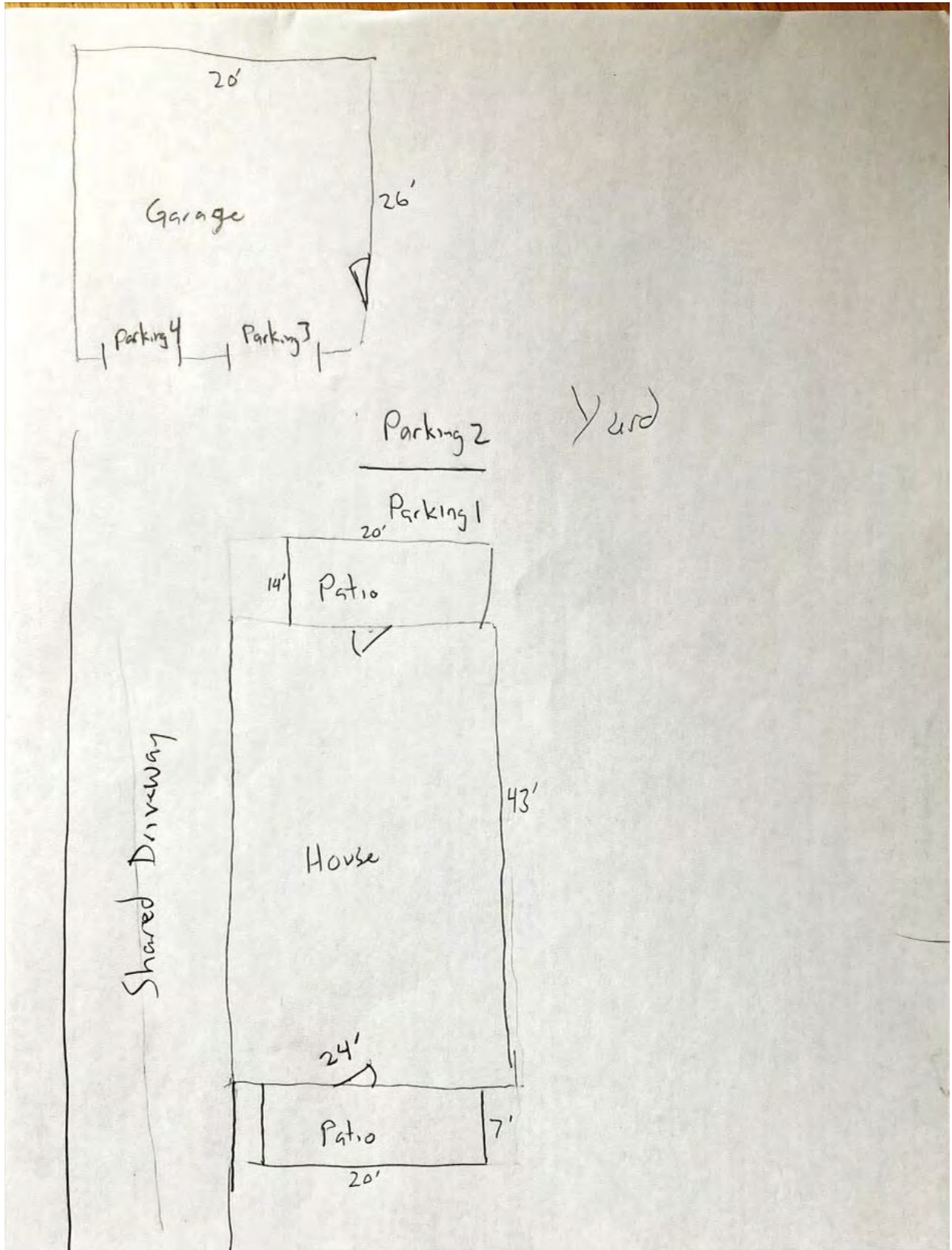
1st Floor



2nd Floor



SITE PLAN



SITE PHOTOS, TAKEN BY STAFF, DATED MARCH 10, 2023





NEIGHBORHOOD MEETING MATERIALS

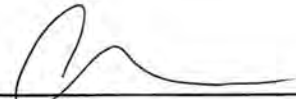
AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF _____)
COUNTY OF _____) SS:

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

1. That I am the petitioner for Petition # SP2023-006-4443 EATON ST.
2. That I conducted a neighborhood meeting on 3/24/2023
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 _____, 20__.

My commission expires _____ of _____, 20__.

Notary Public

4443 EATON MEETING MINUTES

Application Number: SP2023-006 - 4443 EATON STREET
Date and Location: 3/24/2023 AT 3:30PM Central Time via Zoom

Meeting called to order at: 3:30PM Central Time

Names of people in attendance: Adam Reynolds and Ethan Lacoie
(Property Owners of 4443 Eaton St.)

Minutes: No additional attendees

Meeting adjourned at: 4:00PM Central Time

Minutes taken by: Adam Reynolds



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: April 27, 2023

Re: Petitions COZ2023-001 and MPL2023-001

GENERAL INFORMATION

Applicant:

David Block with Block and Co., Inc.

Status of Applicant:

Representative
Philip Goforth with Genesis Realty &
Development, LLC
4420 Madison Avenue
Kansas City, MO 64111

Requested Actions:

Master Plan Amendment from Planned
Commercial District (Prairie Delaware Piper
Master Plan) to Mixed Use (City-Wide
Comprehensive Plan).

Change of Zone from CP-2 Planned General
Business District to CP-3 Planned
Commercial District.

Date of Application:

January 27, 2023

Purpose:

To convert the former Cerner office building
towers to a mixed-use building with ground
floor commercial and 8-stories of apartments.



Property Location: 10200 Abilities Way, Kansas City, KS 66111

Commission District:	Commissioner At-Large, District #2: Tom Burroughs Commissioner District #7: Chuck Stites
Existing Zoning:	CP-2 Planned General Business District
Adjacent Zoning:	North: CP-2 Planned General Business District (across State Avenue) South: CP-2 Planned General Business District East: None (Interstate 435 right-of-way) West: A-G Agriculture District
Adjacent Uses:	North: Great Wolf Lodge (across State Avenue) South: Chateau Avalon Hotel East: Interstate 435 West: Kansas Speedway
Total Tract Size:	58.68 Acres
Master Plan Area:	Prairie Delaware Piper Master Plan
Master Plan Designation:	The Prairie Delaware Piper Master Plan designates this area as Planned Commercial, which allows major retail uses, including restaurants and hotels, as well as centers for large discount stores currently called big box centers and have stores that serve large populations. A Master Plan Amendment has been filed to amend to Mixed Use (City-Wide Comprehensive Plan), which allows specialty retail, sit-down restaurants, convenience retail uses such as banks, drug stores, professional and office services, institutional uses such as churches, schools, libraries, parks, plazas and open space, and mixed-density residential uses.
Major Street Plan:	The Major Street Plan classifies State Avenue and Village West Parkway as a Class A Thoroughfare.
Required Parking:	Sec. 27-467(e) requires paved off-street parking at a ratio of not less than four (4) spaces per 1,000 square feet of floor area in the building. 2,599 spaces currently exist. 736 parking spaces are required based on the potential of 464 apartment units and 477 parking spaces are required based on the potential of 119,226 square feet of ground floor retail and/or office, totaling 1,213 parking spaces.
Advertisement:	<u>The Wyandotte Echo</u> – February 16, 2023 Letters to Property Owners – February 17, 2023 and March 6, 2023

Public Hearings:	April 10, 2023 and April 27, 2023
Public Support:	None to date.
Public Opposition:	Greg Kindle, President, WYEDC, appeared in opposition due to a reduction in taxes generated on the property due to the change in use from office to mixed-use.

PROPOSAL

Detailed Outline of Requested Action: The applicant, David Block with Block and Co., Inc., seeks a Change of Zone from CP-2 Planned General Business District to CP-3 Planned Commercial District and a Master Plan Amendment from Planned Commercial (Prairie Delaware Piper Master Plan) to Mixed Use (City-Wide Comprehensive Plan) to operate a mixed use development with ground floor commercial (retail and/or office) below 8-stories of one (1), two (2) and three (3) bedroom apartments with on-site amenities for residents on 58.68 acres.

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

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. None

Building, Zoning, or Code Enforcement Complaints:

1. None

Outstanding or Related Permits and Cases:

1. #PR-2011-25 was approved by the Board of Commissioners on August 25, 2011 to build a 642,951 square foot, two (2) building office complex for the Cerner Corporation.

FACTORS TO BE CONSIDERED

1. Neighborhood character.

This character of the neighborhood is dominated by the Kansas Speedway to the west, but also the Speedway's ownership of frontage along Village West Parkway. This site is at the southern entrance into the Village West commercial development, which continues north on Village West Parkway and west on State Avenue.

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

With the exception of the Kansas Speedway, which is zoned A-G Agriculture District, that use operates with a Special Use Permit, and is commercial in nature, the area is largely undeveloped to the south along Village West Parkway with the exception of Chateau Avalon, abutting this property and Hollywood Casino further southwest. The Village West shopping area is north along State Avenue, across the street from this proposed use.

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

The property is currently suitable for office. Removal of the restrictions to allow the building to be converted to a mixed-use building will not detrimentally affect nearby property because the businesses that operate along the corridor are commercial and can be supported by the residents.

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

The property has been vacant since mid- to late-2020 as a result of the COVID-19 pandemic.

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

The proposed use is not reasonably necessary for the convenience and welfare of the public, except for those that choose to live in the development and will not substantially or permanently injure the appropriate use, visual quality, or marketability of nearby property as the physical site is not changing and there is a surplus of on-site, off-street parking to accommodate current and future land uses.

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

The proposed use will not increase traffic or parking demand in ways that will adversely affect the road capacity of Village West Parkway or State Avenue, safety or create parking problems because there is a surplus of parking for residents, guests and future development that may occur on the property.

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

The proposed use does not conform to the Prairie Delaware Piper Master Plan Planned Commercial designation, which allows major retail uses, including restaurants and hotels, as well as centers for large discount stores and other big

box commercial centers that serve large populations. A Master Plan Amendment has been filed to amend to Mixed Use (City-Wide Comprehensive Plan), which allows specialty retail, sit-down restaurants, convenience retail uses such as banks, drug stores, professional and office services, institutional uses such as churches, schools, libraries, parks, plazas and open space, and mixed-density residential uses.

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

The proposed use will not cause environmental harm if the proposed use, as the building and site are developed, and the Applicant intends to convert the building from offices to retail/office and apartments. The proposed use has the ability to enhance the environment by adding walking trails around existing detention basins and water features and replace dead trees and shrubs.

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

a. *Water service*

Water service is provided by BPU.

b. *Sanitary sewer service*

Sanitary sewer service is provided by the UG.

c. *Storm water control*

Designed to meet City Code.

d. *Police*

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

e. *Fire*

Fire service is provided by Station #6 located at 95th & State Avenue.

f. *Transit*

Kansas City ATA does not provide transit services near this property. The closest transit stop is at Village West Parkway and Bass Pro Drive, approximately 2,000 feet to the north.

g. *Schools*

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

h. Streets

See item #6 above.

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

The proposed use will have an economic impact on the community as residents will shop and patronize businesses in the Village West area, an otherwise vacant building will be revitalized.

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

The proposed use is capable of meeting applicable ordinance requirements.

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

The relative gain to the public health, safety and welfare as compared to the hardship imposed on the landowners is minimal. If this petition is denied, the applicant will still be able to use the property, however, not in the manner that was intended.

PREVIOUS ACTIONS

- #PR-2011-25 was approved by the Board of Commissioners on August 25, 2011 to build a 642,951 square foot, two (2) building office complex for the Cerner Corporation.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting in-person at 1919 Prairie Crossing on March 24, 2023. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Open Space
Tree Preservation
Pedestrian Connectivity
Phasing
Amenities
Screening and Landscaping

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 1 to recommend **APPROVAL** of Change of Zone Application **COZ2023-001** and Master Plan Amendment Application **MPL2023-001**, including the requested deviations from the multi-family guidelines subject to:

1. The following requirements of the office towers conversion to mixed-use within the Mixed-Use Design Guidelines *have not* been met and the Planning Commission has approved the below requested deviations:
 - a. Streets within these areas will be designed to be low-speed and bicycle and pedestrian friendly through provisions of wide sidewalks and pedestrian amenities such as street trees, landscaping, benches, trash receptacles, etc.;
 - b. A minimum of 75% of the buildings should have a zero (0) foot setback;
 - c. On-site parking will be located behind the buildings;
 - d. The frontage of all mixed-use buildings should include pedestrian-oriented elements such as:
 - i. Transparent display windows
 - ii. Outdoor seating for dining areas
 - iii. Public art and pedestrian amenities such as fountains, benches, etc.;
 - e. In multi-tenant, multi-story buildings, at least one, lobby entrance at the ground floor should be provided having direct visibility and access from the street; and,
 - f. High quality masonry building materials approved for this district are stone, brick, cast stone and stucco. Synthetic stone, such as pre-manufactured fiberglass, cultured stone, or glass-fiber reinforced concrete is permitted, provided that it is identical in appearance and of equal or greater durability to natural stone. These masonry materials shall be required to 65% of the sum total of all buildings facades, except single-family houses, which shall have 25% of the sum total of all facades.
2. A Final Development Plan is required for any additional development aside from the occupancy conversion and amenities, as shown conceptually in the out-parcel site layout;
3. Extend the sidewalk from the edge of the parking lot along the northern drive, closest to State Avenue right-in/right-out and stripe a crosswalk across Village West Parkway and tie into the existing sidewalk on the west side of Village West Parkway at Homestead-Miami Drive;
4. KDOT will reconstruct the Interstate 435 and State Avenue interchange to a Diverging Diamond Interchange (DDI), therefore build a sidewalk along State Avenue to the northeastern most property line towards I-435 and connect to the future sidewalk/intersection;
5. Install walking trails within the open space, around Little Turkey Creek (Lot 1C) and through the development as an amenity for residents;
6. Replace and repair existing curbs, pavement and landscaping;
7. Rideshare platforms (i.e., Uber, Lyft, etc. should be incorporated into this development as an alternative mode of transportation;

8. If not already provided, a Knox box shall be provided for KCKFD at the gated ingress/egress;
9. Record a deed to preserve the creek and open space to the south;
10. After preliminary conversations with Ryan Hurst, Interim Director, Department of Transportation, micro-transit is being studied within the Village West area in conjunction with employment centers in the area. Show the transit stop in front of the property on the site plan. A bench should be provided, but further discussions with KCATA is necessary to determine if a bus shelter is warranted. Contact Ryan Hurst, Department of Transportation at (913) 573-8312 or rhurst@wycokck.org;
11. No direct access onto State Avenue from 10200 Abilities Way;
12. Replace any trees and shrubs that are dead or dying;
13. Sec. 27-700(b)(9) Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky-reflected glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed one-foot candle as measured from said property line;
14. All lighting on the property, both on the buildings and in parking lots shall have 90-degree cutoff fixtures;
15. 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;
16. Per Business Licensing Department: All occupying businesses will need to file and maintain the occupation tax application with our office for their business activity;
17. 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;
18. 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;
19. A Pre-Construction meeting is required for any improvements to public infrastructure upon the approval and issuance of a Development Review Committee (DRC) Permit. Any improvements to, construction or alteration of sanitary systems, stormwater systems, public or private streets, sidewalks, or other public infrastructure will require a pre-construction

- meeting with the Department of Public Works. The applicant is required to contact the County Engineer at (913) 573-5400 or by info@wycokck.org prior to construction to arrange this meeting;
20. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
 21. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed by right or by Special Use Permit under the new zoning district, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located; and,
 22. 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 Unified Government 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 **COZ2023-001** and **MPL2023-001** subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

April 10, 2023 City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Designation Map
Mixed Use Land Use Designation
Mixed Use Design Guidelines
Amenity Standards
Applicant Response Letter
Neighborhood Meeting Minutes
Applicant Letter
Existing Site Plan for Cerner
Existing Landscape Plan for Cerner

Floor Plan
Building Elevation
Site Photographs taken by Staff on February 14, 2023

REVIEW OF INFORMATION AND SCHEDULE

Action	City Planning Commission	Unified Government Board of Commissioners
Public Hearing	April 10, 2023	April 27, 2023
Rezoning	Approval	
Master Plan	April 10, 2023	April 27, 2023
Amendment	Approval	

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

MOTIONS

Master Plan Amendment

I move the Unified Government Board of Commissioners **APPROVE** Petition **MPL2023-001** 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 **MPL2023-001** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

Change of Zone

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2023-001** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____;
2. _____; And

3. _____.

OR

I move the Unified Government Board of Commissioners **DENIAL** of Petition **COZ2023-001**, 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.

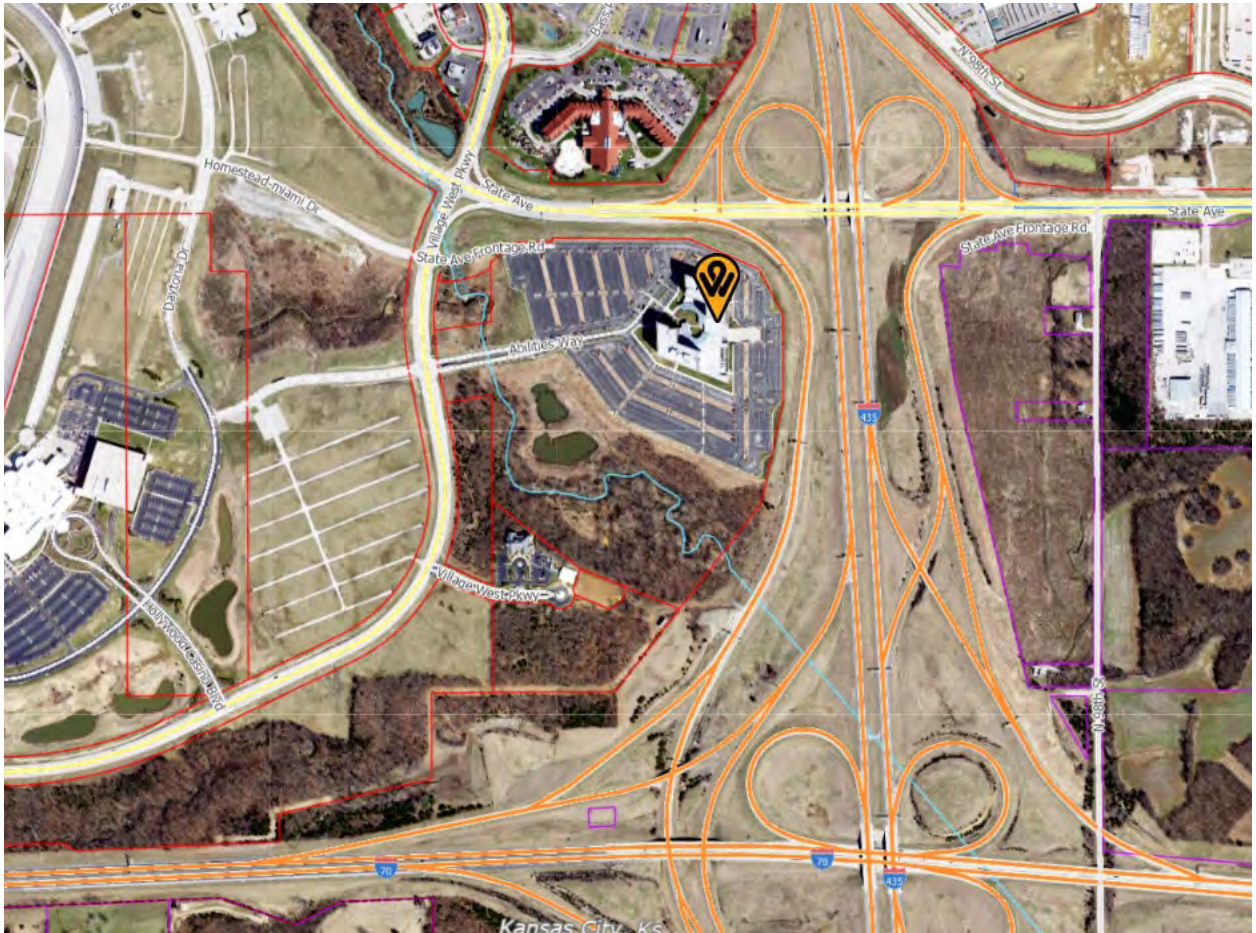


Figure 1. Aerial Map for 10200 Abilities Way (provided by UG Maps).

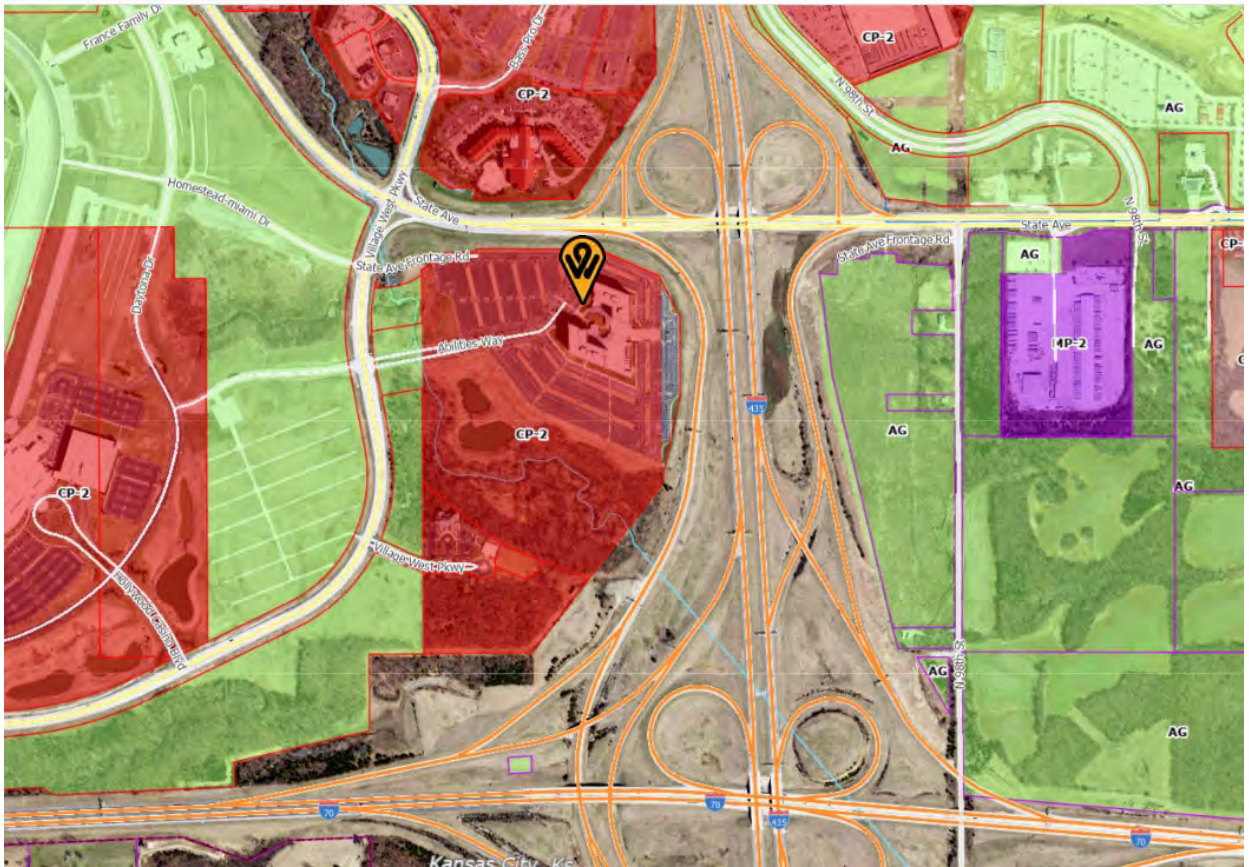


Figure 2. Zoning Map of 10200 Abilities Way (provided by UG Maps).

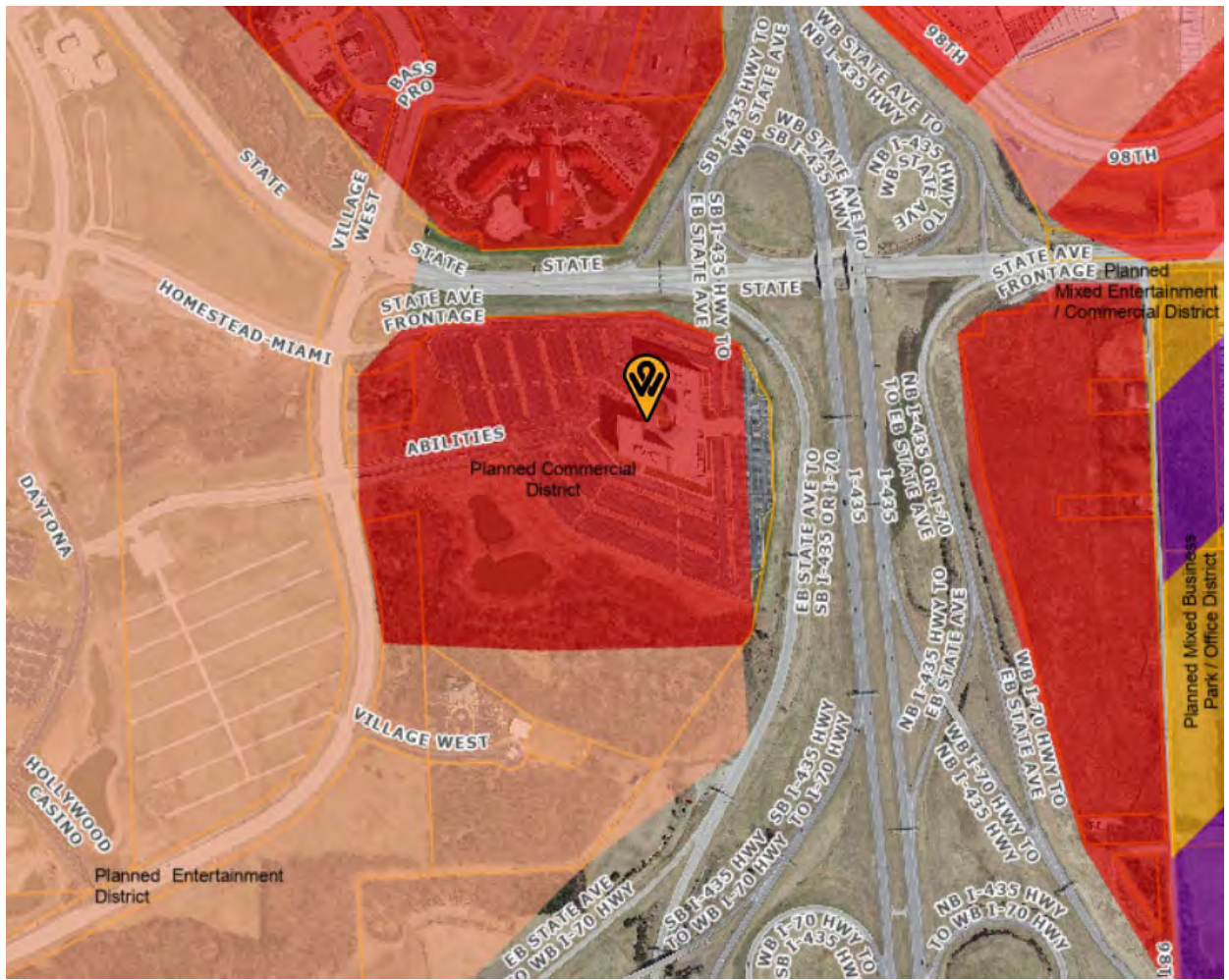


Figure 3. Prairie Delaware Piper Master Plan Land Use Designation Map (provided by ArcGIS Pro).

Mixed-Use: Located at major arterial intersections and within traditional neighborhood design (TND) developments, these areas are ideal for integrating complimentary land uses such as retail, offices, small businesses and mixed-use residential.

- **Allowed Uses:**
 - Specialty retail
 - Sit-down restaurants
 - Convenience retail uses such as banks, drug stores, etc.
 - Professional and office services
 - Institutional uses such as churches, schools, libraries, etc.
 - Parks, plazas and open space
 - Mixed-density residential uses
- **Discouraged Uses:**
 - Industrial uses
 - Business parks
 - Drive-through restaurants
 - Car lots
- **Required Infrastructure:**
 - Access to gravity sewer.
 - Access to a Class A or B thoroughfare or boulevard.
 - Minimum 8-foot sidewalk/trail.
 - Minimum 4-foot pedestrian path with landscape buffer and pedestrian lighting from parking areas to buildings.
 - A traffic study will be required to determine access improvements such as turn bays, intersection controls, etc.
- **Design Guidelines:**
 - All developments must meet the minimum mixed use guidelines outlined on page 43-44.
- **Recommended Density:**
 - No floor to area ratio restrictions; however, uses should have adequate parking that does not negatively impact adjacent neighborhoods.
 - Residential densities: 4 to 12 dwelling units per acre
- **Green Principles:**
 - Incentives should be provided for:
 - Leadership in Energy and Environmental Design (LEED) compliant construction and/or use of **National Association of Home Builders (NAHB)** Green Building Council Standards.
 - Energy Star qualified buildings.
 - Bicycle and pedestrian connections to adjacent neighborhoods and developments.
 - Enhanced pedestrian amenities including site furniture, trash receptacles, lighting, etc.
 - Use of Best Management Practices (BMPs) for storm water management.
 - Shared parking (on-street parking should count towards requirement).
 - Transit oriented development (TOD).
- **Cultural Principles:**
 - Incentives should be provided for:
 - Integration of a central gathering space and associated amenities.



City-Wide Master Plan

UNIFIED GOVERNMENT OF WYANDOTTE COUNTY / KANSAS CITY, KANSAS

Mixed-Use Design Guidelines

The following design guidelines apply to all new mixed-use developments.

- Each development will have an identifiable center that includes defined “people places” for residents, shoppers, workers and visitors to gather, interact and recreate.
- Housing choices will be provided by offering a diversity of product types and price points to meet the needs of multiple demographic groups.
- Transit connections and facilities will be included within the overall design of the site. Development densities for commercial, office and residential uses will be greater within these areas to encourage transit use.
- Streets within these areas will be designed to be low-speed and bicycle and pedestrian friendly through provision of wide sidewalks and pedestrian amenities such as street trees, landscaping, benches, trash receptacles, etc.
- When practical, parking requirements should be decreased within these areas to encourage transit ridership.
- Auto-oriented uses such as drive-through restaurants and banks will be discouraged.
- A minimum of 75% of buildings should have a zero foot setback.
- Primary building facades should be parallel to the sidewalk.
- Where buildings are set back from the right-of-way, the open areas should be enhanced and used as public spaces such as a plaza or courtyard.
- The frontage of all mixed-use buildings should include pedestrian-oriented elements such as:
 - Transparent display windows
 - Outdoor seating for dining areas
 - Public art and pedestrian amenities such as fountains, benches, etc.
- On-site parking will be located behind the buildings.
- In multi-tenant, single-story buildings, each use should have at least one ground floor entrance directly visible and accessible from the street.
- In multi-tenant, multi-story buildings, at least one, lobby entrance at the ground floor should be provided having direct visibility and access from the street.
- Landscape is required to screen all parking areas and service entries.
- Trees are required in the public right-of-way along streets, at a minimum of one (1) shade tree every forty (40) feet.



City-Wide Master Plan

UNIFIED GOVERNMENT OF WYANDOTTE COUNTY / KANSAS CITY, KANSAS



- Buffers will be provided as a necessary transition when a mixed-use development is located adjacent to an existing lower-intensity or higher-intensity use and/or when fronting a highway or expressway by one or a combination of the following:
 - Establish a 22-foot landscape easement for a 3-foot berm and a row of evergreen trees every thirty (30) feet and a row of three (3) gallon evergreen shrubs every four (4) feet on center.
 - Establish a 16-foot landscape easement for a 2-foot berm and a row of evergreen trees every thirty (30) feet.
 - Establish a 10 foot landscape easement for a 6-foot high solid wood fence or masonry wall and a row of evergreen trees every thirty (30) feet.
 - The applicant submits a landscape plan that adequately addresses softening the development, buffering traffic sound, headlight glare, and identifies how the landscaping would be maintained and who is responsible for that maintenance.
- High quality masonry building materials approved for this district are stone, brick, cast stone and stucco. Synthetic stone, such as pre-manufactured fiberglass, cultured stone, or glass-fiber reinforced concrete is permitted, provided that it is identical in appearance and of equal or greater durability to natural stone. These masonry materials shall be required on 65% of the sum total of all building façades, except single-family houses, which shall have 25% of the sum total of all façades.
- Stucco in a mixed-use development shall mean traditional stucco or gypsum concrete/plaster materials with a smooth sand finish. Cement board siding may be used to fulfill the masonry requirement but the percentage of masonry becomes 100% excluding trim. Exterior Insulation and Finish Systems (EIFS) or pre-manufactured panels are not permitted.
- All accessory units and garages shall be constructed from the same materials as the main structure.
- Commercial uses shall be permitted one (1) wall sign and one (1) monument sign. Within a development, consolidation of signage is highly encouraged.
- Freestanding pole/pylon signs are not permitted.
- Signs should be made of high quality and durable materials such as concrete, brick, stone, metal panels or heavy-weight plastic panels. Materials such as plywood or painted masonry are not permitted.
- Low-scale signs such as wall signs, awning signs and building signs should be used for retail and office uses.
- The size and look of the sign shall be governed by the Sign Chapter of the Unified Government Zoning Code. The applicant or Development Review Board may create more restrictive regulation. Less restrictive regulation may only be approved by the Unified Government Board of Commissioners through a separate Special Use Permit.

Amenity Guidelines

Amenities within residential developments are an important factor when potential home buyers consider purchasing a home. Amenities enhance the overall value of a neighborhood and allow residents to meet and get to know one another.

Single-Family Residential Amenity Guidelines

Amenities are required for each residential subdivision. The requirements are based on the number of units within the subdivision. Residential developments of any unit type with fewer than 50 dwelling units are required to have one (1) Small Amenity. Residential developments with 50-to-200 dwelling units are required to have two (2) Amenities. Only one (1) of the required amenities may be a Small Amenity. Residential developments with more than 200 dwelling units are required to have three (3) Amenities, of which one (1) amenity may be considered a Small Amenity. All amenities will be built in the first phase of the development.

Multi-Family Residential Amenity Guidelines

Multi-family developments shall incorporate recreational amenities based on the number of units within the development. Multi-family developments with less than 25 dwelling units are required to have one (1) Small Amenity. Multi-family developments with 25-to-150 dwelling units are required to have two (2) amenities. Only one (1) of the required amenities may be a Small Amenity. Multi-family development projects with more than 150 dwelling units are required to have three (3) amenities, of which one (1) amenity may be considered a Small Amenity. All amenities will be built in the first phase of the development.

Residential Amenity Reference Table

Small:	
Basketball, volleyball, or other court sport.	
Open play area of at least 15,000 square feet with maximum of three (3) percent slope and low benches and one play structure.	
One picnic area with a minimum size of five-thousand (5,000) square feet and including a minimum of two (2) picnic tables, one (1) shelter, and one (1) barbecue grill/pit per area.	
Option provided by owner, but must be considered equal to one of the other small options.	
Regular:	
Swimming pool	
Golf Course	
Residential Clubhouse	
Two (2) basketball, volleyball, or other court sports.	
Two (2) lot lots with a minimum size of four-thousand (4,000) square feet per area, one (1) play structure per lot, one (1) bench per lot.	
Two (2) picnic areas with a minimum size of five-thousand (5,000) square feet and including a minimum of two (2) picnic tables, one (1) shelter, and one (1) barbecue grill/pit per area.	
Trail(s) for pedestrians and/or bicycles that connect(s) to the overall trail network within the area. This trail may be within preserved natural corridor.	
Option provided by owner, but must be considered equal to one of the other regular options.	



Date: 2/28/2023

Omid Shahbazian

On behalf of applicant:

Block & Company, Inc & Genesis Realty & Development, LLC

4420 Madison Ave.
Kansas City, MO 64111

Reference: response to staff comments and recommendations Change of Zone Petition COZ2023-001 and Master Plan Amendment MPL2023-001 – [10200 Abilities Way, Kansas City, KS 66111]

Dear Byron Toy,

Please find following responses to DRAFT report, COZ2023-001_MPL2023-001. Upon review please let us know should you have any questions or concerns.

STAFF COMMENTS AND SUGGESTIONS

Planning and Urban Design Comments:

a) General Planning:

1. For reference, these two (2) office building towers are proposed to be converted into ground floor commercial retail/office with 8-stories of apartment units totaling between 416 and 464 units.
2. A Final Development Plan is required for any additional development aside from the occupancy conversion and amenities, as shown conceptually in the out- parcel site layout. **Final development plans will be submitted upon re-zoning approval and will be included comprehensive plans outlining occupancy type and amenities.**
 - a. What is the anticipated timeline for the future out-parcel development? **12-24 Month**
3. Review the Mixed-Use Design Guidelines. If the proposed development does not meet a specific standard or element, a deviation must be requested in writing, detailing how the development cannot meet each specific guideline. The deviation will be reviewed by Planning Staff and must be approved by the City Planning Commission. **Noted.**
4. Extend the sidewalk from the edge of the parking lot along the northern drive, closest to State Avenue right-in/right-out and stripe a crosswalk across Village West Parkway and tie into the existing sidewalk on the west side of Village West Parkway at Homestead-Miami Drive. **Development team will consider this request and will incorporate the design in final development plans upon re-zoning approval.**
5. KDOT will reconstruct the Interstate 435 and State Avenue interchange to a Diverging Diamond Interchange (DDI), therefore build a sidewalk along State Avenue to the northeastern most property line

4420 Madison Ave, Kansas City, MO 64111

towards I-435 and connect to the future sidewalk/intersection. Development team will consider this request and will incorporate the design in final development plans upon re-zoning approval

7. Install walking trails within the open space, around Little Turkey Creek (Lot 1C) and through the development as an amenity for residents. Development team has considered a walking trail for this re-development and will propose upon completion of re-zoning.

8. Replace and repair existing curbs, pavement and landscaping. **Noted.**

9. What on-site amenities will be available for residents? Walking trail, outdoor or indoor pool, Fitness/Gym/Wellness center, potential health clinic, residence lounge that would be designed in a way that residents have space to socialize and relax and may have featured amenities such theater room, kitchen, game room etc. the goal is to provide such amenities that enhances the living experience for residents and create a sense of community within the complex.

10. What programming is proposed between the 119,226 square feet of ground floor gross building area of Towers 1 and 2? Majority of space has been utilized for mechanical rooms, back of kitchen etc. rest of the remaining area planned for restaurant, GYM, retail, meeting room, lobby and residence lounge, residence indoor amenities that will be reflected in Final Development Plans.

11. Will both towers be redeveloped at the same time, or will the change of occupancy be a phased plan? Development team is planning to launch both towers at the same time.

12. Luxury senior housing is described as a floor within Tower 1, please clarify how this use fits within the overall mixed-use development. As a conceptual plan, development team believes that by having such a significant space as shared amenities between both towers, on-site dining, healthcare center, etc. incorporating a senior housing floor can provide range of benefits both to the seniors and the community as a whole despite the fact that brings sense of community to the complex. There are some steps to be taken to successfully incorporate this idea and development team hasn't finalized the decision on this this item yet.

13. Will there be Uber, Lyft or other rideshare pick-up/drop-off areas? Development team didn't plan for UBER, Lyft pick up / drop off station but will consider a location for this purpose during design development stage as will provide more comfort for the residences.

14. Will the loading docks in the rear be used? At this point the development team does not anticipate changing the rear loading docks.

15. Will the site remain gated? Do you intend to keep the guard house? Gated for Primary residences, we anticipate to keep the guard house however will be defined better once development plans completed and proposed for review.

16. Record a deed to preserve the creek and open space to the south. Development team need to further investigate this request, if the creek inside the property line we may need to incorporate some parking, trail etc.

17. Show the transit stop in front of the property on the site plan. A bench should be provided, and a bus shelter may be warranted. Further discussion with KCATA is necessary. **Contact Ryan Hurst,**

4420 Madison Ave, Kansas City, MO 64111

Department of Transportation at (913) 573-8312 or rhurst@wycokck.org. our traffic engineers will coordinate with Mr. Hurst during design development and KCATA.

18. No direct access onto State Avenue from the 10200 Abilities Way. Noted.

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

20. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly. Noted and will be coordinated during construction permit review process.

21. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly. Noted.

22. A Pre-Construction meeting is required for any improvements to public infrastructure upon the approval and issuance of a Development Review Committee (DRC) Permit. Any improvements to, construction or alteration of: sanitary systems, stormwater systems, public or private streets, sidewalks, or other public infrastructure will require a pre-construction meeting with the Department of Public Works. The applicant is required to contact the County Engineer at (913) 573-5400 or by info@wycokck.org prior to construction to arrange this meeting. Noted.

b) Landscaping and Screening:

1. Replace any trees and shrubs that are dead or dying. **Will be coordinated in final development plans.**

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

3. All lighting on the property, both on the buildings and in parking lots shall have 90-degree cutoff fixtures. **Noted a photometric study will be done for site lighting purpose.**

b) Signage:

1. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process. **Noted, a separate**

4420 Madison Ave, Kansas City, MO 64111



application for building signs will be provided to Planning and Urban design for future site and building signs.

Planning Engineering Comments:

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

1) None

B) Items that are conditions of approval:

1) Detailed engineering comments are made by separate technical review of the plans and submitted directly to the applicant. Provide revised plans and responses in accordance with the engineering comments. **Development team proposing no changes to current approved plan prior re-zoning to proper use for re-development.**

C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:

1) None

Best Regards

Omid shahbazian

Genesis Team

4420 Madison Ave, Kansas City, MO 64111



Application Number: COZ2023-001

Date and Location: March 24th, 2023, at 1919 Prairie Crossing St. Kansas City, KS

Meeting called to order at: 2pm

Names of people in attendance: Steve Beaumont

Questions:

- How many units in each building?
 - 464 in total
- Will there be additional parking garages built?
 - No, there are currently 3300 open spots.
- Will first floor be CP3 zoning?
 - Yes.

Meeting Adjourned at: 2:30pm

Minutes taken by: Arianna Tomes

Genesis Realty & Development, LLC
4420 Madison Ave. Kansas City, MO 64111
816-756-2331

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF KS)
COUNTY OF WY) SS:

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

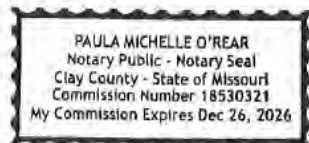
1. That I am the petitioner for Petition #COZ2023-001
2. That I conducted a neighborhood meeting on March 24th 2023.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

Philip Goforth
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 27th day of March, 2023.

My commission expires 26th of December 2026.



Paula Michelle O'Rear
Notary Public



Change of use description

Buildings & Existing Improvements

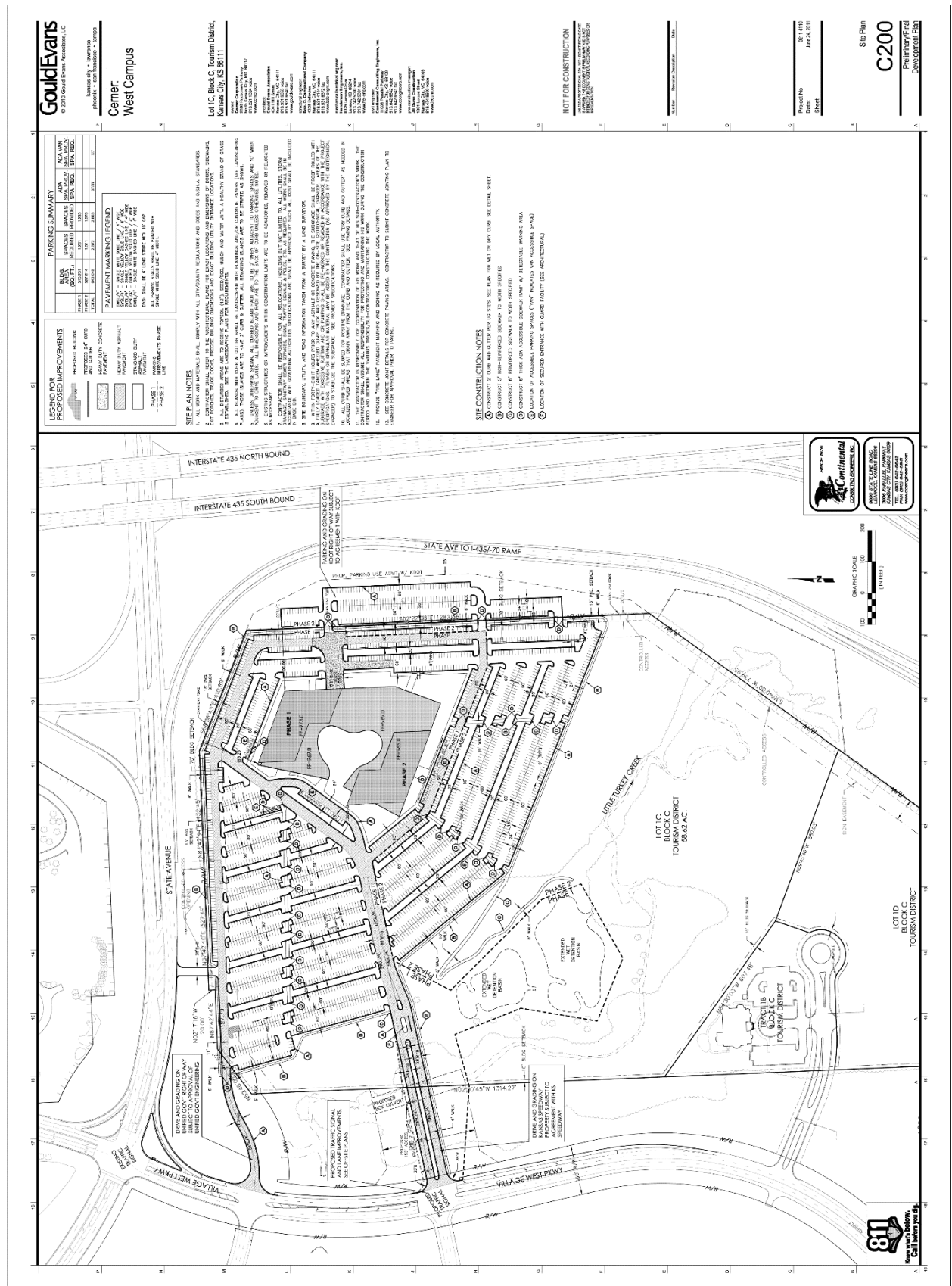
- The development team is requesting a change of use from its current exclusive designation of office to a zoning allowance of mixed-use.
- The mixed-use zoning would allow the re-development to include apartments, amenities, retail space, restaurants and still maintain some office areas specifically for co-working areas.
- The re-development plan could include a range of luxury apartments on upper floors, with the unit count ranging from 350 – 464.
- Lower floors would be used for the amenities and other common area uses described above.
- The plan would maintain the exterior of the buildings as-is.
- The re-development and construction would be interior, tenant-finish type of work to construct the individual apartment floor plans as depicted in pages below.

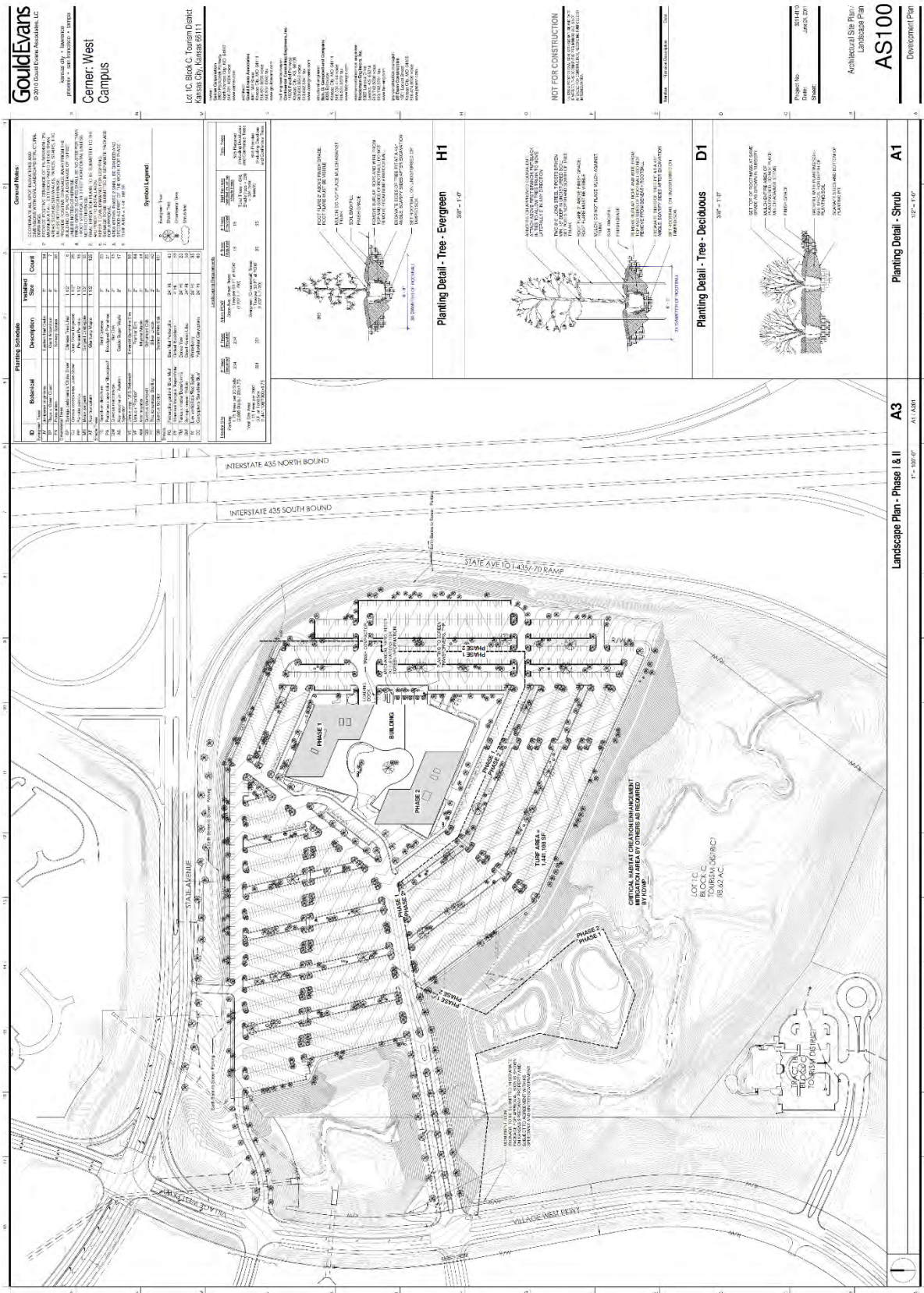
Use of excess land and out-parcels

- The re-development will maintain parking as required for the new residential component and possibly utilize excess land in the future, for other entertainment, hotel, retail and/or restaurant facilities.
- The mixed-use designation would accommodate these potential uses, which would enhance the overall re-use strategy and add to the quality of the area.

Residential Concepts

- The residential re-development concepts include two different density options, Study 1 – 464 units and Study 2 – 416 units.

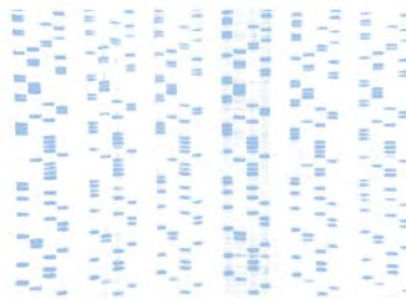




Existing Conditions

Quick Facts

Site Acreage: 63.45
Parking: 2,599 spaces
GSF: 647,981 GSF
Height: 9 Stories | 158 feet



Site Plan

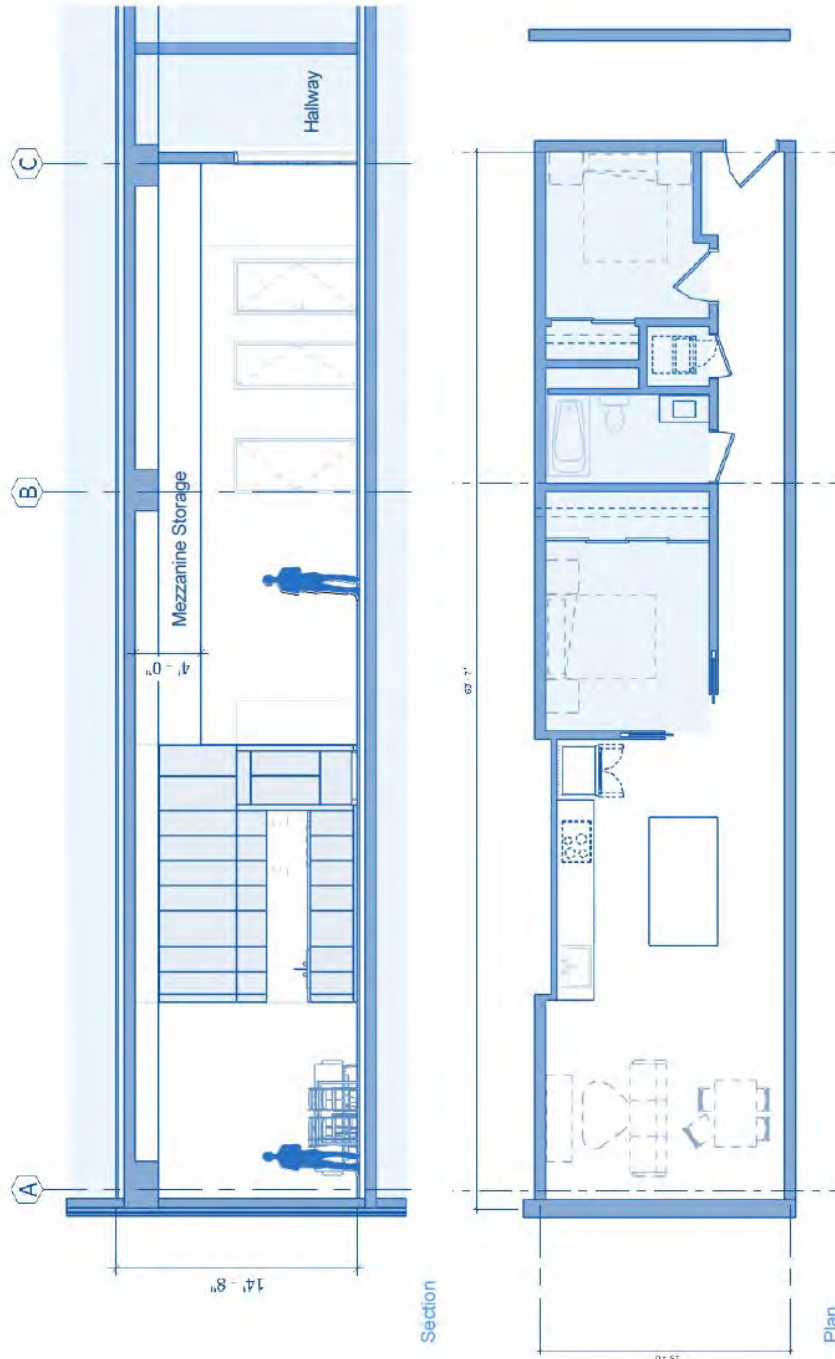


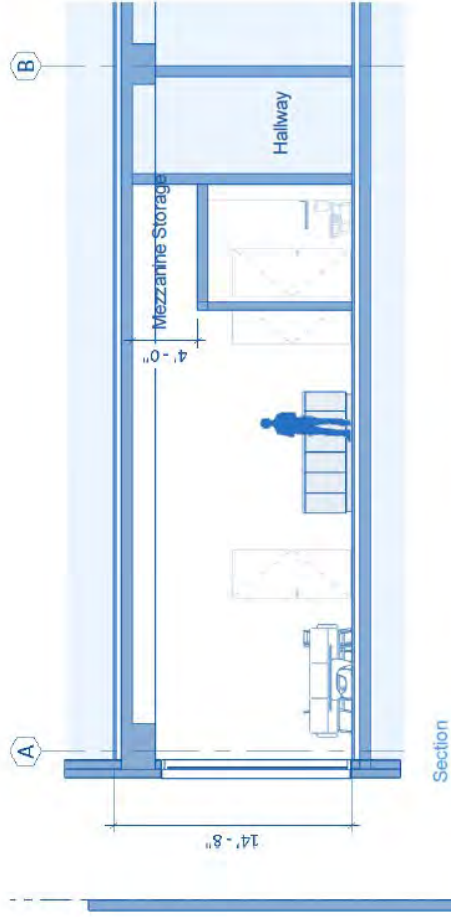
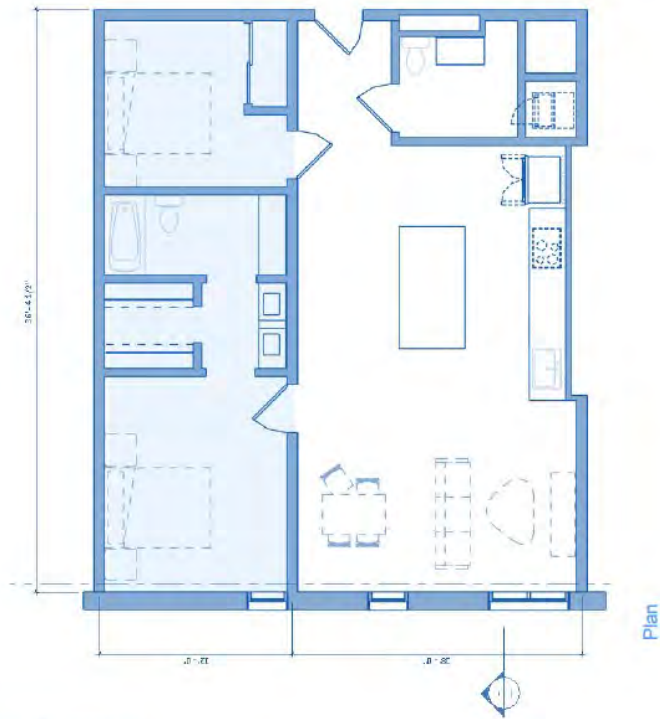
Level 2-9 Phase 1

GSF RESIDENTIAL FLOORS ONLY		Net Rentable	LEVELS (Above Grade)
264,375		236,716	9
Summary			
	NSF Target	Unit Perc	UNIT TOTAL
2-Borrow (Deep)	842 sf	28%	64
1-Borrow	823 sf	21%	48
1-BR 1-Borrow	1,076 sf	34%	80
2-BR 1-Borrow	1,330 sf	10%	24
3-BR	1,532 sf	7%	16
AVERAGE	1,020 sf		
		232	Net
		UNITS Estimate	87.2%



Residential Floorplate: Study 1

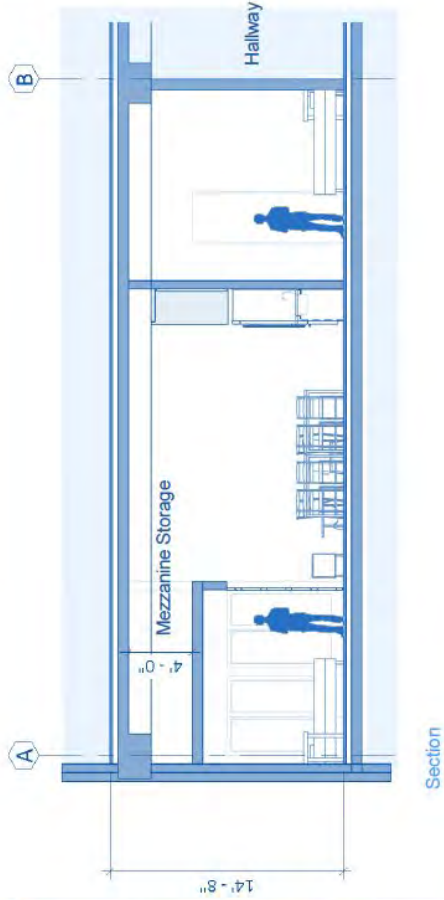




30 ft wide unit – 1,125 sf



Plan



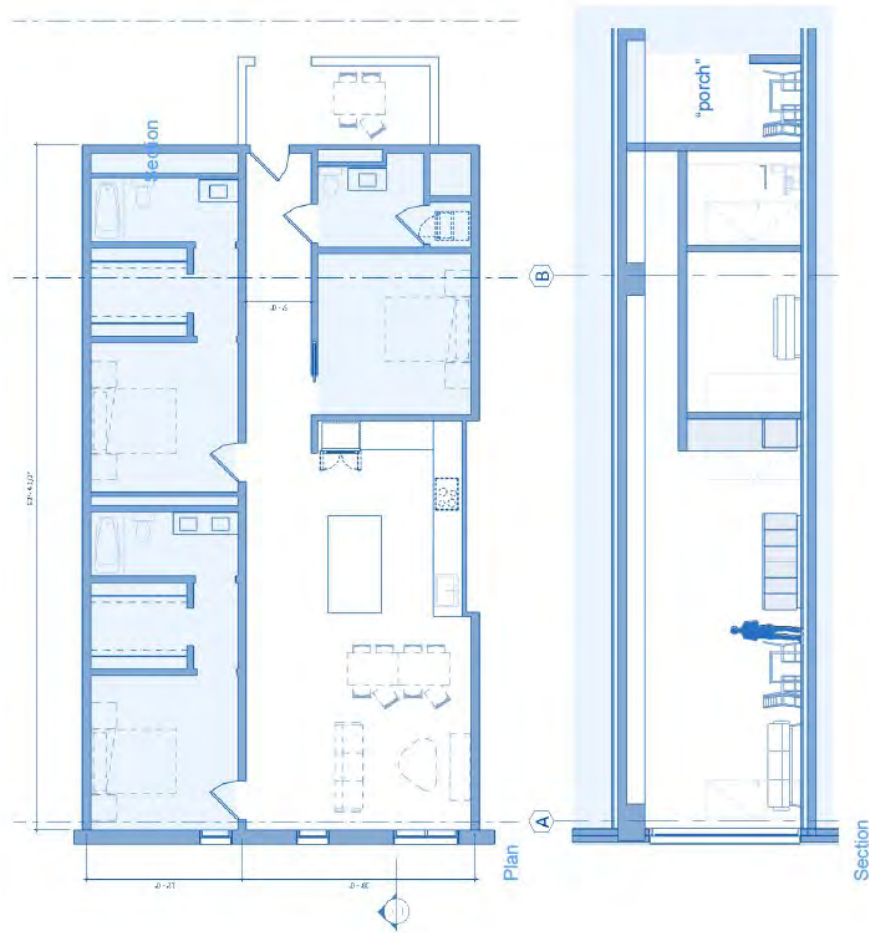
Section

End Unit 3-BR — 1,300 sf

Level 2-9 Phase 1

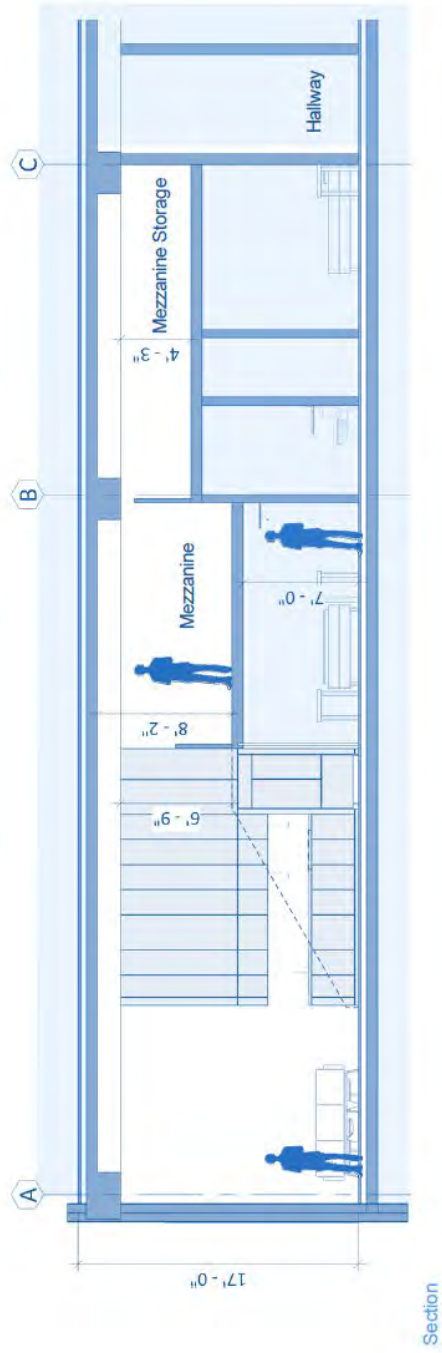
GSF RESIDENTIAL FLOORS ONLY		Net Rentable	LEVELS (Above Grade)
264,375		196,536	9
Summary			
	NSF Target	Unit Perc	UNIT TOTAL
1 BR 1-Borrow	814 sf	69%	144
1-BR 2-Borrow	1,307 sf	23%	48
3-BR	1,042 sf	8%	16
AVERAGE	940 sf		
208		Net	
		UNITS Estimate	74.3%



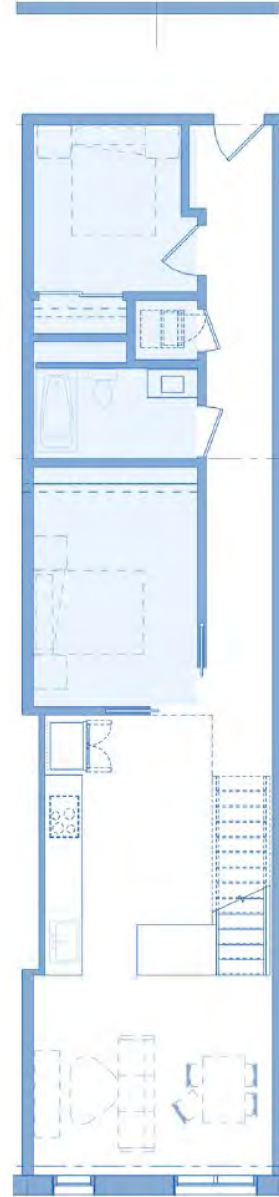


1-BR, 2-Borrowed Light, Front Porch Unit – 1,200 sf



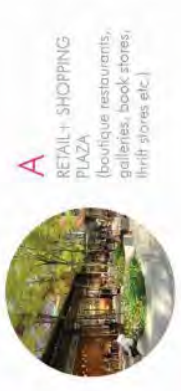
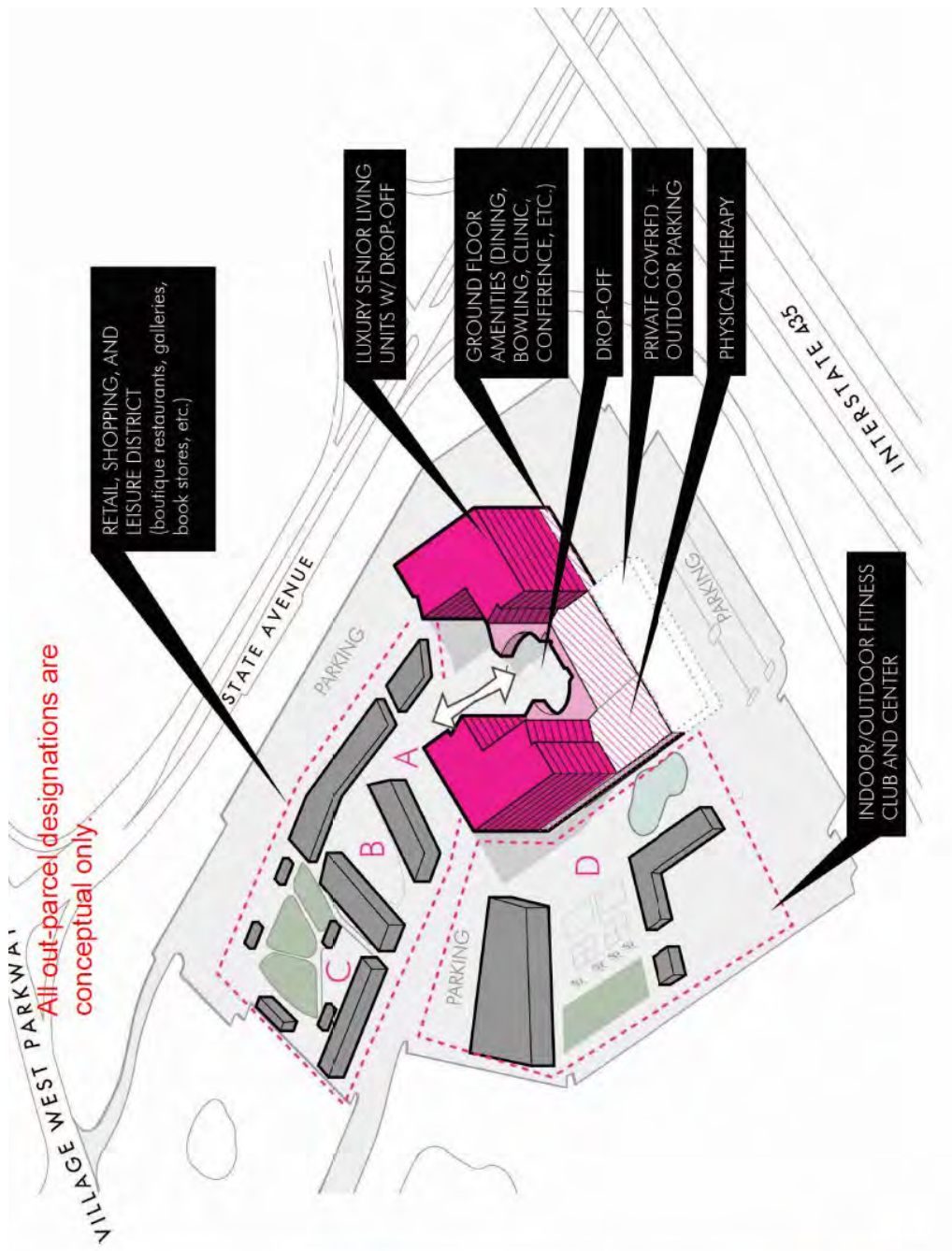


Section

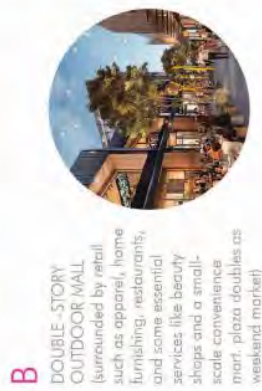


Plan

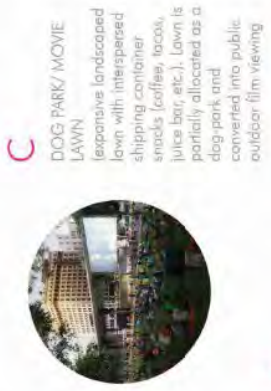
15 ft wide unit - Deep Borrowed Light -- 1,050 sf



A RETAIL + SHOPPING PLAZA
(boutique restaurants, galleries, book stores, thrift stores etc.)



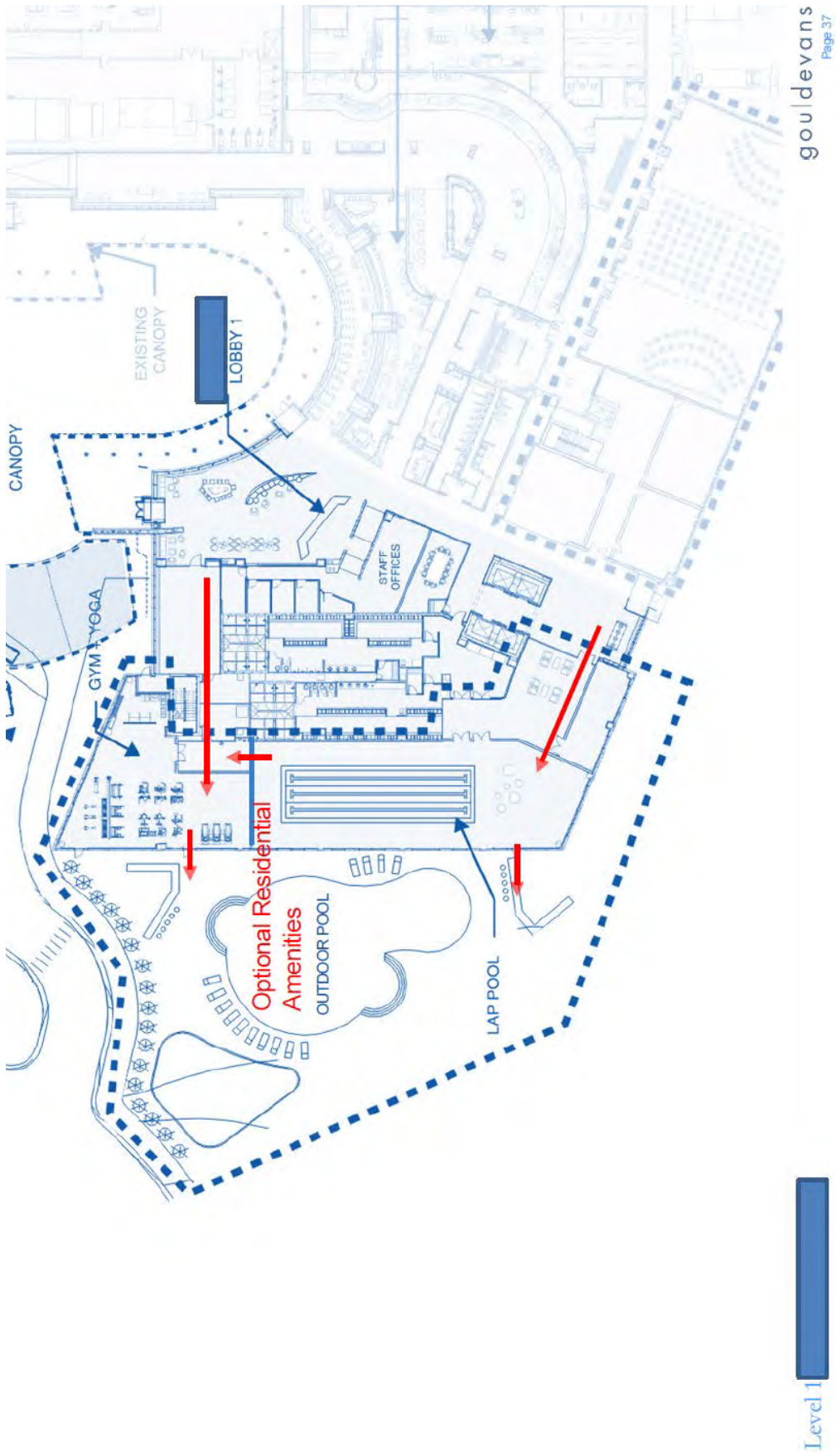
B DOUBLE-STORY OUTDOOR MALL
(surrounded by retail such as apparel, home furnishings, restaurants, and some essential services like beauty shops and a small-scale convenience mart; plaza doubles as weekend market)

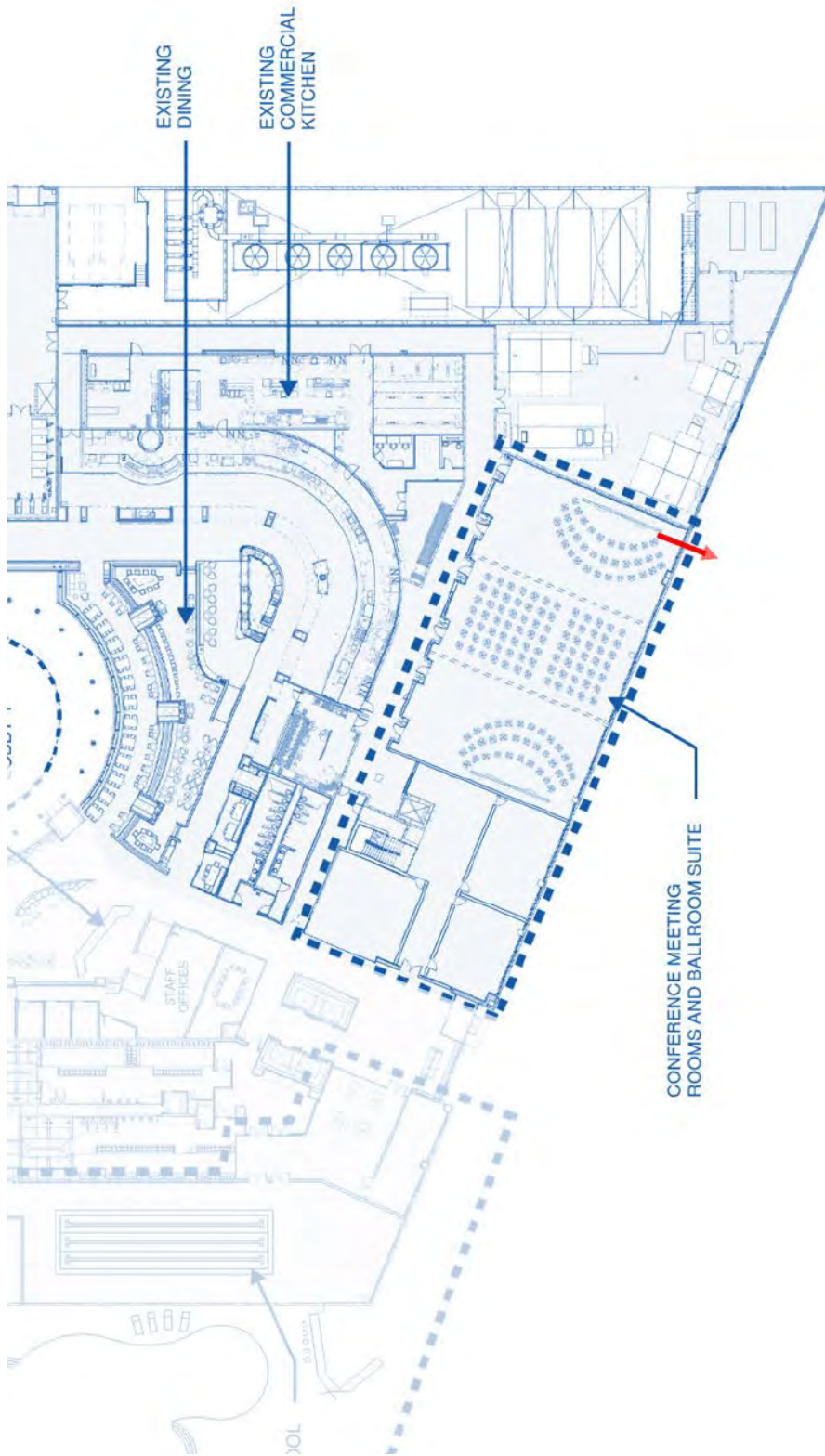


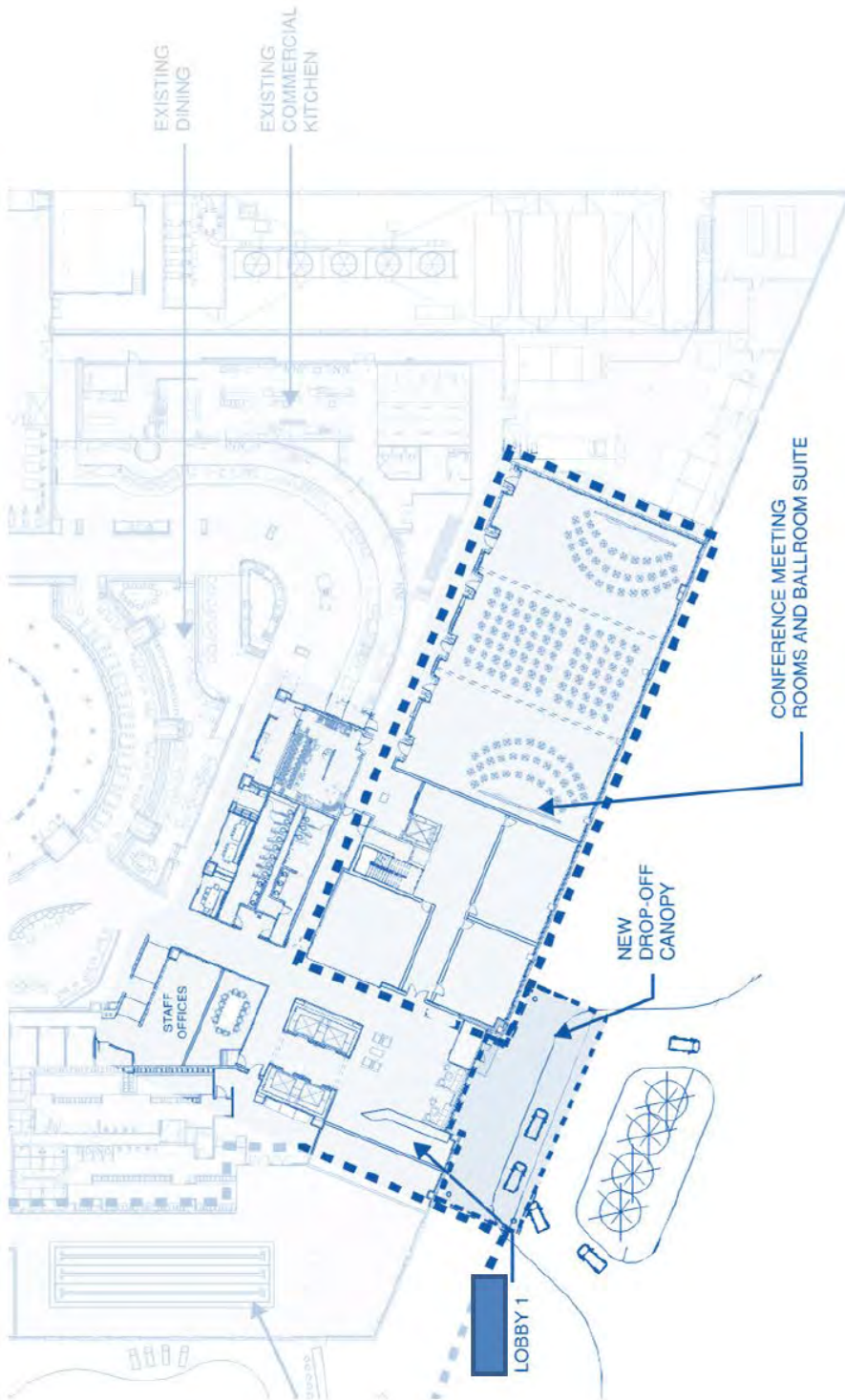
C DOG PARK/ MOVIE LAWN
(expansive landscaped lawn with interspersed shipping container snacks (coffee, tacos, juice bar, etc.). Lawn is partially allocated as a dog park and converted into public outdoor film viewing)



D FITNESS CENTER
(with tiered outdoor courts, fields, and lawns for activities from racquetball and squash to yoga; shared outdoor pool with senior living)







Level 1





Amenity Courtyard Opportunity

gouldevans
Page 14





Figure 4. Site Photograph of 10200 Abilities Way looking northeast (provided by Planning Staff).



Figure 5. Site Photograph of 10200 Abilities Way looking east (provided by Planning Staff).



Figure 6. Site Photograph of 10200 Abilities Way looking east (provided by Planning Staff).



Figure 7. Site Photograph of 10200 Abilities Way looking west (provided by Planning Staff).



Figure 8. Site Photograph of 10200 Abilities Way looking south (provided by Planning Staff).



Figure 9. Site Photograph of 10200 Abilities Way looking east from Village West Parkway (provided by Planning Staff).



