

**UPDATED AGENDA  
SEPTEMBER 28, 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 7<sup>th</sup> Street, Kansas City, Kansas, or virtually via a Zoom webinar.

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/83220206415>

Or One tap mobile:

+16694449171,83220206415# US

+16699009128,83220206415# US (San Jose)

Or Telephone:

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

+1 669 444 9171 US, +1 669 900 9128 US (San Jose), +1 719 359 4580 US, +1 253 205 0468 US, +1 253 215 8782 US (Tacoma), +1 346 248 7799 US (Houston), +1 507 473 4847 US, +1 564 217 2000 US, +1 646 558 8656 US (New York), +1 646 931 3860 US, +1 689 278 1000 US, +1 301 715 8592 US (Washington DC), +1 305 224 1968 US, +1 309 205 3325 US, +1 312 626 6799 US (Chicago), +1 360 209 5623 US, +1 386 347 5053 US

888 475 4499 US (Toll-Free)

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Webinar ID: 832 2020 6415

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- I. CALL TO ORDER**
- II. ROLL CALL**
- III. INVOCATION GIVEN BY STELLA RUIZ, OAK GROVE CHRISTIAN CHURCH**
- IV. PLEDGE OF ALLEGIANCE**
- V. REVISIONS TO THURSDAY, SEPTEMBER 28, 2023 AGENDA**

**BLUE SHEET – ADDING ITEM**

**MAYOR’S AGENDA**

**Item No. 9 - RESOLUTION: COMMUNITY IDENTIFICATION PROGRAM**

**Synopsis:** A resolution to temporarily suspend applications of the community identification until such time as the issues have been resolved or the statute amended, submitted by Angela Lawson, Interim Chief Counsel.

**Tracking #:** 212770

**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. MAYOR'S AGENDA
- VIII. PLANNING AND ZONING CONSENT AGENDA
- IX. PLANNING AND ZONING NON-CONSENT 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. MAYOR'S AGENDA**

##### **Item No. 1 - VETO: MAYOR'S VETO SEWER SERVICE CHARGES**

**Synopsis:** Veto of Mayor/Chief Executive Officer Tyrone A. Garner to Ordinance O-105-23 relating to sewer service charges, submitted by Tyrone A. Garner, Mayor/CEO.

**Tracking #:** 212762

##### **Item No. 2 - VETO: MAYOR'S VETO BOARD OF PUBLIC UTILITIES REVENUES (PILOT)**

**Synopsis:** Veto of Mayor/Chief Executive Officer Tyrone A. Garner to Resolution R-59-23 setting the percentage of gross revenues to be set over by the Board of Public Utilities for the year 2024, submitted by Tyrone A. Garner, Mayor/CEO.

**Tracking #:** 212763

##### **Item No. 3 - VETO: MAYOR'S VETO CITY/COUNTY BUDGETS**

**Synopsis:** Veto of Mayor/Chief Executive Officer Tyrone A. Garner to Resolution R 57-23/Ordinance O-108-23 approving and adopting the Amended 2023 Budget and the 2024 Annual Budget of the City of Kansas City, Kansas, and Wyandotte County, submitted by Tyrone A. Garner, Mayor/CEO.

**Tracking #:** 212761

##### **Item No. 4 - PROCLAMATION: PROSTATE CANCER AWARENESS MONTH**

**Synopsis:** Proclamation proclaiming the month of September 2023, as Prostate Cancer Awareness Month, submitted by Tyrone A. Garner, Mayor/CEO.

**Tracking #:** 212754



**Item No. 5 - PROCLAMATION: HOLY FAMILY CATHOLIC CHURCH DAY**

**Synopsis:** Proclamation proclaiming September 23, 2023, as Holy Family Catholic Church Day, submitted by Tyrone A. Garner, Mayor/CEO.

**Tracking #:** 212755

**Item No. 6 - PROCLAMATION: WYANDOTTE CLASS OF 1978 DAY**

**Synopsis:** Proclamation proclaiming September 23, 2023, as Wyandotte Class of 1978 Day, submitted by Tyrone A. Garner, Mayor/CEO.

**Tracking #:** 212756

**Item No. 7 - PROCLAMATION: GOOD NEIGHBOR DAY**

**Synopsis:** Proclamation proclaiming September 28, 2023, as Good Neighbor Day, submitted by Tyrone A. Garner, Mayor/CEO.

**Tracking #:** 212757

**Item No. 8 - PROCLAMATION: 105TH NAACP KANSAS CITY, KANSAS BRANCH DAY**

**Synopsis:** Proclamation proclaiming September 30, 2023, as 105th NAACP Kansas City, Kansas Branch Day, submitted by Tyrone A. Garner, Mayor/CEO.

**Tracking #:** 212758

**Item No. 9 - RESOLUTION: COMMUNITY IDENTIFICATION PROGRAM (ADDED PER BLUE SHEET)**

**Synopsis:** A resolution to temporarily suspend applications of the community identification until such time as the issues have been resolved or the statute amended, submitted by Angela Lawson, Interim Chief Counsel.

**Tracking #:** 212770

**VIII. PLANNING AND ZONING CONSENT AGENDA**

**A. CHANGE OF ZONE APPLICATIONS**

**1. COZ023-019 - YEKATERINA MAKARENKO**

**Synopsis:** Change of Zone from CP-2 Planned General Business District and R-1 Single Family District to CP-3 Planned Commercial District to continue to operate an auto repair shop as well as open a garage door installation shop at 7511 Leavenworth Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL)**

**Tracking #:** 212732

**2. COZ2023-022 - ALEX ELLIOTT WITH ATLAS LAND CONSULTING**

**Synopsis:** Change of Zone from CP-O Planned Non-Retail Business District to CP-1 Planned Limited Business District to operate a retail candy store at 2324 Grandview Boulevard, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL)**

**Tracking #:** 212733

3. **COZ2023-023 - ALEX ELLIOTT WITH ATLAS LAND CONSULTING**

**Synopsis:** Change of Zone from R-1 Single Family District to A-G Agriculture District for agricultural uses, including the keeping of cattle at 3308 North 75th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL)**

**Tracking #:** 212735

**B. SPECIAL USE PERMIT APPLICATIONS**

1. **SP2023-017 - WILLIAM WALKER, JR. WITH WALKER REAL ESTATE**

**Synopsis:** Special Use Permit for a Short-Term Rental in one (1) of four-plex units at 15 South 17th Street #2, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL FOR 1 YEAR)**

**Tracking #:** 212736

2. **SP2023-040 - KRISTI PRIDDY**

**Synopsis:** Special Use Permit to keep livestock at 3425 North 87th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**

**Tracking #:** 212737

3. **SP2023-044 - UBLESTER GONZALEZ**

**Synopsis:** Renewal of a Special Use Permit (SP2020-100 expired 5/6/2023) to operate a car audio installation business at 1315 State Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL FOR 5 YEARS)**

**Tracking #:** 212739

4. **SP2023-059 - JORGE RAMIREZ**

**Synopsis:** Special Use Permit for a drinking establishment with live entertainment at 4960 State Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**

**Tracking #:** 212742

5. **SP2023-060 - GUNNAR HAND, AICP - UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS**

**Synopsis:** Special Use Permit for an event space at Legends Field at 1800 Village West Parkway, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL - INDEFINITE)**

**Tracking #:** 212743

**C. MASTER PLAN AMENDMENT APPLICATION**

1. **MPL2023-011 - ALEX ELLIOTT WITH ATLAS LAND CONSULTING**

**Synopsis:** Master Plan Amendment from Residential (Central Area Plan) to Community Commercial (Central Area Plan) at 2324 Grandview Boulevard, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL)**

**Tracking #:** 212734

## D. PLAN REVIEW APPLICATIONS

### 1. PR2023-019 - ANDREA RAND WITH ISG

**Synopsis:** Preliminary and Final Plan Review for a self-storage facility at 5200 State Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL)**

**Tracking #:** 212745

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

1. AN ORDINANCE rezoning property at 3000 South 74th Street (COZ2023-014) 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 #:** 212716
2. AN ORDINANCE authorizing a Special Use Permit for a non-owner-occupied Short-Term Rental (SP2023-020) at 2737 South 53rd Terrace, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL)**  
**Tracking #:** 212717
3. AN ORDINANCE authorizing a Special Use Permit for a non-owner-occupied Short-Term Rental (SP2023-026) at 31 South Tremont Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL)**  
**Tracking #:** 212718
4. AN ORDINANCE authorizing a Special Use Permit for a day care center (SP2023-043) at 2605 West 39th Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL)**  
**Tracking #:** 212719
5. AN ORDINANCE authorizing a Special Use Permit for a non-owner-occupied Short-Term Rental (SP2023-046) at 4138 Lloyd Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL)**  
**Tracking #:** 212720
6. AN ORDINANCE authorizing a Special Use Permit for an non-owner-occupied Short-Term Rental (SP2023-048) at 3925 Springfield Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL)**  
**Tracking #:** 212721
7. AN ORDINANCE authorizing a Special Use Permit for a non-owner-occupied Short-Term Rental (SP2023-049) at 4028 Booth Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL)**  
**Tracking #:** 212722

8. AN ORDINANCE authorizing a Special Use Permit for a non-owner-occupied Short-Term Rental (SP2023-050) at 4456 Springfield Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL)**  
Tracking #: 212723
9. AN ORDINANCE authorizing a Special Use Permit for a non-owner-occupied Short-Term Rental (SP2023-052) at 2504 West 47th Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL)**  
Tracking #: 212724
10. AN ORDINANCE authorizing a Special Use Permit for a non-owner-occupied Short-Term Rental (SP2023-053) at 2822 West 43rd Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL)**  
Tracking #: 212725
11. AN ORDINANCE authorizing a Special Use Permit for a non-owner-occupied Short-Term Rental (SP2023-054) at 719 Lyon Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL)**  
Tracking #: 212726
12. AN ORDINANCE authorizing a Special Use Permit for a non-owner-occupied Short-Term Rental (SP2023-056) at 4206 Mission Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL)**  
Tracking #: 212727
13. AN ORDINANCE authorizing a Special Use Permit for a Short-Term Rental (SP2023-051) at 2924 Eaton Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL)**  
Tracking #: 212728
14. AN ORDINANCE authorizing a Special Use Permit for a non-owner-occupied Short-Term Rental (SP2023-033) at 4016 Springfield Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL)**  
Tracking #: 212729
15. AN ORDINANCE authorizing a Special Use Permit for a non-owner-occupied Short-Term Rental (SP2023-030) at 2602 Essex, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL)**  
Tracking #: 212730

16. AN ORDINANCE authorizing a Special Use Permit for a non-owner-occupied Short-Term Rental (SP2023-031) at 2602 North 107th Terrace, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.  
**(RECOMMENDED FOR APPROVAL)**  
**Tracking #: 212731**
17. AN ORDINANCE authorizing a Special Use Permit (SP2023-034) to keep 20 chickens at 9350 Nelson Lane, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL)**  
**Tracking #: 212746**

## **IX. PLANNING AND ZONING NON-CONSENT AGENDA**

### **A. SPECIAL USE PERMIT APPLICATIONS**

1. **SP2023-042 - MATT THOMAS WITH FIRM FOUNDATION MINISTRIES, INC.**  
**Synopsis:** Special Use Permit to operate a group dwelling unit at 1723 Quindaro Boulevard, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL - 6/2 VOTE FOR 2 YEARS)**  
**Tracking #: 212738**
2. **SP2023-047 - LANCE PIERCE WITH KARAT VACATION RENTAL MANAGEMENT**  
**Synopsis:** Special Use Permit to operate a Short-Term Rental at 3917 Fisher Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL FOR 1 YEAR - 6/2 VOTE)**  
**Tracking #: 212740**
3. **SP2023-057 - BETSY MAXFIELD**  
**Synopsis:** Special Use Permit to operate a Short-Term Rental at 4436 Cambridge Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL FOR 1 YEAR - 7/1 VOTE)**  
**Tracking #: 212741**
4. **SP2023-061 - TATUM PHILLIP**  
**Synopsis:** Special Use Permit to operate a Short-Term Rental at 809 Central Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL FOR 1 YEAR - 6/1 VOTE)**  
**Tracking #: 212744**

### **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 #:** 212753

## **TAX STATUS REPORT**

### **BOARD OF COMMISSIONERS AGENDA FOR SEPTEMBER 28, 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.

## **X. REGULAR CONSENT AGENDA**

### **Item No. 1 - PLAT: LOZANO ADDITION**

**Synopsis:** Plat of Lozano Addition, located at 8505 Kansas Avenue, and being developed by Yakeline A. Delgado-Lozano, submitted by Brent Thompson, County Surveyor, and Troy Shaw, County Engineer.

**Tracking #:** 212747

### **Item No. 2 - PLAT: HOLLINGSWORTH AND HUTTON ESTATE**

**Synopsis:** Plat of Hollingsworth 7 Hutton Estate, located at 10551 Hollingsworth Road, and being developed by Matthew Francis, submitted by Brent Thompson, County Surveyor, and Troy Shaw, County Engineer.

**Tracking #:** 212748

### **Item No. 3 - PLAT: 57/70 DEVELOPMENT**

**Synopsis:** Plat of 57/70 Development, located at 11 South 59th Lane, and being developed by Reclaimed Materials Yard LLC, submitted by Brent Thompson, County Surveyor, and Troy Shaw, County Engineer.

**Tracking #:** 212749

### **Item No. 4 - MINUTES**

**Synopsis:** Minutes from the Regular Session meeting on December 1, 2022 and the Special Session meetings on August 17th and 24th, 2023.

**Tracking #:** MINUTES

### **Item No. 5 - WEEKLY BUSINESS**

**Synopsis:** Weekly business materials dated August 31, September 7, and September 14, 2023.

**Tracking #:** WEEKLY BUSINESS

## **XI. PUBLIC HEARING AGENDA**

## **XII. STANDING COMMITTEES' AGENDA**

### **Item No. 1 - ORDINANCE: BPU PILOT RELIEF**

**Synopsis:** Approving adoption of ordinances and Charter ordinances to allow for PILOT relief for older adults and individuals with disabilities and allowing different percentages for residential and commercial rates, submitted by Jeff Conway, Assistant Counsel.

*On September 25, 2023, the **Administration and Human Services Standing Committee**, chaired by Commissioner Markley, voted unanimously to approve and forward to full commission.*

**Tracking #:** 212708

## **XIII. ADMINISTRATOR'S AGENDA**

### **Item No. 1 - NOMINATIONS: DELEGATES LEAGUE OF KANSAS MUNICIPALITIES**

**Synopsis:** Approval of delegates to the League of Kansas Municipalities conference, submitted by Alan Howze, Assistant County Administrator.

**Tracking #:** 212751

### **Item No. 2 - RESOLUTION: WYANDOTTE COUNTY LIBRARY**

**Synopsis:** A resolution expressing the property taxation policy of the Unified Government of Wyandotte County/Kansas City, Kansas, with respect to financing the 2024 annual budget for the Wyandotte County Library, and approving, adopting, and appropriating the budget of the Wyandotte County Library Board and levying a tax for the year beginning January 1, 2024.

**Tracking #:** 212750

### **Item No. 3 - ORDINANCE: HOMEFIELD CID ASSESSMENTS**

**Synopsis:** An ordinance levying the maximum CID assessments for the Homefield project, submitted by Jeff Conway, Legal department.

**Tracking #:** 212752

## **XIV. COMMISSIONERS' AGENDA**

## **XV. LAND BANK BOARD OF TRUSTEES' CONSENT AGENDA**

## **XVI. PUBLIC ANNOUNCEMENTS**

## **XVII. ADJOURN**

**AGENDA UPDATE  
UNIFIED GOVERNMENT COMMISSION MEETING  
THURSDAY, SEPTEMBER 28, 2023**

**VII. MAYOR'S AGENDA**

**ADDING ITEM**

**Item No. 9 - RESOLUTION: COMMUNITY IDENTIFICATION PROGRAM**

**Synopsis:** A resolution to temporarily suspend applications of the community identification until such time as the issues have been resolved or the statute amended, submitted by Angela Lawson, Interim Deputy Chief Counsel.

**Tracking #:** 212770





# Staff Request for Commission Action

Tracking No. 212762

**Full Commission Meeting Date:**

**Committee:** Full Commission

Date of Standing Committee Action:

(If none, please explain):

**Publication Required:** No

|                            |                                   |                                |                                             |                                               |
|----------------------------|-----------------------------------|--------------------------------|---------------------------------------------|-----------------------------------------------|
| <u>Date:</u><br>09/26/2023 | <u>Contact Name:</u><br>Ana Marin | <u>Contact Phone:</u><br>x5010 | <u>Contact Email:</u><br>amarin@wycokck.org | <u>Department/Division:</u><br>Mayor's Office |
|----------------------------|-----------------------------------|--------------------------------|---------------------------------------------|-----------------------------------------------|

Item Description:

Veto of Mayor/Chief Executive Officer Tyrone A. Garner to Ordinance O-105-23 relating to sewer service charges, submitted by Tyrone A. Garner, Mayor/CEO.

Action Requested:

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

sewer service veto



Unified Government of  
Wyandotte County/Kansas City, Kansas  
Tyrone A. Garner, Mayor/CEO

**Commission Action Notice**

**TO:** Unified Government Board of Commissioners, Unified Government Clerk  
**From:** Mayor/Chief Executive Officer Tyrone Garner  
**Date:** September 25th, 2023  
**Subject:** Sewer Service Charges – Ord. NO. 0-105-23  
**Copy:** County Administrator David Johnston; Acting Chief Legal Counsel Angela Lawson

Charter Ordinance 114, Section 1, sub section 2.10, B – VETO – in part provides that the Chief Executive/Mayor shall have the power to sign or veto any ordinance or resolution passed by the Commission...if the chief executive /mayor does not sign his or her approval of the ordinance or return the same with his or her veto, stating his objection in writing , on or before the next regular meeting of the unified board of commissioners...

This is my official notification that I am exercising the authority granted to me under Charter Ordinance 114, Section 1, sub section 2.10, B – Veto, and I hereby VETO those actions taken during the September 14<sup>th</sup>, 2023, Unified Government Commission meeting pertaining to Ordinance NO. 0-105-23 (Sewer Service Charges).

This veto notification action is to be placed on the Commission agenda as a part of the first item on the mayor's agenda of the full Unified Government of WYCO/KCK commission meeting slated for 9/28/23. The mayor's agenda should be the first agenda item for business action at said commission meeting.

Signed

  
Mayor/CEO Tyrone Garner 9-26-23

(Published September 28, 2023)

**ORDINANCE NO. O-105-23**

**AN ORDINANCE RELATING TO SEWER SERVICE CHARGES, APPROVING THE REGULATION ESTABLISHING THE RATE, EFFECTIVE JANUARY 1, 2024, AS AUTHORIZED BY SECTION 30-96 OF THE CODE OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, AND REPEALING ANY PREVIOUSLY ADOPTED REGULATIONS ESTABLISHING SUCH RATES.**

**WHEREAS**, the governing body of the Unified Government of Wyandotte County/Kansas City, Kansas has determined as part of the projected annual budget that sewer service charges are required to be increased by five percent effective January 1, 2024; and

**WHEREAS**, Section 30-96 of the Code of the Unified Government of Wyandotte County/ Kansas City, Kansas provides that the Board of Commissioners shall establish by regulation the rates for sewer charges necessary to ensure that the system generates adequate annual revenues to pay the annual costs of operation and maintenance, to satisfy costs associated with any obligations, and to provide for costs associated with the Unified Government capital improvement plan and the expenses of the annual operation of the Water Pollution Control Division for providing services; and

**WHEREAS**, the County Administrator has recommended to the Board of Commissioners the rates for sewer charges deemed necessary under Section 30-96 of the Unified Government Code , as reflected in the attached Regulation (Exhibit A); and

**WHEREAS**, the governing body desires to establish the rates for sewer service charges by adopting the attached Regulation; and

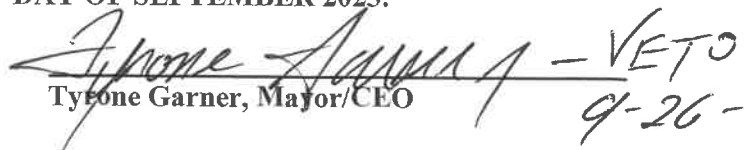
**NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS:**

**Section 1.** That it hereby adopts the attached Regulation increasing sewer service charges by five percent effective January 1, 2024, and directs that this Ordinance and the attached Regulation be published in the official newspaper of the Unified Government.

**Section 2.** That any resolutions, ordinances, and regulations previously adopted pursuant to Section 30-96 establishing sewer service charges be and the same are hereby repealed effective January 1, 2024.

**Section 3.** This ordinance shall take effect and be in full force from and after its passage, approval, and publication in the official Unified Government newspaper.

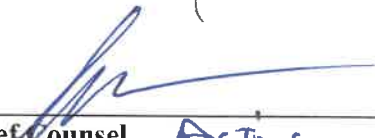
**PASSED BY THE BOARD OF COMMISSIONERS OF THE  
UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS,  
THIS 14<sup>th</sup> DAY OF SEPTEMBER 2023.**

 - VETO  
Tyrone Garner, Mayor/CEO  
9-26-23

Attest:

  
Unified Government Deputy Clerk

Approved as to form:

  
Chief Counsel Acting



# Staff Request for Commission Action

Tracking No. 212763

**Full Commission Meeting Date:**

**Committee:** Full Commission

Date of Standing Committee Action:

(If none, please explain):

**Publication Required:** No

|                            |                                   |                                |                                             |                                               |
|----------------------------|-----------------------------------|--------------------------------|---------------------------------------------|-----------------------------------------------|
| <u>Date:</u><br>09/26/2023 | <u>Contact Name:</u><br>Ana Marin | <u>Contact Phone:</u><br>x5010 | <u>Contact Email:</u><br>amarin@wycokck.org | <u>Department/Division:</u><br>Mayor's Office |
|----------------------------|-----------------------------------|--------------------------------|---------------------------------------------|-----------------------------------------------|

Item Description:

Veto of Mayor/Chief Executive Officer Tyrone A. Garner to Resolution R-59-23 setting the percentage of gross revenues to be set over by the Board of Public Utilities for the year 2024, submitted by Tyrone A. Garner, Mayor/CEO.

Action Requested:

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

pilot veto



Unified Government of  
Wyandotte County/Kansas City, Kansas  
Tyrone A. Garner, Mayor/CEO

Commission Action Notice

**TO:** Unified Government Board of Commissioners, Unified Government Clerk  
**From:** Mayor/Chief Executive Officer Tyrone Garner  
**Date:** September 25th, 2023  
**Subject:** BPU PILOT Rate (Resolution NO. R-59-23)  
**Copy:** County Administrator David Johnston; Acting Chief Legal Counsel Angela Lawson

Charter Ordinance 114, Section 1, sub section 2.10, B – VETO – in part provides that the Chief Executive/Mayor shall have the power to sign or veto any ordinance or resolution passed by the Commission...if the chief executive /mayor does not sign his or her approval of the ordinance or return the same with his or her veto, stating his objection in writing , on or before the next regular meeting of the unified board of commissioners...

This is my official notification that I am exercising the authority granted to me under Charter Ordinance 114, Section 1, sub section 2.10, B – Veto, and I hereby VETO those actions taken during the September 14<sup>th</sup>, 2023, Unified Government Commission meeting pertaining to resolution NO. R -59-23 (Setting the percentage of Gross Revenues to be set over by the Board of Public Utilities to the Unified Government for the year 2024).

This veto notification action is to be placed on the Commission agenda as a part of the first item on the mayor's agenda of the full Unified Government of WYCO/KCK commission meeting slated for 9/28/23. The mayor's agenda should be the first agenda item for business action at said commission meeting.

Signed   
Mayor/CEO Tyrone Garner 9-26-23

Published September 28, 2023

**RESOLUTION NO. R-59-23**

**A RESOLUTION    SETTING THE PERCENTAGE OF GROSS REVENUES TO BE SET OVER BY THE BOARD OF PUBLIC UTILITIES TO THE UNIFIED GOVERNMENT FOR THE YEAR 2024.**

**WHEREAS**, Unified Government Charter Ordinance No. CO-3-02 requires the annual setting over of funds by the BPU to be used for governmental functions, known as a payment in lieu of taxes or “the PILOT”;

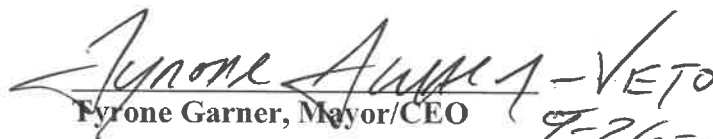
**WHEREAS**, Section 18 of said Charter Ordinance states that the percentage of gross operating revenues to be set over to funds to be used for governmental purposes shall be determined by resolution, by the Unified Government of Wyandotte County/Kansas City, Kansas (“Unified Government”) in an amount not less than 5 percent nor more than 15 percent of its gross revenues for a fiscal year; and

**WHEREAS**, the Board of Commissioners believes it is necessary to set the PILOT at 11.9% for the 2024 fiscal year.

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

1. That the transfer payment based on a percentage of gross revenues to be set over by the Board of Public Utilities to the Unified Government to be used for governmental purposes shall be 11.9% for the fiscal year 2024.
2. The Unified Government Clerk is hereby authorized and directed to give written notice to the Board of Public Utilities of this resolution immediately following its adoption.

**ADOPTED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS  
THIS 14th DAY OF SEPTEMBER 2023.**

  
Tyrone Garner, Mayor/CEO **-VETO**  
9-26-23

**Attest:**

  
Unified Government Deputy Clerk

Approved as to Form:

De [unclear]

Chief Counsel





# Staff Request for Commission Action

Tracking No. 212761

**Full Commission Meeting Date:**

**Committee:** Full Commission

Date of Standing Committee Action:

(If none, please explain):

**Publication Required:** No

|                                                                                                                                                                                                                                                                                                           |                                   |                                |                                             |                                               |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------|--------------------------------|---------------------------------------------|-----------------------------------------------|
| <u>Date:</u><br>09/26/2023                                                                                                                                                                                                                                                                                | <u>Contact Name:</u><br>Ana Marin | <u>Contact Phone:</u><br>x5010 | <u>Contact Email:</u><br>amarin@wycokck.org | <u>Department/Division:</u><br>Mayor's Office |
| <u>Item Description:</u><br>Veto of Mayor/Chief Executive Officer Tyrone A. Garner to Resolution R 57-23/Ordinance O-108-23 approving and adopting the Amended 2023 Budget and the 2024 Annual Budget of the City of Kansas City, Kansas, and Wyandotte County, submitted by Tyrone A. Garner, Mayor/CEO. |                                   |                                |                                             |                                               |
| <u>Action Requested:</u>                                                                                                                                                                                                                                                                                  |                                   |                                |                                             |                                               |
| <u>Budget Impact: (if applicable)</u><br>Amount:<br>Source:<br>Included In Budget:<br>Other (explain):                                                                                                                                                                                                    |                                   |                                |                                             |                                               |
| <u>Attachments List:</u><br>budget veto                                                                                                                                                                                                                                                                   |                                   |                                |                                             |                                               |



Unified Government of  
Wyandotte County/Kansas City, Kansas  
Tyrone A. Garner, Mayor/CEO

**Commission Action Notice**

**TO:** Unified Government Board of Commissioners, Unified Government Clerk  
**From:** Mayor/Chief Executive Officer Tyrone Garner  
**Date:** September 25th, 2023  
**Subject:** City/County Budget and CMIP (R-57-23) and (Ord. 0-108-23)  
**Copy:** County Administrator David Johnston; Acting Chief Legal Counsel Angela Lawson

Charter Ordinance 114, Section 1, sub section 2.10, B – VETO – in part provides that the Chief Executive/Mayor shall have the power to sign or veto any ordinance or resolution passed by the Commission...if the chief executive /mayor does not sign his or her approval of the ordinance or return the same with his or her veto, stating his objection in writing , on or before the next regular meeting of the unified board of commissioners...

This is my official notification that I am exercising the authority granted to me under Charter Ordinance 114, Section 1, sub section 2.10, B – Veto, and I hereby VETO those actions taken during the September 14<sup>th</sup>, 2023, Unified Government Commission meeting pertaining to resolution NO. R -57-23 and Ordinance NO. 0-108-23, City/County Budgets and CMIP Mil Levy rates.

This veto notification action is to be placed on the Commission agenda as a part of the first item on the mayor's agenda of the full Unified Government of WYCO/KCK commission meeting slated for 9/28/23. The mayor's agenda should be the first agenda item for business action at said commission meeting.

Signed

  
Mayor/CEO Tyrone Garner 9-26-23

(Published September 28, 2023)

**RESOLUTION NO. R-57-23**

**ORDINANCE NO. O-108-23**

**A RESOLUTION**

**And AN ORDINANCE**

**APPROVING, ADOPTING AND APPROPRIATING THE OPERATING AND CAPITAL MAINTENANCE IMPROVEMENT PROJECT BUDGETS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/ KANSAS CITY, KANSAS, AS SUBMITTED AND AMENDED BY ATTACHMENT A, FOR THE FISCAL YEARS BEGINNING JANUARY 1, 2023 AND THE FISCAL YEAR BEGINNING JANUARY 1, 2024; APPROVING THE FIVE YEAR CAPITAL MAINTENANCE IMPROVEMENT PROGRAM FOR FISCAL YEARS 2024 THROUGH 2028.**

**WHEREAS**, Section 3.06 of Resolution R-1-97 of the Unified Government of Wyandotte County/Kansas City, Kansas (the “Unified Government”) requires the Unified Government Commission to adopt an annual budget for both Wyandotte County and the City of Kansas City, Kansas, and such budgets shall constitute the appropriation for purposes stated of the sums therein set forth as the appropriation and authorization of the amount to be raised by taxation for the purposes of Wyandotte County and of the City of Kansas City, Kansas;

**WHEREAS**, the Unified Government Commission has fully complied with all of the requirements of said Unified Government resolution and Kansas state statutes with respect to reviewing these budgets and holding a public hearing thereon;

**WHEREAS**, the 2024-2028 Capital Maintenance Improvement Program (CMIP) has been prepared by staff for the purpose of planning for and prioritizing public improvement projects over the next five years.

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

**Section 1.** The Governing Body of the Unified Government of Wyandotte County/ Kansas City, Kansas hereby approves a rate of 38.477 mills for Tax Year 2024 for the City of Kansas City, Kansas.

**Section 2.** The Governing Body of the Unified Government of Wyandotte County/Kansas City, Kansas hereby approves a rate of 37.328 mills for Tax Year 2024 for Wyandotte County, Kansas.

**Section 3.** The governing body certifies that the amounts to be raised by ad valorem property tax levies are within the statutory limitations.

**Section 4.** The 2023 Amended Budget and the 2024 Annual Budget of the Unified Government of Wyandotte County/Kansas City, Kansas, for Wyandotte County and for the City of Kansas City, Kansas, as submitted by the County Administrator and available at <https://www.wycokck.org/Departments/Finance/Budget>, a copy of which is also available in the Unified Government Clerk's Office and which is incorporated by reference herein, and amended by the Unified Government Commission as set out in **Attachment A** (if necessary) are hereby approved and adopted for which the obligations may be made on behalf of the Unified Government of Wyandotte County/Kansas City, Kansas, and funds are hereby appropriated in support of such budget.

**Section 5.** The governing body approves and adopts the 2024-2028 Capital Maintenance Improvement Program contained in the Capital Maintenance Improvement Program Section of the 2023 Amended Budget and the 2024 Annual Budget of the Unified Government of Wyandotte County/Kansas City, Kansas, for Wyandotte County and for the City of Kansas City, Kansas, as submitted by the County Administrator, amended by the Unified Government Commission as set out in **Attachment A** (if necessary) and available at <https://www.wycokck.org/Departments/Finance/Budget>, a copy of which is also available in the Unified Government Clerk's Office and which is incorporated by reference herein.

**Section 6.** The governing body also approves and adopts the Amended 2023 and 2024 Capital Budget contained in the Capital Maintenance Improvement Program Section of the 2023 Amended Budget and the 2024 Annual Budget of the Unified Government of Wyandotte County/Kansas City, Kansas, for Wyandotte County and for the City of Kansas City, Kansas, as submitted by the County Administrator, amended by the Unified Government Commission as set out in **Attachment A** (if necessary) and available at <https://www.wycokck.org/Departments/Finance/Budget>, a copy of which is also available in the Unified Government Clerk's Office and which is incorporated by reference herein.

**Section 7.** The governing body of the Unified Government hereby authorizes and orders the construction of the improvements and acquisition of equipment, and financing of the costs related thereto, as set forth in the 2024-2028 Capital Maintenance Improvement Program and the Amended 2023 and 2024 Capital Budget, contained in the Capital Maintenance Improvement Program Section of the 2023 Amended Budget and the 2024 Annual Budget of the Unified Government of Wyandotte County/Kansas City, Kansas, for Wyandotte County and for the City of Kansas City, Kansas, as submitted by the County Administrator, amended by the Unified Government Commission as set out in **Attachment A** (if necessary), and available at <https://www.wycokck.org/Departments/Finance/Budget>, a copy of which is also available in the Unified Government Clerk's Office and which is incorporated by reference herein.

**Section 8.** The Mayor/CEO, Unified Government Clerk, County Administrator, Unified Government Chief Financial Officer and Unified Government Chief Counsel and other appropriate officers and agents of the Unified Government are hereby authorized and directed to take such action, expend such funds and execute such documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Resolution and Ordinance.

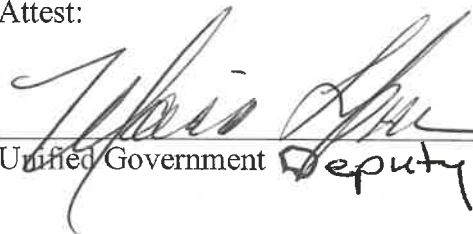
**Section 9.** This Resolution and Ordinance, as the expression of the governing body's official intent regarding the matters described herein, will be available for public inspection in the Unified Government Clerk's office at 701 N. 7<sup>th</sup> St., Kansas City, Kansas, during regular business hours of the Unified Government.

**Section 10.** This Resolution and Ordinance shall take effect and be in full force upon its approval, passage, and publication (or publication of a summary thereof) in the official Unified Government newspaper.

**ADOPTED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT  
OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS  
THIS 14th DAY OF SEPTEMBER 2023.**

 - VETO  
Tyrone Garner, Mayor/CEO 9-26-23

Attest:

  
Unified Government Deputy Clerk

Approved as to Form:

  
Chief Counsel

## ATTACHMENT A



# PROCLAMATION

- WHEREAS,** prostate cancer is the most commonly diagnosed form of cancer and the second leading cause of cancer-related deaths among men; and
- WHEREAS,** this year approximately 288,300 men will be diagnosed with prostate cancer in the United States alone this year and roughly 34,700 will die this year from the disease — which is one man every 15 minutes; and
- WHEREAS,** 1 in 8 men are diagnosed with prostate cancer. African American men are at the highest risk for the disease with a rate of 1 in 7 men. African American men are 2.1 times more likely to die from the disease; and
- WHEREAS,** education regarding prostate cancer and early detection strategies is critical to saving lives and preventing and protecting our families; and
- WHEREAS,** all men are at risk for prostate cancer, we encourage the citizens of Kansas City, Kansas to increase the importance of prostate screenings.

**NOW, THEREFORE,** I, Tyrone Garner, Mayor/CEO of the Unified Government of Wyandotte County/Kansas City, Kansas, do hereby proclaim September 2023, as:

## “Prostate Cancer Awareness Month”

in Wyandotte County/Kansas City, Kansas, and urge all citizens to recognize Prostate Cancer Awareness Month. In witness whereof, I have hereunto set my hand and the seal of the Unified Government of Wyandotte County/Kansas City, Kansas.

---

**TYRONE GARNER, MAYOR/CEO**



## Unified Government of Wyandotte County/Kansas City, Kansas

# *PROCLAMATION*

**WHEREAS,** On Saturday, September 23, 2023, Holy Family Catholic Church will celebrate 115 years of serving the Strawberry Hill community at the 15th Annual Slovenefest 2023; and

**WHEREAS,** Holy Family Catholic Church parishioners are dedicated to their Faith, Family, and Community, and preserving their Slovenian heritage; and

**WHEREAS,** “In preserving our Slovenian roots, we symbolically ring the bell and call home our former parishioners, their descendants, sons and daughters of the parish, former students at Holy Family School and friends of Holy Family Church,” remarked Reverend Joseph M. Arsenault, SSA, the current Pastor at Holy Family Catholic Church; and

**WHEREAS,** we welcome the Burmese Catholic Community and Reverend Michael Van Lian, who is the Sacramental Assistant for the Burmese Community at Holy Family Church; and

**WHEREAS,** we fondly remember Monsignor Heliodore N. Mejak, the longest-living priest who served 63 years (August 2, 1944- December 31, 2007), and former Pastor, of Holy Family Catholic Church; and

**WHEREAS,** Don Lipovac, (1935-2014), a world-famous accordionist, performed on the Lawrence Welk Show and countless weddings, church, and ethnic festivals; and his protégé, accordionist Brian McCarty; Dr. Paul L. O’Boynick, II, M.D., a top neurosurgeon caring for patients in the Kansas City area for over 45 years; and Robert Serra a retired Kansas District Judge; and the late Joseph Lastelic a retired Washington correspondent for The Kansas City Star and organist of the parish, will be buried in Arlington National Cemetery, in Arlington, VA; and we honor Betty Mulich and Rose Bartkoski, both 102 years old, and currently the oldest parishioners of Holy Family Catholic Church.

**NOW, THEREFORE,** I, Tyrone Garner, Mayor/CEO of the Unified Government of Wyandotte County/Kansas City, Kansas, do hereby proclaim September 23, 2023, as:

## **“HOLY FAMILY CATHOLIC CHURCH DAY”**

in Wyandotte County/Kansas City, Kansas, and urge all citizens to recognize Holy Family Catholic 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**





## Unified Government of Wyandotte County/Kansas City, Kansas

# *PROCLAMATION*

**WHEREAS,** the great Wyandotte High School Class of 1978, graduated on May 23, 1978, at Memorial Hall, in Kansas City, Kansas, after enjoying a senior breakfast together that morning. Prior to their graduation, their baccalaureate was held on May 21, 1978; and

**WHEREAS,** the Class of 1978 realized their dream of graduating from high school, along with the value of education, which was continuously reinforced by their high school principal, Mr. Thomas Rhone, who was a focus of their graduation service; and

**WHEREAS,** forty-five years ago, on May 23, 1978, the great Wyandotte High School Class of 1978, which included 468 students, received their diplomas in front of family, friends, their teachers, and others in the community; and

**WHEREAS,** the students in the Class of 1978 went on to try to live out their class motto which says... “We are looking through windows of tomorrow’s dreams.”; and

**WHEREAS,** the Class of 1978 selected sky blue and white as their class colors, and a white carnation as their class flower; and

**WHEREAS,** the Municipal Auditorium’s Little Theatre in Kansas City, Missouri, was the site of their high school prom, which was held on April 29, 1978.

**NOW, THEREFORE,** I, Tyrone Garner, Mayor/CEO of the Unified Government of Wyandotte County/Kansas City, Kansas, do hereby proclaim September 23, 2023, as:

## **WYANDOTTE CLASS OF 1978 DAY**

and in Wyandotte County/Kansas City, KS as a celebration of this milestone 45th Class Reunion and commend them for the great contributions they’ve made in using their education to become. Productive citizens and representing our city, and other parts of the country, well. In witness whereof, I have hereunto set my hand and the seal of the Unified Government of Wyandotte County/Kansas City, Kansas.

---

**TYRONE GARNER, MAYOR/CEO**



Unified Government of Wyandotte County/Kansas City, Kansas

# *PROCLAMATION*

**WHEREAS,** understanding, love, and respect build cohesive families and communities; and

**WHEREAS,** for most of us, this sense of community is nurtured and expressed in our neighborhoods where we give each other an opportunity to share and feel part of a larger family; and

**WHEREAS,** the City of Wyandotte County recognizes the importance of fostering compassion and respect in ourselves for our neighbors; and

**WHEREAS,** The United States Government has designated September 28<sup>th</sup> of each year as National Good Neighbor Day.

**NOW, THEREFORE,** I, Tyrone Garner, Mayor/CEO of the Unified Government of Wyandotte County/Kansas City, Kansas, do hereby proclaim September 28, 2023, as:

## **“Good Neighbor Day”**

in Wyandotte County/Kansas City, Kansas, and encourage all citizens to recognize Good Neighbor 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

# PROCLAMATION

- WHEREAS,** The National Association for the Advancement of Colored People (NAACP) is one hundred-fourteen years old; and
- WHEREAS,** the NAACP was effectively founded in 1909 when the American Negro Academy, founded by W.E.B. DuBois joined with the white National Negro Committee and issued a “Call” to the people concerned about the treatment of African Americans; and
- WHEREAS,** Dr. Woody E. Jacobs, former principal of Lincoln Elementary School, attended Columbia University in New York City and met National Officials who helped Dr. Jacobs organize an NAACP Branch in Kansas City, Kansas. Dr. Jacobs returned and began developing an interest in people joining the organizations. The assessed membership was \$1.00; and
- WHEREAS,** teachers were influenced by the Kansas City, Kansas Branch. The First president of the local NAACP was Dr. A.J. Neeley, former supervisor of the Negro schools. John A. Hodge was the second president, and the third was Mr. Archie A. Gregg, who was a professor at Western University of Quindaro, Kansas. The Local Branch was organized in 1918; and
- WHEREAS,** under Hodge’s administration, Sumner High School developed a Junior NAACP, and the annual fee was \$.50; and
- WHEREAS,** in 1923 the National Convention of the NAACP came to Kansas City, Kansas. Roy Wilkins was a former Executive of the National Organization. His father was the late Dr. W.D. Wilkins, Pastor of the First AME Church, Eighth and Nebraska in Kansas City, Kansas. The regular session of the Convention Hall was held in Kansas City, Missouri. Some memorable personalities at that 1923 Convention were James Weldon Johnson, Walter White, and William Pickens. All credit for the founding of the Kansas City, Kansas NAACP Branch goes to the late Woody W. Jacobs. In 1961, the Branch membership grew to 2,454.
- NOW, THEREFORE,** I, Tyrone Garner, Mayor/CEO of the Unified Government of Wyandotte County/Kansas City, Kansas, do hereby proclaim September 30<sup>th</sup>, 2023, as:

## “105<sup>th</sup> NAACP Kansas City, Kansas Branch Day”

in Wyandotte County/Kansas City, Kansas, and urge all citizens to recognize NAACP Kansas City, Kansas Branch 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**



# Staff Request for Commission Action

Tracking No. 212770

**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> |
|--------------|----------------------|-----------------------|-----------------------|-----------------------------|
| 09/28/2023   | Angela Lawson        |                       | alawson@wycokck.org   | Legal                       |

Item Description:

House Bill 2350 creating crimes of human smuggling and aggravated human smuggling has vague and far-reaching provisions. While there are differences of opinion in the application of this statute the safest course of action is to temporarily suspend applications of the community identification until such time as the issues have been resolved or the statute amended, submitted by Angela Lawson, Interim Deputy Chief Counsel.

Action Requested:

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

Resolution\_Hold on RFP Process for Community ID

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION PLACING A HOLD ON THE RFP PROCESS TO SELECT A  
PROGRAM ADMINISTRATOR FOR THE COMMUNITY ID CARD PROGRAM OF  
THE SAFE AND WELCOMING CITY ACT**

**WHEREAS**, the Unified Government recognizes that the Kansas City, Kansas Community Identification Act, or Safe and Welcoming City Act, is necessary to build a community for all residents without regard to age, race, national origin, religion, sex, sexual orientation, gender identity, disability, or immigration, housing, or financial status; and

**WHEREAS**, many residents of Wyandotte County, including the elderly and indigent, the homeless and the immigrant, as well as youth, especially those leaving foster care and ex-offenders lack photo IDs, making it very difficult for them to conduct normal daily activities; and

**WHEREAS**, the Unified Government shall contract with a Program Administrator, through the request for proposal (RFP) process, to administer the day-to-day operations of the community ID card program; and

**WHEREAS**, Kansas HB 2350 was approved on April 26, 2023, by two-thirds of the members elected to the House of Representatives notwithstanding the objections of the Governor, was reconsidered by the Senate and approved on April 27, 2023, by two-thirds of the members elected to the Senate, and became law; and

**WHEREAS**, Kansas HB 2350 contains language that is vague and could be applied to the issuance of the Unified Government issuing a community ID card, which could result in felony charges being brought against anyone participating in the community ID card program.

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

**Section 1.** The Unified Government hereby places a hold on contracting with a Program Administrator to administer the day-to-day operations of the community ID card program.

**Section 2.** The RFP process for a contract with a Program Administrator will commence at such time that the language of HB 2350 is resolved to the satisfaction of the chief counsel of the Unified Government Legal Department.

**Section 3.** This Resolution shall take effect and be in full force immediately upon its adoption by the governing body of the Unified Government.

**ADOPTED BY THE BOARD OF COMMISSIONERS 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 7<sup>th</sup> Street, Suite 423  
Kansas City, Kansas 66101  
[www.wycokck.org/planning](http://www.wycokck.org/planning)

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

**To:** Unified Government Board of Commissioners

**From:** Planning and Urban Design Staff

**Date:** September 28, 2023

**Re:** **Change of Zone Petition COZ2023-019**

## GENERAL INFORMATION

**Applicant:**

Yakaterina Makarenko

**Status of Applicant:**

Property Owner  
7511 Leavenworth Road  
Kansas City, Kansas 66109

**Requested Actions:**

Approval of a Change of Zone.

**Date of Application:**

June 30, 2023

**Purpose:**

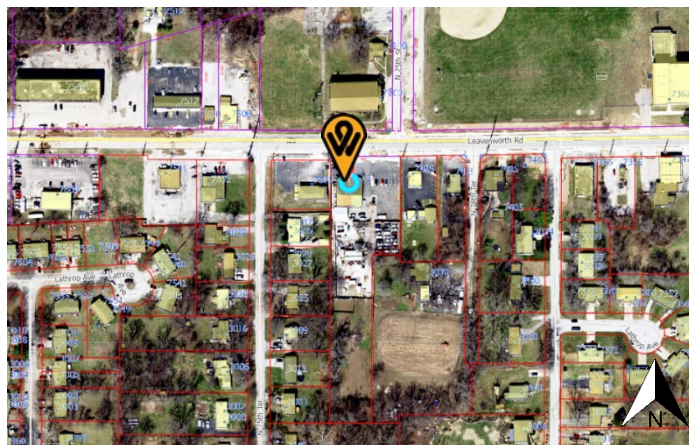
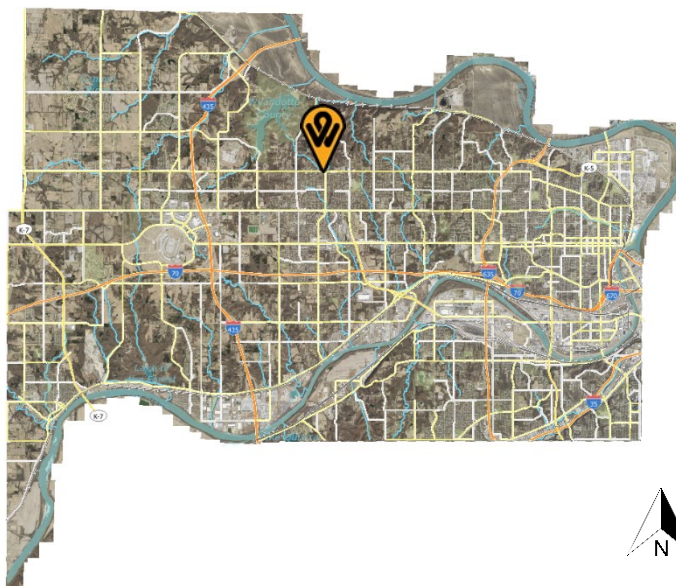
To approve a Change of Zone from CP-2 Planned General Business District and R-1 Single Family District to CP-3 Planned Commercial District to operate an auto repair shop and a garage door repair shop.

**Property Location:**

7511 Leavenworth Road  
Kansas City, Kansas 66109

**Commission Districts:**

Commissioner At Large, District #1:  
Melissa Bynum  
District #8 Commissioner:  
Andrew Davis



|                                        |                                                                                                                                                                                                                                                                                                                                                                                             |
|----------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Existing Zoning:</b>                | CP-2 Planned General Business and R-1 Single Family Districts                                                                                                                                                                                                                                                                                                                               |
| <b>Adjacent Zoning:</b>                | <b>North:</b> R-1 Single Family and C-1 Limited Business Districts<br><b>South:</b> R-1 Single Family District<br><b>East:</b> C-1 Limited Business District<br><b>West:</b> C-2 General Business District                                                                                                                                                                                  |
| <b>Adjacent Uses:</b>                  | <b>North:</b> Church<br><b>South:</b> Single-Family Residences<br><b>East:</b> Commercial Building<br><b>West:</b> Commercial Building                                                                                                                                                                                                                                                      |
| <b>Total Tract Size:</b>               | 1.78 Acres                                                                                                                                                                                                                                                                                                                                                                                  |
| <b>Comprehensive Plan Designation:</b> | The City-Wide Comprehensive Plan designates the subject property as Community Commercial, which allows for uses that provide goods and services to adjacent districts and neighborhoods. Uses may include medium-sized box stores with small-scale accessory commercial uses. Uses may also include small-scale commercial centers.                                                         |
| <b>Major Street Plan:</b>              | The Major Street Plan designates Leavenworth Road a Boulevard/Parkway.                                                                                                                                                                                                                                                                                                                      |
| <b>Parking Requirement:</b>            | The applicant is proposing a Change of Zone to CP-3, which follows the standard set by Section 27-467(e). Uses in this district require paved off-street parking at a ratio of not less than four (4) spaces per 1,000 square feet of floor area in the building, which requires 17 spaces. The property appears to provide 15 marked spaces, with room for at least 10 more marked spaces. |
| <b>Advertisement:</b>                  | <u>The Wyandotte Echo</u> – July 20, 2023<br>Letters to Property Owners – July 21, 2023 and August 8, 2023                                                                                                                                                                                                                                                                                  |
| <b>Public Hearings:</b>                | September 11, 2023 and September 28, 2023                                                                                                                                                                                                                                                                                                                                                   |
| <b>Public Support:</b>                 | None to date.                                                                                                                                                                                                                                                                                                                                                                               |
| <b>Public Opposition:</b>              | None to date.                                                                                                                                                                                                                                                                                                                                                                               |



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## PROPOSAL

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Detailed Outline of Requested Action: The applicant, Yekaterina Makarenko, is requesting a Change of Zone from CP-2 Planned General Business District and R-1 Single Family District to CP-3 Planned Commercial District to operate an auto repair shop and a garage door repair shop at 7511 Leavenworth Road. The auto repair shop is a continuation of the use of the property as an auto repair shop, dating back to 1968.

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

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## RELATED ENFORCEMENT AND ACTION ITEMS

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### **Noise or Disturbance Complaints:**

1. There have been some calls for police service to the property.
  - a. 2021 – 2021-141306 – Aggravated Assault, Unlawful Discharge of a Weapon, and Criminal Trespass.
  - b. 2020 – 2020-121905 – Theft.
  - c. 2020 – 2020-108299 – Theft and Criminal Damage.
  - d. 2018 – 2018-11210 – Criminal Damage.

### **Building, Zoning, or Code Enforcement Complaints:**

1. There have been two (2) Notices of Violation on the subject property for trash, debris, storage issues, and fence violations.
  - a. 2023 – ENV23-0736 – Environment – Debris stored outside.
  - b. 2022 – PMZ22-0086 – Zoning – Taller fence than allowed by code.

### **Outstanding or Related Permits and Cases:**

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

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## FACTORS TO BE CONSIDERED

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### ***1. Neighborhood character.***

The subject property is within the Leavenworth Road Association group. The neighborhood consists primarily of single-family residences and institutional uses such as a church and Washington High School. Commercial uses are concentrated along Leavenworth Road and consist of auto shops, small restaurants, and office uses, mostly at major intersection. The property is located along Leavenworth Road, which runs East to Quindaro and West into Leavenworth County.

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

The zoning and uses are set out above. The applicant currently operates an auto repair shop and plans to construct a garage door repair business on the property. The uses are compatible with existing uses located along Leavenworth Road, however, are incompatible with the surrounding single-family neighborhood abutting the rear of the subject property. Without a plan for expansion or future development, staff can not properly determine the potential impacts of the expanded use.

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

The property is currently used for an auto repair shop. The shop has been cited for debris stored outside, which has a negative impact for the visual quality of nearby residences. The applicant is proposing to operate a garage door repair business on the property as well. While the use is of similar intensity, it would likely be located closer to the existing single-family residences, which could negatively impact nearby properties.

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

The property is not vacant. It has been used as an auto repair shop since at least 1994.

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

There are several automotive-related businesses in the area. This one (1) additional automotive business is not particularly necessary for the convenience and welfare of the public. While there are not many garage door repair shops within the area, the addition of another higher intensity commercial use has the possibility of negatively impacting nearby properties, especially if commercial encroachment in the rear of the parcel continues. The split zoning on the property is a result of the desire to prevent further encroachment on the rear of the property.

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

The proposed use is not expected to result in the increase of traffic to the point where it would exceed the capacity of Leavenworth Road, a designated Boulevard/Parkway.

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

The City-Wide Comprehensive Plan designates the subject property as Community Commercial, which allows for uses that provide goods and services to adjacent districts and neighborhoods, including medium-sized box stores with small-scale accessory commercial uses. Uses may also include small-scale commercial centers. The existing and proposed uses, while providing goods and services, are of a higher intensity use than the Comprehensive Plan intended, hence, the uses do not conform to the Comprehensive Plan.

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

Environmental concerns include fluid leakage from automotive parts and the repair process, as well as gases from the detailing process. If properly managed and maintained, however, the impact should be minimal. A garage door repair business is not expected to create any additional environmental impacts.

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

**a. *Water service***

BPU provides water service.

**b. *Sanitary sewer service***

The UG provides sanitary sewer services.

**c. *Storm water control***

The UG provides storm water control with an inlet directly across the street.

**d. *Police***

Police service is provided by West Patrol, District #225

**e. *Fire***

Fire service is provided by Station #4, located approximately 0.25 mile away.

**f. *Transit***

The UG provides transit service along route #113 – Leavenworth Road, with a stop at 74<sup>th</sup> & Leavenworth Road.

### **g. Schools**

Public Education is provided by John F. Kennedy Elementary School, Eisenhower Middle School, and Washington High School under Kansas City, Kansas USD 500.

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

The economic impact of the proposed use will be minimal. The current use of the property as it has historically been used as an automotive repair and detailing business. An additional use of a similar intensity will also have minimal economic impact.

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

The applicant did not submit the appropriate materials for staff to determine if the proposed use can meet ordinance requirements. Any expansion on the property would be subject to the Commercial Design Guidelines and requirements sent by Section 27-467 as well as a Special Use Permit.

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

The gain to the public health, safety and welfare would be minimal. This use could pose a negative impact to public health if the aforementioned environmental issues are not managed properly, and the property is not properly maintained.

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## **PREVIOUS ACTIONS**

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Approval of a Change of Zone (COZ 2442) from C-1 and R-1 to CP-2 and R-1 in 1997. Amendment of the 1997 Change of Zone to reflect a change from C-1 and R-1 to CP-2 and R-1 in 2004.

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## **NEIGHBORHOOD MEETING**

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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.

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## **KEY ISSUES**

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Commercial Design Guidelines  
Commercial Encroachment  
Inoperable Vehicles  
Future Development and Uses  
Illumination

Lot Split  
Noise  
Miscellaneous Debris  
Parking  
Previous Planning Decisions  
Screening and Buffering  
Site Plan  
Vibration

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## **PLANNING COMMISSION RECOMMENDATION**

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The Planning Commission voted 7 to 0 to recommend **APPROVAL** of Change of Zone Application **COZ2023-019**, subject to:

1. The applicant shall plant trees in the islands along Leavenworth Road as well as expand landscaping in the rear;
2. Remove all of the gravel parking in the rear of the property;
3. Install a six (6) foot tall opaque fence with masonry columns every 32 feet along the property line that abuts residential properties;
4. Install a fence that separates the residentially zoned portion of the property from the commercially zoned portion of the property;
5. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by [buildinginspection@wycokck.org](mailto:buildinginspection@wycokck.org) to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
6. Any automotive-related business in Wyandotte County shall be responsible to ensure that the business operations are at all times compliant with all applicable local ordinances and State Statutes and Regulations [27-463 through 27-470; 27-592 through 27-616] [KSA 65-3424, KAR 28-29-29 through 28-29-33]. Proof of proper disposal of waste tires with a Kansas State permit-holding waste tire collector or waste tire processor is required to be maintained at the management office and provided to any enforcement staff upon request;
7. Any business or land use in Wyandotte County that is required to provide off-street parking shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and at all times be compliant with all applicable local ordinances [27-466 through 27-470; 27-592 through 27-616; 27-667 through 27-676]. Inoperable vehicles shall be stored inside an enclosed building. Inoperable vehicles may not be stored outside unless they are completely screened from view in accordance with all applicable ordinances. Outside storage shall not include wrecked or salvage vehicles. Any vehicle parked or stored outside must be on an improved surface, located on the same land parcel as the business use, and be parked within a regulation dimension parking stall. Any outside storage

- may not reduce the availability of all required parking spaces as required by ordinance;
8. Any business or land use in Wyandotte County that is required to provide off-street parking shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and at all times be compliant with all applicable local ordinances [27-466 through 27-470; 27-592 through 27-616; 27-667 through 27-676]. Inoperable vehicles shall be stored inside an enclosed building. Inoperable vehicles may not be stored outside unless they are completely screened from view in accordance with all applicable ordinances. Outside storage shall not include wrecked or salvage vehicles. Any vehicle parked or stored outside must be on an improved surface, located on the same land parcel as the business use, and be parked within a regulation dimension parking stall. Any outside storage may not reduce the availability of all required parking spaces as required by ordinance;
  9. Any business or land use in Wyandotte County that is required to provide off-street parking shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and at all times be compliant with all applicable local ordinances [27-466 through 27-470; 27-592 through 27-616; 27-667 through 27-676]. Inoperable vehicles shall be stored inside an enclosed building. Inoperable vehicles may not be stored outside unless they are completely screened from view in accordance with all applicable ordinances. Outside storage shall not include wrecked or salvage vehicles. Any vehicle parked or stored outside must be on an improved surface, located on the same land parcel as the business use, and be parked within a regulation dimension parking stall. Any outside storage may not reduce the availability of all required parking spaces as required by ordinance;
  10. Any business or land use in Wyandotte County that is required to provide off-street parking shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and at all times be compliant with all applicable local ordinances [27-466 through 27-470; 27-592 through 27-616; 27-667 through 27-676]. Inoperable vehicles shall be stored inside an enclosed building. Inoperable vehicles may not be stored outside unless they are completely screened from view in accordance with all applicable ordinances. Outside storage shall not include wrecked or salvage vehicles. Any vehicle parked or stored outside must be on an improved surface, located on the same land parcel as the business use, and be parked within a regulation dimension parking stall. Any outside storage may not reduce the availability of all required parking spaces as required by ordinance;
  11. The applicant has filed and maintained a current business occupation tax application;
  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. Any business in Wyandotte County that is required to obtain a 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 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.

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 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. 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,
16. 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.

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## STAFF COMMENTS AND SUGGESTIONS

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Staff concurs with the recommendation of the City Planning Commission.

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## STAFF RECOMMENDATION

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Staff recommends that the Board of Commissioners concur with the findings contained within the staff report related to *Factors to be Considered* and *Key Issues* and recommends **APPROVAL** of Petition **COZ2023-019** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

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## ATTACHMENTS

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September 11, 2023, City Planning Commission Minutes  
Aerial Imagery  
Zoning Map  
Land Use Map  
Site Plan  
Neighborhood Meeting Minutes  
Site Photos, Taken by Staff, Dated July 19, 2023

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## REVIEW OF INFORMATION AND SCHEDULE

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Action  
Public Hearing  
Rezoning

City Planning Commission  
September 11, 2023  
Approval

Board of Commissioners  
September 28, 2023

**STAFF CONTACT:**        **James Molloy**  
                                         [jlmolloy@wycokck.org](mailto:jlmolloy@wycokck.org)

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## MOTIONS

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I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2023-019** as meeting all the requirements of the city code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. \_\_\_\_\_;
2. \_\_\_\_\_; And
3. \_\_\_\_\_.

## OR

I move the Unified Government Board of Commissioners **DENY** Petition **COZ2023-019**, 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.

### **September 11, 2023, City Planning Commission Minutes:**

#### **Hearing starts at 1:47:01:**

#### **CHANGE OF ZONE APPLICATION COZ2023-019 – YEKATERINA MAKARENKO -**

**SYNOPSIS:** Change of Zone from CP-2 Planned General Business and R-1 Single Family Districts to CP-3 Planned Commercial District to continue to operate an auto repair shop as well as open a garage door installation shop at 7511 Leavenworth Road. Detailed Outline of Requested Action: The applicant, Yekaterina Makarenko, is requesting a Change of Zone from CP-2 Planned General Business District and R-1 Single Family District to CP-3 Planned Commercial District to operate an auto repair shop and a garage door repair shop at 7511 Leavenworth Road. The auto repair shop is a continuation of the use of the property as an auto repair shop, dating back to 1968.

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 September 11, 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:

- Yekaterina Makarenko, applicant, 7511 Leavenworth Road, Kansas City, Kansas 66109

Present in Opposition:

- No one appeared

**Staff Recommendation starts at 1:49:35:** Planning Director Hand stated that the request is for a Change of Zone as it relates to a legal nonconforming auto repair shop. This is one of the operations that has been around long enough that in 2015, the Code was updated to require a variety of different requirements. As this business was already operating, and they have continued to operate as they do not need to meet these new standards. As they are proposing to add a second business to the site, some site improvements are required that triggers the Commercial Design Guidelines. There is an opportunity to improve the site based on code without requiring a Special Use Permit because they are not expanding the auto repair business. If the request was to expand the auto repair business, a Special Use Permit would be required. This property is in the City-Wide Comprehensive Plan north of Leavenworth Road. Staff received no letters in support nor opposition. There are Notices of Violation as it relates to the maintenance of the property, so those violations need to be addressed and the property maintained. Director Hand further stated that the split zoning on the property is being corrected. The idea was to keep the commercially zoned properties close to Leavenworth Road, even though some of the businesses, such as this one, go deep into the residential area and could be a nuisance. The rezoning of the property to C-3 not only allows the use of the new garage door installation business, but it also changes all of the property to C-3 zoning. Staff has added a condition that there will be additional landscaping and screening for the expansion for the new business to buffer from residential uses, as well limit further commercial intrusion southward deeper into the subject parcel. Staff recommends approval subject to the conditions in the staff report. He further stated that Conditions 13 and 16 should be removed as they relate to Special Use Permits and amend Condition 18 to remove the reference to Special Use Permits.

**Motion starts at 1:53:14:**

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

**COZ2023-019:**

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

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

**Subject to:**

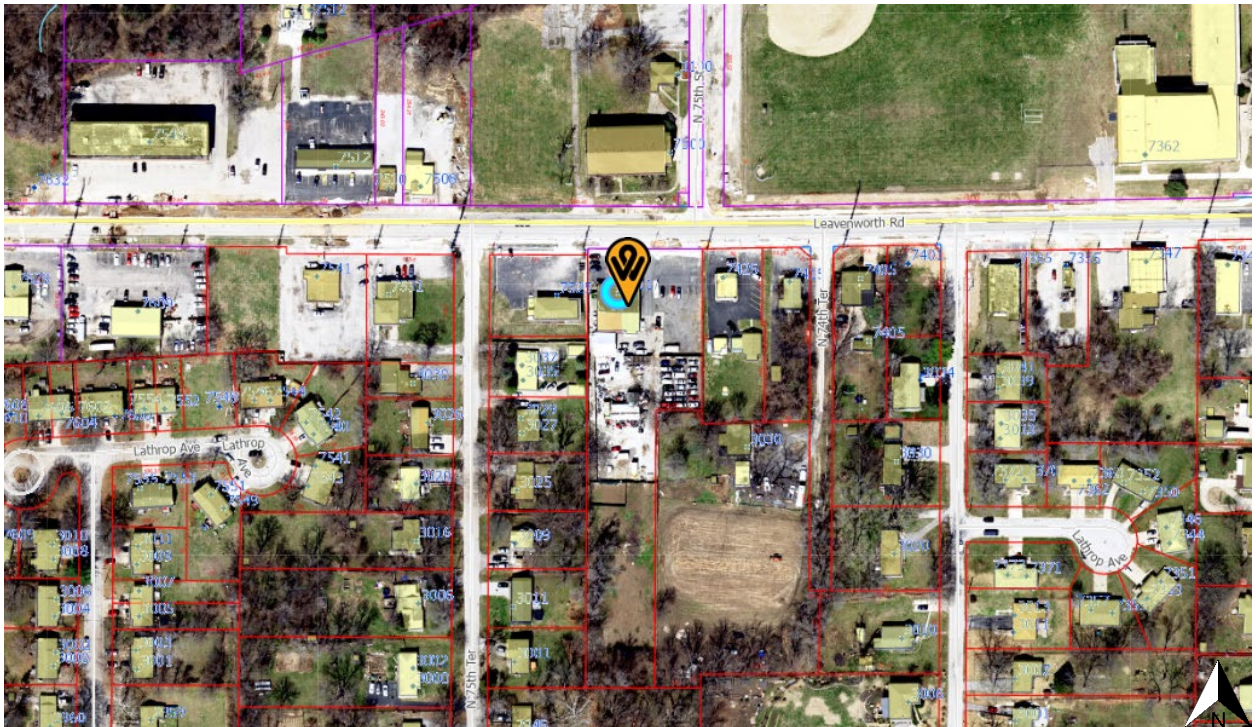
1. The applicant shall plant trees in the islands along Leavenworth Road as well as expand landscaping in the rear;
2. Remove all of the gravel parking in the rear of the property;
3. Install a six (6) foot tall opaque fence with masonry columns every 32 feet along the property line that abuts residential properties;
4. Install a fence that separates the residentially zoned portion of the property from the commercially zoned portion of the property;
5. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by [buildinginspection@wycokck.org](mailto: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;
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  11. The applicant has filed and maintained a current business occupation tax application;

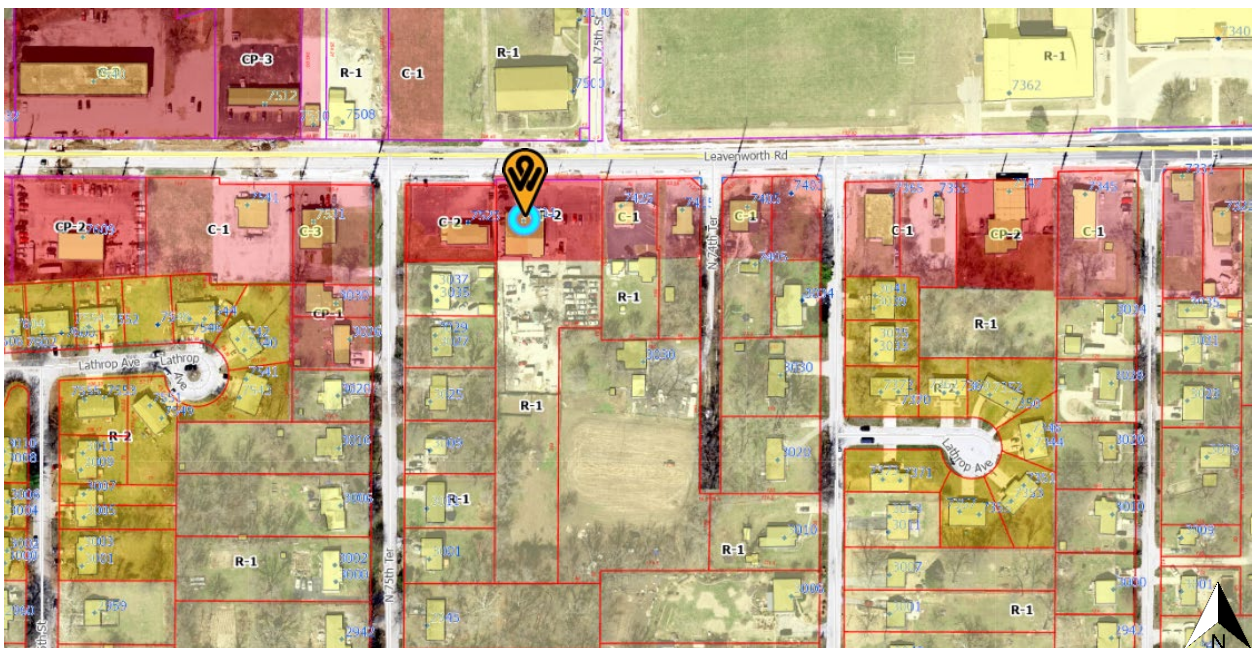
- 12. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;**
- 13. Any business in Wyandotte County that is required to obtain a permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and 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.**
- 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 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. 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,**
- 16. 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.**



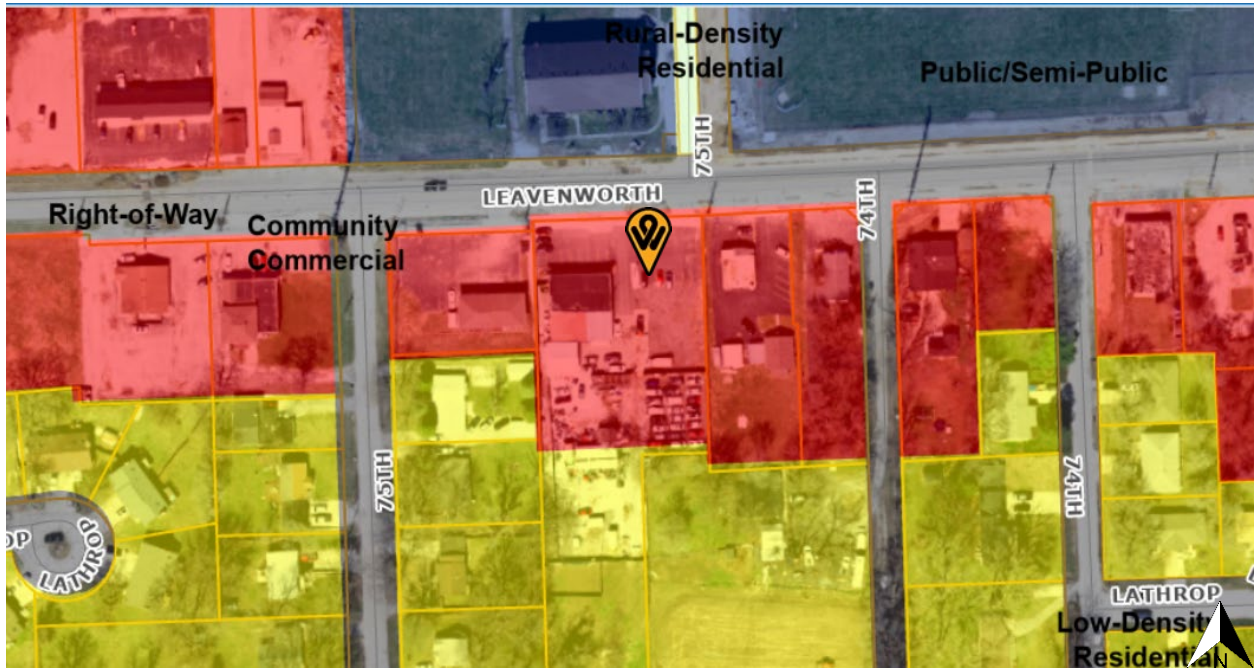
## AERIAL IMAGERY



## ZONING MAP



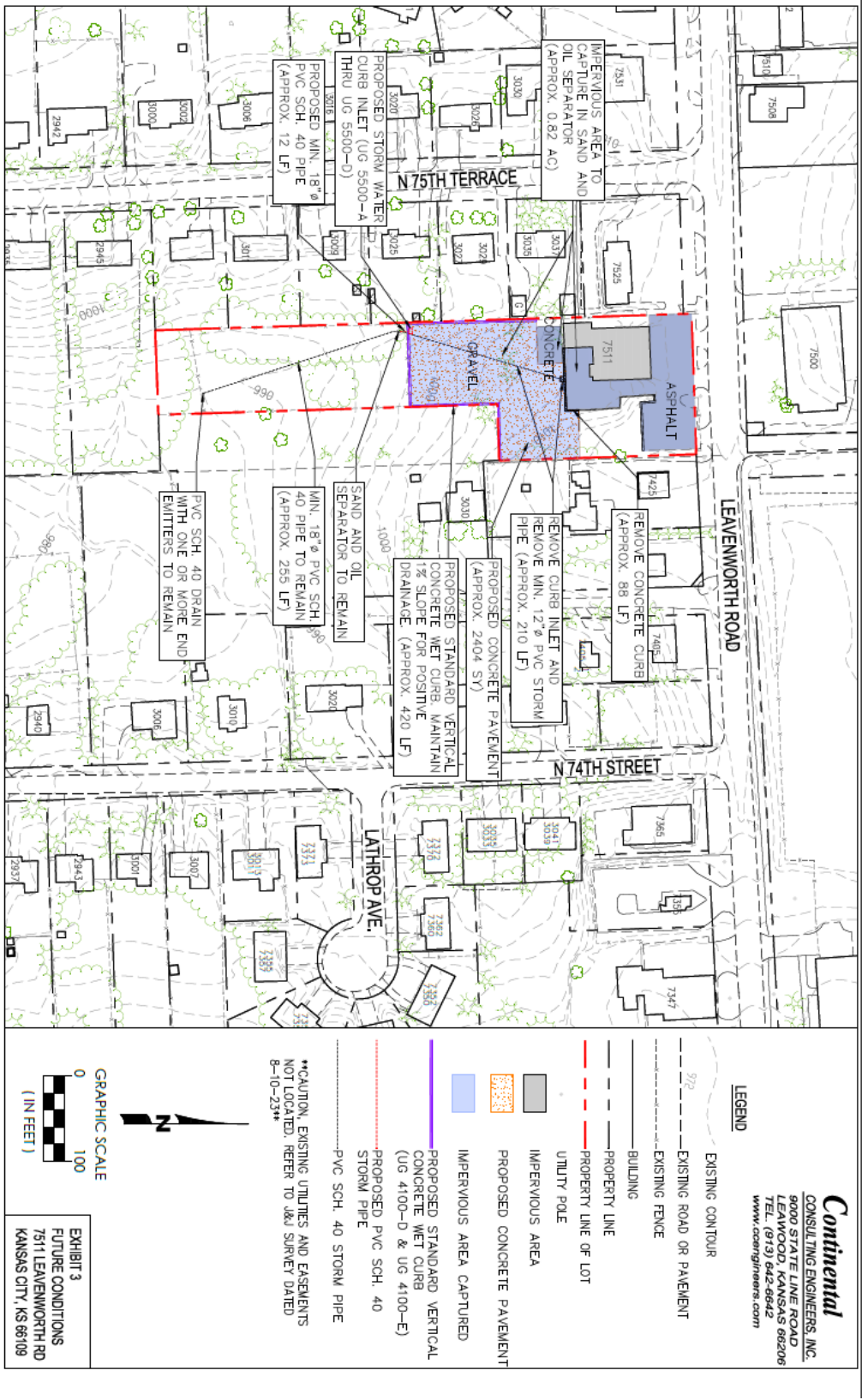
## LAND USE MAP





# SITE PLAN







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## NEIGHBORHOOD MEETING MINUTES

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July 21, 2023

Sergiy and Yekaterina Makarenko  
PRO-CARS, LLC  
7511 Leavenworth rd.  
Kansas City, KS 66109

SUBJECT: Neighborhood Meeting

We have filed an application with the Department of Urban Planning and Land Use  
#COZ2023-019.

The purpose of this: change of Zone from CP-2 Planned General Business District and  
R-1 Single Family District to CP-3 Planned Commercial District to operate an auto  
repair shop and a garage door installation and service company

at the following address: 7511 Leavenworth rd. Kansas City, KS 66109.

We are having a neighborhood meeting on July 31, 2023 at 6:00 p.m. at the following  
address: 7511 Leavenworth rd. Kansas City, KS 66109.

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

We look forward to seeing you at the neighborhood meeting. If you are unable to  
attend, please contact us at the address, email address or phone number listed below.

Sincerely,

Sergiy and Yekaterina Makarenko  
PRO-CARS, LLC  
7511 Leavenworth rd.  
Kansas City, KS 66109  
Phone: (913)549-8315  
Email: [wecare@procarskc.com](mailto:wecare@procarskc.com)

| MEETING INFORMATION |                                                      |          |                                               |
|---------------------|------------------------------------------------------|----------|-----------------------------------------------|
| MEETING TITLE       | Land Use Action (Rezoning from CP-2 and R-1 to CP-3) |          |                                               |
| ORGANIZER           | PRO-CARS, LLC<br>Yekaterina Makarenko                | LOCATION | 7511 Leavenworth rd.<br>Kansas City, KS 66109 |
| DATE                | 07/31/2023                                           | TIME     | 06:00 p.m                                     |

| ATTENDEE NAME | ORGANIZATION | PHONE NUMBER | E-MAIL ADDRESS |
|---------------|--------------|--------------|----------------|
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Application Number COZ2023-019  
Date and Location: 07/31/2023 6:00 p.m.  
7511 Leavenworth rd.  
Kansas City, KS 66109

Meeting called to order at: 6:30 p.m.

Names of people in attendance:  
Makarenko, Yekaterina

Introductions:

I was prepared to explain that we are in the process of rezoning our property from CP-2 and R-1 to CP-3, had the survey, pictures and the notes from the City handy and ready to answer any questions, but no-one showed up. I waited until 7:00 p.m and adjourned the meeting.

Questions and answers: No people showed up. No questions asked. There were no people reaching to me with questions or comments over the phone, mail or e-mail neither prior to nor after the meeting.

Meeting adjourned at: 7:00 p.m.

Minutes taken by: Yekaterina Makarenko

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**SITE PHOTOS, TAKEN BY STAFF, DATED JULY 19, 2023**

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# Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

701 N 7<sup>th</sup> Street, Suite 423  
Kansas City, Kansas 66101  
[www.wycokck.org/planning](http://www.wycokck.org/planning)

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

**To:** Unified Government Board of Commissioners

**From:** Planning and Urban Design Staff

**Date:** September 28, 2023

**Re:** **Change of Zone Petition COZ2023-022 and  
Master Plan Amendment MPL2023-011**

## GENERAL INFORMATION

**Applicant:**  
Alex Elliott

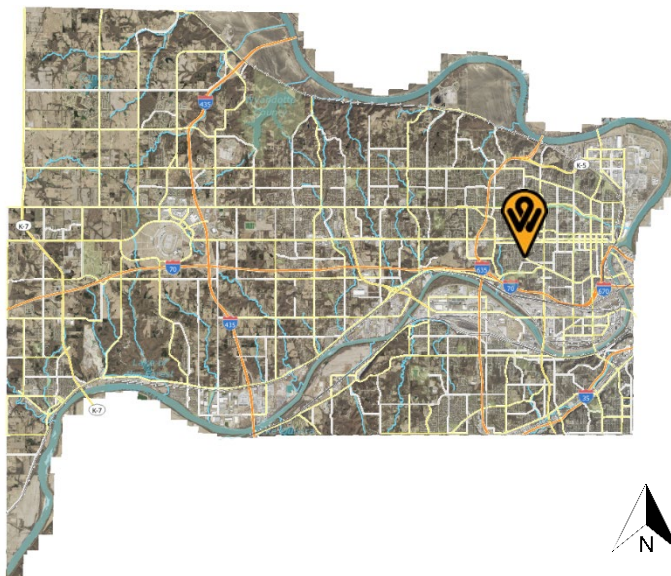
**Status of Applicant:**  
Representative  
Atlas Land Consultants  
14500 Parallel Road Unit R  
Basehor, Kansas 60007

**Requested Action:**  
Approval of a Change of Zone and  
Master Plan Amendment.

**Date of Application:**  
July 28, 2023

**Purpose:**  
A Change of Zone from CP-0 Planned  
Non-Retail Business District to CP-1  
Planned Limited Business District and  
Master Plan Amendment from Urban  
Density (Central Area Plan) to  
Neighborhood Commercial (Central  
Area Plan) to operate a retail shop.

**Property Location:**  
2324 Grandview Boulevard  
Kansas City, Kansas 66102



|                                        |                                                                                                                                                                                                                                                                                                                                                                                |
|----------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Commission Districts:</b>           | Commissioner At Large #2: Tom Burroughs<br>District #2 Commissioner: Brian McKiernan                                                                                                                                                                                                                                                                                           |
| <b>Existing Zoning:</b>                | CP-0 Planned Non-Retail Business District                                                                                                                                                                                                                                                                                                                                      |
| <b>Adjacent Zoning:</b>                | <b>North:</b> RP-5 Planned Apartment District<br><b>South:</b> R-1(B) Single Family District<br><b>East:</b> RP-5 Planned Apartment District<br><b>West:</b> R-1(B) Single Family District                                                                                                                                                                                     |
| <b>Adjacent Uses:</b>                  | <b>North:</b> Single-Family Residence<br><b>South:</b> Single-Family Residence<br><b>East:</b> Single-Family Residence<br><b>West:</b> Single-Family Residence                                                                                                                                                                                                                 |
| <b>Total Tract Size:</b>               | 0.05 Acre                                                                                                                                                                                                                                                                                                                                                                      |
| <b>Comprehensive Plan Designation:</b> | <p>The Central Area Plan designates the subject property as Urban Density, which allows a mix of detached and attached residential.</p> <p>The applicant is seeking a Master Plan Amendment to Neighborhood Commercial, which allows a wide range of small-scale commercial and office development. Uses may include commercial retail, professional offices and services.</p> |
| <b>Major Street Plan:</b>              | The goDotte Mobility Plan designates Grandview Boulevard as a Local/Neighborhood Street.                                                                                                                                                                                                                                                                                       |
| <b>Parking Requirement:</b>            | Section 27-464(e) states that any business shall provide paved off-street parking at a ratio of no less than four (4) spaces per 1,000 square feet of floor area. The property provides 1,015 square feet of floor area, requiring five (5) parking spaces. The property currently provides one (1) space, a violation of four (4) spaces.                                     |
| <b>Advertisement:</b>                  | <u>The Wyandotte Echo</u> – August 17, 2023<br>Letters to Property Owners – August 18, 2023                                                                                                                                                                                                                                                                                    |
| <b>Public Hearings:</b>                | September 11, 2023 and September 28, 2023                                                                                                                                                                                                                                                                                                                                      |
| <b>Public Support:</b>                 | One letter in support has been submitted.                                                                                                                                                                                                                                                                                                                                      |
| <b>Public Opposition:</b>              | None to date.                                                                                                                                                                                                                                                                                                                                                                  |

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## PROPOSAL

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Detailed Outline of Requested Action: The applicant, Alex Elliott, is requesting a Change of Zone from CP-0 Non-Retail Business District to CP-1 Planned Limited Business District and a Master Plan Amendment from Urban Density (Central Area Plan) to Neighborhood Commercial (Central Area Plan) to operate a retail shop at 2324 Grandview Boulevard.

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

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## RELATED ENFORCEMENT AND ACTION ITEMS

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### **Noise or Disturbance Complaints:**

1. There was one (1) call for police service for graffiti in 2018.
  - a. 2018 – 2018-22711 - Graffiti

### **Building, Zoning, or Code Enforcement Complaints:**

1. There is an active Notice of Violation on the property for a hole in the exterior all of the structure. There also older violations for vacant structures and graffiti as well as overgrown grass.
  - a. 2023 – STR23-0823 – Structural – Hole in the exterior wall
  - b. 2023 – ABT23-0969 – Abatement – Grass and Weeds
  - c. 2022 – STR22-0264 – Structural – Structural Issues
  - d. 2022 – GRA22-0075 – Graffiti
  - e. 2021 – GRA21-0122 – Graffiti
  - f. 2021 – GRA21-0098 – Graffiti
  - g. 2021 – ABT21-2696 – Abatement – Grass and Weeds
  - h. 2020 – 20225-01845 – Abatement – Grass and Weeds

### **Outstanding or Related Permits and Cases:**

1. 2023 – COZ2023-022 – Change of Zone from CP-0 to CP-1
2. 2023 – MPL2023-011 – Master Plan Amendment

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## FACTORS TO BE CONSIDERED

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### ***1. Neighborhood character.***

The subject property is located within the Kensington Statistical Neighborhood Group as well as the West Central Area Coalition (WCAC) and the Central Area Betterment Association (CABA) neighborhood groups. The neighborhood consists of a variety of residential uses, including single-family residences,

duplexes, and small apartment buildings. The neighborhood also features mixed-use buildings and commercial along the Central Avenue mixed-use corridor.

**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 laid out above. The property is surrounded by primarily residential, however, there are small-scale commercial uses mixed within the neighborhood. The proposed use as a retail space is compatible with the nearby properties as long as it is managed properly.

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

The property was constructed in 1930 to be a small-scale commercial space within the neighborhood. The change of zone seeks to allow the space to be used for retail, rather than non-retail uses. The removal of restrictions is not expected to impact nearby property.

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

It is unclear how long the property has been vacant; however, the last active business license was issued in 2012. The property was officially listed as a vacant property in 2019.

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

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

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

The use of the property as a retail use could potentially increase the amount of traffic and parking along Grandview Boulevard, as it is a higher intensity use than a non-retail use would be. The applicant is seeking a variance, as they only provide one (1) on-site parking space, four (4) less than the required five (5) spaces. Due to the nature of the use and size of the building, however, it is not expected that a retail use would increase demand to the point of where it exceeds the capacity of Grandview Boulevard, a Local/Neighborhood Street.



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

The proposed use is seeking a Master Plan Amendment from Urban Density (Central Area Plan) to Neighborhood Commercial (Central Area Plan). The amended designation to Neighborhood Commercial, allows a wide range of small-scale commercial and office development. Uses may include commercial retail, professional offices and services. If the amendment is granted, the proposed use would conform to the Area Plan.

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

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

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

**a. *Water service***

BPU provides water service.

**b. *Sanitary sewer service***

The UG provides sanitary sewer service.

**c. *Storm water control***

The UG provides storm water control, with an inlet across the street.

**d. *Police***

Police service is provided by East Patrol, District #115.

**e. *Fire***

Fire service is provided by Station #11, which is one (1) mile away.

**f. *Transit***

Transit service is provided by UG Route #102 Central Avenue, with a stop one (1) block away at 23<sup>rd</sup> & Central.

**g. *Schools***

Public Education is provided by Frances Willard Elementary School, Argentine Middle School, and JC Harmon High School.

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

The proposed use will not have a major economic impact, as it is relatively small in scale, however, it may provide means of employment and allow the owner to utilize the property in a manner to provide goods to the immediate neighborhood.

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

The applicant is seeking a variance from the parking requirement, as there is only one (1) parking spot provided on-site, otherwise, the proposed use is capable of meeting applicable ordinance requirements.

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

The relative gain to public health, safety, and welfare is minimal as this is a small-scale retail use, which does not provide an essential service to the public. If denied, the property could still be used for a variety of non-retail purposes.

**Master Plan Amendment**

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

There have been no events subsequent to the comprehensive plan adoption. The building has remained unchanged since 2020. The building, however, was constructed as a commercial building in 1930 and has had commercial businesses located within it intermittently since its construction.

**2. *Whether the change is consistent with the goals and policies of the comprehensive plan and/or any relevant corridor, neighborhood, or area plan.***

The change from Urban Density to Neighborhood Commercial is consistent with the goals of the Central Area Plan, which seeks to revitalize the corridor and allow for more private investments to create small, community-scale businesses within the corridor.

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

See Change of Zone Factor #9.

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

The proposed amendment would eliminate a regulatory conflict. The current zoning of the property is CP-0 Non-Retail Business District. The applicant seeks to change the zoning to the CP-1 Planned Limited Business District to allow for retail business. An amendment to the Area Plan would bring the plan into conformance with the current and proposed zoning districts.

**5. *Whether the proposed amendment would allow a change in development on the subject site without creating adverse impacts on existing or planned surrounding uses or creating inconsistencies with applicable future land use map patterns.***

The proposed plan amendment would not result in a change in development of the site, and instead, would match the historic and existing use of the site. The site has been used as a small-scale retail and/or commercial space since its construction in 1930.

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

The proposed use will not have a major impact as it is relatively small in scale compared to other options in the area, however, it may provide means of employment and allow the owner to utilize the property in a manner to provide goods to the immediate community.

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## **PREVIOUS ACTIONS**

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

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## **NEIGHBORHOOD MEETING**

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The applicant received neighborhood comments by receiving letters or phone calls through the date of August 28, 2023. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

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## **KEY ISSUES**

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Bike Rack  
Floor Plan  
Goods to be Sold  
Landscaping, Buffering, Screening  
Parking Variance  
Site Plan

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## PLANNING COMMISSION RECOMMENDATION

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The Planning Commission voted 7 to 0 to recommend **APPROVAL** of Change of Zone Application **COZ2023-022** and Master Plan Amendment **MPL2023-011**, subject to:

1. Plant two (2) street trees along Grandview Boulevard and one (1) additional tree in the rear yard;
2. Install a bike rack on the property;
3. Install handrails for all steps on the property;
4. This City Planning Commission case is being heard in conjunction with BOZA2023-036. Any approval by the Board of Zoning Appeals of this case, and the conditions of approval contained herein, are contingent, and shall only go into effect, upon the approval of BOZA2023-036 by the Unified Government Board of Zoning Appeals and upon any ordinance publications required by law;
5. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or [signpermits@wycokck.org](mailto:signpermits@wycokck.org) to begin this process;
6. If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;
7. If approved, the applicant must file and maintain a current business occupation tax application with this office;
8. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by [buildinginspection@wycokck.org](mailto:buildinginspection@wycokck.org) to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
9. All existing and future driveways must feature curb cuts that are constructed to UG standards;
10. All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
11. 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;
12. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed by right or by Special Use Permit under the new zoning district, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located; and,
13. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

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## STAFF COMMENTS AND SUGGESTIONS

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Staff concurs with the recommendation of the City Planning Commission.

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## STAFF RECOMMENDATION

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Staff recommends that the Board of Commissioners concur with the findings contained within the staff report related to *Factors to be Considered* and *Key Issues* and recommends **APPROVAL** of Petition **COZ2023-022** and **MPL2023-011** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

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## ATTACHMENTS

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September 11, 2023, City Planning Commission Minutes  
Aerial Imagery  
Zoning Map  
Land Use Map  
Site Plan  
Axonometric Plan of the Property  
Site Photos, Taken by Staff, Dated August 11, 2023  
Neighborhood Meeting Minutes  
Letter in Support from Paul Soptick, Jr.

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## REVIEW OF INFORMATION AND SCHEDULE

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|                |                            |                               |
|----------------|----------------------------|-------------------------------|
| <u>Action</u>  | <u>Planning Commission</u> | <u>Board of Commissioners</u> |
| Public Hearing | September 11, 2023         | September 28, 2023            |
| Rezoning       | Approval                   |                               |

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**STAFF CONTACT:** James Molloy  
[jmolloy@wycokck.org](mailto:jmolloy@wycokck.org)

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## MOTIONS

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### Change of Zone

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2023-022** as meeting all the requirements of the city code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. \_\_\_\_\_;
2. \_\_\_\_\_; And
3. \_\_\_\_\_.

### OR

I move the Unified Government Board of Commissioners **DENY** Petition **COZ2023-022**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

### Master Plan Amendment

I move the Unified Government Board of Commissioners **APPROVE** Petition **MPL2023-011** as meeting all the requirements of the city code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. \_\_\_\_\_;
2. \_\_\_\_\_; And
3. \_\_\_\_\_.

### OR

I move the Unified Government Board of Commissioners **DENY** Petition **MPL2023-011**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

**September 11, 2023, City Planning Commission Minutes:**

**Hearing starts at 1:54:25:**

**MASTER PLAN AMENDMENT MPL2023-011 – ALEX ELLIOTT WITH ATLAS LAND CONSULTING – SYNOPSIS:** Master Plan Amendment from Residential (Central Area Plan) to Community Commercial (Central Area Plan) at 2324 Grandview Boulevard.

**CHANGE OF ZONE APPLICATION COZ2023-022 – ALEX ELLIOTT WITH ATLAS LAND CONSULTING – SYNOPSIS:** Change of Zone from CP-O Planned Non-Retail Business District to CP-1 Planned Limited Business District to operate a retail candy store at 2324 Grandview Boulevard.

*Detailed Outline of Requested Action:* The applicant, Alex Elliott, is requesting a Change of Zone from CP-0 Non-Retail Business District to CP-1 Planned Limited Business District and a Master Plan Amendment from Urban Density (Central Area Plan) to Neighborhood Commercial (Central Area Plan) to operate a retail shop at 2324 Grandview Boulevard.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated September 11, 2023;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo;
7. The Notices to property owners;
8. The letter in support from Paul Soptick, Jr. read at the Board of Zoning Appeals meeting earlier this evening; and,
9. The Testimony at the Board of Zoning Appeals meeting earlier this evening.

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

**Present in Support:**

- Alex Elliot, applicant, Atlas Land Consulting, 14500 Parallel Road, Unit R, Basehor, Kansas 66007

**Present in Opposition:**

- No one appeared

**Staff Recommendation starts at 1:57:45:** Planning Director Hand stated this case is being heard in conjunction with BOZA2023-036 for a parking variance and was approved by the Board of Zoning Appeals earlier this evening. This is an existing retail location that has been vacant for some time. The property is located in the Central Area

Plan. Staff has received no letters in support nor opposition. There are some Notices of Violation related to the structure, all of which should be addressed with the building permit and tenant improvement finish. Staff recommends approval subject to the conditions in the staff report.

**Motion starts at 1:58:40:**

On motion by Mrs. Jones, seconded by Mr. Ernst, the Planning Commission voted as follows to **recommend APPROVAL of Master Plan Amendment MPL2023-011:**

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

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

**Subject to:**

1. Plant two (2) street trees along Grandview Boulevard and one (1) additional tree in the rear yard;
2. Install a bike rack on the property;
3. Install handrails for all steps on the property;
4. This City Planning Commission case is being heard in conjunction with BOZA2023-036. Any approval by the Board of Zoning Appeals of this case, and the conditions of approval contained herein, are contingent, and shall only go into effect, upon the approval of BOZA2023-036 by the Unified Government Board of Zoning Appeals and upon any ordinance publications required by law;
5. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or [signpermits@wycokck.org](mailto:signpermits@wycokck.org) to begin this process;
6. If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;
7. If approved, the applicant must file and maintain a current business occupation tax application with this office;
8. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an



existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by [buildinginspection@wycokck.org](mailto:buildinginspection@wycokck.org) to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;

9. All existing and future driveways must feature curb cuts that are constructed to UG standards;
10. All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
11. 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;
12. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed by right or by Special Use Permit under the new zoning district, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located; and,
13. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

On motion by Mrs. Jones, seconded by Mr. Ernst, the Planning Commission voted as follows to **recommend APPROVAL of Change of Zone COZ2023-022:**

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

Eilts                      Aye  
Motion to recommend **APPROVAL** Passed 7 to 0  
**Subject to the above conditions**

## ATTACHMENTS

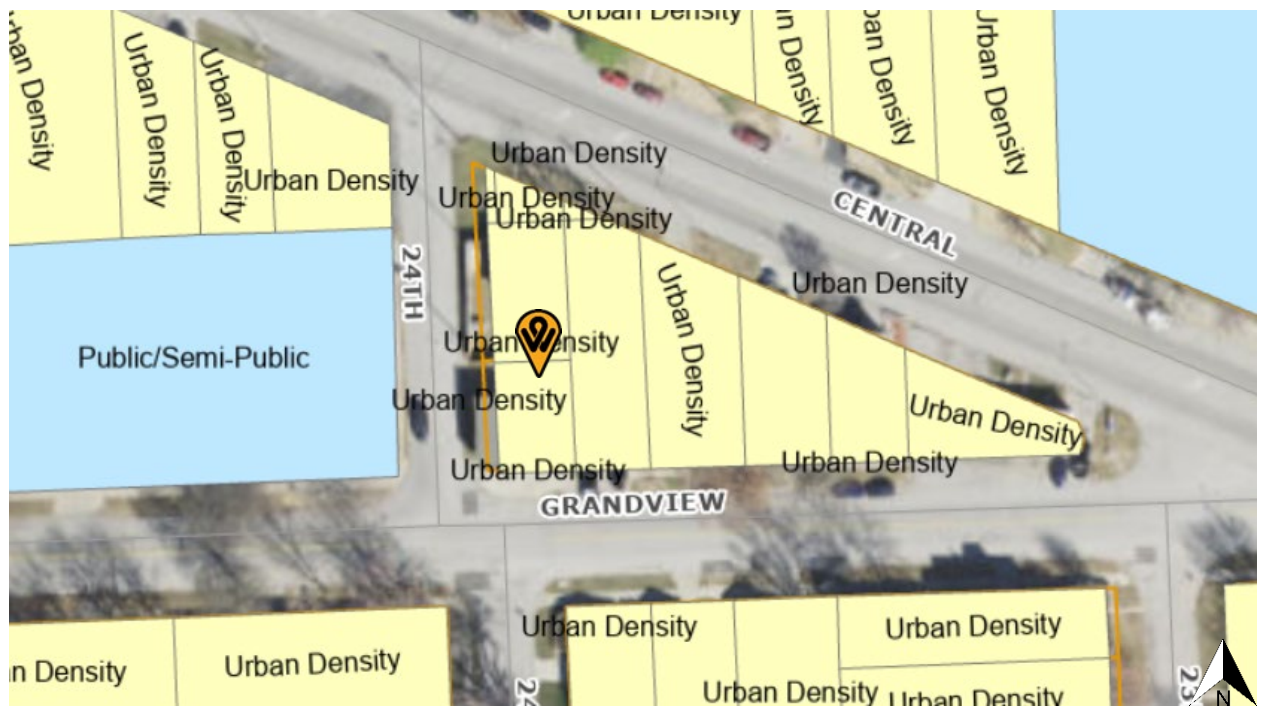
### AERIAL IMAGERY



### ZONING MAP



## LAND USE MAP





# SITE PLAN

## 2324 GRANDVIEW BOULEVARD SITE PLAN





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**SITE PHOTOS, TAKEN BY STAFF, DATED AUGUST 11, 2023**

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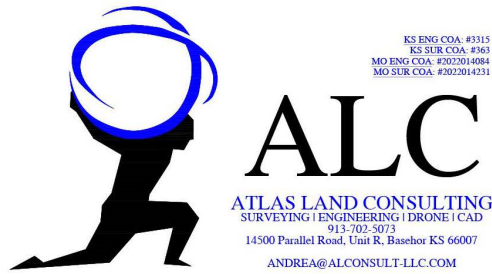




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## NEIGHBORHOOD MEETING MATERIALS

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### Neighborhood Meeting/Letter Report

To: Janet Parker, UG Department of Planning & Urban Design

Address: 701 N 7<sup>th</sup> Street  
Kansas City, KS 66101

Phone: 913-573-5758

Email: [jparker@wycokck.org](mailto:jparker@wycokck.org)

Date: August 30, 2023

Project: BOZA2023-036/COZ2023-022 2324 Grandview Blvd.

### Neighborhood Letter Response Notes:

Below is recorded the responses received from the notice letters sent on August 15<sup>th</sup>, 2023.

An email was received on August 21<sup>st</sup> from Paul R Soptick Jr. stating “We are happy to see interest in a business at this address, but have some concerns about the owners lack of maintenance of the property in the past, and the candy store they are interested in operating at this location.” We reached out to the owner to set up a meeting with Paul and some other neighbors but they were not available before the deadline of this report. We sent the site plan and architectural plans for the building to Paul and have not received any further comment.

No other responses were received.

Please let me know if you have any questions.

**T. Alex Elliott, PE**  
[alex@alconsult-llc.com](mailto:alex@alconsult-llc.com)  
913.702.2936

14500 Parallel Rd. Unit R Basehor, KS 66007



**AFFIDAVIT – NEIGHBORHOOD MEETING**

STATE OF Kansas )  
COUNTY OF Johnson ) SS:

Comes now Timothy A. Elliott, of lawful age, sound mind and upon his/her oath states as follows:

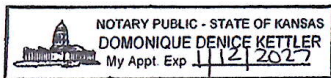
1. That I am the petitioner for Petition # BO242023-036 + CO22023-022
2. That I conducted a neighborhood meeting on Letters Sent 08/15/2023
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

  
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 30<sup>th</sup> day of August, 2023.

My commission expires 12<sup>th</sup> of January, 2027.



  
Notary Public

AFTER A MEETING WITH THE OWNER OF THE PROPERTY AND ROGER AVALOS, PROJECT ENGINEER I FEEL THE CHANGE OF ZONING FROM CP-0, PLANNED NON-RETAIL BUSINESS DISTRICT, TO CP-1 PLANNED LIMITED BUSINESS DISTRICT SHOULD BE APPROVED.

THE OWNER AND MR AVALOS ANSWERED QUESTIONS THAT WERE ASKED AS TO THE NATURE OF THE BUSINESS, " WILL BE USED AS A WAREHOUSE TO HOUSE MERCHANDISE FOR RESALE TO LOCAL BUSINESSES"; AND TO THE PARKING NEEDS " NEEDING ONE SPACE INSTEAD OF FOUR" AS DEFINED BY ORDINANCES, AND MAINTENANCE OF THE PROPERTY " REMOVAL OF GRAFFITI BY PAINTING A MURAL ON THE WEST SIDE OF BUILDING" AND IMPROVEMENT OF THE CONCRETE SIDEWALKS AND DRIVEWAYS, AND KEEPING THE GRASS AREAS PROPERLY MOWED.

REGARDS

PAUL R SOPTICK JR  
HOME: 913-281-4351  
CELL: 913-927-8848



# Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

701 N 7<sup>th</sup> 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:** September 28, 2023

**Re:** Change of Zone Petition COZ2023-023

## GENERAL INFORMATION

**Applicant:**  
Alex Elliott

**Status of Applicant:**  
Representative  
Atlas Land Consultants  
14500 Parallel Road Unit R  
Basehor, Kansas 66007

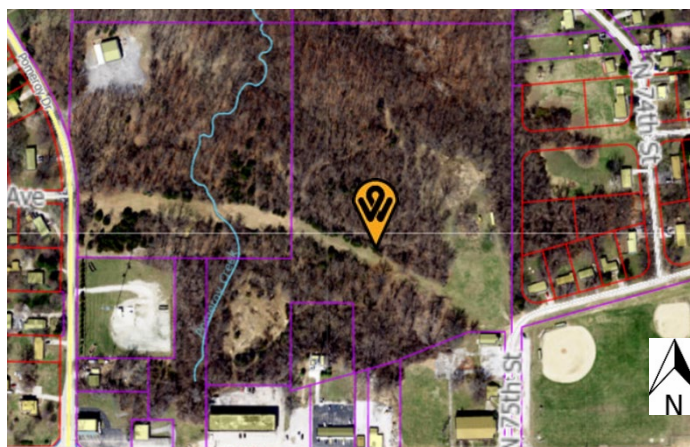
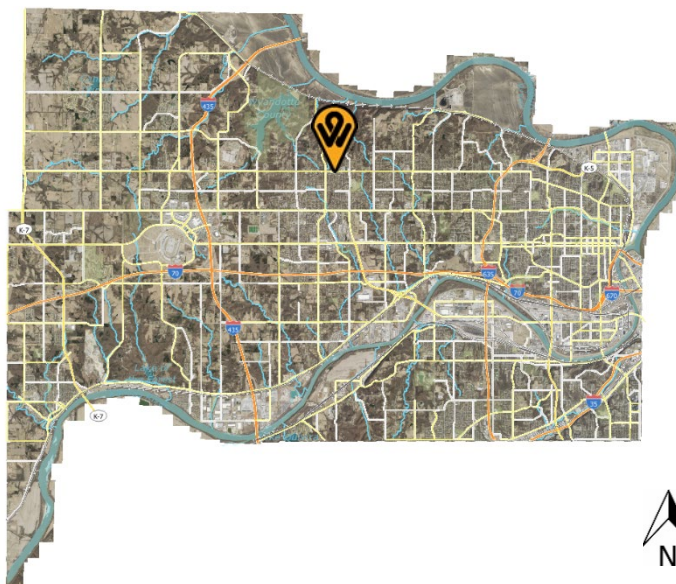
**Requested Actions:**  
Approval of a Change of Zone.

**Date of Application:**  
July 14, 2023

**Purpose:**  
To approve a Change of Zone from R-1 Single Family District to A-G Agriculture District, to utilize the property for agricultural uses, including keeping five (5) cattle.

**Property Location:**  
3308 North 75<sup>th</sup> Street  
Kansas City, Kansas 66111

**Commission Districts:**  
Commissioner At-Large, District #1:  
Melissa Bynum  
District #8 Commissioner: Andrew Davis



|                                        |                                                                                                                                                                                                                                                                    |
|----------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Existing Zoning:</b>                | R-1 Single Family District                                                                                                                                                                                                                                         |
| <b>Adjacent Zoning:</b>                | <b>North:</b> R-1 Single Family District<br><b>South:</b> R-1 Single Family, C-1 Limited Business, C-3 Commercial, and CP-3 Planned Commercial Districts<br><b>East:</b> R-1 Single Family District<br><b>West:</b> A-G Agriculture and R-1 Single Family District |
| <b>Adjacent Uses:</b>                  | <b>North:</b> Agricultural land<br><b>South:</b> Commercial property<br><b>East:</b> Washington High School<br><b>West:</b> Agricultural land and single-family residence                                                                                          |
| <b>Total Tract Size:</b>               | 16.68 Acres                                                                                                                                                                                                                                                        |
| <b>Comprehensive Plan Designation:</b> | The City-Wide Comprehensive Plan designates this property as Rural Density Residential, which allows agriculture, ranches and large lot residential development.                                                                                                   |
| <b>Major Street Plan:</b>              | The goDotte Mobility Plan classifies North 75 <sup>th</sup> Street as a Local/Neighborhood Street.                                                                                                                                                                 |
| <b>Required Parking:</b>               | Section 27-452(e) requires two (2) off-street parking spaces for each single-family dwelling. The property can accommodate more than two (2) spaces.                                                                                                               |
| <b>Advertisement:</b>                  | <u>The Wyandotte Echo</u> – August 17, 2023<br>Letters to Property Owners – August 18, 2023                                                                                                                                                                        |
| <b>Public Hearings:</b>                | September 11, 2023 and September 28, 2023                                                                                                                                                                                                                          |
| <b>Public Support:</b>                 | None to date.                                                                                                                                                                                                                                                      |
| <b>Public Opposition:</b>              | None to date.                                                                                                                                                                                                                                                      |

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## PROPOSAL

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Detailed Outline of Requested Action: The applicant, Alex Elliott with Atlas Land Consultants, is requesting a change of zone from R-1 Single Family District to A-G Agriculture District to utilize the property for agricultural uses, including keeping five (5) cattle, at 3308 North 75<sup>th</sup> Street.

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## **RELATED ENFORCEMENT AND ACTION ITEMS**

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### **Noise or Disturbance Complaints:**

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

### **Building or Code Enforcement Complaints:**

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

### **Outstanding or Related Permits and Cases:**

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

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## **FACTORS TO BE CONSIDERED**

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### ***1. Neighborhood character.***

The subject property is within the Nearman Hills Statistical Neighborhood, the Leavenworth Road Association, and the Pomeroy Neighborhood group. The surrounding neighborhood is comprised of medium sized lots with single-family residences, institutional uses such as schools and churches, and small-scale retail along Leavenworth Road.

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

The zoning and uses are set out above. The properties directly adjacent to the north and east of subject property is zoned exclusively R-1 Single Family District and is used for single-family residences, while property to the south is zoned primarily commercial with the C-1 Limited Business and the C-3 Commercial Districts zoning. There is, however, property zoned A-G Agriculture District surrounding the property to the west. Considering the range in zoning and uses surrounding the property, the proposed use is compatible with nearby zoning.

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

The property is 16.68 acres, which is larger than the threshold required for the A-G Agriculture District. The property, however, abuts and surrounds adjacent R-1 Single Family District zoning and single-family residences, which could be an issue. If managed properly, however, the property is suitable to be rezoned to A-G Agriculture District.

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

The subject property is vacant and has never been developed.

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

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

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

The proposed use will not increase traffic to the point that it will exceed the capacity of North 75<sup>th</sup> Street, a Local Street. The proposed development will be utilized for private and personal use by the applicant and will not function as a business.

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

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

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

The proposed use could harm the environment if all conditions are not followed and the property is not managed properly. The applicant shall reach out to the Conservation District and develop a Conservation Plan with them.

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

**a. *Water service***

BPU provides water service.

**b. *Sanitary sewer service***

The UG does not provide sanitary sewer service. The property would operate off of a septic system if developed in the future.

**c. Storm water control**

The UG provides storm water control, with an inlet at 75<sup>th</sup> Street & Leavenworth Road.

**d. Police**

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

**e. Fire**

Fire service is provided by Station #4, which is  $\frac{3}{4}$  of a mile away from the subject property.

**f. Transit**

Public Transit is provided by the UG along Route #113 – Leavenworth Road.

**g. Schools**

Public Education is provided by John F. Kennedy Elementary School, Bethel Elementary Eisenhower Middle School, and Washington High School under Kansas City, Kansas USD 500. The attendance boundary between John F Kennedy and Bethel Elementary Schools cuts through the subject property.

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

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

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

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

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

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



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## PREVIOUS ACTIONS

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

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## NEIGHBORHOOD MEETING

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The applicant received neighborhood comments by receiving letters or phone calls through the date of August 28, 2023. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

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## KEY ISSUES

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Activity on the Property  
Animals  
Tree Stand Preservation  
Property Boundaries  
Conservation District Comments

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## PLANNING COMMISSION RECOMMENDATION

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The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Change of Zone Application **COZ2023-023**, subject to:

1. Continue to work with the Wyandotte County Conservation District to develop a conservation plan for the property. The conservation district can be contacted at [wycococonservation@gmail.com](mailto:wycococonservation@gmail.com) or (913) 334-6329;
2. Per comments from the Wyandotte County Conservation District, winter disposal of waste needs to be done on the flatter area of the pasture. Soil samples of the pasture need to be taken at least once every two years to ensure the balance of all nutrients;
3. All tress on the property shall be maintained. Any trees that are removed shall be replaced;
4. No vehicles or trailers shall be parked on an unimproved surface. All parking must be on a paved surface;
5. The applicant must strictly adhere to the submitted waste disposal plan, unless directed otherwise by the Conservation District;
6. The exterior walls shall be made of either horizontal clapboard, wood, or plywood siding, stone, artificial stone, brick, artificial brick, and textured finishes such as stucco. Fiberglass, plastic, and preformed, corrugated, or ribbed metals are not allowed. Metals can be used provided they have a factory applied and painted finish closely matching the color of the primary structure. Standard concrete masonry units are also not allowed unless the walls of the building are painted the exact color of the primary structure;
7. 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](mailto:buildinginspection@wycokck.org) to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
8. 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;
  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](mailto:signpermits@wycokck.org) to begin this process;
  10. If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;
  11. Lighting shall be installed to have a 90-degree cutoff;
  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](mailto:buildinginspection@wycokck.org) to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
  13. All existing and future driveways must feature curb cuts that are constructed to UG standards;
  14. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
  15. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department,

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

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

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## STAFF COMMENTS AND SUGGESTIONS

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Staff concurs with the recommendation of the City Planning Commission.

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## STAFF RECOMMENDATION

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Staff recommends that the Board of Commissioners concur with the findings contained within the staff report related to *Factors to be Considered* and *Key Issues* and recommends **APPROVAL** of Petition **COZ2023-023** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

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## ATTACHMENTS

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September 11, 2023, City Planning Commission Minutes  
Aerial Imagery  
Zoning Map  
Land Use Map  
Wyandotte County Conservation District Comments  
Site Plan  
UG Maps Pictometry, Dated March 2023  
Site Photos, Provided by Staff, Dated August 11, 2023  
Neighborhood Meeting Materials

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## REVIEW OF INFORMATION AND SCHEDULE

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Action  
Public Hearing  
Rezoning

Planning Commission  
September 11, 2023  
approval

Board of Commissioners  
September 28, 2023

**STAFF CONTACT:**        **James Molloy**  
                                         [jlmolloy@wycokck.org](mailto:jlmolloy@wycokck.org)

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## MOTIONS

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I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2023-023** as meeting all the requirements of the city code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. \_\_\_\_\_;
2. \_\_\_\_\_; And
3. \_\_\_\_\_.

## OR

I move the Unified Government Board of Commissioners **DENY** Petition **COZ2023-023**, 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.

### **September 11, 2023, City Planning Commission Minutes:**

### **Hearing starts at 2:01:20:**

**CHANGE OF ZONE APPLICATION COZ2023-023 – ALEX ELLIOTT WITH ATLAS LAND CONSULTING – SYNOPSIS:** Change of Zone from R-1 Single Family District to A-G Agriculture District for agricultural uses, including the keeping of cattle at 3308 North 75<sup>th</sup> Street. *Detailed Outline of Requested Action:* The applicant, Alex Elliott with Atlas Land Consultants, is requesting a change of zone from R-1 Single Family District to A-G Agriculture District to utilize the property for agricultural uses, including keeping five (5) cattle, at 3308 North 75<sup>th</sup> 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 September 11, 2023;

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

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

Present in Support:

- Alex Elliot, applicant, Atlas Land Consulting, 14500 Parallel Road, Unit R, Basehor, Kansas 66007

Present in Opposition:

- No one appeared

**Staff Recommendation starts at 2:04:24:** Planning Director Hand stated this application is a Change of Zone to A-G for agricultural purposes. The property is in the City-Wide Comprehensive Plan. Staff has received no letters in support nor opposition. There are no Notices of Violation on the property. The property is a little over 16 acres and abuts another property that had a case before the Commission that had its own enforcement issues off Pomery Drive as they were essentially using the property for their commercial business. Staff took particular interest in this case and made sure there were conditions of approval specifically relating to working with the Conservation District. Staff recommends approval subject to the conditions in the staff report.

**Motion starts at 2:05:30:**

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

**COZ2023-023:**

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

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

**Subject to:**

1. Continue to work with the Wyandotte County Conservation District to develop a conservation plan for the property. The conservation district can be contacted at [wyco.conservations@gmail.com](mailto:wyco.conservations@gmail.com) or (913) 334-6329;
2. Per comments from the Wyandotte County Conservation District, winter disposal of waste needs to be done on the flatter area of the pasture. Soil samples of the pasture need to be taken at least once every two years to ensure the balance of all nutrients;
3. All trees on the property shall be maintained. Any trees that are removed shall be replaced;
4. No vehicles or trailers shall be parked on an unimproved surface. All parking must be on a paved surface;
5. The applicant must strictly adhere to the submitted waste disposal plan, unless directed otherwise by the Conservation District;
6. The exterior walls shall be made of either horizontal clapboard, wood, or plywood siding, stone, artificial stone, brick, artificial brick, and textured finishes such as stucco. Fiberglass, plastic, and preformed, corrugated, or ribbed metals are not allowed. Metals can be used provided they have a factory applied and painted finish closely matching the color of the primary structure. Standard concrete masonry units are also not allowed unless the walls of the building are painted the exact color of the primary structure;
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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](mailto:signpermits@wycokck.org) to begin this process;

10. If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;
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13. All existing and future driveways must feature curb cuts that are constructed to UG standards;
14. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
15. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;
16. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed by right or by Special Use Permit under the new zoning district, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located; and
17. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.



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## ATTACHMENTS

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### AERIAL IMAGERY

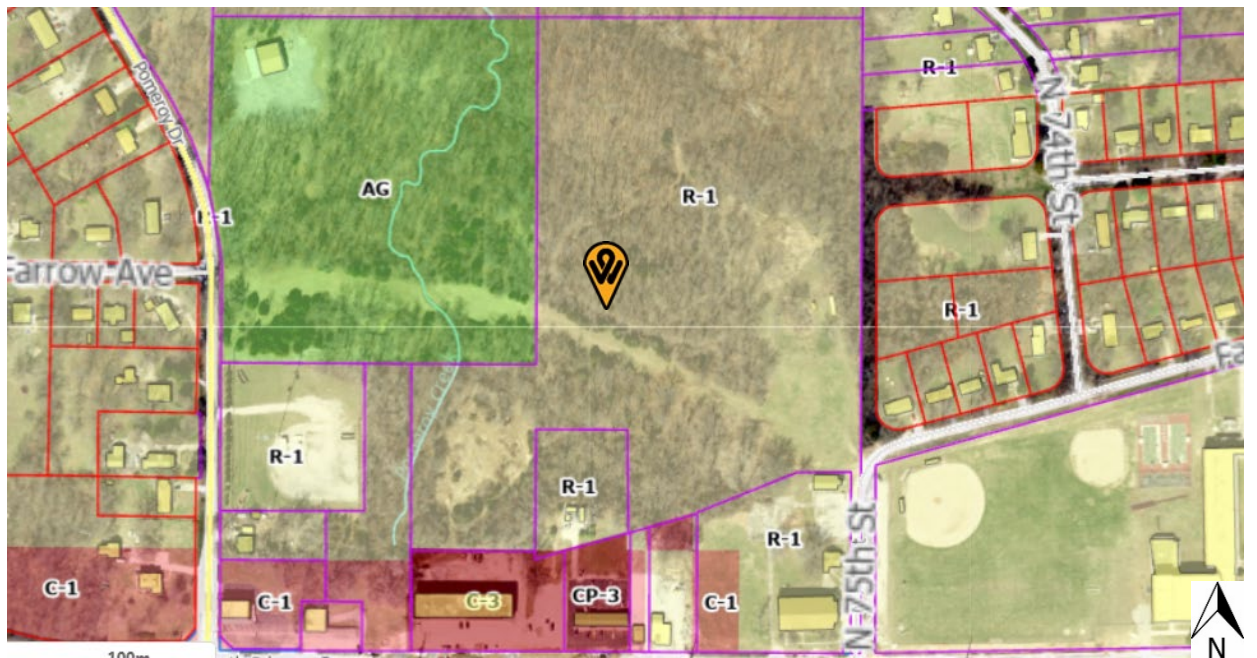
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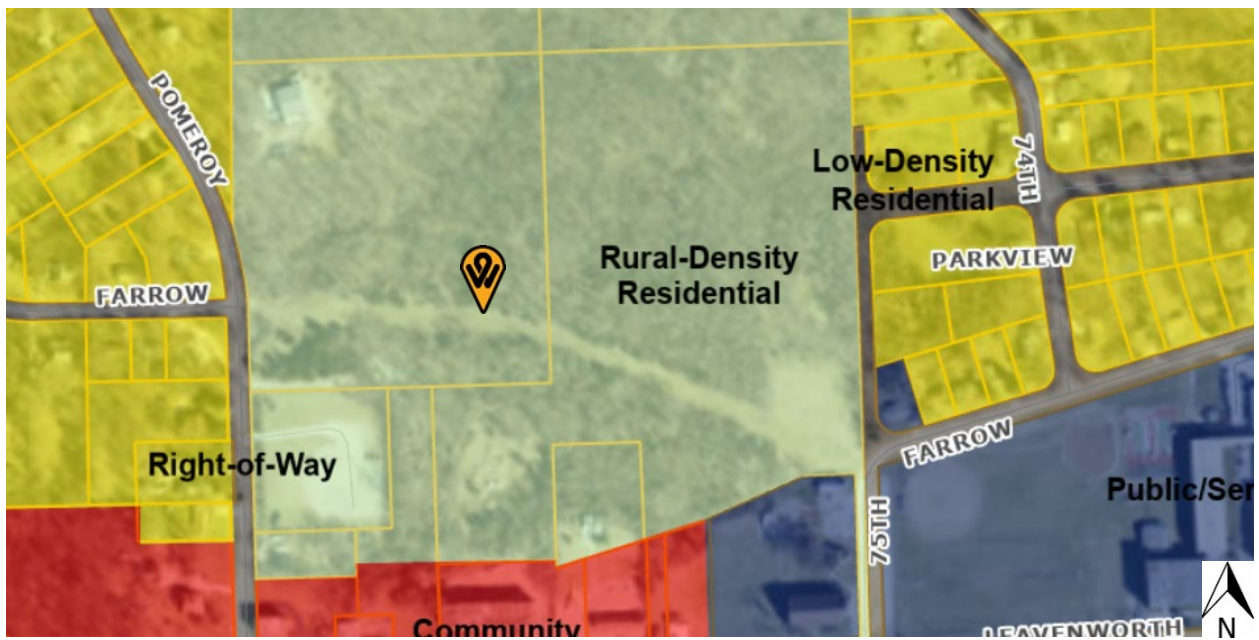
### ZONING MAP

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## LAND USE MAP



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## WYANDOTTE COUNTY CONSERVATION DISTRICT COMMENTS

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

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

August 15, 2023

RE: COZ-2023-023 Alex Elliot with Atlas Land Consultants; R-1 to A-G for agricultural uses and cattle at 3308 North 75<sup>th</sup> Street

Dear Mr. Hand:

The Wyandotte County Conservation District has completed an environmental review of the: COZ-2023-023 Alex Elliot with Atlas Land Consultants; R-1 to A-G for agricultural uses and cattle at 3308 North 75<sup>th</sup> Street.

