

**APRIL 25, 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 7<sup>th</sup> Street, Kansas City, Kansas, or virtually via a Zoom webinar.

Please click this URL to join. <https://us02web.zoom.us/j/81830616468>

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US: +1 253 205 0468 or +1 253 215 8782 or +1 346 248 7799 or +1 669 444 9171 or +1 669 900 9128 or +1 719 359 4580 or +1 360 209 5623 or +1 386 347 5053 or +1 507 473 4847 or +1 564 217 2000 or +1 646 558 8656 or +1 646 931 3860 or +1 689 278 1000 or +1 301 715 8592 or +1 305 224 1968 or +1 309 205 3325 or +1 312 626 6799 or 877 853 5257 (Toll-Free) or 888 475 4499 (Toll-Free)

**Webinar ID: 818 3061 6468**

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- I. CALL TO ORDER**
- II. ROLL CALL**
- III. INVOCATION GIVEN BY CHAPLAIN DANIEL FREEMAN, NEW BEGINNING  
MBC**
- IV. PLEDGE OF ALLEGIANCE**
- V. REVISIONS TO THURSDAY, APRIL 25, 2024 AGENDA**
- VI. CLERK'S STATEMENT**  
(Anyone wishing to speak about a particular item on the Consent Agenda must notify the Mayor when he asks if there are any "set-asides" on the Consent Agenda. Your item will then be discussed and voted on separately. All remaining items on the Consent Agenda are viewed as a single group and voted on with one vote.)
- VII. PLANNING AND ZONING CONSENT AGENDA**
- VIII. PLANNING AND ZONING NON-CONSENT AGENDA**
- IX. MAYOR'S AGENDA**
- X. REGULAR CONSENT AGENDA**
- XI. PUBLIC HEARING AGENDA**
- XII. STANDING COMMITTEES' AGENDA**

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

## **VII. PLANNING AND ZONING CONSENT AGENDA**

### **A. CHANGE OF ZONE APPLICATIONS**

1. **COZ2023-034 - GERALD MENEFEE WITH KAM DESIGN GROUP**

**Synopsis:** Change of Zone from A-G Agriculture District to CP-2 Planned General Business District to construct a convenience store and fueling station at 9611 State Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR DENIAL)**

**Tracking #:** 2163

2. **COZ2024-002 - AUSTIN THOMPSON WITH ATLAS LAND CONSULTING**

**Synopsis:** Change of Zone from R Rural Residential District (WYCO) to A-G Agriculture District for cattle and a barn at 1200 North 134th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

**(RECOMMENDED FOR APPROVAL)**

**Tracking #:** 2167

3. **COZ2024-005 - AUSTIN THOMPSON WITH ATLAS LAND CONSULTANTS**

**Synopsis:** Change of Zone from A-G Agriculture District to R-1 Single Family District for a residential use at 804 South 89th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL)**

**Tracking #:** 2169

4. **COZ2024-006 - BRANDON CARLSON WITH THE PROPERTY BR COMPANIES AND/OR AFFILIATES**

**Synopsis:** Change of Zone from A-G Agriculture District to CP-2 Planned General Business District to construct a new urgent care facility at 9400 State Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL)**

**Tracking #:** 2178

### **B. SPECIAL USE PERMIT APPLICATIONS**

1. **SP2023-110 - MARK CARNESECCA WITH PICK-N-PULL**

**Synopsis:** Renewal of a Special Use Permit (SP-2018-94, expired 1/10/2024) to operate an automobile salvage yard at 1142 South 12th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

**(RECOMMENDED FOR APPROVAL FOR 5 YEARS)**

**Tracking #:** 2160



2. **SP2024-006 - ATTIF ABBAS**

**Synopsis:** Renewal of a Special Use Permit (SP2021-034) to operate a liquor store at 8537 State Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL FOR 1 YEAR)**  
**Tracking #:** 2161

3. **SP2024-007 - SAMIA GUESS**

**Synopsis:** Renewal of a Special Use Permit (SP2022-065) to operate a Short-Term Rental at 2023 North 85th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**  
**Tracking #:** 2162

4. **SP2024-008 - MEGAN PAINTER WITH CHWC HOLDING CORPORATION**

**Synopsis:** Special Use Permit to operate a group dwelling at 1026 Ann Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**  
**Tracking #:** 2180

5. **SP2024-010 - RODERICK SIMMONS, JR.**

**Synopsis:** Special Use Permit to operate a Short-Term Rental at 2614 South 27th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL FOR 1 YEAR)**  
**Tracking #:** 2181

6. **SP2024-011 - JUAN RAMIREZ**

**Synopsis:** Special Use Permit for used auto sales at 401 Kansas Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**  
**Tracking #:** 2170

7. **SP2024-012 - NADIA GRIFFITT**

**Synopsis:** Renewal of a Special Use Permit (SP2022-121) to operate a drinking establishment with live entertainment at 508 Kansas Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL FOR 1 YEAR)**  
**Tracking #:** 2171

**C. MASTER PLAN AMENDMENT APPLICATION**

1. **MPL2023-019 - GERALD MENEFEE WITH KAM DESIGN GROUP**

**Synopsis:** Master Plan Amendment from Business Park (Prairie-Delaware-Piper Area Plan) to Commercial (Prairie-Delaware-Piper Area Plan) to construct a convenience store and fueling station at 9611 State Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR DENIAL)**  
**Tracking #:** 2164

#### **D. PLAN REVIEW APPLICATION**

**1. PR2024-006 - DAVID LUTZ**

**Synopsis:** Preliminary Plan Review to construct a new drive-through bank at 7908 State Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL)**

**Tracking #:** 2172

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

1. AN ORDINANCE authorizing a Special Use Permit (SP2023-109) for a non-owner-occupied Short-Term Rental at 3059-3065 Francis Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL)**

**Tracking #:** 2175

2. AN ORDINANCE authorizing a Special Use Permit (SP2023-119) for a Short-Term Rental (on the second floor) at 204 Orchard Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL)**

**Tracking #:** 2176

3. AN ORDINANCE authorizing a Special Use Permit (SP2023-120) for a drinking establishment (on the first floor) at 204 Orchard Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL)**

**Tracking #:** 2177

4. AN ORDINANCE vacating utility easement (VAC2024-001) at 11471 Webster Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL)**

**Tracking #:** 2182

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

##### **A. CHANGE OF ZONE APPLICATIONS**

**1. COZ2023-024 - CHRIS ELSEY WITH THE PRIME COMPANY**

**Synopsis:** Change of Zone from R-1 Single Family District to RP-5 Planned Apartment District to construct a 132-unit apartment complex at 5901 and 5945 Parallel Parkway, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL - 7/2 VOTE)**

**Tracking #:** 2165

2. **COZ2024-004 - FRED DEL TORO**

**Synopsis:** Change of Zone from R-1(B) Single Family District to A-G Agriculture District to keep animals on the property at 3612 Emmons Drive, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

**(RECOMMENDED FOR DENIAL - 6/4 VOTE)**

**Tracking #:** 2168

**B. SPECIAL USE PERMIT APPLICATIONS**

1. **SP2023-122 - ANDREW MALL**

**Synopsis:** Special Use Permit to operate a Short-Term Rental at 6115 Oak Grove Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL FOR 1 YEAR - 6/4 VOTE)**

**Tracking #:** 2179

**C. MASTER PLAN AMENDMENT APPLICATIONS**

1. **MPL2023-012 - CHRIS ELSEY WITH THE PRIME COMPANY**

**Synopsis:** Master Plan Amendment from Low-Density Residential (City-Wide Comprehensive Plan) to High-Density Residential (City-Wide Comprehensive Plan) at 5901 and 5945 Parallel Parkway, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL - 7/2 VOTE)**

**Tracking #:** 2166

2. **MPL2024-001 - CURTIS PETERSON**

**Synopsis:** Master Plan Amendment from Medium-Density Residential to High-Density Residential (PlanKCK Comprehensive Plan) at 1300 North 59th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL - 6/3 VOTE)**

**Tracking #:** 2173

**D. PLAN REVIEW APPLICATION**

1. **PR2024-003 - CURTIS PETERSON**

**Synopsis:** Preliminary Development Plan to construct a 174-unit garden apartment complex at 1300 North 59th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL - 6/3 VOTE)**

**Tracking #:** 2174

**TAX STATUS REPORT**  
**BOARD OF COMMISSIONERS AGENDA FOR APRIL 25, 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.

**IX. MAYOR'S AGENDA**

**1. PROCLAMATION: PROFESSIONAL MUNICIPAL CLERKS WEEK**

**Synopsis:** Proclamation proclaiming May 5-11, 2024, as Professional Municipal Clerks Week, submitted by Tyrone A. Garner, Mayor/CEO.

**Tracking #:** 2184

**2. PROCLAMATION: ARBOR DAY**

**Synopsis:** Proclamation proclaiming April 26, 2024, as Arbor Day, submitted by Tyrone A. Garner, Mayor/CEO.

**Tracking #:** 2189

**X. REGULAR CONSENT AGENDA**

**1. RESOLUTION: AUTHORIZING AMENDMENT TO 2024 MASTER EQUIPMENT LEASE PURCHASE AGREEMENT**

**Synopsis:** Approval of a resolution authorizing the Unified Government to amend its Master Equipment Lease Purchase Agreement with Banc of America Corp, submitted by Debbie Jonscher, Interim Chief Financial Officer.

*On April 1, 2024, the **Economic Development and Finance Standing Committee**, chaired by Commissioner Burroughs, voted unanimously to approve and forward to full commission.*

**Tracking #:** 213019

**2. RESOLUTION: ADOPTING THE SECOND AMENDMENT TO THE DEVELOPMENT AGREEMENT FOR VILLAGE WEST APARTMENTS III**

**Synopsis:** A resolution adopting the Second Amendment to the Development Agreement for Village West Apartments III, to extend the completion date to March 31, 2025, submitted by Jeff Conway, Senior Attorney.

*On April 1, 2024, the **Economic Development and Finance Standing Committee**, chaired by Commissioner Burroughs, voted unanimously to approve and forward to full commission.*

**Tracking #:** 213028

3. **NOMINATIONS: BOARDS AND COMMISSIONS**

**Synopsis: Landmarks Commission:**

Appointment of Jeff Fendorf - Term 4/25/24 to 12/15/27, submitted by Commissioner Bynum.

**Self-Supported Municipal Industrial District:**

Appointment of Robert Hughes - Term 4/25/24 to 12/15/25, submitted by Commissioner Townsend.

**Tracking #:** 2187

4. **MINUTES**

**Synopsis:** Minutes from the Regular Session meeting on January 26, 2023, and the Special Session meeting on March 21, 2024.

**Tracking #:** MINUTES

5. **WEEKLY BUSINESS**

**Synopsis:** Weekly business materials dated February 1, 22, and 29, 2024.

**Tracking #:** WEEKLY BUSINESS

**XI. PUBLIC HEARING AGENDA**

**XII. STANDING COMMITTEES' AGENDA**

1. **APPROVAL: FY25 ADULT COMMUNITY CORRECTIONS KANSAS DEPARTMENT OF CORRECTIONS GRANT**

**Synopsis:** This is the 44th year Wyandotte County has submitted a grant request to the Kansas Department of Corrections. This is not a competitive grant in that we will be awarded the grant, but the amount of dollars will be determined by the legislative appropriation and apportioned by the KDOC.

*This item was scheduled to appear before the **Public Works & Safety Standing Committee**, chaired by Commissioner Burroughs, on April 22, 2024. It was requested and voted unanimously to fast-track this item to the April 25, 2024, full commission meeting.*

**Tracking #:** 2140

2. **APPROVAL: FY25 JUVENILE COMMUNITY CORRECTIONS KANSAS DEPARTMENT OF CORRECTIONS GRANT**

**Synopsis:** This is the 17th year Wyandotte County has submitted a grant request to the Kansas Department of Corrections. This is not a competitive grant in that we will be awarded the grant, but the amount of dollars will be determined by the legislative appropriation and apportioned by the KDOC.

*This item was scheduled to appear before the **Public Works & Safety Standing Committee**, chaired by Commissioner Burroughs, on April 22, 2024. It was requested and voted unanimously to fast-track this item to the April 25, 2024, full commission meeting.*

**Tracking #:** 2142

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

#### **1. REACH FOUNDATION BOARD APPOINTMENTS**

**Synopsis:** The Nominating Committee of the REACH Healthcare Foundation's Board of Directors, respectfully request the **reappointment** of Mr. Octavio Estrella to the Board of Directors for a 3-year term effective June 1, 2024, and concluding May 31, 2027.

**Tracking #:** 2188

### **XIV. COMMISSIONERS' AGENDA**

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

##### **1. LAND BANK OPTIONS**

**Synopsis:** The following **option application(s)** was presented at the 04/01/2024 Neighborhood and Community Development Standing Committee, 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

*On April 1, 2024, the **Neighborhood and Community Development Standing Committee**, chaired by Commissioner Davis, voted unanimously to approve and forward to the Land Bank Board of Trustees.*

**Tracking #:** 213032

### **XVI. PUBLIC ANNOUNCEMENTS**

#### **XVII. ADJOURN**



## Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

**To:** Unified Government Board of Commissioners

**From:** Planning and Urban Design Staff

**Date:** April 25, 2024

**Re:** **Change of Zone Petition COZ2023-034 and Master Plan Amendment MPL2023-019**

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### GENERAL INFORMATION

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**Applicant:**  
Gerald Menefee

**Status of Applicant:**  
KAM Design Group LLC  
9000 East Bannister Road  
Kansas City, MO 64134

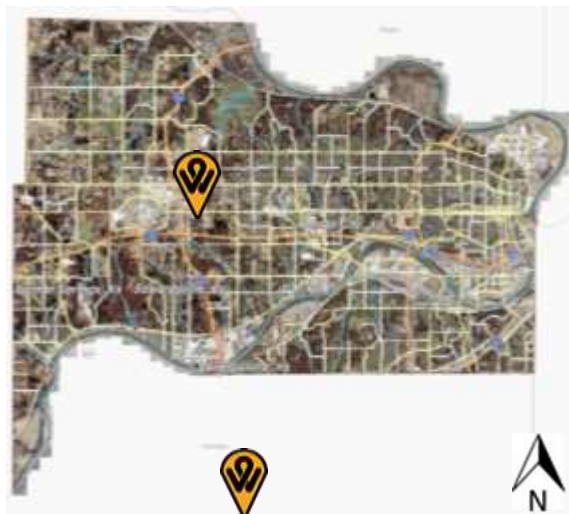
**Requested Actions:**  
Master Plan Amendment from Planned Mixed Business Park/Office District to Commercial (Prairie Delaware Piper Area Plan).

Change of Zone from A-G Agriculture District to CP-2 Planned General Business District.

**Date of Application:**  
December 29, 2023

**Purpose:**  
To build a 4,650 square foot convenience store and gas station.

**Location:**  
9611 State Avenue  
Kansas City, KS 66111



|                                 |                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                               |  |
|---------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------|--|
| <b>Commission Districts:</b>    | Commissioner At-Large, District #2: Tom Burroughs<br>District #7 Commissioner: Chuck Stites                                                                                                                                                                                                                                                                                                                           |                                                               |  |
| <b>Existing Zoning:</b>         | A-G Agriculture Family District                                                                                                                                                                                                                                                                                                                                                                                       |                                                               |  |
| <b>Adjacent Zoning:</b>         | <b>North:</b>                                                                                                                                                                                                                                                                                                                                                                                                         | A-G Agriculture District                                      |  |
|                                 | <b>South:</b>                                                                                                                                                                                                                                                                                                                                                                                                         | A-G Agriculture District                                      |  |
|                                 | <b>East:</b>                                                                                                                                                                                                                                                                                                                                                                                                          | A-G Agriculture District                                      |  |
|                                 | <b>West:</b>                                                                                                                                                                                                                                                                                                                                                                                                          | MP-2 Planned General Industrial and A-G Agriculture Districts |  |
| <b>Adjacent Uses:</b>           | <b>North:</b>                                                                                                                                                                                                                                                                                                                                                                                                         | KCKFD Station #6                                              |  |
|                                 | <b>South:</b>                                                                                                                                                                                                                                                                                                                                                                                                         | Single family home                                            |  |
|                                 | <b>East:</b>                                                                                                                                                                                                                                                                                                                                                                                                          | Single family home                                            |  |
|                                 | <b>West:</b>                                                                                                                                                                                                                                                                                                                                                                                                          | Trucking warehouse                                            |  |
| <b>Total Tract Size:</b>        | 1.29 Acres                                                                                                                                                                                                                                                                                                                                                                                                            |                                                               |  |
| <b>Master Plan Area:</b>        | Prairie Delaware Piper Area Plan                                                                                                                                                                                                                                                                                                                                                                                      |                                                               |  |
| <b>Master Plan Designation:</b> | The Prairie Delaware Piper Area Plan designates this property as Planned Mixed Business Park/Office District, which allows business parks, manufacturing, light industrial uses, distribution-warehouse, truck and other employment activity. A Master Plan Amendment to Commercial has been filed, which allows commercial retail, full-size grocery, pharmacy, and other related retail and service establishments. |                                                               |  |
| <b>Major Street Plan:</b>       | The Major Street Plan classifies State Avenue as a Class A Thoroughfare.                                                                                                                                                                                                                                                                                                                                              |                                                               |  |
| <b>Required Parking:</b>        | Sec. 27-466(e) states uses in this district require paved off-street parking at a ratio of not less than four (4) spaces per 1,000 square feet of floor area in the building. 19 parking spaces are required. Appellant is providing 28 parking spaces.                                                                                                                                                               |                                                               |  |
| <b>Advertisement:</b>           | <u>The Wyandotte Echo</u> – Change of Zone – February 15, 2024; Master Plan Amendment – February 15, 2024<br>Letters to Property Owners – Change of Zone – February 16, 2024 and March 4, 2024; Master Plan Amendment – February 16, 2024 and March 4, 2024; Final Development Plan – February 16, 2024 and March 4, 2024                                                                                             |                                                               |  |
| <b>Public Hearings:</b>         | April 8, 2024 and April 25, 2024                                                                                                                                                                                                                                                                                                                                                                                      |                                                               |  |
| <b>Public Support:</b>          | None to date.                                                                                                                                                                                                                                                                                                                                                                                                         |                                                               |  |



**Public Opposition:** None to date.

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## **PROPOSAL**

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*Detailed Outline of Requested Action:* The applicant, Gerald Menefee with KAM Design Group LLC, filed a Change of Zone from A-G Agriculture District to CP-2 Planned General Business District, Master Plan Amendment from Planned Mixed Business Park/Office District to Commercial, and Final Plan Review for a 4,820 square foot convenience store and gas station on 1.29 acres at 9611 State Avenue.

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

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## **RELATED ENFORCEMENT AND ACTION ITEMS**

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

1. None

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

1. 14200-01442 – April 21, 2014 – January 12, 2018 – tall grass, weeds, and unfit structure.
2. 15500-00011 – April 17, 2015 – February 1, 2018 – boarding permit for vacant house.

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

1. COZ2023-013, SP2023-021, PR2023-017 and MPL2023-008 – To build a gas station/convenience store (Withdrawn).

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## **FACTORS TO BE CONSIDERED**

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

The subject property is within the I-435 West Statistical Neighborhood and is not within any Neighborhood Group Boundary. The area along State Avenue is in transition, as the primary east-west commercial corridor in the city, the north side of State Avenue, formerly Schlitterbahn Vacation Village is being redeveloped with various commercial uses and the south side was a trucking business but is now a vacant site and office and St. Patrick's Catholic Church to the east. East of 94<sup>th</sup> Street, south on State Avenue remains residential whereas north on State Avenue is Homefield Training Center and championship baseball and softball fields.

### ***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 will provide a service to drivers traveling on Interstate 435, however, there is a gas station proposed approximately three-quarters ( $\frac{3}{4}$ ) mile east at 90<sup>th</sup> and State Avenue.

**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 property.

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

The property has been vacant without a primary structure since 2018.

**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 use is not reasonably necessary as there are already gas stations and convenience stores along State Avenue, primarily east and north of the subject property. That said, if designed, constructed and managed properly, it could benefit the community without negative impacts to adjacent property owners.

There are Interstate 435 intersection improvements and the potential redesign of 98<sup>th</sup> Street through this site to align with the existing 98th Street north of State Avenue.

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

The proposed use will increase traffic or parking demand in ways that may affect safety on State Avenue due to the divided median along the street. A Traffic Memorandum is being reviewed by Planning Engineering and the Public Works Department.

This petition will not move forward until a traffic memorandum is approved.

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

The Prairie Delaware Piper Area Plan designates this property as Planned Mixed Business Park/Office District, which allows business parks, manufacturing, light industrial uses, distribution-warehouse, truck and other employment activity. A Master Plan Amendment to Commercial has been filed, which allows commercial retail, full-size grocery, pharmacy, and other related retail and service establishments, courtyards and open space. The proposed use complies with the Prairie Delaware Piper Area Plan with an amendment.

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

The proposed use will not cause environmental harm if the business is properly managed – daily site trash pickup and accident spills are cleaned up as soon as they occur. Existing tree stands on the southern, undeveloped portion of the project/property must be preserved, and street trees will be planted along State Avenue and within the parking lot.

**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 does not provide sanitary sewer service.

**c. *Storm water control***

To be designed to meet City Code.

**d. *Police***

Police service is provided by West Patrol, District #221.

**e. *Fire***

Fire service is provided by Fire Station #6 located at 98<sup>th</sup> and State Avenue.

**f. *Transit***

Kansas City ATA provides service at 94<sup>th</sup> and State Avenue, approximately one-quarter (¼) mile east , Route #101.

**g. *Schools***

Public education is provided by Kansas City, Kansas USD 500.

**h. *Streets***

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 use is not capable of meeting applicable ordinance and other requirements without deviations.

**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 individual landowner is minimal. If the application is denied, the property can still be used with permitted A-G Agriculture District uses.

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**PREVIOUS ACTIONS**

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None

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**NEIGHBORHOOD MEETING**

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The applicant held a neighborhood meeting in-person at 7600 State Avenue (Starbucks) on April 30, 2024. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

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**KEY ISSUES**

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Commercial Design Guidelines  
Pedestrian Connectivity  
Landscaping and Screening  
Sanitary Sewer Access  
Traffic

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**PLANNING COMMISSION RECOMMENDATION**

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The Planning Commission voted 9 to 0 to recommend **DENIAL** of Change of Zone Application COZ2023-034 and Master Plan Amendment MPL2023-019, for the following reasons:

- 1. Rezoning to the CP-2 Planned General Business District and amending the Prairie Delaware Piper Area Plan from Planned Mixed Business Park/Office District as the south side of State Avenue between 94<sup>th</sup> Street and 98<sup>th</sup> Street is zoned agricultural and limited commercial with professional and medical offices buildings and Saint Patrick Catholic Church. The use does not fit the character of the neighborhood – *Factor to Be Considered #1*;**

2. The proposed use is not reasonably necessary for the convenience and welfare of the public, as there are gas stations and convenience stores along State Avenue, Parallel Parkway and North 98<sup>th</sup> Street – *Factor to Be Considered #5*; and,
3. This is the second iteration (a total of one (1) year between both submittals) of the project where Public Works Department has asked for and received a substandard Traffic Impact Study. Per Kristopher Finger, City Traffic Engineer, Public Works Department has tried to get the applicant's team to justify the development and the installation of driveways within the influence area and its proximity to the incoming traffic signal, as well as provide the correct level of study. Neither has been done – *Factor to Be Considered #6*;
4. Per the Prairie Delaware Piper Area Plan, each new development has a measurable impact on the level of service of existing or proposed new public services and facilities. As part of the growth coordination, the Unified Government can incorporate required levels of service for specific facilities and services (water, sewer, stormwater, streets) and require that all new development ensure that adequate facilities exist to serve the proposed new development. The proposed gas station/convenience store proposes to be on septic system, which is contrary to the majority of the commercial development in the Prairie Delaware Piper area – *Factor to Be Considered #9b*.

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## STAFF COMMENTS AND SUGGESTIONS

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Staff concurs with the recommendation of the City Planning Commission. Please note that comments were received from the Unified Government Health Department after the April 8, 2024, City Planning Commission meeting regarding the use of a septic system for this project (attached to this report.)

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## STAFF RECOMMENDATION

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Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **DENIAL** of Petitions **COZ2023-034 and MPL2023-019** subject to all comments and suggestions outlined in this staff report, and the reasons listed by the City Planning Commission.

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## ATTACHMENTS

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April 8, 2024, City Planning Commission Minutes  
Aerial Map  
Zoning Map  
Land Use Map  
KCKFD Comment Letter  
Wyandotte County Health Department Comment E-mail  
Applicant Response Letter  
Neighborhood Meeting Documents  
Site Plan  
Grading Plan  
Utility Plan  
Landscape Plan  
Floor Plan  
Building Elevations  
Building Rendering  
Site Photographs taken by the Planning Staff dated June 15, 2023.

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## REVIEW OF INFORMATION AND SCHEDULE

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| <u>Action</u>                 | <u>City Planning Commission</u> | <u>Unified Government of Board of Commissioners</u> |
|-------------------------------|---------------------------------|-----------------------------------------------------|
| Public Hearing<br>Rezoning    | April 8, 2024<br>Denial         | April 25, 2024                                      |
| Public Hearing<br>Master Plan | April 8, 2024<br>Denial         | April 25, 2024                                      |
| Public Hearing<br>Final Plan  | April 8, 2024<br>Denied         | Not required                                        |

**STAFF CONTACT:**        **Byron Toy, AICP**  
                                     [btoy@wycokck.org](mailto:btoy@wycokck.org)

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## MOTIONS

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### Master Plan Amendment

I move the Unified Government Board of Commissioners **DENY** Petition **MPL2023-019** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety, and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

### **OR**

I move the Unified Government Board of Commissioners **APPROVE** Petition **MPL2023-019** as meeting all the requirements of the City Code and being in the interest of the public health, safety, and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

**Change of Zone Petition**

I move the Unified Government Board of Commissioners **DENY** Petition **COZ2023-034** 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.

**OR**

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2023-034** 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. \_\_\_\_\_.

**April 8, 2024, City Planning Commission Minutes:**

**Hearing starts at 57:56:**

**CHANGE OF ZONE APPLICATION COZ2023-034 – GERALD MENEFEE WITH KAM DESIGN GROUP – SYNOPSIS:** Change of Zone from A-G Agriculture District to CP-2 Planned General Business District to construct a convenience store and fueling station at 9611 State Avenue.

**MASTER PLAN AMENDMENT MPL2023-019 – GERALD MENEFEE WITH KAM DESIGN GROUP – SYNOPSIS:** Master Plan Amendment from Business Park (Prairie-Delaware-Piper Area Plan) to Commercial (Prairie-Delaware-Piper Area Plan) at 9611 State Avenue.

**PLAN REVIEW APPLICATION PR2023-043 – GERALD MENEFEE WITH KAM DESIGN GROUP – SYNOPSIS:** Final Development Plan to construct a convenience store and fueling station at 9611 State Avenue.

*Detailed Outline of Requested Action:* The applicant, Gerald Menefee with KAM Design Group LLC, filed a Change of Zone from A-G Agriculture District to CP-2 Planned General Business District, Master Plan Amendment from Planned Mixed Business Park/Office District to Commercial, and Final Plan Review for a 4,820 square foot convenience store and gas station on 1.29 acres at 9611 State Avenue.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated April 8, 2024;
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:**

- Gerald Menefee, applicant, KAM Design Group, 6881 North Michigan, Gladstone, Missouri

**Present in Opposition:**

- No one appeared



**Staff Recommendation starts at 1:02:25:** Planning Director Hand stated that this Change of Zone is being heard in conjunction with Master Plan Amendment MPL2023-019 from Business Park to Commercial and Plan Review PR2023-043 for a convenience store/fueling station. The property is in the Prairie-Delaware-Piper Area Plan. Staff has received no letters in support nor opposition. There are some older Notices of Violation on the property as it has been vacant for weeds, etc. Staff recommends denial due to an insufficient traffic study. This application had a similar version that was submitted about a year ago with the same issues related to traffic. Additionally, this is a commercial property that will have to be on septic tank and this is prohibited in the Area Plan and not recommended by both Public Works and Public Health.

The Commission directed questions to Director Hand.

**Motion starts at 1:07:15:**

On motion by Mr. Ernst, seconded by Mrs. Jones, the Planning Commission voted as follows to recommend **DENIAL of Master Plan Amendment MPL2023-019:**

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

Motion to recommend APPROVAL Passed: 9 to 0

For the following reasons:

1. **Rezoning to the CP-2 Planned General Business District and amending the Prairie Delaware Piper Area Plan from Planned Mixed Business Park/Office District as the south side of State Avenue between 94<sup>th</sup> Street and 98<sup>th</sup> Street is zoned agricultural and limited commercial with professional and medical offices buildings and Saint Patrick Catholic Church. The use does not fit the character of the neighborhood – *Factor to Be Considered #1*;**
2. **The proposed use is not reasonably necessary for the convenience and welfare of the public, as there are gas stations and convenience stores along State Avenue, Parallel Parkway and North 98<sup>th</sup> Street – *Factor to Be Considered #5*; and,**
3. **This is the second iteration (a total of one (1) year between both submittals) of the project where Public Works Department has asked for and received a substandard Traffic Impact Study. Per Kristopher Finger, City Traffic Engineer, Public Works Department has tried to get the applicant's team to justify the development and the installation of driveways within the influence area and its proximity to the incoming traffic signal, as well as**

provide the correct level of study. Neither has been done – *Factor to Be Considered #6*;

4. Per the Prairie Delaware Piper Area Plan, each new development has a measurable impact on the level of service of existing or proposed new public services and facilities. As part of the growth coordination, the Unified Government can incorporate required levels of service for specific facilities and services (water, sewer, stormwater, streets) and require that all new development ensure that adequate facilities exist to serve the proposed new development. The proposed gas station/convenience store proposes to be on septic system, which is contrary to the majority of the commercial development in the Prairie Delaware Piper area – *Factor to Be Considered #9b*.

On motion by Mr. Ernst, seconded by Mrs. Jones, the Planning Commission voted as follows to recommend **DENIAL of Change of Zone Application COZ2023-034**:

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

Motion to recommend **DENIAL** Passed: 9 to 0

For the above reasons

On motion by Mr. Ernst, seconded by Mrs. Jones, the Planning Commission voted as follows to **DENY Plan Review Application PR2023-043**:

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

Motion to **DENY** Passed: 9 to 0

For the above reasons.

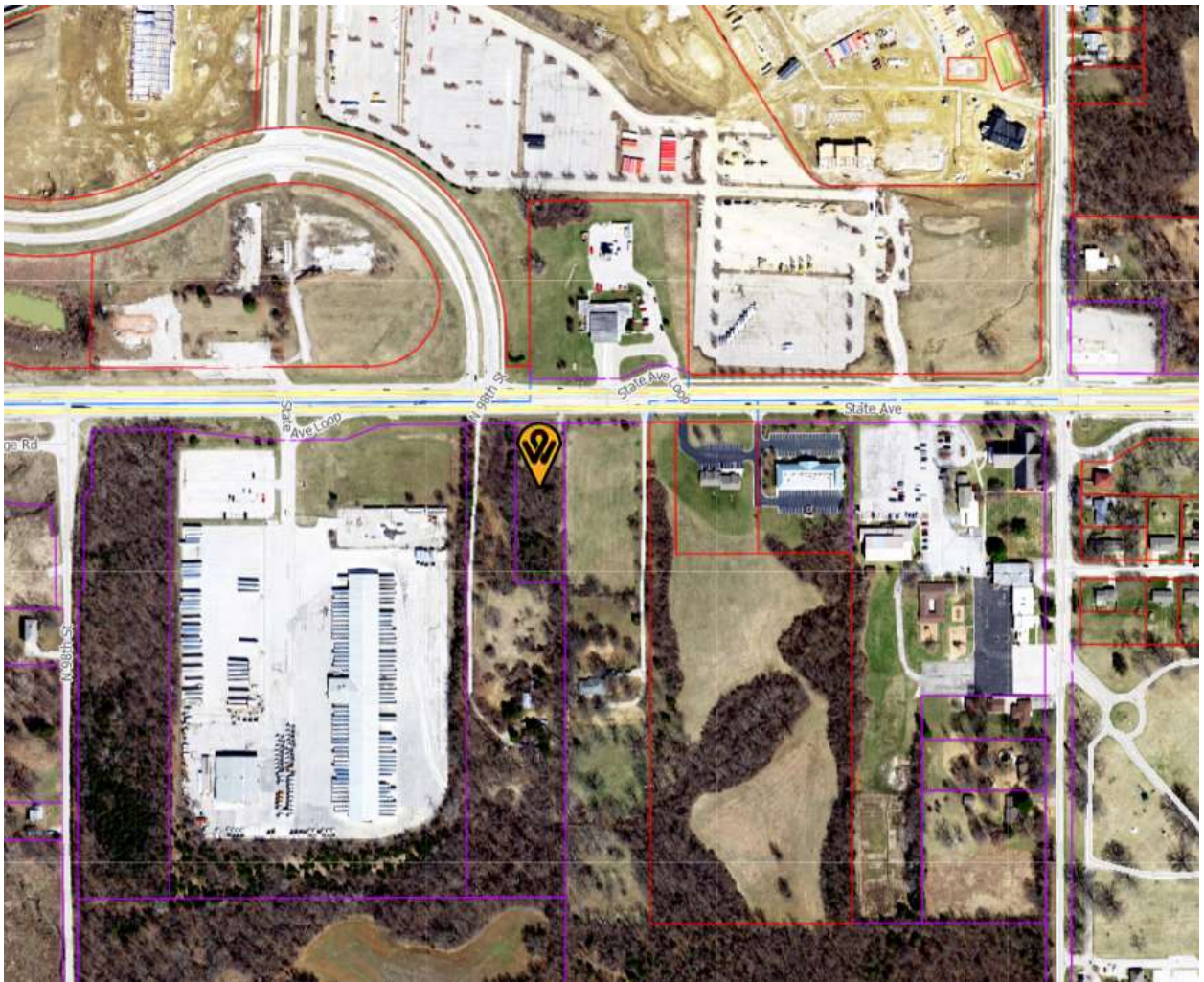


Figure 1. Aerial Map of 9611 State Avenue (provided by UG Maps).



Figure 2. Zoning Map of 9611 State Avenue (provided by UG Maps).





**Figure 3. Prairie Delaware Piper Area Plan Land Use Map of 9611 State Avenue (provided by ArcGIS Pro).**

# DEVELOPMENT REVIEW COMMITTEE

Unified Government of Wyandotte County/ Kansas City, Kansas



## FIRE DEPARTMENT-FIRE PREVENTION DIVISION

815 North 6<sup>th</sup> St.  
Kansas City, Kansas 66101

(913) 573-5550  
(913) 551-0490 fax

### DEPARTMENTAL REQUIREMENTS AND RECOMMENDATIONS

DRC No. PR2023-043, COZ2023-034, MPL2023-019 Address: 9611 State Avenue  
Development Name: GERALD MENEFFEE Description: convenience store / fueling station  
STAFF ONLY: ☐ A ☐ A/C ☐ F & F ☐ H/C ☐ R/A

#### Ordinance Requirements:

Before this Department can approve the issuance of a building permit for the above-named project, the developer, owner or contractor must address / agree with the following requirements, stipulated by the Unified Government Ordinances, by signing this form.

**\*\*Provide a fire truck turning drawing based on the following data:**

- |                                                  |                                                                                             |
|--------------------------------------------------|---------------------------------------------------------------------------------------------|
| -Length- 48'                                     | -Inside turn radius- 31 ft                                                                  |
| -Wheel base- 272.5 in.                           | -Wall to wall radius- 58 ft                                                                 |
| -Front overhang- 96 in<br>(Front axle to bumper) | -Aerial Ladder Overhang- 148" (@14' above grade)<br>(Front axle to end of ladder above cab) |
| -Rear overhang-133.5 in.                         | -Minimum clearance(height between axles)-10"                                                |
| -Width- 84 in                                    | -Inside Cramp Angle- 44deg                                                                  |
| -Minimum departure angle-7 deg                   | -Minimum approach angle- 7 deg                                                              |
| -Curb to curb radius- 50.5 ft                    | -Max weight-84,000lbs                                                                       |

**\*\*Provide a minimum canopy to grade clearance of 14'**

NOTE: Items highlighted with (\*) must be addressed prior to departmental approval.

**Harvey Fields** Digitally signed by Harvey Fields  
Date: 2024.01.08 11:30:41 -06'00'

1/8/2024

Attending DRC Member: \_\_\_\_\_

Date \_\_\_\_\_

I, \_\_\_\_\_, as \_\_\_\_\_ of the above referenced project, do hereby certify that I will comply with all of the above ordinance requirement(s), and give consideration to the recommendation(s) above.

Signature and Date \_\_\_\_\_

Contact Phone Number and Email Address \_\_\_\_\_

Mailing Address, City, State, and Zip Code \_\_\_\_\_

## Toy, Byron

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**From:** Stewart, Jennifer  
**Sent:** Thursday, April 18, 2024 10:03 AM  
**To:** Toy, Byron  
**Cc:** Ledgerwood, Ricky; Harrop, Amanda; Wiggans, Chad  
**Subject:** RE: 9611 State Avenue

Byron,

I briefly spoke to Amanda, who spoke to Chad Wiggans, about this. The health department does not recommend a septic system for a gas station/convenience store because of the underground storage tanks. If septic is the only option, they will need to observe all required distances from the tanks and property lines (10 feet from the property line and 100 feet from the underground tanks). Because it is commercial, they may have a holding tank, but they will need to meet all requirements as laid out in the code; there will be no exceptions made to the code. This can be done but because of the potential risk, all requirements in the code must be met and variances cannot be granted. If the parcel is not big enough to meet the needs referenced above, then septic would not be an option.

Thank you,

**Jennifer Stewart, M.A.**

Environmental Health Manager

*Air Quality, Childcare Lic., Env. Inspections, kNOW Lead KCK*

Direct: 913-573-6783 | Office: 913-573-6705

**From:** Toy, Byron <btoy@wycokck.org>  
**Sent:** Thursday, April 18, 2024 9:07 AM  
**To:** Stewart, Jennifer <jstewart@wycokck.org>; EHS <EHS@wycokck.org>  
**Cc:** Ledgerwood, Ricky <rledgerwood@wycokck.org>  
**Subject:** RE: 9611 State Avenue

Jennifer,

I was hoping to get Health Dept. comments by today, so I can insert them in the Board of Commissioners staff report. The Board of Commissioners packet needs to be delivered tomorrow for next week's meeting.

Thank you,

**Byron Toy, AICP**

Lead Planner

913.573.5757

btoy@wycokck.org



**Department of Planning + Urban Design**

Unified Government of Wyandotte County • Kansas City, Kansas

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



March 25, 2024

Byron Toy  
Planning Supervisor  
Department of Planning & Urban Design  
400 S 7<sup>th</sup> Street, Kansas City, KS 66102

Reference: 9611 STATE AVE - Change of Zone Petition COZ2023-034, PR2023-043 and Master Plan Amendment MPL2023-019

Dear Sir

Please find attached the revised plans and see below how your comments have been addressed.

**PLANNING AND URBAN DESIGN COMMENTS:**

**Planning and Urban Design Comments:**

**General Planning:**

The application is not clear, what is the purpose of the Special Use Permit?

*Please be advised that this application is to construct a new gas station with convenience store and 6 gas dispensing pumps.*

These entitlements will not move forward until the traffic study has been reviewed and approved by Planning Engineering and Public Works.

*Please be advised a traffic study has been submitted and the reviewer wants some additional information that partly has to come from KDOT and we are waiting for it.*

98<sup>th</sup> Street south of State Avenue is being redesigned through this site as part of the Homefield/Interstate 435 intersection improvements, which will affect the building and parking for this project.

*Please be advised that we have closed the west entrance and for now we will use only one entrance and when the 98<sup>th</sup> Street improvements are constructed we will open a new entrance on the west side of the property.*

How will this site obtain sanitary sewer access?

*Please see sheet 8 Utility Plan of the submittal showing the business shall have septic system for collection of sanitary waste.*

A parking variance for 8 spaces is required from the Board of Zoning Appeals or show an additional 8 spaces off-street parking spaces to comply with the parking



code. This will not be heard until additional parking is provided, or a variance application is submitted and reviewed.

***Please see revised plans that we have added additional required parking spaces in the back of the building and also added a 12 car electrical chargers in the back.***

Relocate the two (2) parking spaces in front of the trash enclosure. Parking space may not obstruct trash service.

***Please see revised plans, we have rearranged the parking lot and moved the trash enclosure.***

Sidewalk shall be at least five (5) feet wide with a five and one-half (5-½) foot landscape median along State Avenue.

***Please see revised cover sheet, sidewalk widths have been changed as required by the codes, and we are proposing 5.5' landscaping median.***

Sec. 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.

***Please be advised the convenience store has parking is in front as well as in the back of the building.***

What are the proposed hours of operation?

***The store shall remain open 24 hours please.***

In addition to establishing greater pedestrian connectivity throughout the site, where there are major parking lot crossings, crosswalks shall be painted in drive aisles, so drivers are alert to look for pedestrians.

***Please see revised cover sheet, the sidewalk along the east property line shall be painted.***

A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by [buildinginspection@wycokck.org](mailto:buildinginspection@wycokck.org) to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly.

***Please be advised that the required applications shall be submitted at the time the construction documents are approved for permitting.***

All existing and future driveways must feature curb cuts that are constructed to UG standards.

***Please see grading sheet general note 5 stating that the new driveways shall be constructed per UG standard drawings.***

Per Sec. 27-317 Electrical power, telephone service, and cable television (if applicable) shall be provided by underground wiring for all new wiring provided.

***Please see utility plan showing electrical service line shall be brought to the building via underground conduit.***

Indicate the approximate location of the KCATA transit stop along State Avenue. A four (4) foot sidewalk shall be constructed from the transit stop, through the parking lot, to the front door of the building.

A transit shelter should be constructed on State Avenue similar to the Homefield Training Center. Contact Desiray Bush, Director of Transportation at (913) 573-8312 or [dbush@wycokck.org](mailto:dbush@wycokck.org).

***Please be advised that the new 5' wide sidewalk is proposed along State Ave and will contact the KCATA and Director of Transportation regarding this requirement.***

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.

***Please be advised yes we will do as advised.***

All conditions of approval herein must be constructed, executed, implemented, or otherwise started within six (6) months of approval and completed within 18 months unless otherwise determined by the Director of Planning or their designee.

***Please be advised yes we will do as advised.***

#### **Building Architecture:**

Provide a material palette.

***Please be advised that palette shall be submitted at later date.***

Sec. 27-576(c)(1) Commercial development should take into account the architectural design of all building elevations, 360 degrees. Quality design should be expressed on all elevations of the building.

The same level of detail shown on the north elevation shall be incorporated into the rest of the building. The south elevation does not comply with the Commercial Design Guidelines and the intent of the ordinance.

***Please be advised that the building shall have three sides brick/stone veneer and the rear wall will have brick and stucco combination.***

Sec. 27-576(e)(2) Exterior building materials shall not include the following:

EIFS at the ground level or comprising more than 15 percent of any façade.

***Please be advised the whole building has brick veneer for all four sides and EIFS shall is not included.***

Downspouts shall be internalized.

***Please be advised the downspouts shall be internalized only scuppers for overflow will be provided on the rear wall.***

Gasoline pump canopies shall have masonry wrapped columns that match the convenience store.



*Please see revised sheet 2 showing the side elevation of canopy with masonry wrapped columns.*

Show realistic wall mounted lights on the building.

*Please see revised elevations the wall light fixture has been changes.*

#### **Landscaping and Screening:**

Keep existing full growth trees behind the building.

*Please be advised we are taking utmost precaution to save existing trees and most of them will be saved.*

Enhance landscaping along the north, west and east property lines.

*Please see revised landscaping plan, we added four trees along the north property line and few along east and west property lines. Because of the narrow width of the lot we have to have all front area paved.*

Sec. 27-575(e)(4) Parking must be screened from adjacent streets by walls, shrubs, trees, or design elements.

*Please see revised landscaping plan the parking islands on either side of parking shall have shrubs for screening the parking.*

Per Sec. 27-577(a)(5) Landscaping shall exceed the typical code requirements by at least 75 percent. The site for the proposed development is 1.29 acres, 14 trees are required based on Commercial Design Guidelines and exclusive of the screening requirements for the lots zoned CP-2 Planned General Business District adjacent to residentially zoned properties, street trees and trees planted within parking lot islands.

*Please see revised landscaping plan, we added new 17 trees in addition to lots of existing trees in the rear.*

Sec. 27-577(b)(1) New construction must provide at least a 25-foot landscape zone between structures and/or parking lots and all public streets and access easements 40 feet wide or greater. This requirement may be reduced to 12 feet where there is no paving, other than a sidewalk, between a building and the right-of-way. The distance is to be measured from the public right-of-way or curb line of a private easement.

*Please see revised landscaping plans showing 10' x 76' landscaping zone from north property line and steel canopy and are providing 2 – 4' x 18' islands on either side of the parking spaces. As mentioned earlier the width of the lot is limiting us to add some more landscaping along east and west property line in front of the building.*

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.

***Please see revised plans we added a 5' high ornamental fence along the east and west property line as a buffer zone between the parking spaces and the adjacent properties.***

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:

One tree with a minimum caliper of two (2) inches (ornamental), evergreen trees must be at least six (6) feet when planted provided for every 30 feet of street easement or frontage.

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.

***Please see revised landscaping plan as advised the tree planting per code has been followed.***

Sec. 27-577(d)(1) At least 75 percent of the length of the 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.

***Please see revised landscaping plan the trees have been added to the requirement.***

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.

***Please see revised landscaping plan showing the new plantings shall be per the city required sizes.***

All landscaping shall be irrigated.

***Please see landscaping plan general note 1 stating that irrigation system shall be installed for landscaping.***

Landscaping is required to screen all parking areas and service entries. This includes perimeter parking and the trash enclosure.

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.

***Please see revised trash enclosure construction on sheet 2 and also the landscaping plan showing the new trees and shrubs that shall be planted for screening purposes.***

Sec. 27-699(b)(9) Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged as to deflect light away from any adjoining



residentially zoned property or from public streets. Direct or sky-reflected glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way.

***Please see revised plans and the photometric plan showing that all building and parking lights are installed so that there is almost zero illumination at the property line.***

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.

***Please see revised elevation sheet the wall mounted fixtures as well as the canopy lights shall have 90 degree cutoff.***

Only decorative lighting can be used on the exterior of the building. No wall pack lights, or flood lights are allowed.

***Understood and plans adhere to it please.***

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.

***Please see revised plans we added shrubs and decorative fence for screening purposes.***

All privacy fencing along the side and rear shall have masonry columns every 32 feet running.

***Please see revised cover sheet showing the decorative fence and it shall have as required masonry columns.***

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. Raise the rear parapet and hide the scuppers. Overflow drains (lamb's tongues) shall discharge a maximum of 9 inches above grade.

***Please see revised building elevation sheet showing the outline of the roof as well as the RTU's and the building parapet hides the units fully.***

Regarding BPU transformer screening, the following applies:

Gate doors are required for all types of screening that are placed in front of the transformers.

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.

---

Posts for gate doors must be installed a minimum distance of 10 feet apart in the front.

For slat fences, customer shall install a minimum of four (4) inch slats and have four (4) inches of space between each slat.

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).

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.

***Please see revised building elevation sheet showing the outline of the roof as well as the RTU's and the building parapet hides the units fully.***

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.

***Please see revised building elevation sheet showing the outline of the roof as well as the RTU's and the building parapet hides the units fully.***

#### **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](mailto:signpermits@wycokck.org) to begin this process.

***Understood sir and when the contractor shall be ready for constructing the monument sign he will apply for its permit.***

9611 STATE AVENUE, KANSAS CITY, KANSAS

[illegible]



**Date: March 30., 2024**

**Purpose: 6:30 PM Public Hearing at the Starbucks at 7600 State Avenue**

**Subject: For The Go State Gas Station**

**Description:**

I and my wife, Barbara, were there there at the meeting site at which no one had shown up to by 6:35 pm so the meeting was adjourned.

A handwritten signature in blue ink, appearing to read "Gerald W. Menefee".

Gerald W. Menefee

**AFFIDAVIT – NEIGHBORHOOD MEETING**

STATE OF Mo )  
COUNTY OF Clay ) SS:

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

1. That I am the petitioner for Petition # COZ2023-034
2. That I conducted a neighborhood meeting on 6:30pm 3/30/24.
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.

Gerald W. Wenefee  
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 1 day of April, 2004

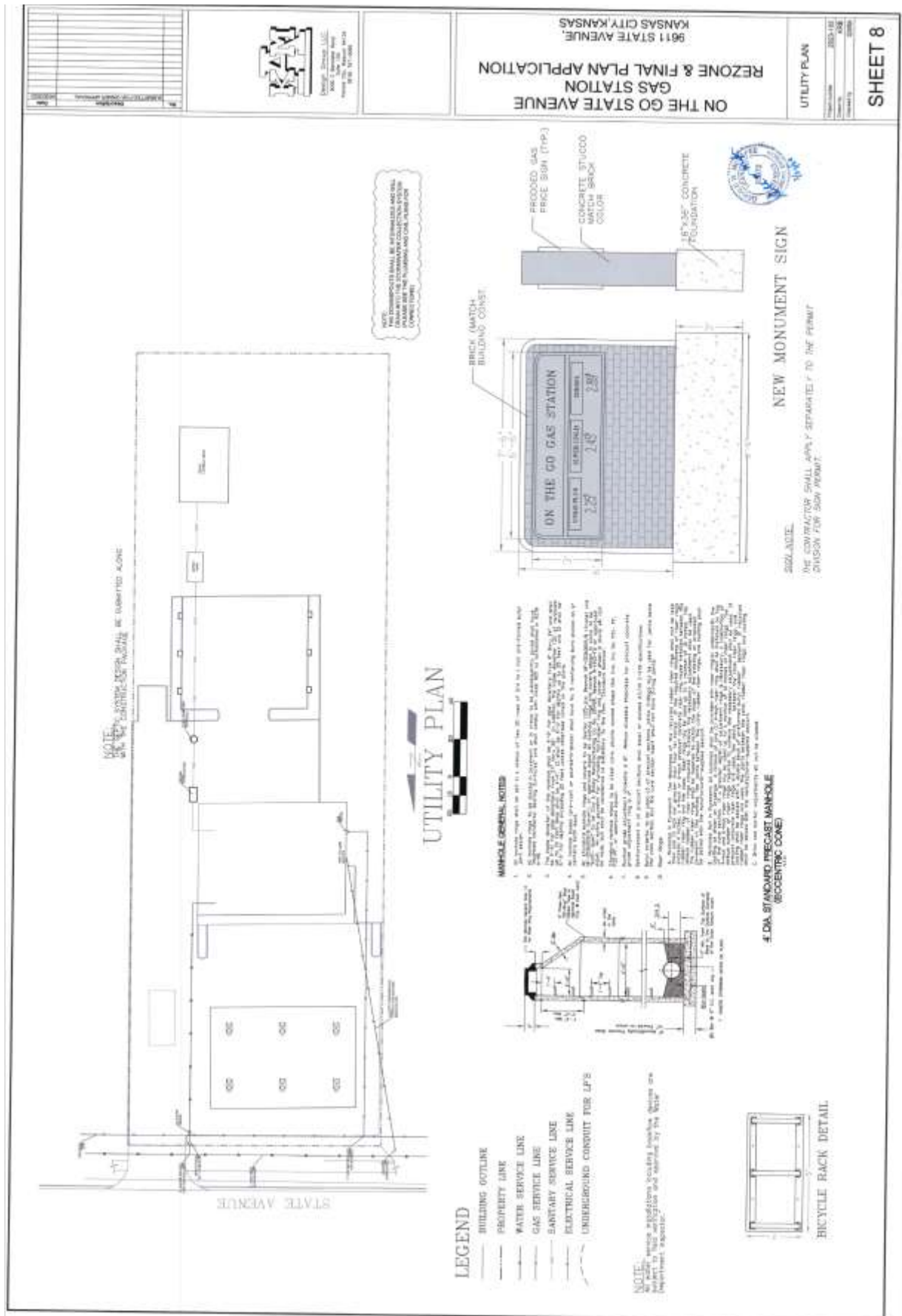
My commission expires 23 of May, 2004.

Jodi McCorkendale  
Notary Public

Jodi McCorkendale  
Notary Public-Notary Seal  
State of Missouri  
Clay County  
My Commission Expires 5/23/2024  
Commission # 12346450

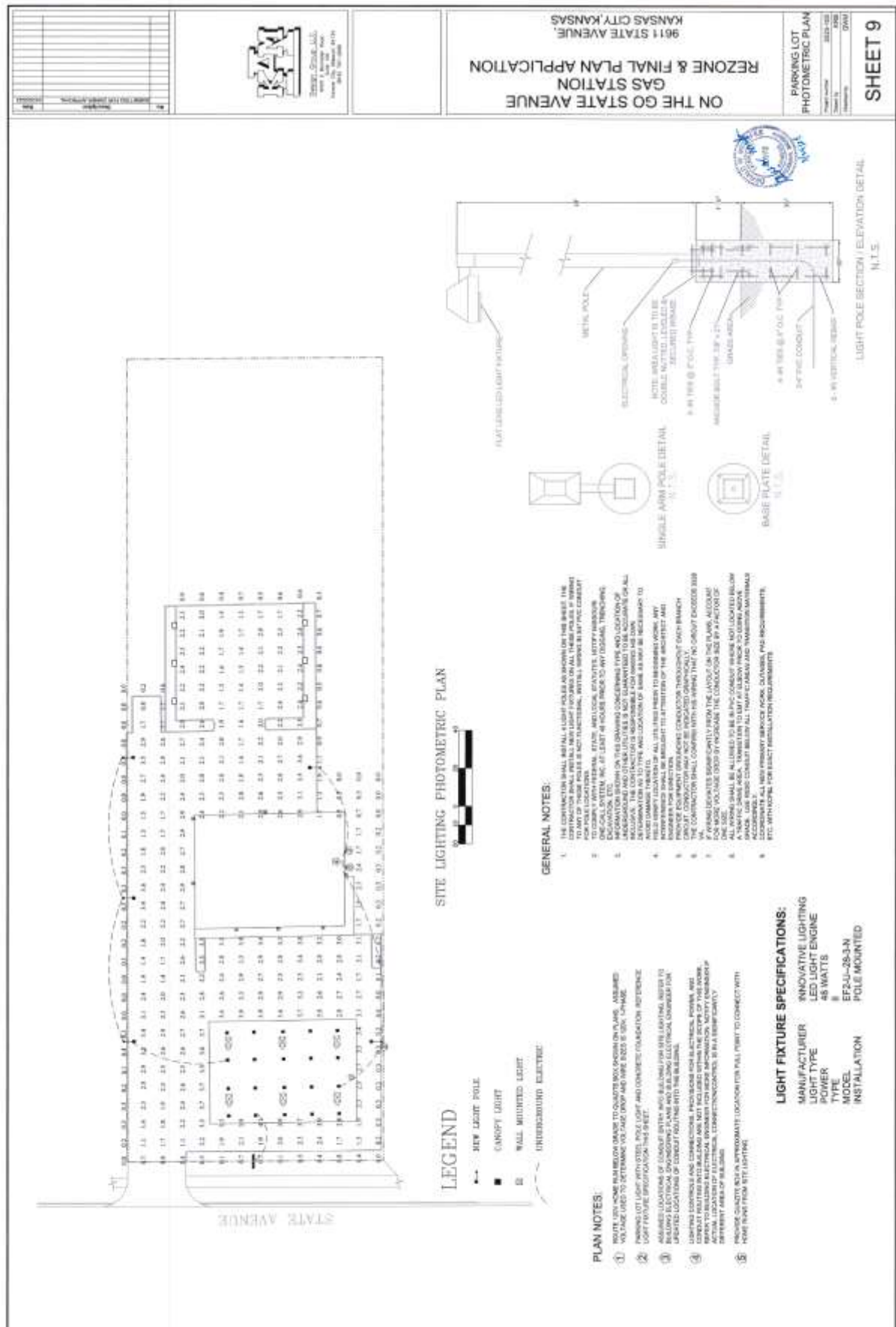




















|                          |  |                                                                                            |  |                                                                                                                 |  |                                               |  |
|--------------------------|--|--------------------------------------------------------------------------------------------|--|-----------------------------------------------------------------------------------------------------------------|--|-----------------------------------------------|--|
| GAS STATION<br>RENDERING |  | ON THE GO GAS STATION<br>REZONE, MASTER PLAN AMENDMENT &<br>SPECIAL USE PERMIT APPLICATION |  | INNOVATIVE<br>DESIGN &<br>RENOVATION<br>INCORPORATING<br>SUSTAINABLE DESIGN<br>(913) 761-4488<br>(913) 517-0001 |  | DATE<br>DRAWN BY<br>CHECKED BY<br>APPROVED BY |  |
| SHEET 4                  |  | 9811 STATE AVE. KANSAS CITY, KANSAS                                                        |  |                                                                                                                 |  |                                               |  |







**Figure 4. Site Photograph of 9611 State Avenue looking south from 98<sup>th</sup> Street (provided by Planning Staff).**



**Figure 5. Site Photograph of 9611 State Avenue looking south from 98<sup>th</sup> Street (provided by Planning Staff).**





**Figure 6. Site Photograph of 9611 State Avenue looking south from State Avenue (provided by Planning Staff).**



**Figure 7. Site Photograph of 9611 State Avenue looking east from State Avenue (provided by Planning Staff).**



## Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

**To:** Unified Government Board of Commissioners

**From:** Planning and Urban Design Staff

**Date:** April 25, 2024

**Re:** Change of Zone Petition COZ2024-002

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### GENERAL INFORMATION

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**Applicant:**

Austin Thompson

**Status of Applicant:**

Representative

Atlas Land Consulting

14500 Parallel Parkway, Unit R

Basehor, KS 66007

**Requested Actions:**

Change of Zone from R Rural Residential District (WYCO) to A-G Agriculture District (City).

**Date of Application:**

February 23, 2024

**Purpose:**

To rezone and plat two (2) existing residential lots into one (1) residential lot to further allow agricultural use.

**Property Location:**

1198 - 1200 North 134<sup>th</sup> Street  
Kansas City, KS 66109



**Commission District:**

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

**Existing Zoning:**

R Rural Residential District (WYCO)



|                                 |                                                                                                                                                                                                                                                                                                                                                                         |
|---------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Adjacent Zoning:</b>         | <b>North:</b> R (WYCO) Rural Residential District<br><b>South:</b> None (State Avenue right-of-way)<br><b>East:</b> C-1 (WYCO) Light Commercial District<br><b>West:</b> None (State Avenue right-of-way)                                                                                                                                                               |
| <b>Adjacent Uses:</b>           | <b>North:</b> Single family residence<br><b>South:</b> State Avenue right-of-way<br><b>East:</b> Duplexes and undeveloped, wooded parcel<br><b>West:</b> State Avenue right-of-way                                                                                                                                                                                      |
| <b>Total Tract Size:</b>        | 5.23 Acres                                                                                                                                                                                                                                                                                                                                                              |
| <b>Master Plan Area:</b>        | Prairie Delaware Piper Area Plan                                                                                                                                                                                                                                                                                                                                        |
| <b>Master Plan Designation:</b> | The Prairie Delaware Piper Area Plan designates this property as Mixed Residential land designation, which allows single-family homes, patio (zero lot line) homes, townhouses, condominiums, garden apartments, housing for seniors, and other multifamily uses, schools, libraries, community recreation facilities (both indoor and outdoor) and places for worship. |
| <b>Major Street Plan:</b>       | The goDotte Countywide Strategic Mobility Plan classifies North 134th Street as a Local Street.                                                                                                                                                                                                                                                                         |
| <b>Required Parking:</b>        | Sec. 27-452(d) states two (2) off-street parking spaces shall be provided on the premises for each single-family dwelling. Two (2) off-street parking spaces are required. Four (4) parking spaces are provided.                                                                                                                                                        |
| <b>Advertisement:</b>           | <u>The Wyandotte Echo</u> – Change of Zone – March 14, 2024<br>Letters to Property Owners – Change of Zone – March 15, 2024; Plat – March 15, 2024                                                                                                                                                                                                                      |
| <b>Public Hearings:</b>         | April 8, 2024 and April 25, 2024                                                                                                                                                                                                                                                                                                                                        |
| <b>Public Support:</b>          | None to date.                                                                                                                                                                                                                                                                                                                                                           |
| <b>Public Opposition:</b>       | None to date.                                                                                                                                                                                                                                                                                                                                                           |

---

## PROPOSAL

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Detailed Outline of Requested Action: The applicant and representative, Austin Thompson, Atlas Land Consulting, seeks to rezone 1200 North 134<sup>th</sup> Street from R Rural Residential District (WYCO) to A-G Agriculture District (City) and plat to combine two (2) parcels into one (1) residential lot on 5.28 acres.



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## **RELATED ENFORCEMENT AND ACTION ITEMS**

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

1. None

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

1. Various permits between 2005 – 2021 for electrical, plumbing, mechanical and residential construction permits for a single-family home and accessory structures.

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

1. None

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## **FACTORS TO BE CONSIDERED**

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

This area is within the Prairie-Delaware-Piper Statistical Area. The character of the neighborhood is comprised primarily of single-family homes and an established mixed residential neighborhood to the east. The west side of North 134<sup>th</sup> Street is rural in nature with significant setbacks between residences. The east side of North 134<sup>th</sup> Street is the western edge of Delaware Ridge subdivision – a combination of single-family residences and duplexes.

### ***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 reasonably compatible with the surrounding properties as the majority of the properties are large lot, single-family residences on the west side of North 134<sup>th</sup> Street and suburban style single-family homes and duplexes within the Delaware Ridge subdivision.

### ***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 the site and buildings on the parcel are not changing.

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

The property is not vacant. There is an existing single-family residence on the property that has existed since 1976.

- 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 rezoning and platting are reasonably necessary for the property owner, but not for the convenience and welfare of the public and will not substantially injure the appropriate use, visual quality or marketability of nearby property as these two (2) parcels are at the end of a cul-de-sac abutting State Avenue, a Class A Thoroughfare without future access to the street.

- 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 will not increase traffic or parking demand in ways that would adversely affect road capacity, safety, or create parking problems because the existing uses are not changing. The rezoning and plat are filed in order to simply combine the residence and the undeveloped, wooded parcel to the south.

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

The proposed use conforms to the Prairie Delaware Piper Area Plan as Mixed Residential land designation, which allows single-family homes, patio (zero lot line) homes, townhouses, condominiums, garden apartments, housing for seniors, and other multifamily uses, schools, libraries, community recreation facilities (both indoor and outdoor) and places for worship.

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

The proposed use does not change the existing condition of the property. Stormwater runoff will continue to sheet flow through the property to the south and west towards State Avenue.

Additional screening and/or landscaping may be planted to mitigate noise along State Avenue and the highway interchange.

- 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 #228

**e. Fire**

Fire service is provided by Fire Station #8 located off 123<sup>rd</sup> Street and Leavenworth Road.

**f. Transit**

Kansas City ATA does not provide transit service near this property. The closest transit stop is approximately four (4) miles northeast at 109<sup>th</sup> and Village West Parkway (Plaza at the Speedway), Route #101.

**g. Schools**

Public education is provided by Boner Springs/Edwardsville 204.

**h. Streets**

See item #6 above.

**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 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.

**13. Development of such character that it can be used safely without danger to health, or peril from fire, flood, erosion, excessive noise or other adversity.**

Development can be used safely without danger to health, flood, erosion, excessive noise, or other adversity. If necessary, KCKFD will issue comments related to fire access.

**14. Streets are designed so as to provide a safe, convenient and functional system for vehicular traffic, and having such width, gradient, location and structural quality as to accommodate prospective traffic as determined by existing and probable future land and building uses.**

Streets will be designed so as to provide a safe, convenient and functional system for vehicular traffic, and having such width, gradient, location and structural quality as to accommodate prospective traffic as determined by existing and probable future land uses.

**15. Assurance that buildings, lots, blocks, parcels and streets are so arranged as to afford adequate light, open space or air, to facilitate fire protection, and to provide for long-term sustained real estate values.**

Buildings, parcels, and streets are so arranged as to afford adequate light, open space or air, to facilitate fire protection and to provide for long-term sustained real estate values. No future development is proposed between the consolidated parcels.

**16. Development patterns are designed with due regard to topography, so that the natural features of the land and vegetation shall be protected and enhanced.**

There is no proposed development at this time, the proposal is to simply combine two (2) parcels together and rezone to A-G Agriculture District to remove the legacy WYCO zoning. Therefore, all existing natural features of the land and vegetation will be protected and enhanced.

**17. Adequate sites are provided for schools, parks, playgrounds, and other community services so that residents of all neighborhoods shall have convenient access to such facilities.**

The Final Plat creates one (1) lot in the A-G Agriculture District. The consolidation into one (1) lot does not require any amenities.

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## **PREVIOUS ACTIONS**

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None

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## NEIGHBORHOOD MEETING

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The applicant held a neighborhood meeting online via Zoom on February 26, 2024. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

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## KEY ISSUES

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Agricultural Uses  
Screening/Landscaping

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## PLANNING COMMISSION RECOMMENDATION

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The Planning Commission voted 9 to 0 to recommend **APPROVAL** of Change of Zone Application COZ2024-002, subject to:

1. When the mylars are submitted to Staff to be recorded, submit the following fees:
  - a. \$32.00 per page payable to the Register of Deeds; and,
  - b. \$7.00 per lot payable to the Unified Treasurer;
2. Utility easements shall be provided along each side of the lot to form a continuous utility easement. All easements shall be at least 10 feet wide. The required 10-foot width may be provided through five (5) foot easements on either side of lot or parcel lines when lines do not form, in whole or in part, the outside boundaries of the plat;
3. Utility easements shall connect with easements established in adjoining properties;
4. Per Sec. 27-317 Electrical power, telephone service, and cable television (if applicable) shall be provided by underground wiring for all new wiring provided.
5. Lighting cannot exceed one (1) footcandle at the property line. Lighting shall have 90-degree cutoff fixtures;
6. While not required by the owner, Planning Staff recommends installing fencing or landscaping around the perimeter of the property abutting the Kansas Highway 7 and State Avenue interchange;
7. A Conservation Plan is needed if/when agriculture uses are desired on the property. Work with the Wyandotte County Conservation District at (913) 334-6329 or [info@wycoconservation.org](mailto:info@wycoconservation.org) to develop a plan and provide the Department of Planning + Urban Design a copy of said plan;
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. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building



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

11. 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,
12. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

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## STAFF COMMENTS AND SUGGESTIONS

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Staff concurs with the recommendation of the City Planning Commission.

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## STAFF RECOMMENDATION

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Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **COZ2024-002**, subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

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## ATTACHMENTS

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April 8, 2024, City Planning Commission Minutes  
Aerial Map  
Zoning Map  
Land Use Map  
Applicant Response Letter  
Neighborhood Meeting Minutes and Affidavit  
Preliminary Plat  
Final Plat  
Site Photographs taken by Staff on February 14, 2024.

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## REVIEW OF INFORMATION AND SCHEDULE

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Action  
Public Hearing  
Rezoning

City Planning Commission  
April 8, 2024  
Approval

Unified Government Board of Commissioners  
April 25, 2024

---

**STAFF CONTACT:**        **Byron Toy, AICP**  
                                     [btoy@wycokck.org](mailto:btoy@wycokck.org)

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## MOTIONS

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I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2024-002** 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 **COZ2024-002** 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.

### April 8, 2024 City Planning Commission Minutes:

#### Hearing starts at 1:16:10:

**CHANGE OF ZONE APPLICATION COZ2024-002 – AUSTIN THOMPSON WITH ATLAS LAND CONSULTING – SYNOPSIS:** Change of Zone from R Rural Residential District (WYCO) to A-G Agriculture District for cattle and a barn at 1200 North 134<sup>th</sup> Street.

**PLAT APPLICATION PLAT2023-003 – AUSTIN THOMPSON WITH ATLAS LAND CONSULTING – SYNOPSIS:** Preliminary and Final Plat to create one (1) agricultural lot at 1200 North 134<sup>th</sup> Street.

Detailed Outline of Requested Action: The applicant and representative, Austin Thompson, Atlas Land Consulting, seeks to rezone 1200 North 134<sup>th</sup> Street from R Rural Residential District (WYCO) to A-G Agriculture District (City) and plat to combine two (2) parcels into one (1) residential lot on 5.28 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 April 8, 2024;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

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

Present in Support:

- Austin Thompson, applicant, Atlas Land Consulting, 14500 Parallel Avenue, Unit R, Basehor, Kansas 66007

Present in Opposition:

- No one appeared

**Staff Recommendation starts at 1:18:28:** Planning Director Hand stated that these two (2) applications are being heard to combine two (2) lots into one (1) lot from the old R Rural (County) zoning to A-G (City) Agriculture zoning. 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 on the property. Staff recommends approval subject to the conditions in the staff report, which includes acquiring a conservation plan if and when animals are brought onto the property.

**Motion starts at 1:19:12:**

On motion by Mr. Straws, seconded by Mrs. Jones, the Planning Commission voted as follows to recommend **APPROVAL of Change of Zone Application COZ2024-002:**

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

Subject to:

1. When the mylars are submitted to Staff to be recorded, submit the following fees:
  - a. \$32.00 per page payable to the Register of Deeds; and,
  - b. \$7.00 per lot payable to the Unified Treasurer;
2. Utility easements shall be provided along each side of the lot to form a continuous utility easement. All easements shall be at least 10 feet wide. The required 10-foot width may be provided through five (5) foot easements on either side of lot or parcel lines when lines do not form, in whole or in part, the outside boundaries of the plat;
3. Utility easements shall connect with easements established in adjoining properties;
4. Per Sec. 27-317 Electrical power, telephone service, and cable television (if applicable) shall be provided by underground wiring for all new wiring provided.
5. Lighting cannot exceed one (1) footcandle at the property line. Lighting shall have 90-degree cutoff fixtures;
6. While not required by the owner, Planning Staff recommends installing fencing or landscaping around the perimeter of the property abutting the Kansas Highway 7 and State Avenue interchange;
7. A Conservation Plan is needed if/when agriculture uses are desired on the property. Work with the Wyandotte County Conservation District at (913) 334-6329 or [info@wycoconservation.org](mailto:info@wycoconservation.org) to develop a plan and provide the Department of Planning + Urban Design a copy of said plan;
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. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by [buildinginspection@wycokck.org](mailto:buildinginspection@wycokck.org) to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
11. 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,  
12. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

On motion by Mr. Straws, seconded by Mrs. Jones, the Planning Commission voted as follows to **APPROVE Plat Application PLAT2024-003:**

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

Motion to **APPROVE** Passed: 9 to 0  
Subject to the above conditions.





Figure 1. Aerial Photograph of 1200 North 134<sup>th</sup> Street (provided by UG Maps).

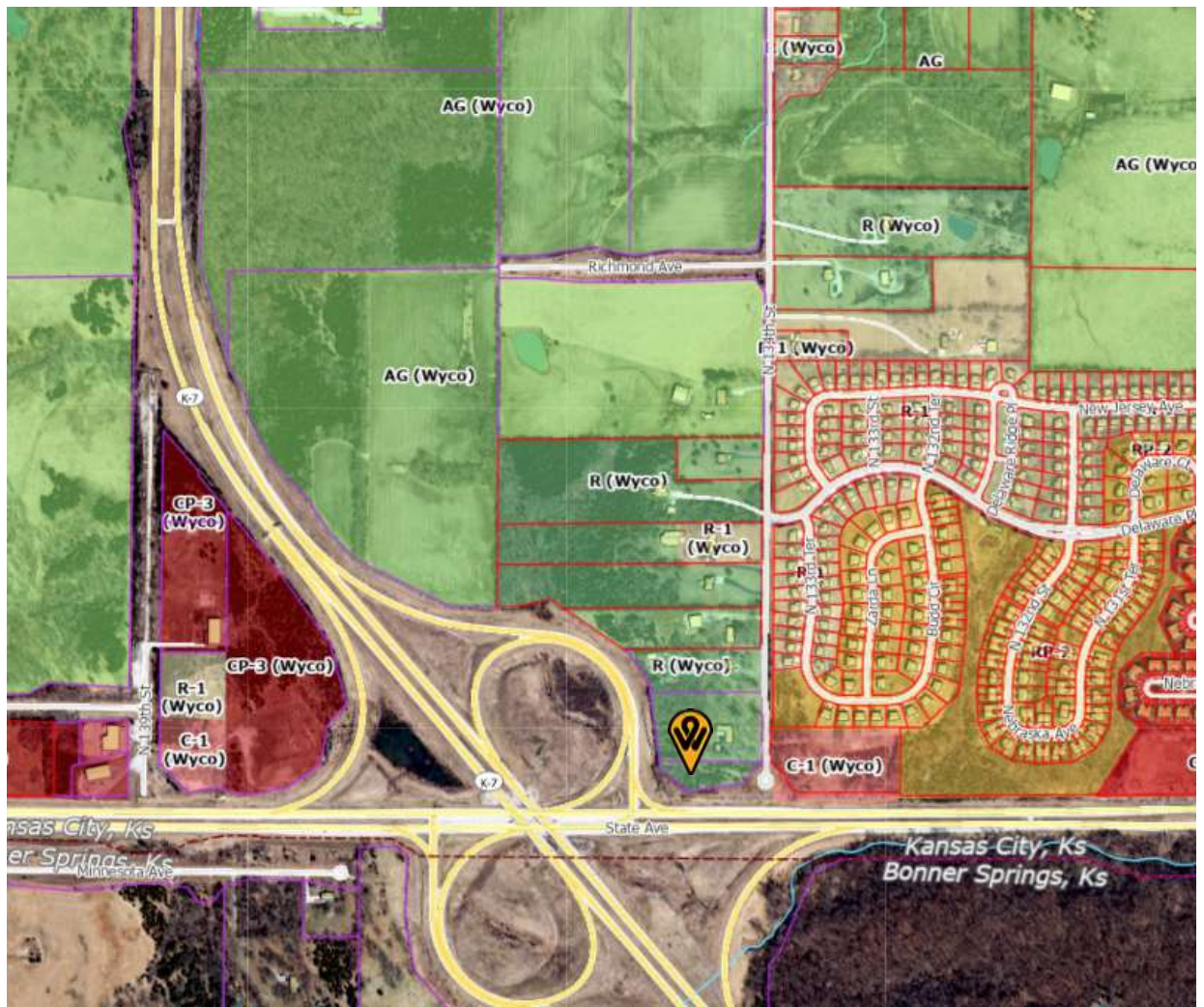
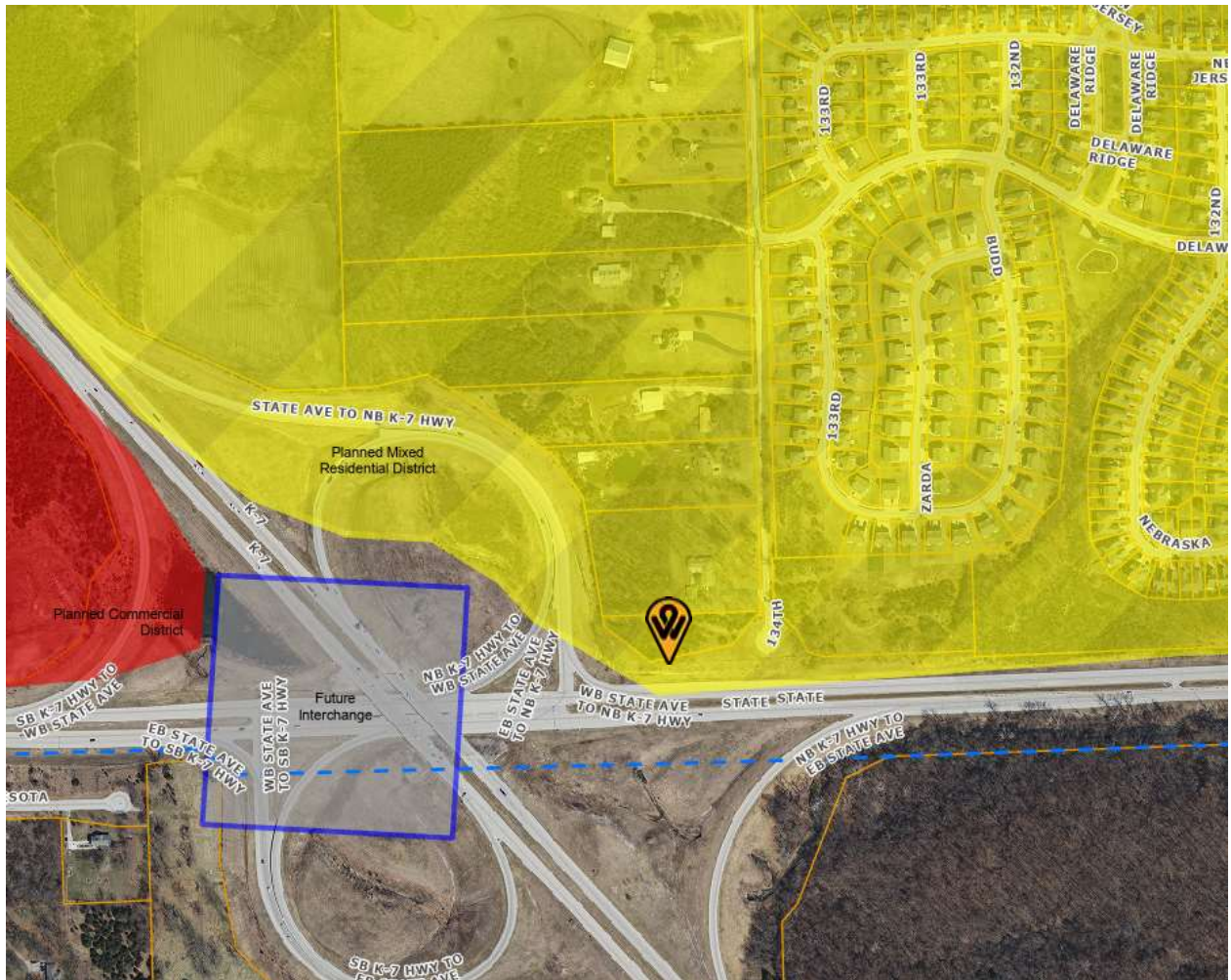


Figure 2. Zoning Map of 13400 Donahoo Road (provided by UG Maps).





