

**AUGUST 31, 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/84708290898>

Or One tap mobile:

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+12532158782,84708290898# 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, +1 301 715 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, +1 646 558 8656 US (New York), +1 646 931 3860 US, +1 689 278 1000 US
877 853 5257 US (Toll-Free)
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Webinar ID: 847 0829 0898

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- I. CALL TO ORDER**
- II. ROLL CALL**
- III. INVOCATION GIVEN BY REVEREND GEORGE KEMPER, EBENEZER MINISTRIES**
- IV. PLEDGE OF ALLEGIANCE**
- V. REVISIONS TO THURSDAY, AUGUST 31, 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. SPECIAL USE PERMIT APPLICATIONS

1. **SP2023-034 - JAMES M. VIENS**

Synopsis: Special Use Permit to keep 20 chickens at 9350 Nelson Lane, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL FOR 5 YEARS)**

Tracking #: 212661

2. **SP2023-043 - FARIS FARASSATI WITH KC OUTLOOK ROSEDALE, LLC**

Synopsis: Special Use Permit to operate a children's daycare at 2605 West 39th Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**

Tracking #: 212662

3. **SP2023-051 - RUBEN ROSALES**

Synopsis: Special Use Permit to operate a Short-Term Rental at 2924 Eaton Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL FOR 1 YEAR)**

Tracking #: 212663

4. **SP2023-053 - ELIZABETH HARDING**

Synopsis: Special Use Permit to operate a Short-Term Rental at 2822 West 43rd Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL FOR 1 YEAR)**

Tracking #: 212664

5. **SP2023-056 - CALEB AND MADISON BERCIUNAS**

Synopsis: Special Use Permit to operate a Short-Term Rental at 4206 Mission Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL FOR 1 YEAR)**

Tracking #: 212665

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

1. **AN ORDINANCE** rezoning property at 9400 State Avenue (COZ2022-039), from A-G Agriculture and C-O Nonretail Business Districts to CP-2 Planned General Business District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 212641
2. **AN ORDINANCE** authorizing a Special Use Permit at 9400 State Avenue (SP2022-097) for an event center at the Margaritaville Resort Hotel, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 212643
3. **AN ORDINANCE** rezoning property at 6340 Riverview Avenue, (COZ2022-048) from R-1 Single Family District to A-G Agriculture District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 212644
4. **AN ORDINANCE** rezoning property at 2508 North 12th Street and 1208 Cleveland Avenue, (COZ2023-011) from R-2 Two Family District to RP-5 Planned Apartment District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 212645
5. **AN ORDINANCE** rezoning property at 3542 North 51st Street, from R-1 Single Family District to A-G Agriculture District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 212646
6. **AN ORDINANCE** authorizing a Special Use Permit at 527 Tenny Avenue, (SP2023-016) for a Short-Term Rental, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 212648
7. **AN ORDINANCE** authorizing a Special Use Permit at 4610 Lloyd Street (SP2023-027) for a Short-Term Rental, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 212649
8. **AN ORDINANCE** authorizing a Special Use Permit at 2716 North 119th Street, (SP2023-028) for a Short-Term Rental, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 212650

9. **AN ORDINANCE** authorizing a Special Use Permit at 1010 Merriam Lane, (SP2023-029) for a used car dealership, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 212653
10. **AN ORDINANCE** authorizing a Special Use Permit at 1945 West Lawrence Court, (SP2023-032) for a Short-Term Rental, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 212656
11. **AN ORDINANCE** authorizing a Special Use Permit at 3716 Springfield Street, (SP2023-035) for a Short-Term Rental, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 212657

VIII. PLANNING AND ZONING NON-CONSENT AGENDA

A. SPECIAL USE PERMIT APPLICATIONS

1. SP2023-046 - AARON LILLY

Synopsis: Special Use Permit to operate a Short-Term Rental at 4138 Lloyd Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL FOR 1 YEAR - 9/1 VOTE)**

Tracking #: 212667

2. SP2023-048 - LANCE PIERCE WITH KARAT VACATION HOME MANAGEMENT

Synopsis: Special Use Permit to operate a Short-Term Rental at 3925 Springfield Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL FOR 1 YEAR - 8/2 VOTE)**

Tracking #: 212668

3. SP2023-049 - LANCE PIERCE WITH KARAT VACATION HOME MANAGEMENT

Synopsis: Special Use Permit to operate a Short-Term Rental at 4028 Booth Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL FOR 1 YEAR - 8/2 VOTE)**

Tracking #: 212669

4. SP2023-050 - LANCE PIERCE WITH KARAT VACATION HOME MANAGEMENT

Synopsis: Special Use Permit to operate a Short-Term Rental at 4456 Springfield Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL FOR 1 YEAR - 8/2 VOTE)**

Tracking #: 212670

5. **SP2023-052 - ANDREW BESELICA**

Synopsis: Special Use Permit to operate a Short-Term Rental at 2504 West 47th Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL FOR 1 YEAR - 9/1 VOTE)**

Tracking #: 212671

6. **SP2023-054 - ASHLEY SIVILS**

Synopsis: Special Use Permit to operate a Short-Term Rental at 719 Lyon Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL FOR 1 YEAR - 9/1 VOTE)**

Tracking #: 212672

B. PLAN REVIEW APPLICATIONS

1. **PR2023-014 - CODY BUSICK WITH VINEYARD CHURCH OF PIPER**

Synopsis: Preliminary Development Plan to expand an existing church at 10601 Hutton Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 212666

C. MISCELLANEOUS

1. **PRESENTATION: PLAN KCK STRATEGIES**

Synopsis: Update regarding Plan KCK strategies provided by Gunner H. Hand, AICP, Director of Planning and Urban Design.

For information only

Tracking #: 212683

TAX STATUS REPORT

BOARD OF COMMISSIONERS AGENDA FOR AUGUST 31, 2023

None of the properties included in applications to be considered on the Planning & Zoning agenda have delinquent taxes prior to 2020.

NOTE: This information cannot serve as the basis for approval or denial of an application. It is not among the factors to be considered as set by ordinance or among accepted zoning factors and criteria. However, such information in certain cases might be relevant to evaluating accepted factors or as an accompaniment to other valid purposes and/or factors.

IX. MAYOR'S AGENDA

Item No. 1 - PROCLAMATION: OAK RIDGE MISSIONARY CHURCH DAY

Synopsis: Proclamation proclaiming August 27, 2023, as Oak Ridge Missionary Church Day, submitted by Tyrone A. Garner, Mayor/CEO.

Tracking #: 212679

Item No. 2 - PROCLAMATION: SEXUAL HARASSMENT AND SEXUAL ASSAULT AWARENESS DAY

Synopsis: Proclamation proclaiming August 31, 2023, as Sexual Harassment and Sexual Assault Awareness Day, submitted by Tyrone A. Garner, Mayor/CEO.

Tracking #: 212677

Item No. 3 - PROCLAMATION: CHARLIE 'YARDBIRD' PARKER DAY

Synopsis: Proclamation proclaiming the fourth Saturday of August 2023, as Charlie 'Yardbird' Parker Day, submitted by Tyrone A. Garner, Mayor/CEO.

Tracking #: 212678

X. REGULAR CONSENT AGENDA

Item No. 1 - PLAT: MOSBURG ADDITION

Synopsis: Plat of Mosburg Addition, located at 7th and Northrup Avenue, and being developed by Bill and Nancy Mosburg, submitted by Brent Thompson, County Surveyor, and Troy Shaw, County Engineer.

Tracking #: 212680

Item No. 2 - PLAT: AMERICAN ROYAL SECOND PLAT

Synopsis: Plat of American Royal Second Plat, located at 118th and State Avenue, and being developed by the American Royal Association, submitted by Brent Thompson, County Surveyor, and Troy Shaw, County Engineer.

Tracking #: 212681

Item No. 3 - MINUTES

Synopsis: Minutes from the Special Session meeting on August 10, 2023.

Tracking #: MINUTES

Item No. 4 - WEEKLY BUSINESS

Synopsis: Weekly business materials dated July 27, and August 3, 2023.

Tracking #: WEEKLY BUSINESS

XI. PUBLIC HEARING AGENDA

XII. STANDING COMMITTEES' AGENDA

XIII. ADMINISTRATOR'S AGENDA

Item No. 1 - RESOLUTION: TRANSFER OWNERSHIP OF JUNIPER GARDENS

Synopsis: A resolution to transfer title of Juniper Gardens to the Kansas City Kansas Housing Authority to clear the title for its sale, submitted by Wendy Green, Senior Counsel, Legal Department.

Tracking #: 212676

XIV. COMMISSIONERS' AGENDA

XV. LAND BANK BOARD OF TRUSTEES' CONSENT AGENDA

Item No. 1 - LAND BANK OPTION APPLICATIONS

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

Please visit the site to review the applications below.

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

Single Family Homes – 9 Homes

1. Jamie Shipley – 1 home
1600 S 86th St – 145656
2. Victor Hugo Martinez – 1 home
3719 Powell Ave – 170902
3. Kale Caldwell – 1 home
1640 S 14th St – 143161
4. JM Framing – 1 home
3131 N 70th Ter – 034905
5. William Brantley Development, LLC – 1 home
517 Elizabeth Ave – 119134
6. William Brantley Development, LLC – 1 home
624 Orville Ave - 118453
7. William Brantley Development, LLC – 1 home
752 Sandusky Ave – 081470
507 N 8th ST - 081470
8. William Brantley Development, LLC – 1 home
645 Sandusky Ave - 198815
9. Miguel Cortes – 1 home
2935 N 77th St - 928517

Tracking #: 212628

Item No. 2 - LAND BANK PROPERTY TRANSFERS

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

Please visit the new site to review the applications below.

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

PT – Property Transfers

1. Luis Cabrera – Yard Extension
1729 S 15th St
2. Unified Government – Storm Water Project
1060 Minnesota Ave – 080412
1059 State Ave - 080409

Tracking #: 212629

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: August 31, 2023

Re: Petition SP2023-034

GENERAL INFORMATION

Applicant:

James Viens

Status of Applicant:

Property Owner
9350 Nelson Lane
Kansas City, KS 66109

Requested Action:

Approval of a Special Use Permit.

Date of Application:

May 26, 2023

Purpose:

To keep 20 chickens (hens).

Property Location:

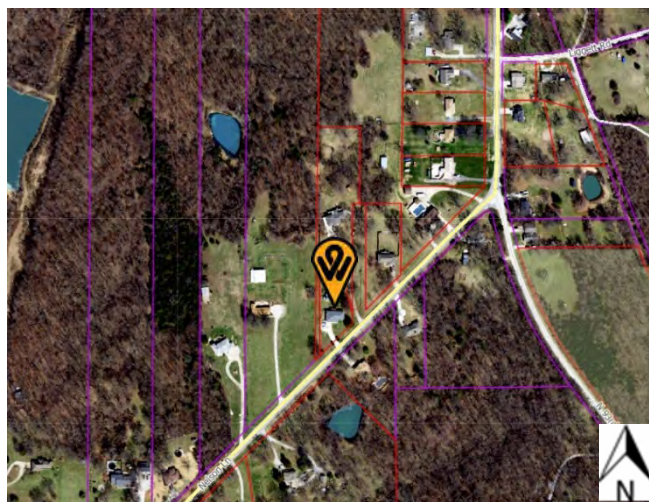
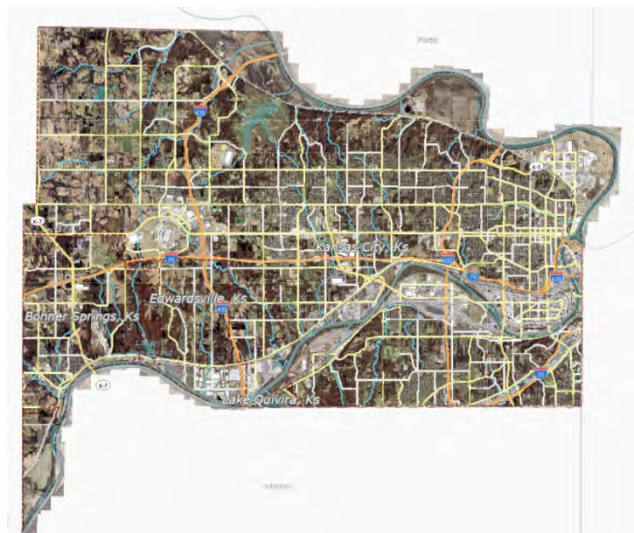
9350 Nelson Lane
Kansas City, KS 66109

Commission Districts:

Commissioner At-Large, District #1:
Melissa Bynum
District #5 Commissioner: Michael (Mike)
Kane

Existing Zoning:

R-1 Single Family District



Adjacent Zoning:	North: R-1 Single Family and A-G Agriculture Districts South: A-G Agriculture District East: R-1 Single Family District West: A-G Agriculture District
Adjacent Uses:	North: Single-family home South: Single-family homes East: Single-family homes West: Single-family homes
Total Tract Size:	0.69 Acre
Master Plan Area:	Prairie Delaware Piper Area Plan
Master Plan Designation:	The Prairie-Delaware-Piper Area Plan designates the property as Low Density Residential, which allows single-family residences on lots between one-third (1/3) and three (3) acres.
Major Street Plan:	The Major Street Plan classifies Nelson Lane as a Local/Neighborhood Street.
Required Parking:	Sec. 27-454(e) requires two (2) parking spaces for each single-family residence, at least one (1) of which must be in a garage or carport. The property has at least one (1) parking space in an attached garage and at least two (2) parking spaces available on the driveway.
Advertisement:	<u>The Wyandotte Echo</u> – June 15, 2023 Letters to Property Owner – June 16, 2023 and July 5, 2023
Public Hearings:	August 14, 2023 and August 31, 2023
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, James Viens, is requesting a Special Use Permit to keep 20 chickens on a residential property. A Special Use Permit is required for more than six (6) chickens on a residential property. The applicant has requested 20 chickens (hens) to be kept on property. This Special Use Permit is being requested as a renewal of SP2021-036.

City Ordinance Requirements: 27-592 through 27-606

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. None

Building, Zoning, or Code Enforcement Complaints:

1. None

Outstanding or Related Permits and Cases:

1. SP2021-036 was approved by the Unified Government Board of Commissioners on May 27, 2021.
2. BOZA2021-010 was approved by the Board of Zoning Appeals on May 10, 2021 to have two (2) accessory structures.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The subject property is within the I-435 West Statistical Neighborhood and is not within any Neighborhood Group boundary. The local neighborhood primarily consists of single-family lots, many of which are over one (1) acre and some of which are notably defined by short frontages and long depths. The lots are a mix of Single Family and Agriculture Districts. The neighborhood is immediately west of Wyandotte County Lake Park.

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

The nearby properties are a mix of single-family and agricultural zoning, and many have a rural aesthetic. Parcels nearby measure a few acres in size. Larger parcels do make it easier for some uses that are rural and agricultural in nature to occur without affecting the neighbors. Within the subject property's neighborhood, keeping 20 chickens responsibly, in the rear yard and in a coop, is compatible with the surrounding zoning and uses.

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

The subject property is suitable for 20 chickens, possibly in a separate coop if a variance for a second accessory structure is granted. The coop appears to be at least 10 feet from the property boundary line and at least 25 feet from any neighboring structure, but the applicant will need to provide a revised plot plan to verify that assumption. If all requisite distances and setbacks are met, the property will be suitable for keeping 20 chickens.

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

The subject property is the applicant's primary residence.

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

Special Use Permits are not addressed in the Prairie-Delaware-Piper Area Master Plan. According to the Prairie-Delaware-Piper Area Plan, the Low-Density Residential land use designation encourages rural or very low residential density developments in the very northern part of the planning area, because of existing conditions and land capacity constraints. The low density of the area makes it suitable to have 20 chickens kept on the subject property, because the spacing between residences and the amount of space within a parcel help mitigate any potential negative externalities.

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.*

Keeping chickens for personal purposes will not result in increasing the amount of vehicular traffic to the point where it exceeds the capacity of the street network to accommodate it. The only traffic issue that may arise would be if the applicant were to sell chicken eggs from the property. This is outside the scope of SP2021-036, however, because if the applicant were to conduct sales, then they would need a separate Special Use 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.*

It is reasonably necessary to raise chickens for personal consumption, or even as pets. Mitigation measures, such as the coop's requisite location at least 10 feet from the property boundary, at least 25 feet from any neighboring habitable structure, and other buffering/landscaping/screening, help keep such use from substantially or permanently injuring the appropriate use, visual quality, or marketability of adjoining properties.

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

While hens may make subtle clucks and coos and rustle their feathers, so long as there is no rooster on the property—which is prohibited by Section 7-

175(a)(2)—there is no significant concern about noise, dust, or illumination. The applicant has stated that there will be illumination for the coop, but that it will be downward facing.

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

Chickens, or rather the waste produced by chickens, has the potential to pollute the air, land, and water through smell and biological contamination. The applicant has made efforts to address the waste issue, both in the design of the coop, which has a specific exterior flap to access the waste tray, and by proposing that the chicken waste be used as fertilizer in the applicant's garden. Additionally, the Wyandotte County Conservation District did not address chicken waste as a realistic issue for the local groundwater system. Therefore, the use as proposed will not pollute the air, land or water.

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

As mentioned previously, chicken waste could be a problem if not handled correctly. The Wyandotte County Conservation District has stated that the land and soil were suitable for chickens, so it appears that no irreplaceable natural resources would be damaged or destroyed.

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

While the applicant would personally benefit from keeping chickens, the relative gain to the public health, safety, and welfare may be outweighed by the hardships imposed on the individual landowner or landowners if the chickens proved to be loud, smelly, or polluting. Based on the applicant's submission and statements this does not appear to be the case, but Staff will take this moment to remind the applicant, public, and all recommending and deciding bodies that a Special Use Permit can be revoked at any time if conditions of approval are not satisfied.

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

The applicant is proposing to have 20 chickens in one (1) coop that measures 19.5' x 6' x 8' (length x width x height), for a total footprint of 117 square feet; the applicant has simultaneously requested a variance from the one (1) accessory structure maximum for residentially zoned properties. So long as the coop dimensions and location, and the number of chickens does not increase, there is no concern that the proposed use would result in overcrowding of land or cause undue concentrations of population.

PREVIOUS ACTIONS

- SP2021-036 approved by the Unified Government Board of Commissioners for two (2) years to keep 20 chickens.
- BOZA2021-010 approved by the Board of Zoning Appeals for a second accessory structure – chicken coop.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting via in-person at 9350 Nelson Lane 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

Chicken waste
Noise
Smell

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 10 to 0 to recommend **APPROVAL** of SP2023-034, for **five (5) years**, subject to:

1. Per Section 27-593(a)(10)a. Fowl must be kept no closer than 25 feet to the nearest portion of any building occupied by or in any way used by human beings, other than the dwelling occupied by the owner or keeper of the animals or fowl, or closer than ten feet to the property line of the lot;
2. No eggs or chickens may be commercially sold, whether on site or off site;
3. No more than 20 female chickens (hens) may be kept on the property. No male chickens (rooster) may be kept on the property;
4. The color and material of the proposed accessory structure must match the color and material of the primary residence, unless the materials of the primary residence are materials not allowed on an accessory structure under Section 27-609(2)(a)-(b).
 - i. Exterior wall materials are limited to customary residential finish materials, which include horizontal clapboard siding of all materials; wood and plywood siding; stone and brick, both actual and artificial; and textured finishes such as stucco and stucco board which visually cover the underlying material regardless of the underlying material.
 - ii. Specifically excluded materials are preformed, corrugated or ribbed metal, fiberglass or plastic sheets or panels, unless the metal has a factory-applied finish that closely matches the color of the primary structure.

- iii. **Standard concrete masonry units are excluded unless the walls of the building are painted the exact color of the primary structure.**
- iv. **The exterior roofing materials for roofs sloped more than two in 12 shall be shingles or tiles and not metal, fiberglass or plastic sheets, unless the metal roof has a factory-applied finish that closely matches the roof color of the primary structure or closely matches the color of the primary structure itself if the roof and walls of the accessory structure are to be the same color;**
- 5. **If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for zoning approval only;**
- 6. **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;**
- 7. **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;**
- 8. **The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in**

- revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
9. 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;
 10. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper. 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; and,
 11. 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 **SP2023-034** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

August 14, 2023, City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Conservation District Comment Letter
Applicant Response Letter
Neighborhood Meeting Minutes
Plot Plan
Applicant Photographs
Site Photographs Provided by Staff on June 15, 2023.

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Board of Commissioners
Public Hearing	August 14, 2023	August 31, 2023
Special Use	Approval	

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2023-034** as meeting all the requirements of the city code and being in the interest of the public health, safety, and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **SP2023-034** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety, and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

August 14, 2023 City Planning Commission Minutes:

Hearing starts at 1:36:25:

SPECIAL USE PERMIT APPLICATION SP2023-034 – JAMES M. VIENS -

SYNOPSIS: Special Use Permit (SP2021-036 – expired 7/8/2023) to keep 20 chickens at 9350 Nelson Lane. Detailed Outline of Requested Action: The applicant, James Viens, is requesting a Special Use Permit to keep 20 chickens on a residential property. A Special Use Permit is required for more than six (6) chickens on a residential property. The applicant has requested 20 chickens (hens) to be kept on property. This Special Use Permit is being requested as a renewal of SP2021-036.

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 August 14, 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:

- James Viens, applicant, 9350 Nelson Lane, Kansas City, Kansas 66109

Present in Opposition:

- No one appeared

Staff Recommendation starts at 1:38:20: Planning Director Hand stated that this application is to keep 20 hens on the property. The property is in the Prairie-Delaware-Piper Area Plan. Staff has received no letters in support nor in opposition. There are no Notices of Violation on the property relating to the use. Staff recommends approval for five (5) years, subject to the conditions in the staff report.

Motion starts at 1:38:50:

On motion by Mr. Ward, seconded by Mrs. Jones, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit SP2023-034 for five (5) years:**

Carson

Chairman

Eilts	Aye
Ernst	Aye
Jones	Aye
Miller	Aye
Mohler	Aye
Straws	Aye
Ward	Aye
Armstrong	Aye
Beth	Aye
Connelly	Aye

Motion to recommend **APPROVAL** Passed 10 to 0

Subject to:

1. Per Section 27-593(a)(10)a. Fowl must be kept no closer than 25 feet to the nearest portion of any building occupied by or in any way used by human beings, other than the dwelling occupied by the owner or keeper of the animals or fowl, or closer than ten feet to the property line of the lot;
2. No eggs or chickens may be commercially sold, whether on site or off site;
3. No more than 20 female chickens (hens) may be kept on the property. No male chickens (rooster) may be kept on the property;
4. The color and material of the proposed accessory structure must match the color and material of the primary residence, unless the materials of the primary residence are materials not allowed on an accessory structure under Section 27-609(2)(a)-(b).
 - i. Exterior wall materials are limited to customary residential finish materials, which include horizontal clapboard siding of all materials; wood and plywood siding; stone and brick, both actual and artificial; and textured finishes such as stucco and stucco board which visually cover the underlying material regardless of the underlying material.
 - ii. Specifically excluded materials are preformed, corrugated or ribbed metal, fiberglass or plastic sheets or panels, unless the metal has a factory-applied finish that closely matches the color of the primary structure.
 - iii. Standard concrete masonry units are excluded unless the walls of the building are painted the exact color of the primary structure.
 - iv. The exterior roofing materials for roofs sloped more than two in 12 shall be shingles or tiles and not metal, fiberglass or plastic sheets, unless the metal roof has a factory-applied finish that closely matches the roof color of the primary structure or closely matches the color of the primary structure itself if the roof and walls of the accessory structure are to be the same color;
5. If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does

not mitigate the need for additional licenses as this application is for zoning approval only;

6. 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;
7. 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;
8. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
9. 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;

- 10. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper. 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; and,**
- 11. 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 1. Aerial photograph of 9350 Nelson Lane (provided by UG Maps).

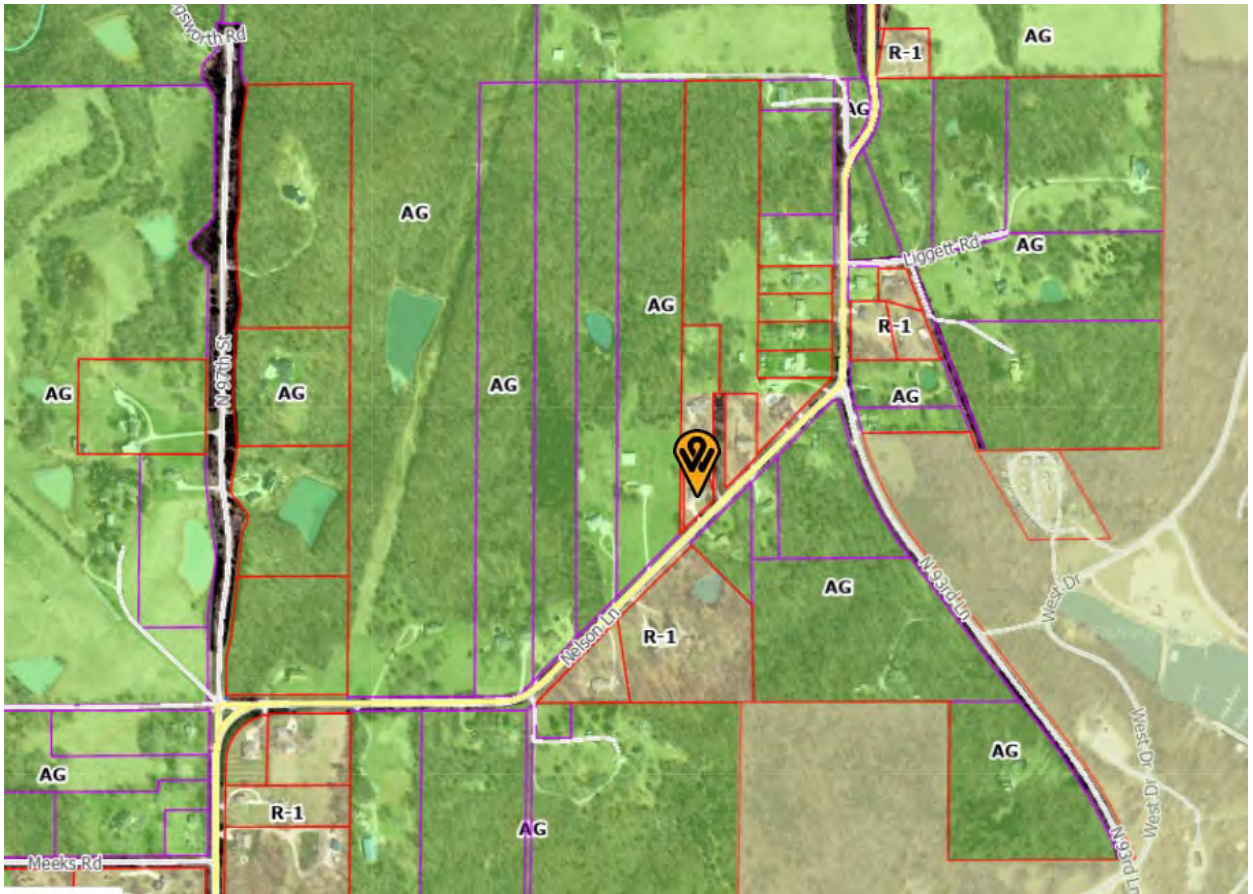


Figure 2. Zoning Map of 9350 Nelson Lane (provided by UG Maps).

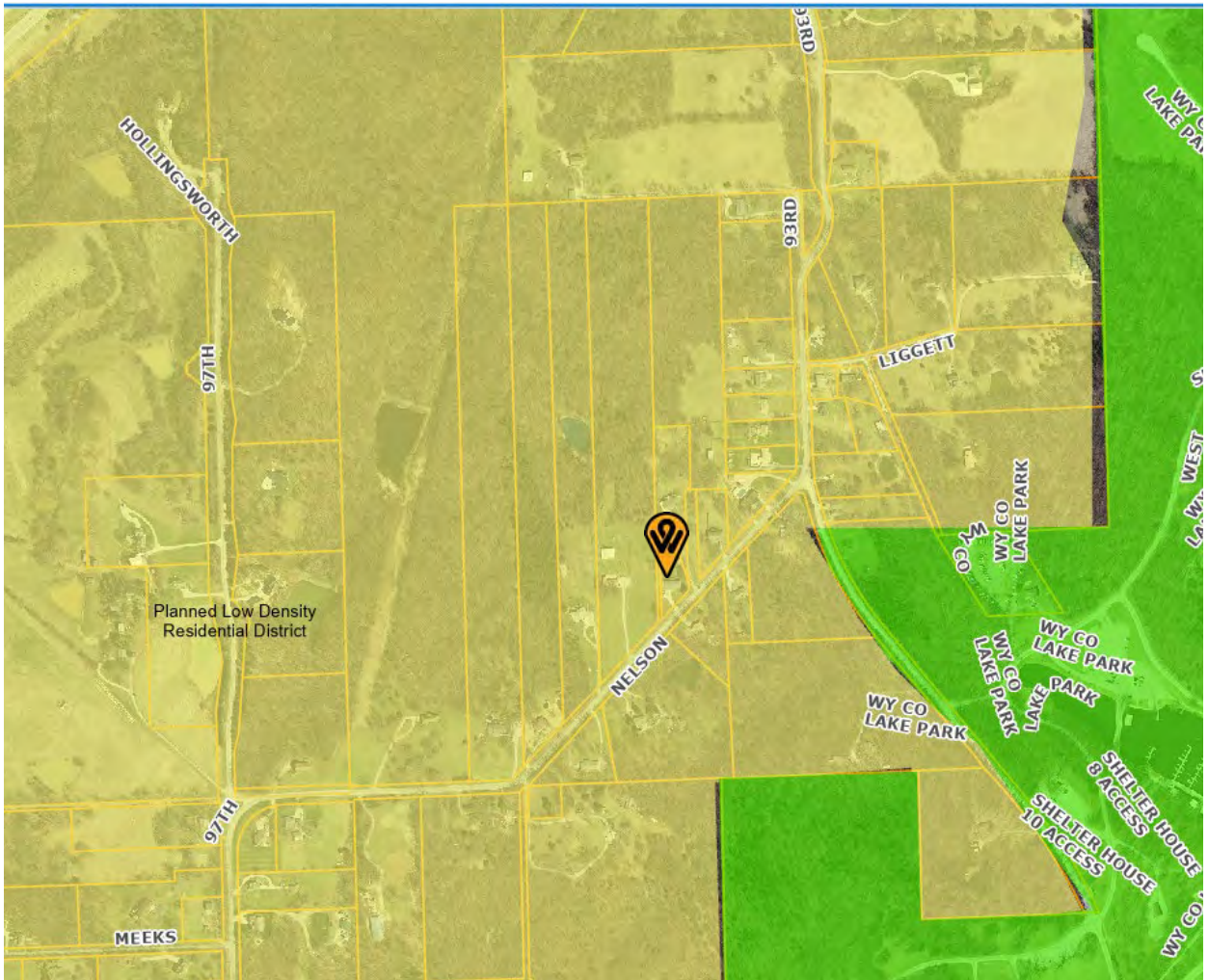


Figure 3. Prairie Delaware Piper Area Plan Land Use Designation Map of 9350 Nelson Lane (provided by ArcGIS Pro).



Wyandotte County Conservation District
1204 N. 7th Street - Kansas City, KS 66102 - Phone: (913)-332-6579 -
wycoconservation@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: SP2023-034 James Viens 20 chickens at 9350 Nelson Lane

Dear Mr. Hand:

The Wyandotte County Conservation District has completed an environmental review of the: SP2023-034 James Viens 20 chickens at 9350 Nelson Lane.

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

MAPS AND REPORTS

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

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

- There are two major soil type identified: Ladoga silt loam, 3 to 8 percent slopes and Knox silt loam, 7 to 12 percent slopes. These soil types are considered very erodible when the surface is denuded of a protective cover.
- The area is well established. There should not be any environmental concerns with this operation as long as the chicken waste is managed.
- Chicken waste needs to be disposed of in a safe manner or composted appropriately.

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

Toy, Byron

From: Jim <jim.viens@gmail.com>
Sent: Monday, August 07, 2023 3:01 PM
To: Toy, Byron
Subject: RE: DRAFT STAFF REPORT - SP2023-034

You don't often get email from jim.viens@gmail.com. [Learn why this is important](#)

After reviewing the report I only saw specific questions on pg 6:

Planning and Urban Design Comments:

General Planning:

2. Have there been any changes since your initial approval in 2021? **NO**
3. How do you dispose of animal waste? **COMPOST**
4. Have solar-powered motion lights been installed on the coop? **NO. No lights have been installed.**

Please let me know if there is anything else I overlooked.

Jim Viens
913-972-3100

From: [Toy, Byron](#)
Sent: Wednesday, July 5, 2023 8:36 AM
To: [Jim](#)
Subject: Re: DRAFT STAFF REPORT - SP2023-034

Jim,

I needed you to respond to the individual questions/comments on pages 6 - 10 of the draft staff report. Due to the time crunch, I need to hold over your Special Use Permit application one (1) months until August 14, 2023 City Planning Commission so you can submit your responses back to me.

Due to the July 4th holiday, hold over (continuance) notices were mailed out on Friday, June 20, 2023.

Thank you,

Byron Toy, AICP

Department of Planning + Urban Design
701 North 7th Street, Suite 423
Kansas City, KS 66101
p. (913) 573-5757
btoy@wycokck.org

NOTE: All Board of Zoning Appeals, City Planning Commission, and Landmarks Commission hearings will be heard virtually with in-person availability in the City Hall lobby (701 North 7th Street, Kansas City, KS 66101). All meetings with Planning and Urban Design staff will continue to prioritize virtual meetings.

NEIGHBORHOOD MEETING MINUTES

Application Number: SP2023-034

Date and Location: 06/20/2023 via ZOOM

Meeting called to order at: 7:00 pm

Names of people in attendance: No attendees

Introductions:

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

Questions and answers (include the following):

- Who asked question or gave comment
- What was the question or comment
- Who answered the question/comment
- What was the answer given

Meeting adjourned at: 8:00 pm

Minutes taken by: Jim Viens

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF _____)
COUNTY OF _____) SS:

Comes now James M. VIEWS, of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition # SP2023-034
2. That I conducted a neighborhood meeting on 6/20/2023.
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.

James M. Views
Affiant

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

My commission expires _____ of _____, 200_.

Notary Public

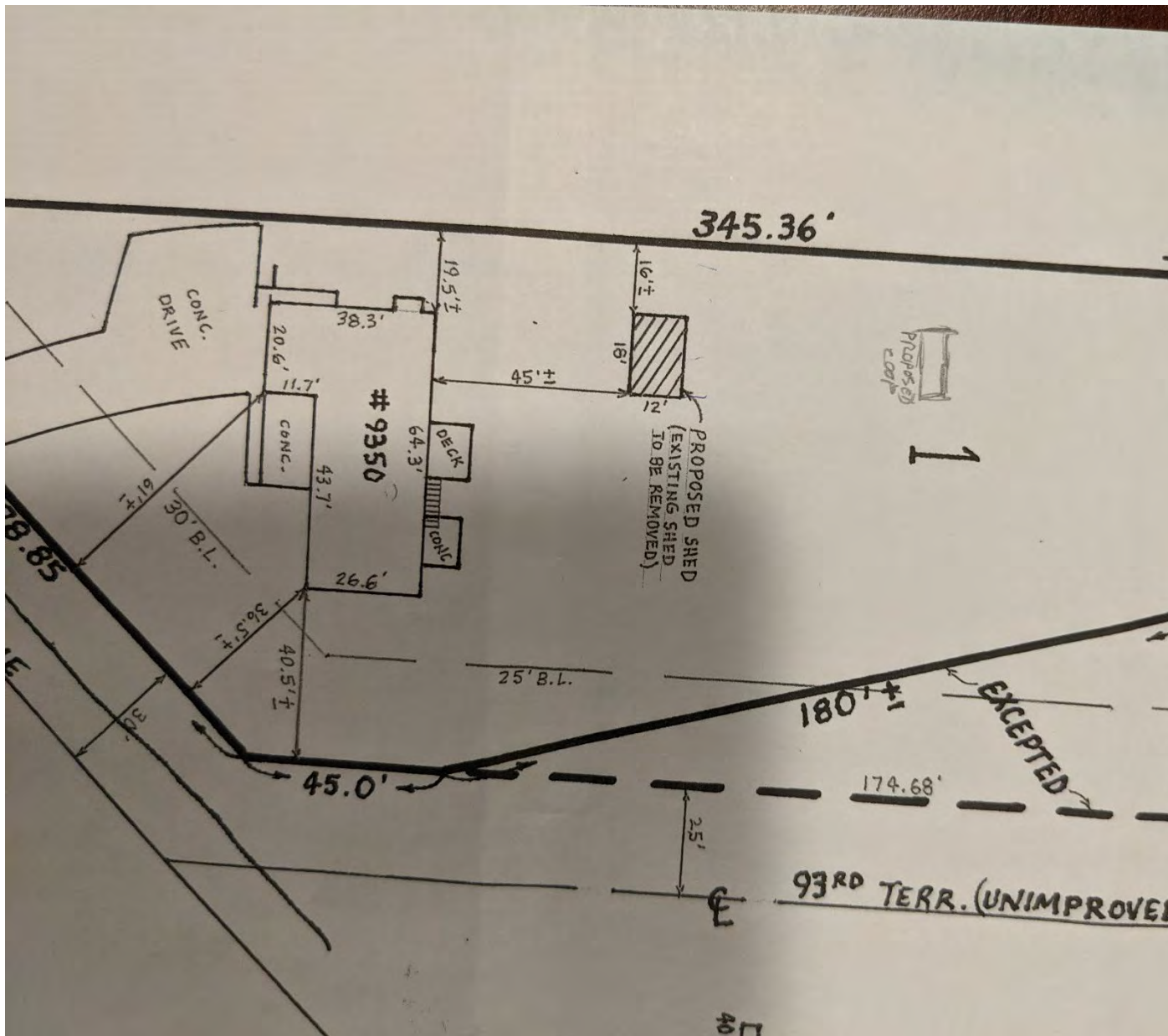




Figure 4. Site Photograph of chicken coop (provided by the Applicant).



Figure 5. Site Photograph of chicken coop (provided by the Applicant).



Figure 6. Site Photograph of 9350 Nelson Lane (provided by Planning Staff).



Figure 7. Site Photograph of 9350 Nelson 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: August 31, 2023

Re: Special Use Petition SP2023-043

GENERAL INFORMATION

Applicant:

Faris Farassati

Status of Applicant:

Representative
KC Outlook Rosedale
12704 Woodon Street
Overland Park, Kansas 66209

Requested Action:

Renewal of a Special Use Permit
(SP-2020-76 - expired on
December 10, 2022).

Date of Application:

June 30, 2023

Purpose:

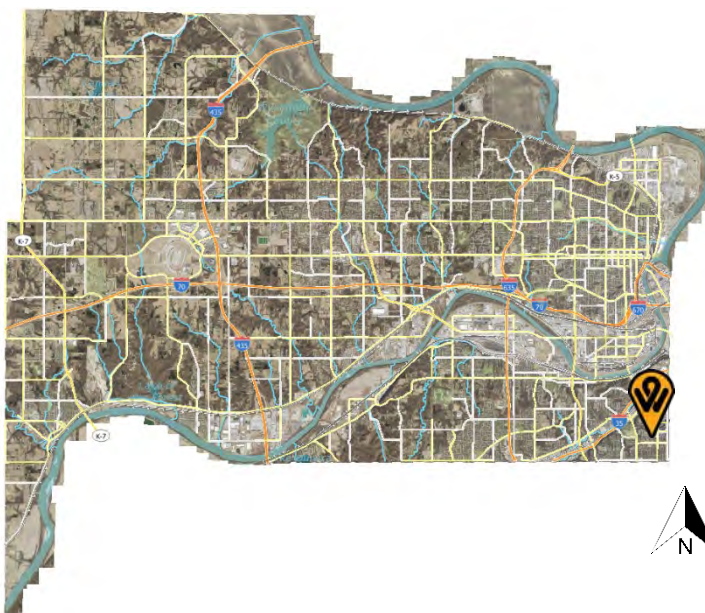
To continue the operation of an
existing day care center.

Property Location:

2605 West 39th Avenue
Kansas City, Kansas 66103

Commission Districts:

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



Existing Zoning:	R-1(B) Single Family District
Adjacent Zoning:	North: R-1(B) Single Family District South: R-1(B) Single Family District East: R-1(B) Single Family District West: R-1(B) Single Family District
Adjacent Uses:	North: Fisher Park South: Duplexes and Single-family residences East: Parking lot and apartments West: Fisher Park and duplexes
Total Tract Size:	0.37 Acre
Master Plan Area:	Rosedale Area Plan
Master Plan Designation:	The Rosedale Area Plan designates the subject 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 West Lake Avenue and West 39th Avenue as Local Streets.
Parking Requirement:	Section 27-469(e) requires the use of off-street parking with one (1) parking space for each 500 square feet of building floor area. For buildings larger than 20,000 square feet, only one (1) space for each 1,000 square feet. For every 25 parking spaces, one (1) must be ADA. For every six (6) ADA parking spaces, one (1) must be van accessible.
Advertisement:	<u>The Wyandotte Echo</u> – July 20, 2023 Letters to Property Owner – July 21, 2023
Public Hearings:	August 14, 2023 and August 31, 2023
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Faris Farassati, is requesting the renewal of a Special Use Permit (SP-2020-76) for the purpose of the continued operation of a day care center at 2605 West 39th Avenue. The applicant lapsed on their previous application, which expired on December 10, 2022.

City Ordinance Requirements: 27-592 through 27-606

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. There was one (1) call for police service for a burglary in 2021.
 - a. 2021 – 2021-28214 - Burglary

Building, Zoning, or Code Enforcement Complaints:

1. There are no active notices of violation under the existing owner.

Outstanding or Related Permits and Cases:

1. 2021 – DRC21-0019 – DRC Building Permit

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 (RDA) group. The neighborhood consists of a diversity of residential uses, including single-family residences, duplexes, fourplexes, and garden-style apartments, as well as a parking lot for the University of Kansas Medical Center, and Fisher Park, directly adjacent to the subject property.

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

The zoning and uses of properties nearby are set out above. The proposed use is compatible with the zoning and uses of properties nearby given the mixed residential nature of the area.

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

The property is suitable for a day care center given the mix of residential densities on neighboring properties. The removal of restrictions has the potential

to detrimentally affect nearby property as the proposed use is for a commercial operation in a predominantly residential part of the neighborhood.

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

The property is not vacant; It is currently being used as a day care center in an established neighborhood.

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

Special Use Permits are not addressed in the Rosedale Area Plan. The Rosedale Area Plan designates the subject 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. The proposed use conforms to the comprehensive plan, as it is an institutional use, which serves the surrounding residential neighborhood.

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

The proposed use inherently results in the increase of vehicular traffic. The vehicular traffic incurred by the proposed use is not expected to result in the increase of traffic to the point where it would exceed the capacity of West 39th Avenue, a Local Street, if properly managed, especially during peak times.

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 presents a convenience and welfare for the public. The proposed use will not substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining property if managed properly.

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

Vibration, illumination and dust are not normally associated with the proposed use and will not be an issue if managed properly. Children may be the source of noise particularly during the times of day when let outside to play. Operation is to take place during the daytime hours only. The proposed use will not create problems for near-by properties if managed properly.

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

The proposed use is not expected to pollute the air, land or water as this is an existing use in a permitted building.

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

The proposed use is not expected to result in the damage or destruction of an irreplaceable natural resource as it is an existing commercial use in a built-out neighborhood.

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

If this Special Use Permit is denied, the landowner will have to find a new use for their property. Given that the property is zoned R-1(B) Single Family District with Narrow Lot Design Guidelines, uses for the property are limited to residential uses as of right. The relative gain to the public health, safety, and welfare as compared to hardship imposed on the landowners is minimal.

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

The proposed use should not result in the overcrowding of land as it intends to operate within the existing structure with required capacity limits. The parking of cars on site may become an issue if not managed properly. The proposed use will cause a high concentration of population as the ratio of teachers to students per classroom is defined by one (1) teacher per every 15 students, and the facility will accommodate 85 students.

PREVIOUS ACTIONS

- Approval of a Special Use Permit (SP-2020-76) for two (2) years to operate a children's day care in 2020.
- Approval of a Special Use Permit (SP-2018-75) for two (2) years to operate a children's day care in 2018.
- Approval of a Special Use Permit (SP-2014-43) for two (2) years to operate an adult day care in 2014.
- Approval of a Special Use Permit (SP-2012-22) for two (2) years to operate an adult day care in 2012.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on July 31, 2023. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Conditions of Approval
DRC Building Permit
Pick-Up and Drop-Off
Scope of Operation

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 10 to 0 to recommend **APPROVAL** of Special Use Permit Application SP2023-043, **for two (2) years**, subject to:

1. The following previous conditions of approval shall remain in effect:
 - a. Sidewalks are required to be installed. Please install a new 5-foot-wide sidewalk on the north/west side of the property along 39th Avenue/Lake Avenue to the western edge of the property.
 - b. Replace broken sidewalks on the east side of the property and install an ADA ramp at the corner of Springfield and 39th Avenue.
 - c. Landscaping is required and must be maintained. Please install street trees every 30 feet along Springfield and 39th/Lake Avenue.
 - d. Install a trash enclosure.
 - e. Repaint the building;
2. The applicant and their General Contractor shall complete and close out their DRC Building Permit, DRC21-0019 and any other active Building Permits;
3. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
4. 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. All exterior lighting, whether mounted on a building or within a parking lot 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;
6. If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;
7. If approved, the applicant must file and maintain a current business occupation tax application with this office;

8. All existing and future driveways must feature curb cuts that are constructed to UG standards;
9. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
10. 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;
11. 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, 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;
12. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
13. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way

for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;

14. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
15. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;
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; and,
17. 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 **SP2023-043** subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

August 14, 2023, City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map – Rosedale Area Plan
Site Plan
Floor Plan
Site Photos, Taken by Staff, Dated July 14, 2023
Neighborhood Meeting Materials

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	August 14, 2023	August 31, 2023
Special Use	Approval	

STAFF CONTACT:

James Molloy
jmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2023-043** as meeting all the requirements of the city code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **SP2023-043, 043** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

August 14, 2023, City Planning Commission Minutes:

Hearing starts at 1:40:04:

SPECIAL USE PERMIT APPLICATION SP2023-043 – FARIS FARASSATI WITH KC OUTLOOK ROSEDALE, LLC - SYNOPSIS: Special Use Permit to operate a children's daycare at 2605 West 39th Avenue (former application SP2020-076 expired 12/10/2022). Detailed Outline of Requested Action: The applicant, Faris Farassati, is requesting the renewal of a Special Use Permit (SP-2020-76) for the purpose of the continued operation of a day care center at 2605 West 39th Avenue. The applicant lapsed on their previous application, which expired on December 10, 2022.

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 August 14, 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:

- Faris Farassati, applicant, KC Outlook Rosedale, LLC, 2605 West 39th Avenue, Kansas City, Kansas 66103, home address 12704 Woodson, Overland Park, Kansas

Present in Opposition:

- No one appeared

Staff Recommendation starts at 1:44:30: Planning Director Hand stated that the request for a Special Use Permit is for a daycare operation that has not opened. He stated that technically this is not a renewal as the previous Special Use Permit expired in December of 2022. The property is in the Rosedale Area Plan. Staff has received no letters in support nor opposition. There is an older Notice of Violation related to the property when it was vacant and has been resolved due to this proposed project. Staff recommends approval for two (2) years as the previous Special Use Permit expired and the operation has yet to open, subject to the conditions in the staff report. Director Hand stated that the previous application was approved with numerous conditions and all of the conditions have been met.

Motion starts at 1:45:39:

On motion by Mrs. Jones, seconded by Ms. Armstrong, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit SP2023-043 for two (2) years:**

Carson	Chairman
Eilts	Aye
Ernst	Aye
Jones	Aye
Miller	Aye
Mohler	Aye
Straws	Aye
Ward	Aye
Armstrong	Aye
Beth	Aye
Connelly	Aye

Motion to recommend **APPROVAL** Passed 10 to 0

Subject to:

1. The following previous conditions of approval shall remain in effect:
 - a. Sidewalks are required to be installed. Please install a new 5-foot-wide sidewalk on the north/west side of the property along 39th Avenue/Lake Avenue to the western edge of the property.
 - b. Replace broken sidewalks on the east side of the property and install an ADA ramp at the corner of Springfield and 39th Avenue.
 - c. Landscaping is required and must be maintained. Please install street trees every 30 feet along Springfield and 39th/Lake Avenue.
 - d. Install a trash enclosure.
 - e. Repaint the building;
2. The applicant and their General Contractor shall complete and close out their DRC Building Permit, DRC21-0019 and any other active Building Permits;
3. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
4. 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. All exterior lighting, whether mounted on a building or within a parking lot 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;

- 6. If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;**
- 7. If approved, the applicant must file and maintain a current business occupation tax application with this office;**
- 8. All existing and future driveways must feature curb cuts that are constructed to UG standards;**
- 9. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;**
- 10. 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;**
- 11. 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, 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;**
- 12. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation**

- of this permit. The property may also be subject to enforcement actions and administrative citations;
13. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
 14. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
 15. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;
 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; and,
 17. 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



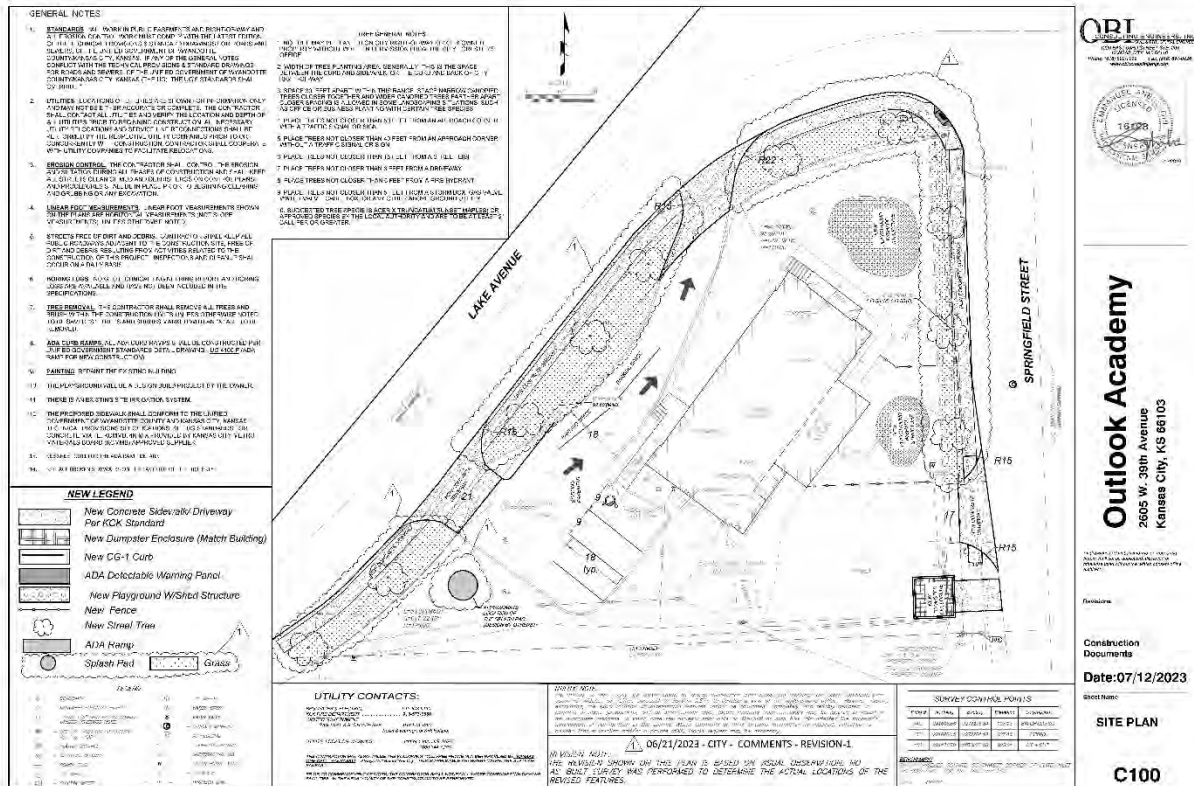
LAND USE MAP – ROSEDALE AREA PLAN



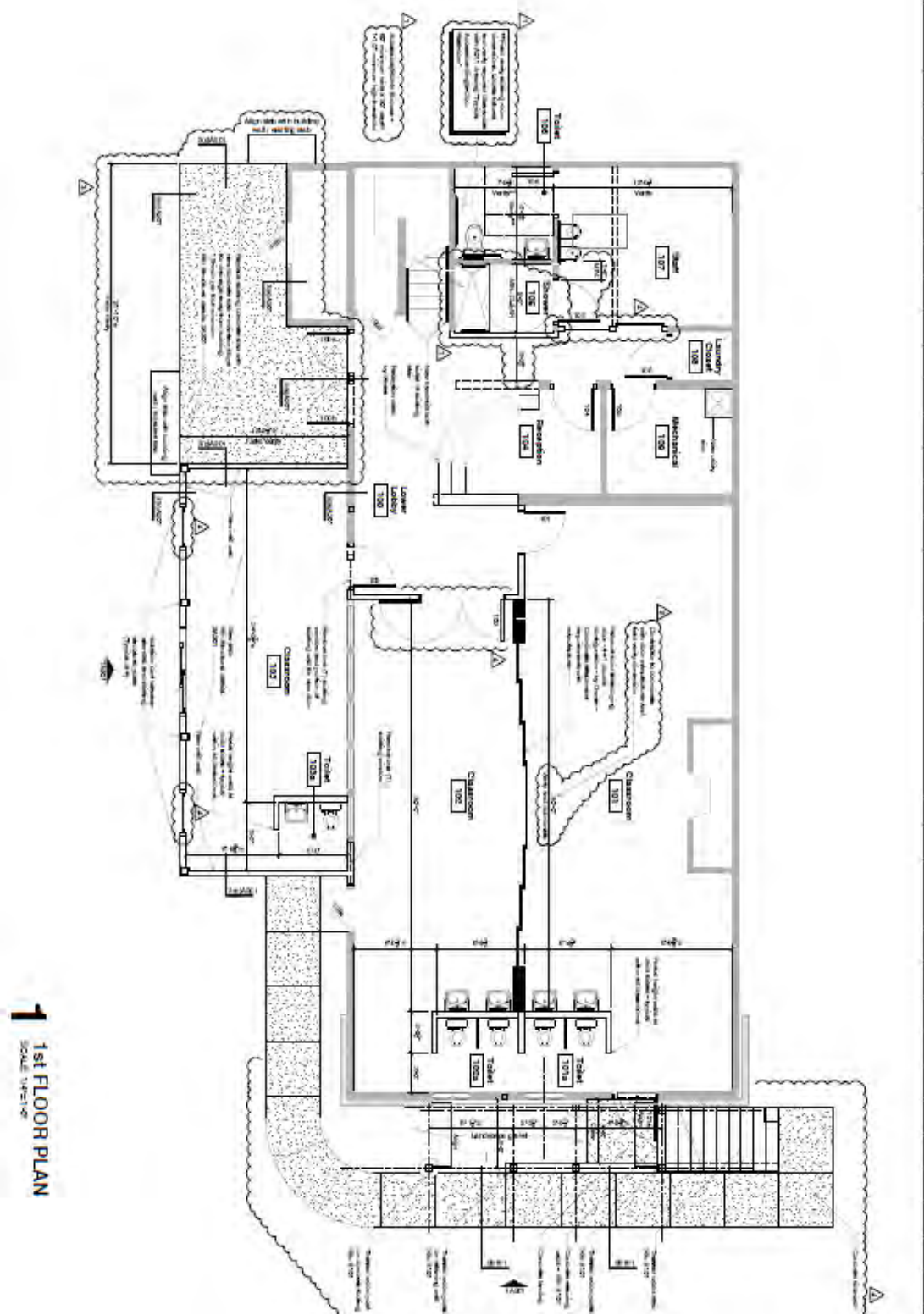
SP2023-043

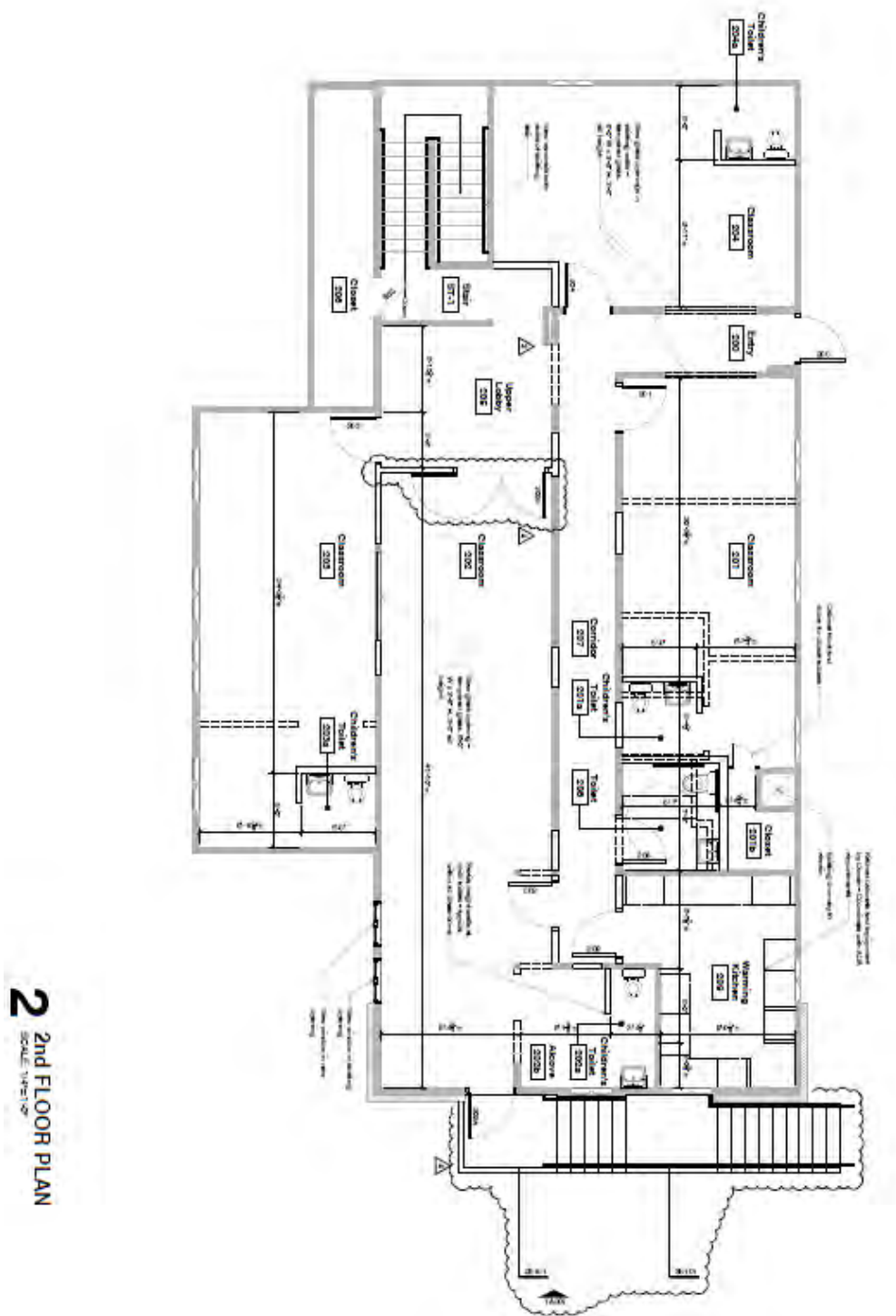
August 31, 2023

16



FLOOR PLAN





SITE PHOTOS, TAKEN BY STAFF, DATED JULY 14, 2023



NEIGHBORHOOD MEETING MATERIALS

Date: 08/02/2023

Dear Ms Parker

Please find the information as below.

- List of people who participated in the Zoom meeting on July/31 meeting via Zoom:
1-Faris Farassati
- List of people who contacted me with questions/comments:
None



Regards

Faris Farassati, PhD, PharmD,
Outlook Academy
2605 West 39th Ave, KCK, 66103
913-645-7929

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)

COUNTY OF Wyandotte) SS:

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

1. That I am the petitioner for Petition # SP2023-043
2. That I conducted a neighborhood meeting on July 31, 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.

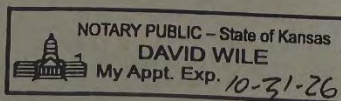
Further affiant saith not.

FARIS FARASSATI F Farassati
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 2 day of August, 2023

My commission expires 10 of 31, 2026

David Wile
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: August 31, 2023

Re: Special Use Petition SP2023-051

GENERAL INFORMATION

Applicant:

Ruben Rosales

Status of Applicant:

Owner

2924 Eaton Street
Kansas City, KS 66103

Requested Action:

Approval of a Short-term Rental
Special Use Permit.

Date of Application:

June 30, 2023

Purpose:

To approve a Special Use Permit
for a short-term rental. This is the
owner's primary residence;
however, they will not be on-site
during rentals, necessitating the
Special Use Permit.

Property Location:

2924 Eaton Street
Kansas City, KS 66103



Commission Districts:	Commissioner At-Large District #2: Tom Burroughs District #3 Commissioner: Christian Ramirez	
Existing Zoning:	R-5 Apartment District	
Adjacent Zoning:	North:	R-5 Apartment District
	South:	R-5 Apartment District
	East:	R-5 Apartment District
	West:	M-1 Light Industrial District
Adjacent Uses:	North:	Fourplex
	South:	Fourplex
	East:	Storage warehouse
	West:	Fourplex
Total Tract Size:	0.07 Acres	
Master Plan Designation:	The Rosedale Area Plan designates this area 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 Eaton Street as a collector street.	
Parking Requirement:	Section 27-460(d) states “One (1) and one-half 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 bedrooms or more”. The property provides three (3) parking spaces.	
Advertisement:	<u>The Wyandotte Echo</u> – July 20, 2023 Letters to Property Owner – July 21, 2023	
Public Hearings:	August 14, 2023 and August 31, 2023	
Public Support:	None to date.	
Public Opposition:	None to date.	