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

### MAPS AND REPORTS

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

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

- There are two major soil types identified: Ladoga silt loam, 3 to 8 percent slope and Knox silt loam, 12 to 18 percent slopes. These soil types are considered very erodible when the surface is denuded of a protective cover.
- This site is mostly covered with trees with a small area useable for pasture. The fencing will need to be of high standard to keep the cattle in. The woodland area should not be grazed. Fencing will be needed to keep them out of the trees.
- The winter disposal of waste needs to be done on the flatter area of the pasture. Soil samples of the pasture need to be taken at least once every two years to ensure the balance of all nutrients.
- We did not see any signs of a watering system. That needs to be addressed for winter and summer.
- The woodland area may be worth doing a timber stand improvement project.

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

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

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

Sincerely,

Cheri Miller  
District Manager

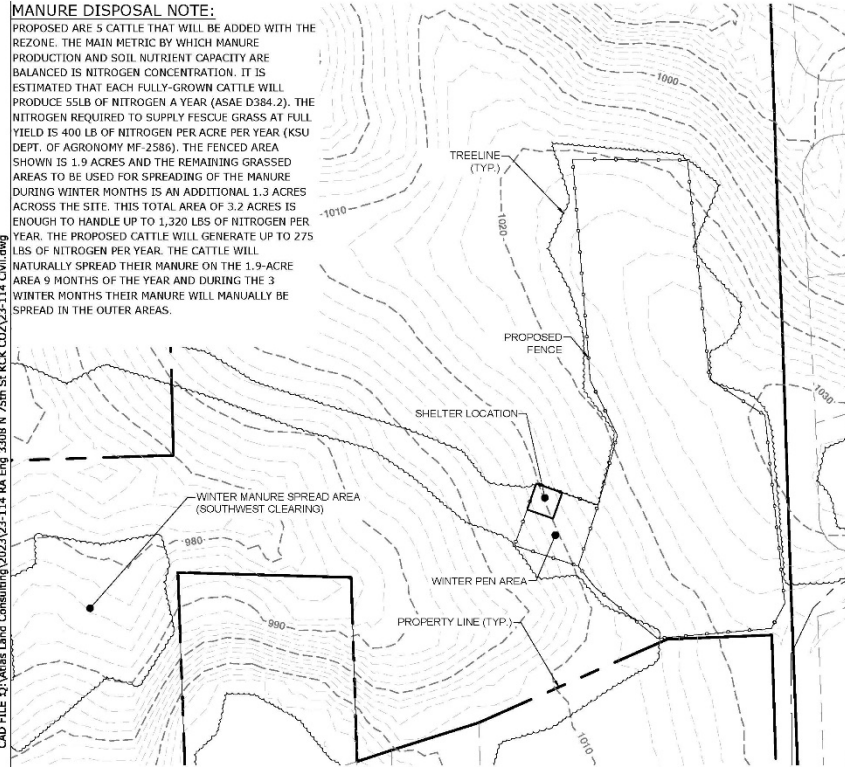
enclosures

# SITE PLAN

## MANURE DISPOSAL NOTE:

PROPOSED ARE 5 CATTLE THAT WILL BE ADDED WITH THE REZONE. THE MAIN METRIC BY WHICH MANURE PRODUCTION AND SOIL NUTRIENT CAPACITY ARE BALANCED IS NITROGEN CONCENTRATION. IT IS ESTIMATED THAT EACH FULLY-GROWN CATTLE WILL PRODUCE 55LB OF NITROGEN A YEAR (ASAE D384.2). THE NITROGEN REQUIRED TO SUPPLY FESCUE GRASS AT FULL YIELD IS 400 LB OF NITROGEN PER ACRE PER YEAR (KSU DEPT. OF AGRONOMY MF-2586). THE FENCED AREA SHOWN IS 1.9 ACRES AND THE REMAINING GRASSED AREAS TO BE USED FOR SPREADING OF THE MANURE DURING WINTER MONTHS IS AN ADDITIONAL 1.3 ACRES ACROSS THE SITE. THIS TOTAL AREA OF 3.2 ACRES IS ENOUGH TO HANDLE UP TO 1,320 LBS OF NITROGEN PER YEAR. THE PROPOSED CATTLE WILL GENERATE UP TO 275 LBS OF NITROGEN PER YEAR. THE CATTLE WILL NATURALLY SPREAD THEIR MANURE ON THE 1.9-ACRE AREA 9 MONTHS OF THE YEAR AND DURING THE 3 WINTER MONTHS THEIR MANURE WILL MANUALLY BE SPREAD IN THE OUTER AREAS.

7/28/2023 10:05 AM, T:\MAL  
CAD FILE 2: Atlas Land Consulting\2023\23-114 RA Eng 3308 N 75th St KCK COZ23-114 Civil.dwg



|                                                                                     |                                |
|-------------------------------------------------------------------------------------|--------------------------------|
|  |                                |
| <b>WASTE DISPOSAL PLAN</b>                                                          | <b>3308 N 75TH ST.<br/>KCK</b> |
| <b>PREPARED FOR:</b><br>RA<br>ENGINEERING                                           |                                |
| <b>PROJECT #:</b> 23-114<br><b>ISSUE DATE:</b> 08/28/2023                           |                                |
| <div style="height: 40px; border: 1px solid black;"></div>                          |                                |

## NEIGHBORHOOD MEETING MATERIALS

The applicant sent out letters in lieu of a meeting. No letters were received.

### AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas )  
COUNTY OF Johnson ) SS:

Comes now Timothy A. Elliott, of lawful age, sound mind and upon his/her oath states as follows:

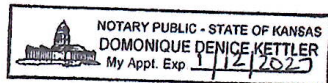
1. That I am the petitioner for Petition # CO22023-023
2. That I conducted a neighborhood meeting on Letters sent 08/15/2023
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

  
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 30<sup>th</sup> day of August, 2023

My commission expires 12<sup>th</sup> of January, 2027.



  
Notary Public







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**SITE PHOTOS, PROVIDED BY STAFF, DATED AUGUST 11, 2023**

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# Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

701 N 7<sup>th</sup> Street, Suite 423  
Kansas City, Kansas 66101  
[www.wycokck.org/planning](http://www.wycokck.org/planning)

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

**To:** Unified Government Board of Commissioners

**From:** Planning and Urban Design Staff

**Date:** September 28, 2023

**Re:** Special Use Petition SP2023-017

## GENERAL INFORMATION

**Applicant:**

William Walker, Jr

**Status of Applicant:**

Property Owner

5708 Northwest 92<sup>nd</sup> Terrace  
Kansas City, Missouri 64154

**Requested Action:**

Approval of a Special Use Permit.

**Date of Application:**

March 10, 2023

**Purpose:**

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

**Property Location:**

15 South 17<sup>th</sup> Street, Apt #2  
Kansas City, Kansas 66102

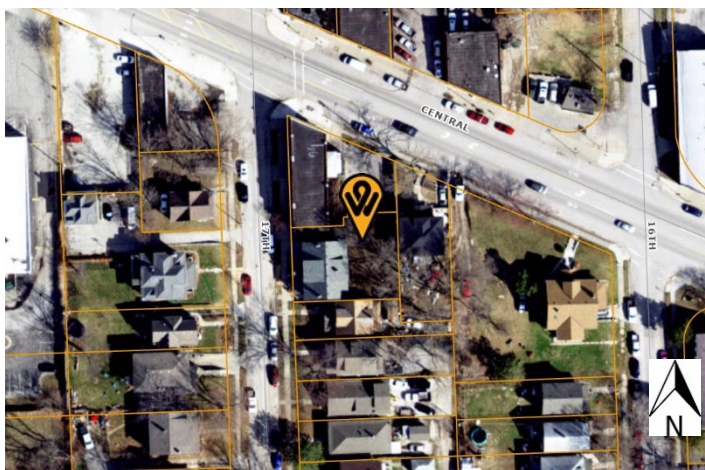
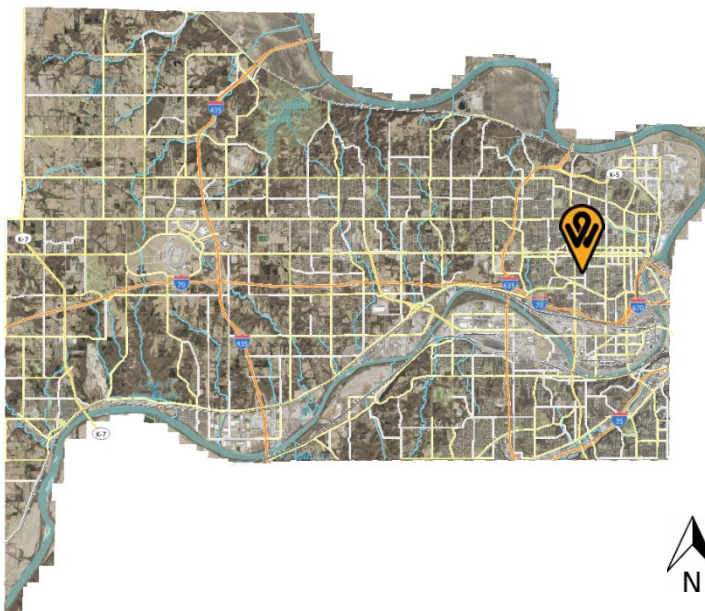
**Commission Districts:**

Commissioner At-Large, District #2:

Tom Burroughs

District #2 Commissioner:

Brian McKiernan



|                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|---------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Existing Zoning:</b>         | C-3 Commercial District                                                                                                                                                                                                                                                                                                                                                                                                           |
| <b>Adjacent Zoning:</b>         | <b>North:</b> C-3 Commercial District<br><b>South:</b> R-1(B) Single Family District<br><b>East:</b> RP-5 Planned Apartment District<br><b>West:</b> R-1(B) Single Family District                                                                                                                                                                                                                                                |
| <b>Adjacent Uses:</b>           | <b>North:</b> Mixed-Use building<br><b>South:</b> Single-family residence<br><b>East:</b> Multi-family residence<br><b>West:</b> Single-family residence                                                                                                                                                                                                                                                                          |
| <b>Total Tract Size:</b>        | 0.14 Acre                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <b>Master Plan Designation:</b> | The Central Area Plan designates the subject property as Community Commercial, which is intended to provide goods and services to adjacent districts and neighborhoods. Uses may include medium-sized box stores with small scale accessory commercial uses and small-scale commercial centers.                                                                                                                                   |
| <b>Major Street Plan:</b>       | The Major Street plan designates South 17 <sup>th</sup> Street as a Local Street.                                                                                                                                                                                                                                                                                                                                                 |
| <b>Parking Requirement:</b>     | The C-3 zoning district refers back to the R-5 zoning district parking requirement, which 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 (2) bedrooms or more. It is unclear how many bedrooms are within each unit; however, the property does not provide on-site parking. |
| <b>Advertisement:</b>           | <u>The Wyandotte Echo</u> – April 13, 2023<br>Letters to Property Owner – April 14, 2023, April 28, 2023, June 3, 2023, July 5, 2023 and August 8, 2023                                                                                                                                                                                                                                                                           |
| <b>Public Hearings:</b>         | September 11, 2023 and September 28, 2023                                                                                                                                                                                                                                                                                                                                                                                         |
| <b>Public Support:</b>          | None to date.                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <b>Public Opposition:</b>       | None to date.                                                                                                                                                                                                                                                                                                                                                                                                                     |

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## PROPOSAL

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Detailed Outline of Requested Action: The applicant, William Walker, Jr., is requesting a Special Use Permit to operate a short-term rental out of one (1) unit (Unit #2) of a multi-

family residence with four (4) units at 15 South 17<sup>th</sup> Street. This is not the owner's primary residence.

City Ordinance Requirements: 27-592 through 27-606

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## **RELATED ENFORCEMENT AND ACTION ITEMS**

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### **Noise or Disturbance Complaints:**

1. There have been three (3) police calls for service on the subject property.
  - a. 2022 – Case 2022-122718 – Vehicle Burglary
  - b. 2021 – Case 2021-65419 – Theft
  - c. 2019 – Case 2019-49985 – Theft

### **Building, Zoning, or Code Enforcement Complaints:**

1. There have been no Notices of Violation on the subject property.

### **Outstanding or Related Permits and Cases:**

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

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## **FACTORS TO BE CONSIDERED**

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### ***1. The Character of the Neighborhood.***

The subject property is located within the Riverview Statistical Neighborhood and the Prescott Neighborhood Group. The neighborhood consists of a variety of different uses, including single family residences, multi-family residences, churches, mixed-use retail, and big-box retail. The property is located near Central Avenue, a major east-west thoroughfare which runs Northwest to the Kensington Neighborhood, West to City Park via Park Drive, and east to Strawberry Hill and the West Bottoms.

### ***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 zoned for a four (4) unit multi-family residence and using one (1) unit as a short-term rental is compatible in nature. There are concerns, however, with parking, as currently the property, like others in the neighborhood, does not provide any on-site parking.

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

The property is suitable for the uses to which it has been restricted. While currently, the unit does not provide off-street parking, the use as a rental, short-term or long-term is a legally non-conforming use. As long as the applicant

abides by conditions of approval, there should not be an impact on nearby property.

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

The property is not vacant and has been used as a rental unit continuously since at least 1999. The unit in question is vacant intermittently, as the unit is rented out to traveling nurses for periods longer than 30 days.

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

Special Use Permits are not addressed in the Central Area Plan. The plan designates this property as Community Commercial, which is intended to provide goods and services to adjacent districts and neighborhoods. Uses may include medium-sized box stores with small scale accessory commercial uses and small-scale commercial centers. The property's current and proposed use does not conform to the Area Plan designation and would require a Master Plan Amendment if redeveloped.

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

The proposed use has the potential to increase vehicular traffic but should not exceed the capacity of South 17<sup>th</sup> 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 multi-family building in a built-out neighborhood.

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

Noise and vibration are issues that are related to short-term rentals. There have not been any noise complaints to date with the current applicant, as this is a new application. Dust or illumination are not typically related to the use of a residential property as a short-term rental and ostensibly are not considered to be problems for nearby properties.

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

The proposed use would not pollute air or land as it is located in an existing, permitted structure. If the applicant properly manages the property, trash from guests should be minimal and temporary.

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

The proposed use would not damage or destroy an irreplaceable natural resource as it will operate within an existing structure in a built-out, mixed-use neighborhood.

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

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

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

The proposed use would not result in overcrowding as it operates within an existing structure on the site. The maximum number of overnight guests at one time is five (5). If the applicant abides by the outlined conditions, undue concentrations of population should not be an issue. The property does not provide any off-street parking, thus, while the overcrowding of land on the property is not a concern, overcrowding of the right-of-way is a potential concern, however, the use as a multi-family rental property is a legally non-conforming use with legally non-conforming parking.

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**PREVIOUS ACTIONS**

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

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**NEIGHBORHOOD MEETING**

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The applicant held a neighborhood meeting in-person at Hilton Garden Inn (520 Minnesota Avenue) on April 19, 2023. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

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## KEY ISSUES

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Home Inspection

Noise

Parking

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## PLANNING COMMISSION RECOMMENDATION

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The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Special Use Permit Application **SP2023-017**, for one (1) year, subject to:

1. Any additional repairs not addressed prior to approval of SP2023-017 outlined within the provided home inspection report shall be performed prior to renewal of this Special Use Permit;
2. Only one (1) unit of this fourplex may be used as a short-term rental.
3. Maximum number of guests shall be five (5);
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](http://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](mailto: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](mailto: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.

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## STAFF COMMENTS AND SUGGESTIONS

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Staff concurs with the recommendation of the City Planning Commission.

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## STAFF RECOMMENDATION

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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 **SP2023-017** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

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## ATTACHMENTS

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September 11, 2023, City Planning Commission Minutes  
Aerial Imagery  
Zoning Map  
Land Use Map  
Neighborhood Meeting Materials  
Floor Plan  
Business Plan  
Site Photos, Taken by Staff dated April 7, 2023

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## REVIEW OF INFORMATION AND SCHEDULE

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| Action         | Planning Commission | Unified Government Board of Commissioners |
|----------------|---------------------|-------------------------------------------|
| Public Hearing | September 11, 2023  | September 28, 2023                        |
| Special Use    | Approval            |                                           |

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## STAFF CONTACT:

James Molloy  
[jmolloy@wycokck.org](mailto:jmolloy@wycokck.org)

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## MOTIONS

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I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2023-017** 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 **SP2023-017**, 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.

### **September 11, 2023, City Planning Commission Minutes:**

#### **Hearing starts at 2:06:45:**

**SPECIAL USE PERMIT APPLICATION SP2023-017 – WILLIAM WALKER, JR. WITH WALKER REAL ESTATE INVESTMENTS, LLC:** Special Use Permit for a Short-Term Rental in one (1) of the four-plex units (will only be used for Short-Term Rental when the Long-Term Rental unit is vacant) at 15 South 17<sup>th</sup> Street #2. Detailed Outline of Requested Action: The applicant, William Walker, Jr., is requesting a Special Use Permit to operate a short-term rental out of one (1) unit (Unit #2) of a multi-family residence with four (4) units at 15 South 17<sup>th</sup> Street. This is not the owner's primary residence.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated September 11, 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:

- William Walker, Jr., applicant, 5708 Northwest 92<sup>nd</sup> Terrace, Kansas City, Missouri 64154

Commissioner Eilts stated that she understood from other hearings that a property could not be used for a short-term rental and long-term rental at the same time. Planning Director Hand stated that requirement was not included in the ordinance.

Present in Opposition:

- No one appeared

**Staff Recommendation starts at 2:10:03:** Planning Director Hand stated that this application is for a non-owner occupied Short-Term Rental Special Use Permit. It is one (1) of four (4) units in an existing legal non-conforming fourplex. The property is in the Central Area Plan. Staff has received no letters in support nor opposition. He stated that there is no off-street parking for this building which is one of the standards in the new Short-Term Rental Ordinance. He stated this is one of the things Staff is going to propose he address during the review of the Short-Term Rental Ordinance with the Planning Commission next May. He further stated that none of the tenants of that space, short, mid or long term have off-street parking. Staff recommends approval for one (1) year subject to the conditions in the staff report.

**Motion starts at 2:11:50:**

On motion by Mrs. Jones, seconded by Mr. Ernst, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit SP2023-017 for one (1) year:**

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

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

**Subject to:**

1. Any additional repairs not addressed prior to approval of SP2023-017 outlined within the provided home inspection report shall be performed prior to renewal of this Special Use Permit;
2. Only one (1) unit of this fourplex may be used as a short-term rental.
3. Maximum number of guests shall be five (5);

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](http://www.hostcompliance.com/tips) (website);
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11. If approved, occupying businesses must file and maintain a current business occupation tax application with this office;
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](mailto: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;
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- 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.**



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## ATTACHMENTS

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### AERIAL IMAGERY

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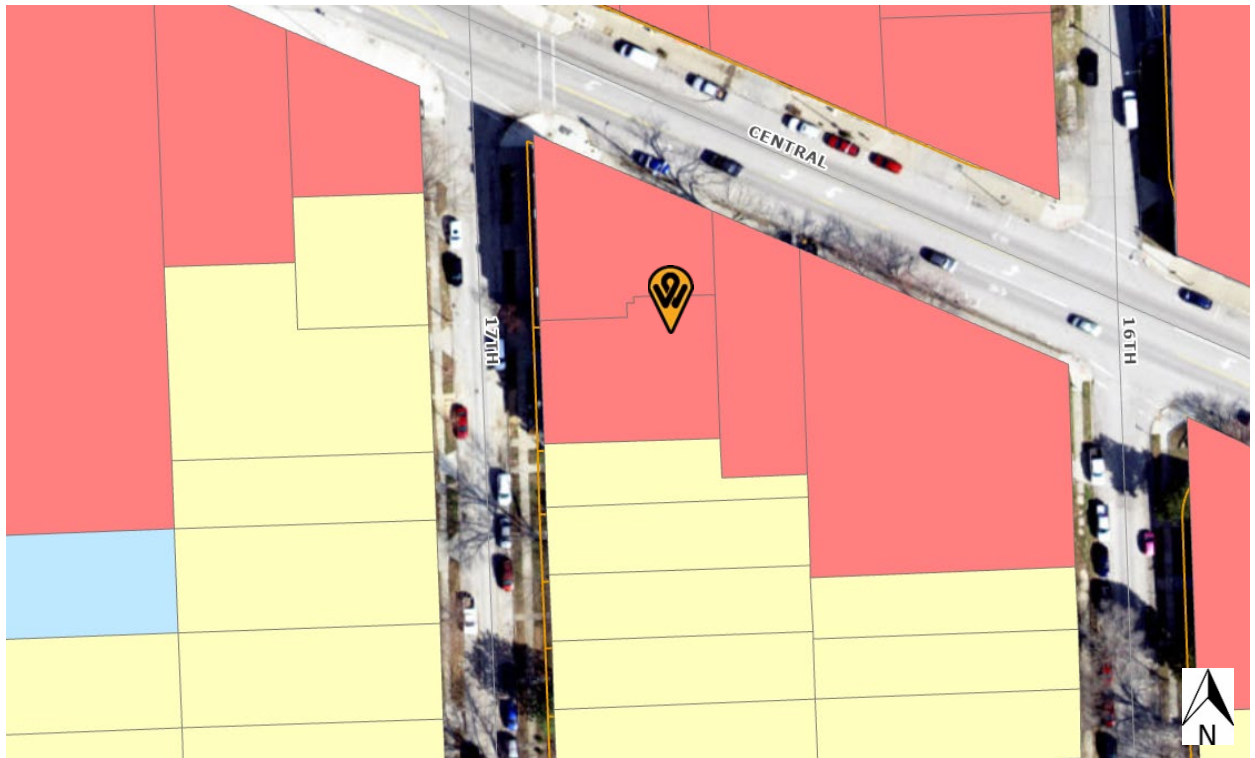
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### ZONING MAP

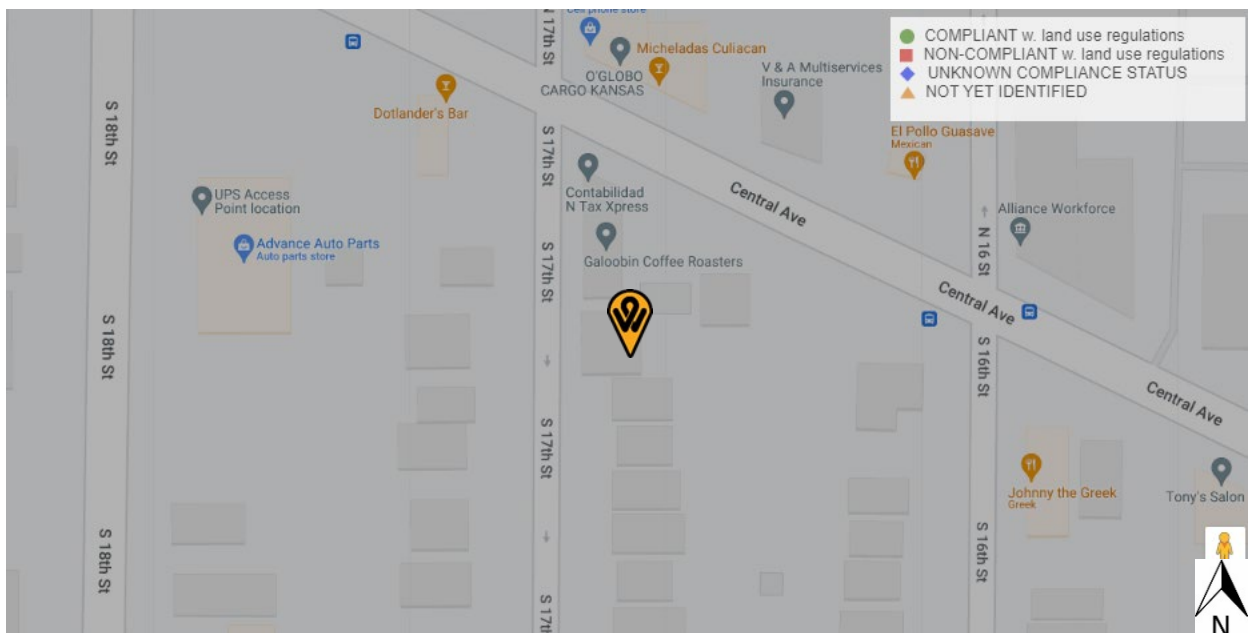
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## LAND USE MAP



## HOST COMPLIANCE MAP – SEPTEMBER 4, 2023





# SP2023-017

## Neighborhood Meeting Minutes

Hilton Garden Inn Kansas City, KS 520 Minnesota Ave Kansas City, KS 66101

DATE

April 19, 2023

TIME

6:30 PM

MEETING CALLED TO ORDER BY

Will Walker

### NAMES OF PEOPLE IN ATTENDANCE

Will Walker, Joan F. Demoss, Lidia Perez

### INTRODUCTIONS:

Will Walker

### PRESENTATION: WILL WALKER

The presentation included an introduction of myself and the company to those in attendance. I gave out my contact information and contact information for Open Door Properties, the property management company, to those in attendance, which was included in the presentation handout. The reason for my Special Use Permit request, short term rental definition, frequency of short-term rental usage, Open Door Properties role, house rules, parking, guest per stay, and pets were discussed.

### QUESTIONS & ANSWERS

Name: J. Demoss

Question: What year was the property built and what will the guest do for their laundering needs?

Answer: W. Walker: The property was built in 1912 and short-term guest have the option to take advantage of complimentary laundering services offered.

N: J. Demoss

Q: If parking is an issue, where will they park?

A: W. Walker: I'm exploring renting parking spaces from neighboring businesses.

N: J. Demoss

Q: How many guests are allowed per stay and what are the house rules about parties?

A: W. Walker: No more than five guest per stay are allowed. There are no parties, loud music or prolonged noises allowed.

**MEETING ADJOURNED AT: 7:00PM**

Date and venue for the company holiday party have been confirmed. More details coming soon.

**MINUTES TAKEN BY:**

Will Walker

**AFFIDAVIT – NEIGHBORHOOD MEETING**

STATE OF Kansas )  
 ) SS:  
COUNTY OF Wyandotte )

*Johnson DL*

Comes now William W. Walker, Jr., of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition # SP2023-017.
2. That I conducted a neighborhood meeting on 4/19/2023.
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.

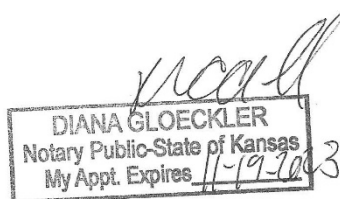
Further affiant saith not.

*William W. Walker, Jr.*  
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 25<sup>th</sup> day of April, 2023

My commission expires 14<sup>th</sup> day of November, 2023

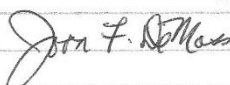
*[Signature]*  
Notary Public



# Neighborhood Meeting

YOUR LOGO  
HERE

Please sign next to your name and add you email and phone number.

| NO. | NAME                                                                                                                    | Signature                                                                          | Address          | EMAIL | Phone |
|-----|-------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------|------------------|-------|-------|
| 01  | Edgar Galicia                                                                                                           |                                                                                    | 1303 Central     |       |       |
| 02  | Stephanie Moore                                                                                                         |                                                                                    | 15 S 15th St     |       |       |
| 03  | Luis/ Bertha Abonce                                                                                                     |                                                                                    | 31 S 17th St     |       |       |
| 04  | Kyle L Adams                                                                                                            |                                                                                    | 14 S 17th St     |       |       |
| 05  | Patricia Arras                                                                                                          |                                                                                    | 1952 S 21st Ct   |       |       |
| 06  | Felix L Borquez                                                                                                         |                                                                                    | 1607 Riverview   |       |       |
| 07  | Andres Campos                                                                                                           |                                                                                    | 1617 Central Ave |       |       |
| 08  | Chris D Collins                                                                                                         |                                                                                    | 24 S 17th St     |       |       |
| 09  | Marcos O Diaz                                                                                                           |                                                                                    | 7915 Yecker      |       |       |
| 10  | Kevin/Lisa Dierks                                                                                                       |                                                                                    | 18 S 17th St     |       |       |
| 11  | Riccy Erazo-Cardona                                                                                                     |                                                                                    | 28 S 17th St     |       |       |
| 12  | Chris/ Bill Estrada                                                                                                     |                                                                                    | 2242 Garfield    |       |       |
| 13  | Marcos O Jimenez                                                                                                        |                                                                                    | 14 S 16th St # 1 |       |       |
| 14  | Felipe Jolla                                                                                                            |                                                                                    | 16 S 16th St     |       |       |
| 15  | Dorotea Morales                                                                                                         |                                                                                    | 1617 Central Ave |       |       |
| 16  | Jason Oehlert                                                                                                           |                                                                                    | 5445 Clare Rd    |       |       |
| 17  | Lidia Perez                                                                                                             |  | 7915 Yecker      |       |       |
| 18  | Mary F Pryor                                                                                                            |                                                                                    | 24 S 17th St     |       |       |
| 19  | Janeth Ramirez                                                                                                          |                                                                                    | 405 N 31st St    |       |       |
| 20  | Gabriela Rodriguez                                                                                                      |                                                                                    | 1721 Minnesota   |       |       |
| 21  | Eugenio Ruiz                                                                                                            |                                                                                    | 21 S 17th St     |       |       |
| 22  | Lorena Paredes                                                                                                          |                                                                                    | 19 S 17th St     |       |       |
| 23  | Joyce Spillman                                                                                                          |                                                                                    | 29 S 17th St     |       |       |
| 24  | Frances J Thomas                                                                                                        |                                                                                    | 1335 N 90th St   |       |       |
| 25  | Maria Torres                                                                                                            |                                                                                    | 25 S 17th St     |       |       |
| 26  | Kashif Tufail                                                                                                           |                                                                                    | 1829 Madison Ave |       |       |
| 27  | Whitney Woodward                                                                                                        |                                                                                    | 27 S 17th St     |       |       |
| 28  | Joan F. DeMoos  24 South 13th Street |                                                                                    |                  |       |       |
| 29  |                                                                                                                         |                                                                                    |                  |       |       |
| 30  |                                                                                                                         |                                                                                    |                  |       |       |
| 31  |                                                                                                                         |                                                                                    |                  |       |       |
| 32  |                                                                                                                         |                                                                                    |                  |       |       |

April 13, 2023

# WALKER REAL ESTATE INVESTMENTS, LLC

P O BOX 301042 | KANSAS CITY, MO 64130

SUBJECT: Neighborhood Meeting

I/We have filed an application with the Department of Urban Planning and Land Use # **SP2023-017**. The purpose of this is for a Special Use Permit at the following address: **15 S 17<sup>th</sup> St #2 Kansas City, KS 66102**.

I/We am/are having a neighborhood meeting on **April 19<sup>th</sup>, 2023 at 6:30 p. m.** at the following address: **Hilton Garden Inn Kansas City, KS 520 Minnesota Ave Kansas City, KS 66101**

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

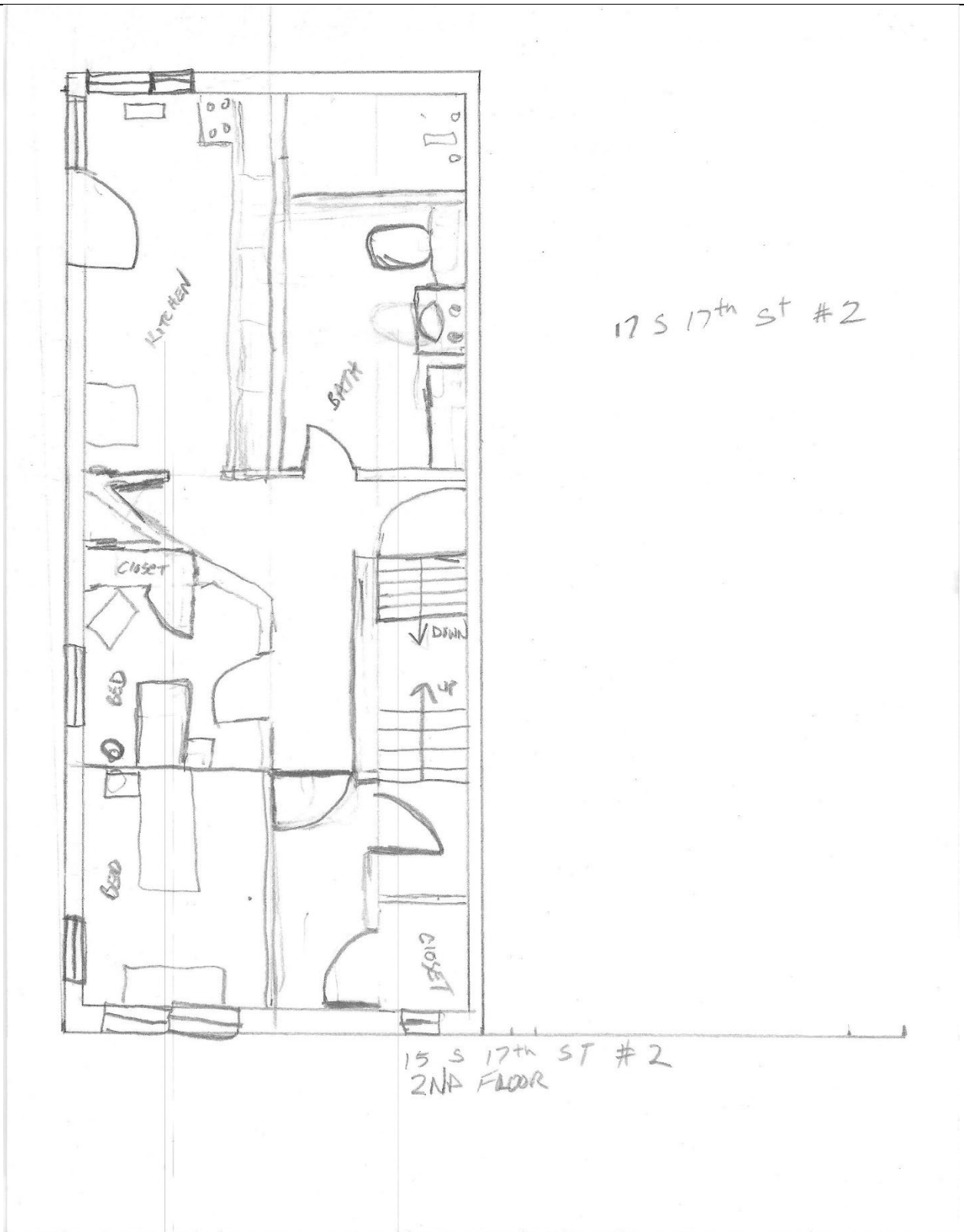
I look forward to seeing you at the neighborhood meeting. If you are unable to attend, please contact me at the email address/phone number listed below.

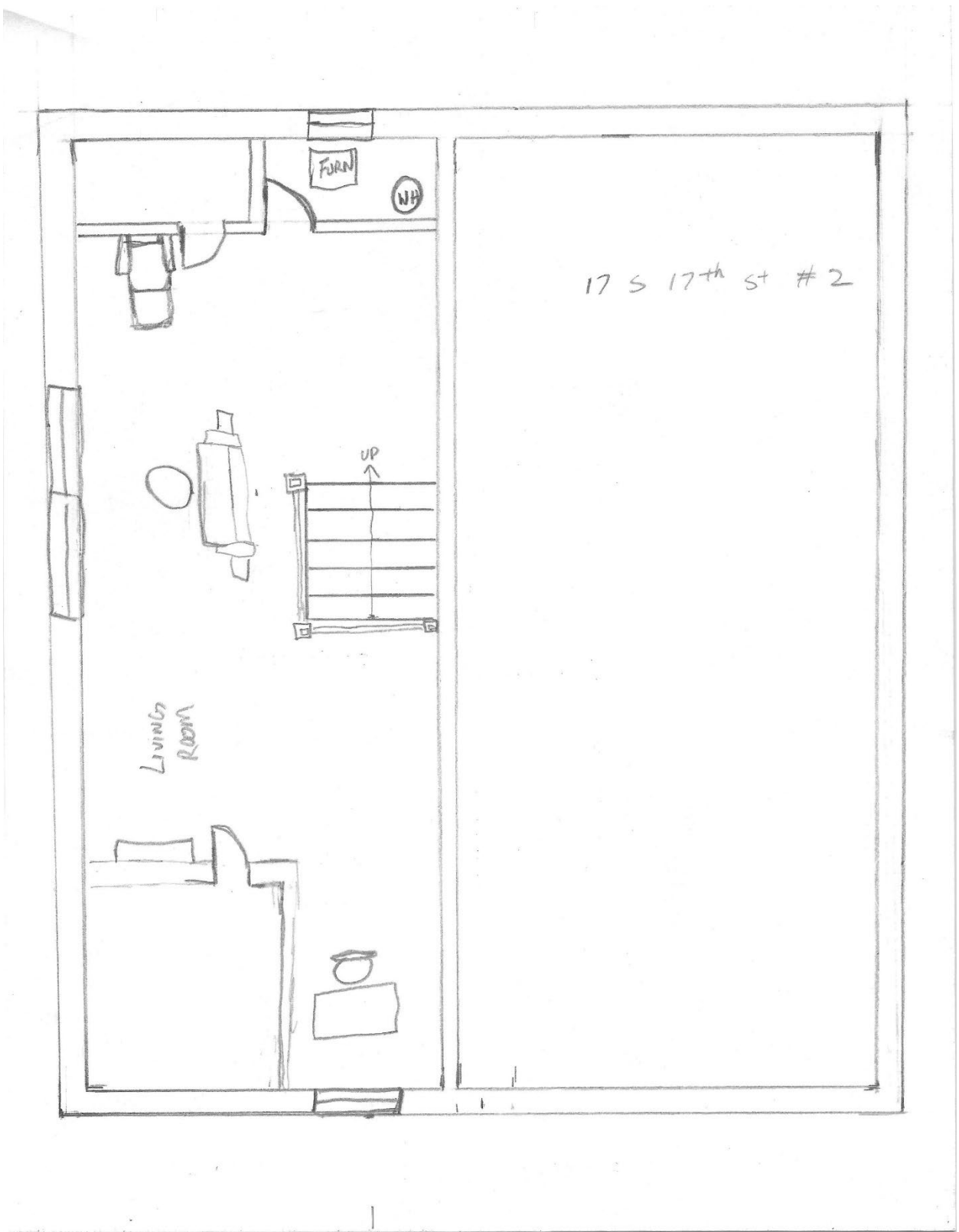
SINCERELY,

WILLIAM W WALKER, JR

[will.walker@kw.com](mailto:will.walker@kw.com) | (816) 935-2298

# FLOOR PLAN







### **Executive Summary**

#### **Product**

Walker Real Estate Investments (WREI) is a company that invest in residential properties, both single family and multi-family, in the Kansas City metropolitan area. The company invest in distressed, turn-key and new construction properties.

#### **Customers**

One of the target audiences for WREI is middle to upper income families needing to buy a single-family home in the retail market. WREI also targets the same demographic for long term leases of single-family homes, apartments, townhomes and/or duplexes. The company also believes traveling professionals and/or vacationing families fit the classification suitable for short term lease agreements in single-family homes, apartments, townhomes or duplexes. Other real estate investors are also sought after to sell any of the occupied rentals to and are considered customers as well.

#### **Future of the Company**

WREI will continue to scale its portfolio of rental properties. The company will build new construction single family homes and multi-family dwellings. WREI will invest in commercial developments and other up or down-stream industries associated with real estate.

### **Company Description**

#### **Mission Statement**

To provide affordable homes with luxury features and/or conveniences across multiple socioeconomic statuses. To also aid in the renovation of distressed homes in urban areas to assist in meeting the increasing need of affordable housing.

#### **Principle Members**

William W. Walker, Jr. – Owner/CEO

#### **Legal Structure**

Walker Real Estate Investments is a single member Limited Liability Corporation, in Kansas City, Missouri.

WREI, LLC

## **Market Research**

### **Industry**

WREI is part of the real estate industry sector that is primarily concerned with the management, sale, purchase and renting of real estate. The industry is a 1.1 \$Trillion industry in the U. S. market, as of Q1 of 2023. Although the industry has suffered a 5.4% reduction compared to SPY, it has only realized an overall reduction of 1.4% since 2018. Those statistics are skewed by the outlying years of 2020 and 2021 that experienced exponential growth due to the pandemic. The reduction primarily impacts retail, the rental and leasing subsector has had more favorable outcomes. In the Kansas City metropolitan area specifically, active listings are down 7% year over year, however; sales prices have increased close to 10% over the last 12 months. As homes become harder to find and prices increase, the rental and lease market is seeing a surge as households in Kansas City are choosing to rent over own.

### **Detailed Description of Customers**

WREI aims to serve households with income brackets starting at \$47,189 to \$141,568 in the market for a new home or a rental property. Though this demographic is decreasing, it remains the most dominant representation of most income classes. The focus group for the traveling professional is traveling nurses. Their short-term lease can be 30 days or 12 months. The nurse receives a stipend for housing and a per diem for food while traveling. The rents are above market average to compensate for furnishings and included utilities. By establishing consistent occupants with steady payment histories in our rental properties, WREI will attract other investors as our customers as well.

### **Company Advantages**

WREI partners with Keller Williams Realty. Keller Williams was the number one real estate franchise in terms of agents and units sold in 2017. In addition to other poignant business attributes, the company is known for its training and coaching programs. As a young real estate business, partnering with Keller Williams is invaluable and definitely an advantage in the market. Some notable advantages include networking opportunities with a company that has the most agents and listings in the area. Also, a vendor list complete with general contractors and every craft and/or trade necessary for renovating a property. The partnership additionally allows WREI to be privy to off market deals and potentially benefit from a pipeline of investment properties.

### **Regulations**

WREI must meet all requirements for the state of Missouri and Kansas to maintain a Realtor's license. A valid Realtor's license must be maintained to partner with a licensed real estate broker like Keller Williams.

WREI, LLC

## **Service Line**

### **Product/Service**

Services Include:

- Real Estate Agent Representation
  - Seller representation
  - Buyer representation
- Housing
  - Affordable Rental Properties including single-family homes, townhomes, duplexes and apartments
  - Retail single-family homes for sale
- Investment Properties
  - Tenant occupied single-family and multi-family properties for sale

### **Pricing Structure**

WREI sells and rents properties at local market values.

### **Product Lifecycle**

All services are ready to be offered to the public.

### **Intellectual Property Rights**

Walker Real Estate Investments, LLC has not applied for a trademark. Keller Williams was trademarked 10/08/2013 and is registered on the Principal Register of the United States Patent and Trademark Office.

### **Research and Development**

Keller Williams is planning to conduct the following research and development:

- Keller Williams has 940 offices and 190,000 agents worldwide and plans to continue expansion.
- Keller Williams is also expanding its brand to other industries with several other company divisions. KellerINK is the publishing division, Luxury Homes by Keller Williams is the luxury real estate arm, KW Commercial is the division responsible for brokering

WREI, LLC

commercial real estate, KW Labs is the technology division and KWx is the holding company for its subsidiaries.

## **Marketing & Sales**

### **Growth Strategy**

To grow the company, WREI will do the following:

- Continue to develop relationships with key financial institutions.
- Strategically buy investment properties in desirable locations and urban areas.
- Sustain a balanced approach to investing in properties to sale and properties to rent.
- Maintain a balanced approach in providing long-term rentals and short-term rentals.
- Partner with and/or develop team of vendors all renovation needs.
- Create a property manage division of WREI.

WREI, LLC

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**SITE PHOTOS, TAKEN BY STAFF, DATED APRIL 7, 2023**

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# Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

701 N 7<sup>th</sup> Street, Suite 423  
Kansas City, Kansas 66101  
[www.wycokck.org/planning](http://www.wycokck.org/planning)

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

**To:** Unified Government Board of Commissioners

**From:** Planning and Urban Design Staff

**Date:** September 28, 2023

**Re:** Special Use Petition SP2023-040

## GENERAL INFORMATION

**Applicant:**

Larry and Kristi Priddy

**Status of Applicant:**

Property Owners  
3425 North 87<sup>th</sup> Street  
Kansas City, Kansas

**Requested Action:**

Approval of a Special Use Permit.

**Date of Application:**

June 30, 2023

**Purpose:**

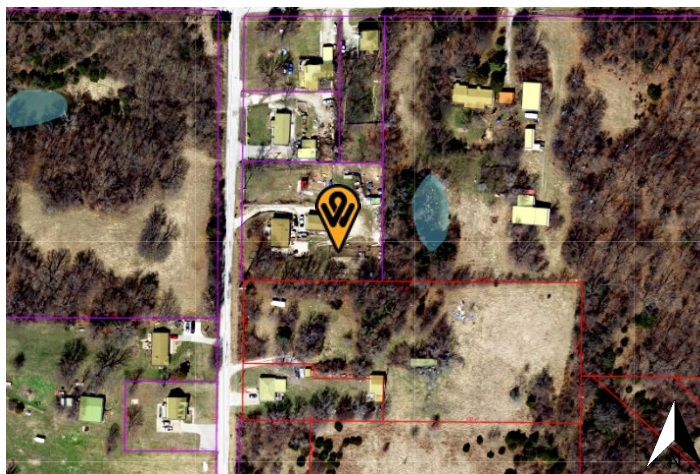
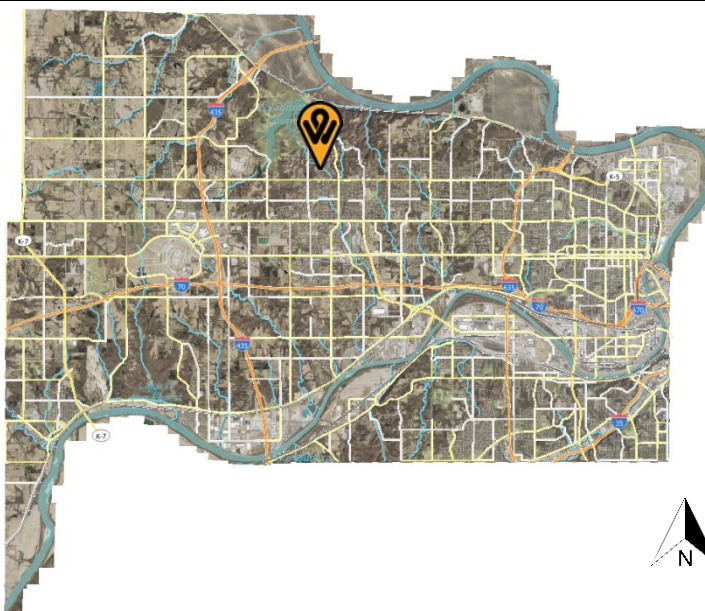
To approve a Special Use Permit to keep small livestock, chickens, ducks, goats, and a miniature pony.

**Property Location:**

3425 North 87<sup>th</sup> Street  
Kansas City, Kansas

**Commission Districts:**

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



|                                        |                                                                                                                                                                                                                                                                   |
|----------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Existing Zoning:</b>                | R-1 Single Family District                                                                                                                                                                                                                                        |
| <b>Adjacent Zoning:</b>                | <b>North:</b> R-1 Single Family District<br><b>South:</b> R-1 Single Family District<br><b>East:</b> A-G Agriculture District<br><b>West:</b> R-1 Single Family District                                                                                          |
| <b>Adjacent Uses:</b>                  | <b>North:</b> Single-family residence<br><b>South:</b> Single-family residence<br><b>East:</b> Agricultural land and single-family residence<br><b>West:</b> Vacant lots                                                                                          |
| <b>Total Tract Size:</b>               | 1.22 Acre                                                                                                                                                                                                                                                         |
| <b>Comprehensive Plan Designation:</b> | The City-Wide Comprehensive Plan designates the subject property as Low-Density Residential, which allows for single-family residences.                                                                                                                           |
| <b>Major Street Plan:</b>              | The Major Street Plan identifies North 87 <sup>th</sup> Street as a local street.                                                                                                                                                                                 |
| <b>Parking Requirement:</b>            | Section 27-454(e) states “Two off-street parking spaces shall be provided on the premises for each single-family dwelling, at least one (1) of which shall be in a garage or carport. The property provides ample parking on site with two (2) spots in a garage. |
| <b>Advertisement:</b>                  | <u>The Wyandotte Echo</u> – July 20, 2023<br>Letters to Property Owner – July 21, 2023 and August 8, 2023                                                                                                                                                         |
| <b>Public Hearings:</b>                | September 11, 2023 and September 28, 2023                                                                                                                                                                                                                         |
| <b>Public Support:</b>                 | None to date.                                                                                                                                                                                                                                                     |
| <b>Public Opposition:</b>              | None to date.                                                                                                                                                                                                                                                     |

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## PROPOSAL

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Detailed Outline of Requested Action: The applicants, Larry and Kristi Priddy, are requesting a Special Use Permit to keep chickens, ducks, goats, and a miniature pony on the property at 3425 North 87<sup>th</sup> Street. The applicants previously had a Special Use Permit (SP-2020-25) for the same use, however, that previous Special Use Permit expired in April 2022, over a year prior to their re-application. The applicants are experienced with caring for animals.



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## **RELATED ENFORCEMENT AND ACTION ITEMS**

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### **Noise or Disturbance Complaints:**

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

### **Building, Zoning, or Code Enforcement Complaints:**

1. There are no notices of violation on the subject property.

### **Outstanding or Related Permits and Cases:**

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

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## **FACTORS TO BE CONSIDERED**

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### ***1. The Character of the Neighborhood.***

The subject property is within the Nearman Hills Statistical Neighborhood and the Leavenworth Road Association group. The neighborhood is rural residential and is composed of entirely of single-family residences, as well as some agricultural use to the east of the 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 majority of the nearby uses are residential and agricultural in nature. The intended use is not expected to be incompatible.

### ***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 applicant is proposing to keep farm animals on the property. The property is over an acre with generous setbacks. The removal of restrictions will not detrimentally affect nearby properties if conditions are adhered to, and the site is properly managed, and a conservation plan is updated and maintained with the conservation district.

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

The property is not vacant, it is used as a single-family residence with agricultural uses.

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

Special Use Permits are not addressed in the City-Wide Comprehensive Plan. The City-Wide Comprehensive Plan designates the subject property as Low-Density Residential, which allows for single-family residences. While the keeping of animals does not conform to the Comprehensive Plan and is most suitable on a property designated Rural-Density Residential or Agricultural, the property is a single-family residence which complies with the existing designation.

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

The proposed use will not result in the increase of traffic along North 87<sup>th</sup> Street, a Local Street, to the point where it exceeds the capacity of the street network as the use is for the private enjoyment of the applicant.

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

The proposed use is not reasonably necessary for the convenience and welfare of the public as it is for the private use and enjoyment of the applicant. If managed properly, it should not have a negative effect on nearby properties.

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

Noise and dust from the animals are a common issue when keeping animals, however, if managed properly, this is not expected to be a concern. Vibration could be an issue if the applicant has a machinery on property.

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

There are concerns that animal waste could pollute water run-off, however, if managed properly, this is not expected to be a concern.

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

The proposed use is not expected to damage or destroy an irreplaceable natural resource as it is located within a mostly built out rural residential area with agricultural uses mixed within.

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

The relative gain to the public health, safety, and welfare as compared to hardship imposed on the landowners is minimal. There are concerns with

contaminated run-off, however, if managed properly, this should not be an issue. If this application is denied, the applicant would have to find another property to keep their animals.

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

The proposed use is not expected to result in the overcrowding of land or create undue concentrations of population, as long as the property is managed properly, and the number of animals kept on the property is proportionate to the size of the property to ensure health of the property and the animals themselves.

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## **PREVIOUS ACTIONS**

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Approval of a Special Use Permit (SP-2020-25) for two (2) years in 2020. Expired April 30, 2022.

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## **NEIGHBORHOOD MEETING**

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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.

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## **KEY ISSUES**

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Care of Animals  
Conservation Plan  
Number of Each Animal  
Parking on Unimproved Surfaces  
Waste Management Plan

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## **PLANNING COMMISSION RECOMMENDATION**

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The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Special Use Permit Application **SP2023-040**, for two (2) year, subject to:

1. **Work with the Wyandotte County Conservation District to develop a conservation plan for the property. The conservation district can be contacted at [wyco.conservation@gmail.com](mailto:wyco.conservation@gmail.com) or (913) 334-6329;**
2. **All miscellaneous debris shall be cleaned off of the property and stored properly;**
3. **The applicant shall pave the driveway apron and any parking areas;**
4. **The exterior walls shall be made of either horizontal clapboard, wood, or plywood siding, stone, artificial stone, brick, artificial brick, and textured finishes such as stucco. Fiberglass, plastic, and preformed, corrugated, or ribbed metals are not allowed. Metals can be used provided they have a factory applied and painted finish closely matching the color of the primary**

- structure. Standard concrete masonry units are also not allowed unless the walls of the building are painted the exact color of the primary structure;
5. 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](mailto:buildinginspection@wycokck.org) to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
  6. 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. 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](mailto:signpermits@wycokck.org) to begin this process;
  8. If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;
  9. Lighting shall be installed to have a 90-degree cutoff;
  10. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by [buildinginspection@wycokck.org](mailto:buildinginspection@wycokck.org) to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
  11. All existing and future driveways must feature curb cuts that are constructed to UG standards;
  12. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;

13. **Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;**
14. **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;**
15. **Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed by right or by Special Use Permit under the new zoning district, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;**
16. **Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; 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.**

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## **STAFF COMMENTS AND SUGGESTIONS**

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Staff concurs with the recommendation of the City Planning Commission.

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## STAFF RECOMMENDATION

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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 **SP2023-040** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

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## ATTACHMENTS

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September 11, 2023, City Planning Commission Minutes  
Aerial Imagery  
Zoning Map  
Land Use Map – City-Wide Comprehensive Plan  
Neighborhood Meeting Documents  
Site Plan  
Site Photos, Taken by Staff, Dated July 19, 2023

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## REVIEW OF INFORMATION AND SCHEDULE

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| Action         | City Planning Commission | Unified Government Board of Commissioners |
|----------------|--------------------------|-------------------------------------------|
| Public Hearing | September 11, 2023       | September 28, 2023                        |
| Special Use    | Approval                 |                                           |

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### STAFF CONTACT:

**James Molloy**  
[jmolloy@wycokck.org](mailto:jmolloy@wycokck.org)

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## MOTIONS

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I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2023-040** as meeting all the requirements of the city code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. \_\_\_\_\_;
2. \_\_\_\_\_; And
3. \_\_\_\_\_.

## OR

I move the Unified Government Board of Commissioners **DENY** Petition **SP2023-040**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

## **September 11, 2023, City Planning Commission Minutes:**

### **Hearing starts at 2:27:53:**

#### **SPECIAL USE PERMIT APPLICATION SP2023-040 – KRISTI D. PRIDDY -**

**SYNOPSIS:** Special Use Permit to keep livestock at 3425 North 87<sup>th</sup> Street. Detailed Outline of Requested Action: The applicants, Larry and Kristi Priddy, are requesting a Special Use Permit to keep chickens, ducks, and goats on the property at 3425 North 87<sup>th</sup> Street. The applicants previously had a Special Use Permit (SP-2020-25) for the same use, however, that previous Special Use Permit expired in April 2022, over a year prior to their re-application. The applicants are experienced with caring for animals.

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 September 11, 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:**

- Larry and Kristi Priddy, applicants, 3425 North 87<sup>th</sup> Street, Kansas City, Kansas 66109

#### **Present in Opposition:**

- No one appeared

**Staff Recommendation starts at 2:30:46:** Planning Director Hand stated that the request is for animals on this 1.2-acre piece of property. The property is in the City-Wide Comprehensive Plan north of Midtown and Leavenworth Road area. Staff has received no letters in support nor opposition. There is a Notice of Violation for the lapse of the Special Use Permit. This application is effectively a new Special Use Permit. Staff recommends approval for two (2) years, subject to the conditions in the staff report. There is a standard condition of approval relating to working with the Conservation District on a conservation plan for this 1.2-acre parcel for the number of animals that the conservation plan will dictate. The number of animals allowed will be reflected in the conservation plan put together by the Wyandotte County Conservation District. The Conservation District is backed-up on its reviews at this time and because the Special Use Permit expired, the number of animals needs to be examined, clarified and determined.



**Motion starts at 2:32:44:**

On motion by Ms. Eilts, seconded by Mrs. Jones, the Planning Commission voted as follows to **recommend APPROVAL** of Special Use Permit **SP2023-040 for two (2) years:**

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

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

**Subject to:**

1. **Work with the Wyandotte County Conservation District to develop a conservation plan for the property. The conservation district can be contacted at [wyco.conservation@gmail.com](mailto:wyco.conservation@gmail.com) or (913) 334-6329;**
2. **All miscellaneous debris shall be cleaned off of the property and stored properly;**
3. **The applicant shall pave the driveway apron and any parking areas;**
4. **The exterior walls shall be made of either horizontal clapboard, wood, or plywood siding, stone, artificial stone, brick, artificial brick, and textured finishes such as stucco. Fiberglass, plastic, and preformed, corrugated, or ribbed metals are not allowed. Metals can be used provided they have a factory applied and painted finish closely matching the color of the primary structure. Standard concrete masonry units are also not allowed unless the walls of the building are painted the exact color of the primary structure;**
5. **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](mailto:buildinginspection@wycokck.org) to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;**
6. **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. 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](mailto:signpermits@wycokck.org) to begin this process;
  8. If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;
  9. Lighting shall be installed to have a 90-degree cutoff;
  10. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by [buildinginspection@wycokck.org](mailto:buildinginspection@wycokck.org) to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
  11. All existing and future driveways must feature curb cuts that are constructed to UG standards;
  12. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
  13. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;
  14. 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;
15. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed by right or by Special Use Permit under the new zoning district, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
  16. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; 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.



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## ATTACHMENTS

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### AERIAL IMAGERY

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### ZONING MAP

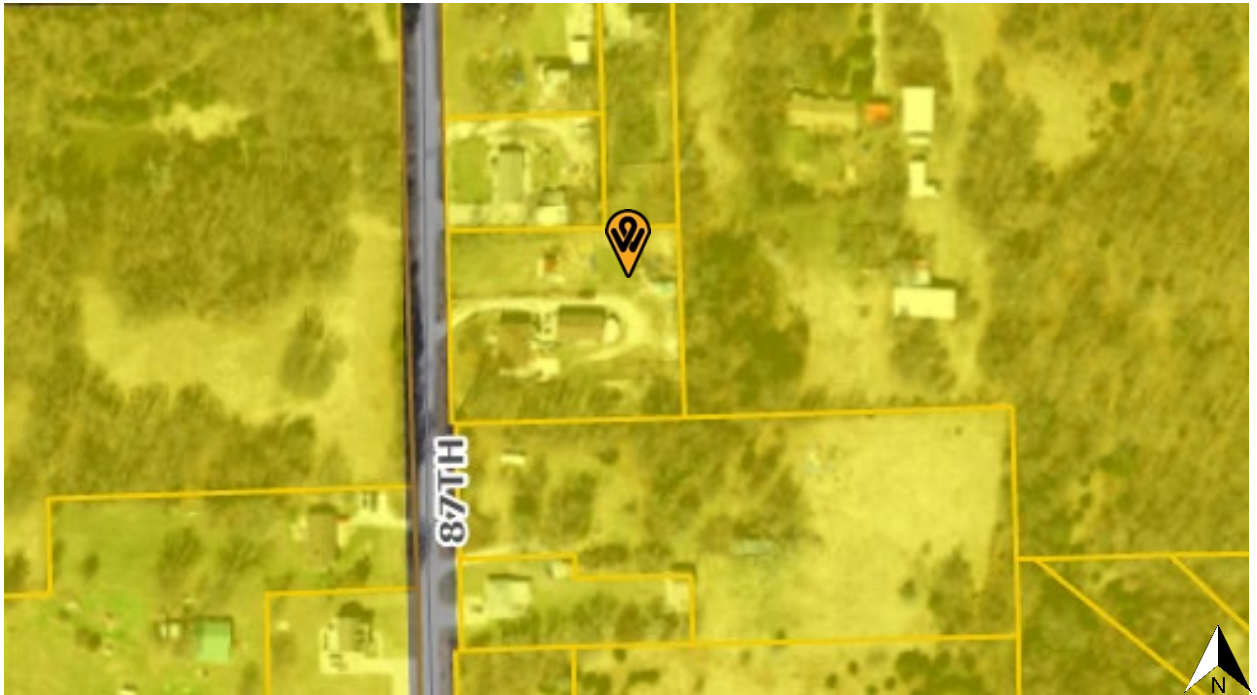
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**LAND USE MAP – CITY-WIDE COMPREHENSIVE PLAN**

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Wednesday August 2, 2023

In lieu of meeting in person, we chose to give our neighbors the opportunity to contact us by email text or phone call.(copy of letter is found below)

I received a phone call from our neighbor on the north side of the property Yanet Serrano. She was inquiring about the letter she received in the mail and I explained that it was informing them of my intent to renew my application to keep small livestock on my property, and that it was to give her the opportunity to ask any questions they may have, state their opinion or voice any complaints. She stated that she and her family were ok with me and my animals where they are.

There were no other contacts received by me in regards to our application.

Kristi Priddy  
913-908-5908



Date: July 20, 2023  
3425 N 87<sup>th</sup> Street  
Kansas City, Kansas 66109

SUBJECT: Notice of Petition for Special Use permit  
renewal

I/We have filed an application with the Department of  
Urban Planning and Land Use # SP-2023-040.

The purpose of this: ➤ special use permit

is for: Larry & Kristi Priddy  
at the following address:  
3425 N 87<sup>th</sup> Street Kansas City, Kansas 66109.

I am writing to inform you of my request to the City to  
renew our special use permit.

The purpose of this letter is to explain the proposal and  
allow you to send any questions you may have to me via  
email or phone.

I (Kristi Priddy) have been a 4-H community Leader and  
the Poultry project leader for over 20 years. We raised our  
kids in this area for the last 20 years and have always had  
animals. I enjoy helping the 4-H kids learn about animal  
husbandry and helping our community to become more  
environmentally friendly.

Part of my job as the poultry project leader is to help  
assure students are educated in local diseases, Lifecycles  
of birds, housing and production of birds for meat and



eggs. I am one of the few Licensed Pullorum/Typhoid testing agents in Wyandotte county and take part in the National Poultry Improvement Plan.

We store cages at our house that are used at the county 4-H fair. I help catch, and house birds occasionally and smaller livestock when the city has need of my services.

I currently have about a dozen mini goats, (which are smaller than many of our neighborhood dogs), Goats are known to be helpful in areas of weed control and I use them around the property in areas that is difficult to reach with the lawn mower. Also, many county's are beginning to use goats in the capacity of weed control. I have 7 ducks and a couple dozen chickens. Ducks and chickens are also known to reduce the tick population as well as keeping the area clear of snakes. I also have a great Pyrenees who is guardian to all the animals in his care.

I am requesting a special use permit in order to become compliant with our current county laws.

I look forward to hearing any questions you may have, please contact me at the address/phone number listed. Please address your questions or comments to me before July 31, 2023 so they may be shared with city officials.

Sincerely,

[KristiPriddy@KansasCityYMCA.org](mailto:KristiPriddy@KansasCityYMCA.org)

913-908-5908  
Larry & Kristi Priddy

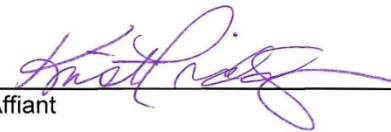
**AFFIDAVIT – NEIGHBORHOOD MEETING**

STATE OF Kansas )  
 ) SS:  
COUNTY OF Wyandotte )

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

1. That I am the petitioner for Petition # SP2023-040.
2. That I conducted a neighborhood meeting on 7/27/2023.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

  
Affiant

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

My commission expires 17 of November, 2023.

  
Notary Public

Wayland Pittman  
NOTARY PUBLIC  
STATE OF KANSAS  
My Appointment Expires  
11-17-25

Larry & Kristi Priddy  
3425 N 87<sup>th</sup> Street  
Kansas City, Kansas 66109

Wednesday August 2, 2023

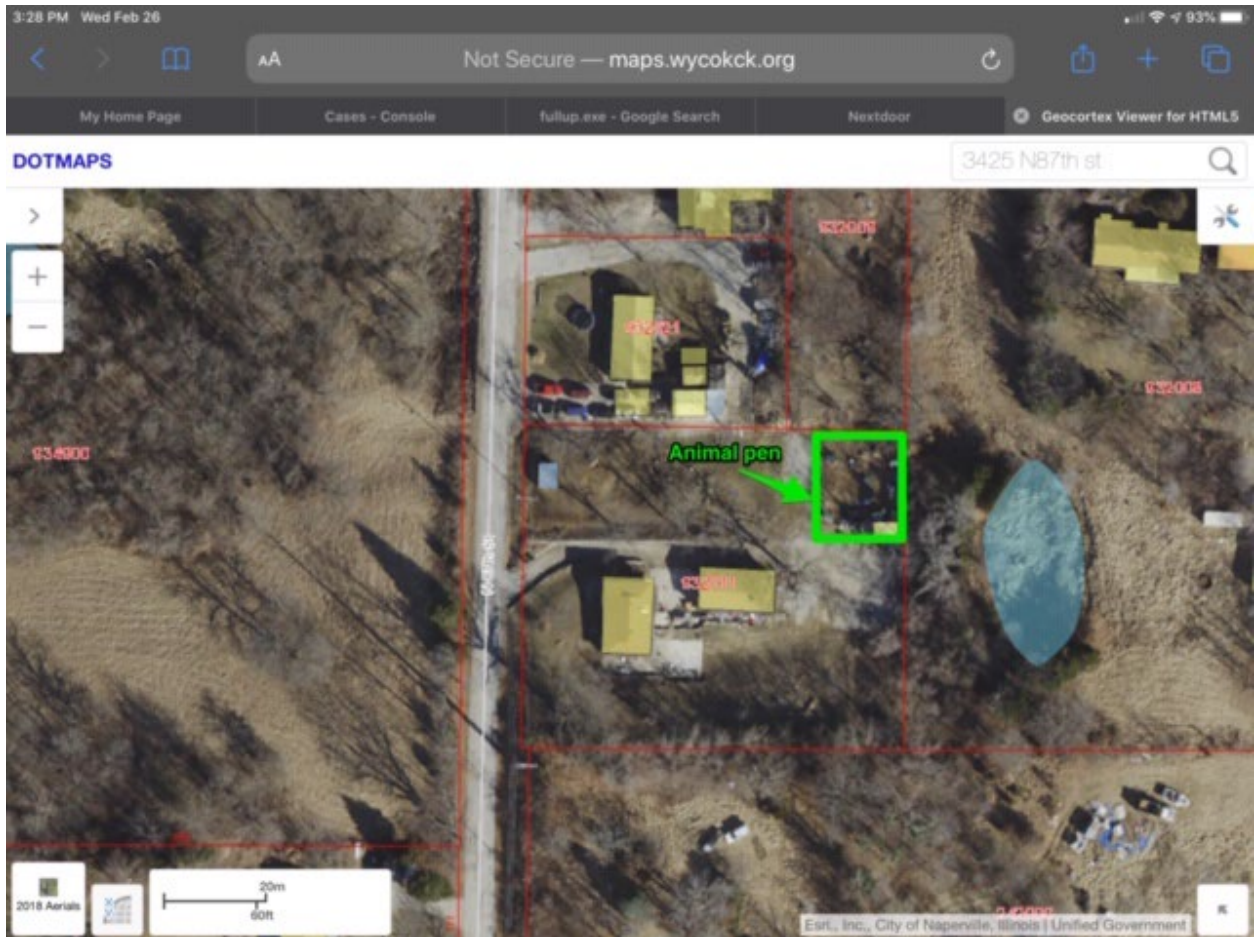
In lieu of meeting in person, we chose to give our neighbors the opportunity to contact us by email text or phone call.

On 7/27/2023, I received a phone call from our neighbor on the north side of the property Yanet Serrano. She was inquiring about the letter she received in the mail and I explained that it was informing them of my intent to renew my application to keep small livestock on my property, and that it was to give her the opportunity to ask any questions they may have, state their opinion or voice any complaints. She stated that she and her family were ok with me and my animals where they are.

There were no other contacts received by me in regards to our application.

Kristi Priddy  
913-908-5908

## SITE PLAN





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

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# Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

701 N 7<sup>th</sup> Street, Suite 423  
Kansas City, Kansas 66101  
[www.wycokck.org/planning](http://www.wycokck.org/planning)

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

**To:** Unified Government Board of Commissioners

**From:** Planning and Urban Design Staff

**Date:** September 28, 2023

**Re:** Special Use Petition SP2023-044

## GENERAL INFORMATION

**Applicant:**

Ublester Gonzalez

**Status of Applicant:**

Representative  
1315 State Avenue  
Kansas City, Kansas 66102

**Requested Action:**

Renewal of a Special Use Permit  
(SP2020-100, expired 03/11/2023).

**Date of Application:**

June 30, 2023

**Purpose:**

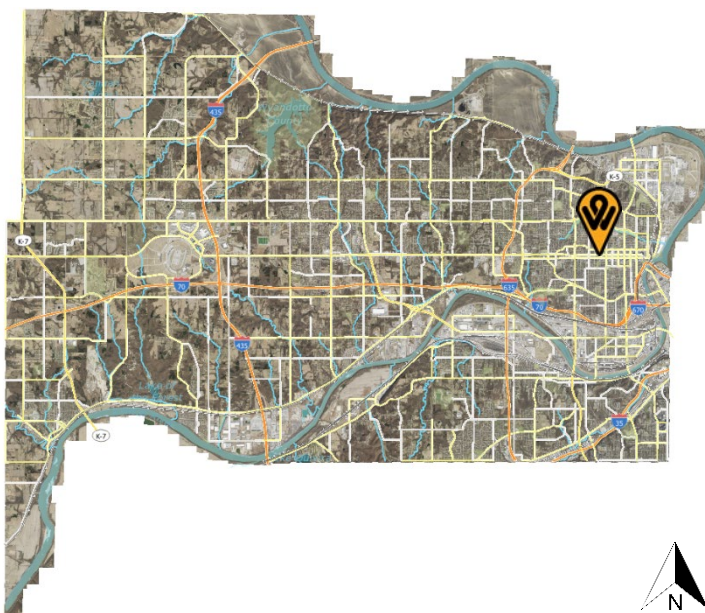
To operate a car audio installation shop.

**Property Location:**

1315 State Avenue  
Kansas City, Kansas 66102

**Commission Districts:**

Commissioner At-Large, District #2:  
Tom Burroughs  
District #2 Commissioner:  
Brian McKiernan





|                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|----------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Existing Zoning:</b>                | C-3 Commercial District                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <b>Adjacent Zoning:</b>                | <b>North:</b> C-3 Commercial District<br><b>South:</b> C-3 Commercial District<br><b>East:</b> C-3 Commercial District<br><b>West:</b> C-3 Commercial District                                                                                                                                                                                                                                                                                 |
| <b>Adjacent Uses:</b>                  | <b>North:</b> Restaurant<br><b>South:</b> Commercial businesses<br><b>East:</b> Commercial businesses<br><b>West:</b> Car repair shop                                                                                                                                                                                                                                                                                                          |
| <b>Total Tract Size:</b>               | 0.52 Acre                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <b>Comprehensive Plan Designation:</b> | The Downtown Master Plan designates this property as Urban Residential. This allows for higher density residential, typically attached units such as townhomes or stacked flats.                                                                                                                                                                                                                                                               |
| <b>Major Street Plan:</b>              | The Major Street Plan designates State Avenue as a Class B Thoroughfare.                                                                                                                                                                                                                                                                                                                                                                       |
| <b>Parking Requirement:</b>            | Uses in this district require paved off-street parking at a ratio of not less than four (4) spaces per 1,000 square feet of floor area in the building. One (1) per every 25 spaces must be ADA accessible. One (1) out of every six (6) ADA spaces must be van accessible. The approximate size of the building is 1,205 square feet. Based on this assessment, four (4) spaces are required. The property appears to provide six (6) spaces. |
| <b>Advertisement:</b>                  | <u>The Wyandotte Echo</u> – July 20, 2023<br>Letters to Property Owner – July 21, 2023 and August 8, 2023                                                                                                                                                                                                                                                                                                                                      |
| <b>Public Hearings:</b>                | September 11, 2023 and September 28, 2023                                                                                                                                                                                                                                                                                                                                                                                                      |
| <b>Public Support:</b>                 | None to date.                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <b>Public Opposition:</b>              | None to date.                                                                                                                                                                                                                                                                                                                                                                                                                                  |

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## PROPOSAL

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Detailed Outline of Requested Action: The applicant, Ublester Gonzalez, is requesting a Special Use Permit for the purpose of operating a car audio installation business at

1315 State Avenue. The applicant previously had a Special Use Permit (SP2020-100), however, that permit expired on March 11, 2023.

City Ordinance Requirements: 27-592 through 27-606

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## **RELATED ENFORCEMENT AND ACTION ITEMS**

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### **Noise or Disturbance Complaints:**

1. There are several calls for police service on the property, however, staff cannot determine if these are related to the proposed business, or neighboring businesses.

### **Building, Zoning, or Code Enforcement Complaints:**

1. There are several Notices of Violation on the subject property, however, all are related to the other business(es) on the subject property.

### **Outstanding or Related Permits and Cases:**

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

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## **FACTORS TO BE CONSIDERED**

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### ***1. The Character of the Neighborhood.***

The subject property is located within the Riverview Statistical Neighborhood, the Strugglers Hill-Roots and Historic Northeast-Midtown neighborhood group. The character of the neighborhood is commercial in nature with several businesses along State Avenue. This portion of State Avenue is the commercial corridor between 7th Street Trafficway and 18th Street.

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

The zoning and uses are laid out above. The proposed use is expected to be compatible as the property is near several other higher intensity commercial businesses.

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

The property is suitable for the use to which it has been restricted because it is in a commercial area along a Class B Thoroughfare. The removal of the restrictions will not detrimentally affect nearby property as long as the noise is mitigated, and the site is managed properly.

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

The property has been in operation with the proposed use since 2021.

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

The Downtown Area Plan designates this area as Urban Residential. The proposed use does not conform to the Downtown Area Plan because it is for higher density residential uses, rather than higher intensity commercial uses; The intent of the Downtown Area Plan, however, was to slowly transition State Avenue from a high intensity commercial corridor to a dense, mixed-use corridor. Thus, staff maintains that keeping the existing plan designation is appropriate, despite the existing conflict of its current and proposed use.

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

The proposed use is not expected to increase traffic above existing levels, nor does the traffic generated exceed the capacity of State Avenue, a class B thoroughfare.

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

The proposed use provides the convenience of a car audio installation shop but is not reasonably necessary for the welfare of the public. It may substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining property if noise is not kept at a reasonable level and if waste materials are not disposed of properly.

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

The proposed use may cause issues of noise, vibration, or illumination if not managed properly. Dust is not expected to be an issue with the associated use because all installation activity is to occur inside the building.

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

The proposed use may pollute the air land, or water if waste is not disposed of properly.

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

The proposed use is not expected to damage or destroy an irreplaceable natural

resource as it is an existing building 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 to the public health, safety and welfare is minimal as it only provides the benefit of car audio services. If denied, the applicant would not be able to use the property as a car audio installation shop but could use the property for a different type of business

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

The proposed use could result in the overcrowding of land if there are too many vehicles on the property at one time. The proposed use will not result in undue concentrations of population as it is commercial in nature.

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## **PREVIOUS ACTIONS**

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Approval of a Special Use Permit (SP2020-100) for two (2) years in 2021 for a car audio installation business.

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## **NEIGHBORHOOD MEETING**

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

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## **KEY ISSUES**

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Illumination  
Noise  
Parking  
Vibration

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## **PLANNING COMMISSION RECOMMENDATION**

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The Planning Commission voted 7 to 0 to recommend **APPROVAL** of Special Use Permit Application **SP2023-044**, for **five (5) years**, subject to:

1. **Vehicles shall not be parked on the right of way of State Avenue in front of the property. Vehicles shall not park on State Avenue at any time;**
2. **In order to comply with the district's performance standards, auto installation or servicing is not allowed outside or in public view. All work shall be performed totally within an enclosed building;**
3. **Compliance with the following Commercial Design Guidelines Standards:**
  - a. **The site must have street trees. These either need to be planted on the property by cutting the existing asphalt, or in the planting them in the**

- sidewalk right-of-way with tree wells/grates. This would require a Right-Of-Way Agreement from the Public Works Department.
- b. Main entrance shall be enhanced by architectural details. Such details may include recessed or slightly protruding entrances, building material variations, color variations, or artistic elements and other special treatments.
  - c. Awnings or canopies are encouraged on facades to provide weather protection and shade to pedestrians, and to add visual appeal;
- 4. Construct an enclosure for the dumpster that is six (6) feet tall with masonry columns;
  - 5. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by [buildinginspection@wycokck.org](mailto:buildinginspection@wycokck.org) to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
  - 6. 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;
  - 7. Any business or land use in Wyandotte County that is required to provide off-street parking shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and at all times be compliant with all applicable local ordinances [27-466 through 27-470; 27-592 through 27-616; 27-667 through 27-676]. Inoperable vehicles shall be stored inside an enclosed building. Inoperable vehicles may not be stored outside unless they are completely screened from view in accordance with all applicable ordinances. Outside storage shall not include wrecked or salvage vehicles. Any vehicle parked or stored outside must be on an improved surface, located on the same land parcel as the business use, and be parked within a regulation dimension parking stall. Any outside storage may not reduce the availability of all required parking spaces as required by ordinance;
  - 8. Any business or land use in Wyandotte County that is required to provide off-street parking shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and at all times be compliant with all applicable local ordinances [27-466 through 27-470; 27-592 through 27-616; 27-667 through 27-676]. Inoperable vehicles shall be stored inside an enclosed building. Inoperable vehicles may not be stored outside unless they are completely screened from view in accordance with all applicable ordinances. Outside storage shall not include wrecked or salvage vehicles. Any vehicle parked or

- stored outside must be on an improved surface, located on the same land parcel as the business use, and be parked within a regulation dimension parking stall. Any outside storage may not reduce the availability of all required parking spaces as required by ordinance;
9. Any business or land use in Wyandotte County that is required to provide off-street parking shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and at all times be compliant with all applicable local ordinances [27-466 through 27-470; 27-592 through 27-616; 27-667 through 27-676]. Inoperable vehicles shall be stored inside an enclosed building. Inoperable vehicles may not be stored outside unless they are completely screened from view in accordance with all applicable ordinances. Outside storage shall not include wrecked or salvage vehicles. Any vehicle parked or stored outside must be on an improved surface, located on the same land parcel as the business use, and be parked within a regulation dimension parking stall. Any outside storage may not reduce the availability of all required parking spaces as required by ordinance;
  10. Any business or land use in Wyandotte County that is required to provide off-street parking shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and at all times be compliant with all applicable local ordinances [27-466 through 27-470; 27-592 through 27-616; 27-667 through 27-676]. Inoperable vehicles shall be stored inside an enclosed building. Inoperable vehicles may not be stored outside unless they are completely screened from view in accordance with all applicable ordinances. Outside storage shall not include wrecked or salvage vehicles. Any vehicle parked or stored outside must be on an improved surface, located on the same land parcel as the business use, and be parked within a regulation dimension parking stall. Any outside storage may not reduce the availability of all required parking spaces as required by ordinance;
  11. The applicant has filed and maintained a current business occupation tax application;
  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 at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any



- business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
15. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
  16. The Special Use Permit shall be valid for five (5) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;
  17. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
  18. 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.

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## STAFF COMMENTS AND SUGGESTIONS

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Staff concurs with the recommendation of the City Planning Commission.

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## STAFF RECOMMENDATION

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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 **SP2023-044** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

1. Vehicles shall not be parked on the right of way of State Avenue in front of the property. Vehicles shall not park on State Avenue at any time;
2. In order to comply with the district's performance standards, auto installation or servicing is not allowed outside or in public view. All work shall be performed totally within an enclosed building;
3. Compliance with the following Commercial Design Guidelines Standards:
  - a. The site must have street trees. These either need to be planted on the property by cutting the existing asphalt, or in the planting them in the sidewalk right-of-way with tree wells/grates. This would require a Right-Of-Way Agreement from the Public Works Department.
  - b. Main entrance shall be enhanced by architectural details. Such details may include recessed or slightly protruding entrances, building material variations, color variations, or artistic elements and other special treatments.
  - c. Awnings or canopies are encouraged on facades to provide weather protection and shade to pedestrians, and to add visual appeal;
4. Construct an enclosure for the dumpster that is six (6) feet tall with masonry columns;
5. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by [buildinginspection@wycokck.org](mailto:buildinginspection@wycokck.org) to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
6. 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;
7. Any business or land use in Wyandotte County that is required to provide off-street parking shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and at all times be compliant with all applicable local ordinances [27-466 through 27-470; 27-592 through 27-616; 27-667 through 27-676]. Inoperable vehicles shall be stored inside an enclosed building. Inoperable vehicles may not be stored outside unless they are completely screened from view in accordance with all applicable ordinances. Outside storage shall not include wrecked or salvage vehicles. Any vehicle parked or stored outside must be on an improved surface, located on the same land parcel as the business use, and be parked within a regulation dimension parking stall. Any outside storage may not reduce the availability of all required parking spaces as required by ordinance;

8. Any business or land use in Wyandotte County that is required to provide off-street parking shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and at all times be compliant with all applicable local ordinances [27-466 through 27-470; 27-592 through 27-616; 27-667 through 27-676]. Inoperable vehicles shall be stored inside an enclosed building. Inoperable vehicles may not be stored outside unless they are completely screened from view in accordance with all applicable ordinances. Outside storage shall not include wrecked or salvage vehicles. Any vehicle parked or stored outside must be on an improved surface, located on the same land parcel as the business use, and be parked within a regulation dimension parking stall. Any outside storage may not reduce the availability of all required parking spaces as required by ordinance;
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10. Any business or land use in Wyandotte County that is required to provide off-street parking shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and at all times be compliant with all applicable local ordinances [27-466 through 27-470; 27-592 through 27-616; 27-667 through 27-676]. Inoperable vehicles shall be stored inside an enclosed building. Inoperable vehicles may not be stored outside unless they are completely screened from view in accordance with all applicable ordinances. Outside storage shall not include wrecked or salvage vehicles. Any vehicle parked or stored outside must be on an improved surface, located on the same land parcel as the business use, and be parked within a regulation dimension parking stall. Any outside storage may not reduce the availability of all required parking spaces as required by ordinance;
11. The applicant has filed and maintained a current business occupation tax application;
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 at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
15. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
16. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;
17. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
18. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. 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.

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## ATTACHMENTS

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September 11, 2023, City Planning Commission Minutes  
Aerial Imagery  
Zoning Map  
Land Use Map  
Neighborhood Meeting Documents  
Site Plan  
Site Photos, Taken by Staff, Dated July 14, 2023

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## REVIEW OF INFORMATION AND SCHEDULE

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| Action         | City Planning Commission | Unified Government Board of Commissioners |
|----------------|--------------------------|-------------------------------------------|
| Public Hearing | September 11, 2023       | September 28, 2023                        |
| Special Use    | Approval                 |                                           |

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### STAFF CONTACT:

**James Molloy**  
[jmolloy@wycokck.org](mailto:jmolloy@wycokck.org)

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## MOTIONS

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I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2023-044** 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 **SP2023-044**, 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.

**September 11, 2023, City Planning Commission Minutes:**

**Hearing starts at 3:00:48 and the applicant was not present. The application was moved to the end of the agenda and recalled at 4:29:40 and the applicant was not present:**

**SPECIAL USE PERMIT APPLICATION SP2023-044 – UBLESTER GONZALEZ -**

**SYNOPSIS:** Renewal of a Special Use Permit to operate a car audio installation business at 1315 State Avenue (SP2020-100 expired 5/6/2023). Detailed Outline of Requested Action: The applicant, Ublester Gonzalez, is requesting a Special Use Permit for the purpose of operating a car audio installation business at 1315 State Avenue. The applicant previously had a Special Use Permit (SP2020-100), however, that permit expired on March 11, 2023.

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 September 11, 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:**

- No one appeared

**Present in Opposition:**

- No one appeared

**Staff Recommendation starts at 4:30:10:** Planning Director Hand stated that the request is for renewal of a Special Use Permit for a car audio installation shop on State Avenue. The property is in the Downtown Area Plan. Staff received no letters in support nor opposition. There are numerous Notices of Violation on the property because it includes not just the business in this building, but this lot, which Staff has had ongoing issues. It is all located on one (1) parcel and Staff went through the violations and none are related to this business. Staff recommends approval for five (5) years subject to the conditions in the staff report. The applicant has met all the previous conditions of approval.



**Motion starts at 4:31:30:**

On motion by Mr. Ward, seconded by Mrs. Jones, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit SP2023-044 for five (5) years:**

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

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

**Subject to:**

1. **Vehicles shall not be parked on the right of way of State Avenue in front of the property. Vehicles shall not park on State Avenue at any time;**
2. **In order to comply with the district's performance standards, auto installation or servicing is not allowed outside or in public view. All work shall be performed totally within an enclosed building;**
3. **Compliance with the following Commercial Design Guidelines Standards:**
  - a. **The site must have street trees. These either need to be planted on the property by cutting the existing asphalt, or in the planting them in the sidewalk right-of-way with tree wells/grates. This would require a Right-Of-Way Agreement from the Public Works Department.**
  - b. **Main entrance shall be enhanced by architectural details. Such details may include recessed or slightly protruding entrances, building material variations, color variations, or artistic elements and other special treatments.**
  - c. **Awnings or canopies are encouraged on facades to provide weather protection and shade to pedestrians, and to add visual appeal;**
4. **Construct an enclosure for the dumpster that is six (6) feet tall with masonry columns;**
5. **A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by [buildinginspection@wycokck.org](mailto:buildinginspection@wycokck.org) to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;**
6. **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;
7. Any business or land use in Wyandotte County that is required to provide off-street parking shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and at all times be compliant with all applicable local ordinances [27-466 through 27-470; 27-592 through 27-616; 27-667 through 27-676]. Inoperable vehicles shall be stored inside an enclosed building. Inoperable vehicles may not be stored outside unless they are completely screened from view in accordance with all applicable ordinances. Outside storage shall not include wrecked or salvage vehicles. Any vehicle parked or stored outside must be on an improved surface, located on the same land parcel as the business use, and be parked within a regulation dimension parking stall. Any outside storage may not reduce the availability of all required parking spaces as required by ordinance;
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  9. Any business or land use in Wyandotte County that is required to provide off-street parking shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and at all times be compliant with all applicable local ordinances [27-466 through 27-470; 27-592 through 27-616; 27-667 through 27-676]. Inoperable vehicles shall be stored inside an enclosed building. Inoperable vehicles may not be stored outside unless they are completely screened from view in accordance with all applicable ordinances. Outside storage shall not include wrecked or salvage vehicles. Any vehicle parked or stored outside must be on an improved surface, located on the same land parcel as the business use, and be parked within a regulation dimension parking stall. Any outside storage may not reduce the availability of all required parking spaces as required by ordinance;
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- Inoperable vehicles shall be stored inside an enclosed building. Inoperable vehicles may not be stored outside unless they are completely screened from view in accordance with all applicable ordinances. Outside storage shall not include wrecked or salvage vehicles. Any vehicle parked or stored outside must be on an improved surface, located on the same land parcel as the business use, and be parked within a regulation dimension parking stall. Any outside storage may not reduce the availability of all required parking spaces as required by ordinance;
11. The applicant has filed and maintained a current business occupation tax application;
  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 at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
  15. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
  16. The Special Use Permit shall be valid for five (5) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;

- 17. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,**
- 18. 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.**

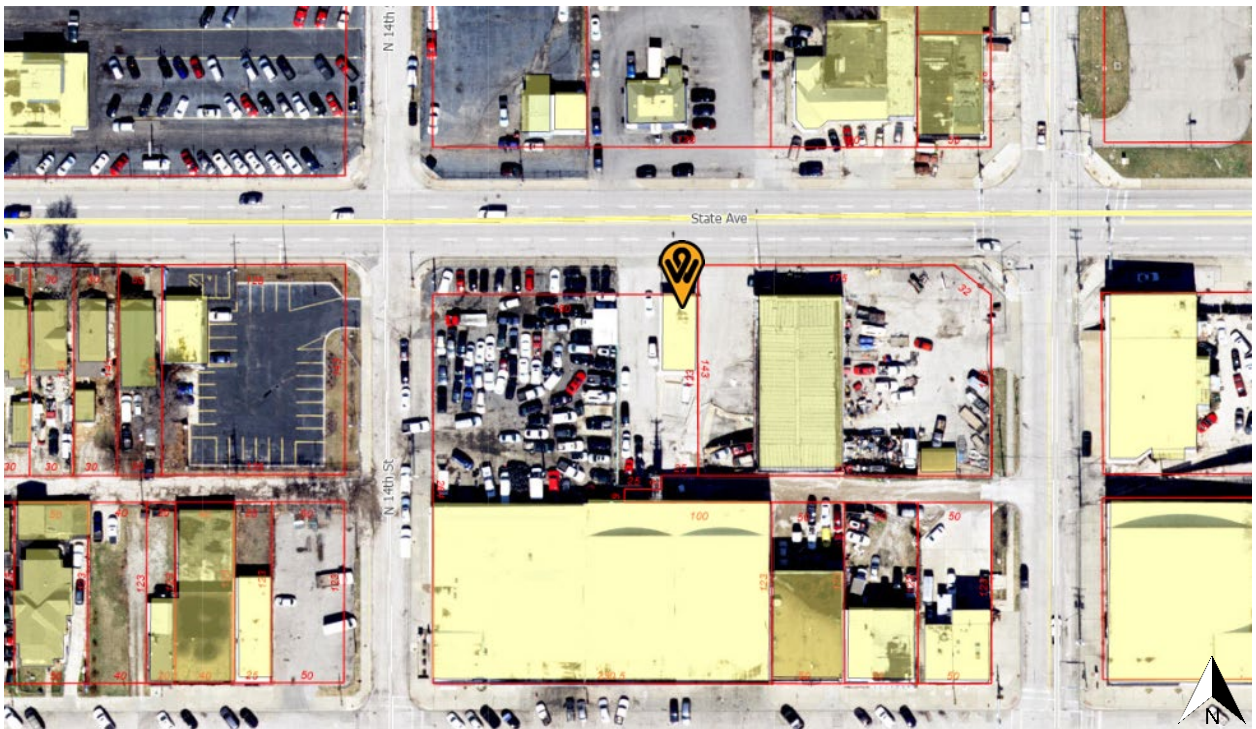
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## ATTACHMENTS

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### AERIAL IMAGERY

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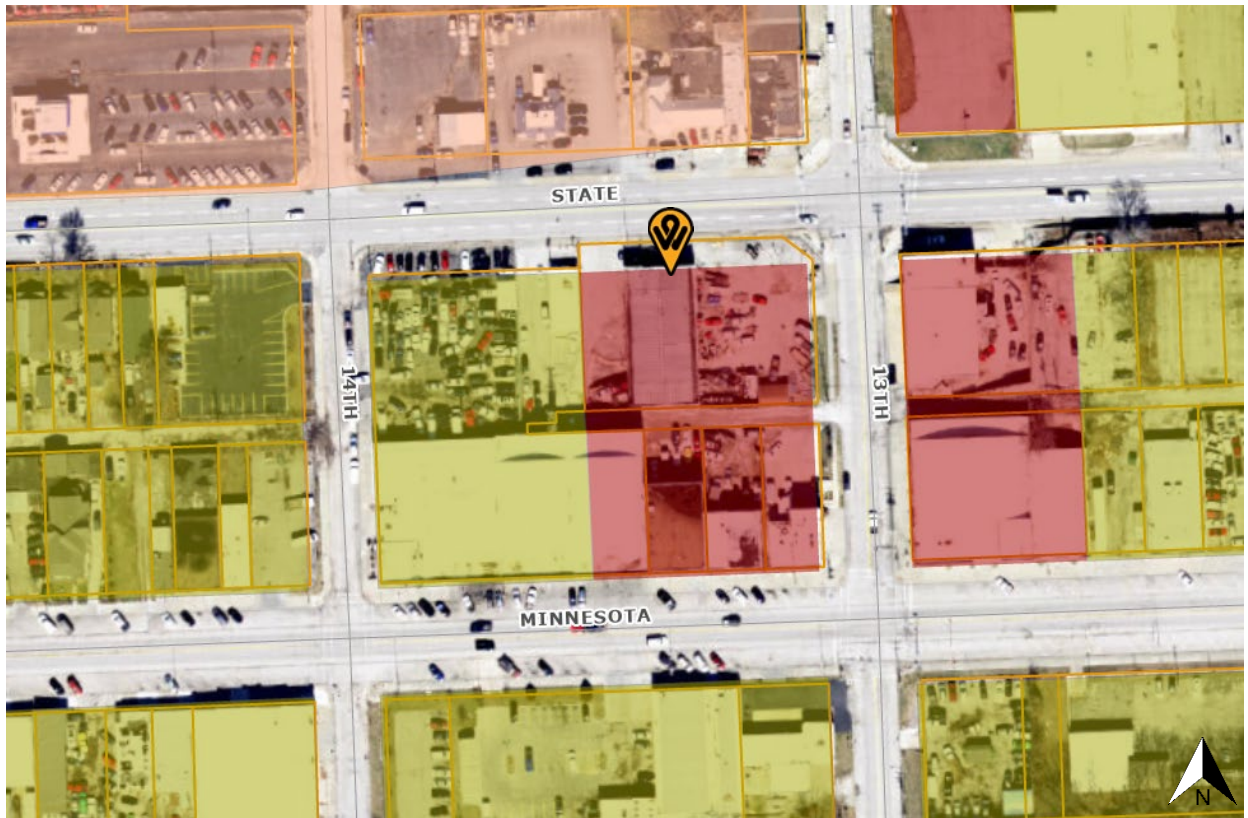
### ZONING MAP

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## LAND USE MAP – DOWNTOWN AREA PLAN





# NEIGHBORHOOD MEETING MATERIALS

## AFFIDAVIT - NEIGHBORHOOD MEETING

STATE OF

) SS:

COUNTY OF )

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

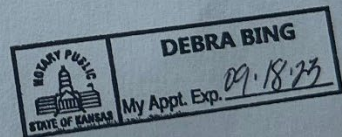
1. That I am the petitioner for Petition # SP2023-044
2. That I conducted a neighborhood meeting on 08-21-2023
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

\_\_\_\_\_  
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 22<sup>nd</sup> day of Aug., 2023

My commission expires 09. of 18, 2023



Debra Bing  
Notary Public

M&G ELITE CAR AUDIO

1315 STATE AVE

KANSAS CITY KS,66102

SP2023-044- Neighborhood meeting at 1315 State Ave , Kansas city KS,

meeting was called to order at 1:00 pm

name of people in attendance:

ublester Gonzalez

Wendy Gonzalez

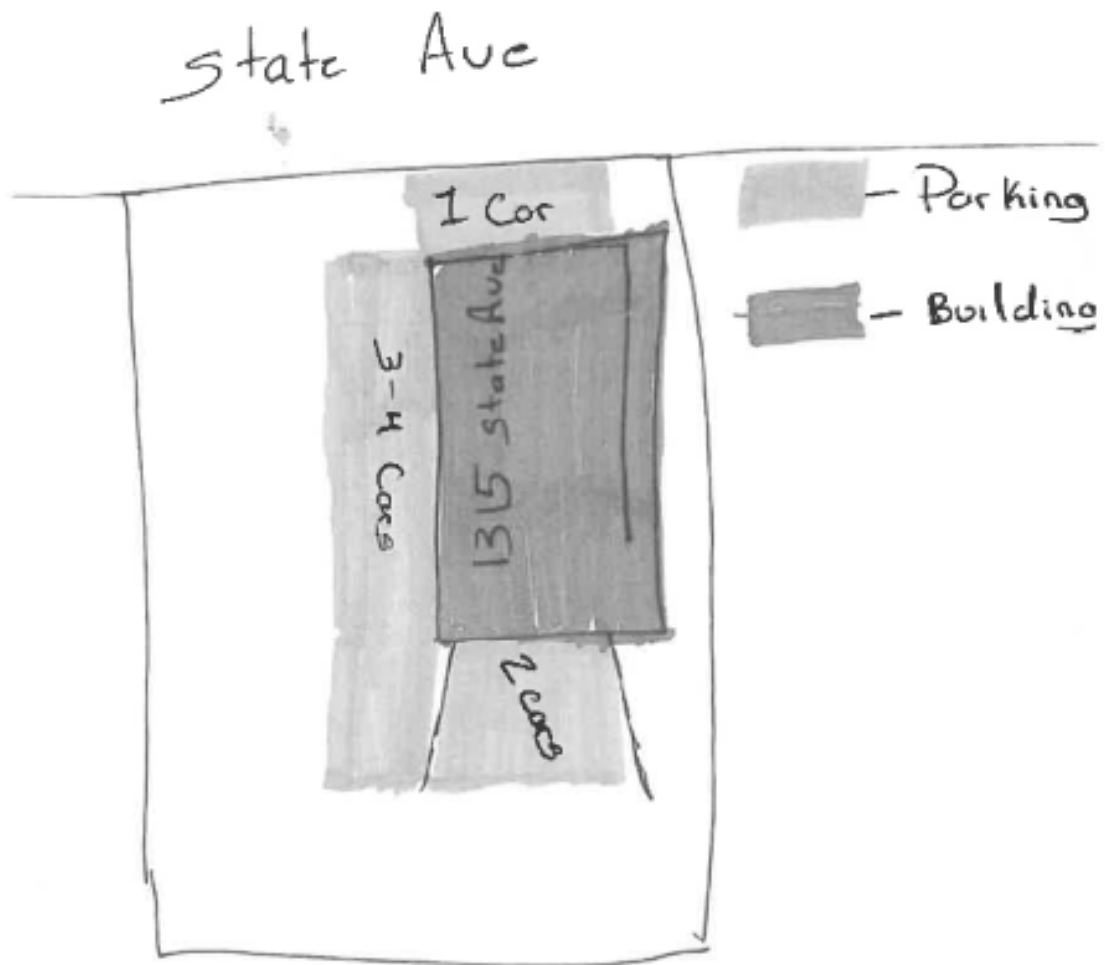
Noone came to the meeting. we kept meeting open for 30 min to see if anyone would show up

Meeting was adjourned at 1:30 pm

Minutes by : Ublester Gonzalez

## SITE PLAN

Diagram of Parking:











# Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

701 N 7<sup>th</sup> Street, Suite 423  
Kansas City, Kansas 66101  
[www.wycokck.org/planning](http://www.wycokck.org/planning)

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

**To:** Unified Government Board of Commissioners

**From:** Planning and Urban Design Staff

**Date:** September 28, 2023

**Re:** Special Use Petition SP2023-059

## GENERAL INFORMATION

**Applicant:**

Jorge Ramirez DBA Café Tikal

**Status of Applicant:**

Representative

Café Tikal

4960 State Avenue

Kansas City, Kansas

**Requested Action:**

Approval of a Special Use Permit.

**Date of Application:**

July 27, 2023

**Purpose:**

To approve a Special Use Permit to allow live entertainment at an existing restaurant.

**Property Location:**

4960 State Avenue

Kansas City, Kansas 66102

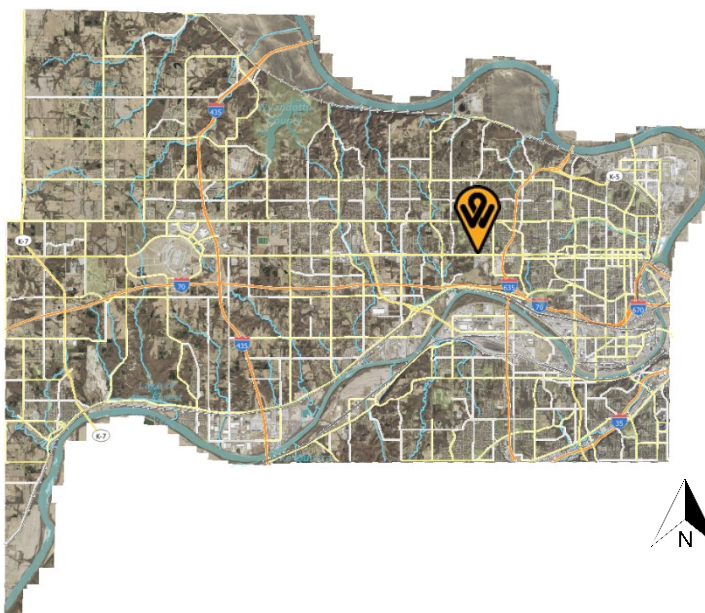
**Commission Districts:**

Commissioner At-Large, District #1:

Melissa Bynum

District #8 Commissioner:

Andrew Davis





|                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|----------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Existing Zoning:</b>                | C-1 Limited Business District                                                                                                                                                                                                                                                                                                                                                                                                      |
| <b>Adjacent Zoning:</b>                | <p><b>North:</b> R-1 Single-Family District</p> <p><b>South:</b> C-1 Limited Business and CP-2 Planned General Business Districts</p> <p><b>East:</b> C-1 Limited Business District</p> <p><b>West:</b> C-1 Limited Business District</p>                                                                                                                                                                                          |
| <b>Adjacent Uses:</b>                  | <p><b>North:</b> Single-Family Residences</p> <p><b>South:</b> Commercial Retail Strip</p> <p><b>East:</b> Vacant Commercial Space</p> <p><b>West:</b> Commercial Retail Strip</p>                                                                                                                                                                                                                                                 |
| <b>Total Tract Size:</b>               | 1.11 Acres                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <b>Comprehensive Plan Designation:</b> | The City-Wide Area Plan designates this property as Mixed-Use, which allows complimentary land uses such as retail, offices, small businesses, and mixed-use residential.                                                                                                                                                                                                                                                          |
| <b>Major Street Plan:</b>              | The goDotte Mobility Plan designates State Avenue as a Major Arterial.                                                                                                                                                                                                                                                                                                                                                             |
| <b>Parking Requirement:</b>            | <p>As a restaurant, the establishment is subject to Sec 27-668(a)(5), which requires one space for each 50 square feet of seating area plus one space for each remaining 300 square feet of total floor area.</p> <p>The restaurant seating area is 2,400 square feet, which requires 48 spaces, and the remaining area is 4,200 square feet, which requires 14 spaces, a total of 62 spaces. The property provides 64 spaces.</p> |
| <b>Advertisement:</b>                  | <p><u>The Wyandotte Echo</u> – August 17, 2023</p> <p>Letters to Property Owner – August 18, 2023</p>                                                                                                                                                                                                                                                                                                                              |
| <b>Public Hearings:</b>                | September 11, 2023 and September 28, 2023                                                                                                                                                                                                                                                                                                                                                                                          |
| <b>Public Support:</b>                 | None to date.                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <b>Public Opposition:</b>              | None to date.                                                                                                                                                                                                                                                                                                                                                                                                                      |

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## PROPOSAL

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Detailed Outline of Requested Action: The applicant, Jorge Ramirez, DBA Café Tikal is requesting a Special Use Permit for live entertainment at an existing restaurant at 4960 State Avenue.

City Ordinance Requirements: 27-592 through 27-606

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## RELATED ENFORCEMENT AND ACTION ITEMS

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### **Noise or Disturbance Complaints:**

1. There has been one (1) call for police service.
  - a. 2021 – 2021-105118 – Criminal Damage

### **Building, Zoning, or Code Enforcement Complaints:**

1. There have been several notices of violation on the subject property, including an active stop work order for work without permits.
  - a. 2021 – CAC21-1941 – Admin Citation – Failure to register vacant structure
  - b. 2021 – BSR21-0086 – Stop Work Order – Deck construction without permits.
  - c. 2021 – ABT21-1466 – Abatement – Weeds
  - d. 2021 – CAC21-1301 – Admin Citation – Weeds
  - e. 2021 – CAC21-1117 – Admin Citation – Failure to register vacant structure.
  - f. VPC21-0105 – Vacant Property Compliance – Failure to register vacant structure.

### **Outstanding or Related Permits and Cases:**

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

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## FACTORS TO BE CONSIDERED

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### ***1. The Character of the Neighborhood.***

The neighborhood consists of a diversity of uses, including a mix of commercial uses and single-family homes to the north and south, and light industrial uses to the west, and a mix of commercial surrounding the property. State Avenue is a major east/west throughfare through Kansas City, Kansas, comprised of both commercial and residential uses.

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

The zoning and adjacent uses are set out above. The proposed use is compatible and allowed in the C-1 Limited Business District with a Special Use Permit. The proposed use is compatible with the surrounding commercial properties. The surrounding commercial properties feature a mix of commercial zoning including C-1 Limited Business Districts and C-2 General Business Districts. The use, however, may conflict with the single-family zoning and residences to the north of the subject property.

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

The removal of the restrictions will not detrimentally affect nearby properties if the conditions are adhered to. A restaurant is a permitted use per the C-1 Limited Business District with a Special Use Permit. The establishment is surrounded mostly by commercial uses, however, there are to residential uses to the north. There is potential that the proposed use could become a nuisance to the residential properties to the north when the business hosts live entertainment if it is not managed properly.

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

The property appears to have been vacant since 2015.

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

The City-Wide Comprehensive Plan does not address Special Use Permits. The City-Wide Comprehensive Plan designates this property as Mixed-Use. Mixed-Use is located at major arterial intersections and within traditional neighborhood design (TND) developments and these areas are ideal for integrating complimentary land uses such as retail, offices, small businesses and mixed-use residential. The proposed use will conform to the Comprehensive 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 should not result in an increase in traffic to the point where it exceeds the capacity of State Avenue, a Major Arterial, which is designed to handle traffic from such commercial uses.

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

The proposed use is not reasonably necessary for the convenience and welfare of the public as it is not a public good. The proposed use also has the possibility to affect the quality and marketability of adjoining and surrounding properties due to the impacts from live entertainment if it is not managed properly.

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

Noise, vibration, and illumination are all typical issues for this type of use and could become a nuisance for nearby properties if not managed properly.

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

The proposed use would not pollute air or land as it is located in an existing, permitted commercial building.

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

The proposed use would not destroy and irreplaceable natural resource, as it is located along an existing, built out commercial corridor.

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

The gain to public health, safety, and welfare would be minimal. A denial of this application would cause the business owner to not have live entertainment at their restaurant.

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

The proposed use could result in undue concentrations of population if the occupancy limits and other conditions of approval are not adhered to. The proposed use could result in the overcrowding of land if conditions of approval are not met.

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## **PREVIOUS ACTIONS**

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- Approval of a Special Use Permit (SP-2014-69) in 2014 for two (2) years to host live entertainment.
- Approval of a Special Use Permit (SP-2012-33) in 2012 for two (2) years to host live entertainment.
- Approval of a Special Use Permit (SP-2010-40) in 2010 for two (2) years to host live entertainment.

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## NEIGHBORHOOD MEETING

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

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## KEY ISSUES

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Active Violations and Fines  
Electrical Box  
Floor Plan  
Illumination  
Landscape Plan  
Noise  
Parking  
Signage  
Site Plan  
Trash Receptacle(s)  
Vibration

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## PLANNING COMMISSION RECOMMENDATION

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The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Special Use Permit Application **SP2023-059, for two (2) years**, subject to:

1. **The applicant must work with Property Maintenance Compliance (Code Enforcement) and Building Inspections to address all active violations on the property;**
2. **The applicant shall plant six (6) new trees on the property along State Avenue;**
3. **The gas line/electrical box on the east side of the building is exposed. A bollard will need to be installed to prevent the gas line from being struck. The applicant will also need to provide screening, such as scrubs to conceal the gas line from sight;**
4. **The applicant shall install a walkway that leads from State Avenue to the restaurant, as well as crosswalk markings in the parking lot that connect the walkway to the front door;**
5. **All entertainment must cease by at least 1:00 AM;**
6. **Doors and windows must stay closed during any entertainment performance;**
7. **Must comply with Unified Government Security Ordinance (Chapter 4, Article II Division 1, Sec 4-104,f), including:**
  - a. **Must have at least one (1) security personnel stationed at the door at all times that is able to monitor any required parking area. Additional security guards may be required depending on the building capacity;**

- b. Patrons are not allowed to loiter in their vehicles. If so determined, they will be asked to leave;
  - c. An I.D. scanner will be used at all times;
  - d. At closing time, all security personnel will begin from a designated area to move patrons towards the exit and then to their vehicles;
- 8. No amplified speakers or entertainment is allowed in outdoor spaces; and,
- 9. Any illumination that results from an entertainment event shall not be seen or otherwise impact adjacent residential uses;
- 10. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or [signpermits@wycokck.org](mailto:signpermits@wycokck.org) to begin this process;
- 11. 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;
- 12. If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;
- 13. If approved, the applicant must file and maintain a current business occupation tax application with this office;
- 14. All existing and future driveways must feature curb cuts that are constructed to UG standards;
- 15. A Right-of-Way Permit is required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by [info@wycokck.org](mailto:info@wycokck.org) to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
- 16. Section 27-699(b)(5) states that all outside bins or trash container areas must be completely enclosed by an architectural screen to a height not less than the height of the bin or container. No trash enclosures may be located in required yards adjacent to street right-of-way. In commercially and industrially zoned areas where the trash container will not be visible from off the property due to other screening or topographic conditions and will not be visible from public parking or pedestrian areas on the site, such trash bin screening need not be provided. In industrially zoned areas where the trash container will not be visible from residential property and where such containers are kept directly alongside the building and in a well-kept manner, such screening need not be provided;
- 17. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The



- property may also be subject to enforcement actions and administrative citations;
18. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and 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 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;
  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.

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## STAFF COMMENTS AND SUGGESTIONS

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Staff concurs with the recommendation of the City Planning Commission.

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## STAFF RECOMMENDATION

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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 **SP2023-059** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

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## ATTACHMENTS

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September 11, 2023, City Planning Commission Minutes  
Aerial Imagery  
Zoning Map  
Land Use Map  
Neighborhood Meeting Minutes  
Floor Plan  
Site Plan  
Site Photos, taken by staff, dated August 11, 2023

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## REVIEW OF INFORMATION AND SCHEDULE

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| Action         | City Planning Commission | Unified Government Board of Commissioners |
|----------------|--------------------------|-------------------------------------------|
| Public Hearing | September 11, 2023       | September 28, 2023                        |
| Special Use    | Approval                 |                                           |

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### STAFF CONTACT:

**James Molloy**  
[jmolloy@wycokck.org](mailto:jmolloy@wycokck.org)

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## MOTIONS

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I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2023-059** 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 **SP2023-059**, 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.

**September 11, 2023, City Planning Commission Minutes:**

**Hearing starts at 3:37:08:**

**SPECIAL USE PERMIT APPLICATION SP2023-059 – JORGE RAMIREZ -**

**SYNOPSIS:** Special Use Permit for a drinking establishment with live entertainment at 4960 State Avenue. *Detailed Outline of Requested Action:* The applicant, Jorge Ramirez, DBA Café Tikal is requesting a Special Use Permit for live entertainment at an existing restaurant at 4960 State Avenue.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated September 11, 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:**

- Jorge Ramirez, applicant, 4960 State Avenue, Kansas City, Kansas 66102

**Present in Opposition:**

- No one appeared

**Staff Recommendation starts at 3:40:25:** Planning Director Hand stated that the request is for a Special Use Permit for live entertainment at a restaurant. The property is in the City-Wide Comprehensive Plan just off State Avenue in the Mid-Town area. Staff has received no letters in support nor opposition. There are some older Notices of Violation from the previous owner that have all been closed and rectified. Director Hand stated that there have been previous Special Use Permits for entertainment in previous versions of this restaurant, so it is not an unprecedented use for this site. Staff recommends approval for two (2) years, subject to the conditions in the staff report.

**Motion starts at 3:41:23:**

On motion by Mrs. Jones, seconded by Mr. Ernst, the Planning Commission voted as follows to **recommend APPROVAL** of Special Use Permit **SP2023-059** for two **(2) years:**

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

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

**Subject to:**

1. The applicant must work with Property Maintenance Compliance (Code Enforcement) and Building Inspections to address all active violations on the property;
2. The applicant shall plant six (6) new trees on the property along State Avenue;
3. The gas line/electrical box on the east side of the building is exposed. A bollard will need to be installed to prevent the gas line from being struck. The applicant will also need to provide screening, such as scrubs to conceal the gas line from sight;
4. The applicant shall install a walkway that leads from State Avenue to the restaurant, as well as crosswalk markings in the parking lot that connect the walkway to the front door;
5. All entertainment must cease by at least 1:00 AM;
6. Doors and windows must stay closed during any entertainment performance;
7. Must comply with Unified Government Security Ordinance (Chapter 4, Article II Division 1, Sec 4-104,f), including:
  - a. Must have at least one (1) security personnel stationed at the door at all times that is able to monitor any required parking area. Additional security guards may be required depending on the building capacity;
  - b. Patrons are not allowed to loiter in their vehicles. If so determined, they will be asked to leave;
  - c. An I.D. scanner will be used at all times;
  - d. At closing time, all security personnel will begin from a designated area to move patrons towards the exit and then to their vehicles;
8. No amplified speakers or entertainment is allowed in outdoor spaces; and,
9. Any illumination that results from an entertainment event shall not be seen or otherwise impact adjacent residential uses;

10. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or [signpermits@wycokck.org](mailto:signpermits@wycokck.org) to begin this process;
11. 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;
12. If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;
13. If approved, the applicant must file and maintain a current business occupation tax application with this office;
14. All existing and future driveways must feature curb cuts that are constructed to UG standards;
15. A Right-of-Way Permit is required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by [info@wycokck.org](mailto:info@wycokck.org) to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
16. Section 27-699(b)(5) states that all outside bins or trash container areas must be completely enclosed by an architectural screen to a height not less than the height of the bin or container. No trash enclosures may be located in required yards adjacent to street right-of-way. In commercially and industrially zoned areas where the trash container will not be visible from off the property due to other screening or topographic conditions and will not be visible from public parking or pedestrian areas on the site, such trash bin screening need not be provided. In industrially zoned areas where the trash container will not be visible from residential property and where such containers are kept directly alongside the building and in a well-kept manner, such screening need not be provided;
17. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
18. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and 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 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;
  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.



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## ATTACHMENTS

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### AERIAL IMAGERY

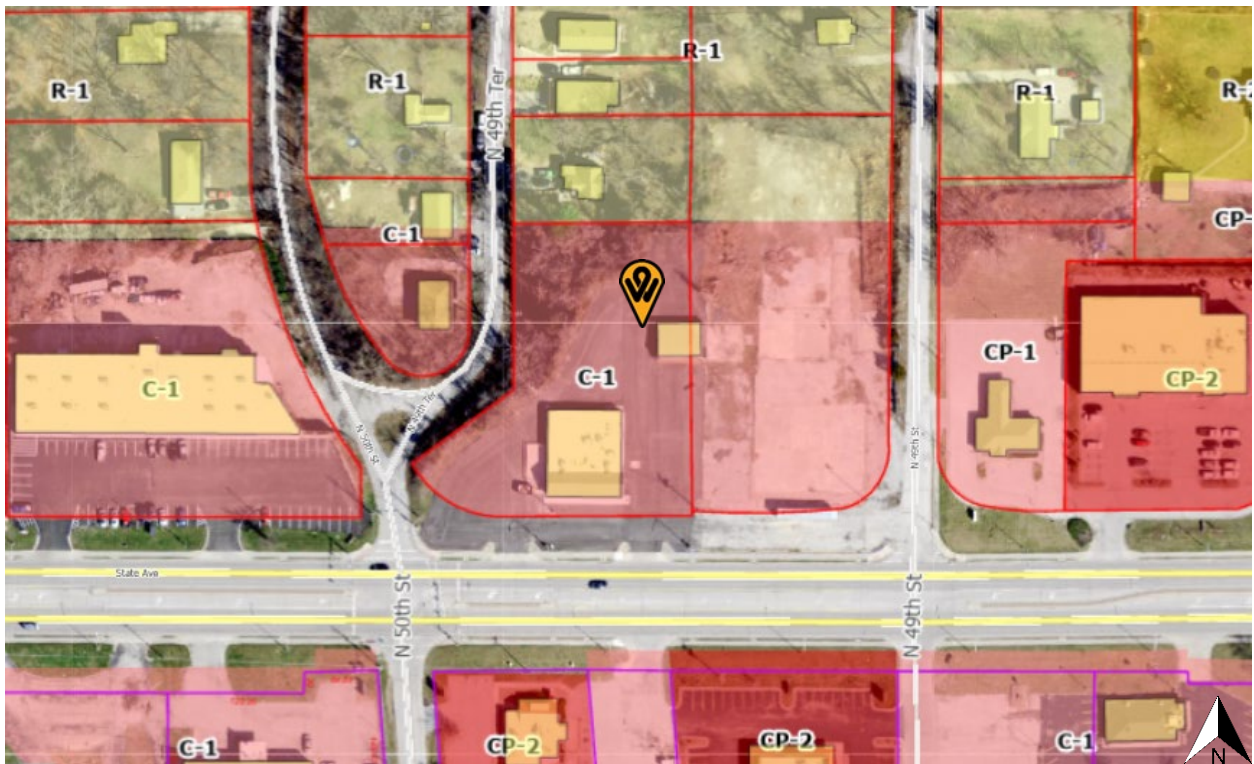
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### ZONING MAP

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## LAND USE MAP





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## NEIGHBORHOOD MEETING MINUTES

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Date: 08/15/2023

**Name:** Jorge Ramirez  
**Address:** 850 Woodend Ave  
**City/State/Zip:** Kansas City, Ks 66103

**SUBJECT:** Neighborhood Meeting

I/We have filed an application with the Department of Urban Planning and Land Use # SP2023-059. The purpose of this:

- special use permit
- Drinking establishment with live entertainment

is for a special use permit to open a family-owned restaurant providing authentic Central American, Mexican, and American food.  
to the following address: **4960 State Ave Kansas City, KS 66102.**

We are having a neighborhood meeting on August 28th, 2023, at 6:30 p.m.  
at the following address **4960 State Ave Kansas City, KS 66102.**

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

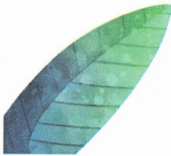
I look forward to seeing you at the neighborhood meeting. **If you are unable to attend**, please contact me on the phone number provided below or feel free to send me an email to Pao.miramontes10@gmail.com. If you are able to attend, I would greatly appreciate a response.

