

UPDATED AGENDA
JANUARY 11, 2024 UNIFIED GOVERNMENT BOARD OF
COMMISSIONERS MEETING
ORDER OF BUSINESS
MEETING TO CONVENE AT 7:00 PM

Location: Hybrid

We invite you to view the meeting in person in the Commissioner Chambers, Lobby Level of the Municipal Office Building, 701 N 7th Street, Kansas City, Kansas, or virtually via a Zoom webinar.

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/83163649075>

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- I. CALL TO ORDER**
- II. ROLL CALL**
- III. INVOCATION GIVEN BY SISTER THERESE BANGERT**
- IV. PLEDGE OF ALLEGIANCE**
- V. REVISIONS TO THURSDAY, JANUARY 11, 2024 AGENDA**
AGENDA UPDATE: ADDING ITEM NOS. 6 AND 7 TO MAYOR'S AGENDA
- VI. CLERK'S STATEMENT**
- VII. PLANNING AND ZONING CONSENT AGENDA**
- VIII. PLANNING AND ZONING NON-CONSENT AGENDA**
- IX. MAYOR'S AGENDA**
- X. REGULAR CONSENT AGENDA**
- XI. PUBLIC HEARING AGENDA**
- XII. STANDING COMMITTEES' AGENDA**
- XIII. ADMINISTRATOR'S AGENDA**
- XIV. COMMISSIONERS' AGENDA**

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

VI. CLERK'S STATEMENT

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

VII. MAYOR'S AGENDA

1. **PROCLAMATION: BOB BREITENSTEIN DAY**

Synopsis: Proclamation proclaiming December 14, 2023, as Bob Breitenstein Day, submitted by Tyrone A. Garner, Mayor/CEO.

Tracking #: 212956

2. **PROCLAMATION: JUSTICE SUNDAY DAY**

Synopsis: Proclamation proclaiming January 14, 2024, as Justice Sunday Day, submitted by Tyrone A. Garner, Mayor/CEO.

Tracking #: 212897

3. **PROCLAMATION: GOLDEN ROYALTIES CHAPTER DAY**

Synopsis: Proclamation proclaiming January 20, 2024, as Golden Royalties Chapter Day, submitted by Tyrone A. Garner, Mayor/CEO.

Tracking #: 212898

4. **PRESENTATION: COMMUNITY-WIDE EARLY LITERACY PROGRAM**

Synopsis: A presentation on the Community-wide Early Literacy Program given by Dr. Megan Cook, Executive Director of Early Childhood, Erin Pitts, Assistant Specialist of Early Childhood, and Dr. Eva Tucker-Nevels, Kansas City Kansas Public Schools, submitted by Tyrone A Garner, Mayor/CEO.

For information only

Tracking #: 212890

5. **UPDATE: APPOINTMENTS TO BOARDS AND COMMISSIONS**

Synopsis: Discussion of the process regarding policy and procedures for appointments to Boards and Commissions, submitted by Irene Caudillo, Chief of Staff.

Tracking #: 212899

6. **RESOLUTION: SALARY OF THE REGISTER OF DEEDS (ADDED PER AGENDA UPDATE)**

Synopsis: A resolution providing for the salary of the Register of Deeds by amending section 2-142 of the unified Government Code of Ordinance, submitted by Tyrone A. Garner, Mayor/CEO.

Tracking #: 212902

7. **RESOLUTION: SALARY OF THE DISTRICT ATTORNEY (ADDED PER AGENDA UPDATE)**

Synopsis: A resolution regarding the salary of the District Attorney of the Unified Government of Wyandotte County, Kansas City, Kansas, submitted by Tyrone A Garner, Mayor/CEO.

Tracking #: 212901

VIII. PLANNING AND ZONING CONSENT AGENDA

A. CHANGE OF ZONE APPLICATIONS

1. **COZ2023-021 - GRANT LESLIE**

Synopsis: Change of Zone from C-1 Limited Business and R-1 Single Family Districts to RP-5 Planned Apartment District to operate a mental health care facility at 6111 Leavenworth Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL to RP-4 Planned Garden Apartment District)**

Tracking #: 215

2. **COZ2023-029 - LYDIA NEBEL**

Synopsis: Change of Zone from R-1 Single Family District to A-G Agriculture District to expand the KC Farm School at 4105 Gibbs Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 216

B. SPECIAL USE PERMIT APPLICATIONS

1. **SP2023-058 - GRANT LESLIE**

Synopsis: Special Use Permit for a group home at 6111 Leavenworth Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**

Tracking #: 218

2. **SP2023-102 - ARTIE SCHOLLES WITH 403 CLUB**

Synopsis: Renewal of a Special Use Permit (SP2021-062) to continue to operate a drinking establishment with live entertainment at 614 Reynolds Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL FOR 5 YEARS)**

Tracking #: 213002

3. **SP2023-104 - ALYSSA SCHIFERL**

Synopsis: Home Occupation Special Use Permit for a cottage bakery at 1206 North 132nd Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**

Tracking #: 2110

4. **SP2023-105 - DAVID DIAL**

Synopsis: Special Use Permit for a Short-Term Rental at 4509 Garfield Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL FOR 1 YEAR)**

Tracking #: 2111

5. **SP2023-107 - SHERISA STROTHER WITH EARLY LEARNERS ACADEMY**

Synopsis: Special Use Permit to operate a daycare within the Boys and Girls Club at 1220 Troup Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**

Tracking #: 2112

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

1. **AN ORDINANCE** rezoning property located at approximately 2443R South 88th Street (COZ2023-026) from R-1 Single Family District to MP-3 Planned Heavy Industrial District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 212

2. **AN ORDINANCE** rezoning property located at approximately 9700 State Avenue, (COZ2023-028) from A-G Agriculture District to CP-2 Planned General Business District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 213

3. **AN ORDINANCE** authorizing a Special Use Permit (SP2023-099) for grading, fill/removal of earthen fill at 9700 State Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 214

4. **AN ORDINANCE** authorizing a Special Use Permit (SP2023-025) for the continuation of an auto body shop at 744 Kansas Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 217

5. **AN ORDINANCE** authorizing a Special Use Permit (SP2023-038) for a Non-Owner-Occupied Short-Term Rental at 2559 West 46th Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 2116

6. AN ORDINANCE authorizing a Special Use Permit (SP2023-064) for a drinking establishment with live entertainment at 5235 State Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 2117
7. AN ORDINANCE authorizing a Special Use Permit (SP2023-074) for a Non-Owner-Occupied Short-Term Rental at 2501 North Tremont Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 2118
8. AN ORDINANCE authorizing a Home Occupation Special Use Permit (SP2023-075) for a wig-making business at 8127 Troup Avenue, #106, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 2119
9. AN ORDINANCE authorizing a Special Use Permit (SP2023-077) for a Non-Owner-Occupied Short-Term Rental at 508 Ohio Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 2120
10. AN ORDINANCE authorizing a Special Use Permit (SP2023-081) for a Non-Owner-Occupied Short-Term Rental at 1918 Federal Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 2122
11. AN ORDINANCE authorizing a Special Use Permit (SP2023-080) for the continuation of a Non-Owner-Occupied Short-Term Rental, at 419 North 6th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 2123
12. AN ORDINANCE authorizing a Special Use Permit (SP2023-083) for a drinking establishment at 412-414 North 5th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 2124
13. AN ORDINANCE authorizing a Special Use Permit (SP2023-084) for a drinking establishment at 1200 Osage Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 2125

14. AN ORDINANCE authorizing a Home Occupation Special Use Permit (SP2023-085) for an instrument repair business at 1108 Shawnee Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.
(RECOMMENDED FOR APPROVAL)
Tracking #: 2126
15. AN ORDINANCE authorizing a Special Use Permit (SP2023-086) for a Non-Owner-Occupied Short-Term Rental at 4211 South Thompson, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.
(RECOMMENDED FOR APPROVAL)
Tracking #: 2127
16. AN ORDINANCE authorizing a Special Use Permit (SP2023-092) for a used truck dealership business at 1701 South 45th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 2129
17. AN ORDINANCE authorizing a Special Use Permit (SP2023-093) for a Non-Owner-Occupied Short-Term Rental at 625 Northrup Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.
(RECOMMENDED FOR APPROVAL)
Tracking #: 2130
18. AN ORDINANCE authorizing a Special Use Permit (SP2023-095) for a Non-Owner-Occupied Short-Term Rental at 535 Central Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 2131
19. AN ORDINANCE authorizing a Special Use Permit (SP2023-097) for a Non-Owner-Occupied Short-Term Rental at 4110 South Minnie Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.
(RECOMMENDED FOR APPROVAL)
Tracking #: 2132

IX. PLANNING AND ZONING NON-CONSENT AGENDA

A. CHANGE OF ZONE APPLICATIONS

1. **CCOZ2023-027 - ALEX ELLIOTT WITH ATLAS LAND CONSULTANTS**
Synopsis: Change of Zone from R-1 Single Family District to RP-4 Planned Garden Apartment District to develop a senior living facility at 9205 Garfield Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL - 5/3 VOTE)**
Tracking #: 219

B. SPECIAL USE PERMIT APPLICATIONS

1. SP2023-079 - CORINNA WEST

Synopsis: Renewal of a Special Use Permit (SP2021-052 - expired 11/4/2023) to keep ducks on the property at 1921 Nebraska Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL FOR 5 YEARS - VOTE 6/2)**

Tracking #: 212889

C. PLAN REVIEW APPLICATIONS

1. PR2023-028 - JACOB DOBBS WITH KAW VALLEY ENGINEERING

Synopsis: Final Development Plan for a change in occupancy to convert a vacant retail shop into a laundromat at 1720 Minnesota Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL - 6/2 VOTE)**

Tracking #: 2113

2. PR2023-034 - CURTIS PETERSEN WITH POLSINELLI

Synopsis: Preliminary Plan Review to construct a multi-family development at 1300 North 59th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL - 7/1 VOTE)**

Tracking #: 2114

D. MASTER PLAN APPLICATION

1. MPL2023-017 - CURTIS PETERSEN WITH POLSINELLI

Synopsis: Master Plan Amendment from Medium-Density Residential to High-Density Residential (Citywide Comprehensive Plan) at 1300 North 59th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL - 7/1 VOTE)**

Tracking #: 2115

TAX STATUS REPORT

BOARD OF COMMISSIONERS AGENDA FOR JANUARY 11, 2024

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

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

X. REGULAR CONSENT AGENDA

1. NOMINATIONS: BOARDS AND COMMISSIONS

Synopsis: Nominations for Boards and Commissions:

Landmarks Commission: RE-APPOINTMENT of Charles VansMiddlesworth –
Term: 1/11/24-12/31/27

Advisory Committee on Human Relations & Disability Issues: **RE-APPOINTMENT**
of Thomas Alonzo – Term: 1/11/24-12/31/27

Wyandotte County Library Board: **RE-APPOINTMENT** of Jody Boeding – Term:
1/11/24-12/31/27

Wyandotte/Leavenworth Area Wide Advisory Council on Aging: **RE-Appointment**
of Pam Blood – Term: 1/11/24-12/31/27

Self-Supported Municipal Impv Dist Advisory Board (SSMID): **RE-APPOINTMENT**
of Jason Glasrud – Term: 1/11/24-12/31/27

Golf Advisory Board: Appointment of James Orth – Term: 1/11/24-12/31/27

Housing Authority: **RE-APPOINTMENT** of Anne McDonald – Term: 1/11/24-
12/31/27

Law Enforcement Advisory Board: Appointment of Paul Soptic – Term: 1/11/24-
12/31/27

Planning & Zoning Appeals Commission: Appointment of Mary Beth Schwartz –
Term: 1/11/24-12/31/27

UG Park Board: Appointment of Jim Schneweis – Term: 1/11/24-12/31/27

Community Benefits Advisory Board: Appointment of Barbara Kill - Term to: 12/25

Quindaro Ruin Advisory Committee: Appointment of LaVert Murray - Term to:
12/25

Commission on Human Relations and Disability Issues: RE-Appointment of Abbie
Dillard - Term: 12/31/23-12/25

Community Corrections Juvenile Advisory Board: Appointment of Reginald Davis -
Term to: 12/31/25

Tracking #: 212895

2. PLAT: RESIDENCES AT VICTORY HILLS

Synopsis: Plat of Residences at Victory Hills, located at 78th and Tauromee
Avenue, and being developed by TWG Victory Hills, LP, submitted by Brent
Thompson, County Surveyor, and Troy Shaw, County Engineer.

Tracking #: 212893

3. PLAT: GRINTER'S CHAPEL

Synopsis: Plat of Grinter's Chapel, located at 78th and Swartz Road, and being
developed by GLMV Architects, submitted by Brent Thompson, County Surveyor,
and Troy Shaw, County Engineer.

Tracking #: 212894

4. MINUTES

Synopsis: Minutes from the Regular Session meeting on January 12th, 2023, and
Special Session meeting on October 12th, November 16th & 30th, 2023.

Tracking #: MINUTES

5. **WEEKLY BUSINESS**

Synopsis: Weekly business materials dated November 16th, 30th, and December 7th and 21st, 2023.

Tracking #: WEEKLY BUSINESS

XI. PUBLIC HEARING AGENDA

XII. STANDING COMMITTEES' AGENDA

XIII. ADMINISTRATOR'S AGENDA

XIV. COMMISSIONERS' AGENDA

XV. LAND BANK BOARD OF TRUSTEES' CONSENT AGENDA

1. **LAND BANK OPTIONS**

Synopsis: The Land Bank Manager respectfully requests that the neighborhood and Community Development Committee review the proposed item and forward it to the Land Bank Board of Trustees for final consideration, submitted by Jud Knapp, Land Bank Manager.

Please visit the site to review the applications below.

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

8 Single Family Homes

14 Multifamily Units

Tracking #: 212871

XVI. PUBLIC ANNOUNCEMENTS

XVII. ADJOURN

**AGENDA UPDATE
UNIFIED GOVERNMENT COMMISSION MEETING
THURSDAY, JANUARY 11, 2024**

ADDING ITEMS

VII. MAYOR'S AGENDA

Item No. 6 - RESOLUTION: SALARY OF THE REGISTER OF DEEDS

Synopsis: Resolution providing for the salary of the Register of Deeds by amending section 2-142 of the Unified Government Code of Ordinance, submitted by Tyrone A Garner, Mayor/CEO.

Tracking #: 212902

Item No. 7 - RESOLUTION: SALARY OF THE DISTRICT ATTORNEY

Synopsis: Resolution regarding the salary of the District Attorney of the Unified Government of Wyandotte County, Kansas City, Kansas, submitted by Tyrone A Garner, Mayor/CEO.

Tracking #: 212901



Unified Government of Wyandotte County/Kansas City, Kansas

PROCLAMATION

- WHEREAS,** after an incredible 21 years of serving the fantastic Kansas City Metro community, Bob Breitenstein has decided to embark on a well-deserved retirement; and
- WHEREAS,** Bob Breitenstein opened Breit's Stein & Deli on November 15, 2002, and since then, it has been a cherished destination for birthdays, anniversaries, high school reunions, pub crawls, the best St. Patrick's Day parties in town, happy hours, lunch breaks, First Fridays, Saturday football games, and so much more; and
- WHEREAS,** Breit's also catalyzed the transformation of the adjacent neighborhood, drawing more incredible local businesses to the Hill; and
- WHEREAS,** Breit's famous Reuben sandwich has achieved legendary status, consistently hailed as the best in KC by food critics and casual foodies alike; and
- WHEREAS,** Bob's family is so incredibly proud of him for not only realizing his dream to build a business like Breit's to support them but for creating a gathering space that means so much to so many and for continuing to bring people to Historic Strawberry Hill.

NOW, THEREFORE, I, Tyrone Garner, Mayor/CEO of the Unified Government of Wyandotte County/Kansas City, Kansas, do hereby proclaim December 14, 2023, as:

"Bob Breitenstein Day"

in Wyandotte County/Kansas City, Kansas, and encourage all citizens to recognize Bob Breitenstein Day. In witness whereof, I have hereunto set my hand and the seal of the Unified Government of Wyandotte County/Kansas City, Kansas.

TYRONE GARNER, MAYOR/CEO



PROCLAMATION

- WHEREAS,** Western Baptist Bible College is a four-year co-educational Christian Institution of higher education, supported by the Baptists, and dedicated to the cause of Christian Service; and
- WHEREAS,** Western Baptist Bible College bears the distinction of being the first, and only, Christian institution west of the Mississippi River founded by African Americans exclusively; and
- WHEREAS,** Western Baptist Bible College has been committed financially to the service of Kansas Pen or Pencil (P.O.P) for over 16 years; and
- WHEREAS,** On January 13, 1890, Western College opened its doors for the first time for opening exercises; and
- WHEREAS,** Western Baptist Bible College has extension campuses in St. Louis, MO, Topeka, Wichita, Junction City, and Olathe in Kansas; and
- WHEREAS,** Western Baptist Bible College continues to rank as a leader in academic excellence for students in pursuit of higher learning in Christian Education.

NOW, THEREFORE, I, Tyrone Garner, Mayor/CEO of the Unified Government of Wyandotte County/Kansas City, Kansas, do hereby proclaim Sunday, January 14, 2024, as:

“Justice Sunday Day”

in Wyandotte County/Kansas City, Kansas. In witness whereof, I have hereunto set my hand and the seal of the Unified Government of Wyandotte County/Kansas City, Kansas.

TYRONE GARNER, MAYOR/CEO



PROCLAMATION

- WHEREAS,** the Golden Royalties Chapters of the American Business Women's Association has worked hard to collect monies to aid deserving young women in our community to further their educational pursuits and go to college; and
- WHEREAS,** the Golden Royalties Chapter of the American Business Women's Association was chartered on May 8, 1993, with Charlotte Collins, Founder of Wyandotte County of Kansas City, Kansas; and
- WHEREAS,** the mission of the American Business Women's Association is to bring together businesswomen of diverse occupations and to provide opportunities for them to help themselves and others grow personally and professionally through leadership, education, networking support, and national recognition; and
- WHEREAS,** the Golden Royalties Chapter has hosted an annual educational and scholarship event honoring the life and legacy of the late Dr. King, Jr. and giving homage to his wife, the late Coretta Scott King for the last 31 years; and
- WHEREAS,** they have awarded over \$30,000 in scholarships and grants through ABWA's National Scholarship Program, Stephen Bufton Memorial Education Fund (SBMEF) to young women in our community to further their educational pursuits; and
- WHEREAS,** the 2024 Educational and Scholarship Event honors individuals in the greater Kansas City and Illinois Community who are keeping the late Dr. King's DREAM alive through their outstanding community service at the "Keeping the Dream Alive" awards ceremony; and
- WHEREAS,** the 2024 MLK Honorees are fully deserving of this award.

NOW, THEREFORE, I, Tyrone Garner, Mayor/CEO of the Unified Government of Wyandotte County/Kansas City, Kansas, do hereby proclaim Saturday, January 20, 2024, as:

"Golden Royalties Chapter Day"

in Wyandotte County/Kansas City, Kansas. In witness whereof, I have hereunto set my hand and the seal of the Unified Government of Wyandotte County/Kansas City, Kansas.

TYRONE GARNER, MAYOR/CEO



Staff Request for Commission Action

Tracking No. 212890

Full Commission Meeting Date:

Committee: Full Commission

Date of Standing Committee Action:

(If none, please explain):

Publication Required: No

<u>Date:</u> 01/05/2024	<u>Contact Name:</u> Irene Caudillo	<u>Contact Phone:</u> x5010	<u>Contact Email:</u> icaudillo@wycokck.org	<u>Department/Division:</u> Mayor's Office
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Item Description:

A presentation on the Community-wide Early Literacy Program given by Dr. Megan Cook, Executive Director of Early Childhood, Erin Pitts, Assistant Specialist of Early Childhood, and Dr. Eva Tucker-Nevels, Kansas City Kansas Public Schools, submitted by Tyrone A Garner, Mayor/CEO.

For information only

Action Requested:

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:



Report to Full Commission

MEETING DATE	PRESENTER	DEPARTMENT
January 11, 2024	Irene Caudillo, Chief of Staff	Mayor's Office
AGENDA ITEM #VII.5.		
UPDATE: APPOINTMENTS TO BOARDS AND COMMISSIONS		
BACKGROUND		
Discussion of the process regarding policy and procedures for appointments to Boards and Commissions, submitted by Irene Caudillo, Chief of Staff.		
RECOMMENDATION		
For information only		
For information only		
BUDGET IMPACTS / FINANCIAL CONSIDERATIONS		
None		
IT/POLICY CONSIDERATIONS		
None		
PROCUREMENT CONSIDERATIONS		
LEGAL CONSIDERATIONS		
None		
ATTACHMENTS		

Approved by Mayor and Administrator to add to agenda:

David Johnston, County Administrator

Dated:



Staff Request for Commission Action

Tracking No. 212902

Full Commission Meeting Date:

Committee: Full Commission

Date of Standing Committee Action:

(If none, please explain):

Publication Required: No

<u>Date:</u>	<u>Contact Name:</u>	<u>Contact Phone:</u>	<u>Contact Email:</u>	<u>Department/Division:</u>
01/11/2024	Ana Marin	x5010	amarin@wycokck.org	Mayor's Office

Item Description:

A resolution providing for the salary of the Register of Deeds by amending section 2-142 of the unified Government Code of Ordinance, submitted by Tyrone A. Garner, Mayor/CEO.

Action Requested:

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

Register of Deeds Pay Resolution

(Published _____)

RESOLUTION NO. _____

**A RESOLUTION PROVIDING FOR THE SALARY OF THE REGISTER OF DEEDS
BY AMENDING SECTION 2-142 OF THE UNIFIED GOVERNMENT CODE OF
ORDINANCES**

WHEREAS, on October 1, 1997, pursuant to an Act of the Kansas Legislature, hereinafter referred to as the “Act”, the voters of Kansas City, Kansas and Wyandotte County, by a majority vote, approved and adopted the consolidation of the Board of County Commissioners of Wyandotte County and the City Council of Kansas City, Kansas into one (1) governing body known as the Unified Government of Wyandotte County/Kansas City, Kansas, hereinafter referred to as the “Unified Government”; and

WHEREAS, pursuant to this Act, the Board of Commissioners of the Unified Government serves and has all powers under the statutes of the State of Kansas to operate concurrently as the governing body of a county in the State of Kansas and as a city of the first class under the laws of the State of Kansas; and

WHEREAS, by approving the consolidation of the City and County governments, the elected offices of the Sheriff and the Register of Deeds and the position of the Election Commissioner appointed by the Kansas Secretary of State are authorized by and pursuant to the statutes of the State of Kansas, were preserved and continued as provided under the same statutes and additionally, the ordinances and resolutions of the Unified Government; and

WHEREAS, pursuant to State statute, the salary for each of the elected and appointed officers and their deputies are set by resolution of the Board of Commissioners of the county in which the position exists; and

WHEREAS, the Unified Government of Wyandotte County/Kansas City, Kansas Board of Commissioners is committed to maintaining a strong and diverse workforce with equitable and competitive pay across all its departments.

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

That Section 2-142 of the Code of the Unified Government of Wyandotte County/Kansas City, Kansas, be and is hereby amended to read as follows:

**Sec. 2-142. Salaries of the sheriff, register of deeds, elections commissioner, and their
deputy positions.**

(a) *Elected officials and election commissioner.*

- (1) The sheriff shall be paid pursuant to and consistent with the compensation plan heretofore established for elected and appointed officials and designated as a newly established range 10, an annual salary equal to the amount of \$190,550.10 or an amount equal to the Kansas City, Kansas Chief of Police, whichever is higher paid in periodic amounts the same as all other governmental employees are paid. The sheriff shall be eligible to receive an annual cost of living increase based upon the average of the Consumer Price Index and the average annual increase provided under collective bargaining agreements to the bargaining units taken, as a whole and then averaged to which the unified government is a signatory party, for the year prior to January 1 of each calendar year subsequent to the year 2000.
 - (2) The register of deeds shall be paid pursuant to and consistent with the compensation plan heretofore established for elected and appointed officials and receive an annual salary equal to the ~~amount of \$96,803.20~~ salary provided for the mayor/CEO, paid in periodic amounts the same as all other governmental employees are paid. ~~The register of deed shall be eligible to receive an annual cost of living increase based upon the average of the Consumer Price Index and the average annual increase provided under collective bargaining agreements to the bargaining units taken, as a whole and then averaged to which the unified government is a signatory party, for the year prior to January 1 of each calendar year subsequent to the year 2000.~~
 - (3) The election commissioner shall be paid pursuant to and consistent with the compensation plan heretofore established for elected and appointed officials and designated as a range 4, an annual salary equal to the amount of \$108,326.40 paid in periodic amounts the same as all other governmental employees are paid. The election commissioner shall be eligible to receive an annual cost of living increase based upon the average of the Consumer Price Index and the average annual increase provided under collective bargaining agreements to the bargaining units taken, as a whole and then averaged to which the unified government is a signatory party, for the year prior to January 1 of each calendar year subsequent to the year 2000.
- (b) *Appointed deputy officials.*
- (1) The register of deeds deputy shall be paid pursuant to and consistent with the compensation plan heretofore established for elected and appointed officials, within range 3, an annual salary equal to the amount of ~~\$79,081.60~~ \$93,601.66, paid in biweekly amounts in the same manner as all other unified government employees are paid.
 - (2) The undersheriff shall be paid pursuant to and consistent with the compensation plan heretofore established for elected and appointed officials, within range 6, an annual salary equal to the amount of \$130,522.70, paid in biweekly amounts in the same manner as all other unified government employees are paid.
 - (3) The election commissioner's deputy shall be paid pursuant to and consistent with the compensation plan heretofore established for elected and appointed officials, within range 3, an annual salary equal to the amount of \$89,440.00, paid in biweekly amounts in the same manner as all other unified government employees are paid.
 - (4) Annual increases to the salary shall be based upon performance measures established pursuant to the plan with their evaluation performed by the supervising elected or appointed official ~~and/or any general cost of living adjustment provided for non-bargaining unit Unified Government employees.~~

(5) The undersheriff, register of deeds deputy and election commissioner deputy shall be treated in the same manner as the unified government employees under the plan.

(Code 1988, § 2-602; Res. No. R-83-00, §§ 1, 2, 8-3-2000; Res. No. R-115-02, § 1, 12-19-2002; Ord. No. O-156-22, § 1, 10-27-2022)

**PASSED AND ADOPTED BY THE UNIFIED BOARD OF COMMISSIONERS OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS, AND APPROVED AND SIGNED
BY THE MAYOR/CEO ON THIS _____ DAY OF _____, 2024.**

Tyrone Garner, Mayor/CEO

ATTEST:

Unified Government Clerk

Approved as to Form:

Angela Lawson, Acting Chief Counsel



Staff Request for Commission Action

Tracking No. 212901

Full Commission Meeting Date:

Committee: Full Commission

Date of Standing Committee Action:

(If none, please explain):

Publication Required: No

<u>Date:</u>	<u>Contact Name:</u>	<u>Contact Phone:</u>	<u>Contact Email:</u>	<u>Department/Division:</u>
01/11/2024	Ana Marin	x5010	amarin@wycokck.org	Mayor's Office

Item Description:

A resolution regarding the salary of the District Attorney of the Unified Government of Wyandotte County, Kansas City, Kansas, submitted by Tyrone A Garner, Mayor/CEO.

Action Requested:

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

District Attorney Pay Resolution

(Published _____)

RESOLUTION NO. _____

**A RESOLUTION REGARDING THE SALARY OF THE DISTRICT ATTORNEY OF
THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY, KANSAS CITY,
KANSAS**

WHEREAS, on October 1, 1997 pursuant to an Act of the Kansas Legislature, hereinafter referred to as the “Act”, the voters of Kansas City, Kansas and Wyandotte County, by a majority vote, approved and adopted the consolidation of the Board of County Commissioners of Wyandotte County and the City Council of Kansas City, Kansas into one (1) governing body known as the Unified Government of Wyandotte County/Kansas City, Kansas, hereinafter referred to as the “Unified Government”; and

WHEREAS, pursuant to this Act, the Board of Commissioners of the Unified Government serves and has all powers under the statutes of the State of Kansas to operate concurrently as the governing body of a county in the State of Kansas and as a city of the first class under the laws of the State of Kansas; and

WHEREAS, statutes of the State of Kansas establish the position of District Attorney of the 29th Judicial District and set a minimum salary to be paid by the county comprising the judicial district in which the district attorney is elected; and

WHEREAS, the Unified Government of Wyandotte County/Kansas City, Kansas Board of Commissioners is committed to maintaining a strong and diverse workforce with equitable and competitive pay across all its departments.

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

That the District Attorney’s compensation and designation be set at the same amount as the compensation set for the Sheriff of Wyandotte County and updated as needed to remain at the same amount as the Sheriff, but in no event shall the District Attorney receive less than the amount set by Kansas statute.

**PASSED AND ADOPTED BY THE UNIFIED BOARD OF COMMISSIONERS OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS, AND APPROVED AND SIGNED
BY THE MAYOR/CEO ON THIS _____ DAY OF _____, 2024.**

Tyrone Garner, Mayor/CEO

ATTEST:

Unified Government Clerk

Approved as to Form:

Angela J Lawson, Acting Chief Counsel



Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: January 11, 2024

Re: Petitions COZ2023-021 and SP2023-058

GENERAL INFORMATION

Applicant:
Grant Leslie

Status of Applicant:
Gripfast Property Solutions
9706 Middleton Road
Lee's Summit, MO 64086

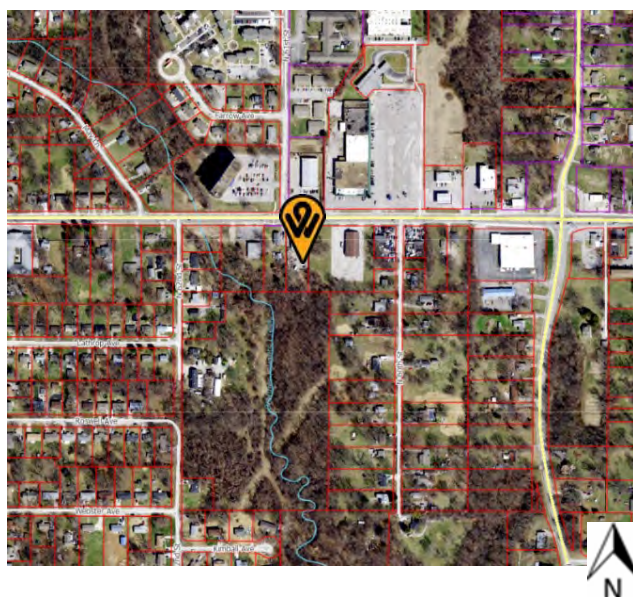
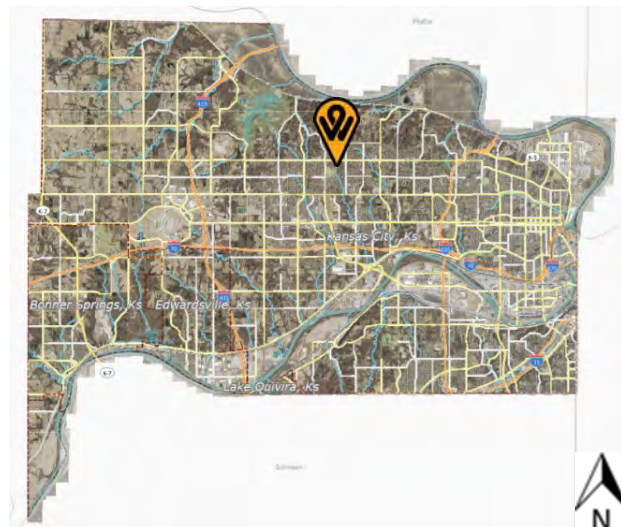
Requested Actions:
Approval of a Change of Zone from C-1
Limited Business District to RP-5 Planned
Apartment District.

Approval of a Special Use Permit for a
group home mental illness and
homelessness and a business office in
the basement.

Date of Application:
July 28, 2023

Purpose:
To rezone and develop 10 managed care
units for temporary housing and office for
Wyandotte County Behavioral Health.

Property Location:
6111 Leavenworth Road
Kansas City, KS 66104



Commission Districts:	Commissioner At-Large, District #1: Melissa Bynum District #1 Commissioner: Gayle Townsend		
Existing Zoning:	C-1 Limited Business and R-1(B) Single Family Districts		
Adjacent Zoning:	North:	CP-1 Planned Limited Business District	
	South:	R-1 Single Family District	
	East:	C-1 Limited Business and R-1 Single Family Districts	
	West:	C-1 Limited Business and R-1 Single Family Districts	
Adjacent Uses:	North:	Dollar General	
	South:	Single-family home	
	East:	Medical office building	
	West:	Single-family home	
Total Tract Size:	0.68 Acres		
Master Plan Area:	City-Wide Comprehensive Plan		
Master Plan Designation:	The City-Wide Comprehensive Plan designates this property as Community Commercial, which allows grocery stores, medium-sized (25,000 to 75,000 square feet) box stores, commercial centers with sit-down restaurants, drive-through restaurants, banks, drug stores, service stations, convenience stores, auto-supply stores, general services, car lots, auto body and repair shops, and other auto-oriented uses are allowed, but will be required to meet high stie design standards.		
Major Street Plan:	The Major Street Plan classifies Leavenworth Road as a Class B Thoroughfare.		
Required Parking:	Sec. 27-460(d) states one and one-half (1.5) parking spaces shall be provided for each dwelling unit that has one (1) bedroom or less. Two (2) parking spaces shall be provided for each dwelling unit that has two (2) bedrooms or more. 11 parking spaces are required. The applicant is providing 17 off-street parking spaces.		
Advertisement:	<u>Wyandotte Echo</u> – Change of Zone – August 17, 2023; Special Use Permit – August 17, 2023 Letters to Property Owners – Change of Zone – August 18, 2023, September 5, 2023, October 2, 2023, and November 7, 2023; Special Use Permit – August 18, 2023, September 5, 2023, October 2, 2023, and November 7, 2023		

Public Hearings: December 11, 2023 and January 11, 2024

Public Support: None to date.

Public Opposition: None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Grant Leslie, with Gripfast Properties Solutions, has filed a Change of Zone from C-1 Limited Business District to RP-5 Planned Apartment District and a Special Use Permit for a group home (10 managed care units totaling 13 residents) and a basement office for Wyandotte County Behavioral Health.

City Ordinance Requirements: Article VIII Sections 27-340 – 27-765, Article VII Sections 27-245 – 27-339 and Article XXI Sections 27-502 – 27-709

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. None

Building, Zoning, or Code Enforcement Complaints:

1. ABT23-2963 – complaint from KCKFD of people living on the rear of the property as well as junk/trash in the rear. Several windows are broken/boarded/open.
2. 20208-00392 – black truck without a tag – March 27, 2023.
3. ABT21-2184 – loose paper, bottles and other trash scattered in the rear of the property. Grass in the front of the property – August 11, 2021.
4. 19200-03569 – interior furniture and a vehicle seat on the front porch – July 18, 2019.
5. Multiple violations from 1999 to 2016 for junk, trash, boarded structure, broken appliances in the rear yard.

Outstanding or Related Permits and Cases:

1. None

FACTORS TO BE CONSIDERED

1. Neighborhood character

The character of the neighborhood is comprised of commercial businesses across the street along Leavenworth Road, including Dollar General and a retail strip center, medical office to the east and single-family homes to the west and

south.

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

The zoning and their uses are set out above. The building has existed in the neighborhood since the 1960s. It was previously used as an office with three (3) residential units; the proposed use is 10 dwelling units with a basement office. One significant difference between the prior use and this use is the increase in density and compliance with the Multi-Family Residential Design Guidelines and the zoning code.

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

In the mid-2000s, this property was used as a mixed-use building with three (3) residential units and an office, however, it is unknown if the structure met the building and fire codes. The residential building will need to be upgraded to meet the building and fire codes, but also substantial site improvements to meet the zoning code and design guidelines. The increase in residential units may affect nearby property.

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

There has not been a valid residential rental license since 2017. The commercial business license expired on December 31, 2022.

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

The proposed use is reasonably necessary for the convenience and welfare of the public for those who do not have permanent housing or are suffering from housing instability. The proposed use will not permanently injure the visual quality or marketability of nearby property so long as use is properly managed, access to transportation is available, and the building meets all code requirements. Screening and landscaping are imperative to buffer from abutting single-family uses.

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

Staff does not anticipate an increase in the amount of vehicular traffic to the point where it exceeds the capacity of Leavenworth Road, a Class B Thoroughfare, to accommodate it because most individuals living in the residence will not have access to a vehicle, but rather will use public transportation.

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

While Special Use Permits are not addressed in the Master Plan, the proposed rezoning does not currently comply with the City-Wide Comprehensive Plan, which is Community Commercial, which allows grocery stores, medium-sized (25,000 to 75,000 square feet) box stores, commercial centers with sit-down restaurants, drive-through restaurants, banks, drug stores, service stations, convenience stores, auto-supply stores, general services, car lots, auto body and repair shops, and other auto-oriented uses are allowed, but will be required to meet high stie design standards.

Community Commercial does not restrict residential uses, but Mixed Use allows mixed-density residential uses. This portion of Leavenworth Road is commercially designated and is commercially zoned, thereby changing the Comprehensive Plan, which is in the process of being thoroughly updated with PlanKCK, is premature to amend the Comprehensive Plan.

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

The proposed use will not cause environmental harm as it is a built-out urban area. Change of occupancy and building permit review will further ensure environmental compliance.

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

a. *Water service*

Water service is provided by BPU.

b. *Sanitary sewer service*

Sanitary sewer service is provided by the UG.

c. *Storm water control*

To be designed to meet City Code.

d. *Police*

Police service is provided by West Patrol, District #224.

e. *Fire*

Fire service is provided by Fire Station #18 located at North 55th Street and Leavenworth Road.

f. Transit

Kansas City ATA provides transit service in front of the property, along Leavenworth Road, Route #113.

g. Schools

Public education is provided by Kansas City Kansas USD 500.

h. Streets

To be designed to meet Public Works standards.

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

The proposed use will have a minimal economic impact on the community.

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

The proposed uses are capable of meeting applicable ordinance requirements with substantial revisions.

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

The relative gain to the public health, safety, and welfare is likely minimal as it provides the convenience of lodging to a very specific portion of the population. If denied, the landowner could not use the property as a lodging facility and would need to convert the structure to a single-family residence, duplex, convert the building to exclusive uses within the C-1/CP-1 district or modify their proposal and reapply.

PREVIOUS ACTIONS

- None

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting in-person at Manor Place, 6016 Leavenworth Road on November 27, 2023. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Screening/Landscaping/Buffering
Fire Code
Parking
Access to transit for employment
Mixed-Use Design Guidelines
Minimum square footage for units

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Change of Zone Application COZ2023-021 to the **RP-4 Planned Garden Apartment District**, subject to:

1. Staff recommends if the zoning is to be changed, it shall be **RP-4 Planned Garden Apartment District** to align with the density requirements of the district;
2. Review the Mixed-Use Design Guidelines and incorporate them into the plans;
3. All parking shall be on an improved surface. The existing pavement on-site needs to be overlaid, as there are numerous potholes and weeds growing through the asphalt;
4. Parking shall comply with the requisite uses on site.
 - a. Office uses require four (4) spaces per 1,000 square feet of building area.
 - b. One and one-half (1.5) parking spaces shall be provided for each dwelling unit that has one (1) bedroom or less. Two (2) parking spaces shall be provided for each dwelling unit that has two (2) bedrooms or more;
5. All parking spaces shall be striped in accordance with the Parking and Loading section of the Zoning Code (Sec. 27-669);
6. Remove the incinerator in the rear of the property;
7. There is a transit stop in front of the building, contact Kansas City ATA to obtain the specifications for bench seating and/or bus shelter;
8. Maintain a safe environment including:
 - a. Working smoke detectors in each bedroom plus each level of the unit/house;
 - b. GFCI outlets required in bathrooms;
 - c. Double keyed locks are not allowed;
 - d. Copper cannot be used for gas supply lines;
 - e. Windows must be operable, not blocked or boarded;
 - f. Handrails are required at sets of four (4) or more stairs/ risers;
 - g. Hot water tank and furnace must be vented properly and operational;
 - h. Electric panel and circuits must be safe;
9. Sec. 27-460(c)(4) Minimum floor area shall be 380 square feet of habitable floor area per dwelling unit. All of the units are less than the minimum floor area;

10. 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. A FEMA safe room constructed to FEMA Publication 320 or Publication 361 is required;
11. Preserve the mature trees in the rear of the property. Record an open space easement for the rear so there is no future expansion and encroachment into the single-family area;
12. Sec. 27-459(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;
13. Sec. 27-700(b)(1) Buffer plantings, which shall include the equivalent of a minimum of one (1) evergreen tree or one (1) shade tree and three (3) large shrubs for each 30 feet of adjacent project boundary, shall be provided for such development adjacent to single-family or two-family zoned property. Except in district R-M and C-0, such buffer plantings may be arranged on any portion of the property. Buffer plantings will be in addition to required trees. 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 single-family residence shall be screened and buffered from the proposed use. More landscaping and buffering needs to be incorporated when the Landscape Plan is submitted to the west and south to screen the single-family uses;

14. All shade trees shall be at least two (2) inch caliper. All evergreens shall be at least six (6) in height. All shrubs shall be five (5) gallons external to the site and three (3) gallons internal to the development when planted;
15. All disturbed areas within the development shall be brought to finished grade and seeded or sodded. There shall not be any exposed, bare ground unless the lot has an active building permit for building construction;
16. All lighting, whether mounted on the exterior of parking deck or within the structure shall have 90-degree cutoff fixtures. Light cannot exceed one footcandle as measured from said property line;
17. All utility connections must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building;
18. 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;

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

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Special Use Permit Application SP2023-058, for **two (2) years**, subject to:

1. There shall be no more than 13 residents/guests on site between the two (2) floors at a time;
2. There shall be one (1) staff member on-site at all times;
3. Review the Mixed-Use Design Guidelines and incorporate them into the plans;
4. All parking shall be on an improved surface. The existing pavement on-site needs to be overlayed, as there are numerous potholes and weeds growing through the asphalt;
5. Parking shall comply with the requisite uses on site.
 - a. Office uses require four (4) spaces per 1,000 square feet of building area.
 - b. One and one-half (1.5) parking spaces shall be provided for each dwelling unit that has one (1) bedroom or less. Two (2) parking spaces shall be provided for each dwelling unit that has two (2) bedrooms or more;
6. All parking spaces shall be striped in accordance with the Parking and Loading section of the Zoning Code (Sec. 27-669);
7. Remove the incinerator in the rear of the property;
8. There is a transit stop in front of the building, contact Kansas City ATA to obtain the specifications for bench seating and/or bus shelter;
9. Maintain a safe environment including:
 - a. Working smoke detectors in each bedroom plus each level of the unit/house;

- b. GFCI outlets required in bathrooms;
 - c. Double keyed locks are not allowed;
 - d. Copper cannot be used for gas supply lines;
 - e. Windows must be operable, not blocked or boarded;
 - f. Handrails are required at sets of four (4) or more stairs/ risers;
 - g. Hot water tank and furnace must be vented properly and operational;
 - h. Electric panel and circuits must be safe;
10. Sec. 27-460(c)(4) Minimum floor area shall be 380 square feet of habitable floor area per dwelling unit. All of the units are less than the minimum floor area;
 11. 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. A FEMA safe room constructed to FEMA Publication 320 or Publication 361 is required;
 12. Preserve the mature trees in the rear of the property. Record an open space easement for the rear so there is no future expansion and encroachment into the single-family area;
 13. Sec. 27-459(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;
 14. Sec. 27-700(b)(1) Buffer plantings, which shall include the equivalent of a minimum of one (1) evergreen tree or one (1) shade tree and three (3) large shrubs for each 30 feet of adjacent project boundary, shall be provided for such development adjacent to single-family or two-family zoned property. Except in district R-M and C-0, such buffer plantings may be arranged on any portion of the property. Buffer plantings will be in addition to required trees. 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 single-family residence shall be screened and buffered from the proposed use. More landscaping and buffering needs to be incorporated when the Landscape Plan is submitted to the west and south to screen the single-family uses;

15. All shade trees shall be at least two (2) inch caliper. All evergreens shall be at least six (6) in height. All shrubs shall be five (5) gallons external to the site and three (3) gallons internal to the development when planted;
16. All disturbed areas within the development shall be brought to finished grade and seeded or sodded. There shall not be any exposed, bare ground unless the lot has an active building permit for building construction;
17. All lighting, whether mounted on the exterior of parking deck or within the structure shall have 90-degree cutoff fixtures. Light cannot exceed one footcandle as measured from said property line;
18. All utility connections must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building;

19. 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;
20. 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;
21. All existing and future driveways must feature curb cuts that are constructed to UG standards;
22. 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;
23. If approved, the applicant must file and maintain a current business occupation tax application with the Business Licensing Division. Their office is located at 4953 State Avenue, Kansas City, KS 66102. (913) 573-8780 or businesslicense@wycokck.org;
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 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;
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; and,
28. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petitions **COZ2023-021** and **SP2023-058**, subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

December 11, 2023 City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Conservation District Comment Letter
Mixed-Use Design Guidelines
Applicant Response Letter
Neighborhood Meeting Minutes
Site Plan

Floor Plan
Building Elevations
Site Photographs taken by Planning Staff on August 16, 2023.

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>City Planning Commission</u>	<u>Unified Government Board of Commissioners</u>
Public Hearing Rezoning	December 11, 2023 Approval	January 11, 2024
Public Hearing Special Use	December 11, 2023 Approval	January 11, 2024

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

MOTIONS

Change of Zone Petition

I move the Unified Government Board of Commissioners **APPROVE COZ2023-021** as meeting all the requirements of the city code and being in the interest of the public health, safety, and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **COZ2023-021** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

Special Use Permit

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2023-058** as meeting all the requirements of the city code and being in the interest of the public health, safety, and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____;
2. _____; And

3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition **SP2023-058** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

DECEMBER 11, 2023 CITY PLANNING COMMISSION MINUTES:

Hearing starts at 2:24:00:

CHANGE OF ZONE APPLICATION COZ2023-021 – GRANT LESLIE - SYNOPSIS:

Change of Zone from C-1 Limited Business and R-1 Single Family Districts to RP-5 Planned Apartment District to operate a mental health care facility at 6111 Leavenworth Road.

SPECIAL USE PERMIT APPLICATION SP2023-058 – GRANT LESLIE – SYNOPSIS:

Special Use Permit for a group home at 6111 Leavenworth Road.

Detailed Outline of Requested Action: The applicant, Grant Leslie, with Gripfast Properties Solutions, has filed a Change of Zone from C-1 Limited Business District to RP-5 Planned Apartment District and a Special Use Permit for a group home (10 managed care units totaling 13 residents) and a basement office for Wyandotte County Behavioral Health.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated December 11, 2023;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

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

Present in Support:

- Grant Leslie, applicant, Gripfast Property Solutions, 9706 Middleton Road, Lee's Summit, Missouri 64086
- Randy Callstrom, CEO of Wyandotte Behavioral Health Network

Present in Opposition:

➤ No one appeared

Staff Recommendation starts at 2:29:10: Planning Director Hand stated this case was heard in conjunction with BOZA2023-043, which was approved earlier this evening by the Board of Zoning Appeals. The Change of Zone and Special Use Permit before the Commission are for a group home. The property is in the Citywide Comprehensive Plan on Leavenworth Road in the Midtown area. Staff has received no letters in support nor opposition. There is a history of Notices of Violation that would be addressed by the redevelopment of this project. Staff recommends approval to the RP-4 Planned Garden Apartment District with the conditions in the staff report including approval of the Special Use Permit for two (2) years.

Motion starts at 2:30:34:

On motion by Mrs. Armstrong, seconded by Mr. Beth, the Planning Commission voted as follows to **recommend APPROVAL of Change of Zone Application COZ2023-021 to the RP-4 Planned Garden Apartment District:**

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

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

1. **Staff recommends if the zoning is to be changed, it shall be RP-4 Planned Garden Apartment District to align with the density requirements of the district;**
2. **Review the Mixed-Use Design Guidelines and incorporate them into the plans;**
3. **All parking shall be on an improved surface. The existing pavement on-site needs to be overlaid, as there are numerous potholes and weeds growing through the asphalt;**
4. **Parking shall comply with the requisite uses on site.**
 - a. **Office uses require four (4) spaces per 1,000 square feet of building area.**
 - b. **One and one-half (1.5) parking spaces shall be provided for each dwelling unit that has one (1) bedroom or less. Two (2) parking**

- spaces shall be provided for each dwelling unit that has two (2) bedrooms or more;
5. All parking spaces shall be striped in accordance with the Parking and Loading section of the Zoning Code (Sec. 27-669);
 6. Remove the incinerator in the rear of the property;
 7. There is a transit stop in front of the building, contact Kansas City ATA to obtain the specifications for bench seating and/or bus shelter;
 8. Maintain a safe environment including:
 - a. Working smoke detectors in each bedroom plus each level of the unit/house;
 - b. GFCI outlets required in bathrooms;
 - c. Double keyed locks are not allowed;
 - d. Copper cannot be used for gas supply lines;
 - e. Windows must be operable, not blocked or boarded;
 - f. Handrails are required at sets of four (4) or more stairs/ risers;
 - g. Hot water tank and furnace must be vented properly and operational;
 - h. Electric panel and circuits must be safe;
 9. Sec. 27-460(c)(4) Minimum floor area shall be 380 square feet of habitable floor area per dwelling unit. All of the units are less than the minimum floor area;
 10. 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. A FEMA safe room constructed to FEMA Publication 320 or Publication 361 is required;
 11. Preserve the mature trees in the rear of the property. Record an open space easement for the rear so there is no future expansion and encroachment into the single-family area;
 12. Sec. 27-459(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;
 13. Sec. 27-700(b)(1) Buffer plantings, which shall include the equivalent of a minimum of one (1) evergreen tree or one (1) shade tree and three (3) large shrubs for each 30 feet of adjacent project boundary, shall be provided for such development adjacent to single-family or two-family zoned property. Except in district R-M and C-0, such buffer plantings may be arranged on any portion of the property. Buffer plantings will be in addition to required trees. 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 single-family residence shall be screened and buffered from the proposed use. More landscaping and buffering needs to be incorporated when the Landscape Plan is submitted to the west and south to screen the single-family uses;
14. All shade trees shall be at least two (2) inch caliper. All evergreens shall be at least six (6) in height. All shrubs shall be five (5) gallons external to the site and three (3) gallons internal to the development when planted;

15. All disturbed areas within the development shall be brought to finished grade and seeded or sodded. There shall not be any exposed, bare ground unless the lot has an active building permit for building construction;
16. All lighting, whether mounted on the exterior of parking deck or within the structure shall have 90-degree cutoff fixtures. Light cannot exceed one footcandle as measured from said property line;
17. All utility connections must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building;
18. 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;
19. 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;
20. All existing and future driveways must feature curb cuts that are constructed to UG standards;
21. 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; and,
22. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

On motion by Mrs. Armstrong, seconded by Mr. Beth, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit Application SP2023-058 for two (2) years:**

Carson	Chairman
Mohler	Aye
Straws	Aye

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

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

Subject to:

1. There shall be no more than 13 residents/guests on site between the two (2) floors at a time;
2. There shall be one (1) staff member on-site at all times;
3. Review the Mixed-Use Design Guidelines and incorporate them into the plans;
4. All parking shall be on an improved surface. The existing pavement on-site needs to be overlaid, as there are numerous potholes and weeds growing through the asphalt;
5. Parking shall comply with the requisite uses on site.
- c. Office uses require four (4) spaces per 1,000 square feet of building area.
- d. One and one-half (1.5) parking spaces shall be provided for each dwelling unit that has one (1) bedroom or less. Two (2) parking spaces shall be provided for each dwelling unit that has two (2) bedrooms or more;
6. All parking spaces shall be striped in accordance with the Parking and Loading section of the Zoning Code (Sec. 27-669);
7. Remove the incinerator in the rear of the property;
8. There is a transit stop in front of the building, contact Kansas City ATA to obtain the specifications for bench seating and/or bus shelter;
9. Maintain a safe environment including:
 - a. Working smoke detectors in each bedroom plus each level of the unit/house;
 - b. GFCI outlets required in bathrooms;
 - c. Double keyed locks are not allowed;
 - d. Copper cannot be used for gas supply lines;
 - e. Windows must be operable, not blocked or boarded;
 - f. Handrails are required at sets of four (4) or more stairs/ risers;
 - g. Hot water tank and furnace must be vented properly and operational;
 - h. Electric panel and circuits must be safe;
10. Sec. 27-460(c)(4) Minimum floor area shall be 380 square feet of habitable floor area per dwelling unit. All of the units are less than the minimum floor area;
11. 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. A FEMA safe room constructed to FEMA Publication 320 or Publication 361 is required;
12. Preserve the mature trees in the rear of the property. Record an open space easement for the rear so there is no future expansion and encroachment into the single-family area;

13. **Sec. 27-459(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;
14. **Sec. 27-700(b)(1)** Buffer plantings, which shall include the equivalent of a minimum of one (1) evergreen tree or one (1) shade tree and three (3) large shrubs for each 30 feet of adjacent project boundary, shall be provided for such development adjacent to single-family or two-family zoned property. Except in district R-M and C-0, such buffer plantings may be arranged on any portion of the property. Buffer plantings will be in addition to required trees. 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 single-family residence shall be screened and buffered from the proposed use. More landscaping and buffering needs to be incorporated when the Landscape Plan is submitted to the west and south to screen the single-family uses;

15. All shade trees shall be at least two (2) inch caliper. All evergreens shall be at least six (6) in height. All shrubs shall be five (5) gallons external to the site and three (3) gallons internal to the development when planted;
16. All disturbed areas within the development shall be brought to finished grade and seeded or sodded. There shall not be any exposed, bare ground unless the lot has an active building permit for building construction;
17. All lighting, whether mounted on the exterior of parking deck or within the structure shall have 90-degree cutoff fixtures. Light cannot exceed one footcandle as measured from said property line;
18. All utility connections must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building;
19. 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;
20. 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;

21. All existing and future driveways must feature curb cuts that are constructed to UG standards;
22. 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;
23. If approved, the applicant must file and maintain a current business occupation tax application with the Business Licensing Division. Their office is located at 4953 State Avenue, Kansas City, KS 66102. (913) 573-8780 or businesslicense@wycokck.org;
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 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;
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; and,

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



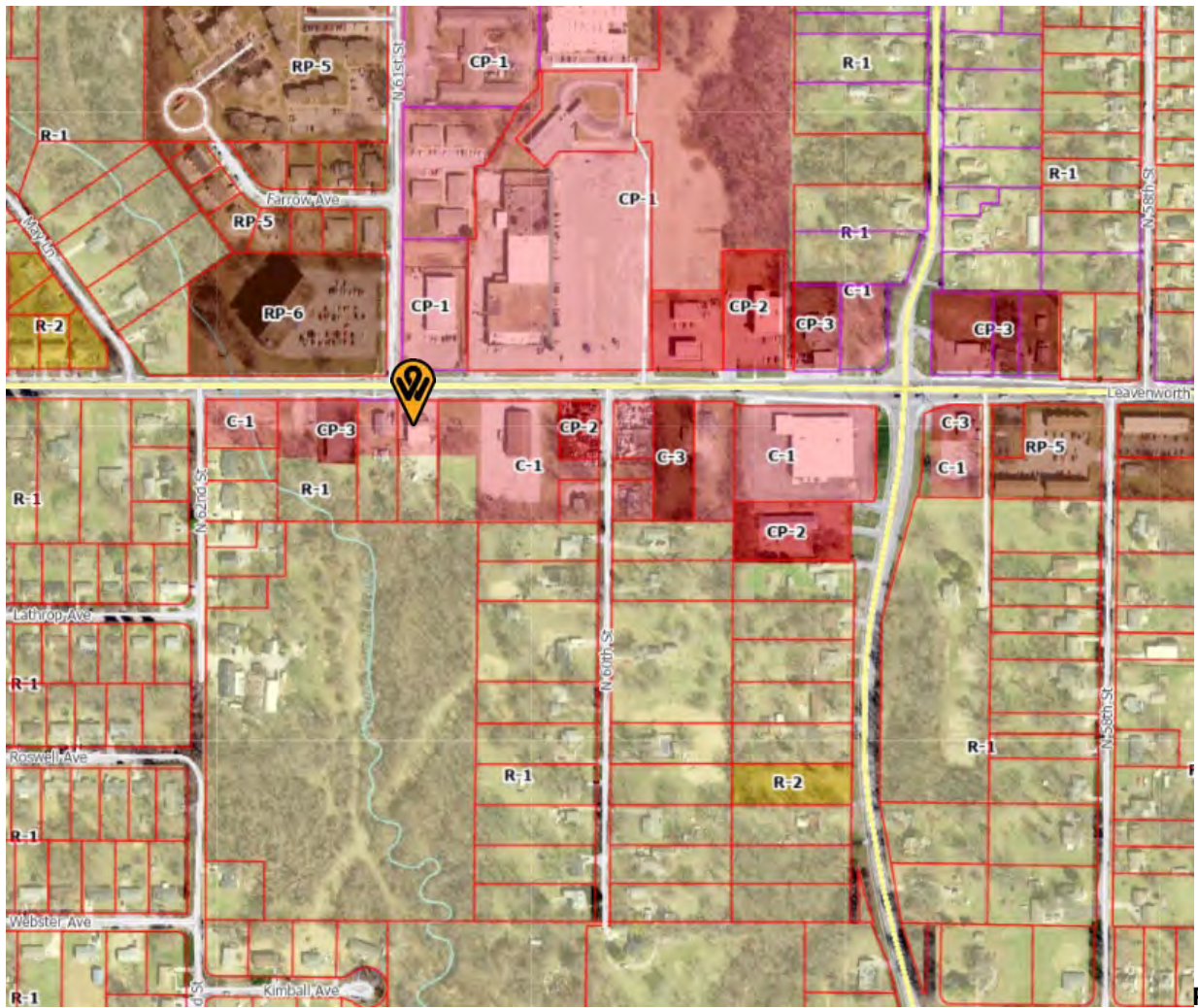


Figure 2. Zoning Map of 6111 Leavenworth Road (provided by UG Maps).

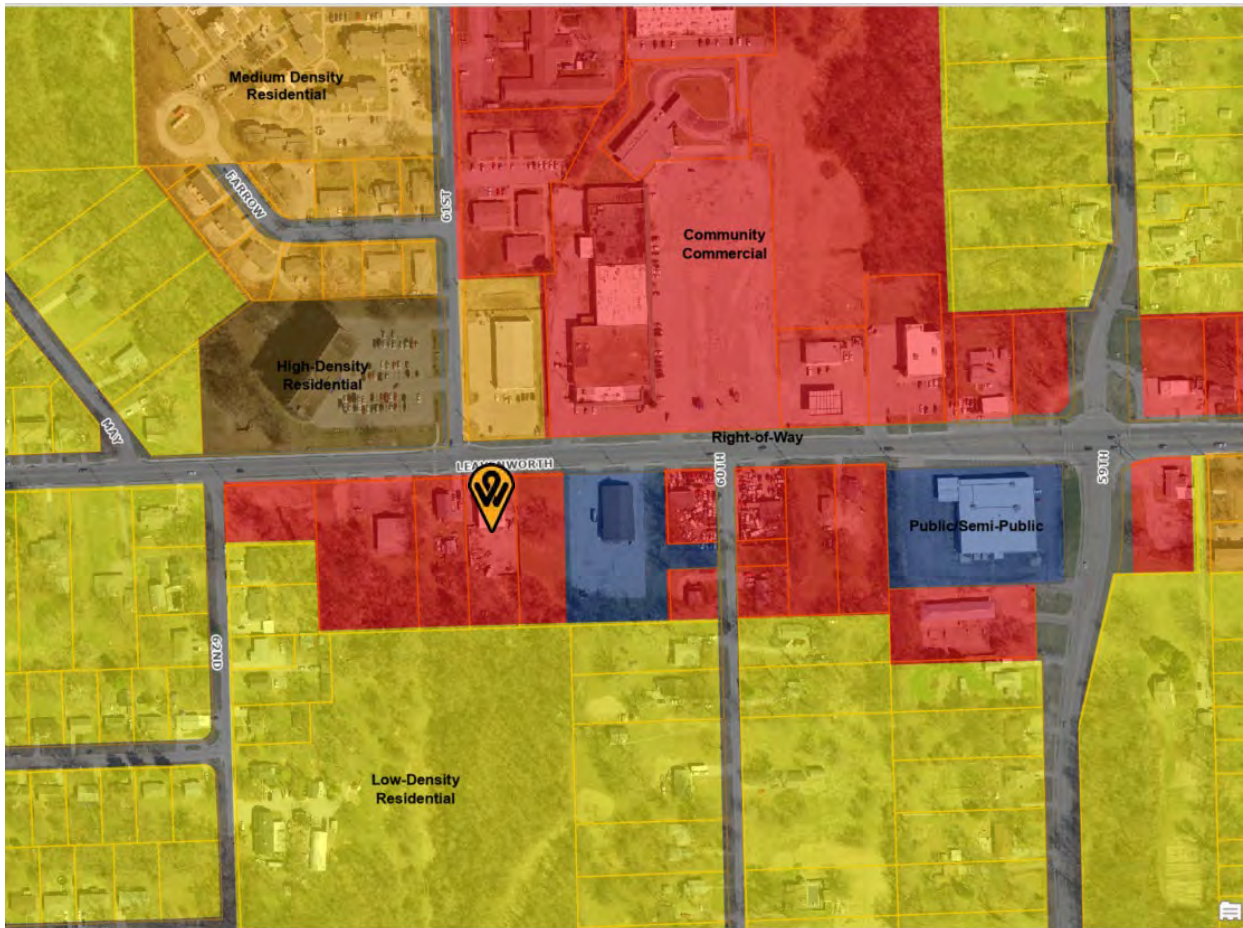


Figure 3. City-Wide Comprehensive Plan Land Use Designation Map of 6111 Leavenworth Road (provided by ArcMap).



Wyandotte County Conservation District
1104 N. 79th Street - Kansas City, KS 66112 - Phone (913)-234-6329 -
wycco.conservations@gmail.com

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

August 15, 2023

RE: COZ-2023-021 and SP2023-058 Grant Leslie DBA Gripfast LLC. C-1 and R-1 to
RP-5 for mental health care facility at 6111 Leavenworth Road

Dear Mr. Hand:

The Wyandotte County Conservation District has completed an environmental review of
the: COZ-2023-021 and SP2023-058 Grant Leslie DBA Gripfast LLC. C-1 and R-1 to
RP-5 for mental health care facility at 6111 Leavenworth Road.

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

MAPS AND REPORTS

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

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

- There is one major soil type identified: Knox silt loam, 7 to 12 percent slopes. This soil type is considered very erodible when the surface is denuded of a protective cover.
- There appears to be a lot of vehicle behind the building. These should be removed and the area cleaned up.
- If the building is to be used, it will be a good use for it. If there will be no farther grading done, there should not be any problems from a soil erosion concern.

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

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

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

Sincerely,

Cheri Miller
District Manager

enclosures

Mixed-Use Design Guidelines

The following design guidelines apply to all new mixed-use developments.

- Each development will have an identifiable center that includes defined “people places” for residents, shoppers, workers and visitors to gather, interact and recreate.
- Housing choices will be provided by offering a diversity of product types and price points to meet the needs of multiple demographic groups.
- Transit connections and facilities will be included within the overall design of the site. Development densities for commercial, office and residential uses will be greater within these areas to encourage transit use.
- Streets within these areas will be designed to be low-speed and bicycle and pedestrian friendly through provision of wide sidewalks and pedestrian amenities such as street trees, landscaping, benches, trash receptacles, etc.
- When practical, parking requirements should be decreased within these areas to encourage transit ridership.
- Auto-oriented uses such as drive-through restaurants and banks will be discouraged.
- A minimum of 75% of buildings should have a zero foot setback.
- Primary building facades should be parallel to the sidewalk.
- Where buildings are set back from the right-of-way, the open areas should be enhanced and used as public spaces such as a plaza or courtyard.
- The frontage of all mixed-use buildings should include pedestrian-oriented elements such as:
 - Transparent display windows
 - Outdoor seating for dining areas
 - Public art and pedestrian amenities such as fountains, benches, etc.
- On-site parking will be located behind the buildings.
- In multi-tenant, single-story buildings, each use should have at least one ground floor entrance directly visible and accessible from the street.
- In multi-tenant, multi-story buildings, at least one, lobby entrance at the ground floor should be provided having direct visibility and access from the street.
- Landscape is required to screen all parking areas and service entries.
- Trees are required in the public right-of-way along streets, at a minimum of one (1) shade tree every forty (40) feet.



City-Wide Master Plan

UNIFIED GOVERNMENT OF WYANDOTTE COUNTY / KANSAS CITY, KANSAS



- Buffers will be provided as a necessary transition when a mixed-use development is located adjacent to an existing lower-intensity or higher-intensity use and/or when fronting a highway or expressway by one or a combination of the following:
 - Establish a 22-foot landscape easement for a 3-foot berm and a row of evergreen trees every thirty (30) feet and a row of three (3) gallon evergreen shrubs every four (4) feet on center.
 - Establish a 16-foot landscape easement for a 2-foot berm and a row of evergreen trees every thirty (30) feet.
 - Establish a 10 foot landscape easement for a 6-foot high solid wood fence or masonry wall and a row of evergreen trees every thirty (30) feet.
 - The applicant submits a landscape plan that adequately addresses softening the development, buffering traffic sound, highlight glare, and identifies how the landscaping would be maintained and who is responsible for that maintenance.
- High quality masonry building materials approved for this district are stone, brick, cast stone and stucco. Synthetic stone, such as pre-manufactured fiberglass, cultured stone, or glass-fiber reinforced concrete is permitted, provided that it is identical in appearance and of equal or greater durability to natural stone. These masonry materials shall be required on 65% of the sum total of all building façades, except single-family houses, which shall have 25% of the sum total of all façades.
- Stucco in a mixed-use development shall mean traditional stucco or gypsum concrete/plaster materials with a smooth sand finish. Cement board siding may be used to fulfill the masonry requirement but the percentage of masonry becomes 100% excluding trim. Exterior Insulation and Finish Systems (EIFS) or pre-manufactured panels are not permitted.
- All accessory units and garages shall be constructed from the same materials as the main structure.
- Commercial uses shall be permitted one (1) wall sign and one (1) monument sign. Within a development, consolidation of signage is highly encouraged.
- Freestanding pole/pylon signs are not permitted.
- Signs should be made of high quality and durable materials such as concrete, brick, stone, metal panels or heavy-weight plastic panels. Materials such as plywood or painted masonry are not permitted.
- Low-scale signs such as wall signs, awning signs and building signs should be used for retail and office uses.
- The size and look of the sign shall be governed by the Sign Chapter of the Unified Government Zoning Code. The applicant or Development Review Board may create more restrictive regulation. Less restrictive regulation may only be approved by the Unified Government Board of Commissioners through a separate Special Use Permit.

10. All parking shall be on an improved surface. The existing pavement on-site needs to be overlayed, as there are numerous potholes and weeds growing through the asphalt.

Ok

11. All parking spaces shall be striped in accordance with the Parking and Loading section of the Zoning Code (Sec. 27-669).

Ok

12. What is the purpose of the driveway on the west side of the building? It should be removed, as there is an existing curb cut into the parking lot and front entrance of the building? a. The westernmost curb cut, and driveway shall be removed and restored with vegetation and landscaping to reduce potential conflicts entry and exiting Leavenworth Road. Rebuild the sidewalk accordingly.

The west side parking entrance is for the Permanent Supportive Housing tenants on the main floor. As per the plans, the parking in the back will be separated by a fence so the Residence upstairs and the clients downstairs will be fully separated per WyCo Behavioral Health's recommendation.

13. Based on the floor plans, it appears that the basement has three (3) bedrooms, joint kitchen/dining facilities, bathroom and lounge area. The basement appears to be a group home, whereas the first floor has 7 self-contained apartment units. Provide further clarification.

The lower level will house 6 clients (2 people per room) in a congregate, Transitional Living Program for people living with severe and persistent mental illness who have been discharged from a higher level of care (psychiatric facility or Nursing Facility for Mental Health) into homelessness. The transitional living facility will be staffed 24-7 and people will be stay for 6-9 months while they locate appropriate permanent housing and build the skills necessary to maintain housing. The upper level will be Permanent Supportive Housing for people living with severe and persistent mental illness who have a history of homelessness. Tenants will have access to staff support from the transitional living facility and outpatient mental health services.

14. How will this group home operate? What type of group home is it?

The facility will be licensed as a residential care facility. This is a Transitional Living Program where people living with mental illness and have a history of homelessness will receive education and support to locate permanent housing and to build skills to manage symptoms of mental illness and be successful in housing. People in Transitional Housing will be discharged from a higher level of care such as the state psychiatric facility, a general hospital psychiatric ward, or a Nursing Facility for Mental Health into homelessness. The program will be staffed with mental health professionals 24 hours a day and participants will have access to housing supports and mental health services from the community mental health center.

15. How many guests will be in the residence, as it was not listed on the application?

Guests will be allowed in the 7 Permanent Supportive Housing units; however, no long-term overnight guests will be allowed. Guests are not allowed at the transitional living program.

16. How long will guests reside in a dwelling unit?

In the lower-level Transitional Living Program, 2 people will reside in one room. The efficiency Permanent Supportive Housing program will house one person per unit.

17. Where will the residents arrive from – another group home, referral, previous shelter, or recently incarcerated?

People will be admitted into the Transitional Living Program from a higher level of care such as the state nursing facility, a general hospital psychiatric unit, or a Nursing Facility for Mental Health. Residents in the Permanent Supportive Housing program will be referred by case management staff from the Community Mental Health Center.

18. How will individuals arrive at the group home?

Individuals will be assisted in admission to the lower-level Transitional Housing Program by the staff at that program and will arrive by transportation arranged through the referring facility or by staff at the community mental health center. Individuals moving into the Permanent Supportive will receive assistance from housing and case management service providers.

19. Does a staff member live in the facility and if so, how often?

The Transitional Living Program will be staffed 24 hours a day but staff do not live at the facility. All residents of both programs will have access to support from staff at the Transitional Housing Facility.

20. Who is the designated property manager? Explain the details of this arrangement. What is their contact information, and will you provide their information to the neighbors within the notice area?

The designated property manager will be Rubicon Realty, which manages multiple properties in the area, including Wyandotte Behavioral shared housing and master leased buildings. The owner is Shawn Johnson, shawn@rubiconazre.com. Notice will be given to all neighbors within the notice area so they have all contact information, including emergency contact information.

21. How will you communicate with the neighbors if there are any issues?

Staff and leadership will communicate with the community in the event of a major issue at the facility and will provide contact information to the community to communicate any concerns.

22. What are the days and hours of operation of the office?

The program will be staffed 24 hours a day.

23. To whom and what services will be provided by the office tenant?

Services will be available to all residents of both the Transitional Living Program and in the Permanent Supportive Housing Program. Participants of the Transitional Living Program will receive wrap around services including life skills education, symptom management, peer support, case management, psychiatric services, outpatient therapy, and housing location and support. Residents of Permanent Supportive Housing will have access to all services provided by the community mental health center including mental health case management, peer support, psychiatric services, outpatient therapy, vocational services, and crisis stabilization services.

24. Remove the incinerator in the rear of the property.

We will.

25. There is a transit stop in front of the building, contact Kansas City ATA to obtain the specifications for bench seating and/or bus shelter.

We will have that ready.

26. Describe how you will maintain a safe environment including:

- a. Working smoke detectors in each bedroom plus each level of the unit/house;
Smoke detectors and CO2 detectors will be in each bedroom plus each level.
- b. GFCI outlets required in bathrooms;
GFCI outlets will be the only outlets in the bathroom and kitchen spaces.
- c. Double keyed locks are not allowed;
We will not use double keyed locks
- d. Copper cannot be used for gas supply lines;
We will not use any copper for gas supply lines.
- e. Windows must be operable, not blocked or boarded;
All windows will be operable and clear.
- f. Handrails are required at sets of four (4) or more stairs/ risers;
We will install all handrails that are required.
- g. Hot water tank and furnace must be vented properly and operational; and,
All mechanicals will be permitted and inspected
- h. Electric panel and circuits must be safe.
All mechanicals will be permitted and inspected

27. Sec. 27-460(c)(4) Minimum floor area shall be 380 square feet of habitable floor area per dwelling unit. All of the units are less than the minimum floor area. Revise the floor plans or expand the structure to comply with the minimum floor area requirement.

We have submitted a variance request in addition to this change of zone

28. 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. A FEMA safe room constructed to FEMA Publication 320 or Publication 361 is required.

We will construct a fully encased safe room per FEMA standards in the North East corner of the basement of the building.

11/27/23, 6:00 pm

U:\Management - ALL Meetings\ALL Management meetings\Sign-in Sheets\2020\Management Sign-In, Jan. 24, 2020



Wyandot

Behavioral Health Network

Application Number BOZA2023-043

Date and Location: November 27, 2023
Manor Place, 6016 Leavenworth Road

The meeting was called to order at: 6:05 pm

The following people were in attendance:

Ralph Golubski
Carl Kaster
Janet Golubski
Denise Davis

Also in attendance:

Randy Callstrom, CEO of Wyandot Behavioral Health Network
Rachel Erpelding, Executive Director of Kim Wilson Housing
Ardith Deason, Mr. Callstrom's assistant
Mr. Sergio, contractor rehabbing Manor Place and 6111 Complexes.

The attendees initially were asking questions about Manor Place where the meeting was being held, mostly regarding property and security issues at that location prior to the fire a year ago. These questions were answered by Mr. Sergio, the contractor working on Manor Place.

Mr. Callstrom and Ms. Rachel Erpelding presented an overview of the proposed project at 6111 Leavenworth Road. They also discussed the date for the upcoming City Planning Commission meeting and the variance request for room size.

Mr. Callstrom and Ms. Erpelding explained that the proposed building will include seven (7) permanent supportive housing units on the upper floor and six (6) transitional housing units on the lower level. They clearly identified the problematic aspects of the clientele who will be living there.

Mail: P.O. Box 171578, Kansas City, KS 66117 | 757 Armstrong Ave., Kansas City, KS 66101
913-233-3300 | 24-hour crisis line: 913-788-4200 | wyandotbhn.org



They further explained that Wyandot will have supportive housing staff on site 24/7.

Questions:

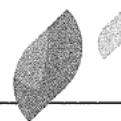
Mrs. Davis and Mrs. Golubski asked a few clarifying questions which were addressed, and no other concerns or questions were raised regarding the 6111 Leavenworth Road building.

The Meeting was adjourned at: 6:35 pm.

The Minutes were taken by: Ardith Deason, Mr. Callstrom's Assistant

Respectfully submitted,

Ardith Deason



AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
) SS:
COUNTY OF: Wyandotte

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

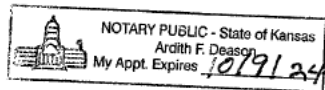
1. That I am the petitioner for Petition # BOZA2023-043.
2. That I conducted a neighborhood meeting on Tues., Nov. 27, 2023.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

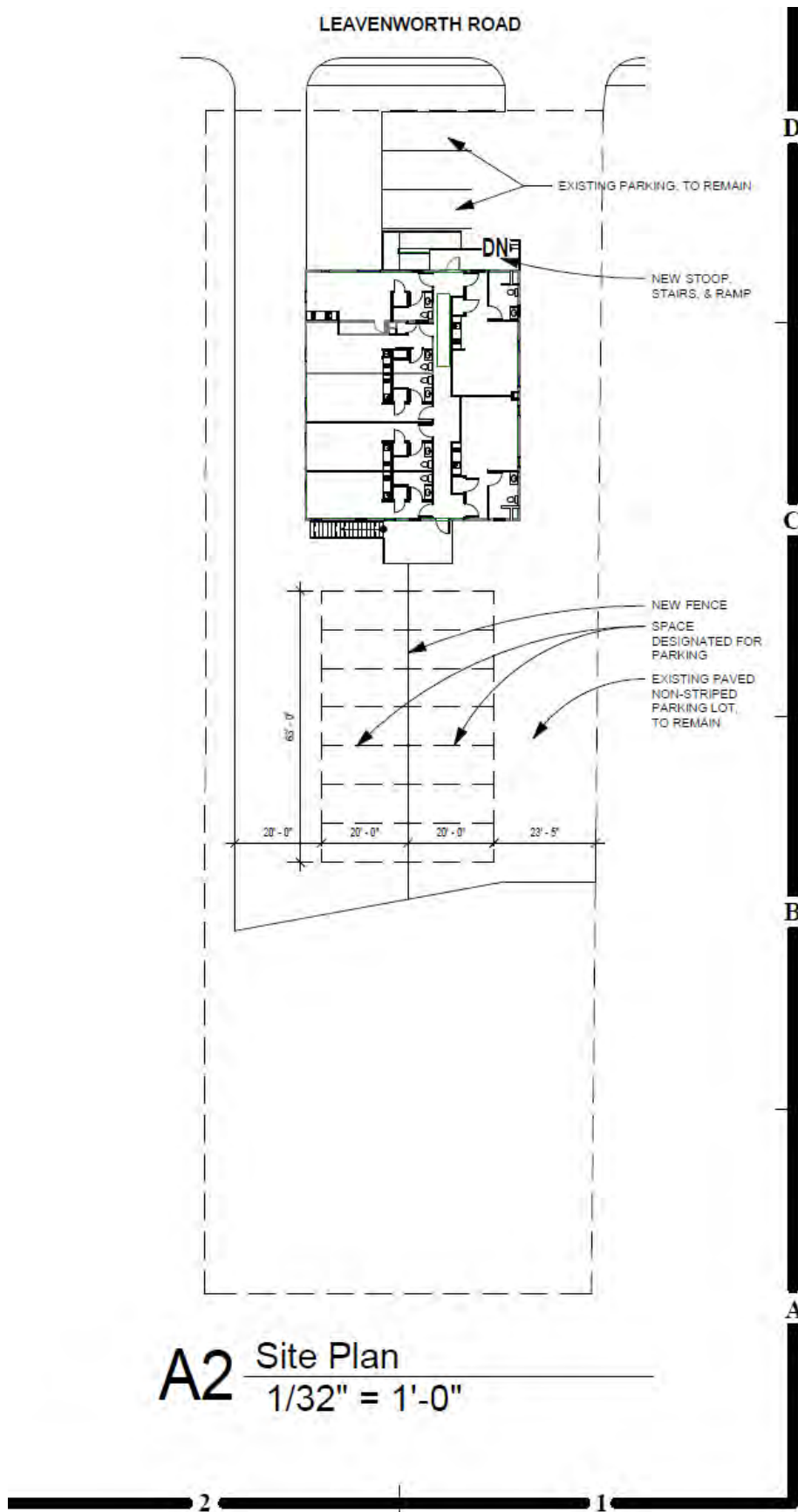
R. Anderson
Affiant

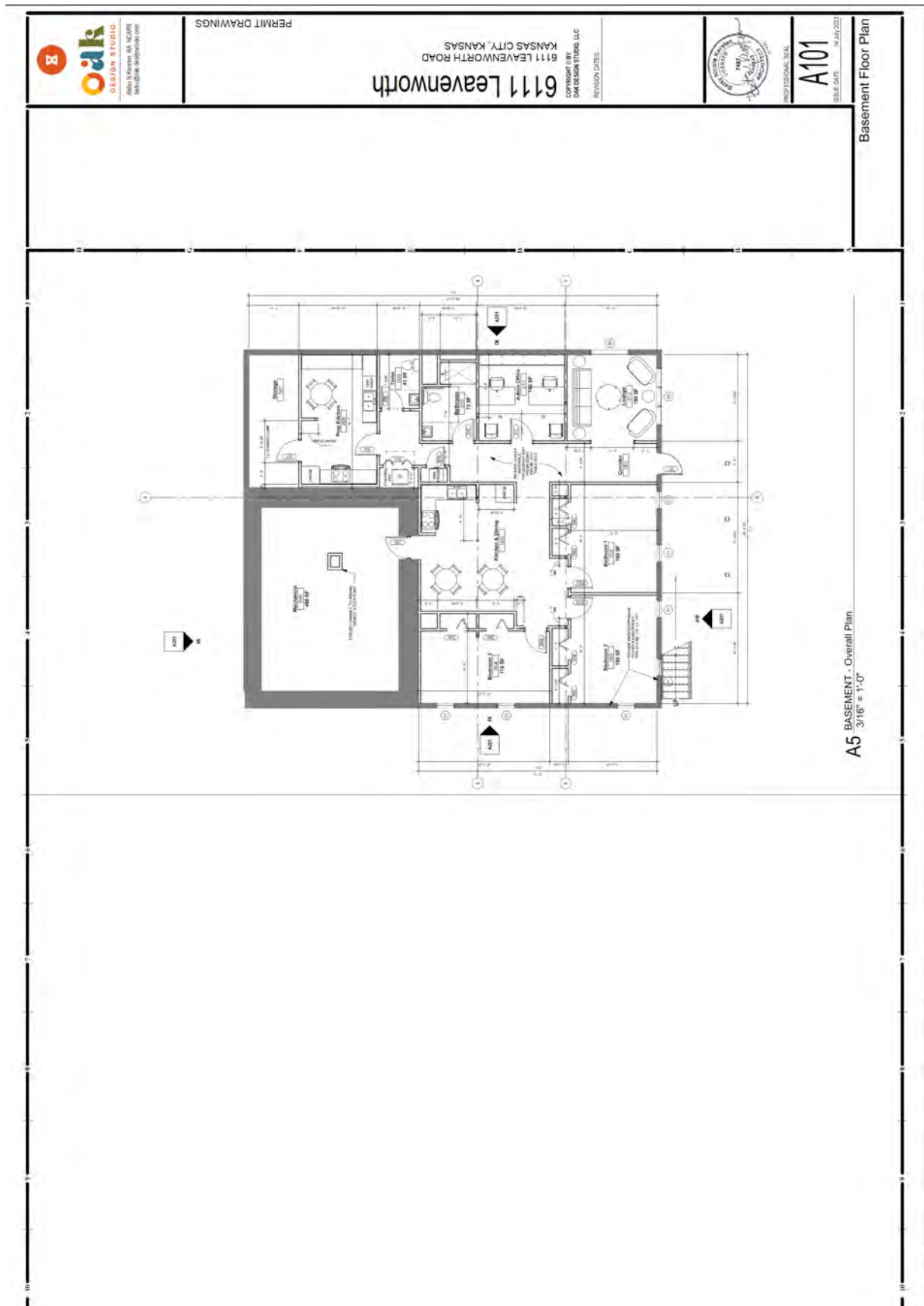
SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 28th day of November, 2023.

My commission expires 9th of October, 2023.



Audith J. Deason
Notary Public.





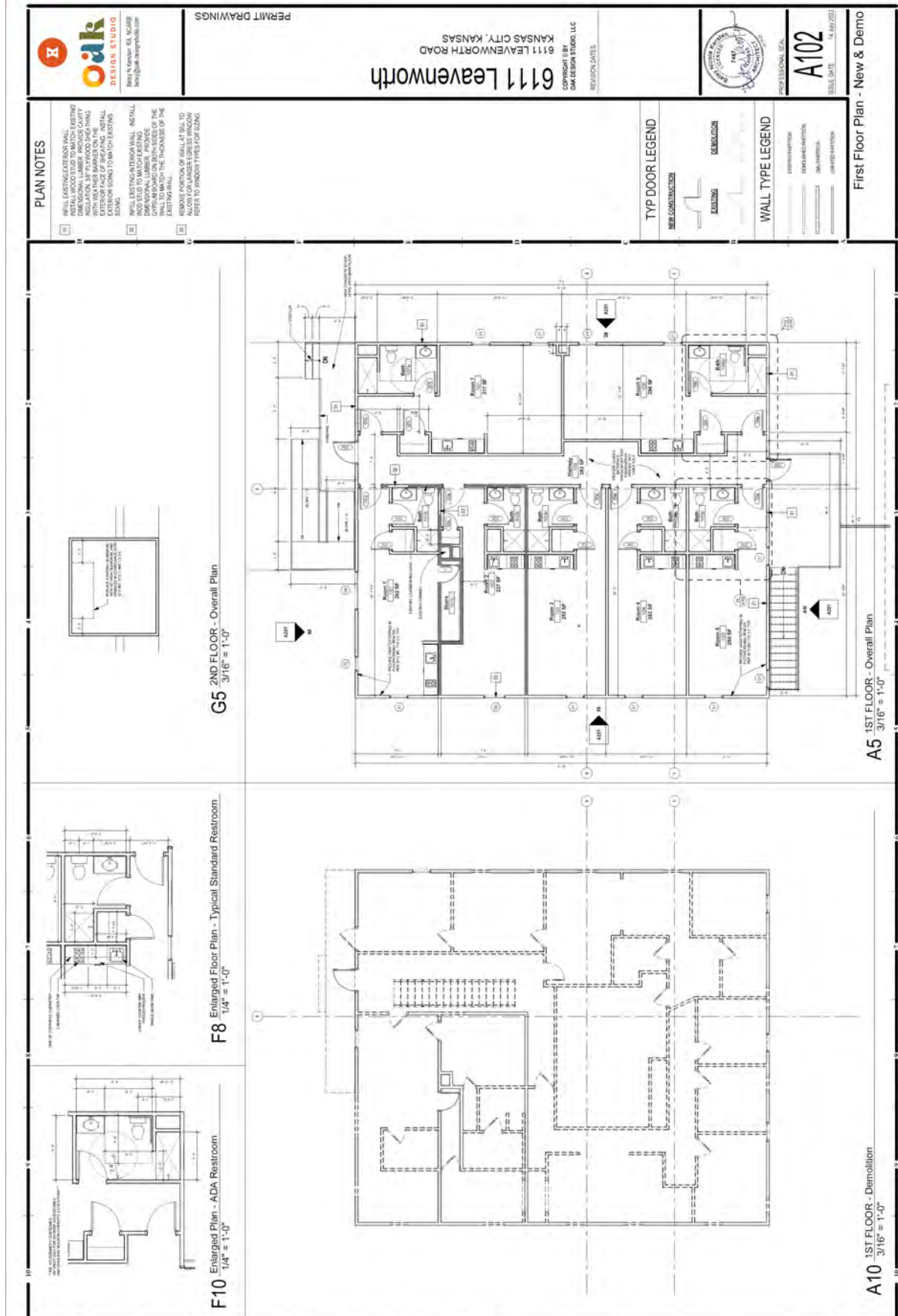






Figure 4. Site photograph looking south at 6111 Leavenworth Road (provided by Planning Staff).



Figure 5. Site photograph looking south at 6111 Leavenworth Road (provided by Planning Staff).



Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: January 11, 2024

Re: **Petition COZ2023-029**

GENERAL INFORMATION

Applicant:

Alicia Ellingsworth/Lydia Nebel

Status of Applicant:

The Farm School at Gibbs Road
4223 Gibbs Road
Kansas City, Kansas 66106

Requested Actions:

Approval of a Change of Zone.

Date of Application:

September 29, 2023

Purpose:

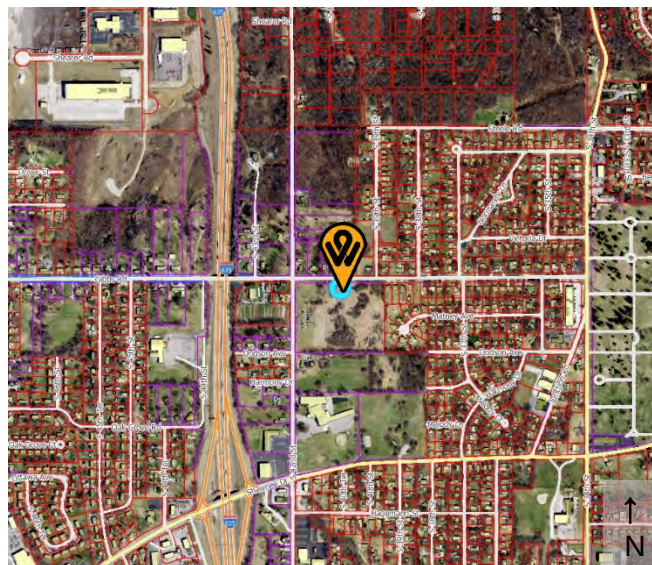
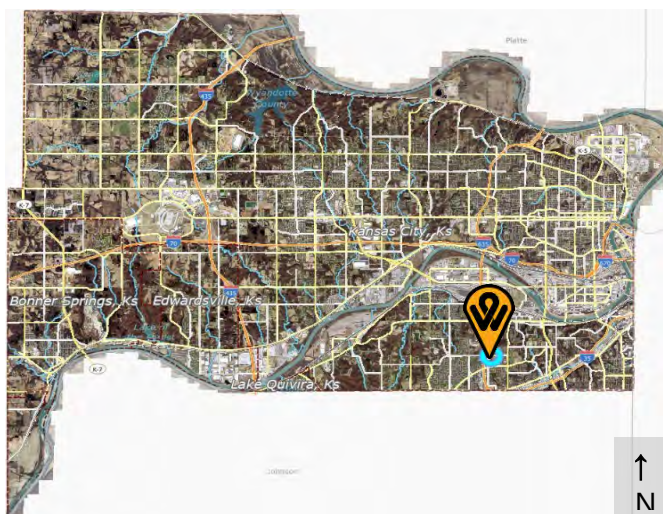
Approval of a Change of Zone from R-1 Single Family District to A-G Agriculture District.

Property Location:

4105 Gibbs Road
Kansas City, Kansas 66106

Commission Districts:

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



Existing Zoning:	R-1 Single Family District
Adjacent Zoning:	North: R-1 Single Family District South: R-1 Single Family District East: R-1 Single Family District West: A-G Agriculture and R-1 Single Family Districts
Adjacent Uses:	North: Single-family residences; Undeveloped lot South: Single-family homestead East: Single-family residences West: Single-family residences; Gibbs Road Farm
Total Tract Size:	11.59 Acres
Master Plan Area:	The subject property is within the City-Wide Comprehensive Plan.
Master Plan Designation:	The City-Wide Comprehensive Plan designates this property as Low-Density Residential. The Low-Density Residential Land Use District is designated for single-family detached residential development, which in turn is intended to meet a majority of the housing needs within Kansas City. Allowed uses with the Low-Density Residential Land Use District include: single-family detached residences; institutional uses such as elementary and middle schools, small churches (less than 50,000 square feet), libraries, etc.; and parks, open space, etc. Discouraged uses include: all industrial uses; business parks; adult-oriented businesses; night clubs and bars with a majority of sales in alcohol; and medium- and high-density residences.
Major Street Plan:	The Major Street Plan classifies Gibbs Road as a Collector Road, per Section 27-763(f)(14). The Major Street Plan classifies South 42 nd Street as a Collector Road, per Section 27-763(f)(62).
Required Parking:	Current Zoning District (R-1): Section 27-454(e) requires two (2) off-street parking spaces for each single-family dwelling, at least one (1) of which shall be in a garage or carport. Proposed Zoning District (A-G): Section 27-452(e) requires two (2) off-street parking spaces for each single-family dwelling. There is not planned to be a residence on the subject property. Parking spaces

have been included in a general site plan/rendering, but a signed and sealed site plan will be required once improved parking spaces are being improved.

Advertisement: The Wyandotte Echo – October 19, 2023;
Letters to Property Owners – October 20, 2023;
November 17, 2023

Public Hearings: December 11, 2023 and January 11, 2024

Public Support: None to date.

Public Opposition: None to date.

RELATED ENFORCEMENT AND ACTION ITEMS

Detailed Outline of Requested Action: An applicant has requested a Change of Zone for 4105 Gibbs Road from R-1 Single-Family District to A-G Agriculture District in order to expand the agricultural and education operations of an urban farm currently located immediately to the west at 4223 & 4225 Gibbs Road.

City Ordinance Requirements: Article VI, Sections 27-196—209

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

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

Building or Code Enforcement Complaints:

1. The previous property owner have received several citations from 2003-2021, including for overgrown vegetation and dilapidated accessory buildings and fencing.
2. The current property owner has received citation on the property on 04/08/2022 for including overgrown vegetation (ENV22-0980).

Outstanding or Related Permits and Cases:

1. The current property owner has no outstanding or related permit or cases.

FACTORS TO BE CONSIDERED

1. Character of the neighborhood.

The subject property is within the Argentine Statistical Neighborhood and is within the Getty Grove Neighborhood Group boundary. The local neighborhood is a mix of large lots and a single-family housing development. The size of the large lots range from five (5) to 12 acres. Some of the large lots have a primary residence while others are undeveloped or have agricultural uses. The single-family neighborhoods were built in the immediate post-war era, from 1946 to the late 1950s. Regardless of the lot size or use, almost every lot is zoned R-1 Single-Family.

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

The subject property is across South 42nd Street from the existing Farm at Gibbs Road. The A-G District, if used as an urban farm in a manner similar to how the Farm at Gibbs Road is currently operating, is compatible with the nearby properties.

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

The subject property is over 11 acres, which is over twice the minimum lot size required by Section 27-452(a). The subject property's size, and its location across South 42nd Street from the existing Farm at Gibbs Road, makes it appropriate for uses from which the property is currently restricted.

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

The subject property is currently vacant and/or undeveloped, but it is unclear if there has ever been developed.

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

The existing farm west of South 42nd Street has been operated as a farm by several different non-profit organizations over the past 30 years to grow food for Wyandotte County and to teach agriculture and gardening skills to the community. Utilizing undeveloped or vacant lots of land as urban farms or urban gardens is reasonably necessary for neighborhoods that are in food deserts—areas where people have limited access to a variety of healthy and affordable food—and for the promotion of sustainable and local food cultivation in any neighborhood.

The addition of 11 acres of farmland, however, could permanently injure the visual quality and marketability of nearby properties. In the initial application there were indications that livestock would be kept on the subject property. While some livestock may not have an impact on the neighbors, Applicant must contact the Wyandotte County Conservation District (WCCD) to receive a conservation plan specifically for the subject property in order to ensure future livestock-related uses will not permanently injure the appropriate use, visual quality, or marketability of the nearby properties.

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

Given the size of the subject property and its role within the Farm at Gibbs Road system, on-site paved parking must be installed and made available to employees, volunteers, and visitors. A parking lot should be constructed on the west side of the property so that vehicle access can be made from South 42nd Street, rather than from Gibbs Road. In addressing traffic safety, a pedestrian walkway across the South 42nd Street right-of-way that connects the Farm at Gibbs Road to the subject property should be associated with or adjacent to—but not within—this parking lot.

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

The City-Wide Comprehensive Plan designates this property as Low-Density Residential. The Low-Density Residential Land Use District is designated for single-family detached residential development, but also allows for parks and open spaces. The Change of Zone to the A-G District for an expansion of the existing Farm at Gibbs Road relatively conforms with the Low-Density Residential Land Use District within the City-Wide Comprehensive Plan.

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

The expansion of a community farm will likely enhance the environment by maintaining permeable, vegetative surfaces and producing local foods. There are potential harms to the environment, however. First, there is the extensive production of monoculture; this is not possible on the subject property as it is not large enough for a potential monoculture to have a negative impact. Second, there is the heavy use of pesticides and/or herbicides; this is it is also not likely that such chemicals will be used at the property location. Third, there is the waste produced by livestock, which must be disposed of properly. A conservation plan from the WCCD will address this issue and ensure the amount of livestock allowed on the subject property does not exceed the land's ability to safely accommodate animal waste.

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

a. Water service

Water service is available to the subject property through BPU.

b. Sanitary sewer service

None.

c. Storm water control

A storm water discharge point is present on Gibbs Road, adjacent to the northeast corner of the subject property.

d. Police

Police service is provided by South Division, District #331.

e. Fire

Fire service is provided by Fire Station #17, which is one (1) mile to the west of the subject property on Gibbs Road.

f. Transit

Kansas City does not provide transit service that is reasonably accessible from the subject property. A series of bus stops are located along 40th Street between Lawrence Drive and Metropolitan Avenue approximately one (1) to one and one-quarter (1.25) miles north of the subject property. South 42nd Street does not have continuous pedestrian access, so there is effectively no access from the subject property to these bus stops, which is served by Route #104 (Argentine).

g. Schools

Public education is provided by Junction Elementary School, Turner Middle School, and Turner High School, under Turner USD 202.

h. Streets

The subject property is served by Gibbs Road and South 42nd Street, both of which are Collector Streets.

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

The Change of Zone will allow the Farm School at Gibbs Road to nearly quadruple the amount of agricultural land available for local farming and educational classes. The success of the educational farm can have indirect positive economic impacts on the community by providing access to fresh and local produce, as well as teaching gardening skills and resources to the community.

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

The proposed use is capable of meeting applicable ordinance requirements.

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

There are a variety of benefits to an urban farm/educational farm, including access to fresh and local food, productive uses of otherwise vacant properties, and the proliferation of gardening skills throughout the community. These benefits outweigh any hardships imposed on the individual landowner or landowners.

PREVIOUS ACTIONS

- N/A

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting in-person at 4223 Gibbs Road at 5:45PM on November 21, 2023. The list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant can be found under "Neighborhood Meeting Materials Submitted by Applicant" within the *Attachments* section of this report.

KEY ISSUES

Conservation Plan
Cross-Parcel Pedestrian Access
Landscape Plans
Parking
Pedestrian Access
Sanitary Sewer Service
Undermined Area
Water Service

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Change of Zone Application COZ2023-029, subject to:

1. The hours of operation must match that of the connected property at 4223 Gibbs Road;
2. The subject property will be used as publicly accessible space. A Development Review Committee (DRC) permit may be required;
3. Applicant is aware that the majority of the subject property is undermined area. Special caution, including proper engineering review by both UG staff and third-party engineers, must be taken when designing and permitting future structures;
4. A painted pedestrian crosswalk from the existing property to the subject property is required. Applicant should work with UG Staff to assess the best location and design of this crossing point, as well as future pedestrian crossing and safety features;
5. The existing dirt access road must be paved and a driveway apron within the public right-of-way is required;
6. An erosion control plan must be provided before any construction, major agricultural activity, or paving or grading improvements occurs on the subject property;
7. Before introducing livestock to the subject property, Applicant must receive a conservation plan from the Wyandotte County Conservation District that accounts for all future goats, sheep, and other livestock on the property;
8. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
9. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
10. All exterior lighting, whether mounted on a building or within a parking lot must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
11. All existing and future driveways must feature curb cuts that are constructed to UG standards;

12. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
13. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Section 8-610 – Section 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 Inspection Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;
14. A Right-of-Way Permit is required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
15. A Pre-Construction meeting is required for any improvements to public infrastructure upon the approval and issuance of a Development Review Committee (DRC) Permit. Any improvements to, construction or alteration of: sanitary systems, stormwater systems, public or private streets, sidewalks, or other public infrastructure will require a pre-construction meeting with the Department of Public Works. The applicant is required to contact the County Engineer at (913) 573-5400 or by info@wycokck.org prior to construction to arrange this meeting;
16. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed by right or by Special Use Permit under the new zoning district, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located; and,
17. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered* and *Key Issues*, and recommends **APPROVAL** of Petition **COZ2023-029** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

December 11, 2023 City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Neighborhood Meeting Materials Submitted by Applicant
Selected Presentation Slides
Applicant Response Letter to Planning Engineering and Draft Staff Report Comments,
Dated October 25, 2023
Proposed Pedestrian Crosswalk on South 42nd Street
Staff Site Visit Photos, Dated October 23, 2023

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>City Planning Commission</u>	<u>Unified Government Board of Commissioners</u>
Public Hearing		
Change of Zone	December 11, 2023	January 11, 2024
	Approval	

STAFF CONTACT: **Michael Farley**
 mfarley@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2023-029** as meeting all the requirements of the city code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____
2. _____; AND

3. _____

OR

I move the Unified Government Board of Commissioners **DENY** Petition **COZ2023-029** as it is not in compliance with the City Code and as it will not promote the public health, safety, and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

DECEMBER 11, 2023 CITY PLANNING COMMISSION MINUTES:

Hearing starts at 2:51:23:

CHANGE OF ZONE APPLICATION COZ2023-029 – LYDIA NEBEL – SYNOPSIS:

Change of Zone from R-1 Single Family District to A-G Agriculture District to expand the KC Farm School at 4105 Gibbs Road. *Detailed Outline of Requested Action:* An applicant has requested a Change of Zone for 4105 Gibbs Road from R-1 Single-Family District to A-G Agriculture District in order to expand the agricultural and education operations of an urban farm currently located immediately to the west at 4223 & 4225 Gibbs Road.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated December 11, 2023;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

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

Present in Support:

- Lydia Nebel, applicant

The Planning Commission directed questions to the applicant.

Present in Opposition:

- No one appeared

Staff Recommendation starts at 3:09:29: Planning Director Hand stated that the change in zoning request is to expand the Gibbs Road Farm School. The property is in

the Citywide Comprehensive Plan area right on the Turner-Argentine neighborhood border. Staff has received no letters in support nor opposition. There are some older Notices of Violation on the property all of which have been rectified and/or addressed by the applicant. Staff recommends approval subject to the conditions in the staff report.

Motion starts at 3:10:20:

On motion by Mrs. Armstrong, seconded by Mr. Ernst, the Planning Commission voted as follows to **recommend APPROVAL of Change of Zone Application COZ2023-029:**

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

Motion to APPROVE Passed: 8 to 0

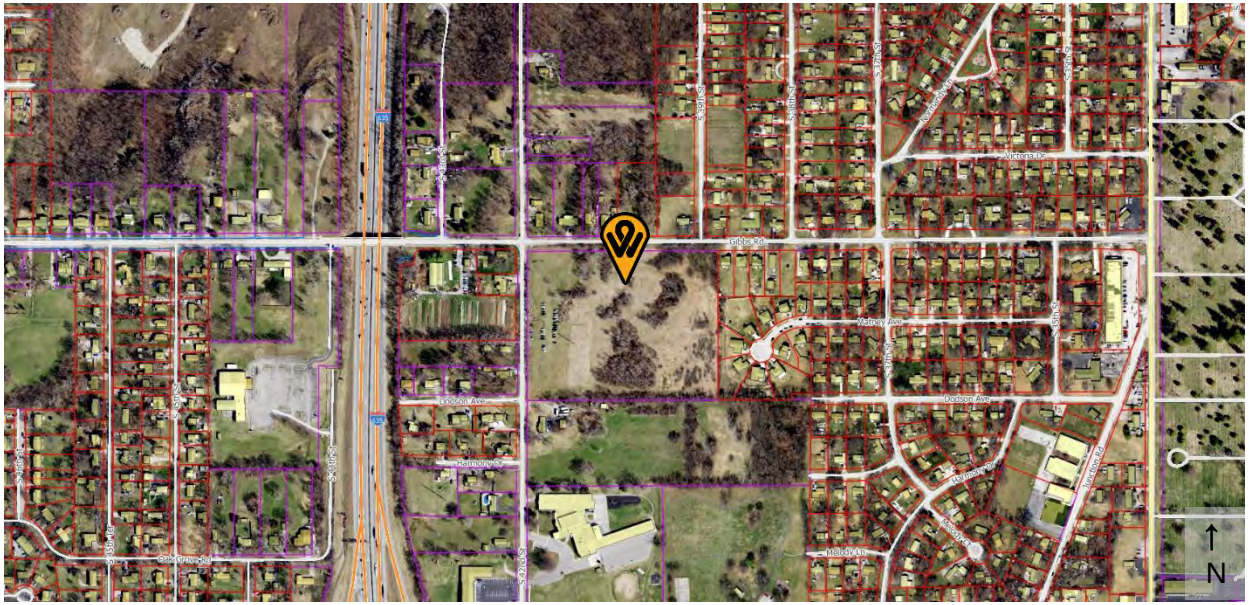
Subject to:

- 1. The hours of operation must match that of the connected property at 4223 Gibbs Road;**
- 2. The subject property will be used as publicly accessible space. A Development Review Committee (DRC) permit may be required;**
- 3. Applicant is aware that the majority of the subject property is undermined area. Special caution, including proper engineering review by both UG staff and third-party engineers, must be taken when designing and permitting future structures;**
- 4. A painted pedestrian crosswalk from the existing property to the subject property is required. Applicant should work with UG Staff to assess the best location and design of this crossing point, as well as future pedestrian crossing and safety features;**
- 5. The existing dirt access road must be paved and a driveway apron within the public right-of-way is required;**
- 6. An erosion control plan must be provided before any construction, major agricultural activity, or paving or grading improvements occurs on the subject property;**
- 7. Before introducing livestock to the subject property, Applicant must receive a conservation plan from the Wyandotte County Conservation District that accounts for all future goats, sheep, and other livestock on the property;**
- 8. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an**

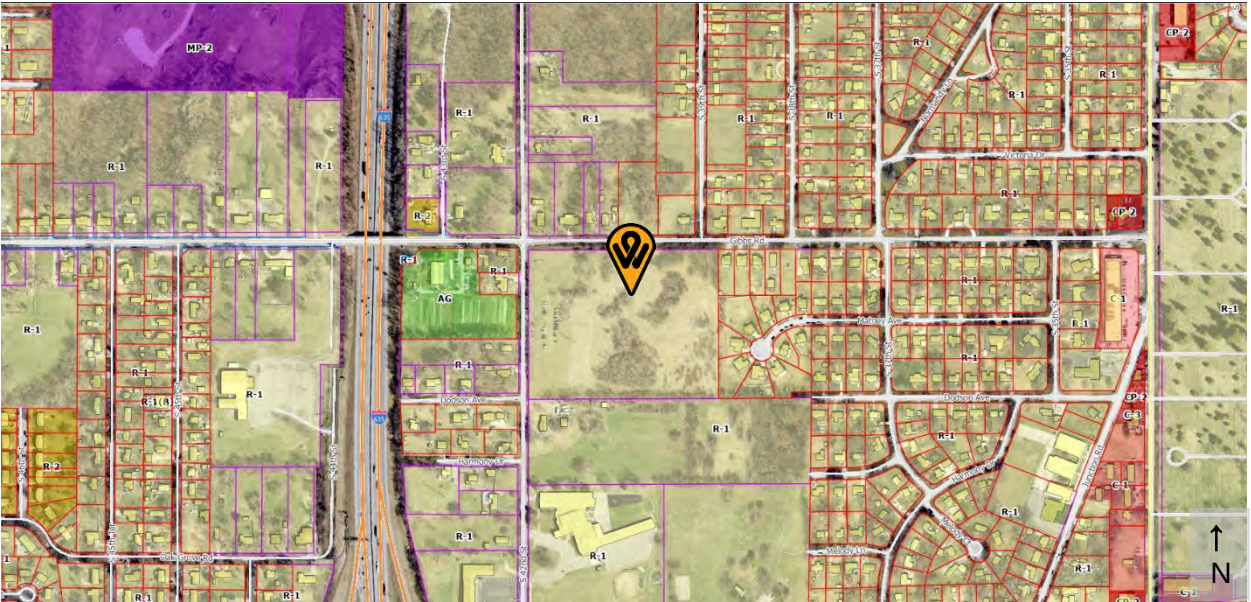
- existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
9. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
 10. All exterior lighting, whether mounted on a building or within a parking lot must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
 11. All existing and future driveways must feature curb cuts that are constructed to UG standards;
 12. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
 13. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Section 8-610 – Section 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 Inspection Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;
 14. A Right-of-Way Permit is required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
 15. A Pre-Construction meeting is required for any improvements to public infrastructure upon the approval and issuance of a Development Review Committee (DRC) Permit. Any improvements to, construction or alteration of: sanitary systems, stormwater systems, public or private streets, sidewalks, or other public infrastructure will require a pre-construction meeting with the Department of Public Works. The applicant is required to contact the County Engineer at (913) 573-5400 or by info@wycokck.org prior to construction to arrange this meeting;
 16. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or

- constructive operation of any use allowed by right or by Special Use Permit under the new zoning district, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located; and,
17. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

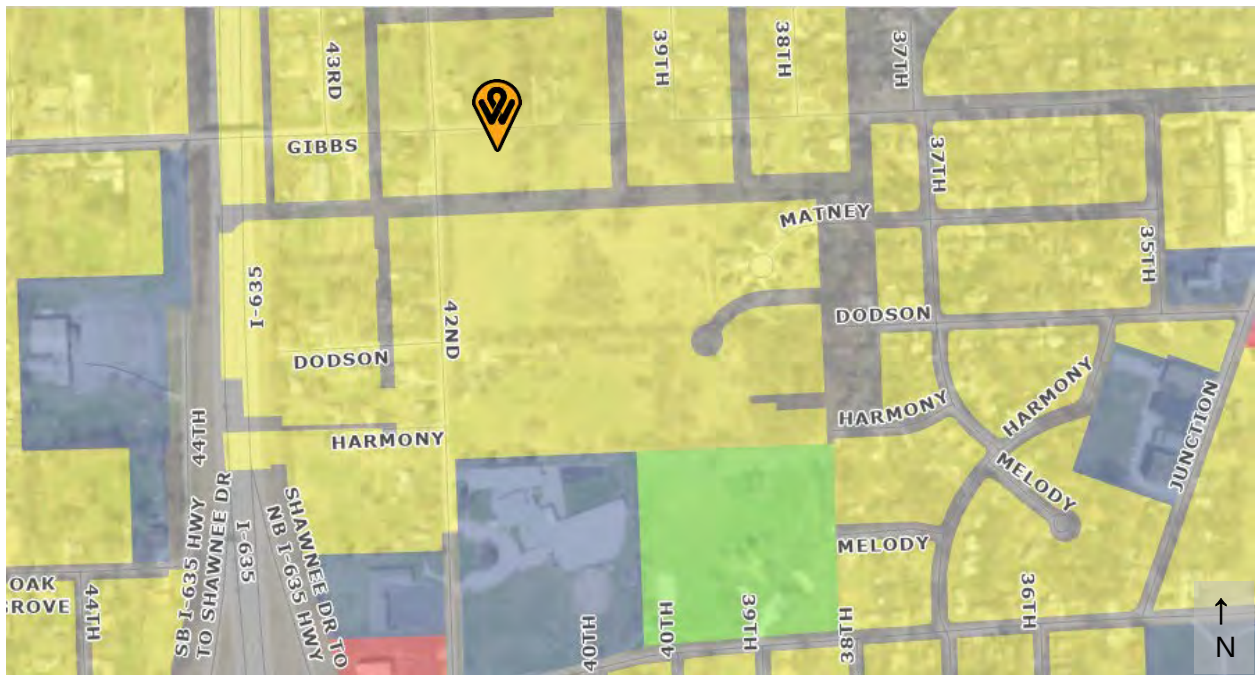
AERIAL MAP



ZONING MAP



LAND USE MAP



City-Wide Master Plan Land Uses

	Utilities
	Right-of-Way
	Urban Density
	Agricultural
	Neighborhood Commercial
	Community Commercial
	Business Park
	Floodway
	Regional Commercial
	Future Residential
	Rural-Density Residential
	Employment
	High-Density Residential
	Medium Density Residential
	Low-Density Residential
	Mixed-Use
	Parks/Open Space
	Public/Semi-Public

NEIGHBORHOOD MEETING MATERIALS SUBMITTED BY APPLICANT

Neighborhood Meeting for Change of Zone Application

4223 Gibbs Road

November 21, 2023

□ Presentation:

- Provide accurate details/photos/plans for review
- Detail who will be involved (clients, customers, buyers, etc.)
- Detail operational activity (residential, use, noise, traffic, etc)
- Answer/address questions and concerns

● PHOTOS/MAPS

- CG overview–undermining, currently residential confusingly?
- Introduce “master plan” but won’t be for several years
- Not application for special use, building permit, land disturbance
- Goal is same as farm: low input, low extraction, minimal invasion, native ecosystem restoration

● Who is involved?

- The community! You!
- Turner and Harmon Schools, WYCO, UG, farmers, Let’s Grow Wyandotte, WyCo Farmers Market Coalition
- Common Ground Committee, past owners
- KS Specialty Crops, Missouri Organics, Food Cycle KC, Botanical Belongings and Native Lands LLC,

● Operational Activity

- Matching zone to reflect what is already happening
- Current:
 - Registered agrotourism site
 - Events: Plant Sales, Compost Fest, Weekly Farmers Market, Farm Fest
- Hopes:
 - Market pavilion, Community Garden, Incubator Farm plots, livestock

● Questions? Concerns?

- Any land disturbance would necessarily take erosion, drainage, and grading into consideration
- BPU easement remains cleared
- BPU and Sewer hookups available

Meeting Minutes

Application Number COZ2023-029

Date and Location: Office, KC Farm School, 4223 Gibbs Road 66106

Meeting called to order at: 5:46 pm

Names of people in attendance: Lydia Nebel (staff), Carolyn Tragasz (staff), Patti Ragsdale (volunteer), Alicia Ellingsworth (staff), Dave Bennett (volunteer), Brent Ragsdale (volunteer), Darrell Palmer (neighbor lives on Dodson and 42nd St)

Introductions: made by Lydia Nebel

Darrel asked when our hearing date is- Lydia answered Dec 11

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

Lydia- shared maps and overall plan. We wish to change the zone from residential to agricultural. We are planning to continue to farm. Are working on our master plan. We've been supported by the UG. The planner was out here to help us out and clarify.

Previous owner, Steve Shelledy is a supporter and on our planning team. We've worked with many neighbors, school groups, volunteers have come out and shared ideas and vision. We've started the community garden at the corner of Gibbs and 42nd Street. We have community volunteers as Patti Ragsdale (Botanical Belonging) and Dave Bennett (native plant enthusiast). We've partnered with ReLeaf for bringing in more native trees.

We are only planting right now. One day we'll be asked to build a high tunnel and add containers. Right now we're just asking for a change of zone. Darrel asked if we know Dot Warberg who lives just south and the new neighbors at the corner of 42nd and Woodland.

NEIGHBORHOOD MEETING MATERIALS SUBMITTED BY APPLICANT, CONT.

Meeting Minutes, cont.

Lydia describes our desire to move our farmers market to Common Ground in 2024. We're working on permeable parking. Wish to add a new entrance eventually. Darrel says love the idea. Traffic hasn't been a problem at all. "I'm totally supportive. It's great. I've got a golf cart that can be used for events to move people during market."

Darrell, 'have you seen the maps of the underground? My kids used to go down there when they were young.' Lydia, 'we've seen Charlie Gay's maps.'

Lydia describes the land. The overhead power lines. We know we'll need to keep the area clear. We plan to have some goats or sheep someday. Darrell smiles.

Darrell talks about his garage and how he wants to add a carport. He describes his experience with the power lines.

Darrell leaves.

Meeting closed 5:06 pm

Darrel asked when our hearing date is.

Lydia answered Dec 11

Darrell asked if we know Charlie Gay and Dot Warrenberg.

said YES! They Lydia Nebel are great neighbors.

Darrell asked if we've seen the underground maps.

Lydia said yes, Charlie showed us and shared some with us.

Minutes taken by: _Alicia Ellingsworth

NEIGHBORHOOD MEETING MATERIALS SUBMITTED BY APPLICANT, CONT.



NEIGHBORHOOD MEETING: Common Ground Change of Zone; November 21, 2023

Name	Email	Check if you would like to receive occasional emails of event reminders	Street
LYDIA	LYDIA@kcfarmschool.org	✓	Gibbs
Patti and Brent Ragsdale	pragsd2@gmail.com bragsd1@gmail.com		
David Bennett	dbennett.educator@gmail.com	✓	SW Blvd.
Alicia Ellsworth	alicia@kcfarmschool.org	✓	Gibbs
Carolyn Trogas	Carolyn@KcFarmSchool.org	✓	Gibbs
DARYL PALMER Dodson	DPALMERPRC@SBCGLOBAL.NET 816-392-2114	✓	Dodson Dodson

SELECTED PRESENTATION SLIDES

COMMON GROUND - INTRODUCTION

What is common ground?

Raw, rolling land just east of our current farm site.

We know it will be a gathering and growing space with wild and shared places, and room for orchards, animals, composting, and more.

We imagine Common Ground as a safe space for critical conversations that seed action.

We believe in the power of this community to join in to create a tomorrow better than today, right here, right now.

It is time to gather on Common Ground!



COMMON GROUND - TOPOGRAPHY

SLOPING SOUTH EAST

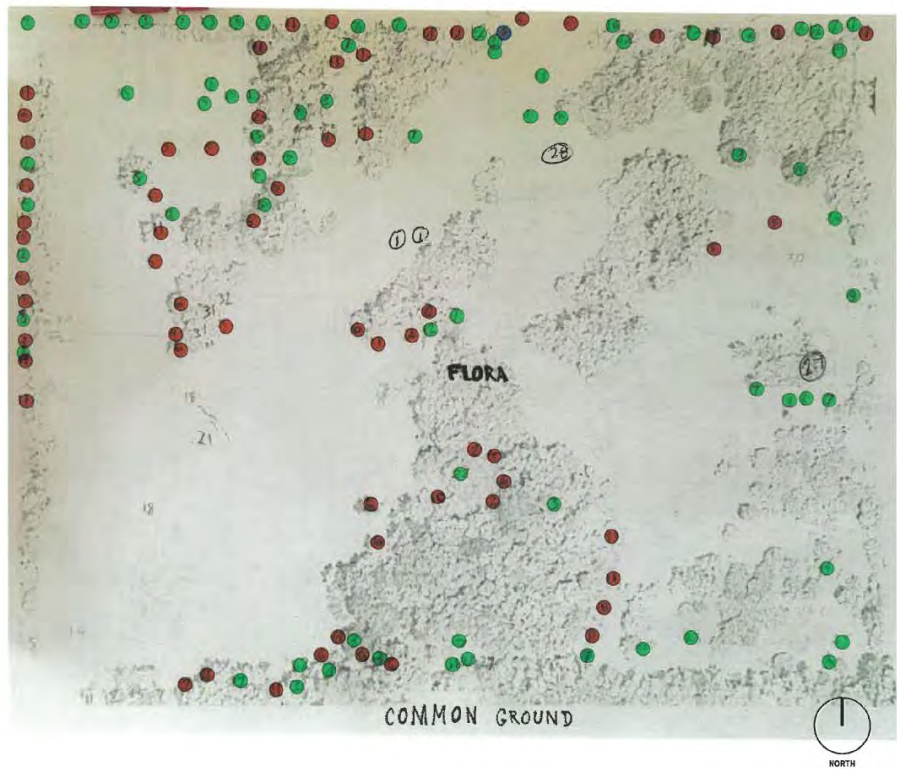


SELECTED PRESENTATION SLIDES, CONT.

COMMON GROUND - EXISTING PLANTS

Plant Walks Sundays led by Dave Bennett

- | | |
|------------------------|-----------------------|
| NATIVES ● | INVASIVES ● |
| 3 Black Walnut | 2 Bush Honeysuckle |
| 1 Elder Berry | 4 E Red Cedar |
| 7 Red/White Mulberry | 5 Johnson Grass |
| 8 Poison Ivy | 6 Honey Locust |
| 9 Common Milkweed | 10 Ash |
| 12 Hackberry | 11 Siberian Elm |
| 13 Wild Grape | |
| 14 Redbud | INTRODUCED / ● |
| 16 Silver Maple | WELCOMED |
| 17 Mood Seed | 15 Mimosa/Persian |
| 18 Baldwins Iron weed | Silk |
| 19 Wild Carrot | |
| 20 Common Boneset | |
| 21 Indian Hemp | |
| 22 Field Thistle | |
| 23 Asparagus | |
| 24 Common Persimmon | |
| 25 Carolina Horsesnail | |
| 26 Coralberry | |
| 27 Pecan | |
| 28 Bundle Flower | |



COMMON GROUND - CAVE SYSTEM UNDERGROUND

MINE SURVEY INFORMATION

- EXTENTS OF MINE
- ASSUMED EXTENTS OF LIMESTONE LAYER (SOLID BUILDING GROUND)



SELECTED PRESENTATION SLIDES, CONT.

COMMON GROUND - WISHLIST

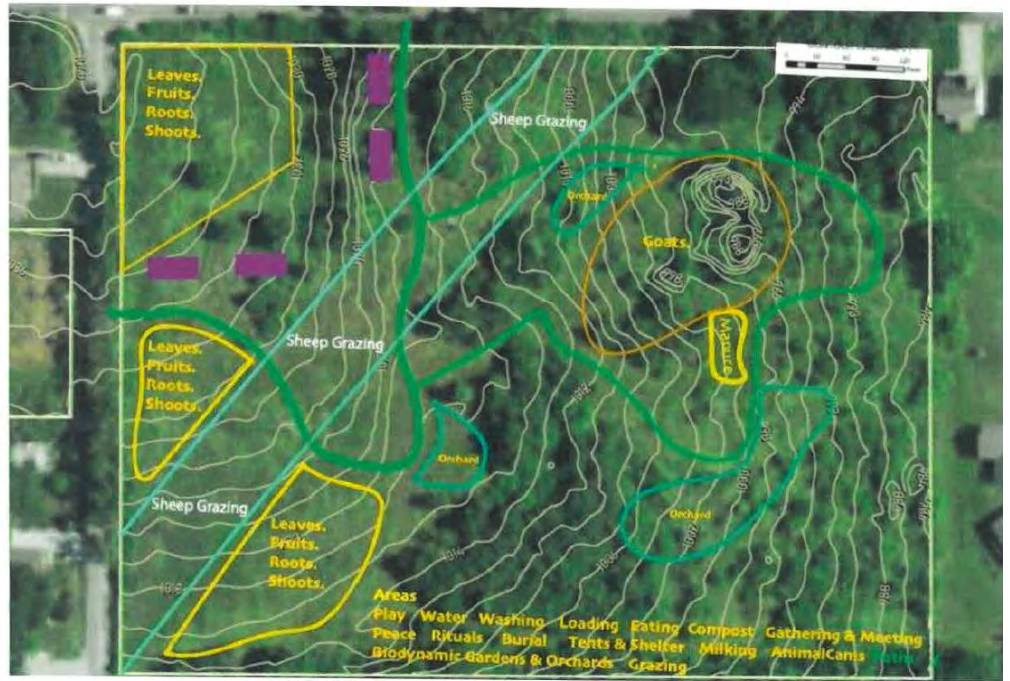
YEAR 1

HIGH TUNNEL 20 FT X 90 FT
WASH PACK STATION
ONE-ACRE COMMUNITY GARDEN
FOUR 1/4 ACRE INCUBATOR FARMS
ANIMAL HUSBANDRY
WATER CATCHMENT (STORM WATER)
SHIPPING CONTAINER
(TOOL LENDING LIBRARY)
BICYCLES
TABLES AND BENCHES
NATIVE AREAS
PARKING

COMPOSTING 10 BOOTHS
W/ Food Cycle KC

FUTURE

SCHOOL BUILDING

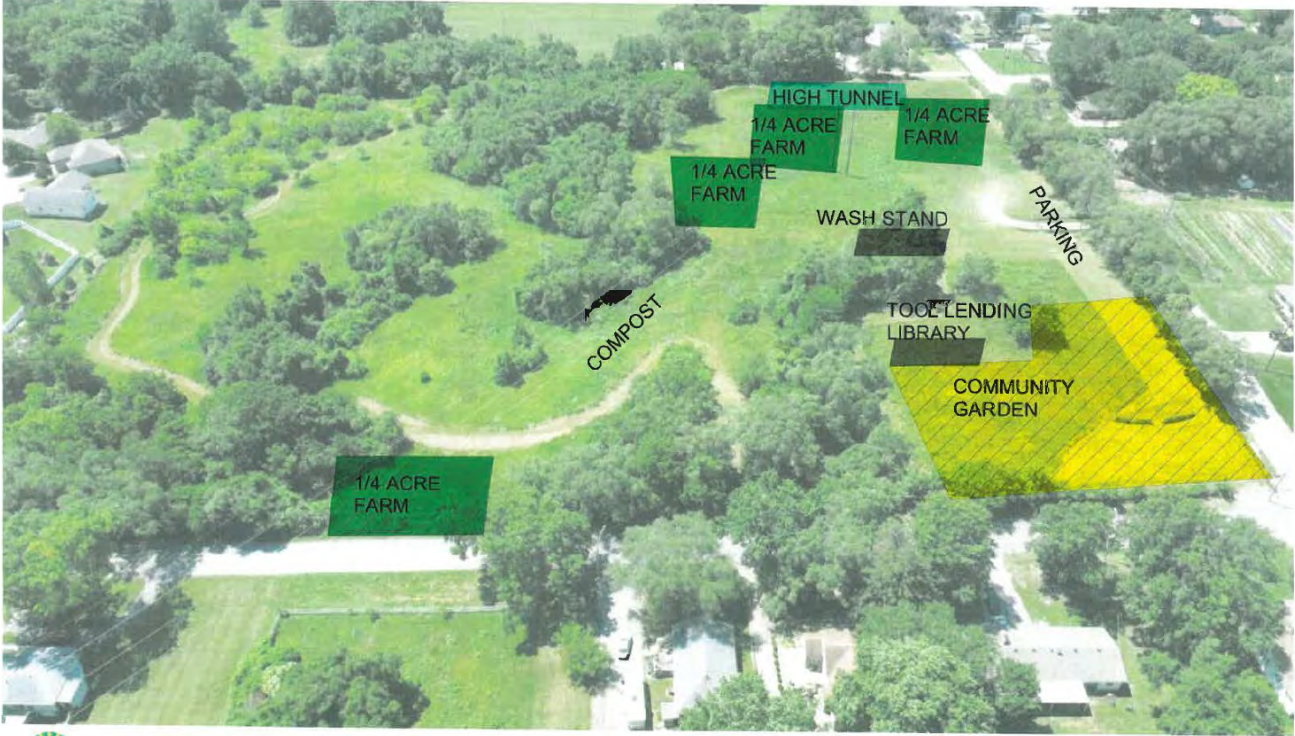


COMMON GROUND - YEAR 1 - SITE PLAN



SELECTED PRESENTATION SLIDES, CONT.

COMMON GROUND - YEAR 1 AERIAL



APPLICANT RESPONSE LETTER TO PLANNING ENGINEERING AND DRAFT STAFF
REPORT COMMENTS, DATED OCTOBER 25, 2023

October 25, 2023

Re: Michael Farley, Department of Planning + Urban Design
Unified Government of Wyandotte County
701 N 7th Street, Suite 423
Kansas City, Kansas 66101

Re: Change of Zoning Request COZ2023-029
KC Farm School at Gibbs Road
4105 Gibbs Road

Dear Mr. Farley:

This letter provides response to comments in the General Engineering Review and associated engineering review memoranda dated October 12, 2023. Thank you for your assistance in our change of zoning (COZ) request. It appears that our initial submittal may not have clearly described the plans for our property; we hope this letter helps clarify the status of the COZ request for this property and facilitates further review and approval of the request.

KC Farm School is a small, non-profit organization that helps provide food security to underserved portions of our community. The operation is an urban farm, plus, we provide educational outreach to the community to teach others how to grow their own food.

The property at 4105 Gibbs Road is currently undeveloped pasture and woodland with some small-scale agricultural activity. It is zoned residential but is undermined so residential development is not suitable for the land. We are requesting to rezone it to agricultural to be consistent with the existing land use. Future use will also remain largely pasture and woodland, with small-scale agricultural production and native habitat restoration.

In a meeting of September 18, 2023, with Kalli McLaughlin, it was suggested that we submit our vision for the property with our COZ application. That is the master plan (as we call it) included in the original submittal. That is a “vision” of potential future features or benefits the property may provide to the surrounding community. It is not a formal development plan for the property and we are not proposing commercial or residential development. Consequently, many of the engineering reviews don’t appear applicable to this site. No permanent structures are proposed at the present time. In the future, if it is desired to construct permanent structures, engineering plans will be submitted for approval at that time.

Specific topics listed in the Engineering Review Memos are addressed below.

APPLICANT RESPONSE LETTER TO PLANNING ENGINEERING AND DRAFT STAFF REPORT COMMENTS, DATED OCTOBER 25, 2023, CONT.

General Engineering Review

Development plans are not proposed and engineering drawings for the site have not been developed. We are requesting rezoning from residential to agricultural to be consistent with the land use.

At present, no grading or land disturbance is proposed, no permanent structures are proposed to be constructed, and no work is proposed in the right of way.

Erosion Control Review

At present, no grading is planned, and no land disturbance greater than one acre is planned. If any future land disturbance is requested, stabilization plans will be submitted.

Storm Drainage Review

At present, no site development, grading, or land disturbance greater than one acre is proposed. If any future land disturbance is considered, calculations and detailed plans for drainage will be submitted.

The restoration of native prairie habitat will help with storm water retention and ground water quality over coming years.

The parking area will utilize permeable pavers within the year.

Sanitary Sewer Review

At present, no hookup to or extension to the sanitary sewer is proposed. If sanitary sewer hookup is required at a future date, we will contact the Public Works Coordinator and provide the required documentation.

Street Review

At present, no changes to current land use are proposed. When we are ready to encourage added use of the property in the future, we will contact the Public Works Traffic Engineer to discuss plans, address the requirements of this memo, and submit the required documentation and plans.

KC Farm School is in support of traffic-slowing measures in the area, especially focused on S. 42nd Street nearing the intersection of Gibbs Road, and of a sidewalk to serve the neighborhood, especially nearby Junction Elementary and Government Authority Housing.

We hope this clarifies the status of our change of zoning request and look forward to continuing working with the UG to support this community organization.

Ever growing,

Lydia R. Nebel

Lydia Nebel, Farm Director;
KC Farm School and the Common Ground steering committee

PROPOSED PEDESTRIAN CROSSWALK ON SOUTH 42ND STREET



Approximate location of the
proposed pedestrian crossing.

STAFF SITE VISIT PHOTOS, DATED OCTOBER 23, 2023



All: Views from the interior of the subject property, demonstrating the terrain and existing condition of the land.



STAFF SITE VISIT PHOTOS, DATED OCTOBER 23, 2023, CONT.



Upper Left: View of South 42nd Street, from 4223/4225 Gibbs Road, facing north toward the intersection with Gibbs Road.



Upper Right: View of South 42nd Street, from 4223/4225 Gibbs Road, facing south.



Left: View of the subject property from across the South 42nd Street right-of-way, facing east. This is approximately the location that pedestrians would need to cross from the existing farm to reach the proposed farmland.

Lower Left: View of South 42nd Street, from 4223/4225 Gibbs Road, facing north toward the intersection with Gibbs Road. A vehicle entering the intersection from the north but cannot be seen from this location.

Upper Right: The same view, except the vehicle has crossed Gibbs Road is now visible (within the red circle). This gives very little time for either the driver or the crossing pedestrian to react to the sight of the other.



STAFF SITE VISIT PHOTOS, DATED OCTOBER 23, 2023, CONT.



Left: Power lines running through the subject property, within a utility easement. This easement is known by the Farm School at Gibbs Road and is noted in submitted plans.

Right: The view of residences neighboring the subject property to the east.



Left: View of the existing farm owned and operated by the Farm School at Gibbs Road, as seen from the subject property.

Right: View of the Farm School at Gibbs Road and the South 42nd Street right-of-way, facing north. A pedestrian path that fits with the aesthetic of the farm could be added in the cross-hatched area marked in red.





Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: January 11, 2024

Re: Petitions COZ2023-021 and SP2023-058

GENERAL INFORMATION

Applicant:
Grant Leslie

Status of Applicant:
Gripfast Property Solutions
9706 Middleton Road
Lee's Summit, MO 64086

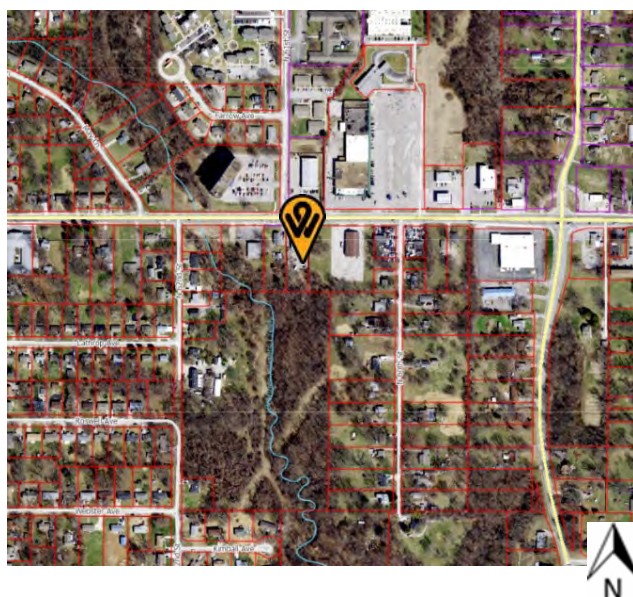
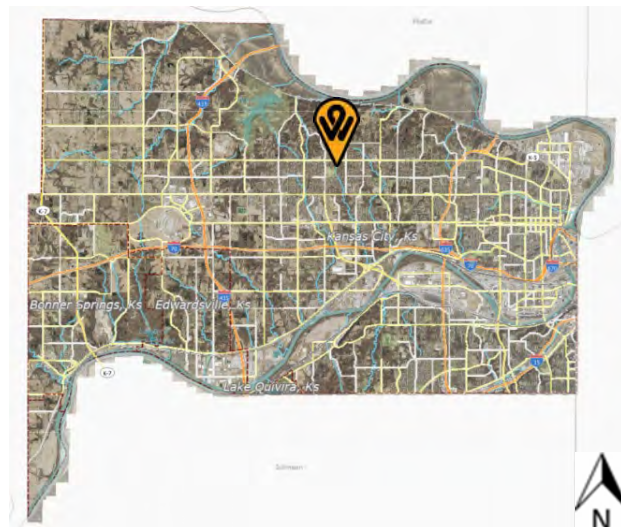
Requested Actions:
Approval of a Change of Zone from C-1
Limited Business District to RP-5 Planned
Apartment District.

Approval of a Special Use Permit for a
group home mental illness and
homelessness and a business office in
the basement.

Date of Application:
July 28, 2023

Purpose:
To rezone and develop 10 managed care
units for temporary housing and office for
Wyandotte County Behavioral Health.