PROPOSAL

Detailed Outline of Requested Action: The applicant, Ruben Rosales, is requesting a Short-Term Rental Special Use Permit to operate a short-term rental at 2924 Eaton Street. This is the owner's primary residence; however, they would not be on-site while the property is rented out. This would be the first and only permitted short-term rental on the 2900 block of Eaton Street. There is one other unpermitted short-term rental on the block at 2904 Eaton 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.

Building, Zoning, or Code Enforcement Complaints:

1. 2016 – 16205-00458 – Environmental – Debris in yard

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 and the Rosedale Development Association (RDA) group. The neighborhood consists of a mix of townhouses, garden-style apartments, and attached 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 on most sides by the R-5 Apartment district, and a Storage Mart facility is across the backyard of the property to the west. 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 fourplex. The property could be suitable for use as a short-term rental if properly managed. Removal of the restrictions that require a Special Use Permit for such activities has the potential to create issues such as parking, excessive noise and overcrowding.

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

The property is currently the owner's primary residence. The current property owner has owned the property since early 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 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. 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 Eaton Street, a local street, to accommodate it if managed properly while it functions as a short-term rental. Guests of short-term rentals tend to travel more throughout the area, as they are typically visitors or tourists.

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

The proposed use provides a convenience to the public in the form of temporary lodging, however, issues such as noise, vibration, overcrowding of land, and undue concentrations of population could impact nearby properties negatively. If managed properly, however, the use of the property is not expected to 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 and illumination are issues related to short-term rentals. There have not been any noise complaints to date with the current applicant. Vibration and dust

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 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 cannot be determined, as the applicant did not provide the required floor plan. 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, 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 property.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on July 31, 2023. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Floor Plan
Home Inspection Report
Noise
Overcrowding
Parking
Required Repair Items

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 10 to 0 to recommend **APPROVAL** of Special Use Permit Application SP2023-051, **for one (1) year**, subject to:

1. The following items must be addressed prior to publication of SP2023-051:
 - o There is a slight leak on the shut off valve to the furnace.
 - o Replace the stair railings that have more than a 4" space between balusters.
2. Any additional repairs not addressed prior to approval of SP2023-051 outlined within the provided home inspection report shall be performed prior to renewal of this Special Use Permit.
3. All existing and future driveways must be upgraded to an improved surface (concrete, asphalt or permeable pavers) and feature curb cuts constructed to UG standards (concrete).
4. The landscaping outside must be maintained.
5. Maximum number of guests is seven (7).
6. All parking must be off-street, maximum number of vehicles is three (3). No STR renters or guests may park on-street.
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; and
22. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.
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. All conditions of approval herein must be constructed, executed, implemented, or otherwise completed within 18 months of approval unless otherwise determined by the Director of Planning or their designee.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **SP2023-051** subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

August 14, 2023, City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map – Rosedale Area Plan
Host Compliance Map
Floor Plan
Home Inspection Report
Site Photos, Provided by Staff, Dated July 14, 2023
Neighborhood Meeting Materials

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	August 14, 2023	August 31, 2023
Special Use	Approval	

STAFF CONTACT:

James Molloy
jmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2023-051**, as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **SP2023-051**, 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.

August 14, 2023, City Planning Commission Minutes:

Hearing starts at 1:55:42:

SPECIAL USE PERMIT APPLICATION SP2023-051 – RUBEN ROSALES -

SYNOPSIS: Special Use Permit to operate a Short-Term Rental at 2924 Eaton Street.

Detailed Outline of Requested Action: The applicant, Ruben Rosales, is requesting a Short-Term Rental Special Use Permit to operate a short-term rental at 2924 Eaton Street. This is the owner's primary residence; however, they would not be on-site while the property is rented out. This would be the first and only permitted short-term rental on the 2900 block of Eaton Street. There is one other unpermitted short-term rental on the block at 2904 Eaton 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 August 14, 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:

- Ruben Rosales, applicant, 2924 Eaton Street, Kansas City, Kansas 66103

Chairman Carson asked if he is in agreement with the conditions in the staff report. Mr. Rosales states yes, he does need some clarification from staff on a few items.

Planning Commissioner Eilts directed questions to the applicant.

Present in Opposition:

- No one appeared

Staff Recommendation starts at 2:01:25: Planning Director Hand stated that the request is for a Special Use Permit for an owner-occupied Short-Term Rental, but because the applicant intends to rent the property when it is not occupied, this is not an administrative review as per the new Short-Term Rental Ordinance. This property is in the Rosedale Area Plan. Staff has received no letters in support nor opposition. There is one (1) old Notice of Violation as it relates to property maintenance and Staff has included a condition of approval to address that issue. Staff recommends approval for one (1) year subject to the conditions in the staff report including addressing the overgrown landscaping on the site. He requested Condition #3 be amended to better address concerns related to the gravel parking on-site.

Motion starts at 2:02:50:

On motion by Mr. Ward, seconded by Mr. Ernst, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit SP2023-051 for one (1) year:**

Carson	Chairman
Eilts	Aye
Ernst	Aye
Jones	Aye
Miller	Aye
Mohler	Aye
Straws	Aye
Ward	Aye
Armstrong	Aye
Beth	Aye

1. The following items must be addressed prior to publication of SP2023-051:
 - o There is a slight leak on the shut off valve to the furnace.
 - o Replace the stair railings that have more than a 4" space between balusters.
2. Any additional repairs not addressed prior to approval of SP2023-051 outlined within the provided home inspection report shall be performed prior to renewal of this Special Use Permit.
3. All existing and future driveways must be upgraded to an improved surface (concrete, asphalt or permeable pavers) and feature curb cuts constructed to UG standards (concrete).
4. The landscaping outside must be maintained.
5. Maximum number of guests is seven (7).
6. All parking must be off-street, maximum number of vehicles is three (3). No STR renters or guests may park on-street.
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; and**
- 22. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the**

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

ATTACHMENTS

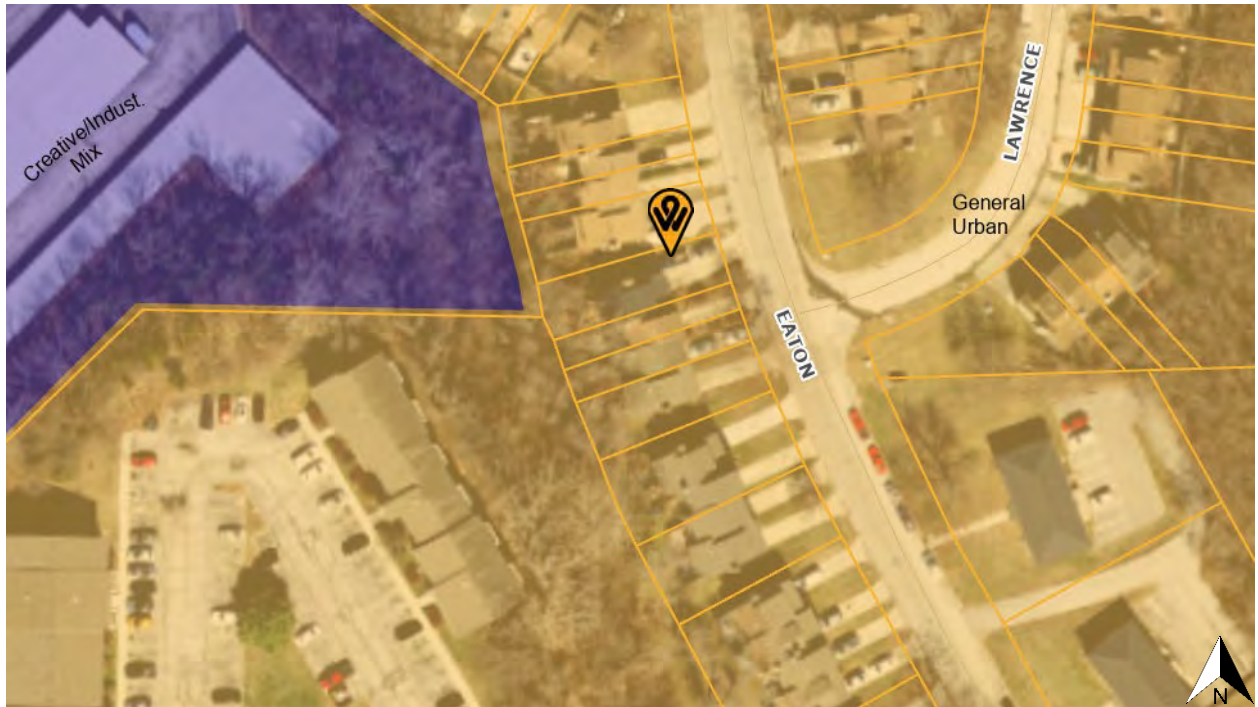
AERIAL IMAGERY



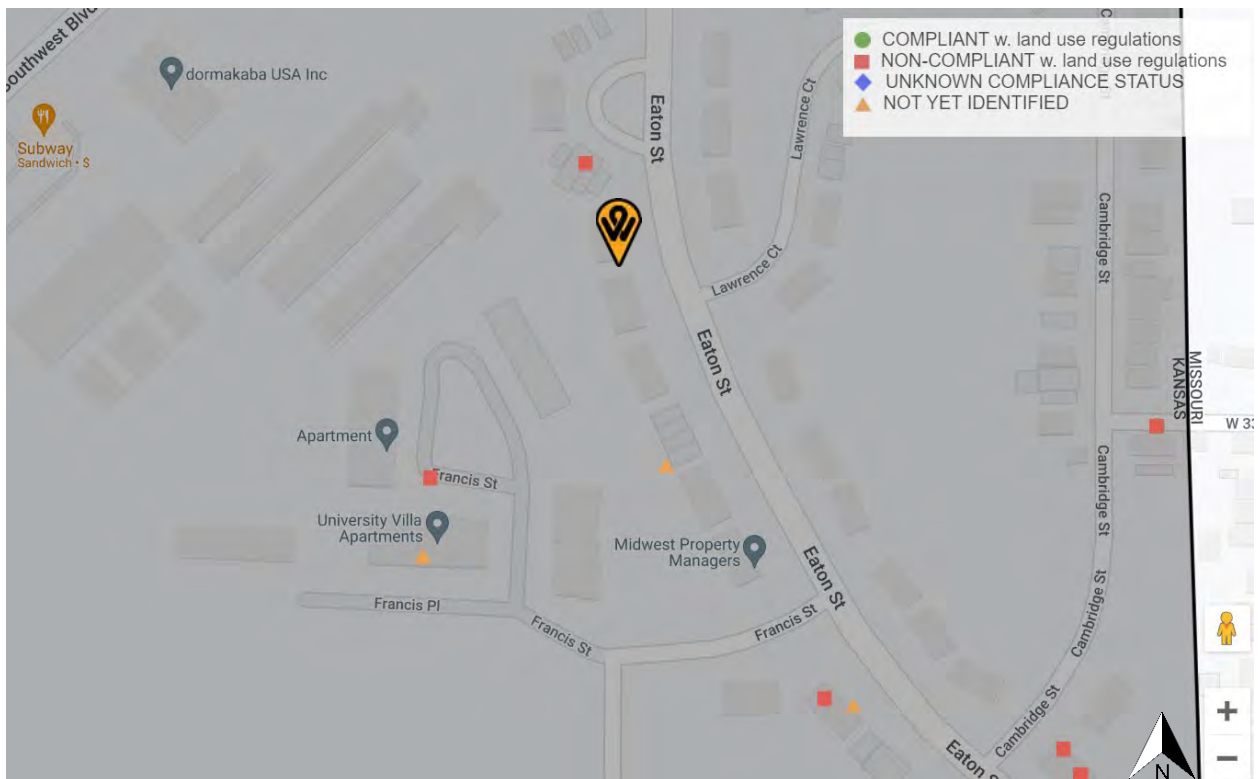
ZONING MAP



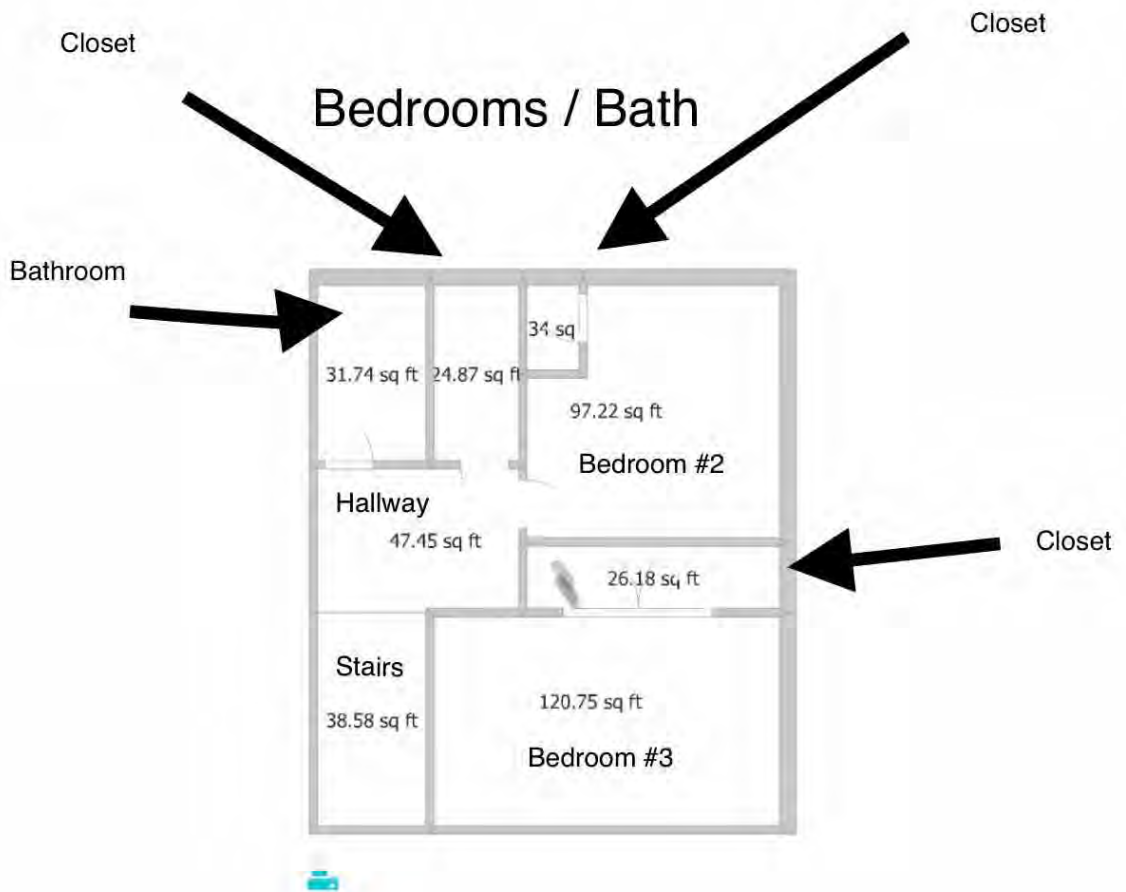
LAND USE MAP

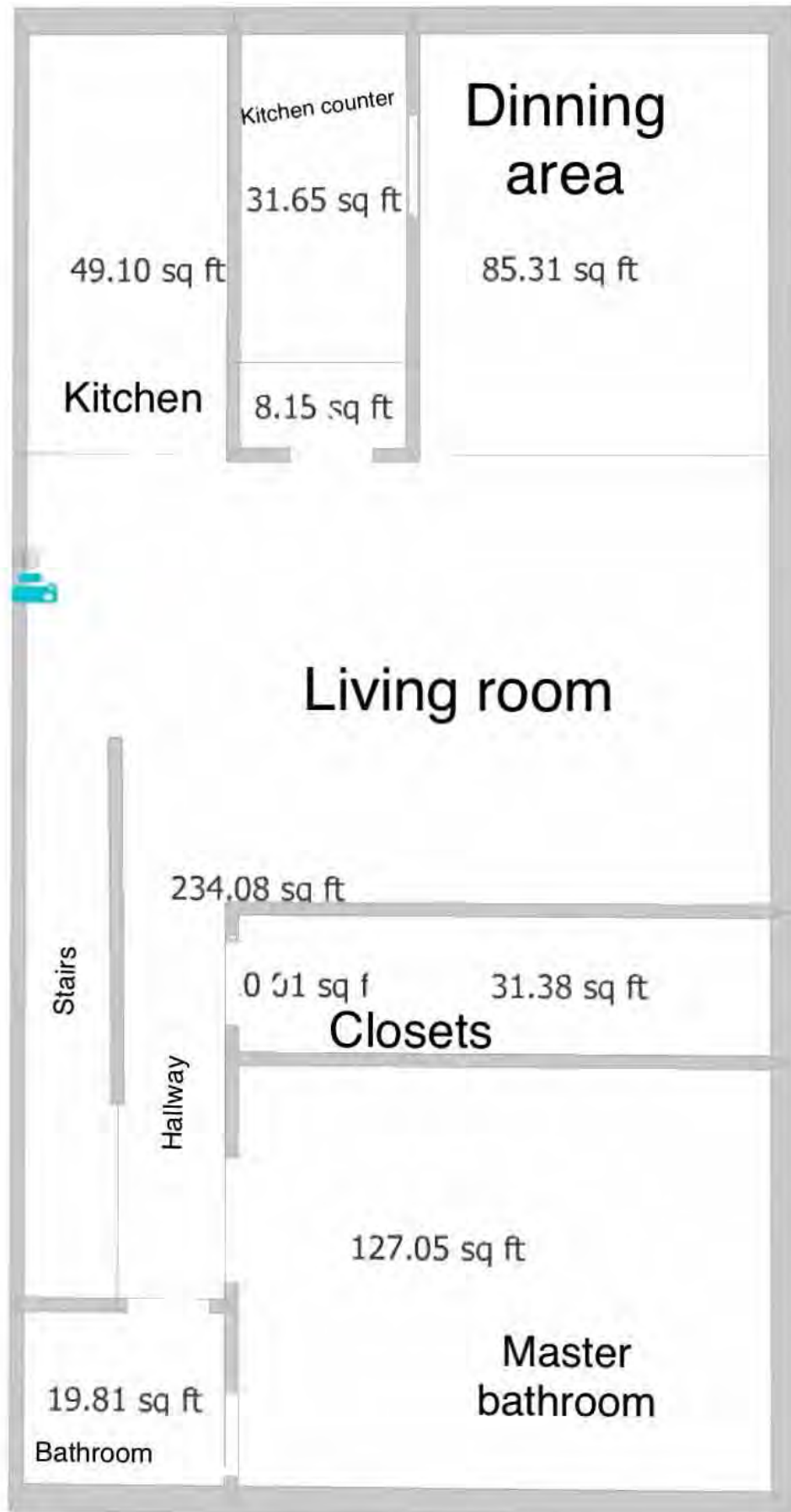


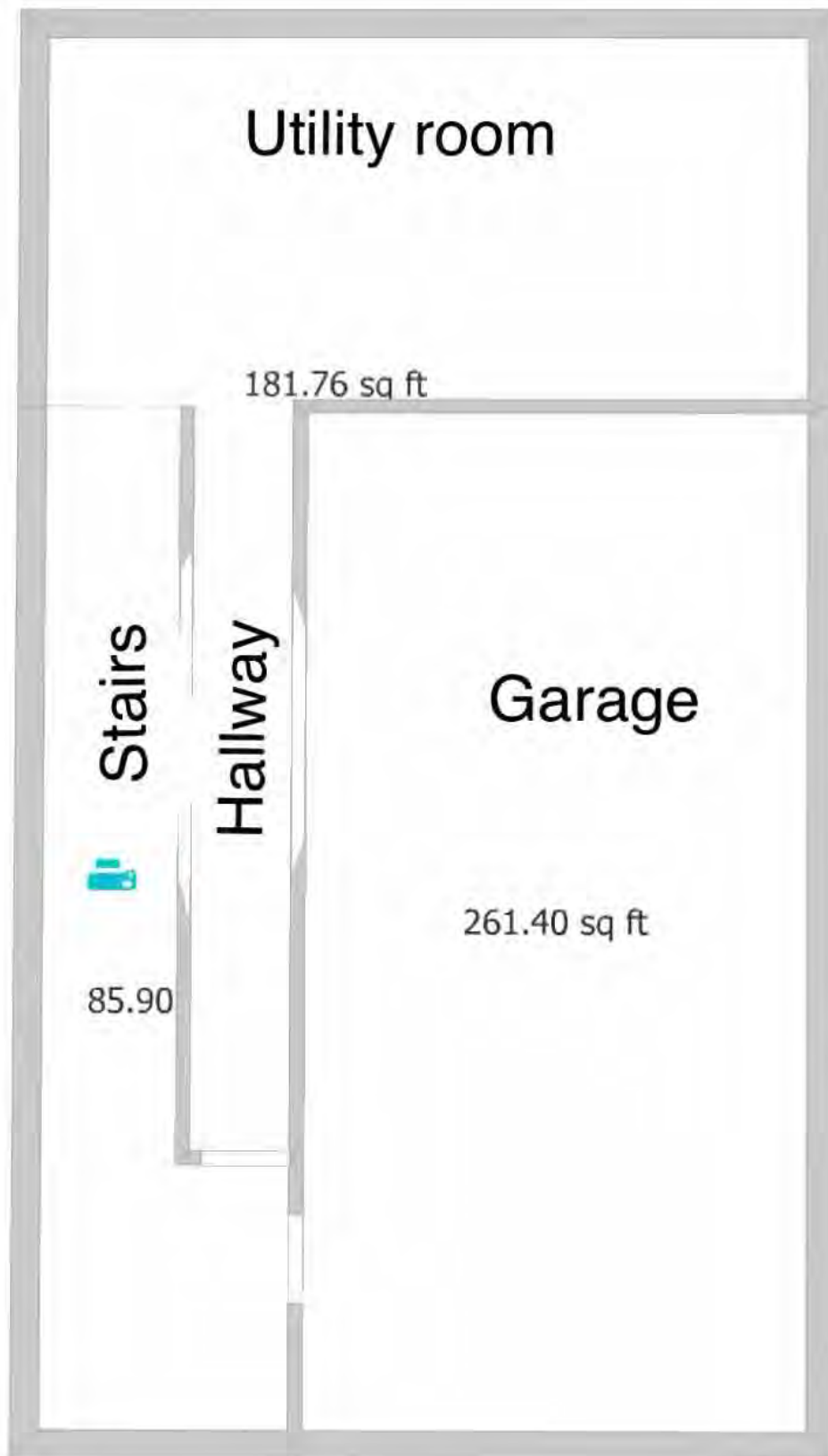
HOST COMPLIANCE MAP – JULY 14, 2023



FLOOR PLAN







Deficiencies

7.1.1 Steps/Railings

BALUSTER SPACING - GREATER THAN 4"

 Significant or Safety

The baluster spacing shown was not up to modern safety standards. The space between balusters should not allow a 4" diameter sphere to pass through for child safety. I recommend having this repaired by a qualified handyman.



Vantage Home Inspection

Page 22 of 48

Deficiencies

8.1.1 Gas Supply

GAS LEAK

 Significant or Safety

A gas leak was detected at the shut off valve to the furnace. I recommend a qualified plumbing professional repair immediately.



Furnace shut off valve



Confirmed with second tester

SITE PHOTOS, TAKEN BY STAFF, DATED JULY 14, 2023



Attendance and questions asked by them

Rob Cummings -

Questions asked:

- 1) drive way turning to slab
- 2) Who will oversee it while I travel.
- 3) What is the intentions for the STR

Total attendance: 1

AFFIDAVIT – NEIGHBORHOOD MEETING

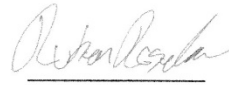
STATE OF **Kansas**)
) SS: XXX-XX-1976
COUNTY OF **Wyandotte**)

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

1. That I am the petitioner for Petition # SP2023-051.
2. That I conducted a neighborhood meeting on 07/31/2023.
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.

Ruben Rosales
Affiant



SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 2nd day of August, 2023
My commission expires 11 of July, 2026

KATELYN LANDERS
Notary Public-State of Kansas
My Appt. Expires 7-11-2026


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: August 31, 2023

Re: Special Use Petition SP2023-053

GENERAL INFORMATION

Applicant:

Elizabeth Harding

Status of Applicant:

Owner
8910 Delmar Street
Prairie Village, Kansas 66207

Requested Action:

Approval of a Short-term Rental
Special Use Permit.

Date of Application:

June 30, 2023

Purpose:

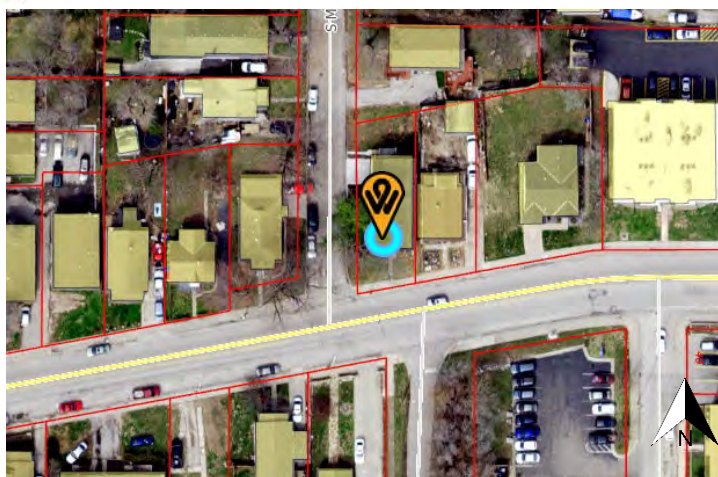
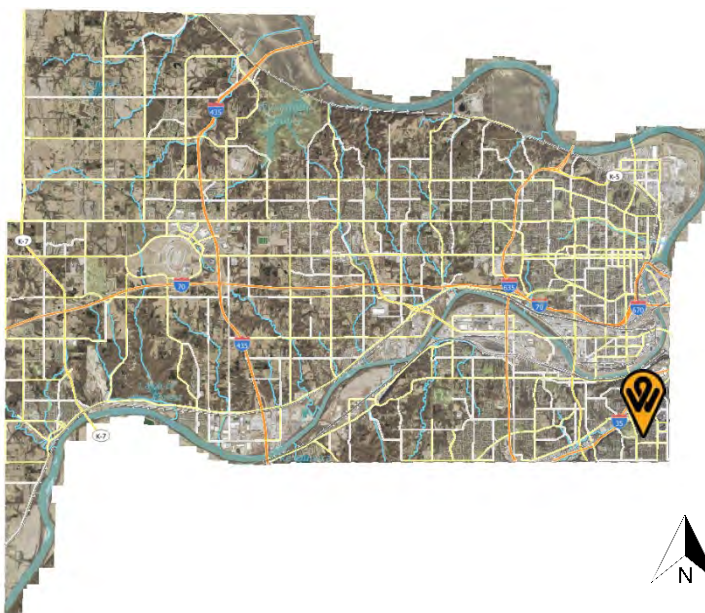
To approve a Special Use Permit
for a short-term rental. This is not
the owner's primary residence.

Property Location:

2822 W 43rd Avenue
Kansas City, KS 66103

Commission Districts:

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



Existing Zoning:	R-2(B) Two 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:	0.01 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 43 rd Avenue as a Class C thoroughfare.
Parking Requirement:	Section 27-457(d) states “One (1) parking space for each dwelling unit shall be provided on the premises”. The property provides one (1) parking space.
Advertisement:	<u>The Wyandotte Echo</u> – July 20, 2023 Letters to Property Owner – July 21, 2023
Public Hearings:	August 14, 2023 and August 31, 2023.
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The Applicant, Elizabeth Harding, is requesting a Short-Term Rental Special Use Permit to operate a short-term rental at 2822 W 43rd Avenue. This is not the owner’s primary residence. This would be the first and only permitted short-term rental on the 2800 block of 43rd Avenue.

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.

Building, Zoning, or Code Enforcement Complaints:

1. 2020 – 20299-01613 – Multiple Environmental & Structural Violations
2. 2020 – 20299-01379 – Multiple Environmental & Structural Violations
3. 2019 – 19200-05150 – Unfit Structure
4. 2014 – 14212-00213 – Tall Weeds

Outstanding or Related Permits and Cases:

1. 2023 - RL-0007673-R23 – Rental License Renewal

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 (RDA) group. The neighborhood consists of a mix of townhouses, garden-style apartments, and single-family residences. It is located between Mission Road and Rainbow Boulevard, two mixed-use corridors. Some mixed-use is also located on 43rd Avenue.

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

The zoning and uses are set out above. The property is surrounded primarily by the R-1(B) Single Family 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 two-family home. One (1) of the two (2) units on the property could be suitable for use as a short-term rental if properly managed. Removal of the restrictions that require a Special Use Permit for such activities has the potential to create issues such as parking, excessive noise and overcrowding.

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

It is unclear if the property is vacant. The current property owner has owned the property since mid-2022.

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. Three (3) story apartment buildings, retail, and office uses are allowed only on neighborhood and mixed-use corridors. 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 43rd Avenue, a Class A Thoroughfare, to accommodate it if managed properly while it functions as a short-term rental. Guests of short-term rentals tend to travel more throughout the area, as they are typically visitors or tourists.

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

The proposed use provides a convenience to the public in the form of temporary lodging, however, issues such as noise, vibration, overcrowding of land, and undue concentrations of population could impact nearby properties negatively. If managed properly, however, the use of the property is not expected to substantially nor permanently injure the appropriate use, visual quality, or marketability of adjoining property.

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

Noise and illumination are issues that are related to short-term rentals. There have not been any noise complaints to date with the current applicant. Vibration or dust 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 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 cannot be determined, as the applicant did not provide the required floor plan. The maximum number of vehicles off-street is one (1). There shall be no on-street parking for STR renters or guests. 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

1. COZ2022-002 – Change of Zone from R-1(B) to R-2(B) – Approved
2. BOZA2022-005 – Minimum Parking Requirement Variance – Approved

NEIGHBORHOOD MEETING

The applicant received neighborhood comments by receiving letters or phone calls through the date of July 31, 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
Overcrowding
Parking
Required Repair Items

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 10 to 0 to recommend **APPROVAL** of Special Use Permit Application SP2023-053, **for one (1) year**, subject to:

1. Only one (1) unit of the duplex may be used as a short-term rental.
2. Any additional repairs not addressed prior to approval of SP2023-053 outlined within the provided home inspection report shall be performed prior to renewal of this Special Use Permit.
3. Maximum number of guests is three (3)
4. All parking must be off-street, maximum number of vehicles is one (1). No STR renters or guests may park on-street.
5. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax.
6. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented.
7. Applicant is to maintain liability insurance.
8. The property must remain in proper 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 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
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. All conditions of approval herein must be constructed, executed, implemented, or otherwise completed within 18 months of approval unless otherwise determined by the Director of Planning or their designee.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **SP2023-053** subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

August 14, 2023, City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Host Compliance Map
Home Inspection Report
Floor Plan
Site Photos, Taken by Staff, Dated July 14, 2023
Neighborhood Meeting Materials

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	August 14, 2023	August 31, 2023
Special Use	Approval	

STAFF CONTACT:

James Molloy
jmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2023-053** 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 **SP2023-053**, 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.

August 14, 2023, City Planning Commission Minutes:

Hearing starts at 2:11:20:

SPECIAL USE PERMIT APPLICATION SP2023-053 – ELIZABETH HARDING -

SYNOPSIS: Special Use Permit to operate a Short-Term Rental at 2822 West 43rd Avenue. *Detailed Outline of Requested Action:* The Applicant, Elizabeth Harding, is requesting a Short-Term Rental Special Use Permit to operate a short-term rental at 2822 W 43rd Avenue. This is not the owner's primary residence. This would be the first and only permitted short-term rental on the 2800 block of 43rd 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 August 14, 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:

- Elizabeth Harding, applicant, (property address) 2822 West 43rd Avenue, Kansas City, Kansas 66103, and owner's address is 8910 Delmar Street, Prairie Village, Kansas

Commissioner Eilts directed questions to the applicant.

Present in Opposition:

- No one appeared

Staff Recommendation starts at 2:14:10: Planning Director Hand stated that Staff will include the neighborhood meeting information in the staff report for the Board of Commissioners meeting. The request is for a Special Use Permit for a Short-Term Rental. He stated that there was a previous application for a Change of Zone to convert the property to a duplex about one (1) year ago. Before that it was a severely distressed property that was rehabilitated by the previous owner. This property is in the Rosedale Area Plan. Staff has received no letters in support nor opposition. There are some older Notices of Violation when the property was vacant that have been resolved to date. Staff recommends approval for one (1) year subject to the conditions in the staff report. Director Hand stated that since this is a duplex, if approved, one (1) unit can be only used for long-term rental and the other side can be used for short-term rental.

Commissioner Straws asked the applicant if she is in agreement in going forward with the application with the clarification of the long-term and short-term rental requirements. Ms. Harding stated that she is now going to analyze her options as she was not aware of the requirement. She wanted the short-term rental as an option and have mostly long-term rentals in her business portfolio.

Motion starts at 2:19:02:

On motion by Mrs. Jones, seconded by Mr. Ernst, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit SP2023-053 for one (1) year:**

Carson	Chairman
Eilts	Aye
Ernst	Aye
Jones	Aye
Miller	Aye
Mohler	Aye
Straws	Aye
Ward	Aye
Armstrong	Aye
Beth	Aye
Connelly	Aye

Motion to recommend **APPROVAL** Passed 10 to 0

Subject to:

1. Only one (1) unit of the duplex may be used as a short-term rental.
2. Any additional repairs not addressed prior to approval of SP2023-053 outlined within the provided home inspection report shall be performed prior to renewal of this Special Use Permit.
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4. All parking must be off-street, maximum number of vehicles is one (1). No STR renters or guests may park on-street.

5. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax.
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7. Applicant is to maintain liability insurance.
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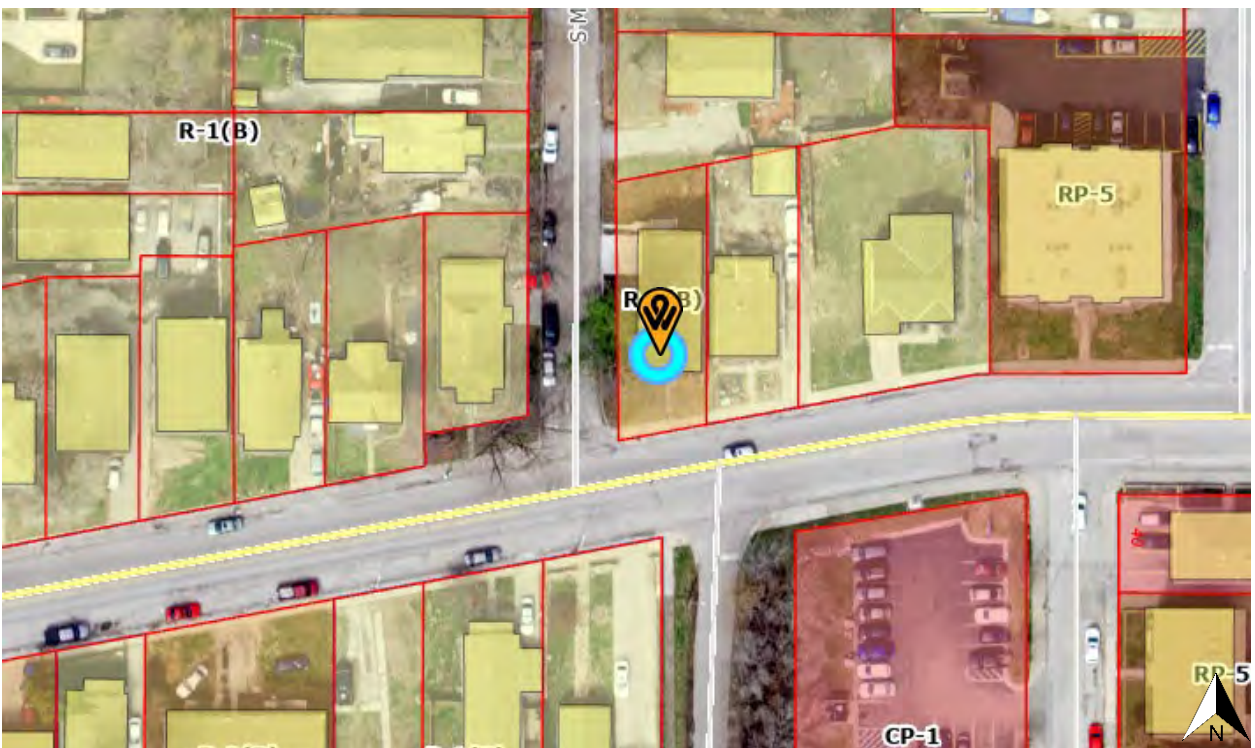
17. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 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 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
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. 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.

ATTACHMENTS

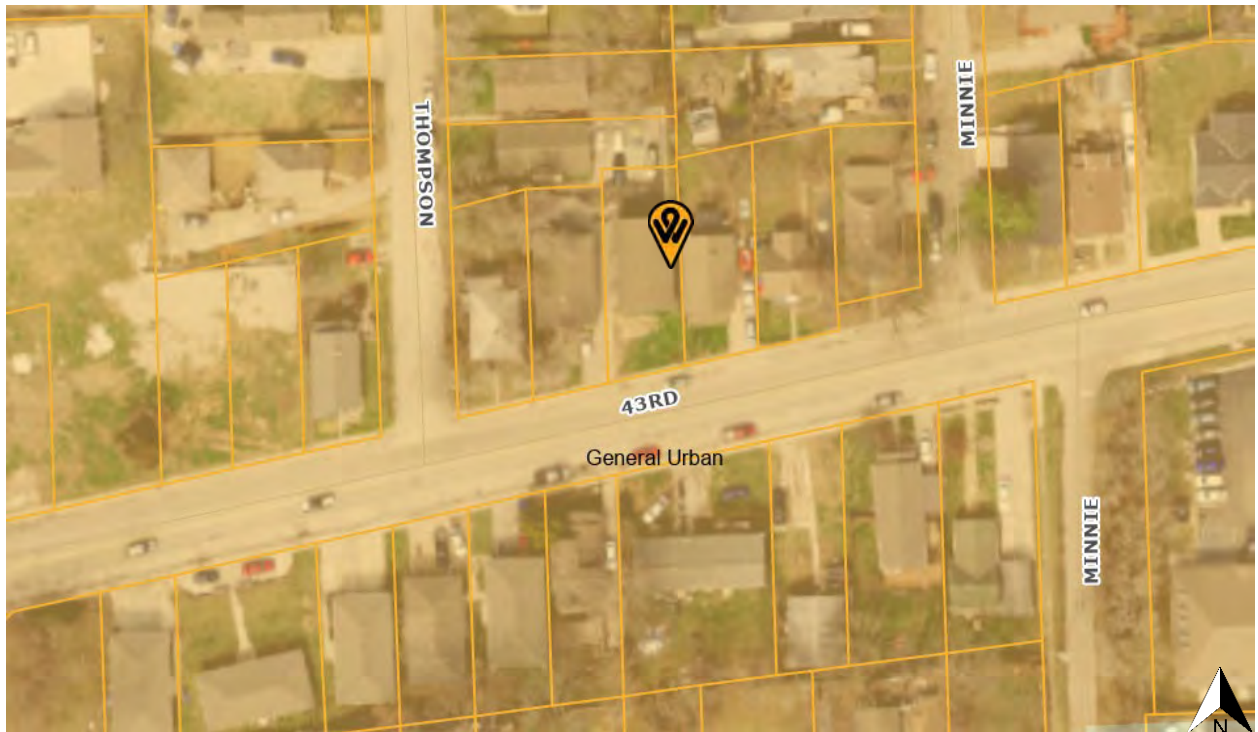
AERIAL IMAGERY



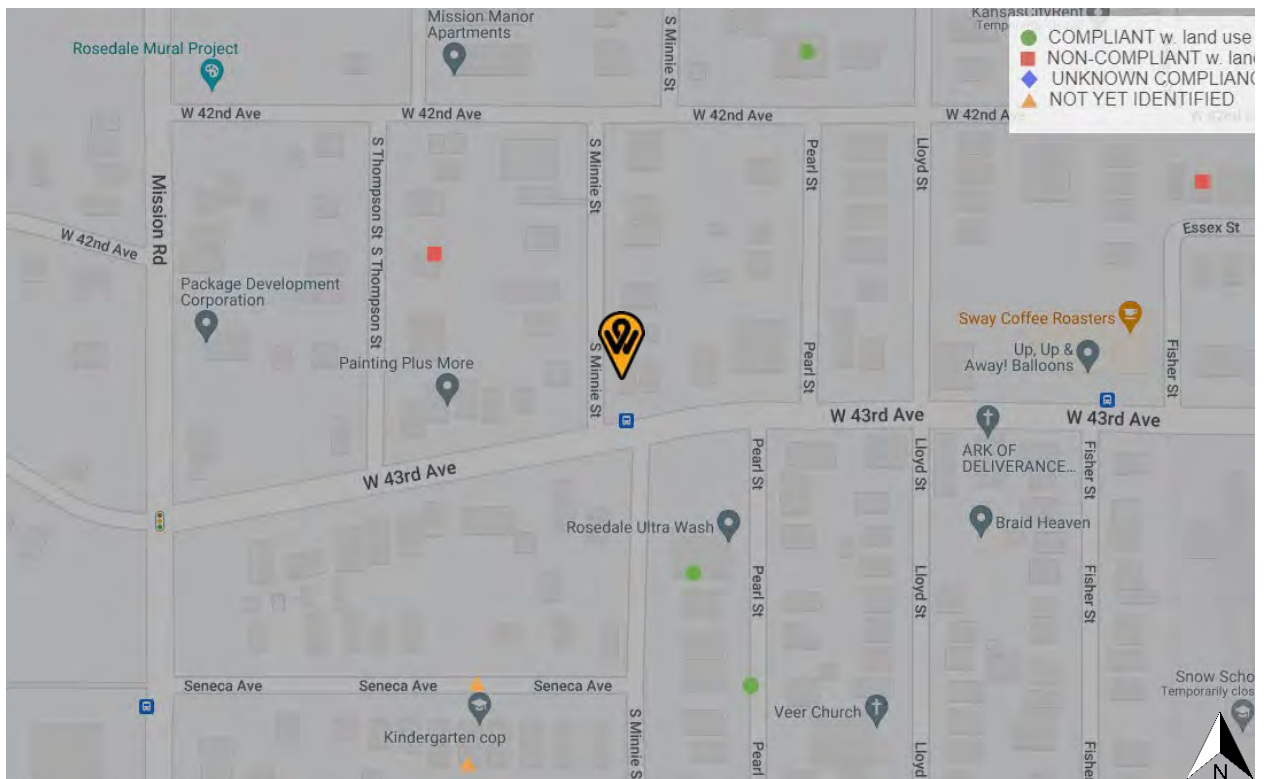
ZONING MAP



LAND USE MAP



HOST COMPLIANCE MAP – JUNE 12, 2023



HOME INSPECTION REPORT

551145-1913

2822 West 43rd Avenue, Kansas City, KS 66103

06/02/2023

2.2.3 Consider adding railing to stairs to promote safety. (Exterior Front)



2.2.4 The uneven walkway is a trip hazard. This should be corrected for safety.
Fill and seal walkway cracks to reduce water penetration, further separation and potential trip hazards.
(Exterior Front)



Steve Weathers

Page 3 of 29

2.2.5 Monitor walkway on the side of home, slopes toward the house, potential water entry, correct if needed. The walkway is damaged and requires repair or replacement. **(Exterior Right)**



2.2.6 Secure pavers to prevent potential trip hazards. The uneven walkway is a trip hazard. This should be corrected for safety. Secure pavers to prevent potential trip hazards. **(Exterior Left)**



2.3 Driveway(s)

☒ Concrete

2.3.1 Driveway(s) were inspected.

2.3.2 No significant conditions

2.4 Patio(s)

2.4.1 All patios on the property were inspected.

2.5 Retaining Wall(s)

☒ Concrete

☒ Masonry

2.5.1 Improvements Needed

2.5.2 The retaining wall(s) were inspected.

3.10.3 Have qualified contractor assess and install means of directing surface water away from basement walkout to reduce water penetration and subsequent damage.(water entering basement)
Consider adding guard rail system on to basement walkout to promote safety. (Exterior Left)



4.0 ROOFING SYSTEM

4.1 Limitations

- △ Height
- △ Steep Slope

4.2 Roofing Inspection Method

- ⊙ Inspected from roof edge.
- ⊙ Inspected from ground with binoculars / camera zoom.

4.3 Sloped Surface(s)

- ⊙ 1 Layer
- ⊙ Asphalt

4.3.1 Beginning to middle of life cycle

4.3.2 Inspected

4.4 Flashings

- ⊙ Aluminum/Galvanized
- ⊙ Drip Edge
- ⊙ Plumbing stack

4.4.1 Improvements Needed

4.4.2 Inspected

7.4.3 The joist(s), framing show evidence insect damage along west wall. Have this damage assessed by a qualified contractor and repaired/replaced-repaired to ensure the integrity of the structure.

- Basement
- Unit A



7.4.4 Some joist are twisting, have a qualified contractor assess and correct as needed to prevent related issues.

- Basement
- Unit B



8.9 Exhaust Fan(s)

8.9.1 Inspected

8.10 Smoke Alarms

- ☒ Basement
- ☒ Bedrooms
- ☒ Main Floors

8.10.1 Improvements Needed

8.10.2 Consider replacing smoke alarm batteries when taking possession to ensure that new, properly functioning and properly-located fire protection is in the following areas: bedrooms, hallways, basement and basement.

8.11 Carbon Monoxide Alarms

- ☒ Basement
- ☒ Main Floors
- ☒ Near Sleeping Areas

8.11.1 Improvements Needed

8.11.2 Consider replacing CO alarm batteries when taking possession to ensure that new, properly functioning and properly-located protection is in place.

• add CO detectors in common main floor common area and basement.

9.0 HEATING/COOLING/VENTILATION SYSTEM(S)**9.1 Thermostat(s)**

- ☒ Functional
- ☒ Programmable
- ☒ Remotes throughout

9.2 Energy Source(s)

- ☒ Electricity

9.3 AC / Heat Pump System(s)

- ☒ Air Conditioning System
- ☒ Air Source
- ☒ Estimated Capacity: 2 Tons

9.3.1 Operational

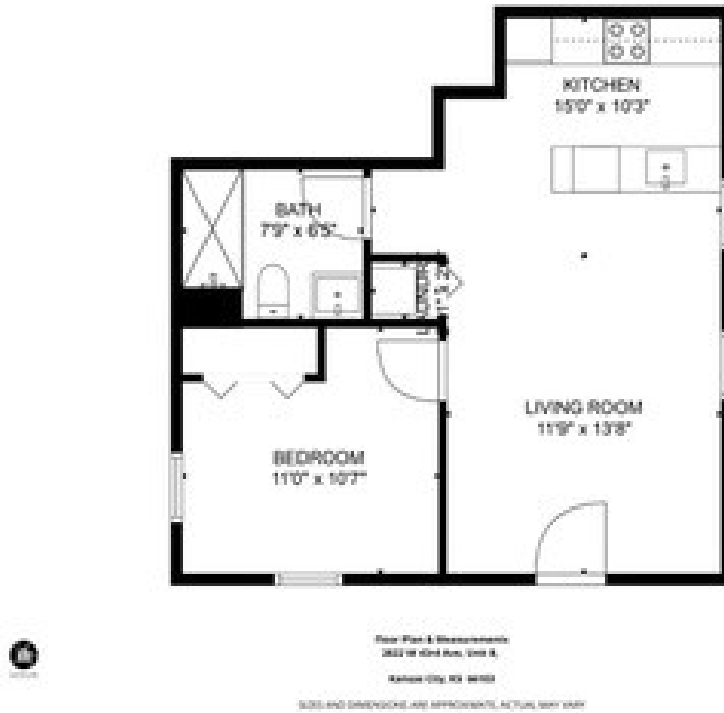
**10.13 Floor drain****10.13.1 Improvements needed**

10.13.2 Drain clogged and backing up, have qualified plumbing contractor assess and correct deficiencies as needed to prevent water related issues.

- Basement
- Unit A



FLOOR PLAN



SITE PHOTOS, TAKEN BY STAFF, DATED JULY 14, 2023





NEIGHBORHOOD MEETING MINUTES



AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
) SS:
COUNTY OF Wyandotte)

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

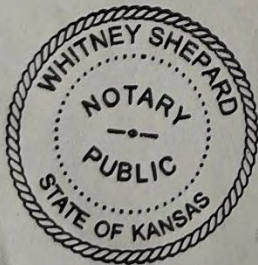
1. That I am the petitioner for Petition #SP2023-53
2. That I conducted a neighborhood meeting on via mail 7/21-7/31.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

Elizabeth Harding
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 1 day of August, 2023

My commission expires 26 of April, 2024



Whitney Shepard
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: August 31, 2023

Re: Special Use Petition SP2023-056

GENERAL INFORMATION

Applicant:

Caleb and Madison Berciunas

Status of Applicant:

Owners

Requested Action:

Approval of a Short-term Rental
Special Use Permit.

Date of Application:

June 16, 2023

Purpose:

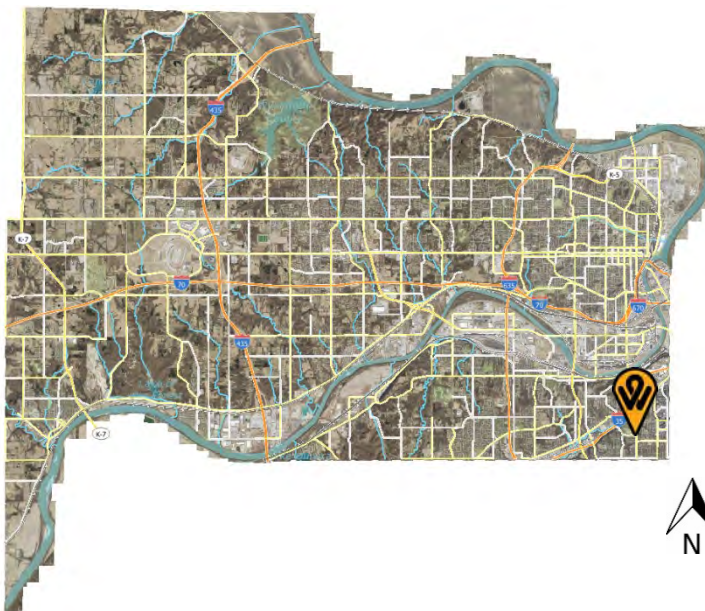
To approve a Special Use Permit
for a short-term rental. This is not
the owner's primary residence.

Property Location:

4206 Mission Rd
Kansas City, KS 66103

Commission Districts:

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



Existing Zoning:	R-1(B) Single Family District
Adjacent Zoning:	North: R-1(B) Single Family District South: R-1(B) Single Family District East: R-1(B) Single Family District West: R-1(B) Single Family District
Adjacent Uses:	North: Single-family residence South: Single-family residence East: Single-family residence West: Single-family residence
Total Tract Size:	0.10 Acres
Master Plan Designation:	The Rosedale Area Plan designates this property as Single Family, which allows for single family, detached houses. Townhomes and side-by-side rowhouses are appropriate where the property has frontage on a mixed use or neighborhood corridor.
Major Street Plan:	The Major Street Plan designates Mission Road as a Class C thoroughfare.
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 one (1) parking space.
Advertisement:	<u>The Wyandotte Echo</u> – July 20, 2023 Letters to Property Owner – July 21, 2023
Public Hearings:	August 14, 2023 and August 31, 2023
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicants, Caleb and Madison Berciunas, are requesting a Short-Term Rental Special Use Permit to operate a short-term rental at 4206 Mission Road. This is not the owner’s primary residence. This would be the first and only permitted short-term rental on the 4200 block of Mission Road.

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.

Building, Zoning, or Code Enforcement Complaints:

1. 2016 – 16206-00096 – Environment – Dead tree
2. 2015 – 15212-01362 – Environment – 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 within the Rosedale Statistical Neighborhood, the Hilltop Neighborhood Group, and the Rosedale Development Association (RDA) group. The neighborhood consists of a mix of townhouses, garden-style apartments, and single-family residences. It is adjacent to Rosedale Park, as well as the mixed-use corridors of 43rd Avenue and 47th Avenue.

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

The zoning and uses are set out above. The subject property is surrounded primarily by the R-1(B) Single Family 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.

It is unclear if the property is vacant. The current property owner has owned the property since early 2023.

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 a Single-Family Neighborhood, 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 Mission Road, a Class C Thoroughfare, to accommodate it if managed properly while it functions as a short-term rental. This lot is on the corner of 42nd Avenue and Mission Road and addressed off Mission Road, however, its driveway access is located on 42nd Avenue. 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, however, issues such as noise, vibration, overcrowding of land, and undue concentrations of population could impact nearby properties negatively. If managed properly, however, the use of the property is not expected to 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 and illumination are issues that are related to short-term rentals. There have not been any noise complaints to date with the current applicant. Vibration or dust 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 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 cannot be determined, as the applicant did not provide the required floor plan. The maximum number of vehicles off-street is one (1). There shall be no on-street parking for STR renters or guests. 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 property.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on July 31, 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
Overcrowding
Off-Street Parking
Required Repair Items

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 10 to 0 to recommend **APPROVAL** of Special Use Permit Application SP2023-056, **for one (1) year**, subject to:

1. The following repairs must be complete prior to the publication of this short-term rental with proof of repairs shown to Staff.
 - Clear debris from the sump pit, cover the sump pit, and ensure that the sump pump is functional;
 - Remove the poison ivy found within the yard;
 - Remove mold found in the kitchen sink cabinet;
 - Install smoke and carbon monoxide detectors;
 - Remove or secure bare wires in the rear basement ceiling;
 - Update electrical receptacles in the basement, kitchen, and bathroom with GFCI circuit outlets.
 - Cover the open wire splice in the south basement ceiling between HVAC duct pipes;
 - Remove or secure Romex wiring in basement stairwell;
 - Cover open electrical wire junction box between furnace equipment and foundation wall.
2. Any additional repairs not addressed prior to approval of SP2023-056 outlined within the provided home inspection report shall be performed prior to renewal of this Special Use Permit.
3. Maximum number of guests allowed is six (6).
4. All parking must be off-street, maximum number of vehicles is two (2). No STR renters or guests may park on-street.
5. Applicant shall ensure that guest vehicles do not impede the sidewalk.
6. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax.
7. 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.
8. Applicant is to maintain liability insurance.
9. The property must remain in proper maintenance and free of hazards, pests, or infestations.
10. The granting of this Special Use Permit does not transfer with a change of ownership of the property.
11. 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).
12. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process.

13. If approved, occupying businesses must file and maintain a current business occupation tax application with this office.
14. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly.
15. All existing and future driveways must feature curb cuts that are constructed to UG standards.
16. 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.
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;
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19. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
20. The Special Use Permit shall be valid for one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior

to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and

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

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **SP2022-056** subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

August 14, 2023, City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Floor Plan
Host Compliance Map
Home Inspection Report
Welcome Book
Site Photos, Taken by Staff, Dated July 14, 2023
Neighborhood Meeting Materials

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	August 14, 2023	August 31, 2023
Special Use	Approval	

STAFF CONTACT:

James Molloy
jmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2022-056** as meeting all the requirements of the city code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **SP2022-056**, 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.

August 14, 2023, City Planning Commission Minutes:

Hearing starts at 2:29:10:

SPECIAL USE PERMIT APPLICATION SP2023-056 – CALEB AND MADISON

BERCIUNAS - SYNOPSIS: Special Use Permit to operate a Short-Term Rental at 4206 Mission Road. Detailed Outline of Requested Action: The applicants, Caleb and Madison Berciunas, are requesting a Short-Term Rental Special Use Permit to operate a short-term rental at 4206 Mission Road. This is not the owner's primary residence. This would be the first and only permitted short-term rental on the 4200 block of Mission Road.

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

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

4. The staff report and attachments dated August 14, 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:

- Maddison Berciunas, applicant, 9809 Winslow Place, Kansas City, Missouri

Chairman Carson asked the applicant if she is in agreement with the conditions of approval. Ms. Berciunas stated yes.

Present in Opposition:

- No one appeared

Staff Recommendation starts at 2:31:30: Planning Director Hand stated that this request is for a Special Use Permit for a non-owner-occupied Short-Term Rental. The property is in the Rosedale Area Plan. Staff has received no letters in support nor opposition. There are some older Notices of Violation related to maintenance on the property which should be addressed through the work that needs to be done on the property for this approval. Staff recommends approval for one (1) year subject to the conditions in the staff report.

Motion starts at 2:32:30:

On motion by Mrs. Jones, seconded by Mr. Ernst, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit SP2023-056 for one (1) year:**

Carson	Chairman
Eilts	Aye
Ernst	Aye
Jones	Aye
Miller	Aye
Mohler	Aye
Straws	Aye
Ward	Aye
Armstrong	Aye
Beth	Aye
Connelly	Aye

Motion to recommend **APPROVAL** Passed 10 to 0

Subject to:

1. The following repairs must be complete prior to the publication of this short-term rental with proof of repairs shown to Staff.
 - Clear debris from the sump pit, cover the sump pit, and ensure that the sump pump is functional;
 - Remove the poison ivy found within the yard;
 - Remove mold found in the kitchen sink cabinet;
 - Install smoke and carbon monoxide detectors;
 - Remove or secure bare wires in the rear basement ceiling;
 - Update electrical receptacles in the basement, kitchen, and bathroom with GFCI circuit outlets.
 - Cover the open wire splice in the south basement ceiling between HVAC duct pipes;
 - Remove or secure Romex wiring in basement stairwell;
 - Cover open electrical wire junction box between furnace equipment and foundation wall.
2. Any additional repairs not addressed prior to approval of SP2023-056 outlined within the provided home inspection report shall be performed prior to renewal of this Special Use Permit.
3. Maximum number of guests allowed is six (6).
4. All parking must be off-street, maximum number of vehicles is two (2). No STR renters or guests may park on-street.
5. Applicant shall ensure that guest vehicles do not impede the sidewalk.
6. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax.
7. 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.
8. Applicant is to maintain liability insurance.
9. The property must remain in proper maintenance and free of hazards, pests, or infestations.
10. The granting of this Special Use Permit does not transfer with a change of ownership of the property.
11. 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).
12. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process.

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16. 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.
17. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
18. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit.
19. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
20. The Special Use Permit shall be valid for one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior

- to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and
21. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.
 22. 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.

