

**JULY 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/87051973950>

Or One tap mobile:

+12532050468,87051973950# US

+12532158782,87051973950# US (Tacoma)

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, +1 360 209 5623 US, +1 386 347 5053 US, +1 507 473 4847 US, +1 564 217 2000 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)

877 853 5257 US (Toll-Free) 888 475 4499 US (Toll-Free)

Webinar ID: 870 5197 3950

International numbers available: <https://us02web.zoom.us/j/87051973950>

- I. CALL TO ORDER**
- II. ROLL CALL**
- III. INVOCATION GIVEN BY STELLA RUIZ, OAK GROVE CHRISTIAN CHURCH**
- IV. PLEDGE OF ALLEGIANCE**
- V. REVISIONS TO THURSDAY, JULY 27, 2023, AGENDA**
- VI. CLERK'S STATEMENT**
(Anyone wishing to speak about a particular item on the Consent Agenda must notify the Mayor when he asks if there are any "set-asides" on the Consent Agenda. Your item will then be discussed and voted on separately. All remaining items on the Consent Agenda are viewed as a single group and voted on with one vote.)
- VII. PLANNING AND ZONING CONSENT AGENDA**
- VIII. PLANNING AND ZONING NON-CONSENT AGENDA**
- IX. MAYOR'S AGENDA**
- X. REGULAR CONSENT AGENDA**
- XI. PUBLIC HEARING AGENDA**
- XII. STANDING COMMITTEES' AGENDA**
- XIII. ADMINISTRATOR'S AGENDA**

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

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. **COZ2023-005 - ANDREA WEISHAUBT WITH ALC**

Synopsis: Change of Zone from R-1 Single Family District to A-G Agriculture District to utilize the property for agricultural uses and to keep livestock at 5744 Tauromee Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 212594

2. **COZ2023-014 - CHRISTOPHER E. HANDLIN**

Synopsis: Change of Zone from R-1 Single Family District to A-G Agriculture District for 30 chickens, bees, and farm at 3000 South 74th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

(RECOMMENDED FOR APPROVAL)

Tracking #: 212596

3. **COZ2023-016 - RHIANNON CABALLERO**

Synopsis: Change of Zone from R-1 Single Family District to A-G Agriculture District for chickens and a garden at 3542 North 51st Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 212597

B. SPECIAL USE PERMIT APPLICATIONS

1. **SP2023-027 - JOSHUA A. ROSE**

Synopsis: Special Use Permit for a Short-Term Rental at 4610 Lloyd Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL FOR 1 YEAR)**

Tracking #: 212599

2. **SP2023-028 - MICHAEL GEKAS**

Synopsis: Renewal of a Special Use Permit for a Short-Term Rental (SP2021-012) at 2716 North 119th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL FOR 5 YEARS)**

Tracking #: 212592

3. **SP2023-029 - ABDUL MAZID WITH A+ AUTO SALES**

Synopsis: Renewal of a Special Use Permit (SP2021-016) for used car dealership at 1010 Merriam Lane, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL FOR 5 YEARS)**

Tracking #: 212593

4. **SP2023-031 - ALEXANDRA SALES**

Synopsis: Special Use Permit for a Short-Term Rental at 2602 North 107th Terrace, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL FOR 1 YEAR)**

Tracking #: 212601

5. **SP2023-032 - TRISTIN PERKINS**

Synopsis: Special Use Permit for a Short-Term Rental at 1945 Lawrence Court, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL FOR 1 YEAR)**

Tracking #: 212602

6. **SP2023-033 - SANGEETH AND REBEKAH SAMUEL**

Synopsis: Special Use Permit for a Short-Term Rental at 4016 Springfield Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL FOR 1 YEAR)**

Tracking #: 212603

7. **SP2023-035 - MARY MELOT AND ROBBIN BEEBE**

Synopsis: Special Use Permit for a Short-Term Rental at 3716 Springfield Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL FOR 1 YEAR)**

Tracking #: 212604

C. PLAN REVIEW APPLICATION

1. **PR2023-020 - JOSE YEPAZ WITH WTF LLC**

Synopsis: Preliminary Plan Review for townhomes at 825 Parallel Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 212605

D. MASTER PLAN AMENDMENT APPLICATION

1. MPL2023-009 - JOSE YEPAZ WITH WTF LLC

Synopsis: Master Plan Amendment from Parks and Open Space to Lower-Medium Density Residential (Northeast Area Plan) at 825 Parallel Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 212606

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

- 1. AN ORDINANCE** rezoning property at 13400 Donahoo Road, (COZ2023-010) from A-G Agriculture (WYCO) District to A-G Agriculture (City) District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 212607
- 2. AN ORDINANCE** rezoning property at 4403 Rainbow Boulevard, (COZ2021-043), from R-1(B) Single Family District to RP-4 Planned Garden Apartment District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 212608
- 3. AN ORDINANCE** authorizing a Special Use Permit for continuation of a Short-Term Rental (SP2022-117) at 749 Locust Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 212609
- 4. AN ORDINANCE** authorizing a Special Use Permit for a commercial retail space with a firearm training facility and shooting range (SP2023-022) at 10000 France Family Drive, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 212610
- 5. AN ORDINANCE** authorizing a Special Use Permit for an event space with offices (SP2023-023) at 6300 Parallel Parkway, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 212611
- 6. AN ORDINANCE** authorizing a Special Use Permit to continue to operate a drinking establishment with live entertainment (SP2022-121) at 508 Kansas Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 212612

7. **AN ORDINANCE** vacating right-of-way (VAC2022-003) at 1327 State Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 212613

VIII. PLANNING AND ZONING NON-CONSENT AGENDA

A. CHANGE OF ZONE APPLICATIONS

1. **COZ2023-009 - AUSTIN THOMPSON WITH ALC**
Synopsis: Change of Zone from R-1 Single Family District to A-G Agriculture District to raise fowl at 8910 Osage Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR DENIAL - 5/2 VOTE)**
Tracking #: 212595

B. SPECIAL USE PERMIT APPLICATIONS

1. **SP2023-020 - SHAYMOND JANES**
Synopsis: Special Use Permit to operate a Short-Term Rental at 2737 South 53rd Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL 6/3 VOTE FOR 1 YEAR)**
Tracking #: 212535
2. **SP2023-026 - ASHLEY GARZA**
Synopsis: Special Use Permit for a Short-Term Rental at 31 South Tremont Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL FOR 1 YEAR - 6/1 VOTE)**
Tracking #: 212598
3. **SP2023-030 - ALEXANDRA SALES**
Synopsis: Special Use Permit for a Short-Term Rental at 2602 Essex, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL FOR 1 YEAR - 5/1 VOTE)**
Tracking #: 212600

C. UPDATE: CITYWIDE COMPREHENSIVE PLAN

1. **Synopsis:** A review of the ongoing Citywide Comprehensive Plan update process and next steps, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.
Tracking #: 212614

TAX STATUS REPORT
BOARD OF COMMISSIONERS AGENDA FOR JULY 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

1. **PROCLAMATION: BLACK ENTREPRENEURSHIP WEEK**
Synopsis: Proclamation proclaiming August 1-5, 2023, as JBlack Entrepreneurship Week, submitted by Tyrone A. Garner, Mayor/CEO
Tracking #: 212622
2. **PROCLAMATION: COMMUNITY CARE CLINICS WEEK**
Synopsis: Proclamation proclaiming August 7-11, 2023, as Community Care Clinics Week, submitted by Tyrone A. Garner, Mayor/CEO
Tracking #: 212623
3. **PROCLAMATION: NATIONAL NIGHT OUT**
Synopsis: Proclamation proclaiming August 1, 2023, as National Night Out, submitted by Tyrone A. Garner, Mayor/CEO
Tracking #: 212624

X. REGULAR CONSENT AGENDA

1. **RESOLUTION: FIRST AMENDMENT TO THE 505 CENTRAL PROJECT**
Synopsis: Adoption of a resolution extending various development agreement deadlines, submitted by Jeff Conway, Assistant Counsel.

*On July 10, 2023, the **Economic Development and Finance Standing Committee**, chaired by Commissioner Burroughs, voted unanimously to approve and forward to the full commission.*
Tracking #: 212577
2. **PLAT: BENNETT ESTATES**
Synopsis: Plat of Bennett Estates, located at 2615 Espenlaub Lane, and being developed by Glenn Bennett, submitted by Brent Thompson, County Surveyor, and Troy Shaw, County Engineer.
Tracking #: 212617

3. **PLAT: FAMILY TREE NURSERY FIRST PLAT**

Synopsis: Plat of Family Tree Nursery First Plat, located at 13400 Donahoo Road, and being developed by First Tree Nursery, submitted by Brent Thompson, County Surveyor, and Troy Shaw, County Engineer.

Tracking #: 212618

4. **PLAT: WALKERS 2ND ADDITION**

Synopsis: Plat of Walkers 2nd Addition, located at 325 Franklin Avenue, and being developed by Damon Walls, submitted by Brent Thompson, County Surveyor, and Troy Shaw, County Engineer.

Tracking #: 212619

5. **PLAT: HOMEFIELD MARGARITAVILLE FIRST PLAT**

Synopsis: Plat of Homefield Margaritaville First plat, located at 94th and State Avenue, and being developed by HFS KCK, LLC., submitted by Brent Thompson, County Surveyor, and Troy Shaw, County Engineer.

Tracking #: 212620

6. **PLAT: I-435 LOGISTICS PARK FIRST PLAT**

Synopsis: Plat of I-435 Logistics First Plat, located North of Leavenworth Road on 99th Street, and being developed by Scannell Properties #459, LLC., submitted by Brent Thompson, County Surveyor, and Troy Shaw, County Engineer.

Tracking #: 212621

7. **MINUTES**

Synopsis: Minutes from the Special Session meeting of June 29, 2023.

Tracking #: MINUTES

8. **WEEKLY BUSINESS**

Synopsis: Weekly business material dated June 22 and 29, 2023.

Tracking #: WEEKLY BUSINESS

XI. PUBLIC HEARING AGENDA

XII. STANDING COMMITTEES' AGENDA

XIII. ADMINISTRATOR'S AGENDA

XIV. COMMISSIONERS' AGENDA

XV. LAND BANK BOARD OF TRUSTEES' CONSENT AGENDA

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 site to review the applications below.

<https://gisapp.wycokck.org/Landbank.html>

A. Single Family Homes – 2 Homes

1. Bi'Anca Smart – 1 home
2530 N Hallock St – 292428
2. Beth Dringenberg – 1 home
2745 S Holmes St – 137014

B. Multi Family – 2 Units

1. Marco Sanchez - Duplex
2825 N 68th St – 019311

Tracking #: 212571

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://gisapp.wycokck.org/Landbank.html>

PT – Property Transfers

1. Highland Park Cemetery
40001 State Ave – 242703
2. Mary Ann Barnes
145 N 61st Ter - 891983

Tracking #: 212572

XVI. PUBLIC ANNOUNCEMENTS

XVII. ADJOURN



Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: July 27, 2023

Re: Change of Zone Petition COZ2023-005

GENERAL INFORMATION

Applicant:

Andrea Weishaubt

Status of Applicant:

Representative

Atlas Land Consulting

14500 Parallel Parkway Unit R

Basehor, Kansas 66007

Requested Actions:

Approval of a Change of Zone.

Date of Application:

February 24, 2023

Purpose:

To approve a Change of Zone from R-1 Single Family District to A-G Agriculture District, to utilize the property for agricultural uses.

Property Location:

5744 Tauromee Avenue

Kansas City, Kansas 66102

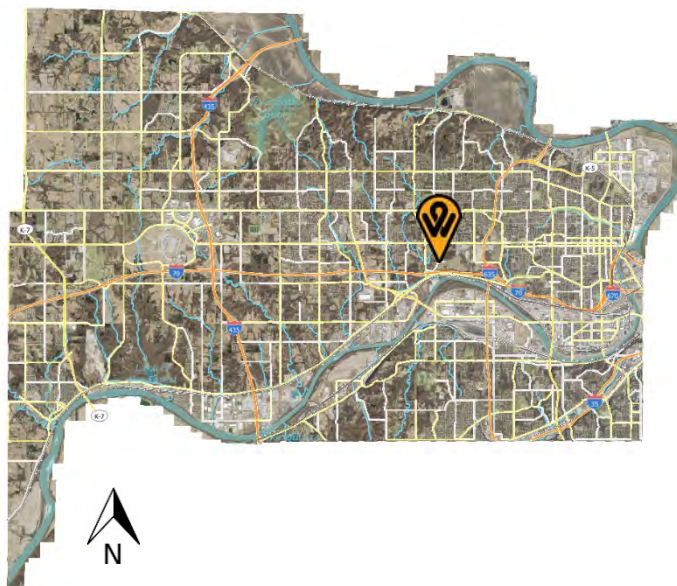
Commission Districts:

Commissioner At Large #1:

Melissa Bynum

District #8 Commissioner:

Andrew Davis



Existing Zoning:	R-1 Single Family District
Adjacent Zoning:	North: R-1 Single Family District South: R-1 Single Family District East: R-1 Single Family District West: R -1 Single Family District
Adjacent Uses:	North: Single-family homesteads South: Single-family residences East: Single-family residence West: Single-family residence
Total Tract Size:	5.23 Acres
Master Plan Designation:	The City-Wide Master Plan designates this property as Low-Density Residential, which allows single-family detached residences, institutional uses such as elementary and middle schools, small churches (less than 50,000 square feet), libraries, and parks and open space.
Major Street Plan:	The Major Street Plan classifies Tauromee Avenue as a Local/Neighborhood Street.
Required Parking:	Section 27-454(e) requires two (2) off-street parking spaces for each single-family dwelling, at least one (1) of which shall be in a garage or carport. The property provides ample space for parking as well as an attached garage.
Advertisement:	<u>The Wyandotte Echo</u> – March 16, 2023 Letters to Property Owners – March 17, 2023
Public Hearings:	July 10, 2023, and July 27, 2023
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Andrea Weishaubt, is requesting a change of zone from R-1 Single Family District to A-G Agriculture District to utilize the property to keep animals at 5744 Tauromee Avenue.

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

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

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

Building or Code Enforcement Complaints:

1. Two (2) separate cases were opened for the subject property under a previous property owner for overgrown weeds in 2017 and 2018. Both cases have been closed.

Outstanding or Related Permits and Cases:

1. 2022 – BOZA2022-033 – Variance – Accessory Structure larger than 1,000 Sqft.

FACTORS TO BE CONSIDERED

1. Neighborhood character.

The subject property is within the Coronado Statistical Neighborhood and is not within a neighborhood group. The surrounding neighborhood is bordered by State Avenue to the north, Interstate 70 to the south, North 57th Street to the east, and North 65th Street to the west. The neighborhood features a mix of single-family and multi-family residentially zoned parcels. There are some commercial properties along State Avenue and along the northern portion of North 65th Street.

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 property directly adjacent to the subject property is zoned exclusively R-1 Single Family District and is used for single-family residences, however, there is property zoned A-G Agricultural District to the located 1/8 mile to north and west of the subject property. The proposed use may create issues with noise, smell, dust, and illumination if it 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 5.22 acres, which is above the threshold required for the A-G Agricultural District. The property, however, abuts and surrounds adjacent R-1 Single Family District zoning and single-family residences, which could be an issue. If managed properly, the property is suitable to be rezoned to A-G Agricultural District.

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

The property is not vacant.

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

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

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

The proposed use will not increase traffic to the point that it will exceed the capacity of Tauromee Avenue, a local street. The proposed development will be utilized for private and personal use by the applicant and will not function as a business.

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

The City-Wide Master Plan designates this property as Low-Density Residential, which allows single-family detached residences, institutional uses such as elementary and middle schools, small churches (less than 50,000 square feet), libraries, and parks and open space. The proposed use for agricultural uses does not conform to the Master Plan, however, use of the property as a single-family residence, does conform to the Master Plan.

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

There is potential for environmental harm with the construction of a large accessory structure (permitted under BOZA2022-033) as this could result in the existing tree-stand being removed, as well as increased water runoff. Additionally, there is the potential for runoff to be contaminated by animal waste from animals, which could impact the creek running along the north side of the property.

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

a. *Water service*

BPU provides water service.

b. Sanitary sewer service

The UG provides sanitary sewer service.

c. Storm water control

The UG provides storm water control, with an inlet at 57th & Tauromee.

d. Police

Police service is provided by West Patrol, District #222.

e. Fire

Fire service is provided by Station #2, which is 0.75 mile away from the subject property.

f. Transit

KCATA provides transit service along Route #101 – State Avenue, which stops at 57th and State Avenue, 0.50 miles away from the property.

g. Schools

Public Education is provided by Lindberg Elementary School, Gloria Willis Middle School, and F.L. Schlagle High School, under Kansas City Kansas USD 500.

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

The proposed use will have a minimal economic impact on the community as it is for the private use and enjoyment of the property owner.

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

The applicant has previously received a variance to construct a 2,400 square foot accessory structure, which would have been allowed by right under the proposed zoning district. Additionally, the applicant plans to keep animals on the property. As long as the animals are kept and maintained, and the property is conserved and managed properly, the proposed use can meet 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 will be minimal. There are concerns with increased water runoff and contamination of water runoff, due

to animal waste. If denied, the applicant would not be able to keep animals on the property without a Special Use Permit.

PREVIOUS ACTIONS

Approval of a Variance (BOZA2022-033) for a larger than allowed accessory structure in 2022.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting 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

Animals
Buffering, Screening, and Fencing
Conservation Plan
Primary and Accessory Structures Materiality
Stream Buffer
Site Plan
Tree Stand Preservation
UG Standard Driveway

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **APPROVAL** of Change of Zone Application COZ2023-005, subject to:

1. The applicant shall be limited to up to five (5) cattle or one (1) horse on the property to allow for rotational grazing and adequate manure spread.
2. Cattle waster and chicken waste shall be separated to avoid burning the soil.
3. The applicant shall not store materials, construct a structure, or allow animals within the floodway that runs through the property.
4. The applicant shall fence off the property. This fencing shall not consist of barbed wire.
5. The applicant shall maintain a 50-foot buffer from the stream that runs across the north side of the property for any and all agricultural use or structure.
6. Animals on the site shall be kept away from the timber stand and the stream buffer.
7. Animals shall be kept away from the front of the property, where the property borders two (2) single-family residences.
8. Additional trees shall be planted on site, particularly around the property boundaries that are shared by a neighboring residence.

9. A sacrifice lot will be needed for winter protection of the pasture. Livestock should not be on the pasture when ground is frozen or very wet.
10. Shelters need to be planned and built in level locations to provide protection for animals.
11. There needs to be fencing all along the steep wooded area to keep livestock out of these areas, including the Brenner Heights Creek. These areas are extremely vulnerable to erosion when livestock destroy the ground cover mulch. This fencing shall not be barbed wire.
12. The applicant must continue to work and obtain a Conservation Plan from the Wyandotte County Conservation District. Cheri Miller, Conservation District director can be reached at wyco.conservation@gmail.com.
13. The Subject Property, being within the SFHA, shall comply with the following requirements of the floodplain ordinance for all new construction, subdivision proposals, substantial-improvements, prefabricated structures, placement of manufactured homes, and other development:
 - a. Design or adequate anchorage to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
 - b. Construction with materials resistant to flood damage;
 - c. Utilization of methods and practices that minimize flood damages;
 - d. All electrical, heating, ventilation, plumbing, air-conditioning equipment, and other service facilities be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
 - e. New or replacement water supply systems and/or sanitary sewage systems be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and on-site waste disposal systems be located so as to avoid impairment or contamination from them during flooding; and,
 - f. Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, located within special flood hazard areas are required to assure that
 - g. All such proposals are consistent with the need to minimize flood damage;
 - h. All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage;
 - i. Adequate drainage is provided so as to reduce exposure to flood hazards; and,
 - j. All proposals for development, including proposals for manufactured home parks and subdivisions, of five (5) acres or fifty (50) lots, whichever is lesser, include within such proposals base flood elevation data.
14. 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.**
- 15. 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.**
- 16. Any property owner or business owner that is required to obtain a Special Use Permit for an entitlement to keep fowl or livestock animals as described in Section 27-593, or any other animal related activity as described in Section 27-593, is required to comply at all times with all the requirements of Chapter 7 and Chapter 27 of the Ordinance. This shall include all ordinance sections that relate to the care, feeding, and keeping of animals; the proper housing, shelter, and restraint of animals from roaming at large; access to proper veterinary care; the operation and maintenance of land, property, and any building or structure related to animal keeping. The permit holder and the property owner are responsible to register any animal keeping activity with Kansas City, Kansas Animal Services, and to maintain annually that registration, and to arrange and participate in annual property and animal inspections with Kansas City, Kansas Animal Services.**
- 17. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process.**
- 18. If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only.**
- 19. 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.**
- 20. All existing and future driveways must feature curb cuts that are constructed to UG standards.**
- 21. Lighting shall be installed to have a 90-degree cutoff.**
- 22. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable.**

23. 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.
24. 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.
25. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed 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.
26. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners concur with the findings contained within the staff report related to *Factors to be Considered* and *Key Issues* and recommends **APPROVAL** of Petition **COZ2023-005** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

July 10, 2023, City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Floodplain Map
Site Plan (with Landscape, and Waste Management Plan)
Wyandotte County Conservation District Comments
Neighborhood Meeting Information
Site Photos, Taken by Staff, Dated March 10, 2023

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Board of Commissioners</u>
Public Hearing	July 10, 2023	July 27, 2023
Rezoning	Approval	

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2023-005** 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 **COZ2023-005**, 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.

July 10, 2023, City Planning Commission Minutes:

Hearing starts at 1:58:58:

CHANGE OF ZONE APPLICATION COZ2023-005 – ANDREA WEISHAUBT WITH ATLAS LAND CONSULTING - SYNOPSIS: Change of Zone from R-1 Single Family District to A-G Agriculture District to utilize the property for agricultural uses and to keep livestock at 5744 Tauromee Avenue. Detailed Outline of Requested Action: The applicant, Andrea Weishaubt, is requesting a change of zone from R-1 Single Family District to A-G Agriculture District to utilize the property to keep animals at 5744 Tauromee 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 July 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 Avenue, Unit R, Basehor, Kansas 66007

Present in Opposition:

- No one appeared

Staff Recommendation starts at 2:02:35: Planning Director Hand stated that this property was before the Board of Zoning Appeals earlier this year for a variance for an accessory structure larger than the ordinance requirements. This Change of Zone request is from R-1 Single Family District to A-G Agriculture District. The property is in the City-Wide Comprehensive Plan in the Midtown (South of I-70) area. Staff has received no letters in support nor in opposition. There are some older Notices of Violation for maintenance when this property was vacant. Staff recommends approval

subject to the conditions in the staff report. One (1) of the conditions is maintaining the conservation plan with the Conservation District, which currently specifies up to five (5) cattle or one (1) horse. A stream buffer that the property be fenced so the cattle will not leave the property, and enhanced landscaping and buffering for the abutting single-family homes as other notable conditions.

Motion starts at 2:05:50:

On motion by Mrs. Jones, seconded by Ms. Armstrong, the Planning Commission voted as follows to recommend **APPROVAL** of **Change of Zone Application COZ2023-005**:

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

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

Subject to:

1. The applicant shall be limited to up to five (5) cattle or one (1) horse on the property to allow for rotational grazing and adequate manure spread.
2. Cattle waster and chicken waste shall be separated to avoid burning the soil.
3. The applicant shall not store materials, construct a structure, or allow animals within the floodway that runs through the property.
4. The applicant shall fence off the property. This fencing shall not consist of barbed wire.
5. The applicant shall maintain a 50-foot buffer from the stream that runs across the north side of the property for any and all agricultural use or structure.
6. Animals on the site shall be kept away from the timber stand and the stream buffer.
7. Animals shall be kept away from the front of the property, where the property borders two (2) single-family residences.
8. Additional trees shall be planted on site, particularly around the property boundaries that are shared by a neighboring residence.
9. A sacrifice lot will be needed for winter protection of the pasture. Livestock should not be on the pasture when ground is frozen or very wet.
10. Shelters need to be planned and built in level locations to provide protection for animals.
11. There needs to be fencing all along the steep wooded area to keep livestock out of these areas, including the Brenner Heights Creek. These

- areas are extremely vulnerable to erosion when livestock destroy the ground cover mulch. This fencing shall not be barbed wire.
12. The applicant must continue to work and obtain a Conservation Plan from the Wyandotte County Conservation District. Cheri Miller, Conservation District director can be reached at wycoco.conservations@gmail.com.
13. The Subject Property, being within the SFHA, shall comply with the following requirements of the floodplain ordinance for all new construction, subdivision proposals, substantial-improvements, prefabricated structures, placement of manufactured homes, and other development:
- k. Design or adequate anchorage to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
 - l. Construction with materials resistant to flood damage;
 - m. Utilization of methods and practices that minimize flood damages;
 - n. All electrical, heating, ventilation, plumbing, air-conditioning equipment, and other service facilities be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
 - o. New or replacement water supply systems and/or sanitary sewage systems be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and on-site waste disposal systems be located so as to avoid impairment or contamination from them during flooding; and,
 - p. Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, located within special flood hazard areas are required to assure that
 - q. All such proposals are consistent with the need to minimize flood damage;
 - r. All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage;
 - s. Adequate drainage is provided so as to reduce exposure to flood hazards; and,
 - t. All proposals for development, including proposals for manufactured home parks and subdivisions, of five (5) acres or fifty (50) lots, whichever is lesser, include within such proposals base flood elevation data.
14. The Subject Property, being within the SFHA, shall comply with the following requirements of the floodplain ordinance for the Storage of Materials and Equipment:
- c. The storage or processing of materials within the special flood hazard area that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal, or plant life is prohibited.
 - d. Storage of other material or equipment may be allowed if not subject to major damage by floods, if firmly anchored to prevent flotation, or if readily removable from the area within the time available after a flood warning.
15. 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.
16. Any property owner or business owner that is required to obtain a Special Use Permit for an entitlement to keep fowl or livestock animals as described in Section 27-593, or any other animal related activity as described in Section 27-593, is required to comply at all times with all the requirements of Chapter 7 and Chapter 27 of the Ordinance. This shall include all ordinance sections that relate to the care, feeding, and keeping of animals; the proper housing, shelter, and restraint of animals from roaming at large; access to proper veterinary care; the operation and maintenance of land, property, and any building or structure related to animal keeping. The permit holder and the property owner are responsible to register any animal keeping activity with Kansas City, Kansas Animal Services, and to maintain annually that registration, and to arrange and participate in annual property and animal inspections with Kansas City, Kansas Animal Services.
 17. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process.
 18. If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only.
 19. 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.
 20. All existing and future driveways must feature curb cuts that are constructed to UG standards.
 21. Lighting shall be installed to have a 90-degree cutoff.
 22. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable.
 23. 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.

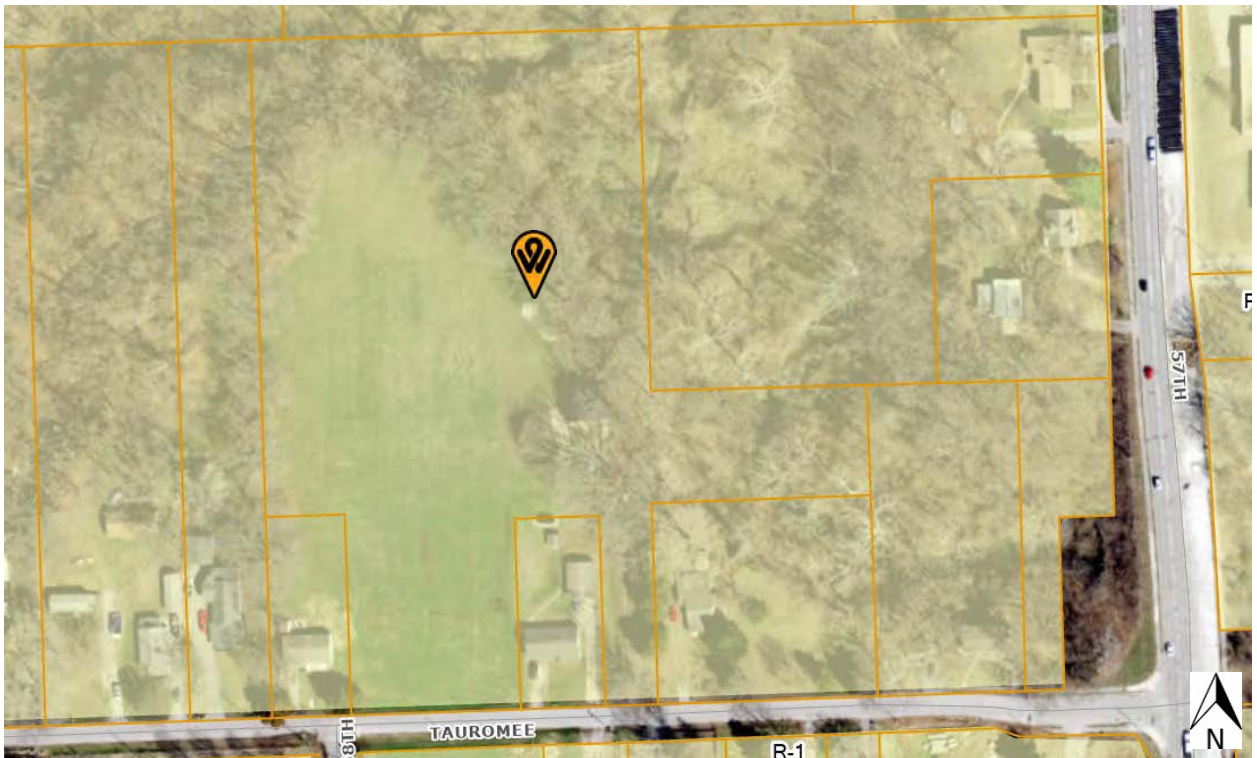
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25. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed 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.
26. 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



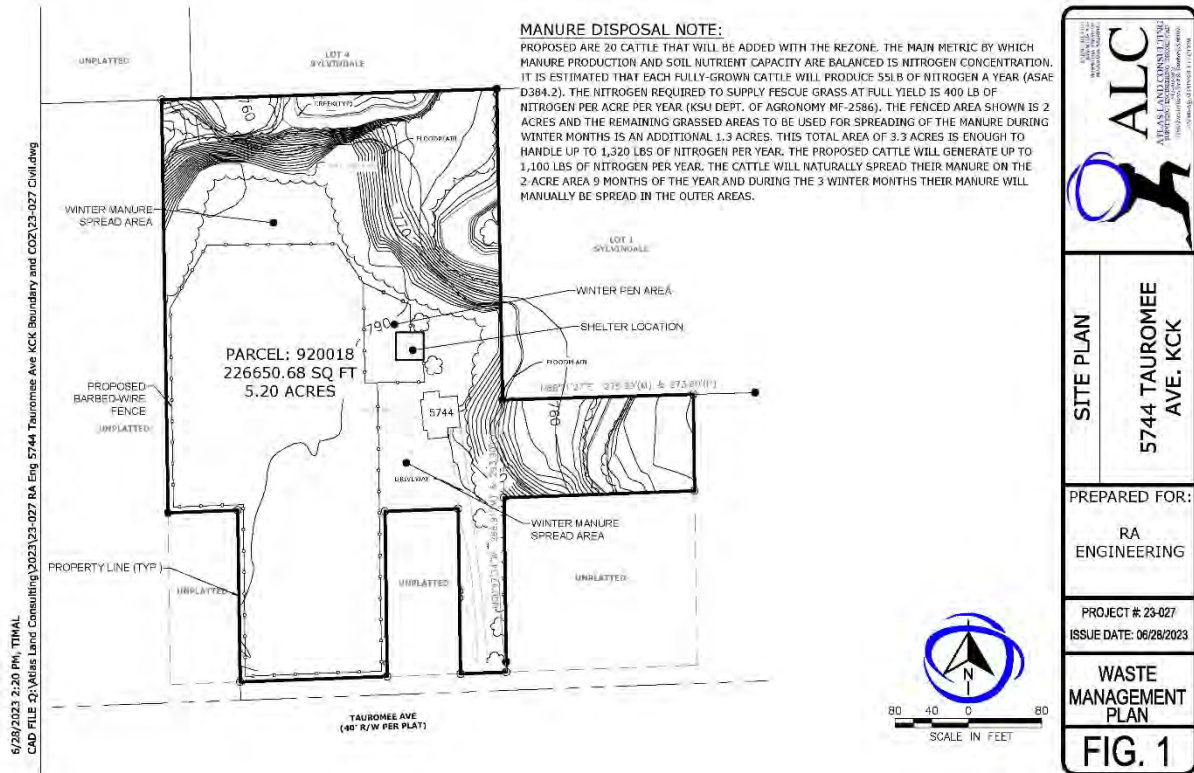
LAND USE MAP



FLOODPLAIN



FLOOR PLAN



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-2023-005 Andrea Weishaubt R1 to A-G for agricultural uses and livestock at
5744 Tauromee Avenue

Dear Mr. Hand:

The Wyandotte County Conservation District has completed an environmental review of
the: COZ-2023-005 Andrea Weishaubt R1 to A-G for agricultural uses and livestock at
5744 Tauromee Avenue.

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

MAPS AND REPORTS

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

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

- There are four major soil types identified: Kennebec silt loam, frequently flooded, Bremer silty clay loam, rarely flooded, Knox silt loam, 7 to 12 percent slopes and Knox silt loam, 12 to 18 percent slopes. These soil types are considered very erodible when the surface is denuded of a protective cover.
- Depending on the number of horses or other animals for this area, there may be major concerns for contamination to Brenner Heights Creek. There needs to be fencing all along the steep wooded area to keep livestock out of these areas. These areas are extremely vulnerable to erosion when livestock destroy the ground cover mulch.
- Shelters need to be planned and built in level locations to provide protection for animals.

- A sacrifice lot will be needed for winter protection of the pasture. Livestock should not be on the pasture when ground is frozen or very wet.
- Disposal of manure needs to be done in a safe manner. There are not enough area to provide for safe disposal of animal waste on the property. There will need to be a disposal plan developed.

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.

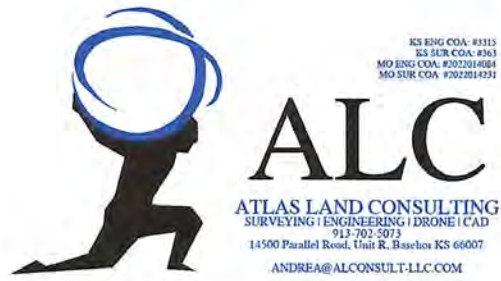
The ratings and other information in these reports are based on estimated engineering properties of the soils, on available test data and on field experience. The soil is ordinarily examined to a depth of about 6 feet. At a greater depth, additional geological investigation may be needed. The natural 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



Neighborhood Meeting Minutes

Application Number: COZ2023-005

Date and Location: Meeting via email & phone.

No Attendees.

Minutes Taken by: Austin Thompson with 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 # COZ2023-005.
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.

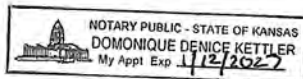
Further affiant saith not.



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





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: July 27, 2023

Re: Change of Zone Petition COZ2023-014

GENERAL INFORMATION

Applicant:

Christopher Handlin

Status of Applicant:

Property Owner
3000 South 74th Street
Kansas City, Kansas 66106

Requested Actions:

Approval of a Change of Zone.

Date of Application:

May 12, 2023

Purpose:

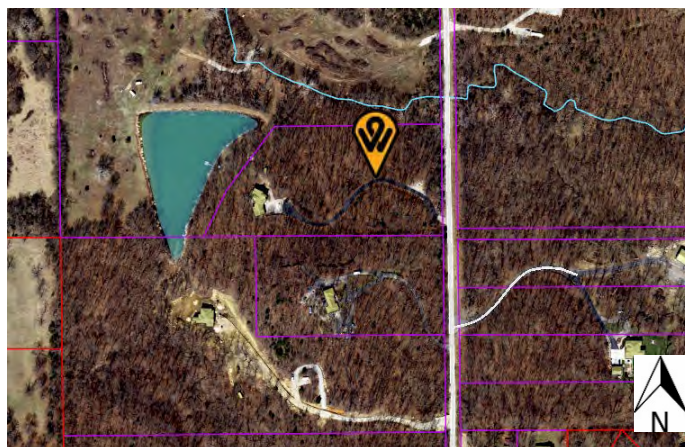
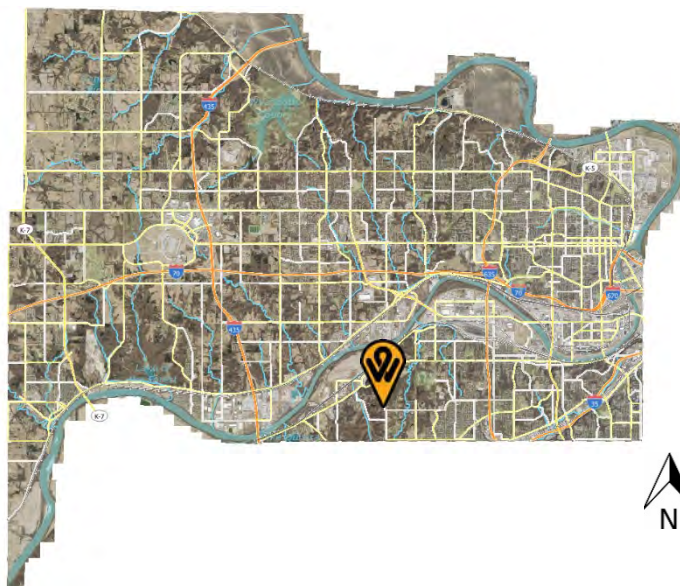
To approve a Change of Zone from R-1 Single Family District to A-G Agriculture District, to utilize the property for agricultural uses.

Property Location:

3000 South 74th Street
Kansas City, Kansas 66111

Commission Districts:

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



Existing Zoning: R-1 Single Family District

Adjacent Zoning:	North: A-G Agriculture District South: R-1 Single Family District East: R-1 Single Family District West: A-G Agriculture District
Adjacent Uses:	North: Agricultural land South: Single-family residence East: Single-family residence West: Agricultural land
Total Tract Size:	5.95 Acres
Master Plan Designation:	The City-Wide Comprehensive Plan designates this property as Rural Density Residential, which allows agriculture, ranches, and large lot residential development.
Major Street Plan:	The Major Street Plan classifies South 74 th Street as a Local/Neighborhood Street.
Required Parking:	Section 27-452(e) requires two (2) off-street parking spaces for each single-family dwelling. The property can accommodate more than two (2) spaces.
Advertisement:	<u>The Wyandotte Echo</u> – June 15, 2023 Letters to Property Owners – June 16, 2023
Public Hearings:	July 10, 2023, and July 27, 2023
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Christopher Handlin, is requesting a change of zone from R-1 Single Family District to A-G Agriculture District to utilize the property for agricultural uses at 3000 South 74th Street.

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

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

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

Building or Code Enforcement Complaints:

1. There are Notices of Violation on the subject property.

Outstanding or Related Permits and Cases:

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

FACTORS TO BE CONSIDERED

1. Neighborhood character.

The subject property is within the Morris Statistical Neighborhood and the Morris neighborhood group. The surrounding neighborhood is comprised of large lot single family residences and agricultural lots.

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 properties directly adjacent to the south and east of subject property is zoned exclusively R-1 Single Family District and is used for single-family residences, however, there is property zoned A-G Agriculture District surrounding the property to the north and west. The proposed use is compatible with nearby zoning.

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 5.95 acres, which is larger than the threshold required for the A-G Agriculture District. The property, however, abuts and surrounds adjacent R-1 Single Family District zoning and single-family residences, which could be an issue. If managed properly, the property is suitable to be rezoned to A-G Agriculture District.

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

The subject property is not vacant.

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

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

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

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

The proposed use will not increase traffic to the point that it will exceed the capacity of South 74th Street, a local street. The proposed development will be utilized for private and personal use by the applicant and will not function as a business.

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

The City-Wide Comprehensive Plan designates this property as Rural Density Residential, which allows agriculture, ranches, and large lot residential development. The proposed use conforms to the City-Wide Comprehensive Plan, as it proposes agricultural uses.

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

The proposed use could harm the environment due to contaminated run-off, however, this is not expected to be an issue so long as animal waste is managed properly.

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 does not provide sanitary sewer service. The property operates off of a septic system.

c. Storm water control

The UG provides storm water control, with an inlet on South 74th Street.

d. Police

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

e. Fire

Fire service is provided by Station #17, which is five (5) miles away from the subject property.

f. Transit

No transit service is provided to the subject property.

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 have a minimal economic impact on the community as it is for the private use and enjoyment of the property owner.

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

The proposed use is capable of meeting applicable ordinance requirements as long as the animals are kept and maintained, and the property is conserved and managed properly.

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

The relative gain to the public health, safety, and welfare will be minimal. There are concerns with increased water runoff and contamination of water runoff, due to animal waste. If denied, the applicant would not be able to keep animals on the property without a Special Use Permit.

PREVIOUS ACTIONS

There have been no previous planning actions on the subject property.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on June 22, 2023. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Activity on the Property

Animals

Primary and Accessory Structures Materiality

Stormwater Management and Water Pollution

Tree Stand Preservation

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **APPROVAL** of Change of Zone Application COZ2023-014, subject to:

1. Applicant must ensure that the identified open areas are preserved for the keeping of bees.
2. No vehicles or trailers shall be parked on an unimproved surface. All parking must be on a paved surface.
3. All tress on the property shall be maintained. Any trees that are removed shall be replaced.
4. The applicant must continue to work and obtain a Conservation Plan from the Wyandotte County Conservation District. Cheri Miller, Conservation District director can be reached at wycoco.conservations@gmail.com.
5. The applicant must strictly adhere to the submitted waste disposal plan.
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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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. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620.
14. 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.
15. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners concur with the findings contained within the staff report related to *Factors to be Considered* and *Key Issues* and recommends **APPROVAL** of Petition **COZ2023-014** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

July 10, 2023, City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Wyandotte County Conservation District Comments
Site Plan
UG Maps Pictometry, Dated March 2023
Site Photos, Provided by Staff, Dated June 9, 2023
Neighborhood Meeting Minutes

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Board of Commissioners</u>
Public Hearing	July 10, 2023	July 27, 2023
Rezoning	Approval	

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2023-014** 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 **COZ2023-014**, 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.

July 10, 2023, City Planning Commission Minutes:

Hearing starts at 2:44:30:

CHANGE OF ZONE APPLICATION COZ2023-014 – CHRISTOPHER HANDLIN-

SYNOPSIS: Change of Zone from R-1 Single Family District to A-G Agriculture District for 30 chickens, bees, and farm at 3000 South 74th Street. *Detailed Outline of*

Requested Action: The applicant, Christopher Handlin, is requesting a change of zone from R-1 Single Family District to A-G Agriculture District to utilize the property for agricultural uses at 3000 South 74th 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 July 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:

- Christopher Handlin, applicant, 3000 South 74th Street, Kansas City, Kansas 66106

Present in Opposition:

- No one appeared

Staff Recommendation starts at 2:35:48: Planning Director Hand stated that the request is to change the zoning from R-1 Single Family District to A-G Agriculture District. This property is in the City-Wide Comprehensive Plan in the Turner area. Staff has received no letters in support nor opposition. There are no Notices of Violation. Staff recommends approval subject to the conditions in the staff report. One of the conditions is that they maintain a conservation plan with the Conservation District as it relates to bees, fowl and other agricultural activities.

Motion starts at 2:47:41:

On motion by Mrs. Jones, seconded by Mr. Ernst, the Planning Commission voted as follows to recommend **APPROVAL** of **Change of Zone Application COZ2023-014:**

Carson	Chairman
Connelly	Aye
Eilts	Aye
Ernst	Aye

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

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

Subject to:

1. Applicant must ensure that the identified open areas are preserved for the keeping of bees.
2. No vehicles or trailers shall be parked on an unimproved surface. All parking must be on a paved surface.
3. All tress on the property shall be maintained. Any trees that are removed shall be replaced.
4. The applicant must continue to work and obtain a Conservation Plan from the Wyandotte County Conservation District. Cheri Miller, Conservation District director can be reached at wycoco.conservations@gmail.com.
5. The applicant must strictly adhere to the submitted waste disposal plan.
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. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process.
8. If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only.
9. Lighting shall be installed to have a 90-degree cutoff.
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. All existing and future driveways must feature curb cuts that are constructed to UG standards.

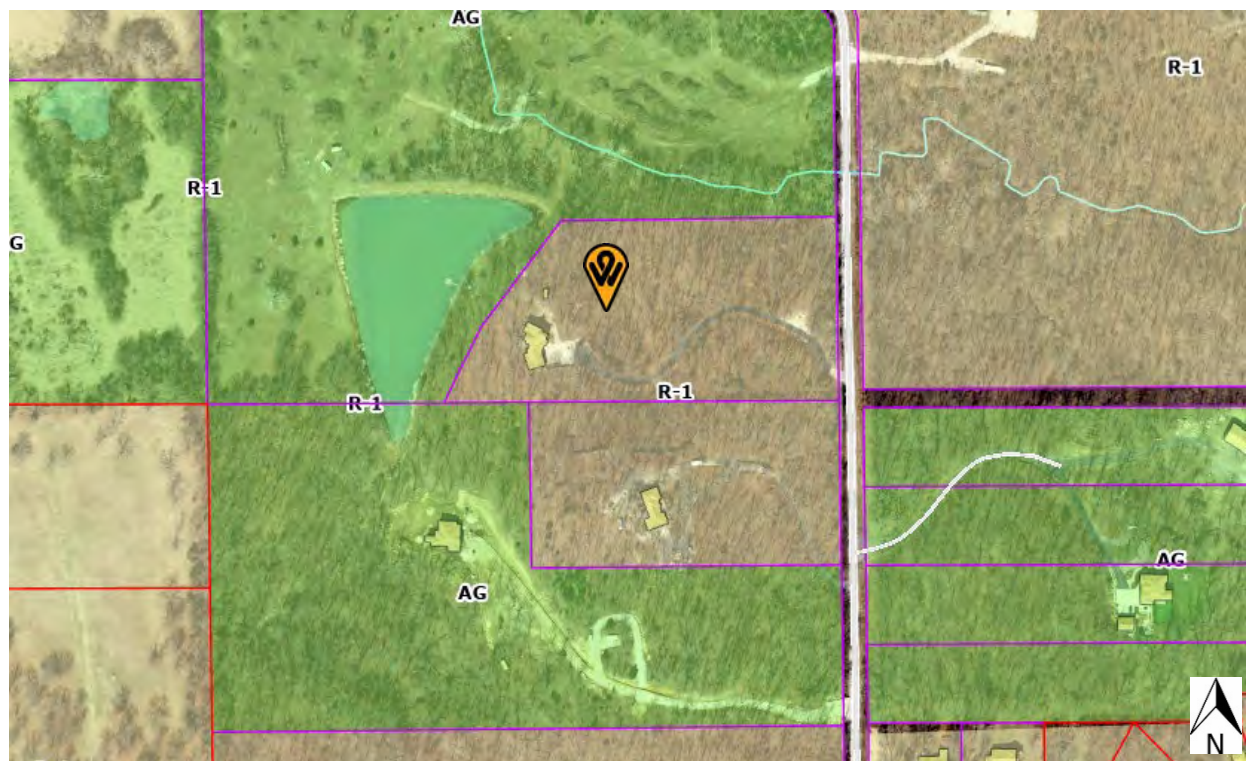
- 12. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable.**
- 13. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620.**
- 14. 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.**
- 15. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.**

ATTACHMENTS

AERIAL IMAGERY



ZONING MAP



LAND USE MAP



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

June 15, 2023

RE: COZ-2023-014 Christopher Handlin R-1 to A-G for 30 chickens and bees at 3000 South 74th Street

Dear Mr. Hand:

The Wyandotte County Conservation District has completed an environmental review of the: COZ-2023-014 Christopher Handlin R-1 to A-G for 30 chickens and bees at 3000 South 74th Street.

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

MAPS AND REPORTS

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

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

- There is one major soil type identified: Vinland-Rock outcrop complex, 15 to 45 percent slopes. This soil type is considered very erodible when the surface is denuded of a protective cover.
- There doesn't look like there is much open area. Bees need an open area for their lively hood.
- The concern with chickens is disposing of or using the chicken waste. It can be composted or can be disposed in a safe manner. We don't want it contaminating the drainage way in the area.
- This area is quite steep and mostly tree covered. There appears to be good quality trees in the stand. There are programs for help to manage the timber

land. Assistance from this office is available to manage the woodland area. Woodlands are quite productive if managed.

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.

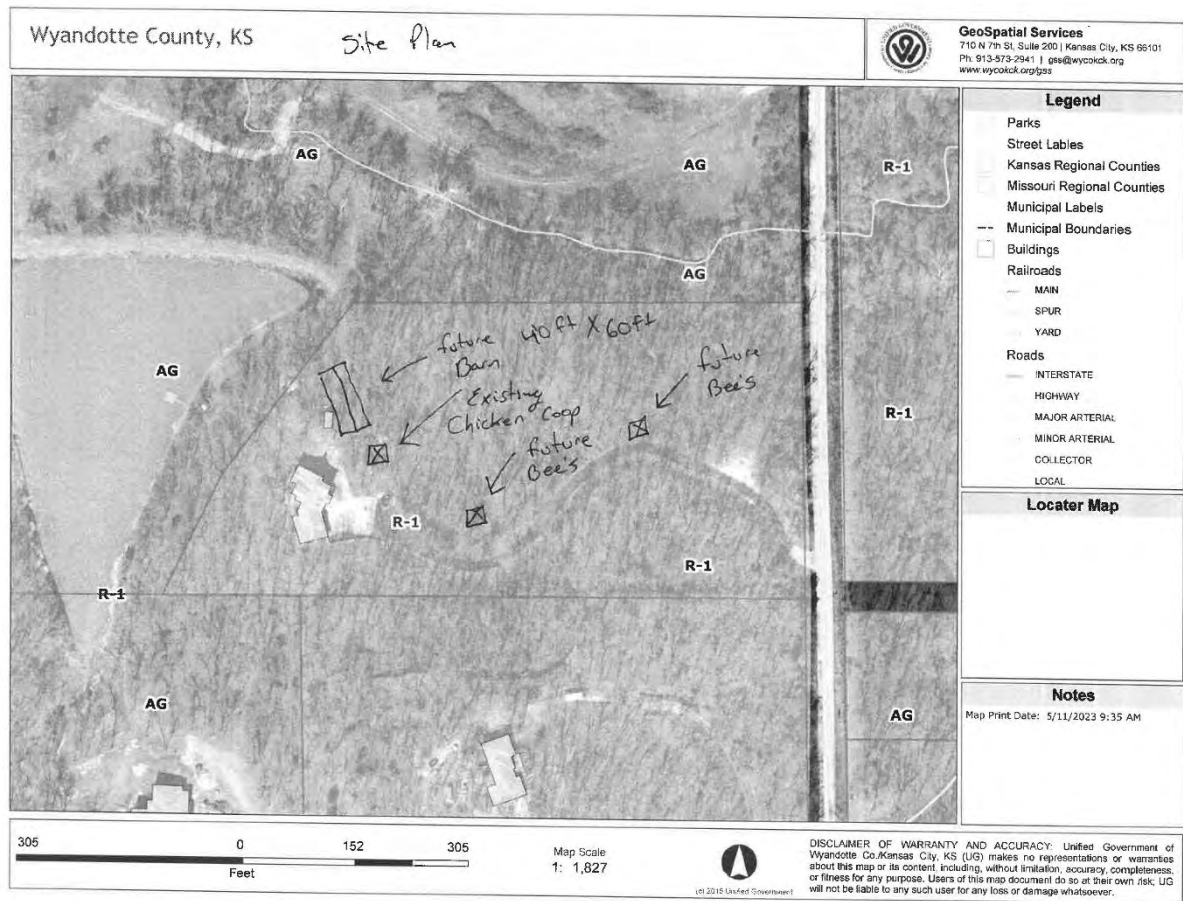
If you have any comments or questions, please do not hesitate to call me.

Sincerely,

Cheri Miller
District Manager

enclosures

SITE PLAN





SITE PHOTOS, PROVIDED BY STAFF, DATED JUNE 9, 2023





NEIGHBORHOOD MEETING MATERIALS

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
) SS:
COUNTY OF Johnson)

Comes now Christopher E. Hurd, of lawful age, sound mind and open his/her oath states as follows:

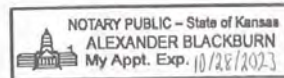
1. That I am the petitioner for Petition # COZ 2023-014
2. That I conducted a neighborhood meeting on 6-22-2023.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

[Signature]
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 24th day of June, 2023.
My commission expires 28th of October, 2023.

[Signature]
Notary Public



Minutes from change of zoning meeting on 6-22-2023

Application # COZ2023-014
6-22-2023 via Zoom

Meeting called to order at 6 PM

Zero persons with the exception of the host Christopher Handlin attended the meeting.
Zero persons reached out to the host via the phone number or email provided to the guests
before hand.

Meeting adjourned at 6:30 PM

Minutes taken by Christopher Handlin



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: July 27, 2023

Re: Change of Zone Petition COZ2023-016

GENERAL INFORMATION

Applicant:

Rhiannon Caballero

Status of Applicant:

Property Owner
3542 North 51st Street
Kansas City, Kansas 66104

Requested Actions:

Approval of a Change of Zone.

Date of Application:

May 26, 2023

Purpose:

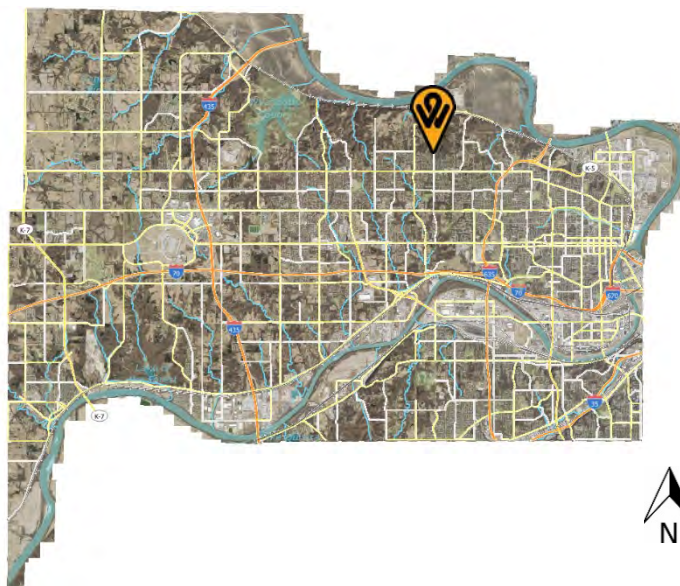
To approve a Change of Zone from R-1 Single Family District to A-G Agriculture District, to utilize the property for agricultural uses.

Property Location:

3542 North 51st Street
Kansas City, Kansas 66104

Commission Districts:

Commissioner At Large District #1:
Melissa Bynum
District #1 Commissioner:
Gayle Townsend



Existing Zoning: R-1 Single Family District

Adjacent Zoning:	North: R-1 Single Family District South: R-1 Single Family District East: R-1 Single Family District West: R-1 Single Family District
Adjacent Uses:	North: Large lot single-family residence South: Large lot single-family residence East: Large lot single-family residence West: Large lot single-family residence
Total Tract Size:	8.06 Acres
Master Plan Designation:	The City-Wide Comprehensive Plan designates this property as Rural Density Residential, which allows agriculture, ranches, and large lot residential development.
Major Street Plan:	The Major Street Plan classifies North 51 st Street as a Local/Neighborhood Street.
Required Parking:	Section 27-452(e) requires two (2) off-street parking spaces for each single-family dwelling. The property can accommodate more than two (2) spaces.
Advertisement:	<u>The Wyandotte Echo</u> – June 15, 2023 Letters to Property Owners – June 16, 2023
Public Hearings:	July 10, 2023, and July 27, 2023
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Rhiannon Caballero, is requesting a change of zone from R-1 Single Family District to A-G Agriculture District to utilize the property for agricultural uses at 3542 North 51st Street.

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

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

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

Building or Code Enforcement Complaints:

1. There are Notices of Violation on the subject property.

Outstanding or Related Permits and Cases:

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

FACTORS TO BE CONSIDERED

1. Neighborhood character.

The subject property is within the Quindaro Bluffs Statistical Neighborhood and the Neighbors Helping Neighbors neighborhood group. The surrounding neighborhood is comprised of large lot single family residences and agricultural lots.

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 property is surrounded directly by single family zoning districts, many of which contain agricultural uses due to their size or have legal non-conforming status as they have existed prior to their annexation in 1966. The proposed use is expected to be compatible with nearby uses as long as it is 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 8.06 acres, which is larger than the threshold required for the A-G Agriculture District. The property, however, abuts and surrounds adjacent R-1 Single Family District zoning and single-family residences, which could be an issue. If managed properly, the property is suitable to be rezoned to A-G Agriculture District.

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

The subject property is not vacant.

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

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

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

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

The proposed use will not increase traffic to the point that it will exceed the capacity of North 51st Street, a local street. The proposed development will be utilized for private and personal use by the applicant and will not function as a business.

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

The City-Wide Comprehensive Plan designates this property as Rural Density Residential, which allows agriculture, ranches, and large lot residential development. The proposed use conforms to the City-Wide Comprehensive Plan, as it proposes agricultural uses.

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

The proposed use could harm the environment due to contaminated run-off, however, this is not expected to be an issue so long as animal waste is managed properly.

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 does not provide sanitary sewer service. The property operates off of a septic system.

c. Storm water control

The UG provides storm water control, with an inlet on North 51st Street.

d. Police

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

e. Fire

Fire service is provided by Station #18, which is three (3) miles away from the subject property.

f. Transit

No transit service is provided to the subject property.

g. Schools

Public Education is provided by Welborn Elementary School, Gloria Willis Middle School, and F.L Schlagle High School, under Kansas City, Kansas USD 500.

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

The proposed use will have a minimal economic impact on the community as it is for the private use and enjoyment of the property owner.

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

The proposed use is capable of meeting applicable ordinance requirements as long as the animals are kept and maintained, and the property is conserved and managed properly.

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

The relative gain to the public health, safety, and welfare will be minimal. There are concerns with increased water runoff and contamination of water runoff, due to animal waste. If denied, the applicant would not be able to keep animals on the property without a Special Use Permit.

PREVIOUS ACTIONS

There have been no previous planning actions on the subject property.

NEIGHBORHOOD MEETING

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

KEY ISSUES

Activity on the Property
Amount of Animals
Animal Waste
Buffering, Screening, and Fencing
Driveway Paving
Primary and Accessory Structures Materiality
Site Plan
Stormwater Runoff
Tree Stand Preservation
UG Standard Driveway
Waste Management and Disposal Plan

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **APPROVAL** of Change of Zone Application COZ2023-016, subject to:

1. The applicant shall ensure that all chicken waste is disposed of via compost or used as fertilizer to prevent contamination of the drainageway and stormwater run-off.
2. The applicant shall ensure that any garden areas are kept well maintained to prevent contamination of the drainageway and stormwater.
3. The applicant will be required to install a paved driveway apron.
4. The applicant must continue to work and obtain a Conservation Plan from the Wyandotte County Conservation District. Cheri Miller, Conservation District director can be reached at wycococonservation@gmail.com.
5. All tress on the property shall be maintained. Any trees that are removed shall be replaced.
6. The "Windstream" RV shall not be used as a dwelling unit.
7. The exterior walls shall be made of either horizontal clapboard, wood, or plywood siding, stone, artificial stone, brick, artificial brick, and textured finishes such as stucco. Fiberglass, plastic, and preformed, corrugated, or ribbed metals are not allowed. Metals can be used provided they have a factory applied and painted finish closely matching the color of the primary structure. Standard concrete masonry units are also not allowed unless the walls of the building are painted the exact color of the primary structure.
8. 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. Lighting shall be installed to have a 90-degree cutoff.
 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. No vehicles or trailers shall be parked on an unimproved surface.
 13. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable.
 14. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620.
 15. 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.
 16. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners concur with the findings contained within the staff report related to *Factors to be Considered* and *Key Issues* and recommends **APPROVAL** of Petition **COZ2023-016** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

July 10, 2023, City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Site Plan
Wyandotte County Conservation District Comments
Site Photos, Provided by Staff, Dated June 9, 2023

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Board of Commissioners</u>
Public Hearing	July 10, 2023	July 27, 2023
Rezoning	Approval	

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2023-016** as meeting all the requirements of the city code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **COZ2023-016**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

July 10, 2023, City Planning Commission Minutes:

Hearing starts at 2:48:50:

CHANGE OF ZONE APPLICATION COZ2023-016 – RHIANNON CABALLERO -

SYNOPSIS: Change of Zone from R-1 Single Family District to A-G Agriculture District for chickens and a garden at 3842 North 51st Street. Detailed Outline of Requested Action: The applicant, Rhiannon Caballero, is requesting a change of zone from R-1 Single Family District to A-G Agriculture District to utilize the property for agricultural uses at 3542 North 51st 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 July 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:

- Rhiannon Caballero, applicant, 3542 North 51st Street, Kansas City, Kansas 66104

Planning Commission directed questions to the applicant.

Present in Opposition:

- No one appeared

Staff Recommendation starts at 2:51:35: Planning Director Hand stated that this is a request for a Change of Zone from R-1 Single Family District to A-G Agriculture District. The property is in the City-Wide Comprehensive Plan in the north Mid-Town area close to Sorter Drive. Staff has received no letters in support nor in opposition. There are no Notices of Violation. Staff recommends approval subject to the conditions in the staff

report including paving of the driveway apron and maintenance of a Conservation Plan with the Conservation District.

Motion starts at 2:53:05:

On motion by Mr. Ernst, seconded by Mrs. Jones, the Planning Commission voted as follows to recommend **APPROVAL** of **Change of Zone Application COZ2023-016:**

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

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

Subject to:

1. The applicant shall ensure that all chicken waste is disposed of via compost or used as fertilizer to prevent contamination of the drainageway and stormwater run-off.
2. The applicant shall ensure that any garden areas are kept well maintained to prevent contamination of the drainageway and stormwater.
3. The applicant will be required to install a paved driveway apron.
4. The applicant must continue to work and obtain a Conservation Plan from the Wyandotte County Conservation District. Cheri Miller, Conservation District director can be reached at wycococonservation@gmail.com.
5. All tress on the property shall be maintained. Any trees that are removed shall be replaced.
6. The "Windstream" RV shall not be used as a dwelling unit.
7. The exterior walls shall be made of either horizontal clapboard, wood, or plywood siding, stone, artificial stone, brick, artificial brick, and textured finishes such as stucco. Fiberglass, plastic, and preformed, corrugated, or ribbed metals are not allowed. Metals can be used provided they have a factory applied and painted finish closely matching the color of the primary structure. Standard concrete masonry units are also not allowed unless the walls of the building are painted the exact color of the primary structure.
8. 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

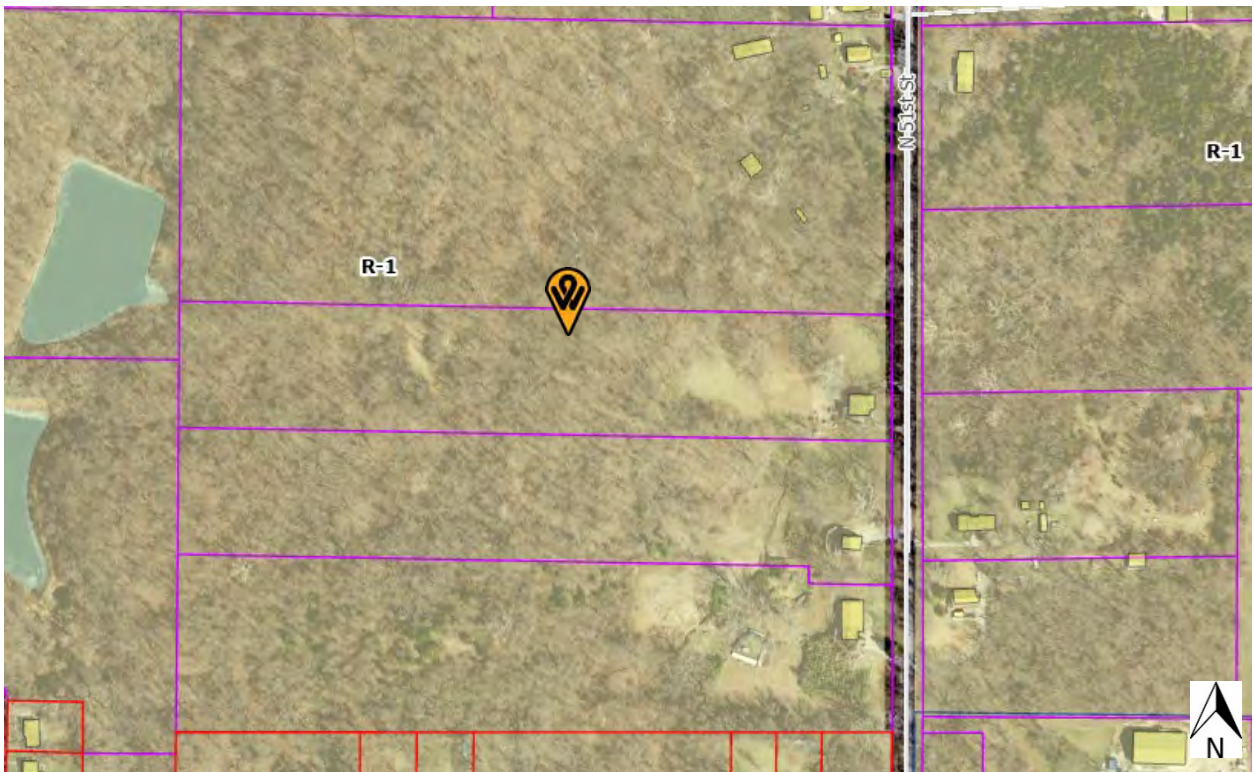
- the need for additional licenses as this application is for Zoning approval only.
10. Lighting shall be installed to have a 90-degree cutoff.
 11. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing 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. No vehicles or trailers shall be parked on an unimproved surface.
 13. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable.
 14. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620.
 15. 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.
 16. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

ATTACHMENTS

AERIAL IMAGERY



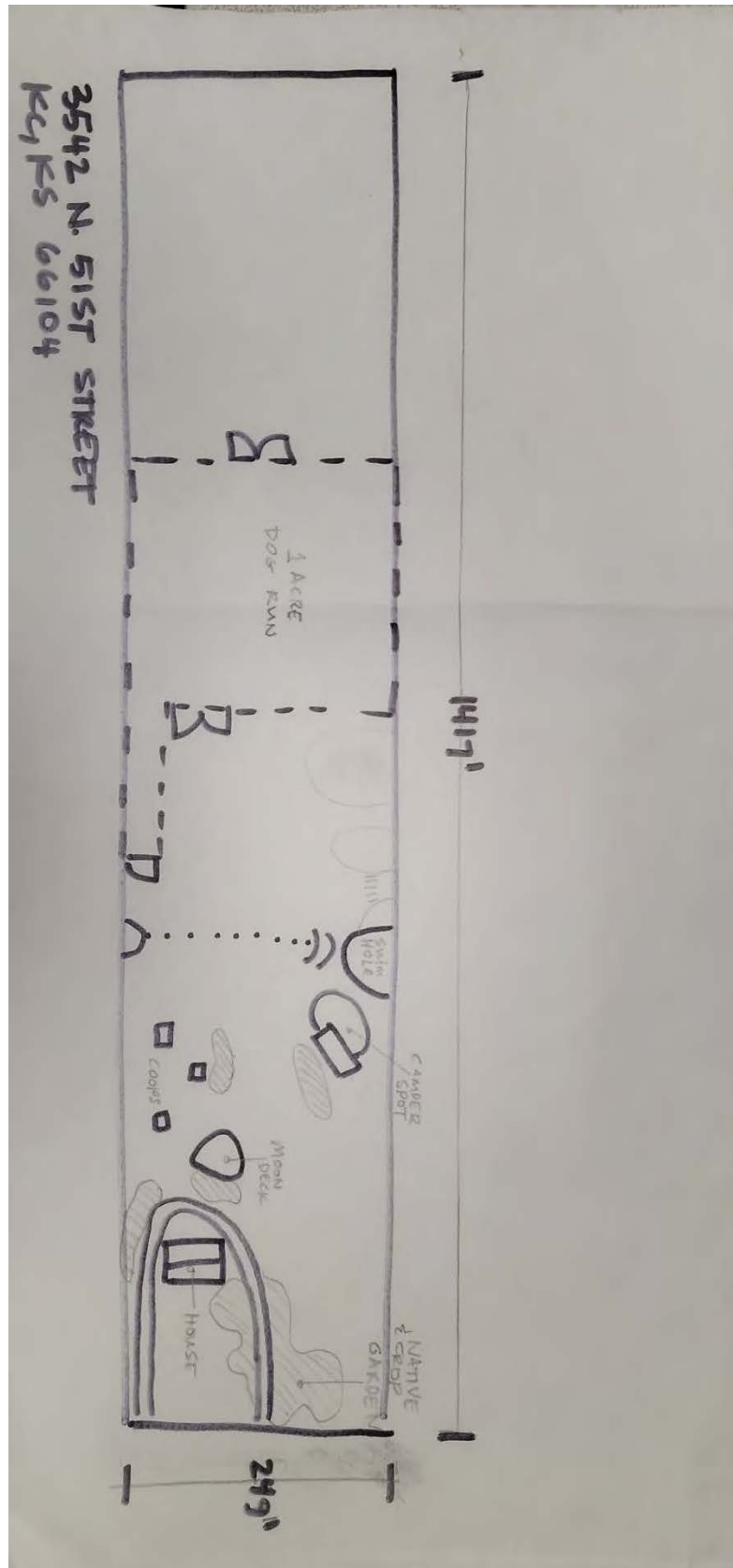
ZONING MAP



LAND USE MAP



SITE PLAN



WYANDOTTE COUNTY CONSERVATION DISTRICT COMMENTS



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

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

June 15, 2023

RE: COZ-2023-016 Rhiannon Caballero R-1 to A-G for chickens and garden at 3542
North 51st Street

Dear Mr. Hand:

The Wyandotte County Conservation District has completed an environmental review of
the: COZ-2023-016 Rhiannon Caballero R-1 to A-G for chickens and garden at 3542
North 51st Street.

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

MAPS AND REPORTS

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

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

- There are two major soil types identified: Knox silt loam, 12 to 18 percent slopes and Knox silt loam, 18 to 30 percent slopes. These soil types are considered very erodible when the surface is denuded of a protective cover.
- This site has a nice chicken building. The concern is how close to the drainage way the building is. They need to ensure that chicken waste is disposed of properly or is composted to use as fertilizer. We don't want the waste getting into the drainage way and contaminating the downstream area.
- Assistance is available from this office to help prevent contamination.
- Garden areas need to be controlled so that soil isn't ending up in the drainage way.

- There are some areas of woodland that could have timber stand improvement. There is a value in managing woodland to increase the value of the woodland produces.

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

NEIGHBORHOOD MEETING MATERIALS

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
) SS:
COUNTY OF Wyandotte)

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

1. That I am the petitioner for Petition # COZ2023-016
2. That I conducted a neighborhood meeting on 6/22/23
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.

Rhiannon Caballero

Affiant



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

My commission expires _____ of _____, 200_.

Notary Public

Sign in sheet

June 22, 2023
Sonic

I/We have filed an application with the Department of Urban Planning and Land Use # _____. The purpose of this:

(please use all that applies)

- > change of zone
- > special use permit
- > preliminary plan review

is for a change of zone

at the following address: 3542 N. 51st Street

I/We are having a neighborhood meeting on June 22, 2023 at 4:30 p.m. at the following address Sonic

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

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

Sincerely,

Name and Contact Information

~~SAMPLE~~ MINUTES:

Application Number COZ 2023-016

Date and Location: June 22, 2023 @ Sonic on Leavenworth rd.

Meeting called to order at: 4:35 pm

Names of people in attendance: Carl Kaster # 913.645.9728
(owns Buzz's Muffler)

Introductions: made Neighbors Helping Neighbors

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

... - small talk/intro
- questions about property to my south

Meeting adjourned at: 5:05 pm

Minutes taken by: Rhiannon Caballero
River Caballero

Key: ☒ attended meeting
☐ letter mailed
☒ name added to existing mailed letter



**Contact Names and Addresses
for Petition: COZ2023-016**

**3542 N 51ST ST
KANSAS CITY, KS 66104**

The proposed changes are as follows:

SYNOPSIS: Change of Zone from R-1 Single Family District to A-G Agriculture District for chickens and a garden at 3542 North 51st Street.



Other Interested Party
CARL KASTER/NEIGHBORS HELPING NEIGHBORS
3135 NORTH 51ST STREET
KANSAS CITY, KS 66104



Other Interested Party
COMMISSIONER GAYLE TOWNSEND
701 NORTH 7TH STREET, 9TH FLOOR
KANSAS CITY, KS 66101



Other Interested Party
COMMISSIONER MELISSA BYNUM
701 NORTH 7TH STREET, 9TH FLOOR
KANSAS CITY, KS 66101



Other Interested Party
LOU BRASWELL/LRA
6100 LEAVENWORTH ROAD
KANSAS CITY, KS 66104

Petitioner
RHIANNON CABALLERO
3542 N 51ST ST
KANSAS CITY, KS 66104



Within 200 Feet of Property(B)
BARRON, MARIE DE
3518 N 51ST ST,
KANSAS CITY, KS 66104

○	Within 200 Feet of Property(B) BIRKINBINE DELORES LIVING TRUST, 06/30/2015 3717 N 51ST ST, KANSAS CITY, KS 66104
○	Within 200 Feet of Property(B) BIRKINBINE, DELORES TRUSTEE 3523 N 51ST ST KANSAS CITY, KS 66104
	Within 200 Feet of Property(B) CABALLERO, RHIANNON 3542 N 51ST ST, KANSAS CITY, KS 66104
○	Within 200 Feet of Property(B) COOKSEY, EARL A 3621 N 55TH ST KANSAS CITY, KS 66104
+	Within 200 Feet of Property(B) COOKSEY, KATHRYN D 3621 N 55TH ST KANSAS CITY, KS 66104
○	Within 200 Feet of Property(B) GUINN, ERIC PO BOX 4356 KANSAS CITY, KS 66104
○	Within 200 Feet of Property(B) RAHIJA, DOLORES 3645 N 51ST ST KANSAS CITY, KS 66104
+	Within 200 Feet of Property(B) RAHIJA, JOSEPH J 3645 N 51ST ST KANSAS CITY, KS 66104
○	Within 200 Feet of Property(B) THOMPSON, ANDREW 3500 N 53RD TER KANSAS CITY, KS 66104
+	Within 200 Feet of Property(B) THOMPSON, MELISSA 3500 N 53RD TER KANSAS CITY, KS 66104

Number of Contacts:16

Monday, June 12, 2023

COPY

Rhiannon Caballero
3542 North 51st Street
Kansas City, Kansas 66104

SUBJECT : Neighborhood Meeting

We have filed an application with the Department of Urban Planning and Land Use
#COZ2023-016

The purpose of this: Change Zones

Is for an agricultural zoning

At the following address : 3542 North 51st Street, Kansas City, Kansas 66104

We are having a neighborhood meeting on Thursday, June 22 at 4:30 PM at the following
address: Sonic 5545 Leavenworth Rd., Kansas City, Kansas 66104.

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

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



Sincerely,
Rhiannon Caballero
cell 816.217.6860
email nestluxury@me.com

SITE PHOTOS, PROVIDED BY STAFF, DATED JUNE 9, 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: July 27, 2023

Re: Special Use Petition SP2023-027

GENERAL INFORMATION

Applicant:
Joshua Rose

Status of Applicant:
Property Owner
3334 Campbell Street
Kansas City, Missouri 64109

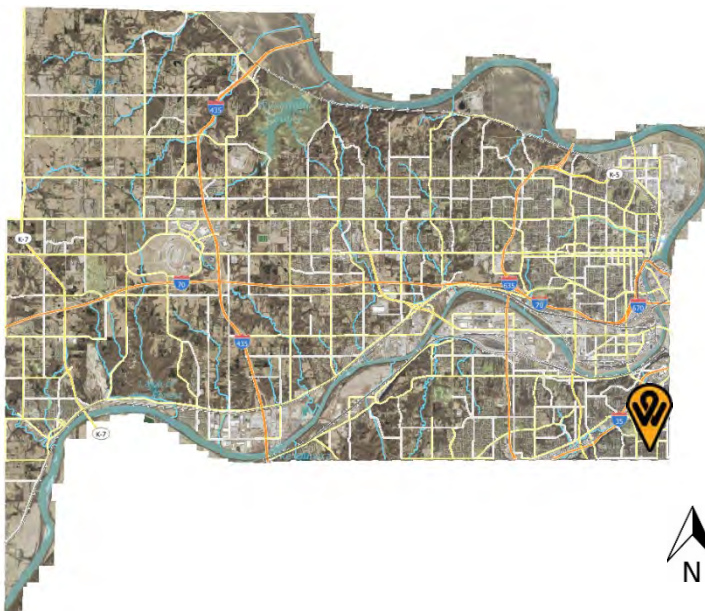
Requested Action:
Approval of a Short-term Rental
Special Use Permit.

Date of Application:
April 28, 2023

Purpose:
To approve a Special Use Permit
for a short-term rental. This is not
the owner's primary residence.

Property Location:
4610 Lloyd 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: C-1 Limited Business District
Adjacent Uses:	North: Single-family residence South: Single-family residence East: Single-family residence West: Commercial retail center
Total Tract Size:	0.28 Acres
Master Plan Designation:	The Rosedale Area Plan designates this property as Single-Family, which is intended for single family, detached houses.
Major Street Plan:	The Major Street Plan designates Lloyd Street a Local/Neighborhood Street.
Parking Requirement:	Section 27-455(d) states “Two (2) off-street parking spaces shall be provided on the premises for each single-family dwelling. The property provides four (4) parking spaces.
Advertisement:	<u>The Wyandotte Echo</u> – June 15, 2023 Letters to Property Owner – June 16, 2023
Public Hearings:	July 10, 2023, and July 27, 2023
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The Applicant, Joshua Rose, is requesting a Special Use Permit to operate a short-term rental at 4610 Lloyd Street. This is not the owner’s primary residence. This would be the first and only permitted short-term rental on the 4600 block of Lloyd Street.

City Ordinance Requirements: 27-214, 27-592 through 27-606, and 27-623.

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. There have been no noise or disturbance complaints on the subject property since it began operating as a short-term rental in 2022.

Building, Zoning, or Code Enforcement Complaints:

1. There was a notice of violation on the property for overgrown trees. This has since been resolved.
 - a. 2023 - ENV23-1676 - Overgrown trees and shrubs.

Outstanding or Related Permits and Cases:

1. There are no outstanding or related permits and cases at the subject property.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The subject property is located within the Rosedale Statistical Neighborhood as well as the Frank Rushton Neighborhood Group and the Rosedale Development Association (RDA) district. The neighborhood consists of primarily single-family residences, with duplexes and small apartment buildings dispersed throughout. The subject property is located near the West 47th Avenue commercial corridor, which features a mixture of offices, commercial retail, and restaurants.

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

The zoning and uses are set out above. The subject property is surrounded primarily by the R-1(B) Single Family and CP-1 Planned Limited Business Districts. Continuing use as a rental, either short or long-term, is consistent with other nearby properties in close proximity to the mixed-use corridor. The proposed use is compatible if properly managed.

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

This property is suitable for use as a single-family home. The property could be suitable for use as a short-term rental if properly managed. Removal of the restrictions that require a Special Use Permit for such activities has the potential to create issues such as parking, excessive noise and overcrowding.

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

The property is not vacant and had previously been used as a long-term rental.

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

Special Use Permits are not addressed in the Rosedale Area Plan. The Rosedale Area Plan designates this property as single-family, which is intended for single family, detached houses. The proposed use conforms to the comprehensive plan if approved with a Special Use Permit.

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

The proposed use has the potential to increase vehicular traffic but should not exceed the capacity of Lloyd Street to accommodate it if managed properly while it functions as a short-term rental. Guests of short-term rentals tend to travel more throughout the area, as they are typically visitors or tourists.

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

The proposed use provides a convenience to the public in the form of temporary lodging. If managed properly, the continued use of the property will not substantially nor permanently injure the appropriate use, visual quality, or marketability of adjoining property as the proposed use operates entirely within an existing dwelling in a built-out neighborhood.

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

Noise is an issue that is related to short-term rentals. There have not been any noise complaints to date with the current applicant. Vibration, dust, or illumination are not issues typically related to the use of a residential property as a short-term rental and ostensibly not considered to be a problem for nearby property.

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

The proposed use will not pollute the air, land, or water as it is an existing, permitted residence.

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

The proposed use will not damage or destroy an irreplaceable natural resource as it is an existing single-family residence in a built-out urban neighborhood.

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

The relative gain or loss to the public health, safety and welfare is minimal as it only provides the convenience of lodging with some economic benefit. If denied, the landowner could not use the property as a short-term rental but may still use the property as a long-term rental, their primary residence, or sell the property.

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

The proposed use will not create issues of overcrowding as it operates within an existing structure on the site. The maximum number of guests at one time is seven (7). The maximum number of vehicles off-street is three (3). There shall be no on-street parking for STR renters. If the applicant abides by the outlined conditions, specifically those that prohibit parties or larger groups, undue concentrations of population should not be an issue.

PREVIOUS ACTIONS

There have been no previous planning entitlements on the subject property.

NEIGHBORHOOD MEETING

The applicant received neighborhood comments by receiving letters or phone calls through the date of June 21, 2023. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Active Notice of Violation
Home Inspection Report
Required Repairs
Sidewalk Repairs
UG Standard Driveway

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **APPROVAL** of Special Use Permit Application SP2023-027 **for one (1) year**, subject to:

- 1. Any additional repairs not addressed prior to approval of SP2023-027 outlined within the provided home inspection report shall be performed prior to renewal of this Special Use Permit.**
- 2. Maximum number of guests shall be seven (7).**
- 3. All parking must be off-street, maximum number of vehicles is three (3). No parking is allowed on-street for STR renters or any guests.**

4. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented.
5. Applicant is to maintain liability insurance.
6. The property must remain in proper maintenance and free of hazards, pests, or infestations.
7. The granting of this Special Use Permit does not transfer with a change of ownership of the property.
8. Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and www.hostcompliance.com/tips (website).
9. 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, occupying businesses must file and maintain a current business occupation tax application with this office.
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. 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. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located.
 17. 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
 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.
 19. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.
 20. The driveway must be upgraded to an improved surface (asphalt, concrete or pavers), and the driveway apron must be concrete from the curb to the property line (within in the right-of-way).

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 **SP2023-027** subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

July 10, 2023, City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Floor Plan
Host Compliance Map
Home Inspection Report
Site Photos, Taken by Staff, Dated June 9, 2023
Neighborhood Meeting Materials

REVIEW OF INFORMATION AND SCHEDULE

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

STAFF CONTACT:

James Molloy
jmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2023-027** as meeting all the requirements of the city code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **SP2023-027**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

July 10, 2023, City Planning Commission Minutes:

Hearing starts at 3:41:47:

SPECIAL USE PERMIT APPLICATION SP2023-027 – JOSHUA ROSE - SYNOPSIS:

Special Use Permit for a Short-Term Rental at 4610 Lloyd Street. Detailed Outline of Requested Action: The Applicant, Joshua Rose, is requesting a Special Use Permit to operate a short-term rental at 4610 Lloyd Street. This is not the owner's primary residence. This would be the first and only permitted short-term rental on the 4600 block of Lloyd 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 July 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:

- Maria Landoni de Rose, applicant, 3334 Campbell Street, Kansas City, Missouri 64109

Present in Opposition:

- No one appeared

Staff Recommendation starts at 3:46:07: Planning Director Hand stated that this is a request for a non-owner-occupied Short-Term Rental Special Use Permit. This property is in the Rosedale Area Plan. Staff has received no letters in support nor opposition. There is an old Notice of Violation on the property related to property maintenance, which would be addressed through the Short-Term Rental project. Staff recommends approval for one (1) year subject to the conditions in the staff report. Staff would add a condition of approval. The driveway must be upgraded to an improved surface (asphalt,

concrete or pavers), and the driveway apron must be concrete from the curb to the property line (within the right-of-way).

Motion starts at 3:47:15:

On motion by Mr. Ward, seconded by Ms. Armstrong, the Planning Commission voted as follows to recommend **APPROVAL** of Special Use Permit **SP2023-027** for one (1) year:

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

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

Subject to:

1. Any additional repairs not addressed prior to approval of SP2023-027 outlined within the provided home inspection report shall be performed prior to renewal of this Special Use Permit.
2. Maximum number of guests shall be seven (7).
3. All parking must be off-street, maximum number of vehicles is three (3). No parking is allowed on-street for STR renters or any guests.
4. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented.
5. Applicant is to maintain liability insurance.
6. The property must remain in proper maintenance and free of hazards, pests, or infestations.
7. The granting of this Special Use Permit does not transfer with a change of ownership of the property.
8. Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and www.hostcompliance.com/tips (website).
9. 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, occupying businesses must file and maintain a current business occupation tax application with this office.
 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. 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. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located.
 17. 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
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.
 19. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.
 20. The driveway must be upgraded to an improved surface (asphalt, concrete or pavers), and the driveway apron must be concrete from the curb to the property line (within in the right-of-way).