Property Location:
6111 Leavenworth Road
Kansas City, KS 66104



Commission Districts:	Commissioner At-Large, District #1: Melissa Bynum District #1 Commissioner: Gayle Townsend		
Existing Zoning:	C-1 Limited Business and R-1(B) Single Family Districts		
Adjacent Zoning:	North:	CP-1 Planned Limited Business District	
	South:	R-1 Single Family District	
	East:	C-1 Limited Business and R-1 Single Family Districts	
	West:	C-1 Limited Business and R-1 Single Family Districts	
Adjacent Uses:	North:	Dollar General	
	South:	Single-family home	
	East:	Medical office building	
	West:	Single-family home	
Total Tract Size:	0.68 Acres		
Master Plan Area:	City-Wide Comprehensive Plan		
Master Plan Designation:	The City-Wide Comprehensive Plan designates this property as Community Commercial, which allows grocery stores, medium-sized (25,000 to 75,000 square feet) box stores, commercial centers with sit-down restaurants, drive-through restaurants, banks, drug stores, service stations, convenience stores, auto-supply stores, general services, car lots, auto body and repair shops, and other auto-oriented uses are allowed, but will be required to meet high stie design standards.		
Major Street Plan:	The Major Street Plan classifies Leavenworth Road as a Class B Thoroughfare.		
Required Parking:	Sec. 27-460(d) states one and one-half (1.5) parking spaces shall be provided for each dwelling unit that has one (1) bedroom or less. Two (2) parking spaces shall be provided for each dwelling unit that has two (2) bedrooms or more. 11 parking spaces are required. The applicant is providing 17 off-street parking spaces.		
Advertisement:	<u>Wyandotte Echo</u> – Change of Zone – August 17, 2023; Special Use Permit – August 17, 2023 Letters to Property Owners – Change of Zone – August 18, 2023, September 5, 2023, October 2, 2023, and November 7, 2023; Special Use Permit – August 18, 2023, September 5, 2023, October 2, 2023, and November 7, 2023		

Public Hearings: December 11, 2023 and January 11, 2024

Public Support: None to date.

Public Opposition: None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Grant Leslie, with Gripfast Properties Solutions, has filed a Change of Zone from C-1 Limited Business District to RP-5 Planned Apartment District and a Special Use Permit for a group home (10 managed care units totaling 13 residents) and a basement office for Wyandotte County Behavioral Health.

City Ordinance Requirements: Article VIII Sections 27-340 – 27-765, Article VII Sections 27-245 – 27-339 and Article XXI Sections 27-502 – 27-709

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. None

Building, Zoning, or Code Enforcement Complaints:

1. ABT23-2963 – complaint from KCKFD of people living on the rear of the property as well as junk/trash in the rear. Several windows are broken/boarded/open.
2. 20208-00392 – black truck without a tag – March 27, 2023.
3. ABT21-2184 – loose paper, bottles and other trash scattered in the rear of the property. Grass in the front of the property – August 11, 2021.
4. 19200-03569 – interior furniture and a vehicle seat on the front porch – July 18, 2019.
5. Multiple violations from 1999 to 2016 for junk, trash, boarded structure, broken appliances in the rear yard.

Outstanding or Related Permits and Cases:

1. None

FACTORS TO BE CONSIDERED

1. Neighborhood character

The character of the neighborhood is comprised of commercial businesses across the street along Leavenworth Road, including Dollar General and a retail strip center, medical office to the east and single-family homes to the west and

south.

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

The zoning and their uses are set out above. The building has existed in the neighborhood since the 1960s. It was previously used as an office with three (3) residential units; the proposed use is 10 dwelling units with a basement office. One significant difference between the prior use and this use is the increase in density and compliance with the Multi-Family Residential Design Guidelines and the zoning code.

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

In the mid-2000s, this property was used as a mixed-use building with three (3) residential units and an office, however, it is unknown if the structure met the building and fire codes. The residential building will need to be upgraded to meet the building and fire codes, but also substantial site improvements to meet the zoning code and design guidelines. The increase in residential units may affect nearby property.

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

There has not been a valid residential rental license since 2017. The commercial business license expired on December 31, 2022.

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

The proposed use is reasonably necessary for the convenience and welfare of the public for those who do not have permanent housing or are suffering from housing instability. The proposed use will not permanently injure the visual quality or marketability of nearby property so long as use is properly managed, access to transportation is available, and the building meets all code requirements. Screening and landscaping are imperative to buffer from abutting single-family uses.

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

Staff does not anticipate an increase in the amount of vehicular traffic to the point where it exceeds the capacity of Leavenworth Road, a Class B Thoroughfare, to accommodate it because most individuals living in the residence will not have access to a vehicle, but rather will use public transportation.

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

While Special Use Permits are not addressed in the Master Plan, the proposed rezoning does not currently comply with the City-Wide Comprehensive Plan, which is Community Commercial, which allows grocery stores, medium-sized (25,000 to 75,000 square feet) box stores, commercial centers with sit-down restaurants, drive-through restaurants, banks, drug stores, service stations, convenience stores, auto-supply stores, general services, car lots, auto body and repair shops, and other auto-oriented uses are allowed, but will be required to meet high stie design standards.

Community Commercial does not restrict residential uses, but Mixed Use allows mixed-density residential uses. This portion of Leavenworth Road is commercially designated and is commercially zoned, thereby changing the Comprehensive Plan, which is in the process of being thoroughly updated with PlanKCK, is premature to amend the Comprehensive Plan.

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

The proposed use will not cause environmental harm as it is a built-out urban area. Change of occupancy and building permit review will further ensure environmental compliance.

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

a. *Water service*

Water service is provided by BPU.

b. *Sanitary sewer service*

Sanitary sewer service is provided by the UG.

c. *Storm water control*

To be designed to meet City Code.

d. *Police*

Police service is provided by West Patrol, District #224.

e. *Fire*

Fire service is provided by Fire Station #18 located at North 55th Street and Leavenworth Road.

f. Transit

Kansas City ATA provides transit service in front of the property, along Leavenworth Road, Route #113.

g. Schools

Public education is provided by Kansas City Kansas USD 500.

h. Streets

To be designed to meet Public Works standards.

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

The proposed use will have a minimal economic impact on the community.

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

The proposed uses are capable of meeting applicable ordinance requirements with substantial revisions.

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

The relative gain to the public health, safety, and welfare is likely minimal as it provides the convenience of lodging to a very specific portion of the population. If denied, the landowner could not use the property as a lodging facility and would need to convert the structure to a single-family residence, duplex, convert the building to exclusive uses within the C-1/CP-1 district or modify their proposal and reapply.

PREVIOUS ACTIONS

- None

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting in-person at Manor Place, 6016 Leavenworth Road on November 27, 2023. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Screening/Landscaping/Buffering
Fire Code
Parking
Access to transit for employment
Mixed-Use Design Guidelines
Minimum square footage for units

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Change of Zone Application COZ2023-021 to the **RP-4 Planned Garden Apartment District**, subject to:

1. Staff recommends if the zoning is to be changed, it shall be **RP-4 Planned Garden Apartment District** to align with the density requirements of the district;
2. Review the Mixed-Use Design Guidelines and incorporate them into the plans;
3. All parking shall be on an improved surface. The existing pavement on-site needs to be overlaid, as there are numerous potholes and weeds growing through the asphalt;
4. Parking shall comply with the requisite uses on site.
 - a. Office uses require four (4) spaces per 1,000 square feet of building area.
 - b. One and one-half (1.5) parking spaces shall be provided for each dwelling unit that has one (1) bedroom or less. Two (2) parking spaces shall be provided for each dwelling unit that has two (2) bedrooms or more;
5. All parking spaces shall be striped in accordance with the Parking and Loading section of the Zoning Code (Sec. 27-669);
6. Remove the incinerator in the rear of the property;
7. There is a transit stop in front of the building, contact Kansas City ATA to obtain the specifications for bench seating and/or bus shelter;
8. Maintain a safe environment including:
 - a. Working smoke detectors in each bedroom plus each level of the unit/house;
 - b. GFCI outlets required in bathrooms;
 - c. Double keyed locks are not allowed;
 - d. Copper cannot be used for gas supply lines;
 - e. Windows must be operable, not blocked or boarded;
 - f. Handrails are required at sets of four (4) or more stairs/ risers;
 - g. Hot water tank and furnace must be vented properly and operational;
 - h. Electric panel and circuits must be safe;
9. Sec. 27-460(c)(4) Minimum floor area shall be 380 square feet of habitable floor area per dwelling unit. All of the units are less than the minimum floor area;

10. 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. A FEMA safe room constructed to FEMA Publication 320 or Publication 361 is required;
11. Preserve the mature trees in the rear of the property. Record an open space easement for the rear so there is no future expansion and encroachment into the single-family area;
12. Sec. 27-459(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;
13. Sec. 27-700(b)(1) Buffer plantings, which shall include the equivalent of a minimum of one (1) evergreen tree or one (1) shade tree and three (3) large shrubs for each 30 feet of adjacent project boundary, shall be provided for such development adjacent to single-family or two-family zoned property. Except in district R-M and C-0, such buffer plantings may be arranged on any portion of the property. Buffer plantings will be in addition to required trees. 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 single-family residence shall be screened and buffered from the proposed use. More landscaping and buffering needs to be incorporated when the Landscape Plan is submitted to the west and south to screen the single-family uses;

14. All shade trees shall be at least two (2) inch caliper. All evergreens shall be at least six (6) in height. All shrubs shall be five (5) gallons external to the site and three (3) gallons internal to the development when planted;
15. All disturbed areas within the development shall be brought to finished grade and seeded or sodded. There shall not be any exposed, bare ground unless the lot has an active building permit for building construction;
16. All lighting, whether mounted on the exterior of parking deck or within the structure shall have 90-degree cutoff fixtures. Light cannot exceed one footcandle as measured from said property line;
17. All utility connections must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building;
18. 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;

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

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Special Use Permit Application SP2023-058, for **two (2) years**, subject to:

1. There shall be no more than 13 residents/guests on site between the two (2) floors at a time;
2. There shall be one (1) staff member on-site at all times;
3. Review the Mixed-Use Design Guidelines and incorporate them into the plans;
4. All parking shall be on an improved surface. The existing pavement on-site needs to be overlayed, as there are numerous potholes and weeds growing through the asphalt;
5. Parking shall comply with the requisite uses on site.
 - a. Office uses require four (4) spaces per 1,000 square feet of building area.
 - b. One and one-half (1.5) parking spaces shall be provided for each dwelling unit that has one (1) bedroom or less. Two (2) parking spaces shall be provided for each dwelling unit that has two (2) bedrooms or more;
6. All parking spaces shall be striped in accordance with the Parking and Loading section of the Zoning Code (Sec. 27-669);
7. Remove the incinerator in the rear of the property;
8. There is a transit stop in front of the building, contact Kansas City ATA to obtain the specifications for bench seating and/or bus shelter;
9. Maintain a safe environment including:
 - a. Working smoke detectors in each bedroom plus each level of the unit/house;

- b. GFCI outlets required in bathrooms;
 - c. Double keyed locks are not allowed;
 - d. Copper cannot be used for gas supply lines;
 - e. Windows must be operable, not blocked or boarded;
 - f. Handrails are required at sets of four (4) or more stairs/ risers;
 - g. Hot water tank and furnace must be vented properly and operational;
 - h. Electric panel and circuits must be safe;
10. Sec. 27-460(c)(4) Minimum floor area shall be 380 square feet of habitable floor area per dwelling unit. All of the units are less than the minimum floor area;
 11. 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. A FEMA safe room constructed to FEMA Publication 320 or Publication 361 is required;
 12. Preserve the mature trees in the rear of the property. Record an open space easement for the rear so there is no future expansion and encroachment into the single-family area;
 13. Sec. 27-459(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;
 14. Sec. 27-700(b)(1) Buffer plantings, which shall include the equivalent of a minimum of one (1) evergreen tree or one (1) shade tree and three (3) large shrubs for each 30 feet of adjacent project boundary, shall be provided for such development adjacent to single-family or two-family zoned property. Except in district R-M and C-0, such buffer plantings may be arranged on any portion of the property. Buffer plantings will be in addition to required trees. 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 single-family residence shall be screened and buffered from the proposed use. More landscaping and buffering needs to be incorporated when the Landscape Plan is submitted to the west and south to screen the single-family uses;

15. All shade trees shall be at least two (2) inch caliper. All evergreens shall be at least six (6) in height. All shrubs shall be five (5) gallons external to the site and three (3) gallons internal to the development when planted;
16. All disturbed areas within the development shall be brought to finished grade and seeded or sodded. There shall not be any exposed, bare ground unless the lot has an active building permit for building construction;
17. All lighting, whether mounted on the exterior of parking deck or within the structure shall have 90-degree cutoff fixtures. Light cannot exceed one footcandle as measured from said property line;
18. All utility connections must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building;

19. 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;
20. 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;
21. All existing and future driveways must feature curb cuts that are constructed to UG standards;
22. 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;
23. If approved, the applicant must file and maintain a current business occupation tax application with the Business Licensing Division. Their office is located at 4953 State Avenue, Kansas City, KS 66102. (913) 573-8780 or businesslicense@wycokck.org;
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 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;
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; and,
28. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petitions **COZ2023-021** and **SP2023-058**, subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

December 11, 2023 City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Conservation District Comment Letter
Mixed-Use Design Guidelines
Applicant Response Letter
Neighborhood Meeting Minutes
Site Plan

Floor Plan
Building Elevations
Site Photographs taken by Planning Staff on August 16, 2023.

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>City Planning Commission</u>	<u>Unified Government Board of Commissioners</u>
Public Hearing Rezoning	December 11, 2023 Approval	January 11, 2024
Public Hearing Special Use	December 11, 2023 Approval	January 11, 2024

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

MOTIONS

Change of Zone Petition

I move the Unified Government Board of Commissioners **APPROVE COZ2023-021** as meeting all the requirements of the city code and being in the interest of the public health, safety, and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **COZ2023-021** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

Special Use Permit

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2023-058** as meeting all the requirements of the city code and being in the interest of the public health, safety, and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____;
2. _____; And

3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition **SP2023-058** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

DECEMBER 11, 2023 CITY PLANNING COMMISSION MINUTES:

Hearing starts at 2:24:00:

CHANGE OF ZONE APPLICATION COZ2023-021 – GRANT LESLIE - SYNOPSIS:

Change of Zone from C-1 Limited Business and R-1 Single Family Districts to RP-5 Planned Apartment District to operate a mental health care facility at 6111 Leavenworth Road.

SPECIAL USE PERMIT APPLICATION SP2023-058 – GRANT LESLIE – SYNOPSIS:

Special Use Permit for a group home at 6111 Leavenworth Road.

Detailed Outline of Requested Action: The applicant, Grant Leslie, with Gripfast Properties Solutions, has filed a Change of Zone from C-1 Limited Business District to RP-5 Planned Apartment District and a Special Use Permit for a group home (10 managed care units totaling 13 residents) and a basement office for Wyandotte County Behavioral Health.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated December 11, 2023;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

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

Present in Support:

- Grant Leslie, applicant, Gripfast Property Solutions, 9706 Middleton Road, Lee's Summit, Missouri 64086
- Randy Callstrom, CEO of Wyandotte Behavioral Health Network

Present in Opposition:

➤ No one appeared

Staff Recommendation starts at 2:29:10: Planning Director Hand stated this case was heard in conjunction with BOZA2023-043, which was approved earlier this evening by the Board of Zoning Appeals. The Change of Zone and Special Use Permit before the Commission are for a group home. The property is in the Citywide Comprehensive Plan on Leavenworth Road in the Midtown area. Staff has received no letters in support nor opposition. There is a history of Notices of Violation that would be addressed by the redevelopment of this project. Staff recommends approval to the RP-4 Planned Garden Apartment District with the conditions in the staff report including approval of the Special Use Permit for two (2) years.

Motion starts at 2:30:34:

On motion by Mrs. Armstrong, seconded by Mr. Beth, the Planning Commission voted as follows to **recommend APPROVAL of Change of Zone Application COZ2023-021 to the RP-4 Planned Garden Apartment District:**

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

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

1. **Staff recommends if the zoning is to be changed, it shall be RP-4 Planned Garden Apartment District to align with the density requirements of the district;**
2. **Review the Mixed-Use Design Guidelines and incorporate them into the plans;**
3. **All parking shall be on an improved surface. The existing pavement on-site needs to be overlaid, as there are numerous potholes and weeds growing through the asphalt;**
4. **Parking shall comply with the requisite uses on site.**
 - a. **Office uses require four (4) spaces per 1,000 square feet of building area.**
 - b. **One and one-half (1.5) parking spaces shall be provided for each dwelling unit that has one (1) bedroom or less. Two (2) parking**

- spaces shall be provided for each dwelling unit that has two (2) bedrooms or more;
5. All parking spaces shall be striped in accordance with the Parking and Loading section of the Zoning Code (Sec. 27-669);
 6. Remove the incinerator in the rear of the property;
 7. There is a transit stop in front of the building, contact Kansas City ATA to obtain the specifications for bench seating and/or bus shelter;
 8. Maintain a safe environment including:
 - a. Working smoke detectors in each bedroom plus each level of the unit/house;
 - b. GFCI outlets required in bathrooms;
 - c. Double keyed locks are not allowed;
 - d. Copper cannot be used for gas supply lines;
 - e. Windows must be operable, not blocked or boarded;
 - f. Handrails are required at sets of four (4) or more stairs/ risers;
 - g. Hot water tank and furnace must be vented properly and operational;
 - h. Electric panel and circuits must be safe;
 9. Sec. 27-460(c)(4) Minimum floor area shall be 380 square feet of habitable floor area per dwelling unit. All of the units are less than the minimum floor area;
 10. 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. A FEMA safe room constructed to FEMA Publication 320 or Publication 361 is required;
 11. Preserve the mature trees in the rear of the property. Record an open space easement for the rear so there is no future expansion and encroachment into the single-family area;
 12. Sec. 27-459(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;
 13. Sec. 27-700(b)(1) Buffer plantings, which shall include the equivalent of a minimum of one (1) evergreen tree or one (1) shade tree and three (3) large shrubs for each 30 feet of adjacent project boundary, shall be provided for such development adjacent to single-family or two-family zoned property. Except in district R-M and C-0, such buffer plantings may be arranged on any portion of the property. Buffer plantings will be in addition to required trees. 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 single-family residence shall be screened and buffered from the proposed use. More landscaping and buffering needs to be incorporated when the Landscape Plan is submitted to the west and south to screen the single-family uses;
14. All shade trees shall be at least two (2) inch caliper. All evergreens shall be at least six (6) in height. All shrubs shall be five (5) gallons external to the site and three (3) gallons internal to the development when planted;

15. All disturbed areas within the development shall be brought to finished grade and seeded or sodded. There shall not be any exposed, bare ground unless the lot has an active building permit for building construction;
16. All lighting, whether mounted on the exterior of parking deck or within the structure shall have 90-degree cutoff fixtures. Light cannot exceed one footcandle as measured from said property line;
17. All utility connections must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building;
18. 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;
19. 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;
20. All existing and future driveways must feature curb cuts that are constructed to UG standards;
21. 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; and,
22. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

On motion by Mrs. Armstrong, seconded by Mr. Beth, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit Application SP2023-058 for two (2) years:**

Carson	Chairman
Mohler	Aye
Straws	Aye

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

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

Subject to:

1. There shall be no more than 13 residents/guests on site between the two (2) floors at a time;
2. There shall be one (1) staff member on-site at all times;
3. Review the Mixed-Use Design Guidelines and incorporate them into the plans;
4. All parking shall be on an improved surface. The existing pavement on-site needs to be overlaid, as there are numerous potholes and weeds growing through the asphalt;
5. Parking shall comply with the requisite uses on site.
- c. Office uses require four (4) spaces per 1,000 square feet of building area.
- d. One and one-half (1.5) parking spaces shall be provided for each dwelling unit that has one (1) bedroom or less. Two (2) parking spaces shall be provided for each dwelling unit that has two (2) bedrooms or more;
6. All parking spaces shall be striped in accordance with the Parking and Loading section of the Zoning Code (Sec. 27-669);
7. Remove the incinerator in the rear of the property;
8. There is a transit stop in front of the building, contact Kansas City ATA to obtain the specifications for bench seating and/or bus shelter;
9. Maintain a safe environment including:
 - a. Working smoke detectors in each bedroom plus each level of the unit/house;
 - b. GFCI outlets required in bathrooms;
 - c. Double keyed locks are not allowed;
 - d. Copper cannot be used for gas supply lines;
 - e. Windows must be operable, not blocked or boarded;
 - f. Handrails are required at sets of four (4) or more stairs/ risers;
 - g. Hot water tank and furnace must be vented properly and operational;
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10. Sec. 27-460(c)(4) Minimum floor area shall be 380 square feet of habitable floor area per dwelling unit. All of the units are less than the minimum floor area;
11. 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. A FEMA safe room constructed to FEMA Publication 320 or Publication 361 is required;
12. Preserve the mature trees in the rear of the property. Record an open space easement for the rear so there is no future expansion and encroachment into the single-family area;

13. **Sec. 27-459(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;
14. **Sec. 27-700(b)(1)** Buffer plantings, which shall include the equivalent of a minimum of one (1) evergreen tree or one (1) shade tree and three (3) large shrubs for each 30 feet of adjacent project boundary, shall be provided for such development adjacent to single-family or two-family zoned property. Except in district R-M and C-0, such buffer plantings may be arranged on any portion of the property. Buffer plantings will be in addition to required trees. 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 single-family residence shall be screened and buffered from the proposed use. More landscaping and buffering needs to be incorporated when the Landscape Plan is submitted to the west and south to screen the single-family uses;

15. All shade trees shall be at least two (2) inch caliper. All evergreens shall be at least six (6) in height. All shrubs shall be five (5) gallons external to the site and three (3) gallons internal to the development when planted;
16. All disturbed areas within the development shall be brought to finished grade and seeded or sodded. There shall not be any exposed, bare ground unless the lot has an active building permit for building construction;
17. All lighting, whether mounted on the exterior of parking deck or within the structure shall have 90-degree cutoff fixtures. Light cannot exceed one footcandle as measured from said property line;
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20. 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;

21. All existing and future driveways must feature curb cuts that are constructed to UG standards;
22. 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;
23. If approved, the applicant must file and maintain a current business occupation tax application with the Business Licensing Division. Their office is located at 4953 State Avenue, Kansas City, KS 66102. (913) 573-8780 or businesslicense@wycokck.org;
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 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;
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; and,

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



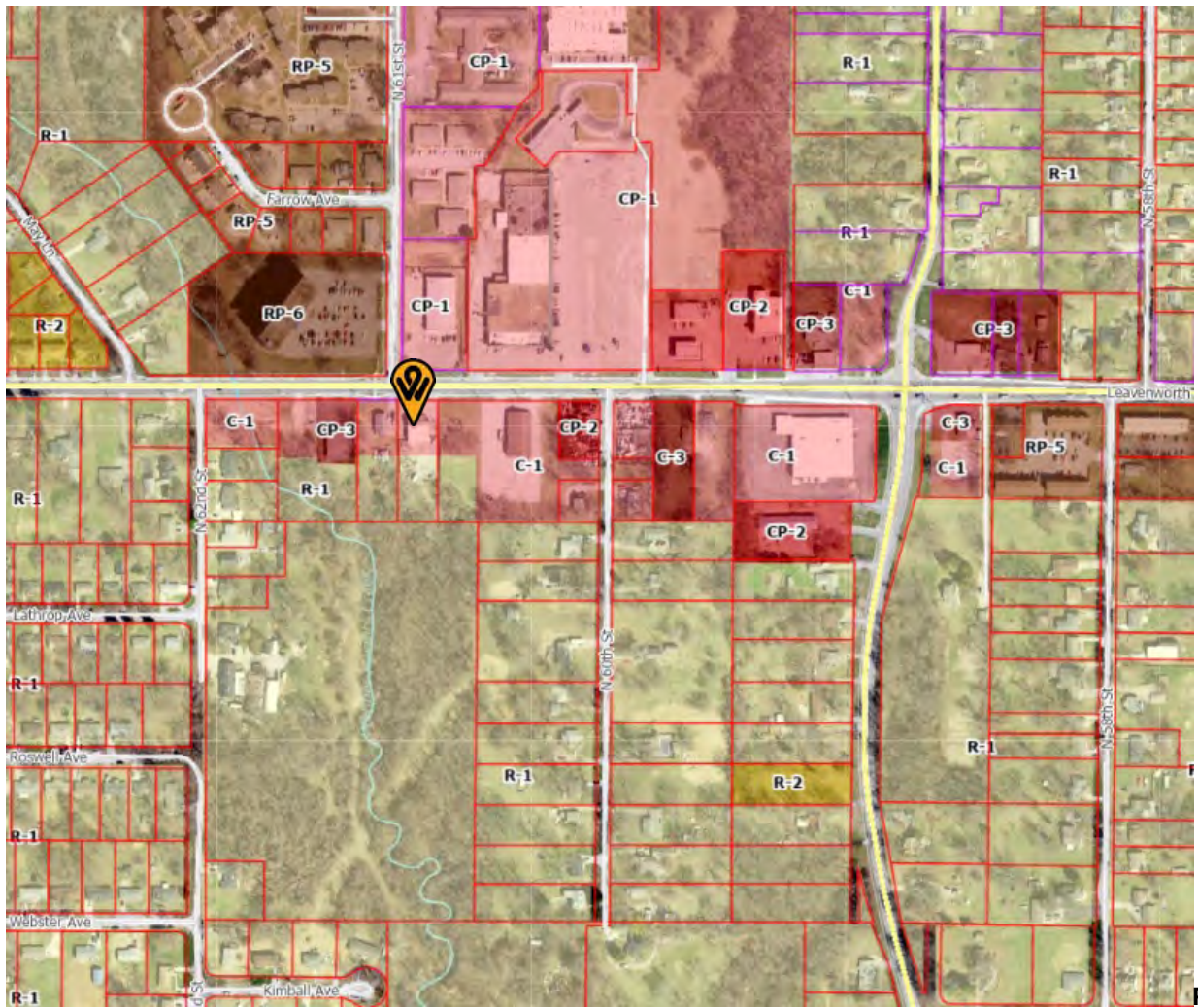


Figure 2. Zoning Map of 6111 Leavenworth Road (provided by UG Maps).

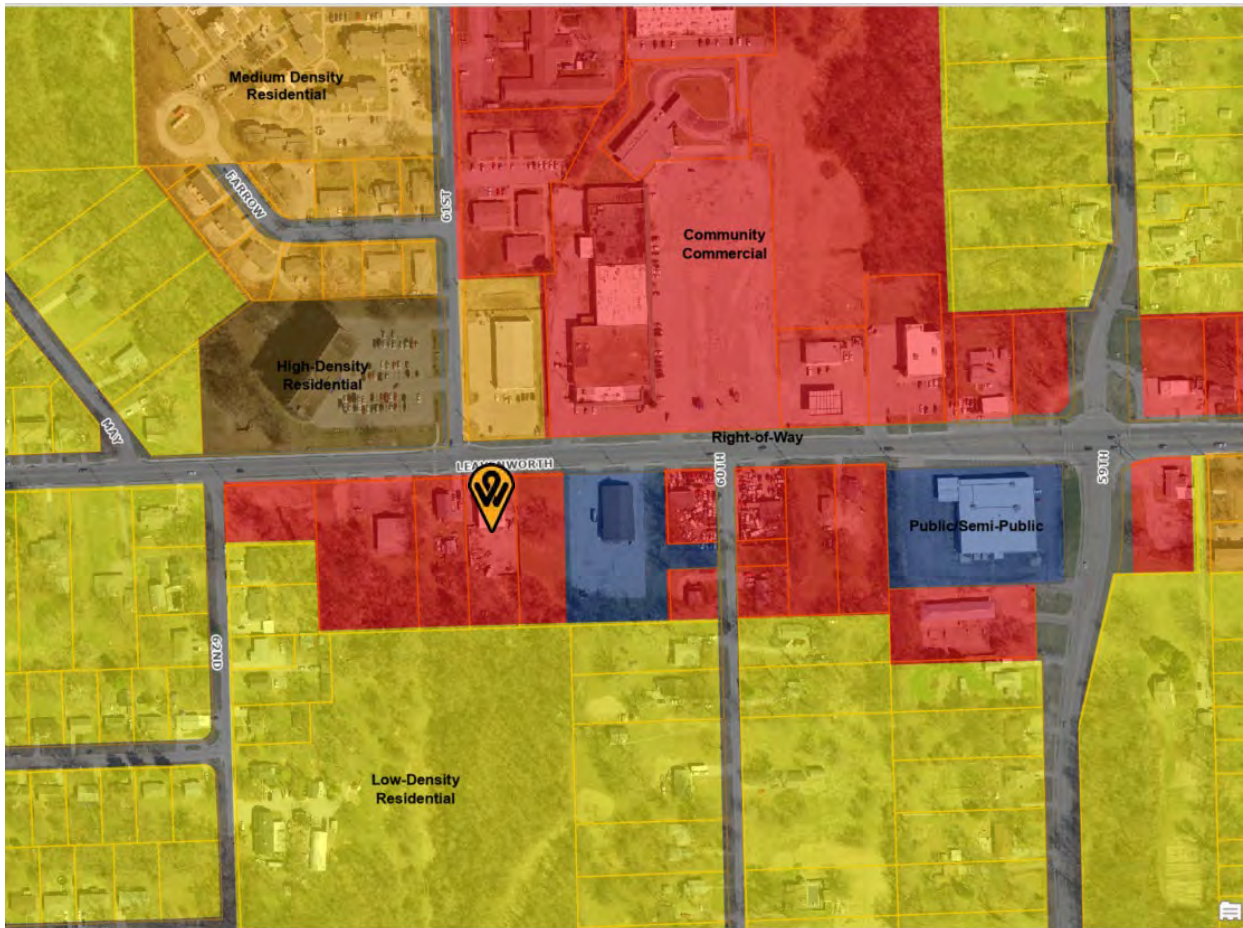


Figure 3. City-Wide Comprehensive Plan Land Use Designation Map of 6111 Leavenworth Road (provided by ArcMap).



Wyandotte County Conservation District
1104 N. 79th Street - Kansas City, KS 66112 - Phone (913)-234-6329 -
wycco.conservations@gmail.com

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

August 15, 2023

RE: COZ-2023-021 and SP2023-058 Grant Leslie DBA Gripfast LLC. C-1 and R-1 to
RP-5 for mental health care facility at 6111 Leavenworth Road

Dear Mr. Hand:

The Wyandotte County Conservation District has completed an environmental review of
the: COZ-2023-021 and SP2023-058 Grant Leslie DBA Gripfast LLC. C-1 and R-1 to
RP-5 for mental health care facility at 6111 Leavenworth Road.

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

MAPS AND REPORTS

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

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

- There is one major soil type identified: Knox silt loam, 7 to 12 percent slopes. This soil type is considered very erodible when the surface is denuded of a protective cover.
- There appears to be a lot of vehicle behind the building. These should be removed and the area cleaned up.
- If the building is to be used, it will be a good use for it. If there will be no farther grading done, there should not be any problems from a soil erosion concern.

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

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

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

Sincerely,

Cheri Miller
District Manager

enclosures

Mixed-Use Design Guidelines

The following design guidelines apply to all new mixed-use developments.

- Each development will have an identifiable center that includes defined “people places” for residents, shoppers, workers and visitors to gather, interact and recreate.
- Housing choices will be provided by offering a diversity of product types and price points to meet the needs of multiple demographic groups.
- Transit connections and facilities will be included within the overall design of the site. Development densities for commercial, office and residential uses will be greater within these areas to encourage transit use.
- Streets within these areas will be designed to be low-speed and bicycle and pedestrian friendly through provision of wide sidewalks and pedestrian amenities such as street trees, landscaping, benches, trash receptacles, etc.
- When practical, parking requirements should be decreased within these areas to encourage transit ridership.
- Auto-oriented uses such as drive-through restaurants and banks will be discouraged.
- A minimum of 75% of buildings should have a zero foot setback.
- Primary building facades should be parallel to the sidewalk.
- Where buildings are set back from the right-of-way, the open areas should be enhanced and used as public spaces such as a plaza or courtyard.
- The frontage of all mixed-use buildings should include pedestrian-oriented elements such as:
 - Transparent display windows
 - Outdoor seating for dining areas
 - Public art and pedestrian amenities such as fountains, benches, etc.
- On-site parking will be located behind the buildings.
- In multi-tenant, single-story buildings, each use should have at least one ground floor entrance directly visible and accessible from the street.
- In multi-tenant, multi-story buildings, at least one lobby entrance at the ground floor should be provided having direct visibility and access from the street.
- Landscape is required to screen all parking areas and service entries.
- Trees are required in the public right-of-way along streets, at a minimum of one (1) shade tree every forty (40) feet.



City-Wide Master Plan

UNIFIED GOVERNMENT OF WYANDOTTE COUNTY / KANSAS CITY, KANSAS



- Buffers will be provided as a necessary transition when a mixed-use development is located adjacent to an existing lower-intensity or higher-intensity use and/or when fronting a highway or expressway by one or a combination of the following:
 - Establish a 22-foot landscape easement for a 3-foot berm and a row of evergreen trees every thirty (30) feet and a row of three (3) gallon evergreen shrubs every four (4) feet on center.
 - Establish a 16-foot landscape easement for a 2-foot berm and a row of evergreen trees every thirty (30) feet.
 - Establish a 10 foot landscape easement for a 6-foot high solid wood fence or masonry wall and a row of evergreen trees every thirty (30) feet.
 - The applicant submits a landscape plan that adequately addresses softening the development, buffering traffic sound, highlight glare, and identifies how the landscaping would be maintained and who is responsible for that maintenance.
- High quality masonry building materials approved for this district are stone, brick, cast stone and stucco. Synthetic stone, such as pre-manufactured fiberglass, cultured stone, or glass-fiber reinforced concrete is permitted, provided that it is identical in appearance and of equal or greater durability to natural stone. These masonry materials shall be required on 65% of the sum total of all building façades, except single-family houses, which shall have 25% of the sum total of all façades.
- Stucco in a mixed-use development shall mean traditional stucco or gypsum concrete/plaster materials with a smooth sand finish. Cement board siding may be used to fulfill the masonry requirement but the percentage of masonry becomes 100% excluding trim. Exterior Insulation and Finish Systems (EIFS) or pre-manufactured panels are not permitted.
- All accessory units and garages shall be constructed from the same materials as the main structure.
- Commercial uses shall be permitted one (1) wall sign and one (1) monument sign. Within a development, consolidation of signage is highly encouraged.
- Freestanding pole/pylon signs are not permitted.
- Signs should be made of high quality and durable materials such as concrete, brick, stone, metal panels or heavy-weight plastic panels. Materials such as plywood or painted masonry are not permitted.
- Low-scale signs such as wall signs, awning signs and building signs should be used for retail and office uses.
- The size and look of the sign shall be governed by the Sign Chapter of the Unified Government Zoning Code. The applicant or Development Review Board may create more restrictive regulation. Less restrictive regulation may only be approved by the Unified Government Board of Commissioners through a separate Special Use Permit.

10. All parking shall be on an improved surface. The existing pavement on-site needs to be overlayed, as there are numerous potholes and weeds growing through the asphalt.

Ok

11. All parking spaces shall be striped in accordance with the Parking and Loading section of the Zoning Code (Sec. 27-669).

Ok

12. What is the purpose of the driveway on the west side of the building? It should be removed, as there is an existing curb cut into the parking lot and front entrance of the building? a. The westernmost curb cut, and driveway shall be removed and restored with vegetation and landscaping to reduce potential conflicts entry and exiting Leavenworth Road. Rebuild the sidewalk accordingly.

The west side parking entrance is for the Permanent Supportive Housing tenants on the main floor. As per the plans, the parking in the back will be separated by a fence so the Residence upstairs and the clients downstairs will be fully separated per WyCo Behavioral Health's recommendation.

13. Based on the floor plans, it appears that the basement has three (3) bedrooms, joint kitchen/dining facilities, bathroom and lounge area. The basement appears to be a group home, whereas the first floor has 7 self-contained apartment units. Provide further clarification.

The lower level will house 6 clients (2 people per room) in a congregate, Transitional Living Program for people living with severe and persistent mental illness who have been discharged from a higher level of care (psychiatric facility or Nursing Facility for Mental Health) into homelessness. The transitional living facility will be staffed 24-7 and people will be stay for 6-9 months while they locate appropriate permanent housing and build the skills necessary to maintain housing. The upper level will be Permanent Supportive Housing for people living with severe and persistent mental illness who have a history of homelessness. Tenants will have access to staff support from the transitional living facility and outpatient mental health services.

14. How will this group home operate? What type of group home is it?

The facility will be licensed as a residential care facility. This is a Transitional Living Program where people living with mental illness and have a history of homelessness will receive education and support to locate permanent housing and to build skills to manage symptoms of mental illness and be successful in housing. People in Transitional Housing will be discharged from a higher level of care such as the state psychiatric facility, a general hospital psychiatric ward, or a Nursing Facility for Mental Health into homelessness. The program will be staffed with mental health professionals 24 hours a day and participants will have access to housing supports and mental health services from the community mental health center.

15. How many guests will be in the residence, as it was not listed on the application?

Guests will be allowed in the 7 Permanent Supportive Housing units; however, no long-term overnight guests will be allowed. Guests are not allowed at the transitional living program.

16. How long will guests reside in a dwelling unit?

In the lower-level Transitional Living Program, 2 people will reside in one room. The efficiency Permanent Supportive Housing program will house one person per unit.

17. Where will the residents arrive from – another group home, referral, previous shelter, or recently incarcerated?

People will be admitted into the Transitional Living Program from a higher level of care such as the state nursing facility, a general hospital psychiatric unit, or a Nursing Facility for Mental Health. Residents in the Permanent Supportive Housing program will be referred by case management staff from the Community Mental Health Center.

18. How will individuals arrive at the group home?

Individuals will be assisted in admission to the lower-level Transitional Housing Program by the staff at that program and will arrive by transportation arranged through the referring facility or by staff at the community mental health center. Individuals moving into the Permanent Supportive will receive assistance from housing and case management service providers.

19. Does a staff member live in the facility and if so, how often?

The Transitional Living Program will be staffed 24 hours a day but staff do not live at the facility. All residents of both programs will have access to support from staff at the Transitional Housing Facility.

20. Who is the designated property manager? Explain the details of this arrangement. What is their contact information, and will you provide their information to the neighbors within the notice area?

The designated property manager will be Rubicon Realty, which manages multiple properties in the area, including Wyandotte Behavioral shared housing and master leased buildings. The owner is Shawn Johnson, shawn@rubiconazre.com. Notice will be given to all neighbors within the notice area so they have all contact information, including emergency contact information.

21. How will you communicate with the neighbors if there are any issues?

Staff and leadership will communicate with the community in the event of a major issue at the facility and will provide contact information to the community to communicate any concerns.

22. What are the days and hours of operation of the office?

The program will be staffed 24 hours a day.

23. To whom and what services will be provided by the office tenant?

Services will be available to all residents of both the Transitional Living Program and in the Permanent Supportive Housing Program. Participants of the Transitional Living Program will receive wrap around services including life skills education, symptom management, peer support, case management, psychiatric services, outpatient therapy, and housing location and support. Residents of Permanent Supportive Housing will have access to all services provided by the community mental health center including mental health case management, peer support, psychiatric services, outpatient therapy, vocational services, and crisis stabilization services.

24. Remove the incinerator in the rear of the property.

We will.

25. There is a transit stop in front of the building, contact Kansas City ATA to obtain the specifications for bench seating and/or bus shelter.

We will have that ready.

26. Describe how you will maintain a safe environment including:

- a. Working smoke detectors in each bedroom plus each level of the unit/house;
Smoke detectors and CO2 detectors will be in each bedroom plus each level.
- b. GFCI outlets required in bathrooms;
GFCI outlets will be the only outlets in the bathroom and kitchen spaces.
- c. Double keyed locks are not allowed;
We will not use double keyed locks
- d. Copper cannot be used for gas supply lines;
We will not use any copper for gas supply lines.
- e. Windows must be operable, not blocked or boarded;
All windows will be operable and clear.
- f. Handrails are required at sets of four (4) or more stairs/ risers;
We will install all handrails that are required.
- g. Hot water tank and furnace must be vented properly and operational; and,
All mechanicals will be permitted and inspected
- h. Electric panel and circuits must be safe.
All mechanicals will be permitted and inspected

27. Sec. 27-460(c)(4) Minimum floor area shall be 380 square feet of habitable floor area per dwelling unit. All of the units are less than the minimum floor area. Revise the floor plans or expand the structure to comply with the minimum floor area requirement.

We have submitted a variance request in addition to this change of zone

28. 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. A FEMA safe room constructed to FEMA Publication 320 or Publication 361 is required.

We will construct a fully encased safe room per FEMA standards in the North East corner of the basement of the building.

Neighborhood Meeting

11/27/23, 6:00 pm

[illegible]



Wyandot

Behavioral Health Network

Application Number BOZA2023-043

Date and Location: November 27, 2023
Manor Place, 6016 Leavenworth Road

The meeting was called to order at: 6:05 pm

The following people were in attendance:

Ralph Golubski
Carl Kaster
Janet Golubski
Denise Davis

Also in attendance:

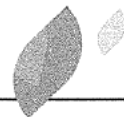
Randy Callstrom, CEO of Wyandot Behavioral Health Network
Rachel Erpelding, Executive Director of Kim Wilson Housing
Ardith Deason, Mr. Callstrom's assistant
Mr. Sergio, contractor rehabbing Manor Place and 6111 Complexes.

The attendees initially were asking questions about Manor Place where the meeting was being held, mostly regarding property and security issues at that location prior to the fire a year ago. These questions were answered by Mr. Sergio, the contractor working on Manor Place.

Mr. Callstrom and Ms. Rachel Erpelding presented an overview of the proposed project at 6111 Leavenworth Road. They also discussed the date for the upcoming City Planning Commission meeting and the variance request for room size.

Mr. Callstrom and Ms. Erpelding explained that the proposed building will include seven (7) permanent supportive housing units on the upper floor and six (6) transitional housing units on the lower level. They clearly identified the problematic aspects of the clientele who will be living there.

Mail: P.O. Box 171578, Kansas City, KS 66117 | 757 Armstrong Ave., Kansas City, KS 66101
913-233-3300 | 24-hour crisis line: 913-788-4200 | wyandotbhn.org



They further explained that Wyandot will have supportive housing staff on site 24/7.

Questions:

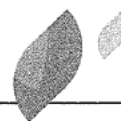
Mrs. Davis and Mrs. Golubski asked a few clarifying questions which were addressed, and no other concerns or questions were raised regarding the 6111 Leavenworth Road building.

The Meeting was adjourned at: 6:35 pm.

The Minutes were taken by: Ardith Deason, Mr. Callstrom's Assistant

Respectfully submitted,

Ardith Deason



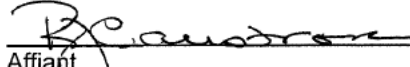
AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
) SS:
COUNTY OF: Wyandotte

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

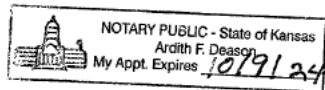
1. That I am the petitioner for Petition # BOZA2023-043.
2. That I conducted a neighborhood meeting on Tues., Nov. 27, 2023.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

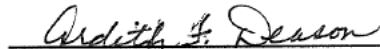
Further affiant saith not.

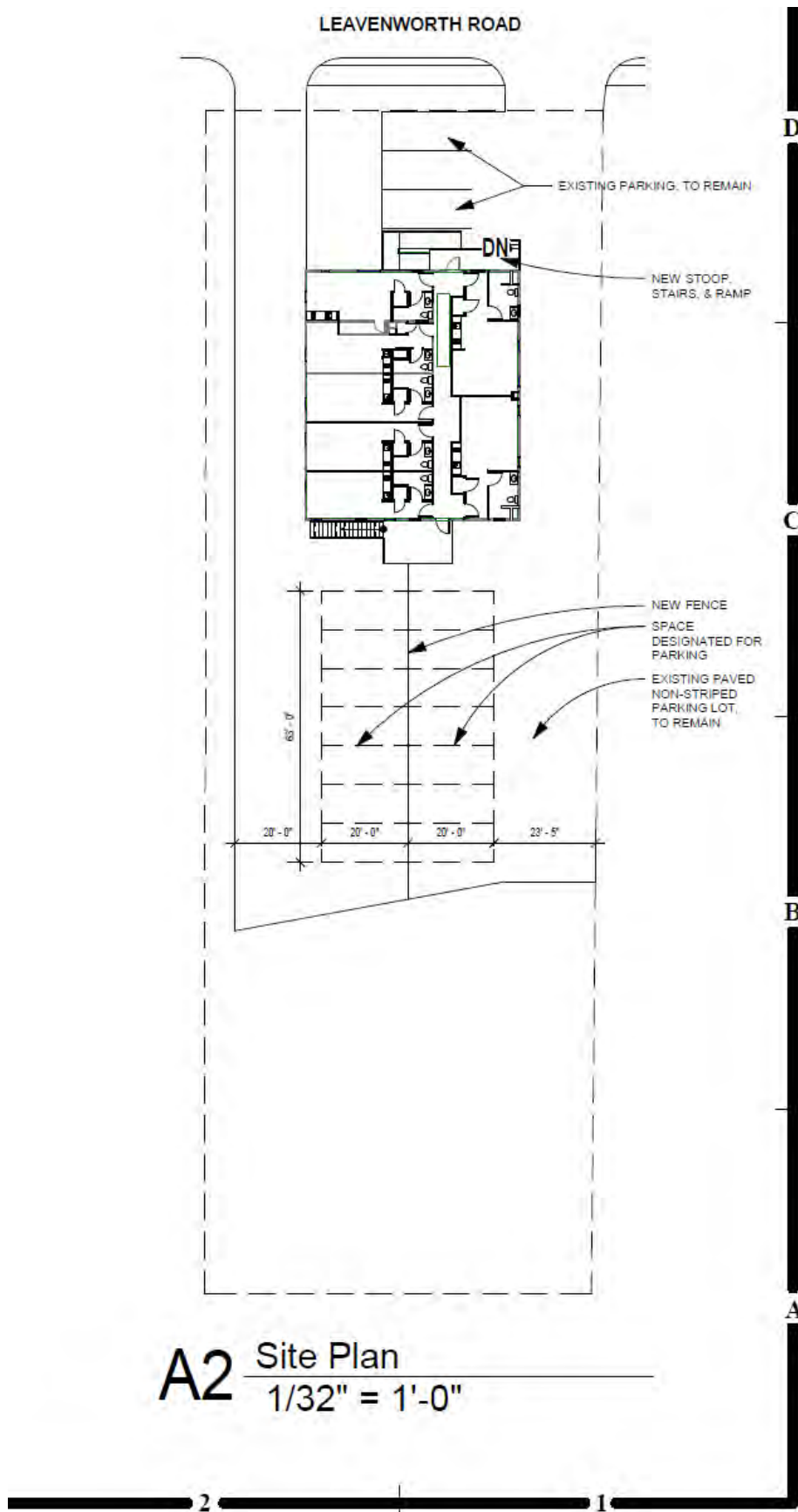

Affiant

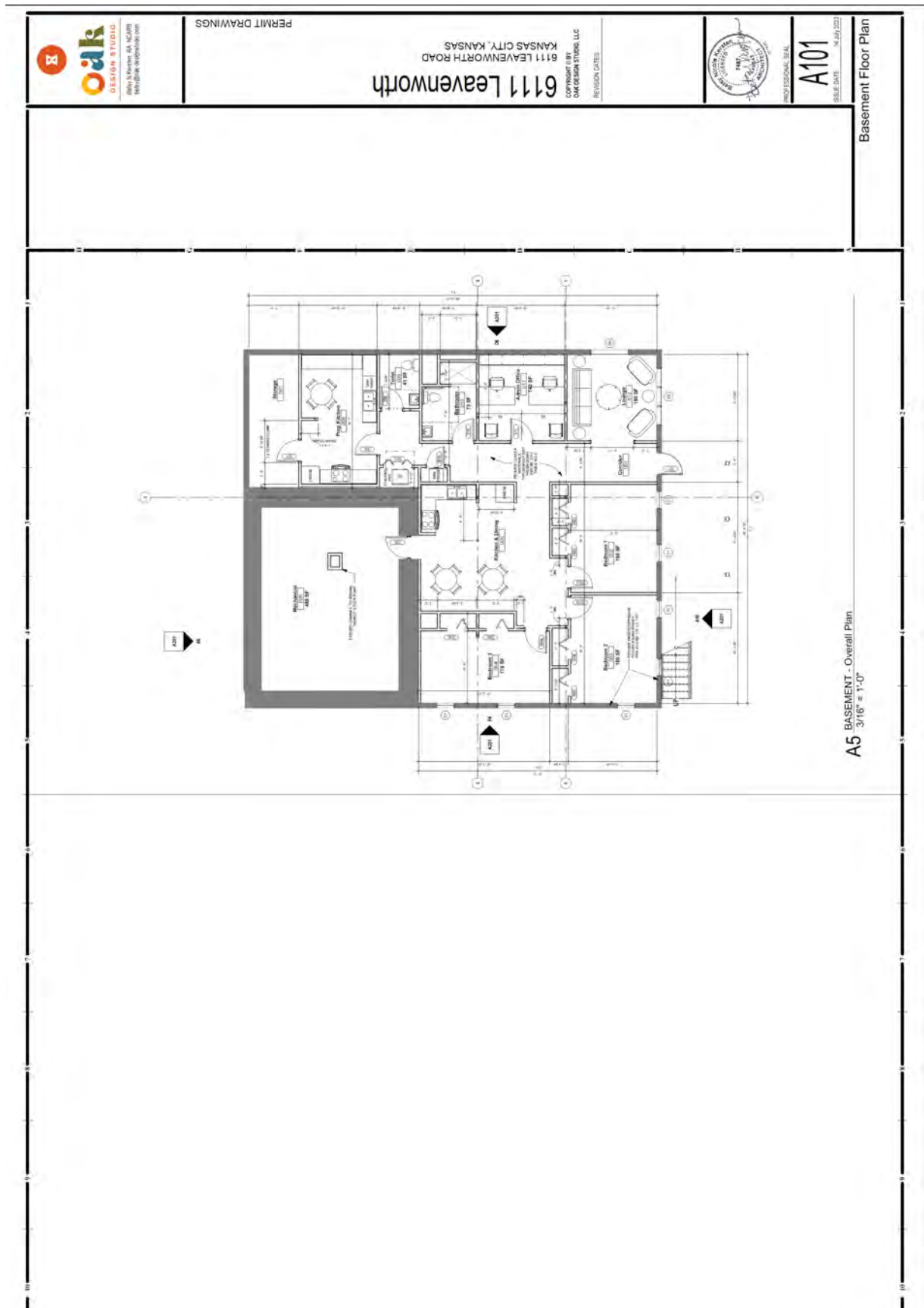
SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 28th day of November, 2023.

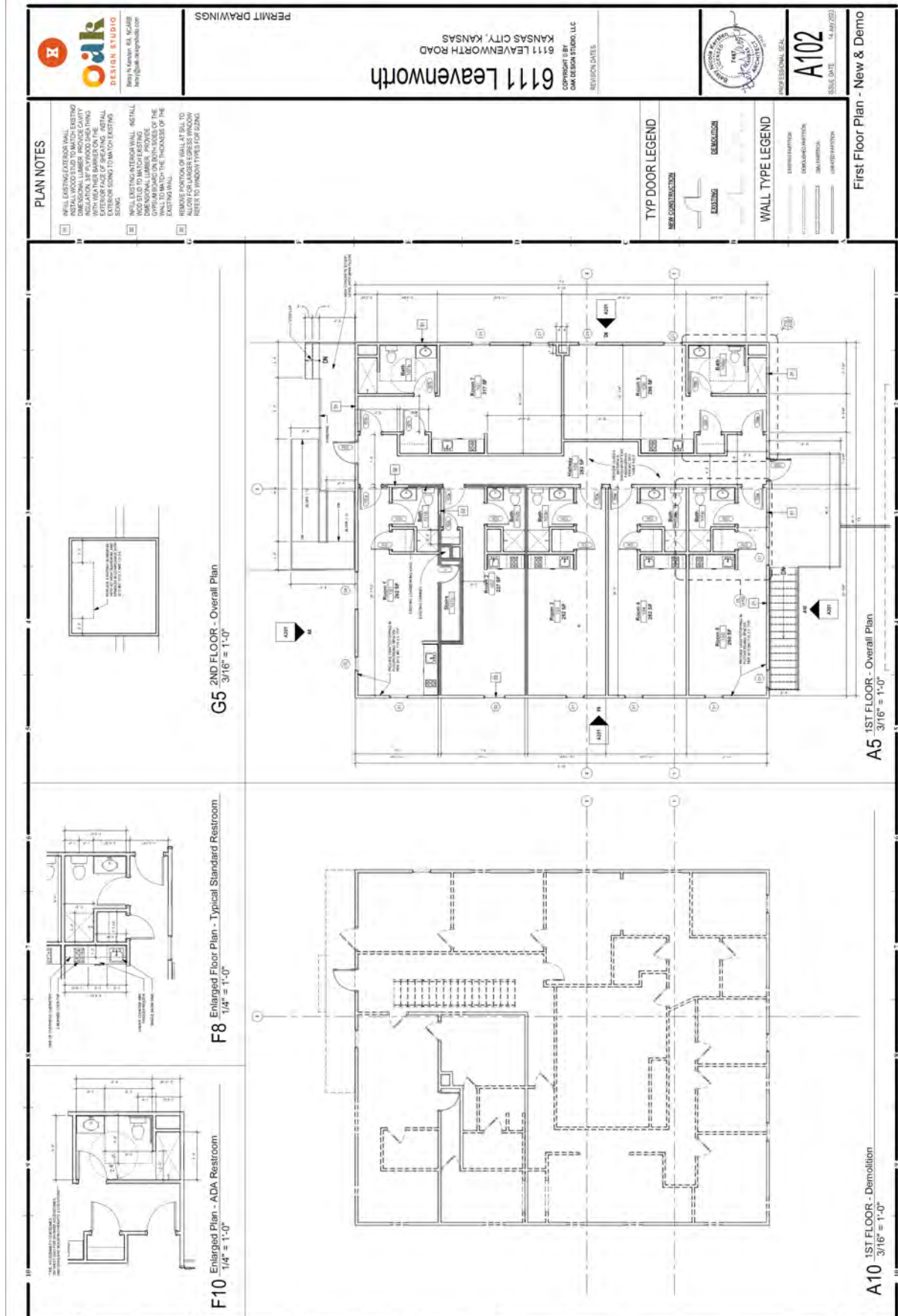
My commission expires 9th of October, 2023.




Notary Public







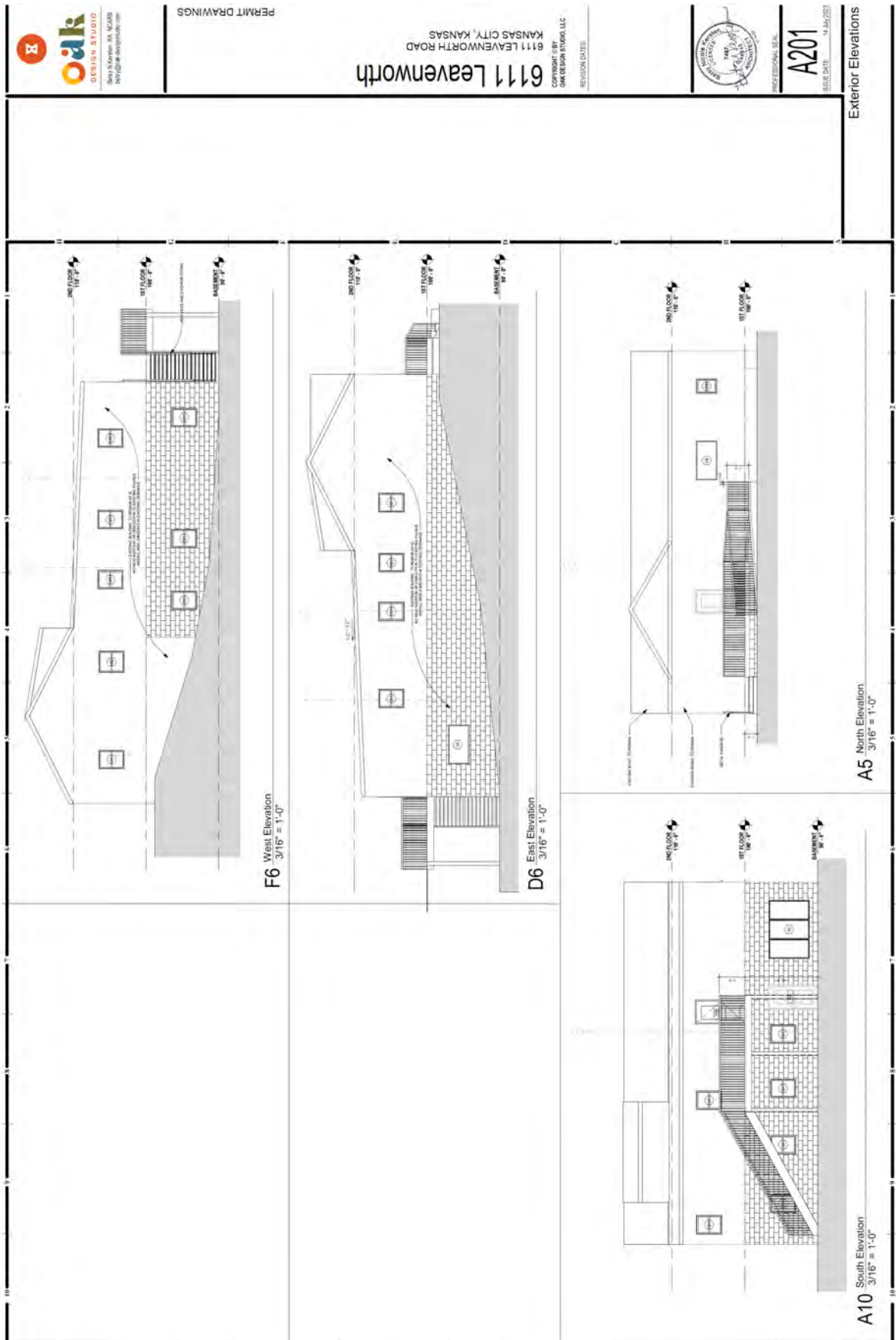




Figure 4. Site photograph looking south at 6111 Leavenworth Road (provided by Planning Staff).



Figure 5. Site photograph looking south at 6111 Leavenworth Road (provided by Planning Staff).



Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: January 11, 2024

Re: Petition SP2023-102

GENERAL INFORMATION

Applicant:
Artie Scholes

Status of Applicant:
Owner/Operator
403 Club, LLC
614 Reynolds Avenue
Kansas City, Kansas 66101

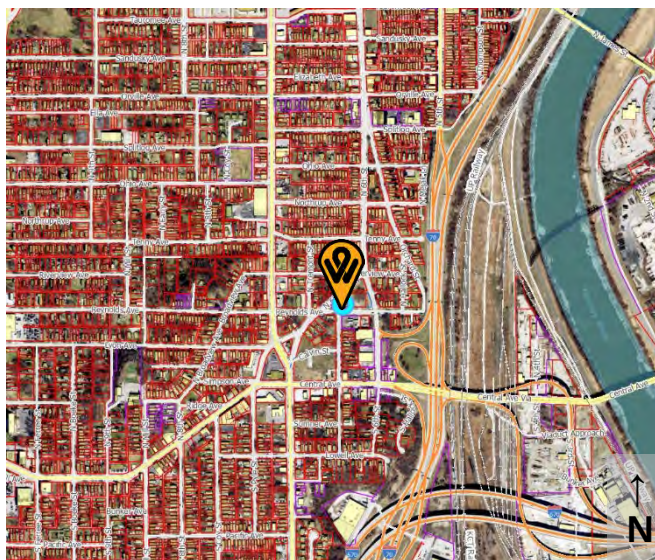
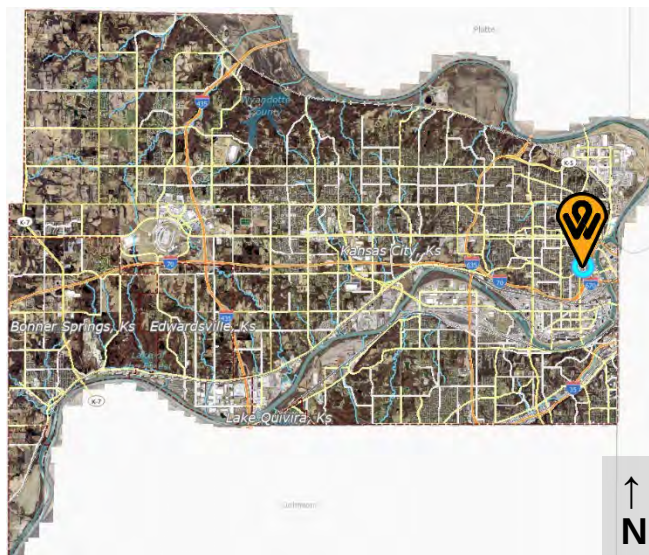
Requested Actions:
Approval of a Special Use Permit.

Date of Application:
October 27, 2023

Purpose:
Approval of a renewal of live entertainment at a drinking establishment.

Property Location:
614 Reynolds Avenue
Kansas City, Kansas 66101

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



Existing Zoning:	C-1 Limited Business District
Adjacent Zoning:	North: C-1 Limited Business District South: R-1(B) Single Family and M-2 General Industrial Districts East: C-1 Limited Business District West: R-1(B) Single Family District
Adjacent Uses:	North: Vacant property South: Single-family residence; Construction company East: Unified Government-owned vacant lot West: Vacant lots; Accessory building
Total Tract Size:	0.77 Acre
Comprehensive Plan Area:	The subject property is within the Central Area Plan.
Comprehensive Plan Designation:	The Central Area Plan designates this property as Urban Density. The Urban Density Land Use District allows for a mix of attached and detached residential. Building types that promote such allowed uses include: single-family homes; attached residences including town homes, duplexes, triplexes, fourplexes, etc.; and institutional; such as schools, places of worship, and libraries.
Major Street Plan:	The Major Street Plan classifies Reynolds Avenue as a Local/Neighborhood Street. The Major Street Plan classifies North 6 th Street/North 6 th Street Trafficway as Local/Neighborhood Streets.
Required Parking:	Section 27-464(e) requires paved off-street parking spaces at a ratio of not less than four (4) spaces per 1,000 square feet of floor area in the building. Section 27-668(a)(12), taverns serving alcoholic or cereal malt beverages require one (1) space for each 50 square feet of seating or assembly area plus one (1) space for each remaining 200 square feet of total floor area. This would require 39 spaces for the subject property, but 24 spaces are provided. The parking is legal non-conforming as a drinking establishment was established in 1993, prior to the establishment of the current parking minimums.

Advertisement:	<u>The Wyandotte Echo</u> – November 16, 2022 Letters to Property Owners – November 17, 2022
Public Hearings:	December 11, 2023 and January 11, 2024
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The Applicant, Artie Scholes with Club 403, LLC, is requesting a Special Use Permit for live entertainment in a legal non-conforming drinking establishment. The drinking establishment has been in operation since 1993 and has been in operation under the current owner—the Applicant—and under the current name—403 Club—since approximately 2014. The subject property had a live entertainment previous Special Use Permit for live entertainment, SP2021-062, which expired on September 30, 2023.

City Ordinance Requirements: Article VI, Sections 27-196 to -209, and -214; Article VIII, Sections 27-464 and -593.

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. The current property owner has received the following noise and/or disturbance complaints:
 - a. 2016: One (1) call for service and three (3) police cases.
 - b. 2017: One (1) call for service, one (1) reported incident, and three (3) police cases.
 - c. 2018: Three (3) calls for service, three (3) reported incidents, and six (6) police cases.
 - d. 2019: Three (3) calls for service, (2) two reported incidents, and five (5) police cases.
 - e. 2020: One (1) call for service and 14 police cases.
 - f. 2021: Four (4) calls for service and two (2) police cases.

Building or Code Enforcement Complaints:

1. The current property owner has received the following Property Maintenance Compliance citations:
 - a. 08/10/2021: Code enforcement citation (21CAP-00R01)
2. The current property owner has not received any Building Inspection citations.

Outstanding or Related Permits and Cases:

1. The previous property owner had been issued amusement licenses (for pinball machines).
2. The current property owner has the following outstanding permits and cases:
 - a. 05/04/2019- Signage exceeding zoning maximums (19216-00013). Applicant has submitted a sign permit to be processed if BOZA2023-048 is approved.
 - b. 04/27/2023- Unpermitted structure (23CAP-00A47)
3. The current property owner has the following related permits and cases.
 - a. 2011-2021, 2023: Amusement licenses for pinball machines
 - b. 2021: Special Use Permit for live entertainment (SP2021-062)
 - c. 2011-2023: Business license for drinking establishment

FACTORS TO BE CONSIDERED

1. The character of the neighborhood.

The subject property is within the Riverview Statistical Neighborhood and is within the Strawberry Hill Neighborhood Group. This subject property is located in the southern portion of the traditional boundaries of the Strawberry Hill neighborhood and only a few blocks north of Central Avenue. The subject property is surrounded by residential properties on three (3) sides (the north, east, and west), but is adjacent to an industrial business to the south and is in close proximity to other commercial businesses in the neighborhood.

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

The zoning and their uses of properties nearby are set out above. The proposed uses are compatible with the surrounding area as this is a neighborhood bar that has been operating as a drinking establishment since 1993.

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

The property is suitable for the proposed use. This portion of Reynolds Avenue is in between the commercial corridors on 7th Street and Central Avenue, linking the Central Business District of downtown Kansas City to Interstate 70 to the south and east. If managed properly, the live entertainment will not detrimentally affect nearby properties.

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

The property is not vacant. It is a commercial business that has been operating since 1993.

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

The Central Area Plan designates a portion of this property as Urban Density and a portion of this property as Community Commercial. The Urban Density Land Use District allows for a mix of attached and detached residential. This is the portion of the subject property where the drinking establishment is located. The Community Commercial Land Use District is intended to provide goods and services to adjacent districts and neighborhoods. Uses may include small-scale commercial centers, such as sit-down and drive-through restaurants. This land use district is located in the unpaved portion of the subject property, where the Ripple glass dumpster container is located. While it is unusual for an area plan to assign two (2) separate land use districts to a single parcel, it is more so unusual that the portion of the property where the business is located is designated for residential use, and the undeveloped portion is designated for local commercial use. Despite this unusualness—which may need to be addressed at a later date through a Master Plan Amendment entitlement—the proposed uses generally conform with the land use districts assigned to the subject property by the Central Area Plan.

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

The proposed use is the same as it has been for the previous two (2) years. In the past two (2) years there has been no increase in the amount of vehicular traffic to the point where it exceeds the capacity of the local street to accommodate it. This is because there is sufficient off-street parking that is used for the drinking establishment.

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

Because this building has been a commercial business since 1993, the proposed uses will not substantially injure the appropriate use, visual quality, or marketability of adjoining property. This type of Special Use Permit is not a permanent function of the business.

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

The noise, vibration, or illumination that would normally be associated with such use is of such duration and intensity as not to create problems for nearby property if properly managed.

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

The proposed use will not pollute the air, land, or water, as it is an existing drinking establishment. If the parking is expanded to meet the code requirement, it will increase stormwater runoff and must be reassessed.

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

The proposed use will not damage or destroy an irreplaceable natural resource as it is an existing drinking establishment, and the existing tree stand should remain to provide partial screening to the adjacent residential neighborhood.

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

The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the landowner is minimal. If the application is denied, the drinking establishment may continue to operate, but Applicant may only host four (4) live entertainment events annually.

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

The proposed use may result in overcrowding of off-street parking because there is an unimproved parking lot to the east that appears to have been used over the years for excess parking for customers. The drinking establishment has a maximum occupancy per the International Building Code, so the initial proposal of live entertainment as background music for patrons/customers will not cause undue concentrations of population in the building.

PREVIOUS ACTIONS

- SP2021-062, a Special Use Permit for live entertainment at a drinking establishment (expired September 30, 2023)
- BOZA2023-048, a variance from the sign face area maximum for a wall sign

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting in-person at 614 Reynolds Avenue at 4:30PM on November 27, 2023. The list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant can be found under "Neighborhood Meeting Materials Submitted by Applicant" within the Attachments section of this report.

KEY ISSUES

Curb Cuts
Customer Security
Dumpster Screening
Driveway
Illumination, Lighting, and Glare
Landscaping
Legal Non-Conforming Uses
Noise
Sidewalk Maintenance and Expansion
Parking Improvements and Paving
Vibration
Pedestrian Access

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Special Use Permit Application SP2023-102, for **five (5) years**, subject to:

1. **Continue to maintain the sidewalks free of debris and overgrown vegetation along Reynolds Avenue and North 6th Street Trafficway;**
2. **Maintain the existing tree stand in order to screen the nearby residences from the proposed use;**
3. **Staff will continue to work with Applicant to address the need for landscaping on the subject property—especially along North 6th Street—in order to mitigate any negative externalities that may be associated with the live entertainment special use;**
4. **The maximum number of occupants is 75;**
5. **Per Section 27-464(c)(9), retail businesses with parking areas or other outside customer-oriented areas within 100 feet of any residence shall restrict hours of operation to between 6:00 a.m. and 1:00 a.m. of the following day;**
6. **Doors and windows must stay closed during any entertainment performance;**
7. **Must comply with Unified Government Security Ordinance (Chapter 4, Article II Division 1, Section 4-104(f)), including:**
 - a. **Must have at least one (1) security personnel stationed at the door at all times that is able to monitor any required parking area. Additional security guards may be required depending on the building capacity;**
 - b. **Patrons are not allowed to loiter in their vehicles. If so determined, they will be asked to leave;**
 - c. **An I.D. scanner will be used at all times; and,**
 - d. **At closing time, all security personnel will begin from a designated area to move patrons towards the exit and then to their vehicles;**
8. **No amplified speakers or entertainment is allowed in outdoor spaces;**
9. **Any illumination that results from an entertainment event shall not be seen or otherwise impact adjacent residential uses;**

10. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
11. 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;
12. This City Planning Commission case is being heard in conjunction with BOZA2023-048. 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 BOZA2023-048 by the Unified Government Board of Zoning Appeals and upon any ordinance publications required by law;
13. The applicant has filed and maintained a current business occupation tax application and entertainment license;
14. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
15. All existing and future driveways must feature curb cuts that are constructed to UG standards;
16. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
17. 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;
18. A Pre-Construction meeting is required for any improvements to public infrastructure upon the approval and issuance of a Development Review Committee (DRC) Permit. Any improvements to, construction or alteration of: sanitary systems, stormwater systems, public or private streets, sidewalks, or other public infrastructure will require a pre-construction meeting with the Department of Public Works. The applicant is required to contact the County Engineer at (913) 573-5400 or by info@wycokck.org prior to construction to arrange this meeting;
19. BPU ground mounted transformers shall be screened on all four (4) sides from public view. Architectural screening walls are the preferred method, but landscape screening is an allowable alternative. Screening shall be designed to be solid to the view, and any designs incorporating air circulation shall not be visible. Screening height must be the greater of either six (6) feet tall or the height of the utility being screened. Designs

- shall show two (2) possible site orientations. Designs will also incorporate all BPU Engineering specifications and largest of all the required dimensions. Refer to attached BPU Engineering documents for details;
20. 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 33,742 square feet, requiring five (5) trees be provided on the site plan;
 21. Section 27-464(g) requires a six (6)-foot-high architectural or landscape screening 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;
 22. Section 27-699(a)(4) states that at least one-half (0.5) of the trees planted to fulfill the tree planting requirements shall be shade trees;
 23. Section 27-699(a)(6) states that non-industrial and non-structural parking lots that have a paved area wider than a double-loaded aisle and more than 20,000 square feet in area shall provide one (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;
 24. Section 27-702(1)(a-d) states that shade trees shall be at least two (2)-inch-caliper when planted as measured 12 inches above the ground. All ornamental deciduous trees shall be at least two (2)-inch-caliper when planted as measured 12 inches above the ground. All evergreens shall be five (5) to six (6) feet in height when planted as measured 12 inches above the ground. Ornamental deciduous trees shall be six (6) to eight (8) feet when planted as measured 12 inches above the ground;
 25. 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;
 26. 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;
 27. 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;

28. 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;
29. The Special Use Permit shall be valid for five (5) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than three (3) 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;
30. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
31. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.
32. Per UG standards compliant “No Parking” signs in the unimproved portion of the parcel where currently the glass recycling and trash enclosure is located to prevent overflow parking for the existing parking lot.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners makes the findings contained within the staff report related to *Factors to be Considered* and *Key Issues*, and recommends **APPROVAL** of Petition **SP2023-102** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

December 11, 2023 City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Neighborhood Meeting Materials Submitted by Applicant
Security Plan for 614 Reynolds Avenue Submitted by Applicant for SP2021-062
Select Conditions of Approval of SP2021-062
Staff Site Visit Photos, Dated November 19, 2023

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>City Planning Commission</u>	<u>Unified Government Board of Commissioners</u>
Public Hearing		
Special Use Permit	December 11, 2023 Approval	January 11, 2024

STAFF CONTACT: **Michael Farley**
 mfarley@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2023-102** as meeting all the requirements of the city code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____,
2. _____; **AND**
3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition **SP2023-102**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

DECEMBER 11, 2023 CITY PLANNING COMMISSION MINUTES:

Recording Secretary Parker stated that the Commission will consider the item removed from the Consent Agenda.

SPECIAL USE PERMIT APPLICATION SP2023-102 – ARTIE SCHOLES FOR THE 403 CLUB – SYNOPSIS: Renewal of a Special Use Permit (SP2021-062) to continue to operate a drinking establishment with live entertainment at 614 Reynolds Avenue. Detailed Outline of Requested Action: The Applicant, Artie Scholes with Club 403, LLC, is requesting a Special Use Permit for live entertainment in a legal non-conforming drinking establishment. The drinking establishment has been in operation since 1993 and has been in operation under the current owner—the Applicant—and under the current name—403 Club—since approximately 2014. The subject property had a live entertainment previous Special Use Permit for live entertainment, SP2021-062, which expired on September 30, 2023.

Present in Support:

- Artie Scholes, applicant, 403 Club, LLC, 614 Reynolds Avenue, Kansas City, Kansas 66101

Present in Opposition:

- No one appeared

Staff Recommendation: Planning Director Hand stated that this case is for the second approval and first renewal for live entertainment and a drinking establishment. The property is in the Central Area Plan. Staff received no letters in support nor opposition. There are some old Notices of Violation that have been rectified on this property. Staff recommends approval for five (5) years subject to the conditions in the staff report. Staff would like to add an additional condition of approval that code compliant “No Parking” signs be placed on the undeveloped part of the property. It is an unimproved part of the property used for glass recycling as an accessory use that is not intended for overflow parking of the use. However, there are times when it is used in that manner.

Motion:

On motion by Mrs. Armstrong, seconded by Mrs. Jones, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit Application SP2023-102 for five (5) years:**

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

Ernst Aye
Jones Aye
Miller Not Present
Motion to APPROVE Passed: 8 to 0
Subject to:

1. Continue to maintain the sidewalks free of debris and overgrown vegetation along Reynolds Avenue and North 6th Street Trafficway;
2. Maintain the existing tree stand in order to screen the nearby residences from the proposed use;
3. Staff will continue to work with Applicant to address the need for landscaping on the subject property—especially along North 6th Street—in order to mitigate any negative externalities that may be associated with the live entertainment special use;
4. The maximum number of occupants is 75;
5. Per Section 27-464(c)(9), retail businesses with parking areas or other outside customer-oriented areas within 100 feet of any residence shall restrict hours of operation to between 6:00 a.m. and 1:00 a.m. of the following day;
6. Doors and windows must stay closed during any entertainment performance;
7. Must comply with Unified Government Security Ordinance (Chapter 4, Article II Division 1, Section 4-104(f)), including:
 - a. Must have at least one (1) security personnel stationed at the door at all times that is able to monitor any required parking area. Additional security guards may be required depending on the building capacity;
 - b. Patrons are not allowed to loiter in their vehicles. If so determined, they will be asked to leave;
 - c. An I.D. scanner will be used at all times; and,
 - d. At closing time, all security personnel will begin from a designated area to move patrons towards the exit and then to their vehicles;
8. No amplified speakers or entertainment is allowed in outdoor spaces;
9. Any illumination that results from an entertainment event shall not be seen or otherwise impact adjacent residential uses;
10. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
11. 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;
12. This City Planning Commission case is being heard in conjunction with BOZA2023-048. 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

- BOZA2023-048 by the Unified Government Board of Zoning Appeals and upon any ordinance publications required by law;
13. The applicant has filed and maintained a current business occupation tax application and entertainment license;
 14. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
 15. All existing and future driveways must feature curb cuts that are constructed to UG standards;
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23. Section 27-699(a)(6) states that non-industrial and non-structural parking lots that have a paved area wider than a double-loaded aisle and more than 20,000 square feet in area shall provide one (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;
24. Section 27-702(1)(a-d) states that shade trees shall be at least two (2)-inch-caliper when planted as measured 12 inches above the ground. All ornamental deciduous trees shall be at least two (2)-inch-caliper when planted as measured 12 inches above the ground. All evergreens shall be five (5) to six (6) feet in height when planted as measured 12 inches above the ground. Ornamental deciduous trees shall be six (6) to eight (8) feet when planted as measured 12 inches above the ground;
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26. 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;
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29. The Special Use Permit shall be valid for five (5) years from the publication of the associated Ordinance. The Applicant is solely responsible for

- renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than three (3) 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;
30. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
 31. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.
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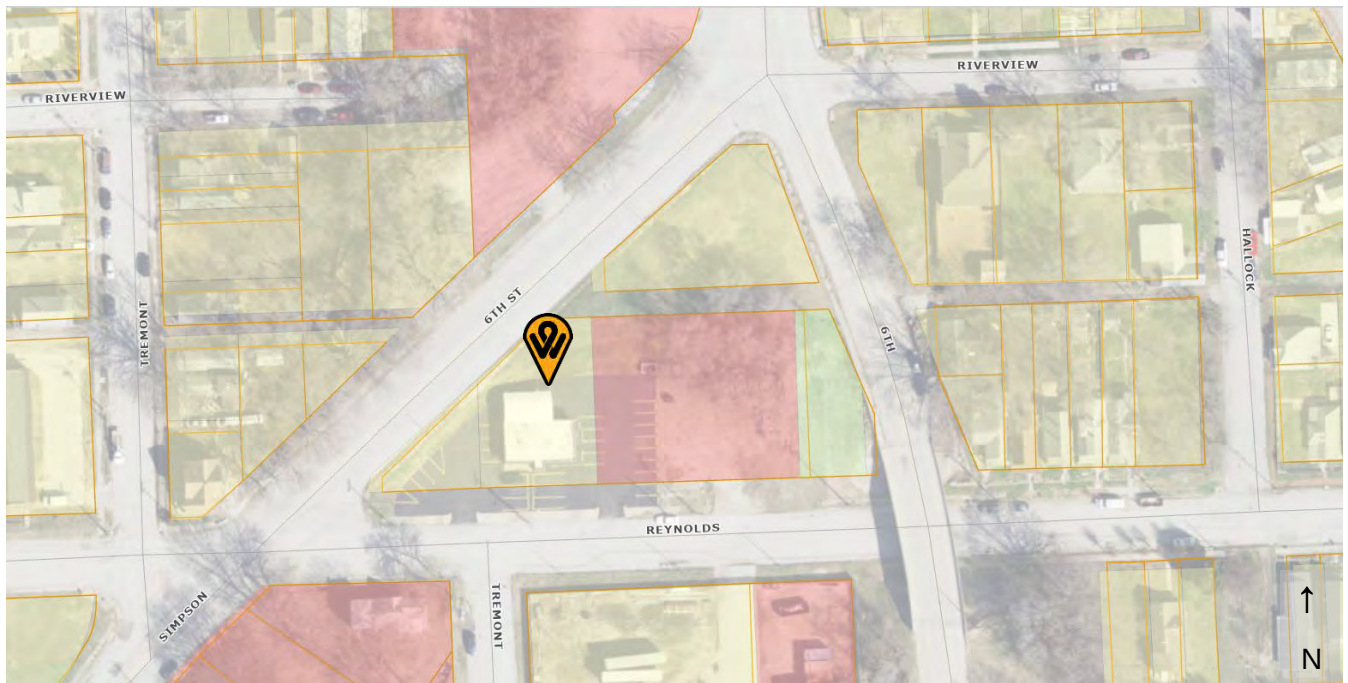
AERIAL MAP



ZONING MAP



LAND USE MAP



Central Area Plan Land Uses

	Community Commercial
	High-Density Residential
	Medium Density Residential
	Mixed-Use
	Neighborhood Commercial
	Parks/Open Space
	Public/Semi-Public
	Right-of-Way
	Urban Density
	Utility

NEIGHBORHOOD MEETING MATERIALS SUBMITTED BY APPLICANT



November 15, 2023

NOTICE OF NEIGHBORHOOD MEETING

I am the owner of the 403 Club and one of your neighbors. I have filed an application with the Department of Urban Planning and Land Use #SP2023-102, for renewal of a special use permit for live entertainment (i.e. karaoke, DJ, open mic, live band) at 614 Reynolds Avenue, Kansas City, Kansas 66101.

I have owned and operated the 403 Club at the current location since 2014. My hours of operation are Monday – Friday 4:00 pm to 2:00 am; Saturday and Sunday noon to 2:00 am. My customers have requested entertainment options such as karaoke, stand-up comedy, DJ and live music and for the past two years I have been able to provide those options. I am awaiting renewal of my annual entertainment license which requires approval through the special use permit process.

I have been in the bar business, including live music venues, for over 30 years. My business and my home are in the Strawberry Hill neighborhood, and I am committed to the success of the community. I hope you will support me in my efforts by giving a thumbs up to my renewal.

A neighborhood meeting to answer any questions or concerns you may have will be held at the **403 Club at 614 Reynolds on Monday, November 27, 2023, at 4:30 p.m.** If you are unable to attend, please contact me via email and or phone at the address/phone number listed below.

I look forward to seeing you at the November 27 meeting.

Sincerely,

CLUB 403 ENTERPRISES LLC

Artie Scholes

G. Arthur Scholes, III
Owner/President

Email: 403clubkck@gmail.com
Cell: (816) 686-7227

614 REYNOLDS AVENUE • KANSAS CITY, KANSAS
(913) 499-8392 • WWW.403CLUB.COM

NEIGHBORHOOD MEETING MATERIALS SUBMITTED BY APPLICANT, CONT.

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF KANSAS)
) SS:
COUNTY OF WYANDOTTE)

Comes now Artie Scholes as President of Club 403 Enterprises LLC, of lawful age, sound mind and upon his oath states as follows:

1. That I am the petitioner for Petition #SP2023-102.
2. That I conducted a neighborhood meeting on November 27, 2023.
3. No one attended the meeting, and no one contacted me with questions or comments. Accordingly, there are no minutes/summary of the meeting. Attached is a copy of the notice mailed to the property owners on the list provided by the Planning + Urban Design Department.

Further affiant saith not.



Affiant

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

My commission expires 17th of May, 2025.



Notary Public



SECURITY PLAN FOR 614 REYNOLDS AVENUE
SUBMITTED BY APPLICANT FOR SP2021-062

403 CLUB SECURITY PLAN

The 403 Club's management goal, like most drinking establishments, is to provide a hospitable place where patrons can have a good time, often by enjoying entertainment while purchasing and consuming the establishment's primary product, alcoholic beverages. It is the latter item, the service of alcoholic beverages that tend to lessen or remove inhibitions in many people, which can be the cause of problems for drinking establishment operators.

Because of the lack of prior problems, and because of the types of crowds the 403 Club's atmosphere attracts, specifically designated security personnel have not been utilized. Rather, bartenders and management have been relied upon to handle problems that might occasionally arise. This continues to be sufficient unless circumstances should warrant a change.

Management seeks to attract its customers based on the location, atmosphere, and entertainment format it provides. Promotions set a tone and attract specific types of patrons. That "tone" will determine what type problems are likely to arise, and what type and level of security should be provided. Management will, at any time necessary, change that "tone" by changing the music, adjusting event times or duration, and other measures appropriate.

Management will work to identify any potential problems and develop countermeasures and train personnel in their implementation.

LICENSED SECURITY OFFICERS

Due to the occupancy limits, the number of patrons will not exceed the 125-person threshold under Sec. 4-104 (f) that would require licensed security officers. Management has and will continue to consult with Officer Jay Wilt, KCKPD, to advise when/if any security personnel may be needed to monitor the event to ensure that no one becomes unruly and resolve any potential problems that may arise.

DOORPERSON

During live entertainment events, a doorperson will be stationed at the entry door. The doorperson will check IDs to ensure that people seeking entrance are of legal age. They also will attempt to deny entry to persons who are obviously intoxicated, or who are known to have previously caused problems and/or been barred by management.

BARTENDERS

Current staff are experienced bartenders, the majority is TIPS certified to ensure they are equipped with knowledge for serving alcohol to the public. All staff are trained to identify patrons who are visibly becoming intoxicated or becoming loud, obnoxious and "looking for trouble," and deploy basic nonconfrontational methods to cut such people off from further drinking.

SECURITY PLAN FOR 614 REYNOLDS AVENUE
SUBMITTED BY APPLICANT FOR SP2021-062, CONT.

REMOVING PATRONS

Sometimes visible presence, rule enforcement, and verbal warnings aren't enough, and, for the safety of staff and customers alike an unruly patron must be ejected.

Escorting a patron out of the bar involves first explaining why they are being asked to leave, then verbally requesting that they comply. If the customer has previously been warned, they already know why they are being asked to leave, and if treated courteously, many will leave without problem.

If a patron, even an intoxicated, obnoxious, and combative patron is injured; they should be offered medical attention, usually by calling EMS or an ambulance. If the person is unconscious, medical help should always be called for them. Never eject a visibly injured person without first offering to help them obtain medical treatment. A written report should be prepared in such cases, especially if an injured person refuses medical attention.

If a patron refuses verbal requests or commands to leave after staff/management has requested he or she leave, or fails to leave the property after exiting the bar, the police should be called promptly.

OUTSIDE THE BAR

Management, employees, or security personnel should monitor the parking lot starting 30 minutes before closing time and continuing until all patrons and staff have left. If an incident erupts outside the bar, but still on the bar's property, the police should be called to intervene. If patrons leaving cause problems, management will work with the police to arrive at workable solutions to the problem.

VIDEO SURVEILLANCE SYSTEM

The 403 Club is equipped with a digital video recorder system that includes a monitor located in the bar and the ability for remote monitoring. Cameras are strategically located to cover critical areas of the exterior and interior of the facility. Management has access to the digital recorder and can provide the recording for investigative purposes

SELECT CONDITIONS OF APPROVAL OF SP2021-062

Applicant Response: Please refer to comment #11 above. Considering the empty lot at 602 Reynolds is not used by the business at 614 Reynolds, would this still be required? I would appreciate more information regarding this request and would also ask that any issues with the lot/parcel at 602 Reynolds be handled separately so the SUP application for the licensed business at 614 Reynolds may move forward.

Staff Response: As the applicant has described this as a neighborhood drinking establishment, connecting the bar to the surrounding neighborhood via the sidewalk is of the utmost importance. Creating a pedestrian connection by completing the sidewalk along 614 Reynolds will connect to the Strawberry Hill neighborhood.

17. Clean the sidewalk of debris and weeds along North 6th Street Trafficway.

Applicant Response: 62 North 6th Street (upper parcel) is also a separate lot/parcel and has nothing to do with the Entertainment License and required SUP. I believe that includes the sidewalk staff is referencing. Again, I would ask that any issues with other parcels be treated separately.

Staff Response: The property, 62 North 6th Street is owned by the applicant and operator, Club 403 Enterprises, LLC, which is the same as 602 Reynolds Avenue. Cleaning up the sidewalk by clearing overgrown weeds to allow pedestrians to walk safely on the sidewalk to this establishment is not a separate issue and is related to this use.

18. Plant additional landscaping along North 6th Street around the rear of the building to buffer some noise and illumination that may reverberate up the hill towards the residents on North Tremont Street and Riverview Avenue.

Applicant Response: I would disagree with staff's conclusion that landscaping is necessary to "buffer noise and illumination that may reverberate up the hill...". This is a concrete block building. There are no windows at the back of the building and both doors are closed. The steep hillside along North 6th Street is already a significant buffer. There have been no complaints from residents on Tremont or Riverview, or any other neighboring residents of noise or illumination. Why are we trying to fix a problem that does not exist?

Staff Response: Staff wants to be proactive rather than reactive to a noise. As discussed in the neighborhood meeting minutes, both the applicant and Strawberry Hill Neighborhood Association mentioned the desire to host indoor and outdoor live entertainment performances.

If the intent is to host events outside and there are performances on the patio, in addition to the fence that is being reconstructed around the patio, plant landscaping along the top of the slope adjacent to North 6th Street is mitigate

SELECT CONDITIONS OF APPROVAL OF SP2021-062, CONT.

noise and green and red lighting that illuminates the canopy.

19. Maintain the existing tree stand to screen the proposed use from residences.

Applicant Response: I have and will continue to maintain the existing tree stand.

20. Per Sec. 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 to begin this process.

Applicant Response: I will contact Planning Staff regarding obtaining necessary permits for signage.

21. 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.

Applicant Response: Immediately upon approval, I will submit a check in the amount of \$125.00 for the publication fee. I understand this must be submitted within 30 days or the permit will be invalid.

22. 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.

Applicant Response: I understand that as the business owner and the property owner, I am responsible that the property is compliant with the ordinances, conditions, and requirements of this approval.

23. Subject to approval, the Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is

STAFF SITE VISIT PHOTOS, DATED NOVEMBER 19, 2023



Upper Left: View of the subject property from the Reynolds Avenue right-of-way, facing north.

Above: View of the subject property from the eastern, unfinished parking lot.

Direct Left: View of the subject property from the North 6th Street Trafficway right-of-way, facing east.



Above: An attached sign on the east façade of the building. A sign permit is required.

Above: An attached sign on the south façade of the building. A sign permit is required.

Direct Left: An attached sign on the west façade of the building. If the variance requested by BOZA2023-048 is approved, then a sign permit will be required.



STAFF SITE VISIT PHOTOS, DATED NOVEMBER 19, 2023, CONT.



Above (All): Condition of the sidewalks along Reynolds Avenue and North 6th Street Trafficway.

Direct Left: Sidewalk at the corner of Reynolds Avenue and North 6th Street Trafficway, which is covered in mud and leaves, and in need of maintenance.



Lower Left and Center: Floodlights mounted on utility poles. Such lights must be hooded in order to prevent the light from affecting the surrounding residential properties and reducing light pollution.



Direct Below: Dumpster screening must have a materially compatible gate.





Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: January 11, 2024

Re: Special Use Petition SP2023-104

GENERAL INFORMATION

Applicant:

Alyssa Schiferl

Status of Applicant:

Property Owner
1206 North 132nd Street
Kansas City, Kansas 66109

Requested Action:

Approval of a Special Use Permit.

Date of Application:

October 26, 2023

Purpose:

To approve a Home Occupation
Special Use Permit to operate a
cottage bakery business.

Property Location:

1206 North 132nd Street
Kansas City, Kansas 66109

Commission Districts:

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



Existing Zoning:	RP-2 Planned Two-Family District
Adjacent Zoning:	North: RP-2 Planned Two Family District South: RP-2 Planned Two Family District East: RP-2 Planned Two Family District West: RP-2 Planned Two Family District
Adjacent Uses:	North: Duplex South: Duplex East: Duplex West: Open Space easement
Total Tract Size:	0.12 Acre
Comprehensive Plan Designation:	The Prairie-Delaware-Piper Area Plan designates the subject property Planned Mixed-Residential District. These areas could be developed with patio (zero lot line) homes, townhouses, condominiums, garden apartments, housing for seniors, and other multifamily uses.
Major Street Plan:	The goDotte Mobility Plan designates North 132 nd Street as a Local/Neighborhood Street.
Parking Requirement:	Section 27-456(d) states “Two (2) off-street parking spaces shall be provided on the premises for each dwelling unit, at least one of which shall be in a garage or carport”. The property provides four (4) spaces, two (2) in a garage.
Advertisement:	<u>The Wyandotte Echo</u> – November 16, 2023 Letters to Property Owners - November 17, 2023
Public Hearings:	December 11, 2023 and January 11, 2024
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Alyssa Schiferl, is requesting a Home Occupation Special Use Permit to operate a cottage bakery at 1206 North 132nd Street.

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

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

Building, Zoning, or Code Enforcement Complaints:

1. There are no notices of violations on the property.

Outstanding or Related Permits and Cases:

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

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The subject property is within the Prairie-Piper Statistical Neighborhood and the Delaware Ridge Neighborhood Group. The neighborhood consists of primarily duplexes, townhouses and single-family residences, with commercial uses along State Avenue to the South.

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

The zoning and uses are set out above. The proposed use is expected to be compatible with nearby uses as long as it is managed properly.

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

The property is suitable to be used as a cottage bakery business, as the business will be limited almost exclusively within the kitchen of the residence. Removal of restrictions will not affect nearby property.

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

The property is not vacant and is the applicant's primary residence.

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

Special Use Permits are not addressed in the Prairie-Delaware-Piper Area Plan, which allows patio (zero lot line) homes, townhouses, condominiums, garden apartments, housing for seniors, and other multifamily uses. The proposed use is

a home occupation, contained within the residence, which conforms to the Area Plan with a Special Use Permit.

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

The proposed use is not expected that this will exceed the capacity of North 132nd Street, a Local Street, as there will be no pickup orders available.

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

The proposed use is not reasonably necessary for the convenience and welfare of the public, as the proposed use is for the benefit of the applicant/property owner. The proposed use, however, will not substantially or permanently injure the use, quality, or marketability of adjoining property as long as the property is managed properly.

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

Noise is a typical issue with a home occupation, however, as the use is contained within the residence entirely, noise, as well as dust, vibration or illumination are not expected to be issues as long as the use is managed properly.

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

The proposed use will not pollute the air, land or water as it exists within an established suburban neighborhood.

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

The proposed use will not damage or destroy an irreplaceable natural resource as it exists within an established suburban neighborhood.

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

The relative gain to public health, safety, and welfare are minimal. If denied, the property owner would not be able to utilize their residence for their home occupation and would have to find a commercial kitchen or commercial space for their business.

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

The proposed use is not expected to result in the overcrowding of land or undue concentrations of population as long as the use is managed properly.

PREVIOUS ACTIONS

There are no previous Planning Entitlements on the subject property.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on November 10, 2023. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Scope of Business
Storage
Hours of Operation
On-Site Customers

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Special Use Permit Application SP2023-104, for **two (2) years**, subject to:

1. If the applicant intends to expand the use, they may be required to revise their Special Use Permit to reflect this expansion;
2. Any guests coming to the residence to pick-up orders shall park in the driveway. No on-street parking is allowed;
3. 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;
4. All exterior lighting, whether mounted on a building or within a parking lot must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
5. If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;
6. If approved, the applicant must file and maintain a current business occupation tax application with this office. The Business Licensing

- Division is located at 4953 State Avenue, Kansas City, KS 66102. Their contact information is businesslicense@wycokck.org (913) 573-8780;
7. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
 8. All existing and future driveways must feature curb cuts that are constructed to UG standards;
 9. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
 10. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
 11. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
 12. 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 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;
14. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
 15. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **SP2023-104** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

December 11, 2023 City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Applicant Response Letter
Neighborhood Meeting Materials
Business Plan
Site Photos, Taken by Staff, Dated November 10, 2023

REVIEW OF INFORMATION AND SCHEDULE

Action	City Planning Commission	Unified Government Board of Commissioners
Public Hearing	December 11, 2023	January 11, 2024
Special Use	Approval	

STAFF CONTACT:

James Molloy
jmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2023-104** as meeting all the requirements of the city code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **SP2023-104**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

DECEMBER 11, 2023 CITY PLANNING COMMISSION MINUTES:

Hearing starts at 3:12:05:

SPECIAL USE PERMIT APPLICATION SP2023-104 – ALYSSA SCHIFERL -

SYNOPSIS: Home Occupation Special Use Permit for a cottage bakery at 1206 North 132nd Street. *Detailed Outline of Requested Action:* The applicant, Alyssa Schiferl, is requesting a Home Occupation Special Use Permit to operate a cottage bakery at 1206 North 132nd Street.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated December 11, 2023;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners;

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

Present in Support:

- Alyssa Schiferl, applicant, 1206 North 132nd Street, Kansas City, Kansas 66109

The Planning Commission directed questions to the applicant.

Present in Opposition:

➤ No one appeared

Staff Recommendation starts at 3:15:08: Planning Director Hand stated that the request is for a home occupation permit for a bakery. The property is in the Prairie-Delaware-Piper Area Plan. Staff has received no letters in support nor opposition. There are no Notices of Violation. Staff recommends approval for two (2) years, subject to the conditions in the staff report.

Motion starts at 3:15:51:

On motion by Mrs. Armstrong, seconded by Mr. Ernst, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit SP2023-104 for two (2) years:**

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

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

Subject to:

1. If the applicant intends to expand the use, they may be required to revise their Special Use Permit to reflect this expansion;
2. Any guests coming to the residence to pick-up orders shall park in the driveway. No on-street parking is allowed;
3. 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;
4. All exterior lighting, whether mounted on a building or within a parking lot must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
5. If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate

- the need for additional licenses as this application is for Zoning approval only;
6. If approved, the applicant must file and maintain a current business occupation tax application with this office. The Business Licensing Division is located at 4953 State Avenue, Kansas City, KS 66102. Their contact information is businesslicense@wycokck.org (913) 573-8780;
 7. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
 8. All existing and future driveways must feature curb cuts that are constructed to UG standards;
 9. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
 10. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
 11. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
 12. 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 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

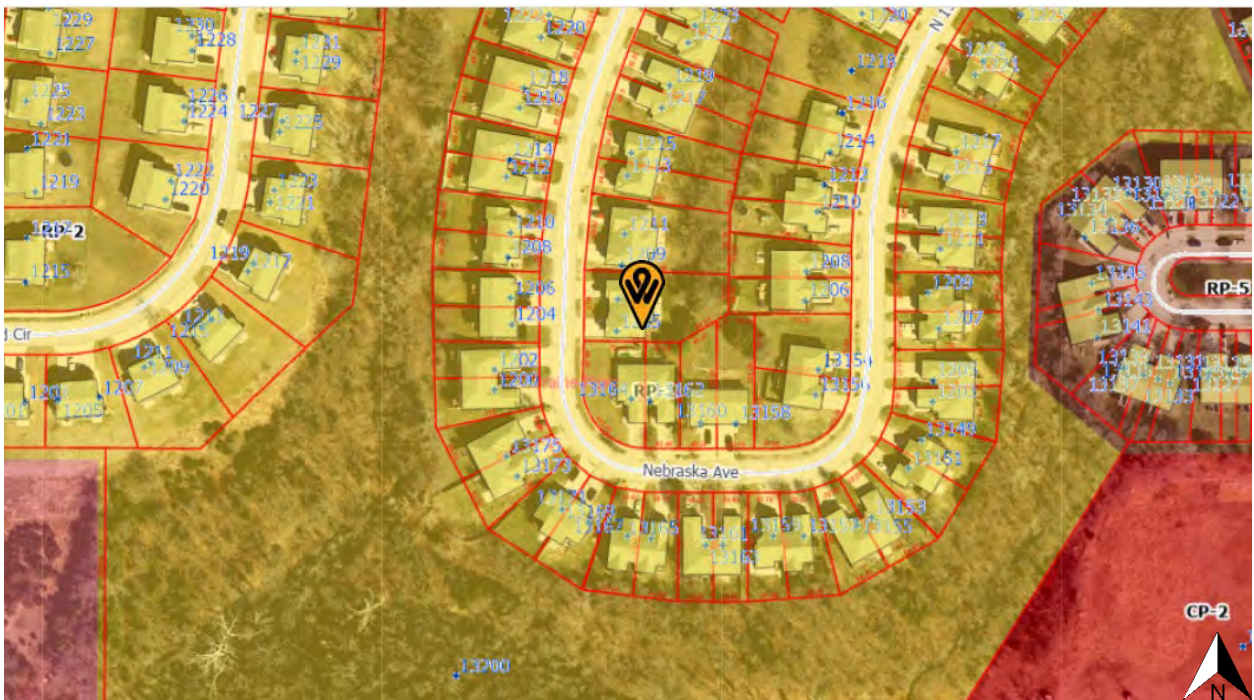
- Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;
14. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
 15. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.

ATTACHMENTS

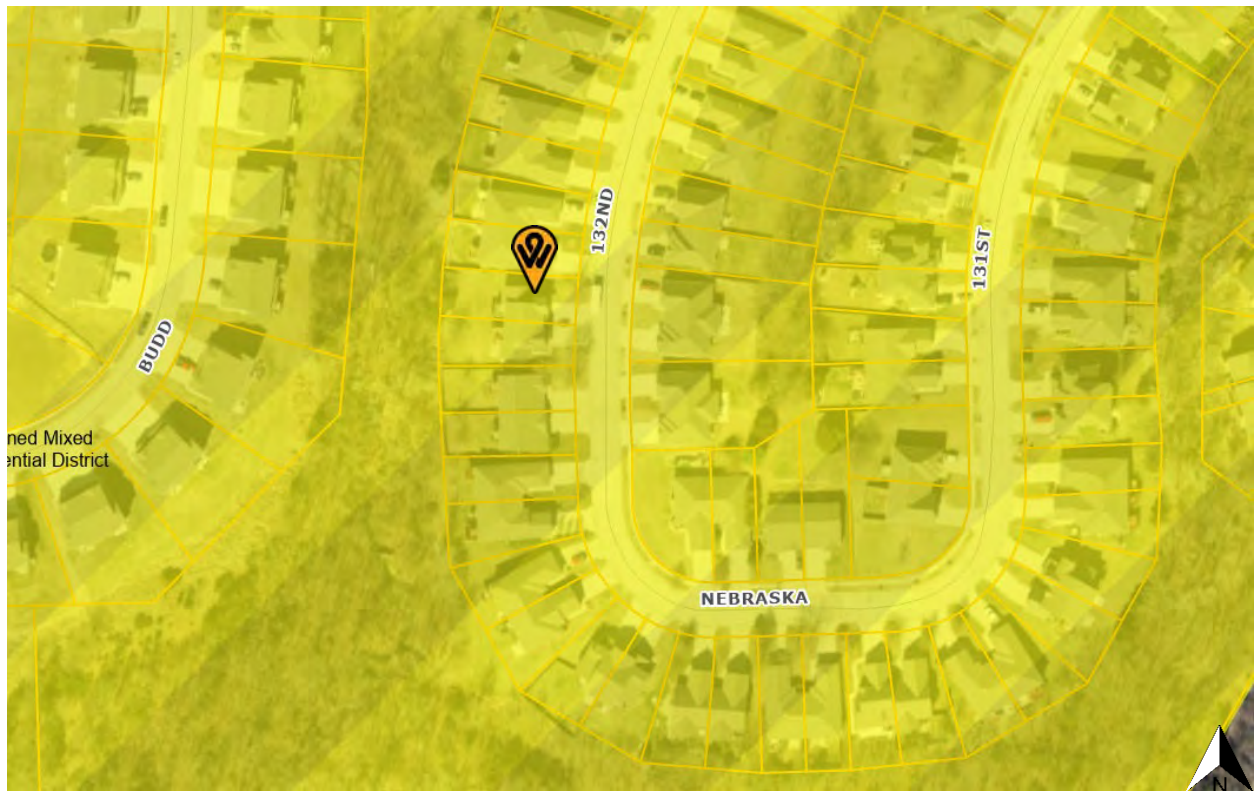
AERIAL IMAGERY



ZONING MAP



LAND USE MAP



APPLICANT RESPONSE LETTER

1. Our records show that the applicant has not paid their \$80.00 application fee. This application will not move forward to the City Planning Commission until this fee has been paid.

I paid the application fee via myWyco Express on 10/27/2023 and received an email confirming this payment. I can forward a copy of that email, if needed.

2. What are the applicant's proposed hours of operation?

The proposed hours of operation are Monday-Friday, 8am-5pm. However, these hours are difficult to completely predict, as customers may need to pick up orders outside of these hours and/or baking may need to take place on weekends or in the evenings.

3. Will customers come to pick up goods from the applicant's residence?

Customers will occasionally come to pick up goods from the residence. They would just stop by to pick up their orders and would likely only be parked in the driveway or beside the driveway for a few minutes at a time.

4. Will the applicant deliver goods to their customers? Will the applicant have a dedicated delivery van?

Yes, I will deliver goods to customers when requested. I will not have a dedicated delivery van but will use my personal car for deliveries.

5. Will the applicant be converting any portion of the residence into a commercial kitchen?

No, I will not be converting any portion of the residence into a commercial kitchen. I will be baking using the current kitchen in the residence.

NEIGHBORHOOD MEETING MATERIALS

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
COUNTY OF Wyandotte) ss:

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

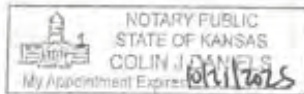
1. That I am the petitioner for Petition #SP2023-104
2. That I conducted a neighborhood meeting on 11/20/2023
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Planning + Urban Design Department.

Further affiant saith not.

Alyssa Schifert
Affiant

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

My commission expires 21 of NOVEMBER, 2025



[Signature]
Notary Public

Business Description

This special use permit application is for a cottage bakery business, Cosmos Cake LLC, that I would like to conduct from my home. This business is a part-time occupation, and I plan to bake cakes, cupcakes, and cookie cakes from my home. I (Alyssa Schiferl) am the owner of the business and will not have any other employees. Sales will be direct-to-consumer, either through pickup/delivery of baked goods or through farmer's markets and other occasional merchant events. At this point in the business, I plan to fulfill five or fewer orders each month. There will be no signs of business visible outside of the home except for customers occasionally picking up orders.

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





Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: January 11, 2024

Re: Special Use Petition SP2023-105

GENERAL INFORMATION

Applicant:

David Dial

Status of Applicant:

Property Owner

820 Armour Road, Apt #12693

Kansas City, Missouri 64116

Requested Action:

Approval of a Short-Term Rental
Special Use Permit.

Date of Application:

October 26, 2023

Purpose:

To approve a Special Use Permit
for a Short-Term Rental. This is not
the applicant's primary residence.

Property Location:

4509 Garfield Avenue

Kansas City, Kansas 66106

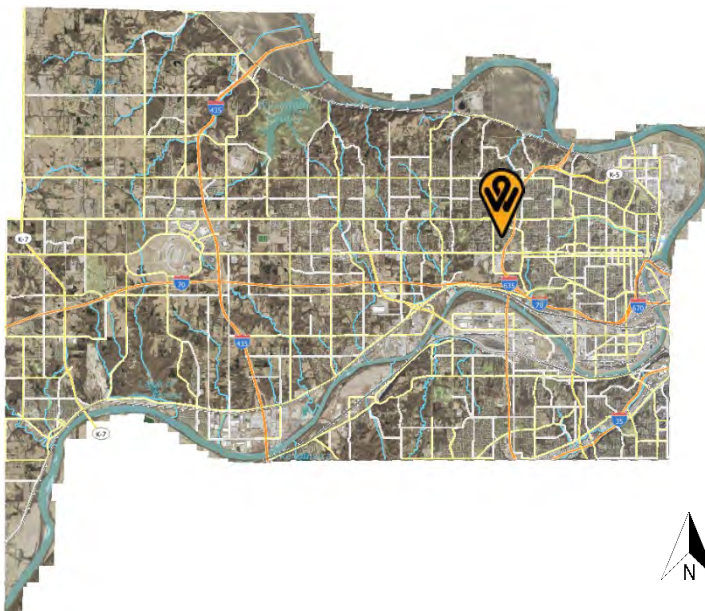
Commission Districts:

Commissioner At-Large, District #1:

Melissa Bynum

District #1 Commissioner:

Gayle Townsend



Existing Zoning:	R-1(B) Single Family District
Adjacent Zoning:	North: R-1(B) Single Family District South: R-1(B) Single Family District East: R-1(B) Single Family District West: R-1(B) Single Family District
Adjacent Uses:	North: Single-family residence South: Single-family residence East: Single-family residence West: Single-family residence
Total Tract Size:	0.17 Acre
Comprehensive Plan Designation:	The City-Wide Comprehensive Plan designates the subject property as Low-Density Residential, which allows single-family homes.
Major Street Plan:	The goDotte County-Wide Mobility Plan designates Garfield Avenue as a Local/Neighborhood Street.
Parking Requirement:	Section 27-455(d) states “Two (2) off-street parking spaces shall be provided on the premises for each single-family dwelling”. The property provides two (2) parking spaces.
Advertisement:	<u>The Wyandotte Echo</u> – November 16, 2023 Letters to Property Owners – November 17, 2023
Public Hearings:	December 11, 2023 and January 11, 2024
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, David Dial, is requesting a Short-Term Rental Special Use Permit to operate a short-term rental at 4509 Garfield Avenue. This is not the owner’s primary residence. This would be the first and only permitted short-term rental on the 4500 block of Garfield Avenue.

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

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

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

Building, Zoning, or Code Enforcement Complaints:

1. 2019 – 19200-02711 – Environment – Structural and Debris
2. 2003 – 03200-01070 – Environment – Back Yard Debris
3. 2000 – 00204-00188 – Environment – Back Yard Debris

Outstanding or Related Permits and Cases:

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

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The subject property is within the Coronado Statistical Neighborhood, the Wyandotte Village Neighborhood and Leavenworth Road Association groups. The neighborhood consists almost exclusively of single-family homes on medium sized lots.

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

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

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

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

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

It is unclear how long the property has been vacant for.

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

Special Use Permits are not addressed in the City-Wide Comprehensive Plan. The City-Wide Comprehensive Plan designates the subject property as Low-Density Residential, which allows for single-family homes. The use as a short-term rental conforms to the Comprehensive Plan with a Special Use Permit.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PREVIOUS ACTIONS

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

NEIGHBORHOOD MEETING

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

KEY ISSUES

Home Inspection Report
Illumination
Noise
Operating without a Special Use Permit
Overcrowding
Parking
Vibration

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Special Use Permit Application SP2023-105, 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 two (2). No STR renters or guests may park on-street;**

3. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
4. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;
5. Applicant is to maintain liability insurance;
6. The property must remain in proper maintenance and free of hazards, pests, or infestations;
7. The granting of this Special Use Permit does not transfer with a change of ownership of the property;
8. Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and www.hostcompliance.com/tips (website);
9. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
10. If approved, the applicant must file and maintain a current business occupation tax application with this office. The Business Licensing Division is located at 4953 State Avenue, Kansas City, KS 66102. Their contact information is businesslicense@wycokck.org (913) 573-8780;
11. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
12. All existing and future driveways must feature curb cuts that are constructed to UG standards;
13. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
14. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The

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

15. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
16. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
17. The Special Use Permit shall be valid for one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;
18. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
19. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **SP2023-105** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

December 11, 2023 City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Host Compliance Map
Floor Plan
Home Inspection Report
Site Photos, Taken by Staff, Dated November 10, 2023

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	December 11, 2023	December 28, 2023
Special Use	Approval	

STAFF CONTACT:

James Molloy
jmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2023-105** as meeting all the requirements of the city code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **SP2023-105**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

December 11, 2023 City Planning Commission Minutes:

Hearing starts at 3:16:55:

SPECIAL USE PERMIT APPLICATION SP2023-105 – DAVID DIAL - SYNOPSIS:

Special Use Permit for a Short-Term Rental at 4509 Garfield Avenue. Detailed Outline of Requested Action: The applicant, David Dial, is requesting a Short-Term Rental Special Use Permit to operate a short-term rental at 4509 Garfield Avenue. This is not the owner's primary residence. This would be the first and only permitted short-term rental on the 4500 block of Garfield Avenue.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated December 11, 2023;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners;

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

Present in Support:

- David Dial, applicant, 820 Armour Road, Kansas City, Missouri 64116

The Planning Commission directed questions to the applicant.

Present in Opposition:

- No one appeared

Staff Recommendation starts at 3:27:22: Planning Director Hand stated that the request is for a non-owner-occupied Short-Term Rental Special Use Permit. The property is in the Citywide Comprehensive Plan in the Midtown area. Staff has received no letters in support nor opposition. There are some older Notices of Violation, which have been rectified by the redevelopment of the property. Staff recommends approval for one (1) year subject to the conditions in the staff report.

Motion starts at 3:28:15:

On motion by Mrs. Jones, seconded by Mr. Straws, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit SP2023-105 for one (1) year:**

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

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

Subject to:

1. Maximum number of guests shall be 7;
2. All parking must be off-street, maximum number of vehicles is two (2). No STR renters or guests may park on-street;
3. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
4. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;
5. Applicant is to maintain liability insurance;
6. The property must remain in proper maintenance and free of hazards, pests, or infestations;
7. The granting of this Special Use Permit does not transfer with a change of ownership of the property;
8. Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and www.hostcompliance.com/tips (website);
9. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
10. If approved, the applicant must file and maintain a current business occupation tax application with this office. The Business Licensing

- Division is located at 4953 State Avenue, Kansas City, KS 66102. Their contact information is businesslicense@wycokck.org (913) 573-8780;
11. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
 12. All existing and future driveways must feature curb cuts that are constructed to UG standards;
 13. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
 14. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
 15. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
 16. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
 17. The Special Use Permit shall be valid for one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior

- to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;
18. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
 19. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.

ATTACHMENTS

AERIAL IMAGERY



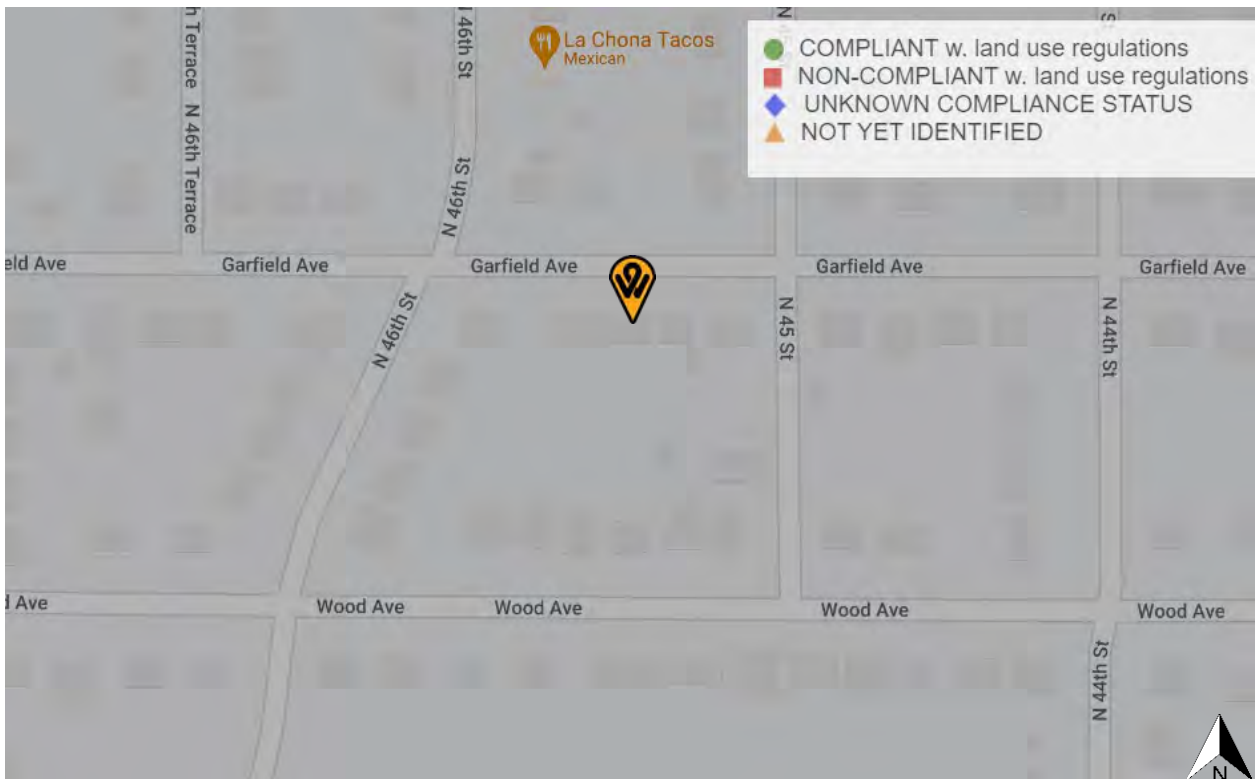
ZONING MAP



LAND USE MAP

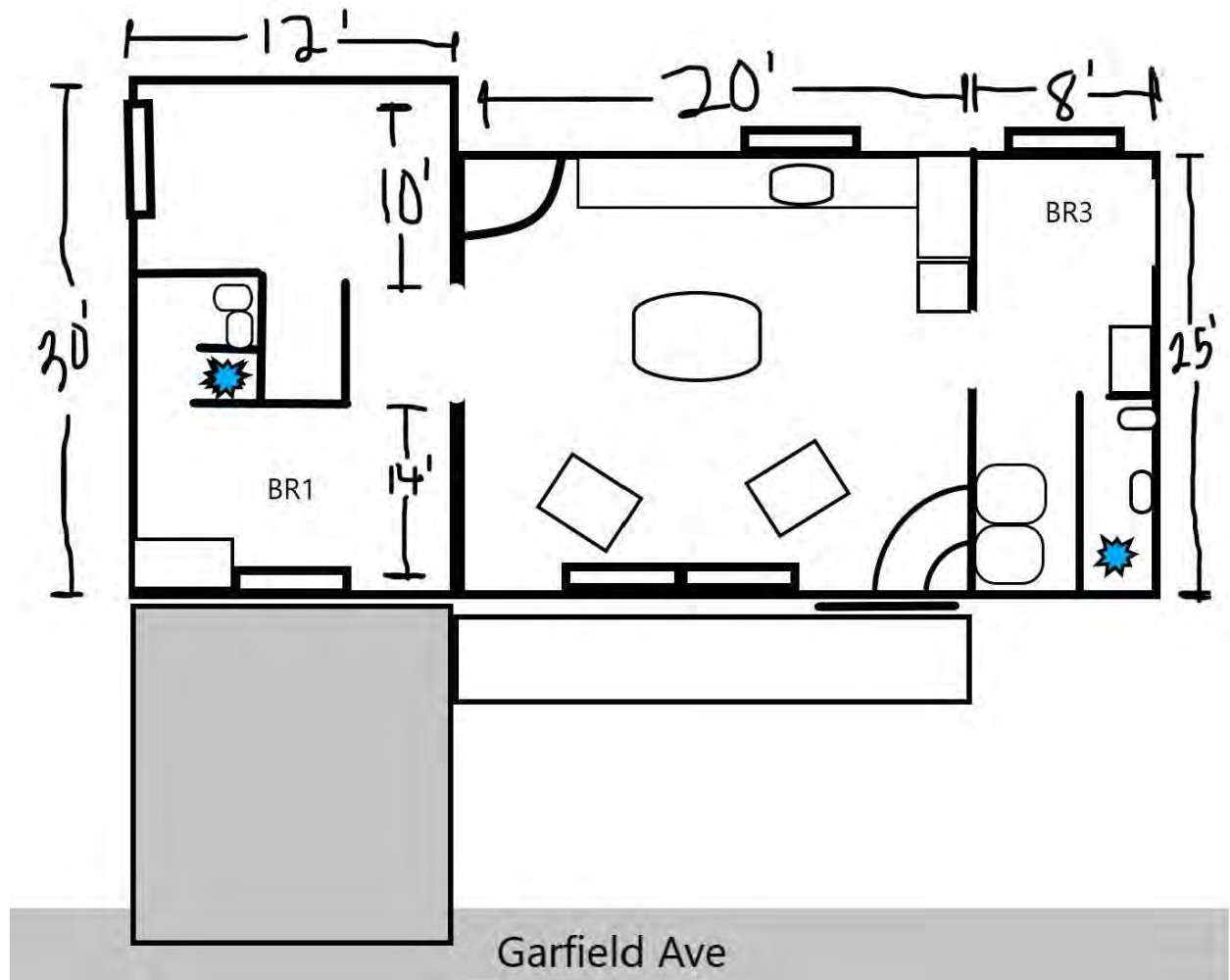


HOST COMPLIANCE MAP – NOVEMBER 7, 2023



FLOOR PLAN

Dimensioned Plan



Electrical

Description of Electrical

- Size of Electrical Service: 120/240 Volt Main Service - Service Size: 200 Amps
- Service Drop: Overhead
- Service Entrance Conductors: Aluminum
- Service Equipment & Main Disconnects: Main Service Rating 200 Amps | Breakers
- Service Panel & Overcurrent Protection: Panel Rating: 200 Amps
- Distribution Wiring: Copper
- Wiring Method: Non-Metallic Cable "Romex"
- Switches & Receptacles: Grounded and Ungrounded
- Smoke Detectors: Present

General Comments

- A licensed electrician should be consulted to undertake some of the repairs recommended below.

Main Panel

- Repair: Recommend that missing electric panel screws be replaced.
- Repair: Observed that the panel was not labeled. Recommend labeling the Panel



200 Amp



Panel was not labeled

Outlets

- Repair: Noted outlets that did not have power at the time of inspection. Confer with owner and repair as necessary.
- Repair: Observed a hanging/unsecured outlet in the attic. Recommend repair.



Unsecured outlet



Multiple outlets had no power in attic

Distribution Wiring

- Safety Issue: Observed missing grommets in multiple junction boxes. Recommend that a licensed electrician evaluate the electrical components of the home for necessary repairs.
- Safety Issue: Observed open wiring in the home. Recommend that a licensed electrician evaluate the electrical components of the home for necessary repairs.

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



Date: 11/22/2023

MINUTES:

Application Number_ SP2023-105_

Date and Location: 11/22/2023 at 5:00PM online at Microsoft Teams meeting _____ <https://tinyurl.com/2023-105>_(ms teams link shortened with redirected link from tinyurl)_____.

Meeting called to order at: __5:00 PM__

Names of people in attendance: David J Dial, Shanel Dial, Shaun Capilitan, Cary Stronarch. None of the people whom received letters joined the meeting.

Introductions:

Hello we are here to discuss my special use permit application for short term rental at 4509 Garfield Ave. The number one concern that neighbors talk about with short term rentals is parties. We have successfully managed 2 of these type of rentals one in Overland Park and one in South Plaza area. In each case the neighbors were concerned with parties and noise. We go above and beyond to ensure that we avoid problem guests and avoid parties. Here are the several layers of security to guard against parties.

- We screen out potential renters that are local
- We screen out potential renters that have no reviews
- We screen out potential renters that have bad reviews
- We require all renters to Sign a renters agreement that prohibits parties
- We collect directly from the renter a \$300-500 security deposit that is forfeited if the rules are broken
- We have external cameras and can view how many vehicles are on the premises
- We have decibel/noise sensors that detect sustained loud noise that would disturb neighbors
- These same sensors also detect how many cell phones are in the home, which can be a sign of a crowd or gathering

As a result of these measures, we have not had a complaint yet of a party or noise disturbance at either of our properties. We are taking all these same approaches for our home on Garfield Ave.

Questions and answers (include the following):

➤ None

Meeting adjourned at: 5:45PM

Minutes taken by: _____ David Dial _____

NEIGHBORS WHO CONTACTED:

11/20

Phone Call

Marlene, president of NeighborsWhoCare

(neighborswhocare@gmail.com, 913-609-1787)

- Marlene is the president of a neighborhood watch type of organization that covers Wyandotte Village
- She shared her concerns about parties and illegal activity occurring at the party
- I explained the lengths that we go to ensure problem guests are screened out, like; prescreening, no locals policy, no parties policy, required security deposit, required signed renters agreement, external cameras, noise sensors and cellphone "crowd sensing" sensors.
- She said that she would support an STR that did these things.

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO) SS:

Comes now David J Dial, of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition # SP2023-105.
2. That I conducted a neighborhood meeting on 22 Nov 2023 at 5:00PM.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Planning + Urban Design Department.

Further affiant saith not.

[Signature]
Affiant

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

My commission expires 1 of August, 2027.

Mary Agostino
Notary Public





Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: January 11, 2024

Re: Special Use Petition SP2023-107

GENERAL INFORMATION

Applicant:

Sherisa Strother

Status of Applicant:

Owner and Operator
Early Learners Academy
1220 Troup Avenue
Kansas City, Kansas 66104

Requested Action:

Approval of a Special Use Permit.

Date of Application:

October 27, 2023

Purpose:

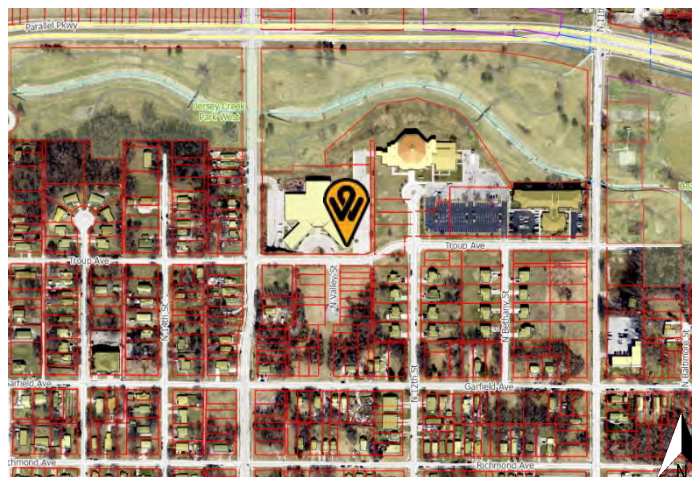
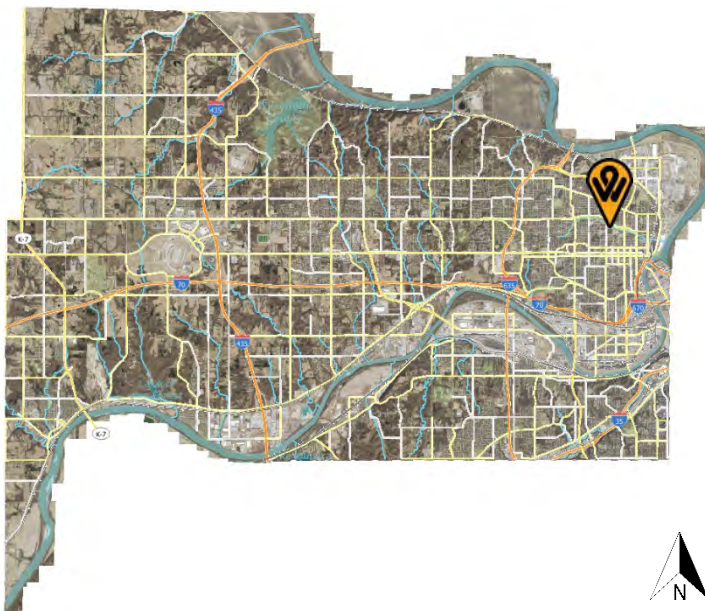
To approve a Special Use Permit to operate a daycare on the campus of the Boys and Girls Club.

Property Location:

1220 Troup Avenue
Kansas City, Kansas 66104

Commission Districts:

Commissioner At-Large, District #1:
Melissa Bynum
District #4 Commissioner:
Harold Johnson



Existing Zoning:	R-2 Two-Family District
Adjacent Zoning:	North: C-3 Commercial and R-2 Two-Family Districts South: R-2 Two Family District East: R-2 Two Family District West: R-2 Two Family District
Adjacent Uses:	North: Jersey Creek Park South: Vacant Residential Parcels East: Mount Carmel Church West: Single-family residences
Total Tract Size:	3.47 Acres
Comprehensive Plan Designation:	The Northeast Area Plan designates the subject property as Historic and Institutional, which include historic landmarks, churches, schools and other related uses.
Major Street Plan:	The goDotte Mobility Plan designates Troup Avenue as a Local Street and North 13 th Street as a Minor Collector. North 13 th Street is also designated as a Medium Priority sidewalk.
Parking Requirement:	The R-1 Single-Family District requires two off-street parking spaces shall be provided on the premises for each single-family dwelling, at least one of which shall be in a garage or carport. This use, however, as it is not a residential use, requires four (4) spaces per 1,000 square feet of building space. The space the daycare center plans to occupy is 8,300 square feet and would require 21 spaces with one (1) ADA compliant space. The daycare is contained within the Boys and Girls Club building, in which the site contains 72 parking spaces.
Advertisement:	<u>The Wyandotte Echo</u> – November 16, 2023 Letters to Property Owners - November 17, 2023
Public Hearings:	December 11, 2023 and January 11, 2024
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Sherisa Strother, is requesting a Special Use Permit to operate a children's daycare facility within the Boys and Girls Club of America Building at 1220 Troup Avenue.

City Ordinance Requirements: 27-592 through 27-606

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. The subject property has seen several calls for police service; however, none are related to the proposed business.
 - a. 2021 – 2021-14533 – Criminal Damage and Theft
 - b. 2019 – 2019-44350 – Runaway
 - c. 2018 – 2018-66324 – Criminal Damage
 - d. 2018 – 2018-30588 – Runaway
 - e. 2018 – 2018-28790 – Battery
 - f. 2017 – 2017-12737 – Theft
 - g. 2017 – 2017-4989 – Criminal Damage

Building, Zoning, or Code Enforcement Complaints:

1. There have been no Notices of Violations on the property.

Outstanding or Related Permits and Cases:

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

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The subject property is within the Northeast Statistical Neighborhood and the Historic Northeast-Midtown Group. The neighborhood consists of primarily single-family residences and churches.

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

The zoning and uses are set out above. The proposed use is located within the Boys and Girls Club property. A childcare center is compatible with an educational institution and single-family neighborhood.

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

The removal of the restrictions will not detrimentally affect nearby properties if conditions of approval are adhered to. The applicant will be using a designated space within a purpose-built community center.

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

The property has been in use since its construction in 2008. It is unclear what the proposed tenant space was used for prior to the proposed use.

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

Special Use Permits are not addressed in the Northeast Area Plan. The Northeast Area Plan designates the subject property as Historic and Institutional, which include historic landmarks, churches, schools and other related uses. The proposed use conforms to the Area Plan with a Special Use Permit.

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

The proposed use is not expected to result in the increase of traffic to the point where it would exceed the capacity of Troup Avenue, a Local Street and North 13th Street, a minor collector street.

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

The proposed use would be a benefit for the convenience and welfare of the public. An active childcare center would be a great asset for the community. The land use of the campus is consistent with and supportive to the addition of a childcare center.

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

Noise is a typical issue with this type of use. The only noise expected is the normal outdoor noises that children make when playing outside. The childcare center is far enough away from other buildings that the noise from children playing would likely be minimal.

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

The proposed use would not pollute the air, land, or water as it is located in an existing building, on a built-out neighborhood.

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

The proposed use should not result in the damage or destruction of an irreplaceable natural resource as it is located in an existing, built-out residential area.

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

The gain to the public health, safety and welfare would be significant. A denial of this application would force the business owners to find a new location for this childcare facility.

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

The proposed use is not expected to result in the overcrowding of land, as the campus provides an abundance of land. Additionally, the proposed use should not result in undue concentrations of population, as long as existing occupancy limits are followed, and the use is managed properly.

PREVIOUS ACTIONS

There have been no previous Planning Entitlements on the subject property.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on November 16, 2023. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Floor Plan
Licensed Staff
Number of Children
Parking
Proper Licensing
Times of Operation

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Special Use Permit Application SP2023-107, for **two (2) years**, subject to:

1. Hours of operation shall be Monday through Friday, 7:30 AM to 6:00 PM;
2. Parking must be in designated areas to minimize potential traffic issues;
3. Applicant must be licensed by the State of Kansas and approved by the Wyandotte County Health Department;
4. The business must follow all regulations and requirements set forth by the State of Kansas and Wyandotte County Health Department;
5. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
6. If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;
7. If approved, the applicant must file and maintain a current business occupation tax application with this office. The Business Licensing Division is located at 4953 State Avenue, Kansas City, KS 66102. Their contact information is businesslicense@wycokck.org (913) 573-8780;
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. 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;
12. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;
 13. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
 14. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **SP2023-107** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

December 11, 2023 City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Floor Plan
Site Plan
Site Photos, Taken by Staff, Dated November 10, 2023

REVIEW OF INFORMATION AND SCHEDULE

Action	City Planning Commission	Unified Government Board of Commissioners
Public Hearing	December 11, 2023	January 11, 2024
Special Use	Approval	

STAFF CONTACT:

James Molloy

jmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2023-107** as meeting all the requirements of the city code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **SP2023-107**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

December 11, 2023 City Planning Commission Minutes:

Hearing starts at 3:29:20:

SPECIAL USE PERMIT APPLICATION SP2023-107 – SHERISA STROTHER WITH EARLY LEARNING ACADEMY - SYNOPSIS: Special Use Permit to operate a daycare within the Boys and Girls Club at 1220 Troup Avenue. Detailed Outline of Requested Action: The applicant, Sherisa Strother, is requesting a Special Use Permit to operate a children's daycare facility within the Boys and Girls Club of America Building at 1220 Troup Avenue.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated December 11, 2023;
5. The application and other documents, plans, pictures and maps submitted by the

- applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
 7. The Notices to property owners;

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

Present in Support:

- Sherisa Strother, applicant, Early Learning Academy, 12265 South Penrose Street, Olathe, Kansas

The Planning Commission directed questions to the applicant.

Present in Opposition:

- No one appeared

Staff Recommendation starts at 3:31:25: Planning Director Hand stated that the request is for a Special Use Permit for a daycare at the Boys and Girls Club. The property is in the Northeast Area Plan. Staff has received no letters in support nor opposition. There are no Notices of Violation. Staff recommends approval for two (2) years subject to the conditions in the staff report.