ATTACHMENTS

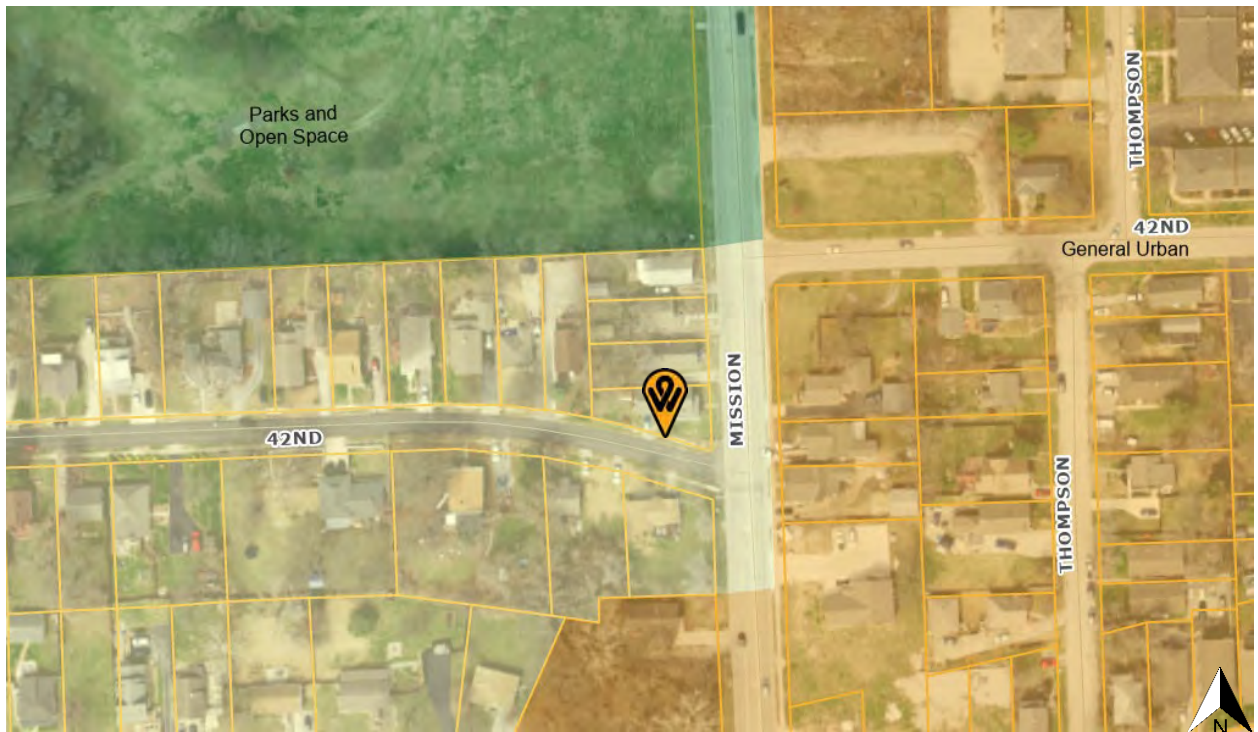
AERIAL IMAGERY



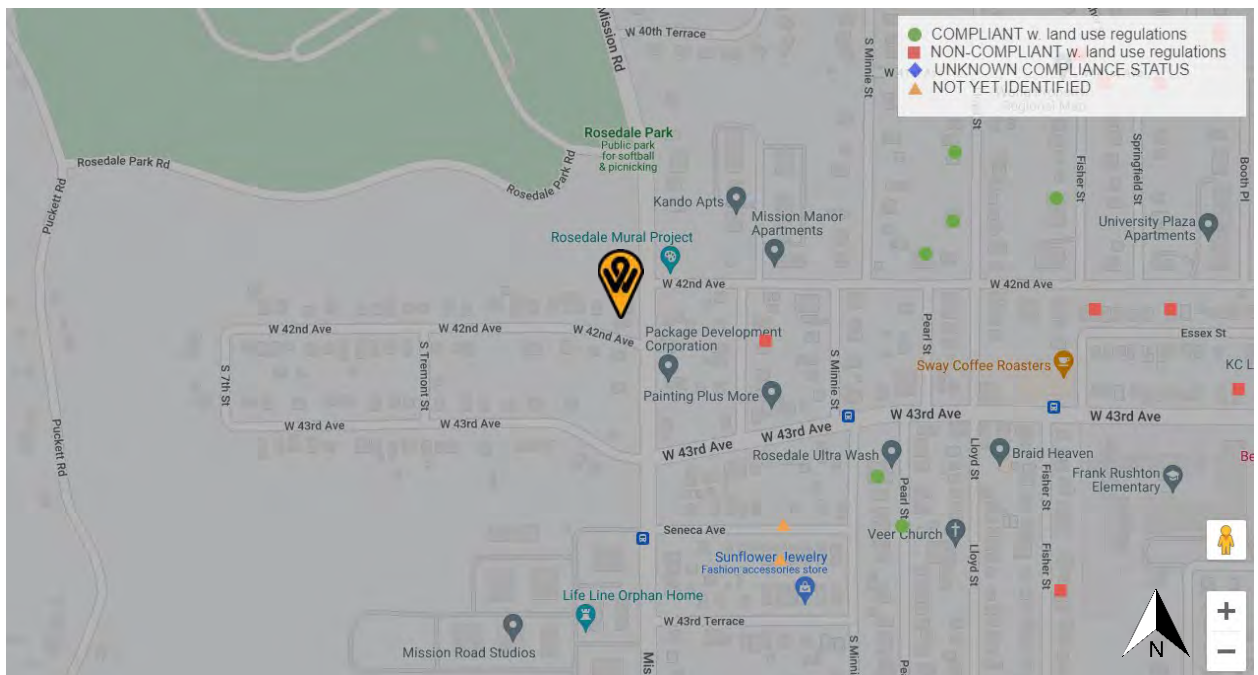
ZONING MAP



LAND USE MAP

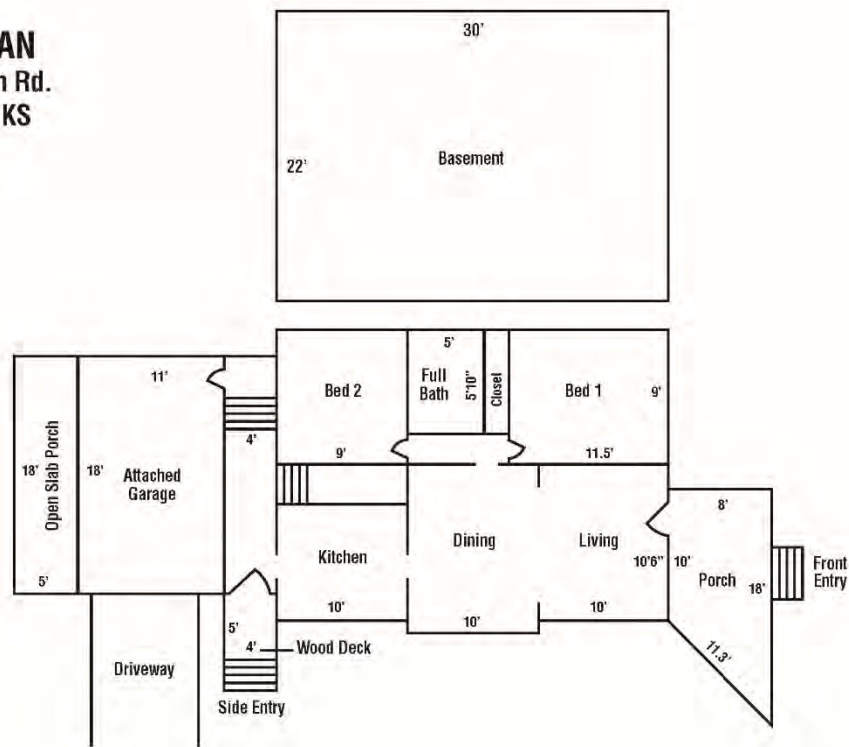


HOST COMPLIANCE MAP – JULY 11, 2023



FLOOR PLAN

FLOORPLAN
4206 Mission Rd.
Kansas City, KS



HOME INSPECTION REPORT



Midwest Home
512 East Santa Fe Trail / Kansas City, Missouri 64145
816-868-5102 www.MidwestHome.com

Consultants of Building Components
and Systems Since 1977
Structure, Mechanical, Environmental
Inspections and Forensics

Inspection Report

This assignment is Unabridged and Prioritized

Customer: Caleb and Maddison Berciunas
Property: 4206 Mission Rd
Kansas City, Kansas 66103

May 24, 2023

OVERALL

This is a well built house or building. The improvements that are recommended in most reports are not considered unusual. Comparing this building to others of this age and type in this area or sub-division that we have recently inspected, the overall condition is **in need of some restoration**.

The number of repairs listed in the report for a home this age is **more than we normally find**.

The quality of maintenance that has been previously performed is **deferred**.

This report contains technical information that may not be readily understandable to the lay person. Therefore, a verbal consultation with the inspector should be a mandatory part of this inspection report. Midwest Home can not be held responsible for your understanding or misunderstanding of this reports contents or the limitations as noted within the "Inspection Agreement". If you do not comprehend our inspection report entirely, please call our office to arrange for further consultation.

General Information:

The main structure was built approx.: 1920-30's Weather: CLEAR at approx. 86 ° F.
Occupancy: Vacant Soil Conditions: Dry
Present During The Inspection: ☐ seller ☒ client ☐ list agent ☒ sell agent ☐ other:
For the purpose of this report, the front of the building was assumed to be facing: East

Positive Attributes:

Low Maintenance Metal Siding	Roof Coverings - 2022 ?	Gutters - Newer	Fire Hydrant near the Lot
Basement Unfinished/ Viewable	Kitchen Appliances - Upgrades	Corner Lot	Google Fiber Ready
Bath Remodel/ Updates	HVAC Systems - Newer		Covered Front Porch

REAL ESTATE TRANSACTIONS: All issues would be further evaluated by licensed technicians and qualified trade contractors for repair options and estimates prior to closing of escrow, or within the time restrictions outlined in the sales agreement.

Priority Conditions:

Foundation/ Frame

-) Consult with a foundation/ waterproofing contractor for options and cost estimates:
 - * The basement shows signs of significant 'wet basement' conditions".
-) The seller has excluded the sump pumps from the sales agreement. This exclusion is unconventional and we recommend:
 - * Clearing the debris in the sump pit.
 - * Fill the pit with water and check that the 'float switch' be checked for proper travel to engage the pump motor.
-) Significant previous termite infestation was observed within the Garage southwest corner. Without removing portions of wall boards or the wooden flooring, we are unable to determine the extent possible additional damage within the structure.
 - * Midwest Home does not represent this report to be a wood destroying insect/organism inspection, nor does this report make an attempt to locate termites or to specify treatment options. A cursory visible inspection of the wood components serving property revealed an undetermined amount insect damage. We advise that a qualified carpenter, experienced in termite /water damage repairs, be employed to determine the extent of the damage and make all necessary repairs to restore the structure to near its original design. Note, that additional damage may become apparent at any time. Refer to an independent pest control company "Wood Destroying Insect Report" for advise on insect abatement or treatment and aggressive probing of the structure to help provide further information of additional damage which may not have been observed or reported within this report. Note that our inspection to locate or detect water and insect damage is extremely limited.

Page 3 of 13

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Roofing

- The Roof Coverings are newer.
 - * However, Temporary roof sealants have been used to seal both masonry chimneys roof connections in a non-workmanlike manner. Install a conventional or permanent metal "keyed" flashing systems in accordance with standard "steep" roofing practices.
 - * One or more roof shingles do not lay flat to the roof surface.
 - * The rubber flashing boot, serving the overhead electrical service 'Mast', is not resting against the roof flange.
 - * The roof/ attic ventilation systems were NOT addressed when the newer roof coverings were installed, as would have been recommended or required by the shingle manufacture.
- Consult with a roofing contractor to calculate the correct ventilation needed to meet the roof shingle manufacturers specifications and to provide bid estimates.
 - * Specifically, inadequate or imbalanced roof ventilation results in extreme heat buildup in the summer and potential moisture problems in the winter. The lack of roof ventilation will reduce the life expectancy of the roof coverings and can void shingle manufacturers material warranties.

Miscellaneous Structure

- A significant amount of Poison ivy was observed within the yard. Eradicate this vegetation. This vegetation restricted our complete view of the fencing and lot in those areas.
- Trip Hazards:
 - * Install a adequate hand railing for safety considerations at the steps to the Basement.
 - * Install hand railing systems for safety considerations AT the Garage staircase.
 - * Update the hand railing systems AT both the Side and Front exteriors staircases:
 - Install additional "Graspable" hand railings.
 - Install blocking at the open step risers.
- The paint serving the exterior wood trims will require prep and paint touch-up to correct paint peeling.
- The Front Roof 'fascia' board trims were metal clad. the metal has fallen loose and was haphazardly reattached. Plan to replace or reset these materials.
- The Bathroom window is painted closed and inoperable to properly vent the shower moisture. Also, install an additional shower curtain rod and curtain to protect the wooden window and paint at the bathroom shower enclosure. OR consider replacing the window with glass block and a motorized powered Bathroom vent fan.
- Cover or remove the insulation batts installed at the Garage stairwell ceiling to prevent the fiberglass fibers to be released to the interiors.
- If the garage is used for storage of an automobile or gasoline engines, install X rated drywall to cover this Garage interior wall to provide a continuous fire and gasoline combustion fumes retardant enclosure ceiling. ("Dwelling-Garage Separation") (Existing Celetex fiber board does not qualify.)
A qualified contractor should evaluate and make repairs as necessary. Full explanation at: <http://www.buellinspections.com/myths-fire-rated-walls-doors-house-garage>
- The original wooden windows and Storm window frames/ glass and screens are in "rough condition". Energy efficiency, safety egress, security and convenience could be well improved. One should set a budget to restore or replace the windows and storm windows as needed. ie. the Kitchen and Bathroom windows are also painted closed.

Fireplace/ Chimney

- Refer to a CSIA Certified Fireplace/ Chimney Technician for options and costs estimates:
 - * As previously mentioned elsewhere in this report:
 - Install new chimney roof 'flashings' for both chimneys, which may or may not include chimney brick repairs at the flashing areas.
 - Reline the furnace and water heater flue that is not compatible with the existing equipment requirements.
 - * Further evaluate the Fireplace:
 - The fireplace hearth or firebox is rather shallow and may not meet current standards for wood burning. (In some older homes, these fireplaces were actually designed for a gas log set or coal burning.)
 - The fireplace was not fitted with a flue damper or a chimney cap. Weather, pest entry, and heat loss in the building is a concern.
 - The fireplace throat is very rough.

- The home buyer was wondering what is the best means to abandon the fireplace to prevent its use by tenants.
- * The Fireplace brick chimney has suffered some face brick spalling or chipping. Significantly damaged brick should be replaced and the cement 'crown' evaluate, repaired or replaced, as needed.

Mechanical Priority

*) Licensed Plumbing Contractor:

- * Previous drain issues (back-ups) were evident in the Basement where remnants of toilet paper were noted at the Main Drain cleanout. Video scanning and further inspection of the house sewer drain system would be strongly advised.
 - Clean and sanitize the affected areas.
 - Replace the loosely fitting sewer Main Drain clean-out cap.
- * The bath toilet shows signs of previous leakage where water staining was noted within the flooring, as viewed from the basement.
- * The Kitchen sink cabinet flooring is wet and mold growth was present.
 - Replace damaged cabinet materials as needed.
- * The Bathroom tub drain trap leaks at the basement. A slip joint fitting is also loose.
- * A copper water pipe shows aggressive corrosion and previous seepage where in contact with galvanize HVAC ductwork near the ceiling, above the furnace. (*Dissimilar Metals is a concern.*)

Mechanical Safety

- *) **Install Smoke detectors** to serve ALL of the Bedrooms, one each level and at least one carbon monoxide detector in the house.
 - * Smoke detectors provided in each sleeping area, outside of each sleeping area, and on each story of the dwelling. Smoke detectors are required to receive their primary power from the house wiring or battery powered. The smoke detectors must be interconnected so that the activation of one detector will activate all of the other smoke detectors.
- *) **Licensed Electrician:**
 - * Bare 'LIVE' Wires at the Rear Basement ceiling.
 - * Potential shock hazards exist: Where not already installed, we should strongly recommend that All electrical receptacles at "wet areas" be updated with inexpensive GFCI circuit outlets for occupant safety.
 - Basement; - Kitchen; - Bathroom;
 - * Replace heat damaged garage receptacles and rewire the garage as needed.
 - * Circuit breakers were "double-wired" with dissimilar sized wires as improvements to the electrical system were improperly made.
 - * Secure the loose ceiling light fixture at the Back hallway.
 - * An open wire splice at the South basement ceiling between HVAC duct pipes.
 - * Exposed romex wiring is subject to physical damage at the Basement stairwell and where serving the Clothes Dryer 230v wall receptacle.
 - * The Refrigerator floor receptacle is loose and subject to damage.
 - * An open electrical wire junction box, located in a hard to access area between the Furnace equipment and the foundation wall.
- *) **Refer to a HVAC contractor or CSIA chimney specialist** for options and costs to modify the furnace/ water heater flue piping as required.
 - * Reline the utility chimney flue and install a compatible chimney flue cap. An "80%" high efficient furnace was installed to a masonry chimney.
 - It has been understood that, over a period of time, moisture can accumulate within the chimney flue where the flue is improperly sized for these newer furnaces. Causing premature damage to metal flue piping and the furnace. A potential carbon monoxide issue. See our enclosed "Hand-out"...

Mechanical Minor

- *) Plastic/ mylar foil flexible tubing was installed to serve the clothes dryer exhaust vent system which was once common to many homes. The piping is also poorly supported and sags.
 - We should strongly advise replacing this piping with 4" metal piping where it has been reported that these vent hoses can clog with dryer lint easily which could pose a potential fire hazard. Secure each section of the metal piping with duct tape rather than sheet metal screws.
- *) We advise that a professional appliance tech be employed to further evaluate the following conditions and to make repairs as required where:
 - * Wooden trims in the Kitchen may not have adequate safe clearances to the Gas Range burners.
 - * The microwave oven is very close to the gas range burners.



This bright, spacious bungalow has space for up to four people and consists of comfortable beds, wifi, a beautiful kitchen you'll want to cook in, and a cozy living room to drink your coffee or enjoy a movie.



STATE-OF-THE-ART FACILITIES:

- Free parking
- Wifi
- Kitchen
- Laundry
- Single level home
- Hot water
- Fresh linen for guest bed
- Coffee machine
- Close to great restaurants, coffee shops and shopping

*Prime
location*

PERSONAL CELL: 816-522-0686
4206 MISSION RD, KANSAS CITY, KS 66103

ABOUT THE HOSTS



Hi! We're Caleb and Maddison, KC natives and lovers of all things real estate and design. Maddison is a real estate agent in KS and MO and Caleb is an Art Director. We have 3 girls we're raising in this city we love.

We had so much fun making this house a gorgeous space and hope that you'll enjoy your stay. Please let us know immediately if there's anything we can do to make your stay a 5 star experience.

CONTACT INFORMATION:

Personal cell: 816-522-0686

4206 Mission Rd Kansas City, KS 66103

Maddison
& Caleb

EMERGENCY INFORMATION:

Hospital: KU Medical Center

4000 Cambridge St, Kansas City, KS 66160

Police: 304 Court St, Rosedale, MS 38769

in case of emergency dial 911.

- Verified
- KC Local
- Response rate: 100%
- Response time: An hour

WIFI

4206 Bungalow

Password: 55559999

I try to make my check in process as seamless as possible. Once you arrive, please check in on the app and indicate your reservation. If you arrive after hours, there should be a key placed in the lockbox for pickup.

CHECK IN



CHECK OUT

Place any dirty dishes in dishwasher and start before leaving.

Please make sure the doors are locked and lights are turned off. And we hope to see you again next time you're in KC!

HOUSE RULES:

1. No parties or loud music that can be heard from outside.
2. No more than 4 people can be staying.
3. No pets.
4. No smoking.
5. No open flames.
6. Enjoy your stay!



Things to do nearby

AREA

You are in a prime location with access to Westport, the Country Club Plaza and many more fun local areas.

SHOPPING, EATING, DRINKING

You can't go wrong with the shopping, local eats and specialty coffee and cocktails. Our favs are below.

ROSEDALE PARK

You are within walking distance to Rosedale park. Grab the provided discs and walk through the disc golf holes.



Food & drink

- Sway Coffee Roasters
- Q39 BBQ Dinner
- Aladdins Cafe Lunch
- Rye Plaza Lunch or Dinner
- Brown and Loe Brunch
- Town Topic late night burgers

5 STAR STAY IS OUR GOAL

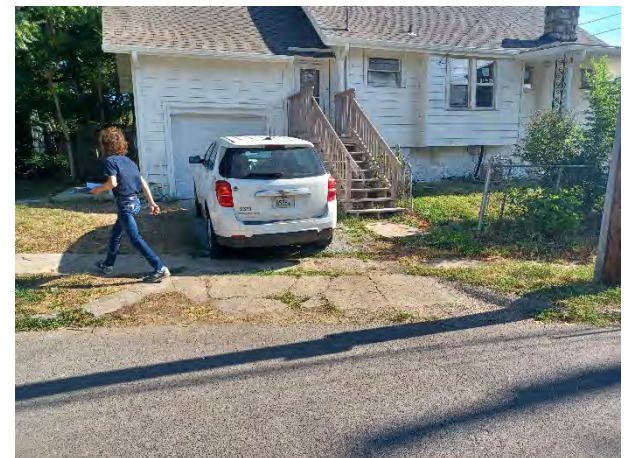
WE NEED YOUR REVIEW

As a small business, we need your help to be successful! Airbnb grades hosts harshly as they want to ensure quality stays for their travelers. Anything below 5 stars is not good.

We want you to have the most enjoyable experience possible so please reach out to us personally if anything is off and we will make it right! Thank you for booking with us!

Enjoy your stay!

SITE PHOTOS, TAKEN BY STAFF, DATED JULY 14, 2023



NEIGHBORHOOD MEETING MATERIALS

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF MO }
COUNTY OF Clay } SS:

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

1. That I am the petitioner for Petition # SP2023-056
2. That I conducted a neighborhood meeting on July 30, 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.

Madison Bercum
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 31st day of July, 2023.

My commission expires 6th of Dec, 2026.



Jaelyn Nicole Daniels
Notary Public

Date: July 18, 2023

Name
Address
City/State/Zip

SUBJECT: Neighborhood Meeting

We have filed an application with the Department of Urban Planning and Land Use #SP2023-056. The purpose of this:

➤ special use permit

is for a short term rental.

at the following address: 4206 Mission Rd Kansas City KS.

We are having a neighborhood meeting on Sunday July 30 at 3:00 p.m. on Google Meet. Follow this link or call in:

<https://meet.google.com/wta-hszq-swo>

Or dial: (US) +1 302-316-4794

PIN: 320 203 558#

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 online at the neighborhood meeting. If you'd like the Google Meet link emailed or texted to you, please contact me. If you are unable to attend, please contact me at the email address or phone number listed below.

Sincerely,
Maddison and Caleb Berciunas
maddison@standardkc.com
816-522-0686

SP2023-056
4206 Mission Rd
Neighborhood Meeting Minutes
July 30, 2023

No one attended our meeting after waiting 30 minutes.
We did not receive any questions or comments through email or phone.

(First published _____)

COZ2022-039

ORDINANCE NO. _____

AN ORDINANCE rezoning property hereinafter described located at approximately 9400 State Avenue, in Kansas City, Kansas, by changing the same from its present zoning of A-G Agriculture and C-O Nonretail Business Districts to CP-2 Planned General Business District.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF
THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY,
KANSAS, AS FOLLOWS:

Section 1. It is hereby found and determined that a petition was filed on September 30, 2022, by the owners of property to have the zoning of said property changed from its present zoning of A-G Agriculture and C-O Nonretail Business Districts to CP-2 Planned General Business District.

It is likewise found and determined that the Planning Commission published notice, mailed notices, held public hearing(s), prepared recommendations and followed the procedures provided by law.

Section 2. In compliance with recommendations of the Planning Commission, it is hereby ordained that the zoning of the following described property:

All that part of Lot 1, Schlitterbahn Vacation Village Second Plat, recorded as Document 2016R-09097, lying easterly and northeasterly of Lot 1, Homefield Camping World – Second Plat, recorded as Document 2022R-07274 in the Register of Deeds Office for Wyandotte County, Kansas, being more particularly described by John Aaron Copelin, LS-1658 on this 26th day of September 2022, as follows:

Beginning at the Southeast Corner of said Lot 1, Homefield Camping World – Second Plat; thence N 01°46'30" E with the Easterly line of said Lot 1, Homefield Camping World – Second Plat, a distance of 532.21 feet; thence N 01°18'58" E, continuing with said Easterly line of Lot 1, a distance of 47.88 feet; thence Northerly and Northwesterly on a curve to the left, continuing with said Easterly line of Lot 1, tangent to the last described course, having a radius of 137.00 feet, a central angle of

27°16'31", an arc distance of 65.22 feet; thence N 65°06'49" E and no longer with said easterly line of Lot 1, Homefield Camping World – Second Plat, a distance of 61.38 feet; thence N 01°44'28" E, a distance of 128.37 feet; thence northerly on a curve to the right, tangent to the last described course, having a radius of 2,030.00 feet, a central angle of 01°52'15" and an arc distance of 66.28 feet; thence N 03°36'43" E and tangent with the last described curve, a distance of 277.96 feet; thence northerly and northeasterly on a curve to the right, tangent to the last described course, having a radius of 483.00 feet, a central angle of 61°50'04" and an arc distance of 521.26 feet to a point of compound curvature; thence northeasterly on a curve to the right, tangent to the last described curve, having a radius of 1,253.00 feet, a central angle of 01°00'30" and an arc distance of 22.05 feet; thence N 02°54'16" W and not tangent with the last described curve, a distance of 595.78 feet to a corner on the north line of said Lot 1, Schlitterbahn Vacation Village Second Plat; thence N 75°36'18" E (N 73°51'51" E plat) with the Northerly line of said Lot 1, a distance of 344.51 feet; thence N 57°08'29" E (N 55°24'02" E plat) continuing with said Northerly line of Lot 1, a distance of 167.33 feet; thence S 41°04'52" E (S 42°49'19" E plat) continuing with said Northerly line of Lot 1, a distance of 129.95 feet; thence N 76°56'14" E (N 75°11'47" E plat) continuing with said Northerly line of Lot 1, a distance of 141.97 feet; thence S 04°17'54" E and no longer with said Northerly line of Lot 1, a distance of 795.57 feet; thence southeasterly on a curve to the right, having an initial tangent bearing of S 40°09'04" E, a radius of 498.00 feet, a central angle of 13°31'44" and an arc distance of 117.59 feet to a point of compound curvature; thence southeasterly on a curve to the right, tangent to the last described curve, having a radius of 942.00 feet, a central angle of 02°18'10" and an arc distance of 37.86 feet; thence S 61°04'30" W and not tangent to the last described curve, a distance of 84.78 feet; thence N 90°00'00" W, a distance of 214.05 feet; thence S 00°00'00" E, a distance of 195.64 feet; thence S 21°27'47" W, a distance of 67.87 feet; thence S 00°19'13" W, a distance of 179.50 feet; thence N 84°28'15" W, a distance of 257.27 feet; thence S 89°33'17" W, a distance of 497.18 feet; thence S 03°36'43" W, a distance of 21.53 feet; thence southerly on a curve to the left, tangent to the last described course, having a radius of 1,970.00 feet, a central angle of 01°52'15" and an arc distance of 64.33 feet; thence S 01°44'28" W and tangent to the last described curve, a distance of 74.32 feet; thence southerly on a curve to the left, tangent to the last described course, having a radius of 987.00 feet, a central angle of 06°16'08" and an arc distance of 107.99 feet; thence S 04°31'41" E and tangent to the last described curve, a distance of 311.07 feet; thence S 01°46'30" W, a distance of 295.56 feet to a point on the southerly line of said Lot 1, Schlitterbahn Vacation Village Second Plat; thence westerly and southwesterly with said southerly line of Lot 1, Schlitterbahn Vacation Village Second Plat, having an initial tangent bearing of N 86°09'46" W, a radius of 574.83 feet, a central angle of

14°02'31" and an arc distance of 140.88 feet to the Point of Beginning.
The above-described tract contains 1,159,919 square feet, or 26.62 acres,
more or less. Located at approximately 9400 State Avenue, Kansas City,
Kansas,

be changed from its present zoning of A-G Agriculture and C-O Nonretail
Business Districts to CP-2 Planned General Business District, as defined by the
Zoning Ordinances of Kansas City, Kansas.

Section 3. Pursuant to the Code of City Ordinances, Section 27-466, the
Governing Body approves the preliminary development plans, incorporated
herein by reference, marked as the certified preliminary development plan, and
maintained in the Planning and Urban Design Department as submitted to the
Governing Body and received by the Unified Clerk.

Section 4. The Planning and Urban Design Department of Kansas City,
Kansas, is hereby ordered and directed to cause such designation to be made on
the official District Map of said City in its custody and to show the property herein
described to be now zoned for CP-2 Planned General Business District. Said
District Map, previously incorporated by reference by Section 27-408 of the Code
of Ordinances of Kansas City, Kansas, is hereby reincorporated as part of the
Zoning Ordinance as amended.

Section 5. This ordinance shall be in full force and effect from and after its
passage, approval and publication in the Wyandotte Echo.

PASSED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS THIS _____
DAY OF _____, 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 _____)

SP2022-097

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 SP2022-097, commonly known as 9400 State Avenue Kansas City, Kansas, legally described as:

All that part of Lot 1, Schlitterbahn Vacation Village Second Plat, recorded as Document 2016R-09097, lying easterly and northeasterly of Lot 1, Homefield Camping World – Second Plat, recorded as Document 2022R-07274 in the Register of Deeds Office for Wyandotte County, Kansas, being more particularly described by John Aaron Copelin, LS-1658 on this 26th day of September 2022, as follows:

Beginning at the Southeast Corner of said Lot 1, Homefield Camping World – Second Plat; thence N 01°46'30" E with the Easterly line of said Lot 1, Homefield Camping World – Second Plat, a distance of 532.21 feet; thence N 01°18'58" E, continuing with said Easterly line of Lot 1, a distance of 47.88 feet; thence Northerly and Northwesterly on a curve to the left, continuing with said Easterly line of Lot 1, tangent to the last described course, having a radius of 137.00 feet, a central angle of 27°16'31", an arc distance of 65.22 feet; thence N 65°06'49" E and no longer with said easterly line of Lot 1, Homefield Camping World – Second Plat, a distance of 61.38 feet; thence N 01°44'28" E, a distance of 128.37 feet; thence northerly on a curve to the right, tangent to the last described course, having a radius of 2,030.00 feet, a central angle of 01°52'15" and an arc distance of 66.28 feet; thence N 03°36'43" E and tangent with the last described curve, a distance of 277.96 feet; thence northerly and northeasterly on a curve to the right, tangent to the last described course, having a radius of 483.00 feet, a central angle of 61°50'04" and an arc distance of 521.26 feet to a point of compound curvature; thence northeasterly on a curve to the right, tangent to the

last described curve, having a radius of 1,253.00 feet, a central angle of 01°00'30" and an arc distance of 22.05 feet; thence N 02°54'16" W and not tangent with the last described curve, a distance of 595.78 feet to a corner on the north line of said Lot 1, Schlitterbahn Vacation Village Second Plat; thence N 75°36'18" E (N 73°51'51" E plat) with the Northerly line of said Lot 1, a distance of 344.51 feet; thence N 57°08'29" E (N 55°24'02" E plat) continuing with said Northerly line of Lot 1, a distance of 167.33 feet; thence S 41°04'52" E (S 42°49'19" E plat) continuing with said Northerly line of Lot 1, a distance of 129.95 feet; thence N 76°56'14" E (N 75°11'47" E plat) continuing with said Northerly line of Lot 1, a distance of 141.97 feet; thence S 04°17'54" E and no longer with said Northerly line of Lot 1, a distance of 795.57 feet; thence southeasterly on a curve to the right, having an initial tangent bearing of S 40°09'04" E, a radius of 498.00 feet, a central angle of 13°31'44" and an arc distance of 117.59 feet to a point of compound curvature; thence southeasterly on a curve to the right, tangent to the last described curve, having a radius of 942.00 feet, a central angle of 02°18'10" and an arc distance of 37.86 feet; thence S 61°04'30" W and not tangent to the last described curve, a distance of 84.78 feet; thence N 90°00'00" W, a distance of 214.05 feet; thence S 00°00'00" E, a distance of 195.64 feet; thence S 21°27'47" W, a distance of 67.87 feet; thence S 00°19'13" W, a distance of 179.50 feet; thence N 84°28'15" W, a distance of 257.27 feet; thence S 89°33'17" W, a distance of 497.18 feet; thence S 03°36'43" W, a distance of 21.53 feet; thence southerly on a curve to the left, tangent to the last described course, having a radius of 1,970.00 feet, a central angle of 01°52'15" and an arc distance of 64.33 feet; thence S 01°44'28" W and tangent to the last described curve, a distance of 74.32 feet; thence southerly on a curve to the left, tangent to the last described course, having a radius of 987.00 feet, a central angle of 06°16'08" and an arc distance of 107.99 feet; thence S 04°31'41" E and tangent to the last described curve, a distance of 311.07 feet; thence S 01°46'30" W, a distance of 295.56 feet to a point on the southerly line of said Lot 1, Schlitterbahn Vacation Village Second Plat; thence westerly and southwesterly with said southerly line of Lot 1, Schlitterbahn Vacation Village Second Plat, having an initial tangent bearing of N 86°09'46" W, a radius of 574.83 feet, a central angle of 14°02'31" and an arc distance of 140.88 feet to the Point of Beginning. The above-described tract contains 1,159,919 square feet, or 26.62 acres, more or less. Located at approximately 9400 State Avenue, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for **an event center at the Margaritaville Resort Hotel.**

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 following requirements of the Commercial Development Guidelines Overlay District *have not* been met and have been given a deviation by the City Planning Commission.**
 - a. Sec. 27-596(e)(2) Exterior buildings materials shall not include the following:**
 - i. EIFS at the ground level or comprising more than 15 percent of any façade.**

The applicant must do better than the current use of EIFS: South – 39%, West – 38%, East 32% and North 39%.
 - b. All new rooftop mechanical equipment (i.e., RTUs, HVAC, vent stacks, etc.) shall be screened from public view. An opaque metal paneling system, similar to Dairy Farmers of America (DFA), rather than the parapet of the building.**
- 2. At the time of the 2015 Star Bond issuance, Developer contributed Star Bond proceeds for signalization of 98th Street and State Avenue and associated improvements. The Unified Government will construct the sidewalk connection between the existing sidewalk in front of the fire station on State Avenue to 98th Street as part of the signalization project;**
- 3. The Developer of Commercial Lot 8, as identified on the Homefield Master Plan, will construct an 8-foot sidewalk adjacent to its property at the time it is developed;**
- 4. The Developer of Commercial Lot 2, as identified on the Homefield Master Plan, will construct a 10-foot sidewalk adjacent to its property line at the time it is developed;**
- 5. When a building permit is pulled for Lot 14-A (luxury RV Park), Developer will dedicate an easement for an 8-foot trail to the Unified Government for connectivity in the area generally shown on the Homefield Master Plan (see in Attachments) with the actual location/layout of the easement to be mutually agreed upon by the Developer and the Unified Government. The trail shall be constructed by the Developer;**
- 6. For future live entertainment:**
 - a. All entertainment must cease by at least 1:00AM;**
 - b. Doors and windows must stay closed during any entertainment performance;**
 - c. Must comply with Unified Government Security Ordinance (Chapter 4, Article II Division 1, Sec 4-104,f), including:**
 - i. Must have at least one (1) security personnel stationed at the door at all times that is able to monitor any required parking area. Additional security guards may be required depending on the building capacity;**
 - ii. Patrons are not allowed to loiter in their vehicles. If so determined, they will be asked to leave;**

- iii. An I.D. scanner will be used at all times;
 - iv. At closing time, all security personnel will begin from a designated area to move patrons towards the exit and then to their vehicles.
- d. No amplified speakers or entertainment is allowed in outdoor spaces; and,
- e. Any illumination that results from an entertainment event shall not be seen or otherwise impact adjacent residential uses;
- 7. Sec. 27-577(b)(3)(a) states that one tree with a minimum caliper of two inches (ornamental) evergreen trees must be at least six feet tall when planted) provided for every 30 feet of street easement or frontage;
- 8. Sec. 27-577(b)(3)(b) states that street trees should be planted no closer than 55 feet and no more than 65 feet apart with groupings or ornamental trees and shrubs placed between them;
- 9. Sec. 27-577(d)(1) states that at least 75 percent of the length of building foundations facing public streets, the exterior of the development, or common spaces must be planted with ornamental plant material such as ornamental trees, flowering shrubs, perennials, and groundcovers;
- 10. Sec. 27-575(e)(4) states that parking must be screened from adjacent streets by walls, shrubs, trees, or other design elements;
- 11. Sec. 27-700(b)(9) Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky-reflected glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed one-foot candle as measured from said property line. All lighting on the property, both on the buildings and in parking lots shall have 90-degree cutoff fixtures;
- 12. All parking lot islands shall be curbed and landscaped. Painted, hatched islands are not permitted. For the parking lots that are used by passenger cars that have a paved area wider than a double-loaded aisle and more than 20,000 square feet in area, provide one (1) shade tree for each 20 parking spaces on the interior of the parking lot. Interior tree plantings are in addition to other landscaping requirements. For design comparison, review parking islands at Amazon Fulfillment Center, located at 6925 Riverview Avenue;
- 13. All deciduous and shade trees shall be at least two (2) inch caliper when planted. Evergreens shall be at least six (6) feet in height when planted. Shrubs shall be at least five (5) gallons when planted. Throughout the development, there may be a variety of native grasses and plants (wildflowers);
- 14. All landscaping shall be either irrigated or subject to the watering plan noted on the landscaping plan;

15. All new rooftop mechanical equipment (i.e., RTUs, HVAC, vent stacks, etc.) shall be screened from public view by a single, consolidated architectural screens such as opaque, textured, or perforated panels do not meet the standards of the Commercial Design Guidelines;
16. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
17. Per Business Licensing Department: All occupying businesses will need to file and maintain the occupation tax application with our office for their business activity;
18. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
19. All existing and future driveways must feature curb cuts that are constructed to UG standards;
20. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
21. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;
22. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
23. Issuance of a final certificate of occupancy for any project or property associated with an entitlement from the City Planning Commission or UG Board of Commissioners, shall not be issued prior to the completion of all

landscape elements for the project to the standards and requirements for a Final Certificate of Occupancy and the successful review by departmental inspection. As an alternative to completely meeting all standards and requirements for a Final Certificate of Occupancy, to allow for cases of weather delays, plant seasonality, or shortages of labor or materials, the applicant may request to submit a landscape performance bond or surety. Requests to submit a landscape performance bond or surety for a particular project must receive eligibility approval from the Department of Planning and Urban Design prior to submission.

Submissions must meet all requirements of the Bonding Procedure Policy and pass the review process. Bond applications shall only be approved by the Zoning Enforcement Officer, Lead Planner, or Director of Planning + Urban Design. Bond applications shall receive final approval before the applicant may request any inspection or re-inspection of a project or property for a Bonded Final Certificate of Occupancy;

24. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
25. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
26. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and
27. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made

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

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

(First published _____)

COZ2022-048

ORDINANCE NO. _____

AN ORDINANCE rezoning property hereinafter described located at approximately 6340 Riverview Avenue, in Kansas City, Kansas, by changing the same from its present zoning of R-1 Single Family District to A-G Agriculture District.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF
THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY,
KANSAS, AS FOLLOWS:

Section 1. It is hereby found and determined that a petition was filed on November 28, 2022, by the owners of property to have the zoning of said property changed from its present zoning of R-1 Single Family District to A-G Agriculture District.

It is likewise found and determined that the Planning Commission published notice, mailed notices, held public hearing(s), prepared recommendations and followed the procedures provided by law.

Section 2. In compliance with recommendations of the Planning Commission, it is hereby ordained that the zoning of the following described property:

2021R-16341, THE EAST 1/2 OF THE EAST 1/2 OF THE SOUTHEAST QUARTER OF SECTION 10, TOWNSHIP 11, RANGE 24, EXCEPT THE SOUTH 170 FEET OF THE EAST 147.2 FEET, AND EXCEPT THAT PART THEREOF TAKEN FOR KANSAS TURNPIKE; AND EXCEPT THAT PART THEREOF TAKEN OR USED FOR PUBLIC ROAD PURPOSES, IN KANSAS CITY, WYANDOTTE COUNTY, KANSAS, AND ALSO, EXCEPT THAT PART NOW PLATTED AS MUNCIE HEIGHTS LOTS 1 THRU 4, A SUBDIVISION OF LAND IN KANSAS CITY, WYANDOTTE COUNTY, KANSAS. Located at approximately 6340 Riverview Avenue, Kansas City, Kansas,

be changed from its present zoning of R-1 Single Family District to A-G Agriculture District, as defined by the Zoning Ordinances of Kansas City, Kansas.

Section 3. The Planning and Urban Design Department of Kansas City, Kansas, is hereby ordered and directed to cause such designation to be made on the official District Map of said City in its custody and to show the property herein described to be now zoned for A-G Agriculture District. Said District Map, previously incorporated by reference by Section 27-408 of the Code of Ordinances of Kansas City, Kansas, is hereby reincorporated as part of the Zoning Ordinance as amended.

Section 4. This ordinance shall be in full force and effect from and after its passage, approval and publication in the Wyandotte Echo.

PASSED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS THIS _____
DAY OF _____, 2023.

UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY,
KANSAS

BY: _____
TYRONE GARNER
MAYOR/CHIEF EXECUTIVE OFFICER

ATTEST:

UNIFIED GOVERNMENT CLERK

APPROVED AS TO FORM:

CHIEF COUNSEL

(First published _____)

COZ2023-011

ORDINANCE NO. _____

AN ORDINANCE rezoning property hereinafter described located at approximately 2508 North 12th Street and 1208 Cleveland Avenue, in Kansas City, Kansas, by changing the same from its present zoning of R-2 Two Family District to RP-5 Planned Apartment District.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF
THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY,
KANSAS, AS FOLLOWS:

Section 1. It is hereby found and determined that a petition was filed on April 28, 2023, by the owners of property to have the zoning of said property changed from its present zoning of R-2 Two Family District to RP-5 Planned Apartment District.

It is likewise found and determined that the Planning Commission published notice, mailed notices, held public hearing(s), prepared recommendations and followed the procedures provided by law.

Section 2. In compliance with recommendations of the Planning Commission, it is hereby ordained that the zoning of the following described property:

TRACT 1:
PART OF LOTS 4 AND 5, BLOCK 17, WESTERN HIGHLANDS,
DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST
CORNER OF LOT 4; THENCE SOUTH 100 FEET; THENCE WEST 85.35
FEET; THENCE NORTH 23.27 FEET; THENCE EAST 18.08 FEET;
THENCE NORTH 76.89 FEET; THENCE EAST 67.57 FEET TO THE
POINT OF BEGINNING, ALL IN KANSAS CITY, WYANDOTTE COUNTY,
KANSAS.

TRACT 2:
A CERTAIN PARCEL OF LAND THEREON SITUATED WITH A STREET
ADDRESS OF 1208 CLEVELAND AVE, IN THE CITY OF KANSAS CITY,
STATE OF KANSAS BEING SHOWN AS PART OF LOTS 4 TO LOT 6,
BLOCK 17, WESTERN HIGHLANDS, DESCRIBED AS FOLLOWS:

BEGINNING 67.57 FEET WEST OF THE NORTHWEST CORNER OF LOT 4; THENCE SOUTH 76.89 FEET, THENCE WEST 18.08 FEET, THENCE SOUTH 23.27 FEET, THENCE WEST 89.65 FEET, THENCE NORTH 125 FEET, THENCE EAST 50 FEET, THENCE SOUTH 25 FEET, THENCE EAST 67.57 FEET TO THE POINT OF BEGINNING, ALL IN KANSAS CITY, WYANDOTTE COUNTY, KANSAS.

Located at approximately 2508 North 12th Street and 1208 Cleveland Avenue, Kansas City, Kansas,

be changed from its present zoning of R-2 Two Family District to RP-5 Planned Apartment District, as defined by the Zoning Ordinances of Kansas City, Kansas.

Section 3. Pursuant to the Code of City Ordinances, Section 27-460, the Governing Body approves the preliminary development plans, incorporated herein by reference, marked as the certified preliminary development plan, and maintained in the Planning and Urban Design Department as submitted to the Governing Body and received by the Unified Clerk.

Section 4. The Planning and Urban Design Department of Kansas City, Kansas, is hereby ordered and directed to cause such designation to be made on the official District Map of said City in its custody and to show the property herein described to be now zoned for RP-5 Planned Apartment District. Said District Map, previously incorporated by reference by Section 27-408 of the Code of Ordinances of Kansas City, Kansas, is hereby reincorporated as part of the Zoning Ordinance as amended.

Section 5. This ordinance shall be in full force and effect from and after its passage, approval and publication in the Wyandotte Echo.

PASSED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS THIS _____
DAY OF _____, 2023.

UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY,
KANSAS

BY: _____
TYRONE GARNER
MAYOR/CHIEF EXECUTIVE OFFICER

ATTEST:

UNIFIED GOVERNMENT CLERK

APPROVED AS TO FORM:

CHIEF COUNSEL

(First published _____)

COZ2023-016

ORDINANCE NO. _____

AN ORDINANCE rezoning property hereinafter described located at approximately 3542 North 51st Street, in Kansas City, Kansas, by changing the same from its present zoning of R-1 Single Family District to A-G Agriculture District.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF
THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY,
KANSAS, AS FOLLOWS:

Section 1. It is hereby found and determined that a petition was filed on May 26, 2023, by the owners of property to have the zoning of said property changed from its present zoning of R-1 Single Family District to A-G Agriculture District.

It is likewise found and determined that the Planning Commission published notice, mailed notices, held public hearing(s), prepared recommendations and followed the procedures provided by law.

Section 2. In compliance with recommendations of the Planning Commission, it is hereby ordained that the zoning of the following described property:

Parcel 917504, 9175, S26, T10, R24, ACRES 8.1, BEG 570FT S & 30FT W OF NE COR SE1/4 NE1/4; S 249FT, W 1417FT M/L, N 249FT, E TO POB CONTG 8.1AC M/L, located at approximately 3542 North 51st Street, Kansas City, Kansas,

be changed from its present zoning of R-1 Single Family District to A-G Agriculture District, as defined by the Zoning Ordinances of Kansas City, Kansas.

Section 3. The Planning and Urban Design Department of Kansas City, Kansas, is hereby ordered and directed to cause such designation to be made on the official District Map of said City in its custody and to show the property herein described to be now zoned for A-G Agriculture District. Said District Map, previously incorporated by reference by Section 27-408 of the Code of Ordinances of Kansas City, Kansas, is hereby reincorporated as part of the Zoning Ordinance as amended.

Section 4. This ordinance shall be in full force and effect from and after its passage, approval and publication in the Wyandotte Echo.

PASSED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS THIS _____
DAY OF _____, 2023.

UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY,
KANSAS

BY: _____
TYRONE GARNER
MAYOR/CHIEF EXECUTIVE OFFICER

ATTEST:

UNIFIED GOVERNMENT CLERK

APPROVED AS TO FORM:

CHIEF COUNSEL

(Published _____)

SP2023-016

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 SP2023-016, commonly known as 527 Tenny Avenue, Kansas City, Kansas, legally described as:

Lot 27, Bolles Addition to Riverview, Wyandotte County, Kansas, located at approximately 527 Tenny Avenue, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for a Short-Term Rental.

Section 3. Conditions and Stipulations. The Special Use permit granted in Section 1 and 2 hereinabove, in addition to full compliance with any general provisions contained in Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, is hereby contingent upon the performance and observation of the following additional and supplementary regulations, stipulations, conditions and restrictions, of which any violation of any hereafter enumerated will be an additional basis for revocation in addition to those factors specified in Section 27-214:

- 1. This Special Use Permit shall comply with Sections 27-214 and 27-623;**
- 2. Maximum number of guests shall be six (6);**
- 3. All parking must be off-street, maximum number of vehicles is two (2);**

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

21. Applicant will send a letter to the property owners within 200 feet and the Strawberry Hill Neighborhood Association with the Applicants' contact information.

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 _____)

SP2023-027

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 SP2023-027, commonly known as 4610 Lloyd Street, Kansas City, Kansas, legally described as:

JOHNSONS, PETER SUB, S34, T11, R25, ACRES 0.29, N 65FT L9 LS W 120FT, located at approximately 4610 Lloyd Street, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for a Short-Term Rental.

Section 3. Conditions and Stipulations. The Special Use permit granted in Section 1 and 2 hereinabove, in addition to full compliance with any general provisions contained in Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, is hereby contingent upon the performance and observation of the following additional and supplementary regulations, stipulations, conditions and restrictions, of which any violation of any hereafter enumerated will be an additional basis for revocation in addition to those factors specified in Section 27-214:

- 1. 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).

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 _____)

SP2023-028

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 SP2023-028, commonly known as 2716 North 119th Street, Kansas City, Kansas, legally described as:

Beginning at a point 11 feet South of the Northwest corner of the East Half of the Southwest Quarter of Section 33, Township 10 South, Range 23 East of the 6th P.M., thence East 1320 feet, thence South 297 feet, thence West 1320 feet, thence North 297 feet to the point of beginning, containing 9 acres more or less, located at 2716 North 119th Street, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for a Short-Term Rental.

Section 3. Conditions and Stipulations. The Special Use permit granted in Section 1 and 2 hereinabove, in addition to full compliance with any general provisions contained in Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, is hereby contingent upon the performance and observation of the following additional and supplementary regulations, stipulations, conditions and restrictions, of which any violation of any hereafter enumerated will be an additional basis for revocation in addition to those factors specified in Section 27-214:

1. 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.

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 _____)

SP2023-029

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 SP2023-029, commonly known as 1010 Merriam Lane, Kansas City, Kansas, legally described as:

Lot 39, AMENDED PLAT OF ROSEDALE PLACE, subdivision in Kansas City, Wyandotte County, Kansas, except that part deeded to the State of Kansas for highway purposes, located at approximately 1010 Merriam Lane, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for a used car dealership.

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. 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.

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 _____)

SP2023-032

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 SP2023-032, commonly known as 1945 West Lawrence Court, Kansas City, Kansas, legally described as:

All that part of Lot 11, UNIVERSITY-ROSEDALE 6TH REPLAT (a replat of all Lot 1, Block 3, University-Rosedale Addition less that part Replatted as Block 3, University-Rosedale 2nd Replat), a subdivision in Kansas City, Wyandotte County, Kansas, described as follows: Beginning at the Southwest corner of Lot 11, University-Rosedale 6th Replate; a subdivision of land in Kansas City, Wyandotte County, Kansas; thence Northeasterly 25.55 feet along the Westerly line of Lot 11 (Being a 135.43 feet radius curve to the left); thence South 80 degrees 48 minutes 39 seconds East 277.74 feet along the centerline of the common wall and the Easterly and Westerly extensions of said centerline to the East line of Lot 11; thence South 00 degrees 17 minutes 23 seconds West 29.35 feet to the Southeast corner of Lot 11; thence North 80 degrees 48 minutes 39 seconds West 269.07 feet along the South line of Lot 11; thence North 68 degrees 21 minutes 30 seconds West 17.72 feet to the point of beginning, located at approximately 1945 Lawrence Court, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for a Short-Term Rental.

Section 3. Conditions and Stipulations. The Special Use permit granted in Section 1 and 2 hereinabove, in addition to full compliance with any general provisions contained in Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified

Government of Wyandotte County/Kansas City, Kansas, is hereby contingent upon the performance and observation of the following additional and supplementary regulations, stipulations, conditions and restrictions, of which any violation of any hereafter enumerated will be an additional basis for revocation in addition to those factors specified in Section 27-214:

- 1. 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.

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 _____)

SP2023-035

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 SP2023-035, commonly known as 3716 Springfield Street, Kansas City, Kansas, legally described as:

Marty's Park, a subdivision of land in Kansas City, Wyandotte County, Kansas, Block 3, Lot 16, located at approximately 3716 Springfield Street, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for a Short-Term Rental.

Section 3. Conditions and Stipulations. The Special Use permit granted in Section 1 and 2 hereinabove, in addition to full compliance with any general provisions contained in Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, is hereby contingent upon the performance and observation of the following additional and supplementary regulations, stipulations, conditions and restrictions, of which any violation of any hereafter enumerated will be an additional basis for revocation in addition to those factors specified in Section 27-214:

- 1. 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.
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.

Section 4. Take Effect. This ordinance shall take effect as of the date of its publication as provided by law.

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS ____ DAY OF _____, 2023.

TYRONE GARNER
MAYOR/CEO

Attest:

Unified Government Clerk

APPROVED AS TO FORM:

CHIEF COUNSEL



Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: August 31, 2023

Re: Special Use Petition SP2023-046

GENERAL INFORMATION

Applicant:

Aaron and Christine Lilly DBA The Blue Door Property Rentals, LLC

Status of Applicant:

Property Owners
20607 West 88th Street
Lenexa, Kansas 66220

Requested Action:

Approval of a Special Use Permit.

Date of Application:

June 24, 2023

Purpose:

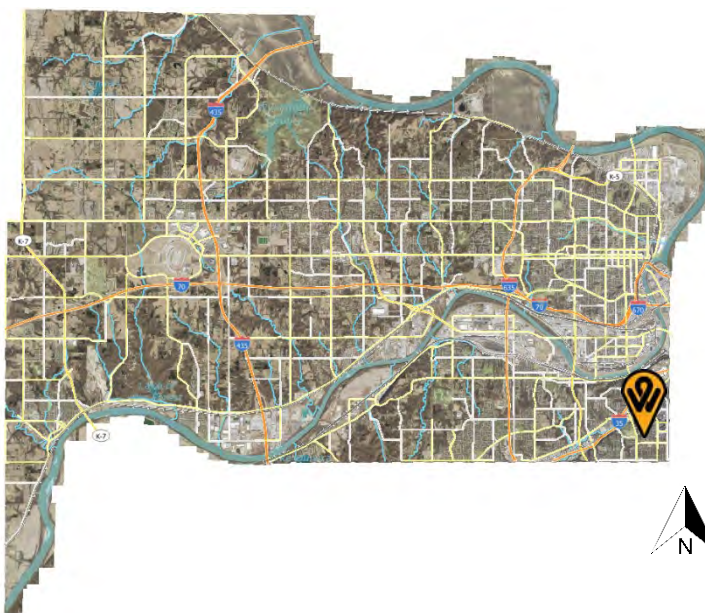
To operate a short-term rental.
This not the owner's primary address.

Property Location:

4138 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 and RP-5 Planned Apartment 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 and Apartment building East: Single-family residence West: Single-family residence
Total Tract Size:	0.16 Acre
Master Plan Area:	Rosedale Area Plan
Master Plan Designation:	The Rosedale Area Plan designates this property 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 Eaton Street as a Local 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> – July 20, 2023 Letters to Property Owner – July 21, 2023
Public Hearings:	August 14, 2023 and August 31, 2023
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The Applicants, Christine and Aaron Lilly, are requesting a Special Use Permit to operate a short-term rental at 4138 Lloyd Street. This is not the owner’s primary residence. This would be the first and only permitted short-term rental on the 4100 block of Lloyd Street. There is one (1) other unpermitted short-term rental on the block. This property was previously permitted as a Short-Term

Rental under SP2021-065, however, the owner of the property has changed since the previous approval.

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

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

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

Building, Zoning, or Code Enforcement Complaints:

1. There are two (2) active notices of violation for operating a short-term rental without a permit. There are other notices of violation as well.
 - a. 2023 – ZONE2023-064 – Zoning – Operating a short-term rental without a permit.
 - b. 2023 – ZONE2023-052 – Zoning – Operating a short-term rental without a permit.
 - c. 2021 – CMP21-1969 – Enforcement Complaint – Operating a short-term rental without a permit.

Outstanding or Related Permits and Cases:

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

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The property is located in the Rosedale Statistical Neighborhood, the Frank Rushton Neighborhood Group and the Rosedale Development Association (RDA) group. The neighborhood consists of primarily single-family residences, with duplexes, fourplexes, and garden style 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 the R-1(B) Single Family Zoning District with some RP-5 Planned Apartment District 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 has been used as a short-term rental between two (2) different operators since October 2021. The previous owner was operating with a Special Use Permit from October 2021 through October 2022. The current operator has been operating unpermitted since October 2022.

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. Three (3) story apartment buildings, retail, and office uses are allowed only on neighborhood and mixed-use corridors. The proposed use conforms to the Area Plan 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, a local street to accommodate it if managed properly while it functions as a short-term rental. Guests of short-term rentals tend to travel more throughout the area, as they are typically visitors or tourists.

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

The proposed use provides a convenience to the public in the form of temporary lodging, however, issues such as noise, vibration, overcrowding of land, and undue concentrations of population could impact nearby properties negatively. If managed properly, however, the use of the property is not expected to substantially nor permanently injure the appropriate use, visual quality, or marketability of adjoining property.

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

Noise and illumination are issues related to short-term rentals. There have not been any noise complaints to date with the current applicant. Vibration or dust 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 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 six (6) as there are only two (2) bedrooms. The maximum number of vehicles off-street is two (2) as the driveway can only park two (2) vehicles. There shall be no on-street parking for STR renters or guests. 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 (SP2021-065) for a short-term rental in October 2021 (expired on December 9, 2022). This was for a different operator.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on July 25, 2023. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Floor Plan
Home Inspection Report Items
Noise
Overcrowding of Land
Parking
Proof of Insurance
Undue Concentrations of Population

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 9 to 1 to recommend **APPROVAL** of Special Use Permit Application SP2023-046, **for one (1) year**, subject to:

1. Any additional repairs not addressed prior to approval of SP2023-046 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 STR renters or guests may park on-street;
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. 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 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;

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.

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 **SP2023-046** subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

August 14, 2023, City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map – Rosedale Area Plan
Floor Plan
Home Inspection Report
Site Photos, Taken by Staff, Dated July 14, 2023
Neighborhood Meeting Minutes

REVIEW OF INFORMATION AND SCHEDULE

Action	City Planning Commission	Unified Government Board of Commissioners
Public Hearing	August 14, 2023,	August 31, 2023
Special Use	Approval	

STAFF CONTACT:

James Molloy, jmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2023-046** 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 **SP2023-046**, 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.

August 14, 2023, City Planning Commission Minutes:

Hearing starts at 1:46:55:

SPECIAL USE PERMIT APPLICATION SP2023-046 – AARON LILLY - SYNOPSIS:

Special Use Permit to operate a Short-Term Rental at 4138 Lloyd Street. Detailed Outline of Requested Action: The Applicants, Christine and Aaron Lilly, are requesting a Special Use Permit to operate a short-term rental at 4138 Lloyd Street. This is not the owner's primary residence. This would be the first and only permitted short-term rental on the 4100 block of Lloyd Street. There is one (1) other unpermitted short-term rental on the block. This property was previously permitted as a Short-Term Rental under SP2021-065, however, the owner of the property has changed since the previous approval.

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 August 14, 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:

- Aaron Lilly, applicant, Blue Door Property Rentals, LLC, 20607 West 88th Street, Lenexa, Kansas 66220

Planning Commissioner Eilts directed questions to the applicant.

Present in Opposition:

- No one appeared

Staff Recommendation starts at 1:50:50: Planning Director Hand stated that the request is for a Special Use Permit for a Short-Term Rental. There was a Special Use Permit for a Short-Term Rental on this property, but a change of ownership has required a new Special Use Permit for this owner. The property is in the Rosedale Area Plan. Staff has received no letters in support nor in opposition. There is a Notice of Violation on this property for operating a Short-Term Rental without a Special Use Permit. Director Hand stated that this property was discovered during the on-going zoning enforcement blitz focused on Short-Term Rentals. Staff recommends approval for one (1) year subject to the conditions in the staff report. Director Hand noted that there is one (1) other illegal, unpermitted Short-Term Rental on this block that Staff will follow up on if this Special Use Permit moves forward with a recommendation of approval and is approved by the Board of Commissioners later this month.

