

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. 49th 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. 49th 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 49th 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 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 to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
 29. All existing and future driveways must feature curb cuts that are constructed to UG standards;
 30. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
 31. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works

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

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. 90th Street and 936 N. 90th 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. 90th Street and 936 N. 90th 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 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 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 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 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 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 (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. 17th 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 to begin this process;
5. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use

of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspection Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;

6. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-86201
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 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 to begin this process;
9. If approved, Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;
10. Per Business Licensing Department: If approved, occupying businesses must file and maintain a current business occupation tax application with the Business Licensing Division. Their office is at 4953 State Avenue, Kansas City, KS 66102, and their number is (913) 573-8780;
11. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
12. All existing and future driveways must feature curb cuts that are constructed to UG standards;
13. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
14. Any automotive-related business in Wyandotte County that is required to obtain any Special Use Permit, shall be responsible to ensure that the business operations are at all times compliant with all applicable local ordinances and State Statutes and Regulations [27-463 through 27-470; 27- 592 through 27-616] [KSA 65-3424, KAR 28-29-29 through 28-29-33]. Proof of proper disposal of waste tires with a Kansas State permit-holding waste tire collector or waste tire processor is required to be maintained at the management office and provided to any enforcement staff upon request;
15. Any automotive-related business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that the business operations are at all times compliant with all applicable local ordinances and State Statutes and Regulations [27-463 through 27-470;

- 27- 592 through 27-616] [KSA 65-3424, KAR 28-29-29 through 28-29-33]. Proof of proper disposal of waste tires with a Kansas State permit-holding waste tire collector or waste tire processor is required to be maintained at the management office and provided to any enforcement staff upon request;
16. Any business or land use in Wyandotte County that is required to provide off-street parking shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-466 through 27-470; 27-592 through 27-616; 27-667 through 27-676]. Inoperable vehicles shall be stored inside an enclosed building. Inoperable vehicles may not be stored outside unless they are completely screened from view in accordance with all applicable ordinances. Outside storage shall not include wrecked or salvage vehicles. Any vehicle parked or stored outside must be on an improved surface, located on the same land parcel as the business use, and be parked within a regulation dimension parking stall. Any outside storage may not reduce the availability of all required parking spaces as required by ordinance;
 17. Issuance of a certificate of occupancy for any project or property associated with an entitlement from the City Planning Commission or UG Board of Commissioners, shall not be issued prior to the completion of all landscape elements for the project to the standards and requirements for a Final Certificate of Occupancy and the successful review by departmental inspection. As an alternative to completely meeting all standards and requirements for a Final Certificate of Occupancy, to allow for cases of weather delays, plant seasonality, or shortages of labor or materials, the applicant may request to submit a landscape performance bond or surety. Requests to submit a landscape performance bond or surety for a particular project must receive eligibility approval from the Department of Planning and Urban Design prior to submission. Submissions must meet all requirements of the Bonding Procedure Policy and pass the review process. Bond applications shall only be approved by the Zoning Enforcement Officer, Lead Planner, or Director of Planning & Urban Design. Bond applications shall receive final approval before the applicant may request any inspection or re-inspection of a project or property for a Bonded Final Certificate of Occupancy;
 18. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
 19. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,
 20. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

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 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 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 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 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. 90th Street and 936 N. 90th 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. 49th 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 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. 5th 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. 88th 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. 118th 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. 65th 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. 1st 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. 55th 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. 85th 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. 99th 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. 5th 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. 83rd 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 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 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 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.

Case		
COZ2021-048		
Petitioner	Address	
Blair Tanner	4601 Rainbow Blvd. Kansas City, Kansas 66103	
Synopsis		
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. 7th 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. 7th 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. 7th 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 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 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;

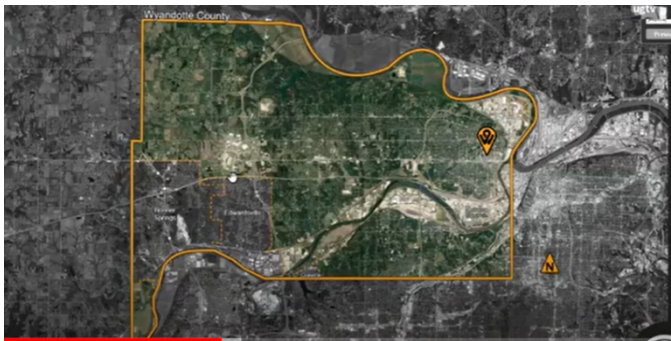
20. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle COZ2022-036, SP2022-091, and storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable 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.

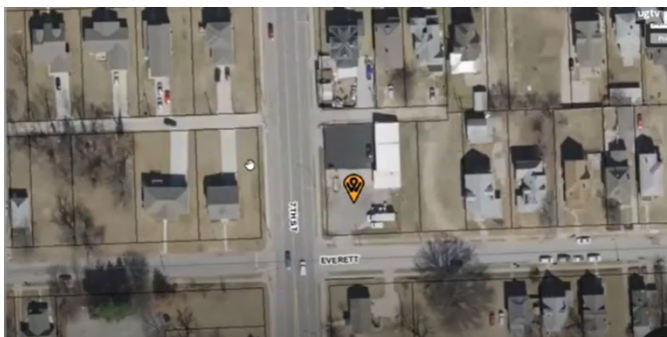
Mayor Garner said I'll ask staff to make some opening comments.