Sincerely,



Jorge Ramirez  
(913) 634-4713

|                     |                               |                             |
|---------------------|-------------------------------|-----------------------------|
| Marybeth Gilbert    | 1123 N 49 <sup>th</sup> Terr. | magnag924@yahoo.com         |
| Jessica Gilbert     | 1123 N 49 <sup>th</sup> Terr. | Jesstruth812@gmail.com      |
| Jorge Miramontes    | 4805 Parallel                 | HCCUCC@gmail.com            |
| Consuelo Al C Ticos | 1505 N 63 Terrace             | ticosc63@gmail.com          |
| Jonaphan Prado      | 1720 Everett Ave              | JhonPrado15@gmail.com       |
| Dalia Contreras     | 224 N 19 <sup>th</sup> St     | DaliaMiramontes10@gmail.com |



## 20:32 Meeting time

Application Number: SP2023-059

Date and Location: AUGUST 28,2023 6:30 PM

Names of people in attendance:

- Marybeth Gilbert
- Jessica Gilbert
- Jorge Miramontes
- Consuelo Ticos
- Jonathan Prado
- Paola Contreras

Instructions: We asked everyone to have a seat as the presentation was being presented by Jorge Ramirez (owner). Presentation was being displayed on televisions overhead.

Presentation:

0:00-4:55 Jorge Ramirez started by introducing himself to the people present. He stated that he came from Guatemala at an older age but before he had come to the United States, he lived with his mother who was abandoned by his father at a young age. Through these hardships, he made a promise to his mother that he was going to give her a better life and that he would do everything in his power to open a kitchen in the United States all for herself.

4:55-6:58 His vision of the restaurant is to open a restaurant that will share the taste of Guatemala through the amazing and delicious food prepared by his mother. Even though the restaurant will be based on a very authentic

Guatemalan theme, he would love to open the doors to many more ethnicities welcoming a large multicultural community.

6:58-12:08 Jorge shared the operational use of the restaurant being Restaurant dine in, take out, bar, and providing live music entertainment. Mr. Ramirez informed the neighbors that Cafe Tikal is going to provide security and night watch services provided by KCPD. He will make any changes requested by the neighbors to make them feel secure and provide the safety for them and their family. At the presentation, he shared facts regarding the construction of the building, details on the capacity, and the new and improved kitchen to provide a more sanitary site.

12:08-20:32 The menu of the restaurant was also shared at the meeting. This was to share a little more in detail what was going to be served at the restaurant. Jorge shared the crowd that he was trying to attract and emphasized that this restaurant was first before anything to be a place to come and enjoy a delicious meal with your family.

Questions during of the meeting:

1. What are the hours of operation? 6am- 10pm Sun-Wed, Thur-Sat 6am-1am
2. What type of live music are we going to have?  
We are going to have hispanic music, country night, and also Family karaoke night.
3. One of the neighbors located behind the restaurant requested cafe tikal to put up a fence for more privacy, and an agreement was made.

Jorge Ramirez answered all the questions.

Meeting adjourned at: 7:45pm

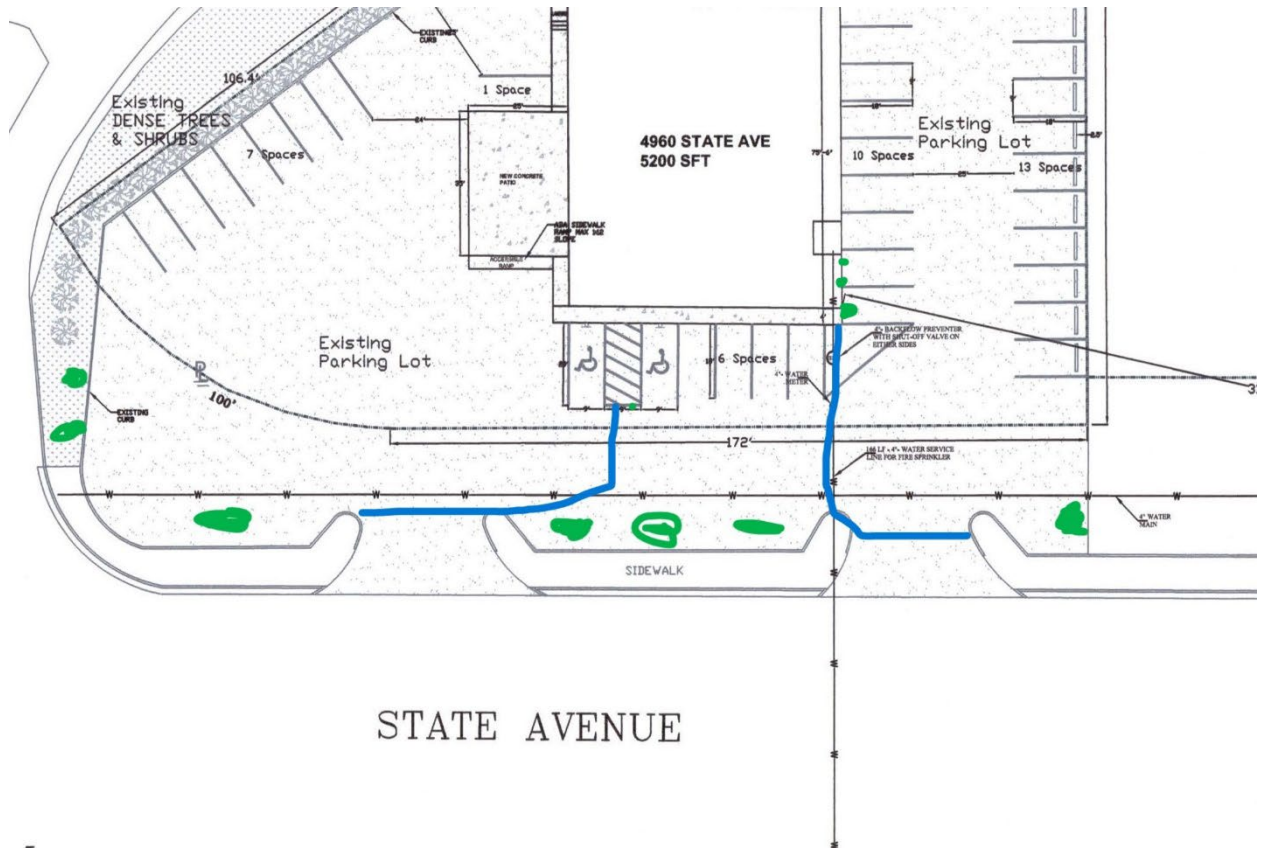
Minutes taken by: Paola Miramontes Via video recorded of the presentation.





## SP2023-059

## REVISED LANDSCAPE PLAN





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**SITE PHOTOS, TAKEN BY STAFF, DATED AUGUST 11, 2023**

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# Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

701 N 7<sup>th</sup> Street, Suite 423  
Kansas City, Kansas 66101  
[www.wycokck.org/planning](http://www.wycokck.org/planning)

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

**To:** Unified Government Board of Commissioners

**From:** Planning and Urban Design Staff

**Date:** September 28, 2023

**Re:** Special Use Petition SP2023-060

## GENERAL INFORMATION

**Applicant:**

Gunnar Hand, AICP

**Status of Applicant:**

Director of Planning + Urban Design  
Unified Government  
701 North 7<sup>th</sup> Street  
Kansas City, Kansas 66101

**Requested Action:**

Approval of a Special Use Permit.

**Date of Application:**

July 28, 2023

**Purpose:**

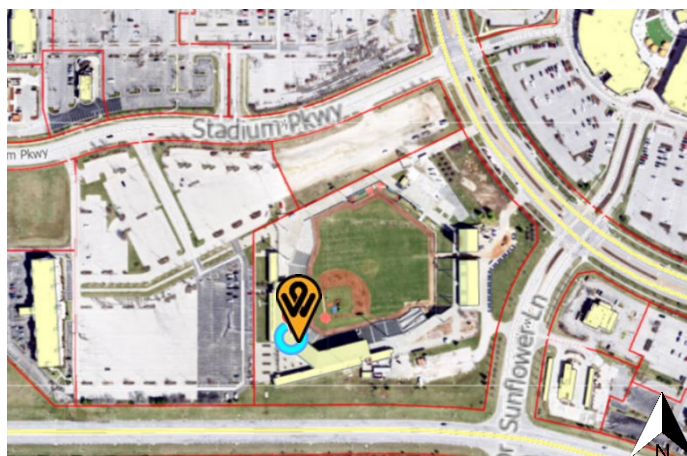
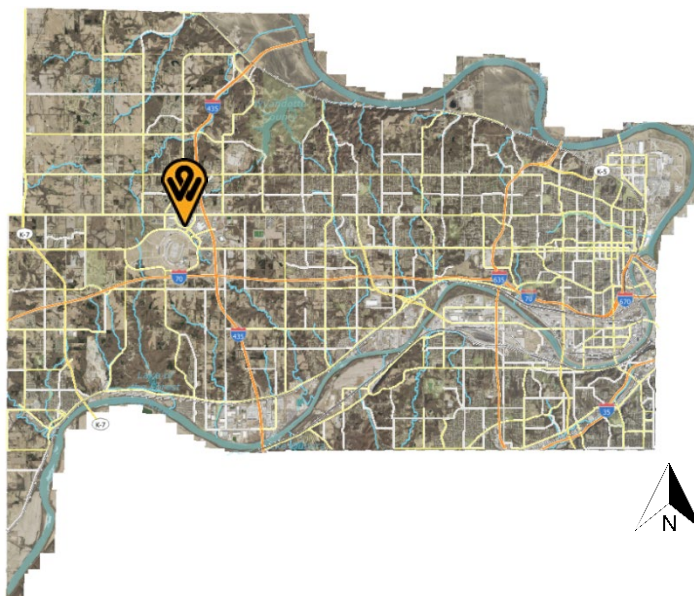
To approve a Special Use Permit to utilize Legends Field as an event center.

**Property Location:**

1800 Village West Parkway  
Kansas City, Kansas 66109

**Commission Districts:**

Commissioner At-Large, District #2:  
Tom Burroughs  
District #7 Commissioner:  
Chuck Stites



|                                        |                                                                                                                                                                                                                                                                                                                                                                            |
|----------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Existing Zoning:</b>                | CP-2 Planned General Business District                                                                                                                                                                                                                                                                                                                                     |
| <b>Adjacent Zoning:</b>                | <b>North:</b> CP-2 Planned General Business District<br><b>South:</b> A-G Agriculture District<br><b>East:</b> CP-2 Planned General Business District<br><b>West:</b> CP-2 Planned General Business District                                                                                                                                                               |
| <b>Adjacent Uses:</b>                  | <b>North:</b> Commercial retail center<br><b>South:</b> Kansas Speedway<br><b>East:</b> Restaurants and Children's Mercy Park<br><b>West:</b> Hotel                                                                                                                                                                                                                        |
| <b>Total Tract Size:</b>               | 11.72 Acre                                                                                                                                                                                                                                                                                                                                                                 |
| <b>Comprehensive Plan Designation:</b> | The Prairie-Delaware-Piper Area Plan designates the subject property as                                                                                                                                                                                                                                                                                                    |
| <b>Major Street Plan:</b>              | The goDotte Mobility Plan designates State Avenue as a Major Arterial.                                                                                                                                                                                                                                                                                                     |
| <b>Parking Requirement:</b>            | <p>Section 27-668(a)(11), which requires one (1) space for every (4) seats. The stadium has 4,600 seats, which would require 1,150 parking spaces.</p> <p>Per approval of PR-2002-23, Legends Field was approved to have 1,100 parking spaces through the premises, 50 spaces short of the requirement. The City Planning Commission approved the shortage in parking.</p> |
| <b>Advertisement:</b>                  | <u>The Wyandotte Echo</u> – August 17, 2023<br>Letters to Property Owner – August 18, 2023                                                                                                                                                                                                                                                                                 |
| <b>Public Hearings:</b>                | September 11, 2023 and September 28, 2023                                                                                                                                                                                                                                                                                                                                  |
| <b>Public Support:</b>                 | None to date.                                                                                                                                                                                                                                                                                                                                                              |
| <b>Public Opposition:</b>              | None to date.                                                                                                                                                                                                                                                                                                                                                              |

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## PROPOSAL

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Detailed Outline of Requested Action: The applicant and property owner, Unified Government of Wyandotte County/Kansas City, Kansas, seeks approval of a Special



Use Permit to operate an event space and host live entertainment at Legends Field at 1800 Village West Parkway.

City Ordinance Requirements: 27-592 through 27-606

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## **RELATED ENFORCEMENT AND ACTION ITEMS**

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### **Noise or Disturbance Complaints:**

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

### **Building, Zoning, or Code Enforcement Complaints:**

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

### **Outstanding or Related Permits and Cases:**

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

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## **FACTORS TO BE CONSIDERED**

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### ***1. The Character of the Neighborhood.***

The property is located within the I-435 West Statistical Neighborhood. The site is located within the Village West Entertainment District, which consists of The Legends Shopping Center, Sporting Park, Kansas Speedway, Hollywood Casino, as well as several additional commercial properties. The property is located along State Avenue, a regional connector the runs West to Bonner Springs and East to Downtown KCK.

### ***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 located within the Village West Entertainment District, which consists of The Legends Shopping Center, Sporting Park, Kansas Speedway, Hollywood Casino, as well as several additional commercial properties and multi-family residences.

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

The subject property is suitable for live entertainment, as there is an area for a stage, concession facilities, fixed arena seating and clubhouse for special events. The uses are appropriate as restricted.

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

The property has been used as a multi-purpose stadium since 2004.

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

The Prairie-Delaware-Piper Area Plan designates the subject property as Planned Regional Commercial District, which allows major retail uses, including restaurants, big-box stores, and hotels. The proposed use would be better served under the Planned Entertainment District designation in the Prairie-Delaware-Piper Area Plan.

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

Events – sporting, concerts, festivals and philanthropic - have occurred at the field for 20 years. The roads in this area were designed to accommodate this type of traffic. There are multiple UG controlled parking lots that are within the vicinity that patrons will use. The proposed use will not increase traffic to the point where it exceeds the capacity of State Avenue, a major arterial with the appropriate traffic maintenance plan during large events.

**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 proposal would be considered a convenience to the public because it is providing a service that can accommodate large events, such as sporting events (baseball and soccer), concerts, festivals and philanthropic events. Staff does not foresee the proposal permanently injuring adjoining properties.

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

Noise, vibration, and illumination from live entertainment within the stadium and the event space itself is a concern, depending on the size of the crowd and time of day, however, the proposed use is surrounded by several uses with similar or more intense noise, vibration, and illumination, including Sporting Park and the Kansas Speedway.

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

Live entertainment itself will likely not pollute the air, land, or water on or around the subject property. The pollution impacts of the facility itself is separate and was assessed in the staff review of PR-2002-23 and will continue to be assessed.

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

Sporting events and live entertainment could cause noise pollution. The applicant must make sure to keep noise levels to code requirements, and at a reasonable level, especially for live entertainment performed in the special event space.

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

The facility is a purpose-built stadium for baseball with adaptability for soccer, which allows an opportunity for recreation and for spectators to enjoy live sports. Additionally, live entertainment is an opportunity for the arts to be performed and for the community, family, and social organizations to gather, both of which serve a public benefit.

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

The proposed use will not result in overcrowding as the proposed use operates within an existing facility that was designed for these specific uses with off-street parking located in the rear of the building. There is a propensity for an event space to cause crowds, however, the Fire Marshal will determine the maximum number of occupants for the facility limiting undue concentrations of populations.

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## **PREVIOUS ACTIONS**

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Approval of a Development Plan (PR-2002-23) to construct Legends Field in 2002.

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## **NEIGHBORHOOD MEETING**

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

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## **KEY ISSUES**

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Buffering  
Lights  
Noise  
Parking  
Traffic

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## **PLANNING COMMISSION RECOMMENDATION**

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The Planning Commission voted 7 to 0 to recommend **APPROVAL** of Special Use Permit Application **SP2023-060**, subject to:

1. **Public rights-of-way may not be blocked by trash enclosures or receptacles;**
2. **Sidewalks shall remain clean and clear of trash and debris;**
3. **Alcohol can only be provided by licensed vendors;**
4. **The Unified Government will seek a Master Plan Amendment for the property on behalf of the Monarchs;**
5. **Must comply with Unified Government Security Ordinance (Chapter 4, Article II Division 1, Sec 4-104,f), including:**
  - a. **Must have at least one (1) security personnel stationed at the door at all times that is able to monitor any required parking area. Additional security guards may be required depending on the building capacity;**
  - b. **Patrons are not allowed to loiter in their vehicles. If so determined, they will be asked to leave;**
  - c. **An I.D. scanner will be used at all times;**
  - d. **At closing time, all security personnel will begin from a designated area to move patrons towards the exit and then to their vehicles;**
6. **Vendors are required to obtain a liquor license and they must be maintained with the State Department of Revenue Alcoholic Beverage Control;**
7. **The applicant must keep a current business occupation tax application and entertainment license with the Business Licensing Division located at 4953 State Avenue, Kansas City, KS 66102. Their contact information is (913) 573-8780 or [businesslicense@wycokck.org](mailto:businesslicense@wycokck.org);**
8. **All existing and future driveways must feature curb cuts that are constructed to UG standards;**
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 on 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. **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](mailto:signpermits@wycokck.org) to begin this process;**
11. **The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The**

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

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## STAFF COMMENTS AND SUGGESTIONS

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Staff concurs with the recommendation of the City Planning Commission.

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## STAFF RECOMMENDATION

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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 **SP2023-060** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

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## ATTACHMENTS

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September 11, 2023, City Planning Commission Minutes  
Aerial Imagery  
Zoning Map  
Land Use Map  
Neighborhood Meeting Documents  
Site Photos, Taken by Staff, Dated August 11, 2023

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## REVIEW OF INFORMATION AND SCHEDULE

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| Action         | Planning Commission | Unified Government Board of Commissioners |
|----------------|---------------------|-------------------------------------------|
| Public Hearing | September 11, 2023  | September 28, 2023                        |
| Special Use    | Approval            |                                           |

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### STAFF CONTACT:

James Molloy  
[jmolloy@wycokck.org](mailto:jmolloy@wycokck.org)

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## MOTIONS

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I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2023-060** 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 **SP2023-060**, 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.

### **September 11, 2023, City Planning Commission Minutes:**

#### **Hearing starts at 3:42:21:**

**SPECIAL USE PERMIT APPLICATION SP2023-060 – GUNNAR HAND, AICP/UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS**  
- **SYNOPSIS:** Special Use Permit for an event space at Legends Field at 1800 Village West Parkway. Detailed Outline of Requested Action: The applicant and property owner, Unified Government of Wyandotte County/Kansas City, Kansas, seeks approval of a Special Use Permit to operate an event space and host live entertainment at Legends Field at 1800 Village West Parkway.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated September 11, 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:

- Gunnar H. Hand, AICP, applicant, Planning + Urban Design, 701 North 7<sup>th</sup> Street Suite 423, Kansas City, Kansas 66101

Assistant Counsel Conway directed questions to the applicant.

Present in Opposition:

- No one appeared

**Staff Recommendation starts at 3:45:51:** Planning Director Hand stated that other Staff members reviewed this case. He further stated that a Master Plan Amendment will also need to be submitted for this property. Staff recommends approval subject to the conditions in the staff report.

**Motion starts at 3:47:05:** (NOTE: Mr. Connelly left the meeting)

On motion by Mr. Ernst, seconded by Mrs. Jones, the Planning Commission voted as follows to **recommend APPROVAL** of Special Use Permit **SP2023-060**:

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

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

**Subject to:**

1. **Public rights-of-way may not be blocked by trash enclosures or receptacles;**
2. **Sidewalks shall remain clean and clear of trash and debris;**
3. **Alcohol can only be provided by licensed vendors;**
4. **The Unified Government will seek a Master Plan Amendment for the property on behalf of the Monarchs;**
5. **Must comply with Unified Government Security Ordinance (Chapter 4, Article II Division 1, Sec 4-104,f), including:**
  - a. **Must have at least one (1) security personnel stationed at the door at all times that is able to monitor any required parking area. Additional security guards may be required depending on the building capacity;**
  - b. **Patrons are not allowed to loiter in their vehicles. If so determined, they will be asked to leave;**
  - c. **An I.D. scanner will be used at all times;**

- d. At closing time, all security personnel will begin from a designated area to move patrons towards the exit and then to their vehicles;
- 6. Vendors are required to obtain a liquor license and they must be maintained with the State Department of Revenue Alcoholic Beverage Control;
- 7. The applicant must keep a current business occupation tax application and entertainment license with the Business Licensing Division located at 4953 State Avenue, Kansas City, KS 66102. Their contact information is (913) 573-8780 or [businesslicense@wycokck.org](mailto:businesslicense@wycokck.org);
- 8. All existing and future driveways must feature curb cuts that are constructed to UG standards;
- 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 on 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. 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](mailto:signpermits@wycokck.org) to begin this process;
- 11. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
- 12. The Special Use Permit shall be valid indefinitely from the publication of the associated Ordinance;
- 13. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Urban Planning and Land Use Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
- 14. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all

**conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.**

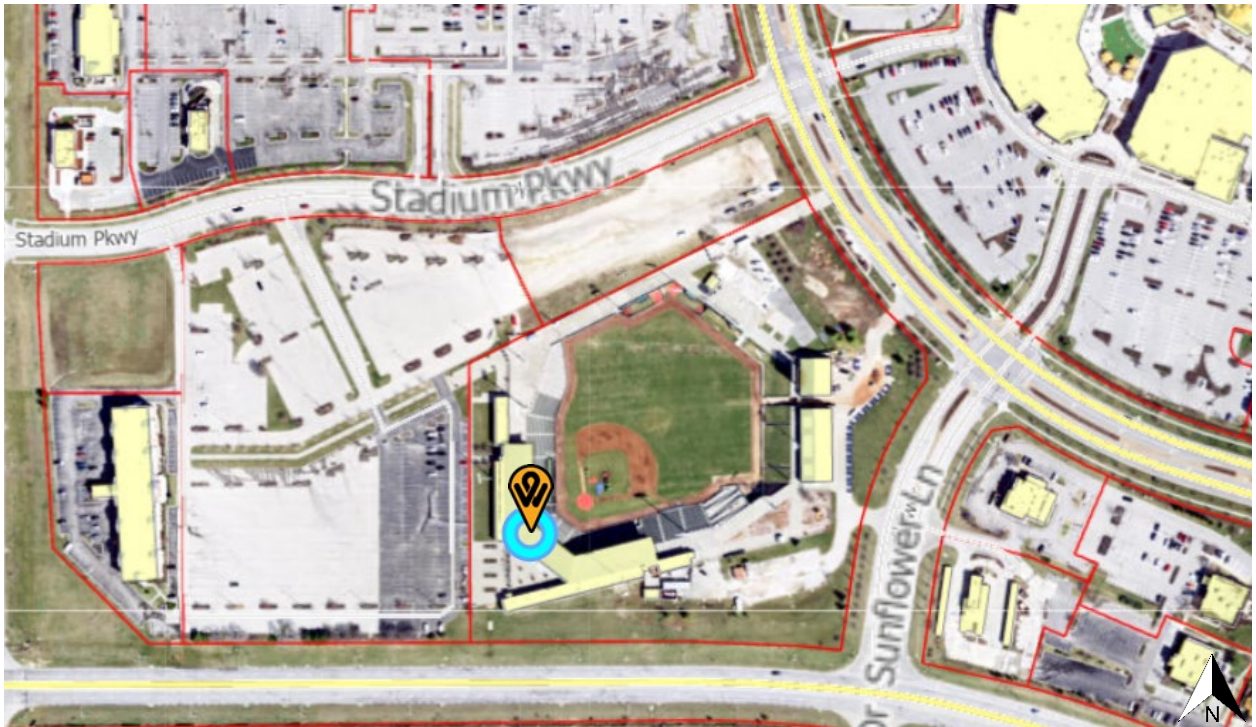
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## ATTACHMENTS

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### AERIAL IMAGERY

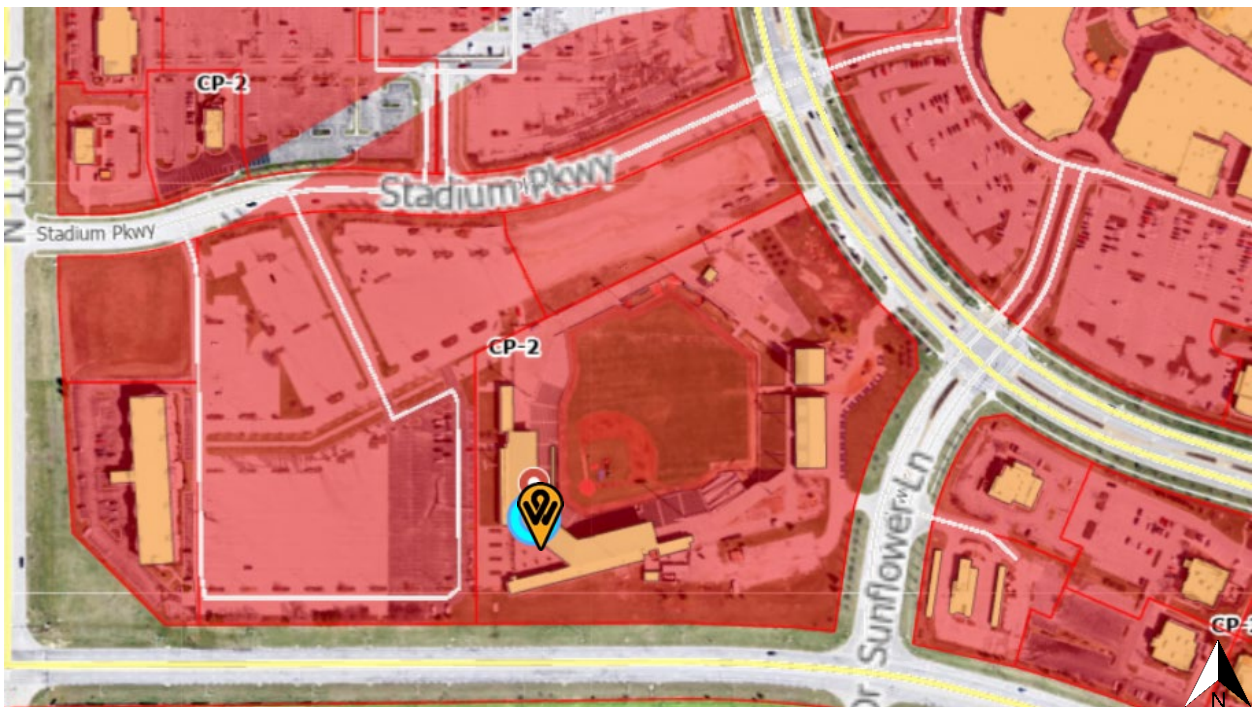
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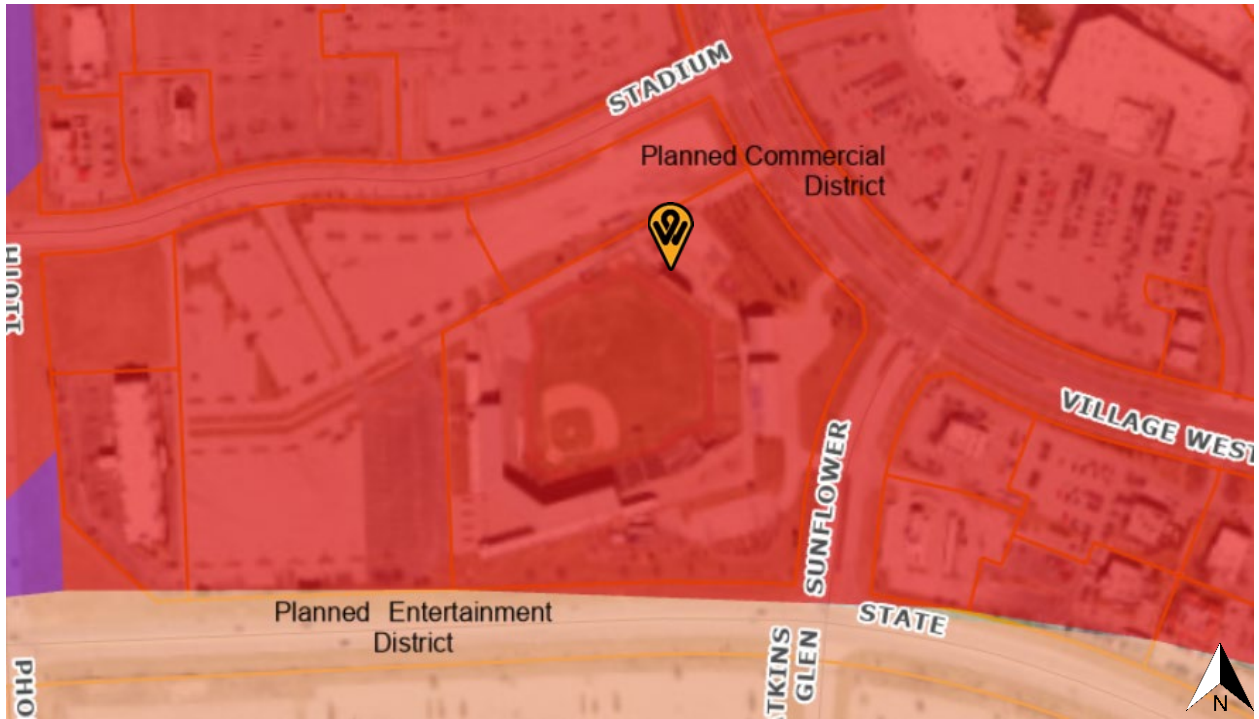
### ZONING MAP

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## LAND USE MAP



## NEIGHBORHOOD MEETING MINUTES

Staff received no inquiries regarding this petition. Staff sent out notice and letters requesting comment from nearby property owners on August 16, 2023, and allowed the public to make comments through August 31, 2023.

### AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas )  
 ) SS:  
COUNTY OF Wyandotte )

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

1. That I am the petitioner for Petition #SP2023-060
2. That I conducted a neighborhood meeting on 08/31/2023.
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.

[Signature]  
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 1<sup>st</sup> day of September, 2002023,

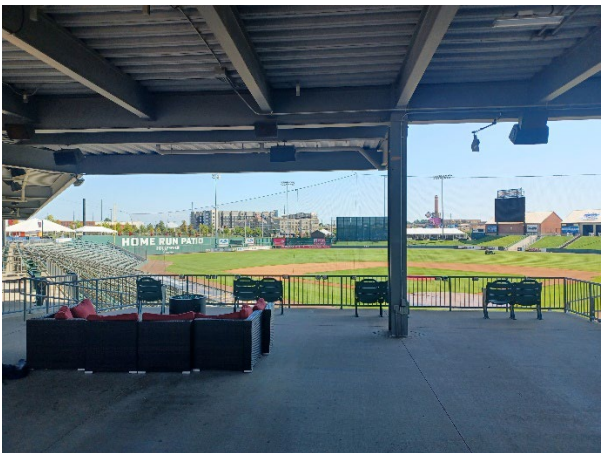
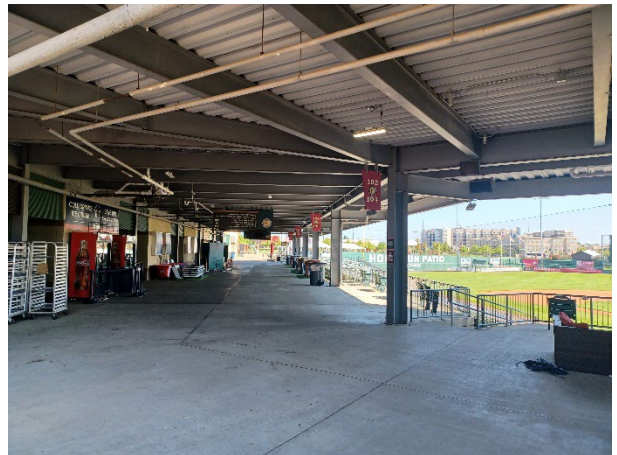
My commission expires 19 of 10, 2002026



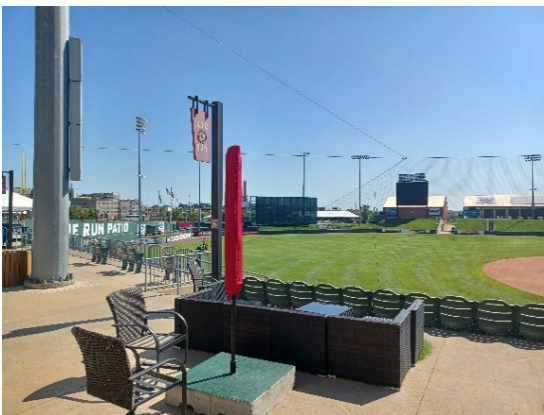
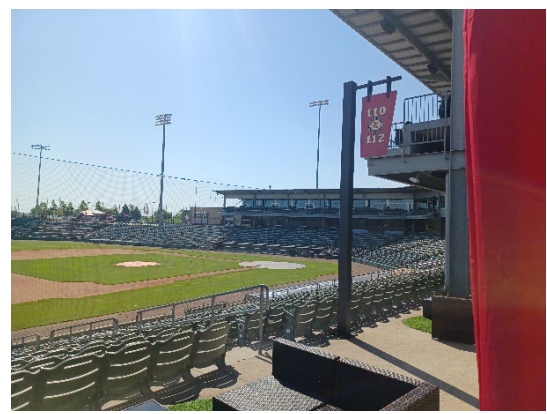
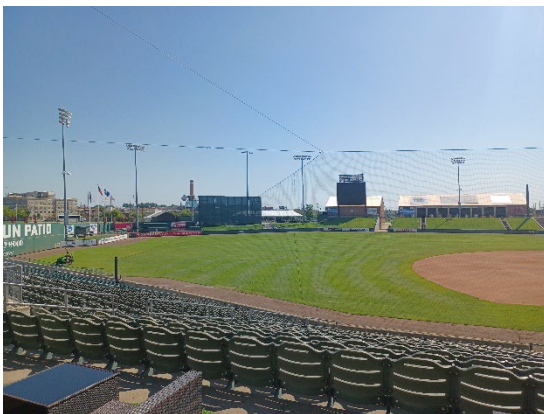
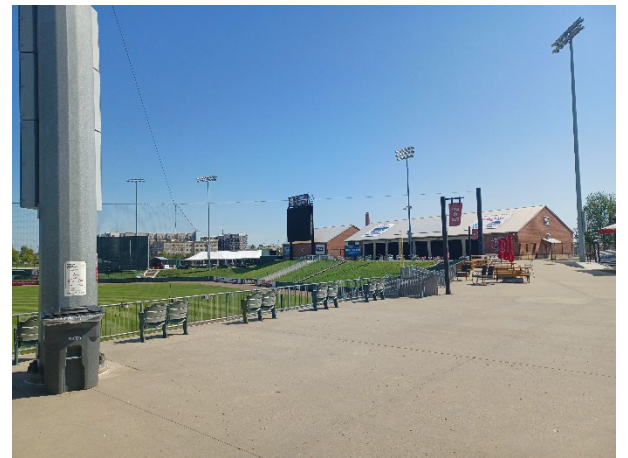
Julie M. Simmons  
Notary Public



**SITE PHOTOS, TAKEN BY STAFF, DATED AUGUST 11, 2023**











# Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

701 N 7<sup>th</sup> Street, Suite 423  
Kansas City, Kansas 66101  
[www.wycokck.org/planning](http://www.wycokck.org/planning)

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

**To:** Unified Government Board of Commissioners

**From:** Planning and Urban Design Staff

**Date:** September 28, 2023

**Re:** **Change of Zone Petition COZ2023-022 and  
Master Plan Amendment MPL2023-011**

## GENERAL INFORMATION

**Applicant:**

Alex Elliott

**Status of Applicant:**

Representative

Atlas Land Consultants

14500 Parallel Road Unit R  
Basehor, Kansas 60007

**Requested Action:**

Approval of a Change of Zone and  
Master Plan Amendment.

**Date of Application:**

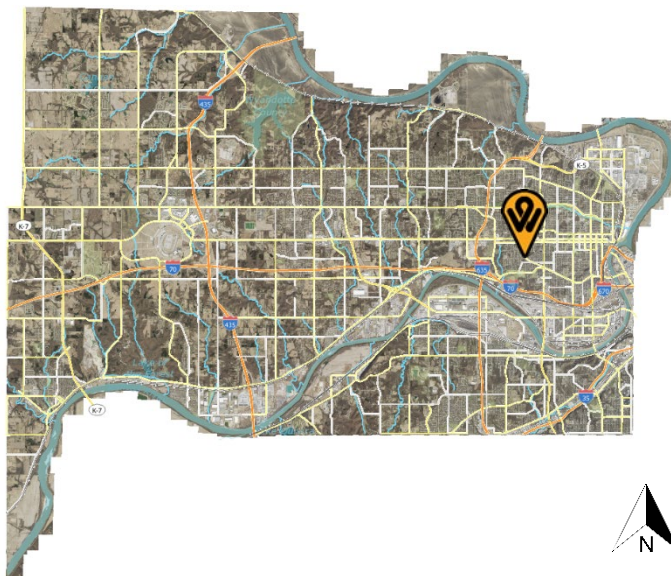
July 28, 2023

**Purpose:**

A Change of Zone from CP-0 Planned  
Non-Retail Business District to CP-1  
Planned Limited Business District and  
Master Plan Amendment from Urban  
Density (Central Area Plan) to  
Neighborhood Commercial (Central  
Area Plan) to operate a retail shop.

**Property Location:**

2324 Grandview Boulevard  
Kansas City, Kansas 66102



|                                        |                                                                                                                                                                                                                                                                                                                                                                                |
|----------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Commission Districts:</b>           | Commissioner At Large #2: Tom Burroughs<br>District #2 Commissioner: Brian McKiernan                                                                                                                                                                                                                                                                                           |
| <b>Existing Zoning:</b>                | CP-0 Planned Non-Retail Business District                                                                                                                                                                                                                                                                                                                                      |
| <b>Adjacent Zoning:</b>                | <b>North:</b> RP-5 Planned Apartment District<br><b>South:</b> R-1(B) Single Family District<br><b>East:</b> RP-5 Planned Apartment District<br><b>West:</b> R-1(B) Single Family District                                                                                                                                                                                     |
| <b>Adjacent Uses:</b>                  | <b>North:</b> Single-Family Residence<br><b>South:</b> Single-Family Residence<br><b>East:</b> Single-Family Residence<br><b>West:</b> Single-Family Residence                                                                                                                                                                                                                 |
| <b>Total Tract Size:</b>               | 0.05 Acre                                                                                                                                                                                                                                                                                                                                                                      |
| <b>Comprehensive Plan Designation:</b> | <p>The Central Area Plan designates the subject property as Urban Density, which allows a mix of detached and attached residential.</p> <p>The applicant is seeking a Master Plan Amendment to Neighborhood Commercial, which allows a wide range of small-scale commercial and office development. Uses may include commercial retail, professional offices and services.</p> |
| <b>Major Street Plan:</b>              | The goDotte Mobility Plan designates Grandview Boulevard as a Local/Neighborhood Street.                                                                                                                                                                                                                                                                                       |
| <b>Parking Requirement:</b>            | Section 27-464(e) states that any business shall provide paved off-street parking at a ratio of no less than four (4) spaces per 1,000 square feet of floor area. The property provides 1,015 square feet of floor area, requiring five (5) parking spaces. The property currently provides one (1) space, a violation of four (4) spaces.                                     |
| <b>Advertisement:</b>                  | <u>The Wyandotte Echo</u> – August 17, 2023<br>Letters to Property Owners – August 18, 2023                                                                                                                                                                                                                                                                                    |
| <b>Public Hearings:</b>                | September 11, 2023 and September 28, 2023                                                                                                                                                                                                                                                                                                                                      |
| <b>Public Support:</b>                 | One letter in support has been submitted.                                                                                                                                                                                                                                                                                                                                      |
| <b>Public Opposition:</b>              | None to date.                                                                                                                                                                                                                                                                                                                                                                  |

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## PROPOSAL

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Detailed Outline of Requested Action: The applicant, Alex Elliott, is requesting a Change of Zone from CP-0 Non-Retail Business District to CP-1 Planned Limited Business District and a Master Plan Amendment from Urban Density (Central Area Plan) to Neighborhood Commercial (Central Area Plan) to operate a retail shop at 2324 Grandview Boulevard.

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

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## RELATED ENFORCEMENT AND ACTION ITEMS

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### **Noise or Disturbance Complaints:**

1. There was one (1) call for police service for graffiti in 2018.
  - a. 2018 – 2018-22711 - Graffiti

### **Building, Zoning, or Code Enforcement Complaints:**

1. There is an active Notice of Violation on the property for a hole in the exterior all of the structure. There also older violations for vacant structures and graffiti as well as overgrown grass.
  - a. 2023 – STR23-0823 – Structural – Hole in the exterior wall
  - b. 2023 – ABT23-0969 – Abatement – Grass and Weeds
  - c. 2022 – STR22-0264 – Structural – Structural Issues
  - d. 2022 – GRA22-0075 – Graffiti
  - e. 2021 – GRA21-0122 – Graffiti
  - f. 2021 – GRA21-0098 – Graffiti
  - g. 2021 – ABT21-2696 – Abatement – Grass and Weeds
  - h. 2020 – 20225-01845 – Abatement – Grass and Weeds

### **Outstanding or Related Permits and Cases:**

1. 2023 – COZ2023-022 – Change of Zone from CP-0 to CP-1
2. 2023 – MPL2023-011 – Master Plan Amendment

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## FACTORS TO BE CONSIDERED

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### ***1. Neighborhood character.***

The subject property is located within the Kensington Statistical Neighborhood Group as well as the West Central Area Coalition (WCAC) and the Central Area Betterment Association (CABA) neighborhood groups. The neighborhood consists of a variety of residential uses, including single-family residences,

duplexes, and small apartment buildings. The neighborhood also features mixed-use buildings and commercial along the Central Avenue mixed-use corridor.

**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 laid out above. The property is surrounded by primarily residential, however, there are small-scale commercial uses mixed within the neighborhood. The proposed use as a retail space is compatible with the nearby properties as long as it is managed properly.

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

The property was constructed in 1930 to be a small-scale commercial space within the neighborhood. The change of zone seeks to allow the space to be used for retail, rather than non-retail uses. The removal of restrictions is not expected to impact nearby property.

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

It is unclear how long the property has been vacant; however, the last active business license was issued in 2012. The property was officially listed as a vacant property in 2019.

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

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

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

The use of the property as a retail use could potentially increase the amount of traffic and parking along Grandview Boulevard, as it is a higher intensity use than a non-retail use would be. The applicant is seeking a variance, as they only provide one (1) on-site parking space, four (4) less than the required five (5) spaces. Due to the nature of the use and size of the building, however, it is not expected that a retail use would increase demand to the point of where it exceeds the capacity of Grandview Boulevard, a Local/Neighborhood Street.



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

The proposed use is seeking a Master Plan Amendment from Urban Density (Central Area Plan) to Neighborhood Commercial (Central Area Plan). The amended designation to Neighborhood Commercial, allows a wide range of small-scale commercial and office development. Uses may include commercial retail, professional offices and services. If the amendment is granted, the proposed use would conform to the Area Plan.

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

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

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

**a. *Water service***

BPU provides water service.

**b. *Sanitary sewer service***

The UG provides sanitary sewer service.

**c. *Storm water control***

The UG provides storm water control, with an inlet across the street.

**d. *Police***

Police service is provided by East Patrol, District #115.

**e. *Fire***

Fire service is provided by Station #11, which is one (1) mile away.

**f. *Transit***

Transit service is provided by UG Route #102 Central Avenue, with a stop one (1) block away at 23<sup>rd</sup> & Central.

**g. *Schools***

Public Education is provided by Frances Willard Elementary School, Argentine Middle School, and JC Harmon High School.

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

The proposed use will not have a major economic impact, as it is relatively small in scale, however, it may provide means of employment and allow the owner to utilize the property in a manner to provide goods to the immediate neighborhood.

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

The applicant is seeking a variance from the parking requirement, as there is only one (1) parking spot provided on-site, otherwise, the proposed use is capable of meeting applicable ordinance requirements.

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

The relative gain to public health, safety, and welfare is minimal as this is a small-scale retail use, which does not provide an essential service to the public. If denied, the property could still be used for a variety of non-retail purposes.

**Master Plan Amendment**

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

There have been no events subsequent to the comprehensive plan adoption. The building has remained unchanged since 2020. The building, however, was constructed as a commercial building in 1930 and has had commercial businesses located within it intermittently since its construction.

**2. *Whether the change is consistent with the goals and policies of the comprehensive plan and/or any relevant corridor, neighborhood, or area plan.***

The change from Urban Density to Neighborhood Commercial is consistent with the goals of the Central Area Plan, which seeks to revitalize the corridor and allow for more private investments to create small, community-scale businesses within the corridor.

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

See Change of Zone Factor #9.

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

The proposed amendment would eliminate a regulatory conflict. The current zoning of the property is CP-0 Non-Retail Business District. The applicant seeks to change the zoning to the CP-1 Planned Limited Business District to allow for retail business. An amendment to the Area Plan would bring the plan into conformance with the current and proposed zoning districts.

**5. *Whether the proposed amendment would allow a change in development on the subject site without creating adverse impacts on existing or planned surrounding uses or creating inconsistencies with applicable future land use map patterns.***

The proposed plan amendment would not result in a change in development of the site, and instead, would match the historic and existing use of the site. The site has been used as a small-scale retail and/or commercial space since its construction in 1930.

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

The proposed use will not have a major impact as it is relatively small in scale compared to other options in the area, however, it may provide means of employment and allow the owner to utilize the property in a manner to provide goods to the immediate community.

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## **PREVIOUS ACTIONS**

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

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## **NEIGHBORHOOD MEETING**

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The applicant received neighborhood comments by receiving letters or phone calls through the date of August 28, 2023. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

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## **KEY ISSUES**

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Bike Rack  
Floor Plan  
Goods to be Sold  
Landscaping, Buffering, Screening  
Parking Variance  
Site Plan

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## PLANNING COMMISSION RECOMMENDATION

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The Planning Commission voted 7 to 0 to recommend **APPROVAL** of Change of Zone Application **COZ2023-022** and Master Plan Amendment **MPL2023-011**, subject to:

1. Plant two (2) street trees along Grandview Boulevard and one (1) additional tree in the rear yard;
2. Install a bike rack on the property;
3. Install handrails for all steps on the property;
4. This City Planning Commission case is being heard in conjunction with BOZA2023-036. Any approval by the Board of Zoning Appeals of this case, and the conditions of approval contained herein, are contingent, and shall only go into effect, upon the approval of BOZA2023-036 by the Unified Government Board of Zoning Appeals and upon any ordinance publications required by law;
5. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or [signpermits@wycokck.org](mailto:signpermits@wycokck.org) to begin this process;
6. If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;
7. If approved, the applicant must file and maintain a current business occupation tax application with this office;
8. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by [buildinginspection@wycokck.org](mailto:buildinginspection@wycokck.org) to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
9. All existing and future driveways must feature curb cuts that are constructed to UG standards;
10. All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
11. 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;
12. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed by right or by Special Use Permit under the new zoning district, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located; and,
13. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

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## STAFF COMMENTS AND SUGGESTIONS

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Staff concurs with the recommendation of the City Planning Commission.

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## STAFF RECOMMENDATION

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Staff recommends that the Board of Commissioners concur with the findings contained within the staff report related to *Factors to be Considered* and *Key Issues* and recommends **APPROVAL** of Petition **COZ2023-022** and **MPL2023-011** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

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## ATTACHMENTS

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September 11, 2023, City Planning Commission Minutes  
Aerial Imagery  
Zoning Map  
Land Use Map  
Site Plan  
Axonometric Plan of the Property  
Site Photos, Taken by Staff, Dated August 11, 2023  
Neighborhood Meeting Minutes  
Letter in Support from Paul Soptick, Jr.

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## REVIEW OF INFORMATION AND SCHEDULE

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|                |                            |                               |
|----------------|----------------------------|-------------------------------|
| <u>Action</u>  | <u>Planning Commission</u> | <u>Board of Commissioners</u> |
| Public Hearing | September 11, 2023         | September 28, 2023            |
| Rezoning       | Approval                   |                               |

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**STAFF CONTACT:** James Molloy  
[jmolloy@wycokck.org](mailto:jmolloy@wycokck.org)

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## MOTIONS

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### Change of Zone

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2023-022** as meeting all the requirements of the city code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. \_\_\_\_\_;
2. \_\_\_\_\_; And
3. \_\_\_\_\_.

### OR

I move the Unified Government Board of Commissioners **DENY** Petition **COZ2023-022**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

### Master Plan Amendment

I move the Unified Government Board of Commissioners **APPROVE** Petition **MPL2023-011** as meeting all the requirements of the city code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. \_\_\_\_\_;
2. \_\_\_\_\_; And
3. \_\_\_\_\_.

### OR

I move the Unified Government Board of Commissioners **DENY** Petition **MPL2023-011**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.



**September 11, 2023, City Planning Commission Minutes:**

**Hearing starts at 1:54:25:**

**MASTER PLAN AMENDMENT MPL2023-011 – ALEX ELLIOTT WITH ATLAS LAND CONSULTING – SYNOPSIS:** Master Plan Amendment from Residential (Central Area Plan) to Community Commercial (Central Area Plan) at 2324 Grandview Boulevard.

**CHANGE OF ZONE APPLICATION COZ2023-022 – ALEX ELLIOTT WITH ATLAS LAND CONSULTING – SYNOPSIS:** Change of Zone from CP-O Planned Non-Retail Business District to CP-1 Planned Limited Business District to operate a retail candy store at 2324 Grandview Boulevard.

*Detailed Outline of Requested Action:* The applicant, Alex Elliott, is requesting a Change of Zone from CP-0 Non-Retail Business District to CP-1 Planned Limited Business District and a Master Plan Amendment from Urban Density (Central Area Plan) to Neighborhood Commercial (Central Area Plan) to operate a retail shop at 2324 Grandview Boulevard.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated September 11, 2023;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo;
7. The Notices to property owners;
8. The letter in support from Paul Soptick, Jr. read at the Board of Zoning Appeals meeting earlier this evening; and,
9. The Testimony at the Board of Zoning Appeals meeting earlier this evening.

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

**Present in Support:**

- Alex Elliot, applicant, Atlas Land Consulting, 14500 Parallel Road, Unit R, Basehor, Kansas 66007

**Present in Opposition:**

- No one appeared

**Staff Recommendation starts at 1:57:45:** Planning Director Hand stated this case is being heard in conjunction with BOZA2023-036 for a parking variance and was approved by the Board of Zoning Appeals earlier this evening. This is an existing retail location that has been vacant for some time. The property is located in the Central Area

Plan. Staff has received no letters in support nor opposition. There are some Notices of Violation related to the structure, all of which should be addressed with the building permit and tenant improvement finish. Staff recommends approval subject to the conditions in the staff report.

**Motion starts at 1:58:40:**

On motion by Mrs. Jones, seconded by Mr. Ernst, the Planning Commission voted as follows to **recommend APPROVAL of Master Plan Amendment MPL2023-011:**

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

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

**Subject to:**

1. Plant two (2) street trees along Grandview Boulevard and one (1) additional tree in the rear yard;
2. Install a bike rack on the property;
3. Install handrails for all steps on the property;
4. This City Planning Commission case is being heard in conjunction with BOZA2023-036. Any approval by the Board of Zoning Appeals of this case, and the conditions of approval contained herein, are contingent, and shall only go into effect, upon the approval of BOZA2023-036 by the Unified Government Board of Zoning Appeals and upon any ordinance publications required by law;
5. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or [signpermits@wycokck.org](mailto:signpermits@wycokck.org) to begin this process;
6. If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;
7. If approved, the applicant must file and maintain a current business occupation tax application with this office;
8. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an

existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by [buildinginspection@wycokck.org](mailto:buildinginspection@wycokck.org) to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;

9. All existing and future driveways must feature curb cuts that are constructed to UG standards;
10. All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
11. 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;
12. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed by right or by Special Use Permit under the new zoning district, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located; and,
13. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

On motion by Mrs. Jones, seconded by Mr. Ernst, the Planning Commission voted as follows to **recommend APPROVAL of Change of Zone COZ2023-022:**

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

Eilts                      Aye  
Motion to recommend **APPROVAL** Passed 7 to 0  
**Subject to the above conditions**

## ATTACHMENTS

### AERIAL IMAGERY

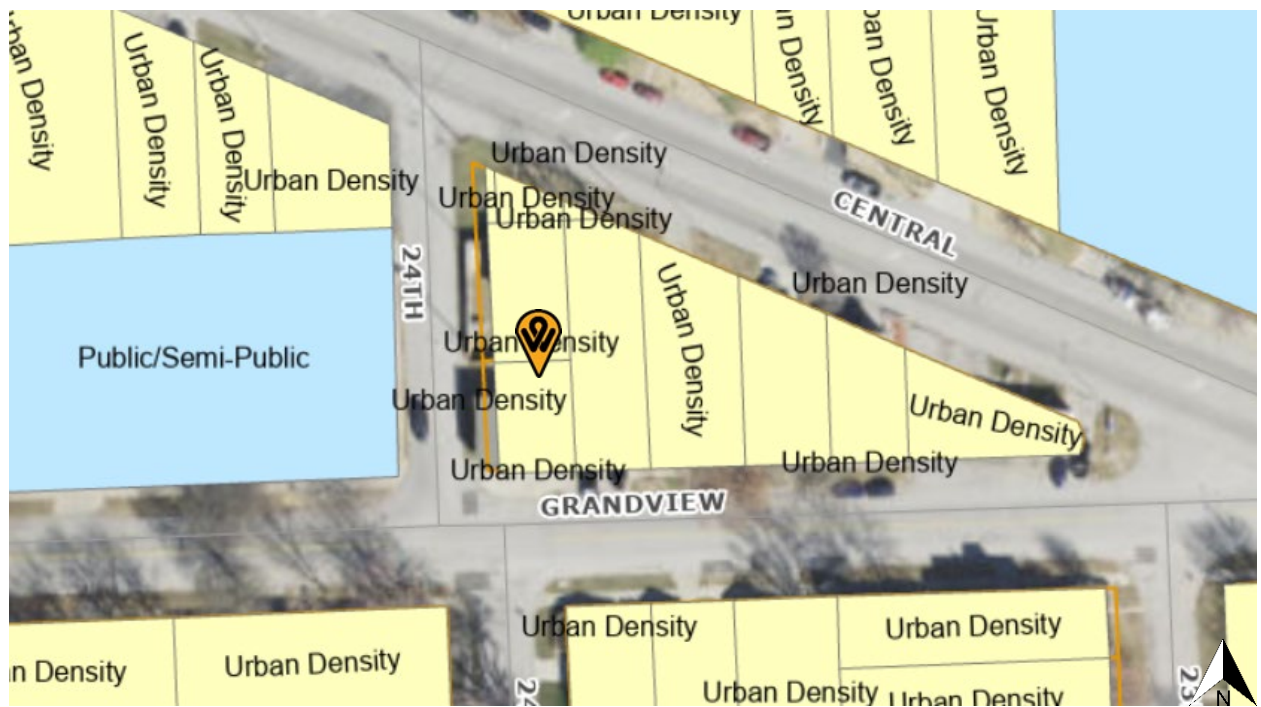


### ZONING MAP





## LAND USE MAP





# SITE PLAN

## 2324 GRANDVIEW BOULEVARD SITE PLAN





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**SITE PHOTOS, TAKEN BY STAFF, DATED AUGUST 11, 2023**

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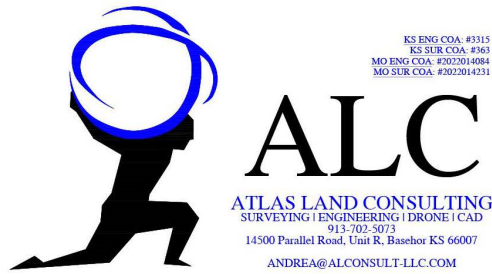




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## NEIGHBORHOOD MEETING MATERIALS

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### Neighborhood Meeting/Letter Report

To: Janet Parker, UG Department of Planning & Urban Design

Address: 701 N 7<sup>th</sup> Street  
Kansas City, KS 66101

Phone: 913-573-5758

Email: [jparker@wycokck.org](mailto:jparker@wycokck.org)

Date: August 30, 2023

Project: BOZA2023-036/COZ2023-022 2324 Grandview Blvd.

### Neighborhood Letter Response Notes:

Below is recorded the responses received from the notice letters sent on August 15<sup>th</sup>, 2023.

An email was received on August 21<sup>st</sup> from Paul R Soptick Jr. stating “We are happy to see interest in a business at this address, but have some concerns about the owners lack of maintenance of the property in the past, and the candy store they are interested in operating at this location.” We reached out to the owner to set up a meeting with Paul and some other neighbors but they were not available before the deadline of this report. We sent the site plan and architectural plans for the building to Paul and have not received any further comment.

No other responses were received.

Please let me know if you have any questions.

**T. Alex Elliott, PE**  
[alex@alconsult-llc.com](mailto:alex@alconsult-llc.com)  
913.702.2936

14500 Parallel Rd. Unit R Basehor, KS 66007

**AFFIDAVIT – NEIGHBORHOOD MEETING**

STATE OF Kansas )  
COUNTY OF Johnson ) SS:

Comes now Timothy A. Elliott, of lawful age, sound mind and upon his/her oath states as follows:

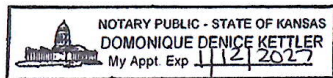
1. That I am the petitioner for Petition # BO242023-036 + CO22023-022
2. That I conducted a neighborhood meeting on Letters Sent 08/15/2023
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

  
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 30<sup>th</sup> day of August, 2023.

My commission expires 12<sup>th</sup> of January, 2027.



  
Notary Public

AFTER A MEETING WITH THE OWNER OF THE PROPERTY AND ROGER AVALOS, PROJECT ENGINEER I FEEL THE CHANGE OF ZONING FROM CP-0, PLANNED NON-RETAIL BUSINESS DISTRICT, TO CP-1 PLANNED LIMITED BUSINESS DISTRICT SHOULD BE APPROVED.

THE OWNER AND MR AVALOS ANSWERED QUESTIONS THAT WERE ASKED AS TO THE NATURE OF THE BUSINESS, " WILL BE USED AS A WAREHOUSE TO HOUSE MERCHANDISE FOR RESALE TO LOCAL BUSINESSES"; AND TO THE PARKING NEEDS " NEEDING ONE SPACE INSTEAD OF FOUR" AS DEFINED BY ORDINANCES, AND MAINTENANCE OF THE PROPERTY " REMOVAL OF GRAFFITI BY PAINTING A MURAL ON THE WEST SIDE OF BUILDING" AND IMPROVEMENT OF THE CONCRETE SIDEWALKS AND DRIVEWAYS, AND KEEPING THE GRASS AREAS PROPERLY MOWED.

REGARDS

PAUL R SOPTICK JR  
HOME: 913-281-4351  
CELL: 913-927-8848





# Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

701 N 7<sup>th</sup> Street, Suite 423  
Kansas City, Kansas 66101  
[www.wycokck.org/planning](http://www.wycokck.org/planning)

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

**To:** Unified Government Board of Commissioners

**From:** Planning and Urban Design Staff

**Date:** September 28, 2023

**Re:** Final Development Plan Petition PR2023-019

## GENERAL INFORMATION

**Applicant:**  
Stuart M. Shoen

**Status of Applicant:**  
Representative  
22 SAC, LLC  
4000 Bonner Industrial Drive  
Shawnee, Kansas 66226

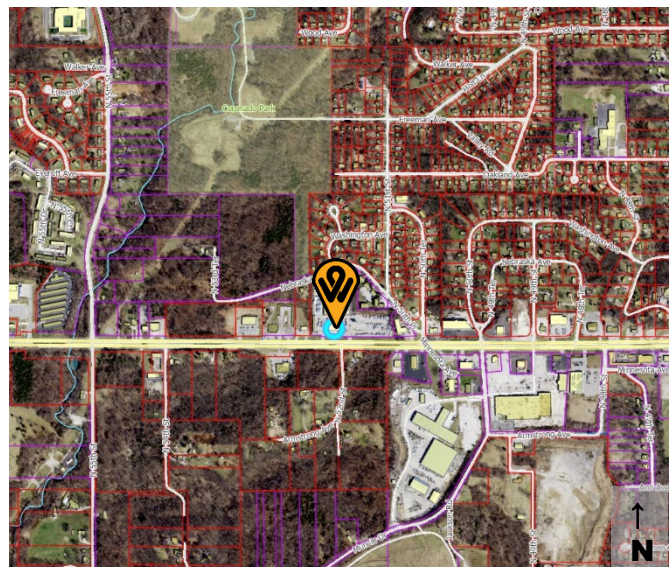
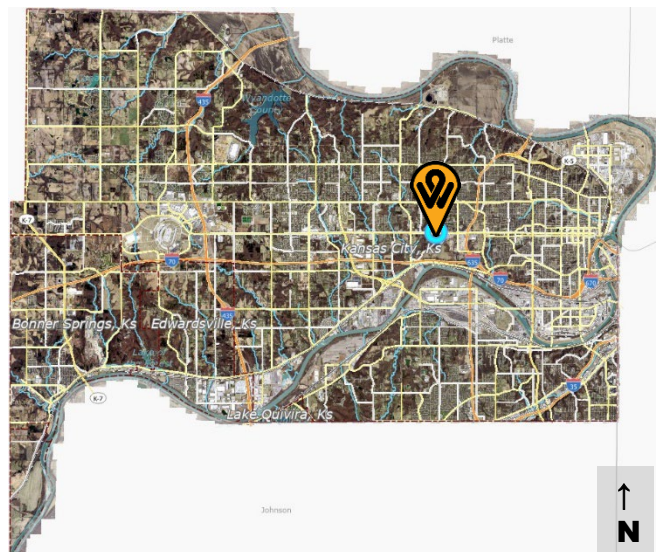
**Requested Action:**  
Approval of a Preliminary and Final  
Plan Review.

**Date of Application:**  
May 26, 2023

**Purpose:**  
Approval of a Preliminary and Final  
Plan Review for an additional  
commercial (self-storage) building on  
an existing commercial property.

**Property Location:**  
5200 State Avenue  
Kansas City, Kansas 66102

**Commission Districts:**  
Commissioner At-Large, District #1:  
Melissa Bynum



|                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|----------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Commission Districts (cont.):</b>   | District #1 Commissioner: Gayle Townsend                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <b>Existing Zoning:</b>                | CP-3 Planned Commercial District                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <b>Adjacent Zoning:</b>                | <p><b>North:</b> R-1 Single-Family and RP-5 Planned Apartment Districts</p> <p><b>South:</b> R-1 Single-Family, C-1 Limited Business, and CP-2 Planned General Business Districts</p> <p><b>East:</b> RP-5 Planned Apartment and CP-2 Planned General Business Districts</p> <p><b>West:</b> R-1 Single-Family, RP-5 Planned Apartment and CP-3 Planned Commercial Districts</p>                                                                                                                                                                                                                                                                                                                                                                                                               |
| <b>Adjacent Uses:</b>                  | <p><b>North:</b> Single-family and multi-family residences</p> <p><b>South:</b> Single-family residence; Vacant lot; Retail and automotive parts stores</p> <p><b>East:</b> Multi-family residences; Automotive parts store</p> <p><b>West:</b> Single-family and multi-family Residences; Automotive services store</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <b>Total Tract Size:</b>               | 7.52 Acres                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <b>Comprehensive Plan Area:</b>        | The subject property is within the City-Wide Comprehensive Plan.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <b>Comprehensive Plan Designation:</b> | The City-Wide Comprehensive Plan designates this property as Mixed-Use. The Mixed-Use Land Use District is ideal for integrating complimentary land uses such as retail, offices, small businesses, and mixed-use residential. These uses are typically located at major arterial intersections and within traditional neighborhood design (TND) developments. Allowed uses include specialty retail; sit-down restaurants; convenience retail uses such as banks, drug stores, etc.; professional and office services; institutional uses such as churches, schools, libraries, etc.; parks, plazas and open space; and mixed-density residential uses. Discouraged uses in the Mixed-Use Land Use District include industrial uses, business parks, drive-through restaurants, and car lots. |
| <b>Major Street Plan:</b>              | The Major Street Plan classifies State Avenue as Class A Thoroughfare, per Section 27-763(c)(4).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |

**Required Parking:**

Section 27-467(e) requires paved off-street parking at a ratio of not less than four (4) spaces per 1,000 square feet of floor area in the building. The total floor area for all existing and proposed buildings on the subject property is 71,233 square feet, which requires 285 parking spaces. There are a total of 61 existing and proposed parking spaces demonstrated on the submitted site plan. Applicant is requesting a variance from the additional 224 parking spaces required by Section 27-467(e). Section 27-767(a) requires that seven (7) of the required 285 parking spaces be ADA-compliant; if the subject property is granted the requested variance, three (3) of the 61 parking spaces are required to be ADA-compliant. It is unclear if the subject property satisfies Section 27-767(a).

**Advertisement:**

The Wyandotte Echo – June 15, 2022  
Letters to Property Owners – June 16, 2022 and September 6, 2023

**Public Hearings:**

August 14, 2023, September 11, 2023 and September 28, 2023

**Public Support:**

None to date.

**Public Opposition:**

None to date.

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**PROPOSAL**

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Detailed Outline of Requested Action: The applicant, Stuart M. Shoen with 22 SAC, LLC, is requesting a Preliminary and Final Plan Review for a self-storage building. The new development will be constructed on the site of an existing truck rental business; the new development will be constructed on a portion of the existing parking lot. A variance from the parking and landscaping requirements, BOZA2023-023, has been filed in conjunction with PR2023-019.

City Ordinance Requirements: Article VI, Sections 27-196 – 27-208, 27-212, 27-216; Article VIII, Sections 27-467, 27-573—27-578, and 27-696—27-704

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**RELATED ENFORCEMENT AND ACTION ITEMS**

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**Noise or Disturbance Complaints:**

1. The previous property owners have not received any noise or disturbance complaints.

2. There have been over 100 police calls for service to the subject property under the current property owner. The majority of the calls for service are related to either theft or criminal damage.

#### **Building or Code Enforcement Complaints:**

1. Previous property owners have not received any Building Inspection or Property Maintenance Compliance complaints.
2. The current property owner has received the Building Inspection or Property Maintenance Compliance citations for the following:
  - a. Environmental (parking vehicles and signage in ROW), 03/15/2007 (07208-00000-00521)
  - b. Environmental (illegal dumping and junk on property), 08/06/2007 (07205-00396)
  - c. Signage (several unpermitted signs outside building), 01/25/2010 (10216-00006)
  - d. Signage (signs in the right-of-way), 02/26/2018 (18217-00018)
  - e. Environmental (tall grass in the right-of-way), 09/04/2019 (19212-00577)

#### **Outstanding or Related Permits and Cases:**

1. The previous property owners did not have any other outstanding or related permits or cases.
2. The current property owner does not have any other outstanding or related permits or cases.

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### **FACTORS TO BE CONSIDERED**

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#### ***1. The Character of the Neighborhood.***

The subject property is within the Coronado Statistical Neighborhood and is within the Wyandotte Village Neighborhood Group. The boundaries of Wyandotte Village are defined by Parallel Parkway to the north, State Avenue to the south, Interstate-635 to the east, and North 55<sup>th</sup> Street/Meadowlark Lane to the west. The neighborhood is primarily residential, with single-family and duplexes being the most common types of residences, respectively. The subject property is located along the commercial corridor of State Avenue, at the southern boundary of the neighborhood and adjacent to residential uses. Coronado Park is also within the neighborhood.

#### ***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 a self-storage building, which will be constructed on the site of a U-Haul rental center and parking lot. The business model of self-storage facilities does not typically generate high volumes of traffic, as the purpose of a self-storage unit is for customers to rent a unit for keeping extra possessions.

The majority of the time a self-storage unit acts simply as storage; the customer is not on site using the unit. Therefore, because of the lower frequency of customer traffic relative to the anticipated retail use in the CP-3 District, the proposed use will not increase the traffic nor parking demand in ways that would adversely affect road capacity, safety, or create parking problems.

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

The City-Wide Comprehensive Plan designates this property as Mixed-Use, which is ideal for integrating complimentary land uses such as retail, offices, small businesses, and mixed-use residential. Specifically, allowed uses include specialty and convenience retail, sit-down restaurants, professional and office services, institutional uses, or public open spaces. Mixed-density residential uses are also allowed and anticipated, especially when used in conjunction with the aforementioned retail, restaurant, or service uses. Therefore, these uses are typically located at major arterial intersections and within traditional neighborhood design (TND) developments.

The City-Wide Comprehensive Plan also identifies uses that are discouraged in the Mixed-Use Land Use District. Such discouraged uses include industrial uses, business parks, drive-through restaurants, and car lots. There are discernible themes among the discouraged uses: industrial uses and heavily car-centric uses. While the subject property has an existing car-centric use—a moving truck rental center and parking lot—the proposed use is not necessarily car-centric. The proposed use is not necessarily industrial either, although self-storage facilities are often found within industrial areas. Therefore, the proposed use is not a use allowed within the Mixed-Use Land Use District, but it is not definitively a discouraged use either.

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

The proposed use will be constructed on a developed site with a currently operating business. There are currently public utilities serving the subject property, and the ongoing use of the property demonstrates that sufficient public services are available for all uses, existing and proposed. Furthermore, it is expected that there will be a low intensity of use, as exhibited by the low traffic frequency commonly associated with self-storage facilities.

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

There are two (2) aspects of the proposed development that currently do not meet the applicable ordinance. The first aspect is related to the requirements of the Commercial Development Guidelines Overlay District (CDGOD). A CDGOD review is required for all new commercial development within a commercially zoned district (represented by any C-prefix). Applicant has identified several

requirements of the CDGOD that they do not intend on meeting. Such unmet requirements include location of the loading dock, façade materiality, windows as a percentage of the façade, and 360-degree design (for a full list of requirements that are unmet or may be unmet, see “Planning and Urban Design Comments: Commercial Development Guidelines Overlay District” within the *Staff Comments and Suggestions* section of this report). All proposed deviations must be granted by the City Planning Commission through this Preliminary and Final Plan, PR2023-019.

The second aspect is addressed by the variance application submitted in conjunction with PR2023-019. This variance, BOZA2023-023, requests that the subject property not be held to either the minimum number of parking spaces required by the floor area of all existing and proposed buildings on site and the minimum number of trees required by the total area of the parcel. All identified variances must be approved by the Board of Zoning Appeals if Preliminary and Final Plan PR2023-019 can be approved by the City Planning Commission.

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## PREVIOUS ACTIONS

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- PR-2015-25, a Final Plan Review for an expansion of the existing building on site
- BOZA2023-023, a simultaneous variance request from the parking minimum and landscaping (tree) minimum

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## NEIGHBORHOOD MEETING

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The applicant received neighborhood comments by receiving letters or phone calls through the date of June 26, 2023. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

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## KEY ISSUES

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Building Façades  
Commercial Development Guidelines Overlay District  
Landscaping  
Parking  
Pedestrian Walkways

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## PLANNING COMMISSION RECOMMENDATION

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The Planning Commission voted 7 to 0 to recommend **APPROVAL** of Plan Review Application **PR2023-019**, subject to:

1. **The following requirements of Commercial Development Guidelines Overlay District have not been met. The applicant is requesting a deviation:**
  - a. **Per Section 27-575(d)(11), internal pedestrian walkways within parking lot or drive area must be distinguished from other surfaces.**



- b. Per Section 27-575(d)(12), pedestrian connections must be clearly defined in a combination of two or more of the following ways: six-inch (6") vertical curb, trellis, special railing, bollards, special paving, low seat wall or other architectural features, pedestrian scale lighting, and traffic-calming devices.
  - c. Per Section 27-575(g)(2), service areas and docking facilities should be located to the side or rear of the building away from public streets and main circulation and drives when possible.
  - d. Per Section 27-576(c)(1), Commercial development should take into account the architectural design of all building elevations, 360 degrees. Quality design should be expressed on all elevations of a building.
  - e. Per Section 27-576(c)(2), in order to break up the monotonous appearance of long facades, a building wall no more than 45 feet in length should be divided into increments of no more than 45 feet through articulation of the facade. This can be achieved through combinations of at least three of the following techniques: divisions or breaks in materials; building offsets (projections, recesses, niches); window bays; separate entrances and entry treatment; or variation in rooflines.
  - f. Per Section 27-576(e)(4), all building facades shall be at least 50 percent masonry. Cementitious siding may be used to meet 50 percent of the total masonry requirement.
  - g. Per Section 27-576(h)(1), for new construction, windows, windows with awnings, and covered pedestrian walkways should total at least 60 percent of the building frontage along public streets or parking lots. Windows should be for display purposes or to allow viewing both into and out of the interior.
  - h. Per Section 27-577(d)(3), landscaping should breakdown in scale and increase in detail, color, and variety to mark entryways into developments.
  - i. Per Section 27-577(e)(3), groups of parking of between 40 and 50 spaces must be separated by a ten-foot-wide landscaped median or berm, or pedestrian walkway within a landscaped median.
2. All signs in the public right-of-way must be removed before a building permit can be issued.
  3. If there is a change of use to the proposed building to where customers are regularly accessing the building, the applicant shall file for a revised Final Development Plan and make site adjustments to accommodate for pedestrian circulation to and from the building both on and off-site.
  4. Signage shall be installed on the proposed building to indicate that it is not a publicly accessible building for customers or any other pedestrians.
  5. Per Section 27-467(g), trees are required at not less than one (1) per 7,000 square feet of site area. The subject property has 327,408 square feet, requiring 47 trees be provided on the site plan. Applicant is requesting a

variance from this requirement through BOZA2023-023, a simultaneous application.

6. Per Section 27-699(a), the following landscaping requirements must be met:
  - a. The area between the curb of a public street and the property line shall be brought to finish grade and planted in grass. In no case may this area be paved or covered with materials other than grass or an appropriate ground cover, except at approved driveways that shall be paved. Approved street trees may also be planted.
  - b. All areas not covered by buildings, paved area, or other acceptably improved areas shall be landscaped with such landscaping continuously maintained.
  - c. No landscaping in street rights-of-way or in the required sight distance triangles on corner lots, as provided in Section 27-637, shall be allowed to exceed 24 inches in height, except for approved street trees.
  - d. At least one-half of the trees planted to fulfill the tree planting requirements shall be shade trees.
7. Per Section 27-699(b), the following screening requirements must be met:
  - a. Screening shall not extend into the sight distance triangle or beyond the required parking or paving setback where side or rear lot lines approach a street right-of-way.
  - b. Where the required screening is made ineffective by topographic or other uncontrollable conditions or where the screening would tend to obscure another commercial or industrial use, buffer plantings and/or shade trees may be substituted.
  - c. Mechanical equipment or other utility hardware whether on the ground or on a building shall be screened from public view. Such screening shall be harmonious with building design and materials.
  - d. Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged as to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky-reflected glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. 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.
8. The applicant shall install additional landscaping to screen the loading and service area from State Avenue
9. The applicant shall add a crosswalk from the existing (western) building into the parking lot.
10. Per Sections 27-699(b)(3), -699(b)(4), and -703, all landscaping must be completed in satisfaction of all landscaping requirements as part of the proposed site development, no landscaping may be delayed due to the zoning district or vacancy status of adjacent properties, and additional landscaping must be installed if current landscaping dies or adjacent

- development requires the subject property to add additional landscaping or screening.
11. Per Section 27-702(1)(a-d), all shade trees shall be at least two (2) inch caliper when planted as measured 12 inches above the ground.
  12. Per Section 27-467(g), a six (6)-foot high architectural screening is to be provided along the rear property line shared with the adjacent residentially zoned property. Additional screening or buffering may be required to soften the visual impact of parking or unsightly areas. Per Section 27-577(c)(4), this screening must be 100% sight-obscuring year-round buffer using plant material or a combination of fence, berm and plant material.
  13. Per Section 27-577(f)(1), plants that die must be replaced no longer than four (4) months from the date of its death.
  14. All signs in the public right-of-way must be removed;
  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](mailto: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. Any business or land use in Wyandotte County that is required to provide off-street parking shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-466 through 27-470; 27-592 through 27-616; 27-667 through 27-676]. Inoperable vehicles shall be stored inside an enclosed building. Inoperable vehicles may not be stored outside unless they are completely screened from view in accordance with all applicable ordinances. Outside storage shall not include wrecked or salvage vehicles. Any vehicle parked or stored outside must be on an improved surface, located on the same land parcel as the business use, and be parked within a regulation dimension parking stall. Any outside storage may not reduce the availability of all required parking spaces as required by ordinance;
  17. 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](mailto:signpermits@wycokck.org) to begin this process;
  18. 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;
  19. This Board of Zoning Appeals case is being heard in conjunction with PR2023-019. Any approval by the Board of Zoning Appeals of this case, and the conditions of approval contained herein, are contingent, and shall only go into effect, upon the approval of Petition PR2023-019 by the Unified

- Government Board of Commissioners and upon any ordinance publications required by law;
20. This City Planning Commission case is being heard in conjunction with BOZA2023-023. Any approval by the City Planning Commission of this case, and the conditions of approval contained herein, are contingent, and shall only go into effect, upon the approval of Petition BOZA2023-023 by the Unified Government Board of Zoning Appeals and upon any ordinance publications required by law;
  21. If approved, occupying businesses must file and maintain a current business occupation tax application with this office;
  22. All existing and future driveways must feature curb cuts that are constructed to UG standards;
  23. 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;
  24. Improvements that include land disturbance activity on greater than one (1) acre of surface area of land or include the construction or alteration of a structure 1,000 square feet or larger shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;
  25. A Right-of-Way Permit may be required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by [info@wycokck.org](mailto: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;
  26. A Pre-Construction meeting is required for any improvements to public infrastructure upon the approval and issuance of a Development Review Committee (DRC) Permit. Any improvements to, construction or alteration of sanitary systems, stormwater systems, public or private streets, sidewalks, or other public infrastructure will require a pre-construction meeting with the Department of Public Works. The applicant is required to contact the County Engineer at (913) 573-5400 or by [info@wycokck.org](mailto:info@wycokck.org) prior to construction to arrange this meeting;
  27. BPU ground mounted transformers shall be screened on all four (4) sides from public view. Architectural screening walls are the preferred method, but landscape screening is an allowable alternative. Screening shall be designed to be solid to the view, and any designs incorporating air circulation shall not be visible. Screening height must be the greater of either six (6) feet tall or the height of the utility being screened. Designs shall show two (2) possible site orientations. Designs will also incorporate

- all BPU Engineering specifications and largest of all the required dimensions. Refer to attached BPU Engineering documents for details;
28. Section 27-467(g) requires that a six foot (6')-high architectural screening is to be provided along all side and rear property lines common to or across an alley from residentially zoned property. Additional screening or buffering may be required to soften the visual impact of parking or unsightly areas;
  29. 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;
  30. Plants that die must be replaced no longer than four (4) months from the date of its death;
  31. All new rooftop mechanical equipment (i.e., RTUs, HVAC, vent stacks, etc.) shall be screened from public view by the parapet of the building. Architectural screens such as opaque, textured, or perforated panels do not meet the standards of the Commercial Design Guidelines; and,
  32. 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.

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## STAFF COMMENTS AND SUGGESTIONS

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Staff concurs with the recommendation of the City Planning Commission.

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## STAFF RECOMMENDATION

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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 **PR2023-019** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

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## ATTACHMENTS

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September 11, 2023, City Planning Commission Minutes  
Aerial Map  
Zoning Map  
Comprehensive Plan Land Use Map  
Neighborhood Meeting Materials  
Site Plans of 5200 State Avenue  
Building Elevations for New Building at 5200 State Avenue  
Exterior Design Details of 5200 State Avenue  
Floor Plan for New Building at 5200 State Avenue  
Landscaping Plan of 5200 State Avenue  
Utility Plan of 5200 State Avenue  
Grading Plan of 5200 State Avenue  
Stormwater Pollution Prevention Plans of 5200 State Avenue  
Stormwater Pollution Prevention Plan of 5200 State Avenue  
Narrative Provided by Applicant  
Site Photos Submitted by Applicant  
Site Visit Photographs by Staff, Dated June 25, 2023

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## REVIEW OF INFORMATION AND SCHEDULE

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| <u>Action</u>   | <u>City Planning Commission</u>                                | <u>Board of Commissioners</u> |
|-----------------|----------------------------------------------------------------|-------------------------------|
| Public Hearing  |                                                                |                               |
| P+F Plan Review | August 14, 2023<br>Held Over<br>September 11, 2023<br>Approval | September 28, 2023            |

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**STAFF CONTACT:**      **James Molloy**  
                                         [jmolloy@wycokck.org](mailto:jmolloy@wycokck.org)

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## MOTIONS

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I move the Unified Government Board of Commissioners **APPROVE** Petition **PR2023-019** 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 **PR2023-019** as it is not in compliance with the City Code and as it will not promote the public health, safety, and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

**September 11, 2023, City Planning Commission Minutes:**

**Hearing starts at 4:02:15:**

**PLAN REVIEW APPLICATION PR2023-019 – ANDREA RAND WITH ISG -**

**SYNOPSIS:** Preliminary and Final Plan Review for a self-storage facility at 5200 State Avenue. *Detailed Outline of Requested Action:* The applicant, Stuart M. Shoen with 22 SAC, LLC, is requesting a Preliminary and Final Plan Review for a self-storage building. The new development will be constructed on the site of an existing truck rental business; the new development will be constructed on a portion of the existing parking lot. A variance from the parking and landscaping requirements, BOZA2023-023, has been filed in conjunction with PR2023-019.

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 September 11, 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:**

- Andrea Rand, applicant, ISG, 7900 International Drive, Suite 550, Minneapolis, Minnesota representing U-Haul

**Present in Opposition:**

- No one appeared

**Staff Recommendation starts at 4:13:33:** Planning Director Hand stated that this case was heard in conjunction with BOZA2023-023 for a parking variance last month, which was approved by the Board of Zoning Appeals. This plan review was held over for one (1) month for the applicant to discuss some of the requested deviations with Staff. This request is for the U-Haul expansion and the property is in the City-Wide Comprehensive Plan in the Midtown neighborhood. Staff received no letters in support nor opposition. There are some old Notices of Violation that have been cleared and rectified. Staff

recommends approval with the conditions in the staff report. He further stated that there are deviations being requested that are written into the conditions of approval. The access deviation was removed from the list, but the building orientation is still there. He stated that there is no public entry into the facility as confirmed by the applicant. It is basically a storage facility, so the loading docks and all the ingress/egress is on State Avenue. Staff will never support a building orientation deviation that has not been approved in the past. A former UG employee gave direction to the applicant that led to the path the applicant followed. Director Hand stated that the applicant worked with Staff to resolve one (1) of the two (2) main issues.

**Motion starts at 4:17:28:**

On motion by Mrs. Jones, seconded by Mr. Ernst, the Planning Commission voted as follows to recommend **APPROVAL of Petition PR2023-019:**

|                  |                    |
|------------------|--------------------|
| <b>Carson</b>    | <b>Chairman</b>    |
| <b>Ernst</b>     | <b>Aye</b>         |
| <b>Jones</b>     | <b>Aye</b>         |
| <b>Miller</b>    | <b>Aye</b>         |
| <b>Mohler</b>    | <b>Aye</b>         |
| <b>Straws</b>    | <b>Not Present</b> |
| <b>Ward</b>      | <b>Aye</b>         |
| <b>Armstrong</b> | <b>Not Present</b> |
| <b>Beth</b>      | <b>Aye</b>         |
| <b>Connelly</b>  | <b>Not Present</b> |
| <b>Eilts</b>     | <b>Aye</b>         |

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

**Subject to:**

1. The following requirements of Commercial Development Guidelines Overlay District have not been met. The applicant is requesting a deviation:
  - a. Per Section 27-575(d)(11), internal pedestrian walkways within parking lot or drive area must be distinguished from other surfaces.
  - b. Per Section 27-575(d)(12), pedestrian connections must be clearly defined in a combination of two or more of the following ways: six-inch (6") vertical curb, trellis, special railing, bollards, special paving, low seat wall or other architectural features, pedestrian scale lighting, and traffic-calming devices.
  - c. Per Section 27-575(g)(2), service areas and docking facilities should be located to the side or rear of the building away from public streets and main circulation and drives when possible.
  - d. Per Section 27-576(c)(1), Commercial development should take into account the architectural design of all building elevations, 360 degrees. Quality design should be expressed on all elevations of a building.
  - e. Per Section 27-576(c)(2), in order to break up the monotonous appearance of long facades, a building wall no more than 45 feet in

length should be divided into increments of no more than 45 feet through articulation of the facade. This can be achieved through combinations of at least three of the following techniques: divisions or breaks in materials; building offsets (projections, recesses, niches); window bays; separate entrances and entry treatment; or variation in rooflines.

- f. Per Section 27-576(e)(4), all building facades shall be at least 50 percent masonry. Cementitious siding may be used to meet 50 percent of the total masonry requirement.
  - g. Per Section 27-576(h)(1), for new construction, windows, windows with awnings, and covered pedestrian walkways should total at least 60 percent of the building frontage along public streets or parking lots. Windows should be for display purposes or to allow viewing both into and out of the interior.
  - h. Per Section 27-577(d)(3), landscaping should breakdown in scale and increase in detail, color, and variety to mark entryways into developments.
  - i. Per Section 27-577(e)(3), groups of parking of between 40 and 50 spaces must be separated by a ten-foot-wide landscaped median or berm, or pedestrian walkway within a landscaped median.
- 2. All signs in the public right-of-way must be removed before a building permit can be issued.
- 3. If there is a change of use to the proposed building to where customers are regularly accessing the building, the applicant shall file for a revised Final Development Plan and make site adjustments to accommodate for pedestrian circulation to and from the building both on and off-site.
- 4. Signage shall be installed on the proposed building to indicate that it is not a publicly accessible building for customers or any other pedestrians.
- 5. Per Section 27-467(g), trees are required at not less than one (1) per 7,000 square feet of site area. The subject property has 327,408 square feet, requiring 47 trees be provided on the site plan. Applicant is requesting a variance from this requirement through BOZA2023-023, a simultaneous application.
- 6. Per Section 27-699(a), the following landscaping requirements must be met:
  - a. The area between the curb of a public street and the property line shall be brought to finish grade and planted in grass. In no case may this area be paved or covered with materials other than grass or an appropriate ground cover, except at approved driveways that shall be paved. Approved street trees may also be planted.
  - b. All areas not covered by buildings, paved area, or other acceptably improved areas shall be landscaped with such landscaping continuously maintained.
  - c. No landscaping in street rights-of-way or in the required sight distance triangles on corner lots, as provided in Section 27-637, shall be allowed to exceed 24 inches in height, except for approved street trees.

- d. At least one-half of the trees planted to fulfill the tree planting requirements shall be shade trees.
- 7. Per Section 27-699(b), the following screening requirements must be met:
  - a. Screening shall not extend into the sight distance triangle or beyond the required parking or paving setback where side or rear lot lines approach a street right-of-way.
  - b. Where the required screening is made ineffective by topographic or other uncontrollable conditions or where the screening would tend to obscure another commercial or industrial use, buffer plantings and/or shade trees may be substituted.
  - c. Mechanical equipment or other utility hardware whether on the ground or on a building shall be screened from public view. Such screening shall be harmonious with building design and materials.
  - d. Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged as to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky-reflected glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. 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.
- 8. The applicant shall install additional landscaping to screen the loading and service area from State Avenue
- 9. The applicant shall add a crosswalk from the existing (western) building into the parking lot.
- 10. Per Sections 27-699(b)(3), -699(b)(4), and -703, all landscaping must be completed in satisfaction of all landscaping requirements as part of the proposed site development, no landscaping may be delayed due to the zoning district or vacancy status of adjacent properties, and additional landscaping must be installed if current landscaping dies or adjacent development requires the subject property to add additional landscaping or screening.
- 11. Per Section 27-702(1)(a-d), all shade trees shall be at least two (2) inch caliper when planted as measured 12 inches above the ground.
- 12. Per Section 27-467(g), a six (6)-foot high architectural screening is to be provided along the rear property line shared with the adjacent residentially zoned property. Additional screening or buffering may be required to soften the visual impact of parking or unsightly areas. Per Section 27-577(c)(4), this screening must be 100% sight-obscuring year-round buffer using plant material or a combination of fence, berm and plant material.
- 13. Per Section 27-577(f)(1), plants that die must be replaced no longer than four (4) months from the date of its death.
- 14. All signs in the public right-of-way must be removed;
- 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](mailto: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. Any business or land use in Wyandotte County that is required to provide off-street parking shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-466 through 27-470; 27-592 through 27-616; 27-667 through 27-676]. Inoperable vehicles shall be stored inside an enclosed building. Inoperable vehicles may not be stored outside unless they are completely screened from view in accordance with all applicable ordinances. Outside storage shall not include wrecked or salvage vehicles. Any vehicle parked or stored outside must be on an improved surface, located on the same land parcel as the business use, and be parked within a regulation dimension parking stall. Any outside storage may not reduce the availability of all required parking spaces as required by ordinance;
  17. 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](mailto:signpermits@wycokck.org) to begin this process;
  18. 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;
  19. This Board of Zoning Appeals case is being heard in conjunction with PR2023-019. Any approval by the Board of Zoning Appeals of this case, and the conditions of approval contained herein, are contingent, and shall only go into effect, upon the approval of Petition PR2023-019 by the Unified Government Board of Commissioners and upon any ordinance publications required by law;
  20. This City Planning Commission case is being heard in conjunction with BOZA2023-023. Any approval by the City Planning Commission of this case, and the conditions of approval contained herein, are contingent, and shall only go into effect, upon the approval of Petition BOZA2023-023 by the Unified Government Board of Zoning Appeals and upon any ordinance publications required by law;
  21. If approved, occupying businesses must file and maintain a current business occupation tax application with this office;
  22. All existing and future driveways must feature curb cuts that are constructed to UG standards;
  23. 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;
  24. Improvements that include land disturbance activity on greater than one (1) acre of surface area of land or include the construction or alteration of a

- structure 1,000 square feet or larger shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;
25. A Right-of-Way Permit may be required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by [info@wycokck.org](mailto: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;
  26. A Pre-Construction meeting is required for any improvements to public infrastructure upon the approval and issuance of a Development Review Committee (DRC) Permit. Any improvements to, construction or alteration of sanitary systems, stormwater systems, public or private streets, sidewalks, or other public infrastructure will require a pre-construction meeting with the Department of Public Works. The applicant is required to contact the County Engineer at (913) 573-5400 or by [info@wycokck.org](mailto:info@wycokck.org) prior to construction to arrange this meeting;
  27. BPU ground mounted transformers shall be screened on all four (4) sides from public view. Architectural screening walls are the preferred method, but landscape screening is an allowable alternative. Screening shall be designed to be solid to the view, and any designs incorporating air circulation shall not be visible. Screening height must be the greater of either six (6) feet tall or the height of the utility being screened. Designs shall show two (2) possible site orientations. Designs will also incorporate all BPU Engineering specifications and largest of all the required dimensions. Refer to attached BPU Engineering documents for details;
  28. Section 27-467(g) requires that a six foot (6')-high architectural screening is to be provided along all side and rear property lines common to or across an alley from residentially zoned property. Additional screening or buffering may be required to soften the visual impact of parking or unsightly areas;
  29. 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;
30. Plants that die must be replaced no longer than four (4) months from the date of its death;
  31. All new rooftop mechanical equipment (i.e., RTUs, HVAC, vent stacks, etc.) shall be screened from public view by the parapet of the building. Architectural screens such as opaque, textured, or perforated panels do not meet the standards of the Commercial Design Guidelines; and,
  32. 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.

## AERIAL MAP

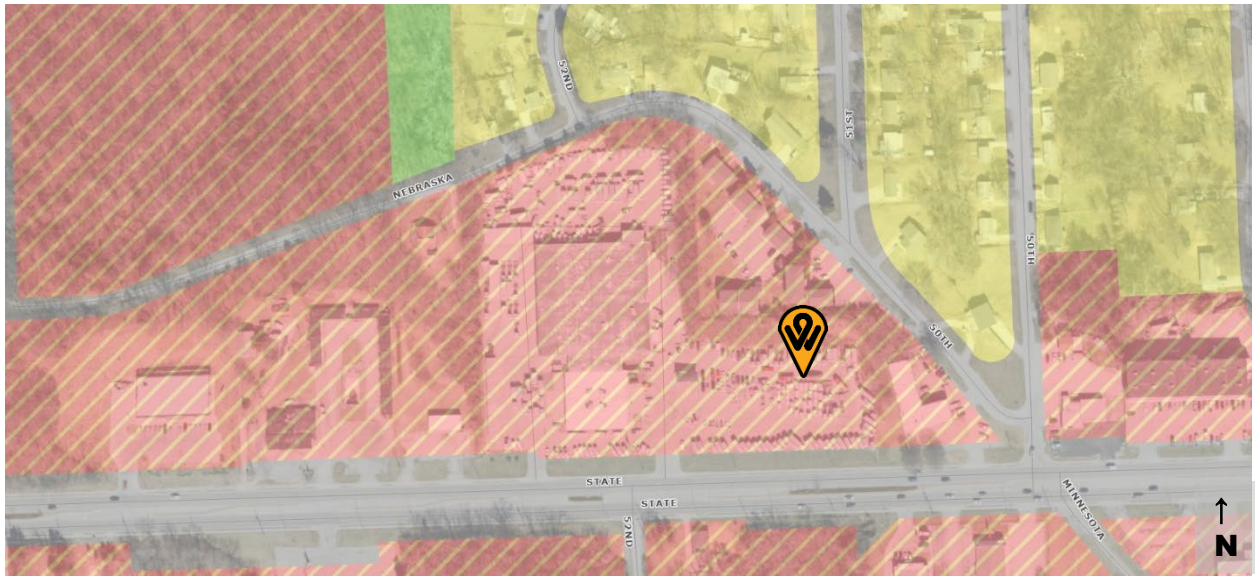


## ZONING MAP





## COMPREHENSIVE PLAN LAND USE MAP



### City-Wide Master Plan Land Uses

|                                                                                     |                            |
|-------------------------------------------------------------------------------------|----------------------------|
|    | Utilities                  |
|    | Right-of-Way               |
|   | Urban Density              |
|  | Agricultural               |
|  | Neighborhood Commercial    |
|  | Community Commercial       |
|  | Business Park              |
|  | Floodway                   |
|  | Regional Commercial        |
|  | Future Residential         |
|  | Rural-Density Residential  |
|  | Employment                 |
|  | High-Density Residential   |
|  | Medium Density Residential |
|  | Low-Density Residential    |
|  | Mixed-Use                  |
|  | Parks/Open Space           |
|  | Public/Semi-Public         |

## NEIGHBORHOOD MEETING MATERIALS

JUNE 14, 2023

ISG

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**RE: DEVELOPMENT NOTIFICATION / COMMENT PERIOD  
PROPOSED U-HAUL BUILDING ADDITION AT 5200 STATE AVE**

To a Nearby Neighbor:

We have filed an application with the Department of Planning and Urban Design with the Unified Government of Wyandotte County and Kansas City, assigned case numbers Variance (BOZA2023-023) and Plan Review (PR2023-019). As part of the application process, we are required to hold a neighborhood meeting or provide a question/comment period for nearby residents to explain the proposal and to answer any questions/concerns you may have. You are receiving this notice as you were in the notification boundary and your address was provided to us by the Unified Government to send this notice.

The application is to construct a new U-Box building at the existing U-Haul Site at 5200 State Avenue. The site has an existing U-Haul self-storage, mini-storage and moving truck rental facility. A Preliminary Development Plan and Final Development Plan Application have been submitted for the development of a U-Box storage building on the east side of the property that is currently extra parking lot space. A Variance application has been submitted to request deviations from the required parking and landscaping minimums associated with the commercial site. The U-Box storage building is for storage of moving U-Boxes, and is only accessed by U-Haul employees, so there will not be any increase of customer traffic to the site.

We have the option to hold a meeting or provide a question/comment period where you may reach out to ask questions and obtain more information. We are holding a question/comment period.

**Please reach with any questions or comments ON OR BEFORE MONDAY, JUNE 26 to Andrea Rand at 952-426-0699 or via email at [Andrea.Rand@ISGInc.com](mailto:Andrea.Rand@ISGInc.com).**

Sincerely,



Andrea Rand, AICP  
*Project Coordinator*

---

7900 International Dr Ste 550, Minneapolis, MN 55425  
952-426-0699 + [ISGInc.com](http://ISGInc.com)  
Architecture + Engineering + Environmental + Planning

## NEIGHBORHOOD MEETING MATERIALS, CONT.

### MEETING MINUTES

U-Haul U-Box

5200 State Avenue, Kansas City, KS

**Application Number:** Variance (BOZA2023-023) and Plan Review (PR2023-019)

**Date and Location:** I conducted a neighborhood meeting by asking for comments/questions via phone/email on or before June 26, 2023.

**Meeting called to order at:** I conducted a neighborhood meeting by asking for comments/questions via phone/email on or before June 26, 2023.

#### **Names of people who responded with any comments/questions:**

1. Stan Gatton – 913-343-018. Contacted Andrea Rand at ISG via phone on Monday, June 26, 2023.

a. Stan is the property owner of the apartment complex directly adjacent to the north of the proposed U-Box. His questions, and our responses are as follows:

i. What is a U-Box?

*ISG Response by Andrea Rand: A U-Box stores moving storage boxes that are delivered on-site to clients to fill, and then U-Haul picks up and stores them in the U-Box building. Customers do not access their storage boxes at the U-Haul U-Box property, rather it is delivered directly to a customer.*

ii. Twelve of the apartment units (in the buildings addressed 5117 Nebraska Ave, Kansas City, KS 66102) are connected to the sanitary sewer line that runs through the U-Haul property to State Avenue. He wanted to make sure that we are aware of that utility line and that there would be no disruption to the service.

*ISG Response by Andrea Rand: We will get a survey for construction documents design and do utility locates prior to construction to ensure there is no disruption to that service line. Our plans do not show this information but I have shared this with our design team and let Stan know we will work around the line and provide him information when available. I also told him to call me whenever he has questions about the project.*

iii. Will there be any underground construction?

*ISG Response by Andrea Rand: The building is all above ground, so only the foundation/structural supports will be underground.*

Meeting adjourned at: End of day, June 26, 2023

Minutes taken by: Andrea Rand

NEIGHBORHOOD MEETING MATERIALS, CONT.

**AFFIDAVIT – NEIGHBORHOOD MEETING**

STATE OF Minnesota )  
 ) SS:  
COUNTY OF Rice )

Comes now Andrea Rand with ISG, on behalf of U-Haul, of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition # Variance (BOZA2023-023) and Plan Review (PR2023-019).
2. That I conducted a neighborhood meeting by asking for comments/questions via phone/email on or before June 26, 2023.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

Andrea Rand  
Signed on 2023/06/27 09:55:54 -6:00

Affiant

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

My commission expires 31st of January, 2024.

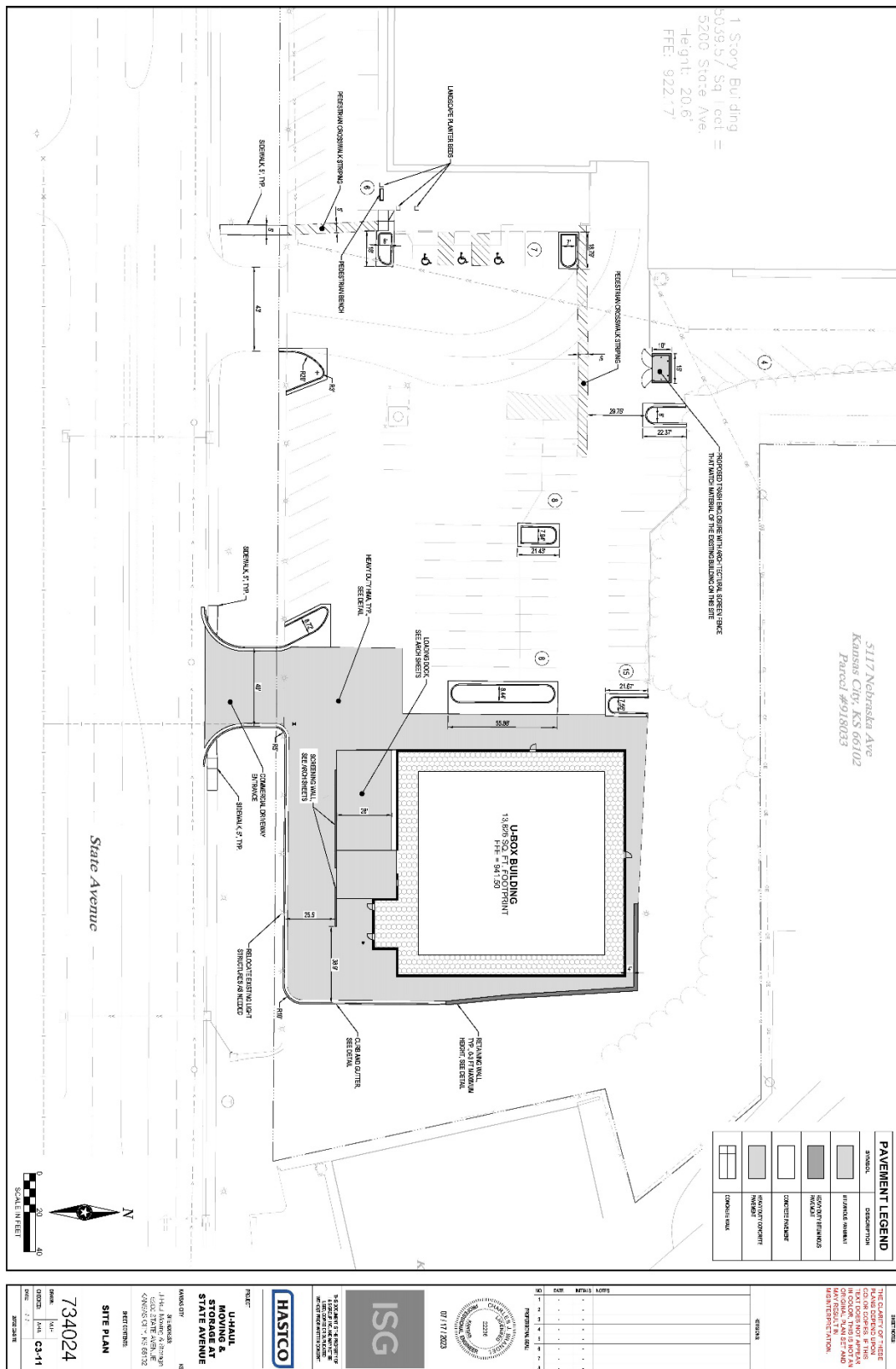


Stephanie A. Merdan  
Signed on 2023/06/27 09:55:54 -6:00  
Notary Public



[illegible]

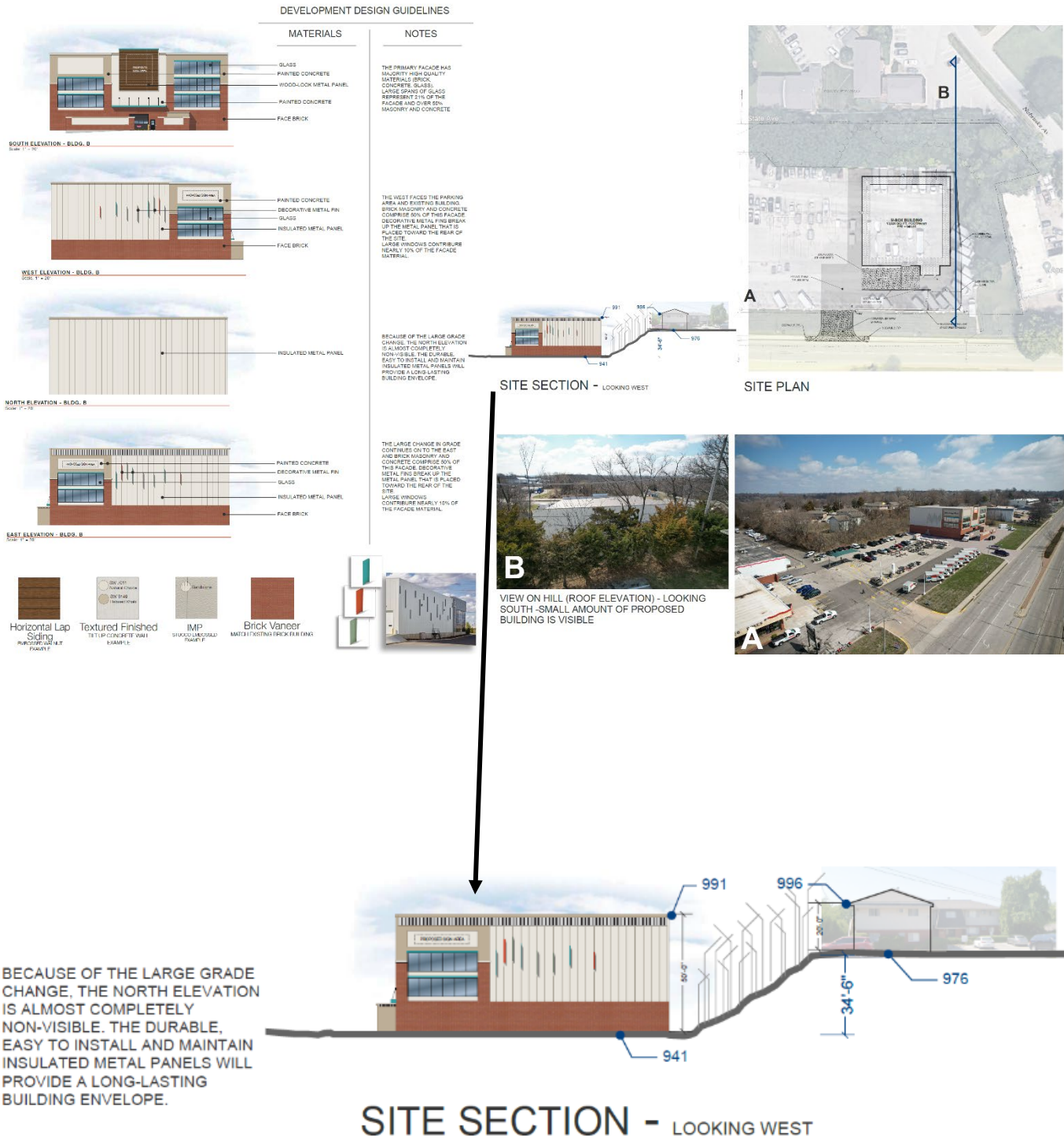
# SITE PLANS OF 5200 STATE AVENUE: PROPOSED CONDITIONS



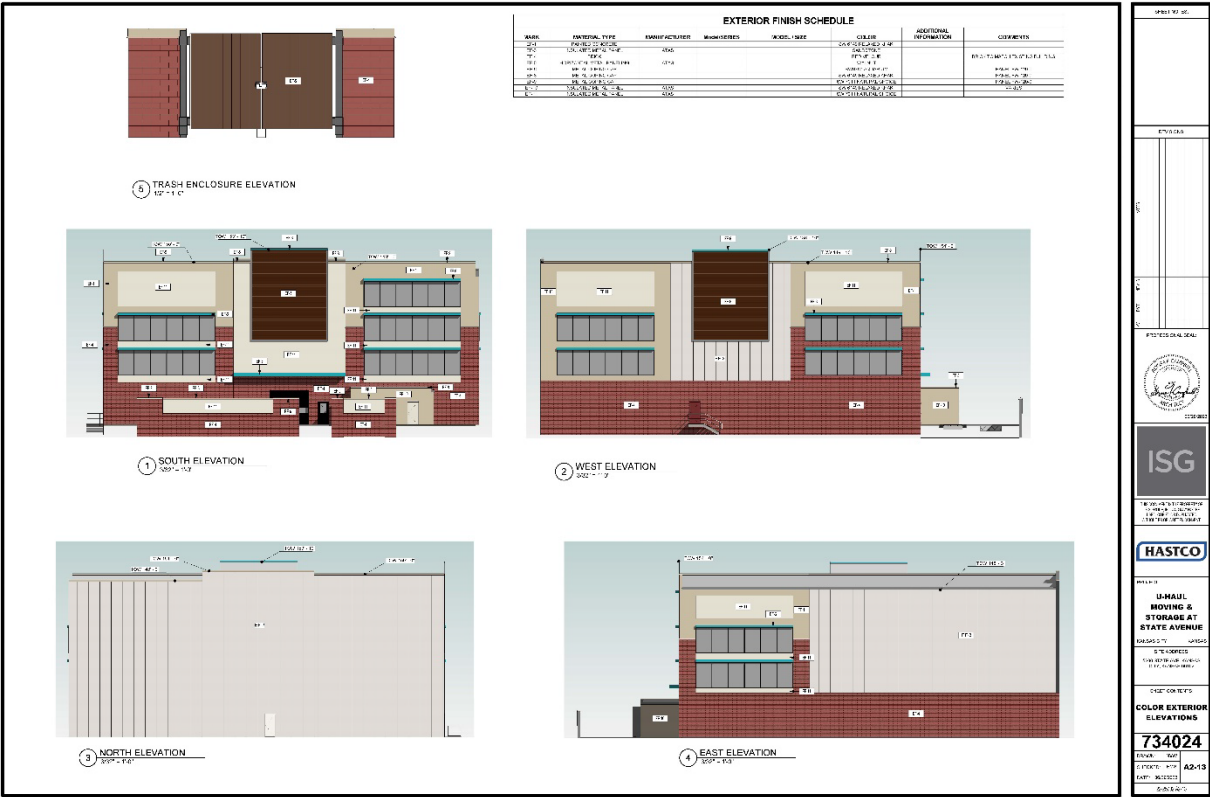
EXTERIOR DESIGN DETAILS OF 5200 STATE AVENUE

U-HAUL

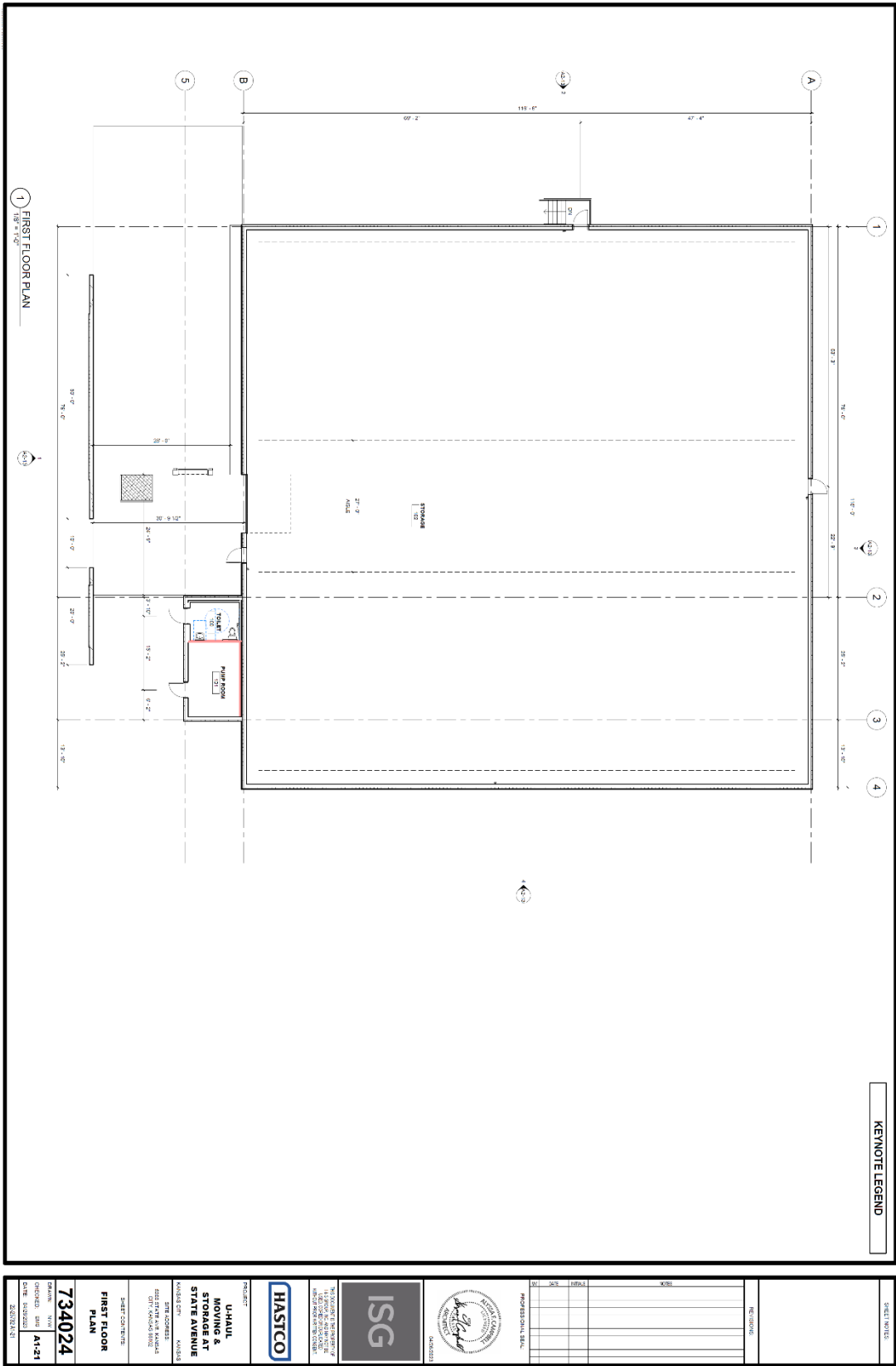
MOVING & STORAGE AT STATE AVENUE (734024)



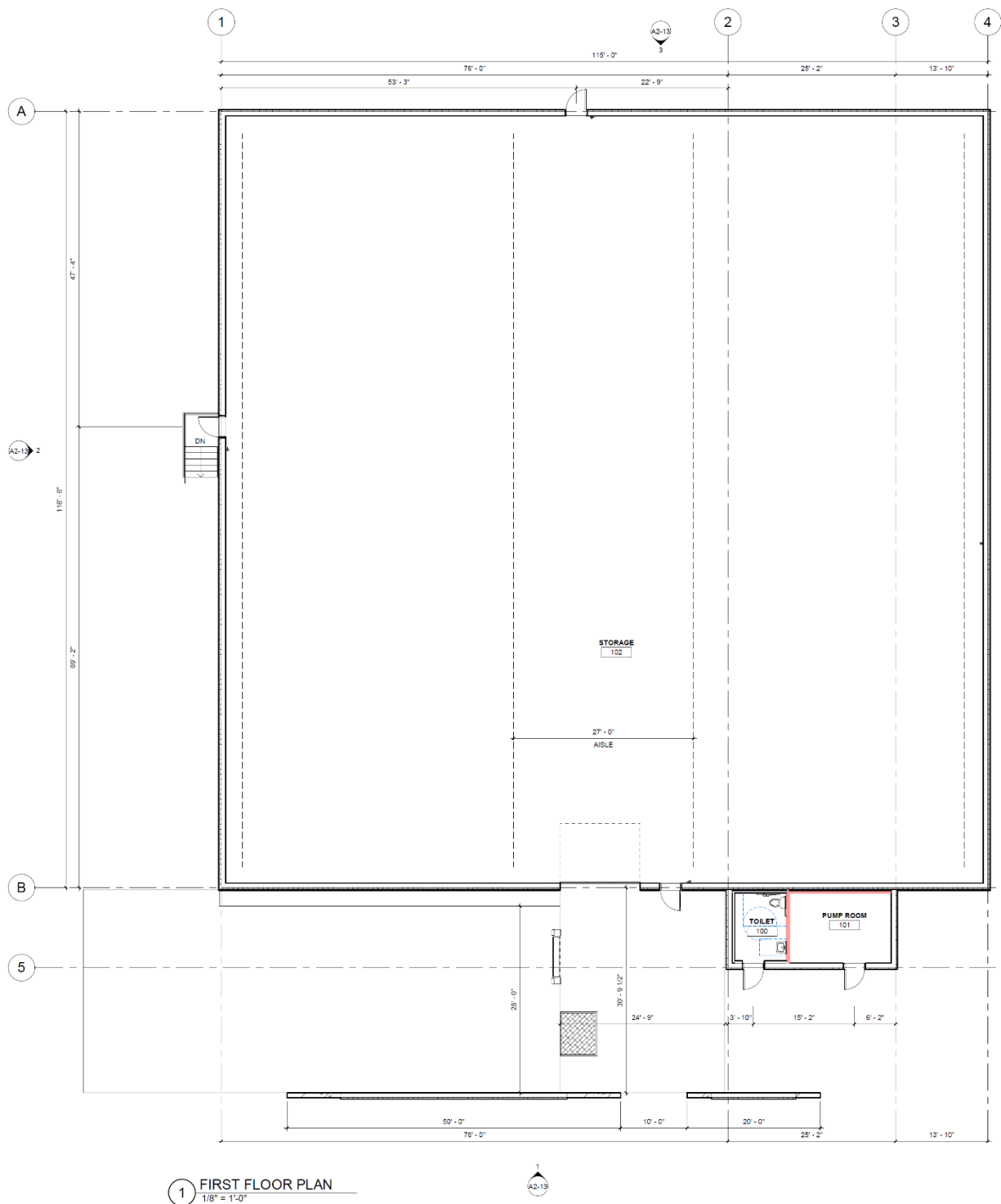
BUILDING ELEVATIONS FOR NEW BUILDING AT 5200 STATE AVENUE



FLOOR PLAN FOR NEW BUILDING AT 5200 STATE AVENUE

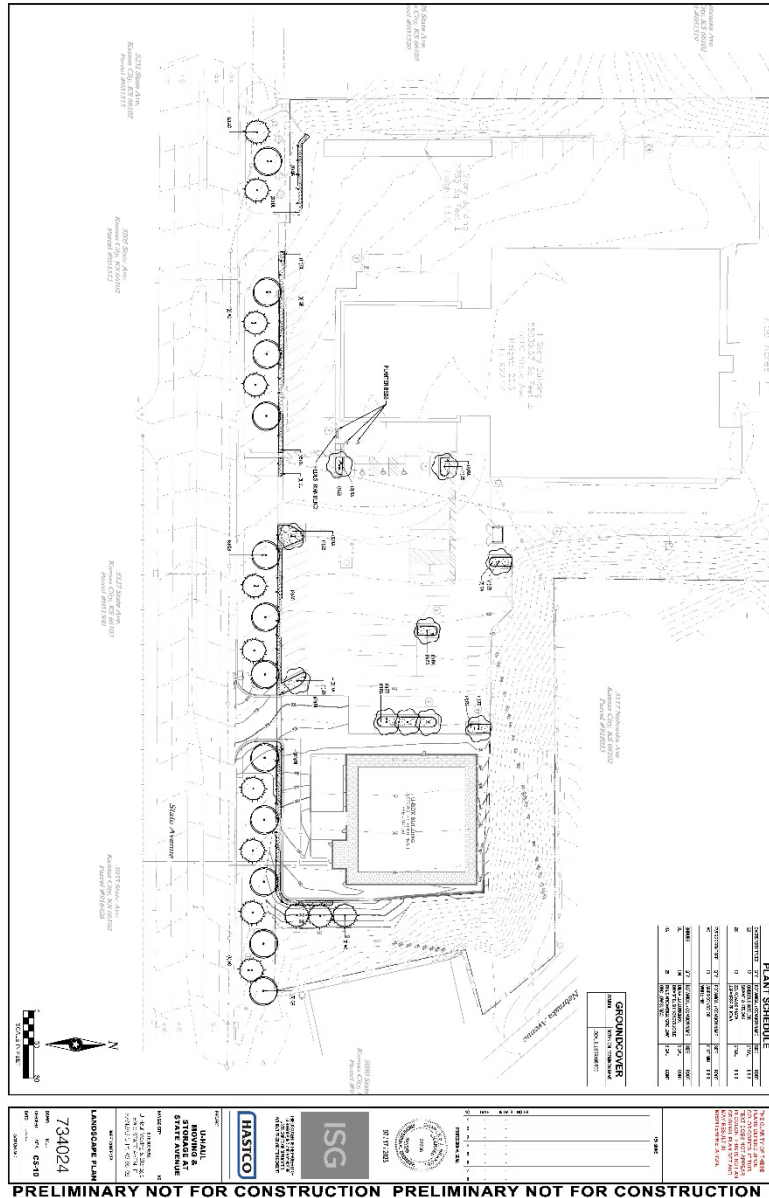


FLOOR PLAN FOR NEW BUILDING AT 5200 STATE AVENUE, CONT.