Motion starts at 1:52:30:

On motion by Mr. Ward, seconded by Mr. Ernst, the Planning Commission voted as follows to **recommend APPROVAL** of Special Use Permit **SP2023-046** for one (1) year:

Carson	Chairman
Eilts	No
Ernst	Aye
Jones	Aye
Miller	Aye
Mohler	Aye
Straws	Aye
Ward	Aye
Armstrong	Aye
Beth	Aye
Connelly	Aye

Motion to recommend **APPROVAL** Passed 9 to 1

Subject to:

1. Any additional repairs not addressed prior to approval of SP2023-046 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 STR renters or guests may park on-street;
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;
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ATTACHMENTS

AERIAL IMAGERY



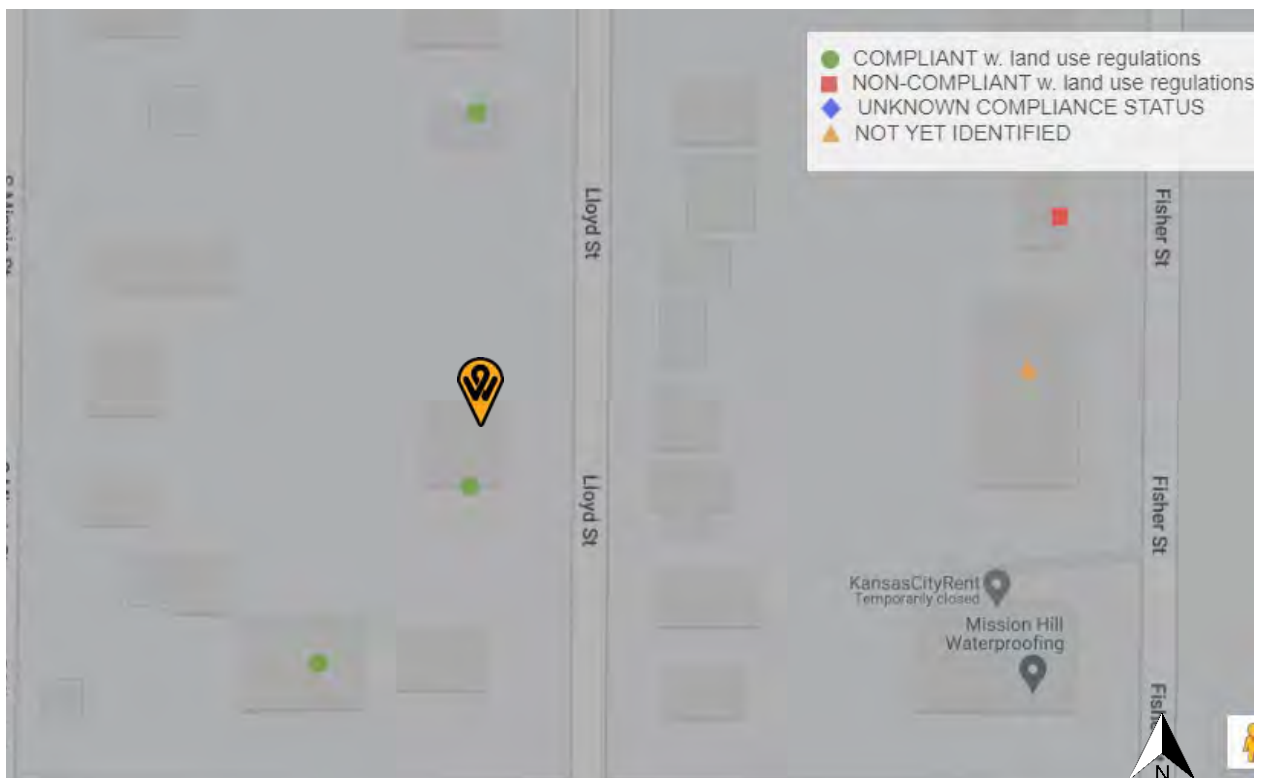
ZONING MAP



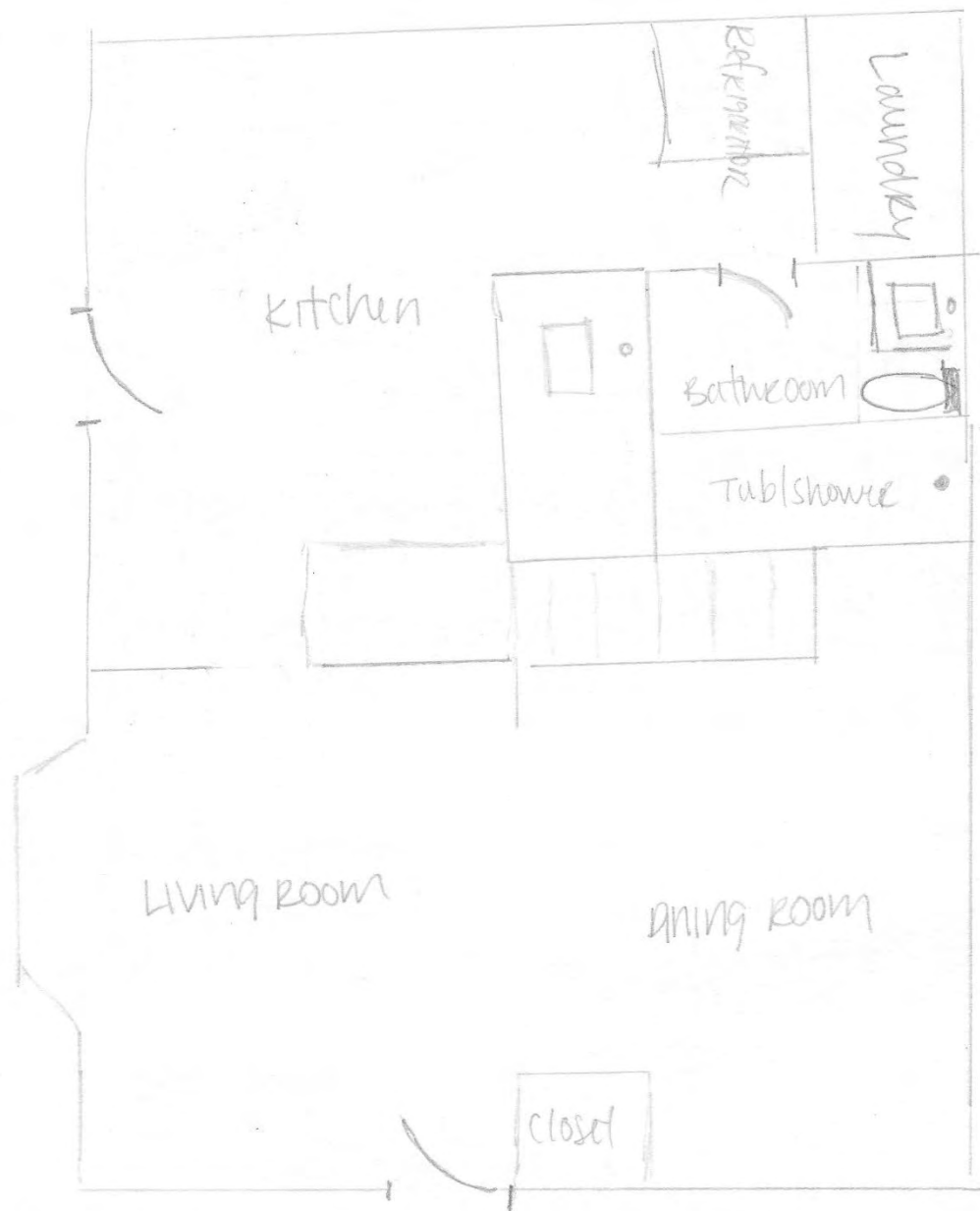
LAND USE MAP



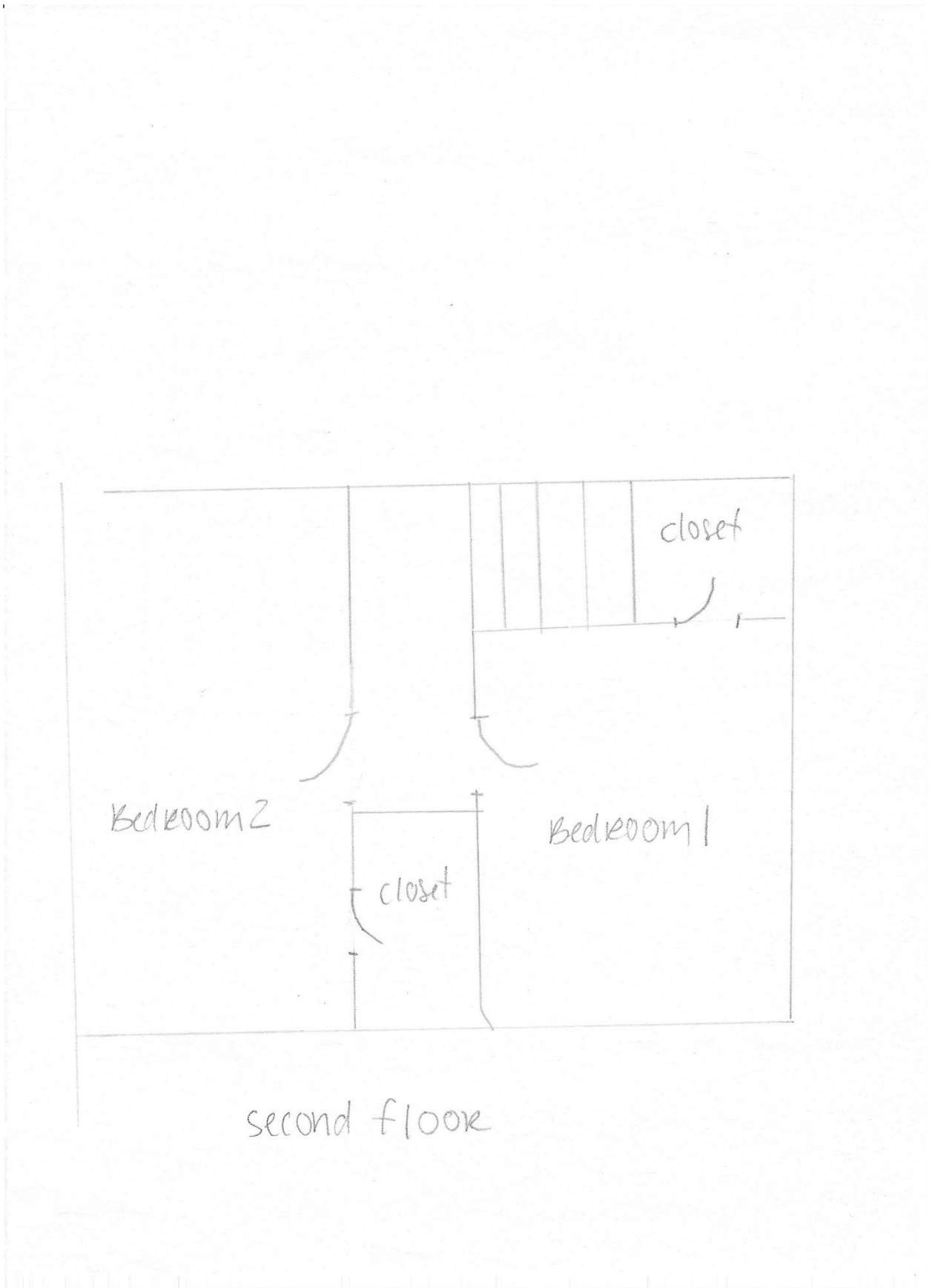
HOST COMPLIANCE MAP – JUNE 12, 2023



FLOOR PLAN



First Floor



HOME INSPECTION REPORT

4138 Lloyd St

Aaron Lilly



2.2.2 Roof Drainage Systems

GUTTERS IMPROPERLY INSTALLED.

The edge of the gutter should be installed underneath the drip edge of the roof. Water will run off the roof and get behind the gutter instead of draining in to them. This has caused wood rot on the fascia boards and soffit. Recommend correction by a qualified gutter contractor.

Recommendation

Contact a qualified gutter contractor

 Recommendation



2.3.1 Flashings

MISSING & INCORRECT FLASHINGS

There are missing sections of drip edge flashings and incorrect flashings used for gutter drip edge. Gutter drip edge flashing should overlap the gutter edge so water doesn't get behind the gutters. Incorrect or missing flashings have caused wood rot on fascia trims and soffits. Recommend correction by a qualified contractor.

Recommendation

Contact a qualified gutter contractor

 Recommendation

Advanced KC Inspections

Page 7 of 35

Observed a clogged floor drain in the basement. Recommend further evaluation and a cleaning by a qualified sewer scope and drain inspection contractor.

Recommendation

Contact a qualified professional.



12.4.1 Hot Water Systems, Controls, Flues & Vents

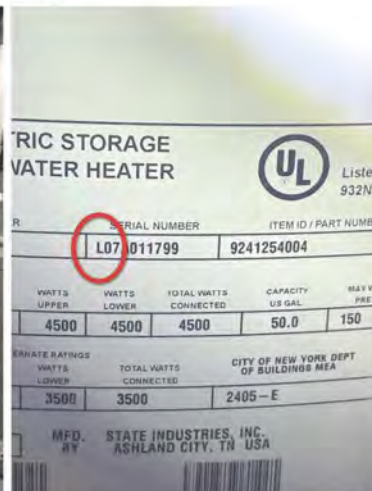
WATER HEATER PAST LIFE EXPECTANCY

 Recommendation

Water heater is operating as it should, but it was manufactured in 2007 and is past its life expectancy (8-12 years). Recommend monitoring its effectiveness and budgeting for a replacement.

Recommendation

Contact a qualified plumbing contractor.



Date code

Deficiencies

13.6.1 Smoke Detectors

DISABLED SMOKE DETECTORS

STAIR LANDING

Smoke detectors have been removed from some locations. Recommend immediate correction, this is a safety issue.

Recommendation

Contact a handyman or DIY project

 Safety Hazard





14.3.1 Floor Structure

TERMITE DAMAGE Recommendation

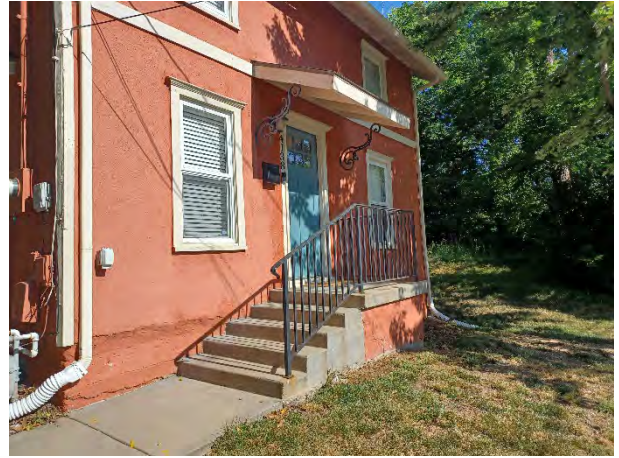
Old termite damage found on floor joists during inspection. Some floor joist repairs have been done. Recommend having a termite inspection and possible treatment done. Termite treatments should be done every 5 years.

Recommendation

Contact a qualified pest control specialist.



SITE PHOTOS, TAKEN BY STAFF, DATED JULY 14, 2023



NEIGHBORHOOD MEETING MATERIALS

Name and Contact Information

SAMPLE MINUTES:

Application Number: SP2023-046
Date and Location: 7/23/2023

Meeting called to order at: 5:36 PM

Names of people in attendance: No attendees

Introductions:

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

Questions and answers (include the following):

- > Who asked question or gave comment
- > What was the question or comment
- > Who answered the question/comment
- > What was the answer given

Meeting adjourned at: 6:00 PM (JT)

Minutes taken by: Aaron Lilly

AFFIDAVIT - NEIGHBORHOOD MEETING

STATE OF Kansas)
) SS:
COUNTY OF Wyandotte)

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

1. That I am the petitioner for Petition # SP2023-046
2. That I conducted a neighborhood meeting on 7/25/2023.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

Aaron Lilly
Affiant



SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 25 day of July, 2023

My commission expires 8 of Dec, 2025



Christin Vossen
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: August 31, 2023

Re: Special Use Petition SP2023-048

GENERAL INFORMATION

Applicant:

Lance Pierce

Status of Applicant:

Owner

3917 Bell Street

Kansas City, Missouri 64111

Requested Action:

Approval of a Short-Term Rental
Special Use Permit.

Date of Application:

June 13, 2023

Purpose:

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

Property Location:

3925 Springfield Street

Kansas City, Kansas 66103

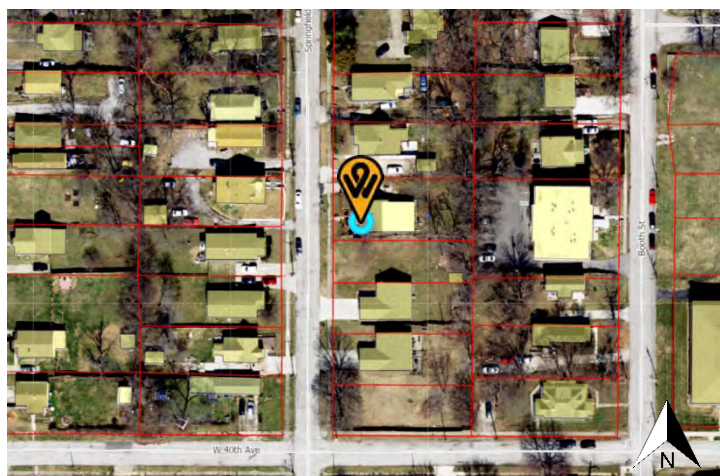
Commission Districts:

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: RP-5 Planned Apartment District West: R-1(B) Single Family District
Adjacent Uses:	North: Single-family residence South: Vacant lot East: Garden apartments West: Single-family residence
Total Tract Size:	0.19 Acre
Master Plan Area:	Rosedale Area Plan
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 Springfield Street 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 three (3) parking spaces.
Advertisement:	<u>The Wyandotte Echo</u> – July 20, 2023 Letters to Property Owner – July 21, 2023
Public Hearings:	August 14, 2023 and August 31, 2023
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Lance Pierce, is requesting a Short-Term Rental Special Use Permit to operate a short-term rental at 3925 Springfield Street. This is not the owner’s primary residence. This would be the first and only permitted short-term rental on the 3900 block of Springfield. The property has operated as an unpermitted short-term rental since August 2022.

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.

Building, Zoning, or Code Enforcement Complaints:

1. There have been no building, zoning, or code enforcement complaints on the subject property.

Outstanding or Related Permits and Cases:

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

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The subject property is within the Rosedale Statistical Neighborhood, the Hilltop Neighborhood Group, and the Rosedale Development Association (RDA) group. The neighborhood consists of a mix of townhouses, garden-style apartments, and single-family residences. The neighborhood also includes the mixed-use corridor along Rainbow Boulevard and the KU 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 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 has been used as an unpermitted short-term rental since mid-2022. It was previously 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 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. 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, a local street, to accommodate it if managed properly while it functions as a short-term rental. Guests of short-term rentals tend to travel more throughout the area, as they are typically visitors or tourists.

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

The proposed use provides a convenience to the public in the form of temporary lodging, however, issues such as noise, vibration, overcrowding of land, and undue concentrations of population could impact nearby properties negatively. If managed properly, however, the use of the property is not expected to substantially nor permanently injure the appropriate use, visual quality, or marketability of adjoining property.

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

Noise and illumination are issues related to short-term rentals. There have not been any noise complaints to date with the current applicant. Vibration and dust 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 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 7 as there are three (3) bedrooms. 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, specifically those that prohibit parties or larger groups, undue concentrations of population should not be an issue.

PREVIOUS ACTIONS

There are no current planning entitlements on the subject property.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on July 31, 2023. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Floor Plan
Operating without a Special Use Permit
Noise
Overcrowding
Parking
Required Repair Items

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 2 to recommend **APPROVAL** of Special Use Permit Application SP2023-048, **for one (1) year**, subject to:

1. The driveway apron and sidewalk shall be repaired or replaced. The applicant has six (6) months to begin pulling permits and one (1) year to complete the work;
2. Exterior handrails shall be installed;
3. Any additional repairs not addressed prior to approval of SP2023-048 outlined within the provided home inspection report shall be performed prior to renewal of this Special Use Permit;
4. Maximum number of guests shall be seven (7);
5. All parking must be off-street, maximum number of vehicles is two (2). No STR renters or guests may park on-street;
6. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
7. 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;
8. Applicant is to maintain liability insurance;
9. The property must remain in proper maintenance and free of hazards, pests, or infestations;
10. The granting of this Special Use Permit does not transfer with a change of ownership of the property;
11. 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);
12. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
13. If approved, occupying businesses must file and maintain a current business occupation tax application with this office;
14. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit,

- and if so, must take it upon themselves to initiate the building permit process accordingly;
15. All existing and future driveways must feature curb cuts that are constructed to UG standards;
 16. 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;
 17. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
 18. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
 19. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
 20. The Special Use Permit shall be valid for one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;
 21. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board

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

22. 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 **SP2023-048** subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

August 14, 2023 City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map – Rosedale Area Plan
Host Compliance Map
Floor Plan
Home Inspection Report
Site Photos, Provided by Staff, Dated July 14, 2023
Neighborhood Meeting Materials

REVIEW OF INFORMATION AND SCHEDULE

Action	City Planning Commission	Unified Government Board of Commissioners
Public Hearing	August 14, 2023	August 31, 2023
Special Use	Approval	

STAFF CONTACT:

James Molloy
jmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2023-048** as meeting all the requirements of the city code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **SP2023-048**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

August 14, 2023, City Planning Commission Minutes:

Hearing starts at 1:53:42 and the applicant was not present; the application was recalled at 2:34:00 and the applicant was present:

SPECIAL USE PERMIT APPLICATION SP2023-048 – LANCE PIERCE WITH KARAT VACATION RENTAL - SYNOPSIS: Special Use Permit to operate a Short-Term Rental at 3925 Springfield Street. Detailed Outline of Requested Action: The applicant, Lance Pierce, is requesting a Short-Term Rental Special Use Permit to operate a short-term rental at 3925 Springfield Street. This is not the owner's primary residence. This would be the first and only permitted short-term rental on the 3900 block of Springfield. The property has operated as an unpermitted short-term rental since August 2022.

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 August 14, 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:

- Lance Pierce, applicant, Karat Vacation Rental, 3917 Bell Street, Kansas City, Missouri 64111

Chairman Carson asked the applicant if he is in agreement with the conditions of approval. Mr. Pierce stated yes.

Commissioner Ernst stated that he has operated all three (3) locations on the agenda without a permit and gave a different reason for each one. Mr. Pierce stated that he was overwhelmed with all his Short-Term Rentals and had operated two (2) of them as mid-term rentals.

Commissioner Eilts directed questions to the applicant.

Commissioner Jones asked the applicant how many Short-Term Rentals he has in Kansas and Missouri. Mr. Lance stated that he owns 30 and oversees 60 Short-Term, Medium-Term and Long-Term Rentals. Commissioner Jones directed additional questions to the applicant.

Present in Opposition:

- No one appeared

Staff Recommendation starts at 2:40:40: Planning Director Hand stated that this is a request for a non-owner occupied Short-Term Rental Special Use permit. If approved, it would be the only Short-Term Rental on this block of Springfield Street. 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 for one (1) year subject to the conditions in the staff report.

Commissioner Jones directed questions to Director Hand.

Motion starts at 2:43:22:

On motion by Mrs. Jones, seconded by Mr. Connelly, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit SP2023-048 for one (1) year:**

Carson	Chairman
Eilts	No
Ernst	No
Jones	Aye
Miller	Aye
Mohler	Aye
Straws	Aye
Ward	Aye
Armstrong	Aye
Beth	Aye
Connelly	Aye

Subject to:

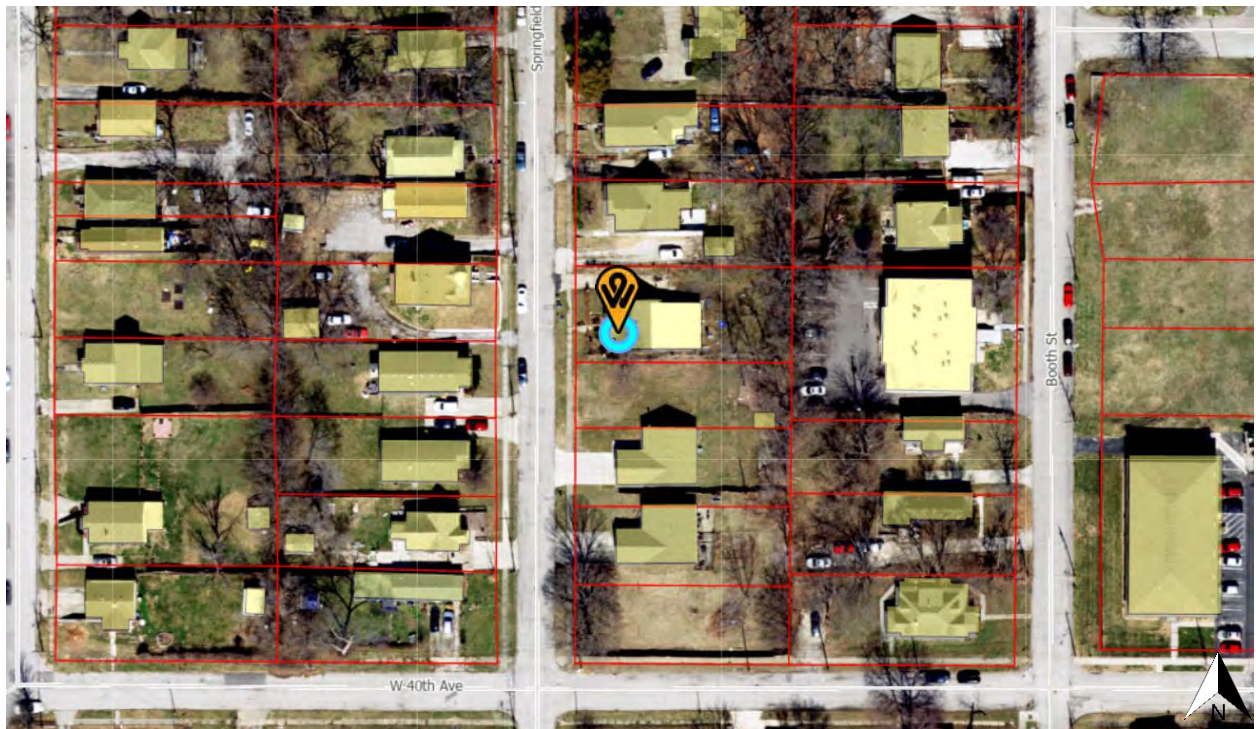
1. The driveway apron and sidewalk shall be repaired or replaced. The applicant has six (6) months to begin pulling permits and one (1) year to complete the work;
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5. All parking must be off-street, maximum number of vehicles is two (2). No STR renters or guests may park on-street;
6. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
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8. Applicant is to maintain liability insurance;
9. The property must remain in proper maintenance and free of hazards, pests, or infestations;
10. The granting of this Special Use Permit does not transfer with a change of ownership of the property;
11. 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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13. If approved, occupying businesses must file and maintain a current business occupation tax application with this office;
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19. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
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21. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the

- petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
22. 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



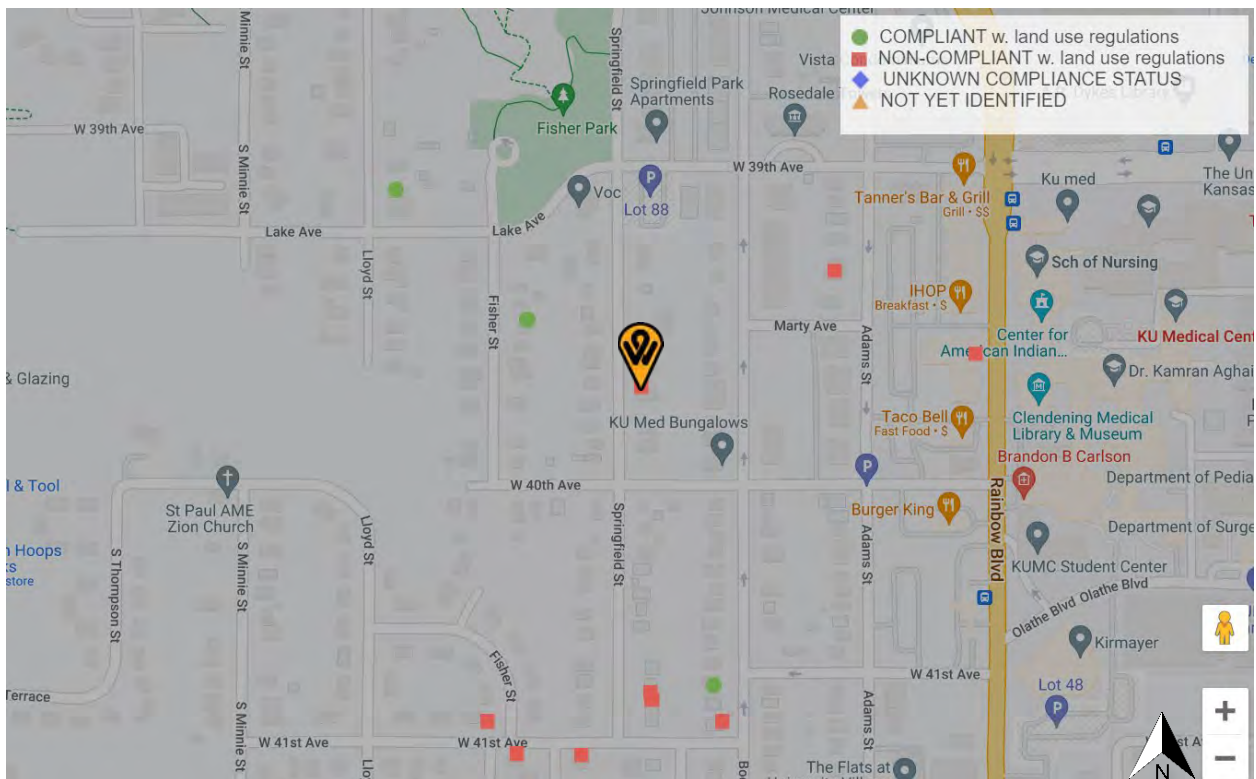
ZONING MAP



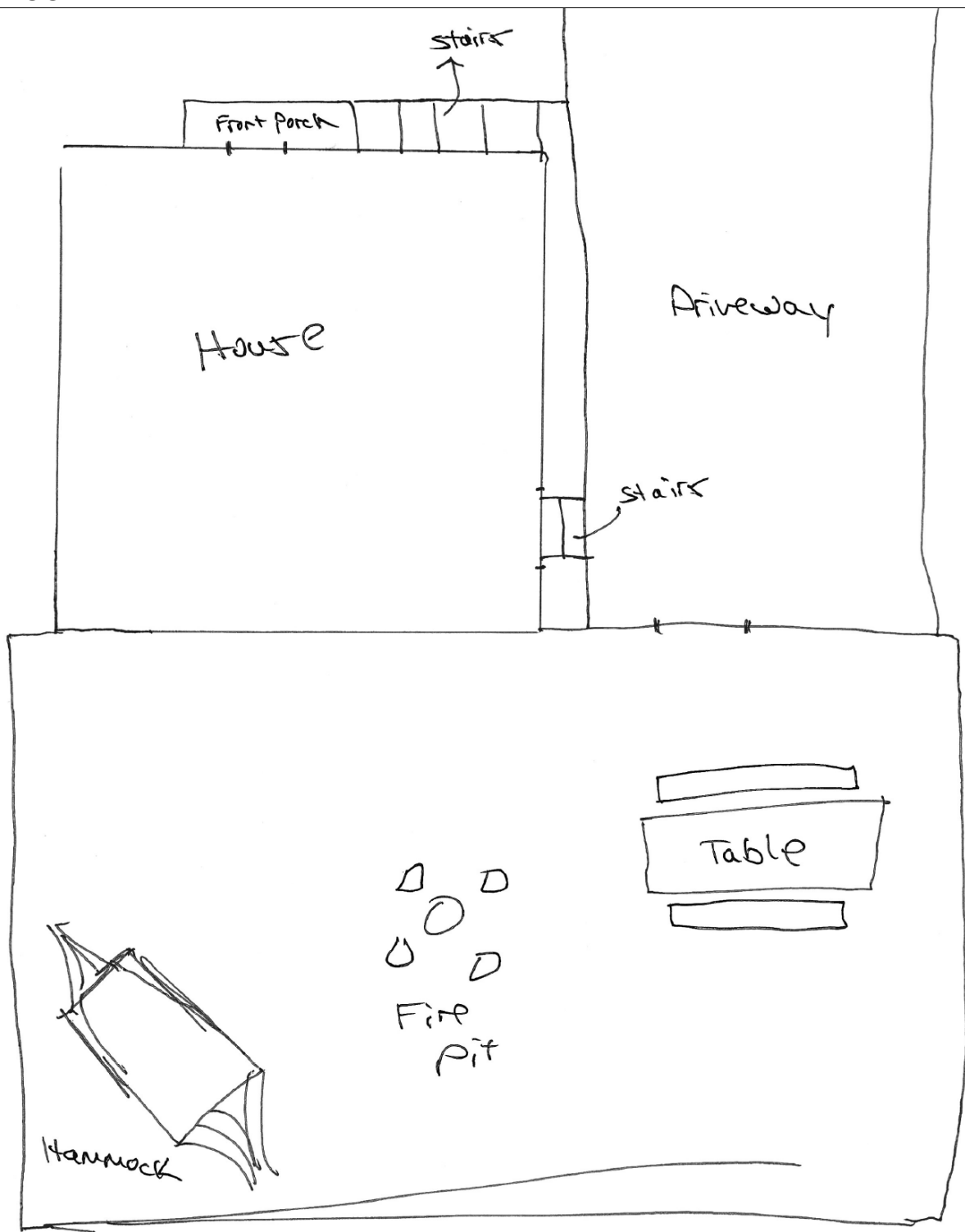
LAND USE MAP – ROSEDALE AREA PLAN



HOST COMPLIANCE MAP – JUNE 12, 2023

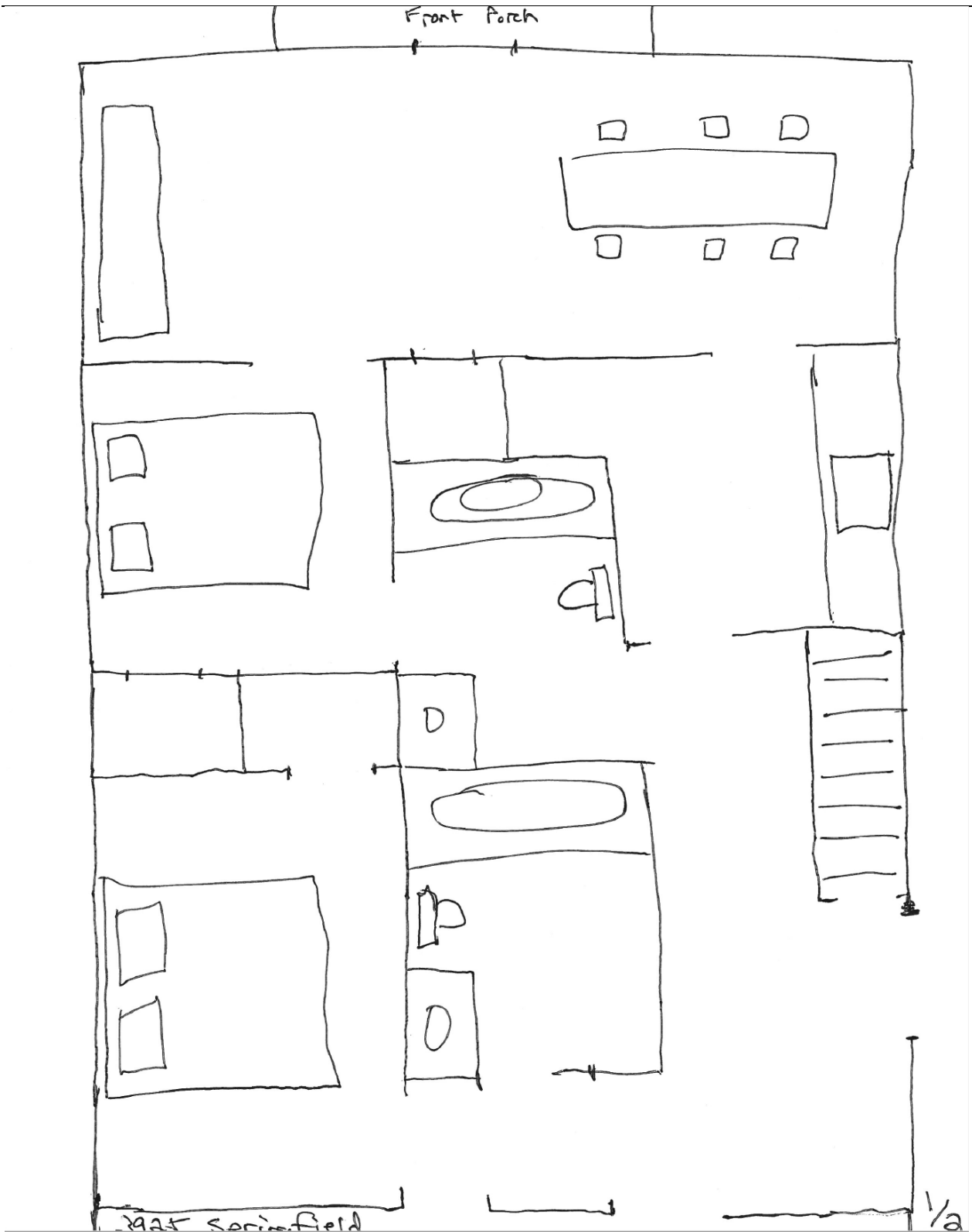


FLOOR PLAN



3925 Springfield

FLOOR PLAN



FLOOR PLAN



3925 Springfield Kansas Kansas

2/2

APPLICANT RESPONSE TO DRAFT COMMENTS

3925 Springfield
Kansas City, KS 66103

SP2023-048

Comments and suggestions applicant responses

1. We have just recently purchased this property. It has been under construction for the majority of time. We believe the previous owners had a short term license before us and was not aware of that fact
2. Working on how to get this information.
3.
 - A. The handrail has been installed on the basement stairwell
 - B. The damaged outlet covers have been replaced
 - C. The water heater was replaced with a new one
 - D. A GFCI outlet has been installed in the laundry room
4.
 - a. Currently working on bids for sidewalk and driveway repairs
 - b. We are currently getting bids to combine all properties that are needing sidewalk and retaining walls repaired.
 - c. Scheduled for the week of Aug. 7-11
 - d. Scheduled for the week of Aug. 7-11
5. The entire property is rented. Guests have access to use the driveway to park their vehicles. The front and back yard which includes a picnic table, hammock and fire pit. The living room includes the TV, couch, coffee table and lighting. The dining room and dining table. They will have 4 bedrooms which all provide a king size bed. Full access to the kitchen which is fully stocked with pots, pans, dishes, utensils and glasses. They have two full bathrooms with a toilet, sink and combo shower and tub. The basement which provides a washer and dryer for their use.
6. Four bedrooms are rented. We have not been able to enter the unit yet due to having a tenant and do not currently have the scaled floor plan. We will be able to gather that information upon their departure.
7. Guests can have up to two vehicles. Parking will be in the driveway.
8. The maximum guest count will 7
9. We have a projected occupancy rate of 70%

10. Lance Pierce and Neshae Wells are the property managers. They are both main points of contact for guests and neighbors. Neshae is the emergency contact for the guests staying in the properties. They call or text with any major issues they are needing fixed immediately. Guests and neighbors are available to contact us at any time.

We included our contact information in the neighborhood meeting notice and encouraged everyone to call or email us with any questions or concerns.

Lance Pierce

Phone: 816-294-3641

Email: lancempierce@gmail.com

Neshae Wells

Phone: 816-500-4169

Email: shaebutter88@gmail.com

11. We welcome our neighbors to call, text or email us if there are any issues.

12. Yes. We have a Business license from the unified government.

13. We are listed on Vrbo and Airbnb. Both websites/platforms deduct Kansas State Lodging Taxes and pay these taxes for us.

14. We perform full maintenance inspections on each property monthly. This includes checking the following: Smoke detector batteries are changed and properly working in each room. Making sure all outlets are in working order. Changing the batteries on the keypad locks. Making sure the locks are in working order and latch to the frame properly. HVAC systems serviced and filters changed. Hot water tank serviced. Plumbing checked and working properly. Making sure there are no major repairs needed.

The unit is thoroughly cleaned and disinfected after each guest has departed. Making sure to follow the cleaning and sanitation of surfaces and laundry set by the CDC guidelines.

15. We will include this information into our house manual

16. We have a 2 page house manual. These are the rules listed in the manual

House Rules

- Overall please treat the home with the same care as you would your own home
- Please remove your shoes at the door
- No smoking inside the property (\$200 Fine)
- No parties or gatherings. No more than the listed guest count on the reservation can be at the property
- **Pets are not allowed on the beds or furniture**
- **Must clean up after your pets in the yard**

- Be considerate of the neighbors and keep the noise down after 10pm
- Kick back and make yourself at home

17. We have a guest count of 7. Up to two persons per bed (4 beds)

18. Guests are allowed to bring pets. We have a 2 pet maximum set on the property.

19. We can be at the site between 15-30 minutes.

20. We have either fixed or are in the process of fixing any issues reported by the staff and from the inspection reports. We are actively taking the steps needed to become compliant.

SITE PHOTOS, TAKEN BY STAFF, DATED JULY 14, 2023



NEIGHBORHOOD MEETING MATERIALS

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas,
COUNTY OF Wyandotte) SS:

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

1. That I am the petitioner for Petition # SP2023-047, SP2023-048, SP2023-049, SP2023-052
2. That I conducted a neighborhood meeting on July 31, 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 1st day of August, 2023
My commission expires 14th of Feb, 2027


Notary Public



July 18, 2023

Dear neighbor,

We have filed an application with the Department of Urban Planning and Land Use SP2023-047, SP2023-048, SP2023-049 and SP2023-050. The purpose of this:

- Special Use Permit

is for a short term rental/AirBNB at the following addresses:

4028 Booth Street, Kansas City, Kansas 66103
3917 Fisher Street, Kansas City, Kansas 66103
4456 Springfield Street, Kansas City, Kansas 66103
3925 Springfield Street, Kansas City, Kansas 66103

I/We are having a virtual Zoom meeting on Monday, July 31st at 12:00 p.m. at the following link. The purpose of this meeting is to explain the proposal and to answer any questions/concerns you may have.

Please reach out to the email below to receive an invite with the hyperlink to the zoom meeting. shaebutter88@gmail.com

<https://us05web.zoom.us/j/84803146413?pwd=oKkk6u0pchrBhVPDGLiVGnU5VQr9xc.1>

Password: m7WBGF

If you are unable to join the Zoom meeting, please feel free to contact us at either of the email addresses or phone numbers listed below.

I look forward to seeing you at the neighborhood meeting.

Sincerely,

Mr. Lance Pierce

Lance Pierce
816-294-3641
Lancepierce@gmail.com

Shae Wells
816-500-4169
Shaebutter88@gmail.com

Application Number(s):

SP2023-047 – 3917 Fisher Street
SP2023-048 – 3925 Springfield Street
SP2023-049 – 4028 Booth Street
SP2023-050 – 4456 Springfield Street

Date and Location: July 31, 2023 held by Zoom meeting

Meeting called to order at: 12:00 pm

Names of people in attendance:

Lance Pierce
Neshae Wells
Billy Brame
Carol Fagan
Nancy Schaubt

Introductions: We introduced ourselves and the company name. Lance explained that we were applying for the short term rental licenses in Wyandotte county for the above properties. Each address was read out loud to those in attendance by Shae. Lance explained the type of guests we have staying at the property and why. Stating that people usually book to be closer to KU medical center after major procedures, to visit close family and friends, 4-6 week long work orders and to have somewhere that provided a full kitchen to be able to cook instead of eating out every day.

Nancy Schaubt commented that even though people are here to visit grandmothers and family members, her and other residents of the block of 44th and Springfield St, are pulling together a petition to deny the use of short term rentals in the neighborhood. Stating that they would prefer the neighborhood to stay as a residential neighborhood and not have party houses next door. She stated that friends of hers in the west Plaza area of Kansas City, MO have let her know how bad the parties have been.

Lance explained that we live nearby and do not have these issues. We have house rules in place that state to guests that no parties/gatherings are allowed. If the guests break these rules, Airbnb allows for us to end the reservation immediately and require them to vacate the property. We are also applying for the license so that we are responsible and can be held liable for any issues that may stem from any of our guests. Many of the people running Airbnb's do not live nearby and many don't even live in the state. These owners or investors may have never even seen the property. They don't care about the neighborhood nor have taken responsibility for the issues that are caused by the parties. We are local and urge our guests to call or reach out for any issues that stem from our properties.

Carol Fagan commented that they have been living next to Lance for years and have never had any issues with guests throwing parties at any of the properties listed above. She preferred to have Lance as a licensed short term rental holder than the other property owners that live out of state. They stated that the unit across from them is owned by someone who lives in Chicago.

Lance thanked her for her comment. He stated that that is the benefit of us being local residents. We are at the property at least once a week. We vet our guests with questions asking if they have read and understand our house rules. We have bought homes and done full remodels which included the exterior of the home and the yards. Our goal for that was to improve the appearance of the neighborhood.

Billy Brame commented and agreed with Nancy on getting the neighbors together to go against the rezoning of each property. Stating that he would prefer the homes be rented out for 12 month leases for families or college students. He wants the neighborhood to feel like a residential neighborhood.

Lance responded saying that we have mainly been renting the homes for 30 day or longer stays. When there are a few days apart, we would open the calendar up to be rented for 2 nights or more before our next longer term stay guest checked in.
What was the question or comment

Carol stepped in to say that they understand the concerns but based on the experience they have had with Lance's airbnb's, they would prefer Lance to have the license rather than someone who doesn't care. Carol suggested they consider the fact that they may not have a say in the zoning process and to think about the type of person they would prefer hosting an airbnb on their block.

The Zoom meeting time limit was coming to an end, Lance let everyone know to send us their names and phone numbers so that we can follow up with any other questions and concerns they may have.

Meeting adjourned at: July 31, 2023 12:34pm

Minutes taken by: ___Shae Wells___



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: August 31, 2023

Re: Special Use Petition SP2023-049

GENERAL INFORMATION

Applicant:

Lance Pierce

Status of Applicant:

Owner

3917 Bell Street

Kansas City, Missouri 64111

Requested Action:

Approval of a Short-Term Rental
Special Use Permit.

Date of Application:

June 13, 2023

Purpose:

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

Property Location:

4028 Booth Street

Kansas City, KS 66103

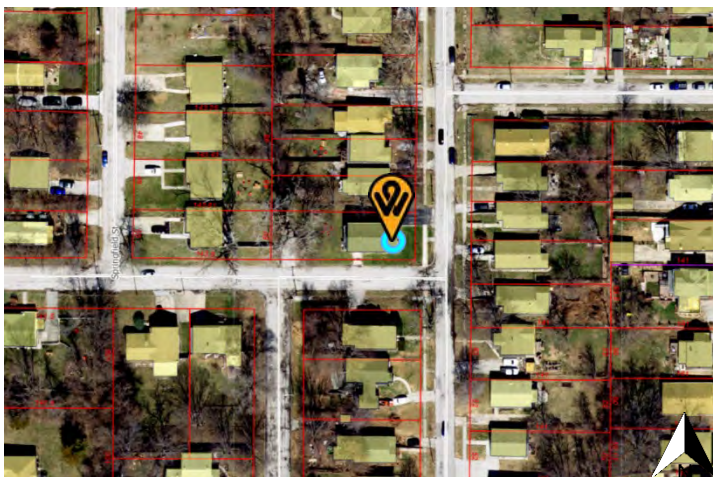
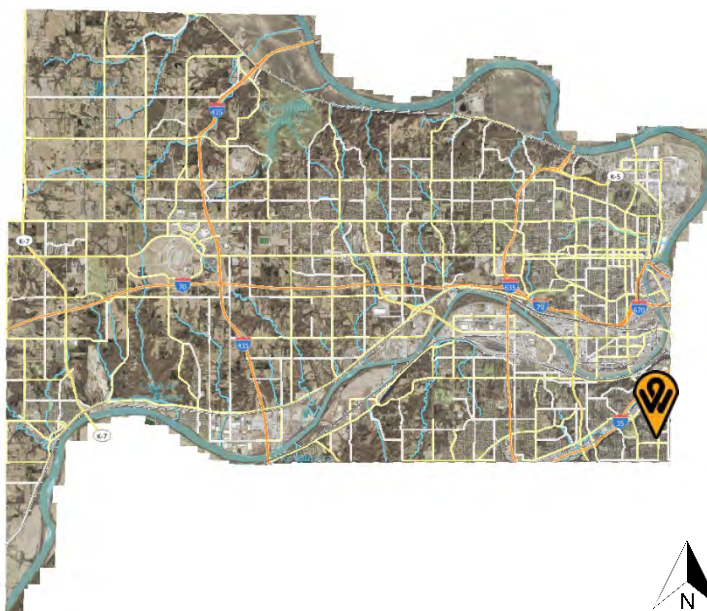
Commission Districts:

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: Duplex
Total Tract Size:	0.16 Acres
Master Plan Designation:	The Rosedale Area Plan designates this property as a Single-Family Neighborhood, which allows for rowhouses, townhomes, and single-family houses.
Major Street Plan:	The Major Street Plan designates Booth Street 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> – July 20, 2023 Letters to Property Owner – July 21, 2023
Public Hearings:	August 14, 2023 and August 31, 2023
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The Applicant, Lance Pierce, is requesting a Short-Term Rental Special Use Permit to operate a short-term rental at 4028 Booth Street. This is not the owner’s primary residence. This would be the first and only permitted short-term rental on the 4000 block of Booth. The property was previously permitted as a short-term rental; however, the permit has lapsed.

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

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. 2018 – 00130047 – Disturbance

Building, Zoning, or Code Enforcement Complaints:

1. There have been no building, zoning, or code enforcement complaints 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 (RDA) 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 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 has been used as a short-term rental since 2018.

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 a Single Family District, which

allows for rowhouses, townhomes, garden-style apartments, 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 Booth Street, a local street, to accommodate it if managed properly while it functions as a short-term rental. Guests of short-term rentals tend to travel more throughout the area, as they are typically visitors or tourists.

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

The proposed use provides a convenience to the public in the form of temporary lodging, however, issues such as noise, vibration, overcrowding of land, and undue concentrations of population could impact nearby properties negatively. If managed properly, however, the use of the property is not expected to substantially nor permanently injure the appropriate use, visual quality, or marketability of adjoining property.

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

Noise and illumination are issues related to short-term rentals. There have not been any noise complaints to date with the current applicant. Vibration and dust 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 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 unable to be determined, as the required floor plan was not provided. The maximum number of vehicles off-street is four (4). There shall be no on-street parking for STR renters or guests. 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 Short-Term Rental Special Use Permit (SP-2020-45) for two (2) years in 2020.

Approval of a Short-Term Rental Special Use Permit (SP-2019-4) for one (1) year in 2019.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on July 31, 2023. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Floor Plan
Operating without a Special Use Permit
Noise
Overcrowding
Parking
Required Repair Items

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 2 to recommend **APPROVAL** of Special Use Permit Application SP2023-049, **for one (1) year**, subject to:

- 1. Only one (1) unit in the duplex may be rented as a short-term rental.**
- 2. The applicant shall install a retaining wall in the rear yard where the former garage once stood. The applicant has six (6) months to begin pulling permits and one (1) year to complete the work;**

3. The applicant shall replace the curbing along 41st Avenue. The applicant has six (6) months to begin pulling permits and one (1) year to complete the work;
4. Any additional repairs not addressed prior to approval of SP2023-049 outlined within the provided home inspection report shall be performed prior to renewal of this Special Use Permit;
5. Maximum number of guests is seven (7);
6. All parking must be off-street, maximum number of vehicles is three (3). No STR renters or guests may park on-street;
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; and,
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.

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 **SP2023-049** subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

August 14, 2023, City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map – Rosedale Area Plan
Host Compliance Map
Floor Plan
Home Inspection Report
Applicant Response to Draft Report
Site Photos, Provided by Staff, Dated July 14, 2023
Neighborhood Meeting Materials

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	August 14, 2023	August 31, 2023
Special Use	Approval	

STAFF CONTACT:

Joel Campbell
jocampbell@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2023-049** to the as meeting all the requirements of the city code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____;

2. _____; And
3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition **SP2023-049**, 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.

August 14, 2023, City Planning Commission Minutes:

Hearing starts at 2:44:32:

SPECIAL USE PERMIT APPLICATION SP2023-049 – LANCE PIERCE WITH KARAT VACATION RENTAL - SYNOPSIS: Special Use Permit to operate a Short-Term Rental at 4028 Booth Street. Detailed Outline of Requested Action: The Applicant, Lance Pierce, is requesting a Short-Term Rental Special Use Permit to operate a short-term rental at 4028 Booth Street. This is not the owner's primary residence. This would be the first and only permitted short-term rental on the 4000 block of Booth. The property was previously permitted as a short-term rental; however, the permit has lapsed.

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 August 14, 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:

- Lance Pierce, applicant, Karat Vacation Rental, 3917 Bell Street, Kansas City, Missouri 64111

Chairman Carson asked if the applicant is in agreement with the conditions in the staff report. Mr. Pierce states yes, he needs clarification on a couple of items, but he will follow-up with staff.

Commissioners Straws and Eilts directed questions to the applicant.

Present in Opposition:

➤ No one appeared

Staff Recommendation starts at 2:48:10: Planning Director Hand stated that the request is for a Special Use Permit for a non-owner-occupied Short-Term Rental. The applicant had a previous Special Use Permit that has expired. He stated that the property is in the Rosedale Area Plan. Staff has received no letters in support nor opposition. There are some older Notices of Violation that will be resolved by the proposed project. Staff recommends approval for one (1) year subject to the conditions in the staff report. He showed the Commission on the screen the retaining wall and the two (2) different driveways that need to be improved to UG standards. Director Hand also stated that if this Special Use Permit is approved by the Board of Commissioners, there is another unlicensed Short-Term Rental that will need enforcement action accordingly.

Commissioners Eilts and Beth directed questions to Director Hand.

Motion starts at 2:55:02:

On motion by Mrs. Jones, seconded by Mr. Straws, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit SP2023-049 for one (1) year:**

Carson	Chairman
Eilts	No
Ernst	No
Jones	Aye
Miller	Aye
Mohler	Aye
Straws	Aye
Ward	Aye
Armstrong	Aye
Beth	Aye
Connelly	Aye

Motion to recommend **APPROVAL** Passed 8 to 2

Subject to:

1. Only one (1) unit in the duplex may be rented as a short-term rental.
2. The applicant shall install a retaining wall in the rear yard where the former garage once stood. The applicant has six (6) months to begin pulling permits and one (1) year to complete the work;
3. The applicant shall replace the curbing along 41st Avenue. The applicant has six (6) months to begin pulling permits and one (1) year to complete the work;

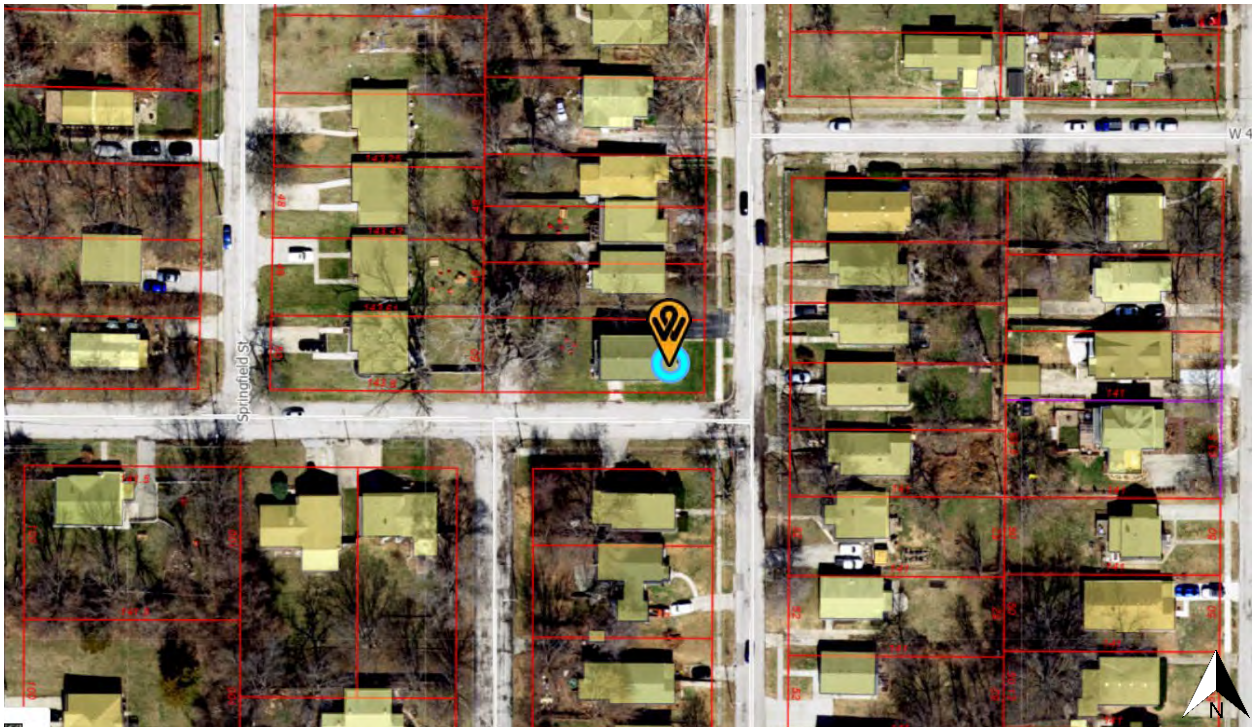
4. Any additional repairs not addressed prior to approval of SP2023-049 outlined within the provided home inspection report shall be performed prior to renewal of this Special Use Permit;
5. Maximum number of guests is seven (7);
6. All parking must be off-street, maximum number of vehicles is three (3). No STR renters or guests may park on-street;
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).
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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;
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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; and,
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.

ATTACHMENTS

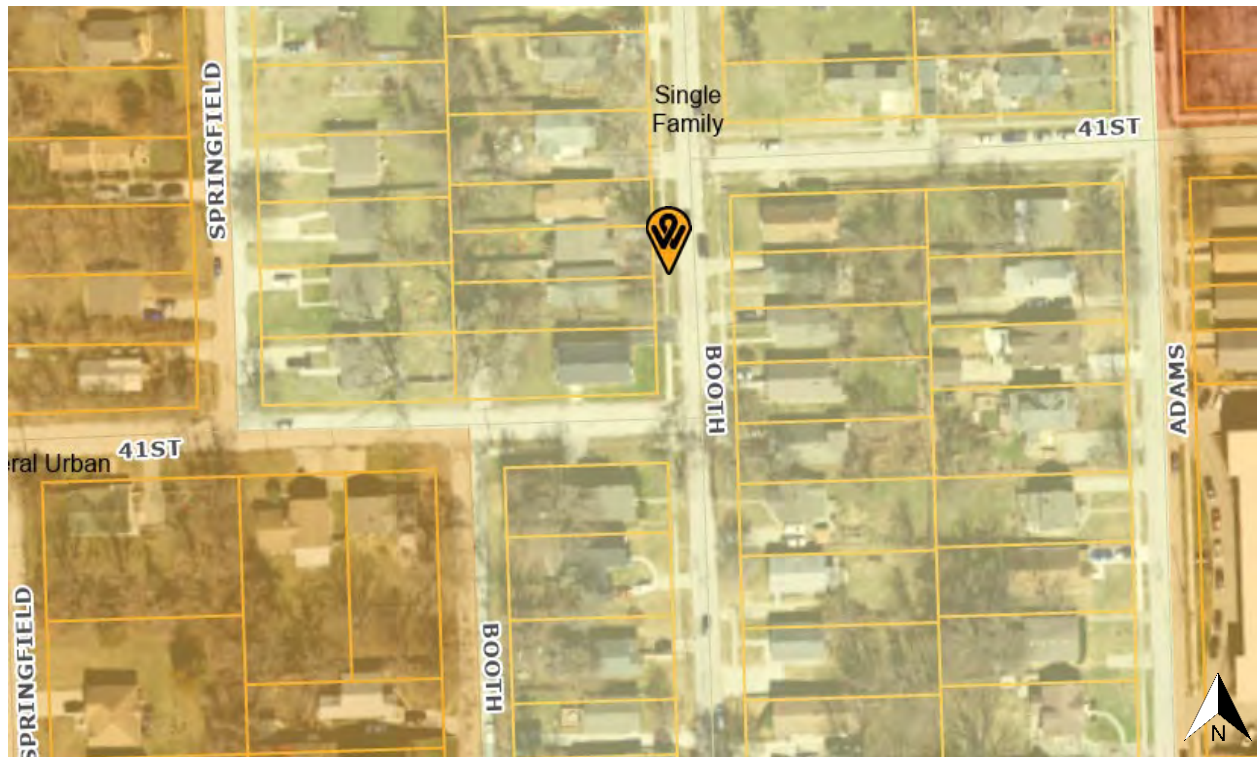
AERIAL IMAGERY



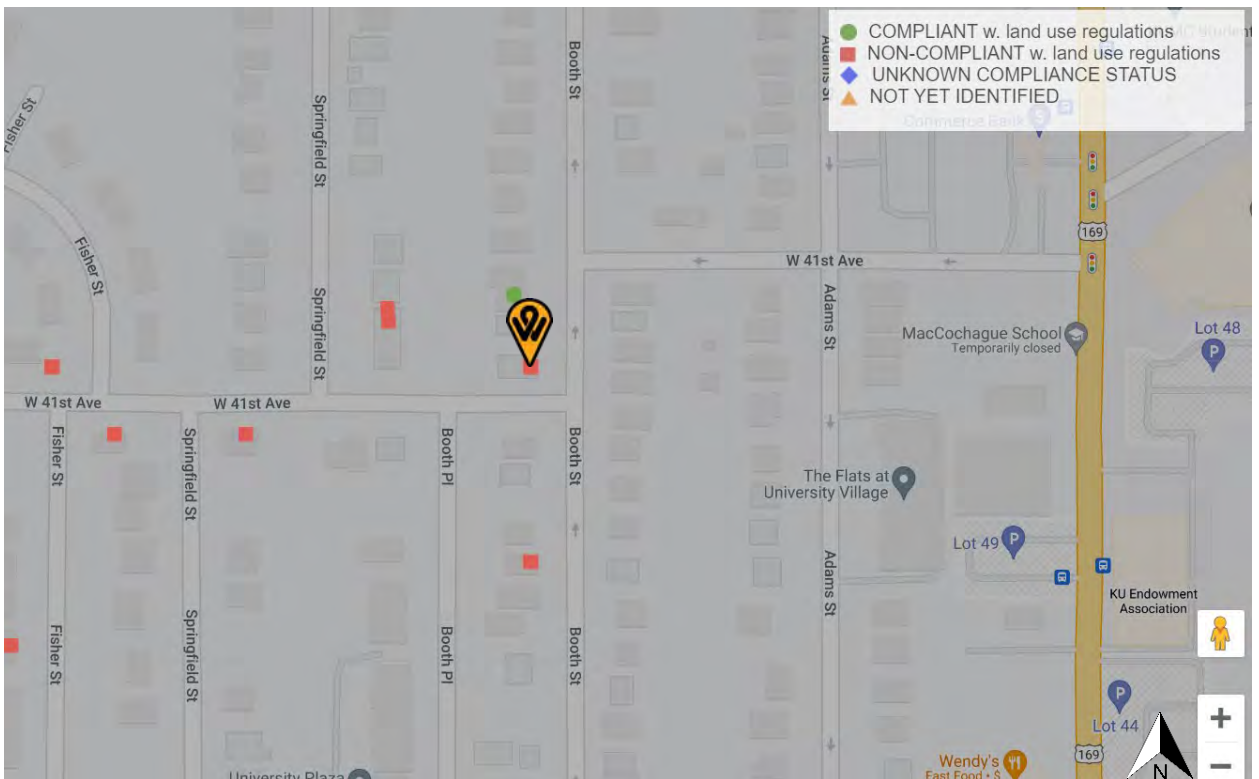
ZONING MAP



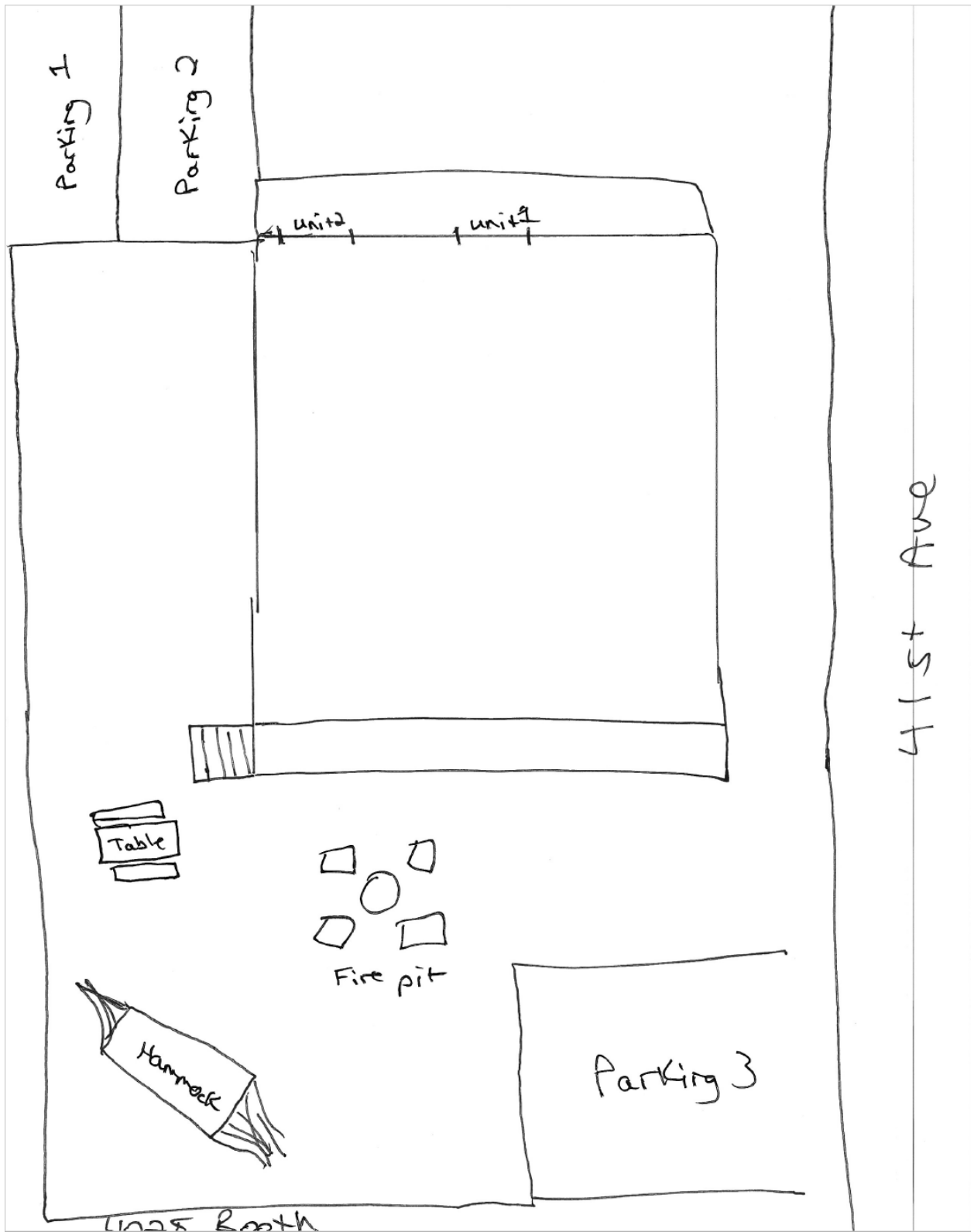
LAND USE MAP – ROSEDALE AREA PLAN

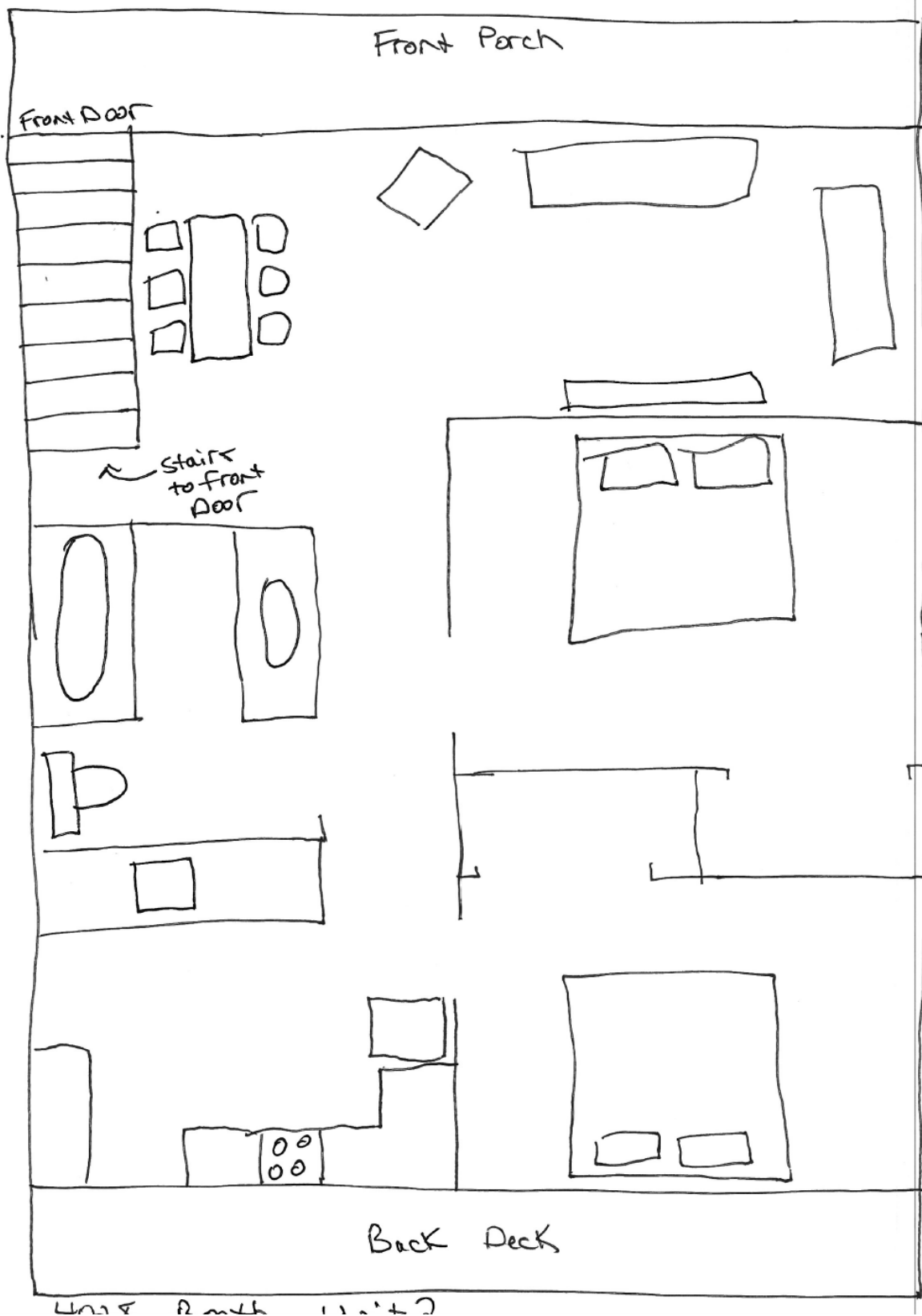


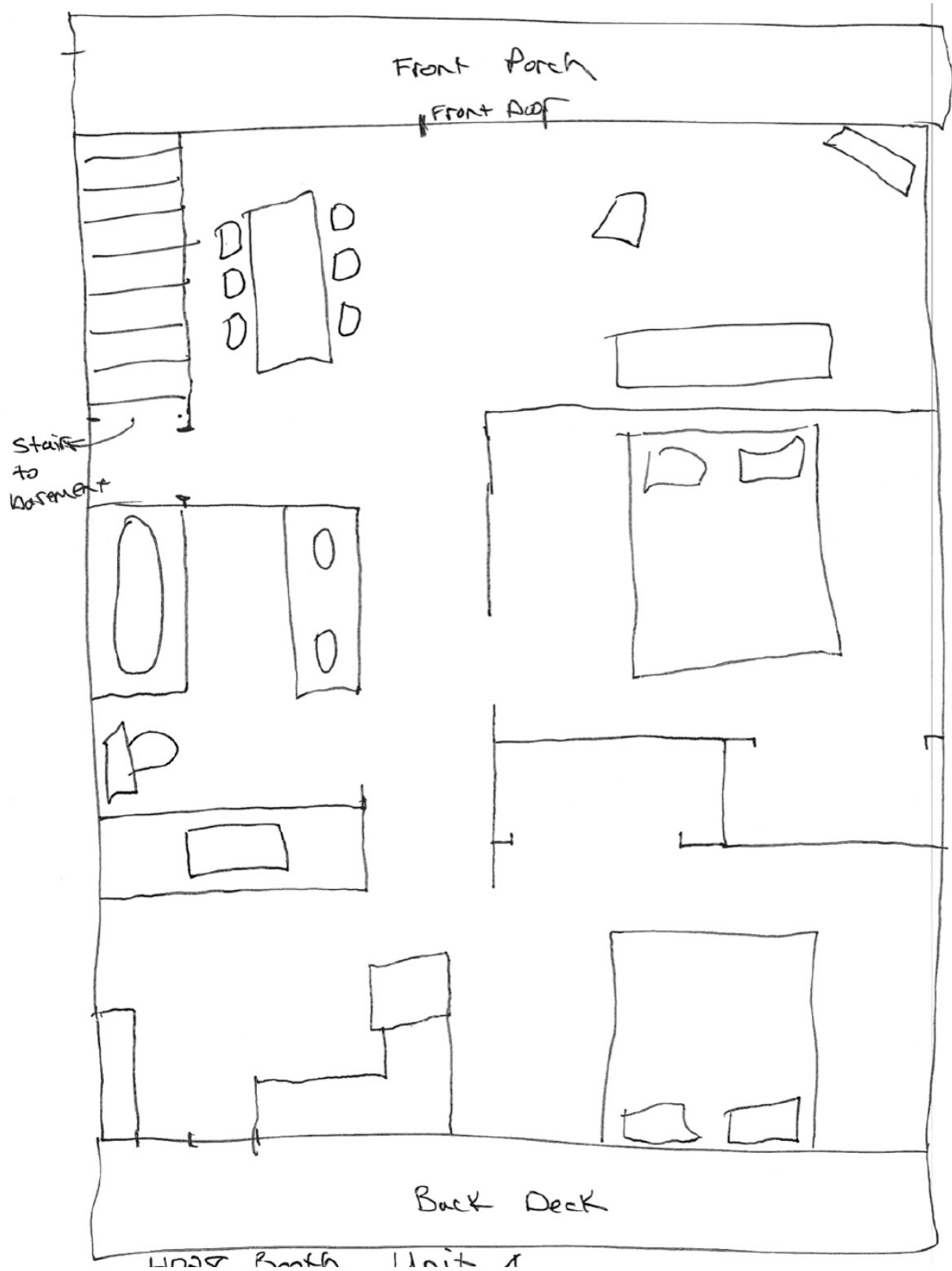
HOST COMPLIANCE MAP – JUNE 12, 2023



FLOOR PLAN







HOME INSPECTION REPORT

4028 Booth St

Lance Pierce

[Click Here For More Information](#)

Foundation & Walls

LIMITED ACCESS/VISIBILITY

[Click Here For More Information](#)

Windows

LIMITED ACCESS/VISIBILITY

[Click Here For More Information](#)

Recommendations

4.7.1 Stairwell

STAIRWELL DEFECT(S)

Missing Graspable Handrail

[Click Here For More Information](#)

To ensure the safety and integrity of the property, we highly recommend that a qualified professional be consulted to evaluate and/or repair any defects or potential hazards that are identified during the inspection. Representative defects were identified and documented. There may be additional defects present that were not observed or documented during the inspection.