**Figure 3. Prairie Delaware Piper Area Plan Land Use Designation Map of 1200 North 134<sup>th</sup> Street (provided by ArcGIS Pro).**

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Staff Report Comment Response

COZ2024-002 & Plat2024-003

Kelly's Farm Final Plat

1. 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. **Acknowledge**
2. When the mylars are submitted to Staff to be recorded, submit the following fees:
  - a. \$32.00 per page payable to the Register of Deeds; and,
  - b. \$7.00 per lot payable to the Unified Treasurer. **Acknowledge**
3. Utility easements shall be provided along each side of the lot to form a continuous utility easement. All easements shall be at least 10 feet wide. The required 10-foot width may be provided through five (5) foot easements on either **Acknowledge**
4. Utility easements shall connect with easements established in adjoining properties. **Acknowledge**
5. Per Sec. 27-317 Electrical power, telephone service, and cable television (if applicable) shall be provided by underground wiring for all new wiring provided. **Acknowledge**
6. Lighting cannot exceed one (1) footcandle at the property line. Lighting shall have 90-degree cutoff fixtures. **Acknowledge**
7. While not required by the owner, Planning Staff recommends installing fencing or landscaping around the perimeter of the property abutting the Kansas Highway 7 and State Avenue interchange. **Acknowledge**
8. A Conservation Plan is needed if/when agriculture uses are desired on the property. Work with the Wyandotte County Conservation District at (913) 334-6329 or info@wycoconservation.org to develop a plan and provide the Department of Planning + Urban Design a copy of said plan. **Acknowledge**
9. All existing and future driveways must feature curb cuts that are constructed to UG standards. **Acknowledge**
10. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable. **Acknowledge**
11. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e.,

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

**Acknowledge**

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. **Acknowledge**



Neighborhood Meeting Minutes

COZ2024-002

No one showed.

*Only person in attendance*

Austin Thompson with Atlas Land Consulting from 6pm-645pm



**AFFIDAVIT – NEIGHBORHOOD MEETING**

STATE OF Kansas )

) SS:

COUNTY OF Leavenworth )

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

1. That I am the petitioner for Petition #COZ2024-002.
2. That I conducted a neighborhood meeting on via Zoom on Thursday February 26, 2024 at 6pm..
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.

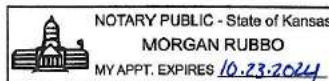
Further affiant saith not.

  
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 27<sup>th</sup> day of February, 2024

My commission expires 23<sup>rd</sup> of October, 2024.

Morgan Rubbo Morgan Rubbo  
Notary Public



A TRACT OF LAND IN THE SE 1/4 OF SEC. 06, TOWNSHIP 11 SOUTH, RANGE 23 EAST IN THE 6TH P.M., IN THE CITY OF KANSAS CITY, WYANDOTTE COUNTY, KANSAS.

[illegible]





**Figure 4. Site photograph of 1200 North 134<sup>th</sup> Street looking north from 134<sup>th</sup> Street (provided by Planning Staff).**



**Figure 5. Site photograph of 1200 North 134<sup>th</sup> Street looking west from 134<sup>th</sup> Street (provided by Planning Staff).**





**Figure 6. Site photograph of 1200 North 134<sup>th</sup> Street looking southwest from North 134<sup>th</sup> Street (provided by Planning Staff).**



**Figure 7. Site photograph of State Avenue looking south from North 134<sup>th</sup> Street (provided by Planning Staff).**



## Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

**To:** Unified Government Board of Commissioners

**From:** Planning and Urban Design Staff

**Date:** April 25, 2024

**Re:** Change of Zone Petition COZ2024-005

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### GENERAL INFORMATION

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**Applicant:**

Austin Thompson

**Status of Applicant:**

Representative

Atlas Land Consulting

14500 Parallel Parkway, Unit R

Basehor, KS 66007

**Requested Actions:**

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

**Date of Application:**

Change of Zone: February 22, 2024

Plat: January 26, 2024

**Purpose:**

To approve a Change of Zone from A-G Agriculture District to R-1 Single Family District

**Property Location:**

804 South 89<sup>th</sup> Street

Kansas City, KS 66111



**Commission District:**

Commissioner At-Large, District #2: Tom Burroughs

District #6 Commissioner: Phillip Lopez

|                                 |                                                                                                                                                                                                                                                                                                                                                          |
|---------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Existing Zoning:</b>         | A-G Agriculture District                                                                                                                                                                                                                                                                                                                                 |
| <b>Adjacent Zoning:</b>         | <b>North:</b> R-1 Single Family District<br><b>South:</b> R-1 Single Family District<br><b>East:</b> R-1 Single Family District<br><b>West:</b> A-G Agriculture District                                                                                                                                                                                 |
| <b>Adjacent Uses:</b>           | <b>North:</b> Single-family residence<br><b>South:</b> Single-family residence<br><b>East:</b> Large lot single-family residence<br><b>West:</b> Agricultural land                                                                                                                                                                                       |
| <b>Total Tract Size:</b>        | 10.32 Acres                                                                                                                                                                                                                                                                                                                                              |
| <b>Master Plan Area:</b>        | PlanKCK Comprehensive Plan                                                                                                                                                                                                                                                                                                                               |
| <b>Master Plan Designation:</b> | The PlanKCK Comprehensive Plan designates this property as Rural-Density Residential, which allows for large lot, single-family residential. Residential development of these parcels should work with the natural terrain of the site to be functionally compatible with their rural setting and maximize open space and the preservation of wildlands. |
| <b>Major Street Plan:</b>       | The goDotte Countywide Strategic Mobility Plan classifies 89 <sup>th</sup> Street as a Local/Neighborhood Street.                                                                                                                                                                                                                                        |
| <b>Required Parking:</b>        | Sec. 27-454(e) states two (2) off-street parking spaces shall be provided on the premises for each single-family dwelling, at least one (1) of which shall be in a garage or carport. Two (2) off-street parking spaces are required. Four (4) parking spaces are provided.                                                                              |
| <b>Advertisement:</b>           | <u>The Wyandotte Echo</u> – Change of Zone – March 14, 2024<br>Letters to Property Owners – Change of Zone – March 15, 2024; Plat – February 16, 2024 and March 15, 2024                                                                                                                                                                                 |
| <b>Public Hearings:</b>         | April 8, 2024 and April 25, 2024                                                                                                                                                                                                                                                                                                                         |
| <b>Public Support:</b>          | None to date.                                                                                                                                                                                                                                                                                                                                            |
| <b>Public Opposition:</b>       | None to date.                                                                                                                                                                                                                                                                                                                                            |

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## PROPOSAL

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Detailed Outline of Requested Action: The representative for the applicant, Austin Thompson, has submitted a Change of Zone from A-G Agriculture District to R-1 Single Family District and Preliminary and Final Plat for the purpose of creating two (2)

residential lots that will subdivide 10.32 acres at 804 South 89<sup>th</sup> Street.

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

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## **RELATED ENFORCEMENT AND ACTION ITEMS**

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

1. None

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

1. Various permits between 2005 – 2021 for electrical, plumbing, mechanical and residential construction permits for a single-family home and accessory structures.

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

1. None

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## **FACTORS TO BE CONSIDERED**

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

The property is located within the Muncie-Stony Point Statistical Neighborhood. The neighborhood consists of both single-family residences and agricultural properties. The nearby arterial streets are South 86<sup>th</sup> Street, a Class C Thoroughfare, and Swartz Road, a Collector Street.

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

The zoning and uses are set out above. The subject property is surrounded by parcels zoned in the A-G Agriculture District and the R-1 Single Family District. The character and uses of the surrounding parcels are compatible with this proposed change.

### ***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 the nearby properties as the majority of the properties surrounding the parcel are large lot single-family residential or agricultural lots. Based on aerial photography, it appears there are two (2) detached accessory structures on the premises, therefore rezoning from A-G Agriculture District to R-1 Single Family District, will result in a legal, non-conformity regarding the accessory structures. Said structures cannot be expanded and if one is lost due to disrepair or act of God, that structure cannot

be replaced, and the remaining accessory structure will comply with the district regulations per Sec. 27-609.

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

The property is not vacant. The property currently has a single-family residence and was used previously for cattle grazing.

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

The proposed use is not changing. The property will continue to be used as a single-family residence. This Change of Zone is the result of a plat. The change of zone is bringing the zoning into conformance with the R-1 Single Family District instead of the A-G Agriculture District. This proposal will not substantially or permanently injure the appropriate use, visual quality, or marketability of nearby property, as the use is not changing, and the proposed zoning is consistent with the surrounding 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.***

The use of the property, parcel one (1) is not changing and will not increase the traffic or parking demand in ways that would adversely affect the Local/Neighborhood Street, safety, or create parking problems. This is a rezoning as part of a plat. It is unclear if parcel two (2) of the plat will be developed in the future. If parcel two (2) were to be developed, it would increase the traffic on South 89<sup>th</sup> Street.

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

The PlanKCK Comprehensive Plan designates this property as Rural-Density Residential, which allows for large lot, single-family residential. Residential development of these parcels should work with the natural terrain of the site to be functionally compatible with their rural setting and maximize open space and the preservation of wildlands.

**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 an existing use, located in an existing building in a rural residential area. If the second parcel is developed, the future development must meet all building codes and zoning requirements.



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

**a. *Water service***

BPU provides water service.

**b. *Sanitary sewer service***

The property is not currently served by the sanitary sewer service.

**c. *Storm water control***

The property is served by one (1) stormwater culvert.

**d. *Police***

Police service is provided by West Patrol, District #221.

**e. *Fire***

Fire service is provided by Station #20, located approximately two (2) miles away.

**f. *Transit***

Kansas City ATA does not provide transit service near this property.

**g. *Schools***

Public education is provided by Edwardsville Elementary School, Robert E. Clark Middle School, and Bonner Springs High School under Bonner Springs, Kansas USD 204.

**h. *Streets***

See item #6 above.

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

The economic impact of the proposed use will be minimal. The use of the property is not changing. This rezoning is the result of a plat application that will subdivide the subject property.

**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.***

The relative gain to the public health, safety, and welfare is minimal. The proposed use is to maintain the unplatted portion of 3.96 acres for residential use. If this application is denied, the owners will still have property that is able to be developed, however, not in the manner they originally intended to.

***13. Development of such character that it can be used safely without danger to health, or peril from fire, flood, erosion, excessive noise or other adversity.***

There is currently no proposal to develop the subject property. In general, however, the development shall be of such character that it can be used safely without danger to health, or peril from fire, flood, erosion, excessive noise or other adversity.

***14. Streets are designed so as to provide a safe, convenient and functional system for vehicular traffic, and having such width, gradient, location and structural quality as to accommodate prospective traffic as determined by existing and probable future land and building uses.***

The subject property currently accesses South 89<sup>th</sup> Street. There are no new streets being created by this Plat. It cannot be determined if there will be an increase in traffic along South 89<sup>th</sup> Street as the applicant has not confirmed if there are plans to develop the land at this time. Future residential development will result in an additional driveway on South 89th Street. Such future driveways must meet all UG standards and requirements under district ordinances, as well as all lot design requirements.

***15. Assurance that buildings, lots, blocks, parcels and streets are so arranged as to afford adequate light, open space or air, to facilitate fire protection, and to provide for long-term sustained real estate values.***

The applicant has not proposed any development on the proposed lots. The boundary lines of the plat must be drawn to meet the standards of adequate light, open space, air, fire protection, and long-term sustained real estate values. The plat also meets the standards of and demonstrates compliance with the area standards under Section 27-452 of the Agricultural District. Staff has determined that the platted portion of this property meets these standards, however, the unplatted portion of this property does not.

***16. Development patterns are designed with due regard to topography, so that the natural features of the land and vegetation shall be protected and enhanced.***

As there are no submitted plans for future development, there are no new structures to demonstrate the applicant's degree of conformance with natural topography. The site is relatively flat with very little slope. All future developments, however, should be designed with due regard to the natural features of the land and vegetation and applicable landscape requirements.

***17. Adequate sites are provided for schools, parks, playgrounds, and other community services so that residents of all neighborhoods shall have convenient access to such facilities.***

The Preliminary and Final Plat is for one (1) agricultural lot and one (1) unplatted lot. The plat is a small agricultural lot in an established agricultural district, and therefore the creation of one (1) additional parcel does not require any amenities.

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## **PREVIOUS ACTIONS**

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None

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## **NEIGHBORHOOD MEETING**

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The applicant held a neighborhood meeting online via Zoom on February 26, 2024. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

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## **KEY ISSUES**

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Future Development  
Unplatted Area  
Agriculture District Requirements

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## **PLANNING COMMISSION RECOMMENDATION**

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The Planning Commission voted 9 to 0 to recommend **APPROVAL** of COZ2024-005, subject to:

1. When the mylars are submitted to Staff to be recorded, submit the following fees:
  - a. \$32.00 per page payable to the Register of Deeds; and,
  - b. \$7.00 per lot payable to the Unified Treasurer;
2. Utility easements shall be provided along each side of the lot to form a continuous utility easement. All easements shall be at least 10 feet wide. The required 10-foot width may be provided through five (5) foot easements on either side of lot or parcel lines when lines do not form, in whole or in part, the outside boundaries of the plat;
3. Utility easements shall connect with easements established in adjoining properties;
4. Per Sec. 27-317 Electrical power, telephone service, and cable television (if applicable) shall be provided by underground wiring for all new wiring provided.
5. Lighting cannot exceed one (1) footcandle at the property line. Lighting shall have 90-degree cutoff fixtures;
6. Per Section 27-609(2), the exterior walls shall be made of either horizontal clapboard, wood, or plywood siding, stone, artificial stone, brick, artificial

- brick, and textured finishes such as stucco. Fiberglass, plastic, and preformed, corrugated, or ribbed metals are not allowed. Metals can be used provided they have a factory applied and painted finish closely matching the color of the primary structure. Standard concrete masonry units are also not allowed unless the walls of the building are painted the exact color of the primary structure;
7. A Conservation Plan is needed if/when agriculture uses are desired on the property. Work with the Wyandotte County Conservation District at (913) 334-6329 or [info@wycoconservation.org](mailto:info@wycoconservation.org) to develop a plan and provide the Department of Planning + Urban Design a copy of said plan;
  8. 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;
  9. If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;
  10. 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;
  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. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by [buildinginspection@wycokck.org](mailto:buildinginspection@wycokck.org) to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;

14. 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,
15. 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.

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## STAFF COMMENTS AND SUGGESTIONS

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Staff concurs with the recommendation of the City Planning Commission.

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## STAFF RECOMMENDATION

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Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **COZ2024-005**, subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

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## ATTACHMENTS

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April 8, 2024, City Planning Commission Minutes  
Aerial Map  
Zoning Map  
Land Use Map  
GeoSpatial Services Division Comment Letter  
Wyandotte County Conservation District Comments  
Neighborhood Meeting Minutes and Affidavit  
Preliminary Plat  
Final Plat  
Site Photographs taken by Staff on February 9, 2024.



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## REVIEW OF INFORMATION AND SCHEDULE

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Action  
Public Hearing  
Rezoning

City Planning Commission  
April 8, 2024  
Approval

Unified Government Board of Commissioners  
April 25, 2024

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**STAFF CONTACT:**        **Byron Toy, AICP**  
                                     [btoy@wycokck.org](mailto:btoy@wycokck.org)

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## MOTIONS

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I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2024-005** as meeting all the requirements of the City code and being in the interest of the public health, safety, and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

## OR

I move the Unified Government Board of Commissioners **DENY** Petition **COZ2024-005** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

## **April 8, 2024 City Planning Commission Minutes:**

### **Hearing starts at 1:27:10:**

**CHANGE OF ZONE APPLICATION COZ2024-005 – AUSTIN THOMPSON WITH ATLAS LAND CONSULTANTS – SYNOPSIS:** Change of Zone from A-G Agriculture District to R-1 Single Family District for a residential use at 804 South 89<sup>th</sup> Street.

**PLAT APPLICATION PLAT2024-002 – AUSTIN THOMPSON WITH ATLAS LAND CONSULTANTS – SYNOPSIS:** Preliminary and Final Plat to create one (1) lot at 804 South 89<sup>th</sup> Street.

*Detailed Outline of Requested Action:* The representative for the applicant, Austin Thompson, has submitted a Change of Zone from A-G Agriculture District to R-1 Single Family District and Preliminary and Final Plat for the purpose of creating two (2) residential lots that will subdivide 10.32 acres at 804 South 89<sup>th</sup> Street.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated April 8, 2024;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

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

### **Present in Support:**

- Austin Thompson, applicant, Atlas Land Consulting, 14500 Parallel Avenue, Unit R, Basehor, Kansas 66007
- Shirley Ikerd, 804 South 89<sup>th</sup> Street, Kansas City, Kansas 66111

### **Present in Opposition:**

- No one appeared

**Staff Recommendation starts at 1:30:02:** Planning Director Hand stated that there is a change of zone and plat before the City Planning Commission tonight. The property is in the PlankCK Area in the South Midtown neighborhood. Staff received no letters in support nor opposition prior to the meeting. There are no Notices of Violation on the property. The property that the house sits on will remain unplatted with the parcel that

is being platted to be sold. Staff recommends approval subject to the conditions in the staff report.

**Motion starts at 1:31:20:**

On motion by Mr. Ward, seconded by Mrs. Jones, the Planning Commission voted as follows to recommend **APPROVAL of Change of Zone Application COZ2024-005:**

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

Motion to recommend APPROVAL Passed: 9 to 0

Subject to:

1. **When the mylars are submitted to Staff to be recorded, submit the following fees:**
  - a. **\$32.00 per page payable to the Register of Deeds; and,**
  - b. **\$7.00 per lot payable to the Unified Treasurer;**
2. **Utility easements shall be provided along each side of the lot to form a continuous utility easement. All easements shall be at least 10 feet wide. The required 10-foot width may be provided through five (5) foot easements on either side of lot or parcel lines when lines do not form, in whole or in part, the outside boundaries of the plat;**
3. **Utility easements shall connect with easements established in adjoining properties;**
4. **Per Sec. 27-317 Electrical power, telephone service, and cable television (if applicable) shall be provided by underground wiring for all new wiring provided.**
5. **Lighting cannot exceed one (1) footcandle at the property line. Lighting shall have 90-degree cutoff fixtures;**
6. **Per Section 27-609(2), the exterior walls shall be made of either horizontal clapboard, wood, or plywood siding, stone, artificial stone, brick, artificial brick, and textured finishes such as stucco. Fiberglass, plastic, and preformed, corrugated, or ribbed metals are not allowed. Metals can be used provided they have a factory applied and painted finish closely matching the color of the primary structure. Standard concrete masonry units are also not allowed unless the walls of the building are painted the exact color of the primary structure;**
7. **A Conservation Plan is needed if/when agriculture uses are desired on the property. Work with the Wyandotte County Conservation District at (913)**

- 334-6329 or [info@wycoconservation.org](mailto:info@wycoconservation.org) to develop a plan and provide the Department of Planning + Urban Design a copy of said plan;
8. 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;
  9. If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;
  10. 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;
  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. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by [buildinginspection@wycokck.org](mailto:buildinginspection@wycokck.org) to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
  14. 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, 15. 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.

On motion by Mr. Ward, seconded by Mrs. Jones, the Planning Commission voted as follows to **APPROVE Plat Application PLAT2024-002:**

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

Motion to APPROVE Passed: 9 to 0  
Subject to the above conditions



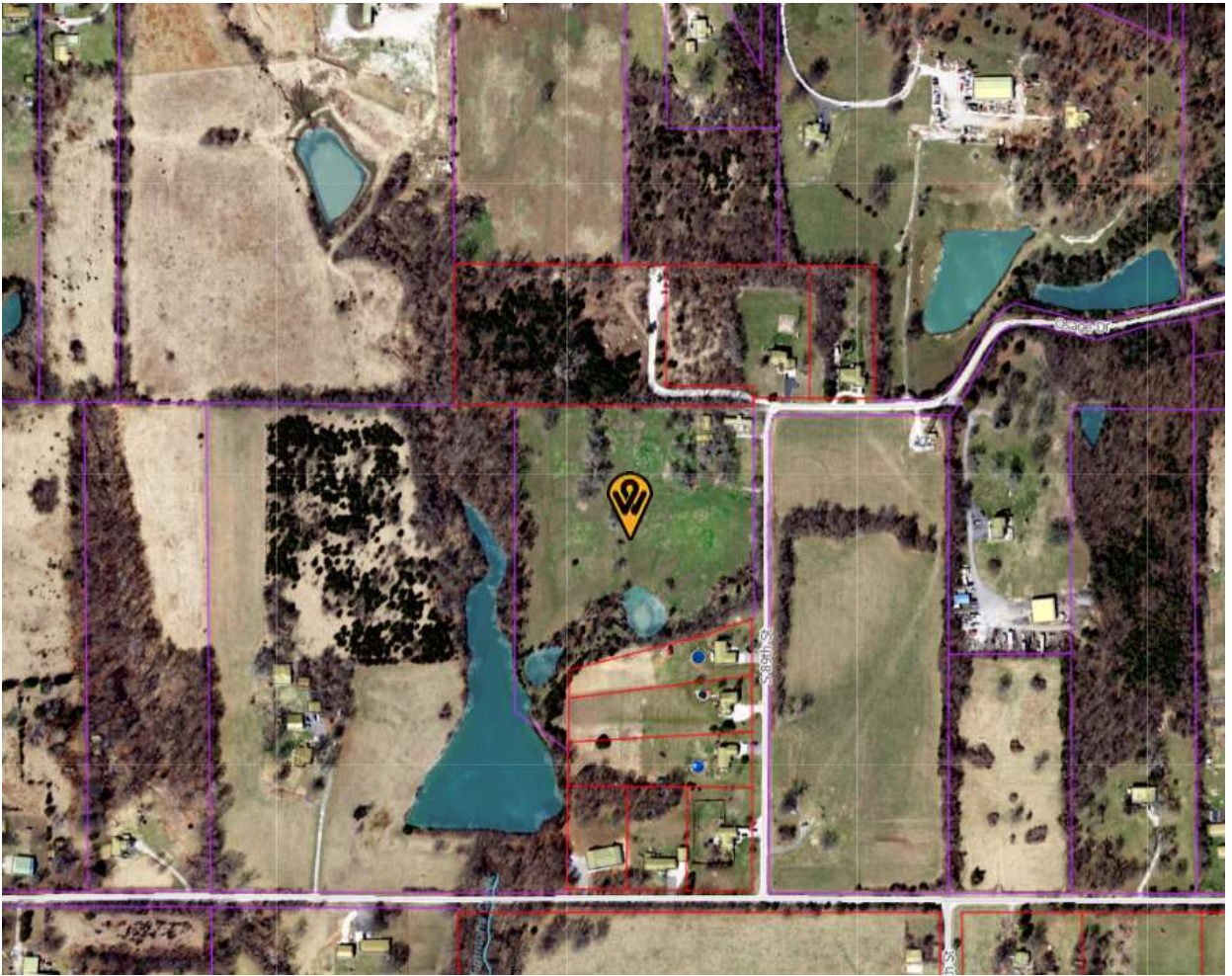


Figure 1. Aerial Photograph of 809 South 89<sup>th</sup> Street (provided by UG Maps).

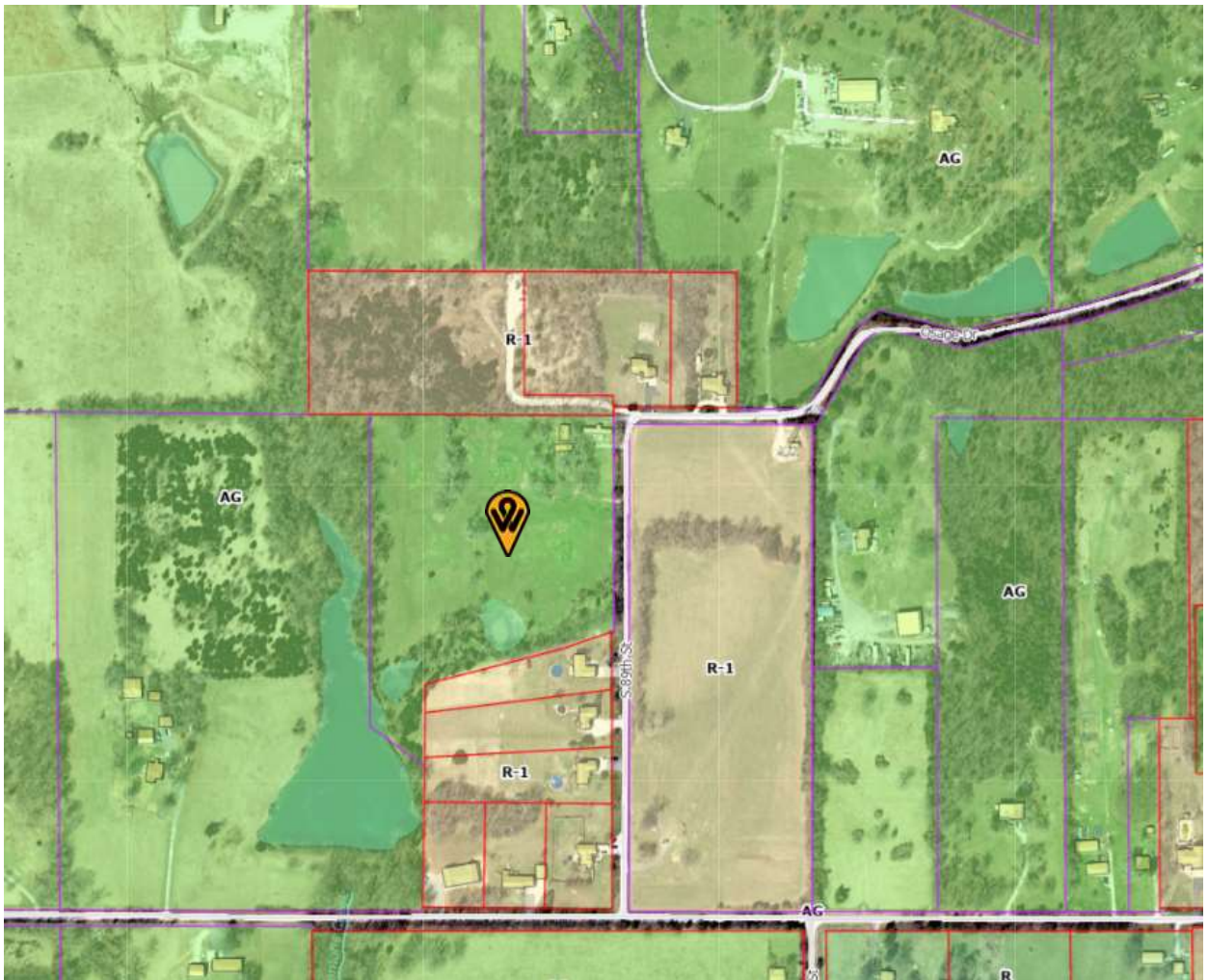


Figure 2. Zoning Map of 809 South 89th Street (provided by UG Maps).





Figure 3. Comprehensive Plan Land Use Designation Map (provided by ArcGIS Pro).



## GeoSpatial Services Division

710 North 7th Street Suite 200  
Kansas City, Kansas 66101

Phone: (913) 573-2941  
Fax: (913) 573-4106

To: Gunnar Hand, Planning and Urban Design  
Janet Parker, Planning and Urban Design  
From: Robert Ringel, GIS Analyst, Unified Government GSS  
Date: February 13, 2024  
RE: **MCKINNEY ACRES**

We have researched the official county records for the above plat as submitted to  
Planning and Urban Design by:  
Atlas Land Consulting

And we have determined the following:

Takes part of CIC-TAS Parcel:  
934020

Owner-of-Record:  
Shirley J. Ikerd Carter

Jurat Signature:  
Shirley J. Ikerd Carter

We find that the plat is: **Presently unacceptable for posting.**  
Please note the following comments.

1) Labeling

Remove Book/Page & Document labeling from the plat drawing.

2) Legal Description

The North distance in the point of beginning should be 766.45' instead of 1317.92'. The call after the point of beginning is missing a distance. It should also be revised to "along the prolongation and the north line of Lot 1."

3) Approvals

Update Unified Clerk to Monica Sparks, Interim Unified Clerk.

4) Right-of-way

An additional 5 feet needs to be dedicated along 89<sup>th</sup> Street.

5) Dimension

The dimension of 214.45' is not the total of the individual measured dimensions.

# WYANDOTTE COUNTY CONSERVATION DISTRICT COMMENTS



## Pasture - Forage Inventory and Production Worksheet with Stocking Rate Calculations

Kansas

### Stocking Rate Guide - Number of Head

Name:

Field:

#### 1. Determine the Forage Available (lbs of Air-Dry Forage):

From a forage summary analysis. (weighted average of site productions)

| Acres in Field | Estimated Dry Matter (Lbs per Acre) | Total Lbs of Forage Dry Matter in Field | Grazing Period Utilization Rate | Available Lbs of Forage Dry Matter in Field |
|----------------|-------------------------------------|-----------------------------------------|---------------------------------|---------------------------------------------|
| 6.9            | 4867                                | 33582.3                                 | 30%                             | 10075                                       |

#### 2. Determine the Individual Animal's Forage Demand (Animal Intake x Length of Grazing Event):

| Animal Type | Average Live Weight of each Grazing Animal (lbs) | Forage Intake Rate (% of body weight per day) | Forage Dry Matter Demand per Head per Day (lbs) | Number of Grazing Days | Forage Dry Matter Demand per Head per Grazing Event (lbs) |
|-------------|--------------------------------------------------|-----------------------------------------------|-------------------------------------------------|------------------------|-----------------------------------------------------------|
|             | 250                                              | 3.0%                                          | 7.5                                             | 250                    | 1875                                                      |

#### 3. Determine the Suggested Number of Head:

| Available Lbs of Forage Dry Matter in Field | Forage Dry Matter Demand per Head per Grazing Event (lbs) | Suggested Number of Head | Suggested Acres per Head * | Beginning Grazing Height | Minimum Grazing Height | Regrowth by Frost |
|---------------------------------------------|-----------------------------------------------------------|--------------------------|----------------------------|--------------------------|------------------------|-------------------|
| 10075                                       | 1875                                                      | 5                        | 1.4                        | 6 inches                 | 3 inches               | 6 inches          |

\* Suggested Acres per Head = (Acres in Field + Suggested Number of Head)

#### Notes:

Remaining grazing days will assume supplemental feed (Hay) is provided.

#### Fertility Rates

Use 20% to 40% of Potential:  
**Low**  
 Nitrogen (N): < 60 #/s per acre  
 Phosphorus (P<sub>2</sub>O<sub>5</sub>): < 30 #/s per acre  
 Potassium (K<sub>2</sub>O): < 30 #/s per acre  
 Use 40% to 60% of Potential:  
**Medium**  
 Nitrogen (N): 60 to 99 #/s per acre  
 Phosphorus (P<sub>2</sub>O<sub>5</sub>): 30 #/s per acre  
 Potassium (K<sub>2</sub>O): 30 #/s per acre  
 Use 60% to 80% of Potential:  
**High**  
 Nitrogen (N): > or = 100 #/s per acre  
 Phosphorus (P<sub>2</sub>O<sub>5</sub>): 40 #/s per acre  
 Potassium (K<sub>2</sub>O): 40 #/s per acre

#### Stocking Rate Estimate for Below-Average Moisture:

80% of "Average": 4 Sheep OR 1.7 Acres per Head

#### Stocking Rate Estimate for Above-Average Moisture:

110% of "Average": 6 Sheep OR 1.2 Acres per Head

*Than Walker*  
NRCS PLANNER

3/4/2024  
DATE

Stand Health & Fertility: Potential AUM is calculated by taking the species adaptability multiplied by the species productivity divided by 9 found in the pasture and hayland suitability group. Adjustments based on potential are as follows: High = 75%, High/Medium = 60%, Medium = 50%, Medium/Low = 40%, Low = 30%, and None = 15% of potential value.



## Herbicides for Rangeland Weeds

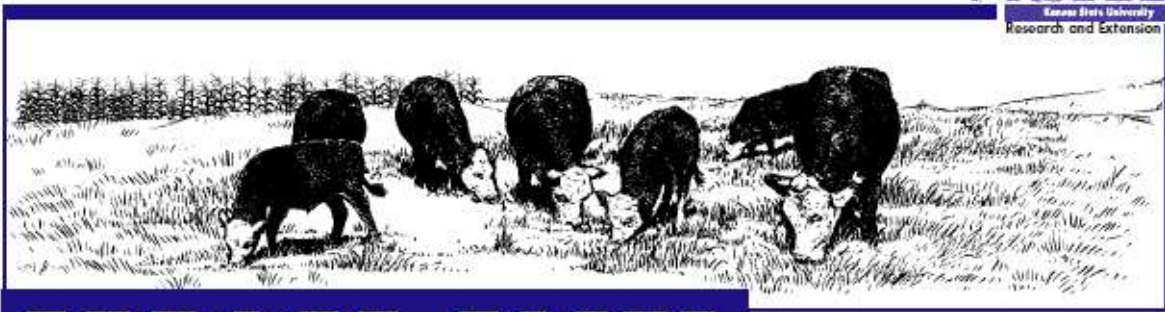
| Weeds                                                             | Formulated product and amount/acre*                                    | Herbicide and active ingredient needed/acre           | Comments and limitations                                                                                                                                                                                                                                                                                                                                                            |
|-------------------------------------------------------------------|------------------------------------------------------------------------|-------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>PERENNIAL WEEDS</b>                                            |                                                                        |                                                       |                                                                                                                                                                                                                                                                                                                                                                                     |
| Goldenrod<br>Hoary vervain<br>Western ironweed<br>Western ragweed | 1 pt to 1 qt<br><b>Tordon 22K</b>                                      | Picloram (4)<br>0.25 to 0.5 lb                        | A restricted-use pesticide. Apply before bud stage when plant is growing actively. Follow directions, grazing limitations, and precautions on label.                                                                                                                                                                                                                                |
|                                                                   | 4 to 8 oz<br><b>Yukon</b>                                              | Halosulfuron (2) +<br>Dicamba (4)                     | Apply after weed emergence to small, actively growing broadleaves. Can be tank-mixed with 2,4-D, Clarity, and Tordon 22K.                                                                                                                                                                                                                                                           |
| Broom snakeweed                                                   | <b>Cimarron Max</b>                                                    | Metsulfuron (2) +<br>2,4-D amine (4) +<br>Dicamba (4) | Apply according to label directions. Follow directions, grazing limitations, and precautions on label.                                                                                                                                                                                                                                                                              |
|                                                                   | 0.5 to 1 oz<br><b>Escort XP</b><br>or 0.625 oz<br><b>Cimarron Plus</b> | Metsulfuron (2)<br>0.019 to 0.038 lb                  | Apply in fall when the plant is actively growing.                                                                                                                                                                                                                                                                                                                                   |
|                                                                   | 1 to 2 qt<br><b>Grazon P+D</b>                                         | Picloram (4) +<br>2,4-D (4)                           | A restricted-use pesticide. Apply according to label directions. Follow directions, grazing limitations, and precautions on label.                                                                                                                                                                                                                                                  |
|                                                                   | 1 pt<br><b>Tordon 22K</b>                                              | Picloram (4)<br>0.25                                  | A restricted-use pesticide. Apply during active growth between the full-leaf and early bloom stages.                                                                                                                                                                                                                                                                                |
| Poison and water hemlock                                          | 2 to 4 pt<br><b>Grazon P+D</b>                                         | Picloram (4) +<br>2,4-D (4)                           | A restricted-use pesticide. Apply to poison hemlock from rosette stage in spring or fall up to 36 inches tall. Apply to water hemlock from rosette stage in spring or fall up to bud stage.                                                                                                                                                                                         |
| Poison hemlock                                                    | 2.5 to 3.3 oz<br><b>Chaparral</b>                                      | Aminopyralid (4) +<br>Metsulfuron (2)                 | For best results, apply in early March through late May. Use higher rates if application occurs later in this time frame. See label for tall fescue and smooth bromegrass precautions.                                                                                                                                                                                              |
|                                                                   | 1.25 oz<br><b>Cimarron Plus</b>                                        | Metsulfuron (2) +<br>Chlorsulfuron (2)                | Add appropriate spray adjuvant.                                                                                                                                                                                                                                                                                                                                                     |
|                                                                   | 12 to 16 fl oz<br><b>DuraCor</b>                                       | Aminopyralid (4) +<br>Rinskor (4)                     | Apply in late winter through early spring.                                                                                                                                                                                                                                                                                                                                          |
|                                                                   | 1 to 2 oz<br><b>Escort XP</b>                                          | Metsulfuron (2)                                       | Add appropriate spray adjuvant.                                                                                                                                                                                                                                                                                                                                                     |
| Old World Bluestems                                               | 0.25 to 0.5 lb/a<br><b>Arsenal</b>                                     | Imazapyr (2)                                          | Apply when Old World Bluestem is actively growing. For lower rate, 2 applications per year may be necessary about 8 weeks apart. Add a non-ionic surfactant. For spot treatment use 1 to 2 pt in 25 gallons of water. At the recommended rates, Arsenal is selective with most native grasses and forbs surviving treatment.                                                        |
|                                                                   | 2 to 3 lb/a<br><b>Glyphosate</b>                                       | Glyphosate (9)                                        | Use higher rate if dry soil conditions exist. Apply when Old World Bluestem is actively growing, preferably prior to seed production. Add a non-ionic surfactant. For spot treatment use 4 to 6 pt in 25 gallons of water. Check the glyphosate label to determine use on rangeland and pasture. Glyphosate is a non-selective herbicide and will damage most green growing plants. |

\* Numbers in parentheses indicate herbicide site of action; see p. 3 for more information. Products often are available in several formulations or brand names, and label information may vary. Refer to the Names, Toxicities, and Persistence table, p. 12.



Poison Hemlock pictured above.





## **FORAGE FACTS**

*Publication Series*

### **SMOOTH BROME**

#### **INTRODUCTION**

Smooth brome is a long-lived perennial, sod-forming grass that grows best during months with cool weather, primarily March through June and September through November. It becomes semidormant during the hot, dry summer months. Most production occurs during the spring growth period, generally peaking in May through early June. The amount of fall growth depends on available moisture. Mature plants are 18 to 48 inches tall with erect leafy stems.

Smooth brome is one of the more important cool-season grasses in the eastern half of Kansas and in favorable dryland locations in central and western Kansas. It provides excellent pasture with a high carrying capacity and excellent hay when properly managed and harvested. Forage yields can be exceptional—3 to 4 tons per acre or more—with good management when rainfall is adequate. Smooth brome also provides excellent permanent cover for sites such as waterways, eroded areas, rocky areas and farm lanes.

#### **VARIETIES**

Because of their superior drought and heat tolerance, only Southern varieties should be grown in Kansas. The following varieties are recommended for use in Kansas:

- Achenbach, named by the Kansas State University Agricultural Experiment Station, is a heavy producer of both seed and forage, and much of the 'common' is from this source. No certified seed is available.
- Southland, developed at the Oklahoma Agricultural Experiment Station, has greater resistance to leaf diseases than most strains, but its chief advantages are superior yield capacity and seedling vigor. Certified seed is available.
- Lincoln, developed at the Nebraska Agricultural Experiment Station, is well adapted for conservation purposes because of good seedling vigor and ease of establishment. Certified seed is available.
- Other varieties available as certified seed or commercial seed include Baylor, Blair and Fischer.

#### **ESTABLISHING SMOOTH BROME**

**Time of Seeding.** Smooth brome has been established on sites such as eroded and rocky areas, unproductive weed patches, bluegrass pastures, brush-infested areas and marginal cropland. Cool-season grasses are established most successfully with late summer or fall plantings, but smooth brome can also be planted in winter or early spring (Figure 1). Winter and spring plantings are not recommended on droughty claypan soils because brome grass will not survive if a hot, dry summer follows planting.

Germinating weeds encouraged by summer tillage can be destroyed by light disking or other tillage operations in mid-August for a late August or early September planting. No-till seeding of brome has emerged as a viable planting method.

**Seedbed Preparation.** The ideal smooth brome seedbed is firm, moist, free of weeds, and adequately fertilized and limed. For best results, minimize weed competition, obtain uniform seed distribution, plant shallow and evenly cover seed with soil. Many smooth

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**Kansas State University Agricultural Experiment Station and Cooperative Extension Service**



brome pastures have been successfully established on sites that cannot be adequately tilled because soil is too shallow and/or slopes are too steep.

Smooth brome will grow on moderately acid soils, but does best on near neutral pH soils. Because smooth brome stands can remain productive for 20 years or longer, correcting soil pH prior to seeding is essential. Applying 30 to 40 pounds of nitrogen before seeding will help ensure vigorous establishment of brome. Soils in Kansas vary in levels of phosphorus and potassium, therefore, a soil test is essential to determine requirements for these nutrients. Broadcasting and incorporating recommended rates of phosphorus and potassium during seedbed preparation is the most desirable practice.

**Seed Source and Rate.** Seeding rate depends on seed quality and method of seeding. When planting in a well-prepared seedbed, 10 to 15 pounds of pure live seed (PLS) is adequate. PLS refers to the amount of live seed of the desired species in a bulk lot. As an example, 100 pounds of bulk smooth brome seed that has a germination of 90 percent and a purity of 95 percent contains 85.5 pounds of pure live seed ( $100 \times .90 \times .95 = 85.5$ ). If a poor seedbed exists, seeding rates as high as 20 pounds. PLS per acre may be required to obtain satisfactory stands. Higher seeding rates should be used when brome is broadcast on the surface and covered.

**Method of Seeding.** Drilling smooth brome at  $\frac{1}{2}$  to  $\frac{1}{4}$  inch deep is the preferred method of seeding because drilling ensures accurate seeding rates, uniform seed distribution, and uniform depth of coverage. Broadcasting brome seed on the surface with shallow incorporation can result in good stands. An additional method of seeding is to use a cover crop such as wheat. Twenty pounds of brome seed can be broadcast on the surface prior to wheat seeding. As the wheat is drilled, the brome seed is covered. This is a slow establishment method, but it is desirable on soils subject to erosion or to obtain a return from the field the first year.

#### MANAGING SMOOTH BROME

**New Stands.** New stands of brome should be protected from grazing until the grass is well established. With proper management, fall seeded smooth brome usually can be grazed the next year with light grazing and haying at the bloom stage. Spring seedings should not be grazed until the following spring.

**Established Stands.** Because brome requires annual fertilization for optimum production, pastures and meadows should be soil tested during July. Phosphate and/or potassium should be applied by broadcasting in the fall or before spring growth begins.

Nitrogen management is critical for optimum smooth brome production. Several nitrogen sources are available—liquid nitrogen solutions, urea, ammonium nitrate, and anhydrous ammonia. Nitrogen source research generally has shown little difference among sources under most conditions.

When brome is grazed in the fall, the yearly nitrogen application should be split. If adequate soil moisture is available for good growth in late August and early September, apply all phosphorus and potassium indicated by a soil test plus 30 to 40 pounds of nitrogen per acre. Before the soil freezes in November or December, apply the remainder of the nitrogen recommended for haying or grazing. Split or late fall applications generally initiate earlier green up in the spring.

If soil moisture is limited, apply all nitrogen, phosphorus and potassium before the soil freezes in November or December. Do not apply fertilizer to frozen soil. Spring applications as soon as the soil thaws are acceptable for spring-only grazing.

**Weed Control.** When smooth brome plants lose their ability to compete, weedy plants invade. This can result from a fertility imbalance, low fertility—particularly nitrogen and/or phosphorus—unfavorable weather, repeated heavy summer grazing, and numerous other factors. Adequate fertility and proper grazing management will minimize most weedy plant invasions. For the latest chemical control recommendations, see your county Extension Agent and ask for *Chemical Weed Control for Field Crops, Pastures, Rangeland & Noncropland*, a publication issued annually.

#### SMOOTH BROME UTILIZATION

**Grazing Management.** If smooth brome is to be grazed the entire season, stocking rates must be adjusted so that enough forage remains for grazing during summer months when production is low. It should not be grazed below a stubble height of 4 inches. If warm-season native grass, bermudagrass or a summer annual pasture is available, an alternative is to heavily stock brome pastures during the spring, utilize the warm-season grass in summer, and then move back to the brome with moderate stocking in the fall.

If brome is to be grazed during the dry summer months, it is necessary to stock moderately during the early part of the grazing season so more forage will be available during summer months. Mineral supplementation to meet local deficiencies should be provided with any grazing management program.

Rotational grazing can increase the carrying capacity and/or better utilize brome pastures, but it does not increase the forage production. Concentrating ani-



## WYANDOTTE COUNTY CONSERVATION DISTRICT COMMENTS CONTINUED

mals from several pastures into a single pasture for a shorter grazing period ensures that more forage is harvested, and once livestock are moved, regrowth is quicker and more uniform.

**Hay Production.** The production of high-quality brome hay requires adequate fertility and timely cutting. Brome hay should be cut between early heading and full bloom—usually mid-May to June 1—to optimize quantity and quality. It should never be cut before the early heading stage or below a stubble height of 4 inches as stand reduction or loss can occur, particularly during dry soil conditions.

**Hay Quality.** Crude protein levels in well fertilized hay harvested at early heading range from 10 to 18 percent, but drop rapidly after heading. Decreases in crude protein levels by as much as one-half percent per day after heading have been recorded. Two of the most important factors affecting nutritive value of forage are its digestibility and dry matter intake, which both decrease with maturity.

**Seed Production.** Seed is harvested when the stem just below the head has matured. Brome seed should be harvested on days when the relative humidity is below 50 percent, and harvested seed should be turned and stirred daily to ensure that heating does not occur. Nitrogen rates for seed production in eastern Kansas are 80 to 100 pounds per acre applied in November or early December. Excessive nitrogen can cause lodging. Apply needed phosphorous and potassium at the same time. Seed yields of well managed brome range from 300 to 1,000 pounds per acre.

### OTHER PUBLICATIONS

Seed Production and Management for Brome and Tall Fescue (MF-394).

Chemical Weed Control for Field crops, Pastures, Rangeland & Noncropland (Report of Progress issued annually).

Smooth Brome Production and Utilization (C-402).



Figure 1. Optimum seeding dates for smooth brome.

|                   | Zone 1        | Zone 2        | Zone 3        | Zone 4       |
|-------------------|---------------|---------------|---------------|--------------|
| Fall              | Aug 10–Sep 15 | Aug 15–Sep 20 | Aug 15–Sep 20 | Aug 15–Oct 1 |
| Winter            | Nov 1–Mar 1   | Nov 15–Feb 15 | Dec 1–Feb 15  | *            |
| Spring            | Mar 1–Apr 1   | Feb 15–Apr 1  | Feb 15–Apr 1  | *            |
| * Not recommended |               |               |               |              |

Contact: Ray E. Lamond  
Extension Specialist  
Soil Fertility and Management  
2014 Throckmorton  
Telephone: 785-532-5776  
E-mail: rlamond@oz.oznet.ksu.edu

Contact: Paul D. Ohlenbusch  
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### Kansas State University Agricultural Experiment Station and Cooperative Extension Service

Issued in furtherance of Cooperative Extension Work, acts of May 8 and June 30, 1914, as amended. Kansas State University, County Extension Councils, Extension Districts, and U.S. Department of Agriculture cooperating. Richard D. Wootton, Associate Director. All educational programs and materials available without discrimination on the basis of race, color, religion, national origin, sex, age, or disability.



**NEIGHBORHOOD MEETING MINUTES**

MARCH 21, 2024 6PM

ATLAS LAND CONSULTING – AUSTIN THOMPSON

MEETING BEGIN: 6PM

ATTENDEES:

1. SHIRLEY J CARTER IKRED  
-ADDRESS: 804 S 89<sup>TH</sup> STREET KCK 66111

NO COMMENTS

**AFFIDAVIT – NEIGHBORHOOD MEETING**

STATE OF Kansas )  
COUNTY OF Leavenworth ) SS:

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

1. That I am the petitioner for Petition #COZ2024-005.
2. That I conducted a neighborhood meeting on MARCH 21, 2024 VIA ZOOM AT 6PM.
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 26<sup>th</sup> day of March, 2024.

My commission expires October of 23, 2027.

Morgan Rubbo MRH  
Notary Public









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**SITE PHOTOS, TAKEN BY STAFF, FEBRUARY 9, 2024**

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## Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

**To:** Unified Government Board of Commissioners

**From:** Planning and Urban Design Staff

**Date:** April 25, 2024

**Re:** **Change of Zone Petition COZ2024-006**

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### GENERAL INFORMATION

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**Applicant:**

Brandon Carlson

**Status of Applicant:**

Mark Stockton with Allison & Alexander, Inc.  
3403 NW Vivion Road  
Riverside, MO 64150

**Requested Actions:**

Change of Zone from A-G Agriculture  
District to CP-2 Planned Apartment District.

**Date of Application:**

February 26, 2024

**Purpose:**

To rezone and build 9,000 square foot  
urgent care medical office, adjacent lease  
space (tenant finish) and future 4,000  
square foot commercial pad site.

**Property Location:**

9400 State Avenue  
Kansas City, KS 66111

**Commission District:**

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



|                                 |                                                                                                                                                                                                                                                                                                                                                     |
|---------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Existing Zoning:</b>         | A-G Agriculture District                                                                                                                                                                                                                                                                                                                            |
| <b>Adjacent Zoning:</b>         | <b>North:</b> A-G Agriculture District<br><b>South:</b> A-G Agriculture District<br><b>East:</b> A-G Agriculture District<br><b>West:</b> CP-2 Planned General Business District                                                                                                                                                                    |
| <b>Adjacent Uses:</b>           | <b>North:</b> Vacant (former Schlitterbahn Vacation Village parking lot)<br><b>South:</b> Large wooded, undeveloped lot<br><b>East:</b> KCKFD Station #6<br><b>West:</b> Vacant land (approved for Atlas 9 immersive art museum)                                                                                                                    |
| <b>Total Tract Size:</b>        | 2.14 Acres                                                                                                                                                                                                                                                                                                                                          |
| <b>Master Plan Area:</b>        | Prairie Delaware Piper Area Plan                                                                                                                                                                                                                                                                                                                    |
| <b>Master Plan Designation:</b> | The Prairie Delaware Piper Area Plan designates this property as Planned Mixed Entertainment / Commercial District, which major retail uses, including restaurants and hotels, as well as centers for large discount stores currently called big box centers and have stores that serve large populations.                                          |
| <b>Major Street Plan:</b>       | The goDotte Countywide Strategic Mobility Plan classifies State Avenue as a Class A Thoroughfare and North 98 <sup>th</sup> Street as a Class C Thoroughfare.                                                                                                                                                                                       |
| <b>Required Parking:</b>        | Sec. 27-668(a)(9) states medical and dental clinics require one (1) space for each 200 square feet of floor area. 33 parking spaces are required for the urgent care facility. 10 parking spaces are required for the adjoining leasable building. Applicant is providing 41 parking spaces. 43 spaces will be provided as part of the first phase. |
| <b>Advertisement:</b>           | <u>The Wyandotte Echo</u> – March 14, 2024<br>Letters to Property Owners – March 15, 2024                                                                                                                                                                                                                                                           |
| <b>Public Hearings:</b>         | April 8, 2024 and April 25, 2024                                                                                                                                                                                                                                                                                                                    |
| <b>Public Support:</b>          | Two (2) people appeared in support at the April 8, 2024, City Planning Commission meeting.                                                                                                                                                                                                                                                          |
| <b>Public Opposition:</b>       | None to date.                                                                                                                                                                                                                                                                                                                                       |

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## PROPOSAL

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Detailed Outline of Requested Action: The applicant, Brandon Carlson with The BR Companies filed a Change of Zone from A-G Agriculture District to CP-2 Planned General Business District for a 6,500 square foot urgent care medical building with an attached 2,500 lease space and a future 4,000 square foot commercial pad site on 2.14 acres at 9400 State Avenue.

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

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## RELATED ENFORCEMENT AND ACTION ITEMS

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

1. None

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

1. None

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

1. None

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## FACTORS TO BE CONSIDERED

---

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

The subject property is within the I-435 West Statistical Neighborhood and is not within any Neighborhood Group Boundary. The subject property is, however, considered within the Legends/Kansas Speedway area. This site is formerly part of the Schlitterbahn Vacation Village waterpark; however, this portion of the parcel was not developed. The neighborhood is defined by large commercial buildings, business campuses, sports and entertainment facilities and multi-family apartments with close proximity to two (2) interstates (I-70 and I-435) and two (2) major roadways (State Avenue and Parallel Parkway).

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

As presently zoned, the subject property is incompatible with the uses and proposed uses of neighboring parcels. By rezoning to CP-2 Planned General Business District and by operating out of a small building on a smaller lot, the subject property will be compatible with the retail businesses to the north and the commercial office buildings to the northwest. Proper screening, accomplished through both landscaping, screening, and berming, will continue to ensure the continued compatibility between the uses on the neighboring parcels, in particular parking lots adjacent to State Avenue and North 98<sup>th</sup> Street.

**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 2.14 acres and will site a building that is approximately 9,000 square feet medical office (6,500 square feet) and lease space (2,500 square feet). The building is sited at the rear of the property, adjacent to the curve along North 98<sup>th</sup> Street. Removal of the restrictions will not detrimentally affect nearby property, but will continue the trend of not complying with the Commercial Design Guidelines by placing the parking in the front of the building in this case, North 98<sup>th</sup> Street.

The site plan needs to be redesigned to relocate the building, designing the rear of the building along North 98<sup>th</sup> Street, move the parking to the east side of the building similar to buildings at Plaza of the Speedway that face Parallel Parkway.

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

Based on the aerial photography, this portion of the property has been vacant since at least 1991, however the overall parcel was formerly the Wyandotte County Fairgrounds and Schlitterbahn Vacation Village waterpark.

**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 use is not reasonably necessary as there are already medical office buildings along State Avenue and in the Village West area primarily north and west of the subject property. That said, if designed, constructed and managed properly, it could benefit the community without negative impacts to adjacent property owners.

There are Interstate 435 intersection improvements and the potential redesign of 98<sup>th</sup> Street adjacent to this site to align with the future 98th Street south of State Avenue.

**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.***

There will be additional traffic due to the on-site redevelopment. The entry-exit access point to the property from the public right-of-way may be redesigned after being reviewed by Planning Engineering and Public Works in a manner that reduces potential traffic issues such as backups and crashes, as well as minimize pedestrian conflicts due to the fact that 98<sup>th</sup> Street & State Avenue is the only controlled intersection.



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

The proposed use conforms to the Prairie Delaware Piper Area Plan's Planned Commercial / Entertainment designation, which major retail uses, including restaurants and hotels, as well as centers for large discount stores currently called big box centers and have stores that serve large populations.

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

Redevelopment of the property will lead to an increase of impermeable surfaces, parking needs, traffic at peak times and stormwater runoff. Best practices must be employed for stormwater runoff retention and more trees need to be planted around the detention basins and within the parking lot islands.

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 an undeveloped, open parcel 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 98<sup>th</sup> Street and State Avenue.

***f. Transit***

Kansas City ATA provides service at 94<sup>th</sup> and State Avenue, approximately one-quarter (¼) mile east , Route #101.

***g. Schools***

Public education is provided by Kansas City Kansas USD 500.

***h. Streets***

See item #6 above.

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

The economic impact of a commercial development is contingent on several factors, including sales tax increases due to the development of a commercial property. The medical office building will include full- and part-time jobs, so there will be a positive impact.

***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 individual landowner is minimal. If the application is denied, the property can still be used with permitted A-G Agriculture District uses.

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**PREVIOUS ACTIONS**

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None

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**NEIGHBORHOOD MEETING**

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The applicant held a neighborhood meeting in-person at 1737 North 82<sup>nd</sup> Street (West Wyandotte Library) on March 20, 2024. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

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## KEY ISSUES

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Commercial Design Guidelines – Site Design and Parking Lot Orientation  
Pedestrian Connectivity  
Traffic  
Landscaping, Screening and Buffering

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## PLANNING COMMISSION RECOMMENDATION

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The Planning Commission voted 9 to 0 to recommend **APPROVAL** of Change of Zone Application COZ2024-006, subject to:

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: **recommended for approval by Planning Commission:**

- a. Sec. 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 primary to the street;
- c. Sec. 27-575(e)(4) states that parking must be screened from adjacent streets by walls, shrubs, trees, or other design elements;
- d. Sec. 57-577(b)(1) states that new construction must provide at least a 25-foot landscape zone between structures and/or parking lots and all public streets and access easements 40 feet wide or greater;

Staff supports the use, but not design deviation request 1a and 1b in part because similar uses such as those at Plaza at the Speedway (109<sup>th</sup> Street & Parallel Parkway) have oriented buildings towards Parallel Parkway and constructed parking lots on the sides of the building. Staff asks that the City Planning Commission continue to work with the applicant and their development team move the building further west through their Final Development Plan all the while complying the parking and landscaping code requirements;

2. Sec. 27-576(j) If a center is to be built in phases, each phase shall include an appropriate share of the proposed streets and circulation system, landscaping and outdoor spaces, screening, and other site and architectural amenities of the entire project. The extent of these improvements shall be determined for each phase of a specific project at the time of project development approval and may not be based solely upon a proportional or equal share of the entire site.

Requirements for a phased project may include off-site improvements to accommodate the necessary public infrastructure to adequately screen the site.

Further conversation and collaboration with Planning Engineering and the Public Works Department is required to determine when further

- improvements need to be made at North 98<sup>th</sup> Street & State Avenue intersection. The existing sidewalk gaps along 98<sup>th</sup> Street and State Avenue shall be closed with this development. Planning Staff understand that the Unified Government will improve the 98<sup>th</sup> Street and State Avenue intersection;
3. Subject to approval, a Final Development is required to be submitted to the Department of Planning + Urban Design following the conclusion of this land use entitlement;
  4. A Final Plat or Lot Split needs to be filed to subdivide this portion of land from the larger parcel;
  5. Future 4,000 square foot lease space/tenant pad site requires its own Preliminary and Final Development Plan since no civil or architectural drawings were provided with this land use entitlement;
  6. Per Business Licensing Division: All occupying businesses will need to file and maintain the occupation tax application with our office for their business activity. Business License is located at 4953 State Avenue, Kansas City, KS 66102. Our contact information is (913) 573-8780 or [businesslicense@wycokck.org](mailto:businesslicense@wycokck.org);
  7. Per Sec. 27-317 Electrical power, telephone service, and cable television (if applicable) shall be provided by underground wiring for all new wiring provided;
  8. Construct a sidewalk from 98<sup>th</sup> Street to the front, main entrance to the proposed building for pedestrian access;
  9. 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;
  10. The parking lot for phase 1 shall include a minimum of 43 parking spaces to comply with the parking code;
  11. Sec. 27-576(c)(1) Commercial development should take into account the architectural design of all building elevations, 360 degrees. Quality design should be expressed on all elevations of a building;
  12. 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 (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;
  13. Downspouts shall be internalized;
  14. The loading dock doors, service entries shall be painted to match the building as the adjacent façade color of the building;
  15. 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 2.14 acres, requiring 23 trees to be provided on the site plan. This does not include the street trees along the perimeter road/drive and parking lot islands;
16. 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;
  17. 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;
  18. 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;
  19. Sec. 27-575(e)(4) states that parking must be screened from adjacent streets by walls, shrubs, trees, or other design elements;
  20. 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);
  21. All landscaping shall be irrigated;
  22. 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;
  23. 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;
  24. 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;
  25. 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 degrees and have 10 feet of clearance from pad when gate doors open;



- c. Posts are gate doors must be installed a minimum distance of 10 feet apart in the front;
  - d. For slat fences (wood pickets), the customer shall install a minimum of four (4) inch slats and have four (4) inches of space between each slat;
  - e. Customer must take into 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) 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, three (3) feet on the back and five (5) feet on the front allowing for 10 feet on the front when gate doors open;
26. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or [signpermits@wycokck.org](mailto:signpermits@wycokck.org) to begin this process;
27. A Pre-Construction meeting is required for any improvements to public infrastructure upon the approval and issuance of a Development Review Committee (DRC) Permit. Any improvements to, construction or alteration of: sanitary systems, stormwater systems, public or private streets, sidewalks, or other public infrastructure will require a pre-construction meeting with the Department of Public Works. The applicant is required to contact the County Engineer at (913) 573-5400 or by [info@wycokck.org](mailto:info@wycokck.org) prior to construction to arrange this meeting;
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; and,
29. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

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## STAFF COMMENTS AND SUGGESTIONS

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Staff does not agree with the recommendation of the City Planning Commission.

### **Planning and Urban Design Comments:**

#### **General Planning:**

1. Sec. 27-576(j) If a center is to be built in phases, each phase shall include an appropriate share of the proposed streets and circulation system, landscaping and outdoor spaces, screening, and other site and architectural amenities of the entire project. The extent of these improvements shall be determined for each phase of a specific project at the time of project development approval, and may not be based solely upon a proportional or equal share of the entire site.

Requirements for a phased project may include off-site improvements to accommodate the necessary public infrastructure to adequately screen the site.

Further conversation and collaboration with Planning Engineering and the Public Works Department is required to determine when further improvements need to be made at North 98<sup>th</sup> Street & State Avenue intersection. The existing sidewalk gaps along 98<sup>th</sup> Street and State Avenue shall be closed with this development. Planning Staff understand that the Unified Government will improve the 98<sup>th</sup> Street and State Avenue intersection.

*Applicant Response: Acknowledged.*

2. Subject to approval, a Final Development is required to be submitted to the Department of Planning + Urban Design following the conclusion of this land use entitlement.

*Applicant Response: Acknowledged.*

3. A Final Plat or Lot Split needs to be filed to subdivide this portion of land from the larger parcel.

*Applicant Response: Acknowledged.*

4. Future 4,000 square foot lease space/tenant pad site requires its own Preliminary and Final Development Plan since no civil or architectural drawings were provided with this land use entitlement.

*Applicant Response: Acknowledged.*

5. Per Business Licensing Department: All occupying businesses will need to file and maintain the occupation tax application with our office for their business activity.

*Applicant Response: Acknowledged.*

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.

*Applicant Response: Acknowledged.*

7. Construct a sidewalk from 98<sup>th</sup> Street to the front, main entrance to the proposed building for pedestrian access.

*Applicant Response: Site plan has been revised to show this.*

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.

*Applicant Response: Site plan has been revised to show this.*

9. A Pre-Construction meeting is required for any improvements to public infrastructure upon the approval and issuance of a Development Review Committee (DRC) Permit. Any improvements to, construction or alteration of: sanitary systems, stormwater systems, public or private streets, sidewalks, or other public infrastructure will require a pre-construction meeting with the Department of Public Works. The applicant is required to contact the County Engineer at (913) 573-5400 or by [info@wycokck.org](mailto:info@wycokck.org) prior to construction to arrange this meeting.

*Applicant Response: Acknowledged.*

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.

*Applicant Response: Acknowledged.*

11. 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.

*Applicant Response: Acknowledged.*

**Building Architecture:**

2. Sec. 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.

Sec. 27-575(f)(3) Buildings should be oriented primarily to the street.

As this building will be a focal point along 98<sup>th</sup> Street, which is one of the major commercial corridors in the city, the building must be shifted closer to 98<sup>th</sup> Street, relocating the parking lot to the north, south and east of the site in accordance with the Commercial Design Guidelines because this is a commercial building.

The east side of the building is the front of the building, similar to buildings along Parallel Parkway at Plaza at the Speedway. Buildings along that street frontage have their parking on the side or behind the building. The front entrances of Olive Garden and Red Lobster are on Parallel Parkway, whereas their parking is on the sides of rear of the building. St. Luke's Urgent Care's has three (3) ADA spaces in the front of their building facing Parallel Parkway, but the remaining parking stalls are on the west side of the building.

The parking lot should not be the focal point at this intersection, which is the case, especially since the front of the building faces west towards 98th Street. Staff will not place this petition on the City Planning Commission agenda until the project is redesigned.

*Applicant Response: Per the conference call last week, the developer would like to keep the site layout orientation as it is currently shown.*

Staff Response: Staff recommended various options to move the building to the west and relocating parking to the north and east sides of the building in an attempt to meet the intent of the Commercial Design Guidelines.

3. Sec. 27-576(c)(1) Commercial development should take into account the architectural design of all building elevations, 360 degrees. Quality design should be expressed on all elevations of a building.

*Applicant Response: The east elevation has been revised to add another material which is used on the west elevation, thus creating four (4) sided architecture.*

4. 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 (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.

*Applicant Response: All sides of the building have breaks in the materials, offsets in the building walls, and variation in the rooflines.*

- 5. Per 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)(1). The City Planning Commission must give a deviation from the Commercial Design Guidelines. Staff will not ask for the deviation.

*Applicant Response: There is no metal paneling proposed on the project.*

- 6. Downspouts shall be internalized.

*Applicant Response: Acknowledged.*

- 7. The loading dock doors, service entries shall be painted to match the building as the adjacent façade color of the building.

*Applicant Response: Acknowledged.*

#### **Landscaping and Screening:**

- 1. 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 2.14 acres, requiring 23 trees to be provided on the site plan. This does not include the street trees along the perimeter road/drive and parking lot islands.

*Applicant Response: The landscape plan has been updated.*

- 2. 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.

*Applicant Response: The landscape plan has been updated.*

- 3. 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.



*Applicant Response: The landscape plan has been updated.*

4. 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.

*Applicant Response: The landscape plan has been updated.*

5. Sec. 27-575(e)(4) states that parking must be screened from adjacent streets by walls, shrubs, trees, or other design elements.

*Applicant Response: The landscape plan has been updated.*

6. 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).

*Applicant Response: The landscape plan has been updated.*

7. All landscaping shall be irrigated.

*Applicant Response: Acknowledged.*

8. How will lighting be mitigated?
  - a. 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.

*Applicant Response: Acknowledged.*

9. 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.

*Applicant Response: The landscape plan has been updated.*

10. 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: Acknowledged.*

11. Regarding BPU transformer screening, the following applies:
- Gate doors are required for all types of screening that are placed in front of the transformers.
  - Fences shall be installed two (2) feet off the ground and have adequate clearance to open gate doors at 180 degrees and have 10 feet of clearance from pad when gate doors open.
  - Posts are gate doors must be installed a minimum distance of 10 feet apart in the front.
  - For slat fences (wood pickets), the customer shall install a minimum of four (4) inch slats and have four (4) inches of space between each slat.
  - Customer must take into 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) of spacing between each tree taking account the growth of saplings).
  - Pad must have a minimum clearance of six (6) feet on each side, three (3) feet on the back and five (5) feet on the front allowing for 10 feet on the front when gate doors open.

*Applicant Response: Acknowledged.*

### **Signage:**

- Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or [signpermits@wycokck.org](mailto:signpermits@wycokck.org) to begin this process.

*Applicant Response: Acknowledged.*

### **Planning Engineering Comments:**

- A) Items that require plan revision or additional documentation before engineering can recommend approval:
- None
- B) Items that are conditions of approval:
- 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.

C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:

1) None

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## STAFF RECOMMENDATION

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Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **COZ2024-006**, subject to all comments and suggestions outlined in this staff report, and summarized by the following conditions:

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. Sec. 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 primary to the street;
  - c. Sec. 27-575(e)(4) states that parking must be screened from adjacent streets by walls, shrubs, trees, or other design elements;
  - d. Sec. 57-577(b)(1) states that new construction must provide at least a 25-foot landscape zone between structures and/or parking lots and all public streets and access easements 40 feet wide or greater;

Staff supports the use, but not design deviation request 1a and 1b in part because similar uses such as those at Plaza at the Speedway (109<sup>th</sup> Street & Parallel Parkway) have oriented buildings towards Parallel Parkway and constructed parking lots on the sides of the building. Staff asks that the City Planning Commission continue to work with the applicant and their development team move the building further west through their Final Development Plan all the while complying the parking and landscaping code requirements;

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Further conversation and collaboration with Planning Engineering and the Public Works Department is required to determine when further improvements need to be made at North 98<sup>th</sup> Street & State Avenue intersection. The existing sidewalk gaps along 98<sup>th</sup> Street and State Avenue shall be closed with this development. Planning Staff understand that the

- Unified Government will improve the 98<sup>th</sup> Street and State Avenue intersection;
3. Subject to approval, a Final Development is required to be submitted to the Department of Planning + Urban Design following the conclusion of this land use entitlement;
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  - b. Fences shall be installed two (2) feet off the ground and have adequate clearance to open gate doors at 180 degrees and have 10 feet of clearance from pad when gate doors open;
  - c. Posts are gate doors must be installed a minimum distance of 10 feet apart in the front;



- d. For slat fences (wood pickets), the customer shall install a minimum of four (4) inch slats and have four (4) inches of space between each slat;
  - e. Customer must take into 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) 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, three (3) feet on the back and five (5) feet on the front allowing for 10 feet on the front when gate doors open;
26. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or [signpermits@wycokck.org](mailto:signpermits@wycokck.org) to begin this process;
27. A Pre-Construction meeting is required for any improvements to public infrastructure upon the approval and issuance of a Development Review Committee (DRC) Permit. Any improvements to, construction or alteration of: sanitary systems, stormwater systems, public or private streets, sidewalks, or other public infrastructure will require a pre-construction meeting with the Department of Public Works. The applicant is required to contact the County Engineer at (913) 573-5400 or by [info@wycokck.org](mailto:info@wycokck.org) prior to construction to arrange this meeting;
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; and,
29. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

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## ATTACHMENTS

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April 8, 2024 City Planning Commission Minutes  
Aerial Map  
Zoning Map  
Land Use Designation Map  
Applicant Response Letter  
Neighborhood Meeting Documents  
Site Plan  
Grading Plan  
Landscape Plan  
Building Elevations  
Site Photographs taken by Staff on March 14, 2024.

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## REVIEW OF INFORMATION AND SCHEDULE

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|                |                                 |                                                  |
|----------------|---------------------------------|--------------------------------------------------|
| <u>Action</u>  | <u>City Planning Commission</u> | <u>Unified Government Board of Commissioners</u> |
| Public Hearing | April 8, 2024                   | April 25, 2024                                   |
| Rezoning       | Approval                        |                                                  |

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**STAFF CONTACT:**      **Byron Toy, AICP**  
                                         [btoy@wycokck.org](mailto:btoy@wycokck.org)

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## MOTIONS

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I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2024-006** 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 **COZ2024-006** 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.

## **April 8, 2024, City Planning Commission Minutes:**

### **Hearing starts at 1:33:29:**

**CHANGE OF ZONE APPLICATION COZ2024-006 – BRANDON CARLSON WITH THE PROPERTY BR COMPANIES AND/OR AFFILIATES – SYNOPSIS:** Change of Zone from A-G Agriculture District to CP-2 Planned General Business District to construct a new urgent care facility at 9400 State Avenue. Detailed Outline of Requested Action: The applicant, Brandon Carlson with The BR Companies filed a Change of Zone from A-G Agriculture District to CP-2 Planned General Business District for a 6,500 square foot urgent care medical building with an attached 2,500 lease space and a future 4,000 square foot commercial pad site on 2.14 acres at 9400 State Avenue.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated April 8, 2024;
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:**

- Merle Eisenhower, representing the applicant, 12200 North Ambassador Drive, Kansas City, Missouri
- Dr. Michael Chaffee, 9203 Northwest Rocky Point Drive, Whereby Lake, Missouri 64152
- Curtis Petersen, attorney representing the master developer, Homefield, Polsinelli, 900 West 48<sup>th</sup> Place, Kansas City, Missouri

### **Present in Opposition:**

- No one appeared

**Staff Recommendation starts at 1:39:25:** Planning Director Hand stated that this is a change of zone request from A-G Agriculture District to CP-2 Planned General Business District to construct a new urgent care facility. The property is in the Prairie-Delaware-Piper Area Plan. Staff received no letters in support nor opposition. There are no Notices of Violation. The site is located on a larger parcel of land, which goes extensively north from the present area. One of the conditions of approval is for the

preliminary and final plat be submitted in order to subdivide it from the larger parcel. This large parcel has been parceled off as projects have come through from the larger Homefield Master Plan. Staff recommends approval with conditions. Those conditions include a deviation from the Commercial Design Guidelines including the location of the buildings and parking lots. Another condition of approval is for additional sidewalks along 98<sup>th</sup> Street. A preliminary and final development plan will need to be submitted and reviewed before any entitlements are submitted for the remaining future pad site.

The Planning Commission directed questions to Director Hand.

**Motion starts at 1:26:12:**

On motion by Mr. Ward, seconded by Mr. Beth, the Planning Commission voted as follows to recommend **APPROVAL of Change of Zone Application COZ2024-006:**

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

Motion to recommend APPROVAL Passed: 9 to 0

Subject to:

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: **recommended for approval by Planning Commission:**

- a. Sec. 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 primary to the street;
- c. Sec. 27-575(e)(4) states that parking must be screened from adjacent streets by walls, shrubs, trees, or other design elements;
- d. Sec. 57-577(b)(1) states that new construction must provide at least a 25-foot landscape zone between structures and/or parking lots and all public streets and access easements 40 feet wide or greater;

Staff supports the use, but not design deviation request 1a and 1b in part because similar uses such as those at Plaza at the Speedway (109<sup>th</sup> Street & Parallel Parkway) have oriented buildings towards Parallel Parkway and constructed parking lots on the sides of the building. Staff asks that the City Planning Commission continue to work with the applicant and their

development team move the building further west through their Final Development Plan all the while complying the parking and landscaping code requirements;

2. Sec. 27-576(j) If a center is to be built in phases, each phase shall include an appropriate share of the proposed streets and circulation system, landscaping and outdoor spaces, screening, and other site and architectural amenities of the entire project. The extent of these improvements shall be determined for each phase of a specific project at the time of project development approval and may not be based solely upon a proportional or equal share of the entire site.

Requirements for a phased project may include off-site improvements to accommodate the necessary public infrastructure to adequately screen the site.

Further conversation and collaboration with Planning Engineering and the Public Works Department is required to determine when further improvements need to be made at North 98<sup>th</sup> Street & State Avenue intersection. The existing sidewalk gaps along 98<sup>th</sup> Street and State Avenue shall be closed with this development. Planning Staff understand that the Unified Government will improve the 98<sup>th</sup> Street and State Avenue intersection;

3. Subject to approval, a Final Development is required to be submitted to the Department of Planning + Urban Design following the conclusion of this land use entitlement;
4. A Final Plat or Lot Split needs to be filed to subdivide this portion of land from the larger parcel;
5. Future 4,000 square foot lease space/tenant pad site requires its own Preliminary and Final Development Plan since no civil or architectural drawings were provided with this land use entitlement;
6. Per Business Licensing Division: All occupying businesses will need to file and maintain the occupation tax application with our office for their business activity. Business License is located at 4953 State Avenue, Kansas City, KS 66102. Our contact information is (913) 573-8780 or [businesslicense@wycokck.org](mailto:businesslicense@wycokck.org);
7. Per Sec. 27-317 Electrical power, telephone service, and cable television (if applicable) shall be provided by underground wiring for all new wiring provided;
8. Construct a sidewalk from 98<sup>th</sup> Street to the front, main entrance to the proposed building for pedestrian access;
9. 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;
10. The parking lot for phase 1 shall include a minimum of 43 parking spaces to comply with the parking code;
11. Sec. 27-576(c)(1) Commercial development should take into account the architectural design of all building elevations, 360 degrees. Quality design should be expressed on all elevations of a building;



**12. 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 (3) of the following techniques:

- f. Divisions or breaks in materials;**
- g. Building offsets (projections, recesses, niches);**
- h. Window bays;**
- i. Separate entrances and entry treatment; or,**
- j. Variation in rooflines;**

**13. Downspouts shall be internalized;**

**14. The loading dock doors, service entries shall be painted to match the building as the adjacent façade color of the building;**

**15. 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 2.14 acres, requiring 23 trees to be provided on the site plan. This does not include the street trees along the perimeter road/drive and parking lot islands;

**16. 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;

**17. 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;

**18. 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;

**19. Sec. 27-575(e)(4)** states that parking must be screened from adjacent streets by walls, shrubs, trees, or other design elements;

**20. 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);**

**21. All landscaping shall be irrigated;**

**22. 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;**

**23. 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;
24. 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;
25. 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 degrees and have 10 feet of clearance from pad when gate doors open;
  - c. Posts are gate doors must be installed a minimum distance of 10 feet apart in the front;
  - d. For slat fences (wood pickets), the customer shall install a minimum of four (4) inch slats and have four (4) inches of space between each slat;
  - e. Customer must take into 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) 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, three (3) feet on the back and five (5) feet on the front allowing for 10 feet on the front when gate doors open;
26. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or [signpermits@wycokck.org](mailto:signpermits@wycokck.org) to begin this process;
27. A Pre-Construction meeting is required for any improvements to public infrastructure upon the approval and issuance of a Development Review Committee (DRC) Permit. Any improvements to, construction or alteration of: sanitary systems, stormwater systems, public or private streets, sidewalks, or other public infrastructure will require a pre-construction meeting with the Department of Public Works. The applicant is required to contact the County Engineer at (913) 573-5400 or by [info@wycokck.org](mailto:info@wycokck.org) prior to construction to arrange this meeting;
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; and,

29. 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.



Figure 1. Aerial Photograph of 9200 State Avenue (provided by UG Maps).





Figure 2. Zoning Map of 9400 State Avenue (provided by UG Maps).





**Figure 3. Prairie Delaware Piper Plan Land Use Designation Map of 9200 State Avenue (provided by ArcGIS Pro).**

**LAMPEN ENGINEERING, INC.**

**P.O. Box 1054  
Blue Springs, MO 64013  
(816) 220-0246**

RE: Brandon Carlson – (COZ2024-06)  
9800 State Avenue  
Kansas City, Kansas

This letter is in response to the **Planning Review** comments for the above referenced project.

**Required Parking:**

Sec. 27-668(a)(9) states medical and dental clinics require one (1) space for each 200 square feet of floor area. 33 parking spaces are required for the urgent care facility. 10 parking spaces are required for the adjoining leasable building. Applicant is providing 41 parking spaces. Depending on the use of the adjoining leasable space, between 43 and 46 spaces are required. A variance from the Board of Zoning Appeals is required if the applicant cannot accommodate three (3) or five (5) additional parking spaces.