Staff Request for Commission Action

Tracking No. 212207

Full Commission Meeting Date:

Committee: 4/27/2023

Date of Standing Committee Action:

4/24/2023 – Recommended Approval with revisions

Publication Required: No

<u>Date:</u> 04/21/2023	<u>Contact Name:</u> Gunnar Hand	<u>Contact Phone:</u> 913-573-5751	<u>Contact Email:</u> ghand@wycokck.org	<u>Department/Division:</u> Planning + Urban Design
<u>Item Description:</u> Short-Term Rental Ordinance				
<u>Action Requested:</u> Approval				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u> BOZA_CPC_Slides_MF_04.10.2023_STR Presentation, STR Ordinance_2023.04.24.FINAL EDITS, 2023 STR Application				



Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

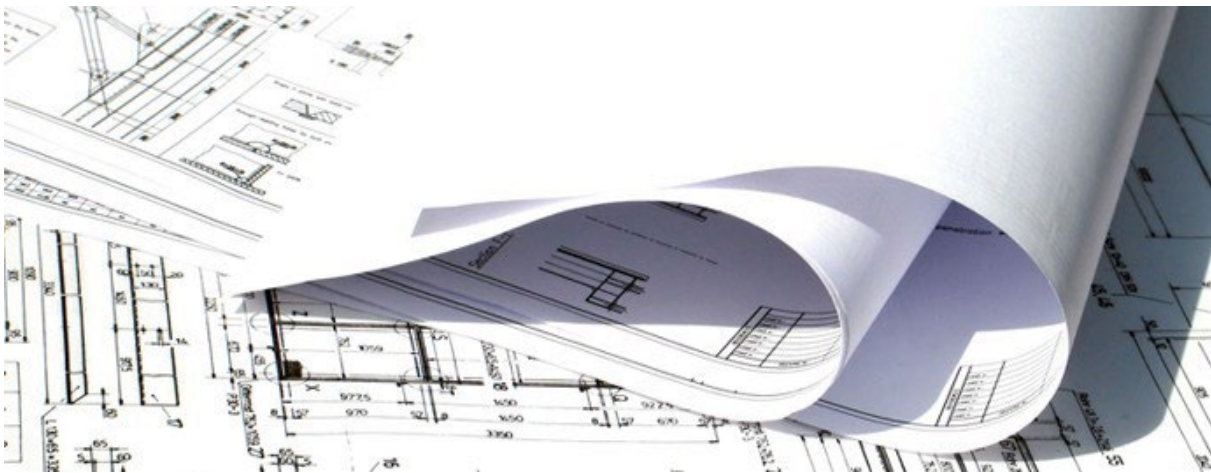
701 N 7th Street, Suite 423
Kansas City, Kansas 66101
www.wycokck.org/planning

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

Welcome to the Unified Government's land entitlement process. We look forward to working in collaboration with you on your proposed project.

Prior to submitting your application, you must schedule a pre-application meeting with a member of Planning + Urban Design staff:

Call: (913) 573-5750 **Email:** planninginfo@wycokck.org to set up a pre-application meeting.



You may submit a completed application in one of three ways:

1. **Electronically** through the Accela Citizen Access Portal at <https://mauwi.wycokck.org/CitizenAccess/Default.aspx>
2. **Electronically** by email, at EDR@wycokck.org
3. **In person** at the Planning and Urban Design Annex, located at the Neighborhood Resource Center at 4953 State Avenue, Kansas City, Kansas 66102

NOTE: Your plans must be submitted prior to the monthly submittal deadline. All engineering drawings shall be signed and sealed by a Kansas Licensed Professional Engineer. All drawings shall comply with the Kansas City, Kansas Code of Ordinances. ALL incomplete applications will not be processed.

**If you have any questions or need assistance, please contact us at
(913) 573-5750 or PlanningInfo@wycokck.org.**



Department of Planning + Urban Design

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Short-Term Rental Application

	Case Number: _____ Staff Planner: _____ Anticipated CPC Date(s): _____
	Fee Total: _____ Date Fees Paid: _____ Anticipated BOC Date(s): _____ ☐ Administrative Review Only ☐ Special Use Permit
1	Applicant(s) Name: _____ Company: _____
	Street Address: _____ City/State: _____ Zip: _____
	Telephone: _____ Fax: _____ Email: _____
	Property Owner(s) Name (if different than applicant): _____
	Street Address: _____ City/State: _____ Zip: _____
	Telephone _____ Fax _____ Email _____
	Property Manager (if applicable): _____ Company: _____
	Street Address: _____ City/State: _____ Zip: _____
	Telephone: _____ Fax: _____ Email: _____
2	Address or general location of property: _____
	Land area (acres): _____ or Land area (square feet): _____
A legal description of the property must be attached when submitting this application.	

3	Does the property owner live at the property for more than 272 days per year? ☐ Yes ☐ No Will the property owner be on site while the tenants are staying? ☐ Yes ☐ No Will there be an on-site manager? ☐ Yes ☐ No If not, how quick can the off-site manager be present? _____ min. Type of Property: ☐ Single Family ☐ Duplex ☐ Multi Family ☐ Mixed-Use Will the entire property be available for rental? ☐ Yes ☐ No If no, describe the areas that will be rented out: _____ Number of Units Used for Short-Term Rental: _____ Total Units _____ Is this an Accessory Dwelling Unit (ADU)? ☐ Yes ☐ No Parking Information: • Total Off-Street Covered (garage or carport) parking spots _____ + • Total Off-Street Uncovered (driveway) parking spots _____ = • Total Parking Spots _____
4	Rental Description Describe the manner in which the property will be used for a short-term rental, including areas of the residence that will be rented, if the whole property will be rented, how the property will be managed, and any other information which may assist in the review of your application. _____ _____ _____ _____
5	Additional Information Please note any additional information that may assist staff in reviewing this request. (i.e. builder and/or architect, architectural style, date(s) of construction and major alterations, previous ownership and/or occupants) _____ _____ _____ _____

Short-Term Rental Guidelines, Safety, and Habitation Standards:

Initial next to each guideline to demonstrate that you have read and acknowledged the guidelines for short-term rentals within the Unified Government.

6		Initial
	Guest reservations must be for a minimum of 24-hours.	
	Guest reservation information must be maintained and documented for a period of not less than one (1) year.	
	Liability insurance in the amount of \$1,000,000 must be maintained through the duration of the permit.	
	Sleeping quarters for short term tenants or guests shall not be in non-residential areas within buildings that do not contain finished living space (e.g. unfinished garage, unfinished storage shed); or in commercial (office/retail) or industrial (warehouse) spaces.	
	The use of short-term rental property for any commercial use or large social events or gatherings, such as weddings, is prohibited.	
	The city issued Special Use Permit and Business License numbers shall be used in all rental marketing materials.	
	No meals shall be prepared for or served to the renter by the owner or the owner's agents without an approved Food Handler's License.	
	The owner or owner's agent will provide 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.	
	An evacuation diagram identifying all means of egress shall be posted in a conspicuous place near the front door on each unit.	
	The guide or manual provided to occupants shall include information for utility service connections, such as location and accessibility, in order to disconnect utilities from service in the event of an emergency.	
	There shall be no evidence of pest infestation.	
	If there is a fireplace or solid fuel barbecue, the short-term residential rental shall be equipped with a minimum five-gallon heat rated metal container with a tight-fitting lid for ash disposal, which is clearly labeled. Instructions on storage or placement of ashes shall be stated in the rental agreement and on the notice posted within each unit. Do not place can on or near any furniture or other combustible material. Ashes must be wet down thoroughly with water. Ash can must be stored outside with a minimum of three (3) foot clearance from building, porch, trees, etc. A lid must remain on ash can when in use. A proper water source shall be immediately available to the solid fuel BBQ. If fire suspension is in effect in region, all fire codes from local jurisdiction shall be adhered to. Solid fuel barbeques or grills are prohibited on wood decks, landings, or porches.	
	A lead-based paint notification should be made available in any guest book or manual for properties built before 1978.	

6

An asbestos notification should be made available in any guest book or manual for properties built before 1981.	
If pets are allowed on the property, the owner and its agents shall maintain that tenants, guests, and occupants keep the pet in accordance to Chapter 7 of the municipal code, particularly Chapter 7 Article VI.	
Each dwelling must be properly cleaned and sanitized after each guest check-out.	
Trash must only be set to the curb on the designated trash days during specified hours and should not accumulate in the front yard or any right of way space outside the designated trash pickup hours.	
Applicant acknowledges that the property may be inspected at any time upon request, complaint, or emergency.	
Property shall be up to date on inspections and related items on the following safety and habitation standards, including but not limited to: • All bedrooms and sleeping quarter must meet egress requirements either by door or by window. • Smoke detectors shall be installed on each floor of the dwelling unit and in hallways adjacent to sleeping areas, in each bedroom, each room that has a fireplace, each room that has a water heater, furnace, clothing dryer, or electrical panel. • CO2 detectors shall be installed on each floor of the dwelling unit, in hallways adjacent to sleeping areas, and in each room that has a water heater, furnace, or electrical panel. • GFCI outlets shall be provided in each bathroom, kitchen, garage, basement, and exterior areas. Windows must be operable, not blocked or boarded. • All glass shall be free of cracks or defects. • Handrails must be provided with four (4) or more risers, including into basement areas, porches, or other walkways. • Where required, guards and guardrails must be maintained to code. • There shall be no exposed wiring, uncovered junction boxes, improper spicing, or overloaded electrical circuits. • The electrical panel(s) should be properly wired, and the panel must not be of any recalled manufacturers such as Zinsco or Federal Pacific Electric. • Dryer vents must be free and clear of any lint or debris. • The residential rental shall be equipped with a minimum of one 5 (five) pound C type extinguisher with 75 feet of travel distance to all portions of the structure; there shall be no less than one such extinguisher per floor. The fire extinguisher(s) shall be mounted in visible locations with the tops of the fire extinguishers mounted between three feet and five feet above the floor and shall be always accessible to occupants. Annual certification tags must be provided and be current on all extinguishers. • There shall be no permanent use of extension cords for appliances, heaters, lamps or other fixtures. • Mechanical flues and associated liners shall be maintained in proper condition and exhaust, including but not limited to furnace and chimney flues. • Faucets and fixtures shall be maintained in working condition. There shall be no leaking fixtures or clogged or leaking wastewater lines. Showers, sinks and bathing facilities shall be clean and shall drain properly.	

6	• Hot water tank must be operational at a temperature of no less than 120°F. • All gas shut off valves shall be to current plumbing, mechanical, or fuel gas codes including at water heater, furnace, or fireplace. Copper gas piping is prohibited. • Fireplaces shall be equipped with screens which are adequate to prevent sparks or rolling logs from escaping the fireplace opening. • All outlets shall have properly fitting faceplates. • Double-keyed locks are not allowed. • All exterior doors, landings, and stairs must be well lit. • Sidewalks and exterior pathways must be free of trip hazards such as cracks or other defects. • Overhead power lines must be 10 feet above all porches, decks, balconies, and grade. A 3-foot clearance beside or below operable windows must be maintained. • All powerlines must meet current BPU standards.	
7	Have you been through a Planning and Zoning process before? ☐ Yes ☐ No If so, where? ☐ KC Metro ☐ State of Kansas/Missouri ☐ Other: _____ Have you been through a Planning and Zoning process with the Unified Government before? ☐ Yes ☐ No If so, when was the last time? ☐ Within the past six (6) months ☐ Within the past one (1) year ☐ Within the past five (5) years ☐ More than five (5) years	
End of Questionnaire Please review the application to ensure all applicable fields are filled out. <u>Any incomplete fields may result in your application not being processed.</u>		

Application Declaration

The following declarations are hereby made:

- The undersigned is the owner or authorized agent of the owner or the offices of a corporation or partnership.
- The submitted plan, if any, contains all of the necessary information required by the zoning or other applicable ordinance(s). I will provide any and all omitted information and understand omissions can delay the development process a minimum of thirty (30) days.
- The applicant has discussed this application with a staff planner in the Department of Planning and Urban Design. (Planner Name) _____
(Date) _____
- The information presented and contained within this application completed as required by this application and the required submission list is true and correct to the best of the undersigner(s) knowledge.
- The proposed plan does not violate any existing Conditions, Covenants, or Restrictions and/or any Homeowners Associations agreements that are set forth on the property.
- Proof of liability insurance in the amount of \$1,000,000
- The property satisfies the safety and habitability standards attested to above in section #6,

My application consists of the following items and information necessary for a complete application. Please check all that apply.

- ☐ Completed Application
- ☐ Completed owner(s) consent form (if applicable)
- ☐ Required total fee \$ _____
- ☐ Legal description of the property in Microsoft Word Document format on a CD or USB Flash Drive.
- ☐ Photographs of the existing site/building
- ☐ Dimensioned Plans
- ☐ Rental Management Plan
- ☐ Proof of Liability Insurance in the amount of \$1,000,000
- ☐ 3rd Party Home Inspection

Signatures

Signature of Owner(s) or Applicant(s)

Signature _____ Printed Name _____

Date _____

Signature _____ Printed Name _____

Date _____

Signature _____ Printed Name _____

Date _____

Signature _____ Printed Name _____

Date _____

Subscribed and sworn before me on this _____ day of _____, 20____

in the County of _____, State of _____

My commission expires _____ of _____, 20____.

Notary Public: _____

Stamp:

Property Owner Consent Form

Affidavit, Property Owner Consent Form

State of _____)
) SS:
County of _____)

Comes now _____.
(Property Owner)

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

1. That I am the property owner of _____ in Kansas City, Kansas.
2. That I have reviewed that application for _____ to add/alter/demo
(Applicant)
_____ on my property.
(Proposed Action)
3. That after discussing the matter and fully reviewing the application, I authorize this application and subsequent applications necessary to accomplish the plan/use noted above to be filed on my behalf.

Further affiant saith not.

Affiant

Subscribed in my presence and sworn before me on this _____, day of _____,
20____, in the County of _____, State of _____.

My commission expires _____ of _____, 20____.

Notary Public: _____ Stamp: _____

UNIFIED GOVERNMENT DEADLINE CALENDAR 2022 (approx 80 day process)

Requested Actions: Zone Change, Preliminary Zoning Plan, Final Zoning Plan, Special Use Permit, Vacation, Preliminary Plat, Final Plat, Appeals

APPLICATIONS/RESUBMISSIONS DUE 12:00 NOON

Preapplication Meeting Deadline	Submission Deadline Dates - DUE BY 12:00 NOON	Comments to Applicant and Comment Review Meeting Date	Post Notice on Property - Engineering Resubmittals due at 12:00 Noon	Last day for continuance/engineering approval / Final Revisions Due 12:00 Noon	City Planning Commission Meeting/Board of Zoning Appeals Public Hearing	Last day to comply with stipulations	Board of Commissioners/ Public Hearing
1/18/2022	1/28/2022	2/22/2022	2/22/2022	2/28/2022	3/14/2022	3/23/2022	3/31/2022
2/15/2022	2/25/2022	3/21/2022	3/22/2022	3/28/2022	4/11/2022	4/20/2022	4/28/2022
3/15/2022	3/25/2022	4/18/2022	4/19/2022	4/25/2022	5/9/2022	5/18/2022	5/26/2022
4/19/2022	4/29/2022	5/23/2022	5/24/2022	5/30/2022	6/13/2022	6/22/2022	6/30/2022
5/17/2022	5/27/2022	6/20/2022	6/21/2022	6/27/2022	7/11/2022	7/20/2022	7/28/2022
6/14/2022	6/24/2022	7/18/2022	7/19/2022	7/25/2022	8/8/2022	8/17/2022	8/25/2022
7/19/2022	7/29/2022	8/22/2022	8/23/2022	8/29/2022	9/12/2022	9/21/2022	9/29/2022
8/16/2022	8/26/2022	9/19/2022	9/20/2022	9/26/2022	10/10/2022	10/19/2022	10/27/2022
9/20/2022	9/30/2022	10/24/2022	10/25/2022	10/31/2022	11/14/2022	11/23/2022	12/1/2022
10/18/2022	10/28/2022	11/21/2022	11/22/2022	11/28/2022	12/12/2022	1/4/2023	1/12/2023
11/18/2022	11/28/2022	12/19/2022	12/20/2022	12/26/2022	1/9/2023	1/18/2023	1/26/2023
12/20/2022	12/30/2022	1/23/2023	1/24/2023	1/30/2023	2/13/2023	2/22/2023	3/2/2023
1/17/2023	1/27/2023	2/20/2023	2/21/2023	2/27/2023	3/13/2023	3/22/2023	3/30/2023
2/14/2023	2/24/2023	3/20/2023	3/21/2023	3/27/2023	4/10/2023	4/19/2023	4/27/2023
3/14/2023	3/24/2023	4/17/2023	4/18/2023	4/24/2023	5/8/2023	5/17/2023	5/25/2023
4/18/2023	4/28/2023	5/22/2023	5/23/2023	5/29/2023	6/12/2023	6/21/2023	6/29/2023
5/16/2023	5/26/2023	6/19/2023	6/20/2023	6/26/2023	7/10/2023	7/19/2023	7/27/2023
NOTES:							
1		Review of Final Plat engineering - Final engineering may be submitted after approval of the preliminary plat. Initial review may take up to 30 days. Resubmittals may require up to 21 days for review. Final engineering includes final studies, final design, and construction drawings. All approvals are subject to KDHE review and approval. Applications that include a traffic study, innovative technology, pump station, force main, or low pressure systems may require additional review time. During periods of unusually heavy submissions review time may be extended. Make scheduling decisions accordingly.					
2		Change of zone, special use permit, preliminary plan and preliminary plat petitions may be submitted simultaneously.					
3		Final plan/final plat petitions may be filed after the preliminary plan, preliminary plat and zoning have been approved (UG BOC). Exceptions may be allowed by the Director of Planning for minor plans/plats that do not involve significant public improvements.					
4		Street construction may begin after the filing of the final plat with the Register of Deeds.					
5		All meeting dates are contingent upon complete submissions by the progressive deadline schedule. If any deadline is missed, the application WILL BE DELAYED .					
6		Complete submissions will be submitted to the Planning + Urban Design Department at 4953 State Avenue or EDR@wyockck.org for verification by 12:00 Noon on the deadline date.					
7		The various applications include a checklist indicating the items required to qualify as a complete submission.					
8		Residential building permit applications may be filed after the final plat is approved (UG BOC) and streets are accepted by Public Works.					
9		Commercial building permits may be filed after streets and utilities are accepted and the final plan (if necessary) has been approved.					
10		Complete application submittal will be determined prior to the application being distributed for review. Applicant will be notified if the application is determined to be incomplete.					
12		Final plats will not be placed on a Planning Commission agenda unless Planning Engineering has been approved.					
13		It is highly recommended that the applicant schedule a comment review meeting to review comments with staff.					
14		Incomplete, sloppy or technically deficient plans may be returned without complete review.					
15		In cases where a variance is required, the item will be stayed pending BOZA action.					

Minimum Required Submissions



	Change of Zone	Preliminary Plan	Final Development Plan	Special Use Permit	SUP (Home Occupation)	Board of Zoning Appeals	Preliminary Plat	Final Plat	Vacation	Landmark Designation	Certificate of Appropriateness
Application	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Fee (check made to <i>UNIFIED TREASURER</i>)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Legal description (electronically - MS Word File)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Affidavit of ownership/authorization	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Title report (if owner does not match UG records)	✓	✓	✓	✓	*	✓	✓	✓	*	*	*
Digital pictures (.jpg format of all sides/directions)	✓	✓	✓	*	*	✓	✓	✓	*	*	*
Density calculations/development summary	✓	✓	✓	*	*	*	✓	✓	✓	✓	✓
Storm water/drainage calculations	✓	✓	✓	*	*	✓	✓	✓	✓	✓	✓
Preliminary grading plan	✓	✓	✓	*	*	✓	✓	✓	✓	✓	✓
Final grading and erosion control plan	✓	✓	✓	*	*	✓	✓	✓	*	*	*
Zoning map	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Preliminary development plan	✓	✓	✓	*	*	✓	✓	✓	✓	✓	✓
Final development plan	✓	✓	✓	*	*	✓	✓	✓	✓	✓	✓
Preliminary plat	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Final plat	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Preliminary engineering	*	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Final engineering	*	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Lighting plan	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Landscape plan	*	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Sign plan and details	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Elevations	*	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Material palate (material samples and paint chips)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Checklist	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Paper copies	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Electronic copy (CD-ROM MS W ORD / ADOBE PDF)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Covenants and restrictions	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓

NOTES: ✓ Mandatory submission * Determined by staff at pre-application meeting

1. All checked items must be submitted in proper form by the application deadline. Incomplete applications will be held until complete and then entered into the review process at the next deadline date.
2. For small or existing sites the applicant may request a waiver of specific detailed submission requirements in writing to the Director of Planning ten days in advance of the submission deadline.
3. Additional information may be required for unique and/or complex project.
4. All plans and documents including studies and reports shall be placed on a CD or USB Flash Drive formatted in Adobe PDF and MS Word.



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

Fee Schedule

Effective 03.27.2021

	DESCRIPTION OF SERVICES	UNIT	FEE
I.	MASTER PLAN AMENDMENTS		
	Master Plan Amendment		No Charge
II.	CHANGE OF ZONE APPLICATIONS	TRACT SIZE	
	A. Agricultural Zones	All sizes	\$160.00
	B. Low Density Residential Zones R-1, R-2, R-1(B), R-2(B), RP-1, RP-1(B), RP-2, RP-2(B), R, RP	0-5 acres	\$160.00
		5.1 – 10 acres	\$210.00
		10.1 – 20 acres	\$260.00
		Over 20 acres	\$315.00
	C. Medium and High Density Residential Zones R-3, R-4, R-5, R-6, R-M, RP-3, RP-4, RP-5, RP-6, RP-M	0-5 acres	\$260.00
		5.1 – 10 acres	\$365.00
		10.1 – 20 acres	\$470.00
		Over 20 acres	\$470.00 plus \$55.00 for each 5 acres over 20
	D. Office Zones and Multiple District Applications C-O and CP-O	0-5 acres	\$260.00
		5.1 – 10 acres	\$365.00
		10.1-20 acres	\$470.00
		Over 20 acres	\$550.00 plus \$55.00 for each 5 acres over 20
	E. Commercial Zones C-1, C-D, C-2, C-3, CP-1, CP-2, CP-3, TND	0-5 acres	\$365.00
		5.1 – 10 acres	\$520.00
		10.1 – 15 acres	\$625.00
		15.1 – 20 acres	\$730.00
		Over 20 acres	\$730.00 plus \$55.00 for each 5 acres over 20
	F. Industrial Zones M-1, M-2, M-3, MP-1, MP-2, MP-3, B-P	0-5 acres	\$420.00
		5.1 – 10 acres	\$520.00
		10.1 – 15 acres	\$625.00
		15.1 – 20 acres	\$730.00
		Over 20 acres	\$730.00 plus \$55.00 for each 5 acres over 20

	DESCRIPTION OF SERVICES	UNIT	FEE
III.	SPECIAL USE PERMIT APPLICATIONS		
	<u>Not specifically listed below</u>	0-5 acres	\$365.00
		5.1 – 10 acres	\$470.00
		10.1 – 15 acres	\$575.00
		15.1 – 20 acres	\$680.00
		Over 20 acres	\$680.00 plus \$55.00 for each 5 acres over 20
IV.	HOME OCCUPATION SPECIAL USE PERMIT APPLICATIONS		
	Home occupations		\$80.00
	Keeping of farm animals		\$80.00
	Kennel permits		\$365.00
	Temporary use of land		\$365.00
V.	MISCELLANEOUS SPECIAL USE PERMIT APPLICATIONS		
	Fill or removal of earth materials		\$150.00
	Short term permit/ Special event permits (10 days or less)		\$315.00
	Uses of educational, religious, philanthropic or eleemosynary in nature		\$365.00
	Group dwellings		\$260.00
	Permits under section 27-593(b) (Excluding group dwellings)	0 – 5 acres	\$780.00
		5.1 – 10 acres	\$940.00
		10.1 – 15 acres	\$1,145.00
		15.1 – 20 acres	\$1,355.00
		Over 20 acres	\$1,355.00 plus \$105.00 for each 5 acres over 20
VI.	VARIANCE (APPEAL) APPLICATIONS		
	Agricultural/Residential		\$105.00
	Commercial/Industrial		\$210.00
	Appeal of Director's Interpretation		\$200.00
VII.	SIGN FEES		
	Wall and attached signs	Per sign	\$30.00
	Detached monument signs	Per sign	\$80.00
	Billboards	Less than 300 s.f.	\$160.00
		More than 300 s.f.	\$315.00
	Flag		\$25.00
	Incidental		\$25.00
VIII.	PLAT FEES		
	Preliminary and final plat application		No Charge
	Kansas City, Kansas Plat Recording	Per lot	First 10 lots- \$7.00
		Per lot	Lots 11 & up- \$6.00
	Lot Split	Per Split	\$25.00

	DESCRIPTION OF SERVICES	UNIT	FEE
IX.	PRELIMINARY AND FINAL REVIEW APPLICATIONS		
	Preliminary Plan Review		\$150.00
	Final Plan Review		\$250.00
	Preliminary/Final Plan Review		\$250.00
X.	VACATION APPLICATIONS		
	Agricultural/Residential		\$105.00
	Commercial/Industrial		\$315.00
XI.	MISCELLANEOUS FEES		
	Ordinance Publication Fee (For Successful Change of Zone/ Special Use, and Vacation Petitions)		\$125.00
XII.	KANSAS OPEN RECORDS ACT		
	<i>See County Clerk "Kansas Open Records Act Fees"</i>		
XIII.	LANDMARKS		
	Historic Designation (District/Landmark)		\$150.00
	Certificate of Appropriateness		\$75.00
	Environs Review		\$50.00



Department of Planning + Urban Design

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Electronic Document Review: Applicant Users Guide

What is Electronic Document Review?

Electronic Document Review (EDR) is an efficient and cost-effective method of submitting plans to the Unified Government's Department of Planning + Urban Design (Planning Commission/Board of Zoning Appeals) and Development Review Committee (commercial building permit applications). EDR saves applicants time and money by reducing the amount of printed material necessary for navigating the development process. By carefully adhering to the list of required materials, found below, you can help our staff efficiently process and review your application.

What will I need?

You can participate in the EDR process with the free version of Adobe Acrobat Reader ([click here to download](#)). However, your functionality increases if you have an up-to-date version of Adobe Acrobat Pro or DC.

A complete Development Review Committee submittal shall include:

1. DRC permit application.
2. DRC Plan review fee.
3. 1 flash drive or CD containing PDFs of the plan set with electronic seal and signature of all design professionals on all documents. CD shall contain reports, calculations, specs, COMchecks, transmittal letter, etc. Files must be labeled according to the file naming standards in this document.
4. 1 hard set of complete construction plans, signed and sealed by a Kansas-licensed professional(s).

A complete Planning Commission or Board of Zoning Appeals submittal shall include:

1. Development application.
2. Development application fee.
3. 2 individual CDs containing PDFs of the plan set with electronic seal and signature of all design professionals on all documents. The CDs shall contain reports, calculations, specs, COMchecks, transmittal letter, etc. Additionally, the CDs will include a legal description of the property in MS Word format. Files must be labeled according to the file naming standards in this document.
4. Reference the submittal checklist for additional submittal requirements, such as, material palette, affidavits, etc. This document only applied to plan set submittals.

Electronic plan submittal standards:

1. Individual CDs containing PDFs of the plan set shall follow the File Plan Naming Standard.
 - a. PDF sheets shall be saved as D sheets, 24" x 36".
 - b. Submittal shall include complete set of the project as a PDF (civil, architectural, MEP, etc).
 - c. Plan set shall have the legend or table of contents hyperlinked to each section/sheet listed.
 - d. Each sheet shall be required to have the digital seal and signature of the Kansas licensed surveyor, architect, and/or engineer and the seal date. Plans will not be reviewed unless each sheet is sealed and dated. Supporting reports, calculations, COMcheck required seal and signature as well.**
2. Re-submittal shall follow the same schedule for Planning Commission and DRC applications as listed above. CD cover shall be labeled by the project name, address, and submittal date. A PDF detailed transmittal letter specifying how staff comments were addressed shall be included on the CD. The submitted electronic plans shall not use the color "red" for plans, drawings, notations, etc.
3. If revisions are required to the DRC plan set, applicant is responsible for inserting revised sheets into the DRC plan set. This will be a requirement for the submittals and final permitting approvals. This is critical, as it is the set that will be returned to the job site and referenced for inspections.
4. Revised sheets will be accepted via email, with a 150 mb per e-mail limit, at EDR@wycokck.org. If submitting in this manner, send a follow up e-mail to verify receipt. A PDF detailed transmittal letter specifying how staff comments were addressed shall be included on the CD. The submitted electronic plans shall not use the color "red" for plans, drawings, notations, etc. Reference File Plan Naming Standards. Final PDF record of plan sets shall be provided at the time of permit issuance if revised sheets were received via email. Seal date shall match the seal date of the approved sheets. Transmittal letter confirming seal dates and sheets shall be provided by the architect and/or engineer of the record shall be signed and sealed.
5. New electronic submittals and re-submittals shall follow the same submittal process. Submittals shall be provided to the DRC coordinator for distribution:

Neighborhood Resource Center
Attn: DRC Coordinator
4953 State Avenue
Kansas City, Kansas 66102
(913) 573-8664 | edr@wycokck.org

If the electronic submittal is not at the minimal standards listed above, it will not be accepted. Size of your project is taken into consideration and additional printed plan sets may be requested. It shall be at the discretion of the DRC members to accept electronic plan review submittals for DRC projects. If you have a substantially large project, please contact the DRC Coordinator to discuss prior to submittal.

New to DRC

- EDR Submittal Guidelines
- DRC Certificate of Occupancy Inspection Request Guidelines
- Track the status of your DRC plan review online at www.wycokck.org/DRC
- DRC building permits will not be issued until all fees/permits are acquired with the Public Works Department
- Credit card payments are now accepted with the Department of Planning + Urban Design. A 2.5% transaction fee will be applied.

File Plan Naming Standards for EDR

When preparing your plan sheets for an Electronic Document Review (EDR) submittal, please follow the file naming structure shown below. All file names will begin with a letter(s) designation followed by two numbers. Example: Architectural drawings would be designated as A01 through A99.

Exception: The applicant's cover sheet must always start with the number 0 (zero) followed by the letters cs (cover sheet) and then a number: ocs1, ocs2, etc. Using the number 0 (zero) will ensure that your cover sheet will always be alphabetically on top of the list in EDR.

Cover sheet index/legend for your plan set shall be labeled to these standards, in addition to each sheet of your plans. Each set of your supporting documents will be a separate file and must be clearly named.

Example: Z01 COMcheck Building Envelope

Z02 Retaining Wall Calculations

Resubmitted plan sheets shall designate R behind the sheet title and include the revision date. Example: Original sheet titled A01 and revised sheet titled A01R_1_12_14. For DRC Electronic Document Review (EDR) submittal requirements reference Electronic Document Review Submittal Requirements.

We have referenced a standard naming practice for construction plan sets. Plan set shall have the legend or table of contents hyperlinked to each section/sheet listed.

Abbreviation	Definition	Examples
Ocs	Your Cover Sheet(s)	Ocs1, Ocs2, etc. (zerocs1)
A	Architectural Drawing	A01, A02, etc.
C	Civil Engineering & Site Work	C01, C02, etc.
D	Demolition Drawings	D01, D02, etc.
Dt	Details	Dt01, Dt02, etc.
E	Electrical Drawings	E01, E02, etc.
Eq	Equipment Plan	Eq01, Eq02, etc.
F	Fire (Fire Protection) Drawings	F01, F02, etc.
G	Grading Plans	G01, G02, etc.
Gen	General Project Requirements	Gen01, Gen02, etc.
H	Hazardous Materials	H01, H02, etc.
I	Interior Plans	I01, I02, etc.
Irr	Irrigation Plans	Irr01, Irr02, etc.
L	Landscape Plans	L01, L02, etc.
M	Mechanical Plans	M01, M02, etc.
P	Plumbing Drawings	P01, P02, etc.
PI	Plant Drawings	PI01, PI02, etc.
S	Structural Drawings	S01, S02, etc.
Sec	Section Drawings	Sec01, Sec02, etc.
SP	Site Plan (plot plan)	SP01, SP02, etc.
T	Telecommunications Plan	T01, T02, etc.
X	Existing Plan	X01, X02, etc.
W	Water Plan	W01, W02, etc.
Z	Supporting Documents	Z01, Z02, etc.



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Email: planninginfo@wycokck.org

Contact List

The land development process frequently requires input from a variety of people and organizations. This can include utility companies, local school districts and many departments of the Unified Government. This contact list has been included in the application packet to better facilitate collaboration between you and the other entities involved in the development process. If you can't find a contact you need in this list, feel free to reach out to the Department of Planning + Urban Design and we'll be happy to assist you.

Board of Public Utilities

Water Engineering
Jenny Li
540 Minnesota Avenue
Kansas City, KS 66101-2930
913-573-9845
Fax – 913-573-9851
jl@bpu.com

Gloria Barnett, Water Services Clerk
New Water Services and Maintenance
913-573-9843
gbarnett@bpu.com

Electric Engineering

Courtney Connor, Supervisor
Transmission and Distribution Engineering
6742 Riverview Avenue
Kansas City, KS 66102
913-573-9538
Fax – 913-573-9579
cconnor@bpu.com

Mathew Kreig
6742 Riverview Avenue
Kansas City, KS 66102
913-573-9842
mkreig@bpu.com

Mike Quimby, Electric Service Clerk
New Electric Services and Temporary Services
6742 Riverview Avenue
Kansas City, KS 66102
913-573-9531
Fax – 913-573-9579
mquimby@bpu.com

Building Inspection Department

Anthony Hutchingson, Chief Building Inspector
Neighborhood Resource Center
4953 State Avenue
Kansas City, KS 66102
913-573-8620
Fax – 913-573-8622
buildinginspection@wycokck.org

Chamber of Commerce

Daniel Silva, President
727 Minnesota Avenue
P.O. Box 171337
Kansas City, KS 66117
913-371-3070
Fax: 913-371-3732
daniel@kckchamber.com
www.kckchamber.com

Convention and Visitors Bureau

Alan Carr, Executive Director
755 Minnesota Avenue
P.O. Box 171517
Kansas City, KS 66117
913-321-5800
Fax – 913-371-0204
alan@VisitKansasCityKS.com

Code Enforcement

Patrick Holton, Division Manager
Neighborhood Resource Center
4953 State Avenue
Kansas City, KS 66102
913-573-8600
Fax – 913-573-8732
pholton@wycokck.org

Fire Department

Harvey Fields
815 North 6th Street
Kansas City, KS 66101
913-573-5550
Fax – 913-551-0490
hfields@kckfd.org

GAS SERVICE**Atmos Energy**

Richard Yunghans
25090 West 110th Terrace
Olathe, KS 66061
913-254-6355
richard.yunghans@atmosenergy.com

Kansas Gas Service Company

Christina Murphy
1421 North 3rd Street
Kansas City, KS 66101
913-599-8953
Fax – 913-599-8989

GeoSpatial Services

Chris Cooley, Director
710 North 7th Street, Room 200
Kansas City, KS 66101
913-573-2941
Fax – 913-573-4106
ccooley@wycokck.org

Kansas City Area Transportation Authority

1200 East 18th Street
Kansas City, MO 64108
816-346-0200
metro@kcata.org

Kansas Department of Transportation

Chris Herrick, Director of Planning and Development
Eisenhower State Office Building
700 Southwest Harrison Street
Topeka, KS 66603
785-296-2252

Livable Neighborhoods

Kayla Hower, Director
Neighborhood Resource Center
(913) 573-8645
kjhower@wycokck.org
4953 State Avenue
Kansas City, KS 6610

Public Works Department

Jeff Fisher (Streets)
Sarah White (Sanitary Sewers and Stormwater)
Troy Shaw (Traffic Regulations)
701 North 7th Street, Room 712
Kansas City, KS 66101
913-573-5700
Fax – 913-573-5435
jfisher@wycokck.org
swhite@wycokck.org
tshaw@wycokck.org

Rental Licensing

Rachel Miskec
Neighborhood Resource Center
4953 State Avenue
Kansas City, KS 66102
913-573-8649
Fax – 913-573-8731
rmiskec@wycokck.org

SCHOOL DISTRICTS**Bonner Springs****Unified School District #204**

Dan Brungardt, Superintendent
2200 South 138th Street
Bonner Springs, KS 66012
913-422-5600
Fax - 913-422-4193

Board of Education**of Kansas City Kansas #500**

Dr. Anna Stubblefield, Superintendent
2010 N 59th Street
Kansas City, Kansas 66104
913-279-2235
Fax – 913-279-2084
charles.foust@kckps.org

Kansas City Kansas Community College

Dr. Greg Mosier, President
7250 State Avenue
Kansas City, Kansas 66112
913-334-1100
Fax - 913-288-7609
gmosier@kckcc.edu

Piper Unified School District Office #203

Dr. Jessica Dain, Superintendent
3130 N 122nd Street
Kansas City, Kansas 66109
913-721-2088
Fax – 913-721-3573
bmccann@piperschools.com

Turner Unified School District Board of Education #202

Jason Dandoy, Superintendent
800 South 55th Street
Kansas City, Kansas 66106
913-288-4100
Fax – 913-288-3401
dandoyj@turnerusd202.org

TELECOMMUNICATION**AT&T**

2121 E. 63rd Street
Kansas City, MO 64130
800-403-3302

Midco

2000 West 31st Street, Suite C
Lawrence, KS 66046
800-888-1300

Spectrum

550 Westport Road
Kansas City, MO 64111
866-874-2389

Wyandotte County Economic Development Council

Greg Kindle
727 Minnesota Avenue
P.O. Box 171337
Kansas City, KS 66117
913-371-3070
Fax: 913-371-3732
gkindle@wyedc.org

Wyandotte County Conservation District

Cheri Miller, District Director
1204 North 79th Street
Kansas City, KS 66112
913-334-6329
Fax – 913-334-6349
wyco.conservation@gmail.com

Wyandotte County Health Department

Juliann VanLiew, Director
619 Ann Avenue
Kansas City, KS 66101
913-573-8855
Fax – 913-321-7932
tgarrison@wycokck.org

Department of Planning + Urban Design

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NEIGHBORHOOD MEETING GUIDELINES

CRITERIA:

Neighborhood Meeting are required to be conducted fourteen (14) days prior to the City Planning Commission meeting for the following applications:

- Change of Zone Applications
- Special Use Permit Applications – Examples:
 - Fill Permits
 - Kennels
 - Temporary Use of Land for Commercial or Industrial Purposes (i.e. parking of heavy trucks, temporary trailers, etc.)
 - Live Entertainment
- Preliminary Plan Review Applications

NOTE: Although a neighborhood meeting is not required for home occupation or livestock special use permit applications, it is strongly recommended that one be conducted.

INFORMATION PROVIDED BY URBAN PLANNING AND LAND USE DEPARTMENT TO HELP YOU WITH YOUR NEIGHBORHOOD MEETING:

- Instructions/Sample Letter to send out for meeting.
- Affidavit to be signed that the neighborhood meeting was held.
- List of people to be notified of the meeting (property owners within 200' of the property in question, staff, District Commissioner.) NOTE: List will be mailed one (1) week after the deadline for submission of applications.
- List of possible neighborhood meeting locations.
- Sample minutes to follow when taking minutes at the neighborhood meeting (attached).

NOTICE OF NEIGHBORHOOD MEETING:

- Determine location of your meeting. **NOTE:** **The meeting must be held in Kansas City, Kansas and in close proximity to the proposed project.**
- Opt for a public meeting place
- Meetings should be in late afternoon/early evening
- Use attached letter as a **SAMPLE** to write your letter.
- Notices should be mailed ten (10) days prior to the date of the neighborhood meeting. Although notices are not required to be sent certified mail, it is **recommended** so the applicant has a record that the notices were sent.

NEIGHBORHOOD MEETING:

- Provide a sign-in sheet
- If no one shows up for the neighborhood meeting at the scheduled time it is recommended that the applicant wait 30 minutes before leaving.
- Presentation:
 - Provide accurate details/photos/plans for review
 - Answer/address questions and concerns
 - Detail who will be involved (clients, customers, buyers, etc.)
 - Detail operational activity (residential, use, noise, traffic, etc)

AFTER NEIGHBORHOOD MEETING:

- The following shall be sent to the Urban Planning and Land Use Department via e-mail, fax, U. S. mail or in person (two (2) business days after your meeting (twelve (12) days before the City Planning Commission Meeting):
 - Sign-in sheet
 - Minutes from meeting
 - Affidavit confirming that the neighborhood meeting was conducted.



Urban Planning and Land Use

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ZONING SIGN PLACEMENT GUIDELINES

When placing a zoning sign, keep in mind the purpose of the sign is to inform the public of a pending public hearing. The following criteria are intended to assist in placing the sign.

1. Place the sign conspicuously
2. Place the face of the sign parallel to the street.
3. If there is a choice of streets, place the sign on the most traveled street
4. Post the sign so that it is legible above grass and shrubs in the area
5. The sign should not be placed in the public right-of-way. The right-of-way usually begins at a fence line, utility line or sidewalk. When in doubt, place the sign at least 10 feet behind the edge of the street.
6. The use of trees near the right-of-way and fences are ideal for posting the notice.
7. If trees and fences are not available the use of two "tomato" stakes or a realty style sign are preferred.
8. The sign must be posted at least 20 days prior to the public hearing and needs to be kept in place until the Planning Commission meeting.



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DETAILED APPLICATION CHECK LIST

1. Application

- a. A completed application that has been signed and notarized
- b. On the front page please be sure to designate an official contact
- c. If you do not know your projects proposed land use in the City's Master Plan, please contact the Planning Office for assistance. It is important to know if your project will require a plan amendment prior to application.
- d. Please include the date of your preapplication meeting on Page 3.

2. Fee

- a. A check in the amount required for the application made out to the Unified Treasurer
- b. If the check is returned, the application will be held until the check is made good.

3. Affidavit of Ownership/Authorization

- a. If the applicant is not the current fee owner of the property, an affidavit from the owner or a contract with the owner authorizing the application must be presented with the application (form available).

4. Title Report

- a. If the owner appears as the owner in county records, no title report is necessary. The name/entity must match exactly or a title report showing the current owner or prepared on behalf of the current owner is required.

5. Digital Pictures

- a. If the site is currently raw land, submit 4-6 pictures giving the overall condition of the property
- b. If there are structures, provide pictures of all 4 sides of each building as well as pictures showing the overall site.

6. Density Calculations

- a. On page 2 of the application, there is a density chart to fill out. Please contact the Planning Department if you need assistance.

7. Storm Water Drainage Calculations

- a. Preliminary:
 - i. Gross detention calculations for 100-year floodplain;
 - ii. Stick map with proposed location and routing;
 - iii. Indicate the tie in point to the existing system; and,
 - iv. Information on any portion of the system that is not gravity flow.

- b. Final
 - i. Obtain from Public Works a copy of STORM DRAINAGE DESIGN CRITERIA FOR PRIVATE DEVELOPMENTS be sure to ask for a copy that includes the review check list. The standard book includes the criteria, directions and sample charts/graphs.
 - ii. Submit drawings in accordance with the criteria.

8. Preliminary Grading Plan

- a. Show Areas of slope less than 5 percent;
- b. Show Areas of slope between 5 and 10 percent;
- c. Show Areas of slope greater than 10 percent; and,
- d. Show preliminary erosion control plan.

9. Final Grading Plan

- e. Show existing and proposed 2' contours;
- f. Show final site balance calculations;
- g. Show final erosion control plan; and,
- h. Indicate where any excess/shortage of dirt is going to/coming from.

10. Zoning Map

- i. The Preliminary Plat or Plan can act as a zoning map if accompanied by a legal description; and,
- j. A proposal with more than one zoning category proposed may either be divided into multiple applications, or must provide legal descriptions for each proposed zoning category.

11. Preliminary Development Plan

- k. Preliminary site plan;
- l. Preliminary landscape plan;
- m. Preliminary utility plan including storm water;
- n. Preliminary 4 sided elevations;
- o. If the proposal EXACTLY replicates another Wyandotte County Project, Pictures may be substituted for preliminary elevations;
- p. Preliminary list of materials and colors;
- q. Preliminary lighting plan if abutting a residential property or residential zone; and,
- r. A traffic study may be required. This should be discussed at the preapplication meeting.

12. Final Development Plan

- s. Site plan;
- t. Landscape plan;
- u. Utility plan including storm water;
- v. Four (4) sided elevations;
- w. Material Palette including sample materials and colors (a small board 11X17 is sufficient);
- x. Lighting plan if abutting a residential property or residential zone otherwise showing the proposed light poles is sufficient; and,
- y. Detail sheets on other amenities and open spaces.

13. Preliminary and Final Plat

- a. See Code Section 27-245 through Section 27-251.

14. Preliminary Engineering

- a. See #7 above for storm water;
- b. Street layout with preliminary line and grade over proposed grading;
- c. Sewer layout (stick map) with location and routing to the existing system;
- d. Any plans for sewer systems other than a gravity system;
- e. Water and electric are designed by the Board of Public Utilities; and,
- f. Reference the following documents:
 - I. TECHNICAL PROVISIONS AND STANDARD DRAWINGS*
 - II. MINIMUM DESIGN STANDARDS FOR SANITARY SEWERS*

15. Final Engineering

- a. See #7 above for storm water
- b. Complete street documents
- c. Complete Sewer documents
- d. Complete plans for sewer systems other than a gravity system
- e. Reference the following documents:
 - I. TECHNICAL PROVISIONS AND STANDARD DRAWINGS*
 - ii. MINIMUM DESIGN STANDARDS FOR SANITARY SEWERS*

16. Lighting Plan

- a. When abutting a residence or other than a commercial or industrial zoning district a lighting plan indicating the foot candles at the property line is required
- b. All exterior light fixtures should be 180 degree cut off fixtures unless other specialty lighting is approved.

17. Landscape Plan

- a. Landscape plan sheet
- b. Include planting details
- c. Locate any statuary or art
- d. List in table format types and quantities of plat materials
- e. Include Irrigation plan
- f. Include details of perennial or annual planting areas

18. Sign Plan and Details

- a. Sign plan showing each sign and accessory sign location; and,
- b. Detail of the size and dimension of each sign



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Email: planninginfo@wycokck.org

Sec. 27-214. Special use permit.

- (a) *Purpose.* In recognition of certain uses and situations with characteristics which may not blend or harmonize with the uses in the standard zoning districts, the unified government board of commissioners may, by special use permit, authorize the location of specified uses, under such conditions as to operation, site development, signs, time limit, or other conditions as may be deemed necessary to assure that the use will not injure neighboring property or the welfare of the community.
- (b) *Applicant.* A special use permit application may be initiated by the unified government board of commissioners, planning commission, or upon application of the property owner or owner's agent.
- (c) *Applicability.* A special use permit application shall be required for all uses so identified pursuant to these regulations or the applicable comprehensive plan.
- (d) *Preapplication conference.* A preapplication conference is required pursuant to section 27-197.
- (e) *Submission requirements.* The director of planning shall prepare an application form specifying the information to be submitted in support of a special use permit application. The application shall include at least the following:
 - (1) A preliminary development plan as identified in section 27-212(d). A preliminary development plan is not required for the keeping of livestock or home occupations with no exterior or parking modifications.
 - (2) A statement of the reasons why the special use permit is being requested.
 - (3) All studies as may reasonably be required by the director of planning or his designee.
- (f) *Application and review procedures.*
 - (1) *Determination of completeness.* Applications shall be submitted to the director of planning or director's designee for a determination of completeness pursuant to section 27-198. An application is complete when all of the items required by these regulations and on the application form are prepared and/or answered, and any required supplemental or additional applications (e.g., comprehensive plan amendment) are submitted with the appropriate fee to the department of urban planning and land use.
 - (2) *Neighborhood meeting.* The applicant shall comply with the requirements for a neighborhood meeting pursuant to section 27-199.
 - (3) *Staff review.* Following a determination of completeness, the staff shall review the application pursuant to section 27-521. As part of the review, staff shall recommend appropriate conditions to be placed on the approval, construction, and continuing function of the special use. Such conditions may be drawn from local, regional, or national standards and requirements.
 - (4) *Notice and public hearing.* Following completion of staff review and such neighborhood meetings as are required, the application shall be scheduled for a public hearing before the planning commission.
 - a. Notice shall be provided pursuant to section 27-203.

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- b. The planning commission shall consider the criteria listed in subsection (f)(5) of this section in making a recommendation.
 - c. Following the final hearing on an application for a special use permit the planning commission shall recommendation approval or denial at the earliest reasonable time, and shall prepare an accurate written summary of the proceedings for the unified government board of commissioners. If the planning commission fails to make a recommendation on a special use permit request within 63 days of the close of the public hearing regarding the application, the planning commission shall be deemed to have made a recommendation of disapproval. The application will be forwarded by the director to the unified government board of commissioners within 50 days of the deemed denial.
- (5) *Factors to be considered.* Approval or denial of the special use permit shall be based upon consideration of the following factors, in addition to those factors specific to each use:
- a. The character of the neighborhood.
 - b. 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.
 - c. Where applicable, hours of operation.
 - d. 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.
 - e. 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 nearby property.
 - f. Whether the proposed use would pollute the air, land or water.
 - g. Compatibility with existing and proposed land uses in the surrounding area.
 - h. Whether the use would damage or destroy an irreplaceable natural resource.
 - i. The relative gain to the public health, safety, morals, and welfare as compared to the hardship imposed upon the individual landowner or landowners.
 - j. The applicant's ability to maintain the use in an "as proposed" condition.
 - k. Whether the proposed use would result in overcrowding of land or cause an undue concentration of population.
 - l. In general, commercial and industrial special use permits should not be granted adjacent to residential districts.
- (6) *Action by unified government board of commissioners.* When the planning commission submits a recommendation of approval, conditional approval, or disapproval of a special use permit and the reasons therefore, the unified government board of commissioners shall consider the criteria established in subsection (f)(5) of this section and may take any action consistent with sections 27-205 and 27-206, including:
- a. Adopting such recommendations by ordinance, which may include such conditions as the unified government board of commissioners deems necessary;
 - b. Overriding the planning commission's recommendation by a two-thirds majority vote of the membership of the unified government board of commissioners; or

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- c. Where there is new material evidence received at the unified government board of commissioners hearing that was not available to the planning commission, then returning such recommendation to the planning commission for reconsideration based on the new evidence.
- (7) *Conditional approval of special use permit.* In cases in which special use permit applications are conditionally approved by the unified government board of commissioners, the permit shall not take effect until the conditions are fulfilled. Such conditional approval shall expire after one year if the conditions are not met, unless otherwise specified in the approval.
 - (8) *Duration of approval.* Special use permits may be approved at initial issuance for up to two years. Subsequent renewals may be granted for up to five years depending upon the information submitted at the renewal hearing. Race tracks, sanitary landfills, medical waste incinerators and other very large uses may be approved for longer periods.
 - (9) Final plan review approval by the planning commission, according to section 27-212(g), is required following unified government board of commissioners' approval of the special permit.
- (g) *Exceptions from procedures and fees.* Home occupations or keeping of livestock require a fee in the amount established by the director. The procedure shall vary from that established for other special use permits in that upon receipt of recommendations from the planning commission, the unified government board of commissioners may approve or disapprove the special use permit. For these uses, the unified government board of commissioners will not be required to return the matter to the planning commission for reconsideration. A neighborhood meeting is not required for the keeping of livestock or home occupations with no exterior or parking modifications.
 - (h) *Termination.* If a use granted a special use permit is discontinued for a period of six months, or inadequate progress toward initiating the use, such as failing to meet or make progress toward meeting the initial conditions of approval, is made in six months, the special use permit shall no longer be valid. Any use requiring a special use permit from that time on will require a new application and the procedure set out under this section.
 - (i) *Revocation.*
 - (1) The unified government board of commissioners may revoke and discontinue a special use permit pursuant to section 27-209 based on the criteria listed in subsection (f)(5) of this section or for any one of the following reasons:
 - a. Failure to maintain the premises in such manner as required by ordinance;
 - b. Failure to comply with the requirements set forth herein or established by the unified government board of commissioners as a condition for approval;
 - c. Failure to construct or maintain the improvements according to the plans presented at the time of approval; or
 - d. Unforeseen incompatibility with surrounding or adjacent uses.
 - (2) If the unified government board of commissioners revokes the special use permit, it shall set an effective date for discontinuance, and the office of the chief counsel may take appropriate action to ensure compliance.

(Code 1988, § 27-279; Ord. No. O-27-05, § 1, 3-24-2005)

Published in the *Wyandotte Echo* on _____

ORDINANCE NO. _____

AN ORDINANCE defining and regulating short-term rental uses through the identification of dwelling typologies, owner-occupancy, and zoning districts, amending **Sections 27-207, 27-340, 27-388 and 27-593**, and wholly adding **Section 27-623** to Chapter 27, Article VIII of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.

WHEREAS, the housing stock is one of the Unified Government's most important built assets, and therefore must be maintained in a manner that allows for a variety of tenancy and ownership options in response to the market demands of residents and visitors;

WHEREAS, the operation of a short-term rental by the residing property owner provides several benefits, including an expanded ability to self-regulate emerging issues and conflicts between short-term tenants and neighbors, a reduction in government enforcement resources needed to be allocated for such properties, the opportunity for homeowners to garner supplemental income from rentals, and the rehabilitation of housing stock, all while existing residents continue to live within their homes;

WHEREAS, the operation of a short-term rental by the residing property owner provides greater benefits than operation of a short-term rental by a remote property owner, and priority should be given to owner-occupied short-term rentals;

WHEREAS, short-term rentals are intended for transient use, and, while such use is needed and necessary by local and visiting populations, the time constraints inherent to such a use does not create social connections and foster neighborhood ownership in the same manner that long-term rentals and homeownership create;

WHEREAS, on a street block or within a parcel in which the majority of dwelling units are non-owner-occupied short-term rentals—rather than long-term rentals and owner-occupied dwelling units—the character of the neighborhood becomes more transient in nature and as a consequence, the neighborhood is adversely affected through a loss of social cohesion;

WHEREAS, the ability for a homeowner to use their property to the greatest extent as allowed by the respective zoning district, in consideration of the effects that such uses may have upon the rights of adjacent property owners, the surrounding neighborhood, and the community of Kansas City, Kansas;

WHEREAS, the unique characteristics of every property and neighborhood necessitate that the accessory use of a short-term rental be subject to review, and subject to public input by means of proper noticing, neighborhood meetings, and comment in the public forum, through the Special Use Permit entitlement process; therefore,

**BE IT ORDAINED BY THE UNIFIED GOVERNMENT COMMISSION OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS:**

Section 1. That Chapter 27, Planning and Development, Article VI of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, are hereby amended to read as follows:

Sec. 27-214. – Special use permit.

- (a) Purpose. In recognition of certain uses and situations with characteristics which may not blend or harmonize with the uses in the standard zoning districts, the unified government board of commissioners may, by special use permit, authorize the location of specified uses, under such conditions as to operation, site development, signs, time limit, or other conditions as may be deemed necessary to assure that the use will not injure neighboring property or the welfare of the community.
- (b) Applicant. A special use permit application may be initiated by the unified government board of commissioners, planning commission, or upon application of the property owner or owner's agent.
- (c) Applicability. A special use permit application shall be required for all uses so identified pursuant to these regulations or the applicable comprehensive plan.
- (d) Preapplication conference. A preapplication conference is required pursuant to section 27-197.
- (e) Submission requirements. The director of planning shall prepare an application form specifying the information to be submitted in support of a special use permit application. The application shall include at least the following:
 - (1) A preliminary development plan as identified in section 27-212(d). A preliminary development plan is not required for the keeping of livestock or home occupations with no exterior or parking modifications.
 - (2) A statement of the reasons why the special use permit is being requested.
 - (3) All studies as may reasonably be required by the director of planning or ~~his~~ *their* designee.
- (f) Application and review procedures.
 - (1) Determination of completeness. Applications shall be submitted to the director of planning or director's designee for a determination of completeness pursuant to section 27-198. An application is complete when all of the items required by these regulations and on the application form are prepared and/or answered, and any required supplemental

or additional applications (e.g., comprehensive plan amendment) are submitted with the appropriate fee to the department of urban planning and land use.

- (2) Neighborhood meeting. The applicant shall comply with the requirements for a neighborhood meeting pursuant to section 27-199.
- (3) Staff review. Following a determination of completeness, the staff shall review the application pursuant to section 27-521. As part of the review, staff shall recommend appropriate conditions to be placed on the approval, construction, and continuing function of the special use. Such conditions may be drawn from local, regional, or national standards and requirements.
- (4) Notice and public hearing. Following completion of staff review and such neighborhood meetings as are required, the application shall be scheduled for a public hearing before the planning commission.
 - a. Notice shall be provided pursuant to section 27-203.
 - b. The planning commission shall consider the criteria listed in subsection (f)(5) of this section in making a recommendation.
 - c. Following the final hearing on an application for a special use permit the planning commission shall recommendation approval or denial at the earliest reasonable time, and shall prepare an accurate written summary of the proceedings for the unified government board of commissioners. If the planning commission fails to make a recommendation on a special use permit request within 63 days of the close of the public hearing regarding the application, the planning commission shall be deemed to have made a recommendation of disapproval. The application will be forwarded by the director to the unified government board of commissioners within 50 days of the deemed denial.
- (5) Factors to be considered. Approval or denial of the special use permit shall be based upon consideration of the following factors, in addition to those factors specific to each use:
 - a. The character of the neighborhood.
 - b. 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.
 - c. Where applicable, hours of operation.
 - d. 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.
 - e. 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 nearby property.
 - f. Whether the proposed use would pollute the air, land or water.
 - g. Compatibility with existing and proposed land uses in the surrounding area.
 - h. Whether the use would damage or destroy an irreplaceable natural resource.
 - i. The relative gain to the public health, safety, morals, and welfare as compared to the hardship imposed upon the individual landowner or landowners.
 - j. The applicant's ability to maintain the use in an "as proposed" condition.

- k. Whether the proposed use would result in overcrowding of land or cause an undue concentration of population.
 - l. In general, commercial and industrial special use permits should not be granted adjacent to residential districts.
- (6) Action by unified government board of commissioners. When the planning commission submits a recommendation of approval, conditional approval, or disapproval of a special use permit and the reasons therefore, the unified government board of commissioners shall consider the criteria established in subsection (f)(5) of this section and may take any action consistent with sections 27-205 and 27-206, including:
- a. Adopting such recommendations by ordinance, which may include such conditions as the unified government board of commissioners deems necessary;
 - b. Overriding the planning commission's recommendation by a two-thirds majority vote of the membership of the unified government board of commissioners; or
 - c. Where there is new material evidence received at the unified government board of commissioners hearing that was not available to the planning commission, then returning such recommendation to the planning commission for reconsideration based on the new evidence.
- (7) Conditional approval of special use permit. In cases in which special use permit applications are conditionally approved by the unified government board of commissioners, the permit shall not take effect until the conditions are fulfilled. Such conditional approval shall expire after one year if the conditions are not met, unless otherwise specified in the approval.
- (8) Duration of approval. Special use permits may be approved at initial issuance for up to two years. Subsequent renewals may be granted for up to ~~five~~-ten years depending upon the information submitted at the renewal hearing. Race tracks, sanitary landfills, medical waste incinerators and other very large uses may be approved for longer periods.
- (9) Final plan review approval by the planning commission, according to section 27-212(g), is required following unified government board of commissioners' approval of the special permit.
- (10) *Except as provided for in subsection c below, a new special use permit shall be required upon a change in ownership of the property to which the existing special use permit applies, or any portion thereof.*
- a. The special use permit shall not be transferrable to another applicant or to another parcel owned by the same property owner or applicant.*
 - b. A change in applicant or property ownership shall require approval of a new and distinct special use permit. Operation of the short-term rental under the new special use permit shall not commence until the date of effectiveness, as described in subsection (f)(7).*
 - c. A new special use permit shall not be required if the property is transferred to a transferee entity of the current property owner, provided that the controlling person or controlling entity of such transferee entity is also the controlling person or controlling entity of the current property owner.*

(11) Several distinct special use permits, as identified in article VIII, section 593, may be heard by the planning commission and board of commissioners together as a single application, at the discretion of the director of planning and/or their designee(s).

- (g) Exceptions from procedures and fees. Home occupations or keeping of livestock require a fee in the amount established by the director. The procedure shall vary from that established for other special use permits in that upon receipt of recommendations from the planning commission, the unified government board of commissioners may approve or disapprove the special use permit. For these uses, the unified government board of commissioners will not be required to return the matter to the planning commission for reconsideration. A neighborhood meeting is not required for the keeping of livestock or home occupations with no exterior or parking modifications.
- (h) Termination. If a use granted a special use permit is discontinued for a period of six months, or inadequate progress toward initiating the use, such as failing to meet or make progress toward meeting the initial conditions of approval, is made in six months, the special use permit shall no longer be valid. Any use requiring a special use permit from that time on will require a new application and the procedure set out under this section.
- (i) Revocation.
 - (1) The unified government board of commissioners may revoke and discontinue a special use permit pursuant to section 27-209 based on the criteria listed in subsection (f)(5) of this section or for any one of the following reasons:
 - a. Failure to maintain the premises in such manner as required by ordinance;
 - b. Failure to comply with the requirements set forth herein or established by the unified government board of commissioners as a condition for approval;
 - c. Failure to construct or maintain the improvements according to the plans presented at the time of approval; or
 - d. Unforeseen incompatibility with surrounding or adjacent uses.
 - (2) If the unified government board of commissioners revokes the special use permit, it shall set an effective date for discontinuance, and the office of the chief counsel may take appropriate action to ensure compliance.

Section 2. That Chapter 27, Planning and Development, Article VIII, of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, are hereby amended to read as follows:

Sec. 27-340. Definitions.

For the purpose of this article, certain terms and words are herewith defined as follows: Words used in the present tense include the future; words in the singular number include the plural and words in the plural number include the singular. The term "building" includes the term "structure." The term "shall" is mandatory and not directory. Definitions relating specifically to floodplain zoning, signs, and landscaping and screening are included elsewhere.

Accessory building means a detached building or an attached portion of the main building, the use of which is incidental and subordinate to that of the main building.

Accessory dwelling unit means a dwelling unit that is located over a garage on the same lot or parcel as the primary residential building. Such unit can be attached or detached from the primary residential building. Such units are located towards the rear of the parcel or lot, but regardless shall not be located within the front yard. All accessory dwelling units shall have a maximum square footage equal to 50 percent of the main structure's finished space excluding garages and basements. Accessory units must maintain existing parking requirements.

Accessory dwelling unit, primary means the accessory dwelling unit that the property owner resides within that otherwise satisfies the definition of owner-occupied, as defined in this section.

Accessory use, accessory structure means a use of land or structure which involves all of the following characteristics:

- (1) Subordinate to and serves a principal use or structure.
- (2) Subordinate in area, extent and purpose to the principal use or structure served.
- (3) Contributes to the comfort, convenience or necessity of occupants of the principal use or structure served.
- (4) Located on the same lot or lots, under the same ownership and in the same zoning district as the principal use or structure.

Actively owner-occupied means that the homeowner physically resides in the primary building on the subject property at least 272 days per year and has designated the subject property as both their legal voting address (if the property owner is eligible and registered to vote) and the address of their driver's license or equivalent community-issued identification card.

Adult book store or adult video store means an establishment having as a predominant part of its stock in trade or predominant portion of its revenues, books, magazines, photographs, pictures, periodicals, recordings or video tapes which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas and limited in sale of such sexual material to adults.

Adult nightclub or cabaret means any place serving food or drink, regardless of whether alcoholic beverages are served, which features topless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators, similar entertainers, waitresses or waiters, or features material relating to specified sexual activities or specified anatomical areas.

Adult theater means a facility with a capacity of two or more persons used predominantly for presenting material distinguished or characterized by an emphasis on matters depicting, describing or relating to specified sexual activities or specified anatomical areas, for observation by patrons therein.

Agricultural use refers to the use of land where such land is devoted to the production of plants, animals or horticultural products, including, but not limited to, forages, grains and feed crops, dairy animals and dairy products, poultry and poultry products, beef cattle, sheep, swine and horses, bees and apiary products, trees and forest products, fruits, nuts and berries, vegetables, or nursery, floral, ornamental and greenhouse products. The term "agricultural use" shall not include use of land for recreational purposes, suburban residential acreage, rural home sites or farm homes sites and yard plots whose primary function is for residential or recreational

purposes even though such properties may produce or maintain some of those plants or animals listed in the foregoing definition.

Alley means a public right-of-way no wider than 24 feet that affords only a secondary means of access to abutting property.

Alteration means any addition, removal, extension or change in the location of any exterior wall of a building.

Antenna means any structure or device used to receive or transmit electromagnetic waves.

Apartment house means any building or portion thereof that contains three or more dwelling units.

Applicant means a person who applies for a permit as provided in this section.

Building means a permanently erected structure having a roof supported by columns or walls.

Building, completely enclosed, means a building separated on all sides from the adjacent open spaces or from other buildings or structures by a permanent roof, and by exterior walls having only windows and normal entrance or exit doors, or by party walls.

Bulk means a composite characteristic of a given building as located upon a given lot, not definable as a single quantity, but involving all of the following characteristics:

- (1) Size and height of building.
- (2) Location of exterior walls at all levels in relation to lot lines, streets or to other buildings.
- (3) Gross floor area of the building in relation to lot area (floor area ratio).
- (4) All open spaces allocated to the building.
- (5) Amount of lot area provided per dwelling unit.

Campground means an area of land, including supporting sanitary and other facilities, for the overnight or temporary parking of recreational vehicles and other modes of camping while traveling by auto.

Children's day care and nursery centers means facilities where part-time lodging and meals are provided, excluding permanent or overnight lodging, for six or more children in return for compensation. For the purpose of this article, family day care homes under state regulations will not be included in this definition.

Collection facility means a designated, semi-permanent container intended for public use or public drop-off of recyclable materials such as glass or metal and periodically emptied by a recycling or waste management company or other designated organization. Collection facilities should be constructed of a durable material, such as metal or hard plastic, and are intended for materials undergoing further processing or refining.

Court means an open, unoccupied space, other than a yard, bounded on three or more sides by exterior walls of a building or by exterior walls of a building and lot lines on which walls are allowable.

Curb level means the level of the established curb in front of the building measured at the center of such front. Where no curb has been established, the high point of the crown of the street in front of the building shall be used.

Decibel means a unit of measurement of the intensity (loudness) of sound. In this article, decibel levels shall be measured on the A scale and referred to as dB(A).

Detached means a building that does not have a wall, roof or other structural member in common with or in contact with another building.

Dismantled means that a number of useful parts, including but not limited to, tires, batteries, doors, hoods, or windows, have been removed from the automobile as to render the automobile unsafe to operate.

Dog kennel means any premises where four or more dogs are boarded, bred and/or offered for sale.

Donation bin means a designated, semi-permanent container in which previously owned items, such as clothing, shoes, and books can be placed by the public and periodically emptied by a non-profit organization for resale or donation. A donation bin is distinct and separate from a collection facility.

Drive means an improvement which affords a means of vehicular access to or through an area and which is owned and maintained by the owner of the property it serves.

Drive-in or drive-through establishment means a place of business being operated for the retail sale of food and other goods, services, or entertainment wherein patrons may be served or otherwise conduct their business while remaining in their automobiles. A restaurant that does not provide at least 15 seats within the enclosed interior of the building shall be considered a drive-in establishment.

Dwelling means a building or portion thereof intended for occupancy for residential purposes but not including hotels, motels, rooming houses, nursing homes, temporary shelters, tourist homes, or trailers.

Dwelling house, condominium, means a building containing dwelling units, which dwelling units are separated by a party wall and which dwelling units are designed and intended to be separately owned in fee under the condominium statutes of the state.

Dwelling, multiple-family, means a dwelling, or portion thereof, containing three or more dwelling units.

Dwelling, single-family, means a dwelling containing one dwelling unit.

Dwelling, two-family means a dwelling containing two dwelling units, a duplex.

Dwelling unit means one or more rooms constituting all or part of a dwelling and which are arranged, designed, used or intended for use exclusively as a single housekeeping unit for one family, and which includes cooking, living, sanitation and sleeping facilities.

Dwelling unit, full means a dwelling unit, as defined in this section, or the extent of the dwelling unit to be rented to and accessible by a short-term rental tenant(s), with the remainder of the dwelling unit both inaccessible to said tenant(s) and not otherwise occupied or rented.

Dwelling unit, partial means a portion of a dwelling unit or the extent of the dwelling unit to be rented to and accessible by a short-term tenant, with the remainder of the dwelling unit occupied by the property owner. A partial dwelling unit at minimum must include a bedroom and access to a bathroom; the portion of the dwelling unit occupied by the property owner may or may not be accessible to tenants.

Dwelling unit, primary means the dwelling unit in which the property owner resides in satisfaction of the definition of owner-occupied, as defined in this section. For buildings in which the property owner either consists of more than one individual residing in separate and distinct dwelling units or is a corporation, government entity, non-profit, or trust, a single primary

dwelling unit shall be established by the property owner, or, if the property owner does not assert a primary dwelling unit, by the determination of the director of planning or their designee.

Exterior sales means the sale of goods outdoors on private property that is zoned for commercial retail. Examples include ice chests, propane, firewood, and other that are similar.

Family means one or more persons who are related by blood or marriage, including any foster children, a group of not more than five persons living together by joint agreement on a nonprofit cost sharing basis, or a combination of persons related by blood or marriage along with no more than two unrelated adults to a maximum number of five persons living together and occupying a single housekeeping unit with single kitchen facilities. In addition, up to ten persons, including eight or fewer persons with a disability or handicap and not to exceed two staff residents residing in a dwelling shall be considered to be a family. Handicapped persons are defined in Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988.

Farmers' market means a seasonal outdoor market where fresh produce, animal food products, homemade goods, or small craft items are sold from individual sellers and where each seller operates independently from other sellers. Fresh produce may include fruits and vegetables that have been recently harvested from the garden or farm of the seller or the seller's client, and must consist of the majority of the sales in both scope and dollars. Animal food products include meat, milk, eggs, and honey produced from the livestock, fowl, bees, or other animals kept on the property of the seller or seller's client. Homemade goods may include jams, jellies, and preserves, baked breads and pastries, and canning goods such as pickled fruits and vegetables, salsa. The primary characteristic is that these activities involve a series of sales sufficient in number, scope, and character to constitute a regular form of business and therefore subject to regulation.

Flea market means a market, indoors or out of doors, where new or used items are sold from individual sellers, where each seller operates independently from other sellers. Items sold include, but are not limited to, household items, antiques, rare items, decorations, used books and used magazines. The term "flea market" is interchangeable with and applicable to "swap meet," "indoor swap meet," or other similar terms regardless of whether these events are held inside a building. The primary characteristic is that these activities involve a series of sales sufficient in number, scope, and character to constitute a regular form of business and therefore subject to regulation.

Floor area means the total floor area designed for tenant or owner occupancy measured from the exterior surfaces of outside walls and including mezzanines, unfinished floors and basements, but excluding loading docks and service corridors or any common areas not leasable to individual tenants.

Floor area, habitable, means the area of all floor space on all levels measured from the exterior surface of outside walls, but excluding garages, porches and non-habitable basements as determined by the International Building Code, as adopted and amended by the unified government.

Food establishment means a business where prepared food is sold and distributed to the public, either for on-site consumption in a dining area provided by the business or for off-site consumption. Food sales by annual dollar volume must be the majority of the sales and cannot be

exceeded in annual dollar volume by alcohol. Examples of a food establishment may include sit-down restaurants, fast-food restaurants, delis, smoothie bars, coffee and tea shops, and ice cream parlors. Food establishments shall not include vendor vehicles or prepared food vending vehicles such as food trucks, food trailer, and pushcarts.

Food trailer means an accessory trailer hitched to a car or truck, which, when parked, serves as a prepared food vending vehicle. A food trailer and operator of the car or truck to which the food trailer is attached must meet all local, State, and federal requirements for vehicle safety and licensing; and must meet all State requirements for food safety and handling.

Food truck means a self-contained, motorized prepared food vending vehicle. A food truck and food truck operator must meet all local, State, and federal requirements for vehicle safety and licensing; and must meet all State requirements for food safety and handling.

Fowl shall mean those domestic birds commonly kept for the production of meat, eggs, or feathers. Fowl shall include, but not be limited to, chickens, ducks, turkeys, geese, swans, peafowl, guinea fowl, ostriches, and emus. Fowl shall not be permitted in any area of the city not zoned agricultural with the following exceptions:

- (1) Ducks.
- (2) Female chickens.

Garage, private, means a building or a portion of a building, not more than 1,000 square feet in area, in which only motor vehicles used by tenants of the building or buildings on the premises are stored or kept.

Gross vehicle weight rating or GVWR means the manufacturer's rating of the combined weight of the vehicle and the maximum load it is designed to carry. Where such information is not available, the following shall be used to make the determination:

- (1) Vehicles of no greater than 10,000 pounds GVWR: Pickup trucks and passenger vans, trucks considered one-ton rated capacity or less.
- (2) Vehicles of no greater than 30,000 pounds GVWR: Commercial-type trucks of wide variety, but excluding dump trucks, semitrailer trucks, trucks with tandem axles, and other similar heavy-duty trucks.

Group dwelling means a residential dwelling occupied as a residence by persons who do not constitute a family.

Halfway house means a facility, such as a community corrections center, serving temporary residents who have been released or diverted from an institution. A nonfamily residential dwelling that houses persons protected by the Fair Housing Act, such as the mentally ill or the mentally retarded, is a group dwelling, not a halfway house, so long as it is clearly the domicile of the residents and the typical length of stay is long enough to differentiate it from a motel or hotel.

Heavy automotive/truck service, repair, and mechanics means major mechanical repair shops including any of the following:

- (1) Body work and painting.
- (2) Tire recapping.
- (3) Engine and transmission repair.

Height of building or structure means the vertical distance from the average elevation of the ground abutting a building or structure to the highest point of a building or structure. Height,

when not regulated in feet, shall be regulated by stories and a story shall be equal to 12 feet for purposes of measuring structures other than buildings.

Home occupation means an activity for gain customarily carried on in a dwelling or structure accessory to a dwelling, clearly incidental and secondary to the use of the dwelling for residential purposes. In general, a home occupation is an accessory use so located and conducted that the average neighbor under normal circumstances would not be aware of its existence. Such activity may employ only members of the immediate family residing on the premises.

Inoperable means that an automobile or truck which cannot be driven away in a safe condition.

Inoperable vehicles means vehicles missing major body, chassis, or engine components or not fit for street travel.

Light automotive service and maintenance means any of the following:

- (1) Tire and battery sales and installation.
- (2) Brakes and other similar diagnostic and repair services.
- (3) Auto detail shops, tune-up shops, upholstery shops, radiator repair shops, lubrications service, sound system shops, or alignment and suspension services.

Livestock means horses, mules, cattle, sheep, and goats.

Lot means a parcel of land occupied or to be occupied by one main building, or unit group of buildings, and the accessory buildings or uses customarily incident thereto, including such open spaces as are required under this article, and having its principal frontage upon a public street. A lot may consist of one or more platted lots, or tracts as conveyed, or parts thereof.

Lot or site area means the land area within the tract or lot lines and excluding street right-of-way.

Lot, corner means a lot abutting upon two or more streets at their intersection. A corner lot may be deemed to front on either street frontage.

Lot, depth means the horizontal distance from the front street line to the rear line.

Lot, interior means a lot whose side lines do not abut upon any street.

Lot line, front means the street line, which is the boundary between a lot and the street on which it fronts.

Lot line, rear means the boundary line that is opposite the most distant from the front street line, except that in the case of uncertainty, the building official shall determine the rear line.

Lot line, side means any lot boundary line not a front or rear line thereof. A side line may be a party lot line, a line bordering on an alley or place or a side street line.

Lot, through means an interior lot having frontage on two streets.

Lot width means the horizontal distance between side lines, measured at the front building line.

Mobile home means a structure, transportable in one or more sections, which has a body width of eight feet or more and a body length of 36 feet or more and which is built on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein and which was designed to comply with the Federal Manufactured Home Construction and Safety Standards in force at the time of manufacture. This term shall not include a recreational vehicle. A structure which otherwise falls

within this definition shall be considered a mobile home even if it does not have the required dimensions so long as it is in place as of May 1, 1995, and has a model year of no later than 1969.

Mobile home park means a tract of land meeting the requirements of this article containing suitable drives, utilities and other supporting elements and devoted to the sole purpose of accommodating mobile homes on a permanent or semi-permanent basis.

Mobile home space means that area of land within a mobile home park set aside for use as a site for one mobile home, including the open spaces around the mobile home, as are required in this article.

Mobile market means the selling of food products, including, but not limited to: fresh produce, animal food products, and dry goods out of a bus, truck, trailer, or other mobile unit. At least 50 percent of the foods for sale must be a food item found on the package. Mobile market vehicles must fall between grades 2—7 on the Federal Highway Administration trailer size guideline and must not be longer than 45 feet.

Mobile vendor vehicle means a self-propelled or motorized vehicle from which any non-food merchandise or service is sold, given away, performed, displayed, or offered for sale, at retail. Items for sale may include clothing, jewelry, souvenirs. Non-food merchandise also includes plant products that may be consumable, but are advertised and sold without immediate human consumption, such as vegetable seeds or potted plants, and treats intended for consumption by farm animals or household pets.

Nonvehicular open space means uncovered areas such as lawns, planting space, walks, terraces, sitting areas and balconies, one-half of covered nonvehicular open space, and clubhouses and indoor recreational areas. No paved areas for vehicular traffic or parking may be included as nonvehicular open spaces.

Open-air market means a retail space in a public right-of-way, demarcated from the public right-of-way itself through the use of tents, cones, temporary fencing, and other material. Distinct from a flea market, only one business can display and sell goods per open-air market.

Operator means any person who operates a vending vehicle or farmers' market stand for the purpose of vending food, beverage, product or service therefrom.

Outdoor cafe means an outdoor area located contiguous to a building wherein a food establishment is located and where food and beverages are taken for consumption by persons sitting or standing at tables in that area. Allowed outdoor cafes must abide by the requirements and limitations as determined by the unified government and the state department of revenue alcoholic beverage control.

Outdoor dining elements means all tables, chairs, fencing and other materials used for demarcating the outdoor café or outdoor tavern from the right-of-way; planters and plants; and any other privately-owned property comprising the-outdoor café or outdoor tavern.

Outdoor retail means advertising, displaying, distributing, giving away, promoting, selling, or vending, in a space outside but within the boundaries of the property, items normally advertised, displayed, distributed, given away, promoted, sold, or vended.

Outdoor tavern means an area associated with an establishment selling cereal malt and/or alcoholic beverages for consumption on the premises but outside of the structure in which the establishment operates.

Overlay district means a zoning district that acts in conjunction with the underlying zoning district or districts.

Parking lot, commercial means a paved area or structure intended or used for the off-street parking of operable motor vehicles on a temporary basis, other than accessory to a principal use.

Performance standards means criteria to control noise, odor, smoke, toxic or noxious matter, vibration, fire and explosive hazards or glare, heat or other effects generated by or inherent in uses of land or buildings.

Planned zoning district means the zoning of a lot or tract to permit that development as is specifically depicted on plans approved in the process of zoning that lot or tract.

Prepared food vending vehicle means a self-propelled, hitched trailer, or motorized vehicle from which any prepared food, beverage, merchandise, or product ready for immediate consumption is sold, given away, displayed or offered for sale, but shall not include a food vending vehicle transporting unprepared food for sale or delivery at wholesale or retail, or an ice cream product truck.

Private club means an organization licensed hereunder to which the club members shall be permitted to resort for the purpose of consuming alcoholic liquor.

Property owner means the individual person or persons, corporation, government entity, non-profit, or trust who holds ownership of the building and/or real property.

Public right-of-way means any public street, alley, pathway, roadway, sidewalk, walkway, highway, bicycle lane, or public way designed for vehicular, bicycle, or pedestrian travel that is dedicated to public use and/or publicly owned.

Pushcart means any non-self-propelled wagon, cart, trailer, kiosk or similar wheeled container, not a vehicle, as defined in state statutes, from which food, beverage, merchandise or product is offered for sale to the public.

Recreational vehicle means ~~is~~ a vehicle that is:

- (1) Built on a single chassis.
- (2) Four hundred square feet or less when measured at the exterior.
- (3) Self-propelled or permanently towable by a light duty truck.
- (4) Designed not as a dwelling, but as temporary living quarters for recreational camping, travel, or seasonal use.

Residentially zoned area means an area zoned A-G, R, R-1, R-1(B), R-2, R-2(B), R-3, R-4, R-5, R-6, R-M, or these districts' planned equivalents.

Ruined means that an automobile which is substantially damaged to the extent that it is valueless or useless as an operable automobile or truck or parts thereof are only useful as materials for reprocessing, melting, remanufacturing, or disposal for salvage or scrap material.

Seating area means open space within any enclosed structure used for purposes of seating numbers of people for any purpose, including all aisles necessary for circulation.

Self-contained recreational vehicle is a recreational vehicle that includes all of the following:

- (1) Heating and/or air conditioning.
- (2) A sink and shower.
- (3) Self-contained toilet.
- (4) Cooking facilities.

(5) Refrigerator.

Site area means the land area within the tract or lot lines and excluding street right-of-way.

Specified anatomical area means any of the following:

- (1) Any less than completely or opaquely covered:
 - a. Human genitals, pubic region.
 - b. Buttocks.
 - c. Portion of the areola of the female breast.
- (2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified sexual activities means any of the following:

- (1) Human genitals in a state of sexual stimulation or arousal.
- (2) Acts of human masturbation, sexual intercourse or sodomy.
- (3) Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

Short-term rental means the rental or leasing of a dwelling unit—whether it be a full dwelling unit or partial dwelling unit, or a primary dwelling unit or an accessory dwelling unit—for a period of less than 30 consecutive days. The following types and uses of residential buildings are not subject to the short-term rental standards of this section: group homes; summer camps and campgrounds; hospitals and other facilities for treatment of humans; nursing, convalescent, and senior assisted-living homes; and other lodging establishments as defined by existing hotel and motel standards.

Short-term rental unit means a full dwelling unit, partial dwelling unit, or accessory dwelling unit.

Stable, riding means a structure and premises in which horses, ponies or mules, used exclusively for pleasure riding or driving, are housed, boarded, or kept for remuneration, hire or sale.

Storm protection areas means any new residential use, for multifamily residential development or single-family residential development for which a preliminary plan/plat application is approved by the planning commission, shall contain an area of storm protection. Such area may be a room or space, such as a basement, a structure complying with Federal Emergency Management Agency Publication 320 ("Taking Shelter From the Storm") or Publication 361 ("Design and Construction Guidance for Community Shelters"), or subsequent updates thereto shall comply with this requirement. For residential uses designed specifically for occupancy by those age 55 and over, the basement, safe room, or community shelter must be within the structure where the particular dwelling unit is located or within 15 feet of the structure in question and accessed under roof.

Story means that part of a building included between the surface of one floor and the surface of the floor above, or if there is no floor above, that part of the building which is between the surface of a floor and the ceiling next above. A top-story attic is a half story when the main line of the eaves is not above the middle of the interior height of such story. The first story is a half-story when between 50 and 75 percent of the area of its exterior walls contain windows or doors permitting the entrance of daylight and outside air.

Street means a right-of-way that affords principal means of vehicular access to property abutting thereon.

Street block means all properties on both sides of a street between two consecutive, bisecting streets; or, a consecutive bisecting street and a change in street name; or, two consecutive changes in street name, if no streets bisect the street between the points the names change.

Street line means the dividing line between the street right-of-way and the abutting property.

Street, private means a street which provides principal access to abutting property, but which is not maintained by the unified government. A private street may exist within dedicated public right-of-way.