 Moderate/Significant



5: ELECTRICAL

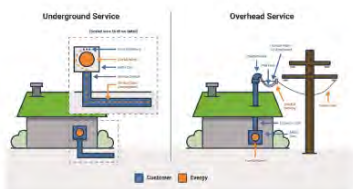
Information

General: OWNERS RESPONSIBILITY

[Click Here For More Information](#)

General: Electrical Disclaimer

[Click Here For More Information](#)



[Click Here For More Information](#)

General

LIMITATIONS

Panel cover(s) not removed (Service Entrance & Outside Main Disconnect)

[Click Here For More Information](#)

AFCI Breakers

[Click Here For More Information](#)

Bonding/Grounding Not Verified

[Click Here For More Information](#)

Branch Circuit Limitations

[Click Here For More Information](#)

Main & Subpanels, Service & Grounding, Main Overcurrent Device

PANEL COVER(S) NOT REMOVED[Click Here For More Information](#)**Recommendations**

5.2.1 Service Entrance

**INADEQUATE CLEARANCE-
OPERABLE WINDOW**

Moderate/Significant

The overhead service-drop conductors had inadequate clearance from an operable window. A minimum 3-foot (1m) clearance is required from the bottom or sides. This is designed to prevent persons from coming into contact with energized electrical conductors; a shock/electrocution hazard.

[Click Here For More Information](#)

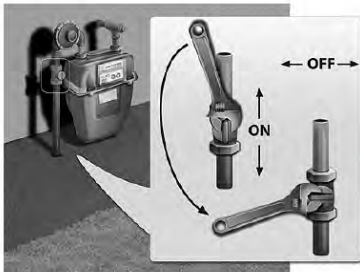
To ensure the safety and integrity of the property, we highly recommend that a qualified professional be consulted to evaluate and/or repair any defects or potential hazards that are identified during the inspection. Representative defects were identified and documented. There may be additional defects present that were not observed or documented during the inspection.

**6: HVAC****Information**

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

Right Side

Gas Meter



Gas Meter Diagram

**Limitations**

General

LIMITED VISIBILITY/ACCESS[Click Here For More Information](#)

General

LIMITATIONS

Grinder Pump (if present) Not Inspected

[Click Here For More Information](#)[Click Here For More Information](#)

Back Flow Prevention

[Click Here For More Information](#)

Ventilation: Unable To Verify

[Click Here For More Information](#)

Water Heater (Hot Water Source)

LIMITED ACCESS/VISIBILITY[Click Here For More Information](#)**Recommendations**

7.2.1 Main Shut Off, Supply & Distribution

UNABLE TO LOCATE MAIN SHUT OFF VALVE[Click Here For More Information](#)

You should know where the main shut off is and leave a path for access at all times.

 Moderate/Significant

7.3.1 Water Heater (Hot Water Source)

TEMPERATURE TOO HIGH

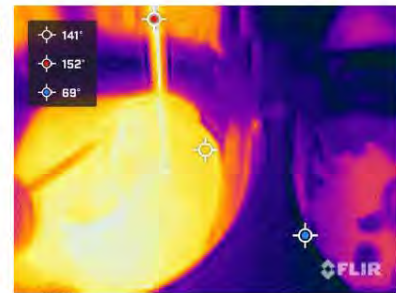
Ideal temperature is between 120 and 130F.

[Click Here For More Information](#)

[Click Here For More Information](#)

To ensure the safety and integrity of the property, we highly recommend that a qualified professional be consulted to evaluate and/or repair any defects or potential hazards that are identified during the inspection. Representative defects were identified and documented. There may be additional defects present that were not observed or documented during the inspection.

 Moderate/Significant



Unit 2

8: OUTDOOR STRUCTURE(S): DECK/PORCH/STOOP/LANAI

Information

Outdoor Structure Disclaimer

[Click Here For More Information](#)

General Picture(s)

Yes



Limitations

General

LIMITED ACCESS/VISIBILITY

[Click Here For More Information](#)

Recommendations

8.1.1 Deck / Balcony

STAIR DEFECT(S)

Missing Guardrail

 Moderate/Significant

[Click Here For More Information](#)

To ensure the safety and integrity of the property, we highly recommend that a qualified professional be consulted to evaluate and/or repair any defects or potential hazards that are identified during the inspection. Representative defects were identified and documented. There may be additional defects present that were not observed or documented during the inspection.



8.1.2 Deck / Balcony

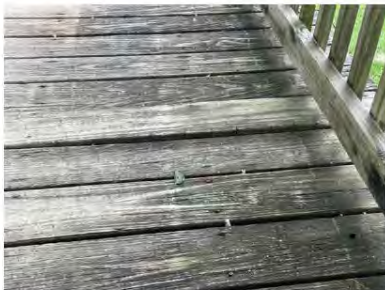
DECK / BALCONY DEFECT(S)

Loose surface materials, Structural Movement, Wood Rot, Loose Railing

[Click Here For More Information](#)

To ensure the safety and integrity of the property, we highly recommend that a qualified professional be consulted to evaluate and/or repair any defects or potential hazards that are identified during the inspection. Representative defects were identified and documented. There may be additional defects present that were not observed or documented during the inspection.

 Moderate/Significant



Back



8.2.1 Porch (Wood Framed)

WOOD FRAMED PORCH/STOOP DEFECT(S)

Loose surface materials

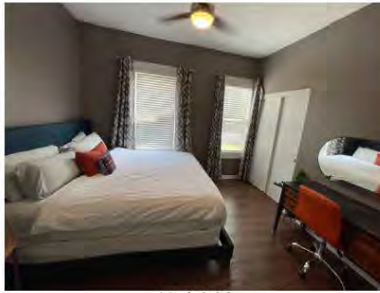
 Moderate/Significant

General: General Interior Pictures

Yes



Unit(s)1



Unit(s)1



Unit(s)1



Unit(s)2



Unit(s)2



Unit(s)2

General: Odor

Normal

The odor noted is subjective to the inspector and at the day and time of the inspection.

Limitations

General

LIMITED ACCESS/VISIBILITY

[Click Here For More Information](#)

Recommendations

10.2.1 Doors & Windows

WINDOW DEFECT(S)

VARIOUS LOCATIONS

Lock Defect(s), Open/Close Defect(s)

[Click Here For More Information](#)

To ensure the safety and integrity of the property, we highly recommend that a qualified professional be consulted to evaluate and/or repair any defects or potential hazards that are identified during the inspection. Representative defects were identified and documented. There may be additional defects present that were not observed or documented during the inspection.

Moderate/Significant



Unit(s)1 Front Bedroom. Won't latch



Unit(s)2. won't stay open. Living Room window near Laundry Room



Unit(s)2 Back Bedroom. Won't stay open



Unit(s)2 Kitchen. Won't stay open

10.4.1 Smoke/CO Alarms

SMOKE/CO ALARM(S)

VARIOUS LOCATIONS

Unable To Locate CO Detector(s)

[Click Here For More Information](#)

To ensure the safety and integrity of the property, we highly recommend that a qualified professional be consulted to evaluate and/or repair any defects or potential hazards that are identified during the inspection. Representative defects were identified and documented. There may be additional defects present that were not observed or documented during the inspection.



Moderate/Significant

10.5.1 Electric & Lighting

ELECTRICAL AND LIGHTING DEFECT(S)

VARIOUS LOCATIONS

Loose

[Click Here For More Information](#)

To ensure the safety and integrity of the property, we highly recommend that a qualified professional be consulted to evaluate and/or repair any defects or potential hazards that are identified during the inspection. Representative defects were identified and documented. There may be additional defects present that were not observed or documented during the inspection.



Moderate/Significant



Unit(s)1

Recommendations

12.2.1 Sink

ACTIVE WATER LEAK

[Click Here For More Information](#)

To ensure the safety and integrity of the property, we highly recommend that a qualified professional be consulted to evaluate and/or repair any defects or potential hazards that are identified during the inspection. Representative defects were identified and documented. There may be additional defects present that were not observed or documented during the inspection.



Significant



Unit(s)1

12.5.1 Range/Cooktop/Oven

RANGE NOT SECURE (ANTI-TIP NEEDED)

BOTH UNITS

[Click Here For More Information](#)

[Click here for more information](#)

To ensure the safety and integrity of the property, we highly recommend that a qualified professional be consulted to evaluate and/or repair any defects or potential hazards that are identified during the inspection. Representative defects were identified and documented. There may be additional defects present that were not observed or documented during the inspection.



Moderate/Significant

Parts supplied for installation:



12.6.1 Exhaust Fan

KITCHEN EXHAUST SYSTEM DEFECT(S)

BOTH UNITS

Light Inoperable

[Click Here For More Information](#)

To ensure the safety and integrity of the property, we highly recommend that a qualified professional be consulted to evaluate and/or repair any defects or potential hazards that are identified during the inspection. Representative defects were identified and documented. There may be additional defects present that were not observed or documented during the inspection.



Minor/Moderate

13.3.1 Sink

SINK DEFECT(S)

Leak

[Click Here For More Information](#)

To ensure the safety and integrity of the property, we highly recommend that a qualified professional be consulted to evaluate and/or repair any defects or potential hazards that are identified during the inspection. Representative defects were identified and documented. There may be additional defects present that were not observed or documented during the inspection.

 Moderate/Significant

APPLICANT RESPONSE TO STAFF REPORT

4028 Booth St.
Kansas City, KS 66103

SP2023-049

Comments and suggestions applicant responses

1. Lance was temporarily occupying the first floor unit during rentals. Now that that is no longer the case, we are taking appropriate steps to get the unit licensed.
2. Working on how to get this information.
3.
 - A. The handrail has been installed on the basement stairwell
 - B. We have an electrician scheduled to move the relocate the service-drop conductors on Monday August 7th 2023
 - C. We have cleared the space surrounding the gas shut off valve
 - D. The water heater has been fixed
 - E. Getting bids for deck/handrail work
 - F. Getting bids for deck/handrail work
 - G. Windows have been checked and are in working order.
 - h. Carbon monoxide detectors have been installed on each level
 - I. Water leak under kitchen sink has been repaired
 - J. We will instal the anti-tip bracket once the current guest has departed
 - K. Leak under sink in laundry room has been repaired
4. We are working on bids to get a retaining wall added and to replace the curb
5. The entire property is rented. Guests have access to use the driveway to park their vehicles. The front and back yard which includes a picnic table, hammock and fire pit. The living room includes the TV, couch, coffee table and lighting. The dining room and dining table. They will have 4 bedrooms which all provide a king size bed. Full access to the kitchen which is fully stocked with pots, pans, dishes, utensils and glasses. They have a full bathroom with a toilet, sink and combo shower and tub.
6. Two bedrooms are rented for each level. We have not been able to enter the unit yet due to having a tenant and do not currently have the scaled floor plan. We will be able to gather that information upon their departure.
7. Guests can have up to four vehicles. Parking will be in the driveway.
8. The maximum guest count will 8
9. We have a projected occupancy rate of 70%

10. Lance Pierce and Neshae Wells are the property managers. They are both main points of contact for guests and neighbors. Neshae is the emergency contact for the guests staying in the properties. They call or text with any major issues they are needing fixed immediately. Guests and neighbors are available to contact us at any time.

We included our contact information in the neighborhood meeting notice and encouraged everyone to call or email us with any questions or concerns.

Lance Pierce

Phone: 816-294-3641

Email: lancepierce@gmail.com

Neshae Wells

Phone: 816-500-4169

Email: shaebutter88@gmail.com

11. We welcome our neighbors to call, text or email us if there are any issues.

12. Yes. We have a Business license from the unified government.

13. We are listed on Vrbo and Airbnb. Both websites/platforms deduct Kansas State Lodging Taxes and pay these taxes for us.

14. We perform full maintenance inspections on each property monthly. This includes checking the following: Smoke detector batteries are changed and properly working in each room. Making sure all outlets are in working order. Changing the batteries on the keypad locks. Making sure the locks are in working order and latch to the frame properly. HVAC systems serviced and filters changed. Hot water tank serviced. Plumbing checked and working properly. Making sure there are no major repairs needed.

The unit is thoroughly cleaned and disinfected after each guest has departed. Making sure to follow the cleaning and sanitation of surfaces and laundry set by the CDC guidelines

15. We will include this information into our house manual

16. We have a 2 page house manual. These are the rules listed in the manual

House Rules

- Overall please treat the home with the same care as you would your own home
- Please remove your shoes at the door
- No smoking inside the property (\$200 Fine)
- No parties or gatherings. No more than the listed guest count on the reservation can be at the property
- **Pets are not allowed on the beds or furniture**

- **Must clean up after your pets in the yard**
- Be considerate of the neighbors and keep the noise down after 10pm
- Kick back and make yourself at home

17. We have a guest count of 8. Up to two persons per bed (4 beds)

18. Guests are allowed to bring pets. We have a 2 pet maximum set on the property.

19. We can be at the site between 15-30 minutes.

20. We have either fixed or are in the process of fixing any issues reported by the staff and from the inspection reports. We are actively taking the steps needed to become compliant.

SITE PHOTOS, TAKEN BY STAFF, DATED JULY 14, 2023



NEIGHBORHOOD MEETING MATERIALS

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas
COUNTY OF Wyandotte) SS:

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

1. That I am the petitioner for Petition # SP2023-047, SP2023-048, SP2023-049, SP2023-052
2. That I conducted a neighborhood meeting on July 31, 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 1st day of August, 2023
My commission expires 14th of Feb, 2027


Notary Public



July 18, 2023

Dear neighbor,

We have filed an application with the Department of Urban Planning and Land Use SP2023-047, SP2023-048, SP2023-049 and SP2023-050. The purpose of this:

- Special Use Permit

is for a short term rental/AirBNB at the following addresses:

4028 Booth Street, Kansas City, Kansas 66103
3917 Fisher Street, Kansas City, Kansas 66103
4456 Springfield Street, Kansas City, Kansas 66103
3925 Springfield Street, Kansas City, Kansas 66103

I/We are having a virtual Zoom meeting on Monday, July 31st at 12:00 p.m. at the following link. The purpose of this meeting is to explain the proposal and to answer any questions/concerns you may have.

Please reach out to the email below to receive an invite with the hyperlink to the zoom meeting. shaebutter88@gmail.com

<https://us05web.zoom.us/j/84803146413?pwd=oKkk6u0pchrBhVPDGLiVGnU5VQr9xc.1>

Password: m7WBGF

If you are unable to join the Zoom meeting, please feel free to contact us at either of the email addresses or phone numbers listed below.

I look forward to seeing you at the neighborhood meeting.

Sincerely,

Mr. Lance Pierce

Lance Pierce
816-294-3641
Lancepierce@gmail.com

Shae Wells
816-500-4169
Shaebutter88@gmail.com

Application Number(s):

SP2023-047 – 3917 Fisher Street
SP2023-048 – 3925 Springfield Street
SP2023-049 – 4028 Booth Street
SP2023-050 – 4456 Springfield Street

Date and Location: July 31, 2023 held by Zoom meeting

Meeting called to order at: 12:00 pm

Names of people in attendance:

Lance Pierce
Neshae Wells
Billy Brame
Carol Fagan
Nancy Schaubt

Introductions: We introduced ourselves and the company name. Lance explained that we were applying for the short term rental licenses in Wyandotte county for the above properties. Each address was read out loud to those in attendance by Shae. Lance explained the type of guests we have staying at the property and why. Stating that people usually book to be closer to KU medical center after major procedures, to visit close family and friends, 4-6 week long work orders and to have somewhere that provided a full kitchen to be able to cook instead of eating out every day.

Nancy Schaubt commented that even though people are here to visit grandmothers and family members, her and other residents of the block of 44th and Springfield St, are pulling together a petition to deny the use of short term rentals in the neighborhood. Stating that they would prefer the neighborhood to stay as a residential neighborhood and not have party houses next door. She stated that friends of hers in the west Plaza area of Kansas City, MO have let her know how bad the parties have been.

Lance explained that we live nearby and do not have these issues. We have house rules in place that state to guests that no parties/gatherings are allowed. If the guests break these rules, Airbnb allows for us to end the reservation immediately and require them to vacate the property. We are also applying for the license so that we are responsible and can be held liable for any issues that may stem from any of our guests. Many of the people running Airbnb's do not live nearby and many don't even live in the state. These owners or investors may have never even seen the property. They don't care about the neighborhood nor have taken responsibility for the issues that are caused by the parties. We are local and urge our guests to call or reach out for any issues that stem from our properties.

Carol Fagan commented that they have been living next to Lance for years and have never had any issues with guests throwing parties at any of the properties listed above. She preferred to have Lance as a licensed short term rental holder than the other property owners that live out of state. They stated that the unit across from them is owned by someone who lives in Chicago.

Lance thanked her for her comment. He stated that that is the benefit of us being local residents. We are at the property at least once a week. We vet our guests with questions asking if they have read and understand our house rules. We have bought homes and done full remodels which included the exterior of the home and the yards. Our goal for that was to improve the appearance of the neighborhood.

Billy Brame commented and agreed with Nancy on getting the neighbors together to go against the rezoning of each property. Stating that he would prefer the homes be rented out for 12 month leases for families or college students. He wants the neighborhood to feel like a residential neighborhood.

Lance responded saying that we have mainly been renting the homes for 30 day or longer stays. When there are a few days apart, we would open the calendar up to be rented for 2 nights or more before our next longer term stay guest checked in.
What was the question or comment

Carol stepped in to say that they understand the concerns but based on the experience they have had with Lance's airbnb's, they would prefer Lance to have the license rather than someone who doesn't care. Carol suggested they consider the fact that they may not have a say in the zoning process and to think about the type of person they would prefer hosting an airbnb on their block.

The Zoom meeting time limit was coming to an end, Lance let everyone know to send us their names and phone numbers so that we can follow up with any other questions and concerns they may have.

Meeting adjourned at: July 31, 2023 12:34pm

Minutes taken by:___Shae Wells_____



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: August 31, 2023

Re: Special Use Petition SP2023-050

GENERAL INFORMATION

Applicant:

Lance Pierce

Status of Applicant:

Owner

3917 Bell Street

Kansas City, Missouri 64111

Requested Action:

Approval of a Short-term Rental
Special Use Permit.

Date of Application:

June 13, 2023

Purpose:

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

Property Location:

4456 Springfield Street

Kansas City, KS 66103

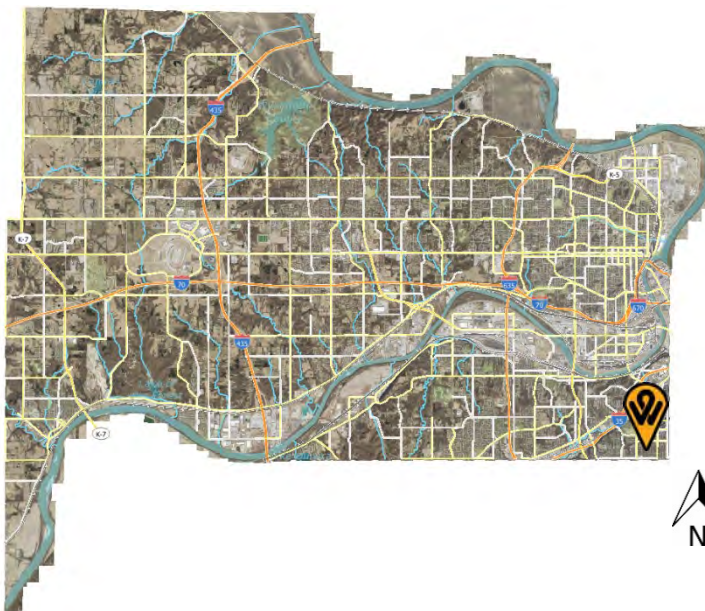
Commission Districts:

Commissioner At-Large District #2:

Tom Burroughs

District #3 Commissioner:

Christian Ramirez



Existing Zoning:	R-1(B) Single Family District
Adjacent Zoning:	North: R-1(B) Single Family District South: R-1(B) Single Family District East: R-1(B) Single Family District West: R-1(B) Single Family District
Adjacent Uses:	North: Single-family residence South: Single-family residence East: Single-family residence West: Single-family residence
Total Tract Size:	0.13 Acres
Master Plan Designation:	The Rosedale Area Plan designates this property as a Single-Family Neighborhood, which allows for rowhouses, townhomes, and single-family 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 three (3) parking spaces.
Advertisement:	<u>The Wyandotte Echo</u> – June 20, 2023 Letters to Property Owner – June 21, 2023
Public Hearings:	August 14, 2023 and August 31, 2023
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The Applicant, Lance Pierce, is requesting a Short-Term Rental Special Use Permit to operate a short-term rental at 4456 Springfield. This is not the owner’s primary residence. This would be the first and only permitted short-term rental on the 4400 block of Springfield. The property is currently being used as a short-term rental without a permit.

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.

Building, Zoning, or Code Enforcement Complaints:

1. 2020 - STR20-0430 – Structural – Damaged gutters & roofing
2. 2020 - ENV20-0099 – Environmental – Discarded appliances

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 Frank Rushton Neighborhood Group, and the Rosedale Development Association (RDA) group. The neighborhood consists of a mix of townhouses, duplexes 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 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 has been operating as an unpermitted short-term rental since 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 Plan designates this property as a Single-Family District, 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, a local street, to accommodate it if managed properly while it functions as a short-term rental. Guests of short-term rentals tend to travel more throughout the area, as they are typically visitors or tourists.

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

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

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

Noise and illumination are issues related to short-term rentals. There have not been any noise complaints to date with the current applicant. Vibration and dust 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 cannot be determined as a dimensioned floor plan was not provided. The maximum number of vehicles off-street is three (3). 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 July 31, 2023. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Floor Plan
Home Inspection Report
Operating without a Special Use Permit
Noise
Overcrowding
Parking
Required Repair Items

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 2 to recommend **APPROVAL** of Special Use Permit Application SP2023-050, **for one (1) year**, subject to:

- 1. Any additional repairs not addressed prior to approval of SP2023-050 outlined within the provided home inspection report shall be performed prior to renewal of this Special Use Permit.**
- 2. Maximum number of guests is six (6).**
- 3. All parking must be off-street, maximum number of vehicles is two (2).**
- 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. 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 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;
 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; and,
 21. All existing and future driveways must be upgraded to an improved surface (concrete, asphalt or permeable pavers) and feature curb cuts constructed to UG standards (concrete).

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 **SP2023-050** subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

August 14, 2023, City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Host Compliance Map
Home Inspection Report
Applicant Response to Staff Report
Site Photos, Provided by Staff, Dated July 14, 2023
Neighborhood Meeting Minutes

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Board of Commissioners
Public Hearing	August 14, 2023	August 31, 2023
Special Use	Approval	

STAFF CONTACT:

James Molloy
jmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2023-050** as meeting all the requirements of the city code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **SP2023-050**, as it is not in compliance with the City Ordinances and as it will not promote the public

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

August 14, 2023, City Planning Commission Minutes:

Hearing starts at 2:57:33:

SPECIAL USE PERMIT APPLICATION SP2023-050 – LANCE PIERCE WITH KARAT VACATION RENTAL - SYNOPSIS: Special Use Permit to operate a Short-Term Rental at 4456 Springfield Street. *Detailed Outline of Requested Action:* The Applicant, Lance Pierce, is requesting a Short-Term Rental Special Use Permit to operate a short-term rental at 4456 Springfield. This is not the owner's primary residence. This would be the first and only permitted short-term rental on the 4400 block of Springfield. The property is currently being used as a short-term rental without a permit.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated August 14, 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:

- Lance Pierce, applicant, Karat Vacation Rental, 3917 Bell Street, Kansas City, Missouri 64111

Chairman Carson asked if he is agreement to the conditions of approval in the staff report. Mr. Pierce stated yes.

Commissioner Elits directed questions to the applicant.

Present in Opposition:

- No one appeared

Staff Recommendation starts at 3:00:10: Planning Director Hand stated that the request is for a Special Use Permit for a non-owner-occupied Short-Term Rental. The property is in the Rosedale Area Plan. Staff has received no letters in support nor in opposition. There are some old Notices of Violation for maintenance that have been closed. Staff recommends approval for one (1) year subject to the conditions in the staff report. He further stated that Staff omitted a standard condition relating to conformance

with UG driveway standards and he would request that the Commission add that condition by motion.

Motion starts at 3:01:50:

On motion by Mrs. Jones, seconded by Mr. Ward, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit SP2023-050 for one (1) year:**

Carson	Chairman
Eilts	No
Ernst	No
Jones	Aye
Miller	Aye
Mohler	Aye
Straws	Aye
Ward	Aye
Armstrong	Aye
Beth	Aye
Connelly	Aye

Motion to recommend **APPROVAL** Passed 8 to 2

Subject to:

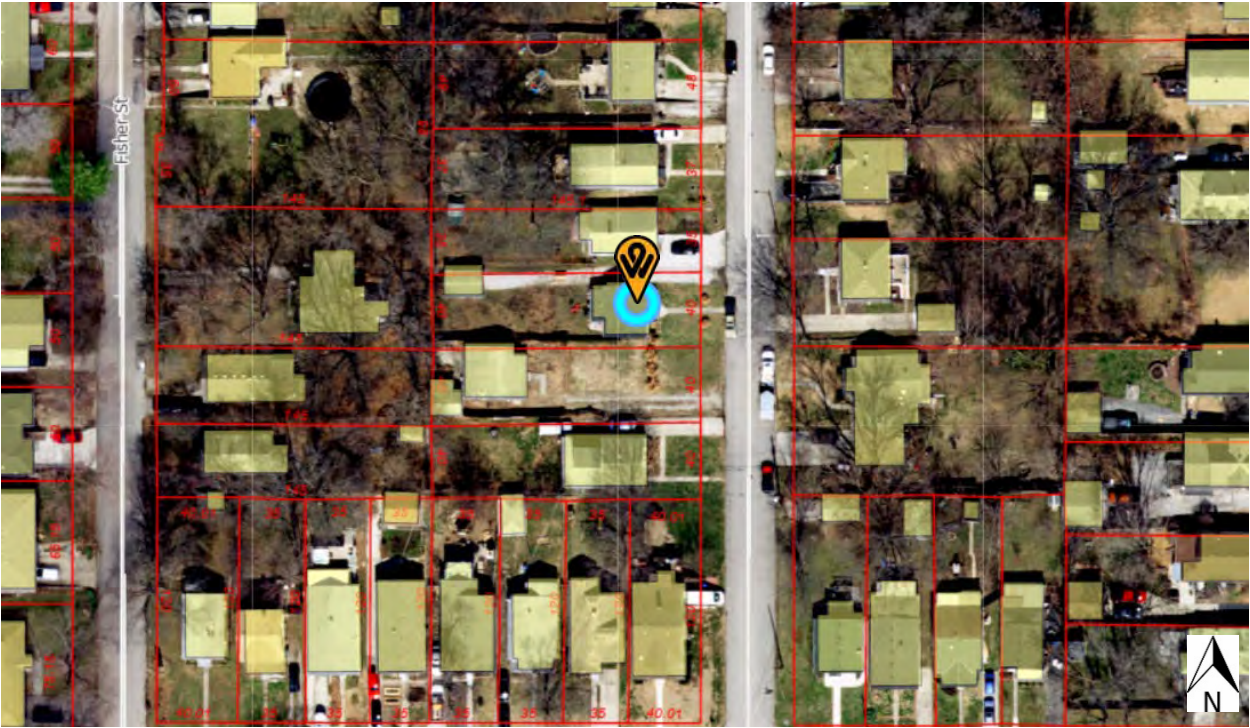
1. Any additional repairs not addressed prior to approval of SP2023-050 outlined within the provided home inspection report shall be performed prior to renewal of this Special Use Permit.
2. Maximum number of guests is six (6).
3. All parking must be off-street, maximum number of vehicles is two (2).
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. 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.
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 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.

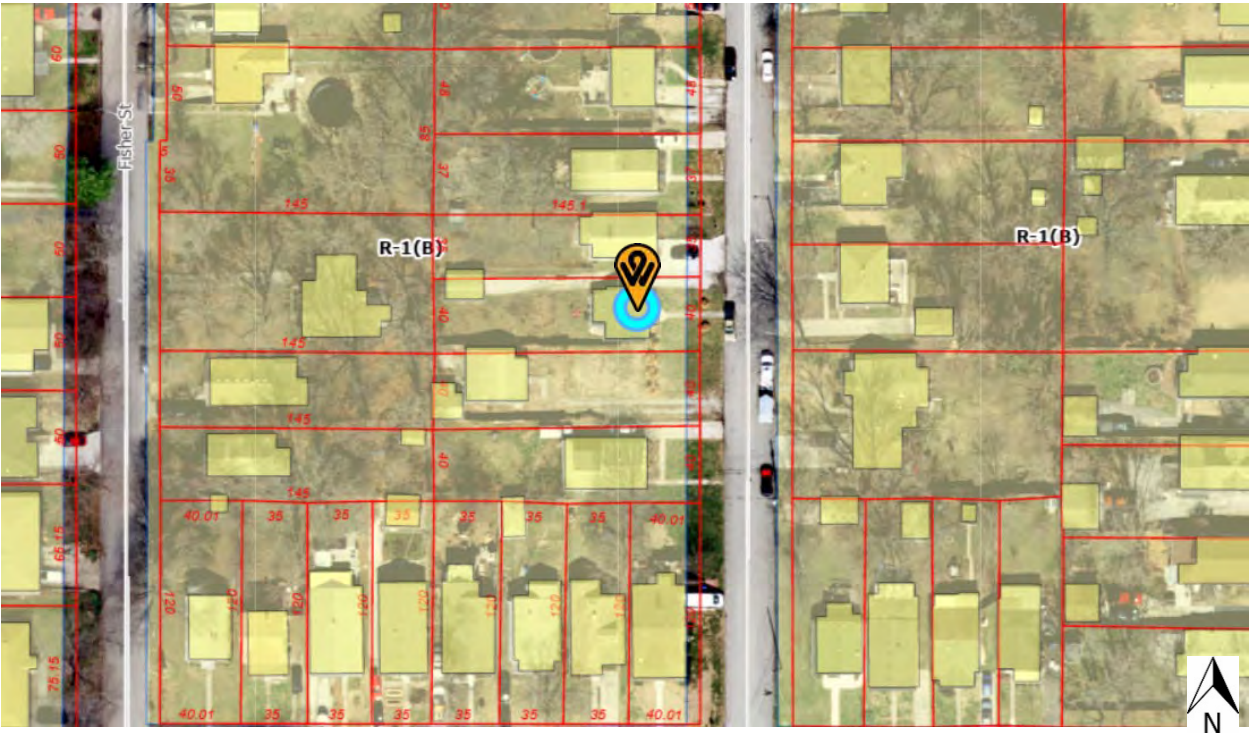
- 18. The Special Use Permit shall be valid for one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration 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;**
- 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; and,**
- 21. All existing and future driveways must be upgraded to an improved surface (concrete, asphalt or permeable pavers) and feature curb cuts constructed to UG standards (concrete).**

ATTACHMENTS

AERIAL IMAGERY



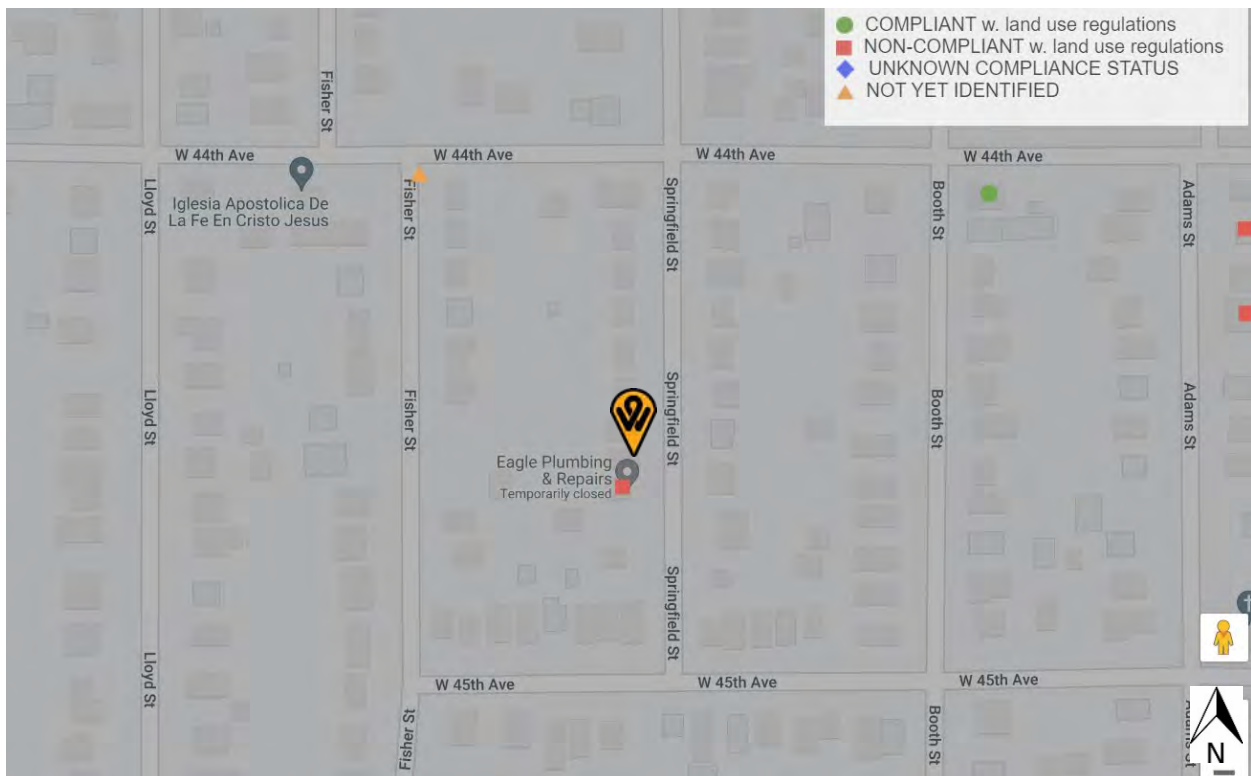
ZONING MAP



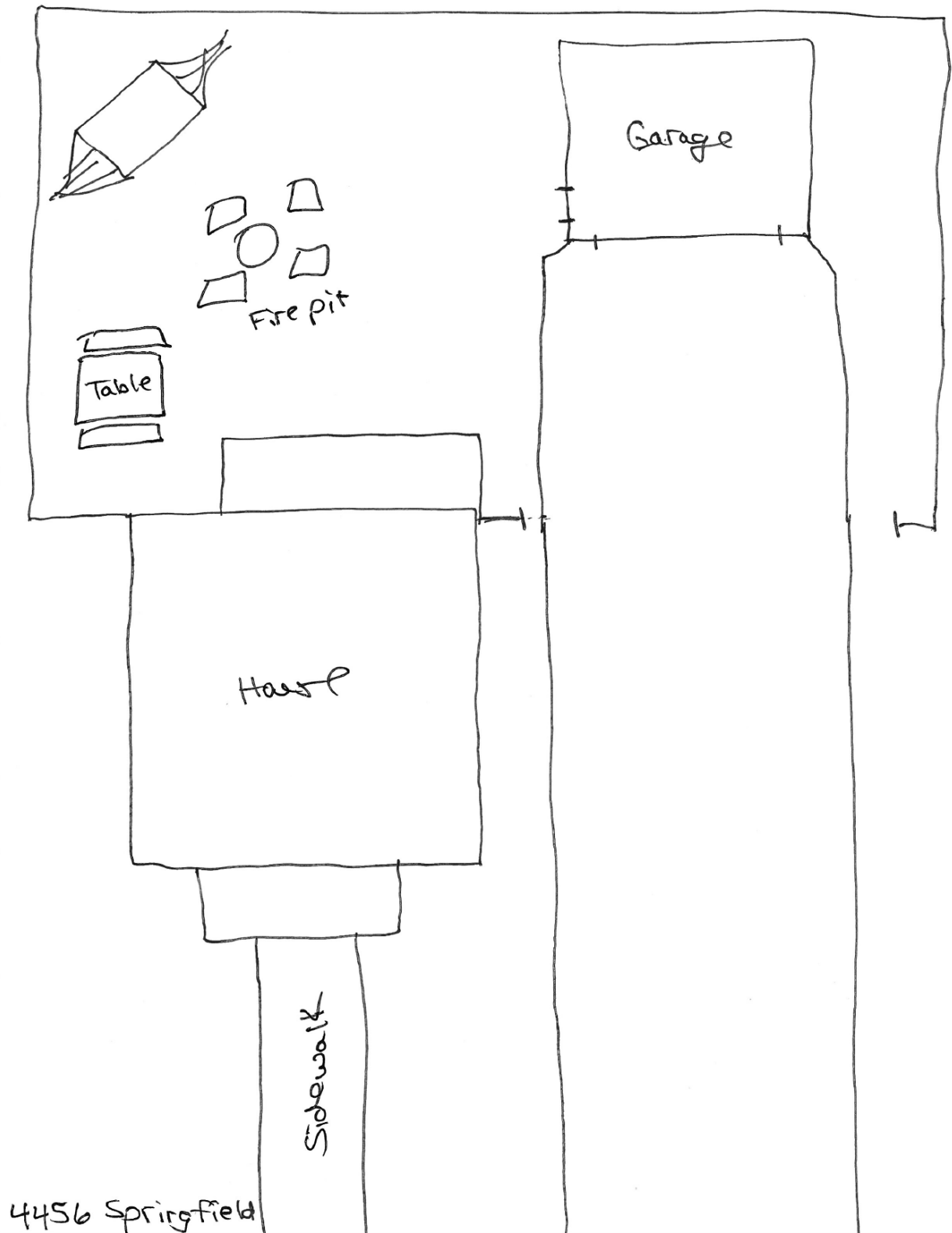
LAND USE MAP

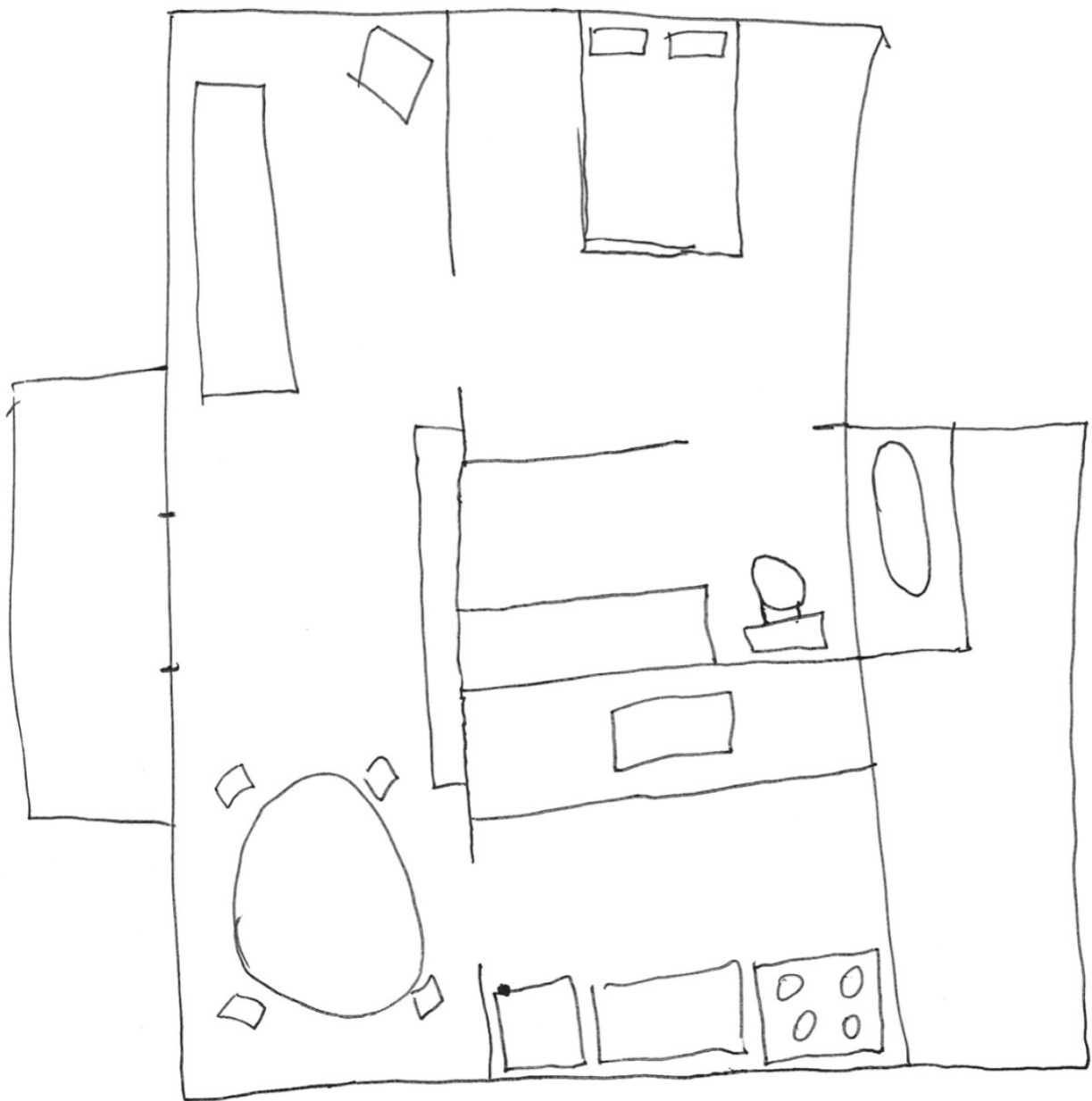


HOST COMPLIANCE MAP – JULY 17, 2023



FLOOR PLAN





4456 Springfield

HOME INSPECTION REPORT

4456 Springfield St

Lance Pierce

Smoke/CO Alarms: CO Alarm Present?

Not Visible

[Click Here For More Information](#)

Smoke/CO Alarms: Smoke Detector Present?

Yes

[Click Here For More Information](#)

Smoke/CO Alarms: Detectors/Alarms Not Tested

[Click Here For More Information](#)

HVAC Supply: HVAC Supply Vent Located In Each Room?

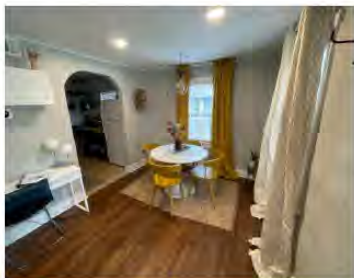
Yes

HVAC Supply: HVAC Return Vent In Each Room?

No

General: General Interior Pictures

Yes



General: Odor

Normal

The odor noted is subjective to the inspector and at the day and time of the inspection.

Limitations

General

LIMITED ACCESS/VISIBILITY

[Click Here For More Information](#)

Recommendations

10.4.1 Smoke/CO Alarms

SMOKE/CO ALARM(S)

VARIOUS LOCATIONS

Missing

[Click Here For More Information](#)

 Moderate/Significant

To ensure the safety and integrity of the property, we highly recommend that a qualified professional be consulted to evaluate and/or repair any defects or potential hazards that are identified during the inspection. Representative defects were identified and documented. There may be additional defects present that were not observed or documented during the inspection.

General

LIMITED ACCESS/VISIBILITY[Click Here For More Information](#)**Recommendations**

12.2.1 Sink

ACTIVE WATER LEAK Significant[Click Here For More Information](#)

To ensure the safety and integrity of the property, we highly recommend that a qualified professional be consulted to evaluate and/or repair any defects or potential hazards that are identified during the inspection. Representative defects were identified and documented. There may be additional defects present that were not observed or documented during the inspection.



12.2.2 Sink

KITCHEN SINK DEFECT(S)

Fixture Leaking

 Moderate/Significant[Click Here For More Information](#)

To ensure the safety and integrity of the property, we highly recommend that a qualified professional be consulted to evaluate and/or repair any defects or potential hazards that are identified during the inspection. Representative defects were identified and documented. There may be additional defects present that were not observed or documented during the inspection.



12.5.1 Range/Cooktop/Oven

RANGE NOT SECURE (ANTI-TIP NEEDED) Moderate/Significant[Click Here For More Information](#)[Click here for more information](#)

To ensure the safety and integrity of the property, we highly recommend that a qualified professional be consulted to evaluate and/or repair any defects or potential hazards that are identified during the inspection. Representative defects were identified and documented. There may be additional defects present that were not observed or documented during the inspection.

Parts supplied for installation:

APPLICANT RESPONSE TO STAFF COMMENTS

4456 Springfield St.
Kansas City, KS 66103

SP2023-050

Comments and suggestions applicant responses

1. We have mainly rented this unit out for mid term stays which are 30 days or longer due to it only having one bedroom. We are wanting to make sure we are applying for the appropriate license to be able to open it up for shorter term rentals when we have a gap between long term renters.
2. Working on how to get this information.
3.
 - a. Smoke detectors have been installed in each room
 - b. Water leak has been repaired
 - c. We have installed the anti-tip bracket to the range in the kitchen
4.
 - a. Looking into having to pave the driveway
 - b. We have an electrician scheduled Monday August 7th 2023 to fix/replace the open cable box on the side of the house
5. The entire property is rented. Guests have access to use the driveway to park their vehicles. The front and back yard which includes a picnic table, hammock and fire pit. The living room includes the TV, couch, coffee table and lighting. The dining room and dining table. They will have 1 bedroom which all provide a queen size bed. Full access to the kitchen which is fully stocked with pots, pans, dishes, utensils and glasses. They have a full bathroom with a toilet, sink and combo shower and tub. An insulated mud room that hold the washer and dryer for guests use
6. One bedroom is rented. We have not been able to enter the unit yet due to having a tenant and do not currently have the scaled floor plan. We will be able to gather that information upon their departure.
7. Guests can have up to 2 vehicles. Parking will be in the driveway.
8. The maximum guest count will 2
9. We have a projected occupancy rate of 70%
10. Lance Pierce and Neshae Wells are the property managers. They are both main points of contact for guests and neighbors. Neshae is the emergency contact for the guests staying in the

properties. They call or text with any major issues they are needing fixed immediately. Guests and neighbors are available to contact us at any time.

We included our contact information in the neighborhood meeting notice and encouraged everyone to call or email us with any questions or concerns.

Lance Pierce

Phone: 816-294-3641

Email: lancepierce@gmail.com

Neshae Wells

Phone: 816-500-4169

Email: shaebutter88@gmail.com

11. We welcome our neighbors to call, text or email us if there are any issues.

12. Yes. We have a Business license from the unified government.

13. We are listed on Vrbo and Airbnb. Both websites/platforms deduct Kansas State Lodging Taxes and pay these taxes for us.

14. We perform full maintenance inspections on each property monthly. This includes checking the following: Smoke detector batteries are changed and properly working in each room. Making sure all outlets are in working order. Changing the batteries on the keypad locks. Making sure the locks are in working order and latch to the frame properly. HVAC systems serviced and filters changed. Hot water tank serviced. Plumbing checked and working properly. Making sure there are no major repairs needed.

The unit is thoroughly cleaned and disinfected after each guest has departed. Making sure to follow the cleaning and sanitation of surfaces and laundry set by the CDC guidelines.

15. We will include this information into our house manual

16. We have a 2 page house manual. These are the rules listed in the manual

House Rules

- Overall please treat the home with the same care as you would your own home
- Please remove your shoes at the door
- No smoking inside the property (\$200 Fine)
- No parties or gatherings. No more than the listed guest count on the reservation can be at the property
- **Pets are not allowed on the beds or furniture**
- **Must clean up after your pets in the yard**
- Be considerate of the neighbors and keep the noise down after 10pm

- Kick back and make yourself at home

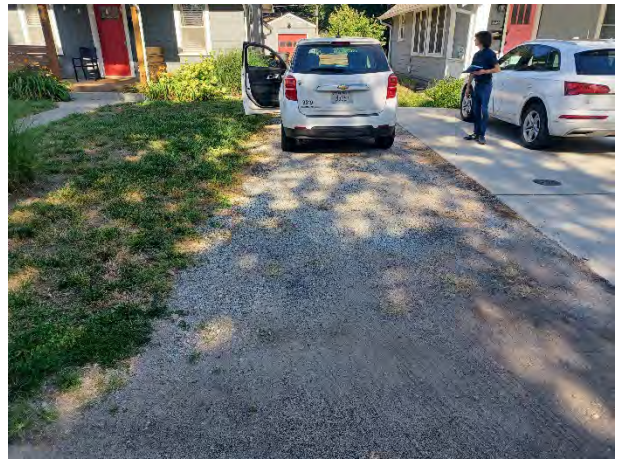
17. We have a guest count of 2 per the one bed

18. Guests are allowed to bring pets. We have a 2 pet maximum set on the property.

19. We can be at the site between 15-30 minutes.

20. We have either fixed or are in the process of fixing any issues reported by the staff and from the inspection reports. We are actively taking the steps needed to become compliant.

SITE PHOTOS, TAKEN BY STAFF, DATED JULY 14, 2023



NEIGHBORHOOD MEETING MATERIALS

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas
COUNTY OF Wyandotte) SS:

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

1. That I am the petitioner for Petition # SP2023-047, SP2023-048, SP2023-049, SP2023-050
2. That I conducted a neighborhood meeting on July 31, 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 1st day of August, 2023
My commission expires 14th of Feb, 2027


Notary Public



July 18, 2023

Dear neighbor,

We have filed an application with the Department of Urban Planning and Land Use SP2023-047, SP2023-048, SP2023-049 and SP2023-050. The purpose of this:

- Special Use Permit

is for a short term rental/AirBNB at the following addresses:

4028 Booth Street, Kansas City, Kansas 66103
3917 Fisher Street, Kansas City, Kansas 66103
4456 Springfield Street, Kansas City, Kansas 66103
3925 Springfield Street, Kansas City, Kansas 66103

I/We are having a virtual Zoom meeting on Monday, July 31st at 12:00 p.m. at the following link. The purpose of this meeting is to explain the proposal and to answer any questions/concerns you may have.

Please reach out to the email below to receive an invite with the hyperlink to the zoom meeting. shaebutter88@gmail.com

<https://us05web.zoom.us/j/84803146413?pwd=oKkk6u0pchrBhVPDGLiVGnU5VQr9xc.1>

Password: m7WBGF

If you are unable to join the Zoom meeting, please feel free to contact us at either of the email addresses or phone numbers listed below.

I look forward to seeing you at the neighborhood meeting.

Sincerely,

Mr. Lance Pierce

Lance Pierce
816-294-3641
Lancepierce@gmail.com

Shae Wells
816-500-4169
Shaebutter88@gmail.com

Application Number(s):

SP2023-047 – 3917 Fisher Street
SP2023-048 – 3925 Springfield Street
SP2023-049 – 4028 Booth Street
SP2023-050 – 4456 Springfield Street

Date and Location: July 31, 2023 held by Zoom meeting

Meeting called to order at: 12:00 pm

Names of people in attendance:

Lance Pierce
Neshae Wells
Billy Brame
Carol Fagan
Nancy Schaubt

Introductions: We introduced ourselves and the company name. Lance explained that we were applying for the short term rental licenses in Wyandotte county for the above properties. Each address was read out loud to those in attendance by Shae. Lance explained the type of guests we have staying at the property and why. Stating that people usually book to be closer to KU medical center after major procedures, to visit close family and friends, 4-6 week long work orders and to have somewhere that provided a full kitchen to be able to cook instead of eating out every day.

Nancy Schaubt commented that even though people are here to visit grandmothers and family members, her and other residents of the block of 44th and Springfield St, are pulling together a petition to deny the use of short term rentals in the neighborhood. Stating that they would prefer the neighborhood to stay as a residential neighborhood and not have party houses next door. She stated that friends of hers in the west Plaza area of Kansas City, MO have let her know how bad the parties have been.

Lance explained that we live nearby and do not have these issues. We have house rules in place that state to guests that no parties/gatherings are allowed. If the guests break these rules, Airbnb allows for us to end the reservation immediately and require them to vacate the property. We are also applying for the license so that we are responsible and can be held liable for any issues that may stem from any of our guests. Many of the people running Airbnb's do not live nearby and many don't even live in the state. These owners or investors may have never even seen the property. They don't care about the neighborhood nor have taken responsibility for the issues that are caused by the parties. We are local and urge our guests to call or reach out for any issues that stem from our properties.

Carol Fagan commented that they have been living next to Lance for years and have never had any issues with guests throwing parties at any of the properties listed above. She preferred to have Lance as a licensed short term rental holder than the other property owners that live out of state. They stated that the unit across from them is owned by someone who lives in Chicago.

Lance thanked her for her comment. He stated that that is the benefit of us being local residents. We are at the property at least once a week. We vet our guests with questions asking if they have read and understand our house rules. We have bought homes and done full remodels which included the exterior of the home and the yards. Our goal for that was to improve the appearance of the neighborhood.

Billy Brame commented and agreed with Nancy on getting the neighbors together to go against the rezoning of each property. Stating that he would prefer the homes be rented out for 12 month leases for families or college students. He wants the neighborhood to feel like a residential neighborhood.

Lance responded saying that we have mainly been renting the homes for 30 day or longer stays. When there are a few days apart, we would open the calendar up to be rented for 2 nights or more before our next longer term stay guest checked in.
What was the question or comment

Carol stepped in to say that they understand the concerns but based on the experience they have had with Lance's airbnb's, they would prefer Lance to have the license rather than someone who doesn't care. Carol suggested they consider the fact that they may not have a say in the zoning process and to think about the type of person they would prefer hosting an airbnb on their block.

The Zoom meeting time limit was coming to an end, Lance let everyone know to send us their names and phone numbers so that we can follow up with any other questions and concerns they may have.