ATTACHMENTS

AERIAL IMAGERY



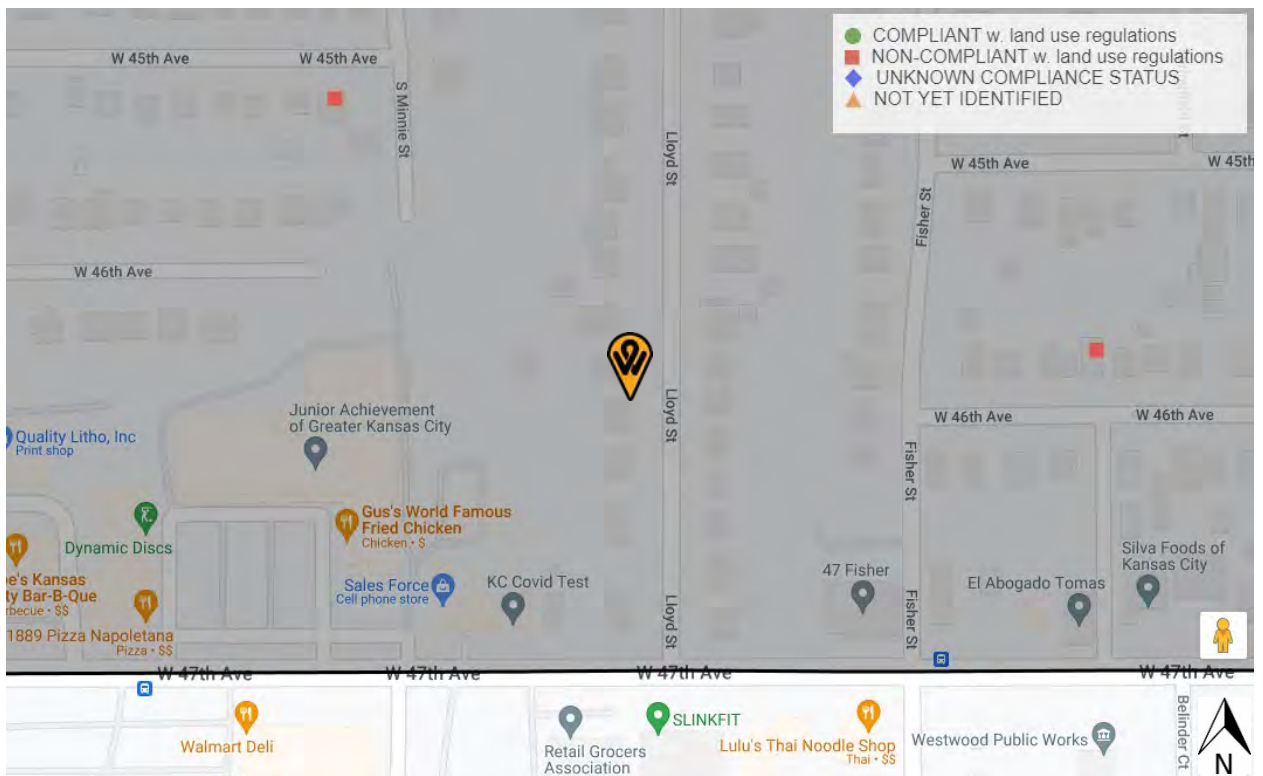
ZONING MAP



LAND USE MAP



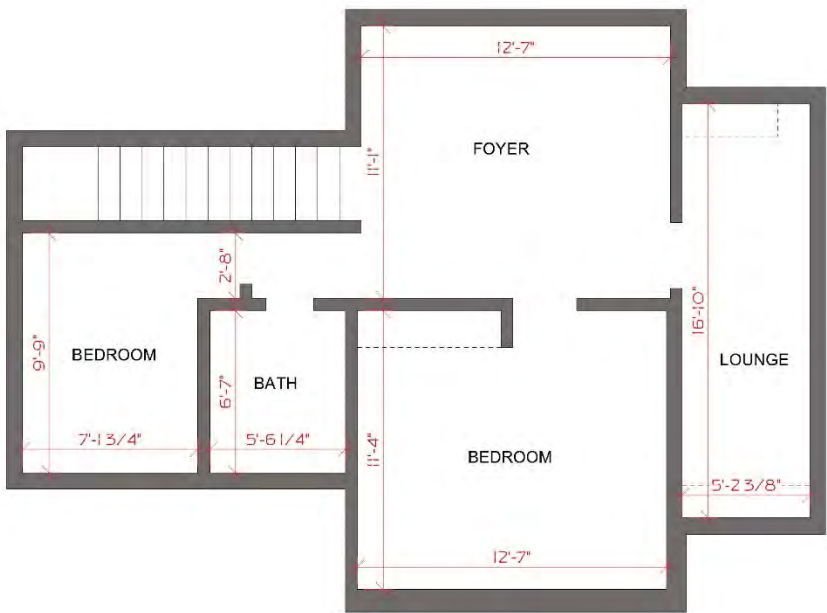
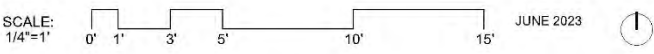
HOST COMPLIANCE MAP – JUNE 12, 2023



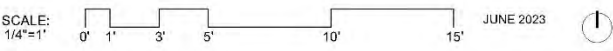
FLOOR PLAN



4610 Lloyd St, Kansas City, Kansas
1st FLOOR



4610 Lloyd St, Kansas City, Kansas
2nd FLOOR





Report Summary

The summary below consists of potentially significant findings. These findings can be a safety hazard, a deficiency requiring a major expense to correct or items I would like to draw extra attention to. The summary is not a complete listing of all the findings in the report, and reflects the opinion of the inspector. Please review all pages of the report as the summary alone does not explain all of the issues. All repairs should be done by a licensed & bonded tradesman or qualified professional. I recommend obtaining a copy of all receipts, warranties and permits for the work done.

Grounds

- | | | |
|----------------|---------------|---|
| Page 7 Item: 1 | Service Walks | • The public sidewalk is damaged. Potential liability for the homeowner. Recommend repairing or replacing the damaged slabs. Consult a professional contractor as needed. |
| Page 7 Item: 4 | Steps/Stoop | • There are open risers on the exterior wood stairs, which is a potential safety concern. Recommend repairing this can be performed by a qualified handyman. |

Dining Room

- | | | |
|-----------------|------------|--|
| Page 18 Item: 5 | Electrical | • Reverse polarity exists at the receptacles in the dining room, which is a safety concern. Recommend a licensed electrician repair. |
|-----------------|------------|--|

Kitchen

- | | | |
|-----------------|-----------------|---|
| Page 20 Item: 5 | Walls & Ceiling | • There are previous moisture stains in the kitchen ceiling. moisture was detected at the time of the inspection. Recommend speaking to the seller and/or further evaluation by a qualified contractor. |
| Page 21 Item: 9 | Appliances | • There are loose receptacles in the kitchen, which is a safety concern. Recommend a licensed electrician repair. |

Bedroom 1

- | | | |
|-----------------|------------|---|
| Page 30 Item: 5 | Electrical | • There are loose receptacles present, which is a potential safety concern in bedroom. Recommend a qualified handyman repair. |
|-----------------|------------|---|

Bedroom 2

- | | | |
|-----------------|------------|---|
| Page 31 Item: 5 | Electrical | • 2-Wire ungrounded electrical receptacles were present in bedroom. Safety Concern. At the time the home was built, this was a standard building practice. Recommend a licensed electrician evaluate and upgrade the electrical service for added safety. |
|-----------------|------------|---|

Bedroom 3

- | | | |
|-----------------|------------|---|
| Page 33 Item: 5 | Electrical | • 2-Wire ungrounded electrical receptacles were present in bedroom. Safety Concern. At the time the home was built, this was a standard building practice. Recommend a licensed electrician evaluate and upgrade the electrical service for added safety. |
|-----------------|------------|---|

Stairs, Steps, Hallways

- | | | |
|-----------------|-------------------------|---|
| Page 33 Item: 1 | Stairs, Steps, Hallways | • The handrail is loose to the second floor, which is a potential safety hazard. Recommend securing/repair. |
|-----------------|-------------------------|---|

Smoke/Carbon Monoxide Detectors

Page 34 Item: 1 Smoke/Carbon Monoxide Detectors

- Smoke/Carbon Monoxide Detectors have an End-of-Life. For your safety it is recommended to replace detectors according to manufacturer instructions, from the mfg. date. Please note that verification of the age of smoke and carbon monoxide detectors is not part of the home inspection standards. The NFPA, National Fire Protection Association, recommends testing detectors monthly and replacing batteries when they begin to chirp - signaling they're running low.
- At least one smoke alarm was inoperable, which is a safety concern. Recommend repairing or replacing the alarm(s) as needed.

Attic/Structure/Framing/Insulation

Page 37 Item: 16 Electrical

- Extension cord wiring exists in the attic. Extension cords should never be used as permanent wiring and is a safety concern. Recommend a licensed electrician repair.

Basement

Page 40 Item: 9 Electrical

- There are loose receptacles in the basement, which is a potential safety concern. Recommend a licensed electrician repair.
- There are open junction boxes in the basement, which is a potential safety concern. Recommend a licensed electrician repair.

Plumbing

Page 41 Item: 6 Pipes Supply/Drain

- Drain pipes are leaking - Recommend licensed plumber repair

Water Heater

Page 44 Item: 9 Comments

- Recommend proper expansion tanks on all newer water heater installations

Electric - Main Panel

Page 47 Item: 9 Branch Wire

- Single strand aluminum wires have been used for branch wiring which is a safety concern. A licensed electrician should evaluate and repair.

SITE PHOTOS, TAKEN BY STAFF, DATED JUNE 9, 2023



NEIGHBORHOOD MEETING MATERIALS

6/21/23, 11:02 AM

Affidavit_notarized.jpg

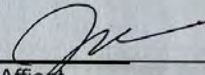
AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
) SS:
COUNTY OF Wyandotte)

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

1. That I am the petitioner for Petition #SP2023-027.
2. That I conducted a neighborhood meeting on June 7, 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.

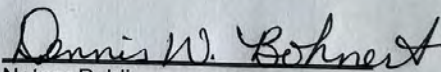
Further affiant saith not.



Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 21st day of
JUNE, 2023

My commission expires 22nd of APRIL, 2025



Notary Public



https://drive.google.com/drive/folders/16gKua-1_yDodh5BBBNRELo8_O6os3Ik

1/1

Neighborhood Meeting

Re: SP2023-027

Location: 4610 Lloyd Street, Kansas City, Kansas 66103

June 21, 2023

This letter is to confirm that we satisfied the requirements for the neighborhood meeting by mailing on June 7, 2023, the letter reviewed by Janet Parker, to all individuals indicated on the form "Contact Names and Addresses for Petition: SP2023-027."

The letter and contact list is attached to this email.

We received zero responses with questions or comments via email, phone, or otherwise.

Thank you for your assistance.

A handwritten signature in black ink, consisting of a large, stylized 'J' followed by a horizontal line extending to the right.

Joshua Rose

June 6, 2023

Joshua and Maria Rose
3334 Campbell Street
Kansas City, Missouri 64109

SUBJECT: Special Use Permit Application - Short-Term Rental

Dear Neighbor,

We hope this letter finds you well. We are writing to inform you about an important update regarding our property located at 4610 Lloyd Street, Kansas City, Kansas 66103. We have submitted an application, #SP2023-027, to the Department of Urban Planning and Land Use for a special use permit to operate a short-term rental at this residence.

We understand that this may raise questions or concerns among our neighbors, and we want to assure you that we are committed to being responsible and responsive members of this wonderful neighborhood. We encourage you to reach out to us with any inquiries or feedback you may have.

Should you have any questions or concerns, please feel free to contact us via email at joshuascottrose@gmail.com or by phone at 510-734-7028. We welcome the opportunity to address any inquiries or discuss any concerns you may have regarding the proposed short-term rental.

We genuinely appreciate your engagement and understanding. Your thoughts and opinions are important to us, and we value the sense of community that we share.

Thank you for your attention, and we look forward to hearing from you.

Sincerely,

Joshua and Maria Rose



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: July 27, 2023

Re: Special Use Petition SP2023-028

GENERAL INFORMATION

Applicant:

Michael and Andrea Gekas

Status of Applicant:

Property Owners
2624 North 119th Street
Kansas City, Kansas 66103

Requested Action:

Approval of a Short-term Rental
Special Use Permit.

Date of Application:

May 26, 2023

Purpose:

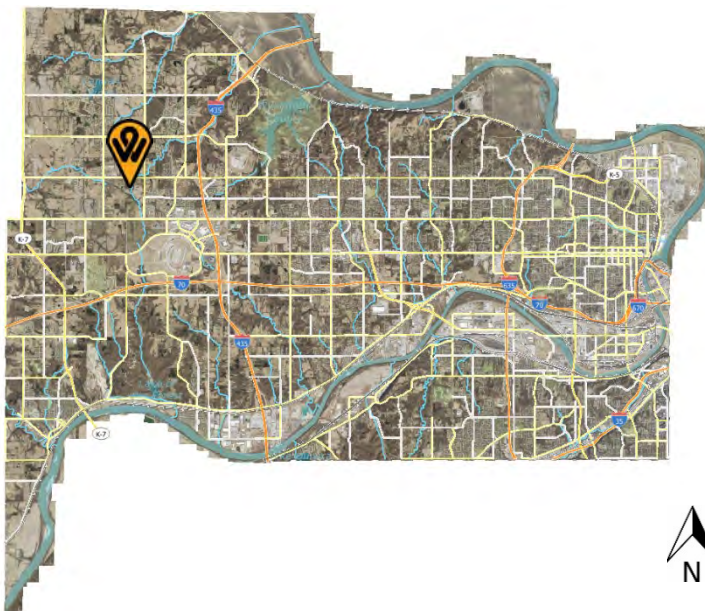
To approve a Special Use Permit
for a short-term rental. This is not
the owner's primary residence.

Property Location:

2716 North 119th Street
Kansas City, Kansas 66109

Commission Districts:

Commissioner At-Large District #1:
Melissa Bynum
District #5 Commissioner:
Mike Kane



Existing Zoning:	R Rural Density Residential (WyCo)
Adjacent Zoning:	North: A-G Agriculture District South: R Rural Density Residential (WyCo) East: R Rural Density Residential (WyCo) West: A-G Agriculture District (WyCo)
Adjacent Uses:	North: Single-family residence South: Single-family residence East: Single-family residence West: Single-family residence
Total Tract Size:	8.87 Acres
Master Plan Designation:	The Prairie-Delaware-Piper Area Plan designates the subject property as Mixed Residential which allows for a variety of residential densities and unit types. These areas could be developed with patio (zero lot line) homes, townhouses, condominiums, garden apartments, housing for seniors, and other multifamily uses.
Major Street Plan:	The Major Street Plan classifies 119th Street as a Collector Street.
Parking Requirement:	The Piper Area Annex Zoning states that R Rural Residential districts must have two (2) spaces per dwelling unit, plus two (2) spaces for any accessory house occupation or principal agriculture use. The total number of required parking spaces on this property for the proposed use is two (2).
Advertisement:	<u>The Wyandotte Echo</u> – June 15, 2023 Letters to Property Owner – June 16, 2023
Public Hearings:	July 10, 2023, and July 27, 2023
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The Applicants, Michael and Andrea Gekas, is requesting a renewal of a Short-Term Rental Special Use Permit SP2021-012 (which expired 6/3/2023) to operate a short-term rental at 2716 North 119th Street. This is not the owner's primary residence; however, they live on the adjacent property. This would be the first and only permitted short-term rental on the block.

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. There have been no noise or disturbance complaints on the subject property since it began operating as a short-term rental in 2019.

Building, Zoning, or Code Enforcement Complaints:

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

Outstanding or Related Permits and Cases:

1. There are no outstanding or related permits and cases at the subject property.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The property is located within the Prairie-Piper Statistical Neighborhood. The neighborhood is rural in nature, comprised of large single-family homes and farming operations.

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

The zoning and uses are set out above. The subject property is surrounded primarily by county zoning with the R Rural Residential District (WyCo) and A-G Agriculture Districts (WyCo). Continuing use as a rental, either short or long-term, is consistent with other nearby properties. The proposed use is compatible if properly managed.

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

This property is suitable for use as a single-family home. The property could be suitable for use as a short-term rental if properly managed. Removal of the restrictions that require a Special Use Permit for such activities has the potential to create issues such as parking, excessive noise and overcrowding.

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

The property is not vacant and has been used as a short-term rental since 2019.

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

Special Use Permits are not addressed in the Master Plan. The Prairie Delaware Piper Area Plan designates this property as Mixed-Use Residential. A variety of residential uses are allowed, but each require a Special Use Permit to function as a business.

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 North 119th Street, a collector street to accommodate it if managed properly while it functions as a short-term rental. Guests of short-term rentals tend to travel more throughout the area as they are typically visitors or tourists.

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

The proposed use provides a convenience to the public in the form of temporary lodging. If managed properly, the continued use of the property will not substantially nor permanently injure the appropriate use, visual quality, or marketability of adjoining property as the proposed use operates entirely within an existing dwelling in a built-out neighborhood.

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

Noise is an issue that is related to short-term rentals. There have not been any noise complaints to date with the current applicant. Vibration, dust, or illumination are not issues typically related to the use of a residential property as a short-term rental and ostensibly not considered to be a problem for nearby property.

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

The proposed use will not pollute the air, land, or water as it is an existing, permitted residence.

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

The proposed use will not damage or destroy an irreplaceable natural resource as it is an existing single-family residence in a mostly built-out rural 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 minimal as it only provides the convenience of lodging with some economic benefit. If denied, the landowner could not use the property as a short-term rental but may still use the property as a long-term rental, their primary residence, or sell the property.

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

The proposed use will not create issues of overcrowding as it operates within an existing structure on the site. The maximum number of guests at one time is seven (7). The maximum number of vehicles off-street is three (3). There shall be no on-street parking for STR renters. If the applicant abides by the outlined conditions, specifically those that prohibit parties or larger groups, undue concentrations of population should not be an issue.

PREVIOUS ACTIONS

Approval of a Special Use Permit (SP-2019-26) in 2019 for two (2) years.
Approval of a Special Use Permit (SP2021-012) in 2021 for two (2) years.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on June 26, 2023. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Home Inspection Report
Noise
Parking

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **APPROVAL** of Special Use Permit Application SP2023-028, **for five (5) years**, subject to:

- 1. Any additional repairs not addressed prior to approval of SP2023-028 outlined within the provided home inspection report shall be performed prior to renewal of this Special Use Permit.**
- 2. The applicant shall pave the driveway apron to UG standard.**
- 3. 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.**

4. Maximum number of guests shall be seven (7).
5. All parking must be off-street, maximum number of vehicles is three (3). No parking is allowed on-street for STR renters or any guests.
6. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented.
7. Applicant is to maintain liability insurance.
8. The property must remain in proper maintenance and free of hazards, pests, or infestations.
9. The granting of this Special Use Permit does not transfer with a change of ownership of the property.
10. 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).
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, occupying businesses must file and maintain a current business occupation tax application with this office.
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.
15. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable.
16. 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 business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit.
18. 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;
19. 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
20. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.
21. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.

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 **SP2023-028** subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

July 10, 2023, City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Floor Plan
Home Inspection Report
Site Photos, Taken by Staff, Dated June 9, 2023
Neighborhood Meeting Information

REVIEW OF INFORMATION AND SCHEDULE

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

STAFF CONTACT:

James Molloy
jmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2023-028** as meeting all the requirements of the city code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **SP2023-028**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

July 10, 2023, City Planning Commission Meetings:

SPECIAL USE PERMIT APPLICATION SP2023-028 – MICHAEL GEKAS –

SYNOPSIS: Renewal of a Special Use Permit (SP2021-012 – expired 6/3/2023) for a Short-Term Rental at 2716 North 119th Street. Detailed Outline of Requested Action: The Applicants, Michael and Andrea Gekas, is requesting a renewal of a Short-Term Rental Special Use Permit SP2021-012 (which expired 6/3/2023) to operate a short-term rental at 2716 North 119th Street. This is not the owner's primary residence; however, they live on the adjacent property. This would be the first and only permitted short-term rental on the block.

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 July 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 publication in The Echo for the Special Use Permit; and,
7. The notices to property owners.

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

Chairman Carson asked if anyone wanted to remove an item from the Consent Agenda. No one responded in the affirmative.

On motion by Mrs. Eilts, seconded by Ms. Armstrong, the Planning Commission voted as follows to **APPROVE** the items on the Consent Agenda:

Carson	Chairman
Connelly	Aye
Eilts	Aye
Ernst	Aye
Jones	Aye
Miller	Not Present
Mohler	Not Present

Straws Not Present
Ward Aye
Armstrong Aye
Beth Aye
Motion to **APPROVE** Passed: 7 to 0
Subject to:

1. Any additional repairs not addressed prior to approval of SP2023-028 outlined within the provided home inspection report shall be performed prior to renewal of this Special Use Permit.
2. The applicant shall pave the driveway apron to UG standard.
3. 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.
4. Maximum number of guests shall be seven (7).
5. All parking must be off-street, maximum number of vehicles is three (3). No parking is allowed on-street for STR renters or any guests.
6. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented.
7. Applicant is to maintain liability insurance.
8. The property must remain in proper maintenance and free of hazards, pests, or infestations.
9. The granting of this Special Use Permit does not transfer with a change of ownership of the property.
10. 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).
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, occupying businesses must file and maintain a current business occupation tax application with this office.
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.
 15. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable.
 16. 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 business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit.
 18. 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;
 19. 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
 20. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board

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

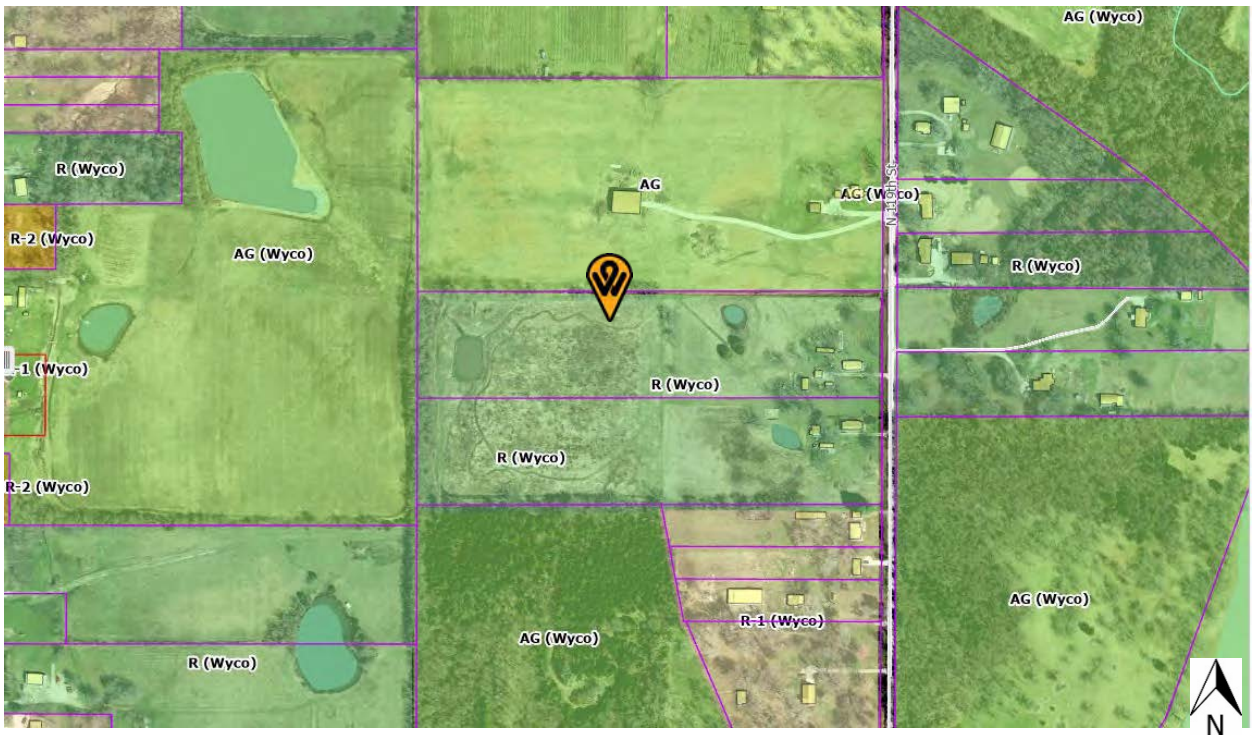
21. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.

ATTACHMENTS

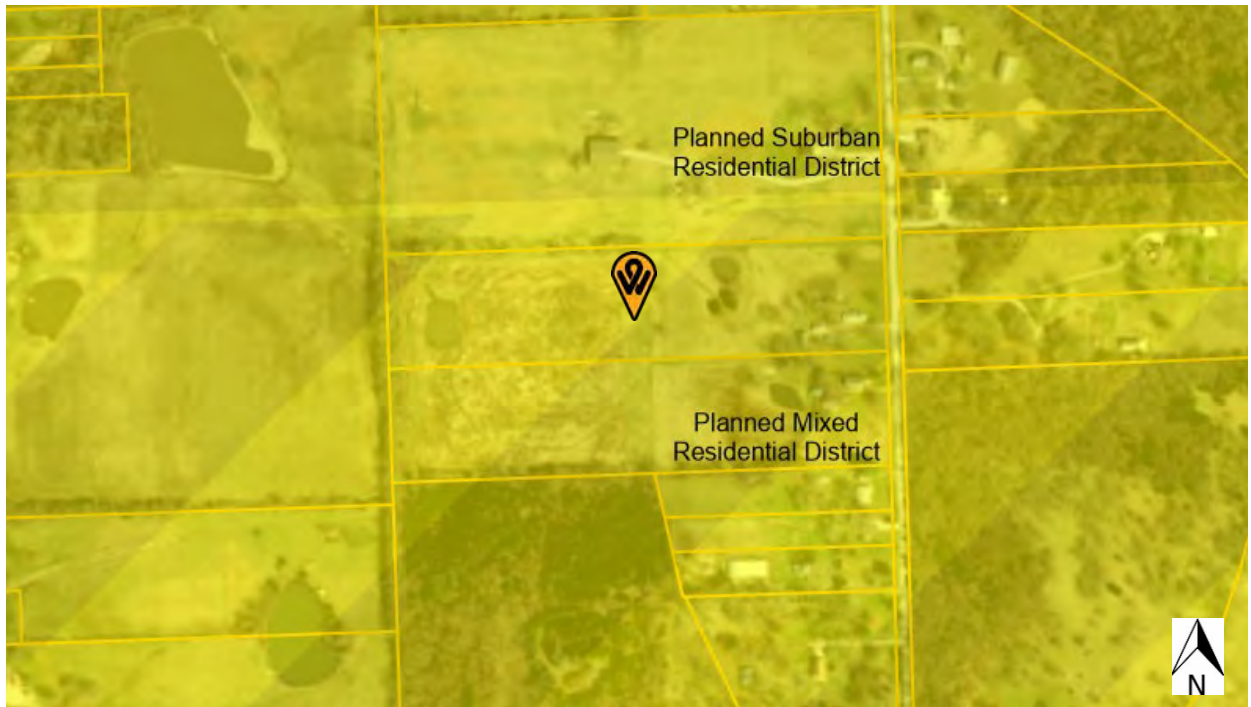
AERIAL IMAGERY



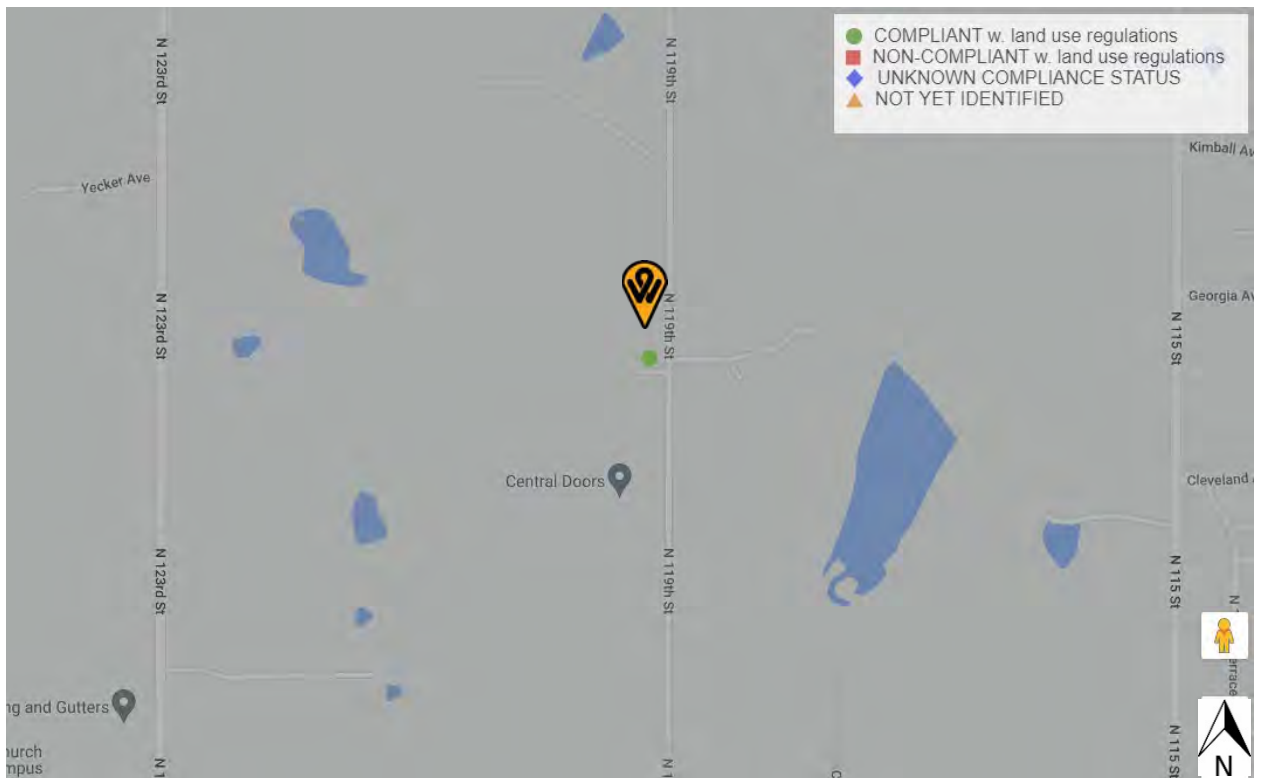
ZONING MAP



LAND USE MAP



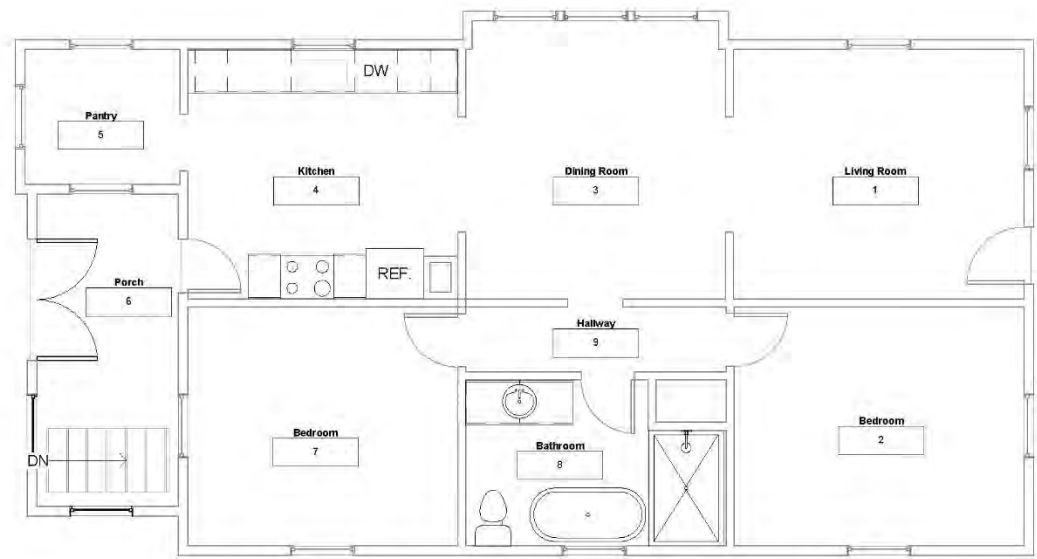
HOST COMPLIANCE MAP – JUNE 12, 2023



SUMMARY

- 🔧 2.3.1 Roof - Roof Drainage Systems: Debris
- 🔧 3.3.1 Exterior - Siding, Flashing & Trim: Damaged Siding
- 🔧 3.3.2 Exterior - Siding, Flashing & Trim: Siding Open Penetrations
- 🔧 3.3.3 Exterior - Siding, Flashing & Trim: Trim Damage
- 🔧 3.6.1 Exterior - Vegetation: Tree Overhang
- 🔧 3.7.1 Exterior - Grading and Surface Drainage: Negative Grading
- 🔧 4.2.1 Basement, Foundation, Crawlspace & Structure - Floor Structure: Mold
- 🔧 5.2.1 Heating, Air Conditioning and Ventilation Systems - Cooling Equipment: Dirty Fins
- 🔧 6.2.1 Plumbing - Water Supply, Distribution Systems & Hose Bibs: Missing Supports
- 🔧 6.6.1 Plumbing - Bathroom Exhaust Vents: Window Only - No Exhaust Fan
- 🔧 7.1.1 Electrical - Service Entrance Conductors: Clearance From Trees
- 🔧 7.2.1 Electrical - Main & Subpanels, Service & Grounding, Distribution Wiring: Improper Splice
- 🔧 7.2.2 Electrical - Main & Subpanels, Service & Grounding, Distribution Wiring: Missing Junction Box Cover
- 🔧 7.6.1 Electrical - Carbon Monoxide Detectors: None Present
- 🔧 8.3.1 Attic, Insulation & Ventilation - Ventilation: No Low Intake Vents
- 🔧 9.2.1 Interior - Doors: Loose Hardware
- 🔧 10.3.1 Built-In Appliances - Range/Oven/Cooktop: Anti-Tip Bracket Missing

FLOOR PLAN



Scale: 3/16" = 1'-0"

SITE PHOTOS, TAKEN BY STAFF, DATED JUNE 9, 2023



NEIGHBORHOOD MEETING MATERIALS

Application number: #SP2023-28

Additional questions and comments:

Janet and Randy Manderino at 2716 North 119th Street sent a text message on 6/26/23 at 5:20pm:

Hi Andrea and Mike, It's Janet your neighbor and Randy. We don't have any questions about renewing your license, and won't be over tonight. But we would enjoy seeing your handiwork and hard working efforts another time of your choosing! We're proud of you!

Daniel and Callie Anderson and their daughter (2611 North 119th Street) stopped by around 8:00pm 6/26/23 after the meeting had concluded to say hi and chat and voice general support.

Application number: #SP2023-28

Date and Location: 6/26/2023, 6:00 pm, 2716 North 119th Street

Meeting called to order at: 6:04pm

Names of people in attendance:

Michael Gekas

Andrea Gekas

Rita McGaw

The only meeting attendee besides the two homeowners was Rita McGaw, a friend of the homeowners who was staying at the home while on a work trip. No discussion regarding the special use permit was discussed. No other neighbors or community members attended. The meeting was adjourned after an hour.

Meeting adjourned at: 7:00pm

Minutes taken by: Michael Gekas

MEETING SIGN IN SHEET

Meeting Title: *Neighborhood meeting for SUP 2023-28*

Organizer: MICHAEL GEKAS

Location: 2716 N. 119th St.

Date:

6/26/23

Time:

6:00

[illegible]

Date: June 16, 2023

Janet L. Parker
Department of Urban Planning & Land Use
701 North 7th Street, Suite 423
Kansas City, KS 66101

SUBJECT: Neighborhood Meeting

Hi Neighbor,

We have filed an application with the Department of Urban Planning and Land Use # SP2023-28. The purpose of this special use permit is to renew existing special use permit # SP2021-12 for a short-term rental at the following address: 2716 North 119th Street, Kansas City, KS 66109.

We are having a neighborhood meeting on Monday, June 26th, 2023 at 6:00 p.m. at the address in question, 2716 North 119th Street, Kansas City, KS 66109.

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

We look forward to seeing you at the neighborhood meeting. If you are unable to attend, please contact us at the address/phone number listed below so we may answer any of your questions.

Sincerely,

Michael and Andrea Gekas
2624 North 119th Street

Michael: 816-726-0709
Andrea: 816-616-9286

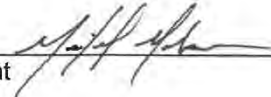
AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF KANSAS)
) SS:
COUNTY OF WYANDOTTE)

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

1. That I am the petitioner for Petition # SP2023-28
2. That I conducted a neighborhood meeting on 6/26/23.
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 _____, 200_.

My commission expires _____ of _____, 200_.

Notary Public



Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: July 27, 2023

Re: Special Use Permit Petition SP2023-029

GENERAL INFORMATION

Applicant:
Abdul Mazid

Status of Applicant:
Property Owner
A+ Auto Sales
1010 Merriam Lane
Kansas City, KS 66103

Requested Action:
Approval of a Special Use Permit (expired on June 3, 2023).

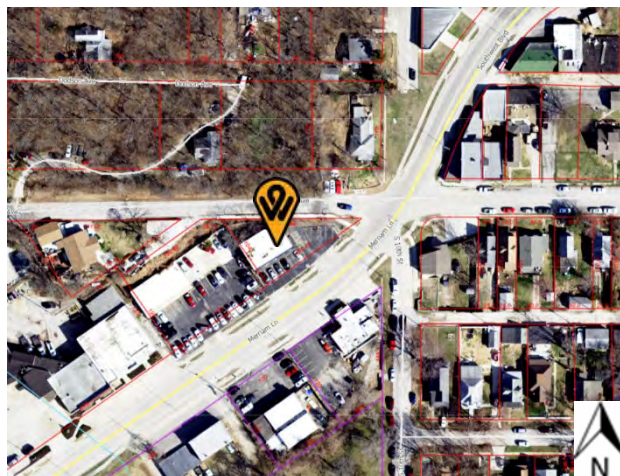
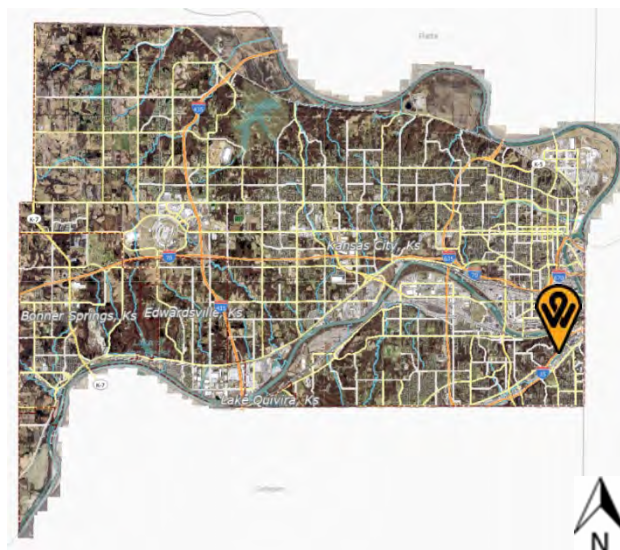
Date of Application:
May 26, 2023

Purpose:
To operate a used car dealership.

Property Location:
1010 Merriam Lane
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: R-1(B) Single Family District South: C-3 Commercial District East: C-3 Commercial District West: C-3 Commercial and R-1(B) Single Family Districts
Adjacent Uses:	North: Single family residence (across Ball Lane) South: Retail business (Quick's Guns and Transfers) East: Commercial buildings West: Used car dealership (Chilitos Auto Sales) and single-family residence
Total Tract Size:	0.19 Acre
Master Plan Area:	City-Wide Comprehensive Plan
Master Plan Designation:	The City-Wide Comprehensive Plan designates this property as Business Park, which allows warehouse (non-hazardous materials), distribution (non-hazardous materials), business/research parks, related commercial and service uses such as wholesale stores, outlet stores, office supply stores, service stations, convenience stores, hotels, motels, supporting restaurants, etc., and medical facilities.
Major Street Plan:	The Major Street Plan classifies Merriam Lane as a Class C Thoroughfare.
Required Parking:	Sec. 27-467(e) uses in this 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. Nine (9) spaces are required based on the 2,270 interior square feet. Ten (10) spaces are provided. Only one (1) space is permitted for used vehicle display.
Advertisement:	<u>The Wyandotte Echo</u> – June 15, 2023 Letters to Property Owner – June 16, 2023
Public Hearings:	July 10, 2023, and July 27, 2023
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Abdul Mazid, has applied to renew a Special Use Permit (expiration on June 3, 2023) to operate a used car

dealership at 1010 Merriam Lane. This property was operated as an antique car sales business from 1987 to 2001. Since that time, it has been operated as a variety of businesses, including an automobile repair business from 2004 – 2005 and a retail market (Kimo's Market) from 2005 – 2008. In September 2017, Mr. Mazid was issued a Special Use Permit, and A+ Auto Sales Inc was opened in April 2018. The site has been cleaned and maintained, new landscaping has been implemented in accordance with the plans submitted in 2017 and 2021. The property was listed for sale, but there were no prospective buyers.

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. ZONE2020-0002 - There is one (1) open Notice of Violation on the property for operation of auto sales without a Special Use Permit. Six (6) vehicles were parking in front of the building without license plates.
2. In 2016, the property was issued a court summons for being a residential retail property without a rental permit. This case was dismissed. The property has received numerous code citations for graffiti, trash, and abandoned vehicles in the past, prior to Mr. Mazid's ownership.

Outstanding or Related Permits and Cases:

1. SP2021-016 – Special Use Permit to operate a used automotive dealership for two (2) years.
2. Special Use Permit (#SP-2017-28) was approved by the Board of Commissioners for two (2) years on September 28, 2017.
3. Special Use Permit (#SP-2019-84) renewal was denied on August 29, 2019.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

This section of Merriam Lane is in the Rosedale neighborhood. It is a mixed-use, urban neighborhood with commercial, residential, and entertainment uses (Rosedale Drive-In Theater). Southwest Boulevard and Merriam Lane have received significant public investment, including new bike lanes and sidewalks.

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

The proposed use may create a compatibility issues with nearby residential uses to the north and east.

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

This property has a prominent location on the “S” curve where Southwest Boulevard becomes Merriam Lane (i.e., good visibility). It is well suited to be a commercial business. Removal of the restrictions on used car dealerships may detrimentally affect nearby property by creating a use that does not maximize the potential of the site, as the aesthetic is undesirable and proximity to similar services does not necessitate this desired use.

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

This property has had various businesses and uses in the past; see the detailed outline of requested action in the proposal section for more information.

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

The City-Wide Comprehensive Plan designates this property as Business Park. The Master Plan designates this property as Business Park, which allows warehouse (non-hazardous materials), distribution (non-hazardous materials), Business/research parks, related commercial and service uses such as wholesale stores, outlet stores, office supply stores, service stations, convenience stores, hotels, motels, supporting restaurants, etc., and medical facilities. The Business Park district does not address used car dealerships specifically, but it is not in conformance with the other enumerated uses listed above.

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

The proposed use would not likely result in increasing the amount of vehicular traffic to the point where it exceeds the capacity of the street network to accommodate it. The eastern most curb cut could be shortened, which would improve circulation within the site.

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. There is already an abundance of used car dealerships in the immediate vicinity and across the city. The proposed use could negatively affect the visual quality and 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.*

Noise, vibration, dust or illumination that would normally be associated with the proposed use is not likely to be a problem for near-by property. If automobiles are being serviced on site, this could create an issue for nearby residential properties. Repair is not allowed and is not requested per this request for a Special Use Permit.

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

The proposed use will not create substantial air, land, or water pollution provided that all cars kept on site are in good repair and are not leaking fluids. Auto service and repairs are not allowed on site.

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 is an existing building in a mostly built-out urban area. It is near Turkey Creek, so it is imperative that vehicles on-display do not have leaks, which can enter into the storm sewer system and into Turkey Creek.

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

There is no gain to the public health, safety, or welfare that would result from the approval of this application. The individual landowner would not be able to operate a used car dealership if the application is denied, but could use the property for various other commercial uses allowed in a C-3 Commercial District.

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 of the land or cause undue concentrations of population as it is a commercial use. The parcel is very small and providing the required parking improvements and off-street parking could cause overcrowding of the land.

PREVIOUS ACTIONS

- Special Use Permit (#SP-2019-84) renewal was denied on August 29, 2019.
- Special Use Permit (#SP-2017-28) was approved by the Board of Commissioners for two (2) years on September 28, 2017.
- Special Use Permit (SP2021-016) was approved by the Board of Commissioners for two (2) years on April 29, 2021.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting via in-person on June 20, 2023. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Compliance with previous conditions
Parking
Screening from residential uses

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **APPROVAL** of Special Use Permit Application SP2023-029 for **five (5) years**, subject to:

1. **Because there is no trash receptacle on site, the applicant shall remove all trash for disposal offsite. Trash bags shall not be left on-site for pickup;**
2. **If the property is sold, the associated Special Use Permit cannot be transferred;**
3. **BOZA 2268, approved on December 17, 2017, was for Mr. Abdul Mazid and this specific used car sales lot only. If there is a change of use, that use must meet the zoning district's parking regulations;**
4. **Because the variance was approved to reduce off-street parking, the second floor shall remain unused;**
5. **No inoperable vehicle allowed on site;**
6. **Per the Business License Division:**
 - a. **The applicant has filed and maintained a current business occupation tax application;**
7. **Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;**
8. **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;**
9. **Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle**

- storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
10. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
 11. The Special Use Permit shall be valid for 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;
 12. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
 13. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.

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 **SP2023-029** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

July 10, 2023, City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Neighborhood Meeting Information
Site Plan
Site Photographs taken by Staff dated in January 2021.
Site Photographs taken by Staff dated March 30, 2021.
Site Photograph provided by the Applicant dated May 2023.
Site Photographs taken by Staff dated June 2023.

REVIEW OF INFORMATION AND SCHEDULE

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

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2023-029** as meeting all the requirements of the city code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **SP2023-029**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

July 10, 2023, City Planning Commission Minutes:

SPECIAL USE PERMIT APPLICATION SP2023-029 – ABDUL MAZID WITH A+ AUTO SALES – SYNOPSIS: Renewal of a Special Use Permit (SP2021-016 – expired 6/3/2023) for used car dealership at 1010 Merriam Lane. Detailed Outline of Requested Action:

The applicant, Abdul Mazid, has applied to renew a Special Use Permit (expiration on June 3, 2023) to operate a used car dealership at 1010 Merriam Lane. This property was operated as an antique car sales business from 1987 to 2001. Since that time, it has been operated as a variety of businesses, including an automobile repair business from 2004 – 2005 and a retail market (Kimo's Market) from 2005 – 2008. In September 2017, Mr. Mazid was issued a Special Use Permit, and A+ Auto Sales Inc was opened in April 2018. The site has been cleaned and maintained, new landscaping has been implemented in accordance with the plans submitted in 2017 and 2021. The property was listed for sale, but there were no prospective buyers.

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 July 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 publication in The Echo for the Special Use Permit; and,
7. The notices to property owners.

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

Chairman Carson asked if anyone wanted to remove an item from the Consent Agenda. No one responded in the affirmative.

On motion by Mrs. Eilts, seconded by Ms. Armstrong, the Planning Commission voted as follows to **APPROVE** the items on the Consent Agenda:

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

Armstrong Aye
Beth Aye
Motion to **APPROVE** Passed: 7 to 0
Subject to:

1. Because there is no trash receptacle on site, the applicant shall remove all trash for disposal offsite. Trash bags shall not be left on-site for pickup;
2. If the property is sold, the associated Special Use Permit cannot be transferred;
3. BOZA 2268, approved on December 17, 2017, was for Mr. Abdul Mazid and this specific used car sales lot only. If there is a change of use, that use must meet the zoning district's parking regulations;
4. Because the variance was approved to reduce off-street parking, the second floor shall remain unused;
5. No inoperable vehicle allowed on site;
6. Per the Business License Division:
 - a. The applicant has filed and maintained a current business occupation tax application;
7. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
8. 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;
9. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
10. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The

property may also be subject to enforcement actions and administrative citations;

11. The Special Use Permit shall be valid for 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;
12. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
13. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.





Figure 3. City-Wide Comprehensive Plan Land Use Map for 1010 Merriam Lane (provided by ArcMap).

A+ Auto Sales Inc.
1010 Merriam Lane
Kansas City, KS 66103

June 21st, 2023

Renewal of special use permit SP2023-029

Answers to staff comments and suggestions

1. Has there been any changes since the 2021 approval?
 - **There have not been any changes.**
2. Are there any changes to the second floor?
 - **No changes to the second floor. The second floor is not being used.**
3. Based on the 2,270 square feet, nine (9) parking spaces are required for off-street, customer parking. Any remaining space, in this case, one (1) space may be utilized for display. The parking allocated for customers must be physically separated from the vehicles displayed for sale.
 - **Understood**
4. Will the overhead door on the east side of the building be used to store vehicles inside the building, which would open the parking lot for customer parking?
 - **Additional vehicles for sale will be stored inside the building as well.**
5. Has the number of designated parking spaces changed?
 - **No, the number of dedicated customer parking spaces has not changed since the prior granted SUP and is allowed per the approved variance.**
6. How is trash being disposed of and cleanliness maintained?
 - **Trash is disposed off site and cleanliness is maintained.**
7. Is the screening of parking from the public right-of-way being maintained?
 - **Yes**
8. What is the average number of visitors in a year?
 - **Unknown, a visitor log has not been kept.**
9. Do you intend to list the property for sale?
 - **The property has been listed for sale since the special use permit was first approved.**
10. If the property is sold, the associated Special Use Permit cannot be transferred.
 - **Understood**
11. No inoperable vehicle allowed on site.
 - **Understood**

12. Per the Business License Division: a. The applicant has filed and maintained a current business occupation tax application.
- **Yes**
13. Any automotive-related business in Wyandotte County that is required to obtain any Special Use Permit, shall be responsible to ensure that the business operations are at all times compliant with all applicable local ordinances and State Statutes and Regulations [27-463 through 27-470; 27-592 through 27-616] [KSA 65-3424, KAR 28-29-29 through 28-29-33]. Proof of proper disposal of waste tires with a Kansas State permit-holding waste tire collector or waste tire processor is required to be maintained at the management office and provided to any enforcement staff upon request.
- **Agreed. The applicant does not regularly dispose of used tires. The requested SUP is for a used car sales lot, not an automobile service lot.**
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 the 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 a municipal summons, administrative citation, or revocation of the Special Use Permit.
- **Understood**
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.
- **Understood**
16. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.
- **Understood**
17. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined SP2023-029 July 10, 2023 8 by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.
- **Understood**

18. Below are the 2021 conditions of approval: a. Because there is no trash receptacle on site, the applicant shall remove all trash for disposal offsite. Trash bags shall not be left on-site for pickup; b. If the property is sold, the associated Special Use Permit cannot be transferred; c. BOZA 2268, approved on December 17, 2017 was for Mr. Abdul Mazid and this specific used car sales lot only. If there is a change of use, that use must meet the zoning district's parking regulations; d. Because the variance was approved to reduce off-street parking, the second floor shall remain unused; e. No inoperable vehicle allowed on site; f. Per the Business License Division: i. The auto dealer at this location has filed the required occupation tax application and is current and renewed for this calendar year. Has been registered since 4/18/2018; g. 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; h. 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; i. 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; SP2023-029 July 10, 2023 9 j. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

- **Understood**

Neighborhood Meeting Sign in sheet

A+ Auto Sales Inc.

1010 Merriam Lane

Kansas City, KS 66103

Application Number: SP2023-029

Name:

Date:

[illegible]

NO attendees

Neighborhood Meeting Minutes

A+ Auto Sales Inc.

1010 Merriam Lane

Kansas City, KS 66103

Application Number: SP2023-029

Date and Location:

6/20/2023

1010 Merriam Lane, Kansas City, KS 66103

Meeting called to order at: 6:00 pm

Names of people in attendance: None

Introductions:

Waited until 6:45 pm and no one showed up.

The meeting adjourned at: 6:45 pm

Minutes taken by: Sahida Bagam

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Missouri)
COUNTY OF Jackson) SS:

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

1. That I am the petitioner for Petition # SP2023-029
2. That I conducted a neighborhood meeting on 6/20/23.
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.

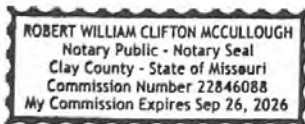
Further affiant saith not.

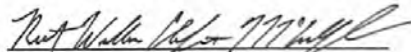


Affiant

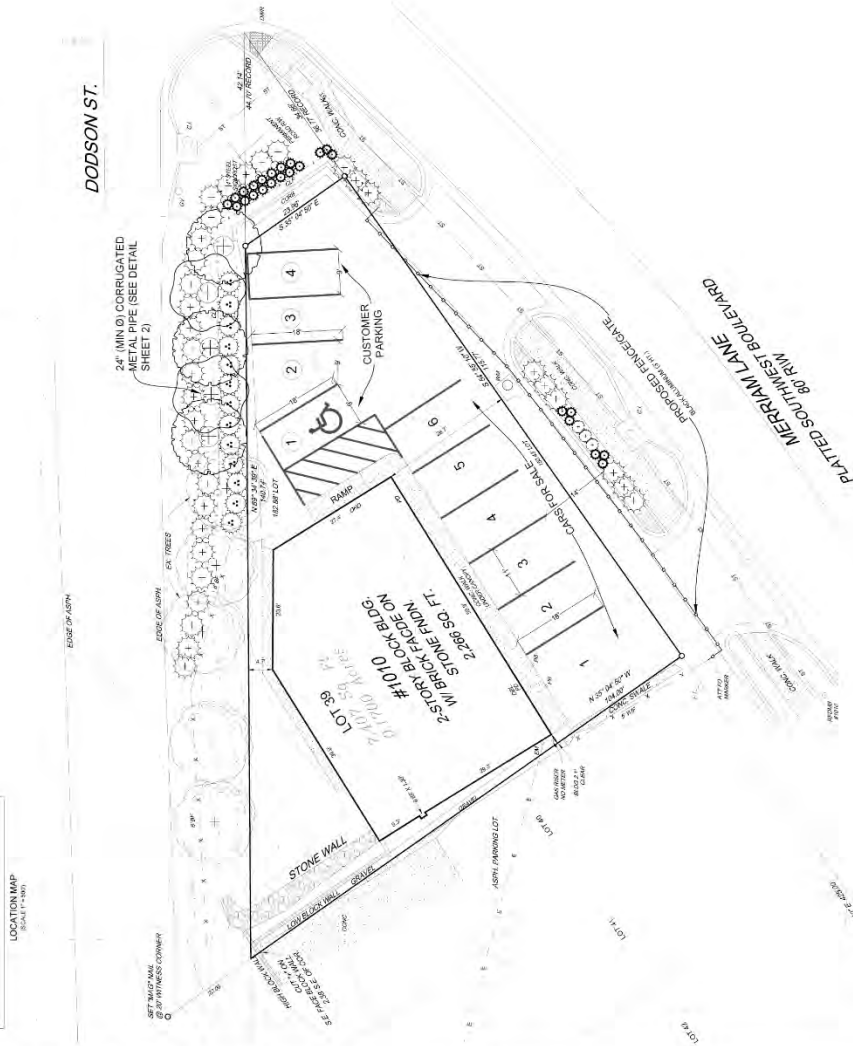
SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 22 day of June, 2002023

My commission expires 26 of Sept, 2002026





Notary Public

[illegible]

DATE	06/09/11	
PROJECT NO.	2976568	
ISSUED BY	JR	
CHECKED BY	JR	
DATE	06/09/11	
8 2906 X7 0/12.0 0.007 REV DATE DESCRIPTION		

A+ AUTO SALES
1010 MERRIAM LANE
KANSAS CITY, KANSAS 66103
SITE PLAN
FINAL DEVELOPMENT PLAN

LANDAPLAN ENGINEERING

Lowertown, KS • Kansas City, MO • The Woodlands, TX
 (Lowertown Exchange Building) | 1500 Lowertown, Suite 400
 (Kansas City, Missouri 64102)
 (The Woodlands) | 816.221.2644
 (Lowertown Exchange Building) | 816.221.2644

ROARK SURVEYING
9414 CARRWAY LN
MEMPHIS, TN 38125
901-668-7280
RoarkSurveying@aol.com

LEGAL DESCRIPTION
 Lot 39 AMENDED PLAT OF ROSEDALE PLACE, a subdivision of land in Kansas City, Wyandotte County, Kansas, a document that said located in the State of Kansas for further reference.

LEGEND

[illegible]

UNCLASSIFIED



Figure 4. Site Photograph of 1010 Merriam Lane taken on November 20, 2020.



Figure 5. Site Photograph of 1010 Merriam Lane taken on January 22, 2021.



Figure 6. Site Photograph of 1010 Merriam Lane taken on March 30, 2021.



Figure 7. Site Photograph of 1010 Merriam Lane taken on March 30, 2021.



Figure 8. Site Photograph of 1010 Merriam Lane taken in May 2023.



Figure 6. Site Photograph of 1010 Merriam Lane looking north from Merriam Lane (provided by Planning Staff).



Figure 7. Site Photograph of 1010 Merriam Lane looking north from Merriam Lane (provided by Planning Staff).



Figure 8. Site Photograph of 1010 Merriam Lane looking northeast from Merriam Lane (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: July 27, 2023

Re: Special Use Petition SP2023-031

GENERAL INFORMATION

Applicant:

Alexandra Sales

Status of Applicant:

Representative of the Owner
3430 Galt Ocean Drive #1210
Fort Lauderdale, FL 33308

Requested Action:

Approval of a Short-term Rental
Special Use Permit.

Date of Application:

May 11, 2023

Purpose:

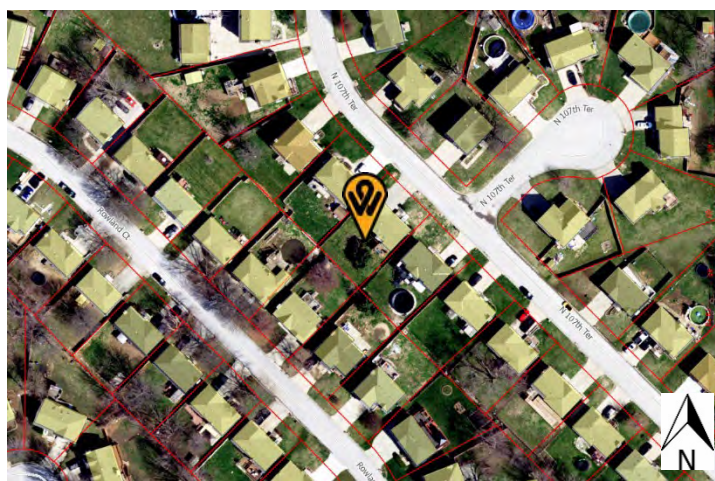
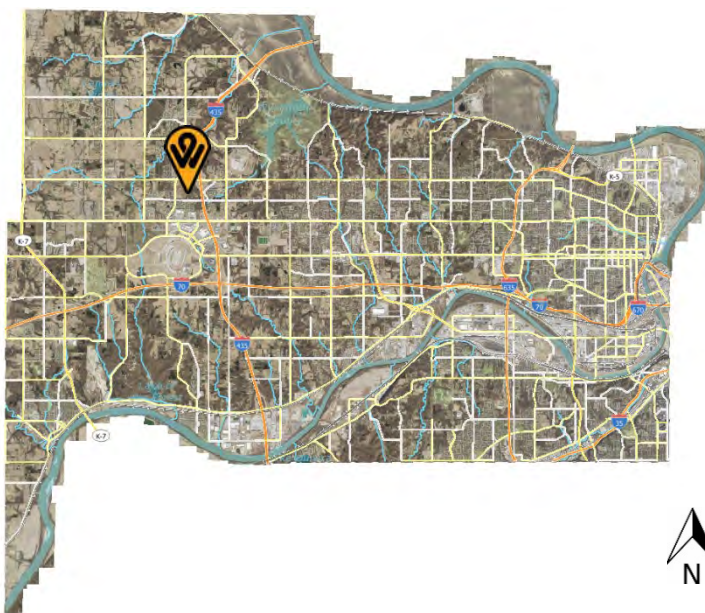
To approve a Special Use Permit
for a short-term rental. This is not
the owner's primary residence.

Property Location:

2602 North 107th Terrace
Kansas City, Kansas 66109

Commission Districts:

Commissioner At-Large District #1:
Melissa Bynum
District #5 Commissioner:
Mike Kane



Existing Zoning:	RP-1(B) Planned Single Family District		
Adjacent Zoning:	North:	RP-1(B) Planned Single Family District	
	South:	RP-1(B) Planned Single Family District	
	East:	RP-1(B) Planned Single Family District	
	West:	RP-1(B) Planned Single Family District	
Adjacent Uses:	North:	Single-family residence	
	South:	Single-family residence	
	East:	Single-family residence	
	West:	Single-family residence	
Total Tract Size:	0.17 Acres		
Master Plan Designation:	The Prairie-Delaware-Piper Area Plan designates the subject property as Mixed Residential which allows for a variety of residential densities and unit types. These areas could be developed with patio (zero lot line) homes, townhouses, condominiums, garden apartments, housing for seniors, and other multifamily uses.		
Major Street Plan:	The Major Street Plan designates North 107 th Terrace as a Local/Neighborhood Street.		
Parking Requirement:	Section 27-455(d) states “Two (2) off-street parking spaces shall be provided on the premises for each single-family dwelling”. The property provides four (4) parking spaces.		
Advertisement:	<u>The Wyandotte Echo</u> – June 15, 2023 Letters to Property Owner – June 16, 2023		
Public Hearings:	July 10, 2023, and July 27, 2023		
Public Support:	None to date.		
Public Opposition:	None to date.		

PROPOSAL

Detailed Outline of Requested Action: The Applicant, Alexandra Sales, is requesting a Special Use Permit to operate a short-term rental at 2602 North 107th Terrace. This is not the owner’s primary residence. This would be the first and only permitted short-term rental on the 2600 block of North 107th Terrace. The subject property has been operating as an unpermitted short-term rental since December 2021.

City Ordinance Requirements: 27-214, 27-592 through 27-606, and 27-623.

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. There have been no noise or disturbance complaints on the subject property since it began operating illegally as a short-term rental in 2021.

Building, Zoning, or Code Enforcement Complaints:

1. There are no active Notices of Violations on the subject property.

Outstanding or Related Permits and Cases:

1. There are no outstanding or related permits and cases at the subject property.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The subject property is located within the I-435 West Statistical Neighborhood. The neighborhood consists of a variety of residential uses including single-family residences and garden style apartments. Directly adjacent to the neighborhood is the Village West Shopping District, which includes The Legends, as well as other large-scale commercial and entertainment options.

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

The zoning and uses are set out above. The subject property is surrounded primarily by the RP-1(B) Planned Single Family Zoning District. Continuing use as a rental, either short or long-term, is consistent with other nearby properties in close proximity to the mixed-use corridor. The proposed use is compatible if properly managed.

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

This property is suitable for use as a single-family home. The property could be suitable for use as a short-term rental if properly managed. Removal of the restrictions that require a Special Use Permit for such activities has the potential to create issues such as parking, excessive noise and overcrowding.

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

The property is not vacant and has been used as an unpermitted short-term rental since December 2021.

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

Special Use Permits are not addressed in the Master Plan. The Prairie Delaware Piper Master Plan designates this property as Mixed-Use Residential. A variety of residential uses are allowed, but each require a Special Use Permit to function as a business.

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 North 107th Terrace Street to accommodate it if managed properly while it functions as a short-term rental. Guests of short-term rentals tend to travel more throughout the area, as they are typically visitors or tourists.

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

The proposed use provides a convenience to the public in the form of temporary lodging. If managed properly, the continued use of the property will not substantially nor permanently injure the appropriate use, visual quality, or marketability of adjoining property as the proposed use operates entirely within an existing dwelling in a built-out neighborhood.

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

Noise is an issue that is related to short-term rentals. There have not been any noise complaints to date with the current applicant. Vibration, dust, or illumination are not issues typically related to the use of a residential property as a short-term rental and ostensibly not considered to be a problem for nearby property.

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

The proposed use will not pollute the air, land, or water as it is an existing, permitted residence.

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

The proposed use will not damage or destroy an irreplaceable natural resource as it is an existing single-family residence in a built-out urban neighborhood.

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

The relative gain or loss to the public health, safety and welfare is minimal as it only provides the convenience of lodging with some economic benefit. If denied, the landowner could not use the property as a short-term rental but may still use the property as a long-term rental, their primary residence, or sell the property.

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

The proposed use will not create issues of overcrowding as it operates within an existing structure on the site. The maximum number of guests is seven (7); As long as the operator adheres to that, undue concentrations of people should not be a concern. The maximum number of vehicles off-street is three (3). There shall be no on-street parking for STR renters or guests. If the applicant abides by the outlined conditions, especially those that prohibit large groups and parties, undue concentrations of population should not be an issue.

PREVIOUS ACTIONS

There have been no previous planning entitlements on the subject property.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting via Zoom on June 20, 2023. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Floor Plan
Noise
Operating without a Special Use Permit
Parking

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Special Use Permit Application SP2023-031 **for one (1) year**, subject to:

1. **Any additional repairs not addressed prior to approval of SP2023-031 outlined within the provided home inspection report shall be performed prior to renewal of this Special Use Permit.**
2. **Maximum number of guests shall be seven (7).**
3. **All parking must be off-street, maximum number of vehicles is three (3). No parking is allowed on-street for STR renters or any guests.**
4. **Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit,**

- a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;
5. Applicant is to maintain liability insurance.
 6. The property must remain in proper maintenance and free of hazards, pests, or infestations.
 7. The granting of this Special Use Permit does not transfer with a change of ownership of the property.
 8. Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and www.hostcompliance.com/tips (website).
 9. 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, occupying businesses must file and maintain a current business occupation tax application with this office.
 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. 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. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
 17. 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
 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.
 19. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.

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 **SP2023-031** subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

July 10, 2023, City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Host Compliance Map
Floor Plan
Home Inspection Report
Site Photos, Taken by Staff, Dated June 9, 2023
Neighborhood Meeting Minutes

REVIEW OF INFORMATION AND SCHEDULE

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

STAFF CONTACT:

James Molloy
jmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2023-031** as meeting all the requirements of the city code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **SP2023-031**, as it is not in compliance with the City Ordinances and as it will not promote the public

health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

July 10, 2023, City Planning Commission Minutes:

Hearing starts at 4:00:47:

SPECIAL USE PERMIT APPLICATION SP2023-031 – ALEXANDRA SALES -

SYNOPSIS: Special Use Permit for a Short-Term Rental at 2602 North 107th Terrace.

Detailed Outline of Requested Action: The Applicant, Alexandra Sales, is requesting a Special Use Permit to operate a short-term rental at 2602 North 107th Terrace. This is not the owner's primary residence. This would be the first and only permitted short-term rental on the 2600 block of North 107th Terrace. The subject property has been operating as an unpermitted short-term rental since December 2021.

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

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

- Alexandra Sales, applicant, 3430 Galt Ocean Drive #1210, Fort Lauderdale, Florida 33308
- Willis Kessler, representing BearBNB KC

The Planning Commission addressed questions to the applicant.

Present in Opposition:

- No one appeared

Staff Recommendation starts at 4:06:46: Planning Director Hand stated that this is a request for a non-owner-occupied Short-Term Rental Special Use Permit. This property is in the Prairie-Delaware-Piper Area Plan. Staff has received no letters in support and one (1) letter in opposition. There are no Notices of Violation. Staff recommends approval of this application for one (1) year, subject to the conditions in the staff report.

Motion starts at 4:07:30:

On motion by Mr. Ward, seconded by Mrs. Jones, the Planning Commission voted as follows to recommend **APPROVAL** of Special Use Permit **SP2023-031** for one **(1) year**:

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

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

Subject to:

1. Any additional repairs not addressed prior to approval of SP2023-031 outlined within the provided home inspection report shall be performed prior to renewal of this Special Use Permit.
2. Maximum number of guests shall be seven (7).
3. All parking must be off-street, maximum number of vehicles is three (3). No parking is allowed on-street for STR renters or any guests.
4. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;
5. Applicant is to maintain liability insurance.
6. The property must remain in proper maintenance and free of hazards, pests, or infestations.
7. The granting of this Special Use Permit does not transfer with a change of ownership of the property.
8. Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and www.hostcompliance.com/tips (website).
9. 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, occupying businesses must file and maintain a current business occupation tax application with this office.

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. 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. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
17. 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

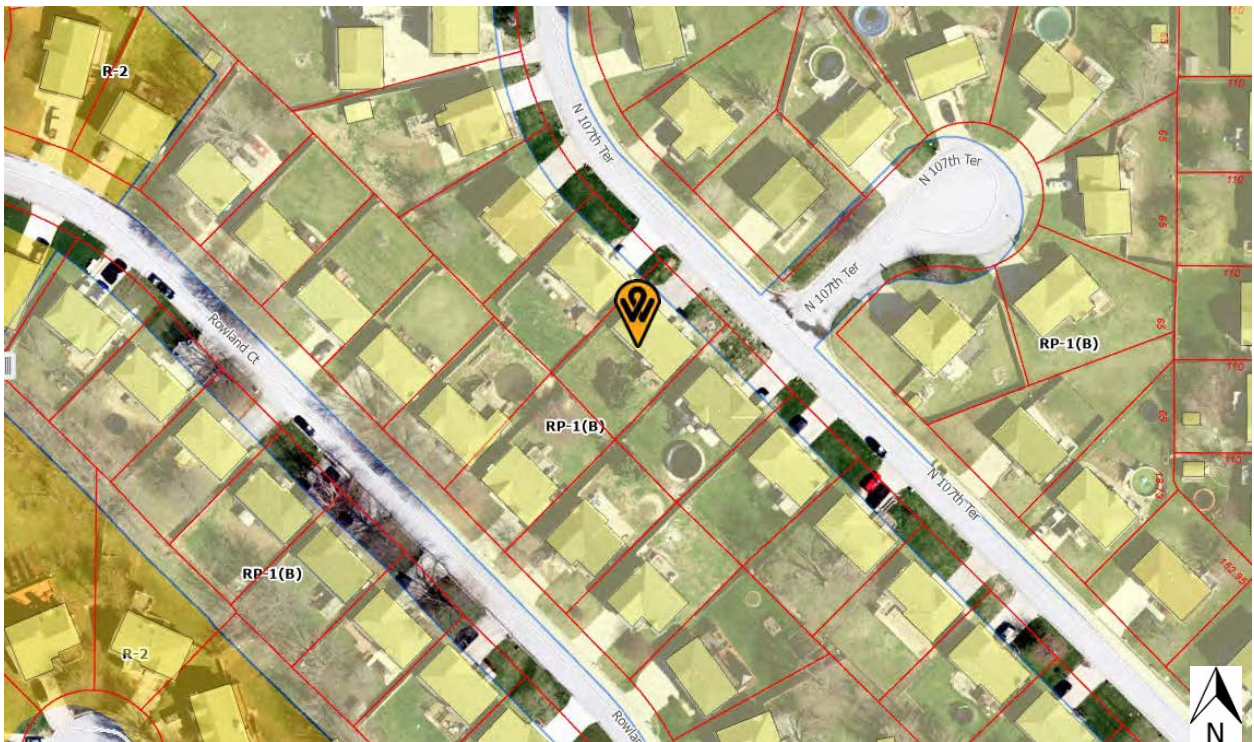
- considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and
18. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning 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.
 19. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.

ATTACHMENTS

AERIAL IMAGERY



ZONING MAP



Map of a residential area in St. Louis, Missouri, showing a property at the intersection of Rowland Ct and N 107th Ter. The property is marked with a yellow 'S' icon and a red square, indicating it is non-compliant with land use regulations. The map includes a legend, a north arrow, and a scale bar.

Legend:

- COMPLIANT w. land use regulations
- NON-COMPLIANT w. land use regulations
- ◆ UNKNOWN COMPLIANCE STATUS
- ▲ NOT YET IDENTIFIED

Map Labels:

- Georgia Ave
- N 109th St
- Rowland Ct
- N 107th Ter
- N 107th St
- Cleveland Ave
- Cleveland Pl
- All Pro Tile & Stone

2602 N 107th Ter

Alexandra Sales

SUMMARY



MAINTENANCE ITEM



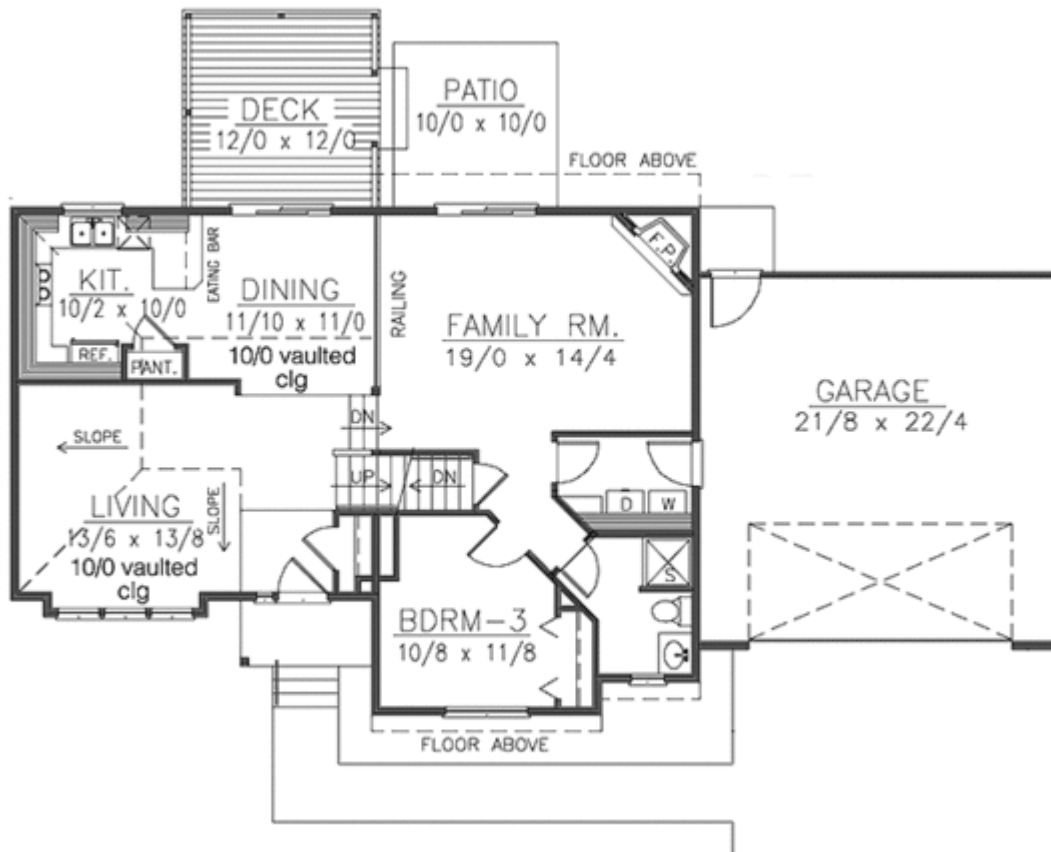
RECOMMENDATION



SAFETY HAZARD

- 🔧 2.4.1 Exterior - Decks, Balconies, Porches & Steps: Deck - Water Sealant Required
- 🔧 5.2.1 Electrical - Main & Subpanels, Service & Grounding, Main Overcurrent Device: 100 amp main
- ⚠️ 5.5.1 Electrical - GFCI & AFCI: All outlets within 6ft of a water source must be GFCI.
- ⚠️ 5.5.2 Electrical - GFCI & AFCI: All outdoor outlets should be GFCI per NEC
- 🔧 6.1.1 Heating - Equipment: Needs Servicing/Cleaning
- 🔧 8.2.1 Plumbing - Drain, Waste, & Vent Systems: sewer scope test
- 🔧 9.4.1 Fireplace - Cleanout Doors & Frames: Needs cleaning
- 🔧 11.1.1 Doors, Windows & Interior - Doors: Poor Weather-stripping

FLOOR PLAN



SITE PHOTOS, TAKEN BY STAFF, DATED JUNE 9, 2023



NEIGHBORHOOD MEETING MINUTES

Application Number: SP2023-031 - 2602 NORTH 107TH TERRACE

Date and Location: Zoom Meeting

Meeting called to order at: 6PM CST

Names of people in attendance: Tyler Shirk with BearBNB KC (property management)

No neighbors attended the zoom meeting.

Meeting adjourned at: 6:40PM CST

Minutes taken by: Alexandra Burnham

Application Number: SP2023-031 - 2602 NORTH 107TH TERRACE

Date and Location: Phone Calls

1. Cynthia Harris:

Statement from Cynthia: She has no problem with turning the property into a short term rental, however she is concerned about the fence and trash. The fence is rotted and looks very bad. It is leaning toward their yard and looks molded. It does not have a gate in the front. Cynthia would like this fixed and addressed.

Cynthia said there is sometimes trash sitting in the front, however she has seen someone pick it up most of the time. They just come late to pick it up.

Applicant Response: I will speak to the owner and property management company to have the fence addressed. The property management company is taking over the trash service and will do a better job taking it in and collecting it.

2. John Ward

John Ward sent an email and called. He is against turning the property into a short term rental because he does not want people in and out of the neighborhood. John stated they are a very close neighborhood and don't want strangers in and out. He is also concerned regarding the maintenance of the property. He stated the lawn has not been well maintained and is bringing the value of the neighborhood down. He notices the trash being left out in front and it takes a while for someone to remove it. He is also

concerned regarding the missing gate and rotted fence. John mentioned he would feel more comfortable if he took care of the lawn and trash so he knows it's actually being taken care of. He used to own a cleaning company. He does not trust the management company whatsoever.

Applicant Response: I will speak to the owner and management company to address the issues. We will give you the management number so if you have any issues they can be onsite within one hour to address any issue.

Minutes taken by: Alexandra Burnham

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF FL
COUNTY OF Broward } SS:

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

1. That I am the petitioner for Petition # SP2023-031
2. That I conducted a neighborhood meeting on 06/20/23.
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.

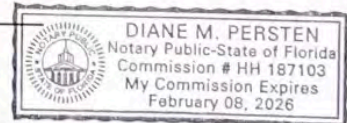
Further affiant saith not.

Alexandra Sales
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 23 day of June, 2023

My commission expires 08 of Feb, 2026

Diane M. Persten
Notary Public





Alexandra Burnham <springfieldllc11@gmail.com>

Response to request Airb&b

1 message

J&D Family <wardfamemail61@gmail.com>

Thu, Jun 15, 2023 at 9:01 AM

To: J&D Family <wardfamemail61@gmail.com>, "springfieldllc11@gmail.com" <springfieldllc11@gmail.com>

Good morning

I am in receipt of your letter requesting the property at 2602 N 107th Terrac in Kansas City KS.

First of all I am quite confused. You started an Airb&b in my neighborhood without approval from our neighborhood and now you are requesting to have the house as an Airb&b

First I would like the website so I can educate myself on your company. I want to know who owns the company.

We have had problems with the trash not taken out and the cans brought back in. The landscaping is horrible and the upkeep has not been the best. The residents have been good with no issues. There is a broken gate.

The concern I have is it will have a negative impact on our property values.

So I have a thought:

First hire a manager to manage taking garbage out, inside cleaning and yard care

I have owned my own cleaning business and yard service company. It would be beneficial to have someone in the neighborhood watch the house. Clean the dust prior to the guests arrival and. Lean up after. I would weed, mow and edge and clean the property after yards or is completed. Water as needed

Also money is needed to make the home landscaping look presentable in the frontyard

I would like to discuss this with you

Sincerely

John Ward

913-406-9581

<https://mail.google.com/mail/u/1/?ik=8c6672121a&view=pt&search=all&permthid=thread-f:1768773737002743030&siml=msg-f:1768773737002743030>

1/1



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: July 27, 2023

Re: Special Use Petition SP2023-032

GENERAL INFORMATION

Applicant:

Tristan Perkins

Status of Applicant:

Property Owner
1945 West Lawrence Court
Kansas City, Kansas 66103

Requested Action:

Approval of a Short-term Rental
Special Use Permit.

Date of Application:

April 28, 2023

Purpose:

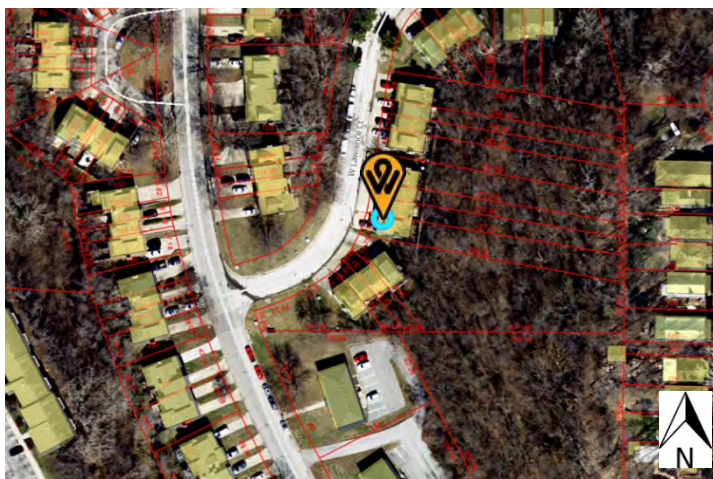
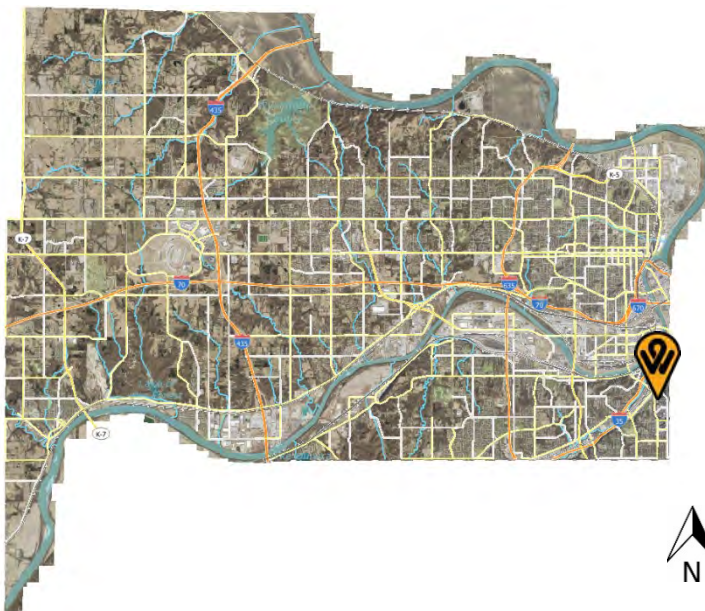
To approve a Special Use Permit
for a short-term rental. This is not
the owner's primary residence.

Property Location:

1945 West Lawrence Court
Kansas City, Kansas 66103

Commission Districts:

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



Existing Zoning:	RP-5 Planned Apartment District	
Adjacent Zoning:	North:	RP-5 Planned Apartment District
	South:	RP-5 Planned Apartment District
	East:	RP-5 Planned Apartment District
	West:	RP-5 Planned Apartment District
Adjacent Uses:	North:	Townhomes
	South:	Townhomes
	East:	Townhomes
	West:	Townhomes
Total Tract Size:	0.18 Acres	
Master Plan Designation:	The Rosedale Area Plan designates this property as General Urban, which allows for rowhouses, townhomes, and single-family houses. Three story apartment buildings, retail, and office uses are allowed only on neighborhood and mixed-use corridors.	
Major Street Plan:	The Major Street Plan designates Lawrence Court as a Local/Neighborhood Street.	
Parking Requirement:	Section 27-460(e) states “One and one-half (1 ½) parking spaces shall be provided for each dwelling unit that has one (1) bedroom or less. Two (2) parking spaces shall be provided for each dwelling unit that has two (2) bedrooms or more”. The property provides two (2) parking spaces.	
Advertisement:	<u>The Wyandotte Echo</u> – June 15, 2023 Letters to Property Owner – June 16, 2023	
Public Hearings:	July 10, 2023, and July 27, 2023	
Public Support:	None to date.	
Public Opposition:	None to date.	

PROPOSAL

Detailed Outline of Requested Action: The Applicant, Tristan Perkins, is requesting a Special Use Permit to operate a short-term rental at. This is not the owner’s primary residence. This would be the first and only permitted short-term rental on the 1900 block of West Lawrence Court.

City Ordinance Requirements: 27-214, 27-592 through 27-606, and 27-623.

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 no Notices of Violation on the subject property.

Outstanding or Related Permits and Cases:

1. There are no outstanding or related permits and cases at the subject property.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The property is located within the Rosedale Statistical Neighborhood and the Rosedale Development Association group. The neighborhood consists primarily of attached townhomes with single-family residences mixed throughout. The property is located within blocks of the University of Kansas Medical Center as well as the West 39th Street district in Kansas City, Missouri.

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

The zoning and uses are set out above. The subject property is surrounded primarily by RP-5 Planned Apartment District zoning. Continuing use as a rental, either short or long-term, is consistent with other nearby properties in close proximity to the mixed-use corridor. The proposed use is compatible if properly managed.

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

This property is suitable for use as a multi-family townhome. The property could be suitable for use as a short-term rental if properly managed. Removal of the restrictions that require a Special Use Permit for such activities has the potential to create issues such as parking, excessive noise and overcrowding.

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

The property is not vacant and has been used as a rental property since it's construction.

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

Special Use Permits are not addressed in the Rosedale Area Plan. The Rosedale Area Plan designates this property as General Urban, which allows for rowhouses, townhomes, and single-family houses. The proposed use conforms to the comprehensive plan if approved with a Special Use Permit.

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

The proposed use has the potential to increase vehicular traffic but should not exceed the capacity of West Lawrence Court to accommodate it if managed properly while it functions as a short-term rental. Guests of short-term rentals tend to travel more throughout the area, as they are typically visitors or tourists.

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

The proposed use provides a convenience to the public in the form of temporary lodging. If managed properly, the continued use of the property will not substantially nor permanently injure the appropriate use, visual quality, or marketability of adjoining property as the proposed use operates entirely within an existing dwelling in a built-out neighborhood.

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

Noise is an issue that is related to short-term rentals. There have not been any noise complaints to date with the current applicant. Vibration, dust, or illumination are not issues typically related to the use of a residential property as a short-term rental and ostensibly not considered to be a problem for nearby property.

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

The proposed use will not pollute the air, land, or water as it is an existing, permitted residence.