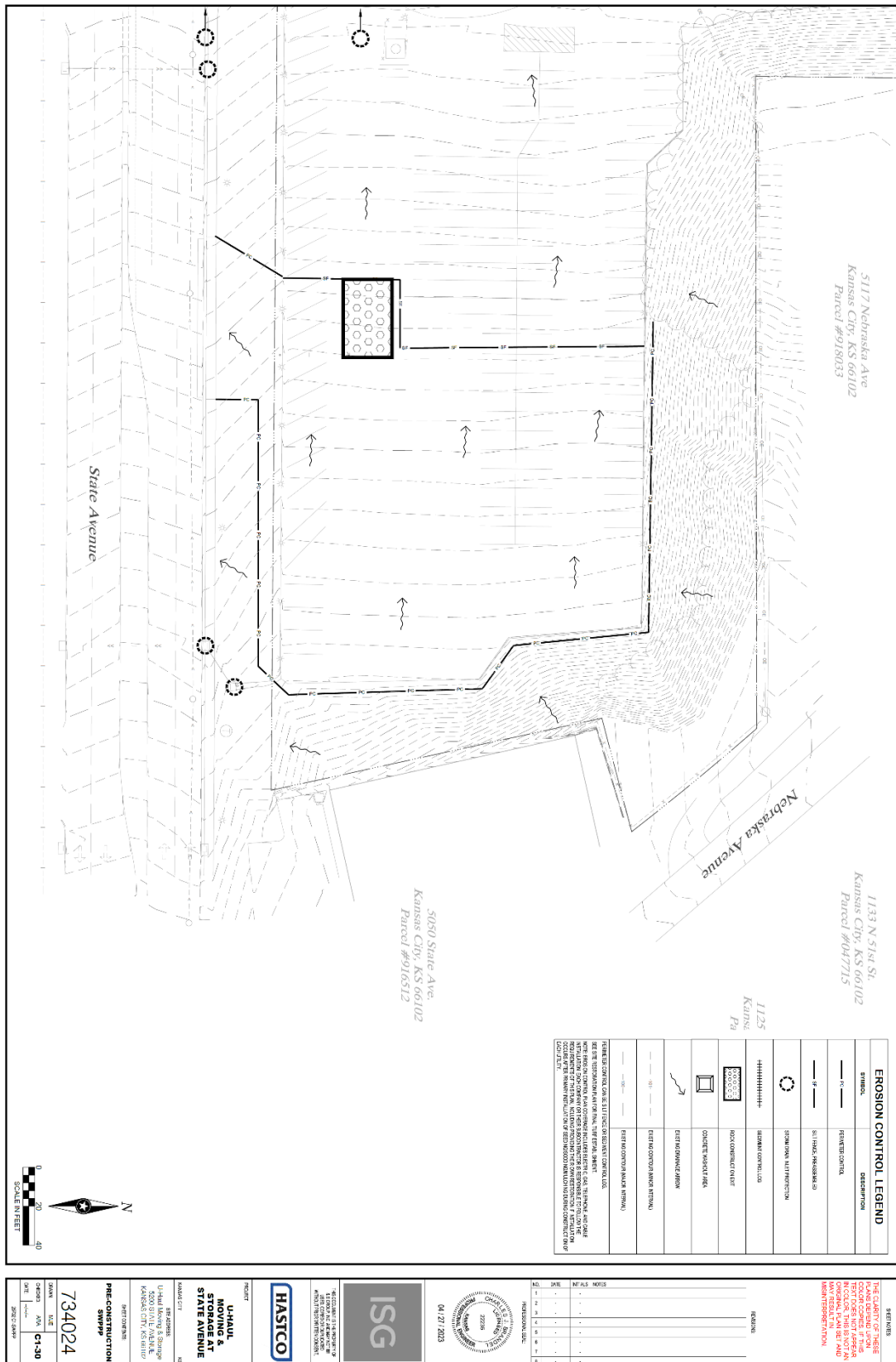


# LANDSCAPING PLAN OF 5200 STATE AVENUE



[illegible]

[illegible]



[illegible]

## NARRATIVE PROVIDED BY APPLICANT

APRIL 28, 2023

Tony Sabljak, Byron Toy & Kallie McLaughlin  
Department of Planning & Urban Design  
Unified Government of Wyandotte County and Kansas City  
701 N 7<sup>th</sup> Street  
Kansas City, KS 66101  
EDR@wycokck.org



**RE: PDP, FDP & VARIANCE NARRATIVE  
U-HAUL - 5200 STATE AVE**

Byron/Kallie/Tony -

We are excited to submit two development applications on behalf of the property owner 22 SAC, LLC for a new U-Box storage building at the existing U-Haul site located at 5200 State Avenue. To achieve this proposed development, we are submitting a Preliminary Development Plan, Final Development Plan and Variance application and the supporting documents for review. We will submit the required Neighborhood Meeting information next week once we confirm a venue and date. Below is a narrative describing the subject site, project details, and specifics to each application request.

### **SITE + PROJECT DESCRIPTION**

The subject site is addressed as 5200 State Avenue and is zoned CP-3 (Planned Commercial). The State Parcel ID is 1050510103002058000 and it is 7.52 acres in size. The existing site comprises U-Haul Self Storage buildings and moving trucks for rent. The main building is 55,162 SF, the other self-storage building on the west side of the property is 2,245 SF and a moving van 11-space garage is located northwest of the main building. On the north and east portions of the site are fully paved areas for moving truck parking.

The proposed U-Box storage facility would be located to the east of the main building where the site is all pavement for moving trucks parking. The U-Box is a storage facility for portable moving storage boxes. This site is not accessed by customers, only the U-Box truck delivery driver and an on-site U-Haul employee from the existing building on site. As a result, no additional parking is needed to serve this business operation. The U-Box is one-story inside, with a building footprint of 13,826 SF, and 54-ft tall to accommodate the stacking/storage of the moving boxes.

There are two existing access points to the site from State Avenue, and there is no change to the site access for this additional building to the site. The proposed U-Box building would be situated where the site is already fully paved so there is no loss to open space or an increase of impervious area to the site.

The proposed building is a high-quality, custom designed building to meet the architectural design requirements. Please see the attached exhibit for a full color rendering showing the type and percentage of each material on the building to meet the Development Design Guidelines. We also mailed material samples to Byron Toy.

The proposed U-Box has an entrance door on the south side of the building facing the street, along with the larger opening for the mobile delivery box drop off or pick up. A screen wall that is architecturally consistent with the materials and colors of the main building is proposed to screen the loading/drop off area, but includes a break in the screen wall so that the main door is visible to the street. This is proposed to meet the design guidelines of screening certain elements while keeping other elements visible. On the east and west facades of the buildings are windows and decorative elements to enhance to architecture of the building from each street view direction. The rear of the building is closely situated to the steep sloping hill and will not be visible from any direction. Because of the unique situation, we are requesting relief via a design waiver/variance of the material requirements on the north

217 E 2<sup>nd</sup> Street Ste 110 + Des Moines, IA 50309  
952.426.0699 + ISGInc.com  
Architecture + Engineering + Environmental + Planning



## NARRATIVE PROVIDED BY APPLICANT, CONT.



side of the building. In the design waiver/variance section below this request is addressed in more detail. Only the rooftop of the building is visible to the residential properties to the north and there will be no rooftop equipment on the building.

There is no exterior lighting on the U-Box or changes to the existing on-site light poles, so a lighting plan is not included in the Preliminary Development Plan / Final Development Plan.

### **DESIGN WAIVER/VARIANCE**

We are requesting a design waiver or variance for the following items:

#### **ARCHITECTURAL ELEVATIONS**

1. Code states the there should not be a loading dock on the front of the building. The loading dock and entrance door are operationally one in the same for this building. We proposed a decorative screen wall that architecturally integrates with the main building as a solution to meet the intent of the code. The County/City said this would be acceptable when we provided some draft renderings for feedback earlier this year.
2. Item C1 of the design criteria states that quality design should be expressed on all elevations of the building. We do not meet this on the north face. We have attached diagrams and renderings that show the minimal visibility of the north elevation because it is built up against a large hill. If we were to provide 50% masonry base on the north façade, it would not even be visible by the residential properties to the north, resulting in no change to what those residents see. (Rending looking south). Please see the renderings and drone photos taken from the residential areas to the north of the site showing that the back façade of the building is not visible because the building is hidden by the hill.
3. Item H states that 60% glass is required on building frontage along public streets or parking lots. We provide about 21% glass on the street facing elevation, south. There is about 10% glass on the elevation facing the parking lot, west. We feel we meet the intent of the code to have large amounts of glazing in the areas where patrons are most likely to see and interact with the building. (Rendering looking east)
4. Metal fins break up the scale of the building to meet the intent of section C2 on the east and west faces.

#### **SITE DESIGN**

Since this site has been operational prior to the current zoning regulations, there are a variety of site non-conformities. This includes not meeting the current zoning open space, landscaping, building setbacks, dumpster screening and fencing screening. We ask for a variance to allow for these existing non-conforming to remain since the U-Box development is on the edge of the property, and will not be doing any construction or work on the majority of the site.

Below is a response to each Variance review criteria:

1. *The variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and which is not created by an action or actions of the property owner or the applicant.*

*Response: The U-Box building is setback from the rear property line that is adjacent to the residential properties by approximately 57-ft. From the back of the building to the property line, the grade rises*

## NARRATIVE PROVIDED BY APPLICANT, CONT.

ISG

approximately 40-ft. This provides a natural screen to the rear elevation from virtually direction. The existing site will remain in it's existing condition since the U-Box addition does not encroach into most of the site.

2. The granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents.

*Response: The adjacent property owners are not adversely impacted by the design guidelines relief and by keeping some of the site non-conformities existing. There is a very steep hill on the rear of the property with dense shrubs and trees that blocks the adjacent properties from viewing the site half of the year. The other half of the year when the landscaping is not in bloom, the grade change still provides a buffer and screening to most properties. Please see the photos of the site from various angles.*

3. The strict application of the provisions of the zoning ordinance of which variance is requested will constitute unnecessary hardship upon the property owner represented in the application.

*Response: The strict application of the state street design criteria to the north side of the building and the top/edges of the side walls of the building requires unnecessary design enhancements that are not visible by the public.*

4. The variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare.

*Response: The building architecture with it's proposed design waivers/variances does not negatively impact the public health, safety, morals, odor or general welfare. In addition, the rooftop is the only feature of the building that is somewhat visible to the adjacent residential properties to the north and there is no rooftop equipment to cause any noise, odor or other nuisance possibility. The*

5. The granting of the variance desired will not be opposed to the general spirit and intent of the zoning ordinance.

*Response: The architecture of the building conforms to the general spirit and intent of the zoning ordinance, which is for the building design and architecture to enhance the aesthetics for pedestrians, neighbors and passing traffic. All visible areas of the building contain a variety of materials, textures, colors and glazing to meet the intent of the code. The other existing site conditions are not changing.*

Thank you for taking the time to review the enclosed application and supporting documents. We look forward to working with the Unified Government of Wyandotte County and Kansas City on this project. Please contact me at 952.426.0699 or Andrea.Rand@ISGInc.com with any questions or if there is any additional information we can provide in support of this project.

Sincerely,



**Andrea Rand, AICP**



## SITE PHOTOS SUBMITTED BY APPLICANT





SITE VISIT PHOTOGRAPHS BY STAFF, DATED JUNE 25, 2023



**Above:** View of the subject property and the State Avenue public right-of-way, facing east.

**Below:** Views of the driveway accessing the subject property and the State Avenue public right-of-way, facing west.





SITE VISIT PHOTOGRAPHS BY STAFF, DATED JUNE 25, 2023, CONT.



**Above (All):** View of the existing parking lot on the subject property. The parking lot currently serves the U-Haul rental facility by storing the business's trucks, vans, and trailers. As demonstrated in the photos, the parking lot appears relatively full even during a weekend morning. This raises concerns about the ability for a shrunken parking lot, as proposed by PR2023-019, to continue to adequately store these vehicles and trailers without affecting adjacent properties or the public right-of-way.



SITE VISIT PHOTOGRAPHS BY STAFF, DATED JUNE 25, 2023, CONT.



**Upper Left:** View of the existing tree stand on the eastern portion of the northern boundary line. Beyond this stand of trees are multi-family residential buildings, but such buildings are not visible.



**Middle Left:** View of the existing tree stand on the northern portion of the eastern boundary line. Beyond this stand of trees are multi-family residential buildings (the same residential buildings as above), but such buildings are not visible.



**Direct Right:** Temporary, free-standing sign in the public right-of-way, in violation of Section 27-722(e)(1).



(First published \_\_\_\_\_)

COZ2023-014

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE** rezoning property hereinafter described located at approximately 3000 South 74<sup>th</sup> 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 12, 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:

9298, S33, T11, R24, ACRES 6.08, BEG 25FT W OF SE COR NE1/4 SW1/4; W 815.01FT, N27E-178.31FT, N39E-273.04FT, E 565.02FT, S 375.01FT TO POB CONTG 6AC M/L, located at approximately 3000 South 74<sup>th</sup> 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 \_\_\_\_\_)

SP2023-020

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 SP2023-020, commonly known as 2737 South 53<sup>rd</sup> Terrace Kansas City, Kansas, legally described as:

Lot 21, Walden View, a subdivision of land in Kansas City, Wyandotte County, Kansas, located at approximately 2737 South 53<sup>rd</sup> Terrace, Kansas City, Kansas.

**Section 2.** That the real property hereinabove described shall hereafter be granted a Special Use Permit for a non-owner-occupied 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. **All critical repairs outlined by staff shall be repaired prior to operation;**

3. The remaining non-life safety repairs as described within the home inspection report shall be completed by the applicant's next renewal period;
4. The applicant shall withdraw their rental license and instead obtain a business license, as a short-term rental is considered a business within the Unified Government;
5. Maximum number of guests shall be seven (7);
6. All parking must be off-street, maximum number of vehicles is three (3);
7. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
8. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;
9. Applicant is to maintain liability insurance;
10. The property must remain in proper maintenance and free of hazards, pests, or infestations;
11. The granting of this Special Use Permit does not transfer with a change of ownership of the property;
12. Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and [www.hostcompliance.com/tips](http://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](mailto: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](mailto:buildinginspection@wycokck.org) to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly.
16. All existing and future driveways must feature curb cuts that are constructed to UG standards;

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



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

23. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit;
24. Install netting around the basketball court to prevent basketballs from leaving the property onto the neighboring properties; and,
25. No loud music on the back patio after 10:00 p.m.

**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 \_\_\_\_\_)

SP2023-026

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 SP2023-026, commonly known as 31 South Tremont, Kansas City, Kansas, legally described as:

Property 1:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 8 IN BLOCK 19. RIVERVIEW. ACCORDING TO THE RECORDED PLAT THEREOF; THENCE EAST 132 FEET, THENCE NORTH 25 FEET; THENCE WEST 132 FEET TO EAST LINE OF 6TH STREET, KANSAS CITY, KANSAS; THENCE SOUTH 25 FEET ALONG THE EAST LINE OF SAID 6TH STREET, TO A PLACE OF BEGINNING, RESERVING THEREFROM 12 FEET OFF OF AND ALONG EAST ANO OF SAID ABOVE-DESCRIBED TRACT FOR A PUBLIC ALLEY.

Property 2:

Commencing at the Northwest corner of Lot 8, Block 19, RIVERVIEW, a subdivision of land in Kansas City, Wyandotte County, Kansas, thence East along the North line of said Lot 132 feet. thence South 25 feet. thence West 132 feet to the East line of Sixth Street, thence North along the East line of Sixth Street 25 feet to the place of beginning.

Commonly Known As: 31 South Tremont Street, Kansas City, KS 66101

**Section 2.** That the real property hereinabove described shall hereafter be granted a Special Use Permit for a non-owner-occupied 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 SP2023-026 outlined within the provided home inspection report shall be performed prior to renewal of this Special Use Permit.
2. Maximum number of guests shall be six (6).
3. All parking must be off-street, maximum number of vehicles is two (2). No parking is allowed on-street for STR renters or any guests.
4. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented.
5. Applicant is to maintain liability insurance.
6. The property must remain in proper maintenance and free of hazards, pests, or infestations.
7. The granting of this Special Use Permit does not transfer with a change of ownership of the property.
8. Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and [www.hostcompliance.com/tips](http://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](mailto: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](mailto: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.

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TYRONE GARNER  
MAYOR/CEO

Attest:

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Unified Government Clerk

APPROVED AS TO FORM:

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CHIEF COUNSEL

(Published \_\_\_\_\_)

SP2023-043

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 SP2023-043, commonly known as 2605 West 39<sup>th</sup> Avenue, Kansas City, Kansas, legally described as:

All that part of Block 2, ROSEDALE PARK, a subdivision of land in Kansas City, Wyandotte County, Kansas, according to the recorded plat thereof and all of that part of Cherokee Street vacated by City Ordinance No. 45967 and all that part of Lake Avenue vacated by City Ordinance No. 45967 described as follows: Beginning at the intersection of the center line of said Lake Avenue and the Southerly prolongation of the Easterly line of the above-mentioned Block 2, ROSEDALE PARK; thence North 89 degrees 52 minutes 13 seconds West along the center line of Lake Avenue 184.33 feet to its intersection with the Southeasterly right of way line of 39th Avenue; thence Northeasterly on a curve to the left, having a radius of 175.0 feet, an arc distance of 53.08 feet; thence North 40 degrees 19 minutes 47 seconds East 92.60 feet; thence continuing along said right of way line on a curve to the right, having a radius of 110.0 feet, an arc distance of 95.59 feet to its intersection with its existing Westerly right of way line of Springfield Street; thence South 0 degrees 10 minutes 0 seconds West along said Westerly right of way line 143.55 feet to the point of beginning. NOTE: According to the tax rolls of the Unified Government of Wyandotte County/Kansas City, Kansas Treasurer's office, a portion of the above legal description is located in parts of Lots 20, 21, 22, 23 and 24 in Block 2, ROSEDALE PARK. Located at approximately 2605 West 39<sup>th</sup> Avenue, Kansas City, Kansas.



**Section 2.** That the real property hereinabove described shall hereafter be granted a Special Use Permit for an existing day care center.

**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 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](mailto: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](mailto: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.

**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 \_\_\_\_\_)

SP2023-046

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 SP2023-046, commonly known as 4138 Lloyd Street Kansas City, Kansas, legally described as:

Lots 40 and 41, Block 1, MONTE CIRISTO, a subdivision in Kansas City, Wyandotte County, Kansas, commonly known as 4138 Lloyd Street, Kansas City, Kansas, Parcel #133127.

**Section 2.** That the real property hereinabove described shall hereafter be granted a Special Use Permit for a non-owner-occupied 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 SP2023-046 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](http://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](mailto: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](mailto: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.**

**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 \_\_\_\_\_)

SP2023-048

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 SP2023-048, commonly known as 3925 Springfield Street, Kansas City, Kansas, legally described as:

N.19 ft. Lot 32 All of Lot 33 & 34 Block 8 Rosedale Park, a subdivision of land in Kansas City, Wyandotte County, Kansas, located at approximately 3925 Springfield Street, Kansas City, Kansas.

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

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

- 1. The driveway apron 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](http://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](mailto: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](mailto: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.

**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 \_\_\_\_\_)

SP2023-049

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 SP2023-049, commonly known as 4028 Booth Street, Kansas City, Kansas, legally described as:

Lot 16 Block 1 Cox Add in Kansas City Wyandotte County, Kansas, located at approximately 4028 Booth Street, Kansas City, Kansas.

**Section 2.** That the real property hereinabove described shall hereafter be granted a Special Use Permit for a non-owner-occupied 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. 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 41<sup>st</sup> 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](http://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](mailto: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](mailto: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.

**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 \_\_\_\_\_)

SP2023-050

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 SP2023-050, commonly known as 4456 Springfield Street Kansas City, Kansas, legally described as:

Lot 25, Faltermeier Place, a subdivision of land in Kansas City, Wyandotte County, Kansas, located at approximately 4456 Springfield Street, Kansas City, Kansas.

**Section 2.** That the real property hereinabove described shall hereafter be granted a Special Use Permit for non-owner-occupied 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 SP2023-050 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](http://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](mailto: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](mailto: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).

**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.

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TYRONE GARNER  
MAYOR/CEO

Attest:

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Unified Government Clerk

APPROVED AS TO FORM:

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CHIEF COUNSEL

(Published \_\_\_\_\_)

SP2023-052

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.

**BE IT ORDAINED BY THE UNIFIED GOVERNMENT COMMISSION OF WYANDOTTE/COUNTY/KANSAS CITY, KANSAS:**

**Section 1. Special Use Permit Granted.** Pursuant to the regulations set forth in Chapter 27, Sec. 27-214 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, permission is hereby granted to use in the manner set forth in Section 2 hereof, the following described real property as set forth in SP2023-052, commonly known as 2504 West 47<sup>th</sup> Avenue, Kansas City, Kansas, legally described as:

BELINDER PLACE, S34, T11, R25, ACRES 0.13, B2 L63, located at approximately 2504 West 47<sup>th</sup> Avenue, Kansas City, Kansas.

**Section 2.** That the real property hereinabove described shall hereafter be granted a Special Use Permit for a non-owner-occupied 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 SP2023-052 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](http://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](mailto: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](mailto: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.**

**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 \_\_\_\_\_)

SP2023-053

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 SP2023-053, commonly known as 2822 West 43rd Avenue, Kansas City, Kansas, legally described as:

LOMBARD PARK ADD, S34, T11, R25, ACRES 0.1, B3 L7, located at approximately 2822 West 43<sup>rd</sup> Avenue, Kansas City, Kansas.

**Section 2.** That the real property hereinabove described shall hereafter be granted a Special Use Permit for a non-owner-occupied 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. **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](http://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](mailto: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](mailto: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.**

**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 \_\_\_\_\_)

SP2023-054

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.

**BE IT ORDAINED BY THE UNIFIED GOVERNMENT COMMISSION OF WYANDOTTE/COUNTY/KANSAS CITY, KANSAS:**

**Section 1. Special Use Permit Granted.** Pursuant to the regulations set forth in Chapter 27, Sec. 27-214 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, permission is hereby granted to use in the manner set forth in Section 2 hereof, the following described real property as set forth in SP2023-054, commonly known as 719 Lyon Avenue, Kansas City, Kansas, legally described as:

Tract 1210, S10, T11, R10, ACRES 0.07, B8 L23, located at approximately 719 Lyon Avenue, Kansas City, Kansas.

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

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

1. **The applicant shall repair the following items prior to publication of their ordinance. Proof of replacement must be sent to staff.**
  - **The trees and limbs must be removed from the power line.**
  - **Smoke detectors and carbon monoxide detectors must be installed.**
  - **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](http://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](mailto: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](mailto: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.

**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 \_\_\_\_\_)

SP2023-056

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 SP2023-056, commonly known as 4206 Mission Road, Kansas City, Kansas, legally described as:

MISSION HEIGHTS, S34, T11, R25, ACRES 0.1, L4, LESS, STREET, located at approximately 4206 Mission Road, Kansas City, Kansas.

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

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

**1. The 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](http://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](mailto: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](mailto: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; 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.

**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.

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TYRONE GARNER  
MAYOR/CEO

Attest:

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Unified Government Clerk

APPROVED AS TO FORM:

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CHIEF COUNSEL



(Published \_\_\_\_\_)

SP2023-051

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 SP2023-051, commonly known as 2924 Eaton Street, Kansas City, Kansas, legally described as:

All that part of Lot 5, University-Rosedale 4<sup>th</sup> Replat, a subdivision in Kansas City, Wyandotte County, Kansas, described as follows: Beginning at the Northwest Corner of Lot 5, University-Rosedale 4<sup>th</sup> replat, a subdivision of land in Kansas City, Wyandotte County, Kansas; thence North 76 degrees, 50 minutes, 53 seconds East, 100 feet to the Northeast Corner of Lot 5; thence Southerly along the East line of Lot 5, an arc distance of 27.95 feet; thence South 73 degrees, 37 minutes, 44 seconds West, 100.02 feet to a point on the West line of Lot 5; thence Northerly along the West line of Lot 5, on an arc distance of 33.56 feet to the point of beginning, located at approximately 2924 Eaton 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. The following items must be addressed prior to publication of SP2023-051:**
  - There is a slight leak on the shut off valve to the furnace.
  - 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](http://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](mailto: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](mailto: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.

**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.

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TYRONE GARNER  
MAYOR/CEO

Attest:

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Unified Government Clerk

APPROVED AS TO FORM:

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CHIEF COUNSEL

(Published \_\_\_\_\_)

SP2023-033

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 SP2023-033, commonly known as 4016 Springfield Street, Kansas City, Kansas, legally described as:

Cox Addition, an addition of land in Kansas City, Wyandotte County Kansas, Section 34, Township 11, Range 25, Block 2, Lot 21, located at approximately 4016 Springfield, Kansas City, Kansas.

**Section 2.** That the real property hereinabove described shall hereafter be granted a Special Use Permit for a non-owner-occupied 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 SP2023-033 outlined within the provided home inspection report shall be performed prior to renewal of this Special Use Permit.**
- 2. Maximum number of guests shall be six (6).**

3. All parking must be off-street, maximum number of vehicles is two (2). No parking is allowed on-street for STR renters or any guests.
4. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;
5. Applicant is to maintain liability insurance.
6. The property must remain in proper maintenance and free of hazards, pests, or infestations.
7. The granting of this Special Use Permit does not transfer with a change of ownership of the property.
8. Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and [www.hostcompliance.com/tips](http://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](mailto: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](mailto:buildinginspection@wycokck.org) to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly.
12. All existing and future driveways must feature curb cuts that are constructed to UG standards.
13. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable.
14. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The



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

15. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit.
16. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located.
17. The Special Use Permit shall be valid for one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and
18. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.
19. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all

conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.

20. Driveway must be upgraded to an improved surface (asphalt, concrete or pavers) and the driveway apron must be concrete from the curb to the property line (within the right-of-way).

**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 \_\_\_\_\_)

SP2023-030

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 SP2023-030, commonly known as 2602 Essex, Kansas City, Kansas, legally described as:

ORCHARD GROVE, S34, T11, R25, ACRES, 0.190000, B2 L12 & L13, located at approximately 2602 Essex, Kansas City, Kansas.

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

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

- 1. The fence identified in the staff report shall be reduced to four (4) feet in the front yard.**

2. Any additional repairs not addressed prior to approval of SP2023-030 outlined within the provided home inspection report shall be performed prior to renewal of this Special Use Permit.
3. Maximum number of guests shall be five (5).
4. All parking must be off-street, maximum number of vehicles is two (2). No parking is allowed on-street for STR renters or any guests.
5. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented.
6. Applicant is to maintain liability insurance.
7. The property must remain in proper maintenance and free of hazards, pests, or infestations.
8. The granting of this Special Use Permit does not transfer with a change of ownership of the property.
9. Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and [www.hostcompliance.com/tips](http://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](mailto: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](mailto:buildinginspection@wycokck.org) to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly.
13. All existing and future driveways must feature curb cuts that are constructed to UG standards.
14. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable.

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

20. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.
21. Driveway must be upgraded to an improved surface (asphalt, concrete or pavers) and the driveway apron must be concrete from the curb to the property line (within the right-of-way) and fix/repair all broken sidewalk sections.

**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 \_\_\_\_\_)

SP2023-031

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 SP2023-031, commonly known as 2602 North 107<sup>th</sup> Terrace, Kansas City, Kansas, legally described as:

PRAIRIE COUNTRY 2ND ADD, S34, T10, R23, ACRES 0.160000, L82, located at approximately 2602 North 107<sup>th</sup> Terrace, Kansas City, Kansas.

**Section 2.** That the real property hereinabove described shall hereafter be granted a Special Use Permit for a non-owner-occupied 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 SP2023-031 outlined within the provided home inspection report shall be performed prior to renewal of this Special Use Permit.**
- 2. Maximum number of guests shall be seven (7).**

3. All parking must be off-street, maximum number of vehicles is three (3). No parking is allowed on-street for STR renters or any guests.
4. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;
5. Applicant is to maintain liability insurance.
6. The property must remain in proper maintenance and free of hazards, pests, or infestations.
7. The granting of this Special Use Permit does not transfer with a change of ownership of the property.
8. Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and [www.hostcompliance.com/tips](http://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](mailto: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](mailto: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 \_\_\_\_\_)

SP2023-034

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 SP2023-034, commonly known as 9350 Nelson Lane Kansas City, Kansas, legally described as:

LOT 1, O-D ACRES, LESS AND EXCEPT THE FOLOWING DESCRIBED TRACT OF LAND: BEGINNING AT THE NORTHEAST CORNER OF LOT 1, O-D ACRES; THENCE WEST 50 FEET, ALONG THE NORTH LINE OF LOT 1; THENCE SOUTHEASTERLY 180 FEET, MORE OR LESS, TO A POINT ON THE EAST LINE OF SAID LOT 1 THAT IS 174.68 FEET SOUTH OF THE POINT OF BEGINNING; THENCE NORTH 174.68 FEET ALONG THE EAST LINE OF SAID LOT 1 TO THE POINT OF BEGINNING; ALL BEING IN AND A PART OF KANSAS CITY, WYANDOTTE COUNTY, KANSAS, located at approximately 9350 Nelson Lane, Kansas City, Kansas.

**Section 2.** That the real property hereinabove described shall hereafter be granted a Special Use Permit to keep 20 chickens.

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

specified in Section 27-214:

- 1. 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.

**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:

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Unified Government Clerk

APPROVED AS TO FORM:

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CHIEF COUNSEL



# Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

701 N 7<sup>th</sup> Street, Suite 423  
Kansas City, Kansas 66101  
[www.wycokck.org/planning](http://www.wycokck.org/planning)

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

**To:** Unified Government Board of Commissioners

**From:** Planning and Urban Design Staff

**Date:** September 28, 2023

**Re:** Special Use Petition SP2023-042

## GENERAL INFORMATION

**Applicant:**  
Matt Thomas

**Status of Applicant:**  
Representative  
Firm Foundations Ministries  
P.O Box 15448  
Lenexa, Kansas 66285

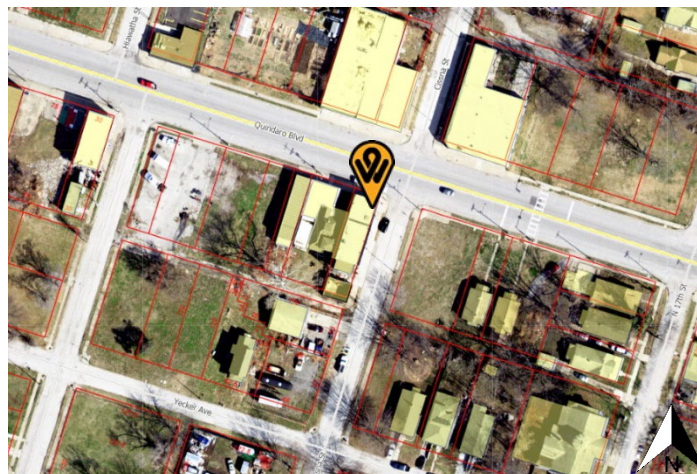
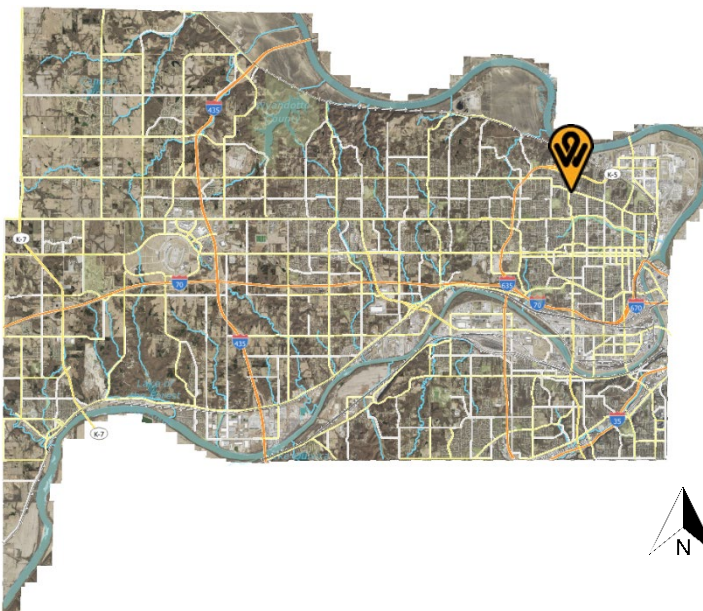
**Requested Action:**  
Approval of a Special Use Permit.

**Date of Application:**  
June 30, 2023

**Purpose:**  
To approve a Special Use Permit to operate a transitional housing facility for individuals recently released from incarceration.

**Property Location:**  
1723 Quindaro Boulevard  
Kansas City, Kansas 66104

**Commission Districts:**  
Commissioner At-Large, District #1:  
Melissa Bynum  
District #1 Commissioner:  
Gayle Townsend



|                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|----------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Existing Zoning:</b>                | C-3 Commercial District                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <b>Adjacent Zoning:</b>                | <b>North:</b> C-3 Commercial District<br><b>South:</b> C-3 Commercial District<br><b>East:</b> C-3 Commercial District<br><b>West:</b> C-3 Commercial District                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>Adjacent Uses:</b>                  | <b>North:</b> Mixed-use building<br><b>South:</b> Single-family residence<br><b>East:</b> Vacant commercial lot<br><b>West:</b> Commercial building                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <b>Total Tract Size:</b>               | 0.08 Acre                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <b>Comprehensive Plan Designation:</b> | The Northeast Area Plan designates the subject property as Mixed-Use, which allows for corridors that include a mix of single-family houses, apartment buildings, small commercial buildings, and mixed-use buildings.                                                                                                                                                                                                                                                                                                                                                            |
| <b>Major Street Plan:</b>              | The Major Street Plan designates Quindaro Boulevard a Class C Thoroughfare.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <b>Parking Requirement:</b>            | <p>Sec 27-668(6) states that “one (1) parking space for each guest room and one (1) parking space for each employee during the peak shifts or make specific legally binding commitments that assure that normal daily parking needs are met on site and/or on the adjacent streets directly abutting the property”.</p> <p>The property received a variance from Section 27-668(6) in 2011 for 11 spaces, when it operated as a group dwelling. Depending on how many staff members and guests are at the site, the applicant may not have to provide any off-street parking.</p> |
| <b>Advertisement:</b>                  | <u>The Wyandotte Echo</u> – July 20, 2023<br>Letters to Property Owner – July 21, 2023 and August 8, 2023                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <b>Public Hearings:</b>                | September 11, 2023 and September 28, 2023                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <b>Public Support:</b>                 | The applicant provided statements from two (2) adjoining property owners who expressed support.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |

**Public Opposition:**

The applicant provided statements from the neighborhood group (OCP) expressing concerns.

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**PROPOSAL**

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Detailed Outline of Requested Action: The applicant, Matt Thomas with Firm Foundations Ministries, is requesting a Special Use Permit to operate a group dwelling to provide transitional housing facility for individuals recently released from incarceration at 1723 Quindaro Boulevard. This Special Use Permit is retroactive as the dwelling is currently operating without a Special Use Permit.

City Ordinance Requirements: 27-592 through 27-606

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**RELATED ENFORCEMENT AND ACTION ITEMS**

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**Noise or Disturbance Complaints:**

1. There have been no calls for police service.

**Building, Zoning, or Code Enforcement Complaints:**

1. There have been multiple Notices of Violation on the property since 2022.
  - a. 2023 – CAC23-0596 – Administrative Citation – Trash and Debris
  - b. 2023 – CAC23-0327 – Administrative Citation – Trash and Debris
  - c. 2022 – ENV22-0250 – Environment – Trash and Debris

**Outstanding or Related Permits and Cases:**

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

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**FACTORS TO BE CONSIDERED**

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***1. The Character of the Neighborhood.***

The subject property is within the Northeast Statistical Neighborhood, as well as the Organization for Community and Groundworks NRG neighborhood group. The neighborhood consists of a mix of commercial and mixed-use buildings, single-family residences, and multi-family residences. The property is located along Quindaro Boulevard, a major thoroughfare which runs East to Fairfax and West to Leavenworth Road.

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

The zoning and adjacent uses are set out above. The C-3 zoning district allows for higher-intensity commercial uses as well as mixed-use buildings such as the

subject property. A group dwelling is not allowed without a Special Use Permit. While the subject property is located along the Quindaro Boulevard commercial corridor, there are single-family and other residential uses adjacent to the corridor, which may create compatibility issues. There are concerns with the potential for noise, demand for parking, and potentially undue concentrations of population.

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

The removal of restrictions could detrimentally affect nearby property due to noise or demand for parking. As long as the operation is managed properly and all conditions are adhered to, the proposed use could be suitable for the community.

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

It is unclear if the property is vacant or not.

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

Special Use Permits are not addressed in the Northeast Area Plan. The Northeast Area Plan designates the subject property as Mixed-Use, which allows for corridors that include a mix of single-family houses, apartment buildings, small commercial buildings, and mixed-use buildings. The subject property is a mixed-use building, which seemingly has been converted to residential. A group home would conform 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 will inherently result in the increase in traffic, as a group home requires staffing in addition to outside services coming to and from the home, however, it is not expected to exceed the capacity of Quindaro Boulevard. There are, however, concerns about the parking demand. The subject property does not provide on-site parking. While it is expected that individuals staying at the property may utilize public transportation via routes #106 and #118 or other transportation options besides a private vehicle, there is still expected to be a parking demand for visitors and staff. The property was granted a variance for 11 spaces in 2011 to operate a group home. Depending on how many guests stay at the home, the applicant may not be required to provide parking.

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



The proposed use is necessary for the welfare of the public, as it provides transitional housing and access to services for individuals who are transitioning from incarceration, a population that is traditionally underserved. If managed properly, the proposed use is not expected to substantially impact the use, quality, or marketability of adjoining property, however, the property has had multiple notices of violations within the past year for property maintenance.

**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 typical issues of this type of use, however, if managed properly, noise should not be a major issue, and any outdoor lights can be affixed and dimmed with 90-degree cutoffs.

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

The proposed use will not pollute air, land or water, so long as the property and use are properly managed, as it is located within a built-out, urban mixed-use neighborhood.

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

The proposed use would not damage or destroy an irreplaceable natural resource, as it is located within a built-out, urban mixed-use neighborhood.

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

The relative gain to public health, safety, and welfare compared to the hardship on nearby property owners is substantial. The proposed use provides transitional housing and access to services to those transitioning for incarceration, a population which has been historically underserved. The proposed use has the potential to improve the outcomes for those formerly incarcerated, which has a community benefit and stands to improve the health, safety and welfare of the community. A denial of the application would result in the group dwelling having to relocate or cease operation completely.

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

The proposed use has the potential for both the overcrowding of land and undue concentrations of population. The property does not provide any on-site parking; however, a variance was granted for a similar use for 11 spaces in 2011. Without a floor plan of the property, staff can not accurately determine the appropriate number of occupants for the property. If managed properly, and a parking arrangement figured out, these issues should cease to be a concern.

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## PREVIOUS ACTIONS

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Approval of a Variance (BZA 2019) for parking in 2011.  
Approval of a Special Use Permit (SP-2011-23) for a group home in 2011.

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## NEIGHBORHOOD MEETING

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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.

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## KEY ISSUES

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Building Inspection  
Detailed Floor Plan  
Noise  
Occupancy  
Operating without a Special Use Permit  
Parking  
Safety and Security  
Staffing

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## PLANNING COMMISSION RECOMMENDATION

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The Planning Commission voted 6 to 2 to recommend **APPROVAL** of Special Use Permit Application **SP2023-042, for two (2) years**, subject to:

1. **The property owner shall plant two (2) street trees along North 17<sup>th</sup> Street;**
2. **There shall be no more than seven (7) guests on site at a time;**
3. **There shall be one (1) staff member on-site at all times;**
4. **The following repairs identified in the inspection report shall be performed prior to operation:**
  - a. **Downspouts shall be installed to direct water away from the basement and foundation.**
  - b. **The basement egress door shall be unblocked, and the locked gate removed.**
  - c. **Handrails shall be installed where identified or repaired where identified.**
  - d. **Outdoor outlets shall be replaced with GFCI outlets.**
  - e. **Any loose or exposed wiring shall be repaired by a qualified electrician;**
5. **Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning**

- and Urban Design at (913) 573-5750 or [signpermits@wycokck.org](mailto:signpermits@wycokck.org) to begin this process;
6. If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;
  7. If approved, the applicant must file and maintain a current business occupation tax application with this office;
  8. Section 27-699(b)(5) states that all outside bins or trash container areas must be completely enclosed by an architectural screen to a height not less than the height of the bin or container. No trash enclosures may be located in required yards adjacent to street right-of-way. In commercially and industrially zoned areas where the trash container will not be visible from off the property due to other screening or topographic conditions and will not be visible from public parking or pedestrian areas on the site, such trash bin screening need not be provided. In industrially zoned areas where the trash container will not be visible from residential property and where such containers are kept directly alongside the building and in a well-kept manner, such screening need not be provided;
  9. 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. No flood lights are allowed;
  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](mailto:buildinginspection@wycokck.org) to confirm if they need a building permit, and if so must take it upon themselves to initiate the building permit process accordingly;
  11. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
  12. 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. 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;
  15. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
  16. 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.

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## STAFF COMMENTS AND SUGGESTIONS

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Staff concurs with the recommendation of the City Planning Commission.

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## STAFF RECOMMENDATION

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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 **SP2023-042** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

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## ATTACHMENTS

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September 11, 2023, City Planning Commission Minutes  
Aerial Imagery  
Zoning Map  
Land Use Map – Northeast Area Plan  
Floor Plan  
Home Inspection Report  
Neighborhood Meeting Materials  
Site Photos, Taken by Staff, Dated July 14, 2023

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## REVIEW OF INFORMATION AND SCHEDULE

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| Action         | Planning Commission | Unified Government Board of Commissioners |
|----------------|---------------------|-------------------------------------------|
| Public Hearing | September 11, 2023  | September 28, 2023                        |
| Special Use    | Approval            |                                           |

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### STAFF CONTACT:

**James Molloy**  
[jmolloy@wycokck.org](mailto:jmolloy@wycokck.org)

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## MOTIONS

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I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2023-042** as meeting all the requirements of the city code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. \_\_\_\_\_;
2. \_\_\_\_\_; And
3. \_\_\_\_\_.

## OR

I move the Unified Government Board of Commissioners **DENY** Petition **SP2023-042**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

## **September 11, 2023, City Planning Commission Minutes:**

### **Hearing starts at 2:33:52:**

**SPECIAL USE PERMIT APPLICATION SP2023-042 – MATT THOMAS WITH FIRM FOUNDATION MINISTRIES, INC. - SYNOPSIS:** Special Use Permit to operate a group dwelling unit at 1723 Quindaro Boulevard (former application SP2020-076 expired 12/10/2022). Detailed Outline of Requested Action: The applicant, Matt Thomas with Firm Foundations Ministries, is requesting a Special Use Permit to operate a group dwelling to provide transitional housing facility for individuals recently released from incarceration at 1723 Quindaro Boulevard. This Special Use Permit is retroactive as the dwelling is currently operating without a Special Use Permit.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated September 11, 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:**

- Matt Thomas, applicant, 12714 West 76<sup>th</sup> Street, Shawnee, Kansas
- Will Stevens, 411 North Broadway
- Marcy Concator, 4710 Hutton Road, Kansas City, Kansas, Kansas Department of Corrections
- Max Alcanter, 804 North Main, Lansing, Kansas

The Planning Commission addressed questions to the applicant.

### **Present in Opposition:**

- No one appeared

**Staff Recommendation starts at 2:52:10:** Planning Director Hand stated that the request is for a group home. The property is in the Northeast Area Plan. Staff has received both support and opposition on this case. There are some Notices of Violation which were discussed in the comments earlier this evening. Staff recommends approval for two (2) years subject to the conditions in the staff report. He stated that the previous owner had a Special Use Permit that he would not classify as a group home



but a transitional emergency shelter that was approved in 2011 for two (2) years. It also had a variance for no parking at the site that stays with the property and is still valid. That is why there is no parking provided off-street. Director Hand stated that in response to an earlier question, the next school is approximately 1700 feet “as the crow flies” away from this property.

The Planning Commission directed questions to Staff and the applicant.

**Motion starts at 2:59:26:**

On motion by Mr. Ernst, seconded by Mr. Ward, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit SP2023-042 for two (2) years:**

|           |             |
|-----------|-------------|
| Carson    | Chairman    |
| Ernst     | Aye         |
| Jones     | No          |
| Miller    | Aye         |
| Mohler    | Aye         |
| Straws    | Not Present |
| Ward      | Aye         |
| Armstrong | Not Present |
| Beth      | Aye         |
| Connelly  | No          |
| Eilts     | Aye         |

Motion to recommend **APPROVAL** Passed 6 to 2

**Subject to:**

1. The property owner shall plant two (2) street trees along North 17<sup>th</sup> Street;
2. There shall be no more than seven (7) guests on site at a time;
3. There shall be one (1) staff member on-site at all times;
4. The following repairs identified in the inspection report shall be performed prior to operation:
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- through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
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## ATTACHMENTS

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### AERIAL IMAGERY

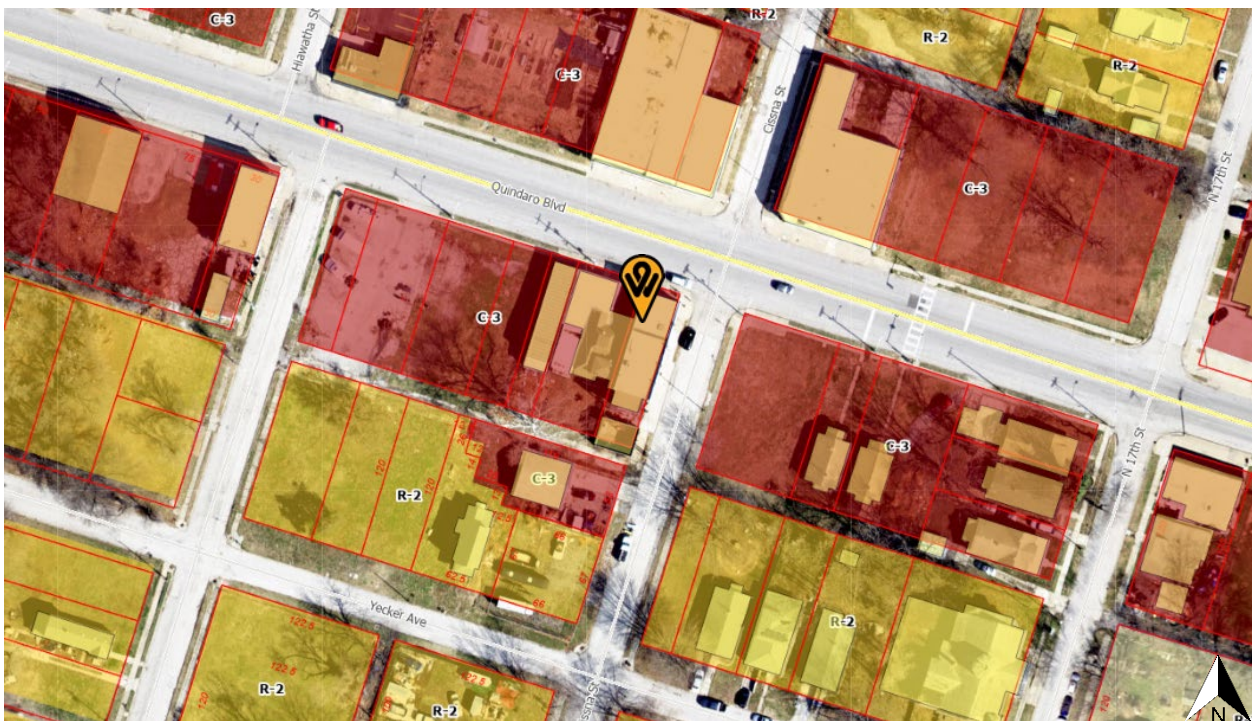
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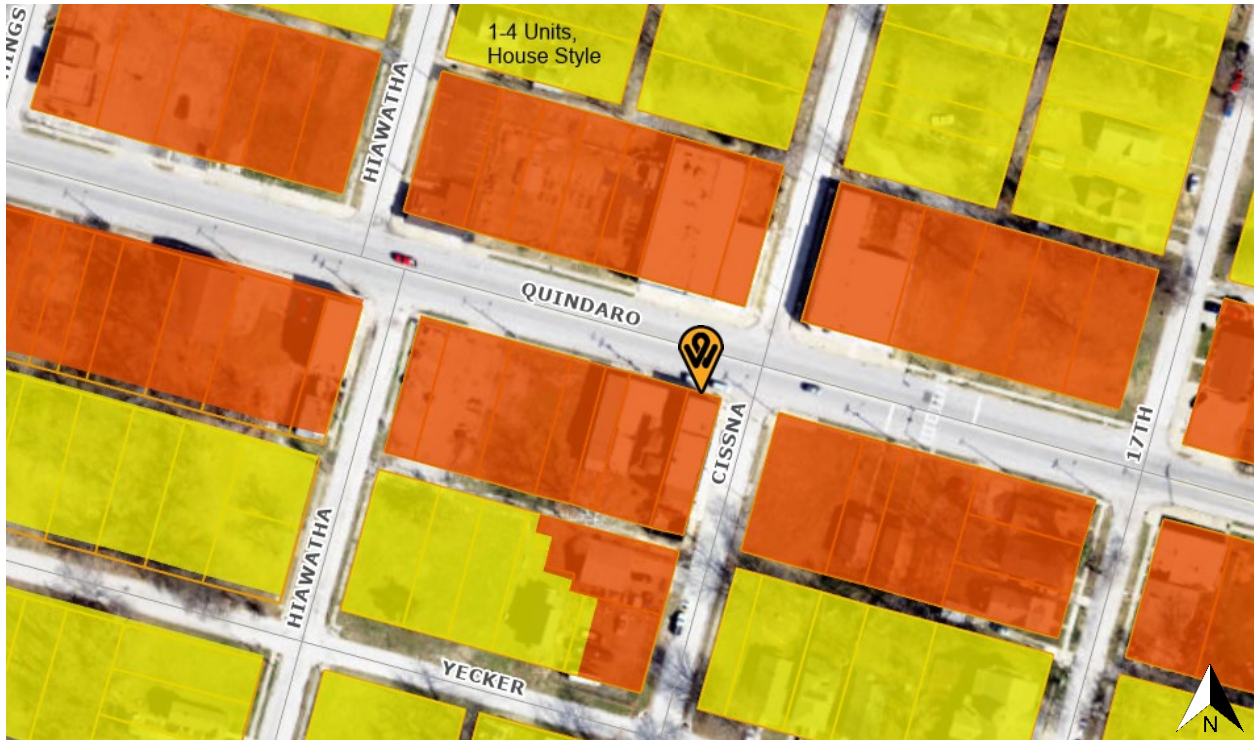
### ZONING MAP

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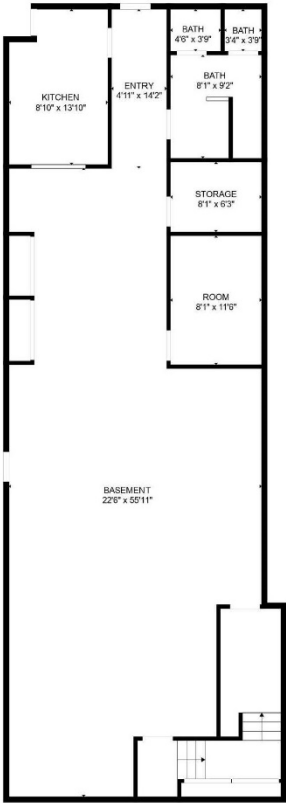


## LAND USE MAP – NORTHEAST AREA PLAN



FLOOR PLAN

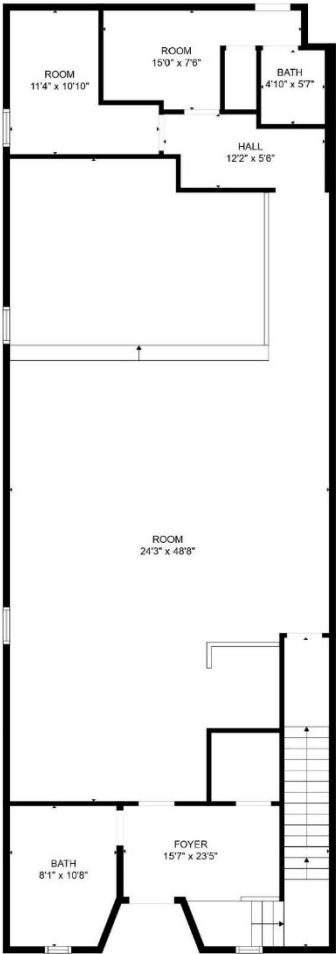
1723 Quindaro Boulevard  
Floor Plan



GROSS INTERNAL AREA  
Below Ground: 1547 sq. ft, FLOOR 2: 1674 sq. ft, FLOOR 3: 2078 sq. ft  
EXCLUDED AREAS: STORAGE: 51 sq. ft, UNDEFINED: 11 sq. ft, ROOM: 39 sq. ft  
TOTAL: 5299 sq. ft  
MEASUREMENTS ARE CALCULATED BY CUBICASA TECHNOLOGY, DEEMED HIGHLY RELIABLE BUT NOT GUARANTEED.

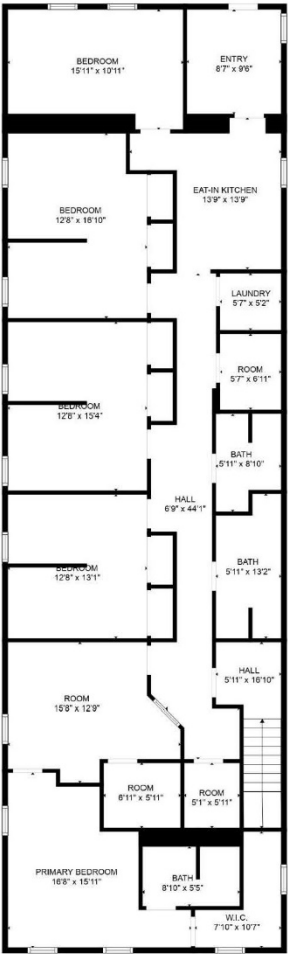


1723 Quindaro Boulevard  
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## BUILDING INSPECTION REPORT

ACM

1723 Quindaro Blvd., Kansas City, KS

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

| Structure |                     |                                                                                                                                                                                                                                          |
|-----------|---------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Page 4    | Wood Boring Insects | • **This is not an official termite report. There appeared to be damage consistent with wood destroying insects, such as termites, to the subfloor/floor joists. See termite report for recommendations as applicable.                   |
| Roofing   |                     |                                                                                                                                                                                                                                          |
| Page 6    | Flat Roofing        | • Repair: Noted evidence of repair on the roof and degraded seals. While there did not appear to be any major defects or leaks, further evaluation for minor repairs is recommended.                                                     |
| Page 6    | Downspouts          | • Repair: Downspouts should discharge water away from foundation to help prevent damage and moisture intrusion. Recommend adding French drains (underground extensions that discharge water at least 10-15 ft away from the foundation.) |
| Exterior  |                     |                                                                                                                                                                                                                                          |
| Page 8    | Exterior Doors      | • Repair: Noted basement egress door was blocked with a locked gate.                                                                                                                                                                     |
| Page 8    | Deck                | • Repair: Noted a loose handrail and stairs on the back deck/access to upper floors. Recommend repair.                                                                                                                                   |
| Page 8    | Siding/Trim         | • Repair: Noted areas of minor wood rot and flaking paint in various parts of the siding/trim, primarily trim around doors. Recommend repair/replacement of affected areas and paint.                                                    |
| Page 9    | Retaining Walls     | • Repair: Noted retaining wall in stairwell to basement had degraded grout. Recommend repair.                                                                                                                                            |

Page 1 of 26

**Electrical**

|         |            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|---------|------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Page 11 | Main Panel | <ul style="list-style-type: none"> <li>• Repair: Noted earth ground appeared to be cut or not installed in upper and lower panels. Recommend repair.</li> <li>• Safety Issue: Observed a <b>double tap</b> inside the main electric panel. This represents an increased risk of electrical fire and/or shock. Recommend that a licensed electrician evaluate/repair.</li> </ul>                                                                                                                                                                                                                                     |
| Page 12 | Outlets    | <ul style="list-style-type: none"> <li>• Repair: One or more outlet cover plates were missing/loose. Recommend replacement/securing to wall.</li> <li>• Repair: Noted one or more loose outlets. Recommend repair/tightening.</li> <li>• Safety Issue: Noted receptacles that were either not <b>GFCI</b> protected or did not trip when test for ground fault, primarily away from sink outlets. The installation of ground fault circuit interrupter (GFCI) devices is advisable on exterior, kitchen, garage and bathroom outlets. Recommend repair and further evaluation by a licensed electrician.</li> </ul> |
| Page 12 | Wiring     | <ul style="list-style-type: none"> <li>• Repair: Noted improperly terminated, exposed or loose wiring (j boxes not covered.) Recommend properly terminating wires in junction box and secure/repair as required.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                         |
| Page 13 | Switches   | <ul style="list-style-type: none"> <li>• Repair: Observed missing electric switch cover/covers. Recommend that they be installed.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |

**Plumbing**

|         |              |                                                                                                                                                                                                                                                                                       |
|---------|--------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Page 18 | Water Heater | <ul style="list-style-type: none"> <li>• Repair, Safety Issue: For safety reasons, it is recommended that a drain line be installed on the Temperature and Pressure Relief Valve that extends to within 6" of the floor. Wiring for the water heater should be in conduit.</li> </ul> |
| Page 19 | Waste Piping | <ul style="list-style-type: none"> <li>• Repair: Noted a missing plug in the floor drain and sewer smell in area. Recommend installing plug.</li> </ul>                                                                                                                               |
| Page 19 | Toilets      | <ul style="list-style-type: none"> <li>• Repair: There were loose toilets identified during the inspection. Recommend that a plumber evaluate toilets for proper installation and repair/tighten as required.</li> </ul>                                                              |

**Interior**

|         |                  |                                                                                                                                                                                  |
|---------|------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Page 22 | Staircase        | <ul style="list-style-type: none"> <li>• Safety/Repair: Noted lack of a complete handrail in one or more stairways. Recommend the installation of handrails.</li> </ul>          |
| Page 22 | Ceiling Finishes | <ul style="list-style-type: none"> <li>• Safety/Repair: Noted lack of sheetrock under the main level stair case. Recommend installation in this area for fire safety.</li> </ul> |

**Appliances**

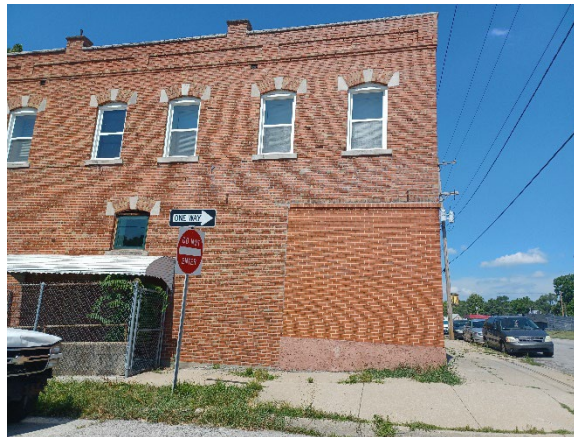
|         |      |                                                                                                                                                                                                                            |
|---------|------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Page 25 | Oven | <ul style="list-style-type: none"> <li>• Repair: Oven was not properly attached to the wall with anti tip brackets which is recommended to prevent inadvertent tipping and following manufactures instructions.</li> </ul> |
|---------|------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|



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

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## NEIGHBORHOOD MEETING MATERIALS

### Affidavit – Neighborhood Meeting

STATE OF KANSAS

SS:

COUNTY OF SHAWNEE

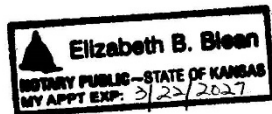
Comes now Kyler C. Wineinger of Morris Laing Law Firm, of lawful age, sound mind and upon his oath states as follows:

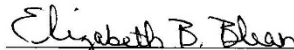
1. I am an attorney for Petitioner of Petition Nos. SP2023-041 and SP2023-042.
2. I conducted a Neighborhood Meeting on Monday, July 31, 2023, beginning at 6:00 p.m.
3. Attached are the Neighborhood Meeting Minutes and a copy of the notice mailed to the property owners on the list provide by the Department of Planning and Urban Design.

Further Affiant saith not.

  
Affiant

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



  
Notary Public

## **Neighborhood Meeting Minutes**

**Application Numbers:** SP2023-041 and SP2023-042

**Date:** Monday, July 31, 2023

**Location:** Zoom

---

**I. Meeting Called to Order at:** 6:10 p.m.

**II. Names of People in Attendance:**

- Matthew Thomas, Executive Director of Firm Foundation Ministries, Inc.
- Max Alcanter, Regional Director of Firm Foundation Ministries, Inc.
- Adria Medlen, Operations Director of Firm Foundation Ministries, Inc.
- Camille Caldwell, Vice President of Organization for Community Preservation
- Charles Allen, Board Member of Firm Foundation Ministries, Inc.
- Candie Leonard-Caldwell, President of Organization for Community Preservation
- Elnora Jefferson

**III. Introductions:**

- Meeting called by Kyler C. Wineinger and turned over to Matthew Thomas for further introduction.

**IV. Presentation by Applicant.**

- Organizational Motto: Imprisoned to Impowered.
- Described the purpose of Firm Foundations and what services are provided.
- See attached Agenda.

**V. Questions and Answers.**

- CLC: Why did FFM pick Quindaro Blvd?
  - o A friend told Matt that the building was for sale have a different, more broad approach than VI.
- CLC: Concerns about Village Initiative already in the vicinity.
  - o FFM works with VI, but the housing need is so bad, the need is still very much there—it is not a matter of duplication, but of collaboration.
- CLC: OCP has reservations with so many of similar organizations in a residential community where there is an elementary school and a middle school because OCP does not want to be surrounded by those kinds of organizations. Yes, there are homeless former prisoners, but there are also homeless children and homeless mothers. Why can't we have a program for them?

- FFM is not modeled to assist women or children. While the housing is directed specifically toward men, the ministry/church meetings and events, and food pantry are directed toward everyone.
- Elnora Jefferson: Is a group home the correct categorization of the property?
  - It's more of a sober-transitional home.
- Elnora Jefferson: What caused FFM to go through the SUP process?
  - FFM received notice that they were required to.
- Elnora Jefferson: How many men live there at one time?
- Elnora Jefferson: How long does an individual stay there?
  - 6 to 9 months.
- Elnora Jefferson: Does FFM find jobs for the individuals?
  - Yes, FFM actively assists an individual find work, along with provided transportation and shelter while also providing them community.
- Camille: Reservations with a lot of children who are walking from Quindaro to an elementary school and the exposure to children and families.
  - We've never had behavioral problems with any of the individuals in FFM's other properties.
- Elnora: I've seen people from the 5th Street property and I can't say I've ever seen anything negative.
- Elnora: It's a good mission, but how do we integrate with community to help with betterment of the community? What has FFM done to integrate themselves into their communities?
  - In Wichita, there was a woman who had cancer and participants in FFM would go mow the woman's yard and other household chores for two years. Thomas offers his personal number to set up arrangements for these particular properties.
- Elnora: Is FFM a regional organization?
  - Just in Kansas, but Adria is able to assist from St. Louis.
- Elnora: What would be FFM's move if the neighborhoods would happen to protest the SUP Applications?
  - We would just try my best to explain what we do and make it clear what our purpose is, while also making ourselves available to better respond to questions.
- Elnora: How many people have been through the 5th Street property?
  - Around 70.
- Elnora: How many have gone back to prison?
  - Around 10.
- Elnora: Is that beating the odds?
  - Yes, that's drastically beating the odds.
- Elnora: What is FFM's funding source?
  - The individuals pay a programing fee, and the rest is covered by donating and grant funds.
- Elnora: When is the next meeting?
  - August 14
- Camille: Are there any statistics on recidivism of former prisoners who are released without opportunities like this?
  - Not that we currently have, but we will work on obtaining such.

- Camille: Do any of the FFM members have a facility like this in their actual residential neighborhoods?
  - o Yes, Matthew has several Oxford Houses around his residential area.
  - o Yes, Max has at least one of such programs.
- Camille: How are individuals thriving if they are put in a rough environment, such as at 17th and Quindaro?
  - o FFM does not accept just anyone. There is a significant application process that helps retain individuals that do take this seriously and want the help.
- Candie: Is it on the table for Village Initiative to do something similar?
  - o Matt believes there is currently some housing, but is not aware of any current plans. But when VI is full, VI contacts FFM to make arrangements to continue the help.
- Elnora: Who is management at both sites?
  - o At Quindaro, two individuals, Zach and
- Elnora: How often does Matt visit the KC properties?
  - o Very often. Usually there once or twice a week, which is in addition to being at the church services every other Sunday.

**VI. Meeting Adjourned at:** 7:11 p.m.

**Minutes taken by:** Kyler C. Wineinger of Morris Laing Law Firm, attorney for Firm Foundation Ministries, Inc.

**VII. Miscellaneous Notes.**

- On July 19, 2023, counsel for Firm Foundations had a phone call with Trina Crawford to discuss the notice of Neighborhood Meeting letter she and her husband, Benard E. Crawford, Jr., and to explain what Firm Foundation's Applications are in regard to and to discuss and answer questions regarding the same. Ms. Crawford indicated that both she and her husband fully support Firm Foundations and their mission.
- On July 20, 2023, counsel for Firm Foundations had a phone call with Tom Hutchingson of the Thomas Hutchingson Jr. Trust to discuss the notice of Neighborhood Meeting letter he received and to explain what Firm Foundation's Applications are in regard to and to discuss and answer questions regarding the same. Mr. Hutchingson indicated that he fully supports Firm Foundations and their mission.

## **Neighborhood Meeting Agenda 7-31-2023**

### **Welcome and Introductions**

- Matt welcome anyone present
- Introduce staff and board members and partners on call

### **Who we are**

- Mission: To empower men and women to move from imprisoned to empowered.
- Been operating transitional houses for 10 years (2013). Started in Wichita with just one transitional house and have grown to also do in-prison programming, church planting, leadership development.
- 7 Houses in Wichita, Kansas City, Topeka, Leavenworth.
- Housing program:
  - Supporting men through a safe and sober place to live when they get out of prison.
  - They are required to be employed, to participate in weekly classes and house meetings as well as attend church.
  - Wrap around them as whole people through classes that provide soft skills and healthy relationship skills, community of support, sobriety accountability, connections for employment, recovery counseling, etc.
  - We have House Leaders living at each location to help maintain safe and positive living spaces.
  - Work closely with DOC and other social service agencies in the area.
  - Men are often referred to us through partnering programs like Brothers in Blue and must go through an application process.

### **Kansas City Properties**

- 5th Street: Transitional housing
  - In operation since 2019.
  - Can house 10 men. Currently have 7.
  - Have had more than 70 men participate in the program:
    - Guys like Max and Tobias and Melvin and Timothy...etc.
- QFI: Leadership Housing, Church, Leadership development program
  - Purchased the building in 2021. Did renovation and opened the building in 2022.
  - Can have 7 guys living there, currently have 4.
  - Have had 8 men participate since opening. Special leadership housing for men that are part of our leadership training in partnership with Freedom Initiative Church.
    - Guys like Zach and Chad etc.
    - Participate with the church leadership, special training, mentorship.
  - Started holding a recovery processing group for all our men in partnership with Building Bridges, a non profit that helps address mental health needs.
  - Safe Haven Church meets in the building. They do community events like back pack drives and food and furniture distribution.
  - Want to see more partnering community events. Have a good relationship with Wilson from Wilson's Pizza, etc.



Kyler C. Wineinger  
800 SW Jackson, Suite 1310  
Topeka, KS 66612 1216  
P: 785.232.2662  
F: 785.232.9983  
kwineinger@morrislaing.com

July 17, 2023

Delivered by Certified Mail

COPY

Anthony J. Adair  
2212 N. 5th Street  
Kansas City, Kansas 66101

**Re: Neighborhood Meeting of Firm Foundation Ministries, Inc.**

Greetings:

I am writing to inform you that Firm Foundation Ministries, Inc. has filed an application—SP2023-041—with the Department of Urban Planning and Land Use requesting that Firm Foundation Ministries be granted a special use permit to operate a group dwelling unit at 2204 N. 5th Street, Kansas City, Kansas 66101. Specifically, Firm Foundation Ministries intends to use the property for serving recently incarcerated individuals during such individuals' reintegration back into society through job and life skills training.

We will be having a Neighborhood Meeting on Monday, July 31, 2023, at 6:00 p.m. through Zoom to explain the proposal and answer any questions, concerns, or other comments you may have. You can access the Zoom meeting with the following information:

Join Zoom Meeting:

<https://us02web.zoom.us/j/86592697523?pwd=Wk1rMlc5a25kMW5GZS9XVzVQckhlZz09>

Meeting ID: 865 9269 7523

Passcode: 196085

I look forward to meeting with you at the Neighborhood Meeting. If you do not have access to Zoom, you may call me directly at 785.430.2020 or email me at [kwineinger@morrislaing.com](mailto:kwineinger@morrislaing.com) and I would be happy to address any questions or comments you have.

Sincerely,

Kyler C. Wineinger  
For the Firm

WICHITA • TOPEKA • WEST PALM BEACH  
[www.morrislaing.com](http://www.morrislaing.com)





Kyler C. Wineinger  
800 SW Jackson, Suite 1310  
Topeka, KS 66612-1216  
P: 785.232.2662  
F: 785.232.9983  
kwineinger@morrislaing.com

July 17, 2023

COPY

**Delivered by Certified Mail**

Darren S. Allen  
10005 W. 50th Terrace  
Shawnee, Kansas 66203

**Re: Neighborhood Meeting of Firm Foundation Ministries, Inc.**

Greetings:

I am writing to inform you that Firm Foundation Ministries, Inc. has filed an application—SP2023-042—with the Department of Urban Planning and Land Use requesting that Firm Foundation Ministries be granted a special use permit to operate a group dwelling unit at 1723 Quindaro Boulevard, Kansas City, Kansas 66104. Specifically, Firm Foundation Ministries intends to use the property for serving recently incarcerated individuals during such individuals' reintegration back into society through job and life skills training.

We will be having a Neighborhood Meeting on Monday, July 31, 2023, at 6:00 p.m. through Zoom to explain the proposal and answer any questions, concerns, or other comments you may have. You can access the Zoom meeting with the following information:

Join Zoom Meeting:

<https://us02web.zoom.us/j/86592697523?pwd=Wk1rMlc5a25kMW5GZS9XVzVQckhlZz09>

Meeting ID: 865 9269 7523

Passcode: 196085

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Sincerely,

Kyler C. Wineinger  
For the Firm

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800 SW Jackson, Suite 1310  
Topeka, KS 66612-1216  
P: 785.232.2662  
F: 785.232.9983  
kwineinger@morrislaing.com

July 17, 2023

COPY

Delivered by Certified Mail

Commissioner Melissa Bynum  
701 N. 7th Street, 9th Floor  
Kansas City, Kansas 66101

**Re: Neighborhood Meeting of Firm Foundation Ministries, Inc.**

Greetings:

I am writing to inform you that Firm Foundation Ministries, Inc. has filed two applications—SP2023-041 and SP2023-042—with the Department of Urban Planning and Land Use requesting that Firm Foundation Ministries be granted a special use permit to operate a group dwelling unit at 2204 N. 5th Street, Kansas City, Kansas 66101 and 1723 Quindaro Boulevard, Kansas City, Kansas 66104. Specifically, Firm Foundation Ministries intends to use each of the properties for serving recently incarcerated individuals during such individuals' reintegration back into society through job and life skills training.

We will be having a Neighborhood Meeting on Monday, July 31, 2023, at 6:00 p.m. through Zoom to explain the proposal and answer any questions, concerns, or other comments you may have. You can access the Zoom meeting with the following information:

Join Zoom Meeting:

<https://us02web.zoom.us/j/86592697523?pwd=Wk1rMlc5a25kMW5GZS9XVzVQckhIZz09>

Meeting ID: 865 9269 7523

Passcode: 196085

I look forward to meeting with you at the Neighborhood Meeting. If you do not have access to Zoom, you may call me directly at 785.430.2020 or email me at [kwineinger@morrislaing.com](mailto:kwineinger@morrislaing.com) and I would be happy to address any questions or comments you have.

Sincerely,

  
Kyler C. Wineinger  
For the Firm

WICHITA • TOPEKA • WEST PALM BEACH  
[www.morrislaing.com](http://www.morrislaing.com)



# Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

701 N 7<sup>th</sup> Street, Suite 423  
Kansas City, Kansas 66101  
[www.wycokck.org/planning](http://www.wycokck.org/planning)

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

**To:** Unified Government Board of Commissioners

**From:** Planning and Urban Design Staff

**Date:** September 28, 2023

**Re:** Special Use Petition SP2023-047

## GENERAL INFORMATION

**Applicant:**

Lance Pierce

**Status of Applicant:**

Owner

3917 Bell Street  
Kansas City, Missouri 6411

**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:**

3917 Fisher Street  
Kansas City, KS 66103

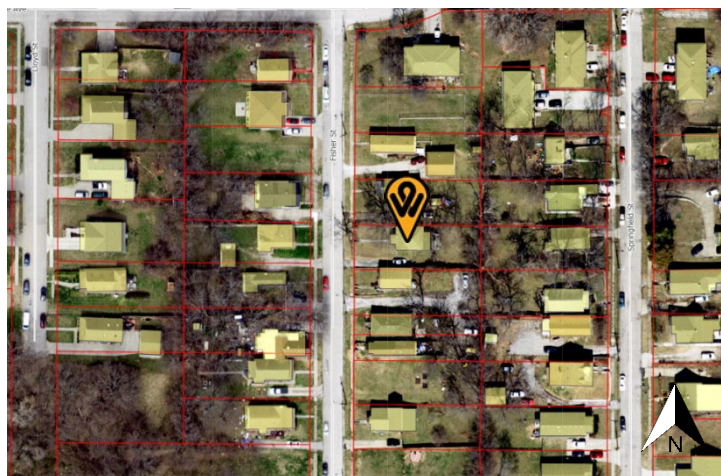
**Commission Districts:**

Commissioner At-Large, District #2:

Tom Burroughs

District #3 Commissioner:

Christian Ramirez



|                                 |                                                                                                                                                                                        |
|---------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Existing Zoning:</b>         | R-1(B) Single Family District                                                                                                                                                          |
| <b>Adjacent Zoning:</b>         | <b>North:</b> R-1(B) Single Family District<br><b>South:</b> R-1(B) Single Family District<br><b>East:</b> R-1(B) Single Family District<br><b>West:</b> R-1(B) Single Family District |
| <b>Adjacent Uses:</b>           | <b>North:</b> Single-family residence<br><b>South:</b> Single-family residence<br><b>East:</b> Single-family residence<br><b>West:</b> Single-family residence                         |
| <b>Total Tract Size:</b>        | 0.16 Acres                                                                                                                                                                             |
| <b>Master Plan Designation:</b> | The Rosedale Area Plan designates this property as a Single-Family Neighborhood, which allows for rowhouses, townhomes, and single-family houses.                                      |
| <b>Major Street Plan:</b>       | The Major Street Plan designates Fisher Street as a Local/Neighborhood Street.                                                                                                         |
| <b>Parking Requirement:</b>     | 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.          |
| <b>Advertisement:</b>           | <u>The Wyandotte Echo</u> – July 20, 2023<br>Letters to Property Owner – July 21, 2023 and August 8, 2023                                                                              |
| <b>Public Hearings:</b>         | September 11, 2023 and September 28, 2023                                                                                                                                              |
| <b>Public Support:</b>          | None to date.                                                                                                                                                                          |
| <b>Public Opposition:</b>       | Four (4) people appeared in opposition at the September 11, 2023, City Planning Commission meeting.                                                                                    |

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## PROPOSAL

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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 3917 Fisher 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 Fisher.

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

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## RELATED ENFORCEMENT AND ACTION ITEMS

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### **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 at the subject property.

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## FACTORS TO BE CONSIDERED

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### ***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 Rainbow Boulevard mixed-use corridor as well as The University of Kansas Medical Center.

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

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

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

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

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

The property is currently operating as a long-term rental.

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

Special Use Permits are not addressed in the Rosedale Area Plan. The Rosedale Area Plan designates this property as Single Family, which 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 Fisher 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 illumination are not issues typically related to the use of a residential property as a short-term rental and ostensibly not considered to be a problem for nearby property.

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

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

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



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

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

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

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

The proposed use will not create issues of overcrowding as it operates within an existing structure on the site. The maximum number of guests at one time is six (6) as there are only two (2) bedrooms. The maximum number of vehicles off-street is two (2) as the driveway can only hold 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**

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

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## **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.

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## **KEY ISSUES**

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Floor Plan  
Noise  
Overcrowding  
Parking  
Retaining Wall Safety  
Required Repair Items

---

## **PLANNING COMMISSION RECOMMENDATION**

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The Planning Commission voted 6 to 2 to recommend **APPROVAL** of Special Use Permit Application **SP2023-047**, for one (1) year, subject to:

- 1. The sidewalk in front of the property shall be repaired and/or replaced;**

2. The utility line hanging above the front yard must be raised or relocated;
3. All steps must have a secured handrail installed;
4. Trees must be trimmed in a manner to not impact the utility line above;
5. Maximum number of guests shall be six (6);
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](http://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](mailto: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](mailto: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.

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## STAFF COMMENTS AND SUGGESTIONS

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Staff concurs with the recommendation of the City Planning Commission.

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## STAFF RECOMMENDATION

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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 **SP2023-047** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

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## ATTACHMENTS

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September 11, 2023, City Planning Commission Minutes  
Aerial Imagery  
Zoning Map  
Land Use Map – Rosedale Area Plan  
Host Compliance Map - July 18, 2023  
Floor Plan  
Home Inspection Report  
Site Photos, Provided by Staff, Dated July 14, 2023

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## REVIEW OF INFORMATION AND SCHEDULE

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| Action         | City Planning Commission | Unified Government Board of Commissioners |
|----------------|--------------------------|-------------------------------------------|
| Public Hearing | September 11, 2023       | September 28, 2023                        |
| Special Use    | Approval                 |                                           |

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### STAFF CONTACT:

**James Molloy**  
[jmolloy@wycokck.org](mailto:jmolloy@wycokck.org)

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## MOTIONS

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I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2023-047** as meeting all the requirements of the city code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. \_\_\_\_\_;
2. \_\_\_\_\_; And
3. \_\_\_\_\_.

**OR**

I move the Unified Government Board of Commissioners **DENY** Petition **SP2023-047**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

**September 11, 2023, City Planning Commission Minutes:**

**Hearing starts at 3:02:10:**

**SPECIAL USE PERMIT APPLICATION SP2023-047 – LANCE PIERCE WITH KARAT VACATION RENTAL MANAGEMENT - SYNOPSIS:** Special Use Permit to operate a Short-Term Rental at 3917 Fisher 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 3917 Fisher 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 Fisher.

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 September 11, 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, 3917 Bell Street, Kansas City, Missouri 64111

The Planning Commission directed questions to the applicant.

**Present in Opposition:**

- Kelly White, 4410 Francis Street, Kansas City, Kansas 66103
- Gil Pintar, 4178 Cambridge, Kansas City, Kansas 66103, President of Hanover Heights Neighborhood Group
- Erin Stryka, Executive Director, Rosedale Development Association, 1403 Southwest Boulevard, Kansas City, Kansas 66103
- Marissa Butler, 4462 Cambridge, Kansas City, Kansas 66103

**Staff Recommendation starts at 3:16:37:** Planning Director Hand stated that this application is for a non-owner occupied Short-Term Rental Special Use Permit. The property is located in the Rosedale Area Plan. Before tonight's meeting Staff had received no letters in support nor 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.

The Planning Commission directed questions to the applicant.

**Motion starts at 3:18:44:**

On motion by Mr. Ward, seconded by Mr. Ernst, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit SP2023-047 for one (1) year:**

|           |             |
|-----------|-------------|
| Carson    | Chairman    |
| Ernst     | Aye         |
| Jones     | Aye         |
| Miller    | No          |
| Mohler    | Aye         |
| Straws    | Not Present |
| Ward      | Aye         |
| Armstrong | Not Present |
| Beth      | Aye         |
| Connelly  | Aye         |
| Eilts     | No          |

Motion to recommend **APPROVAL** Passed 6 to 2

**Subject to:**

1. The sidewalk in front of the property shall be repaired and/or replaced;
2. The utility line hanging above the front yard must be raised or relocated;
3. All steps must have a secured handrail installed;
4. Trees must be trimmed in a manner to not impact the utility line above;
5. Maximum number of guests shall be six (6);
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](http://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](mailto: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](mailto: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.**

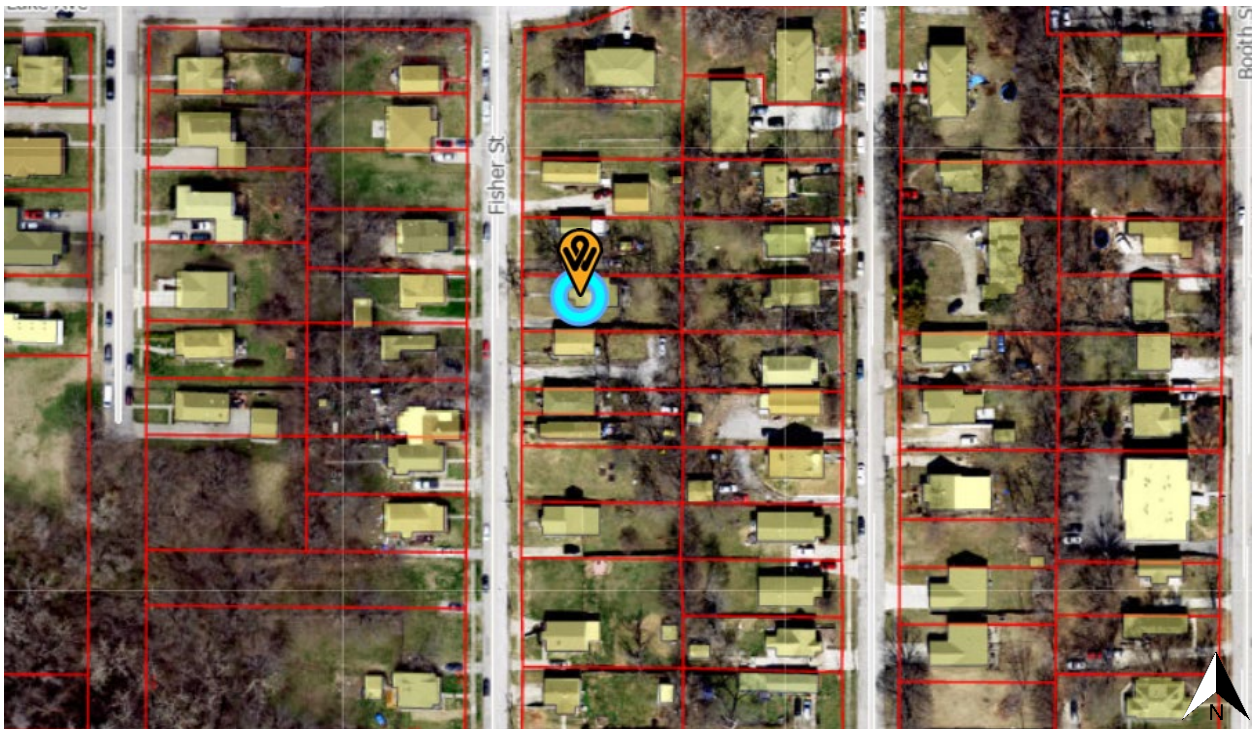
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## ATTACHMENTS

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### AERIAL IMAGERY

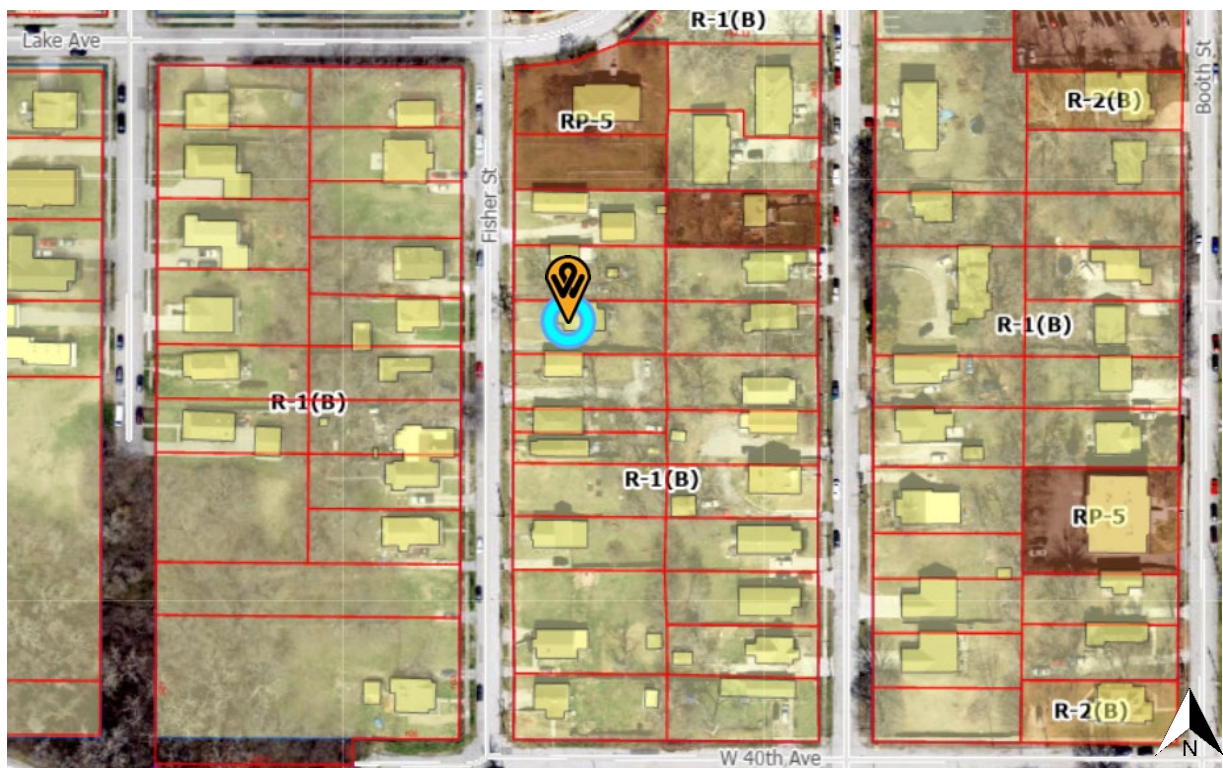
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### ZONING MAP

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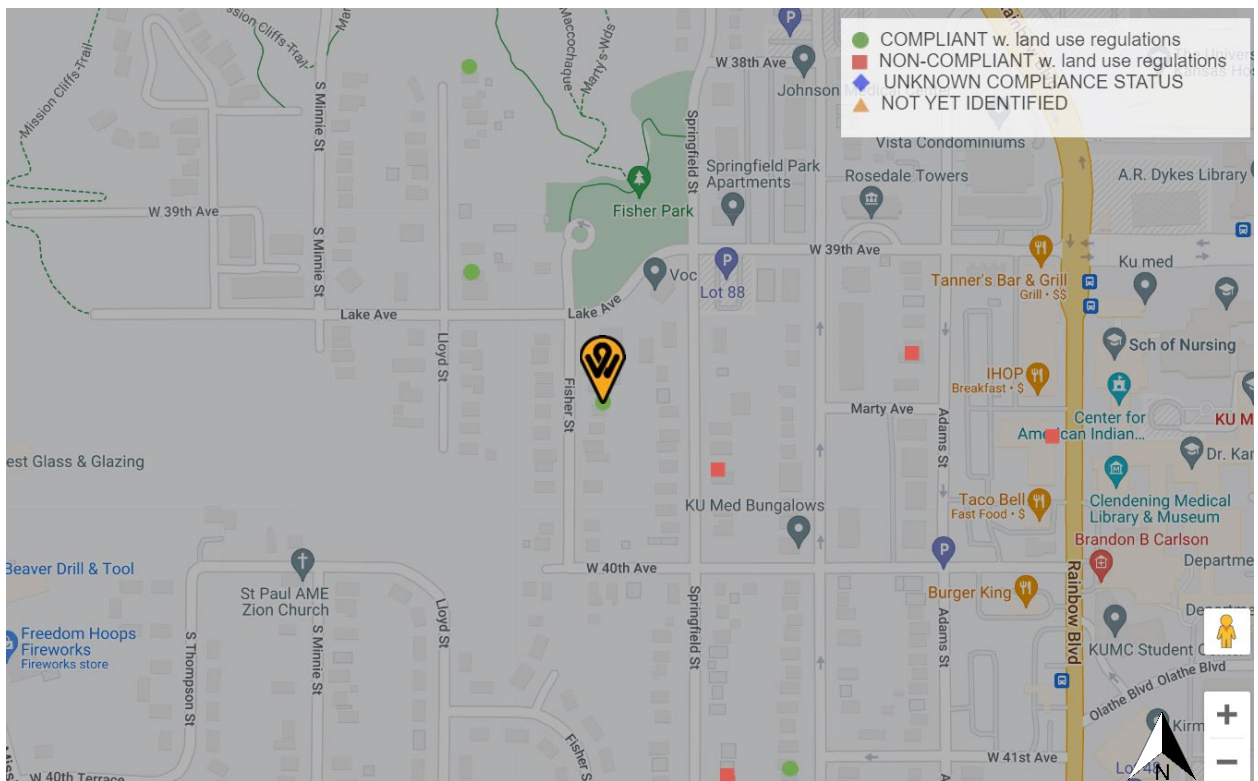




## LAND USE MAP



## HOST COMPLIANCE MAP – JULY 18, 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:

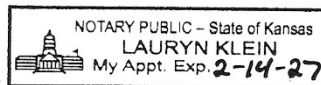
1. That I am the petitioner for Petition # SP2023-047, SP2023-048, SP2023-049, SP2023-050
2. That I conducted a neighborhood meeting on July 31, 2023.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and 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](mailto:Lancepierce@gmail.com)

Shae Wells  
816-500-4169  
[Shaebutter88@gmail.com](mailto: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

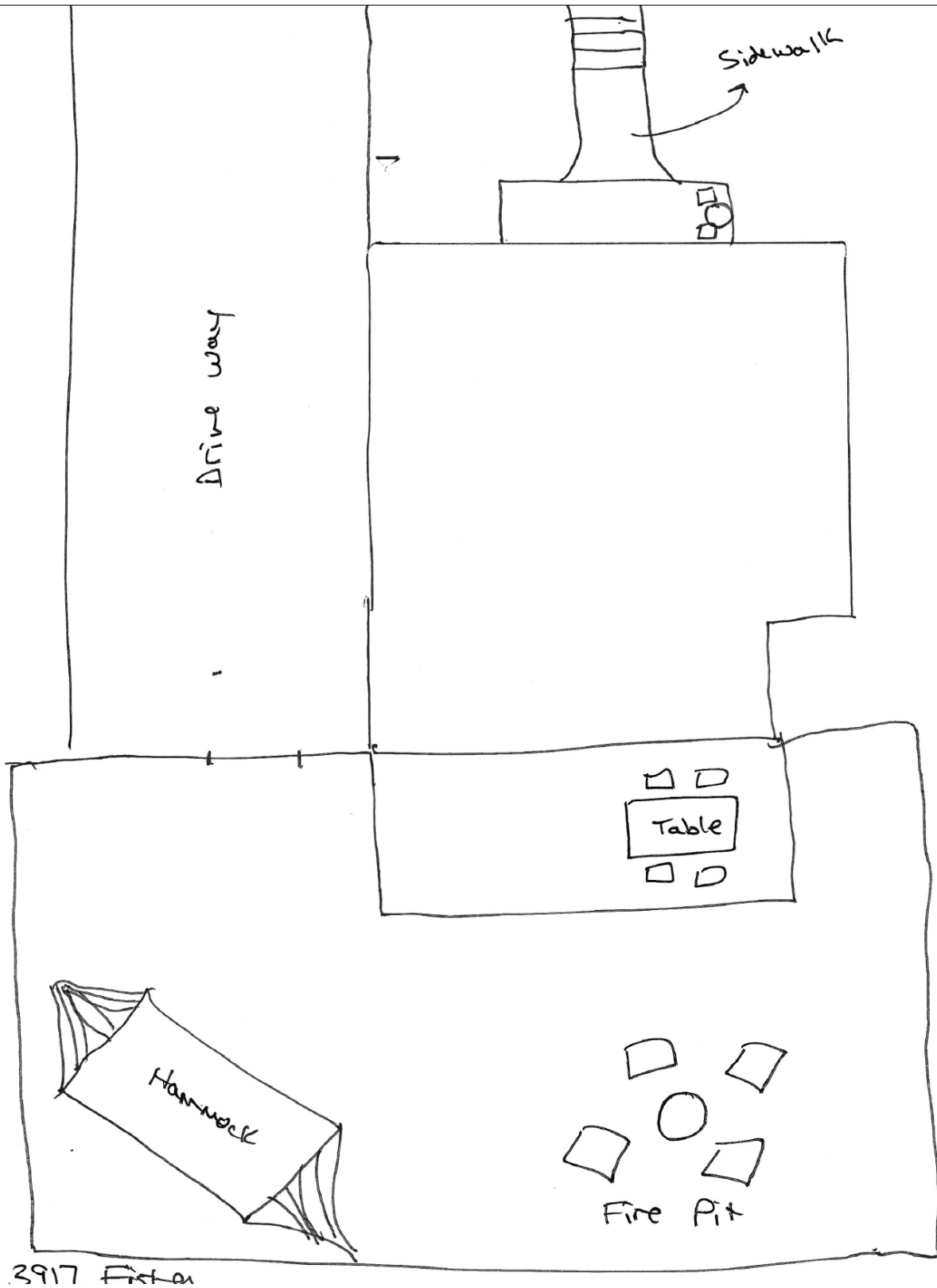
Carol stepped in to say that they understand the concerns but based on the experience they have had with Lance's airbnb's, they would prefer Lance to have the license rather than someone who doesn't care. Carol suggested they consider the fact that they may not have a say in the zoning process and to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

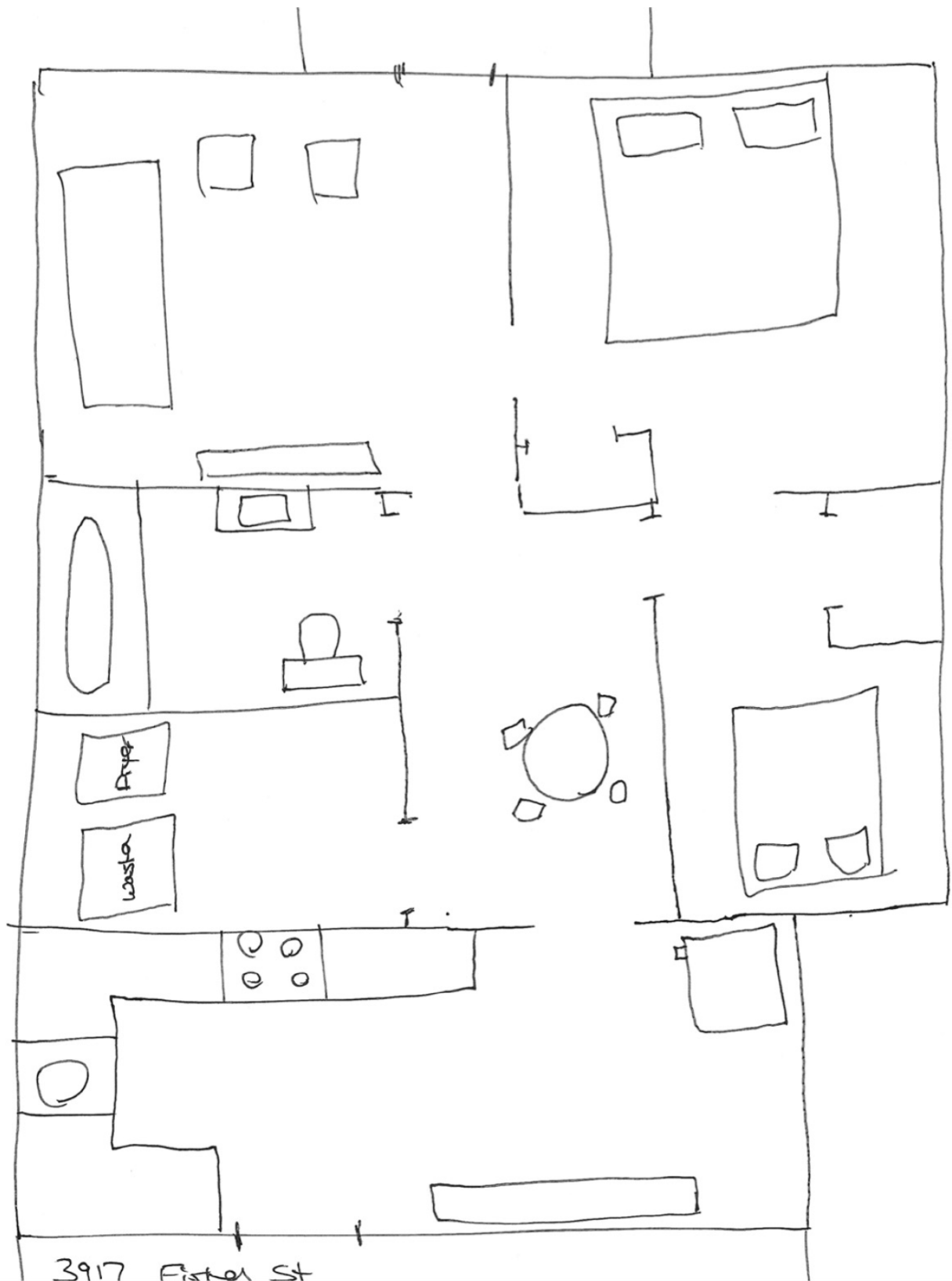
Meeting adjourned at: July 31, 2023 12:34pm

Minutes taken by: \_\_\_Shae Wells\_\_\_

# FLOOR PLAN



# FLOOR PLAN



# HOME INSPECITON REPORT

3917 Fisher St

Lance Pierce

Main & Subpanels, Service & Grounding, Main Overcurrent Device

## PANEL COVER(S) NOT REMOVED

[Click Here For More Information](#)

## Recommendations

5.2.1 Service Entrance

### SERVICE ENTRANCE DEFECT(S)

Vegetation Contact

[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



## 6: HVAC

## Information

### General: OWNERS RESPONSIBILITY

[Click Here For More Information](#)

### General: HVAC Disclaimer

[Click Here For More Information](#)

[Click Here For More Information](#)

### Cooling Equipment: General Pictures

Yes



## 9.2.1 Siding / Eaves / Windows

**SIDING/EAVES DEFECT(S)**

VARIOUS LOCATIONS

Damaged

[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



Back

## 9.6.1 Electric &amp; Lighting

**GFCI (MISSING OR DEFECTIVE)**[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

## 9.6.2 Electric &amp; Lighting

**DOORBELL DEFECT(S)**

Missing

[Click Here For More Information](#)

Minor/Moderate



## 10: INTERIOR

**Information****General: Interior Disclaimer**[Click Here For More Information](#)**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](#)



Recommendations

12.5.1 Range/Cooktop/Oven

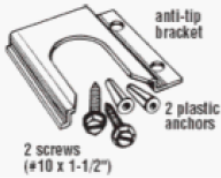
Moderate/Significant

**RANGE NOT SECURE (ANTI-TIP NEEDED)**

[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:**



anti-tip bracket  
2 plastic anchors  
2 screws (#10 x 1-1/2")

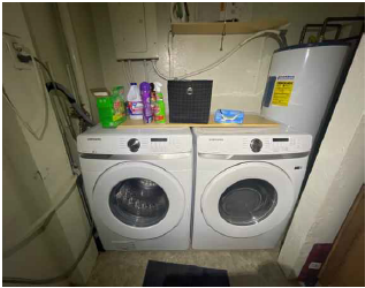
**WARNING**



**Tip Over Hazard**  
A child or adult can tip the range and be killed.  
Connect anti-tip bracket to rear range foot.  
Reconnect the anti-tip bracket, if the range is moved.  
Failure to follow these instructions can result in death or serious burns to children and adults.

13: LAUNDRY

Information

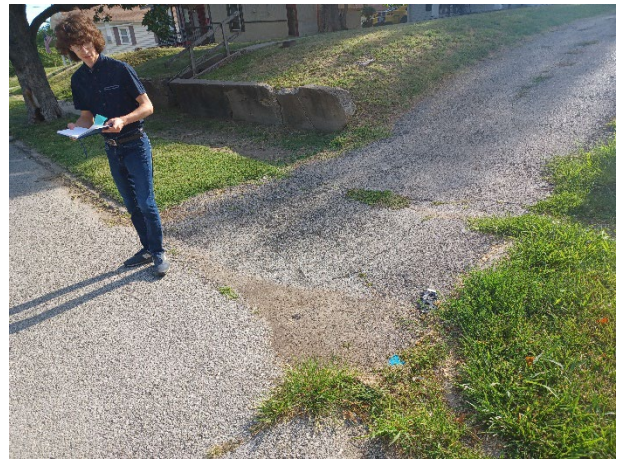
|                                                                                                                                                            |                                                                                                          |                                                                                                                                  |
|------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------|
| <div><b>General: General Pictures?</b></div> <div>Yes</div> <div></div> | <div><b>General: Laundry Disclaimer</b></div> <div><a href="#">Click Here For More Information</a></div> | <div><b>General: Laundry Appliances Not Operated If Present</b></div> <div><a href="#">Click Here For More Information</a></div> |
| <div><b>Clothes Washer and Dryer Hookups: Washer Hookups Present?</b></div> <div>Yes</div>                                                                 | <div><b>Clothes Washer and Dryer Hookups: Dryer Hookups Present?</b></div> <div>Yes</div>                | <div><b>Clothes Washer and Dryer Hookups: Gas Shut Off Valve(s) Present At Unit?</b></div> <div>Not Applicable</div>             |



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

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# Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

701 N 7<sup>th</sup> Street, Suite 423  
Kansas City, Kansas 66101  
[www.wycokck.org/planning](http://www.wycokck.org/planning)

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

**To:** Unified Government Board of Commissioners

**From:** Planning and Urban Design Staff

**Date:** September 28, 2023

**Re:** **Special Use Petition SP2023-057**

## GENERAL INFORMATION

**Applicant:**

Betsy and Ryan Maxfield DBA  
Hermosa 711 LLC

**Status of Applicant:**

Property Owners  
1001 West 70<sup>th</sup> Street  
Kansas City, Missouri 64113

**Requested Action:**

Approval of a Special Use Permit.

**Date of Application:**

July 14, 2023

**Purpose:**

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

**Property Location:**

4436 Cambridge Street  
Kansas City, Kansas 66103

**Commission Districts:**

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



|                                        |                                                                                                                                                                                                                                                         |
|----------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Existing Zoning:</b>                | R-1(B) Single Family District                                                                                                                                                                                                                           |
| <b>Adjacent Zoning:</b>                | <b>North:</b> R-1(B) Single Family District<br><b>South:</b> R-1(B) Single Family District<br><b>East:</b> R-1(B) Single Family District<br><b>West:</b> R-1(B) Single Family District                                                                  |
| <b>Adjacent Uses:</b>                  | <b>North:</b> Single Family Residence<br><b>South:</b> Single Family Residence<br><b>East:</b> Single Family Residence<br><b>West:</b> Single Family Residence                                                                                          |
| <b>Total Tract Size:</b>               | 0.16 Acre                                                                                                                                                                                                                                               |
| <b>Comprehensive Plan Designation:</b> | The Rosedale Area Plan designates the subject 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. |
| <b>Major Street Plan:</b>              | The Major Street Plan designates Cambridge Street as a Local/Neighborhood Street.                                                                                                                                                                       |
| <b>Parking Requirement:</b>            | 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.                                                                            |
| <b>Advertisement:</b>                  | <u>The Wyandotte Echo</u> – August 17, 2023<br>Letters to Property Owner – August 18, 2023                                                                                                                                                              |
| <b>Public Hearings:</b>                | September 11, 2023 and September 28, 2023                                                                                                                                                                                                               |
| <b>Public Support:</b>                 | One (1) letter in support has been submitted.                                                                                                                                                                                                           |
| <b>Public Opposition:</b>              | There were four (4) people present in opposition at the September 11, 2023, City Planning Commission meeting.                                                                                                                                           |

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## PROPOSAL

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Detailed Outline of Requested Action: The Applicants, Betsy and Ryan Maxfield, DBA as Hermosa 711 LLC, are requesting a Special Use Permit to operate a short-term rental at 4436 Cambridge Street. This is not the owner’s primary residence. This would be the first and only permitted short-term rental on the 4400 block of Cambridge Street. There is one (1) other unpermitted short-term rental on the block.

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## **RELATED ENFORCEMENT AND ACTION ITEMS**

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### **Noise or Disturbance Complaints:**

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

### **Building, Zoning, or Code Enforcement Complaints:**

1. There have been no notices of violation on the subject property.

### **Outstanding or Related Permits and Cases:**

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

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## **FACTORS TO BE CONSIDERED**

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### ***1. The Character of the Neighborhood.***

The subject property is located within the Rosedale Statistical Neighborhood, the Spring Valley Neighborhood Group and the Rosedale Development Association Neighborhood Group. The neighborhood consists of a mix of single-family residences with a mix of duplexes, triplexes, and some fourplexes.

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

The zoning and uses are set out above. The proposed use as a short-term rental is consistent with other nearby properties in the neighborhood. The proposed use, however, may not be compatible with nearby single-family residences if the use is not managed properly.

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

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

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

The property has been operating as an unpermitted short-term rental since January 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 the subject 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. The proposed use conforms to the single-family designation if a Special Use Permit is obtained.

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

The proposed use is not expected to result in the increase of the amount of vehicular traffic to the point where it exceeds the capacity of Cambridge Street, a Local Street. The property provides ample parking in the driveway.

**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, vibration and illumination are common issues that are related to short-term rentals. There have not been any noise complaints to date with the current applicant. Dust is not an issue 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 six (6). The maximum number of vehicles off-street is two (2). 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.

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## **PREVIOUS ACTIONS**

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

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## **NEIGHBORHOOD MEETING**

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

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## **KEY ISSUES**

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

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## **PLANNING COMMISSION RECOMMENDATION**

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The Planning Commission voted 7 to 1 to recommend **APPROVAL** of Special Use Permit Application **SP2023-057**, for one (1) year, subject to:

1. **Maximum number of guests shall be six (6);**
2. **All parking must be off-street, maximum number of vehicles is two (2). No STR renters or guests may park on-street;**
3. **The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;**

4. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;
5. Applicant is to maintain liability insurance;
6. The property must remain in proper maintenance and free of hazards, pests, or infestations;
7. The granting of this Special Use Permit does not transfer with a change of ownership of the property;
8. Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and [www.hostcompliance.com/tips](http://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](mailto: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](mailto: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;
  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; and,
  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.

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## **STAFF COMMENTS AND SUGGESTIONS**

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Staff concurs with the recommendation of the City Planning Commission.

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## STAFF RECOMMENDATION

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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 **SP2023-057** subject to all comments and the conditions of the City Planning Commission.

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## ATTACHMENTS

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September 11, 2023, City Planning Commission Minutes  
Aerial Imagery  
Zoning Map  
Land Use Map  
Host Compliance Map, Dated August 16, 2023  
Neighborhood Meeting Documents  
Home Inspection Report  
Site Photos, Taken by Staff, August 11, 2023  
Letter in Support from Valorie Wells Fenton

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## REVIEW OF INFORMATION AND SCHEDULE

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| Action         | City Planning Commission | Unified Government Board of Commissioners |
|----------------|--------------------------|-------------------------------------------|
| Public Hearing | September 11, 2023       | September 28, 2023                        |
| Special Use    | Approval                 |                                           |

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### STAFF CONTACT:

**James Molloy**  
[jmolloy@wycokck.org](mailto:jmolloy@wycokck.org)

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## MOTIONS

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I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2023-057** 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 **SP2023-057**, 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.

**September 11, 2023, City Planning Commission Minutes:**

**Hearing starts at 3:19:50:**

**SPECIAL USE PERMIT APPLICATION SP2023-057 – BETSY MAXFIELD -**

**SYNOPSIS:** Special Use Permit to operate a Short-Term Rental at 4436 Cambridge Street. *Detailed Outline of Requested Action:* The Applicants, Betsy and Ryan Maxfield, DBA as Hermosa 711 LLC, are requesting a Special Use Permit to operate a short-term rental at 4436 Cambridge Street. This is not the owner's primary residence. This would be the first and only permitted short-term rental on the 4400 block of Cambridge Street. There is one (1) other unpermitted short-term rental on the block.

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 September 11, 2023;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo;
7. The Notices to property owners; and,
8. Letter received from Valorie Wells Fenton at 4430 State Line Road in favor of this application that Secretary Parker read into the record.

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

**Present in Support:**

- Betsy and Ryan Maxfield, applicants, 1001 West 70<sup>th</sup> Street, Kansas City, Missouri 64113
- Erin Stryka, Rosedale Development Association, 1403 Southwest Boulevard, Kansas City, Kansas 66103

**Present in Opposition:**

- Jacob Hobson, 4448 Francis Street, Kansas City, Kansas 66103, President of the Spring Valley Neighborhood Group
- Gil Pintar, 4178 Cambridge, Kansas City, Kansas 66103, President of the Hanover Heights Neighborhood Group
- Kelly White, 4410 Francis Street, Kansas City, Kansas 66103
- Marisa Butler, 4462 Cambridge, Kansas City, Kansas 66103

**Staff Recommendation starts at 3:34:53:** Planning Director Hand stated that Staff is tracking one other unpermitted Short-Term Rental on this block that would need to be



closed down if this application is approved by the Board of Commissioners. This request is for a non-owner occupied Short-Term Rental Special Use Permit. This property is in the Rosedale Area Plan. Before tonight, the letter in support read by Ms. Parker, was the only communication received. There were no letters in opposition submitted. There are no Notices of Violation on this property. Staff recommends approval for one (1) year subject to the conditions in the staff report.

**Motion starts at 3:36:01:**

On motion by Mr. Ward, seconded by Mrs. Jones, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit SP2023-057 for one (1) year:**

|           |             |
|-----------|-------------|
| Carson    | Chairman    |
| Ernst     | Aye         |
| Jones     | Aye         |
| Miller    | Aye         |
| Mohler    | Aye         |
| Straws    | Not Present |
| Ward      | Aye         |
| Armstrong | Not Present |
| Beth      | Aye         |
| Connelly  | Aye         |
| Eilts     | No          |

Motion to recommend **APPROVAL** Passed 7 to 1

**Subject to:**

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

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## ATTACHMENTS

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### AERIAL IMAGERY

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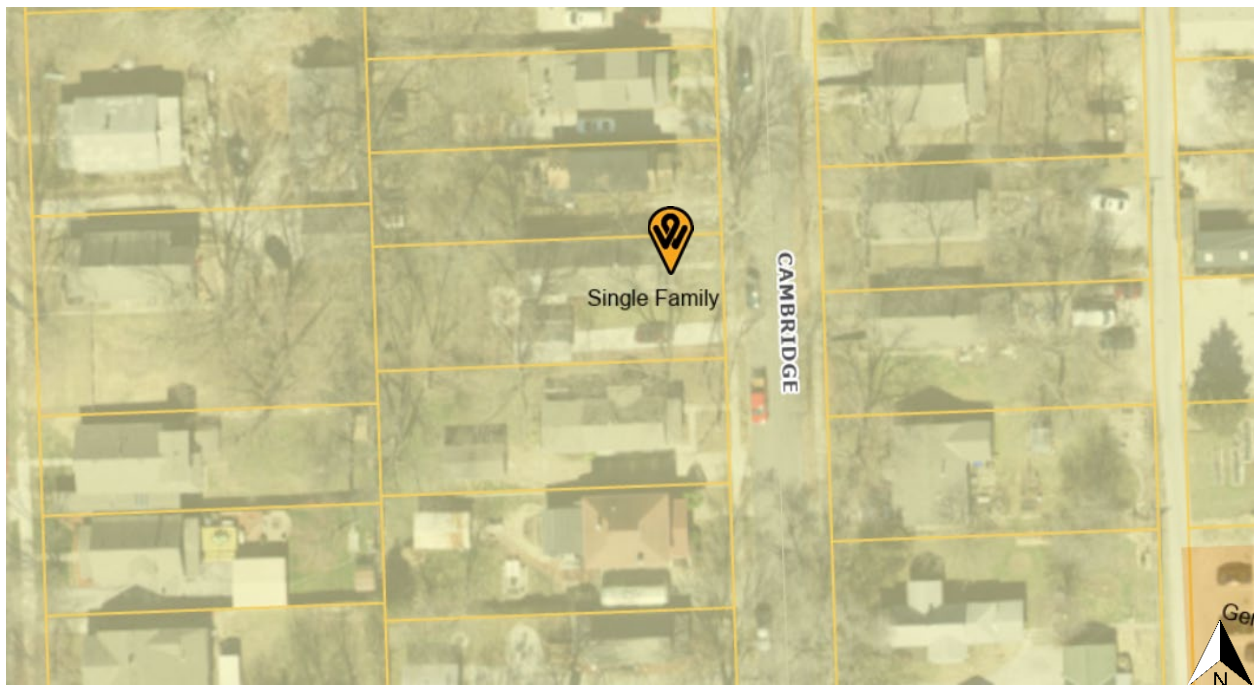
### ZONING MAP

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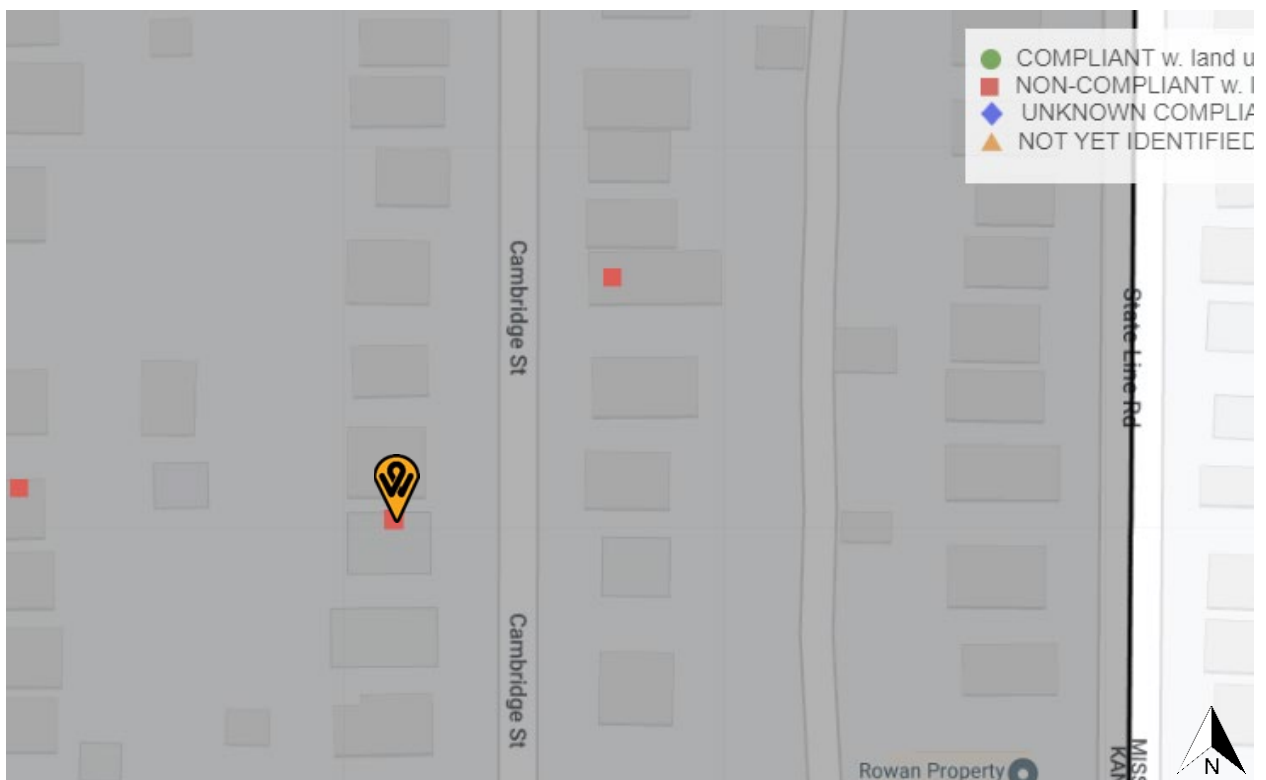




## LAND USE MAP



## HOST COMPLIANCE MAP – AUGUST 16, 2023



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## NEIGHBORHOOD MEETING MATERIALS

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Neighborhood Meeting Minutes – August 28, 2023

4:57pm: Owners Ryan & Betsy Maxfield sign in to the meeting

5pm: Start of meeting, But no other attendees were in the Zoom “waiting room”

5:05pm – No guests joined meeting

5:10pm – No guests joined meeting

5:15pm – No guests joined meeting

5:20pm – No guests joined meeting

5:25pm – No guests joined meeting

5:30pm – No guests joined meeting

5:31pm – Ryan & Betsy sign off

\*\*\*No e-mails were received prior to meeting or during meeting.