Meeting adjourned at: July 31, 2023 12:34pm

Minutes taken by: ___Shae Wells___



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: August 31, 2023

Re: Special Use Petition SP2023-052

GENERAL INFORMATION

Applicant:

Andrew Beselica

Status of Applicant:

Owner
2504 W 47th Avenue
Kansas City, KS 66103

Requested Action:

Approval of a Short-term Rental
Special Use Permit.

Date of Application:

June 14, 2023

Purpose:

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

Property Location:

2504 W 47th Avenue
Kansas City, KS 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 Single Family Residential in Westwood, Kansas 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:	0.13 Acres
Master Plan Designation:	The Rosedale Area Plan designates this area 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 West 47 th Avenue as a Class C thoroughfare.
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> – July 20, 2023 Letters to Property Owner – July 21, 2023
Public Hearings:	August 14, 2023 and August 31, 2023
Public Support:	None to date.
Public Opposition:	One (1) person appeared in opposition at the August 14, 2023 meeting.

PROPOSAL

Detailed Outline of Requested Action: The Applicant, Andrew Beselica, is requesting a Short-Term Rental Special Use Permit to operate a short-term rental at 2504 W 47th Avenue. This is not the owner’s primary residence. This would be the first and only permitted short-term rental on the 2500 block of 47th Avenue.

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 at the subject property.

Building, Zoning, or Code Enforcement Complaints:

1. There have been no building, zoning, or code enforcement complaints.

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 Frank Rushton Neighborhood Group, and the Rosedale Development Association (RDA) group. The neighborhood consists of primarily single-family residences with small-scale commercial mixed within the West 47th Avenue corridor.

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 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 has been operating as an unpermitted short-term rental since November 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 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. 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 47th Avenue, a class c throughfare, to accommodate it if managed properly while it functions as a short-term rental. Guests of short-term rentals tend to travel more throughout the area, as they are typically visitors or tourists.

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

The proposed use provides a convenience to the public in the form of temporary lodging, however, issues such as noise, vibration, overcrowding of land, and undue concentrations of population could impact nearby properties negatively. If managed properly, however, the use of the property is not expected to substantially nor permanently injure the appropriate use, visual quality, or marketability of adjoining property.

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

Noise and illumination are issues related to short-term rentals. There have not been any noise complaints to date with the current applicant. Vibration and dust 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 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 six (6). 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, 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 property.

NEIGHBORHOOD MEETING

The applicant received neighborhood comments by receiving letters or phone calls through the date of July 31, 2023. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Floor Plan
Home Inspection Report
Noise
Overcrowding
Parking
Required Repair Items

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 9 to 1 to recommend **APPROVAL** of Special Use Permit Application SP2023-052, **for one (1) year**, subject to:

- 1. Any additional repairs not addressed prior to approval of SP2023-052 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 STR renters or guests may park on-street.
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. 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 one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and
19. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.
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. All conditions of approval herein must be constructed, executed, implemented, or otherwise completed within 18 months of approval unless otherwise determined by the Director of Planning or their designee.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **SP2023-052** subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

August 14, 2023, City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Host Compliance Map
Home Inspection Report
Site Photos, Taken by Staff, Dated July 14, 2023

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	August 14, 2023	August 31, 2023
Special Use	Approval	

STAFF CONTACT:

James Molloy
jmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2023-052** as meeting all the requirements of the city code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **SP2023-052**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

August 14, 2023, City Planning Commission Minutes:

Hearing starts at 2:04:40:

SPECIAL USE PERMIT APPLICATION SP2023-052 – ANDREW BESELICA -

SYNOPSIS: Special Use Permit to operate a Short-Term Rental at 2504 West 47th Avenue. Detailed Outline of Requested Action: The Applicant, Andrew Beselica, is requesting a Short-Term Rental Special Use Permit to operate a short-term rental at 2504 W 47th Avenue. This is not the owner's primary residence. This would be the first and only permitted short-term rental on the 2500 block of 47th 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 August 14, 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:

- Andrew Beselica, applicant, 2504 West 47th Avenue, Kansas City, Kansas 66103

Chairman Carson asked if he is in agreement with the conditions in the staff report. Mr. Beselica stated yes.

Commissioner Eilts directed questions to the applicant.

Present in Opposition:

- Jacob Hobson, President of Spring Valley Neighborhood Group, 4448 Francis, Kansas City, Kansas 66103

Staff Recommendation starts at 2:08:45: Planning Director Hand stated that the request is for a Special Use Permit for a non-owner-occupied Short-Term Rental. The

property is in the Rosedale Area Plan. Staff has received no letters in support nor in opposition. There are no Notices of Violation on the property. Staff recommends approval for one (1) year subject to the conditions in the staff report. Staff would request an amendment to Condition #18 from two (2) years to one (1) year. This application, if approved, would be the only one (1) on this block of West 47th Avenue.

Chairman Carson directed questions to Director Hand.

Motion starts at 2:09:58:

On motion by Mrs. Jones, seconded by Mr. Ernst, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit SP2023-052 for one (1) year:**

Carson	Chairman
Eilts	No
Ernst	Aye
Jones	Aye
Miller	Aye
Mohler	Aye
Straws	Aye
Ward	Aye
Armstrong	Aye
Beth	Aye
Connelly	Aye

Motion to recommend **APPROVAL** Passed 9 to 1

Subject to:

1. Any additional repairs not addressed prior to approval of SP2023-052 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 STR renters or guests may park on-street.
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. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process.**
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- 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**

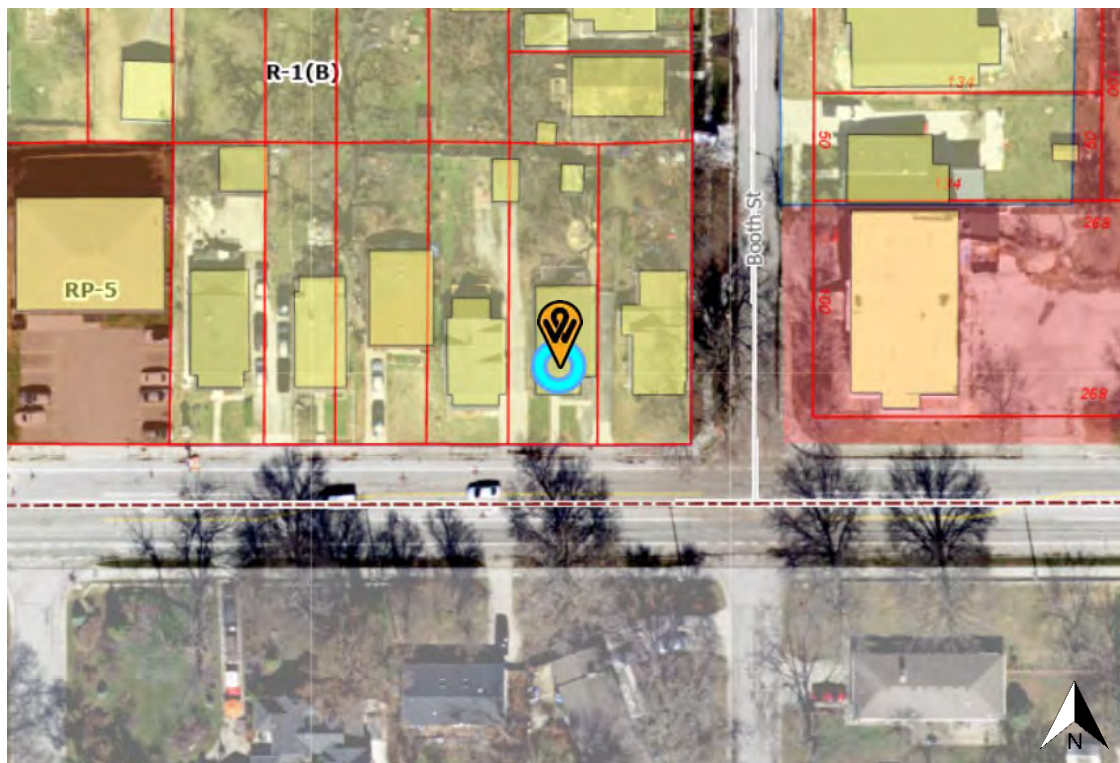
- duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
18. The Special Use Permit shall be valid for one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and
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ATTACHMENTS

AERIAL IMAGERY



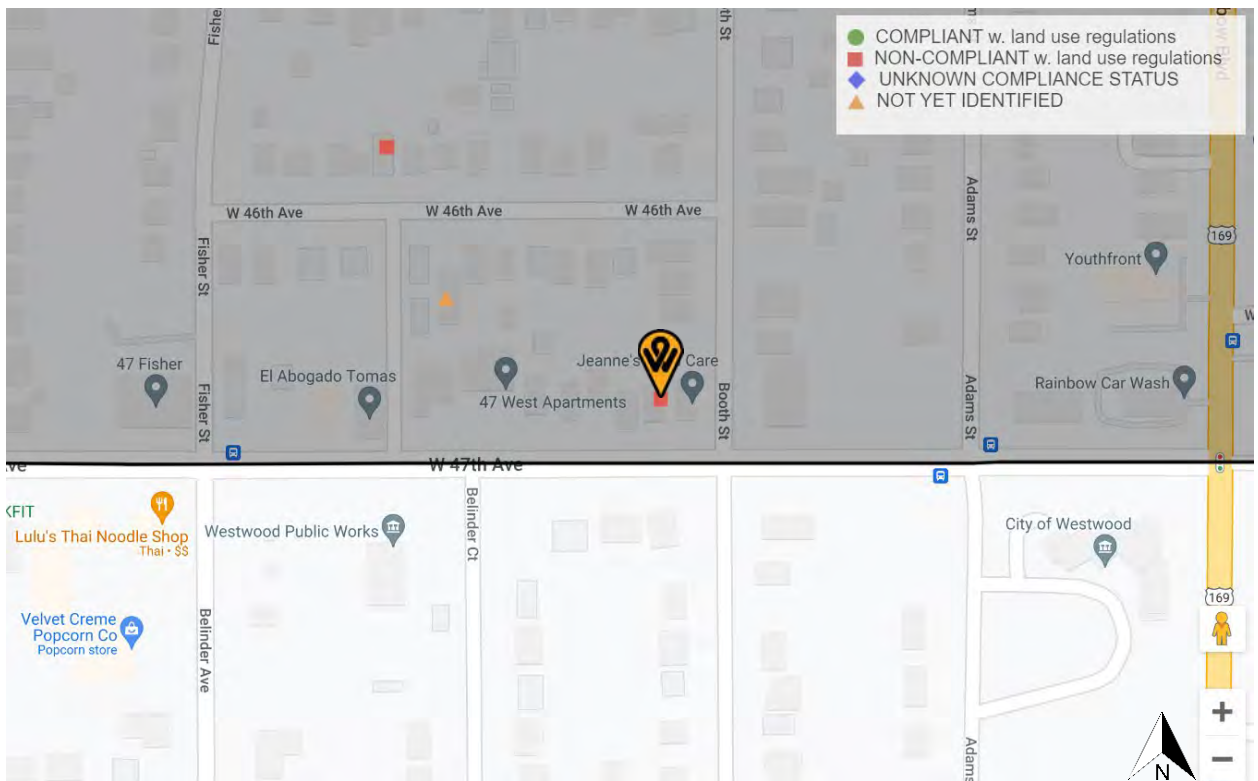
ZONING MAP



LAND USE MAP



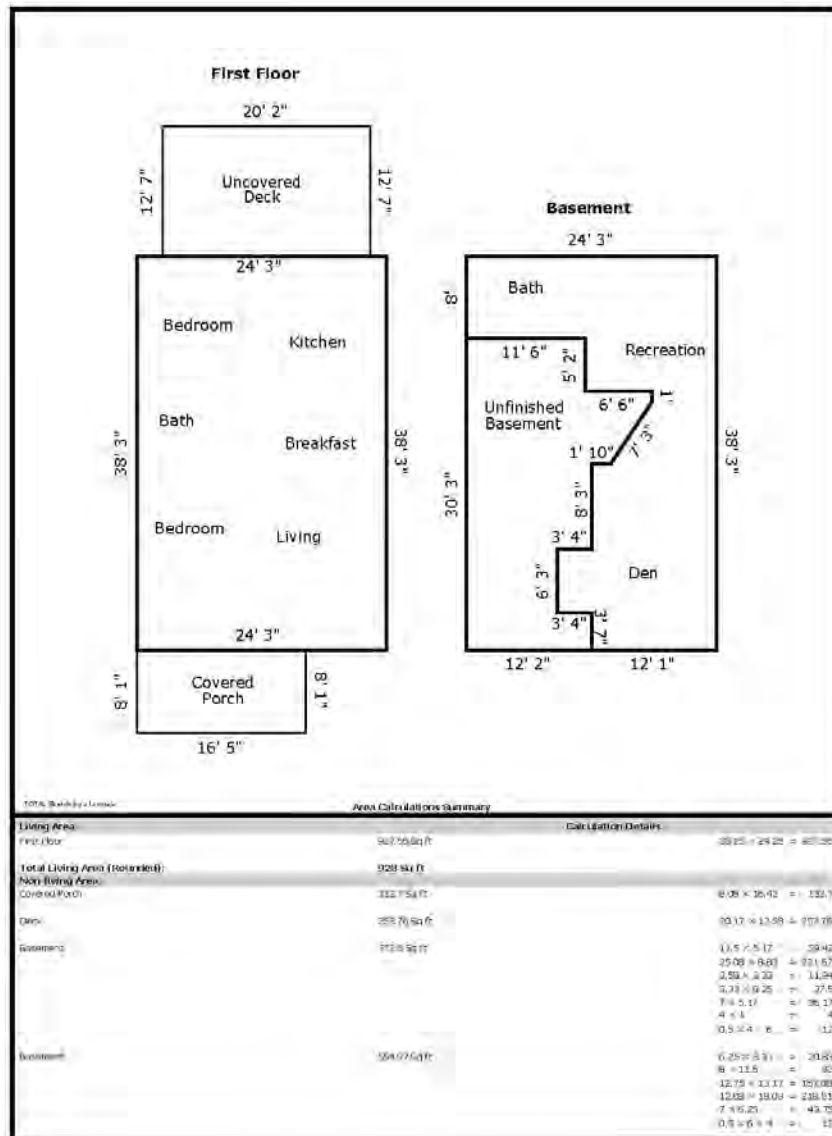
HOST COMPLIANCE MAP – JUNE 12, 2023



FLOOR PLAN

Building Sketch

Borrower	Beselica, Andrew				
Property Address	2504 W 47th Ave				
City	Kansas City	County	Wyandotte	State	KS Zip Code 66103
Lender/Client	United Wholesale Mortgage, LLC				



Form ERT-BLDGRC-70TOTAL: appraisal software by a la mode, inc. - 1-800-ALAMODE

HOME INSPECTION REPORT

2504 W 47th Ave

Andrew Besilica

Deficiencies

3.1.1 Driveways, Walkways & Patios

 Marginal

ASPHALT CRACKING/DETERIORATION

The asphalt driveway showed typical deterioration. The asphalt will likely need to be patched and/or sealed in the next 3-5 years.



Southeast

3.2.1 Decks, Porches & Steps

 Significant or Safety

LOOSE GUARDRAIL

The deck hand and guardrail was loose/wobbly. I recommend a qualified handyman or deck professional secure all loose or improperly fastened posts with guardrail post brackets (see example attached) and make any additional necessary repairs.



3.2.2 Decks, Porches & Steps

 Poor

GUARDRAIL RECOMMENDED

An approximately 6" gap between the deck and deck stairs is a trip/fall hazards. I recommend a qualified professional build a guardrail along the stairs in this location.



3.2.3 Decks, Porches & Steps

DECK - ROT/DECAY

⊖ Poor

The deck showed signs of rot/decay. I recommend a qualified handyman or deck professional repair as needed.



3.2.4 Decks, Porches & Steps

FASTENERS STICKING UP

⚙ Marginal

Protruding nails may cause injury. I recommend a qualified handyman drive/secure or replace as needed.

3.4.2 Exterior Water Distribution

 Marginal**HOSE BIB LEAKING**

A hose bib was leaking. I recommend a qualified plumbing professional evaluate and repair/replace as needed.



Northeast

3.5.1 Eaves, Soffits & Fascia

 Poor**GAPS AT FASCIA AND ROOF SHEATHING**

The roof sheathing was installed in such a way that the bottom edge of the sheathing was exposed and there was a gap between the fascia and sheathing. This is a concern because water drips over the edge of the shingles into this area and down into the gutter. Moisture damage (rot/decay) was observed in more than one location. This gap also allows pest intrusion. I recommend a qualified siding professional repair.



Northeast

3.6.1 Exterior Doors & Windows

 Marginal**DAMAGED WINDOW SCREENS**

More than one window screen was damaged. I recommend having damaged screens repaired/replaced by a qualified handyman.

6.1.1 Steps/Railings

 Poor**GUARDRAIL RECOMMENDED**

The open stairway was without a guardrail. I recommend a qualified professional install a guardrail that is at least 34" high with balusters spaced at least 4" apart.



Basement

6.1.2 Steps/Railings

 Poor**CRACKED STAIR STRINGER**

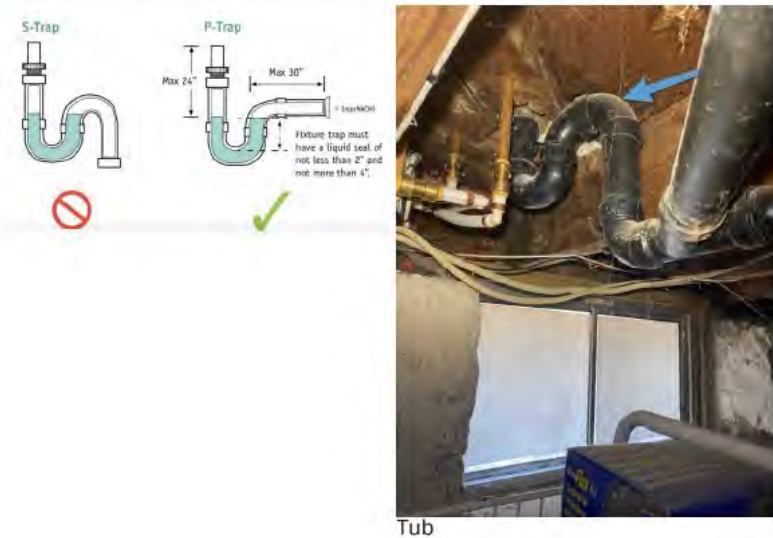
A basement stair stinger was cracked, compromising the stringer's attachment to the header. I recommend a qualified contractor repair.



6.4.1 Ceilings

 Poor**BATH EXHAUST FAN RECOMMENDED**

The basement bathroom was without an exhaust fan. I recommend a qualified handyman or electrician install an exhaust fan to prevent elevated moisture in bathroom.

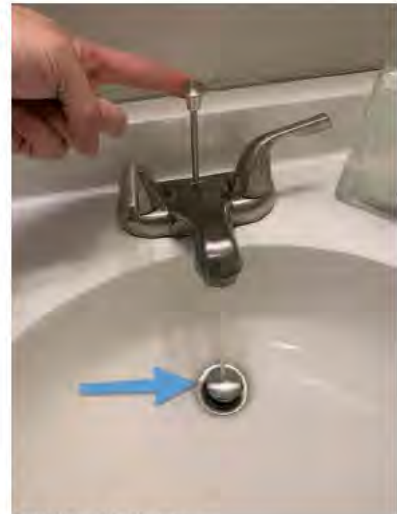


7.3.4 Drain

SINK STOPPER INOPERABLE

Marginal

A bathroom sink stopper was inoperable. I recommend a qualified handyman or plumbing professional repair/replace.



1st Floor Bathroom

7.3.5 Drain

EVIDENCE OF SEWER BACK-UP

Poor

Evidence of a sewage back-up (toilet water debris) was observed near a floor drain at the time of inspection. This indicates a back-up of the sewer but it cannot be determined how recently a back-up occurred. I recommend requesting documentation from seller about back-up related cleaning/repair etc. and having a qualified plumbing professional evaluate.

Branch Wiring: Wiring Method

Non-Metallic Sheathing

Branch Wiring: AFCI

AFCI (Arc Fault Circuit Interrupt) protection was not present in the electrical system. Modern building standards in new construction require AFCI outlets or circuit breakers protection in most receptacles throughout the house. AFCI devices are intended to protect against fires caused by electrical arc faults. AFCI requirements were not introduced until 2002 and were not required by many municipalities until 2017.

The absence of AFCI protection is typical for this age of home. If you ever decide to upgrade the electrical system consult your electrician about possible AFCI upgrades according to your local code requirements.

Smoke Detectors: Safety Recommendation Upon Move In and On A Regular Basis

The National Fire Protection Association (NFPA) states smoke alarms and co monitors should be replaced if more than 10 years old and in our opinion you should ensure all units are present at applicable locations then test all units a day before taking occupancy and then monthly thereafter according to manufacturer's instructions. Current safety standards state smoke alarms should be at all sleeping rooms; on each level of the building (including basement or crawlspace); at any equipment room; on ceilings or high on walls. Batteries should be replaced every 6 months or sooner if a smoke alarm "chirps," indicating a low battery. Smoke alarms should be replaced every 10 years, even those hard-wired, or labeled "long life" 10-year battery-types. We recommend installing these at any above areas without one, verifying operation and testing them upon move-in and monthly thereafter. We also recommend a portable fire extinguisher be present within 75 feet of travel on every floor.

Deficiencies

8.1.1 Service Entrance Conductors

TREE OVERHANG

Tree branches were overhanging the service drop (main power line). I recommend a tree trimming professional trim branches and limbs as needed.



North

8.2.1 Panel & Service Disconnect ("Main Power Shut Off")

IMPROPER COLORED/LABELED WIRE

A white wire was in need of being labeled with a black marker or tape. Improperly colored cables can lead to improperly wired outlets, switches etc. and may result in shock, electrocution, or fire. I recommend an electrician identify and properly label wires in panel as needed.





8.4.1 Outlets, Switches, & Light Fixtures

 Marginal**INOPERABLE LIGHT**

A light would not turn on at the time of inspection. It may be that a bulb needs replaced. I recommend replacing bulb first and, if light still does not work, having a licensed electrician further evaluate and repair as needed.



Kitchen

8.4.2 Outlets, Switches, & Light Fixtures

 Poor**DAMAGED OUTLET**

An outlet in the living room was broken/damaged at the time of inspection. I recommend a qualified handyman or electrician replace.



Living Room

8.4.3 Outlets, Switches, & Light Fixtures

LIGHT BULB NEEDS REPLACED Marginal

A lightbulb in the light fixture shown was burnt out and in need of being replaced.



Basement North

8.4.4 Outlets, Switches, & Light Fixtures

DAMAGED EXTERIOR OUTLET - NO POWER Poor

An outlet in the backyard was damaged and without power. I recommend a qualified electrician either repair with GFCI weather protected receptacle, or remove altogether.



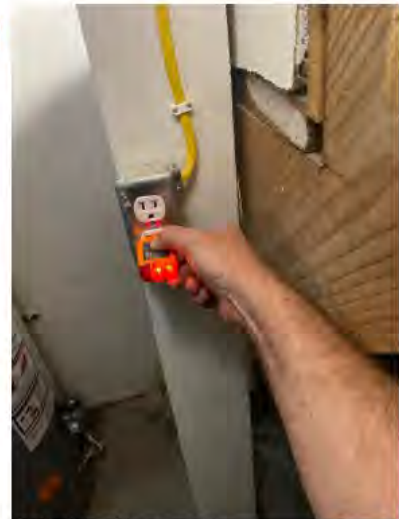
North

8.5.1 GFCI

NO GFCI PROTECTION INSTALLED

GFCI (Ground Fault Circuit Interrupter) protection is a recommended safety feature in all outlets located within 6 feet of a water source, outdoors, unfinished basements, and in garages. GFCI were not present in all recommended locations. I recommend a licensed electrician upgrade existing outlets to GFCI in all in all recommended locations.

[Here is a link](#) to read about how GFCI receptacles keep you safe.

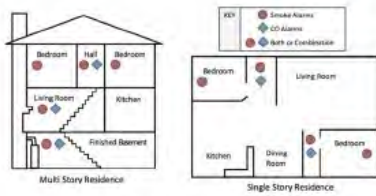


Unfinished basement

8.6.1 Carbon Monoxide Alarms

INSUFFICIENT

It is recommend that a carbon monoxide alarm be installed on every floor and within 15 feet of each bedroom. I recommend having a carbon monoxide alarm installed in any and all needed location.



Hallway - Smoke Only

8.7.1 Smoke Detectors

INSUFFICIENT **Significant or Safety**

There should be a smoke alarm in each bedroom, outside each sleeping area, and on every level of the home. I recommend having smoke alarm installed in any and all needed location.



1st Floor Southwest Bedroom

9.1.1 Attic Insulation

 Marginal**ATTIC ACCESS HATCH NOT INSULATED**

The attic access hatch was not insulated. I recommend installing a fiberglass batt atop the access hatch to ensure entire attic is insulated evenly.



9.1.2 Attic Insulation

 Poor**INSULATION IN CONTACT WITH FLUE PIPE**

The attic insulation was in contact with the flue exhaust pipe. Because the pipe gets hot, 1 inch of clearance from metal flues is required to any combustible material, including insulation. I recommend having insulation moved to allow proper clearance.



9.4.1 Roof Sheathing and Framing

 Marginal**CRACKED RAFTER**

A rafter was cracked/damaged. I recommend a qualified professional sister/repair rafter as needed.



10: BASEMENT & FOUNDATION

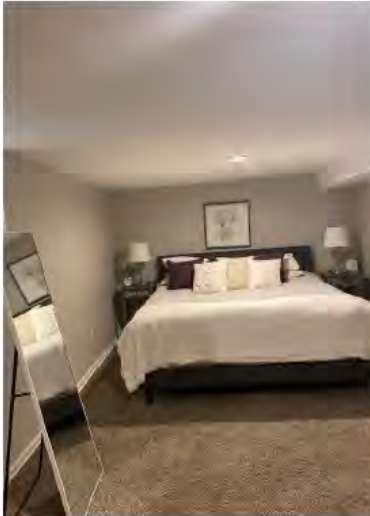
Information

Type

Stone

Basement: Finished Basement

Because most of the basement was finished certain areas/components were not visible (plumbing, foundation, framing, etc.).



Deficiencies

10.1.1 Basement

SPALLING - FOUNDATION

Spalling was observed on the foundation. This type of deterioration is likely caused by either hydrostatic soil pressure or freeze-thaw cycles. I recommend a qualified professional install a proper moisture-preventing coating on affected areas.

*Ensuring proper grading and downspout termination is maintained will also help prevent future moisture-related damage.



Marginal



West

SITE PHOTOS, TAKEN BY STAFF, DATED JULY 14, 2023



NEIGHBORHOOD MEETING MINUTES

1. Neighbor called on 7/21/23 and had no objections to using the property as a nightly rental. Spoke for 1 minute over the phone. - MOZAFARI, HOSSEIN 4220 CLARK, APT 103.

Andrew Beselica

2504 W 47th Avenue Kansas City, KS 66103

Dear (Resident),

I hope this letter finds you well. I am writing to inform you that I would like to begin using my property located at 2504 W 47th Ave as a short-term rental property. I understand that this may be a change from the previous use of my property, and I wanted to reach out to my neighbors to provide some information and ensure that the integrity of the neighborhood will remain unchanged going forward.

As a responsible property owner, I will take every measure to ensure that my guests do not disturb the peace and tranquility of our neighborhood. I have set some guidelines to be followed by my guests to ensure that they respect our neighborhood and the community's standards. Additionally, I have hired a property manager to oversee the short-term rental and to promptly address any concerns that may arise. They will be available 24/7 for any questions or complaints.

I understand that you may have questions or concerns about the short-term rental of my property. I would be happy to speak with you further about it and address any concerns you may have. Please feel free to reach out to me by telephone at 352-551-8900 or by email at andrewbeselica@gmail.com.

I value our neighborhood and its residents, and I am committed to being a responsible property owner. I believe that this new venture will not only provide an additional source of income but also help attract visitors to our community, which can benefit local businesses and the local economy.

Thank you for your time and attention to this matter. I look forward to continuing to be your neighbor and working together to maintain a positive and vibrant community.

The deadline for accepting comments and questions is July 31st, 2023.

Sincerely,

Andrew Beselica

352-551-8900

andrewbeselica@gmail.com

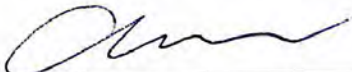
AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF _____)
COUNTY OF _____) SS:

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

1. That I am the petitioner for Petition # SP2023-052.
2. That I conducted a neighborhood meeting on via email and phone up till the deadline of 7/31/23.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.



Affiant

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

My commission expires _____ of _____, 200_.

Notary Public

Scanned with CamScanner



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: August 31, 2023

Re: Special Use Petition SP2023-054

GENERAL INFORMATION

Applicant:
Ashley Sivils

Status of Applicant:
Owner
425 Washington St Apt 207
Kansas City, Missouri 64105

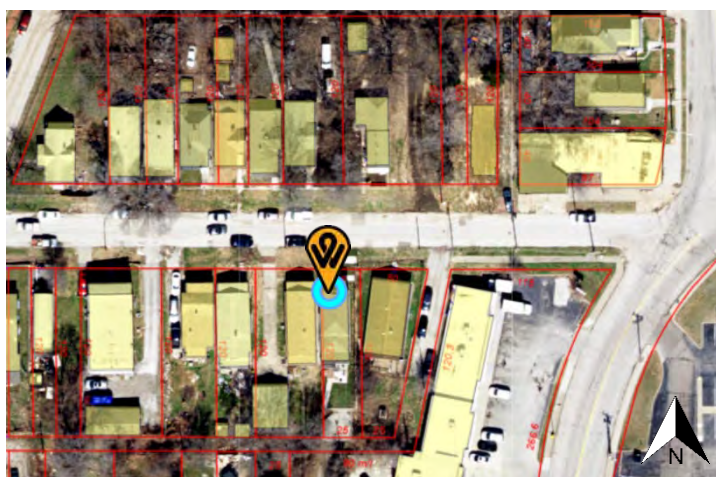
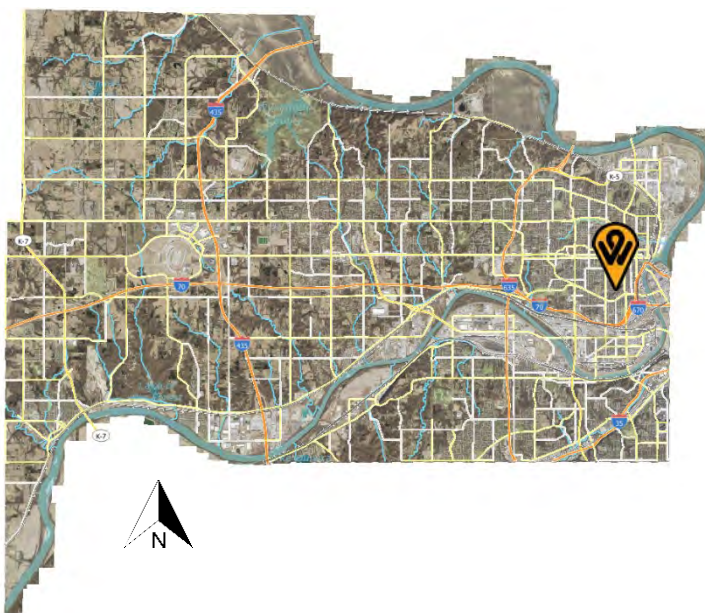
Requested Action:
Approval of a Short-term Rental
Special Use Permit.

Date of Application:
June 9, 2023

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

Property Location:
719 Lyon Avenue
Kansas City, KS 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: C-3 Commercial District East: R-1(B) Single Family District West: R-1(B) Single Family District
Adjacent Uses:	North: Single-family residence South: Parking for businesses on Simpson Ave East: Single-family residence West: Single-family residence
Total Tract Size:	0.076 Acres
Master Plan Designation:	The Central Area Plan designates this property as Urban Density, which allows for single-family homes, attached residences like townhomes and duplexes, and institutions like churches, schools, and libraries.
Major Street Plan:	The Major Street Plan designates Lyon Avenue as a local residential 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> – July 20, 2023 Letters to Property Owner – July 21, 2023
Public Hearings:	August 14, 2023 and August 31, 2023
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Ashley Sivils, is requesting a Short-Term Rental Special Use Permit to operate a short-term rental at 719 Lyon Avenue. This is not the owner’s primary residence. This would be the first and only permitted short-term rental on the 700 block of Lyon Avenue, though the owner had already been operating a Short-Term Rental without a permit at this address for over two (2) years.

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.

Building, Zoning, or Code Enforcement Complaints:

1. There have been several notices of violation on the subject property, however, all have been addressed and there are currently no active violations.
 - a. 2023 – CMP23-0034 – Enforcement Complaint – Trash not collected
 - b. 2022 – CMP22-2766 – Enforcement Complaint – Trash not collected
 - c. 2020 – ENV20-0161 – Environmental – Fence over 6’ tall
 - d. 2020 – 20299-01340 – Code Admin Citation – Boarded windows & no house number
 - e. 2020 – 20299-01084 – Code Admin Citation – Boarded windows & no house number
 - f. 2020 – 20299-00303 – Code Admin Citation – Boarded windows & no house number
 - g. 2020 – 20200-00522 – Code Admin Citation – Boarded windows & no house number
 - h. 2019 – 19200-04091 – Environmental – Trash bags on porch
 - i. 2019 – 18200-05071 – Environmental – Appliance found behind house
 - j. 2018 – 18200-03723 – Environmental – Vehicle on grass and dirt
 - k. 2018 – 18200-03002 – Environmental – Dresser on porch
 - l. 2017 – 17200-04407 – Environmental – Full trash cans in front yard
 - m. 2017 – 17200-00446 – Environmental – Mattresses & trash cans in front yard
 - n. 2017 – 17505-00010 – Environmental – Excessive trash at curb
 - o. 2017 – 17200-00163 – Environmental – Trash on porch

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 and the Central Avenue Betterment Association (CABA). The neighborhood consists of a mix of townhouses, garden-style apartments, and single-family residences. Additionally, the neighborhood consists of many commercial uses along the Central Avenue corridor.

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 borders single-family homes to the north, east and west, and a parking lot to the south. Continuing use as a rental, either short or long-term, is consistent with 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 has been operating as an unpermitted short-term rental since April 2021.

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

Special Use Permits are not addressed in the Central Master Plan. The Central Area Plan designates this property as Urban Density, which allows for single-family homes, attached residences like townhomes and duplexes, and institutions like churches, schools, and libraries.

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 Lyon Avenue 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, however, issues such as noise, vibration, overcrowding of land, and undue concentrations of population could impact nearby properties negatively. If managed properly, however, the use of the property is not expected to substantially nor permanently injure the appropriate use, visual quality, or marketability of adjoining property.

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

Noise and illumination are issues that are related to short-term rentals. There have not been any noise complaints to date with the current applicant. Vibration or dust 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 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 cannot be determined, as the required floor plan was not provided. There are two (2) spaces on the subject property, however, they are difficult to access due to the deteriorated alleyway and driveway apron. There shall be no on-street parking for STR renters or guests. 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 property.

NEIGHBORHOOD MEETING

The applicant received neighborhood comments by receiving letters or phone calls through the date of July 31, 2023. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Floor Plan
Home Inspection Report
Proof of Insurance
Application Fee
Noise
Overcrowding
Parking
Required Repair Items

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 9 to 1 to recommend **APPROVAL** of Special Use Permit Application SP2023-054, **for one (1) year**, subject to:

1. The applicant shall repair the following items prior to publication of their ordinance. Proof of replacement must be sent to staff.
 - o The trees and limbs must be removed from the power line.
 - o Smoke detectors and carbon monoxide detectors must be installed.
 - o The steps with more than 4" gap must be repaired.
2. Any additional repairs not addressed prior to approval of SP2023-054 outlined within the provided home inspection report shall be performed prior to renewal of this Special Use Permit.
3. The applicant shall repair and replace the driveway apron into the alleyway.
4. The applicant shall be required to clear brush from driveway apron.
5. Maximum number of guests shall be seven (7).
6. All parking must be off-street, maximum number of vehicles is two (2). No STR renters or guests may park on-street.
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; and
 22. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.
 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. All conditions of approval herein must be constructed, executed, implemented, or otherwise completed within 18 months of approval unless otherwise determined by the Director of Planning or their designee.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **SP2023-054** subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

August 14, 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 July 14, 2023
Neighborhood Meeting Materials

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	August 14, 2023	August 31, 2023
Special Use	Approval	

STAFF CONTACT:

James Molloy
jmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2023-054** 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 **SP2023-054**, 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.

August 14, 2023, City Planning Commission Minutes:

Hearing starts at 2:20:11:

SPECIAL USE PERMIT APPLICATION SP2023-054 – ASHLEY SIVILS - SYNOPSIS:

Special Use Permit to operate a Short-Term Rental at 719 Lyons Avenue. Detailed Outline of Requested Action: The applicant, Ashley Sivils, is requesting a Short-Term Rental Special Use Permit to operate a short-term rental at 719 Lyon Avenue. This is not the owner's primary residence. This would be the first and only permitted short-term rental on the 700 block of Lyon Avenue, though the owner had already been operating a Short-Term Rental without a permit at this address for over two (2) years.

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 August 14, 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 Sivils, applicant, 425 Washington Street, Apartment 207, Kansas City, Missouri 64105

Chairman Carson asked if she is in agreement with the conditions of approval by Staff. Ms. Sivils stated yes.

Commissioners Eilts and Ernst directed questions to the applicant.

Present in Opposition:

- No one appeared

Staff Recommendation starts at 2:25:00: Planning Director Hand stated that this is a request for a Short-Term Rental non-owner-occupied Special Use Permit. The applicant operated the Short-Term Rental without a Special Use Permit for over two (2) years. The property is in the Central Area Plan. Staff has received no letters in support nor opposition. There were many Notices of Violation on the property before it was rehabilitated; there have been a couple of Notices of Violation since then related to trash left outside. The property in question only has parking access via the alley which is an "L" alley as it does not go through the commercial block at the end of the street. Director Hand stated that the alley is steep and overgrown with some weeds leading to this property. He stated that he wanted to make sure the applicant was aware that they cannot park on the street in front of house; the clients have to park in the rear yard. Director Hand stated that there are conditions of approval related to assisting with clearing of the alley accordingly. He also stated that the other alley access point to the property is being used illegally as a driveway and Staff will work with community policing to resolve this issue. Staff recommends approval for one (1) year subject to the conditions in the staff report.

Motion starts at 2:27:55:

On motion by Mrs. Jones, seconded by Mr. Ernst, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit SP2023-054 for one (1) year:**

Carson	Chairman
Eilts	No

Ernst	Aye
Jones	Aye
Miller	Aye
Mohler	Aye
Straws	Aye
Ward	Aye
Armstrong	Aye
Beth	Aye
Connelly	Aye

Motion to recommend **APPROVAL** Passed 9 to 1

Subject to:

1. The applicant shall repair the following items prior to publication of their ordinance. Proof of replacement must be sent to staff.
 - o The trees and limbs must be removed from the power line.
 - o Smoke detectors and carbon monoxide detectors must be installed.
 - o The steps with more than 4" gap must be repaired.
2. Any additional repairs not addressed prior to approval of SP2023-054 outlined within the provided home inspection report shall be performed prior to renewal of this Special Use Permit.
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4. The applicant shall be required to clear brush from driveway apron.
5. Maximum number of guests shall be seven (7).
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7. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax.
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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).
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20. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed 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; and
22. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.
 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. 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.

ATTACHMENTS

AERIAL IMAGERY



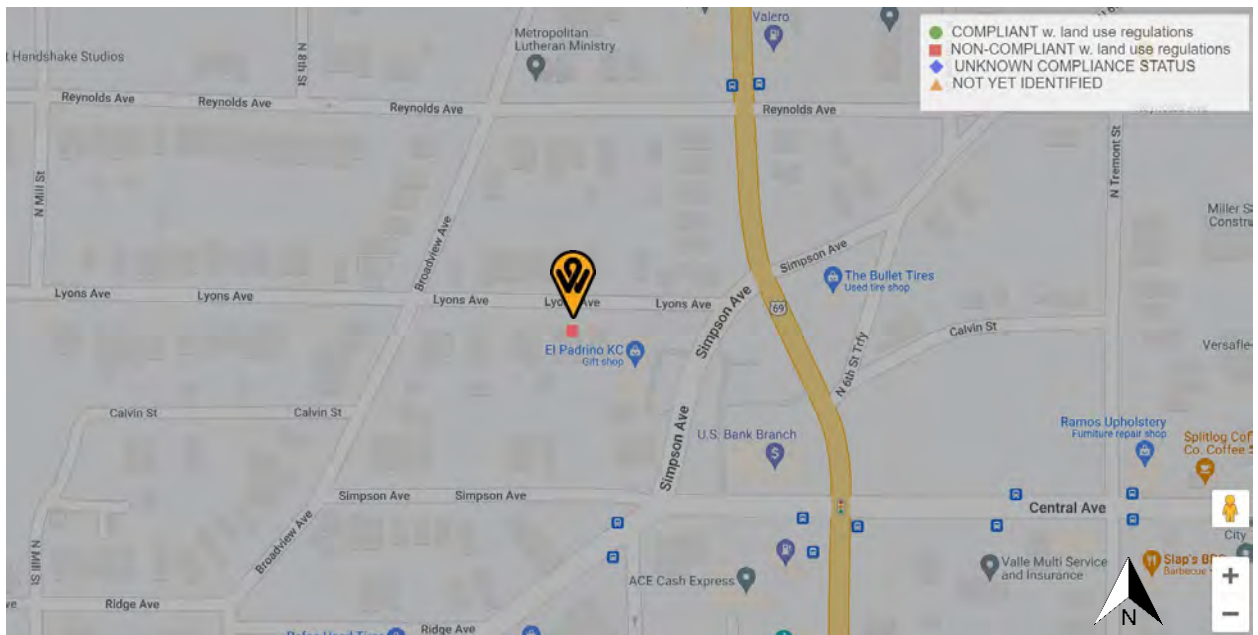
ZONING MAP



LAND USE MAP



HOST COMPLIANCE MAP – JULY 12 2023



FLOOR PLAN



HOME INSPECTION REPORT

Premier Inspection Services

Sivils



Item 3 - Item 1(Picture)

Smoke Detectors

Improvements, Repair or Replacement Recommended

- 4 (1) The main floor smoke detectors at the front and rear exterior doors are inoperative at the time of inspection. Recommend properly replacing for added safety.



Item 4 - Item 1(Picture)



Item 4 - Item 2(Picture)

- 5 (2) It is recommended that smoke detectors be properly installed and located on each level of the home, in the bedroom common hallway areas and in each bedroom at a minimum for added safety.

10. Electrical System

Service Entrance, Clearance & Mast

Improvements, Repair or Replacement Recommended

- 6 (1) Tree limb(s) are either too close or in contact with the electrical service entrance wire. Recommend the trees be trimmed for the proper clearance around the entrance cable to prevent possible damage and or power outages. Typically this is a minimum of 3' in all directions.



Item 6 - Item 1(Picture)



Item 6 - Item 2(Picture)

- 7 (2) The exterior electrical service wire from the pole to the meter is rated for 100 AMPS. The interior electrical panel is rated for 200 AMPS. There is a serious risk of a potential fire hazard with this configuration because the panel will allow an electrical flow of 200 AMPS but the meter base is designed to handle 100 AMPS maximum. Recommend a professional electrician further evaluate and make the proper repairs along with obtaining the appropriate permit needed.



Item 7 - Item 1(Picture)

Carbon Monoxide Detectors

Improvements, Repair or Replacement Recommended

- 8 The inspector did not notice permanently installed carbon monoxide detectors in use at the time of inspection. It is recommended that carbon monoxide detectors be installed outside of bedrooms in the common hallway area(s) and utility room / closet where gas appliances may be installed at a minimum for added safety.

2. Deck / Patio / Porch / Enclosure

The Home Inspector shall observe the structural components of the deck(s) and or porch provided adequate access is available. The inspection of decks and or porches is not to determine code compliance but is to determine structural stability and identify major safety issues.

Styles & Materials

Deck Type::		Deck Floor Material::		Patio:				
Permanently Attached to Main Structure		Wooden Materials		Concrete				
		IN	RR	AT	NI	NP		
2.0	Hand / Guardrailing	*						
2.1	Flooring	*						
2.2	Stairs & Steps			*				
2.3	Floor Joists	*						
2.4	Point of Attachment Bolts & Flashing	*						
2.5	Structural Support / Posts	*						
IN= Inspected, RR= Improvements, Repair or Replacement Recommended, AT= Attention, NI= Not Inspected, NP= Not Present							IN	RR AT NI NP

Comments:

2.2 The stairs at the deck have open step facing. The open spacing between the is wider than 4". This 4" rule was instituted as a safety issue to prevent small children or a persons foot from sliding through the opening. Recommend the properly installing the face blocking for added safety.



2.2 Item 1(Picture)

SITE PHOTOS, TAKEN BY STAFF, DATED JULY 14, 2023



NEIGHBORHOOD MEETING MATERIALS

AFFIDAVIT - NEIGHBORHOOD MEETING

STATE OF Missouri
COUNTY OF Wyandotte SS:

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

1. That I am the petitioner for Petition # SP2023-054
2. That I conducted a neighborhood meeting on 7/21/23 - 7/31/23
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

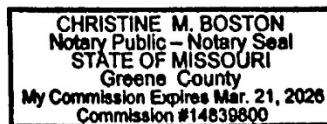
Further affiant saith not.

[Signature]
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 2 day of August, 2023

My commission expires March of March, 2026

[Signature]
Notary Public



Ashley Sivils
417-343-2470
ashleyLsivils@gmail.com

MINUTES:

Application Number SP 2023-054
Date and Location: Email, Text, Phone
Meeting called to order at: Email, Text, Phone
Names of people in attendance:
William Puhr
Mike Morse
Jessie Carrera

Introductions:

Presentation by Ashley Sivils and/or team explaining that I have a real estate background for over 6 years. I manage my properties myself and live in the area. I am here for any questions or comments and do not want my business to disrupt the community and those living in it.

Questions and answers (include the following):

Who asked a question or gave a comment?

All three attendees gave comments and two of them had questions.

What was the question or comment?

William called me and wanted to make sure trash was kept out of the alleyway between our houses. He asked if I wanted him to put a fence back up between our properties. I told him it was not necessary but he could if he wanted to. He told me he did not mind it being a STR and would help me in any way if I needed it.

Mike called and told me he does not mind that my house is used as a STR.

Jessie texted me. He said he owns the apartments up the street. He said he does not have questions challenging my permit with the city but he had questions regarding the business model and how well it does for his own personal interest with his own properties.

Who answered the question/comment?

Ashley answered all comments and questions given. I said thank you for their feedback and assured William I will not leave trash in the alleyway and will let him know if I ever need help. I told Mike thank you and I told Jessie we could meet for coffee if he wanted to discuss the STR business model.

Meeting adjourned at: 7/31/2023

Minutes taken by: Ashley Sivils



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: August 31, 2023

Re: Preliminary Plan Petition PR2023-014

GENERAL INFORMATION

Applicant:
Cody Busick

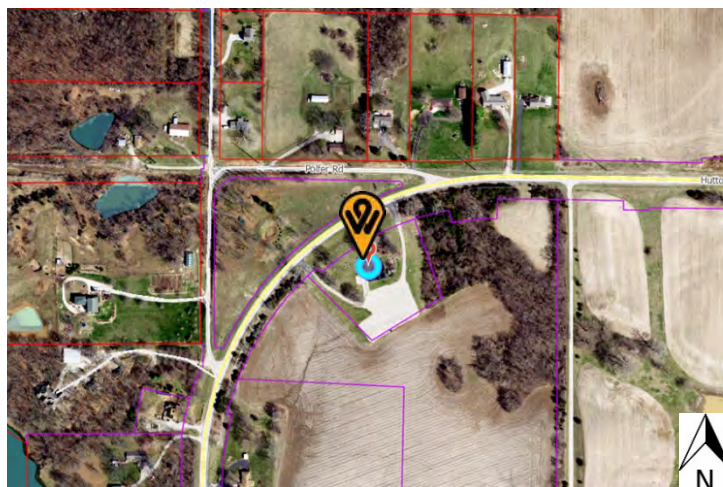
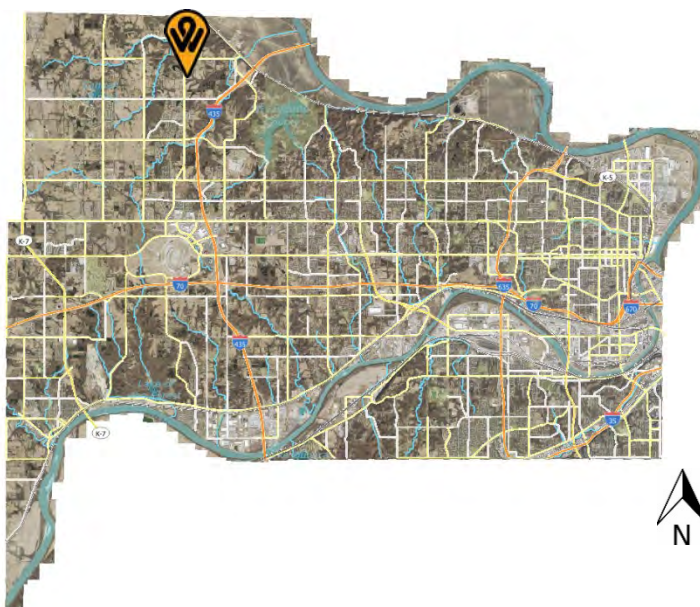
Status of Applicant:
Representative
Vineyard Church of Piper
10601 Hutton Road
Kansas City, Kansas 66109

Requested Action:
Approval of a Preliminary
Development Plan.

Date of Application:
April 28, 2023

Purpose:
To approve a Preliminary
Development Plan for a 7,508
square foot expansion of the
Vinyard Church of Piper as well as
expansion of the parking lot.

Property Location:
10601 Hutton Road
Kansas City, Kansas 66109



Commission Districts:	Commissioner At Large, District #1: Melissa Bynum District #5 Commissioner: Mike Kane
Existing Zoning:	A-G Agriculture District
Adjacent Zoning:	North: A-G Agriculture District South: A-G Agriculture District East: A-G Agriculture District West: A-G Agriculture District
Existing Uses:	North: Agricultural land South: Agricultural land East: Agricultural land West: Agricultural land
Total Tract Size:	2.93 Acres
Master Plan:	Prairie Delaware Piper Area Plan
Master Plan Designation:	The Prairie Delaware Piper Area Plan designates the subject property as Planned Low-Density Residential, which allows for single-family residences on large, wide lots.
Major Street Plan:	The Major Street Plan designates Hutton Road as a Class B Thoroughfare.
Parking Requirement:	Section 27-688(a)(4) states that churches shall provide “one (1) space for each six (6) seats or 9 linear feet of seating area”. With the proposed expansion, the church will have approximately 400 seats, which requires 70 parking spaces. The proposed plan provides 72 parking spaces.
Advertisement:	Property Owner Letters – May 18, 2023 <u>Wyandotte Echo</u> – May 19, 2023
Public Hearings:	August 14, 2023 and August 31, 2023
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Cody Busick with Vineyard Church of Piper, is requesting approval of a Preliminary Development Plan to expand the Vineyard Church of Piper at 10601 Hutton Road with a 7,508 square foot addition, as well as expansion of the parking lot.

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

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

Building, Zoning, or Code Enforcement Complaints:

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

Outstanding or Related Permits and Cases:

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

FACTORS TO BE CONSIDERED

1. Neighborhood character.

The subject property is located within the Piper Statistical Neighborhood and is not within a neighborhood group. The subject property is located within a nearly exclusively rural single-family neighborhood and surrounded by a variety of single-family residences, most of which are on contemporary wide and shallow lots, or lots with large acreage.

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

The proposed use is an expansion of the church and the parking lot. According to the traffic impact study provided by the applicant, there is expected to be an increase in trips by 44%. This is not expected to exceed the capacity of Hutton Road, a Class B Thoroughfare.

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

The Prairie-Delaware-Piper Area Plan designates the subject property as Planned Low-Density Residential, which allows for single-family residences on large, wide lots. The proposed use is an institutional use that while allowed in the zoning district, does not conform to the Area Plan. This land use would fall under the Public/Semi-Public designation in the Prairie-Delaware-Piper Master Plan.

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

a. Water service

BPU provides water service.

b. Sanitary sewer service

There is no sanitary sewer service on the subject property. The property is served by septic service.

c. Storm water control

There is no storm water control on the subject property.

d. Police

Police service is provided by West Patrol, District #226.

e. Fire

Fire service is provided by Station #12, which is approximately two (2) miles away from the subject property.

f. Transit

There is no transit service provided to the subject property.

g. Schools

Public Education is provided by Piper Creek Elementary School, Piper Prairie Elementary School, Piper Middle School, and Piper High School.

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

The proposed plan is capable of meeting applicable ordinance and other requirements with revisions to the site plan.

PREVIOUS ACTIONS

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

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on May 30, 2023. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Conformance to the Master Plan
Parking on an Unimproved Surface
Sidewalk
Signage
Site Design

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 10 to 0 to recommend **APPROVAL** of Plan Review Application PR2023-014, subject to:

1. **Because this petition is a Preliminary Development Plan, the applicant shall submit a Final Development Plan for approval, which includes final architectural and civil plans;**
2. **Per the goDotte County-Wide Mobility Plan, the applicant shall construct a sidewalk in the front of the property;**
3. **Wheel stops are required for parking spaces where there is no curbing;**
4. **The sign structures shall be removed as instructed originally;**
5. **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;**
6. **Section 27-699(b)(5) states that all outside bins or trash container areas must be completely enclosed by an architectural screen to a height not less than the height of the bin or container. No trash enclosures may be located in required yards adjacent to street right-of-way. In commercially and industrially zoned areas where the trash container will not be visible from off the property due to other screening or topographic conditions and will not be visible from public parking or pedestrian areas on the site, such trash bin screening need not be provided. In industrially zoned areas where the trash container will not be visible from residential property and where such containers are kept directly alongside the building and in a well-kept manner, such screening need not be provided;**
7. **A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;**
8. **All existing and future driveways must feature curb cuts that are constructed to UG standards;**
9. **Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable**

Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620; and, 10. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable.

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 **PR2023-014** subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

August 14, 2023, City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Existing Site Plan
Proposed Site Plan
Landscape Plan
Elevations
Site Renderings
Floor Plan
Traffic Impact Study
Sanitary and Wastewater Study
Site Photos taken by Staff, Dated May 12, 2023

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Board of Commissioners</u>
Public Hearing	August 14, 2023	August 31, 2023
Preliminary Plan	Approval	

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **PR2023-014** 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 **PR2023-014**, 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.

August 14, 2023 City Planning Commission Minutes:

Hearing starts at 3:06:45:

PLAN REVIEW APPLICATION PR2023-014 – CODY BUSICK WITH VINEYARD CHURCH OF PIPER - SYNOPSIS: Preliminary Plan Review to expand an existing church at 10601 Hutton Road. Detailed Outline of Requested Action: The applicant, Cody Busick with Vineyard Church of Piper, is requesting approval of a Preliminary Development Plan to expand the Vineyard Church of Piper at 10601 Hutton Road with a 7,508 square foot addition, as well as expansion of the parking lot.

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 August 14, 2023;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file; and,
6. The Notices to property owners.

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

Present in Support:

- Jacob Hobson, Olsson Associates, consultant for the applicant, 4448 Francis Street, Kansas City, Kansas 66103
- Cody Busick, applicant and Lead Pastor, 4514 North 121st Street, Kansas City,

Present in Opposition:

- No one appeared

Staff Recommendation starts at 3:11:15: Planning Director Hand stated that the request is for a preliminary development plan for the church expansion and parking lot. The property is in the Prairie-Delaware-Piper Area Plan. Staff has received no letters in support nor opposition. There are no Notices of Violation. Staff recommends approval subject to the conditions in the staff report including the removal of one (1) of the two (2) monument signs. They will have to come back for a final development plan before moving forward with the project. If the applicant wants to defer the request for driveway gravel, Director Hand would need to address it with the County Engineer. In terms of the sidewalks, it is a requirement in the goDotte County Wide Mobility Strategy that sidewalks be created along all of Hutton Road. Staff understands that it is unimproved, but this is the policy of the Unified Government. If the Planning Commission wanted to remove this condition, he believes that it would be better addressed before the Board of Commissioners, and he would also discuss that with the County Engineer. There is no deviation before the Planning Commission. The Commission has on previous occasions deferred to the Board of Commissioners on this issue.

Motion starts at 3:15:19:

On motion by Mr. Ward, seconded by Mr. Beth, the Planning Commission voted as follows to recommend **APPROVAL of Petition PR2023-014:**

Carson	Chairman
Eilts	Aye
Ernst	Aye
Jones	Aye
Miller	Aye
Mohler	Aye
Straws	Aye
Ward	Aye
Armstrong	Aye
Beth	Aye
Connelly	Aye

Motion to recommend **APPROVAL** Passed 10 to 0

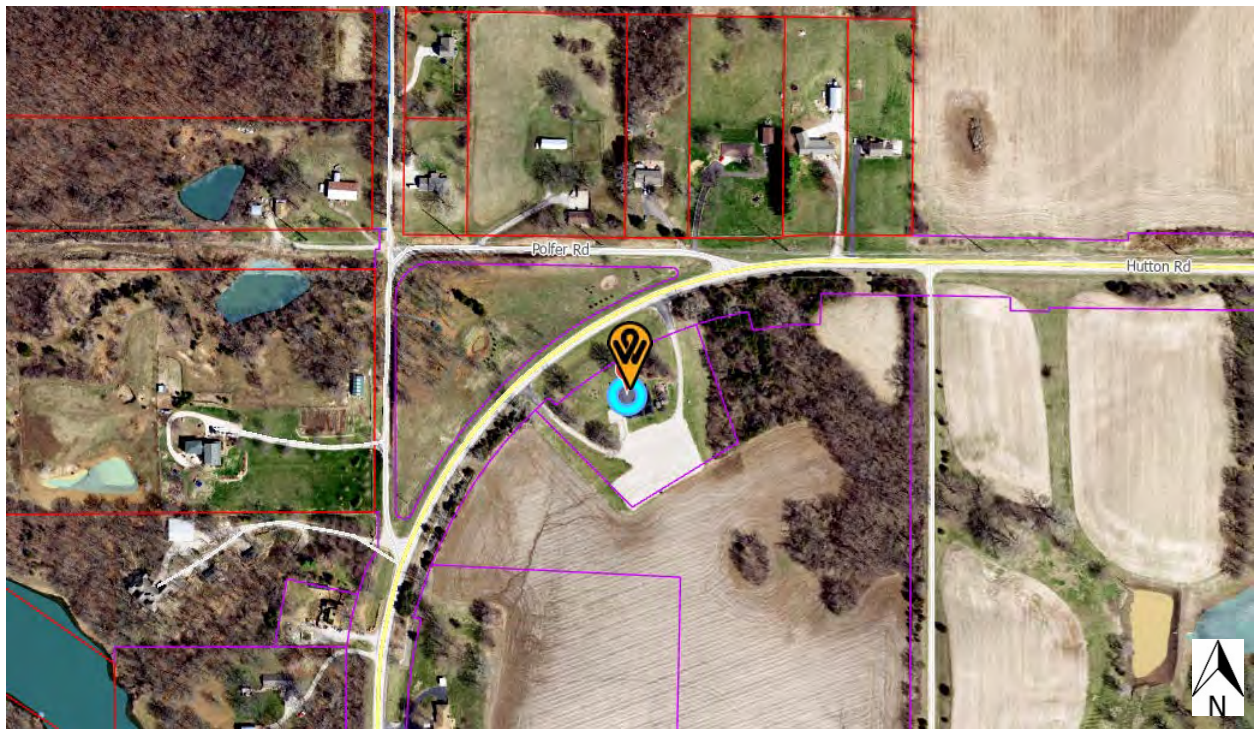
Subject to:

1. **Because this petition is a Preliminary Development Plan, the applicant shall submit a Final Development Plan for approval, which includes final architectural and civil plans;**
2. **Per the goDotte County-Wide Mobility Plan, the applicant shall construct a sidewalk in the front of the property;**
3. **Wheel stops are required for parking spaces where there is no curbing;**
4. **The sign structures shall be removed as instructed originally;**

5. 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;
6. Section 27-699(b)(5) states that all outside bins or trash container areas must be completely enclosed by an architectural screen to a height not less than the height of the bin or container. No trash enclosures may be located in required yards adjacent to street right-of-way. In commercially and industrially zoned areas where the trash container will not be visible from off the property due to other screening or topographic conditions and will not be visible from public parking or pedestrian areas on the site, such trash bin screening need not be provided. In industrially zoned areas where the trash container will not be visible from residential property and where such containers are kept directly alongside the building and in a well-kept manner, such screening need not be provided;
7. 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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10. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable.