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

The proposed use will not damage or destroy an irreplaceable natural resource as it is an existing single-family residence in a built-out urban neighborhood.

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

The relative gain or loss to the public health, safety and welfare is minimal as it only provides the convenience of lodging with some economic benefit. If denied, the landowner could not use the property as a short-term rental but may still use the property as a long-term rental, their primary residence, or sell the property.

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

The proposed use will not create issues of overcrowding as it operates within an existing structure on the site. The maximum number of guests at one time is six (6). The maximum number of vehicles off-street is two (2). There shall be no on-street parking for renters. If the applicant abides by the outlined conditions, specifically those that prohibit large groups and parties, undue concentrations of population should not be an issue.

PREVIOUS ACTIONS

There have been no previous planning entitlements on the subject property.

NEIGHBORHOOD MEETING

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

KEY ISSUES

Home Inspection Report
Required Repairs

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Special Use Permit Application SP2023-032 **for one (1) year**, subject to:

- 1. Any additional repairs not addressed prior to approval of SP2023-032 outlined within the provided home inspection report shall be performed prior to renewal of this Special Use Permit.**
- 2. Maximum number of guests shall be six (6).**
- 3. All parking must be off-street, maximum number of vehicles is two (2). No parking is allowed on-street for STR renters or any guests.**
- 4. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit,**

- a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented.
5. Applicant is to maintain liability insurance.
 6. The property must remain in proper maintenance and free of hazards, pests, or infestations.
 7. The granting of this Special Use Permit does not transfer with a change of ownership of the property.
 8. Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and www.hostcompliance.com/tips (website).
 9. 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, occupying businesses must file and maintain a current business occupation tax application with this office.
 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. 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. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located.
 17. 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
 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.
 19. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.

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 **SP2023-032** subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

July 10, 2023, City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Host Compliance Map
Floor Plan
Home Inspection Report
Site Photos, Taken by Staff, Dated June 9, 2023
Neighborhood Meeting Materials

REVIEW OF INFORMATION AND SCHEDULE

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

STAFF CONTACT:

James Molloy
jmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2023-032** as meeting all the requirements of the city code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **SP2023-032**, as it is not in compliance with the City Ordinances and as it will not promote the public

health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

July 10, 2023, City Planning Commission Minutes:

Hearing starts at 4:08:40:

SPECIAL USE PERMIT APPLICATION SP2023-032 – TRISTIN PERKINS -

SYNOPSIS: Special Use Permit for a Short-Term Rental at 1945 Lawrence Court.

Detailed Outline of Requested Action: The Applicant, Tristan Perkins, is requesting a Special Use Permit to operate a short-term rental at. This is not the owner's primary residence. This would be the first and only permitted short-term rental on the 1900 block of West Lawrence Court.

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

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

- Tristan Perkins, applicant, 1945 West Lawrence Court, Kansas City, Kansas 66103

Present in Opposition:

- No one appeared

Staff Recommendation starts at 4:12:57: Planning Director Hand stated that this is a request for a non-owner-occupied Short-Term Rental Special Use Permit. This property is in the Rosedale Area Plan. Staff has received no letters in support nor opposition. There are no Notices of Violation. Condition #17 should indicate a recommendation of one (1) year for the Special Use Permit. Staff recommends approval of this application for one (1) year subject to the conditions in the staff report.

Motion starts at 4:14:15:

On motion by Mr. Ward, seconded by Ms. Armstrong, the Planning Commission voted as follows to recommend **APPROVAL** of Special Use Permit **SP2023-032 for one (1) year:**

Carson Chairman

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

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

Subject to:

1. Any additional repairs not addressed prior to approval of SP2023-032 outlined within the provided home inspection report shall be performed prior to renewal of this Special Use Permit.
2. Maximum number of guests shall be six (6).
3. All parking must be off-street, maximum number of vehicles is two (2). No parking is allowed on-street for STR renters or any guests.
4. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented.
5. Applicant is to maintain liability insurance.
6. The property must remain in proper maintenance and free of hazards, pests, or infestations.
7. The granting of this Special Use Permit does not transfer with a change of ownership of the property.
8. Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and www.hostcompliance.com/tips (website).
9. 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, occupying businesses must file and maintain a current business occupation tax application with this office.
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. 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. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located.
 17. 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
 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.

19. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.

ATTACHMENTS

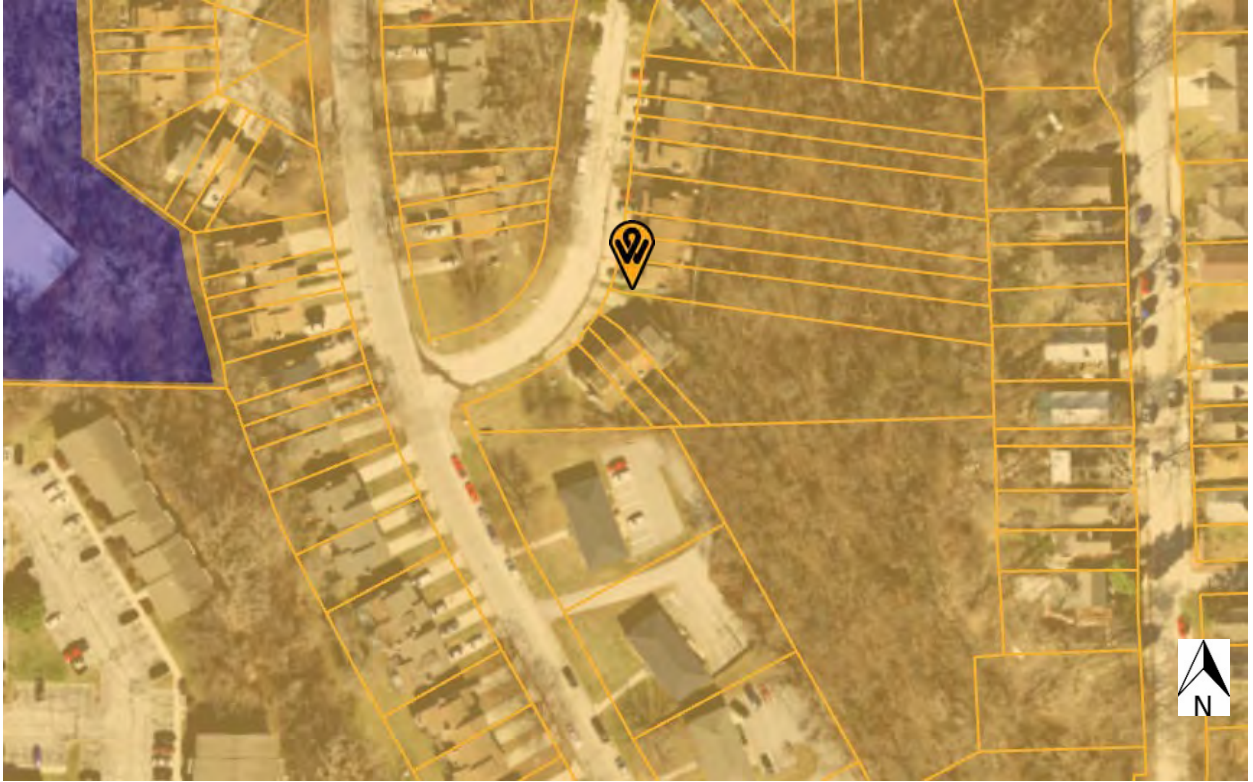
AERIAL IMAGERY



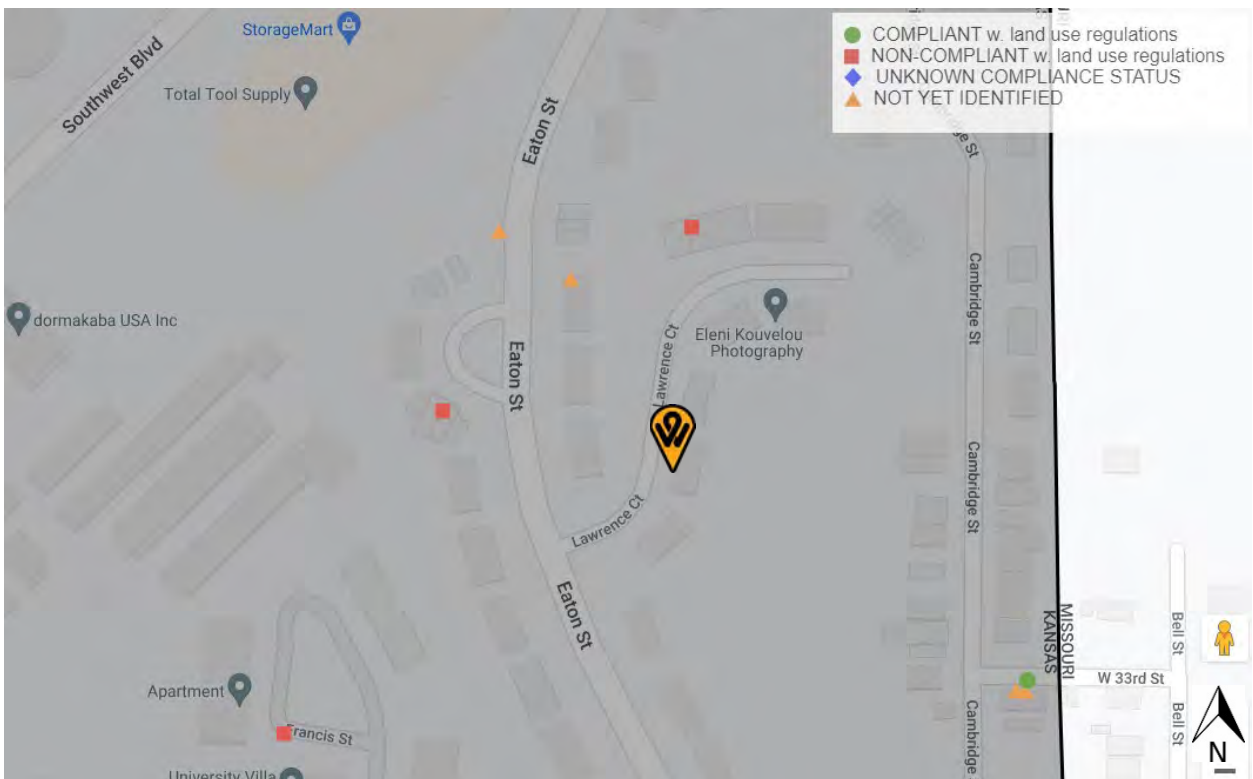
ZONING MAP



LAND USE MAP



HOST COMPLIANCE MAP – JUNE 9, 2023



HOME INSPECTION REPORT

1945 Lawrence Ct

Tristan Perkins

Fuel Storage & Distribution Systems: Main Gas Shut-off Location

Gas Meter



Decks, Balconies & Porches: Appurtenance

Deck, Patio

Decks, Balconies & Porches: Material

Brick, Wood

Recommendations

4.1.1 Walkways, Patios & Driveways

DRIVEWAY CRACKING - MAJOR

Major cracks observed. Recommend concrete contractor evaluate and repair.

Recommendation

Contact a qualified concrete contractor.

Recommendation



4.1.2 Walkways, Patios & Driveways

DRIVEWAY CRACKING - MINOR

Minor cosmetic cracks observed, which may indicate movement in the soil. Recommend monitoring and/or have contractor patch/seal.

Recommendation

Homesweet Home Advisor, LLC

Page 18 of 61

Recommendation

Recommend monitoring.



4.2.1 Exterior Doors

DOOR DOES NOT CLOSE OR LATCH

Door does not close or latch properly. Recommend qualified handyman repair and adjust strike plate and/or lock.

[Here is a DIY troubleshooting article](#) on fixing door issues.

Recommendation

Contact a qualified handyman.



Recommendation



4.4.1 Lighting Fixtures, Switches & Receptacles

LIGHT INOPERABLE

One or more lights are not operating. New light bulb possibly needed.

Recommendation

Recommended DIY Project



Maintenance Item

8: MISC. INTERIOR

		IN	NI	NP	R
8.1	Steps, Stairways & Railings	X			X
8.2	Vents, Flues & Chimneys	X			
8.3	Smoke Detectors	X			

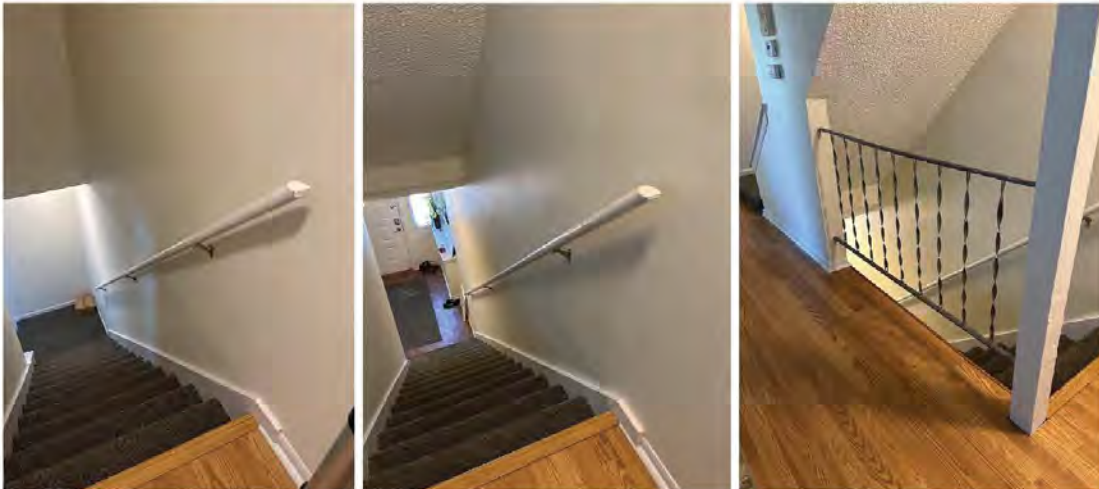
IN = Inspected NI = Not Inspected NP = Not Present R = Recommendations

Information

Vents, Flues & Chimneys: Courtesy Photo



Steps, Stairways & Railings: Courtesy Photo



Recommendations

8.1.1 Steps, Stairways & Railings

HANDRAIL ASSEMBLY: BALUSTERS MISSING



The handrail assembly at this staircase was missing balusters. For safety reasons all missing balusters should be replaced by a qualified contractor.

Recommendation

Contact a qualified professional.



Main & Subpanels, Service & Grounding, Main Overcurrent Device: Main Panel Location Garage



Recommendations

11.2.1 Main & Subpanels, Service & Grounding, Main Overcurrent Device



PLUG PROTECTOR

A breaker plug protector is missing. This can create a safety hazard. Recommend further evaluation and correction by a licensed electrical contractor.

Recommendation

Contact a qualified electrical contractor.



Exterior

11.2.2 Main & Subpanels, Service & Grounding, Main Overcurrent Device



WIRING: WHITE NOT MARKED AS HOT

In the service panel, conductors with white insulation were being used as ungrounded (hot) conductors, but were not marked as such. This is a potential electric shock/electrocution hazard and should be corrected by a qualified electrical contractor.

Recommendation

Contact a qualified electrical contractor.

Recommendation

Recommended DIY Project



12.1.2 Cooling Equipment

INSULATION MISSING OR DAMAGED



Maintenance Item

Missing or damaged insulation on refrigerant line can cause energy loss and condensation.

Recommendation

Recommended DIY Project



12.1.3 Cooling Equipment

ELECTRIC PANEL - DEFECT



Safety Hazard

There is an AC electrical panel defect. This presents an electrical safety hazard. Recommend further review and correction by a licensed electrician.

Recommendation

Contact a qualified electrical contractor.



12.2.1 Heating Equipment

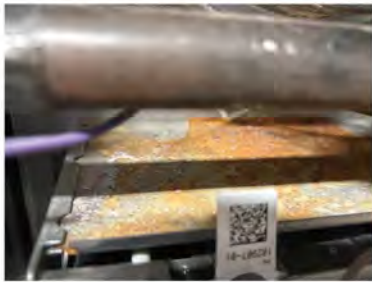
CORROSION

Furnace was corroded in one or more areas. This could be the result of improper venting, which the source would need to be identified. Recommend a HVAC contractor evaluate and repair.

Recommendation

Contact a qualified HVAC professional.

 Recommendation



Courtesy Photo**Recommendations**

14.1.1 Occupant Door (From garage to inside of home)

 Safety Hazard

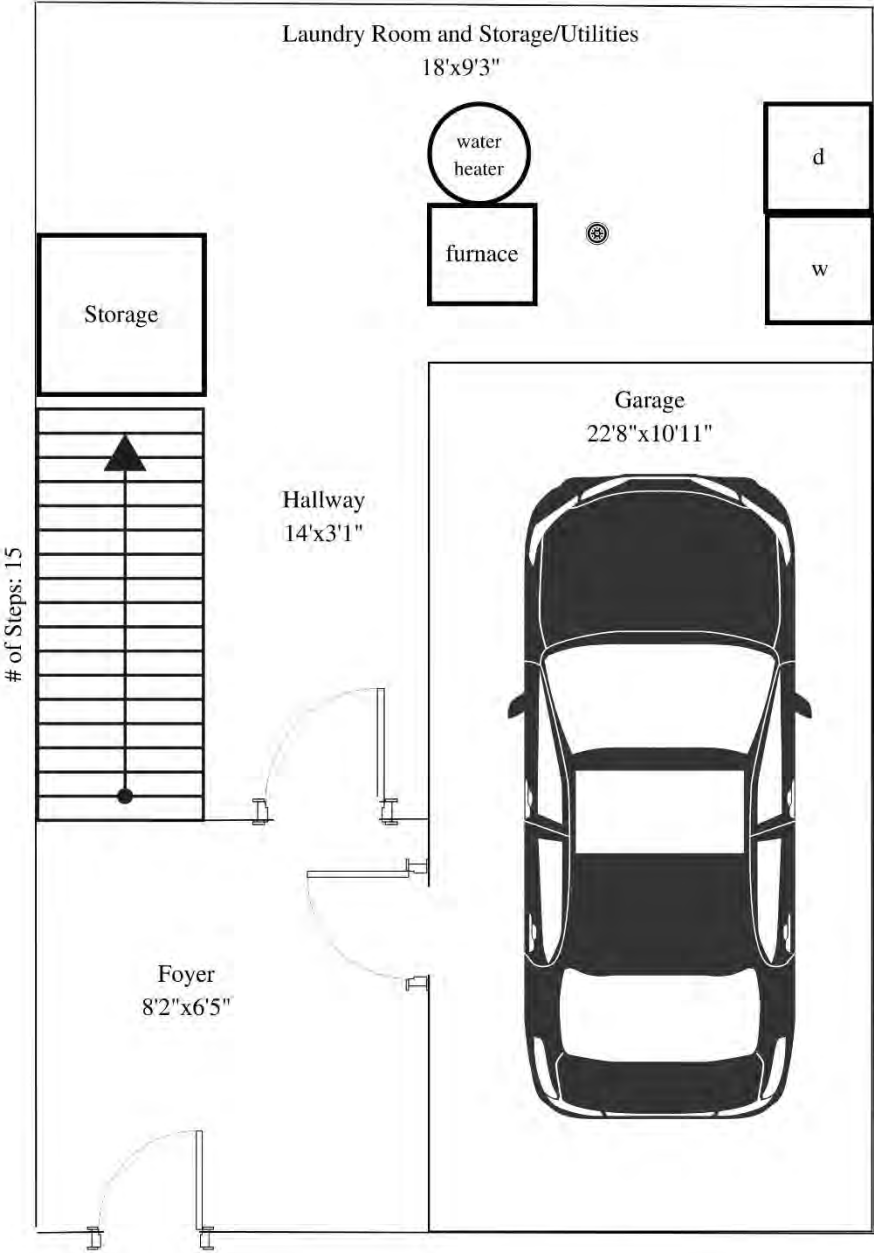
NOT SELF-CLOSING

Door from garage to home should have self-closing hinges to help prevent spread of a fire to living space. Recommend a qualified contractor install self-closing hinges.

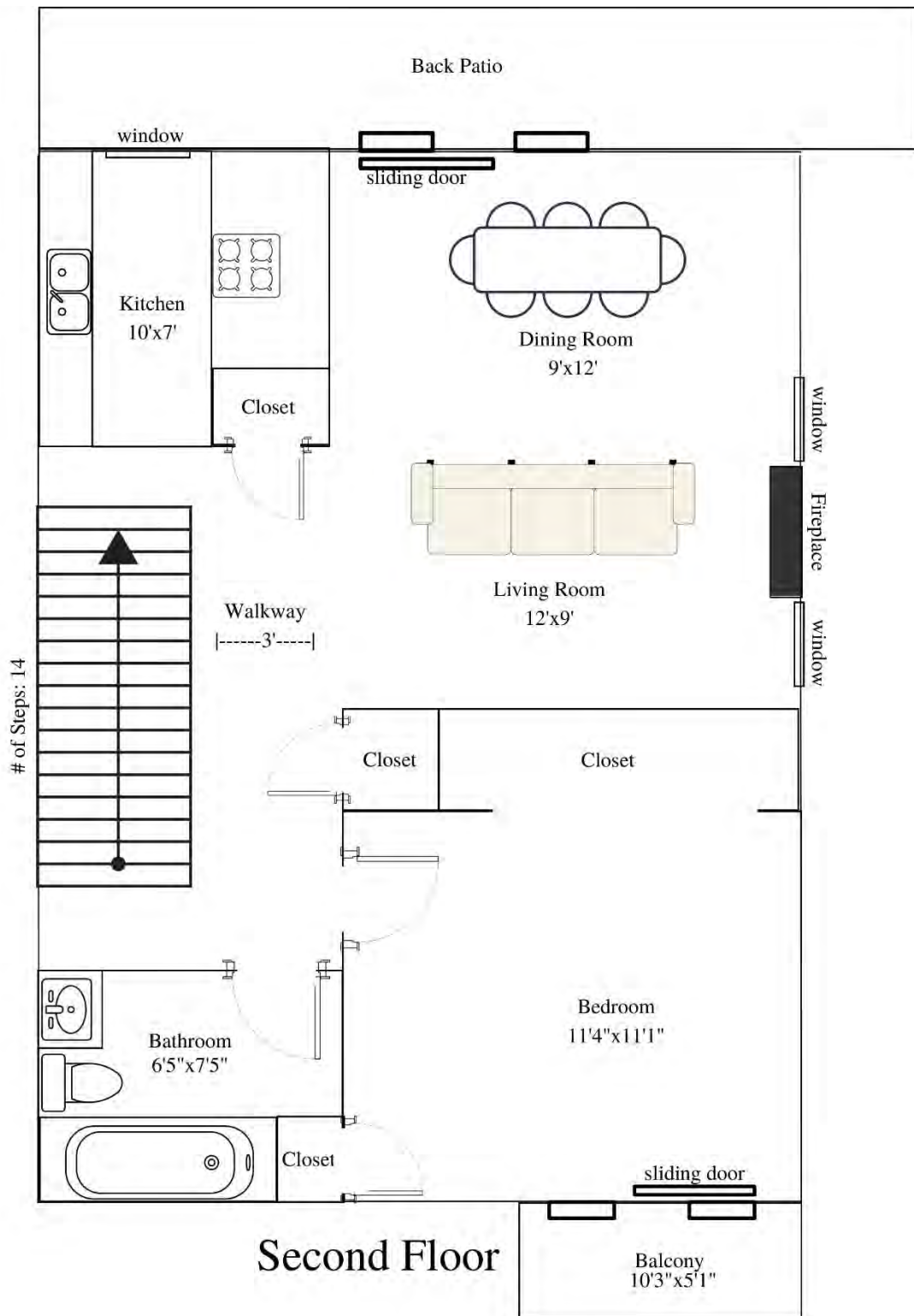
[DIY Resource Link.](#)

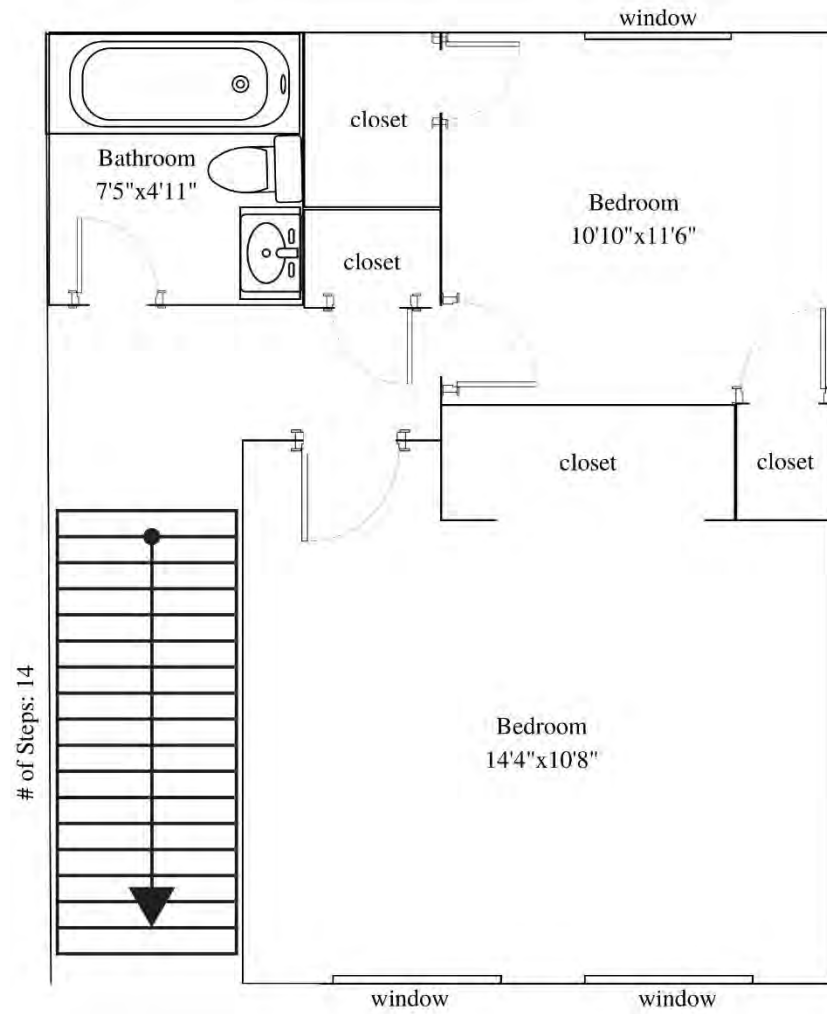
Recommendation

Contact a qualified door repair/installation contractor.



First Floor





Third Floor

SITE PHOTOS, TAKEN BY STAFF, DATED JUNE 9, 2023



NEIGHBORHOOD MEETING MATERIALS

Date: June 13, 2023

SUBJECT: Neighborhood Meeting

To whom it may concern:

As a property owner within 200 feet of a proposed special unit permit or other interested party, I am required to notify you that I have filed an application with the Department of Urban Planning and Land Use #SP2023-032. The purpose of this Special Use Permit is for a short-term rental unit at 1945 Lawrence Court Kansas City, Kansas 66103. I am having a neighborhood meeting occurring June 23, 2023 at 5 pm to 5:30 pm at Zoom Meeting Room (Meeting ID: 690 383 4596) which you can voluntarily attend. The purpose of this meeting is to explain the proposal and to answer any questions/concerns you may have. If you are unable to attend, but would like any questions or concerns addressed you can email me at tristanxperkins@gmail.com. Thank you.

Tristan Perkins
Property Owner

Neighborhood Meeting Minutes

Application Number: SPU2023-032

June 23, 2023

Zoom: Meeting ID 690 383 4596

Meeting called to order at 4:59 PM

Names of People in attendance:

- Applicant: Tristan Perkins
- Attendees: None

Presentation prepared for presentation by applicant is attached to these minutes.

Signed and Notarized affidavit also attached to these minutes.

Questions and answers: None

Meeting adjourned at 5:31 PM

Minutes taken by: Tristan Perkins, Applicant

List of attendees of neighborhood meeting:

None.

List of people who contacted questions or concerns:

None.

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
COUNTY OF Wyandotte) SS:

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

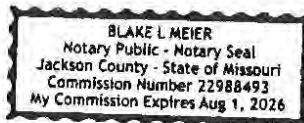
1. That I am the petitioner for Petition # 2023-032
2. That I conducted a neighborhood meeting on 6-23-2023
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

Tristan Perkins
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 26th day of June, ~~200~~^{BLM} 2023

My commission expires 1st of August, ~~200~~^{BLM} 2023



Blake L. Meier
Notary Public



Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: July 27, 2023

Re: Special Use Petition SP2023-033

GENERAL INFORMATION

Applicant:

Sangeeth and Rebekah Samuel

Status of Applicant:

Owners

Blue Atlas LLC

500 Westover Drive #30698

Sanford, NC 27330

Requested Action:

Approval of a Short-term Rental
Special Use Permit.

Date of Application:

May 26, 2023

Purpose:

To approve a Special Use Permit
for a short-term rental. This is not
the owner's primary residence.

Property Location:

4016 Springfield Street

Kansas City, Kansas 66103

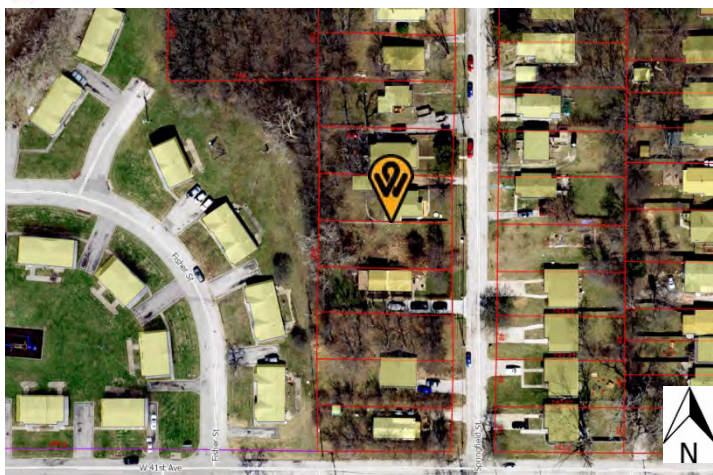
Commission Districts:

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-2(B) Two Family District
Adjacent Uses:	North: Single-family residence South: Single-family residence East: Single-family residence West: Garden style apartments
Total Tract Size:	0.16 Acres
Master Plan Designation:	The Rosedale Area Plan designates this property as General Urban, which allows for rowhouses, townhomes, and single-family houses. Three (3) story apartment buildings, retail, and office uses are allowed only on neighborhood and mixed-use corridors.
Major Street Plan:	The Major Street Plan designates Springfield Street a Local/Neighborhood Street.
Parking Requirement:	Section 27-455(d) states “Two (2) off-street parking spaces shall be provided on the premises for each single-family dwelling”. The property provides three (3) parking spaces.
Advertisement:	<u>The Wyandotte Echo</u> – June 15, 2023 Letters to Property Owner – June 16, 2023
Public Hearings:	July 10, 2023, and July 27, 2023
Public Support:	None to date.
Public Opposition:	There were two (2) persons present at the July 10, 2023, City Planning Commission meeting in opposition and/or with questions.

PROPOSAL

Detailed Outline of Requested Action: The Applicants, Sangeeth and Rebekah Samuel, are requesting a Short-Term Rental Special Use Permit to operate a short-term rental at 4016 Springfield. This is not the owner’s primary residence. This would be the first and only permitted short-term rental on the 4000 block of Springfield.

City Ordinance Requirements: 27-592 through 27-606

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. There have been no noise or disturbance complaints on the subject property.

Building, Zoning, or Code Enforcement Complaints:

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

Outstanding or Related Permits and Cases:

1. There are no outstanding or related permits and cases at the subject property.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The subject property is within the Rosedale Statistical Neighborhood, the Hilltop Neighborhood Group, and the Rosedale Development Association Group. The neighborhood consists of a mix of townhouses, garden-style apartments, and single-family residences.

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

The zoning and uses are set out above. The subject property is surrounded primarily by the R-1(B) Single Family and R-2(B) Two Family Districts. Continuing use as a rental, either short or long-term, is consistent with other nearby properties in close proximity to the mixed-use corridor. The proposed use is compatible if properly managed.

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

This property is suitable for use as a single-family home. The property could be suitable for use as a short-term rental if properly managed. Removal of the restrictions that require a Special Use Permit for such activities has the potential to create issues such as parking, excessive noise and overcrowding.

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

The property is not vacant and had been used as a long-term rental since at least 1999.

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

Special Use Permits are not addressed in the Rosedale Area Plan. The Rosedale Area Plan designates this property as General Urban, which allows for rowhouses, townhomes, and single-family houses. The proposed use conforms to the comprehensive plan if approved with a Special Use Permit.

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

The proposed use has the potential to increase vehicular traffic but should not exceed the capacity of Springfield Street to accommodate it if managed properly while it functions as a short-term rental. Guests of short-term rentals tend to travel more throughout the area, as they are typically visitors or tourists.

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

The proposed use provides a convenience to the public in the form of temporary lodging. If managed properly, the continued use of the property will not substantially nor permanently injure the appropriate use, visual quality, or marketability of adjoining property as the proposed use operates entirely within an existing dwelling in a built-out neighborhood.

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

Noise is an issue that is related to short-term rentals. There have not been any noise complaints to date with the current applicant. Vibration, dust, or illumination are not issues typically related to the use of a residential property as a short-term rental and ostensibly not considered to be a problem for nearby property.

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

The proposed use will not pollute the air, land, or water as it is an existing, permitted residence.

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

The proposed use will not damage or destroy an irreplaceable natural resource as it is an existing single-family residence in a built-out urban neighborhood.

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

The relative gain or loss to the public health, safety and welfare is minimal as it only provides the convenience of lodging with some economic benefit. If denied, the landowner could not use the property as a short-term rental but may still use the property as a long-term rental, their primary residence, or sell the property.

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

The proposed use will not create issues of overcrowding as it operates within an existing structure on the site. The maximum number of guests at one time is seven (7). The maximum number of vehicles off-street is two (2). There shall be no on-street parking for renters. If the applicant abides by the outlined conditions, specifically those that prohibit parties and large groups, undue concentrations of population should not be an issue.

PREVIOUS ACTIONS

There have been no previous planning entitlements on the subject property.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on June 26, 2023. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Home Inspection Report
Noise
Parking
Required Repairs

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Special Use Permit Application SP2023-033 **for one (1) year**, subject to:

- 1. Any additional repairs not addressed prior to approval of SP2023-033 outlined within the provided home inspection report shall be performed prior to renewal of this Special Use Permit.**
- 2. Maximum number of guests shall be six (6).**
- 3. All parking must be off-street, maximum number of vehicles is two (2). No parking is allowed on-street for STR renters or any guests.**

4. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;
5. Applicant is to maintain liability insurance.
6. The property must remain in proper maintenance and free of hazards, pests, or infestations.
7. The granting of this Special Use Permit does not transfer with a change of ownership of the property.
8. Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and www.hostcompliance.com/tips (website).
9. 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, occupying businesses must file and maintain a current business occupation tax application with this office.
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. 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. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located.
 17. 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
 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.
 19. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.
 20. Driveway must be upgraded to an improved surface (asphalt, concrete or pavers) and the driveway apron must be concrete from the curb to the property line (within the right-of-way).

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 **SP2023-033** subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

July 10, 2023, City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Host Compliance Map
Floor Plan
Home Inspection Report
Site Photos, Taken by Staff, Dated June 9, 2023
Neighborhood Meeting Materials

REVIEW OF INFORMATION AND SCHEDULE

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

STAFF CONTACT:

James Molloy
jmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2023-033** as meeting all the requirements of the city code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **SP2023-033**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

July 10, 2023, City Planning Commission Minutes:

Hearing starts at 4:15:14:

SPECIAL USE PERMIT APPLICATION SP2023-033 – SANGEETH AND REBEKAH SAMUEL - SYNOPSIS: Special Use Permit for a Short-Term Rental at 4016 Springfield Street. Detailed Outline of Requested Action: The Applicants, Sangeeth and Rebekah Samuel, are requesting a Short-Term Rental Special Use Permit to operate a short-term rental at 4016 Springfield. This is not the owner's primary residence. This would be the first and only permitted short-term rental on the 4000 block of Springfield.

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

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

- Sangeeth and Rebekah Samuel, applicants

The Planning Commission directed questions to the applicant.

Present in Opposition:

- Megan Ford, owner of 4015 Springfield, Kansas City, Kansas 66103
- Joy McCann, 4017 Springfield, Kansas City, Kansas 66103

Staff Recommendation starts at 4:23:30: Planning Director Hand stated that this is a request for a non-owner-occupied Short-Term Rental Special Use Permit. This property is in the Rosedale Area Plan. Staff has received no letters in support nor opposition until this evening. There are no Notices of Violation. If this application is recommended for approval tonight and is subsequently approved by the Board of Commissioners, the

unlicensed Short-Term Rentals on the block will need to cease, and Zoning Enforcement will follow accordingly. Staff recommends approval of this application for one (1) year subject to the conditions in the staff report. Staff would like to add a condition that the driveway must be upgraded to an improved surface (asphalt, concrete or pavers) and the driveway apron must be concrete from the curb to the property line (within the right-of-way).

Commission Elts directed questions to Staff.

Motion starts at 4:25:30:

On motion by Mr. Ward, seconded by Mr. Ernst, the Planning Commission voted as follows to recommend **APPROVAL** of Special Use Permit **SP2023-033 for one (1) year:**

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

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

Subject to:

1. Any additional repairs not addressed prior to approval of SP2023-033 outlined within the provided home inspection report shall be performed prior to renewal of this Special Use Permit.
2. Maximum number of guests shall be six (6).
3. All parking must be off-street, maximum number of vehicles is two (2). No parking is allowed on-street for STR renters or any guests.
4. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;
5. Applicant is to maintain liability insurance.
6. The property must remain in proper maintenance and free of hazards, pests, or infestations.
7. The granting of this Special Use Permit does not transfer with a change of ownership of the property.
8. Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host

Compliance: 913-246-5133 (phone number), and www.hostcompliance.com/tips (website).

- 9. 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, occupying businesses must file and maintain a current business occupation tax application with this office.**
- 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. 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. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision**

- within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located.
17. 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
 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.
 19. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.
 20. Driveway must be upgraded to an improved surface (asphalt, concrete or pavers) and the driveway apron must be concrete from the curb to the property line (within the right-of-way).

ATTACHMENTS

AERIAL IMAGERY



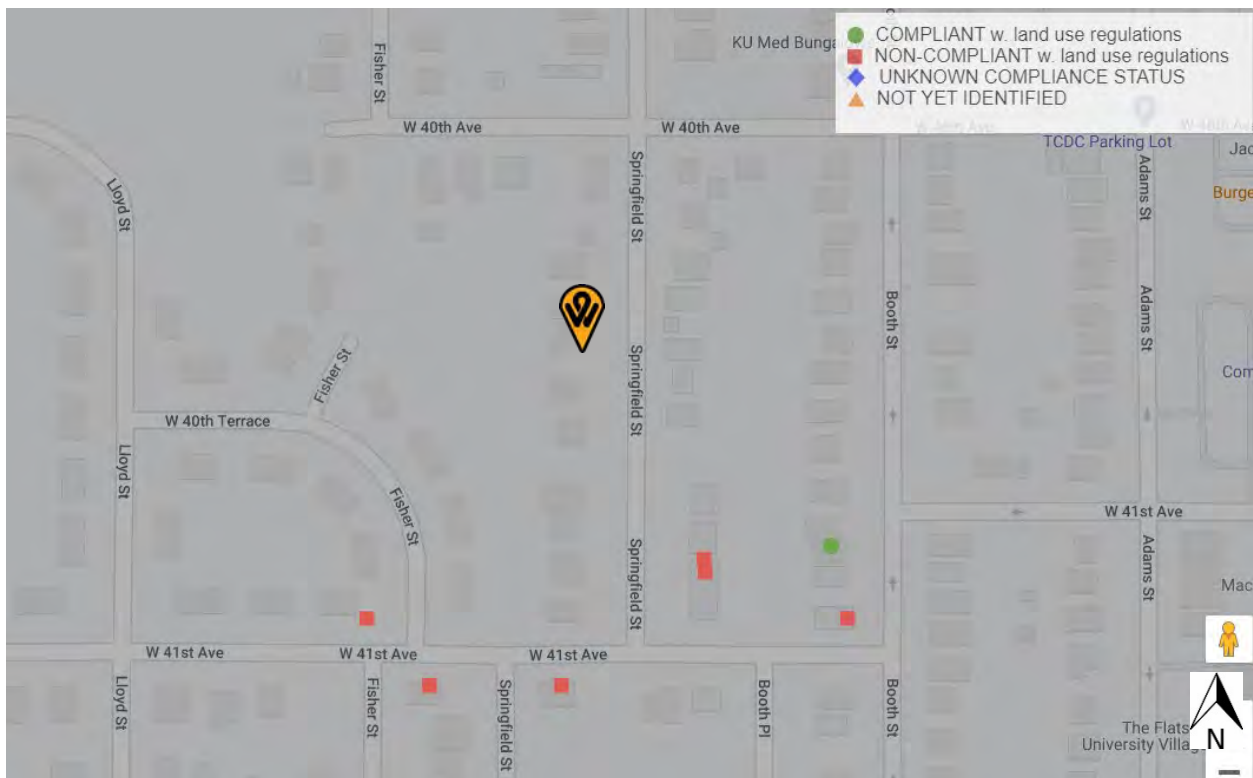
ZONING MAP



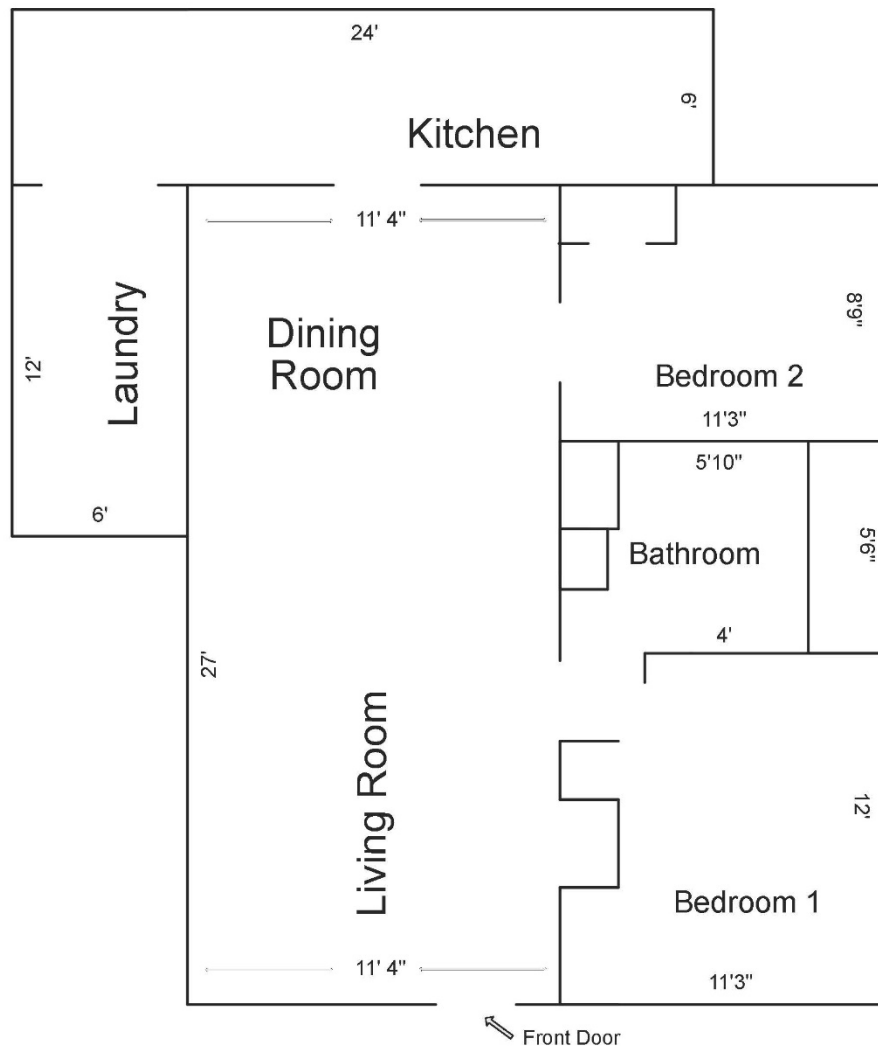
LAND USE MAP



HOST COMPLIANCE MAP – JUNE 9, 2023



4016 Springfield Street - Floor Plan



HOME INSPECTION REPORT

Midwest Home

Inspection Report cont.

for: Becky and Sangeeth Samuel @ 4016 Springfield St

May 2, 2023

Miscellaneous Structure

•) Reputable Window Contractor:

* Although the windows have been undated, a number have been poorly installed where there are openings on the exterior that allow weather and water entry into the exteriors.

* Window Screens are missing.

* One Front window frame is impact damaged to some degree.

•) The ceiling in the utility room/ closet with the Water Heater and Furnace is open or not completely finished. We advise closing off the ceiling with 'X' rated a sheet rock for a "fire stop" to prevent the potential rapid spread of fire, should equipment failure occur.

•) The detached garage shows to be in such a condition as to be mostly invaluable. Considerable restoration would be necessary to provide a garage space that is structurally sound, weather and pest free. Exterior paint failure and wood rot was also noted.

Mechanical Priority

•) Signs of previous frozen/ damaged water pipes was apparent the unheated space at the Rear Crawl Space. The potential for further freezing pipes is possible, especially during severe weather conditions.

Refer to contractors to seal, insulate, and install heating ductwork as needed.

The potential for further freezing pipes is possible, especially during severe weather conditions.

•) A newer water heater was installed. However:

* A water heater 'drip pan' was not installed below the heater to prevent structural water damage should the heater leak.

* Install required openings to the equipment room for adequate combustion air to the gas water heater equipment and clothes dryer to prevent the equipment from producing carbon monoxide.

* The water heater flue piping was improperly fitted with incompatible flue pipe fittings.

•) Replace the Dishwasher: Parts are missing, the unit was excluded, and the inspector did not attempt to operate.

•) HVAC Contractor:

* The outside condenser 'coiling fins' show some degree of impact damage where due to an attempt to clean the coils with a high pressure stream of water. The balance of the fins are obstructed with debris.

It should be noted that it is difficult to repair bent coil fins and that the condition may or may not add to reducing the efficiency and life expectancy of the unit/ system.

Mechanical Safety

•) Remove the window curtains adjacent to the Kitchen Range.

* The newer free standing range was also not equipped with the REQUIRED childproof "anti-tip" bracket that prevents the range from tipping. It would be prudent to have the bracket installed, especially if tenants have children.

•) Licensed Professional Electrician:

* Several wires within the electrical breaker panel were improperly connected to the wrong size of breakers. Install the correct sized circuit breakers as required.

* Several open electrical wire boxes and or wire splices in the attic. One at the Rear crawl space.

* Exposed romex wiring in the Kitchen sink cabinet is subject to physical damage.

* Close several openings in the Circuit Breaker panel.

* A live wire at the Rear Attic interior wall requires a electrical junction box and cover.

Mechanical Minor

•) Refer to your plumbing contractor:

* Where any proposal be made to install a garbage disposal for this property:

The Kitchen sink drain was installed with an 'S-Trap' as opposed to the standard P-Trap. The drain could begin to show slow drainage conditions at any time, especially if you decide to add a garbage disposal to the kitchen sink.

* The furnace and water heater gas lines were installed without the Sediment Trap's/ "dirt leg" pipe fittings.

* The bath sink "pop-up" drain stopper is missing and the pop-up mechanism, that operates a stopper is damaged. Replace the

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drain pop-up assembly to prevent debris from falling into the drain and to be able to hold waters in the sink.

Other Issues/ questions:

* End of Priorities *

Please refer to the remaining balance of the report for any other issues and useful information for your consideration.

Inspection Details:

Foundation

Type: Poured Concrete Foundation 2: Room addition - Cement Block Foundation 3: Rear Rm addition

Dampness: (Refer to Seller Disclosure) ☒ none at this time ☐ previous signs of ☐ active ☐ efflorescence

☐ Routine shrinkage cracks ☐ Marginal settlement ☐ Repair open cracks ☐ Lateral movement ☐ Restrain Now
☒ Typical wall settlement ☐ Repair Drainage now ☐ Displacement ☐ Restraint Warning ☐ Further Evaluate

Found Summary:

Some typical amounts of movement within the foundation and main wood frame was observed and as viewed within the finished floors and interior partition walls, was of no immediate concern and is common to older homes in the Kansas City area.

Foundation Maintenance

The yard was not well drained of rain and surface waters at the perimeter of the foundation, as is common to many homes. Wet soils can cause foundation/ basement concerns. Therefore, we recommend the following preventative maintenance and improvements:

1) Clean the roof gutters now and on a regular basis. The gutters are obstructed and waters will spill over into the perimeter of the building, potentially contributing to wet basement conditions.

* Roof gutter screens, professionally installed by gutter contractors, are highly recommended to help reduce the homeowners normally redundant gutter cleaning.

*) Portions of the Main crawl space was mostly dry at the time of our inspection. However, we strongly recommend that measures be taken to help control the moisture which accumulates within the crawl space to help reduce potential mold and mildew conditions within the building.

* A poly vapor barrier should be installed to the crawl space earthen floor to help prevent moisture from entering the structure. The definition of a vapor barrier is a heavy plastic or polyethylene sheet, installed directly over the moist earthen floor. see https://inspectapedia.com/structure/Crawl_Space_Moisture_Barriers.php

* Temperature differences can lead to condensation and subsequent moisture where a lack of insulation exists in the crawl space.

* Some very significant improvements could be made to the overall energy efficiency of the home by using closed spray foam insulation to the crawl space rim joist areas, above the foundation. Those areas, where the frame meets the foundation can be highly susceptible to low temperatures and air infiltration. Seal and weather fit all openings to the exterior.

Foundation Comments:

Refer to the "Sellers Disclosure Statement" for further details regarding the condition of the property.

a) A wood floor joist in the Rear crawl space, serving the Kitchen floor, has been severed or 'notched' to allow for the installation of a drain pipe. Although NOT good practice, we found no movement in the structure at this area.

Roofing

Roof Covering: Composition Shingles Layers: 1 Access: Ladder-Limited Attic: Scuttle Hatch

Roof approx. age: 6 yrs. Detached Garage: comp. shingles

Insulation R-Value: XX approx. [current ideal standards are R-30 - 35]

Previous Roof Leaks: No signs of recent roof leakage was observed at those accessible regions of the building.

☐ water staining ☐ spot painting ☐ Minor ☐ see above concerns ☐ See owner
☐ water damage ☐ patching ☐ Significant ☐ Find a Cause

Roofing Summary:

Main roof covering remaining life approx: ☐ limited ☐ medium (5-8 yrs) ☐ extended ☐ unknown

Composition shingles have a life span of 15-20 years, depending upon local weather and assuming the coverings have been well maintained. As the coverings are approx. 6 yrs. old, the shingles should provide many more years of service.

Roof Improve/ Maintain

-) The attic was much warmer than we would anticipate considering the outside temperatures.

No roof soffit 'intake air' ventilators have been installed for the roof.

Refer to the roofing contractor to provide bids to install the recommended or require number of soffit vents for this house.

* **Imbalanced roof/ attic ventilation systems** can result in excess negative or positive air pressures in a structure that can shorten the life expectancy of the roof coverings, impede the efficiency and comfortability during summer months, cause ice dams to form, snow intrusion into the attic, and create undesirable humid conditions in a building.

Roof Comments

Misc. Structure

Improve/ Maint.

Construction: Wood Frame Construction

Exterior Siding: Vinyl Siding / /

•) DOORS:

- * The Bathroom door was not equipped with a lock for privacy.

- * Several vinyl siding planks are loose and/ or installed with a lack of care

- * Poison ivy was observed within the yard. Eradicate this vegetation.

- * Remove wood debris/ stored against the South exterior to discourage the presence of termites.

- * Several wooden deck boards do not lay flat to the surface. Slight "Trip factors" do exist. Plan to repair these deck boards as needed.

Misc Structure Comments

(Note-Cosmetic concerns may not be documented.)

a) For Your Information:

* A gravel and dirt driveway serves this property. Some cities or municipalities require a "dust free" driveway surface. Check with the city.

* Vinyl siding and wooden decking materials are easily damaged by charcoal BBQ grills. Include such restrictions in your rental agreements.

* The Front porch deck was constructed directly against the ground and is susceptible to moisture and insect infestation and or damage. We should strongly advise yearly termite and moisture damage inspections be performed to monitor these conditions.

* Although cosmetic conditions are typically outside of the inspection: The Hardwood flooring is stained or cosmetically damaged, to some degree.

Other Mechanical

(Components operated by Gas, Water and Electric)

Improvements or Considerations

1) The Main water line emergency shut-off valve is located in the crawl space where it would be especially difficult to get to for an emergency situation. Consider installing an additional secondary valve in the interiors for convenience.

Other options might be applicable to turn off the main water at the meter pit in the yard or near the street. (Memorize the meter pit location in case of snow cover.)

mechanical Comments

Ice maker H2o: ☐ I Kitchen Exhaust: Recirculating via Hood/Microwave
 Dryer Hook-up: ☐ Gas ☒ Elect. 3-prong plug ☐ Elect. 4-prong plug ☐ cap Gas ☐ vent issues

Restrictions:

***Limited Access:** Prevented our complete visual inspection of the property and includes typical building systems and household items.

Structure: ☐ Storage items at basement/garage ☐ Crawl space height or wet or no access ☒ Garage Storage / Debris
☐ Basement /Lower Level - finished ☐ Attic ☒ Limited access in the Crawl Space
☐ Insulation on frame ☐ Wet-Rain/Snow ☐

Crawl Spaces: ALL Crawl

☐ low clearance restrictions ☐ Mech blocking full access ☐ Insulation restricted view
☐ not readily accessible ☐ Wet Crawl ☒ Safety Restrictions are noted

Roof: surface: Ladder-Limited ☐ attic access restricted ☒ height/ pitch ☐ closet access blocked
 attic: Scuttle Hatch ☐ insulation levels ☐ flashings covered ☐
☐ wet surfaces ☒ roof not traveled

Mech: ☒ Outside temps. too low for A/C checks ☒ Garage Shed Interiors - Lack of full access
☐ Outside temps. too high for heating inspect. ☐

Chimney: ☒ Not Applicable ☐ Roof Not accessed ☐ Angle of the Flue ☐ Sealed Combustion Chimney flues are not fully visible without a 'camera scan'...
Fireplace: ☐ Chimney height ☐ Poor Roof Conditions ☐ Chimney Cap Affixed ☐ Other

In all cases, should further access be provided to these areas, structural or mechanical concerns may become apparent:

* Refer to a "cold weather disclosure" from the home owner to describe the condition of the A/C systems. Low outside temperatures prohibit our inspection of air conditioner systems. We recommend checking A/C systems before closing or as weather permits.

* Construction debris and nail embedded lumber prevented our safe access to the crawl space. The wooden floor/frame was also not fully visible due to insulation materials which were installed to the floor frame. Our access to these areas was significantly restricted and our inspection was limited.

* Heavy vegetation prevented our inspection of the rear yard and any fence systems that exist in that area.

* A wooden deck was installed against the Front foundation and we were unable to verify the building lot drainage control and the condition of the foundation and other building and deck components below or behind the deck.

* The "seller's disclosure" provided little information regarding the condition of the property where the seller claims they have not lived in the house.

In these instances contact your city permit archives and chat with neighbors for any information or history on the house.

* The Garage mechanical, support foundation, frame, slab and wall systems were somewhat inaccessible due to large amounts of storage items and/ or debris which restricted our access to some areas. Our inspection was considerably limited. We routinely advise further inspection of these areas before closing or as conditions allow.

*** Components specifically outside the scope of the inspection** (see the inspection agreement for other general exclusions):

Refrigerators Washer and Dryer

*** SMOKE & FIRE DETECTION SYSTEMS WERE NOT INSPECTED.** We take "Consumer Reports" Advice very seriously: Your Home and family are likely not well protected. Replace all detectors with new "dual sensor" models when moving to a new house. They also recommend alarms that are wired or wirelessly interconnected, especially in a multilevel house.

INSTALL Carbon Monoxide alarms: At least one carbon monoxide detector per household, near the sleeping area.

SITE PHOTOS, TAKEN BY STAFF, DATED JUNE 9, 2023



NEIGHBORHOOD MEETING MATERIALS

June 14, 2023

COMMISSIONER CHRISTIAN RAMIREZ
701 NORTH 7TH STREET, 9TH FLOOR
KANSAS CITY, KS 66101

SUBJECT: Neighborhood Meeting

Dear neighbor, you are receiving this letter because we have filed an application with the Department of Urban Planning and Land Use #SP2023-033-4016. The purpose of this is to obtain a special use permit for a short term rental at 4016 Springfield Street, Kansas City, Kansas 66103.

We are having a neighborhood meeting on Monday, June 26th at 5 p.m. at the property location, 4016 Springfield Street, Kansas City, Kansas 66103.

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 us at the email or phone number listed below.

Sincerely,

Sangeeth & Becky Samuel
Manager@blueatlasllc.com
501-265-9148

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Missouri)
COUNTY OF Jackson) SS:

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

1. That I am the petitioner for Petition # SP2023-033
2. That I conducted a neighborhood meeting on 6/26/2023.
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.

[Signature]
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 27th day of June, 200 ~~2023~~

My commission expires 4th of November, 2024.



[Signature]
Notary Public

Minutes from Neighborhood Meeting

Application number: SP2023-033
4016 Springfield St

Date of meeting: 6/26/23
Location: 4016 Springfield Street, front yard.

Meeting called to order at: 5:00pm.

Names of people in attendance: Sangeeth Samuel, Becky Samuel

Introductions: None of the invited persons attended meeting, so no introduction or presentation was made.

A sign in sheet was provided, along with another paper to be given out with contact information for property owners and managers.

Meeting adjourned at: 5:30pm.

Minutes taken by: Becky Samuel

Sign-in Sheet for Neighborhood Meeting 6/26/23

Name:	Address:	Phone:
Becky Samuel	500 Westover Drive # 30698 Sanford, NC 27330	501-265-9148
SANGEETH SAMUEL	500 WESTOVER DR # 30698 SANFORD, NC 27330	(501) 252-7681



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: July 27, 2023

Re: Special Use Petition SP2023-035

GENERAL INFORMATION

Applicant:

Mary Melot and Robbin Beebe

Status of Applicant:

Property Owners
1280 West 59th Street
Kansas City, Missouri 64113

Requested Action:

Approval of a Short-term Rental
Special Use Permit.

Date of Application:

May 26, 2023

Purpose:

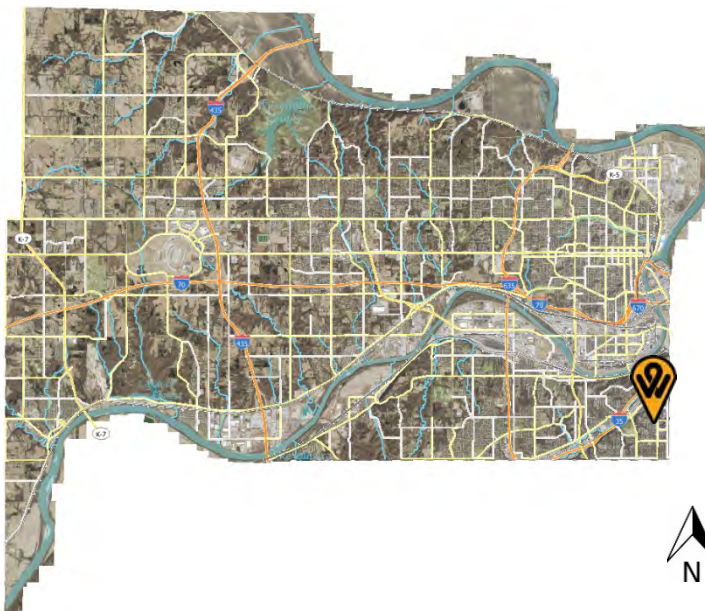
To approve a Special Use Permit
for a short-term rental. This is not
the owner's primary residence.

Property Location:

3716 Springfield 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: Surface parking lot West: Vacant property
Total Tract Size:	0.22 Acres
Master Plan Designation:	The Rosedale Area Plan designates this property as Single-Family, which is intended for single family, detached houses.
Major Street Plan:	The Major Street Plan designates Springfield Street a Local/Neighborhood Street.
Parking Requirement:	Section 27-455(d) states “Two (2) off-street parking spaces shall be provided on the premises for each single-family dwelling. The property provides two (2) parking spaces.
Advertisement:	<u>The Wyandotte Echo</u> – June 15, 2023 Letters to Property Owner – June 16, 2023
Public Hearings:	July 10, 2023, and July 27, 2023
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The Applicants, Mary Melot and Robin Beebe, are requesting a Short-Term Rental Special Use Permit to operate a short-term rental at 3716 Springfield Street. This is not the owner's primary residence. The applicant had previously had a Special Use Permit (SP-2020-80), however, that permit expired on November 7, 2022, in which the operator then operated without proper permitting. This would be the first and only permitted short-term rental on the 3700 block of Springfield Street.

City Ordinance Requirements: 27-592 through 27-606, 27-214, and 27-623

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. There have been no noise or disturbance complaints on the subject property since it began operating as a short-term rental in 2020.

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 at the subject property.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The subject property is within the Rosedale Statistical Neighborhood, the Hilltop Neighborhood Group, and the Rosedale Development Association group. The neighborhood consists of a mixture of single-family residences, sixplexes, garden style apartments, as well as public uses such as the Rosedale Memorial Arch, Mount Marty Park, and Fisher Park, institutional uses such as Rosedale Middle School and The University of Kansas Medical 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 subject property is surrounded primarily by the R-1(B) Single Family Zoning District. Continuing use as a rental, either short or long-term, is consistent with other nearby properties in close proximity to the mixed-use corridor. The proposed use is compatible if properly managed.

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

This property is suitable for use as a single-family home. The property could be suitable for use as a short-term rental if properly managed. Removal of the restrictions that require a Special Use Permit for such activities has the potential to create issues such as parking, excessive noise and overcrowding.

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

The property is not vacant and has been used as a short-term rental since 2020.

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

Special Use Permits are not addressed in the Rosedale Area Plan. The Rosedale Area Plan designates this property as single-family, which is intended for single family, detached houses. The proposed use conforms to the comprehensive plan if approved with a Special Use Permit.

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

The proposed use has the potential to increase vehicular traffic but should not exceed the capacity of Springfield Street to accommodate it if managed properly while it functions as a short-term rental. Guests of short-term rentals tend to travel more throughout the area, as they are typically visitors or tourists.

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

The proposed use provides a convenience to the public in the form of temporary lodging. If managed properly, the continued use of the property will not substantially nor permanently injure the appropriate use, visual quality, or marketability of adjoining property as the proposed use operates entirely within an existing dwelling in a built-out neighborhood.

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

Noise is an issue that is related to short-term rentals. There have not been any noise complaints to date with the current applicant. Vibration, dust, or illumination are not issues typically related to the use of a residential property as a short-term rental and ostensibly not considered to be a problem for nearby property.

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

The proposed use will not pollute the air, land, or water as it is an existing, permitted residence.

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

The proposed use will not damage or destroy an irreplaceable natural resource as it is an existing single-family residence in a built-out urban neighborhood.

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

The relative gain or loss to the public health, safety and welfare is minimal as it only provides the convenience of lodging with some economic benefit. If denied, the landowner could not use the property as a short-term rental but may still use the property as a long-term rental, their primary residence, or sell the property.

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

The proposed use will not create issues of overcrowding as it operates within an existing structure on the site. The maximum number of guests at one time is seven (7). The maximum number of vehicles off-street is three (3). There shall be no on-street parking. If the applicant abides by the outlined conditions, specifically those that prohibit parties and larger groups, undue concentrations of population should not be an issue.

PREVIOUS ACTIONS

There have been no previous planning entitlements on the subject property.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on June 26, 2023. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Operating without a Special Use Permit and Business License
Noise
Parking

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Special Use Permit Application SP2023-035 **for one (1) year**, subject to:

- 1. Maximum number of guests shall be seven (7).**
- 2. All parking must be off-street, maximum number of vehicles is three (3). No parking is allowed on-street for STR renters or any guests.**
- 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.
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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. 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. 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 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
 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.
 18. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.

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 **SP2023-035** subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

July 10, 2023, City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Host Compliance Map
Floor Plan
Home Inspection Report
Site Photos, Taken by Staff, Dated June 9, 2023
Neighborhood Meeting Materials

REVIEW OF INFORMATION AND SCHEDULE

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

STAFF CONTACT:

James Molloy
jmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2023-035** 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 **SP2023-035**, 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.

July 10, 2023, City Planning Commission Minutes:

Hearing starts at 4:27:30:

SPECIAL USE PERMIT APPLICATION SP2023-035 – MARY MELOT AND ROBBIN BEEBE - SYNOPSIS: Special Use Permit for a Short-Term Rental (SP2020-080 expired 11/5/2022) at 3716 Springfield Street. Detailed Outline of Requested Action: The Applicants, Mary Melot and Robin Beebe, are requesting a Short-Term Rental Special Use Permit to operate a short-term rental at 3716 Springfield Street. This is not the owner's primary residence. The applicant had previously had a Special Use Permit (SP-2020-80), however, that permit expired on November 7, 2022, in which the operator then operated without proper permitting. This would be the first and only permitted short-term rental on the 3700 block of Springfield 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 July 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:

- Mary Melot and Robin Beebe, applicants

The Planning Commission directed questions to the applicants.

Present in Opposition:

- No one appeared

Staff Recommendation starts at 4:36:10: Planning Director Hand stated since the Special Use Permit lapsed, they are now under the new ordinance and the application can only be approved for one (1) year as this is a new application. He stated that this is a request for a non-owner-occupied Short-Term Rental Special Use Permit. This property is in the Rosedale Area Plan and would be the only Short-Term Rental on this block. Staff has received no letters in support nor opposition. There are no Notices of Violation. Staff recommends approval of this application for one (1) year subject to the conditions in the staff report. Director Hand stated that he would like to make a change to Condition #2 and allow a maximum of three (3) cars off-street and on-site

Motion starts at 4:37:56:

On motion by Mr. Ward, seconded by Mrs. Jones, the Planning Commission voted as follows to recommend **APPROVAL** of Special Use Permit **SP2023-035 for one (1) year:**

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

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

Subject to:

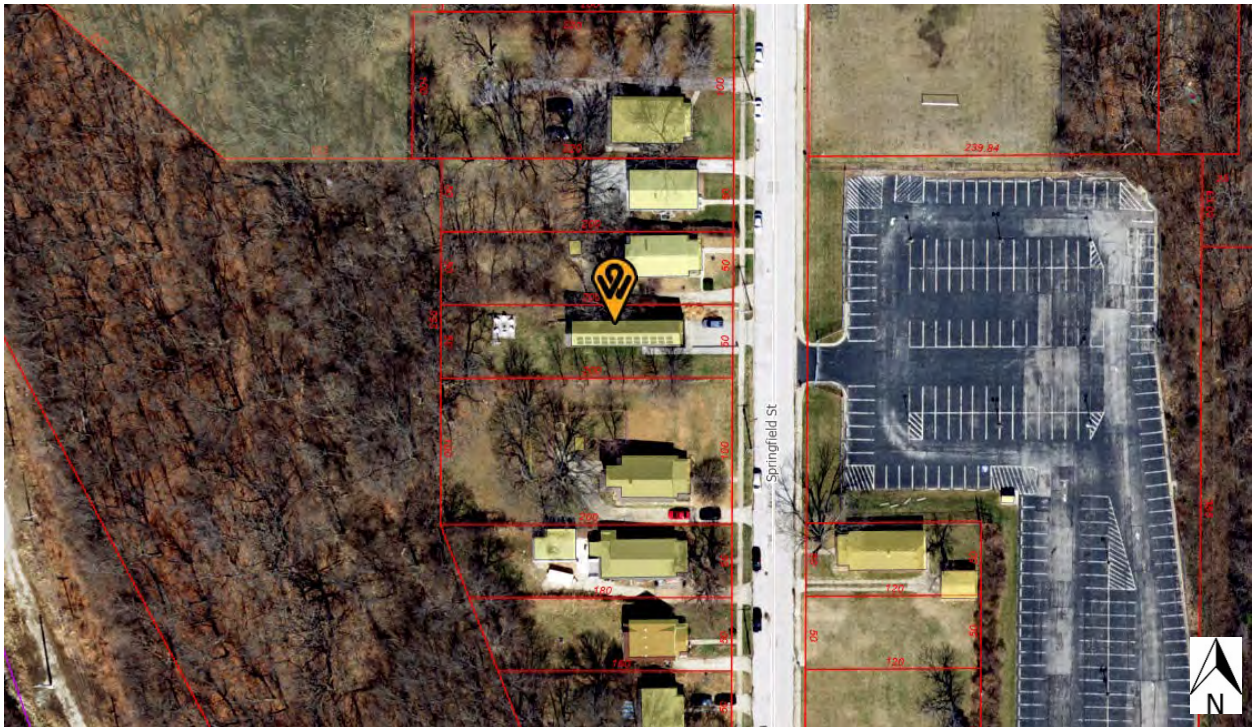
1. Maximum number of guests shall be seven (7).
2. All parking must be off-street, maximum number of vehicles is three (3). No parking is allowed on-street for STR renters or any guests.
3. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration 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. 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, occupying businesses must file and maintain a current business occupation tax application with this office.
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. All existing and future driveways must feature curb cuts that are constructed to UG standards.**
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- 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.**
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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.
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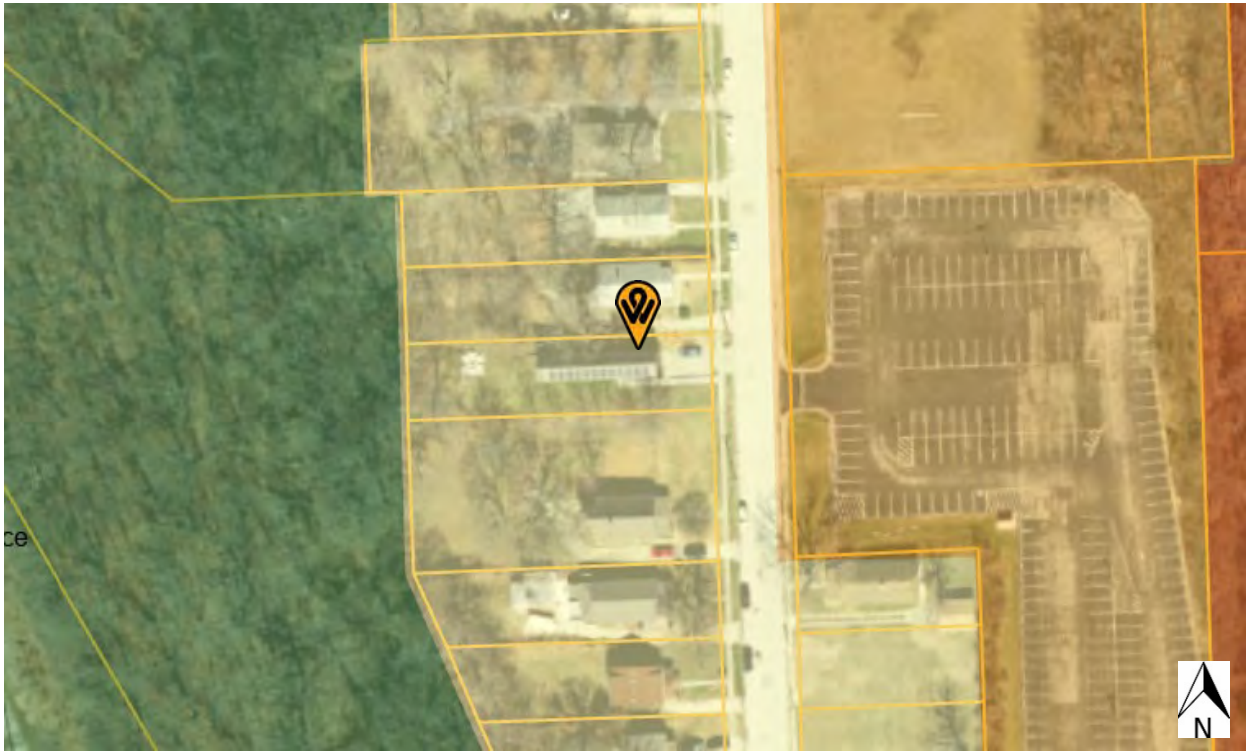
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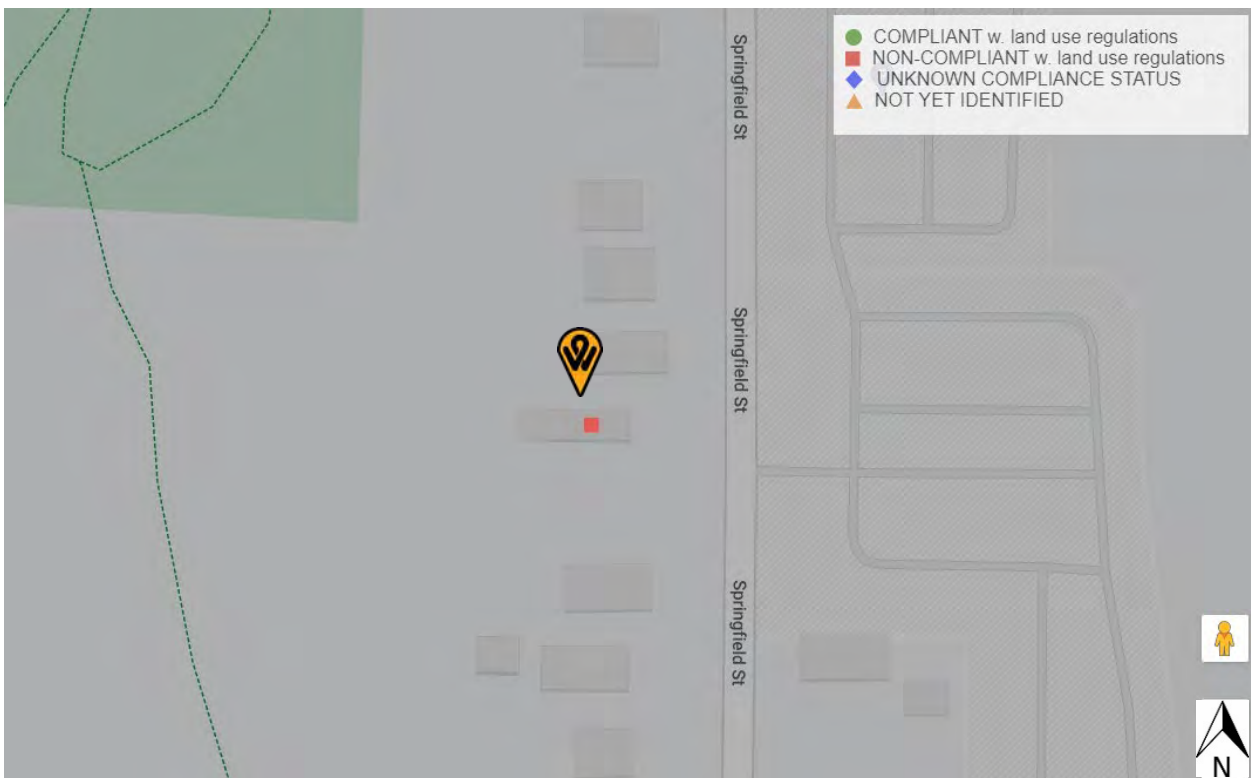
ZONING MAP



LAND USE MAP



HOST COMPLIANCE MAP – JUNE 12, 2023



HOME INSPECTION REPORT

Ed Sullivan
INSPECTIONS
A DIVISION OF THE SULLIVAN GROUP, LTD.

Inspection Report

Date Inspected: 05-15-23

Reference No.: 230136

Inspection FEE: \$ 350.00

Payment Type: CASH CARD

CLIENT: MARY MELOT AND REBBIN BASBEE

Subject PROPERTY: 3716 SPRINGFIELD ST. KANSAS CITY, KANSAS

INSPECTION Type: ☒ Whole Building Inspection ☐ Partial Inspection

An Inspection Agreement between the CLIENT and Ed Sullivan Inspections was signed prior to the inspection.

Only those systems and components specifically identified in the Inspection Report shall be inspected.

WHOLE BUILDING INSPECTION: This shall include the following systems and their components:

Exterior Siding and Trim	Electrical System	Foundations
Gutter System and Drainage	Plumbing System	Windows and Doors
Roof and Attic	Heating System	Structural Frame
Ventilation and Attic Insulation	Central Cooling System	Interior Walls, Ceilings, Flooring
Fireplace and Chimney	Garage or Carport	
Built-in Main Kitchen Appliances (disposal, range, oven, hood/fan, microwave, dishwasher)		

PARTIAL INSPECTIONS: A partial inspection does not include every system/component as mentioned above. The inspector will only inspect the systems/components the Client has contracted for (though adverse conditions may exist in other, uninspected systems). A mechanical inspection, for example, includes systems operated by water, gas and electricity (it would not include roof, siding, foundation, windows, doors, walls, etc.). A listing inspection, for example, would only include electrical panel box and entry cable, central HVAC, water heater, exterior siding, gutter system, drainage, roof (covering, flashings, frame, ventilation), foundation (walls, slab, structural frame), chimney and fireplace, showers (tile and pan) and visible main water, gas and drain piping.

INSPECTION REPORT: The Inspector shall generate a confidential Inspection Report stating the findings of the inspection. All identified systems and components that the Client has contracted for shall be included in the report. If a system was not inspected, the reason shall be clearly stated in the Inspection Report. Any system or components included in the inspection are considered to be functional at the time of inspection unless otherwise noted in the report. The Inspector reserves the right to convey additional information about subject property for a period of 72 hours after inspection. No report shall be provided unless and until the Inspector receives payment in full for services provided. A thirty-five-dollar (\$35.00) service fee will be charged on any returned checks, regardless of reason. A link to photographs taken during the inspection may be sent by email to the client and/or their designated agent. The photographs are kept by the inspector for approximately 60 days only.

INSPECTION REPORT LEGEND: The identification of types of systems and components is included at the top of each inspected system as required by ASHI for the client's information (type of roof covering, type of exterior siding, etc.). When a condition is circled, the condition requires review by a qualified, licensed contractor for repair/maintenance/replacement. When a condition is checked (✓), the inspector recommends immediate attention, as the concern visually appears more serious. (N) Indicates a component not inspected due to inaccessibility though conditions affecting the component may be present. (N/A) indicates Not Applicable.

CLIENT RESPONSIBILITY: The client and/or realtor, prior to the inspection, has secured all necessary approvals for the inspector to access and inspect the property. The Client is advised to read the entire report (front and back). The Inspector cannot reveal every condition Client may consider significant to ownership. It is the Client's responsibility to prioritize the list of unacceptable conditions based on the investment, available finances, capabilities and resources, not just the Inspector's recommendations. Any verbal estimations or approximations made or given by the Inspector regarding repairs or replacement are neither firm estimates, nor bids, nor costs of cure. Actual repair costs will depend on whether the contractor is qualified (certified, licensed, etc.), what type of materials are used, the method of repair, etc. The Client is advised to contract the services of licensed, qualified repairpersons to review all information conveyed about the property in Inspection Report (including but not limited to systems/components not inspected, inspected with limitations due to inaccessibility, questionably installed, etc.), recommend any necessary modifications and/or corrective measures, and acquire permits on such work as necessary before the end of the inspection contingency period in the sales contract. Client may receive different opinions from other inspectors, insurance adjusters, private or public personnel, tradesmen, contractors or other parties whose interests are different.

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 Ed Sullivan Inspections (913) 438-7474
P.O. Box 12699, Overland Park, KS 66212

After the inspection but prior to closing, Client is advised to check with insurance carrier and/or lending institution to ensure the Property conforms to their standards and guidelines. These companies may have guidelines which exclude some building materials (Masonite siding products, EIFS, some plastic water supply piping, etc.), or some dated systems (knob and tube wiring, aluminum branch circuitry, service entries rated under 100 amps, etc.), or some installation methods (installing composition roofing over wood shingles, etc.). Older properties were not constructed with materials and/or methods the same as new buildings. Client should be aware that some municipalities require a system to be completely up-dated to current building codes if portions of a system require repairs. Client should examine the Property just prior to closing as failures, defects and concerns can occur between inspection and closing. Client is advised to obtain a home warranty/buyer protection plan to help protect from future mechanical failures and other concerns. Client can also obtain additional information through disclosures from past owners of the Property, repair bids and receipts, Realtors, county records, building permits, appraisers, mortgage companies, title companies, insurance companies, etc.

Plumbing System

Water lines: Copper • Galvanized • Plastic Waste & Vent lines: • Lead • Copper • Galvanized • Plastic • Cast Iron
 Gas lines: • Black Iron • Galvanized • Copper • CSST • Rust Present
 Location of main water shut off: SOUTHEAST BASEMENT CORNER.
 Location of main gas shut off: NOT PRESENT ON GALLIE
 Water pressure measured at hose bibb: _____ PSI: 30 • Install/Adjust Reducing Valve
☒ Reducing Valve Provided ☒ Expansion Tank Provided • Insulation and/or Heat Tape on Supply Lines
☒ Limited Access: EXTENSIVELY FINISHED OFF LOWER LEVEL, NO ACCESS TO DRAINS.
☒ Gas Supply: _____

☐ Water lines: LOOSE EXTERIOR REAR YARD PUMP, APPARENTLY SHUT DOWN. SOME LOW WATER PRESSURE (HALF BATH SINK, FOR EXAMPLE).

☒ Waste lines: • Questionable Slopes • Concealed Clean-outs • ABS Glued to PVC

☐ Sinks: IMPROPER FLEX DRAIN UNDER HALF BATH SINK.

☐ Toilets:
 • Loose Bowls/Tanks:
 • Flush-Fill Valves Issues:

☐ Bathtubs:

☐ Showers:
 • Poor Grout/Caulk:
 • Moisture Detected:
 • Cracked Pan:

WATER HEATER: • Gas • Electric • Tankless Number of units: ONE Capacity: 75 (Gallons)

☒ Draft hood/flue: • Rust • Damage/Holes • Horizontal • Backdrafting • Disconnected/ Loose • Orphaned
 • Gaps at Chimney/Flue Connection • Combustion Air Issues • Contact/Too Close to Flammables

☐ Pressure relief valve: • Leaks • Pinned • Missing Extension Pipe • Improper Extension Pipe

☐ Other concerns: • Reversed Supply Lines • Drain Valve Leaks • Shut-Off Valve Issues • Set on High • Broken Control
 • Rust/Corrosion • Combustible Near Unit • Insulated • Missing Cover • Unstable • Garage Location • Gurgling

- Loose water lines, waste lines, gas lines, faucets, fixtures, etc. and/or water hammer noted.
- Dissimilar Metal Contact • Hot and Cold Supply in Contact • Supply Lines Run through Ductwork
- Evidence of past leakage, rust/corrosion at water lines, waste lines, connections, shut-off valves, fixtures, water heater, etc.
- Stains/damage/patching on ceilings, walls, cabinets, sub flooring by plumbing fixtures, which tested negative for moisture.
- Missing Dielectric Unions • Missing Shut-Off Components • Hose Bibbs/Handles Leak • Abandoned Supplies/Drains
- ☒ • Exposed water supply lines ← GARAGE (ICE-MAKER LINE).
- Sewer Odor • Slab Drain Clean-out Plug Missing • Drain/Vent Issues • Slow/Gurgling Drains
- Whirlpool bathtub: • No Access Panel • Clean Jets/Piping • Operating Control Issues • Star Jet Valves Present
- Sinks/Tubs/Shower Stalls: • Marred Surface • Stopper Issues • Cross Connections • Door Issues
- ☒ • Faucets: • Dripping • Low Pressure • Reversed Sides • Loose/Missing Components
- ☒ • Maintain grout/caulk/seal around countertops, sinks, tubs, showers, stalls, flooring (next to fixtures), etc.
- Gas Supply: • Missing Drip Leg • Cap Open End Piping • Missing CSST Bond

Remarks: _____

PLUMBING INSPECTION: Inspection of the plumbing system is to determine if visible and readily accessible components of the system are leaking or pose a danger to persons or property.

WATER PRESSURE: A water pressure reading is taken at exterior hose bibbs, provided the gauge can easily fit on the bibbs without hindrance from siding, ground, bibb alterations, etc. When water is supplied by a public system, water pressure should range from 50 to 80 PSI. If pressure is too low, supply line restriction, small sized supply lines or area use at the time may be the cause. If the pressure is too high, components may experience wear at a faster rate. A pressure reducing valve can be installed (or adjusted if already present) to regulate the pressure. It is normal to have fluctuation in pressure when several fixtures are operated simultaneously. Installing an expansion tank will absorb expansion and maintain a balanced pressure throughout the system. Expansion tanks can also prevent plumbing and water heater damage and unnecessary relief valve discharge caused by pressure from thermal expansion.

WATER SHUT OFF VALVES: The main water shut off valve is identified in this report. Individual shut off valves may be located near plumbing fixtures so a specific fixture may be shut down for service without shutting off water to the entire building. It is advised to install individual shut off valves near plumbing fixtures (sinks, toilets, ice-maker lines, etc.) if not already present. Although not tested during the inspection, stiff operating or rusted/corroded shut off valves and those with loose or missing handles, etc. should be repaired or replaced as needed. Saddle fittings (supply line taps) should not be used. Commonly found at humidifiers, ice-makers, etc., if they are not rusted or leaking, they soon will be and should be replaced with approved shut off valves.