Motion starts at 3:32:10:

On motion by Mrs. Armstrong, seconded by Mrs. Jones, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit SP2023-107 for two (2) years:**

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

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

Subject to:

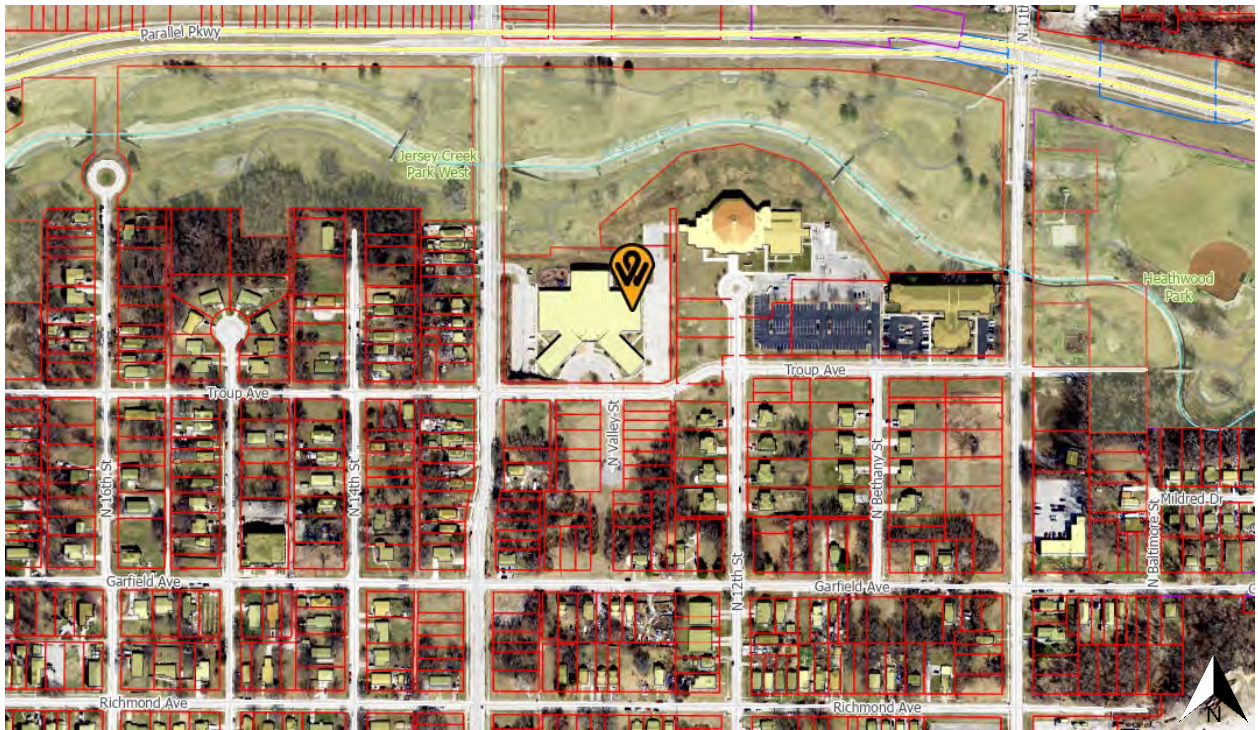
1. Hours of operation shall be Monday through Friday, 7:30 AM to 6:00 PM;
2. Parking must be in designated areas to minimize potential traffic issues;

3. Applicant must be licensed by the State of Kansas and approved by the Wyandotte County Health Department;
4. The business must follow all regulations and requirements set forth by the State of Kansas and Wyandotte County Health Department;
5. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
6. If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;
7. If approved, the applicant must file and maintain a current business occupation tax application with this office. The Business Licensing Division is located at 4953 State Avenue, Kansas City, KS 66102. Their contact information is businesslicense@wycokck.org (913) 573-8780;
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. 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;

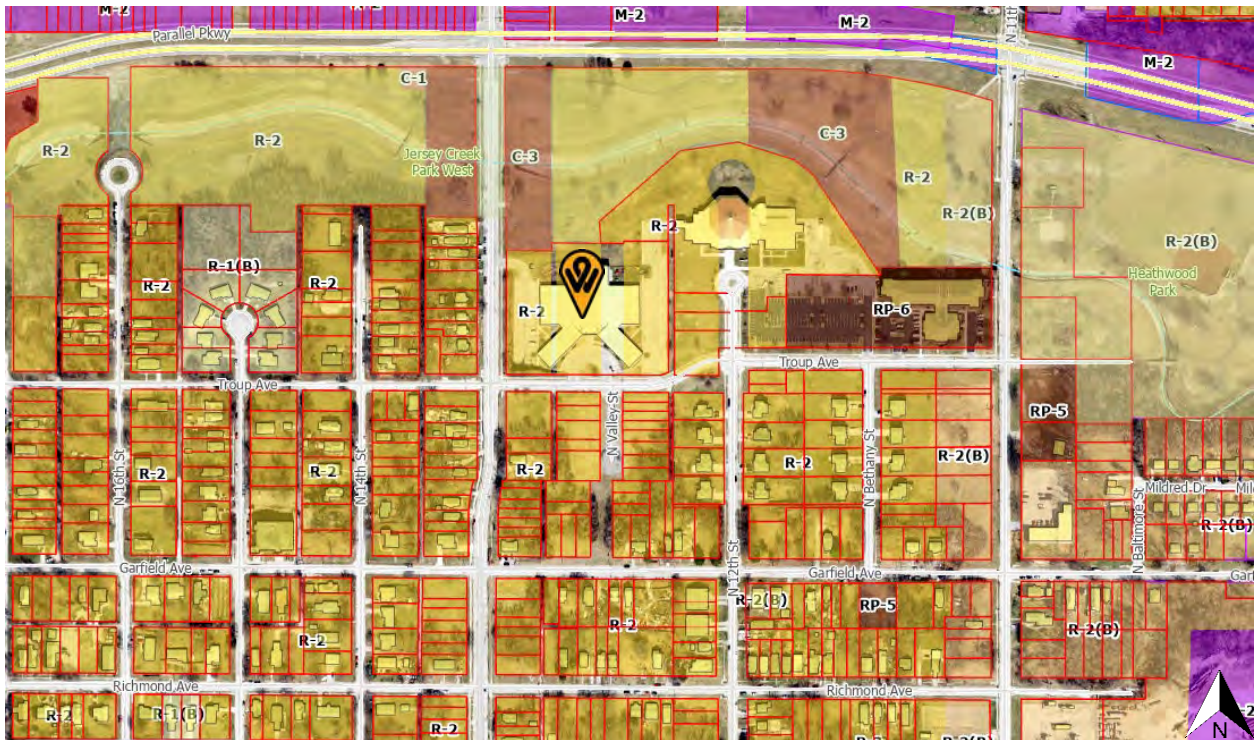
- 12. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;**
- 13. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,**
- 14. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.**

ATTACHMENTS

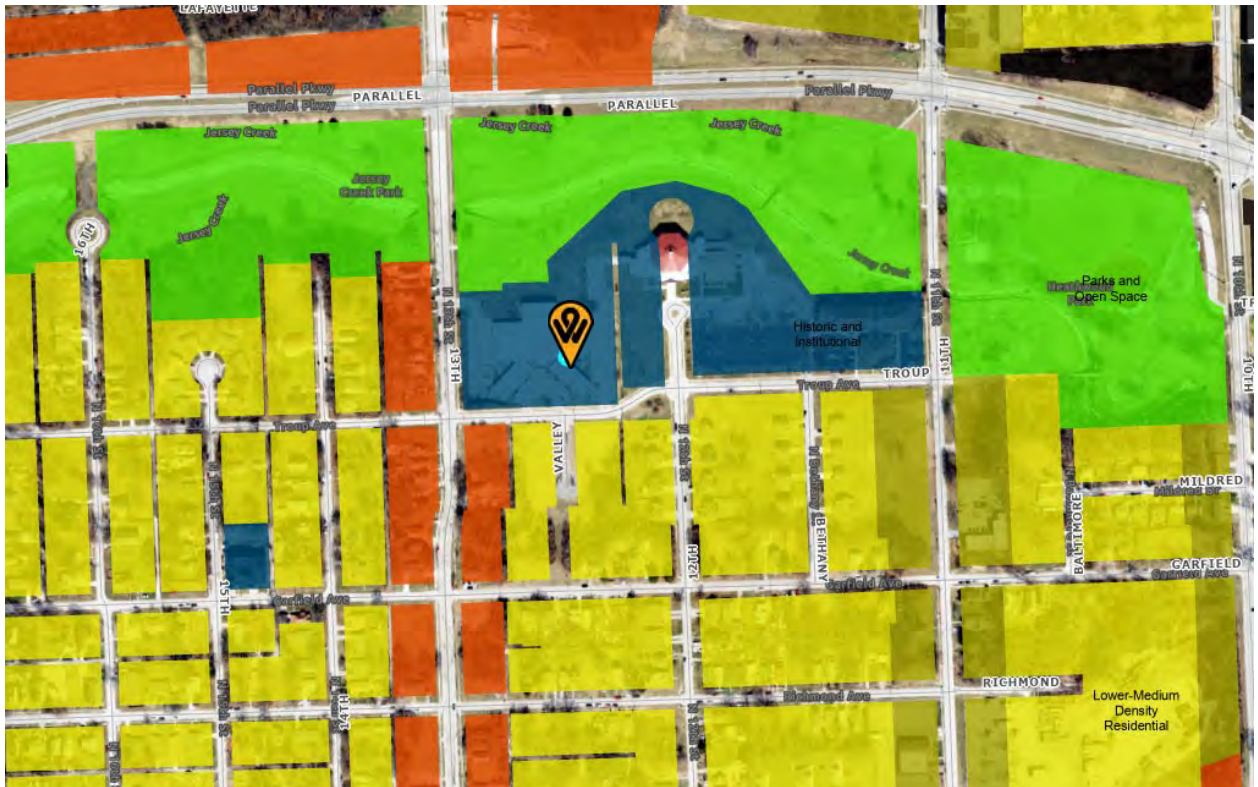
AERIAL IMAGERY



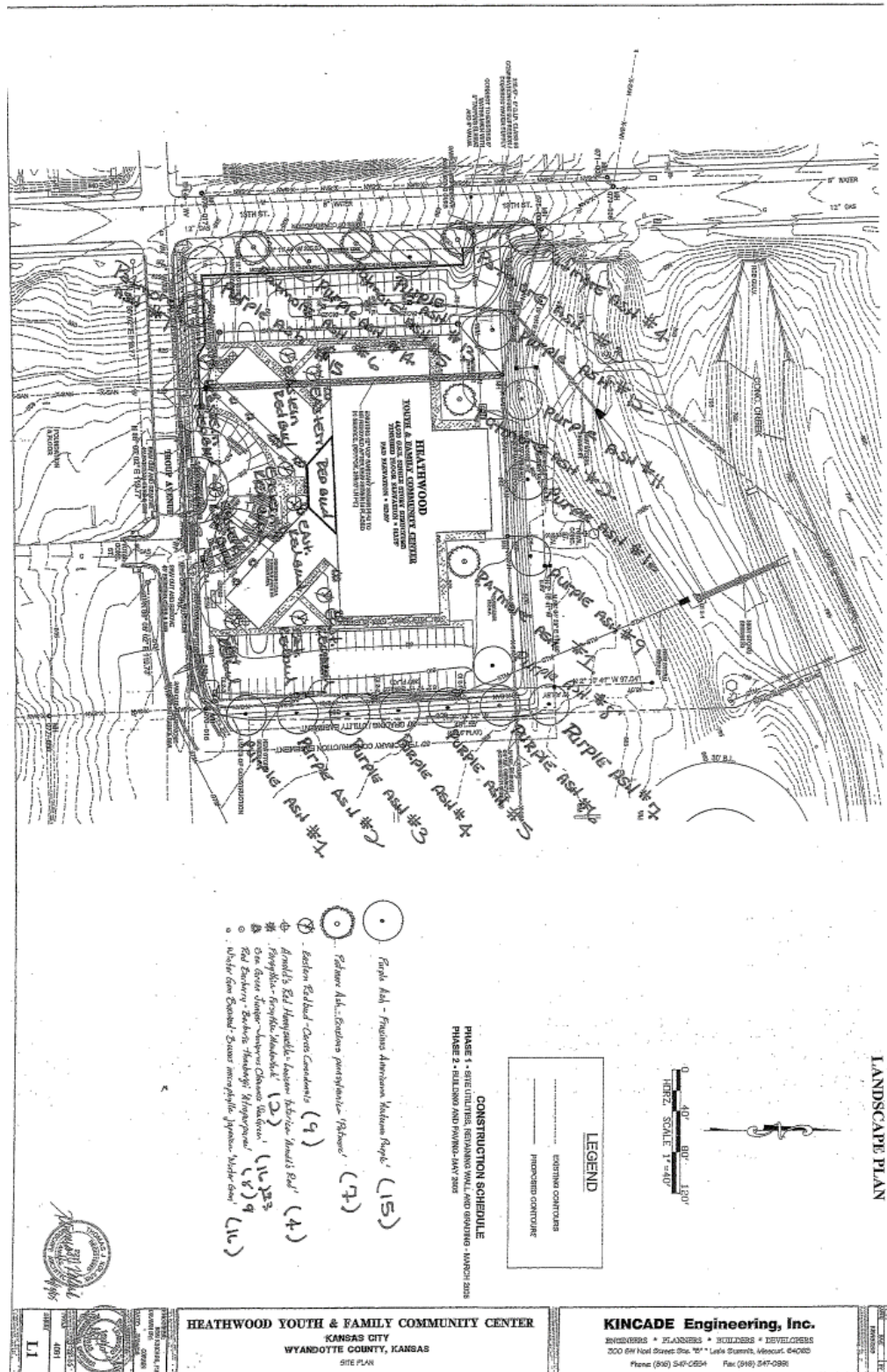
ZONING MAP



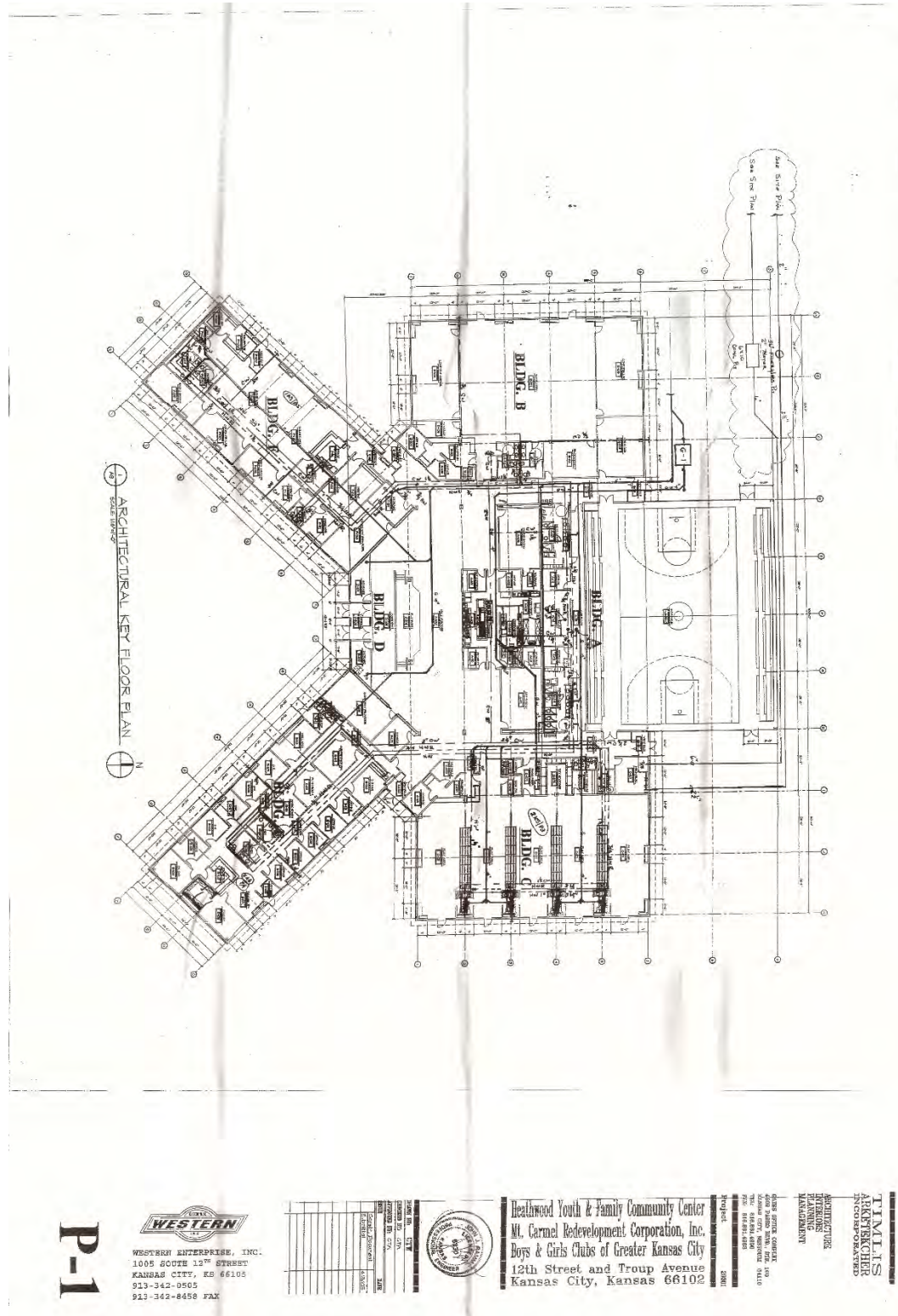
LAND USE MAP



SITE PLAN



FLOOR PLAN



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



NEIGHBORHOOD MEETING MATERIALS

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
COUNTY OF Johnson) SS:

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

1. That I am the petitioner for Petition # SP2023-107
2. That I conducted a neighborhood meeting on Nov. 16, 2023.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Planning + Urban Design Department.

Further affiant saith not.

Shenisa Strother
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 28 day of November, 2023

My commission expires 24th of April 2027

Meagan Fleming
Notary Public

MEAGAN FLEMING
Notary Public-State of Kansas
My Appt. Expires 04/24/2027

Sign In

Name _____

Phone

[illegible]

Application Number: SP2023-107

Meeting called to order at 4:30pm.

Names of people in attendance: Lorenza Strother Sr.

Introduction: Sherisa Strother- Owner and Operator

Early Learners Academy will be daycare center operating inside of the Boys and Girls Club but separate from the Boys and Girls Club. Care will be provided for kids as young as six weeks in age to as old as five years in age.

Operating hours: 7:30 am – 6:00 pm Monday through Friday

No questions or comments were asked.

Meeting adjourned at 5:05pm

Meeting notes- Sherisa Strother

(First published _____)

COZ2023-026

ORDINANCE NO. _____

AN ORDINANCE rezoning property hereinafter described located at approximately 2443R South 88th Street, in Kansas City, Kansas, by changing the same from its present zoning of R-1 Single Family District to MP-3 Planned Heavy Industrial District.

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

Section 1. It is hereby found and determined that a petition was filed on September 29, 2023, by the owners of property to have the zoning of said property changed from its present zoning of R-1 Single Family District to MP-3 Planned Heavy Industrial District.

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

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

Tract 9336, Section 31, Township 11, Range 24, acres 14.04, 526B, beginning at the Northeast Corner; West 358', South 1792.59', East 358', North 1792.59' to the point of beginning, located at approximately 2443R South 88th Street, Kansas City, Kansas,

be changed from its present zoning of R-1 Single Family District to MP-3 Planned Heavy Industrial District, as defined by the Zoning Ordinances of Kansas City, Kansas.

Section 3. Pursuant to the Code of City Ordinances, Section 27-470, the Governing Body approves the preliminary development plans, incorporated herein by reference, marked as the certified preliminary development plan, and maintained in the Planning and Urban Design Department as submitted to the Governing Body and received by the Unified Clerk.

Section 4. The Planning and Urban Design Department of Kansas City, Kansas, is hereby ordered and directed to cause such designation to be made on the official District Map of said City in its custody and to show the property herein described to be now zoned for MP-3 Planned Heavy Industrial District. Said District Map, previously incorporated by reference by Section 27-408 of the Code of Ordinances of Kansas City, Kansas, is hereby reincorporated as part of the Zoning Ordinance as amended.

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

PASSED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS THIS _____
DAY OF _____, 2024.

UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY,
KANSAS

BY: _____
TYRONE GARNER
MAYOR/CHIEF EXECUTIVE OFFICER

ATTEST:

UNIFIED GOVERNMENT CLERK

APPROVED AS TO FORM:

CHIEF COUNSEL

(First published _____)

COZ2023-028

ORDINANCE NO. _____

AN ORDINANCE rezoning property hereinafter described located at approximately 9700 State Avenue, in Kansas City, Kansas, by changing the same from its present zoning of A-G Agriculture District to CP-2 Planned General Business District.

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

Section 1. It is hereby found and determined that a petition was filed on September 29, 2023, by the owners of property to have the zoning of said property changed from its present zoning of A-G Agriculture Districts to CP-2 Planned General Business District.

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

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

Homefield Atlas 9 - A tract of land located in the Southeast Quarter of Section 1, Township 11 South, Range 23 East and being a portion of Lot 3, Schlitterbahn Village, 2nd/ plat, a recorded subdivision in the City of Kansas City, Wyandotte County, Kansas according to the recorded plat thereof and being more particularly described as follows: COMMENCING at the Southwest Corner of said Lot 3; thence North 87°42'57" East, along the South line of said Lot 3 and the North right-of-way line of State Avenue as it is currently located, a distance of 477.94 feet to the POINT OF BEGINNING; thence North 87°42'57" East, continuing along the South line of said Lot 3 and the North right-of-way line, a distance of 277.61 feet to the intersection of the Westerly right-of-way line of North 98th/ Street as it currently exists, with the Southerly Lot line of said Lot 3 and a point hereon referred to point "A"; thence Northerly, along a curve to the left, along the Easterly Lot line of said Lot 3 and the Westerly right-of-way line

of said North 98th/ Street, having a Chord Bearing of North 28°22'26" East, a Chord Distance of 313.12 feet, a radius of 182.00 feet, a distance of 377.00 feet; thence Westerly, along a curve to the left, along the Northerly Lot line of said Lot 3 and the Southerly right-of-way line of said North 98th/ Street, having a Chord Bearing of North 66°01'32" West, a Chord Distance of 488.23 feet, a Radius of 425.00 feet, a length of 520.08 feet; thence South 02°21'08" East, a distance of 485.36 feet to the Southerly Lot line of said Lot 3 and the Northerly right-of-way line of said State Avenue and the point of beginning, containing 188,947.90 square feet or 4.34 acres more or less. AND: All that part currently located in the existing right-of-way of North 98th/ Street as shown on Schlitterbahn Village, 2nd/ plat, a recorded subdivision in the City of Kansas City, Wyandotte County, Kansas according to the recorded plat thereof and being more particularly described as follows: BEGINNING at aforementioned Point "A"; thence North 87°42'57" East, along an easterly prolongation of the Southerly Lot line of Lot 3, of said Schlitterbahn Village 2nd/ plat, a distance of 186.73 feet; thence North 42°40'51" West, a distance of 35.53 feet; thence North 02°17'53" West, a distance of 40.33 feet; thence Northwesterly, along a curve to the left, having a Chord Bearing of North 16°37'59" West, a Chord Distance of 210.45 feet, a radius of 425.00 feet, a length of 212.67 feet to the Northerly Lot line of said Lot 3 and the Southerly right-of-way line of North 98th/ Street as it currently exists; thence Southeasterly, along the Easterly line of said Lot 3 and the Westerly right-of-way line of said North 98th/ Street, along a curve to the right having a Chord Bearing of South 28°22'26" West, a Chord Distance of 313.12 feet, a Radius of 192.00 feet; a length of 377.00 feet to the point of beginning and containing 12,004.74 square feet or 0.28 acres more or less,

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

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

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

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

PASSED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS THIS _____
DAY OF _____, 2024.

UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY,
KANSAS

BY: _____
TYRONE GARNER
MAYOR/CHIEF EXECUTIVE OFFICER

ATTEST:

UNIFIED GOVERNMENT CLERK

APPROVED AS TO FORM:

CHIEF COUNSEL

(Published _____)

SP2023-099

ORDINANCE NO. _____

AN ORDINANCE authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.

BE IT ORDAINED BY THE UNIFIED GOVERNMENT COMMISSION OF WYANDOTTE/COUNTY/KANSAS CITY, KANSAS:

Section 1. Special Use Permit Granted. Pursuant to the regulations set forth in Chapter 27, Sec. 27-214 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, permission is hereby granted to use in the manner set forth in Section 2 hereof, the following described real property as set forth in SP2023-099, commonly known as 9700 State Avenue, Kansas City, Kansas, legally described as:

All of Lot 3, Schlitterbahn Village, 2nd plat, a recorded subdivision in the City of Kansas City, Wyandotte County, Kansas according to the recorded plat thereof, EXCEPT the following Easterly portion, being more particularly described as follows: COMMENCING at the Southwest Corner of said Lot 3; thence North 87°42'57" East, along the South line of said Lot 3 and the North right-of-way line of State Avenue as it is currently located, a distance of 477.94 feet to the POINT OF BEGINNING; thence North 87°42'57" East, continuing along the South line of said Lot 3 and the North right-of-way line, a distance of 277.61 feet to the intersection of the Westerly right-of-way line of North 98th/ Street as it currently exists, with the Southerly Lot line of said Lot 3; thence Northerly, along a curve to the left, along the Easterly Lot line of said Lot 3 and the Westerly right-of-way line of said North 98th/ Street, having a Chord Bearing of North 28°22'26" East, a Chord Distance of 313.12 feet, a radius of 182.00 feet, a distance of 377.00 feet; thence Westerly, along a curve to the left, along the Northerly Lot line of said Lot 3 and the Southerly right-of-way line of said North 98th/ Street, having a Chord Bearing of North 66°01'32" West, a Chord Distance of 488.23 feet, a Radius of 425.00 feet, a length of 520.08 feet; thence South 02°21'08" East, a distance of 485.36 feet to the Southerly Lot line of said Lot 3 and the Northerly right-of-way line of said State Avenue and the point of beginning, containing 188,947.90 square feet or 4.34 acres more or less.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for grading, fill/removal of earthen fill.

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

1. **The following requirements of the Commercial Development Guidelines Overlay District *have not* been met, and from which Applicant is requesting a deviation for approval:**
 - a. **Per Section 27-575(e)(1), the majority of all surface parking and all drive through facilities should be located to the maximum extent possible behind the buildings or in the interior of the block;**
 - b. **Sec. 27-575(f)(3) Buildings should be oriented primarily to the street;**
 - c. **Sec. 27-576(c)(2) In order to break up the monotonous appearance of the long façade, a building wall no more than 45 feet in length should be divided into increments of no more than 45 feet through articulation of the façade. This can be achieved through combinations of at least three (3) of the following techniques:**
 - i. **Division or breaks in materials;**
 - ii. **Building offsets (projects, recesses, niches);**
 - iii. **Window bays;**
 - iv. **Separate entrances and entry treatments; or,**
 - v. **Variation in roofline.**
 - d. **Sec. 27-596(e)(2) Metal paneling may only account for 15% of the exterior building materials per façade. Incorporate various exterior building materials that comply with Sec. 27-576(e)(2) (Deviation approved) ;**
2. **The median along State Avenue allowing full access to the southern entrance/exit will be moved as part of the Interstate 435 interchange improvement;**
3. **Per Business Licensing Department: All occupying businesses will need to file and maintain the occupation tax application with our office for their business activity;**
4. **Utility easements shall be provided along each side of the lot to form a continuous utility easement. All easements shall be at least ten feet wide. The required ten-foot width may be provided through five-foot easements on either side of lot or parcel lines when lines do not form, in whole or in part, the outside;**

5. Utility easements shall connect with easements established in adjoining properties;
6. Per Sec. 27-317 Electrical power, telephone service, and cable television (if applicable) shall be provided by underground wiring for all new wiring provided;
7. Trim the 8 – 9-foot sidewalk adjacent to the grass median and ADA accessible space southwest of the building as it appears to serve minimal function for pedestrians in the parking lot;
8. Crosswalks shall be added to internal drive aisles, driveways, and intersections where sidewalks are connected along and across the perimeter of the building and throughout the parking lot where guests and employees walk to the building;
9. Install sidewalk in the southern and eastern medians to facilitate pedestrians through the parking lot;
10. 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;
11. Sec. 27-466(g) requires that trees are required at not less than one (1) per 7,000 square feet of site area. Sec. 57-577(a)(5) states that landscaping shall exceed the typical code requirements by at least 75 percent.

The subject property is 4.62 acres, requiring 50 trees to be provided on the site plan. This does not include the street trees along the perimeter road/drive and parking lot islands;

12. 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;
13. 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;
14. 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;
15. Sec. 27-575(e)(4) states that parking must be screened from adjacent streets by walls, shrubs, trees, or other design elements;
16. 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;
17. 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;
 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 may be a variety of native grasses and plants (wildflowers);
 19. All landscaping shall be irrigated;
 20. All new rooftop mechanical equipment (i.e., RTUs, HVAC, vent stacks, etc.) shall be screened from public view by the parapet of the building. Architectural screens such as opaque, textured, or perforated panels do not meet the standards of the Commercial Design Guidelines;
 21. 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;
 22. Hours of operation for grading shall be Monday through Friday, 8:00 AM – 5:00 PM;
 23. Adhere to the erosion control plan and SWPPP to mitigate dust and reduce mud/dirt on the public right-of-way;
 24. Following the conclusion of the site grading, the site shall be brought the finished grade and seeded until groundcover is established;
 25. Future development will require its own entitlement, which may include, but is not limited to Variances, Change of Zone, Preliminary and Final Development Plan, Preliminary and Final Plat;
 26. Obtain a hauling permit from the Public Works Department;
 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. Improvements that include land disturbance activity on greater than one (1) acre of surface area of land or include the construction or alteration of

a structure 1,000 square feet or larger shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspection Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;

30. A Pre-Construction meeting is required for any improvements to public infrastructure upon the approval and issuance of a Development Review Committee (DRC) Permit. Any improvements to, construction or alteration of: sanitary systems, stormwater systems, public or private streets, sidewalks, or other public infrastructure will require a pre-construction meeting with the Department of Public Works. The applicant is required to contact the County Engineer at (913) 573-5400 or by info@wycokck.org prior to construction to arrange this meeting;
31. 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;
32. 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;
33. The Special Use Permit shall be valid for one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and

approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;

34. Subject to approval, a \$250.00 ordinance publication fee for the Change of Zone and Special Use Permit must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
35. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.

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

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS ____ DAY OF _____, 2024.

TYRONE GARNER
MAYOR/CEO

Attest:

Unified Government Clerk

APPROVED AS TO FORM:

CHIEF COUNSEL

(Published _____)

SP2023-025

ORDINANCE NO. _____

AN ORDINANCE authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.

BE IT ORDAINED BY THE UNIFIED GOVERNMENT COMMISSION OF WYANDOTTE/COUNTY/KANSAS CITY, KANSAS:

Section 1. Special Use Permit Granted. Pursuant to the regulations set forth in Chapter 27, Sec. 27-214 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, permission is hereby granted to use in the manner set forth in Section 2 hereof, the following described real property as set forth in SP2023-025, commonly known as 744 Kansas Avenue, Kansas City, Kansas, legally described as:

B30, L20 TO L24; ALSO, ARMOURDALE 2ND ADDITION, AN ADDITION OF LAND IN KANSAS CITY, WYANDOTTE COUNTY, KANSAS, B30 W 13.6 FEET OF L1, LOCATED AT APPROXIMATELY 744 KANSAS AVENUE, KANSAS CITY, KANSAS.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for continuation of an auto body shop.

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

- 1. Repair any damaged or missing building materials on the four building walls and the stone perimeter fence. Complete the**

- northern section of fence to attach to the building northwest corner;
2. Do not exceed the limit of 12 vehicles on the property;
 3. All vehicles must be parked or stored in designated parking stalls;
 4. No outside storage of wrecked or inoperable vehicles at any time;
 5. Provide a trash enclosure that provides the required screening as described and with materials that match the main building, or store the trash dumpster inside of the building at all times, except when being serviced;
 6. Approval allows no more than 12 vehicles at this site. Since this parking lot is not screened to allow inoperable or wrecked vehicles, wrecked or inoperable vehicles may not be parked outside and must be stored inside the building;
 7. No on-street parking of vehicles for this business. All vehicles on-site for repairs or maintenance must be stored on the property and be properly screened from view;
 8. No auto repair or servicing is allowed outside or in public view;
 9. No storage or warehousing of salvage or wrecked automobile parts on the property. Storage of salvage parts requires M-3 Zoning and a separate Special Use Permit;
 10. Vehicles shall not be parked on the right of way of Kansas Avenue in front of the property. Vehicles shall not park on Kansas Avenue or Coy Street at any time;
 11. This Special Use Permit applies only to 744 Kansas Avenue. There cannot be any shared work, inventory, storage, or property access with another business or another property under this Special Use Permit;
 12. No storage or warehousing of salvage or wrecked automobile parts on the property. Storage of salvage parts requires M-3 Zoning and a separate Special Use Permit;
 13. Replace any dead trees and maintain in perpetuity for tree cover;
 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. 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. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;**
- 17. If approved, The Special Use Permit shall be valid for five (5) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit 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;**
- 18. 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) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,**
- 19. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.**

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

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS ____ DAY OF _____, 2024.

TYRONE GARNER
MAYOR/CEO

Attest:

Unified Government Clerk

APPROVED AS TO FORM:

CHIEF COUNSEL

(Published _____)

SP2023-038

ORDINANCE NO. _____

AN ORDINANCE authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.

BE IT ORDAINED BY THE UNIFIED GOVERNMENT COMMISSION OF WYANDOTTE/COUNTY/KANSAS CITY, KANSAS:

Section 1. Special Use Permit Granted. Pursuant to the regulations set forth in Chapter 27, Sec. 27-214 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, permission is hereby granted to use in the manner set forth in Section 2 hereof, the following described real property as set forth in SP2023-038, commonly known as 2559 West 46th Avenue, Kansas City, Kansas, legally described as:

BELINDER PLACE, S34, T11, R25, ACRES 0.12, B2 L46, located at approximately 2559 West 46th Avenue, Kansas City, Kansas.

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

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

1. **The following items from the home inspection shall be repaired prior to renewal of the Special Use Permit.**
 - **Install GFCI breakers at all 3-pronged outlets;**
 - **Open junction boxes shall be repaired/replaced;**

- The tree in the rear-yard shall be trimmed so that branches do not interfere with the electrical line;
 - Install a grounding conductor in the main electrical panel;
- 2. The applicant shall repair or replace the sidewalk;
- 3. The applicant shall repair or replace the driveway;
- 4. The applicant shall plant a tree in the median between the sidewalk and curb along West 46th Avenue;
- 5. Maximum number of guests shall be six (6);
- 6. All parking must be off-street, maximum number of vehicles is two (2). No STR renters or guests may park on-street;
- 7. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
- 8. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;
- 9. Applicant is to maintain liability insurance;
- 10. The property must remain in proper maintenance and free of hazards, pests, or infestations;
- 11. The granting of this Special Use Permit does not transfer with a change of ownership of the property;
- 12. Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and www.hostcompliance.com/tips (website);
- 13. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
- 14. If approved, occupying businesses must file and maintain a current business occupation tax application with this office;
- 15. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;

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

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

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

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS ____ DAY OF _____, 2024.

TYRONE GARNER
MAYOR/CEO

Attest:

Unified Government Clerk

APPROVED AS TO FORM:

CHIEF COUNSEL

(Published _____)

SP2023-064

ORDINANCE NO. _____

AN ORDINANCE authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.

BE IT ORDAINED BY THE UNIFIED GOVERNMENT COMMISSION OF WYANDOTTE/COUNTY/KANSAS CITY, KANSAS:

Section 1. Special Use Permit Granted. Pursuant to the regulations set forth in Chapter 27, Sec. 27-214 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, permission is hereby granted to use in the manner set forth in Section 2 hereof, the following described real property as set forth in SP2023-064, commonly known as 5235 State Avenue, Kansas City, Kansas, legally described as:

ALDEN FARMS, S12, T11, R24, ACRES 2.120000, W 75FT L14, LESS HIWAY L15, located at approximately 5235 State Avenue, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for a drinking establishment with live entertainment.

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

- 1. Hours of operation shall be Sunday through Thursday from 4:00 PM – 12:00 AM and Friday through Saturday from 12:00 PM – 1:00 AM;**
- 2. The live entertainment shall cease operation by 1:00 a.m.;**
- 3. Off-duty KCK police officer, Gerado Velasquez, Jr. will be the security personnel for the drinking establishment;**

4. Alcohol can only be provided by licensed vendors;
5. Doors and windows must stay closed during any entertainment performance;
6. Must comply with Unified Government Security Ordinance (Chapter 4, Article II Division 1, Sec 4-104(f)) including:
 - a. Must have at least one (1) security personnel stationed at the door at all times that is able to monitor any required parking area. Additional security guards may be required depending on the building capacity;
7. Patrons are not allowed to loiter in their vehicles. If so, they will be asked to leave;
8. An I.D. scanner will be used at all times;
9. At closing time, all security personnel will begin from a designated area to move patrons towards the exit and then to their vehicles;
10. No amplified speakers or entertainment is allowed in outdoor spaces; and,
11. Any illumination that results from an entertainment event shall not be seen or otherwise impact adjacent residential uses;
12. The dumpster on the east side of the building shall be fully enclosed with an opaque screen (wood privacy fence) and door to screen the dumpster from public view;
13. Resurface the parking lot to remove the potholes and restripe the parking spaces;
14. Stripe one (1) additional parking space in the parking lot to total 96 parking spaces to share between the drinking establishment and liquor store;
15. Sidewalks shall remain clean and clear of trash and debris;
 - a. Create a direct pedestrian access from the sidewalk along State Avenue to the front door of the building. A hatched crosswalk shall be painted in the parking lot linking these two ends together;
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. If approved, the applicant must file and maintain a current business occupation tax application with the Business Licensing Division located at 4953 State Avenue, Kansas City, KS 66102 – (913) 573-8780 or businesslicense@wycokck.org;
18. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;

- 19. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;**
- 20. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;**
- 21. 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;**
- 22. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper;**
- 23. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit; and,**
- 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.

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

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS ____ DAY OF _____, 2024.

TYRONE GARNER
MAYOR/CEO

Attest:

Unified Government Clerk

APPROVED AS TO FORM:

CHIEF COUNSEL

(Published _____)

SP2023-074

ORDINANCE NO. _____

AN ORDINANCE authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.

BE IT ORDAINED BY THE UNIFIED GOVERNMENT COMMISSION OF WYANDOTTE/COUNTY/KANSAS CITY, KANSAS:

Section 1. Special Use Permit Granted. Pursuant to the regulations set forth in Chapter 27, Sec. 27-214 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, permission is hereby granted to use in the manner set forth in Section 2 hereof, the following described real property as set forth in SP2023-074, commonly known as 2501 North Tremont Street, Kansas City, Kansas, legally described as:

Parcel 111820, Tract 202090409.001023, Section 33, Township 10 South, Range 25 East, Silver Place + 1119, S33, T10, R25, Acres 0.14, Block 4, Lots 8 and 9, located at approximately 2501 North Tremont Street, Kansas City, Kansas.

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

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

- 1. The applicant shall repair/replace the sidewalk in the front of the property;**
- 2. All additional Property Maintenance Citations shall be addressed and remediated;**

3. If the applicant chooses to also rent as a long-term rental, the applicant shall obtain a rental license in addition to the business license;
4. Maximum number of guests shall be six (6);
5. All parking must be off-street, maximum number of vehicles is two (2). No STR renters or guests may park on-street;
6. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
7. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;
8. Applicant is to maintain liability insurance;
9. The property must remain in proper maintenance and free of hazards, pests, or infestations;
10. The granting of this Special Use Permit does not transfer with a change of ownership of the property;
11. Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and www.hostcompliance.com/tips (website);
12. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
13. If approved, occupying businesses must file and maintain a current business occupation tax application with this office;
14. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
15. All existing and future driveways must feature curb cuts that are constructed to UG standards;
16. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;

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

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

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

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS ____ DAY OF _____, 2024.

TYRONE GARNER
MAYOR/CEO

Attest:

Unified Government Clerk

APPROVED AS TO FORM:

CHIEF COUNSEL

(Published _____)

SP2023-075

ORDINANCE NO. _____

AN ORDINANCE authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.

BE IT ORDAINED BY THE UNIFIED GOVERNMENT COMMISSION OF WYANDOTTE/COUNTY/KANSAS CITY, KANSAS:

Section 1. Special Use Permit Granted. Pursuant to the regulations set forth in Chapter 27, Sec. 27-214 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, permission is hereby granted to use in the manner set forth in Section 2 hereof, the following described real property as set forth in SP2023-075, commonly known as 8127 Troup Avenue, #106, Kansas City, Kansas, legally described as:

All of Lot 2, REPLAT OF ARROWHEAD SQUARE, a subdivision of land in Kansas City, Wyandotte County, Kansas, located at approximately 8127 Troup Avenue, #106, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Home Occupation Special Use Permit for a wig-making business.

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

1. **No signs related to the business shall be posted at the property, either at the subject dwelling unit, another dwelling unit or building, or within the common space of the subject property;**
2. **No customers may come to the subject property;**

- 3. If approved, the applicant must file and maintain a current business occupation tax application with this office;**
- 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 at all times be compliant with all applicable local ordinances (Section 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 parking shared 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, as well as all rules and regulations of the apartment complex and any terms of lease, 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, or other violate the rules and regulations of the property owner or the lease agreement between the property owner and the applicant-tenant;**
- 7. 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;**
- 8. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the**

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

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

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

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS ____ DAY OF _____, 2024.

TYRONE GARNER
MAYOR/CEO

Attest:

Unified Government Clerk

APPROVED AS TO FORM:

CHIEF COUNSEL

(Published _____)

SP2023-077

ORDINANCE NO. _____

AN ORDINANCE authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.

BE IT ORDAINED BY THE UNIFIED GOVERNMENT COMMISSION OF WYANDOTTE/COUNTY/KANSAS CITY, KANSAS:

Section 1. Special Use Permit Granted. Pursuant to the regulations set forth in Chapter 27, Sec. 27-214 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, permission is hereby granted to use in the manner set forth in Section 2 hereof, the following described real property as set forth in SP2023-077, commonly known as 508 Ohio, Kansas City, Kansas, legally described as:

ORCHARD PLACE, A SUBDIVISION OF LAND IN KANSAS CITY,
WYANDOTTE COUNTY, KANSAS, S10, T11, R25, ACRES 0.08, B1 W 27FT
OF E 93FT L7 TO L11, located at approximately 508 Ohio Avenue, Kansas City,
Kansas.

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

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

1. The parking in front of the property shall be restriped;
2. All repair items shall be completed prior to operation. Any additional repair items not mentioned in the report shall be repaired and completed prior to renewal of SP2023-077;
3. Maximum number of guests shall be six (6);
4. All parking must be off-street, maximum number of vehicles is one (1);
5. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
6. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;
7. Applicant is to maintain liability insurance;
8. The property must remain in proper maintenance and free of hazards, pests, or infestations;
9. The granting of this Special Use Permit does not transfer with a change of ownership of the property;
10. Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and www.hostcompliance.com/tips (website);
11. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
12. If approved, occupying businesses must file and maintain a current business occupation tax application with this office;
13. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
14. All existing and future driveways must feature curb cuts that are constructed to UG standards;

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

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

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

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

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS ____ DAY OF _____, 2024.

TYRONE GARNER
MAYOR/CEO

Attest:

Unified Government Clerk

APPROVED AS TO FORM:

CHIEF COUNSEL

(Published _____)

SP2023-081

ORDINANCE NO. _____

AN ORDINANCE authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.

BE IT ORDAINED BY THE UNIFIED GOVERNMENT COMMISSION OF WYANDOTTE/COUNTY/KANSAS CITY, KANSAS:

Section 1. Special Use Permit Granted. Pursuant to the regulations set forth in Chapter 27, Sec. 27-214 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, permission is hereby granted to use in the manner set forth in Section 2 hereof, the following described real property as set forth in SP2023-081, commonly known as 1918 Federal Avenue, Kansas City, Kansas, legally described as:

Lot 10 and the East 1/2 of Lot 11, FERN HEIGHTS, a subdivision, in the City of Kansas City, Wyandotte County, Kansas, located at approximately 1918 Federal Avenue, Kansas City, Kansas.

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

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

1. **Maximum number of guests shall be six (6);**
2. **All parking must be off-street, maximum number of vehicles is two (2). No STR renters or guests may park the on-street;**

3. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
4. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;
5. Applicant is to maintain liability insurance;
6. The property must remain in proper maintenance and free of hazards, pests, or infestations;
7. The granting of this Special Use Permit does not transfer with a change of ownership of the property;
8. Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and www.hostcompliance.com/tips (website);
9. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
10. If approved, occupying businesses must file and maintain a current business occupation tax application with this office;
11. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
12. All existing and future driveways must feature curb cuts that are constructed to UG standards;
13. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
14. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;

15. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
16. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
17. The Special Use Permit shall be valid for one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;
18. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
19. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.

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

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS ____ DAY OF _____, 2024.

TYRONE GARNER
MAYOR/CEO

Attest:

Unified Government Clerk

APPROVED AS TO FORM:

CHIEF COUNSEL

(Published _____)

SP2023-080

ORDINANCE NO. _____

AN ORDINANCE authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.

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

Section 1. Special Use Permit Granted. Pursuant to the regulations set forth in Chapter 27, Sec. 27-214 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, permission is hereby granted to use in the manner set forth in Section 2 hereof, the following described real property as set forth in SP2023-080, commonly known as Kansas City, Kansas, legally described as:

The South 1 Foot of Lot 21 and all of Lot 22, Block 1, MORRIS AND EARLY'S ADDITION TO WYANDOTTE CITY, an addition in Kansas City, Wyandotte County, Kansas, located at approximately 419 North 6th Street.

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

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

- 1. The applicant shall complete their Change of Occupancy/Building Permitting. The Business License will not be issued until the Change of Occupancy is complete;**
- 2. The applicant shall not operate until these requirements have been met;**

3. Maximum number of guests shall be six (6) per unit;
4. All parking must be off-street, maximum number of vehicles is two (2) per unit, four (4) maximum. No STR renters or guests may park on-street;
5. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
6. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;
7. Applicant is to maintain liability insurance;
8. The property must remain in proper maintenance and free of hazards, pests, or infestations;
9. The granting of this Special Use Permit does not transfer with a change of ownership of the property;
10. Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and www.hostcompliance.com/tips (website);
11. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
12. If approved, occupying businesses must file and maintain a current business occupation tax application with this office;
13. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
14. All existing and future driveways must feature curb cuts that are constructed to UG standards;
15. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
16. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges

that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;

17. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
18. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
19. The Special Use Permit shall be valid for one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;
20. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper;
21. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise

determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.

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

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS _____ DAY OF _____, 2024.

TYRONE GARNER
MAYOR/CEO

Attest:

Unified Government Clerk

APPROVED AS TO FORM:

CHIEF COUNSEL

(Published _____)

SP2023-083

ORDINANCE NO. _____

AN ORDINANCE authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.

BE IT ORDAINED BY THE UNIFIED GOVERNMENT COMMISSION OF WYANDOTTE/COUNTY/KANSAS CITY, KANSAS:

Section 1. Special Use Permit Granted. Pursuant to the regulations set forth in Chapter 27, Sec. 27-214 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, permission is hereby granted to use in the manner set forth in Section 2 hereof, the following described real property as set forth in SP2023-083, commonly known as 412-414 North 5th Street, Kansas City, Kansas, legally described as:

Lot 1, Block 1, MORRIS AND EARLY'S ADDITION, an addition now in
and a part of Kansas City, Wyandotte County, Kansas.
and

Lot 2, Block 1, MORRIS AND EARLY'S ADDITION, an addition now in
and a part of Kansas City, Wyandotte County, Kansas.

Located at 412-414 North 5th Street, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for a drinking establishment.

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

1. Hours of operation are Monday through Thursday - 11:00 AM to 12:00 AM, Friday and Saturday – 11:00 AM to 2:00 AM, and Sunday - 11:00 AM to 8:00 PM;
2. Outdoor lighting, if any, must be installed so as not to cast light onto neighboring properties. Lighting may not exceed one (1) footcandle at the property line;
3. Sidewalks shall remain clean and clear of trash and debris;
4. Alcohol can only be provided by licensed vendors;
5. Live entertainment – any music that is performed in-person by an individual group, or played through speakers via jukebox, karaoke, etc. is required to have a Special Use Permit.
6. Restripe the parking lot in the rear of the property for the apartment units;
7. North of the building, plant small shrubs (Arbor Vitae) along the fence line, inside the outdoor patio;
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. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
10. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
11. Subject to approval, the Special Use Permit shall be valid for five (5) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and

approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;

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

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

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS ____ DAY OF _____, 2024.

TYRONE GARNER
MAYOR/CEO

Attest:

Unified Government Clerk

APPROVED AS TO FORM:

CHIEF COUNSEL

(Published _____)

SP2023-084

ORDINANCE NO. _____

AN ORDINANCE authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.

BE IT ORDAINED BY THE UNIFIED GOVERNMENT COMMISSION OF WYANDOTTE/COUNTY/KANSAS CITY, KANSAS:

Section 1. Special Use Permit Granted. Pursuant to the regulations set forth in Chapter 27, Sec. 27-214 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, permission is hereby granted to use in the manner set forth in Section 2 hereof, the following described real property as set forth in SP2023-084, commonly known as 1200 Osage Avenue, Kansas City, Kansas, legally described as:

ARMOURDALE B121-128 & 0723 & 0724, S21, T11, R21, ACRES 0.18, B121 L47 TO L49, located at approximately 1200 Osage Avenue, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for a drinking establishment.

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

- 1. The parking area should be paved with asphalt or concrete and curbs and/or concrete wheel stops be provided around the perimeter with a six (6) foot paving setback along the west. There should also be ADA compliance and 16 spaces must be available;**

2. A six (6) wood screening fence shall be maintained along the west line of the property;
3. If a trash dumpster is proposed, it must be completely enclosed by an architectural screen;
4. Remove the shipping container from the parking lot located on the north side of the building;
5. Due to the proximity of residences to the west, north and east, the business shall close by 1:00 AM;
6. Outdoor lighting, if any, must be installed so as not to cast light onto neighboring properties. Lighting may not exceed one (1) footcandle at the property line;
7. Resurface (new sealant) and restriped the parking lot;
8. Sidewalks shall remain clean and clear of trash and debris;
9. Alcohol can only be provided by licensed vendors;
10. Live entertainment – any music that is performed in-person by an individual group, or played through speakers via jukebox, karaoke, etc. is required to have a Special Use Permit;
11. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
12. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
13. Subject to approval, 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;

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

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

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS ____ DAY OF _____, 2024.

TYRONE GARNER
MAYOR/CEO

Attest:

Unified Government Clerk

APPROVED AS TO FORM:

CHIEF COUNSEL

(Published _____)

SP2023-085

ORDINANCE NO. _____

AN ORDINANCE authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.

BE IT ORDAINED BY THE UNIFIED GOVERNMENT COMMISSION OF WYANDOTTE/COUNTY/KANSAS CITY, KANSAS:

Section 1. Special Use Permit Granted. Pursuant to the regulations set forth in Chapter 27, Sec. 27-214 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, permission is hereby granted to use in the manner set forth in Section 2 hereof, the following described real property as set forth in SP2023-085, commonly known as 1108 Shawnee Road, Kansas City, Kansas, legally described as:

9056, S28, T11, R25, ACRES 0.72, BEG 620FT E & 248.7FT N OF SW COR NE1/4; N104.35FT, W297.98FT, S104.35FT, E297.41FT TO POB, CONTG 0.71AC M/L, located at approximately 1108 Shawnee Road, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Home Occupation Special Use Permit for an instrument repair business.

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

- 1. No signs that advertise for or give directions to the business shall be posted on the subject property;**

2. No employees other than family members may work at the subject property;
3. There shall not be any equipment that creates excessive amounts of dust, noise, or light, or otherwise interfere with radio or television reception;
4. No trucks with a gross vehicle weight rating over 10,000 pounds or other heavy equipment shall be parked on the subject property;
5. Approximately 10 customers are anticipated to come to the subject property per month to drop off and/or pick up products;
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. 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;
8. If approved, the applicant must file and maintain a current business occupation tax application with this office;
9. All existing and future driveways must feature curb cuts that are constructed to UG standards;
10. 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;
11. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
12. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and at all times be compliant with all applicable local ordinances (Section 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 parking shared with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
13. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all

covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;

14. The Special Use Permit shall be valid for two (2) years from the publication of the associated ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;
15. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
16. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.

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

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS ____ DAY OF _____, 2024.

TYRONE GARNER
MAYOR/CEO

Attest:

Unified Government Clerk

APPROVED AS TO FORM:

CHIEF COUNSEL

(Published _____)

SP2023-086

ORDINANCE NO. _____

AN ORDINANCE authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.

BE IT ORDAINED BY THE UNIFIED GOVERNMENT COMMISSION OF WYANDOTTE/COUNTY/KANSAS CITY, KANSAS:

Section 1. Special Use Permit Granted. Pursuant to the regulations set forth in Chapter 27, Sec. 27-214 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, permission is hereby granted to use in the manner set forth in Section 2 hereof, the following described real property as set forth in SP2023-086, commonly known as 4211 South Thompson Street, Kansas City, Kansas, legally described as:

Lots 5 and 6, Block 2, Lombard Park Addition, an addition of land in Kansas City, Wyandotte Kansas, located at approximately 4211 South Thompson, Kansas City, Kansas.

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

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

- 1. The paved front-yard sidewalk should have the grass removed from it and maintained otherwise to prevent any tripping hazards;**
- 2. Maximum number of guests shall be six (6);**

3. All parking must be off-street, maximum number of vehicles is three (3). No STR renters or guests may park on-street;
4. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
5. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;
6. Applicant is to maintain liability insurance;
7. The property must remain in proper maintenance and free of hazards, pests, or infestations;
8. The granting of this Special Use Permit does not transfer with a change of ownership of the property;
9. Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and www.hostcompliance.com/tips (website);
10. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
11. If approved, occupying businesses must file and maintain a current business occupation tax application with this office;
12. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
13. All existing and future driveways must feature curb cuts that are constructed to UG standards;
14. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
15. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively

responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;

16. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
17. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
18. The Special Use Permit shall be valid for one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;
19. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
20. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all

conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.

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

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS ____ DAY OF _____, 2024.

TYRONE GARNER
MAYOR/CEO

Attest:

Unified Government Clerk

APPROVED AS TO FORM:

CHIEF COUNSEL

(Published _____)

SP2023-092

ORDINANCE NO. _____

AN ORDINANCE authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.

BE IT ORDAINED BY THE UNIFIED GOVERNMENT COMMISSION OF WYANDOTTE/COUNTY/KANSAS CITY, KANSAS:

Section 1. Special Use Permit Granted. Pursuant to the regulations set forth in Chapter 27, Sec. 27-214 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, permission is hereby granted to use in the manner set forth in Section 2 hereof, the following described real property as set forth in SP2023-092, commonly known as 1701 South 45th Street, Kansas City, Kansas, legally described as:

LEGAL DESCRIPTION: I-635 INDUSTRIAL PARK, S30, T11, R25, ACRES 0.87, PT L11 AS FOL: BEG NW COR; E 129.04FT, S 297.09FT, W 128.13FT, N 297FT TO POB CONTG 0.88AC M/L, located at approximately 1701 South 45th Street, Kansas City, Kansas.

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

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

1. Hours of operation shall be Monday through Friday from 8:00 AM to 5:00 PM;
2. Fencing must comply with all UG ordinances as specified in Chapter 8 of the Unified Government Code of Ordinances;
3. No parking or idling shall be allowed along the driveway stretch from South 45th Street onto the property;
4. Patch the parking lot;
5. Stripe the parking lot for customers, employees and trucks that are on display for sale;
6. If the curb is damaged from trucks rolling onto it, the curb and abutting fence shall be repaired in a timely manner;
7. Install an opaque gate door on the trash enclosure;
8. Replace dead trees along South 45th Street. Trim overgrown and newer volunteer trees. Replant to meet the landscaping code;
9. Landscaping shall be irrigated, or a watering plan shall be provided specifically specifying how the vegetation will be maintained to establish and sustain growth;
10. All lighting whether mounted on the building or installed in the parking lot shall have 90-degree cutoff fixtures;
11. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
12. The Department of Planning + Urban Design shall not give approval for any temporary certificate of occupancy (TCO) or final certificate of occupancy (CO) before the completion of all required work. For any project that requires a certificate of occupancy, prior to requesting for any certificate, the applicant, permit holder, and/or property owner shall complete all items required by: Approved Plans, Codes, Ordinances, Zoning District Regulations, Planned District Requirements, Master Plan Requirements, all Design Guideline Requirements, Overlay District Requirements, and Requirements approved by the City Planning Commission and/or the UG Board of Commissioners. It is the collective responsibility of the applicant, permit holder, and property owner to ensure that any and all permits, land entitlements, deviations, or variances are obtained in advance of beginning of any work. Planning Department standards require that all required work be complete prior to requesting a TCO. The only item that is allowed to be incomplete is landscaping, which shall be complete before requesting a CO. A Bonded CO may be allowed in case of adverse weather conditions; however, all requirements must be completed for all items not secured by the bond;
13. If approved, the applicant must file and maintain a current business occupation tax application with the Business Licensing Division located at

4953 State Avenue, Kansas City, KS 66102, (913) 573-8780 or businesslicense@wycokck.org;

14. 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;
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. 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;
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. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking on another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
19. 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;
20. 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;

21. 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;
22. Subject to approval, 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;
23. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
24. All conditions of approval herein must be constructed, executed, implemented, or otherwise completed within six (6) months of approval unless otherwise determined by the Director of Planning or their designee.

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

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS ____ DAY OF _____, 2024.

TYRONE GARNER
MAYOR/CEO

Attest:

Unified Government Clerk

APPROVED AS TO FORM:

CHIEF COUNSEL

(Published _____)

SP2023-093

ORDINANCE NO. _____

AN ORDINANCE authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.

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

Section 1. Special Use Permit Granted. Pursuant to the regulations set forth in Chapter 27, Sec. 27-214 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, permission is hereby granted to use in the manner set forth in Section 2 hereof, the following described real property as set forth in SP2023-093, commonly known as 625 Northrup Avenue, Kansas City, Kansas, legally described as:

Orrs Addition + 1194, Section 10, Township 11, Range 25, acres 0.1, Block 4, East ½ of Lot 137, all of Lot 138, located at approximately 625 Northrup Avenue, Kansas City, Kansas.

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

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

1. Pull the weeds and other grass from the brick sidewalk;
2. Maximum number of guests shall be three (3);
3. All parking must be off-street, maximum number of vehicles is one (1). No STR renters or guests may park on-street;

4. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
5. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;
6. Applicant is to maintain liability insurance;
7. The property must remain in proper maintenance and free of hazards, pests, or infestations;
8. The granting of this Special Use Permit does not transfer with a change of ownership of the property;
9. Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and www.hostcompliance.com/tips (website);
10. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
11. If approved, occupying businesses must file and maintain a current business occupation tax application with this office;
12. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
13. All existing and future driveways must feature curb cuts that are constructed to UG standards;
14. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
15. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to

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

16. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
17. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
18. The Special Use Permit shall be valid for one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;
19. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
20. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all

conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.

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

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS _____ DAY OF _____, 2024.

TYRONE GARNER
MAYOR/CEO

Attest:

Unified Government Clerk

APPROVED AS TO FORM:

CHIEF COUNSEL

(Published _____)

SP2023-095

ORDINANCE NO. _____

AN ORDINANCE authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.

BE IT ORDAINED BY THE UNIFIED GOVERNMENT COMMISSION OF WYANDOTTE/COUNTY/KANSAS CITY, KANSAS:

Section 1. Special Use Permit Granted. Pursuant to the regulations set forth in Chapter 27, Sec. 27-214 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, permission is hereby granted to use in the manner set forth in Section 2 hereof, the following described real property as set forth in SP2023-095, commonly known as 535 Central Avenue Kansas City, Kansas, legally described as:

Section 10, Township 11, Range 25, S10, T11, R25, acres 0.14, 134D, beginning 252.5' East and 58' North of the Southwest Corner of Block 19, Lot 1, Riverview, South 110', East 50', more or less to 6th Street, Northerly 110', more or less, West 58' to the point of beginning, containing 0.15 acres, more or less, located at approximately 535 Central Avenue, Kansas City, Kansas.

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

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

1. The following items from the home inspection report shall be repaired prior to renewal of this Special Use Permit. Proof of repair shall be provided upon renewal of this Special Use Permit.
 - The garbage disposal shall be repaired or replaced;
 - The loose toilet shall be tightened and reattached to its base;
 - Replace all smoke detectors that are non-functional;
 - Make all identified electrical repairs, including:
 - Reverse polarity identified in the west wall of the east bedroom in an outlet;
 - The outlet in the southeast corner of the laundry room is ungrounded;
 - The outlet under the windows in the east bedroom is loose;
2. Maximum number of guests shall be six (6);
3. All parking must be off-street, maximum number of vehicles is two (2). No STR renters or guests may park on-street;
4. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
5. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;
6. Applicant is to maintain liability insurance;
7. The property must remain in proper maintenance and free of hazards, pests, or infestations;
8. The granting of this Special Use Permit does not transfer with a change of ownership of the property;
9. Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and www.hostcompliance.com/tips (website);
10. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
11. If approved, occupying businesses must file and maintain a current business occupation tax application with this office;
12. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an

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

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

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

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

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

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS _____ DAY OF _____, 2024.

TYRONE GARNER
MAYOR/CEO

Attest:

Unified Government Clerk

APPROVED AS TO FORM:

CHIEF COUNSEL

(Published _____)

SP2023-097

ORDINANCE NO. _____

AN ORDINANCE authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.

BE IT ORDAINED BY THE UNIFIED GOVERNMENT COMMISSION OF WYANDOTTE/COUNTY/KANSAS CITY, KANSAS:

Section 1. Special Use Permit Granted. Pursuant to the regulations set forth in Chapter 27, Sec. 27-214 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, permission is hereby granted to use in the manner set forth in Section 2 hereof, the following described real property as set forth in SP2023-097, commonly known as 4110 South Minnie Street, Kansas City, Kansas, legally described as:

All of the North half of the East half of Lot 2 in Block 10, BRIGHAM AND LLOYD'S ORCHARD HIGHLANDS in a part of Kansas City, Wyandotte County, Kansas, located at approximately 4110 South Minnie Street, Kansas City, Kansas.

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

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

1. The applicant has six (6) months to pull a building permit for a residential remodel. The applicant shall contact Building Inspections at BuildingInspection@wycokck.org or (913) 573-8620 to begin this process;
2. Maximum number of guests shall be six (6);
3. All parking must be off-street, maximum number of vehicles is two (2). No STR renters or guests may park on-street;
4. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
5. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;
6. Applicant is to maintain liability insurance;
7. The property must remain in proper maintenance and free of hazards, pests, or infestations;
8. The granting of this Special Use Permit does not transfer with a change of ownership of the property;
9. Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and www.hostcompliance.com/tips (website);
10. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
11. If approved, occupying businesses must file and maintain a current business occupation tax application with this office;
12. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
13. All existing and future driveways must feature curb cuts that are constructed to UG standards;
14. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;

- 15. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;**
- 16. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;**
- 17. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;**
- 18. The Special Use Permit shall be valid for six (6) months from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;**
- 19. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,**

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

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

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS _____ DAY OF _____, 2024.

TYRONE GARNER
MAYOR/CEO

Attest:

Unified Government Clerk

APPROVED AS TO FORM:

CHIEF COUNSEL



Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: January 11, 2024

Re: Change of Zone Petition COZ2023-027

GENERAL INFORMATION

Applicant:

Timothy Elliott

Status of Applicant:

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

Requested Actions:

Change of Zone from R-1 Single Family District to RP-4 Planned Garden Apartment District.

Date of Application:

September 29, 2023

Purpose:

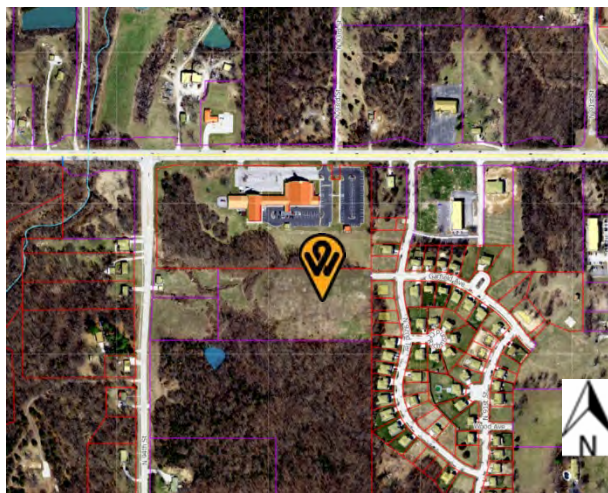
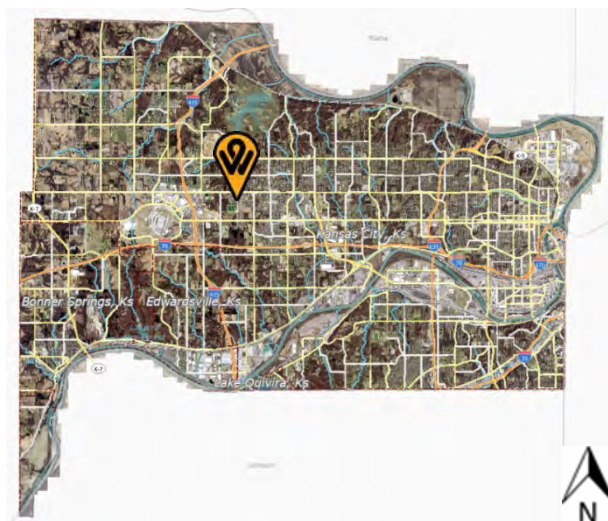
To rezone and build a three (3) phased senior assisted living facility, with three (3) one-story buildings totaling 48 units.

Property Location:

9205 Garfield Avenue
Kansas City, KS 66109

Commission District:

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



Existing Zoning:	R-1 Single Family District
Adjacent Zoning:	North: A-G Agriculture District South: A-G Agriculture District East: R-1 Single Family District West: R-1 Single Family District
Adjacent Uses:	North: Oak Ridge Baptist Church South: Large wooded, undeveloped lot East: Single family homes West: Single family home and vacant land
Total Tract Size:	6.71 Acres
Master Plan Area:	Prairie Delaware Piper Area Plan
Master Plan Designation:	The Prairie Delaware Piper Area Plan designates this property as Mixed Use Residential, which allows patio (zero lot line) homes, townhouses, condominiums, housing for seniors, and other multifamily uses.
Major Street Plan:	The Major Street Plan classifies North 92 nd Terrace and Garfield Avenue as Local Streets.
Required Parking:	Sec. 27-459(d) One and one-half parking spaces shall be provided for each dwelling unit that has one (1) bedroom or less. Two (2) parking spaces shall be provided for each dwelling unit that has two (2) bedrooms or more. 30 parking spaces are required. 33 parking spaces are provided. Sec. 27-668(a)(7) One (1) space for each staff member plus one (1) space for each four (4) beds. 30 parking spaces are required. 33 parking spaces are provided.
Advertisement:	<u>The Wyandotte Echo</u> – October 19, 2023 Letters to Property Owners – October 20, 2023 and December 4, 2023
Public Hearings:	November 13, 2023, November 30, 2023, December 11, 2023 and January 11, 2024
Public Support:	None to date.
Public Opposition:	One (1) person appeared at the November 13, 2023, City Planning Commission meeting. Two (2) persons appeared at the December 11, 2023 City Planning Commission meeting. A protest petition was filed and with a 13.70% the petition is not valid.

PROPOSAL

Detailed Outline of Requested Action: The representative, Katie Quigley, seeks a Change of Zone from R-1 Single Family District to RP-4 Planned Garden Apartment District to build three (3), 16-unit buildings in three (3) phases for senior housing (assisted living) on 6.71 acres.

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

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. None

Building, Zoning, or Code Enforcement Complaints:

1. None

Outstanding or Related Permits and Cases:

1. None

FACTORS TO BE CONSIDERED

1. Neighborhood character.

The character of the neighborhood is comprised of single-family homes to the east and civic spaces – Oak Ridge Baptist Church to the north, and undeveloped, heavily wooded land to the south.

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

The zoning and uses of properties nearby are set out above. The proposed use is not necessarily compatible with the surrounding properties to the east as this area is a small, established single-family subdivision. Higher intensity and density development should occur at major intersections along transit corridors, which is at the 90th Street and Parallel Parkway intersection.

Traditionally, multi-family and senior housing development is buffered with duplexes or townhomes from single-family development. Significant screening and buffering between single-family homes and multi-family development is required.

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

The removal of the restrictions should not detrimentally affect nearby property because of the landscaping and buffering that is required to be planted where abutting the single-family residentially zoned properties, which can be enhanced by maintaining the existing topography and vegetation around the perimeter of the property in addition to screening with a privacy fence with masonry columns from the single-family residences to the east.

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

Based on the aerial photography, this property has been vacant since at least 1991.

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

The proposed development is reasonably necessary for individuals that do not want to maintain a single-family residence or condominium, but want the ability to be in a comfortable, safe environment. Architecturally, the proposed use is to be constructed as a single story, therefore the three (3) buildings will not rise above the existing tree lines into the rear yards of the easternmost single-family homes as a traditional two (2) or three (3) story complex may.

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

The proposed development with 48 potential units will increase traffic along North 92nd Street and Garfield Avenue from employees, guests and ambulatory care. While a Traffic Impact Study has been provided, it is currently being reviewed and analyzed by Planning Engineering and Public Works.

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

The proposed use does conform to the Mixed-Use Residential land use designation within the Prairie Delaware Piper Area Plan, which allows patio (zero lot line) homes, townhouses, condominiums, housing for seniors, and other multifamily uses.

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

The proposed use should not cause environmental harm through runoff because the proposed development will capture the storm water runoff instead of sheet flowing off the property onto adjacent parcels or onto Garfield Avenue.

The proposed use can enhance the environment or mitigate the intensity of use through enhanced landscaping throughout the development, internally and along

the perimeter of the property and maintaining existing topography and vegetation along the south, west, and east property lines. The property is changing from undeveloped, rolling and treed land to a relatively flat, graded site. Landscaping and screening are imperative, and an open space easement shall be established for the remaining undeveloped site.

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

a. *Water service*

BPU provides water service.

b. *Sanitary sewer service*

UG provides sanitary sewer service.

c. *Storm water control*

To be designed to meet City Code.

d. *Police*

Police service is provided by West Patrol, District #226.

e. *Fire*

Fire service is provided by Fire Station #6 located off 98th Street and State Avenue.

f. *Transit*

Kansas City ATA provides transit service along North 92nd Terrace & Parallel Parkway, approximately 700 feet north, Route #116.

g. *Schools*

Public education is provided by Piper USD 203.

h. *Streets*

North 92nd Terrace and Garfield Avenue are designated as Local Streets. A Traffic Impact Study will determine if the proposed development can be supported by the existing street network.

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

The proposed use will have a small beneficial economic impact on the community. The development will also provide a housing option for a specific population in the community.

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

With some revisions and redesigning, the proposed use is capable of meeting applicable ordinance requirements.

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

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

PREVIOUS ACTIONS

None

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting in-person at 9301 Parallel Parkway aka Oak Ridge Baptist Church on October 26, 2023 Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Open Space Preservation
Fire Access
Traffic
Pedestrian Connectivity
Landscaping, Screening and Buffering

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 5 to 3 to uphold its previous recommendation of **APPROVAL** of Change of Zone Application COZ2023-027, subject to:

- 1. Because this is a planned district and multiple parcels are involved in this development, a Final Development Plan is required to be submitted prior to obtaining a building permit. Final architectural and civil drawings are required to be submitted at such time;**

2. If necessary, Sec. 27-575(c)(3) Use of stepped retaining walls is necessary along public streets or other visible areas of the site to reduce the steepness of manmade slopes and to provide pockets or terraces for revegetation and landscaping. Every wall over six (6) feet in height must be “stepped”. Four (4) feet of terrace is required every 8 feet of wall;
3. Redesign the detention basin to be more natural in shape and size rather than a parallelogram;
4. In addition to establishing greater pedestrian connectivity throughout the development, where there are major parking lot crossings, crosswalks and/or other traffic calming devices shall be painted in the drive aisles, so residents and guests are alert to look for pedestrians;
5. Install a sidewalk on the south side of Garfield Avenue to North 92nd Terrace;
6. All dwelling units within a new development must be provided with a basement or with a FEMA standard safe room constructed to standards for the protection of the occupants (FEMA Publication 320 or 361);
7. Sec. 27-459(f) trees are required at not less than one (1) tree per 4,500 square feet of site area;
8. Sec. 27-700(b)(1) Buffer plantings, which shall include the equivalent of a minimum of one (1) evergreen tree or one (1) shade tree and three (3) large shrubs for each 30 feet of adjacent project boundary, shall be provided for such development adjacent to single-family or two-family zoned property. Except in district R-M and C-0, such buffer plantings may be arranged on any portion of the property. Buffer plantings will be in addition to required trees. 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;
9. Maintain the ridgelines, existing topography, and vegetation along the perimeter of the property, as these natural features will screen the development from the single-family homes abutting the property along the property line;
10. Landscaping and landscape beds, commons spaces and amenities shall be irrigated;
11. Parking lot islands shall be curbed and landscaped;
12. 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;
13. Lighting cannot exceed one (1) footcandle at the property line;
14. Interior parking lots lights shall have 90-degree cutoff fixtures;
15. All utility connections, this includes green electrical boxes and free-standing 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 an architectural screen;
16. All electrical meter banks, typically on the side of the building shall be screened from public view;

17. The privacy fence abutting the single-family residences shall have masonry columns installed every 32 feet running;
18. All trash and recycling receptacles shall be enclosed on all sides with an opaque 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. When possible, the enclosure's gate shall face away from streets or adjacent land uses. All screening materials must be well maintained at all times;
19. Regarding BPU transformer screening, the following applies
 - 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 feet 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 of 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) on the front allowing for 10 feet on the front when gate doors open;
20. 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;
21. All existing and future driveways must feature curb cuts that are constructed to UG standards;
22. 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;
23. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the

- issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;
24. A Pre-Construction meeting is required for any improvements to public infrastructure upon the approval and issuance of a Development Review Committee (DRC) Permit. Any improvements to, construction or alteration of: sanitary systems, stormwater systems, public or private streets, sidewalks, or other public infrastructure will require a pre-construction meeting with the Department of Public Works. The applicant is required to contact the County Engineer at (913) 573-5400 or by info@wycokck.org prior to construction to arrange this meeting; and, 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.

STAFF COMMENTS AND SUGGESTIONS/UPDATE

Staff concurs with the recommendation of the City Planning Commission.

The Unified Government Board of Commissioners remanded the petition back to the City Planning Commission to obtain comments from the Kansas City Kansas Fire Department (KCKFD) regarding the potential of a secondary access for the project. Comments were received by the Fire Department, and no improvements will be necessary.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **COZ2023-027**, subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

November 13, 2023 City Planning Commission Minutes
December 11, 2023 City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Designation Map
Multi-Family Residential Amenity Guidelines
KCKFD Comments
Applicant Response Letter
Neighborhood Meeting Minutes
Site Plan
Grading Plan

Landscape Plan
Sight Line Cross Section
Floor Plan
Building Elevations
Site Photographs taken by Staff on October 11, 2023
Protest Petition

REVIEW OF INFORMATION AND SCHEDULE

Action	City Planning Commission	Unified Government Board of Commissioners
Public Hearing	December 11, 2023	January 11, 2024
	November 13, 2023	November 30, 2023
Rezoning	Approval	Referred Back
	December 11, 2023	January 11, 2024
	Approval	

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2023-027** as meeting all the requirements of the city code and being in the interest of the public health, safety, and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **COZ2023-027** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety, and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

NOVEMBER 13, 2023 CITY PLANNING COMMISSION MINUTES:

Hearing starts at 1:58:35:

CHANGE OF ZONE APPLICATION COZ2023-027 – TIMOTHY ELLIOTT WITH ATLAS LAND CONSULTANTS - SYNOPSIS: Change of Zone from R-1 Single Family District to RP-4 Planned Garden Apartment District to develop a senior living facility at 9205 Garfield Avenue. Detailed Outline of Requested Action: The representative, Katie Quigley, seeks a Change of Zone from R-1 Single Family District to RP-4 Planned

Garden Apartment District to build three (3), 16-unit buildings in three (3) phases for senior housing (assisted living) on 6.71 acres.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated November 13, 2023;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

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

Present in Support:

- Timothy Elliott, applicant, Atlas Land Consulting, 14500 Parallel Road, Unit R, Basehor, Kansas 66007

Present in Opposition:

- Lawrence Harvey, 1723 North 91st Street, Kansas City, Kansas

Staff Recommendation starts at 2:4:20: Planning Director Hand stated that the request is for a Change of Zone from R-1 Single Family District to RP-4 Planned Garden Apartment District for a senior living facility. There will be three (3) phases to the three (3) 16-unit buildings. The property is in the Prairie-Delaware-Piper Area Plan. Staff received no letters in support and no opposition before this evening. There are no Notices of Violation. Staff has reviewed the site plan with the applicant and has made some revisions to the design. He further stated that there is sidewalk connectivity into the neighborhood and buffering and screening from the single-family homes and church. He stated that a traffic study was completed and received by the County Engineer, who determined no public improvements were required.

The Planning Commission directed questions to Director Hand.

Motion starts at 2:07:36:

On motion by Mrs. Armstrong, seconded by Mr. Straws, the Planning Commission voted as follows to **recommend APPROVAL of Change of Zone Application COZ2023-027:**

Carson	Chairman
Miller	Aye
Mohler	Aye
Straws	Aye
Ward	Aye

Armstrong	Aye
Beth	Aye
Connelly	Not Present
Eilts	Aye
Ernst	Aye
Jones	Not Present

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

Subject to:

1. Because this is a planned district and multiple parcels are involved in this development, a Final Development Plan is required to be submitted prior to obtaining a building permit. Final architectural and civil drawings are required to be submitted at such time;
2. If necessary, Sec. 27-575(c)(3) Use of stepped retaining walls is necessary along public streets or other visible areas of the site to reduce the steepness of manmade slopes and to provide pockets or terraces for revegetation and landscaping. Every wall over six (6) feet in height must be "stepped". Four (4) feet of terrace is required every 8 feet of wall;
3. Redesign the detention basin to be more natural in shape and size rather than a parallelogram;
4. In addition to establishing greater pedestrian connectivity throughout the development, where there are major parking lot crossings, crosswalks and/or other traffic calming devices shall be painted in the drive aisles, so residents and guests are alert to look for pedestrians;
5. Install a sidewalk on the south side of Garfield Avenue to North 92nd Terrace;
6. All dwelling units within a new development must be provided with a basement or with a FEMA standard safe room constructed to standards for the protection of the occupants (FEMA Publication 320 or 361);
7. Sec. 27-459(f) trees are required at not less than one (1) tree per 4,500 square feet of site area;
8. Sec. 27-700(b)(1) Buffer plantings, which shall include the equivalent of a minimum of one (1) evergreen tree or one (1) shade tree and three (3) large shrubs for each 30 feet of adjacent project boundary, shall be provided for such development adjacent to single-family or two-family zoned property. Except in district R-M and C-0, such buffer plantings may be arranged on any portion of the property. Buffer plantings will be in addition to required trees. 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;
9. Maintain the ridgelines, existing topography, and vegetation along the perimeter of the property, as these natural features will screen the development from the single-family homes abutting the property along the property line;
10. Landscaping and landscape beds, commons spaces and amenities shall be irrigated;
11. Parking lot islands shall be curbed and landscaped;

12. 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;
13. Lighting cannot exceed one (1) footcandle at the property line;
14. Interior parking lots lights shall have 90-degree cutoff fixtures;
15. All utility connections, this includes green electrical boxes and free-standing 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 an architectural screen;
16. All electrical meter banks, typically on the side of the building shall be screened from public view;
17. The privacy fence abutting the single-family residences shall have masonry columns installed every 32 feet running;
18. All trash and recycling receptacles shall be enclosed on all sides with an opaque 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. When possible, the enclosure's gate shall face away from streets or adjacent land uses. All screening materials must be well maintained at all times;
19. Regarding BPU transformer screening, the following applies
 - 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 feet 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 of 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) on the front allowing for 10 feet on the front when gate doors open;
20. 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;
21. All existing and future driveways must feature curb cuts that are constructed to UG standards;

22. 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;
23. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;
24. A Pre-Construction meeting is required for any improvements to public infrastructure upon the approval and issuance of a Development Review Committee (DRC) Permit. Any improvements to, construction or alteration of: sanitary systems, stormwater systems, public or private streets, sidewalks, or other public infrastructure will require a pre-construction meeting with the Department of Public Works. The applicant is required to contact the County Engineer at (913) 573-5400 or by info@wycokck.org prior to construction to arrange this meeting; and,
25. 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.

December 11, 2023 City Planning Commission Minutes:

Hearing starts at 2:33:05:

CHANGE OF ZONE APPLICATION COZ2023-027 – TIMOTHY ELLIOTT WITH ATLAS LAND CONSULTANTS - SYNOPSIS: Change of Zone from R-1 Single Family District to RP-4 Planned Garden Apartment District to develop a senior living facility at 9205 Garfield Avenue. *Detailed Outline of Requested Action:* The representative, Katie Quigley, seeks a Change of Zone from R-1 Single Family District to RP-4 Planned Garden Apartment District to build three (3), 16-unit buildings in three (3) phases for senior housing (assisted living) on 6.71 acres.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated December 11, 2023;
5. The application and other documents, plans, pictures and maps submitted by

- the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
 7. The Notices to property owners.

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

Present in Support:

- Timothy Elliott, applicant, Atlas Land Consulting, 14500 Parallel Road, Unit R, Basehor, Kansas 66007

Present in Opposition:

- Gary Johnson, 1908 North 92nd Terrace, Kansas City, Kansas 66112
- Lawrence Harvey, 1723 North 91st Street, Kansas City, Kansas 66112

The applicant responded to comments from the opposition and the Planning Commission.

Staff Recommendation starts at 2:48:10: Planning Director Hand stated that the request is to change the zoning from R-1 Single Family District to RP-4 Planned Garden Apartment District for a three-phased senior assisted living facility. The application was remanded back to the Planning Commission last month by the Unified Government Board of Commissioners. The property is in the Prairie-Delaware-Piper Area Plan. Staff has received no letters in support and has received letters and testimony at the previous hearings in opposition. There are no Notices of Violation. Staff recommends approval subject to the conditions in the staff report.

The Planning Commission directed questions to Director Hand concerning if comments from Fire Department and Public Works were received. Director Hand said comments were received by these review agencies, and no improvements will be necessary.

Motion starts at 2:49:34:

On motion by Mrs. Armstrong, seconded by Mrs. Eilts, the Planning Commission voted as follows to **recommend APPROVAL of Change of Zone Application COZ2023-027:**

Carson	Chairman
Mohler	Aye
Straws	Aye
Ward	No
Armstrong	Aye
Beth	No
Connelly	Not Present
Eilts	Aye
Ernst	No
Jones	Aye

Subject to:

1. Because this is a planned district and multiple parcels are involved in this development, a Final Development Plan is required to be submitted prior to obtaining a building permit. Final architectural and civil drawings are required to be submitted at such time;
2. If necessary, Sec. 27-575(c)(3) Use of stepped retaining walls is necessary along public streets or other visible areas of the site to reduce the steepness of manmade slopes and to provide pockets or terraces for revegetation and landscaping. Every wall over six (6) feet in height must be “stepped”. Four (4) feet of terrace is required every 8 feet of wall;
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4. In addition to establishing greater pedestrian connectivity throughout the development, where there are major parking lot crossings, crosswalks and/or other traffic calming devices shall be painted in the drive aisles, so residents and guests are alert to look for pedestrians;
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- issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;
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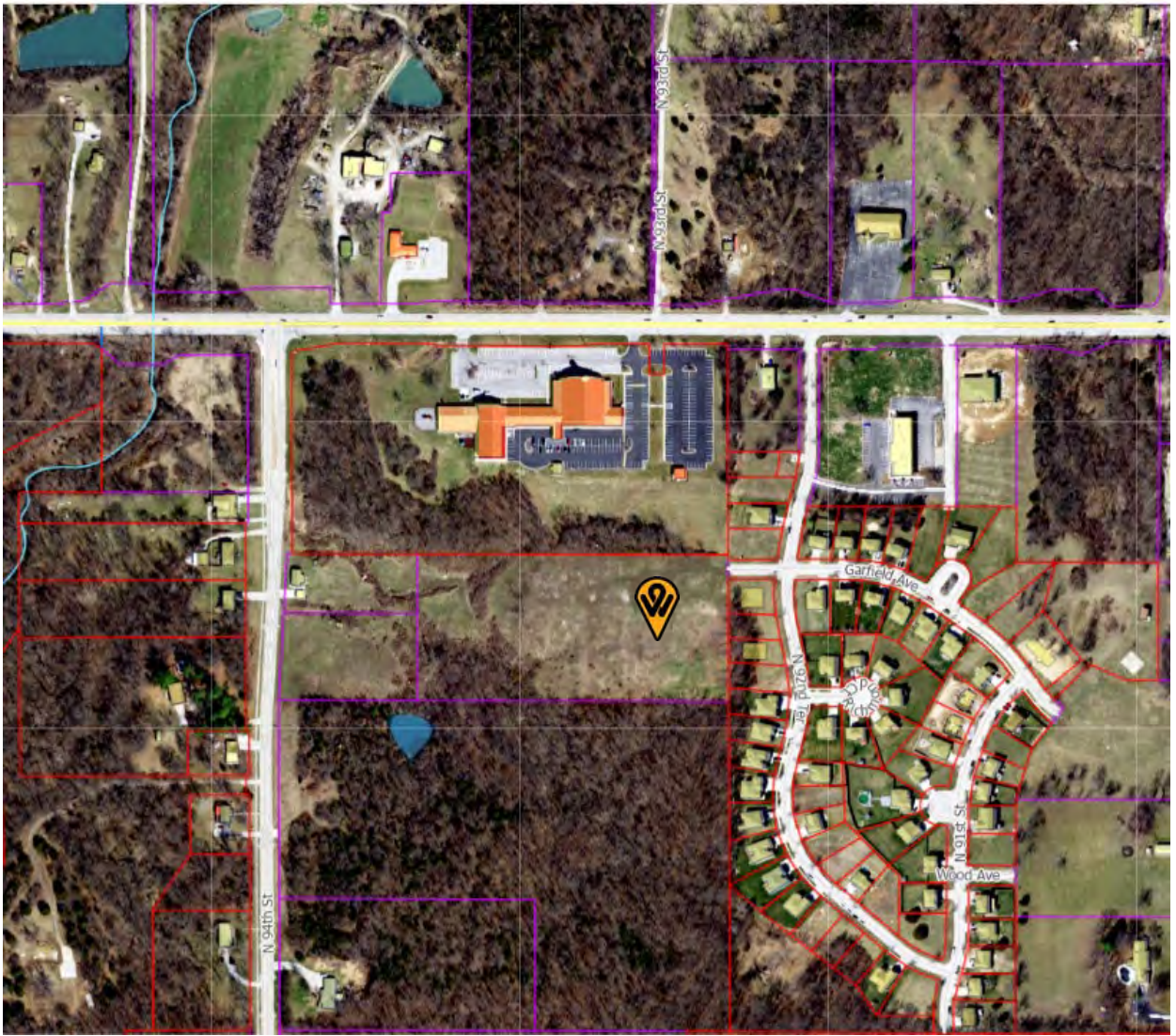


Figure 1. Aerial Photograph of 9205 Garfield Avenue (provided by UG Maps).

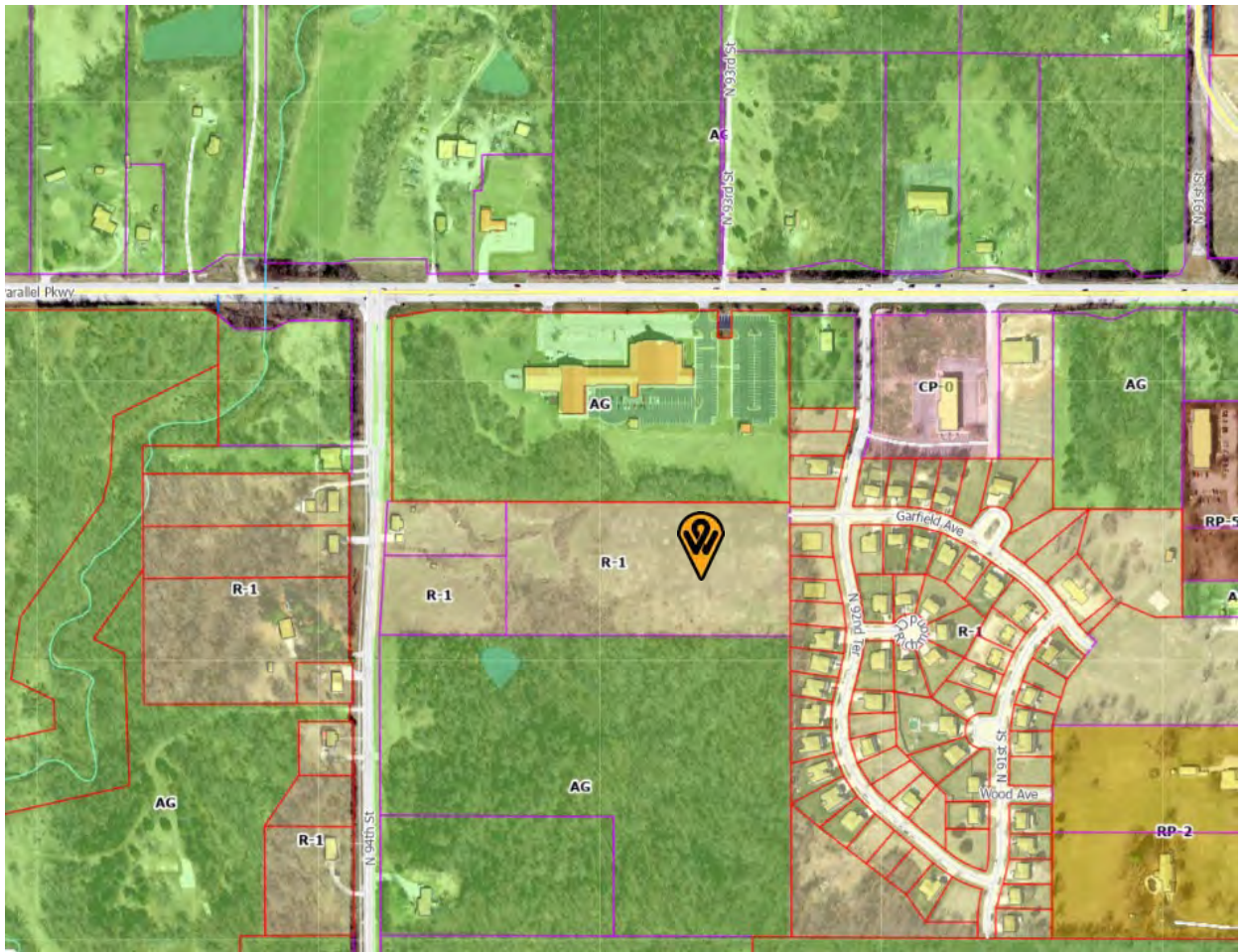


Figure 2. Zoning Map of 9205 Garfield Avenue (provided by UG Maps).

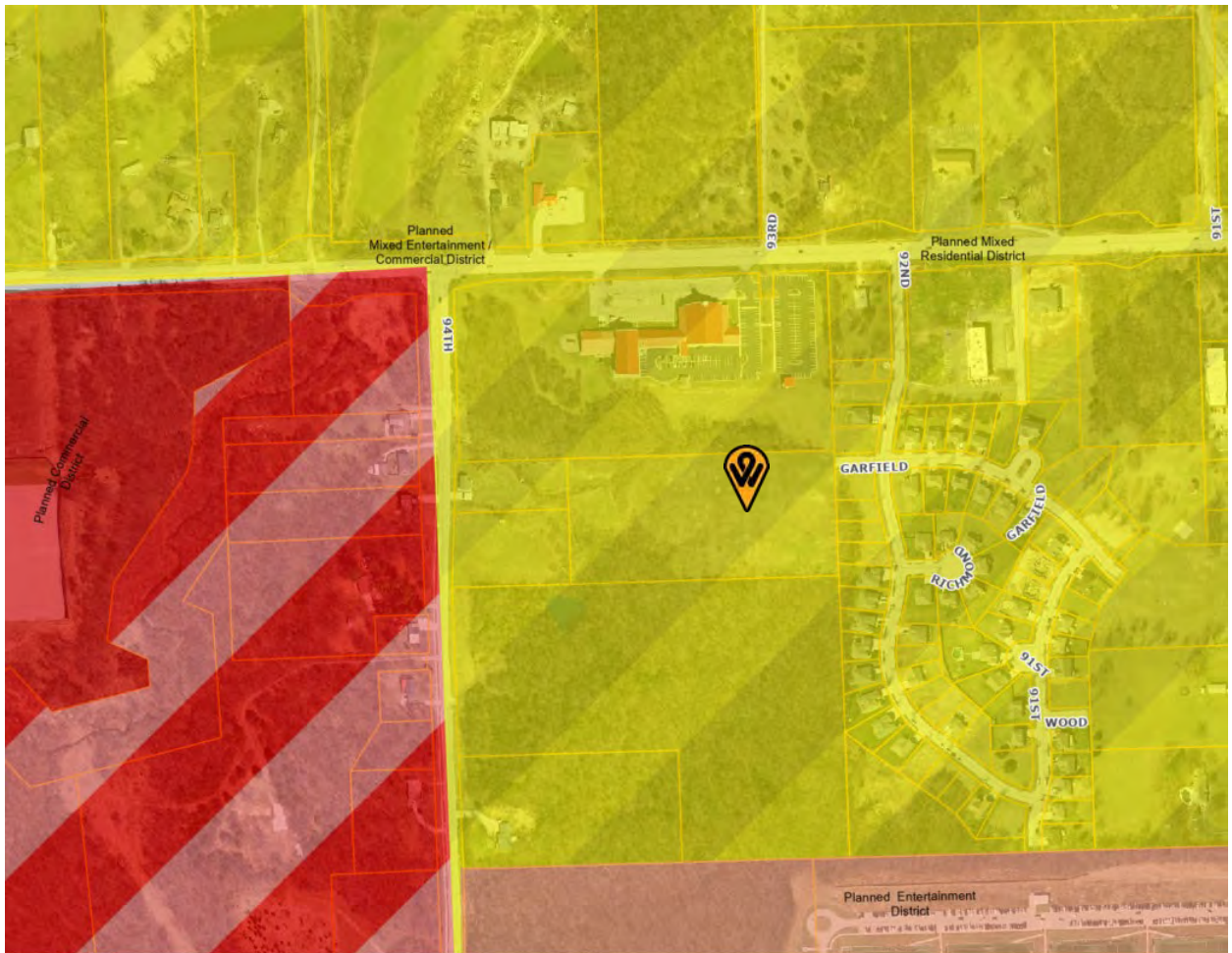


Figure 3. Prairie Delaware Piper Plan Land Use Designation Map of 9205 Garfield Avenue (provided by ArcGIS Pro).

Amenity Guidelines

Amenities within residential developments are an important factor when potential home buyers consider purchasing a home. Amenities enhance the overall value of a neighborhood and allow residents to meet and get to know one another.

Single-Family Residential Amenity Guidelines

Amenities are required for each residential subdivision. The requirements are based on the number of units within the subdivision. Residential developments of any unit type with fewer than 50 dwelling units are required to have one (1) Small Amenity. Residential developments with 50-to-200 dwelling units are required to have two (2) Amenities. Only one (1) of the required amenities may be a Small Amenity. Residential developments with more than 200 dwelling units are required to have three (3) Amenities, of which one (1) amenity may be considered a Small Amenity. All amenities will be built in the first phase of the development.

Multi-Family Residential Amenity Guidelines

Multi-family developments shall incorporate recreational amenities based on the number of units within the development. Multi-family developments with less than 25 dwelling units are required to have one (1) Small Amenity. Multi-family developments with 25-to-150 dwelling units are required to have two (2) amenities. Only one (1) of the required amenities may be a Small Amenity. Multi-family development projects with more than 150 dwelling units are required to have three (3) amenities, of which one (1) amenity may be considered a Small Amenity. All amenities will be built in the first phase of the development.

Residential Amenity Reference Table

Small:	
Basketball, volleyball, or other court sport.	
Open play area of at least 15,000 square feet with maximum of three (3) percent slope and low benches and one play structure.	
One picnic area with a minimum size of five-thousand (5,000) square feet and including a minimum of two (2) picnic tables, one (1) shelter, and one (1) barbecue grill/pit per area.	
Option provided by owner, but must be considered equal to one of the other small options.	
Regular:	
Swimming pool	
Golf Course	
Residential Clubhouse	
Two (2) basketball, volleyball, or other court sports.	
Two (2) tot lots with a minimum size of four-thousand (4,000) square feet per area, one (1) play structure per lot, one (1) bench per lot.	
Two (2) picnic areas with a minimum size of five-thousand (5,000) square feet and including a minimum of two (2) picnic tables, one (1) shelter, and one (1) barbecue grill/pit per area.	
Trail(s) for pedestrians and/or bicycles that connect(s) to the overall trail network within the area. This trail may be within preserved natural corridor.	
Option provided by owner, but must be considered equal to one of the other regular options.	



KS ENG COA #3315
KS SUR COA #361
MO ENG COA #607014084
MO SUR COA #087014231

ALC

ATLAS LAND CONSULTING
SURVEYING / ENGINEERING / DRONE / CAD
913-702-5073
14500 Parallel Road, Unit R, Basehor KS 66007
ANDREA@ALCONSULT-LLC.COM

Comment Response Letter

To: Byran Toy, UG Department of Planning & Urban Design
Address: 701 N 7th Street
Kansas City, KS 66101
Phone: 913-573-5758
Email: btoy@wycokck.org
Date: October 30th, 2023
Project: Grace Acres Assisted Living

Planning Comments:

- 1) Because this is a planned district and multiple parcels are involved in this development, a Final Development Plan is required to be submitted prior to obtaining a building permit. Final architectural and civil drawings are required to be submitted at such time.

Acknowledged

- 2) If necessary, Sec. 27-575(c)(3) Use of stepped retaining walls is necessary along public streets or other visible areas of the site to reduce the steepness of manmade slopes and to provide pockets or terraces for revegetation and landscaping. Every wall over six (6) feet in height must be "stepped". Four (4) feet of terrace are required every 8 feet of wall.

Acknowledged. No retaining walls planned at this time.

- 3) In coordination with Planning Engineering and Public Works Department, the extension of Garfield Avenue and the private drive leading the buildings needs to be redesigned. Based on the civil drawings, Garfield Avenue will not be able to be extended based on the proposed location of Building 1 and the dog park. As a result, Garfield Avenue should not be stubbed. A cul-de-sac can be created at the end of Garfield Avenue, with a private drive leading to the three (3) buildings and

14500 Parallel Rd, Unit R Basehor, KS 66007

parking lot encircled by the roundabout.

Entrance updated per discussion with Byron Toy. Public street extension removed. All roadwork is private.

- 4) Redesign the detention basin to be more natural in shape and size rather than a parallelogram.

Detention grading updated.

- 5) Sec. 27-459(d) One and one-half parking spaces shall be provided for each dwelling unit that has one (1) bedroom or less. Two (2) parking spaces shall be provided for each dwelling unit that has two (2) bedrooms or more. The site plan cites the nursing home parking ratio. Is this is nursing home or senior, independent living? A variance may be required, which must be approved prior to the Change of Zone petition being heard by the City Planning Commission unless the requisite parking is provided for each phase.

The proposed use is assisted living, which is closer to a nursing home when it comes to the number of residents that will be able to drive. For this reason, we are going with the nursing home parking numbers.

- 6) In addition to establishing greater pedestrian connectivity throughout the development, where there are major parking lot crossings, crosswalks and/or other traffic calming devices shall be painted in the drive aisles, so residents and guests are alert to look for pedestrians.

Crosswalks painted; additional sidewalks added.

- 7) Install a sidewalk on the south side of Garfield Avenue to North 92nd Terrace.

Sidewalk added. The home on that corner is currently under construction. The sidewalk should be the responsibility of the homebuilders as the sidewalk along 92nd is.

- 8) All dwelling units within a new development must be provided with a basement or with a FEMA standard safe room constructed to standards for the protection of the occupants (FEMA Publication 320 or 361).

Acknowledged

- 9) What on-site amenities will be provided as part of this development? Three (3) amenities, two (2) regular and one (1) small are required.

One unit was removed from each building, so the total unit count is now 48 units. The Prairie Delaware Piper master plan indicates that if there are less than 50 units, one small amenity is provided. This is what is currently proposed with the dog park.

- 10) Install bike racks at high trafficked nodes (clubhouse and site amenities).

Bike racks added to each building.

14500 Parallel Rd. Unit R Basehor, KS 66007

- 11) Show the transit stop in front of the property on the site plan. A bus shelter and bench may be warranted. Further discussion with KCATA is necessary. Contact Deasiray Bush, Director of Transportation at (913) 573-8312 or dbush@wycokck.org.

We reached out to Deasiray and she indicated that the existing nearby bus stop location at 90th & Parallel will be sufficient for the proposed use. A bench will not be needed because the anticipated traffic added to the bus network from this development is very low.

- 12) All existing and future driveways must feature curb cuts that are constructed to UG standards.

Acknowledged

- 13) 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.

Acknowledged

- 14) Site improvements that include land disturbance activity on greater than one (1) Acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620.

Acknowledged

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

Acknowledged

- 16) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition
14500 Parallel Rd. Unit R Basehor, KS 66007

becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Acknowledged

Building Architecture Comments:

- 1) What are the proposed exterior building materials as they are not listed on the elevations?

Materials listed on arch plans. LP smart siding, LP shingle siding, 30 or asphalt architectural shingles, heavy timber columns at front porch.

- 2) Sec. 27-459(c)(4) Minimum floor area shall be 380 square feet of habitable floor area for each dwelling unit. What is the approximate size of the dwelling units?

Floor areas shown on arch plan.

- 3) Downspouts shall be painted to architecturally blend into the building and recessed into the corners of building as not to be in plain view of the public.

Acknowledged.

Landscaping and Screening Comments:

- 1) Sec. 27-459(f) trees are required at not less than one (1) tree per 4,500 square feet of site area.

Trees provided. See landscape plan.

- 2) Sec. 27-700(b)(1) Buffer plantings, which shall include the equivalent of minimum of one (1) evergreen tree or one (1) shade tree and three (3) large shrubs for each 30 feet of adjacent project boundary, shall be provided for such development adjacent to single-family or two-family zoned property. Except in district R-M and C-0, such buffer plantings may be arranged on any portion of the property. Buffer plantings will be in addition to required trees. 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

Buffer plantings provided. See landscape plan.

- 3) Maintain the ridgelines, existing topography, and vegetation along the perimeter of the property, as these natural features will screen the development from the single-family homes abutting the property along the property line.

Acknowledged.

- 4) Provide a site line section between the multi-family apartments and the single-family homes.

14500 Parallel Rd. Unit R Basehor, KS 66007

Site line cross sections provided.

- 5) While depicted on the site plan, the trees on the single-family home parcels will be preserved, but that is not determined by the developer since it is off-site. In addition to a physical fence that is required abutting residentially zoned parcels, trees and shrubs shall be planted between the east property line and fence line

Acknowledged.

- 6) Landscaping and landscape beds, commons spaces and amenities shall be irrigated

Acknowledged.

- 7) Parking lot islands shall be curbed and landscaped

Acknowledged.

- 8) 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.

Acknowledged. See landscape plan.

- 9) Lighting cannot exceed one (1) footcandle at the property line.

Acknowledged.

- 10) Interior parking lots lights shall have 90-degree cutoff fixtures.

Acknowledged.

- 11) All utility connections, this includes green electrical boxes and free-standing 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 an architectural screen

Acknowledged. See landscape plan.

- 12) All electrical meter banks, typically on the side of the building shall be screened from public view

Acknowledged. See landscape plan.

- 13) The privacy fence abutting the single-family residences shall have masonry columns installed every 32 feet running

Masonry columns shown. See preliminary development plan.

14500 Parallel Rd. Unit R Basehor, KS 66007

-
- 14) All trash and recycling receptacles shall be enclosed on all sides with an opaque 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. When possible, the enclosure's gate shall face away from streets or adjacent land uses. All screening materials must be well maintained at all times

Trash enclosure provided. See preliminary development plan.

- 15) Regarding BPU transformer screening, the following applies:
- 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 feet 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 of 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) on the front allowing for 10 feet on the front when gate doors open.

Transformer screening provided.

Signage Comments:

- 1) Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process.

Acknowledged.

14500 Parallel Rd. Unit R Basehor, KS 66007

Application Number: COZ2023-027

Date and Location: October 26th, Oak Ridge Baptist Church KCK.

Meeting called to order at: 6PM

Names of people in attendance:

- Timothy Elliott – ALC representative
- Paul & Janell Rhodes – 1801 N 94th St. (southern neighbors of property to be rezoned)
- Errol Cade – Operations Business manager at Oak Ridge Missionary Baptist Church (northern neighbor of the property to be rezoned)

Introductions:

An overview of the proposed development was given. Printouts of the site plan and building renderings were presented for the attendees to review.

Questions and answers (include the following):

Janell Rhodes asked a question about ambulance traffic. I gave her the estimated ambulance traffic volume anticipated by the owner per her discussions with other owners of assisted living facilities: 2 trips per quarter. The owner is going to request that any ambulances arriving to the facility have their lights and sirens off as to not disturb the neighborhood. Janell was satisfied with the answer and had no further concerns.

Paul Rhodes asked a question about rainwater flows coming off of our site into his pond. I explained that we have to meet the stormwater runoff requirements of the UG and that most of our runoff will be directed to the detention facility on our site, which will not affect his pond which is uphill from the site. Paul was satisfied with the answer and had no further concerns.

Errol Cade and one of the church deacons mentioned the project to the pastor and he did not have any concerns. After explaining the proposal to the deacon he did not have any concerns either.

Meeting adjourned at: 6:35 PM

Minutes taken by: Timothy Elliott

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
COUNTY OF Johnson) SS:

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

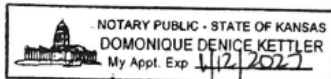
1. That I am the petitioner for Petition # COZ2023-027
2. That I conducted a neighborhood meeting on October 26, 2023
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

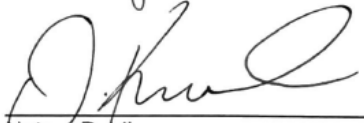
Further affiant saith not.

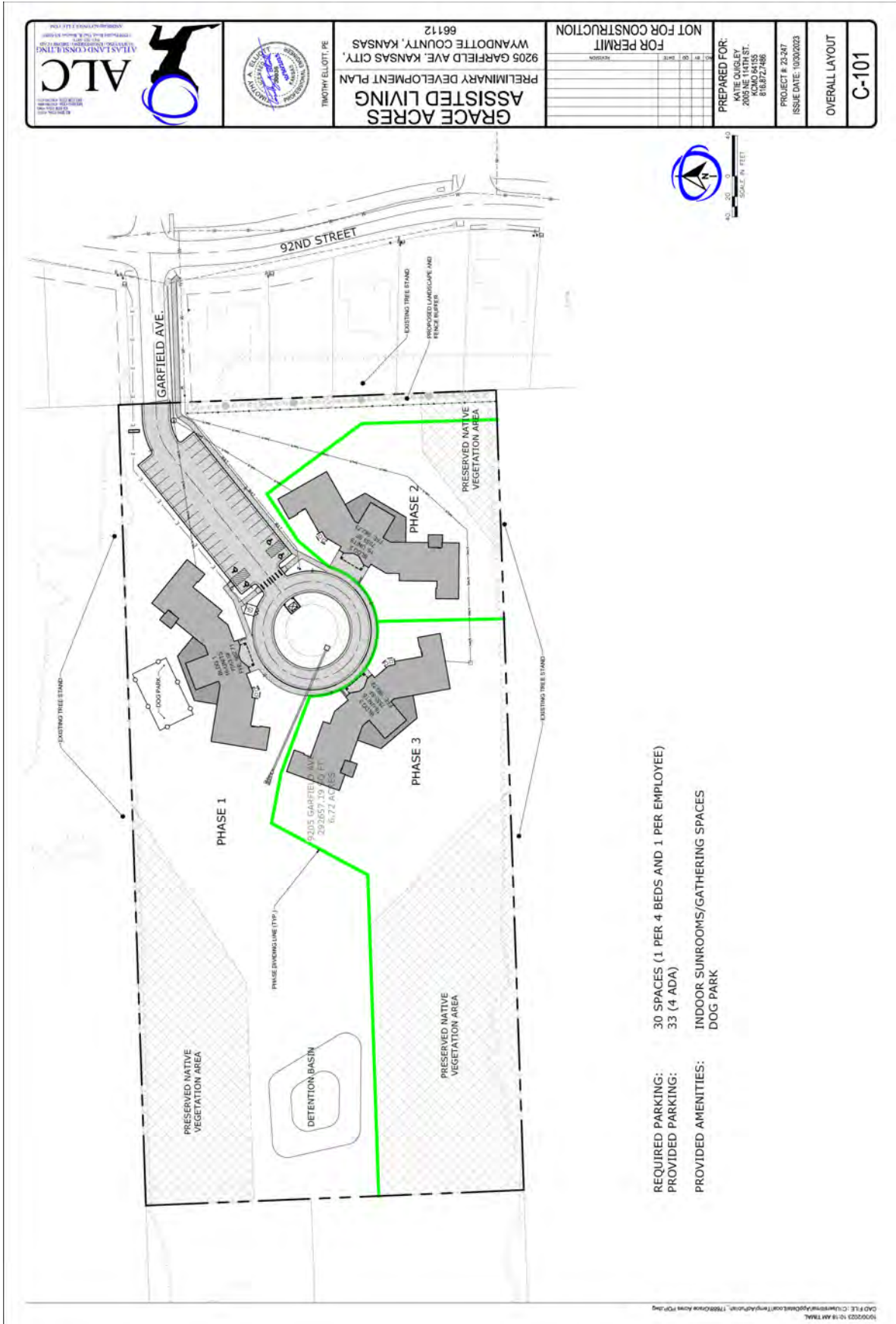

Affiant

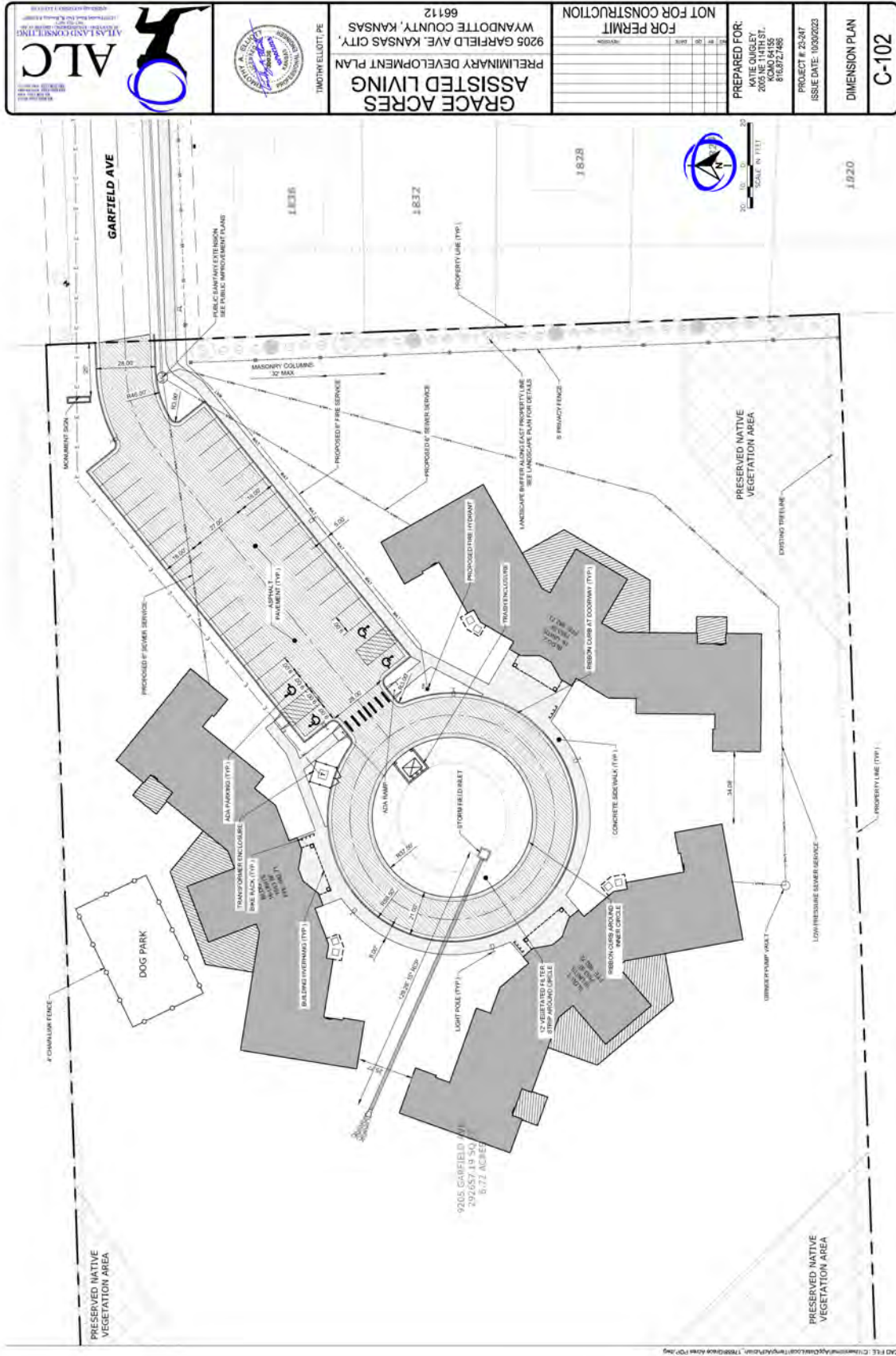
SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 26th day of October, 2023.

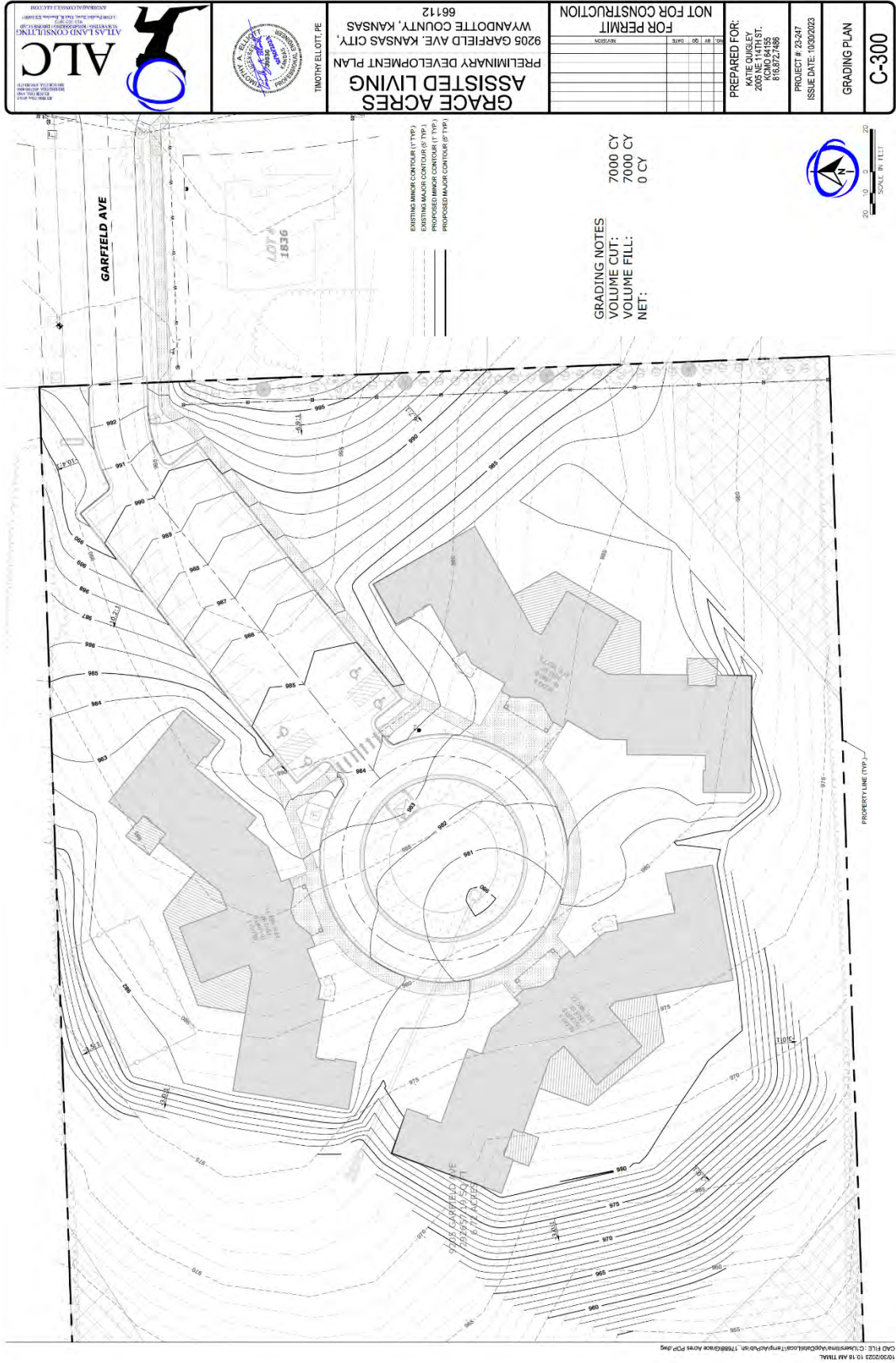
My commission expires 12th of January, 2027.

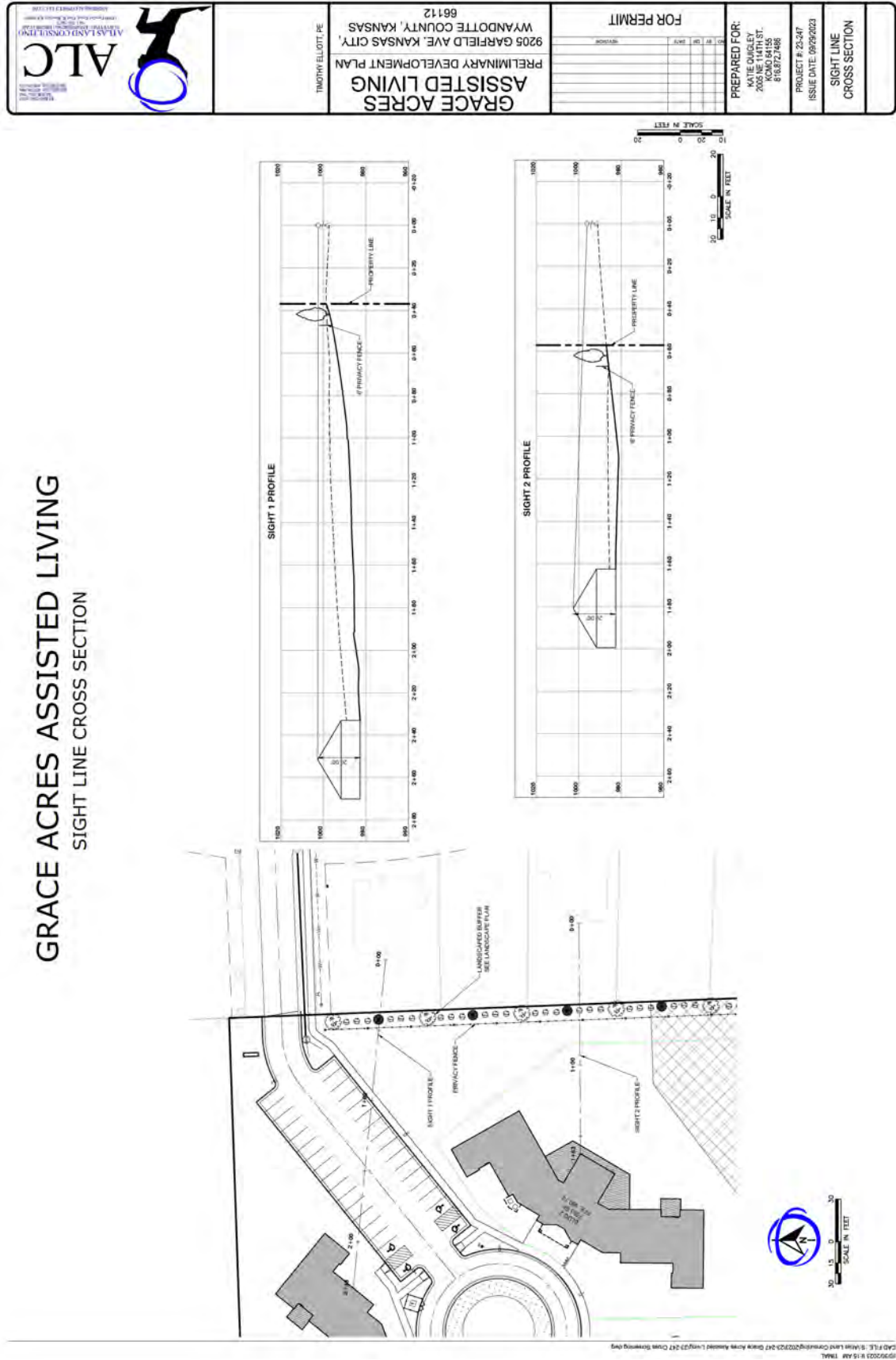



Notary Public









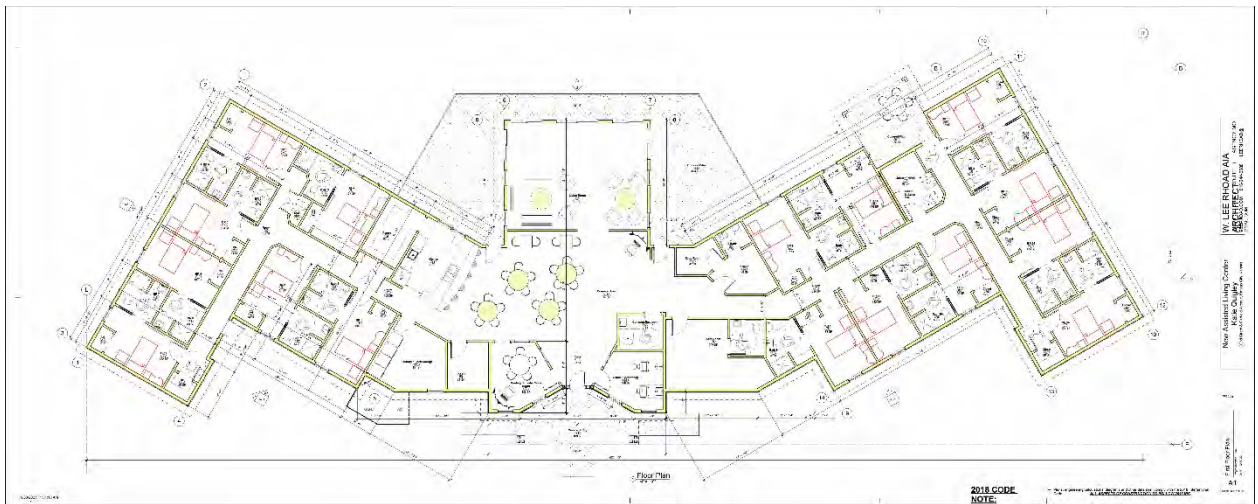






Figure 4. Site photograph of 9205 Garfield Avenue looking west from Garfield Avenue (provided by Planning Staff).



Figure 5. Site photograph of 9205 Garfield Avenue looking southwest from Garfield Avenue (provided by Planning Staff).



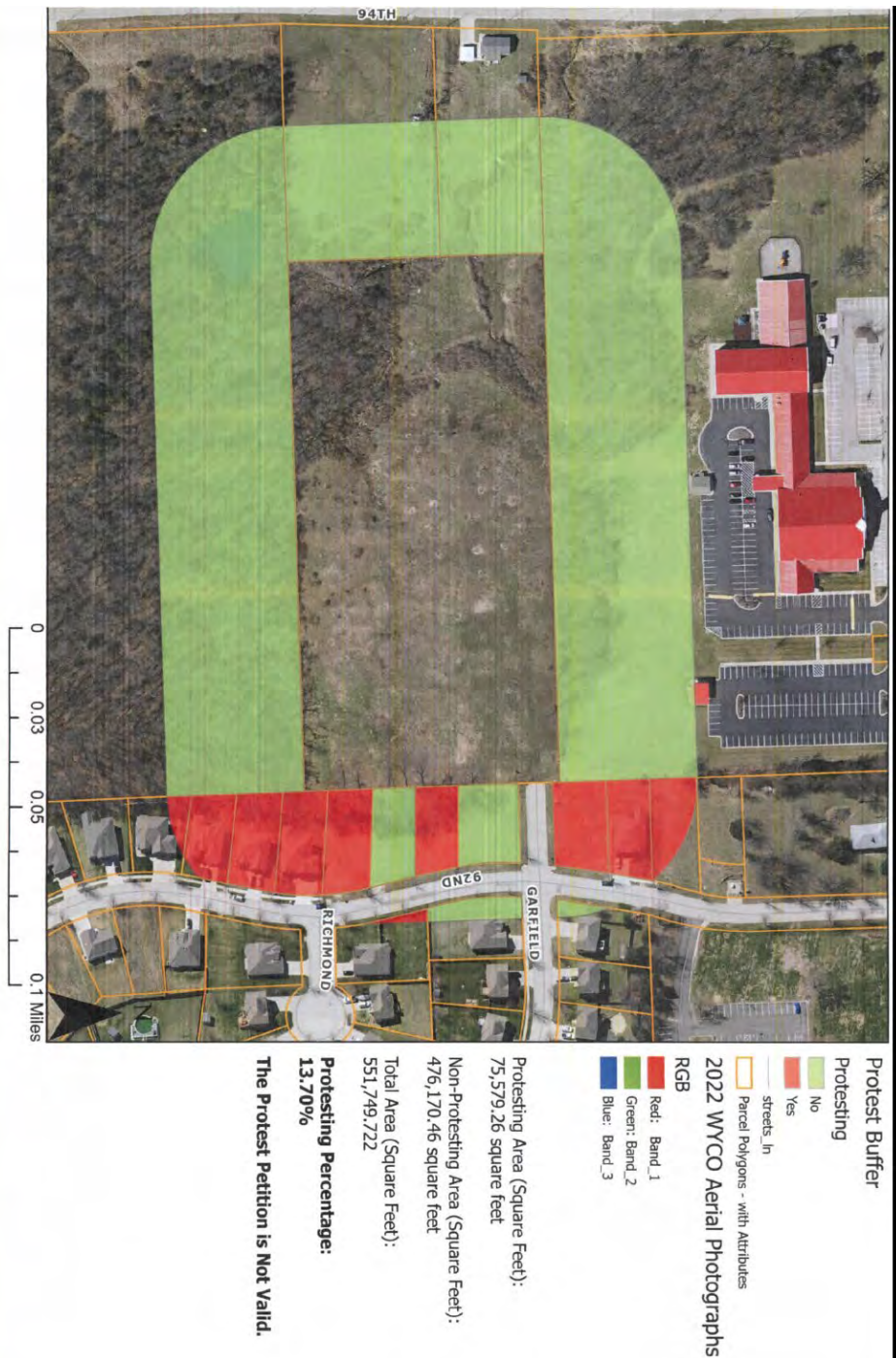
Figure 6. Site photograph of 9205 Garfield Avenue looking southeast from Garfield Avenue (provided by Planning Staff).



Figure 7. Site photograph of 9205 Garfield Avenue looking northwest from Garfield Avenue (provided by Planning Staff).



Protest Petition for COZ2023-027



PARCEL_NAME	OWNER_NAME	Protest?	NUMB	ADD	DIR	ST_NAME	SUF	CITY	STATE	ZIP	Shape_Area
291710	0.211558 SHINOGL, ALLAN E	Y	1808		N	92ND	TER	KANSAS CITY	KS	66112	2005.083716
291709	0.192297 HILDEBRAND, JUSTIN MICHAEL	Y	1812		N	92ND	TER	KANSAS CITY	KS	66112	8086.021616
291708	0.220279 KHAHL, NAJAH I	Y	1816		N	92ND	TER	KANSAS CITY	KS	66112	9596.107926
938412	16.880531 RHODES JANEL J DECLARATION OF TRUST, 11/21/1997	N	1801		N	94TH	ST	KANSAS CITY	KS	66112	188828.0472
291707	0.23724 BRYLES, JASON	Y	1820		N	92ND	TER	KANSAS CITY	KS	66112	10325.36823
291706	0.231699 G & J CHATTEL LLC	Y	1824		N	92ND	TER	KANSAS CITY	KS	66112	10084.15973
291705	0.199837 PINNACLE CONSTRUCTION CO INC	N	1828		N	92ND	TER	KANSAS CITY	KS	66112	8719.161652
291771	0.286885 SINCHURI, TIL B	Y	9124			D	CT	KANSAS CITY	KS	66112	943.8336418
938411	1.7459354 EVANS, JAMES B	N	1825		N	94TH	ST	KANSAS CITY	KS	66112	44201.84592
291704	0.182089 G & J CHATTEL LLC	Y	1832		N	92ND	TER	KANSAS CITY	KS	66112	7944.575508
291703	0.236715 PINNACLE CONSTRUCTION CO INC	N	1836		N	92ND	TER	KANSAS CITY	KS	66112	10312.104
291742	0.275907 VILLASENOR, ALONSO	N	9119			GARFIELD	AVE	KANSAS CITY	KS	66112	4142.716379
938410	1.1507676 PELAEZ, AMILBIA	N	1841		N	94TH	ST	KANSAS CITY	KS	66112	30139.42164
291702	0.233823 G & J CHATTEL LLC	Y	1904		N	92ND	TER	KANSAS CITY	KS	66112	10186.12061
291741	0.251192 WILSON, LEOTHA III	N	9120			GARFIELD	AVE	KANSAS CITY	KS	66112	1205.064214
291701	0.210131 JOHNSON, GARRY	Y	1908		N	92ND	TER	KANSAS CITY	KS	66112	9154.030247
291700	0.24898 G & J CHATTEL LLC	Y	1912		N	92ND	TER	KANSAS CITY	KS	66112	7253.95839
146313	0.188205 G & J CHATTEL LLC	N	1910	R	N	92ND	TER	KANSAS CITY	KS	66112	37.46795232
280800	13.334953 OAK RIDGE BAPTIST CHURCH	N	9301			PARALLEL	PKWY	KANSAS CITY	KS	66112	188584.6316
								Protest Area (sq. ft.)			75,579.26
								Non-Protest Area (sq. ft.)			476,170.46
								Total Area (sq. ft.)			551,749.722
								Protesting Percentage			13.70%
											NOT VALID



Department of Planning + Urban Design

Unified Government of Wyandotte County and Kansas City, Kansas

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

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

Time Stamp by City Clarks office
@ 2023 Dec 19, 1:47pm

Protest Petition

19 1355 Dec 23

Prior to filing this Protest Petition, please refer to the attached Protest Petition Guidelines and ensure all of the required procedures have been followed. **If you have any questions or need assistance, reach out to the Department of Planning + Urban Design at (913) 573-5750 or planninginfo@wycokck.org.**

Contact Information of person submitting the protest.

The Protest Petition process frequently requires dialogue between Unified Government Staff and the protest petition representative. To properly facilitate this dialogue, please provide the following contact information.

Name: GARRY M JOHNSON Street Address: 1908 N 92nd TER, KANSAS CITY, KS 66112
Telephone: 913-269-9153 Email: kcgjohnson@sbcglobal.net

Protest Petition

Protest Petition against Change of Zone or Special Use Permit Petition Case Number you wish to protest: COZ2023-027

We, the undersigned owners of property, do hereby protest the above referenced application at the following address: 9205 GARFIELD AVE, KANSAS CITY, KS 66112

We, the undersigned record owners of property, realize that this petition of protest must be submitted to the Office of the Unified Government Clerk within 14 days from the hearing date where the final recommendation of the City Planning Commission regarding this application was passed.

Further, we realize that this Petition is in opposition to the application and our signatures cannot be removed after filing, unless certain lawful actions are taken to remove the Protest Petition. This Petition may be pursuant to the laws of Kansas, K.S.A. 12-757; and of the Unified Government of Wyandotte County/Kansas City, Kansas 27-210(a)(8) and shall be subject to the rules contained therein.

We, the undersigned, are the owners of real property located within the statutory area of notification related to the area for which a zoning amendment is sought, whereby, our signatures shall hereafter be verified as true and correct signatures in order for this Protest Petition to be valid.

Protest Petition



Department of Planning + Urban Design

Unified Government of Wyandotte County and Kansas City, Kansas

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

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

Protest Petition

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Protest Petition Acknowledgement

Affidavit, Property Owner Consent Form

State of Kansas)
County of Wyandotte) SS:
Comes now Greg M Johnson
(Protest Petition Representative)

being first duly sworn, under oath, depose and state that the signatures and legal description and/or addresses thereon are genuine, that I personally know all of the signers of this sheet of the Protest Petition to be the persons whose names are signed to the Petition, that I personally witnessed their signature, and that to the best of my knowledge the signers of the Protest Petition are the record owners of land located within the statutory area for this application.

Further affiant saith not.


Affiant

Subscribed in my presence and sworn before me on this 19th, day of December
2023, in the County of Wyandotte, State of Kansas

My commission expires 27th of December, 2027.

Notary Public: T. Camargo

Stamp:  **Francisco Camargo**
Notary Public
State of Kansas
My Appt. Expires 12/27/27

Petition Number: 1

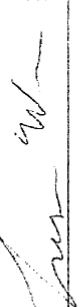
Please note that all signatures, print, descriptions and contact information must be legible.

Signature of Owner(s) of Record (All owners of property must sign)	Printed Name of Property Owner(s) (Must match exactly as written on the deed)	Property Description (Address and/or lot and block number)	E-mail and Phone # of Property Owner	Date
<i>OUT of Town</i>	BRYLES, ERIKA	1820 N 92ND TER, KANSAS CITY, KS 66112		
<i>OUT of Town</i>	BRYLES, JASON	1820 N 92ND TER, KANSAS CITY, KS 66112		
<i>Justin Hildebrand</i>	HILDEBRAND, JUSTIN MICHAEL	1812 N 92ND TER, KANSAS CITY, KS 66112	justinhildebrand@comcast.net 763-227-3915	12/11/23
<i>Arne Hildebrand</i>	HILDEBRAND-ARNE CHANDRA	1812 N 92ND TER, KANSAS CITY, KS 66112	Chandradev@comcast.net 763-227-3915	12/7/23
<i>Garry Johnson</i>	JOHNSON, GARRY	1809 N 92ND TER, KANSAS CITY, KS 66112	12500 Huseman St Soc City, MO 64113 913-526-4465	12/13/23
<i>Marquida Johnson</i>	JOHNSON, MARQUIDA	1809 N 92ND TER, KANSAS CITY, KS 66112	913-526-4465 Marquida Johnson	12/13/23
<i>Najah Khalil</i>	KHALIL, NAJAH I	1816 N 92ND TER, KANSAS CITY, KS 66112	Najah Khalil 12500 Huseman St Soc City, MO 64113 913-526-4465	12/13/23
<i>Allan Shinogle</i>	SHINOGL, ALLAN E	1809 N 92ND TER, KANSAS CITY, KS 66112	202-982-7128 Allan Shinogle 913-526-4465	12/13/23
<i>Sherry Shinogle</i>	SHINOGL, SHERRY H	1809 N 92ND TER, KANSAS CITY, KS 66112	202-982-7128 Sherry Shinogle 913-526-4465	12/13/23
<i>Til B Sinchuri</i>	SINCHURI, TIL B	9124 SINCHURI, TIL B CT, KANSAS CITY, KS 66112	Chersauley@yaho.com	12/14/23

Protest Petition

Petition Number: 2

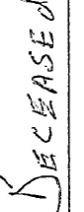
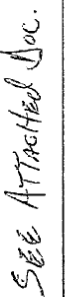
Please note that all signatures, print, descriptions and contact information must be legible.