The total number of required parking spaces for the 9,000 s.f. north building and the future 4,000 s.f. south building is 65 parking spaces. There are 66 total parking spaces shown on the site plan (41 spaces near the north building and 25 spaces near the south building). We are requesting to defer construction of the 3 or 5 spaces for the north building until the south building is constructed so as not to damage the pavement under those additional spaces during construction of the south building. We feel that the 41 spaces that are shown as being constructed with this phase are adequate to handle the amount of traffic for the north building. If it is found that the 41 spaces are inadequate, and the south building is not ready to be constructed, the additional parking spaces will be constructed at that time.

**Planning and Urban Design Comments:**

**General Planning:**

1. Sec. 27-576(j) If a center is to be built in phases, each phase shall include an appropriate share of the proposed streets and circulation system, landscaping and outdoor spaces, screening, and other site and architectural amenities of the entire project. The extent of these improvements shall be determined for each phase of a specific project at the time of project development approval, and may not be based solely upon a proportional or equal share of the entire site.

Requirements for a phased project may include off-site improvements to accommodate the necessary public infrastructure to adequately screen the site.

Further conversation and collaboration with Planning Engineering and the Public Works Department is required to determine when further improvements need to be made at North 98<sup>th</sup> Street & State Avenue intersection. The existing sidewalk gaps along 98<sup>th</sup> Street and State Avenue shall be closed with this development. Planning Staff understand that the Unified Government will improve the 98<sup>th</sup> Street and State Avenue intersection. **Acknowledged.**

2. Subject to approval, a Final Development is required to be submitted to the Department of Planning + Urban Design following the conclusion of this land use entitlement. **Acknowledged.**
3. A Final Plat or Lot Split needs to be filed to subdivide this portion of land from the larger parcel. **Acknowledged.**
4. Future 4,000 square foot lease space/tenant pad site requires its own Preliminary and Final Development Plan since no civil or architectural drawings were provided with this land use entitlement. **Acknowledged.**
5. Per Business Licensing Department: All occupying businesses will need to file and maintain the occupation tax application with our office for their business activity. **Acknowledged.**
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. **Acknowledged.**
7. Construct a sidewalk from 98<sup>th</sup> Street to the front, main entrance to the proposed building for pedestrian access. **Site plan has been revised to show this.**
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. **Site plan has been revised to show this.**
9. Install sidewalk in the southern and eastern medians to facilitate pedestrians through the parking lot. **N/A**
10. A Pre-Construction meeting is required for any improvements to public infrastructure upon the approval and issuance of a Development Review Committee (DRC) Permit. Any improvements to, construction or alteration of: sanitary systems, stormwater systems, public or private streets, sidewalks, or other public infrastructure will require a pre-construction meeting with the Department of Public Works. The applicant is required to contact the County Engineer at (913) 573-5400 or by [info@wycokck.org](mailto:info@wycokck.org) prior to construction to arrange this meeting. **Acknowledged.**
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. **Acknowledged.**

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. **Acknowledged.**

**Building Architecture:**

Sec. 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.

Sec. 27-575(f)(3) Buildings should be oriented primarily to the street.

As this building will be a focal point along 98<sup>th</sup> Street, which is one of the major commercial corridors in the city, the building must be shifted closer to 98<sup>th</sup> Street, relocating the parking lot to the north, south and east of the site in accordance with the Commercial Design Guidelines because this is a commercial building.

The east side of the building is the front of the building, similar to buildings along Parallel Parkway at Plaza at the Speedway. Buildings along that street frontage have their parking on the side or behind the building. The front entrances of Olive Garden and Red Lobster are on Parallel Parkway, whereas their parking is on the sides of rear of the building. St. Luke's Urgent Care's has three (3) ADA spaces in the front of their building facing Parallel Parkway, but the remaining parking stalls are on the west side of the building.

The parking lot should not be the focal point at this intersection, which is the case, especially since the front of the building faces west towards 98th Street. Staff will not place this petition on the City Planning Commission agenda until the project is redesigned.

**Per the conference call last week, the developer would like to keep the site layout orientation as it is currently shown.**

2. Sec. 27-576(c)(1) Commercial development should take into account the architectural design of all building elevations, 360 degrees. Quality design should be expressed on all elevations of a building.

**The east elevation has been revised to add another material which is used on the west elevation, thus creating 4 sided architecture.**

3. 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 (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.



All sides of the building have breaks in the materials, offsets in the building walls, and variation in the rooflines.

4. Per 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)(1). The City Planning Commission must give a deviation from the Commercial Design Guidelines. Staff will not ask for the deviation.  
There is no metal paneling proposed on the project.
5. Downspouts shall be internalized. Acknowledged
6. The loading dock doors, service entries shall be painted to match the building as the adjacent façade color of the building. Acknowledged

**Landscaping and Screening:**

1. 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 2.14 acres, requiring 23 trees to be provided on the site plan. This does not include the street trees along the perimeter road/drive and parking lot islands. The landscape plan has been updated.
2. 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. The landscape plan has been updated.
3. 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. The landscape plan has been updated.
4. 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. The landscape plan has been updated.
5. Sec. 27-575(e)(4) states that parking must be screened from adjacent streets by walls, shrubs, trees, or other design elements. The landscape plan has been updated.
6. 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). The landscape plan has been updated.
7. All landscaping shall be irrigated. Acknowledged.
8. How will lighting be mitigated?
  - a. 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.

**Acknowledged.**

9. 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. **The landscape plan has been updated.**
10. 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. **Acknowledged.**
11. Regarding BPU transformer screening, the following applies: **Acknowledged.**
  - 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 degrees and have 10 feet of clearance from pad when gate doors open.
  - c. Posts are gate doors must be installed a minimum distance of 10 feet apart in the front.
  - d. For slat fences (wood pickets), the customer shall install a minimum of four (4) inch slats and have four (4) inches of space between each slat.
  - e. Customer must take into 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) fee wide, so there shall be four (4) 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, three (3) feet on the back and five (5) feet on the front allowing for 10 feet on the front when gate doors open.

**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](mailto:signpermits@wycokck.org) to begin this process. **Acknowledged.**

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



|                                                                                |  |  |  |  |  |  |  |  |  |
|--------------------------------------------------------------------------------|--|--|--|--|--|--|--|--|--|
| <b>MINUTES OF NEIGHBORHOOD MEETING:</b>                                        |  |  |  |  |  |  |  |  |  |
| APPLICATION NUMBER: COZ2024-006                                                |  |  |  |  |  |  |  |  |  |
| DATE: MARCH 20, 2024                                                           |  |  |  |  |  |  |  |  |  |
| LOCATION: WEST WYANDOTTE LIBRARY                                               |  |  |  |  |  |  |  |  |  |
| MEETING CALLED TO ORDER AT: 5:30 P.M.                                          |  |  |  |  |  |  |  |  |  |
| PERSONS IN ATTENDANCE:                                                         |  |  |  |  |  |  |  |  |  |
| 1 Joe Lampen - Lampen Engineering                                              |  |  |  |  |  |  |  |  |  |
| 2 Dr. Michael Shafe - Urgent Care Operations                                   |  |  |  |  |  |  |  |  |  |
| 3 Mr. Merrill Eisenhower - Legacy Health Group                                 |  |  |  |  |  |  |  |  |  |
| 4 Mr. Mark Stockton - Allison & Alexander, Inc.                                |  |  |  |  |  |  |  |  |  |
| INTRODUCTIONS: These were given at start of meeting                            |  |  |  |  |  |  |  |  |  |
| PRESENTATION AND INFORMATION GIVEN:                                            |  |  |  |  |  |  |  |  |  |
| 1 Project is to be a new 6,500 SF Urgent Care and 2,500 SF future leased space |  |  |  |  |  |  |  |  |  |
| 2 Possible future building at the South end of property                        |  |  |  |  |  |  |  |  |  |
| 3 Entrance off 98th Street                                                     |  |  |  |  |  |  |  |  |  |
| 4 Reviewed building elevations and materials proposed                          |  |  |  |  |  |  |  |  |  |
| 5 Indicated that project will have landscaping to meet UG Code                 |  |  |  |  |  |  |  |  |  |



|                       |                                                                  |  |  |  |  |  |  |
|-----------------------|------------------------------------------------------------------|--|--|--|--|--|--|
| QUESTION 4:           |                                                                  |  |  |  |  |  |  |
|                       |                                                                  |  |  |  |  |  |  |
| WHO ASKED:            | Janell Rhodes                                                    |  |  |  |  |  |  |
|                       |                                                                  |  |  |  |  |  |  |
| QUESTION:             | Will parking and lighting be convenient and safe                 |  |  |  |  |  |  |
|                       |                                                                  |  |  |  |  |  |  |
| WHO ANSWERED:         | Mr. Joe Lampen, Dr. Michael Shafe and Merrill Eisenhower         |  |  |  |  |  |  |
|                       |                                                                  |  |  |  |  |  |  |
| ANSWER:               | Yes, parking will be convenient and provided near entrance       |  |  |  |  |  |  |
|                       | to facility and parking lot lighting will be provided to meet UG |  |  |  |  |  |  |
|                       | code                                                             |  |  |  |  |  |  |
|                       |                                                                  |  |  |  |  |  |  |
| QUESTION 5:           |                                                                  |  |  |  |  |  |  |
|                       |                                                                  |  |  |  |  |  |  |
| WHO ASKED:            |                                                                  |  |  |  |  |  |  |
|                       |                                                                  |  |  |  |  |  |  |
| QUESTION:             |                                                                  |  |  |  |  |  |  |
|                       |                                                                  |  |  |  |  |  |  |
|                       |                                                                  |  |  |  |  |  |  |
| WHO ANSWERED:         |                                                                  |  |  |  |  |  |  |
|                       |                                                                  |  |  |  |  |  |  |
| ANSWER:               |                                                                  |  |  |  |  |  |  |
|                       |                                                                  |  |  |  |  |  |  |
|                       |                                                                  |  |  |  |  |  |  |
|                       |                                                                  |  |  |  |  |  |  |
| MEETING ADJOURNED AT: | 6:30 P.M.                                                        |  |  |  |  |  |  |
|                       |                                                                  |  |  |  |  |  |  |
| MINUTES TAKEN BY:     | Mark Stockton - Allison & Alexander, Inc.                        |  |  |  |  |  |  |



**AFFIDAVIT - NEIGHBORHOOD MEETING**

STATE OF KANSAS )  
COUNTY OF WYANDOTTE ) SS:

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

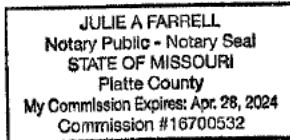
1. That I am the petitioner for Petition # COZ2024-006
2. That I conducted a neighborhood meeting on MARCH 20, 2024
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Planning + Urban Design Department.

Further affiant saith not.

Mark Stouton  
Affiant

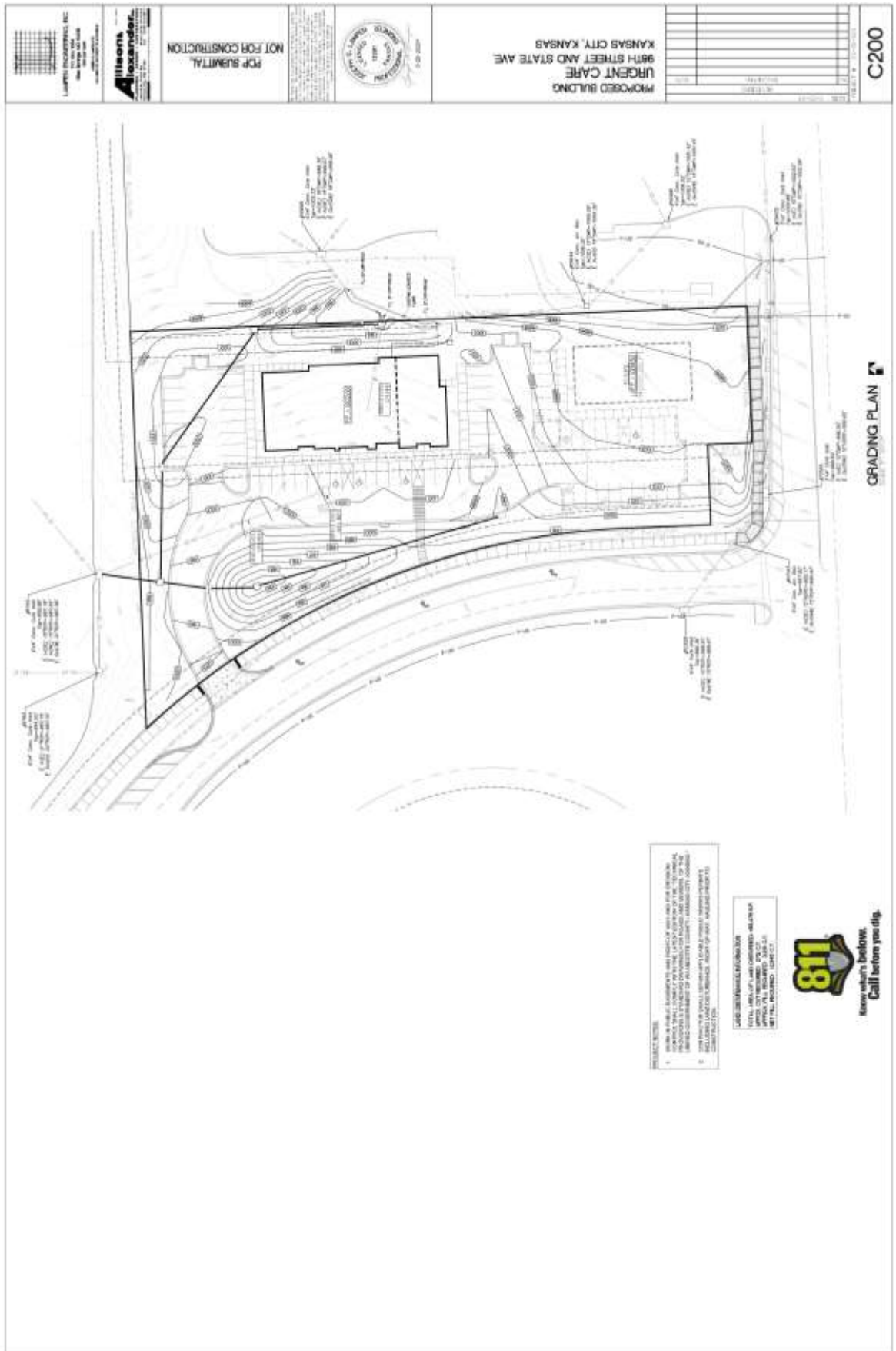
SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 21<sup>st</sup> day of March 2024

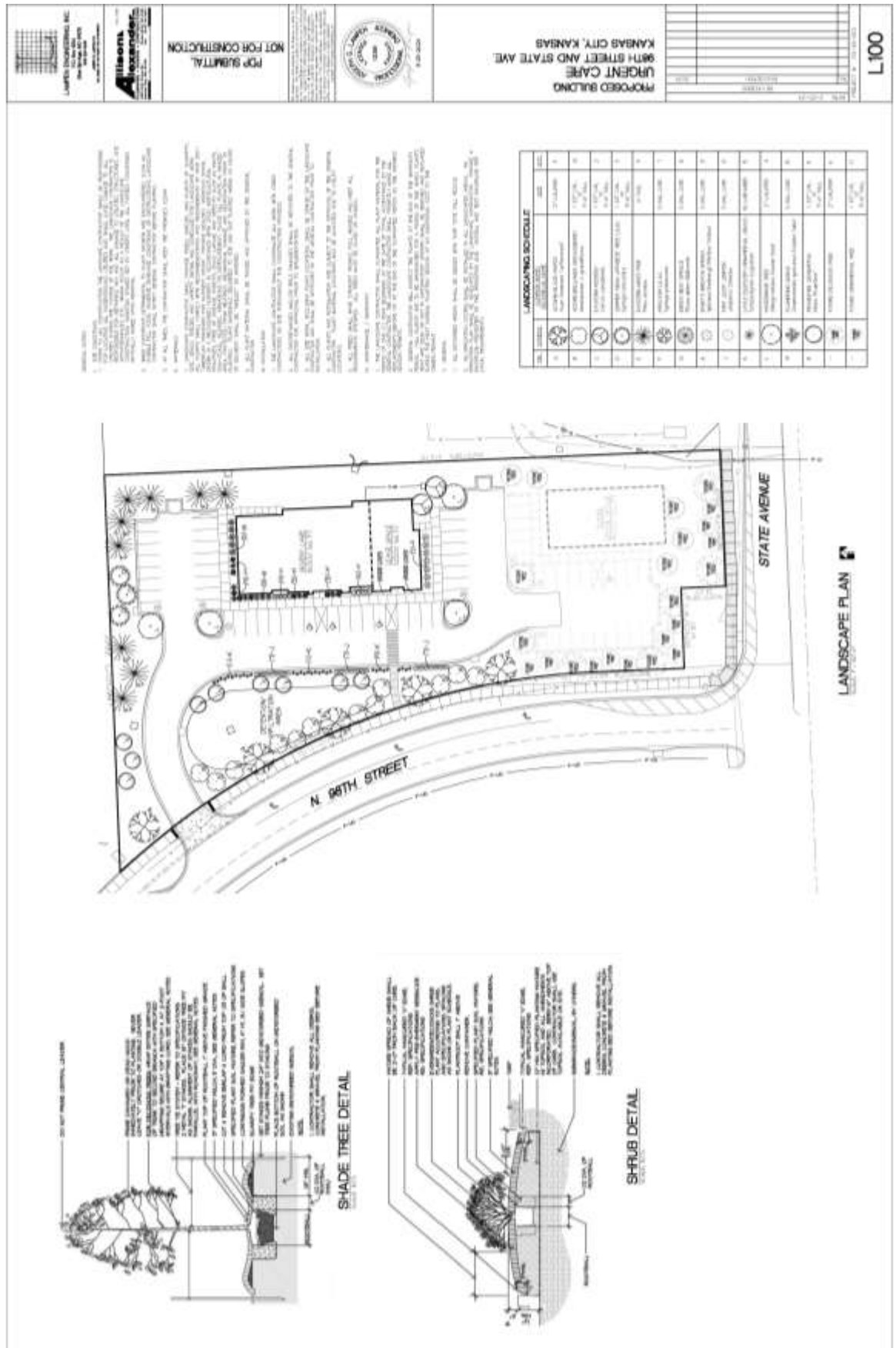
My commission expires 28<sup>th</sup> of April, 2024



Julie A. Farrell  
Notary Public













**Figure 4. Site photograph of 9400 State Avenue looking northeast from State Avenue (provided by Planning Staff).**



**Figure 5. Site photograph of 9400 State Avenue looking east from North 98<sup>th</sup> Street (provided by Planning Staff).**



**Figure 6. Site photograph of 9400 State Avenue looking northeast from North 98<sup>th</sup> Street (provided by Planning Staff).**



**Figure 7. Site photograph of 9400 State Avenue looking north from State Avenue (provided by Planning Staff).**



## Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

**To:** Unified Government Board of Commissioners

**From:** Planning and Urban Design Staff

**Date:** April 25, 2024

**Re:** Special Use Petition SP2023-110

### GENERAL INFORMATION

**Applicant:**

Mark Carnesecca

**Status of Applicant:**

Representative

Pick-N-Pull Auto Dismantlers, KC,  
LLC

10850 Gold Center Drive  
Rancho Cordova, California 95670

**Requested Action:**

Renewal of a Special Use Permit  
(SP-2018-94, which expires  
January 10, 2024).

**Date of Application:**

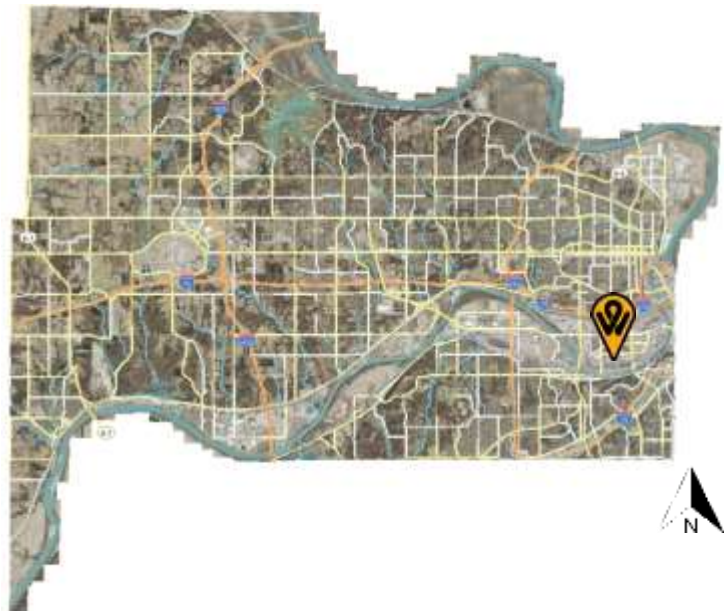
November 27, 2023

**Purpose:**

To renew a Special Use Permit to  
operate an automotive salvage  
yard/retail sales operation.

**Property Location:**

1142 South 12<sup>th</sup> Street  
Kansas City, Kansas 66105





|                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|----------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Commission Districts:</b>           | Commissioner At-Large, District #2:<br>Tom Burroughs<br>District #2 Commissioner: Bill Burns                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>Existing Zoning:</b>                | M-3 Heavy Industrial District                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <b>Adjacent Zoning:</b>                | <b>North:</b> M-3 Heavy Industrial District<br><b>South:</b> M-3 Heavy Industrial District<br><b>East:</b> M-3 Heavy Industrial District<br><b>West:</b> M-3 Heavy Industrial District                                                                                                                                                                                                                                                                                          |
| <b>Adjacent Uses:</b>                  | <b>North:</b> Heavy Industrial Warehouse<br><b>South:</b> Kansas River and Levee<br><b>East:</b> Laydown Yard<br><b>West:</b> Railroad Yard                                                                                                                                                                                                                                                                                                                                     |
| <b>Total Tract Size:</b>               | 8.5 Acres                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <b>Comprehensive Plan Designation:</b> | The Armourdale Area Plan designates the subject property as Industrial, which allows industries featuring industrial processing, manufacturing, heavy truck traffic, excessive noise, potentially noxious uses and outdoor storage.                                                                                                                                                                                                                                             |
| <b>Major Street Plan:</b>              | The goDotte Mobility Plan designates South 12 <sup>th</sup> Street as a Major Collector as well as a Priority Sidewalk.                                                                                                                                                                                                                                                                                                                                                         |
| <b>Parking Requirement:</b>            | <p>Section 27-470(f) states “In no case, however, shall less than one space for each 500 square feet of building 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”.</p> <p>The property contains approximately 15,000 square feet of building space, which requires 30 parking spaces. The property provides 87 customer parking spaces.</p> |
| <b>Advertisement:</b>                  | <u>The Wyandotte Echo</u> – December 14, 2023<br>Letters to Property Owners – December 15, 2023, January 11, 2024, and March 13, 2024                                                                                                                                                                                                                                                                                                                                           |
| <b>Public Hearings:</b>                | February 12, 2024, March 11, 2024,<br>April 8, 2024 and April 25, 2024                                                                                                                                                                                                                                                                                                                                                                                                          |

**Public Support:** None to date.

**Public Opposition:** None to date.

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## **PROPOSAL**

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Detailed Outline of Requested Action: The applicant, Mark Carnesecca, is requesting a renewal of a Special Use Permit (SP-2018-94, which expires on January 10, 2024) to operate an automobile salvage yard and retail shop at 1142 South 12<sup>th</sup> Street.

City Ordinance Requirements: 27-592 through 27-606

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## **RELATED ENFORCEMENT AND ACTION ITEMS**

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

1. There have been approximately 60 calls for police service at the subject property since the previous approval in 2018. Below are some of those calls.
  - a. 2023 – 2023-41806 – Theft and Criminal Damage
  - b. 2022 – 2022-120103 – Theft and Criminal Damage
  - c. 2022 – 2022-110919 – Theft and Criminal Damage
  - d. 2022 – 2022-83851 – Theft
  - e. 2022 – 2022-75725 – Theft and Burglary
  - f. 2022 – 2022-64856 – Criminal Damage
  - g. 2022 – 2022-39889 – Burglary and Criminal Damage
  - h. 2022 – 2022-33884 – Theft
  - i. 2022 – 2022-9440 – Drug Possession, Possession of Stolen Goods
  - j. 2021 – 2021-141993 – Criminal Trespass
  - k. 2021 – 2021-135067 – Theft
  - l. 2021 – 2021-94533 – Theft

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

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

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

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

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## **FACTORS TO BE CONSIDERED**

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

The subject property is located within the Armourdale Statistical Neighborhood and the Armourdale Renewal Association. The neighborhood consists primarily of heavy industrial uses, such as railroad uses, warehouses and scrap yards. There is a mixed-use neighborhood to the north and east of the subject property.



The property is also located along the 12<sup>th</sup> Street Corridor, a major multi-modal corridor connecting the Armourdale Neighborhood to Argentine and Rosedale.

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

The zoning and uses are set out above. The property is surrounded by heavy industrial uses and M-3 Heavy Industrial District zoning on three (3) sides, with the Kansas River boarding it to the south.

**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 operate as an automobile salvage yard as long as it is managed properly. Removal of restriction will not detrimentally affect nearby property, as this is an industrial in an area surrounded by other heavy industrial uses.

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

The property has been utilized as an automobile salvage yard since 2000.

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

Special Use Permits are not addressed in the Armourdale Area Plan. The Armourdale Area Plan designates the subject property as Industrial, which allows industries featuring industrial processing, manufacturing, heavy truck traffic, excessive noise, potentially noxious uses and outdoor storage. 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 will inherently result in an increase in traffic, particularly heavier traffic, such as tow vehicles, as many of the cars brought to the site will be inoperable. This, however, will not exceed the capacity of South 12<sup>th</sup> Street, a Major Collector.

**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 may be considered reasonably necessary for the convenience of the public, as it provides car parts at a low-cost, however, it does not enhance the welfare of the public. The proposed use is not expected to injure the visual quality, marketability or use of adjoining property, as it is located in an industrial area, however, the use may impact visual quality from the public right-of-way and the levee trail. Additional landscaping is required.

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

Noise, vibration from trucks, illumination from the facility and dust are typical issues with a use of this nature, however, as long as the use is managed properly, these should not be issues.

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

There is some potential to pollute the air, land, or water, as they could be polluted if chemicals and oils are not maintained or disposed of in a proper manner. If the applicant properly maintains the property, pollution and environmental concerns should be average for the expected use.

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

The proposed use could damage or destroy a natural resource, the Kansas River, if the proposed use is not managed properly, proper buffering is not installed, and proper disposal procedures are not followed.

**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 public gain is negligible, as the operation of an automotive parts sales shop is a private business. Should the Special Use Permit not be approved, the business would need to find a different location. The building owner would lose a potential tenant and experience loss of rental income before finding another tenant.

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

Overcrowding of buildings or automobiles as well as undue concentrations of population should not be a problem if the use is managed properly.

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## **PREVIOUS ACTIONS**

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- Approval of a Special Use Permit (SP-2018-94) to operate a salvage yard for five (5) years in 2018.
- Approval of a Special Use Permit (SP-2016-88) to operate a salvage yard for two (2) years in 2016.
- Approval of a Special Use Permit (SP-2014-64) to operate a salvage yard for two (2) years in 2014.
- Approval of a Special Use Permit (SP-2012-52) to operate a salvage yard for two (2) years in 2012.

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## NEIGHBORHOOD MEETING

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

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## KEY ISSUES

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Curb and Gutter  
Dust  
Fencing  
Illumination  
Landscaping  
Noise  
Parking in the Public Right-of-Way  
Previous Conditions of Approval  
Sidewalk Connection  
Screening  
Vibration

---

## PLANNING COMMISSION RECOMMENDATION

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The Planning Commission voted 9 to 0 to recommend **APPROVAL** of Special Use Permit Application SP2023-110, **for five (5) years**, subject to:

1. **The goDotte Mobility Plan identifies South 12th Street as a Priority Sidewalk, Bike Lane and Regional Trail connection. As a result of this, the following public improvements shall occur in the following Phases:**
  - a. **Phase 1 (within the scope of SP2023-110): A painted sidewalk connection from the northern property line to the end of the southern driveway shall be provided. From the southern driveway down to the South 12th Street bridge, a no less than 5 feet wide asphalt sidewalk shall be provided on an interim basis, pending review by a licensed engineer.**
  - b. **Phase 2 (upon renewal of SP2023-110): Coordinating with and potentially tying in to planned and ongoing infrastructure improvements along the 12th Street corridor by the Unified Government of Wyandotte County and Kansas City Kansas (UG), the applicant shall upgrade Phase 1 to new sidewalk, curb, and other stormwater improvements that meet UG standards;**
2. **Remove the existing fence around the surface parking lot, and install landscape screening consisting of a mix of trees, bushes, hedges and/or shrubs along the property's South 12th Street frontage to screen the parking lot and use;**
3. **The existing security fencing contains barbed wire that faces outward. Per the Unified Government Code of Ordinances (Section 8-250(b)), the barbed wire portion needs to be adjusted to face in-ward;**

4. There shall be no parking in front of the building along South 12th Street, as this parking would be within the public right-of-way and potentially interfere with the proposed sidewalk phasing in Condition #1. All other parking must also be removed from the public right-of-way and contained within the subject property;
5. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by [buildinginspection@wycokck.org](mailto:buildinginspection@wycokck.org) to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
6. Any 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;
7. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or [signpermits@wycokck.org](mailto:signpermits@wycokck.org) to begin this process;
8. 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;
9. If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;
10. All existing and future driveways must feature curb cuts that are constructed to UG standards;
11. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
12. 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;
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](mailto:info@wycokck.org) to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
  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 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 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;



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

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## STAFF COMMENTS AND SUGGESTIONS

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Staff concurs with the recommendation of the City Planning Commission.

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## STAFF RECOMMENDATION

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Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **SP2023-110** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

---

## ATTACHMENTS

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April 8, 2024, City Planning Commission Minutes  
Aerial Imagery  
Zoning Map  
Land Use Map  
Neighborhood Meeting Documents  
Current Site Plan  
Conceptual Site and Landscape Plan  
Site Photos, Provided by Applicant  
Site Photos, Taken by Staff, Dated December 8, 2023

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## REVIEW OF INFORMATION AND SCHEDULE

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| Action         | City Planning Commission                                                                            | Unified Government Board of Commissioners |
|----------------|-----------------------------------------------------------------------------------------------------|-------------------------------------------|
| Public Hearing | January 8, 2024                                                                                     |                                           |
| Special Use    | Meeting Cancelled<br>February 12, 2024<br>Held Over<br>March 11, 2024<br>Held Over<br>April 8, 2024 | April 25, 2024                            |
|                | Approval                                                                                            |                                           |

---

**STAFF CONTACT:**

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

---

**MOTIONS**

---

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2023-110** 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 **SP2023-110**, 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.

**April 8, 2024, City Planning Commission Minutes:**

**SPECIAL USE PERMIT APPLICATION SP2023-110 – MARK CARNESECCA WITH PICK-N-PULL – SYNOPSIS:** Renewal of a Special Use Permit (SP2018-094, expired 1/10/2024) to operate an automobile salvage yard at 1142 South 12<sup>th</sup> Street. Detailed Outline of Requested Action: The applicant, Mark Carnesecca, is requesting a renewal of a Special Use Permit (SP-2018-94, which expires on January 10, 2024) to operate an automobile salvage yard and retail shop at 1142 South 12<sup>th</sup> Street.

The items I have just read are on the Consent Agenda. At this time, does any member of the Commission wish to disclose any contact on any of the items? (No one responded in the affirmative).

Please include the following items as part of the record for all of the Items on the Consent Agenda:

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated April 8, 2024;
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 publications in The Echo for the Special Use Permits; and,

7. The notices to property owners.

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

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

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

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

Motion to APPROVE Passed: 9 to 0

Subject to:

**SP2023-110:**

2. The goDotte Mobility Plan identifies South 12th Street as a Priority Sidewalk, Bike Lane and Regional Trail connection. As a result of this, the following public improvements shall occur in the following Phases:
  - a. Phase 1 (within the scope of SP2023-110): A painted sidewalk connection from the northern property line to the end of the southern driveway shall be provided. From the southern driveway down to the South 12th Street bridge, a no less than 5 feet wide asphalt sidewalk shall be provided on an interim basis, pending review by a licensed engineer.
  - b. Phase 2 (upon renewal of SP2023-110): Coordinating with and potentially tying in to planned and ongoing infrastructure improvements along the 12th Street corridor by the Unified Government of Wyandotte County and Kansas City Kansas (UG), the applicant shall upgrade Phase 1 to new sidewalk, curb, and other stormwater improvements that meet UG standards;
2. Remove the existing fence around the surface parking lot, and install landscape screening consisting of a mix of trees, bushes, hedges and/or shrubs along the property’s South 12th Street frontage to screen the parking lot and use;
3. The existing security fencing contains barbed wire that faces outward. Per the Unified Government Code of Ordinances (Section 8-250(b)), the barbed wire portion needs to be adjusted to face in-ward;

4. There shall be no parking in front of the building along South 12th Street, as this parking would be within the public right-of-way and potentially interfere with the proposed sidewalk phasing in Condition #1. All other parking must also be removed from the public right-of-way and contained within the subject property;
5. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by [buildinginspection@wycokck.org](mailto:buildinginspection@wycokck.org) to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
6. Any 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;
7. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or [signpermits@wycokck.org](mailto:signpermits@wycokck.org) to begin this process;
8. 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;
9. If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;
10. All existing and future driveways must feature curb cuts that are constructed to UG standards;
11. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
12. 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;
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](mailto:info@wycokck.org) to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
  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 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 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;



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

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## ATTACHMENTS

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### AERIAL IMAGERY

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### ZONING MAP

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## LAND USE MAP



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## NEIGHBORHOOD MEETING MATERIALS

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### MEETING MINUTES:

Application Number: SP2023-110

Date and Location: December 22, 2023, via MS Teams

Meeting called to order at: 7:00 PM Central Time

Names of people in attendance:

Mark Carnesecca, Vice President, Pick-n-Pull

Byron Breshears, District Manager Kansas City Market, Pick-n-Pull

Brian McFadden, Director Site Development, Pick-n-Pull

Shelly Cox, Licensing Manager, Pick-n-Pull

Introductions:

Presentation by applicant: Agenda provided.

Questions and answers (include the following):

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

There weren't any neighbors who had attended the meeting.

Meeting adjourned at: 7:31 PM CST

Minutes taken by: Shelly Cox Pick-n-Pull

**AFFIDAVIT – NEIGHBORHOOD MEETING**

STATE OF California )  
 ) SS:  
COUNTY OF Sacramento

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

1. That I am the petitioner for Petition # SP-2023-110
2. That I conducted a neighborhood meeting on 12/22/2023 at 7:00pm
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.

  
\_\_\_\_\_  
Affiant

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

My commission expires \_\_\_\_\_ of \_\_\_\_\_, 200  .

SEE Attached  
\_\_\_\_\_  
Notary Public



**CALIFORNIA ACKNOWLEDGMENT**

CIVIL CODE § 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California  
 County of Sacramento  
 On 12/22/2023 before me, Shelly Cox, Notary Public  
Date Here Insert Name and Title of the Officer  
 personally appeared Mark Carnesecca  
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.



I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Place Notary Seal and/or Stamp Above

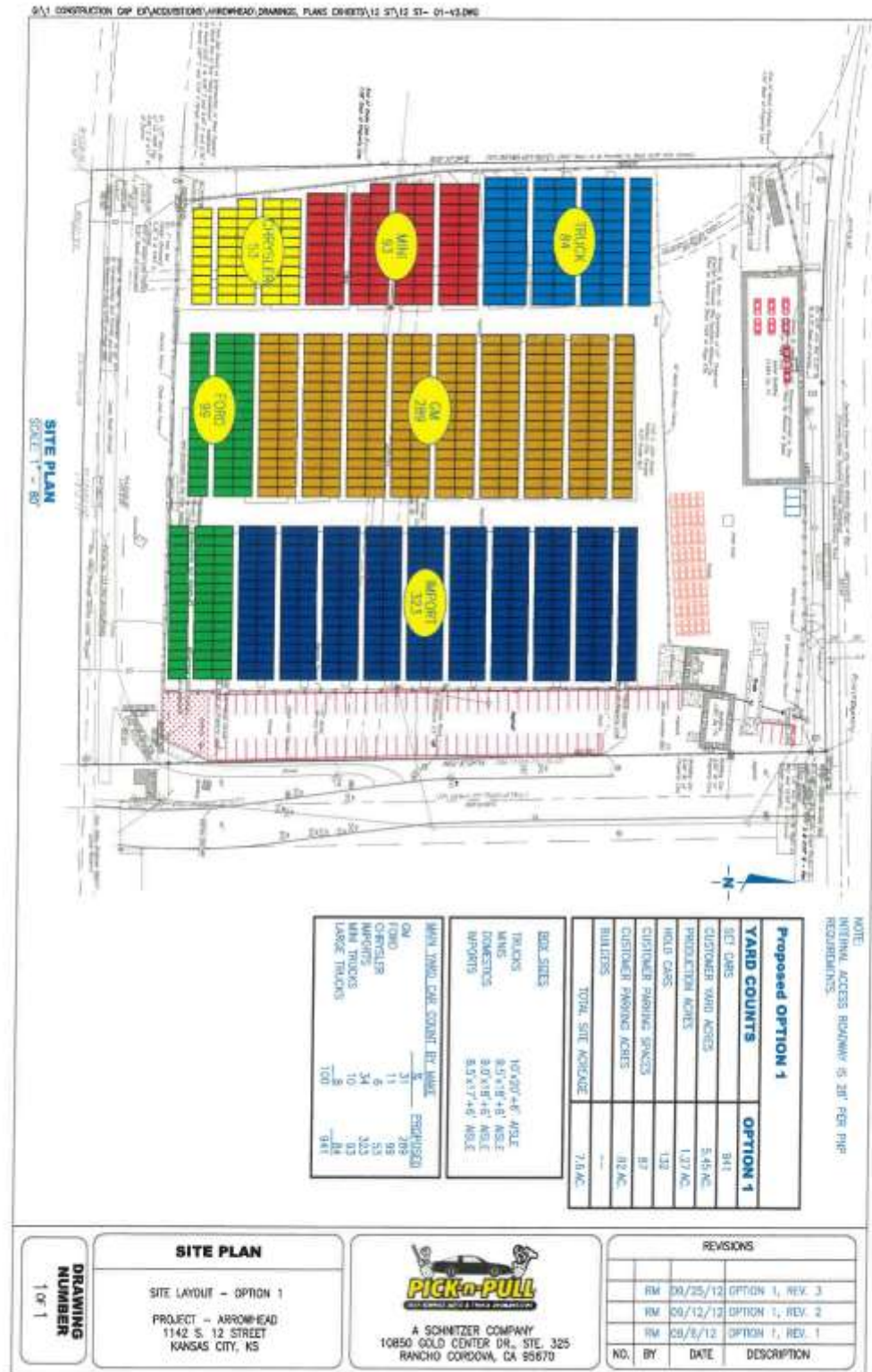
Signature Shelly Cox  
Signature of Notary Public

**OPTIONAL**

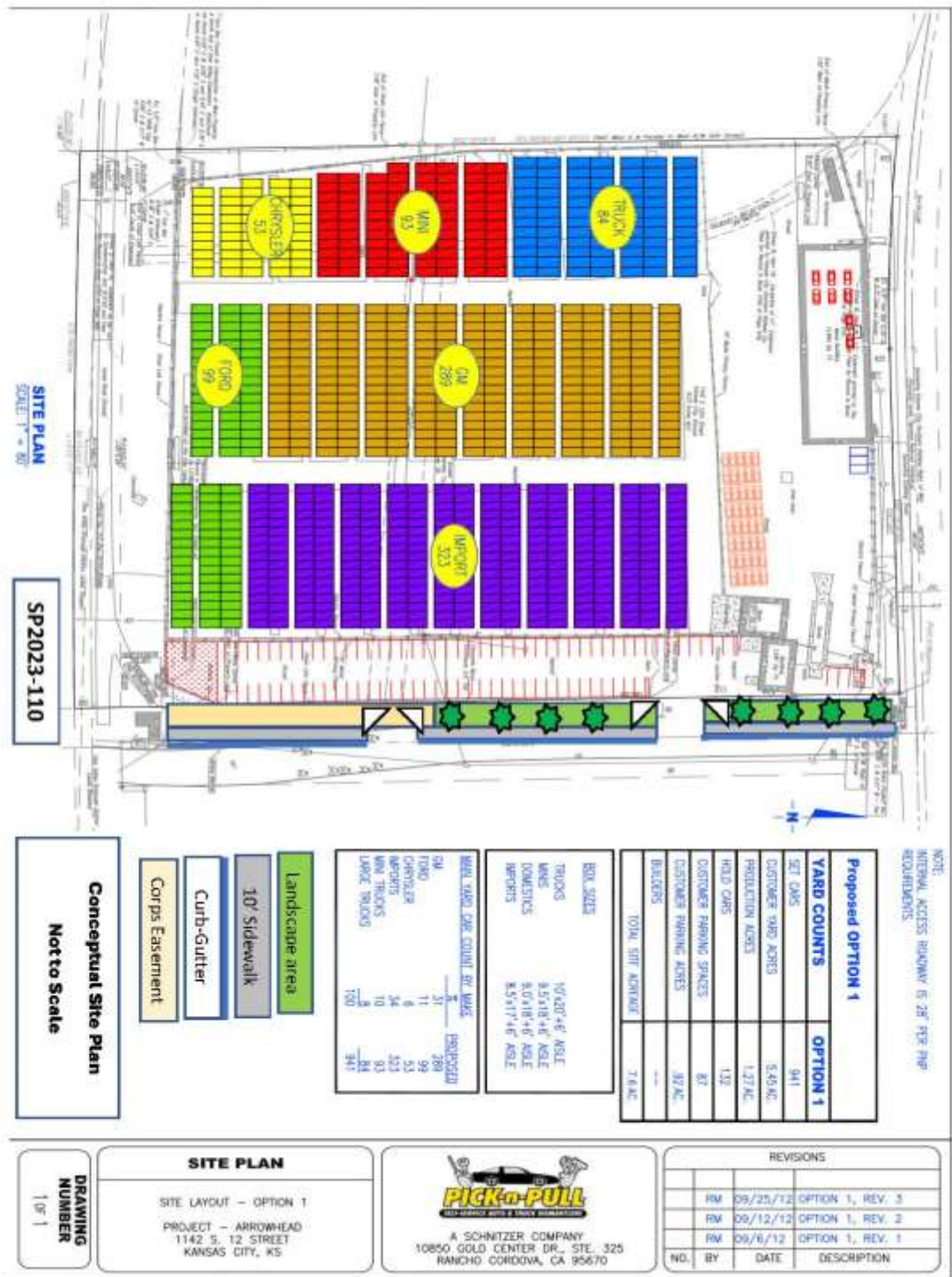
Completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

**Description of Attached Document** Kansas - Affidavit of  
 Title or Type of Document: Neighborhood Meeting  
 Document Date: None Number of Pages: 1  
 Signer(s) Other Than Named Above: N/A  
**Capacity(ies) Claimed by Signer(s)**  
 Signer's Name: Mark Carnesecca Signer's Name: \_\_\_\_\_  
☒ Corporate Officer - Title(s): V.P. ☐ Corporate Officer - Title(s): \_\_\_\_\_  
☐ Partner - ☐ Limited ☐ General ☐ Partner - ☐ Limited ☐ General  
☐ Individual ☐ Attorney in Fact ☐ Individual ☐ Attorney in Fact  
☐ Trustee ☐ Guardian or Conservator ☐ Trustee ☐ Guardian or Conservator  
☐ Other: \_\_\_\_\_ ☐ Other: \_\_\_\_\_  
 Signer is Representing: PICK-N-PULL Signer is Representing: \_\_\_\_\_

# CURRENT SITE PLAN



CONCEPTUAL SITE AND LANDSCAPE PLAN





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**SITE PHOTOS, PROVIDED BY THE APPLICANT**

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**SITE PHOTOS, TAKEN BY STAFF, DATED DECEMBER 8, 2023**

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## Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

**To:** Unified Government Board of Commissioners

**From:** Planning and Urban Design Staff

**Date:** April 25, 2024

**Re:** Special Use Petition SP2024-006

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### GENERAL INFORMATION

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**Applicant:**  
Attif Abbas

**Status of Applicant:**  
Representative  
Zayn Commercial, LLC  
8537 State Avenue  
Kansas City, Kansas 66112

**Requested Action:**  
Renewal of a Special Use Permit

**Date of Application:**  
February 5, 2024

**Purpose:**  
Special Use Permit for a liquor store.

**Property Location:**  
8537 State Avenue  
Kansas City, Kansas 66112

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



|                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|----------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Existing Zoning:</b>                | C-1 Limited Business District                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <b>Adjacent Zoning:</b>                | <b>North:</b> C-1 Limited Business and CP-1<br>Planned Limited Business District<br><b>South:</b> R-1 Single Family District<br><b>East:</b> R-1 Single Family and C-1 Limited<br>Business District<br><b>West:</b> C-1 Limited Business District                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <b>Adjacent Uses:</b>                  | <b>North:</b> Vacant, undeveloped lot<br><b>South:</b> Vacant, undeveloped lot<br><b>East:</b> Vacant, wooded lot<br><b>West:</b> Commercial building                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <b>Total Tract Size:</b>               | 0.77 Acre                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <b>Area Plan:</b>                      | PlanKCK Comprehensive Plan                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <b>Comprehensive Plan Designation:</b> | The PlanKCK Comprehensive Plan designates this property as Corridor Mixed-Use, which allows land for medium scale, up to five (5) story buildings that integrate complimentary land uses such as retail, office, small businesses and residential. Access to residential uses and their facilities is allowed at street level. These areas should be designed to support multi-modal connectivity with wide sidewalks and street trees. Buildings should be built up to the street for a consistent street frontage and transition to abutting residential uses. Live/work units with commercial/retail on the street level and residential above are allowed if the work units on the first floor contribute to the commercial/retail nature of the block. |
| <b>Major Street Plan:</b>              | The goDotte Countywide Strategic Mobility Plan classifies State Avenue as a Class A Thoroughfare.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <b>Parking Requirement:</b>            | 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. The applicant must provide a parking plan to determine if the parking requirement is met.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <b>Advertisement:</b>                  | <u>The Wyandotte Echo</u> – March 14, 2024<br>Letters to Property Owners – March 15, 2024                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |

|                           |                                  |
|---------------------------|----------------------------------|
| <b>Public Hearings:</b>   | April 8, 2024 and April 25, 2024 |
| <b>Public Support:</b>    | None to date.                    |
| <b>Public Opposition:</b> | None to date.                    |

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## **PROPOSAL**

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Detailed Outline of Requested Action: The applicant, Attif Abbas with Zayn Commercial, LLC, is requesting the renewal of a Special Use Permit for the sale of liquor at a convenience store and gas station.

City Ordinance Requirements: 27-592 through 27-606

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## **RELATED ENFORCEMENT AND ACTION ITEMS**

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

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

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

1. There were three (3) notices of violations for excessive weeds and grass in 2019 through 2020.

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

1. 2022 – DRC22-0070 – New Non-residential building.
2. 2021 – SP2021-034 – Special Use Permit.

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## **FACTORS TO BE CONSIDERED**

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

The subject property is within the Victory Hills Statistical Neighborhood and within the Stony Point/Hunters Glen Neighborhood Group. The property is located along State Avenue, a Class A Thoroughfare. The neighborhood is just east of the Legends/Speedway Area; the properties along State Avenue are predominately low intensity uses with large vacant lots. The surrounding neighborhoods are primarily single-family residential neighborhoods.

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

Nearby uses to the north, south, and west are all commercial. The use to the east and south is zoned residential, but the properties are vacant. There are residential properties further south and southeast of the subject property, but

these residential properties are separated from the subject property by at least one (1) parcel.

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

A convenience store is a common commercial type to sell alcoholic beverages. Although the subject property is not adjacent to any residences, it is in close proximity to several residential properties.

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

The property is currently a gas station and convenience store.

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

Special Use Permits are not addressed in the PlanKCK Comprehensive Plan. According to the PlanKCK Comprehensive Plan, the Mixed-Use land use designation should be located at major arterial intersections and integrate complimentary uses of retail, offices, small businesses, and mixed-use residential. Specialty retail is encouraged, and auto-centric businesses are discouraged. The liquor store portion of the property is not necessarily auto centric, but the site design of the store building and the gas pumps visually indicate that the expected customer base will arrive in private vehicles, not on foot, bike, or public transportation. The proposed use is not explicitly encouraged by its respective land use designation in the PlanKCK Comprehensive Plan, and it will join several uses that already do not conform to the vision and principles established by the Mixed-Use designation. In summary, the proposed use shows little conformance to PlanKCK.

**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 continued use of the property as a convenience and liquor store would not necessarily result in increasing the vehicular traffic to the point that it exceeds the capacity of the surrounding street network. The property is located on the corner of State Avenue, a Class A Thoroughfare, and North 86<sup>th</sup> Street, a Class C Thoroughfare. North 86<sup>th</sup> Street is also classified as a priority sidewalk segment. The subject property currently has sidewalks along the State Avenue frontage, but the sidewalks do not extend down North 86<sup>th</sup> 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.***

A liquor store is not reasonably necessary for the convenience and welfare of the public. In the past, other liquor stores have faced opposition from residential neighbors who have claimed that adding a liquor store use will substantially or



permanently injure the appropriate use, visual quality, or marketability of their adjoining properties.

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

While there is already some noise and vibration from vehicles that is normally associated with a gas station, the addition of a liquor store has not increased these conditions. Noise from customers and additional illumination from parked cars, however, could increase. Therefore, measures such as landscape and other screening of parking spaces are required in order to mitigate the noise and lights that may reach other properties, especially residential properties.

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

There are several pollution-related issues with a gas station, but no additional pollution-related issues for liquor sales use being added to a pre-existing gas station and convenience store.

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

There are no irreplaceable natural resources that would be damaged by the proposed uses in a pre-existing building in a built-out commercial area with no proposed expansion of the building's footprint. There is a stand of trees and a creek in the rear yard of the property. If the applicant is proposing to expand the footprint of the building, then staff will have to review the increased impermeable surface area and make a revised assessment.

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

A liquor store is not reasonably necessary for the convenience and welfare of the public because there is little relative gain to the public health, safety, and welfare when compared to the hardships that may be imposed on the nearby individual landowner or landowners. The applicant must continue to work with nearby residents in order to create goodwill between the parties and form a working relationship that will allow for the continued use of a liquor store to operate while still preserving the quiet enjoyment of the residential property owners.

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

The previous site plan that was submitted with the SP2021-034 staff report has not been constructed or otherwise initiated, therefore the number of parking spaces and the use of land and the concentration of employees and customers has remained largely the same.

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## PREVIOUS ACTIONS

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- Approval of a Special Use Permit to operate a liquor store for two (2) years in 2021 (SP2021-034).

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## NEIGHBORHOOD MEETING

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The applicant held a neighborhood meeting in-person at 8535-8537 State Avenue, Kansas City, Kansas 66112 on March 25, 2024. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

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## KEY ISSUES

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Conditions of Approval  
Lighting and Noise  
Commercial Development Guidelines Overlay District  
Landscaping and Screening  
Mixed-Use Design Guidelines  
Parking  
Pedestrian Access  
Sidewalks

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## PLANNING COMMISSION RECOMMENDATION

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The Planning Commission voted 9 to 0 to recommend **APPROVAL** of Special Use Permit Application SP2024-006, **for one (1) year**, subject to:

1. **The approval of this Special Use Permit would need to meet the conditions below in addition to the conditions outlined in the first Special Use Permit application filed for this property, SP2021-34:**
  - a. **The applicant has not met all landscaping requirements. The applicant must submit a revised landscaping plan by September 22, 2021 that addresses the following:**
    - i. **Per Section 27-464(g), a reasonable amount of landscaping is required on all projects in this district, with emphasis being placed on screening or otherwise softening the visual impact of parking or unsightly areas. Such features shall be depicted on a properly prepared plan. Six (6)-foot high architectural or landscape screening is to be provided along all side and rear property lines common to or across an alley from residentially zoned property;**
    - ii. **Per Section 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;**
    - iii. **Per Section 27-577(c):**

1. The choices, placement, and scale of plants should relate to the architectural and site design of the project. Plantings should be used to screen, accent focal points and entries, to contrast with or reinforce building design, to break up expanses of paving or wall, to define on-site circulation, to provide seasonal interest, and to provide shade;
2. Landscape and streetscape design should be used to enhance the frontage of primary roadways;
- iv. Per Section 27-577(c)(4), landscape areas located between commercial districts and residential districts must provide 100 percent sight-obscuring year-round buffer using plant material or a combination of fence, berm and plant material;
- v. Per Section 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;
  2. Landscaping should breakdown in scale and increase in detail, color, and variety to mark entryways into developments;
- vi. Per the Mixed-Use Design Guidelines in the City-Wide Master Plan, all parking areas and service entries must be screened. Provide a site plan that demonstrates satisfactory landscaping of all parking and service areas;
- vii. Per the Mixed-Use Design Guidelines in the City-Wide Master Plan, trees are required in the public right-of-way along streets, at a minimum of one (1) shade tree every forty (40) feet. Two (2) additional trees need to be demonstrated in a revised landscape plan;
- viii. Per section 27-577(a)(5), landscaping shall exceed the typical code requirements by at least 75 percent. The subject parcel is 0.77 acre, or approximately 33,541 square feet.  $(33,541/7,000)*1.75 = 8.4$ ; therefore, the applicant must submit a landscape plan that demonstrates at least nine (9) trees on the property, not including any tree required by parking lot standards;
- b. Per the Commercial Development Guidelines Overlay District, the following regulations must be either met or a deviation from such regulations must be approved by the City Planning Commission:
  - i. Per Section 27-575(d)(9), there shall be pedestrian circulation from the perimeter of the site to the principal customer entrance to all buildings;
  - ii. Per Section 27-575(d)(10), sidewalks in front of buildings must be designed to accommodate pedestrian activity both for that use and for movement between uses;

- iii. Per Section 27-575(d)(11), internal pedestrian walkways within parking lot or drive area must be distinguished from other surfaces;
- iv. Per Section 27-575(d)(12), pedestrian connections must be clearly defined in a combination of two (2) or more of the following ways: six (6)-inch vertical curb, trellis, special railing, special paving, low seat wall or other architectural features, pedestrian scale lighting, traffic calming devices;
- v. 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. An additional parking required should be located on the sides, or preferably in the rear of the convenience store building;
- vi. Per Section 27-575(e)(2), pedestrian walkways through the parking area to building entrances should be clearly marked;
- vii. Per Section 27-575(e)(3), 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;
- viii. Per Section 27-575(e)(4), parking must be screened from adjacent streets by walls, shrubs, trees, or other design elements;
- ix. Per Section 27-575(f)(1), 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;
- x. Per Section 27-575(f)(5), entrances should be easily identifiable as primary points of access to buildings;
- xi. Per Section 27-575(g)(1), masonry screen walls are required to provide 100 percent opaque screening to public views of loading and service areas from other properties or public streets;
- xii. Per Section 27-575(g)(2), service areas and docking facilities should be located to the side or rear of the building away from public streets and main circulation and drives when possible;
- xiii. Per Section 27-575(g)(3), 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;
- c. Alcoholic liquor, CMB, non-alcoholic malt beverage, and any other goods or services may be sold in a retail liquor store. Lottery tickets and cigarette and tobacco products with proper licensure may be sold in a retail liquor store. Sales of other goods and services must not exceed 20% of total gross sales. The 20% excludes lottery, CMB and cigarette and tobacco product sales;
- d. There appears to be a collection bin on the property. Per Section 27-612(7), collection facilities are permitted for clothing or recycling provided:

- i. The facilities are located at within 20 feet of the rear property line, or as far from a public street as the site design will allow;
  - ii. Does not create a significant lack of parking;
  - iii. Dumpster style recycling facilities must be screened on three sides;
  - iv. Overflow dumping around the facility is not allowed;
  - v. Facilities must remain neatly painted. Facilities that are damaged, rusty or significantly faded paint are not permitted;
- e. The subject property is adjacent to a residentially zoned property to the east. The entire eastern boundary of the subject property that is adjacent to the residentially zoned property must be completely screened by planted or existing trees;
- f. In order to reduce the impact, the proposed development will have on the surrounding environment and nature of the land, all existing trees must remain, except for those trees that the applicant has explicitly marked on submitted documents to be removed;
- g. Applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
- h. The following sign regulations from the Mixed-Use Design Guidelines in the City-Wide Master Plan must be met as the applicant applies for sign permits:
  - i. Per the Mixed-Use Design Guidelines of the City-Wide Master Plan, commercial uses shall be permitted one (1) wall sign and one (1) monument sign;
  - ii. Freestanding pole/pylon signs are not permitted;
  - iii. 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;
  - iv. 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;
- i. The subject property is not in compliance with the Sign Code. The applicant must submit a sign plan demonstrating compliance with Sections 27-720 through 27-739 of the Code of Ordinances;
- j. 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;



- k. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations; and,
  - l. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Urban Planning and Land Use Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper;
2. Alcoholic liquor, CMB, non-alcoholic malt beverage, and any other goods or services may be sold in a retail liquor store. Lottery tickets and cigarette and tobacco products with proper licensure may be sold in a retail liquor store. Sales of other goods and services must not exceed 20% of total gross sales. The 20% excludes lottery, CMB and cigarette and tobacco product sales. If sales of other goods and services from a licensed retailer premise exceeds 20% of total gross sales, all sales of other goods and services exceeding 20% will have to be made from a separate, unlicensed premises. If each premise does not have a separate outside entrance, a vestibule is required;
3. A person licensed to sell at retail alcoholic liquor in the original package may do so on any day of the week, including Sunday, and on holidays. No person shall sell at retail alcoholic liquor in the original package: On Sunday earlier than 9:00 AM or later than 8:00 PM; on Easter Sunday, Thanksgiving Day, or Christmas Day; or before 9:00 AM or after 11:00 PM on any day when such sale is permitted;
4. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or [signpermits@wycokck.org](mailto:signpermits@wycokck.org) to begin this process;
5. All exterior lighting, whether mounted on a building or within a parking lot must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street. This includes LED lighting that frame exterior window panes;
6. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by [buildinginspection@wycokck.org](mailto:buildinginspection@wycokck.org) to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;

7. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
8. 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;
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 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. 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 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;
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.

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## STAFF COMMENTS AND SUGGESTIONS

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Staff concurs with the recommendation of the City Planning Commission.

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## STAFF RECOMMENDATION

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Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **SP2024-006** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

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## ATTACHMENTS

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April 8, 2024 City Planning Commission Minutes  
Aerial Imagery  
Zoning Map  
Land Use Map  
SP2021-034 Conditions of Approval  
Planning Engineering Comments  
Neighborhood Meeting Documents  
Site Photos- Taken by Staff, Dated March 8, 2024

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## REVIEW OF INFORMATION AND SCHEDULE

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|                |                          |                                           |
|----------------|--------------------------|-------------------------------------------|
| Action         | City Planning Commission | Unified Government Board of Commissioners |
| Public Hearing | April 8, 2024            | April 25, 2024                            |
| Special Use    | Approval                 |                                           |

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### STAFF CONTACT:

Kiley Meierarend  
[kmeierarend@wycokck.org](mailto:kmeierarend@wycokck.org)

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## MOTIONS

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I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2024-006** 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 **SP2024-006** 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.

### April 8, 2024, City Planning Commission Minutes:

**SPECIAL USE PERMIT APPLICATION SP2024-006 – ATTIF ABBAS – SYNOPSIS:**  
Renewal of a Special Use Permit (SP2021-034) to operate a liquor store at 8537 State Avenue. Detailed Outline of Requested Action: The applicant, Attif Abbas with Zayn Commercial, LLC, is requesting the renewal of a Special Use Permit for the sale of liquor at a convenience store and gas station.

The items I have just read are on the Consent Agenda. At this time, does any member of the Commission wish to disclose any contact on any of the items? (No one responded in the affirmative).

Please include the following items as part of the record for all of the Items on the Consent Agenda:

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

4. The staff report and attachments dated April 8, 2024;
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 publications in The Echo for the Special Use Permits; and,
7. The notices to property owners.

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

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

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

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

Motion to **APPROVE** Passed: 9 to 0  
Subject to:

1. **The approval of this Special Use Permit would need to meet the conditions below in addition to the conditions outlined in the first Special Use Permit application filed for this property, SP2021-34:**
  - a. **The applicant has not met all landscaping requirements. The applicant must submit a revised landscaping plan by September 22, 2021 that addresses the following:**
    - i. **Per Section 27-464(g), a reasonable amount of landscaping is required on all projects in this district, with emphasis being placed on screening or otherwise softening the visual impact of parking or unsightly areas. Such features shall be depicted on a properly prepared plan. Six (6)-foot high architectural or landscape screening is to be provided along all side and rear property lines common to or across an alley from residentially zoned property;**
    - ii. **Per Section 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;**
    - iii. **Per Section 27-577(c):**
      1. **The choices, placement, and scale of plants should relate to the architectural and site design of the project.**



- Plantings should be used to screen, accent focal points and entries, to contrast with or reinforce building design, to break up expanses of paving or wall, to define on-site circulation, to provide seasonal interest, and to provide shade;
2. Landscape and streetscape design should be used to enhance the frontage of primary roadways;
- iv. Per Section 27-577(c)(4), landscape areas located between commercial districts and residential districts must provide 100 percent sight-obscuring year-round buffer using plant material or a combination of fence, berm and plant material;
  - v. Per Section 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;
    2. Landscaping should breakdown in scale and increase in detail, color, and variety to mark entryways into developments;
  - vi. Per the Mixed-Use Design Guidelines in the City-Wide Master Plan, all parking areas and service entries must be screened. Provide a site plan that demonstrates satisfactory landscaping of all parking and service areas;
  - vii. Per the Mixed-Use Design Guidelines in the City-Wide Master Plan, trees are required in the public right-of-way along streets, at a minimum of one (1) shade tree every forty (40) feet. Two (2) additional trees need to be demonstrated in a revised landscape plan;
  - viii. Per section 27-577(a)(5), landscaping shall exceed the typical code requirements by at least 75 percent. The subject parcel is 0.77 acre, or approximately 33,541 square feet.  $(33,541/7,000)*1.75 = 8.4$ ; therefore, the applicant must submit a landscape plan that demonstrates at least nine (9) trees on the property, not including any tree required by parking lot standards;
  - b. Per the Commercial Development Guidelines Overlay District, the following regulations must be either met or a deviation from such regulations must be approved by the City Planning Commission:
    - i. Per Section 27-575(d)(9), there shall be pedestrian circulation from the perimeter of the site to the principal customer entrance to all buildings;
    - ii. Per Section 27-575(d)(10), sidewalks in front of buildings must be designed to accommodate pedestrian activity both for that use and for movement between uses;
    - iii. Per Section 27-575(d)(11), internal pedestrian walkways within parking lot or drive area must be distinguished from other surfaces;

- iv. Per Section 27-575(d)(12), pedestrian connections must be clearly defined in a combination of two (2) or more of the following ways: six (6)-inch vertical curb, trellis, special railing, special paving, low seat wall or other architectural features, pedestrian scale lighting, traffic calming devices;
- v. 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. An additional parking required should be located on the sides, or preferably in the rear of the convenience store building;
- vi. Per Section 27-575(e)(2), pedestrian walkways through the parking area to building entrances should be clearly marked;
- vii. Per Section 27-575(e)(3), 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;
- viii. Per Section 27-575(e)(4), parking must be screened from adjacent streets by walls, shrubs, trees, or other design elements;
- ix. Per Section 27-575(f)(1), 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;
- x. Per Section 27-575(f)(5), entrances should be easily identifiable as primary points of access to buildings;
- xi. Per Section 27-575(g)(1), masonry screen walls are required to provide 100 percent opaque screening to public views of loading and service areas from other properties or public streets;
- xii. Per Section 27-575(g)(2), service areas and docking facilities should be located to the side or rear of the building away from public streets and main circulation and drives when possible;
- xiii. Per Section 27-575(g)(3), 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;
- c. Alcoholic liquor, CMB, non-alcoholic malt beverage, and any other goods or services may be sold in a retail liquor store. Lottery tickets and cigarette and tobacco products with proper licensure may be sold in a retail liquor store. Sales of other goods and services must not exceed 20% of total gross sales. The 20% excludes lottery, CMB and cigarette and tobacco product sales;
- d. There appears to be a collection bin on the property. Per Section 27-612(7), collection facilities are permitted for clothing or recycling provided:
  - i. The facilities are located at within 20 feet of the rear property line, or as far from a public street as the site design will allow;
  - ii. Does not create a significant lack of parking;

- iii. Dumpster style recycling facilities must be screened on three sides;
  - iv. Overflow dumping around the facility is not allowed;
  - v. Facilities must remain neatly painted. Facilities that are damaged, rusty or significantly faded paint are not permitted;
- e. The subject property is adjacent to a residentially zoned property to the east. The entire eastern boundary of the subject property that is adjacent to the residentially zoned property must be completely screened by planted or existing trees;
- f. In order to reduce the impact, the proposed development will have on the surrounding environment and nature of the land, all existing trees must remain, except for those trees that the applicant has explicitly marked on submitted documents to be removed;
- g. Applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
- h. The following sign regulations from the Mixed-Use Design Guidelines in the City-Wide Master Plan must be met as the applicant applies for sign permits:
  - i. Per the Mixed-Use Design Guidelines of the City-Wide Master Plan, commercial uses shall be permitted one (1) wall sign and one (1) monument sign;
  - ii. Freestanding pole/pylon signs are not permitted;
  - iii. 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;
  - iv. 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;
- i. The subject property is not in compliance with the Sign Code. The applicant must submit a sign plan demonstrating compliance with Sections 27-720 through 27-739 of the Code of Ordinances;
- j. 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;
- k. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is

compliant with all ordinances, conditions and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations; and,

- I. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Urban Planning and Land Use Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper;
2. Alcoholic liquor, CMB, non-alcoholic malt beverage, and any other goods or services may be sold in a retail liquor store. Lottery tickets and cigarette and tobacco products with proper licensure may be sold in a retail liquor store. Sales of other goods and services must not exceed 20% of total gross sales. The 20% excludes lottery, CMB and cigarette and tobacco product sales. If sales of other goods and services from a licensed retailer premise exceeds 20% of total gross sales, all sales of other goods and services exceeding 20% will have to be made from a separate, unlicensed premises. If each premise does not have a separate outside entrance, a vestibule is required;
3. A person licensed to sell at retail alcoholic liquor in the original package may do so on any day of the week, including Sunday, and on holidays. No person shall sell at retail alcoholic liquor in the original package: On Sunday earlier than 9:00 AM or later than 8:00 PM; on Easter Sunday, Thanksgiving Day, or Christmas Day; or before 9:00 AM or after 11:00 PM on any day when such sale is permitted;
4. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or [signpermits@wycokck.org](mailto:signpermits@wycokck.org) to begin this process;
5. All exterior lighting, whether mounted on a building or within a parking lot must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street. This includes LED lighting that frame exterior window panes;
6. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by [buildinginspection@wycokck.org](mailto:buildinginspection@wycokck.org) to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
7. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;

8. 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;
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 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. 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 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;
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.

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## ATTACHMENTS

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### AERIAL IMAGERY

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### ZONING MAP

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## LAND USE MAP



- 1) The applicant has not met all landscaping requirements. The applicant must submit a revised landscaping plan by September 22, 2021 that addresses the following:
  - a. Per Section 27-464(g), a reasonable amount of landscaping is required on all projects in this district, with emphasis being placed on screening or otherwise softening the visual impact of parking or unsightly areas. Such features shall be depicted on a properly prepared plan. Six (6)-foot high architectural or landscape screening is to be provided along all side and rear property lines common to or across an alley from residentially zoned property.
  - b. Per Section 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.
  - c. Per Section 27-577(c):
    - i. The choices, placement, and scale of plants should relate to the architectural and site design of the project. Plantings should be used to screen, accent focal points and entries, to contrast with or reinforce building design, to break up expanses of paving or wall, to define on-site circulation, to provide seasonal interest, and to provide shade.
    - ii. Landscape and streetscape design should be used to enhance the frontage of primary roadways.
  - d. Per Section 27-577(c)(4), landscape areas located between commercial districts and residential districts must provide 100 percent sight-obscuring year-round buffer using plant material or a combination of fence, berm and plant material.
  - e. Per Section 27-577(d):
    - i. 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.
    - ii. Landscaping should breakdown in scale and increase in detail, color, and variety to mark entryways into developments.
  - f. Per the Mixed-Use Design Guidelines in the City-Wide Master Plan, all parking areas and service entries must be screened. Provide a site plan that demonstrates satisfactory landscaping of all parking and service areas.
  - g. Per the Mixed-Use Design Guidelines in the City-Wide Master Plan, trees are required in the public right-of-way along streets, at a minimum of one (1) shade tree every forty (40) feet. Two (2) additional trees need to be demonstrated in a revised landscape plan;
  - h. Per section 27-577(a)(5), landscaping shall exceed the typical code requirements by at least 75 percent. The subject parcel is 0.77 acre,

- i. or approximately 33,541 square feet.  $(33,541/7,000)*1.75 = 8.4$ ; therefore, the applicant must submit a landscape plan that demonstrates at least nine (9) trees on the property, not including any tree required by parking lot standards;
- 2) Per the Commercial Development Guidelines Overlay District, the following regulations must be either met or a deviation from such regulations must be approved by the City Planning Commission:
  - a. Per Section 27-575(d)(9), there shall be pedestrian circulation from the perimeter of the site to the principal customer entrance to all buildings;
  - a. Per Section 27-575(d)(10), sidewalks in front of buildings must be designed to accommodate pedestrian activity both for that use and for movement between uses;
  - b. Per Section 27-575(d)(11), internal pedestrian walkways within parking lot or drive area must be distinguished from other surfaces;
  - c. Per Section 27-575(d)(12), pedestrian connections must be clearly defined in a combination of two (2) or more of the following ways: six (6)-inch vertical curb, trellis, special railing, special paving, low seat wall or other architectural features, pedestrian scale lighting, traffic calming devices;
  - 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. An additional parking required should be located on the sides, or preferably in the rear of the convenience store building;
  - b. Per Section 27-575(e)(2), pedestrian walkways through the parking area to building entrances should be clearly marked;
  - c. Per Section 27-575(e)(3), 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;
  - d. Per Section 27-575(e)(4), parking must be screened from adjacent streets by walls, shrubs, trees, or other design elements;
  - e. Per Section 27-575(f)(1), 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;
  - d. Per Section 27-575(f)(5), entrances should be easily identifiable as primary points of access to buildings;
  - e. Per Section 27-575(g)(1), masonry screen walls are required to provide 100 percent opaque screening to public views of loading and service areas from other properties or public streets;
  - f. Per Section 27-575(g)(2), service areas and docking facilities should be located to the side or rear of the building away from public streets and main circulation and drives when possible;
  - g. Per Section 27-575(g)(3), all trash receptacles shall be enclosed with a screening wall or fence constructed of the same materials as the



- h. 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
  - i. streets or adjacent land uses. All screening materials must be well maintained at all times;
- 3) Alcoholic liquor, CMB, non-alcoholic malt beverage, and any other goods or services may be sold in a retail liquor store. Lottery tickets and cigarette and tobacco products with proper licensure may be sold in a retail liquor store. Sales of other goods and services must not exceed 20% of total gross sales. The 20% excludes lottery, CMB and cigarette and tobacco product sales.
- 4) There appears to be a collection bin on the property. Per Section 27-612(7), collection facilities are permitted for clothing or recycling provided:
  - a. The facilities are located within 20 feet of the rear property line, or as far from a public street as the site design will allow.
  - b. Does not create a significant lack of parking.
  - c. Dumpster style recycling facilities must be screened on three sides.
  - d. Overflow dumping around the facility is not allowed.
  - e. Facilities must remain neatly painted. Facilities that are damaged, rusty or significantly faded paint are not permitted.
- 5) The subject property is adjacent to a residentially zoned property to the east. The entire eastern boundary of the subject property that is adjacent to the residentially zoned property must be completely screened by planted or existing trees;
- 6) In order to reduce the impact, the proposed development will have on the surrounding environment and nature of the land, all existing trees must remain, except for those trees that the applicant has explicitly marked on submitted documents to be removed;
- 7) Applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
- 8) The following sign regulations from the Mixed-Use Design Guidelines in the City-Wide Master Plan must be met as the applicant applies for sign permits:
  - a. Per the Mixed-Use Design Guidelines of the City-Wide Master Plan, commercial uses shall be permitted one (1) wall sign and one (1) monument sign;
  - b. Freestanding pole/pylon signs are not permitted;
  - c. 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;

- d. 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;**
- 9) The subject property is not in compliance with the Sign Code. The applicant must submit a sign plan demonstrating compliance with Sections 27-720 through 27-739 of the Code of Ordinances;**
- 10) 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;**
- 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; and,**
- 12) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Urban Planning and Land Use Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.**



## Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

### Memorandum

TO: Kiley Meierarend  
Planner

FROM: Travis Trumble  
Project Engineer

DATE: March 15, 2024

SUBJECT: Attif Abbas – (SP2024-006)  
8537 State Avenue  
General Engineering Review No. 1 (of the application received 1/26/2024)

Prior to engineering approval on the above-named project, the construction drawings must be revised to address the following comments from the Engineering Division of the Planning and Urban Design Department. These comments refer to General Engineering design standards and requirements of the Unified Government that were not met in this submittal. Planning comments may require additional resubmittals. Reference the Electronic Document Review (EDR) guidelines for submittal requirements; [www.wycokck.org/Planning](http://www.wycokck.org/Planning). Your paperless plan submittal shall also include a detailed cover letter with the next submittal that explains how each of the following comments has been addressed. Subsequent review of the plans will not proceed until such letter is received.

- 1) Is there a proposed site improvement e.g., maintenance of the sidewalk, mill and overlay of the parking area? If repair work is going to be done, erosion control plans may be required.
- 2) Please coordinate with Kiley Meierarend, [kmeierarend@wycokck.org](mailto:kmeierarend@wycokck.org), for additional Urban Planning and Zoning requirements and comments.
- 3) Construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition.

Reviewer: **Travis Trumble**  
Travis Trumble, Project Engineer

Digitally signed by Travis Trumble  
DN: cn=Travis Trumble, o=Unified Government of Wyandotte  
County and KCK, ou=Urban Planning and Land Use,  
email=trumble@wycokck.org, c=US  
Date: 2024.03.15 16:30:45 -05'00'

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**NEIGHBORHOOD MEETING MATERIALS**

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Date: 03/26/2024

Attif Abbas  
8535-8537 State Ave  
Kansas City, Ks 66112

**SUBJECT: Neighborhood Meeting**

I/We have filed an application with the Department of Urban Planning and Land Use #SP2024-006. The purpose of this: special use permit is for a \_Liquor Store at the following address: 8585-8537 State Ave Kansas City, Ks 66112 .

I/We am having a neighborhood meeting on March 25,2024 at 1p.m. at the following address 8535-8537 State Ave Kansas City, Ks 66112 .

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

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

Sincerely,



Attif Abbas  
(773)962-1948  
8535-8537 State Ave  
Kansas City, Ks 66112

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## NEIGHBORHOOD MEETING MATERIALS

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Application Number SP2024-006

Date and Location: March 25,2024 8535-8537 State Ave Kansas City, Ks  
66112

Meeting called to order at: 1pm

Names of people in attendance:0

Meeting was started at exactly 1pm. No one showed up waited  
until 2pm.

Meeting adjourned at: 2pm

Minutes taken by: Attif Abbas



**AFFIDAVIT – NEIGHBORHOOD MEETING**

STATE OF )  
 ) SS:  
COUNTY OF )

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

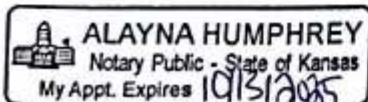
1. That I am the petitioner for Petition # SP 2024-006
2. That I conducted a neighborhood meeting on 3-25-24
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Planning + Urban Design Department.

Further affiant saith not.

Attie Abbas  
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 26 day of March, 200-2024

My commission expires 13 of October, 200-2024



Alayna Humphrey  
Notary Public















## Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

701 N 7<sup>th</sup> Street, Suite 423  
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Phone: (913) 573-5750  
Fax: (913) 573-5796  
Email: [planninginfo@wycokck.org](mailto:planninginfo@wycokck.org)

**To:** Unified Government Board of Commissioners

**From:** Planning and Urban Design Staff

**Date:** April 25, 2024

**Re:** Special Use Petition SP2024-007

### GENERAL INFORMATION

**Applicant:** Samia Guess

**Status of Applicant:**

Property Owner  
6106 Isabel Street  
Kansas City, KS 66102

**Requested Action:**

Renewal of a Short-Term Rental  
Special Use Permit.

**Date of Application:**

February 22, 2024

**Purpose:**

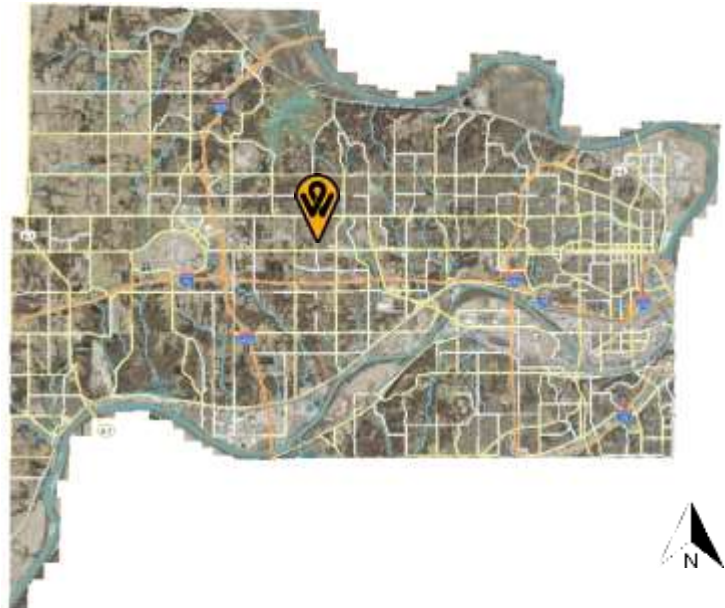
To operate a Special Use Permit  
for a Short-Term Rental (expired  
December 8, 2023). This is not the  
applicant's primary residence.