GAS SUPPLY PIPING: Gas supply lines should be made of rigid black iron or approved flexible steel piping used with approved fittings. Plumbers dope (not Teflon tape) should be used with threaded fittings. The use of copper (especially soft copper), galvanized and unapproved flexible piping and fittings is considered unsafe. Some suppliers and contractors will refuse to install or repair an appliance if soft copper supply is in use. It is advised to remove or replace soft copper supply lines. Although soft copper supply is almost always found with the use of LP gas tanks (running underground from the tank to the house), caution should be taken when digging, planting, etc. The inspector uses a TIF 8800 to detect gas supply leaks. The utility company, plumbers and other contractors may use other equipment and methods to search for leaks. Each gas appliance requires a shut off valve within six feet (and in the same room). All open-ended, unused or abandoned supply lines should be properly capped and shut down. Corrugated stainless steel tubing (CSST) used for gas piping is required by manufacturers and some jurisdictions to be bonded to the electrical service grounding electrode with a #6 AWG copper wire. This can be achieved at the gas supply point of entry, at the gas manifold (if present), or at individual CSST connections. CSST should be installed only by contractors who have successfully completed a training program offered by CSST manufacturer. Although seldom found, it is advised to bond hot and cold water lines and steel gas piping systems together at the water heater. Gas lines are not allowed in ductwork, clothes chutes, etc. CSST is also addressed on the back of page 8.

WATER SUPPLY PIPING: Copper and PEX (plastic) are currently the approved materials for water supply piping. Galvanized piping rusts from the inside out and become restricted over time. Copper and galvanized steel are dissimilar metals that undergo a galvanic reaction when in contact with each other, resulting in rusting and eventual leaking. When the two are connected, a special dielectric union should be used. Galvanized piping is considered antiquated and should be replaced when economically feasible. Copper piping should not be in contact with steel ductwork, and only plastic or copper support hangers are necessary. Hot and cold supply lines should not contact each other, nor run through ductwork. Fixtures should have hot on the left side and cold on the right. PVC plastic piping is prone to cracking, leaking at fittings, etc. Polybutylene (PB) and Polyethylene (PE) piping are no longer approved materials due to leaking. If PVC, PB or PE plastic piping are present, further review by a licensed plumbing contractor is advised.

WASTE LINE (DRAIN) PIPING: Optimally, drain lines should be two inches in diameter at sinks and tubs, up to four inches at main drain stacks. Smaller lines may result in slow drains. Larger diameter piping should not drain into smaller diameter piping. Drains should have no sagging sections, properly supported about every four feet (plastic hangers for plastic lines), and should be sloped downhill (approximately 1/4 inch per foot). No improper drilled line taps should be present in drains/vents (such as drain taps from water conditioning equipment or condensate lines). PVC (white or gray) piping should not be glued to ABS (black) piping as they expand and contract differently and will leak. Anytime different drain piping materials come together, a banded coupling should be used. Laundry drains should be two-inch standpipe, 18" to 30" tall above trap. Unapproved flexible materials, S-traps, improperly installed air admittance valves, and other concerns should be addressed by a licensed plumbing contractor. The main sewer cleanout should be accessible (inside or outside the building), and all vertical drain stacks should have accessible cleanouts (not concealed by sheetrock, paneling, etc.). Cast Iron and Orangeburg drains are considered antiquated and should be replaced when economically feasible.

WATER HAMMER: Pipe knock, rattle or water hammer indicates too much air trapped in the lines, absence of enough air, absence of air chambers, or improperly secured piping. Simply draining the system may alleviate this occurrence.

HOSE BIBBS: Exterior hose bibbs (faucets) are not always tested (frigid weather), and interior bibbs are never tested. Exterior bibbs (if not freeze-proof) should be shut down from the inside, and all bibbs should have hoses removed during cold weather to prevent freezing. Hose bibbs can begin leaking at any time and their repair is considered common maintenance. Older bibbs should be replaced with new (with vacuum breakers) to prevent cross connections.

CROSS CONNECTIONS: A cross connection is a physical connection from clean potable water (from a faucet, hose, etc.) to a non-potable water source (tub, drain, etc.) causing possible contamination. Dirty, contaminated water cannot meet a clean water supply. For example, a faucet set too low in a bathtub or a shower wand that dangles in a tub of dirty water. Cross connections can be found in a number of locations (kitchen faucet sprayers, whirlpool tubs, older toilet fill valves, etc.). Anti-flow back or back-flow prevention devices should be installed on irrigation systems, vacuum breakers on hose bibbs, and dual check valves installed on interior main lines so that water may flow in only one direction. Discharge hoses (a/c condensate lines, water conditioning hoses, etc.) should not run directly into floor drains. There should be at least a one-inch air gap above the spillover point.

EVIDENCE OF PAST LEAKAGE: Stains and patching on walls and ceilings, stains on flooring, framing and cabinets, rust and corrosion at fixtures and components, supply and drain piping, etc. are all signs of past leakage. Cast iron drains with self-sealed (calcium, corrosion, rust) old pinholes or patched/wiped lead waste lines also indicate past leakage. Although these components are considered functional without leaking, rusted components should be serviced or replaced before future failures occur. Newer drain cleanout caps and water stains around floor drains indicate previous drain and sewer concerns which may require future repairs. Older buildings with older drain material and buildings with signs of past drain and sewer concerns are good candidates for drain scoping to check for blockage, breaks, leaks, etc. When plumbing in a structure is updated, the old drains, vents and supply lines are sometimes left in place and not disconnected. Concerns with abandoned plumbing include drains and vents still connected to sewer lines (which may release toxic gases). Abandoned lines should be properly capped or removed. Marred fixtures (tubs, shower enclosures, sinks, toilets, etc.) will eventually rust and/or start leaking and should be repaired or replaced.

SHOWER STALLS/DOORS/PANS: Most shower doors will leak if sprayed directly. All shower pans should be free from cracks and have proper drain in connections. Suspect pans should have a 24-hour pan test (leave standing water in a plugged pan for 24 hrs.) to ensure against leakage. Tile walls are part of the enclosure which holds and drains water. It is important to keep moisture from getting to sheetrock behind the shower walls as it tends to cause moisture damage, deterioration, mold, etc. Wall tile must be well grouted and caulked. Unprofessional repairs (poor grout/caulk, uneven and bowed tiles, wood window/trim present, etc.) are checked with a moisture detector. If no moisture is detected at time of inspection, client should monitor tile; grout/caulk/repair as needed. All horizontal surfaces should slope toward drain. Doors should have a minimum of 22" opening.

WATER HEATERS: Units fueled by LP or natural gas units installed in garages should be a minimum of 18" off the floor. Insulated water heater jackets may void manufacturer's warranty (because they cover warnings, instructions, access panels, etc.). Flammables (paints, cleaners, gasoline, etc.) should be stored away from water heaters (as well as all gas appliances). Flammable Vapor Ignition Resistant (FVIR) units have a one-way intake valve and a flame arrestor plate with a sealed combustion chamber. Inspection of these units is limited. Expansion tanks should also be installed between the cold water shut off valve and the tank with these units. Plastic water lines and connectors, pipe insulation and any flammable material should not be installed within 6" of a flue pipe or diverter. A pressure relief valve is a safety feature that allows excess pressure to be released. An extension pipe, 1/4 inch diameter, running from the valve to within 4 to 6 inches of the floor without angles should be present. PVC piping should not be used for relief valve discharge piping. The approved material is CPVC or metal piping (without threaded bottom ends). Water heaters may gurgle or rumble due to sediment and sludge built up at bottom of tank, which can be removed with periodic draining. "Orphaned" refers to a water heater that has been left alone (without a furnace) to vent through a masonry chimney. The chimney flue must be properly lined and sized for the orphaned appliance with a stainless steel liner. Shut off valve should be present on cold water side only (for servicing). A shut off valve on the hot water side can lead to isolating the tank (causing damage).

TUBS/WHIRLPOOL TUBS: Client is advised to read the owners manual prior to operating the tub. All whirlpool tubs should have some type of removable panel for inspection and service, and all should be GFCI protected. Inspection of these tubs is limited due to insulation, framing, small access hatches, piping configurations, etc. Tubs are filled and inspected for functional flow and drainage, and the inspector is looking for obvious leaking. Foreign matter flowing from tub jets indicate a need for cleaning. Controls which are stuck or stiff operating require service. Some tubs have star-configuration jet valves which bather's hair can get caught in, resulting in personal injury or drowning. Client is advised to have these valves serviced or replaced, install an updated bathtub, or at the very least, use caution when bathing. Sunken tubs or steps in front of tubs can create slip hazards.

Electrical System

Type of service entry: • Overhead Underground • Breakers • Fuses

Overload protection provided by: Provided • Not Provided

Main disconnect: Provided • Not Provided

Location of main panel/main disconnect: NORTH BASEMENT WALL

Location of sub-panels: _____

Approximate amperage: 200 120/240 Volts

Branch circuitry: Copper • Aluminum

Main panel expansion futures: • Provided • Not Provided

☐ Service entry wiring too low, frayed, run through trees, contact obstructions, or otherwise appear improper.

☐ Inadequately secured: • Service Entry • Meter • Mast/Weather-Head • Loose Conduit/Exposed Entry • Gaps Around Meter

☐ Limited ~~access~~ access to inspect panels due to: • Belongings Walling • Painted/Sealed Cover • Improper Clearance

☐ Panel box: • Missing/Removed Cover • Loose • Missing Knock-outs • Questionable Location • Antiquated Panel

☐ • Missing/Incomplete Index • Evidence of Moisture • Missing Wire Connectors • Missing/Improper Cover Screws

☐ Visible system grounding: • Disconnected • Corroded • Loose • Missing • Hidden from View

☐ Panel bond: • Missing • Improper • Unable to Determine Presence

☐ Wiring/insulation: • Scorched/Discolored • Loose/Disconnected • Spliced Main • Multiple Tapped Neutrals

☒ • Worn/Missing/Over-cropped Sheathing • Branch Circuit Splices

☐ Sub-panel ground wires should be isolated from neutral wires on a different buss bar, and neutral bond not installed.

☐ Terminals/breakers: • Broken/Chipped • Loose • Scorched • Rusty/Corroded • Missing Connector Bar ONE Shut Down

☒ • Mismatched to Panel • Insufficient Main Disconnect LOUVER RIGHT SIDE

☒ Aluminum branch circuitry present.

☐ Multiple tapped circuits present: • Main Lugs • High AMP • Low AMP • Mixed Metals

☒ Overfusing of circuits present: 14 AWG PROTECTED BY RIGHT SIDE 20 AMP BREAKER, ETC.

☐ Underfusing of circuits present: _____

☐ GFCI not working properly/missing: _____

☒ AFCI not working properly: _____

☒ Whole house fan: • Inoperable • Noisy • Worn Fan Belt • Louvers Stick/Do Not Completely Open • Covered

☒ Ceiling fans: • Inoperable • Noisy • Reverse Inoperable • Wobbly • Operate on Dimmer

☐ Exhaust fans: • Inoperable • Noisy • Missing • Dirty/Clogged • Vent into Attic/Next to Decking • Not vented to Exterior

☐ Encase open electrical splices, open junction boxes, open-end wires as needed: _____

☐ Outlets show reversed polarity: _____

☐ Three prong outlets show open ground (ungrounded): _____

☐ Other Concerns: _____

• Antiquated components present: • 2-prong outlets • Service • Wiring • Low voltage lighting system _____

• Smoke & C/O detector(s): • Missing • Inoperable • Unit Chirps • Other Issues _____

• Main doorbell/button: • Loose • Cracked • Inoperable _____

• Unprotected wiring (not in conduit): _____

• Loose/missing fixture or switch parts/rheostat issues/light switch not 3 (or 4) way _____

• Update older two-prong or three-prong outlets located near water sources by installing GFCI circuitry.

• Questionable installation or missing light fixture/switch _____

• Altered light switches/outlets (protector caps, tape, paint, etc) _____

• Light fixtures dim, flicker, noisy, etc. _____

• Replace missing, broken or improper light switch or outlet covers as needed.

• Secure loose wiring, light fixtures, light switches and outlets as needed.

• Light bulbs missing or appear burned out; unable to test some light fixtures.

• The absence of enough outlets and/or lighting may encourage excessive use of extension cords.

Remarks: _____

ELECTRICAL INSPECTION: Telephone and TV cables/devices, electronic and/or computerized management systems are not within the scope of the inspection as they are not part of the primary electrical system. Inspector will not determine the adequacy of panel box indexing or trace circuitry, dismantle fixtures, devices or electrical connections, or replace apparent burned out light bulbs. Light switches which apparently have no purpose may be dummies, may operate all or part of an outlet, be connected to a concealed junction box in a ceiling/wall, or may be present for future lighting installation at a ceiling fan.

PANEL BOXES/MAIN DISCONNECTS: The main disconnect is not tripped during an inspection as it would disrupt clocks, timers, computers, and can damage some motors and compressors. Client is advised to trip main to ensure it operates properly after closing. When a fuse system is present, the two main fuses should be the same size. Fuses should not be replaced with brass or copper tubes. Excluding some older structures built under old code requirements, all panel boxes should have a main disconnect (or no more than six breakers can be used to disconnect all service conductors). Panel boxes should be properly labeled (or indexed). Covers should be secured to panels with blunt end screws so they do not penetrate interior wires. If there are gaps between breakers in a panel box, this safety hazard can be remedied by installing plastic knockout caps over the gaps. Panel boxes should not be installed under drain or water lines, in kitchens, bathrooms or clothes closets, nor should they have belongings placed in front of them. Although any panel box can have issues, older boxes, especially Challenger, Federal Electric, Bulldog, ITE Pushmatic, Federal Pacific, Zinsco and Zinsco-type Sylvania are no longer used due to manufacturer problems and should be replaced. Square D Homeline panel boxes have also had some concerns. There is a recall of counterfeit Square D breakers, GFCI breakers and AFCI breakers. If these panel boxes and/or breakers are present, consult a licensed electrician. Double pole breakers should not be used as two single pole breakers. White wires should not be connected to single pole breakers. Wires should not cross a buss bar. A bond strap should be present in every main panel to connect neutral/grounding bar to panel frames. Only the ground bar in a sub-panel (including A/C disconnect box) should be bonded to the panel box.

BREAKERS/FUSES: A panel box contains either breakers or fuses to protect individual circuits from overload. It is important that the capacity of a breaker/fuse be properly matched with the current carrying capacity of a wire. For example, a copper 12 AWG (American Wire Gauge) wire should be protected by a 20 AMP breaker/fuse. Overfusing is when a breaker/fuse is too large allowing the wire to become too hot and possibly cause a fire. Underfusing means that the breaker/fuse is too small potentially causing a nuisance trip or a blown fuse.

GROUNDING: The system ground (wire) must be in tact, securely clamped to a rod driven into the earth and/or running to the main water inlet pipe. Some older structures have jumper ground cables connected to an interior water pipe near the main panel, and again at the inlet pipe. Loose, rusted and corroded clamps and jumper grounds should be repaired. In some cases, the ground may be missing or improper due to the main disconnect being relocated, or electrical or plumbing rearrangement. A jumper ground is improper if an old pipe is replaced with plastic piping running to the inlet pipe. In some cases, it is impossible to trace the ground (because of drywall installation, for example). Client should be aware that metal siding, cable, TV and phone connections require grounding.

ANTIQUATED SYSTEMS: Service entrance ratings under 100 amps, aluminum branch circuitry, knob and tube wiring, low voltage lighting systems, and old two or multiple pronged ungrounded outlets are considered antiquated. Although they may have been considered standard at the time of construction, it is recommended they be replaced or upgraded whenever feasible to meet modern day needs. In some cases a 200 AMP system maybe inadequate for buildings with electric tankless water heaters.

ALUMINUM WIRING: Commonly used in the 1960's and 1970's, aluminum wiring has a number of concerns associated with it. Because of its inability to conduct electricity as well as copper wiring, larger gauge wire sizes were used per amperage load in a circuit. Screw heads at electrical connectors were not enlarged accordingly. Aluminum wiring heats up as electricity passes through it and tends to expand and contract more than copper, leading to wires creeping from under the terminal screws. Aluminum wiring tends to rust and oxidize, forming a coating that leads to higher resistance and overheating. Aluminum is softer than copper and can easily be nicked during installation developing poor connections. During installation, if an aluminum wire is stapled too tightly to a framing member (possibly nicking the wire), a swelling of the wire (carbuncle) can form which cannot be detected during a visual inspection. Electrical connector compatibility is one of the biggest concerns associated with aluminum wiring. Wall outlets, switches and protection devices like breakers must be aluminum compatible. Experts will recommend one of three remedies: rewiring with copper, "pig-tailing" copper wires onto the end of aluminum wires, or use of proper connectors and tight connections with periodic inspections by a licensed electrician. Aluminum 240 volt circuits (for dry, A/C range, etc.) should have wiring coated with oxidation paste at breaker connections.

MULTIPLE TAPPING/DOUBLED UP CIRCUITRY: These terms are used when more than one circuit is protected by a single breaker/fuse. This condition can add to the load of the affected circuits causing possible overload and tripping the breakers. Ideally, every circuit should be independently fused.

OUTLETS: All electrical outlets should be properly grounded and tamper resistant. Reversed polarity, hot and ground reversed, open neutral, ungrounded and other terms used for electric outlets are usually corrected by minor wiring adjustments. These conditions can cause damage to appliances and electronics. It is recommended that all outlets and switches located near water sources (kitchens, bathrooms, utility sinks, showers and wet bars) as well as exterior, garage, basement and crawlspace locations be grounded and/or protected by Ground Fault Circuit Interrupt (GFCI). GFCI circuitry can be a single outlet or a string of outlets and lights that are protected by a single outlet or circuit breaker. This device trips the circuit when it senses an imbalance in the electrical current or a potentially hazardous condition. A single GFCI for the outlets in both the kitchen and the bathroom is not allowed. These devices are equipped with manually operated test and reset buttons which should be periodically tested. Although older structures did not have/require tamper resistant interior and weather resistant exterior outlets, they should be installed. Floor outlets and exterior outlets/switches should have protective covers to protect against moisture and debris. Outlets should not be installed directly above kitchen stoves and wall heating units. Kitchen islands and peninsulas require at least one outlet. Alterations to outlets (multiplex add-ons, protector caps, paint, etc.) may lead to overheating. GFCI's installed on ungrounded circuits must be labeled "ungrounded."

GENERAL REQUIREMENTS: Service entry wires running from utility pole to the structure must maintain proper clearances (from flat surfaces, windows, decks, etc.). Circuit breaker panel boxes should have at least two open futures left in them. All electrical fixtures (lighting, outlets, fans, etc.) require connection to properly sized, supported, installed electrical boxes. All electrical boxes (including main and subpanels) require wire fasteners, no missing knockouts, and no over-bundling of wires. All wiring must be properly secured. All electrical connections, splices or open end wires must be enclosed in junction boxes. Although often found, exposed wiring (especially nonmetallic sheathed) should not be installed over/under framing members (attic, basement, garage, etc.) or run along walling, ceilings, cabinets, metal ductwork or plumbing, in exposed walls or ceilings, at exterior of building, or down foundation walls without some type of protection (metal or plastic conduit, for example). Every room including basement, attic, crawlspace and garage (especially if mechanical equipment is present) should have a switch for lighting or outlet. Every staircase (interior and exterior), as well as, exterior entrances should have adequate lighting. Light switches should not be installed behind doors, and stairwells and long hallways require switches (3-way) at each end. Light fixtures should be water resistant and sealed if installed on exterior or above tubs/showers. Light fixtures installed in closets require proper clearances from shelving and belongings (12" for surface mount or 6" for recessed and fluorescent). Recessed light fixtures should be labeled thermally protected and IC (insulation contact) when installed with attic contact. Exhaust fans should discharge to the exterior (although in older structures they discharge into attics). Whirlpool tub motors must be accessible. 240 volt appliances should have four wire 30 amp circuits (4 pronged outlets).

ARC FAULT CIRCUIT INTERRUPTER (AFCI): The National Electric Code (NEC) defines outlets in a room to include all receptacles, light fixtures and smoke detectors. All bedrooms are required to be AFCI protected, reducing unwanted arcing and fires. All outlets in closets, dining rooms and eating areas, living rooms and bonus rooms, hallways and stairwells are to be AFCI protected. AFCI's should be considered in all structures. These are not tested in occupied houses as tripping them would disrupt electronics.

SMOKE DETECTORS/CARBON MONOXIDE DETECTORS: Only a representative number are tested (one per floor). Smoke detectors should be installed on ceilings in bedrooms, hallways outside sleeping areas, on basement ceilings near mechanical equipment, and garages and be interconnected. At least one smoke detector should be installed on each level of the building. Wall mounted units should be within 4" to 12" from the ceiling. Ceiling mounted units should be no closer than 4" from the wall. One carbon monoxide detector should be installed on each floor. Detectors should be tested regularly and batteries changed to ensure they are functioning properly.

Type of system(s): • Gas • Electric • Forced Air • Gravity • Electric Heat Pump • Room/Space Heater • Boiler

Other: GEOTHERMAL SYSTEM.

- Unable to properly inspect: • Restricted Access • Shut Down/No Response • Exterior Temperature Too High
- ☐ Exterior: • Rust/Corrosion/Damage • Contaminated Air Space • Combustibles Near Unit
- Compartment Cover Issues • Disconnect Missing/Inoperable/Altered
- ☒ Confined space combustion air provided by: • Return Grates over Holes • Louvers at Doors • Vertical Ducts
- Combustion Air Issues
- ☐ Burner cavity: • Excessive Rust/Corrosion/Scale • Debris on Burners • Visible Cracks/Holes • Scorching/Soot
- ☐ Cycling: • Delayed Combustion • Flame Roll-Out • Odd Flame Pattern/Color • Short Cycles • CO Reading _____ ppm
- ☐ Temperature rise: _____ Too High _____ Low _____
- ☐ Gas leaks/concerns: • Pilot Control • Pilot Valve Tube • Supply Line • Improper Gas Supply
- ☐ Blower assembly: • Dirty • Noisy • Rusty • Worn/Damaged Fan Belt • Standing Water • Open Electrical Splices/Panels
- ☐ Air filter: • Dirty/Damaged/Missing • Improperly Installed • Improperly Sized • Electronic Inoperable/Altered
- ☒ Draft hood/flue: • Water Stains/Rust • Holes/Damaged • Horizontal • Backdrafting • Disconnected/Loose
- Gaps at Chimney Connection • Questionably Vented • Rust at Inducer Fan • Missing Fire-Stop
- Contact/Too Close To Flammables
- ☐ Ductwork: • Rust • Disconnected/Loose • Gaps/Holes • Damaged /Crushed • Vent Cover Issues Minor • Debris
- Exposed
- Restricted • Return Vent Issues
- ☐ Thermostat: • Loose/Not Level • No Response • Questionably Located
- ☐ No heat/cooling source:

Remarks: GEOTHERMAL SYSTEM AND RADIANT SYSTEM PRESENT (ALONG WITH SOLAR SYSTEM, WIND TURBINE, ETC). ADVISE CLIENT CONSULT WITH A QUALIFIED CONTRACTOR SPECIALIZING IN THESE SYSTEMS REGARDING INSPECTION, SERVICE, LIFE SPAN, ETC.

Central Electric Cooling System

- Unable to properly inspect: • Gas Operated • Low Exterior Temperature • Bump Tested • Winterized • No Response
- ☐ Obstructed airflow: • Dirty/Bent Exterior Fins • Damaged Exterior Fins • Trim Back Plants • Dryer Vent Near Unit(s)
- ☐ Exterior: • Not Level • Unstable • Supported by Supply Lines • Has Ground Contact • Damaged Pad • Buried Pad
- Rust • Insulation Missing on Suction Line
- ☐ Exterior disconnect: • Missing • Altered • Damaged/Loose Conduit • Exposed Wiring • Missing Interior Cover
- ☐ Cycling: • Short Cycles • Noisy • Unit/Suction Line Iced Up
- ☐ Temperature drop: _____ Too High: _____ Too Low: _____
- ☐ Condensate Line: • Missing • Past Evidence of Plugged Line • Improper Line • Missing Safety Pan • Pump Present

Remarks:

Built-in Appliances

- ☐ Disposal: • Rust/Corrosion • Noisy • Debris • Inoperable • Leaking • Safety Guard Worn/Damaged
- ☐ Hood/Fan: • Inoperable • Noisy • Dirty • Other
- ☐ Microwave: • Inoperable • Scorching • Handle/Panel Concern • Installation Issues
- ☒ Range: • Electric • Gas • Inoperable Burners • Control Knob Concern • Direct Wired • Missing Anti-tip Bracket
- ☐ Oven: • Electric • Gas • Broiler/Baking Coil Inoperable • Control Knob Concern • Door/Drawer Concern
- ☒ Dishwasher: • Inoperable • Leaking • Door Falls Freely • Worn/Brittle Seals • Not Secured • Noisy
- Debris at Spray Arms/Drain • Soap Dispenser Inoperable • Rust • Questionably Drained • Loose/Missing Components
- ☒ Dryer hookup: • Electric • Gas • Not Vented • Vent Cover Issues • Improperly Vented • Dirty/Clogged Vent

Remarks: DISHWASHER WAS RUN JUST PRIOR TO INSPECTION. UNABLE TO GET SEWE TOP TO OPERATE. UNABLE TO DETERMINE IF NORTH SIDE EXHAUST VENT COVER GOES TO DRAIN, IT IS SCREWED/CLOGGED. CENTRAL VAC SYSTEM NOT INSPECTED.

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Ed Sullivan Inspections (913) 438-7474
P.O. Box 12699, Overland Park, KS 66212

Foundation/Structural Frame

Type of foundation: ☒ Poured Concrete • Block • Brick • Stone • Slab ☒ Basement • Crawlspace

- ☒ Exterior foundation inspection limited: • High Ground Level • High Ground Cover (Mulch, rock, etc.) • Plant Growth • Decks • Insulation • Belongings/Debris
- ☒ Crawlspace observed from _____ Limited or Inaccessible Due to: • No Access Found • Opening Size • Height • Moisture • Debris/Belongings • Insulation • Moisture Retarder • Ductwork • Mechanical Equipment • Evidence of Animal/Pest Infestation
- ☒ Access to basement ^{VERY} limited due to: • Belongings • Insulation • Moisture Retarder EXTENSIVELY Finished • Shelving • Ductwork GEOTHERMAL SYSTEM, WATER HEATER, ETC.
- ☐ Moisture penetration noted: • Basement • Lower Living Areas • Crawlspace
- ☐ Type of moisture: • Staining/Efflorescence • Wet/Damp • Standing Water • Dehumidifier or Fan Present
- ☒ Crawlspace: • Remove Wood/Debris • Improve Ventilation
- ☒ Crawlspace Insulation: • Missing • Hanging • Spray-On • Missing Moisture Retarder
- ☐ Foundation wall cracks appear: • Typical • Atypical • Noticeable Bowing • Loose Mortar/Masonry • Chipped Concrete • Unprotected Soils • Daylight Noted CRACKING (NORTH AND SOUTH SIDES, FOR EXAMPLE)
- ☐ Foundation slab cracks appear: • Typical • Expansive • Displaced
- ☐ Support Posts, Columns: • Cracking • Loose • Rust • Questionable Installation
- ☐ Frame: • Damage/Cracked Joists • Damage Sill Plate • Improperly Cut/Notched Joists • Damage Subflooring
- ☐ Past repairs noted: • Foundation Patching • Additional Bracing/Support

SUBTERRANEAN MOISTURE: ☒ Sump with Pump • Sump without Pump • No Sump

- ☒ Sump pump: • Sealed/Stuck Cover • Internal Control • Discharges Underground • Uncovered • Rust • Extend Discharge • Inoperable • Discharges into Waste Line • Leaks • Plugged into GFCI • Piping Issues

Remarks: BELONGINGS/SHELVING OVER SUMP PUMP COVER

Garage

- ☒ Access limited due to: ☒ Finished Walls/Ceiling • ☒ Belongings • Insulation • ☒ Shelving • Peg Board
- ☐ Slab: ☒ Cracking • Spalling • Displacement • Settlement • Evidence of Moisture Penetration
- ☐ Walls/Ceiling: • Gaps/Holes/Missing Sections • Damage • Open Framing • Plywood Hatch/Patch Present
- ☐ Doors: • Hollow Core • Altered • Holes/Damage ☒ Gaps
- ☐ Overhead Doors: • Damage/Deterioration • Bent/Crushed ☒ Gaps • Dented • Sagging at Header Beam
- ☐ Door Operators: • One Operator On Two Doors • Safety Reverse Operates Improperly • Door Shakes • Inoperable • Unit Will Not Stay Open/Closed • Disconnected
- ☐ Safety sensors: • Operation Issues • Questionably Installed
- ☐ Rails: • Loose • Bent/Damage • Support Boards Show Movement • Clearance Issues from Step/Door
- ☐ Hardware/wheels: • Missing • Loose • Bent/Damage • Noisy • Loose/Missing Nuts and Bolts • Altered • Rust
- ☐ Safety springs/cables: • Rust • Sprung • Disconnected
- ☐ Other: ☒ Exposed Plumbing • Exposed Ductwork • Gas Appliances • Slab Drain • HVAC Vent
- ☒ Remove garage door pull ropes (if opener is /or to be installed) for child safety reasons.

Remarks: MINOR GAP AT FIRE DOOR

EXTERIOR: Wood • Asbestos • Vinyl • Metal • Fiber Board • Brick • Stucco • Stone • Block • EIFS • Other
 Inspection limited or no access: NO ACCESS TO EXPOSED HOUSE WRAP UNDER WOOD SLATS
 (THROUGHOUT) ADJACENT TO STRUCTURE WITH METAL FRAMING. NO ACCESS TO
 VIEW FRONT BALCONY FRAMING.

- ☐ Siding/trim: • Clearance Issues • Damage • Loose/Bowed • Missing • Holes/Gaps • Chipped/Broken
- ☒ Missing Flashings: • Above horizontal wood trim • Gutter kick-out
- ☐ Paint/Caulk: • Bare Wood • Bubbled/Blistered Paint • Damaged/Missing Caulk • Damaged/Missing Glazing
- ☒ Masonry and stucco: • Cracks • Spalling • Loose or Missing Sections • Damage • Holes/Gaps • Bowing
- ☒ Columns/supports: • Damage • Loose • Leaning • Bowed • Cracks • Unable to verify Footings
- ☐ Stairs: • Cracks • Damage • Loose • Missing • Settlement • Riser/Tread Issues • Support Issues • Shaky
- ☐ Railings/Balusters/Newels: • Damage • Loose • Missing • Improper • Rust
- ☐ Decks/balconies: • Damage • Joist Hanger Issues • Loose • Shaky • Bolting Issues • Settled • Warping
- Exposed/Loose Fasteners • Straddled Beams • Framing Size Issues
- ☐ Retaining walls: • Damage • Leaning/Bowed/Unstable • Cracks • Loose Sections • Missing Weep Holes • CARPEN STONES
- ☐ Window wells: • Loose/Damaged Covers • Debris/Plant Growth • Loose Sections/Gaps • Tops Near Ground Level
- Cracked • Deep Well Missing Cover • Ladder • Install Prior to Grade Repairs • Ground Level Crawl Space Vent
- ☐ Flatwork: • Cavitation • Spalled/Cracked • Loose/Uneven Sections • Displaced/Trip Hazards • Settled
- Directs Water toward Structure • DRIVEWAY AND SOUTH WALK
- Seal Gap/Joint at Structure • Evidence of Ponding Water
- ☐ Gutters/downspouts: • Covered (leaf guards) • Debris/Standing Water • Ice/Snow • Rust • Bent/Crushed Sections
- Holes • Secure/Adjust Slopes • Seal Seams • Extend Downspouts • Sections Missing • Missing Valley Diverters
- ☐ Maintain proper earth grade/improve drainage around foundation: • SOUTH SIDE

Remarks: WOOD DAMAGE PRESENT AT SOUTH ENTRY DOOR THRU. SOME RUSTING NOTED
 ON METAL FRAMING (ALSO CORNER, FOR EXAMPLE). DUE TO SETTLEMENT OF SOUTH WALK
 WHICH DIRECTS WATER TOWARD STRUCTURE, CAVITATION WILL EXIST. DRIVEWAY
 HAS A SLAB DRAIN PRECIPITATED BY GARAGE DOOR. SLAB DRAIN HAS LOOSE METAL
 GRATES, DISCHARGING WATER AT EACH END. MOST DOWNSPOUTS DISCHARGE
 UNDERGROUND. ONE NORTH SIDE DOWNSPOUT DRAIN BOX IS MISSING A COVER.
 SOUTHWEST DOWNSPOUT DISCHARGES INTO A WATER COLLECTION SYSTEM. WATER
 RUNS DOWN EXTERIOR HOUSE WRAP ONTO FOUNDATION WALLS.

INTERIOR: Sheetrock • Plaster • Paneling • Wood • Brick • Stone • Other
 Main floor structure: EXPOSED Main wall structure: UNSEEN Main ceiling structure: UNSEEN

- ☐ Walls/ceilings: • Cracking • Nail Pops • Missing Drywall behind Paneling • Bowed • Loose Sections
- Patched/Repaired Sections • Damage/Holes • Stains • FRONT GARAGE WALLS
- ☐ Stairs: • Cracks/Damage • Loose Carpet/Treads • Settlement • Poor Lighting • Low Headroom/Clearance
- Landing Issues • Riser/Tread Issues • Support Concerns
- ☐ Railings/Balusters/Newels: • Damage • Loose • Missing • Improper
- ☐ Flooring: • Damage • Loose/Noisy • Humps/Settlement Noted • Deflection/Bounce • Unlevel Surfaces • Stains
- ☐ Doors: • Holes/Damage/Rust • Missing • Hardware Concerns • Water Penetration Stains • Daylight • Operation Issues
- MINOR AT SOUTH ENTRY DOOR.

- ☐ Windows: • Worn/Missing Screens • Storms Improperly Caulked • Damage • Hardware Concerns
- Cracked/Broken Panes • Stuck/Stiff Operation • Sashes Fall Freely • Water Penetration Stains
- MISSING WINDOW HARDWARE (FAMILY ROOM, ETC.)

- ☐ Thermal Pane Windows: • Soiled • Broken Seals

- ☐ Cabinets/drawers: • Damage/Warped • Loose/Missing Components • Loose/Damaged Countertops • Operation Issues

Remarks: UNLEVEL FLOOR SURFACE AT KITCHEN TILE. SOME WINDOWS MAY NOT BE
 FULLY OPENED DUE TO SIDING (1/2 BATH, ETC.). UNABLE TO DETERMINE IF ALL
 GLASS IS "SAFETY GLASS" (BALCONY, FROSTED STAIRWAY GLASS, LOFT, ETC.).

Roof System

Main roof material: • Composition • Rolled • Wood • Shake • Shingle • Flat Sloped • Shallow Pitched

Other: METAL ROOFING PRESENT

Roof observed from: • Ground with Binoculars Ladder at Eaves • Portions of the Roof

Number of visible roof layers present: ONE Inaccessible areas: WOOD SLATS COMPLETELY COVER METAL ROOF, SOLAR PANELS PRESENT ON SOUTH SIDE ROOF.

Ventilation: • Passive Roof • Soffit • Turbine • Gable • Ridge • Cupola • Mechanical Fan (not inspected) • Eave • Other

Vents Obstructed: • Attic Framing/Decking • Dirt/ Debris • Insulation • Exhaust Vent Tubing • Other

☒ Attic: • Improve Ventilation • Worn/Missing Vent Screens • Screen Vents/Seal Gaps • Soffit Baffles Missing/Improper

Attic observation: • Viewed from Opening • Partially Traversed Attic

• Hatch Sealed/Painted • Area Not Accessed

* Attic inspection inaccessible or limited due to: • Belongings • Shelving • Access Opening Size • Headroom • Finished Area

• Insulation • Ductwork • Evidence of Animal Infestation • Multi-leveled Attic • Loose/Thin Flooring/Boards

• Mechanical Equipment • Debris • Tarps/Plastic Sheeting

☐ Attic entrance: • Loose/Missing/Damaged Hatch/Framing • Damaged/Shaky Ladder • Entrance above a Stairwell

☐ Attic: No access found • Indirect Daylight DUE TO DESIGN.

Insulation: • Blanket • Loose Fill • Other Approx. inches • Vapor Barrier Provided

☒ Insulation: • Insulation Missing/Not Level • Insulation Improperly Installed • Insufficient Levels

☒ Framing: • Conventional (rafters, joists, purlins, collar ties) • Truss System • Structure

• Damaged/Cracked Framing • Deflected Ridge Beam/Members • Rafters Pulling From Ridge Beam

• Damaged/Delaminated/Spongy Decking

☒ Roof covering: • Typical Cracking /Splitting • Typical De-granulation • Brittle Material • Broken • Bubbled • Cupped

• Curled • Exposed Felt Paper • Face Nailed Fungus/Moss Growth • Holes • Loose Loosened Fasteners • Missing

• Lifted Sections • Sagging/Bowing • Trees too Close/Contacting Roof • Unsealed/Exposed Fasteners • Pock Marks

• Weathered/Damaged • Remove Debris (limbs, leaves, walk boards, etc.) • Exposed Fiberglass • Woven Shingle Valleys

☐ Installation: • Composition Installed Over Wood • No Felt Paper Underlayment

☒ Roof Projection Issues (Rust, Dents, Damage, Loose, Split Sealant, etc.): • Air Vents • Chimney • Eaves

• Roof-Wall Intersections • Flue Vent(s) • Plumbing Vents • Skylights • Valleys • Electrical Mast

• Missing Soffit Flashing/Animal Stops

☐ Moisture staining noted • Soffits/Fascia/Eaves • Garage • Living Areas • Attic • Other

☐ Past repairs noted • Replacement Sections • Different Material • Improper Face Nailing

• Sealant/Caulking

☐ Roof appears to be nearing the end of its useful/economic life, requiring replacement

Remarks: NO ACCESS TO INSPECT METAL ROOF DUE TO SOLAR PANELS MOUNTED TO SOUTH SIDE, AND WET/THIN WOOD SLATS COVERING THE REST OF ROOF. NO ACCESS TO PLUMBING VENTS. SOME LOOSE FASTENERS ON WOOD SLATS.

Chimney: • Masonry • Wood • Metal Piping • Other

Flue type: • Tile • Metal • Other

Flue observed from: • Top • Fireplace

✦ Limited Chimney/Flue Access: • Plant/Vine Growth • Height • Roof Type/Pitch • Creosote/Soot • Design • Gas Logs
• Insert/Stove • Venting for Gas Appliances • Secured Cap • Top Sealing Damper • Cobwebs/Debris • Offsets

☐ Chimney: • Damage • Cracks • Spalling • Loose Components • Missing Mortar • Swaying • Gaps at Siding Joints
• Questionable Height • Adjacent to Combustibles • Exposed Flue in Attic • Missing Cricket • Fungus/Discoloration
• Flashing Issues • Clean-out Issues

☐ Wash/Crown/Chase-top: • Cracks • Rust • Ponding Water Evidence • Missing Chimney Caps • Rust at Caps
• Cap Screening Issues • Storm Collar Sealant Issues

☐ Flue liner: • Sections Missing • Cracks • Gaps at Mortar Joints • Voids at Base • Shifted Tiles • Missing Parging
• Bent/Crushed • Loose/Disconnected • Soot/Creosote Build-Up • Cob Webs/Debris • Moisture

☐ Utility (venting) chimney/flue issues

Remarks: NOT PRESENT

Fireplace

Fireplace: • Masonry • Insert • Metal Walls/Heat-Tubes • Prefabricated • Direct Vent • Stove ELECTRIC

✦ Limited Access: • Design • Gas Logs • Insert • Debris • Belongings

☒ Firebox: • Cracks/Missing Mortar • Loose Components • Bowing • Gas Log Issues • Grate Issues • Ash Dump Issues
• Evidence of Moisture • Rust • Screen/Door Issues • Voids Around Opening/Lintel • Blower Did Not Respond

☒ Flue damper: • Blocked • Inoperable • Missing • Stiff Operating • Falls Freely • Other Issues

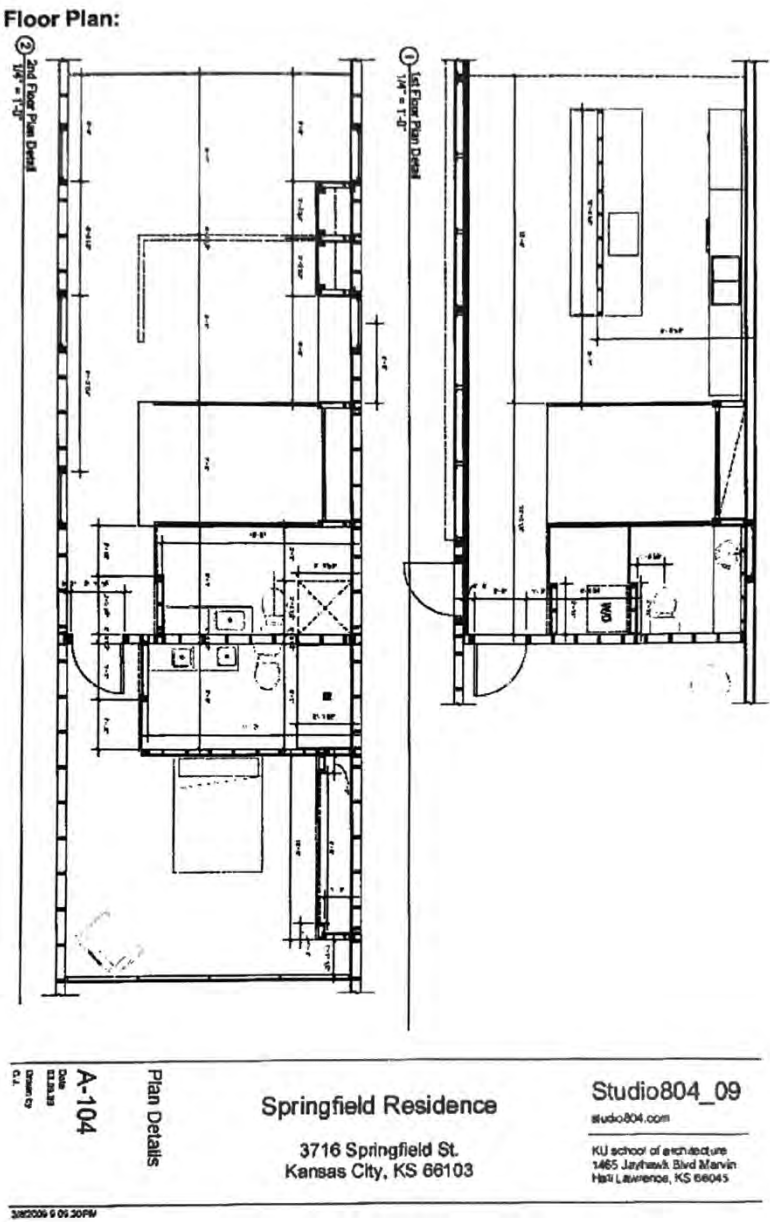
☒ Gas: • Capped • Valve Issues • Open Ended Pipe • Shut Down • Ignition Issues • Gaps at Pipe • Improper Piping

☒ Other: • Short Hearth • Cracking/Loose Hearth or Breast Material • Combustibles Too Close to Firebox
• Draft/Smoking Issues • Moisture/Etching at Glass • Exterior Vent Issues • Heat Tubes Present with no Access Hatch

Remarks: UNIT WAS OPERATED.

Other Comments: EXTERIOR NORTH DISCONNECT BOX PAD LOCKED. EXTERIOR REAR YARD
COVER SEALED.

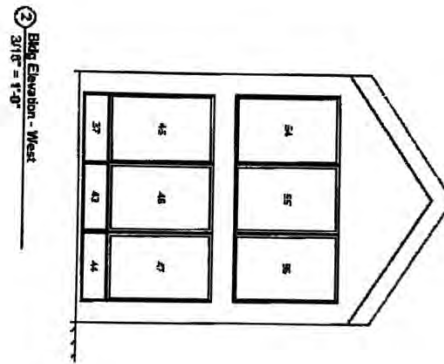
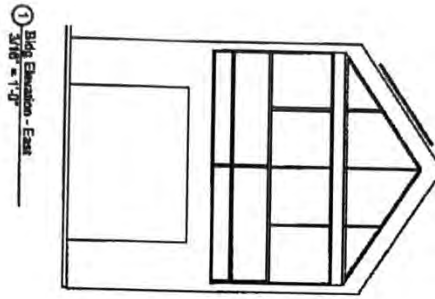
FLOOR PLAN



#SP-2020-80

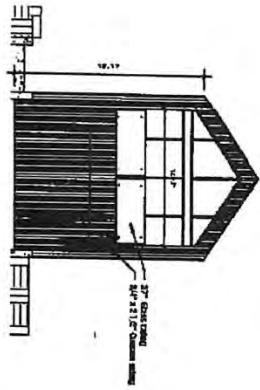
October 1, 2020

12

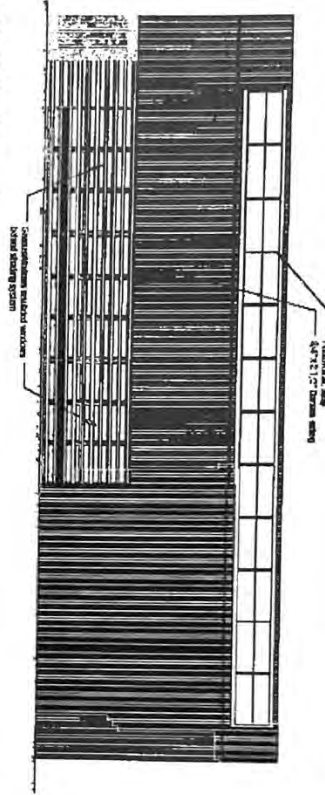


A-203 DATE: 11/23/23 DRAWN BY: [Name] AUTHOR: [Name]	Springfield Residence 3716 Springfield St. Kansas City, KS 66103	Studio804_09 studio804.com KU school of architecture 1465 Jayhawk Blvd Marvin Hall Lawrence, KS 66045
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② Big Elevation w/ screen - East
1/8" = 1'-0"



① Big Elevation w/ screen - South
1/8" = 1'-0"



A-204
Date
12.18.20
Drawn by
C.J.

Elevations

Springfield Residence

3716 Springfield St.
Kansas City, KS 66103

Studio804_09

studio804.com

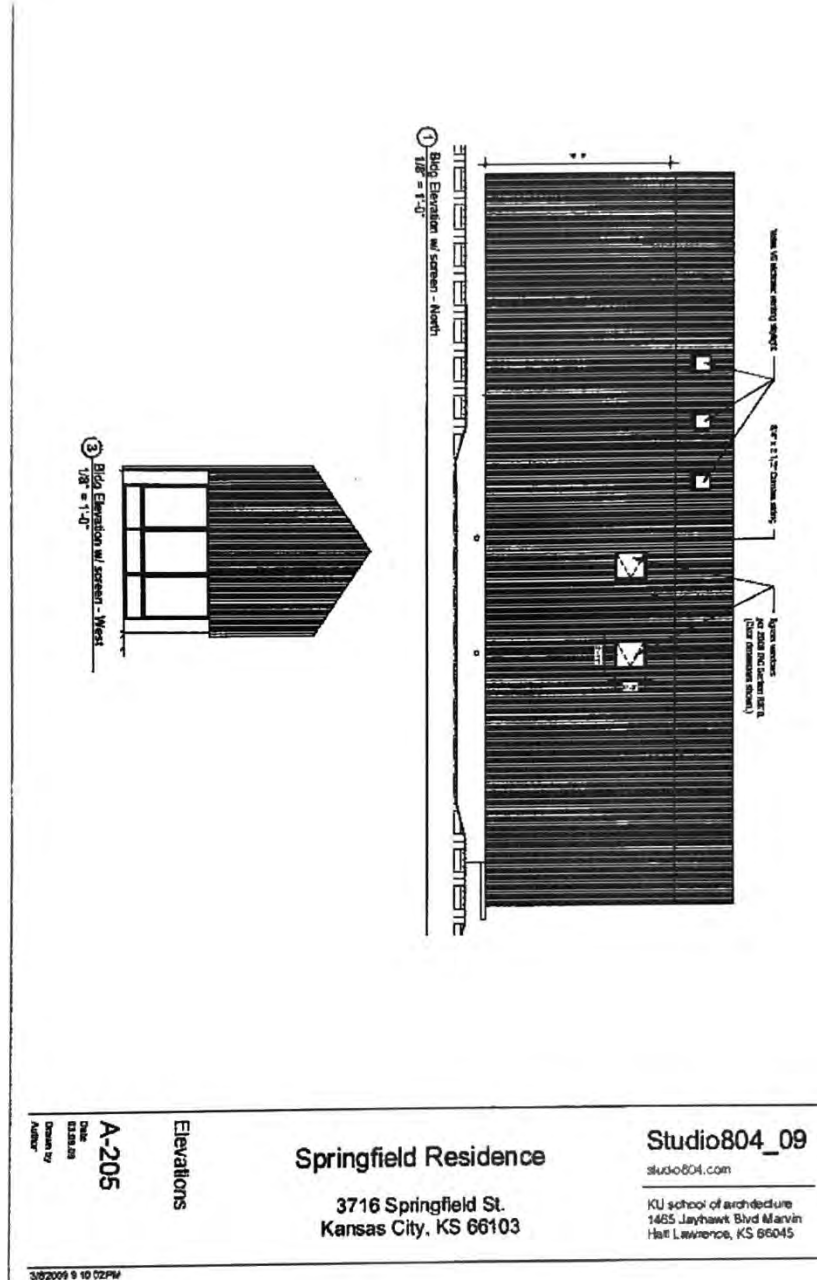
KU school of architecture
1465 Jayhawk Blvd Marvin
Hall Lawrence, KS 66045

3/22/2009 9:09:57 PM

#SP-2020-80

October 1, 2020

17

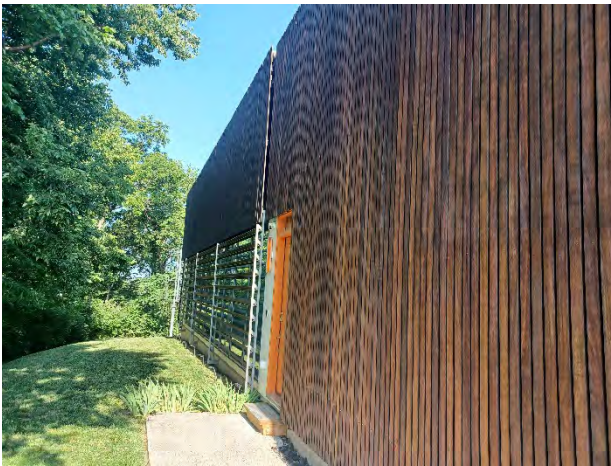


#SP-2020-80

October 1, 2020

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SITE PHOTOS, TAKEN BY STAFF, DATED JUNE 9, 2023



NEIGHBORHOOD MEETING MINUTES

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Missouri)
) SS:
COUNTY OF Jackson)

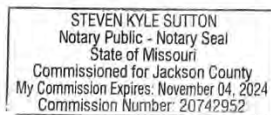
Comes now Robbin Beebe, of lawful age, sound mind and open his/her oath states as follows:

1. That I am the petitioner for Petition # SP 2023 - 035.
2. That I conducted a neighborhood meeting on 06.26.2023.
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 June, 2023.
My commission expires 11th of November 2024.




Notary Public

NEIGHBORHOOD MEETING MINUTES:

Application Number SP2023 - 035

Date and Location: 06.26.2023 / FISHER PARK 39th & Springfield
4pm KCKS SR

Names of people in attendance:

- 1) Robbin Beebe
- 2) Mary Melot
- 3)
- 4)
- 5)
- 6)

Introductions: NO ONE ATTENDED THE MEETING EXCEPT THE TWO OF US AS PROPERTY OWNERS OF 3716 Springfield St.

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

NO ATTENDEES.

Questions and answers (include the following): N/A

Question 1:

- 1) Name:
- 2) Comment/Question:
- 3) Who Answered:
- 4) Answer Given:

Question 2:

- 1) Name:
- 2) Comment/Question:
- 3) Who Answered:
- 4) Answer Given:

N/A

Question 3:

- 1) Name:
- 2) Comment/Question:
- 3) Who Answered:
- 4) Answer Given:

Question 4:

- 1) Name:
- 2) Comment/Question:
- 3) Who Answered:
- 4) Answer Given:

Question 5:

- 1) Name:
- 2) Comment/Question:
- 3) Who Answered:
- 4) Answer Given:

Question 6:

- 1) Name:
- 2) Comment/Question:
- 3) Who Answered:
- 4) Answer Given:

Meeting adjourned at: 4:30 pm
Minutes taken by: Robbin Beebe

* WE HELD UP A SIGN THAT SAID NEIGHBORHOOD
MEETING STARTING AT 3:54 PM ON JUNE 26th, 2023.
WE POSITIONED OURSELF SO WE COULD SEE
ANYONE THAT CAME TO THE PARK. ONLY 2 PEOPLE
WERE IN THE PARK WHILE WE WERE THERE -
PLAYING FRISBEE WITH A DOG OR WALKING THROUGH.
WE WAITED UNTIL 4:30 PM TO LEAVE MEETING SITE.

NEIGHBORHOOD MEETING SIGN-IN SHEET:

Date: 6.26.23 Location: FISHER PARK, 39th & SPRINGFIELD ST

Name	Signature
1) _____	_____
2) _____	_____
3) _____	_____
4) _____	_____
5) _____	_____
6) _____	_____
7) _____	_____
8) _____	_____
9) _____	_____

* NO ONE CAME TO THE MEETING.

June 12, 2023

COMMISSIONER CHRISTIAN RAMIREZ
701 NORTH 7TH STREET, 9TH FLOOR
KANSAS CITY, KS 66101

Subject: Neighborhood Meeting

Hello! We have filed an application with the Department of Urban Planning and Land Use #SP2023-035. The purpose of this application is for special permit use to rent our home as a vacation rental. Our address is 3716 Springfield St., Kansas City, KS 66103. We were previously approved for this permit in 2020, and are going through the required application process for 2023.

If you live in the area or visit it, you may recognize our home as the modern, eco-friendly home that was built by Kansas University's Architecture program 13 years ago. We have rehabbed the home, and live in it part of the year when visiting our aging parents, siblings and our own children that have moved back to KC over the years. We love being able to share the home with others, to let them experience its uniqueness, while exploring our beautiful city. We have cameras on the exterior of the house to ensure there are no parties, and to help in making sure our neighborhood continues to be safe. Since we have had the house, we have also started a clean-up mission and pick up trash on our daily walks to help keep the streets and parks clean; we also continue to call the city for fixing broken items and picking up illegal dumping in the neighborhood.

We will be hosting a meeting at Fisher Park on June 26, 2023, at 4pm. Fisher Park is located at 3818 Springfield St., Kansas City, KS 66103. This meeting will allow you to see our application or ask questions, and we will share any of your questions or concerns with the Department of Urban Planning as part of the application process. You can reach us at (925) 324-4000 or mmelot@yahoo.com with any questions.

We want you to know that we are in love with this house and the neighborhood, and promise to continue making our community better by being an active part of Rosedale.

Thank you so much for your time.

Your Neighbors,

Robbin Beebe & Mary Melot

Commission Districts:	Commissioner At Large District #1: Melissa Bynum District #1 Commissioner: Gayle Townsend		
Existing Zoning:	RP-5 Planned Apartment District		
Adjacent Zoning:	North:	R-2(B) Two Family and RP-5 Planned Apartment Districts	
	South:	RP-5 Planned Apartment District	
	East:	RP-5 Planned Apartment District	
	West:	RP-5 Planned Apartment District	
Adjacent Uses:	North:	Cemetery; Multi-family residences	
	South:	Single-and multi-family residences; vacant lots	
	East:	Single- and multi-family residences; Vacant lots	
	West:	Vacant lots	
Total Tract Size:	1.51 Acres		
Comprehensive Plan Area:	The subject property is within the Northeast Area Plan.		
Plan Designation:	The Northeast Area Plan designates a portion of this property as both Parks and Open Space and Lower-Medium Density Residential. The Parks and Open Space Land Use District is intended to be activated with amenities such as playground equipment, trails, ponds, and landscaping. Parks should be connected to surrounding neighborhoods with sidewalks and trails. Institutional buildings are the only allowed building type. The Lower-Medium Density Residential Land Use District is intended to promote infill development and investment by allowing additional units compared to the Single Family District, while preserving the overall character of existing neighborhoods. Lower-Medium Density Residential areas must follow the narrow lot design guidelines. Allowed building types include single-family houses, townhomes, and duplexes.		
Major Street Plan:	The Major Street Plan classifies Parallel Avenue, Troup Avenue, and North Mill Street as Local/Neighborhood Streets.		

Parking Requirement:	Section 27-460(d) requires one and one-half (1.5) parking spaces for each dwelling unit that has one (1) bedroom or less, and two (2) parking spaces for each dwelling unit that has two (2) bedrooms or more. The proposed development has 19 two (2)- bedroom units, which requires 38 parking spaces. The submitted plans demonstrate that there are 38 parking spaces, which satisfies Section 27-460(d).
Advertisement:	<u>The Wyandotte Echo</u> – June 15, 2023 Letters to Property Owners – June 16, 2023
Public Hearings:	July 10, 2023, and July 27, 2023
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Jose Yepaz with WTF Development, LLC, is requesting a Comprehensive Plan Amendment, a Preliminary Plat, and a Preliminary Plan Review. The Preliminary Plat will create 23 single-family residential parcels, 19 of which will be for townhomes and four (4) of which are open space tracts. The Plat consists of current parcels #095055—095060, 095068, 095069, and a portion of 095070, which will result in three (3) blocks separated by public rights-of-way. The Preliminary Plan Review is for the proposed development on the subject property: 19 townhomes and four (4) open space tracts to support the residential development. Lastly, the Comprehensive Plan Amendment from Parks and Open Space to Lower-Medium Density Residential (both under the Northeast Area Plan) in order to be compatible with the proposed development. This project is being constructed on Land Bank property.

City Ordinance Requirements: Article VI, Sections 27-196 – 27-208 and 27-212—27-213; Article VIII, Sections 27-460 and 27-696—27-704

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, Zoning, or Code Enforcement Complaints:

1. Previous property owners have received Building Inspection or Property Maintenance Compliance citations for a variety of issues from 2007-2021, including overgrown weeds/grass and trash.
2. The current property owner has not received any Building Inspection or Property Maintenance Compliance citations.

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

Comprehensive Plan Amendment

1. Neighborhood Character.

The subject property is within the Northeast Statistical Neighborhood and is not within a neighborhood group. The neighborhood is arranged in a traditional grid street system and is zoned RP-5. While this street-parcel arrangement and zoning allows for higher-density residential uses, many of the parcels are vacant and therefore such potential is not realized.

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

The attached single-family residential development linked to MPL2023-009 satisfies the minimum parking requirements associated with the number of units and bedrooms in said development. No additional public streets will be constructed in association with the development. The increase in residences, however, will not cause an increase in traffic to the extent that it would have an adverse effect on road capacity. Each townhome is a single-family dwelling unit and will be constructed on individual parcels. The equivalent development of single-family residences in compliance with the Narrow Lot Design Guidelines (NLDG) could result in the same—if not greater—density of residential dwelling units.

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.

There are sufficient sanitary sewer lines serving the subject property. A gravity main runs north to south from east of the existing cemetery then runs west under Parallel Avenue before running south again under North Mill Street. Other sanitary sewer lines run through the alley that will serve the new development, between Parallel Avenue and Troup Avenue.

4. The difference between the existing and proposed comprehensive plan

The Northeast Area Plan designates a portion of this property as both Parks and Open Space and Lower-Medium Density Residential; Applicant is seeking to amend the plan map so that the subject property is entirely within the Lower-Medium Density Residential Land Use District.

The Parks and Open Space Land Use District focuses on relatively undeveloped land used for recreational space, with only institutional buildings such as visitor centers, libraries, and community centers allowed within this district. In contrast, the Lower-Medium Density Residential Land Use District is intended to promote infill development within existing neighborhoods at a density greater than found in an exclusively single-family residential neighborhood. Allowed buildings include not only single-family residences on narrow lots, but townhomes and duplexes as well.

5. Analysis of the impact on surrounding properties.

Most of the surrounding properties are zoned RP-5 Planned Apartment District, meaning that a development with a density up to 29 dwelling units per acre could be constructed without a Change of Zone entitlement. This project proposes 12.5 units per acres. Even within the subject property itself, only the land that makes up Block 1 is within the Parks and Open Space Land Use District. The remaining land of the subject property (Block 2 and Block 3) are already within the Lower-Medium Density Residential Land Use District and so would be compatible with not only townhomes like those proposed but also with apartments at a density of 29 units per acre. Additionally, a portion of the surrounding parcels are vacant; new development as anticipated by the Northeast Area Plan and allowed by the Zoning Code would have a positive effect on the surrounding properties in terms of safety, property values, access to amenities, and secondary effects such as attracting businesses and services nearby.

The addition of 19 new dwelling units of townhomes, while in a primarily detached single-family neighborhood, is anticipated by the zoning code and area plan, and will have a positive impact on the community in the form of infill housing and additional housing stock.

6. Estimate the future costs and revenues to the Unified Government and property owner as well as market impact.

Amending the Northeast Area Plan map so that the entirety of the subject property is within the Lower-Medium Density Residential Land Use District will create a consistent land use designation and standard for the property. As the subject property is already zoned RP-5, the comprehensive plan amendment

would then allow for the proposed development per the Zoning Code, as the area plan land use and zoning districts would both allow for mid-density multi-family development. Development of the vacant Land Bank lots that make up the subject property would benefit the Unified Government in three (3) ways.

First, receiving planning entitlements that align to the Northeast Area Plan and the Zoning Code allow for the subject property to actually be developed, which is a condition of the sale of the land from the Land Bank. With the subject property removed from Land Bank ownership, the Unified Government no longer carries the liabilities associated with the land. Second, the proposed development improves the subject property and allows the Unified Government to collect more property taxes. Third, the street and alley system, as well as the sanitary sewer system, are already installed, thereby not adding to the Unified Government's existing infrastructure maintenance costs. Public improvements, however, will be necessary for this proposed project. Additionally, the surrounding properties will also see an increase in property values due to this development. This type of development creates real—rather than speculative—property value increases.

Preliminary Plat

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

The proposed plat does demonstrate narrow lots; in conjunction with Preliminary Plan Review PR2023-020, this plat will have shared-wall townhomes and therefore the residential units within the interior of the proposed townhome blocks/rows have interior side yard setbacks of zero (0) feet. The proposed shared walls create a potential fire hazard—this hazard can be safely mitigated through the proper design and fireproofing of exterior and shared walls. All other potential issues—health, flood, erosion, and excessive noise—are insignificant. The development is not within a floodplain, and Applicant has submitted a grading plan and filed a setback variance application to address erosion concerns. As for health and noise, such issues are of no greater concern than would be if three (3) small apartment buildings of five (5) to 8 dwelling units each were to be constructed on the subject property. In fact, as each townhome is a separate dwelling unit with separate entrances and no interior common space, the health and noise concerns that could be associated with traditional apartment buildings are not found within this development.

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

a. Water service

BPU will provide water service to the property.

b. Sanitary sewer service

See “Comprehensive Plan Amendment Review Factor #3”.

c. Storm water control

There is no stormwater control infrastructure that appears to immediately serve the subject property, as there are no stormwater access points or stormwater line under the public rights-of-way adjacent to the subject property. The closest stormwater infrastructure is located to the southeast of the subject property, at the intersection of North 9th Street and Troup Avenue. The applicant intends to work with Public Works to enhance an existing detention basin, or if required, construct their own.

d. Police

Police service provided by East Patrol, District #112.

e. Fire

Fire service is provided by Fire Station #5, which is six-tenths (0.6) mile to the north of the subject property.

f. Transit

The subject property is served by several bus stops along North 7th Street. The closest pair of bus stops are located one-third (1/3) mile away, at the intersection of North 7th Street and Stewart Avenue. The bus stops are served by Route #106 - Quindaro-Amazon.

g. Schools

Public education is provided by Bertram Caruthers Elementary School, Carl Bruce Middle School, and Wyandotte High School, under Kansas City, Kansas USD 500.

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

See "Comprehensive Plan Amendment Review Factor #2".

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 subject property is arranged in three (3) separate blocks, each of which has a row of five (5) to eight (8) shared-wall townhomes. Block 1 is separated from the other blocks by the North Mill Street right-of-way, and Block 2 and Block 3 are separated from each other by a public alley. Each townhome is located on an individual parcel. Applicant has—simultaneous with PLAT2023-021—applied for a variance from the front, interior side, and corner side yard minimum setbacks for

various parcels throughout the plat. If these variances under BOZA2023-029 are approved by the Board of Zoning Appeals, then it is assured that the respective yards have sufficient light, open space, and air. There is no concern for the rear yards of each townhome parcel, as they currently demonstrate setbacks exceeding the required minimum.

By positioning at the intersections of Parallel Avenue-North Mill Street and Troup Avenue-North Mill Street residential buildings with a higher density than that of the rest of the respective street blocks, this plat creates more active, vibrant intersections while reducing the perceived effect on the existing residences further into the street block interior. This arrangement effectively allows for mixed residential development within a block and within a neighborhood without displacing residents or disrupting the existing buildings. The plat also balances the need for greater density within traditional neighborhoods with the existing lower-density, single-family residences located on the non-vacant parcels within the surrounding neighborhood. This will allow for long-term sustained real estate values not only for the proposed plat, but for the other properties on the same street block and outside of the proposed plat.

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.

Within BOZA2023-029, a variance application submitted simultaneous to MPL2023-009, PLAT2023-021, and PR2023-020, two (2) separate variance requests are related to address the topography of the subject property.

Applicant is seeking a variance from the front yard setback for Block 1, Lots 1-6, and a variance from the corner side yard setback for both Block 2, Lot 1 and Block 3, Lot 1. If said variances are approved by the Board of Zoning Appeals, then the development will be allowed to be designed in regard with the local topography. Additionally, the stormwater retention pond has been designed to be at the lowest point of the subject property, which aids in the effective management of stormwater runoff.

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.

While the proposed plat features 19 residential units on 23 parcels (a net increase of 12 parcels from the initial nine (9) parcels that make up the subject property), this number does not meet any thresholds which would trigger amenity requirements. The proposed plat does, however, feature four (4) open space parcels, although these parcels are designed to address stormwater runoff and will have water retention ponds. Open space with such runoff ponds is often not compatible with other amenities for residents. Additional amenities should be added to the revised preliminary plat. Public improvements such as sidewalks, curbs, and gutters are required.

Preliminary Plan Review

1. Neighborhood character.

See “Comprehensive Plan Amendment Review Factor #1”.

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.

See “Comprehensive Plan Amendment Review Factor #2”.

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

The Lower-Medium Density Residential Land Use District is intended to promote infill development and anticipates single-family residences, townhomes, and duplexes to accomplish such infill. The proposed development consists of 19 townhomes to be constructed along established streets within a neighborhood with a large amount of platted but vacant parcels. While each townhome unit will exist on a separate parcel, they are arranged in shared-wall rows of five (5) to eight (8) units. This aspect of the development conforms to the Northeast Area Plan.

The Northeast Area Plan also requires that all new development within an area designated as Lower-Medium Density Residential must comply with the NLDG. As a portion of the subject property is already designated as Lower-Medium Density Residential, and Master Plan Amendment MPL2023-009 will change the other portion of the project, the development must receive administrative approval confirming compliance with all NLDG requirements. While the proposed development already demonstrates some compliance with the NLDG, Applicant must still submit a NLDG application to staff for review prior to receiving a building permit.

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

See “Preliminary Plat Review Factor #2”.

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

There are two (2) aspects of the proposed development that currently do not meet the applicable ordinance. The first aspect is related to the requirements of the NLDG. The Narrow Lot Design Guidelines review is required for all new development that is either within the Lower-Medium Density Residential Land Use District under the Northeast Area Plan or is within the R-1 Single-Family District on a lot less than 50 feet wide. An administrative NLDG review must occur by Planning Staff prior to the issuance of building permits and a more detailed design must be demonstrated at the time of a Final Plat and Final Development Plan.

Second is a variety of front, interior side, and exterior side yard setbacks. All setbacks in violation of the front yard, interior side yard, and corner side yard must be approved by the Board of Zoning Appeals if Preliminary Plan PR2023-020 can be approved by the City Planning Commission.

PREVIOUS ACTIONS

BOZA2023-029, a simultaneous variance request from the front yard, interior side yard, and corner side yard setbacks

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on June 26, 2023. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Alley Access
Building Façades
Narrow Lot Design Guidelines
Open Space
Pedestrian Walkways and Sidewalks
Public Improvements

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Master Plan Amendment MPL2023-009 and Preliminary Plan Review PR2023-020, subject to:

1. **The applicant shall apply for the Narrow Lot Design Guidelines administrative review through the Department of Planning and Urban Design prior to the issuance of Building Permits.**
2. **Per Sections 27-699(b)(3), -699(b)(4), -700(b)(1), and -703, all landscaping must be completed in satisfaction of all landscaping requirements as part of the proposed site development, no landscaping may be delayed due to the zoning district or vacancy status of adjacent properties, and additional landscaping must be installed if current landscaping dies or adjacent development requires the subject property to add additional landscaping or screening.**
3. **Submit hydrant locations for review per Sec.507, 2012 IFC. All houses should be within 600' of a hydrant. All buildings to be within 150' of code compliant access road(s) per Sec.503, 2012 IFC.**
4. **Signs for "NO PARKING" shall be posted per Sec.D103.6, 2012 IFC.**
 - a. **Roads 20 to 26 feet wide (curb face to curb face) - NO on street parking either side.**

- b. Roads over 26 to 32 feet wide (curb face to curb face) - Parking on one side.
 - c. Roads over 32 feet wide (curb face to curb face) - on street parking allowed both sides.
 - d. 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'.
- 5. Fire access entrance roads must comply with Sec.D104.3 separated by min. 1/2 the diagonal of the area served, with two (2) minimum entrances for subdivisions with more than 75 units per City Ordinance Chapter 15, Article III-Sec.15.54, D107.1.
- 6. Per Section 27-609(2), for any accessory buildings constructed 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. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
- 8. 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. All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
- 10. These City Planning Commission cases are being heard in conjunction with BOZA2023-029. Any approval by the City Planning Commission or Board of Commissioners of these cases, and the conditions of approval contained herein, are contingent, and shall only go into effect, upon the approval of BOZA2023-029 by the Unified Government Board of Zoning Appeals and upon any ordinance publications required by law;
- 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. Improvements that include land disturbance activity on greater than one (1) acre of surface area of land or include the construction or alteration of a structure 1,000 square feet or larger shall require a land disturbance permit

- issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;
14. Proposed development within this plat will require civil drawings to be submitted, which may result in submitting a revised replat;
 15. 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;
 16. 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;
 17. 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;
 18. 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
 19. District Requirements, Comprehensive Plan Requirements, all Design Guideline Requirements, Overlay District Requirements, and 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;

20. All new rooftop mechanical equipment (i.e., RTUs, HVAC, vent stacks, etc.) shall be screened from public view by the parapet of the building. Architectural screens such as opaque, textured, or perforated panels do not meet the standards of the Commercial Design Guidelines; and,
- a. Whether events subsequent to the comprehensive plan adoption have changed the character and/or condition of the area so as to make the application acceptable;
 - b. Whether the change is consistent with the goals and policies of the comprehensive plan and/or any relevant corridor, neighborhood, or area plan;
 - c. Whether public and community facilities, such as utilities, sanitary and storm sewers, water, police and fire protection, parks and recreational facilities, roads, and others are adequate to serve development for the type and scope suggested by the proposed land use. If utilities are not available, whether they can be reasonably extended;
 - d. Whether the proposed amendment would result in comprehensive plan or regulatory conflicts;
 - e. Whether the proposed amendment would allow a change in development on the subject site without creating adverse impacts on existing or planned surrounding uses, or creating inconsistencies with applicable future land use map patterns; and
 - f. The impacts of the potential costs and benefits derived by the community or area by the proposed change.

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 MPL2023-009 and PR2023-020** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

July 10, 2023, City Planning Commission Minutes
Aerial Map
Zoning Map
Area Plan
Land Use Map
Site Plan of Mill Street Townhomes
Mill Street Townhomes Floor Plans
Mill Street Townhomes Floor Cross-Section Plans
Mill Street Townhomes Renderings Submitted by Applicant

Mill Street Townhomes Preliminary Landscaping Plan
Mill Street Townhomes Preliminary Utility Plan
Mill Street Townhomes Preliminary Grading Plan
Mill Street Townhomes Preliminary Erosion Control Plan
Mill Street Townhomes Proposed BMPs
Traffic Memorandum Dated May 26, 2023
Neighborhood Meeting Materials

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Board of Commissioners</u>
Public Hearing	July 10, 2023	July 27, 2023
Master Plan Amendment Approval		
Preliminary Plat	July 10, 2023	Not Required
	Approved	
Preliminary Plan	July 10, 2023	July 27, 2023
	Approval	

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

MOTIONS

Master Plan Amendment

I move the Unified Government Board of Commissioners **APPROVE** Petition **MPL2023-009** 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 **MPL2023-009**, 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.

Preliminary Plan Review

I move the Unified Government Board of Commissioners **APPROVE** Petition **PR2023-020** as meeting all the requirements of the city code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to

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

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **PR2023-020**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

July 10, 2023, City Planning Commission Minutes:

Hearing starts at 4:44:03:

MASTER PLAN AMENDMENT MPL2023-009 – JOSE YEPAZ WITH WTF

DEVELOPMENT, LLC – SYNOPSIS: Master Plan Amendment from Parks and Open Space to Lower-Medium Density Residential (Northeast Area Plan) at 825 Parallel Avenue.

PLAT APPLICATION PLAT2023-021 – JOSE YEPAZ WITH WTF DEVELOPMENT,

LLC - SYNOPSIS: Preliminary Plat for nineteen (19) multi-family lots and four (4) open area at 825 Parallel Avenue.

PLAN REVIEW APPLICATION PR2023-020 – JOSE YEPAZ WITH WTF

DEVELOPMENT, LLC - SYNOPSIS: Preliminary Plan Review for townhomes at 825 Parallel Avenue.

Detailed Outline of Requested Action: The applicant, Jose Yepaz with WTF Development, LLC, is requesting a Comprehensive Plan Amendment, a Preliminary Plat, and a Preliminary Plan Review. The Preliminary Plat will create 23 single-family residential parcels, 19 of which will be for townhomes and four (4) of which are open space tracts. The Plat consists of current parcels #095055—095060, 095068, 095069, and a portion of 095070, which will result in three (3) blocks separated by public rights-of-way. The Preliminary Plan Review is for the proposed development on the subject property: 19 townhomes and four (4) open space tracts to support the residential development. Lastly, the Comprehensive Plan Amendment from Parks and Open Space to Lower-Medium Density Residential (both under the Northeast Area Plan) in order to be compatible with the proposed development. This project is being constructed on Land Bank 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 July 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 for the Master Plan Amendment, 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:

- Curt Peterson, attorney representing the applicant, 900 West 48th Place, Kansas City, Missouri

Present in Opposition:

- No one appeared

Staff Recommendation starts at 4:46:23: Planning Director Hand stated that the 21 multi-family units has been revised after discussions with the applicant. There are now 19 units and parcels and four (4) open space tracts. Staff recommends approval subject to the conditions in the staff report.

Motion starts at 4:47:30:

On motion by Mrs. Jones, seconded by Ms. Armstrong, the Planning Commission voted as follows to recommend **APPROVAL of Master Plan Amendment MPL2023-009:**

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

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

Subject to:

1. The applicant shall apply for the Narrow Lot Design Guidelines administrative review through the Department of Planning and Urban Design prior to the issuance of Building Permits.
2. Per Sections 27-699(b)(3), -699(b)(4), -700(b)(1), and -703, all landscaping must be completed in satisfaction of all landscaping requirements as part of the proposed site development, no landscaping may be delayed due to the zoning district or vacancy status of adjacent properties, and additional landscaping must be installed if current landscaping dies or adjacent

- development requires the subject property to add additional landscaping or screening.
3. Submit hydrant locations for review per Sec.507, 2012 IFC. All houses should be within 600' of a hydrant. All buildings to be within 150' of code compliant access road(s) per Sec.503, 2012 IFC.
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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. Improvements that include land disturbance activity on greater than one (1) acre of surface area of land or include the construction or alteration of a structure 1,000 square feet or larger shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;
14. Proposed development within this plat will require civil drawings to be submitted, which may result in submitting a revised replat;
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19. District Requirements, Comprehensive Plan Requirements, all Design Guideline Requirements, Overlay District Requirements, and 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;

20. All new rooftop mechanical equipment (i.e., RTUs, HVAC, vent stacks, etc.) shall be screened from public view by the parapet of the building. Architectural screens such as opaque, textured, or perforated panels do not meet the standards of the Commercial Design Guidelines; and,
- a. Whether events subsequent to the comprehensive plan adoption have changed the character and/or condition of the area so as to make the application acceptable;
 - b. Whether the change is consistent with the goals and policies of the comprehensive plan and/or any relevant corridor, neighborhood, or area plan;
 - c. Whether public and community facilities, such as utilities, sanitary and storm sewers, water, police and fire protection, parks and recreational facilities, roads, and others are adequate to serve development for the type and scope suggested by the proposed land use. If utilities are not available, whether they can be reasonably extended;
 - d. Whether the proposed amendment would result in comprehensive plan or regulatory conflicts;
 - e. Whether the proposed amendment would allow a change in development on the subject site without creating adverse impacts on existing or planned surrounding uses, or creating inconsistencies with applicable future land use map patterns; and
 - f. The impacts of the potential costs and benefits derived by the community or area by the proposed change.

On motion by Mrs. Jones, seconded by Ms. Armstrong, the Planning Commission voted as follows to **APPROVE PLAT2023-021**:

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

Motion to APPROVE Passed 6 to 0

Subject to the above conditions

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

PR2023-020:

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

Motion to recommend APPROVAL Passed 6 to 0

Subject to the above conditions

ATTACHMENTS

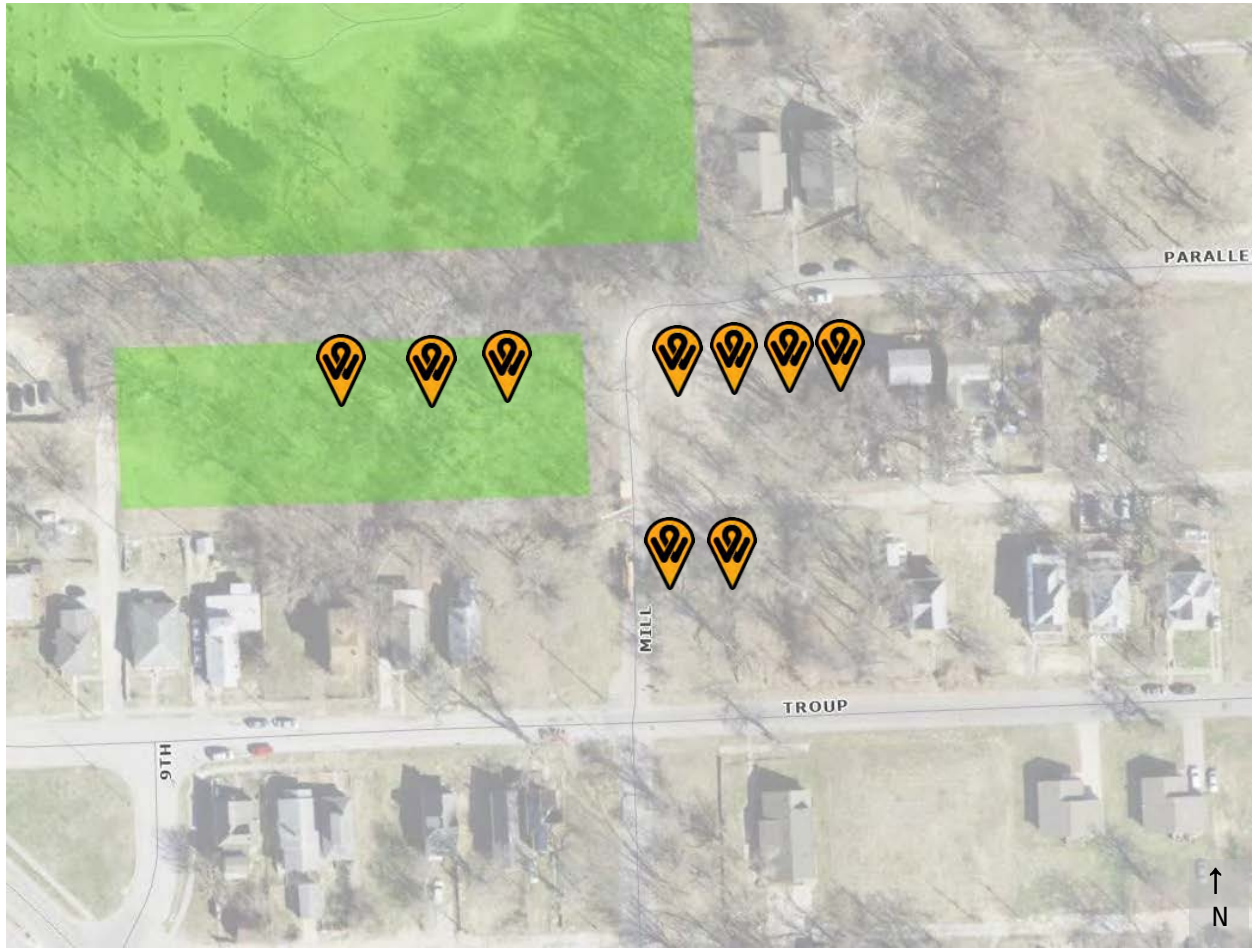
AERIAL IMAGERY

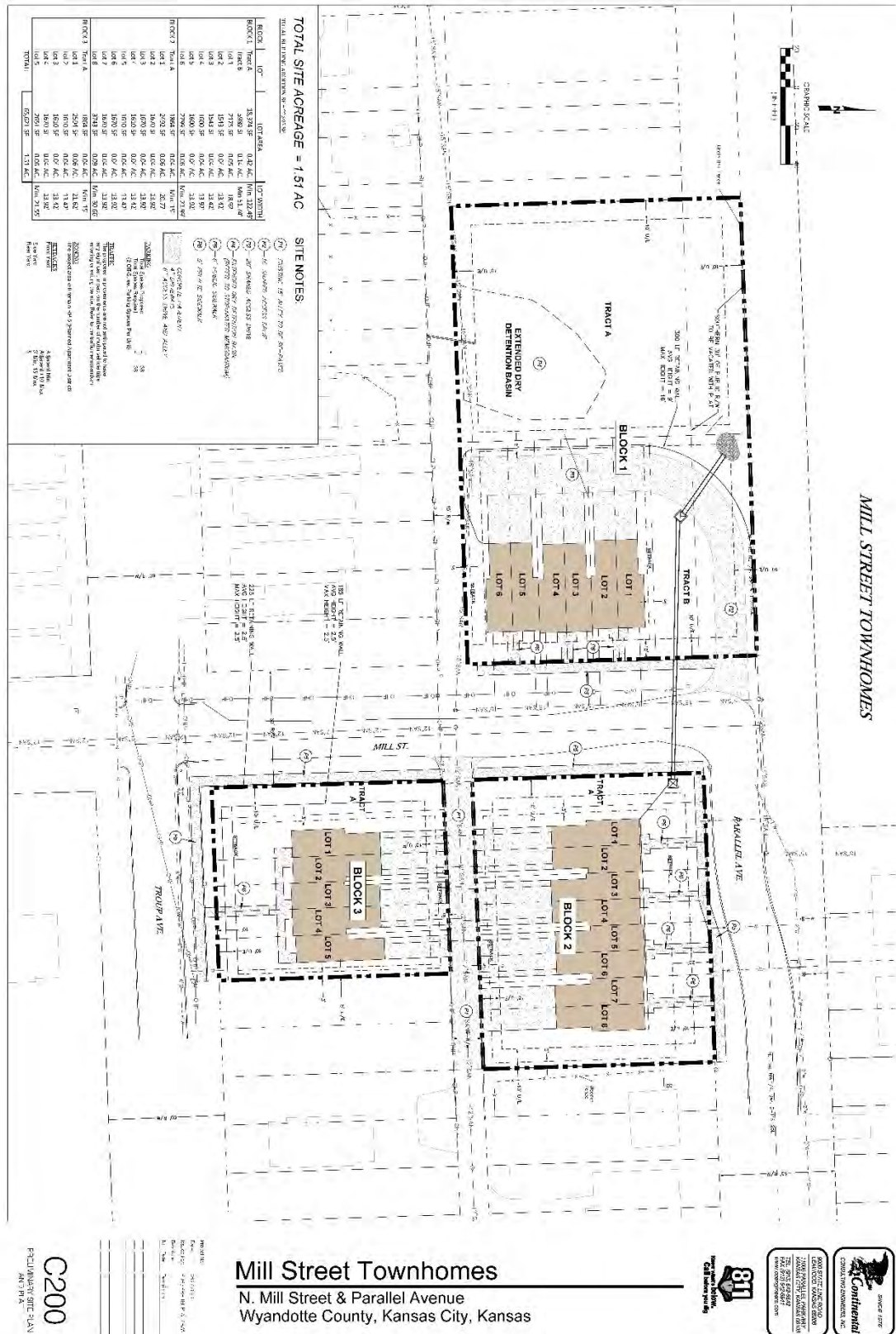


ZONING MAP



LAND USE MAP





TOTAL SITE ACREAGE = 1.51 AC

TOTAL BUILDING ADDITION SF = 22,895 SF

BLOCK 1	Tract A	18,374 SF	0.42 AC.
	Tract B	6440 SF	0.15 AC.
	Lot 1	1725 SF	0.04 AC.
	Lot 2	1543 SF	0.04 AC.
	Lot 3	1543 SF	0.04 AC.
	Lot 4	1600 SF	0.04 AC.
	Lot 5	1600 SF	0.04 AC.
BLOCK 2	Lot 6	2799 SF	0.06 AC.
	Lot 1	4356 SF	0.10 AC.
	Lot 2	1670 SF	0.04 AC.
	Lot 3	1670 SF	0.04 AC.
	Lot 4	1610 SF	0.04 AC.
	Lot 5	1610 SF	0.04 AC.
	Lot 6	1670 SF	0.04 AC.
	Lot 7	1670 SF	0.04 AC.
BLOCK 3	Lot 8	3743 SF	0.09 AC.
	Lot 1	4099 SF	0.09 AC.
	Lot 2	1610 SF	0.04 AC.
	Lot 3	1610 SF	0.04 AC.
	Lot 4	1670 SF	0.04 AC.
TOTAL:		65,623 SF	1.51 AC.