Structural alteration means any change other than incidental repairs in the supporting members of a building, such as bearing walls, columns, beams or girders.

Structure means anything constructed or erected, the use of which requires permanent location on the ground or attachment to a permanent location on the ground, including, but not limited to, signs, and excepting customary utility poles, retaining walls and boundary fences.

Surplus off-street parking means any parking space that is not required by the Code of Ordinances or by state or federal law, such as the Americans with Disabilities Act (ADA).

Tavern means an establishment which sells cereal malt and/or alcoholic beverages for consumption on the premises; provided, however, this definition shall not include establishments whose sales of food for consumption on the premises exceed the sales of cereal malt and alcoholic beverages served.

Telecommunications tower means a tower constructed as a freestanding structure or in association with a building, other permanent structures or equipment, containing one or more antennas intended for transmitting or receiving television, radio, digital, microwave, cellular, telephone or similar forms of electromagnetic radiation.

Trailer means a vehicle, other than a mobile home, equipped with wheels and normally towed over the road behind a motor vehicle.

Trailer advertising means a trailer that carries or has attached thereto a sign, billboard or other media for advertising as the prime purpose and use of the trailer.

Trailer hauling means a trailer, as defined in this section, and designed and normally used for over-the-road transportation of belongings, equipment, merchandise, livestock and other objects, but not equipped for human habitation.

Trash container means a durable, rust-resistant, non-absorbent, leak-proof container of no more than 50 gallons that is made of metal or hard plastic and which is mounted on a stand attached to the ground and which typically has a cover with openings on the side for where trash can be disposed.

Used car/truck lot means the use of a parcel of land, either with or without structures, for the purpose of offering for sale, rent, or lease, automobiles, light duty trucks or heavy duty trucks.

Variance means a variation from a specific requirement in this article, as applied to a specific piece of property, as distinct from rezoning.

Vending machine means a machine, stand, or dispenser that distributes, dispenses, or sells a physical product or good directly to a consumer using an automated payment system. Examples

include but are not limited to soda machines, candy machines, video rental vending machines, snack machines, newspaper machines, and others that are similar. This definition does not include ATMs, gas pumps, air dispensers, or payphones.

Vending stand means a moveable temporary structure, tent, stand, or assembled contrivance located adjacent and contiguous to a duly licensed restaurant, vending food, beverage, or any product or merchandise; that can neither be pushed, wheeled, self-propelled or driven by use of a mechanical device but can be manually moved, stored and relocated from time to time and from which prepared food can be sold at retail.

Vending vehicle means a mobile market vehicle, mobile vendor vehicle, or prepared food vending vehicle.

Vendor means any person engaged in selling, or offering for sale, food, beverages, or other merchandise from a vending stand, vending vehicle, or from the vendor's person, on private property.

Walk-up market means an outdoor vending area located contiguous to a building wherein a food establishment is located and where food and beverages are taken for consumption off-site by customers. Allowed walk-up markets must abide by the requirements and limitations as determined by the unified government and the Kansas Department of Revenue Alcoholic Beverage Control.

Wrecked means those automobiles or trucks that have more than 25 percent of the vehicle in damaged condition externally as to render it unsafe to operate.

Yard means an open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of a rear yard, the least horizontal distance between the lot line and the building shall be used. Where lots abut a street that is designated a major street on the major street plan, all yards abutting the street shall be measured from a line one-half the proposed right-of-way width from the centerline, or from the lot line, whichever provides the greater setback. On other lots, all yards abutting a street shall be measured from a line 25 feet from the centerline, or from the lot line, whichever provides the greater setback. On multibuilding projects where access is derived from private drives, the orientation of individual buildings shall be used to determine the type of yard along the project boundary.

Yard, front, means a yard across the full width of the lot extending from the front line of the main building to the front line of the lot.

Yard, rear, means a yard across the full width of the lot extending from the rear lot line to the rear line of the main building.

Yard, side, means a yard between the main building and the adjacent side line of the lot, and extending entirely from the front yard to the rear yard.

Sec. 27-388. – Authority to continue nonconforming buildings, structures, signs and uses.

Any nonconforming building, structure, sign or use which exists lawfully and which remains nonconforming, and any such building, structure or use which shall become nonconforming upon the adoption of any amendment to this subdivision, may be continued in accordance with the provisions which follow. Subsection (2) of this section sets out certain situations in which a

nonconforming use may be presumed or considered to be lawfully existing. Where two or more of the following provisions apply to a particular situation, the most restrictive requirements shall control.

- (1) Nonconforming uses of land. The lawfully existing nonconforming use of land not involving a building or structure, or where any building or structure thereon is merely incidental or accessory to the principal use of land, may be continued subject to the following provisions:
 - a. Expansion. A nonconforming use of land shall not be added to or extended beyond the area it occupies.
 - b. Discontinuance. If a nonconforming use of land is discontinued for a period of six consecutive months, it shall not thereafter be renewed, and any subsequent use of land shall conform to the regulations of the district in which the land is located.
 - c. Change of use. A nonconforming use of land shall not be changed to any other use, except to a use permitted in the district in which the land is located.
- (2) Nonconforming uses of buildings or structures. The lawfully existing nonconforming use of part of a building or structure may be continued subject to the following provisions:
 - a. Expansion. A nonconforming use may be extended throughout the building or structure in which said use is presently located, provided no structural alterations except those required by law or permitted by the regulation of the district in which the building or structure is located are made therein. Such structural alteration shall not provide floor area expansion.
 - b. Discontinuance. If a nonconforming use of a building or structure is discontinued for a period of two years, it shall not be renewed, and any subsequent use of the building or structure shall conform to the use regulations of the district in which the premises are located; provided, however, the period of discontinuance shall be 18 months for private clubs and outdoor advertising signs. When a nonconforming use is abandoned for any period of time without a present intention to reinstate the nonconforming use, the property involved may thereafter be used only by conforming uses. A commercial or industrial nonconforming use shall be considered to have been abandoned when it has been converted to a use that is not legally nonconforming. The determination that such an illegal conversion has occurred shall be made by the city administrator after thorough review. A written record informing the owner or occupant of the decision and of its basis shall be sent to the address of the abandonment and the address of the owner. The decision may be appealed to the board of zoning appeals.
 1. *For an existing special use permit, legal non-conforming status shall be considered to be discontinued if the special use permit is revoked, expires without proper renewal, transferred to a different parcel or lot, or the subject property has a change in ownership, except under the following:*
 - (i) *If the change of ownership occurs as a result of a sale of property or conveyance, then the time period for the new property owner to apply for a new special use permit shall be six months; or,*

(ii) If the change of ownership occurs as a result of a deed upon death, then the time period for the new property owner to apply for a new special use permit shall be 18 months.

- c. Change of use. The nonconforming use of a building or structure may be changed to another nonconforming use of the same or more restrictive zoning district. Whenever a nonconforming use has been changed to a more restrictive use or a conforming use, such use shall not hereafter be changed to a less restrictive use. In the particular case of commercial and/or industrial nonconforming uses in residential zoning districts, the nonconforming use of such a building or structure may be changed to another nonconforming use only upon approval by the planning commission and unified government board of commissioners and only under all of the following conditions:
1. Adequate notice to owners of all property within 200 feet.
 2. The applicant shall show that the nonconforming use cannot reasonably be changed to a permitted use.
 3. The applicant shall show that the proposed change will be less objectionable in external effects than the previous or existing nonconforming use, with respect to:
 - (i) Traffic generation and congestion.
 - (ii) Noise, smoke, dust, fumes, heat, odor, glare or vibration.
 - (iii) Storage and waste disposal.
 - (iv) Appearance.
- d. Repairs/restoration. Requirements set out under subsection (3)a of this section are fully applicable here.

(3) Nonconforming residential use of residential buildings.

- a. Generally. In the particular case of nonconforming residential uses of residential buildings, a nonconforming use permit shall be required for continuation of such a use. Such uses will be those containing more dwelling units than allowed under the zoning applicable at the time of conversion. An application for a nonconforming use permit shall be made within 60 days of the receipt of written notice that such an application is necessary, but in no case may an initial application be made after March 31, 2008. Only the property owner may make such an application. The application for the permit shall include the petition, evidence of required period of existence, a site plan, floor plans, and other information as required to substantiate the permit. The burden of proof shall be on the owner/applicant to establish the period of existence. A nonconforming use permit, if approved, may be revoked under the criteria and procedures set forth in section 27-209.
- b. Nonconforming use permits. The building official, in consultation with the director of planning and zoning shall issue a nonconforming use permit if any one of the sets of standards set out in this subsection is met:
1. There is clear and convincing evidence that the existing nonconformance was established prior to and existing continuously from December 30, 1941.
 2. There is clear and convincing evidence that the existing nonconformance was established prior to and existing continuously from July 28, 1956, and that:

- (i) No past application has been ruled upon adversely by the board of zoning appeals or unified government board of commissioners.
 - (ii) There is compliance with all applicable code requirements.
 - (iii) There has been written notification by mail to all property owners within 200 feet of the property for which the nonconforming use permit is pending to determine if there are objections to the issuance, and that no written objections have been received within two weeks of the mailing.
 - (iv) Unless otherwise approved under subsection (3)b.3 of this section by the unified government board of commissioners, the term of the nonconforming use permit is ten years and it is only applicable to the property owner to whom it is granted.
3. The unified government board of commissioners after recommendation by the planning commission has approved or modified and approved a nonconforming use permit following the process and standards set out as follows:
- (i) Mailed notice to all property owners within 200 feet of the consideration by the planning commission and unified government board of commissioners.
 - (ii) The unified government board of commissioners may attach conditions to ensure the public welfare which establish expiration dates, limit changes of ownership, require physical changes and improvements, or reduce the number of dwelling units. Unless otherwise approved by the unified government board of commissioners, the term of the nonconforming use permit is ten years and it only applicable to the property owner to whom it granted.
 - (iii) The planning commission and unified government board of commissioners shall not consider an application for nonconforming use permit until building official or his designee has inspected the premises and provided to the property owner the changes and improvements necessary to achieve compliance with all applicable code requirements along with an estimate of the cost of compliance. Repairs made or expenses incurred prior to approval shall not be a factor in the consideration of the nonconforming use permit. The improvements required shall completed and approved within 180 days of the nonconforming use permit approval or that approval shall be null and void.
 - (iv) The unified government board of commissioners may approve a nonconforming use permit upon finding that the use has been in existence continuously for a period of at least 20 years prior to the date of application, that provision for parking is adequate, that rezoning the property would result in "spot" zoning or a zoning or a zoning inappropriate to surrounding land uses, and that the use will not be detrimental to character of the immediate neighborhood or be detrimental to the public health, safety, or general welfare.
- (4) Nonconforming buildings or structures. Any lawfully existing building or structure which does not conform with the height or area regulations of the district in which it is located or any building within which a nonconforming use is located shall be subject to the following provisions:

- a. Repairs/restoration. A nonconforming building may be repaired, restored, or rehabilitated without time limit so long as it remains a completely enclosed structure with the bulk of its structural members intact. A nonconforming building or structure which is wholly or partially destroyed by fire or other casualty or act of God, or legally condemned, may be restored or reconstructed to its previous size and location; provided, however, that where the bulk of structural members must be reconstructed, in an area which interferes with existing or proposed street rights-of-way or necessary sight distance as set out in division 12 of this article and section 27-637, reconstruction shall be altered to eliminate such interference. Such restoration shall be completed within 12 months of the date of damage excluding any time for litigation.
 - b. Enlargements. There shall be no increase in the amount of any nonconformity. A nonconforming building or structure may be enlarged, provided such enlargement complies with the regulations and standards of this article.
- (5) Nonconforming signs. Any lawfully existing sign which does not conform with all applicable regulations shall be considered a nonconforming sign. (A lawfully existing roof sign structure in districts CD, M2, and M3 shall be considered a nonconforming sign). Such nonconforming signs may continue in use subject to the following provisions:
- a. Repairs/maintenance. Ordinary repairs or maintenance may be made on a nonconforming sign. Changing copy or logo shall be considered maintenance if the information, product or service depicted remains the same and if the sign is to serve the identical establishment using the same business name as before the change. Where a nonconforming electrical sign or sign face is in good condition and can be reused without changes in its shape or size, such reuse shall be considered repair or maintenance even for a different business. Where a sign surface is damaged or destroyed by fire or other casualty or act of God and the sign supports remain intact, the sign surface may be replaced to its original size and location.
 - b. Refacing/alteration. Sign refacing shall include changing or replacing the surface of the sign to serve a different establishment or business or to create a substantially different visual effect. The normal changing of the message on an outdoor advertising sign shall not be a violation of this provision. Sign alteration shall include the replacement, enlargement, or reshaping of a sign frame, pole, brackets or any supporting member. Nonconforming signs may be refaced or altered so long as the degree of nonconformity is not increased if they meet all the following requirements:
 - 1. No taller than 1½ times the maximum permitted in the applicable zoning district.
 - 2. No closer to any property line than one-half the minimum setback permitted in the applicable zoning district. A lesser setback may be permitted, if there is no other feasible sign location.
 - 3. No larger in area than 1½ times the maximum permitted in the applicable zoning district.

This subsection does not permit a sign conforming in height and/or area and/or setback to become nonconforming in any of those criteria.

Sec. 27-593. – Allowable special uses.

(a) The following uses may be permitted under special use permit in any zoning district except as specifically limited herein:

(1) Amusement parks, privately owned and operated athletic fields, and race tracks.

....

(32) Short-term rentals, subject to section 27-623.

Sec. 27-623. – Short-term rentals.

(a) Short-term rentals are allowed as an accessory use subject, subject to any zoning, typology, and deed restrictions, and performance standards contained herein.

(1) Short-term rentals are allowed as an accessory use within the following zoning districts and areas:

(i) Any residentially zoned area, as defined by this article; or,

(ii) Any zoning district in which a residential use is allowed, including uses allowed through the provisions of a separate zoning district; or,

a. Short-term rental standards are not applied by default to the zoning district in which the use lies. All accessory uses related to short-term rentals apply to the district standards under which the primary use is allowed or operates.

(iii) Any area in which a residential unit exists as a legally non-conforming primary or accessory use.

(2) Short-term rentals are allowed within any of the following building typology, so long as the short-term rental either meets all requirements of said district or maintains legal non-conforming status. An accessory dwelling unit, as an accessory to any of the list typologies, may also be used as a short-term rental instead of or in addition to an allowed primary residence.

(i) Single-family

(ii) Duplex

(iii) Multi-family

(iv) Mixed-use commercial/residential

(3) A short-term rental shall not be permitted within any parcel in which said use is prohibited by, including, but not limited to, deed, plat, or homeowners association bylaws.

(4) Performance Standards. A short-term rental, in conjunction with operation under a valid administrative review or special use permit, must maintain the following standards. Failure to comply with such standards may result in the withdrawal of administrative approval, subject to the discretion of the director of planning and/or their designees, or the revocation of the special use permit, subject to the procedures of section 27-209.

(i) Sufficient on-site, off-street parking must be provided, as determined by the director of planning or their designee(s).

(ii) Maintenance of a current occupation tax receipt issued by the business licensing division.

(iii) Maintenance of the neighborhood character, including, but not limited to:

- a. *Density or concentration of short-term rentals as a percentage of the overall neighborhood housing pool,*
 - b. *On- and off-site parking constraints, and,*
 - c. *The subject property's violation history.*
 - (iv) *Responsiveness to neighbor complaints. The degree of responsiveness by the applicant shall be determined by the following metrics:*
 - a. *Number and frequency of visits to the property by the Kansas City, Kansas police department regarding disturbances of the peace by short-term tenants of the property;*
 - b. *Number of complaints regarding parties at the property, including calls or complaints made to Kansas City, Kansas police department, any unified government department, and/or online third parties in contract with the unified government; and,*
 - c. *The number of filed property maintenance compliance complaints and the length of time violation cases on the property remain open.*
 - (v) *Compliance with all other applicable codes and ordinances.*
- (b) *Short-term rentals subject to administrative review*
- (1) *An actively owner-occupied property may be subject to administrative review if the following requirements are met throughout the duration of the tenants' stay:*
 - (i) *The property owner is present on-site for the entire duration of the short-term rental; and,*
 - (ii) *The property owner is reasonably accessible by tenants, neighbors, and city employees.*
 - (2) *Administrative review densities*
 - (i) *On-site densities. An actively owner-occupied property may follow the administrative review process, if the following standards are met and continuously maintained:*
 - a. *Single-family residences. A one-unit residence may be used as a short-term rental under one of the following sets of rental options:*
 - 1. *Option 1: Each distinct area may be used concurrently as a short-term rental(s) by separate tenant parties:*
 - i. *Partial dwelling unit; and*
 - ii. *Full accessory dwelling unit.*
 - 2. *Option 2: A full primary residence of an actively owner-occupied residence may be used as a short-term rental if the property owner is either residing in the accessory dwelling unit or temporarily occupying the accessory dwelling unit for the duration of the short-term rental lease.*
 - b. *Duplexes. A two-unit residence may be used as a short-term rental, subject to the following requirements:*
 - 1. *The dwelling unit in which the property owner actively occupies is the primary dwelling unit; the other dwelling unit is the secondary dwelling unit.*
 - i. *Any detached accessory dwelling unit is distinct from both the primary and secondary dwelling units; however, for the purposes of this section, an owner-occupied accessory dwelling unit shall be the primary accessory*

- dwelling unit and the two units within the duplex residential building shall be the secondary units.*
- ii. Any secondary unit or accessory dwelling unit that is not operated as a short-term rental may operate as a long-term rental, unless otherwise prohibited by this subsection, and subject to all applicable requirements.*
- 2. A two-unit residence may be used as a short-term rental in one or more of the following distinct areas. Each distinct area may be used concurrently as a short-term rental(s) by separate tenant parties:*
- i. Partial primary dwelling unit;*
 - ii. Full secondary dwelling unit;*
 - iii. Full accessory dwelling unit, if the property owner actively occupies the primary dwelling unit within the duplex; or full second secondary dwelling unit, if the property owner actively occupies the accessory dwelling unit.*
- c. Multi-family residences and mixed-use buildings.*
- 1. The dwelling unit in which the property owner actively occupies is the primary dwelling unit; all other dwelling units within the primary residential building are secondary dwelling units.*
 - i. Any detached accessory dwelling unit is distinct from both the primary and secondary dwelling units; however, for the purposes of this section, an owner-occupied accessory dwelling unit shall be the primary accessory dwelling unit and all the units within the primary multi-family residential building shall be the secondary units.*
 - ii. Any secondary unit or accessory dwelling unit that is not operated as a short-term rental may operate as a long-term rental, unless otherwise prohibited by this subsection, and subject to all applicable requirements.*
 - 2. A multi-family residence with three to 12 dwelling units may be used as a short-term rental under one of the following sets of rental options:*
 - i. Option 1: Up to three primary, secondary, and accessory dwelling units in any combination, plus 25 percent of all remaining dwelling units after the initial three units, if:*
 - 1. The primary dwelling unit is only a partial dwelling unit, and,*
 - 2. All remaining dwelling units not allowed to operate as short-term rentals are registered with the rental licensing division as long-term rentals.*
 - ii. Option 2: Up to 25 percent of all total dwelling units on site; regardless, no less than two units are allowed to be used as short-term rentals.*
 - 3. A multi-family residence with over 12 dwelling units may be used as a short-term rental under one of the following sets of rental options:*
 - i. Option 1: Up to six primary, secondary, and accessory dwelling units, plus 25 percent of all remaining dwelling units after the initial six units, if:*
 - 1. The primary dwelling unit is only a partial dwelling unit, and,*

2. All remaining dwelling units not allowed to operate as short-term rentals are registered with the rental licensing division as long-term rentals.
 - ii. Option 2: Up to 25 percent of all total dwelling units on site.
- d. Failure to meet all applicable requirements will result in the property's loss of eligibility for administrative review, and will require said property to be granted a special use permit for a short-term rental, if eligible under this section.
- (ii) Street block density. There shall be no maximum density of short-term rentals subject to administrative review within a street block.
- (3) Short-term rental use is subject to approval of a completed administrative review form and in compliance with all identified performance standards contained herein.
 - (i) The short-term rental of any portion of an actively owner-occupied residential building shall be required to obtain administrative review. One administrative review application shall apply to an entire parcel of land.
 - (ii) The applicant for administrative review of a short-term rental must be the property owner. If the property owner is not an individual person, an individual person within the property owner party and with the capacity to act for the property owner may serve as the applicant.
 - (iii) Administrative review submission requirements. The following requirements must be met as part of the submission materials for administrative review of a short-term rental:
 - a. An affidavit, signed by the property owner, attesting to the satisfaction of safety and habitability standards.
 - b. Proof of an active lodging establishment license, if required by state statute.
 - c. Proof of at least \$1,000,000 insurance liability policy covering the entire subject property.
 - d. Provide a management plan for the property.
 - e. Provide a guest book of important contact information, including contact information by which the property owner or their designee is reasonably accessible, and a list of all house rules.
 1. The list of rules must include a prohibition on parties.
 2. Contact information for the property owner or their designee.
 3. This manual must inform guests that the Unified Government enforces this policy and must include the contact information to report any violations.
 - f. The property owner or applicant must post the following within the primary residence and must make readily available upon request:
 1. A copy of the special use permit ordinance granting permission to the subject parcel to operate the short-term rental; and,
 2. The expiration date of the current special use permit; and,
 3. A copy of the occupational tax receipt for the current calendar year; and,
 4. The contact information of the property owner or their designee, in an area of the rented property that is clearly visible to all tenants.
 - g. An accurate and to-scale floor plan, including all exits for fire safety purposes.

- h. *Additional site plans and other related materials, at the discretion of the director of planning and/or their designee(s).*
 - i. *Reports from any other inspection, as determined by unified government staff.*
 - j. *Report from a full safety home inspection.*
 - 1. *For a new administrative review only, the report from a full safety home inspection conducted within the past six months by a home inspector registered with the unified government and in compliance with all business licensing requirements.*
 - 2. *Additional inspections may be required at the discretion of the director of planning and/or their designee(s).*
 - 3. *While a full safety home inspection shall not be required upon every renewal of an administrative review, under no circumstances shall the time from the last full home inspection was conducted be greater than five years.*
- (iv) *Approval of administrative review is for one year, and must be renewed annually.*
- a. *The date for which a time period begins to run shall be the date of approval of the administrative review by the director and/or their designee(s).*
 - b. *Except as provided for in subsection (b)(2)(iv)b.3 below, a new administrative review shall be required upon a change in ownership of the property to which the existing administrative review applies, or any portion thereof.*
 - 1. *The administrative approval shall not be transferrable to another applicant or to another parcel owned by the same property owner or applicant.*
 - 2. *A change in applicant or property ownership shall require approval of a new and distinct administrative review and approval. Operation of the short-term rental under the new administrative review shall not commence until administrative approval has been granted.*
 - 3. *A new administrative review shall not be required if the property is transferred to a transferee entity of the current property owner, provided that the controlling person or controlling entity of such transferee entity is also the controlling person or controlling entity of the current property owner.*
 - c. *The applicant to whom administrative review approval has been granted must submit a revised application to the department of planning and urban design before the expiration date of the current administrative review.*
- (c) *Short-term rentals subject to special use permits*
- (1) *Special use permit densities.*
- (i) *On-site densities. Short-term rentals allowed only under a special use permit are limited to the following on-site density maximums:*
 - a. *For primary buildings, the maximum number of allowed short-term rentals per parcel are as follows:*
 - 1. *For a building with one dwelling unit, no more than one short-term rental unit is allowed.*
 - 2. *For a building with two to eleven dwelling units, no more than two short-term rental units are allowed.*

3. *For a building with twelve dwelling units or greater, no more than 25 percent of all total units are allowed to be short-term rental units.*
 - b. *A parcel with an accessory dwelling unit may operate the accessory dwelling unit as a short-term rental in addition to the unit maximums allowed in subsection (c)(1)(i)a.*
 - c. *It shall be prohibited for a property to exceed the short-term rental densities provided in subsections (c)(1)(i)(a) and (c)(1)(i)(b).*
- (ii) *Street block density.*
- a. *Within a street block, no less than one parcel or no more than 25 percent of all parcels—whichever number is greater—shall be granted a special use permit for a short-term rental. No parcel operating a short-term rental under an administrative review shall be included in the count of short-term rentals that require a special use permit.*
 - b. *Any densities applied at the street block level do not prohibit special use permits for short-term rentals granted before April 27, 2023. All special use permits for short-term rentals issued before said date have legal non-conforming status and may continue to reapply for subsequent terms of the special use permit, subject to compliance with all other portions of this section and other applicable regulations.*
- (2) *Short-term rental use is subject to approval of a complete special use permit application, and in compliance with all identified performance standards contained herein.*
- (i) *Special use permit process*
- a. *The short-term rental of any portion of a residential building shall be required to obtain a special use permit. One short-term rental special use permit shall apply to an entire parcel of land.*
 - b. *The applicant of a special use permit for a short-term rental must be either the property owner or the property owner's designee.*
 1. *If the property owner is not an individual person, an individual person within the property owner party and with the capacity to act for the property owner may serve as the applicant.*
 2. *An applicant who is not the property owner nor within the property owner party shall be presumed to be the property owner's designee.*
 - c. *Submission Requirements*
 1. *A special use permit process for a short-term rental shall follow all applicable requirements and procedures identified in article VI of this chapter.*
 2. *In addition, the following requirements must be met as part of the submission materials for a short-term rental special use permit:*
 - i. *An affidavit, signed by the property owner, attesting to the satisfaction of safety and habitability standards.*
 - ii. *Proof of an active lodging establishment license, if required by state statute.*
 - iii. *Proof of at least \$1,000,000 insurance liability policy covering the entire subject property.*

- iv. *Provide a management plan for the property.*
- v. *Provide a guest book of important contact information, including contact information by which the property owner or their designee is reasonably accessible, and a list of all house rules.*
 - 1. *The list of rules must include a prohibition on parties.*
 - 2. *Contact information for the property owner or their designee.*
 - 3. *This manual must inform guests that the Unified Government enforces this policy and must include the contact information to report any violations.*
- vi. *The property owner or applicant must post the following within the primary residence and must make readily available upon request:*
 - 1. *A copy of the special use permit ordinance granting permission to the subject parcel to operate the short-term rental; and,*
 - 2. *The expiration date of the current special use permit; and,*
 - 3. *A copy of the occupational tax receipt for the current calendar year; and,*
 - 4. *The contact information of the property owner or their designee, in an area of the rented property that is clearly visible to all tenants.*
- vii. *An accurate and to-scale floor plan, including all exits for fire safety purposes.*
- viii. *Additional site plans and other related materials, at the discretion of the director of planning and/or their designee(s).*
- ix. *Reports from any other inspection, as determined by unified government staff.*
- x. *Report from a full safety home inspection.*
 - 1. *For a new short-term special use permit application only, the report from a full safety home inspection conducted within the past six months by a home inspector registered with the unified government and in compliance with all business licensing requirements.*
 - 2. *Additional inspections may be required at the discretion of the director of planning and/or their designee(s).*
 - 3. *While a full safety home inspection shall not be required upon every renewal application of an existing special use permit, under no circumstances shall the time from the last full home inspection was conducted be greater than five years.*
- 3. *A special use permit application for a short-term rental shall be presumed incomplete if the presumed approval of said application would cause the street block on which the subject parcel is located to violate subsection 27-623(a)(1)(ii), unless the application is a renewal of an existing special use permit. An application that is required due to a change in ownership of the subject parcel or lot, or the transference of the special use permit to a separate parcel or lot, shall be considered a new application and therefore not eligible for legal non-conformity within this section.*

- d. *Length of approval of a special use permit for a short-term rental*
 - 1. *Operating under a special use permit is generally limited to a set time period, by the end of which the special use permit must be reapplied for, subject to a new (de novo), full review, and granted approval by the board of commissioners.*
 - 2. *If the short-term rental property is owner-occupied, then, upon final approval by the board of commissioners, the term of the special use permit is as follows:*
 - i. *First approval – no more than 24 months*
 - ii. *Second approval – no more than 60 months*
 - iii. *Third approval and beyond – no more than 120 months*
 - 3. *If the short-term rental property is not owner-occupied, then, upon final approval by the board of commissioners, the term of the special use permit is as follows:*
 - i. *First approval – no more than 12 months*
 - ii. *Second approval – no more than 24 months*
 - iii. *Third approval – no more than 60 months*
 - iv. *Fourth approval and beyond – no more than 120 months*
 - 4. *The date for which a time period begins to run shall be the date of approval of the special use permit by the board of commissioners. The first date of effective use of the short-term rental shall be the date of completion of all post-approval procedural requirements, including, but not limited to, publication in the newspaper, the payment of all outstanding administrative fees, and proof of completion of the conditions of approval, but not including conditions of approval which specifically may be fulfilled while the short-term rental is in use. This subsection is intended to supersede section 27-207(f)(7) only as applied to special use permits for short-term rentals.*
 - 5. *The applicant to whom the short-term rental special use permit has been issued must submit a revised application to the department of planning and urban design no less than three months prior to the expiration date of the current special use permit's term. Failure to meet the three-month requirement will result in the subsequent application having the status of a new application.*
- (d) *Taxation of short-term rental units*
 - (1) *The property owner shall be responsible for the collection of all lodging/hotel taxes duly owed under state and local law.*

Published in the *Wyandotte Echo* on _____

ORDINANCE NO. _____

AN ORDINANCE defining and regulating short-term rental uses through the identification of dwelling typologies, owner-occupancy, and zoning districts, amending **Sections 27-214, 27-340, 27-388 and 27-593**, and wholly adding **Section 27-623** to Chapter 27, Article VIII of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.

WHEREAS, the housing stock is one of the Unified Government's most important built assets, and therefore must be maintained in a manner that allows for a variety of tenancy and ownership options in response to the market demands of residents and visitors;

WHEREAS, the operation of a short-term rental by the residing property owner provides several benefits, including an expanded ability to self-regulate emerging issues and conflicts between short-term tenants and neighbors, a reduction in government enforcement resources needed to be allocated for such properties, the opportunity for homeowners to garner supplemental income from rentals, and the rehabilitation of housing stock, all while existing residents continue to live within their homes;

WHEREAS, the operation of a short-term rental by the residing property owner provides greater benefits than operation of a short-term rental by a remote property owner, and priority should be given to owner-occupied short-term rentals;

WHEREAS, short-term rentals are intended for transient use, and, while such use is needed and necessary by local and visiting populations, the time constraints inherent to such a use does not create social connections and foster neighborhood ownership in the same manner that long-term rentals and homeownership create;

WHEREAS, on a street block or within a parcel in which the majority of dwelling units are non-owner-occupied short-term rentals—rather than long-term rentals and owner-occupied dwelling units—the character of the neighborhood becomes more transient in nature and as a consequence, the neighborhood is adversely affected through a loss of social cohesion;

WHEREAS, the ability for a homeowner to use their property to the greatest extent as allowed by the respective zoning district, in consideration of the effects that such uses may have upon the rights of adjacent property owners, the surrounding neighborhood, and the community of Kansas City, Kansas;

WHEREAS, the unique characteristics of every property and neighborhood necessitate that the accessory use of a short-term rental be subject to review, and subject to public input by means of proper noticing, neighborhood meetings, and comment in the public forum, through the Special Use Permit entitlement process; therefore,

**BE IT ORDAINED BY THE UNIFIED GOVERNMENT COMMISSION OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS:**

Section 1. That Chapter 27, Planning and Development, Article VI of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, are hereby amended to read as follows:

Sec. 27-214. – Special use permit.

- (a) Purpose. In recognition of certain uses and situations with characteristics which may not blend or harmonize with the uses in the standard zoning districts, the unified government board of commissioners may, by special use permit, authorize the location of specified uses, under such conditions as to operation, site development, signs, time limit, or other conditions as may be deemed necessary to assure that the use will not injure neighboring property or the welfare of the community.
- (b) Applicant. A special use permit application may be initiated by the unified government board of commissioners, planning commission, or upon application of the property owner or owner's agent.
- (c) Applicability. A special use permit application shall be required for all uses so identified pursuant to these regulations or the applicable comprehensive plan.
- (d) Preapplication conference. A preapplication conference is required pursuant to section 27-197.
- (e) Submission requirements. The director of planning shall prepare an application form specifying the information to be submitted in support of a special use permit application. The application shall include at least the following:
 - (1) A preliminary development plan as identified in section 27-212(d). A preliminary development plan is not required for the keeping of livestock or home occupations with no exterior or parking modifications.
 - (2) A statement of the reasons why the special use permit is being requested.
 - (3) All studies as may reasonably be required by the director of planning or ~~his~~ *their* designee.
- (f) Application and review procedures.
 - (1) Determination of completeness. Applications shall be submitted to the director of planning or director's designee for a determination of completeness pursuant to section 27-198. An application is complete when all of the items required by these regulations and on the application form are prepared and/or answered, and any required supplemental

or additional applications (e.g., comprehensive plan amendment) are submitted with the appropriate fee to the department of urban planning and land use.

- (2) Neighborhood meeting. The applicant shall comply with the requirements for a neighborhood meeting pursuant to section 27-199.
- (3) Staff review. Following a determination of completeness, the staff shall review the application pursuant to section 27-521. As part of the review, staff shall recommend appropriate conditions to be placed on the approval, construction, and continuing function of the special use. Such conditions may be drawn from local, regional, or national standards and requirements.
- (4) Notice and public hearing. Following completion of staff review and such neighborhood meetings as are required, the application shall be scheduled for a public hearing before the planning commission.
 - a. Notice shall be provided pursuant to section 27-203.
 - b. The planning commission shall consider the criteria listed in subsection (f)(5) of this section in making a recommendation.
 - c. Following the final hearing on an application for a special use permit the planning commission shall recommendation approval or denial at the earliest reasonable time, and shall prepare an accurate written summary of the proceedings for the unified government board of commissioners. If the planning commission fails to make a recommendation on a special use permit request within 63 days of the close of the public hearing regarding the application, the planning commission shall be deemed to have made a recommendation of disapproval. The application will be forwarded by the director to the unified government board of commissioners within 50 days of the deemed denial.
- (5) Factors to be considered. Approval or denial of the special use permit shall be based upon consideration of the following factors, in addition to those factors specific to each use:
 - a. The character of the neighborhood.
 - b. 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.
 - c. Where applicable, hours of operation.
 - d. 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.
 - e. 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 nearby property.
 - f. Whether the proposed use would pollute the air, land or water.
 - g. Compatibility with existing and proposed land uses in the surrounding area.
 - h. Whether the use would damage or destroy an irreplaceable natural resource.
 - i. The relative gain to the public health, safety, morals, and welfare as compared to the hardship imposed upon the individual landowner or landowners.
 - j. The applicant's ability to maintain the use in an "as proposed" condition.

- k. Whether the proposed use would result in overcrowding of land or cause an undue concentration of population.
 - l. In general, commercial and industrial special use permits should not be granted adjacent to residential districts.
- (6) Action by unified government board of commissioners. When the planning commission submits a recommendation of approval, conditional approval, or disapproval of a special use permit and the reasons therefore, the unified government board of commissioners shall consider the criteria established in subsection (f)(5) of this section and may take any action consistent with sections 27-205 and 27-206, including:
- a. Adopting such recommendations by ordinance, which may include such conditions as the unified government board of commissioners deems necessary;
 - b. Overriding the planning commission's recommendation by a two-thirds majority vote of the membership of the unified government board of commissioners; or
 - c. Where there is new material evidence received at the unified government board of commissioners hearing that was not available to the planning commission, then returning such recommendation to the planning commission for reconsideration based on the new evidence.
- (7) Conditional approval of special use permit. In cases in which special use permit applications are conditionally approved by the unified government board of commissioners, the permit shall not take effect until the conditions are fulfilled. Such conditional approval shall expire after one year if the conditions are not met, unless otherwise specified in the approval.
- (8) Duration of approval. Special use permits may be approved at initial issuance for up to two years. Subsequent renewals may be granted for up to ~~five~~-ten years depending upon the information submitted at the renewal hearing. ~~Race tracks~~-*Racetracks*, sanitary landfills, medical waste incinerators and other very large uses may be approved for longer periods.
- (9) Final plan review approval by the planning commission, according to section 27-212(g), is required following unified government board of commissioners' approval of the special permit.
- (10) *Except as provided in subsection c. below, a new special use permit shall be required upon a change in ownership of the property to which the existing special use permit applies, or any portion thereof.*
- a. *The special use permit shall not be transferrable to another applicant or to another parcel owned by the same property owner or applicant.*
 - b. *A change in applicant or property ownership shall require approval of a new and distinct special use permit. Operation of the short-term rental under the new special use permit shall not commence until the date of effectiveness, as described in subsection (f)(7).*
 - c. *A new special use permit shall not be required if the property is transferred to a transferee entity of the current property owner, provided that the controlling person or controlling entity of such transferee entity is also the controlling person or controlling entity of the current property owner.*

(11) Several distinct special use permits, as identified in section 27-593, may be heard by the planning commission and board of commissioners together as a single application, at the discretion of the director of planning and/or their designee(s).

- (g) Exceptions from procedures and fees. Home occupations or keeping of livestock require a fee in the amount established by the director. The procedure shall vary from that established for other special use permits in that upon receipt of recommendations from the planning commission, the unified government board of commissioners may approve or disapprove the special use permit. For these uses, the unified government board of commissioners will not be required to return the matter to the planning commission for reconsideration. A neighborhood meeting is not required for the keeping of livestock or home occupations with no exterior or parking modifications.
- (h) Termination. If a use granted a special use permit is discontinued for a period of six months, or inadequate progress toward initiating the use, such as failing to meet or make progress toward meeting the initial conditions of approval, is made in six months, the special use permit shall no longer be valid. Any use requiring a special use permit from that time on will require a new application and the procedure set out under this section.
- (i) Revocation.
 - (1) The unified government board of commissioners may revoke and discontinue a special use permit pursuant to section 27-209 based on the criteria listed in subsection (f)(5) of this section or for any one of the following reasons:
 - a. Failure to maintain the premises in such manner as required by ordinance;
 - b. Failure to comply with the requirements set forth herein or established by the unified government board of commissioners as a condition for approval;
 - c. Failure to construct or maintain the improvements according to the plans presented at the time of approval; or
 - d. Unforeseen incompatibility with surrounding or adjacent uses.
 - (2) If the unified government board of commissioners revokes the special use permit, it shall set an effective date for discontinuance, and the office of the chief counsel may take appropriate action to ensure compliance.

Section 2. That Chapter 27, Planning and Development, Article VIII, of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, is hereby amended to read as follows:

Sec. 27-340. Definitions.

~~For the purpose of~~ this article, certain terms and words are herewith defined as follows: Words used in the present tense include the future; words in the singular number include the plural and words in the plural number include the singular. The term "building" includes the term "structure." The term "shall" is mandatory and not directory. Definitions relating specifically to floodplain zoning, signs, and landscaping and screening are included elsewhere.

Accessory building means a detached building or an attached portion of the main building, the use of which is incidental and subordinate to that of the main building.

Accessory dwelling unit means a dwelling unit that is located over a garage on the same lot or parcel as the primary residential building. Such unit can be attached or detached from the primary residential building. Such units are located towards the rear of the parcel or lot, but regardless shall not be located within the front yard. All accessory dwelling units shall have a maximum square footage equal to 50 percent of the main structure's finished space excluding garages and basements. Accessory units must maintain existing parking requirements.

Accessory dwelling unit, primary means the accessory dwelling unit that the property owner resides within that otherwise satisfies the definition of owner-occupied, as defined in this section.

Accessory use, accessory structure means a use of land or structure which involves all of the following characteristics:

- (1) Subordinate to and serves a principal use or structure.
- (2) Subordinate in area, extent and purpose to the principal use or structure served.
- (3) Contributes to the comfort, convenience or necessity of occupants of the principal use or structure served.
- (4) Located on the same lot or lots, under the same ownership and in the same zoning district as the principal use or structure.

Actively owner-occupied means that the homeowner physically resides in the primary building on the subject property at least 272 days per year and has designated the subject property as both their legal voting address (if the property owner is eligible and registered to vote) and the address of their driver's license or equivalent community-issued identification card.

Adult book store or adult video store means an establishment having as a predominant part of its stock in trade or predominant portion of its revenues, books, magazines, photographs, pictures, periodicals, recordings or video tapes which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas and limited in sale of such sexual material to adults.

Adult nightclub or cabaret means any place serving food or drink, regardless of whether alcoholic beverages are served, which features topless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators, similar entertainers, waitresses or waiters, or features material relating to specified sexual activities or specified anatomical areas.

Adult theater means a facility with a capacity of two or more persons used predominantly for presenting material distinguished or characterized by an emphasis on matters depicting, describing or relating to specified sexual activities or specified anatomical areas, for observation by patrons therein.

Agricultural use refers to the use of land where such land is devoted to the production of plants, animals or horticultural products, including, but not limited to, forages, grains and feed crops, dairy animals and dairy products, poultry and poultry products, beef cattle, sheep, swine and horses, bees and apiary products, trees and forest products, fruits, nuts and berries, vegetables, or nursery, floral, ornamental and greenhouse products. The term "agricultural use" shall not include use of land for recreational purposes, suburban residential acreage, rural home sites or farm homes sites and yard plots whose primary function is for residential or recreational

purposes even though such properties may produce or maintain some of those plants or animals listed in the foregoing definition.

Alley means a public right-of-way no wider than 24 feet that affords only a secondary means of access to abutting property.

Alteration means any addition, removal, extension or change in the location of any exterior wall of a building.

Antenna means any structure or device used to receive or transmit electromagnetic waves.

Apartment house means any building or portion thereof that contains three or more dwelling units.

Applicant means a person who applies for a permit as provided in this section.

Building means a permanently erected structure having a roof supported by columns or walls.

Building, completely enclosed, means a building separated on all sides from the adjacent open spaces or from other buildings or structures by a permanent roof, and by exterior walls having only windows and normal entrance or exit doors, or by party walls.

Bulk means a composite characteristic of a given building as located upon a given lot, not definable as a single quantity, but involving all of the following characteristics:

- (1) Size and height of building.
- (2) Location of exterior walls at all levels in relation to lot lines, streets or to other buildings.
- (3) Gross floor area of the building in relation to lot area (floor area ratio).
- (4) All open spaces allocated to the building.
- (5) Amount of lot area provided per dwelling unit.

Campground means an area of land, including supporting sanitary and other facilities, for the overnight or temporary parking of recreational vehicles and other modes of camping while traveling by auto.

Children's day care and nursery centers means facilities where part-time lodging and meals are provided, excluding permanent or overnight lodging, for six or more children in return for compensation. For the purpose of this article, family day care homes under state regulations will not be included in this definition.

Collection facility means a designated, semi-permanent container intended for public use or public drop-off of recyclable materials such as glass or metal and periodically emptied by a recycling or waste management company or other designated organization. Collection facilities should be constructed of a durable material, such as metal or hard plastic, and are intended for materials undergoing further processing or refining.

Court means an open, unoccupied space, other than a yard, bounded on three or more sides by exterior walls of a building or by exterior walls of a building and lot lines on which walls are allowable.

Curb level means the level of the established curb in front of the building measured at the center of such front. Where no curb has been established, the high point of the crown of the street in front of the building shall be used.

Decibel means a unit of measurement of the intensity (loudness) of sound. In this article, decibel levels shall be measured on the A scale and referred to as dB(A).

Detached means a building that does not have a wall, roof or other structural member in common with or in contact with another building.

Dismantled means that a number of useful parts, including but not limited to, tires, batteries, doors, hoods, or windows, have been removed from the automobile as to render the automobile unsafe to operate.

Dog kennel means any premises where four or more dogs are boarded, bred and/or offered for sale.

Donation bin means a designated, semi-permanent container in which previously owned items, such as clothing, shoes, and books can be placed by the public and periodically emptied by a non-profit organization for resale or donation. A donation bin is distinct and separate from a collection facility.

Drive means an improvement which affords a means of vehicular access to or through an area and which is owned and maintained by the owner of the property it serves.

Drive-in or drive-through establishment means a place of business being operated for the retail sale of food and other goods, services, or entertainment wherein patrons may be served or otherwise conduct their business while remaining in their automobiles. A restaurant that does not provide at least 15 seats within the enclosed interior of the building shall be considered a drive-in establishment.

Dwelling means a building or portion thereof intended for occupancy for residential purposes but not including hotels, motels, rooming houses, nursing homes, temporary shelters, tourist homes, or trailers.

Dwelling house, condominium, means a building containing dwelling units, which dwelling units are separated by a party wall and which dwelling units are designed and intended to be separately owned in fee under the condominium statutes of the state.

Dwelling, multiple-family, means a dwelling, or portion thereof, containing three or more dwelling units.

Dwelling, single-family, means a dwelling containing one dwelling unit.

Dwelling, two-family means a dwelling containing two dwelling units, a duplex.

Dwelling unit means one or more rooms constituting all or part of a dwelling and which are arranged, designed, used or intended for use exclusively as a single housekeeping unit for one family, and which includes cooking, living, sanitation and sleeping facilities.

Dwelling unit, full means a dwelling unit, as defined in this section, or the extent of the dwelling unit to be rented to and accessible by a short-term rental tenant(s), with the remainder of the dwelling unit both inaccessible to said tenant(s) and not otherwise occupied or rented.

Dwelling unit, partial means a portion of a dwelling unit or the extent of the dwelling unit to be rented to and accessible by a short-term tenant, with the remainder of the dwelling unit occupied by the property owner. A partial dwelling unit at minimum must include a bedroom and access to a bathroom; the portion of the dwelling unit occupied by the property owner may or may not be accessible to tenants.

Dwelling unit, primary means the dwelling unit in which the property owner resides in satisfaction of the definition of owner-occupied, as defined in this section. For buildings in which the property owner either consists of more than one individual residing in separate and distinct dwelling units or is a corporation, government entity, non-profit, or trust, a single primary

dwelling unit shall be established by the property owner, or, if the property owner does not assert a primary dwelling unit, by the determination of the director of planning or their designee.

Exterior sales means the sale of goods outdoors on private property that is zoned for commercial retail. Examples include ice chests, propane, firewood, and other that are similar.

Family means one or more persons who are related by blood or marriage, including any foster children, a group of not more than five persons living together by joint agreement on a nonprofit cost sharing basis, or a combination of persons related by blood or marriage along with no more than two unrelated adults to a maximum number of five persons living together and occupying a single housekeeping unit with single kitchen facilities. In addition, up to ten persons, including eight or fewer persons with a disability or handicap and not to exceed two staff residents residing in a dwelling shall be considered to be a family. Handicapped persons are defined in Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988.

Farmers' market means a seasonal outdoor market where fresh produce, animal food products, homemade goods, or small craft items are sold from individual sellers and where each seller operates independently from other sellers. Fresh produce may include fruits and vegetables that have been recently harvested from the garden or farm of the seller or the seller's client, and must consist of the majority of the sales in both scope and dollars. Animal food products include meat, milk, eggs, and honey produced from the livestock, fowl, bees, or other animals kept on the property of the seller or seller's client. Homemade goods may include jams, jellies, and preserves, baked breads and pastries, and canning goods such as pickled fruits and vegetables, salsa. The primary characteristic is that these activities involve a series of sales sufficient in number, scope, and character to constitute a regular form of business and therefore subject to regulation.

Flea market means a market, indoors or out of doors, where new or used items are sold from individual sellers, where each seller operates independently from other sellers. Items sold include, but are not limited to, household items, antiques, rare items, decorations, used books and used magazines. The term "flea market" is interchangeable with and applicable to "swap meet," "indoor swap meet," or other similar terms regardless of whether these events are held inside a building. The primary characteristic is that these activities involve a series of sales sufficient in number, scope, and character to constitute a regular form of business and therefore subject to regulation.

Floor area means the total floor area designed for tenant or owner occupancy measured from the exterior surfaces of outside walls and including mezzanines, unfinished floors and basements, but excluding loading docks and service corridors or any common areas not leasable to individual tenants.

Floor area, habitable, means the area of all floor space on all levels measured from the exterior surface of outside walls, but excluding garages, porches and non-habitable basements as determined by the International Building Code, as adopted and amended by the unified government.

Food establishment means a business where prepared food is sold and distributed to the public, either for on-site consumption in a dining area provided by the business or for off-site consumption. Food sales by annual dollar volume must be the majority of the sales and cannot be

exceeded in annual dollar volume by alcohol. Examples of a food establishment may include sit-down restaurants, fast-food restaurants, delis, smoothie bars, coffee and tea shops, and ice cream parlors. Food establishments shall not include vendor vehicles or prepared food vending vehicles such as food trucks, food trailer, and pushcarts.

Food trailer means an accessory trailer hitched to a car or truck, which, when parked, serves as a prepared food vending vehicle. A food trailer and operator of the car or truck to which the food trailer is attached must meet all local, State, and federal requirements for vehicle safety and licensing; and must meet all State requirements for food safety and handling.

Food truck means a self-contained, motorized prepared food vending vehicle. A food truck and food truck operator must meet all local, State, and federal requirements for vehicle safety and licensing; and must meet all State requirements for food safety and handling.

Fowl shall mean those domestic birds commonly kept for the production of meat, eggs, or feathers. Fowl shall include, but not be limited to, chickens, ducks, turkeys, geese, swans, peafowl, guinea fowl, ostriches, and emus. Fowl shall not be permitted in any area of the city not zoned agricultural with the following exceptions:

- (1) Ducks.
- (2) Female chickens.

Garage, private, means a building or a portion of a building, not more than 1,000 square feet in area, in which only motor vehicles used by tenants of the building or buildings on the premises are stored or kept.

Gross vehicle weight rating or GVWR means the manufacturer's rating of the combined weight of the vehicle and the maximum load it is designed to carry. Where such information is not available, the following shall be used to make the determination:

- (1) Vehicles of no greater than 10,000 pounds GVWR: Pickup trucks and passenger vans, trucks considered one-ton rated capacity or less.
- (2) Vehicles of no greater than 30,000 pounds GVWR: Commercial-type trucks of wide variety, but excluding dump trucks, semitrailer trucks, trucks with tandem axles, and other similar heavy-duty trucks.

Group dwelling means a residential dwelling occupied as a residence by persons who do not constitute a family.

Halfway house means a facility, such as a community corrections center, serving temporary residents who have been released or diverted from an institution. A nonfamily residential dwelling that houses persons protected by the Fair Housing Act, such as the mentally ill or the mentally retarded, is a group dwelling, not a halfway house, so long as it is clearly the domicile of the residents and the typical length of stay is long enough to differentiate it from a motel or hotel.

Heavy automotive/truck service, repair, and mechanics means major mechanical repair shops including any of the following:

- (1) Body work and painting.
- (2) Tire recapping.
- (3) Engine and transmission repair.

Height of building or structure means the vertical distance from the average elevation of the ground abutting a building or structure to the highest point of a building or structure. Height,

when not regulated in feet, shall be regulated by stories and a story shall be equal to 12 feet for purposes of measuring structures other than buildings.

Home occupation means an activity for gain customarily carried on in a dwelling or structure accessory to a dwelling, clearly incidental and secondary to the use of the dwelling for residential purposes. In general, a home occupation is an accessory use so located and conducted that the average neighbor under normal circumstances would not be aware of its existence. Such activity may employ only members of the immediate family residing on the premises.

Inoperable means that an automobile or truck which cannot be driven away in a safe condition.

Inoperable vehicles means vehicles missing major body, chassis, or engine components or not fit for street travel.

Light automotive service and maintenance means any of the following:

- (1) Tire and battery sales and installation.
- (2) Brakes and other similar diagnostic and repair services.
- (3) Auto detail shops, tune-up shops, upholstery shops, radiator repair shops, lubrications service, sound system shops, or alignment and suspension services.

Livestock means horses, mules, cattle, sheep, and goats.

Lot means a parcel of land occupied or to be occupied by one main building, or unit group of buildings, and the accessory buildings or uses customarily incident thereto, including such open spaces as are required under this article, and having its principal frontage upon a public street. A lot may consist of one or more platted lots, or tracts as conveyed, or parts thereof.

Lot or site area means the land area within the tract or lot lines and excluding street right-of-way.

Lot, corner means a lot abutting upon two or more streets at their intersection. A corner lot may be deemed to front on either street frontage.

Lot, depth means the horizontal distance from the front street line to the rear line.

Lot, interior means a lot whose side lines do not abut upon any street.

Lot line, front means the street line, which is the boundary between a lot and the street on which it fronts.

Lot line, rear means the boundary line that is opposite the most distant from the front street line, except that in the case of uncertainty, the building official shall determine the rear line.

Lot line, side means any lot boundary line not a front or rear line thereof. A side line may be a party lot line, a line bordering on an alley or place or a side street line.

Lot, through means an interior lot having frontage on two streets.

Lot width means the horizontal distance between side lines, measured at the front building line.

Mobile home means a structure, transportable in one or more sections, which has a body width of eight feet or more and a body length of 36 feet or more and which is built on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein and which was designed to comply with the Federal Manufactured Home Construction and Safety Standards in force at the time of manufacture. This term shall not include a recreational vehicle. A structure which otherwise falls

within this definition shall be considered a mobile home even if it does not have the required dimensions so long as it is in place as of May 1, 1995, and has a model year of no later than 1969.

Mobile home park means a tract of land meeting the requirements of this article containing suitable drives, utilities and other supporting elements and devoted to the sole purpose of accommodating mobile homes on a permanent or semi-permanent basis.

Mobile home space means that area of land within a mobile home park set aside for use as a site for one mobile home, including the open spaces around the mobile home, as are required in this article.

Mobile market means the selling of food products, including, but not limited to: fresh produce, animal food products, and dry goods out of a bus, truck, trailer, or other mobile unit. At least 50 percent of the foods for sale must be a food item found on the package. Mobile market vehicles must fall between grades 2—7 on the Federal Highway Administration trailer size guideline and must not be longer than 45 feet.

Mobile vendor vehicle means a self-propelled or motorized vehicle from which any non-food merchandise or service is sold, given away, performed, displayed, or offered for sale, at retail. Items for sale may include clothing, jewelry, souvenirs. Non-food merchandise also includes plant products that may be consumable, but are advertised and sold without immediate human consumption, such as vegetable seeds or potted plants, and treats intended for consumption by farm animals or household pets.

Nonvehicular open space means uncovered areas such as lawns, planting space, walks, terraces, sitting areas and balconies, one-half of covered nonvehicular open space, and clubhouses and indoor recreational areas. No paved areas for vehicular traffic or parking may be included as nonvehicular open spaces.

Open-air market means a retail space in a public right-of-way, demarcated from the public right-of-way itself ~~through the~~ by use of tents, cones, temporary fencing, and other material. Distinct from a flea market, only one business can display and sell goods per open-air market.

Operator means any person who operates a vending vehicle or farmers' market stand for the purpose of vending food, beverage, product or service therefrom.

Outdoor cafe means an outdoor area located contiguous to a building wherein a food establishment is located and where food and beverages are taken for consumption by persons sitting or standing at tables in that area. Allowed outdoor cafes must abide by the requirements and limitations as determined by the unified government and the state department of revenue alcoholic beverage control.

Outdoor dining elements means all tables, chairs, fencing and other materials used for demarcating the outdoor café or outdoor tavern from the right-of-way; planters and plants; and any other privately-owned property comprising the-outdoor café or outdoor tavern.

Outdoor retail means advertising, displaying, distributing, giving away, promoting, selling, or vending, in a space outside but within the boundaries of the property, items normally advertised, displayed, distributed, given away, promoted, sold, or vended.

Outdoor tavern means an area associated with an establishment selling cereal malt and/or alcoholic beverages for consumption on the premises but outside of the structure in which the establishment operates.

Overlay district means a zoning district that acts in conjunction with the underlying zoning district or districts.

Parking lot, commercial means a paved area or structure intended or used for the off-street parking of operable motor vehicles on a temporary basis, other than accessory to a principal use.

Performance standards means criteria to control noise, odor, smoke, toxic or noxious matter, vibration, fire and explosive hazards or glare, heat or other effects generated by or inherent in uses of land or buildings.

Planned zoning district means the zoning of a lot or tract to permit that development as is specifically depicted on plans approved in the process of zoning that lot or tract.

Prepared food vending vehicle means a self-propelled, hitched trailer, or motorized vehicle from which any prepared food, beverage, merchandise, or product ready for immediate consumption is sold, given away, displayed or offered for sale, but shall not include a food vending vehicle transporting unprepared food for sale or delivery at wholesale or retail, or an ice cream product truck.

Private club means an organization licensed hereunder to which the club members shall be permitted to resort for the purpose of consuming alcoholic liquor.

Property owner means the individual person or persons, corporation, government entity, non-profit, or trust who holds ownership of the building and/or real property.

Public right-of-way means any public street, alley, pathway, roadway, sidewalk, walkway, highway, bicycle lane, or public way designed for vehicular, bicycle, or pedestrian travel that is dedicated to public use and/or publicly owned.

Pushcart means any non-self-propelled wagon, cart, trailer, kiosk or similar wheeled container, not a vehicle, as defined in state statutes, from which food, beverage, merchandise or product is offered for sale to the public.

Recreational vehicle means ~~is~~ a vehicle that is:

- (1) Built on a single chassis.
- (2) Four hundred square feet or less when measured at the exterior.
- (3) Self-propelled or permanently towable by a light duty truck.
- (4) Designed not as a dwelling, but as temporary living quarters for recreational camping, travel, or seasonal use.

Residentially zoned area means an area zoned A-G, R, R-1, R-1(B), R-2, R-2(B), R-3, R-4, R-5, R-6, R-M, or these districts' planned equivalents.

Ruined means that an automobile which is substantially damaged to the extent that it is valueless or useless as an operable automobile or truck or parts thereof are only useful as materials for reprocessing, melting, remanufacturing, or disposal for salvage or scrap material.

Seating area means open space within any enclosed structure used for purposes of seating numbers of people for any purpose, including all aisles necessary for circulation.

Self-contained recreational vehicle is a recreational vehicle that includes all of the following:

- (1) Heating and/or air conditioning.
- (2) A sink and shower.
- (3) Self-contained toilet.
- (4) Cooking facilities.

(5) Refrigerator.

Site area means the land area within the tract or lot lines and excluding street right-of-way.

Specified anatomical area means any of the following:

- (1) Any less than completely or opaquely covered:
 - a. Human genitals, pubic region.
 - b. Buttocks.
 - c. Portion of the areola of the female breast.
- (2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified sexual activities means any of the following:

- (1) Human genitals in a state of sexual stimulation or arousal.
- (2) Acts of human masturbation, sexual intercourse or sodomy.
- (3) Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

Short-term rental means the rental or leasing of a dwelling unit—whether it be a full dwelling unit or partial dwelling unit, or a primary dwelling unit or an accessory dwelling unit—for a period of less than 30 consecutive days. The following types and uses of residential buildings are not subject to the short-term rental standards of this article: group homes; summer camps and campgrounds; hospitals and other facilities for treatment of humans; nursing, convalescent, and senior assisted-living homes; and other lodging establishments as defined by existing hotel and motel standards.

Short-term rental unit means a full dwelling unit, partial dwelling unit, or accessory dwelling unit.

Stable, riding means a structure and premises in which horses, ponies or mules, used exclusively for pleasure riding or driving, are housed, boarded, or kept for remuneration, hire or sale.

Storm protection areas means any new residential use, for multifamily residential development or single-family residential development for which a preliminary plan/plat application is approved by the planning commission, shall contain an area of storm protection. Such area may be a room or space, such as a basement, a structure complying with Federal Emergency Management Agency Publication 320 ("Taking Shelter From the Storm") or Publication 361 ("Design and Construction Guidance for Community Shelters"), or subsequent updates thereto shall comply with this requirement. For residential uses designed specifically for occupancy by those age 55 and over, the basement, safe room, or community shelter must be within the structure where the particular dwelling unit is located or within 15 feet of the structure in question and accessed under roof.

Story means that part of a building included between the surface of one floor and the surface of the floor above, or if there is no floor above, that part of the building which is between the surface of a floor and the ceiling next above. A top-story attic is a half story when the main line of the eaves is not above the middle of the interior height of such story. The first story is a half-story when between 50 and 75 percent of the area of its exterior walls contain windows or doors permitting the entrance of daylight and outside air.

Street means a right-of-way that affords principal means of vehicular access to property abutting thereon.

Street block means all properties on both sides of a street between two consecutive, bisecting streets; a consecutive bisecting street and a change in street name; or two consecutive changes in street name if no streets bisect the street between the points the names change.

Street line means the dividing line between the street right-of-way and the abutting property.

Street, private means a street which provides principal access to abutting property, but which is not maintained by the unified government. A private street may exist within dedicated public right-of-way.

Structural alteration means any change other than incidental repairs in the supporting members of a building, such as bearing walls, columns, beams or girders.

Structure means anything constructed or erected, the use of which requires permanent location on the ground or attachment to a permanent location on the ground, including, but not limited to, signs, and excepting customary utility poles, retaining walls and boundary fences.

Surplus off-street parking means any parking space that is not required by the Code of Ordinances or by state or federal law, such as the Americans with Disabilities Act (ADA).

Tavern means an establishment which sells cereal malt and/or alcoholic beverages for consumption on the premises; provided, however, this definition shall not include establishments whose sales of food for consumption on the premises exceed the sales of cereal malt and alcoholic beverages served.

Telecommunications tower means a tower constructed as a freestanding structure or in association with a building, other permanent structures or equipment, containing one or more antennas intended for transmitting or receiving television, radio, digital, microwave, cellular, telephone or similar forms of electromagnetic radiation.

Trailer means a vehicle, other than a mobile home, equipped with wheels and normally towed over the road behind a motor vehicle.

Trailer advertising means a trailer that carries or has attached thereto a sign, billboard or other media for advertising as the prime purpose and use of the trailer.

Trailer hauling means a trailer, as defined in this section, and designed and normally used for over-the-road transportation of belongings, equipment, merchandise, livestock and other objects, but not equipped for human habitation.

Trash container means a durable, rust-resistant, non-absorbent, leak-proof container of no more than 50 gallons that is made of metal or hard plastic and which is mounted on a stand attached to the ground and which typically has a cover with openings on the side for where trash can be disposed.

Used car/truck lot means the use of a parcel of land, either with or without structures, for the purpose of offering for sale, rent, or lease, automobiles, light duty trucks or heavy duty trucks.

Variance means a variation from a specific requirement in this article, as applied to a specific piece of property, as distinct from rezoning.

Vending machine means a machine, stand, or dispenser that distributes, dispenses, or sells a physical product or good directly to a consumer using an automated payment system. Examples include but are not limited to soda machines, candy machines, video rental vending machines,

snack machines, newspaper machines, and others that are similar. This definition does not include ATMs, gas pumps, air dispensers, or payphones.

Vending stand means a moveable temporary structure, tent, stand, or assembled contrivance located adjacent and contiguous to a duly licensed restaurant, vending food, beverage, or any product or merchandise; that can neither be pushed, wheeled, self-propelled or driven by use of a mechanical device but can be manually moved, stored and relocated from time to time and from which prepared food can be sold at retail.

Vending vehicle means a mobile market vehicle, mobile vendor vehicle, or prepared food vending vehicle.

Vendor means any person engaged in selling, or offering for sale, food, beverages, or other merchandise from a vending stand, vending vehicle, or from the vendor's person, on private property.

Walk-up market means an outdoor vending area located contiguous to a building wherein a food establishment is located and where food and beverages are taken for consumption off-site by customers. Allowed walk-up markets must abide by the requirements and limitations as determined by the unified government and the Kansas Department of Revenue Alcoholic Beverage Control.

Wrecked means those automobiles or trucks that have more than 25 percent of the vehicle in damaged condition externally as to render it unsafe to operate.

Yard means an open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of a rear yard, the least horizontal distance between the lot line and the building shall be used. Where lots abut a street that is designated a major street on the major street plan, all yards abutting the street shall be measured from a line one-half the proposed right-of-way width from the centerline, or from the lot line, whichever provides the greater setback. On other lots, all yards abutting a street shall be measured from a line 25 feet from the centerline, or from the lot line, whichever provides the greater setback. On multibuilding projects where access is derived from private drives, the orientation of individual buildings shall be used to determine the type of yard along the project boundary.

Yard, front, means a yard across the full width of the lot extending from the front line of the main building to the front line of the lot.

Yard, rear, means a yard across the full width of the lot extending from the rear lot line to the rear line of the main building.

Yard, side, means a yard between the main building and the adjacent side line of the lot, and extending entirely from the front yard to the rear yard.

Sec. 27-388. – Authority to continue nonconforming buildings, structures, signs and uses.

Any nonconforming building, structure, sign or use which exists lawfully and which remains nonconforming, and any such building, structure or use which shall become nonconforming upon the adoption of any amendment to this subdivision, may be continued in accordance with the provisions which follow. Subsection (2) of this section sets out certain situations in which a nonconforming use may be presumed or considered to be lawfully existing. Where two or more

of the following provisions apply to a particular situation, the most restrictive requirements shall control.

- (1) Nonconforming uses of land. The lawfully existing nonconforming use of land not involving a building or structure, or where any building or structure thereon is merely incidental or accessory to the principal use of land, may be continued subject to the following provisions:
 - a. Expansion. A nonconforming use of land shall not be added to or extended beyond the area it occupies.
 - b. Discontinuance. If a nonconforming use of land is discontinued for a period of six consecutive months, it shall not thereafter be renewed, and any subsequent use of land shall conform to the regulations of the district in which the land is located.
 - c. Change of use. A nonconforming use of land shall not be changed to any other use, except to a use permitted in the district in which the land is located.
- (2) Nonconforming uses of buildings or structures. The lawfully existing nonconforming use of part of a building or structure may be continued subject to the following provisions:
 - a. Expansion. A nonconforming use may be extended throughout the building or structure in which said use is presently located, provided no structural alterations except those required by law or permitted by the regulation of the district in which the building or structure is located are made therein. Such structural alteration shall not provide floor area expansion.
 - b. Discontinuance.
 1. If a nonconforming use of a building or structure is discontinued for a period of two years, it shall not be renewed, and any subsequent use of the building or structure shall conform to the use regulations of the district in which the premises are located; provided, however, the period of discontinuance shall be 18 months for private clubs and outdoor advertising signs. When a nonconforming use is abandoned for any period of time without a present intention to reinstate the nonconforming use, the property involved may thereafter be used only by conforming uses. A commercial or industrial nonconforming use shall be considered to have been abandoned when it has been converted to a use that is not legally nonconforming. The determination that such an illegal conversion has occurred shall be made by the city administrator after thorough review. A written record informing the owner or occupant of the decision and of its basis shall be sent to the address of the abandonment and the address of the owner. The decision may be appealed to the board of zoning appeals.
 2. *For an existing special use permit, legal non-conforming status shall be considered to be discontinued if the special use permit is revoked, expires without proper renewal, is transferred to a different parcel or lot, or the subject property has a change in ownership, except:*
 - (i) *If the change of ownership occurs as a result of a sale of property or conveyance, then the time period for the new property owner to apply for a new special use permit shall be six months; or,*

(ii) If the change of ownership occurs as a result of a deed upon death, then the time period for the new property owner to apply for a new special use permit shall be 18 months.

- c. Change of use. The nonconforming use of a building or structure may be changed to another nonconforming use of the same or more restrictive zoning district. Whenever a nonconforming use has been changed to a more restrictive use or a conforming use, such use shall not hereafter be changed to a less restrictive use. In the particular case of commercial and/or industrial nonconforming uses in residential zoning districts, the nonconforming use of such a building or structure may be changed to another nonconforming use only upon approval by the planning commission and unified government board of commissioners and only under all of the following conditions:
1. Adequate notice to owners of all property within 200 feet.
 2. The applicant shall show that the nonconforming use cannot reasonably be changed to a permitted use.
 3. The applicant shall show that the proposed change will be less objectionable in external effects than the previous or existing nonconforming use, with respect to:
 - (i) Traffic generation and congestion.
 - (ii) Noise, smoke, dust, fumes, heat, odor, glare or vibration.
 - (iii) Storage and waste disposal.
 - (iv) Appearance.
- d. Repairs/restoration. Requirements set out under subsection (3)a of this section are fully applicable here.

(3) Nonconforming residential use of residential buildings.

- a. Generally. In the particular case of nonconforming residential uses of residential buildings, a nonconforming use permit shall be required for continuation of such a use. Such uses will be those containing more dwelling units than allowed under the zoning applicable at the time of conversion. An application for a nonconforming use permit shall be made within 60 days of the receipt of written notice that such an application is necessary, but in no case may an initial application be made after March 31, 2008. Only the property owner may make such an application. The application for the permit shall include the petition, evidence of required period of existence, a site plan, floor plans, and other information as required to substantiate the permit. The burden of proof shall be on the owner/applicant to establish the period of existence. A nonconforming use permit, if approved, may be revoked under the criteria and procedures set forth in section 27-209.
- b. Nonconforming use permits. The building official, in consultation with the director of planning and zoning shall issue a nonconforming use permit if any one of the sets of standards set out in this subsection is met:
1. There is clear and convincing evidence that the existing nonconformance was established prior to and existing continuously from December 30, 1941.
 2. There is clear and convincing evidence that the existing nonconformance was established prior to and existing continuously from July 28, 1956, and that:

- (i) No past application has been ruled upon adversely by the board of zoning appeals or unified government board of commissioners.
 - (ii) There is compliance with all applicable code requirements.
 - (iii) There has been written notification by mail to all property owners within 200 feet of the property for which the nonconforming use permit is pending to determine if there are objections to the issuance, and that no written objections have been received within two weeks of the mailing.
 - (iv) Unless otherwise approved under subsection (3)b.3 of this section by the unified government board of commissioners, the term of the nonconforming use permit is ten years and it is only applicable to the property owner to whom it is granted.
3. The unified government board of commissioners after recommendation by the planning commission has approved or modified and approved a nonconforming use permit following the process and standards set out as follows:
- (i) Mailed notice to all property owners within 200 feet of the consideration by the planning commission and unified government board of commissioners.
 - (ii) The unified government board of commissioners may attach conditions to ensure the public welfare which establish expiration dates, limit changes of ownership, require physical changes and improvements, or reduce the number of dwelling units. Unless otherwise approved by the unified government board of commissioners, the term of the nonconforming use permit is ten years and it only applicable to the property owner to whom it granted.
 - (iii) The planning commission and unified government board of commissioners shall not consider an application for nonconforming use permit until building official or his designee has inspected the premises and provided to the property owner the changes and improvements necessary to achieve compliance with all applicable code requirements along with an estimate of the cost of compliance. Repairs made or expenses incurred prior to approval shall not be a factor in the consideration of the nonconforming use permit. The improvements required shall completed and approved within 180 days of the nonconforming use permit approval or that approval shall be null and void.
 - (iv) The unified government board of commissioners may approve a nonconforming use permit upon finding that the use has been in existence continuously for a period of at least 20 years prior to the date of application, that provision for parking is adequate, that rezoning the property would result in "spot" zoning or a zoning or a zoning inappropriate to surrounding land uses, and that the use will not be detrimental to character of the immediate neighborhood or be detrimental to the public health, safety, or general welfare.
- (4) Nonconforming buildings or structures. Any lawfully existing building or structure which does not conform with the height or area regulations of the district in which it is located or any building within which a nonconforming use is located shall be subject to the following provisions:

- a. Repairs/restoration. A nonconforming building may be repaired, restored, or rehabilitated without time limit so long as it remains a completely enclosed structure with the bulk of its structural members intact. A nonconforming building or structure which is wholly or partially destroyed by fire or other casualty or act of God, or legally condemned, may be restored or reconstructed to its previous size and location; provided, however, that where the bulk of structural members must be reconstructed, in an area which interferes with existing or proposed street rights-of-way or necessary sight distance as set out in division 12 of this article and section 27-637, reconstruction shall be altered to eliminate such interference. Such restoration shall be completed within 12 months of the date of damage excluding any time for litigation.
 - b. Enlargements. There shall be no increase in the amount of any nonconformity. A nonconforming building or structure may be enlarged, provided such enlargement complies with the regulations and standards of this article.
- (5) Nonconforming signs. Any lawfully existing sign which does not conform with all applicable regulations shall be considered a nonconforming sign. (A lawfully existing roof sign structure in districts CD, M2, and M3 shall be considered a nonconforming sign). Such nonconforming signs may continue in use subject to the following provisions:
- a. Repairs/maintenance. Ordinary repairs or maintenance may be made on a nonconforming sign. Changing copy or logo shall be considered maintenance if the information, product or service depicted remains the same and if the sign is to serve the identical establishment using the same business name as before the change. Where a nonconforming electrical sign or sign face is in good condition and can be reused without changes in its shape or size, such reuse shall be considered repair or maintenance even for a different business. Where a sign surface is damaged or destroyed by fire or other casualty or act of God and the sign supports remain intact, the sign surface may be replaced to its original size and location.
 - b. Refacing/alteration. Sign refacing shall include changing or replacing the surface of the sign to serve a different establishment or business or to create a substantially different visual effect. The normal changing of the message on an outdoor advertising sign shall not be a violation of this provision. Sign alteration shall include the replacement, enlargement, or reshaping of a sign frame, pole, brackets or any supporting member. Nonconforming signs may be refaced or altered so long as the degree of nonconformity is not increased if they meet all the following requirements:
 - 1. No taller than 1½ times the maximum permitted in the applicable zoning district.
 - 2. No closer to any property line than one-half the minimum setback permitted in the applicable zoning district. A lesser setback may be permitted, if there is no other feasible sign location.
 - 3. No larger in area than 1½ times the maximum permitted in the applicable zoning district.

This subsection does not permit a sign conforming in height and/or area and/or setback to become nonconforming in any of those criteria.

Sec. 27-593. – Allowable special uses.

(a) The following uses may be permitted under special use permit in any zoning district except as specifically limited herein:

(1) Amusement parks, privately owned and operated athletic fields, and race tracks.

....

(32) Short-term rentals, subject to section 27-623.

Sec. 27-623. – Short-term rentals.

(a) Short-term rentals are allowed as an accessory use subject, subject to any zoning, typology, and deed restrictions, and performance standards contained herein.

(1) Short-term rentals are allowed as an accessory use within the following zoning districts and areas:

(i) Any residentially zoned area, as defined by this article;

(ii) Any zoning district in which a residential use is allowed, including uses allowed through the provisions of a separate zoning district, so long as all accessory uses related to short-term rentals apply to the district standards under which the primary use is allowed or operates; or,

(iii) Any area in which a residential unit exists as a legally non-conforming primary or accessory use.

(2) Short-term rentals are allowed within any of the following building typologies, so long as the short-term rental either meets all requirements of said district or maintains legal non-conforming status. An accessory dwelling unit, as an accessory to any of the list typologies, may also be used as a short-term rental instead of or in addition to an allowed primary residence.

(i) Single-family

(ii) Duplex

(iii) Multi-family

(iv) Mixed-use commercial/residential

(3) A short-term rental shall not be permitted within any parcel in which said use is prohibited by, including, but not limited to, deed, plat, or homeowners association bylaws.

(4) Performance Standards. A short-term rental, in conjunction with operation under a valid administrative review or special use permit, must maintain the following standards. Failure to comply with such standards may result in the withdrawal of administrative approval, subject to the discretion of the director of planning and/or their designees, or the revocation of the special use permit, subject to the procedures of section 27-209.

(i) Sufficient on-site, off-street parking must be provided, as determined by the director of planning or their designee(s).

(ii) Maintenance of a current occupation tax receipt issued by the business licensing division.

(iii) Maintenance of the neighborhood character, including, but not limited to:

a. Density or concentration of short-term rentals as a percentage of the overall neighborhood housing pool,

- b. *On- and off-site parking constraints, and,*
 - c. *The subject property's violation history.*
 - (iv) *Responsiveness to neighbor complaints. The degree of responsiveness by the applicant shall be determined by the following metrics:*
 - a. *Number and frequency of visits to the property by the Kansas City, Kansas police department regarding disturbances of the peace by short-term tenants of the property;*
 - b. *Number of complaints regarding parties at the property, including calls or complaints made to Kansas City, Kansas police department, any unified government department, and/or online third parties in contract with the unified government; and,*
 - c. *The number of filed property maintenance compliance complaints and the length of time violation cases on the property remain open.*
 - (v) *Compliance with all other applicable codes and ordinances.*
- (b) *Short-term rentals subject to administrative review*
- (1) *An actively owner-occupied property may be subject to administrative review if the following requirements are met throughout the duration of the tenants' stay:*
 - (i) *The property owner is present on-site for the entire duration of the short-term rental; and,*
 - (ii) *The property owner is reasonably accessible by tenants, neighbors, and city employees.*
 - (2) *Administrative review densities*
 - (i) *On-site densities. An actively owner-occupied property may follow the administrative review process, if the following standards are met and continuously maintained:*
 - a. *Single-family residences. A one-unit residence may be used as a short-term rental under one of the following sets of rental options:*
 - 1. *Option 1: Each distinct area may be used concurrently as a short-term rental(s) by separate tenant parties:*
 - i. *Partial dwelling unit; and*
 - ii. *Full accessory dwelling unit.*
 - 2. *Option 2: A full primary residence of an actively owner-occupied residence may be used as a short-term rental if the property owner is either residing in the accessory dwelling unit or temporarily occupying the accessory dwelling unit for the duration of the short-term rental lease.*
 - b. *Duplexes. A two-unit residence may be used as a short-term rental, subject to the following requirements:*
 - 1. *The dwelling unit in which the property owner actively occupies is the primary dwelling unit; the other dwelling unit is the secondary dwelling unit.*
 - i. *Any detached accessory dwelling unit is distinct from both the primary and secondary dwelling units; however, for the purposes of this section, an actively owner-occupied accessory dwelling unit shall be the primary accessory dwelling unit and the two units within the duplex residential building shall be the secondary units.*

- ii. Any secondary unit or accessory dwelling unit that is not operated as a short-term rental may operate as a long-term rental, unless otherwise prohibited by this subsection, and subject to all applicable requirements.
- 2. A two-unit residence may be used as a short-term rental in one or more of the following distinct areas. Each distinct area may be used concurrently as a short-term rental(s) by separate tenant parties:
 - i. Partial primary dwelling unit;
 - ii. Full secondary dwelling unit;
 - iii. Full accessory dwelling unit, if the property owner actively occupies the primary dwelling unit within the duplex; or full second secondary dwelling unit, if the property owner actively occupies the accessory dwelling unit.
- c. Multi-family residences and mixed-use buildings.
 - 1. The dwelling unit in which the property owner actively occupies is the primary dwelling unit; all other dwelling units within the primary residential building are secondary dwelling units.
 - i. Any detached accessory dwelling unit is distinct from both the primary and secondary dwelling units; however, for the purposes of this section, an actively owner-occupied accessory dwelling unit shall be the primary accessory dwelling unit and all the units within the primary multi-family residential building shall be the secondary units.
 - ii. Any secondary unit or accessory dwelling unit that is not operated as a short-term rental may operate as a long-term rental, unless otherwise prohibited by this subsection, and subject to all applicable requirements.
 - 2. A multi-family residence with three to 12 dwelling units may be used as a short-term rental under one of the following sets of rental options:
 - i. Option 1: Up to three primary, secondary, and accessory dwelling units in any combination, plus 25 percent of all remaining dwelling units after the initial three units, if:
 - 1. The primary dwelling unit is only a partial dwelling unit, and,
 - 2. All remaining dwelling units not allowed to operate as short-term rentals are registered with the rental licensing division as long-term rentals.
 - ii. Option 2: Up to 25 percent of all total dwelling units on site; except that no fewer than two units may be used as short-term rentals.
 - 3. A multi-family residence with over 12 dwelling units may be used as a short-term rental under one of the following sets of rental options:
 - i. Option 1: Up to six primary, secondary, and accessory dwelling units, plus 25 percent of all remaining dwelling units after the initial six units, if:
 - 1. The primary dwelling unit is only a partial dwelling unit, and,
 - 2. All remaining dwelling units not allowed to operate as short-term rentals are registered with the rental licensing division as long-term rentals.
 - ii. Option 2: Up to 25 percent of all total dwelling units on site.

- d. *Failure to meet all applicable requirements will result in the property's loss of eligibility for administrative review, and will require said property to be granted a special use permit for a short-term rental, if eligible under this section.*
- (ii) *Street block density. There shall be no maximum density of short-term rentals subject to administrative review within a street block.*
- (3) *Short-term rental use is subject to approval of a completed administrative review form and in compliance with all identified performance standards contained herein.*
 - (i) *The short-term rental of any portion of an actively owner-occupied residential building shall be required to obtain administrative review. One administrative review application shall apply to an entire parcel of land.*
 - (ii) *The applicant for administrative review of a short-term rental must be the property owner. If the property owner is not an individual person, an individual person within the property owner party and with the capacity to act for the property owner may serve as the applicant.*
 - (iii) *Administrative review submission requirements. The following requirements must be met as part of the submission materials for administrative review of a short-term rental:*
 - a. *An affidavit, signed by the property owner, attesting to the satisfaction of safety and habitability standards.*
 - b. *Proof of an active lodging establishment license, if required by state statute.*
 - c. *Proof of homeowners' insurance.*
 - d. *Provide a management plan for the property.*
 - e. *Provide a guest book of important contact information, including contact information by which the property owner or their designee is reasonably accessible, and a list of all house rules.*
 - 1. *The list of rules must include a prohibition on parties.*
 - 2. *Contact information for the property owner or their designee.*
 - 3. *This manual must inform guests that the Unified Government enforces this policy and must include the contact information to report any violations.*
 - f. *The property owner or applicant must post the following within the primary residence and must make readily available upon request:*
 - 1. *A copy of the administrative review approval letter granting permission to the subject parcel to operate the short-term rental;*
 - 2. *The expiration date of the current special use permit;*
 - 3. *A copy of the occupational tax receipt for the current calendar year; and,*
 - 4. *The contact information of the property owner or their designee, in an area of the rented property that is clearly visible to all tenants.*
 - g. *An accurate and to-scale floor plan, including all exits for fire safety purposes.*
 - h. *Additional site plans and other related materials, at the discretion of the director of planning and/or their designee(s).*
 - i. *Reports from any other inspection, as determined by unified government staff.*
 - j. *Report from a full safety home inspection.*

1. For a new administrative review only, the report from a full safety home inspection conducted within the past six months by a home inspector registered with the unified government and in compliance with all business licensing requirements.
 2. Additional inspections may be required at the discretion of the director of planning and/or their designee(s).
 3. While a full safety home inspection shall not be required upon every renewal of an administrative review, under no circumstances shall the time from the last full home inspection was conducted be greater than five years.
- (iv) Approval of administrative review is for one year, and must be renewed annually.
- a. The date for which a time period begins to run shall be the date of approval of the administrative review by the director and/or their designee(s).
 - b. Except as provided in sub-subsection 3 of this subsection b., a new administrative review shall be required upon a change in ownership of the property to which the existing administrative review applies, or any portion thereof.
 1. The administrative approval shall not be transferred to another applicant or to another parcel owned by the same property owner or applicant.
 2. A change in applicant or property ownership shall require approval of a new and distinct administrative review and approval. Operation of the short-term rental under the new administrative review shall not commence until administrative approval has been granted.
 3. A new administrative review shall not be required if the property is transferred to a transferee entity of the current property owner, provided that the controlling person or controlling entity of such transferee entity is also the controlling person or controlling entity of the current property owner.
 - c. An applicant seeking renewal of an administrative review approval must submit a revised application to the department of planning and urban design 30 days before the expiration of the existing administrative review approval.
- (c) Short-term rentals subject to special use permits
- (1) Special use permit densities.
- (i) On-site densities. Short-term rentals allowed only under a special use permit are limited to the following on-site density maximums:
 - a. For primary buildings, the maximum number of allowed short-term rentals per parcel are as follows:
 1. For a building with one dwelling unit, no more than one short-term rental unit is allowed.
 2. For a building with two to eleven dwelling units, no more than two short-term rental units are allowed.
 3. For a building with twelve dwelling units or greater, no more than 25 percent of all total units are allowed to be short-term rental units.
 - b. A parcel with an accessory dwelling unit may operate the accessory dwelling unit as a short-term rental in addition to the unit maximums allowed in subsection (c)(1)(i)a.