Signature of Owner(s) of Record (All owners of property must sign)	Printed Name of Property Owner(s) (Must match exactly as written on the deed)	Property Description (Address and/or lot and block number)	E-mail and Phone # of Property Owner	Date
Alonso Villasenor	VILLASENOR, ALONSO	9119 GARFIELD AVE. KANSAS CITY, KS 65112	469-771-1193 Yellow	12/13/23
	WILSON, LEOTHA III	9120 GARFIELD AVE. KANSAS CITY, KS 65112	Laecia Wilson 2865-5 jma	12/17/23
	WILSON, LISA	9120 GARFIELD AVE. KANSAS CITY, KS 65112	816-665-4533 See Wilson 2865-5 jma	12/17/23
SEE ATTACH Doc.	G & J CHATTEL LLC	1912 N 92ND TER KANSAS CITY, KS 65112 1934 N 92ND TER KANSAS CITY, KS 65112 1932 N 92ND TER KANSAS CITY, KS 65112 1924 N 92ND TER KANSAS CITY, KS 65112	See Separate Sheet	
	PINNACLE CONSTRUCTION CO INC	1838 N 92ND TER, KANSAS CITY, KS 65112 1828 N 92ND TER, KANSAS CITY, KS 65112		
Robert L. Gottesburen	Robert GOTTFESBUREN	1734 N 92ND Terr	robert.gottesburen @ATT.NET	12/16/2023
Carol L. Gottesburen	CAROL Gottesburen	1734 N 92ND Terr	gottsmom27546 @juno.com	12/16/2023

Protest Petition

Petition Number: 3

Please note that all signatures, print, descriptions and contact information must be legible.

Signature of Owner(s) of Record (All owners of property must sign)	Printed Name of Property Owner(s) (Must match exactly as written on the deed)	Property Description (Address and/or lot and block number)	E-mail and Phone # of Property Owner	Date
	CARLOS RETERIA ROJAS	9110 GARFIELD AVE. KANSAS CITY, KS 66112	carlosrr72@hotmail.com (316) 483-9389	12/16/23
	STEPHEN JOHN SMITH	9110 GARFIELD AVE. KANSAS CITY, KS 66112	Jer20009@gmail.com	12/16/23
	KATIE LYNN WATERS	9110 GARFIELD AVE. KANSAS CITY, KS 66112	KatieLynn942@gmail.com	12/16/23
	PEMBA SHERPA	9114 GARFIELD AVE. KANSAS CITY, KS 66112	9emshere@gmail.com	12/16/23
	HUGHIE M CLAY	9106 GARFIELD AVE. KANSAS CITY, KS 66112 9110 GARFIELD AVE. KANSAS CITY, KS 66112 9112 GARFIELD AVE. KANSAS CITY, KS 66112	813-454-8234 c.hughieclay@hotmail.com 816-805-1359 11/6/23	12/16/23
	MARCELLA M CLAY	9106 GARFIELD AVE. KANSAS CITY, KS 66112 9110 GARFIELD AVE. KANSAS CITY, KS 66112 9112 GARFIELD AVE. KANSAS CITY, KS 66112	---	---
	LABRIAL TIWANNA SIMMONS	9117 GARFIELD AVE. KANSAS CITY, KS 66112	Side Attached SHERIFF	---
	MARK A PEREZ	9115 GARFIELD AVE. KANSAS CITY, KS 66112	mperer25@hotmail.com 785-554-2333	12/16/23
	TARA L PEREZ	9115 GARFIELD AVE. KANSAS CITY, KS 66112	tlperer@hotmail.com 816-769-2232	12/16/23
	WILNETTA WASHINGTON-RUDOLPH	9113 GARFIELD AVE. KANSAS CITY, KS 66112	wtznetta@yahoo.com 913-4020-1248	12/16/23

Protest Petition

Petition Number: 4

Please note that all signatures, print, descriptions and contact information must be legible.

Signature of Owner(s) of Record (All owners of property must sign)	Printed Name of Property Owner(s) (Must match exactly as written on the deed)	Property Description (Address and/or lot and block number)	E-mail and Phone # of Property Owner	Date
	TYLER NICKLE	9122 RICHMOND CT. KANSAS CITY, KS 66112	913-249-4487 Tru145160@aol.com	12/18/16
	ROY G JOHNSON	9123 RICHMOND CT. KANSAS CITY, KS 66112		
	TAW MEH	9118 RICHMOND CT. KANSAS CITY, KS 66112		
	CAREN S LOPER	9121 RICHMOND CT. KANSAS CITY, KS 66112		
	MARK A BICKNELL	9123 RICHMOND CT. KANSAS CITY, KS 66112	913-645-4124 mobile5858@yaho.com	12/16
	JILLIE M McKIM	9123 RICHMOND CT. KANSAS CITY, KS 66112		
	LINDA JOYCE COUSIN	9125 RICHMOND CT. KANSAS CITY, KS 66112	913-940-1485 ljcousin@aatt.net	12/16
	ADAM DRYBREAD	1804 N 82 TER, KANSAS CITY, KS 66112		
	V.J. RONK TRUST	9111 GARFIELD AVE KANSAS CITY, KS 66112		

PETITION NUMBER: 5

Please note that all signatures, print, descriptions and contact information must be legible.

Signature of Owner(s) of Record (All owners of property must sign)	Printed Name of Property Owner(s) (Must match exactly as written on the deed)	Property Description (Address and/or lot and block number)	E-mail and Phone # of Property Owner	Date
<i>LaBria Hummer Aug 12</i>	LaBria Twanna Simmons	9111 Garfield Ave Kansas City, KS 66112	LaBriaL@msn.com 913-406-4004 913-660-5556	12-16-23
<i>Charles Scott Trust</i>	CHARLES SCOTT TRUST	1710 N. 92nd Terr K.C. KS 66112	Charlie, Scott 021804values.com guyla.scott@att.net	12/16/23
<i>Gayla Scott</i>	Gayla Scott	1710 N. 92nd Terr Kansas City KS 66112	021804values.com guyla.scott@att.net	12/16/23
<i>Kimberly Fier</i>	Kimberly J. Fier	1726 N 92nd Terr Kansas City KS 66112	Kipnkc@hotmail.com 913-660-5915	12/16/23
<i>Todd C. Rice</i>	Jessica Moya	1811 N 92nd Terr KS 66112	Moya Jessica 1948moya.com 12-16-23	12-16-23
<i>Arturo Diaz</i>	Arturo Diaz	1811 N 92nd Terr KS 66112	913-980-1263	12-16-23
<i>Kelli E. Mather</i>	Kelli E. Mather	1730 N 92nd Terr Kansas City KS 66112	Kemather@aol.com 913-669-6992	12-16-23
<i>Janet L. Taylor</i>	Janet L. Taylor	1730 N. 92nd Terr K.C., KS 66112	jltaylor20@yahoo.com 913-669-8494	12-16-23
<i>Todd C. Rice</i>	Todd C. Rice	1726 N 92nd Terr K.C. KS 66112	1220nkc@hotmail.com 913-660-5915	12-16-23

Protest Petition Acknowledgement

Affidavit, Property Owner Consent Form

State of Tennessee)

County of Williamson) SS:

Comes now Quentin Bowen
(Protest Petition Representative)

being first duly sworn, under oath, depose and state that the signatures and legal description and/or addresses thereon are genuine, that I personally know all of the signers of this sheet of the Protest Petition to be the persons whose names are signed to the Petition, that I personally witnessed their signature, and that to the best of my knowledge the signers of the Protest Petition are the record owners of land located within the statutory area for this application.

Further affiant saith not.

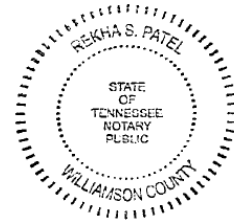
Quentin Bowen
Affiant

Subscribed in my presence and sworn before me on this 13, day of December
2023, in the County of Williamson, State of Tennessee.

My commission expires 06/27 of 27, 2026.

Notary Public: Rekha S. Patel

Stamp:



Petition Number:

Please note that all signatures, print, descriptions and contact information must be legible.

Signature of Owner(s) of Record (All owners of property must sign)	Printed Name of Property Owner(s) (Must match exactly as written on the deed)	Property Description (Address and/or lot and block number)	E-mail and Phone # of Property Owner	Date
	VILLASENOR, ALONSO	9119 GARFIELD AVE KANSAS CITY, KS 66112		
	WILSON, LEOTHA III	9120 GARFIELD AVE KANSAS CITY, KS 66112		
	WILSON, LISA	9120 GARFIELD AVE KANSAS CITY, KS 66112		
<i>[Signature]</i>	G & J CHATTEL LLC	1912 N 92ND TER KANSAS CITY, KS 66112 1924 N 92ND TER KANSAS CITY, KS 66112 1932 N 92ND TER KANSAS CITY, KS 66112 1924 N 92ND TER KANSAS CITY, KS 66112	<i>gjb breuer@gmail.com</i> <i>913-288-8034</i>	<i>1/9/24</i>
	PINNACLE CONSTRUCTION CO INC	1836 N 92ND TER, KANSAS CITY, KS 66112 1828 N 92ND TER, KANSAS CITY, KS 66112		

Protest Petition

Protest Petition Acknowledgement

Affidavit, Property Owner Consent Form

State of Kansas)
County of Wyandotte) SS:

Comes now Lawrence W. Harvey Jr.
(Protest Petition Representative)

being first duly sworn, under oath, depose and state that the signatures and legal description and/or addresses thereon are genuine, that I personally know all of the signers of this sheet of the Protest Petition to be the persons whose names are signed to the Petition, that I personally witnessed their signature, and that to the best of my knowledge the signers of the Protest Petition are the record owners of land located within the statutory area for this application.

Further affiant saith not.

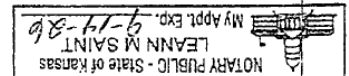
[Signature]
Affiant

Subscribed in my presence and sworn before me on this 18, day of 12,
2023 in the County of Wyandotte, State of Kansas

My commission expires 9 of 14, 2026.

Notary Public: Leann M. Saint

Stamp:



PROTEST PETITION

Please note that all signatures, print, descriptions and contact information must be legible.

Signature of Owner(s) of Record (All owners of property must sign)	Printed Name of Property Owner(s) (Must match exactly as written on the deed)	Property Description (Address and/or lot and block number)	E-mail and Phone # of Property Owner	Date
Christopher A. Blake	Christopher A. Blake	1801 N 91st	913-621-6744	12-17-23
[Signature]	Lawrence W. Harvey Jr	1727 N 91st	816 835 1233	12-19-23
Taylor Graham	Taylor Graham	1724 N. 91st St	785-213-6794	12/17/23
Steven Pierce	Steven Pierce	1803 N. 91st St	913 227 9378	12/17/23
Wiley Davis	Wiley Davis	1407 N 91st	745-213-8021	12/17/23
L. Rogers	Katasha Tugole	1508 N. 91st	913 980-5503	12/17/23
[Signature]	Johari White	1716 N 91st St.	913-961-0924	12/17/23
[Signature]	Sara Latham	1719 N 91st	745-213-8021	12/17/23
[Signature]	Wendy Rodriguez	1715 N 91st	913 600 5013	12/17/23
Antonio Perez	Antonio Perez	1707 N. 91st	913-980-6255	12/17

ADL.COM

Protest Petition

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	Juan Bernardo Mozqueda-Padilla	1812 N 91st St.	515-245-0672 mozqueda.j@gmail.com	12/17/23
	Jonathan Doss	1711 N 91st St	407-252-6075 JonathanDoss@gmail.com	12/17/23



Department of Planning + Urban Design
Unified Government of Wyandotte County and Kansas City, Kansas

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

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

Protest Petition

Prior to filing this Protest Petition, please refer to the attached Protest Petition Guidelines and ensure all of the required procedures have been followed. If you have any questions or need assistance, reach out to the Department of Planning + Urban Design at (913) 573-5750 or planninginfo@wycokck.org.

Contact Information of person submitting the protest.

The Protest Petition process frequently requires dialogue between Unified Government Staff and the protest petition representative. To properly facilitate this dialogue, please provide the following contact information.

Name: GARRY M JOHNSON Street Address: 1908 N 92nd TER, KANSAS CITY, KS 66112
Telephone: 913-269-9153 Email: kcgjohnson@sbcglobal.net

Protest Petition Time Stamped by City Clerk Office
@ 2023 DEC 22, 10:37am

Protest Petition against Change of Zone or Special Use Permit Case Number you wish to protest: COZ2023-027

We, the undersigned owners of property, do hereby protest the above referenced application at the following address: 9205 GARFIELD AVE, KANSAS CITY, KS 66112

We, the undersigned record owners of property, realize that this petition of protest must be submitted to the Office of the Unified Government Clerk within 14 days from the hearing date where the final recommendation of the City Planning Commission regarding this application was passed.

Further, we realize that this Petition is in opposition to the application and our signatures cannot be removed after filing, unless certain lawful actions are taken to remove the Protest Petition. This Petition may be pursuant to the laws of Kansas, K.S.A. 12-757; and of the Unified Government of Wyandotte County/Kansas City, Kansas 27-210(a)(8) and shall be subject to the rules contained therein.

We, the undersigned, are the owners of real property located within the statutory area of notification related to the area for which a zoning amendment is sought, whereby, our signatures shall hereafter be verified as true and correct signatures in order for this Protest Petition to be valid.

Protest Petition



Department of Planning + Urban Design
Unified Government of Wyandotte County and Kansas City, Kansas

701 N 7th Street, Suite 423
Kansas City, Kansas 66101
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Protest Petition

1

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1



Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: January 11, 2024

Re: Special Use Petition SP2023-079

GENERAL INFORMATION

Applicant:

Corinna West

Status of Applicant:

Property Owner

1921 Nebraska Avenue

Kansas City, Kansas 66102

Requested Action:

Renewal of a Special Use Permit
(SP2021-052, which expires on
11/4/2023).

Date of Application:

September 29, 2023

Purpose:

To renew a Special Use Permit to keep
eight (8) fowl on a residential property.

Property Location:

1921 Nebraska Avenue

Kansas City, Kansas 66102

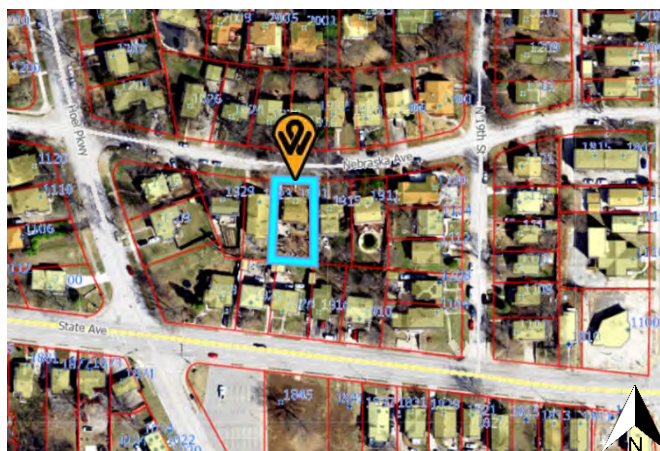
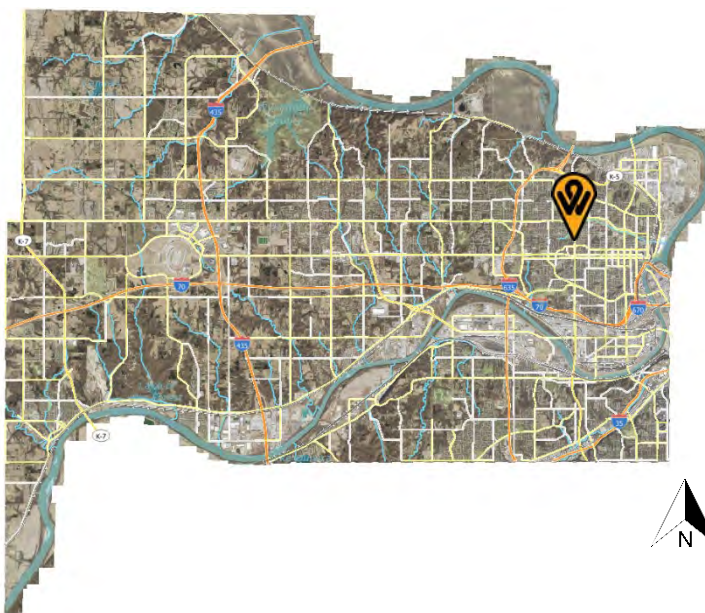
Commission Districts:

Commissioner At-Large, District #1:

Melissa Bynum

District #4 Commissioner: Harold

Johnson



Existing Zoning:	R-1 Single Family District
Adjacent Zoning:	North: R-1 Single Family District South: R-2 Two Family District East: R-1 Single Family District West: R-1 Single Family District
Adjacent Uses:	North: Single-family residences South: Single-family residence East: Single-family residence West: Single-family residence
Total Tract Size:	0.19 Acre
Comprehensive Plan Designation:	The Northeast Area Plan designates the subject property as Single-Family, which allows single-family residences.
Major Street Plan:	The goDotte Mobility Plan classifies Nebraska Avenue as a Local/Neighborhood Street.
Required Parking:	Section 27-454(e) requires two (2) parking spaces for each single-family residence, at least one (1) of which must be in a garage or carport. The property has at least two (2) parking spaces available on the driveway but has covered parking.
Advertisement:	<u>The Wyandotte Echo</u> – October 19, 2023 Letters to Property Owners – October 20, 2023
Public Hearings:	November 13, 2023, November 30, 2023 and January 11, 2024
Public Support:	There were 45 people in support at the November 13, 2023, City Planning Commission meeting. Staff has also received letters in support (attached).
Public Opposition:	There were two (2) persons in opposition at the November 13, 2023, City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Corinna West, is requesting a renewal of a Special Use Permit to keep eight (8) fowl and an unknown number of ducklings on a residential property. A Special Use Permit is required for more than six

(6) fowl kept on a residential property. The applicant has requested to expand the number of fowl from eight (8) to 15.

City Ordinance Requirements: 27-592 through 27-606

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

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

Building, Zoning, or Code Enforcement Complaints:

1. There are no active notices of violation:
 - a. 2021 – ENV21-037 – Keeping of fowl without a permit
 - b. 2019 – 19212-00533 – Environment - Weeds
 - c. 2019 – 19212-00336 – Environment - Weeds
 - d. 2019 – 19200-01275 - Other Multiple Violations
 - e. 2013 – 13203-00051 - Inoperable and/or Untagged Vehicles
 - f. 2013 – 13208-00445 – Environment – Debris

Outstanding or Related Permits and Cases:

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

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The subject property is within the Kensington Statistical Neighborhood and is within the Historic Westheight Neighborhood Group boundary. The property is also within the Westheight Manor Historic District, one (1) of the County's several historic districts. The neighborhood consists of winding streets and single-family residences in several different architectural styles.

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

The surrounding properties are single-family residences, although the property to the south is allowed by right to be used as a duplex due to its R-2 zoning. The use has been approved previously under a Special Use Permit and has not had any reported issues since that approval. As long as the use continues to be managed properly, the use should be compatible with nearby property.

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

Due to its size and proximity to other parcels, the use was limited to keeping eight (8) fowl on the property. The applicant is requesting to keep more fowl (15 total). The Wyandotte County Conservation District has determined that it would not be appropriate to increase the amount of ducks, as previous recommendations from the Conservation District were not met. Additionally, if there is more than one (1) accessory structure within the parcel then the applicant will need to request a variance for a second accessory structure if they desire to keep more than one (1) accessory structure. Any coop or structure should be at least 10 feet from the property boundary line and at least 25 feet from any neighboring structure.

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

The subject property is the applicant's primary residence.

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

Special Use Permits are not addressed in the Northeast Area Plan. The Northeast Area Plan designates the property as Single Family, which allows single-family residences. The proposed use does not conform to the Area Plan with or without a Special Use Permit, however, as the use is temporary in nature, a Master Plan Amendment would not be appropriate.

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

There is a record of the applicant selling fowl and/or duck eggs that were raised on their property. This, however, is not expected to be an issue and the keeping of fowl with or without associated sales would not result in an increase in the amount of vehicular traffic to the point where it exceeds the capacity of the street network to accommodate it.

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

The applicant has stated that the ducks will be raised for eggs and meat in an effort to address food shortages. Mitigation measures, such as limiting the number of ducks allowed, keeping all shelters at least 10 feet from the property boundary and at least 25 feet from any neighboring habitable structure, and installing other buffering, landscaping, or screening, will continue to help keep such use from substantially or permanently injuring the appropriate use, visual quality, or marketability of adjoining properties.

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

Ducks are known for their quacking, and with each duck added to a flock the amount of noise would presumably increase. Additionally, dust and smell may be issues for nearby property is not managed properly.

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

Ducks, or rather the waste produced by ducks, have the potential to pollute the air, land, and water through smell and biological contamination. The applicant is utilizing compost as a means of managing the waste from the ducks, as well as diverting run-off away from the compost pile to avoid further contamination of run-off.

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

As mentioned previously, duck waste could be a problem if not handled correctly. The property appears to not be managed according to previous recommendations by the Wyandotte County Conservation District. With further modifications to meet recommendations, the proposed use is not expected to damage or destroy a natural resource.

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

While the applicant would personally benefit from keeping ducks, the relative gain to the public health, safety, and welfare may be outweighed by the hardships imposed on the individual landowner or landowners if the ducks proved to be loud, smelly, polluting, or kept in poor conditions. Any issues created by ducks are scaled by magnitudes when there are more and more ducks in question or if coups are kept in close proximity to property lines. The property has not been managed according to previous recommendations by the Wyandotte County Conservation District. If the applicant does not take proper steps to mitigate impact, there could be negative impacts to health, safety and welfare of nearby property owners.

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

The applicant is proposing to increase the number of ducks from the previously recommended number of eight (8) up to 15 on a parcel measuring 0.51 acre in size. Staff will rely on the recommendation of the Wyandotte County Conservation District, which has stated that they do not believe the property can support more than the currently allotted amount of ducks, which is eight (8).

PREVIOUS ACTIONS

Approval of a Special Use Permit to keep ducks (SP2021-052) for two years in 2021.

NEIGHBORHOOD MEETING

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

KEY ISSUES

Noise
Overcrowding of the Land
Smell
Waste Disposal Plan

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 2 to recommend **APPROVAL** of Special Use Permit Application SP2023-079, **for five (5) years for eight (8) mature ducks and ducklings not to exceed 40 at any one time**, subject to:

1. The following conditions from the previous approval of SP2021-052 shall remain in effect:
 - a. Per the conservation plan, up to 8 mature ducks may reside on the subject property. There may also be a revolving number of ducklings, based on the breeding and incubation patterns of those 8 ducks;
 - b. Per the conservation plan, the applicant must maintain the existing shelter for all ducks to get out of the weather and nest;
 - c. Per the conservation plan, the applicant must utilize the beds to the west side of the backyard for rotational grazing. The applicant can use the existing fencing covering over the beds to making moveable fences, which will allow grasses time for regrowth;
 - d. Per the conservation plan, the lagoon in the rear yard will need to be cleaned out on a minimum monthly, or as needed to maintain a healthy environment. With the current number of ducks, it would be suggested to be cleaned out every two (2) weeks. Once the number is brought down to 8 ducks with short-term ducklings monthly clean out should suffice. Waste from the lagoon can be composted with plant or grasses to be used as fertilizer for crop plants in front yard;
 - e. Per the conservation plan, the area around the lagoon must be fully seeded with grass in order to provide the best ground cover, slow runoff and prevent erosion of the soil across the property. A combination of straw and seeding of grasses along the manmade channels in the yard would also help prevent soil loss and filter nutrients;

- f. Per the conservation plan, fencing the ducks out of areas allowing seed to grow will be necessary, subject to the following conditions
 - i. Fencing should be placed along the south part of the backyard to create a buffer and filter area along the property line. The area created should be three (3) to five (5) feet in width and seeded with grasses and plants tolerant to stand in wet conditions and handle high nutrient levels. Native grasses such as little blue stem, western wheat grass, and Indian grass can provide vital root systems to help infiltrate runoff. Forbs can be added to mix to provide more variety and berries;
 - ii. Fencing should also be added to the east side of the property with another three (3)-foot filter strip to help protect the soil and slow runoff. Cardboard was observed on this path when visited demonstrating the need for seeding and soil protection. The area could also be mulched if it is to be used as pathway only. Mulched path would still need to be about two (2) feet wide and regularly maintain to prevent it from becoming compacted and no longer slow water movement; and,
 - iii. Most to the above can be completed by repurposing materials on the property;
2. The applicant shall not increase the amount of ducks on the property;
3. Any property owner or business owner that is required to obtain a Special Use Permit for an entitlement to keep fowl or livestock animals as described in Section 27-593, or any other animal related activity as described in Section 27-593, is required to comply at all times with all the requirements of Chapter 7 and Chapter 27 of the Ordinances. This shall include all ordinance sections that relate to: the care, feeding, and keeping of animals; the proper housing, shelter, and restraint of animals from roaming at large; access to proper veterinary care; the operation and maintenance of land, property, and any building or structure related to animal keeping. The permit holder and the property owner are responsible to register any animal keeping activity with Kansas City, Kansas Animal Services, and to maintain annually that registration, and to arrange and participate in annual property and animal inspections with Kansas City, Kansas Animal Services;
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. 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;

7. 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;
8. The Special Use Permit shall be valid for five (5) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;
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; and,
10. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **SP2023-079** subject to all comments and suggestions outlined in this report and the conditions of the City Planning Commission.

ATTACHMENTS

November 13, 2023 City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Site Plan
Neighborhood Meeting Materials
Waste Management Plan
Stormwater Management Plan
Wyandotte County Conservation District Comments
Site Photos, Taken by Staff, October 13, 2023
Letters in Supports
Communication from Applicant

REVIEW OF INFORMATION AND SCHEDULE

Action	City Planning Commission	Unified Government Board of Commissioners
Public Hearing	November 13, 2023	November 30, 2023
Special Use	Approval	Held over January 11, 2024

STAFF CONTACT:

James Molloy
jmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2023-079** as meeting all the requirements of the city code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **SP2023-079**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

NOVEMBER 13, 2023 CITY PLANNING COMMISSION MINUTES:

Recording Secretary Parker stated that the Commission will consider the item removed from the Consent Agenda.

SPECIAL USE PERMIT APPLICATION SP2023-079 – CORINNA WEST –

SYNOPSIS: Renewal of a Special Use Permit (SP2021-052, expired 11/4/2023) to keep ducks on the property at 1921 Nebraska Avenue. Detailed Outline of Requested Action: The applicant, Corinna West, is requesting a renewal of a Special Use Permit to keep eight (8) fowl and an unknown number of ducklings on a residential property. A Special Use Permit is required for more than six (6) fowl kept on a residential property. The applicant has requested to expand the number of fowl from eight (8) to 15.

Present in Support:

- Corinna West, applicant, 1921 Nebraska Avenue, Kansas City, Kansas 66102
- Stella Flanery, 3126 Kensington, Kansas City, Missouri
- Tammy McMurray, 8307 Wilson Road, Kansas City, Missouri
- Paul Komarek, 4335 Pitts Avenue, Cincinnati, OH 45223
- Gilbert Moore, 1329 North 75th Drive, Kansas City, Kansas 66112
- Christian Wade, 2611 Oakley Avenue, Kansas City, Missouri 64127
- There were 39 people in support that did not speak

Recording Secretary Parker stated that she included all letters submitted in support in the staff report. Since the meeting packet was sent out, she has received five (5) additional letters that will be included in the report. She further stated that she forwarded Ms. West's questions/comments to the Conservation District.

Present in Opposition:

- Andrea Smith Walker, 1911 Nebraska Avenue, Kansas City, Kansas 66102
- Renee Springer, 1912 Nebraska Avenue, Kansas City, Kansas 66102

Staff Recommendation starts at 1:40:56: Planning Director Hand stated that this is a renewal of a Special Use Permit to keep ducks on the property. The property is in the Northeast Area Plan. Staff received letters in support and none in opposition prior to the testimony at the meeting tonight. There are some older Notices of Violation, none related to this case. He stated that the Staff has made site visits to the property. As per current Conservation District comments, the ground cover is more than just ground cover, but also seeding the property. Staff also noted needed improvements on the compost bin as discussed with the Conservation District, both of which should address the vermin issues brought up by those in opposition. Staff recommends approval for five (5) years for eight (8) ducks. If the Planning Commission wants to increase the number of ducks to 15, Staff would request that the number of ducklings be defined that can be kept on the property and only a two (2) year term be granted.

Planning Commissioner Ernst asked if the Special Use Permit can be revoked if the applicant does not comply with the conditions of approval. Director Hand stated yes.

Motion starts at 1:44:00:

On motion by Mrs. Eilts, seconded by Mr. Ward, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit Application SP2023-079 for eight (8) mature ducks, ducklings not to exceed 40 at any one time, for five (5) years:**

Carson	Chairman
Miller	Aye
Mohler	Aye
Straws	No
Ward	Aye
Armstrong	No
Beth	Aye
Connelly	Not Present
Eilts	Aye
Ernst	Aye
Jones	Not Present

Motion to recommend APPROVAL Passed: 6 to 2

Subject to:

1. The following conditions from the previous approval of SP2021-052 shall remain in effect:
 - a. Per the conservation plan, up to 8 mature ducks may reside on the subject property. There may also be a revolving number of ducklings, based on the breeding and incubation patterns of those 8 ducks;
 - b. Per the conservation plan, the applicant must maintain the existing shelter for all ducks to get out of the weather and nest;
 - c. Per the conservation plan, the applicant must utilize the beds to the west side of the backyard for rotational grazing. The applicant can use the existing fencing covering over the beds to making moveable fences, which will allow grasses time for regrowth;
 - d. Per the conservation plan, the lagoon in the rear yard will need to be cleaned out on a minimum monthly, or as needed to maintain a healthy environment. With the current number of ducks, it would be suggested to be cleaned out every two (2) weeks. Once the number is brought down to 8 ducks with short-term ducklings monthly clean out should suffice. Waste from the lagoon can be composted with plant or grasses to be used as fertilizer for crop plants in front yard;
 - e. Per the conservation plan, the area around the lagoon must be fully seeded with grass in order to provide the best ground cover, slow runoff and prevent erosion of the soil across the property. A combination of straw and seeding of grasses along the manmade channels in the yard would also help prevent soil loss and filter nutrients;
 - f. Per the conservation plan, fencing the ducks out of areas allowing seed to grow will be necessary, subject to the following conditions
 - i. Fencing should be placed along the south part of the backyard to create a buffer and filter area along the property line. The

- area created should be three (3) to five (5) feet in width and seeded with grasses and plants tolerant to stand in wet conditions and handle high nutrient levels. Native grasses such as little blue stem, western wheat grass, and Indian grass can provide vital root systems to help infiltrate runoff. Forbs can be added to mix to provide more variety and berries;
- ii. Fencing should also be added to the east side of the property with another three (3)-foot filter strip to help protect the soil and slow runoff. Cardboard was observed on this path when visited demonstrating the need for seeding and soil protection. The area could also be mulched if it is to be used as pathway only. Mulched path would still need to be about two (2) feet wide and regularly maintain to prevent it from becoming compacted and no longer slow water movement; and,
 - iii. Most to the above can be completed by repurposing materials on the property;
2. The applicant shall not increase the amount of ducks on the property;
 3. Any property owner or business owner that is required to obtain a Special Use Permit for an entitlement to keep fowl or livestock animals as described in Section 27-593, or any other animal related activity as described in Section 27-593, is required to comply at all times with all the requirements of Chapter 7 and Chapter 27 of the Ordinances. This shall include all ordinance sections that relate to: the care, feeding, and keeping of animals; the proper housing, shelter, and restraint of animals from roaming at large; access to proper veterinary care; the operation and maintenance of land, property, and any building or structure related to animal keeping. The permit holder and the property owner are responsible to register any animal keeping activity with Kansas City, Kansas Animal Services, and to maintain annually that registration, and to arrange and participate in annual property and animal inspections with Kansas City, Kansas Animal Services;
 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. 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;

- 7. 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;**
- 8. The Special Use Permit shall be valid for five (5) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;**
- 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; and,**
- 10. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.**

ATTACHMENTS

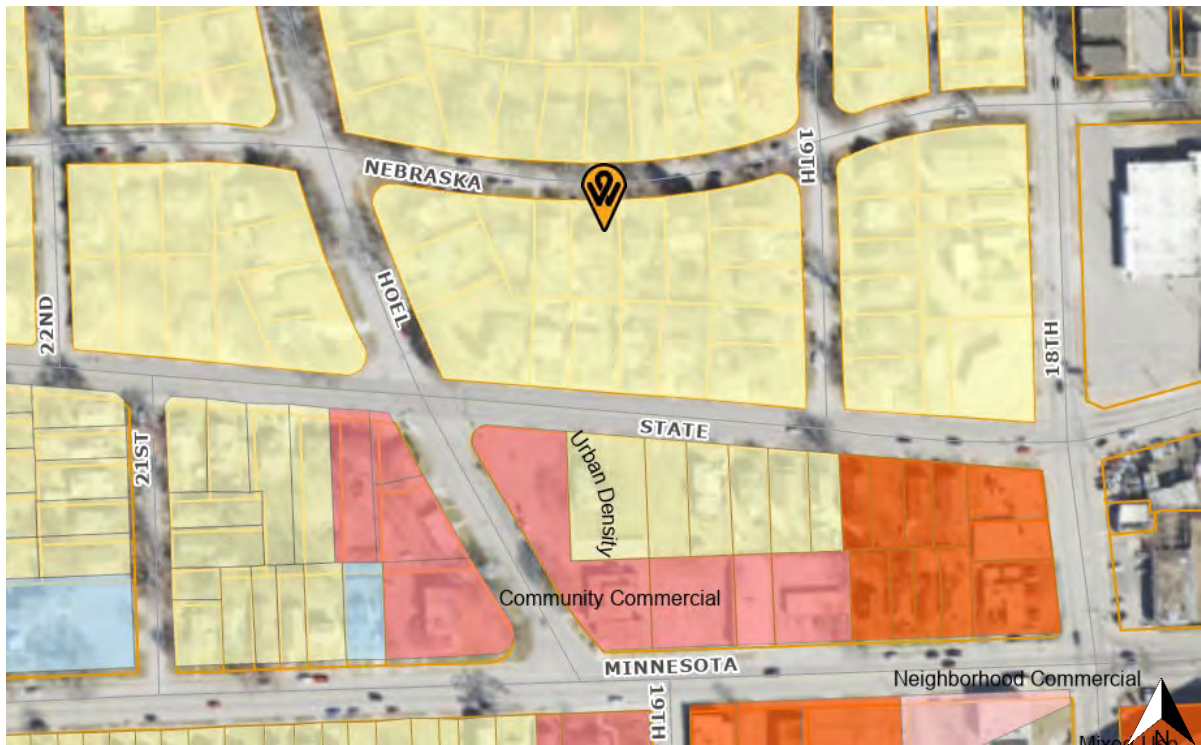
AERIAL IMAGERY



ZONING MAP



LAND USE MAP – NORTHEAST AREA PLAN



NEIGHBORHOOD MEETING MATERIALS

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
COUNTY OF Johnson) SS:

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

1. That I am the petitioner for Petition # 1023-079
2. That I conducted a neighborhood meeting on 23 Oct 2023
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

Cornelius West
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 25 day of Oct, 200-2023

My commission expires 28 of June, 200-2026

Kaitlyn Waddle
Notary Public



Meeting Sign-in
Wednesday 10-23-5:30
Westheight Park

1. Corinna West

2. Rick Yarnell

3. Renee Springer

4. Andrew Smith (oppose the increase)

5.

6.

7.

8.

SP2023-079 1921 Nebraska Avenue KCK 66102
Neighborhood Meeting Minutes
Meeting October 23, 2023 at Westheight Park 2000 New Jersey KCK 66102
5:30 – 7:00 pm

Present: Renee Springer, Rick Yarnell, Corinna West, Andrea Smith (60 minutes late) and Vince

Presentation:

- Plans and photos: We provided the city report for the site for accurate details/plans/photos. The manure management plan was address. Stormwater management was addressed.
- Who Will Be Involved: Corinna is the farmer, Urban Wildfinds is the farm, and she produces ducklings which are sold from the farm, and at farm events and farm festivals under the USA Duck Team brand. Customers are mainly other farmers and gardeners throughout the metro area. Ducklings are not mailed.
- Operational Activity: Ducklings are hatched and most of them are sold. Some of them are raised on-site for greater genetic selection or for sale as adults. Approximately 700 ducklings were hatched and sold last breeding season, with 30-50 ducklings at a time raised on-site. Noise is minimal as ducks are considerably quieter than chickens. Traffic is about 6 visitors per week in spring.

Questions and Answers:

- How many ducks do you have? 8 adults plus various numbers of juveniles.
- Why do you need 15 ducks? Because my farm is the most reliable place I can source hatching eggs. Also for greater genetic diversity, and because I can combine colors and breed blues and blacks.
- Are there a lot of people in the city doing poultry? Yes, there are at least 5 in Westheight neighborhood, and at least 89 city fowl permits, with probably 10x that many people running fowl flocks without permits.
- What have been the concerns of the neighbors? We have one complainer that has concerns about smell and rodents. The complainer came to the meeting and voiced these concerns.
- Are those legitimate concerns? Well, we have a rodent management plan in place as required by the city with 16 or more bait stations position in the yard. The city came out 3 different times and didn't notice a smell so the neighbor who complained about smell was proven inaccurate on at least 3 different occasions.
- What are you going to do if you don't get approved? Continue to work with off-site locations and partner farms.
- How does this help food security? Because when ducks are laying you can bring out two quarts of grain to the ducks and bring back one quart of eggs, every day. You can turn thirty cents of grain into two dollars of protein, every day. The first crop comes in eight weeks and each boy does three pounds of meat.
- Why do you do this? To help other farmers improve their farms and do food security.
- Do you make money off this? No, it barely breaks even, but this is my missionary work to help people learn more about farming and to enjoy having ducks as pets.

Date: 10-11-2023

Name: Corinna West
1921 Nebraska Avenue
Kansas City, Kansas 66102
816-726-9626
corinnawest816@gmail.com



Subject: Neighborhood meeting

Hi there,

We have filed an application with the KCK Department of Urban Planning and Land Use # SP 2023-079.

The purpose of the special use permit is to allow our farm to move from 8 adult ducks to 15 adult ducks as in allowed in KCMO. Many residents of KCMO, Gladstone, and Independence maintain flocks of 15 birds with no problems.

Ducks and other poultry are important in food security for people in KCK. My ducks are Cayugas, a rare breed in need of preservation and the only heritage breed native to North America. We would like to move from 8 to 15 to allow greater diversity of genetics and to include all colors of Cayuga. More hatchling eggs would mean more babies so that other people could get started on poultry.



The neighborhood meeting is October 23, 2023 at 5:30 pm in the shelter at Westheight Park, at 2000 New Jersey Ave, Kansas City, KS 66102

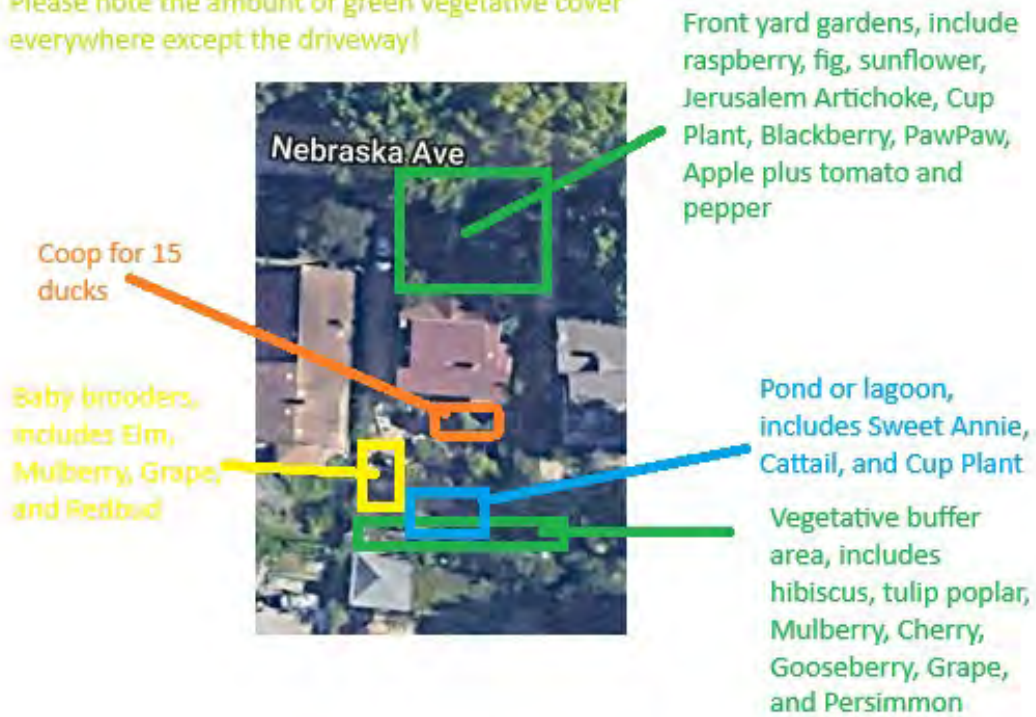
The purpose of the meeting is to explain the proposal and answer any questions you may have. I look forward to meeting you. If you are unable to attend, please contact me at the email address or phone number above, or you may visit the address weekends or evenings to get a tour.

Thank you,
-Corinna West

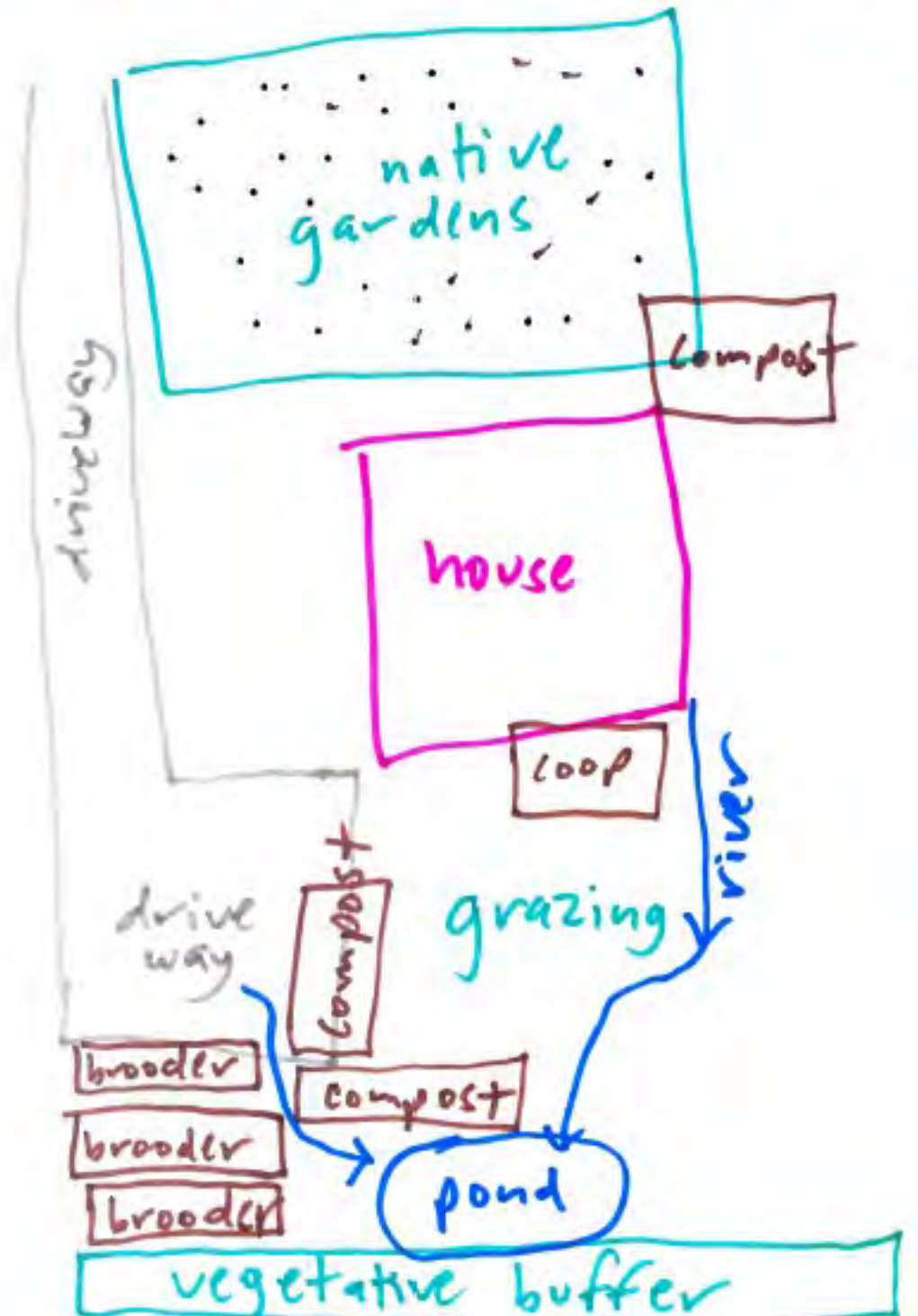
SITE PLAN

Site Map 1 - 15 duck management plan

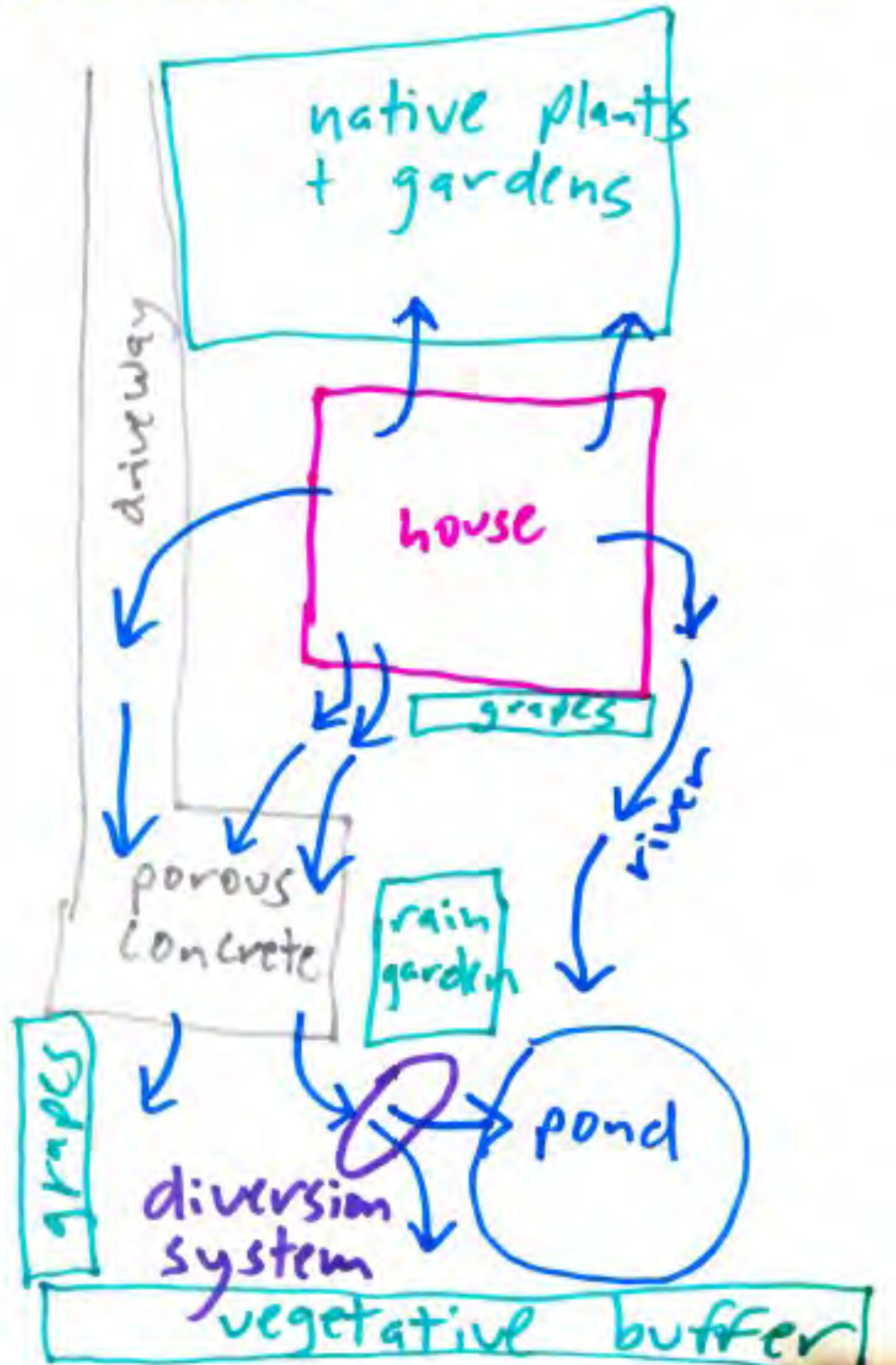
Please note the amount of green vegetative cover everywhere except the driveway!



Manure Management



Stormwater Management





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

RE: SP2023-079 1921 Nebraska Ave

The Conservation District with The Natural Resource and Conservation Service have reviewed the proposed adjustments for the existing special use permit. There was a consensus that the previously presented best management practices have not been implemented on the property.

Evident from the pictures, shelters for the ducks have been improved, however the amount of scrap materials around the yard should be cleaned up.

There still is no ground cover on the property. Properly seeded and protected soil is essential to any healthy and sustainable operation.

The minimum three-foot buffer strip of grass, along the fence line has not been established.

The waste storage should be improved to prevent runoff from leaving the area and provide a divided bin area to fully compost waste and bedding materials.

The large amount of overgrowth in the front yard should be weeded and tended. The range specialist had great difficulty trying to identify any native plants in the front yard or on the property.

Based on the materials presented and reviewed we would not recommend the requested increase of animals be approved.

Cheri Miller
District Manager

SITE PHOTOS, TAKEN BY STAFF, DATED OCTOBER 13, 2023









Hello,

My name is Damon Patterson. I'm an artist, photographer, writer, and also raise ducks. This is email is to express my support and ask for yours regarding Corinna West and her ducks. Please try and understand the importance of the work she is doing with ducks. These ducks and other ones help many people with their mental health by caring for these beautiful ducks. They also help supplement many poor and homeless peoples groceries by providing free organic eggs. Corinna has been a miracle to my life and others she has helped. I'm asking from the bottom of my heart to please understand the work she is doing and support her instead of fighting her. She is a helper and harming her, harms others. She is selfless and helps so many people for free, in so many ways. Her yard has native plants. I've been there many times. Many officials may not be aware of the many benefits of the plants and their uses. Have you asked for the names of the plant species?

Thank you

Damon Lee Patterson
8166990139

Please mark this down as a comment in favor of my proposal, and when you discuss it in the meeting, please be honest that you have received multiple comments made in favor of the proposal.

On Wed, Nov 8, 2023, 2:52 PM Parker, Janet <jparker@wycokck.org> wrote:

Thank you for your comments. Staff always appreciates feedback from the community.

The comments you have addressed are the comments made by the Conservation District and not the Planning + Urban Design staff.

Ms. West will have the opportunity to address the comments at the meeting on Monday.

Janet

From: Tammy McMurray <evangeline7878@gmail.com>

Sent: Wednesday, November 8, 2023 2:42 PM

To: Parker, Janet <jparker@wycokck.org>

Subject: No Native Plants, you must be blind.

You don't often get email from evangeline7878@gmail.com. [Learn why this is important](#)

Good afternoon, I'm emailing you in regards to Corina West. Are the city officials comprehensive in identifying state local plants. Corina West yard is covered in native plants. Jerusalem artichoke, ground cherry, persimmons, pawpaws, Elderberries just to list a few. Please reconsider your decision, thank you.

Dear Committee members,

I have been on a farm visit to Ms. Corinna West's urban farm and found it to be covered in native plants which are more tolerant to rain events, drought and severe weather than most domesticated/ornamental plants. Their root systems have varying lengths(some to 20 feet) to channel nutrients to the soil surface and to their leaf structure providing nutrient dense food for the ducks. Due to the strength of the plant structure and the microbiome created in the soil around the roots, native plants are superior in their water holding capacity and provide suitable habitat for mycorrhizae to keep the soil healthy.

Ms. West is applying her strong knowledge of soil and nature to a small area on this earth and making it a great haven for pollinators, predator insects and the micro-flora and fauna we desperately need in urban areas today. I applaud her work and attitude to preserve and conserve nature in an urban setting without the use of chemicals. I know no other duck farmer who is so serious about healthy habitat and the care of her animals.

Please include me in the invitation to the next meeting on Nov 13 with a zoom link.

Regards,

Susan Jaster

jasters@lincolnu.edu

Lincoln University Cooperative Extension

Regional Farm Outreach Worker in Lafayette, Johnson & Cass Counties

Innovative Small Farmers' Outreach Program

816-589-4725

PO Box 826

Concordia, MO 64020

<http://www.lincolnu.edu/web/programs-and-projects/innovative-small-farmers-outreach-program>

<https://www.facebook.com/pages/ISFOP-Innovative-Small-Farmers-Outreach-Program/489644317781774?ref=hl>

<http://www.agrability.org/resources/frsan/> Farm and Ranch Stress Assistance Network (FRSAN)

I have 2 persimmon trees in my backyard with lots of native grass
It does a good job of containing the water.

Charles Cummings <charles.l.cummings@gmail.com>

Hi there,

I do not want to delay my project into the holiday season. I have jumped through all of your hoops for 2 years and provided plenty of evidence that I have fully met your expectations.

It does not matter what USDA/NRCS says. I have done everything you required to have an increase in ducks. I have provided many letters of support. You said two years ago that if we followed all conditions and had no verifiable complaints, then we could have an increase. All you have to do is keep your word and believe the documentation of your own staff. James Molloy said we met all conditions. Any disagreement on meeting conditions is easily remedied.

Please make a staff recommendation for 15 ducks as is common in 3 other cities. Please support, as you promised, and put it on the consent agenda with a staff recommendation for 15 ducks.

There is no reason I should have to show all your discrepancies and mis-statements to the whole planning board. You don't need me to make me do a presentation, show your false statements, bring in an angry group of poultry owners, and add time and commotion and potential media attention to your already busy meeting. There is no need continue these discussions. I have already provided extensive documentation. The media loves stories about cities persecuting farmers with false accusations.

Make your recommendation for 15 ducks and you will be done with me. We can have this finished today or tomorrow.

There is no need to drag it out and have me expose the mis-steps and inconsistencies and injustices to everyone, including the media.

The best way to promote conservation and stormwater best practices is to respect the people who are already doing it and "work with" any tiny differences in interpretation.

"Work with" a 15 duck limit because 3 cities have shown it works just fine.

Corinna

On Thu, Nov 9, 2023, 10:07 AM Parker, Janet <jparker@wycokck.org> wrote:

"I have sent and requested NRCS/USDA staff review her comments."

This is the response I received from the Conservation District in response to my email to them. I do not know if they will have a response by Monday's meeting.

Do you want to hold over your application to the December meeting for their review to come back to us and all support emails/letters to be submitted and included in your report or continue to the meeting on Monday.

Janet

From: Corinna West <corinnawest816@gmail.com>

Sent: Thursday, November 9, 2023 9:50 AM

To: Parker, Janet <jparker@wycokck.org>

Cc: Hand, Gunnar <ghand@wycokck.org>; Molloy, James <jlmolloy@wycokck.org>; WYCO Conservation District <wycoco.conservations@gmail.com>

Subject: Point by point addressing of false statements

Here is a point by point addressing of statements made by the WyCo conservation district. Please "work with me" and do not make final decisions based on false information.

1) management practices not in place. Yes, 11 of 12 recommendations are in place as proven by your own photos and your own staff testimony. An explanation point by point was already provided. The 3x20 foot strip of grass could be easily implemented in 2 hours or less.

2) scrap materials cleaned up - easily implemented in 30 min or less

3) no ground cover - there is plenty of ground cover including leaves, hay, straw, and wood chips AS RECOMMENDED by the conservation district. We cannot grow grass where ducks roam, only in exclusion areas. Barnyards and feedlots do not have grass. Asking us to grow grass is not reflective of the reality of the situation. Other ground covering is consistently in place AS RECOMMENDED by the conservation district.

4) 3 foot buffer strip - Reasons were given for not implementing this, however, if you don't care about our reasons, The 3x20 foot strip of grass could be easily implemented in 2 hours or less.

5) composting waste - There IS ALREADY a separated bin that fully composts waste, removed from runoff. It is shown in your staffs photos and in schematics provided.

6) front yard growth - The front yard was already trimmed. Your definition is "purposeful growth." The purpose of all plants present was already explained to staff. Your inability to identify plants present has already been addressed.

Do not limit my farm income for 5 years based on 2.5 hours of work.

"Work with" me and make a recommendation for 15 ducks AS Allowed in KCMO, Independence, and Gladstone. Hundreds of families have 15 poultry with no problems.

"Work with" me and return phone calls and emails. Be reasonable, I can address all your concerns in 2.5 hours or less, stop recommending against me.

Corinna

Parker, Janet

From: Megan Brownlee <megancorinbrownlee@gmail.com>
Sent: Saturday, November 11, 2023 11:42 AM
To: Molloy, James; Parker, Janet
Subject: Urban Wildfinds Farm and Forage

Some people who received this message don't often get email from megancorinbrownlee@gmail.com. [Learn why this is important](#)

I am writing to recommend Urban Wildfinds Farm and Forage (Corinna West) of 1921 Nebraska Avenue, KCKS for increased duck census. I have visited her farm and found the ducks to be well cared for and free to roam. I enjoyed sitting in the area with the ducks and found it peaceful. In addition there are many plants native to the area.

Megan Brownlee

Parker, Janet

From: Sherrie Vaughn <dr.sherrievaughn@gmail.com>
Sent: Thursday, November 9, 2023 3:11 PM
To: jlmollory@wycokck.org; Parker, Janet
Subject: Corrina West and backyard Duck farm

[You don't often get email from dr.sherrievaughn@gmail.com. [Learn why this is important at https://aka.ms/LearnAboutSenderIdentification](https://aka.ms/LearnAboutSenderIdentification)]

I am writing in support of Corrina West's backyard duck farm and the ability to have up to 15 ducks on one city lot. Corrina is an exceptional duck farmer and innovator with addressing any issues concerning noise, smell, and runoff water. These are issues that can be easily remedied while safeguarding the health and environment for the ducks and h neighbors. For example, she utilizes a diverse water runoff approach that includes rain barrels, porous concrete, diversion systems, berms, and detention ponds. It is my hope that you can offer a sincere consideration for her request to have up to 15 ducks.

Thank you, Sherrie

Sent from my iPhone

Parker, Janet

From: Amy Smith <crazydiamondusa@gmail.com>
Sent: Saturday, November 11, 2023 12:11 AM
To: Molloy, James; Parker, Janet
Cc: Corinna West
Subject: 1921 Nebraska Avenue

Some people who received this message don't often get email from crazydiamondusa@gmail.com. [Learn why this is important](#)
To whom it may concern:

I have known Corinna West and have followed her work for over ten years. She is consistently an innovator who presses her formidable intelligence and wild creativity into service for her community. Her bar is high and her vision is broad and deep. Her projects and programs are usually years ahead of their time; Ms. West has an uncanny finger on the pulse.

Additionally, she is scrupulously honest and always follows through; if she promises to build a bigger berm or spread deeper straw, she will.

In my professional opinion, Ms. West is the type of citizen any town or city is fortunate to have. You should be inviting her to your policy tables and accountability boards instead of issuing edicts with no recourse available for correction, it's super frustrating & a waste of everyone's time, when all the while she is pushing the urban duck best practices envelope for you.

Thank you for hearing me out,
Amy Smith
Olney Springs, Colorado
729.468.8702

Parker, Janet

From: janice Tufte <tuftejet@yahoo.com>
Sent: Thursday, November 9, 2023 7:13 PM
To: Parker, Janet; Molloy, James
Subject: Corinna West KCK Duck Reserve

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

Good Day

I am writing today to inquire about why longtime KC resident Corinna west is not allowed to expand her prize winning Cayuga Duck family. You might not be aware of the history of Corinna and her Ducks though it is really quite an amazing story.

Corinna has successfully recieved a number of grants over the years gathering together people with challenges and encouraging them to recognize their own talents and supporting them in a number of ways. Poetry, spoken word, writing and raising ducks. Yes raising ducks. A number of people who have been diagnosed as having serious mental illness are now raising ducks because of Corinnas ability to teach and nuture apprentices about duck raising and breeding and general care for ducks that has lead to a better sense of well being for all who participated in this grass roots problem.

Now evidently Corinna is being challenged herself because she does not have enough grass? She has native plants, adequate grass in her front yard and a pond and enough space in the back for 15 prize winning ducks. She has 8 now- she has singlehandedly planned breeding to the point of now having received a number of prizes this year at fairs for her heirloom Cayuga Ducks she has lovingly cared for and sustained.

I ask you to reconsider Corinna West's ask for her to be allowed to own 15 ducks instaed of only 8. She should be recognized for hr urban farm not punished.

Thank you for reconsidering the number of beautiful Cayuga Ducks she is allowed to have on her property. I am not sure why anyone should have more grass actually- urban farms are more appreciated and economical and better for the environment.

Have a nice day and weekend ahead

Sincerely

Friends of Corinna West
and her Cayuga Duck Family

PAUL KOMAREK

Human Intervention LLC
Consulting and Communications

4335 Pitts Avenue
Cincinnati, OH 45223
(513) 494-6280
Mobile (513) 673-4992
komarek@humanintervention.net
www.humanintervention.net

November 13, 2023

Kansas City KS
Board of Zoning Appeals
James Molloy and Janet Parker

Re Corinna West and #15ducks

Greetings:

I am writing to support Corinna West's application to expand her homebased business, one that is focused on sustainable food production in a small footprint.

I don't know a lot about ducks, but I know a lot about compliance and innovation – I have been doing business startup consulting work for over 25 years. Corinna is an innovator – and she knows how to innovate within formal boundaries. I have worked with her on and off for over a decade, mostly around her work in the field of mental health. Corinna's mental health program addressed trauma among young adults in a new, profound, effective, and essentially nonclinical way – and a big part of the work was helping people start small businesses. She built her program around federal funding and used credentialed peer support personnel. She had help from one of Kansas City's top small business incubators. She stepped aside as a founder-leader as she was recovering from a health issue following a bicycle accident. At that point, the nonprofit was launching a federally funded network of mental health supports across two states, and was poised to launch a similar network in a third.

With her new project, Corinna is building a model that public officials across the US say we need. Sustainable food options for ordinary people in tough situations are very hard to find in America. Let Corinna expand, and she will produce an exemplary working model.

Sincerely,



Paul Komarek



Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: January 11, 2024

Re: Petition PR2023-028

GENERAL INFORMATION

Applicant:
Jacob Dobbs

Status of Applicant:
Representative
Kaw Valley Engineering
8040 North Oak Trafficway
Kansas City, MO 64118

Requested Action:
Approval of a Final Development Plan.

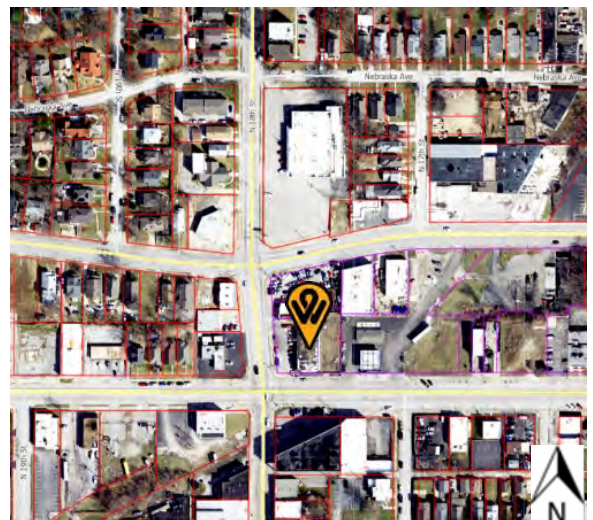
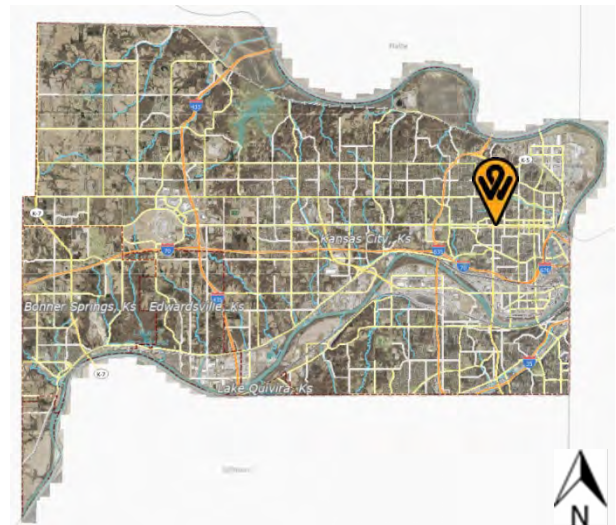
Date of Application:
September 29, 2023

Purpose:
To build a 5,456 square foot building for a laundromat and seek deviations from the Downtown Area Plan Design Guidelines.

Property Location:
1720 Minnesota Avenue
Kansas City, KS 66102

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

Existing Zoning:
MP-2 Planned General Industrial District



Adjacent Zoning:	North: M-2 General Industrial and C-3 Commercial Districts South: M-2 General Industrial and C-3 Commercial Districts East: M-2 General Industrial and C-3 Commercial Districts West: M-2 General Industrial and C-3 Commercial Districts
Adjacent Uses:	North: Boost Mobile cell phone store South: U-Haul and small storefront businesses (across Minnesota Avenue) East: Gas station and convenience store West: Dry cleaners
Total Tract Size:	0.48 Acre
Area Plan Designation:	The Downtown Area Plan designates this property as Neighborhood Mixed Use, which allows uses that primarily support surrounding neighborhoods.
Major Street Plan:	The Major Street Plan classifies Minnesota Avenue as a Class B Thoroughfare and North 18 th Street as a Class C Thoroughfare.
Required Parking:	Sec. 27-469(e) In no case, however, shall less than one space for each 500 square feet of building floor area be provided. For buildings larger than 20,000 square feet, only one space for each 1,000 square feet needs to be provided for increments between 20,000 and 50,000 square feet. Commercial uses shall provide parking as would be required in the C-3 district. Four (4) spaces are required for every 1,000 square feet of building area. 22 parking spaces are required. 27 parking spaces are provided.
Advertisement:	Property Owner Letters – October 20, 2023 <u>Wyandotte Echo</u> – Not Required
Public Hearings:	November 13, 2023, December 11, 2023 and January 11, 2024
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Jacob Dobbs, with Kaw Valley Engineering, on behalf of the property owner, Tom Lawson, wants to demolish an abandoned building and build a 5,456 square foot laundromat on 0.52 acres at 1720 Minnesota Avenue.

City Ordinance Requirements: Article VIII Sections 27-340 – 27-765

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. None

Building, Zoning, or Code Enforcement Complaints:

1. Between 2001 – 2022, there are numerous citations for trash, debris, weeds, graffiti, and items for sale in the parking lot.

Outstanding or Related Permits and Cases:

1. None

FACTORS TO BE CONSIDERED

1. Neighborhood character.

This is the prominent intersection at 18th & Minnesota Avenue, which is a mixed uses/mixed-use corridor. The area is the western edge of the entrance into downtown between Minnesota Avenue and State Avenue. There is a mixture of commercial uses – commercial storefronts, gas station/convenience store, and small retail businesses.

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

The zoning and uses of properties nearby are set out above. The property is industrially zoned, but the proposed laundromat is a commercial use that will generate traffic and there will be an increase in parking demand. A traffic letter has been submitted to and is being reviewed by the Public Works Department.

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

The proposed use of a laundromat conforms to the Downtown Area Plan, which designates this property as Neighborhood Mixed Use, which allows uses that primarily support surrounding neighborhoods.

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

a. Water service

BPU provides water service.

b. Sanitary sewer service

UG provides sanitary sewer service.

c. Storm water control

To be designed to meet City Code.

d. Police

Police service is provided by the East Patrol, District #117.

e. Fire

Fire service is provided by Station #11, located at 31st Street and Minnesota Avenue.

f. Transit

Kansas City ATA provides transit service in front of the property, at the 18th Street & Minnesota Avenue intersection, Route 101.

g. Schools

Public education is provided by Kansas City Kansas USD 500.

5. The capability of the proposed use to meet applicable ordinance and other requirements.

With revisions, the proposed use is capable of meeting applicable ordinance and other requirements.

PREVIOUS ACTIONS

None

NEIGHBORHOOD MEETING

A neighborhood meeting is not required for a Final Development Plan.

KEY ISSUES

Compliance with the Downtown Area Plan

Site Design

Landscaping, Screening and Buffering

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 2 to recommend **APPROVAL** of Plan Review Application PR2023-028, **the current plan submitted by the applicant and the deviation to the Commercial Design Guidelines for the siting of the building and parking lot and a condition of approval requiring the pedestrian connectivity from the Minnesota Avenue sidewalk directly to the front door, subject to:**

1. **Sec. 27-576(c)(2) in order to break up the monotonous appearance of long facades, a building wall no more than 45 feet in length should be divided into increments of no more than 45 feet through articulation of the façade. This can be achieved through the combinations of at least three (3) of the following techniques:**
 - a. **Divisions or breaks in materials;**
 - b. **Building offsets (projections, recesses, niches);**
 - c. **Window bays;**
 - d. **Separate entrances and entry treatment; or**
 - e. **Variation in rooflines;**
2. **Sec. 27-576(e)(2) Exterior building materials shall not include the following:**
 - (f) **EIFS at the ground level or compromising more than 15 percent of any façade;**
3. **Sec. 27-576(h)(2) Reflective or mirrored glass for use as windows is prohibited, unless determined by the director. Clear glass shall be used for storefronts, windows and doors. Window painting, signage, or view blocking techniques are not permitted;**
4. **Smooth face CMU is not permitted per the Commercial Design Guidelines;**
5. **Overhead doors shall be painted to match the building;**
6. **Downspouts shall be internalized;**
7. **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;**

8. **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 (1) tree with a minimum caliper of two (2) inches (ornamental), evergreen trees must be at least six (6) tall when planted provided for every 30 feet of street easement or frontage.
9. **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;
10. **Sec. 27-577(e)(1)** Parking lot landscaping must be used to minimize the expansive appearance of parking lots, provide shaded parking areas, and mitigate any negative acoustic impacts of motor vehicles;
11. All screening is to be maintained to minimize impacts of conflicting uses;
12. 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;
13. All landscaping shall be irrigated;
14. Landscaping is required to screen all parking areas and service entries. This includes perimeter parking and 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;
15. All lighting whether mounted on the building or installed in the parking lot shall have 90-degree cutoff fixtures. Additionally, this includes lighting installed underneath the canopy;
16. All utility connections, this includes green electrical boxes and free-standing 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;
17. 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;
18. Regarding BPU transformer screening, the following applies:
 - (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 feet 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 of 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) on the front allowing for 10 feet on the front when gate doors open;

19. 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;
20. 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;
21. All existing and future driveways must feature curb cuts that are constructed to UG standards;
22. Subject to approval, tenant will need to file and maintain a current occupation tax application with the Business Licensing Division. They are located at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102. (913) 573-8780 or busiensslicense@wycokck.org;
23. 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;
24. A Pre-Construction meeting is required for any improvements to public infrastructure upon the approval and issuance of a Development Review Committee (DRC) Permit. Any improvements to, construction or alteration of: sanitary systems, stormwater systems, public or private streets,

- sidewalks, or other public infrastructure will require a pre-construction meeting with the Department of Public Works. The applicant is required to contact the County Engineer at (913) 573-5400 or by info@wycokck.org prior to construction to arrange this meeting; and,
25. Per Section 27-210(j) All conditions of approval herein must be constructed, executed, implemented, or otherwise completed within 18 months of approval unless otherwise determined by the Director of Planning or their designee.
 26. The following requirements of the Commercial Development Guidelines Overlay District have not been met, and from which Applicant is requesting a deviation for approval:
 - a. Per Section 27-575(e)(1), the majority of all surface parking and all drive through facilities should be located to the maximum extent possible behind buildings or in the interior of a block.
 27. The following direction of the Downtown Area Plan Design Guidelines have not been met, and from which the Applicant is requesting a deviation for approval:
 - a. Parking facilities (i.e. surface or structured) should be integrated with other development and primarily located internal to the block with minimal exposure to the street frontages.
 28. Provide a direct pedestrian connection, a minimum 5-feet wide sidewalk, from the Minnesota Avenue facing front door façade that ties into the existing sidewalk along Minnesota Avenue.

STAFF COMMENTS AND SUGGESTIONS

Staff does not concur with the recommendation of the City Planning Commission.

Planning and Urban Design Comments:

General Planning:

1. Please re-review Appendix A in the Downtown Area Plan (attached herein) as building, site and streetscape design are discussed at length. Incorporate these elements in the development plan, specifically related to building placement and parking, in accordance with the Downtown Area Plan Design Guidelines, the building should be relocated to the property line, with an emphasis at major intersection – brought to the corner. Parking should be in the rear of the property behind the building.
 - a. By moving the building to the corner of 18th Street and Minnesota Avenue, landscaping can be added along 18th Street on the west side and parking is relocated to the north and east sides of the building, subsequently the rear and side yards, respectively.

Applicant Response: Acknowledged.

- b. The stairs can be removed from the northwest corner of the building if the building is moved to the southwest corner.

Applicant Response: As discussed at the pre-application meeting, we believe that this corner location jeopardizes public safety and functionality of the laundromat. We made this intent clear at the meeting and asked for direction to achieve this goal.

2. Subject to approval, tenant will need to file and maintain a current occupation tax application with the Business Licensing Division. They are located at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102. (913) 573-8780 or busiensslicense@wycokck.org.

Applicant Response: Acknowledged.

3. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly.

Applicant Response: Acknowledged.

4. Per Section 27-210(j) All conditions of approval herein must be constructed, executed, implemented, or otherwise completed within 18 months of approval unless otherwise determined by the Director of Planning or their designee.

Applicant Response: Acknowledged.

Building Architecture:

1. Please re-review Appendix A in the Downtown Area Plan as building design, streetscape design and open space design are discussed at length. Incorporate these elements into the development plan, specifically exterior building materials, massing along the public street.

Applicant Response: The building design has been revised to incorporate the following: 12" dark charcoal split face block to 10' above grade transitioning to 8" smooth, single scored block with a stone water table cap. This provides a distinct offset and a horizontal break between materials. The smooth, single scored block band also provides a change in texture. A decorative cornice has been added to the top of the building around all four (4) sides with a parapet popping up to call attention to the main entrance of the building. The south façade facing Minnesota Avenue contains extensive, clear storefront which continues around the building to the 18th Street facing façade, all with a brightly colored awning adding further relief and shade and shadow to the building.

2. Review the Commercial Design Guidelines and incorporate Sec. 27-576 in the development.

- a. Sec. 27-576(c)(2) in order to break up the monotonous appearance of long facades, a building wall no more than 45 feet in length should be divided into increments of no more than 45 feet through articulation of the façade. This can be achieved through the combinations of at least three (3) of the following techniques:
 - i. Divisions or breaks in materials;
 - ii. Building offsets (projections, recesses, niches);
 - iii. Window bays;
 - iv. Separate entrances and entry treatment; or
 - v. Variation in rooflines.
- b. Sec. 27-576(e)(2) Exterior building materials shall not include the following:
 - i. (f) EIFS at the ground level or compromising more than 15 percent of any façade.
- c. Sec. 27-576(h)(2) Reflective or mirrored glass for use as windows is prohibited, unless determined by the director. Clear glass shall be used for storefronts, windows and doors. Window painting, signage, or view blocking techniques are not permitted.

Staff Response: Smooth face CMU is not permitted per the Commercial Design Guidelines.

2. Overhead doors shall be painted to match the building.
3. Downspouts shall be internalized.

Landscaping and Screening:

1. Please re-review Appendix A in the Downtown Area Plan as building design, streetscape design and open space design are discussed at length. Incorporate these elements into the development plan, specifically site landscaping and landscaping between the sidewalk and building.
2. If the building is moved, a barrier or fence between the laundromat and the gas station is necessary.
3. 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.
4. 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 (1) tree with a minimum caliper of two (2) inches (ornamental), evergreen trees must be at least six (6) tall when planted provided for every 30 feet of street easement or frontage.
5. 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.
6. Sec. 27-577(e)(1) Parking lot landscaping must be used to minimize the expansive appearance of parking lots, provide shaded parking areas, and mitigate any negative acoustic impacts of motor vehicles.
7. All screening is to be maintained to minimize impacts of conflicting uses.

8. 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.
9. All landscaping shall be irrigated.
10. Landscaping is required to screen all parking areas and service entries. This includes perimeter parking and 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.

Applicant Response: A dark charcoal, split faced block trash enclosure shall be constructed to a minimum of six (6) feet in height.

11. All lighting whether mounted on the building or installed in the parking lot shall have 90-degree cutoff fixtures. Additionally, this includes lighting installed underneath the canopy.

Applicant Response: Noted.

12. All utility connections, this includes green electrical boxes and free-standing 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.

Applicant Response: Noted.

13. 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.

Applicant Response: All roof mounted equipment shall be screened by the building parapet.

14. Regarding BPU transformer screening, the following applies:
 - 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 feet 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 of 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) on the front allowing for 10 feet on the front when gate doors open.
15. 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.
16. All existing and future driveways must feature curb cuts that are constructed to UG standards.
17. A Pre-Construction meeting is required for any improvements to public infrastructure upon the approval and issuance of a Development Review Committee (DRC) Permit. Any improvements to, construction or alteration of: sanitary systems, stormwater systems, public or private streets, sidewalks, or other public infrastructure will require a pre-construction meeting with the Department of Public Works. The applicant is required to contact the County Engineer at (913) 573-5400 or by info@wycokck.org prior to construction to arrange this meeting.

Applicant Response: All items above have been noted. We believe that we have provided landscaping that meets the intent of the Downtown Area Plan while maintaining the safe and functional northeast building location as discussed in the pre-application meeting.

Signage:

1. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process.

Planning Engineering Comments:

- A) Items that require plan revision or additional documentation before engineering can recommend approval:
 - 1) None
- B) Items that are conditions of approval:
 - 1) Construction plans shall meet UG standards and criteria and shall be reviewed and approved by UG prior to construction permit acquisition.
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
 - 1) None

UPDATE – December 11, 2023:

On November 17, 2023, Planning Staff had a meeting with the applicant and their representatives to discuss the design issues raised at the November 13, 2023 City Planning Commission meeting. The applicant proposed a five (5) foot arched wall at the southwest corner of the site functioning as an architectural feature – entrance monument into the western edge of Downtown (see in *Attachments – Updated Site Plan*). To date, there have been no additional modifications to the site plan in order to relocate the building closer to the 18th Street and Minnesota Avenue intersection in an attempt to comply with the Downtown Area Plan.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **DENIAL** of Petition **PR2023-028** subject to all comments and suggestions outlined in this staff report, and summarized by the following:

1. **While the existing building complies with many elements of the Downtown Area plan Design Guidelines, the proposed development does not comply with the Downtown Area Plan Design Guidelines as the building should be sited on the corner with the emphasis at a major intersection, which is 18th Street and Minnesota Avenue; and,**
1. **Per the Downtown Area Plan Design Guidelines, the parking should be in the rear of the property behind the building. The proposal has the parking lot in the front and side yard corner of the site.**

ATTACHMENTS

December 11, 2023 City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Downtown Area Plan Neighborhood Mixed Use Description
Downtown Area Plan Streetscape Cross-Sections
Downtown Area Plan – Appendix A Design Guidelines
Applicant Response Letter
Updated Site Plan – November 17, 2023
Site Plan
Grading Plan
Landscape Plan
Building Elevations
Site Photographs taken on October 11, 2023

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>City Planning Commission</u>	<u>Unified Government Board of Commissioners</u>
Public Hearing	December 11, 2023	January 11, 2024
Final Plan	Approval November 13, 2023 (Held Over)	

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

MOTIONS

I move the Unified Government Board of Commissioners **DENY** Petition **PR2023-028** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

OR

I move the Unified Government Board of Commissioners **APPROVE** Petition **PR2023-028** as meeting all the requirements of the city code and being in the interest of the public health, safety, and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the conditions of the Kansas City, Kansas City Planning Commission:

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

December 11, 2023 City Planning Commission Minutes:

Hearing starts at 3:33:21:

PLAN REVIEW APPLICATION PR2023-028 – JACOB DOBBS WITH KAW VALLEY ENGINEERING - SYNOPSIS: Final Development Plan for a change in occupancy to convert a vacant retail shop into a laundromat at 1720 Minnesota Avenue. Detailed Outline of Requested Action: The applicant, Jacob Dobbs, with Kaw Valley Engineering, on behalf of the property owner, Tom Lawson, wants to demolish an abandoned building and build a 5,456 square foot laundromat on 0.52 acres at 1720 Minnesota Avenue.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated December 11, 2023;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file; and,
6. The Notices to property owners.

Recording Secretary Parker asked if the Commission had any contact to disclose on this application. Commissioner Armstrong stated that she spoke to a couple of community members and Commissioner Stites concerning this application. Chairman Carson stated that he also spoke to Commissioner Stites.

Recording Secretary Parker stated that this application was held over from last month's meeting for the applicant to work with Staff on the proposed conditions of approval.

Present in Support:

- Jacob Dobbs, applicant, Kaw Valley Engineering, 8040 North Oak Trafficway, Kansas City, Missouri 64118
- Kathleen Warman, Warman Architects, 1735 Swift Avenue, North Kansas City, Missouri 64116
- LaVert Murray, Unified Government Chief Economic Development Advisor to the Mayor's Office
- Matt Cross, Kaw Valley Engineering, 8040 North Oak Trafficway, Kansas City, Missouri 64118
- Summer Lawson

The Planning Commission directed questions to the applicant.

Present in Opposition:

➤ No one appeared

Staff Recommendation starts at 4:02:10: Planning Director Hand stated that this application was continued from last month by the Commission to seek a redesign with Staff. The Applicant did not redesign the project as directed. The property is in the Downtown Area Plan. Staff has received no letters in support nor opposition. There are some old Notices of Violation, which have either been rectified or would be addressed by this project. Director Hand stated that he would like to provide some points of clarification to the Commission. He stated that the request is not a Change of Zone. The building across the street referenced by Mr. Murray is not in the Downtown Area Plan and was not built when the current Commercial Design Guidelines were applicable. Staff has received correspondence from three (3) of the Board of Commissioners requesting this case move forward to their Planning + Zoning hearing, regardless of the outcome, so the Planning Commission is essentially functioning as though a preliminary plan had been submitted. Staff recommends denial of this application but has included conditions of approval if need be. Those conditions of approval do not include a deviation for the siting of the building and the parking lot that would be required by the Planning Commission. Staff would also recommend that a pedestrian connection from the Minnesota Avenue sidewalk be made directly to the front door. There are 27 parking spaces provided in the site plan and only 22 parking spaces are required. Director Hand stated that another option would be to hold over this case until the January 8th meeting for Staff and the applicant to look at further options.

Motion starts at 4:06:57:

On motion by Mrs. Eilts, seconded by Mr. Ernst, the Planning Commission voted as follows to **DENY PR2023-028 for the reasons outlined in the staff report:**

Carson	Chairman
Mohler	No
Straws	No
Ward	No
Armstrong	No
Beth	No
Connelly	Not Present
Eilts	Aye
Ernst	Aye
Jones	No
Miller	Not Present

Motion to **DENY** Failed: 2 to 6

On motion by Mr. Straws, seconded by Mr. Beth, the Planning Commission voted as follows to **APPROVE PR2023-028 the current plan submitted by the applicant and the deviation to the Commercial Design Guidelines for the siting of the building and parking lot and a condition of approval requiring**

the pedestrian connectivity from the Minnesota Avenue sidewalk directly to the front door:

Carson	Chairman
Mohler	Aye
Straws	Aye
Ward	Aye
Armstrong	Aye
Beth	Aye
Connelly	Not Present
Eilts	No
Ernst	No
Jones	Aye
Miller	Not Present

Motion to **APPROVE** Passed: 6 to 2

Subject to:

1. **Sec. 27-576(c)(2) in order to break up the monotonous appearance of long facades, a building wall no more than 45 feet in length should be divided into increments of no more than 45 feet through articulation of the façade. This can be achieved through the combinations of at least three (3) of the following techniques:**
 - a. **Divisions or breaks in materials;**
 - b. **Building offsets (projections, recesses, niches);**
 - c. **Window bays;**
 - d. **Separate entrances and entry treatment; or**
 - e. **Variation in rooflines;**
2. **Sec. 27-576(e)(2) Exterior building materials shall not include the following:**
 - (f) **EIFS at the ground level or compromising more than 15 percent of any façade;**
3. **Sec. 27-576(h)(2) Reflective or mirrored glass for use as windows is prohibited, unless determined by the director. Clear glass shall be used for storefronts, windows and doors. Window painting, signage, or view blocking techniques are not permitted;**
4. **Smooth face CMU is not permitted per the Commercial Design Guidelines;**
5. **Overhead doors shall be painted to match the building;**
6. **Downspouts shall be internalized;**
7. **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;**
8. **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 (1) tree with a minimum caliper of two (2) inches (ornamental), evergreen trees must be at least six (6) tall when planted provided for every 30 feet of street easement or frontage.**
9. **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;
10. Sec. 27-577(e)(1) Parking lot landscaping must be used to minimize the expansive appearance of parking lots, provide shaded parking areas, and mitigate any negative acoustic impacts of motor vehicles;
 11. All screening is to be maintained to minimize impacts of conflicting uses;
 12. 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;
 13. All landscaping shall be irrigated;
 14. Landscaping is required to screen all parking areas and service entries. This includes perimeter parking and 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;
 15. All lighting whether mounted on the building or installed in the parking lot shall have 90-degree cutoff fixtures. Additionally, this includes lighting installed underneath the canopy;
 16. All utility connections, this includes green electrical boxes and free-standing 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;
 17. 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;
 18. Regarding BPU transformer screening, the following applies:
 - (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 feet 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 of 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) on the front allowing for 10 feet on the front when gate doors open;

19. 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;
20. 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;
21. All existing and future driveways must feature curb cuts that are constructed to UG standards;
22. Subject to approval, tenant will need to file and maintain a current occupation tax application with the Business Licensing Division. They are located at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102. (913) 573-8780 or busiensslicense@wycokck.org;
23. 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;
24. A Pre-Construction meeting is required for any improvements to public infrastructure upon the approval and issuance of a Development Review Committee (DRC) Permit. Any improvements to, construction or alteration of: sanitary systems, stormwater systems, public or private streets, sidewalks, or other public infrastructure will require a pre-construction meeting with the Department of Public Works. The applicant is required to contact the County Engineer at (913) 573-5400 or by info@wycokck.org prior to construction to arrange this meeting; and,
25. Per Section 27-210(j) All conditions of approval herein must be constructed, executed, implemented, or otherwise completed within 18 months of approval unless otherwise determined by the Director of Planning or their designee.

26. The following requirements of the Commercial Development Guidelines Overlay District have not been met, and from which Applicant is requesting a deviation for approval:
 - a. Per Section 27-575(e)(1), the majority of all surface parking and all drive through facilities should be located to the maximum extent possible behind buildings or in the interior of a block.
27. The following direction of the Downtown Area Plan Design Guidelines have not been met, and from which the Applicant is requesting a deviation for approval:
 - a. Parking facilities (i.e. surface or structured) should be integrated with other development and primarily located internal to the block with minimal exposure to the street frontages.
28. Provide a direct pedestrian connection, a minimum 5-feet wide sidewalk, from the Minnesota Avenue facing front door façade that ties into the existing sidewalk along Minnesota Avenue.



Figure 1. Aerial Map of 1720 Minnesota Avenue (provided by UG Maps).



Figure 2. Zoning Map of 1720 Minnesota Avenue (provided by UG Maps).



Figure 3. Downtown Area Plan Land Use Designation Map of 1720 Minnesota Avenue (provided by ArcGIS Pro).



NEIGHBORHOOD MIXED-USE

Use Definition:

Commercial/retail and/or office uses at street level with residential and or office uses above. Access to residential uses is allowed at street level. Live/work units with work space on the first floor and living space above are allowed. Buildings are typically 1 to 3 stories with multi-story buildings preferred.

Character:

- Buildings anchored at highly visible intersections
- Uses that primarily support surrounding neighborhoods
- Maximized on-street parking opportunity near-by
- Surface parking behind structures with alley or shared access points
- Dedicated parking for residential uses
- Transit stops and transfer points associated with this use



Figure I-7: Balanced Street Section – Minnesota (West End)
Source: Gould Evans Associates

- Two to four lane section, wide sidewalk, on-street parking, left turn lanes at key intersections or continuous in some locations
- Pedestrian and vehicular amenities are encouraged, such as planters, trees, separation from traffic, transit shelters, area banners, parking signage, etc.
- Crosswalks at all intersections, enhanced materials, signaled at key intersections with other balanced streets
- Primary transit routes with stops at intersections with other balanced and pedestrian streets (*See Transit section below for accommodations*)

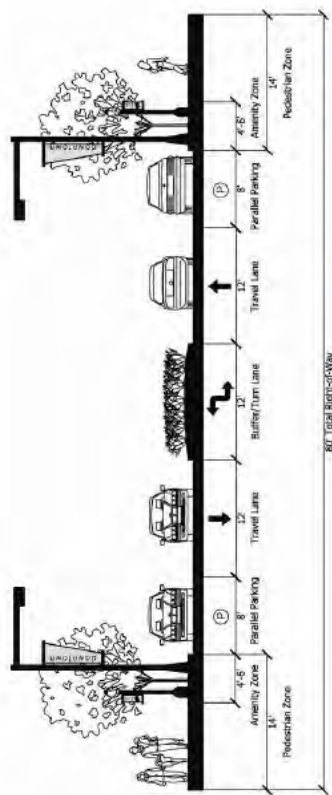
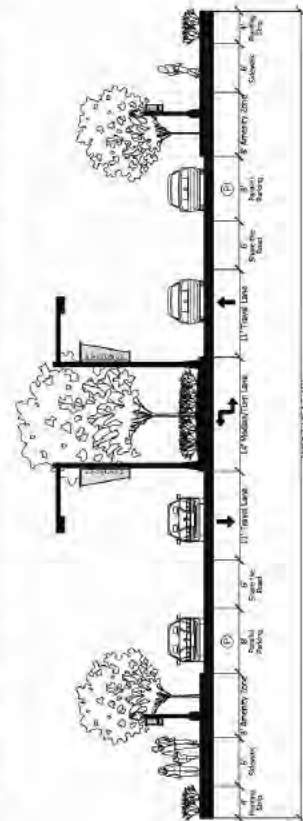
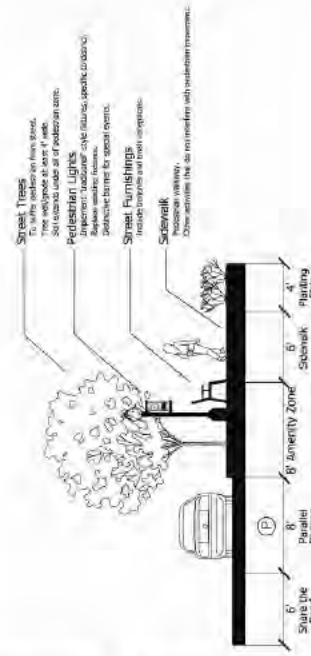
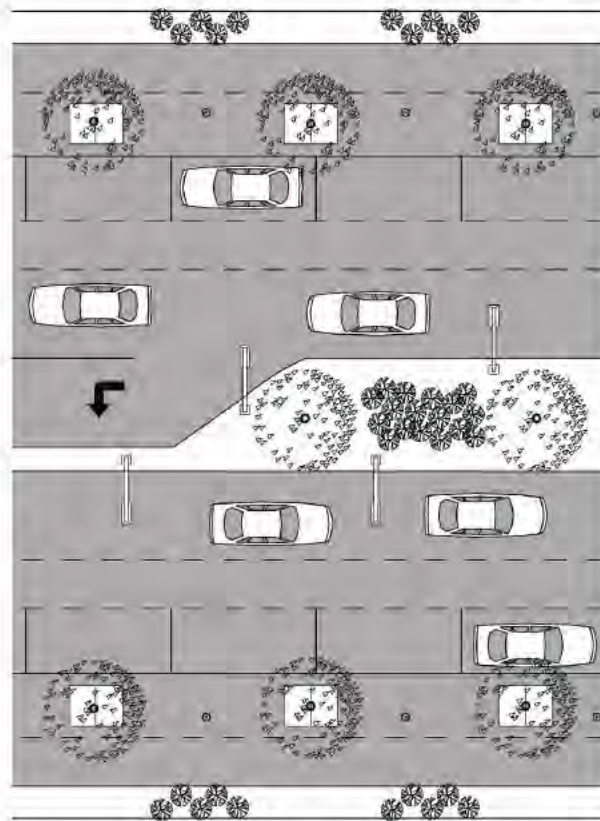


Figure I-8: Balanced Street Section – State Street
Source: Gould Evans Associates



**Figure B-4: Balanced Street – 100' Right-of-way
Minnesota – West End**
Source: Gould Evans Associates

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DOWNTOWN MASTER PLAN

a. Building Envelope

The building envelope is the area in which structures can be built. In a Downtown or an urban setting, the building envelope is best defined by parameters related to setbacks and height. The character of an attractive and inviting Downtown is significantly shaped through the use of proper and consistent setback and height requirements.

Setback – defines the buildable area on the site using the front, rear and side setbacks and should encourage a continuous street front of buildings, except for plaza, courtyard, entry or other desired areas.

Height – defines the buildable volume on the site through a maximum or minimum number of stories or feet that is consistent with the surrounding development context. It should encourage full utilization of land by establishing minimum building heights.

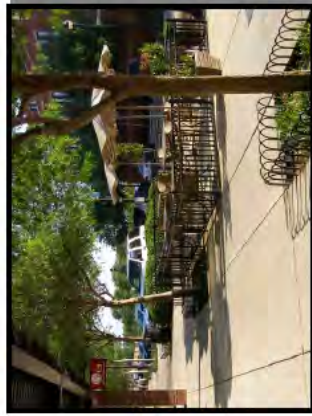
b. Street Level Design

The character of a place is impacted by how structures and spaces are perceived and function in relationship to the street. Most people experience the place from the street; their perceptions and experiences are formed by what they see and experience while walking and driving in the place. Useable and welcoming outdoor spaces, pedestrian friendly façade qualities and well designed parking facilities promote comfort and safety within a successful urban place.

Outdoor Spaces – define outdoor activity spaces for residents and patrons by encouraging well designed:

- Public gathering places including plazas or courtyards
- Building entries
- Outdoor business activity areas including dining areas and outdoor cafes
- Use of public areas including parks, open space and rights-of-way

Façade Qualities – define the character of the primary and secondary frontage (i.e. corner buildings) of a building to reinforce a pleasant experience along public pathways (i.e. streets, alleys, sidewalks, trails, etc.). Features that influence this experience include:



- Windows that provide transparency to buildings
- Design details such as moldings and accents that provide articulation in the building form
- Façade widths that break up block lengths
- Awnings and canopies that can bring the scale of the building to street levels
 - Architectural embellishments that add design character to the building



Parking Facilities – define functional and design characteristics that interface with the street level experience. Both surface and structured parking facilities should be integrated into the urban context.

Surface lots should be designed to encourage appropriate:

- Edge treatments – screening/buffering/landscaping or building façade continuation
- Surface treatment – appropriate surface materials and maintenance for the area
- Ingress/egress locations – in light of automobiles impact on pedestrian and traffic flow at the sidewalk and street
- Internal layout – addressing automobile and pedestrian flow as well as landscaping/softening within the parking area



Structured parking should be designed in an integrated manner with other structures to encourage a continuous street-front of active uses:

- Façade treatment – to blend visually with other buildings and structures
- Mixed-use structures – other uses on the ground level along public streets to minimize dead space along the street
- Function – providing a mixture of uses as part of the garage structure including retail, office or residential
- Building materials – in context with surrounding structures
- Ingress/egress locations – in light of automobile impact on pedestrian and traffic flow

APPENDIX A: DESIGN GUIDELINES

Urban design is the relationship of the design characteristics of buildings, open spaces, and streetscapes – and specifically how each of these, through inter-related designs, contributes to a larger whole, shaping the character of Downtown Kansas City, Kansas.

The design guidelines in this Appendix are intended to provide general guidance during the review of new development and redevelopment projects, both public and private, within Downtown Kansas City, Kansas.

As introduced in Chapter I of this plan, the design guidelines are primarily concerned with the building envelope, street level design and character of place. Within that chapter some of the important aspects of design are pointed out and some district oriented recommendations, related primarily to heights, setbacks and general character, are provided because they influence the experience people will have in the Downtown and the various districts.

This experience is the result of several key features that create a "sense of place":

Area scale:

- Each of the three districts has character and scale elements that complement other elements within Downtown – created by design features and/or use patterns.
- Street-level uses, pedestrian-scale building elements and streetscapes create the character of each district.
- Scale begins at the unit of the building-front; a series of building-fronts comprise a block; and a group of blocks result in a district. This creates a distinctly intimate and manageable scale of a neighborhood.
- Corners and other points of visual interest accommodate focal points and landmark features at a district, Downtown or neighborhood scale.

Pedestrian character:

- Walkable block lengths give the sense that everything is within easy walking distance.
- Well designed paths provide interesting walks through the area, with animated building-fronts at street level, awnings and overhangs protecting pedestrians, and buildings with frequent entrances activating the street.

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APPENDIX A: DESIGN GUIDELINES

- Sidewalks and streets have special attention paid to materials, lighting, planting and maintenance focusing on pedestrian needs – in essence, the streetscape is the public realm and the pedestrian is most important in this realm.
- Merchandising and signage directly addresses the pedestrian rather than the motorist.

Building scale:

- Building-front width and height are marked by vertical articulation, piers and columns, differentiated awnings, and/or material and cornice breaks.
- Bases below merchandising windows anchor buildings.
- Where upper stories occur, the street-level is differentiated by a single-story storefront, and emphasized with bases below merchandising windows.
- Larger scale buildings or retail uses where parking areas may be more prevalent, primary frontages are located off or parallel to the primary commercial streets.

Automobile recognition:

- Front door, on-street parking invites customers to drive the retail street and provides a sufficient supply of premium parking spaces.
- On-street parking slows traffic and provides a buffer between pedestrian areas and moving traffic.
- Back-door or secondary access accommodates employee or overflow parking, vendors and service.
- Curb cuts interrupt the pedestrian flow.
- Drive-through or other automobile-oriented customer services are directed away from primary retail streets, or are located internal to blocks and sites.

Threats to the desired experience or “sense of place” exist and manifest themselves in design decisions focused on (1) the interests of individual property owners exclusively; (2) the general trends and market characteristics of the development industry; or (3) at times the City’s own policies and actions. Several of the most significant design threats to achieving the vision of the Downtown Master Plan are:

- Automobile-oriented development policies and site designs that lead to a “automobile scale” rather than a “pedestrian scale.”
- Large-scale horizontal development trends, including larger retail formats, increased dwelling sizes, and the associated building masses that accommodate these trends.
- The presence of undesirable land uses. Certain uses should be discouraged (i.e. outdoor storage, salvage, vehicle sales, freight terminals, warehousing, parking as the primary use, and resource processing industries – recycling, concrete, oil and gas, food, etc.)
- Franchise architecture that conveys a corporate (often national) message, rather than reflecting the local context and character.

- Use of undesirable materials, masses, or patterns. This is not necessarily style-specific, but all styles should pick up on desired scale, patterns, and material composition themes in the plan.
- Imitation historic themes that attempt to replicate past conditions or specific architectural styles through the use of inferior or faux materials.

The design guidelines that follow seek to minimize these threats and encourage appropriate development within Downtown KCK. The recommendations are intended to focus the many public and private development decisions that occur incrementally, site-by-site, on a daily basis, and redirect them to collectively strengthen the overall character of the three districts and Downtown. They are not meant to substitute for professional design expertise. However, they serve as the appropriate starting point to identify appropriate design solutions for new development and redevelopment initiatives and projects.

The general design guidelines in this section are organized into the primary elements of urban design – streetscape design, site / space design, building design and open space design. They are intended to be applicable to all projects in the Downtown, and should embellish and support the base zoning district standards and any other applicable standards that result as part of plan implementation.

STREETSCAPE DESIGN

General Description

The Streetscape Design refers to the design of all components of the public right-of-way, and specifically how that design establishes the public realm of Downtown and the transitions from the public realm to private lots, buildings and development sites. The Streetscape Design guidelines are grouped into three elements of the streetscape:

- Vehicle Lanes and Parking
- Vehicle Access (to blocks and lots)
- Pedestrian Areas

Design Objective

The design objective of the Streetscape Design guidelines is to provide balance between the many uses of the public rights-of-way – specifically creating a well-designed public realm for Downtown Kansas City, Kansas that serves the needs of pedestrians and vehicles.

Vehicle Lane and Parking Standards

- Maximize on-street parking on all streets. Use angled parking wherever possible, and parallel parking where rights-of-ways are constrained.

- Clear through-lanes for vehicles should be approximately 10' to 11' wide on area streets to support slower vehicular design speeds and increased pedestrian activity.
- Use of dedicated turn-lanes should be minimized to preserve narrow, balanced streets and to minimize pedestrian crossing distances.
- Curb-radii at intersections should be small – typically 5' to 15' to slow turning movements of vehicles and maintain shorter pedestrian crossing distances. Where frequent, large-vehicle movements are expected, greater distances may be necessary.

Vehicle Access Standards

- Direct all individual site service access to the existing alley system, or create new alley systems wherever possible.
- Where alley access for services is not possible, use smaller, shared access areas to serve multiple sites on a block.
- Minimize the width of vehicle access points to maintain the continuity of the pedestrian area.
- Vehicular access to parking, especially structures, should be primarily from balanced streets.
- Vehicle crossings of pedestrian areas should maintain the material, and wherever possible the grade, of the pedestrian area – particularly on pedestrian streets indicated in the plan.

Pedestrian Area Standards:

- Ensure that all buildings and sites have pedestrian connections to the public pedestrian area by the most direct access possible.
- Provide continuous and direct pedestrian routes throughout the area, at the frequency at least equal to that of street connections, or at greater frequency where blocks are larger.
- Avoid jogs in the pedestrian area along block faces due to site-specific needs such as on-site parking, vehicle access points, or building placements.
- Maintain adequate pedestrian areas, of at least 7' and 10' wide. This distance is determined by the amount of available rights-of-way.
- Streetscape enhancements should be geared towards pedestrians, such as small street-trees and planting wells, street furniture, bike racks, pedestrian lighting, wayfinding signage and receptacles where ample sidewalk space exists – typically greater than the ideal Pedestrian Area ranges expressed above and a continuous clear walking path of at least 5' is maintained.
- Streetscape enhancements should complement the design character of streetscape improvements and elements established throughout downtown. The intensity by which such improvements are made should be guided by the type of street, importance of the intersection and uses along the street as indicated in the plan.
- Promote (no fee) outdoor seating, cafes and allow periodic product display on sidewalks associated with businesses if ample sidewalk space exists – typically greater than the ideal Pedestrian Area range expressed

above. The type of furnishings associated with such seating areas should either be viewed as an extension of the interior business decor and/or complement the furnishing styles of the public streetscape.

- Seek opportunities for unutilized right-of-way areas to contain pedestrian-scaled Gateway features that incorporate predominant downtown or district themes. Gateway themes should be consistent at all entries, although variations within the themes are desired for different locations, dependant on the context of the location.
- Provide pedestrian-scale lighting – typically between 12’ to 16’ high and at a frequency to provide low-level night lighting.
- Allow sidewalks to directly abut the street edge where there is on-street parking. Otherwise, pedestrian areas should be separated from moving vehicle lanes on the street by a Streetscape Amenity Zone (as depicted on the various Street Sections in the plan), unless it is a constrained right-of-way.

SITE AND OPEN SPACE DESIGN

General Description

Site and Open Space Design refers to the design, arrangement and location of all non-building elements of a development site, and specifically establishing good transitions from the public streetscape to the buildings while serving the function of the site and building. The Site and Open Space Design guidelines are grouped into three elements of the site design:

- Public or Quasi Civic Space
- Site utility, Parking, or Service Areas
- Landscape Materials

Design Objective:

The design objective of the Site and Open Space Design guidelines is to create efficient use of spaces on private development sites, enhance the relationship of private development to the public realm, and establish appropriate transitions and buffers for the many different activities that occur in Downtown.

Public or Quasi-civic Open Space Standards

- Relate open space to the streetscape at all times to create a seamless transition from public to private areas.
- Emphasize a relationship between buildings on the site and the open space.
- Create effective transitions from the public streetscape to private portions of buildings and sites through the use of Plazas, Courtyards, Passages or other formal building frontages.
- Plazas, Courtyards, Passages or other formal building frontages should be designed as active public spaces where outdoor seating areas, product displays, landscaping, outdoor art or aesthetic features and pedestrian circulation can occur in a complementary manner to the public streetscape.

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- Provide pedestrian-scale lighting for all open areas accessible to the public – at a frequency to provide low-level night lighting and a sense of comfort and safety.
- Ensure that any on-site lighting does not impact adjacent residential areas nor compete with public street lighting, through the use of shields or other similar devices that direct light to the appropriate location.

Site-utility, Parking or Service Area Standards

- Maintain strong edges along the streetscape with landscape or decorative fencing or screening wherever on-site surface parking is permitted adjacent to the street.
- Parking structures should be designed as mixed-use structures with active storefronts at street level along primary and secondary frontages. The exterior materials used along the street front should reflect the desired character of the area.
- Parking facilities (i.e. surface or structured) should be integrated with other development and primarily located internal to the block with minimal exposure to the street frontages.
- Design site utility areas to perform multiple-functions wherever possible – either through areas that can perform simultaneous functions, such as open space or parking area that also performs stormwater functions; or areas that can accommodate different functions at different times, such as a parking area that is designed to host occasional special events.
- Parking areas should be designed to accommodate multiple functions and shared use (i.e. special events, day and night use, etc.)
- Locate service areas at the most-remote portions of sites where exposure from public areas is least – typically the side or rear of the property. Consider site lines from windows and other indoor or outdoor active elements of adjacent sites as well.
- Use landscape and screening materials consistent with the site, building, or streetscape designs (i.e. wrought iron fencing, shrubs and trees with irrigation, etc.) to minimize impacts where visibility of site utility elements is unavoidable.
- Incorporate service, storage, or loading areas into the skin of the building or internal to the block wherever possible.

Landscape Material Standards (public streetscape and other open areas):

- Encourage small-scale seasonal (and portable) planters provided in front of individual businesses, provided ample pedestrian areas exist.
- Seek opportunities to convert any unutilized space in the right-of-way into attractive and low-maintenance annual or perennial landscape planting.
- Locate street trees strategically between buildings and storefronts and select higher-canopy species so the business visibility is not obscured.
- Ensure ample planting areas for the survival of selected street-tree species. Construction techniques that allow root access to nearby soils may be necessary on difficult sites or for constrained rights-of-ways.

- Use raised tree wells or low fencing to accommodate decorative or natural mulch, low ground cover or seasonal plantings in tree wells and planting beds. An alternative is to utilize tree grates that are adjustable to accommodate tree growth or that have a minimum 24" diameter opening. Appropriate applications should be based on the accepted streetscape standard for downtown and the context of the block (i.e. residential, commercial, event oriented).
- Replicate / complement public streetscape and landscape improvements, even if at a smaller scale, on semi-public or private access areas that may have high public exposure.

BUILDING DESIGN

General Description

Building Design refers to the relationship of individual buildings to the public realm (streetscape), open spaces, and to other buildings in the district, downtown or surrounding neighborhoods. The Building Design guidelines are grouped into three elements of building design:

- Mass and Orientation
- Facades and Storefronts
- Architectural Details

Design Objective:

The design objective of the Building Design guidelines is to identify patterns and forms of buildings that allow a diversity of styles to effectively and compatibly mix within the Downtown, while maintaining a desired character for a specific district.

Mass and Orientation Standards:

- All buildings should have their primary orientation to the public street.
- New buildings should reflect the desired form for the district which it is located. Where a larger mass may be permitted, articulated elements of the larger building should reflect the form of urban style / type buildings.
- New buildings should follow the height and setback standards provided by the district in the plan. Where new multiple story buildings occur, step-backs of upper stories or other complex massing techniques (articulation, fenestration, architectural details) should be used to help achieve the desired visual interest, pedestrian scale and character of the district.
- New buildings should have a building footprint of an urban scale that complements the desired character within the district. As a general rule, the taller the building, the larger the building footprint.
- Allow taller buildings or landmark architectural features to be placed at important intersections and key view termini along the streets. Use of this technique should convey a consistent, downtown character, rather than

purely emphasize a single building, site, or use. Generally these landmark features should be a limited portion of the overall building mass.

- Large wall and roof planes visible from the public streets should be broken up by small off-sets or architectural details. Streetwall planes over 750 square feet should have offsets and overhangs, window bays, or other ornamentation to break up the plane. Street-side roof planes greater than 500 square feet should be broken up by, dormers, compound and intersecting planes, or other appropriate treatments.

Facades & Storefront Standards:

- Avoid occurrences of several individual free-standing buildings along a single block, except for Civic buildings. Civic buildings should be free-standing and may be set back from the predominant building line if they provide enhanced Public or Quasi-civic open space between the streetscape edge and the building frontage.
- Ensure that all buildings convey a pedestrian scale, with prominent single-story storefronts.
- All buildings, whether single- or multiple story, should include a base (a base plate and bulkheads on single-story or the storefront on multiple-story), a body (the merchandising window and sign panel on single story or the upper façade on multiple-story), and a top (a cornice line and parapet on flat roofs or an eave line and roof structure on pitched roofs).
- Street-level storefronts should convey a pedestrian-scale rhythm by general differentiation of building bays approximately every 25 feet, with structural pillars and piers in the façade, even if the building is larger or houses a larger tenant.
- Maintain a Street Wall wherever site parking or site utility areas are permitted on the street edge by continuing an Alternative Street Wall (i.e. ornamental fencing, landscaping, etc.) as an extension of predominant building lines.
- Blank walls should be avoided on the primary and secondary street frontages. Windows, building entrances, or use of architectural details and ornamentation should be used to break up any linear expanse of facades greater than 25.'
- All window openings should be square or of vertical proportions to emphasize a pedestrian scale. Horizontal openings should be created by a grouping of square or vertically-proportioned windows.

Architectural Detail Standards

- Architecturally, no single style or theme is envisioned as predominant in the area. Architectural style and theme should be sensitive to the envisioned context of the district in which it is located – an eclectic approach to architectural style / theme is appropriate.
- The use of appropriate building materials is critical to the perception of the Downtown. New buildings should convey a high quality and long standing presence and investment. Masonry materials (i.e. brick and stone) should be dominant materials, along with the use of glazing (i.e. glass) and metal in building methods and

forms traditionally found in urban / downtown areas is encouraged. The application and percentage use of such materials is dependent upon the context and the intended architectural style of the building.

- Building materials or applications such as Drivet, EFIS, stucco, wood / vinyl / metal siding, or hardy board should not occur on the first floor of any structures. Such materials and applications are acceptable as secondary of accent materials on upper stories of buildings in the area.
- Innovative / new building materials should be reviewed on a case-by-case basis.
- Buildings systems consisting of the assembly of prefabricated materials (i.e. poured concrete, corrugated metal, etc.) are discouraged in Downtown. Such applications may be allowable for the upper levels of mixed use parking structures where the use of other appropriate materials are used on lower levels.
- Accentuate building entrances, street-level windows, and first floors on multi-story buildings with details and ornamentations such as decorative moldings, cornice lines, and awnings.
- Awnings should be canvas, barrel or angled, and differentiate different storefront or shop ownership along the block.
- Signs should be oriented to pedestrians, primarily through smaller wall, projecting or window signs. Signs oriented to vehicles in the roadway should be limited to the traditional sign band portion of the building above the storefront, and typically no taller than 2' high.

OPEN SPACE DESIGN

General Description

Downtown Kansas City, Kansas is an urban place with compact spaces. Therefore, in order to implement an effective urban design strategy for the area, greater attention must be paid to maximizing smaller, well designed spaces and creating the "gathering spaces" needed to make the districts and area vibrant. These spaces can tie the community together both physically and aesthetically.

The creation of open space areas should be encouraged whenever possible within the overall design context of a development site within the district and Downtown. A small poorly designed or located open space in an urban setting can have a tremendous detrimental impact on the perception and use of the space. Therefore, while open spaces should be encouraged attention must be paid to design details more so then the amount of space. An overall target for open space in Downtown could be 7 to 12% of the net developable area.

These Design guidelines identify specific types of open spaces that are appropriate for Downtown Kansas City, Kansas. The Design guidelines should be applied in conjunction with the general Site and Open Space Design guidelines related to both private development and public improvements and any regulatory requirement of the base zoning district or any regulations for a particular parcel.

These standards recognize five types of open space with different design features and applicability in Downtown:

- *Pedestrian Passages*
- *Pocket Parks*
- *Courtyards*
- *Plazas*
- *Greens*

All of these open spaces can exist in different ownership forms, typically categorized as:

- **Public** – Government owned property – open for public use.
- **Quasi-civic**– Privately or commonly owned, but generally visible to and accessible for the public.
- **Common** – Private or commonly owned, but with limited access to the public.
- **Private** – Privately or commonly owned, removed from view of the public and/or accessible only by common or individual property owners.

PEDESTRIAN PASSAGES

General Description

- A linear area primarily designed for pedestrian traffic or balanced pedestrian and vehicle traffic where pedestrians clearly have priority.
- The typical ownership is Public, Quasi-civic, or Common.

Passage Standards

- At least 8' wide for pedestrian only.
- No wider than 9' where one-way vehicle traffic is permitted; no wider than 18' where two-way vehicle traffic is permitted; passages will widen where they also access off-street parking or other site utility or service areas.
- If vehicle traffic is permitted, surfaces should be colored or textured pavement, individual paver systems, or other differentiated surface that calms vehicle speeds.
- If vehicle traffic is permitted, entrance ways should be narrowed with bollards or gateway features to calm traffic and create a pedestrian scale.
- Building facades along passages should contain windows, entrances or other building elements that create pedestrian interest and activity.
- Used to provide mid-block connections between streetscapes in high pedestrian areas where on-street connections are less frequent – typically blocks greater than 600' should provide passages.
- Used to access public spaces that are internal to a block.
- Lighting should be pedestrian scale, enhance the quality of the Passage experience, and meet Unified Government standards for light levels in public areas and sidewalks within the Downtown.

POCKET PARK

General Description

- A small space with a more formal design, often with street visibility or immediate streetscape adjacency.
- The typical ownership is Public or Quasi-civic.

Pocket Park Standards

- Typically between 500 square feet and 5,000 square feet.
- Creates an extension of the streetscape.
- Contains heavy landscape materials to create a garden-like character.
- Utilize small seating, public art or focal point features to invite pedestrians to linger.
- Used on secondary frontages to screen less desirable portions of buildings and sites.
- Used on longer blocks to add visual interest and diversity to the streetscape.
- Used at entrances or transition areas to neighborhoods or projects, often associated with a gateway feature.

COURTYARD

General Description

- A small open space accessible to the public, but generally serving one or a few surrounding buildings and heavily landscaped.
- The typical ownership is Common or Private.

Courtyard Standards

- Typically 200 square feet to 2,000 square feet.
- At least one side should be accessible to a public street, although this side may be screened by a decorative fence or wall, or access may be provided by a Passage.
- Facades fronting on the Courtyard should have frequent windows or building entrances
- No more than 50% of the area should be hard surface.
- Seating or other gathering spaces should be provided.

PLAZA

General Description

- A small or medium area with significant hardscape, art features or other focal points, and designed for public gathering. Often this is the extension of the public sidewalk.
- The typical ownership is Public, Quasi-Public, or Common

Plaza Standards

- Typically 500 square feet to 5,000 square feet.

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DOWNTOWN MASTER PLAN

- At least one side should about the public street and be designed as an extension of the public streetscape.
- At least one side should feature a building entrance, fronting directly on the Plaza, unless it is a very large Plaza serving as a focal point for a large-scale development, in which case it should be bordered by streets on all sides.
- All building facades fronting on the Plaza should be designed as Primary Facades.
- Seating areas and at least one significant focal point such as an art piece, fountain, or significant landscape feature should be provided.
- Intermittent lawns, landscape beds, or trees should be arranged in a formal pattern to create visual interest.

GREEN

General Description

- A large landscape area with a formal design and located to be a focal point and give identity to a specific development area.
- The typical ownership is Public, Quasi-civic, or Common.

Green Standards

- Typically 2,000 square feet to 2 acres.
- At least 2 sides should about a public street.
- Buildings should front on the streets opposite the green, or on up to two sides that do not front on public streets.
- Pedestrian paths should extend from the public streets into the green.
- Occasional public seating should be provided.
- No more than 15% of the Green should be hard surface.
- All permeable surfaces should have ground cover, typically with large lawn areas.

Greens should be bordered by shade and ornamental trees, arranged in a formal pattern.



KAW VALLEY ENGINEERING, INC.

Office: 816.468.5858
Web: www.kveng.com
Address: 8040 North Oak Trafficway
Kansas City, MO 64118

October 30, 2023

B23D4611

Mr. Bryon Toy
Department of Planning & Urban Design
Unified Government of Wyandotte County
701 N 7th Street, Suite 423
Kansas City, KS 66101

RE: PRELIMINARY PLAN REVIEW PR2023-028

Dear Mr. Toy,

Kaw Valley Engineering, Inc. has reviewed your comments and questions. The following are our responses.

Planning and Urban Design Comments:

General Planning:

1. Please re-review Appendix A in the Downtown Area Plan (attached herein) as building, site and streetscape design are discussed at length. Incorporate these elements in the development plan, specifically related to building placement and parking, in accordance with the Downtown Area Plan Design Guidelines, the building should be relocated to the property line, with an emphasis at major intersection – brought to the corner. Parking should be in the rear of the property behind the building.

- a. By moving the building to the corner of 18th Street and Minnesota Avenue, landscaping can be added along 18th Street on the west side and parking is relocated to the north and east sides of the building, subsequently the rear and side yards, respectively.

Acknowledged.

- b. The stairs can be removed from the northwest corner of the building if the building is moved to the southwest corner.

As discussed at the pre-application meeting, we believe that this corner location jeopardizes public safety and functionality of the laundromat. We made this intent clear at the meeting and asked for direction to achieve this goal.

2. Subject to approval, tenant will need to file and maintain a current occupation tax application with the Business Licensing Division. They are located at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102.

Office Locations: Junction City, KS / Kansas City, MO / Lenexa, KS / Salina, KS / Emporia, KS / Wichita, KS

(913) 573-8780 or busiensslicense@wycokck.org.

Acknowledged.

3. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly.

Acknowledged.

4. Per Section 27-210(j) All conditions of approval herein must be constructed, executed, implemented, or otherwise completed within 18 months of approval unless otherwise determined by the Director of Planning or their designee.

Acknowledged.

Building Architecture:

1. Please re-review Appendix A in the Downtown Area Plan as building design, streetscape design and open space design are discussed at length. Incorporate these elements into the development plan, specifically exterior building materials, massing along the public street.

2. Review the Commercial Design Guidelines and incorporate Sec. 27-576 in the development.

a. Sec. 27-576(c)(2) in order to break up the monotonous appearance of long facades, a building wall no more than 45 feet in length should be divided into increments of no more than 45 feet through articulation of the façade. This can be achieved through the combinations of at least three (3) of the following techniques:

- i. Divisions or breaks in materials;
- ii. Building offsets (projections, recesses, niches);
- iii. Window bays;
- iv. Separate entrances and entry treatment; or
- v. Variation in rooflines.

b. Sec. 27-576(e)(2) Exterior building materials shall not include the following:

- i. (f) EIFS at the ground level or compromising more than 15 percent of any façade.

c. Sec. 27-576(h)(2) Reflective or mirrored glass for use as windows is prohibited, unless determined by the director. Clear glass shall be used for storefronts, windows and doors. Window painting, signage, or view blocking techniques are not permitted.

2. Overhead doors shall be painted to match the building.

3. Downspouts shall be internalized.

The building design has been revised to incorporate the following: 12" dark charcoal split face block to 10' above grade transitioning to 8" smooth, single scored block with a stone water table cap. This provides a distinct offset and a horizontal break between materials. The smooth, single scored block band also provides a change in texture. A decorative cornice has been added to the top of the building around all 4 sides with the parapet popping up to call attention to the main entrance of the building. The south façade facing Minnesota Ave. contains extensive, clear storefront which continues around the building to the 18th Street facing façade, all with a brightly colored awning adding further relief and shade and shadow to the building.

Landscaping and Screening:

1. Please re-review Appendix A in the Downtown Area Plan as building design, streetscape design and open space design are discussed at length. Incorporate these elements into the development plan, specifically site landscaping and landscaping between the sidewalk and building.
2. If the building is moved, a barrier or fence between the laundromat and the gas station is necessary.
3. 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.
4. 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 (1) tree with a minimum caliper of two (2) inches (ornamental), evergreen trees must be at least six (6) tall when planted provided for every 30 feet of street easement or frontage.
5. 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.
6. Sec. 27-577(e)(1) Parking lot landscaping must be used to minimize the expansive appearance of parking lots, provide shaded parking areas, and mitigate any negative acoustic impacts of motor vehicles.
7. All screening is to be maintained to minimize impacts of conflicting uses.
8. 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.
9. All landscaping shall be irrigated.
10. Landscaping is required to screen all parking areas and service entries. This includes perimeter parking and 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. **A dark charcoal, split faced block trash enclosure shall be constructed to a minimum of 6' in height.**

11. All lighting whether mounted on the building or installed in the parking lot shall have 90-degree cutoff fixtures. Additionally, this includes lighting installed underneath the canopy. **Noted**

12. All utility connections, this includes green electrical boxes and free-standing 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. **Noted**

13. 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. **All roof mounted equipment shall be screened by the building parapet.**

14. Regarding BPU transformer screening, the following applies:

- 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 feet 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).

PR2023-028 November 13, 2023 8

f. Pad must have a minimum clearance of six (6) feet on each side, six (6) feet on the back and five (5) on the front allowing for 10 feet on the front when gate doors open.

15. 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.

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

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

All items above have been noted. We believe that we have provided landscaping that meets the intent of the Downtown Area Plan while maintaining the safe and functional northeast building location as discussed in the pre-application meeting.

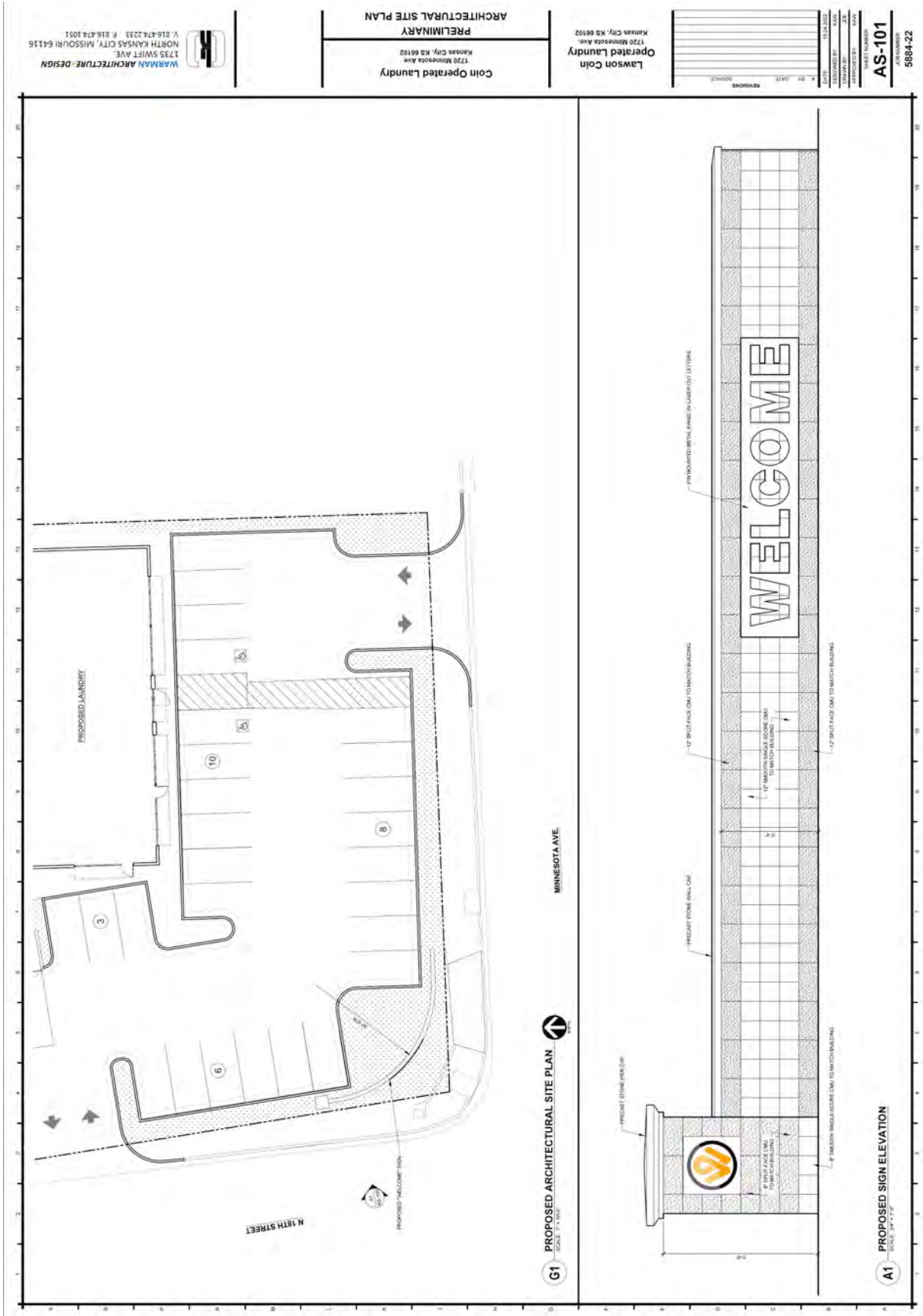
Signage:

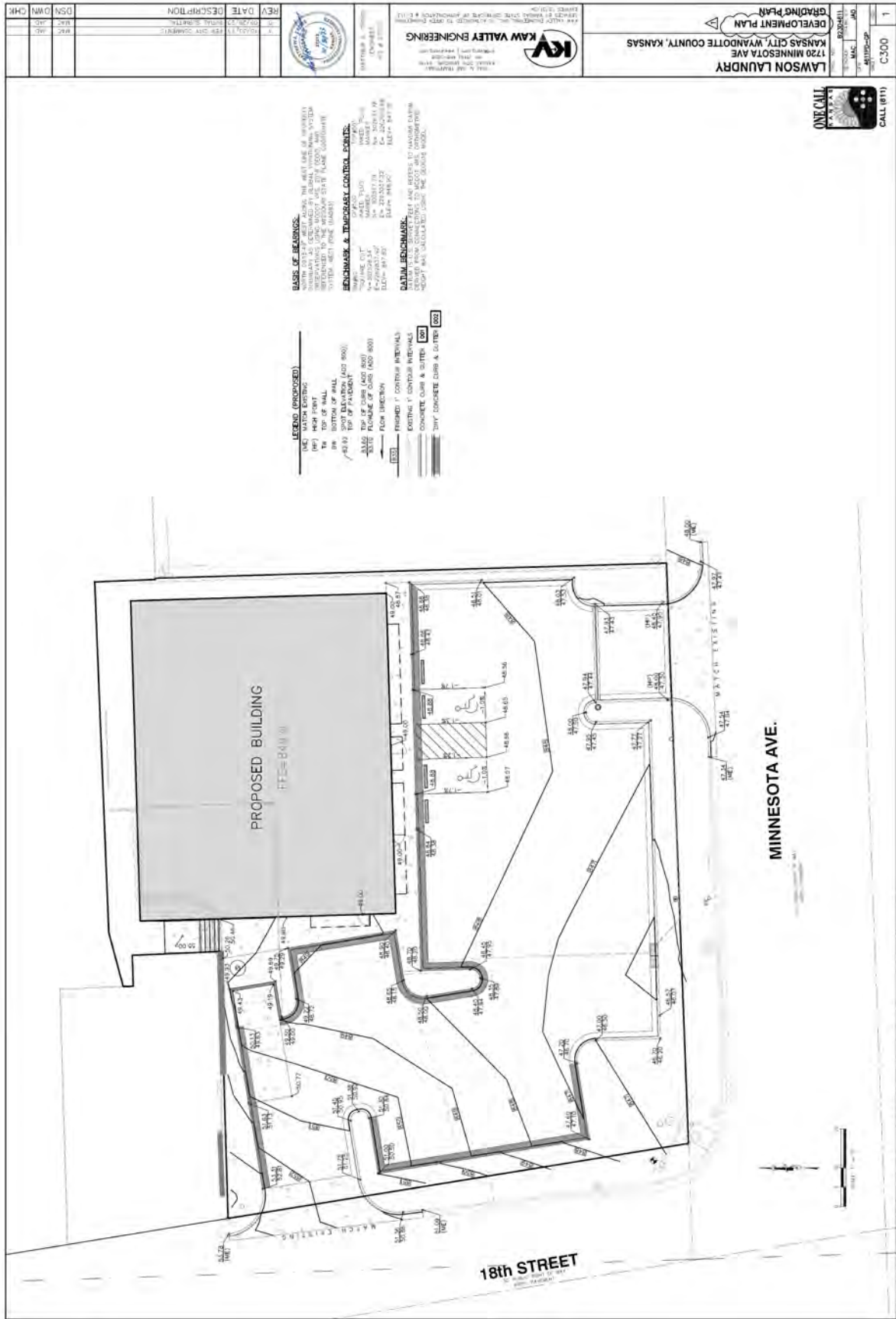
1. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process.