**AFFIDAVIT – NEIGHBORHOOD MEETING**

STATE OF Kansas }  
COUNTY OF Wyandotte } SS:

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

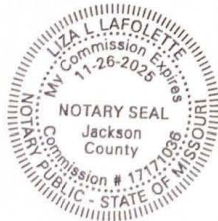
1. That I am the petitioner for Petition # SP2023-057
2. That I conducted a neighborhood meeting on 8/28/23 @ 5pm
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

Betsy Maxfield  
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 28<sup>th</sup> day of August, 2023

My commission expires 26<sup>th</sup> day of November, 2025



Liza L. LaFollette  
Notary Public

## Electrical

### Description of Electrical

- Size of Electrical Service: 120/240 Volt Main Service - Service Size: 100 Amps
- Service Drop: Overhead
- Service Entrance Conductors: Aluminum
- Service Equipment & Main Disconnects: Main Service Rating - 200 Amps - Breakers
- Service Grounding: Copper
- Service Panel & Overcurrent Protection: Panel Rating: 100 Amps
- Distribution Wiring: Copper
- Wiring Method: Non-Metallic Cable "Romex"
- Switches and Receptacles: Grounded
- Ground Fault Circuit Interrupters: Bathroom(s), Kitchen, Laundry
- Smoke Detectors: Present



Manufacturer and Size: Cutler Hammer - 100 amps

### Positive Attributes

- The electric system is in generally good condition
- The electrical system has been updated within the home

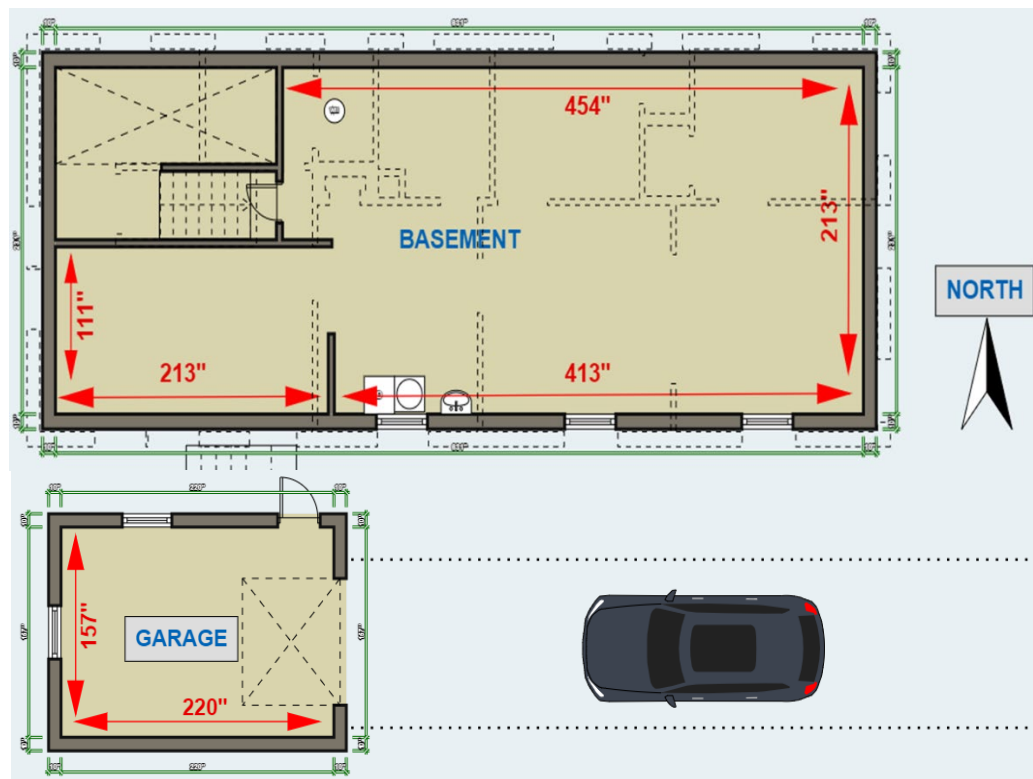
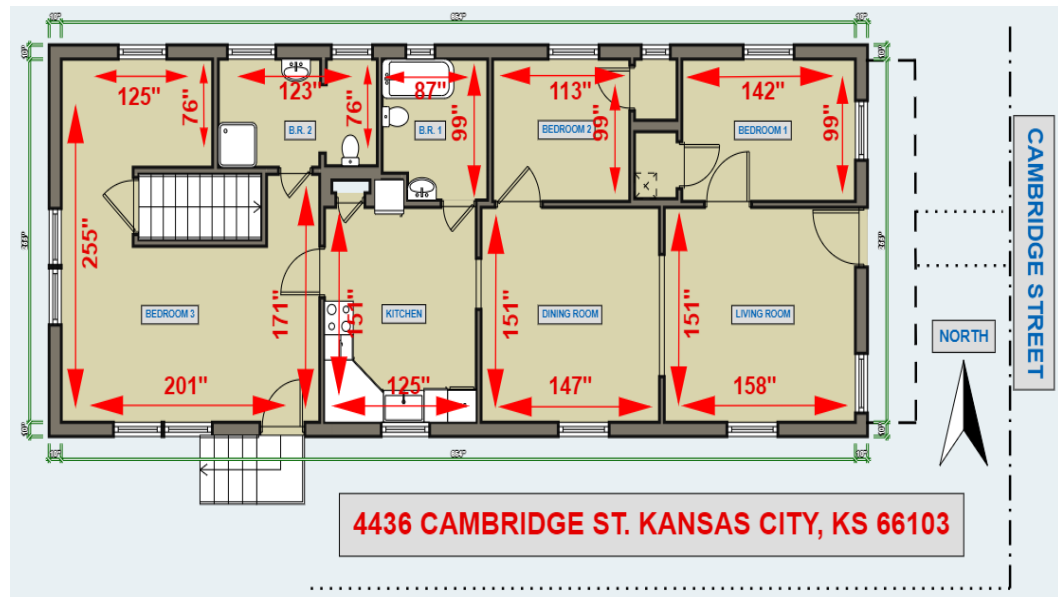
### Main Panel

- Safety Issue: Observed 14 gauge wire attached to a 20 amp breaker in the electric panel. A 20 amp breaker typically requires 12 gauge wire. 14 gauge wire should only be connected to 15 amp breakers. The current wiring configuration for this breaker could allow the wires to overheat. Recommend that a licensed electrician evaluate for repairs.



20 amp breaker feeding 14 gauge wire

## FLOOR PLAN





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**SITE PHOTOS, TAKEN BY STAFF, DATED AUGUST 11, 2023**

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SP2023-057

**Parker, Janet**

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**From:** Valorie Wells Fenton <valoriejwells@gmail.com>  
**Sent:** Friday, September 8, 2023 1:55 PM  
**To:** PlanningInfo  
**Cc:** Ramirez, Christian; Bynum, Melissa; Hand, Gunnar; Parker, Janet  
**Subject:** SUP/STR request for 4436 Cambridge St. 66103

Dear Staff and Commissioners,

Please note my affirmative support to grant this property, 4436 Cambridge St. 66103, owned by Betsy and Ryan Maxfield, a Special Use Permit to operate a non-owner occupied STR.

We have observed the diligence and care with which Ms and Mr Maxfield have operated this address as guest quarters for out of area family as well as traditional rental property to KU students over the past several years. The house has been well-managed as well as the grounds. We are not aware of any parking or policing problems under the ownership of the Maxfields.

It is our conviction that, following the new STR ordinance requirements, in addition to their excellent record as traditional landlords, bodes well to let this SUP be granted as soon as possible. We look forward to seeing a properly managed STR in our Spring Valley Neighborhood as an example of good neighbor practices.

Thank you for the diligence and attention UG Staff and Commissioners have given this challenging ordinance. We look forward to more cohesive operations of all STR's in KCK.

Respectfully,

Valorie Wells Fenton  
4430 State Line Rd  
Kansas City, KS 66103  
Cell: 816/590/1200  
Email: [valoriejwells@icloud.com](mailto:valoriejwells@icloud.com)





# Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

701 N 7<sup>th</sup> Street, Suite 423  
Kansas City, Kansas 66101  
[www.wycokck.org/planning](http://www.wycokck.org/planning)

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

**To:** Unified Government Board of Commissioners

**From:** Planning and Urban Design Staff

**Date:** September 28, 2023

**Re:** Special Use Petition SP2023-061

## GENERAL INFORMATION

**Applicant:**  
Tatum Philip

**Status of Applicant:**  
Property Owner  
809 Central Avenue  
Kansas City, Kansas 66101

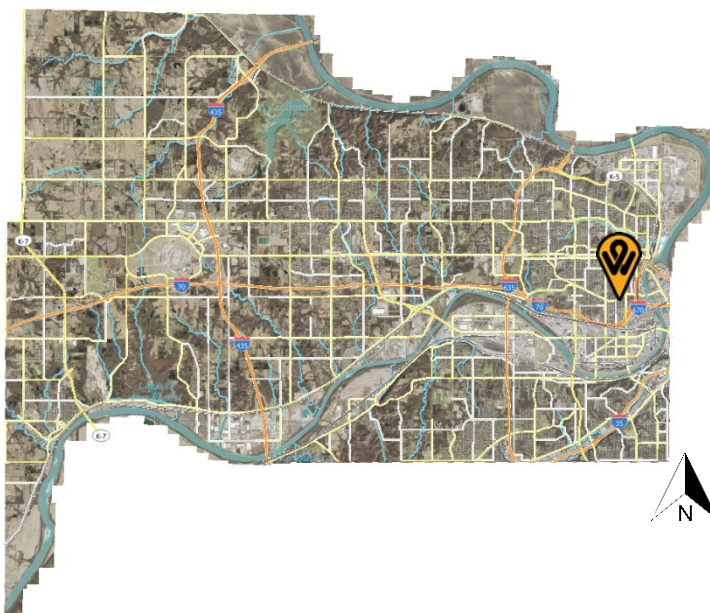
**Requested Action:**  
Approval of a Special Use Permit.

**Date of Application:**  
July 26, 2023

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

**Property Location:**  
809 Central Avenue  
Kansas City, Kansas 66101

**Commission Districts:**  
Commissioner At-Large, District #2:  
Tom Burroughs  
District #2 Commissioner:  
Brian McKiernan





|                                        |                                                                                                                                                                                                                 |
|----------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Existing Zoning:</b>                | R-1(B) Single Family District                                                                                                                                                                                   |
| <b>Adjacent Zoning:</b>                | <b>North:</b> R-2(B) Two Family District<br><b>South:</b> R-1(B) Single Family District<br><b>East:</b> R-1(B) Single Family District<br><b>West:</b> R-1(B) Single Family District                             |
| <b>Adjacent Uses:</b>                  | <b>North:</b> Duplex<br><b>South:</b> Single-family residence<br><b>East:</b> Single-family residence<br><b>West:</b> Single-family residence                                                                   |
| <b>Total Tract Size:</b>               | 0.09 Acre                                                                                                                                                                                                       |
| <b>Comprehensive Plan Designation:</b> | 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. |
| <b>Major Street Plan:</b>              | The goDotte Mobility Plan designates Central Avenue as a Major Collector.                                                                                                                                       |
| <b>Parking Requirement:</b>            | 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.                                   |
| <b>Advertisement:</b>                  | <u>The Wyandotte Echo</u> – August 17, 2023<br>Letters to Property Owner – August 18, 2023                                                                                                                      |
| <b>Public Hearings:</b>                | September 11, 2023 and September 28, 2023                                                                                                                                                                       |
| <b>Public Support:</b>                 | None to date.                                                                                                                                                                                                   |
| <b>Public Opposition:</b>              | None to date.                                                                                                                                                                                                   |

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## PROPOSAL

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*Detailed Outline of Requested Action:* The applicant, Tatum Philip, is requesting a Short-Term Rental Special Use Permit to operate a short-term rental at 809 Central Avenue. This is not the owner’s primary residence. This would be the first and only permitted short-term rental on the 800 block of Central 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.

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## RELATED ENFORCEMENT AND ACTION ITEMS

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### **Noise or Disturbance Complaints:**

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

### **Building, Zoning, or Code Enforcement Complaints:**

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

### **Outstanding or Related Permits and Cases:**

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

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## FACTORS TO BE CONSIDERED

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### ***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, along the predominately commercial 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 south, east and west, and duplexes to the North. There is also commercial zoning and uses mixed throughout Central Avenue. 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 used 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 Central Area 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. 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 Central 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 common 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 mixed-use neighborhood.

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

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

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

The proposed use will not create issues of overcrowding as it operates within an existing structure on the site. The maximum number of guests at one time is six (6). The maximum number of vehicles off-street is two (2). There shall be no on-street parking for 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.

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## **PREVIOUS ACTIONS**

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

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## **NEIGHBORHOOD MEETING**

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The applicant held a neighborhood meeting in-person on August 24, 2023 at 809 Central Avenue. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

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## **KEY ISSUES**

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

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## **PLANNING COMMISSION RECOMMENDATION**

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The Planning Commission voted 6 to 1 to recommend **APPROVAL** of Special Use Permit Application **SP2023-061**, for one (1) year, subject to:

1. **The entire rear yard of the residence is paved over. The applicant shall modify the driveway to provide the required 60% open space in the rear yard. Demonstrate how the applicant intends to meet this requirement. If the applicant cannot meet this requirement, a variance application shall be filed for;**
2. **The applicant shall install landscape screening around the air conditioning unit in the rear yard;**
3. **Maximum number of guests shall be 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. 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](http://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](mailto: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](mailto: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;
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.
22. If the basement is to be converted into a fourth bedroom, a building permit must be obtained and subsequently closed out by the applicant to provide an egress window as per building code requirements



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## STAFF COMMENTS AND SUGGESTIONS

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Staff concurs with the recommendation of the City Planning Commission.

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## STAFF RECOMMENDATION

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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 **SP2023-061** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

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## ATTACHMENTS

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September 11, 2023, City Planning Commission Minutes  
Aerial Imagery  
Zoning Map  
Land Use Map  
Host Compliance Map – August 16, 2023  
Neighborhood Meeting Documents  
Floor Plan  
Site Photos, Taken by Staff, Dated August 11, 2023

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## REVIEW OF INFORMATION AND SCHEDULE

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| Action         | City Planning Commission | Unified Government Board of Commissioners |
|----------------|--------------------------|-------------------------------------------|
| Public Hearing | September 11, 2023       | September 28, 2023                        |
| Special Use    | Approval                 |                                           |

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### STAFF CONTACT:

**James Molloy**  
[jmolloy@wycokck.org](mailto:jmolloy@wycokck.org)

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## MOTIONS

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I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2023-061** as meeting all the requirements of the city code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. \_\_\_\_\_;
2. \_\_\_\_\_; And
3. \_\_\_\_\_.

OR

I move the Unified Government Board of Commissioners **DENY** Petition **SP2023-061**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

**September 11, 2023, City Planning Commission Minutes:**

**Hearing starts at 3:48:08:**

**SPECIAL USE PERMIT APPLICATION SP2023-061 – TATUM PHILLIP - SYNOPSIS:**

Special Use Permit to operate a Short-Term Rental at 809 Central Avenue. Detailed Outline of Requested Action: The applicant, Tatum Philip, is requesting a Short-Term Rental Special Use Permit to operate a short-term rental at 809 Central Avenue. This is not the owner's primary residence. This would be the first and only permitted short-term rental on the 800 block of Central 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 September 11, 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:**

- Tatum Phillip, applicant, 809 Central Avenue, Kansas City, Kansas 66101

The Planning Commission directed questions to the applicant.

**Present in Opposition:**

- No one appeared

**Staff Recommendation starts at 3:42:44:** Planning Director Hand stated that this request is for a non-owner occupied Short-Term Rental Special Use Permit. The business has been in operation the last two (2) years and the applicant was notified that they needed to shut down until they received approval. That is the standard language as Staff has been doing the zoning blitz on Short-Term Rentals this past summer.

Some of the STRs that have been discovered by Staff have been operating sometimes up to two (2) years without a Special Use Permit. This property is in the Central Area Plan. Staff has received no letters in support nor opposition. There are no Notices of Violation. The rear yard is completely paved. One of the conditions of approval is to address that violation before the renewal date of this Special Use Permit if this application is approved by the Board of Commissioners. Staff recommends approval for one (1) year subject to the conditions in the staff report. Staff would like to add a condition that if the room in the basement is going to be used as a bedroom a building permit will be required and an egress window will need to be added. It is Staff's understanding that at this time, the room will not be used as a bedroom.

The Planning Commission directed questions to Director Hand.

**Motion starts at 3:55:10:**

On motion by Mr. Ward, seconded by Mrs. Jones, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit SP2023-061 for one (1) year:**

|           |             |
|-----------|-------------|
| Carson    | Chairman    |
| Ernst     | Aye         |
| Jones     | Aye         |
| Miller    | Aye         |
| Mohler    | Aye         |
| Straws    | Not Present |
| Ward      | Aye         |
| Armstrong | Not Present |
| Beth      | Aye         |
| Connelly  | Not Present |
| Eilts     | No          |

Motion to recommend **APPROVAL** Passed 6 to 1

**Subject to:**

1. **The entire rear yard of the residence is paved over. The applicant shall modify the driveway to provide the required 60% open space in the rear yard. Demonstrate how the applicant intends to meet this requirement. If the applicant cannot meet this requirement, a variance application shall be filed for;**
2. **The applicant shall install landscape screening around the air conditioning unit in the rear yard;**
3. **Maximum number of guests shall be 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. **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](http://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](mailto: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](mailto: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;
  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.
  22. If the basement is to be converted into a fourth bedroom, a building permit must be obtained and subsequently closed out by the applicant to provide an egress window as per building code requirements

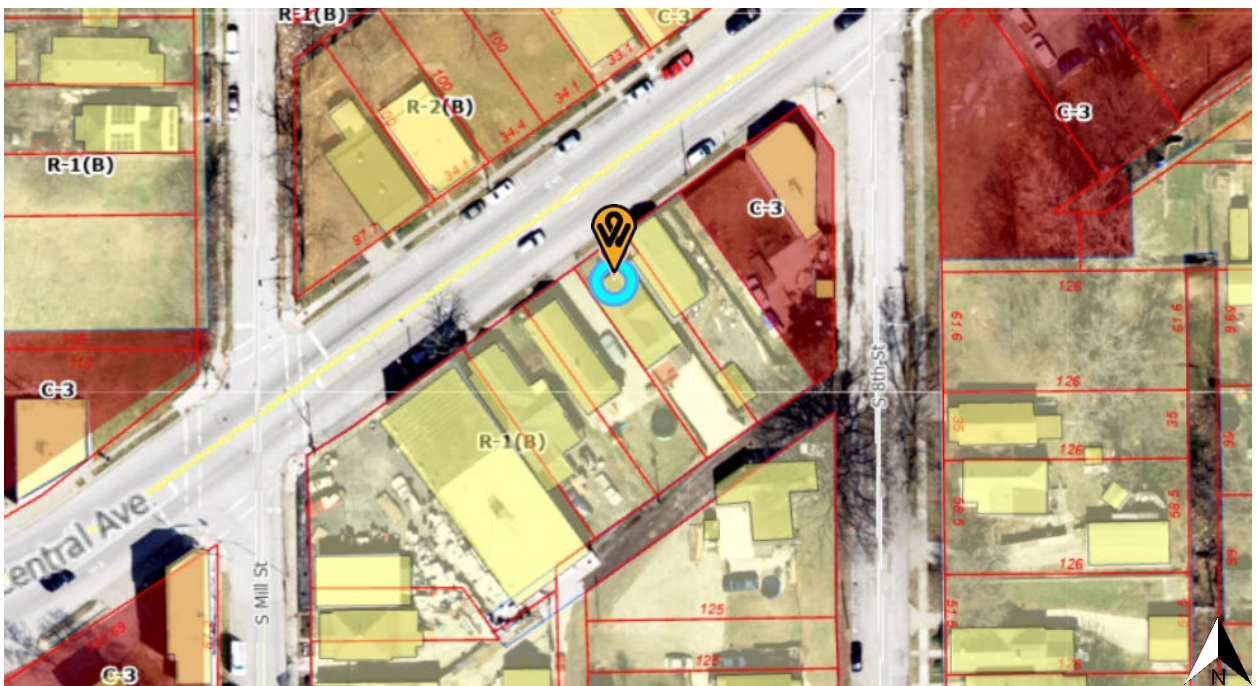


# ATTACHMENTS

## AERIAL IMAGERY



## ZONING MAP

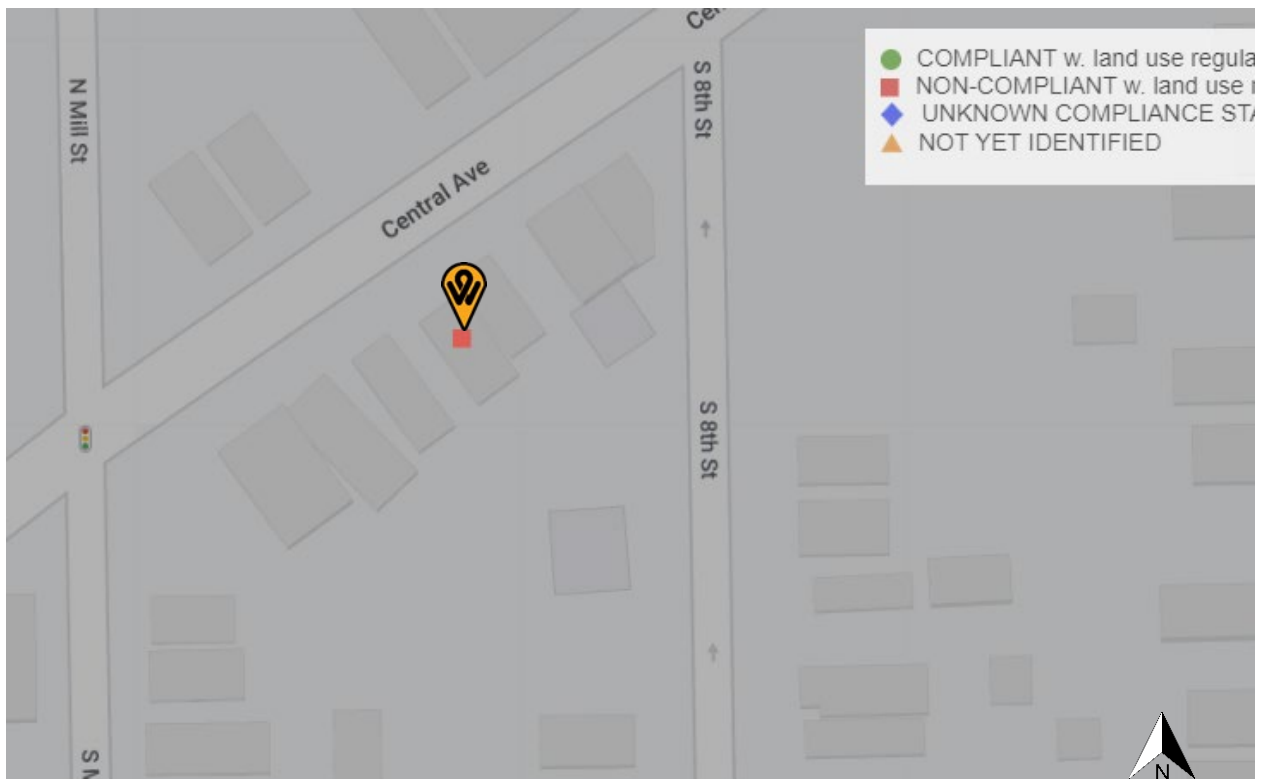




## LAND USE MAP



## HOST COMPLIANCE MAP – AUGUST 16, 2023



## NEIGHBORHOOD MEETING MATERIALS

### AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Missouri ~~Kansas~~ )  
COUNTY OF Wyandotte ~~Jackson~~ ) SS:

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

1. That I am the petitioner for Petition # SP2023-061
2. That I conducted a neighborhood meeting on August 24, 2023
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

Tatum Philip  
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 24 day of August, 20023

My commission expires July of 28, 20025



Trevor Stephens  
Notary Public

Application Number SP 2023-061

Date and Location: 8/24 809 Central ave, KCK

Meeting called to order at: 3:00 pm

Names of people in attendance:

none

Introductions:

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

Questions and answers (include the following):

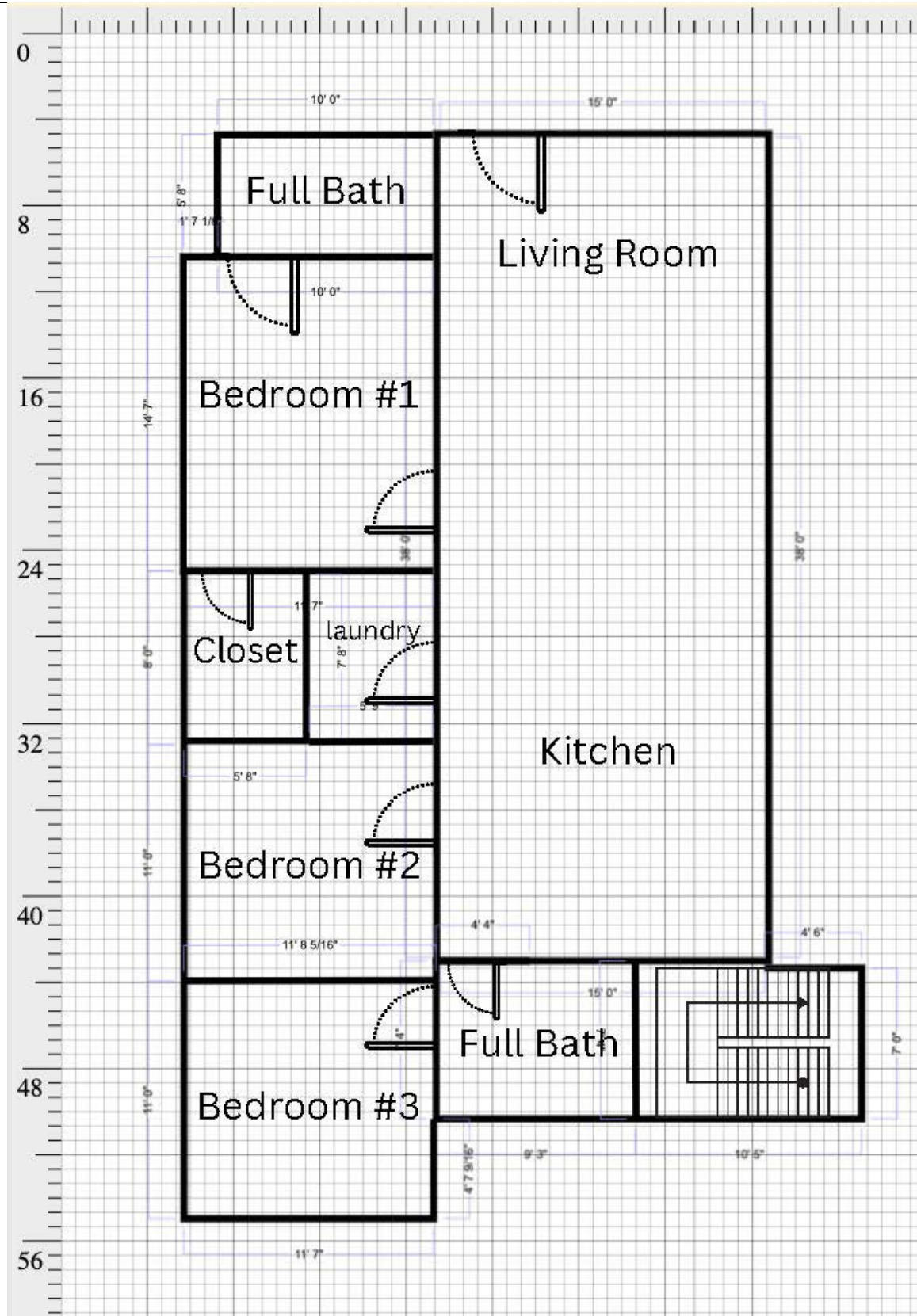
- > Who asked question or gave comment
- > What was the question or comment
- > Who answered the question/comment
- > What was the answer given

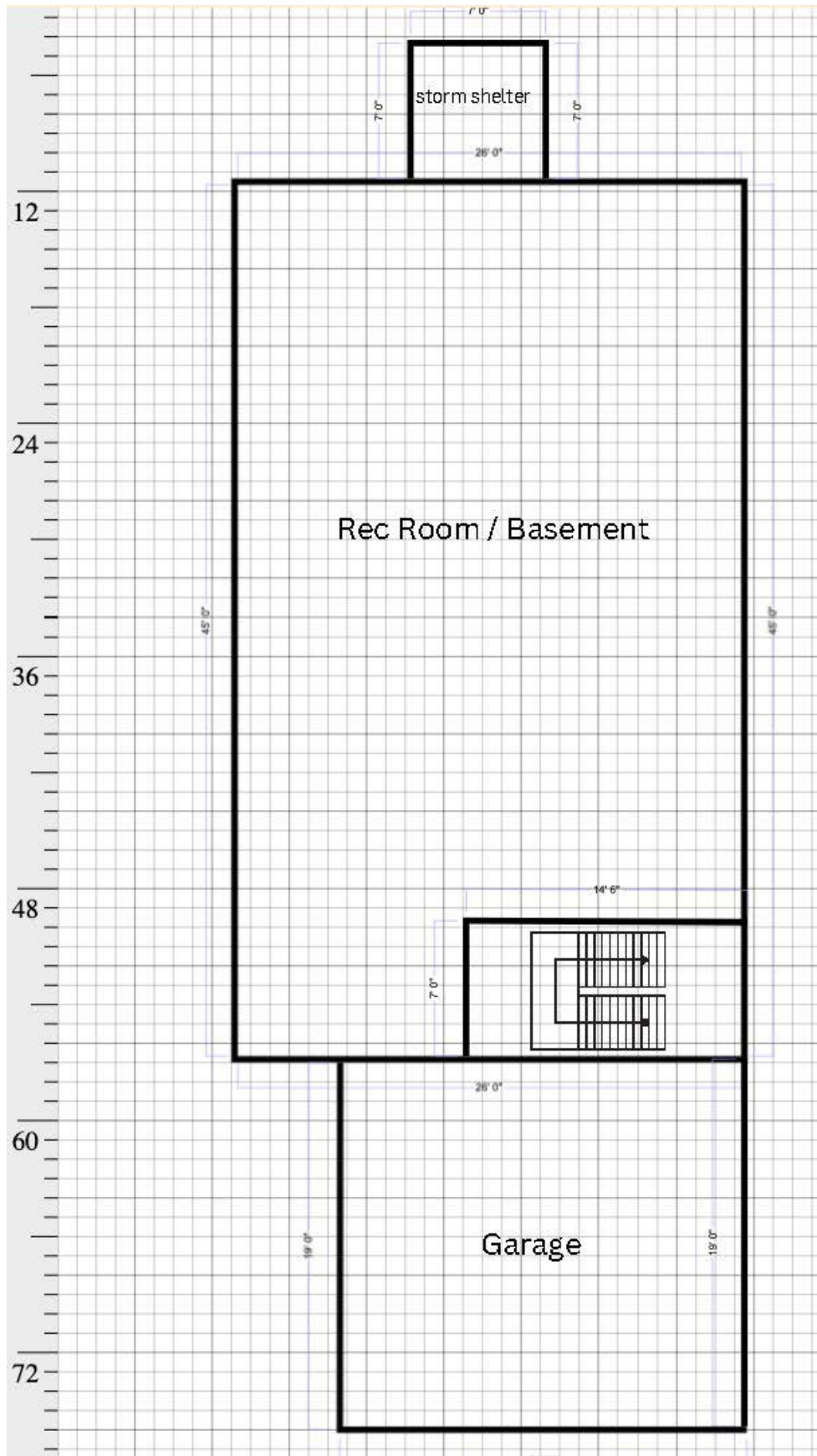
Meeting adjourned at:

4:00 pm

Minutes taken by: Tatum Phillip

# FLOOR PLAN







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**SITE PHOTOS, TAKEN BY STAFF, DATED AUGUST 11, 2023**

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# Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

701 N 7<sup>th</sup> Street, Suite 423  
Kansas City, Kansas 66101  
[www.wycokck.org/planning](http://www.wycokck.org/planning)

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

**To:** Unified Government Board of Commissioners

**From:** Planning and Urban Design Staff

**Date:** September 28, 2023

**Re:** Preliminary Plan Petition PR2023-014

## GENERAL INFORMATION

**Applicant:**  
Cody Busick

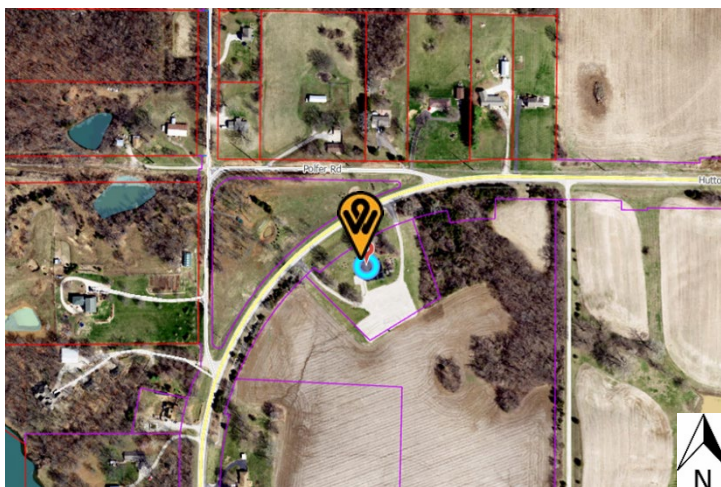
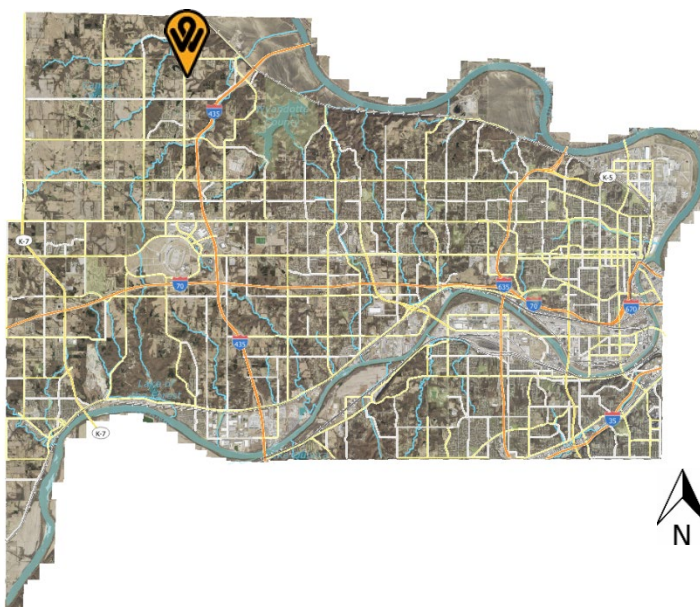
**Status of Applicant:**  
Representative  
Vineyard Church of Piper  
10601 Hutton Road  
Kansas City, Kansas 66109

**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



|                                 |                                                                                                                                                                                                                                                                                             |
|---------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Commission Districts:</b>    | Commissioner At Large, District #1: Melissa Bynum<br>District #5 Commissioner: Mike Kane                                                                                                                                                                                                    |
| <b>Existing Zoning:</b>         | A-G Agriculture District                                                                                                                                                                                                                                                                    |
| <b>Adjacent Zoning:</b>         | <b>North:</b> A-G Agriculture District<br><b>South:</b> A-G Agriculture District<br><b>East:</b> A-G Agriculture District<br><b>West:</b> A-G Agriculture District                                                                                                                          |
| <b>Existing Uses:</b>           | <b>North:</b> Agricultural land<br><b>South:</b> Agricultural land<br><b>East:</b> Agricultural land<br><b>West:</b> Agricultural land                                                                                                                                                      |
| <b>Total Tract Size:</b>        | 2.93 Acres                                                                                                                                                                                                                                                                                  |
| <b>Master Plan:</b>             | Prairie Delaware Piper Area Plan                                                                                                                                                                                                                                                            |
| <b>Master Plan Designation:</b> | 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.                                                                                                                     |
| <b>Major Street Plan:</b>       | The Major Street Plan designates Hutton Road as a Class B Thoroughfare.                                                                                                                                                                                                                     |
| <b>Parking Requirement:</b>     | 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. |
| <b>Advertisement:</b>           | Property Owner Letters – May 18, 2023<br><u>Wyandotte Echo</u> – May 19, 2023                                                                                                                                                                                                               |
| <b>Public Hearings:</b>         | August 14, 2023, August 31, 2023 and September 28, 2023                                                                                                                                                                                                                                     |
| <b>Public Support:</b>          | None to date.                                                                                                                                                                                                                                                                               |
| <b>Public Opposition:</b>       | None to date.                                                                                                                                                                                                                                                                               |

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## PROPOSAL

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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.

City Ordinance Requirements: Article VIII Sections 27-340 – 27-765.

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## **RELATED ENFORCEMENT AND ACTION ITEMS**

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### **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**

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### ***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**

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

NOTE: This application was held over from the August 31, 2023, Board of Commissioners meeting as the applicant is requesting changes to the previously approved conditions of approval. There were not enough Commissioners present at the meeting to override the Planning Commission's recommendation.

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## NEIGHBORHOOD MEETING

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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.

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## KEY ISSUES

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Conformance to the Master Plan  
Parking on an Unimproved Surface  
Sidewalk  
Signage  
Site Design

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## PLANNING COMMISSION RECOMMENDATION

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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](mailto: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.

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## STAFF COMMENTS AND SUGGESTIONS

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Staff concurs with the recommendation of the City Planning Commission.

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## STAFF RECOMMENDATION

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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.

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## ATTACHMENTS

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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

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## REVIEW OF INFORMATION AND SCHEDULE

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| <u>Action</u>    | <u>Planning Commission</u> | <u>Board of Commissioners</u>   |
|------------------|----------------------------|---------------------------------|
| Public Hearing   | August 14, 2023            | August 31, 2023                 |
| Preliminary Plan | Approval                   | Held Over<br>September 28, 2023 |

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**STAFF CONTACT:** James Molloy  
[jmolloy@wycokck.org](mailto:jmolloy@wycokck.org)

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## MOTIONS

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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, Kansas

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](mailto: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.



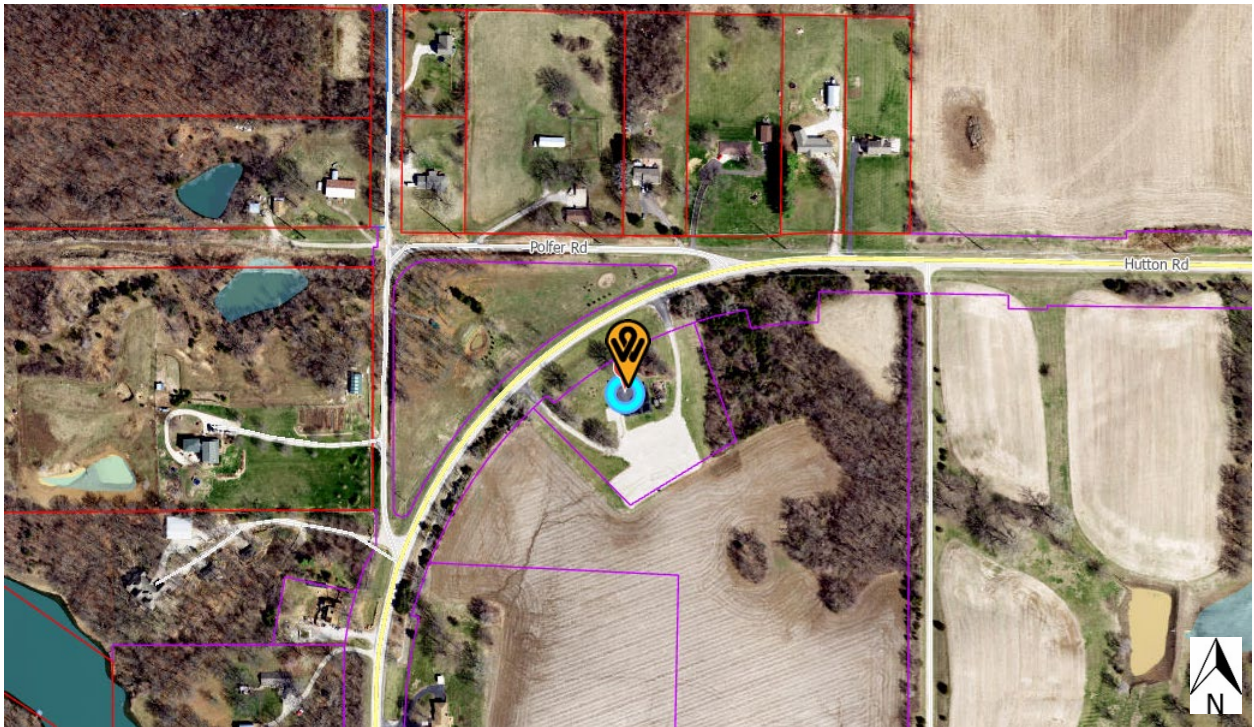
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## ATTACHMENTS

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### AERIAL IMAGERY

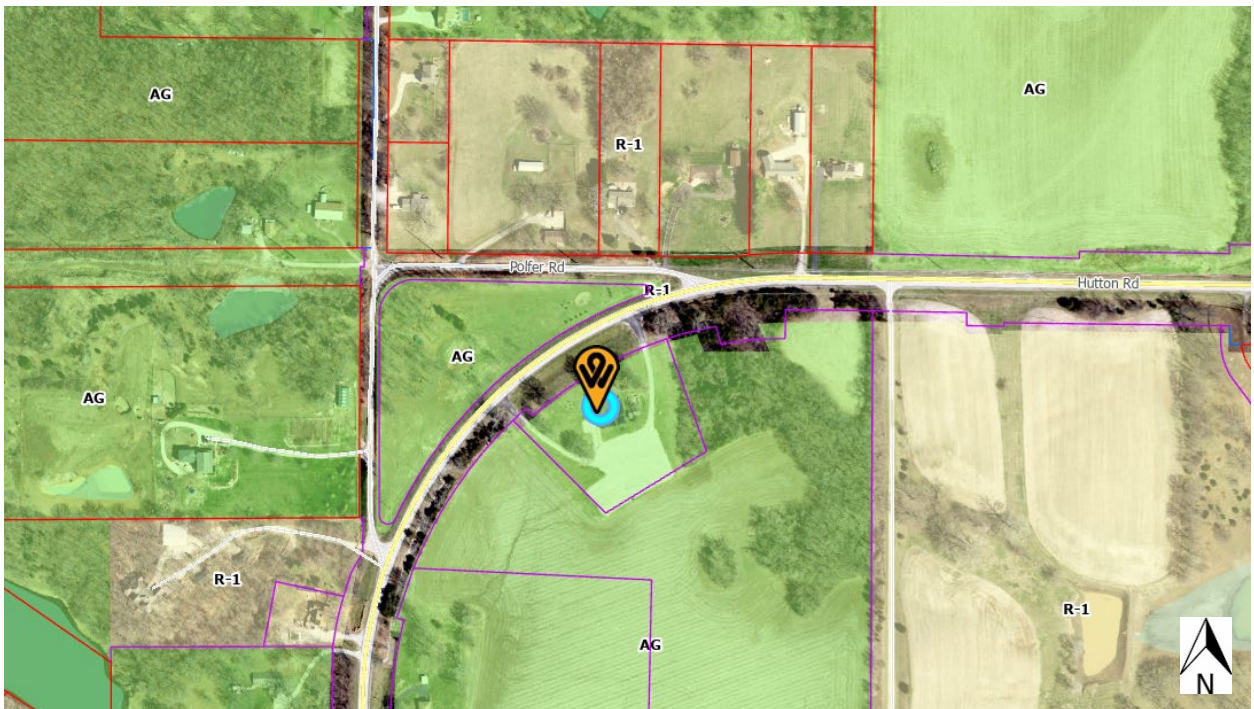
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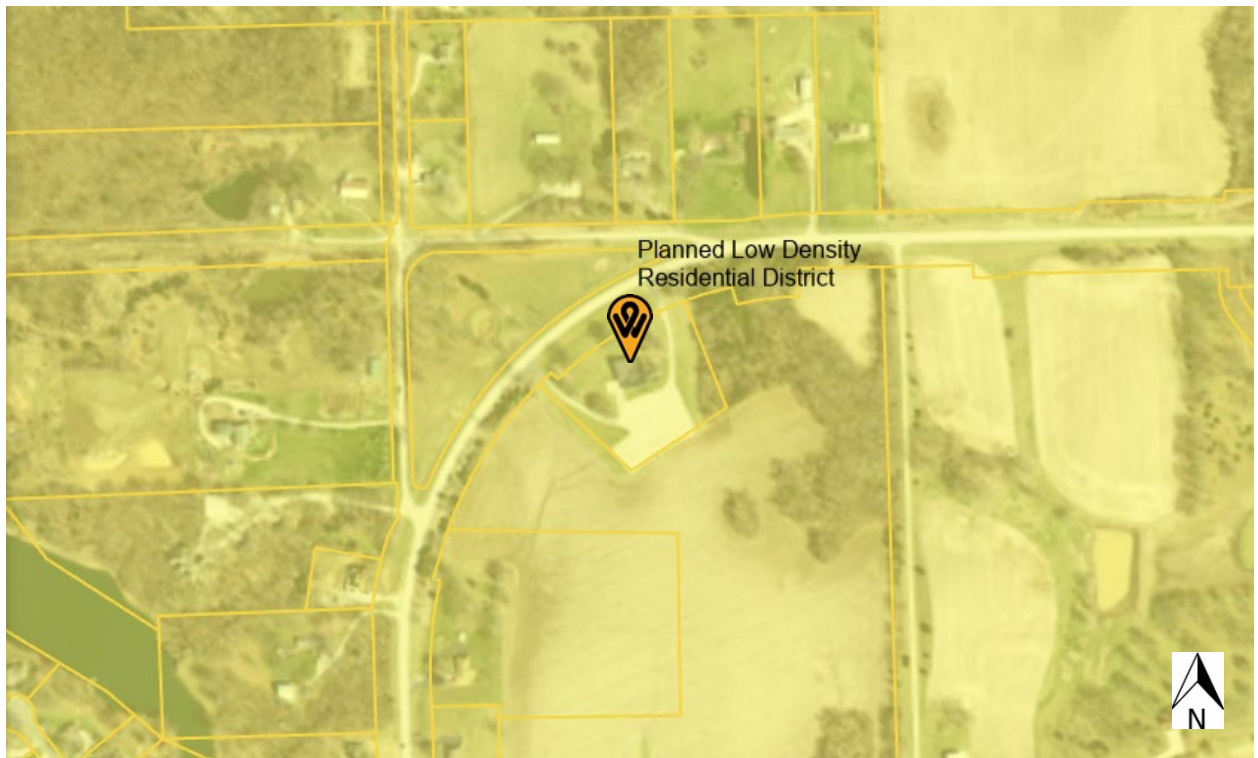
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### ZONING MAP

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## LAND USE MAP





# EXISTING SITE PLAN





## PR2023-014

September 28, 2023

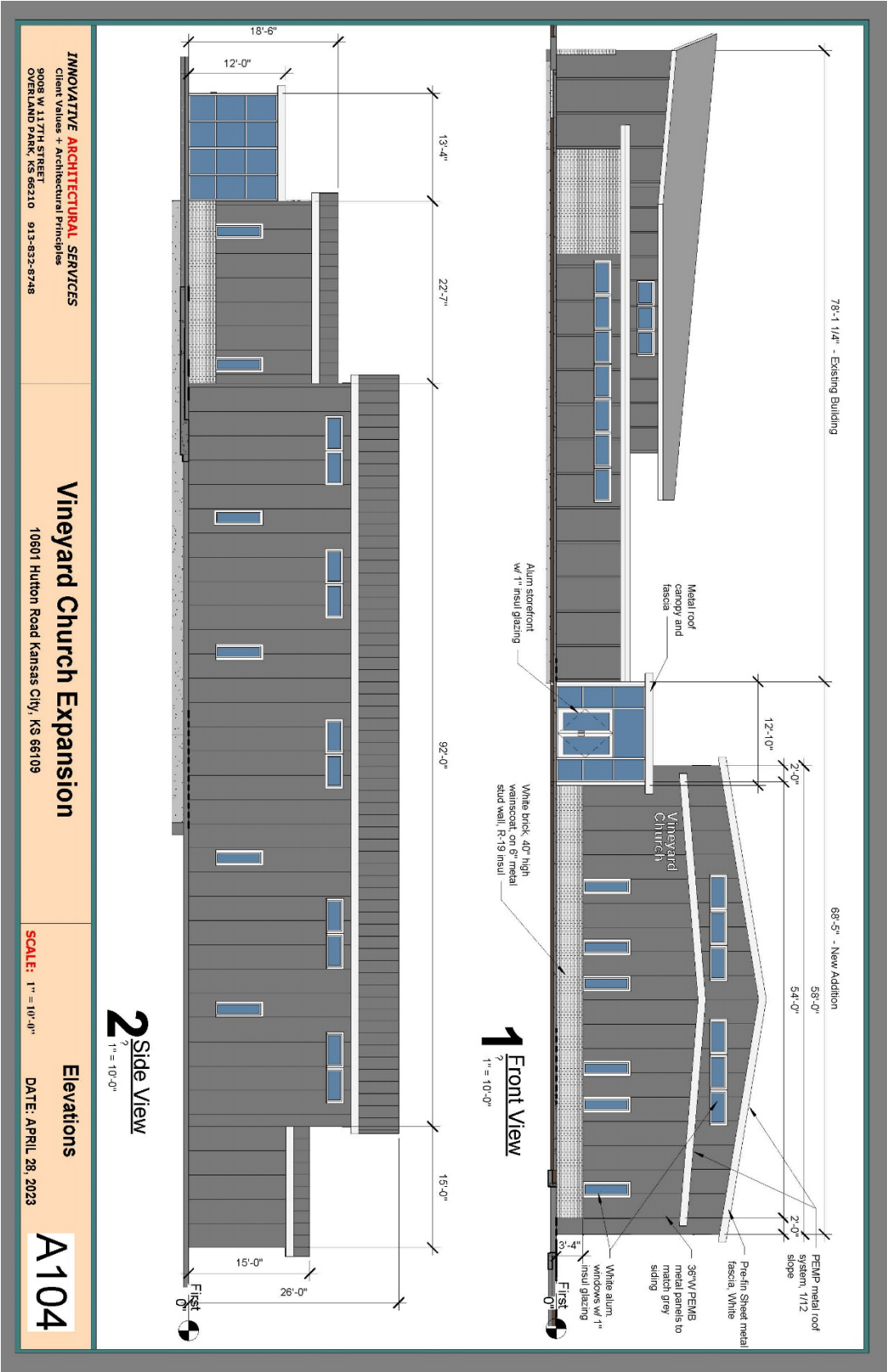
13

DWG: F:\2022\06501-07000\022-06795\40-design\AutoCAD\preliminary plans\Sheets\GNVC\C\_GRD01\_02206795.dwg USER: jhodson  
DATE: May 31, 2023 11:11am XREFS: C\_PTRL\_02206795 C\_PBASE\_02206795 C\_XBASE\_02206795 C\_PPAT\_02206795

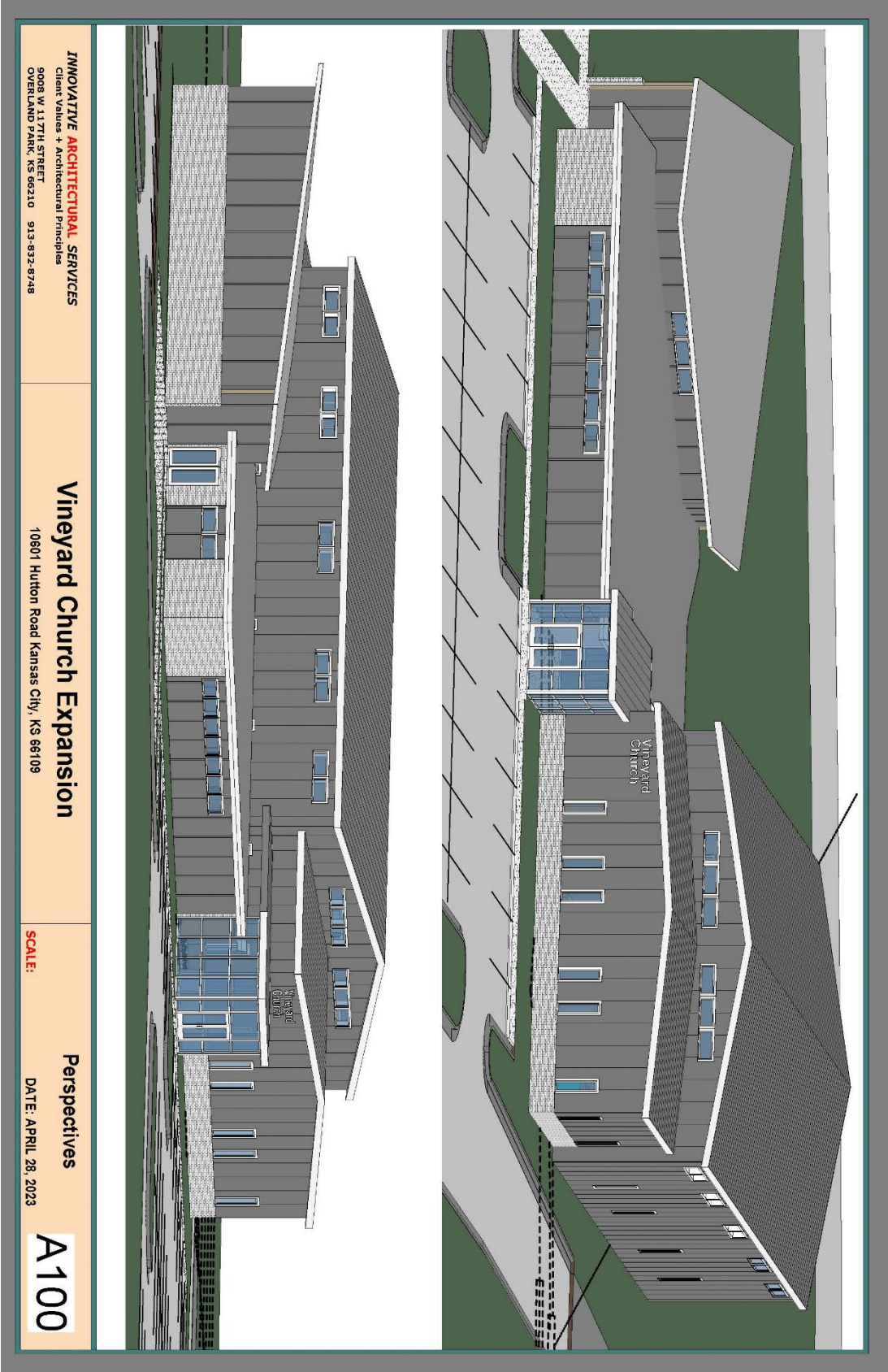


# LANDSCAPE PLAN

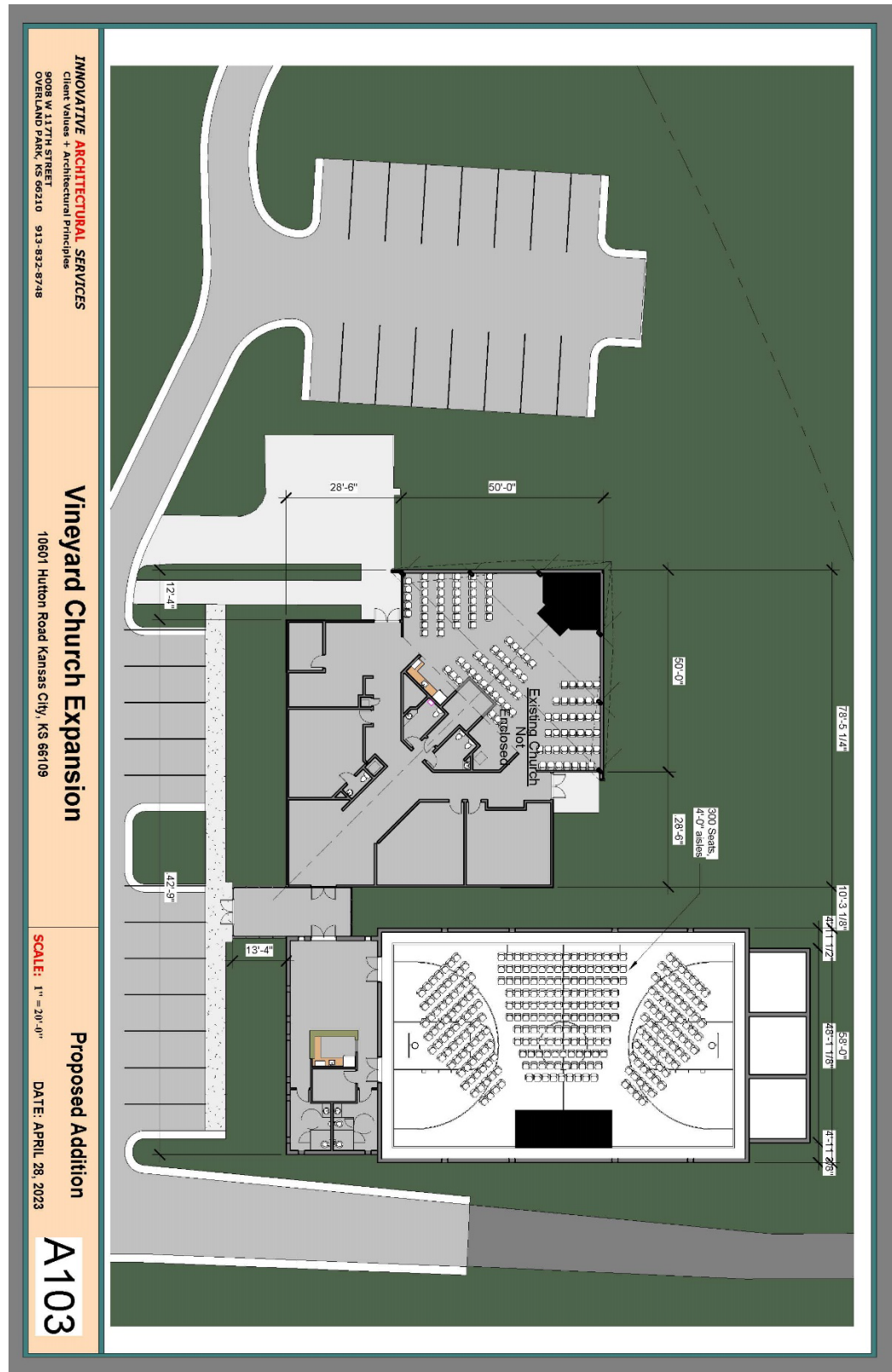








# FLOOR PLAN





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.



## 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, 11<sup>th</sup> 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 107<sup>th</sup> 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.



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**SITE PHOTOS, TAKEN BY STAFF, DATED MAY 12, 2023**

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# Staff Request for Commission Action

Tracking No. 212753

**Full Commission Meeting Date:**

**Committee:** Full Commission

Date of Standing Committee Action:

(If none, please explain):

**Publication Required:** No

|                            |                                     |                               |                                            |                                                          |
|----------------------------|-------------------------------------|-------------------------------|--------------------------------------------|----------------------------------------------------------|
| <u>Date:</u><br>09/25/2023 | <u>Contact Name:</u><br>Gunnar Hand | <u>Contact Phone:</u><br>5751 | <u>Contact Email:</u><br>ghand@wycokck.org | <u>Department/Division:</u><br>Planning and Urban Design |
|----------------------------|-------------------------------------|-------------------------------|--------------------------------------------|----------------------------------------------------------|

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:



**UNIFIED GOVERNMENT OF WYANDOTTE COUNTY  
& KANSAS CITY, KANSAS  
PUBLIC WORKS DEPARTMENT**

ONE McDOWELL PLAZA

701 NORTH 7<sup>TH</sup> STREET, 66101

(913) 573-5400  
FAX (913) 573-5435

September 20, 2023

Mr. Brett A. Deichler, PMP CMP  
Unified Government Clerk  
East Building

Re: Subdivision Plat Approval for **LOZANO ADDITION**

Dear Mr. Deichler

Please be advised that the Engineering Division has reviewed the attached plat of LOZANO ADDITION located at 8505 Kansas Avenue and being developed by Yakeline A. Delgado-Lozano.

Currently, we recommend that the Commissioners accept this plat and authorize the Mayor/CEO and Unified Government Clerk signatures. I am providing you with two mylars for signature, and one (1) paper copy for Commission review. Please place this on the next scheduled Commission agenda.

After the Mayor has signed the plat, it should be referred to Planning Division for further processing.

Respectfully submitted,

Brent E. Thompson, P.S.  
County Surveyor

Digitally signed by Troy  
Shaw  
Date: 2023.09.20  
10:47:31-05'00'

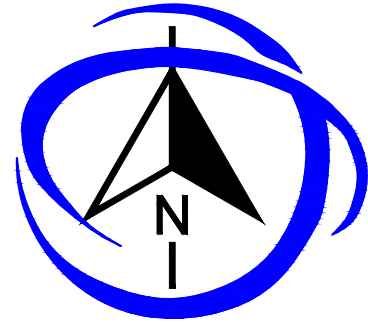
Troy Shaw, P.E.  
County Engineer

Attachments



# LOZANO ADDITION

A TRACT OF LAND IN THE NORTHWEST QUARTER OF SECTION 20, TOWNSHIP 11 SOUTH, RANGE 24 EAST  
OF THE 6TH P.M., IN THE CITY OF KANSAS CITY, WYANDOTTE COUNTY, KANSAS



KS ENG COA. #1315  
KS SUR COA. #363  
MO ENG COA. #302504084  
MO SUR COA. #302504311

**ALC**  
ATLAS LAND CONSULTING  
SURVEYING | ENGINEERING | DRONE | CAD  
913-700-3073  
14500 Parallel Road, Unit R, Basehor KS 66007  
ANDREA@ALCONSULT-LLC.COM

## FINAL PLAT

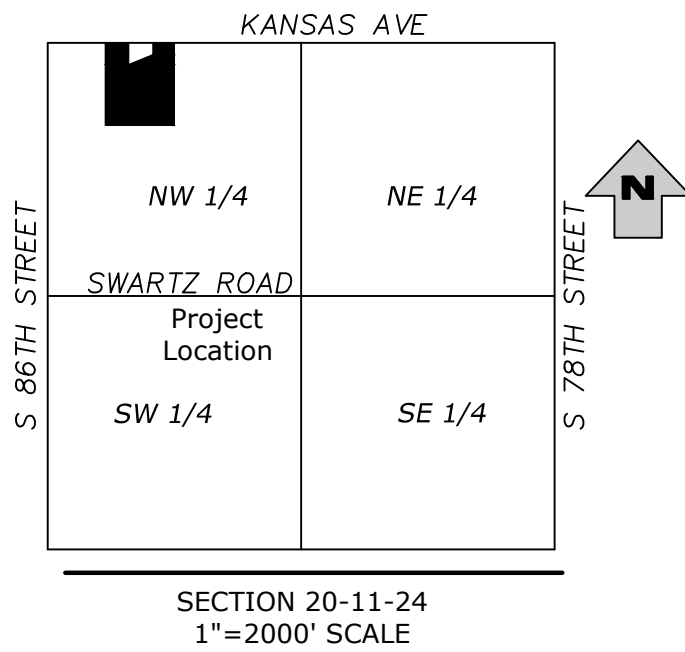
## LEGEND

- △ DENOTES FOUND MONUMENT AS NOTED  
○ DENOTES SET 1/2" REBAR WITH CAP ALC KS CLS 363  
MO CLS 2022014231  
● DENOTES FOUND MONUMENT AS NOTED  
(M) MEASURED  
(C) CALCULATED  
(D) DEEDED  
B/L BUILDING LINE  
U/E UTILITY EASEMENT

## GENERAL NOTES

- THE BASIS FOR THE BEARING SYSTEM FOR THIS SURVEY IS KANSAS NORTH ZONE U.S. STATE PLANE 1983
- ALL DISTANCES SHOWN HEREON ARE IN FEET
- KS ONE WAS NOT CALLED ON THIS SURVEY
- REFERENCED SURVEYS  
-FRUITLAND FARMS
- FLOODPLAIN NOTE: ACCORDING TO "FIRM" MAP COMMUNITY PANEL NUMBERS 20209C0134E EFFECTIVE SEPTEMBER 2, 2015, AREA ZONE AE & ZONE X.
- CLOSURE PRECISION: 1 PART IN 7063064.000

## VICINITY MAP



This is to certify on this 28TH day of FEBRUARY, 2023 this field survey was completed on the ground by me or under my direct supervision and that said survey meets or exceeds the "Kansas Minimum Standards" for boundary surveys.

ROGER B. DILL LS 1408

JOB NO:23-020

SCALE



SCALE IN FEET

SEC-TWN-RNG

20-11-24

PREPARED FOR

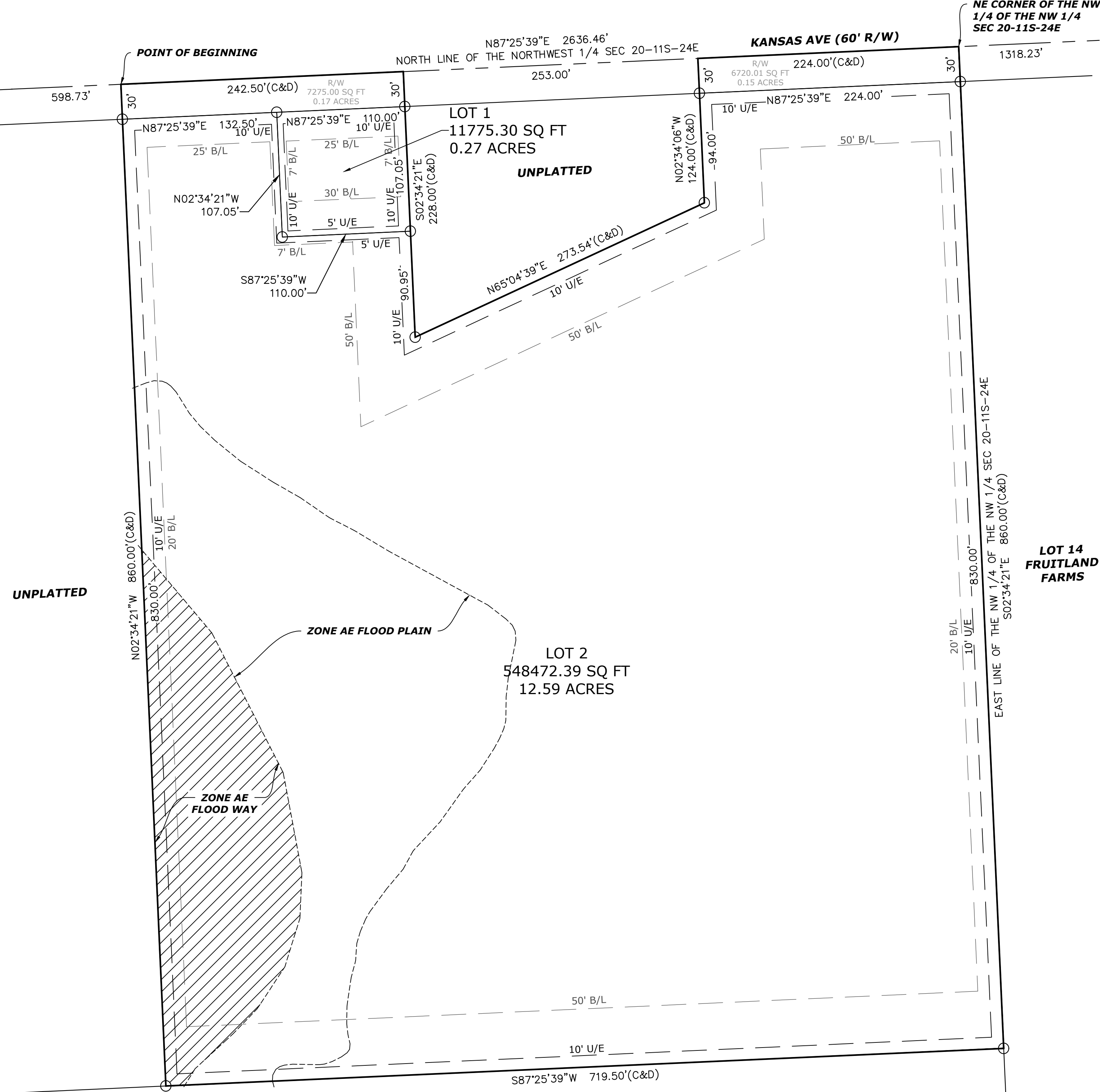
YAKELINE A DELGADO-LOZANO

ADDRESS: 8505 KANSAS AVE  
KANSAS CITY, KANSAS 66111

DATE

MARCH 22, 2023

- POINT OF COMMENCEMENT**  
FOUND 3" MON NW CORNER OF  
NW 1/4 SEC 20-11-24
- 88.45' NORTHWEST TO  
NAIL & SHINER IN  
SOUTHEAST FACE OF  
POWER POLE
  - 46.82' NORTHEAST TO  
NAIL & WASHER IN  
SOUTHWEST FACE OF  
POWER POLE
  - 61.70' SOUTHEAST TO MAG  
NAIL NORTH SIDE OF  
POWER POLE
  - 83.20' SOUTHWEST TO  
NAIL & SHINER IN  
NORTHWEST FACE OF  
POWER POLE



THIS PLAT OF **LOZANO 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 \_\_\_\_\_ DATE: \_\_\_\_\_  
BRENT E. THOMPSON, KS P.L.S. 1277

STATE OF KANSAS  
COUNTY OF \_\_\_\_\_

THIS IS TO CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD IN THE REGISTER OF DEEDS OFFICE ON  
THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, AT \_\_\_\_\_ O'CLOCK AND IS DULY  
RECORDED.

NANCY BURNS, REGISTER OF DEEDS

SUSIE NELSON, DEPUTY

- NE CORNER OF THE NW 1/4  
1/4 OF THE NW 1/4  
SEC 20-11-24E**
- FOUND 1.5" AXEL NE CORNER OF  
NW 1/4 SEC 20-11-24
- 44.34' NORTHEAST NAIL &  
BRASS WASHER LS 533 IN NW  
FACE OF POWER POLE
  - 28.06' SOUTHEAST NAIL &  
BRASS WASHER LS 533 IN NE  
FACE OF POWER POLE
  - 56.38' NORTHWEST MAG PK  
NAIL NE FACE OF 10" TREE
  - 3.00' WEST CL S 82ND ST
  - 5.00' NORTH CL KANSAS AVE

### DEEDED DESCRIPTION DOC 2016R-17245:

A TRACT OF LAND IN THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 20, TOWNSHIP 11 SOUTH, RANGE 24 EAST OF THE SIXTH PRINCIPAL MERIDIAN IN KANSAS CITY, WYANDOTTE COUNTY, KANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
NOTE: THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 20 WAS ASSUMED TO HAVE A BEARING OF NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST.  
BEGINNING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 20, SAID POINT BEING 1308 FEET WEST OF THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 20; THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS WEST 860.00 FEET; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST 719.50 FEET; THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST 860.00 FEET, TO THE NORTH LINE OF SAID NORTHWEST QUARTER; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST 242.50 FEET, ON SAID NORTH LINE, TO THE NORTHWEST CORNER OF THAT CERTAIN TRACT OF LAND DESCRIBED IN BOOK 4226 AT PAGE 204; THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS EAST 228.00 FEET, ON THE WEST LINE OF SAID CERTAIN TRACT OF LAND, TO THE SOUTHWEST CORNER OF SAID CERTAIN TRACT OF LAND; THENCE NORTH 67 DEGREES 39 MINUTES 00 SECONDS EAST 273.54 FEET, ON THE SOUTHERLY LINE OF SAID TRACT OF LAND, TO THE SOUTHEAST CORNER OF SAID CERTAIN TRACT OF LAND; THENCE NORTH 00 DEGREES 00 MINUTES 15 SECONDS EAST 124.00 FEET, ON THE EAST LINE OF SAID CERTAIN TRACT OF LAND, TO THE NORTHEAST CORNER OF SAID CERTAIN TRACT AND THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 20; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST 224.00 FEET, ON SAID NORTH LINE, TO THE POINT OF BEGINNING.

### OVERALL DESCRIPTION:

A TRACT OF LAND IN THE NORTHWEST QUARTER OF SECTION 20, TOWNSHIP 11 SOUTH, RANGE 24 EAST OF THE 6TH P.M., IN THE CITY OF KANSAS CITY, WYANDOTTE COUNTY, KANSAS PREPARED BY ROGER B. DILL PS 1408, ON MARCH 22, 2023, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID NORTHWEST QUARTER; THENCE NORTH 87°25'39" EAST, ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 598.73 FEET TO THE POINT OF BEGINNING OF HEREIN DESCRIBED TRACT; THENCE NORTH 87°25'39" EAST, CONTINUING ALONG SAID NORTH LINE, A DISTANCE OF 242.50 FEET; THENCE SOUTH 02°34'21" EAST, A DISTANCE OF 228.00 FEET; THENCE NORTH 65°04'39" EAST, A DISTANCE OF 273.54 FEET; THENCE NORTH 02°34'08" WEST, A DISTANCE OF 124.00 FEET TO A POINT ON THE NORTH LINE OF SAID NORTHWEST QUARTER; THENCE NORTH 87°25'39" EAST, ALONG SAID NORTH LINE, A DISTANCE OF 224.00 FEET TO THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID NORTHWEST QUARTER, ALSO KNOWN TO BE A POINT 20 FEET NORTH OF THE NORTHWEST CORNER OF LOT 14 FRUITLAND FARMS, A SUBDIVISION OF LAND IN THE CITY OF KANSAS CITY, WYANDOTTE COUNTY, KANSAS; THENCE SOUTH 02°34'21" EAST, ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF SAID NORTHWEST QUARTER AND THE WEST LINE OF SAID LOT 14, A DISTANCE OF 860.00 FEET; THENCE SOUTH 87°25'39" WEST, A DISTANCE OF 719.50 FEET; THENCE NORTH 02°34'21" WEST, A DISTANCE OF 860.00 FEET TO THE POINT OF BEGINNING.  
CONTAINS 574,242.70 SQUARE FEET MORE OR LESS OR 13.17 ACRES

### DEDICATION:

THE UNDERSIGNED PROPRIETOR OF THE ABOVE DESCRIBED TRACT OF LAND HAS CAUSED THE SAME TO BE SUBDIVIDED IN THE MANNER AS SHOWN ON THE ACCOMPANYING PLAT, WHICH SUBDIVISION AND PLAT SHALL HEREAFTER BE KNOWN AS "**LOZANO 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 LOZANO ADDITION, have set our hands this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

OWNER, YAKELINE A DELGADO-LOZANO

ACKNOWLEDGEMENT:  
STATE OF KANSAS  
COUNTY OF \_\_\_\_\_

BE IT REMEMBERED THAT ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, IN AND FOR SAID COUNTY AND STATE, CAME OWNER, YAKELINE A DELGADO-LOZANO, 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 LOZANO ADDITION, have set our hands this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

OWNER, EDGAR BARRIOS-TORRES

ACKNOWLEDGEMENT:  
STATE OF KANSAS  
COUNTY OF \_\_\_\_\_

BE IT REMEMBERED THAT ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, IN AND FOR SAID COUNTY AND STATE, CAME OWNER, EDGAR BARRIOS-TORRES, 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: \_\_\_\_\_



**UNIFIED GOVERNMENT OF WYANDOTTE COUNTY  
& KANSAS CITY, KANSAS  
PUBLIC WORKS DEPARTMENT**

ONE McDOWELL PLAZA

701 NORTH 7<sup>TH</sup> STREET, 66101

(913) 573-5400  
FAX (913) 573-5435

September 20, 2023

Mr. Brett A. Deichler, PMP CMP  
Unified Government Clerk  
East Building

Re: Subdivision Plat Approval for **HOLLINGSWORTH & HUTTON ESTATE**

Dear Mr. Deichler

Please be advised that the Engineering Division has reviewed the attached plat of HOLLINGSWORTH 7 HUTTON ESTATE located at 10551 Hollingsworth Road and being developed by Matthew Francis.

Currently, we recommend that the Commissioners accept this plat and authorize the Mayor/CEO and Unified Government Clerk signatures. I am providing you with two mylars for signature, and one (1) paper copy for Commission review. Please place this on the next scheduled Commission agenda.

After the Mayor has signed the plat, it should be referred to Planning Division for further processing.

Respectfully submitted,

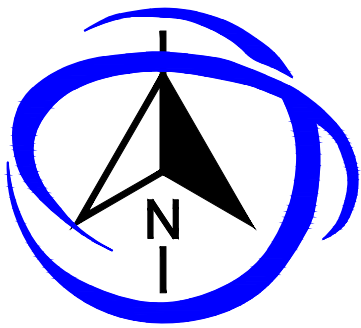
Brent E. Thompson, P.S.  
County Surveyor

Digitally signed by Troy  
Shaw  
Date: 2023.09.20  
10:52:22-05'00'

Troy Shaw, P.E.  
County Engineer

Attachments





# HOLLINGSWORTH & HUTTON ESTATE

A TRACT OF LAND IN THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 10 SOUTH, RANGE 23 EAST  
OF THE 6TH P.M., IN THE CITY OF KANSAS CITY, WYANDOTTE COUNTY, KANSAS

**POINT OF COMMENCEMENT**  
NORTHWEST CORNER OF THE NORTHWEST QUARTER  
SEC 23-10S-23E  
FOUND 3/8" REBAR NO CAP  
1. 65.99' SW TO PLUS CUT ON BACK OF CURB  
2. 58.67' NW TO PLUS CUT ON BACK OF CURB  
3. 69.80' NE TO MAGNAIL IN SOUTH FACE OF POWER POLE  
4. 45.90' SE TO MAGNAIL IN NORTH FACE OF POWER POLE  
5. 3' NORTH TO CENTERLINE OF HOLLINGSWORTH ROAD

**POINT OF BEGINNING**

**HOLLINGSWORTH ROAD**

(30' R/W PER PLAT)

N88°25'28"E 2653.16'

NORTH LINE NW QRT SEC 23-10S-23E

N88°25'28"E 2653.16'

100.00'

50' B/L

10' U/E

50' B/L

10' U/E

50' B/L

10' U/E

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- NORTHEAST CORNER OF THE  
NORTHWEST QUARTER  
SEC 23-10S-23E  
FOUND 1/2" REBAR NO CAP  
1. 50.90' N TO MAGNAIL AND WASHER ON WEST FACE  
OF POWER POLE  
2. 26.09' SSE TO MAGNAIL AND WASHER ON EAST FACE  
OF RAILROAD TIE FENCE CORNER  
3. 51.72' ESE TO MAGNAIL AND WASHER ON NORTH  
SIDE OF LIGHT POLE  
4. 1.50' N TO CENTERLINE OF HOLLINGSWORTH ROAD

## DESCRIPTION PER DEED 2022R-:

LEGAL DESCRIPTION:  
ALL THAT PART OF THE NORTHWEST 1/4 OF SECTION 23, TOWNSHIP 10, RANGE 23, IN WYANDOTTE COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
BEGINNING AT A POINT 479.6 FEET EAST OF THE NORTHWEST CORNER OF SECTION 23-10-23, WYANDOTTE COUNTY, KANSAS; THENCE SOUTH 59.09 FEET, THENCE WEST  
400.0 FEET, THENCE SOUTH 950.0 FEET, THENCE WEST 40.0 FEET, THENCE SOUTH 350.0 FEET, THENCE EAST 1329.29 FEET, THENCE NORTH 1359.09 FEET, THENCE WEST  
888.99 FEET TO THE POINT OF BEGINNING.  
LESS THE FOLLOWING:  
BEGINNING AT A POINT 53 FEET EAST OF THE SOUTHWEST CORNER OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 23, TOWNSHIP 10 SOUTH, RANGE 23  
EAST, WYANDOTTE COUNTY, KANSAS, THENCE NORTH 150 FEET, THENCE EAST 100 FEET, THENCE SOUTH 150 FEET, THENCE WEST 100 FEET TO THE POINT OF BEGINNING.  
ALSO, LESS THE FOLLOWING:  
A TRACT OF LAND IN THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 10, RANGE 23, WYANDOTTE COUNTY, KANSAS, DESCRIBED AS FOLLOWS: BEGINNING 1231  
FEET WEST OF THE NORTHEAST CORNER OF SECTION 23, TOWNSHIP 10, RANGE 23; THENCE SOUTH 456 FEET; THENCE NORTH 456 FEET; THENCE WEST 100 FEET;  
THENCE NORTH 456 FEET, THENCE EAST 100 FEET TO THE POINT OF BEGINNING; LESS THAT PART THEREOF ON THE NORTH TAKEN OR USED FOR PUBLIC ROAD PURPOSES.  
AND ALSO EXCEPT THE FOLLOWING:  
A TRACT OF LAND IN THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 10 SOUTH, RANGE 23 EAST OF THE 6TH PRINCIPAL MERIDIAN IN KANSAS CITY, WYANDOTTE  
COUNTY, KANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
BEGINNING AT A POINT ON THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 23, SAID POINT BEING SOUTH 89 DEGREES 35 MINUTES 50 SECONDS EAST  
1273.52 FEET FROM THE NORTHWEST CORNER OF SAID SECTION 23; THENCE SOUTH 0 DEGREES 02 MINUTES 02 SECONDS WEST, 1323.50 FEET; THENCE SOUTH 89  
DEGREES 38 MINUTES 37 SECONDS EAST, 152.73 FEET TO A POINT ON THE WEST LINE OF THE EAST 37.3 ACRES OF THE NORTH ONE-HALF OF THE NORTHWEST QUARTER  
OF SAID SECTION 23; THENCE NORTH 00 DEGREES 02 MINUTES 02 SECONDS EAST, ALONG SAID WEST LINE, 1323.38 FEET TO A POINT ON THE NORTH LINE OF THE  
NORTHWEST QUARTER OF SAID SECTION 23; THENCE NORTH 89 DEGREES 35 MINUTES 50 SECONDS WEST, ALONG SAID NORTH LINE, 2.76 FEET; THENCE SOUTH 0  
DEGREES 02 MINUTES 02 SECONDS WEST, 456.00 FEET; THENCE NORTH 89 DEGREES 35 MINUTES 50 SECONDS WEST, 108.00 FEET; THENCE NORTH 0 DEGREES 02  
MINUTES 02 SECONDS EAST, 456.00 FEET TO A POINT ON THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 23; THENCE NORTH 89 DEGREES 35 MINUTES  
50 SECONDS WEST, ALONG SAID NORTH LINE 42.00 FEET TO THE POINT OF BEGINNING OF THE TRACT HEREIN DESCRIBED, EXCEPT THE NORTH 20 FEET BEING USED FOR  
RIGHT-OF-WAY PURPOSES NOW KNOWN AS HOLLINGSWORTH ROAD. AND ALSO EXCEPT ANY PART USED OR DEDICATED FOR STREETS, ROADS OR PUBLIC RIGHTS OF-WAY.

## OVERALL PLAT DESCRIPTION:

A TRACT OF LAND IN THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 10 SOUTH, RANGE 23 EAST OF THE 6TH P.M., IN THE CITY OF KANSAS CITY, WYANDOTTE  
COUNTY, KANSAS, PREPARED BY ROGER B. DILL, PS 1408 ON APRIL 26TH, 2023; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID NORTHWEST QUARTER; THENCE NORTH 88°25'28" EAST, ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER, A  
DISTANCE OF 479.60 FEET; THENCE SOUTH 01°58'19" EAST, A DISTANCE OF 30.00 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF HOLLINGSWORTH ROAD AS IT  
NOW EXISTS, ALSO KNOWN TO BE THE POINT OF BEGINNING TO HEREIN DESCRIBED TRACT; THENCE NORTH 88°25'28" EAST, ALONG SAID SOUTH RIGHT OF WAY LINE, A  
DISTANCE OF 793.92 FEET; THENCE SOUTH 01°58'19" EAST, A DISTANCE OF 1291.76 FEET TO A POINT ON THE NORTH LINE OF HIGHLANDS AT PIPER, A SUBDIVISION OF  
LAND IN THE CITY OF KANSAS CITY, WYANDOTTE COUNTY, KANSAS; THENCE SOUTH 88°18'41" WEST, ALONG THE NORTH LINE OF SAID HIGHLANDS AT PIPER, A DISTANCE  
OF 1120.51 FEET; THENCE NORTH 01°58'19" WEST, A DISTANCE OF 148.80 FEET; THENCE SOUTH 88°25'28" WEST, A DISTANCE OF 113.40 FEET TO A POINT ON THE EAST  
RIGHT OF WAY LINE OF HUTTON ROAD AS IT NOW EXISTS; THENCE NORTH 01°58'19" WEST, ALONG SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 165.08 FEET;  
THENCE NORTH 88°25'28" EAST, CONTINUING ALONG SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 40.00 FEET; THENCE NORTH 01°58'19" WEST, CONTINUING ALONG  
SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 950.00 FEET TO A POINT OF INTERSECTION WITH THE EAST RIGHT OF WAY LINE OF SAID HUTTON ROAD AND THE SOUTH  
RIGHT OF WAY LINE OF SAID HOLLINGSWORTH ROAD; THENCE NORTH 88°25'28" EAST, ALONG THE SOUTH RIGHT OF WAY LINE OF SAID HOLLINGSWORTH ROAD, A  
DISTANCE OF 400.00 FEET; THENCE NORTH 01°58'19" WEST, CONTINUING ALONG SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 29.09 FEET TO THE POINT OF  
BEGINNING.  
CONTAINING 1,527,591.64 SQUARE FEET OR 35.07 ACRES MORE OR LESS

## DEDICATION:

THE UNDERSIGNED PROPRIETOR OF THE ABOVE DESCRIBED TRACT OF LAND HAS CAUSED THE SAME TO BE SUBDIVIDED IN THE MANNER AS SHOWN ON THE  
ACCOMPANYING PLAT, WHICH SUBDIVISION AND PLAT SHALL HEREAFTER BE KNOWN AS "HOLLINGSWORTH & HUTTON ESTATE"

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 **HOLLINGSWORTH & HUTTON ESTATE** have set our hands this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

MATTHEW J FRANCIS, OWNER

ACKNOWLEDGEMENT:

STATE OF KANSAS  
COUNTY OF

BE IT REMEMBERED THAT ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, IN AND FOR SAID COUNTY AND STATE, CAME  
**MATTHEW J FRANCIS, 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 **HOLLINGSWORTH & HUTTON ESTATE** 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.

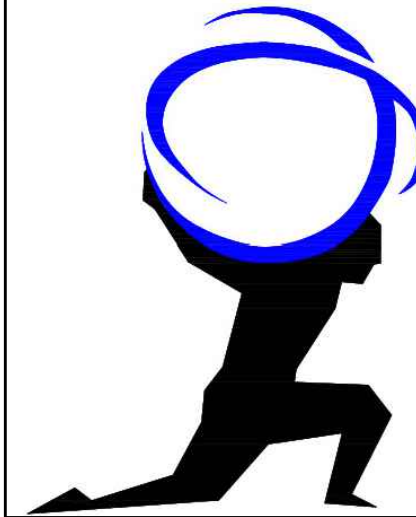
REVIEWED BY BRENT E. THOMPSON, KS P.L.S. 1277 DATE: \_\_\_\_\_

STATE OF KANSAS)  
COUNTY OF )

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



**ALC**

ATLAS LAND CONSULTING

SURVEYING | ENGINEERING | DRONE | CAD

14500 Parallel Road, Unit R, Basehor KS 66007

ANDREA@ALCONSULT-LLC.COM

**FINAL PLAT**

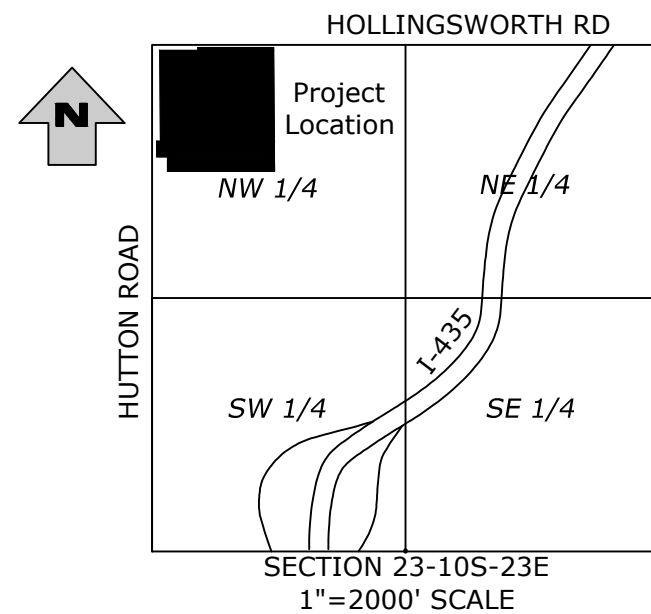
**LEGEND**

- DENOTES SET 1/2" X 24" REBAR WITH CAP ALC KS
- DENOTES FOUND MONUMENT AS NOTED
- B/L BUILDING LINE
- U/E UTILITY EASEMENT
- P PLATTED
- M MEASURED
- C CALCULATED
- D DEEDED

## GENERAL NOTES

- THE BASIS FOR THE BEARING SYSTEM FOR THIS SURVEY IS KANSAS NORTH ZONE U.S. STATE PLANE 1983
- ALL DISTANCES SHOWN HEREON ARE IN FEET
- KS ONE WAS NOT CALLED ON THIS SURVEY
- REFERENCED SURVEY  
-HIGHLANDS AT PIPER FINAL PLAT  
-RIVERHILL ADDITION FINAL PLAT  
-MARQUARDT ACRES FINAL PLAT  
-KDOT ROAD PLANS DATED 1956
- FLOODPLAIN NOTE: ACCORDING TO "FIRM" MAP COMMUNITY PANEL NUMBERS 20209C0037D EFFECTIVE SEPTEMBER 2, 2011, AREA ZONE X " AREA OF MINIMAL FLOOD HAZARD"
- CLOSURE PRECISION: 1 PART IN 8422585.000
- CURRENT ZONING - AG / PROPOSED ZONING - AG
- TITLE COMMITMENT PER MCCAFFREE-SHORT TITLE COMPANY DATED APRIL 10, 2023 AT 8:00AM, FILE NO: L23-29453
- RURAL WATER DISTRICT #1 EASEMENT (BLANKET IN NATURE) PER BOOK 1785 PAGE 284
- CITIES SERVICE GAS COMPANY EASEMENT (BLANKET IN NATURE) PER BOOK 1931 PAGE 259

## VICINITY MAP



This is to certify on this 20TH day of APRIL, 2023 this field survey was completed on the ground by me or under my direct supervision and that said survey meets or exceeds the "Kansas Minimum Standards" for boundary surveys.

ROGER B. DILL LS 1408

**JOB NO:23-089**

**SCALE**

100 50 0 100  
SCALE IN FEET

**SEC-TWN-RNG**

**23-10S-23E**

**PREPARED FOR**

**MATTHEW FRANCIS**

ADDRESS: 10551 HOLLINGSWORTH RD  
KANSAS CITY, KS 66109

**DATE**

**APRIL 26, 2023**





**UNIFIED GOVERNMENT OF WYANDOTTE COUNTY  
& KANSAS CITY, KANSAS  
PUBLIC WORKS DEPARTMENT**

ONE McDOWELL PLAZA

701 NORTH 7<sup>TH</sup> STREET, 66101

(913) 573-5400  
FAX (913) 573-5435

September 20, 2023

Mr. Brett A. Deichler, PMP CMP  
Unified Government Clerk  
East Building

Re: Subdivision Plat Approval for **57/70 DEVELOPMENT**

Dear Mr. Deichler

Please be advised that the Engineering Division has reviewed the attached plat of 57/70 DEVELOPMENT located at 11 South 59<sup>th</sup> Lane and being developed by Reclaimed Materials Yard, LLC.

Currently, we recommend that the Commissioners accept this plat and authorize the Mayor/CEO and Unified Government Clerk signatures. I am providing you with two mylars for signature, and one (1) paper copy for Commission review. Please place this on the next scheduled Commission agenda.

After the Mayor has signed the plat, it should be referred to Planning Division for further processing.

Respectfully submitted,

Brent E. Thompson, P.S.  
County Surveyor

Digitally signed by Troy  
Shaw  
Date: 2023.09.20  
10:49:02-05'00'

Troy Shaw, P.E.  
County Engineer

Attachments







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

**PLANNING & ZONING AND  
REGULAR SESSION  
DECEMBER 1, 2022**

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in Regular Session Thursday, December 1, 2022, with nine members present on-site or via Zoom: Bynum, Commissioner At-Large First District; Burroughs, Commissioner At-Large Second District; Townsend, Commissioner First District; McKiernan, Commissioner Second District; Ramirez, Commissioner Third District; Johnson, Commissioner Fourth District; Kane, Commissioner Fifth District; Markley, Commissioner Sixth District; and Garner, Mayor/CEO, presiding. Stites, Commissioner Seventh District; and Davis, Commissioner Eighth District, were absent. The following officials were also in attendance: Alan Howze and Bridgette Cobbins, Assistant County Administrators; Misty Brown, Chief Counsel; Patrick Waters, Deputy Chief Counsel; Gunnar Hand, Director of Planning & Urban Design; Janet Parker, Urban Planning & Design Department; Brent Thompson, County Surveyor; Troy Shaw, County Engineer; Jud Knapp, Land Bank Manager; Brett Deichler, UG Clerk; and Brittanie MacDonald, UG Clerk's Office.

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

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

**Mayor Garner** said I will now call this meeting to order. Clerk, could you present the roll call?

**Roll call:** Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Garner.

**Mayor Garner** said the invocation tonight is going to be given by Chaplain Ken Nettling.

**Mayor Garner** asked, Clerk, are there any revisions to tonight's agenda?

**Brett Deichler, UG Clerk**, said, yes, Mr. Mayor. There were four modifications to tonight's agenda. More specifically, two items were added with the first item being a special use permit on tonight's Planning and Zoning Consent Agenda, followed by an announcement revealing the top three winners of the gingerbread house competition as part of the Mayor's Agenda.

The last two items, which were removed from tonight's agenda, were Item No. 1 – approval of the downtown KCK Historic District from the Standing Committee Agenda, which will be followed by the removal of Item No. 1 on the Administrator's Agenda, which was listed as an update on the current grant process. Those items represent all the modifications to tonight's agenda, Mayor.

**Commissioner McKiernan** said I have a request and then I just have some information that I'm going to share regarding removing the Standing Committee item – approval of the Downtown KCK Commercial Historic District and sending it back to committee. It's okay. We'll take it back to committee. We'll work it. We'll make magic on it. We will engage better than we have ever engaged before, and the committee will bring back a decision to this body.

The next time that an item that has been unanimously voted on by the committee is going to be pulled, I'd really like to get a phone call saying this item is going to get pulled before I read the agenda. So, I'm just asking, please, next time that something like this happens, please let me know, as Chair of the committee, so that I'm prepared when I see it or when I hear about it from someone else.

The one thing Mr. Hand and I talked about a little bit earlier today was the fact that we're going to use this as an opportunity to go back and re-examine our public engagement process. We're going to do our best to make sure that we engage everybody possible in the course of standing committee items, in the course of full commission items. I thought, frankly, that Mr. Hand and his staff really did one of the better outreach jobs we've done lately in terms of engaging regarding the downtown historic district, but evidently that's not the case. So, we're going to go back and we're going to make it even better than it was before.

But then I'll remind people that at some point in time on any item this body makes a decision and if you don't agree with the decision that this body makes, then there may be nothing that we can do about it. So, I do want to just remind everybody of the fact that ultimately, as a

collective Commission, we will make decisions on items. Some people will agree and some will disagree. Thank you, Mayor.

**Mayor Garner** said thank you, Commissioner.

**Mayor Garner** said tonight, we have two distinct parts to the meeting. We're going to start off with the Planning and Zoning portion and then it's going to be followed by the Regular Commission meeting. I'll ask the Clerk to read the statement, required by state law, governing the Planning and Zoning portion of tonight's meeting, followed by the items on the Planning and Zoning Consent Agenda.

### **PLANNING AND ZONING CONSENT AGENDA**

**Brett Deichler, UG Clerk**, read the statement, required by state law, governing the Planning and Zoning portion of the meeting.

**Mr. Deichler** asked, does any member of the Commission wish to disclose any contact with proponents or opponents on any of the agenda items? **Commissioner Bynum** said, Mayor, I had contact with proponents and opponents of Change of Zone COZ2021-048. I had contact with opponents of Items 2, 3, and 4, that same Non-Consent Agenda which are all related, COZ2022-036, Special Use Permit 2022-019, and Master Plan Amendment 2022-022. **Commissioner Kane** said I had contact with an opponent of SP2022-061. **Commissioner Markley** said same one as Commissioner Kane and also on the Non-Consent Agenda, Item A1. **Commissioner Ramirez** said opponents of COZ2021-048. **Commissioner Johnson** said opponents of COZ2021-048, COZ2022-036, and SP2022-091. Also, MPL2022-022. **Commissioner Burroughs** said Special Use Permit Application 2022-061, opponents; and the other one was, I'm sorry, Mayor. I'm going back to listen to what everybody else was so I could follow up with them. I believe it was the same one that Commissioner Markley talked about. **Commissioner McKiernan** said I had contact with proponents and opponents of COZ2021-048.

**Mr. Deichler** said I will now read the items on tonight's Consent Agenda.



**Mayor Garner** asked, do any members of the Commission or the County Administrator or the public wish to set-aside any item on the Planning and Zoning Consent Agenda? If an item is not set-aside, all items on the Planning and Zoning Consent Agenda will be voted on by one vote to follow the recommendation of the Planning Commission.

I'll ask if anyone in attendance would like to set-aside an item?

**Commissioner Burroughs** said just for clarification. We're talking about just the Consent Agenda at this time, not the Non-Consent Agenda, correct? I believe I had talked about SP2022-100 with staff earlier. Do we know, staff, what the recommendation is going to be on that tonight? Is there a member of the public here?

**Gunnar Hand, Director of Planning & Urban Design**, said we were able to touch base with the applicant prior to the meeting and they want to move forward with the approval. **Commissioner Burroughs** said okay. Thank you.

**Mayor Garner** said again, before I proceed, do any members of the Commission or County Administrator wish to set-aside anything?

**Action:** **Commissioner Kane made a motion, seconded by Commissioner Markley, to approve all the items on the Planning and Zoning Consent Agenda.**

**Mayor Garner** said before I move to that, is there anyone in attendance that would like to set-aside an item? Clerk, is there anyone joining us virtually who would like to set-aside an item?

**Mr. Deichler** said seeing none, Mayor.

**Mayor Garner** said we have a motion and a second for approval. Is there any further comment? Seeing none, roll call, please.

**Roll call** was taken and there were eight "Ayes," Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley.

## **CHANGE OF ZONE APPLICATIONS**

### **Item No. 1 – 212144...CHANGE OF ZONE APPLICATION COZ2022-040 - DAVID LOTZ WITH CONTINENTAL CONSULTING ENGINEERS**

**Synopsis:** Change of Zone from A-G Agriculture and R-1 Single Family Districts to MP-3 Planned Heavy Industrial District for Water Pollution Control offices and vehicle storage and Police CSI crime lab and parking for storage of vehicles at 822 and 825 N. 49<sup>th</sup> Street, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design.

And

### **Item No. 2 – 212146...MASTER PLAN AMENDMENT APPLICATION MPL2022-025 - DAVID LOTZ WITH CONTINENTAL CONSULTING ENGINEERS**

**Synopsis:** Master Plan Amendment from Mixed-Use Commercial (City-Wide Master Plan) to Industrial (City-Wide Master Plan) at 822 and 825 N. 49<sup>th</sup> Street, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design. The applicant, David Lotz on behalf of the Unified Government Water Pollution Control and KCKPD, is seeking a Change of Zone from A-G Agriculture and R-1 Single Family Districts to MP-3 Planned Heavy Industrial District, Preliminary Plat three (3) lots and build two (2) buildings totaling 77,314 square feet, and a Master Plan Amendment to the City-Wide Master Plan from Mixed-Use to Industrial to allow evidence and tow lots on the property on 36.80 acres. The Planning Commission voted 6 to 0 to recommend approval of Change of Zone Application COZ2022-040 and Master Plan Amendment MPL2022-025, subject to:

1. If the property is sold in the future, a deed restriction shall be placed on property restricting the site for a tow lot and office related activities, as MP-3 allows the most intensive, noxious, odorous industrial uses in the zoning code;
2. By instrument of the final plat, North 49<sup>th</sup> Street, south of Armstrong Avenue, and Ann Avenue shall be vacated, so the Unified Government does not have to maintain the street;
3. Continue the public sidewalk along the north side of Armstrong Avenue, to the east entrance/exit in front of the CSI Lab building and connect to the internal sidewalk;
4. Truck traffic on Muncie Drive should be controlled. Additional signage shall be posted. Coordination with truck drivers to the facility is required;
5. The laydown area, south of the Water Pollution Control building shall have paved (concrete or asphalt) drive aisles and the storage pads for equipment or materials may be asphalt millings;
6. Staff recommends retrofitting solar arrays on the building's rooftops in the future. Solar collectors shall not extend more than three (3) feet above the highest point of the roof;
7. Per Building Inspection Department:
  - a. Caution is advised as part of this property may have been a prior fill site;

8. Downspouts shall be consolidated and painted to match the building or a compatible color to the adjacent wall color;
9. Barbed wire fencing shall be oriented inwards toward the property rather than out towards the public right-of-way or adjacent residential uses;
10. The automatic gate shall be similar to the proposed fencing that it connects into;
11. Protect existing ridge lines and vegetation within the development to further assist in screening the development from Muncie Drive, Armstrong Avenue, and the residents to the east, in addition to preserving existing trees stands and underlying vegetation on site. The vegetation that runs along Armstrong Avenue shall screen the evidence lot from public view. The tree stand along the east property line shall be preserved to screen the residences from the KCKPD evidence and tow lots. This will help save money on future landscaping by not having to plant, irrigate and maintain new trees due to the removal of existing old growth trees during the land disturbance and grading process;
12. The areas around detention basin A and B shall be redesigned to include reforesting areas that were lost due to grubbing and grading, minimize grading, and preserve existing tree stands;
13. The open area west of Lot 1 (Water Pollution Control Service Center) between Hilltop Saddle Club and the single-family home, preserve in perpetuity as open space. Reforest the area, minimize the grading and redesign to preserve the tree stand and record an open space deed, or at the very least note on the plat as to be preserved in perpetuity;
14. The tree stands east of the CSI building preserve in perpetuity as open space;
15. Sec. 27-469(g) Trees are required at not less than one (1) per 10,000 square feet of site area. Six (6) foot high architectural screening in combination with a buffer area is to be provided alongside and rear property lines common to or across an alley from residentially zoned property. The architectural screen can either be fencing or landscaping. The fence may be comprised of wood or metal paneling with masonry columns every 32 feet running; The site for the proposed development is 36.80 acres, 160 trees are required based on acreage and exclusive of the street tree and parking lot island tree requirements for the lots zoned MP-3 Planned Heavy Industrial District;
16. All overstory trees shall be at least two (2) inch caliper when planted. All ornamental trees shall be at least two (2) inch caliper when planted. All evergreens shall be at least six (6) feet when planted. All shrubs shall be five (5) gallons when planted;
17. All landscaping shall be irrigated;
18. Landscaping is required to screen all parking areas and service entries. This includes perimeter parking and the trash enclosure.
  - a. All trash receptacles shall be enclosed with a screening wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six (6) feet in height on all sides and designed with the gate facing away from streets or adjacent land uses. All screening materials must be well maintained at all times;
19. BPU transformer pad shall be completely screened on three (3) sides with 6-foot junipers setback five (5) feet from the pad and 10 feet from the door opening or an opaque enclosure (wood pickets or metal paneling). Additionally, if the transformer doors open towards the parking lot, the 10- foot setback is established in the parking lot, therefore the gate/enclosure shall be constructed in front of the transformer;
20. All new rooftop mechanical equipment (i.e., RTUs, HVAC, vent stacks, etc.) shall be screened from public view by the parapet of the building where possible or by architectural screens such as opaque, textured, or perforated panels. Exhaust fans/hoods and vents should be screened and

- located in the rear and sides of the roofs, so these penetrations do not project above the roofline and are not visible from public view (North 50th Street, Armstrong Avenue and Muncie Drive);
21. Mechanical equipment or other utilities whether on the ground or mounted on the building shall be screened from public view. All utilities mounted on the wall must be painted to match the building. The screening shall either be dense landscaping with a minimum of six-foot (6) evergreens or an architectural wall constructed from the same materials as the main building;
  22. Sec. 27-699(b)(9) Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged as to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky-reflected glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way;
  23. All lighting whether mounted on the building or installed in the parking lot shall have 90-degree cutoff fixtures;
  24. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or [signpermits@wycokck.org](mailto:signpermits@wycokck.org) to begin this process;
  25. Hours of operation for construction shall be during daylight hours. Exceptions shall be made for small-scale after-hours deliveries and equipment maintenance, interior construction within the enclosed building, and construction worker access to the site. Occasional largescale construction operations may be required to occur after hours, such as concrete or asphalt placements and site grading operations due to weather conditions and suitable temperatures. Contractor/Developer shall provide 24-hour advance notice to the Unified Government Planning & Urban Design office of any large-scale after-hours operations;
  26. No heavy, construction truck traffic other than employee parking traffic (i.e., restrict) off Muncie Drive;
  27. Dust/dirt, trash, noise, vibration, glare must be minimized to not be intrusive to the single-family residences that border the site to the east and west;
  28. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by [buildinginspection@wycokck.org](mailto:buildinginspection@wycokck.org) to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
  29. All existing and future driveways must feature curb cuts that are constructed to UG standards;
  30. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by [info@wycokck.org](mailto:info@wycokck.org) to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
  31. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works

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

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

**Action:** Commissioner Kane made a motion, seconded by Commissioner Markley, to approve Change of Zone Application COZ2022-040 and Master Plan Amendment MPL2022-025, subject to the stipulations. Roll call was taken and there were eight “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley..

**Item No. 2 – 212147...CHANGE OF ZONE APPLICATION COZ2022-041 - CURTIS PETERSEN WITH POLSINELLI**

**Synopsis:** Change of Zone from CP-2 Planned General Business Distract to CP-2 Planned General Business District to amend conditions of prior approval for a convenience store and fueling station at 9001 N. 90<sup>th</sup> Street and 936 N. 90<sup>th</sup> Street, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design.

And

**Item No. 2 – 212148...PLAN REVIEW APPLICATION PR2022-043 - CURTIS PETERSEN WITH POLSINELLI**

**Synopsis:** Preliminary and Final Plan Review for a convenience store and fueling station at 9001 N. 90<sup>th</sup> Street and 936 N. 90<sup>th</sup> Street, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design. The applicant, Curtis Petersen with Polsinelli PC, is seeking for a Change of Zone from CP-2 Planned General Business District to CP-2 Planned General Business District to amend a condition of approval from COZ #3051 requiring the developer to set aside the southern 15,000 square feet (936 North 90th Street) and establish a Memorandum of Understanding (MOU) with the Foxmoor Neighborhood Association and a Preliminary and Final Development Plan to

build a 4,048 square foot gas station/convenience store with six (6) gas pumps on 2.29 acres at 9001 State Avenue and 936 North 90th Street. The Planning Commission voted 6 to 0 to recommend approval of Change of Zone Application COZ2022-041 and Plan Review Application PR2022-043, subject to:

1. The applicant's hours of operation will be 24 hours per day;
2. Sec. 27-212(c)(2) A development plan is submitted in two phases: a preliminary plan and final plan. A preliminary development plan may be used as a preliminary plat where all of the information required of preliminary plat has been included on the preliminary development plan;
3. A five (5) foot sidewalk shall extend along the entire west side of the subject parcel along North 90th Street and connect to the new 10-foot State Avenue sidewalk (previously change of zone condition);
4. In addition to establishing greater pedestrian connectivity throughout the site, where there are major parking lot crossings, crosswalks shall be painted in the drive aisles, so drivers are alert to look for pedestrians;
5. Install a sidewalk creating a pedestrian connection from State Avenue to the front door of the convenience store;
6. Utility easements shall be provided along each side of the lot to form a continuous utility easement. All easements shall be at least 10 feet wide. The required ten-foot width may be provided through five-foot easements on either side of lot or parcel lines when lines do not form, in whole or in part, the outside boundaries of the plat;
7. Per Sec. 27-317 Electrical power, telephone service, and cable television (if applicable) shall be provided by underground wiring for all new wiring provided;
8. Sec. 27-576(c)(1) Commercial development should take into account the architectural design of all building elevations, 360 degrees. Quality design should be expressed on all elevations of a building;
9. The same level of detail shown on the north elevation should be incorporated into the rest of the building. This building will be highly visible from all sides given the site is on the corner of 90th and State Avenue;
10. Applicant shall resubmit updated elevation drawings showing accurate materiality packages;
11. Downspouts shall be internalized;
12. Gasoline pump canopies shall have masonry wrapped columns that match the convenience store;
13. Note on the site plan and Preliminary Plat, which will be carried forward with the Final Plat that existing tree stands will be preserved on the property. They are to be protected as they provide a natural buffer to the west and south;
14. Sec. 27-577(b)(1) New construction must provide at least a 25-foot landscape zone between structures and/or parking lots and all public streets and access easements 40 feet wide or greater. This requirement may be reduced to 12 feet where there is no paving, other than a sidewalk, between a building and the right-of-way. The distance is to be measured from the public right-of-way or curb line of a private easement;
15. Sec. 27-577(b)(2) Landscape berms and/or continuous rows of shrubs are required to screen parking from adjacent development or public streets. Shrubs used in this area must not exceed a maximum height of 30 inches at maturity;



16. Sec. 27-577(b)(3) In general, formal, stand-alone trees are encouraged to be planted in landscape zones along major streets and medians. These trees should be planted as follows:
  - a. One tree with a minimum caliper of two inches (ornamental) evergreen trees must be at least six feet tall when planted provided for every 30 feet of street easement or frontage.
  - b. Street trees should be planted no closer than 55 feet and no more than 65 feet apart. Groupings of ornamental trees and shrubs should be placed between the street trees. As part of the landscaping requirements in the Commercial Design Guidelines, street trees must be planted along the frontage of major streets;
17. Sec. 27-577(d)(1) At least 75 percent of the length of building foundations facing public streets, the exterior of the development, or common spaces must be planted with ornamental plant material such as ornamental trees, flowering shrubs, perennials, and groundcovers;
18. All deciduous and shade trees shall be at least two (2) inch caliper when planted. Evergreens shall be at least six (6) feet in height when planted. Shrubs shall be at least five (5) gallons when planted. Throughout the development, there shall be a variety of deciduous and evergreen trees in addition to native grasses and plants (wildflowers);
19. All landscaping shall be irrigated;
20. Issuance of a final certificate of occupancy for any project or property associated with an entitlement from the City Planning Commission or UG Board of Commissioners, shall not be issued prior to the completion of all landscape elements for the project to the standards and requirements for a Final Certificate of Occupancy and the successful review by departmental inspection. As an alternative to completely meeting all standards and requirements for a Final Certificate of Occupancy, to allow for cases of weather delays, plant seasonality, or shortages of labor or materials, the applicant may request to submit a landscape performance bond or surety. Requests to submit a landscape performance bond or surety for a particular project must receive eligibility approval from the Department of Planning and Urban Design prior to submission. Submissions must meet all requirements of the Bonding Procedure Policy and pass the review process. Bond applications shall only be approved by the Zoning Enforcement Officer, Lead Planner, or Director of Planning & Urban Design. Bond applications shall receive final approval before the applicant may request any inspection or re-inspection of a project or property for a Bonded Final Certificate of Occupancy;
21. Mechanical equipment or other utility hardware whether on the ground or on a building shall be screened from public view. Such screening shall be harmonious with building design and materials;
22. The following requirements have been provided by the Board of Public Utilities (BPU) as installation and screening requirements for transformers and electrical equipment on the ground:
  - a. Gate doors are required for all types of screening that are placed in front of the transformers;
  - b. Fences shall be installed two (2) feet off the ground and have adequate clearance to open gate doors at 180° and have 10-foot clearance from pad when gate doors open;
  - c. Posts for gate doors must be installed a minimum distance of 10- feet apart in the front;
  - d. For slat fences, customer shall install a minimum four (4) inch slats and have four (4) inches of space between each slat;
  - e. Customer must take account of the maturity size of the evergreen tree when planting saplings so that the trees can grow outside of the required clearance for evergreen trees, customer shall plant each tree so that there is two (2) feet or more of space from edge to edge between each

- tree at maturity. (e.g. blue arrow juniper grows up to two (2) feet wide, so there shall be four (4) feet of spacing between each tree taking account the growth of saplings);
- f. Pad must have a minimum clearance of six (6) feet on each side, six (6) feet on the back and five (5) feet on the front allowing for 10-feet on the front when gate doors open;
23. All new rooftop mechanical equipment (i.e., RTUs, HVAC, vent stacks, etc.) shall be screened from public view by the parapet of the building. Architectural screens such as opaque, textured, or perforated panels do not meet the standards of the Commercial Design Guidelines;
  24. All trash and recycling receptacles shall be enclosed on all sides with an opaque wall or fence constructed of the same material as the primary structure. The screen must be a minimum of six (6) feet in height on all sides, tall enough to screen the dumpster itself. When possible, the enclosure's gates shall face away from streets or adjacent land uses. All screening materials must be well maintained at all times;
  25. Gasoline pump canopies shall have masonry wrapped columns that match the main building;
  26. Exterior lighting cannot exceed one (1) footcandle at the property line;
  27. Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky-reflected glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed one-foot candle as measured from said property line. All lighting on the property, both on the buildings and in parking lots shall have 90-degree cutoff fixtures;
  28. Only decorative lighting can be used on the exterior of the building. No wall pack lights, or flood lights are allowed;
  29. All fencing, whether wrought-iron in front or privacy along the side and rear shall have masonry columns every 32 feet running;
  30. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or [signpermits@wycokck.org](mailto:signpermits@wycokck.org) to begin this process;
  31. Per Business Licensing Department: If approved, occupying businesses must file and maintain a current business occupation tax application with the Business Licensing Division. Their office is at 4953 State Avenue, Kansas City, KS 66102, and their number is (913) 573-8780;
  32. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by [buildinginspection@wycokck.org](mailto:buildinginspection@wycokck.org) to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
  33. All existing and future driveways must feature curb cuts that are constructed to UG standards;
  34. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by [info@wycokck.org](mailto:info@wycokck.org) to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
  35. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall

be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;

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

**Action:** Commissioner Kane made a motion, seconded by Commissioner Markley, to approve Change of Zone Application COZ2022-041 and Plan Review Application PR2022-043, subject to the stipulations. Roll call was taken and there were eight “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley.

### **SPECIAL USE PERMIT APPLICATIONS**

#### **Item No. 1 – 212136...SPECIAL USE PERMIT APPLICATION SP2022-086 - DAVID CUNNINGHAM WITH PARKWAY LIQUOR**

**Synopsis:** Special Use Permit to expand the operation of a current liquor store at 8222 Parallel Parkway, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design.