- c. *It shall be prohibited for a property to exceed the short-term rental densities provided in sub-subsections a. and b. of this subsection (c)(1).*
- (ii) *Street block density.*
 - a. *Within a street block, no more than one parcel shall be granted a special use permit for a short-term rental. No parcel operating a short-term rental under an administrative review shall be included in the count of short-term rentals that require a special use permit.*
 - b. *Any densities applied at the street block level do not prohibit special use permits for short-term rentals granted before April 27, 2023. All special use permits for short-term rentals issued before said date have legal non-conforming status and may continue to reapply for subsequent terms of the special use permit, subject to compliance with all other portions of this section and other applicable regulations.*
- (2) *Short-term rental use is subject to approval of a complete special use permit application, and in compliance with all identified performance standards contained herein.*
 - (i) *Special use permit process*
 - a. *The short-term rental of any portion of a residential building shall be required to obtain a special use permit. One short-term rental special use permit shall apply to an entire parcel of land.*
 - b. *The applicant of a special use permit for a short-term rental must be either the property owner or the property owner's designee.*
 - 1. *If the property owner is not an individual person, an individual person within the property owner party and with the capacity to act for the property owner may serve as the applicant.*
 - 2. *An applicant who is not the property owner nor within the property owner party shall be presumed to be the property owner's designee.*
 - c. *Submission Requirements*
 - 1. *A special use permit process for a short-term rental shall follow all applicable requirements and procedures identified in article VI of this chapter.*
 - 2. *In addition, the following requirements must be met as part of the submission materials for a short-term rental special use permit:*
 - i. *An affidavit, signed by the property owner, attesting to the satisfaction of safety and habitability standards.*
 - ii. *Proof of an active lodging establishment license, if required by state statute.*
 - iii. *Proof of at least \$1,000,000 insurance liability policy covering the entire subject property.*
 - iv. *Provide a management plan for the property.*
 - v. *Provide a guest book of important contact information, including contact information by which the property owner or their designee is reasonably accessible, and a list of all house rules.*
 - 1. *The list of rules must include a prohibition on parties.*
 - 2. *Contact information for the property owner or their designee.*

3. *This manual must inform guests that the Unified Government enforces this policy and must include the contact information to report any violations.*
- vi. *The property owner or applicant must post the following within the primary residence and must make readily available upon request:*
 1. *A copy of the special use permit ordinance granting permission to the subject parcel to operate the short-term rental;*
 2. *The expiration date of the current special use permit;*
 3. *A copy of the occupational tax receipt for the current calendar year; and,*
 4. *The contact information of the property owner or their designee, in an area of the rented property that is clearly visible to all tenants.*
- vii. *An accurate and to-scale floor plan, including all exits for fire safety purposes.*
- viii. *Additional site plans and other related materials, at the discretion of the director of planning and/or their designee(s).*
- ix. *Reports from any other inspection, as determined by unified government staff.*
- x. *Report from a full safety home inspection.*
 1. *For a new short-term special use permit application only, the report from a full safety home inspection conducted within the past six months by a home inspector registered with the unified government and in compliance with all business licensing requirements.*
 2. *Additional inspections may be required at the discretion of the director of planning and/or their designee(s).*
 3. *While a full safety home inspection shall not be required upon every renewal application of an existing special use permit, under no circumstances shall the time from the last full home inspection was conducted be greater than five years.*
3. *A special use permit application for a short-term rental shall be presumed incomplete if the presumed approval of said application would cause the street block on which the subject parcel is located to violate subsection 27-623(a)(1)(ii), unless the application is a renewal of an existing special use permit. An application that is required due to a change in ownership of the subject parcel or lot, or the transference of the special use permit to a separate parcel or lot, shall be considered a new application and therefore not eligible for legal non-conformity within this section.*
- d. *Length of approval of a special use permit for a short-term rental*
 1. *Operating under a special use permit is generally limited to a set time period, by the end of which the special use permit must be reapplied for, subject to a new (de novo), full review, and granted approval by the board of commissioners.*

2. *If the short-term rental property is owner-occupied, then upon final approval by the board of commissioners, the term of the special use permit is as follows:*
 - i. *First approval – no more than 24 months*
 - ii. *Second approval – no more than 60 months*
 - iii. *Third approval and beyond – no more than 120 months*
3. *If the short-term rental property is not owner-occupied, then upon final approval by the board of commissioners, the term of the special use permit is as follows:*
 - i. *First approval – no more than 12 months*
 - ii. *Second approval – no more than 24 months*
 - iii. *Third approval – no more than 60 months*
 - iv. *Fourth approval and beyond – no more than 120 months*
4. *The date for which a time period begins to run shall be the date of approval of the special use permit by the board of commissioners. The first date of effective use of the short-term rental shall be the date of completion of all post-approval procedural requirements, including, but not limited to, publication in the newspaper, the payment of all outstanding administrative fees, and proof of completion of the conditions of approval, but not including conditions of approval which specifically may be fulfilled while the short-term rental is in use. This subsection is intended to supersede section 27-214(f)(7) only as applied to special use permits for short-term rentals.*
5. *The applicant to whom the short-term rental special use permit has been issued must submit a revised application to the department of planning and urban design no less than three months prior to the expiration date of the current special use permit's term. Failure to meet the three-month requirement will result in the subsequent application having the status of a new application.*

(d) Taxation of short-term rental units

- (1) The property owner shall be responsible for the collection of all lodging/hotel taxes duly owed under state and local law.*

SHORT-TERM RENTAL ORDINANCE

Unified Government Board of Commissioners

April 27, 2023



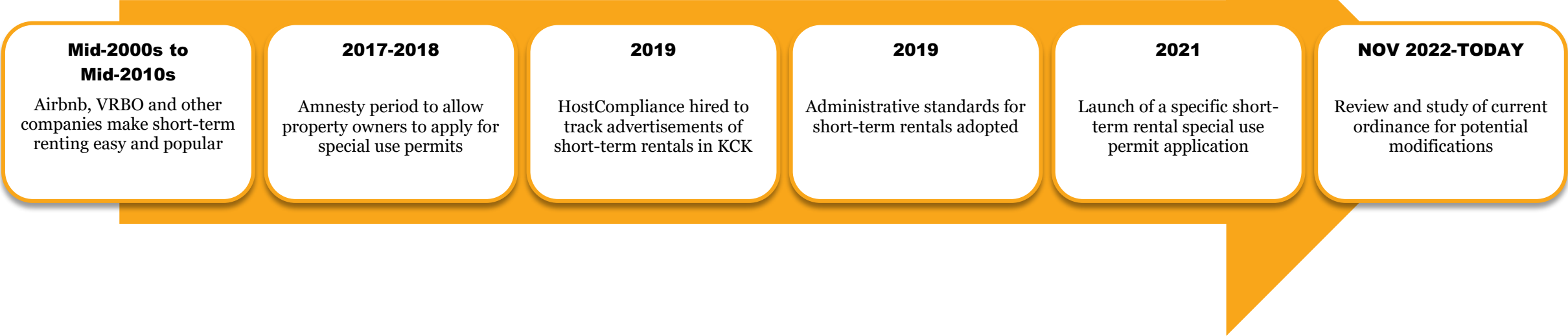
Gunnar Hand, AICP
Director of Planning + Urban Design

Michael Farley
Ordinance Studies Division Lead



BACKGROUND & EXISTING CONDITIONS

- Short-Term Rentals are classified as commercial activities under the UG Code of Ordinances
- Growth in these services creates a need for better administration and balance within neighborhoods



CURRENT PROCESS AND TERMS



Owner-Occupied Properties

Initial Application
UP TO 2 YEARS

Renewal #1
UP TO 5 YEARS

Renewal #2
UP TO 10 YEARS



Non-Owner-Occupied Properties

Initial Application
UP TO 1 YEAR

Renewal #1
UP TO 2 YEARS

Renewal #2
UP TO 5 YEARS

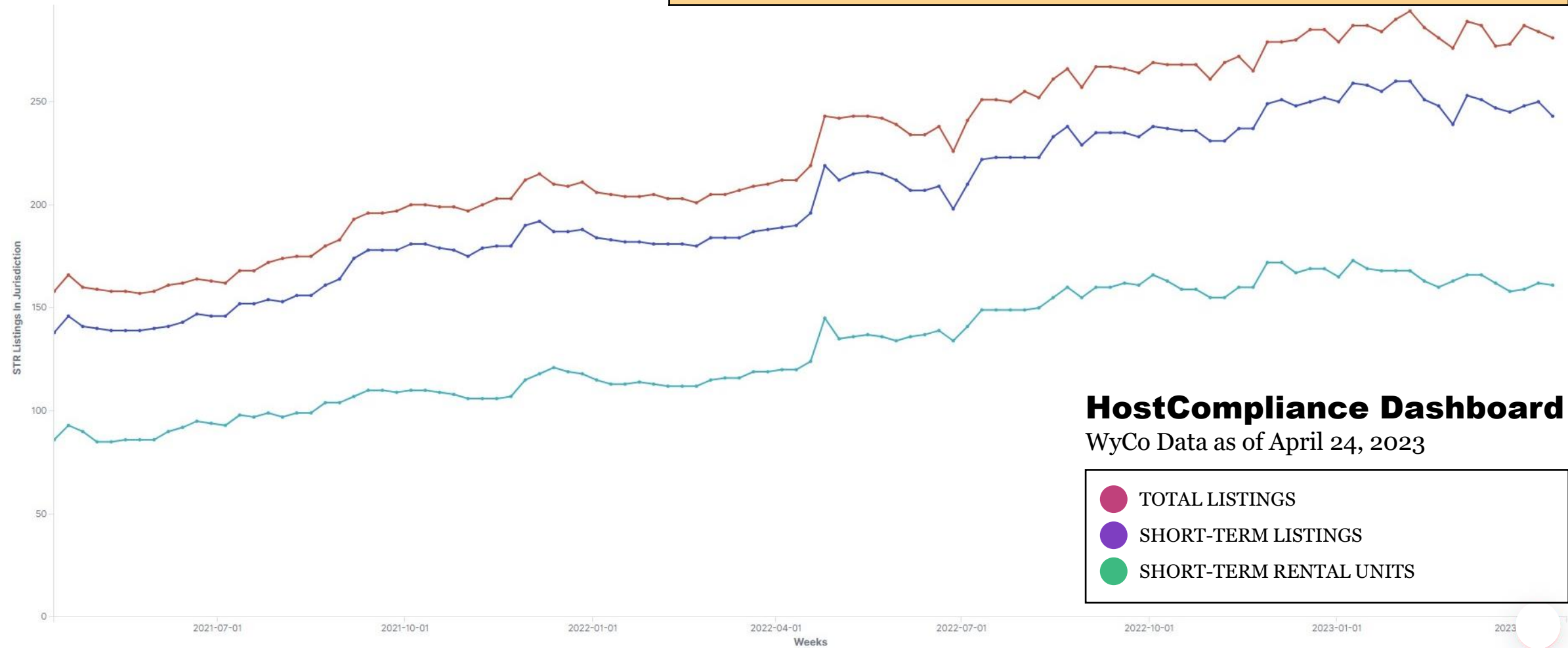
Renewal #3
UP TO 10 YEARS



MARKET SNAPSHOT

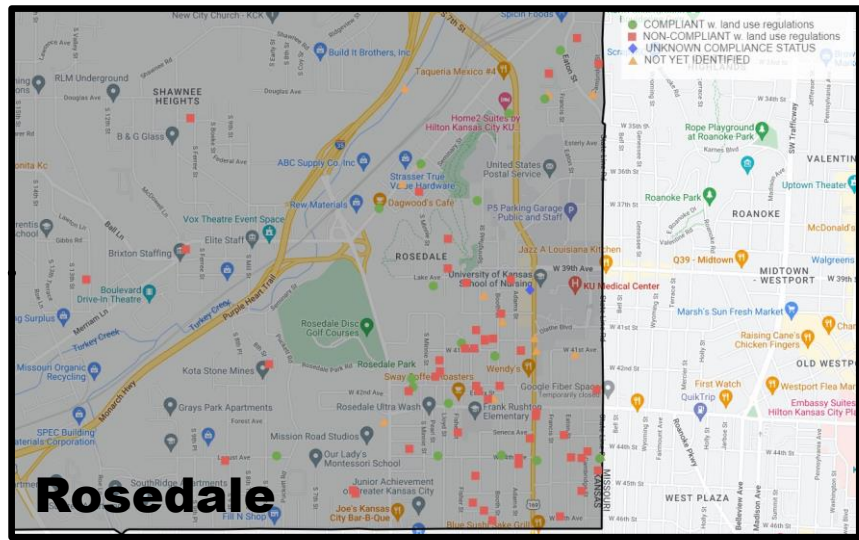
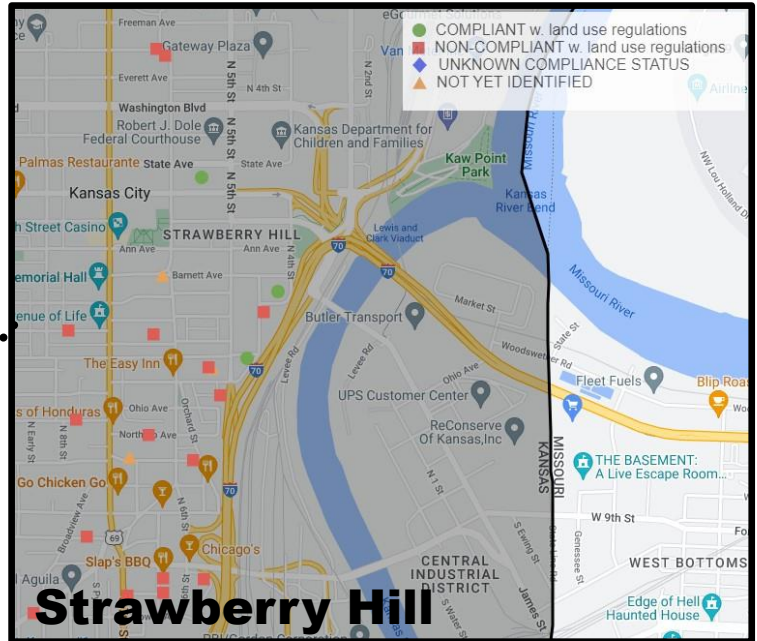
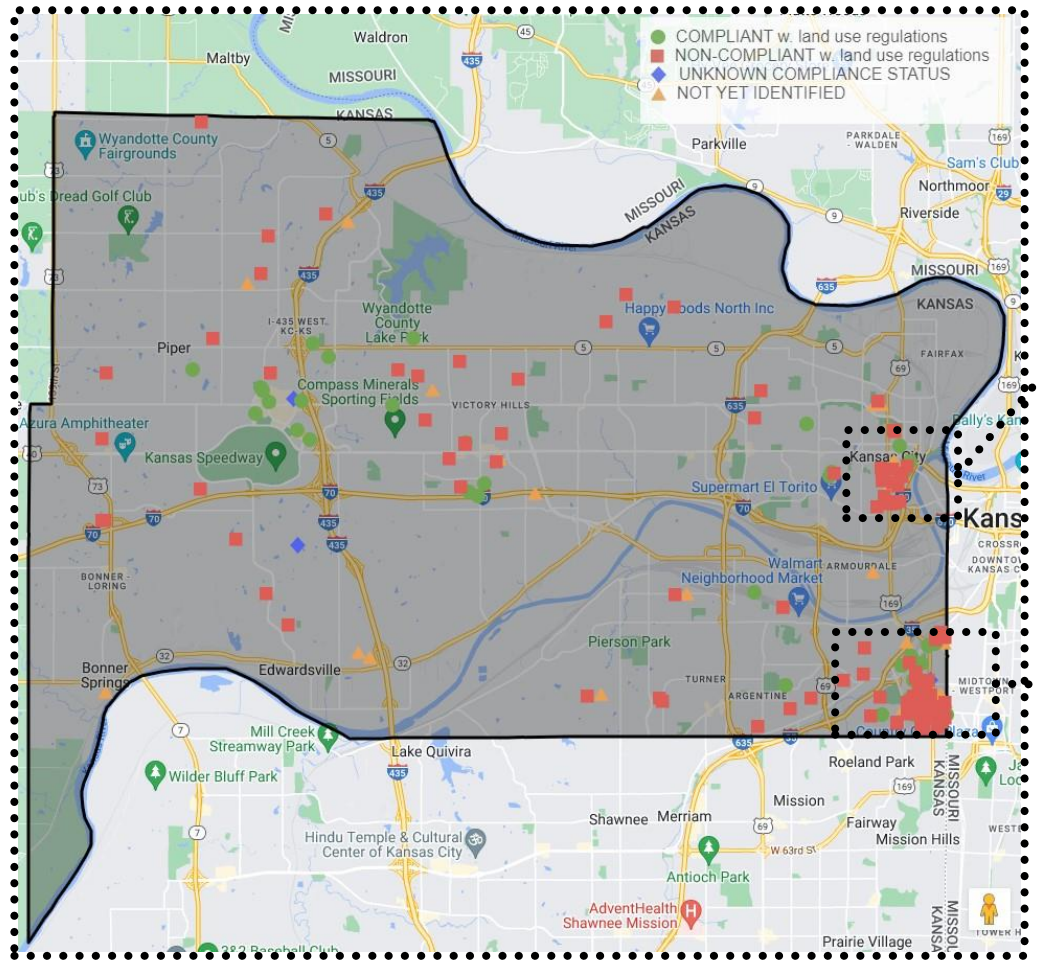
- Only 30% of short-term rentals have a special use permit recorded with the UG

Number of Short-Term Rentals Currently Advertised in WyCo	166
New Short-Term Rentals in Last 30 Days	8
Active Short-Term Rentals Special Use Permits	Approx. 50
Active Owner-Occupied Short-Term Rentals	Approx. 4

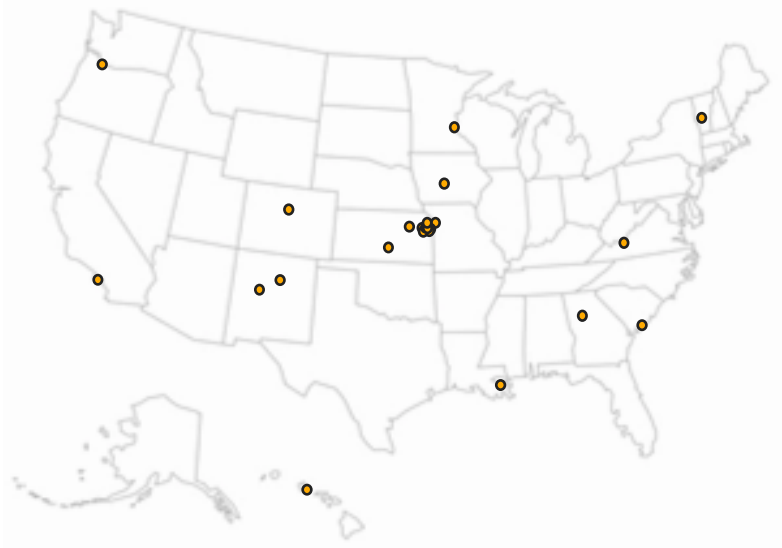


MARKET SNAPSHOT

- Short-term rentals are concentrated in a few neighborhoods



RESEARCH & OUTREACH



<u>LOCAL/METRO AREA</u>		
Bonner Springs	Prairie Village	Atlanta, GA
Edwardsville	Roeland Park	Charleston, SC
Kansas City, MO	Westwood	Denver, CO
Lawrence	Wichita	Honolulu, HI
Leawood	<u>MIDWEST</u>	Long Beach, CA
Lenexa	Des Moines, IA	New Orleans, LA
Olathe	Minneapolis, MN	Portland, OR
Overland Park	<u>NATIONWIDE</u>	Santa Fe, NM
	Albuquerque, NM	Vermont



KEY CONSIDERATIONS



TENANCY MODELS

- Owner-Occupation
- Long-Term Rentals
- Short-Term Rentals



ENFORCEMENT

- Limited Resources
- Equitable Application



NEIGHBORHOOD

- Emphasize Incremental Changes
- Provide Property Owners with More Uses for Their Land
- Maintain Opportunity for Neighborhood Notice and Input



ECONOMIC DEVELOPMENT

- Revitalize without Displacement
- Promote Local Investment with Direct Community Benefits



ORDINANCE REVIEW



**STAFF
EXPERTISE**



**BEST
PRACTICES**



**PEER CITY
COMPARISONS**



**COMMUNITY
INPUT**

GOAL: Establish an owner-occupancy-preferred approach to short-term rental permits based on building typology and zoning district

UPDATED DEFINITIONS



SHORT-TERM RENTAL

A rental less than 30 days. Exceptions include group homes; summer camps and campgrounds; hospitals and other facilities; nursing, convalescent, and senior assisted-living homes; and hotels and motels.



HOMEOWNER

An individual person or persons, corporation, government entity, nonprofit, or trust who holds ownership of the building and real property.



ACTIVELY OWNER-OCCUPIED

A residence in which the homeowner primarily resides for 272 days per year, does not primarily reside in another dwelling, and uses the dwelling address as their home address.



STREET BLOCK

ALL properties on BOTH sides of a street between one of the following: two consecutive, bisecting streets; a consecutive bisecting street and a change in street name; or two consecutive changes in street name if no streets bisect the street between the points the names change.



ADDRESSED LAND USE



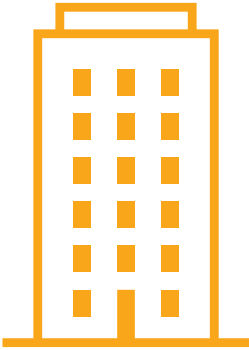
USE BY DISTRICT

Allowed in all residentially zoned properties, zoning districts that allow residential use, or legal non-conforming residences.



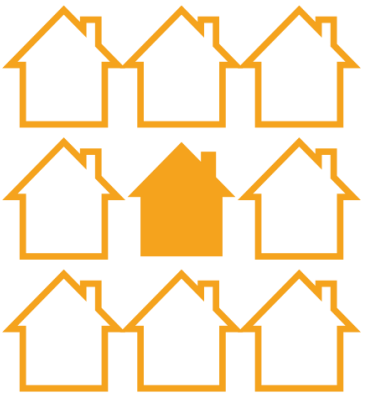
USE BY BUILDING TYPOLOGY

Allowed in single-family residences, duplexes, multi-family apartments, and mixed-used buildings.



DENSITY BY PARCEL

Only one (1) special use permit is allowed per parcel, but there can be multiple short-term rentals within a single parcel, depending on zoning and building type.



DENSITY BY STREET BLOCK

No more than one (1) parcel per street block is allowed to have a short-term rental special use permit, but there is no limit to the number of short-term rentals allowed through administrative review.



CODIFIED PROCESS



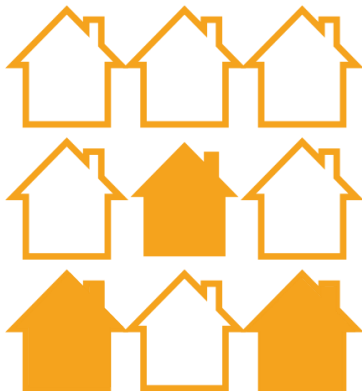
SUBMISSION REQUIREMENTS

Includes a safety home inspection, floor plans, guest book, holding an insurance liability policy, and posting the letter of approval.



LENGTH OF TERM

Administrative review:
Annual renewal
Owner-occupied SUP:
2 years, 5 years, 10 years
Non-owner-occupied SUP:
1 year, 2 years, 5 years, 10 years



LEGAL NON-CONFORMING PERMITS

Allow existing Special Use Permits to continue to run and be renewed, even if not in compliance with the density limits, so long as all requirements of the Zoning Code are followed.



PERFORMANCE STANDARDS

Set standards for off-street parking, neighborhood characteristics, maintaining a business license, and property owner responsiveness to noise/parties.



FOR CONSIDERATION

- **Identifies changes to ownership and/or applicant** which require a renewal of a special use permit before the end of term
- **At the instruction of the City Planning Commission**, legal non-conforming status of existing short-term rentals in high-density blocks is addressed
- **At the instruction of Administration & Human Services Standing Committee**, limiting short-term rental allowed by special use permit to one (1) per block, while imposing no limit on actively owner-occupied short-term rentals under administrative review
- **Clarifies application submission requirements and performance standards** for all new and renewed short-term rental allowed by either administrative review or by special use permit



QUESTIONS

OUTREACH & ENGAGEMENT

- **Commission and Elected Officials Engagement:**
 - ✓ City Planning Commission (Nov. 14, 2022, and Feb. 13, Mar. 13, & Apr. 10, 2023)
 - ✓ Administration & Human Services Standing Committee Meeting (Dec. 12, 2022, and Feb. 13, Mar. 27, & Apr. 24, 2023)
- **Neighborhood Engagement:**
 - ✓ Strawberry Hill Neighborhood Association (Dec. 13, 2022)
 - ✓ Rosedale Development Association (Dec. 20, 2022)
 - ✓ Livable Neighborhoods Task Force (Jan. 26 & Mar. 23, 2023)
 - ✓ Central Area Business Association (Feb. 6, 2023)
 - ✓ Cathedral Neighborhood Association (Feb. 6, 2023)
- **Unified Government & Other Municipalities:**
 - ✓ Collected department feedback
 - ✓ Participated in regional short-term rental working group
 - ✓ Special session outreach meeting

ACTION ITEM(S)

- ❑ Present ordinance for approval to Board of Commissioners (Apr. 27, 2023)
- ❑ Implement ordinance through outreach, enforcement, and updating applications and processes (*starting April-May 2023 and ongoing*)



QUESTIONS OR ADDITIONAL FEEDBACK?

Mike Farley | Ordinance Studies Specialist
mfarley@wycokck.org
(913) 573-5764





Staff Request for Commission Action

Tracking No. 212427

Full Commission Meeting Date:

Committee: Full Commission

Date of Standing Committee Action:

(If none, please explain):

Publication Required: No

<u>Date:</u> 04/21/2023	<u>Contact Name:</u> Ashley Hand	<u>Contact Phone:</u> x5544	<u>Contact Email:</u> azhand@wycokck.org	<u>Department/Division:</u> Mayor's Office
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Item Description:

Update on the status of Seven Days of Kindness, submitted by Ashley Hand, Director of Strategic Communication.

For information only.

Action Requested:

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:



Unified Government of Wyandotte County/Kansas City, Kansas

PROCLAMATION

- WHEREAS,** in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and
- WHEREAS,** this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; and
- WHEREAS,** Arbor Day is now observed throughout the nation and the world; and
- WHEREAS,** trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen, and provide habitats for wildlife; and
- WHEREAS,** trees are a renewable resource giving us paper, wood for our homes, fuel for our fires, and countless other wood products; and
- WHEREAS,** trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community; and
- WHEREAS,** trees, wherever they are planted, are a source of joy and spiritual renewal.

NOW, THEREFORE, I, Tyrone Garner, Mayor/CEO of the Unified Government of Wyandotte County/Kansas City, Kansas, do hereby proclaim April 28, 2023, as:

“Arbor Day”

in Wyandotte County/Kansas City, Kansas, and encourage all citizens to celebrate and support efforts to protect our trees and woodlands. In witness whereof, I have hereunto set my hand and the seal of the Unified Government of Wyandotte County/Kansas City, Kansas.

TYRONE GARNER, MAYOR/CEO



County Administrator's Office
David Johnston, 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: April 21, 2023

BOARD POSITION: Self Supported Municipal Imp. District (SSMID)

INCUMBENT REPLACED: Vacancy

ADDRESS: _____

TERM EXPIRATION DATE: _____

APPOINTING COMMISSIONER: Mike Kane

REQUEST FOR APPOINTMENT

NAME OF NEW APPOINTMENT: Frank Aguilar

TERM OF OFFICE: 4/27/2023 - 12/31/2025

Mike Kane

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.



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

ONE McDOWELL PLAZA

701 NORTH 7TH STREET, 66101

(913) 573-5400
FAX (913) 573-5435

April 18, 2023

Mr. Brett A. Deichler, PMP CMP
Unified Government Clerk
East Building

Re: Subdivision Plat Approval for **SWIFT ESTATES**

Dear Mr. Deichler

Please be advised that the Engineering Division has reviewed the attached plat of SWIFT ESTATES located at 1026 Oakland Avenue and being developed by Swift RPM.

Currently, we recommend that the Commissioners accept this plat and authorize the Mayor/CEO and Unified Government Clerk signatures. I am providing you with two mylars for signature, and one (1) paper copy for Commission review. Please place this on the next scheduled Commission agenda.

After the Mayor has signed the plat, it should be referred to Planning Division for further processing.

Respectfully submitted,

Brent E. Thompson, P.S.
County Surveyor

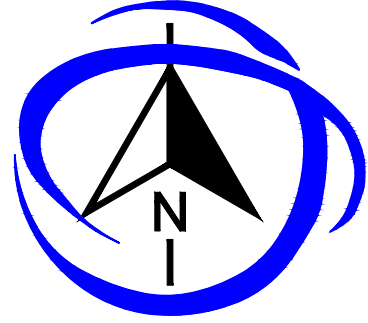
Digitally signed by Troy
Shaw
Date: 2023.04.18
10:49:47 -05'00'

Troy Shaw, P.E.
County Engineer

Attachments

SWIFT ESTATES

A REPLAT OF LOTS 41-50 BLOCK 63 & THE 10 FEET OF OAKLAND AVENUE VACATED
ADJACENT TO LOTS 41-50 BLOCK 63, WYANDOTTE CITY, A SUBDIVISION OF LAND IN
THE CITY OF KANSAS CITY, WYANDOTTE COUNTY, KANSAS





KS ENG COA: #315
KS SUR COA: #361
MO ENG COA: #302014064
MO SUR COA: #302014211

ALC

ATLAS LAND CONSULTING
SURVEYING | ENGINEERING | DRONE | CAD
913-702-5077
14500 Parallel Road, Unit R, Basehor KS 66007
ANDREA@ALCONSULT-LLC.COM

FINAL PLAT

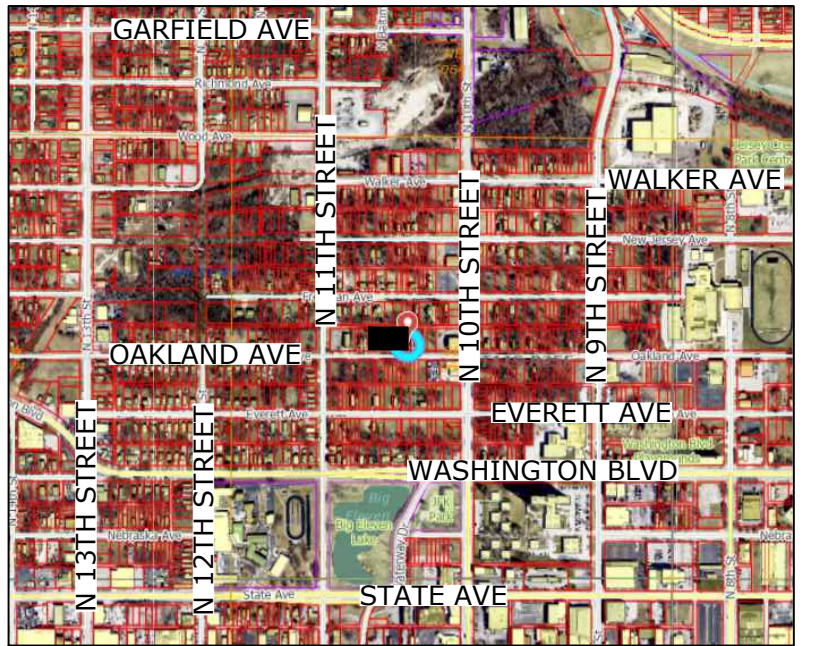
LEGEND

- O DENOTES SET 1/2" REBAR WITH LS# 1408 CAP
- DENOTES FOUND MONUMENT AS NOTED
- B/L BUILDING LINE
- U/E UTILITY EASEMENT
- C CALCULATED
- D DEEDED
- M MEASURED
- P PLATTED

GENERAL NOTES

- THE BASIS FOR THE BEARING SYSTEM FOR THIS PLAT IS THE KANSAS NORTH ZONE U.S. STATE PLANE 1983.
- ALL DISTANCES SHOWN HEREON ARE IN U.S. SURVEY FEET.
- FLOODPLAIN NOTE: ACCORDING TO "FIRM" MAP COMMUNITY PANEL NUMBERS 2020SC016E EFFECTIVE FEBRUARY 5, 2014, AREA ZONE X "AREA OF MINIMAL FLOOD HAZARD"
- KS ONE CALL WAS NOT CALLED.
- CURRENT ZONING - R-2(B) / PROPOSED ZONING - R-2(B)
- CLOSURE PRECISION: 1 PART IN 765,860,000.000
- REFERENCED SURVEY:
-WYANDOTTE CITY FINAL PLAT
-LOT SPLIT DOCUMENT NO. 2012R-03513 FILED BY RICHARD D. MOORE LAND SURVEY, INC. DATED MARCH 2, 2012

VICINITY MAP



VICINITY MAP
NOT TO SCALE

This is to certify on this 24TH day of JANUARY, 2023 this field survey was completed on the ground by me or under my direct supervision and that said survey meets or exceeds the "Kansas Minimum Standards" for boundary surveys.

ROGER B. DILL LS 1408

JOB NO:22-1210

SCALE



SEC-TWN-RNG

04-11-25

PREPARED FOR

SWIFT RPM

ADDRESS: 1026, 1030, 1038
OAKLAND AVE
KANSAS CITY, KS 66102

DATE

JANUARY 26, 2023

OVERALL DESCRIPTION:

A REPLAT OF LOTS 41-50 BLOCK 63 & THE 10 FEET OF OAKLAND AVENUE VACATED ADJACENT TO LOTS 41-50 BLOCK 63, WYANDOTTE CITY, A SUBDIVISION OF LAND IN THE CITY OF KANSAS CITY, WYANDOTTE COUNTY, KANSAS, DESCRIBED BY ROGER B. DILL PS 1408, ON JANUARY 26TH, 2023 AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 41, ALSO KNOWN TO BE A POINT ON THE SOUTH LINE OF AN 18 FOOT PLATTED ALLEY; THENCE NORTH 87°51'20" EAST, ALONG THE NORTH LINE OF SAID LOT 41 THROUGH 50, A DISTANCE OF 250.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 50; THENCE SOUTH 02°06'38" EAST, ALONG THE EAST LINE OF SAID LOT 50 AND ITS SOUTHERLY EXTENSION, A DISTANCE OF 132.93 FEET TO A POINT ON THE SOUTH LINE OF THE 10 FEET VACATED STREET, SAID POINT ALSO BEING ON THE NORTH RIGHT OF WAY LINE OF OAKLAND AVENUE AS IT NOW EXISTS; THENCE SOUTH 87°51'20" WEST, ALONG SAID SOUTH LINE OF SAID VACATED STREET AND THE NORTH RIGHT OF WAY LINE OF SAID OAKLAND AVENUE, A DISTANCE OF OF 250.00 FEET TO A POINT OF INTERSECTION WITH THE WEST LINE OF LOT 41 AND ITS SOUTHERLY EXTENSION; THENCE NORTH 02°06'38" WEST, ALONG SAID WEST LINE OF LOT 41 AND ITS SOUTHERLY EXTENSION, A DISTANCE OF 132.93 FEET TO THE POINT OF BEGINNING. CONTAINING 33,232.51 SQUARE FEET MORE OR LESS OR 0.76 ACRES

DEDICATION:

THE UNDERSIGNED PROPRIETOR OF THE ABOVE DESCRIBED TRACT OF LAND HAS CAUSED THE SAME TO BE SUBDIVIDED IN THE MANNER AS SHOWN ON THE ACCOMPANYING PLAT, WHICH SUBDIVISION AND PLAT SHALL HEREAFTER BE KNOWN AS "SWIFT ESTATES"

The undersigned proprietor of said property shown on this plat does hereby dedicate for public use and public ways and thoroughfares, all parcels and parts of land indicated on said plat as streets, terraces, places, roads, drives, lanes, parkways, avenues and alleys not heretofore dedicated. Where prior easement rights have been granted to any person, utility or corporation on said parts of the land so dedicated, and any pipes, lines, poles and wires, conduits, ducts or cables heretofore installed thereupon and therein are required to be relocated, in accordance with proposed improvements as now set forth, the undersigned proprietor hereby absolves and agrees to indemnify the Unified Government of Wyandotte County/Kansas City, Kansas, from any expense incident to the relocation of any existing utility improvements heretofore installed and required to be relocated in accordance with proposed improvements described in this plat.

An easement is hereby granted to the Unified Government of Wyandotte County/Kansas City, Kansas, to enter upon, construct, maintain, use and authorize the location, of conduits for providing water, gas, cable, electric, sewers, and other utility services, including related facilities and appurtenances thereto, and drainage facilities, upon, under, over and across those areas outlined and designated on this plat as "Utility Easement" or "U/E", and further, subject to administration and regulation by the City, the subordinate use of such areas by other governmental entities and utilities, franchised or authorized to do business in the City of Kansas City, Kansas.

In accordance with KSA 12-512b, all rights, obligations, reservations, easements, or interest shown as vacated with this plat shall be vacated as to use and as to title, upon filing and recording of this plat. The proprietors, successors, and assigns, of property shown on this plat hereby absolve and agree, jointly and severally, to indemnify the Unified Government of Wyandotte County/Kansas City, Kansas, of any expense incident to the relocation of any existing utility improvements heretofore installed and required to be relocated in accordance with proposed improvements described in this plat.

The undersigned proprietors of the above described land hereby consents and agrees the Board of Commissioners of the Unified Government of Wyandotte County/Kansas City, Kansas, shall have the power to release such land proposed to be dedicated for public ways and thoroughfares, or part thereof, for public use, from the lien and effect of any special assessments, and that the amount of the unpaid special assessments on such land dedicated shall become and remain a lien on the remainder of that land fronting or abutting on such dedicated public ways or thoroughfares.

IN TESTIMONY WHEREOF,

I, undersigned owner of SWIFT ESTATES have set our hands this _____ day of _____, 2023.

WYANDOTTE COUNTY LANDBANK, MANAGING MEMBER, JUD KNAPP

ACKNOWLEDGEMENT:

STATE OF KANSAS
COUNTY OF _____

BE IT REMEMBERED THAT ON THIS _____ DAY OF _____, 2023, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, IN AND FOR SAID COUNTY AND STATE, CAME WYANDOTTE COUNTY LANDBANK, MANAGING MEMBER, JUD KNAPP, TO ME PERSONALLY KNOWN TO BE THE SAME PERSON WHO EXECUTED THE FOREGOING INSTRUMENT OF WRITING, AND DULY ACKNOWLEDGED THE EXECUTION OF SAME. IN TESTIMONY WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY NOTARY SEAL THE DAY AND YEAR ABOVE WRITTEN.

NOTARY PUBLIC, _____

My Commission Expires: _____

THIS PLAT OF LENOX ADDITION HAS BEEN SUBMITTED TO AND APPROVED BY THE UNIFIED GOVERNMENT OF WYANDOTTE/KANSAS CITY, KANSAS, PLANNING COMMISSION

DATED THIS _____ DAY OF _____, 2023
UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, PLANNING COMMISSION

BY _____, CHAIRMAN

JEFF CARSON

_____, SECRETARY

GUNNAR HAND, AICP

THE DEDICATIONS SHOWN HEREON, IF ANY, ARE ACCEPTED THIS _____ DAY OF _____, 2023.

TYRONE GARNER, MAYOR/CEO

BRETT A. DEICHLER, UNIFIED CLERK

RECOMMENDED FOR APPROVAL BY THE WYANDOTTE COUNTY ENGINEER, THIS _____ DAY OF _____, 2023.

TROY SHAW, P.E., COUNTY ENGINEER

COUNTY SURVEYOR APPROVAL:
THIS SURVEY HAS BEEN REVIEWED FOR FILING, PURSUANT TO KSA 58-2003, 58-2005, AND 58-2011, FOR CONTENT ONLY AND IS IN COMPLIANCE WITH THOSE PROVISIONS. NO OTHER WARRANTIES ARE EXTENDED FOR IMPLIED.

REVIEWED BY _____ DATE: _____
BRENT E. THOMPSON, KS P.L.S. 1277

STATE OF _____ (KANSAS)

COUNTY OF _____ (JSS)

THIS IS TO CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD IN THE REGISTER OF DEEDS OFFICE ON THIS _____ DAY OF _____, 20____, AT _____ O'CLOCK AND IS DULY RECORDED.

NANCY BURNS, REGISTER OF DEEDS

SUSIE NELSON, DEPUTY

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

PLANNING & ZONING AND
REGULAR SESSION
JULY 28, 2022

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in Regular Session Thursday, July 28, 2022, with ten members present on-site or via Zoom: Bynum, Commissioner At-Large First District, Burroughs, Commissioner At-Large Second District; Townsend, Commissioner First District; McKiernan, Commissioner Second District; Ramirez, Commissioner Third District; Johnson, Commissioner Fourth District; Kane, Commissioner Fifth District; Markley, Commissioner Sixth District; Stites, Commissioner Seventh District; and Garner, Mayor/CEO, presiding. Davis, Commissioner Eighth District, was absent. The following officials were also in attendance: Cheryl Harrison-Lee, Interim County Administrator; Alan Howze and Bridgette Cobbins, Assistant County Administrators; Brett Deichler, Interim Assistant County Administrator; Patrick Waters, Deputy Chief Counsel; James Bain, Assistant Counsel; Gunnar Hand, Director of Planning & Urban Design; Juliann VanLiew, Director of Health Department; Erika Holliday, Substance Use Coordinator; Mark Heath, Assistant Fire Chief; Major Richard Harrison, Police Dept., Damon Mitchell, District Attorney's Office; Alley Porter, Commission Liaison; Kathleen VonAchen, Chief Financial Officer; Jud Knapp, Land Bank Manager; Monica Sparks, Acting UG Clerk, and Brittanie MacDonald, UG Clerk's Office.

Mayor Garner said before I call the meeting to order, I want to announce that some commissioners, staff, and the 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 background noise.

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

I will now call this meeting to order. Clerk, roll call, please.

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

Mayor Garner said the invocation tonight is going to be given by Commissioner Harold Johnson of Faith Deliverance Church of God in Christ. We'll do the Pledge of Allegiance immediately following the prayer.

Mayor Garner said I'm going to turn it over to our Clerk so she can announce the revisions that have taken place on tonight's agenda.

Monica Sparks, Acting UG Clerk, said tonight we have several revisions to our agenda. The first revision is the order of business will be changed. We will take our full commission meeting first and our Planning & Zoning will follow thereafter.

Under the Administrator's Agenda, Item No. 3 has been removed from the agenda. That is the report on the Annual Comprehensive Financial Report for the period ending 12/31/22. In addition, Item No. 4 – the update on the finance assessment, will be heard first.

Mayor, those are the only changes on the agenda.

REGULAR AGENDA

ADMINISTRATOR'S AGENDA

Mayor Garner said at this time, I'm going to turn it over to our County Administrator and she will walk us through the resolutions and the items on the Administrator's Agenda.

Commissioner McKiernan said I was just curious as to why the Annual Comprehensive Financial Report was pulled. I thought that was—since it was included in our packet, I figured it was finished. Historically, on an annual basis, that has been presented to us. I was just curious.

Mayor Garner said there were some items that the Administrator's going to work on with that team to bring some clarity. It will come back around at a later date.

Commissioner Ramirez said the CAFR is a state law obligated audit that is required to be reported to us and the public. We use it to help us do the budget. No offense to Cheryl and the work of her audit, but this is extra, the assessment. The audit is a state law.

I'm going to be open and I'm very upfront, Mr. Mayor. You do not control this Commission. It is not a me, myself, and I Commission. It is a we Commission. We work together.

This audit is something that we use to help us guide our decisions when it comes to the budget, and it seems I'm not even being listened to.

Mayor Garner said I'm going to have our Legal Counsel respond to your concerns.

Patrick Waters, Deputy Chief Counsel, said, Commissioner, it's my understanding that the report will be given to the Commission before the budget is adopted. I will defer that to our Administrator.

Commissioner Ramirez asked, when will our Finance staff be able to provide their presentation on the report? We can get the report, but it's our Finance staff who is able to break it down and provide us the analysis. We can read the report all we want, but I want the analysis from our Finance Department. They have the expertise, not I.

Mayor Garner said for clarity, let me make it clear. This is a process. The process has not been completed. I ask that you be patient with this process. As we go through this budget process, there are several other steps that need to take place. Your patience is valued. Your concerns are heard. The information you requested will be brought forward.

Commissioner Kane said I'm in the same boat. I mean this is my 18th budget and I like seeing this stuff upfront so we have time to read it, absorb it, look at it, your own analysis, and ask questions. We're getting ready to start this budget so I want this report as fast as possible.

Commissioner Markley asked, is the document in our packet then a draft because my understanding was that was the final report. **Mayor Garner** said that is correct, Commissioner.

Commissioner Markley asked, it is the final report? **Mayor Garner** said to my understanding, yes.

Mayor Garner said no further questions, I'm going to turn it back over to our County Administrator so she can start her report.

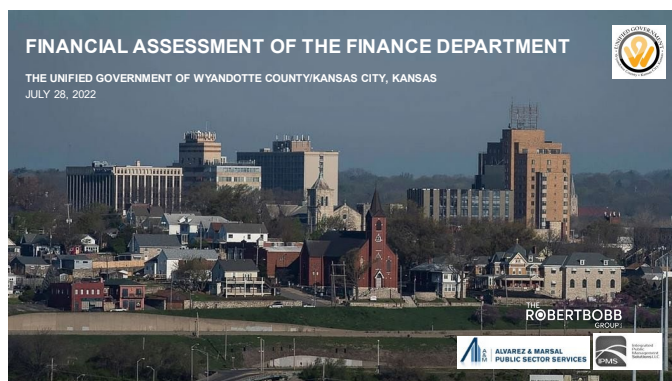
Item No. 4 – 211829...UPDATE: FINANCE ASSESSMENT

Synopsis: Update of Finance Assessment, submitted by Cheryl Harrison-Lee, Interim County Administrator.

Cheryl Harrison-Lee, Interim County Administrator, said as part of the first 100 days, I've talked about the need to evaluate the organization, to look at those areas where we do well as an organization that I call centers of excellence, as well as look at those areas that we might need to improve in.

As we look to the next 25 years, UG forward incentives is a process that allows us to press towards some marks of excellence. As we celebrate 25 years of consolidation and we look to create a financially stable organization of the future that has the capacity to invest in infrastructure, pursue economic development opportunities, and retain as well as attract the talent pipeline that is needed to make Wyandotte County a city of choice for new residents and businesses. We have an opportunity to reflect on our processes, procedures, and activities.

At this time, I'd like to introduce Mr. Robert Bobb and his team, along with Alvarez Marshall, and IPMS.



July 28, 2022

Robert Bobb, President & CEO, The Robert Bobb Group, LLC, said we've had the opportunity to spend several months working and analyzing and working in conjunction with the Director of Finance and some incredible employees within the Finance Department. I wanted to—being somewhat of a municipal junkie, as I might add, there are some incredible professionals within that department. I think you all should be very proud of the fact that many of the employees are long term and have been with the Unified Government for a number of years and they bring some incredible experience. But like in every jurisdiction and every element, there are opportunities for improvement. I've seen it in my 40 some years of managing municipalities all across the US and most recently, being a State Administrator and Director of Homeland Security for the District of Columbia government.

Our report is not one that is based on we gotcha. We see a number of those types of reports in local government, but we will absolutely call it the way we see it. It's not being disrespectful to any of the professionals within the department or who are part of our analysis, I might add.

So, the report that you have that we've been engaged in over—before I start my comment with regards to our report, I'd just like to say that in every jurisdiction that I've worked, there's always someone who I pin as a local hero. There is significantly the case here with regard to the Finance Department. It doesn't mean that we're singling out any one individual, but one of the highlights of my career was going back to my home city after Katrina and leading a team that restored the city's financial operations when many of the employees' families were scattered throughout the United States. And then there were individuals who stayed within the Finance Department, did the budget, worked on the comprehensive annual financial report, but there were some local heroes.

During the course of our study, after the cybersecurity breach, I found one individual that I put my pin on. That was the Payroll Director. It's incredible that you can go through this whole situation with a cybersecurity and not have any of the employees of the Unified Government miss a payroll. That was pretty incredible notwithstanding the fact that he did spend some time at Ft. Polk, LA, during his term with the Army.

You always, in every municipality, there are nuggets of heroes and sheroes. This Unified Government is no different, and that's why we're very proud of the opportunity that we've been given to conduct this analysis.

I'm going to be up and down with our team, but there's one overarching comment that I'd like to make and it gets back to Commissioner Ramirez wanting to see the comprehensive annual financial report. The fact that you all are right in the midst of your budget, your budget is structurally unbalanced. That's just the reality. The revenues that you collect are not sufficient to cover the operating expenses, and we've been able to validate that. That creates difficult decisions that you all will have to make over the next several weeks.

The other thing that I'd like to add, before our team comes forward, is the fact that it's critical in today's society and in today's local government, that as we work through our budget, as we work through our municipal finances, is that we consider the issue of equity, inclusion as part of the overall financial operations. We're going to highlight that as part of the policies for the Unified Government is that one of your policies include—your financial policies include the issue of equity, inclusion, service to communities, particularity communities of color and communities where there is disinvestment. Maybe that's not the case here, but it's clearly the case in many of the jurisdictions that we've seen, including my own jurisdiction of Washington, DC.

At this time, we've given you our report. We're going to discuss the organizational strategies that we've seen. We're going to discuss the issue that we've done an analysis of the use of—just give an example, P-cards in a local government.

Assume it's the best practices they're using. Every government that I've managed, but in every case, we also have to ensure that the use of those cards are being used in conjunction with the policies, the practices, and procedures. In your case, you have 300+ of those cards issued to municipal employees. We're so clearly, we recommend that the millions of dollars that's being spent on those cards. It doesn't mean that anyone is using the cards in an abusive way or abusing those cards, but we definitely will be recommending that there will be some type of forensic audit periodically just to make sure that we all have a clean bill of health, as it were. As we go get our annual physicals, government itself, also has to do the same thing.

We also have looked at all of your policies with regard to—and I might add that there's a policy just for every aspect, it seems, of the Finance Department. When we look at the financial policies, we want to make sure that financial policies also have a financial plan. It's one thing to have a policy on paper, as yet another thing to be able to operationalize every policy that you have. We're going to highlight some of those in our presentation tonight.

We're also going to speak to the issue of the Workday Program, which is an excellent opportunity to reform certain components of how the government operates and how it functions. We're also going to recommend that there be an independent validation and verification. You're spending \$8.8M plus on a program and there needs to be an independent evaluation and validation, not only from the RFP, from the work product itself, and how it's going to be implemented. Candidly, there's a disagreement between our team and the Director of Finance as to whether or not that should be done. I would say candidly it needs to be done and it should be done for your sake. If everything turns out 100%, great. But your implementing a program that's going to be long term, long standing for many, many years and, thus, you should have an independent verification and validation process upfront. It's not too late, although the program's scheduled to go live in October. There's some issue as to whether or not a go live in October is the appropriate time versus at the end—the beginning of your new fiscal year, but that decision has already been made and it's not too late.



Presentation Team



ROBERT BOBB
President & CEO
The Robert Bobb Group, LLC

Mr. Bobb leverages more than 40 years of executive management experience in both the private and public sectors. He is the owner, President and CEO of The Robert Bobb Group, LLC (RBG), a multi-faceted private/public sector consulting firm specializing in restructuring and turnaround management consulting. RBG's primary objective is to help governments, schools and businesses find financial and operational solutions, greater efficiency and long-term viability.



BYRON C. MARSHALL
Managing Director
Integrated Public Management Solutions, LLC

Mr. Marshall has worked 30+ years as has worked as the Chief or Deputy Chief appointed administrative official, in five in large local governments, and as CEO/Executive Director of several and nonprofit agencies. He specializes in advising local government leaders on Government Operations, Economic Development, Strategic Planning and Budgeting. Among other professional honors, Byron is a Fellow in the National Academy of Public Administration.



NANCY L. ZIELKE
Managing Director
Alvarez & Marsal Public Sector Services, LLC

Ms. Zielke has worked for 40+ years for various state and local governments, public utilities, and higher education institutions including 26 years as Finance & Budget Director in various public entities. She specializes in CFO Advisory and Government Transformation Services to improve financial and operational outcome to state & local governments. Nancy is a recognized and known leader in public finance and active in GFOA where she served as the elected GFOA President.

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So, I'd like to introduce the members of our team. Byron Marshall. He was here just a few weeks ago presenting his group's findings. Of course, Nancy Zielke. I don't think Nancy is a stranger to you all. Nancy and I have worked on some of the most challenging, difficult projects around the country where municipalities were in Chapter 9 bankruptcy in many cases. When I was the receiver over the Detroit public schools, she came with me to help on the financial side; the most corrupt school district in the US.

Byron Marshall and I, we've known each other since Byron completed his master's degree. I didn't hire him when I was first City Manager of Kalamazoo, MI, but we've known each other for many, many years. He's an expert in many, many areas of local government.

July 28, 2022

So, we have a team of individuals who we've seen It all, I might add. We make these recommendations not on the basis of some gotcha. We're making our recommendations because we believe that our recommendations will help to secure the future for the next 25 plus years, after October. You have some significant challenges in front of you.



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Operational Improvement Recommendations Overview	12
Detailed Operational Improvement Recommendations	13 - 32

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My final point is, as you work to hire a new county administrator, he or she will need a blueprint for going forward. Hopefully, this work that we're doing, work that Byron's team has done, the work that you all will be doing with respect to your budget coming up in the next few weeks, will help to provide a footprint for he or she, whoever that person or that individual is.

So, this time I'd like to introduce Byron or Nancy. Neither one of you want to go up, right?



Executive Interviews

The RBG Team conducted interviews with executive stakeholders to gain their insights and perspectives on the financial operations of the Unified Government of Wyandotte County/Kansas City, Kansas (UG)

Interviewed	
Name of Interviewee	Role
Kickoff Meeting	Finance Department
Honorable Tyrone Garner	Mayor/CEO
Cheryl Harrisotlee	Interim County Administrator
Kathleen VonAchen	Director of Finance
Debbie Jonscher	Deputy Chief Financial Officer
Reginald Lindsey	Budget Manager
Michael Peterson	Assistant Budget Manager
Pam Kahao	Accounting Manager
Rebecca Sandow	Grants Manager
Make Grimm	Research Manager
Ron Green	Payroll Manager
Alyse Villarreal	Debt and Economic Development Administration Program Supervisor
Becky Berger	County Treasurer/Revenue Director
Elizabeth Bergman	Municipal (debt) Financial Advisory, Baker Tilly
Brian Johnston, Esq	Health Benefits Advisory, Jackson Lewis P.C.

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Nancy Zielke, Managing Director, Alvarez & Marshall Public Sector Services, as the short bio said, I've been in state and local government CFO, budget business for about 40 years. I started when I was three but over the years, I've worked in many governments. In fact, for 25 years I was actually serving in either finance or budget director for governments here in the Midwest.

Secondly, I was thinking about this this morning as I was coming in is the fact that I have worked almost in 65 different communities over the past 15 years helping organizations like Wyandotte County/Kansas City, KS, to improve their processes, to improve the way they do business, to improve operating results, as well as financial results.

Secondly, I'm also very involved with an organization called Government Finance Officers Association, GFOA. I'm involved. I was the National President a few years ago and really believe GFOA really puts out really excellent recommended practices. So, you're going to hear a lot about GFOA tonight and getting the best practices that we really are encouraging the Unified Government to follow.

This slide really basically talks about who we interviewed. Basically, we visited with over 15 individuals across the Unified Government including the Mayor, the County Administrator, as well as most of the Finance leadership. Like Robert said, we really appreciated their cooperation as well as their willingness to really visit with us where they thought, as well, improvements could be made.



Organizational Improvement Strategies

Best practices in government support the need for the Finance Office to be a key resource in building trust and open communications about the financial health of a community

Observations:

- The Finance Team is very knowledgeable about best practices and their roles within the Finance Department
- The UG has maintained the current bond ratings of Aa by Moody's and AA Standard and Poor's
- Division leaders expressed concerns about the ability to recruit and retain professional employees and the lag time in the processing of Human Resource (HR) requests
- Finance leaders expressed workload challenges in meeting competing demands (eg., new ERP system implementation tasks, recent cyber security breach challenges, and other special projects) which are inhibitors to being 100 percent successful in their jobs
- Finance Team would like to see more interdepartmental strategic planning, sharing of information, and improved communication on policy and operating issues

Improvement & Enhancement Strategies:

- Need for improved communication to the stakeholders (e.g., County Administrator's Office, Elected Officials and internal stakeholders) in a clear and concise manner
 - For example, June Budget Assumptions presentation included too much detail about national and regional issues and not enough clear and concise policy considerations related to the UG
- Enhance Budget & Strategy function focusing on analysis for improved accountability and decision making
- Create centralized Grants Management reporting and compliance function across all UG Departments
- Shift Purchasing Office to become a division under the Finance Department
- Assess processes and opportunities for centralization of UG revenue and cash management functions

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Additionally, there's a wealth of information the staff put together for us and we really thank them for the information they provided. So, I'm going to take a few minutes and I'm going to kind of first talk about the organization itself. The Finance Department, as Mr. Bobb said, I would need to say, it's probably one of the most knowledgeable as well as thought-provoking departments I have seen. Mr. Bobb said this is a very senior organization. A lot of tenure with a group of people. But, again, a very dedicated group of individuals.

The Unified Government has been able to maintain your readings with Moody's and S&P. I think a lot of it has to deal with the hard work of this department. However, when we visited with the staff, we said, what keeps you up at night? What are your challenges? The first

one is people. The fact that the leadership expressed their concern and that gets to their hardship and the ability to retain and recruit employees. At the same time, they expressed concern about sometimes the challenges in trying to work employment whether it's a reclassification of a position or even hiring new employees through HR process. I know you talked about that a couple of weeks ago, but that's a challenge for this very important department.

The Finance leaders also expressed somewhat of their challenges. I said, how successful do you feel you are meeting your job? They said, not 100%. So, we asked why. Part of it is the competing demands. You're implementing a new ERP system. You've gone through a cybersecurity breach, which caused all types of challenges for your organization, as well as a number of special projects that are upon you. All of these are really inhibiting your staff from giving 100% in what they're doing.

Finally, the Finance team, again, what they told us was in confidence, but they're really hoping to see more inter-departmental planning, more visioning, planning for the future, sharing of information, as well as improving the communication amongst themselves, as leaders, especially as it relates to operating issues.

So, we identified five kind of operational or organization improvements that we would like to recommend to you tonight.

Just real quick, the first one really talks about communication. That headline on the slide really kind of states it. The Finance Office is a key resource to build trust as well as open communication about the financial health of the community. So, communication is really important and how the Finance leadership communicates very important information. So, we're going to talk about some improvements we see needed in the area, but talk about some enhancements in the budget and strategy unit, creating a more, I would say, a more robust and even enhancing the greatest management function you have, shifting Purchasing back to Finance instead of a direct report to the County Administrator's Office, and then finally maybe doing a more expansive review of your revenue and cash management practices.



Organizational Improvement Strategies

Need for improved communication to stakeholders in a clear and concise manner

Observations:

- Best practices in government support that communication is essential for developing a local government's budget
- Finance is responsible for communicating complex financial and programmatic information to many different stakeholder groups
- Best practices support that planning, strategizing, and negotiating are some of the most important skills that a finance officer must employ to develop and manage a budget effectively
- Good communication is at the core of mastering these skills
- Recent Finance Department presentations have included a significant amount of detail that needs to be presented in a summarized and conclusive manner

Improvement & Enhancement Strategies:

- Finance needs to focus on improving clear communication to enhance collaboration and build trust within UG officials and the community
 - *June Budget Presentation was reviewing economic trends versus driving the conclusion of needing to address a structurally unbalanced General Fund Budget*
- Ensure that budget and financial presentations are in **clear, simple, and conclusive manner**
- Finance should present assumptions or financial results without delving too far into the details of the specific issues unless asked
- Presentations should be summarized with meaningful conclusions
- Finance should seek training opportunities in how to communicate complex information and financial data that will drive decision making purposes

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First let's talk about communication. Again, we really feel that this is really important for some improvements are needed in making clear and concise communication. Now what we found, in fact, we've been watching the Unified Government Commission meetings for the past couple of months, and actually we went back in history as well, and what we found is the information that staff's preparing is very factual, lots of data, lots of information, but many times what we saw is the fact that it was very difficult to see what the conclusions were.

What we would encourage the Finance Department to do is to really think through how to take that many times dense information, that very detailed information, summarize it up and provide a more conclusive presentation to you, as the Commission. The fact that a lot of the information is very informative but, again, being able to present it in a clear and concise manner, we think, is very, very important.

Presenting financial assumptions, back, I think, it was early May, you had a budget presentation on the assumptions. I thought it was very, very informative, but what it did not do was really to tell you what does this mean and what does it mean to our financial health of the community, what is this information, what do these assumptions mean as it relates to developing a balanced budget.

Then, finally, we'd really encourage the Finance Department, across all the leaders, to really kind of think about what type of training or what type of tools are out there to improve the communication both orally as well as written presentations.



Organizational Improvement Strategies

Enhance Budget & Strategy function focusing on analysis for improved accountability and decision making

Observations:

- Budget & Strategy Office has FTE authorization for 8 FTE with only five positions are currently filled
- Budget is not involved in developing revenue budget
- Priority based budgeting is not complete
- Analysis of current year expense and revenue trends is completed at a high level without any deep analysis of what is causing the variations from budget
- Budget is not involved in labor negotiation projections and/or economic incentive analyses
- Budget document does not include department goals and performance measures
- Surveyed communities have similar program operations with the Budget Office being a component of the Finance Department vs. County Administrator's/Manager's Office

Comparison of Budget FTE and Organizational Alignment

Name of Government	Budget (Expenses)	# of Funds	Population	Total FTE	Budget FTE & Alignment
Wayne County, Kansas City	\$420,241 (22)	29	286,884	2,405.80	8.0 Finance
Johnson County, KS	\$1,459 (22)	27	628,052	4,171.74	10.0 County Manager's Office
Sedgewick County, KS	\$480,191,394 (23)	17	115,416	3,782.84	5.0 Finance
Wichita, KS	\$600,391 (22)	35	387,532	3,967	6.0 Finance
Overland Park, KS	\$127,559 (22)	19	204,549	1,586.52	6.5 Finance
Topeka, KS	\$3391 (22)	17	125,369	1,144	4.0 Administration & Finance Services
Grand Rapids, MI	\$14807 (22)	17	205,023	1642	8.40 Fiscal Services
St. Paul, MN	\$811,291 (22)	16	305,877	3,000	7.0 Financial Services
Lincoln, NE	\$626,400 (21-22)	64	289,102	2,532.96	4.5 Finance
Alameda County, CA	\$274,291 (22)	29	131,817	1,709	4.0 Finance

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Second recommendation had to deal with really enhancing the budget and strategy unit. I know it's kind of difficult to see here, but we looked at some of the other organizations, other governments here in the state of Kansas as well as some what I call some peer organizations. We found, for the most part, the Budget Office was typically always reported to the Finance Department except for Johnson County. Johnson County, and it's been like this for a number of years, the Budget Office reports directly to the County Manager's Office. Part of this was a change when the real need for Budget to really focus on strategy, planning, and the long-term financial planning. Budget is always forward-looking, meaning looking at the future.

The other side of the Finance is the Accounting, managing the transactions. So, there is a difference between the planning as well as the transactions.

One of the things that we are recommending here is the fact that this function be transferred or realigned up to the County Administrator's Office. Secondly, we also saw some items as they relate to some improvement areas.



Organizational Improvement Strategies

Enhance Budget & Strategy function focusing on analysis for improved accountability and decision making

Improvement & Enhancement Strategies:

- Realign Budget & Strategy function with direct reporting into the County Administrator's Office**
 - Fill vacant positions and retain Budget Planning & Strategy function in Finance
 - Combine Research Office function with Budget & Strategy
- Shift Revenue Budgeting to Budget**
 - Create Revenue Consensus Team with Budget & Strategy, as the lead
 - Revenue Consensus Team would include active participants from CFO, Research, Revenue, and Appraiser Offices to ensure assumptions are validated and monitored
- Establish Goals & Performance Measures**
 - Future year budget document should include department goals, objectives and performance measures that aligned to Board's strategic plan and UG wide goals
- Enhanced budget analysis and reporting**
 - Expand the focus of the quarterly report to include analysis of what is causing the spending and revenue trends and propose solutions where appropriate
 - Budget reporting should include the status of department operating and CMIP spending trends
- Centralization of data analysis for decision making**
 - Best practices support the use of data and analysis for decision making purposes to improve the quality and long term sustainability
 - Research Office be directly aligned with the Budget & Strategy Office for enhanced data analysis
 - Research & Budget should be involved in revenue forecasting, labor negotiations, economic fiscal impact, and coordination of UG data and reporting needs

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The first one is the fact that you have a very talented Research group as well. Mike Grimes, and it used to be bigger, Mike is down to one person, but the fact that a lot of information and you,

as elected officials, you need data. You need data for decision-making purposes. Mike has the tools, he's got the information, but what we found is that group was being more reactive versus being proactive. What we're recommending is to combine that with the Budget staff as well as fill in all those Budget positions and make it more of a strategic Research and expanded Budget function.

Revenue forecasting, that's currently done today through the CFO Office. What we found is we looked at other Budget organizations, that revenue forecasting is typically part of the Budget Office. So, we're recommending that to be realigned back within the Budget and strategy group but creating a revenue consensus team, very similar to what the state of Kansas does, where you bring in the experts. What we're saying here is, bring in the CFO, bring in the Director of Research, your Director of Revenue, your County Treasurer, as well as your Appraiser and use that group as a team to develop your revenue assumptions, your revenue forecasts, and monitoring the revenues.

Goals and performance measures. In looking through your budget, in fact, your budget that's 1,011 pages, we read through it and we looked through it. Best practices really support that budget should have goals, objectives, and performance indicators/performance measures. Your budget lacks that at this point. In fact, GFOA even cited that in your Award for Excellence. We really encourage you, as you look at future years, to create performance metrics, create department goals. They're aligned to the Unified Government's overall strategic plan.

I talked a little bit about the budget analysis piece. We looked at the quarterly reports that the staff prepares. They're very good reports, very detailed. We looked at past reports and it looked like the same information was being presented to you over the past several years. The takeaway was, we did not see the analysis that went with it. So, if you saw sales taxes being down or if you saw overtime increasing, the why. Why is that happening? Why is sales tax down? Why is overtime up? So, we're encouraging the staff to spend more time doing the analysis to answer the whys related to that.

As well as your quarterly reports do not have any discussion on CMIP projects. What's the status of your capital projects? Are they on target? Are they off target? Are they overspending, underspending? The same thing from a department spending level as well. We encourage you to also add those to your quarterly reports.

Finally, I talked a little about this already about the centralization of data analysis for decision-making. You, as a governing body, need to have good, factual information. You need to have the data as you make your decisions. That's one of the reasons why we're saying, let's enhance the role of the Research. Let's merge that in with the Budget to provide you the information you need especially if you're going to continue to look at performance or priority-based budgeting



Organizational Improvement Strategies

Create centralized Grants Management reporting and compliance function across all UG Departments

Observations:

- Grants Management Office is to provide guidance on UGwide grants management policy that: 1) seek and receive federal funding; 2) engage in grantmaking; and 3) execute policies and procedures to comply with local and federal regulations
- The Grants Management Advisory Committee is to standardize, streamline and improve UG's grant management practices to increase collaboration and partnerships between departments
- The current Grants Manager was very professional and knowledgeable about reporting and compliance needs
- Current COVID grant related reporting is currently handled by the CFO's Office and not the Grants Management Office
- However, the Grants Management Office function is not a fully centralized function for grants management, reporting, compliance along with grant seeking opportunities with many UG departments performing similar functions

Improvement & Enhancement Strategies:

- Assess grant management, reporting and compliance needs with goal to centralized grants management function
- All State & Federal grants should be appropriated in the budget
- Current UG charter states that ALL funds shall be a part of the budget process
- Grants Manager should have supervisory oversight of all grant management functions (including ARP) including compliance, monitoring, reporting and cash drawn requests
- Monitor processes and internal controls across the UG departments financial and operational performance of grants
- Finalization of grants management policy and procedures
- Establish trainings for key internal stakeholders on governance, program, and fiduciary oversight, and subrecipient monitoring

The next slide talks about grants management. You created a Grants Management Office several years ago. First of all, I need to say that your Grants Manager, when we met with her, she's very knowledgeable. She's one of your senior employees and a very, very good accountant, excellent employee as well. But, what we did find is the fact that it's not truly centralized. You still have grant activity occurring in many of the departments. Additionally, there's not a central place for compliance. What we're recommending is to take a look at grant activities that are occurring across all the Unified Government departments and see how that can be centralized so the fact that the Grant Management Officer has oversight of not only applying for grants, doing grant making, but also doing the compliance, the reporting, as well as the training that's needed within the grants activity.



Organizational Improvement Strategies

Realign Purchasing Office to become a Division under the Finance Department

Observations:

- In review of City/County Governments, we found that the Purchasing or Procurement function is usually a component function of the Finance Department
- Section 2946 of the Unified Government of Wyandotte County/Kansas City, Kansas Procurement Code stated that the "The purchasing division headed by the purchasing director shall be a division under the finance department"

Improvement & Enhancement Strategies:

- Realign Purchasing function to the Finance Department for improved accountability of how resources are spent and managed
- The Purchasing Director should be a key member of the Finance leadership team to improve procure to pay processes within the UG

Comparison of Purchasing FTE and Organizational Alignment

Name of Government	Revenue (Estimated)	Population	Total FTE	Purchasing FTE & Alignment
Wyandotte County/KSCS	\$420,294 (22)	160,384	2,405.80	8.0 County Administrator's Office
Wichita, KS	\$600,300 (22)	397,532	3,067	10.0 Finance
Overland Park, KS	\$327,550 (22)	204,340	1,380.52	9 Finance (Decreased)
Topeka, KS	\$339M (22)	125,810	1,144	6.0 Administrative & Financial Services
Johnson County, KS	\$ 1.41B (22)	626,032	4,173.74	5.0 Financial Management and Administration
Sedgewick County, KS	\$480,191,394 (22)	515,456	3,292.84	8.0 Finance
Grand Rapids, MI	\$546M (22)	205,013	1642	4.5 Fiscal Services
St. Paul, MN	\$811.2M (22)	305,877	3,000	15.45 Finance
Lincoln, NE	\$626.0M (23-22)	289,302	2,102.96	9.0 Finance
Athens-Clarke County, GA	\$274.2M (22)	131,857	1,769	7.0 Finance

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The next thing we talked a little bit about was Purchasing. What we recommend is the realignment, again, shifting Purchasing where it's a freestanding department today or division, putting that back underneath the Finance Department. Again, here in Kansas, as well as the peer organizations, we found in all the other instances it was part of the Finance Department. It makes some great sense from a transaction perspective being able to help look at strategic sourcing and spending trends to merge that back in as well. We think it has some great opportunities. In fact, even your own Charter even states the fact that the Purchasing Division should be part of the Finance Department, so we highly recommend you take a look at maybe reorganizing that as well.



Organizational Improvement Strategies

Assess processes and opportunities for centralization of UG revenue and cash management functions

Observations:

- Recently hired County Treasurer/Revenue Director was very professional and knowledgeable of cash and revenue management practices and need for continued refinement of business processes to improve accuracy in cash receipts
- Recent process and organizational improvements to Motor Vehicles has streamlined operations and improved customer service (e.g., wait times)
- There are over 40 different cash location point of sale locations across the various UG Departments

Improvement & Enhancement Strategies:

- With the large number of cash collection locations, a comprehensive and detailed assessment of cash and revenue management practices is needed to improve accountability, accuracy, and timeliness of cash collections and receipt postings
- Recently hired Revenue Director needs to have input into any proposed reorganization of the cash management and reconciliation processes
- Prior to the purchase of any new Point of Sale cashing system a review of all UG tools and applications should be completed
- Examine opportunities for centralization of cash receipting for Delinquent Property Tax Collections within the Finance Revenue Division, as part of cash and revenue management review

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Finally, the area of revenue and cash management. This past February, you hired a new County Treasurer/Revenue Director. Very, very talented, very knowledgeable individual as well. What we're recommending is the fact that you take a look at your cash collection and revenue practices. I was astonished, and the fact I had to start pounding this on my own, the fact that they had said there were over 40 locations today across the county where you take cash from whether it's permits or licensing or fees or fines, but to take a look at what's the best way to

increase that accountability and accuracy in that cash reporting and cash management practices. Some initial review was done to maybe start switching some of the reconciliation back to the Accounting Division. What we're recommending is the Unified Government should take a look at that, and with your new Treasurer, let's include their input into that decision-making process.

The staff also had discussed the need for a point of self-cashiering. I would say that's probably correct. If you have 40 different locations you're accepting cash from, but let's look at all the tools that you have available, including tools from the state of Kansas that may be available there as well.

Finally, the last item was something I was talking to the County Treasurer from Johnson County Revenue Director and the fact they just did kind of an efficiency reorganization, their Finance Department as well and deal with the delinquent property tax collections. Most recently, Johnson County moved their Delinquent as part of their Finance Department for several reasons. One, customer service. If an individual is dealing with the collections as it relates to some of the back paperwork, having to walk across the hall or down or up a flight of stairs to the cashiering operation is not real customer-friendly. As well as what they found is there's an interrelationship between the actual property collection itself and the delinquency, so they most recently merged the delinquency within their operations as well. We're encouraging you to take a look at that as you take a look at your overall revenue and cash management practices.

At this point, I'm going to kind of turn it over to Byron. Between Byron, myself, and Mr. Bobb, we're going to kind of go over operational improvements, improvement/enhancement recommendations kind of in nine different categories.

Before I move, any questions on the organization?

Commissioner McKiernan said actually this isn't a question for you so much. I do appreciate this information. I'm sure you've been working very hard to prepare this to bring it to us. Maybe it's for our staff, maybe it's for you. One thing I like to get is information before a meeting. I was handed this report, very good, 32 pages right before the meeting was convened. That doesn't give me any time to study this report to ask thoughtful questions while we have you here in the room to respond to thoughtful questions. So, I'm hoping that as we do additional reports, we will get those materials early enough that we can look through them

thoughtfully and prepare ahead of time, because I'm not able to keep up with all the information that is on this report, even though what you have presented so far is excellent and we appreciate your work.

Ms. Zielke said, Mayor and Commission members, in addition to what Mr. Bobb has presented here, again, this is a 32-page high-level report. There's a companion sister document to this, as well, that we're providing back to the Administrator, which goes into a lot more additional narrative and analysis as well, but this is kind of our summary conclusions.



Operational Improvement Recommendations

— During a series of 14 key stakeholder interviews and review of industry best practices the following operational improvement strategies are recommended to drive financial excellence within the UG:

- Recommendation 1. Understanding & Monitoring Financial Health of the Community
- Recommendation 2. Revamp Priority Based Budgeting Processes
- Recommendation 3. Review Need for Independent Verification and Validation (IV&V) of Workday ERP Go-Live Readiness
- Recommendation 4. Need for Procurement Card Assessment
- Recommendation 5. Bidding of External Audit and Other Finance Service Professionals
- Recommendation 6. Need for Risk Management Operational & Organizational Assessment
- Recommendation 7. Need for Financial & Operational Plan for Cyber Security Preparedness
- Recommendation 8. Role of the Finance Office in Economic Development
- Recommendation 9. Need to Operationalize Financial Accountability Policies and Procedures

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Byron Marshall, Managing Director, Integrated Public Management Solutions, said there are nine recommendations here dealing with operational improvements. I'm going to speak to three of the first four and turn it over to Nancy and Robert.



Recommendation 1. Monitoring and Understanding the UG's Financial Health

Observations:

- We asked for, but never received the set of metrics (dashboard) used to measure the financial health of the UG, and how well the government was performing against those metrics
- We were able to ascertain that there are policies that determine, for example, the minimum fund balance for the GF at the equivalence of 2 months of expenditures (17%)
- We did not locate a tool for forecasting and monitoring cashflow and cash position
- UG's level of bonded indebtedness is high when compared to other jurisdictions in the State, UG financial policies limit bonded debt to 10% of GF expenditures and is being met. However, no clear strategy was articulated for reducing the debt load from the current high levels. No plan was articulated for addressing the structural imbalance in the City GF.
- The unreserved Fund Balance was used to balance FY22 Adopted, and FY22 Preliminary Amended, GF budgets

Improvement & Enhancement Strategies:

- Publish a dashboard of key indicators of financial strength and [their trends], such as :
 - # of days of operating cash on hand (by major fund)
 - % of total costs that are fixed, e.g., wages, funded and unfunded benefits, debt service- compared to current revenue. Fixed costs are more difficult to control during times of fiscal stress. A high level of fixed costs also lessens the amount of money available for discretionary or unexpected expenses.
 - Long term debt per capita, and as a % of GF revenues.
 - Per capita operating expenses
 - Per capita operating revenues, vs inflation
 - Per capita operating expenses, vs growth in service demand
 - Level of unreserved Fund Balance
 - Use of Fund balance (reserves) for one time needs
 - Budgeted vs Actual revenues and expenditures
 - Amount of Unrestricted cash on hand
 - The composition and relative strength of the tax base

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The first one is a recommendation dealing with monitoring and understanding the UG's financial health. One of the first meetings we had with the CFO's Office was a good meeting. We asked, how do you monitor the financial health? What are the metrics that you use to

determine whether the government is operating the way it should? We didn't get, at that point, a dashboard which is what we were looking for that suggested these are the key things you look at, these are the trends, and these tell us whether things are going well or not. What we ultimately found, though, is that information is available. It's actually in a very detailed, long-term financial forecast that's been done for the last few years. So, maybe it was a communication issue, but you have the information.

Now we were able to ascertain that there are policies that determine, for example, the minimum fund balance for the General Fund and for other funds also. We didn't locate a tool for forecasting and monitoring cash flow and cash position, though, in the long-term financial forecasts, they are forecasted over five years. It's not a monthly or quarterly report that we saw that would show you cash that was available that was not obligated in some other way.

The level of bonded indebtedness is high when compared to other jurisdictions in the state. You have a 10% ceiling and you don't approach that. You're somewhere around 6.9, I think. We didn't see a plan for reducing it and maintaining the structural balance, restoring the structural balance for the city.

Several times the unfunded, I'm sorry, the unreserved fund balance is used to balance the budget. That's not a sustainable practice. Here's what we suggest, that the data that's used to monitor and to develop the long-term financial forecast be summarized, made into a dashboard, and published on a regular basis so that the Commission knows, at a high level, here's the things that are going well, here's the things that are not going well, and then here's what we can do to improve those things.

At the rate you're going, your government's not sustainable, at least the General Fund portion for the city government. Your revenues don't keep up with your expenditures. Your fixed costs are increasing faster than your revenues. Now, in your long-term financial forecast, the Finance Office points out some of these things and they suggest that something needs to be done. What hasn't happened yet are the issues that have been raised, have not been operationalized.

One, let me go back. You need a plan, you need metrics, and they need to be operationalized. That's not just specific to the Finance Department. That was part of what we said about the overall government. The good thing is you have good staff in the Finance

Department. They seem to have a handle on many of the issues that are vexing the government, but we think the process needs to be a little different.



Recommendation 1. Monitoring and Understanding the UG's Financial Health

Improvement & Enhancement Strategies Continued

- Develop a set of benchmarks to compare the UG's financial condition to those of its high performing peers
- Provide regular financial updates, with detailed analyses to the UG Leadership and Governing body -- based on the dashboard and trend analyses. Describe not on what is happening, but why, and what should be done to address significant variances.
- In conjunction with other Directors, (Planning Economic Development, Community Development, Police, Human Services, etc., develop plans, with options, for the County Administrator and Mayor to present to the Board that address:
 - The structural imbalance in the KCK GF
 - Reducing the level of long - term bonded indebtedness
 - The backlog of unmet infrastructure needs and the Board's other six goals
 - The millage rate for City residents
 - Equitable development and job creation throughout WyCo/KCK

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You have a long-term financial forecast. You've been publishing it for at least, we could go back to 2019. In these forecasts, and they're four-year shots or five-year snapshots, they almost all show deficit spending. In fact, the 2023-2027 report shows that in this current year, you can have about a \$9M shortfall, and there'll be a shortfall next year, and then a couple of years where it's balanced, and then you have a shortfall. They explain in the report why the shortfalls can occur. Do you have key issues like, as I said, if your fixed costs are high.

If you have problems with capital equipment replacement needs. You have \$250M in deferred maintenance. To bring your streets from poor just to average, would take about \$34M a year for the next 18 years. Many of these things you probably already know, however, there's no plan to address them.

You actually have a financial policy that says, amongst other things, you shouldn't use fund balance to pay for ongoing expenses unless you have a plan for mitigating that problem over time. You may say that we're gonna use fund balance for the next five years, we're gonna use \$15M, we're going to replace it in this way, and we're going to be fixing these structural problems. So, you have the policy, you have the forecast, but what you don't have is a plan for addressing the issues.

In my way of thinking, or our recommendation would be, when you receive your budget proposal, you also receive your five-year forecast. The five-year forecast tells you the challenges that you have. The budget should be balanced and begin addressing some of the problems and long-term problems. It may be this year. If you've got to balance a budget that would require that you terminate some services, now you could do that in one year, you could

do it in two years, you could do it in five years, but you have to do it. There's no way—you wouldn't do this at home. You wouldn't say well, I'm going to continue spending more money than I'm bringing in. You would figure out a way to cut it. You wouldn't go on vacation. You'd do whatever you had to do. It's just if your Finance Department has identified the issues, the proposals need to be brought to you and, as a policy body, you've got to make hard decisions or else.

Your current way of operating is unsustainable. It's unsustainable in the sense that your revenues exceed expenditures. You're not taking care of your infrastructure. It's just getting worse; it's not getting better. It's going to cost you more. Your debt load is high. You're not addressing bringing it down in a logical planned way.

Mr. Bobb said I always like interrupting my colleague. I just want to say this more pointedly than what Byron said. Your budget is, as we see it now, not sustainable. Revenues does not equal expenses. What happens is, you're drawing down from your fund balance to balance the budget. There needs to be a plan so that you don't continue to draw down fund balance to balance the operating budget. It's like your home budget. Operating revenue covers your expenses and when it doesn't, you can't just continue to go to your savings account to balance ongoing operations. That's just a reality of what we have seen, and that's the challenge that you're going to face in the next few weeks when you go through your budget process. If you're going to make that decision to draw down fund balance, then you should also have a plan to restore your fund balance in a way in which you're going to grow your revenue base.

One of the—we haven't gotten to it—but one of the recommendations that we're making is that you go back, take a look at all of your economic development projects, everyone that you have signed a contract to conduct for new business, new incentives and determine whether or not the revenues that you're generating from those investments are, in fact, being realized. If they're not, then you need to take some action. If you had 200 new deals over the last 5 years, pull all 200 of those deals in a conference room, somewhere, with your attorneys, with your analysis, and you find out whether or not those businesses that you've given an incentive to, in fact, have performed pursuant to those incentives. If not, then there's an opportunity to, again, grow your revenue base.