**Property Location:**

2023 North 85<sup>th</sup> Street  
Kansas City, KS 66109

**Commission Districts:**

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



|                                        |                                                                                                                                                                                                                                     |
|----------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Existing Zoning:</b>                | R-1 Single Family District                                                                                                                                                                                                          |
| <b>Adjacent Zoning:</b>                | <b>North:</b> R-1 Single-Family District<br><b>South:</b> R-1 Single-Family and RP-5 Apartment District<br><b>East:</b> RP-2 Two-Family and R-3 Townhouse District<br><b>West:</b> R-1 Single-Family District                       |
| <b>Adjacent Uses:</b>                  | <b>North:</b> Single-family residence<br><b>South:</b> Single-family residence<br><b>East:</b> Two-family residence<br><b>West:</b> Single-family residence                                                                         |
| <b>Total Tract Size:</b>               | 0.572 Acre                                                                                                                                                                                                                          |
| <b>Area Plan:</b>                      | PlanKCK Comprehensive Plan                                                                                                                                                                                                          |
| <b>Comprehensive Plan Designation:</b> | The PlanKCK Comprehensive Plan designates the subject property as Low-Density Residential District, which allows single-family detached homes and townhomes or side-by-side rowhouses at intersections or the end of street blocks. |
| <b>Major Street Plan:</b>              | The goDotte Mobility Plan designates North 85 <sup>th</sup> Street as a Local/Neighborhood Street.                                                                                                                                  |
| <b>Parking Requirement:</b>            | Section 27-454(e) states “Two off-street parking spaces shall be provided on the premises for each single-family dwelling, at least one of which shall be in a garage or carport”. The property provides two (2) parking spaces.    |
| <b>Advertisement:</b>                  | <u>The Wyandotte Echo</u> – March 14, 2024<br>Letters to Property Owners – March 15, 2024                                                                                                                                           |
| <b>Public Hearings:</b>                | April 8, 2024 and April 25, 2024                                                                                                                                                                                                    |
| <b>Public Support:</b>                 | None to date.                                                                                                                                                                                                                       |
| <b>Public Opposition:</b>              | None to date.                                                                                                                                                                                                                       |

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## PROPOSAL

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Detailed Outline of Requested Action: The applicant, Samia Guess, is requesting a Renewal for a Special Use Permit to operate a short-term rental at 2023 North 85<sup>th</sup>

Street. This is not the owner's primary residence. This would be the only permitted short-term rental on the 2100 block of North 85<sup>th</sup> Street.

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

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## **RELATED ENFORCEMENT AND ACTION ITEMS**

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

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

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

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

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

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

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## **FACTORS TO BE CONSIDERED**

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

The neighborhood has an inter-urban character, but with a suburban feel. Lots are wide for residential densities and are approximately 85 feet in width. Streets are concrete and driveways are often concrete approaches with concrete or asphalt driveways. Lots are wooded and landscaped. This block of North 85th Street is comprised of all residential houses, but is adjacent to Parallel Parkway, which has a variety of uses including residential, convenience, and retail uses. The subject property is South of Fairfax Learning Center High School.

### ***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 Single Family District. Continuing use as a rental, either short or long-term, is consistent with other nearby properties in close proximity to the Parallel Parkway mixed-use corridor. The proposed use is compatible if properly managed.

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

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

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

The property is currently vacant, but has been used as a short-term rental for the past two (2) years.

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

Special Use Permits are not addressed in the PlanKCK Comprehensive Plan. PlanKCK designates the subject property as Low-Density Residential, which allows for single-family homes. The use as a short-term rental conforms to the Master 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 North 85<sup>th</sup> Street, a local street, to accommodate it if managed properly while it functions as a short-term rental. Guests of short-term rentals tend to travel more throughout the area, as they are typically visitors or tourists. North 85<sup>th</sup> Street is designated as a priority sidewalk segment. However, Public Works has acknowledged that there is a large culvert on the subject property. It was also acknowledged that this local/neighborhood street would best be built as a future, more comprehensive, safe routes to school project. See the attachment Planning Engineering Comments for further information.

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

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

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

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

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

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

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

The proposed use will not damage or destroy an irreplaceable natural resource as it is an existing single-family residence in a built-out 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 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 previously approved number of maximum vehicles off-street is four (4). There shall be no on-street parking for STR renters or guests. If the applicant abides by the outlined conditions, specifically those that prohibit parties or larger groups, undue concentrations of population should not be an issue.

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## **PREVIOUS ACTIONS**

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- Approval of a Special Use Permit to operate a short-term rental (SP2022-065) for two (2) years in 2022.

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## **NEIGHBORHOOD MEETING**

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The applicant held a neighborhood meeting in-person at 2023 N. 85<sup>th</sup> Street and via Google Meet on March 19, 2024. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

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## **KEY ISSUES**

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Conditions of Approval  
Illumination  
Noise  
Overcrowding  
Parking



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## PLANNING COMMISSION RECOMMENDATION

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The Planning Commission voted 9 to 0 to recommend **APPROVAL** of Special Use Permit Application SP2024-007, **for two (2) years**, subject to:

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

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

the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.

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## STAFF COMMENTS AND SUGGESTIONS

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Staff concurs with the recommendation of the City Planning Commission.

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## STAFF RECOMMENDATION

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Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **SP2024-007** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

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## ATTACHMENTS

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April 8, 2024 City Planning Commission Minutes  
Aerial Imagery  
Zoning Map  
Land Use Map  
Host Compliance  
Floor Plan  
Planning Engineering Comments  
Neighborhood Meeting Materials  
Home Inspection Report  
Site Visit Photos- Taken by Staff, Dated March 7, 2024

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## REVIEW OF INFORMATION AND SCHEDULE

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| Action         | City Planning Commission | Unified Government Board Commissioners |
|----------------|--------------------------|----------------------------------------|
| Public Hearing | April 8, 2024            | April 25, 2024                         |
| Special Use    | Approval                 |                                        |

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### STAFF CONTACT:

Kiley Meierarend  
[kmeierarend@wycokck.org](mailto:kmeierarend@wycokck.org)

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## MOTIONS

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I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2024-007** 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 **SP2024-007**, 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.

**April 8, 2024, City Planning Commission Minutes:**

**SPECIAL USE PERMIT APPLICATION SP2024-007 – SAMIA GUESS – SYNOPSIS:**

Renewal of a Special Use Permit (SP2022-065) to operate a short-term rental at 2023 North 85<sup>th</sup> Street. Detailed Outline of Requested Action: The applicant, Samia Guess, is requesting a Renewal for a Special Use Permit to operate a short-term rental at 2023 North 85<sup>th</sup> Street. This is not the owner's primary residence. This would be the only permitted short-term rental on the 2100 block of North 85<sup>th</sup> Street.

The items I have just read are on the Consent Agenda. At this time, does any member of the Commission wish to disclose any contact on any of the items? (No one responded in the affirmative).

Please include the following items as part of the record for all of the Items on the Consent Agenda:

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated April 8, 2024;
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 publications in The Echo for the Special Use Permits; and,
7. The notices to property owners.

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

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

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

|           |             |
|-----------|-------------|
| Carson    | Chairman    |
| Ward      | Aye         |
| Armstrong | Not Present |

|            |     |
|------------|-----|
| Beth       | Aye |
| Easterwood | Aye |
| Ernst      | Aye |
| Jones      | Aye |
| Miller     | Aye |
| Mohler     | Aye |
| Schwartz   | Aye |
| Straws     | Aye |

Motion to APPROVE Passed: 9 to 0

Subject to:

**SP2024-007:**

1. Maximum number of guests shall be six (6);
2. All parking must be off-street, maximum number of vehicles is typically three (3). No STR renters or guests may park on-street;
3. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
4. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;
5. Applicant is to maintain liability insurance;
6. The property must remain in proper maintenance and free of hazards, pests, or infestations;
7. The granting of this Special Use Permit does not transfer with a change of ownership of the property;
8. Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and [www.hostcompliance.com/tips](http://www.hostcompliance.com/tips) (website);
9. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or [signpermits@wycokck.org](mailto:signpermits@wycokck.org) to begin this process;
10. If approved, occupying businesses must file and maintain a current business occupation tax application with this office;
11. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by [buildinginspection@wycokck.org](mailto:buildinginspection@wycokck.org) to confirm if they need a building permit,



- and if so, must take it upon themselves to initiate the building permit process accordingly;
12. All existing and future driveways must feature curb cuts that are constructed to UG standards;
  13. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
  14. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
  15. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
  16. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
  17. The Special Use Permit shall be valid for 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;
  18. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board

- of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
19. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.

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## ATTACHMENTS

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### AERIAL IMAGERY

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### ZONING MAP

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## LAND USE MAP

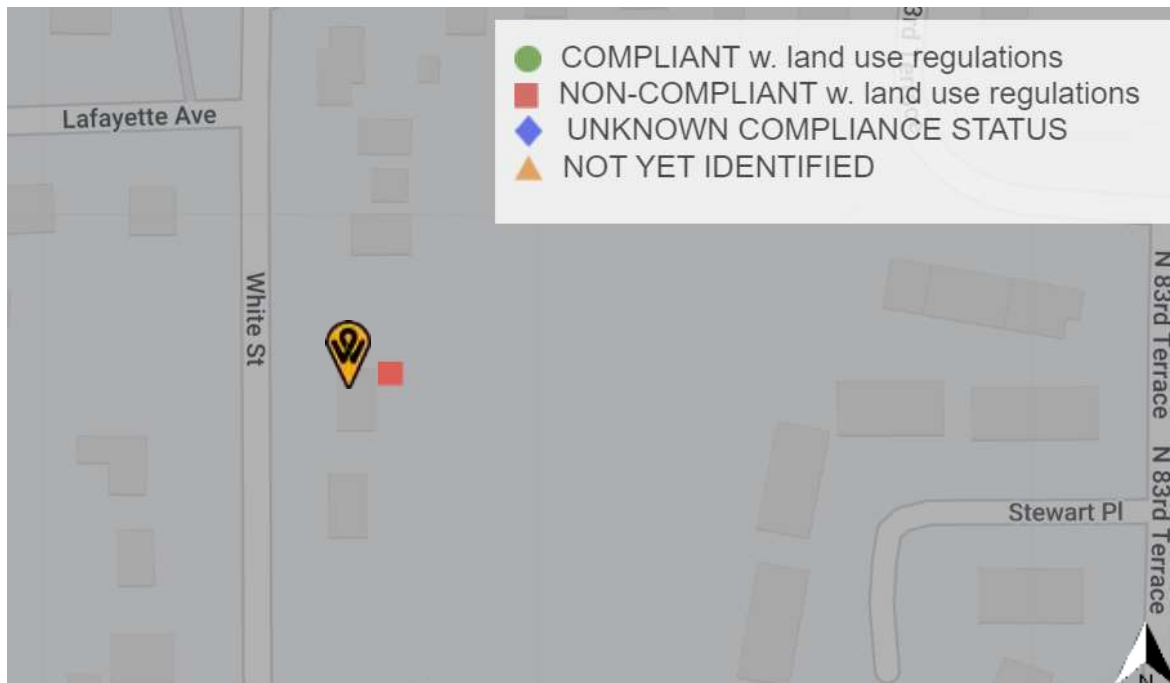
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## HOST COMPLIANCE MAP – MARCH 18, 2024

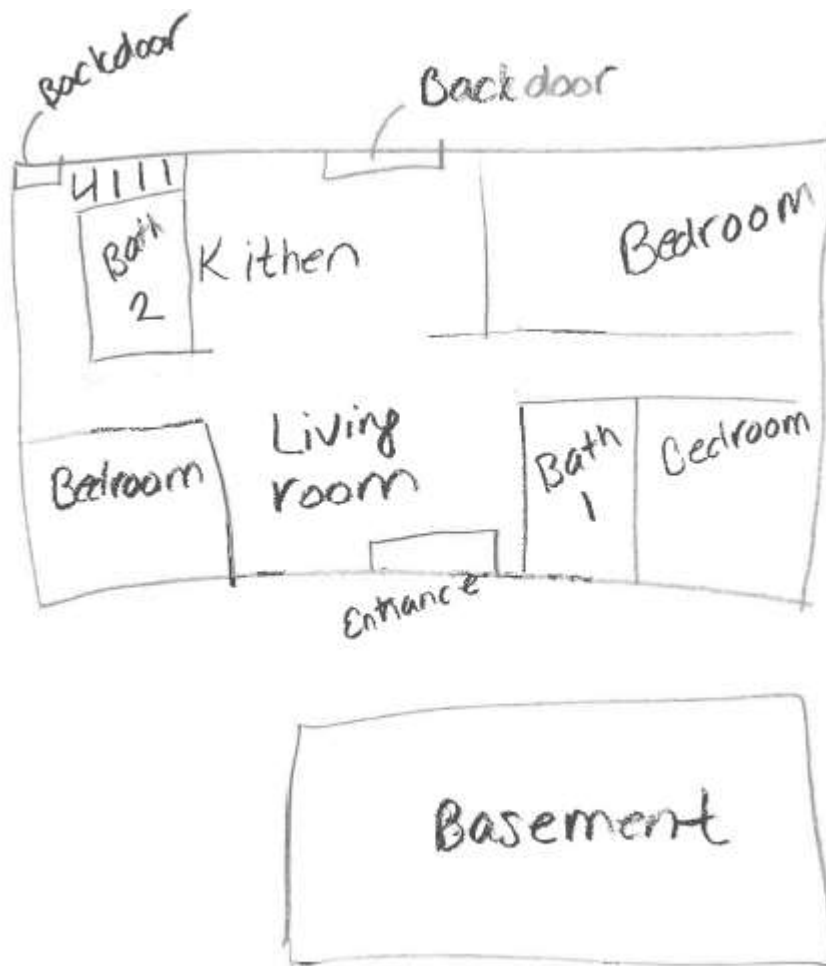
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## FLOOR PLAN

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**Department of Planning + Urban Design**

Unified Government of Wyandotte County • Kansas City, Kansas

701 N 7<sup>th</sup> Street, Suite 423  
Kansas City, Kansas 66101  
[www.wycokck.org/planning](http://www.wycokck.org/planning)Phone: (913) 573-5750  
Fax: (913) 573-5796  
Email: [planninginfo@wycokck.org](mailto:planninginfo@wycokck.org)**Memorandum**

TO: Kiley Meierarend  
Planner

FROM: Travis Trumble  
Project Engineer

DATE: March 15, 2024

SUBJECT: Samia Guess – (SP2024-007)  
2023 N. 85<sup>th</sup> Street  
General Engineering Review No. 1 (of the application received 2/23/2024)

Prior to engineering approval on the above-named project, the construction drawings must be revised to address the following comments from the Engineering Division of the Planning and Urban Design Department. These comments refer to General Engineering design standards and requirements of the Unified Government that were not met in this submittal. Planning comments may require additional resubmittals. Reference the Electronic Document Review (EDR) guidelines for submittal requirements; [www.wycokck.org/Planning](http://www.wycokck.org/Planning). Your paperless plan submittal shall also include a detailed cover letter with the next submittal that explains how each of the following comments has been addressed. Subsequent review of the plans will not proceed until such letter is received.

- 1) Is there a proposed site improvement e.g., maintenance and overlay of the driveway area? If repair work is going to be done, erosion control plans may be required. In this regard, the driveway entrance within right of way N 85<sup>th</sup> Street shall conform to the Unified Government of Wyandotte County and Kansas City, Kansas Technical Provisions specifications. See UG detail i.e., UG 4100-G.
- 2) Please contact Public Works Street Maintenance Division to schedule guardrail repair (guardrail to the west) and the guidance.
- 3) Please coordinate with Kiley Meierarend, [kmeierarend@wycokck.org](mailto:kmeierarend@wycokck.org), for additional Urban Planning and Zoning requirements and comments.
- 4) Construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition.

Reviewer: **Travis Trumble**  
Travis Trumble, Project Engineer

Digitally signed by Travis Trumble  
DN: cn=Travis Trumble, o=Unified Government of  
Wyandotte County and KC, ou=Urban Planning and Land  
Use, email=trumble@wycokck.org, c=US  
Date: 2024.03.15 16:05:45 -0500

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## NEIGHBORHOOD MEETING MATERIALS

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March 9, 2024

SUBJECT: Neighborhood Meeting

I have filed an application with the Planning + Urban Design Department  
#SP2024-007 - 2023 North 85th Street. The purpose of this:

> **special use permit**

is for a Short Term Rental

at the following address: 2023 N 85th Street KCK

I am having a neighborhood meeting on March 19, 2024 at 4:00 p.m. at the  
following address :

Google Meet joining info

Video call link: <https://meet.google.com/ovp-zgur-wzy>

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

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

Sincerely,

Samia Guess  
[samiguess@gmail.com](mailto:samiguess@gmail.com)

## NEIGHBORHOOD MEETING MATERIALS

**AFFIDAVIT - NEIGHBORHOOD MEETING**

STATE OF Kansas }  
COUNTY OF Wyandotte } SS:

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

1. That I am the petitioner for Petition # SP2024-007
2. That I conducted a neighborhood meeting on 3/19/24
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.

Samia O. Guess  
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 21 day of March, 20024

My commission expires 16 of October, 20027

[Signature]  
Notary Public

 **DANAIST G. LARES**  
Notary Public - State of Kansas  
My Appt. Exp. 10-16-27













## Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

**To:** Unified Government Board of Commissioners

**From:** Planning and Urban Design Staff

**Date:** April 25, 2024

**Re:** Special Use Permit Petition SP2024-008

### GENERAL INFORMATION

**Applicant:**  
Megan Painter

**Status of Applicant:**  
Representative  
Community Housing of Wyandotte  
County (CHWC)  
2 South 14<sup>th</sup> Street  
Kansas City, Kansas 66102

**Requested Action:**  
Approval of a Special Use Permit.

**Date of Application:**  
February 23, 2024

**Purpose:**  
To operate a group dwelling for up to  
14 veterans.

**Property Location:**  
1026 Ann Avenue  
Kansas City, Kansas 66101

**Commission Districts:**  
Commissioner At-Large, District #2:  
Tom Burroughs  
District #2 Commissioner:  
William (Bill) Burns



|                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|----------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Existing Zoning:</b>                | R-1(B) Single Family District                                                                                                                                                                                                                                                                                                                                                                                                       |
| <b>Adjacent Zoning:</b>                | <b>North:</b> R-1(B) Single Family District<br><b>South:</b> R-1(B) Single Family District<br><b>East:</b> R-1(B) Single Family District<br><b>West:</b> R-1(B) Single Family District                                                                                                                                                                                                                                              |
| <b>Adjacent Uses:</b>                  | <b>North:</b> Single-family residence<br><b>South:</b> Single-family residences<br><b>East:</b> Single-family residence<br><b>West:</b> Single-family residence                                                                                                                                                                                                                                                                     |
| <b>Total Tract Size:</b>               | 0.27 Acre                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <b>Comprehensive Plan Designation:</b> | The Downtown Area Plan designates the subject property as Neighborhood Residential, which allows single-family residences.                                                                                                                                                                                                                                                                                                          |
| <b>Major Street Plan:</b>              | The goDotte Mobility Plan designates Ann Avenue as a Local Street.                                                                                                                                                                                                                                                                                                                                                                  |
| <b>Parking Requirement:</b>            | <p>Section 27-668(6) states “One (1) parking space for each guest room and one parking space for each employee during the peak shifts or make specific legally binding commitments that assure that normal daily parking needs are met on site and/or on the adjacent streets directly abutting the property.</p> <p>The applicant plans to have five (5) bedrooms and one (1) employee on-site, which requires six (6) spaces.</p> |
| <b>Advertisement:</b>                  | <u>The Wyandotte Echo</u> – March 14, 2024<br>Letters to Property Owners – March 15, 2024                                                                                                                                                                                                                                                                                                                                           |
| <b>Public Hearings:</b>                | April 8, 2024 and April 25, 2024                                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>Public Support:</b>                 | None to date.                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <b>Public Opposition:</b>              | None to date.                                                                                                                                                                                                                                                                                                                                                                                                                       |

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## PROPOSAL

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Detailed Outline of Requested Action: The applicant, Megan Painter with CHWC, is requesting a Special Use Permit for a group dwelling for up to 14 veterans at 1026 Ann Avenue.

City Ordinance Requirements: 27-592 through 27-606

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## RELATED ENFORCEMENT AND ACTION ITEMS

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

1. There 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 under the current owner.

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

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

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## FACTORS TO BE CONSIDERED

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

The subject property is located within the Riverview Statistical Neighborhood, The Cathedral Neighborhood Group and the Downtown Shareholders Group. The neighborhood consists of single-family residences, with commercial uses to the North along Minnesota Avenue and 10<sup>th</sup> Street and Waterway Park to the West.

### ***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 R-1(B) zoning district allows for a single-family dwelling. A group dwelling is not allowed without a Special Use Permit. A group dwelling may create compatibility issues, as the subject property, as well as surrounding properties are, or were designed for single-family residences, rather than a group or multi-family dwelling, however, current zoning and land use designations, however, allow for multi-family uses, which would be compatible. There are concerns with the potential for noise, demand for parking, and potentially undue concentrations of population.

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

The removal of restrictions could detrimentally affect nearby property due to noise or demand for parking. As long as the operation is managed properly and all conditions are adhered to, the proposed use could be suitable.

**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 Downtown Area Plan. The Downtown Area Plan designates the subject property as Neighborhood Residential, which allows single-family residences. The proposed use does not necessarily conform to the Area Plan designation, as it functions as a multi-family residence, however, as the use is “temporary” in nature, with minimal alteration to the floor plan, a Plan Amendment is not necessary.

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

The proposed use will inherently result in an increase in traffic, as a group home requires staffing in addition to outside services coming to and from the home, however, it is not expected to exceed the capacity of Ann Avenue, a local street. The subject property proposes to provide six (6) parking spaces. While it is expected that individuals staying at the property may utilize public transportation via routes #101, #104 and #402 or other transportation options besides a private vehicle, there is still expected to be a parking demand for visitors and staff.

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

The proposed use is necessary for the welfare of the public as it provides transitional housing and access to services for veterans, a population that is traditionally underserved. If managed properly, the proposed use is not expected to substantially impact the use of adjoining property. The proposed use, however, has the potential to impact the marketability and quality of adjoining property as this is a higher intensity use located mid-block of a primary single family residential roadway.

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



Noise and illumination are typical issues of this type of use, however, if managed properly, noise should not be a major issue, and any outdoor lights can be affixed and dimmed with 90-degree cutoffs. Dust is not expected to be an issue as long as people use the permitted driveway and parking lot.

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

The proposed use will not pollute air, land or water, if managed properly as it is located within a built-out, urban residential neighborhood.

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

The proposed use would not damage or destroy an irreplaceable natural resource, as it is located within a built-out, urban 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 public health, safety, and welfare compared to the hardship on nearby property owners is substantial. The proposed use provides transitional housing and access to services for veterans, a population which has been historically underserved. The proposed use has the potential to improve the outcomes for those veterans, which has a community benefit and stands to improve the health, safety and welfare of the community. A denial of the application would result in the group dwelling having to find a different location or serve up to five (5) people only.

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

The proposed use has the potential for both the overcrowding of land and undue concentrations of population. The property provides only two (2) parking spaces, four (4) short of the required six (6) spaces. The residence has five (5) rooms; however, the applicant seeks to place three (3) residents per room to serve up to 14 people; This may result in a condition of overcrowding.

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## **PREVIOUS ACTIONS**

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There have been no previous Planning Entitlements on the subject property.

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## **NEIGHBORHOOD MEETING**

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The applicant held a neighborhood meeting on March 20, 2024. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

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## KEY ISSUES

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Home Inspection Report  
Noise  
Overcrowding  
Parking  
Safety and Security  
Staffing  
Undue Concentrations of Population

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## PLANNING COMMISSION RECOMMENDATION

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The Planning Commission voted 9 to 0 to recommend **APPROVAL** of Special Use Permit Application SP2024-008, **for two (2) years**, subject to:

1. The property owner shall plant a tree along Ann Avenue in the front-yard of the residence;
2. The brick sidewalk along Ann Avenue shall be preserved, maintained, and repaired if needed;
3. There shall be no more than 10 guests on site at a time;
4. Repair the handrail in the front of the residence;
5. There shall be screening along the side and rear-yards, in the form of either an architectural screen, landscape screening, or a combination of the two (2);
6. The applicant shall file a Building Permit/Change of Occupancy with the Development Review Committee (DRC);
7. There shall be one (1) staff member on-site at all times;
8. All items in the home inspection report shall be repaired prior to renewal of this Special Use Permit;
9. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or [signpermits@wycokck.org](mailto:signpermits@wycokck.org) to begin this process;
10. If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;
11. If approved, the applicant must file and maintain a current business occupation tax application with the Business Licensing Division. They are located at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66012. They can be contacted at (913) 573-8780 or [businesslicense@wycokck.org](mailto:businesslicense@wycokck.org);
12. All existing and future driveways must feature curb cuts that are constructed to UG standards;

13. All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street. No flood lights are allowed;
14. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e. change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by [buildinginspection@wycokck.org](mailto:buildinginspection@wycokck.org) to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
15. 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. 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;
19. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,

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

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## STAFF COMMENTS AND SUGGESTIONS

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Staff concurs with the recommendation of the City Planning Commission.

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## STAFF RECOMMENDATION

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Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **SP2024-008** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

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## ATTACHMENTS

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April 8, 2024, City Planning Commission Minutes  
Aerial Imagery  
Zoning Map  
Land Use Map  
Neighborhood Meeting Materials  
Site Plan  
Floor Plan  
Landscape Plan  
Site Photos, Taken by Staff, March 15, 2024

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## REVIEW OF INFORMATION AND SCHEDULE

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| Action         | Planning Commission | Unified Government Commission |
|----------------|---------------------|-------------------------------|
| Public Hearing | April 8, 2024       | April 25, 2024                |
| Special Use    | Approval            |                               |

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**STAFF CONTACT:**

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

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## MOTIONS

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I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2024-008** 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 **SP2024-008**, 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.

**April 8, 2024, City Planning Commission Minutes:**

**Hearing starts at 2:18:40:**

**SPECIAL USE PERMIT APPLICATION SP2024-008 – MEGAN PAINTER WITH CHWC HOLDING CORPORATION – SYNOPSIS:** Special Use Permit to operate a group dwelling at 1026 Ann Avenue. Detailed Outline of Requested Action: The applicant, Megan Painter with CHWC, is requesting a Special Use Permit for a group dwelling for up to 14 veterans at 1026 Ann 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 April 8, 2024;
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:**

- Joel Bailey, Footprints, Inc., 4501 Troost Avenue, Kansas City, Missouri
- Megan Painter, applicant, CHWC, 1327 Barnett Avenue, Kansas City, Kansas

The Planning Commission directed questions to the applicant.



Present in Opposition:

➤ No one appeared

**Staff Recommendation starts at 2:26:50:** Planning Director Hand stated that the request is for a Special Use Permit for a group home. The property is in the Downtown Area Plan. Staff 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 2:27:40:**

On motion by Mr. Ward, seconded by Mr. Beth, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit Application SP2024-008 for two (2) years:**

|            |             |
|------------|-------------|
| Carson     | Aye         |
| Ward       | Aye         |
| Armstrong  | Not Present |
| Beth       | Aye         |
| Easterwood | Aye         |
| Ernst      | Aye         |
| Jones      | Aye         |
| Miller     | Aye         |
| Mohler     | Aye         |
| Schwartz   | Aye         |
| Straws     | Aye         |

Motion to recommend APPROVAL Passed: 10 to 0  
Subject to:

1. The property owner shall plant a tree along Ann Avenue in the front-yard of the residence;
2. The brick sidewalk along Ann Avenue shall be preserved, maintained, and repaired if needed;
3. There shall be no more than 10 guests on site at a time;
4. Repair the handrail in the front of the residence;
5. There shall be screening along the side and rear-yards, in the form of either an architectural screen, landscape screening, or a combination of the two (2);
6. The applicant shall file a Building Permit/Change of Occupancy with the Development Review Committee (DRC);
7. There shall be one (1) staff member on-site at all times;
8. All items in the home inspection report shall be repaired prior to renewal of this Special Use Permit;
9. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning

- and Urban Design at (913) 573-5750 or [signpermits@wycokck.org](mailto:signpermits@wycokck.org) to begin this process;
10. If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;
  11. If approved, the applicant must file and maintain a current business occupation tax application with the Business Licensing Division. They are located at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66012. They can be contacted at (913) 573-8780 or [businesslicense@wycokck.org](mailto:businesslicense@wycokck.org);
  12. All existing and future driveways must feature curb cuts that are constructed to UG standards;
  13. All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street. No flood lights are allowed;
  14. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e. change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by [buildinginspection@wycokck.org](mailto:buildinginspection@wycokck.org) to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
  15. 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. 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;
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.

## AERIAL IMAGERY



# ZONING MAP





## LAND USE MAP





# NEIGHBORHOOD MEETING MATERIALS

## AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas )  
COUNTY OF Wyandotte ) SS:

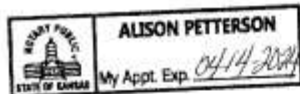
Comes now Megan Maassel of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition # SP 2024-008
2. That I conducted a neighborhood meeting on March 20 2024
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 21 day of March, 2024  
My commission expires 14<sup>th</sup> of 04, 2024



[Signature]  
Notary Public

1026 Ann Meeting

3/20/2024

Start Time 6:33 pm

Attendees:

Joel Bailey (B) Director of Hero's Home Gate

Megan Painter (M) -CHWC and Resident at 1327 Barnett

*Solada Hernandez - 1030 Ann*

*Celerina Hernandez - 1030 Ann*

Joel Bailey gave a tour of the house.

S- How many veterans will be here?

B. We will start with 5 and could go up to 14. That's why we need to get this special use permit... to get the numbers up to 14.

S. 14?

A. Yes 14

We shared a list of the renovations done to the house with new hvac, electrical upgrades etc.

Joel outlined the requirements on the house by the VA, and staff that would be on the property at all times

We talked about the parking in the back and the requirements to make that happen with retaining walls.

Joel pointed out security cameras inside and outside of the house.

S. You have 24/7 recording on the cameras?

B. Yes

Joel pointed out the incident file that they keep records of anything wrong that happens. He also outlined how they track to be sure Vets are taking their medication and procedures of working through any issues.

Joel stated that vets could stay in the house for up to two years. During that time they have to be making forward progress with getting a job and getting ready for independent living.

S. So this isn't a shelter where people are coming in and out?

B. NO. This is not a shelter, this is transitional housing. There is a big difference... I'm glad you asked. If you're living here, you have to be following the rules and getting ready for independent living. There is zero tolerance for drinking or drugs.

Joel outlined their processes for working with veterans who may be breaking rules.

S. No firearms?

B. No firearms

Joel outlined various reasons why a veteran may be experiencing homelessness... it's not always mental illness or drug use. We are trying to take the stigma out of people. You got to follow rules... life can get better and we want to show people that by bringing them into this calm, clean, and stable place.

S. Do you have a curfew in general?

B. Yes you have to be in the house at 10pm. You have to be in your room by 11pm. Exterior doors are locked.

S. That includes the back yard at night?

B. Veterans will not be outside after 10pm. They will be in a structured place and they have to keep to a schedule where they could actually have success... not staying up all night.

S. Do you own this house already? I never saw it go on the market

Megan explained that chwc worked directly with the previous owner to purchase at a reduced cost. She came directly to us because she wanted her house to be used for something that would really help people.

Joel showed more safety features. Also outlined that they knew that neighbors being comfortable was a big concern.

S- Well... this is sounding a lot better than what we thought. We were concerned that there would be people just coming in and out of here constantly.

B. Yes, this is not a shelter where you've got people milling around and causing trouble.

S. Are they all allowed guests?

B. They can have guests but not all at the same time. There is also a time limit for visitors, one hour, maybe two but that's it. Visitors can only go in the common area. They cannot come upstairs. Everything has to be regulated. This isn't a place for you to hang out with your homey. This is a place to heal, stabilize, and make your life better.

S. Would you allow guests to spend the night?

B. Oh no. They would have to only be the veterans staying here. And the veterans who are in the program have to stay here every night.

S. So it sounds like we'll probably get to know their faces if they are staying here for a longer period of time. Do you have any other big projects with this house other than the parking lot?

B. Yes we have to do the fire sprinkler system

S. How will you maintain the yard?

B. We will probably have to hire that. Once in a while we get a veteran who likes working outdoors. I'm from Tennessee and mowing is my zen place. But recently we've been getting veterans who don't know how to use weed wackers and are looking at me all confused when they try to use it.

S. What about the property line? Our AC is on your side of where the property line was staked. Will you be moving or building a fence?

B. Yes it looks like the property line is very close to your house. We won't do anything we don't have to (in terms of disrupting the neighbor's yard). We are still figuring out what all needs to happen over here.... We are not sure on the fence yet, but we do want to keep the back yard fenced in, contained and safe.

M- We saw that your AC might even be on our side, and we have been talking with the engineer about how to work around that... because it's tight around your house and where else would it even go? So we want to be sure we can do something that works for both sides.

S- We understand that things change, but we were concerned about where that AC would go. It looks like the fence is 3' or so past your property line. There is a 3-4' drop on our side of the fence, and we think that's why they put the fence where they did. The guy who installed it told my dad to just cover the front.

M- We didn't know what was happening topography wise on your side of the fence, that's good to know. There is a similar drop and retaining wall by the back alley. We'll have to work through all of this.

S- Okay I think we know all we need to know.

M- Thank you for coming and for being open minded.

S- This is pretty chill street. We've lived here for 20 years, and we know the people around us. There was a crazy incident with a guy renting a room in a house a few doors down and doing terrorist stuff. The police were here at 4 am. Did you see that?

B- No I'm at home asleep in my bed at that time. This is a pretty chill street. I love how quiet it is over here. No sirens, no people yelling at each other across the street like over on Linwood Blvd. That's such a busy street. I'm so ready to move to our new facility we're building over there. I love how quiet this house is.

S. We only have ambulances once in a while for a house down the street from here... I think the last one was a month ago. Should we be concerned about the parking situation?

B- How many cars do you have?

S. Four. We just want to be sure we have enough street parking. A few times it's been hard to find parking close to home, the worst time there was some sort of party being thrown at a house down the street. I had to park around the corner on that night.

B. We will have to have our 6 off street parking spots, and we really won't have that many cars outside of the one or two staff members. Veterans typically don't have cars. So we shouldn't have a problem.

Finished up with discussion on the various neighbors up and down the block.

1026 Ann  
Sign In Sheet

Name

Address

Contact ?

Sobeda Hernandez

1030 Ann Ave

913-292-6996

Celina Hernandez





Director, Joel Bailey  
1026 Ann Ave  
Kansas City, KS 66102  
SUBJECT: Neighborhood Meeting

(Please disregard prior correspondence and see updated date and time for meeting below)

Dear Fellow Neighbors,

Footprints Inc. has filed an application with the Planning + Urban Design Department #SP2024-008. The purpose of this special use permit request is for Veterans transitional housing, at 1026 Anne Ave, Kansas City, KS. The home will be staffed 24-7 and veterans will be provided 3 nutritious meals a day and all the supportive services needed for independent and long term success.

Footprints Inc. is having a neighborhood meeting on Wednesday, March 20th, 2024 at 6:30 p.m. located at 1026 Ann Ave, Kansas City, KS 66102. The purpose of this meeting is to explain the proposal for Veterans housing and how it will benefit the lives of those who have served and their community. This meeting will also aid in answering any questions/concerns you may have.

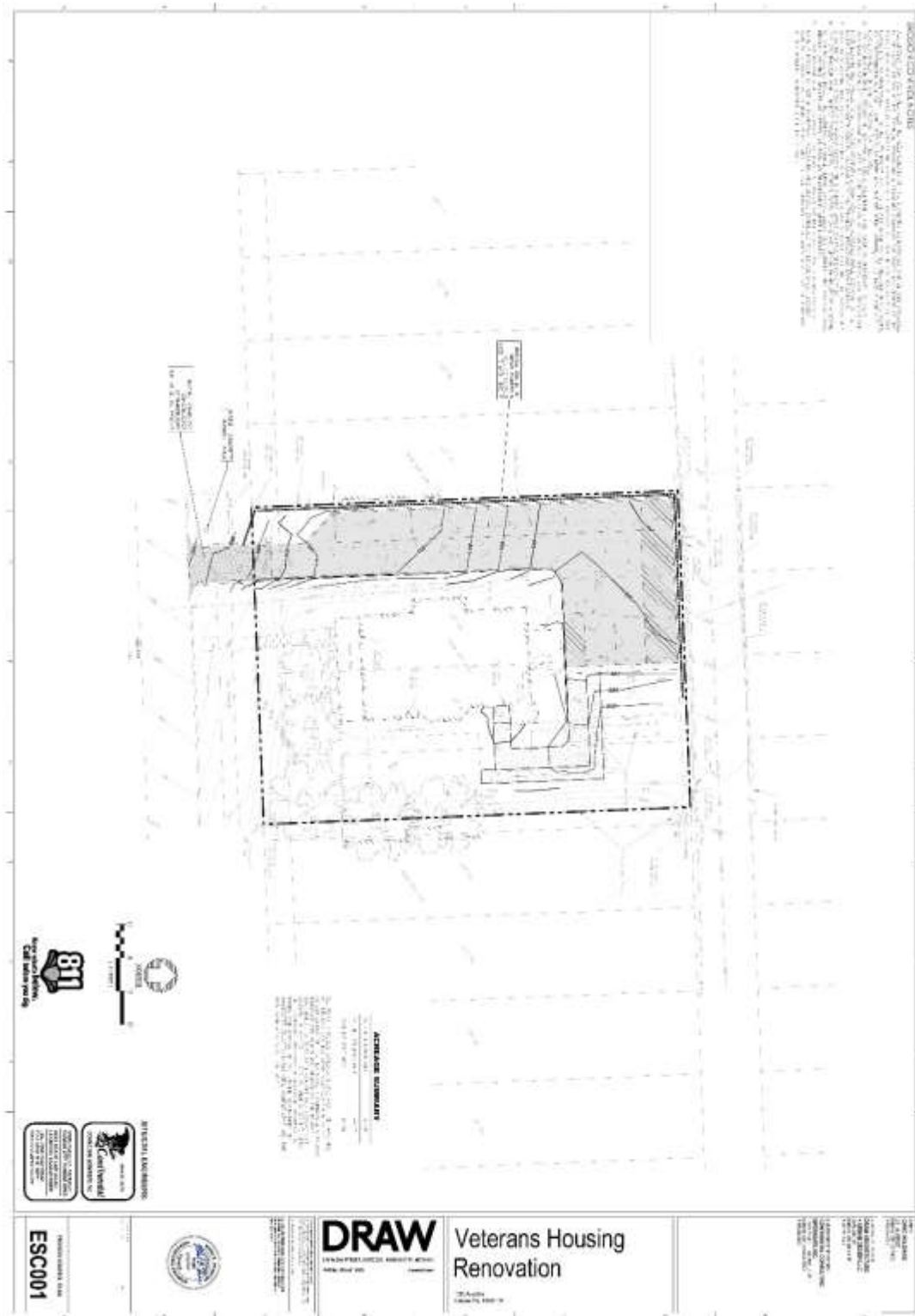
I look forward to seeing you at the neighborhood meeting. If you are unable to attend, please contact me at the phone number/email listed below.

Sincerely,

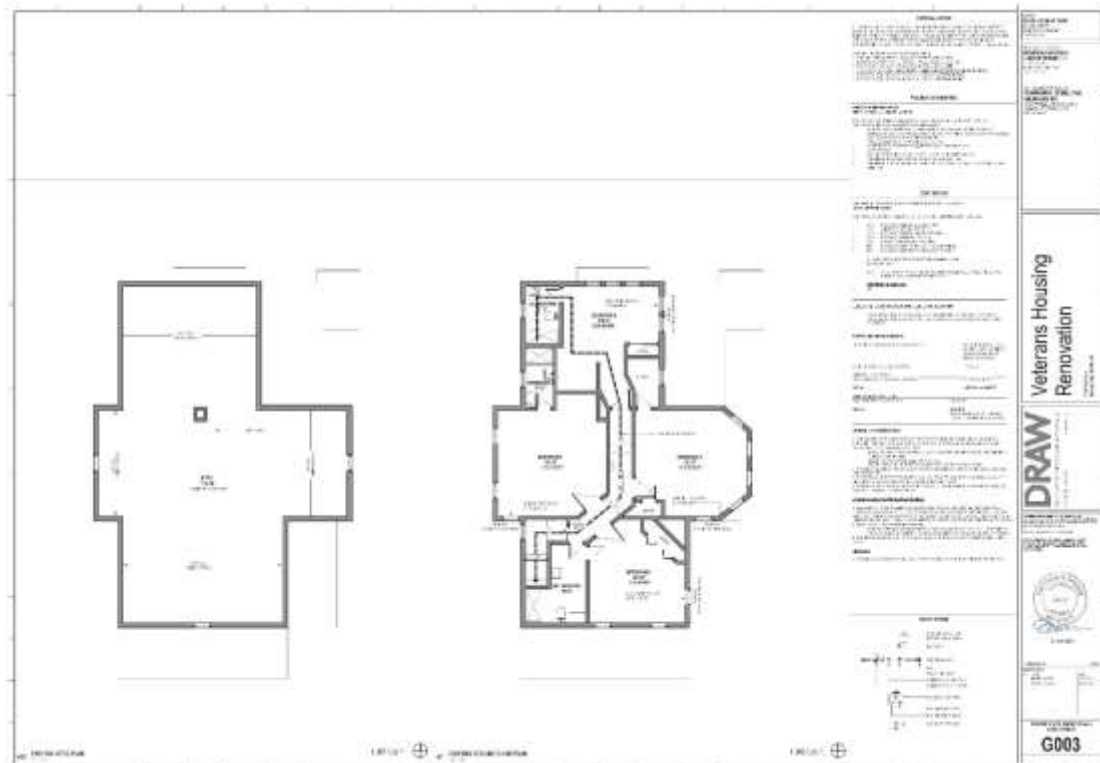
Director,  
*Joel Bailey*

Joel Bailey  
(816) 863-8224  
[wjbailey@kcfootprints.org](mailto:wjbailey@kcfootprints.org)

# SITE PLAN



# FLOOR PLAN





## 24







**BUILDING INSPECTION DIVISION**  
Neighborhood Resource Center  
Unified Government of Wyandotte County/Kansas City, Kansas  
4953 State Ave. Kansas City, Kansas 66102  
p. (913) 573-8620 | f. (913) 573-8622 | [www.wycokck.org/building](http://www.wycokck.org/building)

**Inspection Results Slip**

Permit #: MEC23-0203  
Building  
Mechanical  
NA  
NA  
  
Address: **1026 ANN AVE D, KANSAS CITY, KS 66102**  
Contractor: KOCH HEATING & COOLING INC.  
5500 PARALLEL PKWY  
KANSAS CITY, KS 66104

Applicant:  
5500 PARALLEL PKWY  
KANSAS CITY, KS 66104

Inspector: Oneil Thomas

| Inspection Date | Type of Inspection | Result   |
|-----------------|--------------------|----------|
| 3/4/2024        | Final              | Approved |
| 3/4/2024        | Rough-In           | Approved |
| Comments        |                    |          |
| approved        |                    |          |
| approved        |                    |          |



## BUILDING INSPECTION DIVISION

Neighborhood Resource Center

Unified Government of Wyandotte County/Kansas City, Kansas

4953 State Ave. Kansas City, Kansas 66102

p. (913) 573-8620 | f. (913) 573-8622 | [www.wycokck.org/building](http://www.wycokck.org/building)

### Inspection Results Slip

Permit #: ELE23-0347

Building

Electrical

NA

NA

Address: **1026 ANN AVE D, KANSAS CITY, KS 66102**

Contractor: JOHNSON ELECTRIC  
1021 PACIFIC AVE  
KANSAS CITY, KS 66102

Applicant: KEVIN JOHNSON  
1021 PACIFIC AVE  
KANSAS CITY, KS 66102

Inspector: CLARENCE LOGAN

| Inspection Date                                              | Type of Inspection | Result           |
|--------------------------------------------------------------|--------------------|------------------|
| 3/6/2024                                                     | Electrical Service | Release Electric |
| <b>Comments</b>                                              |                    |                  |
| 200 amp O/H<br>Electric already released and meter installed |                    |                  |



## BUILDING INSPECTION DIVISION

Neighborhood Resource Center

Unified Government of Wyandotte County/Kansas City, Kansas

4953 State Ave. Kansas City, Kansas 66102

p. (913) 573-8620 | f. (913) 573-8622 | [www.wycokck.org/building](http://www.wycokck.org/building)

### Inspection Results Slip

Permit #: PLM23-0199

Building

Plumbing

NA

NA

Address: **1026 ANN AVE D, KANSAS CITY, KS 66102**

Contractor: ARNALDO ELECTRIC, LLC  
719 KENSINGTON  
ARNALDO TRITZANT  
KANSAS CITY, MO 64124

Applicant: ONEL JIMINEZ  
719 KENSINGTON  
ARNALDO TRITZANT  
KANSAS CITY, MO 64124

Inspector: Oneil Thomas

| Inspection Date                     | Type of Inspection | Result   |
|-------------------------------------|--------------------|----------|
| 3/12/2024                           | Final              | Approved |
| 3/12/2024                           | Rough-In           | Approved |
| <b>Comments</b>                     |                    |          |
| install one electrical water heater |                    |          |
| install one electrical water heater |                    |          |

|                |
|----------------|
| <b>Summary</b> |
|----------------|

**Herrera Home Inspections, Inc.,**

**816-803-8060**

**Customer**  
**CHWC**

**Address**  
1026 Anne Ave  
Kansas City KS 66102

The following items or discoveries indicate that these systems or components **do not function as intended** or **adversely affects the habitability of the dwelling**; or **warrants further investigation by a specialist**, or **requires subsequent observation**. This summary shall not contain recommendations for routine upkeep of a system or component to keep it in proper functioning condition or recommendations to upgrade or enhance the function or efficiency of the home. This Summary is not the entire report. The complete report may include additional information of concern to the customer. It is recommended that the customer read the complete report.

|                              |
|------------------------------|
| <b>1. Structural Systems</b> |
|------------------------------|

- 1.0 Foundations, Basement and Crawlspce (Report signs of abnormal or harmful water penetration into the building or signs of abnormal or harmful condensation on building components.)**  
**Repair or Replace**  
1. recommend replacement of middle stone support wall for install a properly sized beam and support posts  
**REPAIRED**  
2. Recommend a retaining wall in basement around furnace area to help retain dirt movement from crawlspce.  
**REPAIRED**  
3. Recommend to water proof interior foundation walls, and install a concrete floor in basement, and recommend a radon test. **REPAIRED**  
4. Recommend to properly dig footings for floor joist I beam supports in furnace room. **REPAIRED**  
5. Recommend to run a de humidifier in basement- surface moisture noted at basement floor joists
- 1.1 Vegetation, Grading, Drainage, Driveways, Patio Floor, Walkways and Retaining Walls (With respect to their effect on the condition of the building)**  
**Repair or Replace**  
1. Negative sloped sidewalk portions noted at east foundation perimeter
- 1.2 Roof Coverings**  
**Repair or Replace**  
1. Lifted shingle portion noted. east roof area near ridge **REPAIRED**
- 1.4 Roof Drainage Systems**  
**Repair or Replace**  
1. Various gutter portions and downspout extensions missing-not limited to pics **REPAIRED**
- 1.5 Walls and Covering (Exterior and Interior)**  
**Repair or Replace**

1026 Anne Ave

Page 4 of 37

1. missing/damaged soffit portions - upper east wall **REPAIRED**
2. Various damaged wall coverings, trim board portions noted- not limited to pics **REPAIRED**

#### **1.6 Ceilings and Floors**

##### **Repair or Replace**

1. damaged floor coverings- laundry room **REPAIRED**

#### **1.7 Doors (Exterior and Interior)**

##### **Repair or Replace**

1. staircase not present at west exterior door - dry rot noted at exterior door trim boards. **DOOR REMOVED**
2. Recommend to seal walk out basement door hatch. **REPAIRED**
3. damaged door - east porch area
4. Front door did not close properly at dead bolt **REPAIRED**
5. door handle missing- front entry closet **REPAIRED**
6. exterior door off of laundry room - did not lock properly at dead bolt. **REPAIRED**

#### **1.8 Windows (representative number)**

##### **Repair or Replace**

1. east porch windows did not open seal/close properly
2. Various upper sashes of windows screwed shut. unable to latch properly **REPAIRED**

##### **3. Broken glass sun room off of laundry room**

#### **1.9 Decks, Balconies, Stoops, Steps, Areaways, Porches, Patio/Cover and Applicable Railings**

##### **Repair or Replace**

1. Recommend replacement of settled front deck and mailbox - **Mailbox replaced**

#### **1.11 Fences, Gates, Etc.**

##### **Repair or Replace**

1. West fence gate did not open and close properly

#### **1.12 Handrails**

##### **Repair or Replace**

1. no handrail- basement staircase **REPAIRED**

#### **1.13 Exterior Staircase**

##### **Repair or Replace**

1. damaged portions noted- front exterior staircase **REPAIRED**

## **2. Electrical System**

#### **2.1 Service and Grounding Equipment, Main Overcurrent Device, Main and Distribution Panels**

##### **Repair or Replace**

1. Recommend replacement of aged service panel- various loose circuit breakers noted- Consider upgrade to 200 amps. **REPAIRED - 200 AMP SERVICE INSTALLED**

#### **2.2 Branch Circuit Conductors, Overcurrent Devices and Compatibility of their Amperage and Voltage**



**Repair or Replace**

1. loose hanging light fixture- room off of laundry room **REPAIRED**

**2.3 Connected Devices and Fixtures (Observed from a representative number operation of ceiling fans, lighting fixtures, switches and receptacles located inside the house, garage, and on the dwelling's exterior walls)**

**Repair or Replace**

1. Exposed/damaged romex cable noted- north lower wall.
2. exposed romex cable - east porch area
3. Junction box cover missing- NE crawlspace opening and South crawlspace opening. **REPAIRED**
4. Various outlet covers missing. **REPAIRED**

**2.4 Polarity and Grounding of Receptacles within 6 feet of interior plumbing fixtures, all receptacles in garage, carport and exterior walls of inspected structure**

**Repair or Replace**

1. Recommend GFCI's at all bathrooms and kitchen backsplash areas. **REPAIRED**

**2.5 Operation of GFCI (Ground Fault Circuit Interrupters)**

**Repair or Replace**

1. No current noted- gfci at SE corner of laundry room **REPAIRED**

**2.7 Smoke Detectors**

**Repair or Replace**

The smoke detector should be tested at common hallway to bedrooms upon moving in to home.

1. Recommend replacement of all smoke and carbon monoxide detectors **LOW BATTERIES NOTED - MAIN FLOOR**

|                                  |
|----------------------------------|
| <b>3. Heating / AC / Systems</b> |
|----------------------------------|

**3.0 Heating Equipment**

**Repair or Replace**

1. Recommend removal of aged gas heater and flue at east porch area for better safety. **HEATER REMOVED**

**2. NEW FURNACE INSTALLED**

**3.1 Cooling and Air Handler Equipment**

**Repair or Replace**

1. A/C unit is undersized to properly cool 2nd floor. **NEW A/C INSTALLED**

**3.4 Distribution Systems (including fans, pumps, ducts and piping, with supports, insulation, air filters, registers, radiators, fan coil units and convectors)**

**Repair or Replace**

1. Recommend to clean dirty supply and return ducts.
2. Recommend replacement of dirty air filter
3. Faulty humidifier
4. loose register cover- main floor middle living room area

### 3.5 Presence of Installed Heat Source in Each Room

#### Repair or Replace

1. Recommend a heat source in laundry room **REPAIRED**

## 4. Plumbing System

### 4.0 Plumbing Drain, Waste and Vent Systems

#### Repair or Replace

1. all bath tub drain stoppers missing. **nw bath drain stopper missing, main floor hall bathroom drain stopper missing,**  
- drain flange broken-west master bathroom **REPAIRED**
2. leakage noted from west bathroom sink and bath tub drains - viewed from basement ceiling **REPAIRED**
3. Open/cracked drain portions noted- cast iron fitting behind water heater near middle support wall. **REPAIRED**
4. loose fernco fitting near main shut off of water behind water heater. **REPAIRED**
5. Restricted water pressure noted - mostly at 2nd floor-recommend replacement of various aged gate valves and re evaluate **REPAIRED**
6. leakage noted from old lead drum trap in crawlspace near middle support wall **REPAIRED**

### 4.1 Plumbing Water Supply, Distribution System and Fixtures

#### Repair or Replace

1. Loose sink- main floor hallway bathroom. **REPAIRED**
2. Exposed/loose water lines noted-staircase area- recommend to box in. **REPAIRED**
3. Loose water control handles- west master bathroom
4. Loose laundry spigots - not properly fastened to wall **REPAIRED**
5. leakage noted- water supply line elbow behind furnace area. **REPAIRED**

### 4.2 Hot Water Systems, Controls, Chimneys, Flues and Vents

#### Repair or Replace

1. water heater flue- back drafting, loose fitting noted- recommend further evaluation - a type B flue may be needed to be routed to roof top via chimney. **ELECTRIC WATER HEATER INSTALLED**

## 5. Built-In Kitchen Appliances

### 5.1 Ranges/Ovens/Cooktops

#### Repair or Replace

1. Broken control knob at stove & rear right burner did not ignite properly. **NEW STOVE INSTALLED**

### 5.4 Refrigerator

#### Repair or Replace

1. Leakage noted from refrigerator water dispenser **REPAIRED**

## 6. Insulation and Ventilation

### 6.2 Venting Systems (Kitchens, Baths and Laundry)

## Repair or Replace

1. N bedroom bathroom missing exhaust fan: **REPAIRED**

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Home inspectors are not required to report on the following: Life expectancy of any component or system; The causes of the need for a repair; The methods, materials, and costs of corrections; The suitability of the property for any specialized use; Compliance or non-compliance with codes, ordinances, statutes, regulatory requirements or restrictions; The market value of the property or its marketability; The advisability or inadvisability of purchase of the property; Any component or system that was not observed; The presence or absence of pests such as wood damaging organisms, rodents, or insects; or Cosmetic items, underground items, or items not permanently installed. Home inspectors are not required to: Offer warranties or guarantees of any kind; Calculate the strength, adequacy, or efficiency of any system or component; Enter any area or perform any procedure that may damage the property or its components or be dangerous to the home inspector or other persons; Operate any system or component that is shut down or otherwise inoperable; Operate any system or component that does not respond to normal operating controls; Disturb insulation, move personal items, panels, furniture, equipment, plant life, soil, snow, ice, or debris that obstructs access or visibility; Determine the presence or absence of any suspected adverse environmental condition or hazardous substance, including but not limited to mold, toxins, carcinogens, noise, contaminants in the building or in soil, water, and air; Determine the effectiveness of any system installed to control or remove suspected hazardous substances; Predict future condition, including but not limited to failure of components; Since this report is provided for the specific benefit of the customer(s), secondary readers of this information should hire a licensed inspector to perform an inspection to meet their specific needs and to obtain current information concerning this property.

Prepared Using HomeGauge <http://www.HomeGauge.com> : Licensed To James Herrera











## Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

**To:** Unified Government Board of Commissioners

**From:** Planning and Urban Design Staff

**Date:** April 25, 2024

**Re:** Special Use Petition SP2024-010

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### GENERAL INFORMATION

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**Applicant:**

Roderick Simmons Jr.

**Status of Applicant:**

Property Owner  
4845 Horton Street  
Mission, KS, 66202

**Requested Action:**

Approval of a Short-Term Rental  
Special Use Permit.

**Date of Application:**

February 22, 2024

**Purpose:**

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

**Property Location:**

2614 South 27<sup>th</sup> Street  
Kansas City, KS 66106

**Commission Districts:**

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



|                                        |                                                                                                                                                                                                                                                                             |
|----------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Existing Zoning:</b>                | R-1 Single Family District                                                                                                                                                                                                                                                  |
| <b>Adjacent Zoning:</b>                | <b>North:</b> R-1 Single Family District<br><b>South:</b> R-1 Single Family District<br><b>East:</b> R-1 Single Family District<br><b>West:</b> R-1 Single Family District                                                                                                  |
| <b>Adjacent Uses:</b>                  | <b>North:</b> Single-family residences<br><b>South:</b> Single-family residences<br><b>East:</b> Single-family residences<br><b>West:</b> Single-family residences                                                                                                          |
| <b>Total Tract Size:</b>               | 0.2308 Acre                                                                                                                                                                                                                                                                 |
| <b>Comprehensive Plan Designation:</b> | The PlanKCK Comprehensive Plan designates the subject property as Low-Density Residential, which allows single-family detached homes and townhomes or side-by-side rowhouses at intersections or the end of street blocks.                                                  |
| <b>Major Street Plan:</b>              | The goDotte Mobility Plan designates South 27 <sup>th</sup> Street as a Local/Neighborhood Street.                                                                                                                                                                          |
| <b>Parking Requirement:</b>            | Section 27-454(e) states “Two (2) off-street parking spaces shall be provided on the premises for each single-family dwelling, at least one (1) of which shall be in a garage or carport.” The property provides three (3) parking spaces, one (1) of which is in a garage. |
| <b>Advertisement:</b>                  | <u>The Wyandotte Echo</u> – March 14, 2024<br>Letters to Property Owners – March 15, 2024                                                                                                                                                                                   |
| <b>Public Hearings:</b>                | April 8, 2024 and April 25, 2024                                                                                                                                                                                                                                            |
| <b>Public Support:</b>                 | None to date.                                                                                                                                                                                                                                                               |
| <b>Public Opposition:</b>              | None to date.                                                                                                                                                                                                                                                               |

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## PROPOSAL

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Detailed Outline of Requested Action: The applicant, Roderick Simmons Jr., is requesting a Special Use Permit to operate a short-term rental at 2614 South 27<sup>th</sup> Street. This is not the owner’s primary residence. This would be the first and only permitted short-term rental on the 3000 block of South 27<sup>th</sup> Street.

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

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## RELATED ENFORCEMENT AND ACTION ITEMS

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

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

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

1. There were multiple Notices of Violation on the subject property between the years of 2004 to 2013. These violations ranged from excessive weeds, inoperable vehicles parked on the property, and a stop work order for a lack of building permit for the addition to the second floor of the home on the property.

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

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

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## FACTORS TO BE CONSIDERED

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

The subject property is located in the Argentine Statistical Neighborhood area. The neighborhood is comprised of single-family residences. To the East of the subject property, there is undeveloped land that is zoned RP-5 Planned Apartment District. The subject property is located in the neighborhood, which is across the street from Maple Hill Cemetery, located off of Shawnee Drive.

### ***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 Single Family District. Continuing use as a rental, either short or long-term, is consistent with other nearby properties in close proximity to the surrounding residential district. The proposed use is compatible if properly managed.

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

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

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

The length of time the property has remained vacant is unknown.

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

Special Use Permits are not addressed in the PlanKCK Comprehensive Plan. The Comprehensive Plan designates the subject property as Low-Density Residential District, which allows for single-family homes. The use as a short-term rental conforms to the Master 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 South 27<sup>th</sup> Street, a local street, to accommodate it if managed properly while it functions as a short-term rental. Guests of short-term rentals tend to travel more throughout the area, as they are typically visitors or tourists.

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

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

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

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

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

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

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

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

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

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

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## **PREVIOUS ACTIONS**

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There have been no previous Planning land entitlements on the subject property.

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## **NEIGHBORHOOD MEETING**

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The applicant held a neighborhood meeting via Zoom on March 24, 2024. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

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## **KEY ISSUES**

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Home Inspection Report  
Illumination  
Noise  
Overcrowding  
Parking  
Vibration

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## **PLANNING COMMISSION RECOMMENDATION**

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The Planning Commission voted 9 to 0 to recommend **APPROVAL** of Special Use Permit Application SP2024-010, **for one (1) year**, subject to:

1. **Maximum number of guests shall be seven (7);**
2. **All parking must be off-street, maximum number of vehicles is three (3). No short-term rental renters or guests may park on-street;**
3. **The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;**



4. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;
5. Applicant is to maintain liability insurance;
6. The property must remain in proper maintenance and free of hazards, pests, or infestations;
7. The granting of this Special Use Permit does not transfer with a change of ownership of the property;
8. Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and [www.hostcompliance.com/tips](http://www.hostcompliance.com/tips) (website);
9. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or [signpermits@wycokck.org](mailto:signpermits@wycokck.org) to begin this process;
10. If approved, occupying businesses must file and maintain a current business occupation tax application with this office;
11. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by [buildinginspection@wycokck.org](mailto:buildinginspection@wycokck.org) to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
12. All existing and future driveways must feature curb cuts that are constructed to UG standards;
13. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
14. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
15. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any

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

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## STAFF COMMENTS AND SUGGESTIONS

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Staff concurs with the recommendation of the City Planning Commission.

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## STAFF RECOMMENDATION

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Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **SP2024-010** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

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## ATTACHMENTS

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April 8, 2024, City Planning Commission Minutes  
Aerial Imagery  
Zoning Map  
Land Use Map  
Host Compliance Map – March  
Neighborhood Meeting Documents  
Floor Plan  
Home Inspection Report  
Site Photos– Taken by Staff, Dated March 7, 2024

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## REVIEW OF INFORMATION AND SCHEDULE

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| Action         | City Planning Commission | Unified Government Board of Commissioners |
|----------------|--------------------------|-------------------------------------------|
| Public Hearing | April 8, 2024            | April 25, 2024                            |
| Special Use    | Approval                 |                                           |

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### STAFF CONTACT:

Kiley Meierarend  
[kmeierarend@wycokck.org](mailto:kmeierarend@wycokck.org)

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## MOTIONS

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I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2024-010** 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 **SP2024-010**, 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.

## **April 8, 2024, City Planning Commission Minutes:**

### **Hearing starts at 2:29:00:**

#### **SPECIAL USE PERMIT APPLICATION SP2024-010 – RODERICK SIMMONS JR. –**

**SYNOPSIS:** Special Use Permit to operate a short-term rental at 2614 South 27<sup>th</sup> Street. *Detailed Outline of Requested Action:* The applicant, Roderick Simmons Jr., is requesting a Special Use Permit to operate a short-term rental at 2614 South 27<sup>th</sup> Street. This is not the owner's primary residence. This would be the first and only permitted short-term rental on the 3000 block of South 27<sup>th</sup> Street.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated April 8, 2024;
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:**

- Roderick Simmons, Jr., applicant, 4845 Horton Street, Mission, Kansas 66202

### **Present in Opposition:**

- No one appeared

**Staff Recommendation starts at 2:31:38:** Planning Director Hand stated that the request is for a Special Use Permit for a non-owner-occupied Short-Term Rental. The property is in the PlanKCK Area in the Argentine neighborhood. Staff received no letters in support nor opposition. There are some older notices of violation from the previous owner that will be addressed with this project. Staff recommends approval for one (1) year subject to the conditions in the staff report.

### **Motion starts at 2:32:17:**

On motion by Mrs. Jones, seconded by Ms. Schwartz, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit Application SP2024-010 for one (1) year:**

|        |          |
|--------|----------|
| Carson | Chairman |
| Ward   | Aye      |

|            |             |
|------------|-------------|
| Armstrong  | Not Present |
| Beth       | Aye         |
| Easterwood | Aye         |
| Ernst      | Aye         |
| Jones      | Aye         |
| Miller     | Aye         |
| Mohler     | Aye         |
| Schwartz   | Aye         |
| Straws     | Aye         |

Motion to recommend **APPROVAL** Passed: 9 to 0  
Subject to:

1. Maximum number of guests shall be seven (7);
2. All parking must be off-street, maximum number of vehicles is three (3). No short-term rental renters or guests may park on-street;
3. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
4. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;
5. Applicant is to maintain liability insurance;
6. The property must remain in proper maintenance and free of hazards, pests, or infestations;
7. The granting of this Special Use Permit does not transfer with a change of ownership of the property;
8. Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and [www.hostcompliance.com/tips](http://www.hostcompliance.com/tips) (website);
9. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or [signpermits@wycokck.org](mailto:signpermits@wycokck.org) to begin this process;
10. If approved, occupying businesses must file and maintain a current business occupation tax application with this office;
11. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by [buildinginspection@wycokck.org](mailto:buildinginspection@wycokck.org) to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
12. All existing and future driveways must feature curb cuts that are constructed to UG standards;



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

**the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.**

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## ATTACHMENTS

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### AERIAL IMAGERY

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### ZONING MAP

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## LAND USE MAP

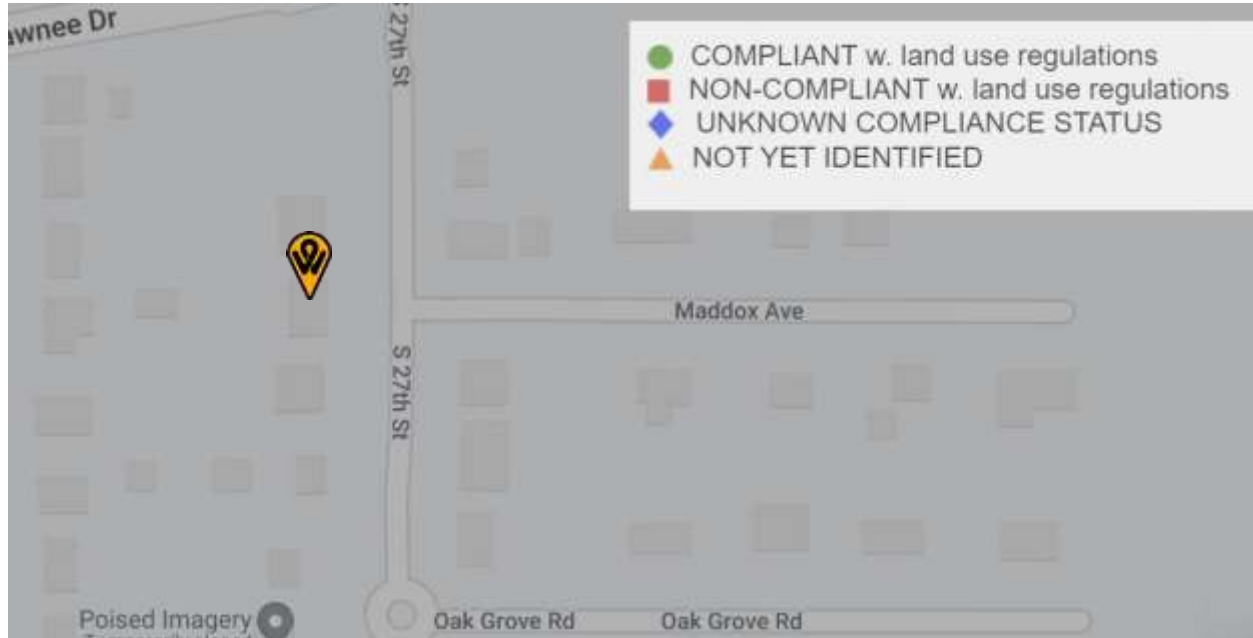
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## HOST COMPLIANCE MAP – March 18, 2024

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## NEIGHBORHOOD MEETING MATERIALS

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March 24, 2024

SUBJECT: Neighborhood Meeting

I have filed an application with the Planning + Urban Design Department  
#SP2024-010.

The purpose of this special use permit is for a: Short Term Rental/ Airbnb  
at the following address: 2614 South 27<sup>th</sup> Street.

I am having a neighborhood meeting on Sunday, March 24<sup>th</sup> at 2:00 p.m. at the  
following address: 2614 South 27<sup>th</sup> Street.

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

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

Sincerely,

Roddy Simmons

816-835-4416 or please email me at [rodsimmons19@hotmail.com](mailto:rodsimmons19@hotmail.com)

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## NEIGHBORHOOD MEETING MATERIALS

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Application Number \_\_\_\_\_ SP2024-010 - 2614 South 27<sup>th</sup> Street

Date and Location: Sunday, March 24, 2024 @ 2614 S. 27<sup>th</sup> St. \_\_\_\_\_

Meeting called to order at: 2:20pm

Introductions:

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

- Explained this would be used as a short-term rental thru Airbnb.
  - Informed them that a Ring camera would be installed at the front + back doors.
  - Informed who owned the property + who would manage it. Provided contact info.
  - Showed the Book we have created w/ login information
- Meeting adjourned at: 3:02pm passwords. Things to Do while in KC

Minutes taken by: Christina Simmons

- also, informed who would clean after each stay.
- exchanged contact info



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## NEIGHBORHOOD MEETING MATERIALS

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Names of people in attendance:

1 Edwin & Ashton Aguirre

2 Christina Simmons

3 Roddy Simmons

4 

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## NEIGHBORHOOD MEETING MATERIALS

Questions and answers (include the following):

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

Edwin - when did you purchase the house?

Roddy answered, house purchased Aug 2023

Edwin - How will people schedule the days they wish to stay?  
& how will the people staying get in touch w/ you if needed?

Roddy - Booking will be thru Airbnb to select the days.  
my contact information along with my mom, Christina's  
contact information will be listed. It is also  
be provided on the welcome Book/Guest Manual.

Edwin - Do you know how much you plan on charging?

Roddy answered, we will use pricing based on camps in  
the area.

Edwin - who makes the decision on the license?

Roddy explained that the Urban Planning committee of  
wyandotte county will make the decision. we have a  
meeting scheduled on Monday, April 8<sup>th</sup>

Roddy - would you like a tour of the house?

Edwin/Ashton - of course. Ashton mentioned her family is excited  
that an Airbnb will be next door. Family would love to stay here  
when visiting, they live in Columbia, MO.

Roddy - can we exchange phone numbers?

Edwin gave us his phone number. Roddy & Christina <sup>both</sup> gave  
phone numbers to Edwin

# NEIGHBORHOOD MEETING MATERIALS

## AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas )  
COUNTY OF Wyandotte ) SS:

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

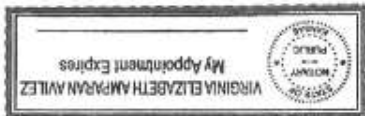
1. That I am the petitioner for Petition # SP2024-010
- 2.
3. That I conducted a neighborhood meeting on 3/24/2024
4. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Planning + Urban Design Department.

Further affiant saith not.

Christina Simmons  
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 26<sup>th</sup> day of March, 2024.

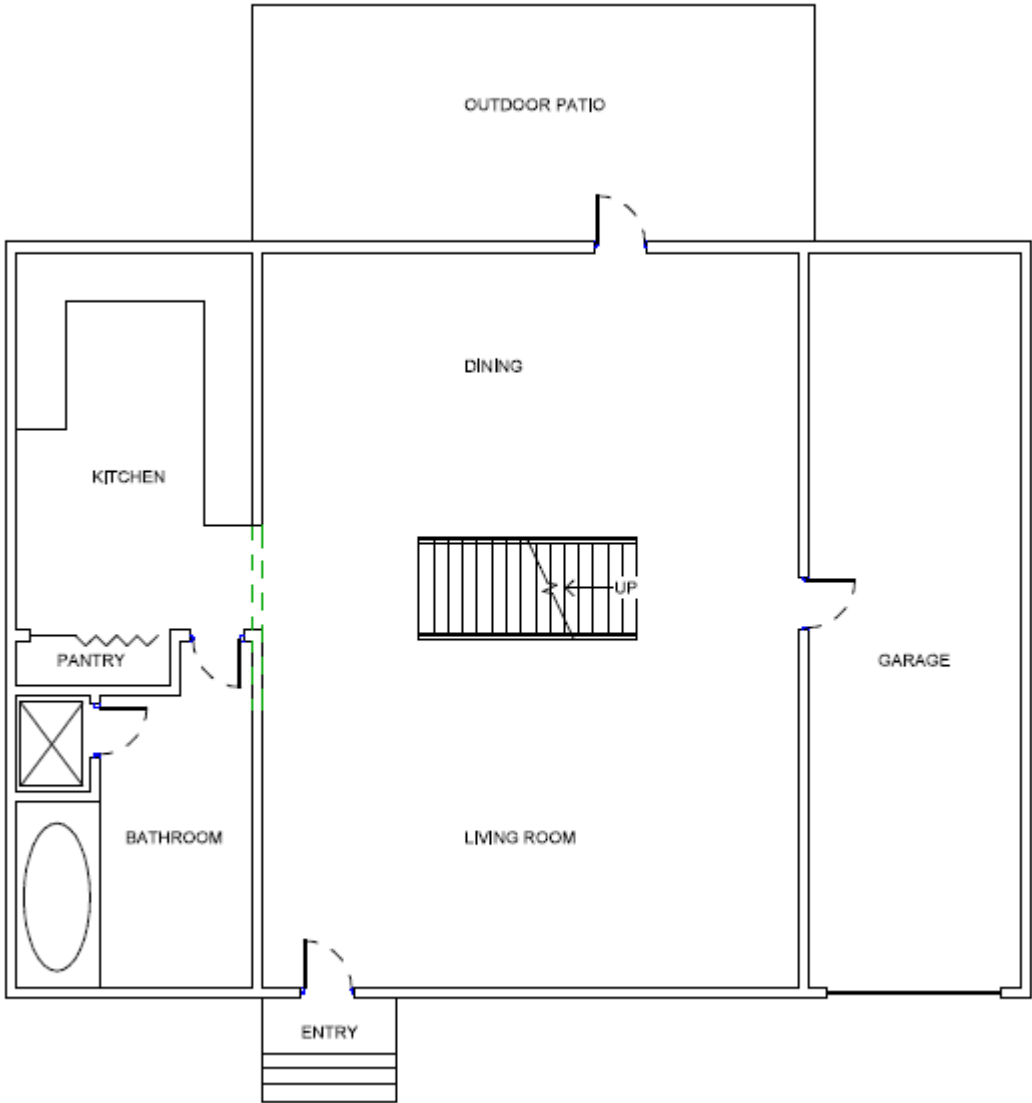
My commission expires 18<sup>th</sup> of December, 2028.



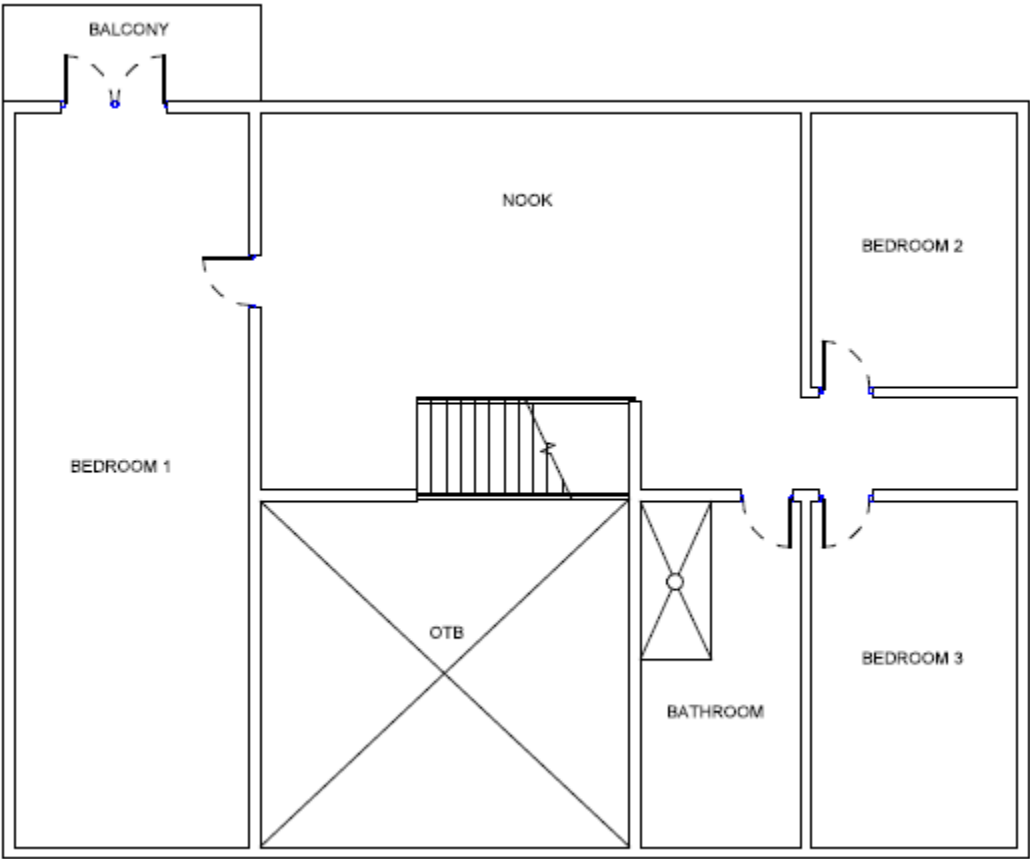
Virginia Amparan Avilez  
Notary Public



FLOOR PLAN



FLOOR PLAN



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## HOME INSPECTION REPORT

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1.8 1. loose carpet upon entry to SE bedroom



1.8 Item 1 (Picture)

1.10) 2. Various window screens missing

1.11) 1. Loose handrail- deck.

2. Support brackets missing at improperly supported header beam at deck.



1.11 Item 1 (Picture)



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## HOME INSPECTION REPORT

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1.11 Item 2 (Picture)

1.14 1. Loose handrails, broken spindle – main staircase.



1.14 Item 1 (Picture)



1.14 Item 2 (Picture)

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## HOME INSPECTION REPORT

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- 2.3 1. No electrical current noted- rear exterior wall GFCI.  
2. Switch plate missing in W. bedroom  
3. Loose light fixture/missing bulb in SW bedroom closet.  
4. Laundry room light switch located in main floor bathroom.  
5. Recommend a ceiling light fixture in garage.  
6. Open wire splices East & West wall in crawlspace- recommend a junction box and cover.