And

#### **Item No. 1 – 212145...MASTER PLAN AMENDMENT APPLICATION MPL2022-018 - DAVID CUNNINGHAM WITH PARKWAY LIQUOR**

**Synopsis:** Master Plan Amendment from Low-Density Residential (City-Wide Master Plan) to Community Commercial (City-Wide Master Plan) to expand the operation of an existing liquor store at 8222 Parallel Parkway, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design. The applicant, David Cunningham, is requesting a Special Use Permit and Master Plan Amendment from Low-Density Residential (CityWide Master Plan) to Community

Commercial (City-Wide Master Plan) to expand the operation of an existing liquor store at 8222 Parallel Parkway. The Planning Commission voted 5 to 0 to recommend approval of Special Use Permit Application SP2022-086 and Master Plan Amendment MPL2022-018, subject to:

1. The applicant shall install pedestrian markings and restripe the parking lot;
2. The applicant shall repair the trash enclosure;
3. The applicant shall plant three (3) trees along the southern edge of the property;
4. This City Planning Commission case is being heard in conjunction with BOZA2022-055. Any approval by the City Planning Commission or Board of Commissioners of this case, and the conditions of approval contained herein, are contingent, and shall only go into effect, upon the approval of BOZA2022-055 by the Unified Government Board of Zoning Appeals and upon any ordinance publications required by law;
5. Alcoholic liquor, CMB, non-alcoholic malt beverage, and any other goods or services may be sold in a retail liquor store. Lottery tickets and cigarette and tobacco products with proper licensure may be sold in a retail liquor store. Sales of other goods and services must not exceed 20% of total gross sales. The 20% excludes lottery, CMB and cigarette and tobacco product sales. If sales of other goods and services from a licensed retailer premise exceeds 20% of total gross sales, all sales of other goods and services exceeding 20% will have to be made from a separate, unlicensed premises. If each premise does not have a separate outside entrance, a vestibule is required;
6. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or [signpermits@wycokck.org](mailto:signpermits@wycokck.org) to begin this process;
7. If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;
8. The applicant has filed and maintained a current business occupation tax application;
9. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by [buildinginspection@wycokck.org](mailto:buildinginspection@wycokck.org) to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
10. All existing and future driveways must feature curb cuts that are constructed to UG standards;
11. Section 27-464(g) requires that trees are required at not less than one (1) per 7,000 square feet of site area. The subject property has 21,000 square feet, requiring three (3) trees be provided on the site plan;
12. Section 27-699(b)(5) states that all outside bins or trash container areas must be completely enclosed by an architectural screen to a height not less than the height of the bin or container. No trash enclosures may be located in required yards adjacent to street right-of-way. In commercially and industrially zoned areas where the trash container will not be visible from off the property due to other screening or topographic conditions and will not be visible from public parking or pedestrian areas on the site, such trash bin screening need not be provided. In industrially zoned areas where the trash container will not be visible from residential property

and where such containers are kept directly alongside the building and in a well-kept manner, such screening need not be provided;

13. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
14. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
15. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,
16. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

**Action:** Commissioner Kane made a motion, seconded by Commissioner Markley, to approve Special Use Permit Application SP2022-086 for two years and Master Plan Amendment MPL2022-018, subject to the stipulations. Roll call was taken and there were eight “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley.

**Item No. 2 – 212149...SPECIAL USE PERMIT APPLICATION SP2022-094 - CALAWAY MCQUEENY WITH MCQUEENY MANAGEMENT LLC**

**Synopsis:** Special Use Permit for a Short-Term Rental at 4904 Edgehill Drive, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design. The Applicant, Calaway McQueeney, is seeking the approval to operate a short-term rental at 4904 Edgehill Drive. The

subject property is in a residential block near the intersection of Swartz and South 51st Street. The owner has recently purchased the property as a fire damaged, unfit structure and is completing renovations. The Planning Commission voted 5 to 0 to recommend approval of Special Use Permit Application SP2022-094, for one (1) year, subject to:

1. Maximum number of guests shall be 7;
2. All parking must be off-street, maximum number of vehicles is four (4);
3. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
4. Applicant must maintain liability insurance;
5. Applicant must maintain the property's physical condition through the duration of the permit;
6. All reservations shall be a minimum stay of 24 hours;
7. No meals shall be prepared in the dwelling by the owner or owner's agent;
8. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;
9. The owner or owner's agent/operator shall provide a guest book with the following information:
  - a) Information within the dwelling unit to inform and assist renters/guests in the event of a natural disaster, power outage, or emergency including but not limited to tornado, severe weather or storm, or flash flooding. Information should contain appropriate designation for shelter in place, evacuation, or utility contact information.
  - b) A lead-based paint notification for any property built before 1978.
  - c) An asbestos notification for any property built before 1981.
  - d) Information for the guest to report any concerns to Host Compliance at 913-246-5133 (phone number) and [www.hostcompliance.com/tips](http://www.hostcompliance.com/tips) (website);
10. The property must remain in proper maintenance and free of hazards, pests, or infestations;
11. The granting of this Special Use Permit does not transfer with a change of ownership of the property;
12. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
13. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
14. The Special Use Permit shall be valid for one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any



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

**Action:** Commissioner Kane made a motion, seconded by Commissioner Markley, to approve Special Use Permit Application SP2022-094 for one year, subject to the stipulations. Roll call was taken and there were eight “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley.

**Item No. 3 – 212150...SPECIAL USE PERMIT APPLICATION SP2022-095 - MEGAN PAINTER WITH CHWC**

**Synopsis:** Special Use Permit to operate a neighborhood playground at 2515 N. 17<sup>th</sup> Street, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design. The applicant, Megan Painter, with Community Housing of Wyandotte County, is requesting a Special Use Permit for properties at 2513, 2515, and 2517 North 17th Street to operate a privately owned playground. The subject property consists of three (3) separate but adjacent parcels, currently owned by the Wyandotte County Land Bank. The athletic park would be owned and maintained by Community Housing of Wyandotte County. The Planning Commission voted 5 to 0 to recommend approval of Special Use Permit Application SP2022-095, for two (2) years, subject to:

1. The applicant shall preserve all existing trees on the property. Where it is not possible to preserve an existing tree, due to health or safety, a new tree shall be planted;
2. A sidewalk shall be constructed along North 17th Street and Rowland Avenue. The sidewalk along Rowland Avenue shall be four (4) feet wide to conform with the goDotte County-Wide Mobility Plan;
3. In the event that storm water manage issues arise, the applicant shall work to address those issues;
4. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or [signpermits@wycokck.org](mailto:signpermits@wycokck.org) to begin this process;
5. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use

of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspection Division at (913) 573-8620 or by [buildinginspection@wycokck.org](mailto:buildinginspection@wycokck.org) to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;

6. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-86201
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](mailto:info@wycokck.org) to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
8. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
9. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
10. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
11. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,
12. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not

submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

**Action:** Commissioner Kane made a motion, seconded by Commissioner Markley, to approve Special Use Permit Application SP2022-095 for two years, subject to the stipulations. Roll call was taken and there were eight “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley.

**Item No. 4 – 212151...SPECIAL USE PERMIT APPLICATION SP2022-099 - CHUCK CUDA WITH AVENUE PARTNERS LLC**

**Synopsis:** Special Use Permit to operate an automotive body repair shop at 3151 Fiberglass Road, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design.

And

**Item No. 1 – 212152...PLAN REVIEW APPLICATION PR2022-042 - CHUCK CUDA WITH AVENUE PARTNERS LLC**

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

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

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

1. This City Planning Commission case is being heard in conjunction with BOZA2022-056. Any approval by the City Planning Commission or Board of Commissioners of this case, and the conditions of approval contained herein, are contingent, and shall only go into effect, upon the

approval of BOZA2022-056 by the Unified Government Board of Zoning Appeals and upon any ordinance publications required by law;

2. The following improvements shall be made to the property:
  - a. The parking lot shall be restriped.
  - b. The barbed-wire fencing shall be tilted inward
  - c. The trash enclosure shall follow commercial design guidelines if visible from the public street.
  - d. Any curbs or gutters near the parking lot entrance of the property shall be repaired and maintained in proper condition per UG Standards.
  - e. Any entrance gates shall slide parallel to the fence or shall open inward as to not interfere with the right-of-way;
3. Vehicle repairs shall not be done in any right-of-way easement or roadway. Vehicles shall be repaired within an enclosed building;
4. A cross-access agreement shall be maintained between the separate parcels;
5. Hours of operation shall be from 7:00 AM to 6:00 PM;
6. Landscaping shall be installed per plan and continuously maintained;
7. A building permit is required. Please contact the Building Inspection Department to begin that process at (913) 573-8620;
8. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or [signpermits@wycokck.org](mailto:signpermits@wycokck.org) to begin this process;
9. If approved, Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;
10. Per Business Licensing Department: If approved, occupying businesses must file and maintain a current business occupation tax application with the Business Licensing Division. Their office is at 4953 State Avenue, Kansas City, KS 66102, and their number is (913) 573-8780;
11. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by [info@wycokck.org](mailto:info@wycokck.org) to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
12. All existing and future driveways must feature curb cuts that are constructed to UG standards;
13. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
14. Any automotive-related business in Wyandotte County that is required to obtain any Special Use Permit, shall be responsible to ensure that the business operations are at all times compliant with all applicable local ordinances and State Statutes and Regulations [27-463 through 27-470; 27- 592 through 27-616] [KSA 65-3424, KAR 28-29-29 through 28-29-33]. Proof of proper disposal of waste tires with a Kansas State permit-holding waste tire collector or waste tire processor is required to be maintained at the management office and provided to any enforcement staff upon request;
15. Any automotive-related business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that the business operations are at all times compliant with all applicable local ordinances and State Statutes and Regulations [27-463 through 27-470;

- 27- 592 through 27-616] [KSA 65-3424, KAR 28-29-29 through 28-29-33]. Proof of proper disposal of waste tires with a Kansas State permit-holding waste tire collector or waste tire processor is required to be maintained at the management office and provided to any enforcement staff upon request;
16. Any business or land use in Wyandotte County that is required to provide off-street parking shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-466 through 27-470; 27-592 through 27-616; 27-667 through 27-676]. Inoperable vehicles shall be stored inside an enclosed building. Inoperable vehicles may not be stored outside unless they are completely screened from view in accordance with all applicable ordinances. Outside storage shall not include wrecked or salvage vehicles. Any vehicle parked or stored outside must be on an improved surface, located on the same land parcel as the business use, and be parked within a regulation dimension parking stall. Any outside storage may not reduce the availability of all required parking spaces as required by ordinance;
  17. Issuance of a certificate of occupancy for any project or property associated with an entitlement from the City Planning Commission or UG Board of Commissioners, shall not be issued prior to the completion of all landscape elements for the project to the standards and requirements for a Final Certificate of Occupancy and the successful review by departmental inspection. As an alternative to completely meeting all standards and requirements for a Final Certificate of Occupancy, to allow for cases of weather delays, plant seasonality, or shortages of labor or materials, the applicant may request to submit a landscape performance bond or surety. Requests to submit a landscape performance bond or surety for a particular project must receive eligibility approval from the Department of Planning and Urban Design prior to submission. Submissions must meet all requirements of the Bonding Procedure Policy and pass the review process. Bond applications shall only be approved by the Zoning Enforcement Officer, Lead Planner, or Director of Planning & Urban Design. Bond applications shall receive final approval before the applicant may request any inspection or re-inspection of a project or property for a Bonded Final Certificate of Occupancy;
  18. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
  19. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,
  20. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

**Action:** Commissioner Kane made a motion, seconded by Commissioner Markley, to approve Special Use Permit Application SP2022-099 for two years and Plan Review Application PR2022-042, subject to the stipulations. Roll call was taken and there were eight “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley.

**Item No. 5 – 212153...SPECIAL USE PERMIT APPLICATION SP2022-100 - JOHN GAAR WITH FINKLE WILLIAMS ARCHITECTURE**

**Synopsis:** Special Use Permit to keep a storage container to store construction materials at 5841 Swartz Road, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design. The applicant, Bent Bitikofer is requesting a Special Use Permit to keep a storage container to store building materials, airplane parts, and tools on the property at 5841 Swartz Road. The Planning Commission voted 5 to 0 to recommend approval of Special Use Permit Application SP2022-100, for two (2) years, subject to:

1. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by [buildinginspection@wycokck.org](mailto:buildinginspection@wycokck.org) to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
2. All existing and future driveways must feature curb cuts that are constructed to UG standards;
3. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
4. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
5. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;



6. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
7. The property shall be cleared of all code violations and all accessory structures, with the exception of the primary accessory garage shall be removed.
8. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,
9. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

**Action:** Commissioner Kane made a motion, seconded by Commissioner Markley, to approve Special Use Permit Application SP2022-100 for two years, subject to the stipulations. Roll call was taken and there were eight “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley.

**Item No. 6 – 212180...SPECIAL USE PERMIT APPLICATION SP2022-088 - JOE DELLOIACOVO WITH CYNTOX LLC**

**Synopsis:** Special Use Permit to operate a medical waste transfer station at 200 Funston Road, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design. The applicant, Joe Delloiacovo with Cyntox, LLC, is seeking the approval to continue operations at a medical waste processing and transfer facility. The property has maintained the use for a number of years under the name MedAssure Heartland LLC, but has recently been acquired by Cyntox, LLC, requiring the re-approval of the Special Use Permit, as they are non-transferable. The processing of medical waste uses moist heat rather than hazardous materials, burning, or combustion. Additionally, there are no harmful air emissions or wastewater pollutants, and the facility is KDHE licensed. The subject property was built in 1959 and includes 18,012 square feet of building space and a large,

improved parking area for trucks, storage, and maneuvering. The building consists of multiple tenants; however, this tenant only utilizes the parking area to the west and the rear of the property. The 2012 SUP also included plans for a future treatment plant at the building, however, that proposal did not come to fruition and the company only remains only as a transfer station. The applicant is requesting another 10-year renewal as a transfer station under the new company name. The Planning Commission voted 7 to 0 to recommend approval of Special Use Permit SP2022-088 for ten (10) years, subject to:

- 1) The following site plan updates are required to meet design criteria and/or ordinance requirements:
  - a) Per Section 8-250(2) the barbed wire must be adjusted to tilt inward.
  - b) To provide adequate connectivity per the Northeast Area Master Plan, the sidewalk connecting from the adjacent parcel west shall be continued with a path leading to the front door of the property as indicated on the staff site plan.
  - c) Per Section 27-700, a maximum of one (1) tree per every 15,000 square feet of site area could be requested. The maximum required trees is nine (9) and staff is proposing three (3) trees be added to the property as indicated on the staff site plan. d) The front parking stripes shall be re-striped in accordance with Sections 27-667-27-676.
- 2) Any business or land use in Kansas City, Kansas that is required to provide off-street parking shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-466 through 27-470; 27-592 through 27-616; 27-667 through 27-676]. Inoperable vehicles shall be stored inside an enclosed building. Inoperable vehicles may not be stored outside unless they are completely screened from view in accordance with all applicable ordinances. Outside storage shall not include wrecked or salvage vehicles. Any vehicle parked or stored outside must be on an improved surface, located on the same land parcel as the business use, and be parked within a regulation dimension parking stall. Any outside storage may not reduce the availability of all required parking spaces as required by ordinance.
- 3) Per Sections 27-667-27-676, every vehicle must be in a designated and striped parking space. Provide a site plan indicating the number of parking stalls, indicating which stalls are dedicated to customers, employees and staff, vehicles for sale, or vehicles for repair. Detailed dimensions of each parking stall are required. Non-ADA parking stalls must be 9' wide from the inside of stripe to inside of stripe and 18' in length. ADA Stalls must be 8' wide with an additional accessibility aisle of five (5) feet wide. Two (2) ADAaccessible parking stalls may share one accessibility aisle.
- 4) Any automotive-related use in Kansas City, Kansas shall be responsible to ensure that the business operations are at all times compliant with all applicable local ordinances and State Statutes and Regulations [27-463 through 27-470; 27-592 through 27-616] [KSA 65-3424, KAR 28-29-29 through 28-29-33]. Proof of proper disposal of waste tires with a Kansas State permit-holding waste tire collector or waste tire processor is required to be maintained at the management office and provided to any enforcement staff upon request;
- 5) If approved, the applicant or any occupying businesses must file and maintain a current business occupation tax application with the Kansas City, Kansas business licensing office. Any contractor associated with the project shall file and maintain a current business occupation tax

application with the Kansas City, Kansas business licensing office and with the building inspection office.

- 6) The Subject Property has been identified as being within a floodplain and/or floodway. The Applicant shall review the Floodplain Management Ordinance and obtain the necessary local, State, and Federal floodplain permits before the construction or alteration of any structure the floodplain prior to obtaining a building permit. This may result in additional building, plan, or site changes as required.
- 7) Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or [signpermits@wycokck.org](mailto:signpermits@wycokck.org) to begin this process.
- 8) The Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only.
- 9) A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by [buildinginspection@wycokck.org](mailto:buildinginspection@wycokck.org) to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly.
- 10) All existing and future driveways must feature curb cuts that are constructed to UG standards.
- 11) Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable.
- 12) A Right-of-Way Permit may be required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by [info@wycokck.org](mailto:info@wycokck.org) to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly.
- 13) The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations.
- 14) Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit.
- 15) The Special Use Permit shall be valid for 10 years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2)

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

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

**Action:** Commissioner Kane made a motion, seconded by Commissioner Markley, to approve Special Use Permit Application SP2022-088 for 10 years, subject to the stipulations. Roll call was taken and there were eight “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley.

### **PLAN REVIEW APPLICATIONS**

#### **Item No. 1 – 212152...PLAN REVIEW APPLICATION PR2022-042 - CHUCK CUDA WITH AVENUE PARTNERS LLC**

**Synopsis:** Preliminary and Final Plan Review for an automotive body shop at 3151 Fiberglass Road, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design.

**Action:** This item was previously presented with Special Use Permit Application SP2022-099.

#### **Item No. 2 – 212148...PLAN REVIEW APPLICATION PR2022-043 - CURTIS PETERSEN WITH POLSINELLI**

**Synopsis:** Preliminary and Final Plan Review for a convenience store and fueling station at 9001 N. 90<sup>th</sup> Street and 936 N. 90<sup>th</sup> Street, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design.

**Action:** This item was previously presented in conjunction with Change of Zone Application COZ2022-041.

## **MASTER PLAN AMENDMENT APPLICATIONS**

### **Item No. 1 – 212145...MASTER PLAN AMENDMENT APPLICATION MPL2022-018 - DAVID CUNNINGHAM WITH PARKWAY LIQUOR**

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

**Action:** This item was previously presented with Special Use Permit Application SP2022-086.

### **Item No. 2 – 212146...MASTER PLAN AMENDMENT APPLICATION MPL2022-025 - DAVID LOTZ WITH CONTINENTAL CONSULTING ENGINEERS**

**Synopsis:** Master Plan Amendment from Mixed-Use Commercial (City-Wide Master Plan) to Industrial (City-Wide Master Plan) at 822 and 825 N. 49<sup>th</sup> Street, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design.

**Action:** This item was previously presented in conjunction with Change of Zone Application COZ2022-040.

## **VACATION APPLICATION**

### **Item No. 1 – 212154...VACATION APPLICATION VAC2022-007 - AUSTIN THOMPSON WITH ATLAS LAND CONSULTING**

**Synopsis:** Vacation of a utility easement at 12821 and 12827 Hubbard Road, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design. The applicant, Austin Thompson, is requesting the Vacation of a utility easement at 12821 and 12827 Hubbard Road, with the intention to combine lots 37 and 38 into one (1) parcel and construct a single-family residence. The Planning Commission voted 5 to 0 to recommend approval of Vacation Application VAC2022-007, subject to:

1. The applicant will be required to construct a four (4) foot wide, four (4) foot thick sidewalk;

2. Landscaping shall be installed along the western edge of the driveway as to screen the driveway and proposed garage doors from the adjacent property. The landscaping must meet the standards, set out by the Freeman Farms Homeowners association;
3. All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
4. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by [buildinginspection@wycokck.org](mailto:buildinginspection@wycokck.org) to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
5. All existing and future driveways must feature curb cuts that are constructed to UG standards;
6. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable; and,
7. The City of Kansas City, Kansas reserves to itself the right to, at any time after the effective date of this ordinance, reenter or permit a public utility to reenter that portion of said tract of land hereby vacated for the purpose of repairing installing, constructing or reconstructing any public utilities, including, but not limited to sewers, conduits, electric light pole lines, etc. that are now or may hereafter be installed in the tract of land hereby vacated.

**Action:** Commissioner Kane made a motion, seconded by Commissioner Markley, to approve Vacation Application VAC2022-007, subject to the stipulations. Roll call was taken and there were eight “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley.

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

**Item No. 1 - 212155...**AN ORDINANCE rezoning property at approximately 800 N. 5<sup>th</sup> Street, (COZ2022-012) from RP-1 Planned Single Family and RP-5 Planned Apartment Districts to RP-5 Planned Apartment District, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design.

**Action:** **ORDINANCE NO. O-165-22**, “An ordinance rezoning property hereinafter described located at approximately 800 North 5th Street, in Kansas City, Kansas, by changing the same from its present zoning of RP-1 Planned Single Family and RP-5 Planned Apartment Districts to RP-5 Planned Apartment District.”  
**Commissioner Kane made a motion, seconded by Commissioner Markley, to**



**approve the ordinance.** Roll call was taken and there were eight “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley.

**Item No. 2 – 212156...AN ORDINANCE** rezoning property at approximately 3015 and 3020 N. Baltimore Street, (COZ2022-017) from RP-5 Planned Apartment District to A-G Agriculture District, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design.

**Action:**        **ORDINANCE NO. O-166-22**, “An ordinance rezoning property hereinafter described located at approximately 3015 and 3020 North Baltimore Street, in Kansas City, Kansas, by changing the same from its present zoning of RP-5 Planned Apartment District to A-G Agriculture District.” **Commissioner Kane made a motion, seconded by Commissioner Markley, to approve the ordinance.** Roll call was taken and there were eight “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley.

**Item No. 3 – 212157...AN ORDINANCE** rezoning property at approximately 2615 Espenlaub Lane, (COZ2022-025) from R-1 Single Family District to A-G Agriculture District, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design.

**Action:**        **ORDINANCE NO. O-167-22**, “An ordinance rezoning property hereinafter described located at approximately 2615 Espenlaub Lane, in Kansas City, Kansas, by changing the same from its present zoning of R-1 Single Family District to A-G Agriculture District.” **Commissioner Kane made a motion, seconded by Commissioner Markley, to approve the ordinance.** Roll call was taken and there were eight “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley.

**Item No. 4 – 212158...AN ORDINANCE** rezoning property at approximately 4500 Dover Street and 4414 Gibbs Road, (COZ2022-028) from MP-2 Planned General Industrial and R-1 Single Family Districts to MP-2 Planned General Industrial District, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design.

**Action:**       **ORDINANCE NO. O-168-22**, “An ordinance rezoning property hereinafter described located at approximately 4500 Dover Street and 4414 Gibbs Road, in Kansas City, Kansas, by changing the same from its present zoning of MP-2 Planned General Industrial and R-1 Single Family Districts to MP-2 Planned General Industrial District.” **Commissioner Kane made a motion, seconded by Commissioner Markley, to approve the ordinance.** Roll call was taken and there were eight “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley.

**Item No. 5 – 212159...AN ORDINANCE** rezoning property at approximately 2443 S. 88<sup>th</sup> Street, (COZ2022-031) from R-1 Single Family and MP-2 Planned General Industrial District to MP-3 Planned Heavy Industrial District, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design.

**Action:**       **ORDINANCE NO. O-169-22**, “An ordinance rezoning property hereinafter described located at approximately 2443 South 88th Street, in Kansas City, Kansas, by changing the same from its present zoning of R-1 Single Family and MP-2 Planned General Industrial District to MP-3 Planned Heavy Industrial District.” **Commissioner Kane made a motion, seconded by Commissioner Markley, to approve the ordinance.** Roll call was taken and there were eight “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley.

**Item No. 6 – 212160...AN ORDINANCE** rezoning property at approximately 1921 N. 118<sup>th</sup> Street, (COZ2022-033) from A-G Agriculture District to RP-4 Planned Garden Apartment District, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design.

**Action:**       **ORDINANCE NO. O-170-22**, “An ordinance rezoning property hereinafter described located at approximately 1921 North 118th Street, in Kansas City, Kansas, by changing the same from its present zoning of A-G Agriculture District to RP-4 Planned Garden Apartment District.” **Commissioner Kane made a motion, seconded by Commissioner Markley, to approve the ordinance.** Roll

call was taken and there were eight “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley.

**Item No. 7 – 212161...AN ORDINANCE** authorizing a Home Occupation Special Use Permit (SP2022-017) for a beauty salon at 5044 Powell Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design.

**Action:**        **ORDINANCE NO. O-171-22**, “An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, for a Home Occupation Special Use Permit for a beauty salon at 5044 Powell Avenue, Kansas City, Kansas.”    **Commissioner Kane made a motion, seconded by Commissioner Markley, to approve the ordinance.** Roll call was taken and there were eight “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley.

**Item No. 8 – 212162...AN ORDINANCE** authorizing a Special Use Permit (SP2022-037) for the Temporary Use of Land to store landscape materials at 230 S. 65<sup>th</sup> Street, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design.

**Action:**        **ORDINANCE NO. O-172-22**, “An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, for the temporary use of land to store landscape materials at 230 South 65th Street, Kansas City, Kansas.”    **Commissioner Kane made a motion, seconded by Commissioner Markley, to approve the ordinance.** Roll call was taken and there were eight “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley.

**Item No. 9 – 212163...AN ORDINANCE** authorizing a Special Use Permit (SP2022-039) for chickens at 13024 Leavenworth Road, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design.

**Action:**        **ORDINANCE NO. O-173-22**, “An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, for forty (40) chickens at 13024 Leavenworth Road, Kansas City, Kansas.” **Commissioner Kane made a motion, seconded by Commissioner Markley, to approve the ordinance.** Roll call was taken and there were eight “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley.

**Item No. 10 – 212165...AN ORDINANCE** authorizing a Special Use Permit (SP2022-052) to continue to keep storage containers and a moveable high-tunnel for a training farm and community garden at 1900 N. 1<sup>st</sup> Street, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design.

**Action:**        **ORDINANCE NO. O-174-22**, “An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, to continue to keep storage containers and a moveable high-tunnel for a training farm and community garden at 1900 North 1st Street, Kansas City, Kansas.” **Commissioner Kane made a motion, seconded by Commissioner Markley, to approve the ordinance.** Roll call was taken and there were eight “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley.

**Item No. 11 – 212166...AN ORDINANCE** authorizing a Special Use Permit (SP2022-054) to operate an indoor soccer facility at 520 S. 55<sup>th</sup> Street, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design.

**Action:**       **ORDINANCE NO. O-175-22**, “An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, to operate an indoor soccer facility at 520 South 55th Street, Kansas City, Kansas.” **Commissioner Kane made a motion, seconded by Commissioner Markley, to approve the ordinance.** Roll call was taken and there were eight “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley.

**Item No. 12 – 212167...AN ORDINANCE** authorizing a Special Use Permit (SP2022-065) for a short-term rental at 2023 N. 85<sup>th</sup> Street, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design.

**Action:**       **ORDINANCE NO. O-176-22**, “An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, for a short-term rental at 2023 North 85th Street, Kansas City, Kansas.” **Commissioner Kane made a motion, seconded by Commissioner Markley, to approve the ordinance.** Roll call was taken and there were eight “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley.

**Item No. 13 – 212168...AN ORDINANCE** authorizing a Special Use Permit (SP2022-067) for a short-term rental at 733 Ohio Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design.

**Action:**       **ORDINANCE NO. O-177-22**, “An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, for a short-term rental at 733 Ohio Avenue, Kansas City, Kansas.” **Commissioner Kane made a motion, seconded by Commissioner Markley, to approve the ordinance.** Roll call was taken and there were eight “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley.

**Item No. 14 – 212169...AN ORDINANCE** authorizing a Home Occupation Special Use Permit (SP2022-075) for a short-term rental at 2824 N. 99<sup>th</sup> Terrace, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design.

**Action:**        **ORDINANCE NO. O-178-22**, “An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, for a Home Occupation Special Use Permit for a short-term rental at 2824 North 99th Terrace, Kansas City, Kansas.” **Commissioner Kane made a motion, seconded by Commissioner Markley, to approve the ordinance.** Roll call was taken and there were eight “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley.

**Item No. 15 – 212170...AN ORDINANCE** authorizing a Special Use Permit (SP2022-077) for heavy automotive/truck, service, repair, and mechanic at 700 Kindelberger Road, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design.

**Action:**        **ORDINANCE NO. O-179-22**, “An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, for heavy automotive/truck, service, repair and mechanic at y 700 Kindelberger Road, Kansas City, Kansas.” **Commissioner Kane made a motion, seconded by Commissioner Markley, to approve the ordinance.** Roll call was taken and there were eight “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley.

**Item No. 16 – 212171...AN ORDINANCE** authorizing a Special Use Permit (SP2022-080) for live entertainment in conjunction with drinking at an assembly hall at 404 N. 5<sup>th</sup> Street, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design.



**Action:**        **ORDINANCE NO. O-180-22**, “An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, for live entertainment in conjunction with drinking at an assembly hall at 404 North 5th Street, Kansas City, Kansas.” **Commissioner Kane made a motion, seconded by Commissioner Markley, to approve the ordinance.** Roll call was taken and there were eight “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley.

**Item No. 17 – 212172...AN ORDINANCE** authorizing a Home Occupation Special Use Permit (SP2022-083) for a single-chair hair salon at 2947 N. 83<sup>rd</sup> Street, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design.

**Action:**        **ORDINANCE NO. O-181-22**, “An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, for a Home Occupation Special Use Permit for a single-chair hair salon at s 2947 North 83rd Street, Kansas City, Kansas.” **Commissioner Kane made a motion, seconded by Commissioner Markley, to approve the ordinance.** Roll call was taken and there were eight “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley.

## **PLANNING AND ZONING NON-CONSENT AGENDA**

### **CHANGE OF ZONE APPLICATIONS**

#### **Item No. 1 – 212164...CHANGE OF ZONE APPLICATION COZ2021-048 - BLAIR TANNER WITH TANNER & WHITE PROPERTIES**

**Synopsis:** Change of Zone from C-1 Limited Business and R-1 Single Family Districts to RP-6 Planned High Rise Apartment District for a multi-family residential apartment complex and parking garage at 4601 Rainbow Boulevard, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design. The applicant, Blair Tanner with Tanner & White Properties, Inc. applied for a Change of Zone from C-1 Limited Business and R-1(B) Single Family Districts to

RP-6 Planned High-Rise Apartment District to build a seven (7) story, 149-unit apartment building on 1.89 acres located at 4601 Rainbow Boulevard. The Planning Commission voted 6 to 2 to recommend approval of Change of Zone COZ2021-048, subject to:

1. A Final Development Plan is required to complete this entitlement process;
2. Sec. 27-461(c)2.e. For parking and other paved areas: Not less than 25 feet from any street line and not less than six (6) feet from any other property line;
3. Sec. 27-461(c)(3) Lot area shall not be less than 1,500 square feet per dwelling unit; provided however, that an area equal to at least 40 percent of the site area is maintained as nonvehicular open space;
4. Paint an east/west crosswalk along Francis Street, north/south across West 46th Avenue on the west side of Francis Street, and across West 46th Avenue at Rainbow Boulevard;
5. Per the Rosedale Master Plan Urban Multi-Family Design Guidelines, developments greater than 50 units must provide two (2) of the following:
  - Enclosed dog yard with seating area and shade trees;
  - Enclosed and landscaped courtyard or patio with one (1) grill or fire pit and seating area;
  - 400 square foot play area with play structure;
  - Resident garden area with water access (must be in active use);
  - Swimming pool;
  - Rooftop patio; or
  - Five (5) square feet or greater balconies for all units. All buildings must provide enclosed and ground level storage for resident bicycles;
6. All dwelling units within a new development must be provided with a basement or with a FEMA standard safe room constructed to tornado standards for the protection of the occupants;
7. Only decorative lighting can be used on the exterior of the building(s);
8. Per the Rosedale Master Plan Urban Multi-Family Design Guidelines, developments must provide pedestrian scaled lighting spaced every forty (40) feet along property lines abutting public streets. Interior parking lots must also be well lit without creating glare to the surrounding neighborhood;
9. This property is an ideal hub for a UG bikeshare e-bike rack. The rack and information kiosk should be publicly accessible, along West 46th Avenue. Provide the necessary specifications. The UG will provide the information kiosks and racks accordingly, and the applicant will be required to install;
10. Per the Rosedale Master Plan Urban Multi-Family Design Guidelines, the maximum length of a multi-family residential building shall be 200 feet. Façade plains may not span more than 30 feet and must be broken via setbacks or offsets. The applicant must ask for a 212.53-foot deviation of the north façade from the City Planning Commission for a deviation in the Urban Residential Multi-Family Design Guidelines;
11. Per the Rosedale Master Plan Urban Multi-Family Design Guidelines, screening of multi-family residential developments is required between multi-family and lower density residential uses. Screening between uses must include a five (5) to six (6) foot tall fence preferably with evergreens placed every 30 feet. The fence must be constructed of wrought-iron or similar looking metal. Engineered wood or vinyl fencing mounted on steel posts is also acceptable;
12. Sec. 27-461(f) A reasonable amount of landscaping is required on all projects with emphasis on softening the visual impact of parking areas and enhancing the overall appearance. Trees are required at not less than one (1) per 4,500 square feet of site area.

- Sec. 27-700(b)(1) All multi-family residential projects shall include at least one (1) shade tree per 8 dwelling units and one (1) shrub per dwelling unit in addition to the tree requirement, but not in addition to the buffer plantings, if required. The site is 1.89 acres, which requires 18 trees, 21 additional shade trees and 167 shrubs per the zoning district;
13. Street trees are to be provided at one (1) tree for every 30 feet of frontage along a major street;
  14. All overstory trees shall be at least two (2) inch caliper when planted. All ornamental trees shall be at least two (2) inch caliper when planted. All evergreens shall be at least six (6) feet when planted. All shrubs shall be five (5) gallons when planted;
  15. All landscaping shall be irrigated;
  16. All utility connections, this includes green electrical boxes and freestanding electrical meters must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building. Rooftop mechanical equipment shall be screened from public view by the parapet;
  17. All electrical meter banks, typically on the side of the building shall be screened from public view;
  18. BPU transformer pad shall be completely screened on three (3) sides with 6-foot junipers setback five (5) feet from the pad and 10 feet from the door opening. Additionally, if the transformer doors open towards the parking lot, the 10-foot setback is established in the parking lot, therefore the gate/enclosure shall be constructed in front of the transformer;
  19. Per the Rosedale Master Plan, sidewalks and curbs at the perimeter of the development must be re-built and include a two (2) foot green strip (median) between the sidewalk and curb;
  20. Mechanical equipment or other utilities whether on the ground or mounted on the building shall be screened from public view. The screening shall either be dense landscaping with a minimum of six-foot (6') evergreens or an architectural wall constructed from the same materials as the main building;
  21. The trash enclosure shall be internalized in the garage;
  22. Satellite dishes shall not be erected on the exterior of patios and decks. Banks need to be provided for satellite dishes on apartment units. They need to be hidden from view from the public streets and the public;
  23. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or [signpermits@wycokck.org](mailto:signpermits@wycokck.org) to begin this process;
  24. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by [buildinginspection@wycokck.org](mailto:buildinginspection@wycokck.org) to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
  25. All staging of equipment, storage, and parking during construction shall remain wholly on-site and not spill over into the adjacent neighborhood;
  26. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public

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

27. All existing and future driveways must feature curb cuts that are constructed to UG standards;
28. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by [info@wycokck.org](mailto:info@wycokck.org) to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
29. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable; and,
30. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

**Mayor Garner** said I'll turn it over to Mr. Hand to make some comments.

|                                                                                                                                                                                 |                                                 |                                                                                     |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------|-------------------------------------------------------------------------------------|
| <b>Case</b>                                                                                                                                                                     |                                                 |  |
| COZ2021-048                                                                                                                                                                     |                                                 |                                                                                     |
| <b>Petitioner</b>                                                                                                                                                               | <b>Address</b>                                  |                                                                                     |
| Blair Tanner                                                                                                                                                                    | 4601 Rainbow Blvd.<br>Kansas City, Kansas 66103 |                                                                                     |
| <b>Synopsis</b>                                                                                                                                                                 |                                                 |                                                                                     |
| Rezoning from CP-1 Planned Limited Business and R-1(B) Single Family District to RP-6 Planned High-Rise Apartment District to build a 5 – 7 story, 149-unit apartment building. |                                                 |                                                                                     |

**Gunnar Hand, Director of Planning & Urban Design**, said again, this was continued from the October meeting. Staff recommends that this be remanded back to the City Planning Commission. We've spoken with both the applicant and the community members from the public in opposition. The applicant wishes that this be remanded back to the December City Planning Commission. The members from the public in opposition wishes that this be remanded back to the January City Planning Commission. Staff defers to the Board of Commissioners' decision.

**Commissioner Ramirez** said when the time is appropriate because I don't know, do we have to have a public hearing for this? **Mr. Hand** said we are going to re-notice this case, one way or the other, in December or January at which time, we will go through the entire process again at the

Planning Commission and then it'll come back to the Board of Commissioners for another hearing as well. **Commissioner Ramirez** said okay. So technically we do not. A public hearing is not necessary since there will be another in the future. **Mr. Hand** said that is correct, plus we've had quite a few public hearings about this item up until this point as well. **Commissioner Ramirez** said okay. Thank you.

**Commissioner Ramirez** said my motion is going to be that we remand it back to City Planning Commission in the January meeting. The reason I ask for the January is the developer asked for a month when they asked to review the petition. So, I think in my spirit of being fair, we should afford the community the same amount of time.

**Action:** **Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to remand Change of Zone Application COZ2021-048 back to the City Planning Commission for the January City Planning Commission meeting.**

**Mayor Garner** said there's a motion and a second. Is there any further discussion?

**A gentleman in the audience** asked, as the applicant, may I address the body? **Mayor Garner** said I don't believe that there were any comments related to this. It's just an item for Commission action. **The gentleman** said only asking to provide reasons for the request to the December Planning Commission as opposed to January. **Mayor Garner** said I believe those questions will be taken up in the standing committee if the Commission deems that it be remanded back.

**Mayor Garner** said we have a motion and a second, I believe. Is there any further discussion from this Commission? Clerk, roll call.

**Roll call** was taken and there were eight "Ayes," Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley.

**Item No. 2 – 212138...CHANGE OF ZONE APPLICATION COZ2022-036 - MARTINA CHAVEZ-JAQUEZ**

**Synopsis:** Change of Zone from CP-1 Planned Limited Business District to CP-3 Planned Commercial District to operate an automotive repair business at 1403 N. 7<sup>th</sup> Street, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design.

And

**Item No. 3 – 212141...SPECIAL USE PERMIT APPLICATION SP2022-091 - MARTINA CHAVEZ-JAQUEZ**

**Synopsis:** Special Use Permit to operate an automotive repair business at 1403 N. 7<sup>th</sup> Street, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design.

And

**Item No. 4 – 212139...MASTER PLAN AMENDMENT APPLICATION MPL2022-022 – 18 – MARTINA CHAVEZ-JAQUEZ**

**Synopsis:** Master Plan Amendment from Neighborhood Mixed Use (Northeast Area Master Plan) to Commercial (Northeast Area Master Plan) at 1403 N. 7<sup>th</sup> Street, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design. The applicant, Martina Chavez-Jaquez is requesting a Change of Zone from CP-1 Planned Limited Business District to CP-3 Planned Commercial District, a Master Plan Amendment from Neighborhood Mixed-Use (Northeast Area Master Plan) to Commercial (Northeast Area Master Plan), and a Special Use Permit to operate an auto-repair business at 1403 North 7th Street Trafficway. The Planning Commission voted 6 to 0 to recommend denial of Master Plan Amendment MPL2022-022 due to incompatibility with the Northeast Area Master Plan. The Planning Commission voted 6 to 0 to recommend approval of Change of Zone Application COZ2022-036, subject to:

1. The applicant is requesting a Special Use Permit for a property zoned CP-3 Planned Commercial District. Therefore, this property is subject to, and must comply with, all applicable regulations under the Commercial Development Guidelines Overlay District (CDGOD). This subsection addresses the applicant's demonstrated compliance with relevant CDGOD regulations for SP2022-091, COZ2022-036, and MPL2022-022. All listed requirements that are identified as "have not been met" must be granted a deviation by the City Planning Commission upon specific request by the applicant during the City Planning Commission meeting;
2. The following requirements of the Commercial Design Guidelines Overlay District have been met:
  - a. Section 27-464(g) requires that a six (6) foot high architectural or landscape screening is to be provided along all side and rear property lines common to or across an alley from



- residentially zoned property. Additional screening or buffering may be required to soften the visual impact of parking or unsightly areas;
- b. Section 27-577(b)(3)(a) states that one tree with a minimum caliper of two inches (ornamental) evergreen trees must be at least six feet tall when planted) provided for every 30 feet of street easement or frontage;
  - c. Section 27-577(c)(4) states that landscape areas located between commercial districts and residential districts must provide 100 percent sight-obscuring year-round buffer using plant material or a combination of fence, berm and plant material;
  - d. Section 27-577(d)(1) states that at least 75 percent of the length of building foundations facing public streets, the exterior of the development, or common spaces must be planted with ornamental plant material such as ornamental trees, flowering shrubs, perennials, and groundcovers;
  - e. Section 27-699(b)(5) states that all outside bins or trash container areas must be completely enclosed by an architectural screen to a height not less than the height of the bin or container. No trash enclosures may be located in required yards adjacent to street right-of-way. In commercially and industrially zoned areas where the trash container will not be visible from off the property due to other screening or topographic conditions and will not be visible from public parking or pedestrian areas on the site, such trash bin COZ2022-036, SP2022-091, and screening need not be provided. In industrially zoned areas where the trash container will not be visible;
  - f. Section 27-575(e)(4) states that parking must be screened from adjacent streets by walls, shrubs, trees, or other design elements;
3. The following requirements of the Commercial Development Guidelines Overlay District have not been met, and a deviation was denied by the City Planning Commission.
    - a. Section 27-575(d)(9) states that there shall be pedestrian circulation from the perimeter of the site to the principal customer entrance to all buildings. Within the site, there shall be pedestrian connections provided to all pedestrian activities, including transit stops, street crossings, open space, building and store entry points, and adjacent pedestrian systems;
    - b. Section 27-575(f)(1) states that there should be a designated walkway or clear pathway to the main entrance of a building so that pedestrians are not required to walk through parking lots.
  4. The applicant shall coordinate with the Kansas Department of Health and Education and the Unified Government Health Department to ensure that any undergrounds storage tanks are properly inspected;
  5. Given the proximity to nearby residences, the business will be limited to only work on passenger vehicles; The business shall not work on heavy commercial vehicles, semi-trucks or trailers, or any other heavy equipment;
  6. The applicant shall keep the property under to Property Maintenance Standards;
  7. The applicant shall install a six (6) foot tall wooden fence with masonry columns every 32 feet running along the eastern and northern property lines;
  8. The applicant shall install an ornamental wrought-iron fence with masonry columns every 32 feet along the Western and Southern property boundaries;
  9. The applicant shall install one (1) ornamental tree every 30 feet along North 7th Street and Everett Avenue, as well as a combination of hedges, bushes, and shrubs in between each tree;
  10. Any automotive-related business in Wyandotte County that is required to obtain any Special Use Permit, shall be responsible to ensure that the business operations are at all times compliant with all applicable local ordinances and State Statutes and Regulations [27-463 through 27-470;

- 27- 592 through 27-616] [KSA 65-3424, KAR 28-29-29 through 28-29-33]. Proof of proper disposal of waste tires with a Kansas State permit-holding waste tire collector or waste tire processor is required to be maintained at the management office and provided to any enforcement staff upon request;
11. Any automotive-related business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that the business operations are at all times compliant with all applicable local ordinances and State Statutes and Regulations [27-463 through 27-470; 27- 592 through 27-616] [KSA 65-3424, KAR 28-29-29 through 28-29-33]. Proof of proper disposal of waste tires with a Kansas State permit-holding waste tire collector or waste tire processor is required to be maintained at the management office and provided to any enforcement staff upon request;
  12. Any business or land use in Wyandotte County that is required to provide off-street parking shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-466 through 27-470; 27-592 through 27-616; 27-667 through 27-676]. Inoperable vehicles shall be stored inside an enclosed building. Inoperable vehicles may not be stored outside unless they are completely screened from view in accordance with all applicable ordinances. Outside storage shall not include wrecked or salvage vehicles. Any vehicle parked or stored outside must be on an improved surface, located on the same land parcel as the business use, and be parked within a regulation dimension parking stall. Any outside storage may not reduce the availability of all required parking spaces as required by ordinance;
  13. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or [signpermits@wycokck.org](mailto:signpermits@wycokck.org) to begin this process;
  14. If approved, the applicant must file and maintain a current business occupation tax application with this office;
  15. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by [buildinginspection@wycokck.org](mailto:buildinginspection@wycokck.org) to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
  16. All existing and future driveways must feature curb cuts that are constructed to UG standards;
  17. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
  18. Section 27-573-578 acknowledges the use of the Commercial Design Guidelines and their use in this district as established by Ordinance O-50- 06;
  19. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;

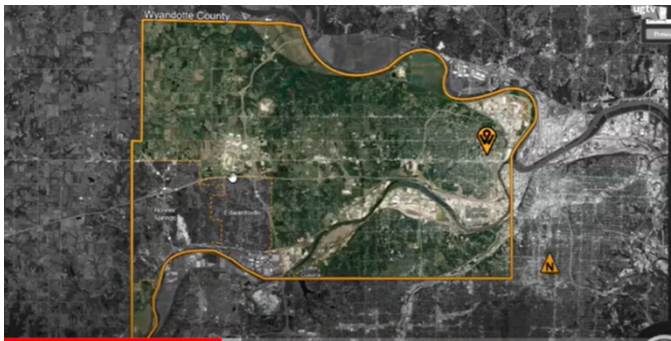
20. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle COZ2022-036, SP2022-091, and storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
21. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed by right or by Special Use Permit under the new zoning district, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
22. Per Section 27-213(g)(5), the City Planning Commission shall recommend, and the Board of Commissioners shall grant, approval or denial of the comprehensive plan amendment upon consideration of the following factors:
  - a. Whether events subsequent to the comprehensive plan adoption have changed the character and/or condition of the area so as to make the application acceptable;
  - b. Whether the change is consistent with the goals and policies of the comprehensive plan and/or any relevant corridor, neighborhood, or area plan;
  - c. Whether public and community facilities, such as utilities, sanitary and storm sewers, water, police and fire protection, parks and recreational facilities, roads, and others are adequate to serve development for the type and scope suggested by the proposed land use. If utilities are not available, whether they can be reasonably extended;
  - d. Whether the proposed amendment would result in comprehensive plan or regulatory conflicts;
  - e. Whether the proposed amendment would allow a change in development on the subject site without creating adverse impacts on existing or planned surrounding uses, or creating inconsistencies with applicable future land use map patterns; and
  - f. The impacts of the potential costs and benefits derived by the community or area by the proposed change;
23. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,
24. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper. The Planning Commission voted 4 to 2 to

recommend approval of Special Use Permit Application SP2022-091, subject to the above conditions.

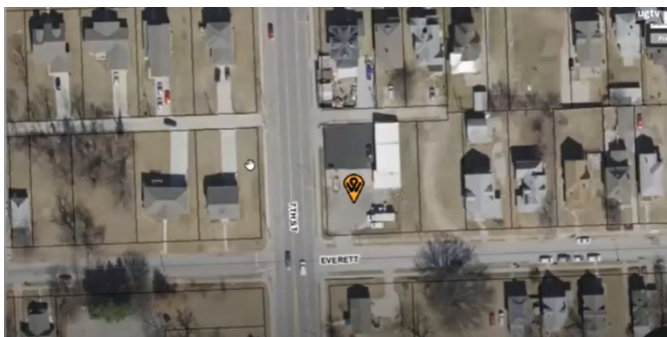
**Mayor Garner** said I'll ask staff to make some opening comments.

| Case                                                                                                                                                                                                                                                                                                                                                     |                                                                           |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------|
| SP2022-091, COZ2022-036 & MPL2022-018                                                                                                                                                                                                                                                                                                                    |                                                                           |
| Petitioner                                                                                                                                                                                                                                                                                                                                               | Address                                                                   |
| Martina Chavez-Jaquez                                                                                                                                                                                                                                                                                                                                    | 1403 North 7 <sup>th</sup> Street Trafficway<br>Kansas City, Kansas 66101 |
| Synopsis                                                                                                                                                                                                                                                                                                                                                 |                                                                           |
| <p>Special Use Permit to operate a light auto repair shop.</p> <p>Change of Zone from CP-1 Planned Limited Business District to CP-3 Planned Commercial District to operate a light auto repair shop.</p> <p>Master Plan Amendment from Neighborhood Mixed-Use (Northeast Area Master Plan) to Neighborhood Commercial (Northeast Area Master Plan).</p> |                                                                           |

**Gunnar Hand, Director of Planning & Urban Design**, said this case is being heard in conjunction with Special Use Permit 2022-091 as well as Master Plan Amendment MPL2022-022. This is for a new auto repair shop in a current vacant facility. It's in the Northeast Area Master Plan.



We received no letters of support; quite a few letters in opposition. There are some notices of violation...



**December 1, 2022**





the feedback we've heard from the public in opposition including enhanced fencing and screening, limiting that only passenger vehicles would be allowed to be serviced at this location. I would also note that we did finally hear back from KDHE. There are existing gasoline tanks on this property underground.

**Mayor Garner** said I'll ask the applicant or representative to present the application request. Please state your name and address for the record.

**Jocelyn, 1216 S. 81<sup>st</sup> St.,** said I'm the daughter of Martina, the owner of the property. We want to open up a small mechanic shop that'll work maximum four cars at a time and possibly have up to four or six cars waiting depending on the space of the property. We plan to go along with any recommendations. That's all.

**Mayor Garner** said I'll now open the public hearing and ask the Clerk if any notifications were received from the public who wish to express their comments in favor of this item. **Mr. Deichler** said no comments were received, Mayor.

**Mayor Garner** asked, is there anyone present who would like to speak in favor of this item? If so, please come to the podium and state your name and address for the record. You'll be given up to three minutes to state your comments.

Clerk, is there anyone joining us virtually who would like to speak in favor of this item? If so, have them raise their hand. **Mr. Deichler** said seeing none, Mayor.



CoZ 2022-036 1403N 7<sup>th</sup> St Dec, 1 2022

Examples of Currently Zoned c-3 with a 1 mile radius



| Public Opposition                                                                                                                                                                              | Public Support |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
| Staff has received two (2) letters and one (1) phone call in opposition. Two (2) members of the public expressed opposition to the project at the 11/14/2022 City Planning Commission hearing. | None to date.  |

**Staff Recommendation**

**Approval** (SP2022-091, COZ2022-036)

**Denial** (MPL2022-022)

**Mayor Garner** asked, Clerk, were there any notifications that were received from the public who wish to express their comments in opposition of this item? **Mr. Deichler** said no comments in opposition were received, sir.

**Mayor Garner** asked, is there anyone present who would like to speak in opposition? Please come forward and make sure you state your name and address for the record.

**Scott Murray** said I live on Everett, which is literally right around the corner from this proposed shop. It's been an ugly eyesore for decades. I've been in this neighborhood about 17, 18 years. I would like to stop and say our hearts go out to John and Sylvia King, who lost a family member today or yesterday last night. They wanted to be here. They couldn't, obviously. I've got some of my neighbors here. If you would just raise your hand. This is Rick. He has an adjoining property. Didn't hear about the applicant's meeting.

We have generated over about 30 letters sent to the Planning Department and commissioners here. I'm sure Ms. Parker could verify that.

Let me tell you why we're not real thrilled about this. Number one, this particular use in our neighborhood simply doesn't fit. This is a typical old-fashioned residential neighborhood. A lot of owner-occupied places. The kind of neighborhood where you watch out for your neighbors.

**December 1, 2022**

You notice cars that aren't familiar to you. This is what you get when you have an owner-occupied neighborhood.

Also, this use could possibly hurt property values as these things, and maybe, I don't know. I asked the Clerk. I can't remember. Lisa Rangel or someone to show you some pictures. Anyway, you can drive within one mile of this place and see what other C-3 zoning looks like. It's not pretty.

Obviously I've been in contact with KDHE. They have confirmed there are gas tanks in the ground. That could be a whole big problem.



We're also very concerned about traffic and noise from this. For example, if there's cars parked on the street, the applicants say they're not going to park on the street. If they are, we call the police. They can't do anything because it's a legal and tagged car. This could be one of those things where we're calling Code Enforcement people way too frequently because they have other things to do.

I would just like to make this really simple. This is a proposed use for our neighborhood that simply doesn't fit. There's not a need for it. We would love to see business develop there. Love to see a restaurant. That would be excellent.

I'd like to close with this one comment, and I'd like to ask all of you to think about this for just one second. **Ms. MacDonald** said you have one minute remaining.

**Mr. Murray** said that's fine. Thank you. Would you want something like this in your neighborhood? Thank you.

**Mayor Garner** asked, is there anyone else who would like to speak in opposition of this item? Clerk, is there anyone joining us virtually who would like to speak in opposition? **Mr. Deichler** said seeing none.

**Elnora Tellis Jefferson, Kansas City, KS**, said I kind of hesitated whether or not to come up to speak because Turtle Hill's done a magnificent job of getting the letters and notices and so forth and sending over. When I spoke with Ms. King spending over 40 hours of non-compensated volunteer time to actually inform and educate the residents and then do what's necessary to follow the process.

The comments that I have in addition to that, and I've talked a little bit with Gunnar Hand about this, is we have in place both the Northeast Area Master Plan and the Northeast KCK Heritage Trail. The Heritage Trail specifically has the elements of equitable development. There's a scorecard for different components. As I understand it for this and Land Bank policy that everybody's working on and so forth, scorecards are extremely important because it provides a rubric in whether or not a project or development fits within the expectations of a community-owned and driven plan like the Northeast Area Master Plan. So, basically, that is the form of opposition that I have. It's really in the form of a question is whether or not these applications fit a or comport with the equity development scorecard. Thank you.

**Mayor Garner** asked, Clerk, is there anyone joining us virtually who'd like to speak in opposition? **Mr. Deichler** said seeing none, Mayor.

**Mayor Garner** said I'll close the public hearing. Would the petitioner like to make any closing comments? Seeing none, I'll entertain a motion for Change of Zone COZ2022-036, Special Use Permit SP2022-091, and Master Plan Amendment MPL2022-022, Martina Chavez-Jaquez.

**Commissioner Johnson** asked, is this the time for the commissioners to lean in on this right now, Mayor? **Mayor Garner** said yes. I'm sorry. **Commissioner Johnson** said okay. Very good. I

want to make sure I was in order. When I look at this property, it's a commercial property with four bays, basically. It's been there I don't know how long I've seen it there. From what I can tell, it's had some problems in the past. When I look at this laundry list of requirements that are set before the applicant, it just—I can tell you, I'm very uncomfortable with this particular development. One of the reasons why is because in my district at 18<sup>th</sup> & Washington and at 13<sup>th</sup> & Washington, I have similar types of body shops, so to speak, that are always dealing with the neighbors that are wanting to keep the cars off the street. I understand when people say it's not going to happen this time.

I think finally it's the fact that Turtle Hill is a very vibrant neighborhood. These are my neighbors. I mean, I don't live in Turtle Hill but in my younger days I could walk there. They are very proud of the neighborhood that they have. They do their best they can to abide by the law, to improve their properties, to make sure they're looking out for one another. With the level of discomfort from the neighbors, combined with my own discomfort, I cannot support this request.

I have not heard from the applicant and, of course, that's their prerogative, but I made it clear to the neighbors that they need to show up and say something. I appreciate Mr. Murray standing up. I wish others would come to the microphone as well and state your opposition, but that time has passed.

So, I cannot support this so I'm going to move to deny this application.

**Action:**        **Commissioner Johnson made a motion, seconded by Commissioner Kane, to deny the application.**

**Misty Brown, Chief Counsel**, asked, Commissioner, would you like to set out the reasons for your denial for the record?

**Commissioner Johnson** said I think the things that have been outlined by the applicant, and I don't have it written down, the requirements. I guess the thing that really makes me uncomfortable is I'm looking at four pages of requirements. Is that correct, Gunnar, that I'm looking at four pages of requirements that this applicant has to conduct in order to be able to do this project. It does change the character of the neighborhood. It's onerous. This changes the character of the neighborhood that they have fought for years and years. I've gone. I've visited them. For that, that's my reason, Counsel.

**Mr. Hand** said, Mr. Mayor, if I may. If the Commission chooses to deny the use—and I’m going to get a little technical here so track with me, please—staff would recommend that you deny the SUP and the master plan amendment, but we could salvage something to better match the master plan designation currently, which is mixed-use. So, clearly the vision here, as stated by Mr. Murray and others, is that they want something to happen. Mixed-use is the ultimate vision. If we were to move forward and salvage the change of zone to C-3, C-3 allows a mixed-use development where the current zoning does not. So, we would better prepare that parcel for future redevelopment in the long term. Denying the SUP would not allow the use to move forward. Denying the master plan amendment would not allow the use to move forward.

**Commissioner Johnson** said so to make sure I’m getting track of them with you, denying the first application, I don’t have it right in front of me, I’m trying to go to the page here on my computer. The change of zone application, you’re saying we can deny the change of zone application and yet approve the special use and the master plan.

**Mr. Hand** said that’s incorrect. If the Board of Commissioners want to move forward to deny the auto use, staff would recommend we salvage the change of zone so that in the future, we better match the existing master plan amendment, so we would approve. Staff would suggest you recommend approval of Change of Zone 2022-036 and then deny Special Use Permit 2022-091 and Master Plan Amendment 2022-022.

**Commissioner Johnson** said I got it. So, Mayor, I change my motion.

**Action:** **Commissioner Johnson amended his previous and moved to approve COZ2022-036, subject to the stipulations. Commissioner Kane seconded the motion.**

**Commissioner Bynum** said I just want to clarify what you said. The change of zone is from CP-1 to CP-3, and you made a reference to C-3. Are those two different things? **Mr. Hand** said they’re not. A plan district simply means that if a project were ever to come forward, that you ask staff to move forward with the final development plan as well so we get site control. It’s what we do with all changes of zone. We try to turn them into plan districts so any development in the future then has to go through some sort of design review. **Commissioner Bynum** said okay. Thanks.

**Commissioner Johnson** said I just wanted to, what Ms. Jefferson talked about, this approval will basically bring this property in line with what the master plan calls for. **Mr. Hand** said that is correct.

**Mayor Garner** said, Commissioner Johnson, correct me if I'm wrong. There was a motion to approve Change of Zone COZ2022-036. **Commissioner Johnson** said yeah. We have three items here on the agenda. I'm going to ask Counsel to lead, I mean, shall we approve each one separately? Okay, I see a head nod. So, I want to approve COZ2022-036. That's the first one. **Mayor Garner** said okay, and we have a second. Any discussion? Roll call, please.

**Roll call** was taken and there were eight "Ayes," Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley.

**Commissioner Townsend** said (prior to her vote), I had my hand up during the discussion of this item. I don't know if I'm too late. I wasn't recognized. I don't know if you could see that I had my hand up.

With regard to the COZ2022-036, which is up for discussion now, I understand where Director Hand is trying to move us on this. My question, though, is will this put us back in the same position with someone else coming forward wanting to do business as an auto repair at that location?

**Mr. Hand** said if a future applicant comes along, they would still need to come before the Planning Commission and the Board of Commissioners to receive a special use permit which would give you the opportunity to make that determination if that use was appropriate or not at that time. **Commissioner Townsend** said okay. Can you repeat that one more time? It was totally blanked out when you started speaking. **Mr. Hand** said okay. Can you hear me now, Commissioner Townsend? **Commissioner Townsend** said yes. **Mr. Hand** said if a future applicant were to come along and wanted to propose the same use, they would still need to apply for a special use permit that would go through the Planning Commission and the Board of Commissioners for you to make those decisions at that time.

**Commissioner Townsend** said okay. But it still—by approving this, it still leaves the door open for someone to come and make such an application? **Mr. Hand** said yes.



**Commissioner Townsend** said okay. Thank you. With that, I'll support the motion.

**Item No. 3 – 212141...SPECIAL USE PERMIT APPLICATION SP2022-091 - MARTINA CHAVEZ-JAQUEZ**

**Synopsis:** Special Use Permit to operate an automotive repair business at 1403 N. 7<sup>th</sup> Street, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design.

(Discussion on this item was heard in conjunction with Change of Zone Application COZ022-036.)

**Action:** **Commissioner Johnson made a motion, seconded by Commissioner Bynum, to decline Special Use Permit Application SP2022-091.**

**Mayor Garner** said there's a motion and a second. **Mr. Hand** said we need a reason for the motion, please. **Commissioner Johnson** said I think I answered that the first time. It doesn't align with the character of that particular neighborhood, and that would be the same reason for the next one as well. Let's make sure we're all lined up here.

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

**Roll call** was taken and there were eight "Ayes," Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley.

**Commissioner Bynum** said (prior to her vote), Chief Counsel, my vote in agreement to deny would be aye. Is that correct? **Ms. Brown** said that's correct because the motion was made to deny it. It would be an aye vote and I would note it will take eight votes for the denial to pass.

**Item No. 4 – 212139...MASTER PLAN AMENDMENT APPLICATION MPL2022-022 – MARTINA CHAVEZ-JAQUEZ**

**Synopsis:** Master Plan Amendment from Neighborhood Mixed Use (Northeast Area Master Plan) to Commercial (Northeast Area Master Plan) at 1403 N. 7<sup>th</sup> Street, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design.

(Discussion on this item was heard in conjunction with Change of Zone Application COZ022-036.)

**Commissioner Johnson** said, Mayor, on this item, MPL2022-022 that's been recommended for denial. I make a motion to approve that denial. **Mayor Garner** said I believe that was based on the same non-conformance. **Commissioner Johnson** said yes.

**Action:** **Commissioner Johnson made a motion to deny Master Plan Amendment MPL2022-022, based on the non-conformance.**

**Mayor Garner** said there's a motion.

**Action:** **Commissioner Kane** seconded the motion.

**Mayor Garner** said and a second. Any further discussion? Seeing none, roll call.

**Roll call** was taken and there were eight "Ayes," Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley.

**Commissioner Bynum** asked (prior to her vote), Chief Counsel, my aye vote would be to deny, correct? **Ms. Brown** said that's correct.

### **SPECIAL USE PERMIT APPLICATIONS**

#### **Item No. 1 – 212137...SPECIAL USE PERMIT APPLICATION SP2022-061 - TOM GIEFER WITH G&G HOLDINGS LLC**

**Synopsis:** Renewal of a Special Use Permit (SP2019-111) for the Temporary Use of Land to stockpile and process concrete materials at 7241 Kaw Drive. submitted by Gunnar H. Hand, AICP,

Director of Planning & Urban Design. The applicant, Tom Griefer with G & G Holdings LLC, wants to continue the stockpile and process concrete materials on 8.2 acres at 7241 Kaw Drive. The Planning Commission voted 5 to 1 to recommend approval of Special Use Permit Application SP2022-061, for two (2) years, subject to:

1. The applicant must add a “Right Turn Must Turn” sign (R3-3R) for traffic traveling eastbound along Kaw Drive.
2. Modify the existing signage and add a larger stop sign, signage showing the number of tracks, and larger railroad crossbucks to add more visibility and to comply with MUTCD.
3. Based on the Letter of Map Revision Floodway Determination Document Staff presumes that all equipment, stockpile, and fill materials have been removed out of the annual floodplain and floodway. However, if stockpiles have not been moved, the applicant and owner will be cited for violating the conditions of this Special Use Permit and fined accordingly and may risk revocation of the Special Use Permit;
4. The natural flow of the floodway and floodplain cannot be altered;
5. Shall maintain a current application with the Business Licensing Department as long as they continue to occupy and operate;
6. Sec. 27-470 (d)(2) No use shall be permitted or so operated as to produce or emit:
  - a) Smoke, dust, fly ash, gas, or odorous emission not in compliance with chapter 3.
  - b) Vibration or concussion perceptible without instruments at the property line.
  - c) Noise greater than 85 dB(A) at repeated intervals for a sustained length of time at any point on the property line or noise which causes day-night noise level average to exceed 65 dB(A) for any residence for a sustained period.
  - d) Industrial waste which may overburden the public sewage facilities or produce odor or unsanitary effects beyond the property line;
7. Sec. 27-470(d)(2) No equipment, material or vehicles, other than motor passenger cars, may be kept, parked, stored or displayed closer than 25 feet to a street line unless such area is screened from the street by a solid fence or other obstruction, set back not less than six feet from the street line and not less than three feet in height;
8. Hours of operation shall be Monday through Friday, 8:00 AM to 5:00 PM;
9. Dust is a significant problem with dirt fill and gravel operations in the vicinity, especially for the residents north of Kaw Drive. The site (ground) shall be watered daily to minimize dust and all truck wheels shall be wetted prior to leaving the site, exiting onto Kaw Drive;
10. Trucks that receive material from this location shall obtain all necessary permits (hauling, etc.) from the Public Works Department;
11. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
12. If issues arise with adjacent property owners and are brought to staff’s attention during the term, this Special Use Permit can be submitted to the Unified Government of Board of Commissioners for revocation;
13. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to

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

14. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
15. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
16. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and
17. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Urban Planning and Land Use Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners meeting. The approval will not go into effect until the ordinance is published in the newspaper. The applicant has 30 days to submit their check, or the petition becomes invalid.
18. Install dust mitigation monitoring devices and coordinate with the Public Health Department and all relevant State agencies for its ongoing monitoring.

**Mayor Garner** asked, Mr. Hand, could you make some remarks?

|                                                                        |                                             |
|------------------------------------------------------------------------|---------------------------------------------|
| <b>Case</b>                                                            |                                             |
| SP2022-061                                                             |                                             |
| <b>Petitioner</b>                                                      | <b>Address</b>                              |
| Tom Griefer                                                            | 7241 Kaw Drive<br>Kansas City, Kansas 66111 |
| <b>Synopsis</b>                                                        |                                             |
| To continue the stockpile and process concrete materials on 8.2 acres. |                                             |

**Gunnar Hand, Director of Planning and Urban Design**, said yes, Mr. Mayor. This case was held over at the Planning Commission over the summer. It as then remanded back to the Planning Commission this fall by the Board of Commissioners in order to obtain a traffic study. That traffic study was to analyze the safety situation at the entrance to this...



proposed renewal. Basically, you have to cross the train tracks right off Kaw Drive. We did find that there were actually a couple of fatalities in the last 10 years crossing those tracks. That traffic study recommended, and we reviewed it with the County Engineer, and agreed that we added conditions to replace and add additional signage at that location.

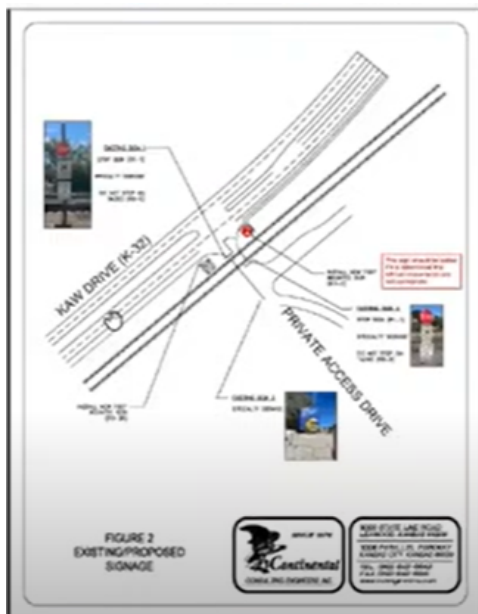
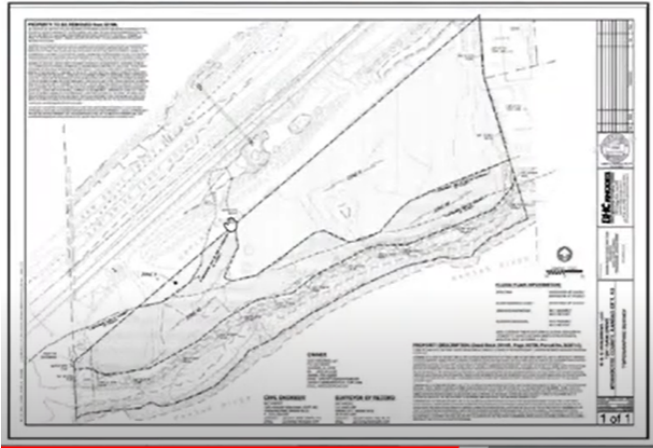
We have also at the last Planning Commission hearing, technically last month, the same cycle. The Planning Commission heard opposition from the community in regard to a performance standard as it relates to dust. We have sent some enforcement officers since the Planning Commission and were not able to observe any dust at the time that we did that visit. There's also no documentation from either the state or the Public Health Department, which reviews our quality standards and violations as such, although there is certainly potentially some issues that we could see. They're really large concrete piles. Dust is created. We basically just have to be there on a windy day to observe it.

So, in accordance with public opposition, the City Planning Commission added an additional condition of approval that would require an air quality monitor, a sensor monitor on site to monitor the PM2.5 and PM10. That's particular matter, so the dust in the air. A public health agreement with that condition of approval.

Just real quickly, again. This is in the Citywide Master Plan area.







**Mayor Garner** said I'll ask the applicant or representative to present the application.

**December 1, 2022**

**Commissioner Burroughs** said I'd like to make a motion to send this back to Planning and Zoning. It's my understanding we've had—I've had contact with opponents and the neighborhood group that would like additional time for a petition to be submitted to Planning and Zoning in opposition.

| Public Opposition                                                                                                                                      | Public Support |
|--------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
| One letter of opposition was received for this project. A member of the public attended the 11/14/2022 City Planning Commission to express opposition. | None to date.  |
| <div>Staff Recommendation</div> <div>Approval</div>                                                                                                    |                |

**Mr. Hand** said, Commissioner Burroughs, would you allow a holdover from the Board of Commissioners or do you want to send it back to Planning Commission? **Commissioner Burroughs** said I would take a holdover if that's satisfactory. It allows the community the opportunity to bring forth the information they want to bring forward.

**Mr. Hand** said staff's recommendation would be that we simply just holdover. We don't believe we need to go back to Planning Commission. As we understand it, as you suggested, the community is looking to both bring additional folks into the chamber. They weren't able to do that in enough time to for tonight. They're also in the process of acquiring signatures and doing a petition and things of that nature. Not a protest petition, but just a bunch of signatures in opposition.

**Commissioner Burroughs** said thank you. So, I'll change my motion. Just hold over the item until the next Commission meeting or the January meeting. **Mr. Hand** said I believe we would have enough time even with the holidays to have it for the December meeting, which is on January 12<sup>th</sup>. **Commissioner Burroughs** said I don't think I follow that explanation. If I did, I'd have to question my own sanity when I look at a calendar. But I'd just like to hold it over to the next full Commission meeting.

**Action:** Commissioner Burroughs made a motion, seconded by Commissioner Markley, to hold Special Use Permit Application SP2022-061 until the next full Commission meeting.

**Mayor Garner** said I know we have a motion and a second on the floor. Point of order. I'll go through the process. Is there anyone representing the applicant they'd like to present? Seeing none, I'll now open the public hearing.

Clerk, have you received any notifications from the public who wish to express their comments in favor? **Mr. Deichler** said no comments in favor were received, Mayor.

**Mayor Garner** asked, is there anyone present who would like to speak in favor of this item? Clerk, is there anyone joining us virtually who would like to speak in favor? **Mr. Deichler** said seeing none, Mayor.

**Mayor Garner** asked, Clerk, is there any notifications received from the public who wish to express their comments in opposition? **Mr. Deichler** said no notifications of opposition were received by the Clerk.

**Mayor Garner** asked, is there anyone present who would like to speak in opposition of this item? Clerk, is there anyone joining us virtually who'd like to speak in opposition? **Mr. Deichler** said seeing none, Mayor.

**Mayor Garner** said I'll close the public hearing at this point. Petitioner? Seeing none. Any further comments or questions from the Commission?

**Mayor Garner** said I believe there's a motion and a second. Clerk, roll call, please.

**Roll call** was taken and there were eight "Ayes," Bynum, Burroughs, McKiernan, Ramirez, Johnson, Kane, Markley, Townsend.

**Item No. 2 – 212142...CHANGE OF ZONE APPLICATION COZ2022-039 - CURTIS PETERSEN WITH POLSINELLI**

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

And

**Item No. 3 – 212143...SPECIAL USE PERMIT APPLICATION SP2022-097 - CURTIS PETERSEN WITH POLSINELLI**

**Synopsis:** Special Use Permit for an event center for the Margaritaville Resort Hotel at 9400 State Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design. The applicant, Curtis Petersen, with Polsinelli PC, wants to rezone a portion of 9400 State Avenue from A-G Agriculture and C-0 Nonretail Business Districts to CP-2 Planned General Business and create one (1) commercial lot to build a 203,900 square foot hotel resort (Margaritaville), which includes restaurants, indoor/outdoor bars, pools, convention space and a stand-alone restaurant for 26.62 acres. The Planning Commission voted 6 to 0 to recommend approval of Change of Zone Application COZ2022-039 and Special Use Permit Application SP2022-097, subject to:

1. The following requirements of the Commercial Development Guidelines Overlay District have not been met and have been given a deviation by the City Planning Commission.
  - a. Sec. 27-596(e)(2) Exterior buildings materials shall not include the following:
    - i. EIFS at the ground level or comprising more than 15 percent of any façade. The applicant must do better than the current use of EIFS: South – 39%, West – 38%, East 32% and North 39%.
  - b. All new rooftop mechanical equipment (i.e., RTUs, HVAC, vent stacks, etc.) shall be screened from public view. An opaque metal paneling system, similar to Dairy Farmers of America (DFA), rather than the parapet of the building.
2. At the time of the 2015 Star Bond issuance, Developer contributed Star Bond proceeds for signalization of 98th Street and State Avenue and associated improvements. The Unified Government will construct the sidewalk connection between the existing sidewalk in front of the fire station on State Avenue to 98th Street as part of the signalization project;
3. The Developer of Commercial Lot 8, as identified on the Homefield Master Plan, will construct an 8-foot sidewalk adjacent to its property at the time it is developed;
4. The Developer of Commercial Lot 2, as identified on the Homefield Master Plan, will construct a 10-foot sidewalk adjacent to its property line at the time it is developed;
5. When a building permit is pulled for Lot 14-A (luxury RV Park), Developer will dedicate an easement for an 8-foot trail to the Unified Government for connectivity in the area generally shown on the Homefield Master Plan (see in Attachments) with the actual location/layout of the easement to be mutually agreed upon by the Developer and the Unified Government. The trail shall be constructed by the Developer;
6. For future live entertainment:
  - a. All entertainment must cease by at least 1:00AM;
  - b. Doors and windows must stay closed during any entertainment performance;

- c. Must comply with Unified Government Security Ordinance (Chapter 4, Article II Division 1, Sec 4-104,f), including:
    - i. Must have at least one (1) security personnel stationed at the door at all times that is able to monitor any required parking area. Additional security guards may be required depending on the building capacity;
    - ii. Patrons are not allowed to loiter in their vehicles. If so determined, they will be asked to leave;
    - iii. An I.D. scanner will be used at all times;
    - iv. At closing time, all security personnel will begin from a designated area to move patrons towards the exit and then to their vehicles.
  - d. No amplified speakers or entertainment is allowed in outdoor spaces; and,
  - e. Any illumination that results from an entertainment event shall not be seen or otherwise impact adjacent residential uses;
7. Sec. 27-577(b)(3)(a) states that one tree with a minimum caliper of two inches (ornamental) evergreen trees must be at least six feet tall when planted) provided for every 30 feet of street easement or frontage;
  8. Sec. 27-577(b)(3)(b) states that street trees should be planted no closer than 55 feet and no more than 65 feet apart with groupings or ornamental trees and shrubs placed between them;
  9. Sec. 27-577(d)(1) states that at least 75 percent of the length of building foundations facing public streets, the exterior of the development, or common spaces must be planted with ornamental plant material such as ornamental trees, flowering shrubs, perennials, and groundcovers;
  10. Sec. 27-575(e)(4) states that parking must be screened from adjacent streets by walls, shrubs, trees, or other design elements;
  11. Sec. 27-700(b)(9) Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky-reflected glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed one-foot candle as measured from said property line. All lighting on the property, both on the buildings and in parking lots shall have 90-degree cutoff fixtures;
  12. All parking lot islands shall be curbed and landscaped. Painted, hatched islands are not permitted. For the parking lots that are used by passenger cars that have a paved area wider than a double-loaded aisle and more than 20,000 square feet in area, provide one (1) shade tree for each 20 parking spaces on the interior of the parking lot. Interior tree plantings are in addition to other landscaping requirements. For design comparison, review parking islands at Amazon Fulfillment Center, located at 6925 Riverview Avenue;
  13. All deciduous and shade trees shall be at least two (2) inch caliper when planted. Evergreens shall be at least six (6) feet in height when planted. Shrubs shall be at least five (5) gallons when planted. Throughout the development, there may be a variety of native grasses and plants (wildflowers);
  14. All landscaping shall be either irrigated or subject to the watering plan noted on the landscaping plan;

15. All new rooftop mechanical equipment (i.e., RTUs, HVAC, vent stacks, etc.) shall be screened from public view by a single, consolidated architectural screens such as opaque, textured, or perforated panels do not meet the standards of the Commercial Design Guidelines;
16. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or [signpermits@wycokck.org](mailto: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](mailto: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](mailto: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.

**Mayor Garner** said, Mr. Hand, if you could make some opening remarks, please.

| Case                                                                                                                                                                                                                                                                                                                                                                                                            |                                                |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|
| COZ2022-039 & SP2022-097                                                                                                                                                                                                                                                                                                                                                                                        |                                                |
| Petitioner                                                                                                                                                                                                                                                                                                                                                                                                      | Address                                        |
| Curtis Petersen                                                                                                                                                                                                                                                                                                                                                                                                 | 9400 State Avenue<br>Kansas City, Kansas 66106 |
| Synopsis                                                                                                                                                                                                                                                                                                                                                                                                        |                                                |
| To rezone from A-G Agriculture and C-0 Nonretail Business Districts to CP-2 Planned General Business and create one (1) commercial lot to build a 203,900 square foot hotel resort (Margaritaville), which includes restaurants, indoor/outdoor bars, pools, convention space and a stand-alone restaurant on 26.62 acres. The Board of Zoning Appeals approved a parking variance at their 11/14/2022 hearing. |                                                |

**Gunnar Hand, Director of Planning and Urban Design**, said this case is being heard in conjunction with Special Use Permit 2022-097. Earlier last month, the Board of Zoning Appeals

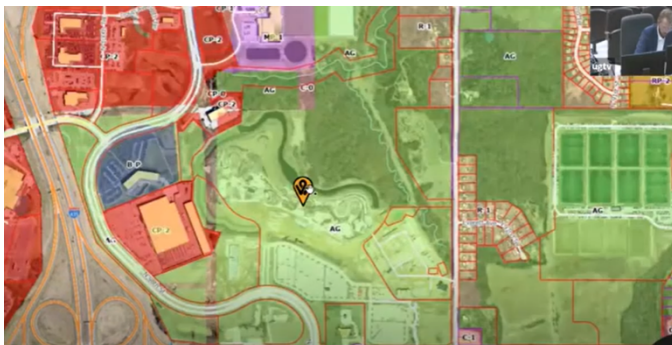
did approve a parking variance for this project. It's the new Margaritaville Resort at the former Schlitterbahn site.



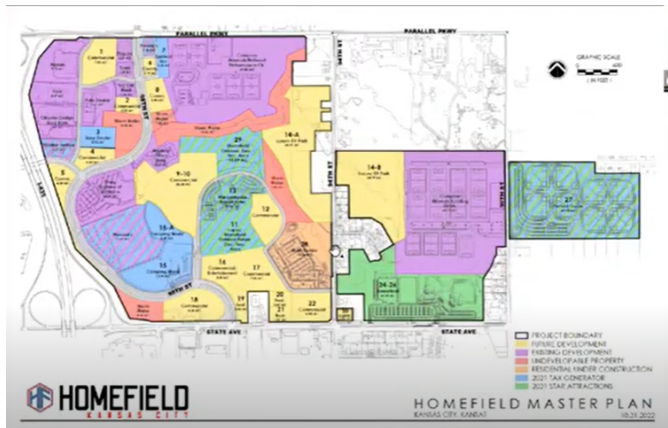
This is in the Prairie-Delaware-Piper Master Plan.



We received no letters of support; one letter in opposition that was expressed at the City Planning Commission and then followed up with staff, same person, the following day.



Staff does agree with Planning Commission to recommend approval of the change of zone as well as the special use permit for two years. We have asked for additional enhanced landscaping. There is a proposed trail and trail easement on the site along with the creek bed here.

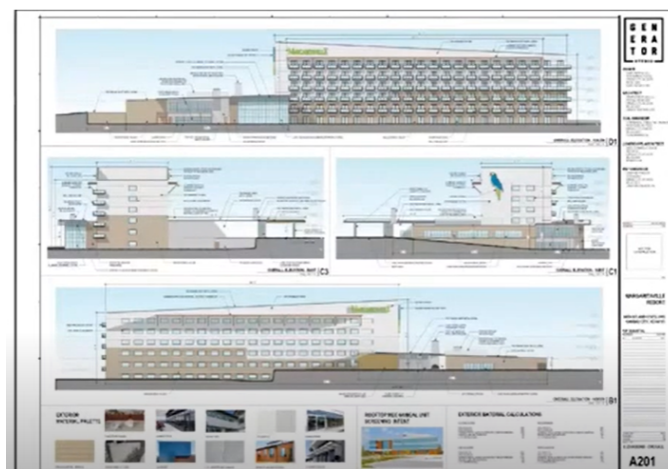


It does have to follow the commercial design guidelines pedestrian circulation, and we have them stipulated that live music ends at 1 a.m. Staff agrees with the Planning Commission.





**Mayor Garner** asked, is the applicant present? Please state your name and address for the record.







**Curt Petersen, Polsinelli, 900 W. 48<sup>th</sup> Pl., KCMO**, said we would ask on this application and then the next application that immediately follows that you can hold us over, please, to the January meeting. I believe the next, it's the January 12<sup>th</sup>, Gunnar? **Mr. Hand** said yes.

| Public Opposition                                                                                                                                                                                                | Public Support |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
| Staff received one (1) phone call in opposition, and one (1) person attended the November 14, 2022 BOZA hearing in opposition of the parking variance and this case, but left before providing testimony at CPC. | None to date.  |
| Staff Recommendation                                                                                                                                                                                             |                |
| <b>Approval</b>                                                                                                                                                                                                  |                |

**Mayor Garner** said I'll now open the public hearing and ask the Clerk if there are any notifications that were received from the public who wish to express their comments in favor. **Mr. Deichler** said no notifications were received.

**Mayor Garner** asked, is there anyone present who would like to speak in favor of this item? Seeing none, Clerk, is there anyone joining us virtually who'd like to speak in favor? **Mr. Deichler** said seeing none.

**Mayor Garner** asked, Clerk, are there any notifications that were received from the public who wish to express their comments in opposition? **Mr. Deichler** said no notifications were received by the Clerk.

**Mayor Garner** asked, is there anyone present who would like to speak in opposition of this item? Clerk, is there anyone joining us virtually who'd like to speak in opposition? **Mr. Deichler** said seeing none.

**Mayor Garner** said I'll close the public hearing.

**Mayor Garner** asked, petitioner, would you like to make some closing comments? **Mr. Petersen** said no, thank you, Mayor. Just request to hold the thing over.

**Mayor Garner** said I know some commissioners have questions.

**Commissioner McKiernan** said I have no problem holding this over to January 12<sup>th</sup>, whatsoever. I just need to understand. As I look through this item in our materials, it appears to be a unanimous vote in approval, so I'm just curious why it's on the Non-Consent Agenda.

**Mr. Hand** said during the agenda review this week, there was some concern expressed in regard to the special use permit only being approved for two years. At the Planning Commission, the applicant had requested that it be made an indefinite SUP. Staff did not agree with that and we thought that might be a potential issue for the applicant. So, we moved it to Non-Consent, accordingly.

**Commissioner McKiernan** said thank you very much. Once again, I have no problem holding it over.

**Mayor Garner** said I'll entertain a motion.

**Action:** **Commissioner Kane made a motion, seconded by Commissioner Markley, to hold Change of Zone Application COZ2022-039 over to the January meeting.**

**Mayor Garner** said there's a motion and a second. Is there any further comments? Roll call.



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

**Item No. 3 – 212143...SPECIAL USE PERMIT APPLICATION SP2022-097 - CURTIS PETERSEN WITH POLSINELLI**

**Synopsis:** Special Use Permit for an event center for the Margaritaville Resort Hotel at 9400 State Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design.

(Discussion on this item was heard in conjunction with Change of Zone Application COZ2022-39.)

**Action:** Commissioner Markley made a motion, seconded by Commissioner McKiernan, to hold Special Use Permit Application SP2022-097 over to the January meeting.

**Mayor Garner** said we have a motion and a second. Any further discussion? Seeing none, roll call.

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

**Mayor Garner** said that concludes the Planning and Zoning part of this meeting. We will now move into the regular portion of our agenda.

**MAYOR’S AGENDA**

**Item No. 1 – 212183...ANNOUNCEMENT: GINGERBREAD HOUSE WINNERS**

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

**Mayor Garner** asked, Clerk, you want to read those.

**Mr. Deichler** said the Gingerbread House winners from third place moving forward were the Appraiser's Office in third place. In second place was the Legal Department. In first place was Municipal Court.

**Mayor Garner** said thank you for all the staff and the departments that participated. I believe this was one of the first gingerbread contests. It was a good kickoff, to have staff kick that off. Next year, hopefully, we can get the community involved in it. I want to thank all the staff that really participated and was involved. It was a hard decision.

Thank you to the commissioners that helped narrow it down. The top three were actually picked by the commissioners and then I picked one, two, and three, but it was a hard decision. A lot of work and detail went in. That's a really good job and really just a great way to bring in the holiday spirit. A lot of the participants at the holiday lighting were really impressed with the amount of detail and effort that staff put into that.

I want to send a special thanks to John Kelly. He actually found a trophy that hopefully long after I'm not mayor anymore, future mayors to come will be able to pass the Mayor's Gingerbread Man Trophy off to winners in the years ahead. If you haven't seen it, I believe it's down in the Municipal Court. It's really unique. I don't know where he found it. I don't know how he found it, but it's an actual gingerbread man.

So, congratulations to everybody that participated.

**Commissioner Johnson** said I just wanted to know, were those houses edible and have they been consumed or is it going to be a special time for that? Just a question. **Mayor Garner** said that's a good question. I'll let you eat that.

**Mayor Garner** said and, again, thank you for everybody that came out, especially the staff that helped with the holiday downtown Christmas lighting. Even though it was cold outside, the community really had a good time. I know a lot of planning, effort, and work went into it. So, I just want to personally say thank you to the staff members that year after year really make the downtown holiday lighting a resounding success. So, thank you so much.

**Action:**        **For information only.**

**Item No. 2 – 212176...UPDATE: MAYOR'S VERBAL UPDATE TO COMMISSION AND CITIZENS**

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

**Mayor Garner** said this is a verbal update that I'm required by charter to give to this Commission. I'll start off by just saying greetings to anybody and everybody that calls Wyandotte County home. This being the 25<sup>th</sup> year anniversary of a unified government, it is with great honor for me to provide a charter ordinance obligated message to the Commission and the community detailing information as determined appropriate concerning the economic, physical, social conditions, and needs of your Unified Government in Wyandotte County and Kansas City, KS. Your commissioners have the written materials in front of them, and your Unified Government staff will definitely ensure that the same information will be published and made available for all to see.

For numerous years, this presentation was traditionally hosted by the Rotary Club. I recall attending many of those presentations of mayor's past, as an executive within the Police Department. Ironically, as many would remember, that occurred at our redevelopment ready Reardon Convention Center. So, I have to start by saying thank you to the Rotary Club for their continued support as well as the enduring desire to re-establish the tradition of hosting this mayoral presentation in the future. God willing, with the support of our Commission, we are optimistic that at some point, this will definitely be realized.

In light of a lack in traditional formalities and the benefit of time associated with the tradition of this presentation and in the interest to further the business that's required by this Commission governing this Unified Government's agenda for this evening, this presentation will be brief but, hopefully, informational.

Again, I'd like to take this opportunity to recognize our commissioners, all the elected officials that represent Wyandotte County, the employees of your Unified Government, your mayoral team, but most important, all the great people that make up the awesome community of Wyandotte County/Kansas City, KS, to include Bonner Springs, Edwardsville, and a portion of Lake Quivira.

No matter where we stand on the issues, decisions, agendas, interests, our initiatives, we are residents of one great, awesome community. Resilient, strong, relevant, determined, and destined for greatness. I wholeheartedly believe this. I feel that if we can work collectively in unity on the things that bind us, not separate us, the things that matter most to everyday people as opposed to things that may mire us in the irrelevance of difference, the things that further the necessity for positive changes, the things that reflect shared interests and values that a resurgent Wyandotte County/Kansas City, KS, will continue to be not just a possibility, but rather a reality and I know a reality that we all hope for.

To cross that bridge of hope, we must first stop to take notice of factual truths. Truths that highlight the challenges, opportunities, and the never-ending quest for us to reimagine possibilities that can develop and assess the necessary collaborations required to solidify unlimited potentials of shared success for the next 25 years and beyond.

I'll outline some, but not all, factual truths included, but not limited to, those noted in the publications that I described earlier. With the population of approximately 165,000 residents, Wyandotte County has the fourth most populous county—population in the state of Kansas, 58% of which are Hispanic, Black, Asian, or of mixed-race. With the Hispanic population representing well over 30% of this collected majority, continue to positively outpace all other groups.

Your Unified Government has an approved workforce of approximately 2,300 employees, which account for the overwhelming majority of the approved budgetary obligations. Our Unified Government budget continues to grow year to year with the current fiscal year budget being approximately \$420M, which includes federal COVID-19 funds, with the upcoming 2023 budget, approved by this Commission, being a historic \$432M.

The Unified Government gathers most of its revenue from property taxes and sales taxes. Wyandotte County holds a total combined debt liability of approximately \$1.1B, as noted by our staff, which includes both the Unified Government and the Board of Public Utilities.

The five largest property taxpayers in Wyandotte County include the Legends Outlets with almost \$6M in taxes paid, General Motors with almost \$3.5M paid, Nebraska Furniture Mart with over \$1.8M paid, the former Cerner campus with over \$1.8M paid, and Providence Medical Center with over \$1.4M paid. With an economic impact in the billions, Fairfax, Village West, and KU Medical Center continue to be the valued economic drivers for Kansas City, KS, and the entire Kansas City metro.

Growing infrastructure needs and preventive maintenance costs continue to outpace revenue streams with conservative investments from our Public Works Department indicating that Wyandotte County may need to have at least a billion dollars' worth of infrastructure investment in the years to come.

The economic budgetary health outlook for the Unified Government reflects a potential negative fund balance in the years of 2026 and 2027 due to the projected expenses outpacing projected revenues. Revenue streams realized from property valuation increases and user fee increases necessary to cover Unified Government expenses have made it extremely difficult to provide significant, impactful tax and fee relief to our residents who deserve nothing less.

The top industries in Wyandotte County are health care, transportation, and warehousing, manufacturing, followed by retail trade, with the top employers being KU Health Systems, Kansas City, KS School District USD 500, General Motors, and the Unified Government of Wyandotte County/Kansas City, KS. These industries push Wyandotte County into the realm of having the second to third highest average wages in the state of Kansas; however, only 29% of the workers in Wyandotte County are residents with a staggering 71% of all wages earned leaving Wyandotte County.

The unemployment rate in Wyandotte County is currently 3.5%, with African-American unemployment consistently reflecting percentages double that average. Although this data appears to slightly improve year to year, out of 104 counties, Wyandotte in Kansas of the 105, Wyandotte County is ranked 95<sup>th</sup> in the state of Kansas with a median home income of approximately \$48K a year; well below the state average of approximately \$61K a year. Wyandotte County has a poverty rate of approximately 16%, with the highest poverty rate zip code consistently reflecting to be 66101, 66102, and 66105. These zip codes tend to have a lower life expectancy rate, higher infant mortality rate, and exists predominately east of 55<sup>th</sup> St. in Kansas City, KS.

Wyandotte County consistently rates high in the areas that represent social detriments to health. With an aging housing stock, coupled with decades of disinvestment and disenfranchised meant in the eastern portion sections of our community, the result of this neglect has created unacceptable urban decay, inequity in the delivery of goods and services, and a lack of life-enhancing resources necessary to improve the quality of life for many of our residents.

I could go on tonight with many, many more data; some good, some bad. Unfortunately what stands out and poses the greatest threat to the overall health of our community is our debt, our revenue shortfalls, and the demand for many of our residents for tax and burdensome fee relief.

Some of these statistics align with the organizational assessment report from the audits I asked the administration to have conducted this past spring, as well as the numerous testimonies from residents that have expressed serious concerns. The harsh truth taken away from the data, the assessments, and the first-hand reports is that the state of Wyandotte County at this defining moment is nowhere near where we need to be to sustain a vibrant community and economic sound municipal government.

I want to be frank in that we are at a critical crossroad where we stand at in Wyandotte County. A crossroad that offers us an opportunity to move away from business as usual and to take the clear choice of working collaboratively to reimagine and improve Wyandotte County together. We have inherited great challenges. Yes, we will be tested. Yes, hard choices and sacrifices will have to be made. And, yes, it will require a collective of community, elected officials, and staff working with purpose to discover, evaluate, identify, focus, regroup, rebuild, and recover in a manner that will provide financial sustainability and equitable realignments that will facilitate positive progress.

From floods to tornadoes to economic downturns, to unrest, as well as an unwanted pandemic, Wyandotte Countians have remained resilient, ready for any challenge that has been thrown their way, and have been strongly resolved with purpose.

As I traverse this community every single day, I see a spirit of hope and determination in the hearts and the minds of all those who call Wyandotte County home. Those who want nothing more than the realization of an improved community, not just for themselves, but for everyone that desires to live in Wyandotte County.

With the enormous challenges we face ahead, I cannot sugarcoat the obvious that we set aside, and I ask that we set aside, differences and come together united, intentional, and full collaboration for the change that this community needs. None of us can do that alone. Not me. Not this Commission. Not any isolated group. At this defining moment, our efforts have to be a collective, collaborative of all that want better to be consistently committed to finding real solutions to the real problems that we know impact the lives of real people in Wyandotte County



every single day. That is what is necessary for us to cultivate a brighter future for Wyandotte County.

Cultivating this future should entail an effort to broaden the tax base by developing a county-wide economic redevelopment plan that can facilitate the economic stabilization of our Unified Government. To continue seeking recommendations for reform from the eight task forces. To pursue ensuring equity in the delivery of goods, services, and resources. To better engage with residents to make decisions with the community as a means to decrease decisions being made for the community. To seek opportunities to expand broadband access in underserved areas of Wyandotte County. To take the administrative and political courage to responsibly streamline this Unified Government. To realign investments in the disinvested. To seek and embrace proven and emerging technologies. To swiftly implement emergency cost-cutting measures. To promote efficiencies by identifying areas of government to further consolidate. To recommit efforts to seek out necessary grant opportunities. To make streamlining the economic development process a priority, while also focusing on attracting industry that will provide livable wage paying jobs, enhanced services, and needed resources to our community. To create a new and innovative opportunities for entrepreneurs and small businesses. To continue the audits of the Unified Government and the organization assessments, and to fully implement all these assessment recommendations swiftly and in short order. To support criminal justice reforms designed to ensure equity and justice, while also encouraging and welcoming enhanced increase into all facets of this Unified Government by state and federal authorities. To make excellence in customer service a priority and never an option, and most importantly, doing everything possible to provide real tax relief, BPU PILOT relief, and user-fee relief that can be substantially realized by residents that need the relief most.

I will close with that what I have stated previously in that I see these challenges an opportunity. An opportunity to bring about change, to reimagine a better way forward with everyday people who know, that as a Unified Government, that we have to do better.

I continue to believe in the necessity for unity, opportunity, and hope with the reality of a Wyandotte County where no one that is willing to work hard and positively contribute is ever left behind. A Wyandotte County where there is no part of this community that is disenfranchised and disinvested to the point of urban decay. A reality where we promote faith, family, education, hard work, love for one another, community, and shared success. A reality where people of all races,

all religions, all persuasions, of all ages put people above politics, privilege, and profit. A reality where there's equity in the delivery of goods and services with an emphasis on promoting the cultural richness of our neighborhoods. A reality where we recommit ourselves to have affordable and robust youth programs for our children. A reality where we'll work to lower taxes and to make our BPU bills feel more like a real utility bill. A reality where diversity, inclusion, access, as well as support of women and minority businesses are better reflected, respected, and embraced throughout this Unified Government. A reality where we fully and unequivocally support our awesome men and women in public safety, while also implementing measures designed to better hold them accountable to the values and expectations of this community. A reality where mental illness, drug addiction, crime, and poverty are classified with the realm of being a serious health crisis in Wyandotte County with real investment commitments being set aside to address these issues; while also seeking out long-term solutions to confront the ever-growing challenges of the unhouse population, the impoverished population, and the homelessness that comes from disinvestment. A reality where truly where we truly see ourselves through a unified lens of purpose with our Wyandotte County family cities of Bonner Springs, Edwardsville, and parts of Lake Quivira. A reality where we recommit and double our efforts to address blight and urban decay. A reality where we reduce the bureaucracy and red tape that often stifles growth and the development prospects in Wyandotte County. A reality where we seek development of affordable housing for our seniors and most importantly, again, our underserved. A reality where anyone that calls or desires to call Wyandotte County home will know, without fear, that they are safe and that they are welcome.

The concept of unity, opportunity, and hope is and will always be about what we can do together. We will succeed, or not, together. My commitment to everyone in this community and to this Commission and every staff member is that no matter the challenge, no matter the problems, I firmly believe that together we can truly make Wyandotte County a great and safe place to live, work, and raise a family. If we start now, I believe without question, that the best is yet to come for Wyandotte County/Kansas City, KS; and I ask that we all come together and work to that order. So, thank you so very much.

**Action: For information only.**

## **REGULAR CONSENT AGENDA**

**Mayor Garner** asked, do any members of the Commission or County Administrator wish to set-aside any item on the Regular Consent Agenda? If an item is not set-aside, all items on the Regular Consent Agenda will be voted on by one vote.

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

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

**Roll call** was taken and there were eight "Ayes," Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley.

### **Item No. 1 – 212035...GRANT: RECONNECTING COMMUNITIES PLANNING GRANT**

**Synopsis:** Retroactive approval to pursue the Federal Reconnecting Communities Planning Grant for the areas between Kaw Point and Armourdale along the Kansas River, submitted by Gunnar Hand, Director of Planning & Urban Design. On November 14, 2022, the Administration and Human Services Standing Committee, chaired by Commissioner Markley, voted unanimously to approve and forward to full commission.

**Action:**        **Commissioner McKiernan made a motion, seconded by Commissioner Ramirez, to approve.** Roll call was taken and there were eight "Ayes," Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley.

### **Item No. 2 – 212175...COMMUNICATION: PROPOSED 2023 HOLIDAY SCHEDULE**

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

**Action:** Commissioner McKiernan made a motion, seconded by Commissioner Ramirez, to approve. Roll call was taken and there were eight "Ayes," Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley.

**Item No. 3 – 212173...PLAT: STIMAC ADDITION**

**Synopsis:** Plat of Replat of Stimac Addition, located at N. 134<sup>th</sup> Street and Parallel Parkway, and being developed by Robert J. Stimac, submitted by Brent Thompson, County Surveyor; and Troy Shaw, County Engineer.

**Action:** Commissioner McKiernan made a motion, seconded by Commissioner Ramirez, to approve and authorize the Mayor to sign said plat. Roll call was taken and there were eight "Ayes," Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley.

**Item No. 4 - MINUTES**

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

**Action:** Commissioner McKiernan made a motion, seconded by Commissioner Ramirez, to approve. Roll call was taken and there were eight "Ayes," Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley.

**Item No. 5 - WEEKLY BUSINESS**

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

**Action:** Commissioner McKiernan made a motion, seconded by Commissioner Ramirez, to receive and file. Roll call was taken and there were eight "Ayes," Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley.

## **STANDING COMMITTEES' AGENDA**

### **Item No. 1 – 212083...APPROVAL OF DOWNTOWN KCK COMMERCIAL HISTORIC DISTRICT NOMINATION SUBMISSION**

**Synopsis:** Approval of the Downtown KCK Commercial Historic District nomination to the National Park Service for consideration, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design. On November 7, 2022, the Neighborhood and Community Development Standing Committee, chaired by Commissioner McKiernan, voted unanimously to approve and forward to full commission.

**Action:** This item was previously removed from the agenda, per the blue sheet.

## **ADMINISTRATOR'S AGENDA**

### **Item No. 1 – 211735...UPDATE: GRANTS AND GRANT PROCESS**

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

**Action:** This item was previously removed from the agenda, per the blue sheet.

### **Item No. 2 – 212129...RESOLUTION: ASSIGNMENT AND DEVELOPMENT AGREEMENT FOR VILLAGE WEST APARTMENT III**

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

**Mayor Garner** said I'll ask Mr. Patrick Waters, who's the Deputy Chief Counsel, to make some remarks.

**Patrick Waters, Deputy Chief Counsel,** said this item is good news. It means that the developer is ready to take out their construction loan and begin building the apartments. It is very common in this kind of situation for a lender to request an assignment as a security interest, and that is what

they are doing here tonight. I believe representatives for the developer may be here for any questions. Staff recommends approval of the item.

**Mayor Garner** asked, do any commissioners have any questions?

**Action:**        **RESOLUTION NO. R-81-22**, “A resolution authorizing the collateral assignment of development agreement for Village West Apartments III on certain real property generally located north of Delaware Parkway, west of 110th Street and south of Parallel Parkway in Kansas City, Wyandotte County, Kansas.” **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to adopt the resolution.**

**Mayor Garner** said I have a motion and a second for approval. Any further discussion? Seeing none, roll call.

**Roll call** was taken and there were eight "Ayes," Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley.

**Mayor Garner** said that concludes the portion of our regular meeting and I will adjourn us in that capacity. I will now reconvene us back to order as the Land Bank Board of Trustees.

#### **LAND BANK BOARD OF TRUSTEES' CONSENT AGENDA**

**Mayor Garner** asked, do any members of the Commission or County Administrator wish to set-aside any item on the Land Bank Consent Agenda?

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

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



**Roll call** was taken and there were eight "Ayes," Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley.

### **Item No. 1 – 212084...LAND BANK OPTION APPLICATIONS**

**Synopsis:** Request consideration of the following Land Bank option applications, submitted by Jud Knapp, Land Bank Manager. Please visit the new site to review the applications below.

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

#### **A. New Construction - Single Family Homes – 23 Homes**

1. Angela Wright-Jones – 1 home  
7648 Roswell Ave. – 012317
2. Sergio Salas – 1 home  
2921 S. 53<sup>rd</sup> St. – 028397
3. Brenda Davis – 1 home  
2575 Espenlaub Ln. – 908623
5. David Rowe  
c/o Folks Capital, LLC – 2 homes  
10 N. Mill St. – 069011  
8H N. Mill St. – 069012
6. David Rowe  
c/o Folks Capital, LLC – 7 homes  
74 N. 9<sup>th</sup> St. – 093517  
70 N. 9<sup>th</sup> St. – 093519  
68 N. 9<sup>th</sup> St. – 093520  
64 N. 9<sup>th</sup> St. – 093521  
60 N. 9<sup>th</sup> St. – 093523  
56 N. 9<sup>th</sup> St. – 093524  
52 N. 9<sup>th</sup> St. – 093525
7. David Rowe  
c/o Folks Capital, LLC – 3 homes  
846 Reynolds Ave. – 120122
8. David Rowe  
c/o Folks Capital, LLC – 3 homes  
654 Simpson Ave. – 120989  
650 Simpson Ave. – 121082  
648 Simpson Ave. – 120990
11. Giovanna Frame – 1 home  
1318 Greeley Ave. – 157786

12. Giovanna Frame – 1 home  
1326 Greeley Ave. – 157784
13. La'Pourchea McConico – 1 home  
4208 N. 79<sup>th</sup> St. – 931504
14. John and Laurie Tomelleri – 1 home  
2792 Linden Dr. – 149816
15. Kim Vaughn – 1 home  
1936 N. 4<sup>th</sup> St. – 109825

B. Multi Family – 10 units total

1. Michael Berry – 4 Units  
2518 N. 57<sup>th</sup> St. – 036208  
2610 N. 57<sup>th</sup> St. – 036211
3. Raj Bhatia – 2 units  
1325 N. 48<sup>th</sup> St. – 047593
4. Raj Bhatia – 2 units  
1231 N. 48<sup>th</sup> Terr. – 047572
5. Raj Bhatia – 2 units  
1338 N. 48<sup>th</sup> St. - 047500

C. Commercial – 3

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

D. Garages – 3

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

E. Multiple Applications for the same parcels - 2

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

**Action:** Commissioner McKiernan made a motion, seconded by Commissioner Ramirez, to approve. Roll call was taken and there were eight "Ayes," Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley.

## **Item No. 2 – 212085...LAND BANK PROPERTY TRANSFERS**

**Synopsis:** Request consideration of the following Land Bank transfers, submitted by Jud Knapp, Land Bank Manager. Please visit the new site to review the applications below.

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

### **PT A Property Transfers - 3**

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

### **PT B Yard Extensions - 2**

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

### **PT C Donations – 3**

3. John L. Peterson  
729 S. 8<sup>th</sup> St. – 073672
4. John L. Peterson  
914 S. Mill St. – 072727
5. Matt Schulte  
1263 Shawnee Ave. - 072286

**Action:** Commissioner McKiernan made a motion, seconded by Commissioner Ramirez, to approve. Roll call was taken and there were eight "Ayes," Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley.

**ADJOURN**

**Mayor Garner** said with no further business to come before this governing body, I'll entertain a motion to adjourn.

**Action:**        **Commissioner Kane made a motion, seconded by Commissioner Burroughs, to adjourn.**

**Mayor Garner** said we have a motion and a second to adjourn. Roll call, please.

**Roll call** was taken and there were eight "Ayes," Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley.

**Mayor Garner** said we are adjourned. Thank you. Have a good evening.

**MAYOR GARNER  
ADJOURNED THE MEETING AT 8:20 P.M.  
December 1, 2022**

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Brett A. Deichler, PMP|CPM  
Unified Government Clerk

am/cg

**December 1, 2022**

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

SPECIAL SESSION, THURSDAY, AUGUST 17, 2023

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in Special Session, Thursday, August 17, 2023, with nine members present: Bynum, Commissioner At-Large First District; Burroughs, Commissioner At-Large Second District; McKiernan, Commissioner Second District; Johnson, Commissioner Fourth District; Kane, Commissioner Fifth District; Markley, Commissioner Sixth District; Stites, Commissioner Seventh District; Davis, Commissioner Eighth District; and Garner, Mayor/CEO, presiding. Townsend, Commissioner First District; and Ramirez, Commissioner Third District; were absent. The following officials were also in attendance: David Johnston, County Administrator; Bridgette Cobbins, Assistant County Administrator; Wendy Green, Assistant Counsel; Brett Deichler, Unified Government Clerk; Monica Sparks, Deputy Unified Government Clerk; Debbie Jonscher, Interim Chief Financial Officer; Reginald Lindsey, Budget Director; Michael Peterson, Assistant Budget Director; Mike Grimm, Research Manager; Adrian Alemifar, Senior Analyst in Budget Department; LaVert Murray, Economic Development Advisor in Mayor's Office; 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 Office. I would also like to remind, especially here on the 5<sup>th</sup> 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, 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 17, 2023, at 5:00 p.m. in the fifth floor conference room of the Municipal Office Building for a Budget Workshop.

**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.

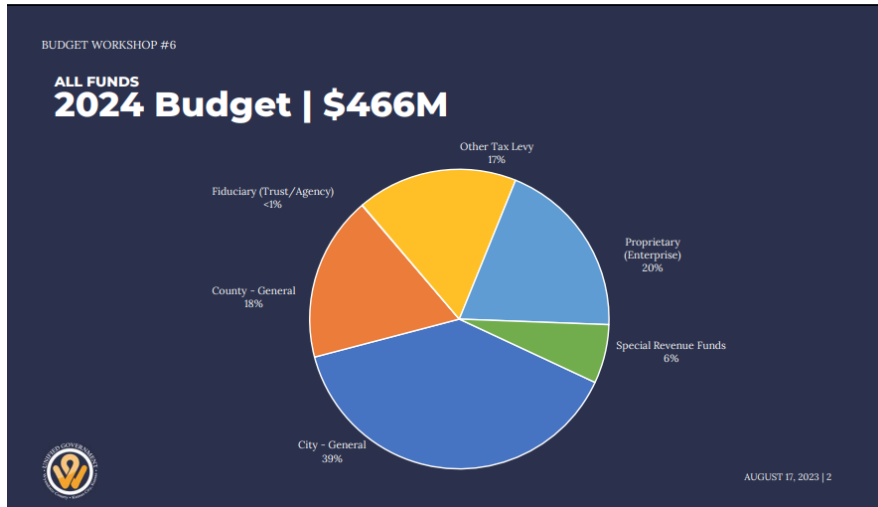
**Mayor Garner** said tonight's meeting will be a continuation of our ongoing budget workshops that are being presented by our staff, led by our County Administrator. I'll turn it over to our County Administrator, David Johnston, and he will lead the meeting from here.

**David Johnston, County Administrator**, said if you recall, last week we gave an overview of the County Administrator's recommended budget to the Commission. In that discussion there were requests from individual commissioners that wanted to start off the next phase of the discussion because I presented the budget to them. It's in the commissioner's hands to finalize a budget that will be the Unified Government's budget. We're going to turn it over to Reggie Lindsey to guide our process tonight.

**Reginald Lindsey, Budget Director**, said some of the things Debbie Jonscher and I are going to cover tonight, we're going to drill down into the total budget, talk about what the differences are from 2023's Budget to 2024's Budget and then we're also going to drill down into the County General Fund and the City General Fund and talk about what the differences are between what we forecasted back on May 18<sup>th</sup> compared to what we proposed. Then we're going to talk about a few things that were requested last week. One of them was to drill down into—or look into the County General Fund, what it looks like with a two mill cut and also look at the County General Fund how it looks at a revenue neutral status and then look at the City General Fund with a two mill cut and also look at it at a revenue neutral status. Then we'll look at the City General Fund with the BPU rate increase, taking that funding out and putting it on the expense side, and then we're going to look at outside agencies and also we have a number of different expenses to look



at just in case we want to do some modeling. We have come prepared today to do some modeling on the expense side and the revenue side with everyone, so that is what we plan today.

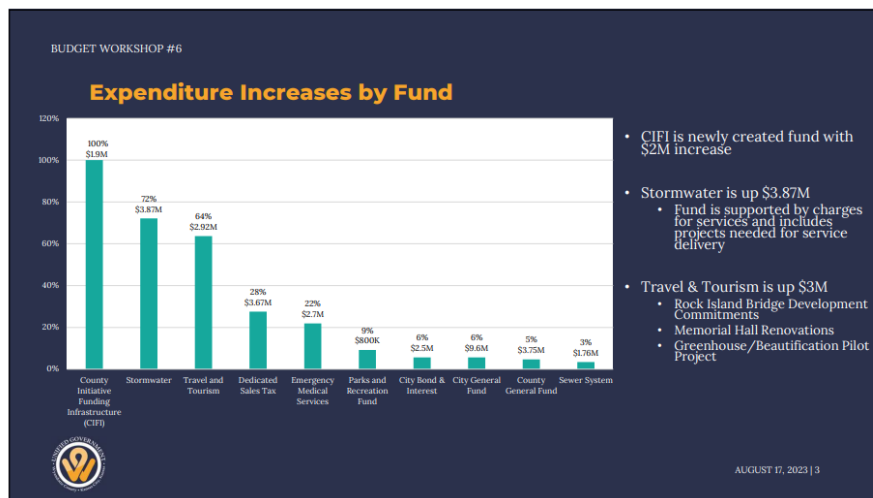


We're going to talk about the 2024 Proposed Budget. It's a \$466M budget. Last year the budget that we proposed was \$432M, so that's about a \$33M increase. On the screen we see where we have Other Tax Levy Funds at 17%. Of the budget, they total about \$79M and that includes the City Bond & Interest Fund, the County Bond & Interest Fund, and also Parks & Rec and then we have our Enterprise Funds. These are our funds that provide services to the community that run on their own. They don't have any funding that comes from taxes, it's charges for services that they provide and then they are also fully capable of running themselves. Some of the funds that are in there are the Sewer Fund, Sunflower Hills, our Solid Waste Fund and then also our Stormwater Fund.

Then we have our Special Revenue Funds which are about \$27M. Some of the funds there are Dedicated Sales Tax, also our Special Street & Highway Fund, and then our Alcohol Fund. We have our City General Fund which is a \$180M budget and we have the County General Fund which is an \$84M budget.

One of the things Debbie Jonscher—I'm going to turn it over to her. She is going to drill down into and tell you what the differences were in the \$466M budget we presented last week compared to the \$432M budget we presented for 2023's Budget.

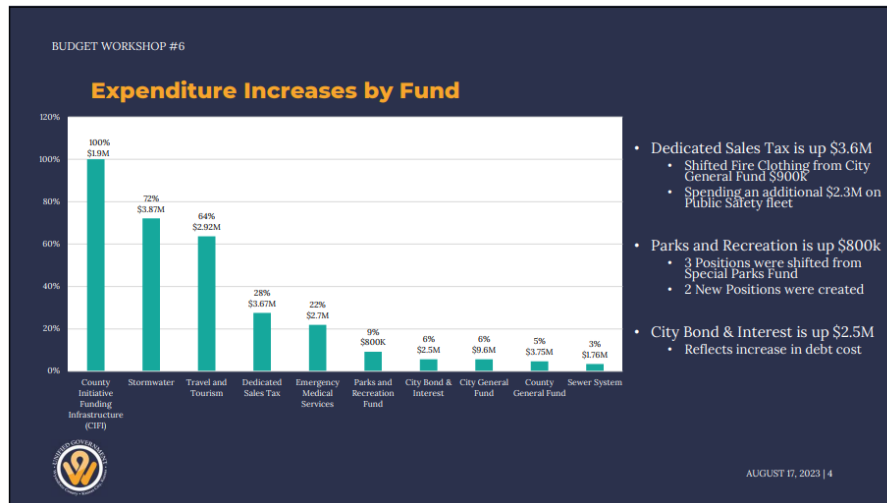
**Debbie Jonscher, Interim Chief Financial Officer**, said as Reggie said I'm going to talk about the expenditures. We have a graph showing the 10 funds that had the largest changes between 2023 and the 2024 Proposed Budget. I've got several slides where I'm going to talk about the differences. The graph is the same on each one of the slides, but I'll go through each one of those.



The first one we'll talk about is the new CIFI Fund which is the Infrastructure Fund, funding that's going to come from the County Mill Levy. We dedicated a mill over to that fund that will be used for infrastructure improvements between Kansas City, Kansas, Bonner Springs, and Edwardsville. That fund was not in existence last year, so that's a new increase. I will say on the CIFI the increase is about equal to one County mill which is just under \$2M.

The Stormwater Fund is up about \$3.87M and that is due to additional Capital Improvements that have been added to the budget in response to the rate structure that was also put in place starting—the rate started increasing in 2022 with the new rate structure for 2024 that starts with the impervious surface.

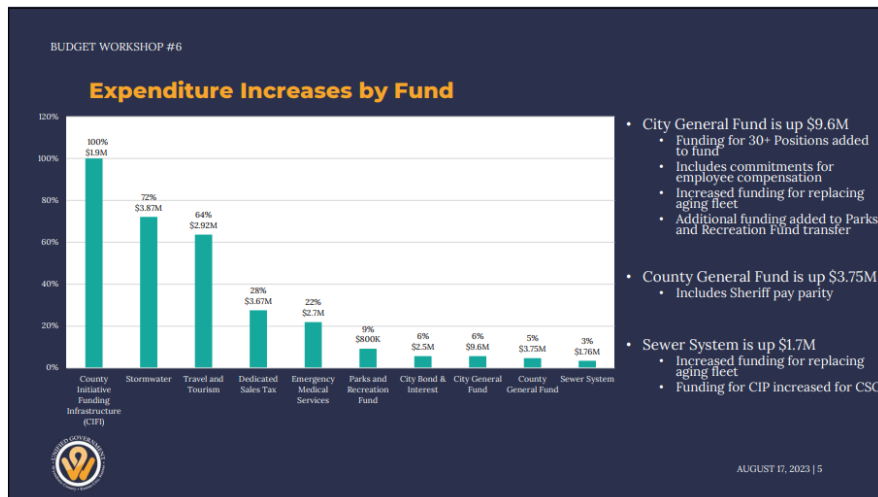
Travel and Tourism is up about \$3M. We've got additional Capital Improvements that are included there. The Rock Island Bridge Development had commitments that are coming from that fund as well as Memorial Hall Renovations and the Greenhouse/Beautification Pilot Project.



On the next slide we're going to talk about Dedicated Sales Tax which is up about \$3.6M. We're spending about an additional \$2.3M on the Public Safety Fleet which is coming from this fund. This fund is—the revenue source is sales tax, so with the increases built in there, there's room for additional fleet. As well as we've shifted some other expenses from the City General Fund over to this fund.

Parks & Recreation is up about \$800K. There were two new positions created in 2024 for Parks & Rec. There was a Marina Specialist and a Program Manager. We also shifted three positions that were in the Special Parks Fund over to Parks & Rec. That's not an increase to the overall budget, but it increases the Parks & Rec General Fund, but then we also added some additional Capital onto the Special Parks & Rec Fund.

The City Bond & Interest Fund is up about \$2.5M and just reflects increases in the additional debt service cost.



This next slide we'll talk about the City General Fund. It's up about \$9.6M. There is funding for 30+ positions in this fund, 17 of them are part of a SAFER Grant. That is the grant expiring, so now we are picking up the cost for those additional firefighters. There were also 9 new positions for Station 15, which is the one in Fairfax and that accounts for about 26 positions and then there are several others throughout the organization that are funded there. We've also got commitments for employee compensation, increased funding on Capital for replacing the fleet and additional funding that was added to the Parks & Recreation Fund transfer.

The County General Fund is up about \$3.75M. The majority of this is due to the Sheriff's parity pay that was added at the end of last year and then added to the 2023 Budget and going forward.

The last one is the Sewer System Fund which is up about \$1.7M, increased funding for their fleet as well as funding for additional CIP related to the CSO consent decree.

BUDGET WORKSHOP #6

## General Funds - Fund Balance Policy

- Resolution R-35-18 (passed July 26, 2018)
- Authorization of various budgetary and financial policies
- General Fund Operating and Economic Uncertainty/Emergency Reserve Policy

**Reserve Levels** - The Unified Government seeks to maintain a minimum level of Unrestricted Fund Balance...in the General Fund equivalent to three-months of regular, on-going operating expenditures. Of this three-month reserve, two-months will be maintained to meet general operating needs and to allow for budgetary uncertainty (named as the "Operating Reserve") and one-month may be targeted to be assigned to provide resources during economic downturns or to address vulnerabilities to extreme events, and emergencies impacting public safety concerns (named the "Economic Uncertainty/Emergency Reserve").