Commissioner Markley said not really a question but kind of a statement. Commissioners, this is a criticism of us, not of our Finance Department. Over the years, we have taken from fund balance rather than make difficult decisions to cut programs. It is a habit that we have to break, so this isn't on them. They've told us. We've known for years. This is not new information. These guys have been telling us. It's all our fault. They've been telling us, you have a structural deficit and we have taken money out of our savings to cover that rather than make hard choices. It is what it is. I'm not offended, I mean, you're telling us what we need to hear but that's on us. We've made those choices.

Mr. Marshall said we weren't blaming the Finance Department. We were just stating the facts as we see them. We weren't blaming anybody.

Commissioner Markley said you were too nice to say it's the Commission's fault, so I'm just saying it for you.

Mr. Marshall said so here's one of the things we suggest, a series of things we suggest. One is that the Finance Department and the Administrator develop a set of benchmarks that the Board adopts, that compares your financial condition to those of high-performing peers. So, here's where we want to be. Then you have a process for measuring whether you're getting there or not. You're going to need metrics. That you get regular financial updates with detailed analysis based on these dashboards and trends that describe not only what is happening, but why. It should be not only what is happening, but why and what should be done to address any significant variances.

Then, in conjunction with other directors, the Planning Department, the Economic Development Department, Community Development, Police, Human Services, etc., that the Administrator and Mayor work to come to the Board with plans that deal with the structural imbalance, reducing the level of long-term bonded indebtedness, dealing with the backlog of unmet infrastructure needs. The Board has seven goals, infrastructure is one of them, but dealing with the other six goals, figuring out how you're going to address the mill rate for city residents, in particular, and developing an equitable plan for job creation throughout the county.



Recommendation 2. Revamp Priority Based Budgeting Processes

Background:

The UG has initiated a Priority Based Budgeting (PBB) program:

- This best practices based approach to financial management and budgeting "...emphasizes strategic planning to accomplish the goals and objectives identified by municipal leaders and members of the community
- Benefits "...achieved in communities that have adopted this style of budgeting," include increased transparency, increased community involvement and more accountability."

For PBB to be successful, several elements are necessary:

- UG wide goals
- Prioritization of those Goals
- Allocation of funding based upon the priorities set
- Metrics for measuring progress towards achieving those goals

- Regular reporting on progress being made towards achieving the prescribed goals, and
- Mid-course corrections as necessary to adjust goals, funding metrics, etc.

Observations:

- **Goals:** The Board has identified six goals, but they are not related to a Strategic Plan for the UG enterprise
- **Prioritization:** It is not clear how the goals have been prioritized no to what extent priorities to into consideration, mandated vs. core vs. discretionary services
- **Allocation:** It is not clear that the budget is allocated based on priorities specific to the goals
- **Metrics:** We did not discover any UG wide metrics by which to gauge success or progress
- **Progress Reporting/Mid Course correction\$//A**

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So, this kind of rolls into this whole notion of priority-based budgeting. You've got your goals, but you don't have measures, outcome measures and objectives that I'm aware of that we could find. There's some that Finance is using, but we couldn't see any that Budget is using rather, but we couldn't see any that the Board has really adopted and they don't translate into business plans for the departments.

If you ever have a goal that deals with health and improving health outcomes, what does that look like? What's the percentage? How much money are you spending on programs, specific programs? How does that relate to what the Health Department's supposed to be doing? Aging is supposed to be doing, etc.? Same thing with public safety. Public safety is not just the Police Department or the Sheriff, it is the perception of safety as well as the reality of it. It's paved streets, it's eliminating vacant lots, it's not having a lot of code violations and visual clutter that make people feel unsafe.

The best practice approach is in priority-based budgeting, but you're missing some of the pieces. You have the goals and you have some prioritization, but it's not clear how the priorities have been set or balanced. The allocation, it seems to be based—we're not sure how the allocation is made actually. There's a weighing process, but it doesn't seem to be necessarily attached to the goals. You have to set what you say are most important amongst the goals.

The other group recommended that you array your services around particular clusters: health and human services, administrative services, planning, economic development, etc. That is another way that those work groups would work cross-functionally to address the seven priorities that you have. Your priorities are interrelated. Public safety is actually related to how well your citizens respond to you. That was one of your issues, right, making people feel as though they heard, that they're connected with what you're doing.

We're thinking that it would be useful to go back and look at your strategic plan, realign or re-look at your seven goals, attach metrics to them, and then allocate the budget based upon that. That also has to be done along with addressing the structural imbalance, which means you have to start with what are the mandated services? What, by law, do you have to do? What does that cost? What are the basic services that citizens expect from government? Safety, health, traffic, public health, those kinds of things. Then, what are the other things that are discretionary, the nice to do, to make life worth living. Those are kind of hard things to eliminate or reduce, but until you get balanced, well, I don't need to say any more about that.



Recommendation 2. Revamp Priority Based Budgeting Processes

Improvement & Enhancement Strategies:

- The Mayor, County Administrator and Board should work together with the community to develop a Strategic Plan for the UG. It should incorporate, at a high level, the various departmental strategic plans
- The planning process should revalidate the Six Board Goals included in its Strategic Plan Dashboard, address the long-term fiscal health of the UG and the community, and develop metrics that quantify success and measure progress towards success
- In the immediate term the budget process should take a multi-year focus as a means of tackling tough problems like the structural imbalance of the City General Fund, the long term debt load, the tax burden attempting to lower taxes and fees and addressing the backlog of deferred infrastructure maintenance and replacement
- The prioritization of goals should also include identifying, costing out and prioritizing:
 - **Mandated Services** Legally required
 - **Core Service**- Basic Service needs safety and public health
 - **Discretionary Services**- Good to have to make the community better place to live
- The goals and metrics should be viewed through a cross functional lens, e.g., public safety involves more than the criminal justice system...it also involves a sense of safety affected by disorder, debris, overgrown lots, code violations, poor lighting, etc.
- Reports on progress towards goals should be made on a regular basis, easy to digest, should be regular and published
- A fair and easy to administer system for reward and accountability should be established

I just finished talking about working on a strategic plan and looking at mandated services, core services, discretionary services, and then having metrics that show whether or not you're getting—whether you're achieving those things. But, also, having regular reports that are published like a report card, and that those clusters report out and department heads report out. Ideally, you start with the Administrator who's supposed to achieve the goals that you give him or her, right? It needs to be a fair way of measuring that. Those roll down to department heads. They have business plans that they're supposed to be accomplishing your goals. They should be evaluated on that and then ultimately down to individual employees. Citizens, also, should see what you're trying to accomplish and how well you're accomplishing them.

We're going to skip me and go to Workday because this is one of the other key issues that is facing you right now.

It's always good to have someone else take an independent look, particularly when you're spending \$8M plus. I've seen these programs. Sometimes it starts off at \$5M or \$2M or \$8M, and if you don't control those costs, you'll end up with \$10M, \$11M. I won't spend a lot of time on it.



Recommendation 3. Need for IV&V of Workday ERP Go-Live Readiness

Best practices in government support the use of strong Governance structures to provide oversight leadership of major system implementation efforts

Improvement & Enhancement Strategies:

- **Need for Executive Leadership presence on Executive Steering Committee**
 - Project implementation governance structures should include the organization's executive leaders
 - Executive Steering Committee should be aware of the go-live strategy plans, data conversion strategies, training, risks, and post go-live success measures
 - The County Administrator should be the Project Executive for the Workday initiative including immediate briefings on the project status, risks, and go-live strategy
 - The County Administrator should be the final decision maker (as the Project Executive in whether to GoLive)
- **Review of Project Readiness through an Independent Verification & Validation Assessment**
 - Having an independent verification and validation focuses on an unbiased review of the requirements of a software development project including the overall readiness of an organization to move into a future state (go-live setting), is common industry standard.
 - While the normal technology implementation strategies are for a more normal and comprehensive review, an immediate abbreviated IV&V review should be done to confirm the readiness of the organization for the targeted October 1 go-live date.

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We've laid out a number of questions, and your team, staff can agree, disagree, confirm. What we would ask is that they confirm the question that we've raised. If the answer to those questions is satisfactory, that means they're moving in the right direction. But even if they answer those questions, there should be a few dollars spent on an independent evaluation and validation of this very important program.

I will make one other comment, Mr. Mayor. One of the mayors that I worked with, every year when he got into the budget with his team, he always said the first thing we want to fund—what are the necessities. We're going to fund the necessities because we know in every budget there are a lot of niceties, and many times—and so his whole program, he would always ask his team, what are the budget? What are the legal things that we need to do first? What are the necessities? Once we fund those, then we can talk about how we fund the niceties. In every budget there are niceties that are not tied to the overall priorities of the necessities. There's one of your colleagues, and I can tell you who it was a little bit later, Mr. Mayor.

Ms. Zielke said I just want to make one other comment about the need, again, for the whole Workday ERP. First of all, it has to deal with project governance. Every major project, especially technology, you always have an executive committee, a steering committee that helps make decisions. What we're recommending is the fact that we really feel the County Administrator, or her designee, should be part of that kind of, as it's called now, a working

committee. The fact that the county administrator, in some cases, could serve kind of as an unbiased because right now your steering committee consists of your IT Director, your HR Director, as well as the CFO all with some vested interest. We're saying that maybe there should be another voice on that committee to help drive decisions.

Additionally, we also have recommended that the County Administrator just, again, based on best practices, should also be the decisionmaker of go-live, no go-live.



Recommendation 3. Example of Key Components for High-Level Readiness Assessment

1. Risk Management - What are the documented risks thus far? - Have they been weighted by impact and likelihood (e.g., red, green, yellow)? - Are there mitigation plans for these documented risks? - Are the risks and plans discussed at an appropriate executive steering team level regularly? - What mitigation strategies have been developed and who is monitoring the actions? - Is the UG at risk of missing statutory or regulatory deadlines for automation that is intended to meet program requirements? - Is the UG at risk of failing to meet a critical milestone? - Is there risk of failure, major delay, or cost overrun in their systems development efforts? - How does the implementation plan address prior year external audit findings? How is this being validated? - What impact does the recent Cyber Security incident have to the plan and what revised planning protocols have been put in place?	2. Implementation Cut-Over - Review of cutover plans and checklists including plans for war room readiness, e.g., who is staffing, how long it will be available, how personnel contact them if there are issues 3. Training Plan - What sessions have been completed, what are still outstanding? - Has the training been end to end training and role based? - What is the schedule to have appropriate personnel been trained? - What form of training evaluation has been used to make sure the new processes and technology enhancements have been mastered into core competencies? - If personnel fail, how are they retrained (some people learn different ways (tacile, visual, audio))?	4. Change Management Plan & Strategy - What is the communication strategy and what key communications have been distributed? - Are there leadership action plans that inform leadership of implementation status and how they should be communicating to direct reports (and flow down to all levels)? - What are the future state organization chart and updated responsibilities? - Have the various prior year audit finding been reviewed with workflow processes define and appropriate training complete? - What existing legacy system processes are being refined and have the personnel performing those roles will need to be redeployed and retrained? - Is the future state business process documentation ready and have personnel been trained on them? - Status of new and revised financial accountability policies and standard operating procedures? - What is the plan to review and update these as the system stabilizes and annually after that?
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So, after you kind of answer the types of questions that we're really feeling that you really need to get answered before you say we're gonna pull the switch in the very near future. It doesn't mean we're saying to put your implementation on hold. We're saying expand and get the governance structure and do this type of assessment that answers these seven key questions in the area of risk, cut over, training,



Recommendation 3. Example of Key Components for High-Level Readiness Assessment

5. Data Conversion & Integration Plans - How has data been configured and cleaned prior to integration? - What is the data integration plan? - What is the plan for legacy prior year fiscal year data? - What is the plan for current fiscal year data? (e.g., nine months of financial transactions will be in the existing legacy system) - What systems will be integrated within Workday and which existing systems will not? When were these decisions made and why?	6. Testing Plan - Have "user stories" been created to validate the end-to-end business process testing requirements? - What testing plans have been executed and planned? What have been the results of the testing completed to date? - What are the testing "gates" prior to the next phase of go-live? Have they been appropriately met? Are there documented approvals? - What is the testing plan for data integrations?	7. Go -Live Plan & Post Implementation Monitoring - What are the Key Performance Indicators that will measure the success of the implementation? - Is there a Circle of Excellence set up for long term success post-implementation? - What is the system security profile review process to review segregation of duties and strong internal controls? - What are the plans for a post go live evaluation? - Determine current state of key change impacts, magnitude, and perception of changes Post GoLive - Explain current awareness and engagement levels across the UG? - Determine if any additional resources are needed to support employees to work effectively in the new Workday system - Identify perceptions and concerns regarding what needs to be done to sustain changes
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change management, implementation, your testing, and go-live.

So, what does good look like come October 2nd, come January 2nd? How do you know what success looks like? We're saying, let's define those. Let's do this assessment and put the process in place.



Recommendation 4. Review and Update the Purchasing Card (PCard) Policy

Best practices support that governments need to maintain appropriate controls that are aligned with an approved purchasing policy, to ensure the ongoing success of a purchasing card program

Observations:

- P-Cards can offer significant benefits if utilized properly
- There is significant use of PCards within the UG
- Based on data obtained from UG Finance Department Accounting:
 - Approximately 24,000 PCard transactions per year, over each of the last three fiscal years
 - Annual purchases average \$6.86M over that period -- for a total of \$20.6M
 - In FY22 year to date \$4.4M had been expended with 363 active PCards
- Per the Purchasing Director, PCard and other Purchasing policies and procedures, are often not followed, and have not been updated since 2007

Improvement & Enhancement Strategies:

- Immediately assess current PCard purchasing practices and spending trends
- Review P- Cards currently issued to determine whether they are justified and necessary
- Conduct an in-depth, external audits of PCard usage and areas for improvement
- Update the policy and procedure manual and educate cardholders
- Review merchant category codes (MCC)P-Cardholders to identify any Supplier/Commodity/Service type to identify any adjustments needed to further restrict improper purchases
- Hold P-Card holders and those who approve their purchases held accountable for unauthorized purchases.

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Mr. Marshall said we know this is running a little long, so we're going to try to speed it up. One of the ways of beginning to address some of the issues which are related to expenditures and revenues, is to look for efficiencies. We recommend that you—one of these small things is to look at your P-card policy. Robert mentioned you have about 360 some people who have purchasing cards, P-cards. P-cards can be very beneficial to government. They can be—they cut out the paperwork, allow people to get things very quickly. They still need to follow the bid or quote responsibilities, but they can speed things up for somebody who needs something right away.

On the other hand, they need to be monitored closely so that folks don't circumvent your policies or inadvertently screw you up in another way. For example, I want a computer. I don't want to go through the normal process. I've got a \$2,000 limit. I go to Best Buy and buy a computer, a laptop, because I need one. Well, that's okay, maybe. But if that laptop is not supported by IT, that's not useful. IT then has to figure out how they're going to spend resources on dealing with that particular piece of equipment or the software. That's one thing.

You may also have a blanket purchase order where it might be cheaper to go through Procurement to get things. So, if everybody's out—if the process is not being monitored, it can go awry.

The other thing that can happen is if it's not monitored properly, people can buy things that are prohibited. That's supposed to be controlled in a couple of ways. One, through your MCC codes, the merchant category codes. Another is that they're supposed to be reviewed. Purchases are supposed to be reviewed by someone higher up in the organization. Right now, you do about 24,000 P-card transactions a year, looking at the last three full fiscal years. In talking to your Deputy Finance Director, that's a couple of thousand a month that their staff is trying to do a second review. That's a lot. They don't have a huge staff so they may miss

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something. The first level is me. I'm the person buying this stuff. I'm supposed to do it correctly. The next person is my supervisor who's supposed to review and sign off on it. Third level is Finance.

Well, you've spent over the last three years about \$20M doing P-cards. That's a lot and it's little, and it's all in perspective. I think on average, with 300 and some odd people, that's about \$300 per individual transaction. You can do damage with \$300 transactions, but maybe things are going just fine. But what we suggest you do is one, assess your current P-card purchasing policies. They have not been changed, officially, since 2007/8. So, they don't necessarily—they may not be up to stuff. We've seen a couple of other versions that were proposed, changes that were never signed off on by the prior administrator, so at least there's some thought giving to making the change, but no change has been made.

Review the P-cards currently issued to determine whether they are justified and necessary. Maybe you don't need 360 some people buying things with P-cards. In most jurisdictions where I worked or been the city manager, I shot away from P-cards. I didn't carry one because people could abuse them and I just didn't need the headache. Again, they can be done well, but you need to look at who has them and whether they need them.

We recommend you conduct in-depth, external audits of P-card usage on a regular basis to see if there's an opportunity for improvement. Update the policy and procedures manual and re-educate the cardholders. The fact that somebody has a card, if they haven't been talked to about it in years, they may not even know what the policies are. If I signed this policy in 2007 saying I have a card and there's certain things I can and cannot do, it's now 2021/22, I may have forgotten. It doesn't mean I'm venal, it just means I forgot. So, it's probably in your best interest to re-educate people. It's also in your best interest to let people know that you're watching and paying attention because \$20M is \$20M. There may be some opportunity for savings there.

Then we recommend that you look at the current merchant classification codes to make sure that they are as stringent as they should be so some things just cannot be purchased, and that you look at people who make personal purchases, which they're prohibited from doing, to make sure that you're following your processes with respect to that too. They can be terminated. They can be disciplined. You don't have to reimburse them. Some of the things that they buy, may become the property of the locality. Those things are in your current

policies, the policy that's in effect, the real policy, not some of the other ones that are floating around. We think those are worth looking at. Hold P-cardholders, and those who approve their purchases accountable for unauthorized purchases.

Mr. Bobb said I just want to say something a little bit more. The use of the P-cards is not unusual in government, in the municipalities that I managed, and federal government, etc., but your policy, it doesn't mean that employees are out to do something wrong. It does mean that if, in fact, there is abuse of those cards and has been proven, then the employee should be terminated. There's no if, ands, or buts about it. My grandmother used to say that one bad apple spoils the whole bushel, so it should be taken seriously.

The policy that Ms. Harrison-Lee has, it's a very simple policy. It says that if you use the card for personal use, you will be terminated. The policy that was not approved by the prior administrator is a several page document. It's a great read, but the policy that we have now, it's just one page. Employee signs off on it and is very clear what your responsibilities are for misuse of those cards.



Recommendation 5. Bidding of External Audit and Other Finance Service Professionals

Best practices in local government support the competitive selection process for various finance service professionals including external audit services, banking services, financial advisor, and other debt financing team professionals

Financial Services	Contractor	Original Issue Date	Term & Renewal
External Auditor	Allen, Gibbs & Houlihan (AGH)	2002	RFP in 2016. Extended in 2021 for 3 years; expires in 2023
Depository Banking Services	UMB	2012	Original agreement was three years with additional 1-year extensions; last extension renewed in 2022 and expires in 2023
Bond Counsel	Gilmore & Bell	2004	Annual fee schedule
Municipal Financial Advisor (Debt)	Baker Tilly (formerly Springstead)	1995	Current RFP proposal signed in 2021 and expires in 2023

Observations and Improvement & Enhancement Strategies:

- Best practices support that governments select external auditing services that include a broad scope of financial presentations and perform their audits in accordance with the Generally Accepted Government Auditing Standards
- It is a common practice for governments to enter into multiyear agreements and undertake a competitive selection process
- Complete a **competitive process for the selection of independent auditors at the end of the term of each audit contract and rebid every five years**
- If a new external audit firm rotation does not result from this process, the UG's accounting policy should require that the senior external audit engagement partners and senior managers, be rotated to provide a fresh perspective
- Other Financial Services like banking services, financial advisory services, bond counsel and other bond finance team members should also be frequently rebid, **every five years**
- The UG needs to ensure that the finance department does not rely too much on the external finance service professionals for non-debt service related functions
- The UG's Financial Accountability Policies be enhanced to also define the selection process for the selection of Depository Banking, Municipal Advisors, Bond Counsel, Underwriters, and Bond Trustee services.

Ms. Zielke said one of the things that we asked staff to provide us is a list of all the professional service contracts that fell underneath the Finance Department or ones that may not be directly underneath them, but they were Finance kind of related professionals. Thanks to the Accounting staff, they've helped us put together a pretty extensive list, plus we looked at the contracts themselves.

What we're trying to say here in this recommendation is, in all cases, you are competitively bidding professional services. What we're saying is, best practices are saying is the fact that in some cases, you re-bid these or even you look at new service providers over at

least after five years. As you can see here, we just kind of summarized a couple of them. Your external auditor, even though you've done RFPs, you've used the same external audit firm since 2002. UMB, your depository banking service, since '12. Bond council, again, it's Legal's determination with that but, again, Finance Department works with them. Gilmore & Bell has been here since 2004, as well as your very important municipal financial advisor since 1995. Used to be Springstead. They were recently acquired by Baker Tilly.

Again, all great firms. You've done RFPs over the past several years. What we're saying is best practices usually say, every five years you bid these out. Some jurisdictions even go as far as if you've been the auditor, you've been the bond counsel, you've been the FA for a certain period of time, you have to sit out. You have to have a sunset period before you can kind of reapply. We encourage you to take a look at that, but at the minimum, especially on the audit side, you want to make sure that if you're going to continue with the current practice, that you get assurance from your auditor that they're switching out partners. They're switching out staff. Staff had indicated that is the case but, again, just looking at what best practices are and from GFOA and ICMA, they really encourage governments to try to look at that every five years.



Recommendation 6. Need for Risk Management Operational & Organizational Assessment

GFOA's best practices in government finance support the needs for established Risk Management programs:
"To identify potential events that may affect the government and to protect and minimize risks to the government's property, services, and employees."

The Committee of Sponsoring Organizations of the Treadway Commission (COSO) defines enterprise risk management as:
"A process, effected by an entity's board of directors, management and other personnel, applied in strategy setting and across the enterprise, designed to identify potential events that may affect the entity, and manage risk to be within its risk appetite, to provide reasonable assurance regarding the achievement of entity objectives."

Source: GFOA Best Practices: Enterprise Risk Management

Observations and Improvement & Enhancement Strategies:

- A more detailed review of all risk management functions of the UG is needed to ensure long term strategies are in place to minimize risk to the UG's property, services and employees
- We could not find a comprehensive portfolio of the various risks management strategies and services
- The assessment should evaluate the uses of insured versus self-insured policy areas for risk areas, as such, cyber security, officers and liability, property & casualty, workers compensation, building and facilities, settlement of judgement and legal claims, etc.
- The review should include assessment of the operational oversight and day to day monitoring of risk claims, exposure and monitoring

The next area has to deal with risk management, not that risk management is a direct responsibility of Finance, it came up in a discussion. We were taking a look at what's included in the budget; what types of costs are included. What we found is the fact that we could not find a comprehensive portfolio or a comprehensive or single organization within the UG that really manages risk. Risk meaning your property casualty; your workers comp, something you'll hear about in a few minutes; cybersecurity risk insurance; building facilities; settlements; judgments and claims, there's not a single central organization for that.

What we recommended here is the fact that the UG should take a look at the risk. Determine how you're going to fund it. Should you pay as you go or should you buy insurance for these projects? Besides that, having somebody monitor, manage, and forecast that, including that in your long-term financial plans going forward, as well as there should be a group within the organization that does the ongoing oversight and the monitoring of the risk as well.

Bob's going to talk a little bit kind of at a broader perspective. I talked more specifically as it related to risk related to policies. Bob's going to talk a little bit more about the enterprise risk.



Recommendation 6. Example Future-State Enterprise Risk Management

What is Enterprise Risk Management (ERM)
ERM is a coordinated strategy for addressing the complete spectrum of risks faced by an organization. ERM offers a comprehensive view of organizational challenges that are strategically aligned and help improve the understanding of how to prioritize and manage risks.

The Process:
The process of planning, organizing, leading, and controlling the activities of an organization to minimize the effects of risk on an organization's strategic activities, assets, and business objectives.

Why embrace ERM?
A consistent and systematic approach to proactively identify uncertainties, with a focus towards the "vital few" enterprise risk that matter most to the Unified Government of Wyandotte County/Kansas City's ability to execute on its Strategic Plan, achieve its performance objectives, and support its Core Values.

Key Benefits:

- Integrates views of risk**
ERM helps employees understand and prioritize risk in all parts of the organization.
- Minimized losses from risk events**
Problems will always arise, but ERM can help with preparation in mitigation of negative impact.
- Establishes a risk culture**
Everyone will be a part of the team to protect the UG from unforeseen threats.
- Creates an ongoing process**
ERM examines risk management to continuously handle threats.

Mr. Bobb said this is more for the staff but we should elevate our whole program about risk and look at industry best practices, both in the private sector as well as what municipal governments are doing. They're incorporating this whole concept of enterprise risk management which looks at risks in a much broader way in terms of how municipalities address its risk management programs.

I'd like to finish up with one very important policy initiative and that is the Unified Government has a whole list of policies from GFOA policy that you've incorporated. But one of the policies that we would recommend is that you develop your financial policy to address the issues of race and social justice initiatives as part of your overall financial policies.



Recommendation 9. Need to Operationalize Financial Accountability Policies and Procedures

Improvement & Enhancement Strategies:

- **Develop Financial Policy to Address Race and Social Justice Initiative (RSJI) operating priorities**
 - A growing trend in financial management and budget policies and practices is to identify community Race and Social Justice Initiative (RSJI)
 - Cities like, Seattle, Madison, Portland, and King County WA, have formally adopted strategic planning priorities and budget strategies to address racial disparities and achieve racial equity in within their communities
 - Best practices shown that governing bodies are acknowledging that race matters. The movement for racial equity includes grassroots community, organizations, philanthropy, governments, and other institutions.
 - The UG should develop financial policies, strategic plan and priority-based budget policies that are inclusive of RSJI priorities
 - Review of how monies are spent across the City/County and the review of budget priorities to ensure equitable allocation of funds to address UG adopted policies
- **Develop Policy for Environmental, Social and Governance/ Diversity, Equity, and Inclusion**
 - Governments are adopting policies for the prioritization of Environmental, Social and Governance/ Diversity, Equity, and Inclusion in local development projects and/or government operations.
 - Diversity, Equity, and Inclusion are as important as job creation and capital investment as measures of economic health. *For example, studies have shown employees prefer to work in regions and for employers who prioritize this agenda*
 - Inclusive regions can more effectively leverage their talent to generate economic vibrancy and create greater opportunities for historically disadvantaged individuals

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We find that a growing trend in financial management and budget policies and practices is to identify community race and social justice. Cities like Seattle; Madison, WI; Portland; King County, WA; have formally adopted strategic planning priorities and budget strategies to address race disparities and achieve racial equity within their communities.

Best practices show that governing bodies are acknowledging that race matters. The movement for racial equity includes grassroots community, organizations, philanthropy, government, and other institutions.

We would recommend that as you look at your policies going forward, that you develop financial policies and strategic plans and priorities, based-budget policies that include race and social justice issues.

Ms. Zielke said it says we're on policies. Sorry, Bryon, I'm just going to go back to policy and we'll kind of finish the latter part. Bob's correct. A lot of communities have really enacted which I think is a really important issue with their communities dealing with race, social justice initiatives. In fact, Seattle has one of the most interesting budgeting processes that as they develop their budget, all of the budget items are identified to one of the strategic initiatives related to RSJI. As new funding proposals come before their city council, they have to align or the departments have to report how it aligns to not only the strategic goals of the city council, but also the race and social justice initiative as well. What this has really helped them to do, as Mr. Bobb just said, is to really better place or better reappropriate, reallocate dollars to some of the underutilized and more of the disadvantaged areas of their community. So, it'd be something we'd really encourage the Unified Government.

The other side of this has to deal with government, I mean with environmental social governance, ESG. You see a lot about it in the newspapers, but we did not see where your

financial policies were addressing that from a financial side. That's important especially the financial policies related to economic development. We think it's important for you to consider that as you expand your economic development strategy and in your policies. What we have seen from studies is that many employers prefer to work in regions where employees have a prioritized or issues are prioritized. Additionally, monies are coming from the federal government for things such as going green. The fact that we did not see where the Unified Government had any policies in place as it relates to where you're going from a financial sustainability perspective.



Recommendation 9. Need to Operationalize Financial Accountability Policies and Procedures

Improvement & Enhancement Strategies Continued:

- Complete an updated detailed review of the currently adopted financial accountability policies to ensure alignment with all GFOA's key essential, informative, and discretionary element
- Develop financial and operational metrics to monitor the compliance of the approved policies
- Review, refine and create detailed operating procedures and working desk manuals for the implementation of the policies
- Monitor compliance and frequent reporting to the Mayor and County Commission
- Develop a policy and related multi-year strategies to address the structural budget deficit in the City General Fund budget, to ensure budget is balanced without using the fund balance or one-time actions
- Develop a Board Approved Strategic Plan that sets priorities for the community and identifies quantifiable outcome measures to which resources can be aligned
- Develop a multi-year debt reduction strategy to reduce the reliance on General Obligation debt
- Modify policies to identify term of service and procurement selection guidelines for financial service team professionals

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Slide 32 then really talks about other areas. First of all, I've got to applaud your staff. You guys have some of the most, I'd say, well-defined financial policies I have seen. The fact, in fact, your Finance staff even submit into GFOA a financial challenge. You're one of 12 cities that was recognized at meeting at least 50% of the required criteria. Well-written, well-defined. But what we found, Commission, is the fact that many cases we could not see where they have been fully operationalized. I think that's a word. I like it. Melissa, I think we should put it in a dictionary, but the fact that they have yet to really deploy those across the organization.

The procedures, we asked to take a look at working procedures, desk manuals, and we could not find consistently where the policies trickled down to procedures and working manuals. Great example is in the area of your Debt Manager. Again, a wonderful individual, but a lot of what she does, she does a very, very good job in managing your debt portfolio, but none of it's documented. What she does ties to the policy, but it's not documented, as well as if she's ever gone from the office, no one could just move into her office and pick that work up because there's no desk manuals. Just examples of what we're saying.

Additionally, a lot of the policies have not been updated since 2018. We really encourage best practices, say you should review those on an annual basis. In reading through them, for example, in April of last year, GFOA and Gatsby changed the name of your comprehensive annual financial report. It used to be called CAFR. That acronym was really identified as a very slang term to many of our friends in South Africa. So GFOA encouraged organizations to change it to become the annual comprehensive financial report. What we, as we read through the policies, this has been over a year, you're still referencing in your policies that term. That, again, as governments, you should take a proactive look and changing that as well.

Additionally, some things that we did not see specifically. We're really encouraging the Board to do a strategic plan, if it's referenced, throughout your policies, but we didn't see where you had that strategic plan in place.

Byron mentioned this earlier the fact that really needing to develop a multi-year debt reduction strategy, especially as we know our general obligation or our debt ceiling capacity and the concerns with the amount of debt for the community, as well as making sure that somebody's monitoring these policies. Every policy has a section in it that says metrics. Every policy I looked at said, information to be provided. So, the policies need to be updated so you have those metrics in place so you can monitor those as well.



Recommendation 7. Need for Financial & Operational Plan for Cyber Security Preparedness

Best practices are for organizations to deploy processes, training, and controls to maintain the reliability of its IT systems and protect against cybersecurity threats, mitigate intrusions and plan for business continuity

Observations:

- Cybersecurity threats continue to become more sophisticated and are increasingly capable of impacting the confidentiality, integrity, and availability of government key financial systems and applications, including those of critical controls systems
- While the UG was able to have limited financial activity, the ability to meet federal grant reporting deadlines, posting of cash receipts and normal account payable processing, completion of the 2021 ACFR, and quarterly financial reports, to name just a few, were impacted and/or delayed
- Best practice organizations have adopted cybersecurity incident response plans that are reviewed regularly including annual reviews of the effectiveness of those plans

Improvement & Enhancement Strategies:

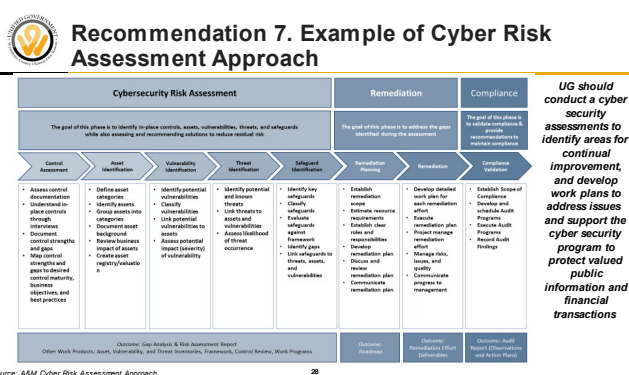
- A plan should be deployed to institute processes, training, and controls to maintain the reliability of its systems and protect against cybersecurity threats as well as mitigate intrusions and plan for business continuity via data recovery
- Conduct a cyber security assessments to identify areas for continual improvement, and develop work plans to address issues and support the cyber security program to protect valued public information and financial transactions
- The UG's Emergency Disaster Recovery Plan should also be reviewed with updated provisions for business continuity during any unforeseen future cyber incident

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We're going to go back a couple of slides here. Go back to Item No. 7. It has to deal with cyber risk. Mayor and Commission, I know you don't want to hear anything more about cyber risk. I know it's been on your plate, but your Finance Department really, I would say, went through some very challenging times back in March and April. The fact that impacted your ability to pay vendors. You got payroll out because of the great work of your Payroll staff, but it's put your

annual comprehensive financial report behind. It's gotten your quarterly reports behind. You're reporting to the federal government, so it had a major impact on your financial operations.

Best practices, whether it's from government or even industry, really encourage governments, as well as industry, to adopt cybersecurity incident response plans. In fact, we even looked at your debt disaster recovery plan but as it was provided, we didn't see any reference to cyber in there as well. So, we're encouraging you to put a plan together, especially with the importance of that, heaven forbid, we have another another cyber instance, but taking a look at a plan and what it involves.



So, the next page of this just kind of outlines. I know it's really difficult to read, but what does a risk assessment include? I mean, it includes taking a look at your assets. It takes a look at how vulnerable you are. If you have another incident, how will you pay employees? How will you process vendors? How will you accept cash? So, putting a plan together so, heaven forbid, you're prepared for the future if this happens again. Also, what best practices say you should also do testing, testing of that and do drills so you can put the plan into action as you move forward.

Recommendation 8. Role of the Finance Office in Economic Development

Best practices in local government finance promote that the "finance officer or budget officer should lead or be a key participant in the analysis of the economic and fiscal impacts, as well as the risks and uncertainties, associated with proposed economic development plans, strategies or individual projects".

Source: GFOA Role of the Finance Office in Economic Development

Observations:

- The Finance Department role is not clearly defined, and the current staff involvement was limited in economic development incentive development and analysis
- Finance has previously prepared an economic development incentive report. The last update of the report was in 2020
- The General Fund Budget includes current economic development project agreement costs and revenues that relate to lease payments on a major soccer stadium parking facility
- The Finance Office should have a defined role and key participant in the analysis of economic and fiscal impacts, as well as the assessment of risks and uncertainties, associated with economic development plans, strategies, and proposed projects

Recommendation No. 8 really has to deal with the role of the Finance Office and economic development. When we talked with the staff, we did not walk away with a real clear understanding of what their role was in economic development. In fact, GFOA really promotes, in fact, we even put the quote up here is the fact that the Finance and Budget Office need to be key participants in the analysis as well as managing or monitoring the risk of development projects. In some cases, as your CFO had said, she's very involved in development projects. Sometimes they're brought in at the end. Sometimes your own staff does kind of the impact analysis. Other instances, you use outside firms to do that.

Your General Fund also includes development costs or development agreement costs in it as well, but we really think it's important that the Finance Office, Finance and Budget are a key player in your development process. Not only in helping look at the impact, as well as managing the risk.



Recommendation 8 Role of the Finance Office in Economic Development

Improvement & Enhancement Strategies:

The UG Finance Office should: ▪ Assist in creating and updating an economic development plan ▪ Create financial incentive tools and policies ▪ Analyze and/or assisting with creation of individual development proposals prior to finalization ▪ Be an active participant in the negotiation of development agreements with the Economic Development Director & General Counsel Office ▪ Monitoring compliance with ongoing development agreements ▪ Apply digital technology to assist with annual reporting ▪ Forecasts of the available financial capacities of incentive tools within legal and policy limits ▪ Weighing economic impact of overall project including community impact	Complete an Economic Incentive Assessment: ▪ Complete a comprehensive review of State of Kansas and local established economic development tools and incentive programs to evaluate their benefit and impact to prioritize growth strategies and create more value. ▪ Re-evaluate their transformational strategies and commit or recommit to human-centered design to prioritize individual's experience Benefits of the Economic Incentive Review: ▪ Improve the overall economic development tools and programs to achieve higher-performing economy and better understand your competitive position in the current market ▪ Incentives often play a significant role in the attraction and retention of businesses at the city level ▪ Study potential changes to current incentives based on economic environment, identifying opportunities for cost reduction and the estimated value of incentives packages for various projects.
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The next slide really kind of talks about the roles. What should the role of the Finance Office be? Again, working with your development staff hand in hand and in reviewing, creating plans, taking a look at the analyzing of the plans, and understanding the impact. Something real important is they need to be at that table, at the table with your Economic Development Director along with general counsel. It should be a team approach as it relates to that.

We also recommended the monitoring of your incentive projects. In fact, your last economic incentive report was done in, I think, 2020, the one I looked at. I don't think one was completed for last year. There probably needs to be a serious look at the monitoring. Out of those, I think there were 34 or 35 active incentive projects. Who is monitoring those to ensure that if development x said they were going to be bringing in 2,000 employees of which, out of that, 38%, or pick a percent, were going to be Wyandotte County residents, who's monitoring

that to ensure that the incentive projects are bringing in what they said? We're saying that Finance Office needs to work hand in hand with Economic Development to monitor that.

Additionally, what we're encouraging the Unified Government to do is to complete a review of your economic incentives. Take a look at what the state—the incentive program the state of Kansas offers, along with what you have established just to make sure that your incentives and your tool kits are proper. Are there things that you could be offering that maybe you haven't offered in the past? Not only with incentives themselves, but maybe there's other federal resources that you're not looking at. Evaluate your agreements or your plan based on the benefit and the impact that they would have. Maybe, for example, if your incentive says that we want to bring in high technology types of companies. Well, how does your policy relate to that, as well as the relationship of your policy to what your strategic economic development growth is? A lot of communities are doing that. Again, they're tying it to their strategic economic development plan.



Recommendation 9. Need to Operationalize Financial Accountability Policies and Procedures

Improvement & Enhancement Strategies:

- **Develop Financial Policy to Address Race and Social Justice Initiative (RSJI) operating priorities**
 - A growing trend in financial management and budget policies and practices is to identify community Race and Social Justice Initiative (RSJI)
 - Cities like, Seattle, Madison, Portland, and King County WA, have formally adopted strategic planning priorities and budget strategies to address racial disparities and achieve racial equity in within their communities
 - Best practices shown that governing bodies are acknowledging that race matters. The movement for racial equity includes grassroots community, organizations, philanthropy, governments, and other institutions.
 - The UG should develop financial policies, strategic plan and priority-based budget policies that are inclusive of RSJI priorities
 - Review of how monies are spent across the City/County and the review of budget priorities to ensure equitable allocation of funds to address UG adopted policies
- **Develop Policy for Environmental, Social and Governance/ Diversity, Equity, and Inclusion**
 - Governments are adopting policies for the prioritization of Environmental, Social and Governance/ Diversity, Equity, and Inclusion in local development projects and/or government operations.
 - Diversity, Equity, and Inclusion are as important as job creation and capital investment as measures of economic health. *For example, studies have shown employees prefer to work in regions and for employers who prioritize this agenda*
 - Inclusive regions can more effectively leverage their talent to generate economic vibrancy and create greater opportunities for historically disadvantaged individuals

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Recommendation 9. Need to Operationalize Financial Accountability Policies and Procedures

Improvement & Enhancement Strategies Continued:

- Complete an updated detailed review of the currently adopted financial accountability policies to ensure alignment with all GFOA's key essential, informative, and discretionary element
- Develop financial and operational metrics to monitor the compliance of the approved policies
- Review, refine and create detailed operating procedures and working desk manuals for the implementation of the policies
- Monitor compliance and frequent reporting to the Mayor and County Commission
- Develop a policy and related multi-year strategies to address the structural budget deficit in the City General Fund budget, to ensure budget is balanced without using the fund balance or ~~other~~ **other** actions
- Develop a Board Approved Strategic Plan that sets priorities for the community and identifies quantifiable outcome measures to which resources can be aligned
- Develop a multi-year debt reduction strategy to reduce the reliance on General Obligation debt
- Modify policies to identify term of service and procurement selection guidelines for financial service team professionals

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Mr. Bobb said we're done.

Mayor Garner said thank you. We're going to open it up for discussion.

July 28, 2022

Commissioner Johnson said thank you to Mr. Bobb and your group for this very thorough presentation. I have to say right off the top, yes, race does matter. Communities of color. Money spends just like everybody else's money spends. Before I get started, though, I want to also appreciate the work of our CFO and the Finance Department. CFO VonAchen, if I'm not mistaken, was recently acknowledged as a CFO of the Year Honoree by the *Kansas City Business Journal*. Did I get that correct? Is that correct? So, we want to appreciate you for that acknowledgement.

For this Commission, when we talk about making difficult decisions, some of that includes making unpopular decisions that are not always politically beneficial. Everyone on this Commission knows that I have never been one to want to touch that fund balance, that's our savings account, unless it is done strategically and reasonably. I think to date, we have not really seen that, as far as I can remember.

As I recall this proposed budget that Ms. Harrison-Lee has presented to us, is unbalanced only because it reflects what we consider to be our budget priorities and what that budget would look like if we were to approve all of the various requests. So, that's just to let us know if you do everything that you say you want to do, this is what it's going to look like. That's not to suggest that we approve an unbalanced budget. I want to make sure that everybody understands that key. If I'm wrong Ms. Harrison-Lee will certainly correct me on that.

We have to be willing to, well, let me just say this. There was a time when I was on the ED&F. I had asked that we would develop a dashboard. Every successful organization that I was a part of had one, and I think that we need to have one. I believe that we were working towards that end, but it sounds like from your report that perhaps some of that information is already privy to us or at least to certain parts of our Finance Department.

I still want to ask that we develop a well-working dashboard. But overall, we still have a long way to go financially, we really do. I think that what I'm hearing is that we need an overall financial plan that includes policies and procedures that will be long-term because we cannot eat the whole elephant at one time. We have many needs. We have a certain number of dollars that are coming in and I know that there are different thoughts about that, which I'm not going to get into tonight. We need a plan that will encourage future commissions to stay the course so that we can get to the place that we need to be and not get sidetracked along the way

sometime by what I would consider to be political voices in our ears. We have to be very focused, as a Commission, and work together towards a long-term plan that will get this city and this county to the place that we ultimately see ourselves.

Commissioner Bynum said I have some questions and comments that are kind of maybe partly for staff and maybe partly for the consultants, I'm not sure. I'll start with thank you. It's very interesting and enlightening to have you look through all of this with us and bring us such a detailed analysis. I really appreciate it. I know that, I believe, you said that you have a full document beyond just the slides.

Mr. Bobb said yes. We're preparing one.

Commissioner Bynum said you are. Okay, because we will want that. I would like also that document from the reports we saw a couple of weeks ago in an electronic format for especially Commissioner McKiernan.

On page 13, slide 13 in the packet, you speak to the metrics and the dashboard that we should be utilizing to measure the financial health of the UG. I know Commissioner Johnson just spoke to the dashboard. Do you have a dashboard template that we might see?

Mr. Marshall said we can give you elements of a dashboard that would be useful. Again, a lot of that information, a lot of those metrics are captured in your long-term financial forecast. But we can help you put one together for sure.

Commissioner Bynum said and then the other thing was, can you help us identify the metrics? I'm sure our staff knows, but I think I was seeing you present that really we need this information brought to us in a much more readable, digestible way.

Mr. Marshall said that's what was suggested.

Commissioner Bynum said so I would be looking for metrics that you would utilize and then the dashboard form. That was just one. As you were commenting on one part of this presentation, in my mind, I made note of have you read our most recent detailed staff and Commission work on our infrastructure needs. And then you commented on the \$38M annual that we need over the next 10 years to come in line with infrastructure, which tells me that you have read that. It's so daunting for anyone, us included, to look at a number that big that we know has to be allocated for such a critical component of operating a city or a county and

juxtapose it against what you were identifying as the structural imbalance in the budget. I think we all can feel that pain.

When we talk about what are the services that a city absolutely must provide, I think we know that infrastructure, public safety, and personnel are pretty much high up there, at least in the top five. I guess I share that with you because it is incredibly difficult to find ways to decide if we're going to do those things, then what will we not do. I appreciate you at least sharing with us, reminding us of the task that we face especially as we move toward trying to adopt some sort of budget that's reasonable for all involved while dealing with these really critical infrastructure needs that we know that we face. So, maybe it's more of a comment.

I was curious for our staff, and maybe my fellow commissioners to remind me, how many of say our last five or six prior year budgets, have we used reserves or fund balance to balance our budget? I don't know if anybody knows that off the top of our head. I certainly understand it wouldn't be a practice you would want to engage in year over year. I don't think we have. I can remember a time, multiple years back in my time on the Commission, when we were speaking regularly during budget cycles of doing more cash projects and fewer debt. We probably have strayed away from that in the last few years, but that was certainly a very real part of our budget discussions, at least in my early first two or three years here. We were very much focusing on more cash, less debt. For whatever that's worth.

The other thing I think is really interesting is for us, I think one thing that your analysis tells me very clearly is that this organization needs a new strategic plan. The one that you're utilizing with the goals and everything you've studied, is a minimum of 6 years old and 45% of the folks on this diocese were not present for that process. So, I think a new strategic plan is an immediate need, and I'll just say that to all of us.

Commissioner Ramirez said thank you to you and your team for coming before us and bringing this to us. My first question is simple. Why, and I know this was finance-based, but based off the other audits, why weren't commissioners interviewed as well? We're the ones that make the final decision. We interact with staff and Finance. We interact with the budget. We're the direct voice of our communities. Why weren't our perspectives brought into the mix as well? We all have a unique perspective that could have helped.

Mr. Bobb said that's a good question. In fact, with the time that we're working on this project, we should have done exactly what you are suggesting and that was to have individual interviews with each member of the Commission. Absolutely, to get your perspective and that way we would have had a more global review of your thoughts with regard to the finances and the services. So, absolutely. I don't think it was an oversight on our part. We were just focused in one particular area. But, in fact, were we to do this again or if anyone else does it, your input, your perspective as elected officials, is very important to the overall process. It gives a much broader picture of where you stand financially, what your thoughts are, and also it gives us an opportunity, would give the consulting group an opportunity to not only hear your thoughts and your concerns and what you value, but it would be an important part of the process.

Commissioner Ramirez said I completely agree, we should have probably been part of the conversation, but for some reason we were not. So, I ask, Mr. Mayor and Ms. Harrison-Lee, that moving forward with any other assessments or audits, we are part of that conversation. It's not just administration and the Mayor's Office. We talk about a three-legged stool. We're part of that three-legged stool and we should not be left out.

The other comments, I know we have a structural deficit within our budget. We keep talking about we need to make hard decisions and cut this and cut that and cut that, but I don't think we've had a conversation about the other side, growing our revenue. We haven't. We keep the same—as a Commission, as administration, keep making tough decisions, but where are we talking about our revenue growth? Part of that is our economic development. I understand Cheryl is going through right now and coming up with a strategic plan for economic development, but there have been a couple of projects.

Willie Lanier, example one, would have been a catalytic project here for our downtown area. Apartments and a renovated Jack Reardon Center, but it wasn't brought back before us for whatever reasons. That's part of the revenue growth is creating those opportunities for economic development. I thank Cheryl for wanting to create a strategic plan of how to get there and what we can do, but we need to continue to bring that revenue growth conversation into the overall conversation as well, not just cut and dice our budget. We need to look at the other side.

Mr. Bobb said I think Byron will have some comments on it, but I'd like to answer your question by going back to Commissioner Johnson's comment and that is, collect everything

that's owed you first. I mean, we look at the point that you're making us do economic development, but part of the process that we somewhat overlook in local government is, let's go grab and get everything that's owed us. A lot of times we'll find that there are companies that owe us, there are individuals that owe us, and let's go collect everything that's owed us first, as one of those important first steps.

What I stated earlier, and I've seen this and been part of it, a lot of communities provide significant incentives for developers and for development, but we don't go back and look at whether or not the agreements that we made for that development and the incentives that were to accrue to the municipality that, in fact, we got what they said they were going to do. That's why I stated earlier, look at every development deal you have. Bring your attorneys, your staff, and, in fact, bring the companies to the table as well. Look them dead in the eye. You said you're going to produce 20 jobs, 30 jobs, 50 jobs and you haven't produced those, then there should be some kind of penalty. We find that in a local government guilty, right? We sometimes, for the sake of economic development, we give away the store and then we come back later and we find out that we need money to run the government.

Mr. Marshall said just to respond briefly. We don't know about individual projects. We don't want to talk about what should have, should not have been approved. We do think you ought to go back and look at your projects where you've already given incentives. If appropriate, claw back incentives that people didn't do what they were supposed to do. You also have your current tax collection rate, you have a delinquency rate of 7% or your collection rate of 93%, depending how you want to look at it. Sedgwick, 98; Johnson County, 99, so you're leaving money on the table there. You figure out why you're not collecting all your taxes.

One of the things we recommended was that there'd be an economic development strategy put together because you have a lot of land that's not developed. You also have your vacant land that your Land Bank authority, Land Bank entity controls. There needs to be a strategic way of dealing with that. We agree with you, it's not just cutting, it's also increasing your base and collecting what's owed you.

Commissioner Ramirez said and that's what Cheryl is currently working on is creating that strategic plan for us so that we can get there. Just a couple of other—two more things to Kathleen and your team. This is an invitation to the government efficiencies task force to give

that CAFR presentation because the public needs it, especially the task force I'm chairing. We're looking for those efficiencies. We need that information. So, this is an invitation. I will reach out to you so that you can come to the task force and give that presentation. Commissioners, any commissioners are welcome to attend.

The last one is just more Cheryl. Again, for the government efficiency task force. We had this conversation yesterday how we can fit in this picture, how the task force, how we can create those relationships and that synergy so that what we get presented can happen because the task force is all community members. As you say, they're the other part of the three-legged stool. When we go through these deficiencies, I would like you and I to have a conversation of how my task force can fit into this broader conversation.

Commissioner Kane said I think Commissioner Markley said it best. We caused some of this problem and we're the blame. We're trying to get as much done for the community as possible and here we are.

I do thank you for your work. I do like page 23 where you talk about the external auditors and rotating those folks. I think that's important. I wholeheartedly believe that some of the commissioners should have been involved. I'm the senior commissioner. I knew what you guys were doing and I thought well, surely they'll ask. Who knows something about what? Maybe we could give you the insight of some of the work that's done. The Health Department, the way they handled the COVID thing out there at K-Mart was phenomenal.

We have an outstanding workforce here, and there's always room for improvement. What I'm hoping in your report is you point out some of the things that needs improvement. I hope you also point out is where we can get some sort of training and some more information because it doesn't work if you just point out that there's a shortcoming here? How do I fix that shortcoming? Where do I get the knowledge to fix that shortcoming? Every job that I know there's continuous training, and you can never stop no matter what you're doing. I think that's in every job that we have here. Point out some of the needs for improvements, but also point out where we can get the answers to get better.

Commissioner Burroughs said if there's anything I've learned since being on this Commission is that we are smarter collectively. Many of these things that were discussed this evening, I've

heard individual commissioners talk about. Unfortunately, we're not talking together and collectively working together in the manner that we should. This information is beneficial to us so thank you, Madam Administrator, for allowing an outside voice to be heard over the voices that we have with one another because sometimes the message is greater when it comes from a different source than ones we deal with on a daily basis.

I agree with what the commissioners have stated this evening. I've already gone through and marked up my report to take on my challenges that, as a commissioner, to do my part that I can't state how much I appreciate you acknowledging the work of our staff. I think it's very important that they understand that the decisions that we make, they are tough decisions when somebody's ox gets gourd, it kind of gets your hair up in a rough and some of us don't have that to fight back with. I will share this with you, collectively we are smarter and we can do better than what, I guess, we've been identified as doing. I can't state how much I sincerely appreciate an outside voice pointing out many of the things that many of these commissioners up here have stated in the four years I've been here. You put in a report and I appreciate it.

Mayor Garner said thank you all so much for your presentation. I'd just like to add to what Commissioner Burroughs said. We can do a lot working together and that's really what I've been advocating for from day one is collaborating. The task force that's been put together, I know Commissioner Ramirez mentioned that. Those task forces have been put together to just do that, bring community, bring staff, bring elements from your Mayor's Office, as well as our commissioners together to find real solutions to problems. You've heard me say it before that we know impacts the lives of real people every day.

I heard Commissioner Markley and Commissioner Kane mention that it's the Commission's fault. I don't think that this consulting group came into place blame. We've got to have a good look at where we're at so we can kind of create a strategy where we need to go moving forward. Not to place blame on anyone. What this does is offers this Commission, this Mayor, and this staff—and we've got a lot of good employees here. I think that's been mentioned over and over again, that are really dedicated to their work, dedicated to providing the best level of service to the residents of Wyandotte County and Kansas City, KS. But at the end of the day, this Commission ultimately makes the decision. I don't see so much talking about blame as my call to action is, let's move forward and work together collaboratively,

putting people of this county above politics; above what I've seen in my 32 years as an employee here, above privilege, power, and influence that I've seen in certain circles and start doing what's right for the people of Wyandotte County and Kansas City, KS.

I've heard the voices. I've seen the tears. These audits reaffirm that we've got a lot of work to do. One of the things that I've talked about is we've got to lower the tax base. How do you do that when you lower mill levies to lower your property taxes when we have so many needs? These are the hard conversations that we need to have.

When I listened to Commissioner Johnson, he hit it right on the nose. We've got to start making hard decisions because that's what we're elected to do. Some of these decisions are not going to be popular because of the condition that our county is in, but there is hope if we start doing what we need to do now on behalf of the residents of Wyandotte County.

We can get and crawl our way out of this situation, but what we can't do is we can't keep doing the same things we've done and expect a different result. I've said it before, not only are people hurting, this taxing, the deficits, it's not sustainable. You've heard it from other people. I've said it time and time again, what you're going to do is you're going to tax people that are in poverty deeper into poverty, and you're going to tax people out of Wyandotte County. The taxes and the fees and the BPU PILOT that everybody looks at is going to keep development opportunities, that Commissioner Ramirez talked about that we need, those developers are not going to want to come in here and do business. We have to take a hard look at how we're doing things and come up with strategies and do what's best for Wyandotte County moving forward.

I believe that we're at a crossroads right now. One of the things—and I applaud Ms. Harrison-Lee for locating these auditors, outside, independent, not connected, not affiliated that are really talking truth to power about what needs to be done. It's really shedding the light that we've got a lot of work to do. I'm optimistic, but I'm cautiously optimistic.

Economic development is really what is the key thing that we need to look at. We need to come up with these strategies, a real concrete strategy on economic development. I've said it. You want to invest more in the areas that have been disinvested, but you can't leave western Wyandotte County out as well. You've heard from Bonner Springs and Edwardsville. There's opportunities that still exist west of 435, but where the need is at is in these disinvested, disenfranchised areas. It was interesting to hear these auditors tonight say how we need to tie financing to race because it matters. When you look at these disinvested, disenfranchised areas,

they just so happen to be communities that are poor, of all races, and predominantly black and brown.

To me, the economic segregation has to stop. I've been to too many meetings where I've seen people begging for goods and services and things that in any major city, they shouldn't have to beg for. Economic development and looking at those opportunities, especially when we have over 4,500 parcels of Land Bank properties, we really need to look at that and how we can leverage those properties with developers to bring about the type of resources and goods and services and the brick and mortar developments that can add to our revenue base. I know that Ms. Harrison-Lee is looking at that. I know that Commissioner Johnson's task force is also looking at how to improve the dynamics for developers.

One concerning thing to me is when I talk to our development team is that I was told point blank, we don't court developers which I found ironic when I asked that question. Then you talk about the bureaucracy in the process. So, there's a lot of opportunities for improvement, and I'm confident that we can get to where we need to be. I just want to let the public know and I want this Commission to know that we've all got to work together for the greater good.

I hear a lot of politics. I've heard a lot of politics thrown here and there since I've been Mayor. This isn't about politics for me. Never has, never was, and never will be. I'm here because I care about the people of Wyandotte County just like you do. I don't want to politicize what needs to be done for the great folks of Wyandotte County that are really counting on us to get things done.

So, I encourage everyone to come to the table. We need to have a retreat at some point to come up with a strategic plan to really envision and reimagine where we need to go as an elected body. The budget cycle, we're almost to our conclusion, am I correct? Okay, so we still have time. You all have time to work with me, work with staff, work with Ms. Harrison-Lee and even work with our constituents to really get the information you need to make an informed decision on what our budget will look like moving forward.

I encourage you to make those hard decisions. I've said it before, we need to identify what essential services are. That should be our starting point. Our auditor said it well, you've got things that we can't cut and we've got to look at what things can be cut responsibly and move forward.

So, anyway, thank you all again. I appreciate everything that you've done. Awesome report. We're going to keep this moving.

Action: **For information only.**

Item No. 1 – 211857...RESOLUTION: SETTING PUBLIC HEARING REGARDING ADOPTION OF THE PROPOSED 2023 BUDGET AND PROPOSED AMENDED 2022 BUDGET

Synopsis: A Resolution Calling and Providing Notice of a Public Hearing Regarding Adoption of the Proposed 2023 Budget and Proposed Amended 2022 Budget of the Unified Government of Wyandotte County/Kansas City, Kansas, submitted by Patrick Waters, Deputy Chief Counsel.

Cheryl Harrison-Lee, Interim County Administrator, said this item is the resolution setting the public hearing for the budget adoption. I will ask Counsel Patrick Waters to discuss this item.

Patrick Waters, Deputy Chief Counsel, said state law requires that we publish notice of the annual budget hearing. This is separate and apart from the revenue neutral rate hearing that you set previously. This resolution would also set the budget public hearing for Monday, August 22nd.

Ms. Harrison-Lee asked, any questions?

Mayor Garner asked, is there a motion to approve?

Action: **RESOLUTION NO. R-42-22,** “A resolution calling and providing notice of a public hearing to be held on August 22, 2022, at 7:00 p.m., regarding adoption of the proposed 2023 Budget and proposed amended 2022 Budget of the Unified Government of Wyandotte County/Kansas City, Kansas.” **Commissioner**

Bynum made a motion, seconded by Commissioner Markley, to adopt the resolution.

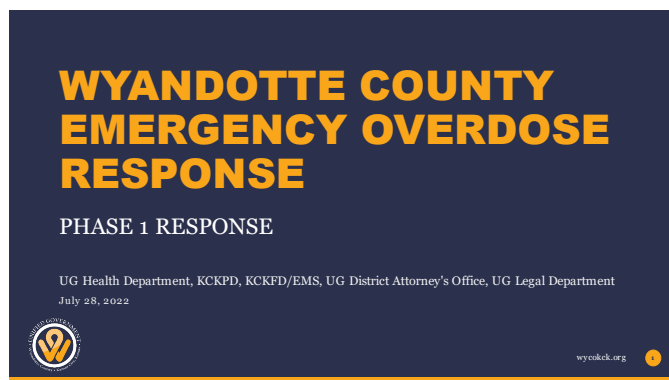
Mayor Garner said there's a motion and a second to set the public hearing for August 22nd, the proposed amended 2022 Budget for August 22, 2022. Is there any questions or any comments? No further discussion, Clerk, please give me a roll call.

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

Item No. 2 – 211827...UPDATE: UGPHD/PD OPIOID CRISIS

Synopsis: An update regarding the opioid crisis from the UG Health Department in coordination with KCK EMS, KCKPD, District Attorney's Office, and the UG Legal Department, submitted by Juliann VanLiew, Director of Health Department.

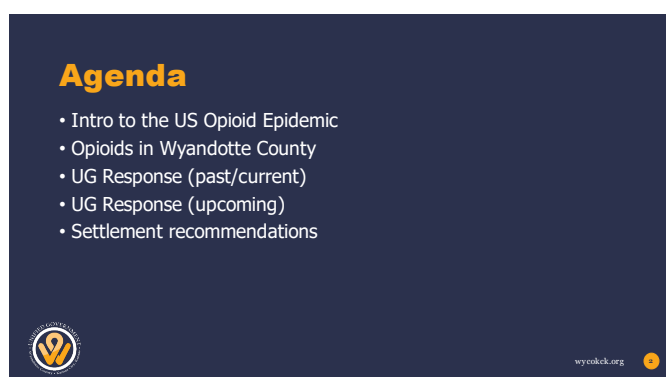
Cheryl Harrison-Lee, Interim County Administrator, said at this time, Mayor, we have an excellent example here of collaboration between our Health Department, our District Attorney's Office, our Legal Department, as well as KCK EMS and the Police Department. It is regarding the opioid crisis. We have a joint presentation. This is an opportunity to see kind of this collaborative effort of staff working together to address one of our community's issues and how we might look at being able to utilize funding as a result of that to address this crisis.



Juliann VanLiew, Director of Public Health, said we are not just here as the Health Department this evening. We are here as a collaborative group of departments that are all

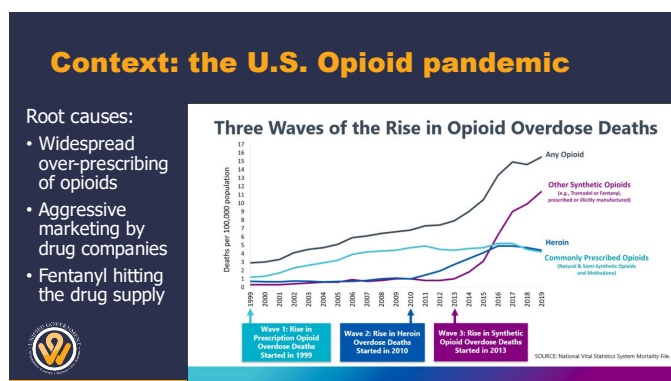
facing the same issue. Wyandotte County and the people who live and work in our community are increasingly bearing the burden of the disease of substance misuse and abuse, specific to opioids. So, this evening, you're going to hear from each of our departments related to the work that we've been doing in this area. We're going to discuss some upcoming work that we plan to embark upon, and our Legal Department is going to begin the discussion with you all around master settlement money that is coming to the Unified Government in coming months and years.

I want to, very quickly, also thank our Assistant County Administrators Bridgette Cobbins and Alan Howze. They have both very strongly supported and encouraged our departments in working together on this and on other issues. I think it's important that we recognize that.



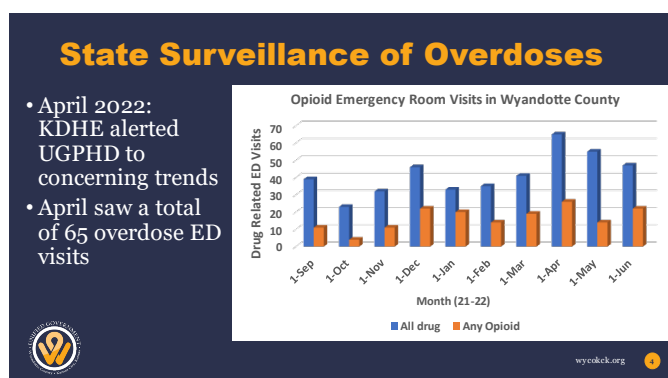
So, this evening we're going to quickly run through what the current situation is in Wyandotte County, what we're seeing, what we've been doing, what's upcoming, and then, of course, we're going to throw to Legal.

First, I want to introduce a new member to the Health Department team. Erika Holliday is with me. She is the Health Department's first ever Substance Use Coordinator. She comes to us with a decade of experience in other communities, actively preventing and mitigating the harms of opioid misuse. We are incredibly grateful that she's joined our team here. I'll pass it to her and then we'll go through our presentation jointly.



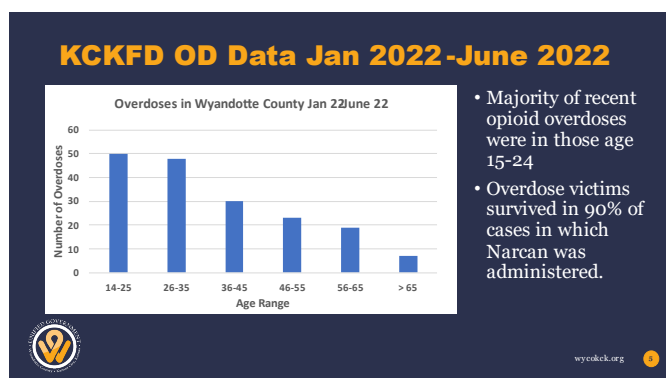
Erika Holliday, Substance Use Coordinator, said I'm extremely excited to be a part of this team. Before we dive in, I do want to just go over a couple of terms with you all just so we're all clear about what's being discussed tonight. When we talk about opioids, we're talking about a class of drugs that includes heroin, synthetic opioids such as fentanyl, pain relievers, oxycodone, Vicodin, morphine, etc. We've been discussing fentanyl quite frequently which is specifically a synthetic opioid, a pain reliever. It's much more powerful than other opioids and it's approved for treating severe pain typically advanced cancer pain. Lastly, we'll later be talking about naloxone and Narcan, which is a medication that can be used to reverse opioid overdoses, prevent injury and death.

Whenever we're talking about the overdose crisis, we're not just talking about Wyandotte County. This is something that has been seen across the country. We see two increases here. The first being from increased prescription drugs prescribing, and then secondly the big jump you see is when fentanyl hit our drug supply. So, once again, I just want to stress this is affecting Wyandotte County as well with the rest of the nation.



Earlier this year there was an emergency alert placed on our county by KDHE which alerted that we are seeing a spike of overdoses occur in our emergency room. This kind of alerted all of

us. We already knew there was an issue, but because we're seeing more overdoses than ever, such as in April, there was 65 total overdose visits in our emergency rooms. This is a time to take assertive action and so that's kind of why we're all here today to collaboratively say what we've been doing and what we want to continue to do. I think the rest of my team will share data that they have found as well that kind of matches this alert and overdose.



Mark Heath, Assistant Fire Chief, said I'm focused mainly on EMS. This slide right here talks about in the fall of 2020, we noticed a sharp rise in the amount of overdoses, the amount of Narcan that we're using on the rigs has increased. As you can see, this is just the breakdown for the first six months of this year. Obviously, 14 to 25 is the largest; 26 to 35 is the next group.

To do a brief description of a Narcan, it's the fantastic drug that we carry on our rigs and is out in the field. It literally slams the door on opioids. If somebody is having a fentanyl or an opioid overdose, it literally blocks the receptors so no more and it actually knocks it off. Where the opioids have the most problems, it knocks out versus respiratory drive. The pills that are out there now, they don't know how much fentanyl is in them or they don't think there's any fentanyl in them. As simple as one pill is causing the overdose. That's what causes the problem.

Wyandotte Overdoses and Deaths

- Since 2020, over 25% of youth overdoses occurred in people that are under 21 years of age.
- 12% of those overdoses resulted in death
- Narcan was not used in the majority of those instances.
- **Mapping of overdoses shows that ODs are occurring throughout Wyandotte County. There is not a primary neighborhood or region being affected.**



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In jumps my crews. Since 2020, 25% of our youth overdoses have occurred in people that are under 21 years of age. 12% of those resulted in death. What my numbers show is us getting Narcan on scene as fast as possible. In 90% of those patients that we give Narcan to, has a positive outcome and we can stop the overdose. Unfortunately, in the 12%, those were unviable patients so they were gone before we could get there.

Narcan is the most effective tool that we have in the Fire Department. We've had it for a long time. It was approved in 1971. When I became a medic in 1992, it was a side note, but now we are seeing the amount of Narcan used today. In 2018, in this period of time, we used 35 doses of Narcan. This year, we're over 160 as of right now. What we've seen in other parts of the country is now hitting us very hard.

District Attorney Data

- Past 12 months: DA's Office has prosecuted more than 500 opioid cases
- Total charges: 577
- Cases closed: 10

UG District	# of Charges
1	63
2	156
3	39
4	56
5	27
6	41
7	167
8	28



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Damon Mitchell, District Attorney's Office, said as you can see on this slide, within the last 12 months, we're looking at 500 opioid cases; in fact, well over 500. The significance of this is that not only are the cases rising. You can see from the district distribution that it's literally county-wide. These cases also tend to linger a bit, and I'll address that down the road and that has a lot to do with our needs in terms of potential use of possible funding.



Ms. VanLiew said, commissioners, I also failed to mention, excuse me, there are other slides in your slide deck that you have on paper that we cut for the sake of time, but those are supposed to be in your copies. They're for your reference. If you have questions, we can certainly answer them, but that's why you're seeing fewer slides up here from us.

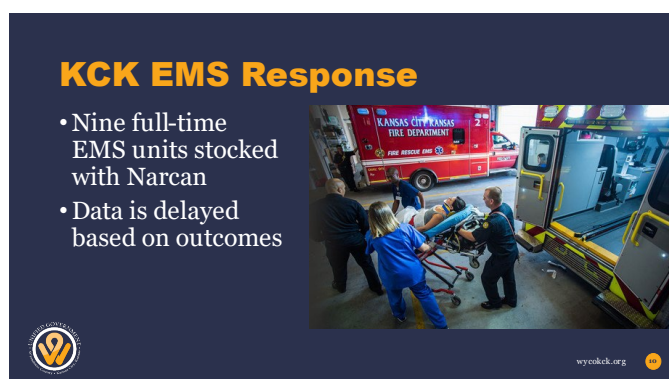
Ms. Holliday said so when looking at responding, we want to have a couple of evidence-based practices that we want to lean into. Starting with Narcan expansion, we'll get into specifics in a couple of slides, but as Mark said, Narcan is the most effective way in preventing overdoses, overdose injury, and overdose deaths, which ultimately increases a person's chance into entering into recovery long term.

Secondly, we want to talk about community building. Obviously, that's a solid solution for anything, but the fact of the matter is that when somebody has stable housing, employment, resources, food access, and treatment availability, their chances of remaining recovering long term and abstaining or changing their drug use patterns effectively rise significantly. So, we'll also be discussing how we're working to do this again as a team, together as a community.

Lastly, putting focus on harm reduction. The key to harm reduction is keeping people alive and healthy long enough so that they can start to seek treatment. Evidence shows that harm reduction in any capacity is effective in increasing chance of recovery access.



Ms. VanLiew said we're now briefly going to explore the ways our various departments have responded to date and we'll start with our EMS team.

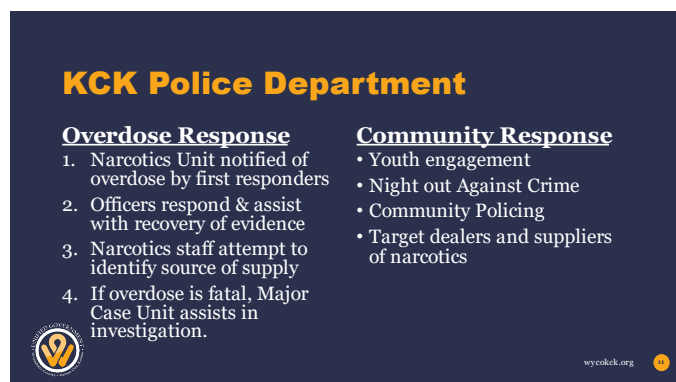


Assistant Fire Chief Heath said, obviously, I won't go into—we're the Fire Department EMS. We're the first to respond. We're always there. Just to cover Narcan. Narcan is on every ambulance, multiple doses, and every first responder fire truck. There's 19 out there that can make the run. That four to six minute window is absolutely key to reversing this drug. That is the most effective thing, diesel fuel and getting them on scene.

The other side of this is that in the last two weeks, we've seen a 14-year-old and an 18-year-old. This is getting younger and younger all the time, so that's what's bringing the shock and awe into the system nowadays.

When we're talking about data, data is very difficult for us sometimes. It's an unknown etiology man down or person down. Narcan is given when we don't know what's going on. If it's alcohol, we're going to give them Narcan. We don't know whether it's alcohol and opioids. Narcan is a fantastic drug. We can give it. There are no contraindications. There are no side effects. We can give it when we don't know what's going on. So, just because you hear 163

doses, that doesn't necessarily mean every one of those is an overdose, and sometimes people get multiple doses to counteract.



KCK Police Department

<u>Overdose Response</u> 1. Narcotics Unit notified of overdose by first responders 2. Officers respond & assist with recovery of evidence 3. Narcotics staff attempt to identify source of supply 4. If overdose is fatal, Major Case Unit assists in investigation.	<u>Community Response</u> • Youth engagement • Night out Against Crime • Community Policing • Target dealers and suppliers of narcotics
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Major Richard Harrison, Police Dept., said I'm currently over the Investigations Unit, but in 2020, I was over the Narcotics Unit as their Captain. As a Police Department, we started seeing this fentanyl back in May of 2019 and our overdoses have continued to rise ever since. So, year to date, July of 2019, we had 1 overdose death and 14 homicides. I also want to compare to homicides a little bit, and you'll see why here in a moment. In 2020, we had 4 overdose deaths year to date and 31 homicides. In 2021, 14 overdose deaths, 21 homicides. Today we sit at 18 deaths and 25 homicides year to date. Our last one was last night, an overdose death.

Overdoses for the year have also continued to climb. 23 in 2019, 47 in 2020, 109 in 2021, and now we sit at 84 for 2022 as of July 28th. We're on pace to have 150ish overdoses and somewhere around 37 deaths this year due to mostly fentanyl. Due to this influx of fentanyl, I was able to acquire a bunch of Narcan for our line patrolmen all the way up to the Chief of Police. We got that out into the city.

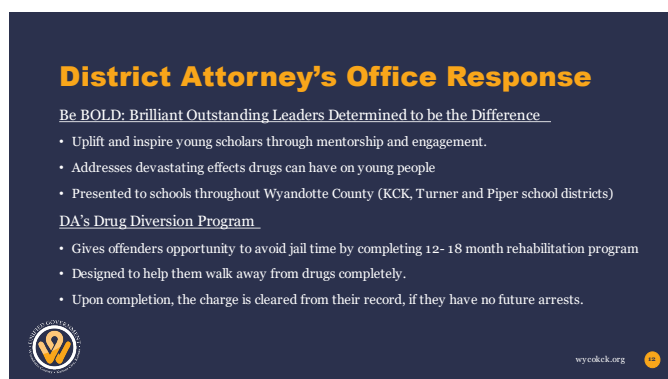
We spoke about community engagement earlier. We've been doing the PAL Program, obviously, Community Policing, the Enough is Enough Program, SD 500, social media. A couple of weeks ago we did the football camp, town hall meeting with the DEA, Citizens Academies, and August 2nd, we will be out at Night Against Crime. I think we all will be there.

I want to go a little bit on this slide. It says a typical overdose response from us. EMS arrives first, patrolmen then arrive next, and then the Narcotics Unit is paged out. If it's death, Major Case Homicide Unit goes as well to help in the investigation. We collect all of our evidence, analyze that evidence, and try to identify a source of supply. We target that source of

supply in our investigation. We develop probable cause, arrests, search warrants. Our SOU serves those and then we turn those off for prosecution to the District Attorney's Office.

I also want to point out that we seize fentanyl every single day. One pill, 15,000 pills, every single day. We get fentanyl off the street. We know that through the DEA testing, that one out of every five pills contains a lethal dose of fentanyl, 20%. The math is up there.

Fentanyl is here. It's a problem. It's not going away easy, that's why we're a joined team task force here.



Mr. Mitchell said, again, one of the major initiatives is under the BOLD Program for us. That brings us into all of the schools across the county. The idea is to get at the children, the young people, counteract that peer pressure or whatever it is that may bring them into contact initially with opioids or any other drugs.

I'll say this, because of the way the Kansas Legislature has set up our sentencing grid, it sometimes appears as if it's a revolving door when it comes to drug possession. The idea is that they have pushed treatment essentially down to the local level. That creates enormous demands on our local services. I know Community Corrections and Court Services do whatever they can but, ultimately, it leads to an enormous number of cases.

We're attempting to get at the core issue, that is to say, the addiction for those who are addicted and are just charged with possession. The problem is, as I'm sure many of you know, most people who are addicted do not treat successfully the first time. So, that's 500 cases that we initially showed on the first slide. They'll stick around for quite a while and then guess what's happening the following year? More cases. What we need are additional resources, surprise, surprise, but we really do need them so that we can adequately monitor those who are

going through the program so that program itself actually gets traction so that ultimately we can bring down those numbers.

Health Department Response

- OD2A: Overdose to Action project:
 - Data collection and analysis
 - Partner engagement and planning
- Added staff capacity with ARPA dollars
- All UGPHD staff are being trained in Narcan use and overdose response practices



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Ms. VanLiew said the Health Department's response has been less robust. This is a newer area for us partly because for the very first time we've added a physician who can focus on this with ARPA dollars approved by you all. Thank you. We have, the last two years, been participating in a statewide overdose action project and that's what's really brought us up to speed, as a health department, on collecting the data, understanding the distribution across the community, and figuring out what our next steps are going to be.

Active Partners in Wyandotte*

Local Partners	State and National Partners
Friends of Recovery Association	FBI
Vibrant Health	DEA
Avenue of Life	Bureau of Alcohol, Tobacco, Firearms and Explosives
Community Health Council	US Marshalls
Heartland RADAC	Kansas Pharmacy Association
First Call KC	DCCCA
RSI	Midwest HIDTA
Mirror, Inc.	Kansas National Guard
Community Corrections	
KU Medical Center	

*Not an exhaustive list



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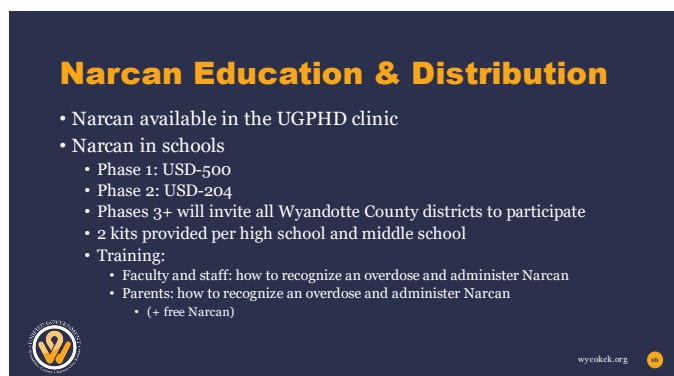
We also want to make it clear that those of us at the table are just a very small few of those who are working on this situation in our community. There are state and national partners, which have been fantastic, for a lot of our partners up here to work with. We have a lot of non-profits and social safety nets.

I also want to say that Bonner and Edwardsville public safety, we're coming for you next. We need you at this table with us. This has got to be county-wide. Just want to lay that

understanding in front of everyone that we need to build this coalition further and we intend to do so.

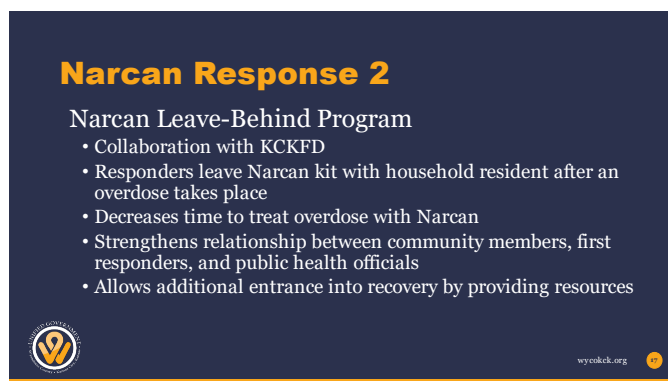


There are just a couple of additions to our opioid related response that are pretty imminent that we'll walk through quickly before we hand it over to our Legal Department.



Ms. Holliday said one thing to specifically pay attention to is, again, Narcan distribution. Out of our health department clinic, we want to start giving it out for free. You can get it from pharmacies, but it's very expensive even with insurance. We want to be a place where people who need Narcan can come and get it safely for free. We're also working on putting Narcan in all of the schools, just a couple of emergency kits because, again, we are seeing this with our youth, more overdoses. We want to make sure that all staff and faculty are trained at these schools as well as parents who are interested.

I do want to point out that those are kind of Phase 1, Phase 2, Phase 3. Those are all kind of happening at the same time. We were actually approached by people in these school districts just to collaborate on this. It's, hopefully, going to be in the works and we'll have Narcan in these spaces very soon.



Narcan Response 2

Narcan Leave-Behind Program

- Collaboration with KCKFD
- Responders leave Narcan kit with household resident after an overdose takes place
- Decreases time to treat overdose with Narcan
- Strengthens relationship between community members, first responders, and public health officials
- Allows additional entrance into recovery by providing resources

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Assistant Fire Chief Heath said with the Fire Department, in a very short amount of time from when Erica was hired by community medic, which is another new initiative at the Fire Department, these two got together and came up with a fantastic plan for the Fire Department. Finding a way to do prevention is always hard, especially in this instance. We were kind of stuck. In a short amount of time, they've found a kit that they're going to put together and it's going to be left at the scenes of areas where we've run multiple overdoses or we feel there could be an overdose again. It's a simple kit. It's dropped off. Some documentation is done. It also starts the spider web. This isn't one fix or one bullet is going to fix this. It's a spider web and overlay. This is just another piece of web to catch people and give them some resources. The studies show that within 72 to 96 hours of having an overdose, they're a little more receptive to going to treatment.

The purpose of this is to have a leave-behind kit at these scenes that we keep running on a regular basis. This is fantastic. It's all Erica and Jessica that came up with this. The training is ongoing. We should be mid-November to have it rolled out and be able to start leaving those things at scenes. Once again, fantastic. Hats off to Erica. She hit the ground running.



Opioid Litigation

James Bain, Legal Department

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James Bain, Assistant Counsel, said I want to kind of review where we've been on the opioid litigation and provide some updates since the last time we've talked about this.



Opioid Litigation

- In 2018 the Unified Government filed suit against pharmaceutical companies responsible for the U.S. opioid epidemic

Allegations • Unlawful marketing practices • Falsely representing as non-addictive and safe • Allowing illegal marketing	Largest Defendants • Cardinal Health • McKesson • AmerisourceBergen • J&J • Purdue Pharma
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You'll remember back in 2018, former Chief Counsel Ken Moore was on top of these legal theories about the pharmaceutical companies that were flooding the communities with opioids and addictive drugs and the liability that those pharmaceutical companies may face. In 2018, we joined hundreds of cities throughout the United States in litigating against the pharmaceutical companies. Finally, those settlements are being reached and we are expecting some dollars to come into the Unified Government over the next year, a year and a half.



Settlement funds for Wyandotte

- July 2021: settlement was reached with four of the largest defendants for \$26 billion total.
- Municipalities in Kansas will split \$36 million.
- It is estimated Wyandotte County and KCK will receive \$2.4 million.
- Of the \$2.4 million, almost \$700,000 is because the UG joined the lawsuit.

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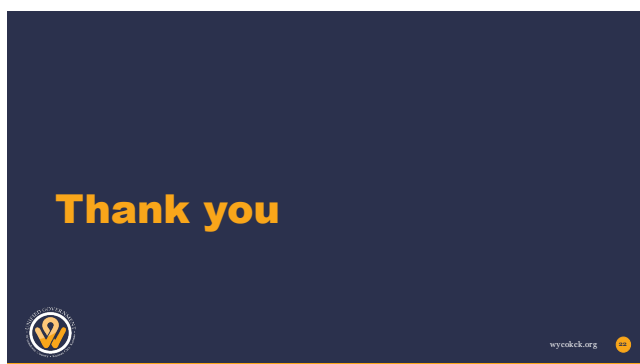
The first big settlement, and probably the biggest one, came about a year ago. The settlement came, you'll remember, in December we released our claims and joined up with the state of Kansas. We've gotten the final numbers and calculations, and we are expecting to get, sometime over the next 18 months, about \$2.4M from that big settlement. We're expecting one to two more. Purdue Pharmaceutical is going to be another big one coming, but this first settlement, with the big four pharmaceutical companies, will bring in, we estimate, \$2.4M; \$700,000 of that was because we were involved in the litigation. You'll remember we got

bonus dollars for releasing our claims to the state of Kansas, and those bonus dollars will be about \$700,000.