2.3 Item 1 (Picture)



2.3 Item 2 (Picture)



2.3 Item 3 (Picture)



2.3 Item 4 (Picture)

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## HOME INSPECTION REPORT

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2.3 Item 5 (Picture)



2.3 Item 6 (Picture) open wire splice

**2.8** The smoke detector should be tested at common hallway to bedrooms upon moving in to home.

1. Fault smoke detectors 2nd floor, missing smoke detector main floor.

**2.9** There is no carbon monoxide detector found in home. It is recommended that one be installed according to the manufacturer's instructions.



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## HOME INSPECTION REPORT

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3.4 1. loose ceiling register- above rear exterior door walk out area



3.4 Item 1 (Picture)

4.0 P trap not installed properly- main floor bathroom sink.



4.0 Item 2 (Picture)

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**SITE PHOTOS- TAKEN BY STAFF, DATED MARCH 7, 2024**

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## Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

**To:** Unified Government Board of Commissioners

**From:** Planning and Urban Design Staff

**Date:** April 25, 2024

**Re:** Special Use Petition SP2024-011

### GENERAL INFORMATION

**Applicant:**  
Juan Ramirez

**Status of Applicant:**  
Owner/Operator  
Fenix Auto Sales  
932 South 7<sup>th</sup> Street  
Kansas City, Kansas

**Requested Action:**  
Approval of a Special Use Permit.

**Date of Application:**  
February 23, 2024

**Purpose:**  
To operate an automotive dealership.

**Property Location:**  
401 Kansas Avenue  
Kansas City, Kansas 66105

**Commission Districts:**  
Commissioner At-Large, District #2:  
Tom Burroughs  
District #2 Commissioner:  
William (Bill) Burns



|                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|----------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Existing Zoning:</b>                | M-2 General Industrial District                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <b>Adjacent Zoning:</b>                | <b>North:</b> M-2 General Industrial District<br><b>South:</b> M-2 General Industrial District<br><b>East:</b> M-2 General Industrial District<br><b>West:</b> M-2 General Industrial District                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <b>Adjacent Uses:</b>                  | <b>North:</b> Towing Company and Fire Station #3<br><b>South:</b> Scaffold Supplier and Trailer Repair<br><b>East:</b> Hospital Linen Cleaning Service<br><b>West:</b> Vacant Row Stores                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <b>Total Tract Size:</b>               | 0.21 Acre                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <b>Comprehensive Plan Designation:</b> | <p>The Armourdale Area Plan designates the subject property as Light Industrial, which allows for industrial processing, manufacturing, heavy truck traffic, excessive noise, potentially noxious uses and outdoor storage. The Armourdale Area Plan indicates that this area on Kansas Avenue should be redirected to combine dense residential and commercial development in order to strengthen Armourdale's link to the Historic West Bottoms, The Rock Island Bridge, and the Kansas River. The commercial use of a commercial automotive sales is highly compatible with the desire to downgrade intensities on this corridor.</p> |
| <b>Major Street Plan:</b>              | The goDotte Mobility Plan designates Kansas Avenue as a Minor Arterial.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <b>Parking Requirement:</b>            | <p>Section 27-469(e) states that one (1) parking space is required for every 500 square feet of building area. The subject property has 1,750 square feet of space, requiring four (4) parking spaces. The subject property is stripped for 14 parking spaces.</p>                                                                                                                                                                                                                                                                                                                                                                       |
| <b>Advertisement:</b>                  | <p><u>The Wyandotte Echo</u> – March 14, 2024<br/> Letters to Property Owners – March 15, 2024</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <b>Public Hearings:</b>                | April 8, 2024 and April 25, 2024                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <b>Public Support:</b>                 | None to date.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <b>Public Opposition:</b>              | None to date.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |

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## PROPOSAL

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Detailed Outline of Requested Action: The applicant, Juan Ramirez with Fenix Auto Sales, is requesting a Special Use Permit to operate a 1,750 square foot used automobile facility at 401 Kansas Avenue.

City Ordinance Requirements: 27-592 through 27-606

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## RELATED ENFORCEMENT AND ACTION ITEMS

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

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

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

1. There had been a history of notices of violation prior to the current owner, for violations including graffiti, weeds, and uses without proper permitting. There have been no complaints since 2020.

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

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

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## FACTORS TO BE CONSIDERED

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

The subject property is within the Armourdale Statistical Neighborhood and the Armourdale Renewal Association group. The neighborhood is industrial and mixed use in character. Lots vary in size from 0.05 acre to accommodate commercial-style row stores and 15 acres for larger, more intense industrial operations. Smaller commercial-style row buildings sit towards the front property lines with side lots for parking. Industrial buildings are typically metal and set back from property lines with front-loaded parking lots. The streets are concrete with some improvements such as wide sidewalks, curbs, upgraded bus stops, stormwater inlets, and street lighting.

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

The zoning uses of the nearby properties are set out above. Other uses in the area have included restaurants, automobile mechanics, wholesale plumbing supplies, custom-cut machine parts, and construction material sales. An automotive sales shop is compatible with a neighborhood of mixed industrial and commercial uses.

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

The property is suitable for automotive sales if managed properly. It has historically been used as a roofing office and a restaurant. The neighborhood is comprised of higher-intensity uses of a similar nature and will not be affected by the granting of the Special Use Permit.

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

The property has been vacant since January 2024.

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

Special Use Permits are not addressed in the Armourdale Area Plan. The current Master Plan Designation is Light Industrial, although it is stated that there is a desire to redirect land use from industrial to commercial uses to provide a better gateway transition from West Bottoms. The proposed use conforms to the Armourdale Area Plan with an approved 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 use will not result in increasing the amount of vehicular traffic to the point where it exceeds the capacity of Kansas Avenue, a Minor Arterial, if managed appropriately, as the subject property has adequate off-street parking and alleyway access per zoning ordinances.

**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 those who benefit will be those who patronize the dealership will be seeking a private purchase. The use will not substantially or permanently injure the appropriate use, visual quality, or marketability of adjacent property given the industrial nature of surrounding uses if managed appropriately.

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

Noise, vibration, illumination, and environmental hazards are typical issues that may be associated with the operation of an automotive sales business. Automotive sales is ostensibly conducted during daytime hours and surrounding businesses are generally operating on all shifts during all days of the week.

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

The proposed use has the potential to pollute the land and water if leaks from cars for sale are not properly managed.

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

The subject property is within a built-out mixed-use industrial area and its continued operation would not damage or destroy an irreplaceable natural resource if managed properly.

**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 public gain is negligible, as the operation of an automotive sales is a private business. Should the Special Use Permit not be approved, the business would need to find a different location. The building owner would lose a tenant and experience loss of rental income before finding another tenant.

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

Overcrowding of buildings or automobiles should not be a problem if the use is managed appropriately, however, the applicant needs to submit a site plan showing how the site is managed. The subject property has an off-street parking lot with several spaces and room to add additional spaces if necessary. There is no foreseen problem with undue concentrations of population, as the subject property ostensibly has daily operating hours and adequate parking.

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**PREVIOUS ACTIONS**

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- Approval of a Special Use Permit for automobile sales for two (2) years in 2022.

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**NEIGHBORHOOD MEETING**

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The applicant held a neighborhood meeting in-person at 401 Kansas Avenue on March 18, 2024. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.



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## KEY ISSUES

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Automotive Use  
Commercial Design Guidelines  
District Compatibility  
Landscaping  
Overcrowding  
Parking and Traffic  
Pedestrian Access  
Unpermitted Operation  
Unpermitted Signage  
Zoning and Land Use

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## PLANNING COMMISSION RECOMMENDATION

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The Planning Commission voted 9 to 0 to recommend **APPROVAL** of Special Use Permit Application SP2024-011, **for two (2) years**, subject to:

1. Based on the size of the property and the limited parking, the applicant will be limited to 8 cars for sale on the property, three (3) parking spaces for employees, and three (3) for customer/client parking;
2. All cars must be parked on site, in a marked parking space. No sales inventory shall be parked in the public right-of-way, nor shall they be double-parked/double-stacked in the parking lot;
3. No repair shall occur on the property;
4. The applicant shall submit a sign permit application for all exterior signs they have placed on the building;
5. Any dead landscaping must be replaced;
6. Brickwork must be reverted to the original condition, free of paint;
7. Sidewalks and landscaping must be installed per UG standards, including a minimum of one (1) tree;
8. Exterior lighting shall be updated for downward facing lights per the commercial design guidelines;
9. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or [signpermits@wycokck.org](mailto:signpermits@wycokck.org) to begin this process;
10. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by [info@wycokck.org](mailto:info@wycokck.org) to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly.
11. Any automotive-related business in Wyandotte County that is required to obtain any Special Use Permit, shall be responsible to ensure that the business operations are at all times compliant with all applicable local ordinances and State Statutes and Regulations [27-463 through 27-470; 27-592 through 27-616] [KSA 65-3424, KAR 28-29-29 through 28-29-33]. Proof

- of proper disposal of waste tires with a Kansas State permit-holding waste tire collector or waste tire processor is required to be maintained at the management office and provided to any enforcement staff upon request;
12. Any 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 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;
  14. The applicant is requesting a Special Use Permit for a property zoned M-2 General Industrial District. Therefore, this property is subject to, and must comply with, all applicable regulations under the Commercial Development Guidelines Overlay District (CDGOD). This subsection addresses the applicant's demonstrated compliance with relevant CDGOD regulations for SP2022-036. All listed requirements that are identified as "have not been met" or "unclear if met" must be revised to be made compliant;
  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. 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;
  18. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper;
  19. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.

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## STAFF COMMENTS AND SUGGESTIONS

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Staff concurs with the recommendation of the City Planning Commission.

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## STAFF RECOMMENDATION

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Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **SP2024-011** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

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## ATTACHMENTS

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April 8, 2024, City Planning Commission Minutes  
Aerial Imagery  
Zoning Map  
Land Use Map  
Neighborhood Meeting Materials  
Site Plan  
Site Photos, Taken by Staff, Dated March 8, 2024

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## REVIEW OF INFORMATION AND SCHEDULE

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|                |                          |                                           |
|----------------|--------------------------|-------------------------------------------|
| Action         | City Planning Commission | Unified Government Board of Commissioners |
| Public Hearing | April 8, 2024            | April 25, 2024                            |
| Special Use    | Approval                 |                                           |

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### STAFF CONTACT:

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

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## MOTIONS

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I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2024-011** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

## OR

I move the Unified Government Board of Commissioners **DENY** Petition **SP2024-011**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

## **April 8, 2024, City Planning Commission Minutes:**

### **Hearing starts at 2:33:24:**

#### **SPECIAL USE PERMIT APPLICATION\_SP2024-011 – JUAN RAMIREZ – SYNOPSIS:**

Special Use Permit to conduct used auto sales at 401 Kansas Avenue. Detailed Outline of Requested Action: The applicant, Juan Ramirez with Fenix Auto Sales, is requesting a Special Use Permit to operate a 1,750 square foot used automobile facility at 401 Kansas 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 April 8, 2024;
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:**

- Juan Ramirez, applicant, 401 Kansas Avenue, Kansas City, Kansas 66105

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

- No one appeared

**Staff Recommendation starts at 2:35:22:** Planning Director Hand stated that the request is for a Special Use Permit for auto sales. There was a change in ownership and the new owners must file for their own Special Use Permit. The property is in the Armourdale Area Plan. Staff received no letters in support nor opposition. There are some older Notices of Violation that were rectified by the previous owner before it become a vacant property for some time. Staff recommends approval for two (2) years subject to the conditions in the staff report.

#### **Motion starts at 2:36:26:**

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

**SP2024-011 for two (2) years:**

|        |          |
|--------|----------|
| Carson | Chairman |
| Ward   | Aye      |



|            |             |
|------------|-------------|
| Armstrong  | Not Present |
| Beth       | Aye         |
| Easterwood | Aye         |
| Ernst      | Aye         |
| Jones      | Aye         |
| Miller     | Aye         |
| Mohler     | Aye         |
| Schwartz   | Aye         |
| Straws     | Aye         |

Motion to recommend APPROVAL Passed: 9 to 0  
Subject to:

1. Based on the size of the property and the limited parking, the applicant will be limited to 8 cars for sale on the property, three (3) parking spaces for employees, and three (3) for customer/client parking;
2. All cars must be parked on site, in a marked parking space. No sales inventory shall be parked in the public right-of-way, nor shall they be double-parked/double-stacked in the parking lot;
3. No repair shall occur on the property;
4. The applicant shall submit a sign permit application for all exterior signs they have placed on the building;
5. Any dead landscaping must be replaced;
6. Brickwork must be reverted to the original condition, free of paint;
7. Sidewalks and landscaping must be installed per UG standards, including a minimum of one (1) tree;
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  14. The applicant is requesting a Special Use Permit for a property zoned M-2 General Industrial District. Therefore, this property is subject to, and must comply with, all applicable regulations under the Commercial Development Guidelines Overlay District (CDGOD). This subsection addresses the applicant's demonstrated compliance with relevant CDGOD regulations for SP2022-036. All listed requirements that are identified as "have not been met" or "unclear if met" must be revised to be made compliant;
  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;
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  17. 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;
18. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper;
  19. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.

## ATTACHMENTS

### AERIAL IMAGERY

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### ZONING MAP

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LAND USE MAP



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## NEIGHBORHOOD MEETING MINUTES

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DATE: MARCH 7, 2024

NAME

ADDRESS:

CITY/STATE/ZIP:

SUBJECT: NEIGHBORHOOD MEETING

I HAVE FILED AN APPLICATION WITH THE PLANNING + URBAN DESIGN DEPARTMENT # SP2024-011. THE PURPOSE OF THIS:

**(PLEASE USE ALL THAT APPLIES)**

- CHANGE OF ZONE
- SPECIAL USE PERMIT
- PRELIMINARY PLAN REVIEW

IS FOR A SPECIAL USE PERMIT

AT THE FOLLOWING ADDRESS: 401 KANSAS AVE. KANSAS CITY, KS  
66105.

I AM HAVING A NEIGHBORHOOD MEETING ON MARCH 18, 2024 AT 5 P.M.  
AT THE FOLLOWING ADDRESS 401 KANSAS AVE. KANSAS CITY, KS  
66105.

THE PURPOSE OF THIS MEETING IS TO EXPLAIN THE PROPOSAL AND TO ANSWER ANY  
QUESTIONS/CONCERNS YOU MAY HAVE.

OUR GOOD FRIEND MANOLO HAS DECIDED TO RETIRE FROM THE DEALERSHIP, AND HAS GIVEN  
US THE OPPORTUNITY TO CONTINUE THE SAME OPERATIONS ALREADY IN PLACE AT THIS  
LOCATION.

I LOOK FORWARD TO SEEING YOU AT THE NEIGHBORHOOD MEETING. IF YOU ARE UNABLE TO  
ATTEND, PLEASE CONTACT ME AT THE PHONE NUMBER/EMAIL LISTED BELOW.

SINCERELY,

JUAN C. RAMIREZ

[JUAN@FENIXAUTOKC.COM](mailto:JUAN@FENIXAUTOKC.COM)

(913) 481-8776 – CELL

(913) 399-4770 - OFFICE



Date: March 18, 2024

Application Number SP2024-011

Date and Location: 03/18/2024 - 401 KANSAS AVE. KCKS 66105

Meeting called to order at: 401 KANSAS AVE. KCKS 66105

Names of people in attendance:  
JUAN C. RAMIREZ - APPLICANT

Introductions:

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

*Meeting set for 5pm start(waited until 5:47pm). No attendants present, no presentation provided.*

Questions and answers (include the following):

*No questions asked via in person, email or call*

Meeting adjourned at: *5:47pm*

Minutes taken by: JUAN C. RAMIREZ

**AFFIDAVIT – NEIGHBORHOOD MEETING**

STATE OF Kansas )  
COUNTY OF Wyandotte ) SS:

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

1. That I am the petitioner for Petition # SP2024-011
2. That I conducted a neighborhood meeting on 03/18/2024.
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.

Juan Ramirez  
Affiant

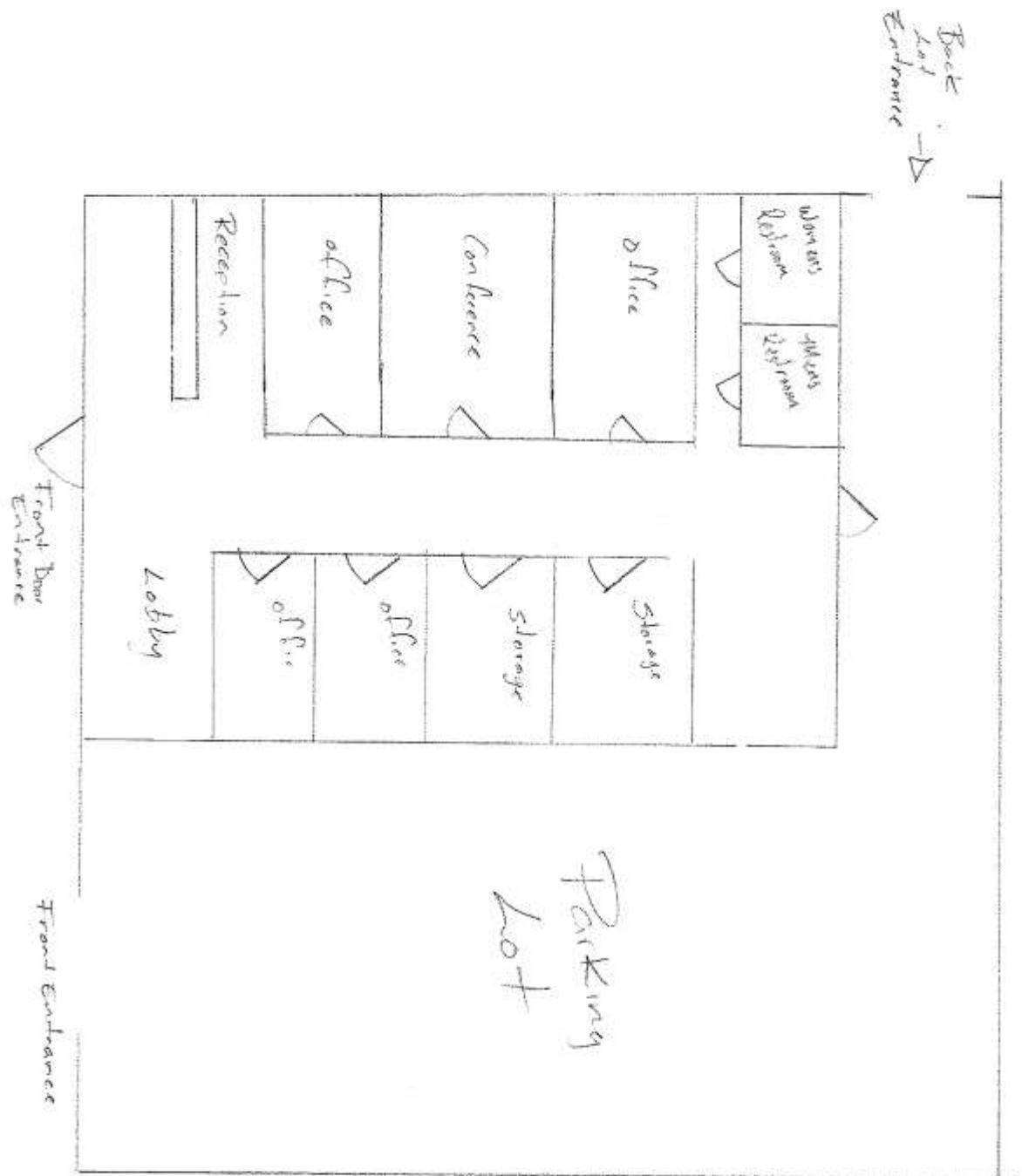
SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 18 day of March, 2024

My commission expires 30 of July, 2024



Lina Patino  
Notary Public

# SITE PLAN



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**SITE PHOTOS, TAKEN BY STAFF, MARCH 8, 2024**

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## Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

**To:** Unified Government Board of Commissioners

**From:** Planning and Urban Design Staff

**Date:** April 25, 2024

**Re:** Special Use Petition SP2024-012

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### GENERAL INFORMATION

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**Applicant:**  
Nadia Griffitt

**Status of Applicant:**  
President  
Latin Quarters Inc.  
508 Kansas Avenue  
Kansas City, Kansas 66109

**Requested Action:**  
Renewal of Special Use Permit.

**Date of Application:**  
January 26, 2024

**Purpose:**  
To renew a Special Use Permit  
(which expired February 3, 2024) to  
continue to operate a drinking  
establishment with live  
entertainment.

**Property Location:**  
508 Kansas Avenue  
Kansas City, Kansas 66109

**Commission Districts:**  
Commissioner At-Large, District #2:  
Tom Burroughs  
District #2 Commissioner: William  
(Bill) Burns





|                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|---------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Existing Zoning:</b>         | M-2 General Industrial District                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <b>Adjacent Zoning:</b>         | <b>North:</b> M-3 Heavy Industrial District<br><b>South:</b> M-2 General Industrial District<br><b>East:</b> M-2 General Industrial District<br><b>West:</b> M-2 General Industrial District                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <b>Adjacent Uses:</b>           | <b>North:</b> Industrial Business<br><b>South:</b> Office Building<br><b>East:</b> KCK Fire Department Station #3<br><b>West:</b> Commercial Buildings                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <b>Total Tract Size:</b>        | 0.33 Acre                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <b>Master Plan Designation:</b> | The Armourdale Area Plan designates this area as Mixed-Use, which allows for mixed-use residential and commercial.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <b>Major Street Plan:</b>       | The Major Street Plan classifies Kansas Avenue as a Class B Thoroughfare.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <b>Parking Requirement:</b>     | <p>Section 27-469(f) states that uses in this district require paved off-street parking at a ratio necessary to serve the employees, visitors, customers and others who may be on the premises. The ratio will vary among occupants and will be determined by the Director of Planning after receipt of a summary of parking needs and characteristics prepared by the owner or initial occupant. 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 (1) space for each 1,000 square feet needs to be provided for increments between 20,000 and 50,000 square feet.</p> <p>Parking requirements for a drinking establishment are one (1) space per 50 square feet of seating area, plus one (1) space for 200 square feet of remaining total floor area. One (1) out of every 25 parking spaces must be ADA Compliant. One (1) out of every six (6) ADA spaces must be van accessible. The previous approval provided 32 parking spaces with two (2) ADA parking spaces, meeting the required amount.</p> |
| <b>Advertisement:</b>           | <u>The Wyandotte Echo</u> – March 14, 2024<br>Letters to Property Owner – March 15, 2024                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <b>Public Hearings:</b>         | April 8, 2024 and April 25, 2024                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |

|                           |                                                                                            |
|---------------------------|--------------------------------------------------------------------------------------------|
| <b>Public Support:</b>    | One (1) person appeared in support at the April 8, 2024, City Planning Commission meeting. |
| <b>Public Opposition:</b> | Staff has received one (1) letter in opposition.                                           |

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## **PROPOSAL**

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*Detailed Outline of Requested Action:* The applicant, Nadia Griffitt, is requesting the renewal of a Special Use Permit (SP2022-121) to continue to operate a drinking establishment with live entertainment at 508 Kansas Avenue. This would be the 4<sup>th</sup> renewal of this Special Use Permit if renewed.

*City Ordinance Requirements:* 27-592 through 27-606

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## **RELATED ENFORCEMENT AND ACTION ITEMS**

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

1. There have been multiple calls for police service since the approval of the Special Use Permit in 2021, many of which have involved criminal damage, however, since the previous approval in March 2023, there have not been any calls. Nearby businesses, however, have noted issues with loud outdoor drinking, burn outs occurring from patrons, and other noise issues.

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

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

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

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

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## **FACTORS TO BE CONSIDERED**

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

The subject property is located within the Armourdale Statistical Neighborhood. Kansas Avenue is a major corridor with a mix of commercial, residential and industrial uses. Epiq Systems, Inc. is a legal service and technology company with offices directly to the south. Kansas City, Kansas Fire Department Station #3 is directly to the East. Nearby properties on Kansas Avenue include restaurants and a hardware store. There are industrial uses and a rail yard to the North.

**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 could create issues of parking, noise, and traffic if not managed properly. The property is surrounded by other commercial and industrial uses, which are compatible uses.

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

This property is suitable for use as a bar/night club or other small commercial business. The property could be suitable for a bar with live entertainment if properly managed. Noise and crowds could be an issue; however, the property is located in a commercial/industrial neighborhood and adjacent to a Class B Thoroughfare.

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

The property is not vacant and has been used as a bar/night club since 2016.

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

Special Use Permits are not addressed in the Master Plan. The Armourdale Master Plan designates this area as mixed-use. This allows for mixed-use development with commercial and residential aspects. The proposed use does not conform to the Master Plan because it is not a mixed-use complex, rather a stand-alone commercial use that would be incompatible with residential uses.

**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 the Class B Thoroughfare to accommodate it if managed properly while it hosts live entertainment. The property owner is not using the parking lot for parking of patron vehicles, as reported by nearby businesses and Fire Station #3 meaning that vehicles are parking exclusively in the public right-of-way, which may overburden the street network. Nearby businesses have also reported that patrons are parking in their private lots.

**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 necessary for the welfare of the public but provides convenience in the form of entertainment. Live entertainment has the potential to create issues of noise and traffic for the adjacent businesses if not managed properly.

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

Noise, vibration, and illumination are issues that are related to live entertainment and could create problems for nearby businesses. It has been reported that entertainment has been occurring outside in the parking lot, including a DJ and pool parties. Dust is not expected to be an issue because parking takes place on an improved surface parking lot.

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

The proposed use will not pollute the air, land, or water because it is for a bar and live entertainment within an existing structure.

**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 conducted wholly within an existing, built-out, mixed-use neighborhood.

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

The relative gain or loss to the public health, safety, and welfare is likely to be minimal as it only provides the convenience of entertainment with some economic benefit. If denied, the landowner could not use the property for a bar with live entertainment but could use the property as a restaurant or other commercial business, rent the property, or sell it.

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

The proposed use could create issues of overcrowding and undue concentrations of population if it is not managed properly. The Fire Department has previously expressed concern about the safety of the building due to potential overcrowding. Additionally, the parking lot has been shown to be overcrowded with equipment and containers. While the applicant has removed these items, previous history has shown that the applicant reverts to storing these items in the parking lot after they have been approved for operation.

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## **PREVIOUS ACTIONS**

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- Approval of a Special Use Permit for two (2) years (SP-2016-70) in 2016.
- Approval of a Variance (BZA 2230) in 2016.
- Approval of a Special Use Permit for two (2) years (SP-2019-24) in 2019.
- Approval of a Special Use Permit for one (1) year (SP2021-029) in 2021.
- Approval of a Special Use Permit for six (6) months (SP2022-121) in 2023.

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## NEIGHBORHOOD MEETING

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The applicant held a neighborhood meeting on March 26, 2024. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

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## KEY ISSUES

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Building Safety  
Trash  
Noise  
Parking  
Illumination  
Security  
Previous Conditions of Approval

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## PLANNING COMMISSION RECOMMENDATION

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The Planning Commission voted 9 to 0 to recommend **APPROVAL** of Special Use Permit Application SP2024-012, **for one (1) year**, subject to:

1. **No live entertainment is permitted on the premises; The establishment can continue to operate as a drinking establishment with limited food sales;**
2. **The establishment may not operate later than 10:00 PM;**
3. **All parking must occur on the subject property according to the previously approved parking plan. No patron parking shall occur within the public right-of-way, or on any property that is not owned by the operator or otherwise contracted via a recorded parking agreement;**
4. **Attendance is limited to 289, the legal occupancy of the building;**
5. **Respond and resolve any issues brought to the attention of the operator by residents and/or neighborhood groups;**
6. **If issues arise with adjacent property owners and are brought to staff's attention during the term, this Special Use Permit can be submitted to the Unified Government Board of Commissioners for revocation; Total public area has been established by the applicant as 4,200 square feet—2,600 square feet on the first floor and 1,600 square feet on the second floor;**
7. **Must comply with the previously provided Landscape Plan which indicates trees and landscaping along South 5th Street on the east and Kansas Avenue on the western edges of the property;**
8. **An owner must always be present on-site during hours of operation;**
9. **No amplified speakers or entertainment is allowed in outdoor spaces;**
10. **All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;**
11. **Any illumination that results from an entertainment event shall not be seen or otherwise impact adjacent residential uses;**

12. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or [signpermits@wycokck.org](mailto:signpermits@wycokck.org) to begin this process;
13. The applicant has filed and maintained a current business occupation tax application with the Business Licensing Division;
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. 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. 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.

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## STAFF COMMENTS AND SUGGESTIONS

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Staff concurs with the recommendation of the City Planning Commission.

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## STAFF RECOMMENDATION

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Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **SP2024-012** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

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## ATTACHMENTS

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April 8, 2024 City Planning Commission Minutes  
Aerial Imagery  
Zoning Map  
Land Use Map  
Letter of Opposition  
Neighborhood Meeting Documents  
Site and Floor Plan  
Site Photos, Taken by Staff, Dated March 8, 2024  
Site Photos

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## REVIEW OF INFORMATION AND SCHEDULE

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| Action         | City Planning Commission | Unified Government Board of Commissioners |
|----------------|--------------------------|-------------------------------------------|
| Public Hearing | April 8, 2024            | April 25, 2024                            |
| Special Use    | Approval                 |                                           |

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### STAFF CONTACT:

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

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## MOTIONS

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I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2024-012** 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 **SP2024-012**, 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.

### **April 8, 2024, City Planning Commission Minutes:**

#### **Hearing starts at 2:37:35:**

#### **SPECIAL USE PERMIT APPLICATION SP2024-012 – NADIA GRIFFITT –**

**SYNOPSIS:** Renewal of a Special Use Permit (SP2022-121 – expired 2/3/2024) to operate a drinking establishment with live entertainment at 508 Kansas Avenue.

**Detailed Outline of Requested Action:** The applicant, Nadia Griffitt, is requesting the renewal of a Special Use Permit (SP2022-121) to continue to operate a drinking establishment with live entertainment at 508 Kansas Avenue. This would be the 4<sup>th</sup> renewal of this Special Use Permit if renewed.

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 April 8, 2024;
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:

- Israel Mendez, applicant, 7462 Nall, Prairie Village, Kansas 66208
- Carlos Gomez, President and CEO, Hispanic Chamber of Commerce, 1148 Southwest Boswell, Topeka, Kansas

Present in Opposition:

- No one appeared

**Staff Recommendation starts at 2:40:39:** Planning Director Hand stated that this is a request for a renewal of a Special Use Permit for a drinking establishment with live entertainment. This would be the fifth approval and fourth renewal of the Special Use Permit. The property is in the Armourdale Area Plan. Before tonight, Staff received no letters in support and one (1) letter in opposition from the Armourdale Renewal Association, which is the Unified Government official neighborhood business revitalization organization (NBR) for this area. There have been a history of police calls on the site, which is typical for a use such as this. Staff recommends denial of this application but has included conditions of approval in the staff report if the Commission moves this application forward with a recommendation of approval. Director Hand stated that there have been issues in the parking lot, and it is not always being used for parking. The conditions of approval are the same as the last approval. There have also been complaints from the neighboring Fire Station in the area. The parking lot was cleaned up prior to this hearing.

Chairman Carson directed questions to the applicant concerning the parking lot.

Commissioner Beth directed questions to Director Hand concerning the previous conditions of approval.

**Motion starts at 2:46:00:**

On motion by Mr. Ward, seconded by Mr. Straws, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit Application**

**SP2024-012 for one (1) year:**

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

Motion to recommend APPROVAL Passed: 9 to 0

Subject to:

1. No live entertainment is permitted on the premises; The establishment can continue to operate as a drinking establishment with limited food sales;
2. The establishment may not operate later than 10:00 PM;
3. All parking must occur on the subject property according to the previously approved parking plan. No patron parking shall occur within the public right-of-way, or on any property that is not owned by the operator or otherwise contracted via a recorded parking agreement;
4. Attendance is limited to 289, the legal occupancy of the building;
5. Respond and resolve any issues brought to the attention of the operator by residents and/or neighborhood groups;
6. If issues arise with adjacent property owners and are brought to staff's attention during the term, this Special Use Permit can be submitted to the Unified Government Board of Commissioners for revocation; Total public area has been established by the applicant as 4,200 square feet—2,600 square feet on the first floor and 1,600 square feet on the second floor;
7. Must comply with the previously provided Landscape Plan which indicates trees and landscaping along South 5th Street on the east and Kansas Avenue on the western edges of the property;
8. An owner must always be present on-site during hours of operation;
9. No amplified speakers or entertainment is allowed in outdoor spaces;
10. All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
11. Any illumination that results from an entertainment event shall not be seen or otherwise impact adjacent residential uses;
12. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or [signpermits@wycokck.org](mailto:signpermits@wycokck.org) to begin this process;
13. The applicant has filed and maintained a current business occupation tax application with the Business Licensing Division;
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. 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. 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.

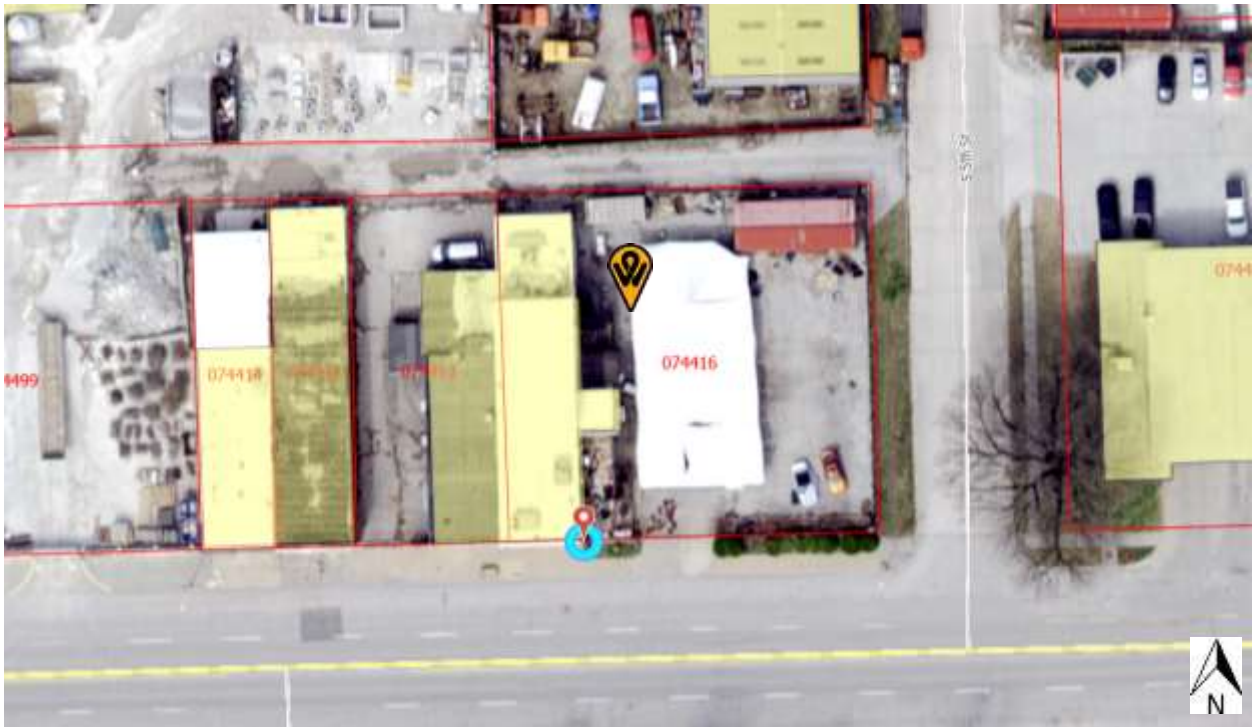
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## ATTACHMENTS

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### AERIAL IMAGERY

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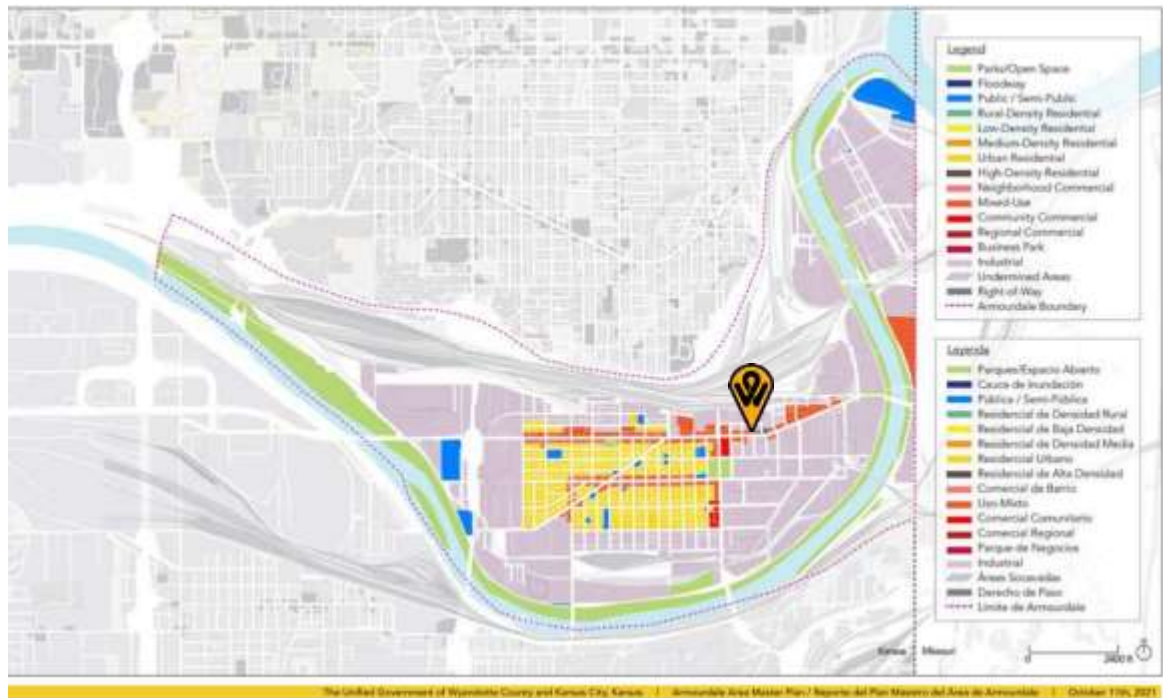
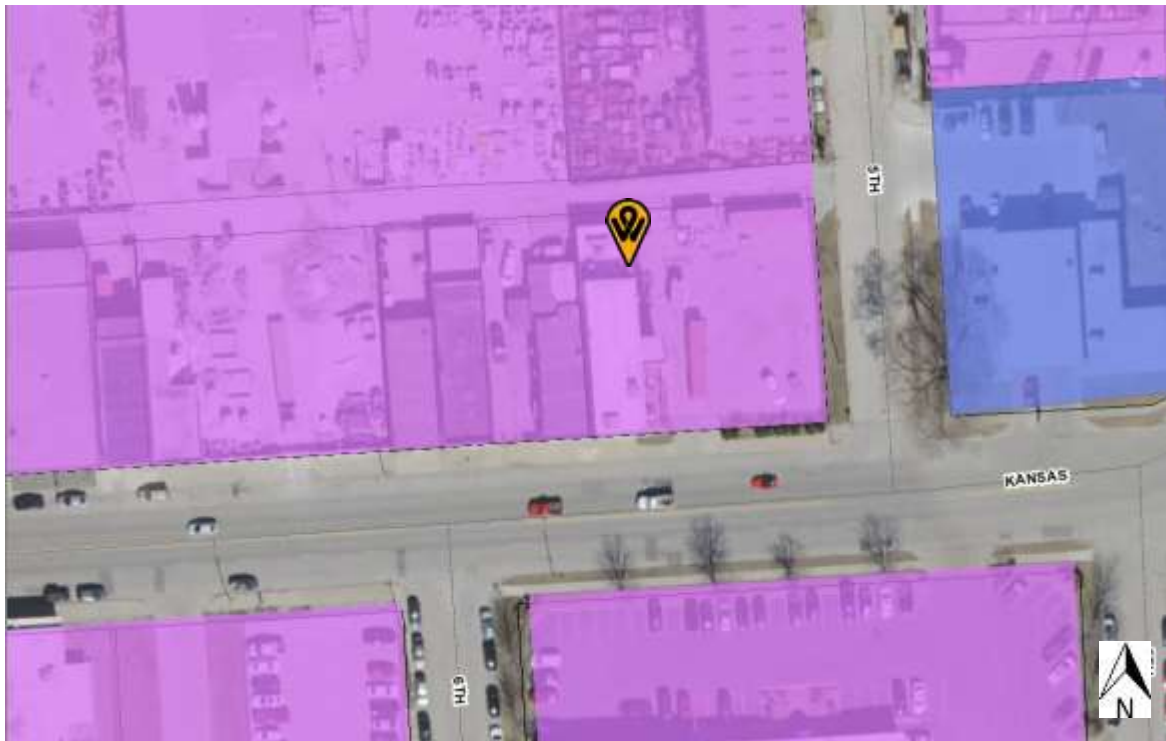
### ZONING MAP

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## LAND USE MAP – ARMOURDALE AREA MASTER PLAN



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## LETTER OF OPPOSITION

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Our goal is to serve you with excellence. Please click the following link and take a moment to complete this short customer service survey to help us better help you: [Planning & Urban Design Department Feedback Form \(openforms.com\)](https://openforms.com/Planning%20&%20Urban%20Design%20Department%20Feedback%20Form)

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**From:** ARA <[ara@armourdale.org](mailto:ara@armourdale.org)>

**Sent:** Tuesday, March 12, 2024 7:06 PM

**To:** Parker, Janet <[jparker@wycokck.org](mailto:jparker@wycokck.org)>

**Cc:** Hand, Gunnar <[gband@wycokck.org](mailto:gband@wycokck.org)>; Marcy, Alyssa N <[amarcy@wycokck.org](mailto:amarcy@wycokck.org)>

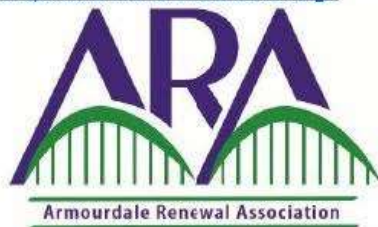
**Subject:** Re: SP2024-012

Greetings,

The Armourdale Renewal Association serves the residents and businesses of the area. A group of residents and business owners requested not to renew the permit(SP2022-121) SP2024-012 to operate a drinking establishment with live entertainment at 508 Kansas Avenue in Kansas City, KS 66105.

Regards,

Monica Mendez | ED  
Armourdale Renewal Association  
(913) 371-5696 (office)  
(816) 914-5324 (mobile)  
[ara@armourdale.org](mailto:ara@armourdale.org)  
<https://www.armourdale.org/>



**Sent:** Friday, March 15, 2024 8:29 AM  
**To:** ARA <ara@armourdale.org>  
**Subject:** RE: SP2024-012

Monica,

Thank you for reaching out regarding this Special Use Permit. I am the Planner assigned to this review. Are there particular issues with this establishment that lead you to speak in opposition? If so, we would like to hear about them.

Thank You,

James

**James Molloy**  
Planner  
913.573.5771  
jlmolloy@wycolock.org  
 **Department of Planning + Urban Design**  
Unified Government of Wyandotte County • Kansas City, Kansas

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**From:** [ARA](#)  
**To:** [Molloy, James](#)  
**Subject:** RE: SP2024-012  
**Date:** Friday, March 15, 2024 1:04:54 PM

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Business owners and residents have shared and continue to state the following:

Businesses' concerns:

Parking issues

Trash in the streets near establishment

Drinking outside of the establishment until after 2am

Car tire burnouts (this next to the Fire Department)

Residents' concerns and comments:

Bad influence for Armourdale due to a celebration the owner hosted on a May 5<sup>th</sup> celebration

Out of control behavior from ownership and/or management of business during the event mentioned before

WE want quality businesses and that was a really not appropriate way to be introduced to our neighborhood

Armourdale has a perception of being violent and unsafe and adding this business won't do us any good

Armourdale Renewal Association works to serve the businesses and residents of the area as part of our contract with Unified Government. Part of our contract is to work towards the betterment of the neighborhood, one of the stipulations compromise us to focus on violence reduction and safety. Said that and with citizens' concerns the Armourdale Renewal Association shares this information to you as the assigned planner on SP2024-012

Best regards,

Monica Mendez | ED  
Armourdale Renewal Association  
(913) 371-5696 (office)  
(816) 914-5324 (mobile)  
[ara@armourdale.org](mailto:ara@armourdale.org)  
<https://www.armourdale.org/>



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**From:** Molloy, James <jlmolloy@wycokck.org>

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## NEIGHBORHOOD MEETING MATERIALS

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Neighborhood Meeting for Latin Quarters

March 19, 2024

| Name              | Address                  | E-Mail / phone #                         |
|-------------------|--------------------------|------------------------------------------|
| 1. Rodney Meacham | 510 Kansas Ave.<br>KC KS | 5xfectd@<br>Gmail.com 785<br>845<br>6465 |
| 2.                |                          |                                          |
| 3.                |                          |                                          |
| 4.                |                          |                                          |
| 5.                |                          |                                          |
| 6.                |                          |                                          |

Application Number: SP2024-012.

Date and Location: March 19th at 508 Kansas City, KS. 66105.

Meeting called to order at: Latin Quarters

Names of people in attendance:

- Israel Mendez
- Nadia Griffitt
- James Rodney Meacham
- Nick McWilliams

Introductions:

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

Questions and answers (include the following):

> Who asked question- James meacham

> What was the question /  
what kind of bands?

> Who answered the question  
Israel Mendez /comment

> What was the answer given  
Mexican band, salsa band and  
rock Latin bands ect

Meeting adjourned at: At 6:30 P.M. at 508 Kansas City, KS. 66105.

Minutes taken by: Nick McWilliams.



Name: Latin Quarters  
Address: 508 Kansas Ave  
City/State/Zip: Kansas City, KS 66105

SUBJECT: Neighborhood Meeting

I have filed an application with the Planning +  
Urban Design Department #: SP2024-012

The purpose of this:

- special use permit

for a Special Use Permit SP2024-012.

at the following address: 508 Kansas Ave Kansas City, KS, 66105.

I am having a neighborhood meeting on  
March 19th at 5 P.M. at the  
following address 508 Kansas Ave.

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

Phone: 816-842-2582.  
Email: [Israelkcmo@gmail.com](mailto:Israelkcmo@gmail.com)

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

Sincerely,  
Israel Mendez

**AFFIDAVIT – NEIGHBORHOOD MEETING**

STATE OF Kansas )  
COUNTY OF Johnson ) SS:

Comes now March 26<sup>th</sup>, 2024, of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition # SP2024-012
2. That I conducted a neighborhood meeting on March 19<sup>th</sup>
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.

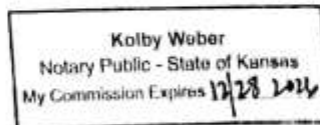
  
Affiant

Ismael Mendez

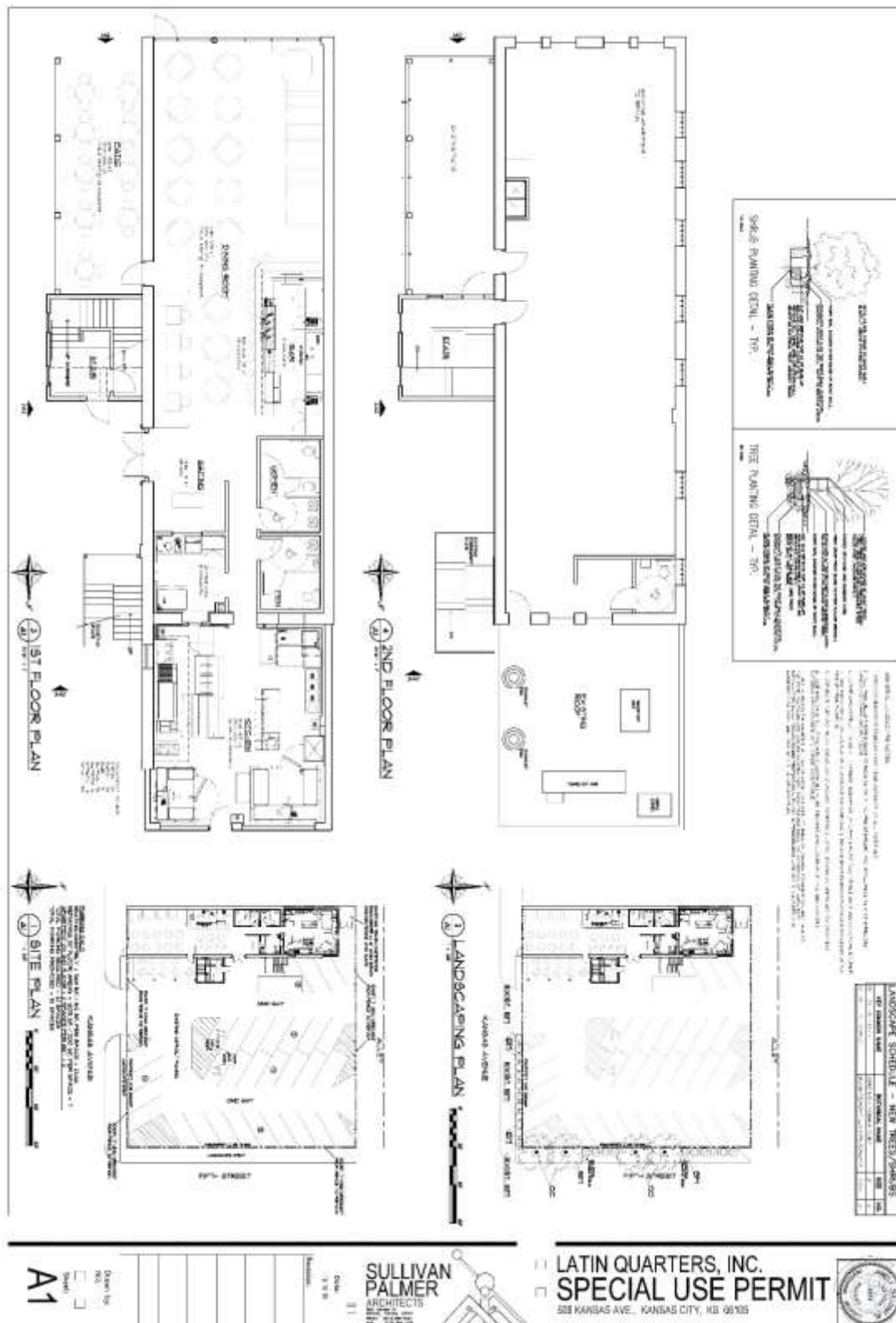
SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 26<sup>th</sup> day of March, 2024

My commission expires December of 28<sup>th</sup>, 2024

  
Notary Public



## 22



## SP2024-012

April 25, 2024

23



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**SITE PHOTOS, TAKEN BY STAFF, DATED MARCH 8, 2024**

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## Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

**To:** Unified Government Board of Commissioners

**From:** Planning and Urban Design Staff

**Date:** April 25, 2024

**Re:** **Change of Zone Petition COZ2023-034 and Master Plan Amendment MPL2023-019**

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### GENERAL INFORMATION

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**Applicant:**

Gerald Menefee

**Status of Applicant:**

KAM Design Group LLC  
9000 East Bannister Road  
Kansas City, MO 64134

**Requested Actions:**

Master Plan Amendment from Planned Mixed Business Park/Office District to Commercial (Prairie Delaware Piper Area Plan).

Change of Zone from A-G Agriculture District to CP-2 Planned General Business District.

**Date of Application:**

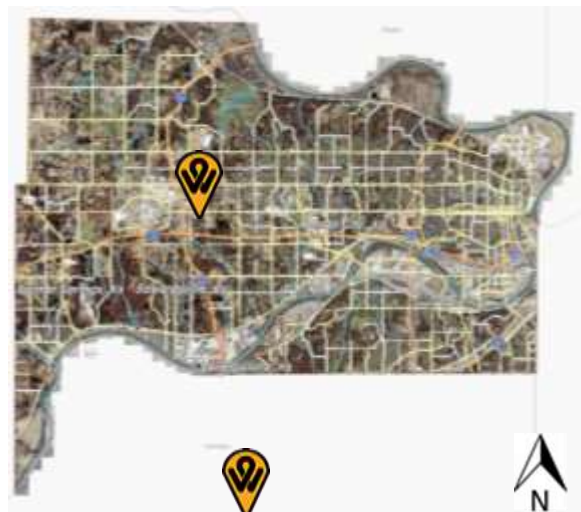
December 29, 2023

**Purpose:**

To build a 4,650 square foot convenience store and gas station.

**Location:**

9611 State Avenue  
Kansas City, KS 66111



|                                 |                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                               |  |
|---------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------|--|
| <b>Commission Districts:</b>    | Commissioner At-Large, District #2: Tom Burroughs<br>District #7 Commissioner: Chuck Stites                                                                                                                                                                                                                                                                                                                           |                                                               |  |
| <b>Existing Zoning:</b>         | A-G Agriculture Family District                                                                                                                                                                                                                                                                                                                                                                                       |                                                               |  |
| <b>Adjacent Zoning:</b>         | <b>North:</b>                                                                                                                                                                                                                                                                                                                                                                                                         | A-G Agriculture District                                      |  |
|                                 | <b>South:</b>                                                                                                                                                                                                                                                                                                                                                                                                         | A-G Agriculture District                                      |  |
|                                 | <b>East:</b>                                                                                                                                                                                                                                                                                                                                                                                                          | A-G Agriculture District                                      |  |
|                                 | <b>West:</b>                                                                                                                                                                                                                                                                                                                                                                                                          | MP-2 Planned General Industrial and A-G Agriculture Districts |  |
| <b>Adjacent Uses:</b>           | <b>North:</b>                                                                                                                                                                                                                                                                                                                                                                                                         | KCKFD Station #6                                              |  |
|                                 | <b>South:</b>                                                                                                                                                                                                                                                                                                                                                                                                         | Single family home                                            |  |
|                                 | <b>East:</b>                                                                                                                                                                                                                                                                                                                                                                                                          | Single family home                                            |  |
|                                 | <b>West:</b>                                                                                                                                                                                                                                                                                                                                                                                                          | Trucking warehouse                                            |  |
| <b>Total Tract Size:</b>        | 1.29 Acres                                                                                                                                                                                                                                                                                                                                                                                                            |                                                               |  |
| <b>Master Plan Area:</b>        | Prairie Delaware Piper Area Plan                                                                                                                                                                                                                                                                                                                                                                                      |                                                               |  |
| <b>Master Plan Designation:</b> | The Prairie Delaware Piper Area Plan designates this property as Planned Mixed Business Park/Office District, which allows business parks, manufacturing, light industrial uses, distribution-warehouse, truck and other employment activity. A Master Plan Amendment to Commercial has been filed, which allows commercial retail, full-size grocery, pharmacy, and other related retail and service establishments. |                                                               |  |
| <b>Major Street Plan:</b>       | The Major Street Plan classifies State Avenue as a Class A Thoroughfare.                                                                                                                                                                                                                                                                                                                                              |                                                               |  |
| <b>Required Parking:</b>        | Sec. 27-466(e) states uses in this district require paved off-street parking at a ratio of not less than four (4) spaces per 1,000 square feet of floor area in the building. 19 parking spaces are required. Appellant is providing 28 parking spaces.                                                                                                                                                               |                                                               |  |
| <b>Advertisement:</b>           | <u>The Wyandotte Echo</u> – Change of Zone – February 15, 2024; Master Plan Amendment – February 15, 2024<br>Letters to Property Owners – Change of Zone – February 16, 2024 and March 4, 2024; Master Plan Amendment – February 16, 2024 and March 4, 2024; Final Development Plan – February 16, 2024 and March 4, 2024                                                                                             |                                                               |  |
| <b>Public Hearings:</b>         | April 8, 2024 and April 25, 2024                                                                                                                                                                                                                                                                                                                                                                                      |                                                               |  |
| <b>Public Support:</b>          | None to date.                                                                                                                                                                                                                                                                                                                                                                                                         |                                                               |  |

**Public Opposition:** None to date.

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## **PROPOSAL**

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*Detailed Outline of Requested Action:* The applicant, Gerald Menefee with KAM Design Group LLC, filed a Change of Zone from A-G Agriculture District to CP-2 Planned General Business District, Master Plan Amendment from Planned Mixed Business Park/Office District to Commercial, and Final Plan Review for a 4,820 square foot convenience store and gas station on 1.29 acres at 9611 State Avenue.

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

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## **RELATED ENFORCEMENT AND ACTION ITEMS**

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

1. None

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

1. 14200-01442 – April 21, 2014 – January 12, 2018 – tall grass, weeds, and unfit structure.
2. 15500-00011 – April 17, 2015 – February 1, 2018 – boarding permit for vacant house.

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

1. COZ2023-013, SP2023-021, PR2023-017 and MPL2023-008 – To build a gas station/convenience store (Withdrawn).

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## **FACTORS TO BE CONSIDERED**

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

The subject property is within the I-435 West Statistical Neighborhood and is not within any Neighborhood Group Boundary. The area along State Avenue is in transition, as the primary east-west commercial corridor in the city, the north side of State Avenue, formerly Schlitterbahn Vacation Village is being redeveloped with various commercial uses and the south side was a trucking business but is now a vacant site and office and St. Patrick's Catholic Church to the east. East of 94<sup>th</sup> Street, south on State Avenue remains residential whereas north on State Avenue is Homefield Training Center and championship baseball and softball fields.

### ***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 will provide a service to drivers traveling on Interstate 435, however, there is a gas station proposed approximately three-quarters ( $\frac{3}{4}$ ) mile east at 90<sup>th</sup> and State Avenue.

**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 property.

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

The property has been vacant without a primary structure since 2018.

**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 use is not reasonably necessary as there are already gas stations and convenience stores along State Avenue, primarily east and north of the subject property. That said, if designed, constructed and managed properly, it could benefit the community without negative impacts to adjacent property owners.

There are Interstate 435 intersection improvements and the potential redesign of 98<sup>th</sup> Street through this site to align with the existing 98th Street north of State Avenue.

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

The proposed use will increase traffic or parking demand in ways that may affect safety on State Avenue due to the divided median along the street. A Traffic Memorandum is being reviewed by Planning Engineering and the Public Works Department.

This petition will not move forward until a traffic memorandum is approved.

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

The Prairie Delaware Piper Area Plan designates this property as Planned Mixed Business Park/Office District, which allows business parks, manufacturing, light industrial uses, distribution-warehouse, truck and other employment activity. A Master Plan Amendment to Commercial has been filed, which allows commercial retail, full-size grocery, pharmacy, and other related retail and service establishments, courtyards and open space. The proposed use complies with the Prairie Delaware Piper Area Plan with an amendment.

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

The proposed use will not cause environmental harm if the business is properly managed – daily site trash pickup and accident spills are cleaned up as soon as they occur. Existing tree stands on the southern, undeveloped portion of the project/property must be preserved, and street trees will be planted along State Avenue and within the parking lot.

**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 does not provide sanitary sewer service.

**c. *Storm water control***

To be designed to meet City Code.

**d. *Police***

Police service is provided by West Patrol, District #221.

**e. *Fire***

Fire service is provided by Fire Station #6 located at 98<sup>th</sup> and State Avenue.

**f. *Transit***

Kansas City ATA provides service at 94<sup>th</sup> and State Avenue, approximately one-quarter (¼) mile east , Route #101.

**g. *Schools***

Public education is provided by Kansas City, Kansas USD 500.

**h. *Streets***

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 use is not capable of meeting applicable ordinance and other requirements without deviations.

**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 individual landowner is minimal. If the application is denied, the property can still be used with permitted A-G Agriculture District uses.

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**PREVIOUS ACTIONS**

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None

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**NEIGHBORHOOD MEETING**

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The applicant held a neighborhood meeting in-person at 7600 State Avenue (Starbucks) on April 30, 2024. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

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**KEY ISSUES**

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Commercial Design Guidelines  
Pedestrian Connectivity  
Landscaping and Screening  
Sanitary Sewer Access  
Traffic

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**PLANNING COMMISSION RECOMMENDATION**

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The Planning Commission voted 9 to 0 to recommend **DENIAL** of Change of Zone Application COZ2023-034 and Master Plan Amendment MPL2023-019, for the following reasons:

- 1. Rezoning to the CP-2 Planned General Business District and amending the Prairie Delaware Piper Area Plan from Planned Mixed Business Park/Office District as the south side of State Avenue between 94<sup>th</sup> Street and 98<sup>th</sup> Street is zoned agricultural and limited commercial with professional and medical offices buildings and Saint Patrick Catholic Church. The use does not fit the character of the neighborhood – *Factor to Be Considered #1*;**



2. The proposed use is not reasonably necessary for the convenience and welfare of the public, as there are gas stations and convenience stores along State Avenue, Parallel Parkway and North 98<sup>th</sup> Street – *Factor to Be Considered #5*; and,
3. This is the second iteration (a total of one (1) year between both submittals) of the project where Public Works Department has asked for and received a substandard Traffic Impact Study. Per Kristopher Finger, City Traffic Engineer, Public Works Department has tried to get the applicant's team to justify the development and the installation of driveways within the influence area and its proximity to the incoming traffic signal, as well as provide the correct level of study. Neither has been done – *Factor to Be Considered #6*;
4. Per the Prairie Delaware Piper Area Plan, each new development has a measurable impact on the level of service of existing or proposed new public services and facilities. As part of the growth coordination, the Unified Government can incorporate required levels of service for specific facilities and services (water, sewer, stormwater, streets) and require that all new development ensure that adequate facilities exist to serve the proposed new development. The proposed gas station/convenience store proposes to be on septic system, which is contrary to the majority of the commercial development in the Prairie Delaware Piper area – *Factor to Be Considered #9b*.

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## STAFF COMMENTS AND SUGGESTIONS

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Staff concurs with the recommendation of the City Planning Commission. Please note that comments were received from the Unified Government Health Department after the April 8, 2024, City Planning Commission meeting regarding the use of a septic system for this project (attached to this report.)

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## STAFF RECOMMENDATION

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Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **DENIAL** of Petitions **COZ2023-034 and MPL2023-019** subject to all comments and suggestions outlined in this staff report, and the reasons listed by the City Planning Commission.

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## ATTACHMENTS

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April 8, 2024, City Planning Commission Minutes  
Aerial Map  
Zoning Map  
Land Use Map  
KCKFD Comment Letter  
Wyandotte County Health Department Comment E-mail  
Applicant Response Letter  
Neighborhood Meeting Documents  
Site Plan  
Grading Plan  
Utility Plan  
Landscape Plan  
Floor Plan  
Building Elevations  
Building Rendering  
Site Photographs taken by the Planning Staff dated June 15, 2023.

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## REVIEW OF INFORMATION AND SCHEDULE

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| <u>Action</u>                 | <u>City Planning Commission</u> | <u>Unified Government of Board of Commissioners</u> |
|-------------------------------|---------------------------------|-----------------------------------------------------|
| Public Hearing<br>Rezoning    | April 8, 2024<br>Denial         | April 25, 2024                                      |
| Public Hearing<br>Master Plan | April 8, 2024<br>Denial         | April 25, 2024                                      |
| Public Hearing<br>Final Plan  | April 8, 2024<br>Denied         | Not required                                        |

**STAFF CONTACT:**        **Byron Toy, AICP**  
                                     [btoy@wycokck.org](mailto:btoy@wycokck.org)

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## MOTIONS

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### Master Plan Amendment

I move the Unified Government Board of Commissioners **DENY** Petition **MPL2023-019** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety, and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

### **OR**

I move the Unified Government Board of Commissioners **APPROVE** Petition **MPL2023-019** as meeting all the requirements of the City Code and being in the interest of the public health, safety, and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

**Change of Zone Petition**

I move the Unified Government Board of Commissioners **DENY** Petition **COZ2023-034** 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.

**OR**

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2023-034** 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. \_\_\_\_\_.

**April 8, 2024, City Planning Commission Minutes:**

**Hearing starts at 57:56:**

**CHANGE OF ZONE APPLICATION COZ2023-034 – GERALD MENEFEE WITH KAM DESIGN GROUP – SYNOPSIS:** Change of Zone from A-G Agriculture District to CP-2 Planned General Business District to construct a convenience store and fueling station at 9611 State Avenue.

**MASTER PLAN AMENDMENT MPL2023-019 – GERALD MENEFEE WITH KAM DESIGN GROUP – SYNOPSIS:** Master Plan Amendment from Business Park (Prairie-Delaware-Piper Area Plan) to Commercial (Prairie-Delaware-Piper Area Plan) at 9611 State Avenue.

**PLAN REVIEW APPLICATION PR2023-043 – GERALD MENEFEE WITH KAM DESIGN GROUP – SYNOPSIS:** Final Development Plan to construct a convenience store and fueling station at 9611 State Avenue.

*Detailed Outline of Requested Action:* The applicant, Gerald Menefee with KAM Design Group LLC, filed a Change of Zone from A-G Agriculture District to CP-2 Planned General Business District, Master Plan Amendment from Planned Mixed Business Park/Office District to Commercial, and Final Plan Review for a 4,820 square foot convenience store and gas station on 1.29 acres at 9611 State Avenue.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated April 8, 2024;
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:**

- Gerald Menefee, applicant, KAM Design Group, 6881 North Michigan, Gladstone, Missouri

**Present in Opposition:**

- No one appeared

**Staff Recommendation starts at 1:02:25:** Planning Director Hand stated that this Change of Zone is being heard in conjunction with Master Plan Amendment MPL2023-019 from Business Park to Commercial and Plan Review PR2023-043 for a convenience store/fueling station. The property is in the Prairie-Delaware-Piper Area Plan. Staff has received no letters in support nor opposition. There are some older Notices of Violation on the property as it has been vacant for weeds, etc. Staff recommends denial due to an insufficient traffic study. This application had a similar version that was submitted about a year ago with the same issues related to traffic. Additionally, this is a commercial property that will have to be on septic tank and this is prohibited in the Area Plan and not recommended by both Public Works and Public Health.

The Commission directed questions to Director Hand.

**Motion starts at 1:07:15:**

On motion by Mr. Ernst, seconded by Mrs. Jones, the Planning Commission voted as follows to recommend **DENIAL of Master Plan Amendment MPL2023-019:**

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

Motion to recommend APPROVAL Passed: 9 to 0

For the following reasons:

1. **Rezoning to the CP-2 Planned General Business District and amending the Prairie Delaware Piper Area Plan from Planned Mixed Business Park/Office District as the south side of State Avenue between 94<sup>th</sup> Street and 98<sup>th</sup> Street is zoned agricultural and limited commercial with professional and medical offices buildings and Saint Patrick Catholic Church. The use does not fit the character of the neighborhood – *Factor to Be Considered #1;***
2. **The proposed use is not reasonably necessary for the convenience and welfare of the public, as there are gas stations and convenience stores along State Avenue, Parallel Parkway and North 98<sup>th</sup> Street – *Factor to Be Considered #5; and,***
3. **This is the second iteration (a total of one (1) year between both submittals) of the project where Public Works Department has asked for and received a substandard Traffic Impact Study. Per Kristopher Finger, City Traffic Engineer, Public Works Department has tried to get the applicant's team to justify the development and the installation of driveways within the influence area and its proximity to the incoming traffic signal, as well as**

provide the correct level of study. Neither has been done – *Factor to Be Considered #6*;

4. Per the Prairie Delaware Piper Area Plan, each new development has a measurable impact on the level of service of existing or proposed new public services and facilities. As part of the growth coordination, the Unified Government can incorporate required levels of service for specific facilities and services (water, sewer, stormwater, streets) and require that all new development ensure that adequate facilities exist to serve the proposed new development. The proposed gas station/convenience store proposes to be on septic system, which is contrary to the majority of the commercial development in the Prairie Delaware Piper area – *Factor to Be Considered #9b*.

On motion by Mr. Ernst, seconded by Mrs. Jones, the Planning Commission voted as follows to recommend **DENIAL of Change of Zone Application COZ2023-034**:

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

Motion to recommend **DENIAL** Passed: 9 to 0

For the above reasons

On motion by Mr. Ernst, seconded by Mrs. Jones, the Planning Commission voted as follows to **DENY Plan Review Application PR2023-043**:

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

Motion to **DENY** Passed: 9 to 0

For the above reasons.



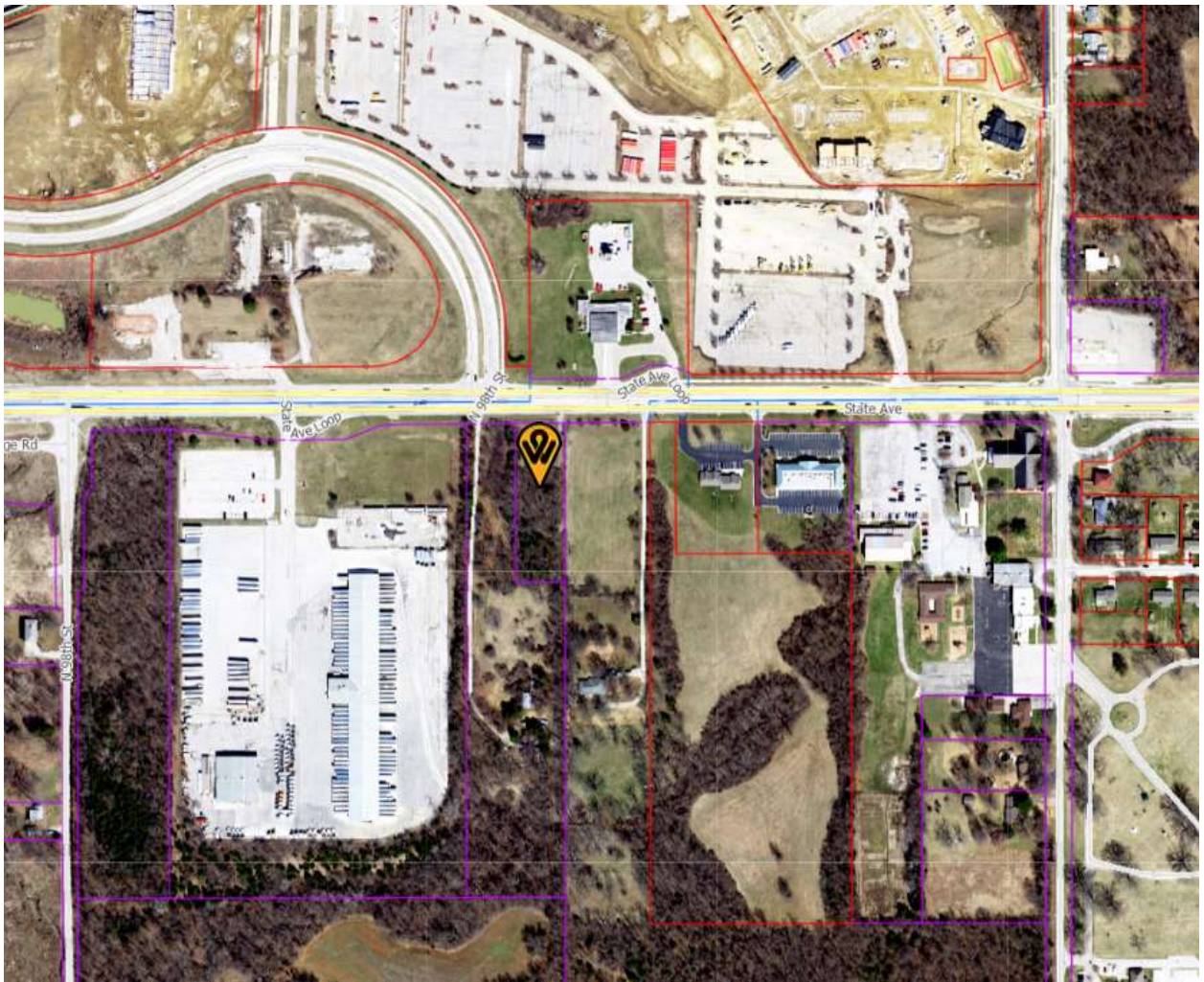


Figure 1. Aerial Map of 9611 State Avenue (provided by UG Maps).



Figure 2. Zoning Map of 9611 State Avenue (provided by UG Maps).





Figure 3. Prairie Delaware Piper Area Plan Land Use Map of 9611 State Avenue (provided by ArcGIS Pro).

# DEVELOPMENT REVIEW COMMITTEE

Unified Government of Wyandotte County/ Kansas City, Kansas



## FIRE DEPARTMENT-FIRE PREVENTION DIVISION

815 North 6<sup>th</sup> St.  
Kansas City, Kansas 66101

(913) 573-5550  
(913) 551-0490 fax

### DEPARTMENTAL REQUIREMENTS AND RECOMMENDATIONS

DRC No. PR2023-043, COZ2023-034, MPL2023-019 Address: 9611 State Avenue  
Development Name: GERALD MENEFFEE Description: convenience store / fueling station  
STAFF ONLY: ☐ A ☐ A/C ☐ F & F ☐ H/C ☐ R/A

#### Ordinance Requirements:

Before this Department can approve the issuance of a building permit for the above-named project, the developer, owner or contractor must address / agree with the following requirements, stipulated by the Unified Government Ordinances, by signing this form.

**\*\*Provide a fire truck turning drawing based on the following data:**

- |                                                  |                                                                                             |
|--------------------------------------------------|---------------------------------------------------------------------------------------------|
| -Length- 48'                                     | -Inside turn radius- 31 ft                                                                  |
| -Wheel base- 272.5 in.                           | -Wall to wall radius- 58 ft                                                                 |
| -Front overhang- 96 in<br>(Front axle to bumper) | -Aerial Ladder Overhang- 148" (@14' above grade)<br>(Front axle to end of ladder above cab) |
| -Rear overhang-133.5 in.                         | -Minimum clearance(height between axles)-10"                                                |
| -Width- 84 in                                    | -Inside Cramp Angle- 44deg                                                                  |
| -Minimum departure angle-7 deg                   | -Minimum approach angle- 7 deg                                                              |
| -Curb to curb radius- 50.5 ft                    | -Max weight-84,000lbs                                                                       |

**\*\*Provide a minimum canopy to grade clearance of 14'**

NOTE: Items highlighted with (\*) must be addressed prior to departmental approval.

**Harvey Fields** Digitally signed by Harvey Fields  
Date: 2024.01.08 11:30:41 -06'00'

1/8/2024

Attending DRC Member: \_\_\_\_\_

Date \_\_\_\_\_

I, \_\_\_\_\_, as \_\_\_\_\_ of the above referenced project, do hereby certify that I will comply with all of the above ordinance requirement(s), and give consideration to the recommendation(s) above.

Signature and Date \_\_\_\_\_

Contact Phone Number and Email Address \_\_\_\_\_

Mailing Address, City, State, and Zip Code \_\_\_\_\_

---

**Toy, Byron**

---

**From:** Stewart, Jennifer  
**Sent:** Thursday, April 18, 2024 10:03 AM  
**To:** Toy, Byron  
**Cc:** Ledgerwood, Ricky; Harrop, Amanda; Wiggans, Chad  
**Subject:** RE: 9611 State Avenue

Byron,

I briefly spoke to Amanda, who spoke to Chad Wiggans, about this. The health department does not recommend a septic system for a gas station/convenience store because of the underground storage tanks. If septic is the only option, they will need to observe all required distances from the tanks and property lines (10 feet from the property line and 100 feet from the underground tanks). Because it is commercial, they may have a holding tank, but they will need to meet all requirements as laid out in the code; there will be no exceptions made to the code. This can be done but because of the potential risk, all requirements in the code must be met and variances cannot be granted. If the parcel is not big enough to meet the needs referenced above, then septic would not be an option.

Thank you,

**Jennifer Stewart, M.A.**

Environmental Health Manager

*Air Quality, Childcare Lic., Env. Inspections, kNOW Lead KCK*

Direct: 913-573-6783 | Office: 913-573-6705

**From:** Toy, Byron <btoy@wycokck.org>  
**Sent:** Thursday, April 18, 2024 9:07 AM  
**To:** Stewart, Jennifer <jstewart@wycokck.org>; EHS <EHS@wycokck.org>  
**Cc:** Ledgerwood, Ricky <rledgerwood@wycokck.org>  
**Subject:** RE: 9611 State Avenue

Jennifer,

I was hoping to get Health Dept. comments by today, so I can insert them in the Board of Commissioners staff report. The Board of Commissioners packet needs to be delivered tomorrow for next week's meeting.

Thank you,

**Byron Toy, AICP**

Lead Planner

913.573.5757

btoy@wycokck.org



**Department of Planning + Urban Design**

Unified Government of Wyandotte County • Kansas City, Kansas

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



March 25, 2024

Byron Toy  
Planning Supervisor  
Department of Planning & Urban Design  
400 S 7<sup>th</sup> Street, Kansas City, KS 66102

Reference: 9611 STATE AVE - Change of Zone Petition COZ2023-034, PR2023-043 and Master Plan Amendment MPL2023-019

Dear Sir

Please find attached the revised plans and see below how your comments have been addressed.

**PLANNING AND URBAN DESIGN COMMENTS:**

**Planning and Urban Design Comments:**

**General Planning:**

The application is not clear, what is the purpose of the Special Use Permit?

*Please be advised that this application is to construct a new gas station with convenience store and 6 gas dispensing pumps.*

These entitlements will not move forward until the traffic study has been reviewed and approved by Planning Engineering and Public Works.

*Please be advised a traffic study has been submitted and the reviewer wants some additional information that partly has to come from KDOT and we are waiting for it.*

98<sup>th</sup> Street south of State Avenue is being redesigned through this site as part of the Homefield/Interstate 435 intersection improvements, which will affect the building and parking for this project.

*Please be advised that we have closed the west entrance and for now we will use only one entrance and when the 98<sup>th</sup> Street improvements are constructed we will open a new entrance on the west side of the property.*

How will this site obtain sanitary sewer access?

*Please see sheet 8 Utility Plan of the submittal showing the business shall have septic system for collection of sanitary waste.*

A parking variance for 8 spaces is required from the Board of Zoning Appeals or show an additional 8 spaces off-street parking spaces to comply with the parking



code. This will not be heard until additional parking is provided, or a variance application is submitted and reviewed.

***Please see revised plans that we have added additional required parking spaces in the back of the building and also added a 12 car electrical chargers in the back.***

Relocate the two (2) parking spaces in front of the trash enclosure. Parking space may not obstruct trash service.