Case	
SP2022-091, COZ2022-036 & MPL2022-018	
Petitioner	Address
Martina Chavez-Jaquez	1403 North 7 th Street Trafficway Kansas City, Kansas 66101
Synopsis	
Special Use Permit to operate a light auto repair shop. Change of Zone from CP-1 Planned Limited Business District to CP-3 Planned Commercial District to operate a light auto repair shop. Master Plan Amendment from Neighborhood Mixed-Use (Northeast Area Master Plan) to Neighborhood Commercial (Northeast Area Master Plan).	

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...



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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. 81st 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 7th 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 18th & Washington and at 13th & 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. 7th 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. 7th 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?

Case	
SP2022-061	
Petitioner	Address
Tom Griefer	7241 Kaw Drive Kansas City, Kansas 66111
Synopsis	
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...

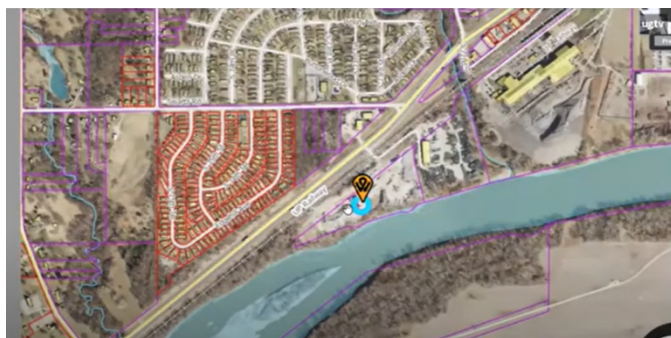


proposed renewal. Basically, you have to cross the train tracks right off Kaw Drive. We did find that there were actually a couple of fatalities in the last 10 years crossing those tracks. That traffic study recommended, and we reviewed it with the County Engineer, and agreed that we added conditions 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.

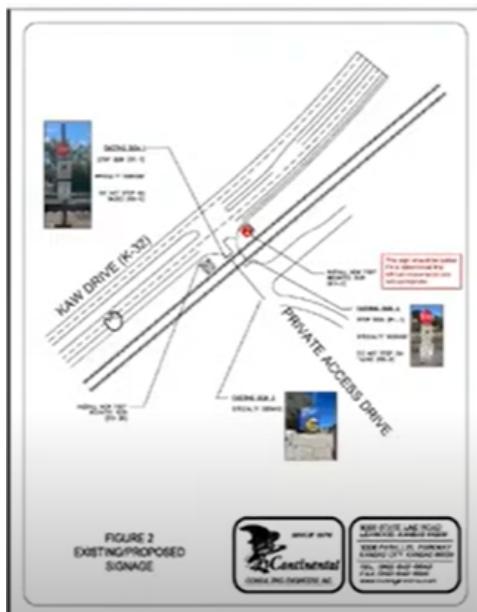
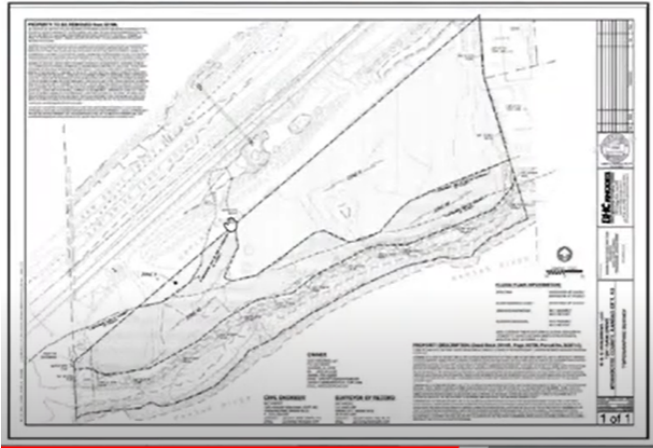


We have received no letters of support. Again, the opposition—one person in opposition showed up at the City Planning Commission. We’ve since heard from that same individual as well as received a letter from the neighborhood association directly to the north and west of this location. It’s this residential neighborhood up here that you can kind of see that received that.



Staff does recommend approval with all of those additional conditions, again, as it relates to signage and air quality sensor. Defer to the Board of Commissioners.