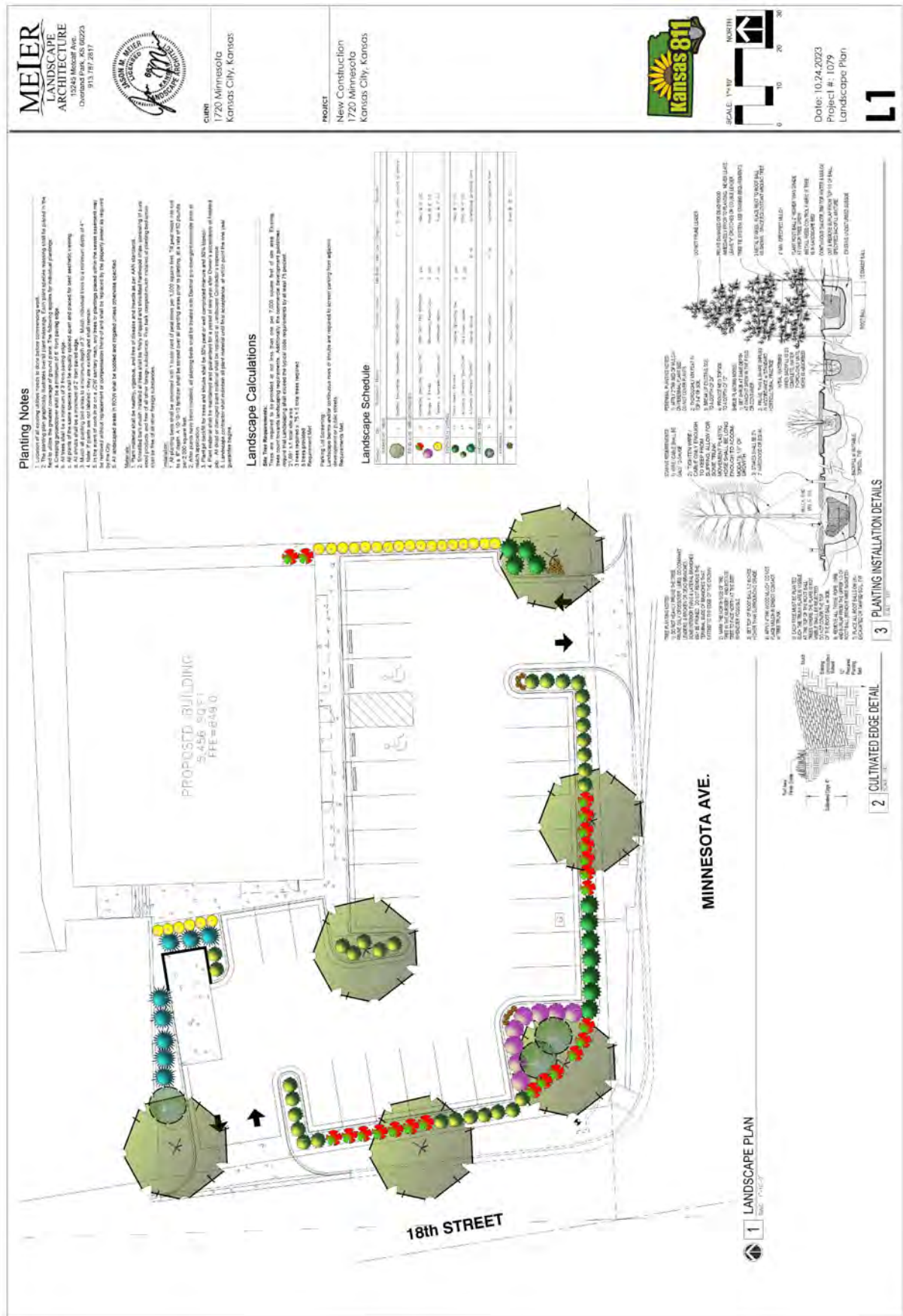
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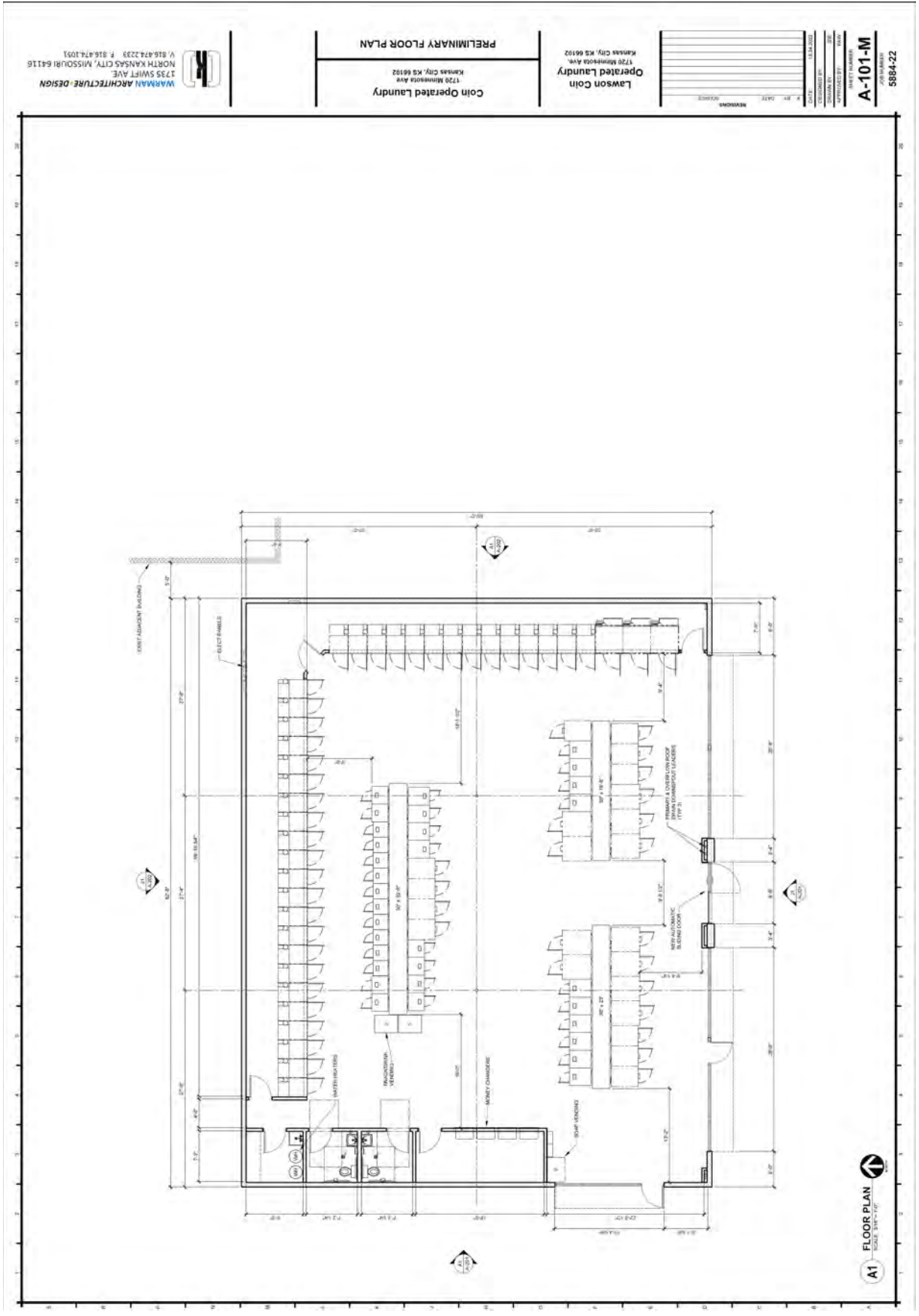
General Engineering Review No. 1 Comments:

1. Review callouts on C200 (Note 12 should be Detail 104).
Callouts are now attached to their appropriate objects on the plan.
2. Final Development plan shall include building design and structural analysis.
Building design is provided. Structural analysis will be provided in construction documents.
3. See Storm Drainage review for additional comments.
Acknowledged.
4. See Sanitary Sewer review for additional comments.
Acknowledged.
5. See Street review for additional comments.
Acknowledged.









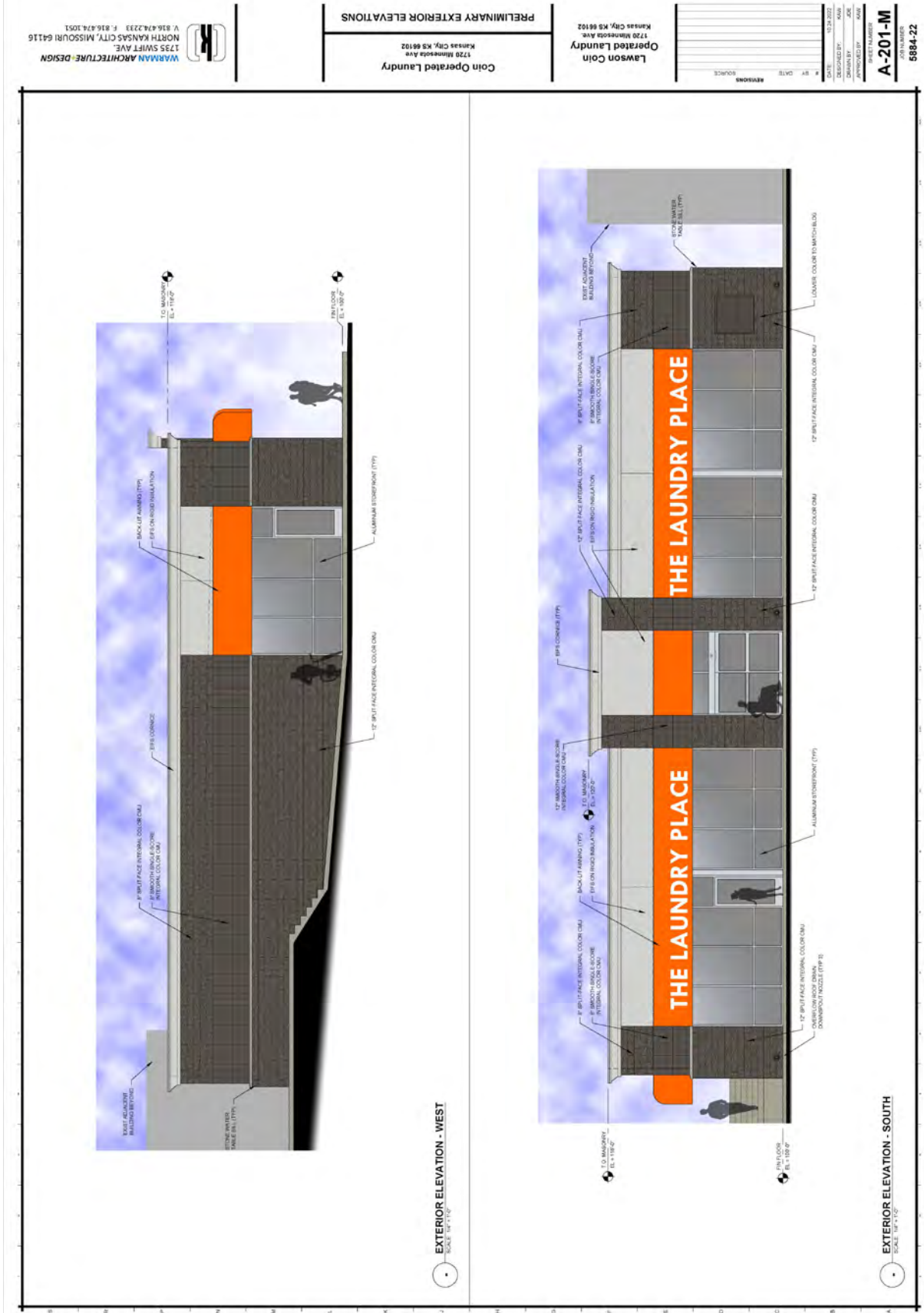
WAMMAN ARCHITECTURE DESIGN
 1735 SWIFT AVE
 NORTH KANSAS CITY, MISSOURI 64116
 V. 816.474.2233 F. 816.474.1093

Coin Operated Laundry
 1720 Minnesota Ave
 Kansas City, KS 66102
PRELIMINARY FLOOR PLAN

Lawson Coin
Operated Laundry
 Kansas City, KS 66102

REVISIONS	
NO.	DATE
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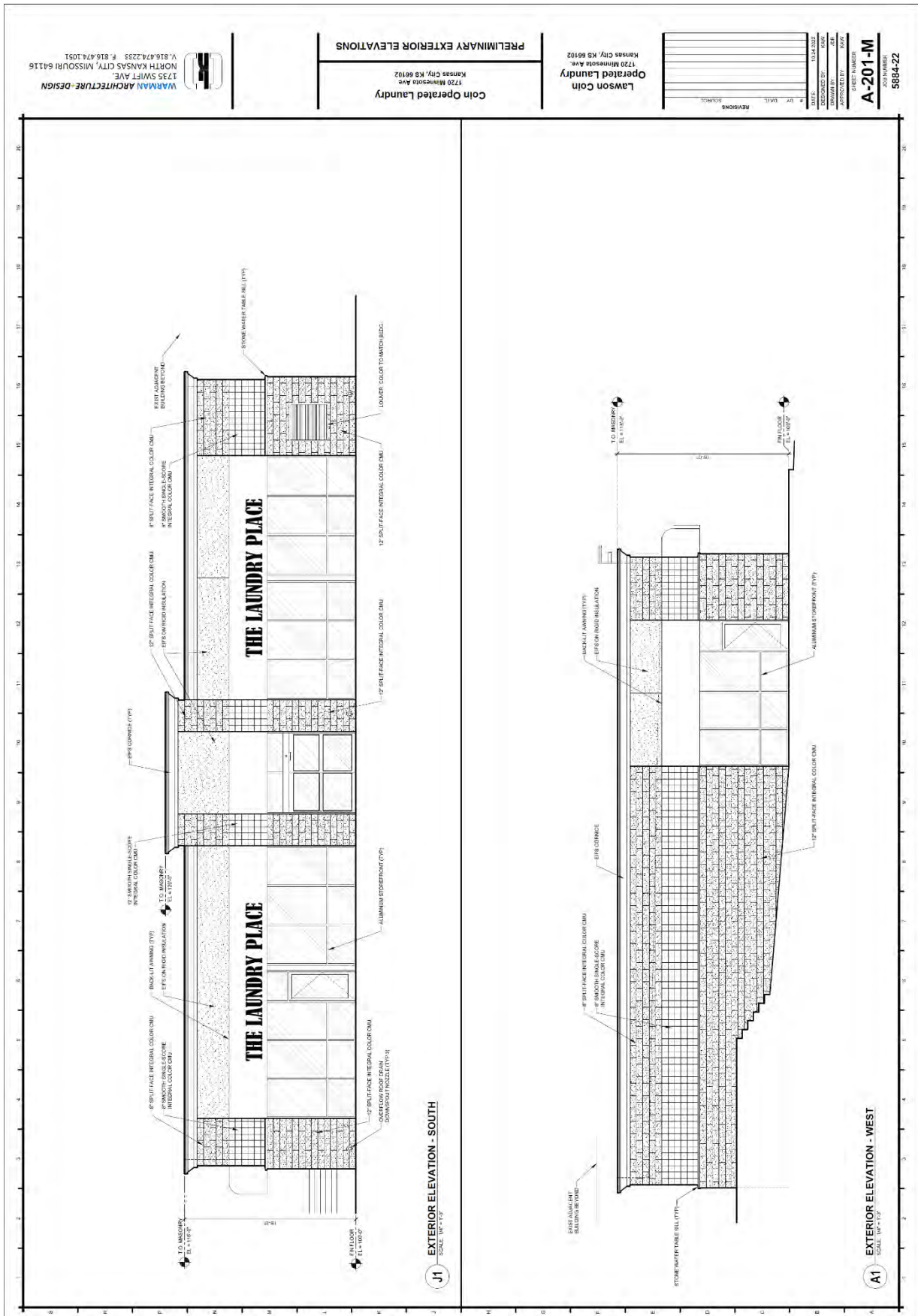




Figure 4. Site photograph of 1720 Minnesota Avenue looking northwest taken from Minnesota Avenue (provided by Planning Staff).



Figure 5. Site photograph of 1720 Minnesota Avenue looking north taken from Minnesota Avenue (provided by Planning Staff).



Figure 6. Site photograph of 1720 Minnesota Avenue looking east taken from North 18th Street (provided by Planning Staff).



Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: January 11, 2024

Re: Preliminary Plan Review Petition PR2023-034 and
Master Plan Amendment Petition MPL2023-017

GENERAL INFORMATION

Applicant:

Curtis Petersen

Status of Applicant:

Representative
Polsinelli PC
900 West 48th Place, Suite 900
Kansas City, MO

Requested Action:

Approval of a Preliminary Plan Review.

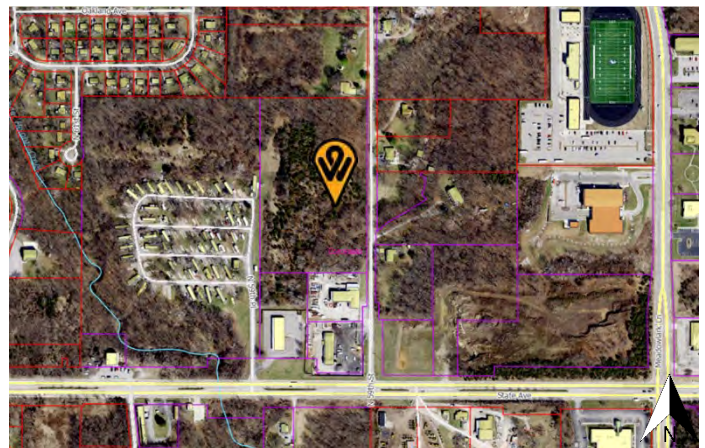
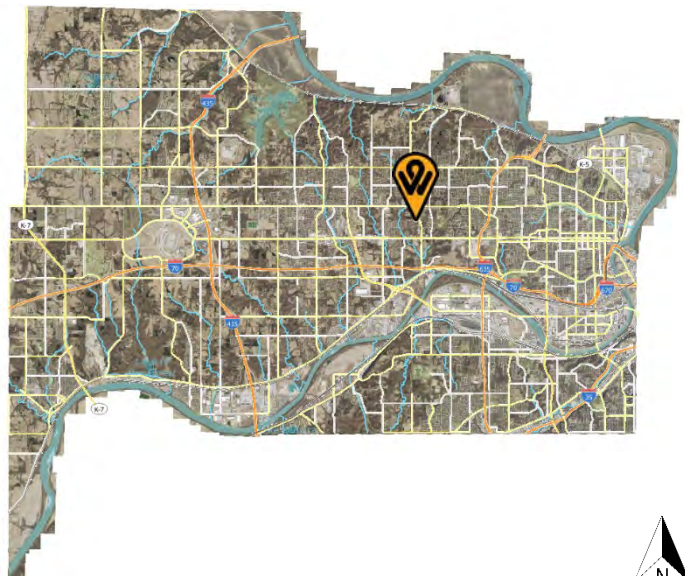
Approval of a Master Plan Amendment.

Date of Application:

October 27, 2023

Purpose:

To approve a Master Plan Amendment from Medium-Density Residential to High-Density Residential in the City-Wide Comprehensive Plan and Preliminary Plan Review to develop a 180-unit apartment building.



Commission Districts:	Commissioner At-Large, District #1: Melissa Bynum District #8 Commissioner: Andrew Davis		
Existing Zoning:	RP-5 Planned Apartment District		
Adjacent Zoning:	North:	R-2 Two-Family District	
	South:	C-3 Commercial District	
	East:	RP-5 Planned Apartment District	
	West:	RP-5 Planned Apartment District	
Adjacent Uses:	North:	Single-family residence	
	South:	Commercial Buildings	
	East:	Single-family residence	
	West:	Mobile home park	
Total Tract Size:	8.94 Acres		
Master Plan Designation:	The City-Wide Comprehensive Plan designates the subject property as Medium Density Residential, which allows for garden-style apartments, townhouses, duplexes, and fourplexes. The applicant is seeking a Master Plan Amendment to High-Density Residential, which allows for mid-rise and high-rise apartment buildings.		
Major Street Plan:	The goDotte County-Wide Mobility Plan designates North 59 th Street as a Local Street.		
Parking Requirement:	Section 27-460 states “One and one-half (1.5) parking spaces shall be provided for each dwelling unit that has one (1) bedroom or less. Two (2) parking spaces shall be provided for each dwelling unit that has two (2) bedrooms or more”. The proposed development has 68 one (1) bedroom units, 48 two (2) bedroom units and 64 three (3) bedroom units, which requires 326 parking spots. The appellant is proposing to provide 268 parking spots, a violation of 58 parking spaces. The applicant has filed for a variance in conjunction with this application.		

PROPOSAL

Detailed Outline of Requested Action: The applicant, Curtis Petersen, is requesting a Master Plan Amendment from Medium-Density Residential to High-Density Residential in the City-Wide Comprehensive Plan and a Preliminary Plan Review to develop at 180-unit apartment building at 1300 North 59th Street.

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

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

Building, Zoning, or Code Enforcement Complaints:

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

Outstanding or Related Permits and Cases:

1. 2023 – BOZA2023-051 – Variance for Parking

FACTORS TO BE CONSIDERED

Master Plan Amendment:

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

This Master Plan Amendment is necessitated due to the proposed density on the property, which will be approximately 20 units per acre, well over the maximum of 12 units per acre allowed in the Medium-Density Residential designation. This amendment, however, does align with the goals of the Comprehensive Plan, which seeks to provide density along, or in close proximity to State Avenue, a Transit-Oriented Development (TOD) corridor and matches the current zoning designation of RP-5 Planned Apartment District.

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

The property is located along State Avenue, a mixed-use corridor that runs west into Leavenworth County and east into Downtown KCK. The proposed Master Plan Amendment is consistent with the goals of the Comprehensive Plan as to provide more dense housing along or in close proximity to State Avenue, much of which has been designated for mixed-use development.

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

See Preliminary Plan Review Factor #4.

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

The proposed amendment would not result in a conflict with the Comprehensive Plan, as the plan intends to provide housing density along and in close proximity to State Avenue. The amendment will also not create regulatory conflicts, as the property is currently zoned RP-5 Planned Apartment District.

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

The proposed amendment will allow for the property to be developed according to the Comprehensive Plan's Multi-Family Design Guidelines, which will limit the impact on existing and surrounding uses.

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

The proposed use will create more benefits for the community as compared to the costs on the community. This proposal seeks to construct 180 apartment units of varying unit types (including one-, two-, and three-bedroom units) in close proximity to a major mixed-use and transit corridor.

Preliminary Plan Review:

1. *Neighborhood character.*

The property is within the Coronado Statistical Neighborhood, the Leavenworth Road Association (LRA) and the Coronado Ridge Neighborhood Group. The neighborhood consists of a diversity of uses, including single-family residences, multi-family residences, commercial uses along State Avenue, institutional uses such as schools, and storage for Kansas City Kansas Public Schools and the Kansas City Kansas Housing Authority.

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

The proposed use will result in an increase in traffic and parking demand as it is a new development on a previously undeveloped piece of land. The applicant's traffic study shows a substantial increase in traffic along North 59th Street, with counts taken and projected at the intersections of Richmond and Meadowlark as well as 59th & State Avenue. Despite this, the traffic study determined that the existing roadway should be able to handle the projected increase in traffic without major concerns.

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

The City-Wide Comprehensive Plan designates the property as Medium-Density Residential, which allows for garden-style apartments, townhouses, duplexes, and fourplexes. The applicant is requesting a Master Plan Amendment to High-Density Residential, which allows mid-rise and high-rise residential developments. While the proposed use in scope would conform to the Medium-Density Residential designation, the proposed density necessitates the Master Plan Amendment. The applicant is proposed 20 units per acre, over the 12-unit threshold for Medium-Density Residential.

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

a. *Water service*

BPU provides water service.

b. *Sanitary sewer service*

The UG would provide sanitary sewer service.

c. *Storm water control*

Storm water control would be developed as a part of this new development.

d. *Police*

Police service is provided by the East Patrol, District #224

e. *Fire*

Fire service is provided by Station #2, 0.25 miles away from the subject property.

f. *Transit*

Public Transit is provided by KCATA Route #101 – State Avenue, with a stop two (2) blocks away at Meadowlark and State Avenue.

g. *Schools*

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

5. *The capability of the proposed use to meet applicable ordinance and other requirements.*

With revisions to the proposed plan, the proposed use is capable of meeting applicable ordinance requirements.

PREVIOUS ACTIONS

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

NEIGHBORHOOD MEETING

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

KEY ISSUES

Building Facades
Landscaping
Lighting
Multi-Family Design Guidelines
Pedestrian Connections
Preservation of Existing Conditions
Sidewalks
Trash Enclosures
Upgrades to North 59th Street

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 1 to recommend **APPROVAL** of Master Plan Amendment MPL2023-017 and PR2023-034, subject to:

1. **These City Planning Commission cases are being heard in conjunction with BOZA2023-051, which is a parking variance. Approval of these entitlements is subject to this Variance request;**
2. **Sidewalks are required as part of the High-Density Residential designation in the City-Wide Comprehensive Plan. Due to the narrow width of the roadway, the parking variance being sought and the expectancy of increased pedestrian traffic, the applicant shall work with Planning staff to construct a 6-foot sidewalk, or less as permitted within the existing right-of-way, subject to any necessary temporary construction easements, spanning from the southern entrance into the property, south to State Avenue.**
3. **Per the Multi-Family Residential Design Guidelines:**
 - a. **Pedestrian walkways and sidewalks shall be a minimum of six feet (6') wide.**

- b. All pedestrian walkways shall be designed to provide direct access and connections to and between the following:
 - c. The primary entrance or entrances to each principal multi-family building; and,
 - d. To any sidewalks or walkways on adjacent properties that extend to the boundaries shared with the multi-family development;
- 4. The applicant is seeking a deviation from the required amenities in the Multi-Family Design Guidelines. The applicant is seeking to provide one (1) large amenity with the clubhouse and two (2) small amenities with the playground and picnic area. The picnic area while providing the required elements of a large amenity, does not provide the square footage, necessitating the deviation; **(Deviation Approved)**
- 5. In addition to establishing greater pedestrian connectivity throughout the development, where there are major parking lot crossings, crosswalks and/or other traffic calming devices shall be painted in the drive aisles, so residents and guests are alert to look for pedestrians;
- 6. Sec. 27-460(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 8.94 acres, which requires 86 trees, 22 additional evergreen or shade trees and 180 shrubs for buffering per the zoning district;

- 7. Additional landscaping shall be added along the eastern frontage in the form of trees, shrubs or bushes, with particular attention around the parking lot and the retaining walls in order to screen parking from public view;
- 8. Landscaping shall be irrigated;
- 9. 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 (FEMA Publication 320 or 361).

Multi-family apartments are required to have a storm shelter either in a basement or community shelter that can accommodate all residents within the multi-family units;

- 10. All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street. Interior parking lots lights shall have 90-degree cutoff fixtures;
- 11. All trash and recycling receptacles shall be enclosed on all sides with an opaque 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. When possible, the enclosure's gate shall face away from streets or

- adjacent land uses. All screening materials must be well maintained at all times;
12. Downspouts shall be painted to architecturally blend into the building and located at corners of the building where possible.
 13. Bike racks should be provided throughout the site to allow for bike storage.
 14. The design layout shall preserve as much of the existing tree stand and existing elevation as possible;
 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. 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. All exterior lighting, whether mounted on a building or within a parking lot must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
 18. All existing and future driveways must feature curb cuts that are constructed to UG standards;
 19. 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.
 20. Improvements that include land disturbance activity on greater than one (1) acre of surface area of land or include the construction or alteration of a structure 1,000 square feet or larger shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;
 21. A Right-of-Way Permit is required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
 22. A Pre-Construction meeting is required for any improvements to public infrastructure upon the approval and issuance of a Development Review Committee (DRC) Permit. Any improvements to, construction or alteration

- of: sanitary systems, stormwater systems, public or private streets, sidewalks, or other public infrastructure will require a pre-construction meeting with the Department of Public Works. The applicant is required to contact the County Engineer at (913) 573-5400 or by info@wycokck.org prior to construction to arrange this meeting;
23. BPU ground mounted transformers shall be screened on all four (4) sides from public view. Architectural screening walls are the preferred method, but landscape screening is an allowable alternative. Screening shall be designed to be solid to the view, and any designs incorporating air circulation shall not be visible. Screening height must be the greater of either six (6) feet tall or the height of the utility being screened. Designs shall show two (2) possible site orientations. Designs will also incorporate all BPU Engineering specifications and largest of all the required dimensions. Refer to attached BPU Engineering documents for details;
 24. 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; and,
 25. The Department of Planning + Urban Design shall not give approval for any Temporary Certificate of Occupancy (TCO) or Final Certificate of Occupancy (CO) before the completion of all required work. For any project that requires a certificate of occupancy, prior to requesting for any certificate, the applicant, permit holder, and/or property owner shall complete all items required by: Approved Plans, Codes, Ordinances, Zoning District Regulations, Planned District Requirements, Master Plan Requirements, all Design Guideline Requirements, Overlay District Requirements, and Requirements approved by the City Planning Commission and/or the UG Board of Commissioners. It is the collective responsibility of the applicant, permit holder, and property owner to ensure that any and all permits, land entitlements, deviations, or variances are obtained in advance of beginning of any work. Planning Department standards require that all required work be complete prior to requesting a TCO. The only item that is allowed to be incomplete is landscaping, which shall be complete before requesting a CO. A Bonded CO may be allowed in case of adverse weather conditions; however, all requirements must be completed for all items not secured by the bond; and,
 26. Any damage to the public right-of-way as a result of the building of the project must be repaired to UG Standards post construction.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners concur with the findings contained within the staff report related to *Factors to be Considered* and *Key Issues* and recommends **APPROVAL** of Petitions **PR2023-034** and **MPL2023-017** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

December 11, 2023 City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Applicant Response Letter
Neighborhood Meeting Materials
Site Plan
Landscape Plan
Grading Plan
Utility Plan
Photometric Plan
Elevations
Traffic Impact Study
Site Photos, Taken by Staff, Dated November 10, 2023

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>City Planning Commission</u>	<u>Unified Government Board of Commissioners</u>
Public Hearing	December 11, 2023	January 11, 2024
Rezoning	Approval	
Master Plan	December 11, 2023	January 11, 2024
	Approval	

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

MOTIONS

Preliminary Plan Review

I move the Unified Government Board of Commissioners **APPROVE** Petition **PR2023-034** as meeting all the requirements of the city code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to

resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **PR2023-034**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

Master Plan Amendment

I move the Unified Government Board of Commissioners **APPROVE** Petition **MPL2023-017** as meeting all the requirements of the city code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **MPL2023-017**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

December 11, 2023 City Planning Commission Minutes:

Hearing starts at 4:11:50:

MASTER PLAN AMENDMENT APPLICATION MPL2023-017 – CURTIS PETERSEN WITH POLSINELLI - SYNOPSIS: Master Plan Amendment from Medium-Density Residential to High-Density Residential (Citywide Comprehensive Plan) at 1300 North 59th Street.

PLAN REVIEW APPLICATION PR2023-034 – CURTIS PETERSEN WITH POLSINELLI - SYNOPSIS: Preliminary Plan Review to construct a multi-family development at 1300 North 59th Street.

Detailed Outline of Requested Action: The applicant, Curtis Petersen, is requesting a Master Plan Amendment from Medium-Density Residential to High-Density Residential in the City-Wide Comprehensive Plan and a Preliminary Plan Review to develop a 180-unit apartment building at 1300 North 59th Street.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated December 11, 2023;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The publication in The Echo for the Master Plan Amendment;
7. The Notices to property owners; and,
8. The testimony at the Board of Zoning Appeals meeting earlier this evening.

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

Present in Support:

- Curtis Petersen, applicant, Polsinelli PC, 900 West 48th Place, Suite 900, Kansas City, Missouri
- Amy Grant, Polsinelli PC, 900 West 48th Place, Suite 900, Kansas City, Missouri

Present in Opposition:

- Vickie Owens, 1233 North 59th Street, Kansas City, Kansas 66102
- Gene Holland, 1325 North 59th Street, Kansas City, Kansas 66102
- Betsy Rivas, 1425 North 59th Street, Kansas City, Kansas 66102
- Zachery Harrison, 1425 North 59th Street, Kansas City, Kansas 66102

Mr. Petersen addressed the comments of the opposition.

Staff Recommendation starts at 4:1:22: Planning Director Hand stated that these applications are being heard in conjunction with BOZA2023-051 for a parking variance that was approved by the Board of Zoning Appeals earlier this evening. The proposal is for a 180-unit apartment complex. The property is in the Citywide Comprehensive Plan in the Midtown Area. Staff received no letters in support and no letters in opposition before this evening. There are no Notices of Violation. Staff recommends approval with conditions, including the Multi-Family Design Guidelines and a final development plan will be required in the future. Staff agrees with the changes to Conditions #2 and #12. The Planning Commission could also add a condition that any post construction deterioration in the road needs to be repaired. He stated this has been done on multiple cases in the past.

Motion starts at 4:43:51:

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

017:

Carson	Chairman
Mohler	Aye
Straws	Aye
Ward	Aye
Armstrong	Aye
Beth	No
Connelly	Not Present
Eilts	Aye
Ernst	Aye
Jones	Aye
Miller	Not Present

Motion to recommend **APPROVAL** Passed: 7 to 1

Subject to:

1. These City Planning Commission cases are being heard in conjunction with BOZA2023-051, which is a parking variance. Approval of these entitlements is subject to this Variance request;
2. Sidewalks are required as part of the High-Density Residential designation in the City-Wide Comprehensive Plan. Due to the narrow width of the roadway, the parking variance being sought and the expectancy of increased pedestrian traffic, the applicant shall work with Planning staff to construct a 6-foot sidewalk, or less as permitted within the existing right-of-way, subject to any necessary temporary construction easements, spanning from the southern entrance into the property, south to State Avenue.
3. Per the Multi-Family Residential Design Guidelines:
 - a. Pedestrian walkways and sidewalks shall be a minimum of six feet (6') wide.
 - b. All pedestrian walkways shall be designed to provide direct access and connections to and between the following:

- c. The primary entrance or entrances to each principal multi-family building; and,
 - d. To any sidewalks or walkways on adjacent properties that extend to the boundaries shared with the multi-family development;
- 4. The applicant is seeking a deviation from the required amenities in the Multi-Family Design Guidelines. The applicant is seeking to provide one (1) large amenity with the clubhouse and two (2) small amenities with the playground and picnic area. The picnic area while providing the required elements of a large amenity, does not provide the square footage, necessitating the deviation; **(Deviation Approved)**
- 5. In addition to establishing greater pedestrian connectivity throughout the development, where there are major parking lot crossings, crosswalks and/or other traffic calming devices shall be painted in the drive aisles, so residents and guests are alert to look for pedestrians;
- 6. Sec. 27-460(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 8.94 acres, which requires 86 trees, 22 additional evergreen or shade trees and 180 shrubs for buffering per the zoning district;

- 7. Additional landscaping shall be added along the eastern frontage in the form of trees, shrubs or bushes, with particular attention around the parking lot and the retaining walls in order to screen parking from public view;
- 8. Landscaping shall be irrigated;
- 9. 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 (FEMA Publication 320 or 361).

Multi-family apartments are required to have a storm shelter either in a basement or community shelter that can accommodate all residents within the multi-family units;

- 10. All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street. Interior parking lots lights shall have 90-degree cutoff fixtures;
- 11. All trash and recycling receptacles shall be enclosed on all sides with an opaque 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. When possible, the enclosure's gate shall face away from streets or adjacent land uses. All screening materials must be well maintained at all times;

12. Downspouts shall be painted to architecturally blend into the building and located at corners of the building where possible.
13. Bike racks should be provided throughout the site to allow for bike storage.
14. The design layout shall preserve as much of the existing tree stand and existing elevation as possible;
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. 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. All exterior lighting, whether mounted on a building or within a parking lot must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
18. All existing and future driveways must feature curb cuts that are constructed to UG standards;
19. 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.
20. Improvements that include land disturbance activity on greater than one (1) acre of surface area of land or include the construction or alteration of a structure 1,000 square feet or larger shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;
21. A Right-of-Way Permit is required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
22. A Pre-Construction meeting is required for any improvements to public infrastructure upon the approval and issuance of a Development Review Committee (DRC) Permit. Any improvements to, construction or alteration of: sanitary systems, stormwater systems, public or private streets, sidewalks, or other public infrastructure will require a pre-construction

- meeting with the Department of Public Works. The applicant is required to contact the County Engineer at (913) 573-5400 or by info@wycokck.org prior to construction to arrange this meeting;
23. BPU ground mounted transformers shall be screened on all four (4) sides from public view. Architectural screening walls are the preferred method, but landscape screening is an allowable alternative. Screening shall be designed to be solid to the view, and any designs incorporating air circulation shall not be visible. Screening height must be the greater of either six (6) feet tall or the height of the utility being screened. Designs shall show two (2) possible site orientations. Designs will also incorporate all BPU Engineering specifications and largest of all the required dimensions. Refer to attached BPU Engineering documents for details;
 24. 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; and,
 25. The Department of Planning + Urban Design shall not give approval for any Temporary Certificate of Occupancy (TCO) or Final Certificate of Occupancy (CO) before the completion of all required work. For any project that requires a certificate of occupancy, prior to requesting for any certificate, the applicant, permit holder, and/or property owner shall complete all items required by: Approved Plans, Codes, Ordinances, Zoning District Regulations, Planned District Requirements, Master Plan Requirements, all Design Guideline Requirements, Overlay District Requirements, and Requirements approved by the City Planning Commission and/or the UG Board of Commissioners. It is the collective responsibility of the applicant, permit holder, and property owner to ensure that any and all permits, land entitlements, deviations, or variances are obtained in advance of beginning of any work. Planning Department standards require that all required work be complete prior to requesting a TCO. The only item that is allowed to be incomplete is landscaping, which shall be complete before requesting a CO. A Bonded CO may be allowed in case of adverse weather conditions; however, all requirements must be completed for all items not secured by the bond; and,
 26. Any damage to the public right-of-way as a result of the building of the project must be repaired to UG Standards post construction.

On motion by Mrs. Jones, seconded by Mr. Ernst, the Planning Commission voted as follows to recommend **APPROVAL** of Plan Review Application PR2023-034:

Carson	Chairman
Mohler	Aye
Straws	Aye

Ward	Aye
Armstrong	Aye
Beth	No
Connelly	Not Present
Eilts	Aye
Ernst	Aye
Jones	Aye
Miller	Not Present

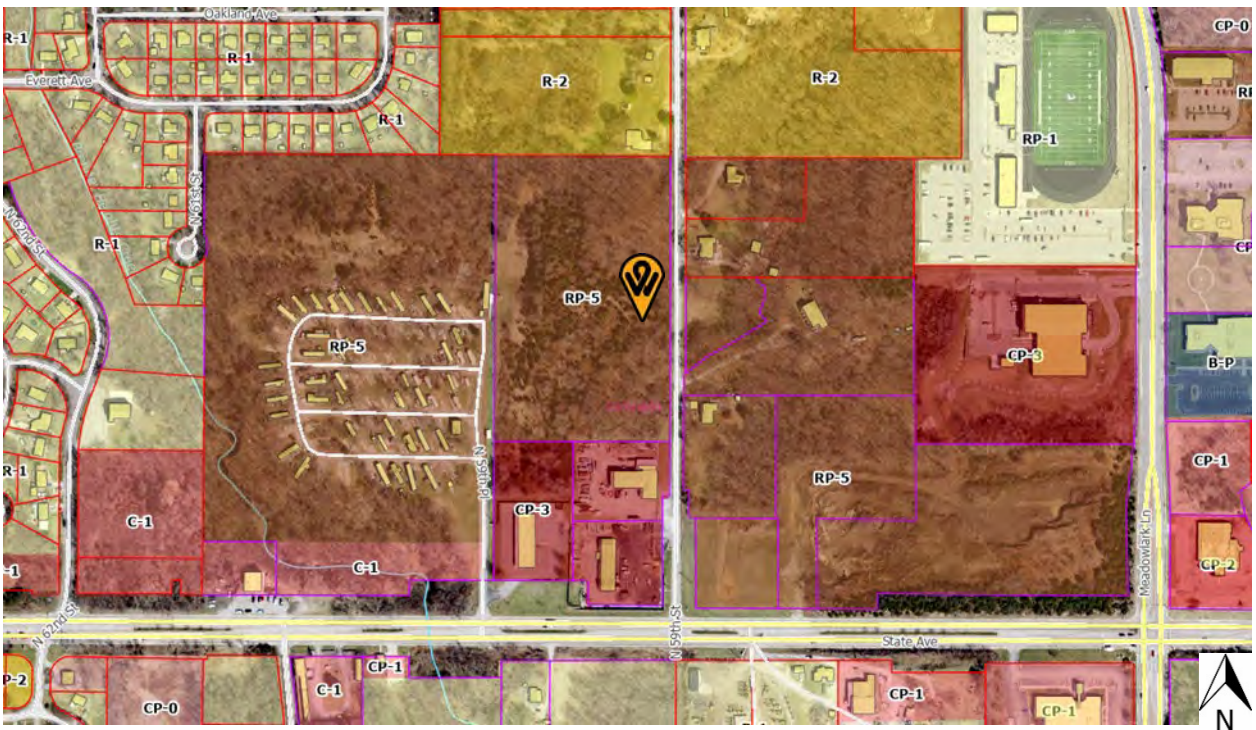
Motion to recommend **APPROVAL** Passed: 7 to 1
Subject to the above conditions

ATTACHMENTS

AERIAL IMAGERY



ZONING MAP



The map displays a portion of Oak Park, Illinois, with various land use designations and a proposed development site. The map includes labels for 'Medium Density Residential', 'Low Density Residential', 'Public/Semi-Public', 'Mixed Use', 'Floodway', 'Right-of-Way', 'MEADOWLARK', 'STATE AVE', and 'OAK PARK'. A blue dot marks the proposed site location. The map also shows street names like 'OAK PARK AVE' and 'STATE AVE'.



Department of Planning + Urban Design

November 27, 2023

**Re: Multi-Family Development, 1300 N. 59th St., KCKS 66102
Comment Response Letter-BOZA2023-051, MPL2023-017, & PR2023-034**

Dear City Planning Commission & Board of Zoning Appeals,

The purpose of this letter is to provide formal comment responses to the received comments, for the above-mentioned project. Our responses (in red) follow each of the provided comments.

Planning and Urban Design Comments:

Comment 1: This Board of Zoning Appeals case is being heard in conjunction with PR2023-034, which is a Preliminary Development Plan and MPL2023-017, a Master Plan Amendment to develop 180 apartment units. Approval of these entitlements is subject to this Variance request.

Response: Acknowledged.

Comment 2: The site plan shall be revised to demonstrate an 8-foot sidewalk spanning from the northern entrance into the property, south to State Avenue. Sidewalks are required as part of the High-Density Residential designation in the City-Wide Comprehensive Plan. The applicant must install a crosswalk and/or cross North 59th Street to accomplish this.

Response: The applicant is requesting a deviation from this requirements and would like to discuss this item further with planning staff.

Comment 3: Per the Multi-Family Residential Design Guidelines:
a. Pedestrian walkways and sidewalks shall be a minimum of six-feet (6') wide.

Response: Acknowledged. Proposed plan provides 6' sidewalks throughout.
b. All pedestrian walkways shall be designed to provide direct access and connections to and between the following:
i. The primary entrance or entrances to each principal multi-family building; and,
ii. To any sidewalks or walkways on adjacent properties that extend to the boundaries shared with the multi-family development.

Response: Acknowledged. Internal pedestrian connectivity is provided with the proposed plan. The applicant would like to discuss connectivity to adjacent properties further with planning staff.

Comment 4: In addition to establishing greater pedestrian connectivity throughout the development, where there are major parking lot crossings, crosswalks and/or other traffic calming devices shall be painted in the drive aisles, so residents and guests are alert to look for pedestrians.

Response: Acknowledged. Painted crosswalks have been added to the plan.

Comment 5: Revise the landscape plan that shows the entire site on one (1) sheet, rather than two (2) sheets.

Response: Acknowledged. One overall landscape plan has been provided for overall context. Two enlarged sheets are still provided to allow adequate detail of proposed landscaping.

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Comment 6: Sec. 27-460(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 eight (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 8.94 acres, which requires 86 trees, 22 additional evergreen or shade trees and 180 shrubs for buffering per the zoning district.

Response: Acknowledged. Landscape plan updated to meet code requirements.

Comment 7: Additional landscaping shall be added along the eastern frontage in the form of trees, shrubs or bushes, with particular attention around the parking lot and the retaining walls in order to screen parking from public view.

Response: Acknowledged. Additional landscaping provided to provide additional screening

Comment 8: The eastern facades of Buildings 1 and 6 (Type C) shall be revised to demonstrate additional articulation, rather than the flat, singular material that is show currently.

Response: Acknowledged. See revised building elevations on sheet A3.

Comment 9: Landscaping shall be irrigated.

Response: Acknowledged. Note has been added to sheet L1 that the project must install irrigation with final design plans.

Comment 10: 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 (FEMA Publication 320 or 361).

Multi-family apartments are required to have a storm shelter either in a basement or community shelter that can accommodate all residents within the multi-family units.

Response: Acknowledged. Safe room provided within the clubhouse amenity basement.

Comment 11: 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.

Response: Acknowledged. See revised photometric plan

Comment 12: Interior parking lots lights shall have 90-degree cutoff fixtures.

Response: Acknowledged. See revised photometric plan.

Comment 13: Are there plans to upgrade North 59th Street?

Response: The developer does not have plans to upgrade North 59th Street with this project at this current time.

Comment 14: All trash and recycling receptacles shall be enclosed on all sides with an opaque 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. When possible, the enclosure's gate shall face away from streets or adjacent land uses. All screening materials must be well maintained at



all times.

- a. Provide elevations for the trash enclosures demonstrated in the site plan.

Response: Acknowledged. Building elevations for trash enclosures provided on sheet A5.

Comment 15: Per the Multi-Family Design Guidelines, all downspouts on the buildings shall be internalized.

Response: Downspouts will be located at corners where possible and will be painted to match the building.

Comment 16: Bike racks should be provided throughout the site to allow for bike storage.

Response: Acknowledged. Civil site plan updated to denote a bike rack for each building.

Comment 17: The design layout shall preserve as much of the existing tree stand and existing elevation as possible.

Response: Acknowledged. Additional trees in the NW corner noted to be preserved.

Planning Engineering Comments:

Comment A: Items that require plan revision or additional documentation before engineering can recommend approval:

1. None

Response: Acknowledged.

Comment B: Items that are conditions of approval:

1. Detailed engineering comments are made by separate technical review of the plans and submitted directly to the applicant. Provide revised plans and responses in accordance with the engineering comments.

Response: Acknowledged.

Comment C: Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:

1. None

Response: Acknowledged.

Standard Conditions:

Comment 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.

Response: Acknowledged.

Comment 2: 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.

Response: Acknowledged.

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Comment 3: All exterior lighting, whether mounted on a building or within a parking lot must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street.

Response: Acknowledged. Photometrics updated to reflect this.

Comment 4: All existing and future driveways must feature curb cuts that are constructed to UG standards;.

Response: Acknowledged.

Comment 5: 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.

Response: Acknowledged.

Comment 6: Improvements that include land disturbance activity on greater than one (1) acre of surface area of land or include the construction or alteration of a structure 1,000 square feet or larger shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620.

Response: Acknowledged.

Comment 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.

Response: Acknowledged.

Comment 8: A Pre-Construction meeting is required for any improvements to public infrastructure upon the approval and issuance of a Development Review Committee (DRC) Permit. Any improvements to, construction or alteration of: sanitary systems, stormwater systems, public or private streets, sidewalks, or other public infrastructure will require a pre-construction meeting with the Department of Public Works. The applicant is required to contact the County Engineer at (913) 573-5400 or by info@wycokck.org prior to construction to arrange this meeting.

Response: Acknowledged.

Comment 9: BPU ground mounted transformers shall be screened on all four (4) sides from public view. Architectural screening walls are the preferred method, but landscape screening is an allowable alternative. Screening shall be designed to be solid to the view, and any designs incorporating air circulation shall not be visible. Screening height must be the greater of either six (6) feet tall or the height of the utility being screened. Designs shall show two (2) possible site orientations. Designs will also incorporate all BPU Engineering specifications and largest of all the required dimensions. Refer to attached BPU Engineering documents for details.

Response: Acknowledged.

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Comment 10: Section 27-699(b)(5) states that all outside bins or trash container areas must be completely enclosed by an architectural screen to a height not less than the height of the bin or container. No trash enclosures may be located in required yards adjacent to street right-of-way. In commercially and industrially zoned areas where the trash container will not be visible from off the property due to other screening or topographic conditions and will not be visible from public parking or pedestrian areas on the site, such trash bin screening need not be provided. In industrially zoned areas where the trash container will not be visible from residential property and where such containers are kept directly alongside the building and in a well-kept manner, such screening need not be provided.

Response: Acknowledged.

Comment 11: The Department of Planning + Urban Design shall not give approval for any temporary certificate of occupancy (TCO) or final certificate of occupancy (CO) before the completion of all required work. For any project that requires a certificate of occupancy, prior to requesting for any certificate, the applicant, permit holder, and/or property owner shall complete all items required by: Approved Plans, Codes, Ordinances, Zoning District Regulations, Planned District Requirements, Master Plan Requirements, all Design Guideline Requirements, Overlay District Requirements, and Requirements approved by the City Planning Commission and/or the UG Board of Commissioners. It is the collective responsibility of the applicant, permit holder, and property owner to ensure that any and all permits, land entitlements, deviations, or variances are obtained in advance of beginning of any work. Planning Department standards require that all required work be complete prior to requesting a TCO. The only item that is allowed to be incomplete is landscaping, which shall be complete before requesting a CO. A Bonded CO may be allowed in case of adverse weather conditions; however, all requirements must be completed for all items not secured by the bond.

Response: Acknowledged.

We hope the above comment responses, and revised plans sufficiently address all questions and comments for this project. Please reach out via email, or phone number, listed below prior if you have any additional questions or comments.

Sincerely,
Kimley-Horn and Associates, Inc.

Tyler Wysong, P.E. | Project Manager
Office: 816-652-0350 | Direct: 816-652-2334
Tyler.Wysong@Kimley-Horn.com

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NEIGHBORHOOD MEETING MATERIALS

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF MISSOURI)
) SS:
COUNTY OF JACKSON)

Comes now Amy Grant, of lawful age, sound mind and upon her oath states as follows:

1. That I am the agent for petitioner for Petition #MPL2023-017/PR2023-034/BOZA2023-051.
2. That I conducted a neighborhood meeting on November 27, 2023.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Planning + Urban Design Department.

Further affiant saith not.


Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 29th day of November, 2023.

My commission expires 29th of July, 2024.

JULIE ANN LOWREY
NOTARY PUBLIC-NOTARY SEAL
STATE OF MISSOURI
JACKSON COUNTY
MY COMMISSION EXPIRES 7/29/2024
COMMISSION # 20401259


Notary Public

November 27, 2023 Neighborhood Meeting
Marian Development – KCK Multi-Family Project
1300 N. 59th Street

Attendance:

Shelby Miles, Marian Development
Tyler Skaggs, Marian Development
Matt Jacobs, WBCS Architecture
Arrin Tieben, Kimley-Horn (Engineer)
Tyler Wysong (Kimley-Horn (Engineer)
Amy Grant – Polsinelli PC

Vicki Owens, Valerie Webb, and Nick Rodina (invitees)

The meeting began at approximately 6:00 p.m. The development team introduced themselves along with providing some information about the Marian Development Group. Amy Grant then walked through a few exhibits showing the following information:

- Gross Acres – 8.94 acres
- Access to 59th Street
- Six garden-style buildings
- 3-story buildings
- 180 Units
- 1, 2, and 3 bedroom units
- Amenities

Discussion Topics:

TRAFFIC

It was expressed that the existing 59th Street is too narrow and will not be able to handle the additional traffic generated by this development. It was stated that there have been instances of speeding and accidents as well. It was expressed that buses for school age children may be problematic due to the width of the roadway.

The development team indicated that it had completed a traffic study in accordance with the Unified Government's guidelines and the study found that no improvements are needed with the proposed development.

STORMWATER

It was expressed that there are existing drainage issues in this area, including water occasionally backing up onto 59th Street.

The development team indicated that it is aware of some of these existing issues as they relate to the subject property and are working to help resolve or fix these issues with the proposed development. The development team stated that it is required to prepare a stormwater study that meets the Unified Government's standards.

92286128.1

RENTS

The development team shared that it anticipates rents will be approximately \$576 for a one-bedroom unit and up to approximately \$1,700 a month for a three-bedroom unit.

SECURITY

Concerns were expressed about current issues in the area, including shootings and abandoned vehicles.

The development team indicated that some of its properties utilize on-site security and/or cameras when necessary.

NEED FOR APARTMENTS

It was expressed that Kansas City, Kansas does not need any more apartments. Concerns were shared about this project eventually turning into Section 8 housing if it is not managed well.

The development team shared that Marian Development Group is an owner-operated business that will have a person stake in the success of this project. The team has conducted a market study and has found that there is a need for this type of multi-family community in this area of Kansas City, Kansas. Especially given the strong job growth and market rents in the metropolitan area.

The meeting concluded at approximately 6:45 p.m.

92286128.1

November 16, 2023

SUBJECT: Neighborhood Meeting

Marian Group – 1300 N. 59th Street

Case Numbers: PR2023-034; BOZA2023-051; MPL2023-017

We have filed applications with the Department of Urban Planning and Land Use. The purpose of this:

- Preliminary Plan Review
- Master Plan Amendment
- Variance

is for a multi-family development at the following address: 1300 N. 59th Street, Kansas City, Kansas.

We are having a neighborhood meeting on **Monday, November 27, 2023 at 6:00 p.m.** via Zoom Video Conference:

To attend via telephone, dial: 1-312-626-6799

Meeting ID: 996 3446 1289

Passcode: 263996

The purpose of this meeting is to explain the proposal and to answer any questions/concerns you may have. If you would like me to email you the Zoom Link Invitation to this meeting, please contact me at agrant@polsinelli.com or (816) 572-4503.

We look forward to seeing you at the neighborhood meeting.

Sincerely,



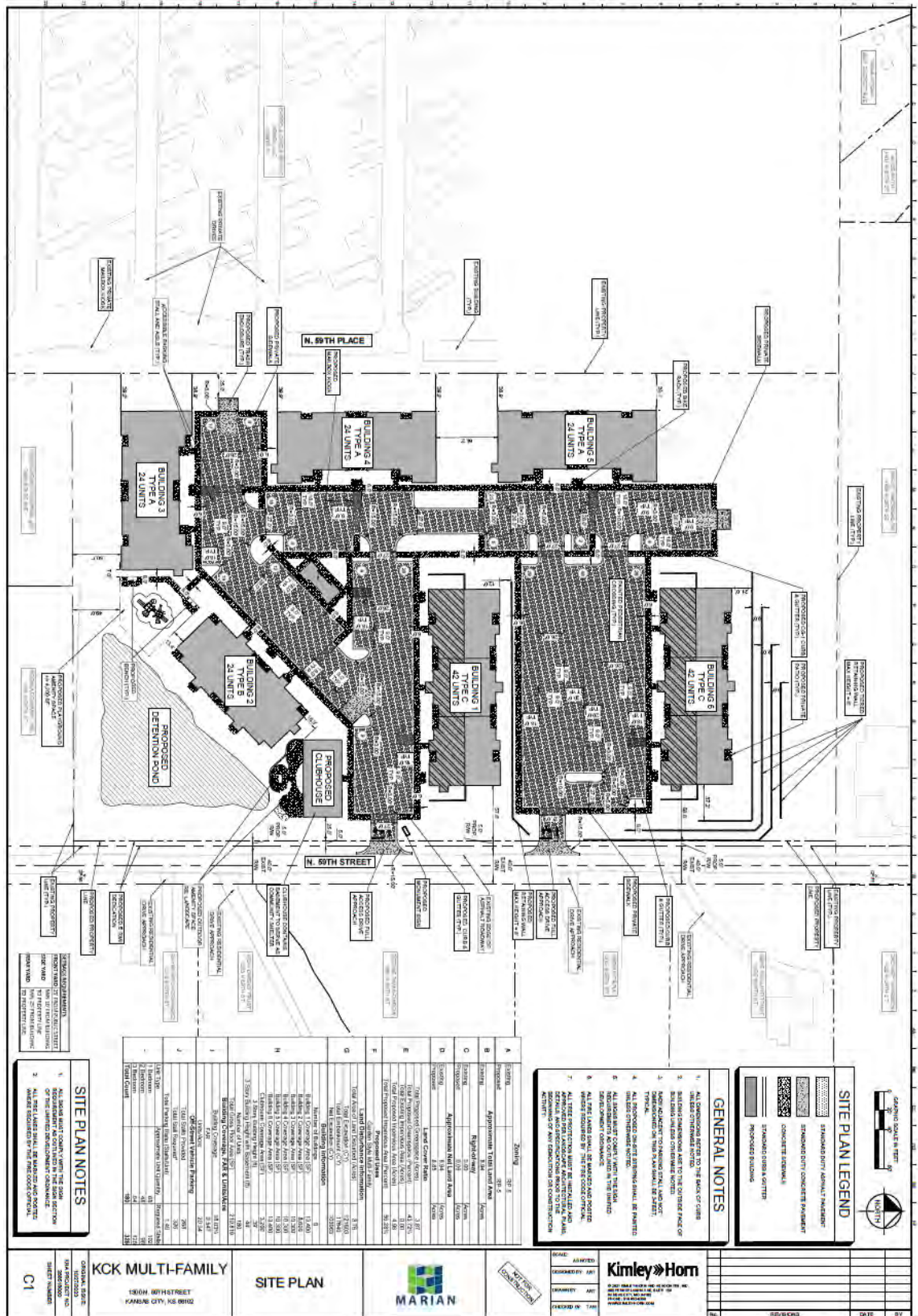
Amy Grant

Agent for Marian Group

816-572-4503, agrant@polsinelli.com

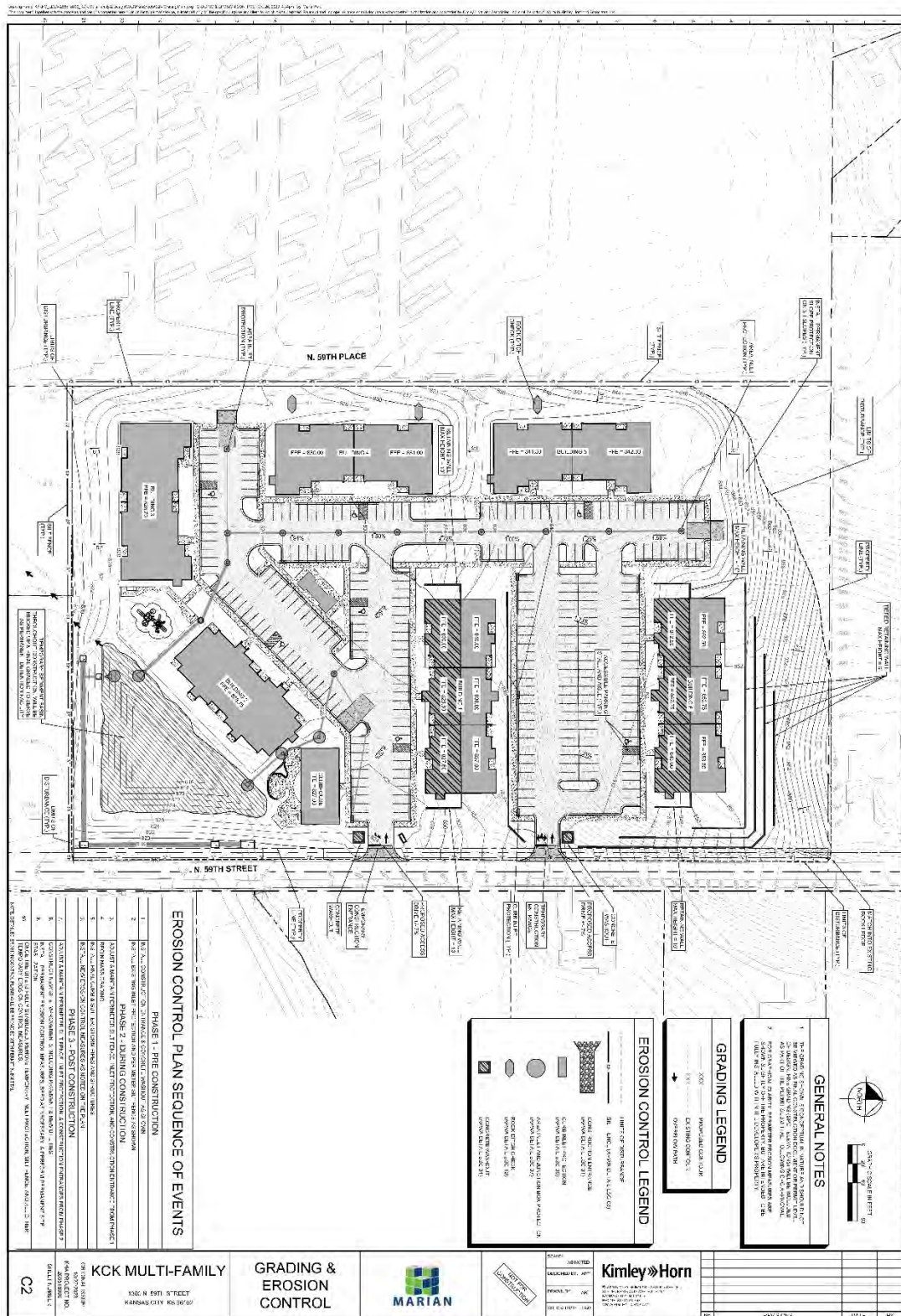
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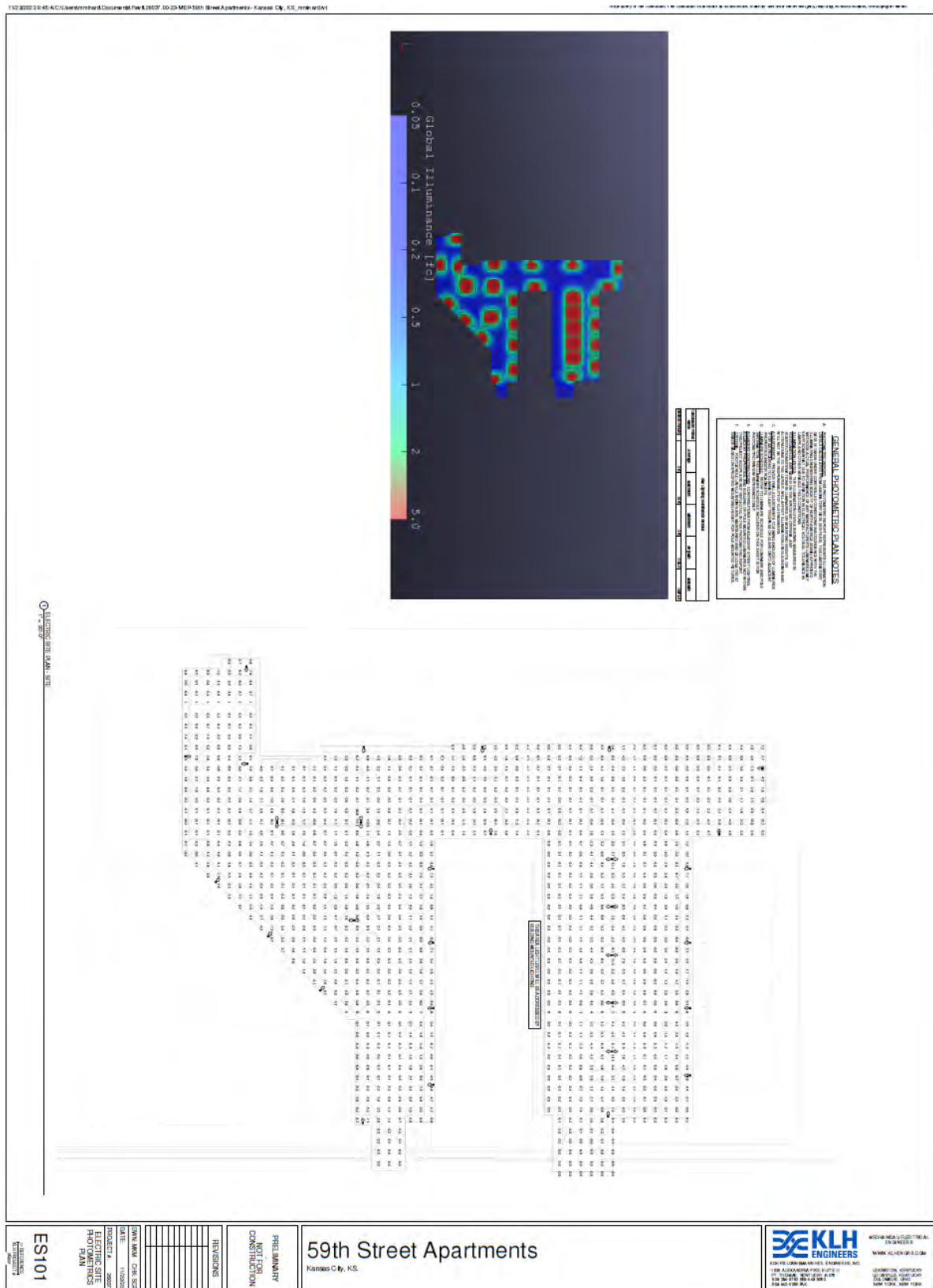
GRADING AND EROSION PLAN



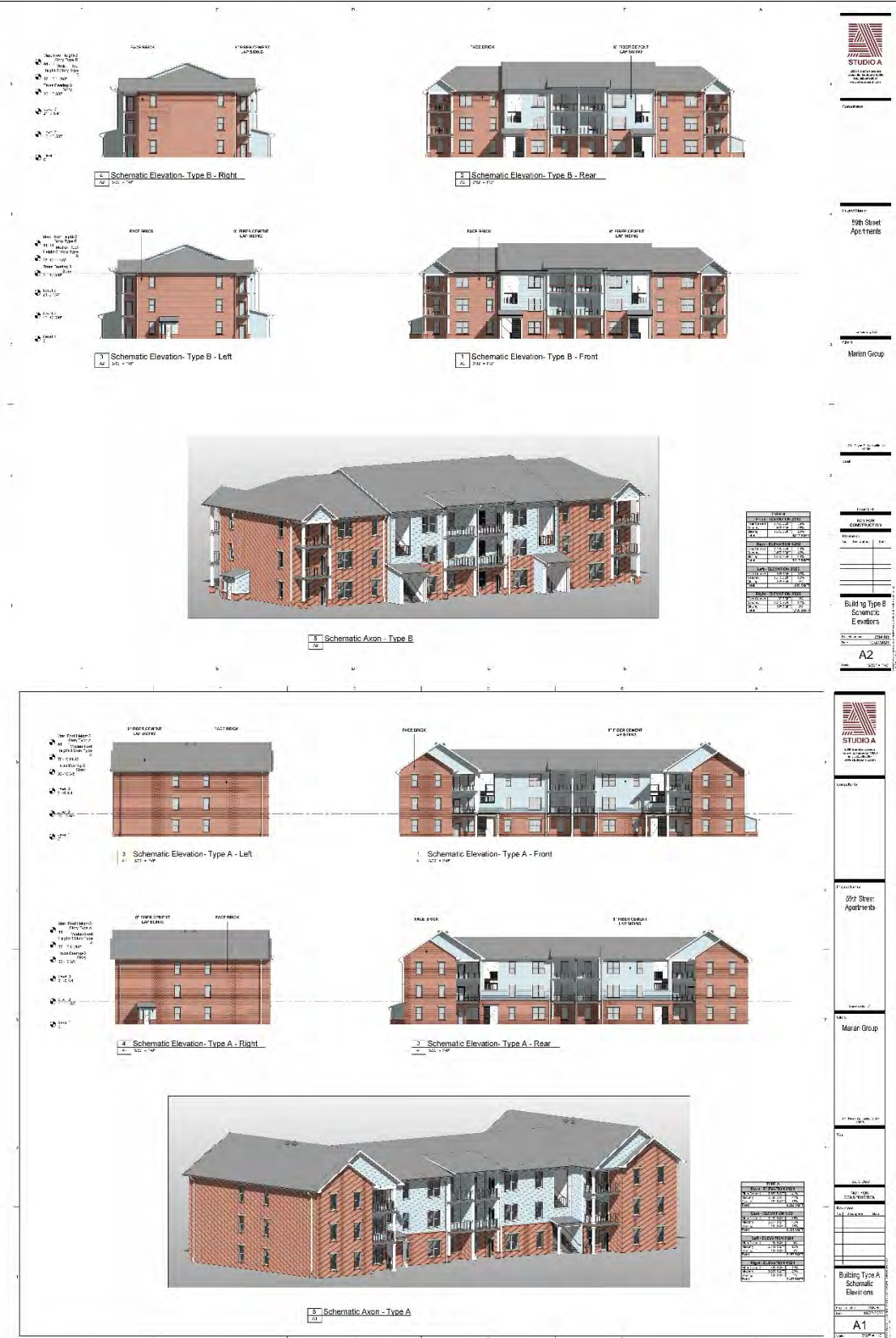
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STUDIO A
ARCHITECTURAL
CONSULTANTS

Consultants

Project Name
50th Street
Apartments

Client
Marian Group

Project No. 03

Not for Construction

Building Type C
Schematic
Elevations

A3



STUDIO A
ARCHITECTURAL
CONSULTANTS

Consultants

Project Name
50th Street
Apartments

Client
Marian Group

Project No. 03

Not for Construction

Clubhouse
Schematic
Elevations

A4

1.0 INTRODUCTION

This report serves as the traffic analysis for the proposed multifamily residential development located at 1300 N 59th Street, north of State Avenue between 59th Place and 59th Street in Kansas City, Kansas. The location of the proposed development is shown on **Exhibit 1 in Appendix A**.

1.1 REPORT PURPOSE AND OBJECTIVES

The purpose of this study is to address potential traffic and transportation impacts of the proposed development on surrounding streets and intersections. This traffic impact study was prepared based on criteria set forth by the Unified Government (UG) of Wyandotte County and City of Kansas City, Kansas *Transportation Management Guide*. The following information is provided:

- A description and map of the existing and proposed street network to be affected by the proposed development. This information includes existing and proposed roadway characteristics and existing year (2023) traffic volumes.
- Trip generation calculations based on the Institute of Traffic Engineers (ITE) *Trip Generation Manual*, 11th Edition, for the proposed development. In addition, projected trip distributions onto the street network are provided. Projected trip distributions are based on a growth rate of 1.0% over a period of 20 years.
- Analysis of impacts of the traffic generated by the proposed development on the street network, including analysis of peak period levels of service (LOS), delay times, and queuing at study area intersections.
- Evaluation of intersection sight distances at the proposed connections to the existing street network.
- Discussion of potential improvements and traffic management measures identified to mitigate operational concerns.

In summary, the study is to determine the trip generation of the multifamily residential development, assign new development trips to the street network, analyze various scenarios to determine the impacts of proposed site traffic, and identify potential mitigation measures, if necessary, to achieve acceptable operations at the study intersections.

2.0 EXISTING CONDITIONS

2.1 STUDY AREA

The proposed development site is located in the central portion of Kansas City, Kansas, and consists of approximately 8.94 acres of undeveloped land. The proposed residential development would replace the forested land on the parcel. Single-family residences are located to the north and east of the subject site, and the Carroll Creek mobile home neighborhood is located west of the site. Industrial developments are located south of the proposed development.

Through discussion with UG staff, the following intersections were included within the study area for the traffic analysis. The list provides the existing intersection control for the study intersections.

- Meadowlark Lane & Richmond Avenue (Unsignalized)
- State Avenue & 59th Street (Unsignalized)

2.2 STREET NETWORK

The existing street network within the study area includes State Avenue, 59th Street, Richmond Avenue, and Meadowlark Lane. The following provides a summary of the existing street network within the study area:

State Avenue is a four-lane divided east-west roadway located south of the subject site. At its intersection with 59th Street, State Avenue provides a dedicated left-turn lane and two through lanes on the west leg; one through lane and a shared through/right-turn travel lane are provided on the east leg. Curb and gutter and sidewalks are provided on both sides of the roadway, and the RideKC bus route 101 runs along State Avenue through the study area. State Avenue is classified in the Unified Government's (UG) Major Street Plan as a major arterial, and the posted speed limit is 40 miles per hour (MPH) through the study network. State Avenue provides access to 57th Street which has a full interchange with Interstate 70 (I-70) approximately one mile southeast of the subject site. I-70 provides direct access to downtown Kansas City and other key regional locations in addition to various freeway facilities.

Meadowlark Lane is a four-lane undivided north-south roadway located east of the subject site. At its intersection with Richmond Avenue, Meadowlark Lane provides one through lane and a shared through/right-turn travel lane on the north leg; one through lane and a shared through/left-turn travel lane are provided on the south leg. Curb and gutter and sidewalks are provided on both sides of the roadway, and the facility is classified in the UG Major Street Plan as a major arterial. Meadowlark Lane has a posted speed limit of 35 MPH. The facility provides access to other residential areas north of its intersection with Richmond Avenue and provides access to I-70 south of its intersection with State Avenue where the roadway transitions to 57th Street.

59th Street is a two-lane north-south roadway that runs along the east frontage of the subject site. Through the study area, 59th Street does not provide dedicated turn lanes at intersections and access locations. Curb and gutter and sidewalks are not provided through the study area. 59th Street is classified in the UG Major Street Plan as a local/neighborhood street, and the posted speed limit is 30 MPH through the study network. 59th Street primarily serves residential uses north of the subject site and industrial uses south of the study site.

Richmond Avenue is a two-lane east-west roadway located north of the subject site. Through the study area, Richmond Avenue does not provide dedicated turn lanes at intersections and access locations. Curb and gutter are provided along the roadway, and sidewalks are provided east of the Richmond Avenue/59th Street intersection. Richmond Avenue is classified in the UG Major Street Plan as a local/neighborhood street, and the posted speed limit is 20 MPH through the study network. Richmond Avenue primarily serves residential uses north of the subject site and west of the Richmond Avenue/59th Street intersection.

2.3 MULTIMODAL TRANSPORTATION

The area surrounding the subject site is primarily residential or undeveloped and can be characterized as suburban in nature. The study area supports multiple modes of transportation with pedestrian access provided via sidewalks along State Avenue and Meadowlark Lane. It should be noted that sidewalks are not currently provided along 59th Street. Additionally, RideKC bus route 101 operates along State Avenue, providing east-west access between downtown Kansas City and Legends Outlet Mall. Weekday service is provided with 30-minute headways between buses with less frequent service on the weekends. Bus stops for route 101 are provided outside the study area at the intersections of State Avenue/59th Place and State Avenue/Meadowlark Lane/59th Street. The bus stops at State Avenue/59th Place are designated by signs, and the bus stops at State Avenue/Meadowlark Lane/59th Street have permanent shelters.

2.4 TRAFFIC DATA COLLECTION

Turning Movement Counts (TMCs) were collected Thursday, September 28th, 2023. The turning movement count data collected is included in **Appendix B**. Based on the data collected, the AM peak hour occurred between 7:30 AM and 8:30 AM, and the PM peak hour occurred between 4:45 PM and 5:45 PM. The existing characteristics of the study intersections are shown on **Exhibit 2** and the existing conditions peak hour turning movement volumes are shown on **Exhibit 3**.

3.0 PROPOSED DEVELOPMENT

3.1 SITE DESCRIPTION

The proposed multifamily residential development would include a total of 180 residential units in five separate buildings across the subject site. A total of 270 parking stalls would be provided.

The proposed site plan is included in **Appendix C** for reference.

3.2 SITE CIRCULATION

Access to the proposed development would be provided via two full-access driveways along 59th Street. Access A (North) and Access B (South) would be located approximately 1,040 feet and 850 feet north of the State Avenue/59th Street intersection, respectively. As described in further detail later in this report, anticipated queues at the proposed access points are not expected to impact operations and circulation on-site.

Sidewalks are proposed within the development connecting parking areas and amenities to the multifamily buildings. No sidewalk connections for pedestrian access are proposed to the external sidewalk network for several reasons. To the north of the site the right-of-way is limited along 59th Street and it is more than 2,000 feet to the closest sidewalk. To the south of the site, existing parking areas and driveways for the industrial businesses as well as steep grades adjacent to the roadway preclude the ability to construct an accessible sidewalk.

3.3 TRIP GENERATION

Trip generation estimates were prepared using the ITE *Trip Generation Manual*, 11th Edition. **Table 1** shows the trip generation rates for the ITE Land Use Code (LUC) corresponding to the proposed use. **Appendix D** provides the data from the ITE *Trip Generation Manual* that were used to determine the trip generation of the proposed site.

TABLE 1: ITE TRIP GENERATION DATA

Land Use Description	ITE LUC	Unit	Daily - Weekday	AM Peak Hour	PM Peak Hour
Multifamily Housing (Low-Rise) – Not Close to Rail Transit	220	Dwelling Unit Count	6.41X + 75.31 50% in/ 50% out	0.31X + 22.85 24% in/ 76% out	0.43X + 20.55 63% in/ 37% out

For purposes of this study, site-generated trips are expected to consist of primary trips, travelling to the subject development and then returning directly to their place of origin. Primary trips reflect new traffic volumes generated by the proposed development that would approach and depart on the same route. Based on the review conducted of the subject site, it was determined that the predominant mode of transportation is individual automobiles due to limited public transportation and primarily residential developments nearby. Therefore, modal share reductions for traffic accessing the site were not considered for analysis. **Table 2** shows the site-generated traffic projections. Daily trips were rounded to the nearest multiple of ten, and peak hour trips were rounded to the nearest multiple of five.

TABLE 2: TRIP GENERATION

Land Use Description	ITE LUC	Intensity / Units	Daily	AM Peak Hour			PM Peak Hour		
				In	Out	Total	In	Out	Total
Multifamily Housing	220	180 Units	1,230	20	60	80	65	35	100

3.4 PROJECT TRIP DISTRIBUTION AND ASSIGNMENT

Trips generated by the proposed development were assigned to the street network based on the trip distributions summarized in **Table 3** below. This distribution is based on existing traffic patterns, the surrounding street network, and engineering judgement.

TABLE 3: TRIP DISTRIBUTION

Direction To/From	Percentage
North on Meadowlark Lane	10%
East on State Avenue	60%
West on State Avenue	30%
Total	100%

The trip assignment for the development is shown in **Exhibit 4**. The proposed development trip assignments were added to the Existing Conditions traffic volumes. **Exhibit 5** illustrates the Existing plus Development peak hour traffic projections.

4.0 ACCESS MANAGEMENT

4.1 ACCESS SPACING

The UG's *Transportation Management Guide* provides criteria for minimum spacing between streets, median breaks, and driveways. The site access locations are located along the west side of 59th Street, which does not have a raised median; therefore, no median breaks are required for this site.

According to the *Transportation Management Guide*, new access locations along residential/local roadways (59th Street) must be spaced further than 150 feet from that roadway's intersection with an arterial facility (State Avenue). Access A and Access B are located approximately 1,040 feet and 850 feet north of the State Avenue/59th Street intersection, respectively. These distances are greater than the minimum required 150 feet, and therefore, Access A and Access B comply with these guidelines.

4.2 DRIVEWAY THROAT LENGTH

A driveway's throat length is the distance along a driveway from the intersecting roadway to the first location on site where a driver can make a turn. Adequate throat lengths minimize the potential for inbound traffic to queue onto the public street. The throat length also provides space for outbound traffic to queue without adversely impacting site circulation.

According to the *Transportation Management Guide*, the minimum throat length for access points located on residential/local roadways is 50 feet. The proposed throat length at Access A is approximately 50 feet, and the proposed throat length at Access B is approximately 40 feet. While the throat distance at Access B does not meet UG policy, the projected 95th percentile queues at the driveway access are approximately one vehicle (25 feet) or less during both peak hours. Because the proposed driveway throat length can accommodate this length, the anticipated queues are not expected to negatively impact on-site circulation. Additionally, due to relatively low traffic volumes on 59th Street, impacts to mainline flow are not expected due to inbound vehicle delay.

4.3 AUXILIARY TURN LANES

The *Transportation Management Guide* also includes criteria for warranting right- and left-turn lanes at intersections.

Turn lanes were evaluated at the unsignalized intersection of State Avenue/59th Street. An eastbound left-turn lane is already provided at the intersection. To determine whether a westbound right-turn lane was warranted at the intersection, the Existing Plus Development Traffic Projections and the Future (2043) Build Traffic Projections were compared to volume thresholds provided in the *Transportation Management Guide* for four-lane facilities with a 40 MPH operating speed. Based on the criteria provided, traffic projections for both scenarios do not satisfy the right-turn lane warrant, so a westbound right-turn lane was not included in the analysis of Existing Plus Development and Future (2043) Build conditions.

Projected traffic volumes at Meadowlark Lane/Richmond Avenue and the new access locations along 59th Street were significantly lower than turn-lane thresholds provided in *Transportation Management Guide*. Therefore, new turn lanes at these intersections were not included in the analysis of Existing Plus Development and Future (2043) Build conditions.

4.4 INTERSECTION SIGHT DISTANCE

Sight distance is the length of a roadway that is visible to a driver. Sufficient sight distances should be provided to allow drivers to control their vehicles and avoid collisions. There are several aspects of sight distances that are applicable to the proposed site driveway intersection. First, intersection sight distance is provided to allow the drivers of stopped vehicles to depart from their intersection approach and enter or cross the uncontrolled street. Intersection sight distances are generous, allowing enough distance for the stopped driver to complete their turning or crossing maneuver without requiring through traffic on the uncontrolled street to reduce their speed. Second, stopping sight distance is the length to enable a driver to react and stop their vehicle before reaching an object in its path.

Sight distances were measured in the field at the proposed Access A and Access B along 59th Street and are included in **Table 4**. The measured sight distances were compared to the recommended stopping and intersection sight distances from *A Policy on Geometric Design of Highways and Streets* (7th Edition), also referred to as the AASHTO Green Book published by the American Association of State Highway and Transportation Officials (AASHTO). The width of 59th Street was accounted for when determining the recommended intersection sight distance.

TABLE 4: SIGHT DISTANCES

Intersection	Direction Looking	Intersection Sight Distance (feet)		Stopping Sight Distance (feet)	
		Field Measurement	Recommended	Field Measurement	Recommended
59 th Street & Access A	North	305	290	260	200
	South	> 500	335	> 500	200
59 th Street & Access B	North	475	290	425	200
	South	> 500	335	> 500	200

The field measurements in **Table 4** indicate that sight distances are adequate at the proposed site intersections with 59th Street.

5.0 INTERSECTION CAPACITY ANALYSIS

5.1 LEVEL OF SERVICE OVERVIEW

Intersection capacity analysis was performed at the study intersections for the following three scenarios:

- Existing Conditions (Year 2023)
- Existing plus Development Conditions
- Future Conditions (Year 2043)

The capacity analysis was performed for the weekday AM and PM peak hours using Synchro traffic modeling software to determine intersection delay and level of service (LOS). Calculations were performed based on the methodologies outlined in the *Highway Capacity Manual (HCM)*, 6th Edition, which is published by the Transportation Research Board.

LOS is a quantitative measure used by traffic engineers to describe the operations of an intersection. It ranges from A to F, with A being the best and F being the worst level of operation. LOS A conditions are characterized by minimal vehicle delay and free-flow conditions, while LOS F is characterized by long vehicle delay – usually when demand exceeds available roadway capacity. Although LOS E is defined as at-capacity, LOS D is generally considered the minimum acceptable level of operation at an intersection.

Table 5 shows the definition of LOS for unsignalized and signalized intersections.

TABLE 5: LEVEL OF SERVICE

Level of Service	Average Control Delay (seconds/vehicle) at:	
	Unsignalized Intersections	Signalized Intersections
A	0 – 10	0 – 10
B	> 10 – 15	> 10 – 20
C	> 15 – 25	> 20 – 35
D	> 25 – 35	> 35 – 55
E	> 35 – 50	> 55 – 80
F	> 50	> 80

Levels of service are evaluated based on the movement groupings which are required to yield to other traffic. Typically, these are left turns off the major street and the side street approaches for two-way stop-controlled intersections. For signalized intersections each movement grouping is evaluated, and LOS is evaluated for the intersection as a whole.

The *Transportation Management Guide* states that LOS D is the minimum desirable LOS on arterial and collector roadways. LOS E is acceptable for individual turning movements at signalized intersections. LOS E and F may be considered acceptable for unsignalized intersections with low to moderate traffic volumes where the installation of a traffic signal is not warranted by the conditions at the intersection, or the location has been deemed undesirable for signalization.

The volume-to-capacity (v/c) ratio is a secondary measure of intersection performance. The v/c ratio represents the sufficiency of an intersection to accommodate the vehicular demand. A v/c ratio less than 0.85 generally indicates that adequate capacity is available, and vehicles are not expected to experience significant queues and delays. As the v/c ratio approaches 1.0, traffic flow may become unstable, and delay

and queuing conditions may occur. Once the demand exceeds the capacity (a v/c ratio greater than 1.0), traffic flow is unstable and excessive delay and queuing is expected.

Traffic queues were also evaluated as part of the analyses. Long traffic queues which extend beyond the amount of storage available, either between intersections or within turn lanes, can have significant impacts on operations. The 95th percentile vehicular queues were analyzed to ensure the analyses are reflective of the physical constraints of the study intersections and to identify if additional storage is needed for turn lanes. The 95th percentile queue represents the queue length that has only a 5% chance of being exceeded during the analysis period.

5.2 EXISTING (YEAR 2023) ANALYSIS

Capacity analysis was conducted for existing traffic conditions at the study intersections to determine baseline conditions for the existing analysis year and to calibrate the models. The analysis was performed for weekday AM and PM peak hours and is based on the traffic volumes, lane configurations, and traffic controls shown in **Exhibits 2 and 3**. The Synchro reports are provided in **Appendix E**.

Table 6 provides a summary of the capacity analysis at the study intersections.

TABLE 6: EXISTING (YEAR 2023) PEAK HOUR CONDITIONS

Intersection	Control	Movement	Operational Analysis Results							
			AM Peak Hour				PM Peak Hour			
			Delay (sec/veh)	LOS	95% Queue	V/C Ratio	Delay (sec/veh)	LOS	95% Queue	V/C Ratio
Meadowlark Lane and Richmond Ave	Minor- Leg Stop	EB	11.1	B	3'	0.040	13.5	B	6'	0.049
		NBL	8.0	A	0'	0.001	8.2	A	0'	0.005
State Avenue and 59 th Street	Minor- Leg Stop	EBL	8.0	A	0'	0.009	8.8	A	0'	0.011
		SB	12.6	B	3'	0.044	15.2	C	8'	0.084

The results in **Table 6** indicate that the study area intersections currently operate at acceptable levels of service with nominal amounts of delay. All 95th percentile queues are no more than one vehicle in length, and do not impact adjacent driveways or access points.

5.3 EXISTING PLUS DEVELOPMENT ANALYSIS

Capacity analyses were conducted for Existing plus Development Conditions at the study intersections to determine the impact of site generated traffic from the proposed development. The analysis was performed for weekday AM and PM peak hours and is based on the traffic volumes, lane configurations, and traffic controls shown in **Exhibits 2 and 5**. The Synchro reports are provided in **Appendix E**.

Table 7 provides a summary of the capacity analysis at the study intersections.

TABLE 7: EXISTING PLUS DEVELOPMENT (YEAR 2023) PEAK HOUR CONDITIONS

Intersection	Control	Movement	Operational Analysis Results							
			AM Peak Hour				PM Peak Hour			
			Delay (sec/veh)	LOS	95% Queue	V/C Ratio	Delay (sec/veh)	LOS	95% Queue	V/C Ratio
Meadowlark Lane and Richmond Ave	Minor-Leg Stop	EB	11.6	B	3'	0.047	13.9	B	6'	0.063
		NBL	8.1	A	0'	0.001	8.2	A	0'	0.005
State Avenue and 59 th Street	Minor-Leg Stop	EBL	8.1	A	0'	0.014	9.0	A	3'	0.035
		SB	13.5	B	15'	0.161	18.8	C	18'	0.201
59 th Street and Access A	Minor-Leg Stop	EB	8.6	A	3'	0.037	8.8	A	3'	0.022
		NBL	7.3	A	0'	0.007	7.3	A	3'	0.024
59 th Street and Access B	Minor-Leg Stop	EB	8.7	A	3'	0.028	8.7	A	3'	0.017
		NBL	7.3	A	0'	0.004	7.4	A	3'	0.017

As shown in **Table 7**, the addition of trips from the proposed development is expected to have minimal impact on the operation of the existing intersections. The study area intersections are anticipated to continue operating acceptably with minimal levels of delay. The proposed access locations are projected to operate acceptably during the peak periods analyzed, and the projected 95th percentile queues are not expected to impact operations on site.

5.4 FUTURE (YEAR 2043) ANALYSIS

For the future year, background traffic growth was added to the existing traffic volumes, then the proposed development site trips were added. To estimate background traffic growth, the existing traffic volumes at the study intersections were assumed to increase at a rate of 1.0% per year for a 20-year planning horizon.

Capacity analyses were conducted for future traffic conditions at the study intersections to determine the need for capacity improvements within the study network in the future. The analysis was performed for weekday AM and PM peak hours and is based on the traffic volumes, lane configurations, and intersection controls shown on **Exhibits 2 and 6**. The Synchro reports are provided in **Appendix E**.

Table 8 provides a summary of the capacity analysis at the study intersections.

TABLE 8: FUTURE (YEAR 2043) PEAK HOUR CONDITIONS

Intersection	Control	Movement	Operational Analysis Results							
			AM Peak Hour				PM Peak Hour			
			Delay (sec/veh)	LOS	95% Queue	V/C Ratio	Delay (sec/veh)	LOS	95% Queue	V/C Ratio
Meadowlark Lane and Richmond Ave	Minor- Leg Stop	EB	12.6	B	6'	0.054	16.5	C	9'	0.094
		NBL	8.3	A	0'	0.001	8.5	A	0'	0.005
State Avenue and 59 th Street	Minor- Leg Stop	EBL	8.3	A	0'	0.015	9.5	A	3'	0.039
		SB	15.6	C	20'	0.205	24.9	C	30'	0.297
59 th Street and Access A	Minor- Leg Stop	EB	8.6	A	3'	0.037	8.8	A	3'	0.023
		NBL	7.3	A	0'	0.007	7.4	A	3'	0.024
59 th Street and Access B	Minor- Leg Stop	EB	8.7	A	3'	0.028	8.7	A	3'	0.018
		NBL	7.3	A	0'	0.004	7.4	A	3'	0.018

As shown in **Table 8**, the study area intersections are projected to continue operating at acceptable levels of delay with little change from the existing or existing plus development scenarios. Slight increases of delay are anticipated across the study area, although projected queue lengths are not expected to impact adjacent driveways or access points. The proposed access locations are anticipated to operate with nominal levels of delay and queuing.

6.0 CONCLUSIONS AND RECOMMENDATIONS

A traffic impact study for the proposed multifamily residential development at 1300 59th Street has been prepared by Kimley-Horn. The site is located north of State Avenue between 59th Place and 59th Street in Kansas City, Kansas. The purpose of this study was to assess the impact of the proposed development on the surrounding transportation system. The following provides a summary of the analysis.

Intersection capacity analysis was performed at the study intersections for the following three scenarios:

- Existing Conditions (Year 2023)
- Existing plus Development Conditions
- Future Conditions (Year 2043)

The development is expected to generate primary trips, with the total number of trips anticipated at 1,230 daily trips, 80 trips in the weekday morning peak hour, and 100 trips in the weekday evening peak hour. Drivers will access the site via two proposed full-access driveways along 59th Street.

All study area intersections were determined to operate acceptably under existing conditions without significant delay or queuing. In the analysis of Existing Plus Development and Future (2043) Build conditions, all study area intersections are expected to continue operating acceptably with minimal delay or queuing. A westbound right-turn lane at the State Avenue/59th Street intersection was found to be unwarranted based on calculated volume projections for the Existing Plus Development and Future (2043) Build scenarios.



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





Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: January 11, 2024

Re: Preliminary Plan Review Petition PR2023-034 and
Master Plan Amendment Petition MPL2023-017

GENERAL INFORMATION

Applicant:

Curtis Petersen

Status of Applicant:

Representative
Polsinelli PC
900 West 48th Place, Suite 900
Kansas City, MO

Requested Action:

Approval of a Preliminary Plan Review.

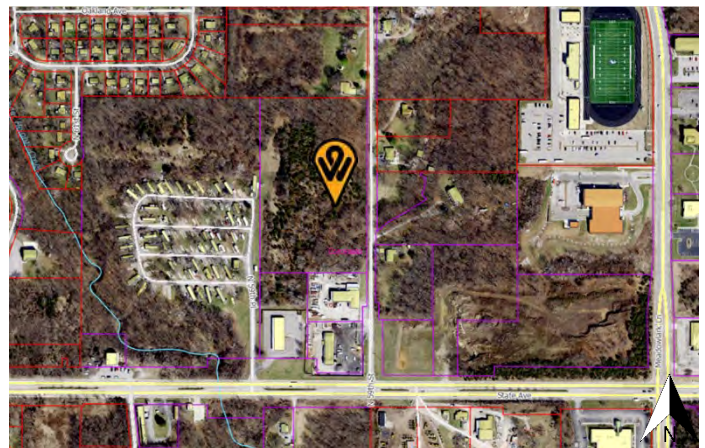
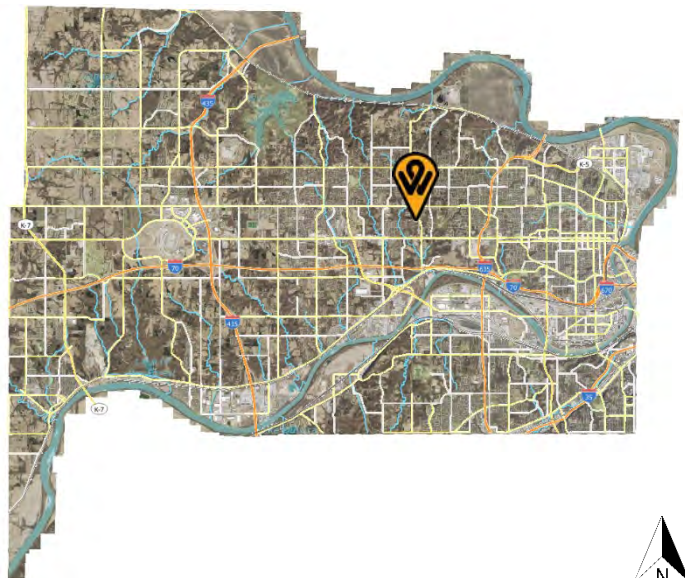
Approval of a Master Plan Amendment.

Date of Application:

October 27, 2023

Purpose:

To approve a Master Plan Amendment from Medium-Density Residential to High-Density Residential in the City-Wide Comprehensive Plan and Preliminary Plan Review to develop a 180-unit apartment building.



Commission Districts:	Commissioner At-Large, District #1: Melissa Bynum District #8 Commissioner: Andrew Davis		
Existing Zoning:	RP-5 Planned Apartment District		
Adjacent Zoning:	North:	R-2 Two-Family District	
	South:	C-3 Commercial District	
	East:	RP-5 Planned Apartment District	
	West:	RP-5 Planned Apartment District	
Adjacent Uses:	North:	Single-family residence	
	South:	Commercial Buildings	
	East:	Single-family residence	
	West:	Mobile home park	
Total Tract Size:	8.94 Acres		
Master Plan Designation:	The City-Wide Comprehensive Plan designates the subject property as Medium Density Residential, which allows for garden-style apartments, townhouses, duplexes, and fourplexes. The applicant is seeking a Master Plan Amendment to High-Density Residential, which allows for mid-rise and high-rise apartment buildings.		
Major Street Plan:	The goDotte County-Wide Mobility Plan designates North 59 th Street as a Local Street.		
Parking Requirement:	Section 27-460 states “One and one-half (1.5) parking spaces shall be provided for each dwelling unit that has one (1) bedroom or less. Two (2) parking spaces shall be provided for each dwelling unit that has two (2) bedrooms or more”. The proposed development has 68 one (1) bedroom units, 48 two (2) bedroom units and 64 three (3) bedroom units, which requires 326 parking spots. The appellant is proposing to provide 268 parking spots, a violation of 58 parking spaces. The applicant has filed for a variance in conjunction with this application.		

PROPOSAL

Detailed Outline of Requested Action: The applicant, Curtis Petersen, is requesting a Master Plan Amendment from Medium-Density Residential to High-Density Residential in the City-Wide Comprehensive Plan and a Preliminary Plan Review to develop at 180-unit apartment building at 1300 North 59th Street.

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

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

Building, Zoning, or Code Enforcement Complaints:

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

Outstanding or Related Permits and Cases:

1. 2023 – BOZA2023-051 – Variance for Parking

FACTORS TO BE CONSIDERED

Master Plan Amendment:

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

This Master Plan Amendment is necessitated due to the proposed density on the property, which will be approximately 20 units per acre, well over the maximum of 12 units per acre allowed in the Medium-Density Residential designation. This amendment, however, does align with the goals of the Comprehensive Plan, which seeks to provide density along, or in close proximity to State Avenue, a Transit-Oriented Development (TOD) corridor and matches the current zoning designation of RP-5 Planned Apartment District.

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

The property is located along State Avenue, a mixed-use corridor that runs west into Leavenworth County and east into Downtown KCK. The proposed Master Plan Amendment is consistent with the goals of the Comprehensive Plan as to provide more dense housing along or in close proximity to State Avenue, much of which has been designated for mixed-use development.

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

See Preliminary Plan Review Factor #4.

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

The proposed amendment would not result in a conflict with the Comprehensive Plan, as the plan intends to provide housing density along and in close proximity to State Avenue. The amendment will also not create regulatory conflicts, as the property is currently zoned RP-5 Planned Apartment District.

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

The proposed amendment will allow for the property to be developed according to the Comprehensive Plan's Multi-Family Design Guidelines, which will limit the impact on existing and surrounding uses.

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

The proposed use will create more benefits for the community as compared to the costs on the community. This proposal seeks to construct 180 apartment units of varying unit types (including one-, two-, and three-bedroom units) in close proximity to a major mixed-use and transit corridor.

Preliminary Plan Review:

1. *Neighborhood character.*

The property is within the Coronado Statistical Neighborhood, the Leavenworth Road Association (LRA) and the Coronado Ridge Neighborhood Group. The neighborhood consists of a diversity of uses, including single-family residences, multi-family residences, commercial uses along State Avenue, institutional uses such as schools, and storage for Kansas City Kansas Public Schools and the Kansas City Kansas Housing Authority.

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

The proposed use will result in an increase in traffic and parking demand as it is a new development on a previously undeveloped piece of land. The applicant's traffic study shows a substantial increase in traffic along North 59th Street, with counts taken and projected at the intersections of Richmond and Meadowlark as well as 59th & State Avenue. Despite this, the traffic study determined that the existing roadway should be able to handle the projected increase in traffic without major concerns.

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

The City-Wide Comprehensive Plan designates the property as Medium-Density Residential, which allows for garden-style apartments, townhouses, duplexes, and fourplexes. The applicant is requesting a Master Plan Amendment to High-Density Residential, which allows mid-rise and high-rise residential developments. While the proposed use in scope would conform to the Medium-Density Residential designation, the proposed density necessitates the Master Plan Amendment. The applicant is proposed 20 units per acre, over the 12-unit threshold for Medium-Density Residential.

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

a. *Water service*

BPU provides water service.

b. *Sanitary sewer service*

The UG would provide sanitary sewer service.

c. *Storm water control*

Storm water control would be developed as a part of this new development.

d. *Police*

Police service is provided by the East Patrol, District #224

e. *Fire*

Fire service is provided by Station #2, 0.25 miles away from the subject property.

f. *Transit*

Public Transit is provided by KCATA Route #101 – State Avenue, with a stop two (2) blocks away at Meadowlark and State Avenue.

g. *Schools*

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

5. *The capability of the proposed use to meet applicable ordinance and other requirements.*

With revisions to the proposed plan, the proposed use is capable of meeting applicable ordinance requirements.

PREVIOUS ACTIONS

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

NEIGHBORHOOD MEETING

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

KEY ISSUES

Building Facades
Landscaping
Lighting
Multi-Family Design Guidelines
Pedestrian Connections
Preservation of Existing Conditions
Sidewalks
Trash Enclosures
Upgrades to North 59th Street

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 1 to recommend **APPROVAL** of Master Plan Amendment MPL2023-017 and PR2023-034, subject to:

1. **These City Planning Commission cases are being heard in conjunction with BOZA2023-051, which is a parking variance. Approval of these entitlements is subject to this Variance request;**
2. **Sidewalks are required as part of the High-Density Residential designation in the City-Wide Comprehensive Plan. Due to the narrow width of the roadway, the parking variance being sought and the expectancy of increased pedestrian traffic, the applicant shall work with Planning staff to construct a 6-foot sidewalk, or less as permitted within the existing right-of-way, subject to any necessary temporary construction easements, spanning from the southern entrance into the property, south to State Avenue.**
3. **Per the Multi-Family Residential Design Guidelines:**
 - a. **Pedestrian walkways and sidewalks shall be a minimum of six feet (6') wide.**

- b. All pedestrian walkways shall be designed to provide direct access and connections to and between the following:
 - c. The primary entrance or entrances to each principal multi-family building; and,
 - d. To any sidewalks or walkways on adjacent properties that extend to the boundaries shared with the multi-family development;
- 4. The applicant is seeking a deviation from the required amenities in the Multi-Family Design Guidelines. The applicant is seeking to provide one (1) large amenity with the clubhouse and two (2) small amenities with the playground and picnic area. The picnic area while providing the required elements of a large amenity, does not provide the square footage, necessitating the deviation; **(Deviation Approved)**
- 5. In addition to establishing greater pedestrian connectivity throughout the development, where there are major parking lot crossings, crosswalks and/or other traffic calming devices shall be painted in the drive aisles, so residents and guests are alert to look for pedestrians;
- 6. Sec. 27-460(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 8.94 acres, which requires 86 trees, 22 additional evergreen or shade trees and 180 shrubs for buffering per the zoning district;

- 7. Additional landscaping shall be added along the eastern frontage in the form of trees, shrubs or bushes, with particular attention around the parking lot and the retaining walls in order to screen parking from public view;
- 8. Landscaping shall be irrigated;
- 9. 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 (FEMA Publication 320 or 361).

Multi-family apartments are required to have a storm shelter either in a basement or community shelter that can accommodate all residents within the multi-family units;

- 10. All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street. Interior parking lots lights shall have 90-degree cutoff fixtures;
- 11. All trash and recycling receptacles shall be enclosed on all sides with an opaque 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. When possible, the enclosure's gate shall face away from streets or

- adjacent land uses. All screening materials must be well maintained at all times;
12. Downspouts shall be painted to architecturally blend into the building and located at corners of the building where possible.
 13. Bike racks should be provided throughout the site to allow for bike storage.
 14. The design layout shall preserve as much of the existing tree stand and existing elevation as possible;
 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. 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. All exterior lighting, whether mounted on a building or within a parking lot must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
 18. All existing and future driveways must feature curb cuts that are constructed to UG standards;
 19. 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.
 20. Improvements that include land disturbance activity on greater than one (1) acre of surface area of land or include the construction or alteration of a structure 1,000 square feet or larger shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;
 21. A Right-of-Way Permit is required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
 22. A Pre-Construction meeting is required for any improvements to public infrastructure upon the approval and issuance of a Development Review Committee (DRC) Permit. Any improvements to, construction or alteration

- of: sanitary systems, stormwater systems, public or private streets, sidewalks, or other public infrastructure will require a pre-construction meeting with the Department of Public Works. The applicant is required to contact the County Engineer at (913) 573-5400 or by info@wycokck.org prior to construction to arrange this meeting;
23. BPU ground mounted transformers shall be screened on all four (4) sides from public view. Architectural screening walls are the preferred method, but landscape screening is an allowable alternative. Screening shall be designed to be solid to the view, and any designs incorporating air circulation shall not be visible. Screening height must be the greater of either six (6) feet tall or the height of the utility being screened. Designs shall show two (2) possible site orientations. Designs will also incorporate all BPU Engineering specifications and largest of all the required dimensions. Refer to attached BPU Engineering documents for details;
 24. 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; and,
 25. The Department of Planning + Urban Design shall not give approval for any Temporary Certificate of Occupancy (TCO) or Final Certificate of Occupancy (CO) before the completion of all required work. For any project that requires a certificate of occupancy, prior to requesting for any certificate, the applicant, permit holder, and/or property owner shall complete all items required by: Approved Plans, Codes, Ordinances, Zoning District Regulations, Planned District Requirements, Master Plan Requirements, all Design Guideline Requirements, Overlay District Requirements, and Requirements approved by the City Planning Commission and/or the UG Board of Commissioners. It is the collective responsibility of the applicant, permit holder, and property owner to ensure that any and all permits, land entitlements, deviations, or variances are obtained in advance of beginning of any work. Planning Department standards require that all required work be complete prior to requesting a TCO. The only item that is allowed to be incomplete is landscaping, which shall be complete before requesting a CO. A Bonded CO may be allowed in case of adverse weather conditions; however, all requirements must be completed for all items not secured by the bond; and,
 26. Any damage to the public right-of-way as a result of the building of the project must be repaired to UG Standards post construction.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners concur with the findings contained within the staff report related to *Factors to be Considered* and *Key Issues* and recommends **APPROVAL** of Petitions **PR2023-034** and **MPL2023-017** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

December 11, 2023 City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Applicant Response Letter
Neighborhood Meeting Materials
Site Plan
Landscape Plan
Grading Plan
Utility Plan
Photometric Plan
Elevations
Traffic Impact Study
Site Photos, Taken by Staff, Dated November 10, 2023

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>City Planning Commission</u>	<u>Unified Government Board of Commissioners</u>
Public Hearing	December 11, 2023	January 11, 2024
Rezoning	Approval	
Master Plan	December 11, 2023	January 11, 2024
	Approval	

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

MOTIONS

Preliminary Plan Review

I move the Unified Government Board of Commissioners **APPROVE** Petition **PR2023-034** as meeting all the requirements of the city code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to

resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **PR2023-034**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

Master Plan Amendment

I move the Unified Government Board of Commissioners **APPROVE** Petition **MPL2023-017** as meeting all the requirements of the city code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **MPL2023-017**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

December 11, 2023 City Planning Commission Minutes:

Hearing starts at 4:11:50:

MASTER PLAN AMENDMENT APPLICATION MPL2023-017 – CURTIS PETERSEN WITH POLSINELLI - SYNOPSIS: Master Plan Amendment from Medium-Density Residential to High-Density Residential (Citywide Comprehensive Plan) at 1300 North 59th Street.

PLAN REVIEW APPLICATION PR2023-034 – CURTIS PETERSEN WITH POLSINELLI - SYNOPSIS: Preliminary Plan Review to construct a multi-family development at 1300 North 59th Street.

Detailed Outline of Requested Action: The applicant, Curtis Petersen, is requesting a Master Plan Amendment from Medium-Density Residential to High-Density Residential in the City-Wide Comprehensive Plan and a Preliminary Plan Review to develop a 180-unit apartment building at 1300 North 59th Street.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated December 11, 2023;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The publication in The Echo for the Master Plan Amendment;
7. The Notices to property owners; and,
8. The testimony at the Board of Zoning Appeals meeting earlier this evening.

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

Present in Support:

- Curtis Petersen, applicant, Polsinelli PC, 900 West 48th Place, Suite 900, Kansas City, Missouri
- Amy Grant, Polsinelli PC, 900 West 48th Place, Suite 900, Kansas City, Missouri

Present in Opposition:

- Vickie Owens, 1233 North 59th Street, Kansas City, Kansas 66102
- Gene Holland, 1325 North 59th Street, Kansas City, Kansas 66102
- Betsy Rivas, 1425 North 59th Street, Kansas City, Kansas 66102
- Zachery Harrison, 1425 North 59th Street, Kansas City, Kansas 66102

Mr. Petersen addressed the comments of the opposition.

Staff Recommendation starts at 4:1:22: Planning Director Hand stated that these applications are being heard in conjunction with BOZA2023-051 for a parking variance that was approved by the Board of Zoning Appeals earlier this evening. The proposal is for a 180-unit apartment complex. The property is in the Citywide Comprehensive Plan in the Midtown Area. Staff received no letters in support and no letters in opposition before this evening. There are no Notices of Violation. Staff recommends approval with conditions, including the Multi-Family Design Guidelines and a final development plan will be required in the future. Staff agrees with the changes to Conditions #2 and #12. The Planning Commission could also add a condition that any post construction deterioration in the road needs to be repaired. He stated this has been done on multiple cases in the past.

Motion starts at 4:43:51:

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

017:

Carson	Chairman
Mohler	Aye
Straws	Aye
Ward	Aye
Armstrong	Aye
Beth	No
Connelly	Not Present
Eilts	Aye
Ernst	Aye
Jones	Aye
Miller	Not Present

Motion to recommend **APPROVAL** Passed: 7 to 1

Subject to:

1. These City Planning Commission cases are being heard in conjunction with BOZA2023-051, which is a parking variance. Approval of these entitlements is subject to this Variance request;
2. Sidewalks are required as part of the High-Density Residential designation in the City-Wide Comprehensive Plan. Due to the narrow width of the roadway, the parking variance being sought and the expectancy of increased pedestrian traffic, the applicant shall work with Planning staff to construct a 6-foot sidewalk, or less as permitted within the existing right-of-way, subject to any necessary temporary construction easements, spanning from the southern entrance into the property, south to State Avenue.
3. Per the Multi-Family Residential Design Guidelines:
 - a. Pedestrian walkways and sidewalks shall be a minimum of six feet (6') wide.
 - b. All pedestrian walkways shall be designed to provide direct access and connections to and between the following:

- c. The primary entrance or entrances to each principal multi-family building; and,
 - d. To any sidewalks or walkways on adjacent properties that extend to the boundaries shared with the multi-family development;
- 4. The applicant is seeking a deviation from the required amenities in the Multi-Family Design Guidelines. The applicant is seeking to provide one (1) large amenity with the clubhouse and two (2) small amenities with the playground and picnic area. The picnic area while providing the required elements of a large amenity, does not provide the square footage, necessitating the deviation; **(Deviation Approved)**
- 5. In addition to establishing greater pedestrian connectivity throughout the development, where there are major parking lot crossings, crosswalks and/or other traffic calming devices shall be painted in the drive aisles, so residents and guests are alert to look for pedestrians;
- 6. Sec. 27-460(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 8.94 acres, which requires 86 trees, 22 additional evergreen or shade trees and 180 shrubs for buffering per the zoning district;

- 7. Additional landscaping shall be added along the eastern frontage in the form of trees, shrubs or bushes, with particular attention around the parking lot and the retaining walls in order to screen parking from public view;
- 8. Landscaping shall be irrigated;
- 9. 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 (FEMA Publication 320 or 361).

Multi-family apartments are required to have a storm shelter either in a basement or community shelter that can accommodate all residents within the multi-family units;

- 10. All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street. Interior parking lots lights shall have 90-degree cutoff fixtures;
- 11. All trash and recycling receptacles shall be enclosed on all sides with an opaque 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. When possible, the enclosure's gate shall face away from streets or adjacent land uses. All screening materials must be well maintained at all times;

12. Downspouts shall be painted to architecturally blend into the building and located at corners of the building where possible.
13. Bike racks should be provided throughout the site to allow for bike storage.
14. The design layout shall preserve as much of the existing tree stand and existing elevation as possible;
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. 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. All exterior lighting, whether mounted on a building or within a parking lot must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
18. All existing and future driveways must feature curb cuts that are constructed to UG standards;
19. 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.
20. Improvements that include land disturbance activity on greater than one (1) acre of surface area of land or include the construction or alteration of a structure 1,000 square feet or larger shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;
21. A Right-of-Way Permit is required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
22. A Pre-Construction meeting is required for any improvements to public infrastructure upon the approval and issuance of a Development Review Committee (DRC) Permit. Any improvements to, construction or alteration of: sanitary systems, stormwater systems, public or private streets, sidewalks, or other public infrastructure will require a pre-construction

- meeting with the Department of Public Works. The applicant is required to contact the County Engineer at (913) 573-5400 or by info@wycokck.org prior to construction to arrange this meeting;
23. BPU ground mounted transformers shall be screened on all four (4) sides from public view. Architectural screening walls are the preferred method, but landscape screening is an allowable alternative. Screening shall be designed to be solid to the view, and any designs incorporating air circulation shall not be visible. Screening height must be the greater of either six (6) feet tall or the height of the utility being screened. Designs shall show two (2) possible site orientations. Designs will also incorporate all BPU Engineering specifications and largest of all the required dimensions. Refer to attached BPU Engineering documents for details;
 24. 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; and,
 25. The Department of Planning + Urban Design shall not give approval for any Temporary Certificate of Occupancy (TCO) or Final Certificate of Occupancy (CO) before the completion of all required work. For any project that requires a certificate of occupancy, prior to requesting for any certificate, the applicant, permit holder, and/or property owner shall complete all items required by: Approved Plans, Codes, Ordinances, Zoning District Regulations, Planned District Requirements, Master Plan Requirements, all Design Guideline Requirements, Overlay District Requirements, and Requirements approved by the City Planning Commission and/or the UG Board of Commissioners. It is the collective responsibility of the applicant, permit holder, and property owner to ensure that any and all permits, land entitlements, deviations, or variances are obtained in advance of beginning of any work. Planning Department standards require that all required work be complete prior to requesting a TCO. The only item that is allowed to be incomplete is landscaping, which shall be complete before requesting a CO. A Bonded CO may be allowed in case of adverse weather conditions; however, all requirements must be completed for all items not secured by the bond; and,
 26. Any damage to the public right-of-way as a result of the building of the project must be repaired to UG Standards post construction.

On motion by Mrs. Jones, seconded by Mr. Ernst, the Planning Commission voted as follows to recommend **APPROVAL of Plan Review Application PR2023-034:**

Carson	Chairman
Mohler	Aye
Straws	Aye

Ward	Aye
Armstrong	Aye
Beth	No
Connelly	Not Present
Eilts	Aye
Ernst	Aye
Jones	Aye
Miller	Not Present

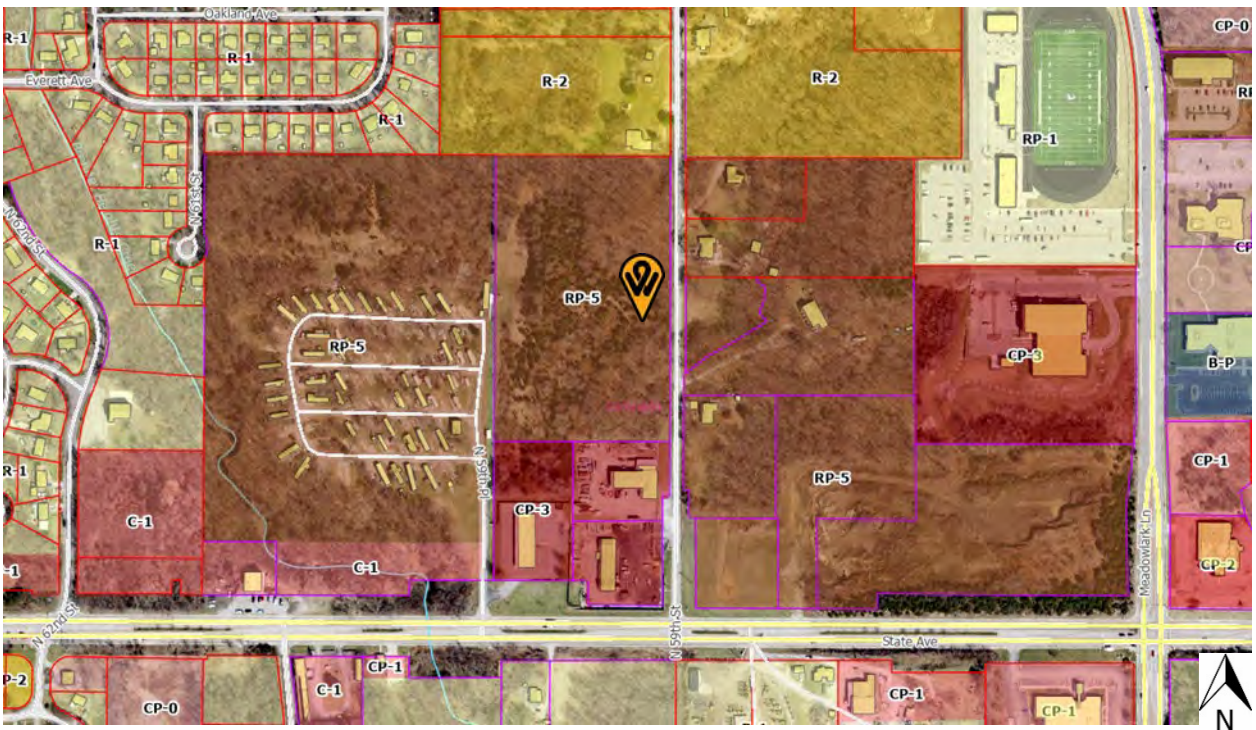
Motion to recommend **APPROVAL** Passed: 7 to 1
Subject to the above conditions

ATTACHMENTS

AERIAL IMAGERY



ZONING MAP



LAND USE MAP



APPLICANT RESPONSE LETTER



Department of Planning + Urban Design

November 27, 2023

**Re: Multi-Family Development, 1300 N. 59th St., KCKS 66102
Comment Response Letter-BOZA2023-051, MPL2023-017, & PR2023-034**

Dear City Planning Commission & Board of Zoning Appeals,

The purpose of this letter is to provide formal comment responses to the received comments, for the above-mentioned project. Our responses (in red) follow each of the provided comments.

Planning and Urban Design Comments:

Comment 1: This Board of Zoning Appeals case is being heard in conjunction with PR2023-034, which is a Preliminary Development Plan and MPL2023-017, a Master Plan Amendment to develop 180 apartment units. Approval of these entitlements is subject to this Variance request.

Response: Acknowledged.

Comment 2: The site plan shall be revised to demonstrate an 8-foot sidewalk spanning from the northern entrance into the property, south to State Avenue. Sidewalks are required as part of the High-Density Residential designation in the City-Wide Comprehensive Plan. The applicant must install a crosswalk and/or cross North 59th Street to accomplish this.

Response: The applicant is requesting a deviation from this requirements and would like to discuss this item further with planning staff.

Comment 3: Per the Multi-Family Residential Design Guidelines:
a. Pedestrian walkways and sidewalks shall be a minimum of six-feet (6') wide.

Response: Acknowledged. Proposed plan provides 6' sidewalks throughout.
b. All pedestrian walkways shall be designed to provide direct access and connections to and between the following:
i. The primary entrance or entrances to each principal multi-family building; and,
ii. To any sidewalks or walkways on adjacent properties that extend to the boundaries shared with the multi-family development.

Response: Acknowledged. Internal pedestrian connectivity is provided with the proposed plan. The applicant would like to discuss connectivity to adjacent properties further with planning staff.

Comment 4: In addition to establishing greater pedestrian connectivity throughout the development, where there are major parking lot crossings, crosswalks and/or other traffic calming devices shall be painted in the drive aisles, so residents and guests are alert to look for pedestrians.

Response: Acknowledged. Painted crosswalks have been added to the plan.

Comment 5: Revise the landscape plan that shows the entire site on one (1) sheet, rather than two (2) sheets.

Response: Acknowledged. One overall landscape plan has been provided for overall context. Two enlarged sheets are still provided to allow adequate detail of proposed landscaping.

kimley-horn.com

805 Pennsylvania Ave, Suite 150, Kansas City, MO 64105

816-652-0350

Comment 6: Sec. 27-460(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 eight (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 8.94 acres, which requires 86 trees, 22 additional evergreen or shade trees and 180 shrubs for buffering per the zoning district.

Response: Acknowledged. Landscape plan updated to meet code requirements.

Comment 7: Additional landscaping shall be added along the eastern frontage in the form of trees, shrubs or bushes, with particular attention around the parking lot and the retaining walls in order to screen parking from public view.

Response: Acknowledged. Additional landscaping provided to provide additional screening

Comment 8: The eastern facades of Buildings 1 and 6 (Type C) shall be revised to demonstrate additional articulation, rather than the flat, singular material that is show currently.

Response: Acknowledged. See revised building elevations on sheet A3.

Comment 9: Landscaping shall be irrigated.

Response: Acknowledged. Note has been added to sheet L1 that the project must install irrigation with final design plans.

Comment 10: 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 (FEMA Publication 320 or 361).

Multi-family apartments are required to have a storm shelter either in a basement or community shelter that can accommodate all residents within the multi-family units.

Response: Acknowledged. Safe room provided within the clubhouse amenity basement.

Comment 11: 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.

Response: Acknowledged. See revised photometric plan

Comment 12: Interior parking lots lights shall have 90-degree cutoff fixtures.

Response: Acknowledged. See revised photometric plan.

Comment 13: Are there plans to upgrade North 59th Street?

Response: The developer does not have plans to upgrade North 59th Street with this project at this current time.

Comment 14: All trash and recycling receptacles shall be enclosed on all sides with an opaque 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. When possible, the enclosure's gate shall face away from streets or adjacent land uses. All screening materials must be well maintained at



all times.

- a. Provide elevations for the trash enclosures demonstrated in the site plan.

Response: Acknowledged. Building elevations for trash enclosures provided on sheet A5.

Comment 15: Per the Multi-Family Design Guidelines, all downspouts on the buildings shall be internalized.

Response: Downspouts will be located at corners where possible and will be painted to match the building.

Comment 16: Bike racks should be provided throughout the site to allow for bike storage.

Response: Acknowledged. Civil site plan updated to denote a bike rack for each building.

Comment 17: The design layout shall preserve as much of the existing tree stand and existing elevation as possible.

Response: Acknowledged. Additional trees in the NW corner noted to be preserved.

Planning Engineering Comments:

Comment A: Items that require plan revision or additional documentation before engineering can recommend approval:

1. None

Response: Acknowledged.

Comment B: Items that are conditions of approval:

1. Detailed engineering comments are made by separate technical review of the plans and submitted directly to the applicant. Provide revised plans and responses in accordance with the engineering comments.

Response: Acknowledged.

Comment C: Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:

1. None

Response: Acknowledged.

Standard Conditions:

Comment 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.

Response: Acknowledged.

Comment 2: 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.

Response: Acknowledged.

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816-652-0350

Kimley»Horn

Comment 3: All exterior lighting, whether mounted on a building or within a parking lot must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street.

Response: Acknowledged. Photometrics updated to reflect this.

Comment 4: All existing and future driveways must feature curb cuts that are constructed to UG standards;.

Response: Acknowledged.

Comment 5: 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.

Response: Acknowledged.

Comment 6: Improvements that include land disturbance activity on greater than one (1) acre of surface area of land or include the construction or alteration of a structure 1,000 square feet or larger shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620.

Response: Acknowledged.

Comment 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.

Response: Acknowledged.

Comment 8: A Pre-Construction meeting is required for any improvements to public infrastructure upon the approval and issuance of a Development Review Committee (DRC) Permit. Any improvements to, construction or alteration of: sanitary systems, stormwater systems, public or private streets, sidewalks, or other public infrastructure will require a pre-construction meeting with the Department of Public Works. The applicant is required to contact the County Engineer at (913) 573-5400 or by info@wycokck.org prior to construction to arrange this meeting.

Response: Acknowledged.

Comment 9: BPU ground mounted transformers shall be screened on all four (4) sides from public view. Architectural screening walls are the preferred method, but landscape screening is an allowable alternative. Screening shall be designed to be solid to the view, and any designs incorporating air circulation shall not be visible. Screening height must be the greater of either six (6) feet tall or the height of the utility being screened. Designs shall show two (2) possible site orientations. Designs will also incorporate all BPU Engineering specifications and largest of all the required dimensions. Refer to attached BPU Engineering documents for details.

Response: Acknowledged.

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805 Pennsylvania Ave, Suite 150, Kansas City, MO 64105

816-652-0350



Comment 10: Section 27-699(b)(5) states that all outside bins or trash container areas must be completely enclosed by an architectural screen to a height not less than the height of the bin or container. No trash enclosures may be located in required yards adjacent to street right-of-way. In commercially and industrially zoned areas where the trash container will not be visible from off the property due to other screening or topographic conditions and will not be visible from public parking or pedestrian areas on the site, such trash bin screening need not be provided. In industrially zoned areas where the trash container will not be visible from residential property and where such containers are kept directly alongside the building and in a well-kept manner, such screening need not be provided.

Response: Acknowledged.

Comment 11: The Department of Planning + Urban Design shall not give approval for any temporary certificate of occupancy (TCO) or final certificate of occupancy (CO) before the completion of all required work. For any project that requires a certificate of occupancy, prior to requesting for any certificate, the applicant, permit holder, and/or property owner shall complete all items required by: Approved Plans, Codes, Ordinances, Zoning District Regulations, Planned District Requirements, Master Plan Requirements, all Design Guideline Requirements, Overlay District Requirements, and Requirements approved by the City Planning Commission and/or the UG Board of Commissioners. It is the collective responsibility of the applicant, permit holder, and property owner to ensure that any and all permits, land entitlements, deviations, or variances are obtained in advance of beginning of any work. Planning Department standards require that all required work be complete prior to requesting a TCO. The only item that is allowed to be incomplete is landscaping, which shall be complete before requesting a CO. A Bonded CO may be allowed in case of adverse weather conditions; however, all requirements must be completed for all items not secured by the bond.

Response: Acknowledged.

We hope the above comment responses, and revised plans sufficiently address all questions and comments for this project. Please reach out via email, or phone number, listed below prior if you have any additional questions or comments.

Sincerely,
Kimley-Horn and Associates, Inc.

Tyler Wysong, P.E. | Project Manager
Office: 816-652-0350 | Direct: 816-652-2334
Tyler.Wysong@Kimley-Horn.com

kimley-horn.com

805 Pennsylvania Ave, Suite 150, Kansas City, MO 64105

816-652-0350

NEIGHBORHOOD MEETING MATERIALS

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF MISSOURI)
) SS:
COUNTY OF JACKSON)

Comes now Amy Grant, of lawful age, sound mind and upon her oath states as follows:

1. That I am the agent for petitioner for Petition #MPL2023-017/PR2023-034/BOZA2023-051.
2. That I conducted a neighborhood meeting on November 27, 2023.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Planning + Urban Design Department.

Further affiant saith not.



Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 29th day of November, 2023.

My commission expires 29th of July, 2024.

JULIE ANN LOWREY
NOTARY PUBLIC-NOTARY SEAL
STATE OF MISSOURI
JACKSON COUNTY
MY COMMISSION EXPIRES 7/29/2024
COMMISSION # 20401259



Notary Public

November 27, 2023 Neighborhood Meeting
Marian Development – KCK Multi-Family Project
1300 N. 59th Street

Attendance:

Shelby Miles, Marian Development
Tyler Skaggs, Marian Development
Matt Jacobs, WBCS Architecture
Arrin Tieben, Kimley-Horn (Engineer)
Tyler Wysong (Kimley-Horn (Engineer)
Amy Grant – Polsinelli PC

Vicki Owens, Valerie Webb, and Nick Rodina (invitees)

The meeting began at approximately 6:00 p.m. The development team introduced themselves along with providing some information about the Marian Development Group. Amy Grant then walked through a few exhibits showing the following information:

- Gross Acres – 8.94 acres
- Access to 59th Street
- Six garden-style buildings
- 3-story buildings
- 180 Units
- 1, 2, and 3 bedroom units
- Amenities

Discussion Topics:

TRAFFIC

It was expressed that the existing 59th Street is too narrow and will not be able to handle the additional traffic generated by this development. It was stated that there have been instances of speeding and accidents as well. It was expressed that buses for school age children may be problematic due to the width of the roadway.

The development team indicated that it had completed a traffic study in accordance with the Unified Government's guidelines and the study found that no improvements are needed with the proposed development.

STORMWATER

It was expressed that there are existing drainage issues in this area, including water occasionally backing up onto 59th Street.

The development team indicated that it is aware of some of these existing issues as they relate to the subject property and are working to help resolve or fix these issues with the proposed development. The development team stated that it is required to prepare a stormwater study that meets the Unified Government's standards.

92286128.1

RENTS

The development team shared that it anticipates rents will be approximately \$576 for a one-bedroom unit and up to approximately \$1,700 a month for a three-bedroom unit.

SECURITY

Concerns were expressed about current issues in the area, including shootings and abandoned vehicles.

The development team indicated that some of its properties utilize on-site security and/or cameras when necessary.

NEED FOR APARTMENTS

It was expressed that Kansas City, Kansas does not need any more apartments. Concerns were shared about this project eventually turning into Section 8 housing if it is not managed well.

The development team shared that Marian Development Group is an owner-operated business that will have a person stake in the success of this project. The team has conducted a market study and has found that there is a need for this type of multi-family community in this area of Kansas City, Kansas. Especially given the strong job growth and market rents in the metropolitan area.

The meeting concluded at approximately 6:45 p.m.

92286128.1

November 16, 2023

SUBJECT: Neighborhood Meeting

Marian Group – 1300 N. 59th Street

Case Numbers: PR2023-034; BOZA2023-051; MPL2023-017

We have filed applications with the Department of Urban Planning and Land Use. The purpose of this:

- Preliminary Plan Review
- Master Plan Amendment
- Variance

is for a multi-family development at the following address: 1300 N. 59th Street, Kansas City, Kansas.

We are having a neighborhood meeting on **Monday, November 27, 2023 at 6:00 p.m.** via Zoom Video Conference:

To attend via telephone, dial: 1-312-626-6799

Meeting ID: 996 3446 1289

Passcode: 263996

The purpose of this meeting is to explain the proposal and to answer any questions/concerns you may have. If you would like me to email you the Zoom Link Invitation to this meeting, please contact me at agrant@polsinelli.com or (816) 572-4503.

We look forward to seeing you at the neighborhood meeting.