***Please see revised plans, we have rearranged the parking lot and moved the trash enclosure.***

Sidewalk shall be at least five (5) feet wide with a five and one-half (5-½) foot landscape median along State Avenue.

***Please see revised cover sheet, sidewalk widths have been changed as required by the codes, and we are proposing 5.5' landscaping median.***

Sec. 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.

***Please be advised the convenience store has parking is in front as well as in the back of the building.***

What are the proposed hours of operation?

***The store shall remain open 24 hours please.***

In addition to establishing greater pedestrian connectivity throughout the site, where there are major parking lot crossings, crosswalks shall be painted in drive aisles, so drivers are alert to look for pedestrians.

***Please see revised cover sheet, the sidewalk along the east property line shall be painted.***

A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by [buildinginspection@wycokck.org](mailto:buildinginspection@wycokck.org) to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly.

***Please be advised that the required applications shall be submitted at the time the construction documents are approved for permitting.***

All existing and future driveways must feature curb cuts that are constructed to UG standards.

***Please see grading sheet general note 5 stating that the new driveways shall be constructed per UG standard drawings.***

Per Sec. 27-317 Electrical power, telephone service, and cable television (if applicable) shall be provided by underground wiring for all new wiring provided.

***Please see utility plan showing electrical service line shall be brought to the building via underground conduit.***

Indicate the approximate location of the KCATA transit stop along State Avenue. A four (4) foot sidewalk shall be constructed from the transit stop, through the parking lot, to the front door of the building.

A transit shelter should be constructed on State Avenue similar to the Homefield Training Center. Contact Desiray Bush, Director of Transportation at (913) 573-8312 or [dbush@wycokck.org](mailto:dbush@wycokck.org).

***Please be advised that the new 5' wide sidewalk is proposed along State Ave and will contact the KCATA and Director of Transportation regarding this requirement.***

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.

***Please be advised yes we will do as advised.***

All conditions of approval herein must be constructed, executed, implemented, or otherwise started within six (6) months of approval and completed within 18 months unless otherwise determined by the Director of Planning or their designee.

***Please be advised yes we will do as advised.***

#### **Building Architecture:**

Provide a material palette.

***Please be advised that palette shall be submitted at later date.***

Sec. 27-576(c)(1) Commercial development should take into account the architectural design of all building elevations, 360 degrees. Quality design should be expressed on all elevations of the building.

The same level of detail shown on the north elevation shall be incorporated into the rest of the building. The south elevation does not comply with the Commercial Design Guidelines and the intent of the ordinance.

***Please be advised that the building shall have three sides brick/stone veneer and the rear wall will have brick and stucco combination.***

Sec. 27-576(e)(2) Exterior building materials shall not include the following:

EIFS at the ground level or comprising more than 15 percent of any façade.

***Please be advised the whole building has brick veneer for all four sides and EIFS shall is not included.***

Downspouts shall be internalized.

***Please be advised the downspouts shall be internalized only scuppers for overflow will be provided on the rear wall.***

Gasoline pump canopies shall have masonry wrapped columns that match the convenience store.



*Please see revised sheet 2 showing the side elevation of canopy with masonry wrapped columns.*

Show realistic wall mounted lights on the building.

*Please see revised elevations the wall light fixture has been changes.*

#### **Landscaping and Screening:**

Keep existing full growth trees behind the building.

*Please be advised we are taking utmost precaution to save existing trees and most of them will be saved.*

Enhance landscaping along the north, west and east property lines.

*Please see revised landscaping plan, we added four trees along the north property line and few along east and west property lines. Because of the narrow width of the lot we have to have all front area paved.*

Sec. 27-575(e)(4) Parking must be screened from adjacent streets by walls, shrubs, trees, or design elements.

*Please see revised landscaping plan the parking islands on either side of parking shall have shrubs for screening the parking.*

Per Sec. 27-577(a)(5) Landscaping shall exceed the typical code requirements by at least 75 percent. The site for the proposed development is 1.29 acres, 14 trees are required based on Commercial Design Guidelines and exclusive of the screening requirements for the lots zoned CP-2 Planned General Business District adjacent to residentially zoned properties, street trees and trees planted within parking lot islands.

*Please see revised landscaping plan, we added new 17 trees in addition to lots of existing trees in the rear.*

Sec. 27-577(b)(1) New construction must provide at least a 25-foot landscape zone between structures and/or parking lots and all public streets and access easements 40 feet wide or greater. This requirement may be reduced to 12 feet where there is no paving, other than a sidewalk, between a building and the right-of-way. The distance is to be measured from the public right-of-way or curb line of a private easement.

*Please see revised landscaping plans showing 10' x 76' landscaping zone from north property line and steel canopy and are providing 2 – 4' x 18' islands on either side of the parking spaces. As mentioned earlier the width of the lot is limiting us to add some more landscaping along east and west property line in front of the building.*

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.

***Please see revised plans we added a 5' high ornamental fence along the east and west property line as a buffer zone between the parking spaces and the adjacent properties.***

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:

One tree with a minimum caliper of two (2) inches (ornamental), evergreen trees must be at least six (6) feet when planted provided for every 30 feet of street easement or frontage.

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.

***Please see revised landscaping plan as advised the tree planting per code has been followed.***

Sec. 27-577(d)(1) At least 75 percent of the length of the 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.

***Please see revised landscaping plan the trees have been added to the requirement.***

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.

***Please see revised landscaping plan showing the new plantings shall be per the city required sizes.***

All landscaping shall be irrigated.

***Please see landscaping plan general note 1 stating that irrigation system shall be installed for landscaping.***

Landscaping is required to screen all parking areas and service entries. This includes perimeter parking and the trash enclosure.

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.

***Please see revised trash enclosure construction on sheet 2 and also the landscaping plan showing the new trees and shrubs that shall be planted for screening purposes.***

Sec. 27-699(b)(9) Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged as to deflect light away from any adjoining



residentially zoned property or from public streets. Direct or sky-reflected glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way.

***Please see revised plans and the photometric plan showing that all building and parking lights are installed so that there is almost zero illumination at the property line.***

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.

***Please see revised elevation sheet the wall mounted fixtures as well as the canopy lights shall have 90 degree cutoff.***

Only decorative lighting can be used on the exterior of the building. No wall pack lights, or flood lights are allowed.

***Understood and plans adhere to it please.***

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.

***Please see revised plans we added shrubs and decorative fence for screening purposes.***

All privacy fencing along the side and rear shall have masonry columns every 32 feet running.

***Please see revised cover sheet showing the decorative fence and it shall have as required masonry columns.***

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. Raise the rear parapet and hide the scuppers. Overflow drains (lamb's tongues) shall discharge a maximum of 9 inches above grade.

***Please see revised building elevation sheet showing the outline of the roof as well as the RTU's and the building parapet hides the units fully.***

Regarding BPU transformer screening, the following applies:

Gate doors are required for all types of screening that are placed in front of the transformers.

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.

Posts for gate doors must be installed a minimum distance of 10 feet apart in the front.

For slat fences, customer shall install a minimum of four (4) inch slats and have four (4) inches of space between each slat.

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).

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.

***Please see revised building elevation sheet showing the outline of the roof as well as the RTU's and the building parapet hides the units fully.***

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.

***Please see revised building elevation sheet showing the outline of the roof as well as the RTU's and the building parapet hides the units fully.***

#### **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](mailto:signpermits@wycokck.org) to begin this process.

***Understood sir and when the contractor shall be ready for constructing the monument sign he will apply for its permit.***



9611 STATE AVENUE, KANSAS CITY, KANSAS

[illegible]

**Date: March 30., 2024**

**Purpose: 6:30 PM Public Hearing at the Starbucks at 7600 State Avenue**

**Subject: For The Go State Gas Station**

**Description:**

I and my wife, Barbara, were there there at the meeting site at which no one had shown up to by 6:35 pm so the meeting was adjourned.

A handwritten signature in blue ink, appearing to read "Gerald W. Menefee".

Gerald W. Menefee

**AFFIDAVIT – NEIGHBORHOOD MEETING**

STATE OF Mo )  
COUNTY OF Clay ) SS:

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

1. That I am the petitioner for Petition # COZ2023-034
2. That I conducted a neighborhood meeting on 6:30pm 3/30/24.
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.

Gerald W. Wenefee  
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 1 day of April, 2004

My commission expires 23 of May, 2004.

Jodi McCorkendale  
Notary Public

Jodi McCorkendale  
Notary Public-Notary Seal  
State of Missouri  
Clay County  
My Commission Expires 5/23/2024  
Commission # 12346450

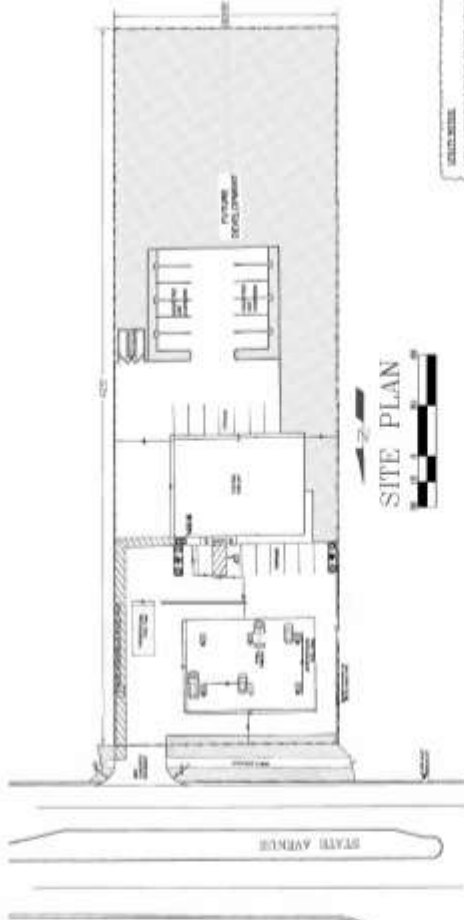
LOCATION PLAN

See [Appendix 1](#) for details. The authors have nothing to disclose.

THE STATE SHALL COMPARE TO THE PROVISIONS OF THE 2018  
INTERNATIONAL ENERGY CONSERVATION CODE (IECC) AS AMENDED  
BY ACT 88.

**AREA DISTURBED:**  
THE TOTAL AREA DISTURBED FOR THE CONSTRUCTION OF THE BUILDING AND PARKING LOT WILL BE APPROX 22,000 SQ. FT. 0327-0000 AREA BEING LESS THAN A 20% OF NEIGHBORING PLOTS

**NOTE:** All work in public environments and right-of-way and all private construction must comply with the latest edition of the *Technical Specifications & Standard Drawings for Roads and Sewers*, of Kansas, published by the Government of Wyandotte County/Kansas City, Kansas. In the event of any of the general notes conflict with the *Technical Specifications & Standard Drawings for Roads and Sewers*, of the *Unified*, of the Government of Wyandotte County/Kansas City, Kansas (the "LSDE" standard) override.



[ ] SETTING-UP/REMOVED (246.3370) (246.3371)  
 [ ] SEAM COVER  
 [ ] SELLING SETTING  
 [ ] FREQUENCY USE  
 [ ] FINE TUNING  
 [ ] SELECT CHANNEL LINE  
 [ ] NEW RADIO/LEAVE PAUSE  
 [ ] SLEEPING CONTROL  
 [ ] PAUSE/STOP CONTROL

1. THE PROPOSED REVISIONS TO THE CONSENT DECISION ARE NOT NECESSARY TO PROTECT THE PUBLIC HEALTH AND ENVIRONMENT FROM THE RISKS OF THE PROPOSED ACTION.
2. THE PROPOSED REVISIONS TO THE CONSENT DECISION ARE NOT NECESSARY TO PROTECT THE PUBLIC HEALTH AND ENVIRONMENT FROM THE RISKS OF THE PROPOSED ACTION.
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| No. | Description                     |
|-----|---------------------------------|
| 1   | TITLE PLAN                      |
| 2   | FLOOR PLAN                      |
| 3   | ELEVATIONS SHEET                |
| 4   | S&S SECTION ELEVATION RENDERING |
| 5   | BUILDING ELEVATION RENDERING    |
| 6   | EROSION CONTROL PLAN            |
| 7   | GRADING PLAN                    |
| 8   | UTILITY PLAN                    |
| 9   | ELECTRICAL PHOTOGRAPHIC PLAN    |
| 10  | LANDSCAPING PLAN                |
| 11  | TRUCK TURNING TEMPLATE          |

[illegible]

MARISSA, ORRILL  
 602 W. CARTH 57  
 O'FALLON PARK, IL 60231  
 (631) 968-1717

DEBORAH J. JAC  
 GERALD W. MONTGOMERY, P.E.  
 KAM TRUCKING GROUP LLC  
 9000 E. PLANNEDWATER BOULEVARD, SUITE 100  
 KANSAS CITY, MO 64114  
 (816) 790-2845

DAVID S. LIPSON  
DAVID L. LIPSON, ATTORNEYS AT LAW  
LIPSON AND LIPSON, P.C.  
10000 LAKOTA AVENUE, SUITE 400  
DALLAS, TEXAS 75243-4000

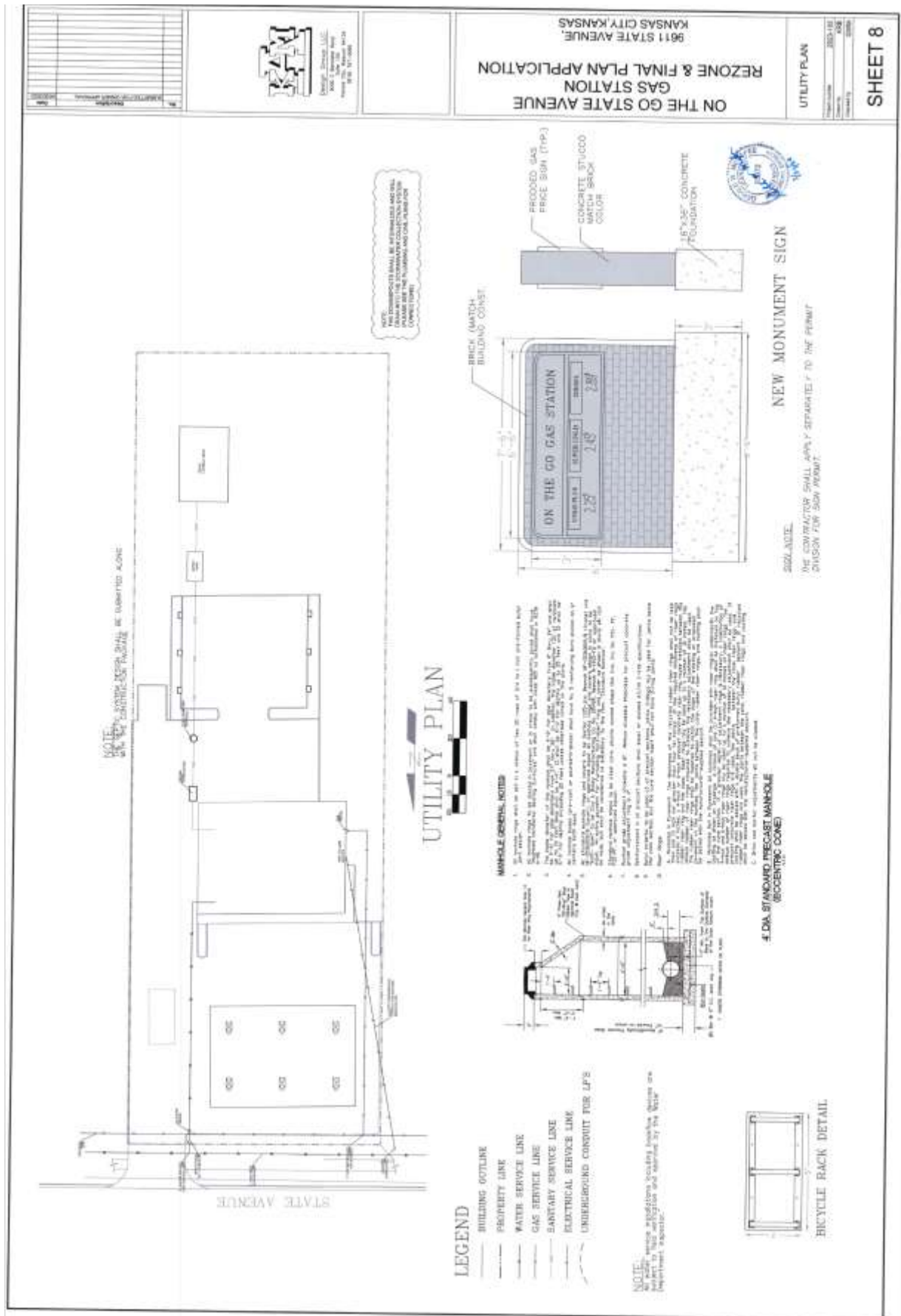
**INNOVATIVE  
DESIGN &  
RENOVATION**



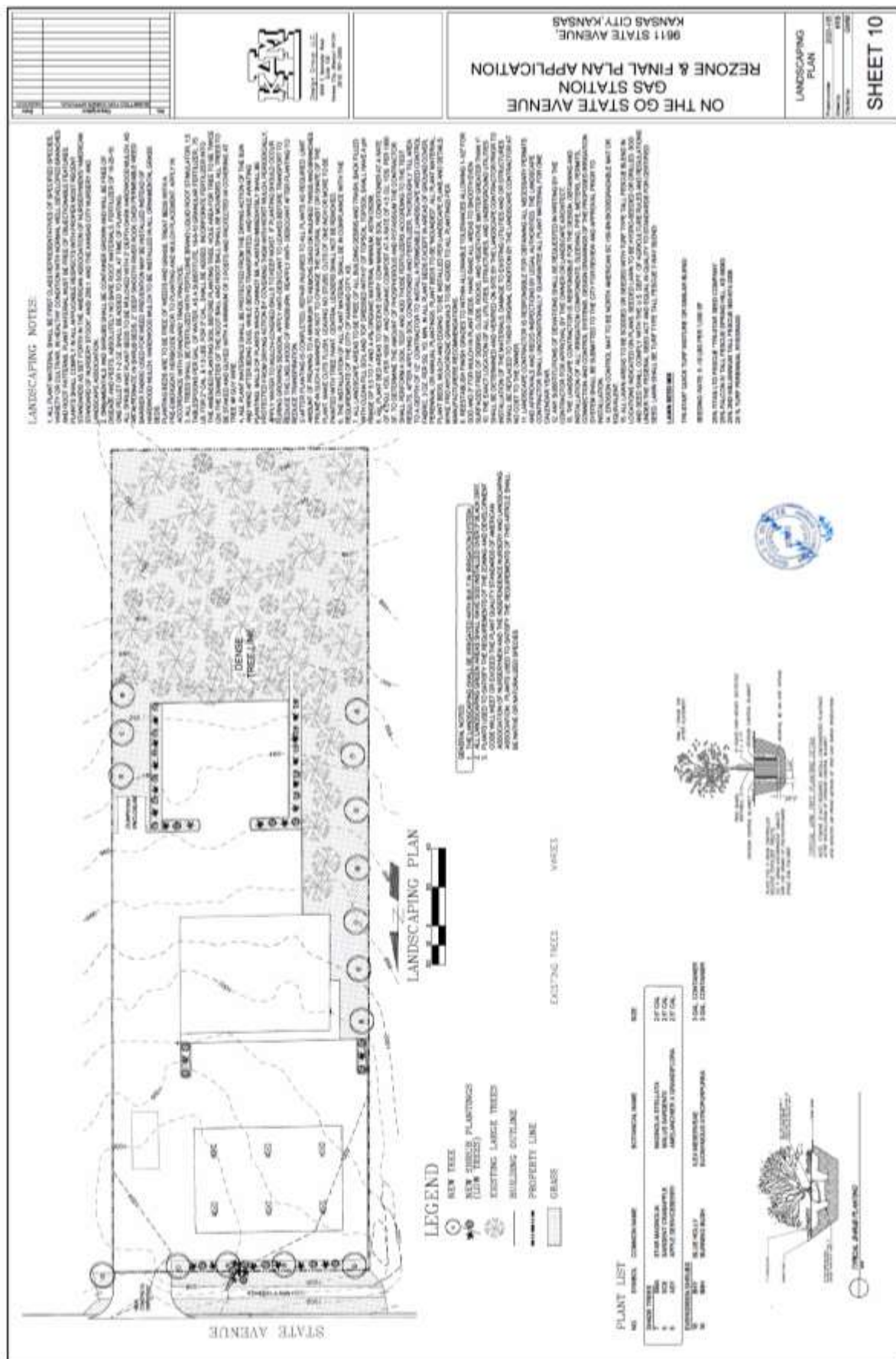
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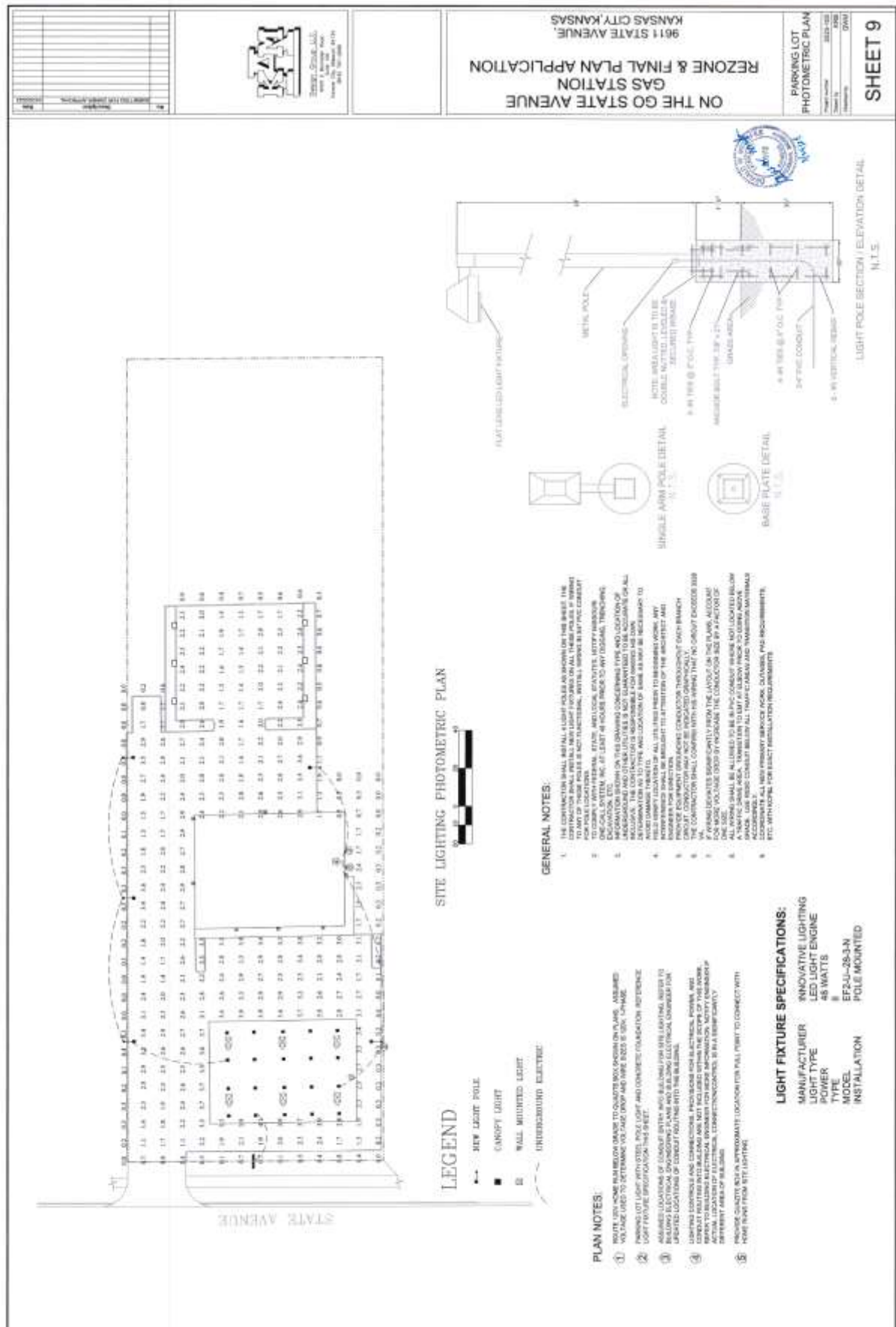




















|                          |  |                                                                                            |  |                                                                                                                 |  |                                      |  |
|--------------------------|--|--------------------------------------------------------------------------------------------|--|-----------------------------------------------------------------------------------------------------------------|--|--------------------------------------|--|
| GAS STATION<br>RENDERING |  | ON THE GO GAS STATION<br>REZONE, MASTER PLAN AMENDMENT &<br>SPECIAL USE PERMIT APPLICATION |  | INNOVATIVE<br>DESIGN &<br>RENOVATION<br>INCORPORATING<br>SUSTAINABLE DESIGN<br>(913) 741-4488<br>(913) 517-0001 |  | DATE<br>DRAWN<br>CHECKED<br>APPROVED |  |
| SHEET 4                  |  | 9811 STATE AVE. KANSAS CITY, KANSAS                                                        |  |                                                                                                                 |  |                                      |  |







**Figure 4. Site Photograph of 9611 State Avenue looking south from 98<sup>th</sup> Street (provided by Planning Staff).**



**Figure 5. Site Photograph of 9611 State Avenue looking south from 98<sup>th</sup> Street (provided by Planning Staff).**



**Figure 6. Site Photograph of 9611 State Avenue looking south from State Avenue (provided by Planning Staff).**



**Figure 7. Site Photograph of 9611 State Avenue looking east from State Avenue (provided by Planning Staff).**





## Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

**To:** Unified Government Board of Commissioners

**From:** Planning and Urban Design Staff

**Date:** April 25, 2024

**Re:** Preliminary Plan Review Petition PR2024-006

---

### GENERAL INFORMATION

---

**Applicant:**

David Lutz with Arvest Bank

**Status of Applicant:**

Mary Clare Amer with Wallace Design  
Collective  
1703 Wyandotte Street  
Kansas City, MO 64108

**Requested Action:**

Approve a Preliminary Development Plan.

**Date of Application:**

February 26, 2024

**Purpose:**

To construct a bank and drive-through lanes.

**Property Location:**

7906 State Avenue  
Kansas City, Kansas 66112

**Commission Districts:**

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

**Existing Zoning:**

CP-1 Planned Limited Business District



|                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|---------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Adjacent Zoning:</b>         | <b>North:</b> CP-1 Planned Limited Business District<br><b>South:</b> C-1 Limited Business District<br><b>East:</b> CP-2 Planned General Business District<br><b>West:</b> CP-1 Planned Limited Business District                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <b>Adjacent Uses:</b>           | <b>North:</b> Restaurant (Subway)<br><b>South:</b> Commercial strip center (across State Avenue)<br><b>East:</b> Medical office building<br><b>West:</b> Restaurant (To the Hoop Bar & Grill)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>Total Tract Size:</b>        | 0.53 Acres                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <b>Master Plan Area:</b>        | PlanKCK Comprehensive Plan                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <b>Master Plan Designation:</b> | The PlanKCK Comprehensive Plan, which is designated as Corridor Mixed Use, which allows up to five (5) story buildings that integrate complimentary land uses such as retail, office, small businesses and residential. Access to residential uses and their facilities is allowed at street level. These areas should be designed to support multi-modal connectivity with wide sidewalks and street trees. Buildings should be built up to the street for a consistent street frontage and transition to abutting residential uses. Live/work units with commercial/retail on the street level and residential above are allowed if the work units on the first floor contribute to the commercial/retail nature of the block. |
| <b>Major Street Plan:</b>       | The goDotte Countywide Strategic Mobility Plan classifies State Avenue as a Class A Thoroughfare.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <b>Parking Requirement:</b>     | Sec. 27-466(e) Uses in this district require paved off-street parking at a ratio of not less than four (4) spaces per 1,000 square feet of floor area in the building. Based on the 3,552 square foot building, 14 spaces are required. 15 spaces are provided.                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <b>Advertisement:</b>           | Property Owner Letters – March 14, 2024<br><u>Wyandotte Echo</u> – Not Required                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <b>Public Hearings:</b>         | April 8, 2024 and April 25, 2024                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <b>Public Support:</b>          | None to date.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>Public Opposition:</b>       | None to date.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |

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## PROPOSAL

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Detailed Outline of Requested Action: The applicant, David Lutz with Arvest Bank, has applied for a Preliminary Development Plan to build a 3,552 square foot bank and drive-through tellers on 0.53 acres located at 7906 State Avenue.

City Ordinance Requirements: Article VIII Sections 27-340 – 27-765

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## RELATED ENFORCEMENT AND ACTION ITEMS

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### Noise or Disturbance Complaints:

1. None

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

1. 2022 – Unlicensed and inoperable vehicles on the property (previous owner).
2. 2019 – No working toilet on the property (previous owner).

### Outstanding or Related Permits and Cases:

1. 19390-00924 – Plumbing permit – sewer line spot repair (previous owner).
2. SIGN 2011-114 & 115 – sign permit for wall signage (previous owner).

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## FACTORS TO BE CONSIDERED

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

This property is within the Victory Hills Statistical Neighborhood. State Avenue is a transit and commercial corridor. There are existing commercial business encompassing the property. State Avenue is a Class A Thoroughfare.

### ***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 increase traffic to the site, but not in ways that will adversely affect road capacity, or create parking problems provided the Applicant follows Public Works direction. The site was formerly an automotive repair shop, which had vehicles stacked in the parking lot and minimal parking on-site.

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

The proposed use conforms to the PlanKCK Comprehensive Plan, which is designated as Corridor Mixed Use, which allows up to five (5) story buildings that integrate complimentary land uses such as retail, office, small businesses and residential. Access to residential uses and their facilities is allowed at street level.

These areas should be designed to support multi-modal connectivity with wide sidewalks and street trees. Buildings should be built up to the street for a consistent street frontage and transition to abutting residential uses. Live/work units with commercial/retail on the street level and residential above are allowed if the work units on the first floor contribute to the commercial/retail nature of the block.

**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 West Patrol, District #225.

**e. *Fire***

Fire service is provided by Station #19, located at 80<sup>th</sup> and Minnesota Avenue.

**f. *Transit***

Kansas City ATA provides transit service at the intersection of 78<sup>th</sup> and State Avenue, 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.***

The proposed use is capable of meeting applicable ordinance and other requirements.



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## PREVIOUS ACTIONS

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None

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## NEIGHBORHOOD MEETING

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The applicant held a neighborhood meeting online via Google Meet on March 25, 2024. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

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## KEY ISSUES

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Pedestrian Connectivity  
Commercial Design Guidelines  
Landscaping and Screening

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## PLANNING COMMISSION RECOMMENDATION

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The Planning Commission voted 9 to 0 to recommend **APPROVAL** of Plan Review Application PR2024-006, subject to:

1. The following requirement of the Commercial Development Guidelines Overlay District *has not* been met, and from which Applicant is requesting a deviation for approval:
  - a. Sec. 57-577(b)(1) states that new construction must provide at least a 25-foot landscape zone between structures and/or parking lots and all public streets and access easements 40 feet wide or greater;
2. Because this is a planned district parcel, a Final Development Plan and Final Plat is required to be submitted prior to obtaining a building permit. Final architectural and civil drawings are required to be submitted at such time;
3. In addition to establishing greater pedestrian connectivity throughout the site, where there are major parking lot crossings, crosswalks shall be painted in the drive aisles, so drivers are alert to look for pedestrians;
4. Add a sidewalk stub at the north property line along North 79<sup>th</sup> Street, which can connect to a future sidewalk north of Arvest Bank;
5. Per Sec. 27-317 Electrical power, telephone service, and cable television (if applicable) shall be provided by underground wiring for all new wiring provided;
6. Per Sec. 27-277(a)(5) Landscaping shall exceed the typical code requirements by at least 75 percent. The site for the proposed development is 0.53 acres, six (6) trees are required based on Commercial Design Guidelines and exclusive of the additional requirements for street trees and trees planted within parking lot islands;
1. 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;

2. **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 inches (ornamental) evergreen trees must be at least six (6) feet tall when planted provided for every 30 feet of street easement or frontage.
  - b. Street trees should be planted no closer than 55 feet and no more than 65 feet apart. Groupings of ornamental trees and shrubs should be placed between the street trees.

As part of the landscaping requirements in the Commercial Design Guidelines, street trees must be planted along the frontage of major streets;

3. **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;
4. All deciduous and shade trees shall be at least two (2) inch caliper when planted. Evergreens shall be at least six (6) feet in height when planted. Shrubs shall be at least five (5) gallons when planted. Throughout the development, there shall be a variety of deciduous and evergreen trees in addition to native grasses and plants (wildflowers);
5. All landscaping shall be irrigated;
6. Mechanical equipment or other utility hardware whether on the ground or on a building shall be screened from public view. Such screening shall be harmonious with building design and materials;
7. All trash and recycling receptacles shall be enclosed on all sides with an opaque wall or fence constructed of the same material as the primary structure. The screen must be a minimum of six (6) feet in height on all sides, tall enough to screen the dumpster itself. When possible, the enclosure's gates shall face away from streets or adjacent land uses. All screening materials must be well maintained at all times;
8. 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 (1) 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;
9. Only decorative lighting can be used on the exterior of the building. No wall pack lights, or flood lights are allowed;
10. Internalize the roof ladders;
11. 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;
- 12. 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 degrees and have 10 feet of clearance from pad when gate doors open;
  - c. Posts and gate doors must be installed a minimum distance of 10 feet apart in the front;
  - d. For slat fences (wood pickets), the customer shall install a minimum of four (4) inch slats and have four (4) inches of space between each slat;
  - e. Customer must take into account 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) 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, three (3) feet on the back and five (5) feet on the front allowing for 10 feet on the front when gate doors open;
- 13. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or [signpermits@wycokck.org](mailto:signpermits@wycokck.org) to begin this process;**
- 14. Per Business Licensing Department: If approved, the occupying business must file and maintain a current business occupation tax application with the Business Licensing Division. Their office is at 4953 State Avenue, Kansas City, KS 66102, and their number is (913) 573-8780;**
- 15. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by [buildinginspection@wycokck.org](mailto:buildinginspection@wycokck.org) to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;**
- 16. All existing and future driveways must feature curb cuts that are constructed to UG standards;**
- 17. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by [info@wycokck.org](mailto:info@wycokck.org) to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly; and,**
- 18. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit**

issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620.

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**STAFF COMMENTS AND SUGGESTIONS**

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Staff concurs with the recommendation of the City Planning Commission.

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**STAFF RECOMMENDATION**

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Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **PR2024-006** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

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**ATTACHMENTS**

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- April 8, 2024, City Planning Commission Minutes
- Aerial Map
- Zoning Map
- PlanKCK Comprehensive Plan Land Use Map
- Applicant Response Letter
- Neighborhood Meeting Minutes and Affidavit
- Site Plan
- Grading Plan
- Utility Plan
- Landscape Plan
- Floor Plan
- Building Elevations
- Site Photograph taken by Planning Staff on March 14, 2024

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**REVIEW OF INFORMATION AND SCHEDULE**

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| Action           | City Planning Commission | Unified Government Board of Commissioners |
|------------------|--------------------------|-------------------------------------------|
| Public Hearing   | April 8, 2024            | April 25, 2024                            |
| Preliminary Plan | Approval                 |                                           |

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**STAFF CONTACT:** **Byron Toy, AICP**  
[btoy@wycokck.org](mailto:btoy@wycokck.org)

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## MOTIONS

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I move the Unified Government Board of Commissioners **APPROVE** Petition **PR2024-006**, 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 **PR2024-006**, 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.

### **APRIL 8, 2024, CITY PLANNING COMMISSION MINUTES:**

Hearing starts at 3:04:25:

**PLAN REVIEW APPLICATION PR2024-006 – DAVID LUTZ - SYNOPSIS:** Preliminary Development Plan to construct a new drive-through bank at 7908 State Avenue.

Detailed Outline of Requested Action: The applicant, David Lutz with Arvest Bank, has applied for a Preliminary Development Plan to build a 3,552 square foot bank and drive-through tellers on 0.53 acres located at 7906 State Avenue.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated April 8, 2024;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file; and,
6. The Notices to property owners.

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

### Present in Support:

- David Lutz, applicant, Arvest Bank, 360 Southwest M 150 Highway, Lee's Summit, Missouri

- Brent Vincent, Arvest Bank, 541 Rheas Mill Road, Farmington, Arkansas 72730
- Mary Clare Amer, Wallace Design Collective, 1703 Wyandotte Street, Kansas City, Missouri 64108
- Lorrie Smith, architect, 5201 Village Parkway, Rogers, Arkansas

Present in Opposition:

- No one appeared

**Staff Recommendation starts at 3:09:36:** Planning Director Hand stated that this request is for a new bank branch location. The property is in the PlanKCK area right off State Avenue in the Midtown neighborhood. Staff received no letters in support nor opposition. There are some older Notices of Violation related to the previous use. He showed the Commission the location of the landscaping. He stated that they are not asking for any deviation from the Commercial Design Guidelines except for the landscaping buffer, which is required due to the small parcel size. This is a great example of a commercial building that has a drive-through that is fronting the primary commercial corridor. Staff agrees with the deviation for this site and recommends approval subject to the conditions in the staff report.

Commissioner Ward recused himself at 9:15 p.m. as he works for Security Bank and the applicant is one of their competitors and Security Bank has a branch in the immediate area.

**Motion starts at 3:11:43:**

On motion by Ms. Easterwood, seconded by Mrs. Jones, the Planning Commission voted as follows to recommend **APPROVAL of Plan Review Application**

**PR2024-006:**

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

Motion to recommend APPROVAL Passed: 8 to 0

Subject to:

1. The following requirement of the Commercial Development Guidelines Overlay District *has not* been met, and from which Applicant is requesting a deviation for approval:



- a. Sec. 57-577(b)(1) states that new construction must provide at least a 25-foot landscape zone between structures and/or parking lots and all public streets and access easements 40 feet wide or greater;
2. Because this is a planned district parcel, a Final Development Plan and Final Plat is required to be submitted prior to obtaining a building permit. Final architectural and civil drawings are required to be submitted at such time;
3. In addition to establishing greater pedestrian connectivity throughout the site, where there are major parking lot crossings, crosswalks shall be painted in the drive aisles, so drivers are alert to look for pedestrians;
4. Add a sidewalk stub at the north property line along North 79<sup>th</sup> Street, which can connect to a future sidewalk north of Arvest Bank;
5. Per Sec. 27-317 Electrical power, telephone service, and cable television (if applicable) shall be provided by underground wiring for all new wiring provided;
6. Per Sec. 27-277(a)(5) Landscaping shall exceed the typical code requirements by at least 75 percent. The site for the proposed development is 0.53 acres, six (6) trees are required based on Commercial Design Guidelines and exclusive of the additional requirements for street trees and trees planted within parking lot islands;
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:
  - c. One (1) tree with a minimum caliper of two inches (ornamental) evergreen trees must be at least six (6) feet tall when planted provided for every 30 feet of street easement or frontage.
  - d. Street trees should be planted no closer than 55 feet and no more than 65 feet apart. Groupings of ornamental trees and shrubs should be placed between the street trees.

As part of the landscaping requirements in the Commercial Design Guidelines, street trees must be planted along the frontage of major streets;

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. All deciduous and shade trees shall be at least two (2) inch caliper when planted. Evergreens shall be at least six (6) feet in height when planted. Shrubs shall be at least five (5) gallons when planted. Throughout the development, there shall be a variety of deciduous and evergreen trees in addition to native grasses and plants (wildflowers);
11. All landscaping shall be irrigated;

- 12. Mechanical equipment or other utility hardware whether on the ground or on a building shall be screened from public view. Such screening shall be harmonious with building design and materials;**
- 13. All trash and recycling receptacles shall be enclosed on all sides with an opaque wall or fence constructed of the same material as the primary structure. The screen must be a minimum of six (6) feet in height on all sides, tall enough to screen the dumpster itself. When possible, the enclosure's gates shall face away from streets or adjacent land uses. All screening materials must be well maintained at all times;**
- 14. 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 (1) 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;**
- 15. Only decorative lighting can be used on the exterior of the building. No wall pack lights, or flood lights are allowed;**
- 16. Internalize the roof ladders;**
- 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;**
- 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 degrees and have 10 feet of clearance from pad when gate doors open;**
  - c. Posts are gate doors must be installed a minimum distance of 10 feet apart in the front;**
  - d. For slat fences (wood pickets), the customer shall install a minimum of four (4) inch slats and have four (4) inches of space between each slat;**
  - e. Customer must take into 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) 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, three (3) feet on the back and five (5) feet 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](mailto:signpermits@wycokck.org) to begin this process;
21. Per Business Licensing Department: If approved, the occupying business must file and maintain a current business occupation tax application with the Business Licensing Division. Their office is at 4953 State Avenue, Kansas City, KS 66102, and their number is (913) 573-8780;
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](mailto:buildinginspection@wycokck.org) to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
23. All existing and future driveways must feature curb cuts that are constructed to UG standards;
24. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by [info@wycokck.org](mailto:info@wycokck.org) to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly; and,
25. 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.



Figure 1. Aerial Photograph of 7908 State Avenue (provided by UG Maps).



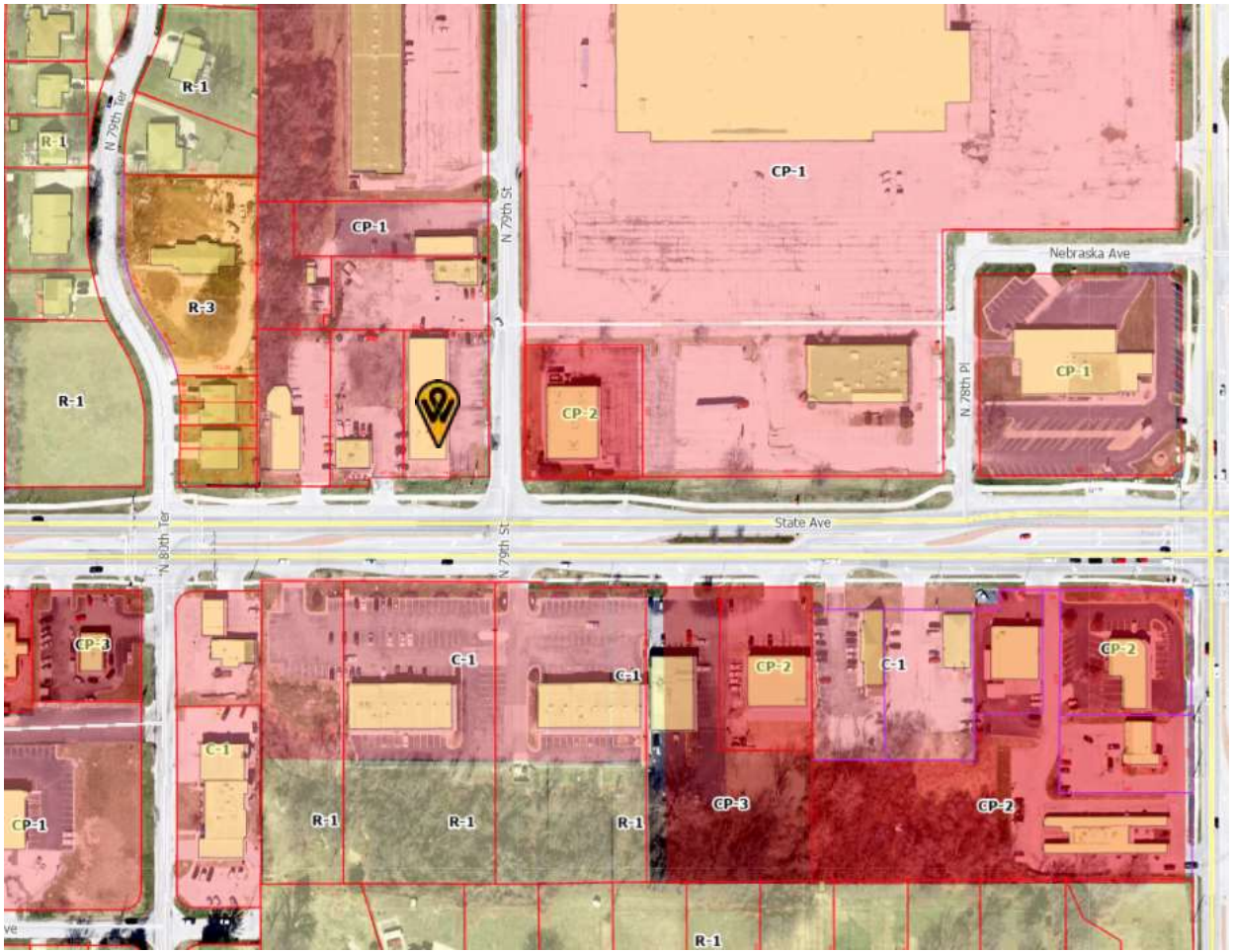


Figure 2. Zoning Map of 7908 State Avenue (provided by UG Maps).



Figure 3. PlanKCK Comprehensive Plan Land Use Designation Map (provided by ArcGIS Pro).



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March 25, 2024

Byron Toy  
Department of Planning and Urban Design  
701 N 7<sup>th</sup> Street, Suite 423  
Kansas City, Kansas 66101

RE: PR2024-006  
Preliminary Plan Review Petition

Byron Toy:

Wallace Engineering has reviewed the UG comments received March 15, 2024, and has the following response:

### **STAFF COMMENTS AND SUGGESTIONS**

#### **Planning and Urban Design Comments:**

##### **General Planning:**

1. In addition to establishing greater pedestrian connectivity throughout the site, where there are major parking lot crossings, crosswalks shall be painted in the drive aisles, so drivers are alert to look for pedestrians.  
*Pedestrian crosswalk is shown at crossings.*
2. Modify the pedestrian connection so customers do not step into the parking lot from State Avenue to the front door of the building.  
*The sidewalk connection to State Ave has been revised to be adjacent to the parking stall.*
3. Staff has concerns that two (2) non-ADA spaces in the southeast corner of the site will be a conflict point when a vehicle reverses into the drive aisle as a vehicle turns into the property thereby creating a queue on North 79<sup>th</sup> Street. Can those two (2) stalls be relocated elsewhere on the property to minimize this incursion?  
*The two non-ADA parking stalls have been removed. One has been added to the parking stalls adjacent to 79<sup>th</sup> St.*
3. Add a sidewalk stub at the north property line along North 79<sup>th</sup> Street, which can connect to a future sidewalk north of Arvest Bank.  
*A sidewalk stub is shown extending to the north property line.*
5. Per Sec. 27-317 Electrical power, telephone service, and cable television (if applicable) shall be provided by underground wiring for all new wiring provided.  
*Understood.*
6. Per Business Licensing Department: If approved, the occupying business must file and maintain a current business occupation tax application with the Business Licensing Division. Their office is at 4953 State Avenue, Kansas City, KS 66102, and their number is (913) 573-8780.

*Understood*

7. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by [buildinginspection@wycokck.org](mailto:buildinginspection@wycokck.org) to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly.

*Understood*

8. All existing and future driveways must feature curb cuts that are constructed to UG standards.

*Understood*

9. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by [info@wycokck.org](mailto:info@wycokck.org) to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly.

*Understood*

10. 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.

*Land disturbance activity will be according to the UG Public Works Standards. The site contains 0.53 acres.*

**Landscaping and Screening:**

1. Sec. 27-577(b)(1) New construction must provide at least a 25-foot landscape zone between structures and/or parking lots and all public streets and access easements 40 feet wide or greater. This requirement may be reduced to 12 feet where there is no paving, other than a sidewalk, between a building and the right-of-way. The distance is to be measured from the public right-of-way or curb line of a private easement.

*Due to the site configuration, providing a 25 ft landscape zone between the State Ave and 79<sup>th</sup> Street and any parking would allow for only 4 parking stalls. Shrubs will be provided adjacent to 79<sup>th</sup> St. Trees and shrubs will be provided along State Avenue. A deviation from the code Sec 27-577(b)(1) is requested.*

2. Per Sec. 27-277(a)(5) Landscaping shall exceed the typical code requirements by at least 75 percent. The site for the proposed development is 0.53 acres, six (6) trees are required based on Commercial Design Guidelines and exclusive of the additional requirements for street trees and trees planted within parking lot islands.  
*The landscape plan is revised to show 2 shade trees and 2 ornamental trees along the frontage of State Ave. Two shade trees are placed in the parking islands along North 79<sup>th</sup> Street. Due to existing conditions more street trees cannot be provided along North 79<sup>th</sup> (See comment one above). Two shade trees and two ornamental trees are placed in the interior parking island. The two ornamental trees in this island, the shade trees along the east property line and the ornamental trees along the north property line are in addition to the required landscaping.*
4. 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.  
*A continuous row of shrubs is shown adjacent to the parking.*
5. 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 inches (ornamental) evergreen trees must be at least six (6) feet tall when planted provided for every 30 feet of street easement or frontage.
  - b. Street trees should be planted no closer than 55 feet and no more than 65 feet apart. Groupings of ornamental trees and shrubs should be placed between the street trees.

As part of the landscaping requirements in the Commercial Design Guidelines, street trees must be planted along the frontage of major streets.

*Due to existing conditions street trees cannot be provided along North 79<sup>th</sup> (See comment one above). Street trees per ordinance are provided along State Ave.*

6. 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.  
*75 percent of the building foundations facing public streets are planted, along with additional plantings along the street frontage and entry drives.*
6. All deciduous and shade trees shall be at least two (2) inch caliper when planted. Evergreens shall be at least six (6) feet in height when planted. Shrubs shall be at least five (5) gallons when planted. Throughout the development, there shall be a variety of deciduous and evergreen trees in addition to native grasses and plants (wildflowers).  
*Understood*
7. All landscaping shall be irrigated.  
*Understood*
8. Mechanical equipment or other utility hardware whether on the ground or on a building shall be screened from public view. Such screening shall be harmonious with building

design and materials.

*Roof mounted mechanical equipment is screened per code.*

9. All trash and recycling receptacles shall be enclosed on all sides with an opaque wall or fence constructed of the same material as the primary structure. The screen must be a minimum of six (6) feet in height on all sides, tall enough to screen the dumpster itself. When possible, the enclosure's gates shall face away from streets or adjacent land uses. All screening materials must be well maintained at all times.

*A trash enclosure is not anticipated for this building. Rollout containers will be used.*

10. 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 (1) 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.

*Understood.*

11. Only decorative lighting can be used on the exterior of the building. No wall pack lights, or flood lights are allowed.

*Understood.*

12. Internalize the roof ladders.

*Roof access is made from the interior of the building.*

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.

*Roof mounted mechanical equipment is screened per code.*

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 degrees and have 10 feet of clearance from pad when gate doors open.
- c. Posts are gate doors must be installed a minimum distance of 10 feet apart in the front.
- d. For slat fences (wood pickets), the customer shall install a minimum of four (4) inch slats and have four (4) inches of space between each slat.
- e. Customer must take into 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) 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, three (3) feet on the back and five (5) feet on the front allowing for 10 feet on the front when gate doors open.

*The BPU transformer will be screened per UG and BPU requirements.*

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.
- Understood.*

**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](mailto:signpermits@wycokck.org) to begin this process.
- A sign permit shall be applied for with the construction documents.*

**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.
- Understood*
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
- 1) None

If you have any questions or need additional information, please do not hesitate to contact us.

Sincerely,



Mary Clare Amer, P.E.  
Project manager



## MEETING NOTES

DATE/TIME: March 25, 2024 – 6:00 pm

PROJECT: Arvest Bank – 7908 State Ave, Kansas City, KS

NUMBER: PR2024-006

LOCATION: Via Google Meet

ATTENDING: Gary Calvert, Current property owner  
Brent Vinson, Arvest Bank  
Mary Clare Amer, Wallace Design Collective

PURPOSE: Neighborhood meeting for presenting the proposed Arvest Bank branch

NOTES BY: Mary Clare Amer

## ITEMS DISCUSSED

1. Mary Clare Amer presented the Site Plan, Building Sections, Landscape Plan and Drainage Plan.
2. Brent Vinson discussed the building materials and building layout.
3. Gary Calvert thought the building looked nice. He felt Arvest would be successful in this location. Gary said the neighbors were always very supportive of his business.
4. Mary Clare told Gary the Planning Commission Meeting is scheduled for April 8<sup>th</sup> if he is interested in attending in person or virtually.

## Additional Contacts:

We received a request for the meeting link from Michael Block with Block Real Estate Services. Mr Block represents the owner of S-79 Investment Co. He also requested a copy of the Site Plan and Staff Comments. These were emailed to him.

I emailed Michael Block to ask if he or the owners had any questions about the Site Plan. He responded that the owner is fine with the proposed development. The email is attached.

---

**RE: [EXTERNAL EMAIL] Re: 7908 State Ave, KCKS**

---

**Michael Block** <mblock@blockllc.com>

Wed, Mar 27, 2024 at 10:37 AM

To: Mary Clare Amer &lt;maryclare.amer@wallace.design&gt;

Cc: Michele Antonopoulos &lt;mantonopoulos@blockllc.com&gt;, Christian Wead &lt;cwead@blockllc.com&gt;

Mary Clare,

I think the owner at 7912 State is fine with the newly proposed redevelopment of the 7908 property.

Michael

---

**From:** Mary Clare Amer <maryclare.amer@wallace.design>**Sent:** Wednesday, March 27, 2024 10:23 AM**To:** Michael Block <mblock@blockllc.com>**Subject:** Re: [EXTERNAL EMAIL] Re: 7908 State Ave, KCKS

Michael

I am sorry you were not able to attend the neighborhood meeting on Monday.

Do you or the owner have any questions about the proposed development?

I would be happy to answer any questions you have.

Wallace Engineering is now **Wallace Design Collective**. Please note my new email address.mary clare amer, pe  
civil engineeringstructural • civil • landscape • survey  
1703 wyandotte street  
kansas city, missouri 64108  
816.421.8282 o • 816.569.3191 d •

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On Mon, Mar 25, 2024 at 7:52 AM Michael Block <mblock@blockllc.com> wrote:

Mary Clare,

Thank you and I will review. If the ownership has any questions, I will be back to you.

Michael

---

**From:** Mary Clare Amer <maryclare.amer@wallace.design>

**Sent:** Sunday, March 24, 2024 9:55 PM

**To:** Michael Block <mblock@blockllc.com>

**Subject:** Re: [EXTERNAL EMAIL] Re: 7908 State Ave, KCKS

Michael

Attached is the staff report. The submitted Preliminary Site Plan is included in the report

I look forward to talking to you about the project

Wallace Engineering is now **Wallace Design Collective**. Please note my new email address.

mary clare amer, pe  
civil engineering

structural • civil • landscape • survey  
1703 wyandotte street  
kansas city, missouri 64108  
816.421.8282 o • 816.569.3191 d •

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On Tue, Mar 19, 2024 at 6:00 PM Michael Block <mblock@blockllc.com> wrote:

May we see the plan and the staff report please?

---

**From:** Mary Clare Amer <maryclare.amer@wallace.design>

**Sent:** Tuesday, March 19, 2024 5:56 PM

**To:** Michael Block <mblock@blockllc.com>

**Cc:** Michele Antonopoulos <mantonopoulos@blockllc.com>; Christian Wead <cwead@blockllc.com>

**Subject:** [EXTERNAL EMAIL] Re: 7908 State Ave, KCKS

Michael

Yes, I received your email.

I was waiting for the staff report before sending out the link for the meeting.

Please use this [LINK](#) to access the meeting. The meeting is through google meet and you do not need a google account to access the meeting.

I look forward to discussing the project with you

Wallace Engineering is now **Wallace Design Collective**. Please note my new email address.

mary clare amer, pe  
civil engineering

structural • civil • landscape • survey  
1703 wyandotte street  
kansas city, missouri 64108  
816.421.8282 o • 816.569.3191 d •

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On Mon, Mar 18, 2024 at 5:01 PM Michael Block <[mblock@blockllc.com](mailto:mblock@blockllc.com)> wrote:

Mary Clare,

Just following up here, did you see my email below?  
Michael

---

**From:** Michael Block  
**Sent:** Thursday, March 14, 2024 2:23 PM  
**To:** [maryclare.amer@wallace.design](mailto:maryclare.amer@wallace.design)  
**Cc:** Michele Antonopoulos <[mantonopoulos@blockllc.com](mailto:mantonopoulos@blockllc.com)>; Christian Wead <[cwead@blockllc.com](mailto:cwead@blockllc.com)>; Michael Block <[mblock@blockllc.com](mailto:mblock@blockllc.com)>  
**Subject:** 7908 State Ave, KCKS

Mary Clare,

Would you please send the meeting link and also any preliminary plans so we can see in advance?

We represent the ownership of S-79 Investment Co, at [7912 State Avenue](#).

Thank you,

Michael

**MICHAEL R. BLOCK**

EXECUTIVE VICE PRESIDENT

**T** 816.932-5549

**M** 816-210-5549

4622 Pennsylvania Avenue, Suite 700

Kansas City, Missouri 64112

[www.BlockLLC.com](http://www.BlockLLC.com)

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2024-03-25 17:37 Arvest State Ave Public Meeting Attendance Report

Attendees

| First name | Last name | Email                         | Duration | Time joined | Time exited |
|------------|-----------|-------------------------------|----------|-------------|-------------|
| Mary Clare | Amer      | maryclare.amer@wallace.design | 50 min   | 5:53 PM     | 6:43 PM     |
| gary       | calvert   | gary*****@***.com             | 23 min   | 6:02 PM     | 6:24 PM     |
| Brent      | Vinson    | bvin***@***.com               | 48 min   | 5:55 PM     | 6:43 PM     |

**AFFIDAVIT – NEIGHBORHOOD MEETING**

STATE OF Missouri )  
COUNTY OF Jackson ) SS:

Comes now Mary Clare Amer, of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition # PR2024-006.
2. That I conducted a neighborhood meeting on Monday March 25, 2024 at 6:00 pm.
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.

Mary Clare Amer  
Affiant

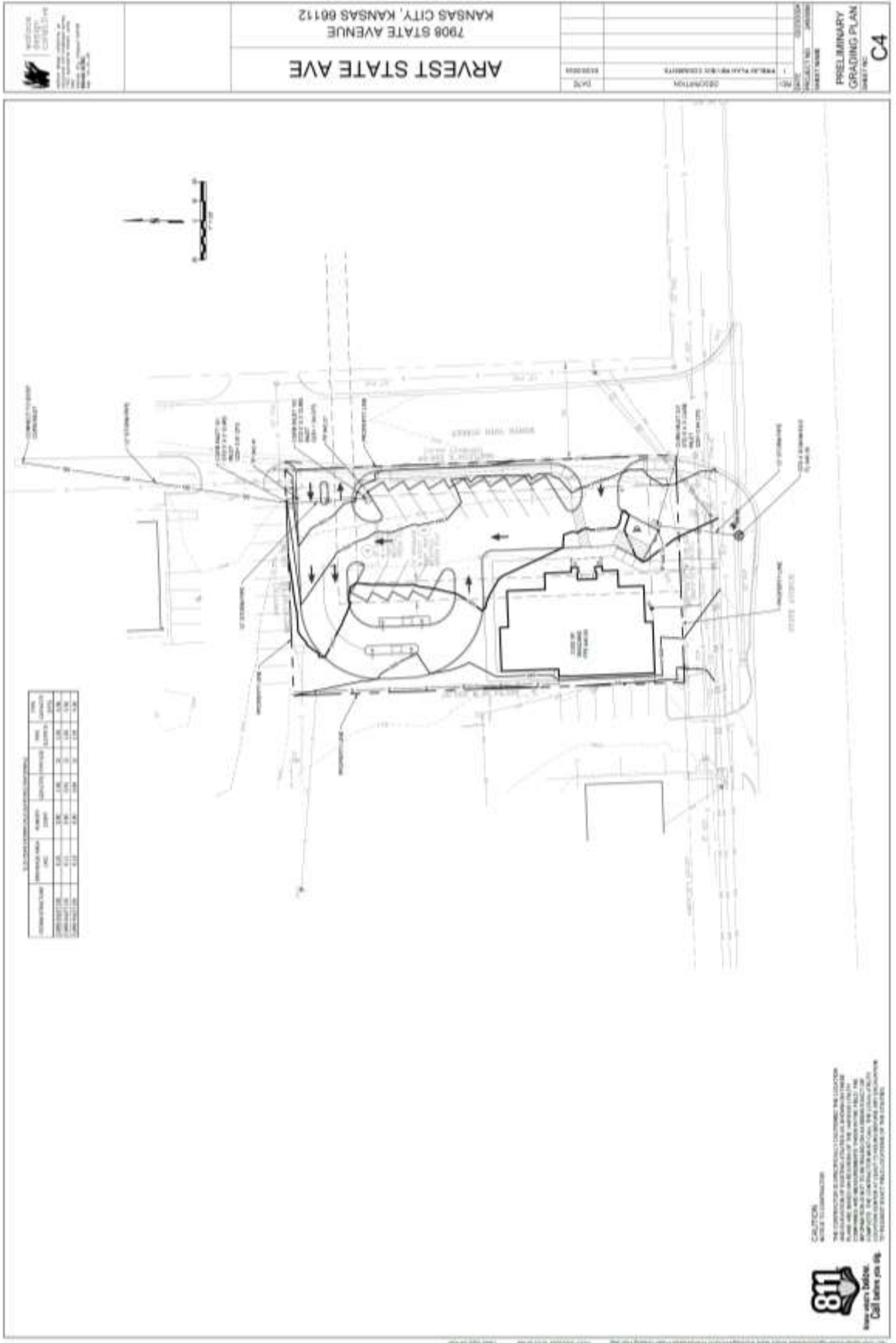
SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 27 day of March, 2024.

My commission expires 4th of March, 2027

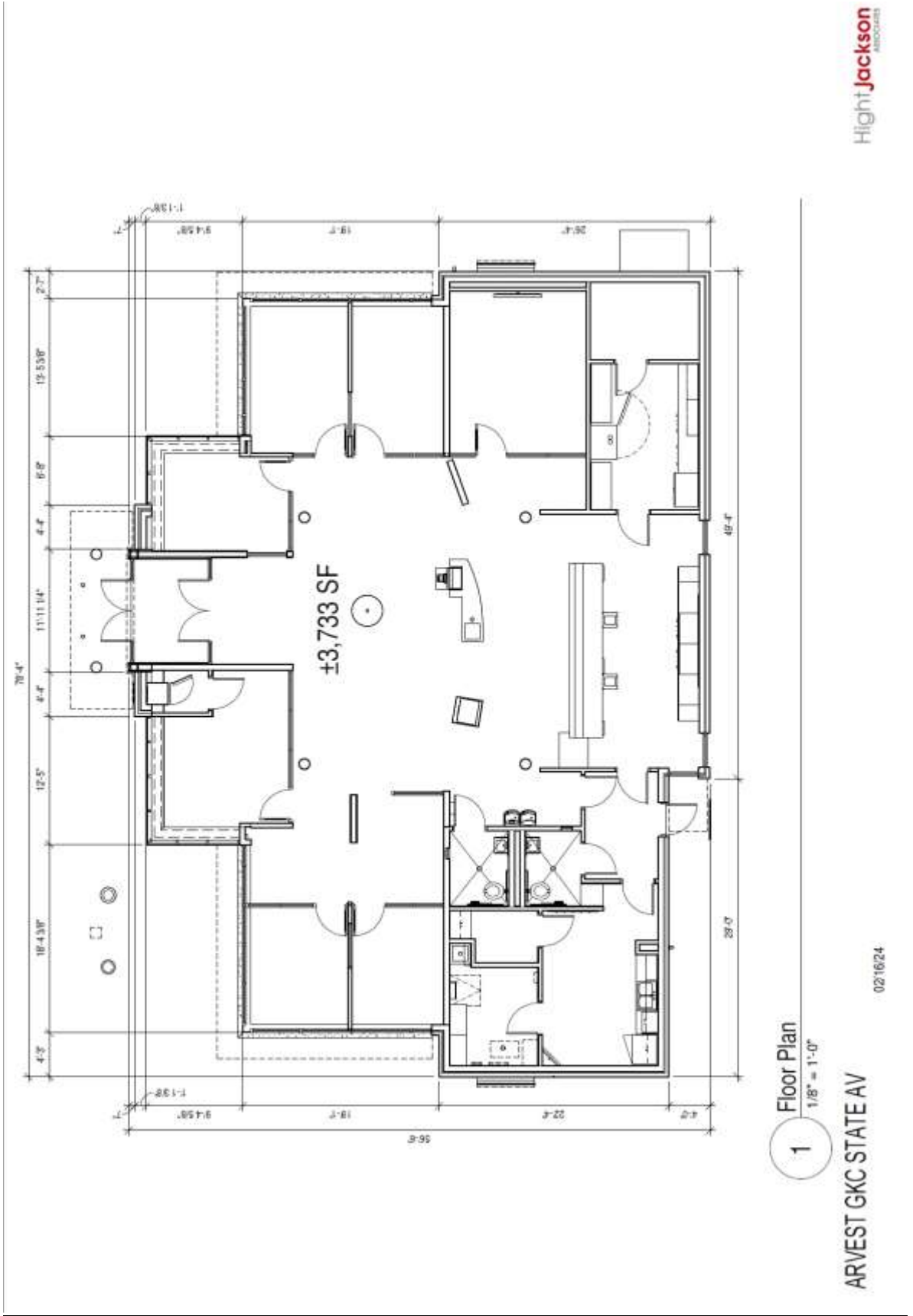
Deborah Lynn Moore  
Notary Public



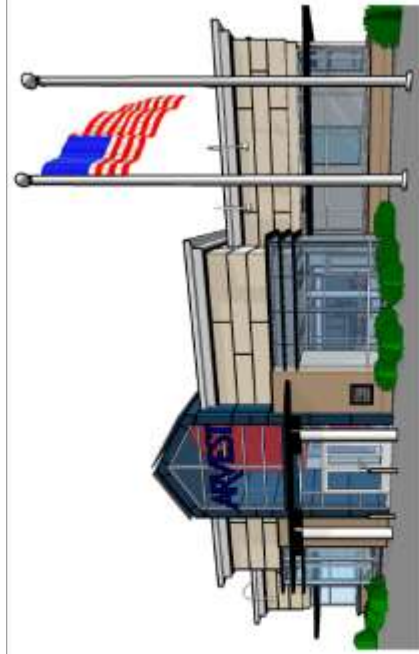
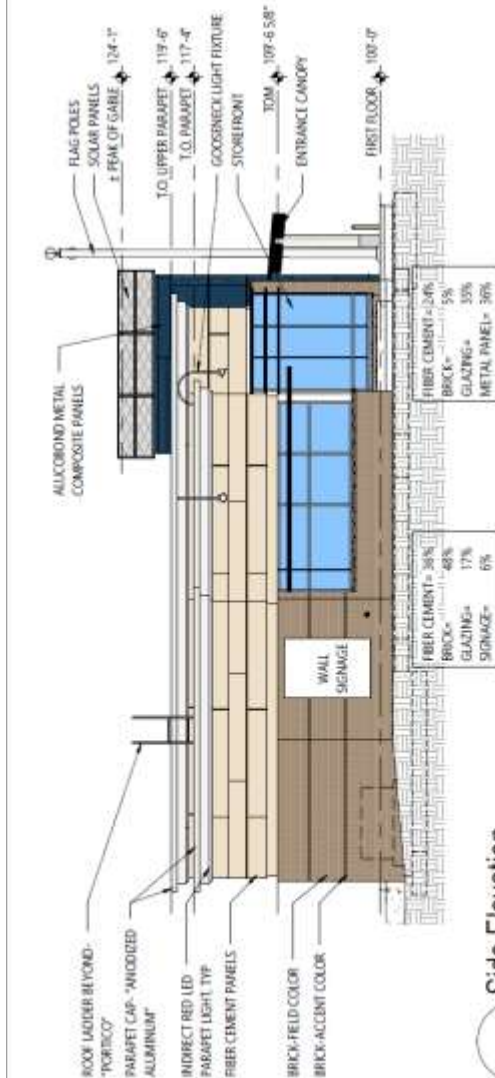












### Exterior Color Schedule



| #                                        | MANUFACTURER          | TYPE                   | COLOR                   |
|------------------------------------------|-----------------------|------------------------|-------------------------|
| EXTERIOR RAINFOREST SYSTEM               |                       |                        |                         |
| N/A                                      | AMERICAN FIBER CEMENT | PATINA                 | SPIT SAND               |
| N/A                                      | ALUCORBOARD           | ALUCORBOARD PLUS       | SPRUE BLUE              |
| METAL FRAMES                             |                       |                        |                         |
| N/A                                      | KAWNEER               | STOREFRONT             | CLEAR ANODIZED ALUMINUM |
| GLASS                                    |                       |                        |                         |
| N/A                                      | N/A                   | LOW-E, INSULATED       | AZULITE BLUE            |
| PRE-FINISHED METAL - PEBBLES FASCIA      |                       |                        |                         |
| N/A                                      | PERLOCK               | KYNAR 500 METALLIC     | SILVER                  |
| ISLAND BOLLARDS AND DUMPSTER GATE        |                       |                        |                         |
| SW7548                                   | SHERWIN WILLIAMS      | EXTERIOR               | PORTICO                 |
| EXTERIOR METAL DOOR FRAMES AND HANDRAILS |                       |                        |                         |
| SW7548                                   | SHERWIN WILLIAMS      | EXTERIOR               | PORTICO                 |
| PRE-FINISHED METAL ENTRANCE CANOPY       |                       |                        |                         |
| N/A                                      | N/A                   | BEAMS AND DECK         | DARK BRONZE             |
| N/A                                      | N/A                   | COLUMNS                | WHITE                   |
| BRICK                                    |                       |                        |                         |
| N/A                                      | ACME                  | FIELD BRICK - MODULAR  | KORD BROWN              |
| N/A                                      | ACME                  | ACCENT BRICK - MODULAR | STEEL GRAY              |
| ENTRANCE TILES BEHIND GLAZING            |                       |                        |                         |
| N/A                                      | AMERICAN CLEAN        | ENTRANCE WALL TILES    | CHEERY                  |





**Figure 4. Site photograph of 7908 State Avenue looking northeast from State Avenue (provided by Planning Staff).**



**Figure 5. Site photograph of 7908 State Avenue looking east from a private drive (provided by Planning Staff).**





**Figure 6. Site photograph of 7908 State Avenue looking northwest from State Avenue (provided by Planning Staff).**



**Figure 7. Site photograph of 7908 State Avenue looking southwest from North 98<sup>th</sup> Street (provided by Planning Staff).**

(Published \_\_\_\_\_)

SP2023-109

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 SP2023-109, commonly known as 3059-3065 Francis Street, Kansas City, Kansas, legally described as:

Lot 4 and the West 10 feet of Lot 5, Block 1, UNIVERSITY ROSEDALE ADDITION, a subdivision in Kansas City, Wyandotte County, Kansas, according to the recorded plat thereof, located at approximately 3059-3065 Francis 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 install three (3) trees in the front yard;**
- 2. The applicant shall only rent 3063 Francis and 3065 Francis as short-term units. The remaining units shall not be used for short-term rentals;**

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



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

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

SP2023-119

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 SP2023-119, commonly known as 204 Orchard Street, Kansas City, Kansas, legally described as:

TRACT 1:

ALL THAT PART OF LOT 32, BOLLES ADDITION TO RIVERVIEW, LYING BETWEEN PARK AVENUE (NOW HALLOCK STREET) AND ORCHARD STREET; ALSO, A PART OF RIVERVIEW AVENUE LYING BETWEEN PARK AVENUE (NOW HALLOCK STREET) AND ORCHARD STREET VACATED BY ORDINANCE NO. 7769.

ALSO

5 FEET ADJOINING SAID PROPERTY ON THE WEST VACATED BY ORDINANCE NO. 26658, SAME BEING 5 FEET OFF OF AND ALONG THE EAST SIDE OF PARK AVENUE (NOW HALLOCK STREET), BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE EAST LINE OF PARK AVENUE (NOW HALLOCK STREET) AS VACATED BY ORDINANCE NO. 26658 WHERE THE SAME IS INTERSECTED BY A LINE 7 FEET NORTH OF THE CENTER LINE OF RIVERVIEW AVENUE EXTENDED FROM THE WEST, THENCE EAST TO THE WESTERLY LINE OF ORCHARD STREET, THENCE NORTHWESTERLY ALONG THE WESTERLY LINE OF ORCHARD STREET TO A POINT WHERE THE SAME IS INTERSECTED BY THE EAST LINE OF PARK AVENUE (NOW HALLOCK STREET) AS

VACATED BY SAID ORDINANCE NO. 26658, THENCE SOUTH TO THE PLACE OF BEGINNING IN KANSAS CITY, WYANDOTTE COUNTY, KANSAS. Parcel# 119732, located at approximately 204 Orchard Street, Kansas City, Kansas.

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

**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 provide proof of repair for all identified items in the home inspection. This petition will not be moved for publication or approved for subsequent business licenses until proof of repair has been provided to Staff;
2. All other items included in the home inspection not identified by Staff, shall be repaired prior to renewal of this Special Use Permit;
3. The applicant shall file a Master Plan Amendment to amend the Plan Designation from Urban Density to Mixed-Use. This Special Use Permit will not be published until staff has received an application for a Master Plan Amendment;
4. Repair and maintain the brick sidewalk surrounding the bar;
5. Plant low lying shrubs and/or a small tree, no taller than three (3) feet in the open triangle front-yard to help buffer the use as well as meet commercial landscaping requirements;
6. The applicant shall relocate the waste receptacle to allow for the driveway to be used as parking for the upstairs dwelling unit;
7. The applicant shall construct a screening fence for the waste receptacle that is six (6) feet tall;
8. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by [buildinginspection@wycokck.org](mailto:buildinginspection@wycokck.org) to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
9. No amplified speakers or entertainment is allowed in outdoor spaces;

10. Any illumination that results from an entertainment event shall not be seen or otherwise impact adjacent residential uses;
11. Maximum number of guests shall be six (6);
12. All parking must be off-street, maximum number of vehicles is one (1);
13. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
14. 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;
15. Applicant is to maintain liability insurance;
16. The property must remain in proper maintenance and free of hazards, pests, or infestations;
17. The granting of this Special Use Permit does not transfer with a change of ownership of the property;
18. Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and [www.hostcompliance.com/tips](http://www.hostcompliance.com/tips) (website);
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](mailto:signpermits@wycokck.org) to begin this process;
20. 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;
21. If approved, the applicant must file and maintain a current business occupation tax application with the Business Licensing Division. Their office is at the 4953 State Avenue, Kansas City, KS 66102. Their contact information is (913) 573-8780 or [businesslicense@wycokck.org](mailto:businesslicense@wycokck.org);
22. 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;
23. All existing and future driveways must feature curb cuts that are constructed to UG standards;
24. 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.
25. A Right-of-Way Permit is required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by [info@wycokck.org](mailto:info@wycokck.org) to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;



26. 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;
27. 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;
28. 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;
29. 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;
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.**

**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 \_\_\_\_\_)

SP2023-120

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 SP2023-120, commonly known as 204 Orchard Street, Kansas City, Kansas, legally described as:

TRACT 1:

ALL THAT PART OF LOT 32, BOLLES ADDITION TO RIVERVIEW, LYING BETWEEN PARK AVENUE (NOW HALLOCK STREET) AND ORCHARD STREET; ALSO, AP ART OF RIVERVIEW AVENUE LYING BETWEEN PARK AVENUE (NOW HALLOCK STREET) AND ORCHARD STREET VACATED BY ORDINANCE NO. 7769.

ALSO

5 FEET ADJOINING SAID PROPERTY ON THE WEST VACATED BY ORDINANCE NO. 26658, SAME BEING 5 FEET OFF OF AND ALONG THE EAST SIDE OF PARK AVENUE (NOW HALLOCK STREET), BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE EAST LINE OF PARK AVENUE (NOW HALLOCK STREET) AS VACATED BY ORDINANCE NO. 26658 WHERE THE SAME IS INTERSECTED BY A LINE 7 FEET NORTH OF THE CENTER LINE OF RIVERVIEW AVENUE EXTENDED FROM THE WEST, THENCE EAST TO THE WESTERLY LINE OF ORCHARD STREET, THENCE NORTHWESTERLY ALONG THE WESTERLY LINE OF ORCHARD STREET TO A POINT WHERE THE SAME IS INTERSECTED BY THE EAST LINE OF PARK AVENUE (NOW HALLOCK STREET) AS

VACATED BY SAID ORDINANCE NO. 26658, THENCE SOUTH TO THE PLACE OF BEGINNING IN KANSAS CITY, WYANDOTTE COUNTY, KANSAS. Parcel# 119732, located at approximately 204 Orchard Street, Kansas City, Kansas.

**Section 2.** That the real property hereinabove described shall hereafter be granted a Special Use Permit for a drinking establishment on the first floor.