Ms. VanLiew said this is our final slide this evening. This is for information only which begs the question, what do we need from you all? We are here to ask you tonight to formalize us into the Unified Government Opioid Response Task Force. We need to be created into a formal body because we need to be working on what's coming next related to master settlement, right? We ask you that you create us into a formal task force and task us specifically with going back identifying what the evidence has proven our need most effective prevention and mitigation strategies related to this. Task us with engaging the community in how we prioritize. Which of those evidence-based strategies to utilize. Task us with bringing you a budget of how we may propose that we collectively use that \$2.4M.

What you hear from us tonight is that there is an urgency here in this situation. We don't know exactly when this money is going to land, but there is no reason for us to not have a plan and a budget for that money the day that it hits. So, we're asking for you to get behind us to support us collectively so that we can get to work and come back to you with a budget and a plan for you to review and decide if you're ready to adopt it.



Thank you for your time this evening. Thank you to my partners up here.

Commissioner Stites said if you would, if you could go back to slide number 10 on page 5, if you guys will, under the District Attorney's data information, opioid numbers by District 7 is my district and it's 167, which leads the chart. I'm kind of perplexed to think that we say that we're going to get with Bonner Springs and Edwardsville next, when they're the leading number on this chart.

If you go to slide number 16 on page number 8, bullet point number 3, it says presented to schools throughout Wyandotte County, Kansas City, KS, Turner, and Piper. No Bonner Springs. Why?

Ms. VanLiew said as Ms. Holliday mentioned, there were a number of school districts that approached us first earlier this spring and so we've acknowledged that they really raised their hand first and so we're working with them first. But as she also said, there's no plan to exclude anyone. We're trying to figure out this Fall how to hit every single school district.

When I say we're coming to Bonner and Edwardsville next, I don't mean that they're lower priority. I just mean that we've managed to build a coalition across these departments today, and we recognize that this coalition can be stronger with our western counterparts. It is our intent to make sure that this is county-wide. We recognize that today it is not, in reality, in terms of what's happening on the ground and it is our intent to make it so. We are coming forward with the best intention to figure out how to use all partners in this because this is an all hands on deck situation, quite frankly. We need anyone and everyone who is interested in working on this to be in this with us because it's that big of a deal.

Commissioner Stites said it just sticks out that there's only one school district that was left out.

Ms. VanLiew said I assure you, sir, within the next—by the end of August, there will be scheduled stuff with every school district if that school district chooses so.

Ms. Holliday said I just want to add that we have been in conversation with every school district simply who's returning our emails at this point. Everyone is interested, everyone is on board, and there is no greater priority than another. I apologize for what was left out on the slide, but every district is in communication. Some are already doing it, which is outside of our scope. It is a priority overall, absolutely.

Commissioner McKiernan said first of all, I want to say to all of you, really appreciate you and you are setting an example for multi-disciplinary, cross-departmental effectiveness in local government. That's what we need. That's what I hope we can continue to do. If this were an item that were up for vote tonight, I'd make the motion that we move forward with your proposal, not only to formalize this, but to gather a budget.

Speaking of budget, did I hear you correctly that if you had additional resources, this multi-disciplinary, cross-departmental team could do more and better work?

Ms. VanLiew said yes, 100 times yes.

Commissioner McKiernan said so all I'm going to say, just to my colleagues is, I can't do the math of how we collect less revenue and pay more money for great programs. You're gonna have to show me how we do that because I can't make the math work. I hope that we can give you additional resources because I value what it is you do as a team. It is beneficial to the people of our cities and county. It is beneficial to everyone who is here. It improves not only their physical health, but it improves the mental health of our community. It improves the well-being of our community. You guys are doing a great job.

Ms. VanLiew said thank you, sir. I would just say that \$2.4M is not going to stem the tide right now. It's not going to right the ship and fix the situation; but what it can do, if we're incredibly collaborative and systematic, is that it can allow us to choose a couple of comprehensive systematic items that we want to go after and hit those really hard. That's why we're so serious about doing this collectively because onesies and twosies can throw away that \$2.4M real fast, right? You all know that. You're all running this budget. If we don't use this \$2.4M in a concerted way with all of us driving towards the same end goal, then that money is

going to get washed away and you're not going to see an improvement from it, is our humble opinion.

Commissioner Bynum said I have a couple of questions for the DA, sir, the slides about the cases. I mean, I know you've got it by district, but in the past 12 months, DA's Office has prosecuted more than 5,000 opioid cases. You show 577 total charges. When you say 10 cases closed, do you mean like adjudicated all the way through to a verdict? I just need more help there.

Mr. Mitchell said that's referring to cases, yes, completely closed out. What you're going to see is the majority of those cases are possession cases and so those tend to roll over because of so many of them are eligible for diversion, which is essentially the treatment.

Again, they drag on because quite frankly the administration of those cases, everything that goes on with those cases are essentially local. The way our sensing grid works, and I'm not saying it's a bad thing. I think the legislature realized that locking people up who were frankly addicted and sending them to prison isn't going to get it done. But that's why there's so many and that's why they continue to remain open.

Commissioner Bynum said I really appreciate that. I mean, wouldn't it be great if we were prosecuting rather than possession, the sale, or the manufacturer, or distribution, or whatever the other pieces are that are...

Major Harrison said absolutely. The source of supply that I mentioned in my slides are the dealers and the suppliers and up their chain from the user level. Most of the time our first contact is with the user level, the very bottom. We try to leverage intel and information and the way they communicate with their dealers as we investigate them. We're really, really targeting distribution dealers, suppliers who our priority is.

Commissioner Bynum said just two more quick questions. Again, the data by district, I'm not asking for anything extra, but if you have a way to sort it by zip code, I just wonder if it might give us even a more clear picture.

Ms. VanLiew said, we're actually working with the state on a project right now to map very granularly where these are happening in our community. We haven't received permission

to share that publicly, which is why you don't see it tonight, but we have that and it's forthcoming in coming weeks.

Commissioner Bynum said and then I just—two things, Mayor and Administrator. We had a request that this group be codified, ratified, ramified and it's an information only item. So, can we bring that to the next agenda for action so that we can do as they request? Then, what else can we do? Where else do we need to have Narcan? How can we help you get it there?

Ms. VanLiew said we're trying to figure out very low cost and no-cost options. That's our biggest barrier right now. Narcan is quite expensive, so that's the biggest thing. That's the biggest barrier for us. But our goal is everywhere. There's no reason why it's not in libraries, in our non-profits, in our community and neighborhood centers, our parks and rec centers, right? Those are fantastic locations for this.

So, we're really thinking of this as a staged response. We're focusing on health department and schools in the next couple of months, but our intent is that there are multiple phases hitting various sectors including business sectors, faith-based sectors in our community. There's nowhere where this shouldn't be, quite frankly. As Chief Heath mentioned, there's no adverse effects to Narcan and so there's no risk to use, for example, for having this in places where it's available to them. If you have ideas around non-profits or others, we would love to have them and be connected to those groups.

Commissioner Townsend asked, Ms. VanLiew, could you explain what the formalization of the UG Opioid Response Team, the formalization of it that you're asking for, is going to do that you're not already doing? That would be one thing. How's that going to improve? The \$2.4M, that Counselor Bain mentioned, that's from a lawsuit, right? So, what so far—and we don't have that in-house yet, right? How has—what you have been doing excellently been funded so far, and what would you be able to do without more formalization of this team, keeping in mind what we've all heard tonight from the audit and prioritizing what we do. Clearly, I'm looking at a panel of departments that are fundamental to any city government, county government. We've got law enforcement, public health, our prosecutor's office, I mean nobody else can do that but us. But what will this formalization do?

Again, we've seen—\$2.4M we expect from a lawsuit. I think maybe Commissioner McKiernan asked this. If not, I'm going to ask it again, but it's all about money. How much, in the optimum, would it cost for this program to go forward currently what you've done for a year? I mean, what is the ongoing cost in a year's time for what you've done so far?

Ms. VanLiew said in terms of what the departments are doing, we've all absorbed those costs in different ways, right? EMS has absorbed that cost of training staff on Narcan. PD has absorbed the cost on making sure that they have a Narcotics Unit fully staffed who can respond to this stuff, right? So, none of us have a specific budget for this at this point in time. My only budget for this is one FTE, right?

So, when you ask what we can do with \$2.4M, that's why we need to be formalized. What I don't want us to be doing is working on the side without Commission's complete consent and approval and understanding of what we're doing. I want us to go back with our departments, engage community, engage other UG departments, and other Wyandotte local government entities in creating a plan and creating a budget for that \$2.4M, but I don't want to do that off-road. I want to do that with all of you behind us understanding our intent to bring the evidence base, to collect community input and to come before you with a plan that we think can be impactful.

So, when I stay formalized, maybe that's not the right word, but what I'm hoping is that you will get behind us and agree to allowing us collectively to spearhead the effort to create the plan for how we take that master settlement money and make it effective in our community. Did that answer your question, Commissioner?

Commissioner Townsend said part of it. The other big part is the money. So, \$2.4M you're looking at. Is that going to get you through another year of what you've done already, two years, six months? That's the other part of it.

Ms. VanLiew said sure, again, what we're doing now, we have sustained in our budget, just these basic services with EMS taking out Narcan, PD taking out Narcan. EMS has been free so they haven't had to absorb that in their budget. So, we don't think of these current existing activities as what this \$2.4M is for. This \$2.4M is to jump start new work to embed energy into systematic structural change around how we work with pharmacies and how we work with our coroners, like there are a whole bunch of systemic pieces around this that we could improve with a big pot of money, but that's not to the detriment of this current work,

which will be sustained in which we are all sustaining at the department level. So, that \$2.4M is for additional, new, bigger opioid response.

Commissioner Townsend said I hear you. You're working currently through your budgets. You'd like to do more. I think you have an eye from what you're telling me on the \$2.4M to do that. How long will that last, I guess? I'm not asking you to tell me right now, but I believe it depends on part of...

Ms. VanLiew said that completely depends on the planning process.

Commissioner Townsend said I hear. In the bigger scheme and scope of what we heard tonight, I think, about funding. Thank you for all your efforts.

Ms. VanLiew said but, again, we're not seeking extra General Fund, any of that. We're just here to make sure that this opioid national settlement money is used in the best ways possible. We're not looking to touch the budget. We just want to make sure that there's a plan in place for when this money comes, and that Wyandotte County is going to use it on the opioid problem.

The good and bad thing is, there are very specific parameters around how we can use this opioid master settlement money, right? So, it has specific activities that it can and can't cover. We are bound by that which is good because it gives us a scope, but there's also a lot of room to play in there and a lot of Wyandotte County contextualization that we need to do with those options to decide what will work here in our communities.

Commissioner Ramirez said thank you, Juliann, your team, and all the multifaceted approach that is happening. I agree with what Commissioner McKiernan said. I like that it's all different facets that are helping to look at the issue, eradicate the issue, and help those who were going through this.

I also do agree with the notion of you coming back before us with a plan and we approve it. I know you and I, Juliann, have had this conversation. To the public, who don't know, that we, as the Board of Commissioners, also sit and serve as the Board of Health for the county. We are the ones that create health policy for the county. I think this is something where we can bring back to the Board of Health and we can bring this to us and ensure that everybody in Wyandotte County is being helped and has the resources available to them. I completely agree that we bring this back.

As always, Juliann, thank you to you and your department for spearheading this and working with everybody to get this going. Our Health Department is, again, a department we don't hear much about until something happens. Thank you for all that you do and you do to the community, and to the Fire Department, Police Department, and DA's Office for working on this. Thank you, as well. It's not easy work seeing people in a crisis. It's not easy, so I thank you for the hard work that you and your members and your firefighters and police officers do to keep our community safe and those who are in crisis safe as well.

Mayor Garner said I had a quick question. I know opioids is the focus. Really, I want to applaud you all for coming together. I really believe that collaboration is the key, bringing the right people around the table.

I guess it's kind of in line with what Commissioner Townsend was saying. I just want to follow up on it. I look at the sustainability of this program. I know you're expecting funds to come in, which is fine. I just want to let you know, I'm hoping we will move forward with—I will get this to the appropriate committee to formalize the type of committee you want, but I have two questions. Is it sustainability? What does that look like both financially and as far as this group is concerned? My second question is, and maybe the Police Department can speak to that, outside of the opioid crisis, are there any other major drugs, heroin, cocaine, anything else that are really problematic in Wyandotte County and Kansas City, KS, right now that we also need to be concerned about? I'll expound on why I ask that question.

Ms. VanLiew said sure and I will leave that to our law enforcement colleagues, but to the sustainability question, I think we should be really open and honest that there is not sustainability here. There are no additional master settlements coming, right, which is why I feel so strongly that this \$2.4M has to be used for infrastructure, right? There are technology needs. There are systemic ways that we can communicate differently if we invested some serious dollars. There are tech and computer and analysis related needs that the PD Office has, right? There are ways to invest in infrastructure that will make sure that this sets us up for success without necessarily hiring a whole staff of folks we have to lay off. That's not our intention, so this has got to be systemic improvement, infrastructure, building collaboration, technology money, right? It needs to be investment money. I don't see it as sustainable fundings, and we need to continue to keep that at the forefront of our mind, right, that we're not

setting up something we cannot sustain but that we're setting up structures that can exist beyond this money.

Major Harrison said as far as the other narcotics within the community, they're still there. Crystal meth is still a problem. Cocaine is still a problem. Not as much crack cocaine anymore, but oxycontin and hydrocodones. We, also, are seeing all of those, to include marijuana, all of those are mixed and laced, if you will, with fentanyl. We've gotten crystal meth that has been tested for crystal meth and fentanyl is inside of it. We have heroin that also comes up with fentanyl, and marijuana that comes up with fentanyl. So, they're all still—they're all problems. We still have all of the same problems that we did prior to May 2019 in addition to the fentanyl problem now. We're working really hard on all of it. If we can use this money and this collaboration to stem and try to curtail our fentanyl problem, it would be beneficial for everybody, but we still see all of it. Does that answer your question, Mayor?

Mayor Garner said yeah, I guess where I'm going with it is this question. The third question is—I totally agree with this committee—that I believe that you all are asking and it's formally to have the Commission formalize an actual committee. I guess something I would like to ask when you bring that ask forward, and I'll make sure it gets to the appropriate standing committee, is that just a task force that looks at all those drugs and then you all, as a body, prioritize, based on the data, which one you focus on as being the priority drug kind of like as you're doing now with opioids. In that way, it's just not an opioid because that may be the drug of today. There may be some unknown drugs up tomorrow, and just kind of having this committee in place to be able to confront those issues as they arise and look at the data and be able to project resources or project the type of collaboration you need to address the situation effectively. I think just boxing it into just opioids, that's just my thought, I just would like to see a broader, across the board where you're just facing all illegal narcotics and then you all can make the decision to prioritize which one you're going to focus your resources on.

Ms. VanLiew said I couldn't agree more, Mr. Mayor. That's absolutely how this should be approached and because so many of the prevention strategies work on multiple types of addiction, right, or multiple substances, right, so there's a way for us to understand which are the evidence-based practices that are going to be able to prevent the most number of types of drug use, right? So, there are some that are opioid-specific response items, but there are others that

will prevent opioid use but also prevent a lot of other substance use. So, how do we make sure that those are a core part of the plan and then we're hitting as much of this prevention as possible? But 100%, that would be our preference actually to have a broader substance misuse task force that can take on opioids and then whatever is next.

Mayor Garner said yeah, I would ask that. That way, I can afford that. Obviously, right now, opioids is priority and so then that's great.

The other thing I just would like for you to take just another look at sustainability because I heard you mention technology and other resources. Just from my experience, technology changes all the time. There may be new technologies that arise that may be necessary or needed to confront that unknown drug or that unknown crisis that's there. I don't want you all to limit yourself saying well we've got the 2.5 when we set up this infrastructure, but when you've exhausted that infrastructure 5, 10 years down the road, I mean, you want to be able to have the means to at least come back to the Commission, whatever Commission it is at that time, and say we need funding for whatever you've decided is priority at that time. So, if you can send a recommendation to that and to me and the Administrator, I'll make sure that I move that forward for you.

Ms. VanLiew said perfect. Thank you, Mr. Mayor, and thank you commissioners for your time this evening.

Action: For information only.

Item No. 3 – 211828...REPORT: ANNUAL COMPREHENSIVE FINANCIAL REPORT FOR THE PERIOD ENDED 12/31/21

Synopsis: Presentation of the Unified Government's Comprehensive Annual Financial Report for the Fiscal Year ended December 31, 2021, submitted by Kathleen VonAchen, Chief Financial Officer, Debbie Jonscher, Deputy Chief Financial Officer, and Pamela Kahao, Accounting Manager.

Action: Removed per blue sheet.

Item No. 4 – 211829...UPDATE: FINANCE ASSESSMENT

Synopsis: Update of Finance Assessment, submitted by Cheryl Harrison-Lee, Interim County Administrator.

Action: This item was heard first on the agenda.

Mayor Garner said thank you all so much. That concludes the Administrator's Agenda.

MAYOR'S AGENDA**Item No. 1 – 211724...UPDATE: COUNTY ADMINISTRATOR SEARCH PROCESS**

Synopsis: Update regarding County Administrator's Search Process by Tyrone Garner, Mayor/CEO.

Mayor Garner said I made a commitment to let the public and the Commission know just as events unfolded as far as the county administrator search, the process, where we're at. There was a committee that was put together that reviewed all the candidates for the search firm. What was brought forward to me, and I concur with the recommendation that the search firm that we're looking at selecting, is going to be Strategic Government Resources or SGR.

They've worked with other municipalities in the metro area and they were deemed to be the best out of the candidates that were brought forward. So, we'll be moving forward with them.

If you didn't catch it, again, Mayor Harrington of Bonner Springs will be the chair of the selection committee task force in this process, and Bill Johnson, the General Manager of the Board of Public Utilities, will be the co-chair.

I don't believe that all the commissioners have brought forward their two candidates. I don't know. I know that Commissioner Bynum and Commissioner Burroughs were kind of working with the commissioners to bring forth those individuals that are going to be a part of this task force with the selection task force. Is there an update either one of you would like to provide as far as where we're at?

Commissioner Bynum said there were only a couple of remaining commissioners that yet need to bring forward their names, is what I'm aware of. Alley is agreeing.

Alley Porter, Commission Liaison, said yes, Mayor, I believe we are very close on solidifying our committee. Almost all commissioners have at least submitted one name. A few are still looking for their alternate. So, that's where we are, but we should have a final list by August 1st.

Mayor Garner asked, any movement with the commissioners that we're still—conservations with them as far as communication on where they're at.

Ms. Porter said yes. They know who they are. **Mayor Garner** said they're waiting on their response. **Ms. Porter** said yes.

Mayor Garner said so moving forward, again, let me just recap this process for those that may have missed it. We've got the search firm selected. The task force, the co-chair, and the chair have agreed and they're coming on board. Our at-large commissioners, along with our eight regular commissioners, are picking two task force members. One will be a primary, the second one will be basically a backup. They will work with the selection commission committee to gather information from employees, from the community, as well as the business community on what they would like to see in the county administrator as well. That information will be correlated with the search firm, and a call of interest will be put out based on that information as well as information as far as best practices are concerned as determined by the search firm.

Ultimately, they will glean candidates and go through resumes, the firm. I won't have any involvement. This Commission won't have any involvement in that process. The ask that I have with the task force is when it's all said and done is to narrow it down to three candidates. Those three candidates will go through a one or two-day process of evaluation. From that, narrow it down to two recommendations, a primary recommendation and a runner-up recommendation that I can interview and then ultimately make that appointment and bring that person before the Commission for their consent.

So, that's that process.

Commissioner Townsend asked in the process you just mentioned, will the Commission, when these candidates are narrowed down to two, three, one or two, have an opportunity to meet, talk, to question before any final recommendation is made?

Mayor Garner said yes. I apologize. I left that out. Once the task force brings forth their three candidates and they go through their battery of assessments, they'll narrow it down to two, the two, even before I get to have interaction with the two recommended candidates, the Commission will have that opportunity.

Just because of charter considerations, there won't be any recommendations sought from the Commission. What would be brought forward to the task force would be just your overall impressions of what you liked, what you didn't like, and that's just to keep in line with the limitations that we all have as elected officials when it comes to personnel matters, by charter. Does that answer your question?

Commissioner Townsend said yes, it does. I appreciate that. I think that's essential and it's funny because probably likes, dislikes will sound a whole lot like a recommendation whether it's taken or not, but I think that's essential that the body had that. Thank you.

Mayor Garner said now I say that respectfully to the task force. Ultimately, the task force will define and outline that process. I'm just giving a general overview of kind of what I would like to see but, ultimately, the task force, independent of me, will outline this process and they'll make that determination. The only thing that I'm ultimately asking is that I have two candidates to interview once the process is completed, hopefully, can make an appointment and get that appointment to you all for review and consent

Action: For information only.

Mayor Garner said that takes us to the Regular Consent Agenda.

REGULAR CONSENT AGENDA

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

Action: Commissioner McKiernan made a motion, seconded by Commissioner Markley, to approve all as submitted.

Mayor Garner said I have a motion and a second to approve the Consent Agenda as is. Is there any further discussion? Seeing none, roll call, please.

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

Item No. 1 – 211741...RESOLUTION: AUTHORIZING KANSAS CITY, KANSAS POLICE DEPARTMENT TO ENTER INTO AN INTERLOCAL COOPERATION AGREEMENT WITH THE KANSAS CITY BOARD OF POLICE COMMISSIONERS

Synopsis: A resolution authorizing the Unified Government Kansas City, Kansas Police Department to enter into an Interlocal Cooperation Agreement with the Kansas City Board of Police Commissioners, Kansas City, Missouri Police Department, submitted by Casey Meyer, Senior Counsel, and Chief Oakman, KCK Police Department. The agreement, as submitted, has been reviewed and approved by the Attorney General’s office for compliance with KSA 12-2904. On June 27, 2022, the Public Works and Safety Standing Committee, chaired by Commissioner Bynum, voted unanimously to approve and forward to full commission.

Action: **RESOLUTION NO. R-39-22**, “A resolution authorizing the approval of an interstate compact agreement between the Unified Government of Wyandotte County/Kansas City, Kansas, and Kansas City Board of Police Commissioners regarding the provision of investigative assistance in officer involved critical incidents.” **Commissioner McKiernan made a motion, seconded by Commissioner Markley, to adopt the resolution.** Roll call was taken and there were nine “Ayes,” Ramirez, Johnson, Kane, Markley, Stites, Bynum, Burroughs, Townsend, McKiernan.

Item No. 2 – 211576...RESOLUTION: 2022-2026 CONSOLIDATED PLAN AND 2022 ANALYSIS OF IMPEDIMENTS

Synopsis: A resolution of the Draft 2022-2026 Consolidated Plan and 2022 Analysis of Impediments to Fair Housing Choice (AI), Submitted by Wilba Miller, Director of Community Development. On May 23, 2022, the Administration and Human Services Standing Committee,

chaired by Commissioner Markley, voted unanimously to approve and forward to full commission.

Action: **RESOLUTION NO. R-40-22**, “A resolution authorizing the submission of a five-year consolidated plan to the U.S. Department of Housing and Urban Development and authorizing the implementation of such plan.” **Commissioner McKiernan made a motion, seconded by Commissioner Markley, to adopt the resolution.** Roll call was taken and there were nine “Ayes,” Ramirez, Johnson, Kane, Markley, Stites, Bynum, Burroughs, Townsend, McKiernan.

Item No. 3 – 211785...ORDINANCE: AMERICAN RESCUE PLAN ACT (ARPA) REALLOCATION OF REVENUE REPLACEMENT FUNDS

Synopsis: Approval of an ordinance and resolution to reallocate ARPA funds to reflect revised revenue replacement calculations, submitted by Debbie Jonscher, Deputy Chief Financial Officer. On July 11, 2022, the Economic Development and Finance Standing Committee, chaired by Commissioner Burroughs, voted unanimously to approve and forward to full commission.

Action: **JOINT ORDINANCE NO. O-106-22 AND RESOLUTION NO. R-41-22**, “An ordinance and resolution for the approval of adjustments to the Federal Local Fiscal Recovery Funds used for revenue replacement needs by the Unified Government as part of the American Rescue Plan Act.” **Commissioner McKiernan made a motion, seconded by Commissioner Markley, to approve the ordinance/adopt the resolution.** Roll call was taken and there were nine “Ayes,” Ramirez, Johnson, Kane, Markley, Stites, Bynum, Burroughs, Townsend, McKiernan.

Item No. 4 – 211826...PLAT: SUBDIVISION FOR SASS ADDITION

Synopsis: Plat of Sass Addition located along the west side of 115th Street between Leavenworth and Donahoo roads, being developed by John Sass, submitted by Brent Thompson, County Surveyor, and Troy Shaw, County Engineer.

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

Item No. 5 – 211831...PLAT: SUBDIVISION FOR DAVIS GARDEN

Synopsis: Plat of Davis Garden, located at 5917 N. 123rd Street, being replatted by Britt and Rebecca Davis, submitted by Brent Thompson, County Surveyor; and Troy Shaw, County Engineer.

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

Item No. 6 – 211545... NOMINATIONS: BOARDS AND COMMISSIONS

Synopsis: Nominations for Boards and Commissions:

- Ashley Williamson to the UG Park Board, 7/28/2022 to 12/11/2023, submitted by Commissioner Bynum
- Rocki Mayes to the Wyandotte County Library Board, 7/28/2022 to 12/11/2023, submitted by Commissioner Burroughs
- Micki Hill to the Wyandotte County Library Board, 7/28/2022 to 12/11/2023, submitted by Commissioner Johnson

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

Item No. 7 - MINUTES

Synopsis: Minutes from the special session of June 16 and June 30, 2022.

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

Item No. 8 - WEEKLY BUSINESS MATERIAL

Synopsis: Weekly business material dated June 16, June 23, June 30, and July 7, 2022.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Markley, to receive and file. Roll call was taken and there were nine “Ayes,” Ramirez, Johnson, Kane, Markley, Stites, Bynum, Burroughs, Townsend, McKiernan.

Mayor Garner said that concludes the portion of our regular meeting and I adjourn us in that capacity. I’ll bring us back to order as the Land Bank Board of Trustees.

LAND BANK BOARD OF TRUSTEES' CONSENT AGENDA

Mayor Garner asked, do any members of the Commission or County Administrator wish to set-aside any item on the Land Bank Consent Agenda?

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve.

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

Commissioner Townsend asked, will this be—well, we'll still be doing the Planning and Zoning Agenda after this. **Mayor Garner** said yes.

Mayor Garner said for those of you—Commissioner Markley brought up a good point.

Those of you that are worrying about the Planning & Zoning. We haven't gotten to that portion. That will be the last item. We're just running through this last item as far as the Land Bank, and then we'll get into the Planning & Zoning.

Mayor Garner said I believe there was a motion and a second for the Land Bank. Is that correct? **Ms. Sparks** said yes. **Mayor Garner** asked, is there any further discussion? Seeing none, roll call, please.

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

Item No. 1 – 211790...LAND BANK OPTION APPLICATIONS

Synopsis: Request consideration of the following Land Bank option applications, submitted by Jud Knapp, Land Bank Manager.

- A. New Construction – single-family homes – 15 homes
 - 1. Aaron Lawrence – 1 home
1716 Southwest Blvd. – 905524
 - 2. Ashleigh Downs – 1 home
3224N 44th Terr. – 172219
3224R 44th Terr. – 914010 – landlocked unbuildable parcel
 - 3. Mark Roth – 1 home (3 total)
2610 N. 57th St. – 036211
 - 4. Mark Roth – 1 home (3 total)
5711 Yecker Ave. – 920418
 - 5. Mark Roth – 1 home (3 total)
2725 N. 59th St. – 920416
 - 6. 4036 Properties – Dewanna Williams – 3 homes
2922 N. 30th St. – 099308

- 2914 N. 30th St. – 099309
 2910 N. 30th St. – 099310
7. Brian Sparks – 1 home
 3509 Lust Dr. – 079408
 8. Norlito C. Castillo Jr. – 2 homes
 840 Ann Ave. – 081349
 925 Ann Ave. – 080652
 9. James Michael – 1 home
 812 S. 10th St. – 072811
 10. Communities Cares, LLC
 2 homes built on 4 lots – 75 ft. frontage per home
 1914 N. 6th St. – 140712
 1920 N. 6th St. – 140711
 1922 N. 6th St. – 140710
 1926 N. 6th St. – 140709

 1 home built on 3 lots – 75 ft. frontage total
 1927 N. 6th St. – 140635
 1929 N. 6th St. – 140634
 1931 N. 6th St. – 140633
- B. Multi Family – 19 units total
1. Shonda Gonzales – 4 units
 1620 N. 75th Dr. – 928715
 2. Stone & Bush Homes, LLC – parking lot
 1001 Brown Ave. – 210009
 Currently owns – 3061 Parkwood Blvd. – 210013
 3. Wall-Ties & Forms, Inc. – 15 units
 Townhomes
 835 Parallel Ave. – 095058
 831 Parallel Ave. – 095057
 827 Parallel Ave. – 095056
 825 Parallel Ave. – 095055
 834 Troup Ave. – 095059
 830 Troup Ave. – 095060
 843 Parallel Ave. – 095068
 851 Parallel Ave. – 095069
- C. Commercial – 1
 Mohammad A. Chaudhry – parking lot
 706 Quindaro Blvd. – 111910
- D. Garage – 1
1. Teriona Emery
 1037 Grandview Blvd.
 Currently owns – 1035 Grandview Blvd. – 080568

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

Item No. 2 – 211791...LAND BANK PROPERTY TRANSFERS

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

Property Transfers – 4

1. Rebecca Davis
5911 N. 123rd St. – 234011
Currently owns – 5917 N. 123rd St. – 234010
2. City of Bonner Springs, KS
455 N. Bluegrass Dr. – 228408
3. UG Transfer to Land Bank
426 N. 78th St.
4. UG Transfer to Land Bank
621 Village West Parkway

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

Mayor Garner said we are now going to start the Planning & Zoning session of our meeting.

PLANNING AND ZONING CONSENT AGENDA

I’ll ask the Clerk to read the statement, required by state law, governing the Planning & Zoning portion of this meeting, followed by the items on the Planning & Zoning Consent Agenda.

Monica Sparks, Acting UG Clerk, read the statement, required by state law, governing the Planning & Zoning portion of the meeting.

At this time, does any member of the Commission wish to disclose any contact with proponents or opponents on any item on the Planning & Zoning Agenda? **Commissioner McKiernan** said I've had contact with proponents of SP2021-069 and contact with opponents of SP2022-059. **Commissioner Stites** said I've had contact with proponents of SP2021-069. **Commissioner Kane** said same as Commissioner Stites.

Monica Sparks, Acting UG Clerk, read the items on the Planning & Zoning Consent Agenda.

Mayor Garner said, Clerk, Commissioner Stites has another disclosure. **Commissioner Stites** said I apologize but I didn't realize, but I have had correspondence with PR2022-021 and also PR2022-022.

Mayor Garner asked, does any member of the Commission, the County Administrator, or the public wish to set-aside any item on the Planning & Zoning Consent Agenda? **Commissioner McKiernan** said I'd like to set-aside SP2021-069. **Gunnar Hand, Director of Planning & Urban Design**, said staff has received a request for SP2022-060 to be pulled from the Consent Agenda, and staff would like to remove SP2022-061 as well.

Mayor Garner said just as a note, if any item is not set-aside, all items on the Planning & Zoning Consent Agenda will be voted on by one vote to follow the recommendations of the Planning Commission.

Mayor Garner asked, Clerk, did you receive a request for a set-aside as well? **Ms. Sparks** said Mr. Hand has already pulled that item.

Mayor Garner said I'll ask if anyone in attendance would like to set-aside an item. If so, please come to the podium, state your name and city for the record, and the agenda item to be set-aside.

I'll ask the Clerk if anyone is joining us virtually that has their hand raised to set-aside an item. **Ms. Sparks** said there are no hands raised.

Mayor Garner said I will entertain a motion for approval of the Planning & Zoning Consent Agenda, excluding the set-asides.

Action: Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve all items as submitted.

Mayor Garner said there's a motion and a second. Clerk, roll call.

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

CHANGE OF ZONE APPLICATION

Item No. 1 – 211834...CHANGE OF ZONE APPLICATION COZ2022-021 - JEFF WIDENER

Synopsis: Change of Zone from R-1 Single Family District to A-G Agriculture District for an accessory structure for tractor and equipment at 3616 Pomeroy Drive, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design. The Applicant, Jeff Widener, is requesting a Change of Zone from R-1 Single Family District to A-G Agriculture District for the subject property at 3616 Pomeroy Drive. The Change of Zone has been requested so that the applicant can add a garden utility building for tools and lawn equipment without the requirement of a single-family dwelling. The Applicant resides next door and maintains the property which is currently vacant grassland with some trees and brush. The Applicant's residential parcel has steep slopes and rolling hills, making it difficult for the Applicant to put the structure on the residential parcel without clearing the timber stand. Because of the difficult sloping terrain, the Applicant wishes to build the utility shed on the adjacent subject property, although its current zoning ordinances do not allow for an accessory structure without a primary residence. The property owner has no desire to build a second residence on the adjacent parcel but does want to maintain it while vacant accordingly. The Applicant wishes to keep the parcel vacant from a residence as he may want to sell it in the future and allow a new owner to build a home to their liking. There is evidence to suggest a downzone from a prior agricultural use, as there were two (2) previous accessory structures without a residence until their demolition in 2003 from storm damage. The Change of Zone has been requested, so that the Applicant can maintain a utility

shed on the parcel without the need to build a primary residence. The Planning Commission voted 6 to 0 to recommend approval of Change of Zone Application COZ2022-021, subject to:

1. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspecton@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
2. A right of way permit may be required. Please contact the Public Works Department at (913) 573-5311 to begin that process;
3. 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;
4. A cross-access agreement shall be filed with the Recorder of Deeds;
5. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;
6. 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
7. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Action: Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve Change of Zone Application COZ2022-021, subject to the stipulations. Roll call was taken and there were nine “Ayes,” Ramirez, Johnson, Kane, Markley, Stites, Bynum, Burroughs, Townsend, McKiernan.

SPECIAL USE PERMIT APPLICATIONS

Item No. 1 - 211835...SPECIAL USE PERMIT APPLICATION SP2021-069 - PRABHJOT SINGH PADDA WITH UNITED TRUCK REPAIR

Synopsis: Special Use Permit to operate an inspection/light maintenance facility for United Truck Repair (SP2019-82 expired 9/26/2021) at 451 S. 14th Street, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design. The applicant, Prabhjot Singh Padda, Business owner of United Truck Repair, is requesting to renew a Special Use Permit to continue operation of a Light Repair Business on semi-trucks and Repair Shop Parking. The Planning Commission voted 6 to 0 to recommend denial of Special Use Permit Application SP2021-069, for the following reasons:

- 1) Applicant did not submit required design documents after a 60-day holdover by the City Planning Commission on May 9, 2022;
- 2) Applicant did not submit required design documents after a 30-day holdover by the City Planning Commission on April 11, 2022; and,
- 3) Applicant did not complete required conditions of approval from SP-2019- 82;
- 4) Applicant did not submit required design documents.

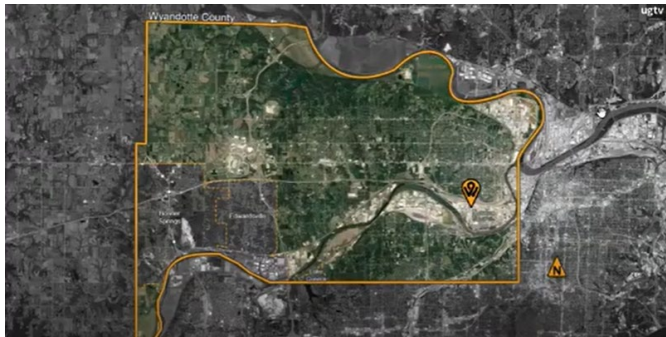
Mayor Garner said I'll ask Mr. Hand to make some opening remarks.

Case		ugtv
SP2021-069		
Petitioner	Address	
Prabhjot Singh Padda	451 S 14 th Street Kansas City, KS 66105	
Synopsis		
The renewal of a Special Use Permit to continue to operate a Semi-Truck Light Repair Shop and Truck and Trailer Parking Lot.		

Gunnar Hand, Director of Planning & Urban Design, said staff agrees with the Planning Commission's recommendation for denial. The applicant had requested a 60-days continuance, which is the code maximum. The Planning Commission had provided them an initial 30-days continuance and did not want to give them another 30 days. At the Planning Commission's hearing earlier this evening, we have not received all the information that's required to finish our staff report. Staff agrees with the Planning Commission recommendation.

Mayor Garner said I'll ask the applicant or representative to present their application, and to state your name for the record and your address as well.

Wil Anderson, BHC, 712 State Ave., appeared representing United Truck Repair, the applicant. It's a bit of a story. The first special use application went through in September of 2019. This is a small family company run by a father and two sons. They went into the years 2019 heading into 2020.



Struggled with the actual effects of the COVID, supply issues and that continued.



When their renewal came up for action in September of 2021, I wasn't in the process of that stage.



Later in the time, Rob Richardson rang me and asked me to get involved.



The staff report that came out on items to be carried out were far more onerous than the original. I will note that they did not carry out some of the stipulations, so I'm only interested in trying to keep their head above water.



July 28, 2022

In early 2022, Rob Richardson asked us to get into a meeting and we were met with Director Hand, the code guy in the department. We went, we met and talked about the items. The site itself is about two acres. One of the big sought items was to have the site paved and that's two acres. This is a small company and the cost to do that is huge for them. Director Hand offered to sort of work with them to phase it in, but part of the deal was basically they had to raise funds to be able to afford to put that down. Initially, BHC looked at it and looked at some way to reduce the cost, but the majority of it was they had area there that they looked at just paving specifically and that came out to about \$250,000. We got the engineers back down there. They looked at the surface, which is a patchwork concrete surface.

The trucks that were going over, they're empty tractor trailers. The trailers are empty. They back the trailers in. The surface itself seemed to stand what was going on. There are cracks on the surface.



We took that to Director Hand through an email, suggested what we were doing. He was concerned about the cracks in that.

In the meantime, the United Truck Repair was trying to raise funds. Right at the end, we went through two meetings. Director Hand is correct. We were given the timeframe. We delayed. We got the extra two months. Right at the end of it, they were able to raise \$60,000. They immediately went into the process of constructing a new concrete entry into the place.



They paved the area up to the workshop and did patchwork paving on it. They also effectively planted trees, did up the fence better than what it was, shifted some of things but that expended the funds that they had.

We went to the meeting, the last meeting, which was two weeks ago. We did have the 60 days and, basically, it was voted denial. What we're looking for is an additional chance now that they've spent the \$60,000. There are some items. They've patched most of the concrete and we're at that stage now.

Again, this is just a small family company and they're trying to work through some of the deals that they've got. Answer any questions.

Mayor Garner said I'll now open the public hearing and ask the Clerk if she received any direct notification from the public who wish to express their comments in favor of this item. **Ms. Sparks** said no comments were received.

Mayor Garner asked, is there anyone present who would like to speak in favor of this item? If so, please come to the podium, state your name and address for record. You'll be given up to three minutes to make your comments. Seeing none.

Is there anyone joining us virtually who would like to speak in favor of this item? If so, please raise your hand to be acknowledged. Once acknowledged, you may state your name and address for the record. You'll be given up to three minutes to state your comments. **Ms. Sparks** said there are no hands raised.

Mayor Garner asked, Clerk, have you received any direct notification from the public who wish to express their comments in opposition of this item? **Ms. Sparks** said no comments were received.

Mayor Garner asked, is there anyone present who would like to speak in opposition of this item? If so, please come to the podium, state your name and address for the record. You'll be given up to three minutes to state your comments.

Is there anyone joining us virtually who would like to speak in opposition of this item? If so, please raise your hand to be acknowledged. Once acknowledged, state your name and address for the record. You'll be given up to three minutes to state your comments. **Ms. Sparks** said there are no hands raised.

Mayor Garner said I will now close the public hearing. Would the petitioner like to make any closing comments? The petitioner has declined closing comments.

Mayor Garner asked, do any members of the Commission have any comments or questions? **Commissioner McKiernan** said I'm hoping my outcome that I would like to see out of this is exactly what is in the minutes of the Planning Commission report. It says the Planning Commission could grant another 30-day extension if the Commission so chooses. I would propose that we do just that.

The applicant did call me. I visited the site. I do believe that they are genuine about their intent to improve the site to the best of their ability. I'm a little concerned that they have not completely turned in the materials that are required of them, and that goes against what they verbalized to me their intent was. I'd like to give them another 30 days in which to both show the fruit of their labor and their investment, and complete the submission of all the necessary materials to be fully considered by the Planning Commission. I will make a motion in that regard.

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Bynum to grant a 30-day extension as stipulated above.**

Mr. Hand said point of clarification, Commissioner. Would you like that to be remanded back to the Planning Commission in August, at our August 8th hearing? **Commissioner McKiernan** said that would be fine. **Mr. Hand** said we can do that and then after that, again, the code only allows an additional 30 days. So, September is their last chance at the Planning Commission to provide those materials otherwise we have no other choice. That basically gives them three to four weeks to produce those materials from today.

Commissioner McKiernan said I appreciate that and given the fact that they're already on notice that they should have already produced those materials, I am confident that will be plenty of time.

Mayor Garner said I had a quick question. Mr. Hand, again, could you describe why you recommended denial.

Mr. Hand said yes. We didn't receive all the materials that were required, after multiple extensions by the Planning Commission, to complete our staff report. We don't have plans. We don't have a phased approach. We don't have other requested information that we've had. This applicant submitted their original application about a year ago, last September. Since Mr. Anderson has been with them, he's known very well that all the requirements that we had since the initial meeting he's referenced with staff, that was about five months ago now. So, after repeated continuances, we have still not been provided the information we've requested for. We can't write our staff report.

Mayor Garner said there is a motion. I believe, Commissioner McKiernan, did you modify your motion? You made a motion.

Commissioner McKiernan said I made the addition to the initial motion and then Mr. Hand just clarified the timing of when that would play out, but my motion still stands to remand back to Planning Commission for the opportunity to submit all materials.

Mayor Garner asked, and there's a second? **Ms. Sparks** said there is. **Mayor Garner** said there's a motion and a second. Is there any further discussion? Seeing none, roll call.

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

Item No. 2 – 211836...SPECIAL USE PERMIT APPLICATION SP2021-090 - DANA BLAY WITH DBL ARCHITECTURE, INC.

Synopsis: Special Use Permit for a liquor store at 146 S. 18th Street, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design. The applicant, Dana Blay with DBL Architecture, is requesting a Special Use Permit for the operation of a new liquor store. The liquor store will be operating in a new building, proposed to be constructed at 146 South 18th Street, the site of an existing liquor store. The current liquor store building is proposed to be demolished, but the ownership of the liquor store business will remain unchanged. The increased size of the new liquor store will require more parking spaces, which the site design will not be able to accommodate; the increased size will also create smaller setbacks from the parcel boundary lines for the building itself as well as the parking spaces; and the boundaries of the subject property are within 1,300 feet from both a church and a park. Therefore, the applicant is simultaneously requesting six (6) variances with the Board of Zoning Appeals. The Planning Commission voted 6 to 0 to recommend approval of Special Use Permit Application SP2021-090, for two (2) years, subject to:

1. Per Section 27-575(d)(8), internal vehicular, bicycle and pedestrian circulation must connect in a manner obvious to users;
2. Per Section 27-575(d)(12), pedestrian connections must be clearly defined in a combination of two or more of the following ways: six-inch vertical curb; trellis; special railing; bollards; special paving; low seat wall or other architectural features; pedestrian scale lighting; and, traffic calming devices;
3. Per Section 27-577(a)(5), Landscaping shall exceed the typical code requirements by at least 75 percent;
4. Per Section 27-577(b)(1), new construction must provide at least a 25-foot landscape zone between structures and/or parking lots and all public streets and access easements 40 feet wide or greater. This requirement may be reduced to 12 feet where there is no paving, other than a sidewalk, between a building and the right-of-way. The distance is to be measured from the public right-of-way or curbline of a private easement;
5. Per Section 27-577(b)(2), landscape berms and/or continuous rows of shrubs are required to screen parking from adjacent development or public streets. Shrubs used in this area must not exceed a maximum height of 30 inches at maturity;
6. Per Section 27-577(c)(4), landscape areas located between commercial districts and residential districts must provide 100 percent sight-obscuring year-round buffer using plant material or a combination of fence, berm and plant material;

7. Per Section 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;
8. Per Section 27-577(e)(1), parking lot landscaping must be used to minimize the expansive appearance of parking lots, provide shaded parking areas, and mitigate any negative acoustic impacts of motor vehicles;
9. Per Section 27-578(b)(3), minimum maintained lighting standards that provide for nighttime illumination of parking lots, walkways, entrances, exits and related areas to promote a safe environment;
10. Alcoholic liquor, CMB, non-alcoholic malt beverage, and any other goods or services may be sold in a retail liquor store. Lottery tickets and cigarette and tobacco products with proper licensure may be sold in a retail liquor store. Sales of other goods and services must not exceed 20% of total gross sales. The 20% excludes lottery, CMB and cigarette and tobacco product sales;
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. This City Planning Commission case is being heard in conjunction with BOZA2021-041. Any approval by the City Planning Commission of this case, and the conditions of approval contained herein, are contingent, and shall only go into effect, upon the approval of Appeal BOZA2021-041 by the Board of Zoning Appeals and upon any ordinance publications required by law;
13. The applicant has filed and maintained a current business occupation tax application;
14. A building permit is required for the construction of a permanent structure greater than 120 square feet. 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. The applicant, contractors, subcontractors, and related third parties shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets and Retaining Walls, as applicable;
16. All existing and future driveways must feature curb cuts that are constructed to UG standards;
17. 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 10,019 square feet, requiring two (2) trees be provided on the site plan.
18. Section 27-467(g) requires that a six (6) foot high architectural screening is to be provided along all side and rear property lines common to or across an alley from residentially zoned property. Additional screening or buffering may be required to soften the visual impact of parking or unsightly areas;
19. 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. Any illumination that results from use of the parking lot shall not be seen or otherwise impact adjacent residential uses;

20. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
21. 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;
22. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,
23. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Urban Planning and Land Use Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Action: Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application SP2021-090, for two years, subject to the stipulations. Roll call was taken and there were nine “Ayes,” Ramirez, Johnson, Kane, Markley, Stites, Bynum, Burroughs, Townsend, McKiernan.

Item No. 3 – 211837...SPECIAL USE PERMIT APPLICATION SP2022-056 - TOBIAS SANDOVAL SUAREZ

Synopsis: Special Use Permit for the Temporary Use of Land to store construction equipment at 3914 N. 59th Street, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design. The applicant, Tobias Sandoval-Suarez, wants to have employees park their personal vehicles at his house, then carpool to the job site, keep work trucks, equipment and material associated with the business on the property on 4.81 acres located at 3914 North 59th Street.

The Planning Commission voted 6 to 0 to uphold its previous recommendation and recommends approval of Special Use Permit Application SP2022-056, for two (2) years, subject to:

1. Temporary Use of Land for Commercial or Industrial Purposes shall not be approved for more than two (2) years, which means this Special Use Permit cannot be renewed for consecutive renewals. A zoning district, C-3/CP-3 Commercial District or higher must be sought elsewhere to park equipment, materials and facilitate parking employee parking;
2. Upon expiration of this Special Use Permit, the equipment storage area and work vehicle parking shall be restored to grass;
3. For the duration of the Special Use Permit, no more than three (3) employees may park on the driveway on the property;
4. The hours of operation shall be 7:30 AM to 5:00 PM, Monday through Friday.
5. The equipment to be stored may only be a caterpillar loader (skid steer) and a fence stretcher;
6. Fencing along North 59th Street shall be at least forty (40%) open and may not exceed four (4) feet in height (in front of the residence). Any fencing behind the front plane of house, including side and rear yards may be up to six (6) feet in height;
7. Barbed wire is prohibited unless it is to enclose open farm land or where farm animals are otherwise permitted;
8. Access to North 60th Street for this Special Use Permit shall be restricted. All ingress and egress shall occur on North 59th Street;
9. All existing and future driveways must feature curb cuts that are constructed to UG standards. The driveway apron on North 59th Street must be paved concrete in the right-of-way;
10. 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;
11. No site grading or movement of earthen material may occur on the property without a separate Special Use Permit per Sec. 27-593(b)(15).
12. 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;
13. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking must occur entirely on private property of the same land parcel and be at all times 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]. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
14. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
15. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. Because this is a Temporary Use of Land, this Special Use Permit may not be

renewed per Sec. 27-593(a)(27). 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.

Action: Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application SP2022-056 for two years, subject to the stipulations. Roll call was taken and there were nine “Ayes,” Ramirez, Johnson, Kane, Markley, Stites, Bynum, Burroughs, Townsend, McKiernan.

Item No. 4 – 211838...SPECIAL USE PERMIT APPLICATION SP2022-057 - EDWARD J. BAIN

Synopsis: Home Occupation Special Use Permit for a Short-Term Rental at 1324 N. 75th Drive, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design. The applicant, and property owner Edward Bain, is applying for a Home Occupation Special Use Permit to operate a short-term rental at 1324 North 75th Drive. This is the applicant’s primary residence. The Planning Commission voted 6 to 0 to recommend approval of Special Use Permit Application SP2022-057, for two (2) years, subject to:

1. Add in CO2 detectors: one near the furnace, one in the hallway of the bedrooms, one in the common area/kitchen, make sure that if you lean on the yard fence that it does not fall over and that all gates open/close safely;
2. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
3. 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;
4. Applicant is to maintain liability insurance;
5. The property must remain in proper maintenance and free of hazards, pests, or infestations;
6. The granting of this Special Use Permit does not transfer with a change of ownership of the property;

7. Must provide a manual/welcome packet that lists all rules, including "No Parties, etc. "This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and www.hostcompliance.com/tips (website);
8. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
9. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
10. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
11. Maximum number is (6) people and four (4) cars total; and,
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.

Action: Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application SP2022-057 for two years, subject to the stipulations. Roll call was taken and there were nine

“Ayes,” Ramirez, Johnson, Kane, Markley, Stites, Bynum, Burroughs, Townsend, McKiernan.

Item No. 5 – 211841...SPECIAL USE PERMIT APPLICATION SP2022-060 - ESTER REED

Synopsis: Renewal of a Special Use Permit (SU20-00092 – expired 3/4/2022) for the Temporary Use of Land to store dump trucks and other construction equipment at 1610 N. 51st Street, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design. The applicant, Ester Reed, is requesting the renewal of a Special Use Permit (SU2020-00092, expired April 27,2022) to continue to park a dump truck at their residential property at 1610 North 51st Street. The Planning Commission voted 5 to 0 to recommend denial of Special Use Permit Application SP2022-060, due to non-compliance of the approved stipulations from the last renewal.

Mayor Garner said I’ll ask staff to make some opening comments.

Case	
SP2022-057	
Petitioner	Address
Edward Bain	1324 N 75 th Drive Kansas City, KS 66112
Synopsis	
A Home Occupation Special Use Permit to operate a short-term rental at 1324 North 75 th Drive. This is the applicant's primary residence.	

Gunnar Hand, Director of Planning & Urban Design, said this is for a temporary use of land, a special use permit. It would be the, I believe, fourth approval, third renewal. The applicant, at their last approval a year ago, had said that they would only need one-year approval in order to find a permanent solution for their dump trucks. This application has been requiring multiple conditions of approval that have yet been met. They've met many of them. They have not met all of them namely the landscape screening that was required in the original SUP approval in 2014.

When staff did conduct their site visit, they noticed that there was more than the one allowed dump truck on the site. With all of those considerations, staff agrees with the Planning Commission recommendation of denial.

Mayor Garner said I'll ask the applicant or representative to present their application. It doesn't appear that they're here.

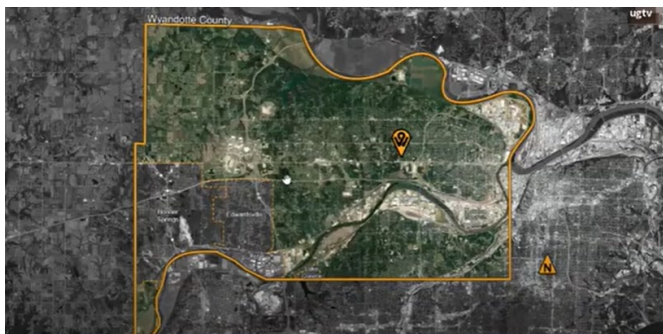
Mayor Garner said I will now open the public...**Ms. Sparks** said, Mayor, we received comment from the applicant that they were ill previously and that they are currently home in quarantine. They were going to try and join us by phone. I do have a phone number online that is unidentified. It's a number ending in 1299. I don't know if this is the applicant. They're not raising their hand.

Mr. Hand said they also were not in attendance at the Planning Commission hearing earlier this month.

Mayor Garner said I will now open the public hearing and ask the Clerk if she's received any direct notification from the public who wish to express their comments in favor of this item. **Ms. Sparks** said no comments were received.

Mayor Garner asked, is there anyone present who would like to speak in favor of this item? If so, please come to the podium and state your name and address for record. Seeing none.

Is there anyone joining us virtually who would like to speak in favor of this item? **Ms. Sparks** said no hands are raised.



Mayor Garner said I'll ask the Clerk if she's received any direct notification from the public who wish to express their comments in opposition of this item. **Ms. Sparks** said no comments were received.



Mayor Garner asked, is there anyone present who would like to speak in opposition to this item? Seeing none.



Is there anyone joining us virtually who would like to speak in opposition of this item? **Ms. Sparks** said no hands are raised.



Mayor Garner said I will now close the public hearing.

Public Opposition	Public Support
None to date.	None to date.
Staff Recommendation DENIAL	

Still no contact with the petitioner? **Ms. Sparks** said no activity online.

Mayor Garner said I'm going to open it up for questions and comments by our commissioners.

Action: Commissioner Bynum made a motion, seconded by Commissioner McKiernan, to deny Special Use Permit Application SP2022-060.

Commissioner McKiernan said we need to clarify that in this case, the Planning Commission's recommendation was for denial. So, a yes vote upholds the Planning Commission's decision.

Mayor Garner said so there is a motion. Just for the record, you want to clarify your motion, Commissioner Bynum? **Commissioner Bynum** said motion to deny. **Mayor Garner** said, Commissioner McKiernan, did you have a second? **Commissioner McKiernan** said I do have a second. Again, I just want to remind us that we are voting yes to uphold the Planning Commission's recommendation for denial.

Commissioner Ramirez said I believe because don't we—if we deny, we have to provide a reason for denial don't we? **Mayor Garner** said I have a denial motion from Commissioner

Bynum, and Commissioner McKiernan, I just want to be clear. You're seconding that, correct? **Commissioner McKiernan** said I am not seconding an overturning of the Planning Commission's decision. I am seconding upholding the Planning Commission's decision because I do believe that is what Commissioner Bynum intended with her motion.

Commissioner Bynum said, Mayor, I would be willing to amend my motion to uphold the recommendation of the Planning Commission.

Action: **Commissioner Bynum amended her previous motion and moved to uphold the recommendation of the Planning Commission. Commissioner McKiernan seconded the motion.**

Mayor Garner said that's what I was looking for. We have a motion and a second. Is there any further discussion? Seeing none, roll call, please.

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

Item No. 6 – 211832...SPECIAL USE PERMIT APPLICATION SP2022-061 - TOM GIEFER WITH G&G HOLDINGS, LLC

Synopsis: Renewal of a Special Use Permit (SP2019-111 – expires 8/8/2022) 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 & Urban Design. The applicant, Tom Griefer with G + G Holdings LLC, wants to continue the stockpile and process concrete materials on 8.2 acres at 7241 Kaw Drive. The Planning Commission voted 6 to 0 to recommend approval of Special Use Permit Application SP2022-061, for five (5) years, subject to:

1. 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;
2. The natural flow of the floodway and floodplain cannot be altered;

3. Shall maintain a current application with the Business Licensing Department as long as they continue to occupy and operate;
4. 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;
5. 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;
6. Hours of operation shall be Monday through Friday, 8:00 AM to 5:00 PM;
7. 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;
8. Trucks that receive material from this location shall obtain all necessary permits (hauling, etc.) from the Public Works Department;
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. 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;
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. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
13. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion

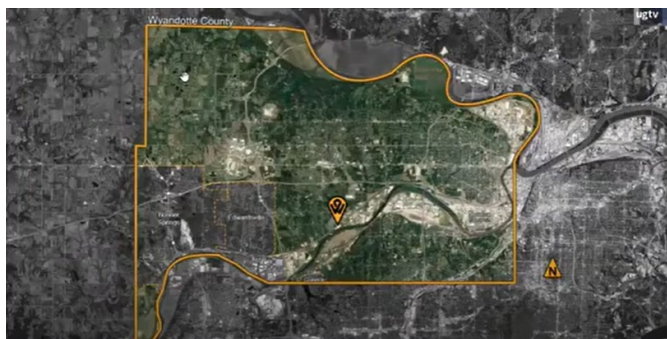
thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;

14. The Special Use Permit shall be valid for 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
15. 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.

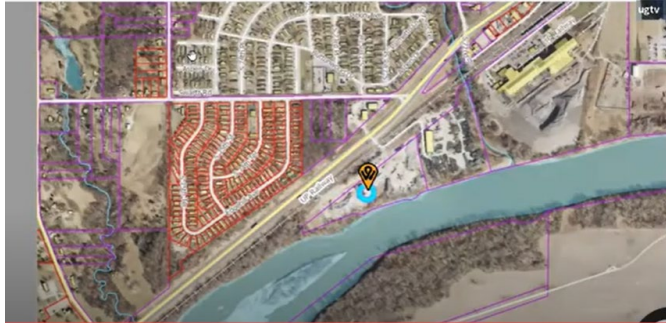
Mayor Garner said I'll ask Mr. Hand to make comment.

Case	
SP2022-061	
Petitioner	Address
Tom Grier	7241 Kaw Drive Kansas City, Kansas 66111
Synopsis	
To continue the stockpile and process concrete materials on 8.2 acres at 7241 Kaw Drive.	

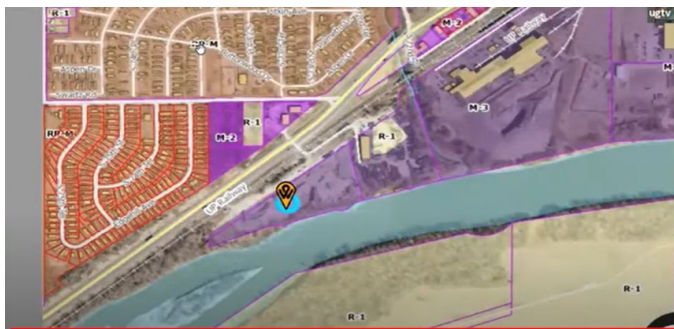
Gunnar Hand, Director of Planning & Urban Design, said this is a special use permit for a concrete storage and processing facility. This would be their first renewal, second approval.



This is in the City-wide Master Plan area in the Riverview, just south of Kaw Drive on the other side of the train tracks.



We received no letters to support, no opposition. There are a few old notices of violation that have been addressed as a part of this review.



Staff includes conditions of related to dust mitigation as well as removing all of the stockpiles that were previously in the floodway. This property is adjacent to the Kansas River. Nothing can be in the floodway zone.

The applicant had requested and the City Planning Commission had recommended approval for a five-year extension. Since the Planning Commission hearing, staff has identified additional information regarding this project. There's been a couple of near-miss and deaths entering and exiting the site, specifically train collisions.

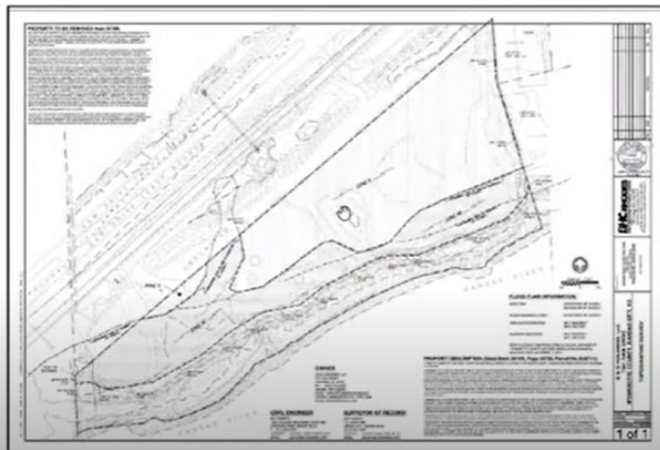
In our staff report where we collect the information and gather police reports, there was an error. We did not notice one police report. When we investigated that one police report, we found multiple media stories about other either near-misses or crashes, specifically at that entrance and exit to the property.

Again, these are dump trucks in front of trains. We all heard the news in the last month of the dump truck that was in front of the Amtrak train so this is not just the drivers, this is potentially a catastrophic issue, so staff would like it to be remanded back to Planning Commission so we can address the safety issues and potentially address the year amount of

condition of approval. It might be worth not giving them five. If these issues persist, we might want to give them less than and see if they correct themselves in that amount of time.

We can remand this back down to the August meeting. It's a quick fix in the staff report. We can move it forward in August, we think.

Mayor Garner said I'll ask the applicant or representative to present their application. Seeing none.



Mayor Garner said I will now open the public hearing and ask the Clerk if she's received any direct notification of those who wish to express their comments in favor of this item. **Ms. Sparks** said no comments were received.

Mayor Garner asked, is there anyone present who'd like to speak in favor of this item? Seeing none.

[illegible]

July 28, 2022



Mayor Garner asked, Clerk, have you received any direct notifications from the public who wish to express their comments in opposition of this item? **Ms. Sparks** said no comments were received.

Public Opposition	Public Support
None to date.	None to date.
Staff Recommendation Approval	

Mayor Garner asked, is there anyone present who would like to speak in opposition to this item?

Is there anyone joining us virtually who would like to speak in opposition of this item?

Ms. Sparks said no hands are raised.

Conditions of Approval
- 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; Add in CO2 detectors: one near the furnace, one in the hallway of the bedrooms, one in the common area/kitchen, make sure that if you lean on the yard fence that it doesn't fall over and that all gates open/close safely; - The natural flow of the floodway and floodplain cannot be altered; - Shall maintain a current application with the Business Licensing Department as long as they continue to occupy and operate; - Sec. 27-470 (d)(2) No use shall be permitted or so operated as to produce or emit: - Smoke, dust, fly ash, gas, or odorous emission not in compliance with chapter 3; - Vibration or concussion perceptible without instruments at the property line; - 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; and, - Industrial waste which may overburden the public sewage facilities or produce odor or unsanitary effects beyond the property line;

Mayor Garner said I'll now close the public hearing. I don't believe the petitioner is present, so I'm going to open it up for comments from our Commission.

Action: Commissioner Markley made a motion, seconded by Commissioner McKiernan, to remand Special Use Permit Application SP2022-061 back to the Planning Commission's August meeting.

Mayor Garner said we have a motion and a second to remand it back. Is there any further discussion? Seeing none, roll call, please.

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

Item No. 7 – 211833...SPECIAL USE PERMIT APPLICATION SP2022-062 - JOSHUA BRANDON WITH THE BAR KCK

Synopsis: Renewal of a Special Use Permit (SP2021-019 – expired 6/3/2022) to continue live entertainment at a drinking establishment at 6720 Kaw Drive, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design. The applicant, Joshua and Allyson Brandon, are seeking the renewal of a Special Use Permit for live entertainment at an existing drinking establishment known as The Bar. The applicants had previously stated to have small-scale shows and will not exceed the maximum occupancy of the establishment, which is 63 people. This property has been continuously operating as a drinking establishment, under various ownerships, for over 20 years. It has been continuously operated as a drinking establishment without interruption, no Special Use Permit is required for serving of alcoholic beverages, however, the code does require the approval of a Special Use Permit for live entertainment. The Planning Commission voted 6 to 0 to recommend approval of Special Use Permit Application SP2022-062, for two (2) years, subject to:

1. All entertainment must cease by at least 1:00 AM;
2. An I.D card reader shall be used while live entertainment events are occurring;
3. Doors and windows must stay closed during any entertainment performance;
4. Must comply with Unified Government Security Ordinance (Chapter 4, Article II Division 1, Sec 4-104, f), including:

- o 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;
 - o Patrons are not allowed to loiter in their vehicles. If so determined, they will be asked to leave;
 - o An I.D. scanner will be used at all times;
 - o At closing time, all security personnel will begin from a designated area to move patrons towards the exit and then to their vehicles;
5. No amplified speakers or entertainment is allowed in outdoor spaces; and, any illumination that results from an entertainment event shall not be seen or otherwise impact adjacent residential uses;
 6. The windows and doors shall remain closed during any live entertainment events that increase that noise volume above normal bar operations;
 7. Noise from normal activity and from live entertainment shall not disturb the neighboring properties. Regardless, the noise level shall not be greater than 80 decibels at repeated intervals for a sustained length of time at any point on the property line and the day-night noise level average shall not exceed 65 decibels for any residence for a sustained period, per Section 27-469(c)(1)c;
 8. The applicants shall successfully obtain and/or maintain a proper liquor license through the Kansas Department of Revenue Alcoholic Beverage Control;
 9. Live events shall not exceed more than three (3) per calendar week;
 10. The applicant has filed and maintained a current business occupation tax application and entertainment license;
 11. The applicant must obtain a sign a sign permit for all existing signs. 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. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspecton@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
 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. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
 15. 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;

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

Action: Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application SP2022-062 for two years, subject to the stipulations. Roll call was taken and there were nine “Ayes,” Ramirez, Johnson, Kane, Markley, Stites, Bynum, Burroughs, Townsend, McKiernan.

Item No. 8 – 211842...SPECIAL USE PERMIT APPLICATION SP2022-065 - SAMIA GUESS

Synopsis: Special Use Permit for a Short-Term Rental at 2023 N. 85th Street, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design. The Applicant, Samia Guess, is seeking the approval to operate a short-term rental at 2023 North 85th Street. The subject property is in a residential neighborhood that connects to Parallel Parkway with mixed residential and commercial uses. The applicant has recently purchased the home and has completed some renovations and upgrades. The Planning Commission voted 6 to 0 to recommend approval of Special Use Permit Application SP2022-065, for one (1) year, subject to:

1. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It

is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;

2. Applicant shall complete the remaining repairs prior to ordinance publication;
3. Maximum number of guests shall be six (6);
4. All parking must be off-street, maximum number of vehicles is four (4);
5. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
6. Applicant must maintain liability insurance;
7. Applicant must maintain the property's physical condition through the duration of the permit;
8. All reservations shall be a minimum stay of 24 hours;
9. No meals shall be prepared in the dwelling by the owner or owner's agent;
10. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;
11. The owner or owner's agent/operator shall provide a guest book with the following information:
 - a) Information within the dwelling unit to inform and assist renters/guests in the event of a natural disaster, power outage, or emergency including but not limited to tornado, severe weather or storm, or flash flooding. Information should contain appropriate designation for shelter in place, evacuation, or utility contact information;
 - b) A lead-based paint notification for any property built before 1978.
 - c) An asbestos notification for any property built before 1981.
 - d) Information for the guest to report any concerns to Host Compliance at 913-246-5133 (phone number) and www.hostcompliance.com/tips (website);
12. The property must remain in proper maintenance and free of hazards, pests, or infestations;
13. The granting of this Special Use Permit does not transfer with a change of ownership of the property;
14. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
15. The Special Use Permit shall be valid for one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,
16. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not

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

Action: Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve for 1 year. Roll call was taken and there were nine “Ayes,” Ramirez, Johnson, Kane, Markley, Stites, Bynum, Burroughs, Townsend, McKiernan.

VACATION APPLICATIONS

Item No. 1 – 211843...VACATION APPLICATION VAC2022-004 - DONNA ROSS

Synopsis: Vacation of right-of-way to install a fence at 2942 N. Bethany Street, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design. The applicant, Donna Ross, is seeking to vacate a portion of right-of-way in order to fence in their yard to protect against wild animals at 2942 Bethany Street. The Planning Commission voted 6 to 0 to recommend approval of Vacation Application VAC2022-004, subject to:

1. The applicant must remove all inoperable vehicles from the property, and work with Code Enforcement to correct and close out any existing violations;
2. The proposed fence that will be constructed shall not cover or impede the existing manhole cover that is on the property line;
3. All vehicles shall either be parked in the driveway, or on the street. Vehicles may not be parked on grass, or any other surface, besides a paved driveway, or on the street;
4. All existing and future driveways must feature curb cuts that are constructed to UG standards;
5. Any business or land use in Wyandotte County that is required to provide off-street parking shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-466 through 27-470; 27-592 through 27-616; 27-667 through 27-676]. Inoperable vehicles shall be stored inside an enclosed building. Inoperable vehicles may not be stored outside unless they are completely screened from view in accordance with all applicable ordinances. Outside storage shall not include wrecked or salvage vehicles. Any vehicle parked or stored outside must be on an improved surface, located on the same land parcel as the business use, and be parked within a regulation dimension parking stall. Any outside storage may not reduce the availability of all required parking spaces as required by ordinance;
6. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable; and,
7. The City of Kansas City, Kansas reserves to itself the right to, at any time after the effective date of this ordinance, reenter or permit a public utility to reenter that portion of said tract of land hereby vacated for the purpose of repairing installing, constructing or reconstructing any

public utilities, including, but not limited to sewers, conduits, electric light pole lines, etc. that are now or may hereafter be installed in the tract of land hereby vacated.

Action: Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve Vacation Application VAC2022-004, subject to the stipulations. Roll call was taken and there were nine “Ayes,” Ramirez, Johnson, Kane, Markley, Stites, Bynum, Burroughs, Townsend, McKiernan.

Item No. 2 – 211844...VACATION APPLICATION VAC2022-005 - ANDREA WEISHAUBT WITH ATLAS SURVEYORS

Synopsis: Vacation of a utility easement at 12750 Hubbard Road, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design. : The applicant, Andrea Weishaubt with Atlas Land Consulting, is requesting to vacate a utility easement. The vacation is being requested in conjunction with a lot combination of two (2) single-family residential parcels and a variance from the maximum accessory building floor area for a proposed accessory building to be constructed in the side yard of the newly created parcel. The Planning Commission voted 6 to 0 to recommend approval of Vacation Application VAC2022-005, subject to:

1. No accessory building which is not in compliance with Section 27-609(2) nor with the Prairie-Delaware-Piper Area Master Plan shall be constructed;
2. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
3. All existing and future driveways must feature curb cuts that are constructed to UG standards;
4. The exterior walls shall be made of either horizontal clapboard, wood, or plywood siding, stone, artificial stone, brick, artificial brick, and textured finishes such as stucco. Fiberglass, plastic, and preformed, corrugated, or ribbed metals are not allowed. Metals can be used provided they have a factory applied and painted finish closely matching the color of the primary structure. Standard concrete masonry units are also not allowed unless the walls of the building are painted the exact color of the primary structure;
5. The applicant, contractors, subcontractors, and related third parties shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets and Retaining Walls, as applicable;
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. All on-site driveways and parking areas must be constructed and paved in compliance with Section 27-675(b);

8. This City Planning Commission case are being heard in conjunction with BOZA2022-031. 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 BOZA2022-031 by the Unified Government Board of Zoning Appeals and upon any ordinance publications required by law;
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.

Action: Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve Vacation Application VAC2022-005, subject to the stipulations. Roll call was taken and there were nine “Ayes,” Ramirez, Johnson, Kane, Markley, Stites, Bynum, Burroughs, Townsend, McKiernan.

PLAN REVIEW APPLICATIONS

Item No. 1 – 211845...PLAN REVIEW APPLICATION PR2022-021 - ERIC GENTRY WITH VICTORY JEEP

Synopsis: Preliminary Plan Review to construct an auto dealership at 1701 N. 100th Terrace, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design. The applicant, Eric Gentry with Victory Jeep, is seeking approval of a preliminary plan to construct a new auto dealership at 1701 North 100th Terrace. The Planning Commission voted 6 to 0 to recommend approval of Plan Review Application PR2022-021, subject to:

1. Benches and trash receptacles shall be added in the final development plan;
2. Additionally landscaping on the west side of the building shall be added per the Commercial Design Guidelines;
3. On-site lighting shall comply with the Legends Auto Plaza Design Guidelines;
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. If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;
6. Proposed development within this plat will require civil drawings to be submitted, which may result in submitting a revised replat.
7. If approved, the applicant must file and maintain a current business occupation tax application with this office;
8. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
9. All existing and future driveways must feature curb cuts that are constructed to UG standards;
10. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
11. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;
12. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
13. Section 27-696(b)(5) states that all outside bins or trash container areas must be completely enclosed by an architectural screen to a height not less than the height of the bin or container. No trash enclosures may be located in required yards adjacent to street right-of-way. In commercially and industrially zoned areas where the trash container will not be visible from off the property due to other screening or topographic conditions and will not be visible from public parking or pedestrian areas on the site, such trash bin screening need not be provided. In industrially zoned areas where the trash container will not be visible from residential property and where such containers are kept directly alongside the building and in a well-kept manner, such screening need not be provided; and,
14. Section 27-573 acknowledges the use of the Commercial Design Guidelines and their use in this district as established by Ordinance O-50- 06.

Action: Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve Plan Review Application PR2022-021, subject to the stipulations. Roll call was taken and there were nine “Ayes,” Ramirez, Johnson, Kane, Markley, Stites, Bynum, Burroughs, Townsend, McKiernan.

Item No. 2 – 211846...PLAN REVIEW APPLICATION PR2022-022 - LYNN HOLCOMB WITH RECLAIMED MATERIAL YARD, LLC

Synopsis: Preliminary and Final Plan Review to construct a laydown yard at 11 and 47 S. 59th Lane and 5701 Kaw Drive, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design. The applicant, Lynn Holcomb, with Reclaimed Material Yard, LLC, has filed a Preliminary and Final Development Plan and Preliminary and Final Plat to plat two (2) industrial lots (approved) to build a large laydown yard and three (3) administrative and maintenance buildings totaling 4,320 square feet on 91.14 acres. The Planning Commission voted 5 to 0 to recommend approval of Plan Review Application PR2022-022, subject to:

1. The Subject Property has been identified as being within a regulatory floodway and floodplain (Zone AE). 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;
2. The Subject Property is within a 100-year Special Flood Hazard Area (SFHA). A SFHA is defined as the area that would be inundated by the flood event having a one (1) percent chance of being equaled or exceeded in any given year. Before the alteration to or construction of any new structure on the subject property, the applicant shall submit the following required information for review:
 - a. A survey shall be provided showing the property lines, setbacks, proposed and existing building elevations, 100-year floodplain and/or floodway shall be designated, the base flood elevation provided, FIRM panel number, and effective date shall be included. The Survey is required to be signed and sealed by and Kansas licensed surveyor or engineer;
3. The Subject Property, being within the SFHA, shall comply with the following requirements of the floodplain ordinance for the Storage of Materials and Equipment:
 - a. The storage or processing of materials within the special flood hazard area that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal, or plant life is prohibited.
 - b. Storage of other material or equipment may be allowed if not subject to major damage by floods, if firmly anchored to prevent flotation, or if readily removable from the area within the time available after a flood warning;
4. The Subject Property, being within the SFHA, shall comply with the following requirements of the floodplain ordinance for Construction Elevation Inspections when the project is approved for construction:

- a. Certificate of elevation shall be provided when the top of the first floor has been constructed.
- b. Final certificate of elevation shall be provided when the structure is completed and prior to the request for a final inspection (TCO/CO);
- 5. Sec. 27-211(j) In the event that a plan or section thereof is given final approval and thereafter the landowner shall abandon said plan or a section thereof and shall so notify the Unified Government in writing, or in the event the landowner shall fail to commence, as evidenced by receipt of building permits and start of construction, the planned development within eighteen (18) months after final approval has been granted or in the case of subsequent phases each shall be initiated within twenty-four (24) months of issuance of a certificate of occupancy on the entire preceding phase or the plan will be considered abandoned, then in either event such a final approval shall terminate and shall be deemed null and void unless such time period is extended by the Planning Commission upon written application by the landowner. Wherever a final plan or section thereof has been abandoned as provided in this section, no development shall take place on the property until a new development plan has been approved;
- 6. The laydown area needs to be further defined with drive aisles spurs leading to the storage pads, as the total storage area utilized for the outside laydown storage area is approximately thirty-nine (39) acres. The site plan is does not accurately reflect how materials will likely be stored within the laydown yard;
- 7. The laydown area may be asphalt millings, however the drive aisles to get to the storage pads must be paved with concrete or asphalt. The entire parcel, not including a circular internal road, ground cover and storm water detention cannot be wholly covered with asphalt millings;
- 8. Per Sec. 27-574(c)(3) any retaining wall over six (6) feet in height must be terraced. Four (4) feet of terrace is required for every eight (8) feet of wall. The four (4) foot terrace shall be landscaped with shrubs and maintained annually.
- 9. Utility easements shall be provided along each side of the lot to form a continuous utility easement. All easements shall be at least ten feet wide. The required ten-foot width may be provided through five-foot easements on either side of lot or parcel lines when lines do not form, in whole or in part, the outside boundaries of the plat;
- 10. Utility easements shall connect with easements established in adjoining properties;
- 11. Per Sec. 27-317 Electrical power, telephone service, and cable television (if applicable) shall be provided by underground wiring for all new wiring provided.
- 12. The exterior portion of the building where the office is located shall comply with the Commercial Design Guidelines;
- 13. The existing slope and vegetation on the north property line shall be preserved. Remove the "Existing trees to remain" note and change to "Existing trees to be preserved". This tree line effectively screens the laydown area and future building sites from the single-family homes to the north (across Kaw Drive) and the public along Kaw Drive;
- 14. The existing tree stands along the Kansas River shall be preserved. Add a note on the landscape plan;
- 15. Sec. 27-700(b)(4) Trees may be required depending on the particular location and surrounding of the project to a maximum of one (1) tree per 15,000 square feet of site area. Based on site area, 91.14 acres, 265 trees are required to be planted. Per Sec. 27-701, existing plan material may be credited toward the minimum number specified for each zoning

category. Such existing plan material must, however, be in keeping with the intent of this division. Type, size, and location needs to be noted in the required landscape plan. As stated previously, preservation of the existing tree stand along Union Pacific Railway and Kaw Drive is of the utmost importance and those trees can count towards the required total;

16. One (1) street tree shall be planted per thirty (30) feet of frontage along South 59th Lane;
17. All deciduous and shade trees shall be at least two (2) inch caliper when planted. Evergreens shall be at least six (6) feet in height when planted. Shrubs shall be at least five (5) gallons when planted. Throughout the development, there shall be a variety of deciduous and evergreen trees in addition to native grasses and plants (wildflowers);
18. Fencing along South 59th Lane shall be a privacy fence, up to eight (8) feet in height. The fence may be wood or metal paneling and shall have masonry columns every thirty-two (32) feet running;
19. Sec. 27-470(d)(2) No equipment, material, or vehicles, other than operable motor passenger cars, may be kept, parked, stored or displayed closer than twenty-five (25) feet to a street line unless such area is screened from the street by a solid fence or other obstruction, set back not less than six (6) feet from the street line and not less than three (3) feet in height;
20. Sec. 27-470(d)(3) All accessory materials and products that have been previously used, such as lumber, steel and other metals and concrete products shall be totally screened from view from off the premises. Yards for junk, inoperable vehicles, or salvage storage are not permitted in this district;
21. Mechanical equipment or other utility hardware whether on the ground or on a building shall be screened from public view. Such screening shall be harmonious with building design and materials;
22. All utility connections (including BPU transformer boxes) shall be screened with landscaping. All utilities mounted on the wall shall be painted to match the building. a. BPU transformer pad shall be completely screened on three sides with a privacy fence or 6-foot junipers setback 3 feet from the pad and 10 feet from the door opening. Additionally, if the transformer doors open towards the parking lot, the 10-foot setback is established in the parking lot, therefore the gate/enclosure shall be constructed in front of the transformer. If this cannot be accomplished, relocation of the transformer may be necessary;
23. Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky-reflected glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed one-foot candle as measured from said property line. All lighting on the property, both on the buildings and in parking lots shall have 90-degree cutoff fixtures;
24. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
25. If approved, the applicant must file and maintain a current business occupation tax application with the Business Licensing Division at (913) 573-8780;

26. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
27. All existing and future driveways must feature curb cuts that are constructed to UG standards;
28. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
29. 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,
30. 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.

Action: Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve Plan Review Application PR2022-022, subject to the stipulations. Roll call was taken and there were nine “Ayes,” Ramirez, Johnson, Kane, Markley, Stites, Bynum, Burroughs, Townsend, McKiernan.

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

Item No. 1 – 211850...AN ORDINANCE rezoning property at 557 River Park Drive (0 Kansas Avenue) (COZ2022-016), from No Zoning District to CP-2 Planned General Business District, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design.

Action: **ORDINANCE NO. O-98-22**, “An ordinance rezoning property hereinafter described located at approximately 557 River Park Drive (0 Kansas Avenue), in

Kansas City, Kansas, by changing the same from its present zoning of No Zoning District to CP-2 Planned General Business District.” **Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” Ramirez, Johnson, Kane, Markley, Stites, Bynum, Burroughs, Townsend, McKiernan.

Item No. 2 – 211851...AN ORDINANCE authorizing a Special Use Permit (SP2022-044) at 557 River Park Drive (0 Kansas Avenue) for an entertainment venue for the Rock Island Bridge, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design.

Action: **ORDINANCE NO. O-99-22**, “An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolution of the Unified Government of Wyandotte County/Kansas City, Kansas, for an entertainment venue for the Rock Island Bridge at 557 River Park Drive (0 Kansas Avenue).” **Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” Ramirez, Johnson, Kane, Markley, Stites, Bynum, Burroughs, Townsend, McKiernan.

Item No. 3 – 211852...AN ORDINANCE authorizing a Special Use Permit (SP2022-029) at 6102 State Avenue for live entertainment in conjunction with a drinking establishment/restaurant, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design.

Action: **ORDINANCE NO. O-100-22**, “An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolution of the Unified Government of Wyandotte County/Kansas City, Kansas, for live entertainment in conjunction with a drinking establishment/restaurant at 6102 State Avenue..” **Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken

and there were nine “Ayes,” Ramirez, Johnson, Kane, Markley, Stites, Bynum, Burroughs, Townsend, McKiernan.

Item No. 4 – 211853...AN ORDINANCE authorizing a Special Use Permit (SP2022-038) at 3900 Rainbow Boulevard for continuation of live entertainment in conjunction with existing restaurant/drinking establishment, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design.

Action: **ORDINANCE NO. O-101-22**, “An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolution of the Unified Government of Wyandotte County/Kansas City, Kansas, for continuation of live entertainment in conjunction with existing restaurant/drinking establishment at 3900 Rainbow Boulevard.” **Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” Ramirez, Johnson, Kane, Markley, Stites, Bynum, Burroughs, Townsend, McKiernan.

Item No. 5 – 211854...AN ORDINANCE authorizing a Special Use Permit (SP2022-048) at 8440 Gibbs Road to continue to store boats, trailers, vehicles, construction equipment, and farm equipment for retail sale, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design.

Action: **ORDINANCE NO. O-102-22**, “An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolution of the Unified Government of Wyandotte County/Kansas City, Kansas, to continue to store boats, trailers, vehicles, construction equipment and farm equipment for retail sales at 8440 Gibbs Road.” **Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” Ramirez, Johnson, Kane, Markley, Stites, Bynum, Burroughs, Townsend, McKiernan.