SITE NOTES:

- P1—EXISTING 15' ALLEY TO BE RE-PAVED
- P2—16' SHARED ACCESS DRIVE
- P3—20' SHARED ACCESS DRIVE
- P4—EXTENDED DRY DETENTION BASIN
(REFER TO STORMWATER MEMORANDUM)
- P5—6' PUBLIC SIDEWALK
- P6—5' PRIVATE SIDEWALK

CONCRETE PAVEMENT
4" DRIVEWAYS
6" ACCESS DRIVE AND ALLEY

PARKING

Total Spaces Proposed = 38
Total Spaces Required = 38
(2 Off-Street Parking Spaces Per Unit)

TRAFFIC

The proposed improvements are not anticipated to have any significant impact on the number of motor vehicle trips entering or exiting the site. Refer to the traffic memorandum.

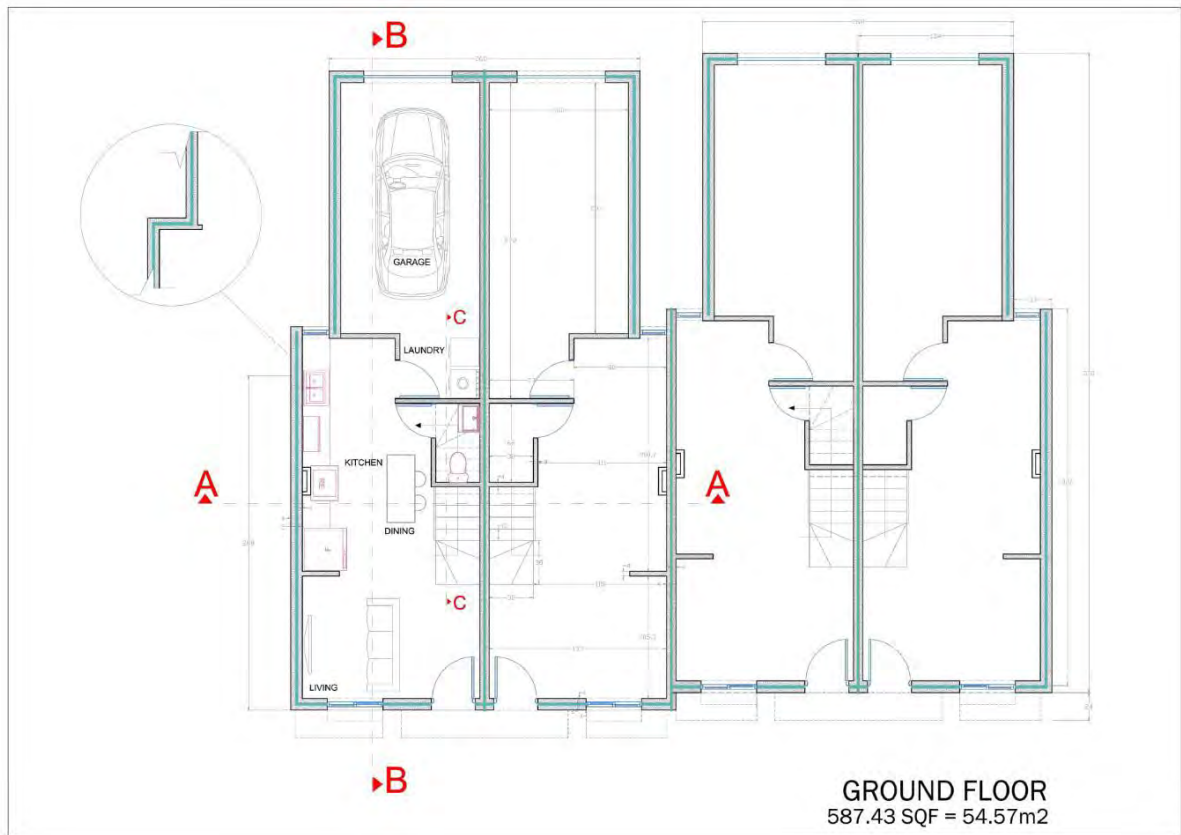
ZONING

The project area will remain RP-5 (Planned Apartment District)

SETBACKS

Front Yard: 25'
Block 1: 10' Variance Requested 15'
Side Yard: 10'
Side Yard (Corner Lot): 25'
Blocks 2&3: 5' Variance Requested 20'
Rear Yard: 25'

FLOOR PLAN

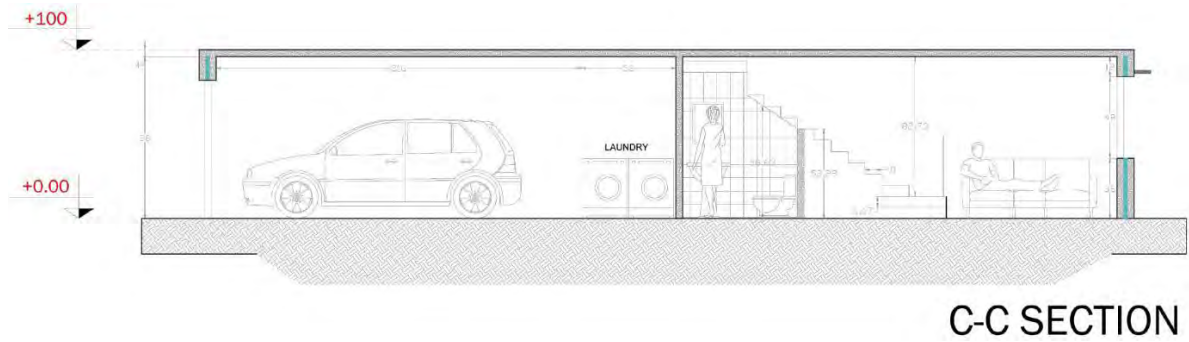
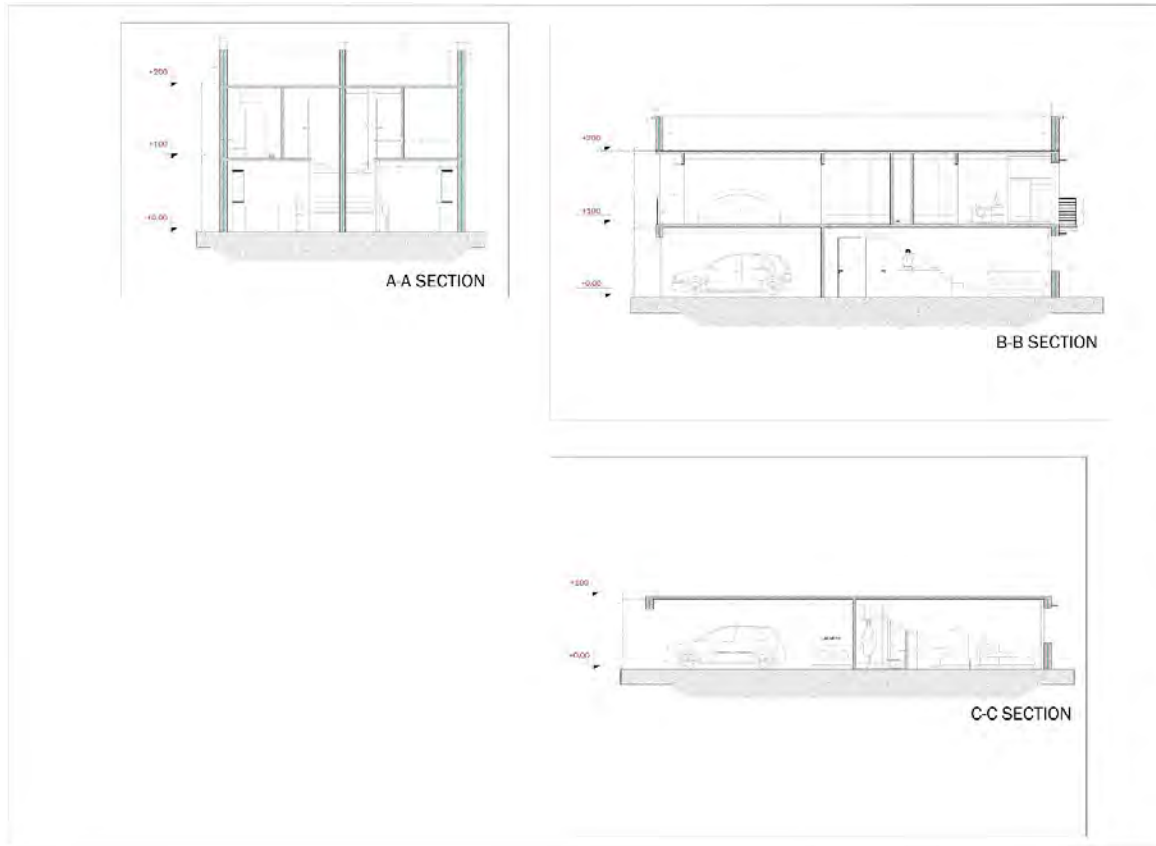


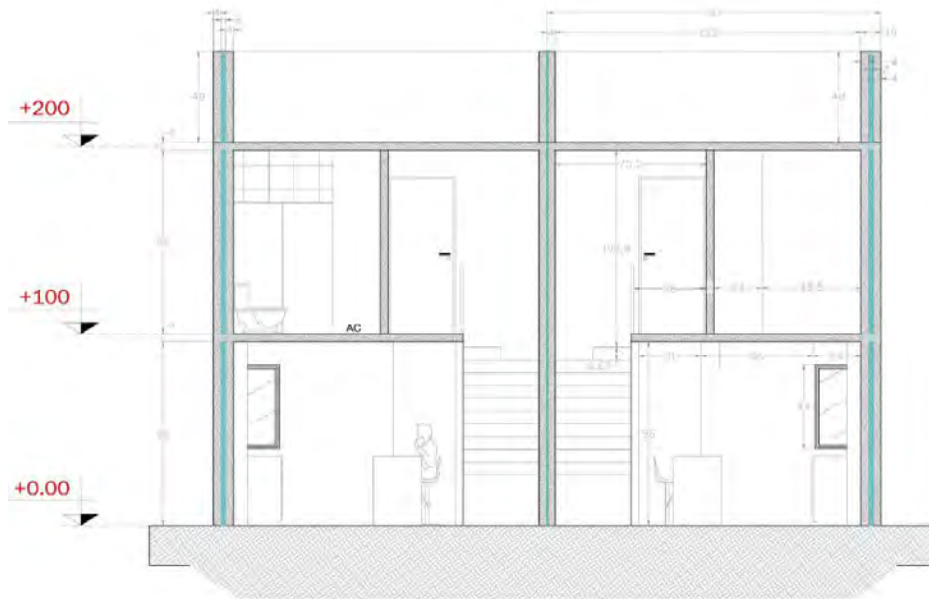
GROUND FLOOR
567.43 SQF = 54.57m²

FIRST FLOOR
601.93 SQF = 55.92m²
TOTAL AREA: 1189.36 SQF = 110.49 m²

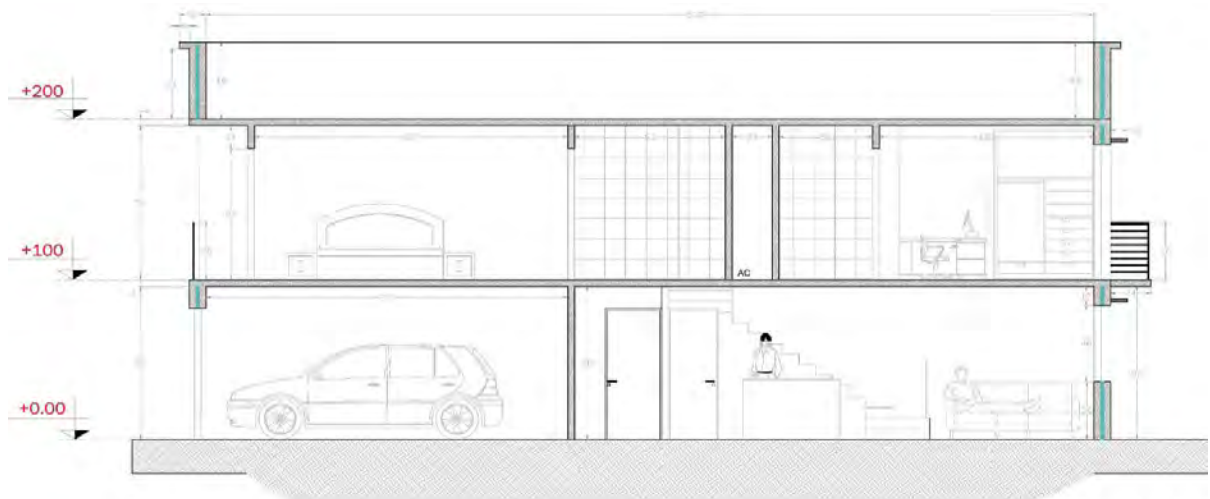
ROOF

CROSS-SECTION PLAN





A-A SECTION



B-B SECTION

RENDERINGS



LANDSCAPE PLAN



UTILITY PLAN



C400

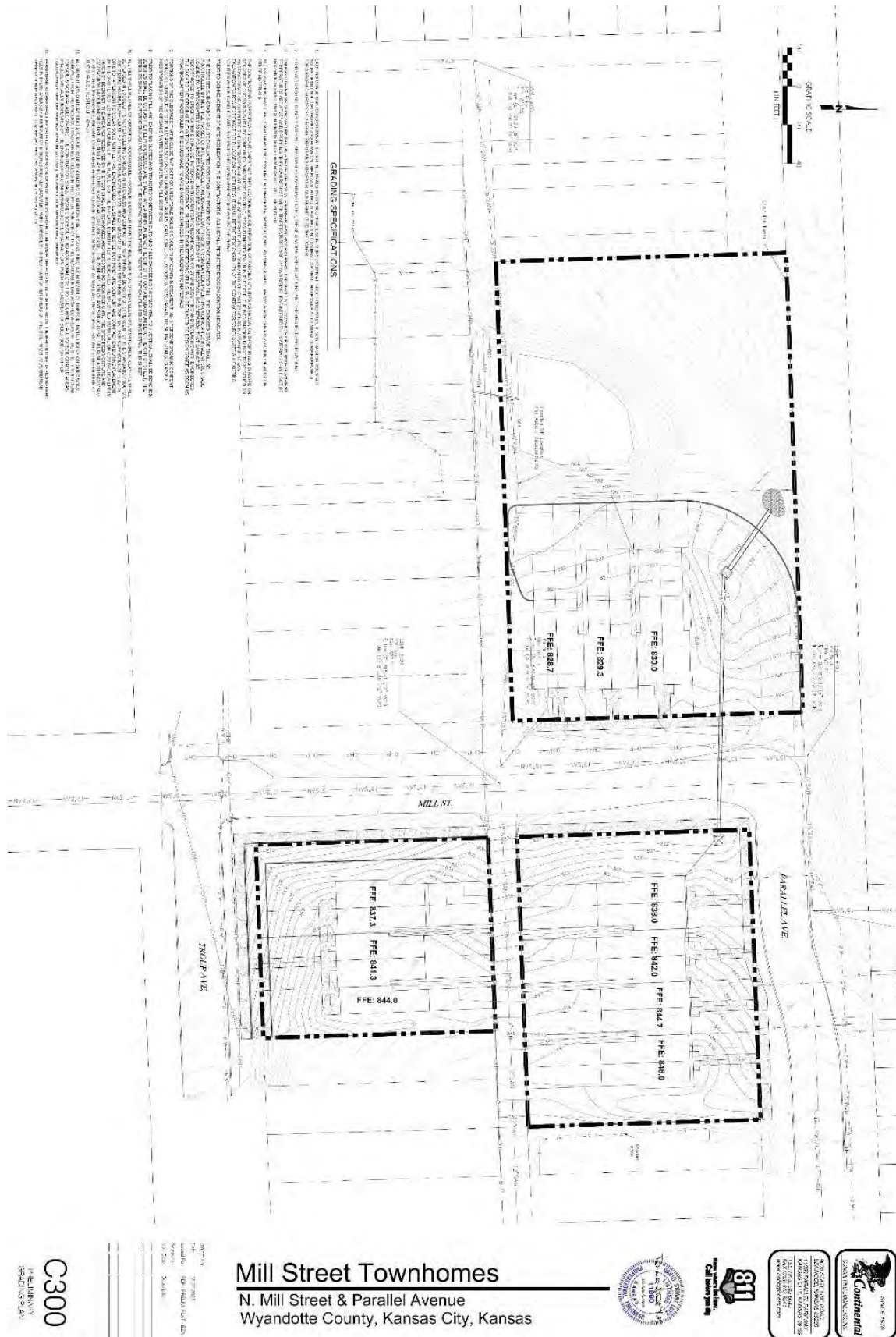
UTILITY PLAN

Mill Street Townhomes

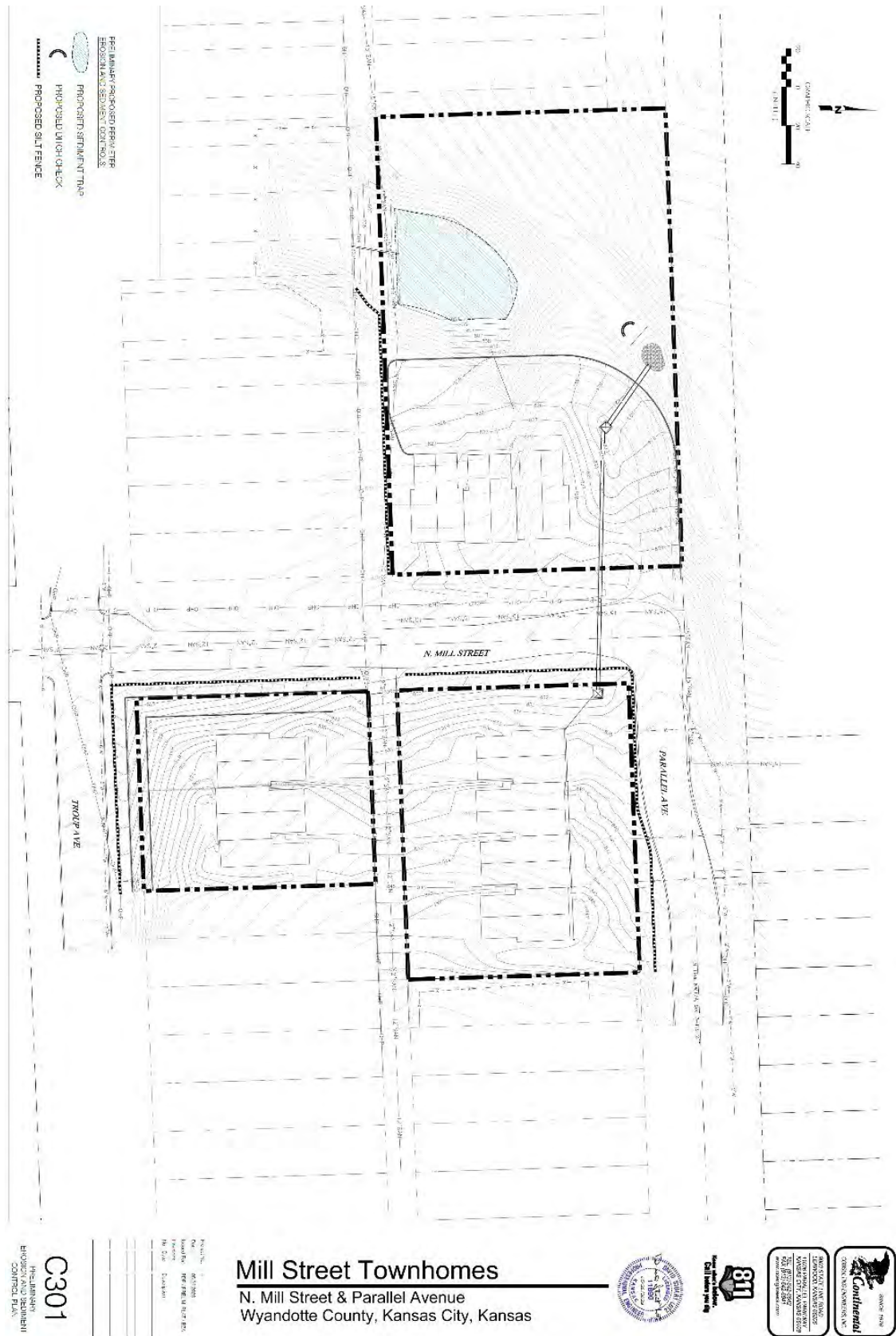
N. Mill Street & Parallel Avenue

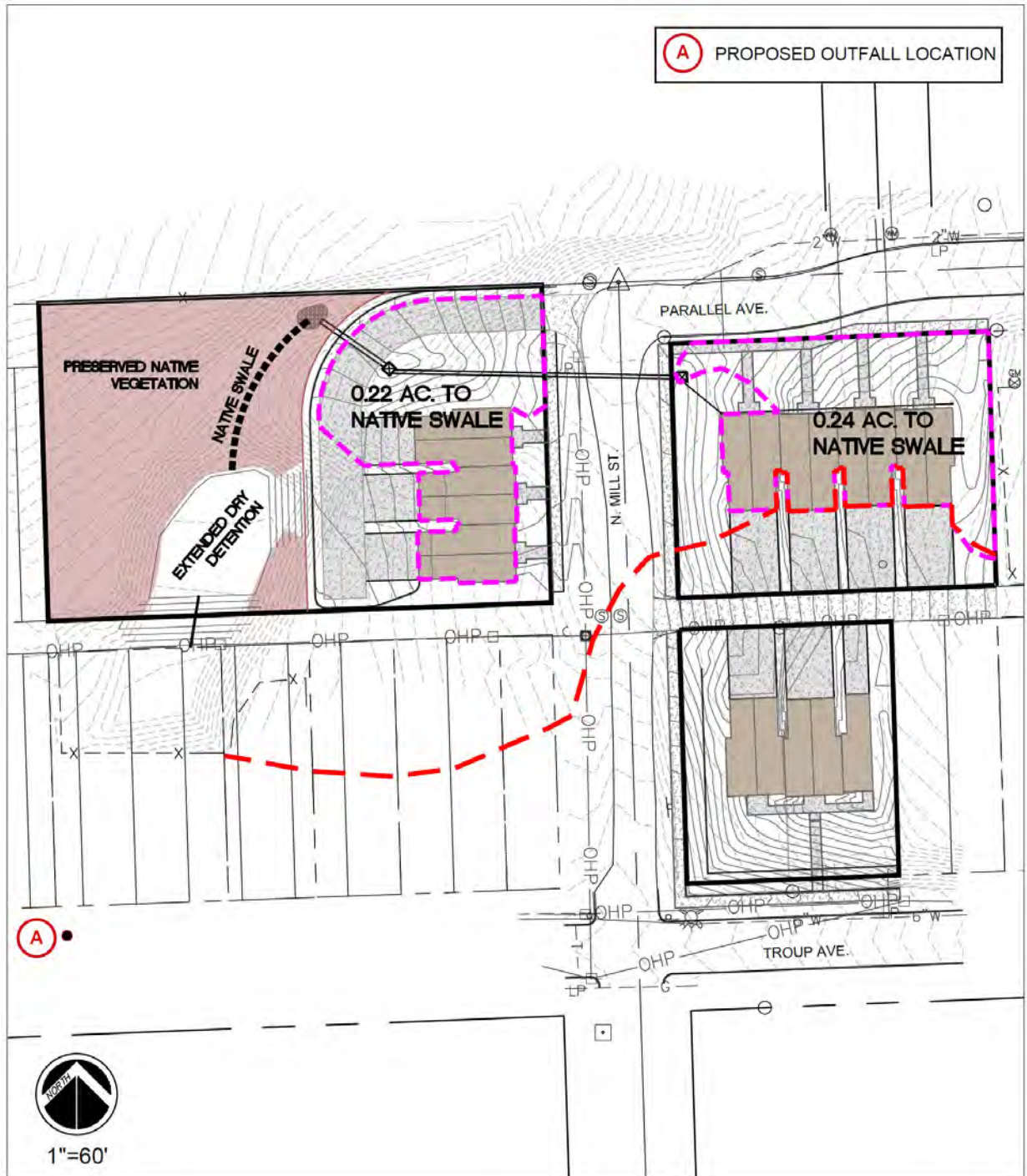
Wyandotte County, Kansas City, Kansas

32



EROSION CONTROL





MILL STREET TOWNHOMES
PROPOSED BMP's
 KANSAS CITY, KANSAS

FIGURE 1

05/26/2023

TRAFFIC MEMORANDUM



11006 Parallel Parkway
Kansas City, Kansas 66109
9000 State Line Road
Leawood, Kansas 66206
(913) 642-6642
(913) 642-6941 Fax
www.ccengineers.com

May 26, 2023

Unified Government Engineering Department
701 N. 7th Street, Suite 712
Kansas City, KS 66101

**Subject: Mill Street Townhomes
Traffic Memorandum**



Dear U.G. Plans Reviewer:

In discussions during the DRC/Pre-Application Meeting, it is our understanding that a full Traffic Study is not required for this project and that a Traffic Letter will satisfy the Public Works Engineering requirement that traffic be addressed with the preliminary plat/preliminary development plan, and BZA applications. The following outlines the proposed traffic operations and flow for the site.

Site Information:

The proposed Mill Street Townhome project is located in Wyandotte County, Kansas City, Kansas, on both sides of N. Mill Street between Parallel Avenue and Troup Avenue. At full build-out, the proposed townhouse project will have 19 two bedroom units.

The off-street parking for the project will be one garage space internal to each individual unit and one space in each individual driveway. Refer to Sheet C200 in the project submittal for an understanding of the proposed site access and layout. A total of 38 parking spaces are provided for the 19 units.

Existing Traffic

Existing traffic counts were not currently available. The area is mix of occupied homes and vacant lots. During several visits to the site, traffic has been observed to be almost non-existent.

Proposed Traffic

Proposed traffic is based on the 11th Edition of the ITE Trip Generation Manual. The ITE code for single family housing (215) was selected for this project. Based on this analysis, a total of 9 trips (2 entering/7 exiting) are expected during the A.M. Peak and a total of 11 trips (6 entering/5 exiting) are expected during the P.M. Peak. Refer to attached Table "A"

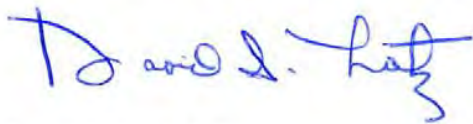
Conclusion

Based on the above Traffic Analysis, it is our opinion that the Mill Street Townhomes will have a limited impact on the surrounding road network and that no improvements should be required with this project.

Please contact us as you have questions or comments.

Sincerely,

CONTINENTAL CONSULTING ENGINEERS, INC.



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

Attachment: Attachment "A"

TABLE A - TRIP GENERATION MILL STREET TOWNHOMES																			
Continental Consulting Engineers Kansas City, Kansas		5/26/2023																	
Weekday																			
	Units	ITE Vehicle Trip Generation Rates								Expected Units	Total Generated Trips			Total Distribution of Generated Trips					
		(peak hours are for peak hour of adjacent street traffic unless highlighted)									Daily	AM Hour	PM Hour	AM In	AM Out	Pass-By	PM In	PM Out	Pass-By
		Weekday	AM	PM	Pass-By	AM In	AM Out	PM In	PM Out										
Single Family Homes (ITE Code 215)	DU	7.20	0.48	0.57		25%	75%	59%	41%	19.0	137	9	11	2	7	0	6	4	0
Totals											137	9	11	2	7	0	6	4	0

Neighborhood Meeting Minutes

Petition # PR2023-020/PLAT2023-021/MPL2023-009/BOZA2023-029 825 Parallel Avenue

Date: June 26, 2023

Location: Via Zoom

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

Names of people in attendance:

Project Team

1. David Lotz, P.E., Continental Consulting Engineers
2. Andrew Talkin, Continental Consulting Engineers
3. Curtis Petersen, Polsinelli PC

Other Attendees

4. Anthony Lewis, 853 Troup Avenue

We received no calls or e-mail questions prior to the Neighborhood zoom Meeting.

Presentation by David Lotz:

This is a Neighborhood Meeting for a project called Mill Street Townhomes. A site plan was placed on the screen to more clearly identify the improvements. A brief recap of the presentation is provided below.

The Project consists of three (3) building with 19 total units. The project is located both east/west of N. Mill Street between Parallel Avenue and Troup Avenue. A singular building is located west of N. Mill Street with a total of 6 interconnected townhomes. Two buildings are located east of N. Mill Street. The northernmost building includes 8 interconnected townhomes and the southern building includes 5 interconnected townhomes. The buildings are two stories with 2 bedrooms. The individual townhomes are approximately 1200 SF and have a garage below the unit with another parking space provided in the driveway. The front of all units will face public streets. Pedestrian access is provided to new public sidewalks to be placed along the frontage all public streets. Garages are located beneath and to the rear of the units and will be connected to an alley or common driveway that connects to a public street. The alley adjacent to the buildings on the east side of N. Mill Street will be improved adjacent to the property being developed. A detention basin is located west of the western townhomes.

Building elevations were placed on the screen to show the appearance of the buildings.

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

Anthony Lewis (853 Troup Avenue) Questions/comments:

C: No questions. Happy with the project and what it is going to look like. I think it will be a great idea to improve the area and the property values of the neighborhood. I hope everything will turn out positive with the City to get this project done. You have my vote on this particular project.

Q: David Lotz asked Anthony if he was a property owner or a current renter? This house that I am in is my birth house so I have lived here all my life and they haven't done anything in 56 years so I am glad that someone wants to take the initiative to build up the area. I am on board with this project because it will build up the area and improve the property values.

Comment: The public hearing will be heard before the Board of Zoning Appeals on Monday July 10, 2023 beginning at 6:00 p.m. and before the City Planning Commission on Monday July 10, 2023 beginning at 6:30 p.m. The meeting will be held both via zoom and in person. Everyone will have an opportunity to attend and provide comments at that time.

Meeting adjourned at: 5:30 p.m.

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



1006 PARALLEL PARKWAY
KANSAS CITY, KANSAS 66109
9000 STATE LINE ROAD
LEAWOOD, KANSAS 66206
TEL. (913) 642-6842
FAX (913) 642-6941
www.ceengineers.com

Letter of Transmittal

Date: June 13, 2023

Address

**SUBJECT: Neighborhood Meeting
Mill Street Townhomes
825 Parallel Avenue**

We have filed several application(s) with the Department of Urban Planning and Land Use in regards to a Preliminary Plan Review for townhomes (in conjunction with PR2023-020/PLAT2023-021/MPL2023-009/BOZA2023-029). The purpose of these applications are:

- Preliminary Plat to reconfigure multiple lots into townhomes consisting of three (3) buildings with 19 total dwelling units.
- Master Plan Amendment changing land use from Parks/Open Space and Lower – Medium Density Residential to Lower-Medium Density Residential.
- Request for a setback variance along N. Mill Street to allow structures to be built closer to the right-of-way.

We are having a virtual neighborhood meeting via zoom on Monday, June 26, 2023 at 5:00 p.m. Central Time (US and Canada) to discuss the specifics of this project.

To Join Zoom Meeting, Click on link below:

<https://us06web.zoom.us/j/85150126778?pwd=VnhGMzVhWFItR2x3ZnpuMTdXSXpJZz09>

Meeting ID: 851 5012 6778
Passcode: 075573

Dial by your location

- +1 669 444 9171 US
- +1 669 900 6833 US (San Jose)
- +1 719 359 4580 US
- +1 253 205 0468 US
- +1 253 215 8782 US (Tacoma)
- +1 346 248 7799 US (Houston)
- +1 408 638 0968 US (San Jose)
- +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
- +1 646 876 9923 US (New York)

Find your local number: <https://us06web.zoom.us/j/kbJoHFCMk>

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 via the zoom neighborhood meeting. If you are unable to attend or have questions in advance of the meeting, please contact me at the address/phone number listed below.

Sincerely,

Continental Consulting Engineers, Inc.

A handwritten signature in blue ink, appearing to read "David S. Lotz".

David S. Lotz, P.E.
Senior Civil Engineer
11006 Parallel Parkway, Suite 1
Kansas City, Kansas 66109
(913) 642-6642, x 204
dl@ccengineers.com

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
) SS:
COUNTY OF Johnson)

Comes now David Lotz acting for Jose Yepez, of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition #'s **PR2023-020/PLAT2023-021/ MPL2023-009/BOZA2023-029** **825 Parallel Avenue**
2. That I conducted a neighborhood meeting on **June 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.

David Lotz
Affiant

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

My commission expires 25th of April, 2027



Susan K. Gibbs
Notary Public



Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: July 27, 2023

Re: Petitions MPL2023-009 and PR2023-020

GENERAL INFORMATION

Applicant:
Jose Yepaz

Status of Applicant:
Representative
WTF Development, LLC 4000 Bonner
Industrial Drive Shawnee, Kansas
66226

Requested Action:
Approval of a Comprehensive Plan
Amendment.

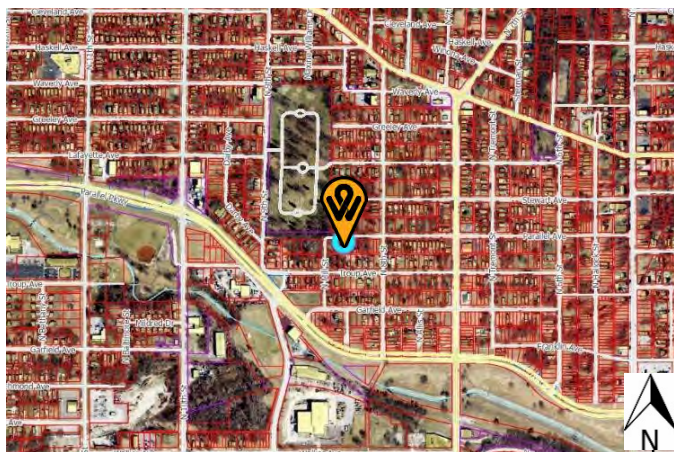
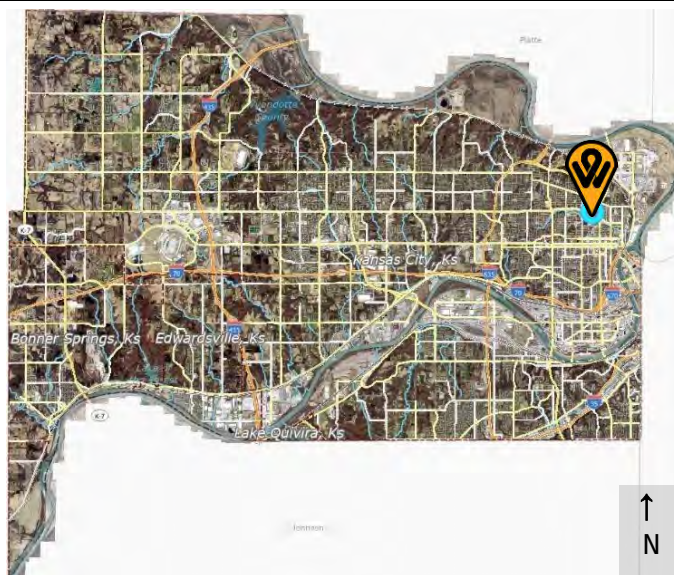
Approval of a Preliminary Plan
Review.

Date of Application:
May 26, 2023

Purpose:
Approve a Comprehensive Plan
Amendment from Parks and Open
Space (Northeast Area Plan) to
Lower- Medium Density Residential
(Northeast Area Plan).

Approval of a Preliminary Plan
Review for 19 townhomes and four
(4) open lots.

Property Location: 825, 827, 829, 835, 843, and 851 Parallel Avenue,
and 830 and 834 Troup Avenue, Kansas City, Kansas 66101



Commission Districts:	Commissioner At Large District #1: Melissa Bynum District #1 Commissioner: Gayle Townsend		
Existing Zoning:	RP-5 Planned Apartment District		
Adjacent Zoning:	North:	R-2(B) Two Family and RP-5 Planned Apartment Districts	
	South:	RP-5 Planned Apartment District	
	East:	RP-5 Planned Apartment District	
	West:	RP-5 Planned Apartment District	
Adjacent Uses:	North:	Cemetery; Multi-family residences	
	South:	Single-and multi-family residences; vacant lots	
	East:	Single- and multi-family residences; Vacant lots	
	West:	Vacant lots	
Total Tract Size:	1.51 Acres		
Comprehensive Plan Area:	The subject property is within the Northeast Area Plan.		
Plan Designation:	The Northeast Area Plan designates a portion of this property as both Parks and Open Space and Lower-Medium Density Residential. The Parks and Open Space Land Use District is intended to be activated with amenities such as playground equipment, trails, ponds, and landscaping. Parks should be connected to surrounding neighborhoods with sidewalks and trails. Institutional buildings are the only allowed building type. The Lower-Medium Density Residential Land Use District is intended to promote infill development and investment by allowing additional units compared to the Single Family District, while preserving the overall character of existing neighborhoods. Lower-Medium Density Residential areas must follow the narrow lot design guidelines. Allowed building types include single-family houses, townhomes, and duplexes.		
Major Street Plan:	The Major Street Plan classifies Parallel Avenue, Troup Avenue, and North Mill Street as Local/Neighborhood Streets.		

Parking Requirement:	Section 27-460(d) requires one and one-half (1.5) parking spaces for each dwelling unit that has one (1) bedroom or less, and two (2) parking spaces for each dwelling unit that has two (2) bedrooms or more. The proposed development has 19 two (2)- bedroom units, which requires 38 parking spaces. The submitted plans demonstrate that there are 38 parking spaces, which satisfies Section 27-460(d).
Advertisement:	<u>The Wyandotte Echo</u> – June 15, 2023 Letters to Property Owners – June 16, 2023
Public Hearings:	July 10, 2023, and July 27, 2023
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Jose Yepaz with WTF Development, LLC, is requesting a Comprehensive Plan Amendment, a Preliminary Plat, and a Preliminary Plan Review. The Preliminary Plat will create 23 single-family residential parcels, 19 of which will be for townhomes and four (4) of which are open space tracts. The Plat consists of current parcels #095055—095060, 095068, 095069, and a portion of 095070, which will result in three (3) blocks separated by public rights-of-way. The Preliminary Plan Review is for the proposed development on the subject property: 19 townhomes and four (4) open space tracts to support the residential development. Lastly, the Comprehensive Plan Amendment from Parks and Open Space to Lower-Medium Density Residential (both under the Northeast Area Plan) in order to be compatible with the proposed development. This project is being constructed on Land Bank property.

City Ordinance Requirements: Article VI, Sections 27-196 – 27-208 and 27-212—27-213; Article VIII, Sections 27-460 and 27-696—27-704

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, Zoning, or Code Enforcement Complaints:

1. Previous property owners have received Building Inspection or Property Maintenance Compliance citations for a variety of issues from 2007-2021, including overgrown weeds/grass and trash.
2. The current property owner has not received any Building Inspection or Property Maintenance Compliance citations.

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

Comprehensive Plan Amendment

1. Neighborhood Character.

The subject property is within the Northeast Statistical Neighborhood and is not within a neighborhood group. The neighborhood is arranged in a traditional grid street system and is zoned RP-5. While this street-parcel arrangement and zoning allows for higher-density residential uses, many of the parcels are vacant and therefore such potential is not realized.

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

The attached single-family residential development linked to MPL2023-009 satisfies the minimum parking requirements associated with the number of units and bedrooms in said development. No additional public streets will be constructed in association with the development. The increase in residences, however, will not cause an increase in traffic to the extent that it would have an adverse effect on road capacity. Each townhome is a single-family dwelling unit and will be constructed on individual parcels. The equivalent development of single-family residences in compliance with the Narrow Lot Design Guidelines (NLDG) could result in the same—if not greater—density of residential dwelling units.

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.

There are sufficient sanitary sewer lines serving the subject property. A gravity main runs north to south from east of the existing cemetery then runs west under Parallel Avenue before running south again under North Mill Street. Other sanitary sewer lines run through the alley that will serve the new development, between Parallel Avenue and Troup Avenue.

4. The difference between the existing and proposed comprehensive plan

The Northeast Area Plan designates a portion of this property as both Parks and Open Space and Lower-Medium Density Residential; Applicant is seeking to amend the plan map so that the subject property is entirely within the Lower-Medium Density Residential Land Use District.

The Parks and Open Space Land Use District focuses on relatively undeveloped land used for recreational space, with only institutional buildings such as visitor centers, libraries, and community centers allowed within this district. In contrast, the Lower-Medium Density Residential Land Use District is intended to promote infill development within existing neighborhoods at a density greater than found in an exclusively single-family residential neighborhood. Allowed buildings include not only single-family residences on narrow lots, but townhomes and duplexes as well.

5. Analysis of the impact on surrounding properties.

Most of the surrounding properties are zoned RP-5 Planned Apartment District, meaning that a development with a density up to 29 dwelling units per acre could be constructed without a Change of Zone entitlement. This project proposes 12.5 units per acres. Even within the subject property itself, only the land that makes up Block 1 is within the Parks and Open Space Land Use District. The remaining land of the subject property (Block 2 and Block 3) are already within the Lower-Medium Density Residential Land Use District and so would be compatible with not only townhomes like those proposed but also with apartments at a density of 29 units per acre. Additionally, a portion of the surrounding parcels are vacant; new development as anticipated by the Northeast Area Plan and allowed by the Zoning Code would have a positive effect on the surrounding properties in terms of safety, property values, access to amenities, and secondary effects such as attracting businesses and services nearby.

The addition of 19 new dwelling units of townhomes, while in a primarily detached single-family neighborhood, is anticipated by the zoning code and area plan, and will have a positive impact on the community in the form of infill housing and additional housing stock.

6. Estimate the future costs and revenues to the Unified Government and property owner as well as market impact.

Amending the Northeast Area Plan map so that the entirety of the subject property is within the Lower-Medium Density Residential Land Use District will create a consistent land use designation and standard for the property. As the subject property is already zoned RP-5, the comprehensive plan amendment

would then allow for the proposed development per the Zoning Code, as the area plan land use and zoning districts would both allow for mid-density multi-family development. Development of the vacant Land Bank lots that make up the subject property would benefit the Unified Government in three (3) ways.

First, receiving planning entitlements that align to the Northeast Area Plan and the Zoning Code allow for the subject property to actually be developed, which is a condition of the sale of the land from the Land Bank. With the subject property removed from Land Bank ownership, the Unified Government no longer carries the liabilities associated with the land. Second, the proposed development improves the subject property and allows the Unified Government to collect more property taxes. Third, the street and alley system, as well as the sanitary sewer system, are already installed, thereby not adding to the Unified Government's existing infrastructure maintenance costs. Public improvements, however, will be necessary for this proposed project. Additionally, the surrounding properties will also see an increase in property values due to this development. This type of development creates real—rather than speculative—property value increases.

Preliminary Plat

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

The proposed plat does demonstrate narrow lots; in conjunction with Preliminary Plan Review PR2023-020, this plat will have shared-wall townhomes and therefore the residential units within the interior of the proposed townhome blocks/rows have interior side yard setbacks of zero (0) feet. The proposed shared walls create a potential fire hazard—this hazard can be safely mitigated through the proper design and fireproofing of exterior and shared walls. All other potential issues—health, flood, erosion, and excessive noise—are insignificant. The development is not within a floodplain, and Applicant has submitted a grading plan and filed a setback variance application to address erosion concerns. As for health and noise, such issues are of no greater concern than would be if three (3) small apartment buildings of five (5) to 8 dwelling units each were to be constructed on the subject property. In fact, as each townhome is a separate dwelling unit with separate entrances and no interior common space, the health and noise concerns that could be associated with traditional apartment buildings are not found within this development.

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

a. Water service

BPU will provide water service to the property.

b. Sanitary sewer service

See “Comprehensive Plan Amendment Review Factor #3”.

c. Storm water control

There is no stormwater control infrastructure that appears to immediately serve the subject property, as there are no stormwater access points or stormwater line under the public rights-of-way adjacent to the subject property. The closest stormwater infrastructure is located to the southeast of the subject property, at the intersection of North 9th Street and Troup Avenue. The applicant intends to work with Public Works to enhance an existing detention basin, or if required, construct their own.

d. Police

Police service provided by East Patrol, District #112.

e. Fire

Fire service is provided by Fire Station #5, which is six-tenths (0.6) mile to the north of the subject property.

f. Transit

The subject property is served by several bus stops along North 7th Street. The closest pair of bus stops are located one-third (1/3) mile away, at the intersection of North 7th Street and Stewart Avenue. The bus stops are served by Route #106 - Quindaro-Amazon.

g. Schools

Public education is provided by Bertram Caruthers Elementary School, Carl Bruce Middle School, and Wyandotte High School, under Kansas City, Kansas USD 500.

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

See "Comprehensive Plan Amendment Review Factor #2".

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 subject property is arranged in three (3) separate blocks, each of which has a row of five (5) to eight (8) shared-wall townhomes. Block 1 is separated from the other blocks by the North Mill Street right-of-way, and Block 2 and Block 3 are separated from each other by a public alley. Each townhome is located on an individual parcel. Applicant has—simultaneous with PLAT2023-021—applied for a variance from the front, interior side, and corner side yard minimum setbacks for

various parcels throughout the plat. If these variances under BOZA2023-029 are approved by the Board of Zoning Appeals, then it is assured that the respective yards have sufficient light, open space, and air. There is no concern for the rear yards of each townhome parcel, as they currently demonstrate setbacks exceeding the required minimum.

By positioning at the intersections of Parallel Avenue-North Mill Street and Troup Avenue-North Mill Street residential buildings with a higher density than that of the rest of the respective street blocks, this plat creates more active, vibrant intersections while reducing the perceived effect on the existing residences further into the street block interior. This arrangement effectively allows for mixed residential development within a block and within a neighborhood without displacing residents or disrupting the existing buildings. The plat also balances the need for greater density within traditional neighborhoods with the existing lower-density, single-family residences located on the non-vacant parcels within the surrounding neighborhood. This will allow for long-term sustained real estate values not only for the proposed plat, but for the other properties on the same street block and outside of the proposed plat.

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.

Within BOZA2023-029, a variance application submitted simultaneous to MPL2023-009, PLAT2023-021, and PR2023-020, two (2) separate variance requests are related to address the topography of the subject property.

Applicant is seeking a variance from the front yard setback for Block 1, Lots 1-6, and a variance from the corner side yard setback for both Block 2, Lot 1 and Block 3, Lot 1. If said variances are approved by the Board of Zoning Appeals, then the development will be allowed to be designed in regard with the local topography. Additionally, the stormwater retention pond has been designed to be at the lowest point of the subject property, which aids in the effective management of stormwater runoff.

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.

While the proposed plat features 19 residential units on 23 parcels (a net increase of 12 parcels from the initial nine (9) parcels that make up the subject property), this number does not meet any thresholds which would trigger amenity requirements. The proposed plat does, however, feature four (4) open space parcels, although these parcels are designed to address stormwater runoff and will have water retention ponds. Open space with such runoff ponds is often not compatible with other amenities for residents. Additional amenities should be added to the revised preliminary plat. Public improvements such as sidewalks, curbs, and gutters are required.

Preliminary Plan Review

1. Neighborhood character.

See “Comprehensive Plan Amendment Review Factor #1”.

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.

See “Comprehensive Plan Amendment Review Factor #2”.

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

The Lower-Medium Density Residential Land Use District is intended to promote infill development and anticipates single-family residences, townhomes, and duplexes to accomplish such infill. The proposed development consists of 19 townhomes to be constructed along established streets within a neighborhood with a large amount of platted but vacant parcels. While each townhome unit will exist on a separate parcel, they are arranged in shared-wall rows of five (5) to eight (8) units. This aspect of the development conforms to the Northeast Area Plan.

The Northeast Area Plan also requires that all new development within an area designated as Lower-Medium Density Residential must comply with the NLDG. As a portion of the subject property is already designated as Lower-Medium Density Residential, and Master Plan Amendment MPL2023-009 will change the other portion of the project, the development must receive administrative approval confirming compliance with all NLDG requirements. While the proposed development already demonstrates some compliance with the NLDG, Applicant must still submit a NLDG application to staff for review prior to receiving a building permit.

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

See “Preliminary Plat Review Factor #2”.

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

There are two (2) aspects of the proposed development that currently do not meet the applicable ordinance. The first aspect is related to the requirements of the NLDG. The Narrow Lot Design Guidelines review is required for all new development that is either within the Lower-Medium Density Residential Land Use District under the Northeast Area Plan or is within the R-1 Single-Family District on a lot less than 50 feet wide. An administrative NLDG review must occur by Planning Staff prior to the issuance of building permits and a more detailed design must be demonstrated at the time of a Final Plat and Final Development Plan.

Second is a variety of front, interior side, and exterior side yard setbacks. All setbacks in violation of the front yard, interior side yard, and corner side yard must be approved by the Board of Zoning Appeals if Preliminary Plan PR2023-020 can be approved by the City Planning Commission.

PREVIOUS ACTIONS

BOZA2023-029, a simultaneous variance request from the front yard, interior side yard, and corner side yard setbacks

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on June 26, 2023. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Alley Access
Building Façades
Narrow Lot Design Guidelines
Open Space
Pedestrian Walkways and Sidewalks
Public Improvements

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Master Plan Amendment MPL2023-009 and Preliminary Plan Review PR2023-020, subject to:

1. **The applicant shall apply for the Narrow Lot Design Guidelines administrative review through the Department of Planning and Urban Design prior to the issuance of Building Permits.**
2. **Per Sections 27-699(b)(3), -699(b)(4), -700(b)(1), and -703, all landscaping must be completed in satisfaction of all landscaping requirements as part of the proposed site development, no landscaping may be delayed due to the zoning district or vacancy status of adjacent properties, and additional landscaping must be installed if current landscaping dies or adjacent development requires the subject property to add additional landscaping or screening.**
3. **Submit hydrant locations for review per Sec.507, 2012 IFC. All houses should be within 600' of a hydrant. All buildings to be within 150' of code compliant access road(s) per Sec.503, 2012 IFC.**
4. **Signs for "NO PARKING" shall be posted per Sec.D103.6, 2012 IFC.**
 - a. **Roads 20 to 26 feet wide (curb face to curb face) - NO on street parking either side.**

- b. Roads over 26 to 32 feet wide (curb face to curb face) - Parking on one side.
 - c. Roads over 32 feet wide (curb face to curb face) - on street parking allowed both sides.
 - d. 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'.
- 5. Fire access entrance roads must comply with Sec.D104.3 separated by min. 1/2 the diagonal of the area served, with two (2) minimum entrances for subdivisions with more than 75 units per City Ordinance Chapter 15, Article III-Sec.15.54, D107.1.
- 6. Per Section 27-609(2), for any accessory buildings constructed 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. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
- 8. 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. All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
- 10. These City Planning Commission cases are being heard in conjunction with BOZA2023-029. Any approval by the City Planning Commission or Board of Commissioners of these cases, and the conditions of approval contained herein, are contingent, and shall only go into effect, upon the approval of BOZA2023-029 by the Unified Government Board of Zoning Appeals and upon any ordinance publications required by law;
- 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. Improvements that include land disturbance activity on greater than one (1) acre of surface area of land or include the construction or alteration of a structure 1,000 square feet or larger shall require a land disturbance permit

- issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;
14. Proposed development within this plat will require civil drawings to be submitted, which may result in submitting a revised replat;
 15. 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;
 16. 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;
 17. 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;
 18. 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
 19. District Requirements, Comprehensive Plan Requirements, all Design Guideline Requirements, Overlay District Requirements, and 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;

20. All new rooftop mechanical equipment (i.e., RTUs, HVAC, vent stacks, etc.) shall be screened from public view by the parapet of the building. Architectural screens such as opaque, textured, or perforated panels do not meet the standards of the Commercial Design Guidelines; and,
- a. Whether events subsequent to the comprehensive plan adoption have changed the character and/or condition of the area so as to make the application acceptable;
 - b. Whether the change is consistent with the goals and policies of the comprehensive plan and/or any relevant corridor, neighborhood, or area plan;
 - c. Whether public and community facilities, such as utilities, sanitary and storm sewers, water, police and fire protection, parks and recreational facilities, roads, and others are adequate to serve development for the type and scope suggested by the proposed land use. If utilities are not available, whether they can be reasonably extended;
 - d. Whether the proposed amendment would result in comprehensive plan or regulatory conflicts;
 - e. Whether the proposed amendment would allow a change in development on the subject site without creating adverse impacts on existing or planned surrounding uses, or creating inconsistencies with applicable future land use map patterns; and
 - f. The impacts of the potential costs and benefits derived by the community or area by the proposed change.

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 MPL2023-009 and PR2023-020** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

July 10, 2023, City Planning Commission Minutes
Aerial Map
Zoning Map
Area Plan
Land Use Map
Site Plan of Mill Street Townhomes
Mill Street Townhomes Floor Plans
Mill Street Townhomes Floor Cross-Section Plans
Mill Street Townhomes Renderings Submitted by Applicant

Mill Street Townhomes Preliminary Landscaping Plan
Mill Street Townhomes Preliminary Utility Plan
Mill Street Townhomes Preliminary Grading Plan
Mill Street Townhomes Preliminary Erosion Control Plan
Mill Street Townhomes Proposed BMPs
Traffic Memorandum Dated May 26, 2023
Neighborhood Meeting Materials

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Board of Commissioners</u>
Public Hearing	July 10, 2023	July 27, 2023
Master Plan Amendment Approval		
Preliminary Plat	July 10, 2023	Not Required
	Approved	
Preliminary Plan	July 10, 2023	July 27, 2023
	Approval	

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

MOTIONS

Master Plan Amendment

I move the Unified Government Board of Commissioners **APPROVE** Petition **MPL2023-009** 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 **MPL2023-009**, 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.

Preliminary Plan Review

I move the Unified Government Board of Commissioners **APPROVE** Petition **PR2023-020** as meeting all the requirements of the city code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to

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

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **PR2023-020**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

July 10, 2023, City Planning Commission Minutes:

Hearing starts at 4:44:03:

MASTER PLAN AMENDMENT MPL2023-009 – JOSE YEPAZ WITH WTF

DEVELOPMENT, LLC – SYNOPSIS: Master Plan Amendment from Parks and Open Space to Lower-Medium Density Residential (Northeast Area Plan) at 825 Parallel Avenue.

PLAT APPLICATION PLAT2023-021 – JOSE YEPAZ WITH WTF DEVELOPMENT,

LLC - SYNOPSIS: Preliminary Plat for nineteen (19) multi-family lots and four (4) open area at 825 Parallel Avenue.

PLAN REVIEW APPLICATION PR2023-020 – JOSE YEPAZ WITH WTF

DEVELOPMENT, LLC - SYNOPSIS: Preliminary Plan Review for townhomes at 825 Parallel Avenue.

Detailed Outline of Requested Action: The applicant, Jose Yepaz with WTF Development, LLC, is requesting a Comprehensive Plan Amendment, a Preliminary Plat, and a Preliminary Plan Review. The Preliminary Plat will create 23 single-family residential parcels, 19 of which will be for townhomes and four (4) of which are open space tracts. The Plat consists of current parcels #095055—095060, 095068, 095069, and a portion of 095070, which will result in three (3) blocks separated by public rights-of-way. The Preliminary Plan Review is for the proposed development on the subject property: 19 townhomes and four (4) open space tracts to support the residential development. Lastly, the Comprehensive Plan Amendment from Parks and Open Space to Lower-Medium Density Residential (both under the Northeast Area Plan) in order to be compatible with the proposed development. This project is being constructed on Land Bank 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 July 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 for the Master Plan Amendment, 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:

- Curt Peterson, attorney representing the applicant, 900 West 48th Place, Kansas City, Missouri

Present in Opposition:

- No one appeared

Staff Recommendation starts at 4:46:23: Planning Director Hand stated that the 21 multi-family units has been revised after discussions with the applicant. There are now 19 units and parcels and four (4) open space tracts. Staff recommends approval subject to the conditions in the staff report.

Motion starts at 4:47:30:

On motion by Mrs. Jones, seconded by Ms. Armstrong, the Planning Commission voted as follows to recommend **APPROVAL of Master Plan Amendment MPL2023-009:**

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

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

Subject to:

1. **The applicant shall apply for the Narrow Lot Design Guidelines administrative review through the Department of Planning and Urban Design prior to the issuance of Building Permits.**
2. **Per Sections 27-699(b)(3), -699(b)(4), -700(b)(1), and -703, all landscaping must be completed in satisfaction of all landscaping requirements as part of the proposed site development, no landscaping may be delayed due to the zoning district or vacancy status of adjacent properties, and additional landscaping must be installed if current landscaping dies or adjacent**

- development requires the subject property to add additional landscaping or screening.
3. Submit hydrant locations for review per Sec.507, 2012 IFC. All houses should be within 600' of a hydrant. All buildings to be within 150' of code compliant access road(s) per Sec.503, 2012 IFC.
 4. Signs for "NO PARKING" shall be posted per Sec.D103.6, 2012 IFC.
 - a. Roads 20 to 26 feet wide (curb face to curb face) - NO on street parking either side.
 - b. Roads over 26 to 32 feet wide (curb face to curb face) - Parking on one side.
 - c. Roads over 32 feet wide (curb face to curb face) - on street parking allowed both sides.
 - d. 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'.
 5. Fire access entrance roads must comply with Sec.D104.3 separated by min. 1/2 the diagonal of the area served, with two (2) minimum entrances for subdivisions with more than 75 units per City Ordinance Chapter 15, Article III-Sec.15.54, D107.1.
 6. Per Section 27-609(2), for any accessory buildings constructed 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. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
 8. 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. All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
 10. These City Planning Commission cases are being heard in conjunction with BOZA2023-029. Any approval by the City Planning Commission or Board of Commissioners of these cases, and the conditions of approval contained herein, are contingent, and shall only go into effect, upon the approval of BOZA2023-029 by the Unified Government Board of Zoning Appeals and upon any ordinance publications required by law;

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. Improvements that include land disturbance activity on greater than one (1) acre of surface area of land or include the construction or alteration of a structure 1,000 square feet or larger shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;
14. Proposed development within this plat will require civil drawings to be submitted, which may result in submitting a revised replat;
15. 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;
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18. 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
19. District Requirements, Comprehensive Plan Requirements, all Design Guideline Requirements, Overlay District Requirements, and 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;

20. All new rooftop mechanical equipment (i.e., RTUs, HVAC, vent stacks, etc.) shall be screened from public view by the parapet of the building. Architectural screens such as opaque, textured, or perforated panels do not meet the standards of the Commercial Design Guidelines; and,
- a. Whether events subsequent to the comprehensive plan adoption have changed the character and/or condition of the area so as to make the application acceptable;
 - b. Whether the change is consistent with the goals and policies of the comprehensive plan and/or any relevant corridor, neighborhood, or area plan;
 - c. Whether public and community facilities, such as utilities, sanitary and storm sewers, water, police and fire protection, parks and recreational facilities, roads, and others are adequate to serve development for the type and scope suggested by the proposed land use. If utilities are not available, whether they can be reasonably extended;
 - d. Whether the proposed amendment would result in comprehensive plan or regulatory conflicts;
 - e. Whether the proposed amendment would allow a change in development on the subject site without creating adverse impacts on existing or planned surrounding uses, or creating inconsistencies with applicable future land use map patterns; and
 - f. The impacts of the potential costs and benefits derived by the community or area by the proposed change.

On motion by Mrs. Jones, seconded by Ms. Armstrong, the Planning Commission voted as follows to **APPROVE PLAT2023-021**:

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

Motion to APPROVE Passed 6 to 0

Subject to the above conditions

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

PR2023-020:

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

Motion to recommend APPROVAL Passed 6 to 0

Subject to the above conditions

ATTACHMENTS

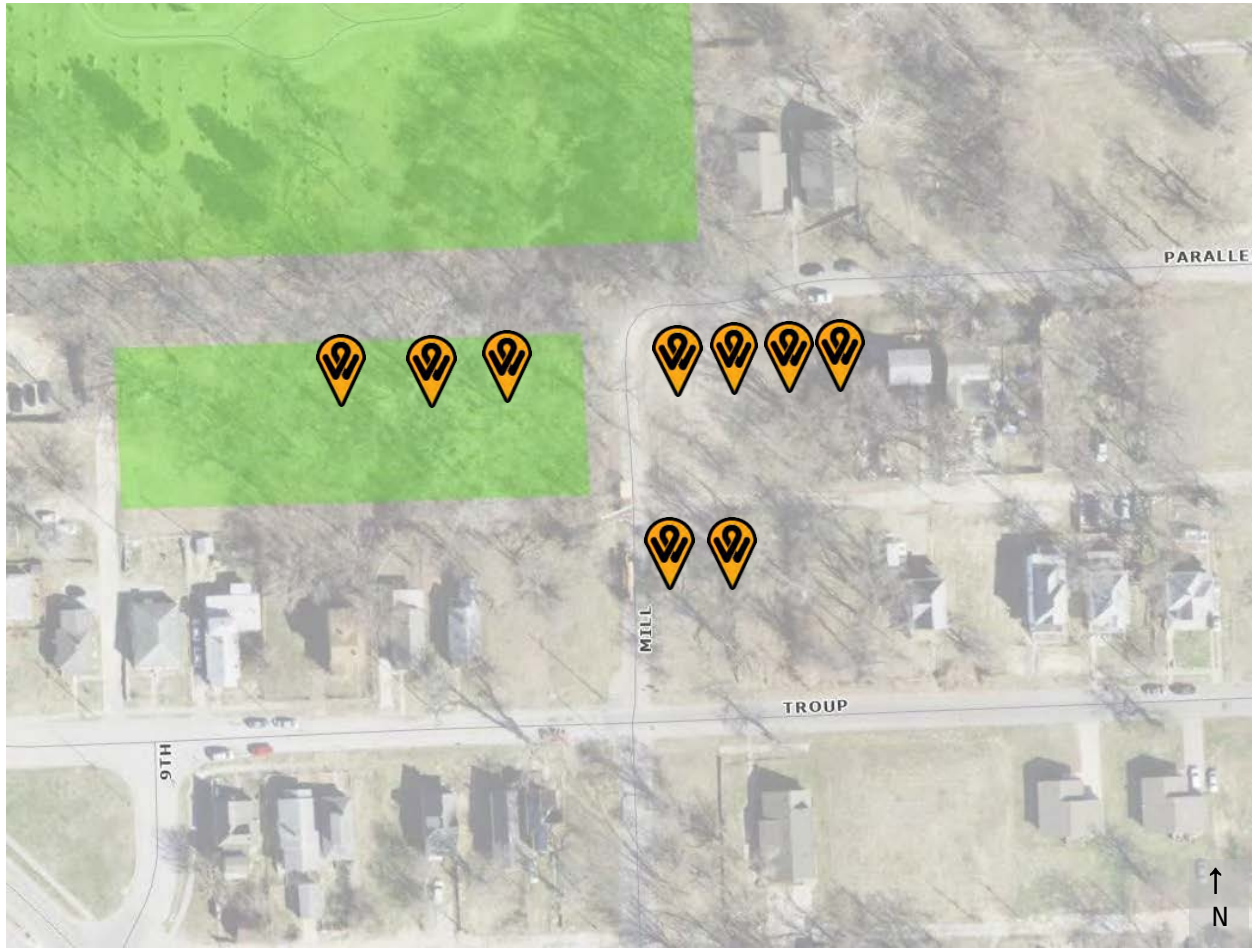
AERIAL IMAGERY

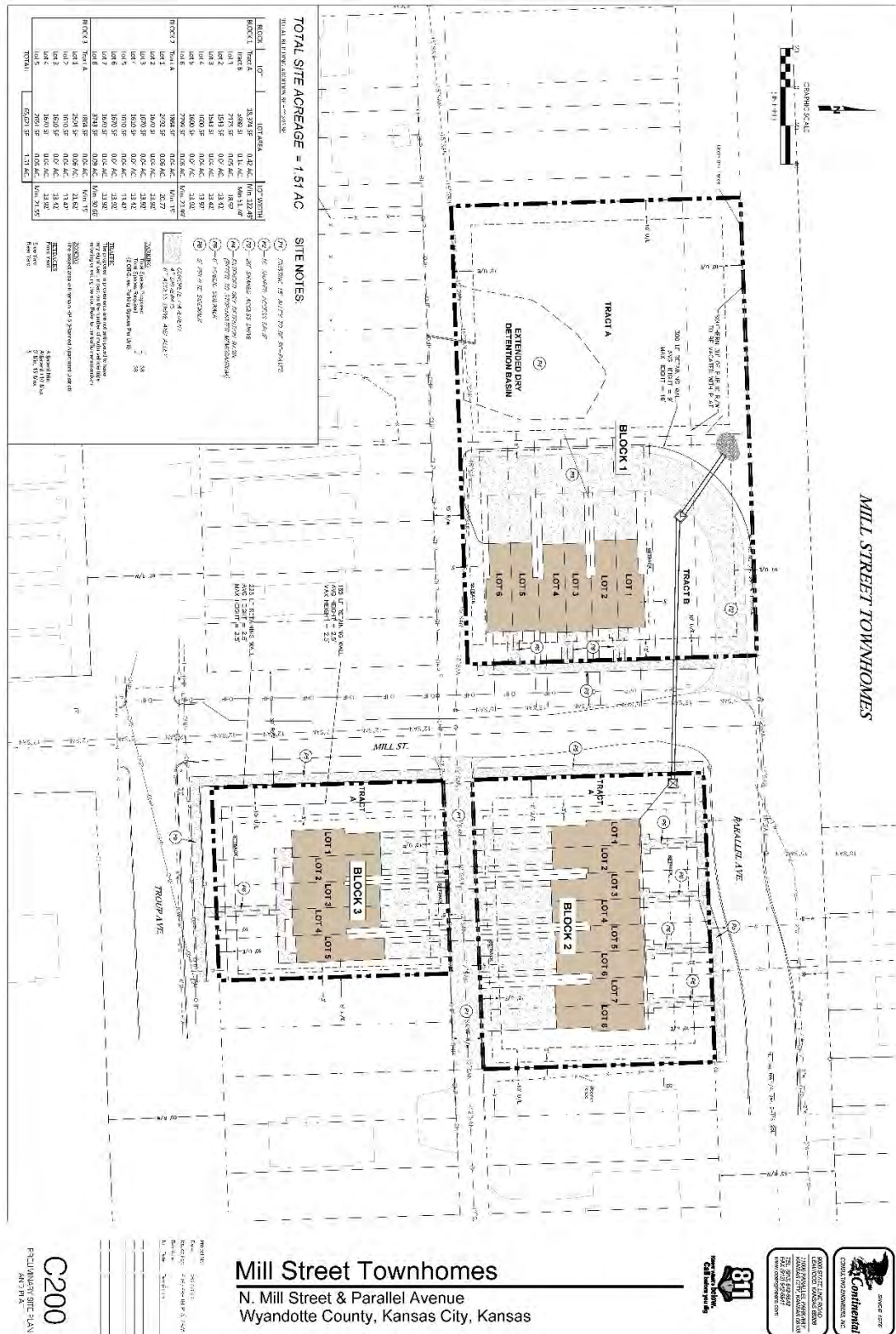


ZONING MAP



LAND USE MAP





TOTAL SITE ACREAGE = 1.51 AC

TOTAL BUILDING ADDITION SF = 22,895 SF

BLOCK 1	Tract A	18,374 SF	0.42 AC.
	Tract B	6440 SF	0.15 AC.
	Lot 1	1725 SF	0.04 AC.
	Lot 2	1543 SF	0.04 AC.
	Lot 3	1543 SF	0.04 AC.
	Lot 4	1600 SF	0.04 AC.
	Lot 5	1600 SF	0.04 AC.
BLOCK 2	Lot 6	2799 SF	0.06 AC.
	Lot 1	4356 SF	0.10 AC.
	Lot 2	1670 SF	0.04 AC.
	Lot 3	1670 SF	0.04 AC.
	Lot 4	1610 SF	0.04 AC.
	Lot 5	1610 SF	0.04 AC.
	Lot 6	1670 SF	0.04 AC.
	Lot 7	1670 SF	0.04 AC.
BLOCK 3	Lot 8	3743 SF	0.09 AC.
	Lot 1	4099 SF	0.09 AC.
	Lot 2	1610 SF	0.04 AC.
	Lot 3	1610 SF	0.04 AC.
	Lot 4	1670 SF	0.04 AC.
TOTAL:		65,623 SF	1.51 AC.

SITE NOTES:

- P1—EXISTING 15' ALLEY TO BE RE-PAVED
- P2—16' SHARED ACCESS DRIVE
- P3—20' SHARED ACCESS DRIVE
- P4—EXTENDED DRY DETENTION BASIN
(REFER TO STORMWATER MEMORANDUM)
- P5—6' PUBLIC SIDEWALK
- P6—5' PRIVATE SIDEWALK

CONCRETE PAVEMENT
4" DRIVEWAYS
6" ACCESS DRIVE AND ALLEY

PARKING

Total Spaces Proposed = 38
Total Spaces Required = 38
(2 Off-Street Parking Spaces Per Unit)

TRAFFIC

The proposed improvements are not anticipated to have any significant impact on the number of motor vehicle trips entering or exiting the site. Refer to the traffic memorandum.

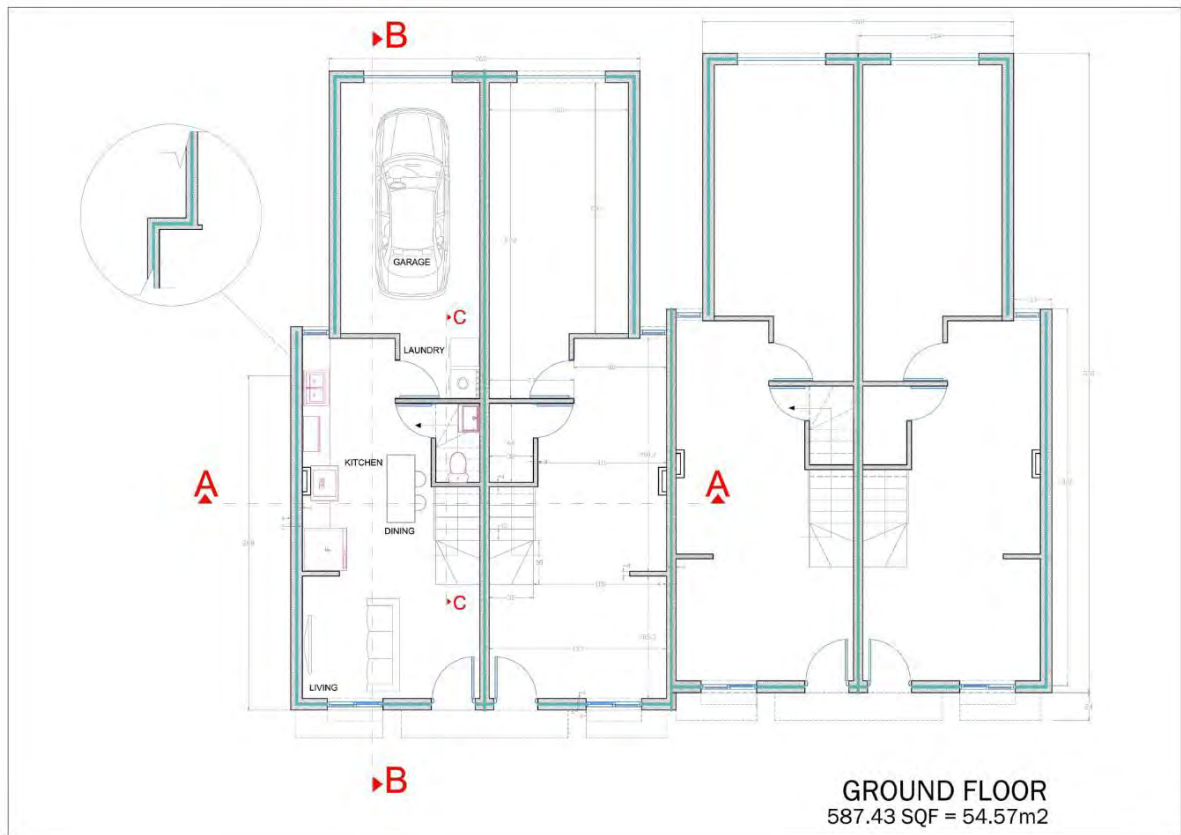
ZONING

The project area will remain RP-5 (Planned Apartment District)

SETBACKS

Front Yard: 25'
Block 1: 10' Variance Requested 15'
Side Yard: 10'
Side Yard (Corner Lot): 25'
Blocks 2&3: 5' Variance Requested 20'
Rear Yard: 25'

FLOOR PLAN

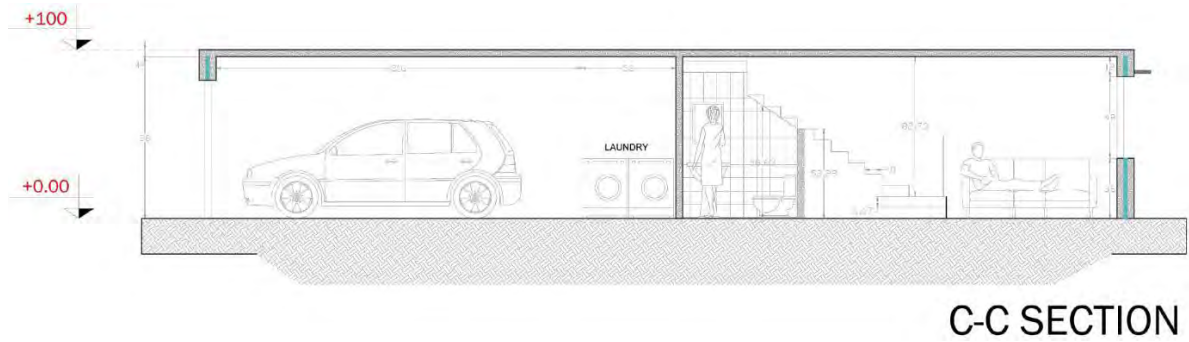
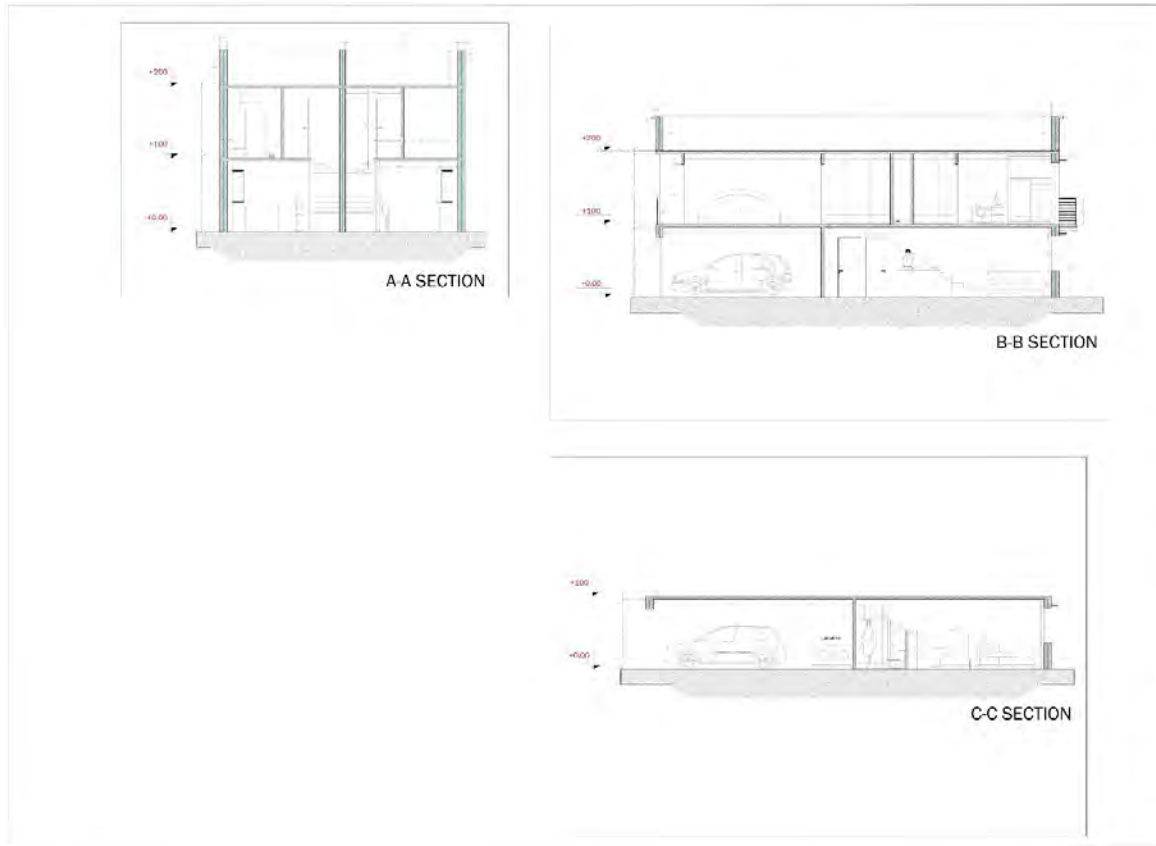


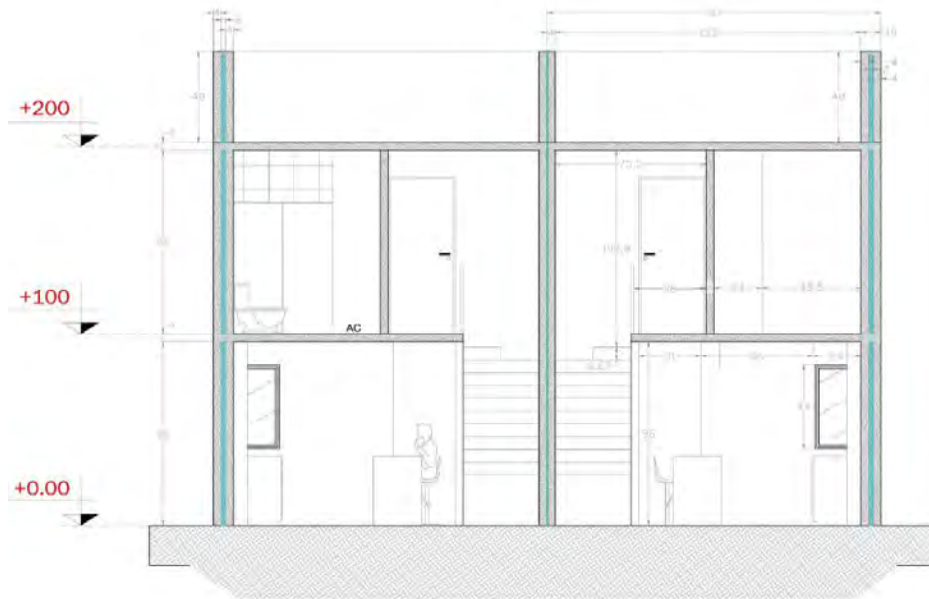
GROUND FLOOR
567.43 SQM = 54.57m²

FIRST FLOOR
601.93 SQM = 55.92m²
TOTAL AREA: 1189.36 SQM = 110.49 m²

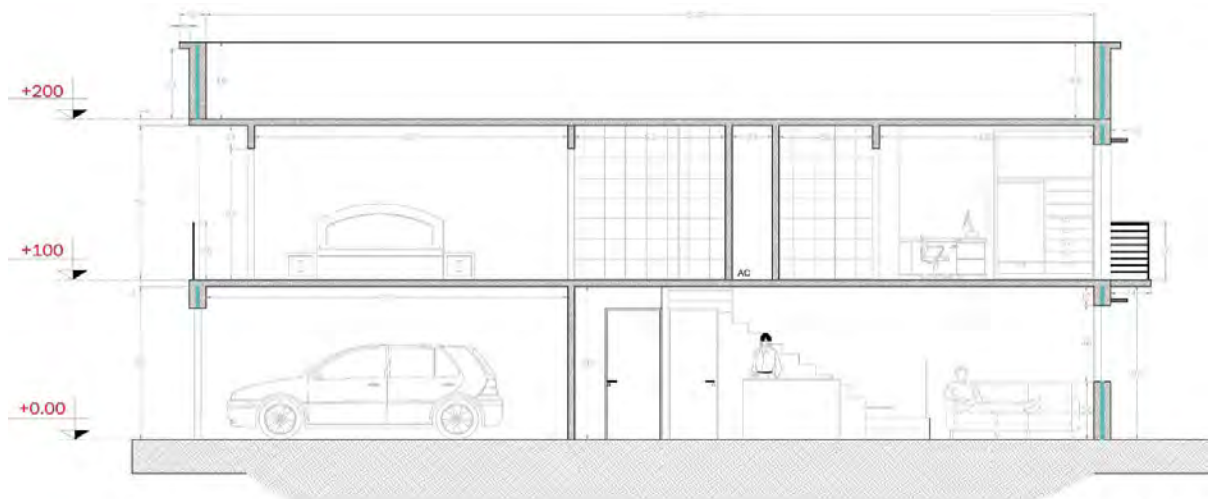
ROOF

CROSS-SECTION PLAN





A-A SECTION



B-B SECTION

RENDERINGS



LANDSCAPE PLAN



UTILITY PLAN



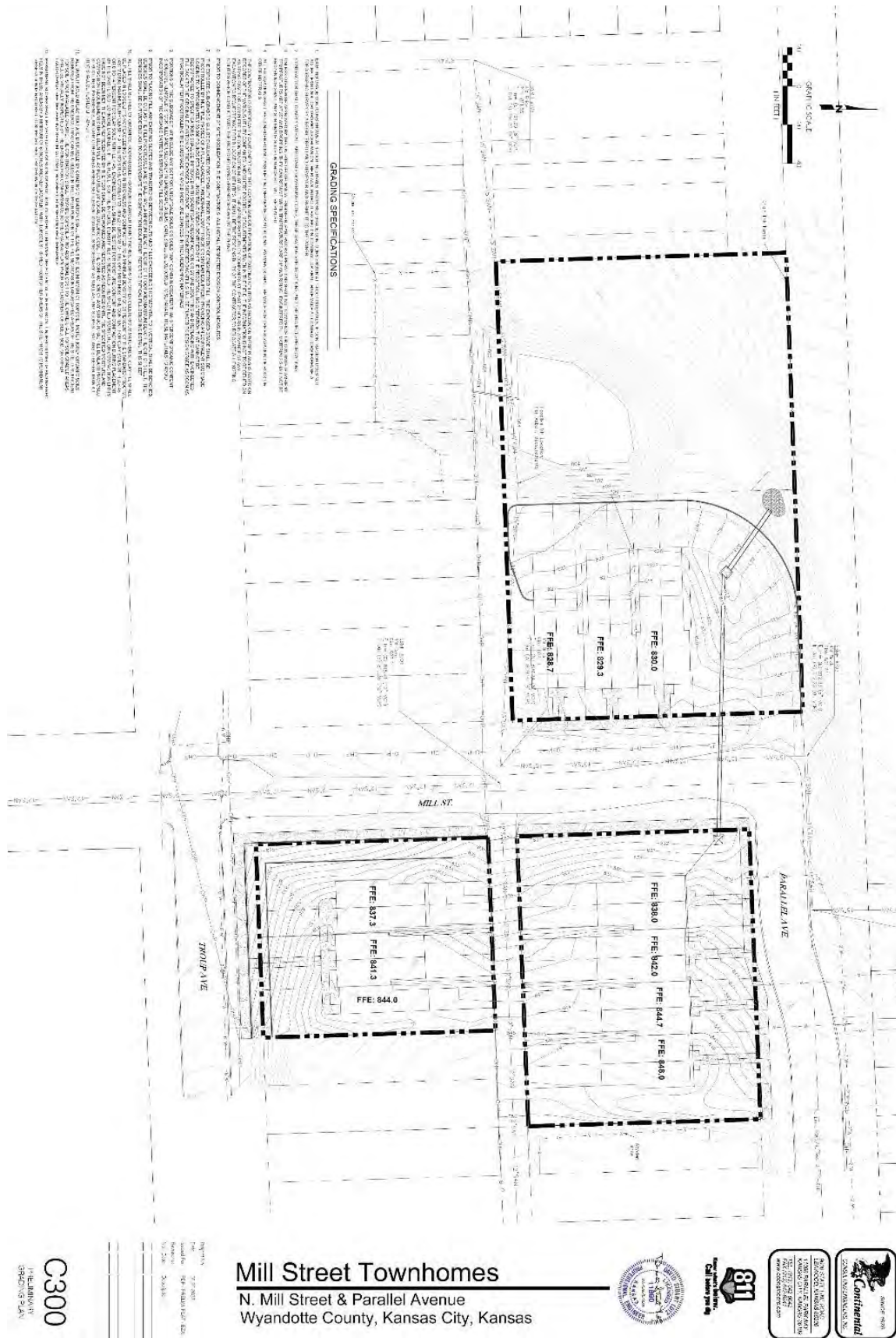
Mill Street Townhomes

N. Mill Street & Parallel Avenue
Wyandotte County, Kansas City, Kansas

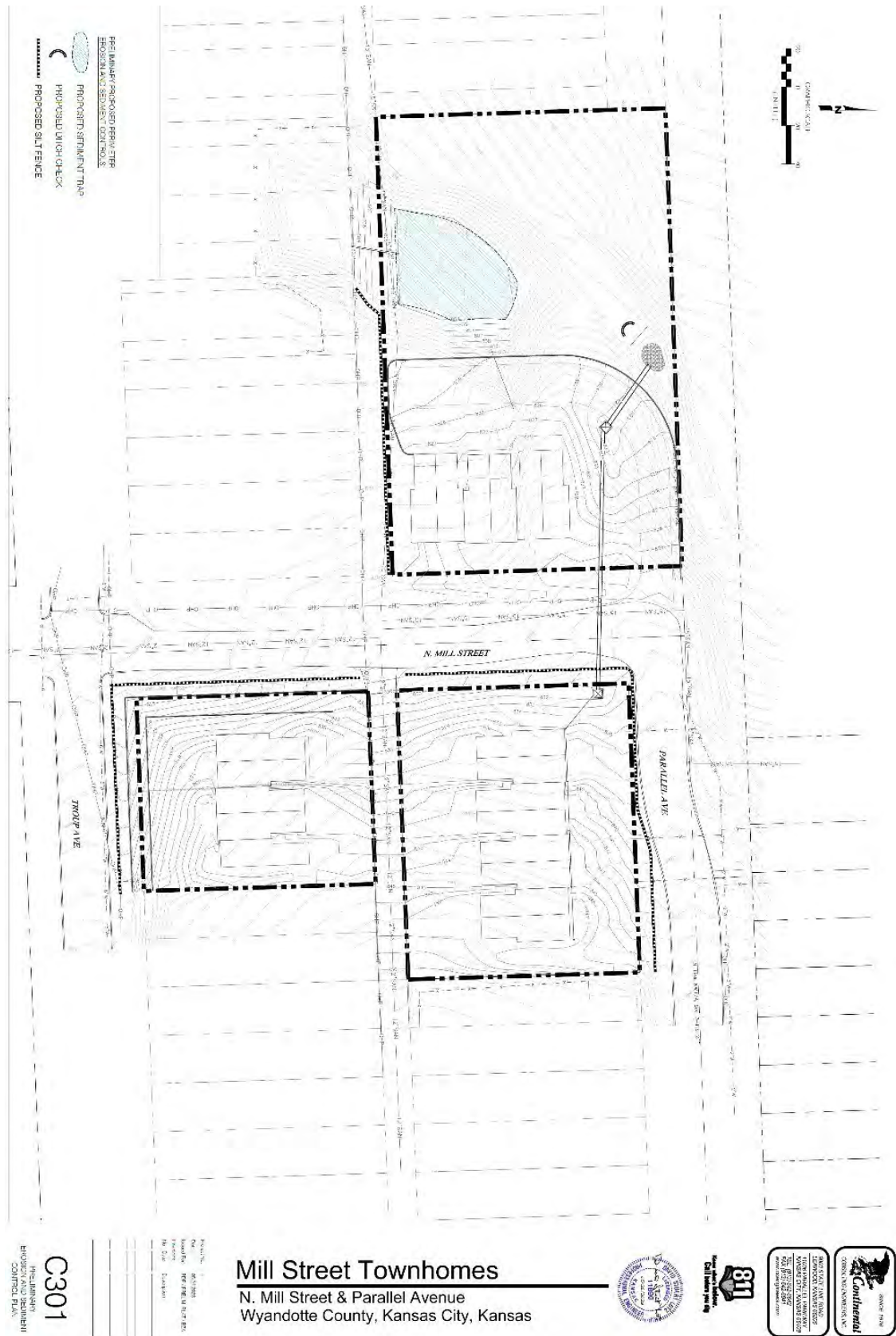


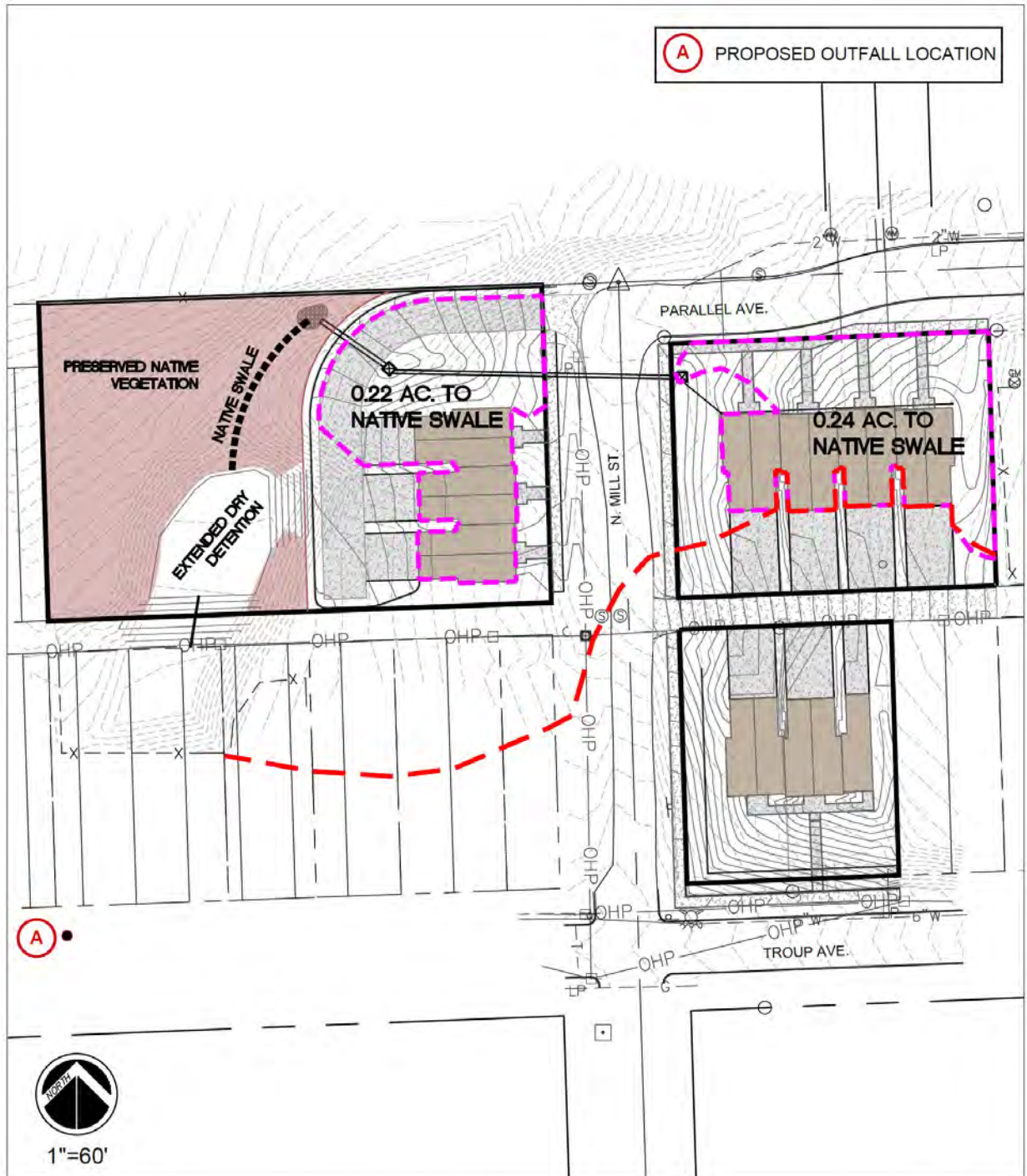
C400

GRADING PLAN



EROSION CONTROL





MILL STREET TOWNHOMES
PROPOSED BMP's
KANSAS CITY, KANSAS

FIGURE 1

05/26/2023

TRAFFIC MEMORANDUM



11006 Parallel Parkway
Kansas City, Kansas 66109
9000 State Line Road
Leawood, Kansas 66206
(913) 642-6642
(913) 642-6941 Fax
www.ccengineers.com

May 26, 2023

Unified Government Engineering Department
701 N. 7th Street, Suite 712
Kansas City, KS 66101

**Subject: Mill Street Townhomes
Traffic Memorandum**



Dear U.G. Plans Reviewer:

In discussions during the DRC/Pre-Application Meeting, it is our understanding that a full Traffic Study is not required for this project and that a Traffic Letter will satisfy the Public Works Engineering requirement that traffic be addressed with the preliminary plat/preliminary development plan, and BZA applications. The following outlines the proposed traffic operations and flow for the site.