ATTACHMENTS

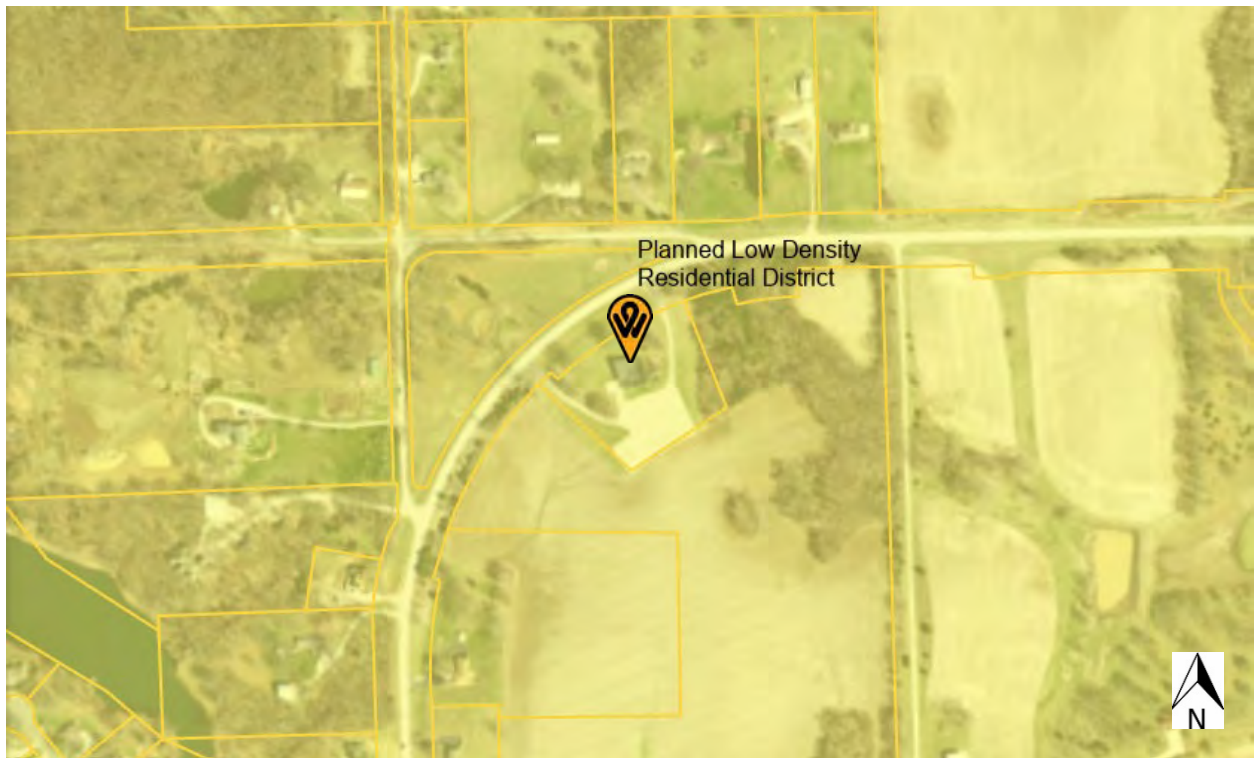
AERIAL IMAGERY



ZONING MAP



LAND USE MAP



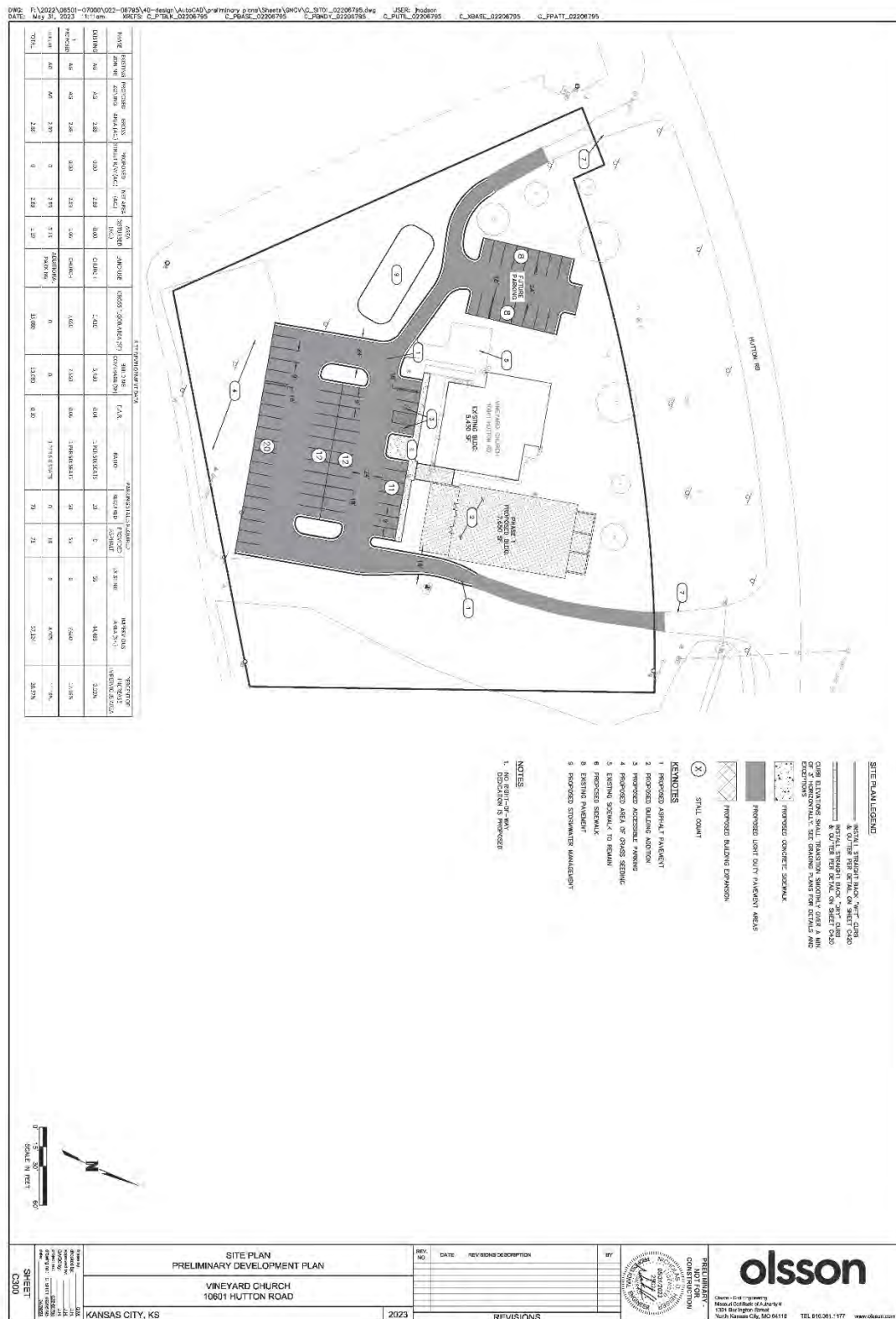
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PR2023-014

August 31, 2023

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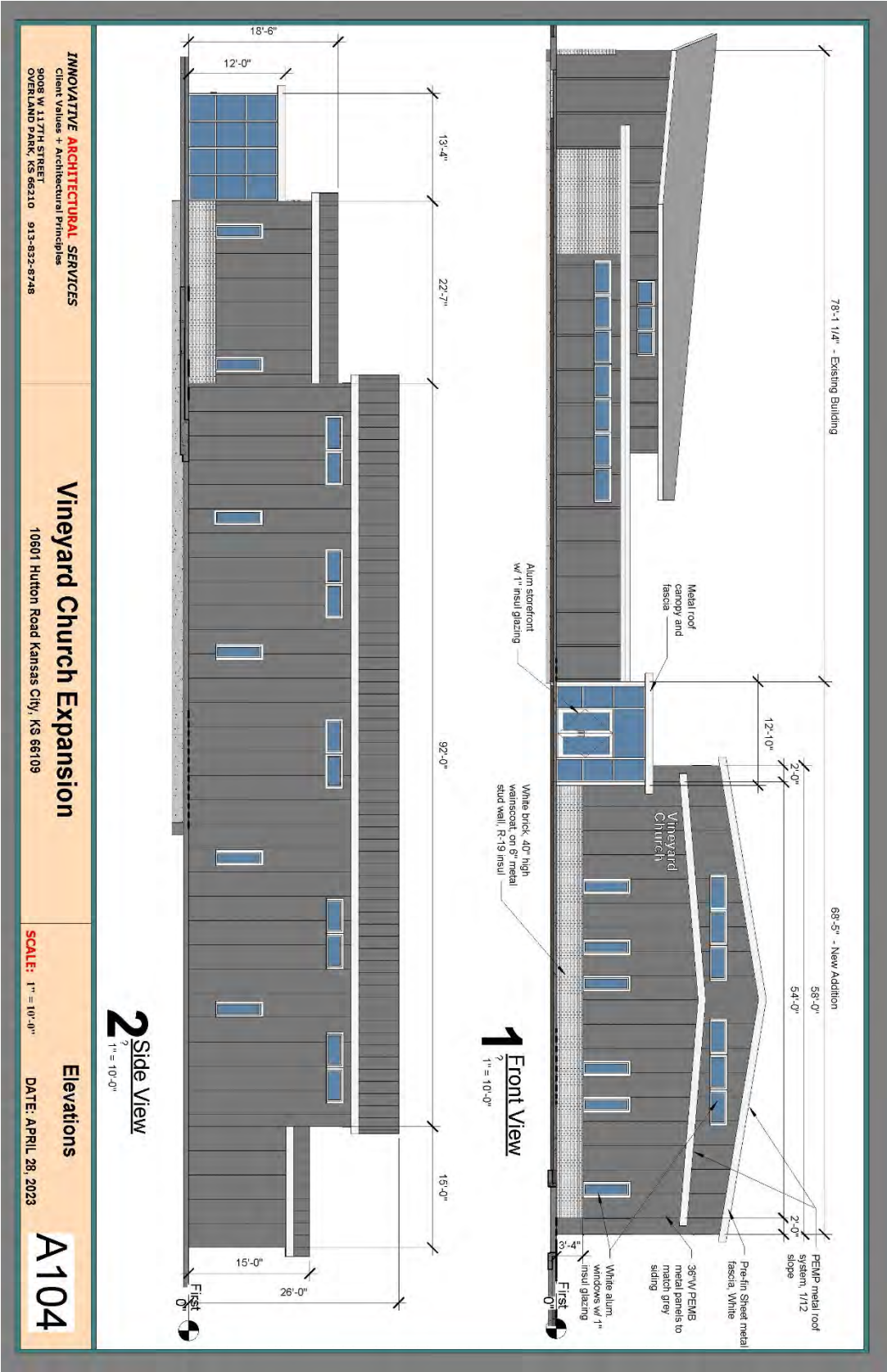


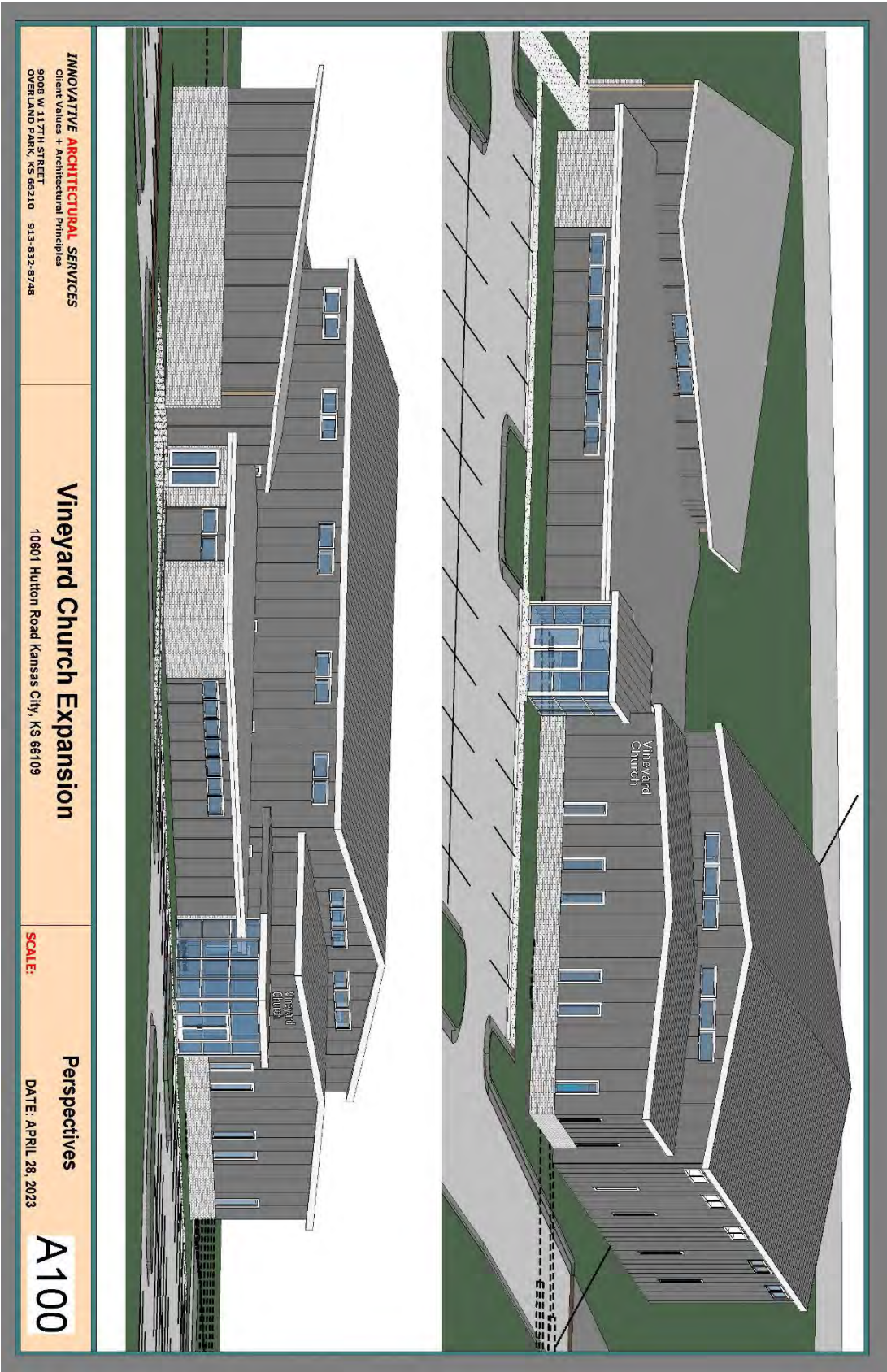
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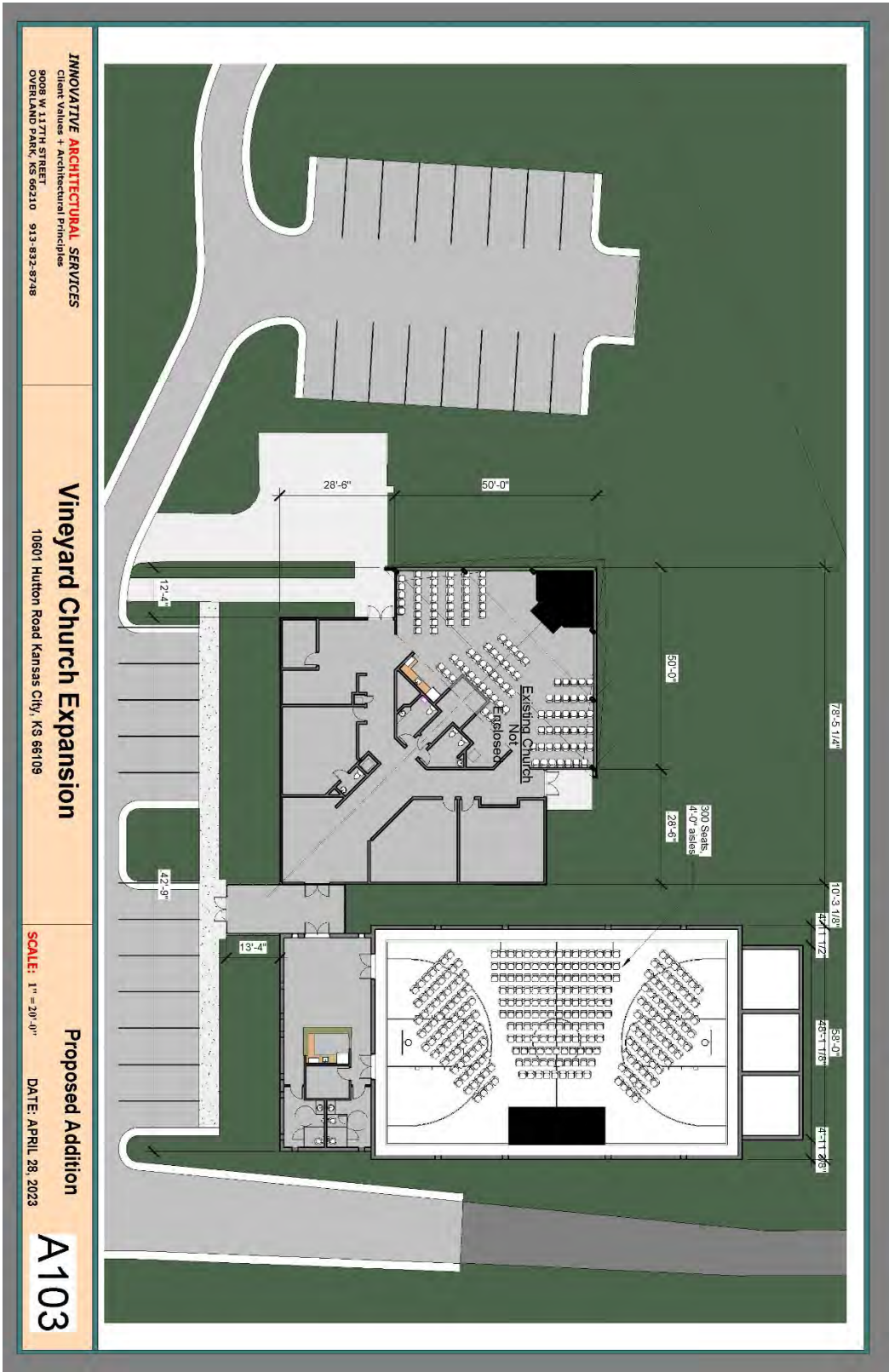
LANDSCAPE PLAN







FLOOR PLAN

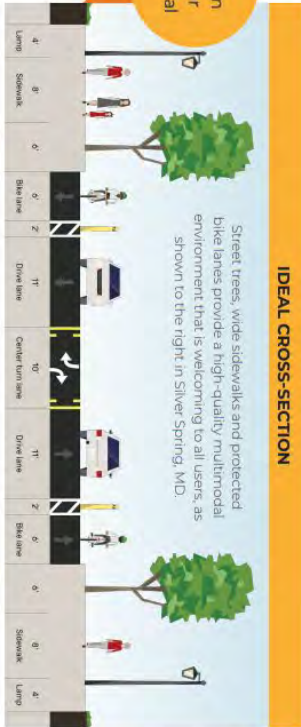


Street Design in Focus

The Major Streets plan provides a general framework for street design decision-making by discussing the tradeoffs inherent in designing a roadway. Space and right-of-way are typically limited, meaning the County must make smart decisions about how to utilize that space to best provide for the needs of the community. The cross-sections at right provide examples of how roadways may be designed in different parts of the County to meet the needs of the immediate surrounding area. While the cross-sections shown are only examples, and street design is likely to vary based on a number of factors, they effectively highlight how design can and should change across different contexts, even for the same functional class.

Each of the roadways highlighted represent minor arterials that carry high traffic volumes, and yet the design of each shifts to allow for safer multimodal travel, larger vehicles, or more separation for pedestrians. Also shown are real-world examples of successful roadways that have re-designed to mirror the street design guidance provided.

Urban Minor Arterial



Suburban Minor Arterial



Rural Edge Minor Arterial



REAL-WORLD EXAMPLE



1) LOCATION & LAND USE

The project site is located at 10601 Hutton Road in Kansas City, Kansas.

Hutton Road is currently a two lane roadway with an open drainage system and a posted speed limit of 40 mph. Hutton Road is classified as a Class B Thoroughfare on the Unified Government's Major Street Plan. According to the City Master Plan, a Class B Thoroughfare should have 100' of right-of-way, and may include up to four lanes.

The property is currently being used as a church. A 7,650 square feet expansion will be constructed to expand the church building to a total of 13,080 square feet. The existing parking lot will also be upgraded from aggregate to light duty pavement with striped parking stalls. A future 16 stall parking area is also designated off of the Southwest Entrance.

The church has two entrances, discussed in this report as the Southwest and Northeast Entrances. Each entrance currently has a paved approach which transitions to gravel near the right-of-way line.

2) TRIP GENERATION

The vehicle trips generated by the proposed church expansion were estimated using the Institute of Transportation Engineers' (ITE) Trip Generation, 11th Edition. The estimated AM and PM Peak Hour of the adjacent street, and the Sunday Peak Hour of the church traffic volumes associated with this site are shown in Table 1. Land Use 560, Church, was chosen as the appropriate land use.

The peak hour traffic was estimated first for the existing 5,430 square foot church, and then for the total 13,080 square foot church after the addition has been constructed. The AM and PM Peak Hours of the adjacent street will be minimally impacted, with only one additional AM Peak Hour trip estimated, and two PM Peak Hour trips generated. For the Sunday Peak, the traffic volumes are expected to increase by about 44% or 60 vehicles.

Table 1: Trip Generation											
Land Use	Intensity	Daily	AM Peak			PM Peak			Sunday Peak of the Generator		
			Total	In	Out	Total	In	Out	Total	In	Out
Existing Church	5,430 SF	80	2	1	1	7	3	4	136	65	71
Expanded Church	13,080 SF	121	3	2	1	9	4	5	196	94	102
Total Increase		41	1	1	0	2	1	1	60	29	31

3) EXISTING TRAFFIC COUNTS

The KDOT City traffic volume map published in 2018 provides a 24-hour count on Hutton Road near the church property. The counts on this map were collected in February and March of 2017. According to this map, there are 1020 daily trips on this segment of Hutton Road.

4) SIGHT DISTANCE

Stopping sight distance and intersection sight distance were measured for the existing entrances into the Vineyard Church. Intersection sight distance represents the distance and time required for the driver to make the decision to turn and to complete the turn without slowing oncoming traffic. Stopping sight distance represents the distance and time required to observe a two-foot-tall object in the roadway and to then safely come to a stop. Hutton Road has a posted speed limit of 40 mph and a 45 mph design speed was assumed. The measurements and calculations are illustrated in Table 2 below are based upon values found AASHTO's *A Policy on Geometric Design of Highways and Streets*.

Table 2: Sight Distance Values

	Measured Stopping Sight Distance	AASHTO Required Distance (45 mph design speed)	Measured Intersection Sight Distance	AASHTO Required Distance (45 mph design speed)
Northeast Entrance				
To the east	260'	360'	260'	500' (B1)
To the southwest	590'	360'	590'	430' (B2 or B3)
Southwest Entrance				
To the northeast	590'	360'	>600'	500' (B1)
To the southwest	240'	360'	>600'	430' (B2 or B3)

The drives are currently signed by the church to limit the Southwest Entrance to entering traffic only, and the Northeast Entrance to exiting traffic only. Stopping and Intersection Sight Distance was measured at both entrances. Both entrances have limited sight distance due to off-site vegetation. The Southwest Entrance is limited to the southwest in a way that would hinder exiting vehicles making either left or right turns (AASHTO Case B1 or B2). The Northeast Entrance has limited sight distance for vehicles making a left turn leaving the site (Case B1).

If the driveway configuration were to remain as it is currently signed, with the Southwest Entrance to entering traffic only, and the Northeast Entrance to exiting traffic only, vegetation should be cleared off-site to the east of the Northeast Entrance. The approximate area that needs to be cleared is shown in Figure 1. For movement B3, a left turning vehicle entering the church, at the Southwest Entrance, adequate sight distance is available.

If the driveway configuration were to be reversed, the area required to be cleared may also be less than that of the existing configuration. It also appears that the area requiring clearing may be easier to maintain and prevent the recurrence of sight distance concerns in the future. The required sight triangle for movement B2, a right turn exiting the Southwest Entrance, is shown in Figure 2. This figure also illustrates acceptable stopping sight distance to the back of a two vehicle queue at the Northeast Entrance.

5) ACCESS SPACING, PARKING & SITE CIRCULATION

The existing Northeast Entrance is located approximately 190' from Polfer Road to the northeast and approximately 420' from the Southwest Entrance. The Southwest Entrance is located approximately 530' from the intersection of Hutton Road and 107th Street to the south.

The existing site has a gravel parking lot with concrete curb blocks to designate parking spaces with 56 spaces provided. The existing parking lot will be paved with 55 spaces. An additional parking lot will be constructed in the future with an additional 16 spaces.

The Vineyard Church site has good site circulation. The long driveways to the parking areas provide good throat length. The drives are designated as one-way, which will help traffic flow between church services when both entering and exiting traffic volumes are present. The proposed parking lot provides 24' drive isles, with room for two-way circulation within the parking areas.

6) ADDITIONAL CONSIDERATIONS

While conducting sight distance measurements, a hole was observed in the Northeast driveway over the existing culvert pipe. Pictures of the condition are shown below. Although difficult to see in the pictures, there is a significant void under the pavement. The condition appears to be located within the Unified Government right-of-way.



July 18, 2023

7) RECOMMENDATIONS & CONCLUSIONS

This study documents the impact of the proposed Vineyard Church expansion on the surrounding roadway network. The impacts of the proposed expansion are minimal, with very minor traffic being generated on average weekdays, and 60 additional trips expected on Sundays during the peak period of the church.

Existing sight distance concerns have been identified at the Northeast Entrance into the site. Off-site clearing should be done to obtain a clear sight triangle for this driveway as shown in Figure 1. Alternatively, the driveway ingress/egress could be reversed and off-site clearing could be done to the southwest of the Southwest Entrance as shown in Figure 2. This alternative would require less initial clearing and may be easier to maintain in the future. The necessary off-site clearing in either case appears to be within the Unified Government right-of-way. If the driveway flows are to be reversed, this change would require coordination between the Vineyard Church and the Unified Government. Because this sight distance concern is present in the existing conditions, it is recommended that the clearing be completed as soon as possible.

Additionally, it is recommended that the culvert and pavement at the Northeast Entrance be investigated by the Unified Government to determine the appropriate repair needed to maintain safe access to the property.

SANIATARY AND WASTEWATER STUDY

10601 Hutton Road
Kansas City, Kansas 66109
Unplatted (2.93 acres)
105036140200100300
Vineland Church of Piper
July 18, 2023



Existing church building with seating for 150, average Sunday attendance 150 between two services.

Existing building has 3 toilets, 1 urinal, 3 lavatories, 1 sink

2022 water usage: average 220 gal/week, maximum 330 gal/week

2023 (January – May) water usage: average 290 gal/week, maximum 380 gal/week

Proposed multi-purpose building with event seating for 330 (no significant changes to church attendance anticipated)

Proposed building will have 3 toilets, 1 urinal, 2 lavatories, 1 sink

Site soils [1]: 7285 Ladoga silty loam, 3 to 8% slopes (majority of church property)

7955 Knox silt loam, 7 to 12% slopes (area east of east access drive and existing septic system)

NRCS Rating for septic tank absorption field: Very limited

Reasons for rating: Slow water movement, slope

Existing septic system, WyCo Permit EH2963-73: 1,000 gal septic tank

5 rock/pipe laterals, 3' wide, total length 406' – absorption area 1,218 sf

Perc rate: 10"/hr

Soil profile by Jim Manderscheid, 6/24/2023, approximately 40' southeast of existing septic tank

0 – 10" dark yellowish brown color, no redoximorphic features, silty clay loam texture, moderate blocky structure, moist friable consistency, many fine roots, "top soil", conventional loading rate 0.4 gpd/sf

10 – 60" dark yellowish brown color, no redoximorphic features, fine sandy loam texture, moderate granular structure, moist friable consistency, few roots, "easy to dig," conventional loading rate 0.4 gpd/sf

Absorption capacity of the existing septic system:

Lateral area x loading rate = 1,218 sf x 0.4 gpd/sf = 487 gpd (3,400 gal/wk)

Required absorption capacity based on maximum water usage: 380 gal/wk (11% absorption capacity)

Considering there are no proposed significant changes to membership and program usage, the existing septic system has sufficient capacity for the proposed multi-purpose building and no additional system improvements are necessary.



Christopher M. Storm, P.E.
Storm Engineering, P.A.

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







Staff Request for Commission Action

Tracking No. 212683

Full Commission Meeting Date:

Committee: Full Commission

Date of Standing Committee Action:

(If none, please explain):

Publication Required: No

<u>Date:</u> 08/28/2023	<u>Contact Name:</u> Gunnar Hand	<u>Contact Phone:</u> 5751	<u>Contact Email:</u> ghand@wycokck.org	<u>Department/Division:</u> Planning and Urban Design
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Item Description:

Update regarding Plan KCK strategies provided by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action Requested:

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:



PROCLAMATION

- WHEREAS,** the Oak Ridge Missionary Baptist Church was organized in 1888 and was the first African American church west of 635. Located in the neighborhood of Corum Road (now 91st & Parallel) and on Sprewell Hill (now Georgia Avenue) in White Church, Kansas. Christian men saw a need for a church in their community; and
- WHEREAS,** some of the land was given to the church in 1888 with the stipulation that the land be used for “the express and only purpose as a place of worship.” The land along Parallel was a high ridge with large oak trees densely planted hence the name “Oak Ridge” was chosen for the church. Later, the church became known as “the church on the Hill”; and
- WHEREAS,** the tenth Pastor Reverend Wallace L. Downs’ vision, a new edifice and was erected by purchasing a little over two acres of land from one of the members. The congregation marched into the new building on March 13, 1994; and
- WHEREAS,** the present Pastor, Reverend Dr. Ricky D. Turner, was installed by his home church, Greater Mt. Olive Baptist Church of Oklahoma City on April 5, 1998. The mortgage at 9200 Parallel was burned on Sunday, September 16, 2001, eight years before it was due; and
- WHEREAS,** Monday, May 12, 2003, the Lord answered the congregations' prayers and blessed them to purchase 13.9 acres of land diagonally across the street from where we were located. Groundbreaking services were held on Sunday, January 18, 2004; and
- WHEREAS,** Phase 1 of the building project was completed with the erection of the new edifice of 29,000 square feet totaling 3.7 million dollars; and
- WHEREAS,** Phase II of the building project began in July 2006 and included the expansion of the sanctuary to 1200 with additional facilities, offices, a youth church, an activity area, and additional parking at a cost of \$1.5 million dollars. The dedication service for phase II was held on January 14, 2007; and
- WHEREAS,** the growth of the Oak Ridge Missionary Baptist Church is a true testament to God’s awesomeness as they continue to follow the Senior Pastor’s leadership. Under the direction of the Holy Spirit and realize that Pastor Turner was placed here as the under-shepherd giving us preaching, teaching, direction, servitude, wisdom, prayer, and abundant love; and
- WHEREAS,** today, Sunday, August 27, 2023, The Oak Ridge Missionary Baptist Church is celebrating 137 years of service and spiritual upliftment to Kansas City, Kansas, Wyandotte County community. Additionally, we congratulate you on “Burning Your Mortgage” seven years before the actual payoff was due on the church.

NOW, THEREFORE, I, Tyrone Garner, Mayor/CEO of the Unified Government of Wyandotte County/Kansas City, Kansas, do hereby proclaim August 27, 2023, as:

“Oak Ridge Missionary Church Day”

in Wyandotte County/Kansas City, Kansas, and urge all citizens to recognize Oak Ridge Missionary Church Day. 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,** in 2017, an international movement referred to as the #MeTooMovement led to widespread media coverage and discussion of sexual harassment and sexual assault as numerous women and men of varying ages and backgrounds shared their experiences as victims of sexual harassment and sexual assault; and
- WHEREAS,** the purpose of “Me Too” is to empower victims of sexual harassment and assault through strength in number by visibly demonstrating how many others have been victims and have survived; and
- WHEREAS,** in 2018, Stop Street Harassment, (SSH), a nonprofit organization dedicated to documenting and ending gender-based street harassment worldwide, revealed two stunning statistics: 43% of men and 81% of women have experienced a form of sexual harassment; and
- WHEREAS,** SSH defines gender-based street harassment as unwanted comments, gestures, and actions forced on a stranger in a public place without their consent and is directed at them because of their actual or perceived sex, gender, gender expression, or sexual orientation; and
- WHEREAS,** victims of sexual harassment and sexual assault may suffer in secrecy and silence, fearful of the possible consequences of coming forward and speaking up; and
- WHEREAS,** the sad truth is that anyone can be a victim of sexual harassment and sexual assault.

NOW, THEREFORE, I, Tyrone Garner, Mayor/CEO of the Unified Government of Wyandotte County/Kansas City, Kansas, do hereby proclaim August 31st, 2023, as:

“Sexual Harassment and Sexual Assault Awareness Day”

in Wyandotte County/Kansas City, Kansas, and urge all citizens to recognize Sexual Harassment and Sexual Assault Awareness Day. 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,** Charlie Parker, Jr., was born on August 29, 1920, to Charles Parker, Sr., and Adelaide (Addie) Boxley Parker, and resided at 852 Freeman Avenue, Kansas City, Kansas, and attended first and second grade at Douglass Elementary School, and in 1927, his family moved to Kansas City, Missouri, where he attended Lincoln High school, and; and
- WHEREAS,** Charlie Parker left Kansas City, Missouri, in 1939 for New York City with Jay McShann who helped launch Charlie Parker's career and gave him the nickname 'Yardbird' and to many, The Bird. Parker studied and practiced countless hours to work with greats like Jay McShann, Dizzy Gillespie, Thelonious Monk, Tommy Potter, Max Roach, Miles Davis, Alan Haig, Duke Jordan, Bud Powell, and Dillon 'Curley' Russell; and
- WHEREAS,** Charlie Yardbird Parker is known worldwide as the man who changed Jazz and who was an impactful musician of the 20th century, as well as a composer, bandleader, lyric artist, alto saxophonist; and
- WHEREAS,** Charlie 'Yardbird' Parker received numerous awards including the Grammy Hall of Fame (1988, 1995), Grammy Lifetime Achievement Award (1984), Grammy Award for best improvised Jazz Solo (1975), the Porin Award for Best Foreign Jazz Music award (1988), and; and
- WHEREAS,** Charlie 'Yardbird' Parker formed a historic collaboration with trumpeter Dizzy Gillespie, and they pioneered the bebop movement in jazz music style which was driven by improvisational virtuosity, with a faster tempo, and advanced harmony. Parker pushed the boundaries of music; and
- WHEREAS,** Charlie 'Yardbird' Parker died at the young age of 34 on March 12, 1955, in New York City, yet his life and legacy continue to influence musicians, writers, and artists all over the world to this day.

NOW, THEREFORE, I, Tyrone Garner, Mayor/CEO of the Unified Government of Wyandotte County/Kansas City, Kansas, do hereby proclaim the fourth Saturday of August 2023, as:

“Charlie ‘Yardbird’ Parker Day”

in Wyandotte County/Kansas City, Kansas, and call upon all residents to recognize Charlie 'Yardbird' Parker Day. 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
PUBLIC WORKS DEPARTMENT**

ONE McDOWELL PLAZA

701 NORTH 7TH STREET, 66101

(913) 573-5400
FAX (913) 573-5435

August 16, 2023

Mr. Brett A. Deichler, PMP CMP
Unified Government Clerk
East Building

Re: Subdivision Plat Approval for **MOSBURG ADDITION**

Dear Mr. Deichler

Please be advised that the Engineering Division has reviewed the attached plat of **MOSBURG ADDITION** located at 7th and Northrup Avenue and being developed by Bill and Nancy Mosburg.

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.

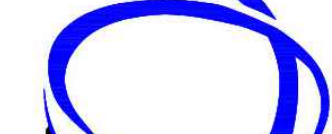
After the Mayor has signed the plat, it should be referred to Planning Division for further processing.

Respectfully submitted,

Brent E. Thompson, P.S.
County Surveyor

Troy Shaw, P.E.
County Engineer

Attachments



K5 ENG COA. #3151
 K5 SUR COA. #363
 MO ENG COA. #D0210406
 MO SUR COA. #D0201431

ALC

ATLAS LAND CONSULTING
 SURVEYING | ENGINEERING | DRONE | CAD
 913-702-5073
 14500 Parallel Road, Unit R, Basehor KS 66007

ANDREA@ALCONSULT-LLC.COM

LEGEND

- ## GENERAL NOTES

- ## VICINITY MAP



ROGER B. DILL
LS 1408

SCALE	PREPARED FOR
-------	--------------

SEC-TWN-RNG

ADDRESS:
236 N 7TH ST TRAFFICWAY
KANSAS CITY, KS 66101

FEBRUARY 22, 2023

ON 7TH STREET TRAFFICWAY
(80' R/W PER ORDINANCE 25718)

A REPLAT OF ALL OF BLOCK G AND A PORTION OF ADJACENT ALLEY AND STREET, NORTHRUP VALLEY ADDITION AND LOTS 7 & 8 WINTER PARK ADDITION, A SUBDIVISION OF LAND IN THE CITY OF KANSAS CITY, WYANDOTTE COUNTY, KANSAS, AS DESCRIBED BY ROGER B. DILL PS 1408, ON FEBRUARY 22, 2023, AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER LOT 8 SAID WINTER PARK ADDITION; THENCE NORTH 87°41'16" EAST, ALONG THE WEST LINE OF SAID LOT 7 AND 8, A DISTANCE OF 164 FEET TO A POINT ON THE NORTH LINE OF SAID WINTER PARK ADDITION; THENCE NORTH 11°12'17" WEST, CONTINUING ALONG SAID NORTH LINE, A DISTANCE OF 154 FEET TO A POINT ON THE EAST LINE OF SAID WINTER PARK ADDITION; THENCE EAST, CONTINUING ALONG SAID NORTH LINE, A DISTANCE OF 15.34 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 87°41'16" WEST, ALONG THE WEST LINE OF SAID BLOCK G, A DISTANCE OF 120.78 FEET TO THE NORTHWEST CORNER OF SAID BLOCK G; THENCE SOUTH 87°41'16" EAST, ALONG THE NORTH LINE OF SAID BLOCK G AND SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 120.00 FEET TO A POINT 10 FEET WEST OF THE NORTHEAST CORNER OF SAID BLOCK G, ALSO KNOWN TO BE A POINT ON THE WEST RIGHT OF WAY LINE OF N 7TH STREET TRAFFICWAY AS IT NOW EXISTS; THENCE SOUTH 87°41'16" WEST, ALONG THE NORTH LINE OF SAID BLOCK G, A DISTANCE OF 120.00 FEET TO THE NORTHWEST CORNER OF SAID BLOCK G; A DISTANCE OF 302.00 FEET; THENCE SOUTH 87°41'16" WEST, A DISTANCE 139.90 FEET TO A POINT ON THE EAST LINE OF SAID LOT 7 WINTER PARK ADDITION; THENCE SOUTH 87°41'16" WEST, ALONG THE EAST LINE OF SAID LOT 7 WINTER PARK ADDITION, A DISTANCE OF 161.77 FEET TO THE SOUTHWEST CORNER OF SAID LOT 7 AND 8, A DISTANCE OF 253.05 FEET TO THE SOUTHWEST CORNER OF SAID LOT 8; THENCE NORTH 11°58'40" WEST, ALONG THE WEST LINE OF SAID LOT 8, A DISTANCE OF 161.77 FEET TO THE POINT OF BEGINNING.

CONTAINING 1.4290 SQUARE FEET MORE OR LESS OR 1.49 ACRES.

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 "**MOSBURG 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 **MOSBURG ADDITION** have set our hands this _____ day of _____, 2023

BILL D MOSBURG, OWNER

NANCY A MOSBURG, OWNER

ACKNOWLEDGEMENT

BE IT REMEMBERED THAT ON THIS ____ DAY OF _____, 2023, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, IN AND FOR SAID COUNTY AND STATE, CAME BILL D & NANCY A MOSBURG, 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 **MOSBURG ADDITION** have set our hands this _____ day of _____, 2023

WYANDOTTE COUNTY LANDBANK, JUD KNAPP, MANAGING MEMBER

ACKNOWLEDGEMENT

STATE OF KANSAS

BE IT REMEMBERED THAT ON THIS ____ DAY OF _____, 2023, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, IN AND FOR SAID COUNTY AND STATE, CAME BILL D & NANCY A MOSBURG, 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 MOSBURG ADDITION HAS BEEN SUBMITTED TO AND APPROVED BY THE UNIFIED GOVERNMENT OF WYANDOTTE/KANSAS CITY,
KANSAS, PLANNING COMMISSION

DATED THIS _____ DAY OF _____, 2023
UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, PLANNING COMMISSION

BY _____, CHAIRMAN
JEFF CARSON

_____, SECRETARY
GUNNAR HAND, AICP

THE DEDICATIONS SHOWN HEREON, IF ANY, ARE ACCEPTED THIS _____ DAY OF _____, 2023

TYRONE GARNER, MAYOR/CEO

BRETT A. DEICHLER, UNIFIED CLERK

RECOMMENDED FOR APPROVAL BY THE WYANDOTTE COUNTY ENGINEER, THIS _____ DAY OF _____, 2023

TROY SHAW, P.E., COUNTY ENGINEER

COUNTY SURVEYOR APPROVAL:
THIS SURVEY HAS BEEN REVIEWED FOR FILING, PURSUANT TO KSA 58-2003, 58-2005, AND 58-2011, FOR CONTENT ONLY AND IS IN COMPLIANCE WITH THOSE PROVISIONS. NO OTHER WARRANTIES ARE EXTENDED OR IMPLIED.

REVIEWED BY BRENT E. THOMPSON, KS P.L.S. 1277 DATE: _____

STATE OF KANSAS)
COUNTY OF)SS
)

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



**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

August 16, 2023

Mr. Brett A. Deichler, PMP CMP
Unified Government Clerk
East Building

Re: Subdivision Plat Approval for **AMERICAN ROYAL SECOND PLAT**

Dear Mr. Deichler

Please be advised that the Engineering Division has reviewed the attached plat of **AMERICAN ROYAL SECOND PLAT** located at 118th and State Avenue and being developed by American Royal Association.

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

Attachments



A REPLAT OF LOTS 1, 2, AND TRACTS A, B, C AND D, AMERICAN ROYAL,
All in the SW.1/4 OF SEC. 3, TWP. 11S, RNG. 23E,
KANSAS CITY, WYANDOTTE COUNTY, KANSAS

Parcel Line Table			Curve Table				
Line #	Direction	Length	Curve #	Length	Radius	Chord Bearing	Chord Distance
L1	S42° 23' 12"W	72.17'	C1	20.87'	237.00'	S44° 54' 36"W	20.87'
L2	S47° 36' 48"E	56.16'	C2	33.18'	20.00'	S0° 05' 24"E	29.50'
L3	N82° 04' 17"E	53.27'	C3	61.47'	70.00'	S72° 46' 15"E	59.52'
L4	N38° 52' 14"E	57.80'	C4	34.99'	164.00'	S48° 29' 54"W	34.92'
L5	S42° 23' 12"W	72.03'	C5	13.57'	10.00'	N86° 30' 06"W	12.56'
L8	N47° 36' 48"W	64.68'	C6	61.39'	70.00'	N22° 29' 18"W	59.44'

All of Lots 1, 2 and Tracts A thru D, AMERICAN ROYAL, a subdivision as recorded in Plat Book 46 at Page 12 in the Register of Deeds Office, all in the Southwest Quarter of Section 3, Township 11 South, Range 23 East of the Sixth Principal Meridian in Kansas City, Wyandotte County, Kansas, being more particularly described by John Aaron Copelin, LS-1658 on this 24th day of January, 2023, as follows:

Commencing from the Southwest Corner of said Southwest Quarter of Section 3, Township 11 South, Range 23 East; thence N 02°09'11" W [N 02°09'11" W= Plat] with the Westerly line of Southwest Quarter of Section 3, a distance of 100.19 feet; thence N 87°50'49" E and perpendicular to the last described course, a distance of 50.00 feet to the most Westerly Southwest corner of said Southwest Quarter of Section 3; thence S 89°00'00" W [S 89°00'00" W= Plat] with the Westerly line of said Southwest Quarter of Section 3, a distance of 100.19 feet to a point of curvature; thence Northerly with said Westerly line of Lot 2, on the arc of said curve to the left, having a radius of 15500.00 feet, an arc length of 136.54 feet, a chord bearing of N 04°40'36" W and a chord distance of 136.50 feet; thence N 07°12'01" W [N 07°11'56" W= Plat] with said Westerly line of Lot 2, a distance of 208.77 feet to a point of curvature; thence Northerly with said Westerly line of Lot 2, on the arc of said curve to the left, having a radius of 15500.00 feet, an arc length of 136.54 feet, a chord bearing of N 04°40'36" W and a chord distance of 136.50 feet; thence N 02°09'11" W [N 02°09'06" W= Plat] with said Westerly line of Lot 2, a distance of 506.71 feet; thence N 42°26'32" E [N 42°26'35" E= Plat] with the Northwestern line of said Lot 2, a distance of 21.00 feet; thence N 87°55'57" E [N 87°56'16" E= Plat] with the Northerly line of said Lot 2, a distance of 147.26 feet (147.42' Plat) to a point of curvature; thence Easterly and perpendicular to the last described course, a distance of 50.00 feet to the most Easterly Northwest corner of said Lot 2; thence S 89°00'00" W [S 89°00'00" W= Plat] with the Northerly line of said Lot 2, a distance of 312.18 feet; thence N 54°57'30" E [N 54°58'01" E= Plat] with said Northerly line of Lot 2 and the Northerly line of said Lot 1, a distance of 1500.13 feet (1500.03' Plat); thence S 77°07'58" E [S 77°05'33" E= Plat] with said Northerly line of Lot 1, a distance of 20.18 feet (20.29' Plat); thence S 30°09'13" E [S 30°09'06" E= Plat] with the Northerneasterly line of said Lot 1, a distance of 100.19 feet to a point of curvature; thence Northerly with said Northerly line of Lot 1, a distance of 100.19 feet to a point of curvature; thence Northerly with said Northerly line of Lot 1, on the arc of said curve to the left, having a radius of 12400.00 feet, an arc length of 100.19 feet, a chord bearing of N 40°38'42" E [N 40°38'42" E= Plat] with the Northerly line of Lot 1, a distance of 100.19 feet; thence N 51°07'10" E [N 51°07'46" E= Plat] with said Northerly line of Lot 1, a distance of 48.91 feet; thence S 05°54'08" E [S 05°53'05" E= Plat] with the Easterly line of said Lot 1, a distance of 21.26 feet to the most Easterly Southeast corner of said Lot 1; thence N 02°09'11" W [N 02°09'06" W= Plat] with the Northerly line of said Lot 1, a distance of 100.19 feet to the most Northerly right-of-way line of State Avenue, as said avenue now exists; thence S 38°15'55" W [S 38°52'14" W= Plat], with the Southeasterly line of said Lot 1, a distance of 100.19 feet to the most Easterly Southeast corner of said Lot 1; thence N 47°00'33" E [N 47°00'33" E= Plat] with the Northerly line of said Lot 1, a distance of 100.19 feet to a point of curvature; thence Northerly with said Northerly line of Lot 1, on the arc of said curve to the left, having a radius of 2789.79 feet, an arc length of 238.01 feet, a chord bearing of S 63°10'03" W and a chord distance of 230.93 feet; thence N 47°00'33" W [N 47°12'55" W= Plat] with the Northerly line of said Lot 1, a distance of 21.19 feet (21.13' Plat) to the Point of Beginning.

As shown and described tract containing 3,160,626 square feet or 72.55 acres, more or less. The basis of bearing for the description is True North. The Grid North, North Line, Coordinate System, North Zone, NAD 83.

We, the undersigned, certify that we are the owners of the above described land, and that we have caused these tracts of land to be subdivided as shown on this plat that it shall hereafter be known as "AMERICAN ROYAL, SECOND PLAT".

In testimony whereof: PFF RE: KCK I LLC, has caused these presents to be signed by Lindsey Patterson Smith, President, this _____ day of _____, 2023

By
Lindsey Patterson Smith, President

STATE OF _____)
COUNTY OF _____)SS

BE IT REMEMBERED that on this _____ day of _____, 2023, before me, a notary public in and for said County and State, came Lindsey Patterson Smith, to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same. In testimony whereof I have hereunto set my hand and affixed my notarial seal the day and year above written.

Notary Public My appointment expires:

Tract E is hereby dedicated to the Unified Government of Wyandotte County/Kansas City, Kansas.

An easement is hereby granted to the Unified Government of Wyandotte County/Kansas City, Kansas, and all public utility companies duly licensed to do business in the City of Kansas City, Kansas, to enter upon, construct and maintain pipes, manholes, poles, wires, anchors, etc. upon, over and under those areas outlined and designated on this plat as "Utility Easement" (U/E) and "Sanitary Sewer Easement" (SS/E).

1. Tracts A, B, C, and D are hereby designated as "Open Space / Landscape tracts" and are to be owned and maintained by the owners of Lot 1.

The use of all Lots and Tracts of land in this subdivision shall hereafter be subject to the covenants and restrictions which are recorded in the Office of the Register of Deeds of Wyandotte County, Kansas in Document No. _____, on the _____ day of _____, 2023 and which covenants and restrictions hereby become a part of the dedication of this plat as though set herein.

This plat of AMERICAN ROYAL, SECOND PLAT, has been submitted to and approved by the Unified Government of Wyandotte County/Kansas City, Kansas Planning Commission.

Wyandotte County / Kansas City, Kansas Planning Commission

By Jeff Cannon, Chairman Cannon, Head, ALCO, Secretary

Recommended for approval by the County Engineer, this ____ day of _____, 2023

Troy Show, P.E., 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 _____, County Surveyor, Date _____

The dedications shown hereon, if any, are accepted this ____ day of _____, 2023

Tyrone Garner, Mayor/CEO

Brett A. Deichler, Unified Clerk

This is to certify that this instrument was filed for record in the Register of Deeds Office, on this ____ day of _____, 2023, at _____ o'clock and is duly recorded.

Nancy W. Burns, Register of Deeds

Susie Nelson, Deputy

1. The basis of bearings on this survey is Kansas State Plane Coordinate System, North Zone, NAD 83.

2. $\frac{1}{2}$ " x 24" rebar with cap stamped KS LS-78 have been set at all property corners unless otherwise noted.
3. The site address is 11704 State Avenue, as shown on the Wyandotte County GIS Website.
4. The property lies in Zone X (NO SCREEN), "Area of Minimal Flood Hazard," as shown on Flood Insurance Rate Map 220209C0130E effective September 2, 2015.
5. The gross land area is 3,160,126 square feet or 72.55 acres, more or less.
6. The undersigned owner of the above described tract of land hereby consent and agree that the Governing Body of any special assessment district shall have the power to release land herein before dedicated for streets and public ways, or parts thereof, for public use, from the lien and effect of any special assessment shall be reapportioned.
7. The error of closure for this plot is 1 part in:686,148', Error distance: 0.01', Error direction:S 22°39'53" W.

American Royal Association
1701 American Royal Court
Kansas City, Kansas 64102
(816) 221-9800
Jackie McClaskey,
President and CEO

PFF RE: KCK I LLC
209 W 47th St., Ste. 200
Kansas City, Missouri 64112
Lindsey Patterson Smith,
President

Continental Consulting Engineers, Inc.
11006 Parallel Parkway.
Kansas City, Kansas 66109
913-642-6642
Edward K. Dannewitz, P.L.S. / Brian
Lavery, P.E.

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.

Section Corner References

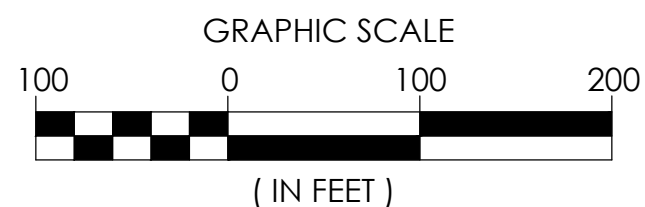
NW. Cor., SW 1/4, Sec. 3- (13C) - Township 11 South - Range 23 East
Found 2" Aluminum Cap Stamped RLS 831
R1: 6.8 Feet West to West edge of asphalt pavement
R2: 11.45 Feet East to East edge of asphalt pavement
R3: 18.65 Feet West/Southwest to a PK Nail found in East face of Utility Pole
R4: 30.60 Feet East/Southeast to a "+" cut on the West face of Water District No. 1 Post (Sta. 304+20)
R5: 43.03 Feet Southeast to a Magnetic Nail in approximate centerline of pavement.

SW. Cor., SW/14, Sec. 3 (13E) - Township 11 South - Range 23 East
 Found 3" Aluminum Disc in Aluminum Box
 R1: 101.67 feet Northwest to Southeast corner of Traffic Control Pole Base
 R2: 71.02 feet Northeast to a "+" found in the top of concrete curb at approximate mid-radius
 R3: 71.47 feet Northeast to a "+" found in the top of concrete curb at approximate mid-radius
 R4: 95.49 feet Northeast to a "+" found in the top of concrete curb at approximate mid-radius
 R5: 65.79 feet Southeast to a "+" found in the top of concrete curb at approximate mid-radius
 R6: 98.08 feet Southeast/East to a "+" found in the top of concrete curb at approximate East end of curb return
 R7: 65.71 feet Southwest to a "+" found in the top of concrete curb at approximate mid-radius

AREA TABLE	SQUARE FEET	ACRES
LOT 1	2,601,138	59.71
TRACT A	227,786	5.23
TRACT B	293,896	6.75
TRACT C	17,311	0.40
TRACT D	19,995	0.46
TOTAL	3,160,126	72.55

LEGEND

- | | |
|-----|--|
| ○ | FOUND MONUMENT AS NOTED |
| ● | SET 1/2" x 24" REBAR AND CAP
STAMPED KS LS-78 |
| U/E | UTILITY EASEMENT |
| (M) | MEASURED |
| (P) | RECORD MEASUREMENT- PLAT |
| B/L | BUILDING SETBACK LINE |
| D/E | DRAINAGE EASEMENT |



THIS DRAWING SHALL NOT BE UTILIZED BY ANY PERSON, FIRM, OR CORPORATION IN WHOLE OR IN PART WITHOUT THE SPECIFIC PERMISSION OF CONTINENTAL CONSULTING ENGINEERS, INC.

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

SPECIAL SESSION, THURSDAY, AUGUST 10, 2023

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in Special Session, Thursday, August 10, 2023, with ten members present: Bynum, Commissioner At-Large First District; Burroughs, Commissioner At-Large Second District; McKiernan, Commissioner Second District; Ramirez, Commissioner Third District; Johnson, Commissioner Fourth District; Kane, Commissioner Fifth District; Markley, Commissioner Sixth District; Stites, Commissioner Seventh District; Davis, Commissioner Eighth District; Garner, Mayor/CEO, presiding. Townsend, Commissioner First District; was absent. The following officials were also in attendance: David Johnston, County Administrator; Alan Howze and Bridgette Cobbins, Assistant County Administrator's; Angela Lawson, Interim Chief Counsel; Brett Deichler, Unified Government Clerk; Monica Sparks, Deputy Unified Government Clerk; Debbie Jonscher, Interim Chief Financial Officer; Reginald Lindsey, Budget Director; Richard Rocha, Management Analyst in Budget; Mike Grimm, Research Manager; Jeff Fisher, Executive Director of Public Works; Kevin Bibbs; IT Director; Angel Ferrara, Director of Parks & Recreation; and Irene Caudillo, Chief of Staff in Mayor's Office.

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

NOTICE OF SPECIAL SESSION of the Unified Government of Wyandotte County/Kansas City, Kansas, to be conducted in a hybrid format on Thursday, August 10, 2023, at 5:00 p.m. in the Commissioner Chambers of the Municipal Office Building for the presentation of the 2024 Proposed Budget.

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

Mayor Garner said tonight we'll have a presentation of the 2024 Proposed Budget from our County Administrator David Johnston. I'll recognize him and allow him to begin the presentation.

David Johnston, County Administrator, said this is exciting for me because this is the first budget I've presented to you, a recommendation. When I started this position on March 27th and then the first month to get my legs under me, we were looking at the budget numbers with Reggie and the Finance team and I kind of got a little alarmed.

2024 BUDGET PRESENTATION

CITY GENERAL FUND
Long -Range Forecast

Start of the Budget Season:

City General Fund	2022 Amended Budget	2022 Estimated Actuals	2023 Amended Budget	2024 Forecast	2025 Forecast	2026 Forecast	2027 Forecast	2028 Forecast
TOTAL REVENUES	\$ 160,970,000	\$ 167,127,914	\$ 154,558,990	\$ 161,358,448	\$ 166,611,970	\$ 171,985,161	\$ 177,810,987	\$ 183,034,144
2024 Revenue Neutral Rate Impact				\$ -	\$ -	\$ -	\$ -	\$ -
TOTAL EXPENSES	\$ 170,656,500	\$ 168,788,479	\$ 180,382,000	\$ 171,954,000	\$ 178,137,000	\$ 196,485,000	\$ 204,970,000	\$ 213,520,000
Net Change in Fund Balance	\$ (9,686,500)	\$ (1,660,565)	\$ (5,823,010)	\$ (10,595,552)	\$ (11,525,030)	\$ (24,499,839)	\$ (27,159,013)	\$ (30,485,856)
Cash Basis Ending Fund Balance	\$ 21,293,100	\$ 29,319,035	\$ 23,496,025	\$12,900,473	\$1,375,444	(\$23,124,395)	(\$50,283,408)	(\$80,769,264)
Reserve % of Expenditures	21.20%	26.19%	23.93%	16.16%	9.13%	-4.19%	-17.27%	-30.85%
Fund Balance 17% Target	\$29,011,695	\$28,694,041	\$27,264,940	\$29,232,180	\$30,283,290	\$33,402,450	\$34,844,900	\$36,298,400

Now:

City General Fund	2022 Estimated Actuals	2023 Amended Budget	2024 Forecast	2025 Forecast	2026 Forecast	2027 Forecast	2028 Forecast
TOTAL REVENUES	\$ 166,757,724	\$ 162,454,269	\$ 169,110,982	\$ 175,798,284	\$ 181,823,879	\$ 188,588,447	\$ 195,690,868
TOTAL EXPENSES	\$ 168,225,051	\$ 163,791,208	\$ 169,843,501	\$ 176,934,106	\$ 184,327,218	\$ 192,035,952	\$ 200,073,999
Net Change in Fund Balance	\$ (1,467,327)	\$ (1,336,939)	\$ (7,732,519)	\$ (1,135,822)	\$ (2,503,339)	\$ (3,447,505)	\$ (4,383,131)
Cash Basis Ending Fund Balance	\$ 29,553,469	\$ 28,216,530	\$ 27,484,011	\$26,348,189	\$23,844,850	\$20,397,345	\$16,014,214
ACFR Ending Fund Balance	\$ 44,401,208	\$ 43,064,269	\$42,331,750	\$41,195,928	\$38,692,589	\$35,245,084	\$30,861,953
Reserve % of Expenditures	26.39%	26.29%	24.92%	23.28%	20.99%	18.35%	15.43%
Fund Balance 17% Target	\$28,598,259	\$27,844,505	\$28,873,395	\$30,078,798	\$31,335,627	\$32,646,112	\$34,012,580

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What we presented to you in mid-May was the General Fund—City General Fund and in 2026 you see all the red numbers and that's not good numbers. It showed that we had a net change in one year of \$24M. We had an ending balance of minus \$23M and no General Fund Reserves. As we

August 10, 2023

presented that to you it set the alarms that, you know, not only is that not good news, that's set a lot of other things in motion like state action against the city and I swore then, that's not going to happen under my watch. So, that kind of drove us to do a lot of work internally. We did lose about 2.5 months of our budget process from when I got hired, so this isn't the deep dive budget, but I did walk away and was committed in our first meeting when we unveiled this, that there are two goals that I want to accomplish this budget session which is to erase that proposed \$10.7M deficit and buy us time. Instead of 2026, if there's things that we can do that can push that date of concern out a year or two, that was our goal because that gives us the time to do the deep dive, deal with structural deficits, new ways of thinking, new approaches to government, more efficiencies, all of that, in two to three years.

What you see here on the bottom chart is we were successful for a couple reasons, and Reggie will talk more about that, but we still have net changes in deficits. We are still drawing from the Reserves. We somehow miraculously got our Reserve above 16.7% which is the minimum standard for GASB that should be our floor, but we still then look at 2028 as starting to see concerns. Therefore, whatever steps we took this year helps us make adjustments over the next year so we can continually push out what we're seeing in 2028 with our Reserves going below 16% to eventually be able to erase that.