The two reserve categories are represented below as a percentage of regular, on-going operating expenditures (including transfers out):

- Operating Reserve: 17% (two-months)
- Economic Uncertainty/Emergency Reserve: 8% (one-month)
- Total Reserve Level: 25% (three-months)



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The last one I'm going to talk about—Reggie's going to start talking about the fund forecast and the fund balance, so we thought we would just go over and remind everyone of the Fund Balance Policy that we have. This policy was approved in 2018. There was a resolution passed by the Commission that authorized various budgetary and financial policies and one of them was the General Fund Operating and Economic Uncertainty Reserve Policy. So, just reminding everyone the Operating Reserve is a two-month reserve which equates to just under 17% and then we have the Economic Uncertainty which is an additional one-month or 8% for a total reserve level of 25% which is what we have strived—we are striving to keep our fund balance at that percentage.

I'll turn it back over to Reggie to talk about the funds.

BUDGET WORKSHOP #6

## 2024 Proposed Budget City General Fund From Budget Workshop #2 to Now...

- Sales tax projections grew 8.1% or \$4.2M
- BPU Pilot projections grew 7.5% or \$2.7M
- Natural Gas Franchise Tax projections grew 35.1% or \$920k
- Occupation Business Tax projections grew 68% or \$568k
- Increased Transfer from EMS 40% or \$933k

| City General Fund              | May 25th Budget Workshop | Aug 10th Proposed Budget Presentation | Change |
|--------------------------------|--------------------------|---------------------------------------|--------|
|                                | 2024 Forecast            | 2024 Proposed Budget                  |        |
| TOTAL REVENUES                 | \$ 161,358,448           | \$ 169,110,982                        | 5%     |
| TOTAL EXPENSES                 | \$ 171,954,000           | \$ 169,843,501                        | -1%    |
| Net Change in Fund Balance     | \$ (10,595,552)          | \$ (732,519)                          | -9.3%  |
| Cash Basis Ending Fund Balance | \$ 12,900,473            | \$ 27,484,011                         | 113%   |
| Reserve % of Expenditures      | 16.16%                   | 24.92%                                | 54%    |



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Mr. Lindsey said I want to start out with the City General Fund. We have two columns and what we forecasted on May 25<sup>th</sup> initially to the elected body for the City General Fund and we also have

August 17, 2023

what we proposed on August 10<sup>th</sup>, which was last Thursday. When we first started the budget process back in May we initially thought the City General Fund was going to be a \$10.5M structurally imbalanced, so what we want to do is talk about those differences where in 2024's Proposed Budget the structurally imbalanced now is only \$732K. Some of the main things that happened there were our total revenues went from \$161M to \$169M and then our total expenses did drop from \$171M to \$169M. Some of the key things that happened there were that after we got to digging into the budget we found that our sales projections were low, so we jumped our sales tax projections up by 8.1%, which is about \$4.2M. Initially we had forecasted \$52M, so now that forecast is equal to \$57M.

Also, as we were going through the process our BPU PILOT projections, we found that we thought they were a little lower than what they should have been and also BPU did have its rate increase that happened. Initially we were estimating \$36M in revenue from the PILOT and we ended up in it to \$39M which is a 7.5% increase for about \$2.7M.

Natural Gas Franchise Tax projections did grow. We initially were estimating \$2.6M and that number has grown 35% to \$3.5M which is about \$920K and then also our Occupation Business Tax projections grew there about 68%. We initially were estimating \$1.9M and it went up to \$2.4M, which is almost a \$600K increase.

Also, one of the things after examining things within our own funds, we have a transfer that comes from our EMS Fund which should be equal to two mills and it was not equal to two mills so we did increase that from \$1.9M to \$2.4M, so that was an increase of 40% and it was a \$933K increase. One of the things with the EMS Fund, the EMS Division within the Fire Department is like a \$21M budget. The EMS Fund funds \$14M of that. The rest of it is mostly funded from the City General Fund and so when the tax to start the Special EMS Fund was first put in place, one of the things that was put in place was a commitment to the citizens to have a two point—two mill reduction to the City General Fund and that comes in the form of a transfer back to the City General Fund. We hadn't been doing a full two mills so we increased that to a full two mills, so that's what's going on there.



BUDGET WORKSHOP #6

**2024 Proposed Budget County General Fund**  
**From Budget Workshop #2 to Now...**

- Motor Vehicle projections were lowered 14% or \$720k
- Register of Deeds Fee projections were lowered 45% or \$1.3M
- Interest Income projections were lowered 19% or \$851k

| County General Fund            | May 25th Budget Workshop | Aug 10th Proposed Budget Presentation | Change |
|--------------------------------|--------------------------|---------------------------------------|--------|
|                                | 2024 Forecast            | 2024 Proposed Budget                  |        |
| TOTAL REVENUES                 | \$ 84,427,451            | \$ 81,975,030                         | -3%    |
| TOTAL EXPENSES                 | \$ 84,654,407            | \$ 84,058,832                         | -1%    |
| Net Change in Fund Balance     | \$ (226,596)             | \$ (2,083,802)                        | 820%   |
| Cash Basis Ending Fund Balance | \$11,281,531             | \$5,553,305                           | -51%   |
| Reserve % of Expenditures      | 16.92%                   | 10.33%                                | -39%   |

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The next fund we're going to talk about is what the differences are. The County General Fund, when we first opened up the budget season and started discussing the budget, the County General Fund we had a structural imbalance where we were expecting only \$226K to be structurally imbalanced, but as we got into the budget and digging into the revenues we found that some of our revenues were forecasted too high and it was based on how revenues have been coming in in 2023 when we were looking at the revenues and how they were built in. Some of those revenues were built last summer, so looking into them we found out that some of our revenue targets weren't meeting what we quite expected, so we ended up having to go in and reduce some of our revenue targets and there were really just three revenues that really impacted the County General Fund. We'll see on August 10<sup>th</sup> when we proposed the budget we went from \$84M that we were forecasting to almost \$82M, which is about a \$2.5M drop in revenues.

The main story there is Motor Vehicle projections were lowered 14% and, Debbie, she may want to touch on some of that. I know she has some information on that.

**Ms. Jonscher** said I'll just say I think our projections were higher based on what had been coming in over the last several years. If you recall, in 2020 when we had COVID, registrations were delayed and so we had—I believe we were seeing over the next year after that, we started seeing more registrations; however, in looking at where we have been last year and this year, according to the Treasurer, the new vehicle registrations appear to be down and we're seeing more renewals now versus new vehicle purchases. So, we went ahead and lowered our estimates on those.

I'll go ahead and just talk about the interest income. Our projections there, we also lowered those. Our interest rates have been going up and we're getting more interest income than we've seen in a long time, but our projections, I think, based on our original 2023 estimate were probably a little bit higher than what we're seeing coming in so we did reduce those numbers for 2023 and 2024 to reflect the investments that we know are maturing this year and next year.

**Mr. Lindsey** said our deed recordings are down, so the amount of recordings at the Register of Deeds Office has had—originally comparing January to August of 2022 to 2023. Right now we're at \$1.2M in 2020—or 1.2M people recording deeds and that's down compared to last year. It ends up being like 2.2M and then some of the things driving that is the high interest rates. People aren't refinancing at the rate they were, people aren't buying homes at the rate they were, so that ended up dropping what we were estimating.

BUDGET WORKSHOP #6

**2024 Proposed Budget City General Fund**  
**Revenue Neutral 2.8 Mills - \$5.73M**

| City General Fund              | 2022 Estimated Actuals | 2023 Amended Budget | 2024 Forecast  | 2025 Forecast  | 2026 Forecast  | 2027 Forecast  | 2028 Forecast  |
|--------------------------------|------------------------|---------------------|----------------|----------------|----------------|----------------|----------------|
| TOTAL REVENUES                 | \$ 166,737,724         | \$ 162,454,269      | \$ 169,110,962 | \$ 175,798,284 | \$ 181,823,879 | \$ 188,588,447 | \$ 195,690,868 |
| TOTAL EXPENSES                 | \$ 168,225,059         | \$ 163,791,208      | \$ 169,843,501 | \$ 176,954,106 | \$ 184,327,218 | \$ 192,035,952 | \$ 200,073,999 |
| Net Change in Fund Balance     | \$ (1,487,335)         | \$ (1,336,939)      | \$ (732,539)   | \$ (1,155,822) | \$ (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   | \$41,595,929   | \$38,692,589   | \$35,245,084   | \$30,861,953   |
| Reserve % of Expenditures      | 26.39%                 | 26.29%              | 24.92%         | 23.28%         | 20.99%         | 18.33%         | 15.43%         |
| Fund Balance 17% Target        | \$28,598,259           | \$27,844,505        | \$28,873,395   | \$30,078,788   | \$31,335,627   | \$32,646,112   | \$34,012,580   |

2024 Proposed Budget:

Revenue Neutral:

| City General Fund                | 2022 Estimated Actuals | 2023 Amended Budget | 2024 Forecast  | 2025 Forecast  | 2026 Forecast  | 2027 Forecast   | 2028 Forecast   |
|----------------------------------|------------------------|---------------------|----------------|----------------|----------------|-----------------|-----------------|
| TOTAL REVENUES                   | \$ 166,737,724         | \$ 162,454,269      | \$ 163,796,862 | \$ 169,723,340 | \$ 175,505,917 | \$ 182,087,788  | \$ 188,857,342  |
| 2024 Revenue Neutral Rate Impact |                        |                     | \$ (5,730,000) | \$ (6,070,000) | \$ (6,320,000) | \$ (6,570,000)  | \$ (6,830,000)  |
| TOTAL EXPENSES                   | \$ 168,225,059         | \$ 163,791,208      | \$ 169,843,501 | \$ 176,954,106 | \$ 184,327,218 | \$ 192,035,952  | \$ 200,073,999  |
| Net Change in Fund Balance       | \$ (1,487,335)         | \$ (1,336,939)      | \$ (6,052,589) | \$ (7,230,766) | \$ (8,821,281) | \$ (10,008,164) | \$ (11,216,657) |
| Cash Basis Ending Fund Balance   | \$ 29,553,469          | \$ 28,216,530       | \$22,164,011   | \$14,933,245   | \$6,131,965    | (\$3,886,199)   | (\$15,002,816)  |
| ACFR Ending Fund Balance         | \$ 44,401,208          | \$ 43,064,269       | \$37,001,750   | \$29,800,984   | \$20,979,704   | \$10,960,540    | (\$255,077)     |
| Reserve % of Expenditures        | 26.39%                 | 26.29%              | 21.79%         | 16.84%         | 11.30%         | 5.78%           | -0.13%          |
| Fund Balance 17% Target          | \$28,598,259           | \$27,844,505        | \$28,873,395   | \$30,078,788   | \$31,335,627   | \$32,646,112    | \$34,012,580    |

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What we're going to look at now is the 2024 Proposed Budget for the City General Fund and look at some of the different scenarios that was requested from last week. The first scenario that we have is looking at a revenue neutral budget for the City General Fund and that would equate to 2.8 mills. Right now that would equal to about \$5.7M. We can see when we proposed the budget last week we would have almost a 25% fund balance and when we initially came forward in May, in 2026 this fund was going to be in the red where it was going to be out of cash. So, one of the things that we have done is into the foreseeable five-year future we have pushed out where that is not going to be an issue anymore. We can see out in 2028 we still do have a fund balance, but our

fund balance is under the fund balance limit that Debbie Jonscher covered a little earlier where we should be at like 17%. We have dropped under the 17% out in 2028, so that's something that we definitely need to keep our eyes on.

As we move into revenue neutral, and that is the bottom financial, we can see in 2024 we're taking \$5.7M out of revenue for City General Fund. It does cause us to have a structurally imbalanced budget of about \$6M compared to what we proposed of \$732K and our fund balance does still stay at 21% or almost 22%. One of the things that happens out into the foreseeable future is when we get over to 2026 our fund balance does drop to about 11% and then that next year in 2027, we are definitely structurally imbalanced, but our cash basis fund balance ends up being almost \$4M in the hole, so we wouldn't be able to approve a budget that year and then it gets worse going into 2028 where it jumps up to about \$15M. We can see definitely the fund balance is in the negative and then in 2027 the fund balance drops to almost 6%.

**Mayor Garner** said we have a question from Commissioner Bynum.

**Commissioner Bynum** said I just need to spend more time with this slide, but the part of it that's bothering me the most is on July 13<sup>th</sup> when we held our hearing to exceed revenue neutral, the mill levy decrease to be revenue neutral was 5.034 mills just for the City side, which is what we're talking about here. **Mr. Lindsey** said what you're looking at includes like the County Bond & Interest Fund also. **Commissioner Bynum** said okay and here you're just talking about the General Fund. **Mr. Lindsey** said yes. **Commissioner Bynum** asked, is that the difference? **Mr. Lindsey** said yes. **Commissioner Bynum** said okay, that's helpful. I've been struggling with these number on this slide based on the 2.8 mills. So, the concept that I'm hearing you say is that we could be revenue neutral just in the General Fund, but it still creates this imbalance down the road. **Mr. Lindsey** said yes, it definitely would create an imbalance down the road and it also does cause us to have a structurally imbalanced budget of about \$6M for this 2024 Budget also.

**Commissioner McKiernan** said but we're looking in isolation at one fund here and so in isolation one fund looks like this, but we've got to stack the rest of the funds on it and these deficits are additive if we choose to stack reductions, we get stack deficits, right? **Mr. Lindsey** said that is correct. **Commissioner McKiernan** said yeah. I mean we have to all keep in mind that this is a

sliver of the entire funding package and that no change that we make here happens in isolation all by its lonesome unless we direct it to happen in isolation. So we have to always remember that whatever we're looking at here, if we add anything from an upcoming slide, it adds, so it's going to change depending on what we pick and then how we choose to structure and blend them, right? **Mr. Lindsey** said that is correct. **Commissioner McKiernan** said all right.

**Commissioner Stites** said I have just a quick question about if we go back to the slide where it talked about the General Fund and our fund balance Resolution 35-18 and it says that we—the General Fund we try to be at 17% and that's by resolution adopted in 2018 and then the economic uncertainty is 8%, which gets us to that 25% number. Was that economic uncertainty 8% voted also by resolution? **Ms. Jonscher** said yes, that was in the policy. The entire policy was approved by resolution. **Commissioner Stites** said, okay, so why would we not, and I'm just asking, why would we have not just said the operating reserve be at 25%? Why have two line items 17 and 8? **Ms. Jonscher** said I'm thinking the reason we probably split it out like that was to give us some flexibility because right now we look at our minimum to be the 17%, but based on GFOA guidelines best practices, they recommend that we really should be—the minimum should be 25, but I think we put the economic uncertainty in there to kind of give us some flexibility. So even if we went below 25, if we got to 20 or 21, yes, we're below the total reserve, but we're not below our minimum operating reserve of two months.

**Commissioner Burroughs** said, Debbie, if I remember correctly, our former CFO wanted three months reserves at 25% target and we felt that reserve was a little too steep at the time when we reviewed it and we compromised to come to having the one-month Emergency Fund, that's the set aside to address issues that came up just as that without having to dip into our reserves per se. That's how we came up with the two different numbers if I remember correctly. I know we put it in the policy at 17 and 8, but I think when it came to compromising, was to do it that way versus throwing it all in one fund at 25%. **Ms. Jonscher** said right and trying to get up to that 25% at one right away. I think the idea was to build and try to get to that 25% because in 2018 we were not at the 25%.

**Mayor Garner** said my understanding on revenue neutral is that to make up that deficit, best we can with your projections, that's all coming out of the reserves, correct? **Mr. Lindsey** said it would definitely come from our fund balance. **Mayor Garner** said right. Have we done any projections what it would look like if we were to streamline this government, if we were to find cost-cutting measures, what that would look like. If we were to cut back, if we were to look at some of our CMIP projects, if we were looking at ways we can tighten our belt to give a clear picture of—I know everything we say we'll take it out of reserves, but have we deep dived and really looked at where can we find cost savings throughout the various departments for operating budgets.

I know when I was on the Police Department there were several times under Administrator Dennis Hays and I was given direction through my Chief, Major cut 5 if not 10% off your budget. I had to go through line item by line item. That printer I wanted, whatever reams of paper I may have wanted. I had to push that back and really prioritize them. What do I do being in charge of where I was at, West Patrol, to be able to provide the services that this community has come to expect when you talk about essential services, which is responding to calls in the best and efficient way and making sure my officers could do that safely and make sure they all have the equipment that they need without a lot of the wants that I may have wanted or needs including building upgrades that I may have wanted, some things that I may have wanted to beautify, those were things—even at times we cut back on vehicles. We had to go two, three, four years without new vehicles and back then we weren't as in a dire of a straits from my knowledge. I wasn't on this side in this building that we're seeing now because I've never heard of us being in the red.

So, when you talk about everything to make up these deficits just coming out of reserves, I haven't really heard a lot of talk about what we can do to find cost savings and streamline, innovate, better align departments, get rid of vacant positions that are maybe funded, looking at various ways to look at redundancies, maybe we combine departments. Things of that nature in a way to where—okay, now this Commission can look and say we've identified best we can by really gauging and engaging, I should say, our department heads like I was engaged and saying okay, staff help this Commission find the cuts so we can remain solvent.

We even went further. There were times when we were cut off. We could not spend anymore money past, I think, one year was October or November unless it was something really critical and I had to get approval and it had to go all the way to the chain of command over to this building to get the Administrator's approval. So, there were things like that that were done and

we weren't in as dire straits as we are now. I just don't hear a lot of talk about what are the options for creating smaller government, that's more efficient, that's streamlined, that innovates, that cuts out redundancy, looks for waste, fraud, and maybe abuse and because of where we're at financially, yeah, maybe we want a lot of different things, but to avoid the red we focus on what are the essential services and what are the needs to be able to fund those essential services to provide the types of services that is acceptable or will be acceptable to our residents.

I'm going to keep saying it, people are really struggling and struggling bad and I hear it at every community meeting that I go to, you all have got to quit raising taxes. There has to be a pressure point put on and when I say to the public, well, we're working and they're telling me I'm doing bad, I'm tightening my belt, but there's nothing more for me to tighten, there's no more juice I can squeeze out of my pocketbook and they're telling me you're taxing me out of my house, taxing me into poverty or taxing me out of this county and people that are saying, you know, I'd love to come do business here, but your taxes are too high and we aren't even talking about BPU.

Those types of questions that I'm being asked as Mayor and I just don't hear a lot about what are the options other than just take it out of reserves.

**Ms. Jonscher** said I will say later in the presentation we have—we haven't done probably the deep dive I think maybe what you're looking at, but the Budget Office has gone through and later in the presentation we do have some items that we've looked at for possible options for if we choose to do a revenue reduction, some expenses I think that we've been asked to look at.

**Mr. Johnston** said I would just like to add I think throughout the whole budget process we said a few things. First of all, this is a shortened budget process. We lost 2.5 months of the budget process because I got appointed at the end of March, so we lost 2.5 months to do a deep dive like you were talking about, but also we committed to the process of this deep dive that I think the Mayor is articulating, is going to happen starting after this budget starts for the next budget. During the process, if we find in the deep dive we can make changes immediately, we'll make changes immediately, but there should be a whole different look of a budget next year because of that deep dive commitment. So, because of the loss of 2.5 months this is—we did do the funded vacancies, particularly the long-term positions that were in people's budgets that hadn't been filled for two, three, four years. They got eliminated. That was one of the easier cuts. I think we even went to



two years and so that made a dent. We did receive a few ideas, some good ideas from departments and when we weighed them if they were feasible, we did those, but it's not to the magnitude that I think, Mayor, you're looking for. I think you're going to see that in the '25 Budget process.

**Commissioner Johnson** said one of things that we also need to consider is that our cost of goods sold is increasing. You talk about asphalt, you talk about concrete, the things that our Public Works Department has brought to us to say how far behind we are and how much ground we need to make up, it seems to be untenable at this particular rate. So, while I do agree that we need to try to see how we can tighten up our belts, but everything else is increasing and I think it's reasonable to expect for our budget to have to reflect that, otherwise, I think it will be a real disservice to our constituency. That's just a counterbalance. I appreciate what David said as well about doing the deep dive, but there are some things are really out of our control. I think we just want to be realistic about what that is.

**Mr. Johnston** said I just also want to add, Commissioner, you bring up a good point and maybe it's not appreciated by our public, but just as homes are affected by inflation, so are we and when you use the word pavement, usually the Public Works inflation rate is about 10-15% annually and that's where the CPI might be around 5-6%, it's because of the fluctuation of things like the oil market, which we don't appreciate. You don't think that it affects the cost of government, but it does and, therefore, what we're also seeing I think some of the points that you heard from Public Works over the few months that I've been here is that because inflation is real, supply chain increases the price because of scarcity of materials, our buying power shrinks. Therefore, our ability to deliver what we'd like to deliver we can't because of the cost of doing business and so that's the beyond your control comment, Commissioner, I think and so we need to say it overtly so the public hears it and, hopefully, understands it.

BUDGET WORKSHOP #6

**2024 Proposed Budget City General Fund  
2 Mill Reduction - \$3.28M**

2024 Proposed Budget:

| 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 | \$ 175,786,284 | \$ 181,823,879 | \$ 188,588,447 | \$ 195,690,888 |
| 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)      | \$ (732,519)   | \$ (1,155,822) | \$ (2,503,339) | \$ (1,447,505) | \$ (1,383,111) |
| Cash Basis Ending Fund Balance | \$ 29,553,469          | \$ 28,216,530       | \$ 27,484,011  | \$ 26,348,189  | \$ 23,844,850  | \$ 20,397,345  | \$ 18,014,234  |
| 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%         | 18.39%         | 15.43%         |
| Fund Balance 17% Target        | \$28,598,239           | \$27,844,505        | \$28,873,395   | \$30,076,798   | \$38,335,627   | \$32,646,032   | \$34,032,580   |

2 Mill Reduction:

| 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      | \$ 165,830,982 | \$ 172,321,484 | \$ 178,208,007 | \$ 184,827,949 | \$ 191,779,940 |
| Scenario: Cut 2 Mills          |                        |                     | \$ (3,280,000) | \$ (5,478,000) | \$ (3,615,872) | \$ (3,760,507) | \$ (3,910,927) |
| 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)      | \$ (4,012,519) | \$ (4,652,622) | \$ (6,119,211) | \$ (7,208,003) | \$ (8,294,059) |
| Cash Basis Ending Fund Balance | \$ 29,553,469          | \$ 28,216,530       | \$ 24,204,011  | \$ 19,591,389  | \$ 13,472,178  | \$ 6,264,166   | \$ (2,029,892) |
| ACFR Ending Fund Balance       | \$ 44,401,208          | \$ 43,064,269       | \$ 39,051,750  | \$ 34,439,128  | \$ 28,319,917  | \$ 21,111,905  | \$ 12,817,847  |
| Reserve % of Expenditures      | 26.39%                 | 26.29%              | 22.99%         | 19.40%         | 15.50%         | 12.99%         | 9.41%          |
| Fund Balance 17% Target        | \$28,598,239           | \$27,844,505        | \$28,873,395   | \$30,076,798   | \$38,335,627   | \$32,646,032   | \$34,032,580   |

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Mr. Lindsey said our next scenario is looking at the City General Fund at a two mill reduction. On top we have what we propose for the 2024 Proposed Budget and we can see in 2024 we almost have a 25% fund balance. As we get to the two mill reduction, the scenario that's at the bottom in 2024's budget, it does take out a 3.28M—or \$3.2M from revenues for that two mill reduction and our fund balance does stay at almost 23%, but as we get out into 2026, we can see that we fall below our 17% fund balance. Also, we can see that each year we still are structurally imbalanced, so in 2024 we're \$4M structurally imbalanced and then in 2025 we end up being \$4.6M structurally imbalanced out into 2028 where we're about \$8.2M structurally imbalanced. If you compare that to what we proposed last week we still are structurally imbalanced, but we're not as much in the hole as compared to what we did last week.

Last week we proposed we won't be in the hole out until past 2028 but cutting the two mills, we end up being in the hole like in 2028, so those are some things to consider with cutting two mills for the City General Fund.

BUDGET WORKSHOP #6

**2024 Proposed Budget City General Fund  
\$750K BPU PILOT Relief**

2024 Proposed Budget:

| 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 | \$ 176,934,100 | \$ 184,327,218 | \$ 192,035,952 | \$ 200,073,999 |
| Net Change in Fund Balance     | \$ (1,467,327)         | \$ (1,336,939)      | \$ (732,519)   | \$ (1,135,817) | \$ (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  | \$ 41,095,928  | \$ 38,692,580  | \$ 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        | \$28,508,239           | \$27,844,505        | \$28,873,305   | \$30,078,798   | \$31,335,627   | \$32,646,102   | \$34,012,580   |

| 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      | \$ 176,593,581 | \$ 178,456,406 | \$ 185,895,393 | \$ 193,651,172 | \$ 201,737,676 |
| PILOT Scenario A - \$750K      |                        |                     | \$ 750,000     | \$ 750,000     | \$ 750,000     | \$ 750,000     | \$ 750,000     |
| Net Change in Fund Balance     | \$ (1,467,327)         | \$ (1,336,939)      | \$ (1,403,519) | \$ (1,698,322) | \$ (3,097,114) | \$ (4,596,725) | \$ (6,045,666) |
| Cash Basis Ending Fund Balance | \$ 29,553,469          | \$ 28,216,530       | \$ 26,744,011  | \$ 25,045,689  | \$ 21,948,575  | \$ 18,351,850  | \$ 12,306,184  |
| ACFR Ending Fund Balance       | \$ 44,401,208          | \$ 43,064,269       | \$ 41,581,750  | \$ 39,927,428  | \$ 37,131,914  | \$ 33,545,189  | \$ 29,491,483  |
| Reserve % of Expenditures      | 26.39%                 | 26.29%              | 24.17%         | 21.81%         | 18.79%         | 15.80%         | 13.17%         |
| Fund Balance 17% Target        | \$28,508,239           | \$27,844,505        | \$29,060,193   | \$30,377,623   | \$31,692,217   | \$33,012,699   | \$34,343,483   |

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The current slide, what we're doing is reviewing—we're looking at the additional revenue that's coming in from BPU's PILOT or BPU's rate increase and how that would impact our PILOT. What we figure is that we would have like \$750K of additional revenue come in. So, again, the top piece of the financials are looking at what we proposed last week and the bottom half is looking at what—what we're doing is adding additional PILOT Relief to the expense side. We're taking that \$750K in revenue that we receive, we're leaving it there, but we're setting aside \$750K each year for PILOT Relief. Where we can see the impact there in 2024 is about 24% fund balance we still have as compared to what we proposed last week. So, just looking at the fund balance, everything pretty much stays the same, all five years that we have a view of.

We do, out in 2028, get under the 17% fund balance, but we also do that in what we proposed last week also. So, that is the view of having an additional \$750K in the budget for PILOT Relief.

**Commissioner Johnson** said I'm trying to make sure I understand this. When I look at all of these, you see the ACFR ending fund balance and then underneath there we have the reserve percentage of expenditures and then we have another number that says the fund balance 17% target. The reserve expenditure, are we comparing that with the 25% that we had talked about that Commissioner Stites pulled out, is that the number that we're reflecting? In other words, under this current page where we see for the 2024 forecast, it has the reserve percentage you have the expenditure of 24.37. Is that to be measured against the 25% goal? In other words, does it have the relief portion or the—what's the name of the 8%? **Mr. Lindsey** said the additional month.

**Commissioner Johnson** said yeah, the economic uncertainty. Is that built into this number that we're looking at? **Mr. Lindsey** said the fund balance is based on the ACFR fund balance in its—how much of that ACFR fund balance compares to the total expense, so we do end up getting close to the 25% in the 2024 forecast. I don't know if that's your question. **Commissioner Johnson** said I think I'm getting it. In that case of the 2024 forecast, the \$41,581,750, that represents the 24.37%, correct? **Mr. Lindsey** said yes and that is the one we're figuring out. There are two cash balance—or ending fund balances here. One is the cash ending fund balance which is what we have to have a fund balance here to approve a budget and then there's the ACFR ending fund balance and that's the one we figure that—**Commissioner Johnson** said then you take the 17% and that's how you get down to, for instance, the \$29M in that particular case under the 2024 forecast.

**Ms. Jonscher** said I think the 17% is just showing if we were to drop the reserve percentage to 17%, that would be the fund balance we'd need to have. **Commissioner Johnson** said I've been kind of just contemplating this since the last time we looked at it. We're really talking about operating with an imbalanced fund or imbalanced budget for the foreseeable future, correct? **Ms. Jonscher** said correct. **Commissioner Johnson** said it's not getting any better no matter—any of these scenarios, it gets worse as we go along. It's just my own observation. Am I missing that or is somebody else seeing that? **Ms. Jonscher** said that's correct. The net change between revenues and expenses is in the red all the way throughout to 2028. Even though we are within our fund balance we are still spending more than we're bringing in.

**Mr. Johnston** said to add to that, I think in a perfect world we would all love to be able to have our expenses be less than the revenue generated. I think one of the things that alarms me, and I've talked with our Budget team a few times, whatever scenario you've seen on the screen today, we are out of balance. We are thankful that we have enough reserve money to balance our budget to meet what we are considering meeting the needs of our public in our General Fund services. What this long-range approach that we've been keeping in front of you is that it doesn't go away and we are going to have to do the deep dives that the Mayor has suggested today because eventually that red number needs to go away. It needs to turn into a black number. In a couple of the scenarios that we've already looked at, you saw the red numbers go into other cells and that's what's scary

and I know we're making some assumptions today that influence the financial picture of the future, but every organization does that.

If you don't change and you're assuming that the outside world and everything in it is controlled, that's the scenarios that are outputs of this model. Now, what's not in there is what Commissioner Johnson referred to, there might be things beyond our control that change that like just last week I'm watching the news and they're talking about another recession in 2024 after a leveling area. Now, that's just their talk, but it makes us in the financial world think about what if that's real, what's that do to our budget, does that make our red number higher; that adds the urgency for us to really do deep dives and tighten the belts and look for efficiencies and savings. So, if there are those uncontrollable things, the impact isn't as hard because we took actions today. Our prayer is that it gets better and then we get more revenue and we don't see price increases to stretch us. That's the alarming part. Every year we have relied on reserves and I don't want us to get into the habit that's it's fine to go over, we'll always have the reserves. This is telling us you don't always have the reserves, don't count on it. If you're doing the same thing today as you're going to do for tomorrow, so it's the red flag that forces us to act now to deal with.

Now, on top of that we're presenting these scenarios because you're hearing from the public that they want relief. What we're presenting to you is a budget that we feel meets the service needs to our public, but the public is saying I need additional relief and that's taking revenue out of our stream and has an impact for us to provide certain levels of service if it—or any service at all for certain things just to make the balanced budget requirement. So, it's not lost.

What some of you have voiced, you're hearing from the public. We hear it too because we're hearing it from you, we hear it when we're mingling with the constituents and yet we're also saying we want to have certain levels of service. It's a heck of a balancing act and I think next week is probably the most impactful week of our budget session that maybe this Council has ever had to face. It's this balancing. If you choose to want to do something else, you actually have to make choices on what services to provide, levels of services to provide, programs to provide and, you know, it's a balancing act.

If we may get—unless Commissioner Burroughs has a burning question, we can get going.

**Commissioner McKiernan** said if I could just ask one more thing. To get back to the additive comment that I made or question that I had earlier, so if you go back to the slide where it talks about two mill reduction and if we look at 2024 forecast, cash basis ending fund balance at 27,484, I'm sorry, I go down to 24,204, so down there right in the middle of the bottom. So, that assumes a two mill reduction against our projections and that would be the cash basis ending fund balance for 2024, \$24,204,011, but now go to the BPU 750, the PILOT 750, right there. Now, that shows at the end of 2024 a cash basis ending fund balance of 26,734, but that's happening in isolation. It's not coupled with the two mill from the previous slide, so if we chose to do two mills and the 750, we're looking at numbers you haven't even considered here yet that are going to be worse than anything you've considered here yet. So, I want us to make sure that we always keep in mind what fund we're talking about up at the top because some of these are additive and they cannot be considered in isolation from each other, so there will be a cumulative effect if we choose to stack some of these approaches like a two mill City, plus the 750 BPU, they're going to start stacking on each other and it's going to make the picture get—it's not a word, but worser faster.

**Mr. Lindsey** said, Commissioner, towards the end of our session tonight, we will be able to look at those stacked on top of each other.

**Commissioner Burroughs** said, Reggie, I'm looking at these numbers and these are static numbers across the board. You take static cut today and it runs through the numbers that you have projections out there. But, what it doesn't—these numbers don't reflect the hiccups that can occur due electric and—I'm talking about the BPU PILOT, the increase in rates that the BPU chooses to do or increase in valuation, which will again increase revenue to the local unit of government's General Fund, the efficiencies that we find throughout the budget, economic development that has come online and is paying more in taxes and the interest growth that we could experience even in a down recession. Interest rates usually stay static or at least climb a little more than what we're even seeing now, we're seeing a slow return to higher interest rates. So, none of that is in here in addition to what Commissioner McKiernan presented, his static numbers present on top of everything else. I just want to state that those things are out there too that could put this budget in a little more manageable condition that reflects the Mayor's concern and some of the other commissioners concerns about finding these deep dives through the budget next year. Would that



be a correct statement? **Mr. Lindsey** said we do have growth rates in our budget like revenues by certain revenue categories.

**Commissioner Burroughs** said okay. Well, I guess maybe what I would need to know is where you're reflecting that growth. I mean if you're going just a straight 5% across the board, we went with a very conservative number. I'll use sales tax as an example. I believe a couple years ago we took a very conservative sales tax initiative and drove it through the budget at 5% and it came in, I believe, 8 or 11% higher, so that was an increase to our budget. The evaluations that we just went through were higher than I think we expected, so we see an additional increase in revenue in just a short nine-month cycle. So, I don't want to paint the ugliest picture by saying the stacking is going to affect us this bad because there's other things that can affect us in a positive way and that's what we have to collectively work through and get our guidance from staff on those numbers as they come forward.

**Ms. Jonscher** said that's correct. If we're projecting a 3-5% increase in sales tax, we could see—we're just kind of looking at what the trend is up to now for going forward, but yeah, if we were to see an increase of say 8 or 9% in sales tax, that would be additional revenue that would come in that we probably wouldn't have reflected if we're not seeing that kind of a trend of an increase right now.

**Commissioner Burroughs** said I understand taking a static number and putting it through by a mean or a median. I understand that process, but I also don't want to lose sight—I don't think we should lose sight of the fact that we will have additional revenues come in that we don't realize that will be coming in. It could be that, whatever it may be, we may—somebody just may write us a fat check that wins the lottery—**Mr. Lindsey** said but also, Commissioner Burroughs, one of the things we've seen with the County General Fund was—I mean we did do estimates on it, but we did have to end up cutting about \$2.5M out of that budget, so doing static you don't always get the increase that you expect either. You also sometimes may get an increase.

**Commissioner McKiernan** said I completely appreciate where Commissioner Burroughs is coming from, but I do know and maybe it would be good if you could send us just a reminder, I know that you have mod of numbers that you model into your projections, so you've made these projections on the basis of some assumptions. But I also want to point out in my usual Eeyore way that we could get more sales tax than we project, but we could get less.

One of the things that I've appreciated about your approach has been that you take a conservative estimate and use that as your growth multiplier and you're trying to hedge more revenue than we expect against less revenue than we expect. So I appreciate that you've taken a generally conservative approach to this, but I completely appreciate what Commissioner Burroughs has said, that we need to always stay on top of this because things could change on a half year by half year or even annual basis and we just need to be nimble and go with that.

**Mr. Johnston** said I just want to add, these points that the commissioners made are very valid basically because when you looked at one of the things that Reggie mentioned on the County side because people aren't buying new cars, they're keeping the older cars; therefore, the amount of tax revenue we get is lower because it's depreciated asset. That action of people not replacing their cars on what we got used to is subject to the interest rate that is being charged to the consumer by the auto dealers and so if they're high, if they're at 6 and 7% these days, they'll wait, my car is still running, I'll do another maintenance check a year. You know that's about \$400 as opposed to a large interest increase on a car payment, so you know that happens. I think we hope the interest rates go down and we're all listening to reserve Chairman Powell when he talks because what he's saying, and I think he has said there's another rate increase by year end, so we anticipate that and that's probably going to have an impact on consumer behavior.

On the other side of the coin, we're looking at something very nice in 2026 with World Cup. We anticipate a throng of foreign visitors entering Wyandotte County, spending time here, being in hotels, spending money in food establishments. I anticipate seeing a larger amount of sales tax revenue generated at that time. Unfortunately, it's hard for us to calculate that today and so that's going to be a one-time windfall because of the flux of people coming to see their teams play in the Kansas City region.

Commissioner Burroughs said yes there are unanticipated good results. Commissioner McKiernan balances that out by saying well we might have some bad times and that's the funny thing about budgeting. Probably about 20 years ago the municipal world woke up and said you can't just rely on an annual look at your budget. You have to look at the trends, at the financial information whether it's coming out of Wall Street Journal, whether it's coming out of Washington economists, and start thinking about the impact on your situation today. You can't wait till I'm going to start a budget process, then I'll look because there may be times during the current budget

year we've got to come and say, and I've done this, I need to freeze spending because of ABCD. That's why we have to stay attuned to it on a day-to-day basis and listen and I think this is what I heard, does this have an impact on our revenue streams or our expenses, do we lose more buying power due to inflation or other things like that.

So, the municipal budgeting world learned about 20 years ago that you have to more frequently look and think about the impacts of what you're hearing today to the existing budget and possible impact on future budgets, so it's a dynamic process. I think that's what I've heard all these commissioners say and we have to stay on top of it. I think that's one of the reasons why our Unified Government specifically has an office of Budget. It's a service to us and for our citizens so we can stay on top of that and then Debbie's shop pretty much handles a lot of the day-to-day stuff, you know, get our bills paid, make sure the bonds are handled well and all that, so they work in tandem, but they each have separate responsibilities and I think that helps us become a better government for our citizens.

**Commissioner Bynum** said just a comment that I think is interesting to what you've heard Commissioner Burroughs and Commissioner McKiernan say and the Administrator. So, last night our Visit KCK Convention Bureau hosted a reception for Mr. Johnston to welcome him and Commissioner Burroughs attended, the Mayor attended, I attended. Alan Carr, the Director, told us, I was fascinated by this, that in July or June, whenever she came here, we, KCK, experienced the highest transient guest tax ever in our history because of Taylor Swift. These are the variables. That one happened to be a really positive story, so we need to have her come back, but I just thought that was just fascinating. That is the impact that we talk about when we talk about these—you know that had a tangible local impact for our community and I'm fascinated by that and I thought that was a particularly good story to hear.

I just have a quick question because I know you have a lot more to walk us through. This slide depicting 750K for the PILOT Relief, I want to know what you mean. Do you mean the PILOT Relief for the targeted population that the committee brought forward or is this some other relief scenario? **Mr. Lindsey** said what the committee brought forward. **Commissioner Bynum** said okay.

**Mr. Johnston** said that was the counter, the recant that Commissioner Johnson made, so he recanted, so he brought it back, so you can thank him. The other thing, Commissioner Bynum talked about Taylor Swift, that was two hotel days that we had over \$400K of hotel transient income each night all because of a concert in another city across the river and that's why we have to really reach out and be part of regional action because we do benefit. Those other cities Johnson County communities, the KCMO communities, all benefit when the races are here, when the Soccer team plays, and that's why we cannot afford to be a parochial island within the KC metro region and it's interesting to be a player in that and a few of the arenas because of the virtue of my office that I get to play in. I think they're building respect for Wyandotte County because we're playing in the sandbox now and at the direction of the Mayor and the Commission and the expectations, so we do see the fruits of the labor, fruits of reaching across the aisle and being part of a bigger picture because what happens at a concert, at whatever arena happens in KCMO, people are staying here and spending their money here.

BUDGET WORKSHOP #6

2024 Proposed Budget County General Fund  
Revenue Neutral 3.78 Mills - \$6.18M

2024  
Proposed  
Budget:

| County General Fund            | 2022 Amended Budget | 2022 Estimated Actuals | 2023 Amended Budget | 2024 Forecast  | 2025 Forecast  | 2026 Forecast  | 2027 Forecast  | 2028 Forecast  |
|--------------------------------|---------------------|------------------------|---------------------|----------------|----------------|----------------|----------------|----------------|
| TOTAL REVENUES                 | \$ 76,700,000       | \$ 75,982,912          | \$ 77,810,000       | \$ 84,427,451  | \$ 89,118,486  | \$ 93,309,389  | \$ 97,020,348  | \$ 100,028,810 |
| 10 Mill Allocation for CRI     | \$ -                | \$ -                   | \$ -                | \$ (1,820,000) | \$ (1,929,200) | \$ (2,006,368) | \$ (2,086,823) | \$ (2,170,088) |
| TOTAL EXPENSES                 | \$ 78,208,000       | \$ 74,750,233          | \$ 81,556,050       | \$ 84,654,407  | \$ 87,840,000  | \$ 91,190,000  | \$ 94,780,000  | \$ 97,682,750  |
| Net Change in Fund Balance     | \$ (1,508,000)      | \$ 1,242,699           | \$ (3,646,050)      | \$ (228,956)   | \$ 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%         | 18.43%         | 21.09%         | 22.89%         |
| Fund Balance 17% Target        | \$13,285,360        | \$12,707,536           | \$13,664,529        | \$14,391,249   | \$14,932,800   | \$15,502,300   | \$16,109,200   | \$16,606,068   |

Revenue  
Neutral:

| 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       | \$ 75,796,250  | \$ 80,672,457  | \$ 84,565,528   | \$ 88,158,401   | \$ 92,014,273   |
| Scenario: Revenue Neutral      |                        |                     |                | \$ (6,178,780) | \$ (6,549,507)  | \$ (6,811,487)  | \$ (7,083,947)  |
| TOTAL EXPENSES                 | \$ 74,452,874          | \$ 82,023,935       | \$ 84,058,832  | \$ 87,147,561  | \$ 90,703,447   | \$ 93,428,766   | \$ 97,237,293   |
| Net Change in Fund Balance     | \$ 636,496             | \$ (6,820,725)      | \$ (8,262,582) | \$ (6,475,104) | \$ (6,137,919)  | \$ (5,270,365)  | \$ (5,223,020)  |
| Cash Basis Ending Fund Balance | \$ 14,457,832          | \$ 7,637,107        | \$ (625,476)   | \$ (7,100,579) | \$ (13,238,498) | \$ (18,508,863) | \$ (23,731,883) |
| Reserve % of Expenditures      | 23.62%                 | 13.13%              | 2.98%          | -4.55%         | -11.14%         | -16.46%         | -21.19%         |

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**Ms. Jonscher** said the next couple of slides that we're going to talk about are the County General Fund presenting the same information that we presented for the city. This first slide is a comparison of our 2024 Proposed Budget and what the County General Fund would look like going revenue neutral. In our Proposed Budget for 2024 you will see that we are at 16.92% fund balance which is just above our minimum two-month reserve, but then as you can see, if you go down to the revenue neutral—and I did want to note that I think we have maybe a miscalculation

here on the revenue neutral graph because I'm looking at the 2023 Amended and in our Proposed that ends at 11.5 and in the revenue neutral one it ends at 7.6, so we do have an error there.

I did go back and I was just kind of trying to add up while we were here that it looks like—it doesn't drop into—it drops us to about \$3.3M in 2024 going revenue neutral and then we go into the negative \$3.1M in the 2025 forecast, so we might have to get a new slide there for that. But that's kind of where we go, we drop down to \$3.3M in 2024 and then go negative in 2025 going revenue neutral on the revenue side and that would be—going revenue neutral would be 3.78 mills on the County General Fund side.

BUDGET WORKSHOP #6

**2024 Proposed Budget County General Fund  
2 Mill Reduction - \$3.69M**

2024 Proposed Budget:

| County General Fund            | 2022 Amended Budget | 2022 Estimated 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  | \$ 88,118,486  | \$ 93,309,389  | \$ 97,020,348  | \$ 100,058,610 |
| 1.0 Mill Allocation for CFI    | \$ -                | \$ -                   | \$ -                | \$ (1,820,000) | \$ (1,929,200) | \$ (2,006,368) | \$ (2,086,623) | \$ (2,170,088) |
| TOTAL EXPENSES                 | \$ 78,208,000       | \$ 74,750,213          | \$ 81,558,050       | \$ 84,654,407  | \$ 87,840,000  | \$ 91,180,000  | \$ 94,760,000  | \$ 97,682,750  |
| Net Change in Fund Balance     | \$ (1,508,000)      | \$ 1,242,699           | \$ (3,648,050)      | \$ (228,956)   | \$ 1,278,486   | \$ 2,128,389   | \$ 2,260,348   | \$ 2,378,960   |
| Cash Basis Ending Fund Balance | \$ 12,403,838       | \$ 15,154,537          | \$ 11,508,487       | \$ 11,281,531  | \$ 12,560,017  | \$ 14,678,406  | \$ 16,938,754  | \$ 19,316,814  |
| Reserve % of Expenditures      | 19.75%              | 24.34%                 | 17.84%              | 16.92%         | 17.98%         | 19.43%         | 21.09%         | 22.89%         |
| Fund Balance 17% Target        | \$13,295,360        | \$12,787,526           | \$13,694,529        | \$14,391,249   | \$14,932,669   | \$15,502,300   | \$16,109,290   | \$16,696,068   |

2 Mill Reduction:

| 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       | \$ 78,278,179  | \$ 83,304,361  | \$ 87,302,709  | \$ 91,005,069  | \$ 94,974,808   |
| Scenario: Cut 2 Mills          |                        |                     | \$ (3,695,853) | \$ (3,917,603) | \$ (4,074,306) | \$ (4,257,276) | \$ (4,406,770)  |
| TOTAL EXPENSES                 | \$ 74,452,874          | \$ 82,023,935       | \$ 84,058,832  | \$ 87,147,561  | \$ 90,703,447  | \$ 93,428,766  | \$ 97,237,293   |
| Net Change in Fund Balance     | \$ 636,496             | \$ (6,820,725)      | \$ (5,779,653) | \$ (3,843,200) | \$ (3,400,738) | \$ (2,423,697) | \$ (2,262,485)  |
| Cash Basis Ending Fund Balance | \$ 14,457,832          | \$ 7,637,107        | \$ 1,857,454   | \$ (1,985,740) | \$ (5,386,484) | \$ (7,810,180) | \$ (10,072,666) |
| Reserve % of Expenditures      | 23.62%                 | 13.13%              | 5.94%          | 1.31%          | -2.49%         | -5.01%         | -7.14%          |

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The next slide is a two mill reduction and I'm seeing the same issue on the two mill reduction slide that we've got the—it looks like we have a different number for the 2023. On that one in the Proposed we are at \$11.2M for 2024 forecast and then on the two mill reduction it would take us down to about \$5.8M and then on out in 2026 the fund would go negative with that two mill reduction. We'll correct those slides and get some new slides sent out to everyone.

BUDGET WORKSHOP #6

## Expenditure Packages Outside Agencies

| OUTSIDE CONTRIBUTIONS                      | CITY         | COUNTY         |
|--------------------------------------------|--------------|----------------|
| County Fair                                | \$ -         | \$ 129,075.0   |
| Extension Council                          | \$ -         | \$ 595,358.0   |
| Law Library                                | \$ -         | \$ 27,000.0    |
| Mental Health                              | \$ -         | \$ 150,000.0   |
| WYCO SPORTS                                | \$ 3,750.0   | \$ 1,250.0     |
| Wyandotte Economic Development Council     | \$ 98,000.0  | \$ 196,000.0   |
| Downtown Shareholders                      | \$ 177,500.0 | \$ -           |
| Neighborhood Business Revitalization (NBR) | \$ 220,000.0 | \$ -           |
| Police Athletic League (PAL)               | \$ 66,200.0  | \$ -           |
| Totals                                     | \$ 565,450.0 | \$ 1,098,683.0 |



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The rest of the slides that we're going to talk about are some of the options for reducing expenditures. If the Commission decides yes that you would like to reduce revenue, we put forth some options for reducing the expenses to keep our fund balance at the same as what we had proposed.

This first one, and I believe this was a request from Commissioner Burroughs, to look at all the payments to outside agencies and we're just putting these up here to show what we have currently built into the budget. These are all the outside agencies. We've listed them by rather their contribution is from the City or the County or both.

As you can see, the County Fair gets \$129K and I will note that \$100K of that goes to the fair and the remainder is built in for reimbursement of supplies and I believe we are required by statute to do that reimbursement, so that portion, payment to the fair, would still need to be built into the budget because we are required to reimburse them for their supplies, but the direct payment we give to the fair is about \$100K.

**Commissioner Burroughs** said, Debbie, you said by statute. Is it by statute or by ordinance? **Mr. Lindsey** said I believe it's statute. **Ms. Jonscher** said I think the County is required to reimburse them for their expense, the expenses on the fair.

**Commissioner Kane** said that was put in long before some of us were alive and that ain't no joke and I think we should continue to do that because it's something that actually works, the kids like it and stuff like that, but like I said, this was long before we were born.



**Ms. Jonscher** said I think a lot of these payments have been in place for quite a number of years. The request was to show what those payments were. So, Extension Council \$595K, Law Library, Mental Health, Wyandotte County Sports Association. I think the one I'm going to skip down to is the Neighborhood Business Revitalization. There are eight neighborhood groups that get a total of \$27,500 and that's what that total of \$220K makes up, the eight groups there.

On the City side we're giving \$565K in payments to outside agencies and on the County side it's just under \$1.1M.

**Commissioner Stites** said I have a question about—so under the Wyandotte EDC, they're receiving money out of the County side—we're giving money out of the County side and the City side and they are also collecting money from each city, Bonner Springs and Edwardsville. So, if they're receiving money out of the County side, why wouldn't that cover the other two cities that are in the county? I mean why would—they're getting money out of the County, we're paying that and then they're also getting paid by Bonner Springs and Edwardsville. I mean that kind of seems like they're double dipping there. **Ms. Jonscher** said yeah and Kansas City, Kansas. So, what you could do is just pay the—you're suggesting pay the entire amount out of the County General Fund to cover all three cities. **Commissioner Stites** said I'm saying why would Bonner Springs and Edwardsville be paying into Wyandotte EDC if they're already paying into it out of the County side? **Ms. Jonscher** said that would be the same thing that KCK is doing. **Commissioner Stites** asked, why? I mean why is it not just paid out of one, County, out of the County. **Ms. Jonscher** said I don't know the answer to that. We could certainly look into what the agreement is for that.

**Mr. Johnston** said a lot of times in the economic development game, it's usually the responsibility of the city government to pay for things and what's unique here is it seems to be a partnership and because you split the cost here and we have three separate cities. So, KCK is paying a share, Edwardsville and Bonner Springs are paying a share, and the County is partnering with those three cities to pay. Now, also that doesn't cover the cost of the EDC what they're getting, they also have members who pay for the rest of their budget, but this is—don't lose the fact that KCK's budget is paying \$98K, so there should be an expectation that the other two towns pay as well.

**Commissioner Stites** said well then, what I would to say to that is just take the county out of it, have just the three cities pay. **Mr. Johnston** said you could do that. It's just decisions are made over time that this is kind of like a partnership. **Commissioner Stites** said I know, but we're talking about ways to trim our budget. I mean there's \$196K right there that comes out of our budget. **Commissioner Markley** said we would have to split that between the three cities too. **Commissioner Stites** asked, why? I mean if we're trimming the fat, here's a good place to trim it.

**Commissioner Markley** said on that point I would just comment this is probably—particularly considering we basically have no Economic Development Department right now, this is probably the one outside agency that is giving us the most return for our money because they're basically doing the job of our department that we don't have right now. They're doing the work for the whole county though, that's why everybody's paying in.

I would also just mention, while I have the microphone, I do believe the top three items on this list are all required by state statute. Nobody would pay for a Law Library if they didn't have to folks. Every county has one and it's not by choice.

**Commissioner Bynum** said I was just going to say on the Wyandotte Economic Development Council topic, I do concur with Commissioner Markley. I would say, and I'm just using my memory, which might be dangerous, but Wyandotte Development Inc. was the precursor to Wyandotte EDC, as we call it today, and it was probably developed more than 20 years ago with the notion in mind that the County and the three cities would all pay into the functions of what they do. My statement should tonight, last week, next week and the entire budget cycle, is that economic development is the way that we work our way to not being in a structurally imbalanced budget. So, this would not be a place where I would choose first.

**Commissioner Burroughs** said, Reggie, the Downtown Shareholders, that 177.5, is that their mill levy? **Mr. Lindsey** said no it's not. It's a contribution that the Unified Government pays to them. We don't pay property taxes to pay into the mill they collect, so that's what that is for. It's kind of like a payment in lieu of taxes for us. **Commissioner Burroughs** said so that's in addition to what they levy upon themselves with their mill. **Mr. Lindsey** said yes.

**Commissioner Burroughs** said the next question I have, the NBR, the 220, is that what we pay each neighborhood group. Is that the eight neighborhood groups total? **Mr. Lindsey** said yes. **Commissioner Burroughs** said I just wanted to ensure that.

**Commissioner Kane** said I would encourage all the commissioners to go for the WYEDC meeting once a month to see the value that they have providing for us and it's amazing sometimes the stuff you find there. They have a presentation, they talk about the three or four items and then there's two pages of long-range stuff that they're working on. I think it's very valuable and I wouldn't want to jack with that fund on either side.

**Mayor Garner** said maybe someone can answer this for me. I know the Downtown Shareholders gets the SSMID, you know, that's what I like to call it, which is a board and then it looks like—I guess what you're telling me is we contribute to this NBR as well. I know there's a lot of history to this. I'm trying to figure out what makes them unique from all the other NBRs, the other seven, to where they get a SSMID and a hefty contribution from the Unified Government. Now, I can tell you one thing and I'm not going to say I'm the scrooge, but I know the Mayor's Christmas Tree Lighting money has traditionally come out of that. Even this year, I mean I'd be willing to say, hey, you know we can put a Christmas tree in the lobby of City Hall, but that big blowout event considering our financials, I mean I would be the Mayor to say we've got to make some hard choices and that's one thing that I could say maybe for the next few years until we get back on track, maybe we don't have a big Mayor's Christmas Tree Lighting because that's a huge cost as well.

I don't know if you factored—well, let me stay with this first. A little history I guess of why that is an obligation for the Unified Government for the Downtown Shareholders and I know they do trash cleanup, I know there's security, but there's been some questions in regard as to the effectiveness from people that I've talked to, and on the SSMID Board as well. When you look at the trash, when you look at the vagrants, when you get complaints from some of the downtown folks down there that are starting to question are we getting a good return on our dollar for what we're seeing with the influx of vagrants, homeless and a lot of folks. I'm hearing defecation, urination, fights, mental illness from folks down here and when you're talking about these aren't

police officers, these are private unarmed security guards that really do what I would do as I'd pick up the phone and call 911 if I saw something nefarious or illegal going on.

I don't know, maybe Legal can speak to this. I don't know what is that velcro that makes the Downtown Shareholders so unique and different than anyone else and is that something this Commission can consider as a viable option that maybe we re-examine whatever it is with both the SSMID and the Downtown Shareholders to make it more equitable to the other NBRs.

**Wendy Green, Assistant Council**, said unfortunately this legal person cannot answer that question.

**Ms. Jonscher** said I would say I can answer. I believe the reason we give them a contribution is we are within the Downtown Shareholder District, but because we are exempt, we do not pay taxes to them along with all the other businesses within the group, so I think the decision was made to contribute money to them because in lieu of the fact that we do not pay taxes into that district.

**Mayor Garner** said I get it, but then I get back to what's the return on our investment and is that a necessity for our residents to pay that tax just to say we're a member of a downtown group. That's a huge investment on top of a Commission approved taxing entity, the SSMID, and then I don't know what that reporting looks like back to us and I don't mean this in a negative way towards the Downtown Shareholders, but I just look at equity when you talk about the other NBRs that have needs as well. Really, if you look at the Unified Government in Wyandotte County, any of those NBRs can say well the Unified Government covers the entire county and we are a member of the entire county. So, you could say okay we're downtown, this physical building, but technically the Unified Government hits every corner of Wyandotte County, so what makes this entity so unique from all the other NBRs when you talk to them and they have the same exact needs and they don't have a SSMID and they don't get that level of amount of money invested as well.

So, when you talk about cutting costs and looking at ways we can, and Commissioner Stites is right, what's the return on our investment, what's the value when I walk out and Commissioner Burroughs came to me and talked about some of the issues he had with just a lot of the homeless and the vagrants and the crime, and the trash and just the problems we're seeing in our downtown. I'm not saying the Downtown Shareholders isn't trying to address those issues,

but obviously from what we're seeing, even that investment that we're making may not be enough to handle the issues that are down there.

**Commissioner Bynum** said the reason why the Downtown Shareholders receives this dollar amount and none of the other NBR's do is because they did the work to enact the state legislation that then allowed for the enactment of the Special Municipal Improvement District. Business West, for example, a 35 to 40 year old organization spent, to my knowledge, a decade, a decade trying to do the same thing for the State Avenue corridor unsuccessfully because what's required is that you get your property owners to agree to tax themselves more for extra services. A couple of things could happen here and have happened in the past. The Downtown Shareholders I believe would be very pleased at the \$177K mark, but when the economic downturn occurred in '08 and '09, I'm certain that dollar got cut. You can confirm for me. You were here, I was not, but I was involved on the Downtown Shareholders Board side of that experience and then we had to work our way back to this figure and this figure is the—again, the result of the Unified Government owning so much of the property within the boundaries of this Municipal Improvement District.

I can assure you that if we were going to consider some change in any of this, which is fine to look at everything because I think that's what we're doing, I would want to at least give them the opportunity to come bring us the data. I am certain they measure it and I get an email fairly regularly from the security company that has the contract, so you know I think there's a lot more to say there before this would be some unilateral decision and to me it would start with letting them show us the data and I'll yield.

**Commissioner Johnson** said I was just going to say that, Debbie, you all have more opportunities for us to cut here as well, don't you Mr. Lindsey, so let's hear the rest of your recommendations for us to cut.

**Commissioner Davis** said very quickly and yes I've been kind of withholding from speaking. I do want to hear the rest of this, but that board has autonomy, we make appointments, we have appointees that we can discuss particularly with SSMID and so I know there's some folks that are also working with Downtown Shareholders so I think it would be good for us to really kind of hear

from them what the plan is before we make a decision for them. I would hate to make a decision on their behalf without actually speaking to them.

**Mayor Garner** said just real quickly and I agree with both Commissioners Bynum and Davis. This wasn't to advocate to get it done, but to let's look at that and see how are they spending their money and is this something that this Commission feels that is a vital necessity when you talk about that level of investment both SSMID wise and direct payments of that \$177K.



**Ms. Jonscher** said this next slide is just some additional community programs that we've listed out that are currently in the budget. These two are for Neighborhood Resource Center. We're looking at demolition funding of about \$300K. We've also got some Livable Neighborhood grant funding and I'm going to let Reggie talk about that.

**Mr. Lindsey** said the grant funding is for a home repair that Livable Neighborhood does throughout the community and then also Neighborhood grants that are given to different neighborhoods across the community. Also, the demolition funding, that would completely wipeout demolition at the NRC.



BUDGET WORKSHOP #6

**Expenditure Packages**  
**Community Programs**  
**Safety Net Programs**

- Willa Gill \$180K
- Warming Shelter \$65K dedicated from City General Fund for 2023 Amended Budget
- Senior Citizen Rebate Programs \$200K
- Community Care Center \$3M of County Debt



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Next we have the Community Programs, Safety Net Programs and we have funding for Willa Gill. This is the amount of money that we give Willa Gill annually, \$180K. We also have on the list the Warming Shelter, \$65K. That is dedicated from the City General Fund and then we also have the Senior Citizen Rebate Program which consists of both the Utility Program and also the Sales Tax. We have \$200K set aside in the City General Fund for that.

We also have the new Community Care Center that we have in the 2024 Budget, which is \$3M and this is where we're looking to do wraparound services for the community where we would be looking to possibly move Willa Gill, also provide services as far as showers and also move some of the warming shelter there, also other service provided departments that we have within the Unified Government such as Human Services, also some Aging services could be provided out of this facility, so that's what that facility is for.

**Commissioner Davis** said I saw this in the budget and it's just someone kind of update me, so this particular center we're wanting to fund out of debt and I think it was \$1M this year and \$2M next year. Is that correct? **Mr. Lindsey** said yes. **Commissioner Davis** asked, do we have numbers on operating cost and maintenance for that? **Mr. Lindsey** said with moving the Willa Gill Center there it would be some of the same costs, but depending what all we end up opening up there, we don't have a complete operating budget for those set up there. We're under the intention that some of the things that we already do, we would just move that operating budget there with it. As far as like operating in a facility, we don't know what facility we will have yet, things like that, so we

don't have an operating budget to per se run a facility yet as far as the logistics of a facility, electric bills and things like that.

**Commissioner Davis** said gotcha. The thought behind it I think it is great. I'm a little—how much work went into this? Did we get consultants, did we talk with other providers and I know there's a task force that has been doing work, but I'm just curious, how did we come up with \$3M and then \$3M in debt to finance this? **Mr. Lindsey** said I can't say we've worked with anyone on the outside to do anything. It's just something that the organization has been looking to do. **Commissioner Davis** said it's no reflection on you and you all's work, Reggie. I have some reservations about putting \$3M in the CIP for debt for a plan that we don't know. Maybe in another budget session or in another year when there has been time to really do that in-depth work, but \$3M to help our houseless folks I can tell you right now that's probably nowhere near the amount of money that's needed to really, really make the difference. I don't know, there might be some other information. Again, this is new to me so others that have been involved, please do educate me, but I do have some pause there for this particular year for CIP.

**Commissioner Kane** said I agree. We just now saw this. We have multiple buildings that we could convert and put some folks up, but I'm not sure \$3M is going to cover the total bill so to speak and I would just as soon wait so when we do our deep dive to see if we can find the \$3M instead of just all of a sudden say we're going to set \$3M aside. There's a need, there's no doubt about that, but my concern is we're trying to get through a budget this year and work on next year's budget the split second we get done working on this budget, so I would hate to handcuff ourselves with something like that at this time.

**Mayor Garner** said I have a question in regard to looking at these bullet points, it's my understanding that most of these funds, and correct me if I'm wrong, I could be wrong, are federal funds, grant funds, and things of that nature. Am I correct? **Mr. Lindsey** said no. Willa Gill, the amount that's here, that's coming from the City General Fund, also the Warming Shelter portion, the \$65K is coming from the City General Fund and the Senior Citizen Rebate Program's that is coming from the City General Fund. Then, the Community Care Center, that was something we were going to have come out of our Debt Fund.

**Commissioner Kane** said you brought up some good points and that's why we need a grant writer so we can find some of the money to fill these holes that we have. I'm telling you, one grant writer is worth \$125K or \$150K a year for the first project that they work on. I think we need to pursue one and we're going to have to pay them and they'll fill some of these holes that we have.

**Mr. Lindsey** said I will correct myself, so like Willa Gill, a portion of the funding comes from the City General Fund. There is a grant for it. The Warming Shelter, a portion comes from the City General Fund, but there was grant funding for it, but these portions are from the City General Fund.

**Mayor Garner** said, correct me, do we know how much money to Willa Gill comes from Community Development, the grants, because I know they came to us wanting more money. My understanding is really all their funds come from that. The Warming Shelters, I believe the first year was federal types of funds, ARPA, things of that nature and I know going into this year it would have to come from General Fund because we don't have the funds going into next year. We used ARPA and other funds that were available to us. I believe the Senior Rebate Program, I'm not sure—**Mr. Lindsey** said that is all City General Fund. **Mayor Garner** said that's City General Fund and then the Community Care Project, my understanding, that a huge portion, I thought at least 2.5 of it was some type of residual ARPA funds or something like that. I don't know about the \$500K to take us to \$3M, but my understanding is that some of that money wasn't General Fund money either, but I could be wrong. I'm just looking for clarity.

**Mr. Johnston** said I guess I just want to add is what you're seeing here are examples that fall into a traditional category of not fundamentally required local government services. That's, I think, is an important thing. I don't want to—I'll say it. Usually these are discretionary funding decisions by the Commission when it comes to budget and so it's easy for us to put these on a list for your consideration. These are examples there. However, I think there's a balance to that. They exist because there's a need and that's why historically you have acted on that. That does not preclude all these groups that we're talking about and programs to exempt themselves from the deep dive assessment that we're talking about. You know there may be a way that we have to say you need to look at how you provide the services, a little differently that is less, will rely less on UG funding and you need to think like that.

I think historically we've had agencies come to us to increase their funding on a regular basis and without any deep accountability dive from us, so I think our fiscal situation is going to force us to ask anybody who we work for whether it's the outside agencies that's listed here, any not-for-profit that we give a grant to, all that, but that's part of it. It doesn't mean you're going to get all the money from those types of assessments. You need to be assured they need to go through a review. Just like our internal departments need to go through the same review. Nobody has done this in a long time and so it's going to be new. Yeah, there's going to be some fear, some people feel being threatened, but the bottom line is we want a viable UG Government for the long term and occasionally sometimes you've got to retrench the organization and those who support that organization whether it's outside or internal departments.

These are just examples that are of that discretionary funding that have been approved by the Commission over the years. The \$3M for the Community Center is in this year's budget for proposals because driven by the fact that sometimes sooner or later we have to deal with the Willa Gill relocation, so that's a need that we're going to be faced with whether we buy a building, whether we build a building, there's going to be a significant amount of expense. The discussion of putting \$3M in there is to possibly find a building on a bus line that will serve that population well and find a new home for the agencies that support them. Willa Gill and then there's the meals and then the Williams effort. Is that the desire as I think the Mayor and Reggie have been talking about and a few of you have, is maybe we need to go to a different model and offer wraparound services as opposed to just dealing with symptoms of poverty. And, hopefully, some of those people will find themselves the help they need to become working citizens again and to uplift their dignity for whatever reason they've been bruised over the years because of where they find themselves. You're not going to get everybody out of poverty, you're not going to get everybody out of homeless, but at least you can try to help those who just want a little handout to know that they can help themselves with a little effort.

That's what that proposal is. We probably know it's not \$3M. That number came from our staff doing a survey of available buildings downtown, you know, probably out to 15<sup>th</sup> Street and north and south about three or four blocks and see what's on the market with brokers. Then we had our Facilities Department go into a couple of those buildings to give us a renovation guesstimate. Of course, they're not getting into the inspections to see if there are structural

integrity issues and all that, but just from their thumbnail look, they're using their experience to get us a dollar guesstimate of what it would take to rehab something.

So, it's a start of the desire to put a true plan together. We'd have to have that if we go the bond route anyway and so this is just getting us started. It's your decision in your budget process if you want to go down that road, but we're having it here like all these things. They're here because there's been needs identified over the years and the needs haven't gone away.

**Commissioner Stites** said I agree that this is something that we don't need to have in our budget right now. We're talking about how we are trying to get out of the red line here and we're now—we haven't even got out of it and we're talking about adding more debt and if I remember right, we had discussed about not having debt financing. We didn't want to have debt financing and here we are looking at debt financing. I'm not sure what the urgency is here.

On Monday night at the ED&F meeting I guess we are agreeing to include the Willa Gill Center, to sell it for a sum of \$10. That building's operating right now at the Willa Gill Center so there's no need for us to have to do anything different of what we're doing right now. It can continue to operate just like they are right now.

I'm not sure why—because the community college is wanting to build a new location that this has now become the Unified Government's problem. If they want to help relocate Willa Gill, then ask them to pay more money than \$10 for the whole block of 6<sup>th</sup> Street. I mean we're asking—we're putting this community college that's being built downtown on the backs of every taxpayer in Wyandotte County and we have a building that is perfectly fine right now. I was there Monday night when we talked about the maintenance of that building, how little did I know that there's already a plan in place to look at another building and we're really just throwing a dart at \$3M. I'm not sure why Willa Gill is funded out of the City side and then the Warming Center is out of the City side, the Senior Rebate Program, I'll leave that one out, but then we get to where the real big money's at and now all of a sudden it switches over to the County. Now we're going to fund it out of the County side which typically has a stronger budget.

I'm not sure what duplicate services and why the Health Department isn't at the table on this. This sure seems to me like a Health Department, it fits right under their purview and I don't have a clue what a Community Care Center is. No one has ever told me, but yet I'm being told—I'm being asked to say it's okay to fund \$3M out of our County budget. I'm not okay with it and

I would sure like to hear from the County Health Department what services are they currently doing or not doing that would assist with this endeavor. So, we don't need to do a thing. Let it continue to operate the way it is right now.

**Commissioner Davis** said I am mindful of time here. Two things, I did not want to pick at that. I do not want anybody watching this or in this room to think that I do not want us to do more substantive things for those that are in need. Far be it from me or any right of my colleagues here or a staff, I just do not believe that we have all of our i's dotted and t's crossed to take out \$3M of debt, again, debt, not necessarily cash, but money that we're going to have to pay back plus interest for something that is very, very much—not just a local, but a state and a national crisis right now.

So, many of you know and some of you may not, I committed to helping find funding through Church's United for Justice and partnering with them because they want to establish an affordable housing trust fund and we are currently doing that work and we're talking with cities like the city of Lawrence and the city of Wichita that have done some ambitious things, not just find one source of revenue, but ongoing revenue to help their houseless population. It's very expensive and it's very extensive. So, again, I think there are other folks that need to be at the table before we do that particular thing.

The last thing I will say is I'm looking at the numbers Reggie and Debbie. I don't think the numbers are accurate for the PILOT Relief as well. We don't necessarily have to go through it, but if all you all did was add that \$750K to the expenses, the numbers aren't adding up as neatly as I would like and so I could be wrong or I could have, you know, I could be missing something, but if we can also check that PILOT Relief portion of this presentation and just its accuracy, that would be great as well.

**Commissioner Stites** said, Mayor, since no one else has their hand up, real quick, I don't know that you ever got your question answered as far as the \$2.5M and where the fund was. **Mr. Johnston** said the \$2.5M, very recently we were awarded an extra grant for a non-congregant housing and this came up at the same time and so right before the budget, right before we put this stuff together and so we just have to make sure that it's 100% qualified, but if it doesn't qualify, it still means we have \$2.5M for something qualified. This was just one of the options to—maybe it takes \$3M to purchase and then \$2.5M to renovate. You know, it's just some of the things up



in the air and I think that's some of the frustration that Commissioner Davis is saying is that let's see real numbers, not guesstimates.

**Commissioner Stites** said I guess I would have liked to have seen that \$2.5M that we've been awarded that I had—this is the first time I've heard about it. **Commissioner Bynum** said, Mayor, it came through Public Works & Safety Standing Committee and then we were awarded. It's a Home ARP which is form of ARPA. **Commissioner Johnston** said toward the end of their pool, right? **Someone** was inaudible.

**Commissioner Markley** said we have been through this process before during priority-based budgeting of identifying those items that we're required to fund and not required to fund and I would just point out both for this and for the subsequent slides that are presented, as examples, of things that could potentially be cut because they're not required by state law. I would just point out for everyone's awareness that I think one thing we learned from that activity years ago was that it is the neighborhoods and the people that most need services that are the most impacted by us cutting the things we're not required to do. So, this slide's a great example of that.

Also, it's true of our recreation related slides that come after this because those address the Land Bank lots which are mostly in our neighborhoods that are underprivileged to begin with and it affects the families that can't afford to go play club ball or have a pool membership somewhere else, they have to have it here.

Lastly, Transit is the slide after that. Again, we're not required to fund that, but if we don't fund it, it most impacts the people who most needs those services. I think it's just worth noting that the things that are easiest to cut in terms of what we're allowed to cut, are the things that impact our poorest population.

**Mayor Garner** said we'll take one last question from Commissioner Davis.

**Commissioner Davis** said not even a question. It's a request. If we can do kind of a deep dive into the vacancies, I know that there was 12 vacancies that were cut, but if we can get just some numbers on the vacancy rate and kind of what positions we are looking at, particularly long-term vacancies, I would define that three years or longer. That wasn't on the list of things that we can consider to cut or consider to mitigate, but I do think we should have a conversation about that.

**Mayor Garner** said unfortunately I'm going to have to cut this meeting off. We do have a long Commission meeting possibly and some of these conversations that we were having will probably be conversations in the full Commission meeting. We can pick up some of those topics. I've talked to the Administrator. We will pick up—we do have another budget workshop next week and so staff will pick up where they left off at the next budget meeting. I apologize, but we do have to give our IT staff time to get the Commission meeting set up for our full Commission meeting.

With that being said, thank you staff, thank you Administrator, and thank you for the Commission. Real good questions. I think what we're seeing is real robust debate and we're taking a hard look at our budget to see how we can not only find cost savings, but make sure we're providing basic essential services that our community has come to expect from this Unified Government.

**Mayor Garner made a motion, seconded by Commissioner Bynum, to adjourn.** Roll call was taken and there were nine "Ayes," Markley, Stites, Davis, Bynum, Burroughs, McKiernan, Johnson, Kane.

**MAYOR GARNER ADJOURNED**

**THE MEETING AT 6:50 p.m.**

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Brett Deichler  
Unified Government Clerk

dt

August 17, 2023

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

SPECIAL SESSION, THURSDAY, AUGUST 24, 2023

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in Special Session, Thursday, August 24, 2023, with eleven members present: Bynum, Commissioner At-Large First District; Burroughs, Commissioner At-Large Second District; Townsend, Commissioner First District; McKiernan, Commissioner Second District; Ramirez, Commissioner Third District; Johnson, Commissioner Fourth District; Kane, Commissioner Fifth District; Markley, Commissioner Sixth District; Stites, Commissioner Seventh District; Davis, Commissioner Eighth District; and Garner, Mayor/CEO, presiding (left meeting at 6:00 p.m.). The following officials were also in attendance: David Johnston, County Administrator; Bridgette Cobbins, Assistant County Administrator; 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; Michael Peterson, Assistant Budget Director; Mike Grimm, Research Manager; Adrian Alemifar, Senior Analyst in Budget Department; Jeff Fisher, Executive Director of Public Works; LaVert Murray, Economic Development Advisor in Mayor's Office; Renee Ramirez, Director of Human Resources; Shakeva Christian, Human Resource Manager; Stasha Ferguson, Human Resources Department; Gina Nick, Human Resources Specialist; Michelle Eskina, Human Resources Department; Monica Tyrrell, Human Relations Partner; Ashley Hand, Director of Strategic Communication; 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 Office. Also, 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, Townsend, McKiernan, Ramirez, Johnson, Kane, Garner.

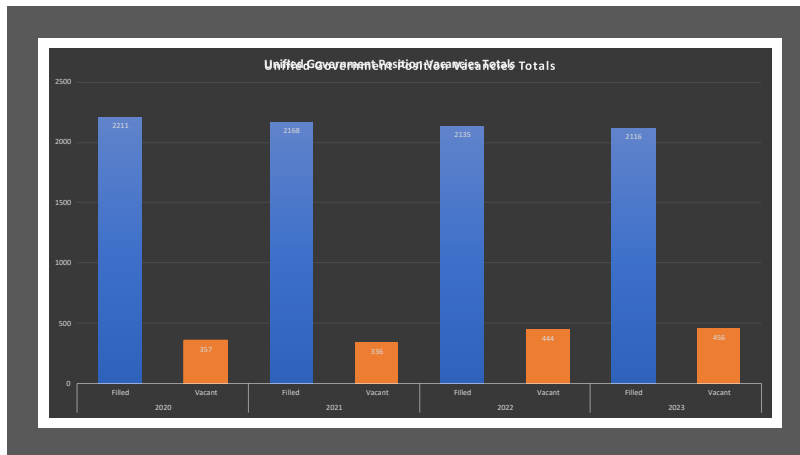
**NOTICE OF SPECIAL SESSION** of the Unified Government of Wyandotte County/Kansas City, Kansas, to be conducted in a hybrid format on Thursday, August 24, 2023, at 5:00 p.m. in the fifth floor conference room of the Municipal Office Building for a Budget Workshop.

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

**Mayor Garner** said this is a scheduled Budget Workshop and I'll turn it over to our County Administrator David Johnston for opening remarks and to lead the presentation.

**David Johnston, County Administrator**, said this is a continuation of our discussion of last week. At the end of last week we received a question from, I believe, it was Commissioner Davis about personnel. We're going to start off, as we did last week, by answering the questions that the Commission asked us to come back with. Renee has a short explanation that, hopefully, provides the information that Commissioner Davis has requested. I think you'll find it a little bit enlightening yourselves.

**Renee Ramirez, Director of Human Resources**, said this evening I have with me Shakeva Christian, HR Manager, and I also have several of the HR staff members here that work on recruiting and helping departments fill positions.



This first slide that we're going to show you is an overview picture of the vacancies throughout the Unified Government and these are actual positions that are vacant. The vacancies listed in this graph are actual positions and not FTE counts. When we're looking at a position, we're looking at one body per position regardless of the number of hours that they work at the Unified Government, so this is going to be a combination of full-time, part-time, seasonal, sworn and civilian. This illustration here represents the vacancies across the organization representing years 2020, 2021, 2022 and where we sit currently with our vacancies.

BUDGET WORKSHOP #7

### Review of Long Standing Vacant Positions

- Long standing vacancies as a result of hiring slowdown in 2020 and 2021 and hiring freeze in early 2022
- Total Number of UG vacancies: 394 as of August, 2023
  - Task was to review positions that have been vacant for 3 years or more
- Departments were tasked with providing justifications for long standing vacancies in order to maintain those positions within their inventory
  - 16 vacant positions were eliminated
  - 17 positions were identified as necessary for department operations (all hard PINs)
    - Various justifications include
      - Hiring slowdown & freeze
      - Uncertainty of grant funding
      - Challenges that came as a result of the pandemic
      - Recruitment challenges – low applicant pools, residency, compensation challenges
- HR will continue to evaluate vacancies based on need by departments and budget availability

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This next slide is the long-standing vacant positions that we've had here at the Unified Government. These vacancies represent positions that we had as a result of a hiring slowdown, which we had in 2020, 2021 and a hiring freeze in the early part of 2022. Currently, as we sit here today, the Unified Government has 394 FTEs as of August, 2023 that are sitting vacant.

The Administrator has asked us to actually work with departments to really vet out why are some of these long-standing vacancies still sitting on the books for us today. Departments

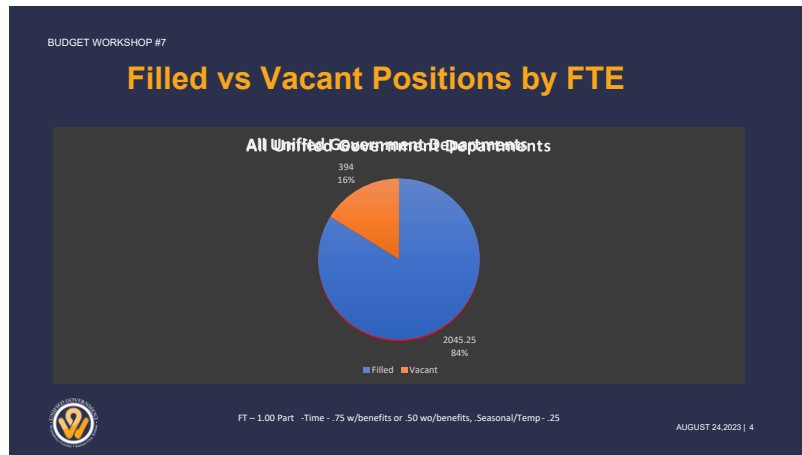
August 24, 2023

were tasked to look at the position inventory reports that we actually analyze every year as we're going through the budget process and we work very closely with the Budget team in trying to balance the position inventory for the Unified Government. We did ask departments to try to identify which positions are still in need if they've been sitting vacant. Through that process, originally we had looked at 12 vacancies that were actually eliminated; however, we took a second look at that and working with our Assistant County Administrators we were able to eliminate an additional four positions which brought the total to 16 vacant positions that were eliminated from our position inventory.

There are 17 positions that were identified through working with our departments that were identified as necessary for department operation, so these were all hard position inventory numbers that were sitting vacant for a while and departments came back and justified the need as to keeping those positions there sitting on the inventory. There are various reasons why departments justified some of these reasons. Some of these I've listed. You know the hiring slowdowns, the hiring freeze, uncertainty of grant funding for some of these positions, the challenges that came as a result of the pandemic and then challenges that we have with recruiting. You know some of the challenges with recruiting are low applicant pools because as you know organizations, businesses across the nation are looking for applicants to apply for their jobs, the residency requirement, and compensation challenges as we're looking at and trying to recruit talent to the organization we have to be cognizant that we actually—you know, we have competitors out there. We're all vying for the same pool of candidates, so there are organizations and companies out there that will actually offer more money to their candidates for lesser responsibilities than what some of our employees are holding here today at the Unified Government. So, those are things that potentially challenge us as we're recruiting and trying to fill positions.

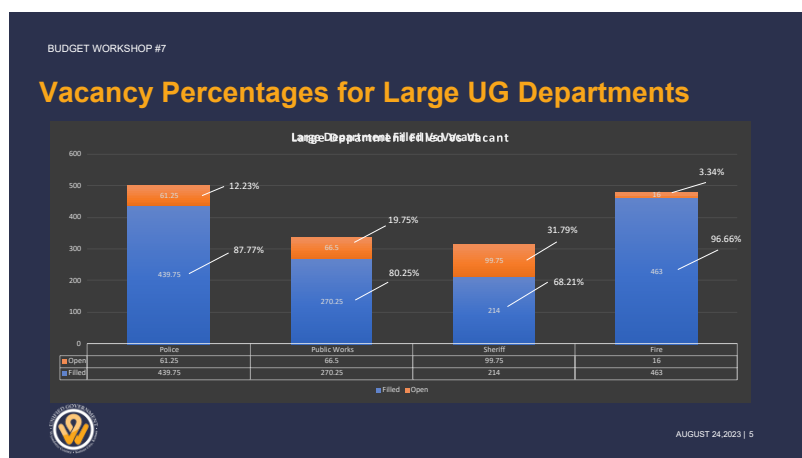
But, at any rate, the HR team will continue to evaluate vacancies, working with our Administrator, working with the Budget team to really see what the need is for the organization and what the budget availability is for maintaining some of these positions.





This next graph represents a pie chart that will show you the filled versus vacant positions by FTE. As you can see here, the FTE I have a little key down there, you know, full-time of course is going to be one equivalent. We have two forms of part-time. We have part-time with benefits, which would account for .75. We have part-time individuals that do not get benefits and they're at .50 and then we have seasonal temps that we would calculate at a .25.

Right now, the Unified Government again is sitting at 394 FTEs which represents about 16% of vacancy rate for the organization. We are operating at 84% capacity. We have 84% of our positions that are actually filled today and, again, this is a combination of union, non-union across all departments here in the organization.

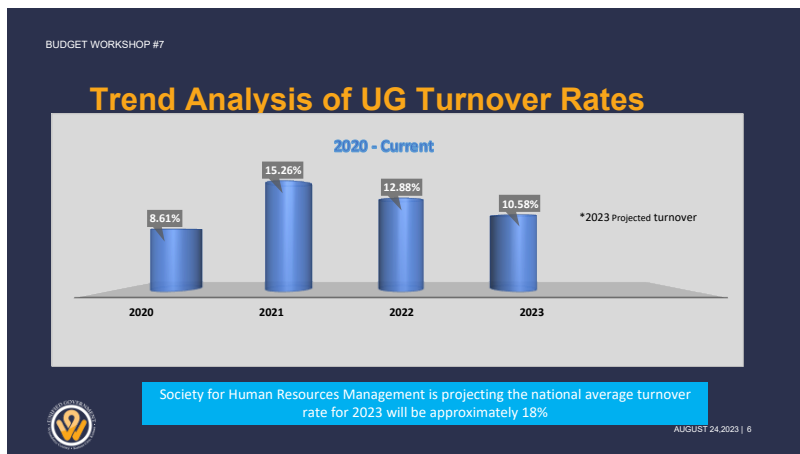


The next slide that we have here is the vacancy percentage for some of our larger UG departments and we pulled out about four of our largest departments here at the Unified Government and demonstrated what the vacancy rate and our operating capacity is across these larger departments for the Unified Government.

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The first you'll see is the Police Department. They're operating at 87.77% capacity and then they have about a 12% vacancy rate. Again, this is a combination of sworn positions and civilian positions. For Public Works, again, you'll see their vacancy rate is sitting at 19% with the 80.25% capacity where they have those positions filled. The Sheriff's Office, you're going to see that department has one of the highest vacancy rates and one of the lowest filled rates for their employee base. We have tried to be strategic in trying to get some of those positions filled by having adjustments to their salaries. They are one of the positions where we actually have an exception to the residency requirement where their employees are allowed to have 24-month period to move into the county opposed to a 12-month period to move into the county.

We continue to have challenges with the Sheriff's Office. This does also include the Juvenile Detention Center where we have statutorial ratios for one employee per the number of residents that we have. So, those are things that we continue to look at and try to strategize on how we're going to get those positions filled. The last representation there is the Fire Department where you're seeing they are operating at about 96%, almost 97% full capacity with very few vacancies in those areas. Again, that's a combination of sworn and civilian positions.



The HR Department is always watching the UG turnover rates. We're wanting to see what our turnover is here organization-wide, why are our employees leaving. Here's a trend analysis of the UG turnover rates. In 2020 we had a turnover rate of 8.61%. That's pretty typical across organizations because, you know, COVID was there. People were not moving to other jobs. Everybody was kind of staying in place because of the unknown. Then we move into 2021 where you're seeing the spike in turnover where 15.26% was our turnover. You know some factors in

that higher turnover is remember unemployment. A lot of people were going on unemployment, there are some individuals that actually were making more money on unemployment than actually being employed, so people were looking at the work-life balance at that point coming out of COVID trying to figure out what we need to do in those situations, so you started to see a trend up.

At any rate the national average for the turnover rates, we were still trending pretty good because the national average at that time was right around 15% and then going into 2022 you're seeing that we're falling down now on the turnover, so we're starting to see less people leave the organization. Then, where we're sitting at today, we did a projection of what we are thinking based on what the industry is looking at for the turnover. As we look through our research and relying on a source that Human Resources professionals always rely on, which is the Society for Human Resources Management, they are projecting that the end of 2023 we will have a nation turnover rate of about 18%. If we're lucky, you know, hopefully we'll be right about the 10%, but hopefully no more than the 12%. That is just a projection that we're hoping for at this time.



This next chart is going to show you information over a four-year period. We looked at the separations and as you can see in 2020, 2021, 2022 and 2023, in 2020 we had less separations which, again, as I mentioned, people were kind of staying in place. 2021 was a little bit higher in separations at 349 separations and there was a lot happening in our organization and so people were leaving. You know the market is an employee's market where people are recruiting for jobs, jobs are paying more money. Their work-life balances that people were taking in consideration, so you're seeing more separations that happened in 2021.

In 2022 we start coming down a little bit and we're at 307. Those are straight separations and that's going to be a combination of voluntary and involuntary separations that were occurring through our organization. Then, as we sit today, eight months into the year, we have already experienced 159 separations here at the Unified Government.

The appointments, these are individuals coming new into our organization or individuals who may have been like rehires into our organization. Again, 2020, we had 211 new hires come to our organization and then you'll see the number goes up in 2021. In 2022 we experienced an all time high of hiring 421 individuals and I have to take you back into what was actually happening there. In early 2022, the Interim Administrator at that time, had a hiring freeze and wherein all the positions were frozen. We were not doing any hiring and then there was a release of Public Safety positions that were going to be hired and then mid-year there was a release of over 300 positions that got released to be filled. So, a lot of those vacancies that you're seeing now, those positions are a result of those carryover years where these positions just sat and now they've gotten released.

In 2023, right now, we are trending at hiring at 213, and again, that's a combination of bringing in classes, bringing in civilian positions, so we're trending pretty good right now and I think part of our rich benefit package that we offer here at the Unified Government is one of the things that we always encourage our hiring managers to highlight. While we may sacrifice a little bit on the starting salary, you know to offer a rich benefit package to the way that we offer benefit package to our employees, is unspeakable and a lot of organizations don't offer the things that we actually have in our benefits package.

The below graph down there represents transfers. These are going to be transfers that are employees that are going from department to department or they're going from let's just say a trainee position or an auxiliary officer position to a patrol officer, so these are basically internal transfers that are happening throughout our organization.

| Union/Employee Grp               | Union Negotiated Wage Increases |       |      |      |      |      |      |                    |           |              |                |              | # of EEs | % of total Headcount |
|----------------------------------|---------------------------------|-------|------|------|------|------|------|--------------------|-----------|--------------|----------------|--------------|----------|----------------------|
|                                  | 2014                            | 2015  | 2016 | 2017 | 2018 | 2019 | 2020 | 2021               | 2022      | 2023         | 2024           | 2025         |          |                      |
| AFSCME (Clerical, Maintenance)   | 0%                              | 1.5%  | 1.5% | 2%   | 2%   | 0%   | 0%   | 3%                 | 0%        | 3%           | 3%             |              | 205      | 8.87%                |
| FOP44 (Police)                   | 0%                              | 1%    | 2%   | 2%   | 3%   | 3%   | 3%   | 4%                 | 3%        | 4%           | 4%             | 4%           | 326      | 14.11%               |
| FOP40 (Sheriff)                  |                                 |       |      |      |      |      |      |                    |           |              |                |              | 174      |                      |
|                                  | 0%                              | 0%    | 4.6% | 1.2% | 3%   | 3%   | 2%   | 4%                 | grid only | 4.27.23 - 4% | 3%             | Police Party | 3%       | 7.53%                |
| IAPF (Fire)                      | 3%                              | 0%    | 1.5% | 2%   | 2%   | 3%   | 3%   | 4%                 | 4%        | 4%           | 4%             |              | 400      | 16.48%               |
| IBEW (Water Pollution Control)   | 0%                              | 1%    | 2%   | 2%   | 2%   | 2%   | 0%   | 0%                 | 4%        | 3%           |                |              | 93       | 4.03%                |
| ULNA (Streets, Park Maintenance) | 0%                              | 1%    | 2%   | 2%   | 2%   | 2%   | 0%   | 0%                 | 4%        | 3%           |                |              | 173      | 7.49%                |
| Teamsters (Sheriff Clerk all)    | 0%                              | 0%    | 1.8% | 2%   | 2%   | 2%   | 0%   | 0%                 | grid only | 3%           | 3%             |              | 24       | 1.04%                |
| UPCW (Dispatches)                | 0%                              | 1.5%  | 1.5% | 2%   | 2%   | 2%   | 2%   | Jan - Jan 7% - Apr | 2%        | 3%           | Jan - 3% - Apr | 1%           | 36       | 1.54%                |
| Skilld Trades                    | PW*                             | 1.5** | 1.5% | 2%   | 2%   | 2%   | 0%   | 0%                 | 3%        | 3%           | 3%             |              | 10       | 0.43%                |
| General Employees (Non Union)    | 1%                              | 3%    | 1.5% | 2%   | 2%   | 2%   | 2%   | 0%                 | 4%        | 4%           |                |              | 839      | 35.45%               |

\* Skilld Trades Unions = SEIU (Building Engineers), Carpenters, Painters, Plumbers, Construction & General Laborers Unions.  
PW\* = Prevailing Wage Increase. All Skilld Trades received a PW Increase except SEIU who received 3% in 2013 and 0% in 2014  
\*\* All SEIU skilld trades unions received an 1.5% increase except Construction and General Laborers who received a 4.5% increase.

We threw this slide in here—this is a slide that we often use with Administration and as we’re going into negotiations and this kind of helps us really set the stage and really helps us keep on track of what have we been given the authority and what has been approved for compensation for our employees. This graph will represent kind of over the years the percentages that we’ve given employees in these respective unions and in 2024 and 2025 if you see a space that’s not there, that means that we’re getting ready to actively start engaging in labor negotiations with those unions. This was merely just thrown in there so that way you can kind of see how we’re trending and what we are projecting as increases for our employee base based on the agreed upon Memorandum of Understanding.

BUDGET WORKSHOP #7

## Considerations for Vacancies Eliminations

- Are departments working smarter with lower staffing levels?
- Do we look at realignments of staff from one department to another due to need before creating new positions.
- Turnover costs – cost associated with separations, vacancies, replacement and training.
- Vacancy costs – substitute labor through temp agencies, contractors, and out of grade pay (for current employees).
- Has department experienced increased OT/Comp Time as a result of lower staffing levels?
- What level of service would be impacted due to position eliminations?
- Employee morale and burnout due to carrying more work loads which directly impacts employee turnover.
- Succession Planning – at all levels of the organization and positions that are most critical to future needs of our organization.
- Transfer of institutional knowledge to maintain continuity of operations.

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Lastly, I want to leave you with some of the things that we really need to consider. When we’re considering eliminating positions and creating vacancies throughout our organization, you know this is part of that deep dive that we have to take when we’re making these decisions. One of the

things that we need to consider is, and ask ourselves, are departments working smarter with lower staffing levels and what is the impact of that. We need to be very cognizant of that.

We also need to look at realignments of staff from one department to another based on the need instead of creating new positions. We may have positions where maybe they're not really operating at full capacity, but we have another department within the Unified Government that has a greater need. So instead of creating new positions and making our inventory and raising our FTE level, let's look at what we have in here and let's see if we can shift and if there's a possibility of shifting, we can upskill, we can retrain, we can help individuals through that process so we can make them successful in another department.

We also have to consider the turnover costs. Costs associated with separations, costs associated with vacancies and replacement and training, so those are true costs to our organization. Vacancy costs, vacancies cost our organization and before we're creating those vacancies we need to make sure we're asking, if we create this vacancy later down the road, are we going to have to have substitute labor through using temp agencies, hiring contractors, paying employees out of grade that are performing jobs at a higher level. These are things that we have to keep in the back of our mind.

We need to see has the department experienced an increase in overtime, an increase in comp time as a result of lower staffing levels and then most importantly, employee morale and employee burnout due to carrying more workloads which directly impacts employee turnover. We have to look at succession planning and what we're doing there. Succession planning is just not in executive roles for the organization. Succession planning is at all levels of the organization and we need to be able to identify which positions are most critical for the future needs of our organization.

Lastly, most importantly too, is the transfer of institutional knowledge to maintain the continuity of operations for our organization. Institutional knowledge is huge and there are individuals here—we have institutional knowledge that's walking out of the doors every day. How do we preserve that, how do we transfer that knowledge. We just entered into a program—David agreed to do the DROP Program for KP&F positions through KPERS. That gives us the ability to maintain personnel who are in the KP&F like Police, Fire and Sheriff and they actually are retiring through KPERS, but they're going to continue to work for the Unified Government and they can



elect to work three, four or five years. That is giving us an opportunity to better manage and really project what our true vacancies are going to be in those public safety areas.

I hope this presentation answered some of the questions that you had. If you have any questions, we're here to try to answer them for you.

**Commissioner Markley** asked, what is an appropriate vacancy rate, and in particular, I'd be curious if there's a separation between government and private sector. I mean obviously there's always a vacancy rate. What would be a typical vacancy rate for an organization?

**Shakeva Christian, Human Resource Manager**, said it varies. I don't know if there's a specific standard when it comes to that. I think we need to look at the needs of the organization and what is appropriate for the workload. I think where we stand now 84% is still pretty lean and that may have something to do with having the authorized strength that's probably lower than maybe, for example, private sector. There may be a larger Accounting Department in the private sector whereas our Accounting Departments are smaller and I think that's true across a lot of departments within the Unified Government. I think the 84%, like I said, it's probably pretty standard, but given that we don't have the authorized strength probably that some organizations have impacts our service levels.

**Commissioner Ramirez** said a couple of questions. From the 16 positions, I'm just curious, the 16 positions that were eliminated, were there multiple departments or were just like a handful of those 16? **Ms. Ramirez** said that was over four departments. **Commissioner Ramirez** said I was just curious. The four large departments showing the vacancy rate, I know last year for the 2023 Budget, the Sheriff came to us for a pay parity, and I'm not sure if the Sheriff is here or not, but has that in any way helped with bringing in more candidates for the Sheriff's Department? **Ms. Ramirez** said today the answer to that is it's not helped a whole lot. We still have our challenges in that. We are hoping that—we're going to have a Saturday testing, so we're hoping that it draws more candidates because we're going to hold it on a Saturday. We are hoping that at some point that those salaries will help us get individuals here, but that is very hard to recruit positions for. That is one of the positions that has the 24-month residency requirement, but asking or having someone come in and the challenges that our deputies face every day working inside our facilities,

that's hard to get individuals to come in and really encourage them that this is the position, this is the career.

However; we work hard with our Sheriff's Office. We are advocates for them. We are out there beating the pavements. We started the Correction Specialist Program where we are trying to engage our youth of the community, you know, at the high school level creating that program. I think we brought that to you where they're coming in, they're going to be with us for a semester, these seniors and then, hopefully, when they graduate they'll come in to our department, so we're looking at every opportunity, in every available resource, to help us to get there. Yes, the salary increase has helped in some ways with the advertising and things, but we still have to do our due diligence in getting people to want, to understand what position really is because it doesn't do us any good to bring someone in and then we equip them. You know a cost per hire—it costs us to hire individuals. There are a lot of pre things that have to be done. That's all coming out of our budget, so in order to replace somebody after you've made an investment because that's truly what we're doing when we're hiring individuals for the organization, we're making an investment in this person. We're hoping that soon we will start seeing some sort of return on our investment for that decision.

**Commissioner Ramirez** said I hope so because I know that is something that was very—I was a big advocate for it when he came before us and so I hope and I encourage anybody who's watching or listening, if you know someone, please encourage them to come to the Sheriff's Department and have a conversation with the Sheriff and Undersheriff and any employee of the Sheriff's Department and try to encourage them to come work for the department. Yes, it's not an easy job, it's difficult being in that type of position in that type of environment.

I'm hoping and I know you and I know Sheriff Soptic and his department does an amazing job of trying to recruit as best as they can and that goes across all our departments here at the UG.

I have one last question and this is for, I believe, the Administrator. Are all our unions on contract? **Mr. Johnston** said I believe they are. That was a thing that about a year ago was a goal of the Unified Government is to bring every union under a contract. The last one, I believe, was the Fire contract and that was a retro. That's why I think Renee mentioned they're going to be starting in a few months to start the next cycle of a CBA and then we have a couple others that's about ready to start now.

**Ms. Ramirez** said our actual last contract that we came into agreement with was with the UFCW which is our Police Dispatchers. **Mr. Johnston** said that's it, Dispatch, so the answer is yes.

**Commissioner Johnson** said just on that point to Mr. Johnston, I don't know what the magic sauce is, but we haven't seemed to have as much heartburn in terms of our negotiations with the contracts as we have in the past. I don't know if there's anything different, but that's just my perspective. Perhaps there is, but it's just the style in which we have done that, so whoever's working on that, hats off to you.

Cost per hire, can you kind of give me a range. I know it differs depending on the kind of position. Can you kind of give me a range of what that actually costs us on average to hire someone because I do agree, it is indeed an investment. **Ms. Ramirez** said I have that in this report here. Typically the cost per hire, as we're calculating that, there's going to be a range for that as well. I would say anywhere—it could be from \$700 up to \$2,000 for cost per hire and that's going to be depending on how big the class is, where we've advertised. For police officer, what are the things that we have to equip them with, their uniforms, the training that we give them; all of those are factors that we have to consider for the cost per hire.

**Commissioner Johnson** said I think you know—again, I hear discussion about return on investment that we certainly want to see and I think that's something that we have to continue to look at as we are going through these changes. I'm glad that you all went through and took another look at it and it sounds like you're open to taking yet another look at it.

I'll end with my final question. When we look at the different departments, the vacancy percentages for large UG departments, Commissioner Ramirez had talked about the Sheriff, but I sure would love to hear about how are we being so successful with the Fire Department because they are—I would have never assumed that we would only have a 3.34% vacancy rate. **Ms. Ramirez** said I think one of the reasons is the retention, having the ability to retain firefighters. They have one of lowest turnover rates for the organization. They're typically staying with our organization sometimes 36 years and now with the DROP Program, they're able to now expand that three, four, five more years from that. So your turnover rate is a direct correlation to the number of vacancies that are going to happen.

**Commissioner Kane** said you know I've been around for a little while and the thing that sticks out to me is employee morale and burnout. What I don't want to do and you know we've had wage freezes for our employees for several years and what I don't want to do is eliminate a job and then take that job and throw it on another group and then they have the burnout. I'm not sure what the magic number is, but if we're lean, maybe we shouldn't be so lean to take some work off the folks that are performing it because nobody wants to come in every day and do their job and somebody else's job and that's what we've done in the past and I damn sure don't want to freeze the wages on anybody. I would think that we would want to go up closer to 90% so we can take the strain off our employees. **Ms. Ramirez** said, Commissioner, we appreciate that. That is why the last slide was in there because before we talk about further eliminations, we need to have these considerations in the back of our minds for that.

**Commissioner Stites** said, Commissioner Johnson, you asked the question, why Fire at three and why Police and Sheriff's Department—I've done not the Fire Department job but I've been a police officer and Sheriff's Department in Wyandotte County. I will tell you, Police and Sheriff, look at the climate of today. How hard is it to attract somebody to come in and do this job when you see nationwide what's happening. The Fire Department doesn't get attacked like Police and Sheriff's do, so the retention is there because they do a good job and they, for the most part, don't get attacked for it.

Also, Renee, I wanted to address, and I know it's a contentious point, and I worked under it for a lot of years, the residency requirement, but whenever you ask Sheriff Soptic right now, and I have, what's the single most thing that prohibits him getting that staffing number up, it's residency requirement. We've already shown that the wage increase isn't working. When was the last time that the four that were listed, the four large departments, were at full staffing? **Ms. Ramirez** said I've been here a long time and I've been in HR for a long time and I don't know that I ever remember us being fully staffed at full capacity. **Commissioner Stites** said right, and I think in a place where public service like Police and Sheriff, that's not a place that we, obviously, the Fire Department is okay because where they're set now on their numbers, but that's a place that we can't really afford to not be fully staffed or close to it.

I know that I think the number of just officers on the street for the Police Department is around 40 right now. I know that you had said maybe 61 or 60 or so was the number, but that was

for sworn and unsworn. **Ms. Ramirez** said that was sworn and civilian and dispatchers. **Commissioner Stites** said but 40 officers down right now. So, what I'm getting at, is the residency requirement hasn't worked. It hasn't worked. Like you just said, how long have you been here and how long the rest of us—been around here for a long time and our pool of people that we're pulling from—what other departments around, what other cities around here—there's a reason Kansas City, Missouri just lifted theirs. There's cities that surround us that see the residency requirement doesn't work, yeah, we're still holding out and we're still showing these numbers. We've got to make a change.

**Commissioner Bynum** said a question on the vacancies, 394 and then 16 were identified as being able to be eliminated, but the remaining 378, are we still working through them or have we identified they all need to stay? **Ms. Ramirez** said most of them have been identified to stay. Those are positions that we've been actively recruiting. They're posted on the board. Some individuals are in background checks, some are in conditional offers. You know there are several different stages that those positions could be in. **Commissioner Bynum** said I just wasn't sure if the 16 was like the work wasn't done yet and we were going to have more or that was how many total we actually identified that could be eliminated. **Ms. Ramirez** said the 16 positions that were there were likely positions that have been sitting on the inventory. There was no funding for them. They merely have just sat with no activity whatsoever, so those are easier to eliminate.

On the 17 we're sitting there and there was some consideration because of maybe the operational needs of the department, they couldn't do away with that specific position.

**Commissioner Johnson** said to Commissioner Stites point, it really comes down to this body as it relates to the residency requirement. I will go on the record saying that I do not want to see—I do want to continue to have a residency requirement, but I also feel the squeeze and I don't know where we are as a Commission as to whether or not—well, I see some hands going up already—where we are with regards to continuing to have that residency requirement because at the end of the day it comes down to this body, so maybe I'll pull back here and let some other persons have a say.

**Commissioner Kane** said remember, we ran a survey and 60 some odd percent of the people in the community said that if you work here, you should live here. I'm of the mind that we asked the community, the community said what they wanted and in my mind if they've elected us to do what they want, not necessarily what we want, and they spoke loud and clear 60 some odd percent that they said—and it affects my family, but it's if you have a good paying job here in Wyandotte County, and you're going to get a retirement, you're going to get all these things that go along with that, if you want a good job here, you should have to live here.

**Commissioner Ramirez** said I wasn't going to touch on the residency, I wasn't, and I'm not going to. My last comment based on the slide with considerations that you had, the very last two I think all of these considerations are important, but to me the last two are the most important, especially the institutional knowledge as you mentioned. We've lost a lot, a lot of great staff and employees who had years and years of institutional knowledge and we as an organization need to figure out a way to capture all of that institutional knowledge before these employees leave. It's a shame we've lost all of that hard work and dedication, but I think just moving forward we need to make sure how do we capture it and what's the best way because we have all these vacant positions and we're bringing in new employees, that's good we're bringing in new employees into these positions, but that background knowledge of things that have happened in the past of processes and protocols and whatnot, if that's not passed on to these new positions, these new department directors that may come in, that's a lot of, in my mind, a lot of progress that has been lost.

I know staff that are currently already there can help that new person, but it adds more time for the person to play catch-up rather than us having a system in place of capturing all of that knowledge that we can pass on to the new person. I think that's, in my mind, it's one of the—again, it's only me, I think that's the most important consideration on this list is just that institutional knowledge.

**Commissioner Davis** said thank you Renee and thank you to your department. This is really good information. It's very educational for me. Do we have, and it's okay if we don't know right now, but I'd be interested to know what the statutorial requirements are for the Sheriff's Department. Do we know kind of by state law what are we obligated to say, hey, at the bare minimum, not that I'm advocating for the bare minimum, but at the bare minimum as a governing body here's how



much you need to fund this. You cannot go any lower or else we're going to be in court. Do we have those numbers? **Ms. Ramirez** said we don't have those numbers. Right now what I can say is statutorily the only requirement that I'm aware of at this moment is the staffing ratio for the Juvenile Detention Center. **Commissioner Davis** asked, what is that ratio? **Ms. Ramirez** said it's 12.1. **Commissioner Davis** said that's very helpful because, again, just trying to be mindful of what we are obligated to do. I know we have kind of a list of things that we're looking at of considering, reducing and services, but there are other things besides what's on that list that we should be aware of.

On the residency requirement, I've seen it done. When I worked for the city of Lawrence, for example, it wasn't an either or deal. I've seen where department heads had to stay or there was a certain position that you had to be in management, then you had to be a resident and then everybody else could choose, but wherever you live, you have to live in a certain radius. Just to put that out there. It's not a—I don't see that conversation as an either/or deal. I do see it as something that we can find some sort of a happy medium if that would be beneficial to us.

In regards to the Sheriff's Department, I don't know if we would even have the authority to tell Sheriff Soptic what to do with the residency requirement. As I understand it, the D.A., and please correct me if I'm wrong, lifted or amended the residency requirement for employees. I don't know if I'm accurate on that or not. **Ms. Ramirez** said we'll have to defer to Legal Counsel.

**Angela Lawson, Interim Chief Counsel**, said yes, the state law creates the District Attorney's elected position different from other departments. Elected officials do have more freedom with their budgets than other departments per state law, but the District Attorney's office has the most with terms of HR issues, so he has a lot more freedom to craft those policies that he would like or exempt the ones that he doesn't. **Commissioner Davis** said gotcha. I wasn't sure if that same law applied to the other elected folks or is it just unique. **Ms. Lawson** said it's a little bit of a mishmash. It does for purchasing issues and some budgetary issues, but for HR issues the DA has sort of different rules than the rest of the elected officials. **Commissioner Davis** said I see. That's very helpful because I wasn't sure if we could even direct or what role we have when it came to that.

Again, thank you all for this information. I think similarly to—in our budget where we have reserves or kind of a percentage or a number that says, hey, you've reached it now, maybe we should look at doing something for our citizens. Perhaps we should adopt the policy for

vacancies that kind of trigger a deep dive look to say, hey, once we reach a certain number, let's really look at what's happening here before we keep putting these vacancies in the budget and then foregoing other things that citizens have been asking us for. So, just for consideration, but thank you all. This has been very educational and I really appreciate it.

**Commissioner Ramirez** said more of a request since you know there's been a lot of talk about the Sheriff and everything. At a future Special Session or a place on the agenda for a future meeting if we can invite Sheriff Soptic to give an update on his department and his efforts so far on his ability to hire as best as he can. I think it'd be a good idea. He hasn't come before us since he asked for the pay parity, so I think it's just a good time to reinvoke him back and just have that discussion with him.

**Commissioner Stites** said on the same line, I think if we're going to ask the Sheriff, let's go ahead and have the Chief of Police and the heads of the four departments that are—and I don't want to leave out the Fire Department either or the vacancies. I want to have them all in here and let them explain to us why residency is the number one prohibitor for them being fully staffed.

**Mr. Johnston** said if we could finish the staff comments on this. I think the biggest thing that we wanted to answer was Commissioner Davis's question. I hope we more than did that. We provided a lot of food for thought here, but one of the things that we have to remind ourselves is we are a competitor for labor and we aren't the only employer in town. Sometimes like we are now, it's an employer—employee market. They have the leverage. In downturn times when there's a plethora of unemployed or underemployed employees, it turns into an employer market. We're not there, so we have to deal with these ebbs and flows of the economy that create new dynamics in the labor market, but we have to pay attention to what's going on in the labor market. So, we are competing with most of the jurisdictions in the KC metro area for a lot of our employees, we have to entice them to call this place home. That is a challenge. Some do embrace it just as a matter of fact and some choose not to apply because of the residency requirement. That's a fact that we have to understand that dynamic.

There are people who are paying more than us and we have to know that element of the labor markets to make sure that at the very least we are competitive and will help entice somebody

who's thinking about working in a certain field in government that they'll choose us over another one. So, there's a lot of issues that are involved in us attracting the right folks to call this place their employment home. It's nice that we have a dedicated staff in HR that is looking at all those things, working with our department heads.

One of the questions you asked is what's the recruiting costs. Some of our hardest placed positions we may have to repost three, four, five times and it's the same amount of time, a dollar amount to pay for each attempt and usually there's a twist of finding a unique way to get into a different part of the market to advertise vacancies. That forces us to look outside our normal comfort zone to how to reach the masses about our positions, but you know, that means those positions have a high recruiting position because we're not getting the applicant pool, but we still have the need. So, working with labor is a very dynamic environment in trying to get folks to apply and accept offers here.

I hope what you saw tonight is it's not just throwing an ad out there, sifting through applications and making a hire. There's a lot more to it and it's more complicated than maybe Joe and Sally layperson can appreciate, so hopefully, we brought a little bit more enlightenment to that dynamic.

**Mayor Garner** said, Commissioner Johnson, I think you had a question for me. You wanted me to weigh in on something. You mentioned me. I don't know if there's anything specific you want me to—**Commissioner Johnson** said no sir, I don't. I did, I'm getting a little older now—**Mayor Garner** said okay. I'm right there with you.

**Mayor Garner** said I think I agree with the Administrator and I agree with Commissioner Kane and Commissioner Johnson in regard to—I think the Administrator what he's really hitting on is I have my Masters in HR and so it is complex when you talk about hiring and retaining people for certain jobs. I know when you look at families or individuals and there is a dynamic there. Let's just talk about generationally. One thing when you talk about retention is the generation gap. My generation and I believe my parents generation, we were more in tuned to stay with one company, to stay with that company from high school to retirement. It seems to be a trend now with the younger generation, they look for opportunities and that has created a very competitive market. When you talk about the pool, if you look at just a lot of information that's out there on SHRM,

and I encourage you all to do that. One of the things that they also look at is affordability, you look at schools, you look at the infrastructure, you look at the amenities, you look at the housing and I'm not talking about low income housing, I'm talking about housing that is affordable for a family to move into especially in today's world. Even rental, what's affordable when you talk about rental properties for the working class individuals and things that will entice people to live, work, play, raise families, when you talk about parks and recreation and things of those natures, there's a lot of things that go into that, taxes, utility rates, those play into it and people are going to go where it's more attractive. I think that plays out.

I heard someone the other day, I was at a meeting and they said that 70% of the highest paying jobs, they're in Wyandotte County. Most of the people that have those jobs don't live in Wyandotte County. You can look at KU. I've seen it when I worked on the Police Department, look at General Motors, look at a lot of our higher paying wage jobs and you can talk to some of the employees, you'd be shocked how many just don't live in Wyandotte County and for a variety of reasons some of which that I named. So, how do we entice those people to see Wyandotte County is a great place to live, work and raise a family and there's a lot of factors that play into that especially when Wyandotte County has some of the highest paying jobs in the metro and so what's left here is a lot of individuals that have needs.

The question came up about hiring and I just know over the years—I'll use the Police Department for an example. There was never a problem of hiring when I first got hired. When I got hired on back in '87 there was a class, testing class, of probably about 650 individuals that wanted to go on the Police Department, that was back then. That remained steady and pretty steadfast up until probably the early 2000s when we started struggling. I was involved in hiring. One of the problems that I've seen with hiring is the lack of will or the ineffectiveness of us to hire people of color.

I've always said this when I was on the Police Department against the grain, that the Police Department, Public Safety, and just the Unified Government individually should be made up of the community that it looks like and not just in the lower paying, but all the way up to the actual decisionmakers. A government of the people, for the people that's reflective of all the people throughout the organizations and making sure that those individuals not only are put in place and are figureheads, but they're also supported to give it the same level of support and respect

as their peers and that has been a challenge going over the years in my experience and a lot of people I've talked to in my experience here at the Unified Government.

There is a pool. When I was involved in hiring—I know in, I think, it was 2003, we worked with the churches. We brought in more minority candidates than had ever been brought forward, but the Unified Government at that time or the Police Department still hired the same amount of minority applicants as they normally did. What's disturbing is some of those applicants went on to work at other Police Departments particularly Kansas City, Missouri and some Johnson County agencies. So, the question was why weren't these individuals from Wyandotte County that were qualified, some military went to school here, great criminal backgrounds and no criminal backgrounds, come from great families and they weren't good enough to work in our community, but other communities saw fit to hire.

When I talk about a lot of complex issues involved in hiring, those are some of them. When you talk about diversity, inclusion and access and I've said it before and I've seen it and I didn't grow up here, but what I have noticed is just this—it's not a perception, in my opinion it's a reality, you shouldn't have to be privileged, connected, powerful or influential to get a job or have access to anything here at the Unified Government. Those are some of the barriers and things that I've seen, not because people have told me, because I've personally experienced it, I've personally seen it and I've personally advocated against it because it's not right when you talk about equity and inclusion and how many have had those challenges.

I think if you look over the years and I can just talk about the Police Department, the number of lawsuits that have come as a result of EEOC complaints because of the inequities that have gone here at the Unified Government. So when you talk about not being able to hire people that are quality, I reject that notion because we have great people here in Wyandotte County that are talented, that are educated, that are capable that want to work, but have been somehow for some reason shut out and those are the things that we need to talk about.

There was a—racism is a countywide issue. Came up from the Health Department, still waiting on the finalization of that report, but I can tell you this, what I didn't see is looking at the inequities and some of the racist practices that have gone here at the Unified Government for decades and that needs to be examined as well. It's hard to point the finger at our community and say that they're racist or that there's inequities, or there's bias, or there's discrimination when several fingers can be pointed back at the practices of this Unified Government historically. So,

those are some things we need to look at and correct and make sure that everyone has not just a seat at the table, but has an opportunity that wants it for success.

When you talk about the residency rule, in law enforcement I struggle with that one. I agree with Commissioner Kane. I'm community-driven. If the community is for the residency rule, I think as always with anything that people have seen me do, it's not what I want, it's what this community wants and better yet what they deserve. If they say this is what we want, I think as an elected official I'm obligated to try and meet the reasonable expectations that our community has for us and if they say they don't want a residency, I can support that. Some of the arguments that have been given to me against the residency is, and I'll just use Public Safety. There's a large minority community here and we know the issues that some of the minorities have had, not just here recently, within the last decade, but throughout, going back to Jim Crow slavery and before that.

So, when you talk about residency, that hits home to a lot of people when you have law enforcement that doesn't live here, that this community is paying for. They go back to their home, probably to our neighbor in the south and they use the tax dollars from the residents here to pay property taxes for their home, send their kids probably to Johnson County schools and then they come back in here and police this community. That type of ideology goes against everything that community policing stands for if you look at 21<sup>st</sup> century policing. What has worked is police officers living, working, playing, raising their families and getting to know the community that they both serve and they live in and so I tend to side with that notion when it comes to Public Safety that our police officers and our Public Safety officials should live here as a matter of getting to live and work and experience what Wyandotte County—it says a lot when people want to come here and make a living off this county, but aren't good enough to live with the people in this county. I had to live here. I've lived here my entire adult life and so throughout my career on the Police Department and I did just fine. I've lived in just about every corner of this community and I've never had any problems.

So, I think even with that, it goes back to affordability and some of those other things I talked about. We've got to make not just the Unified Government attractive because I do believe if you look at where we stand with our pay salary and benefits and the type of leadership that we have with the Unified Government, I'd say we probably rate higher than most. Then when you look at what's available to candidates that may be looking for a place to relocate, I think there's a



lot of challenges there that we've got to look at if we're really going to be serious about how to attract and retain good employees because people are going to go where there are clean streets, nice parks, amenities, good restaurants, activities, entertainment, those types of things that are going to draw families to want to stay in the community. Those are some of the challenges that I see.

To answer Commissioner Davis's question, he hit on the question about the Sheriff. I know that Sheriff Green and I believe that either Legal or HR should get—he actually had a lawsuit or a legal challenge to the UG back when he was Sheriff, about that very question, about the UG not giving him the funding and the resources he needed for his Sheriff Department to operate. He actually won or it was settled and I believe by state statute that the municipalities are required to make sure that the Sheriff's Department is adequately funded so he can perform these essential duties required for the job. So, hopefully, that answers a little bit of your question Commissioner Johnson.

I know some of you wanted the Sheriff and I'll also bring in the DA. I'll facilitate the Fire as well as the Police Department and we'll bring them back before you and we can let them share with this body and the public about some of the challenges they have with recruiting and retaining. **Commissioner Bynum** said I would ask for Public Works. They're in the top four. **Mayor Garner** said okay, Public Works as well.

**Mr. Johnston** said thank you Renee and HR staff. I appreciate it.

**Mayor Garner** left the meeting at 6:00 p.m. and Commissioner Bynum presided as Mayor ProTem.

**Mr. Johnston** said Mayor ProTem is asking that we continue. We are shuffling seats right now, so when Reggie nests, we can continue with our budget workshop. So, Reggie, whenever you're ready.

**Reginald Lindsey, Budget Director**, said last week we had started a presentation and we did not get to finish, so we wanted to get that presentation finished up tonight. Also, during that presentation there were some of the financials we had to go back and look at the numbers. We

also wanted to cover those before we jump into the rest of the presentation. One of the funds was the County General Fund that we looked at last week and there were some numeric numbers that we had to adjust.