Site Information:

The proposed Mill Street Townhome project is located in Wyandotte County, Kansas City, Kansas, on both sides of N. Mill Street between Parallel Avenue and Troup Avenue. At full build-out, the proposed townhouse project will have 19 two bedroom units.

The off-street parking for the project will be one garage space internal to each individual unit and one space in each individual driveway. Refer to Sheet C200 in the project submittal for an understanding of the proposed site access and layout. A total of 38 parking spaces are provided for the 19 units.

Existing Traffic

Existing traffic counts were not currently available. The area is mix of occupied homes and vacant lots. During several visits to the site, traffic has been observed to be almost non-existent.

Proposed Traffic

Proposed traffic is based on the 11th Edition of the ITE Trip Generation Manual. The ITE code for single family housing (215) was selected for this project. Based on this analysis, a total of 9 trips (2 entering/7 exiting) are expected during the A.M. Peak and a total of 11 trips (6 entering/5 exiting) are expected during the P.M. Peak. Refer to attached Table "A"

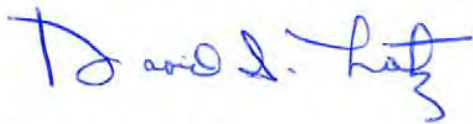
Conclusion

Based on the above Traffic Analysis, it is our opinion that the Mill Street Townhomes will have a limited impact on the surrounding road network and that no improvements should be required with this project.

Please contact us as you have questions or comments.

Sincerely,

CONTINENTAL CONSULTING ENGINEERS, INC.



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

Attachment: Attachment "A"

TABLE A - TRIP GENERATION MILL STREET TOWNHOMES																			
Continental Consulting Engineers Kansas City, Kansas		5/26/2023																	
Weekday																			
	Units	ITE Vehicle Trip Generation Rates								Expected Units	Total Generated Trips			Total Distribution of Generated Trips					
		(peak hours are for peak hour of adjacent street traffic unless highlighted)									Daily	AM Hour	PM Hour	AM In	AM Out	Pass-By	PM In	PM Out	Pass-By
		Weekday	AM	PM	Pass-By	AM In	AM Out	PM In	PM Out										
Single Family Homes (ITE Code 215)	DU	7.20	0.48	0.57		25%	75%	59%	41%	19.0	137	9	11	2	7	0	6	4	0
Totals											137	9	11	2	7	0	6	4	0

Neighborhood Meeting Minutes

Petition # PR2023-020/PLAT2023-021/MPL2023-009/BOZA2023-029 825 Parallel Avenue

Date: June 26, 2023

Location: Via Zoom

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

Names of people in attendance:

Project Team

1. David Lotz, P.E., Continental Consulting Engineers
2. Andrew Talkin, Continental Consulting Engineers
3. Curtis Petersen, Polsinelli PC

Other Attendees

4. Anthony Lewis, 853 Troup Avenue

We received no calls or e-mail questions prior to the Neighborhood zoom Meeting.

Presentation by David Lotz:

This is a Neighborhood Meeting for a project called Mill Street Townhomes. A site plan was placed on the screen to more clearly identify the improvements. A brief recap of the presentation is provided below.

The Project consists of three (3) building with 19 total units. The project is located both east/west of N. Mill Street between Parallel Avenue and Troup Avenue. A singular building is located west of N. Mill Street with a total of 6 interconnected townhomes. Two buildings are located east of N. Mill Street. The northernmost building includes 8 interconnected townhomes and the southern building includes 5 interconnected townhomes. The buildings are two stories with 2 bedrooms. The individual townhomes are approximately 1200 SF and have a garage below the unit with another parking space provided in the driveway. The front of all units will face public streets. Pedestrian access is provided to new public sidewalks to be placed along the frontage all public streets. Garages are located beneath and to the rear of the units and will be connected to an alley or common driveway that connects to a public street. The alley adjacent to the buildings on the east side of N. Mill Street will be improved adjacent to the property being developed. A detention basin is located west of the western townhomes.

Building elevations were placed on the screen to show the appearance of the buildings.

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

Anthony Lewis (853 Troup Avenue) Questions/comments:

C: No questions. Happy with the project and what it is going to look like. I think it will be a great idea to improve the area and the property values of the neighborhood. I hope everything will turn out positive with the City to get this project done. You have my vote on this particular project.

Q: David Lotz asked Anthony if he was a property owner or a current renter? This house that I am in is my birth house so I have lived here all my life and they haven't done anything in 56 years so I am glad that someone wants to take the initiative to build up the area. I am on board with this project because it will build up the area and improve the property values.

Comment: The public hearing will be heard before the Board of Zoning Appeals on Monday July 10, 2023 beginning at 6:00 p.m. and before the City Planning Commission on Monday July 10, 2023 beginning at 6:30 p.m. The meeting will be held both via zoom and in person. Everyone will have an opportunity to attend and provide comments at that time.

Meeting adjourned at: 5:30 p.m.

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



1006 PARALLEL PARKWAY
KANSAS CITY, KANSAS 66109
9000 STATE LINE ROAD
LEAWOOD, KANSAS 66206
TEL. (913) 642-6842
FAX (913) 642-6941
www.ceengineers.com

Letter of Transmittal

Date: June 13, 2023

Address

**SUBJECT: Neighborhood Meeting
Mill Street Townhomes
825 Parallel Avenue**

We have filed several application(s) with the Department of Urban Planning and Land Use in regards to a Preliminary Plan Review for townhomes (in conjunction with PR2023-020/PLAT2023-021/MPL2023-009/BOZA2023-029). The purpose of these applications are:

- Preliminary Plat to reconfigure multiple lots into townhomes consisting of three (3) buildings with 19 total dwelling units.
- Master Plan Amendment changing land use from Parks/Open Space and Lower – Medium Density Residential to Lower-Medium Density Residential.
- Request for a setback variance along N. Mill Street to allow structures to be built closer to the right-of-way.

We are having a virtual neighborhood meeting via zoom on Monday, June 26, 2023 at 5:00 p.m. Central Time (US and Canada) to discuss the specifics of this project.

To Join Zoom Meeting, Click on link below:

<https://us06web.zoom.us/j/85150126778?pwd=VnhGMzVhWFItR2x3ZnpuMTdXSXpJZz09>

Meeting ID: 851 5012 6778
Passcode: 075573

Dial by your location

- +1 669 444 9171 US
- +1 669 900 6833 US (San Jose)
- +1 719 359 4580 US
- +1 253 205 0468 US
- +1 253 215 8782 US (Tacoma)
- +1 346 248 7799 US (Houston)
- +1 408 638 0968 US (San Jose)
- +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
- +1 646 876 9923 US (New York)

Find your local number: <https://us06web.zoom.us/j/kbJoHFCMk>

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 via the zoom neighborhood meeting. If you are unable to attend or have questions in advance of the meeting, please contact me at the address/phone number listed below.

Sincerely,

Continental Consulting Engineers, Inc.

A handwritten signature in blue ink, appearing to read "David S. Lotz".

David S. Lotz, P.E.
Senior Civil Engineer
11006 Parallel Parkway, Suite 1
Kansas City, Kansas 66109
(913) 642-6642, x 204
dl@ccengineers.com

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
) SS:
COUNTY OF Johnson)

Comes now David Lotz acting for Jose Yepez, of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition #'s **PR2023-020/PLAT2023-021/ MPL2023-009/BOZA2023-029** **825 Parallel Avenue**
2. That I conducted a neighborhood meeting on **June 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.

David Lotz
Affiant

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

My commission expires 25th of April, 2027



Susan K. Gibbs
Notary Public

(First published _____)

COZ2023-010

ORDINANCE NO. _____

AN ORDINANCE rezoning property hereinafter described located at approximately 13400 Donahoo Road, in Kansas City, Kansas, by changing the same from its present zoning of A-G Agriculture (WYCO) District to A-G Agriculture (City) District.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF
THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY,
KANSAS, AS FOLLOWS:

Section 1. It is hereby found and determined that a petition was filed on March 24, 2023, by the owners of property to have the zoning of said property changed from its present zoning of A-G Agriculture (WYCO) District to A-G Agriculture (City) District.

It is likewise found and determined that the Planning Commission published notice, mailed notices, held public hearing(s), prepared recommendations and followed the procedures provided by law.

Section 2. In compliance with recommendations of the Planning Commission, it is hereby ordained that the zoning of the following described property:

DEEDED DESCRIPTION PER DOC NO. 2022R-01490

OVERALL DESCRIPTION:

A TRACT OF LAND IN THE SOUTH HALF OF SECTION 19, TOWNSHIP 10 SOUTH, RANGE 23 EAST, OF THE 6TH P.M., IN THE CITY OF KANSAS CITY, WYANDOTTE COUNTY, KANSAS, PREPARED BY ROGER B. DILL PS 1408 ON MARCH 21ST, 2023; MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 19; THENCE NORTH 88°20'07" EAST, ALONG THE NORTH LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 590.67 FEET; THENCE SOUTH 01°46'26" EAST, A DISTANCE OF 2646.43 FEET TO A POINT ON THE SOUTH LINE OF SAID SOUTHEAST QUARTER; THENCE SOUTH 88°09'045" WEST, ALONG SAID SOUTH LINE, A DISTANCE OF 587.56 FEET TO THE SOUTHWEST CORNER OF SAID

SOUTHEAST QUARTER; THENCE SOUTH 88°13'29" WEST, ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 19, A DISTANCE OF 34.51 FEET; THENCE NORTHWESTERLY, ON A CURVE TO THE RIGHT, HAVING AN ARC LENGTH OF 245.78 FEET, A RADIUS OF 2225.57 FEET, A CHORD BEARING OF NORTH 05°50'09" WEST, AND A CHORD LENGTH OF 245.65 FEET; THENCE NORTH 02°40'02" WEST, A DISTANCE OF 2404.06 FEET TO A POINT ON THE NORTH LINE OF SAID SOUTHWEST QUARTER; THENCE NORTH 88°17'57" EAST, ALONG SAID NORTH LINE, A DISTANCE OF 89.52 FEET TO THE POINT OF BEGINNING. CONTAINING 1,7434.494.77 SQUARE FEET OR 40.03 ACRES MORE OR LESS. Located at approximately 13400 Donahoo Road, Kansas City, Kansas,

be changed from its present zoning of A-G Agriculture (WYCO) District to A-G Agriculture (City) District, as defined by the Zoning Ordinances of Kansas City, Kansas.

Section 3. The Planning and Urban Design Department of Kansas City, Kansas, is hereby ordered and directed to cause such designation to be made on the official District Map of said City in its custody and to show the property herein described to be now zoned for A-G Agriculture (City) District. Said District Map, previously incorporated by reference by Section 27-408 of the Code of Ordinances of Kansas City, Kansas, is hereby reincorporated as part of the Zoning Ordinance as amended.

Section 4. This ordinance shall be in full force and effect from and after its passage, approval and publication in the Wyandotte Echo.

PASSED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS THIS _____
DAY OF _____, 2023.

UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY,
KANSAS

BY: _____
TYRONE GARNER
MAYOR/CHIEF EXECUTIVE OFFICER

ATTEST:

UNIFIED GOVERNMENT CLERK

APPROVED AS TO FORM:

CHIEF COUNSEL

(First published _____)

COZ2021-043

ORDINANCE NO. _____

AN ORDINANCE rezoning property hereinafter described located at approximately 4403 Rainbow Boulevard, in Kansas City, Kansas, by changing the same from its present zoning of R-1(B) Single Family District to RP-4 Planned Garden Apartment District.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF
THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY,
KANSAS, AS FOLLOWS:

Section 1. It is hereby found and determined that a petition was filed on September 24, 2021, by the owners of property to have the zoning of said property changed from its present zoning of R-1(B) Single Family District to RP-4 Planned Garden Apartment District.

It is likewise found and determined that the Planning Commission published notice, mailed notices, held public hearing(s), prepared recommendations and followed the procedures provided by law.

Section 2. In compliance with recommendations of the Planning Commission, it is hereby ordained that the zoning of the following described property:

Miami Place, a subdivision of land in Kansas City, Wyandotte County, Kansas, Lots 5 to 8, less the West 10 feet; also beginning at the Northeast Corner of Lot 5; East 15.59 feet, South 200 feet, West 15.91 feet to the Southeast Corner of Lot 8, North 200 feet to the point of beginning,
Located at approximately 4403 Rainbow Boulevard, Kansas City, Kansas,

be changed from its present zoning of R-1(B) Single Family District to RP-4 Planned Garden Apartment District, as defined by the Zoning Ordinances of Kansas City, Kansas.

Section 3. Pursuant to the Code of City Ordinances, Section 27-459, the Governing Body approves the preliminary development plans, incorporated herein by reference, marked as the certified preliminary development plan, and maintained in the Planning and Urban Design Department as submitted to the Governing Body and received by the Unified Clerk.

Section 4. The Planning and Urban Design Department of Kansas City, Kansas, is hereby ordered and directed to cause such designation to be made on the official District Map of said City in its custody and to show the property herein described to be now zoned for RP-4 Planned Garden Apartment District. Said District Map, previously incorporated by reference by Section 27-408 of the Code of Ordinances of Kansas City, Kansas, is hereby reincorporated as part of the Zoning Ordinance as amended.

Section 5. This ordinance shall be in full force and effect from and after its passage, approval and publication in the Wyandotte Echo.

PASSED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS THIS _____
DAY OF _____, 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 _____)

SP2022-117

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 SP2022-117, commonly known as 749 Locust Avenue, Kansas City, Kansas, legally described as:

Friendship Heights No. 2, a subdivision of land in Kansas City, Wyandotte County, Kansas, Lot 31, located at approximately 749 Locust Street.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for continuation of a Short-Term Rental.

Section 3. Conditions and Stipulations. The Special Use permit granted in Section 1 and 2 hereinabove, in addition to full compliance with any general provisions contained in Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, is hereby contingent upon the performance and observation of the following additional and supplementary regulations, stipulations, conditions and restrictions, of which any violation of any hereafter enumerated will be an additional basis for revocation in addition to those factors specified in Section 27-214:

1. **The driveway apron must be paved with asphalt. The apron cannot be gravel;**
2. **Maximum number of guests shall be seven (7);**
3. **All parking must be off-street, maximum number of 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 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 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;
 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. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. 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.

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 _____)

SP2023-022

ORDINANCE NO. _____

AN ORDINANCE authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.

BE IT ORDAINED BY THE UNIFIED GOVERNMENT COMMISSION OF WYANDOTTE/COUNTY/KANSAS CITY, KANSAS:

Section 1. Special Use Permit Granted. Pursuant to the regulations set forth in Chapter 27, Sec. 27-214 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, permission is hereby granted to use in the manner set forth in Section 2 hereof, the following described real property as set forth in SP2023-022, commonly known as 10000 France Family Drive, Kansas City, Kansas, legally described as:

Lot 8-B, Legends Auto Plaza Third Plat, a subdivision in Kansas City, Wyandotte County, Kansas, located at approximately 10000 France Family Drive, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for a commercial retail space with a firearm training facility and shooting range.

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. **Shall comply with local, State and Federal laws, as applicable;**
2. **The parking lot shall be restriped, as the striping has faded;**

3. All dead landscaping must be replaced in-kind, as demonstrated in the landscaping plan from 2017;
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 must file and maintain a current business occupation tax application with the Business Licensing Division office located at 4953 State Avenue, Kansas City, KS 66102 – (913) 573-8780 businesslicense@wycokck.org;
6. All existing and future driveways must feature curb cuts that are constructed to UG standards;
7. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
8. 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;
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;
10. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
11. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only

allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;

12. The Special Use Permit shall be valid indefinitely from the publication of the associated Ordinance;
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; and,
14. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.

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 _____)

SP2023-023

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 SP2023-023, commonly known as 6300 Parallel Parkway, Kansas City, Kansas, legally described as:

SEC/TWN/RNG/MER:SEC 34 TWN 10S RNG 24E 9239, S34, T10, R24,
ACRES 2.1, S 421.9FT OF E 244FT OF W 825FT SE1/4, SW1/4 LS S 50FT
CONTG 2.08AC M/L, located at approximately 6300 Parallel Parkway, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for an event space with offices.

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 the goDotte County-Wide Mobility Plan, North 63rd Street is identified as a priority sidewalk, which requires a 10-foot-wide sidewalk to be installed along 63rd Street on the east side of the property;
2. A tree shall be planted within the existing planters along the south side of the property along Parallel to meet the code standard set by Section 27-463(g);
3. Additional landscaping or a six (6) foot tall opaque fence shall be constructed on the north and west property lines screening the parking lot and vehicle headlights from the parsonage and single-family homes;
4. All entertainment must cease by at least 1:00 AM;
5. Doors and windows must stay closed during any entertainment performance;
6. 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;
7. No amplified speakers or entertainment is allowed in outdoor spaces;
8. Any illumination that results from an entertainment event shall not be seen or otherwise impact adjacent residential uses;
9. All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
10. 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. 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. If approved, the applicant must file and maintain a current business occupation tax application with the Business Licensing Division office located at 4953 State Avenue, Kansas City, KS 66102 – (913) 573-8780 businesslicense@wycokck.org;

13. All existing and future driveways must feature curb cuts that are constructed to UG standards;
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. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
16. 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. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
19. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and

- approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved
20. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
21. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.

Section 4. Take Effect. This ordinance shall take effect as of the date of its publication as provided by law.

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS _____ DAY OF _____, 2023.

TYRONE GARNER
MAYOR/CEO

Attest:

Unified Government Clerk

APPROVED AS TO FORM:

CHIEF COUNSEL

(Published _____)

SP2022-121

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 SP2022-121, commonly known as 508 Kansas Avenue, Kansas City, Kansas, legally described as:

Lots 20, 21, 22, 23 And 24, Block 27, FIRST ADDITION TO ARMOURDALE, an addition now in and a part of Kansas City, Wyandotte County, Kansas, located at 508 Kansas Avenue, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit to continue to operate a drinking establishment with live entertainment.

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. 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.
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.
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.

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 _____)

VAC2022-003

ORDINANCE NO. _____

AN ORDINANCE Vacating TRACT 0801-0876 WYANDOTTE CITY, BLOCK 123, LOTS 0009-0016,0019-0028 AND VAC ALLEY ADJ, located at approximately 1327 State Avenue, Kansas City, Kansas.

BE IT ORDAINED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, AS FOLLOWS:

Section 1. That the following described right-of-way easement in Kansas City, Kansas be and the same is hereby vacated:

TRACT 0801-0876 WYANDOTTE CITY, BLOCK 123, LOTS 0009-0016,0019-0028 AND VAC ALLEY ADJ, located at approximately 1327 State Avenue, Kansas City, Kansas.

Section 2. The City of Kansas City, Kansas, reserves to itself the right to, at any time after the effective date of this ordinance, reenter or permit a public utility to reenter that portion of said tract of land hereby vacated for the purpose of repairing, installing, constructing or reconstructing any public utilities, such as sewers, conduits, electric light pole lines, etc. that are now or may hereafter be installed in the tract of land hereby vacated.

Section 3. This ordinance shall take effect and be in force from and after its passage, approval, and publication in the WYANDOTTE COUNTY ECHO.

PASSED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS _____ DAY OF
_____, 2023.

UNIFIED GOVERNMENT OF WYANDOTTE
COUNTY/KANSAS CITY, KANSAS

BY: _____
TYRONE GARNER
MAYOR/CHIEF EXECUTIVE OFFICER

ATTEST:

UNIFIED GOVERNMENT CLERK

APPROVED AS TO FORM:

CHIEF COUNSEL



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: July 27, 2023

Re: Change of Zone Petition COZ2023-009

GENERAL INFORMATION

Applicant:

Andrea Weishaubt

Status of Applicant:

Representative
Atlas Land Consulting
14500 Parallel Parkway Unit R
Basehor, Kansas 66007

Requested Actions:

Approval of a Change of Zone.

Date of Application:

March 24, 2023

Purpose:

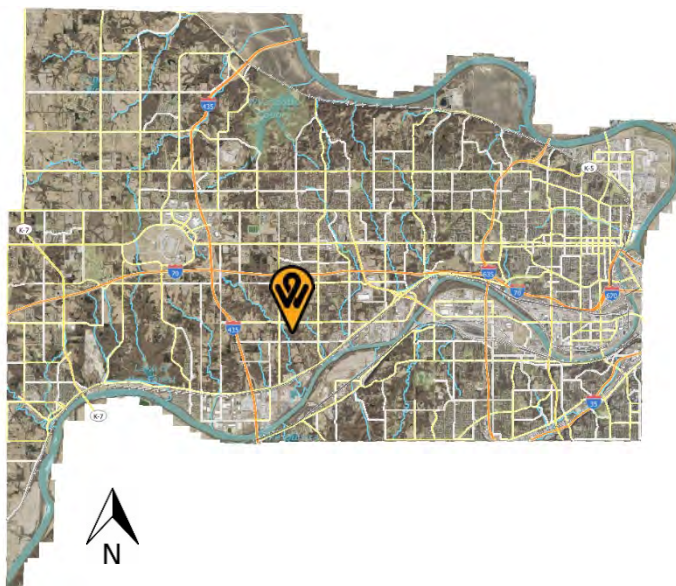
To approve a Change of Zone from R-1 Single Family District to A-G Agriculture District, to utilize the property for agricultural uses.

Property Location:

8910 Osage Avenue,
Kansas City, Kansas 66111

Commission Districts:

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



Existing Zoning:	R-1 Single Family District
Adjacent Zoning:	North: A-G Agriculture District South: A-G Agriculture District East: R-1 Single Family District West: A-G Agriculture District
Adjacent Uses:	North: Agricultural Land South: Single-family residence East: Single-family residence West: Agricultural Land
Total Tract Size:	5.19 Acres
Master Plan Designation:	The City-Wide Comprehensive Plan designates this property as Rural Density Residential, which allows agriculture, ranches, and large lot residential development.
Major Street Plan:	The Major Street Plan classifies Osage Avenue as a Local/Neighborhood Street.
Required Parking:	Section 27-452(e) requires two (2) off-street parking spaces for each single-family dwelling. While it is unclear how many spaces are provided, the property can accommodate more than two (2) spaces.
Advertisement:	<u>The Wyandotte Echo</u> – April 13, 2023 Letters to Property Owners – April 14, 2023
Public Hearings:	July 10, 2023, and July 27, 2023
Public Support:	None to date.
Public Opposition:	Staff has received two (2) calls in opposition. The applicant also had one (1) resident express opposition during their neighborhood meeting. There were three (3) persons present at the July 10, 2023, City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Andrea Weishaubt, is requesting a change of zone from R-1 Single Family District to A-G Agriculture District to utilize the property for agricultural uses at 8910 Osage Avenue.

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

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

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

Building or Code Enforcement Complaints:

1. Two (2) separate cases were opened for the subject property following complaints from an adjacent neighbor. Neither complaint resulted in a Notice of Violation.

Outstanding or Related Permits and Cases:

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

FACTORS TO BE CONSIDERED

1. Neighborhood character.

The subject property is within the Muncie-Stony Point Statistical Neighborhood and is not within a neighborhood group. The surrounding neighborhood is comprised of large lot single family residences and agricultural lots.

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 property directly adjacent to the east of subject property is zoned exclusively R-1 Single Family District and is used for single-family residences, however, there is property zoned A-G Agricultural District surrounding the property to the north, west, and south. The proposed use is compatible with nearby zoning.

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 5.19 acres, which is larger than the threshold required for the A-G Agricultural District. The property, however, abuts and surrounds adjacent R-1 Single Family District zoning and single-family residences, which could be an issue. If managed properly, the property is suitable to be rezoned to A-G Agricultural District.

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

The property has been occupied since 2022. Prior to 2022, the property had never been developed.

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

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

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

The proposed use will not increase traffic to the point that it will exceed the capacity of Osage Avenue, a local street. The proposed development will be utilized for private and personal use by the applicant and will not function as a business.

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

The City-Wide Master Plan designates this property as Rural Density Residential, which allows agriculture, ranches, and large lot residential development. The proposed use conforms to the City-Wide Master Plan, as it proposes agricultural uses.

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

The proposed use could harm the environment due to contaminated run-off, however, this is not expected to be an issue so long as animal waste is managed properly.

- 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 property operates off of a septic system.

c. *Storm water control*

The UG provides storm water control, with an inlet on South 88th Street.

d. Police

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

e. Fire

Fire service is provided by Station #20, which is 2 miles away from the subject property.

f. Transit

KCATA provides transit service along Route #199 - KCK Microtransit, which provides door to door demand response service.

g. Schools

Public Education is provided by Edwardsville Elementary School, Robert Clark Middle School, and Bonner Springs High School, under Bonner Springs USD 204.

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

The proposed use will have a minimal economic impact on the community as it is for the private use and enjoyment of the property owner.

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

The proposed use is capable of meeting applicable ordinance requirements as long as the animals are kept and maintained, and the property is conserved and managed properly.

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

The relative gain to the public health, safety, and welfare will be minimal. There are concerns with increased water runoff and contamination of water runoff, due to animal waste. If denied, the applicant would not be able to keep animals on the property without a Special Use Permit.

PREVIOUS ACTIONS

There have been no previous planning actions on the subject property.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting 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

Activity on the Property
Animals
Buffering, Screening, and Fencing
Conservation Plan
Driveway Paving
Primary and Accessory Structures Materiality
Site Plan
Stormwater Management and Water Pollution
Tree Stand Preservation
UG Standard Driveway
Vegetation

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 5 to 2 to recommend **DENIAL** of Change of Zone Application COZ2023-009, **based on Factors to be Considered #5**

STAFF COMMENTS AND SUGGESTIONS

Staff **does not concur** with the recommendation of the City Planning Commission.

Planning and Urban Design Comments:

1. **Provide an updated site plan of the property demonstrating the current location of the new single-family residence as well as any existing or future accessory structures.**

Applicant Response: See attached.

2. **The applicant shall work with the Wyandotte County Conservation District to develop a conservation plan as well as a disposal plan.**

Applicant Response: See attached. The applicant will both compost waste and use waste as manure for other gardening on site. The site can handle the amount of waste produced.

3. **As indicated by aerial views of the property, it appears that there are work trucks and trailers on the property. Are these related to construction of the residence or are they a part of a business operated by the property owner? If they are a part of a separate business and not being used as a function of**

future agricultural uses, the trucks need to be removed from the property or must obtain a Special Use Permit for a temporary use of land.

Applicant Response: The trucks seen on the property were related to the on-going work on the residence.

Staff Response: Once work is completed, work vehicles are other commercial vehicles are to not be kept on the property.

- 4. Any miscellaneous debris or equipment shall be stored inside of an accessory structure or removed from the site.**

Applicant Response: Acknowledged.

- 5. No vehicles or trailers shall be parked on an unimproved surface. All parking must be on a paved surface.**

Applicant Response: Acknowledged.

- 6. The driveway and driveway apron onto the property shall be paved to UG standards.**

Applicant Response: Acknowledged.

- 7. The property shall be reseeded from the growth of vegetation.**

Applicant Response: Acknowledged.

- 8. How many animals does the applicant intend to have?**

Applicant Response: The current plan is to have up to 20 chickens. The chickens will be free-range and in a coup within a designated fenced off area within the property.

- 9. How does the applicant intend to buffer their property from adjacent residential uses?**

Applicant Response: The existing tree lines to the west and east will be maintained.

- 10. Animals on the site shall be kept away from the timber stand and the stream buffer.**

Applicant Response: Acknowledged.

- 11. All tress on the property shall be maintained. Any trees that are removed shall be replaced.**

Applicant Response: Acknowledged.

12. In order to adhere to the character of the property, any accessory structure must match the primary structure in materiality and aesthetic.

Applicant Response: Acknowledged.

Planning Engineering Comments:

- A. Items that require plan revision or additional documentation before engineering can recommend approval:
 - 1. None
- B. Items that are conditions of approval:
 - 1. None
- C. Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
 - 1. 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

Wyandotte County Conservation District Comments:

- 1. A waste disposal plan shall be developed. The concern is that the disposal area is small. The continued spreading will upset the nutrient balance of the soil. This reduces production of the soil.
- 2. There are questions that should be addressed before any approval of change to ensure the health of the animals and the natural resources for sustainability.
- 3. What is the design for the coop or nesting house?
- 4. Will these be free range or confined in housing?

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners concur with the findings contained within the staff report related to *Factors to be Considered* and *Key Issues* and recommends **APPROVAL** of Petition **COZ2023-009** subject to all comments and suggestions outlined in this staff report, and summarized by the following conditions;

- 1. The property owner shall not store any commercial work vehicles on the property without a Temporary Use of Land Special Use Permit.
- 2. The driveway and apron shall be paved to UG standards.
- 3. Any parking area shall be paved. No vehicles shall park on an unimproved surface.
- 4. All tress on the property shall be maintained. Any trees that are removed shall be replaced.
- 5. The property shall be reseeded from the growth of vegetation.

6. The applicant must continue to work and obtain a Conservation Plan from the Wyandotte County Conservation District. Cheri Miller, Conservation District director can be reached at wycococonservation@gmail.com.
7. The exterior walls shall be made of either horizontal clapboard, wood, or plywood siding, stone, artificial stone, brick, artificial brick, and textured finishes such as stucco. Fiberglass, plastic, and preformed, corrugated, or ribbed metals are not allowed. Metals can be used provided they have a factory applied and painted finish closely matching the color of the primary structure. Standard concrete masonry units are also not allowed unless the walls of the building are painted the exact color of the primary structure.
8. 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. Any property owner or business owner that is required to obtain a Special Use Permit for an entitlement to keep fowl or livestock animals as described in Section 27-593, or any other animal related activity as described in Section 27-593, is required to comply at all times with all the requirements of Chapter 7 and Chapter 27 of the Ordinance. This shall include all ordinance sections that relate to the care, feeding, and keeping of animals; the proper housing, shelter, and restraint of animals from roaming at large; access to proper veterinary care; the operation and maintenance of land, property, and any building or structure related to animal keeping. The permit holder and the property owner are responsible to register any animal keeping activity with Kansas City, Kansas Animal Services, and to maintain annually that registration, and to arrange and participate in annual property and animal inspections with Kansas City, Kansas Animal Services.
10. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process.
11. If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only.
12. Lighting shall be installed to have a 90-degree cutoff.
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.
 15. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable.
 16. 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.
 17. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed by right or by Special Use Permit under the new zoning district, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located.
 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

July 10, 2023, City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Site Plan
Example of OverEZ Chicken Coup Coastal XL
Wyandotte County Conservation District Comments
UG Maps Pictometry, Dated February-March 2023
Neighborhood Meeting Materials
Information submitted at the meeting by the opposition

REVIEW OF INFORMATION AND SCHEDULE

Action
Public Hearing
Rezoning

Planning Commission
May 8, 2023
Denial (5/2 vote)

Board of Commissioners
May 25, 2023

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2023-009** 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 conditions:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **COZ2023-009**, 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.

July 10, 2023, City Planning Commission Minutes:

Hearing starts at 2:06:55:

CHANGE OF ZONE APPLICATION COZ2023-009 – AUSTIN THOMPSON WITH ATLAS LAND CONSULTING - SYNOPSIS: Change of Zone from R-1 Single Family District to A-G Agriculture District to raise fowl at 8910 Osage Drive. Detailed Outline of Requested Action: The applicant, Andrea Weishaubt, is requesting a change of zone from R-1 Single Family District to A-G Agriculture District to utilize the property for agricultural uses at 8910 Osage 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 July 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 Avenue, Unit R, Basehor, Kansas 66007

The Planning Commission directed questions to the applicant.

Present in Opposition:

- Mary Martin, 804 South 89th Street, Kansas City, Kansas 66111
- Shirley Ikerd, 804 South 89th Street, Kansas City, Kansas 66111
- Don Carter, 8911 Kansas Avenue, Kansas City, Kansas 66111

Staff Recommendation starts at 2:27:30: Planning Director Hand stated that the request is from R-1 Single Family District to A-G Agriculture District. The property is in the City-Wide Comprehensive Plan in the Midtown South area. Staff has received no letters in support and there is opposition to this application. There are no Notices of Violation. Staff recommends approval subject to the conditions in the staff report including maintaining a Conservation Plan. If this application is approved by the Board of Commissioners, typically A-G properties are not required to pave the driveway, but the driveway apron must be paved in order to prevent dust as the driveway angles towards two (2) adjacent properties. The property is slightly over five (5) acres, so it does meet the requirements of an A-G parcel. If there is a property dispute that is upheld, there could be a couple of feet across the entire southern boundary that may affect the total required acreage not being met. Director Hand stated that the Unified Government does not include itself in private property disputes; that is done through the District Court between these parties. He further stated that rosters are not allowed in the City Limits unless zoned agricultural and over five (5) acres.

The Planning Commission directed questions to Staff.

Chairman Carson asked the applicant if the vehicles on the property are related to the construction of the house. Mr. Thompson stated yes; once the work is done on the residential home, the commercial vehicles are to be removed. He stated that he does not know if the construction has been completed. Director Hand stated that a business cannot operate on this property at this time.

Motion starts at 2:36:50:

On motion by Mrs. Eilts, seconded by Mrs. Jones, the Planning Commission voted as follows to recommend **DENIAL** of **Change of Zone Application COZ2023-009 based on Factors to be Considered #5:**

Carson	Chairman
Connelly	Aye
Eilts	Aye
Ernst	Aye
Jones	Aye
Miller	Not Present
Mohler	Not Present
Straws	Not Present
Ward	No
Armstrong	Aye
Beth	No

Motion to recommend **DENIAL** Passed: 5 to 2

ATTACHMENTS

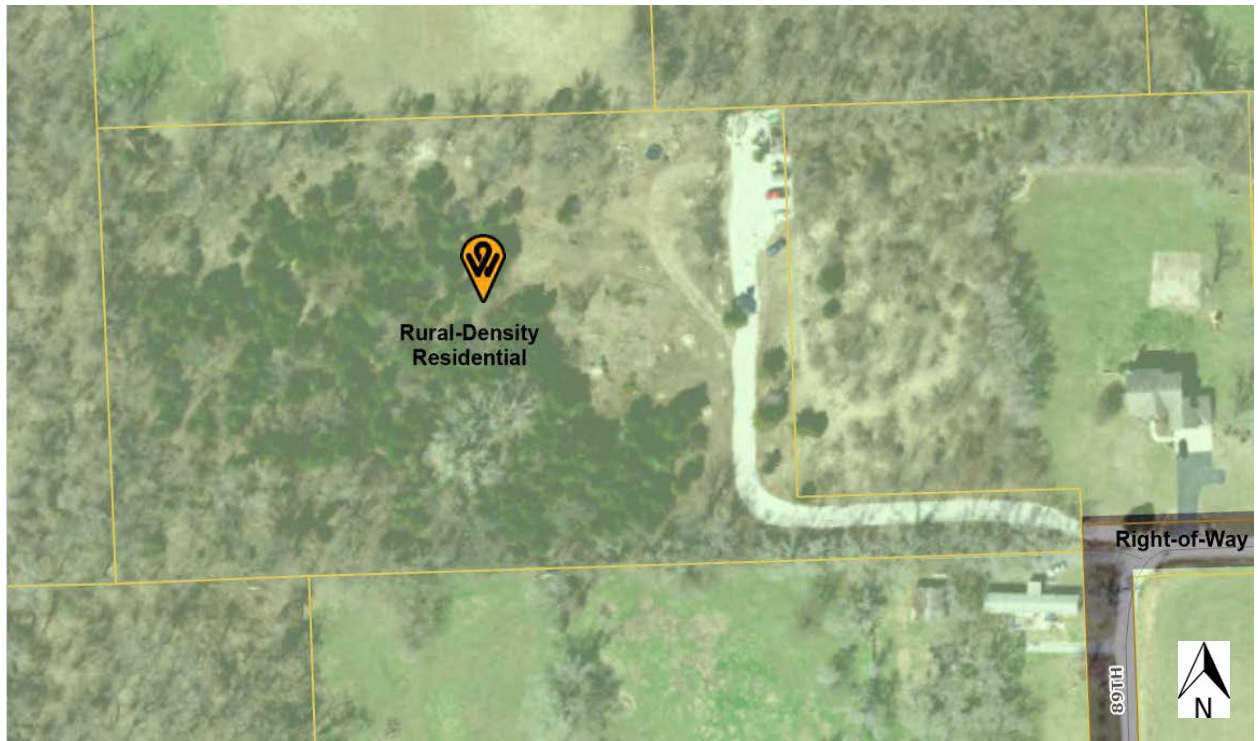
AERIAL IMAGERY



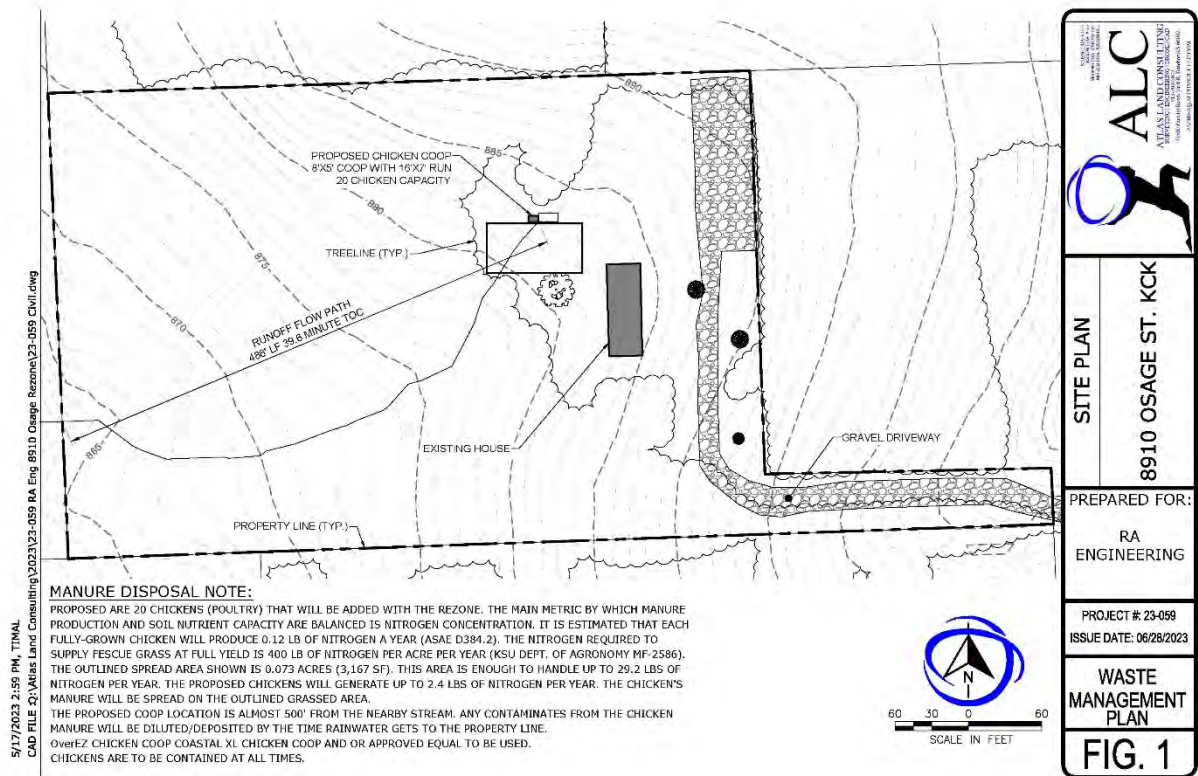
ZONING MAP



LAND USE MAP



SITE PLAN



EXAMPLE OF OVEREZ CHICKEN COOP COASTAL XL



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

April 11, 2023

RE: COZ-2023-009 Austin Thompson R-1 to A-G to raise fowl at 8910 Osage Drive

Dear Mr. Hand:

The Wyandotte County Conservation District has completed an environmental review of the: COZ-2023-009 Austin Thompson R-1 to A-G to raise fowl at 8910 Osage Drive.

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

MAPS AND REPORTS

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

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

- There are three major soil types identified: Kennebec silt loam, frequently flooded, Ladoga silt loam, 3 to 8 percent slopes and Amster clay loam, 3 to 8 percent slopes. These soil types are considered very erodible when the surface is denuded of a protective cover.
- A Waste Disposal Plan needs to be developed. The concern is that the disposal area is small. The continued spreading will upset the nutrient balance of the soil. This reduces production of the soil.
- There are questions that should be addressed before any approval of change to ensure the health of the animals and the natural resources for sustainability.
- What is the design for the coop or nesting house?
- Will these be free range or confined housing?

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.

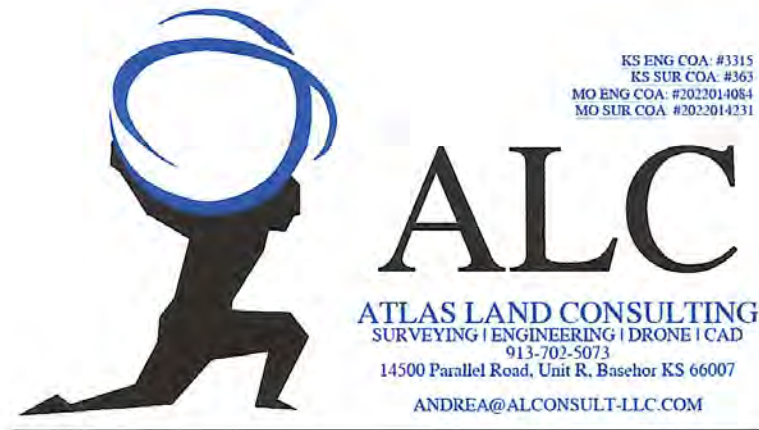
Sincerely,

Cheri Miller
District Manager

enclosures







Application Number: COZ2023-009
Date and Location: via email, text, call..etc

Attendance:

-Carter Family
636-272-6030

Votes No for this project. They do not want chickens near their property. Due to smell, diseases, and other animals that are attracted.

-Whitby Family
913-588-0000

Called just to find out what the project was about. Did not mention any approval or denial for project.

Minutes taken by: Austin Thompson – Atlas Land Consulting

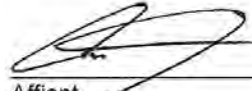
AFFIDAVIT – NEIGHBORHOOD MEETING

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 #COZ2023-009.
2. That I conducted a neighborhood meeting on via email, text, call, etc.
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.

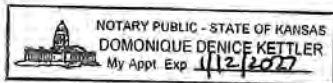
Further affiant saith not.



Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 24th day of April, 2023

My commission expires 12th of January, 2027





Notary Public

Re: COZ2023-009 8910 Osage Dr., Kansas City, KS 66111

Don and Ralesia Carter are against the rezone of the above property from R1 (residential) to AG (agricultural). This email is a follow up to the comments shared by phone to Austin Thompson on 4/24/23.

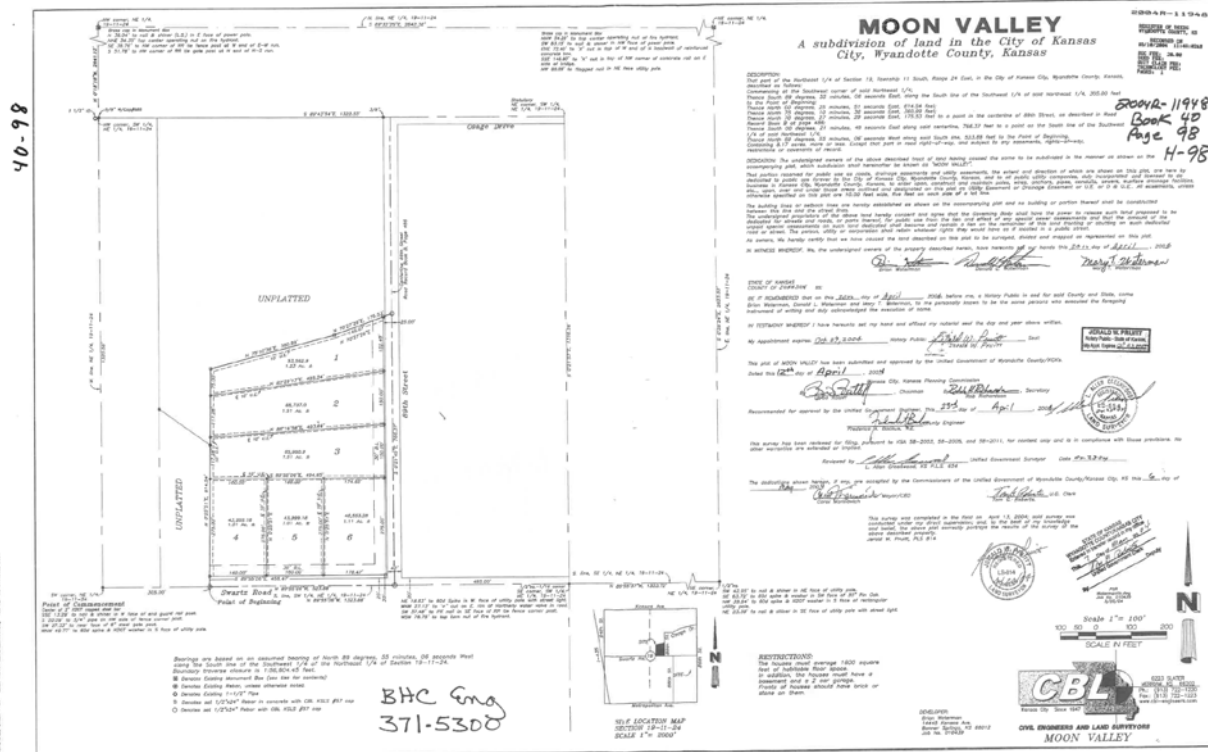
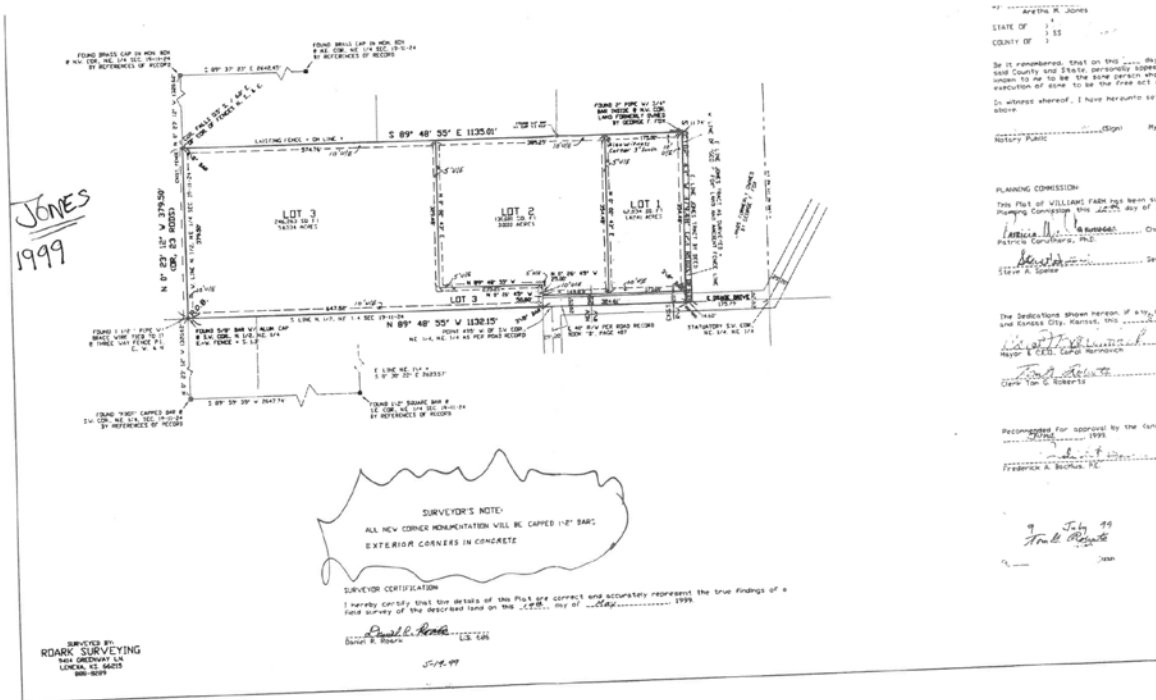
We feel the 24 +/- chickens will grow to more than that amount over time and will cause surrounding properties, like ours to decrease in value. We know that chickens are susceptible to diseases that can cause serious illness and even death to wild and domestic birds. People can also be affected by chickens with viruses and bacteria (bird flu/avian influenza). Rodents are attracted to chicken coops and chicken feed and there are harmful gasses such as pesticides, disinfectants, and litter treatments.

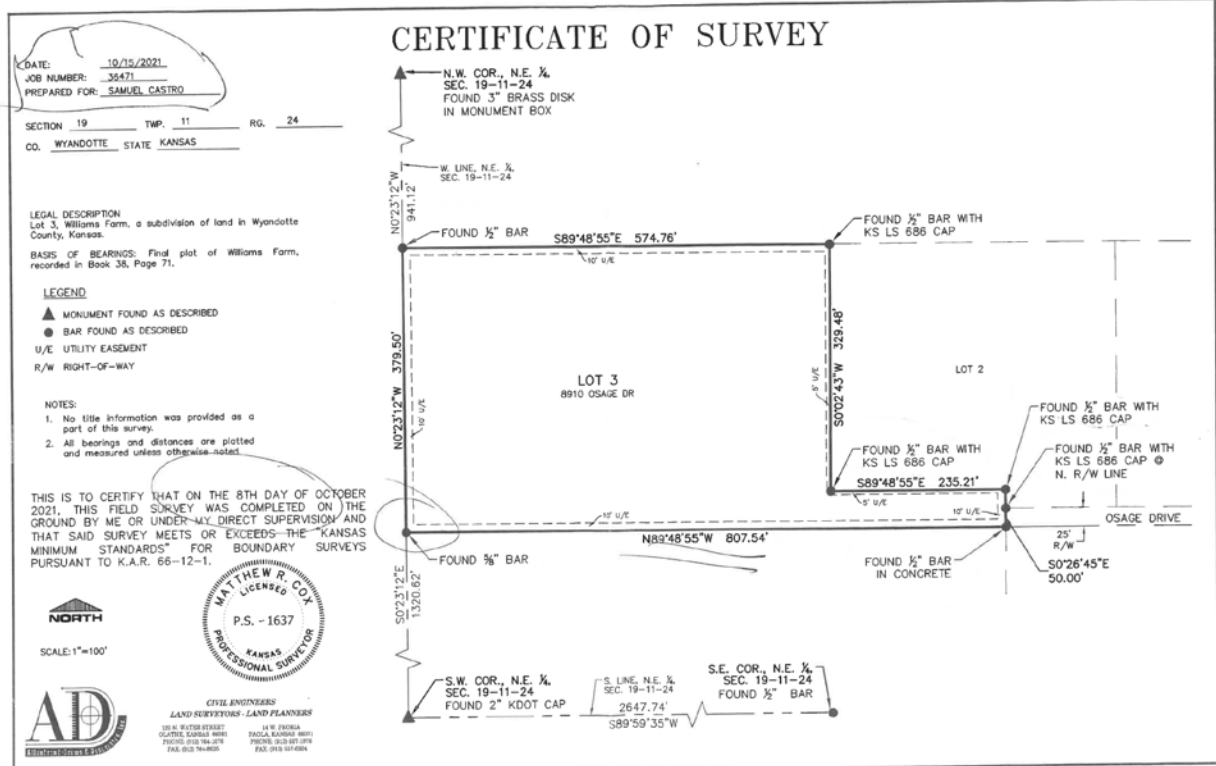
We are against the noise and the smell. Both hens and roosters are noisy and smell, especially in the Summer n hot days that fill the air. The stench is overbearing.

Again, we are against the rezoning of 8910 Osage Dr. KCKS 66111 from residential to agricultural.

Sincerely,

Don & Ralesia Carter







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: July 27, 2023

Re: Special Use Petition SP2023-020

GENERAL INFORMATION

Applicant:

Shaymond Janes

Status of Applicant:

Owner

Janes Brothers LLC
9625 Lamar Avenue
Overland Park, KS 66207

Requested Action:

Approval of a Short-term Rental
Special Use Permit.

Date of Application:

April 28, 2023

Purpose:

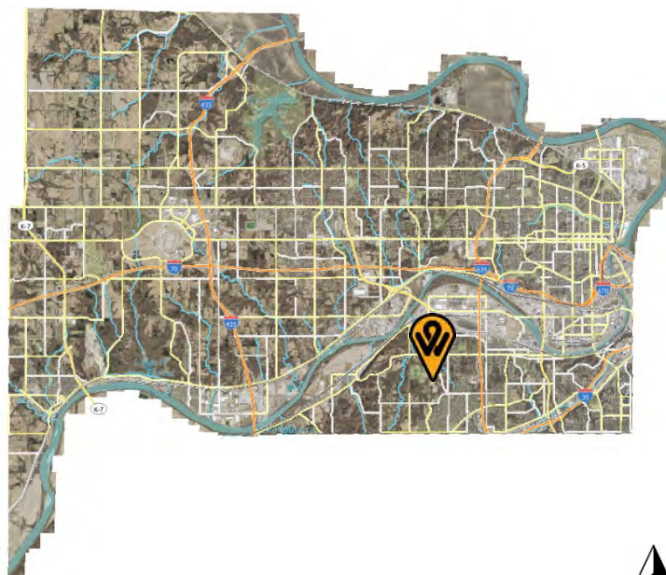
To approve a Special Use Permit for a
short-term rental. This is not the
owner's primary residence.

Property Location:

2737 South 53rd Terrace
Kansas City, Kansas 66106

Commission Districts:

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



Existing Zoning:	R-1 Single Family District
Adjacent Zoning:	North: R-1 Single Family District South: R-1 Single Family District East: R-1 Single Family District West: R-1 Single Family District
Adjacent Uses:	North: Single-family residence South: Single-family residence East: Single-family residence West: Single-family residence
Total Tract Size:	0.30 Acres
Master Plan Designation:	The City-Wide Comprehensive Plan designates the subject property as Low Density Residential, which allows for single-family residences.
Major Street Plan:	The Major Street Plan designates South 53 rd Terrace a Local/Neighborhood Street.
Parking Requirement:	Section 27-454(e) states two (2) off-street parking spaces shall be provided on the premises for each single-family dwelling, at least one (1) of which shall be in a garage or carport. The property provides five (5) parking spaces, including two (2) in a garage.
Advertisement:	<u>The Wyandotte Echo</u> – May 18, 2023 Letters to Property Owner – May 19, 2023
Public Hearings:	June 12, 2023, June 29, 2023, and July 27, 2023
Public Support:	None to date.
Public Opposition:	Staff has received one (1) letter in opposition as well as two (2) phone call in opposition. Five (5) people appeared in opposition at the June 12, 2023, City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The Applicant, Shayman Janes, is requesting a Special Use Permit to operate a short-term rental at 2737 South 53rd Terrace. This is not the owner's primary residence. This short-term rental has been operating without proper permitting since at least June 2022. This is the first and only non-owner occupied, short-term rental permitted on the 2700 block of South 53rd Terrace.

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. There have been no noise or disturbance complaints on the subject property since it began operating as a short-term rental in 2022.

Building, Zoning, or Code Enforcement Complaints:

1. The property has two (2) active notices of violation for operating a short-term rental without a Special Use Permit.
 - a. 2023 – CAC23-1407 – Administrative Citation – Operating a Short-Term Rental without a Special Use Permit
 - b. 2023 – ZONE2023-017 – Zoning – Operating a Short-Term Rental without a Special Use Permit

Outstanding or Related Permits and Cases:

1. There are no outstanding or related permits and cases at the subject property.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The subject property is located within the Turner Statistical Neighborhood, the South Turner Neighborhood Group, and the Turner Community Connection Group. The neighborhood is suburban in character, consisting almost entirely of single-family residences, with a few institutions, such as schools, churches, and a block of apartments.

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

The zoning and uses are set out above. The subject property is surrounded primarily by R-1 Single Family Zoning Districts. Continuing use as a rental, either short or long-term, is consistent with other nearby properties in close proximity to the mixed-use corridor. The proposed use is compatible if properly managed.

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

This property is suitable for use as a single-family home. The property could be suitable for use as a short-term rental if properly managed. Removal of the restrictions that require a Special Use Permit for such activities has the potential to create issues such as parking, excessive noise and overcrowding.

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

The property is not vacant and has been used as an unpermitted short-term rental since June 2022.

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

Special Use Permits are not addressed in the City-Wide Comprehensive Plan. The City-Wide Comprehensive Plan designates the subject property as Low Density Residential, which allows for single-family residences. The proposed use conforms to the comprehensive plan if approved with a Special Use Permit.

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

The proposed use has the potential to increase vehicular traffic but should not exceed the capacity of South 53rd Terrace to accommodate it if managed properly while it functions as a short-term rental. Guests of short-term rentals tend to travel more throughout the area, as they are typically visitors or tourists.

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

The proposed use provides a convenience to the public in the form of temporary lodging. If managed properly, the continued use of the property will not substantially nor permanently injure the appropriate use, visual quality, or marketability of adjoining property as the proposed use operates entirely within an existing dwelling in a built-out neighborhood.

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

Noise is an issue that is related to short-term rentals. There have not been any noise complaints to date with the current applicant. Vibration, dust, or illumination are not issues typically related to the use of a residential property as a short-term rental and ostensibly not considered to be a problem for nearby property.

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

The proposed use will not pollute the air, land, or water as it is an existing, permitted residence.

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

The proposed use will not damage or destroy an irreplaceable natural resource as it is an existing single-family residence in a built-out urban neighborhood.

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

The relative gain or loss to the public health, safety and welfare is minimal as it only provides the convenience of lodging with some economic benefit. If denied, the landowner could not use the property as a short-term rental but may still use the property as a long-term rental, their primary residence, or sell the property.

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

The proposed use will not create issues of overcrowding as it operates within an existing structure on the site. The maximum number of guests at one time is seven (7). The maximum number of vehicles off-street 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 entitlements on the subject property.

NEIGHBORHOOD MEETING

The applicant received neighborhood comments by receiving letters or phone calls through the date of May 29, 2023. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Home Inspection Report
Operating without a Special Use Permit
Reported Event(s) on the Property
Required Repairs

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 3 to recommend **APPROVAL** of Special Use Permit SP2023-020, **for one (1) year**, subject to:

- 1. This Special Use Permit shall comply with Sections 27-214 and 27-623;**

2. All critical repairs outlined by staff shall be repaired prior to operation;
3. The remaining non-life safety repairs as described within the home inspection report shall be completed by the applicant's next renewal period;
4. The applicant shall withdraw their rental license and instead obtain a business license, as a short-term rental is considered a business within the Unified Government;
5. Maximum number of guests shall be seven (7);
6. All parking must be off-street, maximum number of vehicles is three (3);
7. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
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. Applicant is to maintain liability insurance;
10. The property must remain in proper maintenance and free of hazards, pests, or infestations;
11. The granting of this Special Use Permit does not transfer with a change of ownership of the property;
12. 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);
13. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
14. If approved, occupying businesses must file and maintain a current business occupation tax application with this office;
15. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly.
16. All existing and future driveways must feature curb cuts that are constructed to UG standards;

17. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
18. 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. 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. 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 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;
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;

23. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit;
24. Install netting around the basketball court to prevent basketballs from leaving the property onto the neighboring properties; and,
25. No loud music on the back patio after 10:00 p.m.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

This application was held over from the June 29, 2023, Unified Government Board of Commissioners meeting.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **SP2023-020** subject to all comments and suggestions outlined in this report and the conditions of the City Planning Commission.

ATTACHMENTS

June 12, 2023, City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Host Compliance Map
Floor Plan
Home Inspection Report
Site Photos provided by the Applicant on August 25, 2022
Site Photo taken by Planning Staff on May 12, 2023
Neighborhood Meeting Materials

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	June 12, 2023	June 29, 2023
Special Use	Approval	Held Over July 27, 2023

STAFF CONTACT:

James Molloy
jmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2023-020** as meeting all the requirements of the city code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **SP2023-020**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

June 12, 2023, City Planning Commission Minutes:

Hearing starts at 1:19:34:

SPECIAL USE PERMIT APPLICATION SP2023-020 SHAYMOND JANES -

SYNOPSIS: Special Use Permit for a Short-Term Rental at 2737 South 53rd Terrace.

Detailed Outline of Requested Action: The Applicant, Shaymond Janes, is requesting a Special Use Permit to operate a short-term rental at 2737 South 53rd Terrace. This is not the owner's primary residence. This short-term rental has been operating without proper permitting since at least June 2022. This is the first and only non-owner occupied, short-term rental permitted on the 2700 block of South 53rd Terrace.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated June 12, 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; and,
8. An email in opposition from Turner Connection Inc. that Secretary Parker read into the record.

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

Present in Support:

- Shaymond Janes, applicant, 9625 Lamar Avenue, Overland Park, Kansas 66207

Present in Opposition:

- Michael Castro, 2730 South 53rd Street, Kansas City, Kansas 66106
- Alex Craddock, 3009 South 53rd Street, Kansas City, Kansas 66106
- Barb Kill, 5548 Pawnee Avenue, Kansas City, Kansas 66106
- Jamie and Derrick Shipley, 5311 Hagemann Street, Kansas City, Kansas 66106

Staff Recommendation starts at 1:45:31: Lead Planner Toy stated that this is a difficult application as if it was a long-term rental and these issues the Commission is hearing tonight, there is nothing they can do. If this Special Use Permit is approved, there is a revocation process in place directly to the Board of Commissioners if there are issues. Staff would like to add an additional stipulation related to the basketball court. Netting should be installed behind the basketball goal that will prevent the balls from going onto the neighbor's property and becoming a nuisance. There are to be no parties and no loud music on the back patio after 10:00 p.m. Staff understands, as stated by one resident, that calls for service for this type of nuisance are not the top priority, but they will make a complaint and that is something that can be tracked and can be a reason for consideration of revocation. There is a three (3) car maximum with all cars parked in the driveway and no cars on the street. The Short-Term Rental would be unoccupied and would be the only one on the block if the application is approved. He further stated that revocation could be considered at any time during the approval period. Staff recommends approval for one (1) year subject to the revised conditions.

Commissioner Eilts asked if the city would have any liability if this application were approved and something horrible happens. Legal Counsel Conway stated that the approval would not have any liability for the Unified Government.

Motion starts at 1:50:24:

On motion by Ms. Eilts, seconded by Mr. Ernst, the Planning Commission voted as follows to recommend **DENIAL** of Special Use Permit **SP2023-020 as the proposal does not conform to the single-family neighborhood:**

Carson	Chairman
Beth	No
Connelly	Not Present
Eilts	Aye
Ernst	Aye
Jones	Aye
Miller	No
Mohler	No
Straws	No
Ward	No
Armstrong	Aye

Motion to recommend **DENIAL** Failed 4 to 5

On motion by Mr. Ward, seconded by Mr. Miller, the Planning Commission voted as follows to recommend **APPROVAL** of Special Use Permit **SP2023-020**:

Carson	Chairman
Beth	Aye
Connelly	Not Present
Eilts	No
Ernst	No
Jones	Aye
Miller	Aye
Mohler	Aye
Straws	Aye
Ward	Aye
Armstrong	No

Motion to recommend **APPROVAL** Passed 6 to 3

Subject to:

1. This Special Use Permit shall comply with Sections 27-214 and 27-623;
2. All critical repairs outlined by staff shall be repaired prior to operation;
3. The remaining non-life safety repairs as described within the home inspection report shall be completed by the applicant's next renewal period;
4. The applicant shall withdraw their rental license and instead obtain a business license, as a short-term rental is considered a business within the Unified Government;
5. Maximum number of guests shall be seven (7);
6. All parking must be off-street, maximum number of vehicles is three (3);
7. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
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. Applicant is to maintain liability insurance;
10. The property must remain in proper maintenance and free of hazards, pests, or infestations;
11. The granting of this Special Use Permit does not transfer with a change of ownership of the property;
12. 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);
13. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of

- Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
14. If approved, occupying businesses must file and maintain a current business occupation tax application with this office;
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 16. All existing and future driveways must feature curb cuts that are constructed to UG standards;
 17. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
 18. 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. 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. 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 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;
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;
 23. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit;
 24. Install netting around the basketball court to prevent basketballs from leaving the property onto the neighboring properties; and,
 25. No loud music on the back patio after 10:00 p.m.

ATTACHMENTS

AERIAL IMAGERY



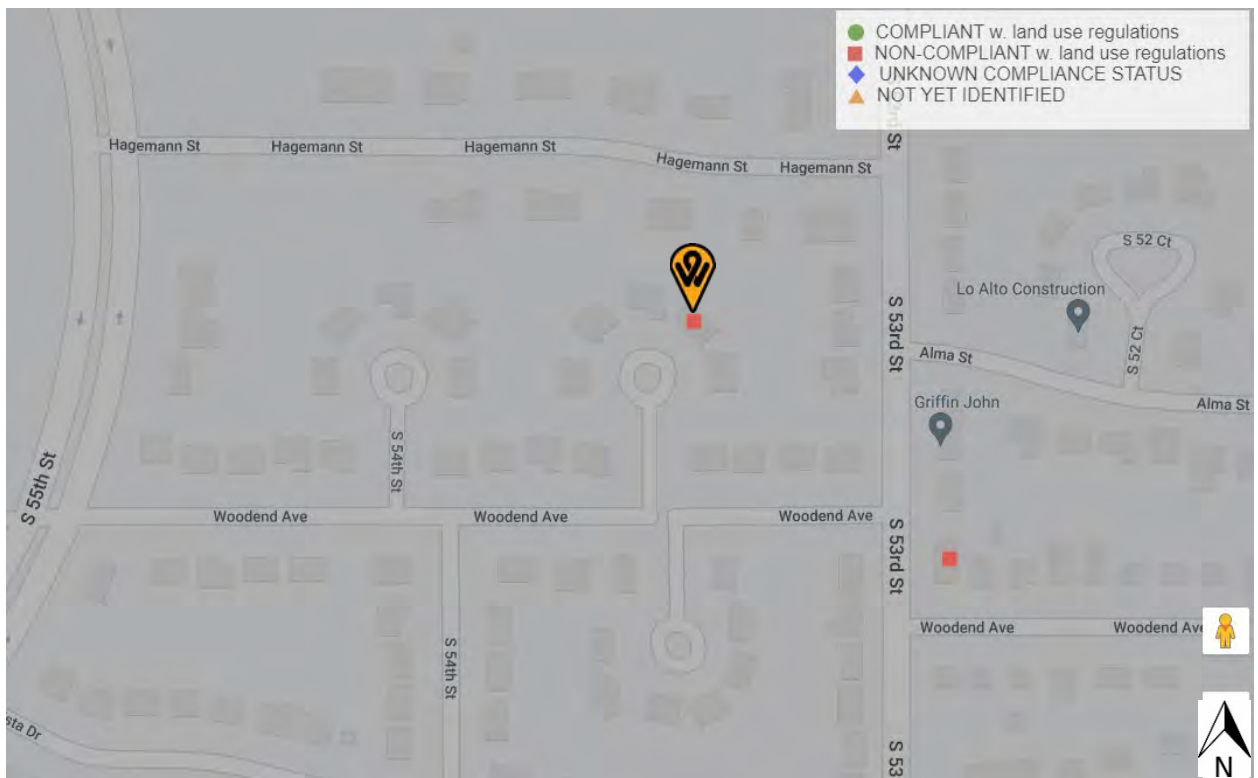
ZONING MAP



LAND USE MAP



HOST COMPLIANCE MAP – MAY 16, 2023



HOME INSPECTION REPORT

Gordon & Associates

Janes

General Summary



Gordon & Associates

10456 W. 131st Street
Overland Park, KS 66213
913-207-2769

Customer
Shaymond Janes

Address
2737 S 53rd Terrace
Kansas City KS 66106

The following items or discoveries indicate that these systems or components **do not function as intended** or **adversely affects the habitability of the dwelling**; or **warrants further investigation by a specialist**, or **requires subsequent observation**. This summary shall not contain recommendations for routine upkeep of a system or component to keep it in proper functioning condition or recommendations to upgrade or enhance the function or efficiency of the home. This Summary is not the entire report. The complete report may include additional information of concern to the customer. It is recommended that the customer read the complete report.

I. STRUCTURAL SYSTEMS

B. Grading and Drainage

Repair or Replace

- **Grading & drainage deficiencies:**

1. Loose guttering connections (Picture 1).
2. Inadequate soil grading. Final grading around the entire foundation should provide a minimum of 6" of slope in the first 6' directly away from the foundation while maintaining 6" of clearance below the sill plates. The grade should provide for an easy flow of surface water away from the foundation and off the property.

C. Roof Covering

Repair or Replace

- **Roof covering deficiencies:**

1. Missing flashing (Picture 1-3).
2. Lifted flashing (Picture 4).
3. Damaged shingles (Picture 5).

D. Roof Structure and Attic

Not Inspected, Repair or Replace

2737 S 53rd Terrace

Page 19 of 23

1. **Roof structure & attic deficiencies:**
 - A) Water damaged sheathing (Picture 1).
 - B) Incomplete insulation coverage (Picture 2).
2. **Noted;** no access (attic above first level).

F. Exterior Walls**Repair or Replace**

- **Exterior/wall deficiencies:**
 1. Wood rot damage (Picture 1-2).
 2. Cracked/damaged stucco (Picture 3).
 3. Missing flashing (Picture 4).
 4. Loose mortar (Picture 5).
 5. Incomplete caulking/sealing (Picture 6).

H. Deck**Repair or Replace**

- **Deck deficiencies:**
 1. Significant riser height discrepancy (Picture 1).
 2. Incomplete railing system (Picture 2).
 3. Wood rot damage (Picture 3).

I. Porch**Repair or Replace**

- **Front porch deficiencies:**
 1. Outdated railing system (Picture 1).
 2. Soil erosion, beneath stairs (Picture 2).
 3. Vertical settlement (Picture 3).

J. Doors**Repair or Replace**

- **Door deficiencies:**
 1. Wood rot damage, master bedroom deck entry door (Picture 1).
 2. Missing safety cables; overhead garage door springs (Picture 2).
 3. Doors conflict with the door jambs:
 - A) Master bedroom balcony door.
 - B) Master bedroom closet door.
 - C) Utility room stairs entry door.
 4. Doors do not properly latch closed:
 - A) Front entry closet door.
 - B) Master bedroom deck storm door.
 - C) Master bedroom deck entry door.
 5. Master bedroom deck entry door; defective knob hardware.

K. Windows**Repair or Replace**

- **Window deficiency;** thermal seal failure; master bedroom x1.

L. Stairs**Repair or Replace**

- **Stair deficiencies:**
 1. Missing handrail (Picture 1).
 2. Inadequate railing system (Picture 2).

II. ELECTRICAL SYSTEMS**A. Service Entrance and Panels**

Repair or Replace

- **Service entrance and panel deficiencies:**

1. Loose circuit breakers (Picture 1).
2. Double tapped neutral connections (Picture 2).
3. Oversized circuit breakers x2.
4. Missing labels.
5. Panel is not dually grounded.

B. Branch Circuits - Connected Devices and Fixtures**Repair or Replace**

- **Branch circuit deficiencies:**

1. Open wire splicing; attic above master bathroom.
2. Inadequate light bulb clearances; basement shelving, garage shelving, bedroom shelves.
3. Connected devices are not GFCI protected:
 - A) Exterior receptacles.
 - B) Kitchen receptacle x1.
 - C) Garage receptacles.
 - D) Basement level wet bar receptacle x1.
 - E) Master bedroom balcony receptacle x1.
 - F) Pool equipment and lights.
4. Exterior receptacle x1:
 - A) Tested as non-grounded.
 - B) Loose coverplate.
5. Kitchen receptacle x1; loose wall/box connection.
6. South exterior light x1; loose wall connection.
7. Lights did not operate:
 - A) Exterior light x2.
 - B) Second level SW bedroom closet light x1.
 - C) Garage light x1.
8. Second level SW bedroom closet light x1; disconnected from ceiling.
9. Master bedroom balcony receptacle x1; defective.
10. Missing/damaged cover plates:
 - A) Garage x3.
 - B) Master deck x1.
11. Missing smoke detectors:
 - A) Second level SE bedroom.
 - B) Second level SW bedroom.
 - C) Utility room.
12. Missing carbon monoxide detectors.

III. HEATING, VENTILATION AND AIR CONDITIONING SYSTEMS**A. Heating Equipment****Repair or Replace**

- **Heating system deficiencies:**

1. Inadequate flue pipe clearances from combustibles (Picture 1-2).
2. Passive make up air vents are not installed. The furnace room requires 2 openings in a wall, with one 12" from the top & one 12" from the bottom. Each opening shall have a free area equal to min. 1" square inch per 1,000 BTU/h input rating of the appliance installed but not less than 100 square inches.

IV. PLUMBING SYSTEM**A. Water Supply System and Fixtures****Repair or Replace**

- **Plumbing supply & fixture deficiencies:**

1. Improper installation; exterior water spigot (Picture 1).
2. Defective flush valve; master bathroom toilet (Picture 2).
3. Clogged aerator; wet bar sink faucet (Picture 3).
4. Loose toilet tank bowl connection; basement level (Picture 4).

B. Drains, Waste, Vents**Repair or Replace**

- **Plumbing drain, waste & vent deficiencies:**

1. Leaky sink drain; basement level bathroom (Picture 1).
2. Clogged floor drain; garage.

C. Water Heating Equipment**Repair or Replace**

- **Water heater deficiencies:**

1. Missing flue pipe screws (Picture 1).
2. An expansion tank is not installed on the system.

E. Shower Walls**Repair or Replace**

- **Shower wall deficiency;** incomplete grouting; hall bathroom (Picture 1).

V. APPLIANCES**D. Ranges/Ovens/Cooktops****Repair or Replace**

- **Slide-in range;** an anti-tip bracket is not installed. This is a safety device that prevents the appliance from tipping forward.

G. Bathroom Exhaust Fans and/or Heaters**Repair or Replace**

- **Bathroom exhaust fan deficiency;** inoperable fan (master bathroom).

Home inspectors are not required to report on the following: Life expectancy of any component or system; The causes of the need for a repair; The methods, materials, and costs of corrections; The suitability of the property for any specialized use; Compliance or non-compliance with codes, ordinances, statutes, regulatory requirements or restrictions; The market value of the property or its marketability; The advisability or inadvisability of purchase of the property; Any component or system that was not observed; The presence or absence of pests such as wood damaging organisms, rodents, or insects; or Cosmetic items, underground items, or items not permanently installed. Home inspectors are not required to: Offer warranties or guarantees of any kind; Calculate the strength, adequacy, or efficiency of any system or component; Enter any area or perform any procedure that may damage the property or its components or be dangerous to the home inspector or other persons; Operate any system or component that is shut down or otherwise inoperable; Operate any system or component that does not respond to normal operating controls; Disturb insulation, move personal items, panels, furniture, equipment, plant life, soil, snow, ice, or debris that obstructs access or visibility; Determine the presence or absence of any suspected adverse environmental condition or hazardous substance, including but not limited to mold, toxins, carcinogens, noise, contaminants in the building or in soil, water, and air; Determine the effectiveness of any system installed to control or remove suspected hazardous substances; Predict future condition, including but not limited to failure of components; Since this report is provided for the specific benefit of the customer(s), secondary readers of this information should hire a licensed inspector to perform an inspection to meet their specific needs and to obtain current information concerning this property.