Sincerely,



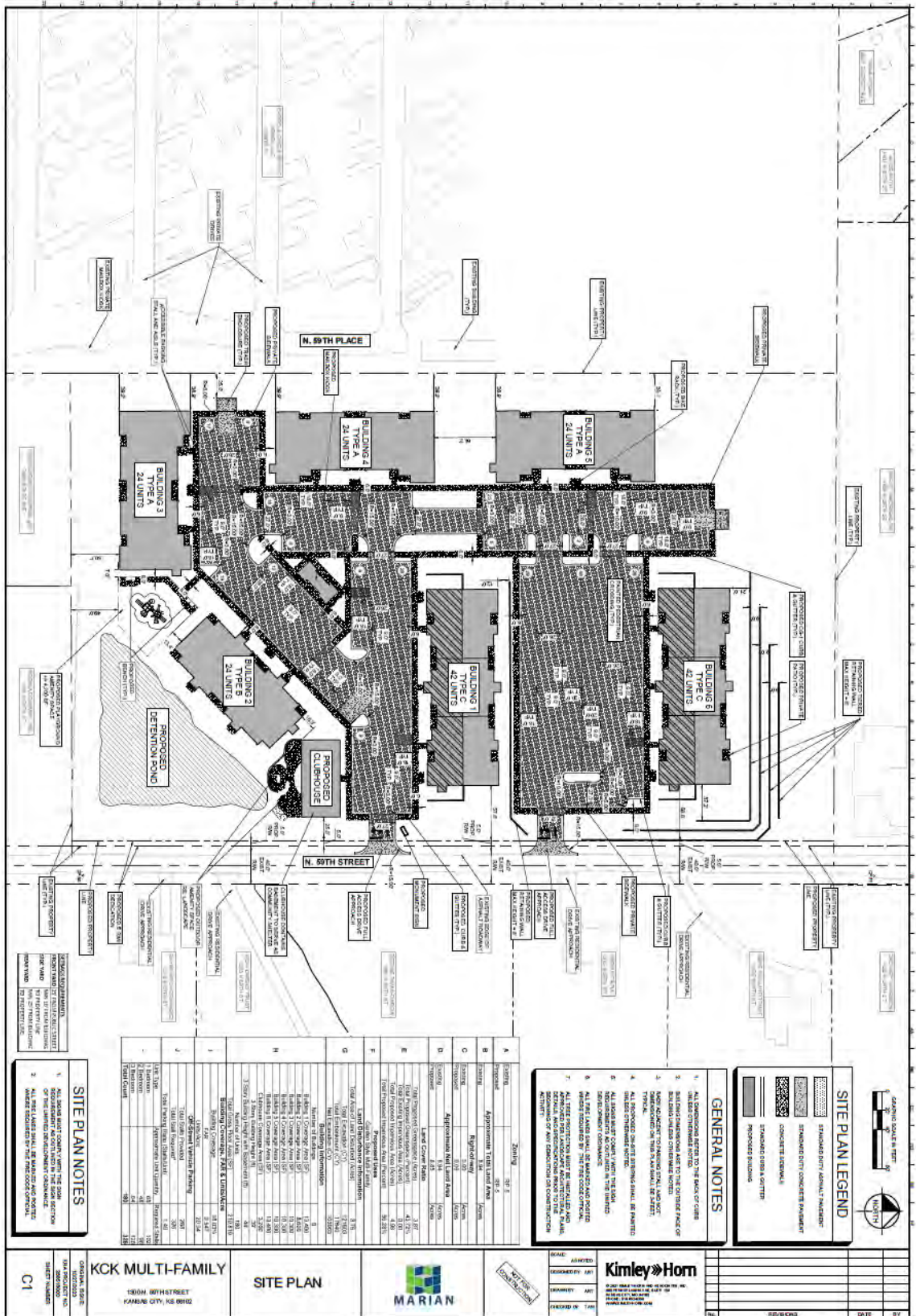
Amy Grant

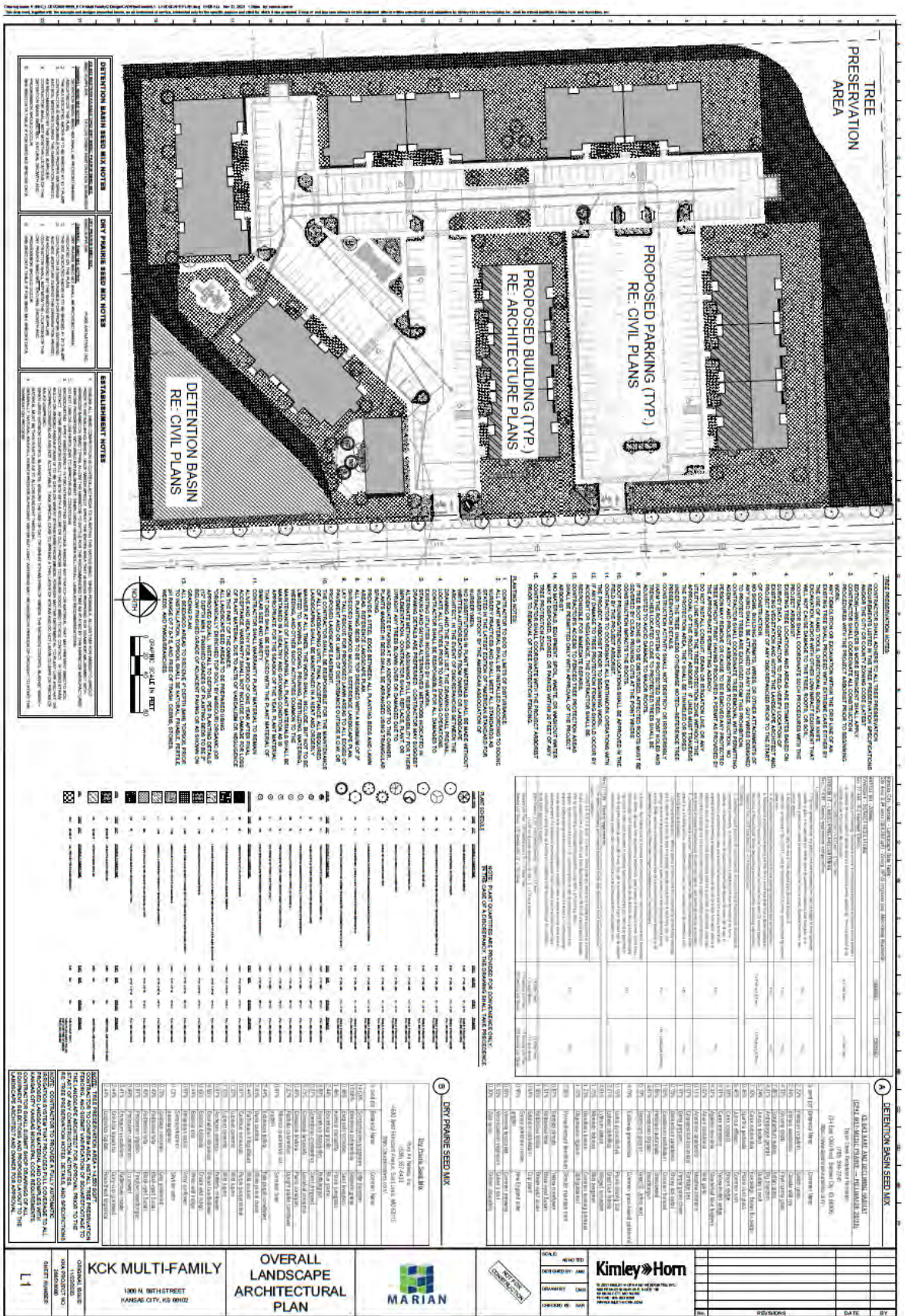
Agent for Marian Group

816-572-4503, agrant@polsinelli.com

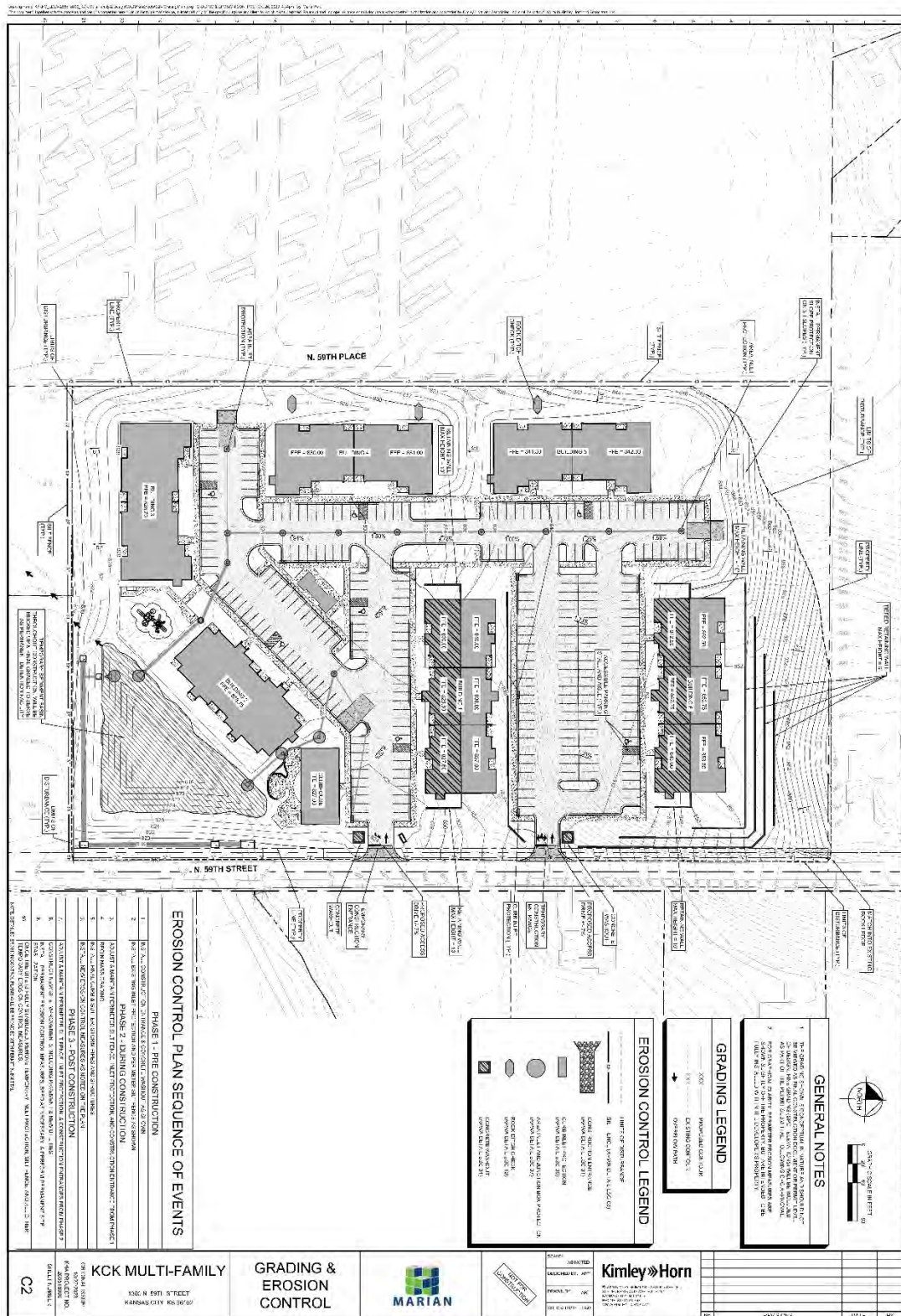
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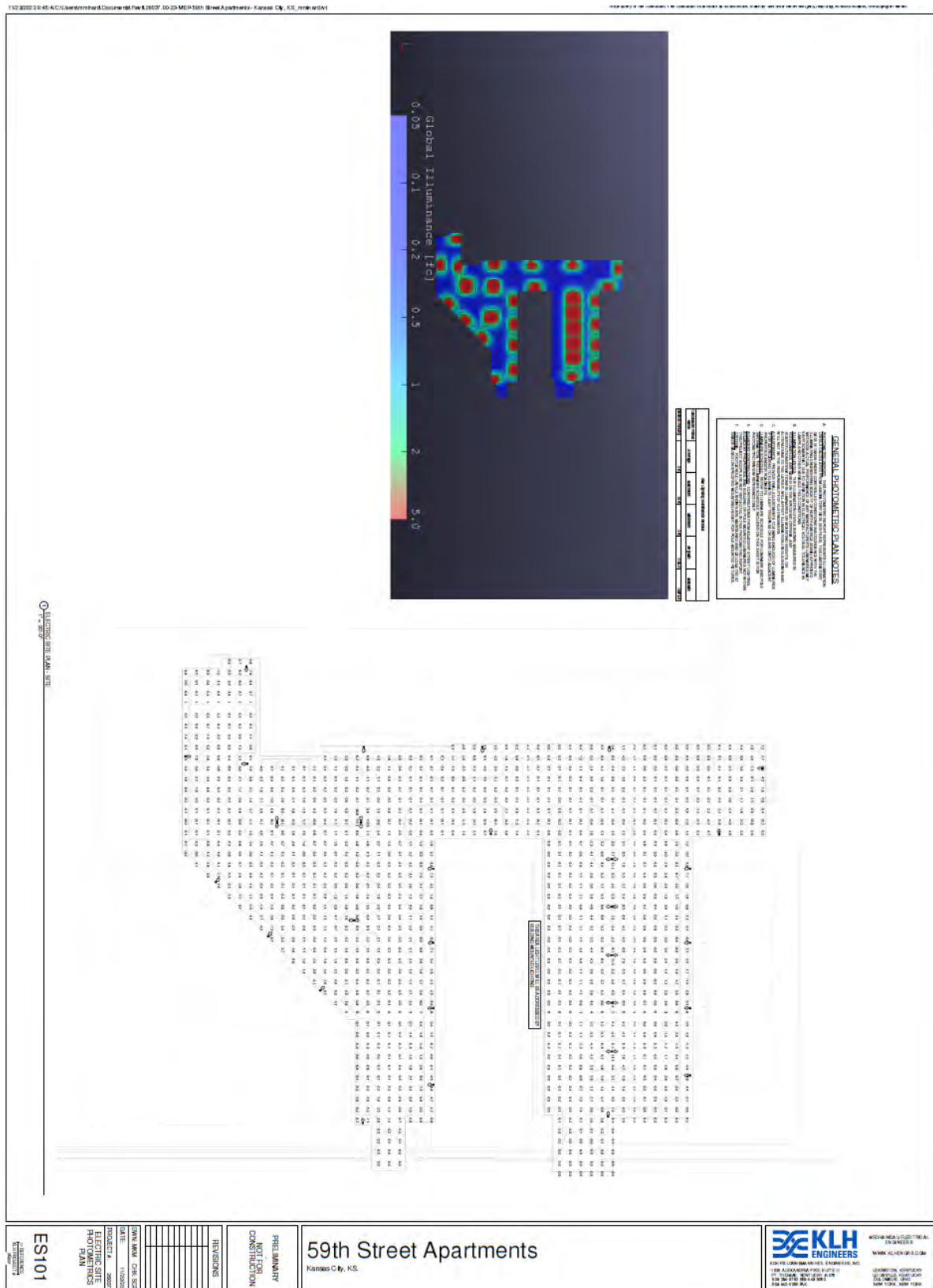




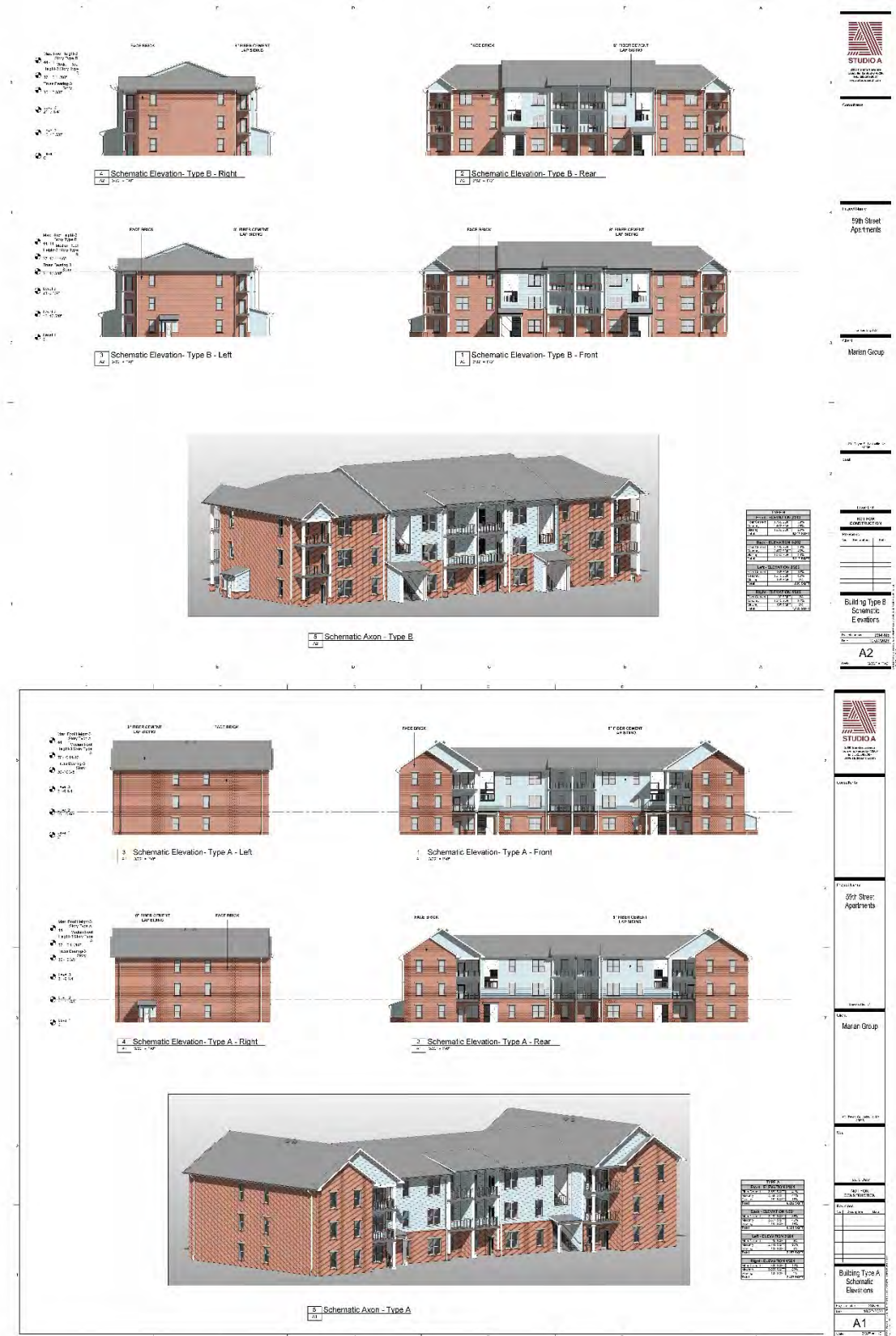
GRADING AND EROSION PLAN



34



ELEVATIONS





STUDIO A
ARCHITECTURAL FIRM
1000 N. 1st St., Suite 100
Tulsa, OK 74103
Phone: (918) 596-1111
Fax: (918) 596-1112
www.studioaarchitect.com

Consultant:

Project Name:
50th Street Apartments

Client:
Marian Group

Project Location:
1000 N. 1st St., Suite 100
Tulsa, OK 74103

Project Type:
Residential - Multi-Family

Building Type C
Schematic
Elevations

A3



STUDIO A
ARCHITECTURAL FIRM
1000 N. 1st St., Suite 100
Tulsa, OK 74103
Phone: (918) 596-1111
Fax: (918) 596-1112
www.studioaarchitect.com

Consultant:

Project Name:
50th Street Apartments

Client:
Marian Group

Project Location:
1000 N. 1st St., Suite 100
Tulsa, OK 74103

Project Type:
Residential - Multi-Family

Clubhouse
Schematic
Elevations

A4

1.0 INTRODUCTION

This report serves as the traffic analysis for the proposed multifamily residential development located at 1300 N 59th Street, north of State Avenue between 59th Place and 59th Street in Kansas City, Kansas. The location of the proposed development is shown on **Exhibit 1 in Appendix A**.

1.1 REPORT PURPOSE AND OBJECTIVES

The purpose of this study is to address potential traffic and transportation impacts of the proposed development on surrounding streets and intersections. This traffic impact study was prepared based on criteria set forth by the Unified Government (UG) of Wyandotte County and City of Kansas City, Kansas *Transportation Management Guide*. The following information is provided:

- A description and map of the existing and proposed street network to be affected by the proposed development. This information includes existing and proposed roadway characteristics and existing year (2023) traffic volumes.
- Trip generation calculations based on the Institute of Traffic Engineers (ITE) *Trip Generation Manual*, 11th Edition, for the proposed development. In addition, projected trip distributions onto the street network are provided. Projected trip distributions are based on a growth rate of 1.0% over a period of 20 years.
- Analysis of impacts of the traffic generated by the proposed development on the street network, including analysis of peak period levels of service (LOS), delay times, and queuing at study area intersections.
- Evaluation of intersection sight distances at the proposed connections to the existing street network.
- Discussion of potential improvements and traffic management measures identified to mitigate operational concerns.

In summary, the study is to determine the trip generation of the multifamily residential development, assign new development trips to the street network, analyze various scenarios to determine the impacts of proposed site traffic, and identify potential mitigation measures, if necessary, to achieve acceptable operations at the study intersections.

2.0 EXISTING CONDITIONS

2.1 STUDY AREA

The proposed development site is located in the central portion of Kansas City, Kansas, and consists of approximately 8.94 acres of undeveloped land. The proposed residential development would replace the forested land on the parcel. Single-family residences are located to the north and east of the subject site, and the Carroll Creek mobile home neighborhood is located west of the site. Industrial developments are located south of the proposed development.

Through discussion with UG staff, the following intersections were included within the study area for the traffic analysis. The list provides the existing intersection control for the study intersections.

- Meadowlark Lane & Richmond Avenue (Unsignalized)
- State Avenue & 59th Street (Unsignalized)

2.2 STREET NETWORK

The existing street network within the study area includes State Avenue, 59th Street, Richmond Avenue, and Meadowlark Lane. The following provides a summary of the existing street network within the study area:

State Avenue is a four-lane divided east-west roadway located south of the subject site. At its intersection with 59th Street, State Avenue provides a dedicated left-turn lane and two through lanes on the west leg; one through lane and a shared through/right-turn travel lane are provided on the east leg. Curb and gutter and sidewalks are provided on both sides of the roadway, and the RideKC bus route 101 runs along State Avenue through the study area. State Avenue is classified in the Unified Government's (UG) Major Street Plan as a major arterial, and the posted speed limit is 40 miles per hour (MPH) through the study network. State Avenue provides access to 57th Street which has a full interchange with Interstate 70 (I-70) approximately one mile southeast of the subject site. I-70 provides direct access to downtown Kansas City and other key regional locations in addition to various freeway facilities.

Meadowlark Lane is a four-lane undivided north-south roadway located east of the subject site. At its intersection with Richmond Avenue, Meadowlark Lane provides one through lane and a shared through/right-turn travel lane on the north leg; one through lane and a shared through/left-turn travel lane are provided on the south leg. Curb and gutter and sidewalks are provided on both sides of the roadway, and the facility is classified in the UG Major Street Plan as a major arterial. Meadowlark Lane has a posted speed limit of 35 MPH. The facility provides access to other residential areas north of its intersection with Richmond Avenue and provides access to I-70 south of its intersection with State Avenue where the roadway transitions to 57th Street.

59th Street is a two-lane north-south roadway that runs along the east frontage of the subject site. Through the study area, 59th Street does not provide dedicated turn lanes at intersections and access locations. Curb and gutter and sidewalks are not provided through the study area. 59th Street is classified in the UG Major Street Plan as a local/neighborhood street, and the posted speed limit is 30 MPH through the study network. 59th Street primarily serves residential uses north of the subject site and industrial uses south of the study site.

Richmond Avenue is a two-lane east-west roadway located north of the subject site. Through the study area, Richmond Avenue does not provide dedicated turn lanes at intersections and access locations. Curb and gutter are provided along the roadway, and sidewalks are provided east of the Richmond Avenue/59th Street intersection. Richmond Avenue is classified in the UG Major Street Plan as a local/neighborhood street, and the posted speed limit is 20 MPH through the study network. Richmond Avenue primarily serves residential uses north of the subject site and west of the Richmond Avenue/59th Street intersection.

2.3 MULTIMODAL TRANSPORTATION

The area surrounding the subject site is primarily residential or undeveloped and can be characterized as suburban in nature. The study area supports multiple modes of transportation with pedestrian access provided via sidewalks along State Avenue and Meadowlark Lane. It should be noted that sidewalks are not currently provided along 59th Street. Additionally, RideKC bus route 101 operates along State Avenue, providing east-west access between downtown Kansas City and Legends Outlet Mall. Weekday service is provided with 30-minute headways between buses with less frequent service on the weekends. Bus stops for route 101 are provided outside the study area at the intersections of State Avenue/59th Place and State Avenue/Meadowlark Lane/59th Street. The bus stops at State Avenue/59th Place are designated by signs, and the bus stops at State Avenue/Meadowlark Lane/59th Street have permanent shelters.

2.4 TRAFFIC DATA COLLECTION

Turning Movement Counts (TMCs) were collected Thursday, September 28th, 2023. The turning movement count data collected is included in **Appendix B**. Based on the data collected, the AM peak hour occurred between 7:30 AM and 8:30 AM, and the PM peak hour occurred between 4:45 PM and 5:45 PM. The existing characteristics of the study intersections are shown on **Exhibit 2** and the existing conditions peak hour turning movement volumes are shown on **Exhibit 3**.

3.0 PROPOSED DEVELOPMENT

3.1 SITE DESCRIPTION

The proposed multifamily residential development would include a total of 180 residential units in five separate buildings across the subject site. A total of 270 parking stalls would be provided.

The proposed site plan is included in **Appendix C** for reference.

3.2 SITE CIRCULATION

Access to the proposed development would be provided via two full-access driveways along 59th Street. Access A (North) and Access B (South) would be located approximately 1,040 feet and 850 feet north of the State Avenue/59th Street intersection, respectively. As described in further detail later in this report, anticipated queues at the proposed access points are not expected to impact operations and circulation on-site.

Sidewalks are proposed within the development connecting parking areas and amenities to the multifamily buildings. No sidewalk connections for pedestrian access are proposed to the external sidewalk network for several reasons. To the north of the site the right-of-way is limited along 59th Street and it is more than 2,000 feet to the closest sidewalk. To the south of the site, existing parking areas and driveways for the industrial businesses as well as steep grades adjacent to the roadway preclude the ability to construct an accessible sidewalk.

3.3 TRIP GENERATION

Trip generation estimates were prepared using the ITE *Trip Generation Manual*, 11th Edition. **Table 1** shows the trip generation rates for the ITE Land Use Code (LUC) corresponding to the proposed use. **Appendix D** provides the data from the ITE *Trip Generation Manual* that were used to determine the trip generation of the proposed site.

TABLE 1: ITE TRIP GENERATION DATA

Land Use Description	ITE LUC	Unit	Daily - Weekday	AM Peak Hour	PM Peak Hour
Multifamily Housing (Low-Rise) – Not Close to Rail Transit	220	Dwelling Unit Count	6.41X + 75.31 50% in/ 50% out	0.31X + 22.85 24% in/ 76% out	0.43X + 20.55 63% in/ 37% out

For purposes of this study, site-generated trips are expected to consist of primary trips, travelling to the subject development and then returning directly to their place of origin. Primary trips reflect new traffic volumes generated by the proposed development that would approach and depart on the same route. Based on the review conducted of the subject site, it was determined that the predominant mode of transportation is individual automobiles due to limited public transportation and primarily residential developments nearby. Therefore, modal share reductions for traffic accessing the site were not considered for analysis. **Table 2** shows the site-generated traffic projections. Daily trips were rounded to the nearest multiple of ten, and peak hour trips were rounded to the nearest multiple of five.

TABLE 2: TRIP GENERATION

Land Use Description	ITE LUC	Intensity / Units	Daily	AM Peak Hour			PM Peak Hour		
				In	Out	Total	In	Out	Total
Multifamily Housing	220	180 Units	1,230	20	60	80	65	35	100

3.4 PROJECT TRIP DISTRIBUTION AND ASSIGNMENT

Trips generated by the proposed development were assigned to the street network based on the trip distributions summarized in **Table 3** below. This distribution is based on existing traffic patterns, the surrounding street network, and engineering judgement.

TABLE 3: TRIP DISTRIBUTION

Direction To/From	Percentage
North on Meadowlark Lane	10%
East on State Avenue	60%
West on State Avenue	30%
Total	100%

The trip assignment for the development is shown in **Exhibit 4**. The proposed development trip assignments were added to the Existing Conditions traffic volumes. **Exhibit 5** illustrates the Existing plus Development peak hour traffic projections.

4.0 ACCESS MANAGEMENT

4.1 ACCESS SPACING

The UG's *Transportation Management Guide* provides criteria for minimum spacing between streets, median breaks, and driveways. The site access locations are located along the west side of 59th Street, which does not have a raised median; therefore, no median breaks are required for this site.

According to the *Transportation Management Guide*, new access locations along residential/local roadways (59th Street) must be spaced further than 150 feet from that roadway's intersection with an arterial facility (State Avenue). Access A and Access B are located approximately 1,040 feet and 850 feet north of the State Avenue/59th Street intersection, respectively. These distances are greater than the minimum required 150 feet, and therefore, Access A and Access B comply with these guidelines.

4.2 DRIVEWAY THROAT LENGTH

A driveway's throat length is the distance along a driveway from the intersecting roadway to the first location on site where a driver can make a turn. Adequate throat lengths minimize the potential for inbound traffic to queue onto the public street. The throat length also provides space for outbound traffic to queue without adversely impacting site circulation.

According to the *Transportation Management Guide*, the minimum throat length for access points located on residential/local roadways is 50 feet. The proposed throat length at Access A is approximately 50 feet, and the proposed throat length at Access B is approximately 40 feet. While the throat distance at Access B does not meet UG policy, the projected 95th percentile queues at the driveway access are approximately one vehicle (25 feet) or less during both peak hours. Because the proposed driveway throat length can accommodate this length, the anticipated queues are not expected to negatively impact on-site circulation. Additionally, due to relatively low traffic volumes on 59th Street, impacts to mainline flow are not expected due to inbound vehicle delay.

4.3 AUXILIARY TURN LANES

The *Transportation Management Guide* also includes criteria for warranting right- and left-turn lanes at intersections.

Turn lanes were evaluated at the unsignalized intersection of State Avenue/59th Street. An eastbound left-turn lane is already provided at the intersection. To determine whether a westbound right-turn lane was warranted at the intersection, the Existing Plus Development Traffic Projections and the Future (2043) Build Traffic Projections were compared to volume thresholds provided in the *Transportation Management Guide* for four-lane facilities with a 40 MPH operating speed. Based on the criteria provided, traffic projections for both scenarios do not satisfy the right-turn lane warrant, so a westbound right-turn lane was not included in the analysis of Existing Plus Development and Future (2043) Build conditions.

Projected traffic volumes at Meadowlark Lane/Richmond Avenue and the new access locations along 59th Street were significantly lower than turn-lane thresholds provided in *Transportation Management Guide*. Therefore, new turn lanes at these intersections were not included in the analysis of Existing Plus Development and Future (2043) Build conditions.

4.4 INTERSECTION SIGHT DISTANCE

Sight distance is the length of a roadway that is visible to a driver. Sufficient sight distances should be provided to allow drivers to control their vehicles and avoid collisions. There are several aspects of sight distances that are applicable to the proposed site driveway intersection. First, intersection sight distance is provided to allow the drivers of stopped vehicles to depart from their intersection approach and enter or cross the uncontrolled street. Intersection sight distances are generous, allowing enough distance for the stopped driver to complete their turning or crossing maneuver without requiring through traffic on the uncontrolled street to reduce their speed. Second, stopping sight distance is the length to enable a driver to react and stop their vehicle before reaching an object in its path.

Sight distances were measured in the field at the proposed Access A and Access B along 59th Street and are included in **Table 4**. The measured sight distances were compared to the recommended stopping and intersection sight distances from *A Policy on Geometric Design of Highways and Streets* (7th Edition), also referred to as the AASHTO Green Book published by the American Association of State Highway and Transportation Officials (AASHTO). The width of 59th Street was accounted for when determining the recommended intersection sight distance.

TABLE 4: SIGHT DISTANCES

Intersection	Direction Looking	Intersection Sight Distance (feet)		Stopping Sight Distance (feet)	
		Field Measurement	Recommended	Field Measurement	Recommended
59 th Street & Access A	North	305	290	260	200
	South	> 500	335	> 500	200
59 th Street & Access B	North	475	290	425	200
	South	> 500	335	> 500	200

The field measurements in **Table 4** indicate that sight distances are adequate at the proposed site intersections with 59th Street.

5.0 INTERSECTION CAPACITY ANALYSIS

5.1 LEVEL OF SERVICE OVERVIEW

Intersection capacity analysis was performed at the study intersections for the following three scenarios:

- Existing Conditions (Year 2023)
- Existing plus Development Conditions
- Future Conditions (Year 2043)

The capacity analysis was performed for the weekday AM and PM peak hours using Synchro traffic modeling software to determine intersection delay and level of service (LOS). Calculations were performed based on the methodologies outlined in the *Highway Capacity Manual (HCM)*, 6th Edition, which is published by the Transportation Research Board.

LOS is a quantitative measure used by traffic engineers to describe the operations of an intersection. It ranges from A to F, with A being the best and F being the worst level of operation. LOS A conditions are characterized by minimal vehicle delay and free-flow conditions, while LOS F is characterized by long vehicle delay – usually when demand exceeds available roadway capacity. Although LOS E is defined as at-capacity, LOS D is generally considered the minimum acceptable level of operation at an intersection.

Table 5 shows the definition of LOS for unsignalized and signalized intersections.

TABLE 5: LEVEL OF SERVICE

Level of Service	Average Control Delay (seconds/vehicle) at:	
	Unsignalized Intersections	Signalized Intersections
A	0 – 10	0 – 10
B	> 10 – 15	> 10 – 20
C	> 15 – 25	> 20 – 35
D	> 25 – 35	> 35 – 55
E	> 35 – 50	> 55 – 80
F	> 50	> 80

Levels of service are evaluated based on the movement groupings which are required to yield to other traffic. Typically, these are left turns off the major street and the side street approaches for two-way stop-controlled intersections. For signalized intersections each movement grouping is evaluated, and LOS is evaluated for the intersection as a whole.

The *Transportation Management Guide* states that LOS D is the minimum desirable LOS on arterial and collector roadways. LOS E is acceptable for individual turning movements at signalized intersections. LOS E and F may be considered acceptable for unsignalized intersections with low to moderate traffic volumes where the installation of a traffic signal is not warranted by the conditions at the intersection, or the location has been deemed undesirable for signalization.

The volume-to-capacity (v/c) ratio is a secondary measure of intersection performance. The v/c ratio represents the sufficiency of an intersection to accommodate the vehicular demand. A v/c ratio less than 0.85 generally indicates that adequate capacity is available, and vehicles are not expected to experience significant queues and delays. As the v/c ratio approaches 1.0, traffic flow may become unstable, and delay

and queuing conditions may occur. Once the demand exceeds the capacity (a v/c ratio greater than 1.0), traffic flow is unstable and excessive delay and queuing is expected.

Traffic queues were also evaluated as part of the analyses. Long traffic queues which extend beyond the amount of storage available, either between intersections or within turn lanes, can have significant impacts on operations. The 95th percentile vehicular queues were analyzed to ensure the analyses are reflective of the physical constraints of the study intersections and to identify if additional storage is needed for turn lanes. The 95th percentile queue represents the queue length that has only a 5% chance of being exceeded during the analysis period.

5.2 EXISTING (YEAR 2023) ANALYSIS

Capacity analysis was conducted for existing traffic conditions at the study intersections to determine baseline conditions for the existing analysis year and to calibrate the models. The analysis was performed for weekday AM and PM peak hours and is based on the traffic volumes, lane configurations, and traffic controls shown in **Exhibits 2 and 3**. The Synchro reports are provided in **Appendix E**.

Table 6 provides a summary of the capacity analysis at the study intersections.

TABLE 6: EXISTING (YEAR 2023) PEAK HOUR CONDITIONS

Intersection	Control	Movement	Operational Analysis Results							
			AM Peak Hour				PM Peak Hour			
			Delay (sec/veh)	LOS	95% Queue	V/C Ratio	Delay (sec/veh)	LOS	95% Queue	V/C Ratio
Meadowlark Lane and Richmond Ave	Minor- Leg Stop	EB	11.1	B	3'	0.040	13.5	B	6'	0.049
		NBL	8.0	A	0'	0.001	8.2	A	0'	0.005
State Avenue and 59 th Street	Minor- Leg Stop	EBL	8.0	A	0'	0.009	8.8	A	0'	0.011
		SB	12.6	B	3'	0.044	15.2	C	8'	0.084

The results in **Table 6** indicate that the study area intersections currently operate at acceptable levels of service with nominal amounts of delay. All 95th percentile queues are no more than one vehicle in length, and do not impact adjacent driveways or access points.

5.3 EXISTING PLUS DEVELOPMENT ANALYSIS

Capacity analyses were conducted for Existing plus Development Conditions at the study intersections to determine the impact of site generated traffic from the proposed development. The analysis was performed for weekday AM and PM peak hours and is based on the traffic volumes, lane configurations, and traffic controls shown in **Exhibits 2 and 5**. The Synchro reports are provided in **Appendix E**.

Table 7 provides a summary of the capacity analysis at the study intersections.

TABLE 7: EXISTING PLUS DEVELOPMENT (YEAR 2023) PEAK HOUR CONDITIONS

Intersection	Control	Movement	Operational Analysis Results							
			AM Peak Hour				PM Peak Hour			
			Delay (sec/veh)	LOS	95% Queue	V/C Ratio	Delay (sec/veh)	LOS	95% Queue	V/C Ratio
Meadowlark Lane and Richmond Ave	Minor-Leg Stop	EB	11.6	B	3'	0.047	13.9	B	6'	0.063
		NBL	8.1	A	0'	0.001	8.2	A	0'	0.005
State Avenue and 59 th Street	Minor-Leg Stop	EBL	8.1	A	0'	0.014	9.0	A	3'	0.035
		SB	13.5	B	15'	0.161	18.8	C	18'	0.201
59 th Street and Access A	Minor-Leg Stop	EB	8.6	A	3'	0.037	8.8	A	3'	0.022
		NBL	7.3	A	0'	0.007	7.3	A	3'	0.024
59 th Street and Access B	Minor-Leg Stop	EB	8.7	A	3'	0.028	8.7	A	3'	0.017
		NBL	7.3	A	0'	0.004	7.4	A	3'	0.017

As shown in **Table 7**, the addition of trips from the proposed development is expected to have minimal impact on the operation of the existing intersections. The study area intersections are anticipated to continue operating acceptably with minimal levels of delay. The proposed access locations are projected to operate acceptably during the peak periods analyzed, and the projected 95th percentile queues are not expected to impact operations on site.

5.4 FUTURE (YEAR 2043) ANALYSIS

For the future year, background traffic growth was added to the existing traffic volumes, then the proposed development site trips were added. To estimate background traffic growth, the existing traffic volumes at the study intersections were assumed to increase at a rate of 1.0% per year for a 20-year planning horizon.

Capacity analyses were conducted for future traffic conditions at the study intersections to determine the need for capacity improvements within the study network in the future. The analysis was performed for weekday AM and PM peak hours and is based on the traffic volumes, lane configurations, and intersection controls shown on **Exhibits 2 and 6**. The Synchro reports are provided in **Appendix E**.

Table 8 provides a summary of the capacity analysis at the study intersections.

TABLE 8: FUTURE (YEAR 2043) PEAK HOUR CONDITIONS

Intersection	Control	Movement	Operational Analysis Results							
			AM Peak Hour				PM Peak Hour			
			Delay (sec/veh)	LOS	95% Queue	V/C Ratio	Delay (sec/veh)	LOS	95% Queue	V/C Ratio
Meadowlark Lane and Richmond Ave	Minor- Leg Stop	EB	12.6	B	6'	0.054	16.5	C	9'	0.094
		NBL	8.3	A	0'	0.001	8.5	A	0'	0.005
State Avenue and 59 th Street	Minor- Leg Stop	EBL	8.3	A	0'	0.015	9.5	A	3'	0.039
		SB	15.6	C	20'	0.205	24.9	C	30'	0.297
59 th Street and Access A	Minor- Leg Stop	EB	8.6	A	3'	0.037	8.8	A	3'	0.023
		NBL	7.3	A	0'	0.007	7.4	A	3'	0.024
59 th Street and Access B	Minor- Leg Stop	EB	8.7	A	3'	0.028	8.7	A	3'	0.018
		NBL	7.3	A	0'	0.004	7.4	A	3'	0.018

As shown in **Table 8**, the study area intersections are projected to continue operating at acceptable levels of delay with little change from the existing or existing plus development scenarios. Slight increases of delay are anticipated across the study area, although projected queue lengths are not expected to impact adjacent driveways or access points. The proposed access locations are anticipated to operate with nominal levels of delay and queuing.

6.0 CONCLUSIONS AND RECOMMENDATIONS

A traffic impact study for the proposed multifamily residential development at 1300 59th Street has been prepared by Kimley-Horn. The site is located north of State Avenue between 59th Place and 59th Street in Kansas City, Kansas. The purpose of this study was to assess the impact of the proposed development on the surrounding transportation system. The following provides a summary of the analysis.

Intersection capacity analysis was performed at the study intersections for the following three scenarios:

- Existing Conditions (Year 2023)
- Existing plus Development Conditions
- Future Conditions (Year 2043)

The development is expected to generate primary trips, with the total number of trips anticipated at 1,230 daily trips, 80 trips in the weekday morning peak hour, and 100 trips in the weekday evening peak hour. Drivers will access the site via two proposed full-access driveways along 59th Street.

All study area intersections were determined to operate acceptably under existing conditions without significant delay or queuing. In the analysis of Existing Plus Development and Future (2043) Build conditions, all study area intersections are expected to continue operating acceptably with minimal delay or queuing. A westbound right-turn lane at the State Avenue/59th Street intersection was found to be unwarranted based on calculated volume projections for the Existing Plus Development and Future (2043) Build scenarios.



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





County Administrator's Office

David W. Johnston
County Administrator

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Phone: (913) 573-5030
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NOTICE OF PENDING APPOINTMENT

DATE: 1/8/24

BOARD POSITION: Landmarks Commission

INCUMBENT REPLACED: _____

ADDRESS: _____

TERM EXPIRATION DATE: _____

APPOINTING COMMISSIONER: Commissioner Burns

REQUEST FOR **RE-APPOINTMENT**

NAME OF NEW APPOINTMENT: Charles VanMiddlesworth

ADDRESS: _____

CELL NUMBER AND EMAIL ADDRESS: _____

TERM OF OFFICE: 1/11/24 – 12/31/27

Bill Burns

SIGNATURE OF APPOINTING COMMISSION MEMBER

* NOTICE: IF THERE ARE NO CONCERNS RAISED IN THE INITIAL 7 BUSINESS DAYS REVIEW PROCESS DATE, THEN THE NOMINATION WILL BE AUTOMATICALLY PROCESSED AS AN ITEM FOR THE NEXT AGENDA REVIEW PROVIDED NO OTHER APPLICATIONS WERE SUBMITTED.



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NOTICE OF PENDING APPOINTMENT

DATE: 1/7/24

BOARD POSITION: Advisory Committee on Human Relations and Disability Issues

INCUMBENT REPLACED: _____

ADDRESS: _____

TERM EXPIRATION DATE: _____

APPOINTING COMMISSIONER: Commissioner Burns

REQUEST FOR **RE-APPOINTMENT**

NAME OF NEW APPOINTMENT: Thomas Alonzo

ADDRESS: _____

CELL NUMBER AND EMAIL ADDRESS: _____

TERM OF OFFICE: 1/11/24 – 12/31/27

Bill Burns

SIGNATURE OF APPOINTING COMMISSION MEMBER

* NOTICE: IF THERE ARE NO CONCERNS RAISED IN THE INITIAL 7 BUSINESS DAYS REVIEW PROCESS DATE, THEN THE NOMINATION WILL BE AUTOMATICALLY PROCESSED AS AN ITEM FOR THE NEXT AGENDA REVIEW PROVIDED NO OTHER APPLICATIONS WERE SUBMITTED.



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NOTICE OF PENDING APPOINTMENT

DATE: 1/8/24

BOARD POSITION: Wyandotte County Library Board

INCUMBENT REPLACED: _____

ADDRESS: _____

TERM EXPIRATION DATE: _____

APPOINTING COMMISSIONER: Commissioner Burns

REQUEST FOR **RE-APPOINTMENT**

NAME OF NEW APPOINTMENT: Jody Boeding

ADDRESS: _____

CELL NUMBER AND EMAIL ADDRESS: _____

TERM OF OFFICE: 1/11/24 – 12/31/27

Bill Burns

SIGNATURE OF APPOINTING COMMISSION MEMBER

* NOTICE: IF THERE ARE NO CONCERNS RAISED IN THE INITIAL 7 BUSINESS DAYS REVIEW PROCESS DATE, THEN THE NOMINATION WILL BE AUTOMATICALLY PROCESSED AS AN ITEM FOR THE NEXT AGENDA REVIEW PROVIDED NO OTHER APPLICATIONS WERE SUBMITTED.



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NOTICE OF PENDING APPOINTMENT

DATE: 1/8/24

BOARD POSITION: Wyandotte/Leav Area Wide Advisory Council on Aging

INCUMBENT REPLACED: _____

ADDRESS: _____

TERM EXPIRATION DATE: _____

APPOINTING COMMISSIONER: Commissioner Burns

REQUEST FOR **RE-APPOINTMENT**

NAME OF NEW APPOINTMENT: Pam Blood

ADDRESS: _____

CELL NUMBER AND EMAIL ADDRESS: _____

TERM OF OFFICE: 1/11/24 – 12/31/27

Bill Burns

SIGNATURE OF APPOINTING COMMISSION MEMBER

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NOTICE OF PENDING APPOINTMENT

DATE: 1/8/24

BOARD POSITION: SSMID – Self Supported Municipal Improvement Dist Advisory Board

INCUMBENT REPLACED: _____

ADDRESS: _____

TERM EXPIRATION DATE: _____

APPOINTING COMMISSIONER: Commissioner Burns

REQUEST FOR **RE-APPOINTMENT**

NAME OF NEW APPOINTMENT: Jason Glasrud

ADDRESS: _____

CELL NUMBER AND EMAIL ADDRESS: _____

TERM OF OFFICE: 1/11/24 – 12/31/27

Bill Burns

SIGNATURE OF APPOINTING COMMISSION MEMBER

* NOTICE: IF THERE ARE NO CONCERNS RAISED IN THE INITIAL 7 BUSINESS DAYS REVIEW PROCESS DATE, THEN THE NOMINATION WILL BE AUTOMATICALLY PROCESSED AS AN ITEM FOR THE NEXT AGENDA REVIEW PROVIDED NO OTHER APPLICATIONS WERE SUBMITTED.



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NOTICE OF PENDING APPOINTMENT

DATE: 1/8/24

BOARD POSITION: Golf Advisory Board

INCUMBENT REPLACED: Matt Palcher

ADDRESS: _____

TERM EXPIRATION DATE: _____

APPOINTING COMMISSIONER: Commissioner Burns

REQUEST FOR APPOINTMENT

NAME OF NEW APPOINTMENT: James Orth

ADDRESS: _____

CELL NUMBER AND EMAIL ADDRESS: _____

TERM OF OFFICE: 1/11/24 – 12/31/27

Bill Burns

SIGNATURE OF APPOINTING COMMISSION MEMBER

* NOTICE: IF THERE ARE NO CONCERNS RAISED IN THE INITIAL 7 BUSINESS DAYS REVIEW PROCESS DATE, THEN THE NOMINATION WILL BE AUTOMATICALLY PROCESSED AS AN ITEM FOR THE NEXT AGENDA REVIEW PROVIDED NO OTHER APPLICATIONS WERE SUBMITTED.



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NOTICE OF PENDING APPOINTMENT

DATE: 1/8/24

BOARD POSITION: Housing Authority

INCUMBENT REPLACED: _____

ADDRESS: _____

TERM EXPIRATION DATE: _____

APPOINTING COMMISSIONER: Commissioner Burns

REQUEST FOR **RE-APPOINTMENT**

NAME OF NEW APPOINTMENT: Anne McDonald

ADDRESS: _____

CELL NUMBER AND EMAIL ADDRESS: _____

TERM OF OFFICE: 1/11/24 – 12/31/27

Bill Burns

SIGNATURE OF APPOINTING COMMISSION MEMBER

* NOTICE: IF THERE ARE NO CONCERNS RAISED IN THE INITIAL 7 BUSINESS DAYS REVIEW PROCESS DATE, THEN THE NOMINATION WILL BE AUTOMATICALLY PROCESSED AS AN ITEM FOR THE NEXT AGENDA REVIEW PROVIDED NO OTHER APPLICATIONS WERE SUBMITTED.



County Administrator's Office

David W. Johnston
County Administrator

701 North 7th St., Suite 945
Kansas City, Kansas 66101-3064

Phone: (913) 573-5030
Fax: (913) 573-5540

NOTICE OF PENDING APPOINTMENT

DATE: 1/8/24

BOARD POSITION: Law Enforcement Advisory Board

INCUMBENT REPLACED: Marcus Winn

ADDRESS: _____

TERM EXPIRATION DATE: _____

APPOINTING COMMISSIONER: Commissioner Burns

REQUEST FOR APPOINTMENT

NAME OF NEW APPOINTMENT: Paul Soptic

ADDRESS: _____

CELL NUMBER AND EMAIL ADDRESS: _____

TERM OF OFFICE: 1/11/24 – 12/31/27

Bill Burns

SIGNATURE OF APPOINTING COMMISSION MEMBER

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Kansas City, Kansas 66101-3064

Phone: (913) 573-5030
Fax: (913) 573-5540

NOTICE OF PENDING APPOINTMENT

DATE: 1/8/24

BOARD POSITION: Planning and Zoning Appeals Commission

INCUMBENT REPLACED: Rosemary Eilts

ADDRESS: _____

TERM EXPIRATION DATE: _____

APPOINTING COMMISSIONER: Commissioner Burns

REQUEST FOR APPOINTMENT

NAME OF NEW APPOINTMENT: Mary Schwartz

ADDRESS: _____

CELL NUMBER AND EMAIL ADDRESS: _____

TERM OF OFFICE: 1/11/24 – 12/31/27

Bill Burns

SIGNATURE OF APPOINTING COMMISSION MEMBER

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Phone: (913) 573-5030
Fax: (913) 573-5540

NOTICE OF PENDING APPOINTMENT

DATE: 1/8/24

BOARD POSITION: UG Park Board

INCUMBENT REPLACED: Bridgette Holton-Deere

ADDRESS: _____

TERM EXPIRATION DATE: _____

APPOINTING COMMISSIONER: Commissioner Burns

REQUEST FOR APPOINTMENT

NAME OF NEW APPOINTMENT: Jim Schneweis

ADDRESS: _____

CELL NUMBER AND EMAIL ADDRESS: _____

TERM OF OFFICE: 1/11/24 – 12/31/27

Bill Burns

SIGNATURE OF APPOINTING COMMISSION MEMBER

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Unified Government of Wyandotte

County/Kansas City, Kansas

Tyrone A. Garner, Mayor/CEO

701 North Seventh Street, Ste. 926

Kansas City, Kansas 66101

(913) 573-5010

NOTICE OF PENDING APPOINTMENT

Date: January 8, 2024

BOARD POSITION: Community Benefits Advisory Board

INCUMBENT REPLACED: NA

TERM EXPIRATION DATE: NA

APPOINTING COMMISSION MEMBER: Mayor Garner

REQUEST FOR APPOINTMENT

NAME OF NEW APPOINTMENT: Barbara Kill

TERM OF OFFICE: December 2025



SIGNATURE OF APPOINTING COMMISSION MEMBER

NOTICE: IF THERE ARE NO CONCERNS RAISED WITHIN THE INITIAL 7 BUSINESS DAY REVIEW PROCESS DATE, THEN THE NOMINATION WILL BE AUTOMATICALLY PROCESSED AS AN ITEM FOR THE NEXT AGENDA REVIEW PROVIDED NO OTHER APPLICATIONS WERE SUBMITTED.



Unified Government of Wyandotte

County/Kansas City, Kansas

Tyrone A. Garner, Mayor/CEO

701 North Seventh Street, Ste. 926

Kansas City, Kansas 66101

(913) 573-5010

NOTICE OF PENDING APPOINTMENT

Date: January 8, 2024

BOARD POSITION: Quindaro Ruins Advisory Committee

INCUMBENT REPLACED: NA

TERM EXPIRATION DATE: NA

APPOINTING COMMISSION MEMBER: Mayor Garner

REQUEST FOR APPOINTMENT

NAME OF NEW APPOINTMENT: LaVert Murray

TERM OF OFFICE: December 2025

SIGNATURE OF APPOINTING COMMISSION MEMBER

NOTICE: IF THERE ARE NO CONCERNS RAISED WITHIN THE INITIAL 7 BUSINESS DAY REVIEW PROCESS DATE, THEN THE NOMINATION WILL BE AUTOMATICALLY PROCESSED AS AN ITEM FOR THE NEXT AGENDA REVIEW PROVIDED NO OTHER APPLICATIONS WERE SUBMITTED.



Unified Government of Wyandotte

County/Kansas City, Kansas

Tyrone A. Garner, Mayor/CEO

701 North Seventh Street, Ste. 926

Kansas City, Kansas 66101

(913) 573-5010

NOTICE OF PENDING APPOINTMENT

Date: January 8, 2024

BOARD POSITION: Commission on Human Relations and Disability Issues

INCUMBENT REPLACED: Abbie Dillard

TERM EXPIRATION DATE: December 31, 2023

APPOINTING COMMISSION MEMBER: Mayor Garner

REQUEST FOR APPOINTMENT

NAME OF NEW APPOINTMENT: Barbara Ikerd

TERM OF OFFICE: December 2025


SIGNATURE OF APPOINTING COMMISSION MEMBER

NOTICE: IF THERE ARE NO CONCERNS RAISED WITHIN THE INITIAL 7 BUSINESS DAY REVIEW PROCESS DATE, THEN THE NOMINATION WILL BE AUTOMATICALLY PROCESSED AS AN ITEM FOR THE NEXT AGENDA REVIEW PROVIDED NO OTHER APPLICATIONS WERE SUBMITTED.



Unified Government of Wyandotte

County/Kansas City, Kansas

Tyrone A. Garner, Mayor/CEO

701 North Seventh Street, Ste. 926

Kansas City, Kansas 66101

(913) 573-5010

NOTICE OF PENDING APPOINTMENT

Date: January 8, 2024

BOARD POSITION: Community Corrections Juvenile Advisory Board

INCUMBENT REPLACED: _____

TERM EXPIRATION DATE: _____

APPOINTING COMMISSION MEMBER: Mayor Tyrone Garner

REQUEST FOR APPOINTMENT

NAME OF NEW APPOINTMENT: Reginald Davis

TERM OF OFFICE: 12-31-2025

SIGNATURE OF APPOINTING COMMISSION MEMBER

NOTICE: IF THERE ARE NO CONCERNS RAISED WITHIN THE INITIAL 7 BUSINESS DAY
REVIEW PROCESS DATE, THEN THE NOMINATION WILL BE AUTOMATICALLY
PROCESSED AS AN ITEM FOR THE NEXT AGENDA REVIEW PROVIDED NO OTHER
APPLICATIONS WERE SUBMITTED.



**UNIFIED GOVERNMENT OF WYANDOTTE COUNTY
& KANSAS CITY, KANSAS
PUBLIC WORKS DEPARTMENT**

ONE McDOWELL PLAZA

701 NORTH 7TH STREET, 66101

(913) 573-5400
FAX (913) 573-5435

January 4, 2024

Ms. Monica Sparks
Interim Unified Government Clerk
East Building

Re: Subdivision Plat Approval for **RESIDENCES AT VICTORY HILLS**

Dear Ms. Sparks

Please be advised that the Engineering Division has reviewed the attached plat of RESIDENCES AT VICTORY HILLS located at 78th and Tauromee Avenue and being developed by TWG Victory Hills, LP.

Currently, we recommend that the Commissioners accept this plat and authorize the Mayor/CEO and Unified Government Clerk signatures. I am providing you with two mylars for signature, and one (1) paper copy for Commission review. Please place this on the next scheduled Commission agenda.

After the Mayor has signed the plat, it should be referred to Planning Division for further processing.

Respectfully submitted,

 Digitally signed by Brent E. Thompson,
PS
DN: C=US,
Brent E. Thompson, PS E=brent.thompson@ibhc.com, O=BHC,
OU=Survey Segment, CN=Brent E.
Thompson, PS
Date: 2024.01.04 13:55:04-06'00'

Brent E. Thompson, P.S.
County Surveyor

 Digitally signed by Troy
Shaw
Date: 2024.01.05
10:00:18-06'00'

Troy Shaw, P.E.
County Engineer

Attachments

FINAL PLAT
RESIDENCES AT VICTORY HILLS
PART OF THE NW 1/4, SECTION 9-T11S-R24E
KANSAS CITY, WYANDOTTE COUNTY, KANSAS

FINAL PLAT DESCRIPTION: RESIDENCES AT VICTORY HILLS
Containing 1,065,833 square feet or 24.47 acres more or less.

A tract of land situated in the Northwest Quarter of Section 9, Township 11 South, Range 24 East, Kansas City, Wyandotte County, Kansas, being more particularly described as follows:

COMMENCING at Northwest Corner of said Northwest Quarter; thence along the West line thereof, South 02°04'54" East, a distance of 1413.44 feet; thence departing said West line, North 85°54'17" East, 60.04 feet to the East Right-of-way line of North 78th Street (as it currently exists) and the POINT OF BEGINNING; thence continuing North 85°54'17" East, a distance of 204.96 feet; thence North 02°04'54" West, a distance of 208.81 feet; thence North 85°49'47" East, a distance of 1018.01 feet to the Southwest corner of Lot 5, WEST STATE PLAZA, a subdivision in said City, County and State; thence along the South line of said Lot 5, North 85°55'24" East, a distance of 56.75 feet to the Northwest corner of the REPLAT OF TIMBERCREST; a subdivision in said City, County and State; thence along the West line of said REPLAT OF TIMBERCREST and its Southerly projection, South 02°04'54" East, a distance of 1026.27 feet; thence departing said North Right-of-way line, North 86°13'18" West, a distance of 212.45 feet; thence South 02°04'54" East, a distance of 385.46 feet to the North Right-of-way line of Tauree Avenue (as it currently exists); thence along said North Right-of-way line, South 86°13'18" West, a distance of 212.45 feet; thence departing said North Right-of-way line, North 02°04'54" West, a distance of 492.69 feet; thence South 86°10'44" West, a distance of 419.97 feet; thence North 02°04'54" West, a distance of 387.75 feet; thence South 86°10'44" West, a distance of 279.65 feet; thence North 02°04'54" West, a distance of 132.87 feet; thence South 85°54'17" West, a distance of 154.96 feet to said East Right-of-way line; thence along said East Right-of-way line, North 02°04'54" West, a distance of 182.59 feet to the POINT OF BEGINNING.

DEDICATION:
The undersigned owner of the above described tract of land state that all taxes have been paid and that they have caused the same to be subdivided in the manner shown on the accompanying plat, which plat and subdivision shall hereafter be known as:
"RESIDENCES AT VICTORY HILLS"

EASEMENTS:
An easement or license is hereby granted to the Unified Government of Wyandotte County, Kansas City, Kansas to locate, construct and maintain or to authorize the location, construction and maintenance of conduits, gas, water, sewer lines, poles, wires, anchors and surface drainage and all or any of them over, under and along strips of land designated as "utility easement" or by the abbreviation "U/E".

CROSS ACCESS EASEMENT:
A cross access easement over and across Lot 2 for the benefit of Lot 1 as shown hereon, is hereby established by this plat.

OPEN SPACE EASEMENT:
The Open Space Easement laid out on Lot 1. A separate easement is hereby dedicated over this open space to solely prevent the construction of buildings, parking lots, and/or vehicular drives and for the use and benefit of Residences at Victory Hills, LP. The open space shall be owned and maintained by said Entity.

BUILDING LINES:
Building lines or set back lines as shown hereon.

WYANDOTTE COUNTY/KANSAS CITY KANSAS APPROVALS:

PLANNING COMMISSION APPROVAL:
This plat of "RESIDENCES AT VICTORY HILLS" has been submitted to and approved by the Unified Government of Wyandotte County/Kansas City, Kansas Planning Commission. Dated this _____ day of _____, 2024.

by: JEFF CARSON - Chairman
by: GUNNAR HAND, AICP - Secretary

BOARD OF COMMISSIONERS APPROVAL:
The dedications shown hereon, if any, are accepted by the commissioners of the Unified Government of Wyandotte County/Kansas City dated this _____ day of _____, 2024.

by: TYRONE GARNER - Mayor/CEO
by: MONICA SPARKS - Interim Unified Clerk

COUNTY ENGINEER APPROVAL:
Recommended for approval by the Wyandotte County/Kansas City, Kansas, Engineer, dated this _____ day of _____, 2024.

by: TROY SHAW, P.E. - County Engineer

COUNTY SURVEYOR APPROVAL:
This Survey has been reviewed for filing, pursuant to KSA 58-2003, 58-2005 and 58-2011, for content only and is in compliance with provisions, no other warranties are extended or implied. Dated this _____ day of _____, 2024.

by: BRENT E. THOMPSON, KS P.S. 1277

REGISTER OF DEEDS:
This is to certify that this instrument was filed for record in the Register of Deeds office on this _____ day of _____, 2024, at _____ o'clock and is duly recorded.

by: SUSIE P. NELSON - Register of Deeds
by: MARGARET A. ORENDAC - Deputy

IN TESTIMONY WHEREOF: TWG Victory Hills, LP, an Indiana limited partnership, has caused these presents to be signed this ____ day of _____, 20____.

By: TWG Victory Hills GP, LLC, an Indiana limited liability company, its General Partner

By: TWG GP V, LLC, an Indiana limited liability company, its Sole Member

BY: Louis A. Knoble, Manager

NOTARY CERTIFICATION:

STATE OF INDIANA)
COUNTY OF MARION)SS

Be it remembered that on this ____ day of _____, 2024, before me, a notary public in and for said County and State, personally appeared _____, and _____, personally known to be the same person(s) who executed the foregoing instrument of writing and duly acknowledged the execution of same.

IN TESTIMONY THEREOF: I have hereunto set my hand and affixed my seal the day and year written above.

(SEAL)

Notary Public

My commission Expires

SURVEYOR'S CERTIFICATION

I hereby certify that a subdivision plat "RESIDENCES AT VICTORY HILLS" was made by me, or under my responsible charge, on the ground of the premises herein described and the results of said survey are represented hereon. This plat was executed in accordance with the current minimum standards for property boundary surveys in the State of Kansas. I further certify that I have complied with all statutes, ordinances and regulations governing the practice of surveying and platting of subdivisions to the best of my professional knowledge and belief.

Bradley D. Harkin KS. PLS-1604
Date of Survey: 07-19-2023

SECTION CORNER REFERENCE TIES

NW Cor., NW 1/4, Sec. 9-T11S-R24E

Found 3.5" Aluminum Monument in Monument Box
91.28' SW to an ex. x-cut at the NE cor. of a concrete control cabinet box.
89.14' SE to an ex. x-cut at the SW cor. of a concrete pedestrian signal base.
73.47' SSW to a mag nail in the north end of the concrete median.
79.50' WNW to a mag nail in the east end of the concrete median.

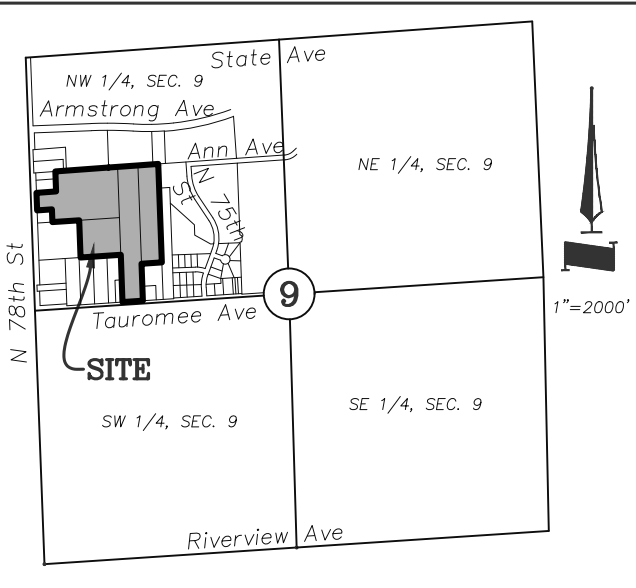
SW Cor., NW 1/4, Sec. 9-T11S-R24E

Found 3.5" Aluminum Monument in Monument Box
57.26' NW to an ex. x-cut at the SE cor. of a curb inlet.
65.52' SE to an ex. x-cut at the NW cor. of a concrete light pole base.
79.31' ENE to an ex. x-cut in the center of curb inlet.
4.12' W to the east back of curb of median.

SE Cor., NW 1/4, Sec. 9-T11S-R24E

Found 3.5" Bronze Monument in Monument Box
15.60' S to a plus cut on south curb of Tauree Ave.
23.78' SE to a plus cut on south curb of Tauree Ave.
32.26' NE to a plus cut on curb at mid-radius of NE curb return of 74th & Tauree Ave.
39.97' NE to a plus cut in sidewalk at NE cor. 74th & Tauree Ave.
42.06' NW to a plus cut on curb a W. end of NW curb return of 74th & Tauree Ave.

VICINITY MAP
SEC. 9 T11S, R24E



DEVELOPER:
TWG DEVELOPMENT
1301 EAST WASHINGTON ST.
INDIANAPOLIS, IN 46202
REP.: JACKSON TAYLOR
PH.: 317-408-1374

LAND SURVEYOR:
LOVELACE & ASSOCIATES, LLC
929 SE 3RD ST.
LEES SUMMIT, MO 64063
SUR.: BRADLEY D. HARKIN
PH.: 816-347-9997

GENERAL NOTES:

- Bearings shown hereon are based on the Kansas State Plain Coordinate System, North Zone, NAD 1983(2011 Adjustment).
- According to the Community Panel No. 20209001320 of the Flood Insurance Rate Map for Wyandotte County, Kansas and Incorporated Areas, dated September 2, 2011, the subject property is in Zone "X" (un-shaded), i.e. "Areas determined to be outside the 0.2% annual chance floodplain."
- The Open Space Easement on Lot 1 shall be created to solely prevent the construction of Buildings, parking lots and/or vehicular drives and said features shall not be permitted.

SCALE 1" = 100'
100' 0 100' 200'

LOT 2
621,159
Sq. Ft.±
14.26 Ac.±

LOT 1
444,674
Sq. Ft.±
10.21 Ac.±

ABBREVIATION LEGEND

R/W - RIGHT-OF-WAY
P/L - PROPERTY LINE
B/L - BUILDING LINE
U/E - UTILITY EASEMENT
C/A/E - CROSS ACCESS EASEMENT
C/L - CENTERLINE
O.U. - ORIGIN UNKNOWN
M - MEASURED DIMENSION
D - DEEDED DIMENSION
P - PLATTED DIMENSION

MONUMENTATION

- ▣ = Section corner monumentation as noted hereon.
- = Found property corner monumentation as noted hereon.
- = Set 1/2"x24" Rebar w/Cap LS 1604 in Concrete unless noted otherwise

LA LOVELACE & ASSOCIATES Land Surveying - Land Planning 929 SE 3rd Street Lee's Summit, Missouri 64063 Phone: (816) 347-9997 Fax: (816) 347-9979				Project No: 23084 Drawn By: BDH Checked By: JBL Date: 7/19/2023 Scale: 1"=100' File Name: RESIDENCES AT VICTORY HILLS_FINAL.PLT Certificate of Authority: Missouri - 2002026538 Kansas - LS-154				FINAL PLAT RESIDENCES AT VICTORY HILLS PART OF THE NW 1/4, SECTION 9-T11S-R24E KANSAS CITY, WYANDOTTE COUNTY, KANSAS				PREPARED FOR: TWG DEVELOPMENT 1301 EAST WASHINGTON ST. INDIANAPOLIS, IN 46202				DATE NUMBER REVISION BY: APPROVED <table><tr><td>11/21/2023</td><td>1</td><td></td><td>BDH</td><td>JBL</td></tr><tr><td>12/15/2023</td><td>2</td><td></td><td>BDH</td><td>JBL</td></tr><tr><td></td><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td><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**UNIFIED GOVERNMENT OF WYANDOTTE COUNTY
& KANSAS CITY, KANSAS
PUBLIC WORKS DEPARTMENT**

ONE McDOWELL PLAZA

701 NORTH 7TH STREET, 66101

(913) 573-5400
FAX (913) 573-5435

January 4, 2024

Ms. Monic Sparks
Interim Unified Government Clerk
East Building

Re: Subdivision Plat Approval for **GRINTER'S CHAPEL**

Dear Ms. Sparks

Please be advised that the Engineering Division has reviewed the attached plat of GRINTER'S CHAEL located at 78th and Swartz Road and being developed by GLMV Architects.

Currently, we recommend that the Commissioners accept this plat and authorize the Mayor/CEO and Unified Government Clerk signatures. I am providing you with two mylars for signature, and one (1) paper copy for Commission review. Please place this on the next scheduled Commission agenda.

After the Mayor has signed the plat, it should be referred to Planning Division for further processing.

Respectfully submitted,

 Digitally signed by Brent E. Thompson, PS
DN: C=US, E=brent.thompson@ibhc.com, O=IBHC, OU=Survey Segment, CN=Brent E. Thompson, PS*
Date: 2024.01.04 13:31:10-06'00'

Brent E. Thompson, P.S.
County Surveyor

 Digitally signed by Troy Shaw
Date: 2024.01.05 09:56:10-06'00'

Troy Shaw, P.E.
County Engineer

Attachments

FINAL PLAT OF GRINTER'S CHAPEL

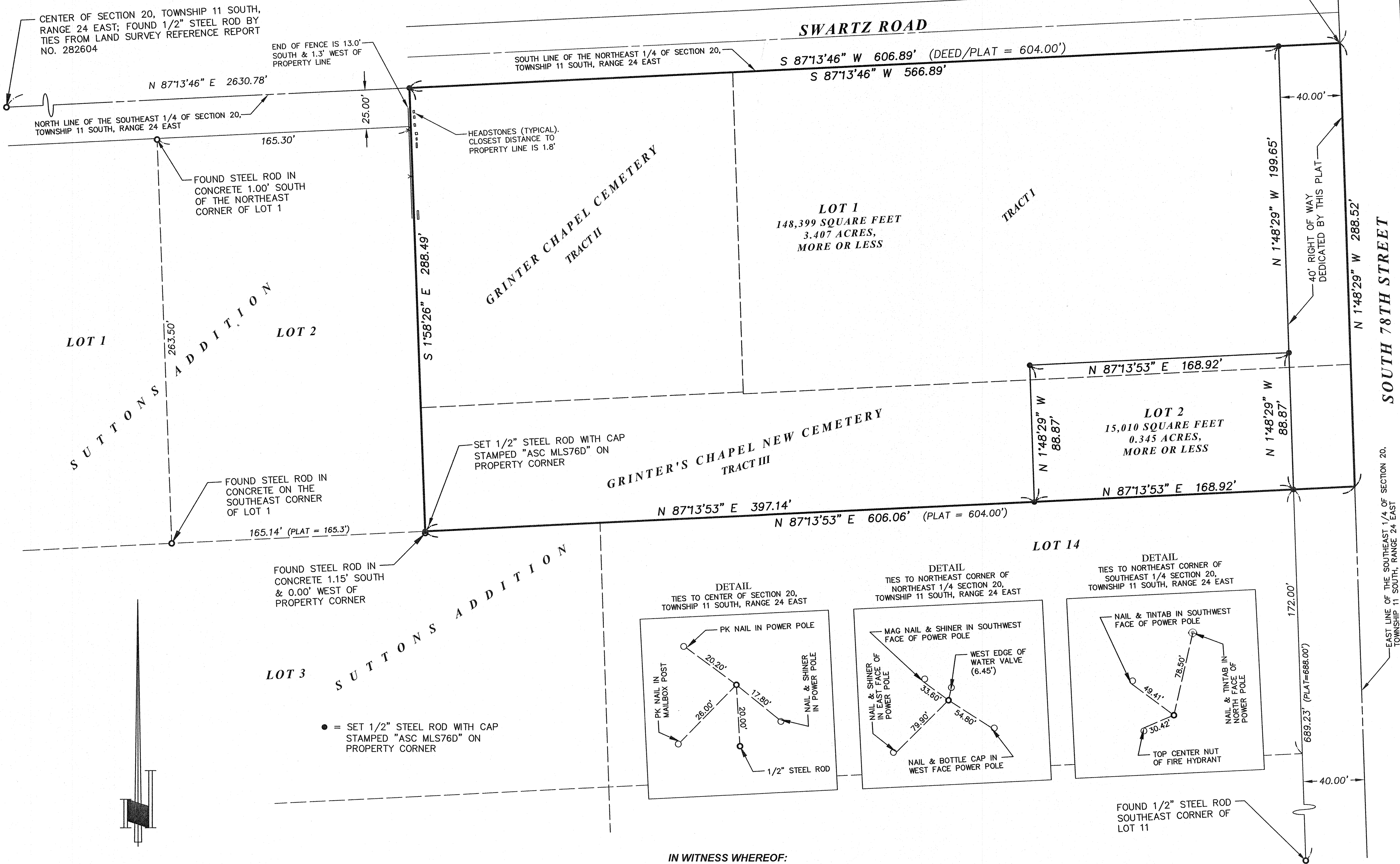
A SUBDIVISION OF GRINTER CHAPEL CEMETERY, GRINTER'S CHAPEL NEW CEMETERY, AND PART OF THE SOUTHEAST 1/4 OF SECTION 20, TOWNSHIP 11 SOUTH, RANGE 24 EAST IN THE CITY OF KANSAS CITY, WYANDOTTE COUNTY, KANSAS

NORTHEAST CORNER OF THE NORTHEAST 1/4 OF SECTION 20, TOWNSHIP 11 SOUTH, RANGE 24 EAST; FOUND 1/2" STEEL ROD BY TIES FROM LAND SURVEY REFERENCE REPORT NO. 246341

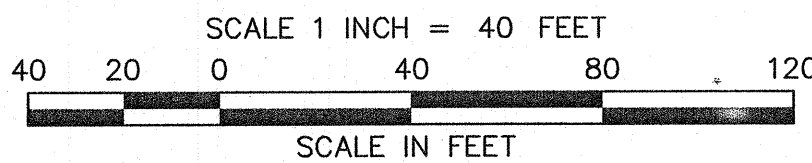
EAST LINE OF THE NORTHEAST 1/4 OF SECTION 20, TOWNSHIP 11 SOUTH, RANGE 24 EAST

POINT OF BEGINNING

NORTHEAST CORNER OF THE SOUTHEAST 1/4 OF SECTION 20, TOWNSHIP 11 SOUTH, RANGE 24 EAST; FOUND BY TIES FROM LAND SURVEY REFERENCE REPORT NO. 14280



THE BEARING SYSTEM SHOWN HEREON IS BASED ON THE KANSAS COORDINATE SYSTEM OF 1983, NORTH ZONE.



SURVEYOR'S CERTIFICATION:

I HEREBY CERTIFY THAT THIS PLAT OF **GRINTER'S CHAPEL** IS BASED ON AN ACTUAL SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION AND THAT SAID SURVEY MEETS OR EXCEEDS THE CURRENT STANDARDS FOR PROPERTY BOUNDARY SURVEYS AS DEFINED BY THE KANSAS STATE BOARD OF TECHNICAL PROFESSIONS, AND I FURTHER CERTIFY THAT I HAVE COMPLIED WITH ALL STATUTES, ORDINANCES, AND REGULATIONS GOVERNING THE PRACTICE OF SURVEYING AND PLATTING OF SUBDIVISIONS, TO THE BEST OF MY PROFESSIONAL INFORMATION, KNOWLEDGE AND BELIEF.

OWNER
GREAT PLAINS ANNUAL
CONFERENCE OF THE UNITED
METHODIST CHURCH

DEVELOPER
GLMV ARCHITECTURE
ATTENTION: GEORGE WHITE
9229 WARD PARKWAY, SUITE 210
KANSAS CITY, MISSOURI 64114
PHONE: (816) 683-7696

SURVEYOR
ANDERSON SURVEY COMPANY
ROBERT J. ANDERSON, PLS
1270 NE DELTA SCHOOL ROAD
LEE'S SUMMIT, MISSOURI 64064
PHONE: (816) 246-5050
E-MAIL: bob@andersonsurvey.com

IN WITNESS WHEREOF:

THE UNDERSIGNED PROPRIETOR(S) HAS CAUSED THESE PRESENTS TO BE SIGNED THIS ____ DAY OF ____, 20__.

SCOTT BREWER, DIRECTOR OF ADMINISTRATION/CHIEF OF STAFF

NOTARY CERTIFICATION:

STATE OF _____)
COUNTY OF _____) S.S.

ON THIS ____ DAY OF ____, 20__, BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, PERSONALLY APPEARED SCOTT BREWER, TO ME PERSONALLY KNOWN, WHO, BEING BY ME DULY SWORN DID SAY THAT HE IS THE DIRECTOR OF ADMINISTRATION AND CHIEF OF STAFF FOR GREAT PLAINS ANNUAL CONFERENCE OF THE UNITED METHODIST CHURCH, AND THAT SAID SCOTT BREWER, ACKNOWLEDGED SAID INSTRUMENT TO BE HIS FREE ACT AND DEED.

I HAVE HEREUNTO SET MY HAND AND AFFIXED MY NOTARIAL SEAL IN MY OFFICE THE DAY AND YEAR LAST WRITTEN ABOVE.

MY COMMISSION EXPIRES: _____

NOTARY PUBLIC

PRINTED NAME

DESCRIPTION:

TRACT I:
COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHEAST 1/4 OF SECTION 20, TOWNSHIP 11, RANGE 24, THENCE WEST 24 POLES, THENCE SOUTH 12 POLES AND 17 LINKS, THENCE EAST 24 POLES, THENCE NORTH 12 POLES AND 17 LINKS, TO THE PLACE OF BEGINNING, IN WYANDOTTE COUNTY, KANSAS

ALSO AND INCLUDING:
COMMENCING 209.2 FEET SOUTH OF THE NORTHEAST CORNER OF THE SOUTHEAST 1/4 OF SECTION 20, TOWNSHIP 11, RANGE 24, THENCE SOUTH 79.3 FEET, THENCE WEST 376 FEET, THENCE NORTH 79.3 FEET, THENCE EAST 376 FEET TO THE PLACE OF BEGINNING, IN WYANDOTTE COUNTY, KANSAS

EXCEPT THAT PART PLATTED AS GRINTER'S CHAPEL NEW CEMETERY, IN WYANDOTTE COUNTY, KANSAS

TRACT II:
ALL OF GRINTER CHAPEL CEMETERY, IN WYANDOTTE COUNTY, KANSAS

TRACT III:
ALL OF GRINTER'S CHAPEL NEW CEMETERY, IN WYANDOTTE COUNTY, KANSAS

DESCRIBED AS FOLLOWS:

THAT PART OF THE SOUTHEAST 1/4 OF SECTION 20, TOWNSHIP 11 SOUTH, RANGE 24 EAST IN KANSAS CITY, WYANDOTTE COUNTY, KANSAS, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF SAID SOUTHEAST 1/4; THENCE SOUTH 87°-13'-46" WEST ALONG THE NORTH LINE OF SAID SOUTHEAST 1/4, A DISTANCE OF 606.89 FEET TO THE NORTHWEST CORNER OF GRINTER CHAPEL CEMETERY, A SUBDIVISION IN SAID CITY, COUNTY, AND STATE; THENCE SOUTH 1°-58'-26" EAST ALONG THE WEST LINE OF GRINTER CHAPEL CEMETERY AND ALONG THE WEST LINE OF GRINTER'S CHAPEL NEW CEMETERY, A SUBDIVISION IN SAID CITY, COUNTY, AND STATE, A DISTANCE OF 288.49 FEET TO THE SOUTHWEST CORNER OF SAID GRINTER'S CHAPEL NEW CEMETERY; THENCE NORTH 87°-13'-53" EAST ALONG THE SOUTH LINE OF SAID GRINTER'S CHAPEL NEW CEMETERY, A DISTANCE OF 606.06 FEET TO THE EAST LINE OF SAID 1/4 SECTION; THENCE NORTH 1°-48'-29" WEST ALONG SAID EAST LINE, A DISTANCE OF 288.52 FEET TO THE POINT OF BEGINNING.

FLOOD INFORMATION:

ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 20209C0134E, DATED SEPTEMBER 2, 2015, THIS PROPERTY LIES WITHIN ZONE X, AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN, AS SHOWN THEREON.

ZONING INFORMATION:

ACCORDING TO THE KANSAS CITY, KANSAS PLANNING DEPARTMENT ZONING MAP VIEWER (maps.viewprogis.com/esp/kansascity-ks) THE SUBJECT PROPERTY IS ZONED R-1 (SINGLE FAMILY DISTRICT)

NOTE:

ANDERSON SURVEY COMPANY HAS NOT BEEN ABLE TO OBTAIN THE RIGHT OF WAY DOCUMENTS FOR SOUTH 78TH STREET OR SWARTZ ROAD. THE RIGHT OF WAY LINES SHOWN HEREON WERE TAKEN FROM THE SUBDIVISION PLAT OF SUTTONS ADDITION AND THE MAJOR STREET PLAN.

PLANNING COMMISSION CERTIFICATION:

THIS PLAT OF **GRINTER'S CHAPEL** HAS BEEN SUBMITTED TO AND APPROVED BY THE UNIFIED GOVERNMENT OF WYANDOTTE/KANSAS CITY, KANSAS PLANNING COMMISSION.

DATED THIS ____ DAY OF ____, 20__.
UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS PLANNING COMMISSION

JEFF CARSON, CHAIRMAN

GUNNAR HAND, AICP, SECRETARY

DEDICATIONS:

THE DEDICATIONS SHOWN HEREON, IF ANY, ARE ACCEPTED THIS ____ DAY OF ____, 20__.

TYRONE GARNER, MAYOR/CEO

MONICA SPARKS, INTERIM UNIFIED CLERK

ENGINEER CERTIFICATION:

RECOMMENDED FOR APPROVAL BY THE WYANDOTTE COUNTY/KANSAS CITY, KANSAS, ENGINEER, THIS ____ DAY OF ____, 20__.

TROY SHAW, P.E., COUNTY ENGINEER

COUNTY SURVEYOR APPROVAL:

THIS SURVEY HAS BEEN REVIEWED FOR FILING, PURSUANT TO KSA 58-2003, 58-2005, AND 58-2011, FOR CONTENT ONLY AND IS IN COMPLIANCE WITH THOSE PROVISIONS. NO OTHER WARRANTIES ARE EXTENDED OR IMPLIED

REVIEWED BY BRENT E. THOMPSON, KS P.L.S. 1277 DATE: _____

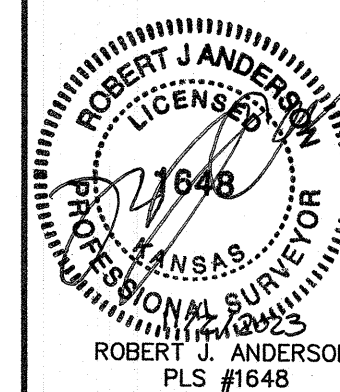
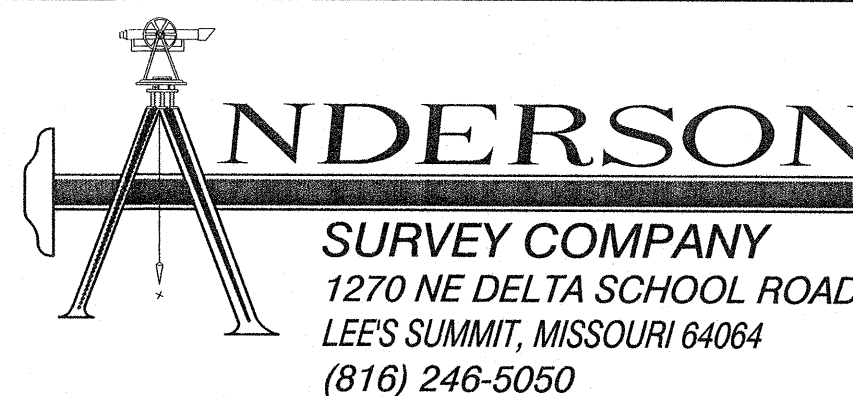
STATE OF KANSAS)
COUNTY OF _____) S.S.

THIS IS TO CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD IN THE REGISTER OF DEEDS OFFICE ON THIS ____ DAY OF ____, 20__, AT ____ O'CLOCK AND IS DULY RECORDED.

NANCY BURNS, REGISTER OF DEEDS

SUSIE NELSON, DEPUTY

DATE PREPARED: OCTOBER 30, 2023



STATE OF KANSAS)
WYANDOTTE COUNTY)) SS
CITY OF KANSAS CITY, KS)

**PLANNING & ZONING AND
REGULAR SESSION
JANUARY 12, 2023**

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in Regular Session Thursday, January 12, 2023, with eleven members present on-site or via Zoom: Bynum, Commissioner At-Large First District; Burroughs, Commissioner At-Large Second District; Townsend, Commissioner First District; McKiernan, Commissioner Second District; Ramirez, Commissioner Third District; Johnson, Commissioner Fourth District; Kane, Commissioner Fifth District; Markley, Commissioner Sixth District; Stites, Commissioner Seventh District; Davis, Commissioner Eighth District; and Garner, Mayor/CEO, presiding. The following officials were also in attendance: Cheryl Harrison-Lee, Interim County Administrator; 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; Troy Shaw, County Engineer; Sarah White, Public Works Project Manager; Reginald Lindsey, Budget Director; 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 the meeting to order. Clerk, roll call, please.

Roll call: Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis, Garner.

Mayor Garner said the invocation is going to be given tonight by Chaplain Annie Erickson of the Grandview Park Presbyterian Church followed by the Pledge of Allegiance.

Mayor Garner said before we start our meeting, I'm just going to change things up. There was a request by Mayor Harrington from Bonner Springs. He wanted to make some quick remarks.

Jeff Harrington, Mayor of Bonner Springs, KS, said greetings from the second largest city in Wyandotte County, Bonner Springs, KS, home of the Braves. I just wanted to take just a short opportunity to let you know some of the things we're so proud of in Bonner Springs.

At our meeting Monday night, we were very proud to have received \$1.6M rehabilitation tax credits for the historic remodeling of the 1918 building, \$7M of qualified rehabilitation costs. This is a 25% tax credit that we're being able to sell, so that's almost \$2M back in our direction.

We have quite a few things going in the other direction as well. We have a 4-way traffic signal at 7 Highway & I-70 that was hit by a car. The total cost of rebuilding that is about \$250,000. All of about \$20,000 of that is covered by insurance. So, I'm glad of that, but still that's quite a significant infrastructure expense.

We're going to be spending about \$200,000 on replacing pumps in our Bonner Springs sewer treatment plant. We're getting ready next month to break ground on a \$25M clean water treatment plant in Bonner Springs. So, there's a lot of things going on, on our plate. We are also very proud that we were able to receive a child care sustainability grant of over \$37,000. It's very important to our city and our administrative staff.

Other than that, I just invite everyone to our MLK Day celebration on Monday. It will be at 1:00, Monday, January 16th. I know you're having one at 10 a.m., so if you have nothing else to do, you're welcomed to join Mayor Caiharr and I at the MLK celebration at the First Christian Church in Bonner Springs.

Mayor Garner said thank you, Mayor.

Mayor Garner said there is a change in order tonight; a revision of the agenda. I'll ask the Clerk about those revisions.

Brett Deichler, UG Clerk, said as a preliminary note for tonight's attendees, I want to mention first that the order of tonight's agenda was changed to allow the Regular Agenda items to

be heard first followed by the Planning & Zoning Agenda. In stating that, we have two modifications on tonight's agenda with the first change being Item No. 1, A notice exercising a veto action that was added to the Mayor's Agenda. The second change to tonight's agenda was original Item No. 2, A resolution formalizing amendments to Sections 202 and 203 regarding the rules of procedure. That was removed from the Administrator's Agenda. That represents all the changes on tonight's blue sheet.

MAYOR'S AGENDA

Item No. 1 – 212206...NOTICE: EXERCISE OF VETO ACTION

Synopsis: Exercise of veto authority granted to the Mayor pursuant to Code of Ordinances, submitted by Tyrone A. Garner, Mayor/CEO.

Mayor Garner said this is a notice that I'm exercising the authority granted pursuant to the Code of Ordinances to veto the actions taken by the majority of this Commission that occurred on December 15, 2022. On December 15th, we were all caught off guard, or at least I was and a lot of people in this community, with an action by some on this Commission to limit and curtail the ability of the office of the Mayor relative to the significant power of the longstanding executive discretion to add, remove, and forward standing committee agenda items, with the ultimate authority to control standing committee agenda items being vested to the Mayor/CEO. With all sincerity, and I say that respectfully, I do believe that the majority of these commissioners—and I want everybody to be mindful of this—do care about people and they care about Wyandotte County and they do care about Kansas City, KS. I have to say that.

Do I agree that our ordinances should be viewed in a manner that reflects the values of where we're at today? Of course I do. Do I agree with the manner which this action that was taken on December 15, 2022, occurred? Absolutely not. This action was brought forward by Commissioners Markley in conjunction with Davis and Ramirez and does not appear to me to have been done in good faith. I had no prior knowledge. I did not assign what I believed to have been an improperly formed, self-imposed, three commissioner ad hoc committee that secretly worked on this item. It occurred without prior public notice. It may have conflicted with several ordinances and appears to me to have been designed to circumvent executive agenda oversight ability granted to the office of the Mayor. This action was extremely alarming as I do not believe

that the voters of Wyandotte County voted to have mayoral authority curtailed in comparison to what had been granted to past Kansas City, KS, mayors, especially not...(Some members of the public started applauding.) If we could hold our applause, please, in just a matter of decorum, I would appreciate it. ...especially not in the manner of secret backdoor dealings.

The excuses given by some commissioners was that too many items were being removed that were assigned to be forwarded to the full Commission agenda. That statement is totally misleading and inaccurate as only four identified agenda items were held over by me throughout the year for further discussion, information fact-finding, correction, or community input. They are the work from home policy, the bio-solids project, the downtown historic conservation, as well as ARPA request funds from the cities of Bonner Springs and Edwardsville. Without question of hundreds of other agenda items that the Commission worked on in 2022, 99.99% to be exact, were forwarded to the full Commission for consideration and vote.

The narrative given by Commissioner Markley does not justify this profound and historic action being taken to clandestinely change the duties of the office of the Mayor without public input, notice, discussion, or debate which is to my knowledge has never occurred to any other mayor in the history of Kansas City, KS. The action led by the noted three commissioners leaves no question in my mind that this was a clear rejection of the will of those thousands of voters across Wyandotte County that used their vote and stood in line and waited wanting something uniquely different than the status quo in Wyandotte County. That action presented was ultimately approved due to the procedurally maneuvering that allowed for no discussion, no debate.

It is no secret that I ran for office with the belief as it pertains to the long-standing history here in Kansas City, KS, and Wyandotte County, going back to the turn of the century, that a decade-old establishment has orchestrated \$1.1B worth of debt, put us on a pathway to bankruptcy, disenfranchised many, disinvested much, exploited the underserved, ignored the unaligned, rejected reformists, solidified the political machine, failed to bring in organizational racism, manipulated the unsuspecting, redlined minorities, uplifted self-serving bureaucrats, protected the privileged, pillaged the poor, enriched the underserving, ignored the marginalized, violence detractors, and taxed many in this town into desperation. Don't take my opinion as fact, but rather research the data. There's plenty out there including the latest heap report that reinforces that opinion I have.

Specifically looking at where we're at today, this action that was taken being vetoed indicates to me that we have not completely shelved the divisive ideologies that do not align with the majority of the people that call Wyandotte County home. We have much more work to be done to legally identify, expose, and dismantle the remnants of a desperate organized machine struggling to retain its historic systematic grip on resources, power, privilege, and control in Wyandotte County. Backdoor dealings do little to enhance competent in government and reject many continue cries throughout 2022 for community-driven unity and collaboration that residents deserve from its leadership.

On December 1, 2022, I again reiterated my consistent call for collaboration. In my year-end report to this Commission in it I said, and I quote, I want to be frank in that we are at a critical crossroad 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 reimage and improve Wyandotte County together. With the enormous challenges we face ahead, I cannot sugarcoat the obvious, and I won't, that we set aside any differences as we must come together united, intentional, in full collaboration for change. None of us can do this alone. Not me, not this Commission, none of us can do this alone. Not any isolated group in Wyandotte County. 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 real problems that we know impact the lives of real people every single day. That is what is necessary for us to cultivate a better, brighter, and resilient future for Wyandotte County.

My heart goes out to the people who deserve so much better in Kansas City, KS, than chaotic politics that divide the community of ordinary hard-working people who simply want nothing more than government that works equitably for everyone. We should be working on how best to lower taxes, addressing the out of control spending at City Hall, improving customer service, curtailing burdensome BPU PILOT and user fees, addressing homelessness and poverty, enhancing affordable housing development opportunities that we know exist, streamlining this government, prioritizing infrastructure projects, finding best how to attract the right amenities throughout all of Wyandotte County, improving small businesses and entrepreneur opportunities, identifying and eradicating hate and racism inside and outside the walls of this Unified Government, and decisively agreeing to invest heavily in the disenfranchised, the disinvested, and the underserved portions of this community and in doing so in a manner where it doesn't matter

who gets the credit. I don't care. It doesn't matter who gets the credit because it should not be about any of us. It should be about the people of Wyandotte County who deserve better as it will be a shared success for all that want to call Wyandotte County home.

The residents of Wyandotte County I spoke to know we can do better and this community deserves better from all of us, myself included. Myself included, myself included, but take me out of the equation because this isn't just about me but rather the majority of the people who voted for change. They voted to move away from business as usual at City Hall. They voted for a government that would work with and for them. They voted for a re-imagined Wyandotte County minus political agendas that do not put the people of our great community first.

As Mayor, I'm committed to standing firm in being community-driven in a manner that puts the people of Wyandotte County above politics, power, privilege, and bureaucrats. So, of course, this issue is and will continue to be of the utmost importance because the sum, the manner in which this Commission action occurred, continues to send a perception that the will of the majority of the voters in Wyandotte County in both voice and vote were again disregarded and rejected. It sends a message to some that political infighting and questionable leadership continues to mire and cast a cloud on the halls of this great institution. The community has said loud and clear to me enough is enough. All of you, mayor included, myself included; and I say that again, what's been told to me is, Mayor, we're not excluding you.

Mayor, Commission, staff, get your house in order and start working on the things that matter most to the people of Wyandotte County. They don't care whether we like each other or not. All they care about is getting the job done. My commitment is that I am ready and willing to do my part as I have said from day one. I've been a collaborator all my life and my resume and my record for success in collaboration speaks for itself. I don't care who tries to mire that. You cannot take away the truth. My record speaks for itself. I'm a collaborator and I'm here to work with every and anyone that wants to find real solutions. My commitment is that I'm really ready to do my part. Again, we have got to set aside these differences—I don't know what any of this may be about—and get the work of the people done in a manner that is professional, equitable, and community-driven with the goal of getting results that the people deserve.

My veto tonight is being brought forth to start this process of finding common ground between the Mayor's Office and this Commission as I believe the action taken on 12/15/22 conflicts with not only numerous Unified Government ordinances, but with our organizational

values. As such, I will not deprive, as has been done before, this community of professional governmental action being conducted in a public venue that better reflects the expectations of the people for transparency and the will of the Consolidation Study Committee that helped facilitate this Unified Government in 1997.

So I'll start off by saying, if you look at the Kansas State Statutes, Chapter 13, Cities of The First Class, 13-512, it says enforcement of ordinances; neglect of duty by officers. I'll just point that out. You can look it up for yourself. The mayor shall be active and vigilant in enforcing all laws and ordinances for the government of the city, and he or she shall cause all subordinate officers to be dealt with promptly for any neglect or violation of duty.

Acting in good faith, we desired to have independent, outside, unaffiliated, impartial ordinance and statute research done for this meeting tonight. But upon receiving instruction from the Procurement Department, which was followed; again, instruction that was followed from the Procurement Office, as well as an opinion related discussion with the Chief Counsel and our Administrator provided appropriate direction, which we honored; again, which we honored, as a result, no known outside research into this matter as far as services was rendered.

But also due to the questions I have surrounding unapproved disbursements related to the desire for outside research, additional discovery has been directed to be made to provide clarity and identifying the authority of who authorized the disbursements in a manner that will hopefully satisfy some of the serious concerns I have in regard to that matter. Nevertheless, unfortunately, the research I desired was not performed which we hoped could evaded in the identification and assembling for everyone of any relevant federal, state, and local documents for review, eventual presentation, ultimate determination, and the facilitation of diligence as required of me, in K.S.A. 13-512.

You can all go, and I encourage anyone watching, you can go to municode.com and go to the library. About 80% of the Unified Government ordinances are there. You just have to navigate to there. So if you want to follow me, you're more than welcome. But I'm going to walk you through some of the ordinances that I believe may be in conflict.

I'll start with the division of powers. The division for general powers and duties of the chief executive/mayor, Section 2-81. It says that I'm to provide leadership and communication and interpretation of policies to the public, which I'm doing, and that's why I'm saying I don't agree with this matter.

As we go down the line with that, when we look at those powers and we look at the powers of the mayor to also provide leadership to the unified government in the development of long-range plans and policies and the development of priorities for actions and in planning for economic growth and stability of the unified government. The one thing that stood out to me if you look at (6) in the Mayor's duties, it says the mayor is to recommend to the government all such actions and adoptions of ordinances, resolutions, rules, regulations and policies as deemed necessary or expedient.

In Article 5 of our Ordinances, Administration Section 2-56(b), it says the commission shall provide for the performance of all duties and obligations imposed upon the county and city by law. The commissioners shall have the power to adopt codes, ordinances, resolutions and approve and adopt a budget. What stood out to me is that the mayor is authorized to recommend and our commission is authorized to adopt if that makes sense to you.

The next thing that stood out to me, if I go back to the powers of the mayor, it says that the mayor appoints all members of all standing committees, except the chairperson, and appoint all members to serve on ad hoc committees created by the unified government and serve as an ex officio member of all committees. If we go back to 12/15, Commissioner Markley noted in her presentation that herself, Commissioner Davis, and Commissioner Ramirez got together and formulated that policy. Now some may disagree that's not a committee. We just had three members that I appointed in a committee that looked and did search for a judge that I appointed. So I don't see how that could be a difference and I was not allowed to be an ex officio member.

Section 404, Appointment of attorney to head legal department. What stands out to me is No. 6 as we move through this process of what occurred. It says the attorney shall draft or cause to be drafted and shall approve as to form and legality all ordinances, resolutions and other instruments pertaining to legal action of the unified government before presentation to the commission or its standing committees. My opinion is that did not happen. That did not happen and that came from an admission from Commissioner Markley that night that she forwarded that prior to the meeting. There's a time stamp of when people got that information. So it's hard for me to believe that our attorney, and that is no fault of hers because when you give her stuff, she does a very good job; but there's no way that she could have drafted, caused to be drafted, approved, checked on the legalities of the ordinances or other instruments pertaining to legal action of the Unified Government before its presentation.

This takes us to the next action, and there's questions that you know we came out of full Commission meeting and there was a motion to adjourn and we had a motion and a second. We did not have a roll call, but the opinion was, I think, it was perceived by most on this Board that we were and we had transitioned to the Land Bank Board of Trustees. That activity was motioned and seconded until we got to the very end, and we know how that happened.

But Article VII, Presiding officer, Section 727, Motion to adjourn says, in order to adjourn a commission meeting, a motion "to adjourn" shall be in order providing such motion is made at the ordinary or usual conclusion of business on the agenda and providing that motions to adjourn shall not be used to embarrass, to harass, to foreclose discussion and debate or for any other purpose other than orderly termination of commission proceedings at such times as may be appropriate in each particular meeting. What stands out is it says motions to adjourn shall not be debatable and show precedent, precedent over any other motions at the end of the commission meetings, and any other actions, except point of order or privilege.

And we go to the suspension of the rules. But before we got to that, I asked and looked for clarity from our parliamentarian and the information that was related to me is that this was in correct order. That's not debatable.

So as we went to Section 723 of Suspension of rules, in order to suspend temporarily any particular rule for a particular purpose not contrary to Kansas law or local ordinances or resolutions, a motion "to suspend a rule" shall be in order and such a motion shall not be debatable. The key that stood out to me is it's not contrary to Kansas law or local ordinances or resolutions. I'm going to let you be the judge of that.

The point I'm trying to make is and that there's several other ordinances that I'll outline that have been brought into question that have language that also conflict with the action taken on December 15th. Article I. General provisions, Sections 102; Article III. Committees and duties, Section 306, Section 307, Section 308, Section 309; Article V. Administration, Section 401, Section 402, Section 404, Section 405, Section 406; Article V. Commission meetings, Section 505, Section 518; Article VII. Presiding officer, Section 702, 703, 705, Section 706, Section 716, 723, 726, 727, 728; article in Section 912. Charter Ordinance No. 114, Section 2.10, Division 3, Section 256, Section 258; Division 4, again, General powers and duties of the chief executive/mayor, Section 281.

So, in keeping with my statutory commitment to ensure that policies are being enforced, be it local or state, as well as my ordinance obligation to interpret policies are public, I felt like my opinion is, is that my interpretation rather, is that policy may. I don't know that 400% but it looks like policy may have not been followed in a way that allowed for the action to take place on 12/15/2022. As such, in good faith, I am uttering a veto of this action because I deem it's inappropriate. Again, it's not about me. It never was. It never has been. It never will be. This is about the people, their voice, and their vote. They did not vote to have a mayor with less abilities to do what prior mayors have done in the past.

(Some attendees in the audience started clapping and making verbal comments.) **Commissioner Kane** said point of order, Mayor. **Mayor Garner** said, Commissioner. **Commissioner Kane** said all commissioners shall afford the utmost curtesy to each other...**Mayor Garner** said, Commissioner, you're out of order. **Commissioner Kane** said to the Unified Government employees, to the public members appearing before the Commission, and shall refrain (Mayor Garner started banging his gavel.) at all times...**Mayor Garner** said, Commissioner, you're out of order...**Commissioner Kane** said for rude and derogatory remarks (Mayor Garner started banging his gavel) reflection and integrity, abuse...**Mayor Garner** said you are out of order. **Commissioner Kane** said also, public members attending the meeting shall observe the same rules of priority and decorum...**Mayor Garner** said, Commissioner, you are out of order...**Commissioner Kane** said, Administrator, I believe...**Mayor Garner** said you are out of order...**Commissioner Kane** said it's your job to get the group under control. **Mayor Garner** said, Commissioner, you are out of order. We will take a 10-minute recess. (Recessed at 7:28 p.m.)

Mayor Garner said we need to conduct business of the Unified Government on behalf of the people of Wyandotte County. (Some attendees in the audience started making verbal comments.) Respectfully, I'm going to ask everyone, Commission included, that we respect the decorum of this building. Please, as your Mayor, please respect the decorum that is required for us to conduct the business that you put us here for. Please hold your comments. Please hold your applause. This is not the venue to do those types of things, please. We want to conduct business on behalf of the people of Wyandotte County. What we don't want to do is continue to cast a negative cloud

that we all don't need over our great community. If you disagree, please disagree but not disagreeable. Respect people's opinions. Respect people's voice. Respect this process.

No matter how you feel about any of us, myself included, respect the Unified Government Board of Commissioners. Each one of them were voted into office by a certain amount of constituents across this county, and they represent those people. Some of you voted for a lot of these commissioners that are up here today too. (Some attendees in the audience continued to make comments.) Respect and please, I plead with you, respect this orderly meeting that we are designed to have on behalf of the people of Wyandotte County. We cannot have this. It is not who we are. There's a right way and a wrong way to do business and let's do the right thing for the right reasons. If you're not happy, there's a right way to address these things and I ask for them.

Commissioner Burroughs said Wyandotte County/Kansas City, KS, I find this quite disheartening and disappointing. Collectively, we are better than this. Hateful rhetoric stands the flames of hate. Smiles and kindness can nurture respect and peace and hopefully unification.

What happened last month, at the very least, my concerns were the timing and the procedure in the manner it was conducted. In my years of political experience having served in leadership roles in the state of Kansas, I have learned that actions have consequences. Both obvious and immediate and some hidden, long lasting, and damaging. So, I'm going to ask my colleagues this evening, let's dial back the contempt and the distrust, collectively work together for all of Wyandotte County. I stand ready to partner with anyone in this community and my fellow colleagues to unite our citizens and our community collectively.

Again, I find this disappointing and disheartening. I can only pray that we work together to build trust and unification. Colleagues, we are better than this. I have faith in our ability to do what's right, but we have to work at it. If it's tough, it's worth accomplishing. I stand ready, Mayor.

Mayor Garner said I'm going to reconvene us. I believe we are at that 20-minute mark. So I'm going to reconvene us out of recess back into full Commission meeting. I think that I said everything that I needed to say in regard to why I vetoed and the questions that I had and the questions that still need to be answered. I believe that I've noted my desire to work with intention,

with collaboration, and in good faith with this Commission to find solutions to this very issue. I'm not here to try and retain or grab power. I believe that there is a path forward. I believe that Commissioner Bynum, she has spoken with me and she has an option for this Commission and for the public that, hopefully, can be considered prior to any action necessary in regard to the veto action that I've taken.

Commissioner Bynum said I've been thinking about a way forward, as you stated. I've been thinking about it since December. Yesterday we were able to—Commissioner Burroughs and I were able to hold a lengthy meeting and discussion with Mayor Garner where I think all three of us expressed our desire to forge that path forward for all of us for the Commission and also acknowledge the frustration, if you will, that was being felt among commissioners that led to the action of December 15th. I think we were able to place that on the table and at least acknowledge that that frustration existed. But at the same time, make some steps toward one another in the hope that good government can continue and proceed from here on.

There are some actions that could be taken by the Unified Government Commission. We did discuss these with the Mayor yesterday. He is agreeable. Really the action that was taken on December 15th would simply need light modification in order to make this agreeable. The Mayor has acknowledged that items that have made the unanimous vote at a standing committee level should move forward to full Commission. Often times we do that perhaps even when all of the commissioners on that standing committee may not be in full agreement, but what they do agree on is that those items should come forward to the full Commission for a more full and robust discussion on whether that's the policy action to take.

I have three suggestions that we agreed could be made. First of all, in the Mayor's comments tonight he has identified places within our own code of ordinances where we have conflicts where our own ordinances don't apparently agree. Twenty-seven years after unification, I suppose that that is a very distinct possibility so it would be important to have a look at the ordinances and identify—the Mayor has identified in his remarks earlier very specific places in the ordinances where he feels that they are in conflict. So I think it would be fair to research those and bring them out of conflict and back into some symbolism, that's not the word, together so that they are not in conflict. It would also perhaps in the future keep action like this from having to take place. So that would be one thing that we certainly would ask to be done.

We also talked about the notion that in other communities, even nearby communities, they also are governed by a charter, Johnson County for example. They actually have within their ordinances in Johnson County that they review their charter every 10 years. They just went through that review process a year ago. They did that with a citizen committee that brought forward suggestions for any needed modifications to their charter. That's not an unreasonable thing to consider as a unified government. Our charter has not been opened in the full 25 years since unification. So, certainly, we, as a Commission, could undertake an ordinance or a resolution that would codify a review of our charter every x number of years. That keeps the charter modern and keeps it moving forward with the times.

The last item that Commissioner Burroughs and I discussed with Mayor Garner is that if we agree that items that were placed on the standing committee agenda and voted unanimously in favor of moving forward, if we agree that should occur, we would then also reserve one opportunity for the Mayor to hold that item, send it back to that standing committee. There may be questions. There may be research. There may be information. I know the Mayor in the times that this has occurred this year has referenced times when he still had questions. Times when he didn't feel that something had been thoroughly reviewed and discussed, thoroughly analyzed or thoroughly researched.

So the compromise measure would simply be that we would draft language that goes along with these changes, but allows for an item where the Mayor or a member of that standing committee has a question or needs more information or feels that enough research hasn't been produced, that that could go back. Specifically we're talking in this situation about the Mayor's powers. So we would change that to the Mayor sending it back one time and then once we've gone back to standing committee for that fuller review, for that fuller discussion and research, then it would come back forward to the full Commission. The Mayor has agreed that he believes that could be something worthwhile and it solves the problem, if you will, that the commissioners believe exists of something getting stopped when it should be moving forward. So it just basically creates a 30-day window.

So it that were to be agreeable, and I certainly would be open to any dialogue among the commissioners; but if that were to be agreeable, then the motion would be to direct staff to ask our County Administrator to direct our staff to draft that language that would codify that change and

then bring that forward to our next commission meeting for a vote. I haven't made that motion, but I would if it were a motion that could be found agreeable to the Commission.

Mayor Garner said I'll entertain discussion on that regard. Yes, I did meet. Some of the details do need to be worked out. There is a task force that Commissioner Burroughs is in charge of that was designed to address these issues in a manner that is done in decency and in order, as opposed to backdoor dealings that I think does not shed light on transparency and it just doesn't look good. Commissioner Burroughs is ready to go to work with his task force to address these charter and ordinance issues in a way that hopefully the public can have some input and we can produce some things we all can agree on.

Commissioner Bynum said I apologize. I did want to include that in my remarks that Commissioner Burroughs is currently chairing that charter review committee and with regard to these ordinances in places where there may be conflict. We certainly think that those could be taken up and researched and studied by Commissioner Burroughs' committee and brought back to clean that up. So I apologize for leaving that out. I did mean to include it.

Commissioner Davis said I understand and respect folks using their First Amendment right to express whatever pleasure or displeasure that they may have. I do not believe that any of you in this room, regardless of how you feel about any of us up here—I think we all want what's best for Wyandotte County. (Some attendees in the audience started making verbal comments.) Mayor. **Mayor Garner** said if you would, please, hold your comments.

Commissioner Davis said my intention, and I'll speak for my intentions with this and what we have done and what we are discussing with this veto is we, as a unified government, we're just not able to function because we felt as though one elected official, being you, Mayor, was overriding the work of us commissioners. Many of us, all of us sit on standing committees and we spend hours working on standing committees deliberating on what we think is best for the community. When five of us or six of us vote something through, it's the expectation that that work is honored in that we are able to have a full discussion here for a vote.

Is it possible—I know it was removed from the agenda—is it possible for us to put the resolution that myself, Commissioner Markley, and Commissioner Ramirez worked on that Legal

has attempted to codify for transparency purposes, can we show the public? We're not going to vote on it, but is it possible for us to put that on the screen? **Mayor Garner** said that wasn't an agenda item, Commissioner. So at this time, I'll have to reject that. **Commissioner Davis** said the only reason why, and I think it's on the website as well, is so that folks can see in full transparency the change that we were advocating for.

My worry, Commissioner Bynum and Commissioner Burroughs, with the compromise is it doesn't necessarily satisfy the initial problem, which is in good faith, whatever that really means because we've been at this for a whole year. What's to say that this charter review committee, that hasn't produced one proposal in one year since its existence, will then go to work and be able to produce something that is brought to the agenda with Mayor Garner's blessing.

We have asked for things like the Lanier agreement to come before us. Mayor, you said you would do that and we never got it. You had said there were four things that were stopped or removed from the agenda. You forgot the Land Bank applications; these self-imposed moratorium. I don't know how many applications those were but that is much more than four.

I would be amendable to add at the very least tonight looking at the resolution that Legal worked on, seeing if we can come up with a compromise tonight so that we all leave here with some sort of insurance that we did something. I do fear that if we walk out of here tonight with nothing, nothing changes. That is my opinion. I understand my colleagues on the dais may disagree, but we have to think beyond the tension of tonight.

We have employees that are looking to leave. We have a county administrator that's going to be with us until April 1st and then we're going to have to have another one. We have real business and real things that we need to do. I would hope that we would think beyond just tonight and think about how we can move things forward for our community.

Mayor Garner said, Commissioner, I agree with you that we do need to work together. The problem is that my door has been open. You cancelled all your meetings with me so how would I know. (Some attendees in the audience started making verbal comments.) Please, if we can maintain decorum. If you want to be trusted, you have to show yourself to be trustworthy. You have to be willing to come to the table to talk even if it's uncomfortable conversations that need to be had. This isn't about me. It's not about you. It's not about anybody. I've said this before, it's about what we can do to get there and we have to find common ground on behalf of the people.

I hear you when you say that there's more and I kept things off the agenda. Again, I will repeat, work from home. There were questions about the lack of having a sound policy. Biosolids. A \$100M project that I'm still wanting questions answered. Not just me, several of your commissioners. The downtown historic conversation. You had several stakeholders that had questions about this that weren't satisfied. You had the ARPA conversation. That came at the request of Commissioner Stites, Commissioner Burroughs, Mayor Caiharr, and Mayor Harrington. Those are the four things that I held back for further conversation and for further clarity. There were hundreds, and let me repeat, hundreds of other items that came to this Commission and were voted on by this Commission to approve or not approve.

My goal is not to obstruct or to offend or to do anything that is going to hamper progress in this Unified Government. That's not what I'm about. If you knew my track record, because I do have a resume, you would know that about me. I'm a collaborator and I want what's best for Wyandotte County. I spent my whole life working in Wyandotte County, not just protecting and serving, but in a variety of capacities to try and make life better for people. I've actually got a resume to show that. My word has always been bond and people know me know that. If I say I'm going to do it, I'm going to do it. You can bank on it. I don't play politics in a normal sense and I don't mislead people. That's just not who I am. It's not who I aspire to be and it doesn't reflect my values.

So when you say those things and you brought up the Lanier project, let's be reminded that we have been in ongoing conversations with Mr. Lanier. I have the upmost respect for him. I kept nothing off the agenda. It's not right and it's not fair. When you talk about equity, when someone doesn't have a contract for me to bring them back up to this body for a conversation and frontload them over everybody else that may have interests, it doesn't reflect the appropriate procurement process. I have to be careful, as mayor, doing those types of things. What I did do was continue to have a conversation to assure Mr. Lanier that if you have your house in order, we will get you before this Commission. Guess what, that happened this past Monday. So for you to say that I blocked and did not allow that, that shows that if you would have had your meetings with me, you may have been a little bit better informed as to the progress of these conversations and communications we've had as opposed to filling in the blanks and making assumptions, you know that analogy about assumptions, as opposed to having real conversations and real talk.

In 2022, I'm not even going to given that it doesn't matter. Where we're at today is we need to get things done in an orderly fashion, no matter how we feel about each other, and do the work and get the work done for the people of Wyandotte County that deserve better. They deserve better from their leadership and this chaotic and raggedy show that people are seeing does not reflect who we are in Wyandotte County. As mayor, I'm rejecting any type of actions that do not reflect the values of the good people that call Wyandotte County home. They just want us to work together. They just want us to get the job done and they want it to be equitable, and they want to see above anything else, progress. That's it, progress.

And I've said it before, I'm here. I'm willing to work with anybody. I'm willing to work with this Commission. I've made that commitment. I'm not going to renege on it. Yes there's some things to be worked out.

I trust Commissioner Burroughs and I trust the other five commissioners that are on that task force that are going to do the good work. That task force isn't doing and working on behalf of the mayor. It's working on behalf of trying to bring ordinances and resolutions that reflect the value of both this community and the overall will of this Commission, which I respect. You may not like the fact that I have had the authority to send these things back, but there's a lot of things that this Commission has done that I didn't really care for but I respect the democratic process. I don't have backdoor deals set up to undermine the process. It's not so much about the policy, it's about the practice of how we do business and how we respect each other in this community and the governance of this Unified Government.

So, no. I'm not going to bring that back up. But, yes, you have my word, Commissioner, that if this body choses to move this in a direction that can hopefully bring some common ground between what we all want, I feel I don't think we're far apart on anything. There was a young man back in August, I believe, that said he had statistics to show this body pretty much agrees on about over 90% of the things that are brought forward. So, we're not that far apart and we cannot allow our disagreements to just sink the ship of progress that we're all on or at least trying to be on.

So, I just ask that you sometimes if you change the way you look at things, it will change the way you see things. I'm asking you to look through a different lens and see me as a friend, a partner, somebody that wants to work with you and not against you, and wants to see you be just as successful as a commissioner as I do with every other commissioner because if we're successful, this entire Unified Government and everybody that calls Wyandotte County home will be

successful. Join me in helping us build and march toward success. I have no animosity toward you.

Commissioner McKiernan said if Commissioner Bynum were to phrase what she had said earlier into the form of a motion, I would second that motion.

What I want to say is I think this is an opportunity. I said this back in December and I'll say it again tonight, we need to view this as an opportunity to increase our communication, to increase our collaboration. I have been meeting with you every month. Now the meeting this month disappeared from my calendar and I hope that was just a onetime thing. I hope it's back next month, but I intend to continue to meet with you on a monthly basis.

I think more than anything else, this points out the fact that we are at a body of 11. We govern as a body of 11. We make decisions as a body of 11, and it is critical that we talk and communicate well as a body of 11 with everyone else so that we're all on the same page. Even if we're not on the same page, so we know where we disagree so we have that framed going into any given action or into any given decision.

So I think we need to take this as an opportunity to increase our communication. I think we need to take this as an opportunity to increase our collaboration. I think we need to take this as an opportunity to do the review that Commissioner Bynum had suggested that will move us forward to be a stronger, unified government moving forward from here.

Commissioner Bynum said I just wanted to clarify, again, that what I was bringing forward was for Commissioner Burroughs' charter review committee to do the work of those, again, conflicting ordinances; but that tonight, I would make a motion and I will make a motion now asking our Administrator to have staff draft language that codifies the changes with regard to the item—sorry, I'm struggling with the motion that I want to make because I want the change to reflect, Mayor, the one-time return, your authority to have that return of an item to a standing committee for one time for any further discussion, research, or review that would be requested by you and then brought back. That's the change that I'm asking for. I think that's the compromise measure that we can agree on.

Action: Commissioner Bynum made a motion, seconded by Commissioner Johnson, to ask the Administrator to have staff draft language that codifies the changes with regard to the item, the change to reflect the Mayor's one-time return of an item back to the standing committee for any further discussion, research, or review that would be requested by Mayor and then brought back.

Commissioner Bynum said I appreciate the brief conversation and the clarification. The way that items come to a standing committee agenda now is that the Mayor and standing committee chairs agree that those come forward. We would not change that. The change would include that whether it's by a unanimous vote or not, those items do traditionally come forward to the full Commission. So, I would not tie unanimity of the vote necessarily to the change in the language because that frankly does not matter. They come forward. The change would be that the Mayor would have the discretion once an item has come through standing committee then he can request within his authority as the mayor or her authority as the mayor, to go back to the standing committee for further review, analysis, and discussion, and then would come back to the full Commission after that. That would be what I'm requesting if the maker of the second... Commissioner Johnson said I'll renew my second.

Commissioner Davis said I would be amenable to that change. Do we have a timeline by which we could see it because, again, our Legal Department did already put together a resolution. That language could be added to that resolution. Is there is a timeline by which, Mayor, you would be willing to commit to, to put this on the agenda so that we can get some assurance?

Commissioner Bynum said, Mayor, my original request had included that we actually have that language by our next full Commission meeting if that's appropriate. Commissioner Davis said so that would be the January 27th meeting. Mayor, is that (inaudible).

Commissioner Stites said what I'm going to say is I appreciate. I didn't know that you all had your Mayor, Commissioner Burroughs, and Commissioner Bynum. I think that shows a lot for the direction that we're going that we were able to bring the two at-large and the Mayor together to discuss how we get past this that was brought forward last month.

Yesterday afternoon I received an email from staff. It was a recommendation from Pastor Wakes. I got that at 4:15. I think I called him at about 4:20. It was pretty quick. We had a good conversation talking about what direction, what we need to do, how do we get past this. I committed yesterday on the phone to the pastor that I stand with whatever needs to be done so that we can truly get back to unification and do what we can do for all of Wyandotte County because this isn't working. This isn't fun. I didn't sign up for it to be fun, but I did sign up to make a difference not in a bad way, in a good way.

I appreciate it. I will definitely support action that—and, Mayor, I thank you for if it's a concession or what, but being able to work with other commissioners that brought that forward so that we can move forward.

Mayor Garner said we're going to take a 30-minute recess to discuss matters with our Administrator and Legal Counsel. (Recessed at 8:11 p.m.)

Mayor Garner reconvened the meeting at 8:48 p.m.

Commissioner Bynum said the first thing, I need to withdraw any and all previous motions I have made on the matter or the resolution change to UG rules of procedure. **Commissioner Johnson** said the second is withdrawn as well.

Action: **Commissioner Bynum made a motion, seconded by Commissioner Johnson, to ask the County Administrator to direct staff to draft a change to the Unified Government rules of procedure regarding standing committees, such that an item that has passed at a standing committee level can be returned to that standing committee by the Mayor one time, and request that draft language come back to the full Commission at our next regular full Commission meeting.** Roll call was taken and there were ten "Ayes," Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis.

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 Markley made a motion, seconded by Commissioner Johnson, to approve all items.** Roll call was taken and there were ten “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis.

Item No. 1 – 212151...PLAT: TALLADEGA HEIGHTS

Synopsis: Plat of Talladega Heights, located at 2715 South 37th Street, being developed by Kathryn Meyer, submitted by Brent E. Thompson, County Surveyor, and Troy Shaw, County Engineer.

Action: **Commissioner Markley made a motion, seconded by Commissioner Johnson, to approve and authorize the Mayor to sign said plat.** Roll call was taken and there were ten “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis.

Item No. 2 - MINUTES

Synopsis: Minutes from the Full Commission meeting on July 14 and August 11, 2022, and the Special Session meeting on November 17, 2022.

Action: **Commissioner Markley made a motion, seconded by Commissioner Johnson, to approve.** Roll call was taken and there were ten “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis.

Item No. 3 - WEEKLY BUSINESS

Synopsis: Weekly business materials dated December 1, December 8, and December 15, 2022.

Action: Commissioner Markley made a motion, seconded by Commissioner Johnson, to receive and file. Roll call was taken and there were ten “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis.

PUBLIC HEARING AGENDA

No items

STANDING COMMITTEES' AGENDA

Item No. 1 - 2198...RESOLUTION/DISCUSSION: ROCK ISLAND BRIDGE

Synopsis: Approval for funding of the design and construction of raising the Rock Island Bridge, submitted by Jeff Fisher, Executive Director of Public Works. This item was scheduled to appear before the Economic Development and Finance Standing Committee, chaired by Commissioner Burroughs, on January 9, 2023. It was requested, and approved by the Mayor, to fast-track this item to January 12, 2023, full commission meeting.

Commissioner Burroughs said I believe staff will be giving a brief overview. Basically what this does is it talks about the raising of the bridge; how necessary it is for the project to move forward and satisfy some of the comments brought forward by the Corps of Engineers during this economic development project.



Troy Shaw, County Engineer, said I’m here with Sarah White and Reginald Lindsey and we’ll be talking real quick about this, give you some information as background on the Rock Island Bridge. Real brief, we had more in the presentation from Economic Development and Finance.

January 12, 2023

Feel free to go watch that video. There's a lot more information on there. So, a lot of good discussion was had.

As noted, the Economic Development and Finance Committee unanimously approved the recommendation to raise the Rock Island Bridge which is, for your information, a new asset which is a river bridge over the Kansas River, an old railroad bridge that the city has recently obtained. Engineering staff was asked to review the bridge and make recommendation if we should raise it or not and then also the funding mechanism that we should use to raise it. So we worked with Finance and Budget as well to come up with that recommendation and that's what was presented to Economic Development and Finance.

I'm going to turn it over to Sarah White and she'll go a little more detail about the bridge so you'll have a little background information, which is a quick four slides, so hopefully you'll get the point and then we'll be glad to answer any questions you have.

UG Bridge Raise Recommendation

- Current elevation at ~400 year
- Bridge raise of 4ft would provide +750 year protection
- Cost to raise dependent on timing of approval
- Risk and potential cost implications of not raising
 - Debris removal
 - Failure of bridge
 - Damage to downstream and upstream structures



Sarah White, Public Works Project Manager, said part of this is directly linked to the KC Levees project that is going on. It's a \$540M levee raise project. With that, the levees are being enhanced, the levees and the levee walls are being enhanced to provide a 750-year event protection along the Kansas River through Argentine, Armourdale, and the CID unit. That is relevant to the conversation about the bridge raise. By the UG taking over this asset and it becoming a part of our infrastructure, we needed to look at the risk associated with it. Because this bridge is an abandoned railroad bridge currently, the Corps, as part of their feasibility study, deemed that the bridge was not needed to be raised since it was abandoned. So it did not check the boxes to push that through on the federal project. So this bridge currently is above the levees, but when the levees are raised, it will be below the levee point so it will be a low point.

We did an analysis on this and it is currently at an elevation of about a 400-year flood event. By raising it four feet, we would then be over the adjacent levee and it would have approximately a 750 event. By keeping the bridge where it is, it is the lowest point in the river and all along this levee raise project it is the low point.

We looked into what the cost would be. The contractor that is currently out working with the bridge development is able to do this bridge raise while they're out there when the bridge is at its lightest because they will be removing all the stuff. So the cost was presented to us and we felt that this was a great way to reduce the Unified Government's risk for this bridge.

The risk of potential costs implications of not raising the bridge is that even if there isn't a major flood event to take down the bridge, there could be potential of debris being caught on the bridge and we would have to pay to remove that. The bridge is not going to be designed to withstand any kind of big machinery so all debris removal will have to happen from the river.

There is a chance of a failure of the bridge because the rest of the levee system is at a 750-year event. All that water will press against the bridge and could cause the bridge to come down. So there could be damage upstream and downstream of the bridge. We'd like to point out that the next downstream bridge and structure is the Union Pacific Bridge. That could be very costly if that were to get damaged.

KCK Riverfront- Bridge Raise Estimate

Bridge Raise			
Component	Cost	Funding Year	Priority
Construction	\$ 502,245	2023 (Jan)	1
Design- Bridge supports	\$ 33,000	2022 (Dec)	1
Design- Revised Approach	\$ 263,000	2023	1
Design-Scour Analysis	\$ 54,000	2024	2
Total	\$ 852,245		

*Half of cost to be reimbursed by CID/TIF from Rock Island Bridge Development Agreement

So, Engineering's recommendation is that we raise the bridge and these are the costs associated with that. Construction, the bid that was given to us by the contractor that will be out on site, is \$502,000. We'll need to design the bridge support. We will need to redesign the approaches to the bridge, and then one of the common things you do as a bridge owner is a scour analysis. The total for this is \$852,000. As noted in December's meeting with the amendment of the

development agreement, half of this cost will be reimbursed by the developer through a CID and TIF fund.

I'll go ahead and pass this to Reginald Lindsey with some of the funding options.

Funding Sources Available

Transient Guest Tax - Tourism Fund

KC Levee Betterment Funds - \$1,800,000 available

ARPA Revenue Replacement Funds – City General Fund (\$3.5M) - Funds previously designated for grant match

City Debt Financing - 2024 & 2025 Budget Process

Grants & Alternative Funding Sources

Reginald Lindsey, Budget Director, said we have five funding sources for the \$852,000 for the bridge raise. The first one is a transient guest tax which comes from our Tourism Fund. The next one is the KC Levee Betterment funds which has \$1.8M available. Then ARPA replacement revenue funds, which are in our City General Fund, in the amount of \$3.5M that we have to pull from. We also have city debt financing which would occur in the 2024 and 2025 budget process. It would be a little too late to use that because the bridge needs it now. Then there's availability through grants and alternative funding that we could go out for that we have not secured yet.

Tourism Fund Forecast

TOURISM FUND	2022 Amended Budget	2022 Forecast	2023 Budget	2023 Forecast
TOTAL REVENUES	\$ 3,763,566	\$ 4,181,135	\$ 4,000,000	\$ 4,200,000
TOTAL EXPENSES	\$ 5,294,987	\$ 3,316,289	\$ 4,584,020	\$ 4,584,020
Contingency for Potential Tourism Projects	\$ 1,550,000		\$ 1,550,000	\$ 1,550,000
Net Change in Fund Balance	\$ (1,531,421)	\$ 864,846	\$ (584,020)	\$ (384,020)
Cash Basis Ending Fund Balance	\$ 1,489,566	\$ 3,885,833	\$ 905,546	\$ 3,501,813
ACFR Ending Fund Balance	\$ 2,633,880	\$ 5,030,147	\$ 2,049,860	\$ 4,646,127
Reserve % of Expenditures	49.74%	151.68%	44.72%	101.35%
Fund Balance 17% Target	\$900,148	\$563,769	\$779,283	\$779,283

The current slide is a view of the Tourism Fund where we are recommending that the dollars come from. We have the 2022 budget as we approved it for the year 2022 and then we have a 2022 forecast to show how we expect to end the year. One of the things going on there is total revenues for the 2022 forecast came in at \$4.1M. We originally approved it to come in at \$3.7M, so we ended up collecting about \$417,000 more in revenue. Total expenses in the 2022 budget. we forecasted that we would spend almost \$5.3M. We ended up spending \$3.3M, which gave us a

fund balance of about \$2.6M more than we expected. One of the reasons there is you see the yellow line. We added contingencies for potential tourism projects that we set aside each year of \$1.5M. We did not use that dollar amount in 2022 so it went to fund balance. Where we expected to have a fund balance of \$2.6M, we ended up having a fund balance of \$5M. We usually shoot for a 17% fund balance and we ended up having or forecasted to have in 2022, a 152% fund balance. So what we were expecting to have a fund balance or wanting a fund balance of \$563,000, we have about \$4.5M more.

As we go into 2023's budget, which is the budget that we will pull the \$852,000 from, we originally expected from that budget to have like a \$2M fund balance. With the fund balance of like \$2.6M rolling over from the 2022 yearend, 2023 will end up having like a \$4.6M forecast or fund balance. That will be like 101% fund balance compared to our expenditures. We're expecting or wanting to have a \$779,000 fund balance. This is one of the reasons that we believe that the funding can come from this fund. We do have other options. This is just the fund that we're choosing to select it from. There is also the ARPA funding for revenue replacement where it can come from, but this is our choice of Finance and Budget.

Summary

- Request from Commission
 - Approval of funds for Bridge Raise
 - Funds from Transient Guest Tax
 - ½ of Cost to be Reimbursed by Rock Island Bridge per Development Agreement



In summary, we are requesting the Commission to approve the bridge raise and to fund it from Transient Guest Tax.

Mr. Shaw said if you have any questions, feel free to ask. I will note, I kind of mentioned this before, but the way I think of this bridge raise is that I have insurance on my house and I have insurance on my car and when I think of this, hopefully, if we raise the bridge, hopefully water never gets anywhere near it. So hopefully you'll never even know that you needed it, but just in case, raising that bridge is an insurance policy for the future.

(Mayor Garner left the meeting and Commissioner Bynum stepped in as Mayor Pro Tem at 9:00 p.m.)

Commissioner Johnson said I agree with you; it's insurance. I'm not happy about it, but it's something that has to happen. The Tourism Fund has been discussed and voted on by the standing committee. So with that, I make a motion to approve.

Action: **RESOLUTION NO. R-1-23**, "A resolution whereby the County Administrator is hereby authorized to spend up to and including Eight Hundred Fifty Three Thousand Dollars and no/100 (\$853,000.00) of TGT revenues to help pay for the design and construction costs of raising the Rock Island Bridge and is hereby authorized to negotiate the terms and execute in the name of the Unified Government all such contracts, documents, certificates, and instruments as may be necessary or desirable to carry out and comply with the intent of this Resolution."
Commissioner Johnson made a motion, seconded by Commissioner Davis, to adopt the resolution.

Commissioner Burroughs said I want the body to know that I want to thank Troy and Sarah and Reggie and Debbie Jonscher because the presentation they gave the other night put solidity into the financial aspect and how to go about financing this. I commend them on their information and how they brought it forward to find a resolution for the committee. So I stand ready to support the motion.

Roll call was taken and there were ten "Ayes," Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis.

ADMINISTRATOR'S AGENDA

Item No. 1 – 211735...UPDATE: GRANTS AND GRANT PROCESS

Synopsis: Update on status of grants and grant process, submitted by Cheryl Harrison-Lee, Interim County Administrator.

Cheryl Harrison-Lee, Interim County Administrator, said you were provided under a separate cover an update on the grants that we received from the Police Department, Public Works, as well as a cross-departmental grant collaboration. We'll stand for questions if you have any questions about that report.

Action: For information only.

Item No. 2 – 212201...RESOLUTION: FORMALIZING AMENDMENTS SECTION 202 AND 203 RULES OF PROCEDURE

Synopsis: A resolution formalizing amendments previously adopted to Sections 202 and 203 of the Unified Government's Rules of Procedure and assigning a number to the resolution, submitted by Misty Brown, Chief Counsel.

Action: This item was previously removed from the agenda per the blue sheet.

COMMISSIONERS' AGENDA

Item No. 1 – 212200...TRAVEL REQUEST: COMMISSIONER RAMIREZ

Synopsis: Request to travel to Washington, D.C, to attend the NACO Legislative Conference, submitted by Commissioner Ramirez.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Davis, to approve as submitted. Roll call was taken and there were ten "Ayes," Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis.

LAND BANK BOARD OF TRUSTEES' CONSENT AGENDA

No items

Mayor Pro Tem Bynum said that concludes the regular portion of our agenda tonight and we will now move into the Planning and Zoning portion of our agenda. I'm going to ask the Clerk to read

our statement, as required by state law, that governs our Planning and Zoning portion of our meeting, and followed by that, 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 item on the agenda? **Commissioner McKiernan** said I've had conversations with proponents of item SP2022-066 and furthermore, because I'm a member of the Board of Trustees for the applicant, I will recuse myself from voting on this application when the vote is taken. **Commissioner Bynum** said I've had communication from opponents of COZ2022-038 and it's corresponding SP2022-093.

Mr. Deichler said I will now read the items on tonight's Consent Agenda.

Mayor Pro Tem Bynum asked, does any member of the Commission, County Administrator, or public wish to set aside any item on the Consent Agenda? **Commissioner Kane** said I don't want to set anything aside, but I have been in contact with SP2022-093 the one that's for denial. **Mayor Pro Tem Bynum** said if no item is set aside, all items on this Planning and Zoning Consent Agenda...

Action: **Commissioner Kane made a motion, seconded by Commissioner Davis, to approve all the items on the Planning and Zoning Consent Agenda.**

Mayor Pro Tem Bynum said I see no one coming forward from the audience to ask for a set aside.

Roll call was taken and there were ten "Ayes," Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis. (Prior to Commissioner McKiernan's vote, he said as mentioned earlier, I am recusing myself from voting on item SP2022-066.)

CHANGE OF ZONE APPLICATIONS

Item No. 1 – 216...CHANGE OF ZONE APPLICATION COZ2022-038 – ANNA BRESCIA WITH RICHARD T. BRYANT AND ASSOCIATES

Synopsis: Change of Zone from R-1 Single Family and C-1 Limited Business Districts to CP-1 Planned Limited Business District for a liquor store at 8919 Leavenworth Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

And

Item No. 1 – 2117...PLAN REVIEW APPLICATION MPL2022-023 – ANNA BRESCIA WITH RICHARD T. BRYANT AND ASSOCIATES

Synopsis: Master Plan Amendment from Low-Density Residential (City-Wide Master Plan) to Community Commercial (City-Wide Master Plan) at 8919 Leavenworth Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

And

Item No. 3 – 218...SPECIAL USE PERMIT APPLICATION SP2022-093 – ANNA BRESCIA WITH RICHARD T. BRYANT AND ASSOCIATES

Synopsis: Special Use Permit to operate a liquor store at 8919 Leavenworth Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Anna Brescia with Richard T. Bryant & Associates, is requesting a Change of Zone, Master Plan Amendment, and Special Use Permit for the operation of a liquor store at 8919 Leavenworth Road. The current property is split-zoned C-1 and R-1 and the Change of Zone formally recognizes the commercial designation for the property. The Master Plan Amendment has been requested to better align the proposed commercial use with the land use designation. The subject property has a total of 3,728 square feet plus parking and an additional vacant lot in the rear for future development. The Planning Commission voted 9 to 0 to recommend denial of Change of Zone COZ2022-038, Master Plan Amendment MPL2022-023 and Special Use Permit SP2022-093 due to the proposed use's incompatibility with the neighborhood.

Action: Commissioner Kane made a motion, seconded by Commissioner Davis, to deny Change of Zone Application COZ2022-038, Master Plan Amendment Application MPL2022-023, and Special Use Permit Application SP2022-093 due to the proposed use's incompatibility with the neighborhood. Roll call was

taken and there were ten “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis.

Item No. 2 – 217...CHANGE OF ZONE APPLICATION COZ2022-042 – ROGER BARRETT WITH SK DESIGN GROUP

Synopsis: Change of Zone from CP-O Planned Non-Retail Business District to C-D Central Business District to construct a six (6) story mixed-use development at 810 North 6th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Roger Barrett, with SK Design Group, Inc., wants to rezone 810 North 6th Street C-0 Nonretail Business District to C-D Central Business District to build a 60-unit, five (5) story over one (1) story commercial retail/office (six (6) stories total) on 0.53 acres. The Planning Commission voted 9 to 0 to recommend approval of Change of Zone Application COZ2022-042, subject to:

1. A Certificate of Appropriateness is required to be approved by the Landmarks Commission for zoning prior to having this case, COZ2022-042 is presented before the City Planning Commission. This case will not be heard before the City Planning Commission until after a decision is made by the Landmarks Commission. Also, if there are changes to the plan that the Landmarks Commissions make in their Certificate of Appropriateness review, this will affect the site plan/design and/or building elevations. Additionally, a Certificate of Appropriateness must be approved by the Landmarks Commission prior to the issuance of a building permit, which can be adjusted for the Final Development Plan, if needed. Contact Randy Greeves, Historic Preservationist Planner, at (913) 573-5763 or rlgreeves@wycokck.org;
2. This City Planning Commission case is being heard in conjunction with BOZA2022-060. 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 BOZA2022-060 by the Unified Government Board of Zoning Appeals and upon any ordinance publications required by law;
3. Because this project is on a transit corridor, a transit stop needs to be incorporated into the street improvements along 6th Street or Ann Avenue. Contact Justus Welker, Director of Transportation, at (913) 573-6798 or jwelker@wycokck.org for specific details on what improvements are needed;
4. In addition to establishing greater pedestrian connectivity throughout the development, where there are major parking lot crossings, crosswalks and/or other traffic calming devices shall be painted in the drive aisles, so residents and guests are alert to look for pedestrians;
5. Obtain a shared parking agreement with an adjacent property owner to alleviate the potential single-family neighborhood’s concerns about the lack of on-street parking;
6. Review Appendix A in the Downtown Master Plan as building design, streetscape design and open space design are discussed at length. Incorporate these elements into the Final Development Plan.

https://www.wycokck.org/WycoKCK/media/Urban-Planning-Land-Use/Documents/Downtown_Master_Plan.pdf;

7. 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;
8. Lighting cannot exceed one (1) footcandle at the property line. Revise the lighting plan;
9. Interior parking lots lights must also be well lit without creating glare to the surrounding neighborhood;
10. Due to lack of non-vehicular open space, consider incorporating the use of permeable pavers for all driveways;
11. The proposed retaining wall along the west property line shall be stone masonry, not modular block, or concrete forms;
12. All existing and future driveways must feature curb cuts that are constructed to UG standards;
13. The proposed garage doors shall match the adjacent exterior building façade color;
14. Downspouts shall be internalized;
15. Greater emphasis needs to be put upon the ground floor uses and its proximity to Ann Avenue. Need to activate all ground floor on Ann Avenue. Staff would like to further evaluate this issue to see if doors, patio, outdoor patio/seating area can be added along Ann Avenue doors;
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. All trash and recycling receptacles shall be enclosed on all sides with an opaque 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. When possible, the enclosure's gate shall face away from streets or adjacent land uses. All screening materials must be well maintained at all times;
19. 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;
20. All electrical meter banks, typically on the side of the building shall be screened from public view;
21. 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;
22. 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;
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. Regarding the BPU transformer screening, the following applies:
 - a. Gate doors are required for all types of screening that are placed in front of the transformers.
 - a. Fences shall be installed two (2) feet off the ground and have adequate clearance to open gate doors at 180 degrees and have 10- foot clearance from pad when gate door is open.
 - b. Posts for gate doors must be installed a minimum distance of 10 feet apart in front.

- c. For slat fences, customer shall install a minimum four (4) inch slats and have four (4) inches of space between each slat.
- d. 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).
- e. 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;
- 25. 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;
- 26. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
- 27. If approved, the applicant must file and maintain a current business occupation tax application with the Business Licensing Division (businesslicense@wycokck.org or 913-573-8780). Their office is located in the Neighborhood Resource Center (NRC), 4953 State Avenue, Kansas City, KS 66102;
- 28. All existing and future driveways must feature curb cuts that are constructed to UG standards;
- 29. 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;
- 30. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable; and,
- 31. 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.

Action: Commissioner Kane made a motion, seconded by Commissioner Davis, to approve Change of Zone Application COZ2022-042, subject to the stipulations. Roll call was taken and there were ten “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis.