**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 file a Master Plan Amendment to amend the Plan Designation from Urban Density to Mixed-Use. This Special Use Permit will not be published until staff has received an application for a Master Plan Amendment;
2. The applicant shall complete the process for SP2023-119 if they wish to operate the short-term rental on the 2<sup>nd</sup> floor of the building;
3. Repair and maintain the brick sidewalk surrounding the bar;
4. Plant low lying shrubs and/or a small tree, no taller than three (3) feet in the open triangle front-yard to help buffer the use as well as meet commercial landscaping requirements;
5. The applicant shall relocate the waste receptacle to allow for the driveway to be used as parking for the upstairs dwelling unit;
6. The applicant shall construct a screening fence for the waste receptacle that is six (6) feet tall;
7. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by [buildinginspection@wycokck.org](mailto:buildinginspection@wycokck.org) to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
8. All entertainment must cease by at least 1:00 AM;
9. Doors and windows must stay closed during any entertainment performance;
10. Must comply with Unified Government Security Ordinance (Chapter 4, Article II Division 1, Sec 4-104,f), including:

- a. Must have at least one (1) security personnel stationed at the door at all times that is able to monitor any required parking area. Additional security guards may be required depending on the building capacity;
  - b. Patrons are not allowed to loiter in their vehicles. If so determined, they will be asked to leave;
  - c. An I.D. scanner will be used at all times;
  - d. At closing time, all security personnel will begin from a designated area to move patrons towards the exit and then to their vehicles;
- 11. No amplified speakers or entertainment is allowed in outdoor spaces;
  - 12. Any illumination that results from an entertainment event shall not be seen or otherwise impact adjacent residential uses;
  - 13. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
  - 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. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or [signpermits@wycokck.org](mailto:signpermits@wycokck.org) to begin this process;
  - 17. 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. If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;
  - 19. All existing and future driveways must feature curb cuts that are constructed to UG standards;
  - 20. 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;
  - 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](mailto:info@wycokck.org) to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
  - 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;

23. 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;
24. 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;
25. 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;
26. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
27. 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\_\_\_\_\_)

**VAC2024-001**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE VACATING** A 3 FEET WIDE EASEMENT OF LAND IN LOT 1, VILLAS OF PIPER VALLEY, IN THE CITY OF KANSAS CITY, WYANDOTTE COUNTY, KANSAS, BEING MORE PARTICULARLY DESCRIBED BY ANDREA N. WEISHAUBT PS 1730, ON JANUARY 8TH, 2024, AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 1; THENCE SOUTH 61°57'12" EAST, ALONG THE NORTH LINE OF SAID LOT 1, A DISTANCE OF 12.04 FEET; THENCE SOUTH 28°02'39" WEST, A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 61°57'21" EAST, A DISTANCE OF 3.45 FEET; THENCE SOUTH 01°40'09" EAST, A DISTANCE OF 31.56 FEET; THENCE SOUTH 43°34'17" WEST, A DISTANCE OF 21.12 FEET; THENCE SOUTH 01°40'09" EAST, A DISTANCE OF 91.73 FEET; THENCE SOUTH 87°54'50" WEST, A DISTANCE OF 3.00 FEET; THENCE NORTH 01°40'09" WEST, A DISTANCE OF 93.01 FEET; THENCE NORTH 43°34'17"EAST, A DISTANCE OF 21.12 FEET; THENCE NORTH 01°40'09" WEST, A DISTANCE OF 32.03 FEET TO THE POINT OF BEGINNING, located at approximately 11471 Webster Avenue, Kansas City, Kansas.

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

Section 1. That the following described utility easement in Kansas City, Kansas be and the same is hereby vacated:

A 3 FEET WIDE EASEMENT OF LAND IN LOT 1, VILLAS OF PIPER VALLEY, IN THE CITY OF KANSAS CITY, WYANDOTTE COUNTY, KANSAS, BEING MORE PARTICULARLY DESCRIBED BY ANDREA N. WEISHAUBT PS 1730, ON JANUARY 8TH, 2024, AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 1; THENCE SOUTH 61°57'12" EAST, ALONG THE NORTH LINE OF SAID LOT 1, A DISTANCE OF 12.04 FEET; THENCE SOUTH 28°02'39" WEST, A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 61°57'21" EAST, A DISTANCE OF 3.45 FEET; THENCE SOUTH 01°40'09" EAST, A DISTANCE OF 31.56 FEET; THENCE SOUTH 43°34'17" WEST, A DISTANCE OF 21.12 FEET; THENCE SOUTH 01°40'09" EAST, A

DISTANCE OF 91.73 FEET; THENCE SOUTH 87°54'50" WEST, A DISTANCE OF 3.00 FEET; THENCE NORTH 01°40'09" WEST, A DISTANCE OF 93.01 FEET; THENCE NORTH 43°34'17"EAST, A DISTANCE OF 21.12 FEET; THENCE NORTH 01°40'09" WEST, A DISTANCE OF 32.03 FEET TO THE POINT OF BEGINNING, located at approximately 11471 Webster Avenue, Kansas City, Kansas.

Section 2. The City of Kansas City, Kansas, reserves to itself the right to, at any time after the effective date of this ordinance, reenter or permit a public utility to reenter that portion of said tract of land hereby vacated for the purpose of repairing, installing, constructing or reconstructing any public utilities, such as sewers, conduits, electric light pole lines, etc. that are now or may hereafter be installed in the tract of land hereby vacated.

Section 3. This ordinance shall take effect and be in force from and after its passage, approval, and publication in the WYANDOTTE COUNTY ECHO.

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



## Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

**To:** Unified Government Board of Commissioners

**From:** Planning and Urban Design Staff

**Date:** April 25, 2024

**Re:** **Change of Zone Petition COZ2023-024 and Master Plan Amendment MPL2023-012**

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### GENERAL INFORMATION

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**Applicant:**

Chris Elsey

**Status of Applicant:**

The Prime Company  
2021 Vanesta Drive, Suite A  
Manhattan, KS 66503

**Requested Actions:**

To approve a Master Plan Amendment from Low Density Residential to High Density Residential (City-Wide Comprehensive Plan).

Change of Zone from R-1 Single Family District to RP-5 Planned Apartment District.

**Date of Application:**

August 24, 2023

**Purpose:**

To rezone and build 132-unit multi-family apartment complex.

**Property Location:**

5901 and 5945 Parallel Parkway  
Kansas City, KS 66102



|                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|---------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Commission District:</b>     | Commissioner At-Large, District #1: Melissa Bynum<br>District #8 Commissioner: Andrew Davis                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <b>Existing Zoning:</b>         | R-1 Single Family District                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <b>Adjacent Zoning:</b>         | <b>North:</b> R-1 Single Family District<br><b>South:</b> R-1 Single Family District<br><b>East:</b> R-1 Single Family District<br><b>West:</b> R-1 Single Family and CP-2 Planned General Business Districts                                                                                                                                                                                                                                                                                                                                                                                                          |
| <b>Adjacent Uses:</b>           | <b>North:</b> Schlage High School and Kansas City Kansas USD 500 Administration Building<br><b>South:</b> Single-family residences<br><b>East:</b> Undeveloped, wooded land<br><b>West:</b> Gas station, single-family residence and undeveloped land                                                                                                                                                                                                                                                                                                                                                                  |
| <b>Total Tract Size:</b>        | 6.66 Acres                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <b>Master Plan Area:</b>        | City-Wide Comprehensive Plan                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <b>Master Plan Designation:</b> | <p>The City-Wide Comprehensive Plan designates this property as Low Density Residential, which allows single-family detached residences, institutional uses such as elementary and middle schools, small churches (less than 50,000 square feet), libraries, parks, open space, etc.</p> <p>A Master Plan Amendment has been submitted to High Density Residential (City-Wide Master Plan), which allows garden apartments, attached residences including townhomes, duplexes, triplexes, fourplexes, institutional uses such as elementary, middle, and high schools, churches, libraries, parks, and open space.</p> |
| <b>Major Street Plan:</b>       | The Major Street Plan classifies North 59 <sup>th</sup> Street and Parallel Parkway as Class A Thoroughfares.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <b>Required Parking:</b>        | Sec. 27-460(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. 360 parking spaces are required. 360 parking spaces are provided.                                                                                                                                                                                                                                                                                                                         |
| <b>Advertisement:</b>           | <u>The Wyandotte Echo</u> – Change of Zone – September 21, 2023; Master Plan Amendment – September 21, 2023<br>Letters to Property Owners – Change of Zone September 22, 2023, October 2, 2023, November 7, 2023, December                                                                                                                                                                                                                                                                                                                                                                                             |



6, 2023 and January 3, 2024; Master Plan Amendment – September 22, 2023, October 2, 2023, November 7, 2023, December 6, 2023, January 3, 2024 and January 31, 2024

**Public Hearings:** March 11, 2024, April 8, 2024 and April 25, 2024

**Public Support:** One (1) person appeared in support at the April 8, 2024, City Planning Commission meeting.

**Public Opposition:** Two (2) persons appeared in opposition at the April 8, 2024, City Planning Commission meeting.

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## **PROPOSAL**

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*Detailed Outline of Requested Action:* The applicant, Chris Esley, with The Prime Company, seeks to rezone 5901 and 5945 Parallel Parkway from R-1 Single Family District to RP-5 Planned Apartment District to build a 132-unit multi-family apartment development on 6.66 acres.

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

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## **RELATED ENFORCEMENT AND ACTION ITEMS**

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

1. None

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

1. None

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

1. None

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## **FACTORS TO BE CONSIDERED**

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

The character of the neighborhood is comprised of single-family homes to the south and civic spaces - Schlagle High School and Kansas City Kansas USD 500 Administration Building to the north, and a gas station convenience store to the west along Parallel Parkway.

### ***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 south as this area is a small, established single-family subdivision. This property in particular can be a transition between those single-family homes and any future, more intense development along Parallel Parkway. High density development should occur at major intersections along transit corridors, which these parcels are at the intersection of two (2) Class A Thoroughfares and a KCATA transit corridor.

Traditionally, multi-family 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 required landscaping and buffering that is required to be planted along 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 south.

**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 and young business professionals who want to live in the area, but do not want to purchase a single-family detached home, townhome or condo. The proposed use could be a land use buffer between the future, more intense uses along Parallel Parkway to the east and west, and prevent commercial intrusion south along Meadowlark Lane.

**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 192 units will increase traffic along Parallel Parkway and North 59<sup>th</sup> Street. A Traffic Impact Analysis has been submitted and is being reviewed and analyzed by Planning Engineering and Public Works.

These entitlements will not move forward until the traffic study is approved by Public Works.

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

The proposed use does not conform to the Low-Density Residential land use designation within the City-Wide Comprehensive Plan; therefore, a Master Plan Amendment is sought to High Density Residential, which allows garden apartments, attached residences including townhomes, duplexes, triplexes, fourplexes, institutional uses such as elementary, middle, and high schools, churches, libraries, parks, and open space.

**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 Brenner Heights Creek, Parallel Parkway, and other abutting parcels.

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 #224.

**e. Fire**

Fire service is provided by Fire Station #2 located off 62<sup>nd</sup> Street and Minnesota Avenue.

**f. Transit**

Kansas City ATA provides transit service along 59<sup>th</sup> Street & Parallel Parkway, Route #116.

**g. Schools**

Public education is provided by Kansas City Kansas USD 500.

**h. Streets**

North 59<sup>th</sup> Street and Parallel Parkway are Class A Thoroughfares. 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 beneficial economic impact on the community. The multiple housing unit types (between one (1), two (2) and three (3) bedrooms) within the complex will promote a diverse population to make use of the nearby employment, transit and retail centers.

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

Without the necessary architectural and civil drawings, Staff cannot make the determination if 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.

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**PREVIOUS ACTIONS**

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None

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## NEIGHBORHOOD MEETING

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The applicant held a neighborhood meeting in-person at Eisenhower Recreation Center (2901 North 72<sup>nd</sup> Street) on September 20, 2023. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

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## KEY ISSUES

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Transit Enhancement  
Traffic  
City-Wide Master Plan Multi-Family Design Guidelines  
Pedestrian Connectivity  
Fire Access  
Landscaping, Screening and Buffering

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## PLANNING COMMISSION RECOMMENDATION

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The Planning Commission voted 7 to 2 to recommend **APPROVAL** of Change of Zone Application COZ2023-024 and Master Plan Amendment MPL2023-012, subject to:

1. Because this is a planned district and multiple parcels are involved in this development, a Final Development Plan and Final Plat 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. 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. To comply with the Multi-Family Residential Design Guidelines, parking should be internal to the development when fronting along arterials and collectors. Buildings should face Parallel Parkway and Meadowlark Lane and internalize the parking lots;
4. Per the Multi-Family Residential Design Guidelines, pedestrian walkways and sidewalks shall be a minimum of six (6) feet wide;
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. Add sidewalks for enhanced pedestrian connectivity to the rear, ground floor apartment units to the sidewalk network within the development;
7. With the apparent grade change and stairs, show ADA sidewalk access from the western two (2) apartment buildings and the four (4) apartment buildings to the east;
8. Construct a sidewalk connecting the northeast corner of the development to the southwest corner of the Parallel Parkway and Meadowlark Lane intersection of pedestrian and transit connectivity;

- 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);
9. The on-site amenities – clubhouse, pool and picnic area shall be constructed in the first phase of building construction;
  10. Install bike racks at high trafficked nodes (clubhouse and site amenities); Show the transit stop in front of the property on the site plan – southwest corner of Parallel Parkway and Meadowlark Lane intersection. 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](mailto:dbush@wycokck.org).
    - a. The current bus stop south of Parallel Parkway does not have a pickup loop and could easily be removed and redesigned;
  11. Per the City-Wide Comprehensive Plan Multi-Family Residential Design Guidelines, to the maximum extent feasible, garage entries, carports, parking areas, and parking structures shall be internalized in building groupings or oriented away from the arterial or collector street frontage;
  12. Per the City-Wide Comprehensive Plan Multi-Family Residential Design Guidelines, all sides of a multi-family building shall display a similar level of quality and architectural interest. A building's architectural features and treatments shall not be restricted to a single façade.

The rear elevations should have “front” entries, similar to the front elevation;

13. Per the City-Wide Master Plan Multi-Family Residential Design Guidelines, all multi-family buildings including duplexes, triplexes, fourplexes and townhomes, an amount equal to forty percent (40%) of the total net exterior wall area of each building elevation, excluding gables, windows, doors, and related trim, shall be brick or stone. The balance of the next exterior wall may be lap siding (excluding vinyl lap siding) and/or stucco. Provide a table citing the percentage breakdown for each façade for each building type and revise accordingly to ensure that 40 percent of each façade is indeed stone or brick;
14. Emphasis on the change in window patterns on the top floor that is different from all other floors helps break up the façade;
15. Vinyl siding is not a permitted exterior building material per the City-Wide Master Plan Multi-Family Residential Design Guidelines;
16. 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;
17. Sec. 27-460(f) trees are required at not less than one (1) tree per 4,500 square feet of site area;
18. 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;
19. Maintain the ridgelines, existing topography, and vegetation along the perimeter of the property, as these natural features will screen the apartments from the single-family home abutting to the west, behind the apartment building, to the east and south from the existing single-family homes;
  20. Provide a site line section between the multi-family apartments and the single-family homes;
  21. One (1) street tree shall be provided per 30 feet of frontage along a major street. North 59<sup>th</sup> Street and Parallel Parkway shall have street trees planted along the sidewalk;
  22. Landscaping and landscape beds, commons spaces and amenities shall be irrigated;
  23. Parking lot islands shall be curbed and landscaped;
  24. 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;
  25. Lighting cannot exceed one (1) footcandle at the property line;
  26. Interior parking lots lights shall have 90-degree cutoff fixtures;
  27. 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;
  28. All electrical meter banks, typically on the side of the building shall be screened from public view;
  29. The privacy fence abutting the single-family residences shall have masonry columns installed every 32 feet running;
  30. 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;
  31. 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. Fence pickets shall be installed two (2) feet off the ground and have adequate clearance to open gate door 180° and have 10 feet of 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 slats fences, customers shall install a minimum of four (4) inch slats and have four (4) inches of space between each slat.
    - e. Customers must take into account 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 into account the growth of saplings).
- f. Pad must have a minimum clearance of six (6) feet on each, six (6) feet on the back and five (5) feet on the front allowing for 10 feet on the front when gate doors open;
32. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or [signpermits@wycokck.org](mailto:signpermits@wycokck.org) to begin this process;
33. All existing and future driveways must feature curb cuts that are constructed to UG standards;
34. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by [info@wycokck.org](mailto:info@wycokck.org) to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
35. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;
36. A Pre-Construction meeting is required for any improvements to public infrastructure upon the approval and issuance of a Development Review Committee (DRC) Permit. Any improvements to, construction or alteration of: sanitary systems, stormwater systems, public or private streets, sidewalks, or other public infrastructure will require a pre-construction meeting with the Department of Public Works. The applicant is required to contact the County Engineer at (913) 573-5400 or by [info@wycokck.org](mailto:info@wycokck.org) prior to construction to arrange this meeting; and,
37. 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.

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## STAFF COMMENTS AND SUGGESTIONS

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Staff concurs with the recommendation of the City Planning Commission.

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## STAFF RECOMMENDATION

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Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petitions **COZ2023-024** and **MPL2023-012**, subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

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## ATTACHMENTS

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April 8, 2024 City Planning Commission Minutes  
Aerial Map  
Zoning Map  
Land Use Map  
City-Wide Master Plan High Density Residential Designation  
City-Wide Master Plan Multi-Family Residential Design Guidelines  
Multi-Family Residential Amenity Guidelines  
KCKFD Comments  
Applicant Response Letter  
Neighborhood Meeting Documents  
Site Plan  
Grading Plan  
Landscape Plan  
Building Elevations  
Site Photographs taken by Staff on September 12, 2023.

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## REVIEW OF INFORMATION AND SCHEDULE

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| <u>Action</u>  | <u>City Planning Commission</u>                          | <u>Unified Government Board of Commissioners</u> |
|----------------|----------------------------------------------------------|--------------------------------------------------|
| Public Hearing | March 11, 2024                                           | April 25, 2024                                   |
| Rezoning       | Held Over<br>April 8, 2024<br>Approval                   |                                                  |
| Public Hearing |                                                          |                                                  |
| Master Plan    | March 11, 2024<br>Held Over<br>April 8, 2024<br>Approval | April 25, 2024                                   |

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**STAFF CONTACT:**      **Byron Toy, AICP**  
                                 [btoy@wycokck.org](mailto:btoy@wycokck.org)

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## MOTIONS

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### **Master Plan Amendment**

I move the Unified Government Board of Commissioners **APPROVE** Petition **MPL2023-012** 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 **MPL2023-012** 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.

### **Change of Zone Petition**

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2023-024** 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 **COZ2023-024** 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.

## **April 8, 2024, City Planning Commission Minutes:**

### **Hearing starts at 41:45:**

**CHANGE OF ZONE APPLICATION COZ2023-024 – CHRIS ELSEY WITH THE PRIME COMPANY - SYNOPSIS:** Change of Zone from R-1 Single Family District to RP-5 Planned Apartment District to construct a 132-unit apartment complex at 5901 and 5945 Parallel Parkway.

**MASTER PLAN AMENDMENT MPL2023-012 – CHRIS ELSEY WITH THE PRIME COMPANY – SYNOPSIS:** Master Plan Amendment from Low-Density Residential (City-Wide Comprehensive Plan) to High-Density Residential (City-Wide Comprehensive Plan) to construct a 132-unit apartment complex at 5901 and 5945 Parallel Parkway.

Detailed Outline of Requested Action: The applicant, Chris Esley, with The Prime Company, seeks to rezone 5901 and 5945 Parallel Parkway from R-1 Single Family District to RP-5 Planned Apartment District to build a 132-unit multi-family apartment development on 6.66 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 April 8, 2024;
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:**

- Josh Adrian, representing The Prime Company, 2021 Vanesta Drive, Manhattan, Kansas 66503
- Monica Breede, Senior Director, WYEDC, 727 Armstrong Avenue, Kansas City, Kansas 66101

### **Present in Opposition:**

- Frenchy Hooks, President of Homes Association at Countryside West, 1817 North 62nd Street, Kansas City, Kansas
- Claudine Horton, 1805 North 62nd Street, Kansas City, Kansas

**Staff Recommendation starts at 54:44:** Planning Director Hand stated that the Master Plan request is for a change from low to high-density housing. The Change of Zone is from R-1 Single Family District to RP-5 Planned Apartment District for 132 apartments. The property is in the PlanKCK Area off Parallel Parkway and Meadowlark Lane in the Midtown area. Prior to the meeting Staff received no letters in support nor opposition. There are no Notices of Violation on the property. Staff recommends approval subject to the conditions in the staff report. The applicant will need to submit a final plat and final development plan and follow the Multi-Family Design Guidelines.

**Motion starts at 55:50:**

On motion by Mr. Ward, seconded by Mr. Ernst, the Planning Commission voted as follows to recommend **APPROVAL of Master Plan Amendment MPL2023-012:**

|            |             |
|------------|-------------|
| Carson     | Chairman    |
| Ward       | Aye         |
| Armstrong  | Not Present |
| Beth       | No          |
| Easterwood | No          |
| Ernst      | Aye         |
| Jones      | Aye         |
| Miller     | Aye         |
| Mohler     | Aye         |
| Schwartz   | Aye         |
| Straws     | Aye         |

Motion to recommend **APPROVAL** Passed: 7 to 2

Subject to:

1. **Because this is a planned district and multiple parcels are involved in this development, a Final Development Plan and Final Plat 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. **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. **To comply with the Multi-Family Residential Design Guidelines, parking should be internal to the development when fronting along arterials and collectors. Buildings should face Parallel Parkway and Meadowlark Lane and internalize the parking lots;**
4. **Per the Multi-Family Residential Design Guidelines, pedestrian walkways and sidewalks shall be a minimum of six (6) feet wide;**
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. Add sidewalks for enhanced pedestrian connectivity to the rear, ground floor apartment units to the sidewalk network within the development;
7. With the apparent grade change and stairs, show ADA sidewalk access from the western two (2) apartment buildings and the four (4) apartment buildings to the east;
8. Construct a sidewalk connecting the northeast corner of the development to the southwest corner of the Parallel Parkway and Meadowlark Lane intersection of pedestrian and transit connectivity;  
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);
9. The on-site amenities – clubhouse, pool and picnic area shall be constructed in the first phase of building construction;
10. Install bike racks at high trafficked nodes (clubhouse and site amenities); Show the transit stop in front of the property on the site plan – southwest corner of Parallel Parkway and Meadowlark Lane intersection. 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](mailto:dbush@wycokck.org).
  - b. The current bus stop south of Parallel Parkway does not have a pickup loop and could easily be removed and redesigned;
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12. Per the City-Wide Comprehensive Plan Multi-Family Residential Design Guidelines, all sides of a multi-family building shall display a similar level of quality and architectural interest. A building's architectural features and treatments shall not be restricted to a single façade.

The rear elevations should have “front” entries, similar to the front elevation;

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14. Emphasis on the change in window patterns on the top floor that is different from all other floors helps break up the façade;
15. Vinyl siding is not a permitted exterior building material per the City-Wide Master Plan Multi-Family Residential Design Guidelines;
16. 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;

17. Sec. 27-460(f) trees are required at not less than one (1) tree per 4,500 square feet of site area;
18. 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;
19. Maintain the ridgelines, existing topography, and vegetation along the perimeter of the property, as these natural features will screen the apartments from the single-family home abutting to the west, behind the apartment building, to the east and south from the existing single-family homes;
20. Provide a site line section between the multi-family apartments and the single-family homes;
21. One (1) street tree shall be provided per 30 feet of frontage along a major street. North 59<sup>th</sup> Street and Parallel Parkway shall have street trees planted along the sidewalk;
22. Landscaping and landscape beds, commons spaces and amenities shall be irrigated;
23. Parking lot islands shall be curbed and landscaped;
24. 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;
25. Lighting cannot exceed one (1) footcandle at the property line;
26. Interior parking lots lights shall have 90-degree cutoff fixtures;
27. 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;
28. All electrical meter banks, typically on the side of the building shall be screened from public view;
29. The privacy fence abutting the single-family residences shall have masonry columns installed every 32 feet running;
30. 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;
31. 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. Fence pickets shall be installed two (2) feet off the ground and have adequate clearance to open gate door 180° and have 10 feet of 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 slats fences, customers shall install a minimum of four (4) inch slats and have four (4) inches of space between each slat.
  - e. Customers must take into account 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 into account the growth of saplings).
  - f. Pad must have a minimum clearance of six (6) feet on each, six (6) feet on the back and five (5) feet on the front allowing for 10 feet on the front when gate doors open;
32. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or [signpermits@wycokck.org](mailto:signpermits@wycokck.org) to begin this process;
33. All existing and future driveways must feature curb cuts that are constructed to UG standards;
34. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by [info@wycokck.org](mailto:info@wycokck.org) to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
35. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;
36. A Pre-Construction meeting is required for any improvements to public infrastructure upon the approval and issuance of a Development Review Committee (DRC) Permit. Any improvements to, construction or alteration of: sanitary systems, stormwater systems, public or private streets, sidewalks, or other public infrastructure will require a pre-construction meeting with the Department of Public Works. The applicant is required to contact the County Engineer at (913) 573-5400 or by [info@wycokck.org](mailto:info@wycokck.org) prior to construction to arrange this meeting; and,

**37. 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.**

On motion by Mr. Ward, seconded by Mr. Ernst, the Planning Commission voted as follows to recommend **APPROVAL of Change of Zone Application COZ2023-024:**

|            |             |
|------------|-------------|
| Carson     | Chairman    |
| Ward       | Aye         |
| Armstrong  | Not Present |
| Beth       | No          |
| Easterwood | No          |
| Ernst      | Aye         |
| Jones      | Aye         |
| Miller     | Aye         |
| Mohler     | Aye         |
| Schwartz   | Aye         |
| Straws     | Aye         |

Motion to recommend APPROVAL Passed: 7 to 2  
Subject to the above conditions





Figure 1. Aerial Photograph 5901 and 5945 Parallel Parkway (provided by UG Maps).





Figure 2. Zoning Map of 5901 and 5945 Parallel Parkway (provided by UG Maps).





**Figure 3. City-Wide Comprehensive Plan Land Use Designation Map of 5901 and 5945 Parallel Parkway (provided by ArcGIS Pro).**



**High-Density Residential:** These uses are intended to provide for future housing needs through the construction of **attached** owner and renter occupied mid-rise and high-rise residential developments.

- Allowed Uses:
  - Mid-rise and high-rise apartment buildings and/or condominiums
  - Institutional uses such as elementary, middle and high schools, churches, libraries, etc.
  - Parks, plazas, courtyards and open space
- Discouraged Uses:
  - All industrial uses
  - Business parks
  - Single-family detached residences
- Required Infrastructure:
  - Access to gravity sewer.
  - Access to highway or a Class A or B thoroughfare or boulevard.
  - Minimum 8-foot sidewalk/trail.
- Open Space:
  - None; however, rooftop gardens, courtyards, plazas and other "people places" are encouraged.
- Recommended Density:
  - 16 dwelling units per acre and greater
- Green Principles:
  - High densities support mass transit.
  - Incentives should be provided for:
    - Use of National Association of Home Builders (NAHB) Green Standards.
    - Energy Star qualified buildings.
    - Green roofs and landscaped open and common spaces.
    - Bicycle and pedestrian connections to adjacent neighborhoods.
    - Enhanced pedestrian amenities including site furniture, trash receptacles, lighting, etc.
    - Transit oriented development (TOD).
- Cultural Principles:
  - Provides a distinctive housing choice
- Design Guidelines:
  - All developments must meet the minimum guidelines outlined on pages 45-46.
- Amenity Guidelines:
  - All new development projects must meet the minimum amenity guidelines outlined on page 42. Projects less than 50 dwelling units are not subject to these guidelines.



## Multi-Family Residential Design Guidelines

The following design guidelines apply to all new multi-family developments.

- Pedestrian walkways and sidewalks shall be a minimum of six-feet (6') wide.
- All pedestrian walkways shall be designed to provide direct access and connections to and between the following:
  - The primary entrance or entrances to each principal multi-family building;
  - To any sidewalks or walkways on adjacent properties that extend to the boundaries shared with the multi-family development;
  - Any adjacent commercial land uses, including but not limited to retail shopping centers, office buildings, restaurants, or personal service establishments; and
  - Any adjacent public park, greenway, or other public/semi-public use including but not limited to schools, libraries, churches, parks, etc.
- To the maximum extent feasible, garage entries, carports, parking areas, and parking structures shall be internalized in building groupings or oriented away from the arterial or collector street frontage.
- Provide distinctive, quality, consistent, architectural character and style in new multi-family development that avoids monotonous and featureless building massing and design.
- The maximum length of a multi-family residential building shall be 200 feet.
- No more than six (6) townhome units shall be attached in any single row.
- There should be a consistency in architectural style among multiple buildings within a development and surrounding area. Each building should have a definitive and consistent style. Mixing of various architectural styles on the same building or buildings dilutes the character of the area.
- All sides of a multi-family building shall display a similar level of quality and architectural interest. The majority of a building's architectural features and treatments shall not be restricted to a single façade.
- All building entries adjacent to an arterial, collector or local street or private drive with on-street parking shall be pedestrian-scaled. Pedestrian-scaled entries are those that provide an expression of human activity or use in relation to building size. Doors, windows, entrance-ways, and other features such as corners, setbacks, and offsets can be used to create pedestrian scale.
- Fronts of buildings should be articulated through the use of bays, insets, balconies, porches, or stoops related to entrances and windows.
- All multi-family building elevations shall contain windows, except when necessary to assure privacy for adjacent property owners. Windows should be located to maximize the possibility of occupant surveillance of entry-ways, recreation areas, and laundry areas.



## City-Wide Master Plan

UNIFIED GOVERNMENT OF WYANDOTTE COUNTY / KANSAS CITY, KANSAS



- On buildings where sloping roofs are the predominant roof type, each building shall have a variety of roof forms. For instance, a gable or hip configuration should be used with complimentary sheds, dormers, and other minor elements. Other roof forms will be considered on a case-by-case basis. On buildings where flat roofs are the predominant roof type, parapet walls shall vary in height and/or shape at least one every fifty-feet (50') of building wall length.
- Unity of design will be maintained through the use of similar materials and colors throughout all multi-family developments.
- High-quality building materials will be used that are durable, attractive, and have low maintenance requirements.
- For all multi-family buildings including duplexes, triplexes, fourplexes and townhomes, an amount equal to forty percent (40%) of the total net exterior wall area of each building elevation, excluding gables, windows, door, and related trim, shall be brick or stone. The balance of next exterior wall may be lap siding (excluding vinyl lap siding) and/or stucco.
- Exterior building materials **shall not** include the following:
  - Board and batten wood
  - Smooth-faced or gray concrete block
  - Painted concrete block
  - Tilt-up concrete panels
  - Field painted or pre-finished standard corrugated metal siding
  - Standard single or double tee concrete systems
  - Vinyl siding
- The rehabilitation of existing multi-family structures shall require the use of alternate materials subject to approval by the City Planning Commission.
- Predominant roof materials shall be high quality, durable material such as, but not limited to:
  - Wood shake shingles
  - Clay or concrete tiles
  - Composition shingles
  - Asphalt shingles
  - Other materials considered on a case-by-case basis
- Landscaping is required to screen all parking areas and service entries.



## 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**

|                                                                                                                                                                                           |  |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| <b>Small:</b>                                                                                                                                                                             |  |
| 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.                                                                                                 |  |
| <b>Regular:</b>                                                                                                                                                                           |  |
| 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.                                                                                               |  |

# DEVELOPMENT REVIEW COMMITTEE

Unified Government of Wyandotte County/ Kansas City, Kansas



## FIRE DEPARTMENT-FIRE PREVENTION DIVISION

815 North 6<sup>th</sup> St.  
Kansas City, Kansas 66101

(913) 573-5550  
(913) 551-0490 fax

### DEPARTMENTAL REQUIREMENTS AND RECOMMENDATIONS

DRC No. COZ2023-024/ MPL2023-012 Address: 5901 and 5945 Parallel Parkway

Development Name: CHRIS ELSEY Description: 192-unit apartment complex

STAFF ONLY : ☐ A ☐ A/C ☐ F & F ☐ H/C ☐ R/A

#### Ordinance Requirements:

Before this Department can approve the issuance of a building permit for the above-named project, the developer, owner or contractor must address / agree with the following requirements, stipulated by the Unified Government Ordinances, by signing this form.

**\*\*Aerial Truck lane(s) must be 26' min clear width and be located between 15' and 30' to an entire side(long side) of the building per Sec. D105.1, 2018 IFC for structures over 30' tall.**

**\*\*All portions of the ground floor of the building(s) must be within 150' of a code compliant access road per Sec.503.1.1, 2018 IFC**

**\*\*For multi-family residential developments more than 100 units(200 units sprinkled) two separate code compliant access roads must be provided separated by a distance equal to one-half the length of the maximum overall dimension of the property served per Sec. D106, 2018 IFC as amended**

**\*\*Provide a fire truck turning drawing based on the following data:**

|                                 |                                             |
|---------------------------------|---------------------------------------------|
| Length- 48'                     | Inside turn radius- 28 ft                   |
| Wheel base- 272.5 in.           | Wall to wall radius- 52.5 ft                |
| Front overhang- 96 in           | Curb to curb radius- 46 ft                  |
| Rear overhang-133.5 in.         | Minimum clearance(height between axles)-10" |
| Width- 84 in                    | Inside Cramp Angle- 40deg                   |
| Minimum departure angle-7.4 deg | Minimum approach angle-8.8 deg              |
| Max weight-84,000lbs            |                                             |

**NOTE: Items highlighted with (\*) must be addressed prior to departmental approval.**

**Harvey Fields** Digitally signed by Harvey Fields  
Date: 2023.09.06 09:40:21 -05'00'

9/6/2023

Attending DRC Member: \_\_\_\_\_

Date \_\_\_\_\_

I, \_\_\_\_\_, as \_\_\_\_\_ of the above referenced project, do hereby certify that I will comply with all of the above ordinance requirement(s), and give consideration to the recommendation(s) above.

Signature and Date \_\_\_\_\_

Contact Phone Number and Email Address \_\_\_\_\_

Mailing Address, City, State, and Zip Code \_\_\_\_\_



The neighborhood meeting can be held by the following:

1. In person; or,
2. Virtual Meeting.

The deadline for the neighborhood meeting is **January 29, 2024 and on January 31, 2024** you are required to send your information to Janet L. Parker, CSC/APC, Executive Assistant, either by email ([jparker@wycokck.org](mailto:jparker@wycokck.org)) or U.S. mail (Department of Urban Planning and Land Use, 701 North 7<sup>th</sup> Street, Suite 423, Kansas City, Kansas 66101):

1. List of people who participated in your in-person, Zoom, Teams or Skype meeting (if you were able to hold one.)
2. List of people who contacted you with questions and comments – please document their names and questions/comments.
3. Signed and notarized affidavit that you held the meeting.

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## **KEY ISSUES**

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Transit Enhancement  
Traffic  
City-Wide Master Plan Multi-Family Design Guidelines  
Pedestrian Connectivity  
Fire Access  
Landscaping, Screening and Buffering

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## **STAFF COMMENTS AND SUGGESTIONS**

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### **Planning and Urban Design Comments:**

#### **General Planning:**

1. As part of this rezoning/preliminary development plan request, the following plans need to be provided for review:
  - a. Preliminary Engineering
    - i. Stormwater Drainage Calculations
      1. Gross detention calculations for 100-year storm;  
**Detention waived**
      2. Stick map with proposed location and routing;  
**Provided**
      3. Indicate the tie in point to the existing system;  
**Provided**
      4. Information on any portion of the system that is not gravity flow;  
**N/A**
    - ii. Street layout with preliminary line and grade over proposed grading  
**Provided**
    - iii. Sewer layout (stick map) with location and routing to the existing system;  
**Provided**
    - iv. Any plans for sewer system other than a gravity system;  
**N/A**
    - v. Water and electric are design by the Board of Public Utilities;
    - vi. Reference the following documents:
      1. TECHNICAL PROVISIONS AND STANDARD DRAWINGS

MINIMUM DESIGN STANDARDS FOR SANITARY  
SEWERS.

- b. Traffic and pedestrian circulation system, including the location and width of all streets, driveways, entrances to parking areas and structures, walkways, and bicycle paths;  
**Provided**
  - c. Preliminary architectural elevations of proposed structures and an initial list of proposed building materials;  
-----
  - d. A conceptual landscape and screening plan that includes basic sizes and quantities; and,  
**Further information to be provided.**
  - e. Preliminary drainage and erosion control information sufficient to meet Unified Government requirements.  
**Provided**
2. Because this is a planned district and multiple parcels are involved in this development, a Final Development Plan and Final Plat is required to be submitted prior to obtaining a building permit. Final architectural and civil drawings are required to be submitted at such time.
3. 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.  
**Design meets this requirement**
4. To comply with the Multi-Family Residential Design Guidelines, parking should be internal to the development when fronting along arterials and collectors. Buildings should face Parallel Parkway and Meadowlark Lane and internalize the parking lots.  
**Design meets this requirement to the extent that it was feasible**
5. Per the Multi-Family Residential Design Guidelines, pedestrian walkways and sidewalks shall be a minimum of six (6) feet wide.  
**Sidewalks/walkways are all 6'+**
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.  
**Provided**
7. Add sidewalks for enhanced pedestrian connectivity to the rear, ground floor apartment units to the sidewalk network within the development.  
**Provided**
8. With the apparent grade change and stairs, show ADA sidewalk access from the western two (2) apartment buildings and the four (4) apartment buildings to the east.  
**Provided**

9. Construct a sidewalk connecting the northeast corner of the development to the southwest corner of the Parallel Parkway and Meadowlark Lane intersection of pedestrian and transit connectivity.  
**Provided**
10. 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).  
**-----**
11. What on-site amenities will be provided as part of this development? Three (3) amenities, two (2) regular and one (1) small are required.  
**Reduced unit count also reduced the required amenities, however, there are still 3 provided – 1) Clubhouse 2) Pool 3) Picnic Area**
12. Install bike racks at high trafficked nodes (clubhouse and site amenities).  
**Provided**
13. Show the transit stop in front of the property on the site plan – southwest corner of Parallel Parkway and Meadowlark Lane intersection. A bus shelter and bench may be warranted. Further discussion with KCATA is necessary. Contact  
  
**Location provided - further coordination with director of transportation needed**

Deasiray Bush, Director of Transportation at (913) 573-8312 or [dbush@wycokck.org](mailto:dbush@wycokck.org).

- a. The current bus stop south of Parallel Parkway does not have a pickup loop and could easily be removed and redesigned.
14. All existing and future driveways must feature curb cuts that are constructed to UG standards.  
**Provided**
15. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by [info@wycokck.org](mailto:info@wycokck.org) to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly.
16. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620.
17. A Pre-Construction meeting is required for any improvements to public infrastructure upon the approval and issuance of a Development Review Committee (DRC) Permit. Any improvements to, construction or alteration of: sanitary systems, stormwater systems, public or private streets, sidewalks, or other public infrastructure will require a pre-construction meeting with the Department of Public Works. The applicant is required to contact the County Engineer at (913) 573-5400 or by [info@wycokck.org](mailto:info@wycokck.org) prior to construction to arrange this meeting.
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) 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.

#### **Building Architecture:**

1. Provide building elevations and proposed materials for the clubhouse. Due to its proximity to Meadowlark Lane, make the clubhouse appear like a single-family home to match the adjacent neighborhood. Such design helps with the transition from the single-family neighborhood to the south and the multi-family development. **Will be sent upon completion.**
2. Per the City-Wide Comprehensive Plan Multi-Family Residential Design Guidelines, to the maximum extent feasible, garage entries, carports, parking areas, and parking structures shall be internalized in building groupings or oriented away from the arterial or collector street frontage. **Provided**

3. Per the City-Wide Comprehensive Plan Multi-Family Residential Design Guidelines, all sides of a multi-family building shall display a similar level of quality and architectural interest. A building's architectural features and treatments shall not be restricted to a single façade.  
The rear elevations should have "front" entries, similar to the front elevation.  
**Provided**
4. Per the City-Wide Master Plan Multi-Family Residential Design Guidelines, all multi-family buildings including duplexes, triplexes, fourplexes and townhomes, an amount equal to forty percent (40%) of the total net exterior wall area of each building elevation, excluding gables, windows, doors, and related trim, shall be brick or stone. The balance of next exterior wall may be lap siding (excluding vinyl lap siding) and/or stucco. Provide a table citing the percentage breakdown for each façade for each building type and revise accordingly to ensure that 40 percent of each façade is indeed stone or brick.  
**Noted**
5. Emphasis on the change in window patterns on the top floor that is different from all other floors helps break up the façade.  
**Provided**
6. Vinyl siding is not a permitted exterior building material per the City-Wide Master Plan Multi-Family Residential Design Guidelines.  
**Noted**
7. 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.  
**Provided**

#### **Landscaping and Screening:**

1. Sec. 27-460(f) trees are required at not less than one (1) tree per 4,500 square feet of site area.  
**=65 Trees – 65+ provided**
2. 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.  
**Noted, complete conforming landscape plan to be provided. Current plan provides necessary space for all required trees and buffer.**
8. Maintain the ridgelines, existing topography, and vegetation along the perimeter of the property, as these natural features will screen the apartments from the single-family home abutting to the west, behind the apartment building, to the east and south from the existing single-family homes.  
**Provided to the maximum extent feasible**
9. Provide a site line section between the multi-family apartments and the single-family homes.  
**Provided**

- 
10. One (1) street tree shall be provided per 30 feet of frontage along a major street. North 59<sup>th</sup> Street and Parallel Parkway shall have street trees planted along the sidewalk.  
**Provided**
  11. Landscaping and landscape beds, commons spaces and amenities shall be irrigated.  
**Noted. Irrigation plan will be provided at time of final landscape plan.**
  12. Parking lot islands shall be curbed and landscaped.  
**Provided**
  13. 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



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evergreens shall be at least six (6) feet when planted. All shrubs shall be five (5) gallons when planted.

**Noted, plant schedule will reflect.**

14. Lighting cannot exceed one (1) footcandle at the property line.

**Noted.**

15. Interior parking lots lights shall have 90-degree cutoff fixtures.

**Noted.**

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. Rooftop mechanical equipment shall be screened from public view by an architectural screen.

17. All electrical meter banks, typically on the side of the building shall be screened from public view.

18. The privacy fence abutting the single-family residences shall have masonry columns installed every 32 feet running.

**Provided**

19. 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.

**Provided**

20. 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. Fence pickets shall be installed two (2) feet off the ground and have adequate clearance to open gate door 180° and have 10 feet of 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 slats fences, customers shall install a minimum of four (4) inch slats and have four (4) inches of space between each slat.
- e. Customers must take into account 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 into account the growth of saplings).
- f. Pad must have a minimum clearance of six (6) feet on each, six (6) feet on the back and five (5) feet on the front allowing for 10 feet on the front when gate doors open.

#### **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](mailto:signpermits@wycokck.org) to begin this process.



# THE PRIME COMPANY®

## 5901 Parallel Parkway Neighborhood Meeting Minutes

Application # CO22023-024

Date: 9/20/2023

Location: Eisenhower Recreation Center - Multipurpose Room  
2901 N 72nd St, Kansas City, KS 66109

Names of  
People  
in Attendance:

- Josh Adrian
- Edna Ventura
- Victor Victor
- Wilburt Horton
- Claudia Horton
- Frenchye Hooks
- Dennis Wilcox
- Patricia Townsend
- Winnie Ayers
- Jared Baugh
- Chris Bruce
- Theresea Walter
- C Poole
- Dwayne MCFedors
- Dr Valdenia Winn
- Daniel G
- Mark Curry
- Marsha Curry
- Doug Clements

Pages 2-3 Letter of Notification of Meeting  
Pages 4-21 Copy of Presentation  
Pages 22-23 Summary of Discussion  
Pages 24-26 Follow-up Emails from neighborhood meeting



5901 Parallel Parkway  
Meeting Minutes  
9/21/2023

Here is the detailed overview of the recent neighborhood meeting held to discuss the proposed apartment complex project situated at 5901 Parallel Parkway in Kansas City, Kansas. The gathering, spearheaded by Josh Adrian, Vice President of Development for The Prime Company, aimed to foster transparency, address concerns, and solicit community input regarding this significant urban development endeavor.

The meeting commenced with a comprehensive presentation by Mr. Adrian, offering attendees valuable insights into The Prime Company's extensive track record of successful projects nationwide. Through illustrative examples and detailed descriptions, participants gained a comprehensive understanding of the company's ethos and commitment to excellence in urban development.

Central to the presentation was an in-depth overview of the proposed project at 5901 Parallel Parkway. Mr. Adrian provided attendees with a comprehensive breakdown of the project's scope, encompassing crucial elements such as the site plan, unit mix, and architectural renderings. Of particular significance was the delineation of the project as an affordable housing initiative, facilitated through the utilization of the state's Low-Income Housing Tax Credit (LIHTC) program.

Following the presentation, attendees were afforded the opportunity to engage in a meaningful dialogue, voicing their inquiries, concerns, and suggestions regarding the proposed development. During the neighborhood meeting convened to discuss the proposed apartment complex, residents exhibited a commendable level of engagement, particularly concerning the project's affordability aspect. The discourse predominantly centered on inquiries regarding tenant demographics, screening protocols, and the potential acceptance of Section 8 vouchers.

Residents articulated genuine concerns about the prospective composition of the tenant pool, emphasizing the importance of implementing robust screening mechanisms to ensure compatibility with the neighborhood's socio-economic fabric. Their queries underscored a collective commitment to upholding community standards and fostering a harmonious living environment.

Some residents expressed concern about whether the property would allow any non-US Citizens to live at the Apartments. They cited current news stories in other cities of immigrants who are not able to work moving into areas and burdening the city/neighborhood.

Of notable significance was the discussion surrounding the accommodation of Section 8 vouchers, the dialogue showcased apprehension regarding the potential ramifications of non-working individuals residing within the neighborhood. Residents expressed a shared sentiment regarding the need to mitigate perceived risks associated with crime and social disorder, underscoring the paramount importance of upholding community safety and cohesion.

Furthermore, deliberations extended to the practical feasibility of construction on the designated site, characterized by its unique topographical challenges, including slopes and subterranean rock formations. Insights shared by attendees regarding past development endeavors underscored the necessity for meticulous planning and consideration of geological factors.

Integral to the discourse was an exploration of the operational intricacies of the LIHTC program, coupled with an examination of the legislative landscape governing affordable housing initiatives. Attendees exhibited a commendable level of engagement and curiosity, seeking clarity on the programmatic nuances and policy dynamics shaping the proposed project.

In culmination, Josh Adrian of The Prime Company shared a list of questions he had been unable to answer for the residents that he was going to investigate and answer via email in the coming weeks. The meeting was approximately 1.5 hours, and encapsulated an array of perspectives and concerns, mainly focused on who will be living in the neighborhood

**AFFIDAVIT – NEIGHBORHOOD MEETING**

STATE OF KANSAS )  
 ) SS:  
COUNTY OF WYANDOTTE )

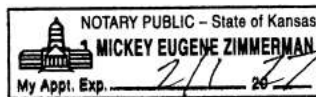
Comes now JOSH ADRIAN, of lawful age, sound mind and open his/her oath states as follows:

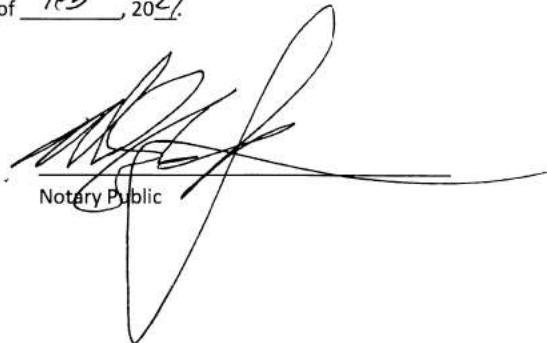
1. That I am the petitioner for Petition # CO22023-024
2. That I conducted a neighborhood meeting on 9/28/2023.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

  
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 27 day of Feb, 2024.  
My commission expires 1st of Feb, 2027.



  
Notary Public

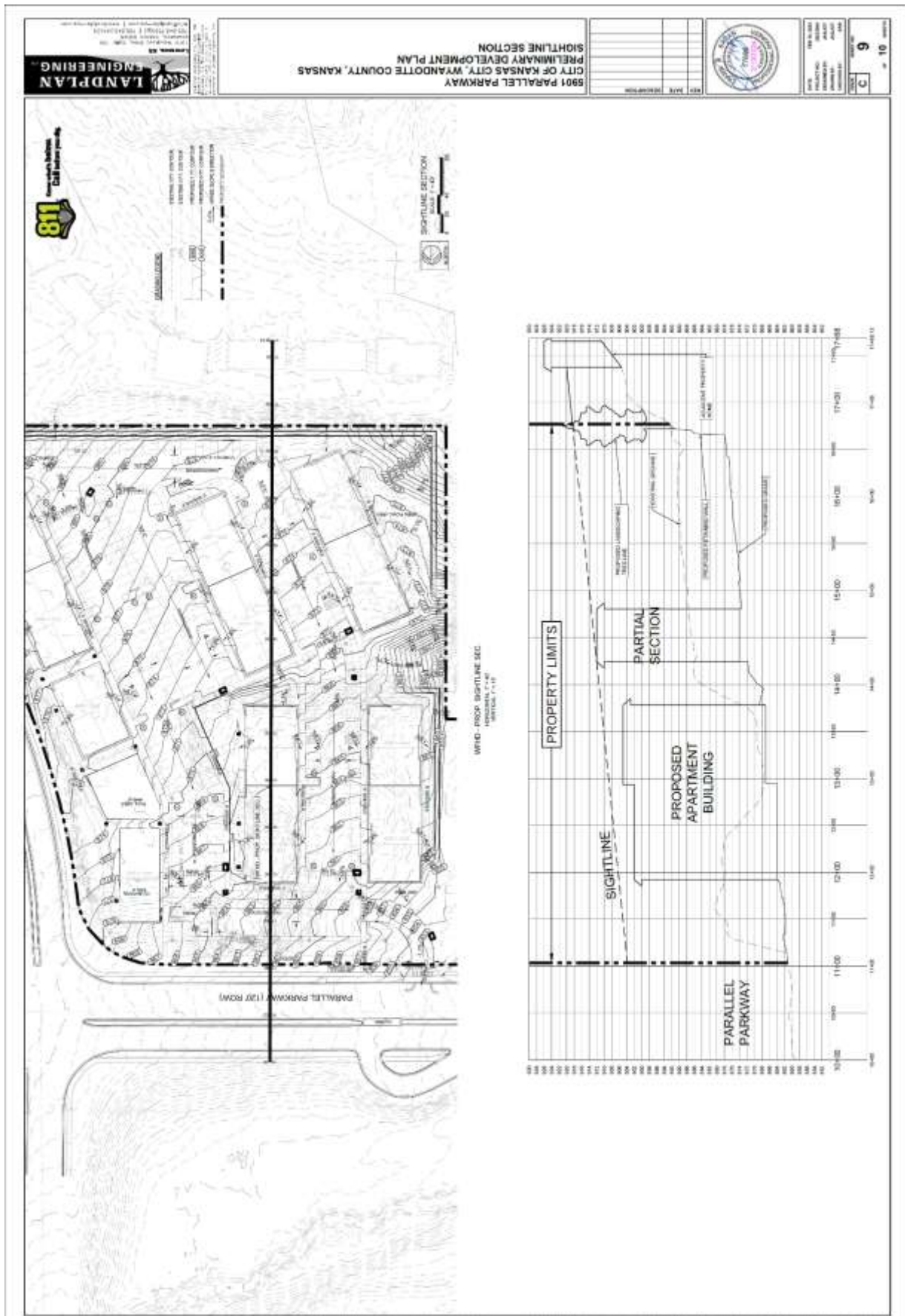






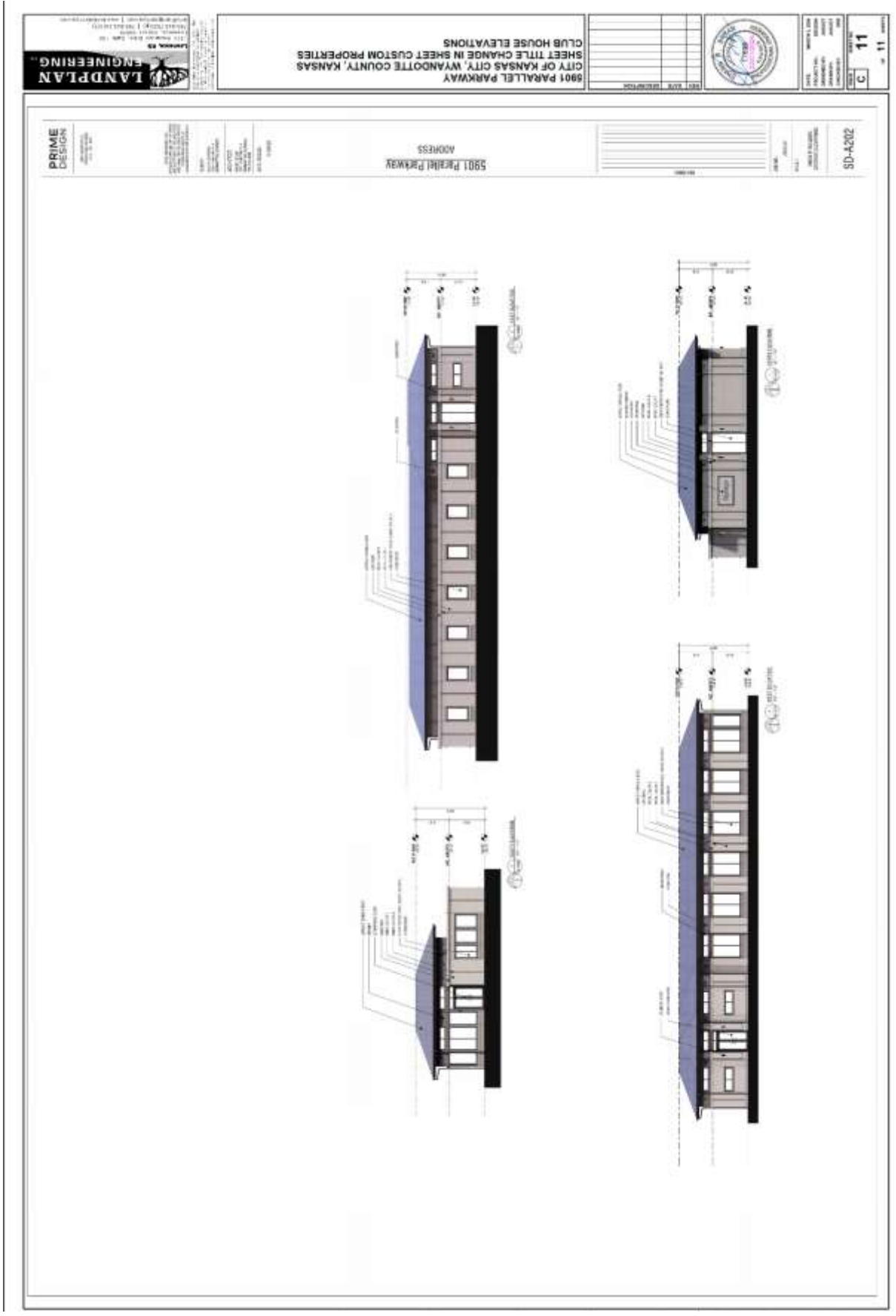














**Figure 4. Site photograph of 5901 Parallel Parkway looking southeast on Parallel Parkway (provided by Planning Staff).**



**Figure 5. Site photograph of 5901 Parallel Parkway looking south from Parallel Parkway (provided by Planning Staff).**





**Figure 6. Site photograph of 5901 Parallel Parkway looking south from North 59<sup>th</sup> Street (provided by Planning Staff).**



**Figure 7. Site photograph of 5901 Parallel Parkway looking southwest from North 59<sup>th</sup> Street (provided by Planning Staff).**



## Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

**To:** Unified Government Board of Commissioners

**From:** Planning and Urban Design Staff

**Date:** April 25, 2024

**Re:** **Change of Zone Petition COZ2024-004**

---

### GENERAL INFORMATION

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**Applicant:**

Fred Del Toro

**Status of Applicant:**

Property Owner  
76 South 18<sup>th</sup> Street  
Kansas City, Kansas 66102

**Requested Actions:**

Approval of a Change of Zone.

**Date of Application:**

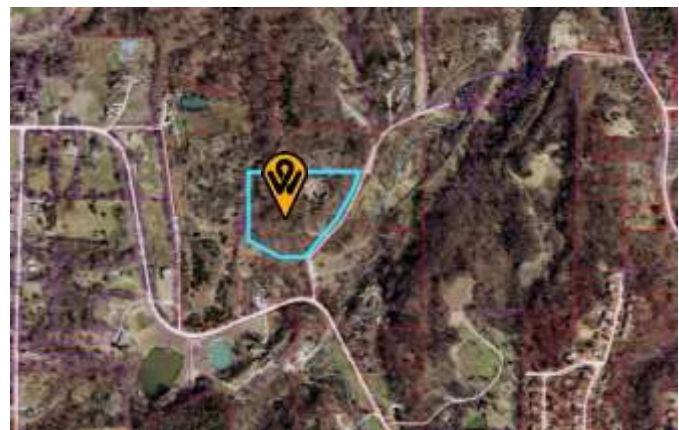
February 20, 2024

**Purpose:**

To change the zone from R-1 Single-Family District to A-G Agriculture District to utilize the property for agricultural purposes, including keeping accessory structures without a primary residence and keeping animals.

**Property Location:**

3612 Emmons Drive  
Kansas City, Kansas 66102



|                                        |                                                                                                                                                                                                                                              |
|----------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Commission Districts:</b>           | Commissioner At-Large, District #1: Melissa Bynum<br>District #1 Commissioner: Gayle Townsend                                                                                                                                                |
| <b>Existing Zoning:</b>                | R-1(B) Single-Family District                                                                                                                                                                                                                |
| <b>Adjacent Zoning:</b>                | <b>North:</b> R-1(B) Single Family District<br><b>South:</b> R-1(B) Single Family District<br><b>East:</b> R-1(B) Single Family District<br><b>West:</b> R-1(B) Single Family District                                                       |
| <b>Adjacent Uses:</b>                  | <b>North:</b> Vacant property<br><b>South:</b> Vacant property<br><b>East:</b> Single-family residence<br><b>West:</b> Vacant property                                                                                                       |
| <b>Total Tract Size:</b>               | 7.09 Acres                                                                                                                                                                                                                                   |
| <b>Comprehensive Plan Designation:</b> | The PlanKCK Comprehensive Plan designates the subject property as Agricultural, which allows for the production and cultivation of food stuffs, livestock and other agricultural activities such as apiary, forest products, hay production. |
| <b>Major Street Plan:</b>              | The goDotte Mobility Plan designates Emmons Drive as a Local Street.                                                                                                                                                                         |
| <b>Parking Requirement:</b>            | Section 27-452(e) states “Two off-street parking spaces shall be provided on the premises for each single-family dwelling”. The applicant does not plan to construct a residence.                                                            |
| <b>Advertisement:</b>                  | <u>The Wyandotte Echo</u> – March 14, 2024<br>Letters to Property Owners – March 15, 2024                                                                                                                                                    |
| <b>Public Hearings:</b>                | April 8, 2024 and April 25, 2024                                                                                                                                                                                                             |
| <b>Public Support:</b>                 | None to date.                                                                                                                                                                                                                                |
| <b>Public Opposition:</b>              | None to date.                                                                                                                                                                                                                                |

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## PROPOSAL

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Detailed Outline of Requested Action: The applicant, Fred Del Toro, is requesting a Change of Zone from R-1(B) Single Family District to A-G Agriculture District utilize the property for agricultural purposes, including keeping accessory structures without a

primary residence and animals, including three (3) horses, several chickens, and a cow at 3612 Emmons Drive.

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

---

## **RELATED ENFORCEMENT AND ACTION ITEMS**

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

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

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

1. There are several active notices of violation on the subject property, including for unfit structures, trash, parking on unimproved surfaces, and unsecured structure(s). These were identified during a site visit on March 14, 2024.

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

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

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## **FACTORS TO BE CONSIDERED**

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

The subject property is located within the Quindaro Bluffs Statistical Neighborhood and the Leavenworth Road Association Group. The neighborhood consists primarily of large lot single-family residences and agricultural lots.

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

The zoning and uses of nearby property are set out above. The property is surrounded by primarily R-1/R-1(B) Single Family District zoning, with limited A-G Agriculture Zoning in the vicinity. Most properties surrounding are either vacant or are used for agricultural purposes. Use of the subject property for agricultural purposes is expected to be compatible if 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 in terms of size for agricultural uses; however, the property is densely covered with trees and other foliage. To safely keep cows or other livestock on the property, a significant amount of this existing tree stand will need to be removed. Removal of this foliage may result in increased run-off and erosion, which can have impacts off of the property.

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

It is unclear whether the property is vacant or not, however, according to aerials, several unpermitted structures have been constructed since 2016.

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

The proposed use is not reasonably necessary for the convenience and welfare of the public, as it serves only the property owner. It is not expected that a Change of Zone to agricultural will negatively impact the use, quality or marketability of nearby property.

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

The proposed use is not expected to increase traffic as it is for the private use of the property owner, however, any increase in traffic would exceed the capacity of Emmons Drive, which is a rural, dirt road with no infrastructure, designated as a local street.

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

The PlanKCK Comprehensive Plan designates the subject property as Agricultural, which allows for the production and cultivation of food stuffs, livestock and other agricultural activities such as apiary, forest products, hay production. The proposed use complies with the plan if managed properly and operates in conformance with a Conservation Plan.

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

The keeping of horses, cows, or other livestock can cause environmental harm, through contaminated run-off. Additionally, preparing the site to correctly keep these animals may result in harm, as horses, cows, and other livestock require large open space, which the property currently does not provide. To provide this space would require removal of a significant amount existing tree stand and landscaping, which would cause environmental harm in the form of increased erosion and run-off and decreased stormwater management.

**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***

There is no sanitary sewer service on the property.

***c. Storm water control***

There is no storm water control on the subject property or Emmons Drive.

***d. Police***

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

***e. Fire***

Fire service is provided by Station #18, two (2) miles away.

***f. Transit***

There is no transit service in close proximity to the subject property.

***g. Schools***

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

***h. Streets***

See item #6 above.

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

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

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

The proposed use is capable of meeting applicable ordinance requirements as long as the animals are kept and maintained, and the property is conserved and managed properly. There is conflict however, as to provide the necessary land area for the animals, the applicant will have to remove a significant amount of tree stand, which will increase the chances for run-off, erosion, and decreased storm-water management. There also appears to be illegally constructed accessory structures on the site.

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

The relative gain to the public health, safety, and welfare will be minimal. There are concerns with the increasing care for the animals with the current state of the site as well as concerns water runoff and contamination of water runoff, due to animal waste and removal of existing tree-stand. If denied, the applicant would still be able to keep animals, however, they would then require a variance to keep multiple accessory structures and to keep accessory structures without a primary structure.

---

## **PREVIOUS ACTIONS**

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There have been no previous Planning Entitlements on the subject property.

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## **NEIGHBORHOOD MEETING**

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The applicant held a neighborhood meeting on March 25, 2024. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

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## **KEY ISSUES**

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Conservation Plan  
Maintenance of Property  
Notices of Violation  
Number of Animals  
Property Access and Driveway  
Unpermitted Structures  
Waste Management Plan

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## **PLANNING COMMISSION RECOMMENDATION**

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The Planning Commission voted 6 to 4 to recommend **DENIAL** of Change of Zone Application COZ2024-004, for the following reasons:

- 1. The proposed use does not meet Factor to be Considered #3. The property itself is not suitable for livestock as it does not afford the required open space. To provide this open space, the applicant would need to remove a significant amount of existing tree stand and foliage, which then creates an issue with potential erosion and run-off; and,**
- 2. The proposed use does not meet Factor to be Considered #8. Keeping livestock requires a significant amount of open space. To provide this open space, the applicant would need to remove a significant amount of existing tree stand and foliage, which then creates an issue with potential erosion and run-off, especially contamination of run-off through the keeping of**

livestock. Either scenario creates environmental harm as well as potential harm to the animals on the property.

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## STAFF COMMENTS AND SUGGESTIONS

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Staff concurs with the recommendation of the City Planning Commission.

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## STAFF RECOMMENDATION

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Staff recommends that the Board of Commissioners concur with the findings contained within the staff report related to *Factors to be Considered* and *Key Issues* and recommends **DENIAL** of Petition **COZ2024-004** subject to all comments and suggestions outlined in this staff report, and the reasons listed by the City Planning Commission.

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## ATTACHMENTS

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April 8, 2024 City Planning Commission Minutes  
Aerial Imagery  
Zoning Map  
Land Use Map  
Site Plan  
Neighborhood Meeting Materials  
Site Photos, Taken by Applicant, Dated March 1, 2024  
Site Photos, Taken by Staff, Dated March 14, 2024

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## REVIEW OF INFORMATION AND SCHEDULE

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|                |                            |                               |
|----------------|----------------------------|-------------------------------|
| <u>Action</u>  | <u>Planning Commission</u> | <u>Board of Commissioners</u> |
| Public Hearing | April 8, 2024              | April 25, 2024                |
| Rezoning       | Denial                     |                               |

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

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## MOTIONS

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I move the Unified Government Board of Commissioners **DENY** Petition **COZ2024-004**, 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 **COZ2024-004** 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. \_\_\_\_\_.

**April 8, 2024, City Planning Commission Minutes:**

Hearing starts at 1:21:24:

**CHANGE OF ZONE APPLICATION COZ2024-004 – FRED DEL TORO – SYNOPSIS:**

Change of Zone from R-1(B) Single Family District to A-G Agriculture District to keep animals on the property at 3612 Emmons Drive. Detailed Outline of Requested Action: The applicant, Fred Del Toro, is requesting a Change of Zone from R-1(B) Single Family District to A-G Agriculture District utilize the property for agricultural purposes, including keeping accessory structures without a primary residence and animals, including three (3) horses, several chickens, and a cow at 3612 Emmons Drive.

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 April 8, 2024;
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:**

- Fred Del Toro, applicant, 76 South 18<sup>th</sup> Street, Kansas City, Kansas 66102

Chairman Carson directed questions to the applicant.

**Present in Opposition:**

- No one appeared

**Staff Recommendation starts at 1:23:55:** Planning Director Hand stated that this is a change of zone from R-1(B) Single Family District to A-G Agriculture District. The property is in the PlanKCK area north in the north Midtown Sortor Drive neighborhood. Staff received no letters in support nor opposition. There are numerous Notices of Violation on the property. Staff recommends denial due to the unsuitability of the property for livestock. He stated that there was a site visit with the Conservation District, and they believe that the only viable agricultural use of the property would be for timber. The soils would not allow for the amount of fields necessary for the livestock that Mr. Del Toro has on the property. All of the existing accessory structures are also not permitted. Staff has included conditions of approval if the Commission moves forward with a recommendation of approval.

**Motion starts at 1:25:13:**

On motion by Ms. Easterwood, seconded by Mr. Beth, the Planning Commission voted as follows to recommend **DENIAL of Change of Zone Application**

**COZ2024-004:**

|            |             |
|------------|-------------|
| Carson     | Aye         |
| Ward       | No          |
| Armstrong  | Not Present |
| Beth       | Aye         |
| Easterwood | Aye         |
| Ernst      | Aye         |
| Jones      | Aye         |
| Miller     | No          |
| Mohler     | No          |
| Schwartz   | No          |
| Straws     | Aye         |

Motion to recommend **DENIAL** Passed: 6 to 4

**For the following reasons:**

1. The proposed use does not meet Factor to be Considered #3. The property itself is not suitable for livestock as it does not afford the required open space. To provide this open space, the applicant would need to remove a significant amount of existing tree stand and foliage, which then creates an issue with potential erosion and run-off; and,
2. The proposed use does not meet Factor to be Considered #8. Keeping livestock requires a significant amount of open space. To provide this open space, the applicant would need to remove a significant amount of existing tree stand and foliage, which then creates an issue with potential erosion and run-off, especially contamination of run-off through the keeping of livestock. Either scenario creates environmental harm as well as potential harm to the animals on the property.



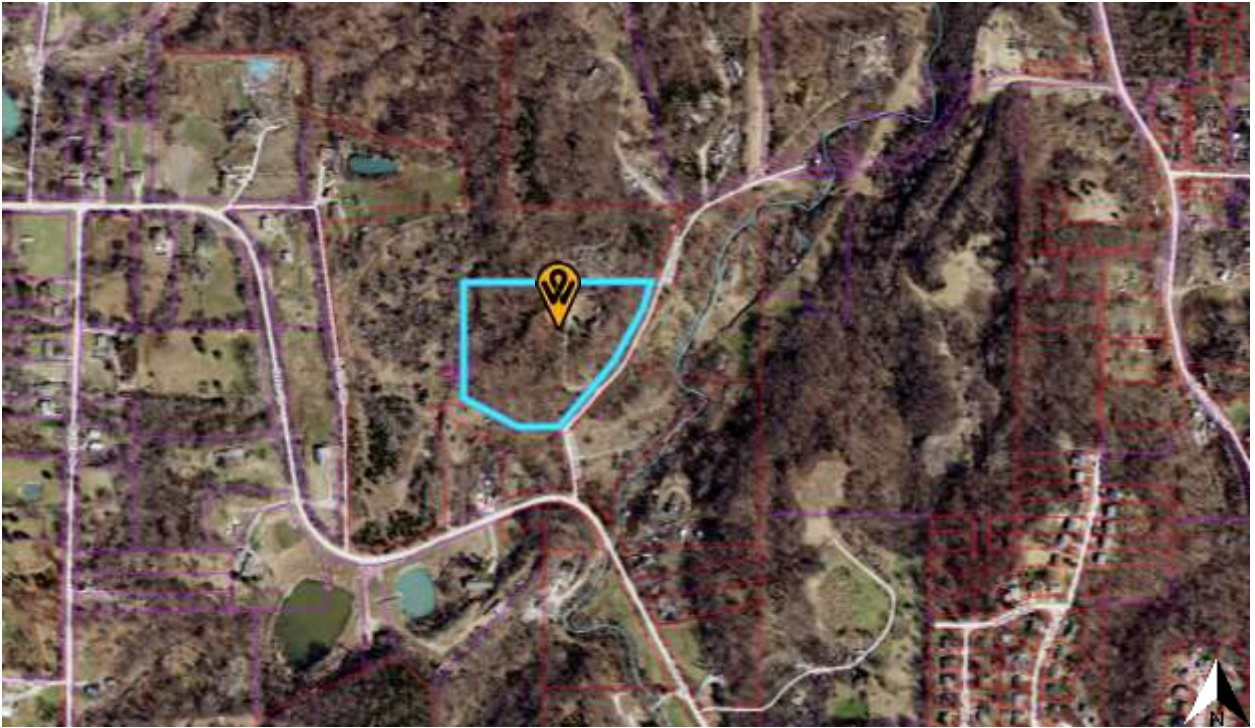
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## ATTACHMENTS

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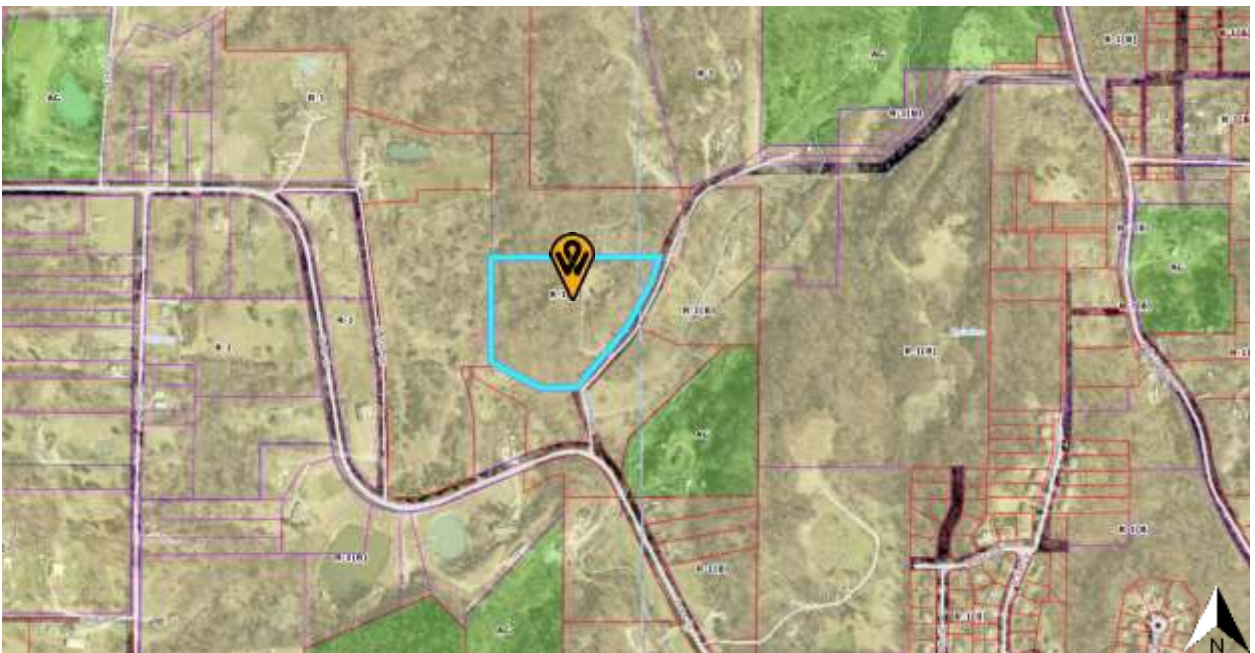
### AERIAL IMAGERY

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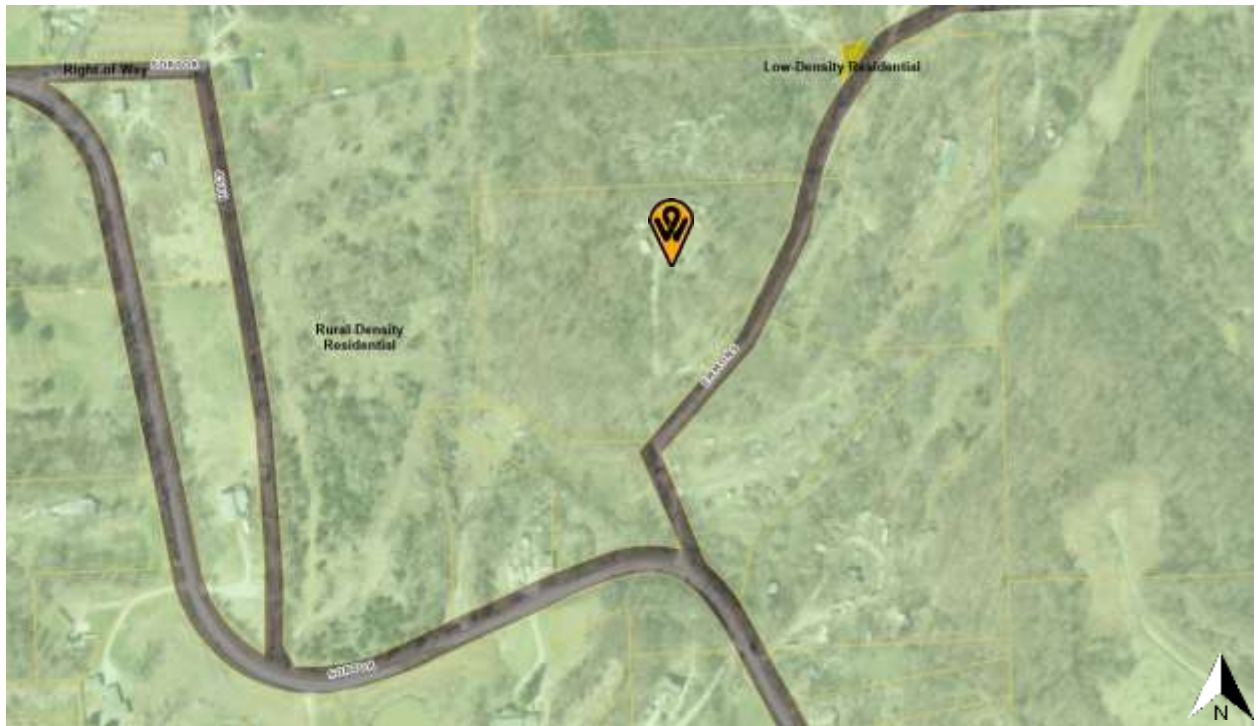


### ZONING MAP

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## LAND USE MAP





## SITE PLAN



# NEIGHBORHOOD MEETING MATERIALS

## AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas )  
COUNTY OF Wyandotte ) SS.

Comes now Fred Del Turo, of lawful age, sound mind and upon his/her oath states as follows

- 1 That I am the petitioner for Petition # COZ2024-004
- 2 That I conducted a neighborhood meeting on 3-25-2024
- 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.

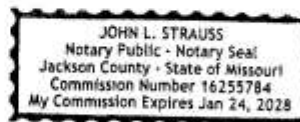
Further affiant saith not

  
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 27<sup>th</sup> day of MARCH, 2024.

My commission expires 24<sup>th</sup> of January, 2008

  
Notary Public  
John L. Strauss



# MINUTES:

Application Number: COZ2024-004

Date and Location: 3345 Sewel Ave, Kansas City KS 66104

Meeting called to order at: 5:57 pm

Names of people in attendance:

SEE SIGN IN SHEET

Introductions:

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

Questions and answers (include the following):

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

Meeting adjourned at. 7:16 pm

Minutes taken by: Fred Del Toro

### Neighborhood Meeting

Application Number: COZ2024-004

Address: 3612 Emmons Drive Kansas City, KS 66104

Today's Date: 3/25/2024

| Name<br>[First, Last Name]                                                                      | Signature<br>[First, Last Name]                                                                 |
|-------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------|
| Kean<br>James<br>Robert Crist<br>Kim Hunter<br>Joan Kinsen<br>D. L. H. H.<br>SABH → Y. Anderson | Kean<br>James<br>Robert Crist<br>Kim Hunter<br>Joan Kinsen<br>D. L. H. H.<br>SABH → Y. Anderson |



### Meeting Notes

I'd like to note out that everyone in attendance raised concerns over shooting, loud music, cars driving crazy and ATV's in the neighborhood. It was all pointed out towards the side of Bellcrossing St. which is not my property as I am located by Sortor and Emmons. It was initially thought that this was a Wyandotte County neighborhood meeting being conducted by a representative of the WYCO. All attendance were informed that I was a neighbor directly by 4 of the attendants and the remainder were from the area who had being informed about the meeting.

#### Questions:

Dennis White

How many animals do you have?

Answer

Just 3 horses and 9 chickens.

Barry Anderson:

Do you plan to do any agriculture?

Answer

I set up for the last two years a small vegetable garden and I plan on continuing.

Toni Kinsen

Are you one the one shooting or hear neighbors shooting?

Answer

I do not shoot in my property, I do hear shooting in the area and it seems to be coming from different directions from Bellcrossing St and some even from Sortor Dr.