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.
Staff Recommendation Approval	

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 12th. **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 to begin this process;
17. Per Business Licensing Department: All occupying businesses will need to file and maintain the occupation tax application with our office for their business activity;
18. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
19. All existing and future driveways must feature curb cuts that are constructed to UG standards;
20. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
21. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;
22. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
23. Issuance of a final certificate of occupancy for any project or property associated with an entitlement from the City Planning Commission or UG Board of Commissioners, shall not be issued prior to the completion of all landscape elements for the project to the standards and requirements for a Final Certificate of Occupancy and the successful review by departmental inspection. As an alternative to completely meeting all standards and requirements for a Final Certificate of Occupancy, to allow for cases of weather delays, plant seasonality, or shortages of labor or materials, the applicant may request to submit a landscape performance bond or surety. Requests to submit a landscape performance bond or surety for a particular project must receive eligibility approval from the Department of Planning and Urban Design prior to submission. Submissions must meet all requirements of the Bonding Procedure Policy and pass the review process. Bond applications shall only be approved by the Zoning Enforcement Officer, Lead Planner, or Director of Planning & Urban Design. Bond applications shall receive

final approval before the applicant may request any inspection or re-inspection of a project or property for a Bonded Final Certificate of Occupancy;

24. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
25. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
26. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and
27. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

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 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

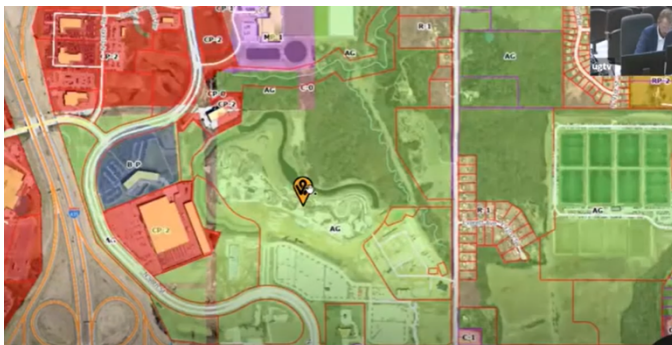
did approve a parking variance for this project. It's the new Margaritaville Resort at the former Schlitterbahn site.



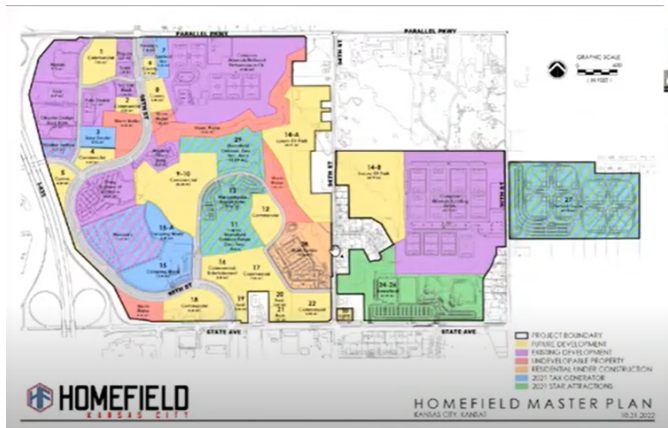
This is in the Prairie-Delaware-Piper Master Plan.



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.

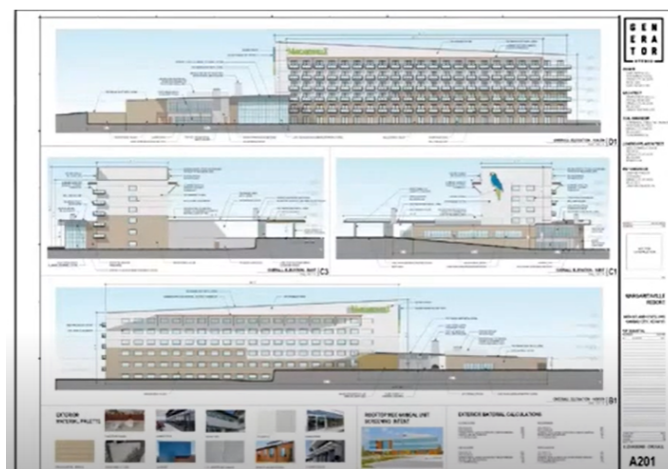


It does have to follow the commercial design guidelines pedestrian circulation, and we have them stipulated that live music ends at 1 a.m. Staff agrees with the Planning Commission.





Mayor Garner asked, is the applicant present? Please state your name and address for the record.





Curt Petersen, Polsinelli, 900 W. 48th 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 12th, 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	
Approval	

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 12th, 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 25th 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 95th 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 55th 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. 134th 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. 53rd 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. 9th St. – 093517
70 N. 9th St. – 093519
68 N. 9th St. – 093520
64 N. 9th St. – 093521
60 N. 9th St. – 093523
56 N. 9th St. – 093524
52 N. 9th 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. 79th St. – 931504
14. John and Laurie Tomelleri – 1 home
2792 Linden Dr. – 149816
15. Kim Vaughn – 1 home
1936 N. 4th St. – 109825

B. Multi Family – 10 units total

1. Michael Berry – 4 Units
2518 N. 57th St. – 036208
2610 N. 57th St. – 036211
3. Raj Bhatia – 2 units
1325 N. 48th St. – 047593
4. Raj Bhatia – 2 units
1231 N. 48th Terr. – 047572
5. Raj Bhatia – 2 units
1338 N. 48th 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. 17th 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. 4th 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. 40th St. – 168323
2. Kayla Eagles – Yard Extension
850 Douglas Ave. – 155035

PT C Donations – 3

3. John L. Peterson
729 S. 8th 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**

Brett A. Deichler, PMP|CPM
Unified Government Clerk

am/cg

December 1, 2022