2024 BUDGET PRESENTATION

COUNTY GENERAL FUND
Long -Range Forecast

Start of the Budget Session:

County General Fund	2022 Amended Budget	2022 Actuals	2023 Amended Budget	2024 Forecast	2025 Forecast	2026 Forecast	2027 Forecast	2028 Forecast
TOTAL REVENUES	\$ 76,700,000	\$ 75,992,912	\$ 77,910,000	\$ 84,427,451	\$ 89,118,486	\$ 93,309,389	\$ 97,020,348	\$ 100,059,610
1.0 Mill Allocation for CIFI	\$ -	\$ -	\$ -	\$ (1,820,000)	\$ (1,929,200)	\$ (2,006,368)	\$ (2,086,623)	\$ (2,170,088)
TOTAL EXPENSES	\$ 78,208,000	\$ 74,750,213	\$ 81,556,050	\$ 84,654,407	\$ 87,840,000	\$ 91,190,000	\$ 94,760,000	\$ 97,682,750
Net Change in Fund Balance	\$ (1,508,000)	\$ 1,242,699	\$ (3,646,050)	\$ (226,956)	\$ 1,278,486	\$ 2,119,389	\$ 2,260,348	\$ 2,376,860
Cash Basis Ending Fund Balance	\$ 12,403,838	\$ 15,154,537	\$ 11,508,487	\$ 11,281,531	\$ 12,560,017	\$ 14,679,406	\$ 16,939,754	\$ 19,316,614
Reserve % of Expenditures	19.75%	24.34%	17.84%	16.92%	17.76%	19.43%	21.09%	22.89%
Fund Balance 17% Target	\$13,295,360	\$12,707,836	\$13,864,529	\$14,391,249	\$14,932,800	\$15,502,300	\$16,109,200	\$16,606,068

Now:

County General Fund	2022 Estimated Actuals	2023 Amended Budget	2024 Budget	2025 Forecast	2026 Forecast	2027 Forecast	2028 Forecast
TOTAL REVENUES	\$ 75,089,370	\$ 75,203,210	\$ 81,975,030	\$ 87,221,963	\$ 91,377,015	\$ 95,242,348	\$ 99,381,577
1.0 Mill Allocation for CIFI	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
TOTAL EXPENSES	\$ 74,452,874	\$ 82,023,935	\$ 84,008,832	\$ 87,376,597	\$ 90,883,532	\$ 94,535,530	\$ 98,338,734
Net Change in Fund Balance	\$ 636,496	\$ (6,820,725)	\$ (2,033,802)	\$ (154,633)	\$ 493,483	\$ 706,818	\$ 1,042,843
Cash Basis Ending Fund Balance	\$ 14,548,334	\$ 7,637,107	\$ 5,603,305	\$ 5,448,672	\$ 5,942,154	\$ 6,648,972	\$ 7,691,816
Reserve % of Expenditures	23.62%	13.13%	10.40%	9.82%	9.98%	10.35%	11.01%
Fund Balance 17% Target	\$12,636,989	\$13,944,069	\$14,281,501	\$14,854,021	\$15,450,201	\$16,071,040	\$16,717,583

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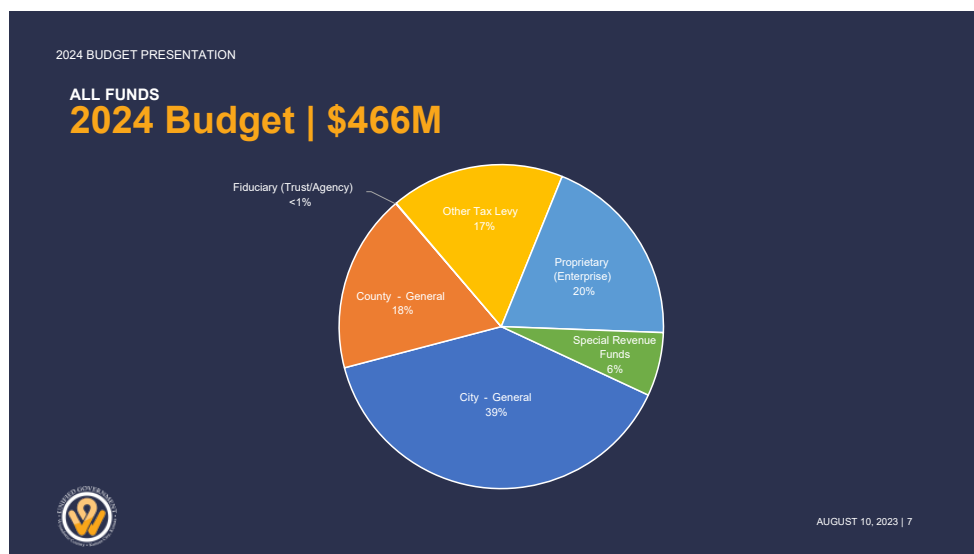
That same night we showed you the County side and we were not that concerned about the County side because we were looking at our Reserves above the 16.7% level and over time, since that date, until August 7th, when we published this internally, some things changed that affected the County

August 10, 2023

budget that shows a little concern where the Reserves are below 16% and towards the end, '27 and '28, you see an uptick, which is good, but it's not above the 16.7% that we showed you a few weeks ago. The reasons for that, we assumed a large expenditure that was not budgeted and, therefore, was not included in the model and that was the parity for Deputies. That was a large item that we had to incorporate into the expense side of the budget. On the revenue side of the budget, what became revealed to us during this time was that we saw there was a reduction in the number of new car sales in the county and that means our license tag revenue was significantly dropped because that's basically a property tax and, therefore, lower depreciated cars people were paying instead of paying it on newer vehicles. So, when you look at those two things together, it contributed to the change of that landscape that we talked about in May.

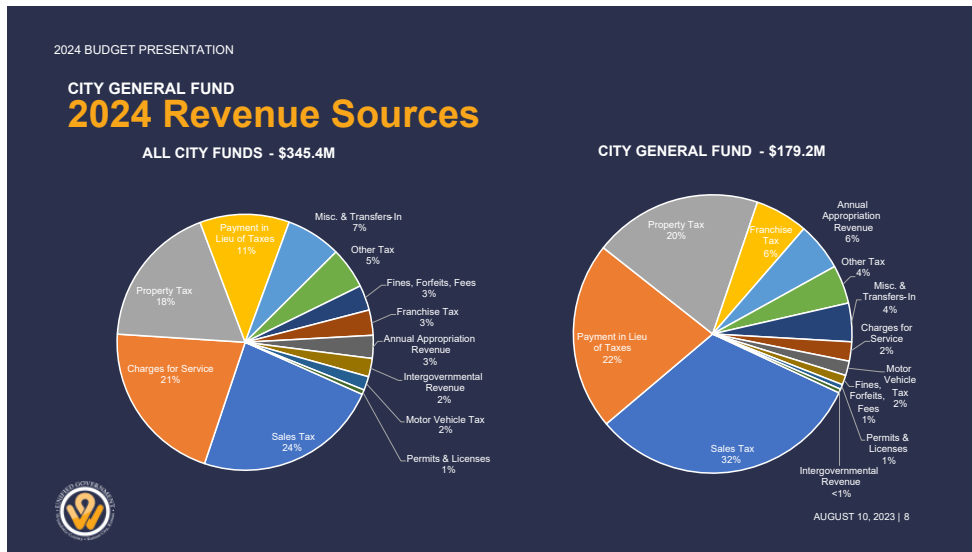
This is our current picture and it's still concerning. We still have to do deep dives on the County side. We will be working with constitutional officers about that, but it's manageable. In just a couple months, the alarms of this city government are lower and we have a little more concern on the County side, but it's not devastating.

With that type of information, we want to highlight some of the things that we've done, what we've included in the budget, and then we will be available to have a discussion after that.

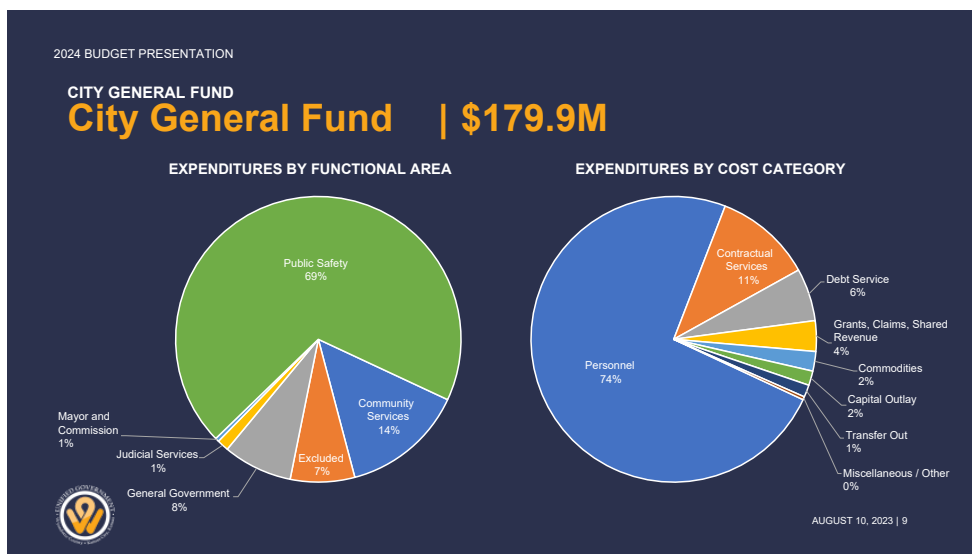


Reginald Lindsey, Budget Director, said our 2024 Budget is a \$466M. Last year it was a \$432M budget, which is about a \$33M increase this year and that equates to about 7%.

August 10, 2023



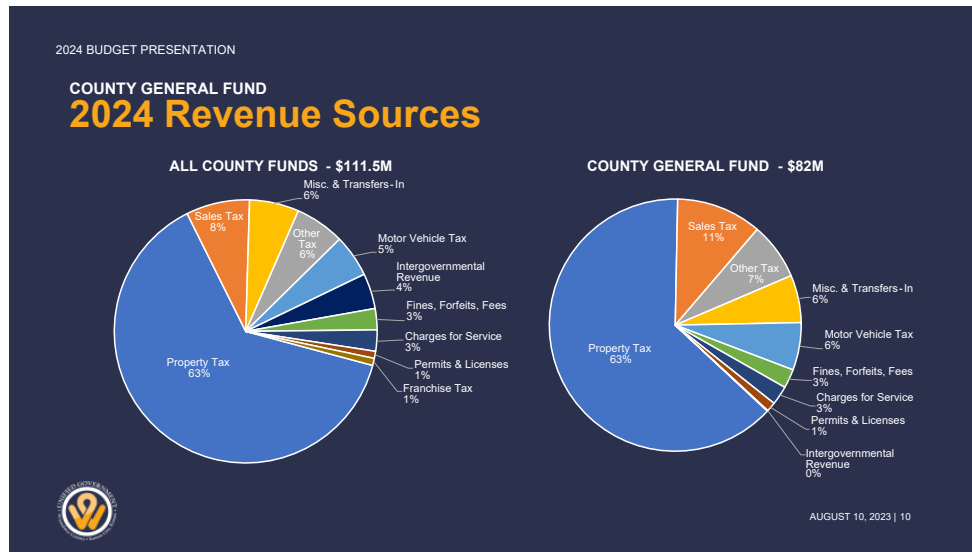
2024 revenue sources for all the City funds are about \$345M and then just for the City General Fund for revenue coming there is about \$179M.



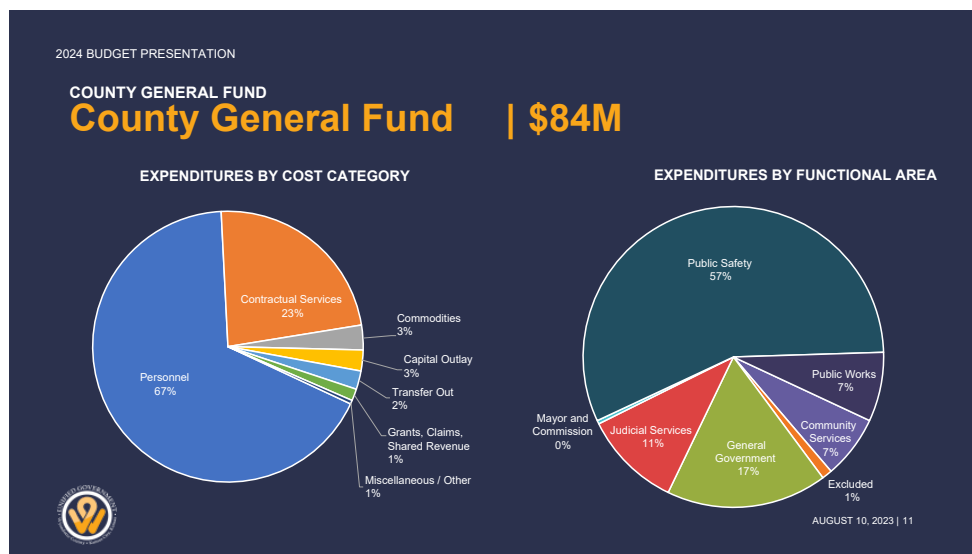
The City General Fund, we are kind of breaking it down into the expenses. We have like a \$179.9M budget. We did just see where the revenues are \$179.2M, so we do have a structural imbalance of like \$800K, but we're really close. We haven't been this close in a while. With the Expenditures, by functional areas, Public Safety is our largest expense at 69% and then Community Services also is our largest expense in functional areas.

Expenditures cost by categories, Personnel is our largest expense at 74% and Contractual Services at 11%.

August 10, 2023



On the County side, all County funds are bringing in about \$111M. For 2024 the County General Fund itself is bringing in \$82M.



On the expense side, County General Fund, we expect \$84M to be going out the door. That's about \$4M more than last year. You can see the biggest cost there is Personnel at 67% on the Category side. On the functional area side, Public Safety is the largest expense at 57%.

2024 BUDGET PRESENTATION

Capital Projects



PARKS

- WYCO Lake Rock Wall Replacement
\$560K (2023)
- Korean/Vietnam Veteran War Memorial
\$75K (2024)
- Beautification Program Continuation
\$200K (2024)



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Some of the Capital Projects that we have in the Proposed 2024 Budget, in Parks we have a Rock Wall Replacement that would happen at Wyandotte County Lake. Also we have the Korean/Vietnam Veteran War Memorial that would be restored and we have a Beautification Program that will continue this year.

2024 BUDGET PRESENTATION

Capital Projects



PARKS

- WYCO Lake Rock Wall Replacement
- Korean/Vietnam Veteran War Memorial
- Beautification Program Continuation



FACILITIES

- Community Care Center
\$3M
- KCKPD West Patrol
\$10M
- Replace Fire Station 20
\$9.8M
- Memorial Hall Renovations
\$1.1M



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Also Facilities wise, we have on Capital Projects a new Community Care Center which will provide wraparound services for the less fortunate members in our community and then we're also planning a new West Patrol which will cost \$10M and is what we set aside in the budget. Then we will replace Fire Station 20 and it's about \$9.8M. Also, Memorial Hall Renovations to help us

get ready for the World Cup and also make it a venue to replace the Reardon Center, so we have \$1.1M in the budget for that.



Infrastructure wise, we were able to commit to 25% more in Street Preservation this year as the Commission wanted last year and also this year and every year until we get our Pavement Preservation score up. So, we were able to go from \$8.5M last year—or this current year to where we will have almost \$11M in 2024 and then we also have funding in our budget for the Kansas Avenue Bridge where we'll start planning for it and also funding for the bridge if we don't get a grant to match the funding for the Kansas Mega Grant. We have a total of \$30M in the budget across a few years.

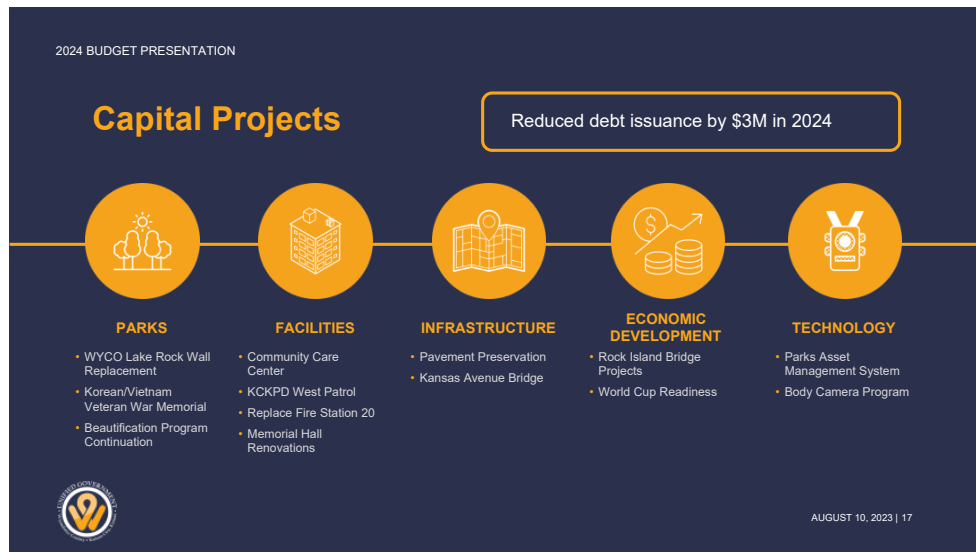


Economic Development wise, Rock Island Bridge Project that we committed to, we have \$3M in the budget for those to get those paid for and then we have different funding to help us get ready for the World Cup coming up in 2026.



Technology wise, Parks & Rec Asset Management System is getting a new asset to help them better track their assets. Body Camera support across the organization with us getting body cameras. We have some departments, Police and District Attorney, where they have digitized that information, so storage for that costs \$395K. We have funding in the budget to replace the public meeting broadcast system and also we have a Human Services Department Client Management

System that's in the department, that's the Client Management System that they're going to implement on a more efficient basis then be able to deal with more clients.



Also, Capital Projects, we did reduce debt for 2024. We've traditionally been issuing like \$20M in debt. So, in 2024, we will issue \$17M of debt as opposed to this year we have like \$20M in debt, so debt has gone down. The next few years we do have the Kansas Avenue Bridge in the budget so we do creep up over that \$20M mark and when we get out to 2028 we are down to \$11M in debt.



Some of the things that we have in the budget that directly impact the community, most things that do directly impact the community, are some things that the Commission you spoke to us about is to make sure the citizens (inaudible). Commissioner Bynum brought forward the BPU PILOT committee to expand the Utility and Sales Tax Rebate Program eligibility for senior citizen relief. One of the things we'll be able to do there is implement that program so citizens can get relief on their BPU PILOT bill and also sales tax. We have funding in the budget for that.

Also, something Commissioner Stites brought forward last year, a County Initiative for Funding Infrastructure. That has become its own fund in the budget and what we did was move a mill from the County General Fund to start this new fund, which would be about \$2M. The citizens of Bonner Springs, Edwardsville, and Kansas City, Kansas would be impacted by this.

2024 BUDGET PRESENTATION

Personnel

- Eliminate 12 unfilled positions
- Move personnel costs from special revenue funds to make room for capital projects
- Propose funding strategic positions that are key to our success

Filling positions in Economic Development, Intergovernmental Affairs (new), and Municipal Court




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Some things we have done in Personnel, we went through the budget and eliminated 12 unfilled positions. This is a process that won't just happen within the budget process, but it is something—we have a meeting that we'll be having every month and we'll be eliminating positions that aren't needed and then we're also moving personnel costs from Special Funds that we have. We have Special Funds like Special Street & Highway Funds, we also have a Special Parks Fund so we were paying people out of those funds. So, now what we're going to do is move people out of those funds back to the General Funds and also to funds where their costs should be coming from so we can pay for things like projects out of those so we don't have to issue debt on some projects.

Also, we will be proposing to fund strategic positions across the organization, which will be key to our success. Some of those positions include Economic Development. We'll have two

managers there that came from existing pins. In the County Administrator's Office there'll be an Intergovernmental Affairs Division. We had a person that was being paid by a partial grant. We'll make that person a fulltime position so they can continue helping make the fines and fees. (inaudible).

2024 BUDGET PRESENTATION

Parks

- Benchmark transfer from City General Fund to Parks Fund to city revenues
- Continue investment in parks infrastructure maintenance
 - Wyandotte County Lake Rock Wall Replacement 2023 \$560K
 - Korean/Vietnam Veteran Memorial 2024 \$75K
- Establish a Parks Asset Management System and hire a Project/Asset Manager for strategic prioritization of needs
- Anticipate a >\$1M grant/earmark for parks projects



Eisenhower Splash Park



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In Parks one thing that we did was we increased the transfer from the City General Fund, which is something new that we're doing where we want to benchmark the transfer they get to the City revenues, so we ended up getting like \$460K more dollars over in the Consolidated Parks Fund and continue to have investment in park maintenance and infrastructure. There's a number of things going over in parks. They will have a million dollars' worth of grant funding coming in to help with projects that they have if they need to get going.

2024 BUDGET PRESENTATION

CITY Fire Department

- Staff Station 15 with 9 additional permanent FTE and eliminate dependence on overtime
- Adjust personnel costs with the expiration of SAFER grant (18 FTE)
- Open new fire station in Turner
- Start construction of new fire station 20
- Includes funding for 3 additional fire apparatus on top of regular replacement schedule



Turner Fire Station
Groundbreaking
October 2022



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In the Fire Department we're going to staff Station 15 in Fairfax with 9 additional permanent FTE and that will eliminate employees working overtime to fill that station. Also, we do have a SAFER Grant that is coming to an end and we will take those 18 FTEs and pay them out of the City General Fund. Also, we will open our new fire station in Turner this year—**Mayor Garner** said sorry, Reggie, if you could just speak in the microphone. I guess the public—we've been notified they can't hear you. **Mr. Lindsey** said we will open a new fire station that is now under construction in Turner. Also, we will start construction on a new Fire Station 20. The current fire station is at 78th & Kansas Ave. now and then also within the Equipment Capital Budget we do have three additional fire apparatus on top of the regular replacement schedule for apparatus within the budget. Just recently Chief Reuben had to take some vehicles—or apparatus out of service so we're getting three additional fire apparatus to help with the aging fleet.

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2024 BUDGET PRESENTATION

CITY Police Department

- New West Patrol Station \$10M
- CSI Lab – Break ground on state of art facility
- Replace Fleet with Patrol Vehicle Equity Lease Program \$1.35M



KCKPD

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In the Police Department, I did mention this earlier, we do have money in the budget to move forward with a new West Patrol Division. We're in the process of studying that and also acquiring land and then also later this year we will break ground with a CIS Lab. Also, in the Police Department, we are replacing their whole fleet of vehicles for Detectives and also patrol vehicles.

2024 BUDGET PRESENTATION

Post -COVID Relief Funding

- Address funding gap and realign scope of services, programs and personnel as needed with the sunset of federal funding
 - Wyandotte County Health – 8 positions currently funded through COVID relief money
 - Transportation (transit services)

CARES Act Funding

ARPA Funding



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Also, one of the things going on within our budget is over the years since we went through COVID, we got CARES Act funding and we also got ARPA funding. One of the things we had we were able to depend on that money, so slowly we're having to transition that funding back over to our Certified Funds. One of the departments we have impacted there is Transportation, our transit services. We do have individuals that we are starting to pay out of the City General Fund and

August 10, 2023

moving them from the CARES Act funding in the ARPA funding. Also, then we'll be working with the Health Department over the next few years to (inaudible) positions that they have from COVID relief money over into their fund or decide that we still need those positions.

That's the information we wanted to present this evening.

Mr. Johnston said before you ask questions, I also wanted to let you know about some things. You know, we've heard you. I mean ever since I've been hired here you've had the discussions, debates, whatever you want to call it on PILOT reduction, revenue neutral, we need to do deep dives in the operation of our departments to create efficiencies, create a new attitude of customer service first. We heard about the need to prioritize each departments services, monetize them because if and when we have discussions on PILOT reduction, revenue neutral, that may impact our revenue stream, it impacts the services we can provide and for us to talk about what type of actions you want to take, if it cuts our revenue stream, you're going to be asked to approve cuts to services and we can only do that if we do that. So, I'm just saying we have to have a longer discussion about the impacts of these options that you're going to be weighing over the next year or two because you all are hearing about the cost of government to our citizens. The only way we can help you make the best informed decisions is to provide you with the best information that we can glean to have before you.

We're going to have an interesting next couple of years for discussion and decision making and even internally from the staff side is that we may be having to do things differently than we're used to. I think the one attitude we're starting to get across within our staff of our local government, the UG, is the fact that this isn't their money, it's not my money, it's not your money, it's the people's money and they entrusted to use it wisely. Now, what does that mean? That comes through discussion and debate and a decision eventually from you what that is as local elected representatives.

We have to have an attitude of public service first. That is what government is to do, provide services to our citizens and, therefore, we need to and I'll leave that process with our staff to get that focus inside all of us. Again, it's not a departments money, it's not the Administrator's money. This may be a recommended budget from the Administrator, but eventually it's going to be your budget saying how we're going to provide and fund services to our citizens. So, everything is geared toward public service to our citizens, that's what we're supposed to be doing.

Just like every organization, we have to examine ourselves, make necessary changes to benefit that focus. I think we're setting the stage for that because once this budget, a budget, gets passed, a balanced budget gets passed, we can then start doing those deep dives into our UG government, both County and City side and make it be better, make it be more effective, and again, make it toward the citizen.

That's just the overall of our budget. You received your budget books. We have two sessions scheduled, the next two Thursday's, for you to—after you've had the wonderful opportunity to read all those numbers, bring back your questions, your ideas. We're going to ask you if you have any questions tonight, but continue that dialogue that when we get to your responsibility of passing a budget, you have the forums necessary to seek the information that's important for you.

Mr. Mayor, I'll turn it back to you folks.

Mayor Garner said thank you Administrator, thank you Mr. Lindsey for that presentation. We will now open it up for questions.

Commissioner Kane said that's pretty short, blunt, brief and I appreciate it, but I do have some questions. Are we voting on the budget August 31st? **Mr. Lindsey** said that is the schedule. **Commissioner Kane** asked, where is West Patrol going to be? **Mr. Lindsey** said we have not identified that yet. **Commissioner Kane** said okay, we can talk about that.

I think the lake wall is way too expensive. I think we should go out and get some other bids for that.

I guess my biggest question is, have we hired a Grant Writer yet? **Mr. Johnston** said I appreciate you asking that question. Let's talk about the Intergovernmental Affairs Office. I intend to hire a Director and hire an Intergovernmental Affairs Coordinator. Right now we have a lot of departments doing their own thing, we don't know what that is. Therefore, we will coordinate a focused intergovernmental relations effort, so it's coordinated and we can give regular reports to you, to the public on our interactions with state and federal agencies, state and federal elected delegations and our neighbors in the region. We don't have that coordination now and that's important.

Also, on that is where we're going to put the grant writers because those grants go to other government agencies and, therefore, the departmental grants will be funneled through those grant writers. If we still use grant writers in the departments, that's what that coordinator is to do, to coordinate that grant activity within the departments so we know what's going on, number one, and that the message that we send to our agencies are consistent to the priorities of the Commission as understood by the Administrator, so if that answers your question.

Commissioner Ramirez said more of a comment than question, but thank you for what you're doing, the hard work. If there's a will, there's a way and so you've shown there is a way for us to get through this. You've helped us get through this, so I really do appreciate your experience and the knowledge that you bring to us and helping us stabilize before we can have, as you mentioned, those tough discussions of sources of revenue that may be cut. I thank you for helping us stabilize before we can actually have those conversations.

Commissioner Johnson said to Mr. Johnston and your staff, thank you for this presentation tonight. A few weeks ago we had a meeting with the BPU Board of Directors and we talked about a proposed involved, somewhere I heard the number, I think, was about \$750K as relates to increase fees they would be charging. I don't know if that number or that consideration has been incorporated into this proposed budget, so I'm asking that. **Mr. Johnston** said if the increase revenue because of their rate increases to the PILOT are included, is that your question? **Commissioner Johnson** said I don't think it was PILOT related. Okay, it was PILOT related. **Mr. Johnston** said thank you for your clarification. Yes, \$720K. **Commissioner Johnson** said it is included? **Mr. Johnston** said yes.

Commissioner Johnson said one of the thoughts that was presented to me was that perhaps we could use those funds as utility relief. I don't think that I had a direct conversation with you or Reggie about that, but is that something that could be moved over. I think I saw a number of \$250K based on what you were talking about Commissioner Bynum. Is there any way that \$750K, or at least a portion of it, can be included in that amount that we can use for utility assistance? **Mr. Johnston** said that type of ask needs to be part of a bigger discussion because that \$700K is incorporated in our Operating Budget as it is today. If you remember looking at the Reserves that we have at the City side, it's still not where it should be, under 16%, and it's that

type of discussion that we need to have with you before having direction on PILOT, direction using revenue generated by the public—by the PILOT for relief options. We really haven't had that discussion about—discussions that I witnessed is we want to do these things without the consequences of doing those things. We really need to have that total discussion before you so you can weigh what direction you want to go as a Commission. **Commissioner Johnson** said I absolutely agree with that. I don't know if we have time between now and the time we vote on this to make that adjustment, but it is something I think we should—I don't know how it's going to play out over the next few years, so maybe I better just wait in terms of my comment to see how this plays out, so thank you for the dialogue.

Mr. Johnston said we've heard you and waiting for your comments then they become—as I said earlier, anything to deal with relieving the citizens from the PILOT, relieving of tax burdens, about mill reductions or freezing the mill rate and all that really needs to have a deeper discussion. Like I said, we lost 2.5 months of the budget process with my hiring at the end of March. We can start having those discussions after the dust settles when this is passed and put to bed.

Commissioner Johnson asked, are we including money for the hiring of persons in the Economic Development Department? **Mr. Johnson** said yes. **Commissioner Johnson** said was that in the presentation? **Mr. Johnston** said we didn't tell you what we were doing, but yes, it was in there. Right now we're starting off with three people. I have a vacant Assistant County Administrator that's going to be solely for economic development. That person will be responsible for related departments that exists today as well as guide—right now two Economic Development Managers. One for economic development to get an idea of Greenfield Development. In economic development they say that's kind of like the easiest economic development because people can put whatever they want for the first time on flat field, not contaminated. They can build what they want.

The other person will be charged on what's called Urban Redevelopment. Redevelopment is viewed as quite more challenging than Greenfield Development because you're dealing with an already built out landscape, you're dealing with buildings that may need to be repurposed, sometimes it's not in the best part of town and, therefore, you have to have different types of encouraging different investment strategies, different incentive programs and the like. So, there's two different (inaudible) and those need different skill sets and as you know we've heard,

just in my time here, it predates me, there is a different economic climate east of 635 than there is west of 635. **Commissioner Johnson** said I hope our constituents, our taxpayers, are hearing this portion because there is a lot of conversation about we need more economic development east of 635 and I'm a champion for that myself. The community needs to know it is a far more challenging experience to do true redevelopment and we have to deal with things such as gentrification and the whole list goes on and on. I'm not going to belabor the time, but I do appreciate the fact that we are going to have at least someone, hopefully, in the next 6 to 12 months that will be focused on that.

Mr. Johnston said you know to ask an investor to come in, they're going to look at one thing, what's my return on investment and when you're in, let's say the west side of our community, they don't have the issues that exists here in the east side where we have to deal with what poverty does to an economic climate and I get it, ROI, because that's around. How can I repurpose property to create an economic environment for my business to succeed in an old part of town when I could build new somewhere else. You can't just say ask investors to come and they'll invest. They're going to ask the tough questions, can I succeed and get my return and it's quite a challenge in an older urban area to do that for redevelopment as it is out west. We need different skill sets.

Commissioner Bynum said a couple of questions. The presentation you made tonight on the budget that you built as our starting point, if you will, is built at the current mill levy rate, is that correct? **Mr. Johnston** said that's true. **Commissioner Bynum** said the first and second slide, is there any way to get the presentation back and those detailed slides at the very front. Ultimately, what I'm trying to ask is that I would appreciate at some point and it looks like, I'm assuming, 5:00 next Thursday, the 17th is a budget workshop. **Mr. Johnston** said the next two Thursday's are. **Commissioner Bynum** said what I would appreciate, at some point, is an analysis of what you all accomplished to take us from the bleakness of what it looked like to where you brought us. I would like to know what are the differentials, what changed, what did you do and I would like to know that in more detail than what's here. That's just a question for later, but I guess the question is, can we know more about that than we've been given tonight? **Mr. Johnston** said absolutely.

Commissioner Bynum said the slide where we show the Utility & Sales Tax Rebates, and I think you had \$250K budgeted, I just want to clarify what I heard you say tonight. It says

expand Utility & Sales Tax Rebate Program for citizen relief on BPU PILOT and Taxes and I don't know exactly what that means because the PILOT I thought I heard you tell me, Administrator, yesterday that you did not build any level of PILOT relief into the budget, but that you did build in this effort to change these ordinances around the Utility & Sales Tax Rebate that we've been working through the Standing Committee to the full Commission. **Mr. Johnston** said right, and Reginald was part of that, and what we heard was—well, when we looked at that program and I think what's proposed is having a wider audience of eligibility and then the income change is higher. **Commissioner Bynum** said that's right.

Mr. Johnston said when we worked with staff the existing level of people using the existing system or program, it was around \$140-\$145K and if you added all of those who are eligible, it would be \$5M. **Commissioner Bynum** said right. **Mr. Johnston** said, therefore, we thought we would start it by increasing from 145 to 250. If that's not enough, we have to come back with an amendment. **Commissioner Bynum** said I appreciate that and support it, obviously, and the clarity I want is that is for Utility & Sales Tax rebates only and nothing on the PILOT Relief Program that we brought forward, correct? **Mr. Lindsey** said that is correct. That is to make the Sales Tax & Utility Rebate more like the Homestead Act. **Commissioner Bynum** said right.

The third leg of that stool was that same target population would also qualify for zero PILOT, but that is not included here. That's what I'm trying to get us to say out loud. **Mr. Lindsey** said that is not included here.

Commissioner Bynum said I'll make a comment for discussion as we move through the month of August, and I'll only say this. The Mayor asked me to lead that effort, which I was very happy to do. The specific request was that we look at the most vulnerable population, which we did. On May 18th when we brought that proposal forward, I really felt like the general consensus of the Commission was to support it, so I understand if we're going to try to incorporate it, then as you state, Administrator, that's a dollar that comes out of the General Fund. You know that's a dollar we don't have to spend, so I totally understand it. I'm just asking that maybe we take an opportunity as we continue discussing this budget to look at that again and, again, what would we not do if we do that because I think that's part of the challenge that we face. Really, I'll just leave it there for now unless you wanted to add something.

Mr. Johnston said the Commission has every right to—this is your budget eventually and you have every right to craft it how you see fit. What I presented today was a balanced budget. If there is going to be requests for more, I am going to say, remember I started with a balanced budget, I need something back and, therefore, a direction of what to not do or to cut is a partnership dialogue that we have and we leave before your vote is taken with an understanding as you've been involved in that decision of what you're not going—what we're not going to do to make up for an increase ask.

Commissioner Bynum said I think that's the very same answer to my next comment, which is, is it also possible during this coming time, before we adopt the budget, for us to have a conversation among staff and the governing body about what a revenue neutral budget would look like because, again, it's that same discussion that you just pointed out to us. We would have to be having that hard conversation about what will we not do, what cuts will we make. I'm kind of asking you and the Commission in general—or even if it's not a revenue neutral conversation, a conversation about some level of reduction in City mill levy, County mill levy, whatever we all think we can tolerate. I'm just asking for that. **Mr. Johnston** said you can do whatever you want. That's an important part of democracy, but I'm just going to remind you when we had the revenue neutral discussion before you a few weeks ago, the swing of a revenue neutral budget was \$6M more to be cut out of the General Fund.

Now, if that's still a desire, I have to come up with you saying here's \$6M of options that we're not going to include in the budget. **Commissioner Bynum** said that's my point, and if we could meet in the middle somewhere and say what you brought us is at the current mill levy rates and as you say, here's the \$6M swing and if we chose 2 mills off the City, 2 mills off the County, what would that look like. That's what I'm interested in seeing. **Mr. Johnston** said that's fine. We're also going to revisit that because it's going to affect your Reserve balance, it will affect some of that stuff maybe accelerated in an earlier year. That's why having a deeper discussion is very important instead of saying I want to change two mill rates.

Commissioner Bynum said thank you. I really appreciate the conversation and I look forward to additional conversations, but I am intensely interested in how did you take us from here to here. I would like the detail on that.

Commissioner Burroughs said, Administrator, thank you for listening to the Commission. There were things up there that members of the Commission have been expressing for a while and, Reggie, I appreciate your overview. I know this hasn't been easy for staff when you watch a Commission work to address the needs, not only in their particular district, but all of the community.

With that, I go back to—I hope this falls parallel with Commissioner Bynum's comment in reference to revenue neutral. The challenges that we would have in identifying where we could make those cuts to make revenue neutral work. The point that I would like to bring up is I know that our budget has to be stated by state statute, those things we have to do, ordinance and resolution, those are the guiding principles of our initial budget and then we have our needs and then we have the wants. Those needs and wants are going to be the part that we really have to work on because we really have very little control on the other aspect, but the question I would have is, I have advocated and requested for a while an overview of the monies that are going out to our not-for-profit entities that come from the Unified Government collectively and the taxpayers. I don't know what kind of sum that is, but it may help us with that sum to identify the needs and the wants and see where we can help or what we may have to reconsider when it comes to those things that we call our sacred cows that we want to protect. I think if we start with a figure that we know is the basis for those funds being dispersed, it would be a benefit for some of us to help in guiding how we can help the community collectively, not only with their funding, but with the entire budget. So I would hope as we move forward that we get that sum so that we can identify.

Mr. Johnston said that's an important ask. Commissioner Bynum has asked for scenarios' we can gather, not the entire list, but a good list to start the discussion. **Commissioner Burroughs** said thank you and I know we need to do a deep dive, but I must say for the first few months you've been here to come forward with the skill that you did and pushing this budget out a little bit, I sincerely appreciate it and I do hope that staff and community understand it's not easy coming in and starting from scratch with what you had. I'm pleased and optimistic that we're going to be able to work through this collectively and do what is best for the community. Thank you for the basis in which—the blueprint to work from.

Commissioner Johnston said both Commissioner Bynum and you Commissioner Burroughs asked what did we do. There were some adjustments within, but I'm going to be truth in advertising here. There was a lot of increased revenue that helped us immensely. The increased revenue in property taxes because of the reassessment, and to a point, the \$700K from the increased PILOT revenue due to the BPU's rate hikes. They happened during our analysis, our process. With the direction that we received during the previous budget discussions that we had, we went with a regular—no, we didn't do revenue neutral, we went regular and that's incorporated, that's an increase in revenue and then BPU raised their rates and then all of a sudden it's an algebra equation that we benefit from. That's incorporated in there.

So, to be truth in advertising, that helped a lot, but also working with our staff helped as well because they forgo stuff, they delayed stuff, we got rid of positions that were on the books that weren't being filled, so we will get you a detailed list on that, but I'm not a savior. We work with things within our control and take advantage of those that aren't under our control, but also be upfront and open about it with you.

Commissioner Johnson said I appreciate the fact that you were completely candid with us and I agree that you and we are not saviors. That's something that I would walk and talk that language because that's what is needed. With that said, I recant my request to increase the amount of utility relief. When you said it the way you said it, it made absolute sense to me and I understand we're in the time—what I can appreciate is that you're not trying to hide anything from us because we can—those of us know that knows this language, we can manipulate numbers just about any kind of way. What I like here, this is a candid look of where we are and how we're going to improve over the next five years, so I can appreciate that because at least we now know and we're not surprised and no one should be feeling like the wool has been pulled over our heads, we know that this is what it's going to look like. Hopefully, we can beat the budget, hopefully, but we'll see. I recant my request. **Mr. Johnston** said we'll add that to the list Commissioner. That goes to saying that I was brought up with, I think we all heard it before, figures don't lie, but liars figure—you're not going to get a liar at this podium or in this gallery. We will be upfront and honest with you. So, again, our goal is to help you make the best most informed decision to benefit our citizens.

Commissioner Stites said I can appreciate that it was made easier because of the evaluations are bringing in more money than they did last year and that BPU raised their rates. Well, that all comes on the backs of our taxpayers and as we all know they're hurting. They've asked—every event I attend they ask what are we doing about our high taxes. We have to get control and I understand, you just got here and I appreciate what you've done already.

I think what I can get behind is giving you a pass this year to look at the deep dive that is required for us to get back into—because it's not going to matter if we don't—if rates continue to go up with BPU and our valuations continue to go up because we won't have people living here to pay those rates. They'll be out of here.

Economic Development, I'm glad to hear that we're going to address that because I think from day one that you got here you've said economic development is how we get out of this mess. We cannot continue to slow down, prohibit developers that are trying to get permits. They're coming to our city right now trying to build and they get slowed down, they get roadblocked, and I'm not talking about just on the west side, I'm talking about across this whole county. I mentioned one to you tonight before the meeting. It's not in my district that's having the same issue. If we're going to run folks away or if we're not going to be customer friendly, they're going to go elsewhere. We've got to address that and I think that you are and I appreciate that.

The new West Patrol, I was glad to hear that we're looking at getting police cars, new fleet for the police officers. They're driving crap right now. They're expected to go out there and drive around and go call to call and protect us and serve when their driving and I think we should be embarrassed that they're driving—not only the way they look, but for the safety of our officers.

On August 2nd we had a meeting on the 9th floor with the developer and the folks for the Legend's and there was a discussion that day, and I brought it up, about what does it look like—I worked out of West Patrol for many, many years as a police officer and West Patrol is terrible, small, outdated and it's not good anymore. I said what was the possibility we move that out to the Legend's. She said I would love to have you guys out there. We have a space for you. I don't know if she does or she doesn't, I have no idea, but maybe there's a \$10M save. We're not going to be in there for free, but then it puts us in a shopping center, more west patrol, west area of our county that presence is needed as development continues to grow. So, I would like to see how we, and as Commissioner Kane mentioned, I think it was to Reggie, when he said we can discuss that later about West Patrol for the location. That would be something I would be in favor of looking

into to see how maybe we could look at the West Patrol being incorporated into the actual footprint of the Legend's Shopping Center. I think there's a lot of good reasons that it makes sense for it to be there.

Again, I look forward to the next two discussions. I'm looking forward to seeing what it looks like to see what we can do on mill reduction on one or both or—I just want to see what it looks like, can we do it. The wants, the needs, everybody has talked about it, we've discussed it, how can we do it, what services go away if we are to have tax relief, so I look forward to it. Good job.

Mayor Garner said thank you Administrator, thank you Mr. Lindsey, thank you to the entire staff for your presentation. I think what we'll find, Commission, is what we recognized early on, when we brought our new County Administrator in. He's very experienced, well versed, knowledgeable in finance as well as economic development. Those are some of the things that we've all shared. I've talked about it that we've got to look at economic development to broaden our tax base to shore up some of our shortfalls, but then we also need to make sure that we're operating in a way that's more fiscally responsible and in a way that also aligns with providing the essential services that our residents have come to expect in some areas demand and do that equitably. What you find in Mr. Johnston, and I know it was mentioned tonight, is he is going to be transparent, he's going to be truthful, he's going to give you all the options that you asked for and he's going to help you get to the right decision, hopefully, that will be the best choice as you make your informed decision to improve the quality of life for all those who call Wyandotte County home.

What is promising from his expertise, one thing that stood out and I know he said he found the extra money, but he didn't hide that money, he didn't put it somewhere else. He applied that money to give this Commission more opportunities for the 2026 red, bankrupt, whatever you want to call it timeline to push that out to 2028. As our Administrator has said, he wants to make sure that under his watch that we never get to the point where this county and this town has on its record that we went bankrupt and he is committed to that. I know that his staff, our Unified Government staff, is committed to that. They're working hard to not only get the best budget, but to find efficiencies and cost savings that we all know that we have to have within this Unified Government.

Thank you, thank you to all your staff.

August 10, 2023

Commissioner Davis said very quickly, thank you all for this. This is massive and I'll probably have some other questions. One of the things I wanted to get clarity on, we have all 13 unions that UG works with under contract. That is also included in this budget, is that correct? **Mr. Johnston** said yes sir. **Commissioner Davis** said that is very, very important. For non-union employees what are we looking at as far as a possible adjustment? **Mr. Johnston** said we included a 4% COLA for non-union and then there's CBA's included. **Commissioner Davis** said last question, I'll save other questions for another time. When do we by state law need to adopt this budget because we had some confusion last year on what the state dictated to us. I know there's a plan for later on this month, but what's the exact date? **Mr. Lindsey** said we have to have state forms to the state by September 30th. We have to get those state forms together and everything, so it would be nice like two weeks out from that. **Commissioner Davis** said gotcha, so I'm assuming you're saying the first Commission meeting in September would be the deadline, the ideal deadline to get it done. **Mr. Lindsey** said I know last year we did it like, I think, September 15th. **Commissioner Davis** said so around that time. Okay, gotcha. I just wanted to make sure because I had some confusion last year.

Again, thank you all to our staff. The last thing I'll say, whatever we do we have to show our constituents what they're getting out of this and this means we're not going to see a dramatic reduction in property taxes, which we talk about reduction in property taxes, we're only 46% of that. We have other taxing jurisdictions that are having this conversation and they may not even be considering lowering the mill rate and so the impact for our residents we really have to think about is what the overall impact is going to be, but if that's not going to be a top priority, then pointing to—even if we can get a district by district impact of what this budget will do. I know we all have important issues that we all care about, that will be very helpful just for me, just in conversation to say here is what is different from one year to the next as you are paying more in property taxes and in PILOT.

Commissioner Stites said I was just going to say that September 14th is our first meeting in September and while I do have the mic, I'm going to ask one other question because Commissioner Davis kind of reminded me of it, about the other taxing entities. The community college, I'm hearing that just over and over and over. What about the community college, they apparently have enough money to build a new location downtown. Where is that money coming from. How are

we subsidizing it. Are we in communication with the other taxing entities as to—I know we have asked, I have asked anyway, that we have a joint meeting so that we can come at this collectively, all of us together, what’s your plan, what’s the libraries plan, what’s our plan, what’s everyone’s plan, the seven entities that are responsible for our property taxes and we haven’t been able to get that accomplished. I would sure still like to see us be able to do that. It’s probably too late for this year, but I would like to get that on the books so that we can look at this collectively.

Mayor Garner said to answer that question, my office is facilitating that. It is planned, it is scheduled, there is a date coming up with all the school districts, their CFO’s, Superintendents and their Board President for a joint meeting that is planned, I believe, for September give or take, but I would have to get the exact date. I can say this whole talk about tax relief, based on the demands of a lot of our residents, our property tax paying residents in Wyandotte County, is not going on deaf ears. I’ve listened in and observed some of the conversations of some of the other taxing entities and they’re paying attention. They know that our residents are demanding tax relief and they know that we’re still one of the poorest communities in the state of Kansas that have some of the most devastated and depressed zip codes and some people are being taxed into utter desperation, some into poverty, some out of their houses and some out of our county and they are paying attention to that.

In talking to the community college, it was presented last night at the Wyandotte County Economic Development Corporation meeting, Dr. Mosier, the President of the KCK Community College, did indicate that he will be presenting a budget request to his Board of Trustees at the college that will include a one mill reduction. So, these other taxing entities are paying attention to our residents.

I think that we often talk about we’re only 46%, but we’re that 46% that other taxing jurisdictions look to for leadership. They follow us, they follow our lead and they really look to us to share with them on a broader note on what the community and what the public is saying as far as when it comes to taxing and providing good services and resources throughout Wyandotte County and making sure that we do so equitably. I’m confident that they are listening and they are hearing and I would like to say to the public looking forward—I know we talked a lot about bankruptcy and we’ve talked a lot about the red and these hypothetical dates that are coming up based on the numbers that we have today, but I’m confident, and I want this community to be

confident, that we have a County Administrator, we have very professional staff here and employees and they're going to work hard with this Commission and, more importantly, with this community to make sure that we are fiscally responsible and that Wyandotte County will never have a bankruptcy on its record. I believe that to be so and I also believe that the best is yet to come for Wyandotte County.

We've hit a speed bump, we're going to get through this. There's going to have to be some sacrifices made both by employees as well as residents in this community because of our fiscal situation. I'm not so much concerned how we got here. I'm more concerned about where we're going and where we're going the future is bright. Thank you and I'll take a motion to adjourn.

Commissioner Ramirez made a motion, seconded by Commissioner Davis, to adjourn. Roll call was taken and there were nine "Ayes," Markley, Stites, Davis, Bynum, Burroughs, McKiernan, Ramirez, Johnson, Kane.

MAYOR GARNER ADJOURNED

THE MEETING AT 6:10 p.m.

Brett Deichler
Unified Government Clerk

dt

August 10, 2023



Unified Government Clerk's Office

Brett A. Deichler, PMP/CPM

Unified Government Clerk

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Memorandum

To: David Johnston
County Administrator

From: Brett Deichler
UG Clerk

Date: July 27, 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 July 20 - 27, 2023

1. PUBLIC NOTICE:

- All City Tow Service, 1015 S. Bethany Street, KCK 66105, held a public auto auction on June 8, 2023.
- All City Tow Service, 1015 S. Bethany Street, KCK 66105, held a public auto auction on July 13, 2023.

Action: Received and filed.

2. COMMUNICATION:

Tomi Francis-Ramirez, Executive Director, Downtown Shareholders, submitting the financial report for the Self-Supporting Municipal District/Downtown Improvement District (SSMID) for the month of June 2023.

Action: Received and filed.

3. PERSONNEL ACTION COMMUNICATION DATED JULY 25, 2023:

Section I – Appointment

Name	Department/Division	Eff. Date	Job Title
Charles Brackett	PW	7/20/23	Admin Supt Spec
Stacey Hurla	Health	7/20/23	Public Health Nurse
Carlos Jimenez Jr	Parks/Rec	7/19/23	Summer Laborer

Section II – Transfers

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
Jayson A Dunn	PW/Fleet	7/20/23	Fleet Maint Tech I	Fleet Maint Tech II- Heavy
Cassandra N Hardy	Municipal Court	8/3/23	Court Clerk I	Program Coordinator
David M Mendoza	PW/WPC	8/3/23	Sewer Maint Worker I	Sewer Maint Worker II
Taylor L Mills	Police/Comm	7/20/23	Public Safety Dispatcher	Admin Coordinator
Sandra L Rivas	Finance/Del Revenue	8/3/23	Fiscal Supt Asst	Admin Supt Spec
Laura L Wilt	NRC	8/3/23	Fiscal Supt Spec	License Inspector I

Section III – Separations

Name	Department/Division	Eff. Date	Job Title
Charlotte M Tinnel	Police/Comm	7/13/23	911 Call Operator
Roger S Villanueva	DA	7/31/23	Investigator

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

4. SUMMONS:

Bank of Labor. vs Joy Holt et. al, Case No. 2023CV000474.

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

5. CLAIMS FOR DAMAGES:

Giselda Alvarado by and through her attorney, Tarak Alexander Devkota involving a slip and fall on July 27, 2021.

Glen Chriss, 406 NW Olive St., Lee's Summit, MO, alleging damage to tire rim due to pothole on July 17, 2023.

Esther Richardson, 250 N. 10th, Apt 4, alleging damage to tire rim due to pothole on July 14, 2023.

Brian Ellington, by and through his attorney, Tarak Alexander Devkota, involving a slip and fall on July 28, 2021.

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

6. MECHANIC'S LIEN STATEMENT:

Kara Byer, President, Countertop Trends, LLC for real property located at 627 N. 64th St.

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

7. TRAVEL REQUESTS:

Angel Ferrara, Parks and Recreation, travel to Oak Brook, IL, August 13 – 17, 2023 to attend NRPA Directors School, Employee Training and Travel.

Patrick Locke, KCKPD, travel to Auckland, New Zealand, July 29, - August 11, 2023, to attend Blue Light Culture Exchange, the cost paid by PAL & Blue Light No. 2.

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

8. CERTIFICATES OF INSURANCE:

Allied Universal Topco, LLC
BAAM Foods, Inc.
Garda World Security Corporation dba Whelan Security Co. (2)
Holy Smoke BBQ, LLC
Tomado Lawn & Tree Service LLC

Action: Referred to License.

9. BUSINESS BONDS:

Electrical Bond:

Atec Services, LLC
Chamness Electric, LLC DBA Murphy Electric
Rex Ingelse
Royal Heating and Cooling, LLC

Mechanical/HVAC Bond:

Wejely Heating and Cooling

Plumbers Bond:

John Wareham

Action: Referred to License.

10. SIGN HANGER BOND:

Vavak Building Services, Inc.

Action: Referred to License.

11. CONTINUATION CERTIFICATE:

Electrical Bond:

A&A Electrical Inc.

Action: Referred to License.

12. NOTICE OF CANCELLATIONS:

General Contractor Bond:

Tacos on Wheels

Electrical Bond:

Able Electric, LLC
Heartland Mechanical Services Inc.
Industrial Electric Company, Inc.

License & Permit Bond:
James H. Clyde

Action: Referred to License

13. APPLICATION FOR CMB LICENSE (OP):

El Machetazo Mexican Food LLC, William W. Hutton, dba El Machetazo Mexican Food LLC,
1101 Kansas Ave.

Action: Referred to License.

14. MASSAGE THERAPIST LICENSE:

Jacquelyn Coleman dbw Chateau Avalon, 701 Village West Pkwy.

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: August 3, 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 July 28, 2023 – August 3, 2023

1. PERSONNEL ACTION COMMUNICATION, DATED August 1, 2023:

Section I – Appointments

Name	Department/Division	Eff. Date	Job Title
Marc E. Buckner	Transit	8/3/23	Transit Operator
Denise Colles	Finance/Treasury	8/3/23	Fiscal Supt Asst
Sparkle Flournoy	Transit	8/3/23	Transit Operator
Roy Jackson	PW/WPC	8/3/23	Sewer Maint Worker I
Cynthia Jimenez	Health	8/3/23	Admin Supt Spec
Annette F. Kugler	Comm Corr/Pre-Trial	8/3/23	Surveillance
Hannah Lang	Health	8/3/23	Program Coordinator
Clarence Logan	NRC	8/3/23	Building Inspector I
Sebastian F. Mejia	PW/Fleet	8/3/23	Fleet Maint Tech I
Derrique L. Myers	Finance/Treasury	8/3/23	Fiscal Supt Asst
Sarah Panjada	Performance/Innovation	8/3/23	Info Systems Analyst
Michael Rakin	Legal	8/3/23	Attorney
James Robinson III	Parks/Rec	8/3/23	Caretaker
Sabrina Romero	Finance/Treasury	8/3/23	Fiscal Supt Asst
Courtney Taylor	Comm Corr/Pre-Trial	8/3/23	Surveillance Officer

Section III – Separations

Name	Department/Division	Eff. Date	Job Title
David Holstein	Fire	7/21/23	Firefighter/EMT
Jermaine E. Mitchell	PW/WPC	8/4/23	Sewer Maint Worker II
Jonathan D. Tompkins	Police	8/4/23	Patrol Officer
Joshua M. Willcutt	PW/Street	8/10/23	General Laborer
Regan Wood	Legal	8/9/23	Intern

Section IV – Increases per Memorandum of Understanding

Name	Department/Division	Eff. Date	Job Title
Mary M. Ayalla	DA's Office	7/20/23	Admin Supt Spec
Caitlin R. Taylor	DA's Office	7/20/23	Admin Supt Spec

Section VIII – Other Requests

Name	Department/Division	Action Requested and Explanation
John Baska	PW/WPC	Cert Pay efft 6/9/23 to WPC Class I
Marcos Oropeza	NRC	Amend PAC 7/20/23 to reflect change in efft date to 8/3/23 to Building Inspector I P3681

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

2. CLAIM FOR DAMAGES:

Michelle Boyles and Lucas Rhodes, 1646 S 49th Place, alleging damage to personal property due to a tree falling on the power line to the residence, on July 30, 2023.

Lucious Townsend, 7152 Riverview Ave, alleging damage to personal vehicle due to wet paint on the road, resubmitting claim from September 14, 2022.

Anoop Goyal/Redbridge KC Invest LLC, 700 & 704 N 70th St, alleging damage to property units due to sewer line backup, located at the residence on July 21, 2023.

Brian Ellington, 7027 NW 77th St, alleging damage and bodily injury, located at Legends Field 1800 Village West Pkwy on July 28, 2021.

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

3. TRAVEL REQUESTS:

TBD, Sheriff's, travel to Mulvane, KS, November 6-10, 2023, to attend 2023 KS Sheriff's Assn. Conference, Sheriff Training.

Taylor Mills, KCK Police, travel to Hays, KS, October 9-12, 2023, to attend 911 Center Supervisor Program, employee training and travel.

Sarah White, Public Works, travel to Seattle, WA, July 24-24, 2023, to attend NAFSMA Annual Conference, employee training and travel.

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

4. CERTIFICATE OF INSURANCE/LIABILITY INSURANCE:

- RBA Enterprise
- Soccer Nation KC LLC

Action: Referred to License.

5. BUSINESS BONDS:

- Electrical Bonds:
 - Davis Electrical LLC Adavis Electric
 - Hoskins Electric LLC
 - Valencia Electric
 - One Way Wireless Construction, Inc.
 - Electric Service Specialists, Inc.
 - Quality Electrical Service
 - Eleazar Rivera d/b/a AVIK Electric

- Mechanical/HVAC Bonds:
 - Climate Control Heating & Cooling, Inc.
 - Advanced Climate Solutions, LLC
- Plumber's Bonds:
 - Becerra Plumbing LLC

Action: Referred to License.

7. CONTINUATION CERTIFICATES:

- Plumbers Bonds:
 - Blue River Plumbing Inc
 - Schoeller Plumbing Inc
- Electrical Bonds:
 - J. Warren Company Inc
- Mechanical/HVAC Bonds:
 - FARR Mechanical, LLC
- Sign Installation & Service Bonds:
 - Roderick Advertising Co., Inc.

Action: Referred to License.

8. CANCELLATION NOTICE OF INSURANCE/BOND:

- Electrical Bonds:
 - Power Electric Service LLC
 - Waring Electric

Action: Referred to License.

9. SURETY RIDER:

- Plumber Bonds:
 - American Residential Services, LLC d/b/a Bob Hamilton Plumbing Heating A/C & Rooter
- Mechanical Bonds:
 - American Residential Services, LLC d/b/a Bob Hamilton Plumbing Heating A/C & Rooter
- Electrical Bonds:
 - American Residential Services, LLC d/b/a Bob Hamilton Plumbing Heating A/C & Rooter

Action: Referred to License.

6. APPLICATION FOR CMB LICENSE (OP):

- The BBQ Bistro of Kansas City LLC, Clayton Wells, d/b/a The Kansas City BBQ Bistro's Hickory Log, 5047 Welborn Ln., Kansas City, KS 66104.

Action: Referred to License.

7. APPLICATIONS FOR PVT. CLUB CLASS A:

- Argentine Eagles American Legion #213, Kerry Madrigal, d/b/a Argentine Eagles American Legion #213, 1044 S 26th Street, Kansas City, KS 66106. (2)

Action: Referred to License.



Staff Request for Commission Action

Tracking No. 212676

Full Commission Meeting Date:

Committee: Full Commission

Date of Standing Committee Action:

(If none, please explain):

Publication Required: No

<u>Date:</u>	<u>Contact Name:</u>	<u>Contact Phone:</u>	<u>Contact Email:</u>	<u>Department/Division:</u>
08/25/2023	Wendy Green	x5679	wmgreen@wycokck.org	Legal

Item Description:

A resolution to transfer title of Juniper Gardens to the Kansas City Kansas Housing Authority to clear the title for its sale, submitted by Wendy Green, Senior Counsel, Legal Department.

Action Requested:

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

Reso for Transfer of Juniper Gardens

RESOLUTION NO. R-_____

**A RESOLUTION AUTHORIZING THE UNIFIED GOVERNMENT TO TRANSFER
REAL ESTATE TO THE KANSAS CITY, KANSAS HOUSING AUTHORITY**

WHEREAS, the Unified Government of Wyandotte County/Kansas City, Kansas (“Unified Government”) is the legal owner of that certain real estate located at 1926 N. 1st Street, 1803 N. 3rd Street and 101 Walker Avenue, all in Kansas City, Kansas (collectively referred to as the “Properties”); and

WHEREAS, the Properties were acquired by purchase and condemnation in 1959 and 1960 specifically for the use of the Kansas City Kansas Housing Authority (“KCKHA”) as seen in the Warranty Deed and Condemnation Report attached hereto as Exhibit A; and

WHEREAS, the Unified Government has adopted procedures for the disposal of real property as authorized and provided for in K.S.A. 19-211(b) and as authorized by the Unified Government’s home rule power; and

WHEREAS, KCKHA has been operating the Properties as the Juniper Gardens apartment complex, the oldest and largest public housing development in the State of Kansas, since it was built in 1962; and

WHEREAS, KCKHA is a separate legal entity from the Unified Government and the Properties should have been transferred to its ownership back when the development was built; and

WHEREAS, KCKHA is in the process of selling the Properties and this transfer is required so that they can convey title to the purchaser under their sale agreement.

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

Section 1. That the Unified Government Board of Commissioners hereby approves the transfer of 1926 N. 1st Street, 1803 N. 3rd Street and 101 Walker Avenue, all in Kansas City, Kansas, to the Kansas City Kansas Housing Authority by way of deed.

Section 2. That the County Administrator and other officials and representatives of the Unified Government are hereby authorized to execute in the name of the Unified Government of Wyandotte County/Kansas City, Kansas, such deeds and any such 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 will take effect and be in full force from and after its passage by the Board of Commissioners.

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

Tyrone A. Garner
Mayor/CEO

Attest:

Unified Government Clerk
Approved as to Form:

Chief Counsel



Staff Request for Commission Action

Tracking No. 212628

Full Commission Meeting Date:

Committee: Neighborhood & Community Development

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>
08/25/2023	Jud Knapp	x5472	jknapp@wycokck.org	Land Bank

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.

9 Single Family Homes

Action Requested:

Approve and forward to Land Bank Board of Trustees

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

FC Memo Land Bank Options 08.31.23



Wyandotte County Land Bank
Economic Development Department
Jud Knapp, Manager

701 North 7th St., 4th Floor
Kansas City, Kansas 66101

Phone: (913) 573-5472
Fax: (913) 573-5745
Email: jknapp@wycokck.org

M E M O R A N D U M

TO: Full Commission
FROM: Jud Knapp, Land Bank Manager
DATE: August 25, 2023
SUBJECT: Option applications for consideration

The following **option application(s)** was presented at the 08/14/2023 meeting:
Please visit the new site to review the applications below
<https://gisapp.wycokck.org/Landbank.html>

A. Single Family Homes – 2 Homes

1. Jamie Shipley – 1 home
 - i. 1600 S 86th St – 145656
2. Victor Hugo Martinez – 1 home
 - i. 3719 Powell Ave – 170902
3. Kale Caldwell – 1 home
 - i. 1640 S 14th St – 143161
4. JM Framing – 1 home
 - i. 3131 N 70th Ter – 034905
5. William Brantley Development, LLC – 1 home
 - i. 517 Elizabeth Ave – 119134
6. William Brantley Development, LLC – 1 home
 - i. 624 Orville Ave - 118453
7. William Brantley Development, LLC – 1 home
 - i. 752 Sandusky Ave – 081470
 - ii. 507 N 8th ST - 081470
8. William Brantley Development, LLC – 1 home
 - i. 645 Sandusky Ave - 198815
9. Miguel Cortes – 1 home
 - i. 2935 N 77th St - 928517



Staff Request for Commission Action

Tracking No. 212629

Full Commission Meeting Date:

Committee: Neighborhood & Community Development

Date of Standing Committee Action:

(If none, please explain):

Publication Required: No

<u>Date:</u> 08/25/2023	<u>Contact Name:</u> Jud Knapp	<u>Contact Phone:</u> x5472	<u>Contact Email:</u> jknapp@wycokck.org	<u>Department/Division:</u> Land Bank
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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:

FC Memo Land Bank Property Transfers 08.31.23



Wyandotte County Land Bank
Economic Development Department
Jud Knapp, Manager

701 North 7th St., 4th Floor
Kansas City, Kansas 66101

Phone: (913) 573-5472
Fax: (913) 573-5745
Email: jknapp@wycokck.org

M E M O R A N D U M

TO: Full Commission
FROM: Jud Knapp, Land Bank Manager
DATE: August 25, 2023
SUBJECT: Property Transfers applications for consideration

The following **property transfers application(s)** was presented at the 08/14/2023 meeting:
Please visit the new site to review the applications below
<https://gisapp.wycokck.org/Landbank.html>

PT – Property Transfers

1. Luis Cabrera – Yard Extension
 - i. 1729 S 15th St
2. Unified Government – Storm Water Project
 - i. 1060 Minnesota Ave – 080412
 - ii. 1059 State Ave - 080409