Prepared Using HomeGauge <http://www.HomeGauge.com> : Licensed To Dru Gordon

**INVOICE**

Gordon & Associates
10456 W. 131st Street
Overland Park, KS 66213
913-207-2769
Inspected By: Dru Gordon

Inspection Date: 3/5/2023
Report ID: 223057

Customer Info:	Inspection Property:
Shaymond Janes	2737 S 53rd Terrace Kansas City KS 66106
Customer's Real Estate Professional:	

Inspection Fee:

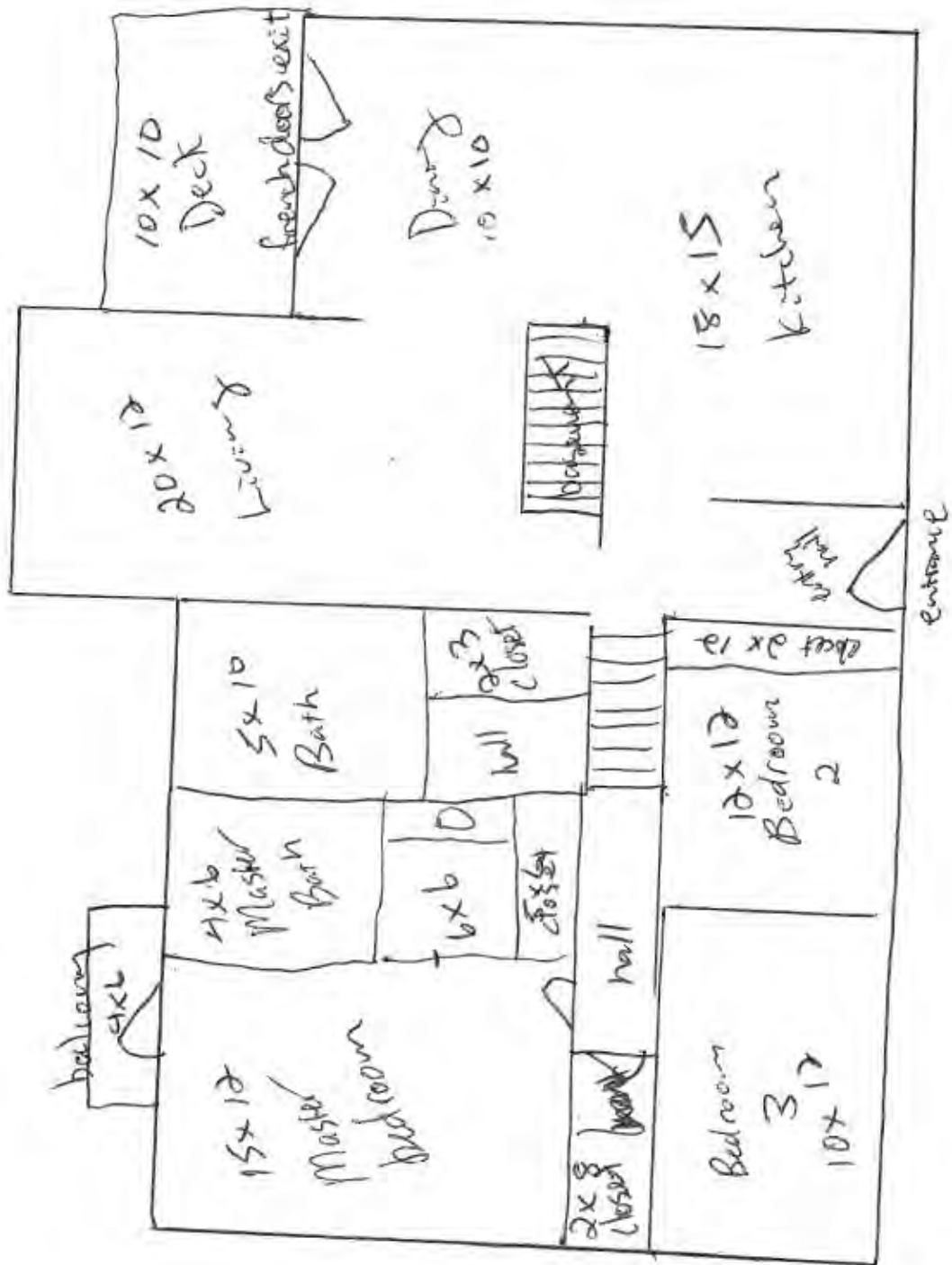
Service	Price	Amount	Sub-Total
General Home Inspection	419.00	1	419.00

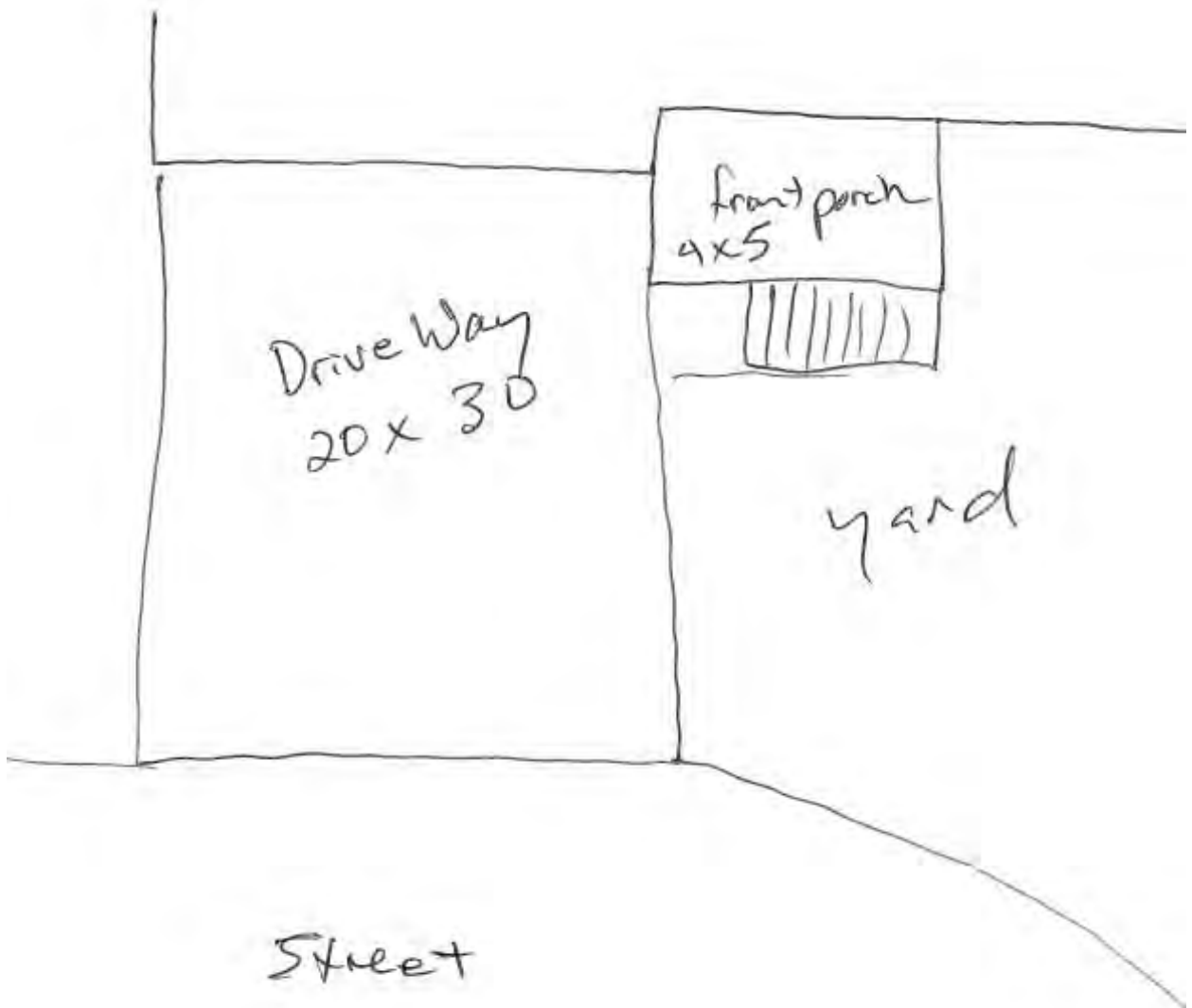
Tax \$0.00**Total Price \$419.00****Payment Method:** Check**Payment Status:** Paid**Note:**

2737 S 53rd Terrace

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FLOOR PLAN





SITE PHOTOS, PROVIDED BY THE APPLICANT, DATED AUGUST 25, 2022



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



NEIGHBORHOOD MEETING MATERIALS

From: Shaymond Janes
2737 S. 53rd Terrace
Kansas City, KS 66106

SUBJECT: Neighborhood Meeting

RE: 2737 S. 53rd Terrace – Petition for Special Use Permit (2737)

To: Whomever it may concern:

I, Shaymond Janes, owner of the above-mentioned property (2737), have filed an application with the Department of Urban Planning and Land Use #SP2023-020.

The purpose of this application is to apply for a special use permit to operate the subject property as a short-term rental for families & tourist to rent while visiting Kansas City.

The complete address of the property is:

2737 S. 53rd Terrace
Kansas City, KS 66106

I am having a neighborhood meeting to address comments, questions, and concerns with regards to this matter. The purpose of this meeting is to explain the proposal and to answer any questions/concerns you may have.

To allow for more flexibility, and as allowed by rule of the unified government, I have chosen to conduct this meeting via email, mailed response and/or phone call.

Proposal as outlined in Initial Draft:

The Applicant, Shaymond Janes, is requesting a Special Use Permit to operate a short-term rental at 2737 South 53rd Terrace. This is not the owner's primary residence.

The subject property is located within the Turner Statistical Neighborhood, the South Turner Neighborhood Group, and the Turner Community Connection Group. The neighborhood is suburban in character, consisting almost entirely of single-family residences, with a few institutions, such as schools, churches, and a block of apartments.

The zoning and uses are set out above. The subject property is surrounded primarily by R-1 Single Family Zoning Districts. Continuing use as a rental, either short or long-term, is consistent with other nearby properties in close proximity to the mixed-use corridor. The proposed use is compatible if properly managed.

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. In order to address these issues the following guidelines will be put in place:

The proposed use has the potential to increase vehicular traffic but should not exceed the capacity of South 53rd Terrace 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. To help manage issue with parking and traffic, the maximum allowed vehicles for guests will be three (3).

The proposed use provides a convenience to the public in the form of temporary lodging. If managed properly, the continued use of the property will not substantially nor permanently injure the appropriate use, visual quality, or marketability of adjoining property as the proposed use operates entirely within an existing dwelling in a built-out neighborhood.

Noise can be an issue that is related to short-term rentals. In efforts to manage the potential noise the property will not under any circumstance allow for large parties. In efforts to enforce this rule, guests will be required to rent the property for a minimum of 3 nights. Periodic checks will be done by management during guest stays and guests will be reminded immediately if they are in known violation of the rules. The maximum guests allowed to stay at the property at any one time will be limited to 7. Contact information for property management is found at the end of this letter. Phone calls and/or text to management are

welcomed and encouraged if neighbors were to have a concern or question with regards to a guest or for any other matter. Dust, or illumination are not issues typically related to the use of a residential property as a short-term rental and ostensibly not considered to be a problem for nearby property owners, and should not be a problem in this regard.

The proposed use will not pollute the air, land, or water as it is an existing, permitted residence.

The proposed use will not damage or destroy an irreplaceable natural resource as it is an existing single-family residence in a built-out urban neighborhood.

The relative gain or loss to the public health, safety and welfare is minimal as it only provides the convenience of lodging with some economic benefit.

The proposed use will not create issues of overcrowding as it operates within an existing structure on the site. The maximum number of guests at one time is seven (7). The maximum number of vehicles off-street is three (3). If the applicant abides by the outlined conditions, undue concentrations of population should not be an issue.

The property is in excellent condition and is regularly maintained by the property owner. Some additional repairs have been noted by inspection and the city and those repairs will be completed by the planning commission chamber meeting which is slated for June 12th at 6:30 pm.

Photos of the subject property are available electronically and will be furnished upon request via email listed below.

Property is owned and will be Managed By:

Shaymond Janes – Janes Brothers LLC

Mailing Address: 9625 Lamar Ave

Overland Park, KS 66207

Direct Phone for Text or Call: (913) 207-3280

Email Address: sjanes1976@icloud.com

Please note that the deadline for having responses, comments &/or questions submitted with the final draft to the planning commission is May 29th, 2023. Please send all responses, comments or questions, preferably in writing via email to sjanes1976@icloud.com. Direct phone calls and or texts are also welcome if necessary.

I look forward to hearing from you, and welcome your response.

Sincerely,

Shaymond Janes
Janes Brothers LLC
9625 Lamar Ave
Overland Park, KS 66207
Sjanes1976@icloud.com
(913) 207-3280

Neighborhood Meeting Minutes:

Application Number SP2023-020

Date and Location: May 29th, 2023

Meeting called to order via email and/or text/phone call:

Names of people in attendance: 0 (zero people attended)

Introductions:

A detailed letter was provided to each applicant and mailed on May 19th as required. No responses were received by either email, phone call or text. There were no questions and as such there were no answers. The meeting was conducted via email, phone call and/or text and so there was no physical sign up sheet.

Two of the letters were "returned to sender" by the USPS as not deliverable as addressed. They were to:

Michael D Woods, and Diane L. Woods of the same address:
5336 Woodend Ave
Kansas City, KS 66106

Meeting adjourned via 12:00am May 29th deadline for response.

Minutes taken by: Shaymond A. Janes

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas

COUNTY OF Wyandotte

Comes now Shaymond A. Janes of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition # SP2023-020.
2. That I conducted a neighborhood meeting on May 29th.
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.

 5/29/23
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 29th day of May, 2023

My commission expires _____ of _____, 200_.

Not Required
Notary Public

LETTER IN OPPOSITION

Re: 2737 S. 53rd Ter. – Special Use Permit

5311 Hagemann St – directly bordering backyard.

Discussion Point:

- The property has been told to cease short-term renting during the city process, and this is not the case. Confirmation can be provided.
- The property owner is not abiding by the city requirements at this stage, what guarantee would the fully invested neighbors have that the rules would be followed in the future?
- The neighborhood notification was not received at my property; how many other neighbors did not receive?

Major Concerns - Professionally:

- Working from home circumstance – during the standard workday (8-5pm) loud inappropriate music is played. At 1:00pm on a workday, during a renter stay in May, they decided to blare obscene music while I was on the back porch, costing me a client and commission.
- Due to loud music during the day, homeowners must leave the home premise at times to work and take calls offsite.

Major Concerns – legally:

- We have licensed Dobermans that are taunted by the short-terms renters 8 out of 10 times. Insurance agent advised that we are 100% liable for anything that happens with the dogs.
 - We have replaced all the pickets on the neighbor's fence.
- The short-term rental has not been approved, and the city is being advised of the increased homeowner liability due to the renters. If the short-term rental is approved, does this liability legally not apply to the city as well?

Concerns/instances:

- Loud music at night while people are sleeping, including children and disabled neighbor.
- Playing basketball in the middle of the night and jumping into our yards.
- Facility being used as an event location typically with large groups due to the pool, hot tub, and basketball court.
- Drunk men yelling at myself, my dogs, and feel unsafe as a woman (i.e., NFL draft weekend I was yelled at by a bunch of drunk men).

Overview:

- The neighbors are paying the cost for the short-term rental.
 - Having to leave premise of own home to work.
 - Increased insurance due to taunting of animals.
 - Cost of losing business.
 - Increased safety concerns.



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: July 27, 2023

Re: Special Use Petition SP2023-026

GENERAL INFORMATION

Applicant:
Ashley Garza

Status of Applicant:
Owner
Air Haven LLC
14512 Leavenworth Road
Basehor, Kansas 66007

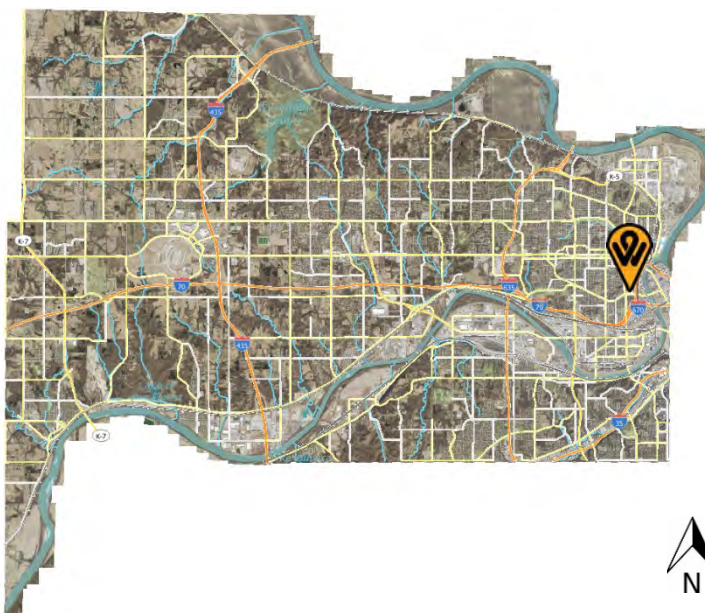
Requested Action:
Approval of a Short-term Rental
Special Use Permit.

Date of Application:
April 28, 2023

Purpose:
To approve a Special Use Permit
for a short-term rental. This is not
the owner's primary residence.

Property Location:
31 South Tremont Street,
Kansas City, Kansas 66101

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



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:	0.16 Acres
Master Plan Designation:	The Central Area Plan designates the subject property as Urban Density, which allows a mix of detached and attached residential.
Major Street Plan:	The Major Street Plan designates South Tremont Street a Local/Neighborhood Street.
Parking Requirement:	Section 27-455(d) states “Two (2) off-street parking spaces shall be provided on the premises for each single-family dwelling. The property provides two (2) parking spaces.
Advertisement:	<u>The Wyandotte Echo</u> – June 15, 2023 Letters to Property Owner – June 16, 2023
Public Hearings:	July 10, 2023, and July 27, 2023
Public Support:	None to date.
Public Opposition:	Two (2) residents showed up to the neighborhood meeting in opposition. No one appeared at the July 10, 2023, City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The Applicant, Ashley Garza, is requesting a Special Use Permit to operate a short-term rental at 31 South Tremont Street. This is not the owner’s primary residence. This short-term rental has been operating without permits since July 2022. This would be the first and only permitted short-term rental on the 100 block on South Tremont.

City Ordinance Requirements: 27-214, 27-592 through 27-606, and 27-623.

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. There have been no noise or disturbance complaints on the subject property since it began operating illegally as a short-term rental in 2022.

Building, Zoning, or Code Enforcement Complaints:

1. The property was cited by Zoning Enforcement for operating a short-term rental without the proper permit.

Outstanding or Related Permits and Cases:

1. There are no outstanding or related permits and cases at the subject property.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The subject property is within the Riverview Statistical Neighborhood as well as the St. Joseph's Watchdogs neighborhood group and Central Area Better Association (CABA) district. The neighborhood consists of primarily single-family residences as well as a church, multi-family residential, and a studio. The property is two (2) blocks away from the Central Avenue commercial corridor, which features a diversity of uses, including offices, restaurants, and retail shops.

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

The zoning and uses are set out above. The subject property is surrounded primarily by the R-1(B) Single Family Zoning District. Continuing use as a rental, either short or long-term, is consistent with other nearby properties in close proximity to the mixed-use corridor. The proposed use is compatible if properly managed.

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

This property is suitable for use as a single-family home. The property could be suitable for use as a short-term rental if properly managed. Removal of the restrictions that require a Special Use Permit for such activities has the potential to create issues such as parking, excessive noise and overcrowding.

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

The property is not vacant and has been used as an unpermitted short-term rental since July 2022.

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

Special Use Permits are not addressed in the Central Area Plan. The Central Area Plan designates the subject property as Urban Density, which allows a mix of detached and attached residential. The proposed use conforms to the area plan if approved with a Special Use Permit.

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

The proposed use has the potential to increase vehicular traffic but should not exceed the capacity of South Tremont Street to accommodate it if managed properly while it functions as a short-term rental. Guests of short-term rentals tend to travel more throughout the area, as they are typically visitors or tourists. Additionally, the driveway is within the public right-of-way, which will require the applicant to obtain a right-of-way permit.

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

The proposed use provides a convenience to the public in the form of temporary lodging. If managed properly, the continued use of the property will not substantially nor permanently injure the appropriate use, visual quality, or marketability of adjoining property as the proposed use operates entirely within an existing dwelling in a built-out neighborhood.

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

Noise is an issue that is related to short-term rentals. There have not been any noise complaints to date with the current applicant. Vibration, dust, or illumination are not issues typically related to the use of a residential property as a short-term rental and ostensibly not considered to be a problem for nearby property.

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

The proposed use will not pollute the air, land, or water as it is an existing, permitted residence.

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

The proposed use will not damage or destroy an irreplaceable natural resource as it is an existing single-family residence in a built-out urban neighborhood.

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

The relative gain or loss to the public health, safety and welfare is minimal as it only provides the convenience of lodging with some economic benefit. If denied, the landowner could not use the property as a short-term rental but may still use the property as a long-term rental, their primary residence, or sell the property.

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

The proposed use will not create issues of overcrowding as it operates within an existing structure on the site. The maximum number of guests at one time is six (6). The maximum number of vehicles off-street is two (2). No on-street parking will be allowed for guests of the short-term rental. If the applicant abides by the outlined conditions, specifically the prohibition of parties or larger groups, undue concentrations of population should not be an issue.

PREVIOUS ACTIONS

There have been no previous planning entitlements on the subject property.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on June 25, 2023. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Home Inspection Report
Operating without a Special Use Permit
Required Repairs

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 1 to recommend **APPROVAL** of Special Use Permit Application SP2023-026 **for one (1) year**, subject to:

- 1. Any additional repairs not addressed prior to approval of SP2023-026 outlined within the provided home inspection report shall be performed prior to renewal of this Special Use Permit.**
- 2. Maximum number of guests shall be six (6).**
- 3. All parking must be off-street, maximum number of vehicles is two (2). No parking is allowed on-street for STR renters or any guests.**
- 4. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit,**

- a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented.
5. Applicant is to maintain liability insurance.
 6. The property must remain in proper maintenance and free of hazards, pests, or infestations.
 7. The granting of this Special Use Permit does not transfer with a change of ownership of the property.
 8. Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and www.hostcompliance.com/tips (website).
 9. 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, occupying businesses must file and maintain a current business occupation tax application with this office.
 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. 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. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located.
 17. 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
 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.
 19. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.

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 **SP2023-026** subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

July 10, 2023, City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Host Compliance Map
Floor Plan
Home Inspection Report
Site Photos, Taken by Staff, Dated June 9, 2023
Neighborhood Meeting Minutes

REVIEW OF INFORMATION AND SCHEDULE

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

STAFF CONTACT:

James Molloy
jmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2023-026** as meeting all the requirements of the city code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **SP2023-026**, as it is not in compliance with the City Ordinances and as it will not promote the public

health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

July 10, 2023, City Planning Commission Minutes:

Hearing starts at 3:29:42:

SPECIAL USE PERMIT APPLICATION SP2023-026 – ASHLEY GARZA - SYNOPSIS:

Special Use Permit for a Short-Term Rental at 31 South Tremont. Detailed Outline of Requested Action: The Applicant, Ashley Garza, is requesting a Special Use Permit to operate a short-term rental at 31 South Tremont Street. This is not the owner's primary residence. This short-term rental has been operating without permits since July 2022. This would be the first and only permitted short-term rental on the 100 block on South Tremont.

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

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

- Ashley Garza, applicant, Air Haven LLC, 14512 Leavenworth Road, Basehor, Kansas 66007

The Planning Commission addressed questions to the applicant.

Present in Opposition:

- No one appeared

Staff Recommendation starts at 3:38:01: Planning Director Hand stated that the request is for a Special Use Permit for a Short-Term Rental and would be a non-owner-occupied property. The property is in the Central Area Plan in the Russian Hill neighborhood. Staff has received no letters in support. There was opposition at the neighborhood meeting and there is a Notice of Violation for operating a Short-Term Rental without a Special Use Permit. Director Hand stated that this application is the first of several Short-Term Rental applications on the agenda this evening. This month represents the first month after the Short-Term Rental ordinance was adopted in May 2023. There were Short-Term Rentals submitted by first-time operators that did not

previously have a Special Use Permit. There were a couple that wanted to become legal, like this case, and others that are striving to be the first on their block in accordance with the new policy. Staff believes that the response from the ordinance is happening as they thought it would. Sixteen (16) is a lot of Short-Term Rentals on one agenda and Staff is not certain how long this is going to last, but this does represent an above average amount of Short-Term Rental Special Use Permits in a normal application cycle. If this application moves forward with a recommendation of approval by the Planning Commission and the Board of Commissioners approve the application, there will be Short-Term Rentals on this block that will need to be closed. Staff recommends approval of this application subject to the conditions in the staff report.

Motion starts at 3:40:37:

On motion by Mr. Ward, seconded by Mrs. Jones, the Planning Commission voted as follows to recommend **APPROVAL** of Special Use Permit **SP2023-026 for one (1) year:**

Carson	Chairman
Connelly	Aye
Eilts	No
Ernst	Aye
Jones	Aye
Miller	Not Present
Mohler	Not Present
Straws	Not Present
Ward	Aye
Armstrong	Aye
Beth	Aye

Motion to recommend **APPROVAL** Passed 6 to 1

Subject to:

1. Any additional repairs not addressed prior to approval of SP2023-026 outlined within the provided home inspection report shall be performed prior to renewal of this Special Use Permit.
2. Maximum number of guests shall be six (6).
3. All parking must be off-street, maximum number of vehicles is two (2). No parking is allowed on-street for STR renters or any guests.
4. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented.
5. Applicant is to maintain liability insurance.
6. The property must remain in proper maintenance and free of hazards, pests, or infestations.
7. The granting of this Special Use Permit does not transfer with a change of ownership of the property.
8. Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government

enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and www.hostcompliance.com/tips (website).

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16. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision

- within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located.
17. 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
 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.
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ATTACHMENTS

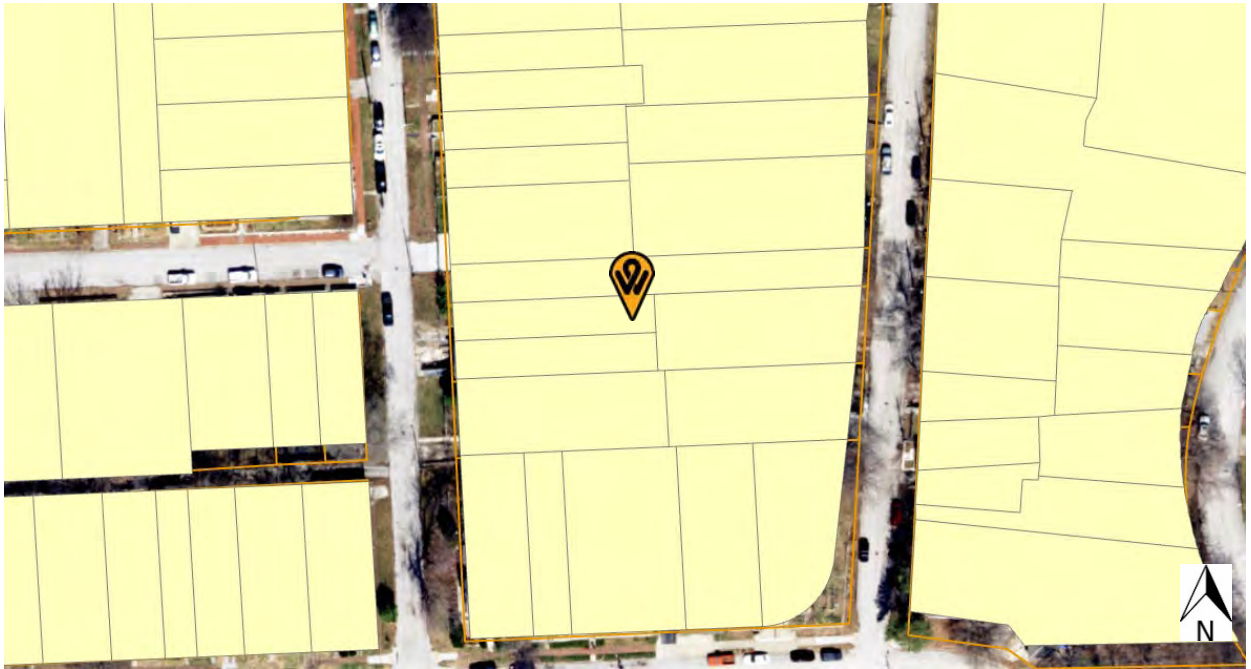
AERIAL IMAGERY



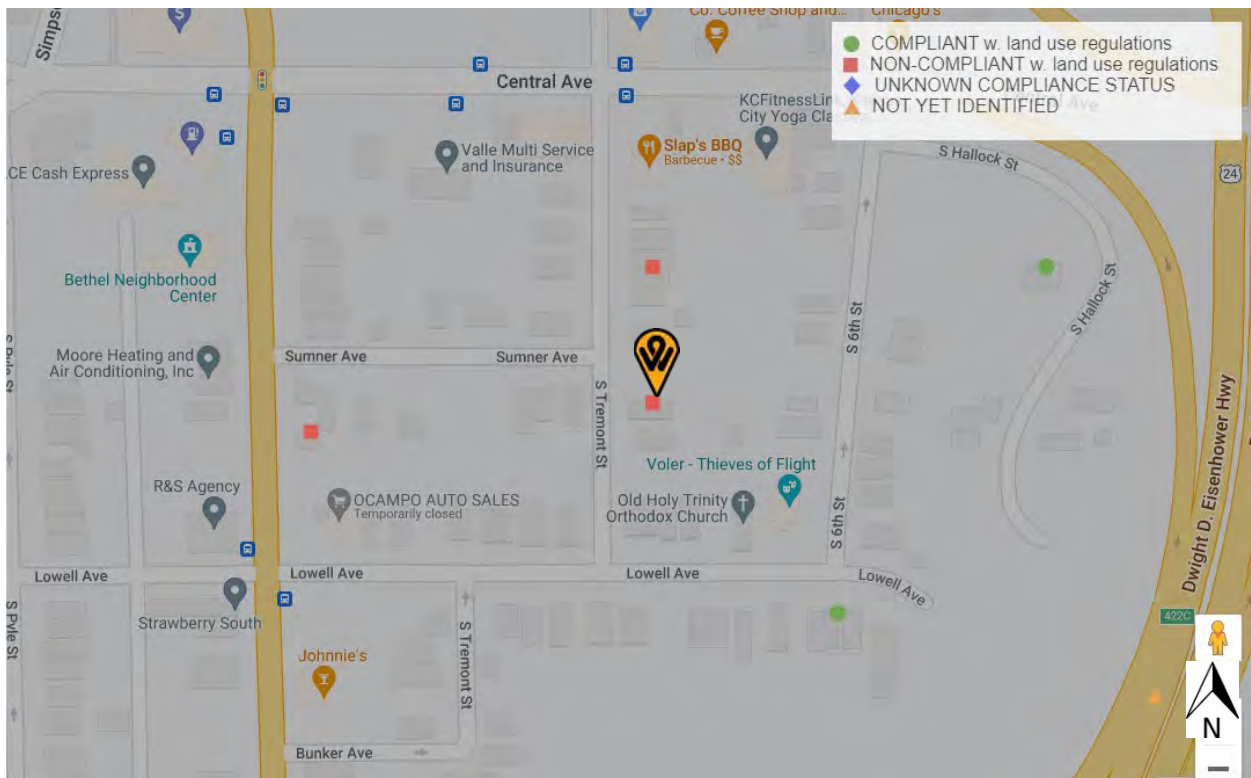
ZONING MAP



LAND USE MAP



HOST COMPLIANCE MAP – JUNE 12, 2023



Structure

Description of Structure

- Foundation: Stone | Basement Configuration | Slab on Grade
- Columns: Steel
- Columns: Wood
- Floor Structure: Wood Joist
- Wall Structure: Wood Frame
- Ceiling Structure: Joist
- Roof Structure: Rafters | Plywood Sheathing

Positive Attributes

- The construction of the home is average quality. The materials and workmanship, where visible, are average.

General Comments

- Noted: Some areas of the exterior foundation was not visible due to vegetation and or landscaping.
- Noted: Some areas of the basement walls were covered or blocked and could not be inspected.
- Noted: Some areas of the basement were not visible due to stored items, Ceiling / Wall coverings and or low visibility.
- Older Home: Homes with Stone foundations can have moisture intrusion issues in the basement/crawlspace during rain fall, measures can be taken to decrease the chances, however it is almost inevitable.
- Some flaws were observed in the foundation. See recommendations below.
- Some structural issues were observed. See recommendations below.

Foundation

- Repair: Noted that the left wall has moved. (See picture(s) below). Recommend that a structural engineer evaluate the foundation and all other structural components of the home before closing.



Evidence of movement at left wall of foundation.



Evidence of moisture intrusion at front wall of basement.

Slab

- Monitor: Observed cracking in the basement slab. Monitor for increased separation and repair as needed.

Electrical

Description of Electrical

- Size of Electrical Service: 120/240 Volt Main Service - Service Size: 100 Amps
- Service Drop: Underground
- Service Entrance Conductors: Aluminum
- Service Equipment & Main Disconnects: Main Service Rating 100 Amps | Breakers
- Service Grounding: Aluminum-Bare
- Service Panel & Overcurrent Protection: Panel Rating: 100 Amps
- Distribution Wiring: Copper
- Wiring Method: Non-Metallic Cable "Romex"
- Switches & Receptacles: Grounded and Ungrounded
- Ground Fault Circuit Interrupters: Bathroom(s), Kitchen

Positive Attributes

- The size of the electrical service appears to be sufficient for typical single family needs
- Generally speaking, the electrical system appears to be in good order.

General Comments

- Inspection of the electrical system revealed the need for typical, minor repairs. Although these are not costly repairs, they should be high priority for safety reasons.
- Unsafe electrical conditions represent a shock hazard. A licensed electrician should be consulted to undertake some of the repairs recommended below.
- See recommendations below.

Main Panel

- Repair: Recommend that missing electric panel screws be replaced.



Repair: Recommend that missing electric panel screws be replaced.

Outlets

- Repair: Noted outlets that did not have power at the time of inspection. Confer with owner and repair as necessary.
- Repair: Observed 3 prong ungrounded outlet(s) in the home, this is common in older homes. You can switch these outlet back to a two prong, or run a ground wire to them, or you can swap out your standard outlet for a **GFCI** outlet on any ungrounded outlets to provide protection from shocks and surges; however, you will need to add a sticker to the GFCI outlet that reads "No Equipment Ground" which comes with every GFCI outlet. This lets other folks understand what is happening behind the walls in the future. A GFCI will "sense" the difference in the amount of electricity flowing into the circuit to that flowing out, even in amounts of current as small as 4 or 5 milliamps. The GFCI reacts quickly (less than one-tenth of a second) to trip or shut off the circuit. Recommend having an electrician evaluate for repairs



GFCI outlets at both sides of kitchen sink did not have power.

Distribution Wiring

- Safety Issue: Open junction box in the basement of the home. Recommend that a licensed electrician evaluate the electrical components of the home for necessary repairs.



Safety Issue: Open junction box in the basement of the home. Recommend that a licensed electrician evaluate the electrical components of the home for necessary repairs.

Limitations of Electrical Inspection

- As we have discussed and described in your inspection contract, this is a visual inspection limited in scope by (but not restricted to) the following conditions:
 - * Electrical components concealed behind finished surfaces are not inspected.
 - * Electrical system and the components are not inspected to codes, but safety issues that are found will be reported
 - * The inspection doesn't verify the service ground
 - * The inspection doesn't determine the accuracy of labeling
 - * Only a representative sampling of outlets and light fixtures were tested. Exterior accent lighting is not tested
 - * Furniture and/or storage may prevent access to some electrical components which may not be inspected.
 - * The inspection does not include remote control devices, alarm systems and components, low voltage wiring systems and components, ancillary wiring systems and other components which are not part of the primary electrical power distribution system.
 - * The smoke detectors should be tested and fresh batteries inserted upon moving into the home. Carbon monoxide detectors should be installed according to the manufacturer's instructions.

Please also refer to the pre-inspection contract for more detailed explanation of the scope of this inspection. "This report is not a compliance inspection for past or present governmental codes or regulations."



Repair: Gaps in grout in shower should be resealed.

Toilets

- Repair: Observed a loose toilet bowl at the bathroom. Recommend that toilet base be tightly secured.



Loose toilet at half bathroom.



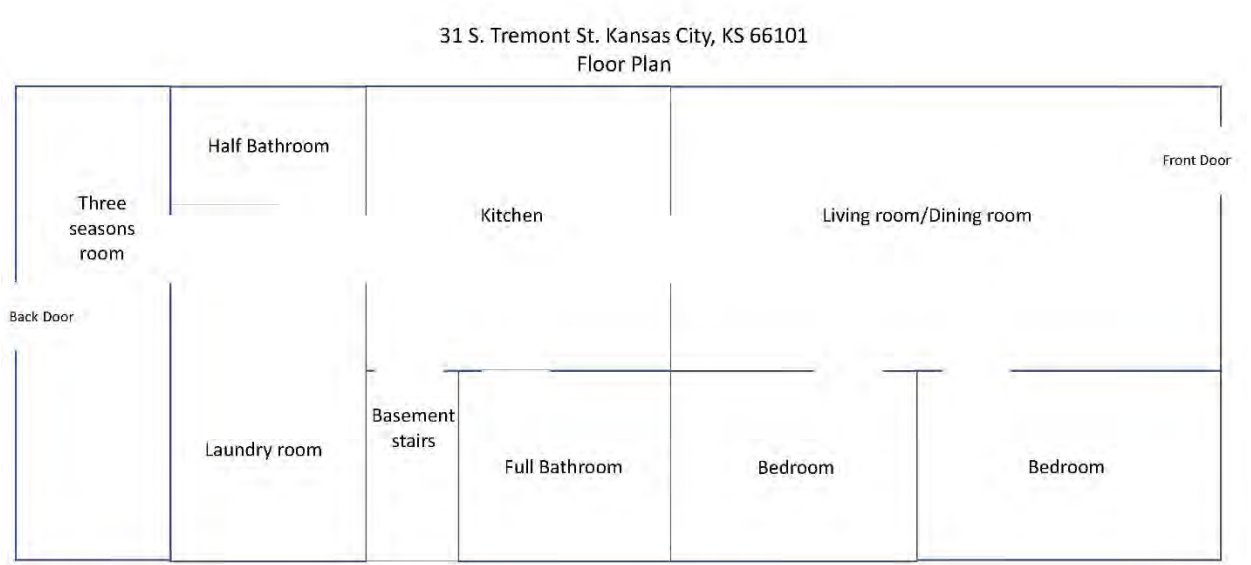
Loose toilet at hall bathroom.

Exterior Faucet

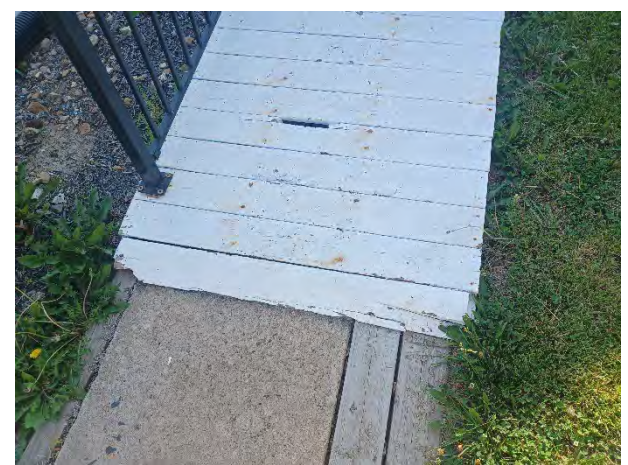
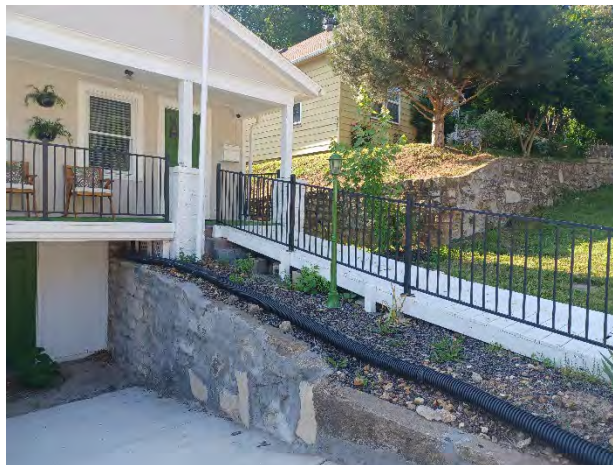


Exterior faucet missing handle at right side of home.

FLOOR PLAN



SITE PHOTOS, TAKEN BY STAFF, DATED JUNE 9, 2023



NEIGHBORHOOD MEETING MATERIALS

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
) SS:
COUNTY OF Wyandotte)

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

1. That I am the petitioner for Petition #SP2023-026
2. That I conducted a neighborhood meeting on 6-25-23.
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.

Ashley Garza
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 27th day of June, 20023

My commission expires 21 of February, 20030



Lacey F. McGee
Notary Public

Ashley Garza (858) 774-1627 Email: stayattremont@gmail.com

MINUTES: 30 Minutes

Application Number: SP2023-026

Date and Location: June 25th, 2023 zoom meeting

Meeting called to order at: 5:00 pm

Names of people in attendance:

Karrin Huhmann

Brad Huhmann

Anna Cole

Rose

Introductions:

Hello, thanks for joining the meeting. This call is to give you an opportunity to ask any questions or express any concerns about my short-term rental in your neighborhood getting approved. Please feel free to ask me anything you'd like to know.

Questions and answers (include the following):

Karrin- How close do you live to the property?

Ashley- I live 12 minutes away in Shawnee

Karrin-I see that the Wilson's are on the deed and not your name. They don't seem involved in this process and that concerns me.

Ashley-Nate and Jenn are very involved in the home. We have a joint LLC and own the home together. We have a separate contract stating that we are half owners. Nate has been over to the house numerous time to help make repairs, such as rebuilding the crumbling retaining wall along the driveway. They are up to date on everything that is happening with this process and the city is aware that we are working together to get this approved. I am managing the home because I live closer.

Karrin- Have you had any complaints?

Ashley- No ,we haven't had any complaints or violations at the home. I actually talked to Barbara across the street and she told me that she used to have to call the police all the time when the previous owners

lived there. She owns multiple homes on Sumner Ave. and has lived in the neighborhood for a very long time. She told me that all my guests were very pleasant. I even took her through the home to see the renovations, and she was really happy about everything that we had done.

Karrin- I didn't see any house rules for your guests on your listing, such as no parties.

Ashley- I have strict house rules that are on my listing and sent to every guest before checking in. These include no parties, no additional guests allowed who were not on the original reservation, and no loud noises after 10pm. I'd be happy to send you the instructions that I send to my guests if you want to take a look.

Brad- Why didn't you get the permit when you first started renting the house?

Ashley: When we purchased the home I contacted the city to tell them that I was going to use it as a STR. We needed to make some renovations to the home, so I asked the city what needed to be done to meet the STR requirements. They mentioned things like adding more smoke detectors, getting rid of a gravel driveway in the front yard, and that we needed to redo the driveway. We ended up putting a couple thousand dollars into tearing out the driveway and redoing it so that it met the city's codes. I had multiple inspections and during the final inspection the inspector told me I was "good-to-go" and passed everything. I took that as I was legally allowed to rent the property and started to rent it. I didn't know that a special use permit was needed as well.

Karrin- We are just concerned about people buying up a bunch of the properties in our area and using them to make money. They are raising our taxes and taking away from people who want long term rentals.

Ashley- I understand. This new ordinance will actually help with that issue because it will only allow one Airbnb per block. So, it should reduce the amount of STR in the area.

Brad- Is that why you're doing this process? So you can be the first person permitted out of the three on the block?

Ashley- Yes, it's whoever gets their application in first and completes this process.

Karrin- I just feel like there's a bunch of people taking advantage of the low home prices and not caring about the neighborhood.

Ashley- We actually really love the neighborhood. I have friends who live in Strawberry Hill and we frequently visit the bars and restaurants in the area. We're hoping that with our Airbnb, it will bring groups of people to this area that would have normally stayed in downtown KCMO and never ventured

over here. Our guests will spend money at the local businesses like Split log Coffee and Slaps BBQ, and hopefully help those businesses thrive and put money back into the city.

Karrin- Well I guess this is just a 1 year permit and we'll just have to see how everything goes.

Ashley- Yes, hopefully everything goes well. I would never want to disrupt the neighborhood and would be happy to give anyone my phone number or email if they have any issues.

Karrin- Ok, well we'll see you on July 10th for the next meeting.

Ashley- ok, sounds great. Are there any other questions?

No answer from other participants.

Meeting adjourned at: 5:30pm

Minutes taken by: Ashley Garza



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: July 27, 2023

Re: Special Use Petition SP2023-030

GENERAL INFORMATION

Applicant:

Alexandra Sales

Status of Applicant:

Representative of the Owner
3430 Galt Ocean Drive #1210
Fort Lauderdale, FL 33308

Requested Action:

Approval of a Short-term Rental
Special Use Permit.

Date of Application:

May 26, 2023

Purpose:

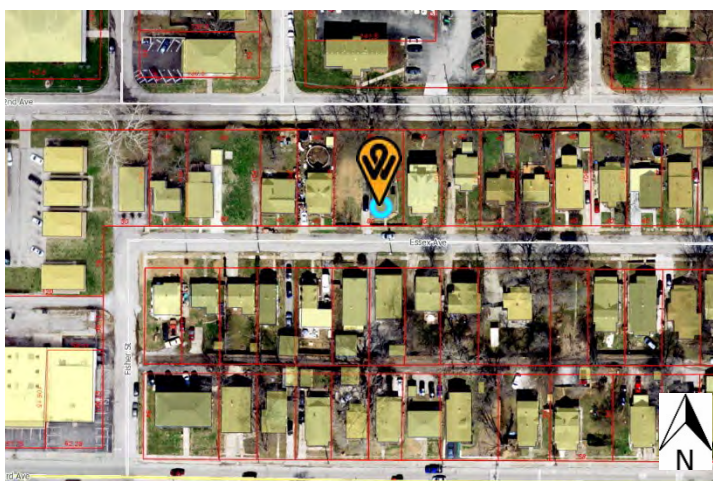
To approve a Special Use Permit
for a short-term rental. This is not
the owner's primary residence.

Property Location:

2602 Essex 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: RP-5 Planned Apartment 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: Garden style apartments South: Single-family residence East: Single-family residence West: Single-family residence
Total Tract Size:	0.17 Acres
Master Plan Designation:	The Rosedale Area Plan designates this property as Single Family, which intends for single family residences and detached homes.
Major Street Plan:	The Major Street Plan designates Essex Street a Local/Neighborhood Street.
Parking Requirement:	Section 27-455(d) states “Two (2) off-street parking spaces shall be provided on the premises for each single-family dwelling”. The property provides two (2) parking spaces.
Advertisement:	<u>The Wyandotte Echo</u> – June 15, 2023 Letters to Property Owner – June 16, 2023
Public Hearings:	July 10, 2023, and July 27, 2023
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The Applicant, Alexandra Sales, is requesting a Special Use Permit to operate a short-term rental at 2602 Essex Ave. This is not the owner’s primary residence. This would be the first and only permitted short-term rental on the 2600 block of Essex Street. If this case is permitted, there are two (2) non-compliant short-term rentals on the block that would be required to cease operation. The subject property has been operating as an unpermitted short-term rental since November 2021.

City Ordinance Requirements: 27-214, 27-592 through 27-606, and 27-623.

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. There have been no noise or disturbance complaints on the subject property since it began operating illegally as a short-term rental in 2021.

Building, Zoning, or Code Enforcement Complaints:

1. There are no active Notices of Violations on the subject property. The property has a history of violations for weeds, trash, and tall grass.

Outstanding or Related Permits and Cases:

1. There are no outstanding or related permits and cases at the subject property.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The subject property is located within the Rosedale Statistical Neighborhood, the Frank Rushton Neighborhood Group, and the Rosedale Development Association District. The neighborhood consists of a variety of residential uses including single-family residences, duplexes, fourplexes, garden style apartments as well as small-scale commercial uses. There are also several institutional uses, including an Elementary School, three (3) churches, and the nearby University of Kansas Medical 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 subject property is surrounded primarily by the R-1(B) Single Family Zoning District with RP-5 Planned Apartment District zoning mixed within. Continuing use as a rental, either short or long-term, is consistent with other nearby properties in close proximity to the mixed-use corridor. The proposed use is compatible if properly managed.

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

This property is suitable for use as a single-family home. The property could be suitable for use as a short-term rental if properly managed. Removal of the restrictions that require a Special Use Permit for such activities has the potential to create issues such as parking, excessive noise and overcrowding.

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

The property is not vacant and has been used as an unpermitted short-term rental since December 2021.

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

Special Use Permits are not addressed in the Rosedale Area Plan. The Rosedale Area Master Plan designates this property as single family, which intends for single family residences and detached homes. The proposed use conforms to the comprehensive plan if approved with a Special Use Permit.

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

The proposed use has the potential to increase vehicular traffic but should not exceed the capacity of Essex Street to accommodate it if managed properly while it functions as a short-term rental. Guests of short-term rentals tend to travel more throughout the area, as they are typically visitors or tourists.

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

The proposed use provides a convenience to the public in the form of temporary lodging. If managed properly, the continued use of the property will not substantially nor permanently injure the appropriate use, visual quality, or marketability of adjoining property as the proposed use operates entirely within an existing dwelling in a built-out neighborhood.

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

Noise is an issue that is related to short-term rentals. There have not been any noise complaints to date with the current applicant. Vibration, dust, or illumination are not issues typically related to the use of a residential property as a short-term rental and ostensibly not considered to be a problem for nearby property.

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

The proposed use will not pollute the air, land, or water as it is an existing, permitted residence.

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

The proposed use will not damage or destroy an irreplaceable natural resource as it is an existing single-family residence in a built-out urban neighborhood.

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

The relative gain or loss to the public health, safety and welfare is minimal as it only provides the convenience of lodging with some economic benefit. If denied, the landowner could not use the property as a short-term rental but may still use the property as a long-term rental, their primary residence, or sell the property.

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

The proposed use will not create issues of overcrowding as it operates within an existing structure on the site. The property is limited to five (5) guests, which is not expected to result in the overcrowding of land. The maximum number of vehicles off-street is two (2). There can be no off-street parking for this short-term rental renters or guests. If the applicant abides by the outlined conditions, specifically those that prohibit large groups and parties, undue concentrations of population should not be an issue.

PREVIOUS ACTIONS

There have been no previous planning entitlements on the subject property.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting via Zoom on June 20, 2023. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Floor Plan
Noise
Operating without a Special Use Permit
Parking
Screening/Buffering

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 5 to 1 to recommend **APPROVAL** of Special Use Permit Application SP2023-030 **for one (1) year**, subject to:

1. The fence identified in the staff report shall be reduced to four (4) feet in the front yard.
2. Any additional repairs not addressed prior to approval of SP2023-030 outlined within the provided home inspection report shall be performed prior to renewal of this Special Use Permit.
3. Maximum number of guests shall be five (5).
4. All parking must be off-street, maximum number of vehicles is two (2). No parking is allowed on-street for STR renters or any guests.
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. 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, occupying businesses must file and maintain a current business occupation tax application with this office.
12. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly.
13. All existing and future driveways must feature curb cuts that are constructed to UG standards.
14. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable.
15. 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. 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;
18. The Special Use Permit shall be valid for (x) 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.
20. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.

21. Driveway must be upgraded to an improved surface (asphalt, concrete or pavers) and the driveway apron must be concrete from the curb to the property line (within the right-of-way) and fix/repair all broken sidewalk sections.

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 **SP2023-030** subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

July 10, 2023, City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Host Compliance Map
Floor Plan
Home Inspection Report
Site Photos, Taken by Staff, Dated June 9, 2023
Neighborhood Meeting Materials

REVIEW OF INFORMATION AND SCHEDULE

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

STAFF CONTACT:

James Molloy
jmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2023-030** as meeting all the requirements of the city code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____;

2. _____; And

3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition **SP2023-030**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

July 10, 2023, City Planning Commission Minutes:

Hearing starts at 3:48:20:

SPECIAL USE PERMIT APPLICATION SP2023-030 – ALEXANDRA SALES - SYNOPSIS: Special Use Permit for a Short-Term Rental at 2602 Essex Avenue.

Detailed Outline of Requested Action: The Applicant, Alexandra Sales, is requesting a Special Use Permit to operate a short-term rental at 2602 Essex Ave. This is not the owner's primary residence. This would be the first and only permitted short-term rental on the 2600 block of Essex Street. If this case is permitted, there are two (2) non-compliant short-term rentals on the block that would be required to cease operation. The subject property has been operating as an unpermitted short-term rental since November 2021.

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

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

- Alexandra Sales, applicant, 3430 Galt Ocean Drive #1210, Fort Lauderdale, Florida 33308
- Willis Kessler, representing BearBNB KC

Present in Opposition:

- No one appeared

Staff Recommendation starts at 3:55:48: Planning Director Hand stated that this is a request for a non-owner-occupied Short-Term Rental Special Use Permit. This property is in the Rosedale Area Plan. Staff has received no letters in support nor opposition. There are no Notices of Violation. Staff recommends approval of this application for one (1) year subject to the conditions in the staff report. Director Hand stated regarding the fence, it has to be four (4) feet in the front yard which is everything from the building façade to the street. Staff is not conditioning that the whole fence height has to be reduced; only from the building façade to the front yard needs to be brought down to four (4) feet. Condition #18 should indicate a recommendation of one (1) year for the Special Use Permit. Staff would like to add a condition of approval that the driveway must be upgraded to an improved surface (asphalt, concrete or pavers) and the driveway apron must be concrete from the curb to the property line (within the right-of-way) and fix/repair all broken sidewalk sections.

Planning Commission directed questions to staff.

Motion starts at 3:59:26:

On motion by Mr. Ward, seconded by Ms. Armstrong, the Planning Commission voted as follows to recommend **APPROVAL** of Special Use Permit **SP2023-030** **for one (1) year:**

Carson	Chairman
Connelly	Not Present (left at 10:00 p.m.)
Eilts	No
Ernst	Aye
Jones	Aye
Miller	Not Present
Mohler	Not Present
Straws	Not Present
Ward	Aye
Armstrong	Aye
Beth	Aye

Motion to recommend APPROVAL Passed 5 to 1

Subject to:

1. The fence identified in the staff report shall be reduced to four (4) feet in the front yard.
2. Any additional repairs not addressed prior to approval of SP2023-030 outlined within the provided home inspection report shall be performed prior to renewal of this Special Use Permit.
3. Maximum number of guests shall be five (5).
4. All parking must be off-street, maximum number of vehicles is two (2). No parking is allowed on-street for STR renters or any guests.
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).
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11. If approved, occupying businesses must file and maintain a current business occupation tax application with this office.
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14. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable.
15. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations.
16. 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. 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;
18. The Special Use Permit shall be valid for (x) 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.
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21. Driveway must be upgraded to an improved surface (asphalt, concrete or pavers) and the driveway apron must be concrete from the curb to the property line (within the right-of-way) and fix/repair all broken sidewalk sections.

ATTACHMENTS

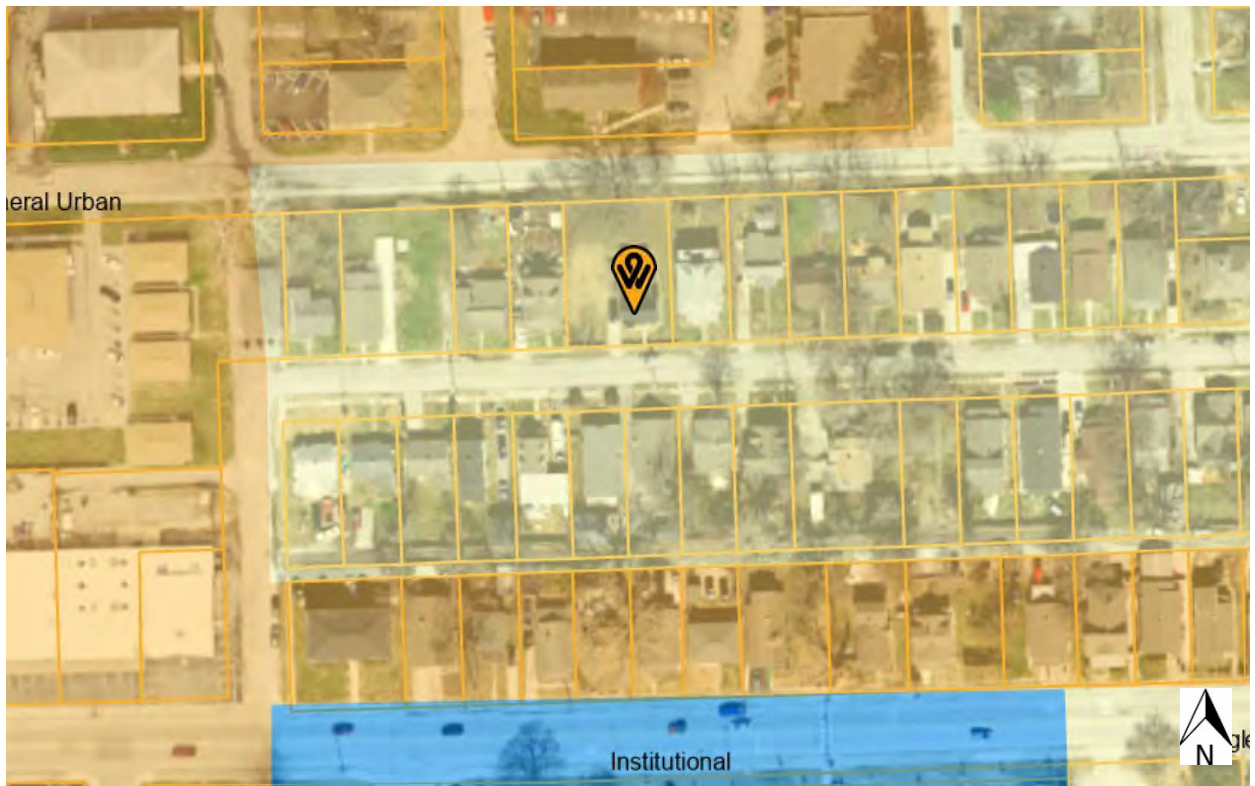
AERIAL IMAGERY



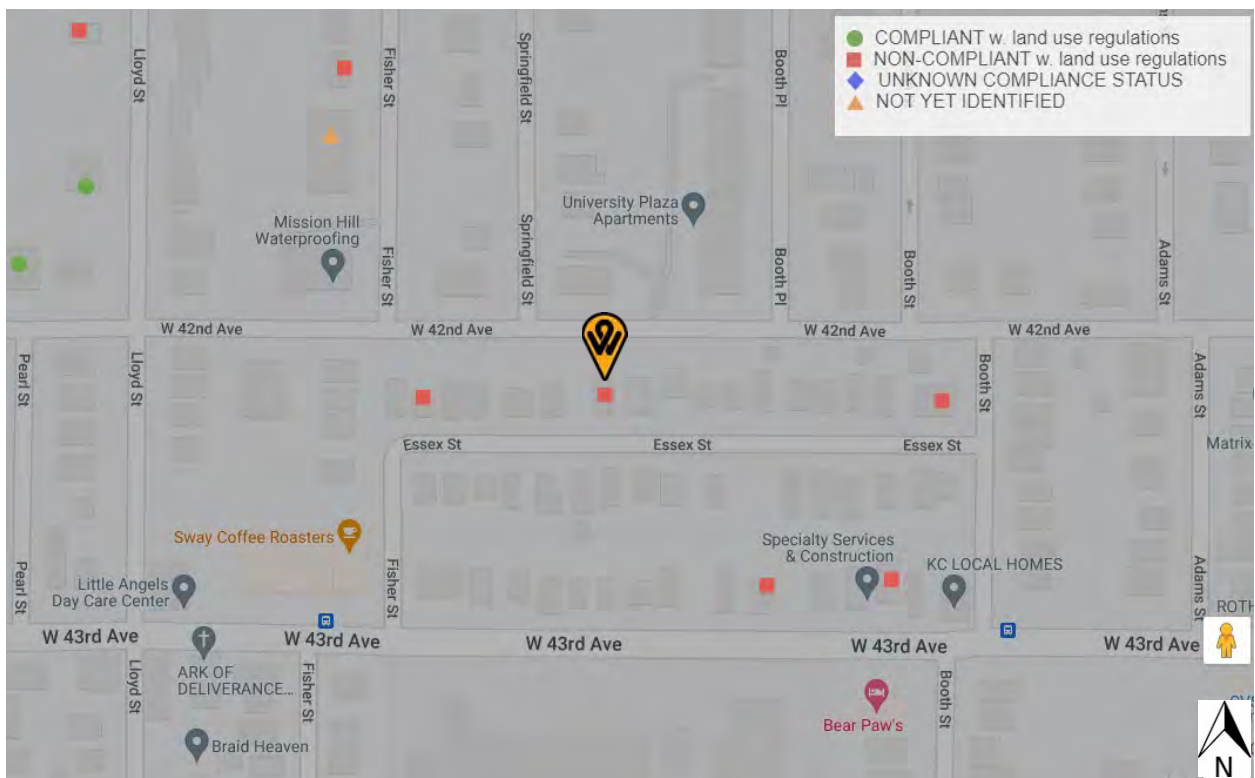
ZONING MAP



LAND USE MAP



HOST COMPLIANCE MAP – JUNE 12, 2023



FLOOR PLAN



HOME INSPECTION REPORT

2602 Essex St

Alexandra Sales

SUMMARY



MAINTENANCE ITEM



RECOMMENDATION

-
- 2.2.1 Roof - Flashings: Missing
 - 2.4.1 Roof - Skylights, Chimneys & Other Roof Penetrations: Chimney cap rusted
 - 3.6.1 Exterior - Vegetation, Grading, Drainage & Retaining Walls: Missing extensions
 - 7.1.1 Basement, Foundation, Crawlspce & Structure - Foundation: Foundation Cracks - Minor
 - 8.6.1 Electrical - Smoke Detectors: Missing

SITE PHOTOS, TAKEN BY STAFF, DATED JUNE 9, 2023



NEIGHBORHOOD MEETING MATERIALS

Application Number: SP2023-030 - 2602 Essex

Date and Location: Zoom Meeting

Meeting called to order at: 5PM CST

Names of people in attendance: Tyler Shirk with BearBNB KC (property management)

No neighbors attended the zoom meeting.

Meeting adjourned at: 5:40PM CST

Minutes taken by: Alexandra Burnham

No other communication (phone or emails) were received by neighbors.

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF FL
COUNTY OF Broward } ss:

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

1. That I am the petitioner for Petition # SP2023-030
2. That I conducted a neighborhood meeting on 06/20/23.
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.

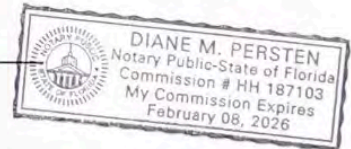
Further affiant saith not.

Alexandra Sales
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 23 day of June, 2023

My commission expires 08 of Feb., 2026

Diane M. Persten
Notary Public





Staff Request for Commission Action

Tracking No. 212614

Full Commission Meeting Date: 7/27/2023

Committee: Full Commission

Date of Standing Committee Action:

(If none, please explain):

Publication Required: No

<u>Date:</u> 07/21/2023	<u>Contact Name:</u> Gunnar Hand	<u>Contact Phone:</u> 5751	<u>Contact Email:</u> ghand@wycokck.org	<u>Department/Division:</u> Planning and Urban Design
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Item Description:

A review of the ongoing Citywide Comprehensive Plan update process and next steps, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action Requested:

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:



PROCLAMATION

- WHEREAS,** 140,918 U.S. firms are Black or African American owned and those firms generate more than \$141.1 billion in gross revenue; and
- WHEREAS,** Black or African American owned account for 3% percent of all U.S. businesses; and
- WHEREAS,** Black or African American owned should be applauded for their contributions to the business economy, employing more than 60% of other Black Americans, increasing the workforce in Black communities; and
- WHEREAS,** the major goal of Entrepreneur Business Basics is to train, develop and deploy minority-owned businesses everywhere to launch, scale, and grow profitable businesses. In conjunction with the Heartland Black Chamber of Commerce, EBB works to efficiently support black businesses to successfully thrive in Wyandotte County, Kansas; and
- WHEREAS,** Black Entrepreneurship Week is created to bring awareness, support, and increase commerce for black entrepreneurs. Black Entrepreneurship Week is a designated time to elevate the concerns and issues that black entrepreneurs face as well as discuss solutions through collaborative efforts in the state of Kansas.

NOW, THEREFORE, I, Tyrone Garner, Mayor/CEO of the Unified Government of Wyandotte County/Kansas City, Kansas, do hereby proclaim August 1-5, 2023, as:

“Black Entrepreneurship Week”

in Wyandotte County/Kansas City, Kansas, and urge all citizens to recognize Black Entrepreneurship Week. In witness whereof, I have hereunto set my hand and the seal of the Unified Government of Wyandotte County/Kansas City, Kansas.

TYRONE GARNER, MAYOR/CEO



PROCLAMATION

- WHEREAS,** the uninsured in Wyandotte County are less likely to have a usual source of health care and make more frequent use of emergency rooms; and
- WHEREAS,** the uninsured are less likely to have had a doctor visit within the last six months; and
- WHEREAS,** Mercy and Truth Medical Missions and other safety Community Care Clinics in Wyandotte County share the mission of providing accessible, high-quality, comprehensive primary care services for the medically underserved, regardless of their ability to pay; and
- WHEREAS,** these clinics provide comprehensive primary care to many Wyandotte County residents, regardless of their ability to pay; and
- WHEREAS,** for many of these residents, primary care Community Care clinics are the only means of accessing affordable primary health care services; and
- WHEREAS,** primary care Community Care clinics save money by reducing preventable hospitalizations and unnecessary emergency room visits, and by promoting the health and well-being of Wyandotte County's most vulnerable populations; and
- WHEREAS,** primary Community Care clinics leverage federal, state, local community, and foundation resources, including the donated services of health professionals; and
- WHEREAS,** growing and strengthening the primary care Community Care Clinics net of clinics and community health centers promotes the well-being of all Wyandotte County residents.

NOW, THEREFORE, I, Tyrone Garner, Mayor/CEO of the Unified Government of Wyandotte County/Kansas City, Kansas, do hereby proclaim August 7-11, 2023, as:

“Community Care Clinics Week”

in Wyandotte County/Kansas City, Kansas, and urge all citizens to recognize Community Care Clinics Week. In witness whereof, I have hereunto set my hand and the seal of the Unified Government of Wyandotte County/Kansas City, Kansas.

TYRONE GARNER, MAYOR/CEO



Unified Government of Wyandotte County/Kansas City, Kansas

PROCLAMATION

WHEREAS, the National Association of Town Watch (NATW) is sponsoring a unique, nationwide crime, drug, and violence prevention program on August 1st, 2023 entitled "National Night Out"; and

WHEREAS, the "40th Annual National Night Out" provides a unique opportunity for Wyandotte County/Kansas City, Kansas to join forces with thousands of other communities across the country in promoting cooperative, police-community crime prevention efforts; and

WHEREAS, the Unified Government of Wyandotte County/Kansas City, Kansas plays a vital role in assisting the Kansas City, Kansas Police Department and the Wyandotte County Sheriff's Office through joint crime, drug, and violence prevention efforts in Wyandotte County Kansas City, Kansas and is supporting "National Night Out 2023" locally; and

WHEREAS, it is essential that all citizens of Wyandotte County Kansas City, Kansas be aware of the importance of crime prevention programs and the impact that their participation can have on reducing crime, drugs, and violence in Wyandotte County Kansas City, Kansas; and

WHEREAS, police-community partnerships, neighborhood safety, awareness, and cooperation are important themes of the "National Night Out" program.

NOW, THEREFORE, I, Tyrone Garner, Mayor/CEO of the Unified Government of Wyandotte County/Kansas City, Kansas, do hereby proclaim August 1st, 2023, as:

"National Night Out"

in Wyandotte County/Kansas City, Kansas and call upon all residents to join the National Association of Town Watch in supporting the "40th National Night Out." In witness whereof, I have hereunto set my hand and the seal of the Unified Government of Wyandotte County/Kansas City, Kansas.

TYRONE GARNER, MAYOR/CEO



Staff Request for Commission Action

Tracking No. 212577

Full Commission Meeting Date:

Committee: Economic Development & Finance

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>
07/21/2023	Jeffrey Conway	x5075	jconway@wycokck.org	Legal

Item Description:

The Unified Government and the developers entered into the Development Agreement on August 25, 2022. The developer requests an extension to secure private financing. The parties agree to amend the Development Agreement as follows; The conditions date moves from Sept. 1, 2023 to Sept 1, 2024; The commencement date (for construction of the project) moves from Sept. 1, 2023 to Sept. 1, 2024; and the completion date (for construction of the project) moves from Sept. 1, 2025 to Sept. 1, 2026.

Action Requested:

Approve the resolution

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

505 central project

RESOLUTION NO. R-____-23

**A RESOLUTION ADOPTING THE FIRST AMENDMENT TO 505
CENTRAL DEVELOPMENT AGREEMENT.**

WHEREAS, the Unified Government of Wyandotte County/Kansas City, Kansas (the "UG") and Sunflower Development Group, LLC, a Missouri limited liability company ("Developer"), entered into that certain 505 Central Development Agreement dated as of August 25, 2022 (the "Agreement"), whereby Developer proposed to design, develop and construct a new, first-class, market-rate luxury multi-family apartment complex and related amenities on certain real property generally located at 505 Central Avenue, Kansas City, Kansas (as more particularly set forth in the Agreement, the "Project");

WHEREAS, the Agreement requires satisfaction of certain conditions, and commencement of construction of the Project, to occur on or before September 1, 2023, with completion of the Project on or before September 1, 2025;

WHEREAS, Developer has been diligently proceeding with its obligations in connection with the Agreement, but Developer has requested an extension to provide additional time to secure private financing for the Project; and

WHEREAS, the Governing Body has determined that it is advisable to enter into the First Amendment to 505 Central Development Agreement, attached hereto as **Exhibit A** (the "First Amendment"), with Developer in order to modify performance dates.

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

Section 1. The Governing Body hereby approves the First Amendment in substantially the form attached hereto.

Section 2. The Mayor is hereby authorized to execute in the name of the UG, the First Amendment, and the County Administrator and other officials and representatives of the UG, including special counsel, are hereby further authorized and directed to take such actions and to execute any other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Resolution.

Section 3. This Resolution shall be effective upon adoption by the Governing Body.

[Remainder of page intentionally left blank; signature page and exhibit follows.]

**ADOPTED BY THE UNIFIED GOVERNMENT BOARD OF COMMISSIONERS
THIS ____ DAY OF JULY, 2023.**

Tyrone Garner, Mayor/CEO

ATTEST:

Unified Government Clerk

(Seal)

EXHIBIT A

First Amendment

[To be attached.]

FIRST AMENDMENT TO 505 CENTRAL DEVELOPMENT AGREEMENT

This First Amendment to 505 Central Development Agreement (this "First Amendment") is made and entered into as of the _____ day of _____, 2023, by and between the Unified Government of Wyandotte County/Kansas City, Kansas (the "UG"), and Sunflower Development Group, LLC, a Missouri limited liability company ("Developer").

WHEREAS, UG and Developer entered into that certain 505 Central Development Agreement (the "Original Agreement") on August 25, 2022; and

WHEREAS, the parties desire to amend the Original Agreement to modify the dates of performance by the Developer as hereinafter set forth; the Original Agreement, as amended by this First Amendment may be referred to hereafter as the "Agreement."

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which hereby are acknowledged, the parties hereto agree as follows:

1. That this Amendment shall supplement, amend and, to the extent inconsistent herewith, supersede the Agreement. All capitalized words shall have the meanings ascribed to them in the Agreement unless otherwise indicated herein.
2. That Section 3.2 of the Original Agreement is hereby amended and replaced in its entirety with the following:

3.2 Termination. In the event that Developer fails to meet the Public Financing Conditions set forth in Section 3.1 above on or prior to September 1, 2024, then either party hereto shall have the right to terminate this Agreement, but any failure to meet any such conditions shall not be an event of default hereunder. Upon any such termination of this Agreement, (i) this Agreement shall terminate, and (ii) except as specifically set forth herein, the parties hereto shall have no further duty, obligation, or liability each to the other hereunder, and without limiting the generality of the foregoing, Developer shall be solely liable and responsible for all of its costs and expenses incurred by it with respect to this Agreement and the transactions contemplated hereby, and except for the fees and expenses of the UG to be paid for by Developer pursuant to that certain Funding Agreement dated as of May 17, 2021, and the provisions of this Agreement, the UG shall be solely liable and responsible for all costs and expenses incurred by it with respect to this Agreement and the transactions contemplated hereby.

3. That Section 6.9 of the Original Agreement is hereby amended and replaced in its entirety with the following:

6.9 Commencement Date. Developer hereby agrees that, subject only to Force Majeure, Developer shall commence construction of the Improvements described in Section 2.2 on or before September 1, 2024. For purposes hereof, the words "commence construction" shall be deemed to mean the issuance of a building

permit for the Improvements and Developer's undertaking of a program of construction which is continuously pursued to completion.

4. That Section 6.10 of the Original Agreement is hereby amended and replaced in its entirety with the following:

6.10 Completion Date. Developer hereby agrees that, subject only to Force Majeure, Developer shall Substantially Complete construction of the Improvements described in Section 2.2(a) on or before September 1, 2026.

5. Except as modified by the terms of this Amendment, the Agreement shall remain in full force and effect. In the event of conflict between the terms of the Agreement and the terms of this Amendment, the terms of this Amendment shall prevail.

6. In connection with this First Amendment, the parties hereby agree as follows:

(a) The Recitals set forth above are true and correct and are hereby incorporated by reference.

(b) In the event of any inconsistency between the terms of this First Amendment and the Original Agreement, the First Amendment shall govern and control.

(c) This First Amendment shall be binding upon and inure to the benefit of the parties hereto, and their successors and assigns.

(d) This First Amendment may be executed in counterparts.

(e) All remedies set forth in Article 9 of the Agreement shall be made available for the enforcement of this First Amendment.

(f) This First Amendment shall be construed in accordance with the laws of the State of Kansas.

IN WITNESS WHEREOF, the undersigned have executed this First Amendment pursuant to due authority as of the date first above written.

UG:

**THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS
CITY, KANSAS**

By: _____
Tyrone Garner, Mayor/CEO

DEVELOPER:

**SUNFLOWER DEVELOPMENT
GROUP, LLC**

By: _____

Name: _____

Title: _____



**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

July 20, 2023

Mr. Brett A. Deichler, PMP CMP
Unified Government Clerk
East Building

Re: Subdivision Plat Approval for **BENNETT ESTATES**

Dear Mr. Deichler

Please be advised that the Engineering Division has reviewed the attached plat of **BENNETT ESTATES** located at 2615 Espenlaub Lane and being developed by Glenn Bennett.

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

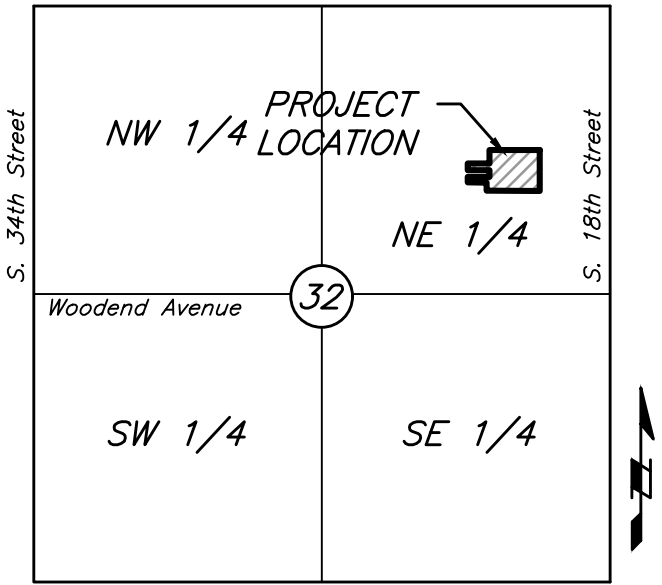
Digitally signed by Troy
Shaw
Date: 2023.07.20 10:05:46
-05'00'

Troy Shaw, P.E.
County Engineer

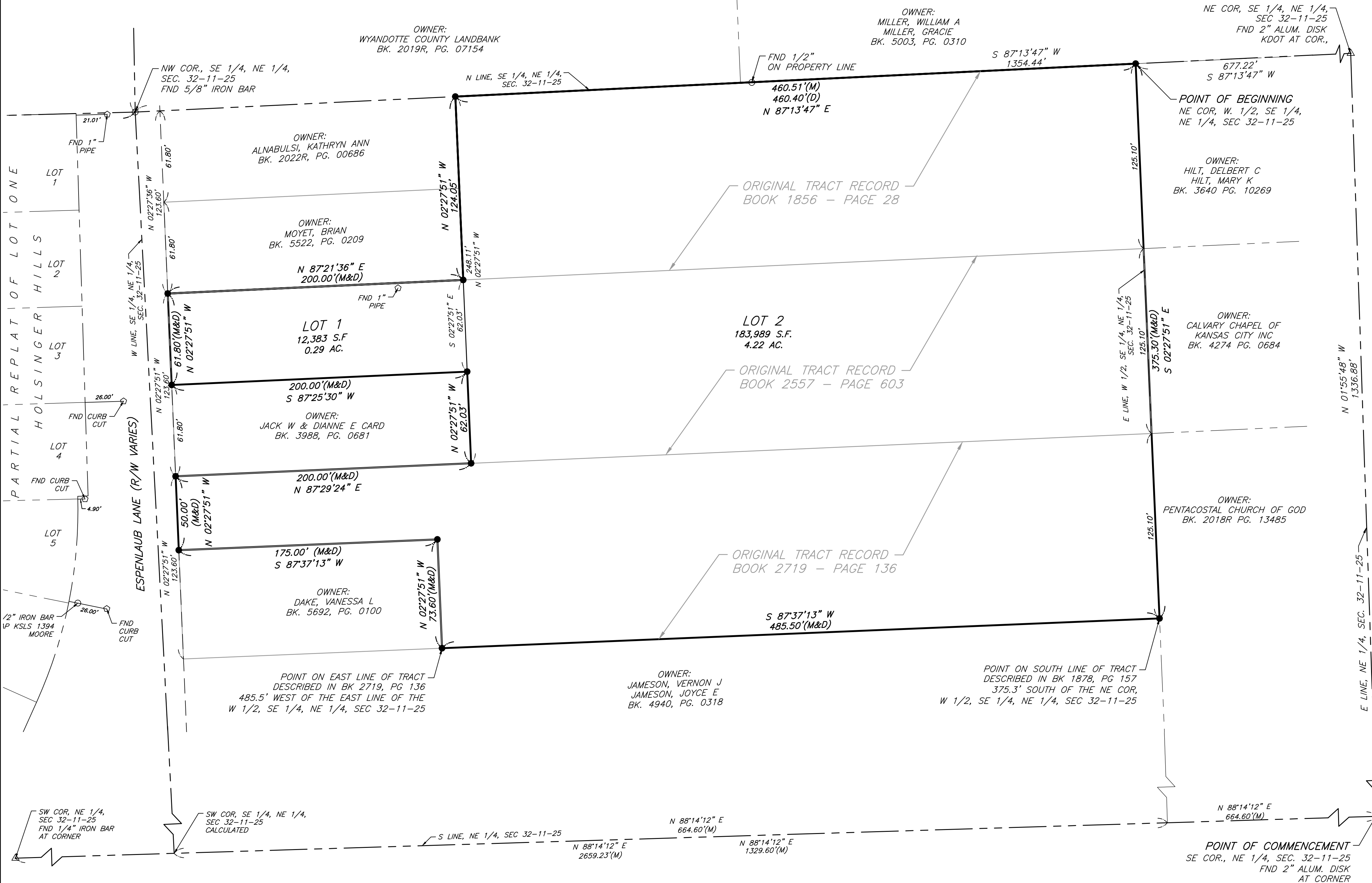
Attachments

FINAL PLAT
BENNETT ESTATES

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



VICINITY MAP
SEC. 32-11-25
N.T.S.



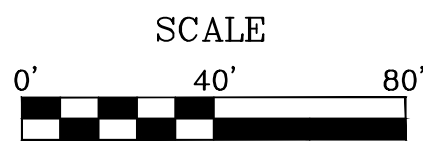
NOTES:
Basis of Bearings: Kansas North Zone, U.S State Plane, NAD 83

CLOSURE CALCULATIONS:
Precision, 1 part in: 685,497
Error distance: 0.0036'
Error direction: N 76°36'56" E
Perimeter: 2467.79'
All bearings and distances shown on this plat are measured unless otherwise noted.

GENERAL SURVEY NOTES:

- 1.) The plat of PARTIAL REPLAT OF LOT ONE HOLSINGER HILLS is recorded in Plat Book 33 at Page 24 in the Register of Deeds Office in Wyandotte County, Kansas.
- 2.) Deed of record is recorded in instrument No. 2011R-14361, dated 11/21/2011 in the Register of Deeds Office, in Wyandotte County, Kansas.
- 3.) Title Report # 0922135700 dated March 8, 2022 at 8:00 AM provided by Alliant National Title Insurance Company was provide by client.
- 4.) Basis of bearings were established by Kansas State Plane Coordinate System by GPS observations.
- 5.) The subject property is located in Zone X, areas determined to be outside the 0.2% annual chance floodplain, as shown on Flood Insurance Rate Map (FIRM) 20209C01700, effective September 2, 2011.

CLIENT/ PROPERTY ADDRESS
Glenn Bennett
2615 Espenlaub Lane
Kansas City, Kansas 66106



LEGEND

- △ - SECTION CORNER AS NOTED
- - MONUMENT FOUND AS NOTED
- - FOUND 1/2" IRON BAR AT CORNER UNLESS OTHERWISE NOTED
- - SET 1/2" IRON BAR AT CORNER W/ J & J CAP
- (D) - DEED DISTANCE
- (M) - MEASURED DISTANCE

REGISTER OF DEEDS:

This is to certify that this instrument was filed for record in the Register of Deeds office on this ____ day of ____ 2022, at ____ o'clock and is duly recorded.

Nancy Burns Register of Deeds

Susan Nelson Deputy Register of Deeds

PROPERTY DESCRIPTION:

A Tract of land in the West half of the Southeast Quarter of the Northeast Quarter of Section 32, Township 11 South, Range 25 East, in Kansas City, Wyandotte County, Kansas, more particularly described as follows:

Commencing at the Southeast corner of said Northeast Quarter; Thence North 01°55'48" West, along the East line of said Northeast Quarter, 1336.88 feet to the Northeast corner of the Southeast Quarter of said Northeast Quarter; Thence South 87°13'47" West, along the North line of the Southeast Quarter of said Northeast Quarter, 677.22 feet to the Northeast corner of the West Half of the Southeast Quarter of said Northeast Quarter, said point also being the Point of Beginning; Thence South 02°27'51" East, along the East line of said West Half, 375.30 feet; Thence South 87°37'13" West, 485.50 feet; Thence North 02°27'51" West, 73.60 feet; Thence South 87°37'13" West, 175.00 feet to the East Right-of-Way line of Espenlaub Lane, as now established; Thence North 02°27'51" West, along said East Right-of-Way line, 50.00 feet; Thence North 87°29'24" East, 200.00 feet; Thence North 02°27'51" West, 62.03 feet; Thence South 87°25'30" West, 200.00 feet to said East Right-of-Way line of Espenlaub Lane; Thence North 02°27'51" West, along said East Right-of-Way line, 61.80 feet; Thence North 87°21'36" East, 200.00 feet; Thence North 02°27'51" West, 124.05 feet to the North line of the Southeast Quarter of said Northeast Quarter; Thence North 87°13'47" East, along said North line, 460.51 feet to the Point of Beginning. Contains 196,372 square feet or 4.51 acres more or less.

PLAT DEDICATION:

THE UNDERSIGNED OWNER(S) OF THE ABOVE DESCRIBED TRACT OF LAND HAVE CAUSED THE SAME TO BE SUBDIVIDED IN THE MANNER SHOWN ON THIS PLAT AND SAID PROPERTY SHALL HEREAFTER BE KNOWN AS:

"BENNETT ESTATES"

IN TESTIMONY WHEREOF:

State of _____)

County of _____) ss

Be it remembered that on this ____ day of ____ 2022, before me, a notary public in and for said County and State, came Glenn Bennett and Sandra Bennett to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same. In testimony whereof I have hereunto set my hand and affixed my notarial seal the day and year above written.

Glenn Bennett Owner

Sandra Bennett Owner

Notary Public

My Appointment Expires _____

APPROVALS:

This Plat of "BENNETT ESTATES" has been submitted and approved by the Unified Government of Wyandotte County and the Kansas City, Kansas Planning Commission.

Dated this ____ day of ____ 2022

Unified Government of Wyandotte County, Kansas City, Kansas Planning Commission

BY: _____
Jeff Carson, Chairman

BY: _____
Gunner Hand Director, AICP/Secretary

Recommended for approval by the County Engineer, this day ____ of ____ 2022

Troy Shaw County Engineer

This survey has been reviewed for filing, pursuant to KSA 58-2003, 58-2005, and 58-2011, for content only and is in compliance with those provisions. No other warranties are extended or implied.

Reviewed by: _____
Brent E. Thompson KS P.L.S. 1277 Date

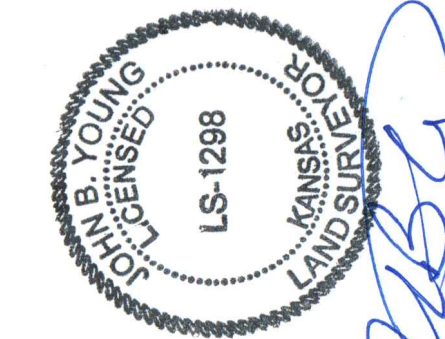
The dedications shown hereon, if any, are accepted this ____ day of ____ 2022

Tyrone Garner Mayor

Brett A. Deichler, Unified Clerk

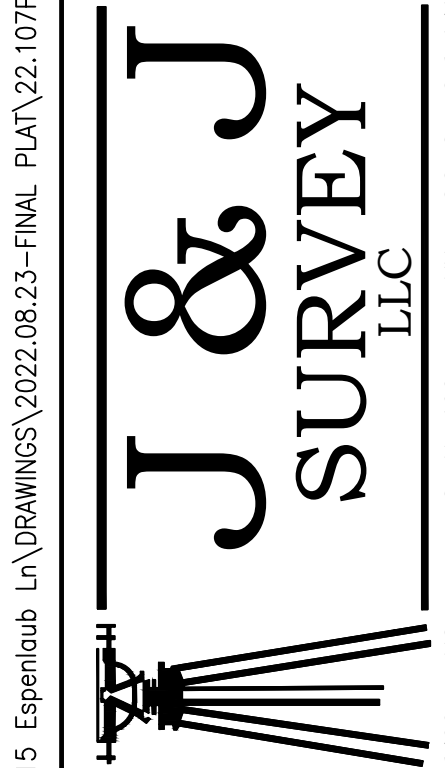
CERTIFICATION:

I hereby certify that this drawing is based on an actual field survey made by me or under my direct supervision on the 7th day of May, 2022 and that the results are correctly shown and said survey meets or exceeds the current Kansas Minimum Standards for a Plat or Certificate of Survey, to the best of my knowledge and belief.



8-25-22
Date
John B. Young PLS-1288

Location: S:\22.107 - 2615 Espenlaub Ln\DRAWINGS\2022.08.23-FINAL PLAT\22.107PLAT.dwg-Aug 25, 2022-9:37am



6500 NW TOWER DR., SUITE 102 • PLATTE WOODS, MO 64151
PHONE (816) 41-1017 • FAX (816) 41-1018

8-25-22

INITIAL SUBMITTAL

1

SHEET 1 OF 1



**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

July 20, 2023

Mr. Brett A. Deichler, PMP CMP
Unified Government Clerk
East Building

Re: Subdivision Plat Approval for **FAMILY TREE NURSERY FIRST PLAT**

Dear Mr. Deichler

Please be advised that the Engineering Division has reviewed the attached plat of **FAMILY TREE NURSERY FIRST PLAT** located at 13400 Donahoo Road and being developed by First Tree Nursery.

Currently, we recommend that the Commissioners accept this plat and authorize the Mayor/CEO and Unified Government Clerk signatures. I am providing you with two mylars for signature, and one (1) paper copy for Commission review. Please place this on the next scheduled Commission agenda.

After the Mayor has signed the plat, it should be referred to Planning Division for further processing.