BUDGET WORKSHOP #7

**2024 Proposed Budget County General Fund**  
**SCENARIO A: Revenue Neutral 3.78 Mills - \$6.18M**

| 2024 Proposed Budget:                 | 2022 Estimated Actuals | 2023 Amended Budget | 2024 Budget    | 2025 Forecast | 2026 Forecast | 2027 Forecast | 2028 Forecast |
|---------------------------------------|------------------------|---------------------|----------------|---------------|---------------|---------------|---------------|
| <b>County General Fund</b>            |                        |                     |                |               |               |               |               |
| <b>TOTAL REVENUES</b>                 | \$ 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 CFI           | \$ -                   | \$ -                | \$ 2,000,000   | \$ 2,120,000  | \$ 2,204,800  | \$ 2,292,992  | \$ 2,384,712  |
| <b>TOTAL EXPENSES</b>                 | \$ 74,452,874          | \$ 82,023,935       | \$ 84,008,832  | \$ 87,376,597 | \$ 90,883,532 | \$ 94,535,530 | \$ 98,338,734 |
| <b>Net Change in Fund Balance</b>     | \$ 636,496             | \$ (6,820,725)      | \$ (2,033,802) | \$ (154,633)  | \$ 493,483    | \$ 706,818    | \$ 1,042,843  |
| <b>Cash Basis Ending Fund Balance</b> | \$ 14,548,334          | \$ 7,637,107        | \$ 5,603,305   | \$ 5,448,672  | \$ 5,942,154  | \$ 6,648,972  | \$ 7,691,810  |
| Reserve % of Expenditures             | 23.62%                 | 13.13%              | 10.40%         | 9.82%         | 9.98%         | 10.35%        | 11.01%        |
| <b>Fund Balance 17% Target</b>        | \$12,656,989           | \$13,944,069        | \$14,281,501   | \$14,834,021  | \$15,450,201  | \$16,071,040  | \$16,717,585  |

| Revenue Neutral:                      | 2022 Estimated Actuals | 2023 Amended Budget | 2024 Budget    | 2025 Forecast  | 2026 Forecast   | 2027 Forecast   | 2028 Forecast   |
|---------------------------------------|------------------------|---------------------|----------------|----------------|-----------------|-----------------|-----------------|
| <b>County General Fund</b>            |                        |                     |                |                |                 |                 |                 |
| <b>TOTAL REVENUES</b>                 | \$ 75,089,370          | \$ 75,203,210       | \$ 75,796,250  | \$ 80,672,457  | \$ 84,565,528   | \$ 88,158,401   | \$ 92,014,273   |
| Scenario: Revenue Neutral             | \$ -                   | \$ -                | \$ (6,178,780) | \$ (6,549,507) | \$ (6,811,487)  | \$ (7,083,947)  | \$ (7,367,304)  |
| <b>TOTAL EXPENSES</b>                 | \$ 74,452,874          | \$ 82,023,935       | \$ 84,008,832  | \$ 87,376,597  | \$ 90,883,532   | \$ 94,535,530   | \$ 98,338,734   |
| <b>Net Change in Fund Balance</b>     | \$ 636,496             | \$ (6,820,725)      | \$ (8,212,582) | \$ (6,704,140) | \$ (6,318,004)  | \$ (6,377,128)  | \$ (6,324,461)  |
| <b>Cash Basis Ending Fund Balance</b> | \$ 14,548,334          | \$ 7,637,107        | \$ (573,475)   | \$ (7,279,615) | \$ (13,597,620) | \$ (19,974,748) | \$ (26,299,209) |
| Reserve % of Expenditures             | 23.62%                 | 13.13%              | 3.04%          | -4.75%         | -11.52%         | -17.82%         | -23.56%         |
| <b>Fund Balance 17% Target</b>        | \$12,656,989           | \$13,944,069        | \$14,281,501   | \$14,834,021   | \$15,450,201    | \$16,071,040    | \$16,717,585    |

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The slide we're looking at currently now is Scenario A for the County General Fund and basically the top financial is the 2024 Proposed Budget, how we presented it on August 10<sup>th</sup> when we presented the 2024 Proposed Budget. Then, below is the revenue neutral. This was something that was asked that we bring back, how revenue neutral would look with the County General Fund, so one of the things we can see when we proposed the budget back on August 10<sup>th</sup> the County General Fund had a 10% reserve fund balance and then if we were to go revenue neutral for 2024, it ends up having a 3% fund balance, but the most important thing is we wouldn't be able to approve a budget because that budget would be in the negative of \$575K cash basis wise and then we can kind of see the trajectory going out to 2028. We wouldn't be able to approve a budget in any of those years, but the Proposed Budget that we presented on August 10<sup>th</sup> we wouldn't have the fund balance that our policy that we passed back in 2018 of 17%, we wouldn't have that fund balance, but we would have like a 10% fund balance and it would generally start to rise once we got out to 2027 and 2028. Some work would still need to be done. We wouldn't have a structural imbalance, so we would be able to start raising the fund balance.

**Mayor ProTem Bynum** said, Reggie, I'm so sorry, right off the bat. The top chart is when we say proposed, meaning at the current mill levy rate. **Mr. Lindsey** said yes. **Mayor ProTem Bynum** said the top chart holding the mill levy rates steady—oh okay, so we would have—at '24

we would have a 10.4% reserve at the end of '24. **Mr. Lindsey** said holding the mill rate steady. **Mayor ProTem Bynum** said holding it the same and then the bottom chart is the revenue neutral scenario for the County and you're saying that would be a budget by law we actually could not adopt. **Mr. Lindsey** said we could not adopt it. **Mayor ProTem Bynum** said because it's out of this—**Mr. Lindsey** said unless we went back and did some cuts or something.

BUDGET WORKSHOP #7

2024 Proposed Budget County General Fund  
**SCENARIO B: 2 Mill Reduction - \$3.69M**

| 2024 Proposed Budget:          | 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 CIP    | \$                  | -                      | \$ -                | \$ 2,000,000   | \$ 2,120,000  | \$ 2,204,800  | \$ 2,292,992  | \$ 2,384,712  |
| 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        | \$14,281,301   | \$14,854,021  | \$15,430,201  | \$16,071,040  | \$16,777,583  |

2 Mill Reduction:

| 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       | \$ 78,279,179  | \$ 83,304,361  | \$ 87,302,709  | \$ 91,005,069  | \$ 94,974,808   |
| Scenario: Cut 2 Mills          |                        |                     | \$ (3,695,850) | \$ (3,977,602) | \$ (4,074,306) | \$ (4,237,278) | \$ (4,406,770)  |
| TOTAL EXPENSES                 | \$ 74,452,874          | \$ 82,023,935       | \$ 84,008,832  | \$ 87,147,561  | \$ 90,703,441  | \$ 93,428,766  | \$ 97,237,293   |
| Net Change in Fund Balance     | \$ 636,496             | \$ (6,820,725)      | \$ (5,729,653) | \$ (3,843,200) | \$ (3,400,736) | \$ (2,423,697) | \$ (2,262,485)  |
| Cash Basis Ending Fund Balance | \$ 14,457,832          | \$ 7,637,107        | \$ 1,857,454   | \$ (1,985,746) | \$ (5,386,484) | \$ (7,810,181) | \$ (10,072,666) |
| Reserve % of Expenditures      | 23.62%                 | 13.13%              | 5.94%          | 1.31%          | -2.49%         | -5.01%         | -7.14%          |

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**Mr. Lindsey** said the current slide is the County General Fund and we're calling this Scenario B. One of the things that came forward from when we presented the budget because you wanted to see what a two mill reduction would look like. That two mill reduction equates to about \$3.7M coming off of revenues in 2024, so we can see the 2024 Proposed Budget which is the top financials, that is the budget that we proposed back on August 10<sup>th</sup>. It doesn't have any adjustment to the mill rate.

The bottom financial has the two mill reduction and we can see in 2024 we end up being \$5.7M structurally imbalanced compared to \$2M, so it more than doubles our structural imbalance and then also we do end up having a cash basis fund balance of \$1.8M, but our reserves fund balance ends up dropping to almost 6% and what we presented on August 10<sup>th</sup>, we're about 10.4%. The important thing next year though is as we get into 2025, we end up being almost \$2M in the negative cash basis fund balance wise, so we definitely couldn't approve a budget 2025, 2026, 2027 or 2028.

**Commissioner McKiernan** said one thing that I want to just double check on here is that what you're showing is if we drop the income by dropping the mill and what is kind of understood, but

we haven't spoken it out loud is, that's a starting place and if we wanted to then erase some of the imbalance in fund balance at the end of the year, then we would be charged with finding places to cut expenses, a fractional or commensurate amount, so that we could get there. I mean we're making an assumption here we would drop our income, but hold expenses at the proposed level, but it is possible and you're going to give us some options for that later on, but it is possible that we could choose one or more places to make expense reductions that would then modify what's on the board, right? **Mr. Lindsey** said that is exactly right. **Commissioner McKiernan** said perfect.

**Mr. Lindsey** said as you said, a little more into the presentation, we will have options and scenarios to look at reducing expenses and we also have an exercise where we will allow you all to make reductions.

BUDGET WORKSHOP #7

2024 Proposed Budget City General Fund  
**SCENARIO C: Revenue Neutral 2.8 Mills - \$5.73M**

| 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)      | \$ (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   |

Revenue Neutral:

| 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      | \$ 163,790,982 | \$ 169,723,340 | \$ 175,505,937 | \$ 182,017,788   | \$ 188,857,382    |
| 2024 Revenue Neutral Rate Impact |                        |                     | \$ (5,730,000) | \$ (6,070,000) | \$ (6,320,000) | \$ (6,570,000)   | \$ (6,830,000)    |
| 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)      | \$ (6,052,519) | \$ (7,210,766) | \$ (8,821,281) | \$ (10,018,164)  | \$ (11,216,617)   |
| Cash Basis Ending Fund Balance   | \$ 29,553,469          | \$ 28,216,530       | \$ 22,164,011  | \$ 14,953,245  | \$ 6,131,965   | \$ (\$3,886,199) | \$ (\$15,102,816) |
| ACFR Ending Fund Balance         | \$ 44,401,208          | \$ 43,064,269       | \$ 37,011,750  | \$ 29,800,984  | \$ 20,979,704  | \$ 10,961,540    | \$ (\$255,077)    |
| Reserve % of Expenditures        | 26.39%                 | 26.29%              | 21.79%         | 16.84%         | 11.38%         | 5.71%            | -0.13%            |
| 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      |

Last week when we looked at the City General Fund there weren't any adjustments that needed to be made with the City General Fund numbers just as far as like cutting the mills and going revenue neutral. There was an adjustment that Commissioner Davis noticed with the BPU PILOT Relief, so the top financial was what we originally proposed back on August 10<sup>th</sup> for the 2024 Proposed Budget for the City General Fund and we can see 2024 Budget has almost a 25% fund balance, that amount is like \$42M. Our structural imbalance is \$732K. We can see each year that structural imbalance does continue to grow slightly and then out in 2028 is where we run into issues where our fund balance drops below our 17%.

Our BPU PILOT Relief down at the bottom list of financials that are showcasing it and what the BPU PILOT Relief is, we have like \$750K additional revenue within our budget that will

come from BPU raising their rates as far as like with the PILOT revenue we will receive. So, what we did was add an additional \$750K into our budget that could be used for PILOT Relief and that is shown in the bottom financials. You can see in 2024 we have like \$750K in PILOT Relief line and that amount is added to the expenses and we can see that fund balance wise we're still in the range of like we're over 17% and we do have 24% fund balance and it does slightly start to reduce each year, but it's pretty comparable to what's in the proposed. When we get out to 2028, again, we still do drop below the 17% fund balance.

**Commissioner Ramirez** said please correct me if I'm wrong because this is how I heard it and I want to clarify in my mind, so we're taking—the \$750K is the windfall from the increase in the rates, is that correct? **Mr. Lindsey** said yes. **Commissioner Ramirez** said so we're taking the windfall, but then expending an additional same amount for BPU for PILOT Relief. Is that correct? **Mr. Lindsey** said that is correct. **Commissioner Ramirez** said okay. That's what I thought I heard. I just wanted to clarify, so we're taking the windfall, but then turning right around in sort of way expending the same amount to give back that relief. **Mr. Lindsey** said that is correct.

**Commissioner Stites** said, Reggie, I want to make sure I'm clear on this, but that give back of that \$750K is not going to everybody that their rates increased—**Mayor ProTem Bynum** said right. **Commissioner Stites** said it's only going to a select group, correct? **Mr. Lindsey** said we haven't totally made a decision on how it would be dispersed, but we do have a couple different options. There is the sales tax utility, the Utility Rebate Program that we have and then there are also programs that Commissioner Bynum considered, but just all those, not the whole population would get all of those. **Commissioner Stites** said right, so what I said was correct, so not everybody that's getting—that's paying more BPU on their bill is going to see any type of relief from it. **Mayor ProTem Bynum** said based on the proposal that's been brought forward, that's correct.

BUDGET WORKSHOP #6

## Expenditure Packages

### Community Programs

### Parks & Recreation City Transfer – \$4.9M

- Benchmarked to City Revenues – \$470,000 increase for 2024
- Traditional City Functions Include:
  - City Parks Maintenance & Improvements
    - Park Grounds & Trails
    - Shelters
    - Playgrounds
    - Pool / Spray Parks
    - Athletic Fields/Surfaces
  - Recreation Programs
    - Youth and Adult Athletic Leagues
    - Recreation Center Programming
    - Summer Program
    - Special Populations Programming
  - Community Centers



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**Mr. Lindsey** said on our last presentation we left off—we went through some of our scenarios, so I was going to catch back up to slides we left off on. The slide we left off on were slides related to—so last time we left off on covering Parks & Rec and just kind of refresh everyone. What we had started doing was going through what we felt and went through our expenses and felt was discretionary spending money that we did not have to spend and so we looked at about five other packages last week and we want to start going back through packages again. So this is what we’re going through now is Parks & Recreation. Parks & Recreation has a transfer from the City General Fund of about \$4.9M and actually this year we increased that \$470K in 2024 over 2023. Some of the things that are included there are parks, grounds, trails, shelters, playgrounds, pools, spray parks, athletic fields and then also recreation programs which include youth and adult athletic program leagues, recreation center programs, summer programs, and then also a special population program.

**Commissioner Kane** said we all know we’re there and it’s a semi-joke and semi-not a joke. West of 435, north of Parallel, we pay a tremendous amount of taxes and we still don’t have a park. I have no idea why we haven’t tried to work with the school district. We tried to work with BPU and there’s been a little bit of work, but in my mind and the community’s mind not enough work. You know we just passed our taxes out and mine was \$2,000 more. When somebody says well how come they got a park in town, they got a spray park, they got this, they got that and we don’t and I’m tired of saying we don’t have the money. All of you have a park in your area and it would be really nice for us to have one out there. We lost our community center because our former Administrator sold it back and that was a crock, but it’s time we do something for the folks out



west. It's frustrating that we sit here and we semi-laugh about it, but those folks have to go out to Bonner to the park or go to Johnson County or somewhere else and we don't have enough sports here so they go do this. I had to take my kids out to Johnson County, my grandkids have to go out to Johnson County because you don't have enough activity out west, so I would really appreciate it if staff took a hard look and, Mr. Administrator, you know none of this stuff and if you want to talk about it sometime and I'm in a good mood, we can. I'm tired of mentioning it, we deserve a park and I want a park.

**Mayor ProTem Bynum** said, Mr. Johnston, I would say—a couple of questions that I think should be researched to Commissioner Kane's point and I think Commissioner Kane and I and Parks should sit with you, but have the data because I really thought that there had been dedicated money—**Commissioner Kane** said there was, \$250K and that's not going to buy nothing. If we find some property, Angel's got the folks that will go ahead and supply the equipment for the parks. All we need is ground. **Mayor ProTem Bynum** said that's why I thought maybe a conversation to bring the Administrator—**Commissioner Kane** said we own property west of 435. Now, I don't know what we're doing with it, but I got a really good idea what we should do with it and the community does too. I didn't open up my tax bill, my wife did and she works at a bank, that was a couple exciting minutes in my house for me and then you go outside and the kid next door is going out to Johnson County to play soccer because we don't have a place to practice here. **Mayor ProTem Bynum** said I mean I think it's a solvable issue—**Commissioner Kane** said absolutely—**Mayor ProTem Bynum** said let's ask the Administrator to schedule some time with us and you can show him the parcels that you're talking about. I think it's doable and we know that we have that money dedicated multiple years ago, so anyway—**Commissioner Kane** said maybe we should put another \$250K in there just to get the fund up because it's going to take money, but it's frustrating for me. I've asked for this, I don't know 18 years, I don't know, somebody else would have to tell me how long ago it was, but it's been a long time.

Yeah, I moved out there and they weren't out there at the time, but during annexation they were promised improved roads, sidewalks and we are the only—one of the very few that we don't have a sidewalk except a 100 yard long sidewalk on Leavenworth Road from 128<sup>th</sup> Street to the new school. Our kids can't walk to school and we talk about safe routes. I want to see one person come out there, I want to see where they've looked at a safe route and yeah a lot of those

kids ride buses, but we don't have what we were promised long before I moved out there and I don't know how much money we spend on keeping the other parks up, but it's a tremendous amount of money and I'd like to know that. How much money is spent in each district for the parks and I'll just take half of all of them total. Sorry.

**Commissioner Stites** said I kind of would like to back that up a little bit. You know we had talked about some of these other parks that—and I don't remember the number that are sprinkled throughout our city that maybe aren't really serving the purpose that they originally were intended to. So, maybe there's an opportunity there for us to eliminate some of those and I don't want people to go, oh, he's against parks, but there are some places that I know that parks really aren't being utilized. Some of that funding could go towards a park that has been asked for that would get used so I think somehow we need to start—Administrator, maybe we can get that number and start looking at some of those and see how they're used and see if we might be able to look at how—**Mayor ProTem Bynum** said we know the number and the Public Works and Parks Department has the inventory and Christian led that part of the strategic planning and it's in our report, so we can get to that, sorry to jump in.

**Commissioner Davis** said with that, Mayor ProTem, I would just add to my colleagues, I have three parks in my district. I do not think they are strategically placed for how our community has grown and that's really the issue here is that as people have migrated and new subdivisions have been platted, all that stuff, the way our community is designed just doesn't fit the placemaking needs. I know Commissioner Ramirez, myself and Commissioner Markley, we serve on a subcommittee that has looked at parks, that looked at making some pretty drastic changes. I do want to give our County Administrator time to go through that study, but absolutely we need to do an equity study on that and do some redistribution. I'm completely in favor of that.

**Commissioner Townsend** said Commissioner Kane has inspired me to speak out. I know this is not for addition necessarily nor is his park in this budget; however, several good points were made about it and, Mr. Administrator, I'm thinking that the last time I heard a presentation from Parks & Rec it's about this time of year or maybe coming up in September that Ms. Ferrara and her staff will be back to do a summary or a follow-up. I mention that because in Kansas City, Kansas the

Parkwood Pool is the only pool in this area and it is over 60 years old and part of what should come back to us in that summary is the analysis of what condition that pool is in, is that still the right place for it, what it would take to do something more like an aquatic center, which I finally got to visit on one of the coldest days of this year out in Bonner Springs and talk to the staff and see what they did to finance that. So, as we talk about all this, some of the issues that my colleagues have just raised tonight may be answered in that study and should come back to us—**ProTem Bynum** said I'm sorry. I apologize. I thought you were done. **Commissioner Townsend** said I guess I am now, until that comes in, but I don't want to forget what's in the background here, not just Commissioner McKiernan's, not Commissioner McKiernan, not trying to throw you in Kane's ask. I don't want to throw you in. I'm sorry I just was looking that way. I'm looking forward to Parks & Rec coming back to us very soon I think to hear about that, to hear what can be done, what was done and where we go from there with that, but we can't forget that pool.

**Commissioner Ramirez** said yes, the subcommittee that I chair that's looking at facilities, but also Parks & Recreation in general. By direction of subcommittee and staff Angel did undergo—which she did give a preliminary presentation to us at a Special Session, a presentation about a facility or community center usage just in general. They have that final report. We have not heard it yet. I was out of town when we were originally going to hear it and so I think that's when we needed to reschedule so we haven't had that full report. Quarterly Parks & Rec does come to standing committee and give reports and they are currently undergoing an aquatic study, of Parkwood Pool and just in general of spray parks and just general of our aquatic infrastructure. There is a lot that is happening and, again, with these studies it takes time for us to gather that information and then it comes to us after the study is done and of all the recommendations and everything and, of course, the Administrator and the staff of which of those recommendations, what part of the study is most important to implement at the time.

I agree that there is a lot of information that is going to be coming to us soon regarding Parks & Recreation of how we can change things, how we can make Parks & Recreation better, more efficient where we can touch all of the entire community the best way that we can. Going back to Renee, she was talking about for HR wise considerations, you know, us being more diligent with Parks & Recreation funding and how we allocate those dollars. So having all that information, all those recommendations to us, it's going to help us.

I agree and I think Angel and the majority of the Park staff will agree we have a lot more parks than is necessary for our population and size of community, but again, that's another discussion and more strategic conversation we're going to have to have with not just amongst ourselves, but with the community and making sure that it's fair across the board, all corners of our community has a park in some way, shape or form. More specifically, Commissioner Kane's park should be number one on the list, but there is a lot of information, a lot of recommendations that are going to be coming to us regarding Parks & Recreation. I'm excited. This is something that the community has been wanting. I know my community, my district, this is Parks & Recreation is something that's very important. I only have one community center. Rosedale, you know, they're working amongst themselves as a community and with the Rosedale Development Association to create a Rosedale Community Center, but just amongst themselves, it's not going to be on the back of our Parks & Recreation. It's going to be the community's responsibility to maintain. So, Parks & Recreation is just very important all around and so I'm excited to see what we can do.

This is information that we needed and, hopefully, with this information we can update our Parks Master Plan and go through that process of updating it because it's been some years since we've updated and gone through so I'm looking forward to it and I'm looking forward to work with all the community and staff and rest of the Commission to make Parka & Rec better. We are surrounded by two communities, Johnson County and KCMO with amazing parks facilities and programming. Why can't we have that. We deserve that and—**Someone** was inaudible. **Commissioner Ramirez** said yes, that too. I think our Parks & Recreation staff are doing what they can do with what they have. With that, I'll leave it at that.

**Mayor ProTem Bynum** said Monday night we have a Budget Public Hearing at 7:00. Before that at 5:00 is Public Works & Safety Standing Committee and the Parks Quarterly Report is on that agenda, so we will have an update Monday night. Get here early and hangout with Public Works & Safety.

Reggie, on this slide, just walk us through Parks & Rec City Transfer \$4.9M. Just talk to us about that. What's that mean?

**Mr. Lindsey** said what happens is the City General Fund transfers \$4.9M to the Consolidated Parks Fund and the reason for that is back in 2007 or 2008 there used to be a separate

levy for city parks and so we done away with that and it actually went into the City General Fund, so it ends up paying the money out to the Consolidated Parks Fund now in the amount of \$4.9M. This year we did increase that amount \$470K and that's based on the amount of increase taxes that go into the fund. It used to stay stagnant every year, but to be fair for Parks, Michael Peterson who's in our office, he did an adjustment where each year it'll get an increase, so it'll grow at the same amount that other funds grow.

BUDGET WORKSHOP #7

**Expenditure Packages**  
**Community Programs**  
**Parks & Recreation – Property Maintenance**

- City / County Funded Lot Mowing - \$950,000
  - City \$650,000
    - Weed Lots / 14 Rounds of Bi -weekly mowing
  - County \$300,000
    - Land Bank Lots / 14 Rounds of Bi -weekly mowing
- Land Bank Lot Weed Spraying - \$85,000

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This is a community—up under Community Programs, but it is under Parks & Recreation and it's property maintenance. It's really not a parks function, but it has to do with City and County funded lot mowing in the amount of \$950K. Some of that is on the City side which is about \$650K and takes care of weed lots and does 14 rounds of bi-weekly mowing.

On the County side there is \$300K that is spent from here and that is to take care of Land Bank lots and also 14 rounds of bi-weekly mowing and then we have another amount for Land Bank lot weed mowing or spraying at \$85K.

BUDGET WORKSHOP #7

**Expenditure Packages**  
**Community Programs**  
**Transit Services**

- Kansas City Area Transit Authority – Est. 2024 \$7.2M
  - Est. Federal Funds Contribution - \$700,000
  - Est. Kansas Transit Allocation - \$950,000
  - Est. UG ARPA Funding Allocation (One Time) – \$2,550,000
  - 2024 Budget UG Local Match - \$3,000,000
- Zero Fare Impact KCK Budget - \$700,000



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Next, under our Community Programs category is Transit Services. We're estimating we spend about \$7.2M on transit services. Some of this is grant funded. We do have \$3M that we pay out to the KCATA for routes that they run for us. There's about four different routes they run for us and they also run them on the weekend. They're about \$3M and then there is the Zero Fare Impact to our budget. Zero Fare has been in place since about 2020 and it started around COVID. What happens is we lost \$700K of revenue to our budget once we start doing Zero Fair. We would recommend here if we were to make some cuts or so we reinitiate collecting fairs and then also look at if we wanted to cut KCATA's contract.

BUDGET WORKSHOP #7

**Expenditure Packages**  
**General Government**  
**Software Licensing Agreements**

- Total Software Licensing Agreements 2024 Budget – \$4.6M
  - City - \$3 Million
  - County - \$ 1.6 Million
- Significant Systems Include
  - Enterprise Resource Planning System
  - Microsoft Enterprise Agreement
  - Land Management System
  - Enterprise Mapping System
  - Tax Management Systems
  - Timekeeping Systems
  - Project / Strategic Planning Systems
  - Public Safety / Court Systems (Dispatch/Records Management/E - Ticketing/etc.)



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Under General Government category for the government is Software Licensing Agreements and the only reason this is here is because this is money that we're not obligated where we have to spend. There's no statues related to it, but it would definitely cripple our government if we did not spend the money on our Software Licensing Agreements. It's been about \$4.6M across both



the City and the County. City, we spend \$3M and County, we spend \$1.6M. Some of the things that we have there are our new ERP System, Workday, we also have our Microsoft Enterprise Agreement, Land Management System, Enterprise Mapping System, and our Tax Management System and then our Timekeeping Systems and a host of other software license agreements.

Mayor ProTem Bynum left the meeting at 6:30 p.m. and Mayor ProTem Burroughs presided. Mayor ProTem Bynum returned at 6:41 p.m.

**Mayor ProTem Burroughs** asked, who had their hand up first?

**Commissioner Johnson** said, Reggie, I don't know, a couple two or three years ago we had a problem with reaching our software and I can't remember exactly what that's for. Maybe some of my colleagues—security breach and we found out that we did not have the proper—was it insurance at that time. Is that now built into our overall budget? Can you tell us whether or not we're—**Mr. Lindsey** said we definitely do have the funding for the cyber security insurance. We are out on the market in the procurement process of getting it. **Commissioner Johnson** said so we still don't have it? **Mr. Lindsey** said no. We are in the process, we're very close. There too we had to qualify ourselves to be able to get it. **Commissioner Johnson** asked, what does that mean, qualify ourselves? **Mr. Lindsey** said I don't know if someone would speak to it. There were certain things we had to do to bring our systems up to par where the insurance companies would even look at us so that we could make it through the underwriting process. **Commissioner Johnson** asked, do we have an ETA on that? **Mr. Lindsey** said I think it'll probably definitely—either by the fourth quarter or first quarter of next year we should have something in place. **Commissioner Johnson** said I don't have to remind anybody here, but maybe even our listening audience said that was a real big problem that we had to endure and I pray that we never have to deal with that. So, we need to get that posted, whatever can be done to get that in place.

**Mayor ProTem Burroughs** said, Reggie, if I remember correctly, it was the fact that we're out on the open market we may find it a little more expensive and a little more difficult to find an insurer that's willing to insure us if we haven't met the criteria that they set forth because we've already had a breach and the costs associated with that. So, if I remember correctly, that is some

of the criteria that we're going to be dealing with also. So, even if we do find one, the cost could be quite high.



**Mr. Lindsey** said in our Public Safety category some of these discretionary programs that we did put out to consider being Outreach Programs in both Sheriff and Police Departments and so what these would do is cut Cadet Programs in both the Sheriff and Police Department. They both are \$90K.

**Commissioner Stites** said I kind of couldn't hear you, but did you say the potential to cut out?

**Mr. Lindsey** said yeah, so we're listing here discretionary spending and the potential to cut.

**Mayor ProTem Burroughs** said I think this is a proposal that they've brought forward that these aren't mandated by ordinance, statute or resolution and it falls within maybe some of you with needs, but it moreless falls into our wants. That these are programs that we would like to see incorporated to help with some of the issues we've had a discussion with today.

**Commissioner Ramirez** said these are all—everything that we've so far discussed of all these lists is discretionary. These are the programs and services we possibly could make cuts from. Is that correct? **Mr. Lindsey** said yes that is. **Commissioner Ramirez** said okay, I was reading this completely wrong.

BUDGET WORKSHOP #7

**Expenditure Packages**  
**Public Works**  
**Street Capital Programs**

- Streets Pavement Preservation - \$12.6 Million
  - Not currently budgeted in City General Fund
  - Reducing funding could allow for reallocation of existing revenues to other priority areas
- Countywide Infrastructure Initiative - \$2 Million
  - Designated 1 County Mill for distribution to area cities
  - 1 Less Mill for County General Fund Services or Mill Reduction



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**Mr. Lindsey** said under organization, this is the Public Works category and what we're looking at here are Street Capital Programs that we feel are discretionary that we're bringing forward as a potential to cut here. We have Street Preservation. We've got \$12.6M of street preservation within our budget. We did increase that amount from \$10M last year as part of the 25% increase that we need to improve our streets each year and \$5.3M of that is within Certified Funds. None of it is in the City General Fund so we could move money out of like Special Street & Highway or Dedicated Sales Tax and backfill the expenses from the City General Fund into those funds if we were to look at offering an additional tax levy relief.

One of the things with the street preservation and moving funding from Special Street & Highway or Dedicated Sales Tax, it is something that we're definitely trying to get away from. One of the things that Administrator Johnson talks about, we shouldn't be paying for some street preservation out of debt and we're doing that now. So, as we start to like backfill expenses back into our Special Sales Tax, that kind of forces us to get debt and stay in the debt revolution that we have been in.

Also, we have listed here and, again, this is all discretionary spending, that we're going to bring it forward is our new Accounting Infrastructure Initiative Fund to go to benefit all the cities—**Mayor ProTem Bynum** said, Reggie, pull your microphone a little closer—**Mr. Lindsey** said all the cities within Wyandotte County so it would include Bonner Springs, Edwardsville and the city of Kansas City, Kansas. What this does is provide \$2M of infrastructure that the cities will split across Wyandotte County.

**Commissioner Stites** asked, would you explain what the intended purpose of that is and I think it goes to help with bullet point number one, right, that's what this would go to address over countywide. **Mr. Lindsey** said it definitely helps the city of Kansas City, Kansas with their street pavement preservation. We did put more funding towards street preservation within the city of Kansas City, Kansas this year and also Bonner Springs and Edwardsville however they choose to spend on infrastructure within their cities, they would have the same ability to do also.



The other category of our budget is our Capital Improvement Program. What we would look at cutting are the things that are discretionary. City General Fund, Capital Projects, so we have Capital Cash Projects which are about \$1.6M in the City General Fund and then we have Capital Equipment, it's about \$1.4M. Then, we also have County General Fund and we have Capital Projects that are about \$1.2M and we have Equipment Allocation that is \$900K. The impact there is if we were to eliminate all of these or some of these, we would be definitely doing away with equipment including like buying police cars, buying fire apparatus and also just projects across both the city and the county so we would be greatly reducing what could be done here.

**Mayor ProTem Bynum** said this slide is—it's CIP. Is it budgeted in cash or debt? **Mr. Lindsey** said we have a combination of this portion what's budgeted within the City General Funds and the County General Fund—**Mayor ProTem Bynum** said all this is budgeted in the City General? **Mr. Lindsey** said yes, but we do have a portion that is debt, but this is only the city and the county.

BUDGET WORKSHOP #7

**Exploring Forecast Scenarios**  
**City General Fund Options**

| CITY GENERAL FUND PROGRAM TYPE | PROGRAM NAME                                | COST          |
|--------------------------------|---------------------------------------------|---------------|
| NEIGHBORHOOD RESOURCE CENTER   | Demolition                                  | \$ 300,000    |
|                                | Livable Neighborhoods - home repair         | \$ 58,393     |
|                                | Livable Neighborhoods - neighborhood grants | \$ 35,778     |
|                                | Willa Gill                                  | \$ 180,000    |
| SAFETY NET                     | Warming Shelter                             | \$ 65,000     |
|                                | Existing Senior Citizen Rebate Programs     | \$ 200,000    |
|                                | Parks & Recreation City Transfer            | \$ 4,900,000  |
| PARKS & RECREATION             | Lot Mowing                                  | \$ 650,000    |
|                                | Lot Spraying                                | \$ 85,000     |
|                                | ATA Match                                   | \$ 3,000,000  |
| TRANSIT                        | Zero Fare                                   | \$ 700,000    |
|                                | Software Maintenance                        | \$ 3,000,000  |
| SOFTWARE LICENSING AGREEMENTS  | Police Summer Cadet Program                 | \$ 90,000     |
| PUBLIC SAFETY OUTREACH         | Cash Projects                               | \$ 1,620,000  |
| CAPITAL                        | Non-Lease-Obligated Equipment               | \$ 1,480,000  |
|                                | Street Preservation                         | \$ 5,375,000  |
| OUTSIDE CONTRIBUTIONS          | WYCO Sports                                 | \$ 3,750      |
|                                | Wyandotte Economic Development Council      | \$ 98,000     |
|                                | Downtown Shareholders                       | \$ 177,500    |
|                                | Neighborhood Business Revitalization        | \$ 220,000    |
|                                | Police Athletic League                      | \$ 66,200     |
| TOTAL                          |                                             | \$ 22,304,621 |

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**Mr. Lindsey** said the current slide is a view of all the options that had discussed that are related to the City General Fund. You can see it kind of list down the left-hand side of the page. We had possible cuts that could come from the Neighborhood Resource Center. Also, category of Safety Net Programs, Parks & Rec, Transit, Software Licensing Agreements, Public Safety Outreach, our Capital Program, and then Outside Contributions that we paid to vendors that provide outside services for us. The total here is \$22M.

**Commissioner Stites** asked, Reggie, could you explain under Software Maintenance. How is that \$3M different than if you were to back up maybe two or three slides where we talked about the— where Commissioner Johnson spoke about the Software Licensing Agreement and such where we're talking 4.6 here, is this \$3M that's in this bullet point the \$3M that is being depicted in this slide that we're talking about now? **Mr. Lindsey** said yeah. (inaudible). The slide we were looking at earlier everything was for the City General Fund and we see on this slide right here the City General Fund is \$3M. **Commissioner Stites** said okay, got it.

BUDGET WORKSHOP #7

**Exploring Forecast Scenarios**  
**County General Fund Options**

| COUNTY GENERAL FUND PROGRAM TYPE | PROGRAM NAME                                 | COST                |
|----------------------------------|----------------------------------------------|---------------------|
| PARKS & RECREATION               | Lot Mowing                                   | \$ 300,000          |
| SOFTWARE LICENSING AGREEMENTS    | Software Maintenance                         | \$ 1,570,000        |
| PUBLIC SAFETY OUTREACH           | Sheriff Cadet Program                        | \$ 90,000           |
| CAPITAL                          | County Initiative for Funding Infrastructure | \$ 2,000,000        |
|                                  | Cash Projects                                | \$ 1,235,000        |
|                                  | Non-Lease-Obligated Equipment                | \$ 920,000          |
| OUTSIDE CONTRIBUTIONS            | WYCO SPORTS                                  | \$ 1,250            |
|                                  | Wyandotte Economic Development Council       | \$ 196,000          |
|                                  | County Fair                                  | \$ 103,275          |
|                                  | Mental Health                                | \$ 150,000          |
| <b>TOTAL</b>                     |                                              | <b>\$ 6,965,525</b> |

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**Mr. Lindsey** said this slide is similar to the slide we just looked at and it is exclusively for the County General Fund and it' the options that were there. We have Parks & Rec. We also again have Software Licensing Agreements, Public Safety Outreach, also our Capital Improvement Program and then the contributions we make to outside agencies. The total there for the County General Fund is \$6.5M.

**Commissioner Kane** said I don't think the County Fair is an option. I think we have to give them that money, don't we? **Mayor ProTem Bynum** said that was actually going to be one of my questions. Are these outside of the mill levy required funding amounts for Fair and Mental Health? **Debbie Jonscher, Interim CFO**, said for the outside agencies yes. **Mayor ProTem Bynum** said these are in addition to. **Ms. Jonscher** said right and I think we talked about the fair. The \$100K is the UG's contribution to the fair. It was, I think, there were additional expenses that we are required to pay to reimburse them for supplies, but the \$100K portion was the amount that you could choose to not—you could elect not to give to the County Fair, but you do have to reimburse them for any supplies that they spend in relation to the fair.

**Mayor ProTem Bynum** said within our Tax Levy Funds we are obligated to spend a portion of a mill, am I right, on disability services, the County Fair, the County Mental Health Center and those, that I just referenced, is separate and different from this. **Ms. Jonscher** said right. These contributions are all within the County General Fund. The Mental Health, the Developmental Disabilities, those are all separate Tax Levy Funds. **Mayor ProTem Bynum** said okay. **Ms. Jonscher** said these expenses are not in those funds. **Mayor Pro Tem Bynum** said



oaky. **Commissioner Kane** asked does the fair still get money? **Mayor ProTem Bynum** said yes. Does that answer your question? (Inaudible)

**Commissioner Ramirez** said well, we asked for a list, they've given a list and again to what we all have been saying, what do you want us to cut. From the list I've been given, the majority of these services and programs are things that people use every single day. We can provide the relief, but again, the other side is going to have to give way. We see the list that we've asked for and it's been given. Now we have to do an exercise to see if we cut anything or if anything happens. We can have relief, but again, which of these things do we need, do you want, are we going to cut, the Warming Center, Parks & Rec, City Transfer, a Cadet Program to get us more Public Safety Police, which we need already more. Capital Projects, Infrastructure, do we want to cut those. Lawn mowing, that's something that we get a lot of constituent complaints is upkeep of not only private property, but our property, Land Bank property, parks, cut that. Sheriff Cadet Program. A list has been given and so now we go through an exercise of if we go through tax relief, what do we get to cut. I know we're here.

It's been stated many times throughout these last budgets the reason why we're here is to make the big decisions. I understand we're here to make those big decisions, but why are we being forced to make those big decisions. That's all I've got to say.

**Commissioner Stites** said just a real quick question. Reggie, would you just tell me under Capital Cash Projects \$1,235,000, what would that be? What would fall under that category? **Mr. Lindsey** said one thing that definitely would be there is a new Sheriff Intake Center and it's about a half million dollars. **Someone** was inaudible. **Mr. Lindsey** said yes.

**Mayor ProTem Bynum** asked, is it something they would configure within their space? **Mr. Lindsey** said yes. They currently have an intake facility over there now and it needs to be improved. It needs to be greatly improved, that's why it's here.

**Commissioner Stites** said it sounds like there's numbers to support that. What's the other \$700K? I don't know if some of it was earmarked for a park out west. **Mr. Lindsey** said some of it is for—one of the things is for upgraded EOC audio visual system. Also, annual hardscape landscaping

that goes on at all our UG buildings. **Commissioner Stites** said all UG buildings? **Mr. Lindsey** said all Unified Government—**Commissioner Stites** said all city buildings or county or just all? **Mr. Lindsey** said there's a portion of it, we have some in the City General Fund and we also have some in the County General Fund and that's for county buildings—a portion that's in here. We also have District Attorney software upgrades that are here, we have outdoor warning systems, we have Everbridge contract, HR database. **Commissioner Stites** said so its all accounted for. I mean it's not just a pot of money that when something pops up we use it. **Mr. Lindsey** said right. **Commissioner Stites** said okay.

**Commissioner Kane** said the audio is terrible and can't hear and the noise is buzzy. That's from the folks trying to watch. **Mayor ProTem Bynum** said okay, we'll take note of that and see what—maybe we all talk better into our microphones for one thing.

**Commissioner Burroughs** said, Reggie, I'm looking at the totals. We have \$22,304,000 on the previous slide and we have \$6M, a little excess, \$6.5M on this slide, discretionary spending. Many of us feel it's very necessary. It's things that—as it was stated that these are things that people in the community have grown accustomed to having funded. I don't think anybody has talked about eliminating them and I believe what we have discussed is what can we do to ensure that we put ourselves back on the financial track, still provide services and if we have to tighten our belt a little bit, where can we do it. When you talk about a 5% cut across the board, which is one of the most onerous ways to do things; however, it is a starting point that if you look at the 26-28M, I think we're roughly talking about \$1.5M in savings with a 5% cut. You take 5% off of \$2M for the County Initiative Fund, that's not a whole lot of money out of a fund that large, but when you start taking 5% out of the WYCO Sports, that might affect some equipment for a ball team or something along those lines. I might just encourage my colleagues as we start working through this, I don't—it's never been the intent, I don't believe of anyone here, to eliminate a program, flat out eliminate it unless it's not serving a purpose and that money can go for a more common good.

I would just state that these funds are funds that have grown over the years or they have been stagnant for a period of time and they're still providing services. It may be time for us to look at that and see what we all would refer to as a return on investment. We have to find some savings somewhere. If we don't want to eliminate a complete program, then by all means let's

look at what we can do about maybe cutting back the funding for a year or two, keep the program out there and ask those organizations to find sponsors or to our neighborhood groups to come forward with some additional volunteer activities. There's ways we can get through this budget and share the pain and not cause deep cuts.

**Commissioner Kane** said I thought the purpose this year was to figure out a way for us to get through this year's budget with the least amount of disruption all across the board and then the Administrator, the day after we agree to do this, then he come back and starts figuring out where we can do these things right out of the gate. Am I wrong in that Mr. Administrator? **Mr. Johnston** said I think you so eloquently succinctly, and that was rare, stated it correctly. I think one of the things when we started this, I said my goal when we started this whole process about seven weeks ago is we were facing a \$10.7M debt—or deficit in the City General Fund and then the alarming what would happen in 2026. So the goal was to eliminate that \$10.7M with the idea that buys us time and as you saw in those presentations that Reggie and Michael put together, it did and it pushed it out to 2028 if not further, which then buys us time to really do the deep dives that we talked about.

I think what you asked for here, and you got presented, are General Fund non-essential government services. These are things that you've heard you and previous commissioners have heard that the public wanted, wanted to meet a public need, but you're not required to provide it, but you did it because you were trying to address the community. What you're saying, it's \$22M, it's a lot of money and I think as we work into the next year, two years, there's got to be some tough discussions while at the same time staff and I look at how we provide our services already. I mean I get complaints that it takes forever to get a permit, why is that? We have lack of communication to our public, so improve customer service, maybe an attitude towards servant to leadership where we remind ourselves that we're here to provide services to our citizens, not serve my own agenda and so that's a reorientation of focus and at the same time look at efficiencies. Bring recommendations for your consideration and discussion about are some of the things we're doing actually needed today or as we look to our continued budget, is it time to maybe put those on a shelf until we get back on better footing.

There's a lot of dynamics that I see us going through as a team from Commission, Administrator's Office and staff. We have to realize we have a structural imbalanced budget even

after we dealt with that \$10.7M deficit. You know, the best budget is to have more revenues than expenses and we're dropping \$3M out of reserve, \$6M, still you know eventually there's a day that you can't continue to do that. At the same time Commissioner Ramirez and a few of you said we need to be able to attract investment that will provide more revenue into our Unified Government coffers, but if we aren't providing good services to our citizens and our businesses, they talk to their family members and their business fraternity members and that will possibly influence future investment decisions. We don't want that.

I think I presented a budget that met what I told you was the goal is to reduce the immediate budget that created the alarms in 2026 and bought us time to do the work necessary that we do. This exercise showed you how much those discretionary things cost and I don't think you ever had a list like this and so now you have it.

You also had a presentation on how much we rely on debt to do our jobs and where you have today 44% of your General Fund revenue from property taxes pay for debt. Don't forget that debt adds mills to our taxpayers and I think what we've done over time is rely on debt to do what we feel we need to do for our community, but it's time—I said this once before publicly, it's interesting that I'm the schmuck sitting in the chair that has to deliver these types of messages. I just had a couple staff members today say, hey Dave, we knew this day was coming. Now you're the schmuck on the chair that has to deal with it and I don't have a problem with that. It's just that we can't ignore it anymore.

If we want to remain a viable community and a better community in the future, we have to accept where we're at, make tough choices over the next couple of years to get us back on a better trajectory they want to where we don't have to be criticized by our public saying you're not doing anything to provide me relief, my mother relief, or being asked to provide more funds to meet the growing social demands in our community. Sometimes we have to have a hard stop, take a hard look at where we're at and then take the time to make adjustments to address things in the future. I think we're there. We don't have—we can't be Congress and kick the can down the road. We can't be Congress and print money we don't have.

We're required to have a budget balanced by our state laws and you have that in my recommendations. If you want to modify it, as I told you, I'll give you recommendations to cut, here's a start and there you go.

**Mayor ProTem Bynum** said I think you've laid it out for us.

**Commissioner Kane** said I don't think I would call you a schmuck in public. Maybe I would. **Mr. Johnston** said you've used other words, but we won't go there. **Commissioner Kane** said the bottom line is, what you're recommending is what I think we're talking about and that we should move forward for this year so you can put us back on track for next year, correct? **Mr. Johnston** said yes, and that's a strong message to my staff that there will be changes. **Commissioner Kane** said I think we're where we should be. I think everyone realizes that we're in tough spot and that we need to do what you said and then if you come back next year that we're going to hold you accountable—well, the community is going to hold us accountable, so we're going to hold you accountable. So I would think we would move forward with what he's presented and tell the folks this is the best we could do and the goal is to correct it next year because if we don't, we are going to be broke in a couple years. I mean if anybody thinks I'm crazy, tell me.

**Mayor ProTem Bynum** said a couple of things, comments and questions I guess kind of interspersed. The list of City options and County options, to me assume other things are just off the table. I guess we talked about that. I sure don't remember it. I will say to the Administrator's point and to Commissioner Kane as well, we've been through some really hard times here and Commissioner Kane was here for those and he knows what those difficult decisions looked like and they included furloughs and getting us through the economic downturn of '08 and '09 and we lived through that as residents. We know what it was like and a lot of the employees here lived through that and you had to help us come to those difficult decisions of what we're going to do as a government to survive that. Saying that, I say it because it gives me hope. We've been there and we can come through times like that again.

I am going to be very bold and put my two mills on the table because I would like to look for two mills on the City side. I want the \$750K PILOT Relief Program, it's paid for, so to me that's a wash and given what I just said, on the City side on the list of stuff that's optional, \$18.4M of it to me is not optional. Again, \$3M for Public Transit, not optional in my opinion. I don't understand the \$3M Software Maintenance. I don't understand how that's optional, but somebody might be able to help me understand how Software Maintenance is optional and 5.37 for Street Maintenance to me is not optional. I guess I understand it in the sense of it's not mandatory, but

to me it's certainly not optional. That's the number one thing people ask for. Talk about responding to what the community asks for, what they ask for in the number one spot year over year is street maintenance, so that doesn't feel very optional. I'll stop, but here's what I just said. Two mills on the County side that I'm willing to work with you all to find—City side, City side, that I'm willing to stay here and find and I just told you the stuff that doesn't sound very optional to me.

**Commissioner Davis** said I guess in even not having the Mayor here really doesn't give us kind of a full opinion or the guidance forward for this Commission, so I do worry about the effectiveness of what we're about to do and whether or not it holds any weight. I am absolutely for BPU PILOT Relief. When it comes to cutting the mills, I would love to see what one mill will look like on the City side and then, of course, we do have two right in front of us. I do think though, colleagues, that we might be cutting it a little close given the time of which we're doing this activity and the fact that for a lot of these programs that we are looking to cut, we do not have representatives that can give us the context before us and say, hey, this is what this particular program is and this is why it would be valuable. We don't have Greg Kindle here from WYEDC, we don't have folks from the County Fair here to say, hey, wait a minute, this is why.

The other thing is it's not an all or nothing deal. We could look at reduced funding, not necessarily no funding, but I just worry about on paper identifying and just saying we're not, you know, we shouldn't fund this or we need to reduce it without getting the full context from the people that actually run the program.

**Commissioner Markley** said well, Mayor ProTem, I don't want to crush your hope because I do think there's lots of hope, but I do think it bears pointing out that coming out of that recession, some of the public work problems we face today were created by the decisions we made during that time to make things stretch and that we then spent years paying back our own funds that we borrowed from in order to make things stretch. So, I do think there's hope, but I would say—I would caution that some of the decisions we made to make things work during that time are probably not decisions we would want to repeat because they exacerbated the issues that we're now facing in terms of our street issues and park issues.

**Commissioner Ramirez** said I think I could possibly support the BPU PILOT Relief because seeing the scenario it still pushes us back to 2028 to possible we need to take action. We still have time for us as the Commission—sorry, I was covering my microphone. It gives us time as a Commission and the Administrator and staff to sit down, have those tough discussions about what needs to change, so I could support the BPU PILOT providing that because it still works within our budget. It still pushes back our doomsday, financial doomsday.

Two mill, I not so much—I'm very, very hesitant on the two mill reduction because we've seen with the two mill reduction what it looks like and it kind of speeds up the financial doomsday. So, then that doesn't give us and our Administrator and staff enough time to have those tough discussions and make those tough decisions. I am a person that I don't like to be rushed in my decisions. I want to take time, contemplate, talk, have discussions with the community.

So, yes, I could do the BPU PILOT Relief, but possibly no to the two mill reduction at this time and in general I'm in support of the Administrator's budget. He worked hard to get it where it was, he worked very hard with staff to make some tough decisions on his own and staff to make their tough decisions on their own as well in reducing expenditures as best as they could. Yeah, we have to have the tough discussion, but not late at this time in the budget season. We need to start as soon as we pass this budget. The next day we need to start the planning process for the next one so that we have more time to have those discussions.

In my opinion, I ask—I know I see Ashley over there, she's ready, she's raring to go, she's ready to go for this, but is this exercise necessary for tonight? **Mayor ProTem Bynum** said okay, hang on though. We have Commissioners Stites, Kane, Johnson and then Ashley.

**Commissioner Ramirez** said that's my last thing and only question, is this exercise necessary? **Mayor ProTem Bynum** said I understand.

**Mayor ProTem Bynum** said I would like to hear the commissioners and at least understand what the exercise would do for us.

**Commissioner Stites** said, Mayor ProTem, I agree with you in the aspect of year after year that our constituents out there have overwhelmingly said that street maintenance is on the top of their list, but I would have to think that was prior to the last two years when their valuations went



through the roof. Now, I think that if you were to ask that same question, they would say tax relief is probably at the top of their list, not street maintenance.

**Commissioner Johnson** said I agree with the BPU PILOT Relief. I think I was one—so I guess to the Administrator, I recant my recant. Can that be done? The \$750K if it can be worked into the budget, I'm for that. If in fact we have to have a discussion about—and let me just go back, that's an inclusive of also the rebates that you were talking about as well, yes, so all that's done. If in fact we were talking about any level of mill reduction, which I am not in favor of, none, but if in fact we were looking at that, then I will be more inclined and also to lean towards what Commissioner Burroughs said and let's look at doing a 5% or whatever reduction across the board. I don't think you can have both. I mean you have to—if you're going to cut your mill levy, that's money coming in and that means they're trying to cut somewhere. I don't want to do either one of them quite frankly. I'm not in favor of any mill reduction. I agree with the PILOT Relief and I agree with the rebates. That's where I am on this.

**Commissioner Kane** said one, I don't want to play this game anymore. I played it too much. I don't like it, never have liked it. I was here when we froze wages, we laid people off, we lowered the mill, raised the mill and I think what the Administrator has presented—I can buy into the \$750K, but what he has presented to us is going to make all of us a knot in our throat for a year. If we don't do something now, all hell is going to break loose in a couple of years and I think we can explain it to our constituents and say we did the best we could and the fact the Administrator already knows that right after we go into this he's got to go in there and look at what Commissioner Burroughs was talking about, about some of these deep dives and stuff like that. I just don't want to layoff any employees. I want to make sure that we maintain what we have, but we have to come up with a budget in short order and the more modifications we try to make at this late date, we won't—well, we have a timeframe, right? We all know that we would have liked to have this before he hired in and we didn't. I guess I'm saying let's live with what we got and move on.

**Commissioner McKiernan** said last year I said that I would vote for the Interim County Administrator's budget if we promised the day after the budget to start working on this year's and we did not do that collectively because we didn't have the leadership that we have now. I am

100% confident that we, collectively, will start looking at next year the day after this is done. In the meantime, what I would suggest that we as a Unified Government can do is improve our delivery of services within the structure that we have so far so that we deliver excellent city and county services and so that the people see the results of what they are contributing to this city. That we get excellent at street maintenance, that we get excellent at park maintenance, that we get excellent at people who come in for driver's license renewal, whatever it is, we get excellent at it and people say, you know what, well I'd really not prefer to say this, but you know what, I'm getting good service while we are on the one-year path to making substantive changes in how we do business. I am confident we can do that within the year.

**Commissioner Burroughs** said I don't believe anyone has called for employees to be laid off and I do respect that position because it's never been, I don't believe, anyone's commitment here to lay off employees and impact the budget that way. We should provide efficiency, we should provide professional services, we should provide a listening ear to the constituents no matter what the issue may be and I believe overall, we as a Commission, do that. I said the 5% because that's the easiest way to do something, but we can't keep digging at our reserves and continue to think that we're righting the ship because we're not and all we're doing is playing a shell game with finances.

We have interest rates that are climbing, so we might want to look at our investment policies to increase our revenue. From that we might look at some of our contractual services to see if we need them all and go back and maybe renegotiate. There's things that we can do within the budget and I'm not hesitant to do a deep dive and I really think that's an opportunity for us to collectively learn more about the budgeting process.

I agree with Commissioner McKiernan, the Budget Director, the Administrator, both collectively worked to present this to us this evening. Had we not seen the total cost of these additional services that we have put on the back of the taxpayer to provide them the services they requested, we wouldn't know what that cost is and so are we getting a return on the investment that we are giving them and if not, can we enhance it even better or can we eliminate a program that is not being utilized by anyone that was set up 10 or 12 years ago. That's the opportunity to go back through the budget.

I get a little passionate about the fiscal position our community is in because if we come upon another hardship, our federal dollars are gone and then the tough decisions will be made for us. With the economy and the uncertain position it's in, I'm real concerned about watching our reserves diminish. I'd like to see 30% reserves if we could providing we're providing the right services, but we don't know that yet to the extent that I believe that we should, and this is just my opinion, the \$750K for the PILOT—I know you all have put a lot of work into it, I'm one that believes that if we're going to reduce PILOT for someone, we ought to reduce it for everyone. Everyone should have an opportunity to have a reduced PILOT and I don't know how that fits into other people's opinion, but I just hate picking winners and losers when it comes to fees and something that everybody is paying and we're only going to give it to a certain population.

Other than that, the mills, I'm pleased to hear us talking about lowering the mills. I'm really pleased to hear the budget discussions that we've had in the last handful of weeks and I can't thank the Administrator enough because he's put confidence in us that we can resolve this issue and I don't believe that was something that was here two years ago, so thank you Mr. Administrator for giving us the confidence—or at least giving this commissioner the confidence to go back and know that we're going to right this ship in the future as we move forward.

**Mayor ProTem Bynum** said it's 7:30. How are we feeling, good. I was going to check in on whether we needed 10 minutes because I don't want to break the momentum of the evening, but just checking if we needed 10 minutes. I might need it. I did take a phone call about a family member and I'm hanging in as best I can because what we're doing is important, so part of the reason I suggested 10 minutes was kind of selfish, so we'll recess for 10 minutes. Thank you. I did have kind of some more things I wanted to put on the table and I don't want to interrupt what we're doing, but if I could have a couple minutes, that might be good.

Recessed at 7:29 p.m. for 10 minutes.

**Commissioner Kane** said what I'd like to do is take a straw poll to accept David's budget and see where we're at, so I guess those in favor of that could raise their hand. If you want to amend it with the PILOT, that's fine with me.

**Mayor ProTem Bynum** said I appreciate that, can we keep talking. **Commissioner Kane** said well, you've got about 15 more minutes.

**Mayor ProTem Bynum** said I was talking with Commissioners Burroughs and McKiernan right when we were coming back and I wanted Commissioner Burroughs, if you don't mind, to layout—when we mentioned the 5%, maybe a scenario where we could look at that.

**Commissioner Burroughs** said, colleagues, if that confused you, my apologies to you because that's not what the intent was. The \$22M figure and the \$6M figure that was presented here, those are discretionary fundings that we have an opportunity to address should we choose to do so, but just a 5% cut of those would generate a mill, either on the County or a set—it's 1.4M that we wouldn't have to take out of reserves, if we chose to do that. That was just an example. That is not what I'm requesting or mandating that we do. There's other ways in which to right size this budget across the board. We can eliminate programs, we can streamline them, we can do things that the community sees that we are really trying and then when a tax increase occurs through a valuation and appraisal, they know that we have looked deep into the budget and made some tough decisions. It wasn't to cut 5% off the entire \$466M budget and lose personnel. The personnel is the easiest way out and we don't want the easy way out, we want to do our homework to ensure it doesn't impact personnel. So, if there was confusion on my part, I'll own that, but my comments have always been budget oriented, efficiencies and effectiveness and how we go about the budget, not the easy way out by eliminating personnel.

**Mayor ProTem Bynum** said, Ashley, I know you're here and you wanted to help us with something. I think we've heard sort of a consensus that we don't really want to do a group exercise, but I'm going to—I remain an advocate for some mill levy cut of some form and yes, I want the PILOT Relief Program. It seems to me like we had a presentation a long while back that one percent, PILOT reduction was a million dollars and we've got \$750K.

**Mr. Lindsey** said so how we came up with that \$750K, that was an increase from the rate—**Mayor ProTem Bynum** said correct. I'm sorry, I don't want to misspeak. The \$750K from the increased PILOT collections would pay for the targeted PILOT Relief Program and I'm good with that, but

if my fellow commissioners would rather see a small reduction in the PILOT across the board rather than the targeted PILOT Program that my committee brought forward, it's more money than \$750K is what I'm driving at, like a one percent reduction in the PILOT for everybody is more costly than \$750K. You all had brought us that information months ago that it was at least a million dollars. **Ms. Jonscher** said I believe it was three—one percent of the PILOT was \$3M.

**Commissioner Bynum** said I'm going to maintain my support for the targeted PILOT Relief. I wrote down I know that Davis, Bynum, Ramirez and Johnson all said they support that. I'm still looking for at least a mill. I saw the straw poll answer. **Someone** was inaudible. **Mayor ProTem Bynum** said correct, okay, so you're in there too. **Someone** was inaudible. **Mayor ProTem Bynum** said okay, well good, so we can have our targeted PILOT Relief. I think I even heard you say you'd live with it. Take the temperature in the room, where are we? Anybody willing to keep working on a mill?

**Commissioner Stites** said so the people that have contacted me and I've had outside meetings with and it kind of goes to what exactly Commissioner Burroughs was saying that we all need to feel the hurt a little bit and I think that 5% and I'm totally 100% on board with you. I didn't understand initially that you were not saying that it would affect the pay of our employees because I'm not for taking any money out of our employee pocketbooks at all, not at all. I do understand and if we could go back to the slide where it's the \$6M and the \$22M and I think Commissioner McKiernan is working on it right now. On the City if we were to take 5% off of this number right here, it's \$1.1M, just 5%, and that affects no personnel at all.

I'm thinking on the County side, if we did the 5% on the County side, that's \$1.2M. Okay, stand by. **Someone** was inaudible. **Commissioner Stites** said I'm getting false information. So, 328. **Someone** said the zeros are really hard—**Commissioner Stites** said I just wanted to put that out there as those are the numbers we're looking at, \$338K—328 and then 1.1 on the City side and that would not touch—that's the 5% as we start looking at how we're drilling down into the budget for next year.

**Commissioner Ramirez** said yes, it's a 5% reduction, but then that's a reduction in services and part of that is mowing. Again, I repeat, that is mowing. That's something we all get constant complaints about. Land Bank properties, our parks, our right-of-ways not being maintained. That

is a constant complaint we all get. I can tell you, I've gotten three just this week from constituents, so we can't even keep up with the current inventory we have and that also includes Parks & Recreation. They're doing more than they need to, more than they should. I, at the moment, cannot support any mill reduction at the moment and if that hurts me come election time, so be it. I will stand by my decision and I will speak my decision and why I chose to do it because I understand we need relief, but I think what we need to work on along with having these tough decisions is what specifically Commissioner McKiernan said, we need to have better delivery of those services. We need to have staff work to make sure that we're being efficient and we're being prompt in providing those services, so that yes, you may be paying a little bit more, but it shows that you're getting those services.

This is a tough decision, it's a tough discussion. I was telling a constituent the other day if you look at a picture of me when I first came here and look at me now, completely different. I want to provide relief, I do and I don't want it to be my words twisted elsewhere and taken out of context out in the community. I want to provide relief, but we are not in the position to do so. If we had more revenue than expenditures, and we were a lot better, I would 100% support revenue neutral. I would because we have more money coming in than we're spending, but as of right now, if we don't accept the budget that our Administrator has given us, in two years, we don't know what's going to happen. I don't want us to play poker with taxpayer money. We do not want to play poker with taxpayer money. I don't want us to do this and vet that we're going to be better off in a year and then that year comes, as has happened in the past, we cut mills, cut too deep and we had to raise taxes. I don't want that to happen again, so I understand. Again, I don't want my words twisted out in the community. I do want relief, it needs to happen, but we're not in the position to do it. Can we make those tough decisions, yeah, we can, but as Commissioner McKiernan said, that discussion should have happened last year, at the end of our budget last year, but again, we didn't have the leadership to do so.

I hear you, I do hear the community. Your concerns, your pleas are not falling on deaf ears because Lord knows, I get it from my family as well, the complaints. My family, every family—I can guarantee you there's a family gathering, somebody is going to bring up property taxes to me, so I know. I hear it all the time, I hear it, but we're not in the position to. After a couple years after we work with David and do make those tough decisions, maybe we can, but let

him do his job first. Let him do the job we hired him to do, we approved, we consented him to do. He has the experience with budgets like this, let him do his job.

**Commissioner Townsend** said I agree with accepting the Administrator's budget. I think he did a great job. The removal of the red ink with the balancing of everything last year. I did not vote to accept the major part because of all that red ink and where we would spend it, so to see this is a major step forward. I would go along with the \$750K, but I would leave it at that point. On the way here tonight I drove by several lots that were weeds 6 ft. or more, so even if we're talking about a 5% reduction, and then we hear about areas, and I hate this word because that's not it, disinvestment. It's decisions such as this that eat away at our ability to provide those services, to cut those lawns, to take care of vacant property which we really shouldn't have to do, but that's a fact of life. When we're looking at the City, where would we cut. You know 5% would be a lot. Livable Neighborhood Home Repair, you're only looking at \$58K there. Livable Neighborhood grants, the Willa Gill Center, we just heard for three hours last Thursday about the Willa Gill and associated problems, issues, needs, concerns with that.

Parks & Rec, lot mowing, street preservation, that still has to be number one with the bullet, although I wouldn't contradict what you said earlier, Commissioner Stites, about tax relief, but as we have all of these meetings about these things, these are some of the things that we can least afford to cut this late at night in a budget that to me looks pretty balanced all things considered.

Same thing on the County side, the lot mowing. Do we want to cut Cadet Programs, WYCC Sports; some of those may be more amenable to cutting with not the same impact on what it would look like to drive around in this city, in this county from week to week. So, that's why I would not support just across the board diminution of services for these reasons. The big money left the barn several years ago with contractual obligations. Now, if we're going to start talking about cutting those, our problem solved, but I don't know that we can do that now, so I'm in favor of moving forward with the Administrator's budget with the amendment of \$750K and that's all I have to say on the matter.

**Commissioner Davis** said I will say this and this isn't popular, but I just think if you watched the presidential debate last night, you saw a lot of wild, absolutely very interesting things. I think for



voters they want to hear maybe what sounds good, but not necessarily the truth and we have the privilege of being the local government where we can be a little more honest because we are not working all the way in Washington DC. We're working 15 or 5 minutes away or 20 or 30 minutes away at City Hall and we see these folks—we see our constituents everywhere. We don't necessarily hide from them. I say that because everybody wants to go back, I want to go back to my district and say I cut property taxes. I had the benefit of doing that this year because if you all recall, we did reduce the mill by two last year. How many people thanked us for it, noticed it, gave us credit for it at all. Yes, it's nice to say it, but what is the real benefit when we're only 46% of the property tax bill and we cannot control what the other 54% does. I'm glad that Dr. Mosier came and said we're going to lower the mill for the college. Quite frankly, that win is ours more than it is theirs because we pressured them to do so. That's our mill reduction, but it's just not—I'm not in favor of cutting any of this because I have a list of probably 50 constituents that are complaining, and rightfully so, about home repair issues, about flooding, about traffic calming issues, about potholes and what have you.

A 5% reduction would be absolutely catastrophic to some of these—to all of these programs. I agree with Commissioner Townsend, we just heard from Willa Gill, how do we advocate for them to stay with the college and then turnaround and say you're going to get less funding. I think we have to swallow the hard pill.

The other thing I'll say is this, you all are probably getting emails from our colleagues across the state in regards to the LEVTR, in regards to the Special Highway Fund and other funds that the state by law should be giving us for this specific purpose of lowering property taxes and that has not happened. Our efforts should be there working with our state delegation putting those items at the top of our legislative agenda so that they help us. They can help us by funding LEVTR, they can help us by funding the Special Highway Tax. They can also help us by capping the valuations, which is how we got here to begin with. We can do the mill game all we want, but at the end of the day if we can cap valuations specifically for our seniors, if we can do that, we can make the difference that we want to, but I fear that we are just putting our efforts in futile endeavors just to say that we've done something when we know that no one is going to give us credit for it, no one.

Then, we're going to have to deal with the monetary implications of our actions by more red on our budget sheet. I would love to cut property taxes, I would love to, I just don't see it

happening and to make it very clear, if we were to cut 5%, that still doesn't add up to the mill on the City side or the County side so we get reduced services and programs that help our constituents and we don't even get to say we cut a mill, it's just not worth it. I'm a no.

**Commissioner Burroughs** said, again, I thought I made it clear but evidently I didn't. I'm not asking that we do a 5% cut. It was an example of how we get through things and this conversation has taken a whole different approach. There was a straw poll in reference to accepting the budget of the Administrator. If the votes are there, run it. We all have the opportunity to vote up or down on it. There are things in every budget some of us are going to find complications with, that we don't support, that we don't like. We have heard over and over tonight—many of you that we're ready to go. I brought up the 5% as an example, only as an example, not to attack it tonight, not to do anything. It was just on that one little budget portion and it turned into a 45 minute discussion, but that's okay because we know where we are as far as accepting the budget from the Administrator. If there's the votes to do it, then I think we've found our budget solution. That's all I've got to say. We've all have an up or down vote, that's it.

**Mayor ProTem Bynum** said, Commissioner Burroughs, I appreciate the discussion. I mean I think that's a good, healthy discussion to have.

**Commissioner Stites** said I appreciate it and I agree, let's move her on down the road, but I will tell you when it comes to mill levy reduction, I'm not looking for a pat on the back and I'm not looking for somebody in my constituents to say, hey, good job you lowered our mill. I'm looking at those people to see it when they go and pay their taxes and when they decide whether they can go buy groceries or buy medication or buy gas to drive to the store. I'm not looking for a personal accolade. I got voted in to be responsible with their dollars and that's all I'm trying to do.

**Mayor ProTem Bynum** said just a quick comment. We definitely need assistance from our delegation and others in Topeka because you are so correct, local ad valorem tax is huge and we have got to really have to hone in on that item sooner rather than later with our local delegation and any other elected in Topeka that will listen to us. There are things that state law precludes us from doing that would be helpful to our constituents right now. You all probably got the emails

that I got asking us to do things like these people can't afford to pay their taxes, so please take them out of the tax sale. The state law will not allow us to do that. I'm not suggesting that necessarily be a state law that's changed, but some creativity around those kind of issues would be nice, but we don't have that flexibility. We must follow the state statute as it relates to how these properties are appraised and how those taxes are collected. That's just a fact. So, would it be nice to have some more flexibility around those issues, it most certainly would and our time could be very well spent asking for help from the state legislator to give us that kind of flexibility within a community like this where we do know that folks are hurting.

**Commissioner Kane** said I think we've beat this horse to death. I think we've given the Administrator direction, so motion to adjourn.

**Commissioner Kane made a motion, seconded by Commissioner Johnson, to adjourn.** Roll call was taken and there were ten "Ayes," Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane.

**MAYOR PROTEM BYNUM ADJOURNED**

**THE MEETING AT 8:05 p.m.**

---

Brett Deichler  
Unified Government Clerk

dt

August 24, 2023



# Unified Government Clerk's Office

Brett A. Deichler, PMP/CPM

Unified Government Clerk

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

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

## Memorandum

**To:** David Johnston  
County Administrator

**From:** Brett Deichler  
UG Clerk

**Date:** August 31, 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 August 25, 2023 – August 31, 2023

### 1. COMMUNICATION:

- Brett Deichler, UG Clerk, listing bids received on August 30, 2023, for project #B39624 – Bus Shelter Improvements for Transportation, for the Transportation dept.

**Action:** Received and filed. Copy previously forwarded to County Administrator, Public Works, and Legislative Auditor.

### 2. PERSONNEL ACTION COMMUNICATION, DATED August 29, 2023:

#### Section I – Appointments

| Name              | Department/Division | Eff. Date | Job Title               |
|-------------------|---------------------|-----------|-------------------------|
| Alicia J. Sampson | Sheriff             | 8/31/23   | Security Officer, Armed |
| Meysi Serrano     | Police              | 8/31/23   | Office Assistant III    |
| Shelby Woodward   | Health              | 8/31/23   | Program Coordinator     |

#### Section II – Transfers

| Name               | Department/Division | Eff. Date | Former Job Title         | New Job Title            |
|--------------------|---------------------|-----------|--------------------------|--------------------------|
| Daiana P. Balliett | Legal               | 8/31/23   | Admin Supt Spec          | Prof Asst                |
| Deasiray Bush      | Transit             | 8/4/23    | Fiscal Officer           | Director                 |
| Juan Camacho       | PW/Street           | 8/31/23   | Equipment Operator II    | Equipment Operator III   |
| Marika J. Logan    | Health              | 8/31/23   | Admin Supt Spec          | Prof Prog Asst           |
| Codi N. Martinez   | Municipal Court     | 8/31/23   | Court Clerk I            | Court Clerk II           |
| Lawrence E. Scales | Health              | 8/31/23   | Licensed Practical Nurse | Licensed Practical Nurse |
| Sunny L. Snoderly  | Accounting          | 8/24/23   | Prof Fiscal Asst         | Fiscal Officer           |

#### Section III – Separations

| Name               | Department/Division | Eff. Date | Job Title         |
|--------------------|---------------------|-----------|-------------------|
| Mark Q. Brinkworth | DA's Office         | 8/23/23   | ADA I             |
| Denise M. Hammond  | DA's Office         | 9/7/23    | ADA I             |
| Racquel M. Wallace | Sheriff             | 8/21/23   | Juv Care Worker I |

#### Section V – Increases per Memorandum of Understanding

| Name           | Department/Division | Eff. Date | Job Title       |
|----------------|---------------------|-----------|-----------------|
| Larry D. Owens | Police              | 8/17/23   | Info System Mgr |

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

### **3. CLAIM FOR DAMAGES:**

AMG Aggregate Industrial LLC, 6320 Lamar Ave., Ste 107, Overland Park, seeking 2022 reimbursement for services rendered, located at 2711 Roe Lane.

Madison McGee, 1024 S. 48<sup>th</sup> Ter, alleging bodily and physical injury due to unlawful arrest, located at 21<sup>st</sup> Street and Metropolitan on October 13, 2022.

Omar Tobias Jr, 1024 S. 48<sup>th</sup> Ter, alleging injury due to unlawful arrest and assault, located at 21<sup>st</sup> Street and Metropolitan on October 13, 2022.

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

### **4. MOTION TO SET-ASIDE:**

Unified Government vs. Daisy Richard Loya Bidder, Case No. 23CV247.

**Action:** Referred to Legal.

### **5. TRAVEL REQUESTS:**

Bridgette Cobbins, County Administrator's Office, travel to Philadelphia, PA, September 26-28, 2023, to attend Cities and Counties for Fine & Fee Justice Conference (CCFFJ), 100% reimbursable.

April Hagan, KCK Police, travel to Orlando, FL, November 9-12, 2023, to attend the National Conference on Law Enforcement Wellness and Trauma, employee training and travel.

Drew Kelley, KCK Police, travel to Jacksonville, FL, October 16-22, 2023, to attend DRE School, employee training and travel.

Christopher O'Neill, KCK Police, travel to Fredericksburg, VA, September 10-23, 2023, to attend HUMINT Intermediate Course, paid by FBI.

Julie Xiong, Human Resources, travel to San Francisco, CA, September 26-29, 2023, to attend Workday Rising, employee training and travel.

Joseph Yarsulik, RTICC, travel to Hoover, AL, October 8-14, 2023, to attend Linux for Law Enforcement Training Course, paid by NCFI.

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



# 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:** September 7, 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 September 1, 2023 – September 7, 2023

### 1. PERSONNEL ACTION COMMUNICATION, DATED September 5, 2023:

#### Section I – Appointments

| Name             | Department/Division | Eff. Date | Job Title               |
|------------------|---------------------|-----------|-------------------------|
| Garrett Garrison | Health              | 8/31/23   | Environmental Scientist |
| Erik Heh         | Police              | 8/31/23   | Auxiliary Officer       |
| LaDana K. Ivory  | Sheriff             | 8/31/23   | Clerk                   |
| Abraham Madrigal | PW/Street           | 8/31/23   | General Laborer         |
| Ellie Moreno     | Police              | 8/31/23   | Prof Prog Asst          |
| Reagan Woods     | Sheriff             | 8/31/23   | Clerk                   |

#### Section II – Transfers

| Name            | Department/Division | Eff. Date | Former Job Title | New Job Title             |
|-----------------|---------------------|-----------|------------------|---------------------------|
| Turina L. Lopez | PW/Fleet            | 8/31/23   | Prof Asst        | Operations Superintendent |

#### Section VIII – Other Requests

| Name             | Department/Division | Action Requested and Explanation                                    |
|------------------|---------------------|---------------------------------------------------------------------|
| Denise Hammond   | DA's Office         | Amend PAC 8/29/23 to reflect change in separation efft date 8/25/23 |
| Diana L. Jimenez | PW                  | Out of class pay from 10/10 to 12/11                                |

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

### 2. CLAIM FOR DAMAGES:

Steven Duncan and Brenda Bullock, 642 Georgia Ave., alleging damage to property garage due to tree falling, located at the residence in August 2023.

John Hodge, 2724 S. 79<sup>th</sup> St., alleging damage to personal vehicle due to a pothole located going East on Holiday Drive in front of JoCo Water Works, on August 23, 2023.

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

### 3. MOTION TO SET-ASIDE:

Unified Government vs. Elvia Maricel Gonzalez, Case No. 2023CV000247 COA # 395.  
Unified Government vs. Anthony Jennings, Case No. 2023CV000247 COA # 294.

**Action:** Referred to Legal.

#### **4. TRAVEL REQUESTS:**

Ambur Banner, Public Health, travel to Boston, MA, September 10-16, 2023, to attend Bloomberg Harrard, ACD travel and training.

Ambur Banner, Public Health, travel to Columbia, MO, September 19-22, 2023, to attend Creating The Healthiest Missouri, ACD travel and training.

Ambur Banner, Public Health, travel to Atlanta, GA, October 25-30, 2023, to attend CSWE 2023 Annual Program Meeting, ACD travel and training.

Joni Cole, Sheriff's Legal, travel to Las Vegas, NV, November 7-11, 2023, to attend Advanced Course in Police Discipline, employee travel and training.

Khou Herr, Public Health, travel to Austin, TX, September 25-29, 2023, to attend ASC Program and Fiscal Bootcamp, AmeriCorps Kansas (PHA).

Alan Howze, County Administrator's Office, travel to Austin, TX, September 29 – October 3, 2023, to attend 2023 ICMA Annual Conference, employee travel and training.

Cristen Ryman, Community Corrections, travel to New Orleans, LA, September 17-20, 2023, to attend National Association of Pretrial Services Conference, employee travel and training.

Donna Segura, DOTS, and Julie Xiong, Human Resources, travel to San Francisco, CA, September 25-29, 2023, to attend Workday Rising, employee travel and training.

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

#### **5. ENDORSEMENTS:**

- La Casa del Hotdog
- Tradesmen International, LLC (4)

**Action:** Referred to License.

#### **6. BUSINESS BONDS:**

- Electrical Bonds:
  - McSherry Enterprises
  - Danielsan Electric LLC
  - T.D. Electric Service LLC
  - Barnes Electric LLC

- Pro Electric LC
- Deluxe Lighting and Electric
- KB Complete Plumbing & Air Conditioning, LLC
- Rozier Electric Inc
  
- Mechanical/HVAC Bonds:
  - Kenfolk Heating and Cooling
  - Air Care Heating & Cooling Co.
  - KB Complete Plumbing & Air Conditioning, LLC
  - Hoit Heating and Cooling LLC
  
- Plumber's Bonds:
  - Fratzel Plumbing LLC
  - KB Complete Plumbing & Air Conditioning, LLC
  - Ferry's Plumbing LLC
  
- Sign Hanger Bonds:
  - Graphic House Inc
  - Roderick Advertisin Co., Inc d/b/a Roderick Sign Co.
  
- Second Hand and Junk Dealers Bonds:
  - Jeff Pearson d/b/a Pearson Restorations

**Action:** Referred to License.

## **7. CONTINUATION CERTIFICATES:**

- Plumbers Bonds:
  - Rodina Company, Inc.
  - Reddi Services Inc d/b/a Reddi Root'r
  - NPM, Inc d/b/a Needham Plumbing & Mechanical
  - Accent Home Services, LLC d/b/a Benjamin Franklin Plumbing
  - H.A. Plumbing, Inc
  -
- Electrical Bonds:
  - Electrical Investments, Inc.
  - Rodina Company, Inc.
  - Turners Electric LLC
  - MDB Electric LLC
- Mechanical/HVAC Bonds:
  - Rodina Company, Inc
- Septic Tank and Cess Pool Installer & Cleaner Bonds:
  - American Waste Systems, Inc
  - Bill Truninger d/b/a Truninger Brothers

- Scrap Metal Dealers Bond:
  - JGS Auto Wrecking
- Pawn Dealer Bonds:
  - Metro Pawn, Inc

**Action:** Referred to License.

## **8. CANCELLATION NOTICE OF INSURANCE/BOND:**

- Electric Bonds:
  - AB Electrical Inc
- Mechanical/HVAC Bonds:
  - Tycourt Mechanical
  - City Wide Heating & Cooling, Inc
  - Jim's Appliance, Heating & Cooling
- Plumber Bonds:
  - Essential Plumbing LLC

**Action:** Referred to License.

## **9. APPLICATIONS FOR DRINK EST./PUBLIC VENUE:**

- Dancing Crab Inc, William W. Hutton, d/b/a Dancing Crab Cajun Seafood & Bar, 1713 Village West Pkwy, Kansas City, KS 66111.
- KC Bowl Inc, Richard D. Thurber, d/b/a KC Bowl, 8201 State Ave, Kansas City, KS 66112.
- TBB Hospitality LLC, William W. Hutton, d/b/a KC Monarchs Hospitality, 1800 Village West Pkwy, Kansas City, KS 66111.
- Dub's Dread Golf Development LLC, Rex Vincent, d/b/a Dub's Dread Golf Club, 12601 Hollingsworth Rd, Kansas City, KS 66109.
- Rare Hospitality of Kansas, Inc., Paula Jo Penegar, d/b/a Longhorn Steakhouse of Speedway, 1708 Village West Pkwy, Kansas City, KS 66111.

**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:** September 14, 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 September 7, 2023 – September 14, 2023

### 1. PUBLIC NOTICE:

- Alandon Tow Service, 6224 Kansas Avenue, KCK 66105, held a public auto auction on September 5, 2023.

**Action:** Received and filed.

### 2. PERSONNEL ACTION COMMUNICATION, DATED September 7, 2023:

#### Section I – Transfers

| Name             | Department/Division | Eff. Date | Former Job Title | New Job Title |
|------------------|---------------------|-----------|------------------|---------------|
| Michiah J Frayer | Sheriff             | 6/30/23   | Deputy           | Deputy        |
| Jeramey M Cox    | Police              | 7/27/23   | Patrol Officer   | Detective     |

#### Section II – Separations

| Name              | Department/Division | Eff. Date | Job Title        |
|-------------------|---------------------|-----------|------------------|
| Alexandra Lewis   | Urban Planning      | 9/5/23    | Intern           |
| Alexandrea Miskec | Parks/Rec           | 8/24/23   | Rec Specialist   |
| Andrew L Williams | Transit             | 8/30/22   | Transit Operator |

#### Section III – Other Requests

| Name             | Department/Division | Action Requested and Explanation |
|------------------|---------------------|----------------------------------|
| Micah Scheuerman | Payroll             | Out of class pay efft. 6/12/23   |

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

### 3. CLAIM FOR DAMAGES:

Susan Hutman, 18380 W. 161<sup>st</sup> Street, Olathe, KS, alleging injury to ankle due to unsafe conditions at Azura Amphitheater on or about September 6, 2021.

Tracy Johnson, 4941 Constance St., Shawnee, KS, alleging damage due to pothole on 94<sup>th</sup> & Holiday Drive on August 17.

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

#### **4. MOTIONS TO SET-ASIDE:**

Unified Government of Wyandotte County vs. Santiago Conde, Case No. 2022CV000046.

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

#### **5. APPLICATIONS FOR DRINK EST/ PUBLIC VENUE:**

- Taqueria Mexico of Kansas Inc., Lilla F Torres-Romo d/b/a Taqueria Mexico, 3300 Rainbow Blvd.
- Holy Name Catholic Church, Beth Lopez, Holy Name Ice Cream Social, 16 S Iowa St.  
This is a temporary permit for 9/30/2023 from 5:00 a.m. to 10:00 p.m.

**Action:** Referred to License.

#### **6. APPLICATION FOR PRIVATE SECURITY BUSINESS:**

- Simmons Security & Protection Services, Inc. d/b/a Simmons Security & Protection Services, Inc., 428 N. 5<sup>th</sup> St. #1, Kansas City, KS, 66101

**Action:** Referred to License.





# Staff Request for Commission Action

Tracking No. 212708

**Full Commission Meeting Date:**

**Committee:** Administration & Human Services

Date of Standing Committee Action: 9.25.23

(If none, please explain):

**Publication Required:** No

|                                                                                                                                                                                                                                        |                                        |                                |                                              |                                      |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------|--------------------------------|----------------------------------------------|--------------------------------------|
| <u>Date:</u><br>09/26/2023                                                                                                                                                                                                             | <u>Contact Name:</u><br>Jeffrey Conway | <u>Contact Phone:</u><br>x5075 | <u>Contact Email:</u><br>jconway@wycokck.org | <u>Department/Division:</u><br>Legal |
| <u>Item Description:</u><br>Ordinance changes to allow PILOT relief targeted to older adults and individuals with disabilities. Charter Ordinance changes to allow for different percentages for residential and commercial customers. |                                        |                                |                                              |                                      |
| <u>Action Requested:</u><br><i>fact tracked to forward to full commission.</i>                                                                                                                                                         |                                        |                                |                                              |                                      |
| <u>Budget Impact: (if applicable)</u><br>Amount:<br>Source:<br>Included In Budget:<br>Other (explain):                                                                                                                                 |                                        |                                |                                              |                                      |
| <u>Attachments List:</u><br>BPU PILOT amendment 2023 (4)                                                                                                                                                                               |                                        |                                |                                              |                                      |

## CHARTER ORDINANCE NO. CO-\_\_-23

A Charter Ordinance relating to the board of public utilities, creating a new residential class option for purposes of transferring percentages or portions of gross operating revenue, lowering the percentage cap, and reducing the amount attributable to residential accounts transferred to the unified government in each of the next six years; amending section 18 of Charter Ordinance No. CO-3-02 of the Unified Government of Wyandotte County/Kansas City, Kansas.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS:

**Section 1.** That section 18 of Charter Ordinance No. CO-3-02 of the Unified Government of Wyandotte County/Kansas City, Kansas be and the same hereby is amended to read as follows:

### *Section 18*

- (a) As hereinafter directed, the board is hereby empowered to transfer to the unified government: (i) a percentage or other portion of the gross operating revenue of each utility; or (ii) a percentage or other portion of the gross operating revenue of each utility attributable solely to its residential accounts, and a different percentage or other portion of all other gross operating revenue of each utility attributable to all other accounts.
- (b) The amount to be transferred to the unified government under this section shall be determined by resolution by the unified government in an amount not less than five percent nor more than ~~15~~ 12 percent of its gross revenues, ~~whether combined or separated by accounts as set forth in Section 18(a)(ii),~~ for such fiscal year. The determination of the percentage of gross operating revenues to be paid for a fiscal year shall be made by the unified government, with written notice to the board on or before ~~September 1~~ the first day of October preceding the date of implementation. The governing body of the unified government and the board shall, prior to any determination increasing the payment in lieu of taxes hereunder, meet and confer to discuss any proposed increase. If the unified government fails to so determine or fails to so notify the board of its determination on or before the first day of ~~September~~ October of any year, the board shall set over a percentage of gross operating revenues, ~~whether combined or separated by accounts as set forth in Section 18(a)(ii),~~ which shall be no less than that set over the preceding year.
- (c) From and after the effective date of this ordinance, the set over of revenues to the unified government shall be made monthly by no later than the tenth day of the second month following each month in which the gross operating revenues are collected. For each fiscal year, following the receipt of the year's audit by the board, a determination of the total amount of revenues which should have been set over based on total gross operating revenues shall be made, and any reconciliation and adjustment between that amount and the amount which had been previously set over for the fiscal year shall be determined and such reconciliation and adjustment shall be made by adjusting the payment made in the month following receipt of the audit, upward or downward as necessary, except that this reconciliation shall be done no later than the month of June.
- (d) On and after January 1, 2024, all bona fide residents of the city and nonresidents of the city who are board of public utilities account holders and who occupy a residence and are of the

age of 65 or older on January 1 of the application year or are persons with a disability may apply annually to be exempted from all amounts paid to the board of public utilities pursuant to subsection (a) of this section for water and electric on their personal residence. Eligibility for such exemption shall be the same as for any eligibility for refunds authorized pursuant to sections 2-296 and 34-21 of the Municipal Code for senior citizens and persons with disabilities. Eligibility for an exemption under this section 18 shall be determined on an annual basis, and once eligibility is so determined the person shall be eligible until the filing deadline described in K.S.A. 79-3221 in the following year. Any funds budgeted to cover the loss of revenues due to persons seeking such exemptions that are remaining at the end of the budget year may not be carried over into the following budget year and shall revert to the city's general fund. All applications for exemption shall be subject to the Kansas cash-basis law and the normal budget and appropriation process.

**Section 2.** If any provision of this Charter Ordinance or the application thereof to any persons or circumstances is held invalid, such invalidity shall not affect other provisions or application of the Charter Ordinance which can be given effect without the invalid provisions or application and to this end the provisions of this Charter Ordinance are declared to be severable.

**Section 3.** That original section 18 of Charter Ordinance No. CO-3-02 of the Unified Government of Wyandotte County/Kansas City, Kansas, be and the same is hereby repealed.

**Section 4.** This ordinance shall be published once each week for two consecutive weeks in the Wyandotte Echo.

**Section 5.** This is a Charter Ordinance and shall take effect 61 days after final publication unless a sufficient petition for a referendum is filed and a referendum held on the ordinance as provided in article 12, section 5, subdivision (c)(3), of the Constitution of the State of Kansas, in which case the ordinance shall become effective if approved by a majority of the electors voting thereon.

**PASSED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED  
GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, NOT LESS  
THAN TWO-THIRDS OF THE MEMBERS ELECT VOTING IN FAVOR THEREOF,  
THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023.**

*[The balance of this page intentionally left blank. Signature page to follow.]*

\_\_\_\_\_  
Tyrone A. Garner  
Mayor/CEO

ATTEST:

\_\_\_\_\_  
Unified Government Clerk

Approved as to Form:

\_\_\_\_\_  
Chief Counsel



# Staff Request for Commission Action

Tracking No. 212751

**Full Commission Meeting Date:**

**Committee:** Full Commission

Date of Standing Committee Action:

(If none, please explain):

**Publication Required:** No

|                                                                                                                                                               |                                    |                                |                                             |                                               |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|--------------------------------|---------------------------------------------|-----------------------------------------------|
| <u>Date:</u><br>09/22/2023                                                                                                                                    | <u>Contact Name:</u><br>Alan Howze | <u>Contact Phone:</u><br>x8951 | <u>Contact Email:</u><br>ahowze@wycokck.org | <u>Department/Division:</u><br>Mayor's Office |
| <u>Item Description:</u><br>Approval of delegates to the League of Kansas Municipalities conference, submitted by Alan Howze, Assistant County Administrator. |                                    |                                |                                             |                                               |
| <u>Action Requested:</u>                                                                                                                                      |                                    |                                |                                             |                                               |
| <u>Budget Impact: (if applicable)</u><br>Amount:<br>Source:<br>Included In Budget:<br>Other (explain):                                                        |                                    |                                |                                             |                                               |
| <u>Attachments List:</u>                                                                                                                                      |                                    |                                |                                             |                                               |



# Staff Request for Commission Action

Tracking No. 212750

**Full Commission Meeting Date:**

**Committee:** Full Commission

Date of Standing Committee Action:

(If none, please explain):

**Publication Required:** No

|                            |                                         |                                |                                                |                                        |
|----------------------------|-----------------------------------------|--------------------------------|------------------------------------------------|----------------------------------------|
| <u>Date:</u><br>09/22/2023 | <u>Contact Name:</u><br>Debbie Jonscher | <u>Contact Phone:</u><br>x5847 | <u>Contact Email:</u><br>djonscher@wycokck.org | <u>Department/Division:</u><br>Finance |
|----------------------------|-----------------------------------------|--------------------------------|------------------------------------------------|----------------------------------------|

Item Description:

A resolution expressing the property taxation policy of the Unified Government of Wyandotte County/Kansas City, Kansas, with respect to financing the 2024 annual budget for the Wyandotte County Library, and approving, adopting, and appropriating the budget of the Wyandotte County Library Board and levying a tax for the year beginning January 1, 2024.

Action Requested:

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

County Library Fund Reso - Finance 2024, Exhibit A - Resolution RNR-03-23

(Published \_\_\_\_\_)

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION      EXPRESSING THE PROPERTY TAXATION POLICY OF THE  
UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS  
CITY, KANSAS, WITH RESPECT TO FINANCING THE 2024  
ANNUAL BUDGET FOR THE WYANDOTTE COUNTY LIBRARY  
AND APPROVING, ADOPTING, AND APPROPRIATING THE  
BUDGET OF THE WYANDOTTE COUNTY LIBRARY BOARD AND  
LEVYING A TAX FOR THE YEAR BEGINNING JANUARY 1, 2024.**

**WHEREAS**, pursuant to K.S.A 12-1220, the board of county commissioners of a county which has established a county library with a county library board is authorized to annually levy a tax for the maintenance of the county library in such sum as the county library board shall determine; and

**WHEREAS**, the Board of Directors of the Wyandotte County Library, by resolution adopted on September 19, 2023, (a copy of which is attached as Exhibit A) pursuant to its statutory authority, set the budget for the Wyandotte County Library District for the year 2024 in the amount of \$4,422,079 with an added reserve of \$352,841; and

**WHEREAS**, the Unified Government Board of Commissioners is authorized to annually levy a tax in such sum as the County Library Board shall determine; and

**WHEREAS**, the Unified Government Commission has fully complied with all of the requirements of Kansas state statutes with respect to reviewing this budget and holding a public hearing thereon,

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

**Section 1.**      The Wyandotte County Library Board notified the public on September 7, 2023, in the official county newspaper of the proposed ad valorem tax levies for the 2024 budget and provided notification of a public hearing on the proposed use of the moneys collected in the Wyandotte County Library District for 2023 at 4:00 p.m. in the auditorium at the West Branch of the Kansas City, Kansas Public Library located at 1737 N. 82<sup>nd</sup> Street in Kansas City, Kansas.

**Section 2.**      After careful public deliberations, the Wyandotte County Library Board determined that in order to maintain the public services which are essential for the County Library in 2024, the mill levy should be set at 5.443634 mills. The Unified Government Commission hereby accepts the determination of the Library Board, which has the authority to set the amount of the tax levy.

**Section 3.**      The governing body certifies that the amounts to be raised by ad valorem property tax levies are within the statutory limitations.



**Section 4.** The 2024 Annual Budget for the Wyandotte County Library District is hereby approved and adopted, and a tax for the Wyandotte County Library is hereby levied within the Wyandotte County Library District for the amount stated in such 2024 Annual Budget and the funds in the amount of \$4,422,079 are hereby appropriated on behalf of the Wyandotte County Library.

**ADOPTED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED  
GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS,  
THIS TWENTY-EIGHTH DAY OF SEPTEMBER 2023.**

---

**Tyrone Garner, Mayor/CEO**

**Attest:**

---

**Unified Government Clerk**

**Approved as to form:**

---

**Chief Counsel**

## **RESOLUTION NO. RNR-03-23**

### **A RESOLUTION OF THE WYANDOTTE COUNTY LIBRARY BOARD TO NOT EXCEED THE REVENUE NEUTRAL RATE.**

**WHEREAS**, the Wyandotte County Library Board was created pursuant to Charter Resolution No. CR-01-99, which was adopted by the Board of Commissioners of the Unified Government of Wyandotte County/Kansas City, Kansas on August 5, 1999; and

**WHEREAS**, on or before June 15, 2023, the Unified Government Clerk calculated the revenue neutral rate for each taxing subdivision located in Wyandotte County and included such revenue neutral rate on the notice of the estimated assessed valuation provided to each taxing subdivision for budget purposes; and

**WHEREAS**, the Wyandotte County Library Board notified the Unified Government Clerk by July 20, 2023, of its proposed intent to exceed the revenue-neutral rate and provided the date, time and location of the public hearing and its proposed tax rate through the adoption of a resolution dated August 22, 2023; and

**WHEREAS**, at least 10 days in advance of the public hearing, the Wyandotte County Library Board published notice of its proposed intent to exceed the revenue neutral rate by publishing notice in a weekly newspaper of the county having a general circulation therein; and

**WHEREAS**, at least 10 days in advance of the public hearing, the Wyandotte County Library Board notified each taxpayer with property in the taxing subdivision of the proposed intent to exceed the revenue neutral rate by mail directed to the taxpayer's last known address or by electronic means, if such taxpayer and the county clerk have consented in writing to service by electronic means, and such notice contained all content required pursuant to K.S.A. 79-2988(b)(2) and was sent by way of the consolidated notice mailed or transmitted by the county clerk pursuant to such statute; and

**WHEREAS**, the 2024 budget proposed by the Wyandotte County Library Board will not require the levy of a property tax rate exceeding the Revenue Neutral Rate.

### **NOW, THEREFORE, BE IT RESOLVED BY THE WYANDOTTE COUNTY LIBRARY BOARD:**

Section 1. The Wyandotte County Library Board hereby does not approve exceeding the revenue neutral rate and proposes a mill levy for the Wyandotte County Library Board of 5.443634 mills.

Section 2. The Wyandotte County Library Board authorizes and directs such other officers, agents, and employees to take such further action, and execute such other documents,

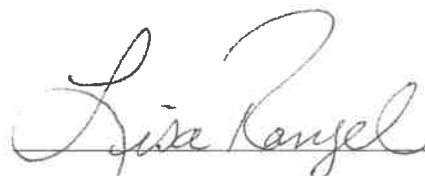
certificates, and instruments as may be necessary or desirable to carry out and comply with the intent of this Resolution.

This ordinance and resolution shall take effect and be in force immediately upon its adoption and shall remain in effect until future action is taken by the Wyandotte County Library Board.

**ADOPTED BY THE WYANDOTTE COUNTY LIBRARY BOARD THIS 19th DAY  
OF SEPTEMBER 2023.**

  
\_\_\_\_\_  
**Joe Caiharr, Chairperson**

**ATTEST:**

  
\_\_\_\_\_  
**Secretary**

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ROLL CALL VOTE ON THE ADOPTION OF RESOLUTION

On a motion by Rocki Mayes and a second by Jim Jarsulic

|                      |              |             |              |
|----------------------|--------------|-------------|--------------|
| Erica Simpson        | Aye _____    | No <u>X</u> | Absent _____ |
| Joe Caiharr          | Aye <u>X</u> | No _____    | Absent _____ |
| Gregory Todd         | Aye <u>X</u> | No _____    | Absent _____ |
| Rocki Mayes          | Aye <u>X</u> | No _____    | Absent _____ |
| Korri Hall           | Aye _____    | No <u>X</u> | Absent _____ |
| Jody Boeding         | Aye _____    | No <u>X</u> | Absent _____ |
| Susan Martin         | Aye _____    | No <u>X</u> | Absent _____ |
| Micki W. Hill        | Aye _____    | No <u>X</u> | Absent _____ |
| Jim Jarsulic         | Aye <u>X</u> | No _____    | Absent _____ |
| Judy Anderson        | Aye <u>X</u> | No _____    | Absent _____ |
| Melanie Schwartzkoff | Aye <u>X</u> | No _____    | Absent _____ |

**CERTIFICATE OF SECRETARY**

STATE OF KANSAS           )  
                                          )  
COUNTY OF WYANDOTTE   )

The undersigned, Secretary of the Wyandotte County Library Board, does hereby certify that the above roll call vote of the Wyandotte County Library Board on September 19, 2023, is a true and accurate record of the roll call vote on the adoption of Resolution No. RAMR-03-23

WITNESS my hand and official seal.

(Seal)



By: Shanda L. Mitchell



# Staff Request for Commission Action

Tracking No. 212752

**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> |
|--------------|----------------------|-----------------------|-----------------------|-----------------------------|
| 09/22/2023   | Jeffrey Conway       | x5075                 | jconway@wycokck.org   | Legal                       |

Item Description:

An ordinance levying the maximum CID assessments for the Homefield project, submitted by Jeff Conway, Legal department.

Action Requested:

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

CID Assessment Ordinance - Homefield (UG), Summary Ordinance - CID Assessment Ordinance - Homefield (UG)

**ORDINANCE NO. O-\_\_\_\_-23**

**AN ORDINANCE AUTHORIZING THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS TO LEVY SPECIAL ASSESSMENTS ON CERTAIN PROPERTY TO PAY THE COSTS OF COMMUNITY IMPROVEMENT DISTRICT IMPROVEMENTS AND PROVIDING FOR THE COLLECTION OF SUCH SPECIAL ASSESSMENTS.**

**WHEREAS** the Unified Government of Wyandotte County/Kansas City, Kansas (the “Unified Government”) has created the Homefield Community Improvement District (the “District”) and authorized certain improvements thereon as described herein (the “Projects”) to be constructed pursuant to K.S.A. 12-6a26 *et seq.* (the “Act”); and

**WHEREAS**, the owners of 100% of the real property set forth in **Exhibit A** (the “Property”) have executed a waiver of assessment proceedings (the “Waiver”) (a) waiving formal notice of and holding of a public hearing regarding the levy of special assessments upon the Property (the “Assessments”); (b) consenting to the levy of the Assessments; and (c) waiving the 30-day period following the publication of the ordinance levying the Assessments to contest the Assessments.

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

**Section 1. Levy of Assessments.** For the purpose of paying a portion of the costs of the following described Projects:

**Ordinance No. O-\_\_\_\_-23. Homefield Community Improvement District.** The development of a mixed-use commercial development located generally within the areas lying north of State Avenue, south of Parallel Parkway, west of N 86<sup>th</sup> Street, and east of Interstate 435 in Kansas City, Wyandotte County, Kansas. The Projects may be more particularly described as the construction, maintenance, and procurement of certain improvements, costs, and services within the District, including, but not limited to: infrastructure related items, sidewalks, parking lots, drainage improvements, buildings, tenant improvements, utilities, landscaping, lighting, signage, marketing and advertisement, cleaning and maintenance, security, soft costs of the Projects, and the Unified Government’s and the petitioner’s administrative costs in establishing and maintaining the District, and any other items permitted to be financed within the District under the Act;

there are hereby levied and assessed against the Property described in **Exhibits A and B** the maximum amounts set forth in **Exhibit C**. Pursuant to K.S.A. 12-6a09(c), if the final cost of the completed Projects is less than the maximum amount of assessments shown on **Exhibit C**, then the Unified Government shall decrease the Assessments to reflect the actual cost of the completed Projects.

**Section 2. Payment of Assessments.** The amounts so levied and assessed in **Section 1** of this Ordinance shall be due and payable from and after the date of publication of this Ordinance or a summary thereof as further set forth in the Exhibits hereto.

**Section 3. Certification.** The Assessments shall be certified by the Unified Government Clerk in the same manner and at the same time as other taxes are certified and will be collected in not more than

twenty (20) annual installments. The interest for one year on any unpaid installments shall be added to each subsequent installment until paid.

**Section 4. Effective Date.** This Ordinance shall take effect and be in force from and after its passage, approval and publication (or a summary thereof) once in the official newspaper of the Unified Government.

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**PASSED** by the Governing Body on this September 28, 2023 and **APPROVED AND SIGNED** by the Mayor/CEO.

By: \_\_\_\_\_  
Mayor/CEO

[SEAL]

By: \_\_\_\_\_  
Unified Government Clerk

Approved as to form:

By: \_\_\_\_\_  
Office of Chief Counsel

## LEGAL DESCRIPTION OF PROPERTY

The following property located in Wyandotte County, Kansas City, Kansas:

### AREA A:

Lot 1, Tract A, Tract B, Tract C, Tract D, Tract E, and Tract F Homefield Perfect Game, recorded as Document 2022R-10236, a subdivision of land in Kansas City, Wyandotte County, Kansas.

The above described tract contains 2,143,491 square feet, or 49.21 acres, more or less.

AND:

### AREA B:

Lot 1, Homefield Sports Training, recorded as Document 2022R-10237, a subdivision of land in Kansas City, Wyandotte County, Kansas.

The above described tract contains 995,998 square feet, or 22.87 acres, more or less.

AND:

### AREA C:

All that part of Lot 1, Schlitterbahn Vacation Village Second Plat, recorded as Document 2016R-09097, a subdivision of land in Kansas City, Wyandotte County, Kansas, being more particularly described as follows:

Commencing at the Southeast Corner of the Southeast Quarter of said Section 1; The basis of bearing for the description is the Kansas Regional Coordinate System;

thence S 89°27'24" W with the South line of said Southeast Quarter Section 1, a distance of 100.50 feet;

thence N 00°32'36" W, perpendicular to the last described course, a distance of 70.00 feet to the Southeast corner of said Lot 1, Schlitterbahn Vacation Village Second Plat;

thence with the Southerly line of said Lot 1, S 89°27'24" W (S 87°42'57" W plat), a distance of 881.99 feet;

thence continuing with said Southerly line of Lot 1, N 63°07'50" W (N 64°52'17" W plat), a distance of 13.73 feet;

thence continuing with said Southerly line of Lot 1, N 00°36'14" W (N 02°20'41" W plat), a distance of 459.27 feet;

thence continuing with said Southerly line of Lot 1, S 89°27'24" W (S 87°42'57" W plat), a distance of 320.02 feet;

thence S 00°37'01" E, no longer with said Southerly line of Lot 1, a distance of 474.75 feet to a point in the Northerly right-of-way line of State Avenue, as now established;

thence S 89°25'10" W with said Northerly right-of-way line of State Avenue, a distance of 105.00 feet;

thence N 00°37'01" W (N 02°20'41" W plat) with the southerly prolongation of the Southerly course of said Southerly line of Lot 1, a distance of 34.23 feet to said Southerly line of Lot 1;

thence S 89°27'24" W (S 87°42'57" W plat) with said Southerly line of Lot 1, a distance of 61.85 feet (61.74 feet plat) to a point on the Northerly right-of-way line of N. 98<sup>th</sup> Street, as now established;

thence N 00°34'50" W (N 02°19'17" W plat) with the Northerly right-of-way line of N. 98<sup>th</sup> Street and said Southerly line of Lot 1, a distance of 65.73 feet (65.74 feet plat);

thence continuing with the Northerly right-of-way line of N. 98<sup>th</sup> Street and the Southwesterly line of said Lot 1, Northerly, Northwesterly and Westerly on a curve to the left, tangent to the last described course, having a radius of 575.00 feet, a central angle of 99°37'9", an arc distance of 999.75 feet to the Southeast corner of said Lot 1, Homefield Camping World - Second Plat and the Point of Beginning;

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, Northwesterly and Westerly 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", and an arc distance of 65.22 feet;

thence N 65°06'49" E, no longer with said Easterly line of Lot 1, 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 2030.00 feet, a central angle of 01°52'15", and an arc distance of 66.28 feet;

thence N 03°36'43" E, a distance of 277.96 feet;

thence Northeasterly along 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 along a curve to the right, tangent to the last described curve, having a radius of 1253.00 feet, a central angle of 01°00'30", and an arc distance of 22.05 feet;

thence N 02°54'16" W, a distance of 595.78 feet to a point on the Northerly 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 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, no longer with said Northerly line of Lot 1, a distance of 795.57 feet;

thence Southeasterly along 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 reverse curvature;

thence Southeasterly along a curve to the left, tangent to the last described curve, having a radius of 942.00 feet, a central angle of 15°22'10", and an arc distance of 252.69 feet to a point of reverse curvature;

thence Southerly along a curve to the right, tangent to the last described curve, having a radius of 397.00 feet, a central angle of 47°07'40", and an arc distance of 326.55 feet;

thence N 89°29'55" E, a distance of 28.85' to the northwest corner of Tract A, Homefield Multifamily Plat;

thence Southerly on a curve to the right, with the Northwesterly line of said Tract A and Lot 1, Homefield Multifamily Plat, having an initial tangent bearing of S 21°18'14" W, a radius of 924.50 feet, a central angle of 14°53'27" and an arc distance of 240.27 feet to a point of compound curvature;

thence Southwesterly on a curve to the right, with the Northwesterly line of said Lot 1, no longer with the Northwesterly line of said Tract A, tangent to the last described curve, having a radius of 830.00 feet, a central angle of 14°57'10" and an arc distance of 216.61 feet;

thence N 40°36'13" W, no longer with the Northwesterly line of said Lot 1, a distance of 60.01 feet;

thence S 69°13'04" W, a distance of 569.59 feet;

thence N 62°55'08" W, a distance of 79.78 feet;

thence N 89°10'51" W, a distance of 399.68 feet;

thence S 04°31'41" E, a distance of 80.36 feet;

thence S 01°46'30" W, a distance of 295.55 to a point on the Southerly line of said Lot 1, Schlitterbahn Vacation Village Second Plat, said point also being on the Northerly right-of-way of N. 98<sup>th</sup> Street, as now established;

thence along a curve to the left, with the Southerly line of said Lot 1, Schlitterbahn Vacation Village Second Plat and Northerly right-of-way of N. 98<sup>th</sup> Street, having a radius of 575.00 feet, a central angle of 14°02'17", and an arc distance of 140.88 feet to the Point of Beginning.

The above described tract contains 1,904,619 square feet, or 43.72 acres, more or less.

AND:

AREA D:

All that part of Lot 3, Schlitterbahn Vacation Village Second Plat, recorded as Document 2016R-09097, a

subdivision of land in Kansas City, Wyandotte County, Kansas, being more particularly described as follows:

Commencing at the Southwest Corner of said Lot 3; the basis of bearing for the description is the Kansas Regional Coordinate System;

thence N 89°27'24" E (N 87°42'57" W plat) with the Southerly line of Lot 3, Schlitterbahn Vacation Village Second Plat and also being the Northerly right-of-way of State Avenue, as now established, a distance of 490.38 feet to the Point of Beginning;

thence continuing with said Southerly line of Lot 3 and Northerly right-of-way of State Avenue, N 89°27'24" E (N 87°42'57" W plat), a distance of 265.17 feet;

thence Northeasterly along a curve to the left, tangent to the last described course and with the Southeasterly line of said Lot 3 having a radius of 182.00 feet, a central angle of 118°41'07", and an arc distance of 377.00 feet to a point of compound curvature;

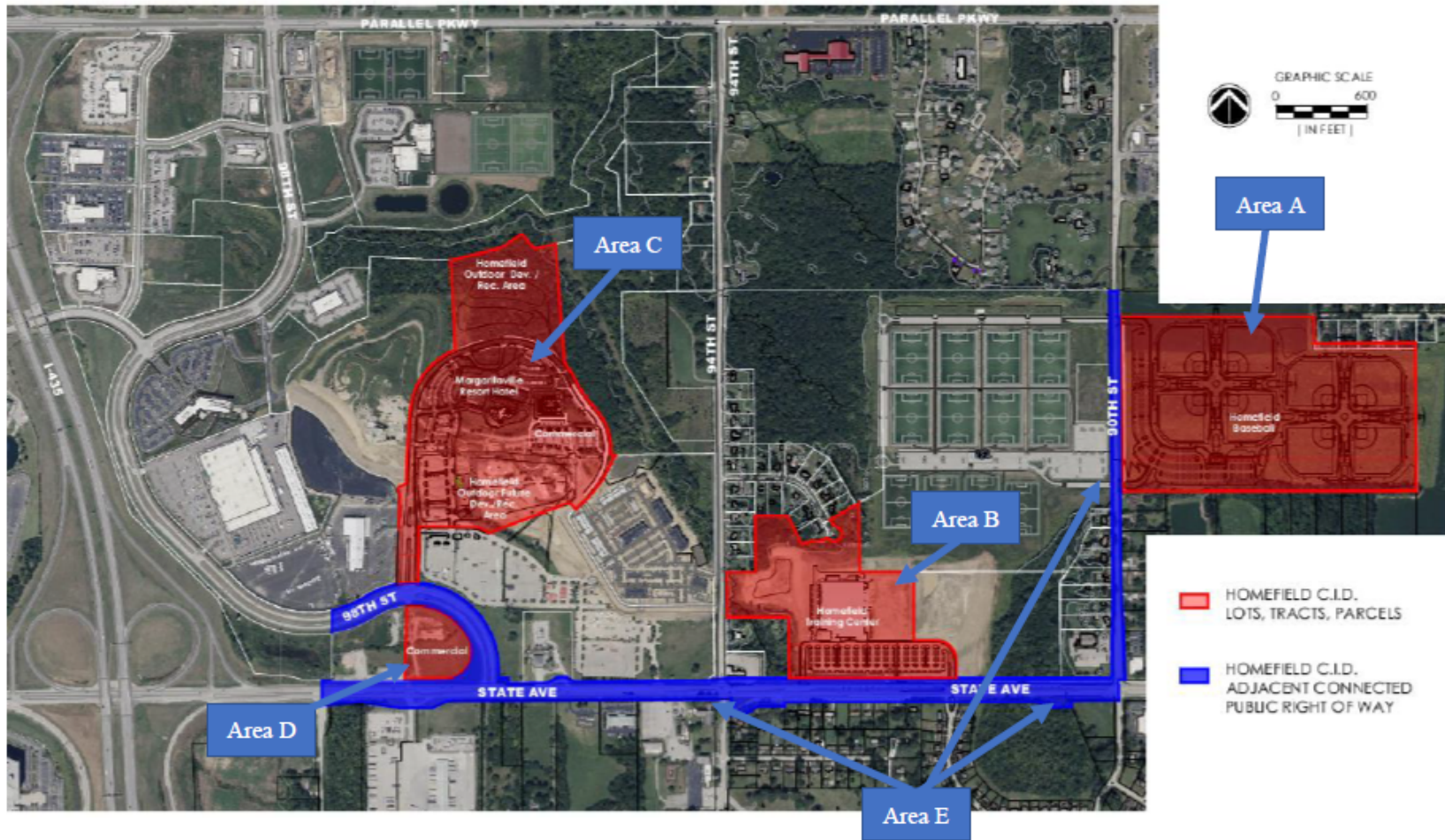
thence Northwesterly along a curve to the left, tangent to the last described curve, with the Northerly line of said Lot 3 and the Southerly right-of-way of N. 98<sup>th</sup> Street, as now established, having a radius of 425.00 feet; a central angle of 65°39'30", an arc distance of 487.03 feet;

thence S 01°46'30" W, no longer with the Northerly line of said Lot 3, a distance of 489.54 feet to the Point of Beginning.

The above described tract contains 177,934 square feet, or 4.08 acres, more or less.

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**EXHIBIT B**  
**MAP OF PROPERTY**



# **EXHIBIT C** **ASSESSMENTS**

The aggregate amount of Assessments to be levied against the Property within the District shall be as set forth in the table below. Areas C and D shall be assessed the amounts set forth below, with assessments on each of Area C and Area D not to exceed \$59,089,000 (plus bond financing costs, bond issuance-related fees, and applicable bond reserves), pursuant to the Petition.

| <b>CID<br/>Year</b> | <b>Year**</b> | <b>Collection Period</b>     | <b>Area A^^</b> | <b>Area B^^</b> | <b>Area C^^ -<br/>Assessment<br/>#1*</b> | <b>Area C^^ -<br/>Assessment<br/>#2^</b> | <b>Area D^^</b>   | <b>Area E^^</b> |
|---------------------|---------------|------------------------------|-----------------|-----------------|------------------------------------------|------------------------------------------|-------------------|-----------------|
|                     |               |                              | <i>N/A</i>      | <i>N/A</i>      | <i>Resort Fee</i>                        | <i>Ticket Fee</i>                        | <i>Ticket Fee</i> | <i>N/A</i>      |
| 1                   | 2025          | July 1, 2024 - June 30, 2025 |                 |                 | \$30.00                                  | \$2.00                                   | \$2.00            |                 |
| 2                   | 2026          | July 1, 2025 - June 30, 2026 |                 |                 | 30.60                                    | 2.04                                     | 2.04              |                 |
| 3                   | 2027          | July 1, 2026 - June 30, 2027 |                 |                 | 31.21                                    | 2.08                                     | 2.08              |                 |
| 4                   | 2028          | July 1, 2027 - June 30, 2028 |                 |                 | 31.84                                    | 2.12                                     | 2.12              |                 |
| 5                   | 2029          | July 1, 2028 - June 30, 2029 |                 |                 | 32.47                                    | 2.16                                     | 2.16              |                 |
| 6                   | 2030          | July 1, 2029 - June 30, 2030 |                 |                 | 33.12                                    | 2.21                                     | 2.21              |                 |
| 7                   | 2031          | July 1, 2030 - June 30, 2031 |                 |                 | 33.78                                    | 2.25                                     | 2.25              |                 |
| 8                   | 2032          | July 1, 2031 - June 30, 2032 |                 |                 | 34.46                                    | 2.30                                     | 2.30              |                 |
| 9                   | 2033          | July 1, 2032 - June 30, 2033 |                 |                 | 35.15                                    | 2.34                                     | 2.34              |                 |
| 10                  | 2034          | July 1, 2033 - June 30, 2034 |                 |                 | 35.85                                    | 2.39                                     | 2.39              |                 |
| 11                  | 2035          | July 1, 2034 - June 30, 2035 |                 |                 | 36.57                                    | 2.44                                     | 2.44              |                 |
| 12                  | 2036          | July 1, 2035 - June 30, 2036 |                 |                 | 37.30                                    | 2.49                                     | 2.49              |                 |
| 13                  | 2037          | July 1, 2036 - June 30, 2037 |                 |                 | 38.05                                    | 2.54                                     | 2.54              |                 |
| 14                  | 2038          | July 1, 2037 - June 30, 2038 |                 |                 | 38.81                                    | 2.59                                     | 2.59              |                 |
| 15                  | 2039          | July 1, 2038 - June 30, 2039 |                 |                 | 39.58                                    | 2.64                                     | 2.64              |                 |
| 16                  | 2040          | July 1, 2039 - June 30, 2040 |                 |                 | 40.38                                    | 2.69                                     | 2.69              |                 |
| 17                  | 2041          | July 1, 2040 - June 30, 2041 |                 |                 | 41.18                                    | 2.75                                     | 2.75              |                 |
| 18                  | 2042          | July 1, 2041 - June 30, 2042 |                 |                 | 42.01                                    | 2.80                                     | 2.80              |                 |
| 19                  | 2043          | July 1, 2042 - June 30, 2043 |                 |                 | 42.85                                    | 2.86                                     | 2.86              |                 |
| 20                  | 2044          | July 1, 2043 - June 30, 2044 |                 |                 | 43.70                                    | 2.91                                     | 2.91              |                 |

MGV

LN

A9



\*Per hotel room night during collection period

^Per museum and arena admission ticket issued during collection period

Annual escalation: 2.0%

\*\* “Year” refers to tax year. E.g., Special Assessments for “2025” will be on the tax bill received by the property owner(s) in November 2025.

^^ Refer to the parcels identified in **Exhibits A** and **B**.

(Published in *The Wyandotte Echo* on October 5, 2023)

**SUMMARY OF ORDINANCE NO. O-\_\_\_\_-23**

On September 28, 2023, the governing body of the Unified Government of Wyandotte County/Kansas City, Kansas, passed an ordinance entitled:

**AN ORDINANCE AUTHORIZING THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS TO LEVY SPECIAL ASSESSMENTS ON CERTAIN PROPERTY TO PAY THE COSTS OF COMMUNITY IMPROVEMENT DISTRICT IMPROVEMENTS AND PROVIDING FOR THE COLLECTION OF SUCH SPECIAL ASSESSMENTS.**

The Ordinance levies special assessments on certain property located generally within the areas lying north of State Avenue, south of Parallel Parkway, west of N 86<sup>th</sup> Street, and east of Interstate 435 which will be benefitted by certain internal improvements constructed pursuant to K.S.A. 12-6a26 *et seq.* A schedule of the amounts of the special assessments and the property benefitted is attached to the Ordinance. The special assessments shall be certified by the Unified Government Clerk to the County Treasurer in the same manner and at the same time as other taxes are certified and will be collected in annual installments. A complete text of the Ordinance may be obtained or viewed free of charge at the office of the Unified Government Clerk, 701 North 7<sup>th</sup> Street, Kansas City, Kansas. A reproduction of the Ordinance is available for not less than 7 days following the publication date of this Summary at [www.wycokck.org](http://www.wycokck.org).

This Summary is hereby certified to be legally accurate and sufficient pursuant to the laws of the State of Kansas.

DATED: September 28, 2023.

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Office of Chief Counsel