Item No. 6 – 211855...AN ORDINANCE authorizing a Special Use Permit (SP2022-035) for continuation of a community motorcycle garage with live entertainment and alcohol at 10 South James Street, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design.

Action: **ORDINANCE NO. O-103-22**, “An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolution of the Unified Government of Wyandotte County/Kansas City, Kansas, for continuation of a community motorcycle garage with live entertainment and alcohol at 10 South James Street.” **Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” Ramirez, Johnson, Kane, Markley, Stites, Bynum, Burroughs, Townsend, McKiernan.

Item No. 7 – 211856...AN ORDINANCE vacating right-of-way (VAC2022-002) at 205 N. Orchard Street, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design.

Action: **ORDINANCE NO. O-104-22**, “An ordinance vacating all that part of a 15-foot wide alley adjoining Lot 16, in Block 4, Orchard Place, s subdivision of land recorded May 23, 1888, in Plat Book 4, Page 25, in the City of Kansas City, Wyandotte County, Kansas, located at approximately 205 North Orchard.” **Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” Ramirez, Johnson, Kane, Markley, Stites, Bynum, Burroughs, Townsend, McKiernan.

Item No. 8 – 211859...AN ORDINANCE authorizing a Master Plan Amendment (MPL2022-010) at 557 River Park Drive and 0 Kansas Avenue from None to Parks/Open Space, Public/Semi-Public and Regional Commercial (Armourdale Area Master Plan), submitted by Gunnar H. Hand,

Action: **ORDINANCE NO. O-105-22**, “An ordinance authorizing a Master Plan Amendment pursuant to Chapter 27 of the Unified Government Code, whereby adopting MPL-2022-010 and amending the Armourdale Area Master Plan for the property from None to Parks/Open Space, Public/Semi-Public and Regional Commercial for property generally located at 557 River Park Drive and 0 Kansas Avenue.” **Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” Ramirez, Johnson, Kane, Markley, Stites, Bynum, Burroughs, Townsend, McKiernan.

PLANNING AND ZONING NON-CONSENT AGENDA

SPECIAL USE PERMIT APPLICATION

Item No. 1 – 211840...SPECIAL USE PERMIT APPLICATION SP2022-059 - KC CABINS, LLC

Synopsis: Special Use Permit for a Short-Term Rental at 10 S. Hallock Street, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design. The applicant, LaTonya Pegues with KC Cabins LLC, is seeking approval to operate a short-term rental with event space at 10 S. Hallock. The subject property is in the Strawberry Hill neighborhood. The subject property sits on top of a large hillside and was a large single-family residence that was converted into a mixed-use building to accommodate a home office on the lower level for a former owner. The office area of the structure has a kitchenette and office rooms which, the Applicant is proposing to use for small gatherings such as baby showers and birthday parties. The home is set to be demolished as the site is approved for a future high-rise apartment development. The Planning Commission voted 4 to 2 to recommend approval of Special Use Permit Application SP2022-059 for one (1) year for the short-term rental, subject to:

- 1) The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that as both the property owner and the business owner that they are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
- 2) Maximum number of overnight guests shall be six (6);
- 3) All parking must be off-street, maximum number of overnight guest vehicles is three (3);

- 4) The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
- 5) Applicant must maintain liability insurance;
- 6) Applicant must maintain the property's physical condition through the duration of the permit;
- 7) All reservations shall be a minimum stay of 24 hours;
- 8) No meals shall be prepared in the dwelling by the owner or owner's agent;
- 9) Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;
- 10) 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) The property must remain in proper maintenance and free of hazards, pests, or infestations.
- 12) The granting of this Special Use Permit does not transfer with a change of ownership of the property.
- 13) The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
- 14) Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
- 15) The Special Use Permit shall be valid for one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved.
- 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

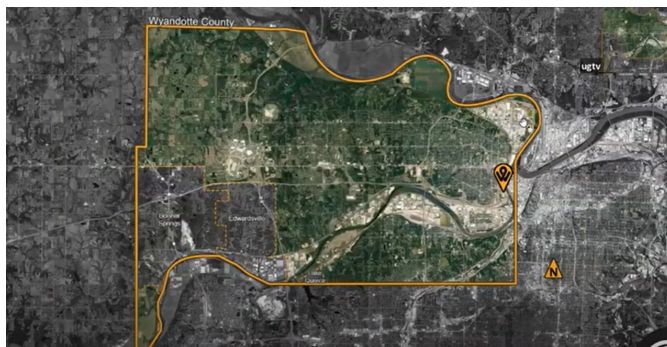
submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Mayor Garner said the recommendation was a 4-2 vote, I take it. I'll ask Mr. Hand to make some remarks.

SP2022-059	
Petitioner	Address
LaTonya Pegues DBA KC Cabins LLC	10 S. Hallock Kansas City, KS 66101
Synopsis	
A Special Use Permit for a short-term rental. The home is set to be demolished as the site is approved for a future high-rise apartment development. At the July 11, 2022 City Planning Commission, the applicant withdrew this proposed use for the same property as an events space.	

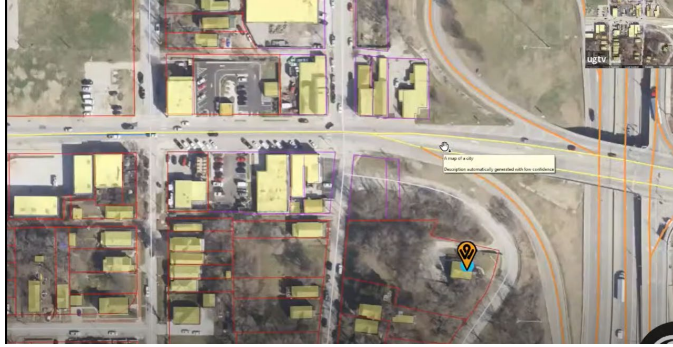
Gunnar Hand, Director of Planning & Urban Design, said this application is for a short-term rental. This would be their first application for a short-term rental. At the Planning Commission hearing, the original application for both a short-term rental and an event space was amended to remove the event space. So, before you this evening, again, is just the short-term rental.

This property is also the same property associated with the proposed 505 Central project. It came to the attention in the review of that project that that current building on the property was operating without a special use permit, therefore, there was a stop work order cited for the property in order for them to come in and to apply for a special use permit.



This is in the Central Area Master Plan, again, just off Central Avenue at Hallock & 6th.

We received no letters of support. There was one letter in opposition.

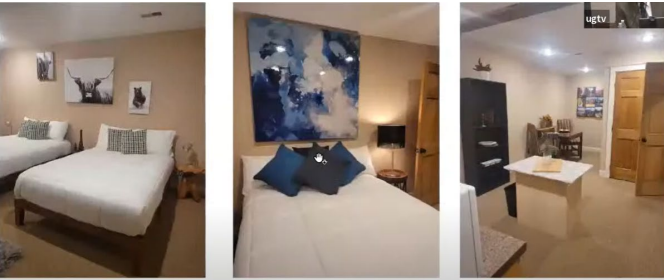


There were multiple members of the public at the Planning Commission in attendance in opposition. I mentioned the stop work order. There were no notices of violation on this property. The short-term rental is recommended for six guests and three cars. Staff recommends approval for one year. Staff agrees with Planning Commission's approval for one year.



Mayor Garner said I'll ask the representative to present the application. Seeing none.

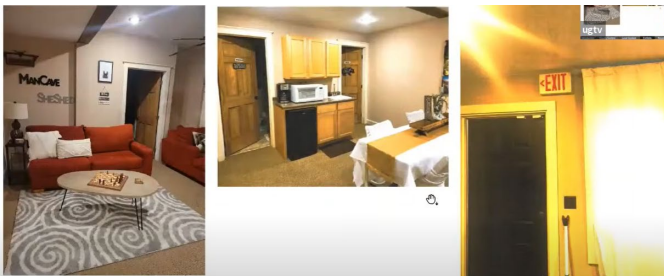
July 28, 2022

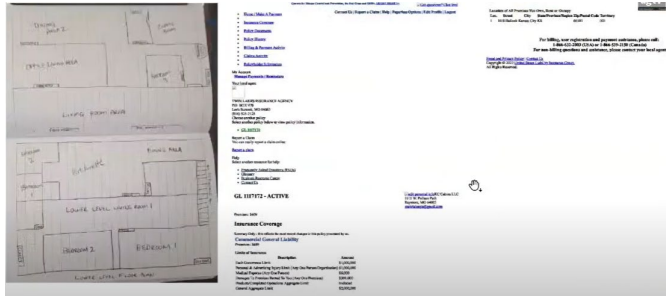


I'll now open the public hearing and ask the Clerk if any notifications were received from the public who wished to express their comments in favor of this item. **Ms. Sparks** said no comments were received.



Mayor Garner asked, is there anyone present who would like to speak in favor of this item? Seeing none.





Is there anyone joining us virtually who would like to speak in favor of this item? **Ms. Sparks** said no hands are raised.

Public Opposition	Public Support
The applicant received one letter of opposition. Multiple members of the public attended the July 11, 2022 City Planning Commission to express opposition to the project.	None to date.
Staff Recommendation	
Approval	

Mayor Garner asked, Clerk, have you received any notifications from the public who wished to express their comments in opposition of this item? **Ms. Sparks** said no comments were received.

Mayor Garner asked, is there anyone present who would like to speak in opposition of this item? Seeing none.

Is there anyone joining us virtually who would like to speak in opposition of this item? **Ms. Sparks** said no hands are raised.

Mayor Garner said I will now close the public hearing. I don't believe the petitioner is present. I'll open it up for comments from our commissioners.

Commissioner McKiernan said I'm going to need some direction from my fellow commissioners on this one. I do think that there's tremendous potential benefit for short-term rentals. As an aside, I think we need a short-term rental license process rather than a special use permit process. That'll be for another day.

Even though I think there's tremendous benefit to short-term rentals, I am just increasingly frustrated with short-term rental operators who come into Wyandotte County from outside the community and don't think to check with the local municipality to see if there are ordinances or regulations that must be followed to open and operate a short-term rental.

I mean, this is an operator who's sophisticated enough to file with the Attorney General's Office to create a limited liability corporation, but they don't bother to check and see if there are local municipality ordinances and regulations that they have to follow.

The UG's had a rental license requirement in place since I believe the late '90s. Although there is no requirement that a short-term rental have a rental license, the presence of our current rental license for decades, I would think, would prompt anyone who wants to open a short-term rental to at least check with the local government to see what the regulations are. So, I look to my fellow commissioners for insight on my position.

Mr. Hand said, commissioners, if I may. With the recent creation of the ordinance studies section in the Planning & Urban Design Department, we are currently working on a short-term rental ordinance to do just that. Secondly, all of the platforms: Airbnb, Vrbo, you name it, they all say to their users, that you need to confirm and check to see if there's any local ordinances to approve, so this is not out of the blue. We have the information on our website. Again, it's well aware when they come to apply for a business license, they're told these things.

Commissioner McKiernan said then I have to say, I'm at a loss for why we end up here with the track record of this operator having hosted guests without getting the proper permits.

Patrick Waters, Deputy Chief Counsel, said I guess I would just state, understanding the frustration, I don't think that the failure to properly apply in the past is a sufficient planning reason to deny tonight. So, I guess, if there's a request for denial, I would look at the standard planning factors.

Commissioner Ramirez said, Mr. Waters, what you're saying is, if we were—say Commissioner McKiernan were to make a motion for denial based on them not following our

code of ordinances based on business and licensing and what have you, that would not be sufficient enough.

Mr. Waters said yes, Commissioner. We accepted the application. We let them go through the process. By doing that, we basically said we're going to judge you based on our standards. We could draft something in the code where if you don't apply, you're somehow penalized. You don't get to apply for another year. You have to get on a waiting list or something. So, we could put something into the code that would penalize people who do this, but having accepted the application and having the process started, we just have to judge based on the standard factors.

Commissioner Ramirez said I share in your frustration, Commissioner McKiernan. Clearly this is a business that researched, knows how to research and how to research the state laws and the state requirements to become an LLC. That's a process in and of itself creating a board of directors, looking up, creating a charter, whatnot and what have you, but not come down to the local level where you're going to be operating and not think to look at the local laws and local requirements.

Yet, as Mr. Hand said, all of these platforms, make sure you know about them and make sure you know that there's requirements and to look at the local requirements. So, I am frustrated in that. I know that's not sufficient evidence to provide a denial, but I just want to say I do share your frustration, Commissioner McKiernan.

Mr. Hand said if it helps the Commission, the two no votes from the Planning Commission were most concerned about the uses compatibility with the adjacent neighborhood.

Commissioner Townsend said I'm perplexed then by what our options are, and this goes to what counselor was saying. So, you're saying we must approve this? Is that what you're saying? **Mr. Waters** said no. Any motion to deny should be based upon the factors set forth on pages 4, 5, and 6 of the staff report. The golden factors plus our local code specific factors.

Commissioner Bynum said, Mayor and Mr. Waters, what I'm curious about is factor No. 11, capability of proposed use to meet applicable ordinance requirements. I feel like that has not been demonstrated by this applicant, well at 11.

Mr. Waters said yeah, I think that's referring to planning ordinance requirements. I understand that, but I think once we've accepted—we accepted the application as a valid application. Again, we could draft the code in the future to say that if we catch you and you fail to apply and we catch you, you don't get to apply for x amount of time. We could put in a penalty, but we just currently don't have that.

Commissioner McKiernan said I'm looking through my golden rules and I guess I'm just gonna have to be resigned to the fact that I'm frustrated as all get out at this because it is simply, to me, disrespectful of us that folks don't have—that they're asking for forgiveness rather than permission. I'm going to keep looking for a second.

Mr. Hand said if it helps, at the Planning Commission hearing, parking was noted as a big issue, but we removed the event space which we think addressed that specifically because it has a parking lot in the back. It also has a long driveway.

Commissioner McKiernan said this has a parking lot. I mean it's got a parking lot. If the event space is removed, then there should not be any spillover parking onto Hallock. **Mr. Hand** said that's correct. Again, the two Planning commissioners that voted in the negative were most concerned about the compatibility as it relates to a lot of the public comment as well. Again, we can't make a recommendation based on opposition.

Commissioner McKiernan said so, you said that the maximum occupancy now is set at six with no event space. **Mr. Hand** said six people, three cars max.

Commissioner Bynum asked, Mr. Waters, what is the result of this item if no motion is made? **Mr. Waters** said for Planning & Zoning cases, because there's a due process attached to it, a decision has to be made at some point. You could remand it to the Planning Commission, you could continue and hold it over on your agenda for another month. A decision does not have to be made tonight, there are options.

Commissioner Ramirez said I think my concern, and I don't know how we're gonna tackle this one, but my concern is setting a precedent, a precedent for others to just not worry about local ordinances to look into and abide by when trying to create something of short-term rental. That's my only issue but, of course, we have to follow the golden rules and make sure it's legally sufficient for us for any move we make. But that's what I'm concerned is precedent.

Commissioner McKiernan said it would be my position that the fact that they didn't apply invalidates or removes our obligation to follow the golden rules in this case but, of course, that's just my opinion on this. It doesn't look like there is any recourse. I don't see any use in sending this back to Planning Commission. I don't know that there's anything that can be done at Planning Commission that couldn't be done here. I don't see any other way out of this other than just go along and make a motion to approve as submitted.

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Burroughs, to approve Special Use Permit Application SP2022-059 as submitted.**

Commissioner Townsend said just two quick questions. One, how did this come to Planning & Zoning since they did not follow the path that they should have before they engaged in the activity? I'm just curious how this came to Planning & Zoning. Second question is, with the body, not suggesting it, but just for information, would it have the ability to half what they asked for?

Mr. Hand said when we were reviewing the 505 Central project, it came to our attention that the current facility on that property was operating a short-term rental and an event space without an SUP. We immediately issued a stop work order requiring them to come in and apply for said special use permit.

Mr. Waters said and if I could, Commissioner, in response to your second question, yes, you can modify the stipulations. You can shorten the timeframe. If there's a motion to approve that passes, you could do six months; you can modify the—that would just take eight votes to modify the recommendation.

Mayor Garner asked, any further discussion? I'll entertain a motion for Special Use Permit SP2022-059. **Ms. Sparks** said we have a motion and a second. **Mayor Garner** said there's a motion and a second. Any further discussion on this? Roll call, please.

Roll call was taken and there were three "Ayes," Markley, Townsend, McKiernan; and six "Nos," Ramirez, Johnson, Kane, Stites, Bynum, Burroughs. (motion fails)

Prior to Commissioner Townsend's vote, she said, I was taught not to buy litigation so I'll have to approve the motion.

Mayor Garner said this brings us to the end of our—Mr. Waters.

Mr. Waters said we'll need a new motion because—**Mayor Garner** said, oh, we need a reason. **Mr. Waters** said so either a motion to deny, hold over, remand.

Commissioner Kane asked, what was that concern, the parking? **Mr. Hand** said the parking issue was related to the event space. Again, the opposition at the Planning Commission was its suitability and its compatibility to adjacent land uses which is factors to be considered, No. 2. It is zoned CO Office for businesses.

Mayor Garner asked, Mr. Waters, can you tell us where we're at and what the Commission's options are at this point? **Mr. Waters** said yes, Mayor. So, the motion to approve did not pass, so it's still on the table. We either need a motion to deny or a motion to remand.

Action: **Commissioner Townsend made a motion, seconded by Commissioner Stites, to approve for six months instead of one year.**

Mayor Garner said I have a motion and a second to remand it—adjust it to six months. Is there any discussion? Seeing none, roll call.

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

Mayor Garner said thank you. That concludes our meeting.

Adjourn

Action: **Commissioner Stites made a motion, seconded by Commissioner Ramirez, to adjourn.**

Mayor Garner said we have a motion and a second to adjourn. Roll call, Clerk.

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

**MAYOR GARNER
ADJOURNED THE MEETING AT 11:00 P.M.
July 28, 2022**

cg

Monica L. Sparks
Acting Unified Government Clerk

July 28, 2022



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: David Johnston
County Administrator

From: Brett Deichler
UG Clerk

Date: April 6, 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 March 31, 2023 – April 6, 2023

1. PERSONNEL ACTION COMMUNICATION DATED: April 4, 2023:

Section I – Appointments

	Department/Division	Eff. Date	New Job Title
Erika J Eiserer	Health	3/30/23	Nurse Practitioner
Mark Palmerin	Police/Asset	3/30/23	Security Officer, Armed
Joshua A Rizer	Public Relations	3/30/23	Media Relations Specialist

Section II – Transfers

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
SueZanne Bishop	Legal	3/30/23	Attorney	Sr Attorney
Thomas J Joyce	Police	4/6/23	Police Captain	Police Major
LaRwan McClaine	Fire	4/6/23	Asst Fire Chief	Deputy Fire Chief
Krista Owens	Police/Animal	3/20/23	OA III	OA III
Shane Turner	Police	4/6/23	Police Major	Asst Police Chief

Section III – Reclassifications

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
Jeff Conway	Legal	3/30/23	Attorney	Attorney II

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

2. CLAIM FOR DAMAGES:

Michael Grafke, 15425 Poplar St., Basehor, KS, alleging damage to car from pothole on Leavenworth Rd. going east at 81st on 2/20/23.

Jean Ann Rucker, 500 N. 80th St, alleging damage to car from pothole on State Avenue going east at 108th.

Lacy Soden, 1506 110th Rd, Atchison, KS, 66002, alleging damage to tire from pothole on State Avenue on 2/28/23.

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

3. NOTICE OF SUIT:

Tokrecia Harrison, by and through her attorney, Jason M. Pottenger.

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

4. TRAVEL REQUESTS:

Angel Silvestre, KCKPD, travel to Stafford, VA, April 30 – May 6, 2023, to attend Clandestine Laboratory, Employee Training/Travel.

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

5. APPLICATION FOR CMB LICENSE (OP):

- Chihuahua Mexican Restaurant LLC, Liliana Campos dba Chicuahua Mexican Restaurant, 842 Osage Ave.

Action: Referred to License.



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: David Johnston
County Administrator

From: Brett Deichler
UG Clerk

Date: April 13, 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 April 7, 2023 – April 13, 2023

1. PERSONNEL ACTION COMMUNICATION, DATED April 11, 2023:

Section I – Appointments

Name	Department/Division	Eff. Date	Job Title
Elijah Lovell	Police	4/13/2023	Auxiliary Officer
Maeve M Washington	Health	4/13/2023	Program Specialist

Section III – Separations

Name	Department/Division	Eff. Date	Job Title
Michael Simmons	Sheriff	3/13/2023	Deputy

Section IV – Leaves of Absence

Name	Department/Division	Lv. Beg	Lv. Ends
Shakila Stewart	Comm Corr	4/21/2023	4/23/23
Shakila Stewart	Comm Corr	5/26/23	6/16/23

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

2. PERSONNEL ACTION COMMUNICATION, DATED April 13, 2023:

Section I – Appointments

Name	Department/Division	Eff. Date	Job Title
Ariston Butler	PW/WPC	3/30/23	Utility Maint Mech I

Section II – Transfers

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
Ramon D Smith	Transit	3/9/23	Transit Operator	Lead Transit Operator

Section III – Separations

Name	Department/Division	Eff. Date	Job Title
Brenda S Huey	Sheriff	4/26/23	Prof Asst
Mark C Kind	DA's Office	3/31/23	Sr ADA

Sherese D Matthews	Parking	3/30/23	Parking Control Officer I
Karen K Southwick	Sheriff	4/26/23	Clerk
Tou V Xiong	Police	3/15/23	Patrol Officer

Section VII – Reclassifications

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
Joni S Cole	Legal	3/30/23	Attorney II	Senior Attorney
Rosemaire Heintzelman	Finance/Treasury	2/22/23	Lead Fiscal Supt Asst	Fiscal Supt Asst

Section VIII – Other Requests

Name	Department/Division	Action Requested and Explanation
Deborah Jonscher	Finance	Out of class pay, efft. 10/24/22

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

3. CLAIM FOR DAMAGES:

Brian & Monica Henderson, 3129 Benton Blvd Kansas City, Mo, 64128, alleging personal injury on 04/14/2021, due to negligence, located at 2500 S 4th St., Leavenworth KS.

Shirley LaMunyon, 1114 Lowell Ave, Kansas City KS 66102, alleging personal injury on 07/28/2022 due to an improperly sealed water drain hole, located at 1619 S 38th St.

Guy Johnson, c/o Reginald Stockman, Stockman Law Firm, 1828 Swift Street, Suite 302, Kansas City MO 64116, alleging personal injury due to a vehicle crash on 03/18/2022. (2)

Mr. & Mrs. Harold Stauton, 6177 Parallel Pkwy, Kansas City KS 66102, alleging damage to the fence, on 02/20/2023, due to a tree.

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

4. SUMMONS:

Jarrell Jones vs., Jason Leonard, Case No. 2022CV000758.

Jill Ann Rogers vs. The Unified Government of Wyandotte County/ Kansas City, KS., Civil Action No. 2:23-CV-2143.



Staff Request for Commission Action

Tracking No. 212391

Full Commission Meeting Date: 4/27/23

Committee: Public Works & Safety

Date of Standing Committee Action: 4/24/23

(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>
04/21/2023	Daniel Kuhn	x5189	dkuhn@wycokck.org	Fire Department

Item Description:

Resolution authorizing the purchase of property at 521 S. 72nd St. for a new Fire Station 20, submitted by Daniel Kuhn, Senior Counsel, Legal Department.

Action Requested:

To Adopt the Resolution and fast-track to the 4/27/23 Full Commission.

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

Resolution authorizing purchase option for 521 S. 72nd St.

RESOLUTION NO. R-_____

**A RESOLUTION AUTHORIZING THE PURCHASE OF PROPERTY AT 521 S. 72ND ST.
FOR THE PURPOSE OF CONSTRUCTING A NEW STATION 20.**

WHEREAS, Station 20 is a township fire station that was built by volunteers in 1966; and

WHEREAS, Station 20 is not ADA/NFPA compliant and suffers from various structural problems which would require expensive repairs; and

WHEREAS, Unified Government staff, in conjunction with outside consultants, have identified a property which fits the requirements for a new Station 20; and

WHEREAS, the Unified Government Board of Commissioners believes that it is in the best interest of the welfare and safety of its employees and residents to find a location to build a new Station 20, and desires to enter into a purchase contract which would provide the Unified Government with the option to purchase the property necessary to construct the new Station 20.

**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY
OF THE UNIFIED GOVERNMENT:**

1. That the County Administrator is hereby authorized to negotiate the terms and conditions, and to execute in the name of the Unified Government, a purchase contract for 521 S. 72nd St., Kansas City, Kansas, as more fully described in Exhibit 1, attached hereto, in an amount not to exceed One Hundred Thousand Dollars and NO/100 (\$100,000.00) plus any necessary closing costs and fees associated with the purchase.
2. The Mayor, County Administrator and other officials and representatives of the Unified Government, including special counsel, are hereby further authorized and directed to take such actions and to execute any documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Resolution.
3. This Resolution shall be effective upon adoption by the Governing Body.

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

Tyrone A. Garner
Mayor/CEO

Attest:

Unified Government Clerk

Approved as to Form:

Chief Counsel

Exhibit 1

Parcel # 926916 - SEC-16 TWP-16 RNG-24, S16, T11, R24, ACRES 4.200000, 576A S 19A W1/2 E1/2 SE 1/4TH 5A LS 14.61AC





Staff Request for Commission Action

Tracking No. 212424

Full Commission Meeting Date: 06/09/22

Committee: Full Commission

Date of Standing Committee Action:

(If none, please explain):

Publication Required: No

<u>Date:</u> 04/21/2023	<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
----------------------------	-------------------------------------	--------------------------------	--	---

Item Description:

Update on the status of grants and grant process, submitted by David Johnston, County Administrator.

For information only.

Action Requested:

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:



Staff Request for Commission Action

Tracking No. 212435

Full Commission Meeting Date:

Committee: Full Commission

Date of Standing Committee Action:

(If none, please explain):

Publication Required: No

<u>Date:</u>	<u>Contact Name:</u>	<u>Contact Phone:</u>	<u>Contact Email:</u>	<u>Department/Division:</u>
04/27/2023	Patrick Waters	x5079	patrickwaters@wycokck.org	Legal

Item Description:

The negotiating team for the Police Department has reached an agreement with the Fraternal Order of Police Lodge No. 4 who represents patrol officers, detectives and sergeants for a new three year contract covering years 2023-2025. The membership of FOP Lodge No. 4 ratified the contract by vote at a meeting held Monday evening. The contract gives four percent (4%) wage increases in each of the three contract years. Other relevant conditions of work addressed in the agreement include: alternative work schedules, promotional processes, external investigation of critical incidents including shootings, college tuition assistance, compensatory time and bilingual officer, submitted by Patrick Water, Acting Chief Counsel.

Action Requested:

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

8QU8575-MOU - Clean - 4 26 23

MEMORANDUM OF UNDERSTANDING

Between

The Unified Government of
Wyandotte County and Kansas City, Kansas

and

Fraternal Order of Police, Lodge #4
of Kansas City, Kansas

2023-2025

**Memorandum of Understanding
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DEFINITIONS

COMMANDER: Commanding officer of the police Department (Captains and above)

BUREAU: Major division within the Police Department

CHIEF: The Chief of Police

UNIFIED GOVERNMENT (UG): The Unified Government of Wyandotte County /Kansas City, Kansas

DEPARTMENT: The Kansas City, Kansas Police Department

DIVISION: Sub-section of a bureau or the Chief's office

F.O.P.: Fraternal Order of Police, Lodge #4

GENDER: The male shall include the female and the female shall include the male

IMMEDIATE SUPERVISOR: The person directly above the employee in rank

LODGE: Fraternal Order of Police, Lodge #4

MEMORANDUM: The Memorandum of Understanding

OFFICER or EMPLOYEE: A sworn Police Officer of the Kansas City, Kansas Police Department within the bargaining unit

SPECIALIZED UNIT: (Subject to modification by addition or deletion by the Department)

- (a) Special Operations Unit
- (b) Crime Scene Investigations C.S.I. Unit
- (c) Police Academy
- (d) Motorcycle Unit
- (e) K-9 Unit

- (f) School Resource Officer (S.R.O.)
- (g) Police Athletic League
- (h) Juvenile Engagement Coordinator

MEMORANDUM OF UNDERSTANDING

WHEREAS, the parties hereto desire to maintain a harmonious relationship, to advance mutual interest in the preservation of public safety, law and order; to promote standards and conditions of employment for police officers of the City of Kansas City, Kansas; to achieve harmonious and peaceful adjustment of differences which may arise; and to establish standards of wages, hours, benefits and other conditions of employment.

NOW, THEREFORE, IN CONSIDERATION OF MUTUAL COVENANTS AND AGREEMENTS HEREINAFTER CONTAINED, THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY / KANSAS CITY, KANSAS, AND THE LODGE HEREBY AGREE AS FOLLOWS:

ARTICLE 1: RECOGNITION

The Unified Government of Wyandotte County / Kansas City, Kansas (hereinafter the "Unified Government") and the Kansas City, Kansas Police Department (hereinafter the "Department") recognize and acknowledge the Fraternal Order of Police, Lodge #4 (hereinafter the "Lodge") as the exclusive bargaining representative for all patrol officers, Detectives and Sergeants employed by the Department for the purpose of negotiating collectively with the Unified Government and Department pursuant to the Public Employer-Employee Relations Act of the State of Kansas, with respect to conditions of employment, as defined by the Act. The recognition herein afforded extends only to those classifications of officers who are in the bargaining unit for which the Lodge received certification as exclusive bargaining representative by the Public Employee Relations Board in Unit Determination Case UDC _ 6TG2817.DOC

69175. Excluded from the representation herein afforded are all non-sworn personnel of the Department, all confidential and supervisory officers, and all officers of the rank of Captain and above. However, nothing in this Article shall preclude any officer or individual excluded from the bargaining unit from becoming or remaining a member of the Lodge.

ARTICLE 2: LODGE STATUS AND RIGHTS

Section 2.1 Right of Organization

Officers shall have the right to join and participate in the Lodge.

Section 2.2 Right of Representation

Officers shall have the right to be represented by the Lodge to negotiate collectively with the Unified Government, in the determination of their conditions of employment, and the administration of grievances for the purpose of administering this Memorandum.

Section 2.3 Dues Deduction

The Unified Government agrees to deduct dues from the wages of employees in the bargaining unit who voluntarily provide the Unified Government with a written authorization which shall be terminable at the end of any year of its life by the employee giving at least thirty (30) days written notice of such termination; otherwise, the authorization will automatically renew for another year. In the event that no wages are due the employee, or that they are insufficient to cover the required deduction, the deduction for such calendar month shall nevertheless be made from the first wages exceeding \$100.00 next due the employee and will thereupon be transmitted to the Lodge. The Unified Government will be afforded a thirty (30) day written advance notice of any dues increase before it is obligated to deduct said dues

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increase.

Section 2.4 F.O.P. Days

Bargaining unit members designated by the F.O.P. may be entitled, in accordance with the provisions herein stated, to draw upon a bank of one hundred seventy (170) work days, with pay, for the purpose of conducting business of the Lodge and/or police association business of members of the bargaining unit.

The bargaining unit business referenced herein includes, but is not limited to, state and national conferences of the Fraternal Order of Police organization, or to attend educational conferences in which the F.O.P. or bargaining unit members participate or sponsor, or civic events in which the F.O.P. or bargaining unit members participate or sponsor.

Included within the events covered by this section are any days where officers are released to be engaged in the following:

1. State F.O.P. Convention
2. Local representation at State F.O.P. Board Meetings
3. Local representation at National F.O.P. Convention
4. Local representation at educational conferences
5. Fundraisers
6. Young Hunters Safety Clinic
7. State Legislative Committee
8. Youth Camp
9. Special Olympics

10. F.O.P. Pro Rodeo

11. Activities of minority Police Officers Associations

This list is not exhaustive of all items covered by this section.

The Lodge, when possible, shall notify the Chief in January of each year covered by this Memorandum of the activities for which the Lodge on behalf of bargaining unit members will be requesting released time hereunder. All such leaves are subject to approval of the Chief. If as a result of these leaves a shortage of personnel exists then the Department shall have the right to cancel such leaves. The Lodge will notify the Chief of such requests at least thirty (30) days in advance of the leave days requested.

Once the bank of one hundred seventy (170) days is exhausted, no further leaves may be granted under this section. The lodge shall be permitted to carry over up to ten (10) F.O.P. days from one calendar year to the next year. The carryover F.O.P. days must be used during the subsequent year and the lodge shall draw upon those carry-over F.O.P. days before drawing upon the newly allotted days.

Section 2.5 Lodge Business

The Unified Government agrees that the President, Vice-President, Secretary, Treasurer and Chief Lodge Steward of the Lodge may conduct authorized Lodge business during regular working hours at the Unified Government Office Building or elsewhere as necessary. If any lodge position listed herein is held by a retired member of the lodge, the lodge president, upon notification to the department, shall be allowed to designate another FOP executive board member, not listed herein, to participate in contract negotiations during regular working hours.

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Prior to engaging in Lodge business at locations other than Department facilities, the Lodge representatives shall provide written notice to the Chief, via e-mail, with a copy to such Lodge representative's immediate supervisor, that they are engaging in Lodge business, and the Chief shall provide consent to such requests as soon as possible thereafter. Consent shall not be unreasonably withheld. The President and Chief Lodge Steward shall be assigned a daylight tour of duty, with weekends off, unless mutually agreed to otherwise. The Lodge shall notify the Department within ten (10) days of an election which results in any changes to the Lodge leadership. The Department shall have thirty (30) days from the date of the notification to change the assignments of the President and Chief Lodge Steward. The Chief will give consideration to the FOP duties of the President and Chief Lodge Steward in determining their appropriate assignments.

Section 2.6 Lodge Meetings

The President, Vice-President, Second Vice-President, Secretary, Treasurer, Sgt. At Arms, three (3) trustees and Chief Lodge Steward of the Union shall be allowed reasonable time to attend not to exceed one (1) regular meeting and one (1) special meeting per month of the local Union. Afternoon shift stewards may be allowed reasonable time to attend, personnel permitting, one (1) regular meeting per month, with consent of their Commander. If the steward is not available to attend the meeting then the alternate shift steward shall be sent in his place. The Chief shall be given written notice at least seven (7) calendar days in advance of such regular meetings and shall be given written notice and must consent to these Union officers being granted time off for any special meetings.

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Section 2.7 Bulletin Board & Inter-Office Mail

(a) The Lodge shall have the privilege of the use of designated bulletin boards for the purpose of posting of notices of its legitimate activities. All notices so posted shall contain a letterhead which clearly indicates that the notice relates to activities of the Lodge and shall be dated and signed by an officer of said Lodge. If the Chief believes any posting to be inappropriate, he may communicate same to the FOP President/Chief Lodge Steward, who shall then take the appropriate action. It shall be the responsibility of the Lodge to remove notices which are outdated, unauthorized or inappropriate.

(b) The Lodge shall have the privilege of the reasonable use of the existing inter-office mail service for transmittal of communications for the official business of the Lodge to its members, as allowable by law. The use of said system shall be limited to communications within the Unified Government Office Building itself and to outlying divisions of the Police Department. Said communications shall be limited to an amount of correspondence to each member of the Lodge not to exceed five (5) separate mailings per month. The correspondence shall contain the same letterhead and signature and submittal required in the preceding subsection. The Lodge will not use, nor permit to be used, the Department's and/or Unified Government's, office machines, computers, copiers or supplies for communications, correspondence, or any other Lodge business without approval from the Chief of police, his designate or in accordance with Department policy.

(c) The Lodge shall have access to and use of the inter-department email system for purposes of communicating with members regarding upcoming Lodge events, meetings and/or

elections of Lodge officers. The Lodge emails shall be sent by the President, Secretary or Chief Lodge Steward. Emails shall be restricted to preclude the recipients from replying to the original communication. The emails shall be in good taste. If the Chief believes that such emails are inappropriate, he shall inform the Lodge President or Chief Lodge Steward, and they shall take appropriate action to rectify the situation. If such inappropriate e-mails persist after being brought to the attention of the FOP the privilege of e-mail communication may be discontinued for a one year period of time.

Section 2.8 Negotiators Pay

The Unified Government will not allow Lodge members time off with pay for purposes of engaging in collective bargaining sessions with the Unified Government except when the Lodge negotiators request to use their accumulated vacation time, compensatory time or regular overtime days for these purposes or as provided in Section 2.5 herein. Additional Lodge negotiators may also use FOP days to attend negotiations.

ARTICLE 3: LODGE COOPERATION MANAGEMENT RIGHTS

Section 3.1 Lodge Cooperation

The Lodge and the Unified Government have entered into this Memorandum for the purpose of facilitating the peaceful adjustments of differences that may arise from time to time and to promote harmony and efficiency and to the end that the police officers and the Unified Government and the general public may mutually benefit. Consistent with this general purpose, the Lodge recognizes that an obligation rests upon each officer to render honest, efficient and courteous service to the Unified Government and its citizens. The Lodge agrees

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to cooperate with the Unified Government in its efforts to strengthen the good will between the Police Department and the general public.

The Lodge recognizes the need for improved methods in providing police services to the citizens of the City/County under the jurisdiction of the Unified Government and agrees to cooperate with the Unified Government and Department in the installation of such methods, in suggesting improved methods in the education of its members and the necessity for such changes and improvements. The Lodge, the Unified Government, and the Department recognize that the philosophy of community policing problem solving benefits the entire community.

Section 3.2 Management Rights

By entering into this Memorandum, the Unified Government has agreed to certain specific limitations on its right to manage the Police Department and direct the personnel. However, it is the intention of the parties hereto that the Unified Government retain each and every right and privilege it ever had except insofar as it has, by this Memorandum, agreed to specific limitations thereon. The Unified Government has, by certain specific articles of this Memorandum, relinquished a portion of its exclusive management rights and it is understood that those articles shall supersede the reservation of rights to the extent of the Article in conflict.

The exclusive rights of the Unified Government which are not abridged other than by this Memorandum shall include, but are not limited to, its right to determine the existence or nonexistence of facts which are the basis of a management decision; to establish or continue

policies, practices and procedures for the conduct of the Department and to change or abolish such policies, practices or procedures; to introduce new or improved methods, equipment or facilities; to discontinue processes or operations or to discontinue their performance by sworn police officers; to select, determine and schedule the number or type of employees required; to assign work to such employees in accordance with the requirements determined by the Department; to establish and change work schedules and assignments; to determine the facts of lack of work; direct the work of its employees; hire, promote, demote, transfer, assign and retain employees in positions within the public agency; discipline, suspend or discharge employees for proper cause; maintain the efficiency of governmental operation; to lay off officers; take actions as may be necessary to carry out the mission of the Department in emergencies; determine the methods, means and personnel by which operations are to be carried on; to unilaterally develop Standard Operating Procedures, General and Special Orders and Rules and Regulations not in conflict with this Memorandum; to establish and maintain reasonable standards for wearing apparel and personal grooming; and all other prerogatives and responsibilities normally inherent in management of the Unified Government or Police Department which are not in conflict with the specific provisions of this Memorandum. All management rights, power, authority and functions other than those relinquished by the Unified Government in this Memorandum shall remain vested exclusively in the Unified Government.

Neither the Unified Government nor the Lodge through their officers, members, representatives, agents or committees, shall engage in any subterfuge of any kind for the

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purpose of defeating or evading the terms of this Memorandum.

ARTICLE 4: NON DISCRIMINATION

The Unified Government and Lodge agree that they shall not directly or indirectly discourage or deprive or coerce any officer in the enjoyment of any rights conferred by the laws of the State of Kansas or the United States; that the Unified Government shall not discriminate against any officer with respect to hours, wages or any other term or condition of employment by reason of his membership in the Lodge or his participation in any of its activities, collective negotiations with the Unified Government or his institution of any grievances, complaints or proceedings under this Memorandum with respect to any terms or conditions of employment; and that the Unified Government and Lodge will fully comply with applicable laws and regulations regarding discrimination against any employee due to such person's race, color, creed, religion, national origin, sex, age or disability.

ARTICLE 5: PROBATIONARY OFFICERS

New officers shall be considered Probationary Officers until six (6) months after they have been released from the F.T.O. program. Any interruption of employment (leave, sickness, injury, etc.) during the probationary period in excess of seven (7) working days per year shall not be counted as part of such probationary period. Probationary Officers may be discharged or disciplined at the sole discretion of the Department without recourse to the provisions of this Memorandum; however, they shall have the right to appeal a discharge to the Chief or his designee whose decision shall be final and binding.

Probationary Officers shall not accrue seniority until the completion of their probationary
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period. Upon the completion of the probationary period, the officers' seniority date will be measured from their date of hire as provided in Article 6.

ARTICLE 6: SENIORITY

Section 6.1 General

Seniority shall be measured by continuous service as a sworn police officer in the Department from the date of last hire, unbroken by other than vacation, military leave or other authorized leaves of absence of not to exceed ninety (90) days, and lay-off not in excess of three (3) years. Seniority shall be broken by discharge, resignation, retirement, lay-off in excess of three (3) years, permanent disability, or suspensions of four (4) months or more or leaves of absence of ninety (90) days or more. Provided that, in the case of break in seniority caused by suspensions of four (4) months or more, or leaves of ninety (90) days or more, seniority shall be reduced only by the length of the suspension or the number of days in excess of ninety (90) days for leaves of absence. In cases of disputes concerning seniority the Department's records shall govern. The seniority of officers who graduated in the same Police Academy class and have the same date of hire, shall be established by the individual officer's class rank in his graduating class.

Section 6.2 Reduction in Force

In the event of a reduction in force, seniority will be the determining factor in selecting the officers to be laid off. Officers will be recalled to duty in reverse order of their layoff.

Section 6.3 Seniority Sergeants and Detectives

Seniority for Sergeants and Detectives shall be measured by time in grade. For 6TG2817.DOC

promotions occurring on or before June 1, 2015, if time in grade is equal, continuous service shall control; and, if continuous service is equal, ranking on the applicable eligibility list, from which they were promoted, will control. For promotions occurring after June 1, 2015, if time in grade is equal, ranking on the applicable eligibility list from which they were promoted will control.

A Detective or Sergeant promoted out of the bargaining unit will retain his full seniority rights, including time spent at a rank outside of the bargaining unit, upon return to the unit, if such return occurs within six (6) months. If the individual returns to the bargaining unit after more than six (6) months, he shall be credited with seniority only for the time actually served in bargaining unit classifications, and he shall begin to accrue seniority from the date of his return to the bargaining unit. If a commander is reduced to the rank of sergeant or detective, he or she shall commence earning "time in grade" seniority from the date he last assumed the duties of that previous rank. If a commander is reduced to the rank of police officer, he or she shall be credited for seniority purposes for all time spent in a bargaining unit position regardless of rank of that position.

Section 6.4 Seniority Roster

The Lodge will be provided with an up-to-date seniority roster containing names, length of service (time in grade for Sergeants and Detectives), and rank of each officer represented by the Lodge. This seniority roster will be provided to the Lodge and will be posted not later than fifteen (15) calendar days prior to the opening of the annual bid period in December. In the event an officer believes an error has been made as to his position on the seniority roster, he

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shall have ten (10) calendar days after the roster is posted to file his protest, in writing, with the Chief through the Lodge.

ARTICLE 7: HOURS OF WORK

Section 7.1 General

The work week shall extend from 0001hours Thursday to 2359 hours the following Wednesday. The standard work day shall be eight and one-fourth (8-1/4) hours of work per day; the standard work week shall be forty-one and one-fourth (41 1/4) hours of work per week. Normally, each employee's assignment will consist of five (5) consecutive days of work with two (2) consecutive days off, except when an officer bids and changes positions. Relief personnel will work the hours and days assigned, in accordance with §8.3. The Department and the Lodge agree to meet jointly and confer, during the term of this Memorandum, for the purpose of exploring alternative work schedules to those schedules already outlined in Article 7.

The pay period shall be Thursday to Wednesday.

Section 7.2 Investigations Bureau

The normal work week in the Investigations Bureau shall consist of five (5) consecutive days of work with two (2) consecutive days off during the work week; however, it is recognized that certain personnel within the Investigations Bureau will necessarily be required at periodic intervals to work more days than specified herein.

Section 7.3 Shift Assignments

There may be three basic work shifts within the Patrol Bureau and Crime Scene

Investigations Unit. There may also be a flexible umbrella shift in the Patrol Bureau and CSI Unit. The hours for these basic shifts shall be established by the Department. The Lodge shall be notified in advance of modification to these hours. The work shift for officers shall begin fifteen (15) minutes before their scheduled tour of duty. This time shall be considered part of the normal work day and not subject to overtime compensation.

Section 7.4 Community Oriented Policing Unit

Community police officers' work hours shall normally be in accordance with Section 7.1. At the officer's discretion, and with unit supervisory approval, for the purposes of fulfilling the objectives of Community Oriented Policing, the officer may split his eight and one-quarter (8-1/4) hour work day. If the work day is split, one hour of travel time shall be granted to the officer as part of the eight and one-quarter (8-1/4) hour work day.

Section 7.5 Meal Period and Coffee Breaks

Each officer shall be allowed a thirty (30) minute meal period per tour of duty. Such meal periods shall be taken between the second and seventh hours of such tour except under extenuating circumstances and with permission of the officer's supervisor. An officer will be subject only to priority calls during his meal period. Officers will be allowed to take periodic coffee breaks as long as they are not out of service and properly perform their assignments.

ARTICLE 8: WORK ASSIGNMENTS

8.0 General:

The Department will use consistent methods and procedures when implementing the provisions of Article 8.

a.) Absentee Bid – Failure to Bid

In the event an officer is going to be absent during the entire period that a job is posted for bid, or call for resume and qualified bid, the officer shall have the opportunity to submit a request to fill the bid, call for resume, or qualified bid by proxy. The proxy shall be signed by the officer. One copy of the proxy request shall be given to the President of the Lodge or his designee, who shall exercise it and one copy to the Chief. The officer who makes such a proxy request must fulfill the selection provisions of the bid that other officers are required to fulfill.

b.) Spousal Supervision

The Department and the Lodge recognize the unique nature of marriage, the marriage contract and spousal privilege. Therefore, spouses may not directly supervise spouses. The subordinate officer spouse must select a position that is not supervised directly by the supervising or commanding officer spouse. The parties agree that the language contained in this paragraph shall not be applicable to the Acting Sergeant provisions in Section 8.6(a). In the event that a bargaining unit member is made Acting Sergeant during a shift in which his/her spouse is also working, that member will recuse himself/herself from directly supervising him/her on any incidents which may occur. In those instances, the Acting Sergeant will call upon another supervisor to direct the activities of the affected spouse.

Section 8.1 Annual Bid for Patrol Bureau

a) Bidding Procedure

Officers assigned to the Patrol Bureau shall be assigned annually to their respective shifts and divisions by the Bureau Director on a bid basis in accordance with seniority. Bidding for shift, division assignments and days off in the Patrol Bureau shall occur annually

in December of each year. Probationary Officers shall have no seniority and may be assigned at the discretion of the Bureau Director.

Bidding shall begin by December 15 and shall be made at the designated place between the hours of 0700 and 1700. Officers shall be assigned a time at which to bid in accordance with their seniority. Once an officer has submitted his or her bid, he or she shall immediately leave the bidding area. The result of the bidding shall become effective the beginning of the first pay period in January. If, after the date of the annual bid, and before the effective date of the annual bid, an officer's active status changes to injured on duty, as described in Section 21.7 (Injury Leave) of the Memorandum of Understanding, that officer shall have ninety (90) days from the effective date of the annual bid to fill the annual bid position. If any such affected officers fail to fill the bid position within ninety (90) days, the position shall be considered vacant and shall be re-bid within ten (10) days thereafter. The affected officer will be ineligible to bid until a release from full duty is submitted from the treating physician. Any other officer who is incapable of fulfilling the position which he has successfully bid, within ten (10) calendar days of its effective date, then the position shall be considered vacant and shall be re-bid within ten (10) calendar days. That forfeiting officer shall be assigned at the discretion of the Bureau Director. That forfeiting officer cannot re-bid this vacant position until the position has been filled and becomes open and is posted for bid again.

No officer shall be required to work two consecutive shifts as a result of the annual bid. Officers affected by this circumstance may use an accrued vacation, holiday or compensatory time for the first shift of the new bid if so desired.

b) Absentee Bid – Failure to Bid

In the event an officer is going to be absent during the period he is assigned to bid he shall have an opportunity to exercise his bid rights by proxy in accordance with Article 8.0 (a). The proxy shall be signed by the officer and specify four (4) alternative bid choices. If the absent officer is unable to obtain a bid position with any of his alternate choices, then he shall be assigned to an unbid position by the Bureau Director.

Officers who do not exercise the opportunity to bid during the appropriate period shall forfeit their right to bid. These officers may be assigned to any unbid position by the Bureau Director.

All bids shall be tabulated and certified by the Bureau Director or his designee and the Lodge President or his designee.

c) Temporary Re-assignment.

Officers and Sergeants, who are assigned to Patrol may be temporarily re-assigned from their bid position to another division or assignment in Patrol to provide additional staffing. The days off and the regular shift hours of these Officers and Sergeants will not be changed as a result of this temporary re-assignment. Furthermore, previously approved days off shall not be rescinded as a result of a temporary re-assignment to another patrol division. Sergeants' reassignments shall be offered to all sergeants who are working the same shift on a voluntary basis. If there are no volunteers, the sergeant reassignment shall be done on the basis of reverse seniority of the involved sergeants of the affected shift.

Section 8.2 Extra Relief Positions

Officers bidding extra relief assignment shall bid for shifts, days off and primary

division assignment. However, officers filling extra relief positions may be temporarily transferred between divisions at the discretion of the Department.

Additional extra relief positions shall be put up for bid if the open position is to be filled.

Section 8.3 Bidding and/or Assignment for Vacancies (other than annual bid).

a) Patrol Bureau

1. Permanent bid vacancies which exceed sixty (60) days, regardless of the cause of such vacancy (other than injury leave under section 21.7) shall be filled on a bid basis and must be posted for at least ten (10) calendar days prior to the expiration of the sixty (60) day period. Using Department e-mail, the Department shall notify successful bidders on the day the bid closes. Within 72 hours from such e-mail notification being sent, successful bidders must notify the Department in writing if they are refusing the bid, otherwise the successful bidder shall forfeit their then current bid position and shall be reassigned to the newly bid position. The position must be filled no less than seven (7) calendar days and no more than thirty (30) calendar days from the date the bid closes. Provided that vacancies created by an officer being injured on duty shall not be subject to bid for six (6) months from the date of injury. Provided further, that probationary officers can be placed at the discretion of the Bureau Director. Positions which did not exist at the last annual bid and are being filled by probationary officers are not required to be posted for bid.

2. Officers in the Patrol Bureau entitled to bid shall have the right to successfully bid for vacancies not more than two (2) times in any calendar year,

excluding the annual bid, call for resume and qualified bid positions; provided, that, upon an officer's successful bid for a vacancy, other than the annual bid, he shall be required to serve a minimum period of three (3) months in that position before he may bid for another new or vacant position in a patrol division within the Patrol Bureau.

3. If an officer is incapable of fulfilling the new or vacant position which he has successfully bid, within thirty (30) calendar days of its effective date, then the position shall be considered vacant and shall be re-bid. The forfeiting officer shall then be prohibited from rebidding that particular position until said position has been filled and becomes open for bid again.

4. The assignment of officers to fill vacancies of a duration of less than sixty (60) days shall be at the discretion of the Bureau Director.

b) Qualified Bid Procedure

1. Vacancies which exceed sixty (60) days, regardless of the cause of such vacancy (other than injury leave under section 21.7) must be posted, commencing no later than the expiration of the sixty (60) day period, and must be posted for at least ten (10) calendar days. The positions must be awarded, no more than thirty (30) calendar days from the date of the posted deadline. If an officer is incapable of fulfilling the new or vacant position, which he has successfully bid, within ten (10) calendar days of its effective date, then the position shall be considered vacant and shall be filled by another officer from the same bid, unless the officer is unable to fill the bid because the officer is on approved injury leave pursuant to Section 21.7 in which case the officer shall have ninety (90) days to fill the position.

(A) When vacancies occur or new positions are created in Community Policing, Traffic Support Unit, School Resource and Dare, Homicide, Child Abuse, Property/Logistics Unit, Real Time Intelligence and Crime Center, Vice Unit, Narcotics Unit or any Specialized Unit, the Department shall notify the Lodge and all members of the vacancy via interdepartmental e-mail. Specific training courses shall not be made prerequisites for filling any unit entry level bid vacancies.

(B) The posting of the new or vacant position in the units listed above in section 8.3(b)(1)(A) shall:

1. Identify the vacant or new position by name and the rank of the position;
2. List the days off for the position;
3. Identify the Unit where the position is located;
4. Identify the hours of work for the position;
5. Identify the date on which the applications for the position must be received and to whom the application should be delivered;
6. Reference the specific Standard Operating Procedure containing the specific job description for the vacant or newly created position;
7. Provide the entry qualifications for the position; and,
8. List the following factors or circumstances which disqualify an officer from bidding the position. An officer will be disqualified:
 - a. The officer fails to meet the entry qualifications for the position as identified on the posted bid;
 - b. If the officer has had eight (8) or more sick leave occurrences

within the twelve (12) month period prior to the bid being posted;

c. If the officer has had two (2) or more negligent accidents within the twelve (12) month period prior to the bid being posted;

d. If the officer has had two (2) or more major violations within the twelve (12) month period prior to the bid being posted;

e. If the officer has had two (2) or more founded internal investigations within the twelve (12) month period prior to the bid being posted; or,

f. If the officer has received or accumulated major discipline of thirty (30) days or longer within the twelve (12) month period prior to the bid being posted.

g. Officers who have a sustained violation of Rule 3.23 – Dishonesty / Lack of Honesty, shall be prohibited from bidding positions in the Crime Scene Investigation Unit (CSI), Cold Case, or the Homicide/Major Case Unit. For purposes of this section, “sustained violation” shall mean the Chief of Police issued a final disposition of a disciplinary action citing Rule 3.23 and the Lodge chose not to challenge the finding through arbitration or challenged the disciplinary action to arbitration and the arbitrator issued a decision sustaining the violation. This

section shall not apply to any officer in the CSI Unit or in the Homicide/Major Case Unit on February 1, 2018; however, officers assigned to the Homicide or CSI units on February 1, 2018, who have a prior sustained violation of Rule 3.23 as described herein and who leave the unit for any reason, shall not be allowed to subsequently bid back into either unit.

(C) Officers shall submit their bid to the Chief of Police or his designee within the time prescribed in the bid position posting. Once the deadline has passed, the Chief of Police or his designee shall review the bids and determine if any or all applicants meet the entry qualifications or are disqualified from the position. If after such review, more than one bidder remains eligible for the position, the position shall be awarded to the senior bidder. If the need arises to change the entry qualifications, the Department shall notify the Lodge, in writing, and articulate the reasons necessitating such a change. The Department's obligation to notify the Lodge of a change in the entry qualifications will in no way abridge its management rights set forth in Article 3.2. The parties agree that the disqualifiers for each position shall not be changed, altered or amended without the consent of both parties. The parties further agree that the hours of work and the days off in the positions in units listed in Section 8.3(b)(1)(A) may be flexed with the exception of the positions in the Property/Logistics Unit, Crime Scene Investigation, and the Police Academy, excluding the positions of Range Master and Assistant Range Master. The hours of work for Child Abuse may be flexed in accordance with Section 8.3(d)(1).

(c) Positions Filled at the Discretion of Chief of Police

1. Officers assigned to the Juvenile Engagement Officer, Crisis Intervention Team, Recruitment, Wellness, Planning and Research, Vice or Narcotics Unit as undercover officers, who receive special duty pay as set forth in Article 22, and officers who are selected to participate in Task Force assignments with outside agencies, shall be selected at the discretion of the Chief of Police after posting and the submission of resumes. Any other position or vacancy for Patrol Officer, Detective or Sergeant in the Vice or Narcotics Units shall be filled by the procedure in 8.3(b)(1) with the additional stipulation that personnel who submit names for positions with an outside agency must have approval of that outside agency or task force with whom the officer will work. Whenever there is a Task Force opening, all interested officers shall be considered by the Chief.

2. PAL Positions. The Police Athletic League (PAL) shall have a minimum of two officers assigned through the qualified bid process as outlined in Section 8.3 (b)(1)(A). The Chief of Police may create one additional position shall be filled at his or her discretion through the call for resume process.

d) Investigations Bureau (CIB)

1. Permanent Vacancies

Permanent vacancies in the Criminal Investigations Bureau, regardless of the cause of such vacancy (other than injury leave under section 21.7), shall be filled on a bid basis within a reasonable period of time after the vacancy occurs. Except as outlined in Section 8.3(b)(1)(A), positions will be awarded to qualified candidates on the basis of seniority. The successful bidder shall be required to serve a minimum period of three (3) months in that

position before he may bid for another new or vacant position in the Criminal Investigations Bureau. All bid notices and qualified bids for all positions in the Criminal Investigations Bureau shall list the shift and regular days off for each position. Shifts are subject to change on a temporary basis as operations dictate. Days off and hours of work for Homicide Detectives may be changed at the discretion of the Bureau Director. When the Bureau Director determines that the need for the change no longer exists, the Homicide Detectives shall be returned to their regular shift and days off.

b. Metro Squad Assignments

Detectives may be assigned to investigator positions on the Metro Squad by seniority on a rotating basis within their unit in the CIB. No Metro Squad assignments may cause a shortage of manpower within any CIB units which within the Bureau Director's opinion renders that unit unable to perform its regular duties and the Bureau Director may alter such assignments to protect against such occurrences. Metro Squad "Report" and "Lead" officer assignments are excluded from these assignment provisions as well as homicide officers.

c. Internal Affairs Unit

New or vacant Detective positions in the Internal Affairs Unit shall be filled by initially allowing all Detectives to respond to a call-for-resume posting. After review of the resumes submitted, the Department will select a suitable Detective from those Detectives who submitted resumes. If, at the Department's discretion, no satisfactory Detective has been identified at this point the Department can select and fill the position with any Detective, who

has not yet reached the rank of Master Detective. Detectives who are selected to work in Internal Affairs must remain there for twenty-four (24) months, even if during this period they have reached the rank of Master Detective. If, at the end of twenty-four (24) months, the Department and the Detective both agree, the assignment may be extended in twelve (12) month increments up to a maximum of forty-eight (48) months. Upon completion of their tour of duty in the Internal Affairs Unit, Detectives shall have the right to bump into any position in the Criminal Investigations Bureau their seniority will allow them to hold, except for the Homicide and Child Abuse Units. When a vacancy occurs in the Homicide Unit or any newly created Detective positions, any Detective assigned to the Internal Affairs Unit may submit a bid, or qualified bid for that position. Detectives assigned to Internal Affairs shall receive special duty pay as outlined in Article 22.

e) Specialized Units

1. Vacancies

Permanent vacancies or temporary vacancies, regardless of the cause of such vacancy (other than injury leave under section 21.7) known to exceed sixty (60) days at the time they occur shall be filled on a bid basis in accordance with the procedure outlined in Section 8.3(b)(1). Specific training courses shall not be made prerequisites for filling any unit entry level bid vacancies. Only officers who have achieved the status of Patrol Officer First Class may bid a position in a Specialized Unit. An officer who successfully bids a position in a Specialized Unit shall be required to remain in that position and shall not have the right to bid upon another position for a period of Eighteen (18) months from the date he is notified that he is the successful bidder,

subject to the provisions of Article 9.2 of the Memorandum of Understanding. The foregoing provision requiring an officer to remain in a position for eighteen (18) months shall not preclude the Department from exercising its management right to abolish such position.

Bidding for positions in the Specialized Unit will be done only when a vacancy occurs.

2. New Positions

Bidding for new positions in any Specialized Unit will be done in accordance with the procedure outlined in Section 8.3(b)(1).

3. Tactical Unit

Bidding for a new or vacant position in the Tactical Unit will be done in accordance with the procedure outlined in Section 8.3(b)(1). Any officer filling a position within the Tactical Unit will be required to maintain physical fitness and training requirements for members of the unit in accordance with applicable Department policy and such requirements will be part of the selection process for assignment to this unit. Successful bidders in the Tactical Unit must have the approval of any outside agency / task force that they will be working with.

4. Motorcycle Unit

Bidding for a new or vacant position in the Motorcycle Unit will be done in accordance with the procedure outlined in Section 8.3(b)(1).

5. Bidding Work Assignments - Crime Scene Investigation Unit

Bidding for a new or vacant position in the Crime Scene Investigation Unit (CSI) will be done in accordance with the procedure outlined in Section 8.3(b)(1). An

officer assigned to CSI may not exercise his seniority for callouts until he has received a certification and/or a rating of proficient or better on an evaluation in the areas of fingerprinting, blood spatter, trace evidence and forensic photography. The officer must be given such evaluation within ten (10) days of submission of a request for an evaluation, absent exigent circumstances. Any subsequent request for evaluation will be limited to one (1) evaluation every ninety (90) days.

Section 8.4 Field Training Officers

Officers may be selected to serve as Field Training Officers (FTO's) by the Chief of Police. FTO's selected and assigned to train recruits shall receive monthly special duty pay as outlined in Article 22 for the full year minus any time removed from the FTO assignment. Once selected, FTOs shall remain in their position until they express a desire to leave the position or the Department removes them from the position for cause. FTO's may also be selected and assigned by the Chief to train newly promoted sergeants and detectives. FTO's assigned to train sergeants and detectives shall receive monthly special duty pay for the year minus any time removed from the FTO assignment. These officers shall be trained and properly certified by the Department and shall be assigned to their duties of recruit training, academy instruction and other assigned duties at the direction of the Chief. Seniority of the FTO's shall not be a consideration in assigning recruits or other duties but their assignments shall be determined solely at the discretion of the Department.

Section 8.5 Bumping

Officers of each of the following two (2) categories will be allowed to exercise their seniority by bumping into another filled or unfilled bid position:

1) Officers, whose jobs were abolished by the Department between annual bid periods; and

2) Officers who are no longer eligible or qualified to hold the positions for which they have bid because the requirements for those positions have been changed since the last bid.

When such bumping is allowed, each officer affected by the bump also will be allowed to exercise his or her seniority in a like manner.

The Department, when feasible, will abolish jobs at the end of a bid period, allowing affected officers to bid in the annual bid.

Officers may not bump into Specialized Units, qualified bid, or call-for-resume positions.

Section 8.6 Assignment Out of Rank

The Lodge recognizes the need for individual officers to perform, from time to time, the duties of officers of the next higher rank.

a) Acting Sergeant

Patrolmen on each shift may be assigned by their immediate and/or unit supervisor to temporarily perform the duties of a Sergeant, at the per diem pay of a Sergeant. Such temporary vacancies will be filled by individuals on the same division and shift, or same unit and shift, according to their relative position on the Sergeant's eligibility list. If an officer on the same shift and division, or same unit and shift is on the Sergeants' promotion eligibility list then that officer shall fill the temporary vacancy. If there is no one available on the same shift and division, or same unit and shift, who is listed on the Sergeant's eligibility list, then the

Department's seniority list shall be used starting from the most senior to the least senior officer. If no one accepts the temporary assignment from the Department's list, then the least senior patrol officer on that shift, division, or unit and shift shall fill the temporary vacancy. Probationary officers are not eligible for acting Sergeant Assignment.

b) Acting Detective

Patrolmen may be temporarily assigned to the Criminal Investigations Bureau as acting Detectives. Such temporary assignments shall be filled by the individual who is highest on the Detective eligibility list, if such individual so chooses, and that individual shall receive the per diem pay of a Detective.

In the Narcotics Unit, unit patrol officers shall be assigned by their unit supervisor to temporarily perform the duties of an acting Detective in the Narcotics Task Force Unit at the per diem rate of a Detective. Such temporary vacancies shall be filled by Narcotics Task Force patrol officers according to their relative position on the Detectives' eligibility list. If an officer is on the Detective promotion eligibility list, then that officer shall fill the temporary vacancy. If no one is available who is listed on the Detective's eligibility list, then the Department's seniority list shall be used starting from the most senior officer to the least senior officer. If no one accepts the temporary assignment from the Department's list, then the least senior patrol officer on that shift, division, or unit shall fill the temporary vacancy. Probationary officers are not eligible for acting Detective assignment.

In the event of special investigations which require special education, training or experience, which qualifications are not held by existing Detectives or Master Detectives, then

patrolmen possessing the required special qualifications may be assigned to Acting Detective positions. Such officers shall receive the per diem pay of a Detective during the time actually served.

c) Acting Captain

Detectives and Sergeants on the Captain Promotion Eligibility List shall be given an opportunity to serve as an Acting Captain, at the per diem base pay of a Captain, to fill temporary vacancies in the following manner:

Each vacancy in the Department known to be temporary at the time it occurs will be filled by the individual highest on the Captain's Eligibility List for that division and shift, or unit and shift. If there is no one available in the division and shift, or unit and shift, who is on the Captain's Eligibility List, then the Department Seniority List from that division and shift, or unit and shift, will be used. If no one on the Department Seniority List from that division and shift, or unit and shift, volunteers, then the senior Sergeant or Detective from that division and shift, or unit and shift shall be used to fill the vacancy. Per Diem Pay shall commence on the first day of such service.

d) Procedure

The following rules shall apply when determining if and how an out-of-rank assignment should be made in the three patrol divisions in the Patrol Bureau:

1. Only one hard stripe or acting Sergeant or acting Captain is required for any given shift.
2. When a "hard" Captain is working, and no Sergeant is working, a Sergeant

will fill the vacancy in accordance with Section 23.1. An acting Sergeant will be made to cover a vacancy that cannot be filled by a hard Sergeant. If the vacancy is longer than five (5) consecutive work days, the days in excess of five (5) work days may be filled by temporarily assigning a Sergeant in accordance with Section 8.1(c).

3. On a shift where two or more Sergeants are assigned, an acting Sergeant or a temporarily reassigned Sergeant may be utilized, staffing permitting, to allow a Sergeant a day off on the regular days off of the other Sergeants.

ARTICLE 9: TRANSFERS

Section 9.1 Personal Requests

Any officer may request a transfer of assignment from one shift to another or one division to another. All such requests for transfer shall be in writing and served on the division or unit commander with copies to the appropriate Bureau Director and to the Lodge. Requests for transfer shall be granted only for legitimate personal reasons or the officer's inability to adequately perform assigned duties and provided there is an open position available or another eligible qualified officer will consent to trade shift, division or assignment with the officer seeking the transfer. If the Bureau Director denies the transfer request, the officer may appeal that decision to the Chief. Officers shall not be allowed time off or be paid for the extra days worked if the transferred officer fails, as a result of the transfer, to receive the requisite two (2) days off during the work week of the transfer. No transfers between Bureaus or into Specialized Units shall be allowed under this section.

Section 9.2 Departmental Transfers

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Officers may be transferred by their Bureau Director, either temporarily or for the duration of an annual bid period, to another shift or division. Such transfers shall only be for the following reasons:

- 1) Providing adequate police services;
- 2) Inability to perform assigned duties;
- 3) Inability to successfully complete training requirements of his position; or
- 4) Inability to function within a given area without an unusual incidence of founded complaints.
- 5) In cases of alleged protected class harassment, discrimination and/or retaliation, temporary transfer pending completion of the investigation.

The officer affected and the Lodge shall receive notice, in writing, of the transfer and the reasons therefore. Departmental transfers, for the purpose of affording necessary police service, shall as far as practicable be in reverse order of seniority on each shift. Officers transferred at the request of the Department shall be paid one and one-half (1-1/2) times their normal rate of pay for all hours worked over forty-one and one-fourth (41-1/4) in the event they do not receive their requisite days off.

The Department shall have the right to fill vacancies created by transfers made under this section for up to sixty (60) days without being required to place said vacancies up for bid. Such vacancies shall be filled by the least senior officer at within the division and shift to which the transferred officer has been assigned. At the end of sixty (60) days, the officer who has temporarily filled the vacancy shall return to his original position and the transferred

officer shall either be returned to his former position or his former position shall be declared vacant and filled on a bid basis in conformity with Section 8.3(a), unless an annual bid has occurred in the interim.

Officers who have been transferred under subsections (2) (3) or (4) of this section, will not have the opportunity to re-bid the position or division from which they were transferred for a period of one (1) year.

ARTICLE 10: JOB CLASSIFICATIONS

Section 10.1 General

The Department has full discretion in establishing, modifying, abolishing or re-establishing job classifications, determining the job descriptions and job requirements for a particular job classification, the number of personnel needed or assigned to a particular classification, and determining the qualifications of the officers for particular job classifications consistent with the Department's requirements. The Lodge shall be notified of any new job classification prior to implementation and afforded an opportunity to consult with the Department regarding new classifications.

Section 10.2 Job Classifications

The job classifications for officers of the Kansas City, Kansas Police Department covered by this Memorandum shall be as follows:

Sergeant

Detective

Patrol Officer

(a) Sergeant

A Sergeant is responsible for supervision of and assistance to patrolmen and other subordinates on his or her tour of duty. His or her duties include performance of required paperwork, in addition to patrol work, taking command of more difficult situations and giving instructions to subordinates to accomplish tasks. When a Captain is not regularly assigned to a particular shift and division, or unit, and a Sergeant is thereby required to perform a Captain's work, no assignment out of rank pay (as specified in Section 8.6) shall be paid to said Sergeant. The senior Sergeant on that particular shift and division, or unit, will complete the required paperwork.

(b) Detective

Detectives are ranking officers who have been promoted into the Criminal Investigations Bureau and who are then specially trained in criminal investigation and assigned to the investigation of crime. Detective duties are as more fully set out in the Department's Standard Operating Procedure & General Orders.

(c) Patrol Officers

Patrolmen perform general police work involving patrol and traffic activities, enforcing state and municipal laws, regulations and ordinances protecting life and property.

Section 10.3 Sergeant - Bidding Between Bureaus

Sergeants may bid between bureaus when a vacancy occurs. In the event a position is not filled by an active Sergeant, then a Sergeant will be appointed from the appropriate eligibility list to fill the vacated position.

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Section 10.4 Non-Sworn Personnel

It is recognized that non-sworn personnel must be knowledgeable of the police function, and they are not called upon to exercise the powers and authority of sworn police officers. Therefore, personnel, other than sworn police personnel, may be employed as administrative specialists to fulfill administrative and non-field functions of the Department.

Section 10.5 Prerequisites Promotion to Sergeant and Detective

Patrol Officers shall not be eligible to take the written test for promotion to Sergeant or Detective until they have served four (4) years as police officers beginning on the date of their Academy graduation and the officer must also have worked at least three (3) years in patrol to be eligible to test.

The three years in the Patrol Bureau as members of the Department requirement for police officers shall commence with the time that those officers received their serial numbers from the Department.

Section 10.6 Prerequisites Promotion to Captain

Only Sergeants and Detectives shall be eligible to obtain a position on the promotion list for the rank of Captain. The required time in grade before a Sergeant or Detective may seek to qualify for promotion to Captain shall be three (3) continuous years prior to taking the written test for promotion. In the event a Sergeant or Detective promoted to Captain fails to successfully complete the six (6) month probationary period, they shall be returned to their former position.

ARTICLE 11: PROMOTIONS

Section 11.1 Merit Promotion Qualification

Promotion to the positions or ranks of Detective, Sergeant and Captain shall be on merit. Each candidate for promotion must participate in the Departmental promotional testing, which shall comply with all Federal Equal Employment Opportunity Standards. The promotional testing shall be prepared and administered by an outside testing firm. The purpose of the testing shall be to determine an officer's suitability for the particular rank sought. All officers who take the written examination shall be eligible for further consideration for promotion.

(a) Written Examinations

1. Separate written examinations shall be administered for promotions to the classifications of Detective, Sergeant and Captain.

2. The written examinations for Sergeant, Detective and Captain shall contain a sufficient number of questions to adequately meet the needs of the Department as set forth in Section 11.1 of the Memorandum of Understanding. The precise number of questions and their format shall be left to the sound professional discretion of the outside testing firm retained to develop such examinations.

3. All examinations for promotion to the positions of Detective, Sergeant and Captain shall be administered on the same day, when practical.

4. A candidate will be allowed to review a copy of his or her answer sheet and a copy of the written examination. If required by the testing protocol of the outside

firm, the candidate shall return the answer sheet and copy of the written examinations after review.

(b) Interviews

1. Interviews will be conducted by Law Enforcement Examining Boards as hereinafter described for the purpose of determining an applicant's capabilities and relative suitability for the position sought. The general form and substance of the interview shall be determined by the outside testing firm. No "fact sheets" or other written material about the background or qualifications of the candidates for promotion shall be submitted to the Law Enforcement Examining Boards. To the extent reasonably possible, the interviews for each rank shall last about the same amount of time and be of the same general form and substance.

2. The interview process will be consistent with the guidelines provided by the testing agency. Each candidate will be advised of the three (3) scores that he received from the Examining Board following the interview, provided, however, that the individual board members' scores shall not be identified.

3. The Lodge shall designate one observer. The Lodge observer shall not be present in either the interview room or the preparation room, but shall remain at the testing location until the entire process is completed to determine that the required procedures are followed. The Lodge observer's role shall be to ensure compliance with this Memorandum of Understanding. If the Lodge observer observes conduct which he or she believes is in violation of this Memorandum of Understanding, he or she shall

address such issue with the Department representative coordinating testing on behalf of the Department. Nothing herein shall be construed as a waiver of the Lodge's right to file a grievance over observed violations of the testing procedures. The Lodge observer and the Department representative shall endeavor to resolve any such disputes involving the interview process. The Lodge observer shall not actively disrupt the interview process. During the testing period, the Lodge shall designate either the President, Vice President, Secretary, Treasurer or Chief Lodge Steward as its observer and the Department shall TDY that individual to the testing location for the times and dates of the testing process. No other outside observers from the Unified Government (other than a representative of Human Resources), the Lodge or any other entities shall be permitted in the interviews or other testing conducted before the Law Enforcement Examining Boards. All interviews or other testing before the Law Enforcement Examining Boards and the preparation of evaluations based on such interviews and testing by the Law Enforcement Examining Boards shall be audio recorded. Either the Unified Government or the outside testing firm shall supply sufficient audio recording equipment and to record these matters. Either the Unified Government or the outside testing firm shall clearly label audio files with the rank being tested, the date, and the time covered on the tape. All interviews before the Law Enforcement Examining Boards shall be audio recorded. Upon the conclusion of the testing, the audio files shall be delivered to the outside testing firm for safekeeping, along with other test materials.

(c) Law Enforcement Examining Board

1) Sergeant and Detective. All candidates for promotion to the rank of Sergeant or Detective will be interviewed by a panel consisting of three (3) sworn personnel from a department or departments other than KCKPD selected jointly by the Lodge President and the Chief.

2) Captain. All candidates for promotion to the rank of Captain will be interviewed by a panel consisting of three (3) sworn personnel from a department or departments other than KCKPD selected jointly by Lodge President and the Chief.

(d) Supervisor's Evaluation

The score of the employee's last supervisor evaluation immediately preceding the creation of the promotion eligibility list shall be considered in accordance with section 11.2. Only those supervisor evaluations which have been validated by the outside testing firm may be used in the promotional process.

(e) Officers on Military Leave

Officers on military leave during promotional testing and interviews shall be permitted to test and interview for promotion upon return from such military leave. Officers returning from military leave shall have 30 days following their return to duty to declare in writing to the department that they desire to test and interview for promotion.

For purposes of determining eligibility to test and interview for promotion, officers returning from military leave must have met the eligibility requirements identified in sections 10.5 and 10.6, above, as of the original written examination date.

An eligibility list shall be established, based on the oral interviews, written examinations and supervisors' evaluations for each rank covered. Each candidate shall be rated on the above-referenced factors and these ratings shall be considered to determine the candidate's overall rating. The weight to be attributed to the various components (written, oral and evaluation) of the system shall be determined by the testing firm based upon the applicable job analysis conducted for each position or rank. These weights shall be made known to the Lodge and Unified Government prior to the administration of the components along with a summary of the basis for such weighing. Officers shall be placed on a promotion eligibility list in the order of their overall rating; any tie among candidates of equal rating shall be broken by the relative seniority of the officers involved. The eligibility list shall be available for inspection and each candidate will be notified of his respective position on the list and his score and percentile on each factor. Promotions shall be made by the County Administrator with the advice of the Chief from the appropriate eligibility list in accordance with the candidate's position thereon. An officer may be passed over for promotion for sufficient cause in which case each officer passed over shall be advised in writing of the reasons therefore, with a copy to the Lodge.

The written test for sergeants and detectives will be administered in 2024. The written test for captain will be administered in 2025. Officers shall not be promoted until they attain the requisite time in grade. An officer may decline a promotion without losing his place on the eligibility list. The eligibility lists existing at the date of execution of this Memorandum shall govern promotions until the new eligibility lists are effective. The eligibility lists created in 6TG2817.DOC

accordance with this section shall govern promotions to a time of at least thirty (30) months from the effective dates of these lists or until replaced by subsequent lists after expiration of the thirty (30) months.

Officers who have been placed in one of the top six (6) positions on any eligibility list shall be entitled to be promoted provided that corresponding authorized vacancies occur at anytime during the life of the eligibility list.

The top six (6) slots on the eligibility list shall be designated for a corresponding vacancy, if a tie on the eligibility list occurs seniority as defined in Section 6.1 of the Memorandum shall prevail. If the officer is on more than one list the officer must claim the promoted position when asked so that the specific vacant position selected can be designated for that officer. In the event that the current eligibility list expires before the promoted vacancies are filled by the designated officers these designated officers will retain the right to fill these promoted positions when authorized and must be promoted ahead of all officers on the respective subsequent lists.

If an officer on military leave who completes promotional testing upon return from such military leave qualifies for one of the top six (6) positions on the promotion eligibility list, such officer shall be placed in the appropriate position on such list which shall result in the bumping of the officer then in the sixth position down the list. If the officer in the position immediately below the position in which the returning military officer is placed has been promoted, the returning military officer shall likewise be promoted, retroactive to the date of the individual immediately below him on the eligibility list. If the officer in the sixth position

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on the list has already been promoted, such officer shall not then be demoted. If an officer on military leave tests on to the promotion eligibility list, rank seniority of such officer and the other officers on the list shall be similarly adjusted.

Section 11.3 Promotion Probationary Period

Officers promoted to higher ranks shall have their names removed from all eligibility lists on the date of promotion and shall be on probation for the first six (6) months of service in the higher rank. During this probationary period, they may be demoted to their former rank by the Chief in which event they shall have the right to grieve to the level of the Grievance Board. If the Grievance Board cannot resolve the issue, the matter may be appealed to Step 5 of the grievance procedure. Any officer who is demoted shall be notified, in writing, by the Chief, of the reasons for such demotion with a copy to the Lodge.

ARTICLE 12: JOINT STANDING COMMITTEES

Section 12.1 Accident Review Board

(a) There shall be an Accident Review Board to review vehicular accidents involving police vehicles. The Accident Review Board shall be composed of two (2) officers appointed by the Lodge and two (2) officers appointed by the Chief. The Chief shall appoint a commander to be the chairperson, who shall vote only in case of a tie. Board members who are off-duty at the time shall be compensated at the overtime rate of pay during their attendance at Accident Review Board hearings. The respective members of the Accident Review Board shall be appointed effective January 1 of each year and shall serve for one (1) year.

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Officers who are involved in vehicular accidents while operating department-owned vehicles may be interviewed about the facts of those accidents by employees or agents of the insurance company insuring such vehicles. Such interviews shall be conducted at a reasonable time and place. Nothing in the interviews, and no statements prepared as a result of those interviews, shall be used by the department in any manner in seeking discipline against an officer, nor as evidence in any manner in any accident review board hearing, grievance board hearing or arbitration.

The Accident Review Board shall review accidents involving police vehicles to determine whether or not the officer involved was negligent. Tie votes shall be resolved by a decision of the chairperson or in his absence the designated Commander. The Accident Review Board shall be empowered to hold whatever hearings and interviews of witnesses it deems necessary to fulfill its purpose. The Accident Review Board shall conduct its hearings monthly, giving at least five (5) calendar days notice to officers of such hearings. Accidents involving police vehicles which occur less than fourteen (14) calendar days prior to the third Wednesday of a month shall not be heard until the succeeding month's hearing. The Accident Review Board shall report its findings along with reasons in support thereof to the Chief on the date that a decision is reduced to writing. Discipline imposed as a result of the accident review board shall be imposed within fourteen (14) calendar days of the date that the decision of the accident review board is reported to the chief, which time may be extended by mutual written agreement. If an officer is issued discipline in accordance with the Accident Review Board

Procedures outlined in Appendix 8, the officer shall have no right to appeal the action.

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Officers may use accumulated vacation, holiday or regular overtime days in order to receive such pay for disciplinary suspensions, provided, if an officer is found negligent in excess of two (2) times in any consecutive twelve (12) month period, he may not use vacation, holiday or regular overtime days in order to receive pay for the third and succeeding suspensions. The Accident Review Board procedures are incorporated herein and attached hereto in Appendix 8.

(b) Accident Review for Rule and Regulation Violations

The Department shall have fourteen (14) calendar days after the date of a motor vehicle accident involving Department motor vehicles to determine whether the actions of the officers involved will be investigated to determine whether rules and regulations or orders of the Department have been violated. This time limit may be extended for up to fourteen (14) additional days by written agreement between the Department and the Lodge. If the Department conducts such an investigation the procedures of the Accident Review Board may not be invoked. If the Department declines to conduct such an investigation, the officers involved in the vehicular accident may only be disciplined through Accident Review Board procedures as identified in Appendix 8.

Section 12.2 Joint Equipment and Uniform Committee

There shall be a Joint Equipment and Uniform Committee composed of two (2) officers appointed by the Chief and two (2) officers appointed by the Lodge. The Chief shall appoint the chairperson. The purpose of the joint committee shall be to study, evaluate, meet with and make recommendations to the Chief concerning the purchase of new equipment and/or uniforms or the upgrading, utilization, maintenance or upkeep of Department equipment and/or

uniforms. No change may be made in uniform or equipment requirements without written notification to the Lodge.

ARTICLE 13: INTERNAL INVESTIGATION PROCEDURES

Section 13.1 General

There shall be an Internal Affairs Unit that may conduct criminal or administrative investigations. Criminal investigations will involve alleged violations of the criminal laws by an officer. Administrative Investigations shall involve the investigation of complaints against an officer by citizens, fellow officers or the Chief not amounting to a violation of the criminal laws or alleged violations of the criminal laws where only an administrative penalty may be imposed. If at any time during an administrative investigation information is obtained by the Department that presents a reasonable belief that the matter is criminal in nature the provisions of section 13.3, criminal investigation procedures, shall be immediately adhered to.

Section 13.2 Administrative Investigations Procedure

In order to insure that all investigations by the Internal Affairs Unit are conducted in a manner conducive to public confidence, good order and discipline, while observing and protecting the individual rights of each officer, the following rules of procedure are hereby established:

(a) An officer who is the subject of an administrative investigation may request that a representative of the Lodge be present during the interrogation. Officers shall be entitled to an uninvolved Lodge representative during any meeting with management that officers reasonably believe will result in disciplinary action. The Lodge representative may observe the

interview/interrogation and consult with the officer and interviewer before the interview/interrogation is concluded for the sole purpose of securing the officers rights pursuant to the Memorandum of Understanding. Upon the conclusion of the Department's questioning, the Lodge representative may ask questions of the accused officer. The Department and the Lodge representative may ask further questions upon the conclusion of each party's questioning and follow up. Neither party shall prevent the other from asking questions or disrupt or interfere with their questioning in any way. This section shall not apply to any truth verification pre-test or test. If the preferred Lodge representative cannot be made available at the designated time and location, the Lodge shall be obligated to provide an alternative representative. The Department shall give no less than twenty-four (24) hours notice of a scheduled interview/interrogation. This representative shall be considered as being on Lodge business pursuant to Article 2 and Article 16.