Item No. 3 – 219...CHANGE OF ZONE APPLICATION COZ2022-043 – TRENT GADDY WITH JULES BOREL

Synopsis: Change of Zone from CP-O Planned Non-Retail Business District to B-P Planned Business Park District to operate an administrative office with inventory for Jules Borel and Company at 1223 Meadowlark Lane (to replace SP-2020-95 – expires 2/4/2023), submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

And

Item No. 2 – 2118...PLAN REVIEW APPLICATION MPL2022-027 – TRENT GADDY WITH JULES BOREL

Synopsis: Master Plan Amendment from Mixed-Use (City-Wide Master Plan) to Business Park (City-Wide Master Plan) at 1223 Meadowlark Lane, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Trent Gaddy with Jules Borel & Co., LLC, is requesting a Change of Zone and Master Plan Amendment for a developed property. The Change of Zone is a request from CP-0 Planned Non-Retail Business District to B-P Planned Business Park District. The Master Plan Amendment is a request from Mixed-Use Land Use District (City-Wide Master Plan) to Business Park Land Use District (City-Wide Master Plan). Both the Change of Zone and the Master Plan Amendment are requested to allow the existing business—receiving, storing, and shipping inventory for watch repair—to be an allowed use under zoning district and master plan regulations. The existing uses are currently allowed under SP-2020-95, a Special Use Permit for temporary use of land for commercial or industrial purposes. The applicant is simultaneously requesting variances from the B-P District parcel size minimum and building setbacks, under BOZA2022-063. The Planning Commission voted 9 to 0 to recommend approval of Change of Zone COZ2022-043 and Master Plan Amendment MPL2022-027, subject to:

1. All landscaping plans must follow the preliminary landscaping plan submitted and shall comply with all applicable landscaping requirements, included Sections 27-472(g), 27-699(a)(6), and 27-702(1)(a-d);
2. The sidewalk serving the parking lot must be extended and connected to the sidewalk in the Meadowlark Lane right-of-way;
3. Per Section 27-699(b)(5), 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;
4. Per Section 27-699(b)(6), mechanical equipment or other utility hardware whether on the ground or on a building shall be screened from public view;
5. The parking lot should be repaired and paved subject to UG standards;

6. All conditions stated in the applicant responses to SP-2020-95 remain the same, as attested to by the applicant on November 28, 2022;
7. 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;
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. This City Planning Commission case is being heard in conjunction with BOZA2022-063. 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 BOZA2022-063 by the Unified Government Board of Zoning Appeals and upon any ordinance publications required by law; and,
10. 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.

Action: Commissioner Kane made a motion, seconded by Commissioner Davis, to approve Change of Zone Application COZ2022-043 and Master Plan Amendment MPL2022-027, subject to the stipulations. Roll call was taken and there were ten “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis.

SPECIAL USE PERMIT APPLICATIONS

Item No. 1 – 2110...SPECIAL USE PERMIT APPLICATION SP2022-066 – ROMAN CATHOLIC ARCHDIOCESE OF KANSAS CITY, KANSAS

Synopsis: Special Use Permit to erect a 140’ tall stealth monopole for the installation of lights and communications equipment at Bishop Ward athletic field with ground-based supporting equipment at 715 North 16th Street, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design. The applicant, the Roman Catholic Archdiocese of Kansas City, Kansas, has filed a Special Use Permit to construct a 140-foot stealth monopole telecommunication tower for Verizon Wireless on stadium lights and associated ground equipment adjacent to the Bishop Ward High School football field/track within a 619 square foot enclosure at 715 North 16th Street. The

Planning Commission voted 9 to 0 to recommend approval of Special Use Permit SP2022-066 for ten (10) years, subject to:

1. If the telecommunication tower should be modified to be more stealth (internalized) than previously designed, Staff requests the City Planning Commission allow the design change to be made at building permitting;
2. Sec. 27-593(a)(30)k.5.(a)2.viii.A. Wireless communication facility compounds shall be screened with a minimum of ten (10) foot walls, from grade. These walls must be composed of either (a) solid masonry (b) wooden fencing set on steel rails with a maximum one-quarter ($\frac{1}{4}$) inch gap between wood slats and masonry columns with a minimum width of two (2) feet and a maximum separation of sixteen (16) feet per column. If the applicant does not meet this standard, a deviation from the Board of Zoning Appeals is required;
3. Sec. 27-593(a)(30)k.5.(a)2.viii.B. The applicant must submit a landscaping plan in accordance with Section 27-699 of this chapter. Further, an applicant must provide the Planning Department with a watering plan/schedule for the first twelve (12) months subsequent to the issuance of a certificate of occupancy for the wireless communication facility to ensure the landscaping will survive;
4. Sec. 27-593(a)(30)k.5.(a)2.viii.C. All compound entry gates must be constructed of wood slats on steel rails;
5. Sec. 27-593(a)(30)k.5.(a)2.xix. All visible buildings or structures and equipment accessory to a communication tower shall be designed to blend in with the surrounding environment through the use of color, camouflage, and architecture;
6. Sec. 27-699(a)(5) The perimeter of all towers including tower compounds shall be landscaped with the equivalent of one (1) row of large shrubs planted on 15-foot centers and one (1) row of evergreen trees planted on 15-foot centers;
7. If approved, the applicant must file and maintain a current business occupation tax application with this Business Licensing Division at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102 or (913) 573-8780;
8. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
9. All existing and future driveways must feature curb cuts that are constructed to UG standards;
10. 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;
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. All future co-locations also be flush mounted stealth configuration;
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 10 years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and;
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 Davis, to approve Special Use Permit Application SP2022-066 for ten years, subject to the stipulations. Roll call was taken and there were nine “Ayes,” Bynum, Burroughs, Townsend, Ramirez, Johnson, Kane, Markley, Stites, Davis. (Commissioner McKiernan had previously recused himself from voting on this item.)

Item No. 2 – 2111...SPECIAL USE PERMIT APPLICATION SP2022-074 – MAHER ALTHALATHINI

Synopsis: Special Use Permit for a used-car dealership with light repair at 1000 Osage Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Maher Althalathini, is requesting a Special Use Permit to operate an auto-repair shop in a mixed-use at 1000 Osage Avenue. The Planning Commission voted 9 to 0 to recommend denial of Special Use Permit SP2022-074, due to lack of parking and lack of space for the use on the property.

Action: Commissioner Kane made a motion, seconded by Commissioner Davis, to deny Special Use Permit Application SP2022-074 due to lack of parking and lack of space for the use on the property. Roll call was taken and there were ten “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis

Item No. 3 – 218...SPECIAL USE PERMIT APPLICATION SP2022-093 – ANNA BRESCIA WITH RICHARD T. BRYANT AND ASSOCIATES

Synopsis: Special Use Permit to operate a liquor store at 8919 Leavenworth Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: This item was previously presented in conjunction with Change of Zone Application COZ2022-038.

Item No. 4 – 2112...SPECIAL USE PERMIT APPLICATION SP2022-098 – PAULA GEORGE WITH PARKWOOD DAY SCHOOL LLC

Synopsis: Special Use Permit to operate a childcare center on the campus of KCKCC at 7250 State Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Paula George, is requesting a of Special Use Permit to operate a child educational center in a building on the campus of Kansas City, Kansas Community College (KCKCC). The Planning Commission 9 to 0 to recommend approval of Special Use Permit SP2022-098, for two (2) years, subject to:

1. Landscaping shall be installed around the perimeter of the playground as well as around the mechanical equipment on the north side of the structure;
2. Applicant must be licensed by the State of Kansas and approved by the Wyandotte County Health Department;
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. 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;
5. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design to begin this process;
6. Shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining walls, as applicable;

7. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
8. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,
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 Davis, to approve Special Use Permit Application SP2022-098 for two years, subject to the stipulations. Roll call was taken and there were ten “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis.

Item No. 5 – 214...SPECIAL USE PERMIT APPLICATION SP2022-101 – ADRIENNE BORTZ

Synopsis: Renewal of a Special Use Permit (SP-2020-37 – expired 10/8/2022) to operate a short-term rental at 1101, 1103, 1107 and 1109 North 79th Terrace, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The Applicant, Adrienne Bortz with Gabel Rentals, is seeking the approval of the renewal to operate short-term rentals at 1101, 1103, 1107, and 1109 North 79th Terrace. The subject properties are two (2) duplexes for a total of four (4) units situated on a mixed commercial and residential corridor near the intersection of State Avenue and North 79th Street. The owner has previously operated the properties as short-term rentals since 2018 and has two (2) previous Special Use Permits. The applicant is seeking approval for five (5) years. The Planning Commission voted 9 to 0 to recommend approval of Special Use Permit SP2022-101, for five (5) years, subject to:

1. The applicant shall plant one (1) tree per parcel in the front yard per Section 27-700(a);
2. Applicant shall make repairs and provide evidence of the following repairs as a result of the home inspection:
 - a) Install smoke and carbon monoxide detectors near the HVAC system, one in the common areas, and verify placement and working condition of all smoke detectors in all units;
 - b) Repair the electrical conduit boot and mast anchoring on the roof; and,
 - c) Ensure all windows open and are operable;
3. Maximum number of guests per unit shall be seven (7);
4. All parking must be off-street, maximum number of vehicles is two (2);
5. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
6. Applicant must maintain liability insurance;
7. Applicant must maintain the property's physical condition through the duration of the permit;
8. All reservations shall be a minimum stay of 24 hours;
9. No meals shall be prepared in the dwelling by the owner or owner's agent;
10. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;
11. The owner or owner's agent/operator shall provide a guest book with the following information:
 - a) Information within the dwelling unit to inform and assist renters/guests in the event of a natural disaster, power outage, or emergency including but not limited to tornado, severe weather or storm, or flash flooding. Information should contain appropriate designation for shelter in place, evacuation, or utility contact information;
 - b) A lead-based paint notification for any property built before 1978;
 - c) An asbestos notification for any property built before 1981; and,
 - d) Information for the guest to report any concerns to Host Compliance at 913-246-5133 (phone number) and www.hostcompliance.com/tips (website);
12. The property must remain in proper maintenance and free of hazards, pests, or infestations;
13. The granting of this Special Use Permit does not transfer with a change of ownership of the property;
14. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
15. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
16. The Special Use Permit shall be valid for five (5) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2)

months prior to the expiration of the permit 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,

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

Action: **Commissioner Kane made a motion, seconded by Commissioner Davis, to approve Special Use Permit Application SP2022-101 for five years, subject to the stipulations.** Roll call was taken and there were ten “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis.

Item No. 6 – 2113...SPECIAL USE PERMIT APPLICATION SP2022-102 – JESSE VENZOR

Synopsis: Special Use Permit to operate a short-term rental at 4342 Pearl Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The Applicant, Jesse Venzor, is seeking the approval to operate a short-term rental at 4342 Pearl Street. The subject property is in a residential block near the intersection of Mission Road and 44th Street. The owner has recently purchased the property as a distressed property and is completing renovations. The Planning Commission voted 8 to 0 with 1 abstention to recommend approval of Special Use Permit SP2022-102, for one (1) year, subject to:

1. Any property owner or business owner keeping animals as described in Section 27-593, or any other animal related activity as described in Section 27-593, is required to comply at all times with all the requirements of Chapter 7 and Chapter 27 of the Ordinance. This shall include all ordinance sections that relate to: the care, feeding, and keeping of animals; the proper housing, shelter, and restraint of animals from roaming at large; access to proper veterinary care; the operation and maintenance of land, property, and any building or structure related to animal keeping. The permit holder and the property owner are responsible to register any animal keeping activity with Kansas City, Kansas Animal Services, and to maintain annually that registration, and to arrange and participate in annual property and animal inspections with Kansas City, Kansas Animal Services (NOTE: The applicant will allow pets at the short-term rental);
2. The driveway apron must be upgraded to UG standards;
3. Applicant must repair the portion of the sidewalk that is in disrepair;

4. 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;
5. Maximum number of guests shall be seven (7);
6. All parking must be off-street, maximum number of vehicles is two (2);
7. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
8. Applicant must maintain liability insurance;
9. Applicant must maintain the property's physical condition through the duration of the permit;
10. All reservations shall be a minimum stay of 24 hours;
11. No meals shall be prepared in the dwelling by the owner or owner's agent;
12. 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;
13. 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);
14. The property must remain in proper maintenance and free of hazards, pests, or infestations;
15. The granting of this Special Use Permit does not transfer with a change of ownership of the property;
16. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
17. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
18. The Special Use Permit shall be valid for 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,

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

Action: Commissioner Kane made a motion, seconded by Commissioner Davis, to approve Special Use Permit Application SP2022-102 for one year, subject to the stipulations. Roll call was taken and there were ten “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis.

Item No. 7 – 215...SPECIAL USE PERMIT APPLICATION SP2022-104 – ANDREA TAPIA WITH KCK HOUSING AUTHORITY

Synopsis: Renewal of a Special Use Permit (SP-2020-50 – expired 9/3/2022) to operate a truck fleet maintenance center for the Kansas City Kansas Housing Authority at 1300 Meadowlark Lane, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Andrea Tapia, with the Kansas City, Kansas Housing Authority, is requesting a renewal of a Special Use Permit (SP2020-50), to continue to operate a light auto-repair and general maintenance facility for the Kansas City, Kansas Housing Authority’s vehicle fleet, as well as keep a storage container on site, at 1300 Meadowlark Lane. The Planning Commission voted 9 to 0 to recommend approval of Special Use Permit SP2022-104, for two (2) years, subject to:

1. The applicant shall dedicate the proposed landscape easement with the Register of Deeds;
2. Additional landscaping shall be installed along Meadowlark in the form of trees, bushes, hedges, or shrubs;
3. Section 27-467(g) requires that trees are required at not less than one (1) per 7,000 square feet of site area. The subject property has 302,988 square feet, requiring 44 trees be provided on the site plan. The applicant must maintain all existing trees or landscaping and replace any landscaping that dies;
4. The storage container must be moved to the southwest corner of the parking lot;
5. Any miscellaneous materials must be stored either in the storage container or inside. Miscellaneous materials shall not be stored outdoors in an unorganized manner;
6. All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
7. 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;

8. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
9. 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;
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 is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
12. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,
13. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not

submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Action: Commissioner Kane made a motion, seconded by Commissioner Davis, to approve Special Use Permit Application SP2022-104 for two years, subject to the stipulations. Roll call was taken and there were ten “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis.

Item No. 8 – 2115...SPECIAL USE PERMIT APPLICATION SP2022-105 – JOHN DAVIDSON WITH DAVIDSON ARCHITECTURE

Synopsis: Special Use Permit for the operation of a truck terminal and maintenance shop at 5010 Speaker Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The Applicant, John Davidson of Davidson Architecture and Engineering, is seeking the approval to operate a truck terminal and heavy truck maintenance facility at 5010 Speaker Road. The subject property is in an industrial block near the intersection of I-635 and K-32 Highways. The applicant represents North American Services, a trucking company which currently operates a property at 5510 Kansas Avenue, although the company is wishing to expand and have a permanent company-owned development as opposed to a leasing. The owner has recently purchased the property as a vacant lot and is proposing two new structures, one for truck maintenance and one for the terminal. The Planning Commission voted 9 to 0 to recommend approval of Special Use Permit SP2022-105 for two (2) years, subject to:

1. Trash shall be disposed of in a trash enclosure complying with the Sec. 27- 699(b)(5). Tire, oil and other chemical disposal shall be disposed of in accordance local, State and Federal regulations;
2. The timber stand on the north and northeast of the property shall be preserved as much as possible. The graded area in the northeast corner shall have additional trees planted where disturbed, damaged, or dead to better control long-term erosion and maintain aesthetics along the Levy Trail;
3. No gravel shall be introduced to the property;
4. No parking or idling shall be allowed along the driveway stretch from Speaker Road to the main part of the property;
5. Access Agreements must be preserved and maintained (or created if non-existent) between all parties who utilize the gate for adequate traffic flow;

6. Additional comments by staff during the building permitting process may result in additional revisions prior to the issuance of a building or site permit. All comments by Planning Engineering shall be completed as required and detailed in the separate letters to the applicant;
7. The Board of Public Utilities (BPU) has recently revised their requirements for transformer screening. Please verify the transformer meets these requirements or revise:
 - 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' clearance from pad when gate doors open;
 - c) Posts for gate doors must be installed a minimum distance of 10' apart in the front;
 - d) For slat fences, customer shall install a minimum four (4) inch slats and have four (4) inch 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 6' on each side, 6' on the back and five (5) feet on the front allowing for 10' on the front when gate doors open;
8. Staff accommodations in the maintenance shop shall include appropriate and adequate restrooms and changing facilities for all persons who are legally allowed to work regardless of gender identity or orientation;
9. Fencing must comply with all UG ordinances as specified in Chapter 8 of the Unified Government Code of Ordinances;
10. A building permit is required for a permanent structure greater than 120 square feet. Please contact the Building Inspection Division at (913) 573- 8620 to begin that process;
11. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
12. 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;
13. Any automotive-related business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that the business operations are at all times compliant with all applicable local ordinances and State Statutes and Regulations [27-463 through 27-470; 27- 592 through 27-616] [KSA 65-3424, KAR 28-29-29 through 28-29-33]. Proof of proper disposal of waste tires with a Kansas State permit-holding waste tire collector or waste tire processor is required to be maintained at the management office and provided to any enforcement staff upon request;
14. 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;

15. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;
16. 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;
17. The granting of this Special Use Permit does not transfer with a change of ownership of the property;
18. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The may also be subject to enforcement actions and administrative citations;
19. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not

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

20. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;
21. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Action: Commissioner Kane made a motion, seconded by Commissioner Davis, to approve Special Use Permit Application SP2022-105 for two years, subject to the stipulations. Roll call was taken and there were ten “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis.

VACATION APPLICATION

Item No. 1 – 2116...PLAN REVIEW APPLICATION PR2022-032 – JOSH BEUERLEIN WITH 4J ENTERPRISES

Synopsis: Preliminary and Final Plan Review to expand a speech therapy business at 8247 Leavenworth Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Josh Beuerlein, is requesting a Preliminary and Final Development Plan Review, to construct one (1) new structure and expand the parking lot to accommodate an expansion of a speech therapy business at 8247 Leavenworth Road. The Planning Commission voted 9 to 0 to recommend approval of Plan Review PR2022-032, subject to:

1. The applicant shall file for a Master Plan Amendment from Low-Density Residential (City-Wide Master Plan) to Neighborhood Commercial (City-Wide Master Plan) within 60 days of approval by the City Planning Commission;
2. The applicant is requesting a Plan Review for a property zoned CP-0 Non-Retail Business 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

PR2022-032. All listed requirements that are identified as “have not been meet” must be granted a deviation by the City Planning Commission upon specific request by the applicant during the City Planning Commission meeting;

3. The following requirements of the Commercial Development Guidelines Overlay District have been met:
 - a. Section 27-575(d)(1) states “Projects must be designed to minimize any increased traffic use of neighborhood streets”.
 - b. Section 27-575(d)(8) states that “Internal vehicular, bicycle and pedestrian circulation must connect in a manner obvious to users.
 - c. Section 27-575(d)(9) states that “to the maximum extent possible, 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”.
 - d. Section 27-575(d)(11) states that “Internal pedestrian walkways within parking lot or drive area must be distinguished from other surfaces”.
 - e. Section 27-575(d)(12) states that “Pedestrian connections must be clearly defined in a combination of two or more of the following ways:”
 - i. Six-inch vertical curb;
 - ii. Trellis;
 - iii. Special railing;
 - iv. Bollards;
 - v. Special paving;
 - vi. Low seat wall or other architectural features;
 - vii. Pedestrian scale lighting; and,
 - viii. Traffic calming devices.
 - f. Section 27-575(e)(1) states that “the majority of all surface parking and all drive through facilities should be located to the maximum extent possible behind buildings or in the interior of a block”.
 - g. Section 27-575(e)(2) Pedestrian walkways through the parking area to building entrances should be clearly marked pursuant to this subdivision.
 - h. Section 27-575(e)(4) states that “Parking must be screened from adjacent streets by walls, shrubs, trees, or other design elements”.
 - i. 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”.
 - j. Section 27-575(f)(2) states that “Buildings should be located in such a manner as to minimize conflicts between pedestrians and automobiles”.
 - k. Section 27-575(f)(3) states that “Buildings should be oriented primarily to the street”.
 - l. Section 27-575(g)(8) states that “Buildings, walls, trees, topography, and other site features shall be oriented and arranged to define circulation areas and lend a human scale to the development”.
 - m. Section 27-575(g)(3) states that “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 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”.

- n. The elevations demonstrate a continuous facade along the South and North elevations. Sec. 27-576(c)(2) In order to break up the monotonous appearance of long facades, a building wall no more than 45 feet in length should be divided into increments of no more than 45 feet through articulation of the façade. This can be achieved through combinations of at least three of the following techniques:
 - i. Divisions or breaks in materials;
 - ii. Building offsets (projections, recesses, niches);
 - iii. Window bays;
 - iv. Separate entrances and entry treatment; or
 - v. Variation of rooflines
- o. Section 27-576(h)(1) For new construction, windows, windows with awnings, and covered pedestrian walkways should total at least 60 percent of the building frontage along public streets or parking lots. Windows should be for display purposes or to allow viewing both into and out of the interior.
- p. Sec. 27-577(a)(5) - Landscaping shall exceed the typical code requirements by at least 75 percent.
 - i. The district requirement is one tree per 7,000 square feet of site area. The 0.38 acre site is 15,998 Square Feet, which would require two (2) trees per the Code of Ordinances.
 - ii. All deciduous trees shall be at least 2½" caliper when planted. All evergreens must be at least 6' in height when planted. All shrubs must be planted at a minimum of 5 gallons.
 - iii. Landscaping shall be irrigated.
 - iv. The proposed plan needs to provide two (2) trees to provide adequate tree cover. Please refer to Sec 27-577(a)(5) to ensure that the tree requirement is met.
- q. Sec. 27-577(b)(2) Landscape berms and/or continuous rows of shrubs are required to screen parking from adjacent developments or public streets. Shrubs used in this area must not exceed a maximum height of 30 inches at maturity. The applicant will need to revise the plan to include the screening shrubs.
- r. 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:
- s. One tree with a minimum caliper of two inches (ornamental) evergreen trees must be planted at least six feet tall (when planted) provided for every 30 feet of street easement or frontage.
- t. 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 in between the street trees.
- u. 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.
 - i. The master plant palette for this development is as follows:
 - ii. Autumn Blaze Maple
 - iii. Armstrong Columnar Maple
 - iv. Imperial Honey Locust
 - v. Autumn Brilliance Serviceberry
 - vi. Eastern Redbud
 - vii. Summer Snow Japanese Tree Lilac
 - viii. Eastern White Pine
 - ix. The Commercial Design Guidelines require that all disturbed areas within the development shall be brought to finished grade and seeded or sodded. There shall not be

- any exposed, bare ground unless the lot has an active building permit for building construction.
- v. The Commercial Design Guidelines require that all roof mounted units must be screened by the parapet of the building.
 - w. All signage shall comply with the sign code;
4. The following requirements of the Commercial Development Guidelines Overlay District have not been met in which the applicant is requesting a deviation for approval:
 - a. Section 27-575(e)(1) states that “the majority of all surface parking and all drive through facilities should be located to the maximum extent possible behind buildings or in the interior of a block”.
 - b. Section 27-575(e)(3) states that “parking located between front of building and street right-of-way must provide an additional 20 feet of landscaped area in addition to the required setback”;
 5. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
 6. If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;
 7. The applicant has filed and maintained a current business occupation tax application with the Business Licensing Division;
 8. Section 27-573 acknowledges the use of the Commercial Design Guidelines and their use in this district as established by Ordinance O-50-06;
 9. Section 27-699(b)(5) states that all outside bins or trash container areas must be completely enclosed by an architectural screen to a height not less than the height of the bin or container. No trash enclosures may be located in required yards adjacent to street right-of-way. In commercially and industrially zoned areas where the trash container will not be visible from off the property due to other screening or topographic conditions and will not be visible from public parking or pedestrian areas on the site, such trash bin screening need not be provided. In industrially zoned areas where the trash container will not be visible from residential property and where such containers are kept directly alongside the building and in a well-kept manner, such screening need not be provided;
 10. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
 11. All existing and future driveways must feature curb cuts that are constructed to UG standards;
 12. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance

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

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.

Action: Commissioner Kane made a motion, seconded by Commissioner Davis, to approve Plan Review Application PR2022-032, subject to the stipulations. Roll call was taken and there were ten “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis.

PLAN REVIEW APPLICATIONS

Item No. 1 – 2117...PLAN REVIEW APPLICATION MPL2022-023 – ANNA BRESCIA WITH RICHARD T. BRYANT AND ASSOCIATES

Synopsis: Master Plan Amendment from Low-Density Residential (City-Wide Master Plan) to Community Commercial (City-Wide Master Plan) at 8919 Leavenworth Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: This item was previously presented in conjunction with Change of Zone Application COZ2022-038.

Item No. 2 – 2118...PLAN REVIEW APPLICATION MPL2022-027 – TRENT GADDY WITH JULES BOREL

Synopsis: Master Plan Amendment from Mixed-Use (City-Wide Master Plan) to Business Park (City-Wide Master Plan) at 1223 Meadowlark Lane, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: This item was previously presented in conjunction with Change of Zone Application COZ2022-043.

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

Item No. 1 - 212144...AN ORDINANCE rezoning property at approximately 3640 North 83rd Street, from R-1 Single Family District to A-G Agriculture District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-1-23**, “An ordinance rezoning property hereinafter described located at approximately 3640 North 83rd Street, 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 Davis, to approve the ordinance.** Roll call was taken and there were ten “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis.

Item No. 2 – 212145...AN ORDINANCE rezoning property at approximately 13205 Parallel Parkway, from R Rural Residential and AG Agriculture (WYCO) Districts to A-G Agriculture District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-2-23**, “An ordinance rezoning property hereinafter described located at approximately 13205 Parallel Parkway, in Kansas City, Kansas, by changing the same from its present zoning of R Rural Residential and AG Agriculture (WYCO) Districts to A-G Agriculture District.” **Commissioner Kane made a motion, seconded by Commissioner Davis, to approve the ordinance.** Roll call was taken and there were ten “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis.

Item No. 3 – 212146...AN ORDINANCE rezoning property at approximately 1403 North 7th Street, from CP-1 Planned Limited Business District to CP-3 Planned Commercial District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-3-23**, “An ordinance rezoning property hereinafter described located at approximately 1403 North 7th Street, in Kansas City, Kansas, by changing the same from its present zoning of CP-1 Planned Limited Business District to CP-3 Planned Commercial District.” **Commissioner Kane made a motion, seconded by Commissioner Davis, to approve the ordinance.** Roll call was taken and there were ten “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis.

Item No. 4 – 212147... AN ORDINANCE rezoning property at approximately 822 and 825 North 49th Street, from A-G Agriculture and R-1 Single Family Districts to MP-3 Planned Heavy Industrial District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-4-23**, “An ordinance rezoning property hereinafter described located at approximately 822 and 825 North 49th Street, in Kansas City, Kansas, by changing the same from its present zoning of A-G Agriculture and R-1 Single Family Districts to MP-3 Planned Heavy Industrial District.” **Commissioner Kane made a motion, seconded by Commissioner Davis, to approve the ordinance.** Roll call was taken and there were ten “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis.

Item No. 5 – 212148...AN ORDINANCE vacating utility easements (VAC2022-007) at approximately 12821 and 12827 Hubbard Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-5-23**, “An ordinance vacating all of Lots 37 and 38, Freeman Farms North Phase One, a subdivision of land in the city of Kansas City, Wyandotte County, Kansas described by Roger B. Dill PS 1408 on September 19th, 2022. Containing 25,645.35 sqft or 0.59 acres, located at approximately 12821 and 12827 Hubbard Road, Kansas City, Kansas.” **Commissioner Kane made a motion, seconded by Commissioner Davis, to approve the ordinance.** Roll call

was taken and there were ten “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis.

Item No. 6 – 212149...AN ORDINANCE authorizing a Special Use Permit to operate a used car dealership (SP2022-072) at 1401 Merriam Lane, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-6-23**, “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 a used car dealership at 1401 Merriam Lane Kansas City, Kansas.” **Commissioner Kane made a motion, seconded by Commissioner Davis, to approve the ordinance.** Roll call was taken and there were ten “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis.

Item No. 7 – 212150...AN ORDINANCE authorizing a Special Use Permit for a Short-Term Rental (SP2022-094) at 4904 Edgehill Drive, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-7-23**, “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 4904 Edgehill Drive, Kansas City, Kansas.” **Commissioner Kane made a motion, seconded by Commissioner Davis, to approve the ordinance.** Roll call was taken and there were ten “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis.

PLANNING AND ZONING NON-CONSENT AGENDA

CHANGE OF ZONE APPLICATION

Item No. 1 – 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 and Urban Design.

And

Item No. 2 – 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 and 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;

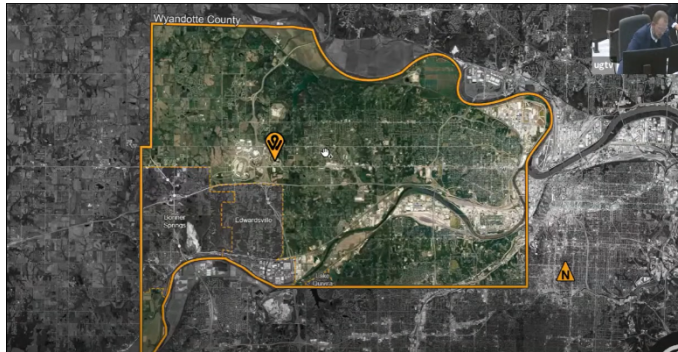
24. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, 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.

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 November 14, 2022 hearing.	

Gunnar Hand, Director of Planning and Urban Design, said this case was held over from the November Board of Commissioners' hearing. Again, it's being heard in conjunction with Special Use Permit 2022-097. I'd also note that Plat 2022-035 and BOZA 2022-034 were approved at

both the Board of Zoning Appeals and the City Planning Commission of that same month, November 2022.

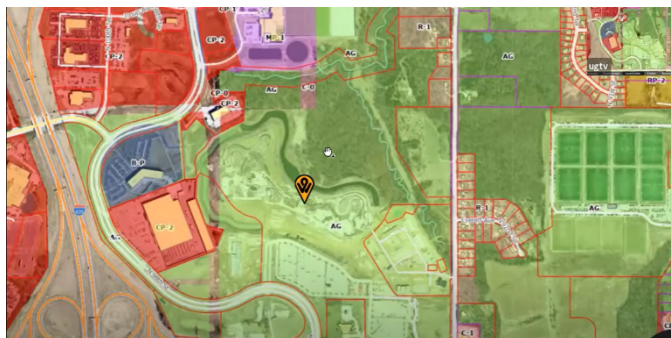
This is for the new Margaritaville Resort at the former Schlitterbahn site.



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



We received no letters of support; one letter in opposition. That opposition was specifically related to the parking variants of note. There are no notices of violation on the property.



Staff recommends approval. As it relates, there were several deviations granted by the City Planning Commission for this case. There are two issues in particular. The special use permit is

January 12, 2023

being recommended for a two-year term. The applicant would request that it be for an indefinite period.

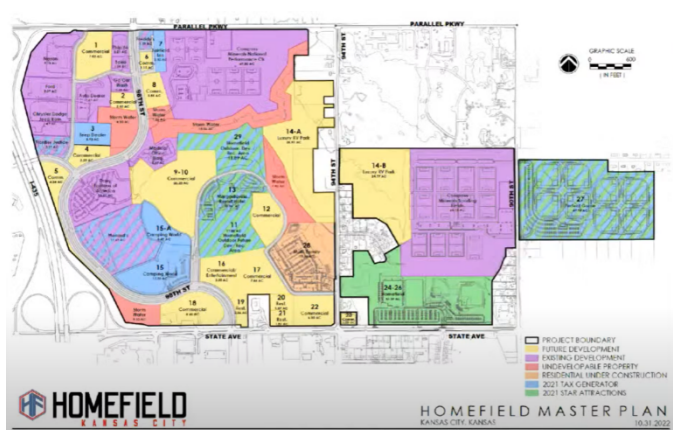
Additionally, there is a condition of approval related to the sidewalk and trails. If you're familiar, for over a decade, it has been this body's policy to require trails and sidewalks that are on the formerly Sidewalk and Trails Master Plan recently updated and incorporated into the GoDotte County-Wide Mobility Strategy. At the time of development, one of those greenway trails follows essentially this existing creek bed system throughout the development.

As this is the centerpiece of the larger master plan development, you may recall there's been several pieces of this larger overall master plan development that have come before this but, again, staff felt and had previously worked with the applicant on these more overall issues and items. We are requesting, or in line with policy, recommend that that trail not only receive an easement, but at the time of development for those development parcels in the future that those developments also be built. Those trail systems be built.

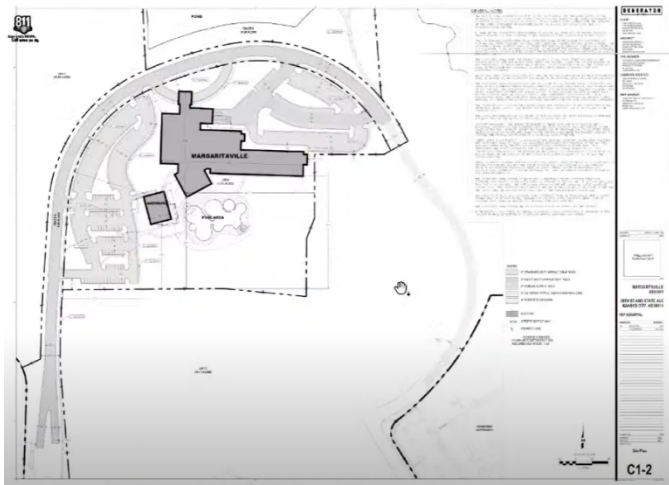
Of particular note, at one point, one of the first developments of the larger master plan of the Schlitterbahn redevelopment was the Homefield multi-family development, which you can kind of see here in the southeast corner. It includes a piece of that same creek, a piece of that same trail system that has been developed and built so this is not a precedent setting in any stretch of the imagination. This is policy and has been policy of this body for over a decade.

Happy to take any questions.

Mayor Pro Tem Bynum said I will now ask the applicant or their representative to come forward and bring your presentation.



Curt Petersen said I'm here on behalf of the developer, which as Mr. Hand said is the developer of the Margaritaville Resort, the proposed resort, which is located, as you saw, on the former Schlitterbahn Water Park site.



I think you all know this is the first of its kind. We always make sure we have just a couple of little issues to discuss, but let's not forget to celebrate. This is a \$150M resort and hotel in Wyandotte County. There's nothing like it in Kansas. It is truly trailblazing.



It's an incredible opportunity to come and compliment the sports and other entertainment aspects that we already have in western Wyandotte County, and it will be super synergistic with all of those. There's more to come, but that's for another meeting.

Per usual, the developer works, professional staff, for months. I'm happy to report there are many stipulations and other than two or conditions, other than these two conditions, we'll

briefly talk about that Mr. Hand introduced, everything else is clean and we're all in agreement. So let's just talk about these last few items before you tonight as part of this approval.



The first is condition #26. As Mr. Hand said, it has to do with how long this special use permit for this resort lasts. Well, why do you need a special use permit? You need a special use permit in this case because there'll be live music, there'll be convention space, and there'll be drinking establishments as part of Margaritaville, you'd image that'd be the case. So the condition says that the special use permit would be two years then you need to come back and renew a number of times after that. We're requesting, as Mr. Hand said, an indefinite special use permit. This can be critical when we're getting our financing, both our equity and our debt. It's really, really hard to get a construction loan for something like this. It's the first of its kind. I can assure you of that, let alone equity.

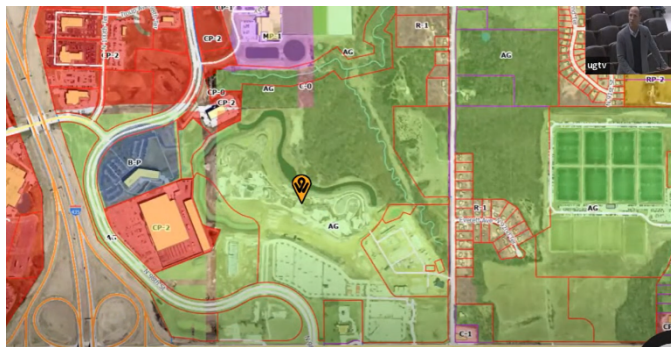
You may remember, it hasn't been that long that part of this master development there's something that's called Homefield Baseball and there's something called Homefield Training Facility. Both of those needed special use permits and this body, just recently, just in the last year or so, year and a half, granted indefinite special use permits for those for the same reasons I just said. It's really hard to finance something that expensive with a two-year SUP, something that's not indefinite. I will tell you that while those are amazing projects full stop and they're really expensive, those projects cost together times one and a half gets you up to the expense of this amazing resort hotel. This is a big deal.

Staff has noted that there's one difference between this SUP and the other two I just mentioned and that is that here, we're talking about drinking establishments and convention space

and live music, and that's different. I would say sure, that's different, but I really don't think the heart of it, which is the financing aspect and very, very importantly, and I'm not teaching you this. You guys know this. You see SUPs all the time. Just because it's an indefinite SUP doesn't mean that at any given moment that Mr. Burroughs or Mr. McKiernan or Mr. Ramirez can't, through the normal channels, call somebody in and say you're in violation of your special use permit. It can be revoked. Full power stays with the Commission. The only difference is it recognizes this immense investment and helps on the financing side.

So with that, the request before you on this first of two issues is that you would consider deleting condition #26 from the approval tonight. The only other matter is condition #5. As Mr. Hand said, it has to do with an 8' trail. Actually, would you go to page 37 in the packet. It has the red marks with the trail.

The UG's Master Trail Plan, as Gunnar said, shows a trail that will generally be shown on the screen. It's okay. We can go with that.



You can see on the screen where the Wyandotte County logo is, that, of course, is right in the heart of the old Schlitterbahn Water Park, which is where generally speaking though the Margaritaville Resort would go. You can also see if you take your eyes a little bit to the right, as Gunnar pointed out, you can see that the stream and the creek, you can follow it all the way up and it makes a T there. It goes west over to 98th St. and it goes east over to 94th St. So condition 5 would require that when a building permit is pulled—for 14a, which is slated to potentially be a very nice RV park. So when a building permit would be pulled, the condition as it's written right now says two things have to happen. The developer of Margaritaville would need a dedicated easement for an 8' trail that follows that entire stream corridor, the whole T.

The second thing is, you got to build the trail. You got to build that entire trail. Well, I'll tell you this. I've been a part of this master development for a while now. This developer is a big

fan of getting pedestrians around; a big fan. We really believe in interconnectivity for these entertainments and restaurants and everything that we have going in the master development. The developer has no issue at all with part 1 of 2 there, which is dedicating that easement for a potential trail there. However, and it's a big however, the developer cannot agree to the second part which is that the developer would build an 8' trail along that entire stream corridor. You say why? They're into connectivity. We are truly, and I mean we, not just Curt, but our civil engineer is highly, highly skeptical that it's even possible to build an 8' trail along that entire area.

I know you have your screens and everything and some of you just know this site really well. I know there's at least one individual that knows this site really, really well. But if you were to take the little yellow character and go to street view right now on Google Earth and you travel up 98th St. and you got to where that medical office building is and then you go a little farther north and you get to the national soccer training facility, in between there, that's where that stream would go. That's where that trail was supposed to go. Take a look at that. Just kind of go up and down and you'll see the ravine right there. You'll see the creek. You'll see all the underbrush. You'll see the box culvert that goes under there. I'm just telling you, it's coming from my civil engineer, what? How are we going to do that? So that's one.

Then look at the substantial grade change when you go east, right? So up to 94th St., we have, what is it, don't quote me exactly, I think it's a 30' drop though from Parallel as you head down into the site. There's crazy grade changes. How about ADA issues, right? How about contacting the Corps of Engineers about being in the stream? Right now there's a dedicated stream corridor easement, conservation easement. How about soil stability when we're down in the creek area because it's a deep area in parts? Neither the UG nor the developer has done any sort of in-depth analysis about any of that. That sounds all real negative, but it's being real world. Remember, an obligation to build it no matter what, right? That could be an \$800,000 trail or something, if it's even possible.

But weigh it against that because I don't want to end with the negative. Connectivity is extremely important. On 98th St. right now, the master developer, and this master development, has constructed both a normal sidewalk and a trail all the way from Parallel down to State. There are already sidewalks all the way down, right? You then have sidewalks that take you east along State when you hit all the way to 94th. You have sidewalks in place where we can travel, right, walking all the way up 94th St. to Parallel. So it's not a situation where there's all that negative

that I just said, but it's reality against people can't get around. They can get where they need to go. The sidewalk and a trail that's already been put in by the master development is there.

One more piece, too. We really believe—now we haven't programmed out every little piece of dirt, but again, where the icon is in the middle of the screen where the resort would go, there's just one more large lot to the west of that that we're still looking for the perfect user. Once that's in, you've pretty much bridged—we have sidewalks in each development we put in here.



You're going to be able to walk on sidewalks and kind of cut through the middle and ultimately get down to the apartments down in the southeast that are being built right now.

So my point is, it's not all negative. We can't build this and stop. You can already get around where you want to go. In the future as the whole place is built out, you'll use the internal sidewalk system as yet another way to get around. I won't belabor it more than that. Our request is that we would modify condition 5 to remove the last sentence so you keep the easement obligation in there in case the UG someday, with taxpayer's money, I mean it, if they say it's really expensive and possible and it's a really big benefit to everybody, maybe this body would vote to spend a million dollars on it, or whatever it would cost. I don't know. But we will provide the easement so the UG could do that, but we're asking you to leave out the last sentence, which is the one that says no matter what, you just have to build it. That's it. We thank you for your support for this master development. The UG's put huge support behind it.

Mayor Pro Tem Bynum said before we go to Commission, we have to open a public hearing on the item. I would ask the Clerk if any notifications were received from the public that want to express comments in favor of the item. **Mr. Deichler** said no comments were received. **Mayor Pro Tem Bynum** asked, is there anyone present who would like to speak in favor of the item? If so, we would ask you to come forward and state your name and address for the record. Clerk, is

there anyone joining virtually who would like to speak in favor of the item? **Mr. Deichler** said seeing none, Mayor Pro Tem.

Mayor Pro Tem Bynum asked, were there any specific notifications received from the public who wished to expressed comments in opposition to the item? **Mr. Deichler** said no comments were received. **Mayor Pro Tem Bynum** asked, anyone present who would like to come to the podium and speak in opposition of the item? Anyone virtual, Mr. Clerk? **Mr. Deichler** said seeing none. **Mayor Pro Tem Bynum** said we have a gentleman moving forward. Please come forward, state your name and address for the record. You have three minutes.

Pastor Stevie Wakes, Olivet Institutional Baptist Church in Kansas City, KS, said I just have a question. The hotel or resort that you plan to build, is this a member only resort or will it be open to the entire public? That's my question.

Mayor Pro Tem Bynum said I will close our public hearing and ask the petitioner; do you want to make any closing remarks? **Mr. Petersen** said no, ma'am.

Mayor Pro Tem Bynum asked, members of the Commission?

Commissioner Stites said, Clerk, I'm not sure if whenever you asked earlier if anybody had any contacts. I thought it was just for the Consent Agenda. We haven't been asked if there was anybody that had contact on the Non-Consent. I want to disclose that I have had contact with proponents of COZ2022-039 and also with SP2022-097.

Mayor Pro Tem Bynum asked, any other comments or questions on the item? If not, I'd take a motion.

Action: **Commissioner Kane made a motion to approve.**

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 Pro Tem Bynum said this one is Change of Zone COZ2022-039. It does have the corresponding special use permit. The question I have is, would they be separate votes? **Mr. Hand** said yes. **Mayor Pro Tem Bynum** said so on Change of Zone 2022-039.

Action: **Commissioner Johnson seconded the motion.**

Commissioner Townsend said I don't know who the appropriate person is. If we need to call the applicant back to address, clarify the question asked by Rev. Wakes.

Mr. Hand said it's a public facility.

Commissioner Stites said with the motion, I want to make sure that we're clear on, with the motion to approve, are we approving the denial or are we approving what the applicant is asking? **Mayor Pro Tem Bynum** said these are recommended for approval, with stipulations. **Mr. Hand** said from the City Planning Commission as is. If you want to amend the condition of approval, you would have to make that in the motion.

Action: **Commissioner Kane removed his motion. Commissioner Johnson removed his second.**

Commissioner McKiernan said let me just clarify because what I heard was that you'd like indefinite duration of the special use permit and removing the requirement for building a trail. I want to know which of these items, each of those two additional stipulations is attached to.

Mr. Petersen said the stipulations on the matter before you right now would be 5. I'm stating what we asked for and then you guys will decide what you want. But stipulation 5 on what you're voting on right now would be changed to indefinite. That's what the applicant is requesting. I did it backwards. Gunnar's on me. I did them in reverse order.

No. 26 is indefinite, would be the request. No. 5 is the one to remove the last sentence is what's requested which is to build the trail.

Commissioner McKiernan asked, and both of those then apply to 2022-097, correct? **Mayor Pro Tem Bynum** said I don't believe so. In other words, Mr. Hand...**Mr. Hand** said it should be done with—#5 should be the change to the trail, if you want to make it, it should be done to the change of zone, so condition #5. The change to the SUP duration should be done at the SUP motion and that would be #26. **Mayor Pro Tem Bynum** said we are not on that item yet. We will be in just one moment. **Mr. Hand** said we're doing the change of zone, I believe.

Mayor Pro Tem Bynum said new motion on the change of zone. **Commissioner Kane** asked, can you repeat the change of zone, please? **Mr. Hand** said it is Change of Zone 2022-039. The applicant is requesting that you amend condition #5 to remove the final sentence that would require, as per adopted policy of the Board of Commissioners, the construction of the proposed greenway trail.

Commissioner Kane said let me ask the question. How are you going to build a path, a trail in a ditch and when it rains you're going to cause a safety hazard. How are the ADA people—how would they get up there or how would they get down? I don't know why we would require them to cause a safety hazard. **Mr. Hand** said, again, that would have to be designed by a civil engineer and constructed. Staff believes there is a way. **Commissioner Kane** asked, are you a civil engineer? **Mr. Hand** said we have civil engineers on staff as well as the county engineer. **Commissioner Kane** asked, have you been physically out there to look at the property? **Mr. Hand** said yes I have. **Commissioner Kane** asked, and you think—I'm not even going to ask that question because I don't want you to answer it because I'll probably get mad. Here's the deal. It would be impossible to build a safe trail in that specific area without spending millions and millions of dollars to elevate that above the culverts. I think we need to remove that part.

Action: Commissioner Kane made a motion, seconded by Commissioner Stites, to approve Change of Zone Application COZ2022-039, subject to the stipulations, with the removal of stipulation #5 for the trail.

Mayor Pro Tem Bynum said we have a motion and a second. Is there more discussion on this item?

Commissioner Ramirez said clarification. So the #5 stipulation is for the COZ, and the #26 is for the SUP? **Mr. Hand** said that's correct.

Commissioner Townsend said point of clarification. So you've got a motion here and what the Planning and Zoning commissioners did was approved this with the two-year stipulation and with the requirement to complete the trail, correct? **Mr. Hand** said that's correct. **Commissioner Townsend** said so my question is in light of Commissioner Kane's motion to exclude the trail requirement—my question is since that would be different than what the Planning Commission did, do you need a super majority to approve this? **Mr. Hand** said it would require eight votes to make the change. **Commissioner Townsend** said your motion only pertains to the trail. No change regarding the time for the special permit. **Someone** said that's the next item. **Mr. Hand** said just a point of clarification, it would still dedicate the easement.

Mayor Pro Tem Bynum said I believe now we have no more questions or concerns from Commission. We have a motion and a second. I'll ask for roll call, please.

Roll call was taken and there were ten "Ayes," Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis.

Mayor Pro Tem Bynum asked, am I correct that we now want to take a motion and a second on the special use permit companion to this? Okay. Special Use Permit SP2022-097 with the same project. Is there a motion?

Action: Commissioner Ramirez made a motion to approve Special Use Permit Application SP2022-097 without condition #26.

Mr. Hand said point of clarification. We do not want to remove the term. We want to amend #26 from two years to indefinite.

Action: Commissioner Ramirez made a motion, seconded by Commissioner Kane, to approve Special Use Permit Application SP2022-097, subject to the stipulations, and amend #26 from two years to indefinite.

Mayor Pro Tem Bynum said we have a motion and a second on that item. Is there any further discussion? If not, roll call.

Roll call was taken and there were ten “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis.

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 (SP-2019-111) 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 and Urban Design. The applicant, Tom Grier 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;

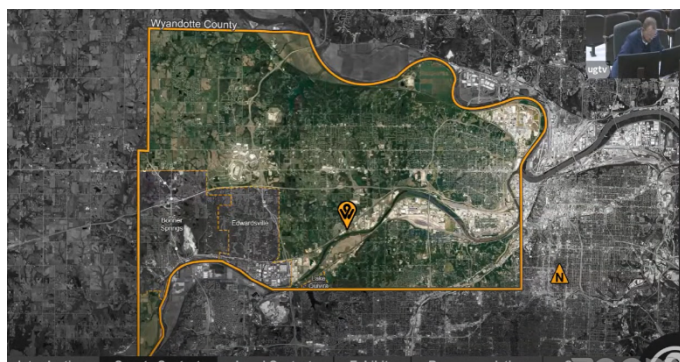
4. The natural flow of the floodway and floodplain cannot be altered;
5. Shall maintain a current application with the Business Licensing Department as long as they continue to occupy and operate;
6. Sec. 27-470 (d)(2) No use shall be permitted or so operated as to produce or emit:
 - a) Smoke, dust, 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;

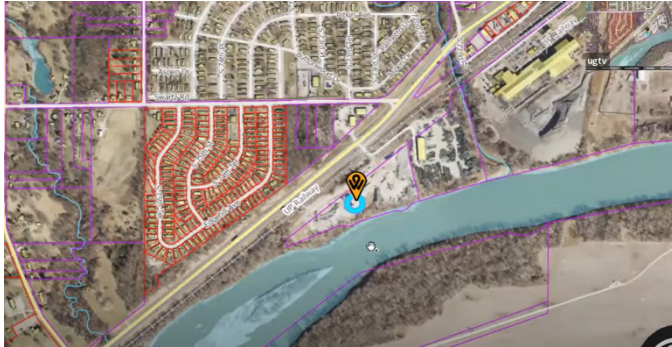
16. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration 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.

Case		
SP2022-061		
Petitioner	Address	
Tom Giefer	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 this special use permit is for a stockpile and processing of concrete materials. It is a renewal of the previous SUP. This one, again, is proposed for another two years. This was also held over from the November Board of Commissioners' hearing to allow for additional community input. Since that time, we have not received any additional community input.



There was a letter in opposition from an HOA across Kaw Dr. from the property as well as a member from the public who attend both the November City Planning Commission in opposition and then the Board of Commissioners' hearing that followed later that month in November.

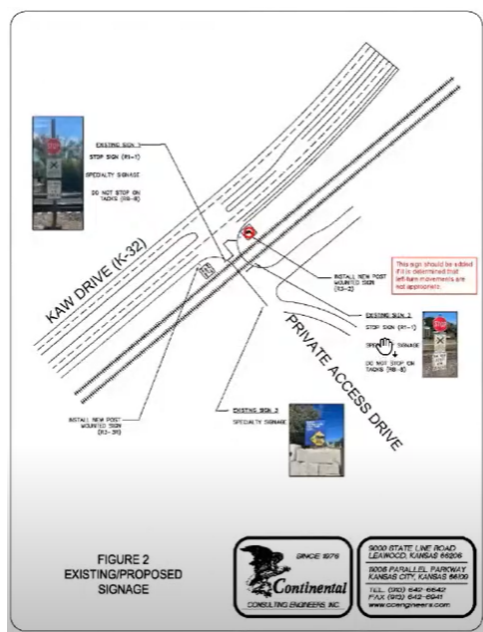


This is in the City-Wide Master Plan area. Again, it's right abutting the Kansas River and across the street from UP Railway and off of Kaw Dr. We received no letters of support. I mentioned the opposition. There are some old notices of violation. There were also quite a few safety issues that were noted on this property.

As you can kind of see in this picture right here, and I can show you some pictures of it a little bit later, but in the area it's a good depiction. You essentially have to turn left off of Kaw Dr. and immediately across the UP rails to access the facility. There have been several crashes at that intersection so we requested that the applicant conduct a traffic study. That traffic study was reviewed by our County Engineer and agreed with it that additional signage needed to be added and the existing signage needed to be replaced and upgraded. So we added that condition of approval.

At the re-hearing of the case at the Planning Commission, they also then discussed, as it relates to dust mitigation from the facility. There's quite a large stockpile of crushed concrete out there at any given day. There were already dust mitigation conditions of approval related to that. Those were enhanced at the City Planning Commission. One, in particular, was to add an air quality sensor at the location and have it be monitored by our Public Health Department which monitors air quality in Wyandotte County.

This facility does require state permits. Since the time of the public comment related to dust mitigation, Zoning Enforcement staff, Public Health staff, and others have gone out to the facility a couple of times to see if there was a violation of the performance standards as it relates to dust. We did not see any. We tried to go out there when it was windy. I'll be honest, it's just



Commissioner Kane said I guess it's my day in a barrel. Our training center is right down the road. During the winter, they do not bust up that concrete near as much as they do during the summer. When you drive through there during the summer, it's pretty bad. I think it's a great idea to have them have some sort of monitor, but I don't—



one of the older ladies up there that contacted me said that she has to remove her furnace filter about twice as much because she actually gets the dust inside. She's the closest one to the road. The other person that was complaining had a death in the family and that's why he's not here.

We need to watch what they're doing. I would probably be more apt to give them a year to see if they clean up their mess than two years. When you're driving down there during the

summer, it's bad. They don't spray any water on like they do at a lot of the other places that crush concrete. I would rather modify that, and I guess it is a motion, to a one year as long as we're doing our job checking their work.

Action: Commissioner Kane made a motion to approve Special Use Permit Application SP2022-061 for one year, subject to the stipulations.

Commissioner Stites said it does concern me about the accidents. I know that we say that staff has said that there were multiple accidents. I think it's important to point out that they were fatality accidents, not just a car having a fender bender. People died at that intersection. I'm not 100% sure, which I don't know if you ever could be, that additional signage is going to take care of the train crossing right there. I hope it does. I hope we don't lose another life.

The dust that is blown from the south to the north across K-32 into that housing area is terrible. Would it be possible for the letter of opposition to be read from the housing since they were not able, due to a death, be here so we could hear it? Would that be all right?

Misty Brown, Chief Counsel, said I'd just like to remind the Commission that we do need to open the public hearing on this matter. I think it would be perfectly appropriate, Mr. Hand, to read that letter of opposition during the public hearing process.

Mayor Garner said thank you, Commissioner Bynum, for filling in for me briefly.

Mayor Garner said I believe where we're at is, I'll ask the applicant or representative to present the application. (No one stepped forward.)

Mayor Garner said I will now open the public hearing and ask the Clerk if any notifications were received from the public who wished to express their comments in favor of this item. **Mr. Deichler** said no notifications were received, Mayor. **Mayor Garner** asked, is there anyone present who would like to speak in favor of this item? Is there anyone joining us virtually who would like to speak in favor of this item, Clerk? **Mr. Deichler** said seeing none, Mayor.

Mayor Garner asked, Clerk, were there any notifications that were received from the public who wished to express their comments in opposition to this item? **Mr. Deichler** said no notifications were received by the Clerk, Mayor. **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 would like to speak in opposition of this item? **Mr. Deichler** said we're seeing none, Mayor, but at the request of Commissioner Stites for Mr. Hand to read that information, it would probably be appropriate here.

Mr. Hand said I'm afraid that we only have reference to the letter in the staff report and I'm unable to access the Y drive to pull it up. I apologize. I can go upstairs and grab it if you'd like. **Mayor Garner** said yes. If you could retrieve that. Commissioner McKiernan has the item up. Commissioner McKiernan, could you read that for record?

Commissioner McKiernan said this is an email from Riverview Estates Manager sent on Monday, November 14, 2022, to Gunnar Hand. Subject: Kansas Heavy Contractors Permit Renewal Petition. The email reads, I have attached a letter outlining an issue. This does not have the letter on the email. I have a letter attached outlining an issue that my community as well as the surrounding areas having due to the operation of concrete recycling business along K-32. I respectfully ask that you please look into this matter as there is some serious safety and health concerns in regard to how this company operates as well as the location of the operation itself. Thank you for your time. Sincerely, Chris Swisher, Community Manager of Riverview Estates.

The letter itself is not in the packet at that point. I apologize.

Mayor Garner asked, Clerk, again, is there anyone joining virtually who would like to speak in opposition? **Mr. Deichler** said seeing none, Mayor.

Mayor Garner said I will close this public hearing. Would the petitioner like to make any additional closing comments? Unfortunately, I'm going to have to withdraw closing the public hearing. We'll wait for Mr. Hand. While we're waiting, I will continue to keep the public hearing open.

Mayor Garner said the Chief Counsel has some comments. **Ms. Brown** said a question was asked as we're waiting to find the letter, if there would be any harm to the applicant if we were to hold this matter over and continue the public hearing at another meeting. I would note that we have the next meeting of the Commission in two weeks, which is also a planning and zoning item. So at this point, the applicant has started this process in July. A special use permit has already expired but as long as this Commission is still considering his application, he's still able to operate. My opinion is there would not be any harm to the applicant if we were to move to continue, hold this item over to the next Planning and Zoning meeting in two weeks and continue the public hearing at that time. Of course, this is the Commission's option. We could also continue to wait to see if Mr. Hand is able to retrieve the letter.

Mayor Garner said we've heard from Legal Counsel and Commissioner Kane has rescinded his motion. I believe that will allow me to close this public hearing. Again, would the petitioner like to make any closing comments? Do any of the commissioners have any questions in regard to this item?

Commissioner Bynum said I was procedurally curious if we have to have a motion now to hold this to the next Commission meeting?

Action: **Commissioner Bynum made a motion, seconded by Commissioner Davis, to hold Special Use Permit Application SP2022-061 to the next Commission meeting of January 27th.**

Mayor Garner said I have a motion and I have a second. Is there any further discussion regarding this matter?

(Mr. Hand returned to the meeting with the letter.)

Action: **Commissioner Bynum rescinded her motion. Commissioner Davis rescinded his second.**

Mayor Garner said I will open the public hearing back up and allow Mr. Hand to read that item.

Mr. Hand said I apologize for the delay. Again, I'm going to read a letter from Mr. Chris Swisher of the Riverview Estates Home Association.

To whom it may concern. Kansas Heavy Contractors and G&G Holdings, LLC, is a concrete recycling operation located at 7241 Kaw Dr., Kansas City, KS 66111. Their operation produces significant dust and noise pollution. The noise is heard well into the residential areas surrounding the facility causing unreasonable stress. Significant amounts of dust are caused by the crushing of cement and inadequate dust reduction measures are not taken. The dust can cause significant health problems and a loss of enjoyment of property that surround the population including schools, day cares, churches, and other public facilities.

There is also a traffic concern at the same location. When the Union Pacific Railroad stops trains at the crossing, traffic starts to park in the westbound turning lane of K-32, which is too small and causes traffic to start merging into the westbound lanes. This is very dangerous especially in the early morning hours or in the evenings. Eastbound lanes are no different as turning traffic will fill the shoulder of K-32. We have seen as many as eight vehicles on either direction parked but now imagine that with several tractor-trailers included.

We suggest, at a minimum, a stop light and railroad crossing with arms. Our community, Riverview Estates MHC, LLC, is asking the county commissioners to deny renewal of Kansas Heavy Contractors and G&G Holdings, LLC, SUP located at 7241 Kaw Dr., Kansas City, KS 66111. Signed Chris Swisher, 1010 S. 74th Terr., KCK 66111.

Mayor Garner said I'm going to close the public hearing and I'm going to ask the petitioner again, are there any closing comments? Commissioners, I'll open up for questions.

Public Opposition	Public Support
One (1) letter of opposition was received for this project. A member of the public attended the 11/14/2022 City Planning Commission to express opposition. 0.	None to date.
Staff Recommendation	
Approval	

Commissioner Stites said thank you, Gunnar, for going and grabbing that. I think it's important if we read them and among others and then if we afford the same thing to this group that took the time to write that. Now I will tell you I agree. There is significant dust. I drive down K-32 all the time. It is bad. I know several people that live there and have lived there and I believe it does create life safety issues. What you've explained that the process of trying to mitigate those, I hope that we really do a good job at monitoring those and hold them accountable and monitor accordingly.

Mayor Garner asked, any other comments or questions?

Action: **Commissioner Markley made a motion, seconded by Commissioner Kane, to approve Special Use Permit Application SP2022-061 for one year, subject to the stipulations.**

Mayor Garner asked, any further discussion?

Ms. Brown asked, Commissioner Markley, would you like to articulate just a quick reason, for the record, for the recommendation. I'll remind the Commission it will take eight votes to approve this. **Commissioner Markley** said I think the reason is to monitor their compliance going forward with the stipulations set forth.

Roll call was taken and there were ten "Ayes," Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis.

Item No. 2 – 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 and Urban Design.

Action: This item was previously presented in conjunction with Change of Zone Application COZ2022-039.

Mayor Garner said before we close, I'd just like to tell the public that this Commission, we are committed to this community and we are going to get better. So, just be patient with us as we move and try to find common ground so we can truly do the work that this community involves in.

A special thank you to Commissioner Bynum and to Commissioner Burroughs for their leadership in building those bridges that we need that are relative to all of us working in collaboration to get the good work done that this community deserves. So thank you and, again, I'd like, as mayor, to apologize to this community for anything that, again, casts a shadow or a cloud over this great community. I know our county deserves better and I'm confident in time that this body will become a cohesive body of committed, collaborating working individuals and good things are going to happen. The best is yet to come for Wyandotte County. So, I'm confident of that.

ADJOURN

Action: Commissioner Bynum made a motion, seconded by Commissioner Davis, to adjourn. Roll call was taken and there were ten "Ayes," Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis.

Mayor Garner said we are adjourned.

MAYOR GARNER
ADJOURNED THE MEETING AT 10:07 P.M.
January 12, 2023

Brett A. Deichler, PMP|CPM
Unified Government Clerk

cg

January 12, 2023

STATE OF KANSAS)
WYANDOTTE COUNTY)) SS
CITY OF KANSAS CITY, KS)

SPECIAL SESSION, THURSDAY, NOVEMBER 16, 2023

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in Special Session, Thursday, November 16, 2023, with six members present: Burroughs, Commissioner At-Large Second District; McKiernan, Commissioner Second District; Markley, Commissioner Sixth District; Stites, Commissioner Seventh District; Davis, Eighth District; and Bynum, Commissioner At-Large First District and Mayor Pro Tem; presiding. Townsend, Commissioner First District; Ramirez, Commissioner Third District; Johnson, Commissioner Fourth District; Kane, Commissioner Fifth District; and Garner, Mayor/CEO were absent. The following officials were also in attendance: David Johnston, County Administrator; Angela Lawson, Interim Chief Counsel; Monica Sparks, Interim Unified Government Clerk; Gunnar Hand, Director of Planning & Urban Design; and Alyssa Marcy, Long Range Planner for Planning & Urban Design Department.

Mayor Pro Tem Bynum said before I call the meeting to order I want to announce that we do have individuals attending remotely as well as on-site. All participants joining by remote, we would ask that you silence your devices when not speaking to avoid background noise. During the meeting, make sure you announce yourself by name and title when you speak so the public knows who is speaking. This is critical given the number of remote participants and is also current guidance from the Kansas Attorney General's Office. Please be sure to speak into the microphone to ensure that your comments are heard and the record of the meeting is accurate.

Mayor Pro Tem Bynum called the meeting to order.

ROLL CALL: Bynum, Burroughs, McKiernan, Markley, Stites, Davis.

NOTICE OF SPECIAL SESSION of the Unified Government of Wyandotte County/Kansas City, Kansas, to be conducted in a hybrid format on Thursday, November 16, 2023, at 5:00 p.m. in the Commission Chambers of the Municipal Office Building regarding an update on PlanKCK and an update on the redevelopment of three UG-owned sites at 18th & Quindaro, 4th & Minnesota,

and the former Indian Springs Mall site.

CONSENT TO MEETING of the governing body of Wyandotte County/Kansas City, Kansas, accepting service of the foregoing notice, waiving all and any irregularities in such service and in such notice, and consent and agree that we, the governing body, shall meet at the time and place therein specified and for the purpose therein stated.

Mayor Pro Tem Bynum said this evening we're going to hear a presentation from our Director of Planning & Urban Design regarding PlanKCK as well as the three government-owned sites. I'll recognize our County Administrator David Johnston for any remarks you might want to make and then our presentation.

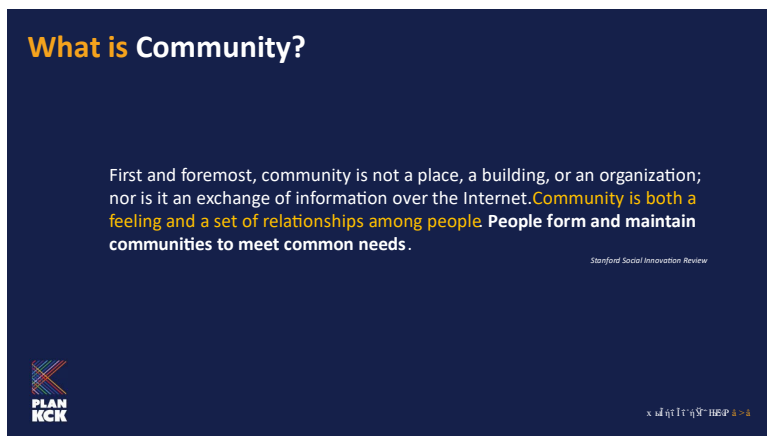
David Johnston, County Administrator, said without further ado, I'm just going to recognize Gunnar Hand, our Director of Planning & Urban Design that will take us through the review.

Gunnar Hand, Director of Planning & Urban Design, said we have presentations tonight about the ongoing update to our Citywide Comprehensive Plan, what we've been calling PlanKCK. As we've been going through this process over the last year, we've come to you on a couple of occasions with some Special Sessions really focused on different subject matters as this is truly a Comprehensive Plan. Tonight we wanted to sort of prep you all for the approval process as we enter this month and without further ado, I'm going to hand it over to the Project Manager for this initiative, Alyssa Marcy.

Alyssa Marcy, Long Range Planner for Planning & Urban Design Department, said I'm going to provide the update for tonight.



Before I get started I just wanted to take my planner's hat off for a moment and speak to you as a neighbor. Throughout this past year I've heard from thousands of residents about what frustrates them, about what keeps them up at night, about all the things that they wish to see change and you do the very same thing in your job here, but I think it's important to recognize that while we acknowledge what's happened in the past, we cannot address the past unless we look towards the future and plan for the future and PlanKCK is something that can do that for us.



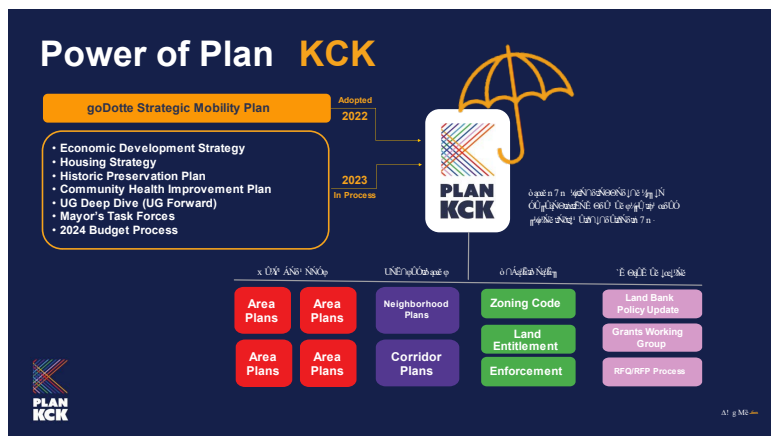
Again, this is a plan that was made with the community and I think it's an important reminder that the community is not inanimate. There are places and spaces and roads and such, but the community is the people and this is the plan that was made with those people.



Putting my planner hat back on. In a community that has so many needs it is important to focus on our strengths and I want to touch on one of those strengths. We sent around a bilingual survey and we asked the question what makes KCK unique and more than half of our respondents said diversity. Some version of diversity, diversity of places of food, of things to do, of history, arts, and so on. So, as we move towards bettering our community and going through strategic initiatives, it's important that we not only celebrate this diversity, but we leverage it.



Again, you've heard me present on this a few times now. Some of you weren't able to make certain meetings so I think part of this will be a little bit of a recap.



If we consider everything that we have to account for, have to manage, have to pay for, have to plan for to provide a livable vibrant KCK, especially considering how constrained our resources are, we have to be strategic. So, PlanKCK is a North Star that can pull all of the treads together and it truly began with the goDotte Countywide Strategic Mobility Plan back in 2022. This was that very first thread that was adopted and it serves now as the mobility chapter of PlanKCK and then we started to layer on other threads such as our Economic Development Strategic Plan, our Historic Preservation Plan, and our Housing Strategy as well as other initiatives that were outside of Planning like what's going on with the Community Health Improvement Plan and the Health Department and what we heard from the community in the 2024 budget process.

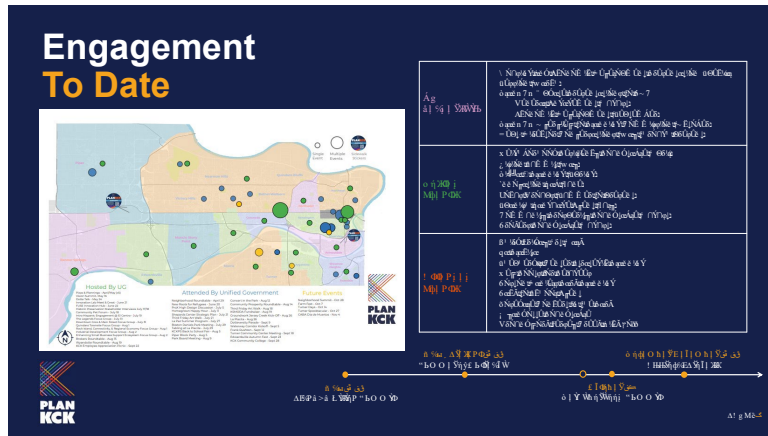
All of these threads come together to make up PlanKCK which is an umbrella that can help guide us when we make future decisions, when we update policies, when we pursue grant funding and decision making in a community with great needs and, you know, varied interests is only made harder if we don't have a unified vision and so PlanKCK is an attempt to do that.

I also want to note, though, that it is elastic. As we change, as we move forward, we can't predict what happens in the future, but PlanKCK is designed to be able to move and adapt to those changes.

PlanKCK is ten elements and four lenses.

[illegible]

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Given all of these elements we had to design a really robust engagement process, so there were really three pieces to this approach. The first was speaking with UG leadership and staff because not only are they experts in their fields, but they're also residents. Director Hand was able to have one-on-one conversations with every single department head. I think that's very significant. As he mentioned earlier, we came to you as many times as we could within this process to either talk about a specific element of PlanKCK or PlanKCK more broadly. We also hosted many events. Some of those events were element specific, some of those were broad, and then lastly we attended events because we heard from our community time and time again to meet them where they are.



I just want to give you a few stats. In total we hosted or attended 120 events. Of those events, 30 were hosted by others that we attended. We had over 300 responses to our bilingual survey. We were also the front page of the UG Spotlight which launched last month which went to 66,000 households. I think that's a huge deal and then as we've gone through this engagement process

over the last nine months or so, we accumulated a very long list there from all the participants in the events.

[illegible]

What we heard broadly is that our community has a desire for rapid change. They want to change the trajectory of where we're headed right now. They also want to be able to live affordably, they also want to have access to community assets, and all of those things point to this one main goal of PlanKCK which is achieving community prosperity.

I also want to mention though that even if we do change a little bit, this doesn't mean that, for example, we're going to completely change everything we do. So, if the market wants development out west, the market's going to continue to do that and that's okay, but we can also then add some intentional development. I think a great example of that is something you hear of later when Director Hand talks about what's going on with the RFQ/RFP process. We chose a vacant lot downtown and it's going to be redeveloped. That's an example of addressing some of what we've heard in the community.



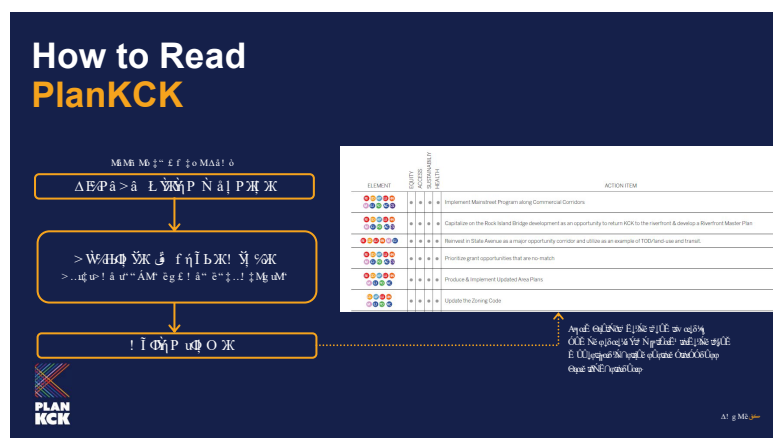
So, why do we need a comprehensive plan.



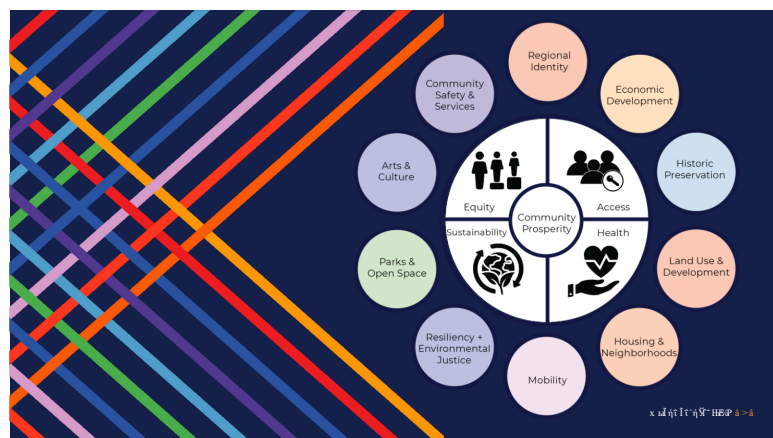
Again, we need a North Star. It's really hard to make decisions when you hear a lot of competing interests and especially hard to make decisions when you have an incredibly constrained budget, so we need something that unifies us and we need something that points us in a strategic direction.



Lastly, I'm going to take you through a handful of examples of the strategic initiatives that we've identified in PlanKCK. So, just keep in mind that these are just a few of many, many action items that we have and again a strategic initiative is a single effort that addresses many stated goals.



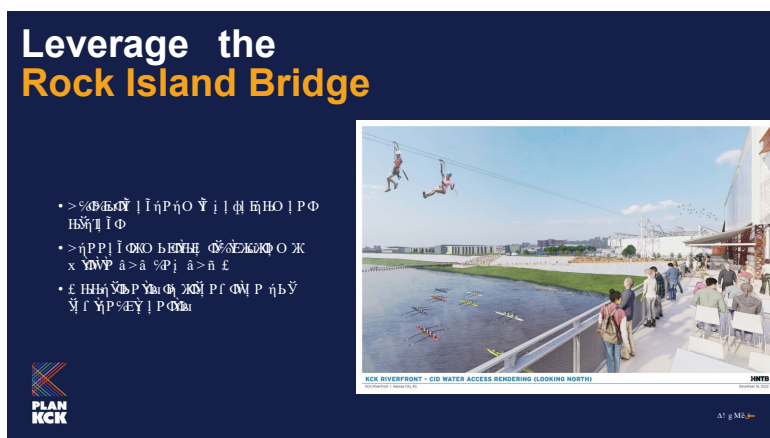
Just a little background. I know you've all read the 188 page document by now, but again, PlanKCK it's achieving community prosperity with four lenses. It has ten elements. PlanKCK has a chapter for each element that has goals and strategies and then it has an implementation chapter at the end that identifies all those action items and strategic initiatives.



Don't think I forgot you Commissioner Bynum. You had asked me for some kind of guiding graphic and I will admit this might be a little bit of a rough draft, but this graphic basically shows what I just described. If the goal was Community Prosperity and we have these ten elements that we're looking through these four lenses, that is what we need to achieve over the time period of PlanKCK. Any suggestions, Commissioner Bynum, we'd be happy to hear them.



First strategic initiative, we talked about this a little bit before, but investing in our K-32 Corridor, so this connects our downtown Bonner Springs all the way to our downtown KCK and then it also has an opportunity to connect to things like the Northeast KCK Heritage Trail going up into our northeast community. It has an opportunity to connect to our Levee Trail and then it has an opportunity for those to connect to the Rock Island Bridge, so a lot of regional connectivity opportunities. This is a mobility effort, this is an economic development effort, this is a regeneration effort, it's strategic.



Next is leveraging the Rock Island Bridge. You know this is a catalytic project. I think a big piece of this other than being just economic development and connecting to a lot of those mobility options I just talked about, it also is a huge piece of our regional identity. There's a regional identity element of PlanKCK. I think we have a lot of pride in our community and I think we just haven't quite been able to figure out how that relates to our neighbors and I think the Rock Island

Bridge is an opportunity to do that. It's also brought housing, it also connects to a lot of historic resources like Kaw Point and the Heritage Trail, so again, strategic.



Next is implementing Mainstreet. So, historic preservation isn't only a way to protect and celebrate our history, but it's a mechanism to access a lot of economic development funding. It's a way that we can be more intentional and redevelop our downtown. It's a way to enhance arts and culture, support our small business ecosystem of which makes up a huge portion of our economic development here, and it's also a smaller carbon footprint than just building new.

One story I told on Monday when we were in front of the Planning Commission is that I recently went to Philadelphia for a wedding and my fiancé had never been there before, so what did we do, we went to see the Liberty Bell, we went to see a demonstration of the printing press, we went to the Edgar Allan Poe House, it was heritage tourism, so what are those examples in KCK. Is that Quindaro Townsite, is that the Ag Museum out west, is that Kaw Point? What are those opportunities that when we get people here from out of town like in 2026 for the World Cup, they can come and experience that kind of history here.

Develop a Robust Land Bank Strategy

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Let's Talk

Land Bank

UC
FWD

KCK

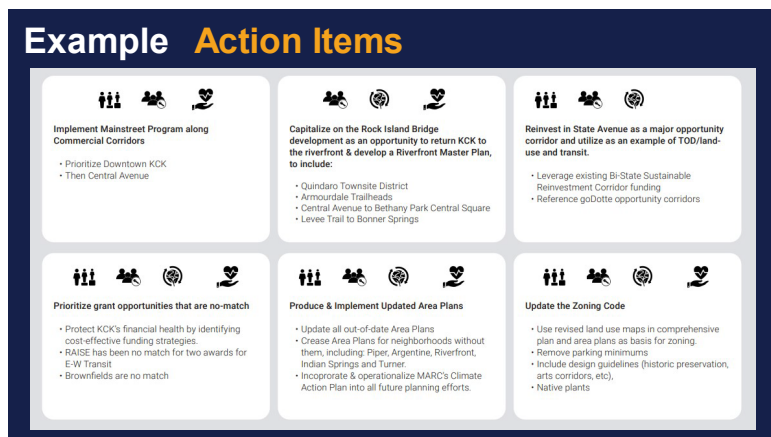
redevelopment RFQ

Three sites. Three neighborhood. Three opportunities to transform a gateway.

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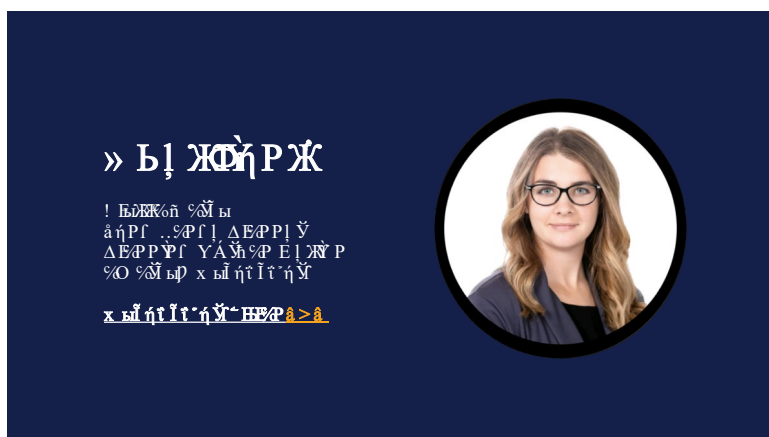
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They've been working on a Douglass-Sumner Land Bank strategy and we're going to pair that with a no match grant to see if we can redevelop a part of their strategy.



I said that these are only a few examples of the many, so you don't have to read this. I know the text is incredibly small, but we have quite a few in the plan. We have a few priorities that we put right up front.

So, this is Fusion by Dan Erickson. This is a delicious place. I lick my lips walking these streets. The flavor of languages filling the air and laughter in all of them. We are unbland. We still know what neighbors are for, what it's like to create with friends. A time is coming when dreams are not luxuries, when skies will open for all of us. What dishes will open from our imaginations, what flowers will bloom in these sidewalk cracks.



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Mayor Pro Tem Bynum said I have a question for you. Go back to the slide Develop a Robust Land Bank Strategy. I'm just curious, can we dive a little deeper there? First of all, is there a notion of when the updates are going to come forward to the Commission from the subcommittee's work? That's question one and then just talk to me more about the pilot with Douglass-Sumner. **Ms. Marcy** said sure.

Mr. Hand said if you're referring to the Land Bank Policy Update, I would refer that to Commissioner Davis, but I think what we encountered was a neighborhood who was already in the process of updating their Quality of Life Plan, which is about 10 years old now. Douglass-Sumner, as we know, is adjacent to downtown. It's in a very transit-rich environment. It also has—it also has in its core what is now—I think it was six last year—10th this year, the 10th best public high school in the country and so I think we have an incredible asset that we need to build around. That asset is surrounded by blocks of Land Bank property and a community who has defined parcel by parcel what they expect from these Land Bank properties when they are redeveloped, so it was a natural sort of symbiotic conversion of the work that they were doing and the conversations we were having either at the Land Bank Policy Update through PlanKCK and with Urban Regeneration in general.

I think what we have is an opportunity when we go from Land Bank Phase One, which was really tearing down buildings and pushing them into basements. Land Bank Phase Two, which is kind of where we feel like we are now, we've somehow created a market for these parcels, but we aren't moving the needle, 240 went out last year, 400 came in, so we're not—you know we need to do something more and so we see Phase Three of the Land Bank as another opportunity and kind of an example of moving this community towards community prosperity and we can learn from the current RFQ/RFP process when it comes to potentially batching larger portions of RFP land, or excuse me, of Land Bank land and an RFP to move it forward.

So, we're kind of learning as we're going. Implementations starts on day one. I've said that a couple of times for our long range planning processes and so we don't know exactly what that's going to look like, but we have this asset, a community that's ready for revitalization and a potential method by which to do that. We think that's another strategic initiative. Again, these are all examples. They're in the plan. They sort of came to the top as we were having these conversations as a way to illustrate some of the ideas of a North Star document like this. Most

comprehensive plans don't really have action plans associated with them because we're supposed to take that vision and when we go into an area, really define those specific neighborhood plans and those area plans, but because our current comprehensive plan also functions as the area plan for many areas, some of those more detailed things started to rise to the top and we felt it was important to share those in this document. I think I answered part of your question maybe.

Mayor Pro Tem Bynum said yes and it's very helpful.

Commissioner Davis said an update on the Land Bank Policy Review stuff, so the subcommittee work has ended. It's been a little over a month now since all of that has concluded. I'm currently working with the Mayor's staff because they had some questions on some of the things that was recommended by the subcommittee. My hope is to have at least a draft with all of the Mayor's staff edits out before the end of the year. That'll be us working with some of our new colleagues, but I don't foresee after that hurdle us having any other issues.

Mayor Pro Tem Bynum said one thing I was thinking of after Monday night's Neighborhood & Community Development meeting was that perhaps, you know, it fits into this component that we have an update maybe more often. I don't know, twice a year, once a year on the options. We did that pretty deep look at those when you were leading us through the whole Land Bank session, but maybe once a year just have a look at the return that you're describing. How many options and how many of those have become reality, if you will, as in completed projects that are fully on the tax roll contributing, so that was just a thought I had after Monday night's Neighborhood & Community Development meeting.

Mr. Hand said if I may, just to explore Land Bank a little bit more, obviously, we've had a lot of comprehensive conversations on many different subject areas, but one of them that keeps coming to the front when we talk about how we deliver city services is what the DA does with expungements and how they've packaged all the steps necessary to get an expungement into an event. That makes it very accessible for residents to approach and then walk out of that single meeting with an expungement as opposed to going all the way around the different courthouses and different departments to do it. Is there a way, and we've done this in the past for information for Land Bank where we've gone out to the public and said here's how you do a Land Bank, but is there a way we could craft a Land Bank summit type event where you walk in, learn how to do

it, and go through the process and maybe walk out as potentially on an agenda in the future. We can't necessarily give them the Land Bank in a single meeting, but is there a way—and I felt that Land Bank was a really interesting opportunity where we could think and potentially do something innovative like that with other programs across the UG.

Mayor Pro Tem Bynum said now you have me thinking, is there a way to package something like that before we get to the Land Bank and this would again require that you lead some conversations among other departments such as Delinquent Real Estate Tax, so is there a way to package up a fair like that where I walk out and my house isn't in the tax sale anymore. Anyway, you're making me think more about that because we heard a lot about that prior to the last tax sale as far as actual homeowners identified that could potentially lose their homes through the tax sale. So, anyway it could extrapolate out to other topics.

Mr. Hand said yeah, and again, if you use Community Prosperity as our North Star, there's a lot of things that can start to trickle down into actual real verifiable actions for us all to do. **Mayor Pro Tem Bynum** said very interesting.

Mayor Pro Tem Bynum asked other comments or questions from the commissioners? Okay, thank you Alyssa.

Mr. Hand said can I just make one quick comment. **Mayor Pro Tem Bynum** said of course. **Mr. Hand** said so we get to the end of this process and we start to try to write a vision statement and as we're trying to write this vision statement we looked to your all's vision statement that you updated in 2022, which quite frankly, is perfectly fitting for everything that we just went through the last year. I think that's important to note that the priorities of this Commission, as well as it's vision statement that it updated, is the vision of this plan. After basically verifying that for the last year, we came back to it and you guys hit on it pretty well. We are always, always—I think we're all always talking about Community Prosperity, we just maybe didn't put a name to it, but I think there's some synergy there that I just wanted to highlight that we in a way started with and then came full circle to the vision statement you all had for the Commission as the vision statement for that added Community Prosperity a little bit in there, but it was an interesting epiphany for us through the process. **Mayor Pro Tem Bynum** said thanks for all the work.

Mr. Hand said two other things before we go to the next agenda item. The Landmarks Commission recommended approval of the Historic Preservation component of PlanKCK at its hearing earlier this month. The City Planning Commission recommended approval of PlanKCK at their hearing earlier this week. It is for your consideration later this month on the 30th and we'll take it from there.

Mayor Pro Tem Bynum said now you'll move into the RFP/RFQ update for us.

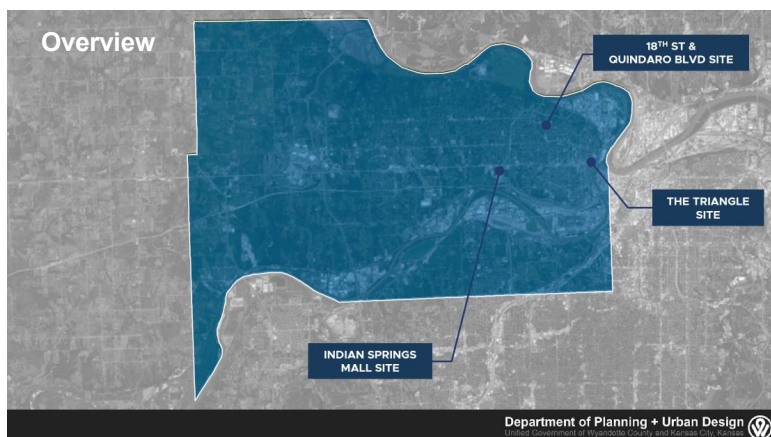
**PlanKCK
Approval Process**

1. City Planning Commission Review	2. City Council Review
3. City Council Approval	4. City Council Approval
5. City Council Approval	6. City Council Approval
7. City Council Approval	8. City Council Approval
9. City Council Approval	10. City Council Approval



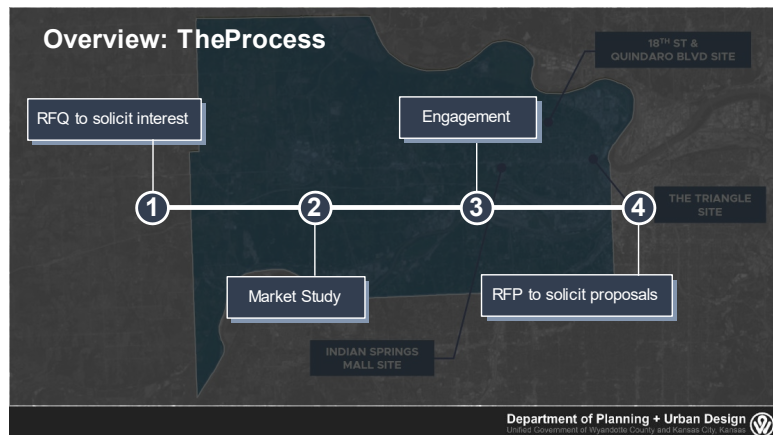
PLAN KCK

Gunnar Hand, Director of Planning & Urban Design, said I'm going to give you a quick update in regards to the RFQ/RFP process that we've been undergoing for a little less than a year now in regards to UG-owned properties.



Originally last year, the previous CAO and Mayor directed staff to develop redevelopment opportunities for these three sites. There was 18th & Quindaro Blvd. which was specifically

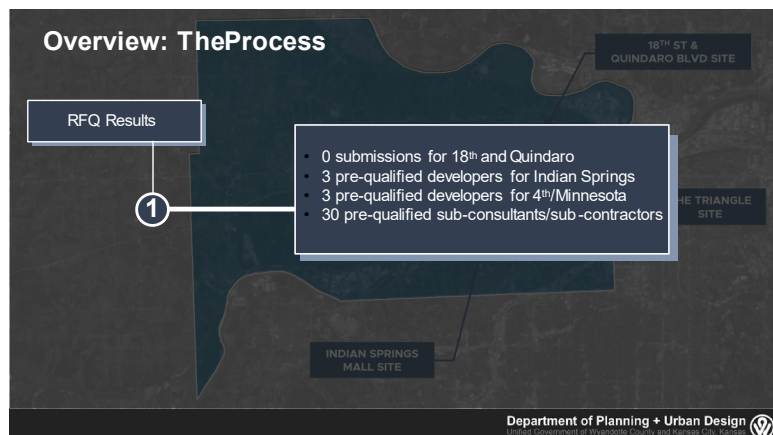
targeted for a grocery store. What was locally called the triangle site, 4th & Minnesota, and then the Old Indian Springs Mall which has its own history of fits and starts, starts and fences.



When we were directed to put something together for these three sites we immediately recognized that we were going to have a bandwidth issue to put together some RFP's in the amount of time that the former CAO wanted us to get that going which was early last spring. We looked to the bench contracts with Development Strategies who's an on-call for economic development who has done these types of RFP/RFQ processes for many other cities. When we sort of communicated how we wanted to put forward these three sites and what our desired outcomes were, their recommendation was to potentially take a step back from going straight into an RFP for each site and develop what's called a Request For Qualifications, so we did that process namely because we felt that was a better mechanism to convey the type of local business participation we wanted out of this and also the complexity of three sites all at once.

The RFQ process ended this past fall. As a part of that process we developed a countywide market analysis. That market analysis has much greater utility than this RFQ/RFP process. We used it to inform PlanKCK in the economic development strategy. We sent it to school districts and nonprofits and others who use growth projections in their planning as well. It's on the website right now for anybody who may want to use it, so that goes over not just population growth, but then translates that population growth into the amount of square feet per industrial residential typologies, commercial and office.

This included an engagement process. We've done one focused engagement which I'll go into a little bit more detail here in a minute for one of the sites and we're right now at the RFP stage moving forward.



The results of the RFQ were pretty interesting. We had no responses for 18th & Quindaro, so for the time being we're moving forward with just the 4th & Minnesota and the Indian Spring site, both of which had three pre-qualified developers. There's one developer that pre-qualified for both sites, but we also pre-qualified 30 subcontractors/subconsultants. These are everything from the person who lays the asphalt to the people who design the buildings and everything in between. I'd say about a third of them are local KCK businesses, so I think that's a pretty good response considering the type of responses we typically get and as we develop the RFP process we think we're going to score teams higher if they bring in one of the pre-qualified contractors. That was sort of our thinking.

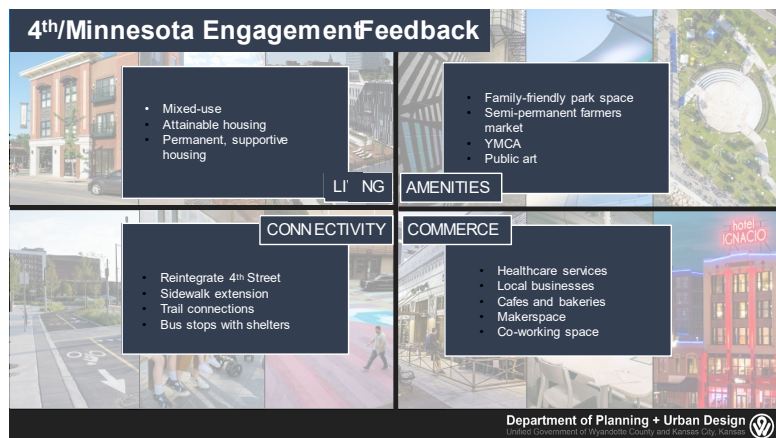


Because the Indian Springs site is a larger, more complicated, bigger animal, and because we wanted to keep the momentum going with this process, we are moving forward with the RFP for 4th & Minnesota. On October 27th we had the open house for this meeting. It was at the Merc so

it was just down the street from the site. We did a walking tour, gave a presentation, had a pretty engaging conversation with the public about what they want from that site, framing it in the Downtown Area Plan and other long-range plans that have been developed. The following day on the 28th we also had the Neighborhood Summit for PlanKCK and Livable Neighborhoods and development strategies. The consultant we hired did some outreach for both this site at that location as well as the Indian Springs site.

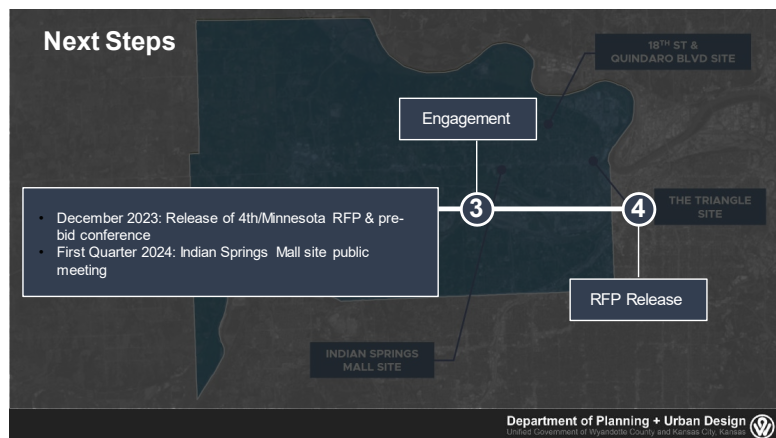


So, with all of that background we are in the process of creating the RFP right now, but what we heard at 4th & Minnesota can basically be broken down into these four categories. I think it's important to state now that we made it very clear at those meetings and we are going to continue to make it clear that what the community desires for the site will certainly inform the evaluation criteria for the RFP, but that doesn't necessarily mean we're going to get three development proposals that are going to give us everything. It's going to boil down to whoever gets the closest wins basically.

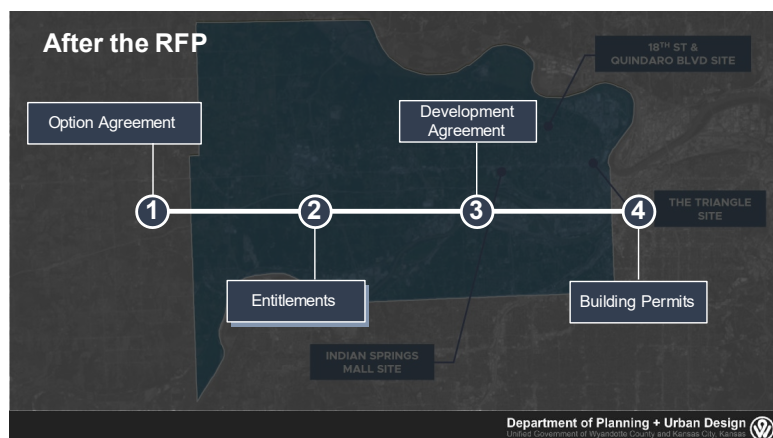


So, I think while we've got a lot of ideas, and I'll put some of them up right now, how we make that a reasonable RFP, a reasonable Request For Proposals and then what responses we get from those proposals are kind of two different things. I think we got to keep eyes wide open on this one and see how it all plays out. Hopefully, we get it, but I think the core here is we believe this approach instead of having a developer come to a site, explain what they want to do and then work that out with the community, we started with the community and our community asset, this piece of public property, tried to define what our desired outcomes for the site, and then go find a developer for it. They do that a lot in Europe, but they don't do that very much in the United States of America, so we really think this is an opportunity to redefine how we do community development at the Unified Government.

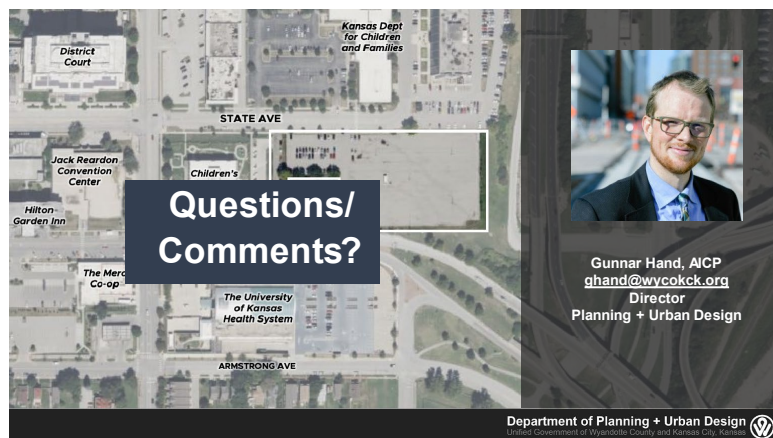
We've got a bunch of stuff we've heard from the public. This is just a portion of it, not all of it, but kind of the highlights if you will, and we're trying to bake this into the RFP for this site right now.



Our expectation is to release the Request For Proposals for the 4th & Minnesota site before the end of this calendar year. We hope to have our engagement regarding Indian Springs first quarter 2024 and potentially push out that RFP either in the first quarter or second quarter of 2024. Again, I think there's a premium on keeping things moving and providing and demonstrating progress to all of our pre-qualified lead developers who we want to demonstrate that this is real to us, this is important to us and we're doing everything to keep the ball going.



We've had a couple of conversations about what this looks like after the RFP and we baked it into the RFQ. We're going to bake it into the RFP as well for this, but the way we're thinking about it is not too dissimilar from potentially how we handle Land Bank. So, if you become the lead developer chosen for the 4th & Minnesota site, you're going to get something that looks like an option agreement. They will then have to go through the regular entitlement process. I don't think they're going to, based on what is currently the land use and zoning for the 4th & Minnesota site, there might be a change of zone, but really I think it's going to come down to just a preliminary and final development plan, which is still an entitlement that has a public review process. We are pretty confident that chosen developer will need some sort of incentives package and so the development agreement process will be another part of this component and then we get to eventually building permits and construction.



Questions, comments, concerns?

Commissioner Burroughs said I appreciate all the work you put into this. I think it's important that we have a list of developers that are interested in economic development in our community. I for one will state that I am extremely disappointed we're not getting interest in 18th & Quindaro with all the discussion that this Commission and its community has had in reference to the Quindaro Ruins and the Trailheads that will be taking us all the way around, hopefully, along the riverfront. It's kind of disappointing, but the pre-qualified developers for 4th & Minnesota and Indian Springs, is there a reason why we're not advancing them together versus just doing 4th & Minnesota first and then five, six months later doing Indian Springs if we have them at the table?

Mr. Hand said, so again, there's only one developer between—that's common between the two of them and that might be actually a reason to go faster than slower, as you just asked, but one is potentially a capacity issue from staff. We were—the same consultant who's helping us with the RFP was integrally involved in PlanKCK so we have quickly pivoted from finalizing that draft document for your review to getting them to start writing the RFP for 4th & Minnesota. They're going to use the template of that to develop Indian Springs. But I think the number one reason we've had it—we're not doing them at the same time is we still have quite a few conversations to have with KCATA as it relates to their Transit Center, we've started some of those. In the RFQ we noted a couple of potential consolidations of UG facilities on that site that we still need to talk through. There's a couple of environmental factors, namely the spring, which Indian Springs is named for that we have to kind of think through and how we're going to address that and it's just a much bigger site. So, there's a couple of conversations we didn't feel prepared to write the RFP quite yet and we're in the process of having those right now. While we would

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have liked to do it all faster, you know we were delayed this past summer and so we're doing everything we can to push these out.

As it relates to 18th & Quindaro, in some of the post RFQ conversations that we have had it became very clear that number one was a land assemblage issue. The southeast corner of 18th & Quindaro certainly has a lot of Land Bank properties, but it also has a lot of privately-owned lots that are vacant still and there's a couple of houses there as well that we would have to either acquire, buyout eminent domain, what have you and I don't think the development community had an appetite to do that type of land assemblage whereas 4th & Minnesota and Indian Springs are ready to go parcels basically.

The other thing is that we were told its basic math. They look at household income and they look at number of rooftops and they're just not there at 18th & Quindaro. We specifically said this has to be a grocery store and when they did their back and napping sketches, what we heard from them was there's no market here to build a grocery store at this location currently.

Commissioner Burroughs said, Gunnar, I can appreciate that. It's just disappointing that we have an area of our community that has cried out, I know at least a decade or more, and we can throw every opportunity at an area in our community. It just kind of fascinates me to think that the cost of ground in our community—I mean we can almost give the ground away and still not have an interest in an area of our community and it just disappoints me tremendously for that area of our community, but also it seems like it's short changing a part of our community and it challenges us.

In reference to 4th & Minnesota, is there a tax base there presently? **Mr. Hand** asked, is there a what? **Commissioner Burroughs** said a tax base. Is there development at 4th & Minnesota already? **Mr. Hand** said most of them are either nonprofits—you've have DCF over there, you have the HUD offices across the street on State, you have the Children's Campus and then KU Med, so not really. **Commissioner Burroughs** said so we have no revenue generation there and the same way with Indian Springs basically outside of income tax.

Mr. Hand said what we've heard from the public and what the Downtown Area Plan says for that site specifically, this is an opportunity for a Landmark Project, Gateway Project, Skyline Altering Project in downtown KCK, so I think that any type of mixed-use project would be a potential boom for that immediate area. I think there's a lot of other connectivity issues that site provide us. All those Trailheads that Alyssa explained in the meeting are right underneath that

spaghetti intersection just waiting for some sort of connection and so I think if we can move this forward, if we can get a development going, there are immediate sites. There's that retail site on the other side of State & 5th and then another parcel on the Washington Avenue site, right there at 5th. I mean those would be potentially right for reinvestment redevelopment if we can have a proof concept. I think one of the biggest issues downtown KCK is facing is we've got a lot of projects in the mix, a lot of them got shutdown during the pandemic. We don't have a single one that's completed to prove to be a proof of concept and so no one wants to be that first developer. We have a lot of people trying to get it so I think that if we can get one of those completed and prove the concept, I think we can start to see a momentum change in downtown KCK.

Commissioner Burroughs said I wouldn't disagree with that and I think in one of the previous brochures that you showed this PlanKCK, we talked about State Avenue and then maybe moving it—or downtown and then moving it over to Central Avenue, the Complete Cities, Complete Streets, Main Street and that concept—I mean if we could combine the two of them presently, I think it would be just awesome to be able to do that because they both bring—they both have something that the other one needs and if there was a way to do it—are we missing out by not investing in Central Avenue first versus downtown Minnesota Avenue because we have a lot of not-for-profits occupying space down here. We do have interest coming in, but yet we already have a micro business sector that would allow us to do a Complete Street revitalization down Central Avenue that would create that early connectivity for the Central Avenue Bridge and the Trailheads and that would allow people to come over and already engage in a lot of the small businesses and the ethnic inclusion they could have through Central Avenue.

Mr. Hand said I think it's our expectation that the Main Street Program will spread across this community. As you all know, Kansas City, Kansas is a collection of small downtowns, small neighborhood centers, many of which were their own incorporated cities at one point. So, we started with downtown simply because they expressed interest in pursuing the project, for lack of a better term, first and so we went that way. That NBR approached us about that opportunity. We had a connection to Kansas Main Street and so we made those connections for them. We fully expect to branch out from there and look at the other main streets, if you will, across KCK. Yes, I think the way that we wrote it in PlanKCK said start with downtown because we're working with downtown right now. That is not meant to say downtown's more of a priority than any of these other commercial corridors. It's just—that's the one we were in the middle of right now and so

we put that in there and then how we move forward whether it be with the Argentine Betterment Association or Rosedale on Rainbow Blvd. or whatever it is, I think that we're excited about that opportunity. There are no Kansas Main Street Programs in Wyandotte County today and so getting one started is the first step. Getting a bunch of them—I think what we've heard from Kansas Main Street is they're pretty excited to work with Wyandotte County.

Commissioner Burroughs said that's good news. I know as a Complete Street graduate I think it's imperative that if we have synergy somewhere, we lock into that synergy. We've seen what's happened with Strawberry Hill and the revitalization and the renewal and reinvestment in Strawberry Hill and to bring that connectivity that we talk about in with the synergy of Central Avenue is doing, the cultural affairs that they're having and the immersion into that culture, there's a synergy there. I just kind of wonder what would occur if we partnered with that location even more to help boost that. **Mr. Hand** said there's already a synergistic relationship between CABA and the Downtown Shareholders anyway, so I think that's a natural progression. **Commissioner Burroughs** said thank you Gunnar.

Commissioner Davis said kind of going back to the Quindaro conversation. Were there other options offered outside of just a traditional grocery store for that site or was it just—was the message to developers either tell us you can do a grocery store here or not or what was the stat communication? **Mr. Hand** said the direction from the former CAO and Mayor was grocery store, grocery store, grocery store and so we wrote the RFQ as it relates to that site specifically are you qualified to build a grocery store at a location like this and, obviously, we got no interest.

You know I mentioned land assemblage, I mentioned rooftops. You know there's other initiatives. Catty-corner from this site is the Northeast Grocers which is the community's effort to create its own co-op in a food desert, so I don't know if that's necessarily competition, but you know there's a couple of folks who have expressed interest in more grocery stores in this location and they just haven't materialized yet.

Commissioner Davis said yeah, I don't know. I wonder what would have happened if we would have said top priorities grocery store, but if you can do something with it to turn it into productive use, I just wonder if we would get more than zero. **Mr. Hand** said I don't think we've given up on 18th & Quindaro or Quindaro Blvd. at all. I think we just wanted to make sure that we kept moving forward with the RFQ/RFP process and potentially circle back, but I think lesson

learned there would be maybe we were too specific at least at that stage to draw any interest and I think that there's arguably a—I mean that would have been a catalytic project. I think there's arguably a broader strategy along the entire Quindaro Blvd. and transforming it into our Black Wall Street, if you will. Historically, our Black Wall Street was actually 5th Street, but that's where we are today is Quindaro Blvd. is the primary commercial corridor in the northeast.

Commissioner Davis said moving on to Indian Springs. I'm glad that there's some kind of movement. I was worried because in our slide you said what we were given was second quarter the release of Indian Springs RFP and pre-bid, so I'm glad that at least on the slide that was presented to the public, it's all in first quarter. I absolutely understanding staff capacity regarding that project for sure. I know our community district is very excited and kind of willing. I actually did a Town Hall on this before any of this stuff really got started and so I'd be more than happy to help with any community engagement on this or any type of support just so we can get some things moving. It would be great if by like mid-spring we could really, really say there's movement for both sites and an idea, a concept, can be presented to the public.

Mr. Hand said as the CEO retools the Economic Development Department and those strategic hires that you all put into the budget for 2024 start to come online, I think that should move this specific initiative on a little bit faster. You know in the situation that we're in today I'm kind of wearing 1.5 hats and doing the best I can. **Commissioner Davis** said yeah, for sure. Thank you for the work that you all have done. It's been very impressive.

Mr. Johnston said regarding Quindaro, I had a couple conversations over the last couple weeks with the Mayor and he realizes the weakness of the previous RFP and we're going to be working toward issuing one more. One that is more general and not specific toward one entity. I think what Gunnar has said is something that I don't think many people want to hear is that developers, investors look for return on their investment and when they do that one of the major things they look at is the socioeconomic and demographic profile of a community and what we may want, what the citizens may want when they go through that internal assessment, they're saying things like Gunnar said earlier, an area may not have the disposable income at a level that would be spent and make that venture successful.

I think that's one of the realities that we have to accept if we look at various areas of our community and ask ourselves why aren't investors knocking on our door. There's a reason why

they're not knocking on the door. They're not seeing in their personal assessment a return on investment and that doesn't match what we think would be great. So, that's where I think as we move forward there has got to be a closer working relationship with the development community, significant community education on what is economic development and what helps bring success in economic development in the area because there are so many issues.

When I've talked with site selectors in my career, when they come to a community for a client they are coming with a—you're competing with many different communities and in the first review they're looking for the no because there'll be communities that have more yesses and remember they're working for a client, not for your community. So, if they're looking for a successful project for the community, they got their evaluation processes and right now many areas of our community who are starving for reinvestment aren't getting it because it's not meeting the ROI and I think on top of that we have the cost of investment and development with interest rates and inflation right now. So, I think what we'll see in the next year is a significant community education on what is successful economic development because one of the things that I think is very important is that we try to erase ignorance as a defense and bring in enlightenment and awareness. Then, that opens the door for maybe we need to do some changes attitude approaches to development in certain different areas because there is a new found understanding of what it's all about, so that's my two cents.

Mayor Pro Tem Bynum asked other comments or questions on this presentation which I really do appreciate, again, how busy you stay and how busy you've been especially during 2023.

The 4th & Minnesota we're hoping that RFP is out on the street by the end of the year, right? **Mr. Hand** said that's correct. **Mayor Pro Tem Bynum** said and then how long—is that window open for a period of time, what's the timeframe? **Mr. Hand** said the typical period of opening is about 30 days, but because we're at the holidays, we're probably just going to extend that to more like 60 days. Nobody wants to put together a response for an RFP the day after Christmas or the day after New Year's, so I think we are going to try to get it out on the street as soon as possible, potentially the end of November. At least that's our target goal. It'll probably slide into December just a little bit, but I am reviewing the draft of the RFP right now and we'll get that draft after I get my first blush to the Administrator as soon as possible. It'll probably be a 60-day period, sometime late November, early December we're going to try to have the—we'll

probably have the pre-bid conference which is why we might need to scoot it back a little bit because we're talking about at least a two week notice for said pre-bid conference. We're going to try to have a pre-bid conference sometime before the end of the calendar year and then immediately release the RFP shortly thereafter. Procurements on a Thursday schedule, just because that's when it goes out in the *Echo* so it'll get released on some Thursday as soon as possible.

Mayor Pro Tem Bynum said okay and then I know you said based on the community engagement that occurred around that particular site, so some of those things are going to inform the RFP, I'm assuming. **Mr. Hand** said yes. I think the desired outcomes, community betterments or benefits will be a part of the evaluation criteria. I think again it's this balancing act of how much is the value of that property versus what we're asking and we've got to figure out a way to balance that or we're going to get none of our pre-qualified developers to respond to that RFP if we ask for too much. We're working through that and you know I mentioned sort of a Landmark Tower, an opportunity on the 4th & Minnesota site. I think the real value we have is the view. You go tall, we're going to get a lot of units that are going to be potentially worth more than that land and I think we've got to figure out what that value is and then try to find a reasonable RFP.

Mayor Pro Tem Bynum said just a curious comment because in Chair Burroughs committee is a draft Community Benefits Agreement resolution working its way toward December, so I guess I have to assume that the RFP would include, if that were to pass, that any potential developer would have to be aware—**Mr. Hand** said we have a placeholder in the RFP to see when and where that goes, so it's either going to say is potentially happening or just was adopted. Yeah, we're tracking that. **Mayor Pro Tem Bynum** said okay.

Commissioner Davis said I'll just add whatever we can do to get the meetings for Indian Springs going, the sooner the better. Just hearing that developers are kind of ready to go and I also know that we're going to be looking at that January/February timeline, so I would recommend hybrid or if you're going to do an in-person, do an online version as well just because typically around that time a lot of our neighborhood groups and other folks are not meeting and so I would hate for them to be at a disadvantage because of the time that we took to do community engagement. With that being said, we need to do community engagement and then get on with that RFP as best as possible. **Mr. Hand** said understood.

Mayor Pro Tem Bynum asked, anything else. Alright, thank you to your team. With that, if there are no further comments or questions, we will adjourn this meeting and we will reconvene in the Chambers at 7:00 for our regular full Commission meeting. Is there a motion to adjourn?

Commissioner Markley made a motion, seconded by Commissioner Davis, to adjourn. Roll call was taken and there were five “Ayes,” Bynum, Burroughs, McKiernan, Markley, Stites, Davis.

**MAYOR PRO TEM BYNUM ADJOURNED
THE MEETING AT 6:00 p.m.**

Monica L. Sparks
Interim Unified Government Clerk

dt

STATE OF KANSAS)
WYANDOTTE COUNTY)) SS
CITY OF KANSAS CITY, KS)

SPECIAL SESSION, THURSDAY, NOVEMBER 30 2023

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in Special Session, Thursday, November 30, 2023, with nine members present: Bynum, Commissioner At-Large First District; Burroughs, Commissioner At-Large Second District; Ramirez, Commissioner Third District; Johnson, Commissioner Fourth District; Kane, Commissioner Fifth District; Markley, Commissioner Sixth District; Stites, Commissioner Seventh District; Davis, Eighth District; and Garner, Mayor/CEO; presiding. Townsend, Commissioner First District; and McKiernan, Commissioner Second District; were absent. The following officials were also in attendance: David Johnston, County Administrator; Alan Howze, Assistant County Administrator; Angela Lawson, Interim Chief Counsel; and Monica Sparks, Interim Unified Government Clerk.

Mayor Garner said before I call the meeting to order I want to announce that we do have individuals attending remotely as well as on-site. All participants joining by remote, we would ask that you silence your devices when not speaking to avoid background noise. During the meeting, make sure you announce yourself by name and title when you speak so the public knows who is speaking. This is critical given the number of remote participants and is also current guidance from the Kansas Attorney General's Office. Please be sure to speak into the microphone to ensure that your comments are heard and the record of the meeting is accurate.

Mayor Garner called the meeting to order.

ROLL CALL: Bynum, Burroughs, Ramirez, Johnson, Kane, Markley, Stites, Davis, Garner.

NOTICE OF SPECIAL SESSION of the Unified Government of Wyandotte County/Kansas City, Kansas, to be conducted in a hybrid format on Thursday, November 30, 2023, at 5:00 p.m. in the fifth floor conference room of the Municipal Office Building to host the state delegation to discuss the State Legislative Agenda.

CONSENT TO MEETING of the governing body of Wyandotte County/Kansas City, Kansas, accepting service of the foregoing notice, waiving all and any irregularities in such service and in such notice, and consent and agree that we, the governing body, shall meet at the time and place therein specified and for the purpose therein stated.

Mayor Garner said tonight is a Special Session and I would like to welcome all our members from our State Delegation of Wyandotte County, our Representatives, who are here to join us this evening. Hopefully, we have a good robust discussion about things most important to our residents of Wyandotte County as well as items of concern and consideration and recommendations from the Unified Government Commission and staff.

We're very pleased again to have our delegation join us and this is a real important discussion and so I'm excited to get this off. We know a lot happens in Topeka and those decisions that happen in Topeka have a huge impact on Wyandotte County and we're very appreciative of our delegation being here to make sure that the things that we know they're going to be working on diligently on behalf of the great people that call Wyandotte County home.

We will have the full input necessary for them to make informed decisions and really advocate in a way that aligns with needs of Wyandotte County. We're joined also by our Lobbyist Paul Davis, but before I turn it over to Paul Davis I'd like to recognize our County Administrator David Johnston and ask him to open up the meeting.

David Johnston, County Administrator, said as we embark toward another legislative session at the State level, we do appreciate the opportunity to talk to our elected officials of our state delegation to talk about what we see are our priorities so you hear from us, issues that you see that you will be facing during the upcoming session and know that we're here to help you out.

Thank you again for participating in our discussion this evening and I'll now turn it over to our lobbyist.

Paul Davis said what I think might be helpful before we begin is just to have the members of the legislative delegation introduce themselves. I know that you probably know most of them, but we are on camera here and for folks who are tuning in just want to know who's here. **Representative Pam Curtis** said I serve the 32nd District which is basically downtown Kansas City, Kansas and

the surrounding area out to I-635. **Representative Lynn Melton** said I represent District 36 which is out west to 7 Highway. **Representative Mike Thompson** said I represent from Bonner Springs going east to Edwardsville, Muncie, Turner, clear to 635. **Senator Pat Pettey** said 6th District and I'll just say it's almost half of Kansas City, Kansas and Wyandotte County. **Senator Jeff Pittman** said District 5. I cover the western part of Wyandotte County extending up from the Legends and basically encompassing Wyandotte Lake and west. **Representative Valdenia Winn** said 34th District. It is a neat little slice down the middle of the city from 2nd to potentially about 75th, State to Georgia, and I'm also honored to serve as the Assistant Minority Leader. **House Representative Melissa Oropeza** said I represent District 37 which includes Armourdale, one street in Argentine, a portion of Turner and then all the way out State Avenue to about 94th Street.

Mr. Davis said Representative Ruiz wanted me to let you know that he's sorry he could not be here. He is attending a conference right now and I spoke with Senator Haley last night and he is also at a conference right now and is unable to attend. He did want me to convey his strong opinions about the vacant property registry which I'm sure members of the delegation are well aware of, but I told him I would mention that. I also want to acknowledge Mark Corrison is here with the Northern Flyer Alliance and, hopefully, you all have the handouts that he has passed out. They have a major issue that they're going to be coming to the legislature with and just make sure that if you haven't had an opportunity to talk with Mark, you definitely should.

Just a couple of comments and then I'm going to turn it over to Alan. You know this coming session is going to be probably dominated by discussions about taxes. Lots of legislative sessions are, but I think this one will be more significant because of the very good fiscal situation that the state is in affording the opportunity for the legislature to enact tax cuts and also look at some spending enhancements in certain areas which they've been able to do over the past couple of years.

Last year there was a major issue with the Single Tax Rate Bill that passed both the House and the Senate and was ultimately vetoed by the Governor and an effort to override that veto failed by just one vote. That bill will undoubtedly be back. There are also a variety of other tax proposals that I'm sure the Governor will be announcing in her State-of-the-State Address.

There's been a lot of discussion as the delegation is well aware of about property taxes and, obviously, Wyandotte countians are very tuned into that issue and the legislature is going to be

debating a variety of proposals about property tax relief in one way, shape or form and I know that the members of the delegation will probably talk about that here in just a little bit.

The Governor has been making a very strong push on Medicaid Expansion. If you haven't seen, she has literally been all over the state campaigning for Medicaid Expansion. The Republican legislative leadership has indicated that is a nonstarter, I think, with them, but the Governor is going to keep pushing that discussion and I'm sure members of the legislature who are interested in that will be as well.

The Medicaid contracts are currently being rebid. There was some legislation last year that dealt with that issue and there could possibly be some legislation this year. The bidding process is currently undergoing and I think the Department of Health & Environment is looking to make an award sometime in March.

There's certainly a number of issues regarding education that are going to be debated. The Governor's main push is for a full funding of Special Education. That certainly is an issue that helps just about every school district out there, but those efforts in the past have been tied to proposals for vouchers or school choice type programs that the Governor has been opposed to and whether those issues are going to be linked again or will be separated, we'll have to see.

With that said, you know there's a whole lot of other issues that I know members of the delegation probably want to talk about and I don't want to take up too much time about that, but we really, I know, relish the opportunity to have this dialogue so that we can get the delegations input as the Commission adopts an agenda at the next meeting and I would just invite members of the delegation to—you've had an opportunity to review the draft agenda that we put together which really is a product of departments throughout the UG and Alan's going to talk about that in just a second here. We want to have the best product that we possibly can and we've been trying to make that a little shorter and hope and try to prioritize those things. Senator Pittman gave a thumbs up there, but we really appreciate the opportunity to get your input here this evening. So, with that, I will turn things over to Alan.

Alan Howze, Assistant County Administrator, said just a reminder for the Commission, the legislative agenda will come back for adoption on December 7th so any adjustments or updates made after this evening will come back for adoption. As Paul noted, the delegation has requested that there be a tighter agenda, if you will, so you'll see on the lefthand side on page one there are

items that are identified potentially as priorities. We want to make sure that the Commission is in alignment with priorities most of which have carried over from last year, but as we go through this if you want to make your own notations in terms of what you think are or are not priorities, we can get that information back and so that when we come back December 7th we can also help to provide the delegation with that information about what those priorities are.

As with last year, there are also a number of other items that are more kind of the workings of government type of items that do remain in the legislative agenda and so we didn't want to lose those while also surfacing those items that are higher priority. Most of the items, as you'll see in here with a handful of exceptions, are ones that carried over from the 2023 agenda so there's not a whole lot of new content in here, but we'll kind of run through these as we go. They are identified sort of left to right as the title, the description and what general category they are, whether it's a legislative item or an appropriation related item, whether it was included in that 2023 UG legislative agenda, and then what related departments would be within the UG would be related to that item. That's kind of the structure of it. Any questions on that before we jump right in? Okay.

NAME:

2024 Leg Agenda - Final DRAFT

	A	B	C	D	E	F	G	H
	PRIORITY	Title	Description	Category	Legislation or Appropriation	Included in 2023 UG Leg Agenda	UG Department	Notes
1								
2	Priority	Medicaid Expansion	The Unified Government supports expansion of the Kansas Medicaid program which will improve access to care for those most vulnerable in Wyandotte County. It is estimated that expansion would provide insurance for 7,466 currently uninsured Wyandotte County residents who would become eligible for KanCare with expansion. It would bring \$64,237,464 in new annual healthcare spending to Wyandotte County and create hundreds of new healthcare jobs.	Public Health & Human Services	Legislation	Yes	Area Agency on Aging, Health Department	
3	Priority	Protect State Infrastructure Funding	The Unified Government is strongly supportive of state funding for a broad range of infrastructure need. Federal infrastructure dollars sent to the state should be shared with local governments to support revitalization of infrastructure that is critical to economic growth and quality of life.	Economic and Community Development	Appropriation	Yes	Public Works	
4	Priority	Allow Flexibility for Revenue Sources	Cities should be authorized to approve revenue sources which best suit the individual community in order to maintain appropriate levels of funding for the health, safety, and welfare of our citizens. This includes local earnings/income taxes, development impact fees to pay for infrastructure, E-Commerce delivery fees to address wear and tear on roads, and other local taxes and fees. Sales tax exemptions should only be applicable to the state portion of sales taxes.	Tax and Finance	Legislation	Yes	Finance	
5	Priority	Expanded Childcare and Universal Pre-K	High quality childcare and Pre-Kindergarten should be extended to all children in Kansas. The State should develop and fund a plan to address the urgent need for childcare services in all communities, including in Wyandotte County. The need for childcare is a top concern for businesses.	Economic and Community Development	Appropriation	Yes	Economic Development	
6	Priority	Equalize Motor Vehicle Taxes	The Unified Government supports changes in the tax formula used to assess motor vehicles to equalize motor vehicle taxes from county to county.	Tax and Finance	Legislation	Yes	Treasury	
7	Priority	Pay Prevailing Wage	The Unified Government supports paying prevailing wage on public works projects and economic development projects where tax incentives are given. The Unified Government strongly urges the Kansas Legislature to repeal the law banning the use of prevailing wage on public works and economic development projects.	Economic and Community Development	Legislation	Yes	Economic Development	
8	Priority	Increased Funding for Mental Health and Psychiatric beds	The Unified Government supports full state funding for mental health services, including additional bed space for psychiatric patients. This will reduce the number of people with behavioral or substance abuse issues who are inappropriately incarcerated in county jails or who end up unhoused. This includes expanded State of Kansas mental health facilities that are backlogged.	Public Safety	Appropriation	Yes	Sheriff, Community Corrections	
9	Priority	Clean Slate Automated Expungement	The Unified Government supports the automated expungement of qualifying criminal records from public view. In Kansas, current expungement of a record requires a petition filed through the court and payment of fees.	Public Safety	Legislation	Yes	Community Corrections	
10	Priority	Funding for World Cup preparations	Provide funding to support preparations for the World Cup in 2026.	Economic and Community Development	Appropriation	No	Economic Development	

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November 30, 2023

Item number one, this was the top priority last year which was Medicaid Expansion as Paul talked about. I'll also mention that there may be an additional resolution specific to Medicaid Expansion, in support of Medicaid Expansion that could be on the Mayor's Agenda on December 7th as well as part of this broader effort to identify and (inaudible) support for that so that you may see that on December 7th as well, but that's again number one in the legislative agenda from last year and any discussion on that item.

Mr. Howze said the second one, Protect State Infrastructure Funding. Again, this was in last year's legislative agenda and relates to the needs for infrastructure. Representative Curtis will be speaking to that at the 7:00 meeting. There's no shortage of infrastructure needs that have been identified through the work of the infrastructure subcommittee that Commissioner Ramirez and others have worked on, so that state funding is an important part of that continued effort to meet those infrastructure needs.

Mr. Howze said number three here, Allows Flexibility for Revenue Sources. This was another one that was in last year's agenda and perhaps takes even more salience with conversations around LAVTR and there are other ones around protecting the ability of local governments to manage their own revenues and not have those revenue sources cutoff in ways that inhibit the ability of local government to meet the needs of the residents.

Commissioner Ramirez said for the law for flexibility of revenue sources, are we coupling that—because I know on the very back of this it's LAVTR funding. Are we coupling that—are we kind of putting that in there as well as a possibility for that? **Mr. Davis** said yeah, I think that certainly could fall into this category and given, I think, the attention on LAVTR may be something that you want to address separately. I think it's really—you know members of the delegation may have some feelings about that, but I think that certainly could fall within that point here. **Commissioner Ramirez** said I think it definitely could fall within that and also my opinion for my district, I think it could be on its own a priority because it's a tool that's there that we don't—we can't use. It's a mechanism that us—local governments have that we're not given the ability to use because the state refuses to fund it, so I think that's along with allowing other revenue sources, but also I think LAVTR should be of its own as it is already, but more of a priority on the list.

Senator Pittman said on this funding thing, it's a very important thing I think for Wyandotte government and I absolutely approve—not approve, that's not my role, but I support. What happened in the legislature the last couple years on occasion we have threatened to take away certain funding sources, maybe it's the sales tax on food gone down from the state level and abolish the ability for the government to do that or another of other things where we limit the amount of funding. So, I think this one's definitely distinct from the LAVTR, where for the public the LAVTR is an existing fund that's been there since like the 60s or 30s. I don't remember how long it's been there, but we haven't been funding that for a good 20 years. I know I'm personally very supportive of making sure that we return that money to the city and the Unified Government as well as to all of our counties. I don't know where the whole delegation stands on that. We don't have to take a poll on each of these, but I know I'm very supportive of that and would like to see us do that. There is an effort to eliminate that actually as well from certain people in leadership in the legislature so that's something that we should all keep an eye on and we might need to have the Unified Government join forces with some of the other counties and local units of government to make statements and things around the LAVTR in particular, so just wanted to make that note to you.

Commissioner Davis said thank you so much Senator for your support. I know for us we've had really, really tough budget sessions just dealing with our limited amount of revenue and when we found out that at least on the books what has been passed and what is state statute, are these particular funds, but that they're not being funded and that they could help us balance the budget and pass property tax relief to citizens. That is something that it's not just a Wyandotte County thing, it is now becoming a statewide effort. I will also throw, along with LAVTR, the Special Highway Fund as well as any other funds that are on the books that the state is not funding or has not funded within that priority number three. I think all of those can just be lumped in together, but thank you all for your efforts on this and if you all need any help or testimony, I'd be more than happy to do so.

Mayor Garner said I'd like to add to that as well. Just looking at the reality of patriotism in our state government, I've read some of the concerns of at least the Republican super majority delegation that the concern was that looking at this legislation that a lot of the funds, I don't know how true it is, but there's a perception that the monies that municipalities were given were used for things other than tax relief and some may have taken that and slush funded. So, even though

the intent was tax relief, the concern that I've heard from some is that they're reluctant to reopen that conversation with that because of that dynamic that some municipalities may have. Now, I don't know how true that is, but when you talk about working across the aisle, just maybe one thing that you all could consider is maybe legislation to be brought forward that really mandates municipalities to use the vast majority, 80-90% of those funds, specifically just for tax relief. That might be something that our Republican delegate partners and friends might say, you know what, that's reasonable and we can maybe move that needle forward with that type of conversation because I know there is a movement against even entertaining the conversation of that legislation from the super majority due to that concern that municipalities may use it for things that wasn't the intent of that legislation.

Mr. Howze said we'll keep moving. The next one is Expanded Childcare and Universal Pre-K. This was carried forward from last year and as it suggests the need for high quality childcare as an economic development need as well as Pre-K for supporting all children in Kansas.

Mr. Howze said next we have Equalize Motor Vehicle Taxes. This one was a new one last year and carried forward and basically it's that the tax formula varies by county for property cars. As an example, if you own a Ford F150 in Wyandotte County, you're going to pay a different tax on that than you would if you own that in Shawnee County or Butler County. So, equalizing that tax across all counties as an issue of fairness.

Commissioner Ramirez said I'm going out on a limb and also with this we could also add equalize the property tax formula as well for valuations. We've seen here, especially in Wyandotte County, valuations have skyrocketed and not only just in Wyandotte County, but across the state of seeing how we can fix it and equalize it and make it more fair. You know we only control part of that discussion and that's the rate which we have not changed a rate, but valuations keep going up and I know it's normal, it's natural for property to value and to go up, but how can we make it more fair, make it more equitable, slow that down so that with economic times property tax goes—the valuations go up as well in step with economic times.

Senator Pittman said on that point of the valuations, I seen it across all of northeast Kansas, and it's a good thing because our economy is growing, our area is growing, love that, but the downside of that is, of course, our property valuations are going up. Now, we got to remember

that the evaluation and the assessment formulas are in our state constitution so when the legislature has to make a change to an assessment, it has to typically go into State Constitution, which we would have to have a super—or a majority of both the House and the Senate, super majority basically and say hey, we want to have a constitutional amendment that changes either the assessment value or what's on the table right now is some kind of cap year-over-year, increases of like 4%. That's what was passed out of the Senate last year, so those are some of the options that are being considered. To tamping down the aggressive assessment values, I want to put a shoutout to our assessors out there who do a good job. It's not their fault that they're assessing at the property values that they have to. They're doing what they're told to do and they're supposed to do what they do and if they don't, it's kind of they would be—it wouldn't be honest government, but it's an unfortunate situation where in the system is churning up our property taxes. I think we're all looking at that right now. I know a lot of the folks in this room have been in active discussions with our different House and Senate members, so thanks for that comment.

Commissioner Markley said I just want to make a comment on this sort of concept of capping the valuation. My one concern with that is when, I'm going to use the past example because it's the easiest, we sort of peaked before we fell in 2008 and 2009 and that peak is what allowed us to survive the fall. So, if we are now going to cutoff the top of the peak, unless we're also going to put something on the bottom end that says we're not going to drop it more than 4% either, we're now not going to be able to survive the fall. So, at some point this real estate market is going to crash the same way it did then, we're up here, so that allowed that balance. If we only let ourselves get to here, but we still let the bottom fall out, how do we survive. If we want to make it to the middle, so we stay in the middle, I think that's fine, but we need to put a bottom on it as well as a top if we want to be able to survive the crashes that come after those peaks.

Commissioner Davis said I'll add to that I think, and I don't know if this has been a part of the conversation, but what I hear the most when it comes to property tax concerns is particularly those that are on a fixed income, which are typically our seniors and those that are on some sort of disability. They are wage challenged because that's really what we're talking about, so a kind of meet in the middle, and I don't know what the discussion is or what the appetite is amongst your colleagues, but something for seniors could be that meet in the middle with an inclusion of those that are on a fixed income. I know other states have done something similar to that effect. It doesn't necessarily solve every problem, but it gets at those that are particularly wage challenged

who may not be able to go out and get a job or an education or training to make more money to pay those expenses.

Senator Pittman said I would just say this. I want to make sure everybody who's listening knows that there are some safe senior programs that will freeze property tax payments for seniors in particular that are on fixed income, so we want to make sure people go out and take advantage of that program. It's when the value, when the property tax goes up, the state comes in and pays the extra to keep it effectively frozen, so it's a nice program that we need to make sure a lot of the folks that you're talking about know about. Regarding the drop, you know farmers right now have a very smooth up and a smooth down. It's eight years of evaluations and it's projected over eight more years and I absolutely agree that we need to make sure that state governments when there are disasters like a tornado or a super recession that we need to have some mechanism to re-evaluate where we're at with county incomes. I think that has to be part of the discussion as we—if we look at capping, so I really appreciate that. There's a lot of different caveats that come along with that. You know, all types of things that may be an improvement in a house, if it's more than \$5,000 should get rid of the cap or things like that, so we appreciate that.

Mr. Howze said next we have Pay Prevailing Wage. This was carried forward from last year as well which is prevailing wage on Public Work projects and Economic Development projects where tax incentives are given.

Representative Curtis said we do have a bill that will do exactly what this says. It is House Bill 2348. A lot of the members actually on the House side of our delegation, I think, have co-sponsored that and it would return local control for the purpose of paying prevailing wage. Our effort this year is going to be to try to get a hearing. That's the first step. Let's try to get a hearing on the bill so that we can start the discussion. We have a lot of new members that we simply do need to bring up to speed on what this is and that it really is a local control issue. So, anyway, just want to let you know there is a bill currently sitting there that is alive and we'll do the best we can to try to move it forward.