Respectfully submitted,

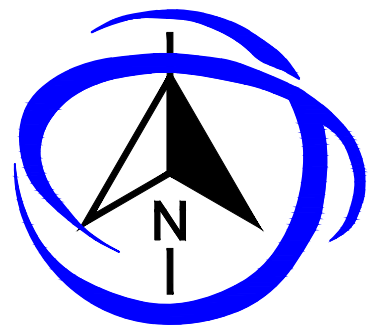
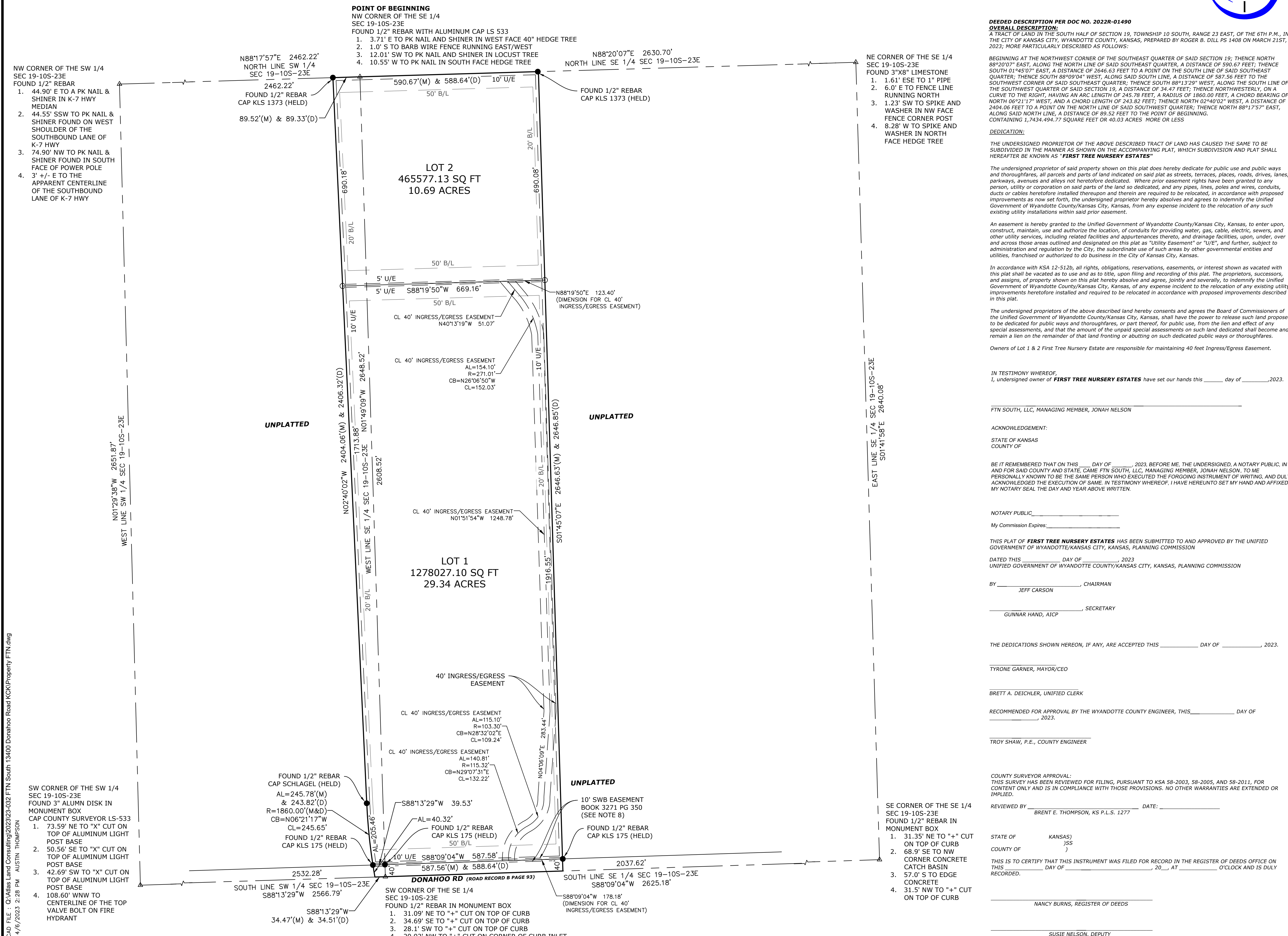
Brent E. Thompson, P.S.
County Surveyor

Troy Shaw, P.E.
County Engineer

Digitally signed by Troy
Shaw
Date: 2023.07.20 10:08:10
-05'00'

Attachments

CAD FILE : C:\Atlas Land Consulting\2023\23-032 FTM South 13400 Donahoo Road KCK\Property FTM.dwg
4/6/2023 2:28 PM AUSTIN THOMPSON



DEEDED DESCRIPTION PER DOC NO. 2022R-01490

OVERALL DESCRIPTION:

A TRACT OF LAND IN THE SOUTH HALF OF SECTION 19, TOWNSHIP 10 SOUTH, RANGE 23 EAST, OF THE 6TH P.M., IN THE CITY OF KANSAS CITY, WYANDOTTE COUNTY, KANSAS, PREPARED BY ROGER B. DILL PS 1408 ON MARCH 21ST, 2023; MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 19; THENCE NORTH 88°20'07" EAST, ALONG THE NORTH LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 590.67 FEET; THENCE SOUTH 01°45'07" EAST, A DISTANCE OF 2646.63 FEET TO A POINT ON THE SOUTH LINE OF SAID SOUTHEAST QUARTER; THENCE SOUTH 88°09'04" WEST, ALONG SAID SOUTH LINE, A DISTANCE OF 687.56 FEET TO THE SOUTHWEST CORNER OF SAID SOUTHEAST QUARTER; THENCE SOUTH 88°13'29" WEST, ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 19, A DISTANCE OF 34.47 FEET; THENCE NORTHWESTERLY, ON A CURVE TO THE RIGHT, HAVING AN ARC LENGTH OF 245.78 FEET, A RADIUS OF 1860.00 FEET, A CHORD BEARING OF NORTH 06°21'17" WEST, AND A CHORD LENGTH OF 243.82 FEET; THENCE NORTH 02°40'02" WEST, A DISTANCE OF 2404.06 FEET TO A POINT ON THE NORTH LINE OF SAID SOUTHWEST QUARTER; THENCE NORTH 88°17'57" EAST, ALONG SAID NORTH LINE, A DISTANCE OF 89.52 FEET TO THE POINT OF BEGINNING. CONTAINING 1,7434.494.77 SQUARE FEET OR 40.03 ACRES. MORE OR LESS.

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 "FIRST TREE NURSERY 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 such existing utility installations within said prior easement.

An easement is hereby granted to the Unified Government of Wyandotte County/Kansas City, Kansas, to enter upon, construct, maintain, use and authorize the location, of conduits for providing water, gas, cable, electric, sewers, and other utility services, including related facilities and appurtenances thereto, and drainage facilities, upon, under, over and across those areas outlined and designated on this plat as "Utility Easement" or "U/E", and further, subject to administration and regulation by the City, the subordinate use of such areas by other governmental entities and utilities, franchised or authorized to do business in the City of Kansas City, Kansas.

In accordance with KSA 12-512b, all rights, obligations, reservations, easements, or interest shown as vacated with this plat shall be vacated as to use and as to title, upon filing and recording of this plat. The proprietors, successors, and assigns, of property shown on this plat hereby absolve and agree, jointly and severally, to indemnify the Unified Government of Wyandotte County/Kansas City, Kansas, of any expense incident to the relocation of any existing utility improvements heretofore installed and required to be relocated in accordance with proposed improvements described in this plat.

The undersigned proprietors of the above described land hereby consents and agrees the Board of Commissioners of the Unified Government of Wyandotte County/Kansas City, Kansas, shall have the power to release such land proposed to be dedicated for public ways and thoroughfares, or part thereof, for public use, from the lien and effect of any special assessments, and that the amount of the unpaid special assessments on such land dedicated shall become and remain a lien on the remainder of that land fronting or abutting on such dedicated public ways or thoroughfares.

Owners of Lot 1 & 2 First Tree Nursery Estate are responsible for maintaining 40 feet Ingress/Egress Easement.

IN TESTIMONY WHEREOF, I, undersigned owner of **FIRST TREE NURSERY ESTATES** have set our hands this _____ day of _____, 2023.

FTN SOUTH, LLC, MANAGING MEMBER, JONAH NELSON

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 FTN SOUTH, LLC, MANAGING MEMBER, JONAH NELSON, 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 **FIRST TREE NURSERY ESTATES** 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 OR IMPLIED.

REVIEWED BY _____ DATE: _____
BRENT E. THOMPSON, KS P.L.S. 1277

STATE OF (KANSAS)
COUNTY OF ()

THIS IS TO CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD IN THE REGISTER OF DEEDS OFFICE ON THIS _____ DAY OF _____, 20____, AT _____ O'CLOCK AND IS DULY RECORDED.

NANCY BURNS, REGISTER OF DEEDS

SUSIE NELSON, DEPUTY



KS ENG COA- #0315
KS SUR COA- #063
MO ENG COA- #2002014084
MO SUR COA- #2002014311

ALC

ATLAS LAND CONSULTING
SURVEYING | ENGINEERING | DRONE | CAD
913-702-5073
14500 Parallel Road, Unit R, Basheer KS 66007
ANDREA@ALCONSULT-LLC.COM

FINAL PLAT

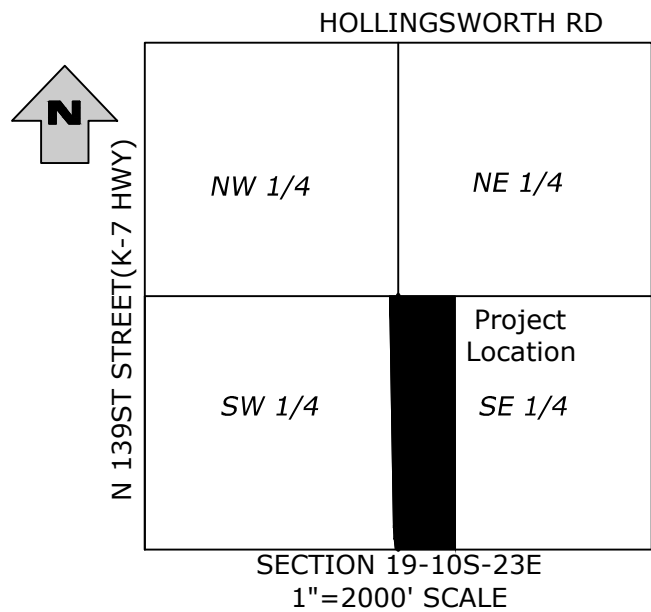
LEGEND

- DENOTES SET 1/2" REBAR WITH LS 1408 CAP
- DENOTES FOUND MONUMENT AS NOTED
- B/L BUILDING LINE
- U/E UTILITY EASEMENT
- D DEEDED
- M MEASURED

GENERAL NOTES

- THE BASIS FOR THE BEARING SYSTEM FOR THIS SURVEY IS KANSAS NORTH ZONE U.S. STATE PLANE 1983
- ALL DISTANCES SHOWN HEREON ARE IN FEET
- KS ONE WAS CALLED ON THIS SURVEY
- REFERENCED SURVEY
-TRACT SPLIT SURVEY COMPLETED BY MCAFFEE ENGINEERS & ASSOCIATES INC DATED AUGUST 2003.
- FLOODPLAIN NOTE: ACCORDING TO "FIRM" MAP COMMUNITY PANEL NUMBERS 20209C0020E EFFECTIVE SEPTEMBER 2, 2015, AREA ZONE X " AREA OF MINIMAL FLOOD HAZARD"
- CLOSURE PRECISION: 1 PART IN 7331776.667
- CURRENT ZONING - AG(WYCO) / PROPOSED ZONING - AG
- THE HEREIN DESCRIBED TRACT IS SUBJECT TO A "BLANKET" EASEMENT GRANTED TO SOUTHWESTERN BELL TELEPHONE COMPANY AND RECORDED IN BOOK 994 AT PAGE 318 IN THE OFFICE OF THE REGISTER OF DEEDS, WYANDOTTE COUNTY, KANSAS.
- THE HEREIN DESCRIBED TRACT IS SUBJECT TO A "BLANKET" EASEMENT GRANTED TO CITIES SERVICE GAS COMPANY BY DOCUMENT RECORDED IN BOOK 1931 AT PAGE 76, AS WELL AS ANOTHER "BLANKET" EASEMENT, BOTH GRANTED FOR RIGHT OF WAY PURPOSES, TO MID-GULF INC, BY DOC NO. 1039300, RECORDED IN BOOK 3246 AT PAGE 425 IN BELL TELEPHONE COMPANY AND RECORDED IN BOOK 994 AT PAGE 318 IN THE OFFICE OF THE REGISTER OF DEEDS, WYANDOTTE COUNTY, KANSAS.

VICINITY MAP



N 139ST STREET (K-7 HWY)

HOLLINGSWORTH RD

NW 1/4

NE 1/4

SW 1/4

SE 1/4

SECTION 19-10S-23E
1"=2000' SCALE

This is to certify on this 14TH day of FEBRUARY, 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:23-032

SCALE



SCALE IN FEET

SEC-TWN-RNG

19-10S-23E

PREPARED FOR

FIRST TREE NURSEY

ADDRESS:13400 DONAHOO RD
KANSAS CITY, KS 66109

DATE

MARCH 17, 2023



**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

July 20, 2023

Mr. Brett A. Deichler, PMP CMP
Unified Government Clerk
East Building

Re: Subdivision Plat Approval for **WALKERS 2ND ADDITION**

Dear Mr. Deichler

Please be advised that the Engineering Division has reviewed the attached plat of **WALKERS 2ND ADDITION** located at 325 Franklin Ave and being developed by Damon Walls.

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

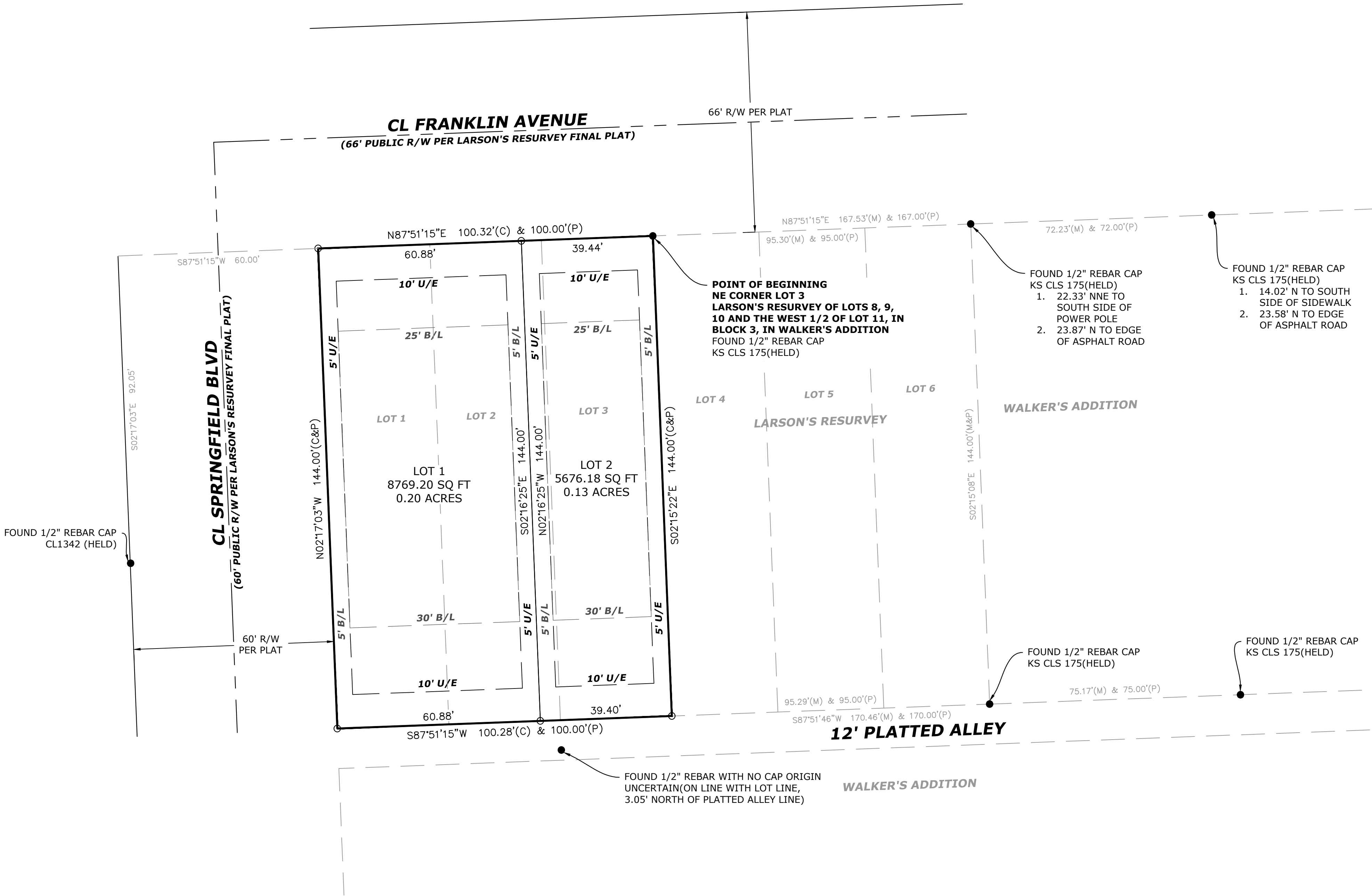
Digitally signed by Troy
Shaw
Date: 2023.07.20 10:06:54
-05'00'

Troy Shaw, P.E.
County Engineer

Attachments

WALKER'S 2ND ADDITION

A REPLAT OF LOTS 1-3, LARSON'S RESURVEY OF LOTS 8, 9, 10 AND THE WEST 1/2 OF LOT 11, BLOCK 3, IN WALKER'S ADDITION, A SUBDIVISION OF LAND IN THE CITY OF KANSAS CITY, WYANDOTTE COUNTY, KANSAS



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 OR IMPLIED.

REVIEWED BY BRENT E. THOMPSON, KS P.L.S. 1277 DATE: _____

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

OVERALL DESCRIPTION:

A REPLAT OF LOTS 1 THROUGH 3, LARSON'S RESURVEY OF LOTS 8, 9, 10 AND THE WEST HALF OF LOT 11, IN BLOCK 3 IN WALKER'S ADDITION, A SUBDIVISION OF LAND IN THE CITY OF KANSAS CITY, WYANDOTTE COUNTY, KANSAS, PREPARED BY ROGER B. DILL PS 1408 ON APRIL 25TH, 2023; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 3; THENCE SOUTH 02°15'22" EAST, ALONG THE EAST LINE OF SAID LOT 3, A DISTANCE OF 144.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT 3, ALSO KNOWN TO BE A POINT ON THE NORTH LINE OF A 12 FEET PLATTED ALLEY; THENCE SOUTH 87°51'15" WEST, ALONG THE SOUTH LINE OF SAID LOT 3, AND THE SOUTH LINE OF SAID LOTS 2 AND 1, A DISTANCE OF 100.28 FEET TO THE SOUTHWEST CORNER OF SAID LOT 1, ALSO KNOWN TO BE A POINT ON THE EAST RIGHT OF WAY LINE OF SPRINGFIELD BOULEVARD AS IT NOW EXISTS; THENCE NORTH 02°17'03" WEST, ALONG THE WEST LINE OF SAID LOT 1 AND SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 144.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 1, ALSO KNOWN TO BE A POINT ON INTERSECTION WITH THE EAST RIGHT OF WAY LINE OF SAID SPRINGFIELD BOULEVARD AND THE SOUTH RIGHT OF WAY LINE OF FRANKLIN AVENUE AS IT NOW EXISTS; THENCE NORTH 87°51'15" EAST, ALONG SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 100.32 FEET TO THE POINT OF BEGINNING.

CONTAINING 14,445.37 SQUARE FEET OR 0.33 ACRES MORE OR LESS

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 "WALKER'S 2ND ADDITION"

The undersigned proprietor of said property shown on this plat does hereby dedicate for public use and public ways and thoroughfares, all parcels and parts of land indicated on said plat as streets, terraces, places, roads, drives, lanes, parkways, avenues and alleys not heretofore dedicated. Where prior easement rights have been granted to any person, utility or corporation on said parts of the land so dedicated, and any pipes, lines, poles and wires, conduits, ducts or cables heretofore installed thereupon and therein are required to be relocated, in accordance with proposed improvements as now set forth, the undersigned proprietor hereby absolves and agrees to indemnify the Unified Government of Wyandotte County/Kansas City, Kansas, from any expense incident to the relocation of any such existing utility installations within said prior easement.

An easement is hereby granted to the Unified Government of Wyandotte County/Kansas City, Kansas, to enter upon, construct, maintain, use and authorize the location, of conduits for providing water, gas, cable, electric, sewers, and other utility services, including related facilities and appurtenances thereto, and drainage facilities, upon, under, over and across those areas outlined and designated on this plat as "Utility Easement" or "U/E", and further, subject to administration and regulation by the City, the subordinate use of such areas by other governmental entities and utilities, franchised or authorized to do business in the City of Kansas City, Kansas.

In accordance with KSA 12-512b, all rights, obligations, reservations, easements, or interest shown as vacated with this plat shall be vacated as to use and as to title, upon filing and recording of this plat. The proprietors, successors, and assigns, of property shown on this plat hereby absolve and agree, jointly and severally, to indemnify the Unified Government of Wyandotte County/Kansas City, Kansas, of any expense incident to the relocation of any existing utility improvements heretofore installed and required to be relocated in accordance with proposed improvements described in this plat.

The undersigned proprietors of the above described land hereby consents and agrees the Board of Commissioners of the Unified Government of Wyandotte County/Kansas City, Kansas, shall have the power to release such land proposed to be dedicated for public ways and thoroughfares, or part thereof, for public use, from the lien and effect of any special assessments, and that the amount of the unpaid special assessments on such land dedicated shall become and remain a lien on the remainder of that land fronting or abutting on such dedicated public ways or thoroughfares.

IN TESTIMONY WHEREOF,

I, undersigned owner of **WALKER'S 2ND ADDITION** have set our hands this _____ day of _____, 2023.

DAMON WALLS, OWNER

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 DAMON WALLS, OWNER, TO ME PERSONALLY KNOWN TO BE THE SAME PERSON WHO EXECUTED THE FORGOING INSTRUMENT OF WRITING, AND DULY ACKNOWLEDGED THE EXECUTION OF SAME. IN TESTIMONY WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY NOTARY SEAL THE DAY AND YEAR ABOVE WRITTEN.

NOTARY PUBLIC _____

My Commission Expires: _____

IN TESTIMONY WHEREOF,

I, undersigned owner of **WALKER'S 2ND ADDITION** have set our hands this _____ day of _____, 2023.

VEOLA PORCH, OWNER

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 VEOLA PORCH, OWNER, TO ME PERSONALLY KNOWN TO BE THE SAME PERSON WHO EXECUTED THE FORGOING INSTRUMENT OF WRITING, AND DULY ACKNOWLEDGED THE EXECUTION OF SAME. IN TESTIMONY WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY NOTARY SEAL THE DAY AND YEAR ABOVE WRITTEN.

NOTARY PUBLIC _____

My Commission Expires: _____

THIS PLAT OF **WALKER'S 2ND 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

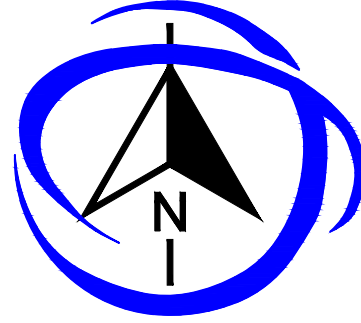
THE DEDICATIONS SHOWN HEREON, IF ANY, ARE ACCEPTED THIS _____ DAY OF _____, 2023.

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



ALC
ATLAS LAND CONSULTING

SURVEYING | ENGINEERING | DRONE | CAD
913-702-5073

14500 Parallel Road, Unit R, Basehor KS 66007
ANDREA@ALCONSULT-LLC.COM

FINAL PLAT

LEGEND

- DENOTES SET 1/2" X 24" REBAR WITH CAP ALC KS CLS 363 MO CLS 2022014231
- DENOTES FOUND MONUMENT AS NOTED
- B/L BUILDING LINE
- U/E UTILITY EASEMENT
- P PLATTED
- M MEASURED
- C CALCULATED

GENERAL NOTES

- THE BASIS FOR THE BEARING SYSTEM FOR THIS SURVEY IS KANSAS NORTH ZONE U.S. STATE PLANE 1983
- ALL DISTANCES SHOWN HEREON ARE IN FEET
- KS ONE WAS NOT CALLED ON THIS SURVEY
- REFERENCED SURVEY
-LARSON'S RESURVEY OF LOTS 8, 9, 10 AND WEST HALF OF LOT 11 IN BLOCK 3 WALKER'S ADDITION
-WALKER'S ADDITION FINAL PLAT
-WALKER'S EXTENSION OF WALKER'S ADDITION CORRECTED PLAT
-BOUNDARY SURVEY OF LOTS 4, 5 AND 6 OF LARSON'S RESURVEY OF LOTS 8, 9, 10 AND WEST HALF OF LOT 11 IN BLOCK 3, WALKER'S ADDITION. DONE BY BHC DATED JULY 28, 2021.
- FLOODPLAIN NOTE: ACCORDING TO "FIRM" MAP COMMUNITY PANEL NUMBERS 20209C0090E EFFECTIVE FEBRUARY 5, 2014, AREA ZONE X " AREA OF MINIMAL FLOOD HAZARD"
- CLOSURE PRECISION: 1 PART IN 977262.000
- CURRENT ZONING - RP-5 / PROPOSED ZONING - RP-5

VICINITY MAP



VICINITY MAP
NOT TO SCALE

This is to certify on this 21st day of APRIL, 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:23-095

SCALE

20 10 0 20
SCALE IN FEET

SEC-TWN-RNG

03-11S-25E

PREPARED FOR

DAMON WALLS

ADDRESS: 325 FRANKLIN AVE
KANSAS CITY, KS 66101

DATE

APRIL 25, 2023



**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

July 20, 2023

Mr. Brett A. Deichler, PMP CMP
Unified Government Clerk
East Building

Re: Subdivision Plat Approval for **HOMEFIELD MARGARITAVILLE FIRST PLAT**

Dear Mr. Deichler

Please be advised that the Engineering Division has reviewed the attached plat of **HOMEFIELD MARGARITAVILLE FIRST PLAT** located at 94th and State Avenue and being developed by HFS KCK, LLC.

Currently, we recommend that the Commissioners accept this plat and authorize the Mayor/CEO and Unified Government Clerk signatures. I am providing you with two mylars for signature, and one (1) paper copy for Commission review. Please place this on the next scheduled Commission agenda.

After the Mayor has signed the plat, it should be referred to Planning Division for further processing.

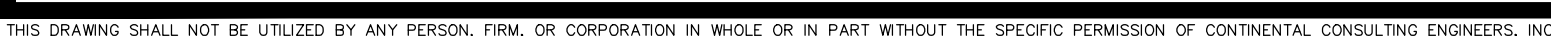
Respectfully submitted,

Brent E. Thompson, P.S.
County Surveyor

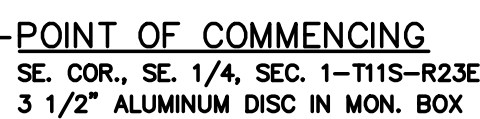
Digitally signed by Troy
Shaw
Date: 2023.07.20
10:09:19 -05'00'

Troy Shaw, P.E.
County Engineer

Attachments



A REPLAT OF ALL THAT PART OF LOT 1, SCHLITTERBAHN VACATION VILLAGE
AND ALL THAT PART OF THE SE.1/4, SEC. 1, TWP. 11S, RGE. 23E,
ALL IN KANSAS CITY, WYANDOTTE COUNTY, KANSAS



Susie Nelson, Deputy

9000 STATE LINE ROAD LEAWOOD, KANSAS 66206	PROJECT NO. 2110-4
11006 PARALLEL PARKWAY KANSAS CITY, KANSAS 66109	DRAWN BY J. COPEL
TEL (913) 642-6642 FAX (913) 642-6941 www.ccengineers.com	CHECKED BY
	CITY MARGARITAVILLE, FL
	SHEET 1 OF

I hereby certify that I am a duly Registered Land Surveyor under the laws of the State of Kansas, and that to the best of my knowledge this survey meets or exceeds the current minimum standards for property boundary surveys, and that said survey was conducted under my direct supervision.

[illegible]



**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

July 20, 2023

Mr. Brett A. Deichler, PMP CMP
Unified Government Clerk
East Building

Re: Subdivision Plat Approval for **I-435 LOGISTICS PARK FIRST PLAT**

Dear Mr. Deichler

Please be advised that the Engineering Division has reviewed the attached plat of **I-435 LOGISTICS PARK FIRST PLAT** located North of Leavenworth Road on 99th Street and being developed by Scannell Properties #459, LLC.

Currently, we recommend that the Commissioners accept this plat and authorize the Mayor/CEO and Unified Government Clerk signatures. I am providing you with two mylars for signature, and one (1) paper copy for Commission review. Please place this on the next scheduled Commission agenda.

After the Mayor has signed the plat, it should be referred to Planning Division for further processing.

Respectfully submitted,

Brent E. Thompson, P.S.
County Surveyor

Digitally signed by Troy
Shaw
Date: 2023.07.20 10:10:08
-05'00'

Troy Shaw, P.E.
County Engineer

Attachments

An unplatted tract of land lying in the West Half of Section 25, Township 10 South, Range 23 East, in Kansas City, Wyandotte County, Kansas

SHEET
of 1

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

SPECIAL SESSION, THURSDAY, JUNE 29, 2023

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in Special Session, Thursday, June 29, 2023, with seven members present: Bynum, Commissioner At-Large First District; Burroughs, Commissioner At-Large Second District; McKiernan, Commissioner Second District; Johnson, Commissioner Fourth District; Kane, Commissioner Fifth District; Markley, Commissioner Sixth District; Garner, Mayor/CEO, presiding. Townsend, Commissioner First District; Ramirez, Commissioner Third District; Stites, Seventh District; and Davis, Commissioner Eight District; were absent. The following officials were also in attendance: David Johnston, County Administrator; Bridgette Cobbins, Assistant County Administrator; Angela Lawson, Deputy Chief Counsel; Brett Deichler, Unified Government Clerk; Monica Sparks, Deputy Unified Government Clerk; Greg Talkin, Director of Neighborhood Resource Center; Kayla Hower, Program Coordinator for Livable Neighborhoods; Minah Chapell, Neighborhood Liaison for Livable Neighborhoods, and Reginald Lindsey, Budget Director;

Mayor Garner said before I call the meeting to order I want to announce that we do have individuals attending remotely as well as on-site. All participants joining by phone, should please mute your phones when not speaking to avoid background noise. During the meeting, make sure you announce yourself by name and title every time you speak so the public that is participating knows exactly who is speaking. This is critical given the number of remote participants and is also current guidance from the Kansas Attorney General. I would also like to remind, especially here on the 5th floor, that you please be sure to speak loudly and clearly into the microphone to ensure that your comments are being captured by the Clerk for an accurate record of the meeting.

Mayor Garner called the meeting to order.

ROLL CALL: Johnson, Kane, Markley, Bynum, Burroughs, McKiernan, Garner.

NOTICE OF SPECIAL SESSION of the Unified Government of Wyandotte County/Kansas City, Kansas, to be conducted in a hybrid format on Thursday, June 29, 2023, at 5:00 p.m. in the

fifth floor conference room of the Municipal Office Building for a presentation by Livable Neighborhoods.

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

Mayor Garner said this Special Session tonight will be a presentation by Livable Neighborhoods. For those of you that don't know, and those that do know, Livable Neighborhoods is a key part, not just for the Unified Government, but also for our community. When you talk about cultivating neighborhood groups, neighborhood leaders and bringing forth these individuals and groups to better collaborate as neighbors, as a community with elected officials, other Unified Government stakeholders to improve the quality of life for all our residents and to do so in a way that enhances and embodies that spirit of service, and I like to always say love and neighborly communication and collaboration. Thank you so much for being here. I'm going to turn this meeting over to our Administrator, David Johnston, and he'll lead the presentation from here..

David Johnston, County Administrator, said Commissioners and Mayor, over the last couple of months during my tenure here, you voiced you'd like to have an update of what's going on with Livable Neighborhoods and their relationships with various community groups and the best way to have that is to have that department come and give a presentation. We're pleased to have their Director, Kayla Hower, here to lead the discussion and the floor is yours.

Kayla Hower, Program Coordinator for Livable Neighborhoods, said I'm also the Executive Director of the Livable Neighborhoods Task Force. I appreciate you having us today and I'll have my colleague introduce herself as well. **Minah Chapell** said I'm the Neighborhood Liaison with Livable Neighborhoods.

COMMISSION SPECIAL SESSION

Who are we?

Unique partnership between organized neighborhood groups and the Unified Government

- Livable Neighborhoods Division (UG)
- Livable Neighborhoods Task Force (501c3)

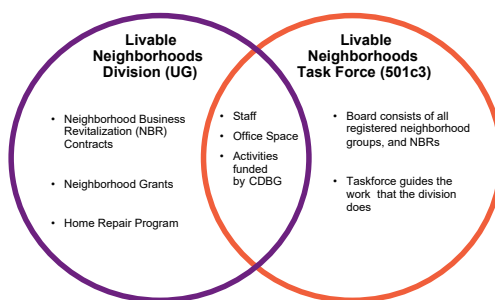


Date | 06/29/2023

Ms. Hower said Livable Neighborhoods is a unique partnership between organized neighborhood groups and the Unified Government. Our goal is to improve the livability of our neighborhoods through strategic partnerships between neighborhood leaders, local government representatives, and community organizations. For those of you who don't know, Livable Neighborhoods started in the Mayor's Office in 1995 and during that time Kansas City, Kansas was facing heavy crime, blight, a dwindling tax base, and the effects of white flight. Since then, Livable Neighborhoods has grown and evolved and we're thinking of this era of Livable Neighborhoods as Livable Neighborhoods 3.0.

I'm the third Program Manager and Minah is the third Neighborhood Liaison and I started in my role about six months ago and Minah started about four months ago.

COMMISSION SPECIAL SESSION



Date | 06/29/2023

To dive a little deeper into how Livable Neighborhood functions on a technical level, we really have a quasi-governmental partnership. The UG brings a set of programs and resources and the Task Force brings its own set of assets. As a UG Division, Livable Neighborhoods manages the Neighborhood Business Revitalization contracts or NBR contracts. We manage the neighborhood

June 29, 2023

grants and a minor Home Repair Program. The UG Division also provides staff, Minah and myself and office space.

The Livable Neighborhood Task Force consists of all of our registered neighborhood groups as well as the NBRs. This resident run task force also guides the work of the division and has been awarded Community Development Block Grant funding to use towards approved activities and equipment.

COMMISSION SPECIAL SESSION

**Neighborhood Business Revitalization (NBR) Organizations:
A brief overview**



We've already mentioned NBRs and we're going to talk about them several times during this presentation, so I wanted to take a moment to explain what the role of the NBRs are in our community. Right now we have eight NBRs and they have a long-standing contract with the Unified Government to provide a scope of services to residents, businesses and neighborhood groups. They're non-profit organizations and they're formed with a Board of Directors and each NBR works within a set of specific geographic boundaries.

They provide services in the following areas. First, neighborhoods, so neighborhood engagement. They increase community cohesion by hosting parades, community festivals, assisting in comprehensive plan engagement, and helping support neighborhood groups. They also work to improve community health by working with our Health Department on specific area initiatives and they also work with Parks & Rec on programs and initiatives. They increase the opportunity for our residents by helping create amenities such as parks and playgrounds, walking trails, community gardens, murals and bike lanes.

Next, we have Business. They provide business support and increase economic prosperity of their community. They provide support for local businesses by helping to contact

resources, spotlighting businesses, and providing opportunity for businesses to connect with neighborhoods.

Revitalization of Community, so our NBRs also reduce blight. They host neighborhood cleanups and they work with their local codes officer on problem-solving issues. They work to increase safety and perception of safety by working with Community Policing to problem-solve issues and they improve infrastructure by assisting with the comprehensive planning process, advocate for community improvements and represent a specific geographic area on UG committees and boards.

I also wanted to make the distinguish—the difference between NBRs and Neighborhood Groups. They are different and sometimes people use that term interchangeably. Neighborhood groups are also non-profits, but they're typically grassroots organizations with a much smaller geographic area. Neighborhood Groups can go by various names such as Neighborhood Watch, Homeowners Association, Community Group or Neighborhood Council, but really, they share the same purpose.

Neighborhood Groups are organizations that unite residents in crime prevention and block watches, neighborhood beautification and cleanup and community forums and a relay of neighborhood news.



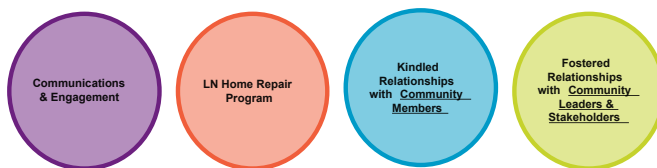
What makes a livable neighborhood? We've got all these circles on here with different things that make a neighborhood livable. Livable Neighborhoods can be viewed through a community development lens and Community Development plays a crucial role in creating livable and sustainable neighborhoods. While Community Development, especially within the UG, is commonly associated with affordable housing and Community Development Block Grants, it

really encompasses a broader scope. Community Development involves various activities aimed at providing essential services to communities and enhancing their livability and sustainability.

You might notice that the item in these circles are also reflective of the components in the comprehensive planning process. By integrating these aspects and fostering a collaboration between various departments, Livable Neighborhoods strives to create strong, vibrant and inclusive communities.

COMMISSION SPECIAL SESSION

Impact by Numbers (year -to-date)

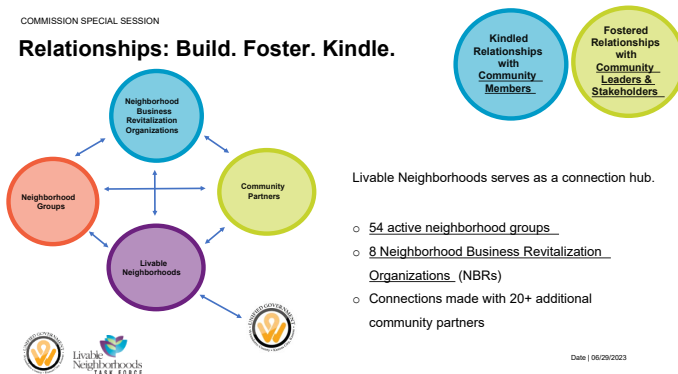


Date | 06/29/2023

Minah Chapell, Neighborhood Liaison, said as Kayla mentioned, we are considering our office to be ushering a new era in Livable Neighborhood history. Livable Neighborhoods 3.0 is committed to continuing to serve and engage our neighborhoods and maintain a space in which communities thrive. We aim to touch and positively impact the greatest number of our Wyandotte County neighbors. In this, we strive to equip those that we have touched with the skills and resources to go and empower and water others in their prospective communities, but don't just take our word for it, let's observe the 2023 numbers.

COMMISSION SPECIAL SESSION

Relationships: Build. Foster. Kindle.



Date | 06/29/2023

June 29, 2023

Livable Neighborhood serves as a connection hub. There are currently 54 active neighborhood groups registered with our office geographically. The neighborhood groups range from State Line Road as far west as Piper. We manage contracts for eight NBRs.

We do not currently have any registered neighborhood groups or NBRs in Bonner Springs or Edwardsville, but we are open to any conversation to extend opportunities to our Wyandotte County neighbors. However, in order for us to have an NBR to serve Bonner Springs or Edwardsville, we need to have a community organization willing to serve as that representative and our office will be open to that discussion. Additionally, there was a request made in May to share NBR contact information with the Commission and that information has been provided.

In our time at the UG we have made connections with over 20 additional community partners and have had 50 one-on-one conversations with said community partners and residents. We have attended and presented at Neighborhood Group meetings, larger community gatherings, exchanged countless emails, phone calls and impromptu virtual meetings. Through these community conversations we've listened a lot, learned even more and have identified the key challenges facing our community.

By bringing together passionate community leaders and government officials, we create a collaborative environment where ideas flourish, practical solutions are found, and positive change becomes a reality.

COMMISSION SPECIAL SESSION

A Forum for Communication & Discussion

- Monthly Task Force meeting is a space where updates are provided from various local government entities, non-profit organizations, and neighborhood groups and members.
 - Community updates from 15UG entities, 10 local non-profits, and numerous residents.
 - An average of 50-60 attendees.
- Voice broadcasting services are provided to registered neighborhood groups.
 - 2,667 calls delivered to neighborhood group members.
- Provide weekly e-newsletter, and printed monthly newsletter



Date | 06/29/2023

June 29, 2023

COMMISSION SPECIAL SESSION

Addressing Home Repair Needs

Residents named access and availability to home repair programs as a possible avenue to address effects of systemic injustice among our most vulnerable neighbors.

- o Partner with 8 non-profits organizations and private contractors.
- o Completion of 22 projects for homeowners and their families.
- o Total of \$42,748.10 with an average of \$1,943.10 per project.



"It is the greatest good to the greatest number which is the measure of right and wrong." - Jeremy Bentham

Date | 06/29/2023

Residents have named access and availability to home repair programs as a possible avenue to address effects of systemic injustice among our most vulnerable neighbors. Livable Neighborhoods coordinates a minor Home Repair Program. The minor Home Repair Program is city funded and was founded with the intention of assisting residents who are cited by Property Maintenance Compliance to bring their home back into compliance.

The program serves residents who are homeowners, live in their home, whose income falls below 200% of the federal poverty rate and primarily assist older adults over 60 or individuals with disabilities.

This year our office has completed 22 home repair projects totaling \$42,748. Currently we are not accepting anymore applications for this program as our funding has been committed for 2023. Home repair support is a great need in Wyandotte County, particularly in Kansas City, and we have continued to receive requests for home repairs that have far exceeded our financial capacity to help given the current funding our office receives.

When we reach our financial capacity, we rely on our community partners for support; however, not many offer home repair and if they do, funding is very specific to project populations, income and zip code.

June 29, 2023

COMMISSION SPECIAL SESSION

A Forum for Communication & Discussion

- Monthly Task Force meeting is a space where updates are provided from various local government entities, non-profit organizations, and neighborhood groups and members.
 - Community updates from 15UG entities, 10 local non-profits, and numerous residents.
 - An average of 50-60 attendees.
- Voice broadcasting services are provided to registered neighborhood groups.
 - 2,667 calls delivered to neighborhood group members.
- Provide weekly e-newsletter, and printed monthly newsletter



Date | 06/29/2023

Our monthly Task Force meeting is a space where updates are provided from various local government entities, non-profit organizations, and neighborhood groups and members. There have been community updates provided by 15 Unified Government entities, 10 local non-profits, and numerous residents. Typically, we expect between 50 and 75 attendees at these meetings.

Livable Neighborhoods offers communication and engagement services to the neighborhood groups registered with us. For example, Call Hub, a voice broadcasting service provided through our office, has allowed us to deliver 2,667 to neighborhood group members. In addition to voice broadcasting, our office sends out a weekly e-newsletter to 412 subscribers and distributes printed monthly newsletters to bridge the digital divide. Printed newsletters can also be customized and provided to neighborhood groups by request as part of the communication and engagement services that we offer.

COMMISSION SPECIAL SESSION

Notable Partnerships

- | | |
|------------------------------------|--------------------------------------|
| KC Digital Drive | MOCSA |
| KCK Shepherd's Center | Neighborhood Crime Prevention Patrol |
| Area Agency on Aging | UG Planning and Urban Design |
| UG Solid Waste | UG Housing Fellow |
| Law Enforcement Advisory Board | UG Health Department |
| UG Property Maintenance Compliance | Crosslines Community Outreach |



Date | 06/29/2023

Ms. Hower said our notable partnerships. Our work thrives on partnerships, both internal to the UG and external. These are some of our current key partners, but this list certainly does not encompass all the relationships that we've built. These partners help us as well as the community

June 29, 2023

work toward violence prevention, improved community policing efforts, safe and affordable housing as well as caring for our most vulnerable neighbors.

COMMISSION SPECIAL SESSION

Highlights from Community Conversations

- Need for capacity building
- NBR Updates
- Community Policing Improvements
- Distrust of UG
- Lack of communication
- Need for streamlined efforts



"You can't really know where you're going until you know where you've been." - Maya Angelou



Date | 06/29/2023

Coming in as new staff members, one of the goals in our conversations with residents, as well as community partners, was to understand the history of interactions with the UG and Livable Neighborhoods and how we can take that information and move forward in a meaningful and productive way. We've identified common themes stemming from our conversations. We've heard that NBRs and Neighborhood Groups need help with capacity building in terms of seeking external funding outside of grants and contracts with the UG as well as leadership development.

When talking with each NBR partner, many brought up that this contract scope needs to be reviewed and updated. Additionally, we have eight NBR organizations with drastically different approaches to the NBR scope of work.

As far as Community Policing Improvements go, we've received feedback from neighborhood leaders that Community Policing just isn't what it used to be. Nearly all of our conversations had themes of distrust with the UG. Residents and community partners feel like the UG doesn't have their best interest in mind—best interest of residents in mind when making decisions and that they don't feel like there's follow-through on promises and there's a lack of accountability.

Lack of communication was another threat in these community conversations. This lack of communication to the public—this is a lack of communication to the public as well as internally. Residents are reporting that it's difficult to find answers to their questions and get a response back from some staff members, departments or elected officials. There's an overall dissatisfaction with the 311 reporting system. Residents feel like their issues don't get addressed through the current

June 29, 2023

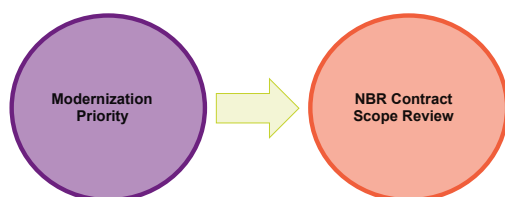
system and it seems like there's a need for communication or training for residents about how different departments within the UG function.

Finally, there's a need for streamlined efforts. In many of our conversations people said that it seems like the left hand doesn't know what the right hand is doing. For example, there are often multiple departments reaching out to community organizations, especially NBRs, about the same issue and there's no process in place for cross-departmental collaboration. Through these conversations we've identified three focus areas; modernization, community engagement, and public trust, which Minah will further elaborate on.

COMMISSION SPECIAL SESSION

The "Year of Visioning"

We've been listening, and this is what we've learned.



Date | 06/29/2023

Ms. Chapell said we've been listening and learning. We've identified themes and conversational highlights and we've now been able to move into what we are referring to as the year of visioning. Our year of visioning allows us to outline current priorities and brainstorm solutions to address comments, concerns or doubts expressed in these community conversations, and oddly enough, the year of visioning aligns with the comprehensive plan.

The first theme that our office has identified is modernization. From our records NBR contract scope was last established in 2013. NBR leaders have pointed out that the scope of work within this current contract is unclear. They are wanting to be responsive, but they need clarity of the parameters of their contract and more concise language. The lack of clarity creates difficulty for staff when reviewing quarterly reports prior to issuing payment because there are no set parameters to gauge where the goals have been met.

Additionally, due to varying size in staffing and financial capacity, the NBR organizations, there's not going to a one-size-fits-all approach and we will need to have further

discussions with our NBR partners to establish these parameters. In short, the Livable Neighborhoods Office suggests the review of the NBR contract scope.

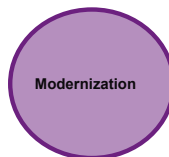
COMMISSION SPECIAL SESSION

The "Year of Visioning"

We've been listening, and this is what we've learned.

Livable Neighborhoods can best usher in the new by:

- NBR Quarterly Meetings in partnership with the Mayor's Office
- Updating the Resource Guide.
- Refreshing the neighborhood group registry.
- Developing a strategic plan specific to the new management of our office.
- Revamping the "Start a Neighborhood Group" guide.



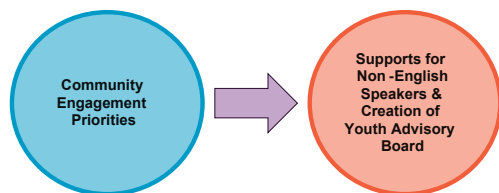
Date | 06/29/2023

Some additional ways that we can usher in the new include continued NBR quarterly meetings in partnership with the Mayor's Office, updating the resource guide, which is currently in progress and we hope to have completed by the fall; refreshing the NBR group registry, which as of today is complete; develop a new Livable Neighborhood Task Force Strategic Plan, specific to the new management of our office, and revamping the "Start a Neighborhood Group" guide.

COMMISSION SPECIAL SESSION

The "Year of Visioning"

We've been listening, and this is what we've learned.



Date | 06/29/2023

Up next is community engagement priorities. Community engagement was another theme from our conversations. Specifically, we have identified there was need for supports for non-English speakers. Diversity of our residents is one of the many strengths of our community; however, we are missing key groups of our community by not providing translation of documents, information and interpreters at meetings.

New documents that we are creating in the Livable Neighborhoods Office such as the resource guide, we plan to have translated in, at minimum, Spanish. We've also identified that

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there is a need for the inclusion of youth voices and participation. There is a struggle to get youth involved at a neighborhood level and this has been an ongoing concern for Livable Neighborhood Task Force members. As we know the youth are our future and they bring an important perspective to the table.

Currently our office has a pleasure of hosting two ProX interns who are working on community youth engagement. We plan to tap into existing youth task force and groups as well as utilize our community partners who serve our youth to get a better understanding about how we can involve more young people in our neighborhoods and we hope to create a Youth Advisory Board.

COMMISSION SPECIAL SESSION

The "Year of Visioning"

We've been listening, and this is what we've learned.

Livable Neighborhoods can better engage our community by:

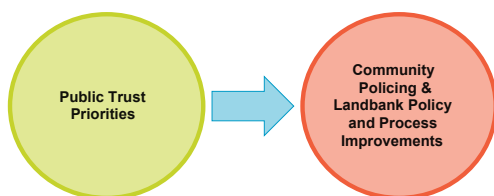
- Partnering on community events like National Night Out, Neighborhood Summit, and Community Development Workshop.
- Hosting community events like annual luncheon & National Good Neighbor Day.
- Creating an informational postcard.
- Collaborating with Parks and Rec on events



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Some additional ways that Livable Neighborhoods can better engage our community are by partnering on community events like National Night Out, Neighborhood Summit, and Community Development Workshops, hosting community events like an annual luncheon and National Good Neighbor Day celebrations, creating an informational postcard, which we hope might be sent out with some other forms of communication such as the BPU bills and collaborating with Parks & Rec on events.

COMMISSION SPECIAL SESSION

The "Year of Visioning"*We've been listening, and this is what we've learned.*

Date | 06/29/2023

The last theme our office has identified is public trust. Community members have expressed that little trust is held in the Unified Government's willingness or ability to maintain practices that benefit residents are followed through on promises. From our feedback we continue to hear from neighborhood leaders that they would like to see improvements in Community Policing and moving forward we would like to work with the Chief of Police to improve working relationships between neighborhood leaders and Community Police Officers.

There has been feedback calling for improvements to our Land Bank Policy. We know the Land Bank Policy is currently in the process of being updated and we have been relaying feedback to Land Bank staff regarding resident concerns.

COMMISSION SPECIAL SESSION

The "Year of Visioning"*We've been listening, and this is what we've learned.***Livable Neighborhoods can grow and maintain public trust by:**

- Increased communication with community policing
- Land Bank – notification and advisory board
- Creating the content for a civic engagement program (Dotte University).



Date | 06/29/2023

Livable Neighborhoods can grow and maintain public trust by increasing communication with Community Policing, working with Land Bank staff to notify neighborhoods of Land Bank property action and continued involvement of Livable Neighborhoods Task Force members on the Land Bank Advisory Board and, finally, creating content for a Civic Engagement Program, which we think would be great to call Dotte University.

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COMMISSION SPECIAL SESSION

Filling the Gaps

- Communication
- Customer service
- Connection to community resources
- Navigating local government processes
- Coordination of multi - departmental issues



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Ms. Hower said Livable Neighborhoods fills the gaps within the UG. When residents feel like they've exhausted other resources or don't know where to go, they can come to us and we don't always know the answer, but we can find it. By forming these cross-departmental partnerships and understanding how the UG works, we can help residents to access the services that they need.

COMMISSION SPECIAL SESSION

Work with us to **engage** the **community**



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We know that there's great potential in Kansas City, Kansas and Wyandotte County as a whole, not just for Livable Neighborhoods, but instead thriving neighborhoods. However, as previously mentioned, there's a distrust of the local government within the community. Community members feel that there's been lack of follow-through on promises and commitments made, but Livable Neighborhoods is the bridge to rebuild trust.

By working with Livable Neighborhoods internally, we can help provide connection to the grassroots community leaders and we can foster relationships with community partners and gain feedback about what the community needs. We can host community forums and discussions to improve resident and government partnerships to elicit change.

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COMMISSION SPECIAL SESSION

Strategically Utilize Livable Neighborhoods

- Liaison between the UG and community
- Navigate multi - departmental issues
- Consult Livable Neighborhoods about intra - departmental processes
- Involve Livable Neighborhoods in community development and planning discussions specifically around:
 - Community Benefits Agreements
 - Incremental Development
 - Safe and Affordable Housing



Date | 06/29/2023

There's significant potential to leverage our insight connections and expertise to benefit the community as well as the UG. Livable Neighborhoods should be considered a liaison between the UG and the community and vice-versa. We can navigate and facilitate discussion on multi-departmental issues and we would love to be consulted about intra-departmental processes because we have a view internal to the UG, but we also have those strong relationships with partners and community members outside of the UG that give us a unique perspective.

Additionally, Livable Neighborhoods could be instrumental in Community Development and Planning activities, specifically, discussions around community benefits agreements, incremental development, and safe and affordable housing.

COMMISSION SPECIAL SESSION

Livable Neighborhoods will advocate on behalf of residents



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All of that said, we're not going to sacrifice the reputation and trust that Livable Neighborhoods has with the community. We want to continue to advocate on behalf of residents. We want to help, seek, follow up, and follow through on commitments made and we want to work within the process of local government to move change forward.

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COMMISSION SPECIAL SESSION

Questions or Comments?

Kayla Hower, MPH
 Livable Neighborhoods - Program Coordinator
 Livable Neighborhoods Task Force Executive Director
kjhower@wycokck.org
 913-573-8645



Minah Chapell
 Livable Neighborhoods - Neighborhood Liaison
mchapell@wycokck.org
 913-573-8740



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Thank you for your time and I'm open to any questions or comments.

Commissioner Kane was inaudible. (Mic was not on)

Commissioner Markley said I think the Dotte University is a good idea. I also think not everyone's going to go through the university, so we just have to keep education in mind as a whole. From the public trust perspective, I think some of it is clearly a fail on our end to do that loop around where we're giving people back the information when they call us. I do think some of it though is that people are asking us to do things that we can't do. They don't understand that we can't do it or why we can't do it. I think these commissioners have all heard me say that I think a huge role for us as commissioners is that education role, but it's helpful if your department can provide some of that as well and I think that helps solve some of the public trust issues where people—and I know we hear it as well. As commissioners, they ask us to do something and we can't and to them that's a breach of the public trust even though we never could have—I mean we can't do it. So providing that education of what we can do, what we can't do, what's within our power, what's not within our power, why maybe we can't do something I think is an important part of creating that relationship so that they understand it's not just that we failed them, it's there are reasons why certain things can't happen the way they should.

Commissioner Burroughs said when I initially met with the group, I had a lot of concerns and you said 95 and we've spent a lot of money going into neighborhood groups. Do we have measurables to determine if we as a government entity are getting a return on that investment? I mean it's one thing when people come in and they are opposed to a development because it doesn't

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have everything in it, one or two members of the group like, so they don't want the development. They didn't meet with the development group, they—whatever reason and here we are on a short timeline to push development through because time is money and it upsets them. When I read some of the accomplishments and some of the things you talked about, the distrust—it's hard to distrust people that you don't even know and I just would like to know what kind of return on investment we're getting from our individual groups.

If we are funding them through our General Fund, we should have a report of something on a quarterly basis, if not an annual basis, that lets us know what your group has accomplished this year with the dollars that have gone into the Director or the organization. It's not anything more than we're asking of anybody else to be held accountable for those that time and energy and I agree with Commissioner Kane, I call 311 where phone calls go to die and it's unfortunate because that was put out there just for the reason that we're talking about now with Livable Neighborhoods and reporting process.

I want to be a good partner, but I also want our neighborhood groups to understand that it's hard for us to know what you're doing when we hear this, but we don't get a report as to what your group has done through the following year.

Ms. Hower said for our NBR groups, we do get quarterly reports from them in order to process their quarterly payments for invoices. So we do have those reports. As far as our individual neighborhood groups, they can apply for a \$500 grant each fall and they do have a small grant report about what they use that for. Typically it's like a community garden, small improvements like a neighborhood watch sign, things like that, but definitely, for the larger dollars spent we do get those quarterly reports from our NBRs and then we get usually, not usually, we require an annual report prior to renewing their contract each year.

On the public trust issue, I think it goes very—it's really like Commissioner Markley said, I think there's the lack of education and people not understanding what's possible and what's not and what's an ask that's outside of the bounds of what the Commission can do. So, I think working with us to help educate the public and help make those communications known are really important. Also, people—I feel like when they don't know an individual or they don't know people, it's really easy for people to point fingers. I think if we open up those dialogues and

encourage that education, and we can help with that through our office, we might be able to bridge those gaps a little bit more. Thank you for your comments.

Commissioner Kane said I think Commissioner Markley hit it on the head. We can't fix everything nor do we have enough money to fix everything. I think the way Fisher and those guys came in and changed how you evaluate the roads and stuff like that has made a difference, but when you tell somebody you can't fix their road for three years, it's frustrating and there are roads—certain roads are a lot worse than the people they're asking for. It's frustrating for us because we can't give them what they want, but yet we have guidelines to go by, so sometimes we get choked off by what we can and what we can't do and we ask staff to do a whole lot with a little bit of money.

Commissioner Bynum said just a couple of comments, observations. First of all, Ms. Chapell has been on the job for four months, which means that it's been four months, the duration that this office has been at full staff of two people in more than four years. So, we need to be mindful of the fact that this office was operating with one full-time employee and producing results for four years and then we were happy to get Kayla and then I'm sure Kayla was delighted to be able to bring Minah onboard. I'm just pointing out that fully staffed in this department is two people and they do an incredible amount of work in their work hours with a staff of two people and it's always been that way at Livable Neighborhoods. Just constant production of information, relationship building, sponsoring things, helping neighborhoods, navigate to where resources are or where answers to questions are, so it's very impressive. I'm really pleased that you are the two individuals that are here with us now doing this work because I've watched you demonstrate, the caring you bring.

Fifty to sixty individuals monthly are attending the monthly Livable Neighborhoods meeting. That held steady during COVID when everything went online and still 50 to 60 people showed up virtually because of what they knew Livable Neighborhoods provided to them and it's an interesting juxtaposition to identify communication issues when I've seen and been present for the massive amounts of information that are shared at those meetings. You also do a really nice job of sharing a lot of great information in that weekly newsletter, so if you believe that those

things can be improved upon, then more power to you. I'm just really happy that you're here. I know the good work that Livable Neighborhoods has done for decades now.

I think the Dotte University concept is very interesting. Greg will remember when these kinds of undertakings were beginning, for example, at the beginning of a concept like Livable Neighborhoods where we had government and neighborhoods at the table in partnership for problem-solving, we did a lot of different types of classes. So, we offered all kinds of different classes to the residents and different departments within the government would circulate through the office to bring, you know, codes information or obviously crime prevention through environmental design or we did landlord training. Livable Neighborhoods is what advocated for the fact that we have a rental license in this community, so there's been a lot of really good work done there.

It's been interesting for me, as I've been engaged with it, to watch how Livable Neighborhoods 3.0 almost becomes a need to retrain because we have new people. We have new neighborhood leaders, we have new neighbors and so that's work that you don't do just once and then you're done with it because you told somebody 15 years ago that you can't put a stuffed couch on your porch. It has to be taught and then retaught and we have to go over it and over it and over it. I just feel like it's time as you envision Livable Neighborhoods 3.0 and envision something like a Dotte University, I think you're right on time and right on target because I think we have a whole community of folks ready to hear that message even though we may have shared that message before or it doesn't matter because you can't just share it once and consider it a job done. It's constant. I appreciate what you're doing and really glad to have you in our community.

Commissioner Markley said Commissioner Bynum reminded me of the comments you were making about getting youth involved and I would say, I don't think this is news to anybody or insulting anybody, but there's a clear set of our population that participates in most of our neighborhood groups and not only are they not youth, but they're not even my age. My husband and I have run our neighborhood group for many, many years—I'll just make an advertisement, if anybody would like to take over a safe neighborhood group, we would love to have that happen, but we've been running it for years. We've been the youngest members of that group by many decades for all of those years.

During COVID one thing that I think that I saw, at least with the groups that I interact with, is when we went onto Zoom, we lost participation in the groups, the older people, that were traditionally members, but we gained participation in people that are closer to my age, you know, millennials and such, but then when we went back to in person, we lost those people again. Those millennials aren't coming out in person, so I don't have a great solution to that but I think as you're planning your Dotte University and you're thinking about how to educate people, it's maybe of note, that if you want to get that sort of middle age group, virtually seems to be a way to do that and they did not come back with us when we made that transition back to in person. That's a group that probably could use some of the education because they haven't been in government as long and maybe don't have the background to have that sort of knowledge. So not the young, young people, but not the entirely old people are also I think in need of some attention.

Then, I would say I think that it's a challenging time for you guys to be stepping into this because the other thing we've seen, I think, is just our neighborhood group shrank during COVID and they haven't come back to those original numbers, not just neighborhood groups, almost every group that meets that I participate in, whether it's a neighborhood group or church group or any other kind of group, has not gotten back to its pre-COVID numbers. I think there's just a disinclination to meet that coming out of that period and I think it will be a challenge for you to come up with ideas to try to help everybody overcome that and still have involvement. Maybe it's not meetings, maybe it's a different way involving and educating people, but I appreciate your enthusiasm and I think we needed some new blood to help us sort of move forward from that period because it's certainly a trend that I think that I've seen across the board.

Commissioner Johnson said I do agree with what Commissioner Markley just exhibited or talked about rather. I have had conversations with persons that are younger that have the same amount of passion for their neighborhoods and for the betterment of their neighborhoods, but yet are not involved with the local neighborhood association. I've encouraged them to do so and so, therefore, our neighborhood associations as far as I know in District 4 are usually those that have a lot of baby boomers and some Gen X, but we don't have the millennials. We don't have the Gen Z and X, whatever else comes behind that, so yeah, I'm Gen X as far as I know.

The other thing that I thought was interesting was that on the third to last page, when you talked about involving Livable Neighborhoods and Community Development, one of the things

that my task force is working on is a community benefits ordinance. How do you see—and all these other two points also, incremental development and safe and affordable homes and housing. One of the things that's challenging is to make sure that when we're looking at opportunities for development in the community, that we include the neighborhood association and the NBR and sometimes that also includes CHWC.

I'm interested to see what your thoughts are about being involved in these particular things particularly as we look at this community benefits ordinance. I would love to have you at the table, but I also know that when you involve so many other layers, it kind of boggles down the process when you're talking to developers and time is money and things of that nature. So, I just want to get your thoughts on that.

Ms. Hower said actually the last meeting you had about community benefits agreement that was open, I was able to attend that one, so I think even just looping us in at this point—I don't have any specifics on how best to be involved since we haven't really been involved in those processes, but we have talked with the Rosedale Development Association. They got us looped into your task force or subcommittee that meets about like community benefits agreements.

So, I think in terms of what we need currently is educating us on the process of how to best advocate to and educate other maybe NBRs or neighborhood groups about the benefits of a community benefits agreement or that they could look into expanding their scope of services through incremental development or being in charge of the development in their area with that. I think we could be used as a conduit for communication, education, bringing folks together who might not already be at the table, so that's how I think—**Commissioner Johnson** said ding, ding, ding just went off with the last few comments that you made, so I appreciate that. It makes sure that we keep you involved in that, so thank you.

Commissioner Bynum said Minah had a comment earlier.

Ms. Chapell said I just wanted to go back to a comment you made earlier Commissioner Burroughs about the return on investment. I did want to take this opportunity to advocate a bit for our NBRs. I think that the return on investment that they bring is that they empower and they grow a sense of community and togetherness and provide residents with really a form to express

themselves and also equip them with tools that they need to be more successful and productive and residents in our community. I think the return on investment is miracles. I can give a bunch of examples. LRA, when the baby formula shortage was happening, they were giving out baby formula, they hosted the Leavenworth Road parade. Groundwork does great work helping people remain housed when their home is up for the tax sale. They do great advocacy. RDA has been doing work on the community benefit. I think they do a lot and I think that the money that they receive—in short, they do return on investment, but there isn't a financial tangible outcome if that makes sense and if you're expecting one, I don't think you'll get one because these social services that are impacting individuals and not corporations.

Commissioner Burroughs said you know that's a great advocacy. That truly is and they should be very proud to have somebody at the table giving that back. There are some instances where—I'll be, I don't want to be the bad guy here, but I'm going to bring up a few points about as we had in our previous discussion because I want to be consistent with my message. It was stated that maybe when they ask us to do things we cannot do, then it becomes a political hot potato and I have witnessed personally that some of these neighborhood groups have become politically active against commissioners and that is not what they are established to do. There was one point where I was going to ask that we have Legal look at the documents to put a notice out to be mindful and when you're out calling the Unified Government insensitive, racist and bigot because they're not supporting a certain entity and then you stand before us and request public funds, that is really quite a difficult position as elected officials to understand how it is that you can blast us, criticize us to the extent that it becomes very political to the point where we have to have vehicles, police vehicles parked at our homes when we're done with the meeting is not acceptable practice.

That's, I guess, some of the concerns that I have and we should be mindful that we want our neighborhood groups active, we want to hear how we can help, but the threatening letters, negative phone calls, the animosity that may go towards commissioners because they're struggling with developments on how to make it work and trying to listen to one area of the community and the communities divided on an issue. Some of us can make those decisions, but when we have individuals that we have put in charge of those organizations becoming politically active against commissioners or public officials, I'll just state that, maybe even staff, it really concerns me greatly because I like to think that we are all partners in this process and the more we communicate and

the more transparent we are, that trust gets built. I do appreciate your advocacy and kudos to you for standing up for the organization.

Greg Talkin, Director of Neighborhood Resource Center, said I just want to actually give kudos to staff. Kayla came on six months ago, actually a couple days before the new year I believe. I think her first day on the job might have been a holiday, the way it worked out, but Kayla's came a long ways in six month. I mean she's actually starting to put her fingerprint on this and I'm amazed at the little bit of information we were able to feed Kayla and how she was able to take that and move it forward to the point we're at today, six months later, how much knowledge she has retained and moved forward with.

I also want to mention Minah. Minah has been a breath of fresh air, different thoughts, you know, that she comes across from life experiences. Both of these individuals have great background in education, social areas, something that I'm not an expert in. I'm an engineering background, so I struggle with that stuff sometimes. I just want to give them kudos in their effort tonight, but also where they're at and how short of time they've been here with this organization.

Mayor Gardner said I would like to share with the staff and you know I served 32 years on the Police Department and part of that time I was over Community Policing. I watched early on in my career the value of Livable Neighborhoods and that partnership that it had in cultivating—identifying and cultivating leaders and neighborhood groups that really brought about the change in Wyandotte County in collaboration with Community Policing.

Community Policing was really an instrumental part in that early on in identifying and building those relationships in the neighborhoods and bridging those individuals to Livable Neighborhoods and creating strong neighborhood groups, neighborhood leaders, individuals that cared about not just themselves, but their neighbors. What we saw was a reduction in crime, we saw neighbors cleaning up their neighborhoods be it blight, be it drug houses, abandoned buildings. All that was done collaboratively with Unified Government staff, but it really allowed for the neighborhoods to take ownership of their neighborhoods.

I believe at one time we had well over 100 neighborhood groups, well over 100 neighborhood groups, and they were all active. It was just amazing seeing neighbors helping neighbors. To see that we're down to less than 60 is really disappointing, but I also see it as an

opportunity. I know that Andrea Generaux—I met with her before she left and I didn't know, I was fairly new in my position as Mayor and I just wanted an update on Livable Neighborhoods because I had heard some of the concerns from some of the neighborhood groups and she did, in sharing with what Commissioner Bynum had mentioned, said I'm doing this by myself. I directed the Interim Administrator at the time to fill the position and get the help we needed so we could start rebuilding the Livable Neighborhoods. At least build that foundation from the inside and get the resources there with staff.

As I go out in the community I hear the same complaints. Some from NBRs and one of the NBRs said, you know, it would really be nice Mayor if you were able to facilitate bridging our NBRs and our neighborhood group leaders to our Commission because there is a disconnect. I'm not going to say it's intentional, it's just a disconnect because a lot of people just don't have the time or the access to individuals in this building or access to a lot of elected officials in a way that allows for really robust conversations.

What we've done is, and I know you said quarterly, but every couple months and we started off with Commissioners Bynum and Burroughs, but every month commissioners will have the opportunity to come and meet with, hopefully, the majority of the NBRs as well as the Livable Neighborhood group leaders to start having those conversations on how best to create a safe and livable community and how to rebuild our neighborhood groups. I think that's really powerful and my hope from that also—some of the concerns that I've heard from some of the groups is what you've mentioned.

We need to take a hard look at policy. I don't think it's been reviewed since the 90s and making sure that those policies, those practices and procedures and the expectations, not just for the community groups and NBRs, but also for the Unified Government, that they reflect where we're at today and the values we have for our community. I think that offers another unique opportunity of clarity on reporting on how the money that is there is being spent, maybe some hierarchy NBRs. I've had complaints from certain groups saying if you're an NBR—or does that mean you're an NBR forever. Should there be some type of process annually, maybe every couple years, to evaluate the NBRs and see if they're really meeting the needs of not just the Unified Government, but the neighborhood groups that they sometimes say they represent and allowing the neighbors to have more input in that.

I think those are all great conversations. I think the bottom line is that what I've learned over the years just from being in Community Policing and being here as an employee is that government can't do it all alone and I think most people recognize that we can't. They don't expect us to, but they do expect us to be engaged, to listen, and to meet and I have to quote, "they're reasonable expectations" because some things are just unreasonable, but as we educate them, as we interact with them, as we listen and we try and meet those reasons, that is where the trust is built. Hopefully, through that trust and understanding and mutual respect and mutual partnership that I saw back in the 90s and really up to the early 2000s, I think we can start to grow our neighborhood groups because now they will have confidence in these partnerships and the relationships with their elected officials, with staff, and the Unified Government because they will see progress and they can see things getting done in a way that reflects the needs and values that we can responsibly do in their neighborhoods. Sometimes it's not always about money. Sometimes it's just showing up and supporting good initiatives, good programs, good ideas that a lot of community people have.

I'm glad you mentioned the youth. Even though we have another Youth Advisory Board, we have ProX kids, we have these other youth programs, but it's good that you all are identifying that the youth are key to that because I think that's really key to—I've watched a lot of these neighborhood groups, and I don't mean this in any kind of way, but as some of the neighborhood group leaders have aged and just don't have the ability or they've moved on to really be involved, we're losing these groups with that population. So, somehow we've got to engage our youth and find out where we're at today and what—because I don't know, I'm 54, what worked for me and my generation may not be something that draws that social connectivity of the youth today in 2023, but those are—that is our community. Those are going to be our leaders, those are the individuals we need to engage so Livable Neighborhoods three, four, five years from now we go from 54 down to four and that's a possibility because I'm seeing that nosedive of people really engaged in the neighborhood.

There's a lot of opportunity and I encourage the commissioners as we have those meetings and try and have those every couple months, please take those opportunities. I know the first one we had—I think we've had two so far or did we have one—we may have had one, but they all showed up. All the NBRs and I believe the Livable Neighborhoods Chair or President, they all showed up and they came to the table. They did have a lot of complaints and concerns,

but they also had an openness to move past those challenges to find real solutions to problems and a willingness to want to work with the elected officials and staff because they do love their neighborhoods, they love Wyandotte County, and they love people and that's what's promising to me.

As we continue to this work, thank you to your team Greg and our new leader and the new assistant that's there with her. We appreciate the work that you're doing. I know Andrea Generaux did a lot of work and it is—I can mirror what Mr. Talkin said, you've hit the ground running, both of you, you've done a good job and you've really gotten up to speed in a way that probably would take people two or three years and you've done it in a short period of time with a lot of groups, a lot of people, a lot of challenge in a very positive way. I appreciate you, I appreciate the work that you're doing and I appreciate your vision to continue carrying on the positives that we know the Livable Neighborhoods program has had and can continue to have for Wyandotte County, so thank you so much.

Mayor Garner said that concludes this Special Session and I'll take a motion to adjourn.

Commissioner Johnson made a motion, seconded by Commissioner Markley, to adjourn. Roll call was taken and there were six "Ayes," Johnson, Kane, Markley, Bynum, Burroughs, McKiernan.

MAYOR GARNER ADJOURNED

THE MEETING AT 6:00 p.m.

Brett Deichler
Unified Government Clerk

dt

June 29, 2023



Unified Government Clerk's Office

Brett A. Deichler, PMP/CPM

Unified Government Clerk

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

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

Memorandum

To: David Johnston
County Administrator

From: Brett Deichler
UG Clerk

Date: June 22, 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 June 16, 2023 – June 22, 2023

1. REPORT:

Financial Report for the Self-Supporting Municipal District/Downtown Improvement District for the month of May 2023 (SSMID).

2. PERSONNEL ACTION COMMUNICATION, DATED June 16, 2023:

Section I – Appointments

Name	Department/Division	Eff. Date	Job Title
Raelee N. Malec	Police	6/8/23	Police Outreach Cadet
Elijah I. Ricketts	Police	6/8/23	Police Outreach Cadet

Section II – Transfers

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
Evan N. Rice	Fleet	6/8/23	Fleet Maint Tech I	Fleet Maint Tech II
Thomas E. Gripp	Fire	5/4/23	Battalion Chief	Battalion Chief
Kelly G. Kloiber	Fire	5/4/23	Battalion Chief	Fire Apparatus Operator

Section III – Separations

Name	Department/Division	Eff. Date	Job Title
Sonia Cabrera	Reg of Deeds	6/15/23	Admin Supt Spec
Mark L. Matteson	Fire	6/14/23	Fire Apparatus Driver
Brandon V. Wayne	PW/Street	6/23/23	Equipment Operator III

Section VIII – Other Requests

Name	Department/Division	Action Requested and Explanation
Somhack Davenport	Human Services	ACD code change, efft 7/1/23.
Maritza Fernandez	Human Services	ACD code change, efft 7/1/23.
Yer Hang	Human Services	ACD code change, efft 7/1/23.
Jerilene Lewis	Human Services	ACD code change, efft 7/1/23.
Lenah Sugut	Human Services	ACD code change, efft 7/1/23.
Phyllis Wallace	Human Services	ACD code change, efft 7/1/23.

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

3. PERSONNEL ACTION COMMUNICATION, DATED June 20, 2023:

Section I – Appointments

Name	Department/Division	Eff. Date	Job Title
Boedy N. Dunn	Parks/Rec	5/25/23	Summer Laborer
Nicholas J. Stimetz	Parks/Rec	5/20/23	Summer Laborer

Section IV – Leaves of Absence

Name	Department/Division	Lv. Begins	Lv. Ends
Jamara Scott	Sheriff	5/21/23	6/21/23

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

4. PERSONNEL ACTION COMMUNICATION, DATED June 22, 2023:

Section I – Appointments

Name	Department/Division	Eff. Date	Job Title
Jacinto C. Briones	PW/B&L	6/22/23	Bldg Trades Laborer
Ronald E. Common II	PW/Street	6/22/23	General Laborer
Robert Eaton	Parks/Rec	6/22/23	Groundskeeper I
Javonte D. Jones	Police	6/29/23	Patrol Officer
Samuel Muder	PW/WPC	6/22/23	Construction Worker I
Hunter Simoncic	Police	6/29/23	Patrol Officer
Cherina Woods	Parks/Rec	6/8/23	Rec Instructor

Section II – Transfers

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
Laveeda J. Cannady	Sheriff	7/6/23	Prof Fiscal Asst	Prof Fiscal Asst
Sophia A. Hall	Sheriff	6/22/23	Juv Intake Assessment Specialist	ISO
Randal E. Phillips Jr	PW/WPC	6/8/23	Wastewater Collection Sys Manager	Manager

Section III – Separations

Name	Department/Division	Eff. Date	Job Title
Gerald E. Buckner	Police	6/30/23	Patrol Officer
Scott D. Fee	NRC	6/30/23	License Inspector I
Steven J. Hawkins	Transit	6/28/23	Transit Operator
Rosemarie Heintzelman	Finance/Treasury	6/30/23	Fiscal Supt Asst
Jeffery L. Jennings	Museum	6/22/23	Museum Prog & Ground Spec
Hattie L. Smith	Clerks	6/30/23	Manager

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

5. CLAIM FOR DAMAGES:

Pamela Mirth, 119 N 80th Place, alleging damage to property due to drain replacement, located at the residence in 2020.

Anthony Perkins Jr., 2723 N 10th St., alleging damage to personal property of home due to grass cutting in the field from Parks/Recreation, located at the residence on June 22, 2023.

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

6. SUMMONS:

Jose Perez-Garcia vs. The Unified Government of Wyandotte County/Kansas City, KS, Case No. WY-2023-CV-000415.

The Unified Government of Wyandotte County/Kansas City, KS vs., Robert Jackson Jr., Case No. 2021-CV-000625.

The Unified Government of Wyandotte County/Kansas City, KS vs., Kenia Garcia., Case No. 2022-CV-000758.

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

7. TRAVEL REQUESTS:

Kressa Anderson, Public Work/WPC/Laboratory, travel to Minneapolis, MN, July 30 – August 4, 2023, to attend NELAC/NEMC Conference, employee training and travel.

Amy Erwin, Sheriff's Office, travel to Ripton, WI, June 25-30, 2023, to attend Basic Undercover Operations, employee training and travel.

Jacob Kooger, Public Works, travel to San Diego, CA, July 9-14, 2023, to attend Esri User Conference 2023, employee training and travel

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

8. APPLICATIONS FOR PRIVATE SECURITY BUSINESS:

W.D. Jenkins Private Security LLC, d/b/a W.D. Jenkins Private Security LLC, 11814 W 135th Street, Overland Park, KS 66221.

Staff Pro, Inc., d/b/a Allied Universal Event Services, 604 N Main St., Ste E., Wichita, KS 67203.

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: June 29, 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 June 22 - 29, 2023

1. COMMUNICATION:

Joseph Peterson, Wyandotte County Echo, providing rates for legal advertising appearing in the *Wyandotte County Echo*, effective July 1, 2023.

Action: Received and filed.

2. PERSONNEL ACTION COMMUNICATION, DATED June 27, 2023:

Section I – Appointments

Name	Department/Division	Eff. Date	Job Title
Micah P Johnson	Parks/Rec	6/27/23	Summer Laborer
Ashton Z Sheppard	Parks/Rec	6/23/23	Rec Leader
Maung To	Parks/Rec	6/21/23	Summer Laborer

Section II – Separations

Name	Department/Division	Eff. Date	Job Title
Tony Sablijak	Urban Planning	6/21/23	Engineering Supt Supervisor
Gregory M Kolenda	Process Server	6/20/23	Process Server
Alfredo Arredondo	Police/Comm	6/21/23	911 Call Operator
Katharine E Beals	Police	6/20/23	Info Sys Coordinator
Jason E Kimm	Fire	6/15/23	Fire Apparatus Driver
Maria I Johnson	Das Office	6/20/23	Admin Supt Spec
Jacob M Williams	Police	6/13/23	Patrol Officer

Section III – Other Requests

Name	Department/Division	Action Requested and Explanation
Hattie Smith	Clerk	Amend PAC 6/22/23 to reflect change in separation date effective 7/31/23

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

3. PERSONNEL ACTION COMMUNICATION, DATED June 29, 2023:

Section I – Appointments

Name	Department/Division	Eff. Date	Job Title
Jesus N Cheda	Police	6/29/23	Info Systems Analyst
Conner Lindberg	Police	6/29/23	Patrol Officer
Lydia N Black	Police	6/29/23	Patrol Officer

Section II – Transfers

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
George Bass	Police	6/29/23	Auxiliary Officer	Patrol Officer
Scott D Bennett	Fire	6/29/23	Firefighter/Paramedic	Fire Apparatus Operator
Alexandria M Goode	Public Works	7/6/23	Fiscal Supt Supervisor	Fiscal Officer
Tiomthy LeManske Jr	Police	6/29/23	Auxiliary Officer	Patrol Officer
Elijah Lovell	Police	6/29/23	Auxiliary Officer	Patrol Officer
Joshua R Magaha	Fire	6/29/23	Firefighter	Fire Apparatus Operator
Angelina M Maxville	Sheriff	7/6/23	Fiscal Officer	Manager
Kaleb Pickett	Police	6/29/23	Auxiliary Officer	Patrol Officer
Blake R Owen	Police	6/29/23	Auxiliary Officer	Patrol Officer
Jennifer A Shipley	Sheriff	7/6/23	Security Officer, Armed	Deputy

Section III – Separations

Name	Department/Division	Eff. Date	Job Title
Jacqueline E Browne	Parks/Rec	6/15/23	Program Aide
Jose Segoviano-Melendez	PW/Solid Waste	6/22/23	Program Supervisor

Section IV – Other Requests

Name	Department/Division	Action Requested and Explanation
Linda G Bergman	Health	ACD code change efft. 6/22/23
Bryan E Enriquez	PW/WPC	Certification pay efft 6/9/23
Anthony Serrano	Sheriff	Occ code change efft. 5/25/23
Jennifer Stewart	Health	ACD code change to efft 7/6/23

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

4. SUMMONS:

Michelle Avery Bey vs. Tyrone Garner, Case No. 2-23CV2125
Michelle Avery Bey vs. Matthew Willard, Case No. 2-23CV-2125
Michelle Avery Bey vs. Wendy M. Green, Case No. 2-23CV-2125

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

5. NOTICE OF CLAIM:

LaKatherine Taylor by and her attorney Katherine Lenson, related to accident occurring May 13, 2023.

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

6. TRAVEL REQUESTS:

Glen Carter, KCKPD, travel to Aurora, CO, August 27 – September 1, 2023, to attend the NTOA SWAT conference, Employee Training/Travel.

Kristofer Finger, Public Works, travel to San Diego, CA, August 26 - 30, 2023, to attend the APWA PWX 2023, SC053 Employee Training/Travel.

Susan McMahan and Matt May, Emergency Management, travel to Long Beach, CA, November 1 – 10, 2023, to attend the International Association of Emergency Managers Annual Conference, Employee Training/Travel.

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

7. CERTIFICATES OF INSURANCE:

J & M Displays Inc.

Action: Referred to License.

8. APPLICATION FOR DRINKING ESTABLISHMENT/PUBLIC VENUE:

Darren Allen – Lounge 42 LLC, Kenneth Robinson dba Lounge 42, 4220 Leavenworth Rd.

Action: Referred to License.

9. APPLICATION FOR TEMPORARY LIQUOR LICENSE:

Brain Freeze, James Thomas, Wyandotte County Fair, 13700 Polfer Rd. This permit is for 7/11/2023 to 7/14/2023 from 5:00 p.m. to 10:00 p.m. and 7/15/2023 from 2:00 p.m. to 12:00 a.m.

Action: Referred to License.

10. APPLICATION FOR PRIVATE SECURITY BUSINESS:

St. Mortiz Security Services, Inc. dba St. Mortiz Security Services, Inc., 4600 Clairton Blvd., Pittsburgh, PA.

Action: Referred to License.



Staff Request for Commission Action

Tracking No. 212571

Full Commission Meeting Date: 07/27/23

Committee: Neighborhood & Community Development

Date of Standing Committee Action: 07/10/2023

(If none, please explain):

Publication Required: No

<u>Date:</u> 07/21/2023	<u>Contact Name:</u> Jud Knapp	<u>Contact Phone:</u> x5472	<u>Contact Email:</u> jknapp@wycokck.org	<u>Department/Division:</u> Economic Development
<u>Item Description:</u> The Land Bank Manager respectfully requests that the Neighborhood and Community Development Committee review the proposed item and forward it to the Land Bank Board of Trustees for final consideration, Submitted by Jud Knapp, Land Bank Manager 2 Single Family Homes 1 Duplex				
<u>Action Requested:</u> Approve and forward to Land Bank Board of Trustees				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u> NCD Memo Land Bank Options 07.10.23				



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: June 28, 2023

SUBJECT: Option applications for consideration

The following **option application(s)** are being presented at the 07/10/2023 meeting:

Please visit the new site to review the applications below

<https://gisapp.wycokck.org/Landbank.html>

A. Single Family Homes – 2 Homes

1. Bi'Anca Smart – 1 home
 - i. 2530 N Hallock St – 292428
2. Beth Dringenberg – 1 home
 - i. 2745 S Holmes St – 137014

B. Multi Family – 2 Units

1. Marco Sanchez - Duplex
 - i. 2825 N 68th St – 019311



Staff Request for Commission Action

Tracking No. 212572

Full Commission Meeting Date: 07/27/23

Committee: Neighborhood & Community Development

Date of Standing Committee Action: 07/10/2023

(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>
07/21/2023	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

2 Property Transfers

Action Requested:

Approve and forward to Land Bank Board of Trustees

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

NCD Memo Land Bank Property Transfers 07.10.23



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: June 28, 2023

SUBJECT: Property Transfers applications for consideration

The following **property transfers application(s)** are being presented at the 07/10/2023 meeting:

Please visit the new site to review the applications below

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

PT – Property Transfers

1. Highland Park Cemetery
 - i. 40001 State Ave – 242703
2. Mary Ann Barnes
 - i. 145 N 61st Ter - 891983