(b) The interview/interrogation of any officer shall be at a reasonable hour, preferably when the officer is on duty, unless the circumstances of the investigation dictate otherwise, all as determined by the Department.

(c) The interview/interrogation shall take place at a location designated by the investigating officer, usually at a police facility.

(d) The officer shall be informed of the rank, name and command of the interviewing/interrogating officers as well as the rank, name and command of the officer in charge of the investigation and the identity of all persons present during the interview/interrogation. When an officer is directed to report for interview/interrogation his commanding officer shall be notified prior to that time when feasible.

(e) The officer shall be informed of the nature and the basic facts (date, time, place and type of incident) and the specific allegations known to Internal Affairs Unit at the time relating to the investigation before any interview/interrogation commences. If it is known that the member being interrogated is a witness only, he shall be so informed.

(f) The interview/interrogation shall be completed as soon as possible not to exceed four (4) hours. Time shall be provided for personal necessities, meals, telephone calls, and rest periods.

(g) The officer shall not be subjected to any offensive language, coercion or promise of reward as an inducement to answering questions. Nothing herein is to be construed as to prohibit the investigating officer from informing the member that his conduct can become the subject of disciplinary action.

(h) The complete interview/interrogation of the member shall be recorded mechanically or by stenographer. There will be no "off-the-record" conversation except by mutual agreement. All recesses called during the interview/interrogation shall be noted in the record.

(i) When any statement which an officer gives is reduced to writing, he shall be given an exact copy of the signed statement within one (1) business day of making the request; and, if the questioning is mechanically or steno graphically recorded, he shall upon request, be given a copy of such recording and/or transcript, except tapes and recordings of polygraph and CVSA examinations. Any request for a copy of a recording must be made prior to the officer's signing the transcript, after which the recordings may be destroyed. The cost of the officer's tape shall be borne by the officer.

(j) The refusal by an officer to answer questions or give a statement during any non-

criminal investigation whether as a participant or a witness may result in disciplinary action.

(k) Internal Affairs Unit records shall not be used as a basis for the subsequent discipline of officers after two (2) years and one (1) month. The Department's continued maintenance and use of Internal Affairs Unit information will not change as a result of this section.

(l) The Internal Affairs Unit shall have one-hundred twenty (120) days from the date a complainant signs his Internal Affairs Unit complaint in an administrative investigation or the Deputy/Assistant Chief assigns a Department Investigator within which to report its findings to the Deputy/Assistant Chief, which findings shall be file-stamped by the Chief's office upon receipt. In the case of a complaint which is originally investigated as a criminal investigation, the Internal Affairs Unit shall have ninety (90) days from the date such complaint is converted into an administrative investigation within which to report its findings to the Chief's office, which findings shall likewise be filed-stamped by the Chief's office upon receipt. The assigned Deputy/Assistant Chief shall have thirty (30) days from that date within which to render his decision as to discipline, if any; the assigned Deputy/Assistant Chief must provide the Lodge and the officer with a copy of his decision as to discipline within those thirty (30) days. The assigned Deputy/Assistant Chief may also return the investigation to the Internal Affairs Unit for an additional thirty (30) days and the date on which the investigation is returned to the Internal Affairs Unit shall be file-stamped by both the Chief's office and the Internal Affairs Unit. If the file is so returned, the assigned Deputy/Assistant Chief must provide the Lodge and the officer with a copy of his decision as to discipline within thirty-five (35) days of the date on which the investigation was returned to the Internal Affairs Unit.

(m) An officer shall not generally be required to perform a shooting re-enactment within twenty-four (24) hours of any shooting. Exceptions to this may be granted only by the Chief of Police when in the Chief's judgment a re-enactment within a shorter period of time is necessary if the true character of the shooting event is to be captured by the re-enactment.

(n) Officers shall not be ordered to consent, as a condition of employment, to provide a blood, urine or other bodily fluid sample with the exception of testing administered through the Unified Government's Substance Abuse Policy.

(o) Officers shall not be ordered to consent, as a condition of employment, to provide personal financial records, personal phone records or personal passwords to private email accounts or private social network sites.

(p) Officers shall not be ordered to consent, as a condition of employment, to a search of their home or their personal vehicle or any personal property to which such officer has a reasonable expectation of privacy.

Section 13.3 Criminal Investigations Procedure

With the exception of OICIT investigations, and with the further exception of independent investigations conducted by other agencies, if an officer is under arrest or a suspect or the target of a criminal investigation, the investigation may be handled by the Internal Affairs Unit or by an outside agency selected by the Chief of Police, and the officer shall be advised of his rights pursuant to the appropriate legal procedure as dictated by the United States Supreme Court and the rights granted by the State of Kansas and the United States. If an officer chooses to invoke his protection under the appropriate legal procedure as dictated by the United States Supreme Court at that time, he will not be subject to charges of

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insubordination or failure to cooperate for that reason. Criminal investigations shall be completed before the commencement of any administrative Internal Affairs Unit investigations concerning the same matter.

- (a) The interview/interrogation of any officer shall be at a reasonable hour, preferably when the officer is on duty, unless the circumstances of the investigation dictate otherwise, all as determined by the Department.
- (b) The interview/interrogation shall take place at a location designated by the investigating officer, usually at a police facility.
- (c) The officer shall be informed of the rank, name and command of the interviewing/interrogating officers as well as the rank, name and command of the officer in charge of the investigation and the identity of all persons present during the interview/interrogation.
- (d) The officer shall be informed of the nature of the specific allegations and the basic facts (date, time, place and type of incident) known to Investigators at the time relating to the investigation before any interview/interrogation commences.
- (e) The interview/interrogation shall be completed as soon as possible and normally will not exceed four (4) hours. Time shall be provided for personal necessities, meals, telephone calls, and rest periods.
- (f) The officer shall not be subjected to any offensive language or coercion.
- (g) The complete interview/interrogation of the member shall be recorded mechanically or by stenographer. There will be no “off-the-record” conversation

except by mutual agreement. All recesses called during the interview/interrogation shall be noted in the record.

- (h) The officer shall be given an exact copy of any written statement he may execute, or if the questioning is mechanically or stenographically recorded, he shall upon request, be given a copy of such recording and/or transcript, except tapes and recordings of polygraph and CVSA examinations. Any request for a copy of a recording must be made prior to the officer's signing the transcript, after which the recordings may be destroyed. The cost of the officer's tape shall be borne by the officer.
- (i) Internal Affairs Unit records shall not be used as a basis for the subsequent discipline of officers after two (2) years and one (1) month. The Department's continued maintenance and use of Internal Affairs Unit information will not change as a result of this section.

Section 13.4 Interrogation of Lodge Representatives

The Department will not question lodge representatives about conversations between those representatives and the employees they represent when those conversations occur in the ordinary course of the lodge representatives' performance of their official duties on behalf of the FOP and its membership. This does not prohibit the Department from questioning a lodge representative when such representative's conduct is the subject of an Internal Affairs investigation or when such representative is a witness to any conduct which is the subject of an

Internal Affairs investigation.

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Section 13.5 False Complaints

All complaints against officers which are determined to be unfounded, or in which the officer's conduct is exonerated, shall be reviewed by the appropriate commander for recommendation for prosecution.

Section 13.6 Officer's Privacy

When an officer is under a criminal or Internal Affairs Unit investigation, the Department shall not release an officer's home address, telephone number or photograph to the press without his consent. In these situations, Department press releases containing an officer's name shall not be released.

Section 13.7 Polygraph Examination/Computer Voice Stress Analysis

When a complaint is filed by an identified complaining witness, no officer shall be required to submit to a polygraph examination or Computer Voice Stress Analysis (CVSA) without the complaining witness(es) being required to submit to a polygraph examination or CVSA first. The Lodge recognizes that in agreeing to take such examinations, officers will be required by polygraphers or CVSA examiners to sign waivers of liability. No officer will be required to sign any document which does not accurately state the conditions under which he is taking the examination. No statement of an officer shall be subject to psychological stress evaluation without his being advised that the statement will be so subject before making the statement. The pre-test for and the results of any polygraph examination or CVSA evaluation may not be used in evidence in any manner at any Grievance Board hearing or arbitration arising under this Memorandum of Understanding, wherein discipline of an officer is at issue.

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Section 13.8 Internal Affairs Forms; Appendix

The Department and Lodge acknowledge and agree that the Internal Affairs Unit forms, which are attached as appendix A to this Memorandum, comply with article 13. The Department shall supply the appropriate form to each officer. Should the law, which applies to any of the matters set out in article 13, be changed or modified by a court of competent jurisdiction, the parties agree to meet and confer to incorporate the appropriate and/or necessary changes into article 13. The forms which are contained in the appendix are as follows:

1. Witness employee rights.
2. Accused employee administrative proceeding rights.
3. Notice of charges/allegations.
4. Criminal witness submittal.
5. Administrative submittal.
6. Request for Lodge representation.

Section 13.9 Officer Involved Critical Incident Team (OICIT) Investigations.

When the OICIT team is charged with investigating a critical incident involving bargaining unit members, only the Captain of Internal Affairs and one Internal Affairs Detective shall be permitted to ask questions of any officer during an administrative interview although other members of the OICIT team may be present. The remaining OICIT team members may submit questions to the two team representatives to be asked of the involved officers. Officers involved in a critical incident shall be entitled to the same rights and

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protections as provided under section 13.2 of this article. OICIT investigations shall be activated within fourteen (14) days of the date of the incident giving rise to the investigation.

Section 13.10 Preparation of Written Administrative Statements.

Officers may be ordered to complete an “Officer Action Form” (“OAF” - Appendix A(7)) for purposes of an administrative investigation. Before completing the OAF, officers shall be afforded the same rights as provided in Section 13.2 of this Article. Officers who are required to complete the OAF shall be given twenty-four (24) hours to complete the form. It is presumed that this twenty-four (24) hour period is sufficient to allow officers who are required to complete the OAF to consult with a Lodge representative of their choosing. Officers shall not be required to complete any other written statements that such officers reasonably believe will result in disciplinary action except for their required reports as provided in this section. This section shall not preclude the Department from conducting an oral disciplinary interview upon less than 24 hours notice. Nothing herein shall be construed as to allow officers to refuse to complete all of the required reports identified in the Department’s General Orders within the time frames provided within such General Orders. Officers shall complete required reports in accordance with directives from their supervisors, including supervisors’ requests to provide further information in their required reports.

ARTICLE 14: DISCIPLINE

The authority to discipline officers is vested exclusively in the Chief. However, the Chief may from time to time delegate this authority to subordinate officers of the rank of Sergeant or above. The Lodge shall be notified in writing of the extent of the delegation and

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the rank of the officers and to whom the delegated authority is vested.

Discipline imposed as a result of other than an Internal Affairs Unit, Critical Incident Team or Accident Review Board investigation shall be imposed within fourteen (14) calendar days of the incident giving rise to the discipline or of the incident becoming known, which time may be extended by mutual written agreement. The date of the incident shall be included in the calculation of this fourteen (14) day time period. In the event discipline is not so imposed no disciplinary action shall be taken.

Officers, excluding probationary officers, shall only be disciplined or discharged for just cause. Discipline or discharge for cause shall include, but shall not be limited to, discipline or discharge for violation of Department Rules and Regulations or General Orders.

Whenever an officer is summoned to appear before any command officer and/or Sergeant regarding a violation of the Department Rules and Regulations or General Orders, he will have the right to request the presence of a Lodge steward or elected officer of the Lodge.

Except for exigent circumstances, an officer may not be suspended for any amount of time without first being afforded an opportunity to file his written grievance objecting to the suspension. Any suspension of four (4) days or less may be effectuated prior to the officer being allowed to have the matter heard by the Grievance Board and any suspension of more than four (4) days shall not be effectuated prior to the officer being allowed to have the matter heard by the Grievance Board and/or an arbitrator. Prior to any officer being discharged, he shall be placed on suspension without pay during the pendency of any grievance relating to the proposed discharge.

Copies of all discipline must be provided to the Lodge.

It is recognized that counseling sessions are not negative discipline but a positive form of discipline whereby corrective action is the best means to address minor occurrences of undesired conduct or performance. Counseling Forms issued by Department supervisors may not be used by the Department for progressive discipline more than 12 months after issuance.

ARTICLE 15: GRIEVANCE PROCEDURE

In the event of any complaint or grievance arising under the terms and provisions of the Memorandum or of any differences between the parties as to the interpretation or application of this Memorandum, it shall be processed through the grievance procedure. An impasse in any negotiations for any Memorandum of Understanding shall not constitute a grievance.

The parties shall make sincere and determined efforts to settle meritorious grievances at the voluntary steps of the grievance procedure and to keep the procedure free from unmeritorious grievances. Where a matter within the scope of this grievance procedure is alleged to be both a grievance and prohibited practice under the jurisdiction of the Public Employee Relations Board, the officer involved may elect to pursue the matter under either the grievance procedure herein provided or by action before the Public Employee Relations Board. The officer's election of either procedure, shall constitute a binding election of the remedy chosen and waiver of the alternative remedy. Any time limit set forth in this procedure may be extended by the parties' written agreement to do so. Unless specifically indicated below, no party shall make any audio or video recording of any communications between the parties under any of the procedures within this Article.

Step 1: The matter shall first be taken up between the officer involved and the

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supervisor involved. A Lodge representative may be present during any step of the grievance procedure. If the grievance is not adjusted orally, it must be submitted in writing to the officer's division commander or area commander within fourteen (14) calendar days after the occurrence giving rise to the grievance or after becoming known or it shall be considered as dropped. The division commander or area commander shall send a written reply, with copies to the Lodge and the Grievant, within fourteen (14) calendar days after submission or the grievance shall be found in the officer's favor.

Step 2: In case the matter cannot be adjusted under Step 1, the matter will be considered by the officer's Lodge Steward and his Bureau Director. Requests for consideration by the Bureau Director or his designee must be in writing within fourteen (14) calendar days of the decision in Step 1 or the grievance shall be dropped. The Bureau Director or his designee shall send a written reply, with copies to the Lodge and the Grievant, within fourteen (14) days after submission of the grievance to him or the grievance shall be found in the officer's favor.

Step 3: In case the matter cannot be settled under Steps 1 or 2, the matter will then be considered by a representative of the Lodge and the Chief or his designee. For disciplinary matters which have resulted from an Internal Affairs investigation, the initial appeal shall be to the designated Deputy/Assistant Chief who administered the discipline both within fourteen (14) calendar days following the delivery of the letter of discipline or it shall be considered as dropped. The Deputy/Assistant Chief shall send a written reply, with copies to the Lodge and the Grievant, within fourteen (14) calendar days after submission or the grievance shall be found in the officer's favor. If the matter is not resolved, the Lodge may appeal the

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Deputy/Assistant Chief's determination to the Chief within fourteen (14) days after Deputy/Assistant Chief's reply or the grievance shall be dropped. Upon such appeal, the matter shall be considered by a representative of the Lodge and the Chief. In case the matter is adjusted under Steps 1, 2 or 3, the settlement will be binding upon all parties. Any adjustment made under Steps 1, 2 or 3 shall not constitute a precedent as to future grievances. The Chief shall send a written reply, with copies to the Lodge and the Grievant, in writing within fourteen (14) calendar days after submission to him, or the grievance shall be found in the officer's favor.

Step 4: If no settlement is reached by the procedure above, the matter shall be resolved as follows.

A. Counseling.

Oral or written counselings shall only be grievable through step 3 above to the level of the bureau director. If a counseling is used for the purposes of progressive discipline, the lodge shall be entitled to challenge the merits of the counseling at a subsequent proceeding.

B. Points.

The assessment of points shall only be grievable through Step 3 above. If points are used for the purposes of progressive discipline, the Lodge shall be entitled to challenge the merits of the assessment of points at a subsequent proceeding.

C. Suspensions of Thirty Days or Less.

Suspensions of thirty days or less shall be referred to the Grievance Board, hereinafter described, for determination. References to the Grievance Board shall be made jointly by the
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parties within fourteen (14) calendar days after Step 3 or be considered as having been dropped. The Grievance Board shall be composed of one duly designated Lodge representatives (or alternates), chosen by the Lodge, one duly designated Department representatives (or alternates), of the rank of Captain or above, selected by the Chief, and two (2) citizen observers (or alternates) appointed by the Mayor and the Unified Government Commissioners. One additional individual shall be appointed to the Grievance Board, who shall be selected from a panel by the FMCS or as agreed upon by the parties. If the parties do not agree upon the selection of the third member of the Grievance Board, then within fifteen (15) working days of the request for a Grievance Board hearing, the parties shall jointly and in writing, request the Federal Mediation and Conciliation Service (FMCS) to submit a panel of seven (7) arbitrators, from which the parties shall select one individual to sit on the grievance board. Within fourteen (14) days after receiving such a list, the parties, or their respective designees, shall alternately strike names from the list, until only one (1) name remains, who shall be selected to sit on the grievance board. The order of striking names shall be determined by the toss of a coin. All fees, costs and expenses of retention of such individual shall be shared equally by the Union and by the Department. The Grievance Board authority shall be governed by Step 5(4) of this Article. Officers serving on the Grievance Board will be compensated at the overtime rate of pay while serving off duty. The Citizen observers may be compensated at a rate established by the Unified Government's Board of Commissioners. Officers appearing as witnesses for either the Unified Government or the Lodge, who are off duty at the time, shall be compensated for one hour's straight time pay plus straight time pay

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for time actually present before the Grievance Board providing testimony. Officers who are on duty at the time that they appear as witnesses for either the Unified Government or the Lodge shall be contacted to appear before the Grievance Board one-half (½) hour before their testimony commences. A majority vote of the Grievance Board on a grievance shall be final and binding on the parties. The deliberations of the Grievance Board shall be confidential. The parties will be advised of the vote of the Grievance Board on a particular grievance, but the manner in which the individual members voted shall not be announced. Each party's appointed representative to the Grievance Board shall be selected on a case by case basis. The Grievance Board shall meet promptly upon call but in any event, not later than sixty (60) days after the selection of the third party Grievance Board member, unless otherwise agreed upon by the parties. A majority determination of the Grievance Board shall be final and binding upon the parties. Each party shall provide to the other at least twenty days prior to any disciplinary hearing before the Grievance Board a list of witnesses who may testify and a copy of exhibits which may be offered at the hearing. Any amendments to the lists of witnesses or exhibits shall be provided in writing at least ten (10) days prior to the hearing. Attorneys at law shall be permitted to appear at Grievance Board hearings as a representative of each party.

D. Contract Interpretation.

Grievances involving matters of contract interpretation which are not associated with disciplinary matters shall be discussed by Counsel for the Department and Counsel for the Lodge before proceeding to step 5 below.

Step 5: In the event a satisfactory solution cannot be reached between the parties
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through the procedure set forth above, arbitration may be requested by the Department or the Lodge, in the following manner:

(1) Notice in writing of intent to arbitrate shall be delivered by the party seeking arbitration to the opposing party within fifteen (15) calendar days following the decision of Steps 3 or 4 above. The notice shall set forth the articles or sections of this Memorandum which are claimed to require modification or reversal of the decision previously made. If notice of intent to arbitrate is not delivered within fifteen (15) calendar days, the grievance shall be deemed abandoned.

(2) Within twenty-one (21) calendar days after the above notice is delivered, the parties will mutually agree upon an arbitrator or jointly obtain a list of seven (7) arbitrators from the Federal Mediation and Conciliation Service (FMCS), and the parties will alternately and independently strike unacceptable arbitrators from a list with the last remaining arbitrator being selected. If the party upon whom a properly executed FMCS request is served fails to execute and send such request within twenty-one (21) calendar days of service thereof, then the grievance shall be found in favor of the non-defaulting party.

(3) Officers shall not be paid for the time spent in attending an arbitration proceeding other than as a witness on behalf of the Department.

(4) The jurisdiction and authority of the arbitrator shall be bound by the following:

- a) The arbitrator shall have the authority to determine the procedural rules of arbitration, and shall have the ability to make such binding orders as are necessary to enable him to act effectively. He shall observe the rules

of evidence, and his decision shall be final and binding on both parties.

- b) The arbitrator shall have no power to add to, subtract from or modify any of the terms of this Memorandum.
- c) In the resolution of disputes between the parties of this Memorandum, the arbitrator shall give no weight or consideration to any matter except the specific language of this Memorandum and the facts and evidence presented to him by the parties in the presence of each other.
- d) The arbitrator shall have no authority to substitute his judgment for that of the management of the Unified Government or Police Department, nor shall he have authority to usurp, subtract from, modify or exercise any management right of the Unified Government or the Police Department.
- e) In discipline or discharge matters, the arbitrator shall have the discretion to increase or decrease the discipline imposed, if the evidence so warrants.
- f) The cost of the arbitrator shall be shared equally by the Unified Government and the Lodge.

ARTICLE 16: STEWARDS' RESPONSIBILITIES

The authority of stewards and alternates so designated by the Lodge shall be limited to, and shall not exceed the following duties and activities:

1. The investigation and presentation of grievances in accordance with the 6TG2817.DOC

provisions of this Memorandum;

2. The collection of dues when authorized by appropriate Lodge action;

3. The transmission of such messages and information which shall originate with, and are authorized by the Lodge or its officers, provided, such messages and information (a) have been reduced to writing, or (b) if not reduced to writing and are not in violation of Article 17 regarding strikes and lockouts.

4. Regular attendance at the monthly FOP membership meetings.

Stewards shall be permitted reasonable time to investigate, present and process grievances without loss of pay during regular working hours, provided enough personnel remain on duty to provide adequate police service. Time spent on Lodge activities or representation of members outside the steward's normal work hours shall not be considered time spent in the employ of the Unified Government or the Department.

Stewards and alternates have no authority to take strike action, or any other action interrupting the Department's operation. In the event of such action by a steward he shall be subject to proper discipline.

There shall be no more than one (1) steward and one (1) alternate per shift, per division or per unit. A list of stewards and alternates shall be provided to the Chief every six (6) months (January and July) which list shall be updated sooner if modifications occur between these dates.

ARTICLE 17: STRIKES AND LOCKOUTS

The Lodge, on behalf of its membership, recognizes that the protection of the public

health, safety and welfare are of paramount importance to itself and the Unified Government. Therefore, during the life of this Memorandum the Lodge will not condone, nor encourage nor instigate any work slowdowns, stoppages or strikes, or any actions that are detrimental to the operations of the Department. The Unified Government agrees that it shall take no actions that could be defined as a lockout nor shall it discriminate against any employee for his actions as a member of the bargaining unit, provided those actions are not proscribed by law.

Any violation of this Article may be the subject of disciplinary action, including discharge.

The Lodge shall, within twenty-four (24) hours of the commencement of any of the acts prohibited herein, take all reasonable affirmative action to terminate such conduct.

ARTICLE 18: VACATIONS

Section 18.1 General

After completing one (1) year of service, each officer shall be entitled to vacation pay which will be prorated in accordance with Section 18.4 of this Article for any portion of the initial year of employment occurring before January 1. Thereafter, vacation pay shall be earned from January 1 of each year to January 1 of the next year on the following basis:

- (a) Over One (1) year of service as a sworn officer - 120 hours
- (b) Over five (5) years of service as a sworn officer - 160 hours
- (c) Over eleven (11) years of service as a sworn officer - 200 hours
- (d) Over nineteen (19) years of service as a sworn officer - 240 hours

Officers must have completed the requisite years of service prior to January 1 of a

given year in order to be eligible for greater vacation benefits that year.

Section 18.2 Scheduling

When an officer is on vacation and one of the holidays recognized by this Memorandum falls during that period, the officer shall receive one (1) additional day off with pay. The vacation period and schedule of vacations of each qualified officer shall be set by seniority, desire and preference of the officer consistent with the efficient operation of the Department. Vacations will be scheduled between February 10 and April 1 of each year. Officers must select their vacation preference on the date the Department requests the information. Seniority may only be exercised by the individual officer on his first choice for a vacation period. In the event an officer bids to another position or assignment after April 1 of any given year, he shall not be entitled to exercise his seniority for a preferred vacation. Requests for days off using vacation hours, comp time hours, award hours, or holiday hours shall be responded to no later than forty-eight (48) hours before the start of the officer's shift on the requested day off but shall in no instance be permitted to detract from providing adequate police service. If the requesting officer is not on duty it will be the responsibility of the requesting officer to contact the Department for confirmation of denial or approval of the day off request.

Section 18.3 Exception

Officers shall not accrue vacation hours while on leave of absence, lay-off, suspension or while absent due to a non-work-related injury or illness unless they are on approved sick leave. In the event an officer is absent from work on an authorized leave of absence, or on lay-

off status or due to a non-work-related illness or injury for which he is not on approved sick leave, his vacation hours shall be reduced pro rata to the portion of the year he earned and was eligible for vacation privileges.

Section 18.4 Pro-Rata Vacation

For the purpose of computing vacation hours an officer shall earn one-twelfth (1/12) of his vacation hours for each month of service during the twelve-month period preceding January 1 of each year. Each month in which an officer works fifteen (15) days shall be considered a month of service. Officers who are discharged prior to taking their vacation shall not forfeit any right to vacation or vacation hours. Vacation time shall normally be taken in the calendar year in which the vacation falls or it is forfeited.

Officers shall have the right to carry over forty (40) hours of their vacation hours each year but the total accumulated carried over vacation hours shall not exceed one-hundred and twenty (120) hours. Such accrued or carried over vacation hours must be recorded separately from an officer's entitlement to regular overtime/compensation time.

Section 18.5 Vacation Buy-Out

Officers shall be entitled to be paid in cash at the time of retirement from the Department for accrued unused vacation pay standing to their credit at the time of their retirement; in the case of death in service of any officer for any reason, such payment shall be paid to the person or persons designated as that officer's beneficiary or beneficiaries under the Kansas Police and Firemen's Retirement System.

Section 18.6 Cadet Time

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All cadets who have become sworn officers in the Department shall receive credit for vacation pay earned as a cadet toward the accrual of vacation pay under Section 18.1 when their cadet service and service as a sworn officer are consecutive and unbroken.

ARTICLE 19: RETIREMENT AND PENSION FUND

All officers shall come under the Kansas Police and Firemen's Retirement System as set forth by the Unified Government, in effective Charter Ordinance and Kansas State statutes. During the term of this Agreement, the UG and the FOP shall develop a Post Employment Health Plan (PEHP).

ARTICLE 20: PROFESSIONAL COURSES

The Unified Government and the Lodge are in agreement that it is in the best interests of the Department that as many employees as possible participate in professional, educational and training courses whenever the same are available. In order to facilitate the availability of such courses to the personnel of the Department the following are hereby adopted:

Section 20.1 Notification and Eligibility

The Chief shall have the authority to determine which unit or units, if any, are in need of any particular training course or seminar. The Chief shall determine who may be excused from work to attend such courses pursuant to the following guidelines:

- a) Education qualifications as may be required for admittance to a course.
- b) Special technical training as may be required for admittance to a course.
- c) The applicability of such course to the officer's present assignment.

d) Any established prerequisites or criteria that are mandated by the school, funding

agency or the Department.

If the foregoing factors are all equal, seniority within the applicable Unit will prevail in determining officers to be sent to each such course or seminar. If more than one officer from a unit is to attend a “train-the-trainer” training course, the second officer designated to attend may be a sergeant from the unit regardless of their department seniority.

An officer may attend only two (2) conferences or courses outside of the metropolitan area per calendar year unless waived by the Unified Government.

Section 20.2 Classification of Courses

Recognizing the budgetary limitations on the Department, the following classifications of training courses shall be adopted:

a) General In-Service Training. In-service Departmental training shall be available to all officers. The Chief or commanding officers may require attendance of officers who, in their opinion, are in need of the course being offered.

b) Mandatory In-Service Training. State law requires forty (40) hours of in-service training per year for every sworn officer of the Department. If any officer fails to complete this requirement, he or she shall lose their state training certification and automatically be suspended until such time as they so qualify.

c) Metro Squad Training. The Chief shall determine if any officers shall be assigned to Metro Squad Training. Any candidates from the Department to be assigned to Metro Squad Training must first come from the Criminal Investigations Bureau. Detectives within the Criminal Investigations Bureau shall be given the right to bid upon any opening, for training

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which they have not previously attended, in accordance with the Detective's time in grade. If no qualified Detective submits a bid to attend the Metro Squad Training being offered, the assignments may then be offered to First Class Patrolmen on the Detective's Eligibility List, in the order of their place thereon.

d) Other Training. All other Training and Courses (including all courses not initiated or conducted by the Department) to which the Department decides to send an officer or officers, whether within or outside the metropolitan area, shall be open provided that monies are available either within the budget or through grants or other monetary programs.

ARTICLE 21: LEAVES OF ABSENCE

Section 21.1 Leaves of Absence

Leaves of absence shall be without pay unless specifically stated that the leave is to be with pay.

Section 21.2 General Leaves of Absence

Any general leave of absence which shall be granted is the decision of the Chief. The maximum general leave of absence shall be for thirty (30) calendar days, but the Chief may extend such leave in writing for a period of up to ninety (90) calendar days. Any officer desiring a general leave of absence shall submit a written request to the Chief stating the reason for such request, at least seven (7) days prior to the commencement of the requested leave, except in cases of emergency. Before an officer may take a general leave of absence, written permission must be obtained from the Chief with notice to the Lodge. The time an officer spends on general leave of absence shall not be counted as time worked in determining any

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benefits under this Memorandum. Failure to report at the end of a general leave of absence will be considered a voluntary resignation on behalf of the officer. If an officer on a general leave of absence obtains other employment with a law enforcement agency while on such leave, his Unified Government employment will be automatically terminated and the officer will have no recourse whatsoever under this Memorandum.

Section 21.3 Educational Leave

Educational leaves, not to exceed twelve (12) months, may be granted without pay to an officer. Requests shall be submitted in writing and must be approved by the Chief. The time an officer spends on educational leave shall not be counted as time worked in determining any benefits under this Memorandum.

Section 21.4 Personal Leave

Officers may, with the Bureau Director's and the Chief's permission, take a personal leave with pay. This personal leave shall not exceed five (5) work days and will be charged to the individual officer's accumulated sick leave. Personal leave shall only be granted for causes which materially impair the manner in which the officer would perform his job. No officer shall be entitled to more than one (1) such leave in a calendar year.

Section 21.5 Maternity Leave

A leave of absence shall be granted for maternity upon request. Such request must be presented in writing to the officer's immediate supervisor, setting forth the date each leave is to begin, as soon as that date can be determined by the officer and the officer's physician. Upon receiving the physician's report, the Department shall transfer the officer to a suitable position

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to eliminate possible injury to the fetus and officer. Return to work shall be consistent with the officer's rights, and responsibilities, under the Family and Medical Leave Act (FMLA).

Section 21.6 Military Leave

The Department and the Lodge agree that the terms and conditions of employment for those officers who voluntarily or involuntarily enter active duty in any branch of the military service, or who otherwise fall within the protected class of individuals under USERRA or other applicable Federal or State law relating to military leaves of absence, shall be governed by USERRA or such other applicable Federal or State law. Additionally, members of the bargaining unit who are called to active duty will be allowed up to five (5) military leave days per year with pay. Once members have utilized this bank of military leave time, they may use either accumulated leave or be placed in a non-pay status, at their option.

Section 21.7 Injury Leave

a) An officer who sustains injuries arising out of and in the course of his employment shall be covered by the provisions of the Workers' Compensation Act of the State of Kansas. If the officer is temporarily totally disabled, as defined by the Kansas Workers' Compensation Act, because of such injuries, he shall receive the difference between his regular base pay and the workers' compensation benefits received, (hereinafter referred to as (supplemental I.O.D. Pay) for the time period that his total disability continues, but not to exceed the first twenty-six (26) weeks of any such injury leave upon the following conditions:

1. The officer is suffering from a bona fide injury received arising out of and in the course of performance of his duties with the Kansas City, Kansas Police Department, as

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determined by the Chief of Police, which injury has resulted in and continues to result in the temporary total disability of the officer, preventing the officer from being gainfully employed by the Department;

2. The officer provides statements from his treating physician at least once every thirty (30) days which statements set forth the officer's current medical condition, the likelihood of said officer's return to work and a statement, based upon reasonable medical certainty, as to when the injured officer may return to his regular duties with the Department and a statement that the injured officer is temporarily unable to return to his duties due to his injuries;

3. If the physician referenced in paragraph number 2 is not of the Department's choosing, the officer must submit, on a periodic basis at the Department's request, to an examination by a physician of the Department's choosing. If such physician agrees that the officer is unable to perform gainful employment with the Department, the officer shall be entitled to receive the supplemental pay referenced herein. If the selected physician disagrees with the treating physician as to the officer's ability to perform Department work, then the officer shall submit to examination by a third physician selected by the FOP President and the Chief. The determination of the third physician shall control.

If the officer does not meet conditions (1) (2) and/or (3) above, he shall not be entitled to receive the supplemental pay set forth herein, but he may continue to be entitled to release from his employment in accordance with the provisions of the Kansas Workers' Compensation Act. In such event, compensation received by the officer shall be governed solely by the 6TG2817.DOC

Kansas Workers' Compensation Act. No officer will be entitled to receive more compensation as a result of being involved in a compensable injury than he would have received had he been working during the period on his regular schedule and at his regular rate. Permanent partial disability settlement or award payments are excluded from the terms of this paragraph.

a) In any event, officers on injury leave in excess of twenty-six (26) weeks shall only receive compensation as governed by the Kansas Workers' Compensation Act. Officers who exhaust the twenty-six (26) weeks of IOD leave may use other leaves including sick leave, vacation or compensatory time to cover any further work absences related to the injury. No officer will lose any benefits while on approved injury leave. If fifteen (15) months following the date of the officer's injury he is still unable to return to full duty, he must apply for a disability pension, resign his position with the Department, or be terminated.

b) An officer on injury leave shall be required at least every thirty (30) days to furnish a physician's certificate to the Department stating the officer's medical condition, the likelihood of said officer's return to work and a statement, based upon reasonable medical certainty, as to when the injured officer may return to his regular duties with the Department and a statement that the injured officer is unable to return to his duties due to his injury.

c) An officer injured on duty, must report, in writing, such injury forthwith to his immediate supervisor. The injury shall be recorded by the officer on the appropriate Department reports in accordance with Department General Orders.

d) When an officer is on injury leave the Unified Government may require him to be examined by a physician of the Department's choosing to determine the capability of the

officer to return to duty.

e) Officers on approved injury leave are prohibited from being gainfully employed by an employer other than the Unified Government or being self-employed.

f) The Department may allow officers on approved injury leave to return to light duty if they are able to perform the work, in which event they may be placed at the discretion of the Department. However, any light duty allowed shall not exceed twelve (12) months from the officer's return to such duty.

Section 21.8 Funeral Leave

Each officer shall have, in the event of a death in his immediate family, three (3) consecutive calendar days off with pay, one of which shall be the day of the funeral. The officer may be granted one (1) additional day off with pay for each 500 total miles he or she must travel. The term "immediate family" shall include the officer's spouse, children, step-children, grandchildren, parents, step-parents, grandparents, spouse's grandparents, brother, sister, parents of spouse, brother-in-law, sister-in-law, son-in-law, daughter-in-law, relative living in the officer's home, or for a person whom the officer served as a legal guardian or primary care provider. The Chief at his discretion may grant funeral leave to an officer to attend the funeral of other relatives, or extend the funeral leave.

Section 21.9 Sick Leave

A. Entitlement

1) All permanent officers shall be allowed leave with pay due to sickness or non-duty related injury at the rate of one and one-fourth (1 1/4) calendar days for each

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calendar month of service by such officers.

2) Sick leaves shall not accumulate during General Leaves of Absence, Educational Leaves, Military Leaves, suspension or layoff.

3) Officers must actually work or be credited with working a minimum of fifteen (15) days a month to qualify for that month's Sick Leave entitlement.

B. Limitation of Accumulation

There shall be no limit to the number of sick-hours that the officer may accrue.

C. Transferred Employees

When an officer is transferred to another Department of the Unified Government, any unused sick leave hours that may have accumulated to his credit shall continue to be available for his use, as necessary.

D. Termination

Upon an officer's voluntary resignation, termination for just cause or layoff in excess of three (3) years, any accrued, unused sick leave shall be forfeited.

E. Retirement or Death

Accrued unused sick leave will be forfeited except when an officer who shall have accumulated sick leave and retires in accordance with the provisions of the Kansas Police and Fire Department Retirement Systems Act or is killed in the line of duty. Officers who retire as herein provided shall receive regular straight time compensation for any accumulated unused sick leave, but not to exceed one hundred twenty (120) calendar days and such compensation shall not exceed four (4) months base pay. Thirty (30) days of accumulated sick leave shall be

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used for each one (1) months equivalent pay. If an officer has less than the referenced number of accumulated sick leave days, he shall receive the pro-rated one-thirtieth (1/30) of one (1) months pay for each day of accumulated sick leave existing at that time. If an officer is killed in the line of duty, his heirs under the Kansas Policemen and Firemen's Retirement System shall be entitled to receive pay for all accumulated sick leave the deceased officer has on the books at the date of his death.

F. Use Provisions

1) Use of accumulated sick leave by an officer or payment to an officer of paid sick leave shall be subject to the following rules:

(a) Sick leave may only be used for the purpose for which it was intended, that being to provide an officer with protection against a loss of pay due to an actual illness. Sick leave may be utilized for maternity leave or physical or mental illness.

(b) The granting of sick leave shall be at the determination of the Chief or his designee.

(c) The officer shall not be entitled to receive paid sick leave unless he shall notify his immediate supervisor of his illness before such paid sick leave is due to begin, unless the delay of such notification can be shown to be unavoidable.

(d) The Unified Government shall have the right to have made, from time to time, by its physician at its expense, such examination as it may deem necessary to ascertain an officer's condition during his illness.

(e) Any officer who is absent for more than five (5) work days in a single occasion, due to illness or off-duty injury, shall furnish a statement from a Medical Doctor (M.D.) or licensed nurse practitioner on the first day that the officer returns to work to the Chief of Police or his or her designee. The statement shall contain the physician's report as to the cause for the officer's absence either injury or illness, and that the officer was unable to work on the days that he or she was absent.

(f) If an officer uses sick leave on eight (8) or more occasions in any twelve (12) consecutive month period, he may be notified by the Chief or his designee that he is placed on restrictive sick leave for the next twelve (12) months. If the officer uses sick leave on eight (8) or more occasions during the second twelve (12) month period, he may be subject to termination. The officer shall be notified in writing when he is placed in this category. When an officer is on restrictive sick leave, he shall be subject to the following rules concerning use of sick leave:

1. He shall furnish a statement from a Medical Doctor (M.D.) or licensed Nurse Practitioner on the first day he returns to work to the Chief or his designee. The Statement shall contain the physician's report that the officer was off due to injury or illness and that the officer was unable to work on the days that he was absent.

2. If the officer does not furnish a physician's statement, as

provided herein, he shall be subject to the following discipline:

- a. 1st offense - five (5) work days suspension without pay;
- b. 2nd offense - ten (10) work days suspension without pay;
- c. 3rd offense - termination.

3. Shall be restricted from off-duty law enforcement related employment.

(g) Officers not using any sick leave or injury leave from January 1st through June 30th of any calendar year shall receive one (1) extra work day off with pay July 1st of the same year. Officers not using any sick leave or injury leave from July 1st through December 31st of any calendar year shall receive one (1) extra work day off with pay January 1st of the following year. Such day off may be taken by the officer, schedule permitting and with consent of his supervisor. Officers who are not actively working for the entire referenced time period are not to be credited with the one (1) extra day off with pay. A disciplinary suspension shall not disqualify an officer from receipt of a sick leave award day as provided for within this paragraph.

(h) Officers on sick leave are prohibited from being gainfully employed by any employer other than the Unified Government or from being gainfully self-employed.

(i) Officers may be allowed to donate sick time to sworn officers of the Kansas City, Kansas Police Department who have a catastrophic or life

threatening personal or immediate family illness. Immediate family is restricted to individuals currently defined as such by the FMLA. Officers must have at least one hundred (100) hours remaining after donating to participate. Officers may donate up to forty (40) hours. Sick time hours donated will not be converted into any other form of compensation and donated sick time will not be paid upon separation from employment by the officer receiving the donated time. All other accrued leave and/or time must be exhausted before donated time can be used. Any sick time turned into the Department that is not used by the officer will be lost. Officers who have been disciplined for being in violation of the Department's sick leave policy within the previous twelve (12) months of the dated request shall not be eligible to participate in the process. Officers on disability are not eligible to receive donated sick time. The eligibility of an officer to receive donated sick time will be at the discretion of the Chief of police. The maximum number of donated sick leave hours is Fifteen (15) months.

G. Payment Beyond Accrued Vacation and Sick Leave

Any officer who, on account of a non-job related illness or injury, is absent beyond the period of time for which he has accrued sick leave and vacation leave may apply to be paid at the rate of one-half ($\frac{1}{2}$) his base salary he was receiving at the time the illness or injury commenced, for a period not to exceed six (6) months. The granting of such additional leave shall be at the discretion of the Unified Government's Board of Commissioners. A return to

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work for a period of thirty (30) consecutive days shall be a prerequisite to the vesting of an entitlement to any second or subsequent period of half-pay for sick leave.

H. Records of Sick Leave

It shall be the duty of the Department to keep a permanent record of sick leave and each officer's accumulation and use of sick leave.

ARTICLE 22: COMPENSATION

Section 22.1 Salary

Officers shall receive the following minimum monthly salary:

Years of Continuous Service	Rank	1/1/2023	1/1/2024	1/1/2025
1 st and 2 nd Year	Probationary & Patrol Officer III & II	\$4,583.34	\$4,766.67	\$4,957.34
3 rd Year	Patrol Officer I	\$5,533.20	\$5,754.52	\$5,984.70
6 th Year	Senior Patrol Officer	\$6,631.17	\$6,896.39	\$7,172.26
11 th Year	Master Patrol Officer II	\$7,145.41	\$7,431.22	\$7,728.46
15 th Year	Master Patrol Officer I	\$7,324.07	\$7,617.03	\$7,921.71
20 th Year	Senior Master Patrol Officer	\$7,574.63	\$7,877.61	\$8,192.71
0-5 Continuous Years	Sergeants & Detectives	\$7,649.08	\$7,955.04	\$8,273.24
6-10 Continuous Years	Senior Sergeant & Detective	\$7,840.28	\$8,153.89	\$8,480.04
Over 10 Years	Master Sergeant & Detective	\$7,997.83	\$8,317.75	\$8,650.46

Section 22.2 Step Grades

Compensation will be determined by time in grade in accordance with the step grade plan. Officers in the respective ranks of Probationary Patrol Officer III to Master Patrol Officer shall progress through the steps on an annual basis determined by the officer's anniversary date.

Probationary officers who have been suspended for seven (7) continuous work days or more during their probationary status shall not receive a step grade promotion to Patrol Officer I, 1-3 until they have served at least eighteen (18) months, plus the time of the suspension.

Section 22.3 Special Duty Pay

Officers employed in the following capacities will receive as special duty pay the following amounts per month in addition to their base pay:

A.	Bomb Technician	\$75.00
B.	C.S.I. Specialist I	\$30.00
C.	C.S.I. Specialist II (five continuous years of service With the Kansas City, Kansas Police Dept. C.S.I. Unit)	\$42.50
D	Undercover Narcotics Officer (assigned by the Chief)	\$100.00
E	Internal Affairs Unit Detective	\$100.00
F	Bilingual Officer	\$75.00
G	Canine Officer	\$150.00

H FTO's shall receive \$3,000 per year.

An additional \$30.00 shall be paid to CSI Specialists who have qualified as expert witnesses by a District Court Judge(s) of the State of Kansas on at least two (2) occasions.

Section 22.4 Direct Deposit

The Unified Government shall offer direct deposit to individual officers using the procedures that the Unified Government designates.

Section 22.5 Longevity

The following longevity pay shall be added to the monthly salary of each sworn officer of the rank of First Class Patrol Officer or above who qualifies for such pay:

Police Officer	
5 years	\$46.03
8 Years	\$73.71
12 Years	\$101.32
16 Years	\$140.45
20 Years	\$156.63
25 Years	\$194.88

Section 22.6 College Incentive

New hires shall provide documentation evidencing their college degree to the Department either through the hiring process or to the training academy upon hire. Officers who obtain degrees after their date of hire with the Department shall provide documentation evidencing their college degree to the Chief's office. The following college incentive pay shall be added to the monthly salary of each qualified sworn officer after such officer's completion of their probationary period:

College Degree Achieved or
Hours Earned from
Accredited College

Acquisition of 12 credit hours in Courses enrolled in after 1-1-87 which are required toward a law enforcement degree or acquisition of 47 such hours by new hires of the Department who graduate from the KCK Police Academy after 1-1-90, provided that hours obtained during in-service training after 12-31-2008 shall not be counted toward the required number of hours.	\$ 50.00
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Associates of Arts or Sciences	\$ 100.00
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Bachelor of Arts or Sciences	\$ 125.00
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Master of Arts or Sciences	\$ 155.00
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Section 22.7 Tuition Assistance

Any sworn officer is eligible to receive tuition assistance from the Department under the following conditions:

1. The officer completes required credit courses toward a degree in Law Enforcement at an approved university or college with a grade of “C” or better. (The Chief and the F.O.P. President shall prepare a list of approved universities and colleges).

2. The officer may be reimbursed upon verification of completion of the course as provided in No. 1, and satisfactory proof of payment of tuition is furnished.

3. Reimbursement may be received for completion of up to six (6) credit hours in a semester at the maximum credit hour rate of:

Associate of Arts or Sciences Cost per credit hour at Kansas City, Kansas Community College minus fees.

Bachelor of Arts or Science	\$ 25.00 higher than amount for AA/S.
Master of Arts or Science	\$ 25.00 higher than amount for BA/S.

ARTICLE 23: OVERTIME PAYMENT

Section 23.1 Overtime Rate and Scheduling

All officers shall receive one and one-half (1-1/2) times their regular rate of pay (based on 178.75 hours per month) for work performed in excess of eight and one fourth (8 1/4) hours in a given work day. Compensatory time may be paid in lieu of overtime payment if the officer in his discretion so elects. Compensatory time shall not exceed two hundred forty (240) hours. Compensatory time will be calculated at the same rate as overtime pay. Compensatory time will not be paid in lieu of overtime payment for any assignments which are funded by Federal grants or Federal funding sources. Once Federal Funding for overtime compensation for such assignments has been exhausted, the officers will have the option of taking compensatory time or overtime pay.

Overtime within the patrol divisions will be offered on the basis of seniority to officers in accordance with the following progression:

1. When the overtime vacancy is known to the department twenty-four (24) hours or more prior to the start of the shift, the overtime shall be offered to those from the affected shift who are on their regular days off.
2. If the vacancy occurs less than twenty-four (24) hours prior to the start of the shift, the overtime shall be offered to officers who are working on the preceding

or the following shift and within the division where the overtime becomes available.

3.

3. If there are no volunteers, officers who are working in the same division shall be forced to work overtime in order of reverse seniority.

Overtime within the Patrol Bureau will be offered on the basis of seniority to officers who will work the overtime hours consecutively on the preceding or following shift and within the Division where the overtime becomes available. Absent exigent circumstances pre-shift and post-shift overtime shall be limited to four (4) hours per tour of duty. Overtime or compensatory time shall only be paid for time actually worked and when approved by the Department.

Section 23.2 Unfilled Overtime Positions

If overtime hours are not filled under the provisions of Section 23.1 then reverse seniority shall be used to fill the overtime positions.

Section 23.3 Overtime for Call Back

Any officer who is called into work during his off-duty hours, which hours are not contiguous with that officer's regular shift, shall be paid a minimum of two (2) hours overtime for each call-in. Officers assigned to a twenty-four (24) hour on-call basis will not be compensated under this Article unless they are actually called out to perform a police function. Overtime shall be deemed to have commenced when an officer advises dispatch that he is in-service and en route to the assignment.

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Section 23.4 Overtime Within the Criminal Investigations Bureau

This section will apply only to Detectives who are assigned to the Criminal Investigations Bureau.

The need to offer overtime positions for the Criminal Investigations Bureau will be determined by the Bureau Director, or his designee. Whenever Detectives are needed for overtime positions such overtime shall be assigned by a seniority list, maintained by the Department, based upon time in grade, as set forth in section 6.4 of the Memorandum. The Department shall fill all needed overtime positions in order of seniority. If a Detective on the list is off-duty, an attempt to contact the Detective shall be made by using the telephone number listed by the Detective in the personnel directory. If contact is not made with the Detective by this attempt there is no further obligation to contact the Detective on this occasion. There is no requirement to contact Detectives who are on any type of leave (sick, holiday, vacation, Comp time, FMLA, etc.).

Each separate instance of a determined need to fill overtime positions in the Criminal Investigations Bureau will require that the procedure outlined above be initiated, from the beginning of the seniority list, starting with the most senior Detective.

Any Detective who does not want to be placed upon the list for overtime may, at his discretion, have his name removed from the seniority list for the purposes of forfeiting overtime. Any such Detective may also elect to place his name back on the seniority list, at any time.

If overtime hours cannot be filled under the provisions outlined above then reverse
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seniority shall be used to fill the overtime positions. Detectives who elect not to be on the regular overtime list are not exempt from reverse seniority overtime.

The provisions of this section shall not apply to any special investigative task-force units or to overtime which is related to a Detective's normal assigned duties or cases. This section will also not apply to Metro-Squad Investigations.

Section 23.5 Overtime for Officers Assigned to the Community Policing, Vice, Narcotics and School Resource Officer Units.

Overtime within the Community Policing, Vice, Narcotics, and School Resource Officer Units will be offered on the basis of Department seniority to officers assigned to their unit who will work the overtime hours consecutively on the preceding or following shift. When feasible, pre-shift and post-shift overtime shall be limited to four (4) hours per tour of duty.

This section shall not apply if the overtime relates to a specific ongoing assignment, assigned case, task force, trained skill, geographical responsibility, community group or designated school, of a particular officer.

Section 23.6 Overtime for Report Desk Personnel

Officers who bid the report desk position will not be assigned to any police duties outside the report desk, such as assignment to district cars, during the period of their normal bid/assignment to the report desk. When overtime is created as a result of the absence of a report desk officer, that overtime shall first be offered to the report desk officers on the preceding and succeeding shifts. If there are no volunteers to fill a field overtime vacancy,

officers who bid the report desk may work overtime as a district officer in their respective patrol division in accordance with Section 23.1. In determining “affected shift” as provided in 23.1(1), report desk officers shall be considered a member of the shift whose hours mostly closely correspond to their regular shift hours.

ARTICLE 24: COURT TIME

Officers shall receive pay at the overtime rate for a minimum of one (1) hour or time actually worked, whichever is greater, for court appearances arising from the officer's direct employment as a Kansas City, Kansas Police Department Officer, when they are required to appear while off duty. Officers will not receive court time pay for appearances while on duty. Officers so appearing will receive one (1) hour's pay at the overtime rate for travel for each court appearance provided that at least two (2) hours has passed between the termination of one court appearance and the beginning of the next. Officers will not receive court overtime pay for a court appearance arising from off-duty employment. Officers shall have the option of selecting compensatory time or overtime payments for all court time.

ARTICLE 25: CLOTHING - UNIFORM ALLOWANCE

All sworn personnel in the Department of the rank of Probationary Patrol Officer II and above shall receive a yearly uniform allowance in the following sums:

2023-2025 – One thousand forty-five dollars (\$1,045)

This uniform allowance will be dispersed in a manner designated by the Department. Officers assigned to plainclothes duty for six (6) months or more shall receive a cash clothing allowance, as specified above, to be paid in January or February of each year of this

Memorandum. All other officers shall be given the option to receive twenty-five percent (25%) of their uniform allowance in cash in the first quarter of each year of this Memorandum.

Officers who fill a vacant position in a unit which requires a uniform other than a Class A uniform shall receive three (3) uniform shirts and trousers for that unit if the uniform is different from the previous unit. If the officer leaves the position within twelve months of the issuance of the clothing the three (3) uniforms provided will be returned to the Department.

If an officer requests an item from a vendor in conformity with the general orders and said item is not delivered before the end of the calendar year, the Unified Government shall carry over that item as a purchase order into the next year and it shall not be deducted from the officer's clothing allowance for the following year.

The initial cost of any new issue or newly required equipment shall be fully borne by the Unified Government and will not be subtracted from an officer's uniform allowance.

Detectives shall maintain one Class A uniform and the requisite Class A equipment. Any officer who fails to maintain his or her uniforms in an acceptable manner may be subject to discipline.

ARTICLE 26: HOLIDAYS

Officers shall receive one (1) day off with pay in compensation for the following holidays:

New Year's Day	Independence Day
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Martin Luther King Day	Labor Day
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Presidents Day	Veterans Day
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Good Friday	Thanksgiving Day
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Memorial Day

Day after Thanksgiving

Juneteenth

Christmas Day

Alternative days off in lieu of a holiday with pay, if not taken within twelve (12) months of the occurrence of the actual holiday shall be forfeited by the officer, except for officers on military leave.

Officers shall, in addition to the above holidays, receive all other holidays declared to be such by the Unified Government's Board of Commissioners for the benefit of other Unified Government employees. This provision shall not apply if the holidays listed in this Article fall on a Saturday or Sunday.

ARTICLE 27: INSURANCE COVERAGE

The Unified Government agrees, during the term of this Memorandum, to offer the officers of the bargaining unit the same medical plans(s) which are made available to the Unified Government's employees generally.

A. Employee Premium.

Each covered employee shall make monthly medical plan premium payments for either single or family coverage elected at the rate of \$30 per month, provided that in 2019 this amount shall be annually adjusted at the same percentage increase or decrease as would be applicable to any adjustment to the dependent coverage premium for Family coverage during any plan year. The Unified Government shall pay the remainder of each covered employee's monthly medical plan premium that is also adjusted annually based on an equal percentage as for employee premiums for the least expensive medical plan provided or administered by a

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major reputable carrier recommended by the joint committee and approved by the Unified Government administrator.

b. Family premium.

Employees electing to obtain dependent coverage under a family coverage under the medical plan(s) will pay 25% of the premium cost of the dependent portion of family coverage in addition to the applicable employee premium cost discussed in subsection a. above, and the Unified Government shall pay the remaining contribution for the least expensive medical plan provided or administered by a major reputable carrier recommended by the joint committee and approved by the unified government administrator.

c. Election of More Expensive Plans.

Should the Unified Government offer a more expensive medical plan(s), and the officer elects to be covered by the same, then the officer will pay any additional premiums.

d. Premium Deductions.

The officer's share of the premiums shall be deducted from his paycheck. Employees may elect to have their insurance premiums paid with pretax dollars.

ARTICLE 28: MISCELLANEOUS PROVISIONS

Section 28.1 Off Duty Responsibility

Any action taken by a member of the force on his time off, which action would have been taken by an officer on active duty if present or available, provided an emergency exists which would constitute a felony violation or potential felony violation or incident which could involve bodily injury, in accordance with the Rules and Regulations of the Department, shall

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be considered police action, and the employee shall have all of the rights and benefits concerning such action as if he were then on active duty.

The Unified Government will provide each employee a handbook containing the Rules and Regulations of the Department. A copy of this will be posted at Police Headquarters and all Divisions and Bureaus.

Section 28.2 Civil Suits

In the event of a civil suit against an officer arising from the performance of his duties while acting within the scope of his employment, the Unified Government shall provide legal counsel and will indemnify the officer as provided in the Kansas Tort Claims Act K.S.A. 75-6101 et seq.

Section 28.3 Contagious Diseases - Medical Expenses for Officer's Family

The Unified Government agrees to pay all expenses for inoculation or immunization shots for members of an officer's family when such becomes necessary as a result of said officer's exposure to contagious diseases where said officer has been exposed to said disease in the line of duty.

Section 28.4 Burial Expenses Funeral and Reasonable Burial Expenses

The Unified Government agrees to defray all funeral and burial expenses, not paid in accordance with workers' compensation, of any officer of the Police Department killed in the line of duty or who dies a duty related death. The Unified Government also agrees to pay the cost of having such deceased officer's name engraved on the Police Memorial Monument.

Section 28.5 Officer's Rights

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Any officer may review at any time the records concerning the individual officer within the Chief's office, Human Resources office and the Internal Affairs Unit, and receive a copy of same at his request.

Section 28.6 Police Range Firearms Qualification

(a) Each employee will be properly qualified with all weapons available for his use. This qualification shall be done at least twice (2) yearly, and not more than six (6) months shall elapse between qualifications. The Department shall maintain a complete record of qualifications, stating therein ammunition used, weapon used, and the score. Any officer who fails to qualify, for any reason, during their assigned qualification period, unless excused in writing by the Bureau Director, shall be removed from the payroll until such time as the officer successfully qualifies.

(b) The Unified Government agrees that it shall provide all necessary equipment to efficiently operate the facilities. Operating expenses will be paid by the Unified Government.

(c) The Unified Government will release all personnel from their duties to qualify with their weapons, at no loss of time to the employee. If the employee is called in on his off duty time, he will be compensated according to Article 23.

(d) All sworn employees will have preference in use of the range under all circumstances.

Section 28.7 Bilingual Officers

1. To be eligible for selection as a bilingual officer, such officer must either be certified as a bilingual officer after responding to the call for interest or must have been

previously certified as a bilingual officer. The Department shall cover the cost of such certification. Officers who express an interest in serving as a bilingual officer and who either receive a certification attesting to their fluency in a language other than English or have been previously so certified, shall receive \$75.00 per month as special duty pay. The Department shall choose the specific languages for which it determines certified bilingual officers are needed. The Department shall determine the number of certified bilingual officers which are needed for each language chosen. If interest is expressed by more officers than the Department determines is needed for any specific language, the selection of officers to fill the available positions shall be based upon seniority.

2. On-duty certified bilingual officers shall be required to respond to any scene as directed by the Department to provide assistance. Unless otherwise authorized by an on-duty supervisor, no on-duty certified bilingual officer who receives special duty pay may refuse to respond upon request.

3. Spanish Speaking On Call Rotation.

a. The Department shall establish an on-call list based on seniority of Spanish speaking bilingual officers prior to the annual bid. The on-call list shall rotate on a weekly basis. Starting with the most senior officer on the list, one certified Spanish speaking bilingual officer per week shall be designated as on-call from Wednesday at 0001 hrs. to Tuesday at 2359 hrs. After serving for one (1) week the officer shall be placed on the bottom of the list.

b. When called out to respond to an incident, the on-call certified bilingual officer shall receive call back pay plus an additional hour at the overtime rate or the total time

working at the overtime rate, whichever is greater.

c. The on-call certified bilingual officer shall respond to any call out during the week they are designated as on-call regardless of whether he or she is on any type of paid leave or unpaid regular days off.

d. The on-call certified bilingual officer may switch on-call weeks or individual days with the approval of the Chief or his designee.

e. On-call certified bilingual officers who fail to respond to a call-out situation shall be removed from the list of certified bilingual officers and they shall forfeit any future monthly special duty pay unless the Chief determines that there is a legitimate reason for the officer's failure to respond. Officers who are removed from the on-call list may re-submit their application to serve as a bilingual officer after twelve (12) months have passed.

4. On-Call Rotation for Languages Other than Spanish.

a. The Department shall follow the on-call procedure for Spanish speaking certified bilingual officers in establishing an on-call rotation for non-Spanish speaking bilingual officers, except that non-Spanish speaking bilingual officers shall not be required to respond to call outs when they are on any paid leave or are off on unpaid regular days off.

ARTICLE 29: SAFETY AND HEALTH

Section 29.1 Alcohol and Drug Free Workplace

All officers included in the bargaining unit shall be subject to random drug and/or alcohol testing separate from and in addition to testing based upon the reasonable suspicion that the person is under the influence of drugs and/or alcohol. Except as hereafter agreed to in writing by the parties, random drug and/or alcohol testing shall be performed in accordance

with the policies and procedures set forth in the Statement and Policy on Substance Abuse and Drug and Alcohol Testing for the Bargaining Unit of the Kansas City, Kansas Police Department. The provisions of Article 14 and 15 of this Memorandum are not abrogated or amended by the language of this provision. Any discipline for a positive test result shall be imposed solely by the Chief of Police who shall not be bound by the policies applicable to any other Department.

Section 29.2 Smoke Free Workplace

Smoking by employees upon the Department's or Unified Government's premises or in Department owned, operated and controlled vehicles is prohibited except in designated areas. Any violations may subject employees to discipline.

Section 29.3 Physical Fitness

A joint committee of two officers and two commanders shall be appointed equally by the Chief and the Union President to serve on the joint physical fitness committee. The committee shall have a chairperson, elected by the committee's members. The committee shall meet regularly and shall report to the Chief and the Lodge on any recommendations it may have concerning programs, testing and facilities, for the development and implementation of a physical fitness program for the Police Department. A physical fitness program, which must be approved by the Department and the Lodge, shall contain voluntary standards, and a bonus/award system of two award days on an annual basis for those who voluntarily meet its standards.

Section 29.4 Americans With Disabilities Act

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Both parties are subject to the terms of the Americans with Disabilities Act (ADA).

Section 29.5 Police Firing Range / Lead Contamination

Officers assigned to the police firing range as the Department's rangemaster or assistant rangemaster shall be provided an annual test for lead poisoning. Two officers assigned to the tactical unit, who have had the most exposure at the police range, shall also be provided an annual test for lead poisoning. If the test result(s) is not within OSHA guidelines, the Department will test the remaining tactical unit officers.

ARTICLE 30: ENTIRE MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding supersedes and cancels all previous agreements, oral or written, and all existing unwritten practices between the Unified Government and/or the City of Kansas City, Kansas and the members of the Lodge and constitutes the entire Memorandum between the parties, except as to those areas of employment not covered herein which are subject to City ordinances existing at the date of this Memorandum. Any conflict which may exist between existing City ordinances and provisions of this Memorandum of Understanding shall be determined in favor of this Memorandum of Understanding. Any amendment or agreement supplemental hereto shall not be binding upon either party unless executed in writing by the parties hereto.

The parties further acknowledge that during the negotiations which resulted in this Memorandum of Understanding, each had the unlimited right and opportunity to make demands and proposals with respect to any subject or matter not removed by law from the area of collective meeting and conferring and that the understandings and agreements arrived at by

6TG2817.DOC

the parties after the exercise of that right and opportunity are set forth in this Memorandum.

Therefore, the Unified Government and the Lodge for the life of this Memorandum, each agree that the other shall not be obligated to negotiate collectively, but may if mutually agreeable, with respect to any subject or matter referred to or not specifically referred to or covered in this Memorandum. Waiver of any breach of this Memorandum by either party shall not constitute a waiver of any further breach of this Memorandum.

ARTICLE 31: SAVINGS CLAUSE

Should any term or provision of this Memorandum be in conflict with any State or Federal statute or other applicable law or regulation binding upon Kansas City, Kansas, such law or regulation shall prevail. In such event, however, the remaining terms and provisions of this Memorandum will continue in full force and effect.

If any article or section of this Memorandum shall be held invalid by operation of law or by any tribunal of competent jurisdiction, or if compliance with or enforcement of any article or section shall be restrained by such tribunal, the remainder of the Memorandum shall not be affected thereby. The parties shall then enter into immediate collective negotiations for the purpose of arriving at a mutually satisfactory replacement for such article or section.

ARTICLE 32: DURATION

This agreement shall be effective from January 1, 2023 and shall terminate at the close of business on December 31, 2025. This agreement, and any written amendments made and annexed hereto, shall continue in full force and effect until midnight, December 31, 2025 or until the parties reach a successor agreement.

6TG2817.DOC

IN WITNESS WHEREOF, the parties hereto have set their hands and seals below.

FOR THE UNIFIED GOVERNMENT
OF WYANDOTTE COUNTY AND
KANSAS CITY, KANSAS

FOR THE FRATERNAL ORDER
OF POLICE, LODGE #4

DAVID JOHNSTON,
COUNTY ADMINISTRATOR

PRESIDENT

KARL OAKMAN,
CHIEF OF POLICE

CHIEF LODGE STEWARD

NEGOTIATOR
DEPUTY CHIEF GEORGE SIMS

VICE PRESIDENT

NEGOTIATOR,
DEPUTY CHIEF RAYMOND NUNEZ

SECRETARY

NEGOTIATOR,
DEPUTY CHIEF KENT ANDERSON

TREASURER

Renee Ramirez
Director of Human Resources

Approved as to form:

ATTEST:

Unified Government Clerk

Patrick Waters
Chief Legal Counsel
Unified Government

RULES AND REGULATIONS

KANSAS CITY, KANSAS POLICE DEPARTMENT

PREAMBLE

Officers shall, at all times, within the jurisdiction of the Unified Government of Wyandotte County - Kansas City, Kansas, protect life and property, preserve the peace and prevent crime; detect and arrest violators of the law and enforce those laws of the United States, the State of Kansas, and the Ordinances of the Unified Government of Wyandotte County - Kansas City, Kansas of which the Department takes cognizance.

Section 1. General

The conduct of all officers of the Department shall be governed by the Rules and Regulations of the Department. Violations of Departmental Rules and Regulations may result in discipline. Discipline may consist of oral or written reprimand, suspension or discharge. Any additional rules or regulations developed by the Department shall be posted for a period of ten (10) days before becoming effective. Violations of the Rules and Regulations shall be classified as either major or minor violations. Officers may be suspended up to four (4) days without pay for minor violations. Discipline for major violations shall be at the discretion of the Department.

In addition to the imposition of discipline, minor violations shall be weighed in accordance with the severity of the violation. A letter of discipline for every minor violation charged against an officer shall be kept in his personnel file with a copy being given to the Lodge. Each letter of discipline shall remain active for a period of one (1) year. If at any time the points assessed for a minor violation would cause the accumulated total points for all active minor violations charged against an officer to exceed forty (40), the violation shall be considered a major violation and discipline imposed accordingly. All written records regarding discipline of an officer shall be kept in his personnel file.

Judgment shall be exercised in the utilization of supervisory authority, and discipline in the form of time off for minor violations will normally be resorted to only when the offending officer has failed to respond to less severe discipline. The arbitrary use of discipline for other than proper objectives shall subject the supervisor to discipline.

Section 2. Minor Violations

POINTS

- | | | |
|-----|----|--|
| 2.1 | 5 | Tardiness in reporting for duty. |
| 2.2 | 10 | Officers shall not participate in games of chance while on duty. |
| 2.3 | | Uniform and Appearance Violations: |
| | 20 | (a) Failure to keep uniform cleaned and pressed. |
| | 20 | (b) Failure to be properly groomed while on duty. (e.g. personal hygiene) |
| | 5 | (c) Turning up or rolling sleeves of either summer or winter shirts of uniform |

		personnel.
5	(d)	Permitting shoes to be unshined, or excessively worn down at the heels.
5	(e)	Failure to wear black socks with the uniform, except when wearing boots.
5	(f)	Failure to wear required uniform. This includes wearing the uniform while engaged in off-duty employment where the uniform is required.
2.4	Abolished	
2.5	Abolished	
2.6	20	Loitering, loafing, etc.:
	(a)	Officers, while in uniform or on duty, shall not enter restaurants, theaters, or other public places except in the performance of their duty. Loitering and unnecessary conversation with employees and customers therein is forbidden.
	(b)	No two (2) field officers, unless assigned to the same patrol vehicle, shall be at the same establishment.
	(c)	Officers shall not loaf or remain idle while on duty.
	(d)	Officers, when off duty and not on official "stand by", shall not loiter in or about any headquarters area assigned for service use.
	(e)	Officers shall not be at their residence on duty without supervisory approval.
	(f)	Officers shall not conduct personal business on duty.
2.7	Abolished	
2.8	Abolished	
2.9	10	Municipal Court appearances: For all appearances before any Municipal court of law, competent investigating body, judicial tribunal, hearing board, pre-trial conference, or person authorized to take testimony, officers shall:
	(a)	Attend punctually.
	(b)	Wear proper attire (includes uniform, suit and tie, or sport coat and tie).
	(c)	Not be absent except for good cause. Where necessary to be absent, officers shall notify the prosecutor's office at a reasonable time prior to the trial, hearing, or conference.
2.10	Abolished	
2.11	10	Failure to keep firearm clean and in good condition.
2.12	10	Failure to report back in service immediately on the completion of an assignment.

2.13	20	Taking excessive time for a meal.
2.14	15	Failure to provide prompt, correct and courteous service. This includes making all necessary reports, maintaining a strictly impartial attitude towards complainants and violators, and providing name and serial number upon request.
2.15	15	Transporting persons in a Department vehicle except for a proper police purpose or on Department business.
2.16	20	Abolished
2.17	20	Officers shall obey all traffic laws when they are not operating as an emergency vehicle.
2.18	15	Officers shall not operate vehicles owned, leased, loaned or assigned to the Unified Government or the Police Department, in such a manner that results in, the Officer accumulating Negative 4 to Negative 6 points based on the guidelines set forth in the Accident Review Board Procedures.
2.19	10	Failure to use proper radio procedure.
2.20	20	Failure to properly inspect and/or maintain Department equipment or supplies: (a) Before using, an officer shall thoroughly inspect the vehicle or equipment assigned to them to determine if there is any damage or discernable defects. This inspection shall include, but shall not be limited to: 1. Check tires for wear and proper inflation 2. Check all vehicle safety equipment to ensure working condition 3. Check for visible or discernable damage to any part or portion of the vehicle 4. Check oil, windshield cleaner and radiator water levels to ensure adequacy (b) An officer shall immediately report to an on-duty supervisor, all damage, defects or loss of Department vehicles, equipment and/or supplies, as soon as it occurs or becomes known to that officer.
2.21	20	Failure of a Field Training Officer (FTO) to properly coach, mentor, guide, instruct, and/or oversee any person (trainee) who the FTO is charged to train, which results in the trainee committing a minor violation.
2.23		Abolished
2.24	25	Failure of supervisors (including sergeants and acting sergeants) to: (a) Properly supervise subordinates; (b) Properly review all reports for correct information;

- (c) Prefer disciplinary charges or take other appropriate disciplinary action.
- 2.25 10 Failure to possess a current, valid State Motor Vehicle Operator's License, or allowing a valid operator's license to expire.
- 2.26 Abolished
- 2.27 20 Officers shall not perform any acts or make any statements which tend to bring the Department into disrepute or ridicule, or which criticizes the Department or any officer.
- 2.28 10 Officers shall treat as confidential the business of the Department.
- 2.29 20 Respect for supervisors and other officers.
- (a) Officers shall not criticize, publicly reprimand or ridicule a fellow officer.
- (b) No officer shall use abusive, insulting or indecent language to another officer.
- (c) In issuing instructions or correcting conduct, no officer shall use abusive or insulting language toward another officer.
- (d) Officers shall be courteous in their dealings with associate and treat them with respect.
- 2.30 20 Failure to be home without legitimate reason after reporting off sick.
- 2.31 Abolished
- 2.32 Abolished
- 2.33 Abolished
- 2.34 Abolished
- 2.35 25 Failure to report an offered bribe or gratuity for the permitting of an illegal act.
- 2.36 Abolished
- 2.37 Abolished
- 2.38 20 Officers shall notify their supervisor or commanding officer at least one-half (1/2) hour before their normal starting time if they are sick, going to be absent or late for duty.
- 2.39 Abolished
- 2.40 Detectives Dress Code: All detectives shall dress according to the following:
- 10 (a) when attending court: suit and/or sport coat and tie.

- 10 (b) while performing routine investigative procedures: suit and tie, sport coat and tie, or approved business casual attire.
- 2.41 Abolished
- 2.42 25 Failure of an officer to make an inquiry when in doubt as to the nature or detail of his or her assignment.
- 2.43 Abolished
- 2.44 Abolished
- 2.45 20 Failure to follow or forward all communications through the appropriate chain of command. In no event may officers, on behalf of themselves or others, contact the office of the County Administrator or any elected official on matters pertaining to the Police Department without prior approval of the Chief of Police.
- Exception: When information is of such nature that it must be brought to the immediate attention of the Chief of Police, the official chain of command may be passed and the Chief contacted directly. Justification for such departure will be required.
- 2.46 20 Officers shall not associate or engage in relationships with persons for social or personal reasons while on duty. This does not preclude official associations or connections with the performance of assigned duties.
- 2.47 Abolished
- 2.48 10 Officers shall immediately notify their commanding officer of any arrests or court actions, except divorce proceedings, instituted against them.
- 2.49 10 Failure to remain calm and composed regardless of provocation in the execution of their office.
- 2.50 15 Loss of incidental police equipment with a value under \$500.00, that was issued by the Department such as badge, handcuffs, mace, night stick, RMS key fobs, and other uniform items.
- 2.51 20 Failure to properly wear seat belts while operating a police vehicle.
- 2.52 Abolished

Section 3. Disciplinary Rules – Major Violations

- 3.1 Officers shall promptly and willingly obey all lawful orders and directives issued to them by competent authority. The willful disobedience of any order lawfully issued by a superior officer or any disrespectful, mutinous, insolent or abusive language toward a superior officer shall constitute insubordination.
- 3.2 Officers shall not be under the influence of alcohol or consume any kind of intoxicant while on duty or in uniform, other than to perform an authorized assignment. Additionally, officers shall not be under the influence of, or be a user of controlled substances when such controlled substances are not lawfully prescribed by a practitioner, nor shall an officer use such controlled substances in a manner not lawfully prescribed by a practitioner.

- 3.3 Accepting a bribe or gratuity for permitting, allowing or not reporting an illegal act. No officer shall offer or present to or accept from another employee any type of compensation or favor for official conduct.
- 3.4 Officers shall not convert to their personal use or have any personal claim in any found property, recovered property, or property held as evidence, unless released by proper authority.
- 3.5 Contents of any criminal record or report filed in the Police Department shall not be exhibited or divulged to any person other than during the process of law except upon a written directive of a commanding officer.
- 3.6 Officers shall not communicate in any manner directly or indirectly any information which might assist persons charged with criminal or quasi-criminal acts to escape arrest or punishment or which may enable them to dispose of any evidence of unlawful activity or money, merchandise or other property unlawfully obtained.
- 3.7 Officers shall not interfere with the proper administration of criminal justice. They shall not attempt to interrupt legal process except where a manifest injustice might otherwise occur nor participate in or be concerned with any activity which might interfere with the process of law. They shall not attempt to have citations or notices to appear reduced, voided, or stricken from the records or files, except as provided for in Department policy. Any member having knowledge of such action and failing to inform his superior officer thereof shall be deemed to have violated this rule.
- 3.8 Officers receiving or possessing facts or information relative to a criminal offense or case shall report the facts or information in accordance with Departmental procedure.
- 3.9 No officer shall request the aid of any citizen to have them transferred within the Department, receive a promotion, assigned from one classification of work to another, nor transferred from one (1) district or section of the jurisdiction to another.
- 3.10 Officers shall not place or permit weapons or objects adaptable for use as weapons and capable of inflicting bodily injury to remain unattended in any location normally accessible to a prisoner or suspect.
- 3.11 Officers shall not physically or mentally abuse prisoners or any other person with whom they come into contact while discharging the duties of a police officer. All officers are to affirmatively protect the Civil Rights of all persons.
- 3.12 Officers shall not either directly or indirectly recommend the employment of any person as attorney or counsel, or recommend the name of any bondsman to any prisoner or suspect. No member shall post bond for persons under arrest except members of his immediate family.
- 3.13 Officers shall not use their official position to solicit special privileges or discounts for themselves or others.
- 3.14 Officers shall not do business with or engage in any business transactions with any person confined in jail.
- 3.15 No officer shall willfully misrepresent any matter, withhold information, sign any false official statement or report, perjure himself, or give false testimony before any court, grand jury, grievance hearing, board, commission or official hearing.

- 3.16 No officer shall make false reports or knowingly enter or cause to enter in any Department book, record or reports any inaccurate, false or improper police information or other material matter.
- 3.17 Officers shall not accept for personal use any compensation, gift, gratuity or reward for services rendered.
- 3.18 No officer shall use his or her police position to collect or receive any money or other things of value, nor shall officers circulate subscription papers, sell tickets of any kind or collect money from a member of the public for any purpose other than duly authorized functions.
- 3.19 No officer shall be absent without leave. If an officer reports for duty later than one (1) hour after his normal starting time he shall be considered absent without leave.
- 3.20 Officers shall not use their positions with the Department as means of influencing, forcing, or intimidating persons with whom they are engaged in civil matters to settle the case in favor of the officer.
- 3.21 Abolished
- 3.22 Officers shall always maintain competence in the performance of their duties. The lack of any of the following is evidence of incompetence: (a) courage, (b) emotional stability, (c) sound judgment, (d) industry, (e) alertness, (f) decisiveness, (g) power to observe, (h) initiative, (i) energy, (j) intelligence and (k) ability to get along with people.
- 3.23 Dishonesty/Lack of honesty.
- 3.24 An officer shall not sleep while on duty.
- 3.25 Gross immorality: Officers shall not conduct themselves in an immoral, indecent, lewd or disorderly manner.
- 3.26 Neglect of duty.
- 3.27 Failure to have and maintain an operable firearm.
- 3.28 Failure to maintain a valid Kansas Motor Vehicle Operator's License other than due to expiration.
- 3.29 Abolished
- 3.30 Cowardice and neglect of duty:
- (a) No officer shall fail to aid, assist and protect the public or a fellow officer in time of danger or under circumstances where danger might be reasonably impending.
 - (b) Nor shall an officer fail to give suitable attention to the performance of duty. The failure to take appropriate action on the occasion of a crime, disorder or other act or condition deserving police attention shall constitute neglect of duties.
- 3.31 An officer shall not engage in any employment or business involving the sale of alcoholic beverages nor shall he be employed by any business establishment that sells cereal malt

beverages for consumption on the premises of said establishment, unless such premises are owned or leased by the Unified Government. However, officers may be permitted to be employed in or for such establishments if such establishments are large recreational complexes located within special development districts as designated by the U.G., and providing the Chief of Police expressly approves such employment. An officer shall not do investigative work for insurance agencies, collection agencies, lending agencies, or detective businesses as defined by K.S.A. 75-7b01(a), attorneys or bail bond agencies, or work for an employer who has been convicted of a felony or who openly associates with convicted felons.

- 3.32 An officer shall not visit, enter or frequent a house of prostitution, illegal gambling house, or establishment wherein federal, state, or local laws or ordinances are violated, except in the performance of duty and while acting under proper and specific orders from a superior officer.
- 3.33 An officer shall not intentionally manufacture, tamper with, falsify, destroy or withhold evidence or information, nor make any false accusations of a criminal charge.
- 3.34 When ordered to do so by the Chief of Police or Deputy Chief, an officer shall submit to any of the following tests or disclosures in a non-criminal case: medical tests; ballistics tests; chemical or other tests; photographs; and CVSA tests in accordance with section 13.6. An officer may also be required to submit financial disclosure statements when so ordered by the Chief of Police or Deputy Chief.
- 3.35 Abolished
- 3.36 Tampering with vehicles:
 - (a) Adjustments to the fuel systems will be made only by proper authorization from the police garage supervisor.
 - (b) There will be no altering of any parts on any vehicle or any other change which affects engine performance unless it is authorized by the police garage supervisor in writing.
- 3.37 Officers shall not lose or suffer, permit or allow police equipment provided an officer by the Department of a retail value of more than Fifty Dollars (\$50.00) to come into the possession of any third party except upon the order of his superior officer.
- 3.38 No officer shall commit an act which is unlawful and requires a criminal intent.
- 3.39 Failure of a Field Training Officer (FTO) to properly coach, mentor, guide, instruct, and/or oversee any person (trainee) who the FTO is charged to train, which results in the trainee committing a major violation.
- 3.40 Abolished
- 3.41 Officers shall not operate vehicles owned, leased, loaned or assigned to the Unified Government or Police Department, in such a manner that results in, or causes, serious injury or death to any person; and/or results in significant cosmetic, structural or mechanical damage to that vehicle, or any other vehicle, or other property. (For purposes of this rule, "significant damage" shall mean total damage to a vehicle or other property that exceeds the amount of \$1000 to repair, restore or replace: Serious injury shall mean an injury that is potentially life-threatening or which requires immediate medical attention or admission to a medical facility.)

- 3.42 Officers shall comply with the provisions of every Departmental General Order.
- 3.43 District and Federal Court appearances: For all appearances before any District Court or Federal Court of law, competent investigating body, judicial tribunal, pre-trial conference, hearing board or person authorized to take testimony, officers shall:
- (a) Attend punctually.
 - (b) Wear proper attire (includes uniform, suit and tie, or sport coat and tie).
 - (c) Not be absent except for good cause. Where necessary to be absent, officers shall notify the prosecutor's office at a reasonable time prior to the trial, hearing, or conference.
- 3.44 Failure to provide respect for a supervisor and/or commander.
- (a) Officers shall not criticize the instructions or orders received from a superior officer or commander.
 - (b) In issuing instructions or correcting conduct, no supervisory officer or commander shall use abusive or insulting language toward a subordinate.
 - (c) Commanders shall be courteous in their dealings with subordinates and associates and treat them with respect.
 - (d) Officers will not be disrespectful, mutinous, insolent or use abusive language toward a superior officer.



Staff Request for Commission Action

Tracking No. 212404

Full Commission Meeting Date: 04/27/23

Committee: Neighborhood & Community Development

Date of Standing Committee Action: 04/03/2023

(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>
04/21/2023	Jud Knapp	x5472	jknapp@wycokck.org	Economic Development

Item Description:

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

10 Single Family Homes

Action Requested:

Approve

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

FC Memo Land Bank Options 04.27.23



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: Neighborhood & Community Development Standing Committee
FROM: Jud Knapp, Land Bank Manager
DATE: April 21, 2023
SUBJECT: Option applications for consideration

The following **option application(s)** was presented at the 04/03/2023 meeting:
Please visit the new site to review the applications below

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

A. Single Family Homes – 10 Homes

1. Jon Coverdale – 1 home
 - i. 2917 S 27th ST – 149692
2. Maria Hill – 1 home
 - i. 5409 Douglas Ave – 218112
 - ii. 5417 Douglas Ave – 218113
4. Dulce Dominguez & Fernando Sepulveda – 1 home
 - iii. 3111 S 33rd St – 150317
5. James Michael – 1 home
 - iv. 643 N 54th St – 051619
 - v. 5310 Muncie Dr – 051618
6. Premier Developments LLC – 5 homes
 - vi. 3047 N 31st St – 099260
 - vii. 3051 N 31st St – 099261
 - viii. 3059 N 31st ST – 099262
 - ix. 3063 N 31st St – 099263
 - x. 3065 N 31st St - 099264
7. Jose Cortez – 1 home
 - xi. 3233 N 44th Ter – 172212
 - xii. 3237 N 44th Ter - 172211
 - xiii. 3241 N 44th Ter - 172210
 - xiv. 3245 N 44th Ter - 172209
 - xv. 3301 N 44th Ter - 172208



Staff Request for Commission Action

Tracking No. 212405

Full Commission Meeting Date: 04/13/23

Committee: Neighborhood & Community Development

Date of Standing Committee Action: 04/03/2023

(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>
04/21/2023	Jud Knapp	x5472	jknapp@wycokck.org	Economic Development

Item Description:

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

1 Yard Extension

Action Requested:

Approve

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

FC Memo Land Bank Property Transfers 04.27.23



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: Neighborhood & Community Development Standing Committee
FROM: Jud Knapp, Land Bank Manager
DATE: April 21, 2023
SUBJECT: Property Transfers applications for consideration

The following **property transfers application(s)** was presented at the 04/03/2023 meeting:
Please visit the new site to review the applications below
<https://experience.arcgis.com/experience/b63e9cb3cca44be59f458765dbeddc8/>

PT – Property Transfers

1. Cintli Soto
 - i. 812 Lafayette Ave - 111593