Commissioner Kane said really this only hurt four communities, Wyandotte County, Lawrence, Topeka, and Wichita and it was a mean intention. Those of us that live in these areas that struggle, we're making struggle more and if you look at the projects that were built with prevailing wage, what happens is, like the guys that work for us, they work right here local and

what they've been doing is they've been bringing contractors from Minnesota and Texas up which puts our folks on the road. Pam and this whole group has done a really good job with doing that and we will be up there again. We just said—a couple of you said this a second ago, when we're up there or when they're up there talking about that, it would be nice if one of the commissioners or some of us commissioners would go up and testify with them because they need our help to get it done. We sure appreciate what you guys have done on that.

Mr. Howze said next up we've got Increased Funding for Mental Health and Psychiatric Beds. This is trying to meet the need for increased mental health funding and beds. I know the state has added some beds over the last couple of years and we see the need very clearly and acutely in Wyandotte County and so that's where this request comes from. It's also carried forward from last year.

Mr. Howze said we've Clean Slate Automated Expungement carried forward from last year and this is one that Representative Curtis has been working very hard on.

Representative Curtis said I'll give just a quick update. The bill died last year. We have successfully been able to get it through the House Judiciary Committee easily unanimously, but have not been able to get Leadership to move it above the line and move it forward. Part of the barrier is perhaps on the Senate side just in whether or not they would move it forward if the House were to pass it. So, in lieu of not being able to get the Automated Expungement Bill, which we know it would help so many of our citizens to remove that barrier for employment, housing, and education. Last year, since that was my first year on Appropriations last year, so I was very frustrated because I couldn't get that bill moved forward for several years now. So, instead I offered in Appropriations to add \$200K to the judicial branch budget so that they could contract the Kansas Legal Services and do additional expungement fairs statewide, so the \$200K has allowed them to do quite a few more, 10+ more expungement fairs. I will have the results of those efforts this past summer and, hopefully, be able to request an additional amount next year so that we could continue—since we can't get Clean Slate, another way to help the same population by continuing to add money to do more expungement fairs. So, that's my plan.

Commissioner Ramirez said in essence are we kind of putting the breaks on Clean Slate at the moment and trying to go this wraparound, you could say. **Representative Curtis** said yes.

I think that since I have been trying it for four years, it's time for somebody else to maybe pick up the torch and try it. I think there is an effort. There are still some Coalition members that are around and so I fully expect to see a Clean Slate Bill introduced perhaps by another member of the legislature. **Commissioner Ramirez** said I know Representative Curtis mentioned about the Senate. What is—do you know Leadership's opposition to the Clean Slate or if they have any opposition to the Clean Slate Bill, President (inaudible) or any of the leadership.

Senator Pittman said I would say the Judiciary Chair had a lot on our plate and it wasn't one of her interests and Senate President isn't necessarily all onboard with automated expungements as far as I could tell. You know if we approach this as a Workforce Development in a time when we have high need, I think that's a very positive message that the Commerce Committee and maybe some others will start listening up that this is an untapped workforce that unfortunately gets penalized by having this on their record and this is a way to help those returning citizens who paid their dues to come back in and work with a Clean Slate. If we approach it like that, I think we're going to have a better chance.

Mr. Howze said next we've got Funding for World Cup Preparations. This is a new one for this year, so 2026 is coming rapidly. There was money included last year towards the end, but recognizing that there are significant potential costs for local government in hosting and preparing for that, we want to make sure that is put forward to the delegation.

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	PRIORITY	Title	Description	Category	Legislation or Appropriation	Included in 2023 UG Leg Agenda	UG Department	Notes
1								
11	Priority	Funding for unhoused	Provide state funding for permanent supportive housing, supportive housing for youth that age out of foster care, and emergency shelter. Increase state funding for services for unhoused such as health and housing navigators and social workers. Support the development of a statewide plan to address homelessness - both the amelioration of suffering and the expansion of housing.	Public Health & Human Services	Appropriation	No	Health Department	
12		Protect STAR Bonds	STAR Bonds have proven to be one of the most effective economic development and job creation tools in the State of Kansas. The Unified Government encourages the Kansas Legislature to continue a workable STAR Bond policy with maximum flexibility and without unnecessary restrictions.	Economic and Community Development	Legislation	Yes	Economic Development	Issue #2 in 2023
13		Quindaro Ruins	Support efforts to restore Quindaro Ruins and create a destination attraction that reflects the prominent role of Quindaro Ruins and the Missouri and Kansas rivers in our nation's history	Economic and Community Development	Appropriation	No	Economic Development	
14		Increased State Community College Funding	The Unified Government supports a funding formula for Community Colleges that gives full funding without increasing or placing an undue burden on local property taxes. A public education and Community College system which helps create a well-educated and trained workforce is crucial.	Economic and Community Development	Appropriation	Yes	Finance	
15		Study Committee on Creation of a Riverfront Authority	Legislation authorizing a Study Committee to explore creation of a Kansas City, Kansas Riverfront Authority to develop the Kansas riverfront into a premier attraction.	Economic and Community Development	Legislation	Yes	Economic Development	
16		Alternate Construction Delivery	The Unified Government supports further threshold reductions in State law that will allow local governments to use design build and construction manager at risk techniques for public construction projects at an even greater level. These techniques have saved Wyandotte County taxpayers millions of dollars and expedite schedules on several major public construction projects but are difficult to use under current State laws.	Local Government Operations	Legislation	Yes	Public Works	
17		Felony Assault on Public Transit Employees	Increase penalty from misdemeanor to felony for assaulting public transit driver/ operator. The past few years have seen increases in assaults on public transit operators. Increasing the penalty would provide additional protections for these critical public servants.	Local Government Operations	Legislation	Yes	Transit	
18		Medical Cannabis	The Unified Government support the legalization of medical cannabis. Medical marijuana should be subject to existing state and local sales tax and cities should be able to levy their own excise fees and receive a portion of any state funds to offset the impact of medical marijuana. Also, cities should have the ability to opt-in to allowing dispensaries in their city. Kansas should only allow the cultivation and processing of medical marijuana and THC in licensed facilities and should not allow residential grow operations of any sort.	Public Health & Human Services	Legislation	Yes	Finance	

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Mr. Howze said the next page here, we've got Funding for Unhoused. This is also a new one and this is around the category of funding for permanent support of housing and housing for youth that age out of foster care and emergency shelter. Currently emergency shelter funds are being borne at the local level. The state has some activities trying to address the unhoused, but it's kind of in pieces and parts in different places, so we see that there's a larger role for the state to play in helping to coordinate and fund efforts to address this issue across the state and include in Wyandotte.

Representative Melton said I'm just wondering, is there any current—like a committee or anybody studying any kind of ideas of how to approach the unhoused. **Mr. Davis** said, Representative Melton, there is. I attended the Interim Committee that was put together on that issue last week and they've only met once, but there were no firm policy proposals that came out of that, but I think there has been some very positive discussions at least.

Senator Pettey said I do know, and Paul's probably more aware of it, I do know that there's going to be an ask from Sedgwick County considered concerning this very issue when it comes to homelessness. What's included in here about youth, that age out of foster care, that is actually—I think that's promising what may come about with funding for that particular category of youth

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because that's been addressed on several different groups. That's looked at not as a partisan, a very bipartisan issue, so I would say to the League, certainly stay in tune with what's happening with Sedgwick because I do know that they're going to be asking for a substantial amount of money for this very thing.

Mr. Howze said next we have Protect STAR Bonds. This is a carryover from last year's agenda and as it suggests it's protecting STAR Bonds as an economic development tool.

Mr. Howze said next, we've got Quindaro Ruins. This is a new item and this is supporting efforts to restore Quindaro Ruins as a destination attraction.

Mayor Garner said our Administrator is going to take the lead for the Unified Government to really take a deep dive into this issue and work with Greg Kindle at WYEDC and some community stakeholders to, hopefully, at some point work with you all to get a robust proposal to our Commission that, hopefully, not just the state of Kansas and Wyandotte County to be proud of, but something worldwide that we can be proud of. I have been asked by several individuals, you know, if I had my magic wand, what would I want. Well, I would just love to see a billion dollar STAR Bond project that would link the Quindaro Ruins to the Rock Island Bridge and as to anchoring economic development tourist destinations and everything in between that, redevelop and totally transform everything from the northeast to downtown to Armourdale in a way unlike no one seen probably in this country and I think it can be done. When you look at a lot of bipartisan support right now there's a window of opportunity that's there. At the Federal level, both Republicans and Democrats are waiting on Wyandotte County as well as delegates across the water in Missouri, particularly Emanuel Cleaver. I talk to him constantly and every time I see him he's asked me what is Wyandotte County doing with Quindaro. He used it as a gold mine of opportunity that he doesn't want to see slip away.

I know that Representative LaTurner as well as Davids are all onboard. I've had conversations with the Governor, the Lieutenant Governor as well as private individuals that like to invest in seeing something really unique and historic as far as what can be done in relation to really taking a hard look at Quindaro Ruins and what that could provide to the state of Kansas. So, just sharing that vision with you and letting you know that a lot of folks are already there and onboard and that the Unified Government is working to develop a plan of action under the

leadership of our new Administrator. So, for those that may be watching, all I can say is stay tuned because there's so much interest out there, not just here locally, but nationally. I've gone to DC and I was shocked at how many people actually knew about the Quindaro Ruins and asked me if there was any movement on that.

So, for this delegation, I just wanted to share that with you and really just reiterate the support, hopefully, that can be cultivated through your leadership throughout the halls of the state legislature to really support an initiative that we all see Wyandotte County as being the gateway to Kansas if you come across the Lewis & Clark Viaduct that really could transform things east of 635 in a way that I think would be monumental when you talk about revitalization of an area that has been disinvested for so long.

Senator Pettey said I think it would be paramount to this effort since there are new dollars that have come to the UG dealing with the Quindaro Ruins to help keep us informed as to how those dollars are being used in the next year here. Before it's always been looking for dollars. Now that there are some dollars there, definitely it's just in some ways maybe seed money, but at least there is, so it certainly will help me and I suspect the rest of the delegation to be kept informed as to how that's being used.

Mr. Johnston said I appreciate those comments Senator. I think we were very appreciative of receiving funds that directly talked about Quindaro Ruins. One of those things that we will be doing is a master plan. What we've heard from the state and federal delegation, federal offices, the Governor's Office, is what would this investment be. You need to show us something and so we've got that message loud and clear and that's what you'll see us working on over the next year, so we can maybe sit around this table next year and say to you here's the master plan, here's the vision of Quindaro Ruins and we've been talking with our federal and now our state delegation again. So, thank you for that encouragement.

Mayor Garner said I don't want to get lost. To me it is significant that the Quindaro Ruins is the catalyst, but I think for Wyandotte County it's so much more than that because when you talk about the potential to redevelop our entire riverfront like other communities have done, wrapping arounds from the Ruins to the Rock Island Bridge and then all the ancillary development that can happen in between those two tourist destinations, I think it could be monumental for Wyandotte County and provide the added tax base resources, tourism, entertainment, and all those amenities that a lot of our residents have said that they wanted and put Wyandotte County on a

map that would be unique here in the Heartland in a way that other cities wouldn't have especially when you talk about the abolitionists, the American Indians, and freed African-American slaves that really brought slaves over.

I know talking to Congressman Cleaver, some have asked me what's his interest. His interest is he'd like to see a bi-state initiative and that's maybe something that the Kansas delegation could talk about with the Missouri partners across the water because he mentioned it to me that the slaves had to come from somewhere and they had to come from Missouri seeking freedom and there's artifacts and there's points of interest there that could really broaden a centralized bi-state historic destination, not just for the nation, but for the world to come and learn about those individuals that really were seeking freedom.

Mr. Howze said along that line, I'm going to jump to number 15, Study Committee on Creation of a Riverfront Authority. It's kind of in that same vein which is, what could that look like and so this one is carried forward from last year as well.

Mr. Howze said moving back up one, this is Increased State Community College Funding. Again, carried forward from last year and this is a recognition that the community college is almost entirely funded at the local level and that has a significant property tax burden for residents here, almost on par with our K through 12 education funding stream, but it's serving people in a greater region, so having a more equitable—more state funding would relieve that property tax burden and make that a more fair investment.

Mr. Howze said Alternative Construction Delivery. This is carried forward from last year as well and this is around reducing the thresholds to allow for that design build construction manager at-risk technique.

Commissioner Ramirez said this one is important. I'm sure we have other projects, but the number one project I can think of where we used this is the Turner Diagonal. That was a huge project. I believe it was design build and it was built quicker than had been expected. It was way ahead of schedule than what was going to be built so it works and so if we can find ways to make the statutes and make the law work better with us to be able to do the projects that we need, I think it would be very beneficial for Wyandotte County.

Mr. Howze said next we've got Felony Assault on Public Transit Employees. This is also carried forward from last year and this would increase the penalty to provide more protection for Transit Operators.

Representative Curtis said I can give a quick update on that. I tried to offer an amendment last year that would have added that protection for bus drivers, but it failed. I had several legislators come up to me afterwards and they were very interested in trying to do that this coming session. Last session we had several other categories that also wanted to have that protection, so in our research we did find that in Missouri they actually have adopted language that is more like a catchall language, so that it catches a lot of those critical positions where you do see assaults on employees like we passed last year, the protection for those in medical settings. So, definitely, I know firsthand from being at the KCATA what our bus drivers have to endure a lot of times and so having the protection in place would be good. I think this year we'll be looking at what Missouri did with that catchall language and see if we can't introduce some legislation that then would address that.

Senator Pittman said I'll add I'm fully supportive of our transit folks. I've had similar requests from teachers who are going through some hard times in schools. I'm a little hesitant to introduce felonies just for the reasons we talked about. I mean stiffening some of our penalties out there, maybe even having it as a repeat, but sometimes we ratchet up our felony laws pretty quickly in the state because we want to be tough on crime and get elected out there and then it never goes back down. So, we have a lot of felony situations and I get hesitant when we start throwing the word felony around and we have to be very careful of that when we say felony assault on it. Is it just because when assault is not a very large bar and it's just because of the position we start creating protected classes, we just have to be conscious of the impact of introducing this and some of the unanticipated consequences that can happen from these.

Representative Curtis said Mayor and Senator Pittman, I think it was misdemeanor for the healthcare, the protection. It wasn't felony.

Senator Pettey said it didn't get to the level felony—**Representative Curtis** said I think that same concern has been expressed kind of universally about increasing it to the felony level. So, yes, the conversation that we have had around the transit drivers has been more to add the protection as misdemeanors, not as felony.

Commissioner Ramirez said we may not have the data tonight, but if we can get the data from KCATA. Are those transit drivers and operators that work, when they're assaulted are they—are the assaults from—yes, riders, but do any of the riders have mental health issues, they're going through a mental health episode at the time. That would be my only stop to that is they're already going through a mental health episode and we're wanting to slap them with a felony assault and then that just furthers the cycle of recidivism with our mental health population. That's my only reservation on this is if a majority of them are due to mental health episodes, then I don't think slapping a felony assault is going to like—yes, you know, I support our public transit operators and operators, but I don't see how it's going to reduce the amount of assaults that are currently happening.

Commissioner Bynum said I would support some measure that maybe doesn't reach the felony level, but to Commissioner Ramirez point, you know, probably 9.5 out of 10 engaged in that behavior has a mental health issue, but criminal behavior is criminal behavior, so people need to be held accountable for their behavior especially if it's criminal behavior and I think if something like this were on the books, it's another tool in the toolbox for not only UG Transit, but KCATA Transit operators are dealing with. Just my opinion.

Mr. Howze said the next one is Medical Cannabis.

Mayor Garner said before we go to that. It's kind of left—did this Commission want to keep that as a legislative priority. I kind of got mixed—**Mr. Howze** said we could also adjust the language. **Mayor Garner** said we can. I was just trying to get a consensus.

Commissioner Ramirez said I agree with Commissioner Bynum of some shape or form. I don't think felony assault should be the top, just something, I don't know where that could go.

Mr. Howze said the next one is everyone's favorite topic. We got Medical Cannabis. This was included in the agenda from last year. The Commission had discussion around that and this is where they landed in terms of medical cannabis, so is there any discussion on that?

Mayor Garner said I did have one. I believe I've talked to our entire delegation about it. It's legal in Colorado, Missouri and I believe in some form in Oklahoma and north of us in Nebraska as well, so we're sandwiched between states where it's legal. People can literally walk

across the street, depending where you are in Wyandotte County, and go to a dispensary and legally possess, smoke marijuana and some may not know fully, and I'm not saying ignorance of the law and all that, I mean the reality is that society when you look at some of the states that have legalized marijuana, society it's becoming more and more an acceptable venue or recreational form of just like alcohol when you—especially when you look at prohibition, alcohol was outlawed and then became acceptable. I think the social values of our country are shifting based on this new generation and it's become an acceptable form of usage for personal use. I say that to say I understand in the state of Kansas that it is still illegal. The one issue that I've mentioned that I really would hope that our Wyandotte County delegation would really push something forward is, after three convictions it's a felony and that could have serious implications on individuals that are found to be in possession.

Now, it depends on where you go. I mean there's some counties where the DA may not file and there's some that may take a harder line on individuals found to be in possession of marijuana and I think to just make it more uniform, especially because Wyandotte County is in such close proximity to an area where it is legalized. I can tell you I've been to a lot of parks, I've been to a lot of social events and it's hard for me to find an event anymore where you don't know who's smoking it, but you know somebody has smoked it. Go to your grocery store, your Walmart, go to any type of big major venue, it's like the great smoke out. I'm just being—that's the reality. You know people are smoking and they're doing it.

So, when you talk about having a felony on your record and what that does to a lot of things, everything from employment to getting services that you would be afforded otherwise, I think that is a huge drawback for our Kansas residents. So, at least removing the felony part of it and taking it down to maybe a high level misdemeanor I think, hopefully, our super majority friends could see as a compromise because I know that some do struggle with legalizing marijuana, but at least have the conversation about maybe removing that harsh penalty of a felony.

Commissioner Davis said I think this is my second or third time, I'm for full recreational use. I know that I may not be in the majority here, but the economic impact is just undeniable. It's just undeniable. The educational impact of it, I mean right now I'm just thinking of millennials and Gen Z where I'm seeing friends of mine that are getting their education here and then going to Missouri to start businesses that are within the marijuana industry of some sort. So, I know that is probably further along and probably far more progressive, but there is a lot of impact in full

recreational use. We regulate alcohol, we regulate cigarettes, we regulate other things, it can be regulated the same way as well as completely alleviate the criminal justice conversation. I just wanted to be on record for that.

Commissioner Ramirez said I support what Commissioner Davis said, but we all know our state. We've got to take it step by step. We may not get the full thing we want, but let's get some forward or some halfway there and I think the medical marijuana is where—or cannabis is that first step where we can get. I support what the Mayor mentioned about the three strikes law and that is something that he and I have talked about in length before, talking about this and talking about what we can do at the local level and so I would support changing the three strikes law in some way where it's not so detrimental to—it's not so detrimental because we know here in Wyandotte County that it's our minority are the ones who are going to feel—who feel it the most. So, if we can reduce that in any way I think that would be really good and beneficial for the minority and the minority youth in our community.

Commissioner Kane said I've got to agree with Commissioner Davis, let's go for all of it. You know we are losing so much money—hey, this is kind of odd because—and I'd imagine some of you have smoked pot in this room, but here's the deal. Both my parents died a very long slow death and it would have been nice to give them some gummies to ease the pain. I was up there this year when the Highway Patrol got up and that guy was full of shit. All he kept talking about was what he saw in life and a couple of you guys are former police officers, you get in your box and this is the way you think. Sometimes you have to step outside your box to say you know what, this is good for the people and even though it's good for the people, it's beneficial for the state.

Mr. Davis said I might just add for members of the Commission and the public that's tuning in, the lack of progress on this issue is not because this delegation and others have not been trying very hard. This is an issue that if you would put it to a vote on the floor, both the House and the Senate, it would pass and there's no doubt about it. There's just a leadership impediment that is preventing that from happening. I just want folks to know that the legislature has spent a lot of time on this issue and there's been interim studies, been a lot of discussion and I think they've fine-tuned a lot of these proposals, but until a certain legislative leader decides he's going to change his position on this, that's the impediment right there.

Mayor Garner said before you start, in the interest of time, we do have a second half of this. We need to engage with our delegation, so if we can just run through these and then I just encourage our commissioners and our delegation to have these kind of conversations after unless it's something really important.

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	PRIORITY	Title	Description	Category	Legislation or Appropriation	Included in 2023 UG Leg Agenda	UG Department	Notes
1		Funding for Tuberculosis Outbreak Management	Wyandotte County has been a hotspot for tuberculosis cases in the past few years. The Kansas Department of Health and Environment provides some funding for TB management, but not enough to cover the costs of the testing and treatment regime needed to manage outbreaks. Additional direct funding for local health departments who are monitoring for TB would improve overall response and reduce public health risks associated with tuberculosis outbreaks. Additionally the creation of an "outbreak fund" within KDHE would allow the agency to provide surge support to communities during an active outbreak.	Public Health & Human Services	Appropriation	No	Health	
19		Expand Treatment and Harm Reduction Approaches for Substance Abuse	1) The UG supports expanded state funding for substance abuse in-patient and out-patient treatment facilities in Wyandotte County. 2) Redefine what constitutes drug paraphernalia under State Law. Kansas puts needles and syringes in the category of drug paraphernalia under state law, making their possession illegal, and prohibiting any sort of syringe exchange programs that are an evidence-based approach to decrease the spread of deadly infectious diseases such as HIV and Hepatitis C. Current law allows for charges for possession of items related to marijuana use. 3) Remove from State Law that a 3rd charge for possession of marijuana is a felony. 4) Good Samaritan Overdose Laws protect individuals who act in good faith and call for help for a drug-related overdose, should they be found to be in possession of a controlled substance or drug paraphernalia. Analysis from May of 2021 shows that Kansas is one of only 3 states that does not have a Good Samaritan Overdose Law.	Public Health & Human Services	Legislation	Yes	Health Department	
20		Support for Services for At-risk Youth	1) Foster Care Support After Age 18 - provide State financial support to youth who age out of the foster care system at age 18. Additional financial support improves the likelihood of successful transition from foster care to being a productive resident and reduces risk of people who age out of foster care ending up in the criminal justice system. 2) Expand Child-in-Need-of-Care Support Services to provide cognitive behavioral counseling and enhanced support for youth to prevent future incarceration or violence.	Public Health & Human Services	Legislation	Yes	Health, Human Services / Community Corrections	
21		Allow Expedited Partner Therapy	Allow for Expedited Partner Therapy in the case of sexually transmitted infections. EPT is the clinical practice of treating sex partners of patients diagnosed with chlamydia and gonorrhea by providing prescriptions or medications to the patient to take to their partner without a health care provider first examining the partner. Kansas is one of only four states which do not explicitly allow EPT.	Public Health & Human Services	Legislation	Yes	Health Department	
22		Protect Supplemental Nutrition Assistance Program (SNAP)	Approximately 13% of people in Wyandotte County (over 21,000 people) experience food insecurity. Research demonstrates that greater access to SNAP results in reducing hunger and poverty, and improving dietary intake, academic performance, mental health, economic self-sufficiency, and local job growth. There is no evidence showing that implementation of work and training requirements on SNAP creates significant increases in employment. The UG opposes making it more difficult for Wyandotte County residents to access SNAP.	Public Health & Human Services	Legislation	No	Health Department	
23		Extreme Risk Protection Order	Legislation that allows law enforcement to seize firearms from a person who possesses an immediate danger of injury to self or others, while also providing due process protections to ensure fairness. Such legislation would reduce risks for suicidal individuals as well as reduce incidents of domestic violence, and has been enacted in 19 states.	Public Safety	Legislation	Yes	Health Department	
24								

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Mr. Howze said the next one is Tuberculosis Outbreak Management. This is a new one and this came about because we have had tuberculosis outbreaks and the challenge is that the state provides a little bit of funding for that, but not a lot of funding and not enough to cover the management of that particularly when we start talking about testing lots of people in an outbreak situation or multiple rounds of medicine that is required to manage those outbreaks. This is seeking—it's an appropriation item seeking the additional funds to support local public health in managing tuberculosis outbreaks.

Mr. Howze said the next one is Expand Treatment and Harm Reduction Approaches for Substance Abuse. This is carried forward from last year with the caveat that Fentanyl test strips were legalized in the last session so that has come out of this, otherwise it is carried forward from last

year which is seeking additional funding for substance abuse treatment. We don't have any inpatient substance abuse treatment beds in Wyandotte County right now and there is a significant lag in terms of people that are seeking treatment that are not able to access it that may be sitting in the county jail and in other places. So, there's also a human element and then there's significant cost element to this.

Mr. Howze said Support for Services for At-Risk Youth. This actually has the foster care support after age 18 in it as well and expanding the child in need of care support services for at-risk youth. This is part Public Health and also part Public Safety.

Mr. Howze said Allow Expedited Partner Therapy. This is one that's carried forward that you all seen before which is to allow partners who are exposed to sexually transmitted diseases to automatically get those prescription treatments without necessarily having to go through the full diagnosis regimen.

Mr. Howze said the next one is Protects Supplemental Nutrition Assistance Program (SNAP). This is recognition that there are over 20,000 people in Wyandotte County that receive SNAP benefits and so any efforts to make that harder to access and can have a direct detrimental impact to ability of residents to access those SNAP benefits and the food that they provide.

Mr. Howze said the next one is Extreme Risk Protection Order. This is one—kind of the red flag law that would under certain circumstances allow for firearms to be removed from a person who poses a danger to themselves or others.

NAME:

2024 Leg Agenda - Final DRAFT

	A	B	C	D	E	F	G	H
	PRIORITY	Title	Description	Category	Legislation or Appropriation	Included in 2023 UG Leg Agenda	UG Department	Notes
1		Offender Re-integration	The Unified Government supports full funding for community corrections programs and grants that provide support for individuals to successfully re-integrate into the community. These include programs for behavioral-health initiatives that reduce community risk and offender recidivism.	Public Safety	Appropriation	Yes	Sheriff, Community Corrections	
25		LAVTR funding	State funding for Local Ad Valorem Tax Reduction (LAVTR) program to provide additional revenue to local governments and reduce pressure on property taxes.	Tax and Finance	Appropriation	No	Finance	
26		Local Share of Sports Betting Revenue	UG supports the State providing a share of sports betting revenues to local government.	Tax and Finance	Legislation	Yes	Finance	Issue #7 in 2023
27								

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Mr. Howze said next we've got Offender Reintegration, again, pulled forward from last year. This is full funding for Community Corrections Programs that provide support to allow people to successfully reintegrate into the community. We have heard from our Community Corrections Department just in the last month or two about the success they've had in reducing recidivism so that we know that it can be done and this is seeking that full funding to support those efforts.

Mr. Howze said next LAVTR Funding. This is a new item as we talked about earlier. This is the funding specifically around LAVTR to support—to provide additional funding to local government.

Mr. Howze said last, the Local Share of Sports Betting Revenue. This was carried forward from last year. This was a priority issue last year. Paul, I don't know if you want to speak to this one.

Mr. Davis said I think that many of you may be aware that when the Sports Wagering Law was passed there was no local component as there is for regular gaming funds. There was also a fund that was set up to potentially lure professional sports teams to Kansas. This fund does not have a great deal of money in it and probably is unlikely to be utilized, but if the legislature reviews

that there may be an opportunity to review the local share as well. As many of you know the Pandora's box of gaming legislation doesn't like to be opened in Topeka and so I think the reason we kind of downgraded this from the priority that it was last year is that there doesn't seem to be much appetite to revisit gaming.

Senator Pettey said I would hope that as you're looking to finalize your recommendations that you would look at putting the LAVTR funding under the priority list instead of where it's at. I actually have visited with the Health Department, the Wyandotte County Health Department, in the last month. Number 22 Allow Expedited Partner Therapy. As my colleagues may note we're one of only four states which do not allow expedited partner therapy. With the Health Department, as they spoke to me, it's really a number one issue from a health perspective in our community, so I would really encourage all of us to think about that seriously.

We had an informational hearing in Senate Public Health & Welfare at least three years ago. I'm not going to say that I swayed my chair, but I certainly am going to work to help educate legislators and I would encourage you to learn more about it because it really can have an impact on the health of our families in Wyandotte County.

Mr. Davis said if I could make just one comment about the Expedited Partner Therapy issue, just so you all are aware, tomorrow morning I'm going to be on another call with folks from the Health Department here and Health Department's all across the state that have organized themselves really and our Health Department here has had a pretty big role in that. Representative Eplee, as you may recall, has kind of been the champion on the House side of this. This bill has passed the House before and I think he is looking for some indications that there is some appetite in the Senate, particularly the Public Health Committee. So, I know that may or may not exist, but I appreciate your efforts and certainly appreciate the weight that you carry on that committee, which is not easy.

Senator Pittman said I would encourage the Commission to think about education and supporting your Local Education Boards. This county has taken the lead in terms of making sure we have fair and equitable funding and that's constantly that formula that's been put in place has been attacked in terms of attacking the at-risk funding and these other things in terms of taking that

away. This funding really does benefit—funding mechanisms really do benefit our citizens here in Wyandotte County, so I'd encourage you to say we want to keep the funding formula clean as is and this type of thing. It's really good for us here locally.

The second thing is that we have a couple of passionate people about the Central Bridge as well as Highway 5 up to Leavenworth. Might be more specific instead of that number three, Protect State Infrastructure Funding, to maybe specify which infrastructure roads we might want to focus on when we attract funds from the state—with matching funds from the Unified Government and maybe just call those out each year so that we know what we should be pushing for and really pushing with the Department of Transportation and Administration.

My third point and final point would be just something around—we have a nice array, very specific health outcome initiatives from the Public Health Department. One of the disturbing trends that was brought to my attention last year was the health outcomes of this particular county are some of the worst in the state and I love that we have very specific initiatives to address that, but I would encourage the Unified Government to maybe even make a statement that says, hey, we need to have the states, just in general, have the states focus on helping us come up with better—you know raise our ranking in the state from the bottom county up to one of the top, at least in the middle. One position would even be better, so something along those lines because the health of our individuals affects our workforce, affects our education, it affects our families and quality of life and all those things.

Representative Oropeza said I just want to echo what Senator Pittman said. Since this was my first session I did reach out to KHI in Topeka and we have been on a decline in the health area with all their—we're 104 out of 105 and the only reason we're not 105 is because one county didn't submit their information and their data, so we probably would have been 105. We've been on a decline for the last five years as a county as a whole from the state's perspective.

Mayor Garner said thank you all so much. It's a great discussion. I'd like to personally thank, on behalf of the Unified Government, our Wyandotte County legislative delegation for coming here, spending your time with us, hearing our concerns and issues. The partnership we have is strong and I believe these types of conversations just help that partnership and our shared vision

gets even stronger as we try to get the resources that we know are needed here in Wyandotte County, so thank you for your support.

You know that you have our support and if there's no other business, I will entertain a motion to adjourn.

Commissioner Kane made a motion, seconded by Commissioner Ramirez, to adjourn. Roll call was taken and there were eight "Ayes," Bynum, Burroughs, Ramirez, Johnson, Kane, Markley, Stites, Davis.

MAYOR GARNER ADJOURNED

THE MEETING AT 6:16 p.m.

Monica L. Sparks
Interim Unified Government Clerk

dt

November 30, 2023

STATE OF KANSAS)
WYANDOTTE COUNTY)) SS
CITY OF KANSAS CITY, KS)

SPECIAL SESSION, THURSDAY, OCTOBER 12, 2023

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in Special Session, Thursday, October 12, 2023, with seven members present: Burroughs, Commissioner At-Large Second District; Townsend, Commissioner First District; McKiernan, Commissioner Second District; Johnson, Commissioner Fourth District; Markley, Commissioner Sixth District; Davis, Commissioner Eight District; Bynum, Commissioner At-Large First District and Mayor/CEO presiding. Ramirez, Commissioner Third District; Kane, Commissioner Fifth District; Stites, Commissioner Seventh District, and Garner, Mayor/CEO; were absent. The following officials were also in attendance: Alan Howze, Assistant County Administrator; Angela Lawson, Interim Chief Counsel; Monica Sparks, Interim Unified Government Clerk; Gunnar Hand, Director of Planning & Urban Design; Alyssa Marcy, Long Range Planner for the Planning & Urban Design Department; DeWayne Bright, FUSE Fellow Housing Coordinator for the UG; Dennis Rubin, Interim Fire Chief; Daniel Soptic, Sheriff; Jeff Miles, Director of Water Pollution Control; Nancy Burns, Director of Register of Deeds; Ronda Green, Parking Control; Jeff Fisher, Executive Director of Public Works; Matt May, Emergency Management Director; LaVert Murray, Economic Development Advisor to the Mayor; Irene Caudillo, Chief of Staff in Mayor's Office; Ashley Hand, Director of Strategic Communication; Greg Talkin, Director of Neighborhood Resource Center; Deasiray Bush, Director of Public Transportation; Joe Monslow, Interim Director of Community Development; and Sharon Reed, Director of Procurement & Contract Compliance;

Mayor Pro Tem Bynum said before I call the meeting to order I want to announce that we do have individuals attending remotely as well as on-site. All participants joining by remote, we would ask that you silence your devices when not speaking to avoid background noise. During the meeting, make sure you announce yourself by name and title when you speak so the public knows who is speaking. This is critical given the number of remote participants and is also current guidance from the Kansas Attorney General's Office. Please be sure to speaking into the microphone to ensure that your comments are heard and the record of the meeting is accurate.

Mayor Pro Tem Bynum said tonight we have a Special Session and this is an update on our PlanKCK Comprehensive Plan and we're very excited to bring you here and let you give us this update.

Mayor Pro Tem Bynum called the meeting to order.

ROLL CALL: Davis, Bynum, Burroughs, Townsend, McKiernan, Johnson, Markley.

NOTICE OF SPECIAL SESSION of the Unified Government of Wyandotte County/Kansas City, Kansas, to be conducted in a hybrid format on Thursday, October 12, 2023, at 6:00 p.m. in the Commission Chambers of the Municipal Office Building for PlanKCK Comprehensive Update.

CONSENT TO MEETING of the governing body of Wyandotte County/Kansas City, Kansas, accepting service of the foregoing notice, waiving all and any irregularities in such service and in such notice, and consent and agree that we, the governing body, shall meet at the time and place therein specified and for the purpose therein stated.

Mayor Pro Tem Bynum said this evening Gunnar Hand, Director of Planning & Urban Design, and his team are going to present an update on the PlanKCK Comprehensive Initiative and, Mr. Hand, I will turn it to you.

Alyssa Marcy, Long Range Planner for the Planning & Urban Design Department, said I'm going to kick us off. Tonight I'm going to be giving you this presentation with Gunnar Hand, our Director, and DeWayne Bright who is our Housing Coordinator. We're going to give you an update on our PlanKCK, which is our Citywide Comprehensive Plan. This is a short video to give you a little bit of context on what this is.

Video was shown.

Mayor Pro Tem Bynum said before you continue I think it's just really important for the record and the public, who may not be able to see the audience, the great support that we have here from so many other departments. They may have speaking roles that I'm unaware of, but I see our Sheriff, I see our Interim Fire Chief, I see our Register of Deeds, I see our Communications Team, Public Works, Water Pollution Control, I see Purchasing, I see Transportation and Community Development, I see our Neighborhood Resource Center, of course Planning, I see Emergency Management. Have I left anybody out that's here because I think that's really important to acknowledge the team of people that are assembled here tonight to hear this. Thank you very much. Also, NBR leaders.

Ms. Marcy said you know, Commissioner Bynum, you beat me right to it, so thank you. You took that off my plate for me. I did want to thank everyone in the room. We have been making an enormous effort to work with all of our departments to have conversations with all of our department heads, with as many staff members as possible, and with as many community members as possible. Thank you to everyone who's in the room. We do actually have a few folks who are going to spend—community members who are going to give us give us their one minute version of their vision for PlanKCK.

Denise Dias, Director of K-State Research and Extension, Wyandotte County, said the PlanKCK vision of a preferred Wyandotte County and Kansas State University's new Next Generation Strategic Plan and also K-State 105 align perfectly with this vision for KCK. K-State 105 leverages the state's extension system to deliver the full breadth of the university's collective knowledge to create new connections and build additional capacities and strings in all counties including Wyandotte.

So, what does this have to do with the UG's vision for Kansas City, Kansas. PlanKCK challenges us to think differently about Wyandotte County. It elevates bold ideas generated from our community discussions. K-State 105 also is challenging us to broaden our focus beyond traditional work and set aggressive goals to meet the needs identified by our local communities. We are working with our community partners to move the needle forward on things like childcare, affordable housing, healthcare, community vitality and business and workforce development

leading to sustainable economic growth for Wyandotte County. Taking this bold step to develop a comprehensive plan for our county can be achieved.

K-State Research and Extension Wyandotte County shares your vision for a better future for all Wyandotte County residents.

Edgar Galicia, Central Avenue Betterment Association, said every plan has goals and those goals have to be really, really clear for everybody to understand them and for everybody to help achieve them. The experience with corporations when the members of the company have different visions, that extinguishes the energy and extinguishes the productivity and extinguish the ability to reach the goals of the group. In a plan we're building the direction, the goals that are supposed to be achieved. All I have to say about that, after the many plans and many ideas and many hours of consulting that have been delivered and put to the community is that there is one single goal that has to be out there and very clear and that is to generate however we do it with whatever tools we have to generate upper mobility for our people, for all our people. It doesn't matter who's opinion, who brings what, what is integrated into the plan if it doesn't generate well-being and quality of life for our people we're failing, and that has to be there, upper mobility.

So, if every action we take, every action, every direction we place helps in creating the upper mobility, there's no way we can fail and inviting everybody here is part of this plan to put that in front. We can go into the details about whether or not the program should be mixed-use, mixed income, who it helps first, who it helps later. We have four segments of our community that are very clear and have to be helped. The first one is our landowners. They have invested so much. The second one is for business owners. They're putting everything at risk. Our third one is for stable residents who count on that stability to grow their families and at the end, and it's just because it would take the most investment, our unstable residents who needs the most help but need the most investment that we don't have unless we create the stability for the other three brackets always with the upper mobility in front of us.

So, whatever you decide, whatever you bring to the table, please make sure it does generate a higher quality of life for everybody and generates that upper mobility that we so much need in this island called Wyandotte County/Kansas City, Kansas.

Rose Eilts, member of the Strawberry Hill Neighborhood Association, said I'm also on the Board. I appreciate the time to speak to you this evening a little bit about my vision for our town. Our association was started back in the 1990s as a way to preserve, restore, and revitalize our small part of the community. We want to improve and develop our spot so it provides a safe, clean climate for existing residents and, hopefully, attracts new businesses and new neighbors. In the words of Coby Lefko, who's a development dude, said let's create more beautiful, walkable and humane places for everybody to live in and I couldn't agree more. I believe it starts with education. Wouldn't it be great to see everyone get the education they want and deserve.

My experience as a Lead to Read mentor has opened my eyes to the great opportunities in our school system. We have great teachers, but in order for the students to thrive we have to give their parents tools and time to spend with their children learning about all the great things in our metro area. That means we have to pay a living wage, hire enough staff so that work life balance can be a real thing for people.

Just from an environment, we have to have beautiful trees lining our streets. It will help make our town more walkable, green and beautiful and healthy. We also need diversity, which we have a lot of and dynamism. We have to listen to everybody, so we need less of the same and more of the different and exceptional.

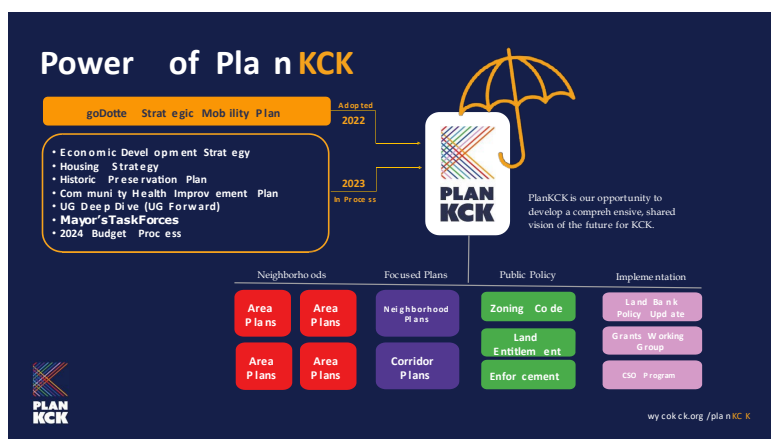
My wish list, a lot of it is on those boards out there from the KCDC. My wish list includes eradicating homelessness. We know how to do it and we can do it. We need to stop gun crime and reduce traffic issues. Again, we know how to do it and we can do it and improve our climate. We know what we need to do and we can do it. We just have to have the political will and the money to get it all done. So, just look around and visualize what a beautiful, resilient town we have and make it happen. **Ms. Marcy** said Rose is also one of our Planning Commissioners.

Erin Stryka, Rosedale Development Association, said since the Rosedale Master Plan was adopted in 2016 our area has seen just tremendous growth and not just growth, but growth that follows the will of the neighborhood and project changes of the neighborhood residents, neighborhood groups, businesses are all deeply bought into. I really credit that to the very broad and deep community engagement that went into creating the plan. It's been really exciting for me to watch PlanKCK take that level of neighborhood engagement and just explode it to more better, more interesting ways of getting everybody's voice into this process.

I've been thinking a little bit about if I had it to go back and do it again what I would do differently with the Master Plan and there are two things that come to me. One, I would have had a lot of money ready to go once the plan was done to start implementing things. I am glad to hear them talking about the grants and how they're thinking about funding sources now. The other thing that I would have liked to done is seen more alignment with the whole UG and with all of KCK. Our Area Plan is fantastic, everybody in Rosedale has bought into it, but it can't be just us. We have to have a lot more people on that team.

So, my vision for PlanKCK is that everybody here and everybody in KCK knows what's in it and use themselves as a member of Team KCK with a punch list of things to work on because the ideas in this thing are so big and so exciting that it is going to take all of us. I appreciate you taking this time to hear about it tonight and I'm excited to see what's next.

Ms. Marcy said thank you everyone. I don't think we have Jay or Tim here in the audience, so we will move on. These are the kind of conversations we've been having throughout this process.

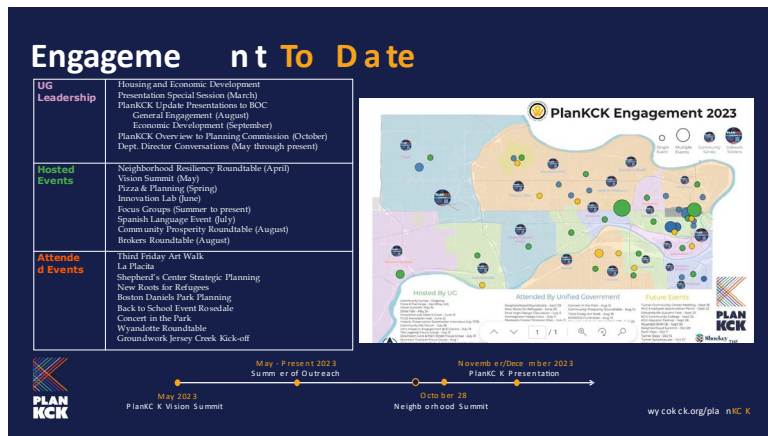


To give you a little bit of a background, PlanKCK really started in 2022. That's when we adopted our goDotte Countywide Strategic Mobility Plan so that is going to serve as our transportation chapter of PlanKCK. From there we have to add on all of those additional layers to make up the community and things like economic development, housing. We're also working with other departments and other initiatives so we're aligning with our Health Department, Community Health Improvement Plan, we're working with the Mayor's Task Forces, aligning with our budget process, working with community for all ages, so we're trying to bring all those threads together so that there is a lot of alignment.

Once all of these chapters and all of these topics are covered, PlanKCK will then serve as an umbrella to guide a lot of things in the future such as a Future Area Plan so that can help with what Erin was talking about making sure we're aligning all of our neighborhoods under this one North Star and forming things like new policy creations or updating zoning codes and then also help make budget decisions, where is our money going based on what the communities has said and which grants are we going after and again, implementation starts on day one. So, even though this plan is not yet adopted, we are working towards a lot of things that are already in motion.



For the scope on the right-hand side, you can see those are the 10 chapters that make up PlanKCK. We have consultants that are specifically focusing on economic development, housing, and historic preservation and we have those consultants here today. We also have four lenses through which we're developing the whole plan, so those are Equity, Access, Health and Sustainability to make sure that everything that we do within all of those chapters is achieving those four things.



Our engagement process started back in March of this year. The map there shows you geographically all the places that we've been to and we've had a multi-kind of approach to our engagement. We've engaged with leadership, whether that's elected officials or department heads or staff. We've also hosted events. Those can be events that are subject specific, maybe it's only economic development, maybe it's only food systems, and then we've also attended events. Maybe it's something we've heard from the community from day one that has come to us and in total right now we've attended or hosted about 62 events to date and we've touched about 3,500 people and we're continuing that engagement process through to our final event on the 28th of this month.



I just wanted to give you a broad summary of what we've heard so far. I think a lot of them here are what you heard today from the community members that came up to speak, but I think the overarching themes that we're hearing is to provide better basic community services. People want

to be able to have reliable transportation, a mix of available housing for different income levels, they want to have beautiful neighborhoods and clean parks and safe streets.



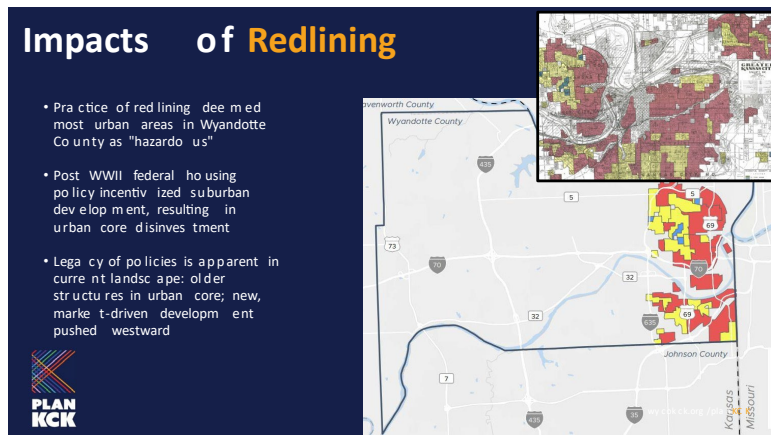
All of these things that we're hearing have contributed to the theme of what PlanKCK will try to achieve and I think this also has to—relates to exactly what Mr. Galicia was talking about, upper mobility, and that's this idea of how do we achieve community prosperity for everyone in all KCK.

I wanted to define community prosperity, so you'll see there are three definitions there. I think that first one gets at this idea of making sure that we equitably distribute benefits across all of our neighborhoods. The second is making sure that these benefits improve community health and not even from just an environmental standpoint, but physical, mental, spiritual, financial. Lastly, we've gone through a lot as a community, so how do we go from a community that is surviving to a community that is thriving.

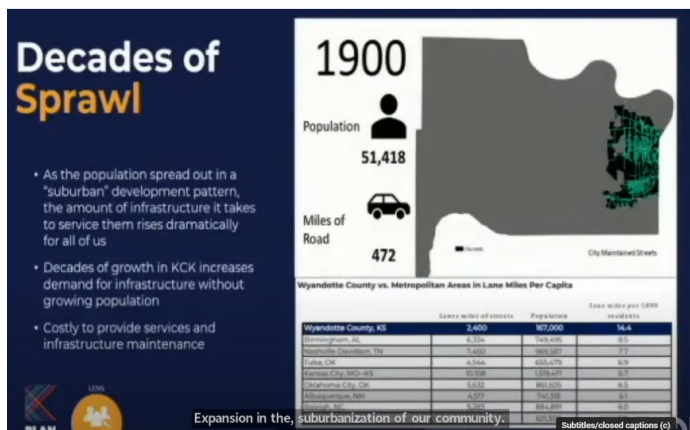


Now, I'm going to pass it over to DeWayne Bright to give you a little historical context.

DeWayne Bright, FUSE Fellow Housing Coordinator, said as we know PlanKCK has four lenses and the four lenses were developed as a result of the historical context of KCK current situation and we're using that in a way to plan the future.

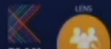


As we've discussed before, Kansas City, Kansas was one of the community's that was marked by historic redlining and redlining deemed virtually all of Kansas City, Kansas as a hazardous area which is depicted in the map by red. So, following that, there began to be a westward expansion and in that westward expansion it was funded by the incentives at the federal, state, and local levels that incentivized westward expansion and the suburbanization of our community following WWII.



Decades of Sprawl

- As the population spread out in a "suburban" development pattern, the amount of infrastructure it takes to service them rises dramatically for all of us
- Decades of growth in KCK increases demand for infrastructure without growing population
- Costly to provide services and infrastructure maintenance



Expansion in the suburbanization of our community.

1910

Population
82,331

Miles of Road
718



Wyandotte County vs. Metropolitan Areas in Lane Miles Per Capita

	Lane miles of streets	Population	Lane miles per 1,000 residents
Wyandotte County, KS	2,400	167,000	14.4
Birmingham, AL	6,334	149,435	8.5
Indianapolis, IN	7,400	200,397	7.7
Columbus, OH	4,544	455,479	6.9
Kansas City, MO-KS	10,038	1,019,427	6.7
Oklahoma City, OK	5,632	861,325	6.5
Albuquerque, NM	4,577	741,538	6.1
Omaha, NE	5,183	884,891	6.0
Birmingham, AL - CT	5,485	621,500	7.9

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Expansion in the suburbanization of our community.

1920

Population
101,177

Miles of Road
1,043



Wyandotte County vs. Metropolitan Areas in Lane Miles Per Capita

	Lane miles of streets	Population	Lane miles per 1,000 residents
Wyandotte County, KS	2,400	167,000	14.4
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Expansion in the suburbanization of our community.

1930

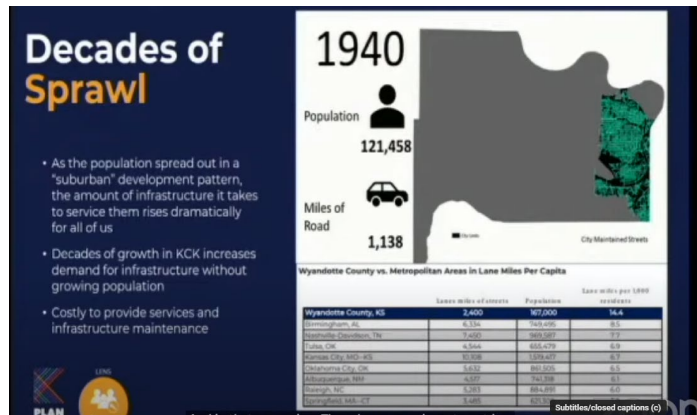
Population
121,857

Miles of Road
1,120

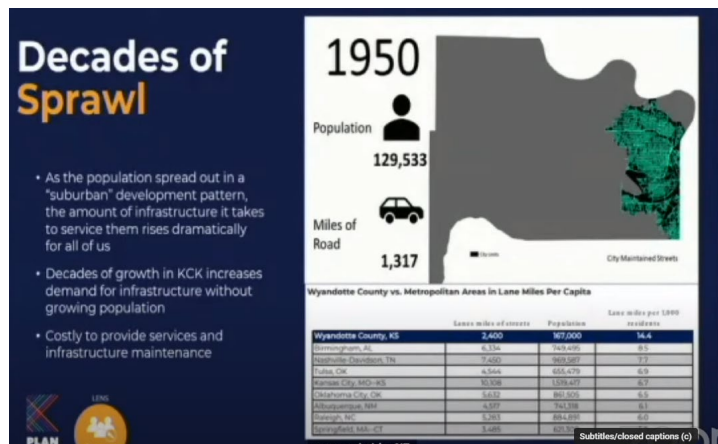


Wyandotte County vs. Metropolitan Areas in Lane Miles Per Capita

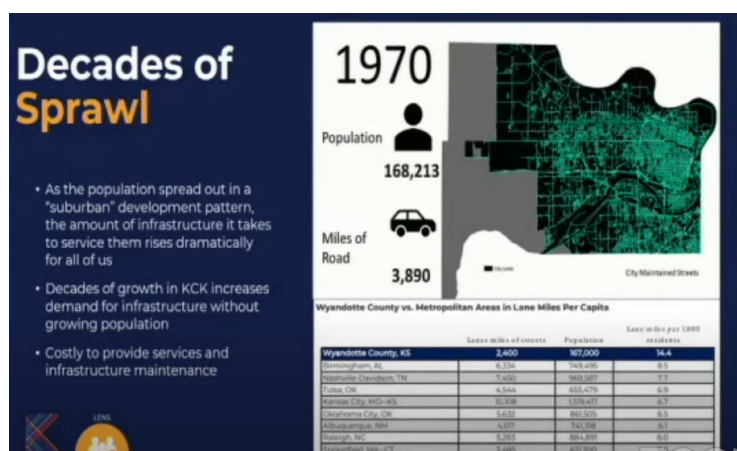
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Indianapolis, IN	7,400	200,397	7.7
Columbus, OH	4,544	455,479	6.9
Kansas City, MO-KS	10,038	1,019,427	6.7
Oklahoma City, OK	5,632	861,325	6.5
Albuquerque, NM	4,577	741,538	6.1
Omaha, NE	5,183	884,891	6.0
Birmingham, AL - CT	5,485	621,500	7.9



In that expansion there became an investment in a lot of infrastructure.



In fact, as you can see by the map in this GIF, we expanded well beyond our limits...



and one of the areas was in the number of lane miles of streets.

Decades of Sprawl

- As the population spread out in a "suburban" development pattern, the amount of infrastructure it takes to service them rises dramatically for all of us
- Decades of growth in KCK increases demand for infrastructure without growing population
- Costly to provide services and infrastructure maintenance



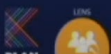
Decades of Sprawl

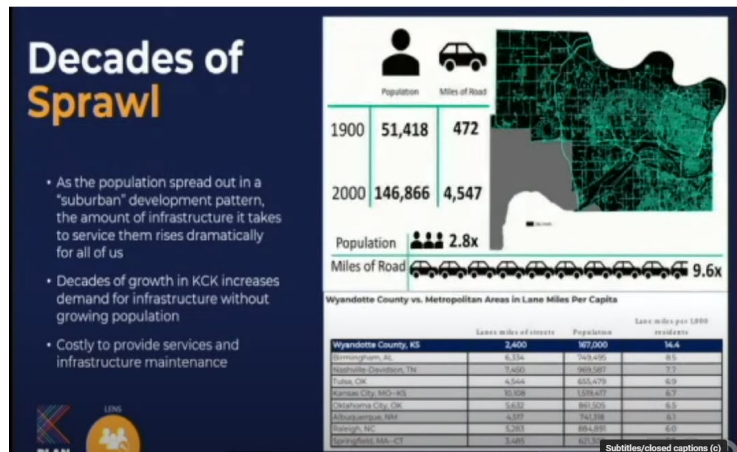
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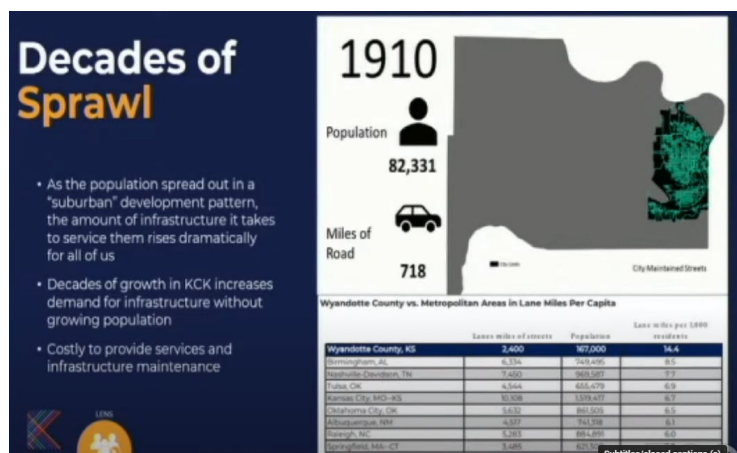
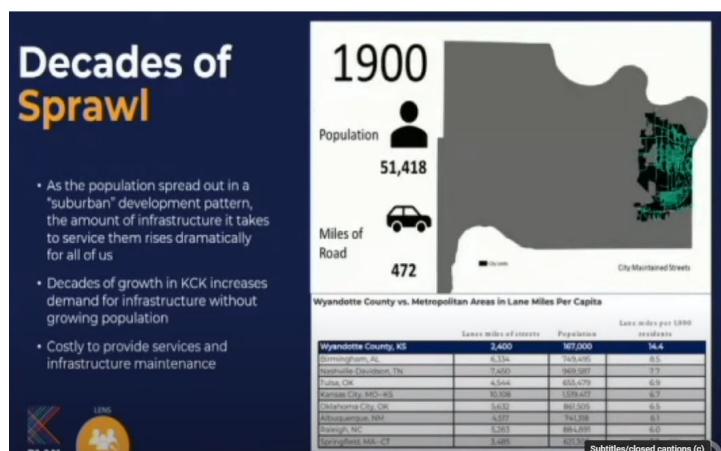
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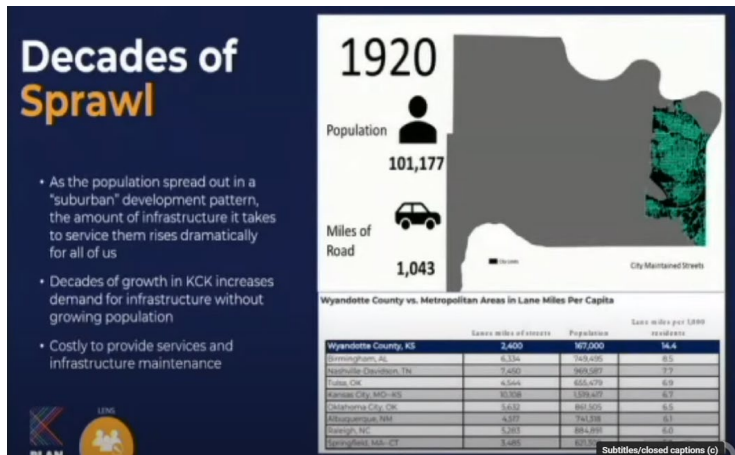




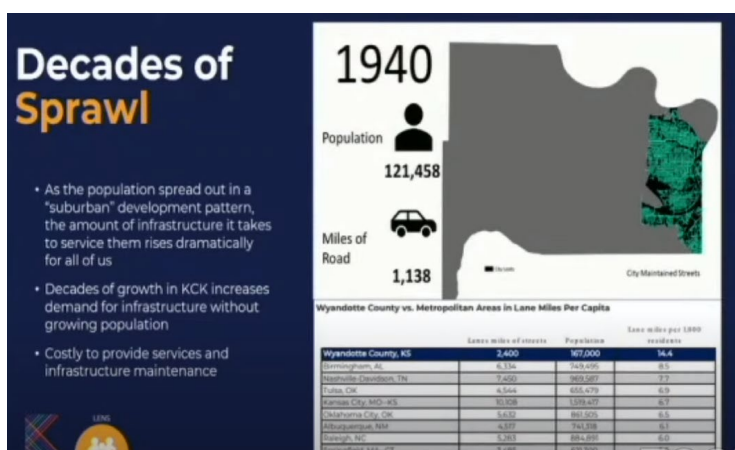
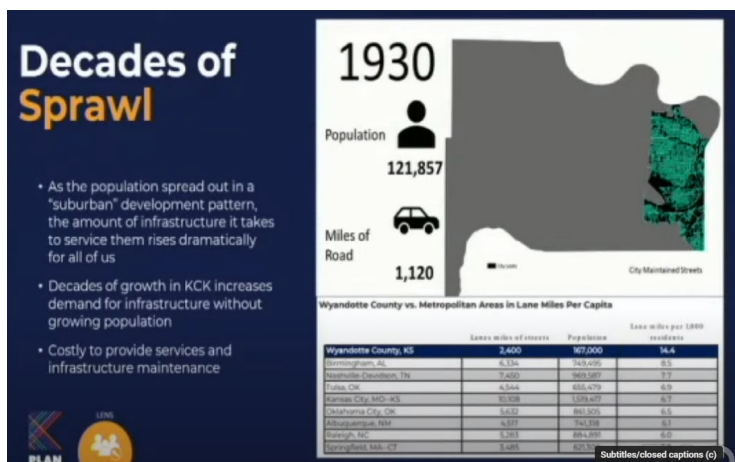
In Kansas City, Kansas in Wyandotte County we have 2,400 lane miles of streets for a population that's approximately 167,000...



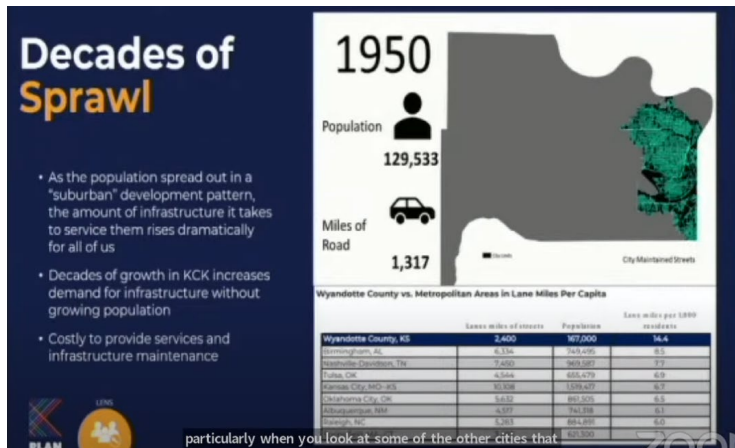
and that gives us 14.4 lane miles of streets per 1,000 persons in Kansas City, Kansas...



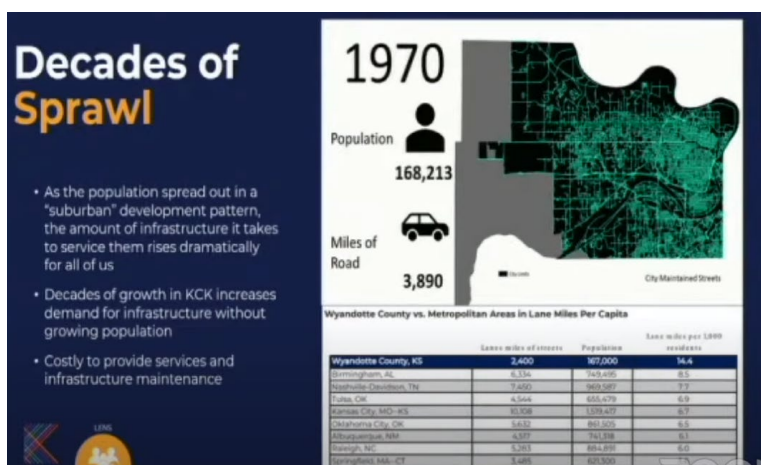
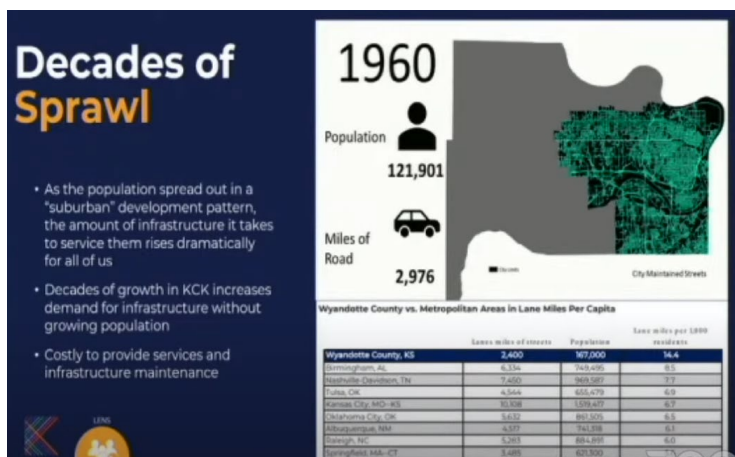
and that's extraordinary...



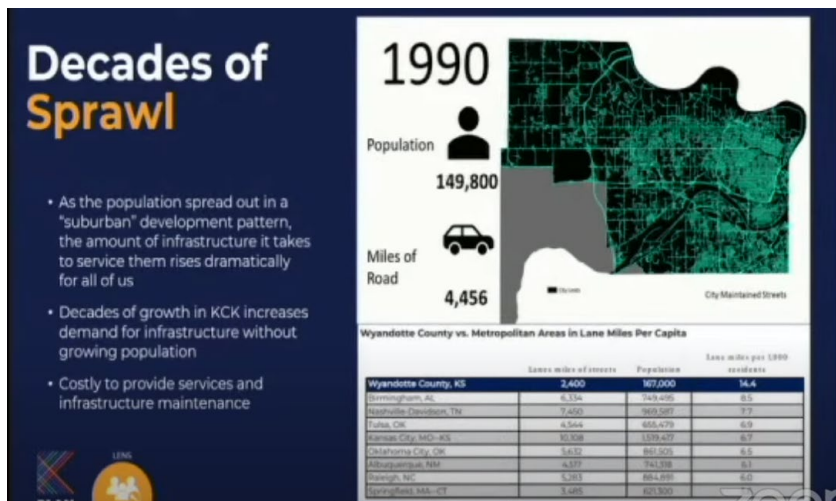
particularly when you look at some of the other cities that we have there.



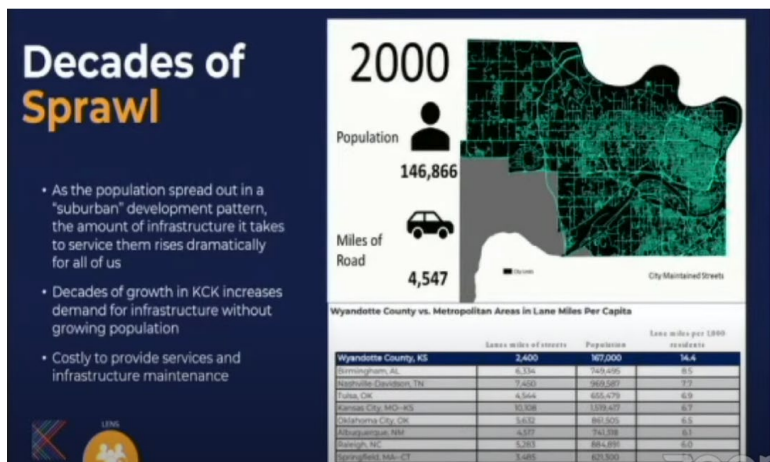
For instance, Tulsa, Oklahoma has 4,544 lane miles...



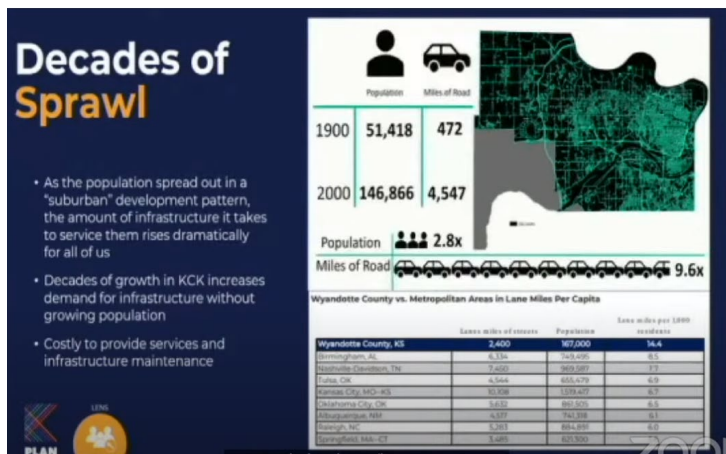
with a population of 655,000...



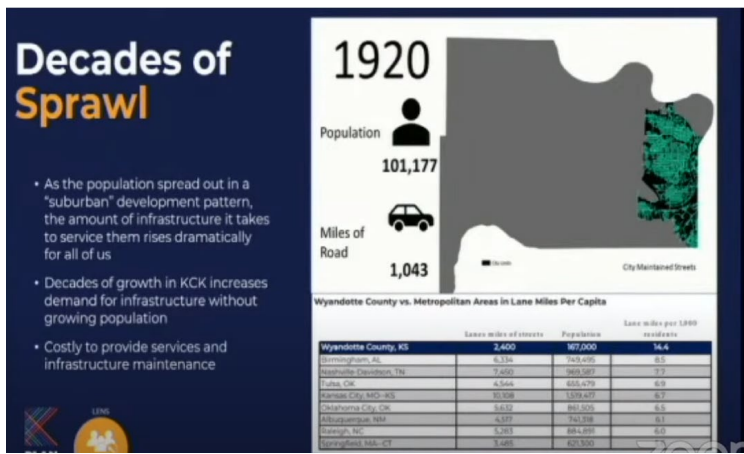
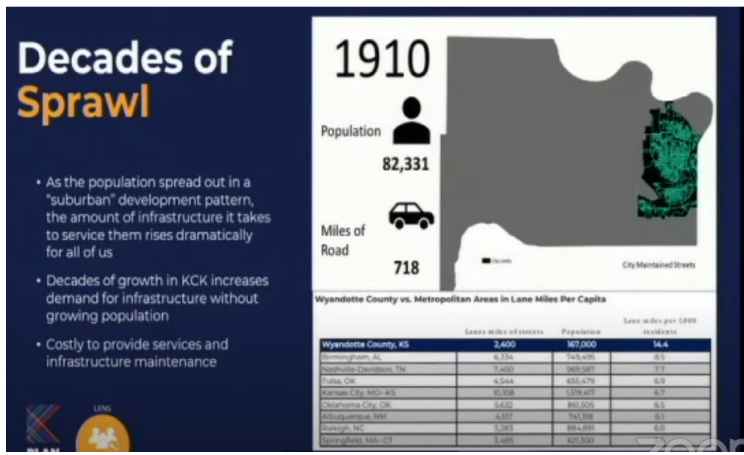
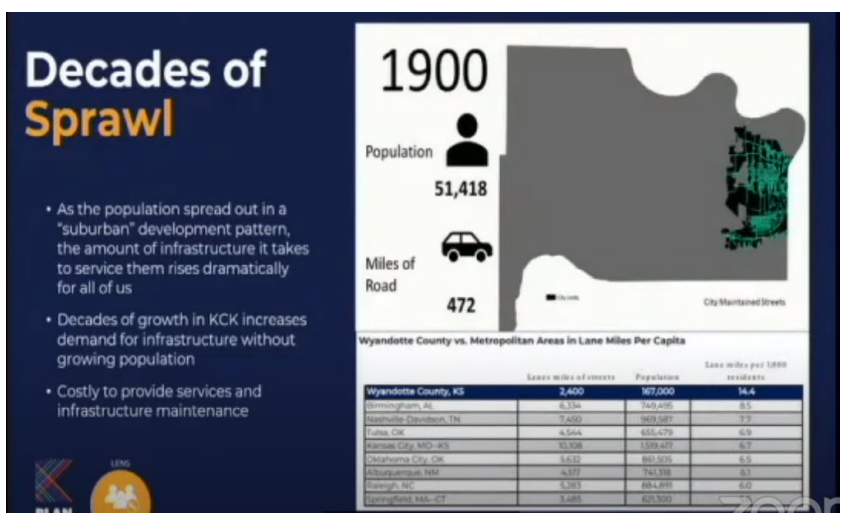
for a total of 6.9 lane miles per street...

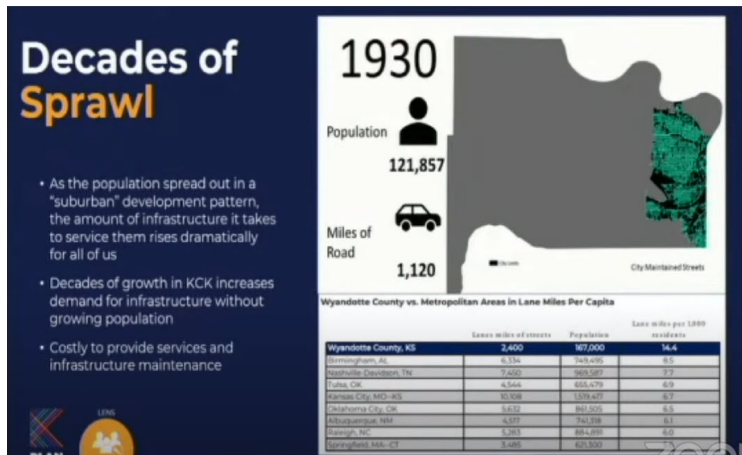


for 1,000 persons.

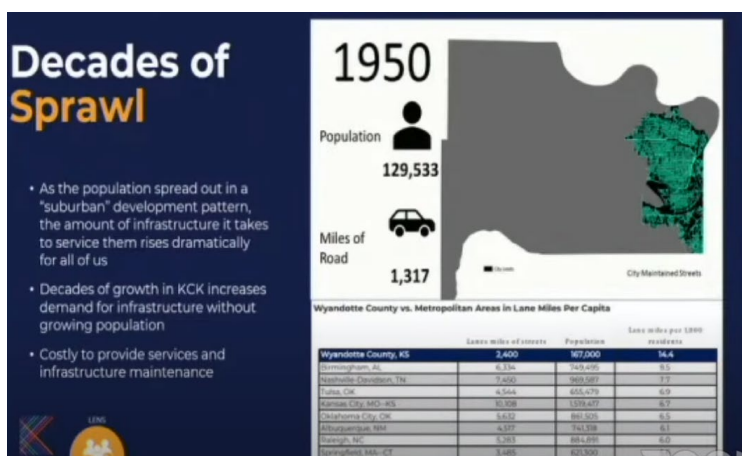
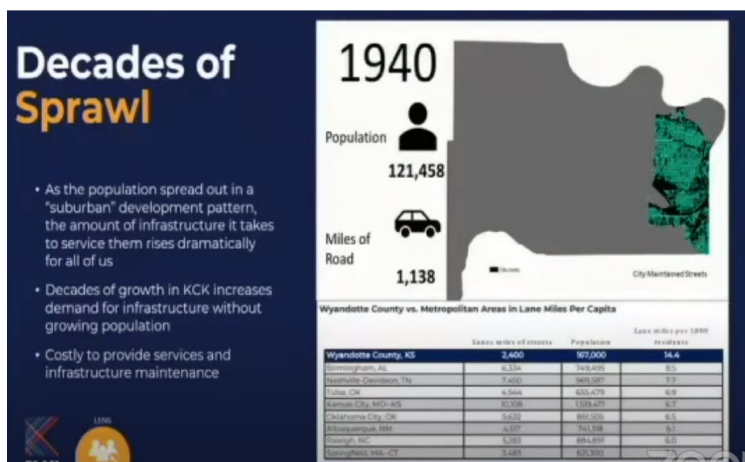


We have nearly doubled the lane miles per street with nearly a third of the population, so with that infrastructure...

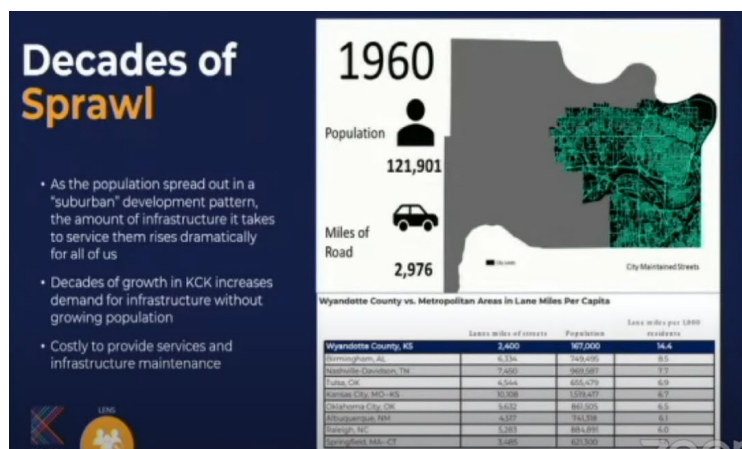




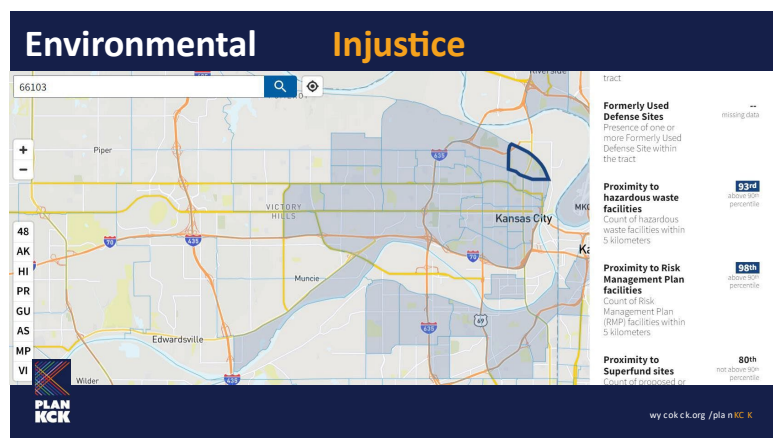
it makes it nearly impossible for a population of nearly 167,000 to be able to afford the maintenance of all of that infrastructure...



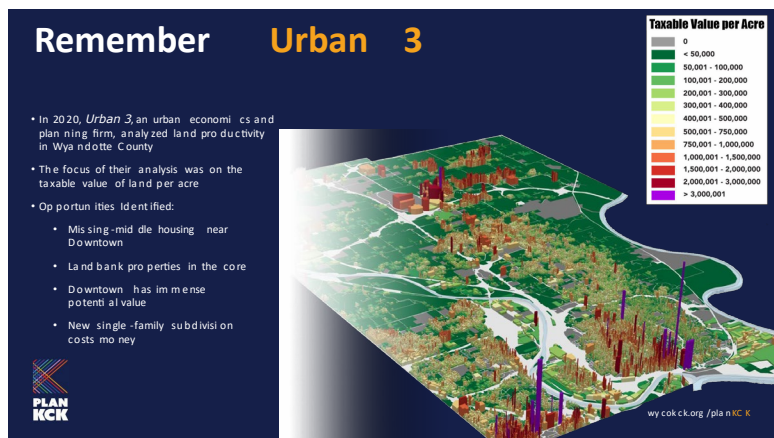
and that is just streets. It does not take into account sanitary sewers, storm sewers...



and water.



So, with all of these situations and this growth mixed with the industries that we have surrounding much of our downtown in the Kansas City, Kansas area, it causes environmental concerns, so we are one of the Justice 40 cities here and that's the vast majority of Kansas City, Kansas.



As you remember, there was the Urban 3 study that was done in 2020 and it resulted in a lot of great information that has informed the steps that we're taking even today. For instance, one of the things that they highlighted was that new single-family subdivisions, it actually costs Wyandotte County. It's not a huge economic boom, but it actually costs us to develop and so what they're saying is that there are three main areas where we can have great benefit. One of those is the missing-middle housing near downtown and that is focused on really bringing back density to our core and so that's in the way of developing duplexes, fourplexes, six plexes that are available for all price points and for young families and that is a great opportunity for us.

Then, we have the Land Bank properties, 4,600 lots in the Land Bank, nearly 90% of those exist near our downtown area. That's a great benefit for us to look at, how do we take advantage of the Land Bank properties and then the downtown has immense potential for development. We are ripe for development in our downtown and that's something that we have to take into account during this PlanKCK period. So, those are three great benefits that we actually have as a result of the study that was done in the Urban 3.

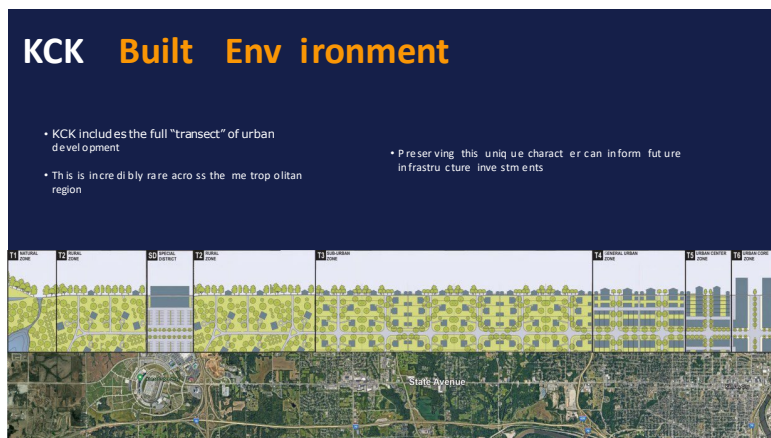


Now we're going to discuss with Gunnar Hand our historic development patterns.

Gunnar Hand, Director of Planning & Urban Design, said I did want to take a quick second again to recognize everybody who is in the Chamber today. I know we're all very busy people. I know we had a graduation that had to get moved up. Thank you, Sheriff, for helping giving us this full hour as well and so I think from me and my staff to all of you thank you very much.

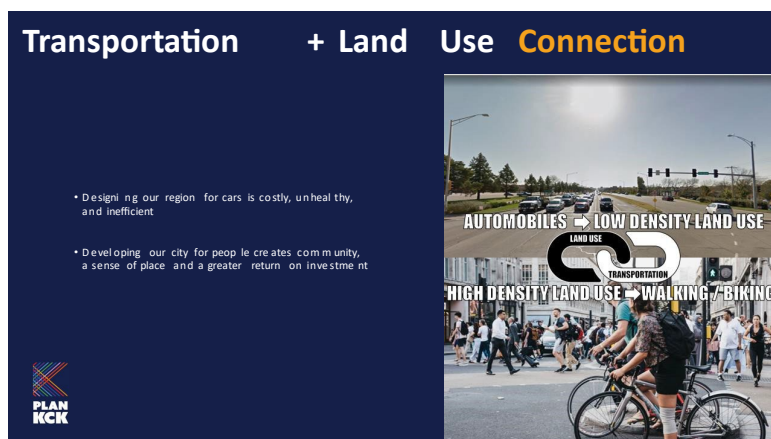
So, to build on some of the things that Mr. Bright was talking about and how we work towards community disparity, as your Urban Designer, I'm going to drill a little bit down into the built environment and how we got there, a little bit more down into the built environment I should say. While this planning process is still ongoing, we also want to highlight where we are right now in the process, kind of working on strategy framework, strategy development.

So, fresh off our budget process we all know that with so much need and with such constrained resources, we must be strategic. Now, to kind of bring it back to the urban design just a little bit, I'm going to set the stage for one of our strategic initiatives that we're going to use as an example to kind of talk about how we're going to get to an implementation strategy here with PlanKCK.



When you think about Kansas City, Kansas our quote, unquote "Main Street" is really State Avenue. It goes across the entire county east to west and city east to west. Now, as the city developed from east to west, as described a little bit earlier, and as our region grew at that same time in concentric circles from the urban core out, what was left, if you cut a line through State Avenue, you start to see these tree rings of different development. Now, it's a little esoteric, but in planning we call those transects from urban to interurban to suburban to rural to open space.

Now, in a region every city has all transects, all regions have all transects, but in Kansas City, Kansas we are incredibly unique in that we are one jurisdiction with all transects. This is not just unique, it's also an incredibly valuable asset. We hear it all the time, we want to protect and enhance my community character. This point illustrates that when someone says that it depends on where they live to depending on—depends on what they mean by saying preserving community character. Again, depends on what transect, tree ring, however you want to think about it.



As our city grew west, the way in which each of those tree rings, if you will, developed changed with that mode of transportation. Think of it very simply, when our city was first founded we were crossing rivers with fairies and we were riding horses, so we had extremely walkable communities because everybody was walking everywhere. Now, in the past few generations, really post WWII, automobile oriented development became the priority putting cars over people. When this Board adopted the Complete Streets Ordinance and subsequent goDotte, Countywide Mobility Strategy, you changed all that. As we seek to balance our transportation system for all modes, for all people of all abilities, we find ourselves almost full circle talking about building walkable communities again because they are healthier, more equitable, more sustainable and have a greater return on investment for the UG.



Now, Greenfield Development, that's that development on the fringe that requires new investment and new infrastructure, we're kind of at the point where a couple generations in, the market to a large degree only knows how to build Greenfield Developments. Again, a type of development that threatens that community character. If we keep building suburbia, we will no longer have our rural or wildlands eventually because we are a finite boundary. It's also fiscally unsustainable.

The infill development that I've heard many in this room and in this Chamber, or excuse me, and on the dais mentioned before is the type of infill development and urban regeneration that is yes, certainly more difficult and complex, but much, much more strategic, shoutout to Drake.



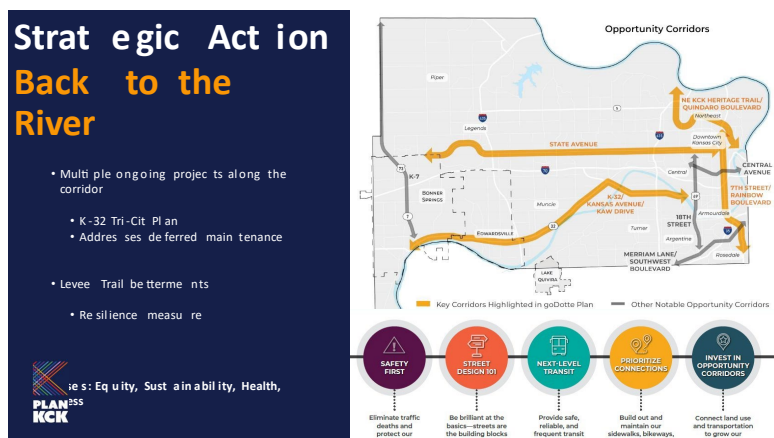
Let's just look more quickly at one metric somewhat in the back, property values and taxes, something we talked a lot about during the budget process. On the slide you have in front of you, we're looking at a comparison between an acre of commercial land in downtown KCK compared to an acre of typical suburban big box development downtown KCK, a win.

Now, let's look really quickly at a single-family neighborhood comparison. If we take an acre of single-family homes designed and developed in our urban core versus our suburbs, our urban core wins. The difference is simple, density, how and where we develop matters. Development for development's sake is not always good. Just like goDotte seeks to balance our transportation system, we must balance development in Kansas City, Kansas.

So, if on one hand we have a market that really only knows how to build out west, then what are we going to do to revitalize our urban core on the east side of our community. I will say one thing. We know that approximately 10,000 mostly single-family parcels exist in that urban core and we control 4,000 of them. That is a huge opportunity.



Now let's look at this strategic initiative and we look at strategic initiatives in order to illustrate how we can prioritize a single effort to address multiple community identified goals as well as multiple PlanKCK elements.



A few years ago this Board adopted what was called the Tri-City Corridor Plan. It's basically looking at K-32 with our cities of Bonner Springs—partner cities of Bonner Springs, Edwardsville and Kansas City, Kansas to do a right-of-way study and some of that work has been done, not all, but some. Last year this Board approved goDotte which incorporated that Tri-City Corridor Plan and further developed it a little bit. Earlier this year this Board approved staff to pursue grants for the K-32 Corridor. I'm saying this because I'm trying to demonstrate that plans don't set on shelves, they slowly build on one another.

Now, we can leverage this shared goal with our partner cities, again of Bonner Springs and Edwardsville, and demonstrate that type of implementation. We can leverage our current investments and levee betterments and build a complete corridor and a trail system that one day could go from downtown Bonner Springs all the way to downtown St. Louis via the Katy Trail. There's one small gap in Missouri, but that's their problem, not ours and we can finish work—well, I'm going to say a couple times here, we can also finish work on the Quiet Zone in this corridor.



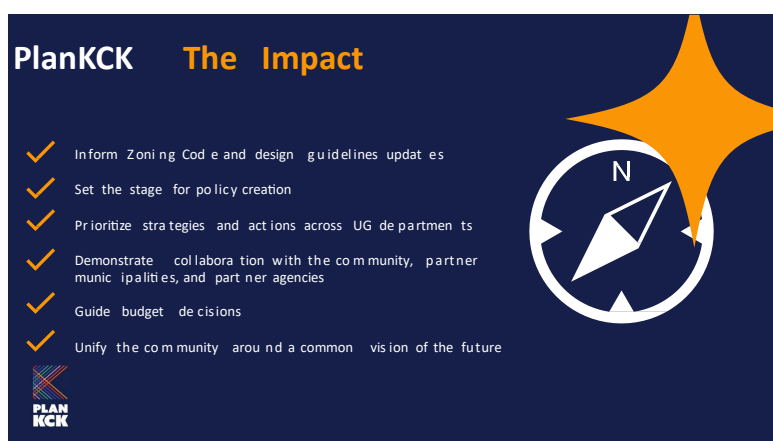
We can address deferred maintenance along this priority corridor identified in goDotte. We can connect this complete corridor to our existing facilities be they 10th Street or the Northeast KCK Heritage Trail, but what we must do is leverage all of this public investment to realize private, equitable incremental development. We've all heard the term TOD, Transit Oriented Development, sometimes called Transit Oriented Communities, what about Trail Oriented Development. Think about all those communities along the Katy Trail that thrive off that type of historical and economic Tourism.

When you think about this strategic initiative, it's maintenance, it's resiliency, safety, placemaking, tourism, economic development, mobility, active living. It is Equity, Access, Health sustainability and this is exactly the type of interjurisdictional multidisciplinary project that all of our funders are asking for us to bring them.



We know a little bit earlier that implementation on a long-range plan starts on day one, maybe day zero, so I wanted to highlight a couple other parallel projects that have informed this PlanKCK

process. We've been working to update our Land Bank Policy, which is informing a Land Bank Pilot Strategy, which you'll hear more about maybe next month, but in the plan itself. We've been putting together an RFQ, RFP process to redevelop UG-owned land, a pilot that demonstrates an implementation approach, never before done in our community, one that redefines community development and can realize the type of infield development our community has been asking for. And we've been putting together a Grants Coalition—internal Grants Coalition that through that work has not only built relationship with those funding agencies that we seek money from, but to build our own capacity to be more successful in the future.



So, what is PlanKCK. You've heard that question a couple times tonight. You've heard it answered a couple times tonight. It's our North Star. It's our shared vision of the future so that all of us can grow in that same direction. It should guide future policy discussions, some of which will be identified in the plan that require additional work. It should help inform future decision-making, but most importantly, it's an incredible opportunity for this Unified Government. If we identify with our community a new vision for the future, we can then ask ourselves, are we built to reach that vision, what do we need to do to become more efficient and effective if this is now what our community is saying we need to focus on.

PlanKCK Approval Process



Board of Commissioners Special Session	October 12
Administrative and Human Services Standing Committee	October 23
Board of Commissioners, Planning + Zoning Hearing	October 26
Planning Commission Meeting Recommendation	November 13
Board of Commissioners 2nd Special Session	November 16
Board of Commissioners, Planning + Zoning Hearing for Adoption	November 30
Board of Commissioners Hearing	December 7



So, approval process. Later this month at Administration & Human Services we're going to go into this in a little bit more detail, talk about approval process over the next couple of months. We do anticipate starting that approval process next month, November, and thus far we have one more Special Session planned with you all in November to go in a little bit more detail. Once we get over that hump and close kind—we've got to draw a line on the sand somewhere when we do community engagement, but once we get over that hump and start actually producing the plan, we'll go over it in a little more detail.

I'm going to tell you right now as a little forewarning, there is no way we're going to be able to give you a presentation in any amount of time that will include everything that's in the plan, but we'll do our best next month.

Call to Action Ways to Engage

PLAN KCK VISION SURVEY
Open through October 2023!



English



Español

Subscribe for updates.
Join us at an event.
Visit wycokck.org/PlanKCK

Young KCK Artist competition

Your medium.
Your vision.
Your city.

KCK ARTISTS AND CREATIVES 21 & UNDER!
What is KCK like in 2050? We are looking for your ideas. Share your vision by October 15 - in a medium of your choice - and you could be featured in an upcoming exhibit and win some cool prizes.
WYCKCK.ORG/PLANKCK

SAVE THE DATE
Neighborhood Summit
Saturday, October 28
Gloria Willis Middle School
Open to Neighborhood and Community Leaders
Countywide

wycokck.org/plankck 

So, we're still out there. It's been almost a year since we started this process. Last spring we really put forward the community outreach in earnest. We are still out there today as we are putting this plan together as it's taking off. The survey is open through the end of the month. The Youth

Art Competition ends this weekend and I expect to see you all there at our Neighborhood Summit on Saturday, October 28th. Again, you can go to WYCOKCK.org/PlanKCK to find all of this stuff and more information as needed.

I just wanted to say again, thank you very much for your time. Go Chiefs and we're going to take questions. Again, we have our consultants with us to help with some of those answers, but what we would really like to do is have an open discussion with you all about some other strategic initiatives you would like us to focus on moving forward or anything else that comes to mind. So, with that, what have you got for us?

Mayor Pro Tem Bynum said a couple of things. First of all, if you could go back to the slide with the surveys, QR codes. I just really want to leave that up because I really want to push those surveys including that Communities for all Ages survey. Of course, all of them and so I just want to leave that up as we talk if that's okay.

We have a commissioner who's not present tonight, but has asked previously, we are a Unified Government, which encompasses all of Wyandotte County, yet we call this PlanKCK and there may have been an answer to that and I just don't remember, but perhaps you could speak to it.

Mr. Hand said sure. We can start there. This is a Citywide Comprehensive Plan that is as complex as the Unified Government, so as we want it to be as comprehensive as possible, it includes departments. I will say namely Public Health, who put money into this process as well, which is a countywide function and so we try to align those countywide functions with our city departments. The strategic initiative, for example, is a great—the example we gave today is a great example of how—we're not trying to dictate what Bonner Springs and Edwardsville want. We've identified a common goal. We've talked about it for many years. We have an opportunity to make that our collective priority together. That's the type of synchronicity we're looking for.

Mayor Pro Tem Bynum said I do think that a lot of what you're bringing, studying and working on is countywide at the end of the day. **Mr. Hand** said well again, another great example we didn't get to touch on it here is part of this process has also been a countywide market analysis and that has been great to inform PlanKCK, but the reason we didn't want to make that a citywide market analysis is to increase its utility both for our partner cities, but school districts, other

departments, you name it, but that type of growth projections can help a lot of different stakeholders.

Mayor Pro Tem Bynum said I just have one more and then I'll open it to other commissioners, but as I listen tonight, and it's so big and far-reaching, I'm looking for ways for myself and, frankly, all of the governing body and other elected officials, to have help keeping these goals and objectives front and center in our work. I'm thinking of—I am a very visual learner and I would like to ask you and the Administration and the Communications team to perhaps think about some visual tools that could be—I'm speaking for myself, but I think it would be helpful, things that help me keep the plan goals in front of me as we're governing in so many other aspects. We touch so many things in these decisions that we make that if I had something on the walls in the Chamber, if we had something on our documents both online and on paper that kept these concepts front and center for us so that when we're making a singular decision about something else we're not straying too far from the ideals that we're striving towards. So, it's just something that I'm thinking about and I'm a big fan of like mission and vision statements on agendas. **Mr. Hand** said sure, we would love to inundate you with visuals on PlanKCK. Again, I know it's a complex thing, but if you go from our many chapters to our four themes, excuse me, lenses, to the one theme, which again, I think Mr. Galicia did a great job illustrating in his comments as well, it's all about community prosperity. **Mayor Pro Tem Bynum** said I agree.

Mayor Pro Tem Bynum asked, what other questions or comments from the commissioners?

Commissioner Johnson said thank you to Gunnar and all of the presenters tonight. I thank you for a very thorough presentation tonight. I know there was a lot of time, hours, contemplation, discussion that brought us to this point here. I was glad to hear some of the voices of the community. I was glad to hear the voice of Edgar Galicia and the voice of Rosedale, Erin Stryker. Although I understand that the northeast is included within this concept of the overall plan, I did not hear any voices of the northeast as part of this discussion. So, while I assume that opportunity has been afforded to those persons in northeast, I do want to say for the record that we want to make sure that those voices are heard as part of this overall dialogue in terms of community voices. Commissioners Bynum and Townsend and myself spent the beginning—well, at least for Commissioner Townsend—I mean Commissioner Bynum and myself, of our terms working on

the Northeast Master Plan. I know that intersects with this plan, but I think one of the things that I have heard in the past and I don't know, Gunnar, if you can speak to this or anyone that's part of your team, I think that sometimes in our community we have strategic plan burnout, particularly in the northeast. I'll just be interested to hear your feedback Gunnar, and/or from any of my colleagues as well. With that, I'll move on.

Mr. Hand said just a couple things. Originally we had thought there was going to be a 7:00 public input session and we had invited a lot of voices to come. We only had that sample here. The two people that you may have heard, Commissioner Johnson, that did not appear were from the northeast, but again, that's not all the voices that represent that came tonight still don't represent our whole community, so it was never meant to be all-inclusive. It was just a quick sample of some of the voices that we did hear. We've been—again, if you go to the engagement map, we've done plenty of engagement in the northeast, going to those events and hosting some of our own events in the northeast. Again, I say it all the time, you can never do enough engagement. You just can't. It is not humanly possible, but we do everything that we can and as it goes—and it relates to planning fatigue, what I would say is maybe two things, planning fatigue from the community's perspective is exacerbated when they see no change. Planning is critical to keep moving us forward. The point is we should always be planning. The UG needs to do a better job, in my opinion, of aligning all the different planning work we do across our departments so that we don't have 52 events in one weekend. Those are the things I think that cause more consternation than others because then you either have to pick and choose or you're going to all of them and you're exhausted. I think that there's both, internal alignment that can improve that process, but maybe it's just the planner saying that we always need to be looking forward, we always need to be planning our future, we always need to be tweaking because tomorrow is not today and tomorrow will be very different than today. We always have to adapt and change and evolve.

Again, with these North Stars, we can sort of pick the direction, you know, if you will, with our hearts and then drive with our minds.

Commissioner Johnson said thank you, Gunnar. I completely agree. We have to continue to move forward. We just have to. We cannot afford to stay stagnant. I think I heard Administrator Johnston say that same thing and so I totally agree with what you're saying. We just want to make sure that the chain is only as strong as its weakest link and we want to make sure

that all of our persons are—you know that we are intentional, let me just put it like that. That we are intentional to make sure that all the voices are heard. I agree with you we don't have—maybe we didn't have voices from the western part of town involved in that. I don't know, but anyway, that was just my thought. I appreciate the work that you all have done and with that I'll yield the floor.

Commissioner Markley said just a couple of things. I know internally we have been working to coordinate our efforts at going after grants and I love that this can be a guiding star for that group as we try to coordinate and go after more money and make sure that we're not sort of opposing forces when we're doing that, so I think that's fantastic.

I do think Land Bank is a huge opportunity. Commissioner McKiernan and I were the initiators of being able to bring those properties with houses into the Land Bank. Commissioner Davis has been chairing a group that's working on additional Land Bank Policy. I would just say I don't know what kind of conversations you guys have had, but it's probably good to have a conversation about that new Land Bank Policy and make sure that it fits into the overall goal of this plan. So, I said you may have already done that, but I think we should have that discussion just to make sure that we're not as we're making a change in one policy going against what we're doing in the other policy.

The last thing I'll say and please don't take this as a Debbie Downer moment because I don't mean it that way, but I think one of the tough things about doing planning is that then people who participated are like okay, great, so we want to have houses over here, we want to have an ice cream shop over there, get that done UG and the reality is we're not developers, nor should we be, nor do we have the financing to be. So, we're telling the world what we want to have happen out there and the community is telling us we want policies that can make that happen, but in the end it is third parties that have to do that development, that have to build the businesses and build the houses. Again, I don't mean that to be a Debbie Downer. I mean that to be an invitation to anyone who would like to do that work, but the reality is part of the reason these things sometimes end up on the shelf is because we see what needs to be done, we hear what you want to have done, but we can't go out and build 4,000 houses on those Land Bank lots. We don't have the funding to do that, so it is a partnership where we can create policies and say, look, here's these lots, we want to

help you get these lots, we want to help you build on these lots, somebody else has to be that third party partner.

So, like I said, I don't want it to be Debbie Downer. I do want it to be an invitation. If you want to be that third party partner, you come on over. We want to make policies that are going to make it easy for you to do something that fits into our plan, but I also want to sort of forewarn because I think some people think, well, now you've got the plan, why haven't you built those houses and that is not the role of the government in this plan. The role is to create the policy to make that happen as easily as possible. We need partners to make that end goal happen.

Mr. Hand said a couple of things. As Planning & Urban Design is currently overseeing Land Bank, we were thoroughly involved in the policy development. In fact, a lot of the work I would say even that happened there about urban farming and food systems greatly informed what ended up—or what will end up. We're still kind of not writing the thing yet. We only have a couple weeks. We can do it, right guys? Okay, we got this, so there's that.

Then two of the other events, one we still have to have later this month. I think our other sort of new ways in which we're trying to engage those communities, so remember the RFQ, RFP specifically sought developers and contractor teams that were from the UG that were small and medium that were all those disadvantaged. We specifically target those. We got a few of them, feel pretty good about it. That is a learning experience. We had two different real estate broker events. One with residential real estate. We have one with commercial real estate later this evening. We're going to probably end up recommending that we do that annually. We need to start engaging these communities in an intentional way that we have not done before and that is how we start to draw people.

I would like to defer to DeWayne Bright who's done a lot of this type of conversation and work through his FUSE Executive Fellowship.

Mr. Bright said thank you Commissioner Markley, because that is what we're working on is that third party partnership and for us the third party partnership is the community. We are engaged in the community on several initiatives to be able to prepare them to be able to do the work of helping the UG rebuild the economy because one thing is certain, is that 44% of the United States gross domestic product is based upon small businesses, it's small business development and so what

we're focused on—yesterday we had a chance to sit—our Assistant County Administrator, Alan Howze, and several of our NBR teams and other residents and small developers, we met with members of the Neighborhood Evolution out of Dallas, Texas. Monte Anderson and Bernice Radle from Buffalo, New York, they are part of the Incremental Development Alliance which is a national organization which works with communities to become their own commercial and residential developers. We had a two-hour meeting with them yesterday and it was dynamic. I mean we had a solid group of NBR leaders and small developers that are excited about this process because we really do believe that leadership in the community is the only way we're going to see any kind of sustainability. The UG doesn't build houses, the UG doesn't develop small businesses, but the UG can do, just like we did yesterday, we can bring resources to bear so that we can help build capacity in the community for them to do the change that they want to see.

The whole premise behind incremental development is that communities come to that understanding that nobody's coming to save you. This is work that you're going to have to do for yourself. So, the best thing that we can do is, like we did yesterday, begin that process where we sit down and we give them the tools to do the work that they want to see because it's much better that way because since we've started this process, particularly on the housing strategy, the one principle that we've had is that we're only going to do with, we don't do for, so everything that we're doing is with community. It's not for, because oftentimes it ends up that they get done too as opposed to be building with, so they are our third party, the community, so that's the work that we're doing now and we're going to continue with.

Commissioner Davis said I will go quickly. I'm aware we have the 7:00. We got these really, really cool kind of brochures, flyers, whatever. **Mr. Hand** said collateral material. **Commissioner Davis** said it's really, really cool. It kind of gives out information on what you all heard. Will we get an updated map out of all of this that will kind of be a guiding star for the city, like a Land Use map? **Mr. Hand** said yes. So, again, I think in 2008 we had a Citywide Master Plan that was basically a Land Use Plan, so as we expand this into a Comprehensive Plan we kind of have to play both fields. We have to be the Area Plan for those areas that don't have Area Plans which means we need a map. Then, we have to again expand that scope so we can understand comprehensively where that fits into the equation, so yes. Part of the scope of work for Skidmore, Owings & Merrill, our lead consultant on the PlanKCK update is to develop a new Land Use map

for the entire city. What we are going to and what, again, we're getting a little into the weeds here, but we have a different Land Use table, different Land Use categories for each Area Plan. That is ridiculous and untenable. What this will do will develop a single Land Use table and you don't have to use all the land uses in your community if you don't want to, but it will be, hopefully, inclusive of all types of land uses we either have or want in our community for the future and we're going to do that in a way that sort of one-for-one translates those existing Area Plans into that new (inaudible).

Commissioner Davis said awesome. That's great because I know there are certain districts—my district doesn't have an Area Plan. I think Turner doesn't have one, so there are few pockets and so when people are asking if I've met with developers and they're like, okay, do you have a plan. I'm like here's this 2008 document—**Mr. Hand** said it's about a third of the community. **Commissioner Davis** said yeah. That's just not currently relevant. The last things I will say, not really a question, but DeWayne Bright, you've been a godsend to our community. I mean truly, really because I echo everything that Commissioner Markley has said. We have to not just think about this from a perspective of UG do this, but we have to bring in private investment and we have to attract investors and developers that can come in, look at this vision and say I want to be a part of that vision. But, going even further, we need to become the developers ourselves, right. I think, Mr. Bright, we had these conversations of turning our NBRs into CDC's and empowering them to handle financing and to say, you know what, UG help us, we'll build the home, we'll build the business. We will do it ourselves. We're not just going to wait for somebody else to do that, so I love the direction that we are heading.

Thank you all for this work. It is incredible and the last thing I will say is it's super important because none of this will happen overnight, that this becomes political currency. If you all want this plan to happen, it needs to happen through your vote. If you want it to happen, it needs to happen through you engaging your neighbors and other business owners and other voters to say this matters to me, this is important, this is part of what I want my community and my city to look at.

Mayor Pro Tem Bynum asked, other commissioners before we close out? I really appreciate the Special Session, all the people who came tonight to be with us. Continue the great work.

Commissioner Townsend said I'll make this quick. To dovetail on the comments of Commissioner Markley and also in a way of Commissioner Davis, I'll say this, I think the plan is great in terms of development. One of the things I like to see when the roles of our new Economic Director A and B come in, is to have an analysis done of what would take it to make it easier for builders and other people who want to do business along the development route to want to do business here. Over the years as a member of the Economic Development Committee and in other settings, I've heard it's hard to do business, people won't come. I've never heard what particular areas or particular sides of that development issue makes it difficult, but I think that's a piece that we need to investigate so that with the great work this plan brings, we can have these developments and draw people into Wyandotte County and at least turn this impression around that it's too difficult. Thank you for that time and thank you for the work you've done.

Mr. Hand said we talked a lot about sort of empowering our community to be a part of the change. Again, one of our highlights for PlanKCK is if we identify a new vision for our community, how does the UG then build itself to reach that vision. The number one implementation action, from a Planning Department's perspective, the number one implementation action after a Comprehensive Plan update is to update your Zoning Code. That is one critical part of the development process. We can always do better, we have plans to do better. We know that our development process could be better. Yes, we need the resources and support and the time to do that because it's a complicated hairy beast as it is today, but that is absolutely on our radar. We need to do our part to make it easier for our community to be empowered to be the change.

Mayor Pro Tem Bynum said just a quick question. We were working on that right before COVID, so is any of that work that was done usable? **Mr. Hand** said yes and you've seen some of those pieces come forward in some of the smaller ordinance updates that we've put together. You may see some of that a little bit more in 2024 as we ramp up for a zoning code update, but basically, what I think is going to happen with that is we're probably going to have to look and do an audit of that past plan and then figure out if that's the trajectory we want to do moving forward, but we are definitely going to use all of that input because it was an exhaustive process before COVID absolutely.

Mayor Pro Tem Bynum said okay. Thank you staff, all staff, thank you commissioners and thank you community. If there's nothing else on this item, I would take a motion to adjourn our Special Session.

Commissioner Burroughs made a motion, seconded by Commissioner Davis, to adjourn. **Mayor Pro Tem Bynum** said we have a motion and a second. Clerk, roll call please. Roll call was taken and there were seven "Ayes," Davis, Bynum, Burroughs, Townsend, McKiernan, Johnson, Markley.

MAYOR PRO TEM BYNUM ADJOURNED
THE MEETING AT 7:11 p.m.

Monica L. Sparks
Interim Unified Government Clerk

dt

October 12, 2023



Unified Government Clerk's Office

Monica L. Sparks
Interim Unified Government Clerk

701 North 7th Street, Suite 323
Kansas City, Kansas 66101-3070

Phone: 913-573-5260
Fax: 913-573-5299
<http://www.wycokck.org>

Memorandum

To: David Johnston
County Administrator

From: Monica L. Sparks
Interim UG Clerk

Date: November 16, 2023

Re: Weekly Business Material

Attached is a listing of weekly business items presented to the Unified Government of Wyandotte County/Kansas City, Kansas, for informational purposes.

In addition to the listing of the items, we have indicated the action taken by the Unified Government Clerk.

Attachments

tk

Weekly Business Material for November 10, 2023 – November 16, 2023

1. COMMUNICATION:

Abstract of Votes Cast for the November 7, 2023 General Election.

Action: Received and filed.

2. PUBLIC NOTICE:

Alandon Tow Service, 6224 Kansas Avenue, KCK 66105, held a public auction on November 7, 2023.

Action: Received and filed.

3. BPU REPORT:

Board of Public Utilities 2023 Third Quarter Unaudited Financial Statement Report for the period ended September 30, 2023.

Action: Received and filed.

4. PERSONNEL ACTION COMMUNICATION DATED: November 16, 2023:

Section I – Appointments

Name	Department/Division	Eff. Date	Job Title
Russ Poush	Police	11/16/23	Info Systems Analyst

Section II – Transfers

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
James W Williamson II	Comm Corr	11/23/23	Prof Progs Asst	Prog Supervisor

Section III – Separations

Name	Department/Division	Eff. Date	Job Title
Logan Ladish	Parks/Rec	11/14/23	Summer Laborer
Abraham Lopez	Parks/Rec	11/14/23	Summer Laborer
Maung To	Parks/Rec	11/14/23	Summer Laborer

Earl J Watson	Parks/Rec	10/31/23	Rec Specialist
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Section IV – Increases per Memorandum of Understanding

Name	Department/Division	Eff. Date	Job Title
Kerry Madrigal	State	11/1/23	Admin Suppt Specialist

Action: Received and filed. Copy previously forwarded to Payroll.

5. CLAIM FOR DAMAGES:

Twuan Johnson, 2115 Silver Court, alleging loss of earbuds while going through scanning machine at Wyandotte County Courthouse on November 2, 2023.

Steven R McFee, 511 Northrup Ave., alleging damage to boat motor at Wyandotte County Park in Spring 2023.

John Mannen, 191 SW Cheyenne Rd, Topeka, KS, alleging damage due to being stopped on westbound I-70 on October 28, 2023.

Action: Received and filed. Copy previously forwarded to Legal.

6. NOTICE OF CLAIM:

Dayton Borisouth by and through his attorney, Scott Shachtman. The Shachtman Law Firm.

Carol Thomas by and through her attorney, Devin C. Glasgow, DM Dipasquale/Moore.

Area Construction Trades, Inc d/b/a Metal Deck Supply by and through their attorney Leslie A Boe, Dysart, Taylor, McMonigle Brumit & Wilcox.

Action: Received and filed. Copy previously forwarded to Legal.

7. TRAVEL REQUESTS:

Tiffany Butler, Public Works, travel to Glendale, AZ, November 14-17, 2023, to attend AZ Water/Pretreatment/FOG Fall Workshop, Employee Training/Travel.

Greg Dorsett, KCK Police Department, travel to Clear Lake, MN, November 5–7, 2023, to deliver electronic equipment to vehicle upfitter, network, inspect work done on department vehicles,

Bonnie Mejia, Community Corrections/Juvenile Division, travel to Houston, TX, November 15-17, 2023, to attend The Five Opportunities to Establish Equitable Youth Just Systems, JISP Compensation Plan.

Dylan Coe Pasinese, KCK Police Department, travel to Los Angeles and Stockton, CA, November 29 – December 6, 2023, for DEA Case IE-23-0036, All travel and lodging funded by DEA.

Mark Weckwerth, Public Works, travel to Albuquerque, NM, December 4-7, 2023, to attend National Pretreatment Program, Employee Training/Travel.

Sarah White, Public Works, travel to Washington, D.C., November 13-15, 2023, to attend the NAFSMA Leadership meeting and serve on the Stormwater Committee, Employee Training/Travel.

Action: Approved by Administrator's Office and received and filed.

8. APPLICATIONS FOR CMB LICENSE (PKG):

Harlom Corporation/William Hutton d/b/a 7-Elven Store #35783A, 10950 Parallel Pkwy, Kansas City, Kansas 66109.

Makalu Management LLC/Amrit Raut d/b/a Fuel Mart, 954 State Ave., Kansas City, KS, 66101.

Mi Pueblito Meat Market/Alonso Villasenor d/b/a 1311 Minnesota Ave., Kansas City, KS, 66102.

My Store III Inc./Yadira De La Fuente d/b/a Speed Stop, 9801 Parallel Pkwy, Kansas City, KS, 66111.

QuikTrip Corporation/Scott Gray d/b/a QuikTrip #172, 8200 Parallel, Kansas City, KS, 66112.

QuikTrip Corporation/Scott Gray d/b/a QuikTrip #231, 4202 Kansas Ave, Kansas City, KS, 66106.

QuikTrip Corporation/Scott Gray d/b/a QuikTrip #239, 555 N. 78th St., Kansas City, KS, 66112.

TEKI Investments, LLC/William Hutton d/b/a 7-Eleven Store #38574A, 7552 State Ave., Kansas City, KS, 66112.

Action: Referred to License.

9. APPLICATIONS FOR CMB LICENSE (OP):

Chihuahua Mexican Restaurant LLC/Liliana Campos d/b/a Chihuahua Mexican Restaurant, 842 Osage Ave., Kansas City, KS, 66105.

Lakeside Speedway Inc/Patti A Clark d/b/a Lakeside Speedway, 5615 Wolcott Dr, Kansas City, KS, 66109.

Mi Pueblito Meat Market, Alonso Villasenar d/b/a Mi Pueblito Meat Market, 1311 Minnesota Ave., Kansas City, KS. 66102.

Action: Referred to License.

10. APPLICATIONS FOR DRINKING ESTABLISHMENT/PUBLIC VENUE:

Wyandotte Nation Gaming Enterprises/Marilyn Young d/b/a 7th Street Casino, 777 N. 7th St., Kansas City, KS, 66101.

Action: Referred to License.

11. APPLICATION FOR MASSAGE THERAPIST LICENSE:

Chelsie Kelley/Chateau Avalon, 701 Village West Pkwy, Kansas City, KS, 66111

Action: Referred to License.

12. APPLICATION FOR PRIVATE SECURITY BUSINESS:

Loomis Armored US, LLC d/b/a Loomis Armored US, LLC, 1403 Fairfax Trafficway, Ste. 500, Kansas City, KS, 66115.

Action: Referred to License.



Unified Government Clerk's Office

Monica L. Sparks
Interim Unified Government Clerk

701 North 7th Street, Suite 323
Kansas City, Kansas 66101-3070

Phone: 913-573-5260
Fax: 913-573-5299
<http://www.wycokck.org>

Memorandum

To: David Johnston
County Administrator

From: Monica L. Sparks
Interim UG Clerk

Date: November 30, 2023

Re: Weekly Business Material

Attached is a listing of weekly business items presented to the Unified Government of Wyandotte County/Kansas City, Kansas, for informational purposes.

In addition to the listing of the items, we have indicated the action taken by the Unified Government Clerk.

Attachments

BM

Weekly Business Material for November 17, 2023 – November 30, 2023

1. COMMUNICATION:

Tomi Francis-Ramirez, Executive Director, Downtown Shareholders, submitting the financial report for the Self-Supporting Municipal District/Downtown Improvement District (SSMID) for the month of October 2023.

Action: Received and filed.

2. PERSONNEL ACTION COMMUNICATION, DATED November 21, 2023:

Section I – Appointments

Name	Department/Division	Eff. Date	Job Title
Donisha Carter	Sheriff	11/27/23	Prof Asst
Roxanna Serrano	Finance/Treasury	11/27/23	Fiscal Supt Asst
Anastacie E Slobodin	Police	11/27/23	Auxiliary Officer
Roxanna J N Turner	Police/Animal Services	11/27/23	Officer Assistant III
Heather M Winkelbauer-Brown	Finance/Treasury	11/27/23	Fiscal Supt Asst

Section II – Transfers

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
Louis V Goins	Sheriff	12/7/23	Investigator	Deputy
Ronald D McKay	Sheriff/Court Security	12/7/23	Security Officer, Armed	Deputy

Section III – Separations

Name	Department/Division	Eff. Date	Job Title
Eric L Owens	PW/B&L	10/18/23	Building Trades Plumber
LaTasha M Taylor	Transit	9/22/23	Transit Operator
Melissa R Wilcox	Sheriff	11/14/23	Clerk

Section VIII – Other Requests

Name	Department/Division	Action Requested and Explanation
Rebecca Bautista	CAO	Out of class pay from rg/stp, efft 7/1/23.
Mahmoud J Khalil	Legal	Range change for occ code 1633 from rg/stp, efft 10/26/23.
Lisa Rangel	CAO	Out of class pay from rg/stp, efft 4/22/23.
Diana Segui	CAO	Out of class pay from rg/stp, efft 4/22/23.
Lorena Vega	CAO	Out of class pay from rg/stp, efft 7/1/23.

Action: Received and filed. Copy previously forwarded to Payroll.

3. PERSONNEL ACTION COMMUNICATION, DATED November 28, 2023:

Section I – Appointments

Name	Department/Division	Eff. Date	Job Title
Josepha M Lara-Smith	Sheriff	11/27/23	Juvenile Detention Center
Kelsey M Wolf	DA's Office	11/27/23	ADA I

Section II – Transfers

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
Vincent Billaci	Parks	11/23/23	Manager	Manager

Section III – Separations

Name	Department/Division	Eff. Date	Job Title
Hector A Hernandez	Appraiser	12/1/23	Appraiser
Amel Prgo	Parks/Rec	11/17/23	Rec Specialist

Section V – Increases per Memorandum of Understanding

Name	Department/Division	Eff. Date	Job Title
Shaya L Lockett	Parks/Rec	11/3/23	Manager

Section VII – Reclassifications

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
Theresa Bauer	Sheriff	11/21/23	Admin Supt Spec	Prof Asst

Section VIII – Other Requests

Name	Department/Division	Action Requested and Explanation
Jacqueline O Blair	Police/Comm	Status change from FT to PT B, efft 11/9/23.

Action: Received and filed. Copy previously forwarded to Payroll.

4. PERSONNEL ACTION COMMUNICATION, DATED November 30, 2023:

Section II – Transfers

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
Rachel J Hostetler	Health	11/23/23	Admin Coordinator	Program Coordinator
Scott A Mcmannus	PW/WPC	11/23/23	Construction Worker III	Utility Maint Mech III
Efren Nunez	PW/B&L	11/23/23	Equip Operator III	Fac Maint Specialist

Action: Received and filed. Copy previously forwarded to Payroll.

5. CLAIMS FOR DAMAGES:

Jame Allums, Kansas City KS, alleging property damage to personal vehicle involving KCKPD spikes on October 11, 2023.

Action: Received and filed. Copy previously forwarded to Legal.

6. CERTIFICATE OF INSURANCE/LIABILITY INSURANCE:

- Thomas Protective Service, Inc.
- Shine Lighting Group USA Inc; Shine Lighting Group Property USA LLC; Enchant Christmas LLC; Enchant Christmas & Light Maze

Action: Referred to License.

7. BUSINESS BONDS:

- Electrical Bonds:
 - Frontline Solar LLC
 - Birkby Co., Inc
 - Tornado Alley Electric
 - Sharleen Troutman d/b/a Fishline Electric
 - Skyview Utilities LLC
 - CR Custom Homes, LLC
- Plumber's Bonds:
 - Cantrell Plumbing LLC
 - TMS Inc
- Sign Hanger Bonds:
 - Luminous Neon, Inc

Action: Referred to License.

8. CONTINUATION CERTIFICATES:

- Plumbers Bonds:
 - H.A. Plumbing Inc
 - Royaltee Plumbing LLC
 - Accent Home Services, LLC d/b/a Benjamin Franklin Plumbing
 - Santa Fe Trails Plumbing Inc
 - B & L Plumbing Services Inc
- Mechanical/HVAC Bonds:
 - Transform SR Home Improvement Products LLC d/b/a Sears Home Improvement Products
 - Koch Heating & Cooling Inc
 - Heart of America Serv Co. LLC
- Electrical Bonds:
 - In The Light Electrical

Action: Referred to License.

9. CANCELLATION NOTICE OF INSURANCE/BOND:

- Mechanical Bonds:
 - River City Heating & Cooling Inc
- Electrical Bonds:
 - H.A. Electric LLC

Action: Referred to License.

10. APPLICATION FOR CMB LICENSE (PKG):

- Rapid Mart 748 LLC, Khalid Hussain, d/b/a Rapid Mart 1, 748 Washington Blvd, Kansas City, KC 66101.
- RG Asian Store, Tara Rana Bhat, d/b/a RG Asian Store, 101 S 18th Street, Kansas City, KS 66102.
- Supermart El Torito Inc, Octavio Sosa-Rodriguez, d/b/a Supermart El Torito, 1409 Central Ave, Kansas City, KS 66102.
- Casey's Retail Company, William Hutton, d/b/a Casey's #2876, 13000 State Ave, Kansas City, KS 66109.
- Khan Food and Petroleum, Zahid Mahmood Goraya, d/b/a Quick Shop #2, 2425 Metropolitan Ave, Kansas City, KS 66106.
- Casey's Retail Company, William Hutton, d/b/a Casey's #4345, 10303 Leavenworth Rd, Kansas City, KS 66109.

- Bonito Michoacan #3 LLC, William Hutton, d/b/a Bonito Michoacan, 1150 Minnesota Ave, Kansas City, KS 66102.

Action: Referred to License.

11. APPLICATIONS FOR CMB LICENSE (OP):

- Catalina Partners LLC, William Hutton, d/b/a Slap's BBQ, 553 Central Ave, Kansas City, KS 66101.
- Pizza Stop South LLC, Ruth Anne Addie, d/b/a Pizza Stop, 7541 Leavenworth Road, Kansas City, KS 66109.
- El Rinconcito Salvadoreno de Kansas City, Roberto Linares, d/b/a El Rinconcito Salvadoreno de Kansas City, 4741 Parallel Pkwy, Kansas City KS 66104.

Action: Referred to License.

12. APPLICATIONS FOR DRINK EST/ PUBLIC VENUE:

- Witch's Brew LLC, Lindsey Cash, d/b/a Sammy's Tavern, 222 N 6th Street, Kansas City, KS 66101.
- Dancing Crab Inc, William Hutton, d/b/a Dancing Crab, 1713 Village West Pkwy, Kansas City, KS 66111.

Action: Referred to License.

13. APPLICATIONS FOR PVT. CLUB CLASS A:

- Dana Stauch, d/b/a Moose Lodge 1999, 6621 Turner Dr, Kansas City, KS 66111.

Action: Referred to License.



Unified Government Clerk's Office

Monica L. Sparks
Interim Unified Government Clerk

701 North 7th Street, Suite 323
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Fax: 913-573-5299
<http://www.wycokck.org>

Memorandum

To: David Johnston
County Administrator

From: Monica L. Sparks
Interim UG Clerk

Date: December 7, 2023

Re: Weekly Business Material

Attached is a listing of weekly business items presented to the Unified Government of Wyandotte County/Kansas City, Kansas, for informational purposes.

In addition to the listing of the items, we have indicated the action taken by the Unified Government Clerk.

Attachments

tk

Weekly Business Material for December 1, 2023 – December 7, 2023

1. PUBLIC NOTICE:

All City Tow Service, 1015 S. Bethany, KCK 66105, held a public auction on September 14, October 12, and November 9, 2023.

Action: Received and filed.

2. COMMUNICATION:

Monica L. Sparks, Interim UG Clerk, listing bids received on December 6, 2023, for 2023-2024 Street Resurfacing.

Action: Received and filed.

3. CLAIM FOR DAMAGES:

LaTonya Cooper, 2929 N. 27th St., KCK, 66104, alleging damage to vehicle at 34th & Brown on or around October 25, 20

Progressive Northwestern Insurance Company A/S/O Bey Newton, PO Box 94639, Cleveland, OH, alleging damage their client had to their vehicle at 18th St. & Quindaro, on May 10, 2023.

Steven R. McAfee, 511 Northrup, KCK, 66101, alleging damage to boat motor at Wyandotte County Park in Spring 2023.

William McCellan, 17102 Eissenhower Rd., Leavenworth, KS, 66048, alleging damage to tires at 132 and Hollingsworth Rd. on July 23, 2023.

Millie Washington, 2313 N. Early St., KCK, 66104, alleging reimbursement for recyclables that aren't being picked up.

Action: Received and filed. Copy previously forwarded to Legal.

4. NOTICE OF CLAIM:

Domonique Bell by and through her attorney Reginald Stockman, Stockman Law Firm.

Alisha Suttington by and through her attorney Jacob A. Crane, Prairie Valley Injury Law.

Action: Received and filed. Copy previously forwarded to Legal.

5. TRAVEL REQUESTS:

Glenn Carter, KCKPD, travel to Longmont, CO, January 28 – February 2, 2024, to attend SWAT Command Decision Making & Leadership, Employee Training/Travel.

Phillip Mathis, KCKPD, travel to Omaha, NE, June 9 – 12, 2024, to attend National CoResponder Conference, Employee Training/Travel.

Matt May, Emergency Management, travel to Wichita, KS, December 5, 2023, to attend Kansas Association of Counties Annual Conference, Employee Training/Travel.

Jamie Miller, KCKPD, travel to Phoenix, AZ, December 3 – 5, 2023, to interview paid by FBI Travel.

Karl A. Oakman, KCKPD, travel to Chicago, IL, January 22- 26, 2024, to attend Assessment Process, paid by IO Solutions.

Scott Schaunaman and LaRue McClaine, KCKFD, travel to Dothan, AL, to tour training facility, Employee Training/Travel.

Matthew John Wardwell and Josh Wagner, KCKFD, travel to Hutchinson, KS, October 23 – November 3, 2023, to attend Fire Investigator Training/Travel, Employee Training/Travel.

Donald White, KCKFD, travel to Manhattan, KS, November 2 – 4, 2023, to attend annual KSAFC conference, Employee Training/Travel.

v

Action: Approved by Administrator's Office and received and filed.



Unified Government Clerk's Office

Monica L. Sparks
Interim Unified Government Clerk

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Kansas City, Kansas 66101-3070

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Memorandum

To: David Johnston
County Administrator

From: Monica L. Sparks
Interim UG Clerk

Date: December 21, 2023

Re: Weekly Business Material

Attached is a listing of weekly business items presented to the Unified Government of Wyandotte County/Kansas City, Kansas, for informational purposes.

In addition to the listing of the items, we have indicated the action taken by the Unified Government Clerk.

Attachments

BM

Weekly Business Material for December 15, 2023 – December 21, 2023

1. CLAIM FOR DAMAGES:

- Damieana Nelson, Kansas City, KS, alleging injuries due to an accident with a city school bus on 11/6/23 near 5th Street.
- Jaden Scott, 1200 NW 57th Ter, KCMO, alleging damage to personal property due to pothole located at Fairfax Trafficway exit heading westbound on 12/16/23.

Action: Received and filed. Copies previously forwarded to Legal.

2. TRAVEL REQUESTS:

- Chris Blake, KCKPD, travel to Camp Dodge Iowa, September 25-29, to attend Advanced SWAT, Employee Training & Travel.
- William Wallace, KCKPD, travel to Chicago, IL, January 22, 2024 through May 24, 2024, to attend Policing Leadership Academy, Employee Training & Travel.

Action: Approved by Administrator's Office and received and filed.

3. CERTIFICATE OF INSURANCE/LIABILITY INSURANCE:

- Aon Risk Services South Inc (2)

Action: Referred to License.

4. BUSINESS BONDS:

- Electrical Bonds:
 - Brookside Electrical Project Services LLC
 - Good Energy Solutions Inc
 - General Dynamics Information Technology Inc
 - Invictus Roofing LLC d/b/a Invictus Solar
 - Jrad Electric LLC
 - Simmons Electrical
 - S & S Electrical Contracting LLC
 - Skill Demand Corp.
- Plumber's Bonds:
 - Accurate Mechanical LLC
 - Diamond Plumbing LLC
 - Midwest Plumbing LLC
 - Reddi Services Inc d/b/a Reddi Root'r

- Mechanical/HVAC Bonds:
 - Air Care Heating & Cooling Company
 - Andrew Hay d/b/a Hometown Heros KC LLC
 - F & J Company d/b/a Polar Aire Heating & Cooling Service
 - Lennox National Account Services
 - Peak Roofing & Construction LLC
 - Reddi Services Inc d/b/a Brush Creek Heating and Cooling
 - Reddi Services Inc d/b/a Reddi Root'r
 - Town & Country Heating and Air Conditioning Company LLC
 - West Heating and Cooling Inc
- Hauler's Bond:
 - Hydro-Klean LLC

Action: Referred to License.

5. CONTINUATION CERTIFICATES:

- Plumbers Bonds:
 - Andrew Hay d/b/a Hometown Heros KC LLC
 - Cecil Chappell Jr. d/b/a C M C Plumbing
 - Grabill Plumbing
 - J-Hawk Plumbing Inc
 - Rodina Company Inc
 - Ray Morrison Plumbing
 - Richard Nachbar Plumbing
 - Stine-Nichols Plumbing Inc
 - Tracy Petersen d/b/a Petersen Plumbing
 - Thomas Comfort Systems LLC
 - W Vielhauer Plumbing LLC
- Mechanical/HVAC Bonds:
 - Advanced Climate Solutions LLC
 - Rodina Company Inc
- Electrical Bonds:
 - Nabholz Construction Corporation
 - Rodina Company Inc
 - Virgal Williams
- Sign Hanger Bonds:
 - Miller Sign Shoppe LLC

Action: Referred to License.

6. CANCELLATION NOTICE OF INSURANCE/BOND:

- Electrical Bonds:
 - Edison Electric LLC
 - Max Electric Inc
 - Kansas City Community Electric

Action: Referred to License.

8. SURETY RIDER:

- Moore Air LLC
- Hussmann Services Corporation

Action: Referred to License.

9. APPLICATION FOR CMB LICENSE (PKG):

- Himalayan Petro LLC, Rosan Gurung, d/b/a Quick Shop #3, 5568 Leavenworth Road, Kansas City KS 66104.
- S & S Commercial LLC, William Hutton, d/b/a KC Mart, 2859 State Ave, Kansas City KS 66102.
- Gary Wilson, d/b/a Wilson's Pizza & Grill, 1801 Quindaro Blvd, Kansas City KS 66104.
- Brotherhood LLC, Rosan Gurung, d/b/a Quick Stop #1, 1313 Quindaro Blvd, Kansas City KS 66104.

Action: Referred to License.

10. APPLICATIONS FOR CMB LICENSE (OP):

- El Machetazo Mexican Food LLC, William Hutton, d/b/a El Machetazo Mexican Food, 1101 Kansas Ave, Kansas City KS 66105.
- Italian Delight Inc, Frank Brunetti, d/b/a Italian Delight, 8145 State Ave, Kansas City KS 66112.
- Gary Wilson, d/b/a Wilson's Pizza & Grill, 1801 Quindaro Blvd, Kansas City KS 66104.

Action: Referred to License.



Report to Full Commission

MEETING DATE	PRESENTER	DEPARTMENT
January 11, 2024	Jud Knapp, Acting Land Bank Manager	Economic Development
AGENDA ITEM #XV.1.		
LAND BANK OPTIONS		
BACKGROUND		
The Land Bank Manager respectfully requests that the neighborhood and Community Development Committee review the proposed item and forward it to the Land Bank Board of Trustees for final consideration, submitted by Jud Knapp, Land Bank Manager. Please visit the site to review the applications below. https://gisapp.wycokck.org/Landbank.html 8 Single Family Homes 14 Multifamily Units		
RECOMMENDATION		
Approve		
Approve and forward to Land Bank Board of Trustees 12/04/2023		
BUDGET IMPACTS / FINANCIAL CONSIDERATIONS		
Reduced maintenance costs		
IT/POLICY CONSIDERATIONS		
N/A		
PROCUREMENT CONSIDERATIONS		
N/A		
LEGAL CONSIDERATIONS		
N/A		
ATTACHMENTS		
FC Memo Land Bank Options 1.11.24		

Approved by Mayor and Administrator to add to agenda:

David Johnston, County Administrator

Dated:



Wyandotte County Land Bank
Economic Development Department
Jud Knapp, Manager

701 North 7th St., 4th Floor
Kansas City, Kansas 66101

Phone: (913) 573-5472
Fax: (913) 573-5745
Email: jknapp@wycokck.org

M E M O R A N D U M

TO: Full Commission
FROM: Jud Knapp, Land Bank Manager
DATE: January 5, 2024
SUBJECT: Option applications for consideration

The following **option application(s)** were presented at the 12/04/2023 meeting:
Please visit the new site to review the applications below
<https://gisapp.wycokck.org/Landbank.html>

A. Single Family Homes – 8 Homes

1. Nestor Perez – 1 home
 - i. 3427 N 71st St – 035110
2. John and Laurie Tomelleri – 1 homes
 - i. 907 Tenny Ave – 093115
3. John and Laurie Tomelleri – 2 homes
 - i. 263 N 9th St – 093107
 - ii. 265 N 9th St – 093106
 - iii. 267 N 9th St – 093105
4. John and Laurie Tomelleri – 1 homes
 - i. 253 N 9th St – 093111
5. John and Laurie Tomelleri – 1 homes
 - i. 19 S 8th St – 121159
6. Mt. Carmel – Adding in parcels from last months approved project.
 - i. 1934 N Valley St – 098901
 - ii. 1933 N Valley St – 098102
 - iii. 1931 N Valley St – 098103
 - iv. 1210 Garfield Ave – 098100
7. RA Engineering Corp – 1 home
 - i. 2529 N Hallock St – 292429
8. T&M General Construction – 1 home
 - i. 2601 N Hallock St – 292413

B. Multi Family – 14 Units

1. Grant – 2 units
 - i. 1600 Rosedale Dr – 126511

2. Pamela Rebeca Chavez Blancas – 2 units
 - i. 1929 Stewart Ave – 159951
3. Jay Jones – 6 units
 - i. 365 Rowland Ave – 094305
 - ii. 363 Rowland Ave – 094304
 - iii. 359 Rowland Ave – 094303
 - iv. 357 H Rowland Ave – 094403
 - v. 357 Rowland Ave – 094226
4. Michael Williams – 4 units
 - i. 630 Quindaro Blvd – 111891
 - ii. 628 Quindaro Blvd – 111892
 - iii. 626 Quindaro Blvd - 111893