#### Additional notes:

- Meeting started at 5:57 PM and concluded at 7:16 PM.
- I presented an aerial view of my property to all in attendance
- Meetings time was more focused on the neighborhood in general
- Those in attendance were not opposed in property 3612 Emmons Dr changed to AG zone and keeping those animals. They all agreed they would rather see a safer neighborhood and more horses in the area then hearing people shooting in the neighborhood

Date: 3/15/2024

Fred Del Toro  
76 South 18<sup>th</sup> Street  
Kansas City, KS 66102

SUBJECT: Neighborhood Meeting

I have filed an application with the Planning + Urban Design Department # COZ2024-004. The purpose of this:

**(please use all that applies)**

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

is for a Change of Zone.

at the following address: 3612 Emmon Dr Kanas City, KS 66102.

I am having a neighborhood meeting on 3/25/2024 at 6:00p.m. at the following address 3345 Sewel Ave, Kansas City KS 66104 (Baseball field area).

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

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

Sincerely,  
Fred Del Toro  
(913)-942-4018

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**SITE PHOTOS, PROVIDED BY APPLICANT, DATED MARCH 1, 2024**

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**SITE PHOTOS, TAKEN BY STAFF, DATED MARCH 14, 2024**

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## Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

**To:** Unified Government Board of Commissioners

**From:** Planning and Urban Design Staff

**Date:** April 25, 2024

**Re:** **Special Use Petition SP2023-122**

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### GENERAL INFORMATION

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**Applicant:**  
Andrew Mall

**Status of Applicant:**  
Property Owner  
4776 Black Swan Drive  
Shawnee, Kansas 66216

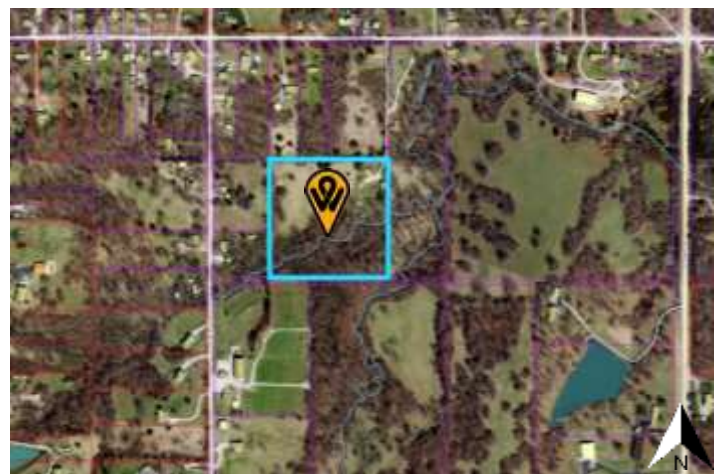
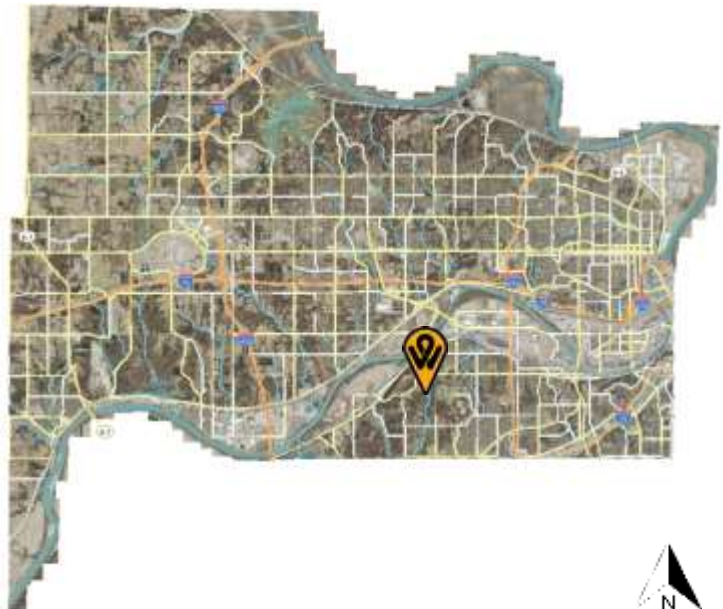
**Requested Action:**  
Approval of a Short-Term Rental  
Special Use Permit.

**Date of Application:**  
December 27, 2023

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

**Property Location:**  
6115 Oak Grove Road  
Kansas City, Kansas 66106

**Commission Districts:**  
Commissioner At-Large, District #2:  
Tom Burroughs  
District #6 Commissioner:  
Philip Lopez





|                               |                                                                                                                                                                                                                                                                                   |
|-------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Existing Zoning:</b>       | R-1 Single Family District                                                                                                                                                                                                                                                        |
| <b>Adjacent Zoning:</b>       | <b>North:</b> R-1 Single Family District<br><b>South:</b> R-1 Single Family District<br><b>East:</b> R-1 Single Family District<br><b>West:</b> R-1 Single Family District                                                                                                        |
| <b>Adjacent Uses:</b>         | <b>North:</b> Single-family residence<br><b>South:</b> Single-family residence<br><b>East:</b> Single-family residence<br><b>West:</b> Single-family residence                                                                                                                    |
| <b>Total Tract Size:</b>      | 9.85 Acres                                                                                                                                                                                                                                                                        |
| <b>Area Plan:</b>             | PlanKCK Comprehensive Plan                                                                                                                                                                                                                                                        |
| <b>Area Plan Designation:</b> | The PlanKCK Comprehensive Plan designates the subject property as Rural-Density Residential, which allows for agriculture, ranches and large lot residential development.                                                                                                         |
| <b>Major Street Plan:</b>     | The goDotte Countywide Strategic Mobility Plan designates Oak Grove Road as a Local/Neighborhood Street.                                                                                                                                                                          |
| <b>Parking Requirement:</b>   | Section 27-454(e) states two (2) off-street parking spaces shall be provided on the premises for each single-family dwelling, one (1) of which must be covered either in a garage or carport. The property provides ample parking with multiple covered parking spaces.           |
| <b>Advertisement:</b>         | <u>The Wyandotte Echo</u> – January 18, 2024<br>Letters to Property Owners – January 19, 2024<br>and March 13, 2024                                                                                                                                                               |
| <b>Public Hearings:</b>       | March 12, 2024, April 8, 2024, and April 25, 2024                                                                                                                                                                                                                                 |
| <b>Public Support:</b>        | None to date.                                                                                                                                                                                                                                                                     |
| <b>Public Opposition:</b>     | Staff has received letters in opposition and opposition has been at the meetings. It should be noted that Steve Howard withdrew his opposition after the April 8, 2025, City Planning Commission meeting. He was not present at the meeting; his letter was read into the record. |

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## PROPOSAL

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Detailed Outline of Requested Action: The applicant, Andrew Mall, is requesting a Short-Term Rental Special Use Permit to operate a short-term rental at 6115 Oak Grove Road, Kansas City, Kansas, 66106. This is not the owner's primary residence. This would be the first and only permitted short-term rental on the 6100 block of Oak Grove Road.

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

---

## RELATED ENFORCEMENT AND ACTION ITEMS

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

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

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

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

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

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

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## FACTORS TO BE CONSIDERED

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

The subject property is within the Morris Statistical Neighborhood. The neighborhood consists of single-family residences on medium-large lots and agricultural property.

### ***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 Single Family District. Continuing use as a rental, either short or long-term, is consistent with other nearby properties in close proximity to the mixed-use corridor. The proposed use is compatible if properly managed.

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

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

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

The property is currently occupied and had previously been operating as a short-term rental without permits.

**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 Comprehensive Plan designates the subject property as Rural-Density Residential, which allows for agriculture, ranches and large lot residential development. The use as a short-term rental conforms to the Comprehensive 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 has the potential to increase vehicular traffic, but should not exceed the capacity of Oak Grove Road, 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.

Staff has concerns regarding the parking; The subject property utilizes an easement through another property owner's property. This has the potential to create parking conflicts, as guests may not be aware of this situation and may inadvertently restrict or block access to the adjoining property owner's parking, as well as potentially increase traffic along this shared driveway, located on another property owner's property.

**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. Additionally, the only parking for the property utilizes a shared driveway with the adjacent property to the north via an easement through that property owner's property. This conflict has the potential to substantially or permanently injure the appropriate use, visual quality, or marketability of the adjoining property, as guests may not be aware of this situation and may inadvertently restrict or block access to the adjoining property owner's parking and will increase the amount of traffic through this property owner's 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 mostly rural neighborhood.

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

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

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

The proposed use will not create issues of overcrowding as it operates within an existing structure on the site. The maximum number of guests at one time is three (3). The maximum number of vehicles off-street is one (1). There shall be no on-street parking for STR renters or guests. If the applicant abides by the outlined conditions, specifically those that prohibit parties or larger groups, undue concentrations of population should not be an issue.

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## **PREVIOUS ACTIONS**

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

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## **NEIGHBORHOOD MEETING**

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The applicant held a neighborhood meeting on January 29, 2024. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

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## KEY ISSUES

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

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## PLANNING COMMISSION RECOMMENDATION

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The Planning Commission voted 6 to 4 to recommend APPROVAL of Special Use Permit Application SP2023-122, **for one (1) year**, subject to:

1. Prior to publication of this Special Use Permit, the applicant shall provide a copy of the existing cross-access easement/agreement to staff. If one does not currently exist, one should be produced and filed with the Register of Deeds (with a copy provided to Planning + Urban Design Staff). Should an access easement not be produced, this petition would not be published, therefore, invalidating the Special Use Permit;
2. Any additional repairs not addressed prior to approval of SP2023-122 outlined within the provided home inspection report shall be performed prior to renewal of this Special Use Permit;
3. Maximum number of guests shall be three (3);
4. All parking must be off-street, maximum number of vehicles is two (2). No STR renters or guests may park on-street;
5. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
6. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;
7. Applicant is to maintain liability insurance;
8. The property must remain in proper maintenance and free of hazards, pests, or infestations;
9. The granting of this Special Use Permit does not transfer with a change of ownership of the property;
10. Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and [www.hostcompliance.com/tips](http://www.hostcompliance.com/tips) (website);
11. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of

- Planning and Urban Design at (913) 573-5750 or [signpermits@wycokck.org](mailto:signpermits@wycokck.org) to begin this process;
12. If approved, occupying businesses must file and maintain a current business occupation tax application with this office;
  13. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by [buildinginspection@wycokck.org](mailto:buildinginspection@wycokck.org) to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
  14. All existing and future driveways must feature curb cuts that are constructed to UG standards;
  15. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
  16. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
  17. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
  18. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
  19. The Special Use Permit shall be valid for one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any

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

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## STAFF COMMENTS AND SUGGESTIONS

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Staff does not agree with the recommendation of the City Planning Commission.

### **Planning and Urban Design Comments:**

1. The applicant was held over at the request of the Board of Commissioners. The applicant was to provide evidence of an easement agreement between the adjacent property owners. The applicant did not submit this information to the Planning + Urban Design department.
2. This rental was operating for nearly a year as both a short and long-term rental without a Special Use Permit or proper rental licensing. Was the applicant aware that they were required to obtain a Special Use Permit or rental license? Why has the applicant continued to operate despite being told to cease operation until the proper permits and licenses have been obtained?

*Applicant Response Summarized: The applicant immediately stopped renting the lower-level as a short-term rental upon receiving the notice of violation and the lower-level has not been rented as such since.*

Staff Response: The property owner has continued to list the property on AirBnB. The property shows bookings through mid-February and has had reviews posted to its live AirBnB listing as late as November 2023. The applicant appears to have changed to a 30-day booking, however, they still had not acquired proper licensing from Rental Licensing.

3. The applicant's property utilizes an easement and shared driveway through the adjoining property. Is that property owner aware of this petition?

*Applicant Response Summarized: A letter was mailed to the nearby property owner.*

4. Provide a copy of the cross-access easement with the property owner to the north. If one does not exist, please file one with the Register of Deeds.

*Applicant Response Summarized: The applicant will locate what was provided by the previous owner when the property was sold to the applicant.*

*Staff Response:* If approved, this petition will be held for publication until a copy of that easement is provided, or a new easement/access agreement is drafted and filed. Should an access easement not be produced, this petition would not be published, therefore, invalidating the Special Use Permit.

5. The following items identified in the home inspection report shall be repaired prior to the case being heard by the Planning Commission:
  - a. Install an anti-trip bracket for the gas range/oven combo;
  - b. Repair/replace and electrical outlets that were identified to be ungrounded;
  - c. Install GFCI outlets in the bathrooms;
  - d. Cover the identified light fixture that was found in the closet in the 1<sup>st</sup> floor bathroom;
  - e. Repair the loose light fixture in the basement utility closet;
  - f. Clean the gutters; and
  - g. Repair/replace the moisture damaged fascia on the house.

*Applicant Response: Repairs have been scheduled.*

6. Provide a detailed description of the areas rented for short-term rental.

*Applicant Response: The entire lower level. A sketch of the space has been provided.*

7. How many rooms are rented?

*Applicant Response: The entire lower level.*

8. What is the maximum number of vehicles allowed and where will they park? Indicate guest parking on the site plan.

*Applicant Response: Only four (4) guests are allowed at a time. Four (4) cars are allowed, which are instructed to park in the guest parking areas on the property.*

9. What is the maximum number of people that will be staying at any one time?

*Applicant Response: Four (4).*

10. What is the projected annual occupancy rate for this listing?

*Applicant Response: 80%*



11. Who will be the designated property manager? Explain the details of this arrangement. What is their contact information? Provide the contact information to the neighbors within the notice area.

*Applicant Response Summarized: The applicant and property owner will care for the property and has done so since 2014.*

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

*Applicant Response Summarized: By phone.*

13. Do you have a Business License/Occupational Tax Receipt from the Unified Government?

*Applicant Response Summarized: The applicant is unaware that one is required to operate a short-term rental.*

14. How will you pay appropriate Kansas State Lodging Taxes? Does AirBNB or other short-term rental platform deduct and pay these taxes?

*Applicant Response Summarized: AirBNB deducts it automatically.*

15. Indicate how you will maintain the property in a safe and sanitary manner, 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 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; and
- i. Facility cleaned and sanitized after each guest check-out.

Staff Response: The applicant has completed a home inspection.

16. Note that the Unified Government uses the services of Host Compliance by Granicus to monitor issues related to short-term rentals such as noise, etc. and to address violations. Their contact information needs to be made available to all guests in the welcome packet. The Unified Government issues notices on all short-term rentals who are not compliant. 913-246-5133.

[www.hostcompliance.com/tips](http://www.hostcompliance.com/tips)

17. Do you provide a guest manual that lists rules and regulations such as "no parties," etc.?

*Applicant Response Summarized: Yes.*

18. The number of guests allowed must be appropriate to the number of available rooms and bedding.

19. Will guests be allowed to bring pets to the property?

*Applicant Response Summarized: Yes.*

20. In the event that there is an issue on the property, how fast can the owner or manager be on-site if necessary?

*Applicant Response Summarized: Five (5) minutes.*

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## STAFF RECOMMENDATION

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Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **DENIAL** of Petition **SP2023-122** subject to all comments and suggestions outlined in this staff report, for the following reasons:

1. **This Special Use Permit petition does not fulfill *Factor #6 to Be Considered*. subject property utilizes a shared driveway with the property to the north; Use as a short-term rental, a quasi-commercial use, will inherently generate more traffic through the adjoining property to the north and bring more traffic in close proximity to the property and residence to the east; and,**
2. **This Special Use Permit petition does not fulfill *Factor #7 to Be Considered*. subject property utilizes a shared driveway with the property to the north; Use as a short-term rental, a quasi-commercial use, which may negatively impact the quality, use and marketability of adjoining properties, including the property to north, with which the subject property uses to access their property as well as the property to the east, as their residence is located along this shared use driveway.**

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## ATTACHMENTS

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April 8, 2024, City Planning Commission Minutes  
Aerial Imagery  
Zoning Map  
Land Use Map  
Neighborhood Meeting Documents  
Host Compliance Map  
Floor Plan  
Home Inspection Report  
Site Photos, Taken by Staff, Dated January 17, 2024  
Easement Agreement  
Applicant's Receipts  
Letters in Opposition  
Communication from Fire Department

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## REVIEW OF INFORMATION AND SCHEDULE

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|                |                          |                                           |
|----------------|--------------------------|-------------------------------------------|
| Action         | City Planning Commission | Unified Government Board of Commissioners |
| Public Hearing | April 8, 2024            | April 25, 2024                            |
| Special Use    | Approval                 |                                           |

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### STAFF CONTACT:

Kiley Meierarend  
[kmeierarend@wycokck.org](mailto:kmeierarend@wycokck.org)

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## MOTIONS

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I move the Unified Government Board of Commissioners **DENY** Petition **SP2023-122**, 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 **SP2023-122** 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. \_\_\_\_\_.

### April 8, 2024, City Planning Commission Minutes:

#### Hearing starts at 1:37:40:

#### **SPECIAL USE PERMIT APPLICATION SP2023-122 – ANDREW C. MALL -**

**SYNOPSIS:** Special Use Permit to operate a Short-Term Rental at 6115 Oak Grove Road. Detailed Outline of Requested Action: The applicant, Andrew Mall, is requesting a Short-Term Rental Special Use Permit to operate a short-term rental at 6115 Oak Grove Road, Kansas City, Kansas, 66106. This is not the owner's primary residence. This would be the first and only permitted short-term rental on the 6100 block of Oak Grove 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 April 8, 2024;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo;
7. The Notices to property owners;
8. Opposition from Steve Howard at 6129 Oak Grove Road, which was read into the record; and,
9. Letter from Nicole Mall, wife of applicant, who could not be present this evening, which was read into the record.

Recording Secretary Parker asked if the Commission had any contact to disclose on this application. Chairman Carson stated as he stated previously, he and Mr. Mall work and serve on realtor committees and have discussed Short-Term Rentals.

**Present in Support:**

- Andrew Mall, applicant, 4776 Black Swan Drive, Shawnee, Kansas 66215

The Planning Commission directed questions to the applicant.

**Present in Opposition:**

- Gabriel Casares, 108 North 76<sup>th</sup> Street, Kansas City, Kansas
- Meredith Casares, 4925 Metropolitan Avenue, Kansas City, Kansas

The applicant responded to questions from those in opposition.

**Staff Recommendation starts at 2:08:10:** Planning Director Hand stated that this case was previously heard by the City Planning Commission and forwarded to the Unified Government Board of Commissioners who remanded it back to the City Planning Commission for further review. The Board of Commissioners discussion included emergency access, a recorded access agreement, and a STR on a landlocked parcel. The request is for a non-owner-occupied Short-Term Rental as it has been stated that the occupant staying in the house is not part of the Short-Term Rental. The property is in the PlankCK Area in the Turner neighborhood. Staff received no letters in support and there has been opposition to this application. There are no Notices of Violation on the property. Staff recommends denial of this application but has included conditions of approval if the Commission recommends approval of this application.

The Planning Commission directed questions to Director Hand and the applicant.

**Motion starts at 2:15:28:**

On motion by Mrs. Jones, seconded by Mr. Beth, the Planning Commission voted as follows to recommend **DENIAL of Special Use Permit Application SP2023-122, based on the two (2) reasons listed in the staff report:**

**Carson**

**Chairman**

|            |             |
|------------|-------------|
| Ward       | No          |
| Armstrong  | Not Present |
| Beth       | Aye         |
| Easterwood | Aye         |
| Ernst      | Aye         |
| Jones      | Aye         |
| Miller     | No          |
| Mohler     | No          |
| Schwartz   | No          |
| Straws     | No          |

**Motion to recommend DENIAL Passed: 4 to 5**

On motion by Mr. Ward, seconded by Ms. Schwartz, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit Application SP2023-122:**

|            |             |
|------------|-------------|
| Carson     | Aye         |
| Ward       | Aye         |
| Armstrong  | Not Present |
| Beth       | No          |
| Easterwood | No          |
| Ernst      | No          |
| Jones      | No          |
| Miller     | Aye         |
| Mohler     | Aye         |
| Schwartz   | Aye         |
| Straws     | Aye         |

**Motion to recommend APPROVAL Passed: 6 to 4**

**Subject to:**

1. Prior to publication of this Special Use Permit, the applicant shall provide a copy of the existing cross-access easement/agreement to staff. If one does not currently exist, one should be produced and filed with the Register of Deeds (with a copy provided to Planning + Urban Design Staff). Should an access easement not be produced, this petition would not be published, therefore, invalidating the Special Use Permit;
2. Any additional repairs not addressed prior to approval of SP2023-122 outlined within the provided home inspection report shall be performed prior to renewal of this Special Use Permit;
3. Maximum number of guests shall be three (3);
4. All parking must be off-street, maximum number of vehicles is two (2). No STR renters or guests may park on-street;
5. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
6. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;
7. Applicant is to maintain liability insurance;

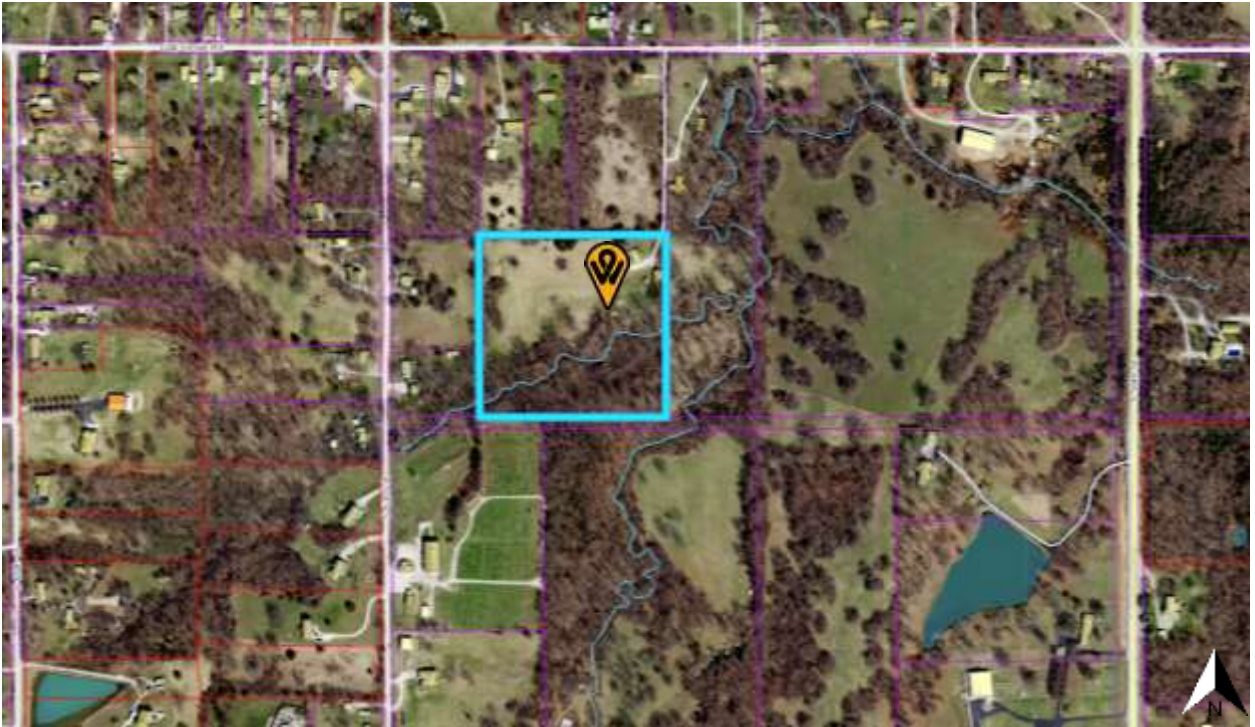


8. The property must remain in proper maintenance and free of hazards, pests, or infestations;
9. The granting of this Special Use Permit does not transfer with a change of ownership of the property;
10. Must provide a manual/welcome packet that lists all rules, including “No Parties, etc.” This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and [www.hostcompliance.com/tips](http://www.hostcompliance.com/tips) (website);
11. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or [signpermits@wycokck.org](mailto:signpermits@wycokck.org) to begin this process;
12. If approved, occupying businesses must file and maintain a current business occupation tax application with this office;
13. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by [buildinginspection@wycokck.org](mailto:buildinginspection@wycokck.org) to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
14. All existing and future driveways must feature curb cuts that are constructed to UG standards;
15. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
16. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
17. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;

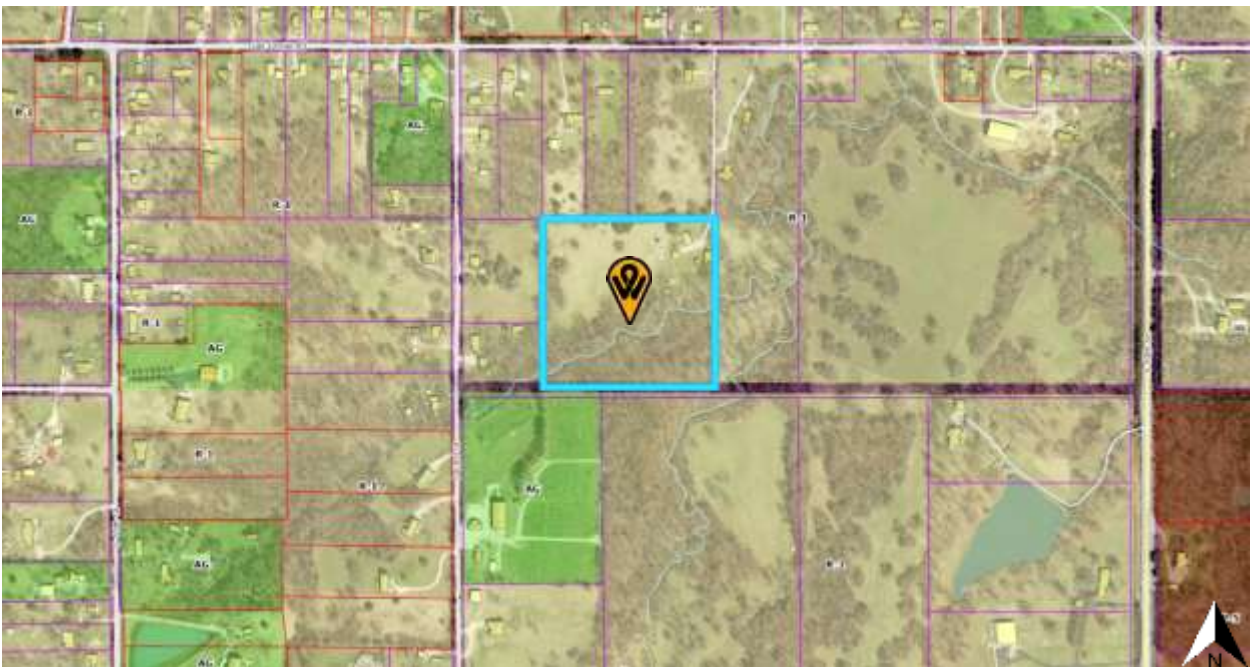
- 18. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;**
- 19. The Special Use Permit shall be valid for one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;**
- 20. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; 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.**

# ATTACHMENTS

## AERIAL IMAGERY

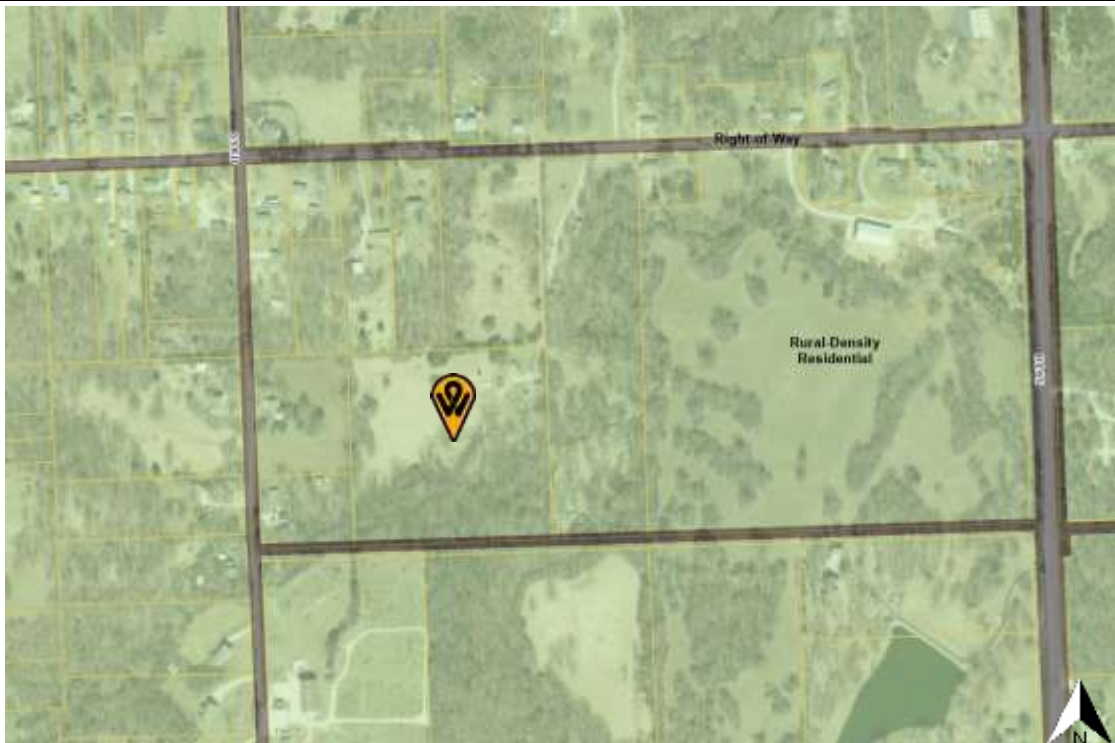


## ZONING MAP

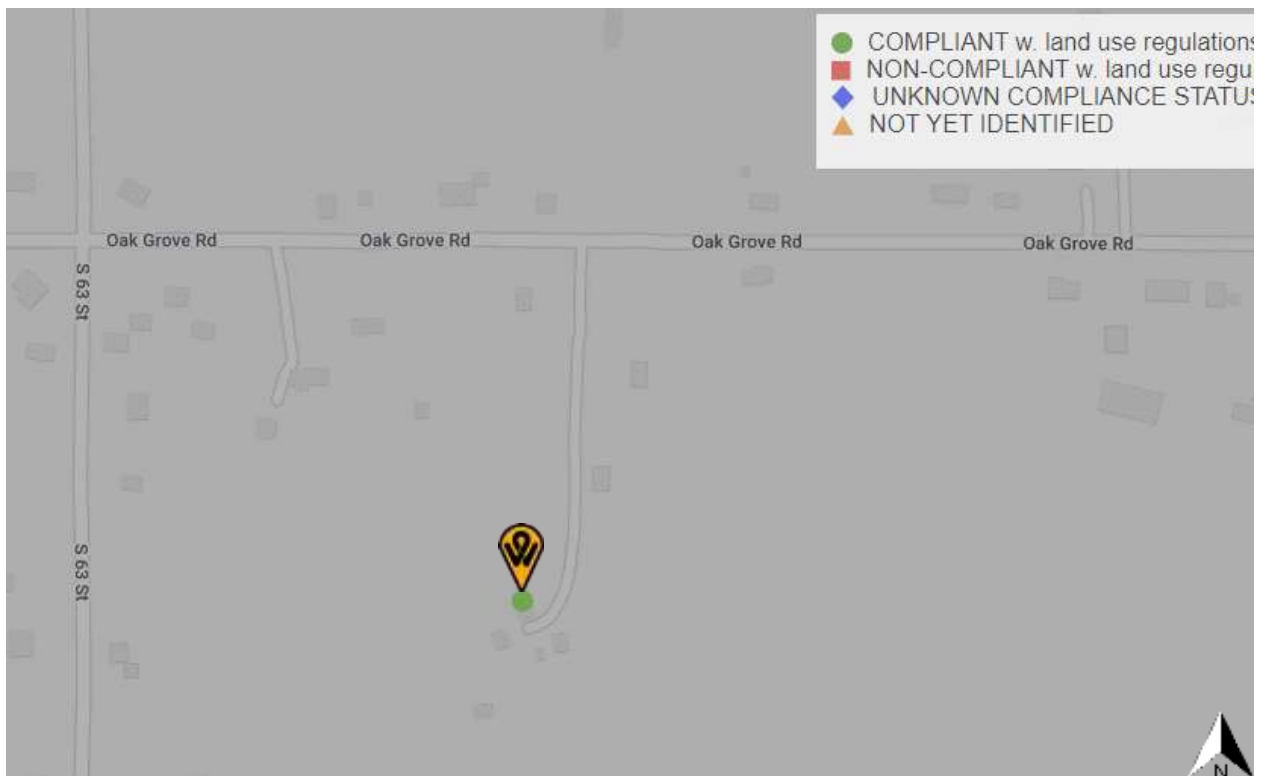




## LAND USE MAP



## HOST COMPLIANCE MAP – JANUARY 17, 2024



## NEIGHBORHOOD MEETING MATERIALS

### AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas }  
COUNTY OF Johnson } SS:

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

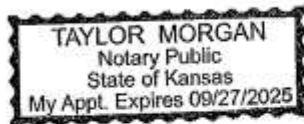
1. That I am the petitioner for Petition # SP2023-122
2. That I conducted a neighborhood meeting on 1/28/2024.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Planning + Urban Design Department.

Further affiant saith not.

Andrew Mall  
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 31<sup>st</sup> day of January, 200<sup>th</sup>  
2024

My commission expires 27 of September, 2025  
2024



Taylor Morgan  
Notary Public



Neighborhood Meeting

1/28/2024

Re: Short Term Rental Special Use Permit

Attendees: Andrew Mall, Ellen Huls, Adam Parris, Don Lawrence

Adam Parris asked a couple of questions about what type of tenant is attracted to a short term rental.

Ellen Huls asked a couple of questions about pets being allowed and if there were any rules in place.

# ANDREW MALL RECEIPTS FOR DRIVEWAY

## WORK ORDER

SOLD TO: ANDREW MALL

6115 OAK GROVE RD  
STREET & NO.

KC KS  
CITY, STATE ZIP

239-1662  
PHONE



**ELITE**  
Elite Tree Service, Inc.

Jeff Brull, Owner

Professional Tree Service • Trim & Shape, Prune & Remove  
Cavities & Cabling • Stump Digging • Trees & Shrubs

\*Worker's Compensation & Liability Insurance  
406 Pueblo West, Lake Quivira, KS 66217 • 268-6898

IN BACK UP BY THE HOUSE DATE 11 JULY 2015  
2 LARGE ELMS CLEANOUT ALL DEADWOOD 1" INCH  
DIAMETER & LARGER & THIN LOW LIMBS UP & AWAY  
FROM ROOF & HOUSE BY 15' MINIMUM & LIFT OVER  
YARD TO 15' ALSO 750.00 1 WALNUT BEHIND BARN  
LIFT LOW LIMBS TO 12 TO 15' AWAY FROM BARN &  
15 TO 20' ABOVE GROUND LEVEL 125.00 2 LARGE WALNUTS  
BACK IN THE GRASS AREA CUT OUT ALL DEADWOOD  
2" DIAMETER & LARGER STUBS & CLEANOUT SUCKERS  
1/2 WAY UP THE TREE & RAISE LOWER LIMBS TO 20'  
UP OR 25' UP ALL THE WAY AROUND 1 LARGE  
DECAYED WALNUT IN BETWEEN THE 2 WALNUTS  
WE ARE TRIMMING, CUT IT AS CLOSE TO GROUND LEVEL  
AS POSSIBLE & HAUL BRUSH & LEAVE ALL WOOD CUT  
TO 3' LENGTHS & LEAVE IT IN PILES BEHIND THE  
BLUE SHED BARN PUT WOOD ON OPPOSITE SIDE OF  
HOUSE BACKSIDE OF BARN 1,300.00 1 ELM CLOSEST  
TO HALL RED BARN STRIP OFF LOW BRUSH UP TO 20' ABOVE  
GROUND LEVEL & GO UP INTO IT & CLEANOUT ALL  
SMALL DEAD 1" DIAMETER & LARGER PICK IT CLEAN  
FLUSH CUT JAGGED WOUNDS OUT OF IT TOTAL:  
175.00

Payment is expected at finish of job - No more than ten days if by mail.

LARGE AMERICAN

ELM BY RED BARN RAISE LOW LIMBS TO  
www.elitetree.com  
Stump Removal  
Grind Stump and roots 5" to 8" below existing ground surface and leave grindings from stump removal in a pile  
over old stump area. 15 TO 20' ABOVE GROUND LEVEL LOW DROPPERS  
Complete Trim & CUT OUT ALL DEADWOOD 2" & LARGER 250.00  
Remove deadwood. Remove low hanging limbs. Thin-out, which consists of removal of sucker growth or water  
sprouts, duplicate limbs and smaller inner limbs. Remove all stubs, rubbing limbs, broken limbs and damaged  
limbs. All of the above will be flush cuts. FROM THE STREET & ALL THE WAY  
Complete Removal BACK TO THE END OF THE DRIVE CUT BACK  
Cut tree as close to ground level as possible and haul away debris.  
Top Shape BOTH SIDES BACK BY 4' & UP TO 10'  
Top of tree will be removed down to a specified height. I will suggest a percentage or measurement in feet that will  
be removed from the tree. All cuts will be at lateral points throughout the tree when possible.

Elite Tree Service not responsible for lawn damage.

Any cancellation after signature 5% charge  
of total bill. 10% late fee for over 30 days.

X

Customer's Signature

DUMP ALL CHIPS IN BACK & LEAVE ALL WOOD 4' &  
LARGER BEHIND SHED BARN

400.00

**SCOTT BLY & CO LANDSCAPING**

P.O. BOX 812  
Shawnee Mission, KS 66201  
Office - 913.634.9585  
Scottbly1962@icloud.com

Total since 2020  
**\$10,943**

☒ Estimate ☐ Contract

Mail  
Approx \$150/year gravel x 3  
1115 Oakgrave Road  
Kansas City, Kansas  
66106

Date: 8/13/22 Phone: 913-238-1662  
Email: Andrew Link Realty, Inc.

☐ Landscaping/Design ☒ Hardscape ☒ Patios/Retaining Walls ☐ Drainage ☐ Removal/Trimming

Re: Patio repair and refurbishment of gravel drive  
- way.

Re: Patio area on south side of garage.

Remove settled and uneven pavers in area covering  
approx 115 sq. ft. on south side of patio. Fill in area  
with AB-3 crushed rock base. Compact area.

Reset and level pavers. Grout seams with polymeric  
sand. 1265<sup>00</sup>

Re: Gravel driveway areas.

Option: Apply round-up vegetation killer to all  
areas on north and west sides of barn, areas from  
driveway extending north to Oakgrave road. Fill  
in and spread 2" gravel over areas covering approx  
13,700 sq. ft. Note: Area of gravel west of east  
neighbors home to be graded to the west. 9643<sup>00</sup>

Clean-up work areas and haul all debris.

# Andrew,  
give me a call if you have any questions.

Thank you!

4/8/24, 5:31 PM

Fed: Estimate 1088 from Green with Envy Landscaping - Andrew Mall - Outlook

Andrew and Nicole Mall  
12950 W 52nd Terrace  
Shawnee, KS 66216

*\$400-450 year  
\$8000-9000 gravel  
x 3*

| Date       | Activity | Description                                                                                                                                                                                                                                                | Qty | Rate   | Amount     |
|------------|----------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|--------|------------|
| 12/11/2020 | Cleanup  | Driveway<br>cleanup<br>-weed eat and<br>cleanup along<br>the edges down<br>the entire<br>drive<br>-trim<br>overhanging<br>trees                                                                                                                            | 1   | 450.00 | 450.00     |
| 12/11/2020 | Cleanup  | Trim bushes<br>-trim discussed<br>bushes down as<br>small as<br>possible<br>-tear out<br>bushes along<br>the north side<br>of the house,<br>the holly<br>growing next<br>to the burning<br>bush and one<br>bush in the<br>back yard<br>along the<br>house. | 1   | 400.00 | 400.00     |
| 12/11/2020 | Cleanup  | Cut down grass<br>and weeds in<br>discussed beds<br>and clean out.                                                                                                                                                                                         | 1   | 700.00 | 700.00     |
| Total:     |          |                                                                                                                                                                                                                                                            |     |        | \$1,550.00 |

about:blank

2/2

Green with Envy Landscaping  
30750 W 84th Terr  
DeSoto, KS 66018 US  
9138323001  
greenwithenvy11@yahoo.com

## INVOICE

### BILL TO

Andrew and Nicole Mail  
12950 W 52nd Terrace  
Shawnee, KS 66216

INVOICE # 1274

DATE 02/12/2021

DUE DATE 02/12/2021

TERMS Due on receipt

| DATE | ACTIVITY | DESCRIPTION                                                                                                                            | QTY | RATE   | AMOUNT |
|------|----------|----------------------------------------------------------------------------------------------------------------------------------------|-----|--------|--------|
|      | Cleanup  | Clean up the entire driveway to the fence line. Cut down small trees, and grass, trim trees overhanging driveway and haul away debris. | 1   | 450.00 | 450.00 |

BALANCE DUE

**\$450.00**



# EASEMENT AGREEMENT

Wyandotte County Document 2007R-02368 Page: 1



2007R-02368

REGISTER OF DEEDS  
WYANDOTTE COUNTY, KS

RECORDED ON  
01/31/2007 02:10:53PM

REC FEE: 12.00

TECHNOLOGY FEE: 8.00

PAGES: 4

OLD REPUBLIC TITLE COMPANY  
1300 Baltimore Ave.  
Kansas City, MO 64105

06120318

## ACCESS EASEMENT AGREEMENT

Bk: 5337 Pg: 144 147

AGREEMENT, dated this 18 day of January, 2007, by and between **Steve Howard**, a single person with an address of **6129 Oak Grove Road, Kansas City, KS 66106** (hereinafter referred to as "**Howard**") and **Andrew C. Mall and Nicole D. Mall, husband and wife**, with an address of **6115 Oak Grove, Kansas City, KS 66106**, (hereinafter referred to as "**Mall**")

### WITNESSETH:

WHEREAS, **Howard** is the owner of the property described in Exhibit A attached hereto and made a part hereof (Tract A); and

WHEREAS, **Mall** is the owner of the property described in Exhibit A attached hereto and made a part hereof (Tract B); and

WHEREAS, the parties hereby acknowledge that access to their properties has been and currently is by way of the existing private drive and roadway which has continually been in existence for over 39 years; and

WHEREAS, **Howard and Mall** wish to inform and grant to each other certain easement rights over a portion of their tracts where the private drive and roadway currently exists all in accordance with the terms, covenants and conditions herein contained; and

WHEREAS, **Howard and Mall** wish to grant to each other certain easements rights over a portion of Tract A and Tract B where the existing private drive and roadway is located all in accordance with terms, covenants and conditions herein contained.

NOW, THEREFORE, in consideration of the premises and the mutual terms covenants and conditions herein contained, the parties agree as follows:

1. Easement Grant: **Howard and Mall** hereby confirm and grant to each other, their successors and assigns, the exclusive right and easement over and across the drive and roadway for the purpose of vehicular and pedestrian ingress and egress to the location of the current residences by **Howard and Mall** to and from Tracts A and B and the public roadway known as Oak Grove Road. Such rights of ingress and egress shall be limited to Tracts A & B.

2. Covenants Running With the Land: The rights herein granted and reserved shall be deemed covenants running with the land and shall bind future owners of Tract A and Tract B.
3. Successors and Assigns. This agreement shall bind and insure to the benefit of the parties thereto, their respective heir, successors and assigns.
4. Notice. Any notice required to be given herein will be sufficient if given in writing and either delivered personally or sent postage prepaid by certified United States mail, return receipt requested to the parties at the addresses indicated above. Each party shall have the right to designate, by written notice as aforesaid, a different address for notices.

In WITNESS WHEREOF, the parties have executed this Agreement as of the day and year first above written.

**Howard**

  
Steve Howard

**Mall**

  
Andrew C. Mall

  
Nicole D. Mall

## Exhibit A

**(Howard)**

Tract A:

The West one-half of the Northeast Quarter of the Southwest Quarter of the Northwest Quarter of Section 35, Township 11, Range 24, in Kansas City, Wyandotte County, Kansas.

**(Mall)**

Tract B:

The West one-half of the Southeast Quarter of the Southwest Quarter of the Northwest Quarter of Section 35, Township 11, Range 24, in Kansas City, Wyandotte County, Kansas.

And

The East one-half of the Southwest Quarter of the Southwest Quarter of the Northwest Quarter of Section 35, Township 11, Range 24, in Kansas City, Wyandotte County, Kansas.

State of Kansas )  
County of Jenison ) ss

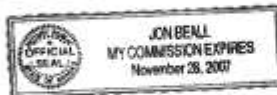
BE IT REMEMBERED, that on this 18<sup>th</sup> day of January, 2007, before me the undersigned, a Notary Public in and for the County and State aforesaid, personally appeared

**Steve Howard, a single person**

to me personally known to be the same person(s) who executed the above and foregoing instrument of writing, and duly acknowledged the execution of same.

IN WITNESS WHEREOF, I have hereunto set my hand and Notarial Seal on the day and year last above written.

My Commission Expires:



Jon Beall  
Notary Public  
Type Name Jon Beall

State of KANSAS )  
County of Jenison ) ss

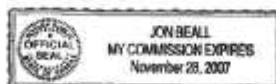
BE IT REMEMBERED, that on this 25<sup>th</sup> day of January, 2007, before me the undersigned, a Notary Public in and for the County and State aforesaid, personally appeared

**Andrew C. Mall and Nicole D. Mall, husband and wife**

to me personally known to be the same person(s) who executed the above and foregoing instrument of writing, and duly acknowledged the execution of same.

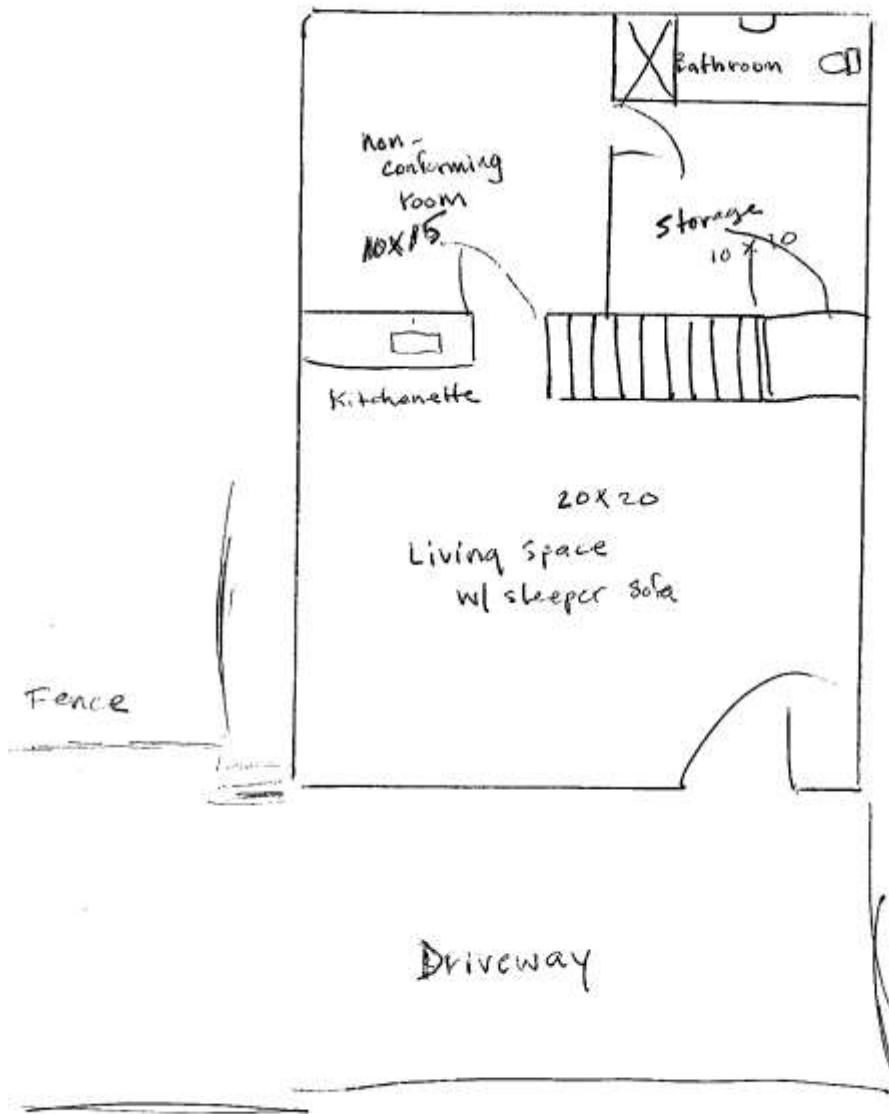
IN WITNESS WHEREOF, I have hereunto set my hand and Notarial Seal on the day and year last above written.

My Commission Expires:



Jon Beall  
Notary Public  
Type Name Jon Beall

## FLOOR PLAN





## Homestead Inspection Co.

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09/22/2023 12:53 PM

Prepared for: Nicole Mail  
6115 Oak Grove Rd

### Inspection Key / Definitions

#### 1. KEY TO THE INSPECTION REPORT

This report lists the systems and components inspected by this company. Items not found in this report or those marked N/A are considered beyond the scope of this inspection and should not be considered inspected at this time.

Note: This report contains technical information that may not be readily understandable to the lay person. Therefore, a verbal consultation with the inspector is a mandatory part of this inspection report. If you choose not to consult with the inspector, this inspection company cannot be held liable for your understanding or misunderstanding of this report's contents. If you were not present during the inspection or have additional questions, please call and arrange for your verbal consultation.

#### SYMBOL KEY

Items that have a number next to them are defined as follows:

- (1) Recommend further evaluation by a qualified and licensed structural engineer/geotechnical engineer and/ or a competent foundation contractor before inspection period ends.
- (2) Recommend evaluation and repairs as needed by a qualified licensed contractor or specialty tradesman dealing with that item or system before inspection period ends.
- (3) Recommend further evaluation for the presence of any wood destroying pests or organisms by a qualified Pest Inspector before inspection period ends.
- (4) Recommend evaluation and/or mitigation by an environmental specialist because water leakage, infiltration has occurred / is occurring or visible mold is suspected before inspection period ends.
- (5) Upgrades are recommended for safety enhancement. This building may have been built before the era of current safety standards. In the inspector's opinion, these items are generally considered to be the responsibility of the home buyer at his/her discretion.
- (6) Comments that have a (6) next to them are items or components that may warrant additional attention and/or repair at some point in time. These items are typically considered a normal and routine task of owning and maintaining a home; or they are a suggestion for future improvements and/or upgrades for the new owner. These items are often considered to be the responsibility of the home buyer, at his/her discretion. Some items needing maintenance are seasonal and can only be performed in warm weather.

#### RATINGS KEY

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# Homestead Inspection Co.

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09/22/2023 12:53 PM

Prepared for: Nicole Mall  
6115 Oak Grove Rd

## Inspection Key / Definitions (Continued)

**Acceptable** Item is functional with no obvious signs

**Marginal** Item is not fully functional and/or shows signs of damage / deterioration. These items may require annual or corrective maintenance, repair, and/or servicing.

**Defective** Item is unable to perform as intended, does not meet current building standards, and/or inoperative. These items need repair, replacement and/or servicing

**Not Applicable (N/A)** -The item was not present in this property or it was not inspected due to weather or other restrictions at this time.

**Not present** Item not present / found

**Not Inspected** Item was unable to be inspected for safety reasons or due to lack of power, inaccessible or disconnected at time of inspection.

**IMPORTANT NOTICE:** If any purchase decision about the property inspected would be affected by the cost of repairs, the buyer should obtain firm contractor quotations for these repairs before inspection period ends and prior to making any purchase decisions. A minimum of three (3) bids from licensed and competent contractors specializing in that trade should be reviewed prior to authorizing any repair work.

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# Homestead Inspection Co.

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09/22/2023 12:53 PM

Prepared for: Nicole Mall  
6115 Oak Grove Rd

## General Information

### Property Information

Property Address: 6115 Oak Grove Rd  
City: Kansas City State: KS Zip: 66106

### Client Information

Client Name: Nicole Mall  
Client Address: 6115 Oak Grove Rd  
City: Kansas City State: KS Zip: 66106  
Phone: (913)244-8775 Email: nicole@linkrealtykc.com  
Referrer Name: No Referrer

### Inspection Company

Inspector Name: Dan Christensen  
Company Name: Homestead Inspection Co.  
Address: 3617 E. Noland Ct.  
City: Independence State: MO Zip: 64055  
Phone: (816)833-1090  
Email: danc.homestead@gmail.com Web: Homestead-Inspection.com  
Amount Due: 370.00 Amount Received: 0.00

### Conditions

Others Present: Home Owner Occupancy Status: Occupied  
Estimated Age: Unknown Entrance Faces: East  
Inspection Date: 09-21-23  
Start Time: 12:30 PM End Time: 3:30 PM  
Utilities On: Yes  
Temperature: 77  
Weather: Partly cloudy Soil Conditions: Dry  
Space Below Grade: Basement  
Building Type: Single family Garage: Detached

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# Homestead Inspection Co.

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Prepared for: Nicole Mall  
6115 Oak Grove Rd

## Kitchen

1. Acceptable Cabinets/Counter Tops:
  2. Marginal Sink: Restricted view below sink (4), Typical rust /corrosion on plumbing (4)(6)
  3. Marginal Sink: Improper drain configuration below sink - no trap on sink drain (2)(6)
  4. Acceptable Garbage Disposal:
  5. Marginal Cooking Appliances: Gas Range/Oven Combo - No anti-tip bracket (5)(6)
  6. Acceptable Microwave/Ventilation: Venthood Only
  7. Acceptable Dishwasher:
  8. Marginal Electrical: Ungrounded 3-prong outlet at east wall, next to cabinet (2)(5)
  9. Refrigerators, trash compactors, water conditioner/filters, and portable appliances are not examined as part of a home inspection.
- Basement Additional Kitchen Area
- 
10. Acceptable Cabinets/Counter Tops:
  11. Acceptable Sink:
  12. Acceptable Electrical:

## Laundry Room/Area

- Main Floor Laundry Room/Area
- 
1. Hook-ups Present: 120v outlet
  2. Acceptable Plumbing:
  3. Acceptable Electrical:
  4. Laundry plumbing and electrical fixtures are not tested when appliances are installed as part of a visual inspection and are noted only to indicate their presence in the home.
- Basement Laundry Room/Area
- 
5. Hook-ups Present: 120v outlet, 240v 3-prong outlet
  6. Acceptable Plumbing:
  7. Acceptable Electrical:
  8. Acceptable Dryer Vent:
  9. Laundry plumbing and electrical fixtures are not tested when appliances are installed as part of a visual inspection and are noted only to indicate their presence in the home.

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# Homestead Inspection Co.

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Prepared for: Nicole Mall  
6115 Oak Grove Rd

## Bathroom(s)

### 1st Floor Hallway Bathroom

1. Marginal Toilets: Appears to leak at base with high moisture noted at floor (2)(4)
2. Acceptable Counter/Cabinet:
3. Acceptable Sink(s): Restricted View below sink (6), Typical rust / corrosion on plumbing below sink (4)(6)
4. Marginal Tub/Surround: Caulking needed at faucet / tub spigot covers (6), Tub stopper is defective (6), Damage / deterioration to tub walls / surround - missing tiles (6)(2)(4)
5. Defective Electrical: Outlet should be GFCI protected (2)(5) Uncovered light fixture in closet has inadequate clearance from combustibles (2)(5)
6. Acceptable Ventilation: Window
7. Acceptable Heat Source:
8. Marginal Floor:

### Master Bathroom

9. Acceptable Toilets:
10. Acceptable Counter/Cabinet:
11. Marginal Sink(s): Stopper is missing at right sink (6)
12. Acceptable Sink(s): Restricted View below sink (6), Typical rust / corrosion on plumbing below sink (4)(6)
13. Acceptable Tub/Surround: Not fully inspected due to occupants belongings
14. Defective Electrical: Outlet should be GFCI protected at toilet (2)(5), Light inoperable at vent fan/light combination (2)
15. Acceptable Ventilation:
16. Acceptable Heat Source:
17. Acceptable Floor:

### Basement Bathroom

18. Acceptable Toilets:
19. Acceptable Counter/Cabinet:
20. Marginal Sink(s): Drains slowly (6)
21. Acceptable Shower/Surround:
22. Acceptable Electrical:
23. Acceptable Ventilation: Window
24. Acceptable Heat Source:
25. Acceptable Floor:

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# Homestead Inspection Co.

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Prepared for: Nicole Mall  
6115 Oak Grove Rd

## Plumbing

1. ===MAIN SUPPLY LINE===
2. Main Water Supply: Public
3. Main Valve Located: Utility room
- 4.
5. Marginal Main Water Shutoff: Copper - Abnormal rust / corrosion on main valve (2)(4)
- 6.
7. ===VISIBLE SUPPLY LINES===
8. \*Pipes are not fully visible (6)
9. Supply Line(s) Type: Galvanized, Polyethylene (PEX), Copper
- 10.
11. Acceptable Visible Supply Lines:
- 12.
13. ===VISIBLE DRAIN / VENT LINES===
14. \*Verify free flowing sewer lines to city sewer lines to street / utility connection (6)
15. \*Underground pipes are not inspected (6)
16. \*Drain, waste, and vent pipes are not fully visible (6)
17. Waste Disposal: Private
18. Piping Types Present: ABS, PVC
- 19.
20. Acceptable Visible Drain / Waste Lines:
21. Acceptable Vent Lines:
22. Acceptable Clean-out / Service Caps:
- 23.
24. ===OUTSIDE HOSE FAUCETS===
25. Acceptable Hose Faucet: Rear - Hose still on faucet - this limits ability to inspect for leaking at the valve (6)
26. Acceptable Hose Faucet: Right Side
- 27.
28. ===FUEL SYSTEM===
29. Fuel Type: Gas Meter - Natural Gas
30. Meter / Tank Location: Not visible - suggest relocating to exterior for proper access
31. Acceptable Fuel System:
32. \*The inspector does not perform any testing for gas leakage of fuel lines or fittings, however if a gas smell is detected while at the inspection site the inspector will report on them.
- 33.
34. \*\*Private waste system may be subject to local, state, or federal regulations. Installations which were proper at time of original installation may not comply with government regulations which have been enacted since that time. Suggest private waste disposal systems are inspected by a qualified and competent state certified inspector.
- 35.

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# Homestead Inspection Co.

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Prepared for: Nicole Mall  
6115 Oak Grove Rd

## Plumbing (Continued)

### Basement Water Heater

- 36. Manufacturer: General Electric
- 37. Model Number: PG40S09AVJ00 Serial Number: GELNM401226879
- 38. Type: Natural gas Capacity: 40 Gal.
- 39. Year of Manufacture: 2012
- 40. Acceptable Water Heater Operation:
- 41. Acceptable Water Heater Operation:
- 42. Defective Flue / Vent Connector: **Undersized which may cause abnormal moisture stains / corrosion with evidence of back drafting (2)(5) - suggest installing 4"(inch) vent connector for proper ventilation (2)(5).**
- 43. Acceptable TPRV and Drain Pipe:
- 44. Marginal Thermal Expansion Tank: Not present - **Suggest installing thermal expansion tank per current building standards and manufacturers requirements (2)**
- 45.

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# Homestead Inspection Co.

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09/22/2023 12:53 PM

Prepared for: Nicole Mall  
6115 Oak Grove Rd

## Electrical

### 1. ===SERVICE ENTRANCE===

- 2. Service Entrance Type: Overhead
- 3. Main Grounding: Water Pipe
- 4. Acceptable Service:

5.

### 6. ===BRANCH WIRING===

- 7. 120v Wiring Conductor(s): Copper 240v Wiring Conductor(s): Copper
- 8. Wiring / Cable Types Observed: Romex

9.

- 10. Defective 120 VAC Branch Circuits: Uncovered light has inadequate clearance from ceiling / shelving at main floor, center bedroom closet and 1st floor hallway bathroom closet(2)(5), Loose light fixture with open junction box and exposed splices noted at basement utility closet (2)(5)



- 11. Marginal 120 VAC Branch Circuits: Attic - Missing / damaged cover plate(s) noted at one or more locations (5)(6), Open junction box noted (2)(5)



- 12. Marginal 120 VAC Branch Circuits: Interior - Missing cover plate at master bedroom, right of bed (5)(6)
- 13. Acceptable 240 VAC Branch Circuits:
- 14. Defective GFCI: GFCI's Are not present / installed at one or more areas required per current building standards including right, rear exterior and master bedroom next to toilet - suggest installing for safety (2)(5)
- 15. Acceptable Doorbell:
- 16. Marginal Smoke Detectors: Suggest verifying units are less than 10 years old and/or installing new smoke detectors for safety (5)(6)
- 17. Marginal Carbon Monoxide Detectors: Suggest ensuring presence, proper installation, and units are less than 6 years old (5)(6)
- 18.
- 19. \*\*Occupant's belongings prevent testing of all outlets and switches - check these carefully at your pre-closing walk-through.
- 20. \*\*Have a licensed and competent electrical contractor read the report; review the system; provide information on any repairs needed prior to the end of inspections days.

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# Homestead Inspection Co.

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09/22/2023 12:53 PM

Prepared for: Nicole Mall  
6115 Oak Grove Rd

## Electrical (Continued)

- 21.
- 22. ===MAIN DISTRIBUTION/SUB-PANELS===
- Basement Electric Panel
- 23. Panel Type: Main
- 24. Size of Panel / Service in Amperes 200
- 25. Main Disconnect: Breakers
- 26. Service / Feeder Cable Type: Aluminum
- 27.
- 28. Marginal Panel: Unprotected openings in panel (2)(5)
- 29. Marginal Breaker(s) Breaker oversized for wire at bottom right 40 amp breaker (2)(5)
- 30. Not Present AFCI: Does not appear to be installed at all applicable circuits - Recommend installing at all habitable room circuits for safety according to current electrical standards (2)(5)
- 31.

## Heating System

- Main Heating System
- 1. Type: Forced air
- 2. Fuel Type: Natural Gas
- 3. Distribution: Ducts / Registers
- 4. Location: Basement Make: York
- 5. Model Number: TG9S080B12MP11B Serial Number: W1H3034274
- 6. Estimated Size (BTUs) 80,000 Manufacturing Date: 2013
- 7.
- 8. ===COMBUSTION AIR / VENTING===
- 9. Acceptable Combustion Air
- 10. Acceptable Flue / Venting:
- 11.
- 12. ===HEATING SYSTEM CONTROLS===
- 13. Marginal Controls: Flex gas line is going through furnace cabinet - suggest protecting (5)(6)
- 14. Acceptable Thermostat(s):
- 15.
- 16. ===HEATING SYSTEM OPERATION===
- 17. Acceptable Operation:
- 18. \*\*Annual Maintenance (cleaning and servicing) of heating units recommended
- 19.
- 20. ===DUCTS / DISTRIBUTION===
- 21. Acceptable Ducts / Distribution:
- 22. Marginal Filter: 20x25x1 - Suggest cleaning / changing filter (6)
- 23. \*\*Suggest heating/cooling ducts be cleaned (6)
- 24.

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# Homestead Inspection Co.

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09/22/2023 12:53 PM

Prepared for: Nicole Mall  
6115 Oak Grove Rd

## Cooling System

### Main AC System

1. Type: Central Split System
2. Fuel Type: Electric
3. Location: Right Side Make: York
4. Model Number: YCJD36S41S1A Serial Number: W1H3971566
5. Estimated Size (BTUs): 36,000 Date of Manufacture: 2013
- 6.
7. ===COOLING SYSTEM CONTROLS===
8. Acceptable Electrical Disconnect:
9. Acceptable Controls:
- 10.
11. ===COOLING SYSTEM OPERATION===
12. Marginal A/C System Operation: Refrigerant line insulation is damaged / deteriorated (6)
13. Acceptable Condensate Removal:
14. Acceptable Average Temperature Difference:
15. Acceptable Blower Fan/Filters: 20x25x1 - Suggest cleaning / changing filter (6)
- 16.
17. \*\*Annual Maintenance (Cleaning and Servicing) Recommended
- 18.
19. ===WHOLE HOUSE FAN===
20. Acceptable Wholehouse Fan Operation: 1st Floor Hallway
- 21.
22. ===CEILING FANS===
23. Defective Ceiling Fan Operation: Not operational at master bedroom (2)(6)

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# Homestead Inspection Co.

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09/22/2023 12:53 PM

Prepared for: Nicole Mall  
6115 Oak Grove Rd

## Roof

### Main Roof Surface

1. Type: Hip
2. Roof Slope: Medium
3. Roof Ventilation: Soffit, Roof Vents
4. Gutter Type: Metal
5. Material Type(s) Present: Asphalt shingle - Architectural
6. Method of Inspection: Walked on Roof
7. # of Layers: 1
- 8.
9. Marginal Material: Nail pops / exposed nails (2), Typical weathering, aging, and deterioration noted (6)
10. Defective Material: Abnormal dips / deflections noted in roof surface with evidence of poor drainage at center, right side. Appears to be causing moisture damage to fascia and soffit below - suggest further evaluation and repair if needed (2)



11. Marginal Flashing: Rubber boot of plumbing vent flashing(s) is cracked / deteriorated at multiple locations (2)(4)(6)



12. Acceptable Valleys:
13. Marginal Gutters: Full of debris - recommend clearing for proper drainage at NW corner (6)



14. Marginal Downspouts: Downspout(s) partially disconnected from underground drain at - Front left corner (6), Rear left corner (6), Front right corner has damage to clay tile inlet (6)
15. Marginal Leader/Extension: Suggest routing all downspouts further away from building (6)
16. \*\*Typical maintenance recommended-this usually consists of repair/replacement of damaged or missing shingles, repair of opens seams and/or cracks in flashings, deteriorated roof coverings, etc.

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# Homestead Inspection Co.

13 of 21  
09/22/2023 12:53 PM

Prepared for: Nicole Mall  
6115 Oak Grove Rd

## Roof (Continued)

17. \*\*Prior to end of inspection period, have roof evaluated by your insurance company for confirmation of insurability.
- 18.
19. \*\*Have a licensed and competent roofing contractor read the report; review the system; provide information on any repairs needed prior to the end of inspections days.

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# Homestead Inspection Co.

14 of 21  
09/22/2023 12:53 PM

Prepared for: Nicole Mail  
6115 Oak Grove Rd

## Grounds

- |               |                                                                                                                                                                                                                                         |
|---------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Acceptable | Driveway: Gravel, Concrete                                                                                                                                                                                                              |
| 2. Marginal   | Private Walkways: Concrete - Abnormal cracks / settling (2), Damage / Deterioration (6), Could use sealing where walkway meets porch / steps (6)                                                                                        |
| 3. Acceptable | Retaining Walls:                                                                                                                                                                                                                        |
| 4. Marginal   | Porch(es): Abnormal cracks / settling (2), Handrail(s) are loose (6), Masonry steps have settled away from porch (2)                                                                                                                    |
| 5. Marginal   | Patio: Typical cracks / settling (6), Handrail is loose and gaps between rails are too wide for safety (5)(6)                                                                                                                           |
| 6. Marginal   | Grading / Drainage: Signs of poor drainage and soil slopes toward foundation in several areas (6)                                                                                                                                       |
| 7. Marginal   | Window Wells: Could not fully inspect due to build up of debris (6), Suggest installing covers (6), Damage / deterioration noted on window well(s) (6), Window well(s) have settled away from structure at one or more locations (2)(6) |
| 8. Marginal   | Steps/Stoops: Handrail(s) are loose (6), Damage / Deterioration (6), Masonry steps have settled away from porch (2)                                                                                                                     |

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# Homestead Inspection Co.

15 of 21  
09/22/2023 12:53 PM

Prepared for: Nicole Mall  
6115 Oak Grove Rd

## Exterior

### 1. ===GENERAL INFORMATION===

- 2. Exterior Walls: Wood Frame
- 3. Wall Covering(s): Plywood Panel Siding
- 4. Exterior Trim: Wood
- 5. Chimney Type(s) Present: Metal
- 6.

### 7. ===Exterior Foundation===

- 8. Defective Exposed Foundation Wall(s): Abnormal cracks / movement noted at front with minor inward bowing (2)(4), Abnormal cracks / movement noted with previous repair at rear, center (2)(4)



9.

### 10. ===EXTERIOR DOOR(S)===

- 11. Acceptable Entry Doors:

12.

### 13. ===WALL COVERING===

- 14. Marginal Siding / Wall Covering: Overdriven / protruding nails (4)(6), Siding has inadequate clearance from roofing materials at left side above soffit (2)(4), Abnormal cracks / movement noted in masonry veneer at one or more locations (2)



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# Homestead Inspection Co.

16 of 21  
09/22/2023 12:53 PM

Prepared for: Nicole Mall  
6115 Oak Grove Rd

## Exterior (Continued)

15. Marginal Siding / Wall Covering: Minor moisture damage / deterioration noted at one or more areas (4)(6), Caulking / sealing needed where masonry veneer meets unlike materials at top, right corner of front picture window (4)(6)



16.

17. ===TRIM / SOFFIT / FASCIA===

18. Marginal Trim: Minor moisture damage / deterioration noted at several areas (4)(6)

19. Defective Fascia: Moisture damage noted at left side and several other areas (2)(4)(6)



20. Marginal Fascia: Minor moisture damage / deterioration noted at front, right corner and several other areas (4)(6)

21. Defective Soffit: Moisture damage noted at center, left side (2)(4)(6)



22.

Center of Roof Chimney

23. Acceptable Chimney:

24. Marginal Flue/Flue Cap: Metal - Flue is rusty and deteriorated (2)(6)

25. Acceptable Chimney Flashing:

26. \*\*Although we attempt to determine if flues are dirty or damaged. However, most flues are not fully visible and therefore not fully inspected during a visual home inspection. Recommend having a full evaluation of chimneys / flues by a competent chimney sweep prior to the end of inspection days (2)

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# Homestead Inspection Co.

17 of 21  
09/22/2023 12:53 PM

Prepared for: Nicole Mail  
6115 Oak Grove Rd

## Interior

1. ===GENERAL INFORMATION===
2. Window Type(s): Vinyl Thermal Pane
3. Interior Walls: Plaster
4. Interior Ceilings: Drywall
- 5.
6. ===INTERIOR DOORS===
7. Acceptable Door(s):
8. \*\*Screen / Storm doors are not part of the inspection (6)
- 9.
10. ===WINDOWS===
11. Acceptable Window(s)
12. \*\*Furnishings/occupants belongings prevent full inspection-do a careful check at your pre-closing walk-through (6)
13. \*\*Only certain changes in weather can show loss of thermal seal. Thermal-paned windows may not show this loss at the time of inspection (6)
14. \*\*Screens / Storm windows are not part of the inspection (6)
- 15.
16. ===INTERIOR STAIRS / HANDRAILS===
17. Marginal Stairs / Handrails Handrail loose (5)(6), Limited headroom / hazard due to low ceiling height at basement staircase (5)(6)
- 18.
19. ===INTERIOR WALLS===
20. Acceptable Wall(s)
21. \*\*Furnishings / occupants belongings prevent full inspection-do a careful check at your pre-closing walk-through (6)
- 22.
23. ===CEILINGS===
24. Acceptable Ceiling(s)
25. \*\*Furnishings / occupants belongings prevent full inspection-do a careful check at your pre-closing walk-through (6)
- 26.
27. ===FLOORS===
28. Acceptable Floor(s)
29. \*\*Furnishings / occupants belongings prevent full inspection-do a careful check at your pre-closing walk-through (6)
- 30.
31. \*\*Lead Paint Disclosure: Any home built prior to 1978 could contain lead-based paint. This is considered a health hazard, especially to children. If this is a concern, we recommend having the paint tested by a competent and licensed environmental specialist.
- 32.

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# Homestead Inspection Co.

18 of 21  
09/22/2023 12:53 PM

Prepared for: Nicole Mall  
6115 Oak Grove Rd

## Attic

### Main Attic

1. Attic Description: Full
2. Roof/Ceiling Frame: Rafter / Ceiling Joists
3. Method of Inspection: Limited to view from access - inspection limited
4. Insulation Type: Loose / Blown Average Depth (Inches): 9-12
- 5.
6. Acceptable    Attic Cavity:
7. Acceptable    Roof Framing / Sheathing:
8. Acceptable    Ventilation:
9. Marginal      Insulation: [Recommend more insulation to meet current standards \(6\)](#)
10. Marginal     Bathroom Fan Venting: Fans appear to be venting into attic - [Improperly vents into attic and may cause condensation / moisture deterioration \(4\)\(6\)](#)

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# Homestead Inspection Co.

19 of 21  
09/22/2023 12:53 PM

Prepared for: Nicole Mall  
6115 Oak Grove Rd

## Foundation

1. ===GENERAL INFORMATION===
2. Foundation Type: Basement
3. Foundation Walls: Concrete
4. Foundation Floors: Concrete
5. Sub-floor System / Beam(s): 2x10 Floor Joists
6. Support Posts / Columns: Steel
7. Observed By: Fully Entered
- 8.
9. ===VISIBLE FOUNDATION COMPONENTS===
10. Acceptable Wall(s):
11. Marginal Wall(s):
12. \*\*Unable to fully inspect foundation walls due to: Finished materials
13. Acceptable Floor/Slab:
14. \*\*Unable to fully inspect foundation floors due to: Finished materials
15. Acceptable Support Framing / Sub-floor:
16. \*\*Unable to fully inspect framing / sub-floor / support system due to: Finished materials
17. Acceptable Water Entry:
18. Acceptable Radon Mitigation System:
19. \*\*Have a licensed and competent foundation contractor read the report; review the system; provide information on any repairs needed prior to the end of inspections days.
20. \*\*The inspection is limited due to the lack of full access to all structural components and/or mechanical systems

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LETTERS OF SUPPORT

April 10, 2024

Department of Planning and  
Urban Design

Attention: Gunnar Hand

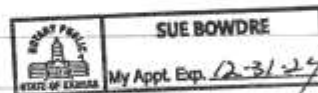
Concerning special permit petition  
SP 2023-122

I Am in support of the special  
Use Permit to operate a short-  
term rental at 6115 Oak Grove  
Road filed by Andrew C. Mall.

Steve Howard - neighbor  
6129 OAK GROVE ROAD  
K.C.K. 66106  
913-375-1041  
Within 200 feet of Property (B)

Steve Howard

4-10-24  
Sue Bowdre



Have it in writing! GUNNAR HAND



**Department of Planning and  
Urban Design**

F R L G REEVES  
AT W

701 North 7th Street, Room 423  
Kansas City, Kansas 66101

Phone: (913) 573-5750  
Fax: (913) 573-5796

Within 200 Feet of Property(B)  
HOWARD, STEVE  
6129 OAK GROVE RD  
KANSAS CITY, KS 66106

I called  
April-4-2024-  
to oppose.

I am oppose to the special  
use permit to operate a short-  
term rental at 6115 Oak Grove.

RE NOTICE TO PETITIONER AND NEARBY PROPERTY OWNERS  
: SPECIAL PERMIT PETITION SP2023-122

Steve Howard

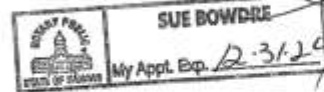
A petition for a special permit to use the property described as:

4-4-24  
State of Kansas  
County of Wyandotte

PLANNING LEGAL DESCRIPTION: 9225, S35, T11, R24, ACRES 9.85, W2/3 E3/4 S1/2 SW1/4  
NW1/4 LS S 20FT CONTG 9.85AC M/L, LOCATED AT APPROXIMATELY 6115 Oak Grove  
Road, Kansas City, Kansas.

located at approximately:

6115 OAK GROVE RD  
KANSAS CITY, KS 66106



has been filed by:

ANDREW C. MALL

Such a change would permit the property for:

SYNOPSIS: Special Use Permit to operate a Short-Term Rental at 6115 Oak Grove Road.

A public hearing will be conducted by the City Planning Commission on 4/8/2024 at 6:30 PM, by Zoom Webinar (see attached details). You may appear, as may any other person, to ask questions or to be heard in support or opposition. The petitioner should be present to explain what is being proposed and answer any questions.

The hearing of this petition is not limited to those receiving copies of this notice. If you know of any neighbor, interested person or property owner within 200', who for any reason has failed to receive a copy, it would be appreciated if you would inform them of this hearing before the City Planning Commission.

Attention: Gunnar Hand



---

7th April 2024

**Re: SUP 6115 Oak Grove Rd**

To Whom it May Concern,

I'm writing in reference to our Short Term rental permit application. I understand that there are concerns regarding our particular home and the handling of having a short term rental there. I'd like to clarify some of the items that have been brought up, I apologize I can't be there in person with Andrew.

We purchased our home in September 2004, nearly 20 years ago, from Daisy Howard who had built the house with her husband. We dealt mainly with her son Steve who lives at the road at 6129; we've always shared a drive with him at the road but then each have our own driveways at our homes. We lived there for 14 years. We moved just 2 miles away in 2018 to have more space to grow our family. We moved my parents to this home because this was always a place we wanted to come back to and keep the home in our family. We also had goats and cats that were staying there that they could help take care of.

My sons love the place, our 11 year old spent his first years there and loves having campouts there with his friends. Our 3 year old loves visiting his grandma there and playing with the goats. We refinished the barn several years ago that wasn't in great shape so my dad could have a workshop and garage for his classic car. Unfortunately my dad passed away in 2020. We started renting out the lower level to help supplement the costs of the home so my mom could remain there. She loves it there and I don't want to uproot her in her 80's. She lives on social security and now that my dad's gone it's not much.

Many years ago we had to get an easement agreement signed by Steve Howard for a refinance. The title company was requiring it. I went to Steve's house and he signed one and I gave a copy to our closer. This was easily 15 years ago. I cannot find the agreement and would've thought it was recorded with the closing, apparently it is not.

The driveway was a concern of ours when we purchased, we are landlocked unless Woodend is put in on the south side of our home. The driveway is long and costly to maintain. We have spent well over \$10,000 in gravel, tree trimming and weeding the driveway. We've put a lot into updating and maintaining our actual property as well.

As far as the sign being moved from the road to our property was just that, we thought it was confusing that it was on Steve's property and not ours so we

---

put it where we were told to. As for having month to month tenants currently we were told that that was not in conflict with the policy and that we would be in compliance if it was a minimum of 30 days on our stays. As for wanting to do a short term rental rather than long term we like being able to stay there and have family stay there with my mom when they are in town. My sons like to have their birthday parties there. I can block off the calendar so that they are still able to do that. People who stay for just a few days leave the space in great shape and I'm able to go in and keep it clean and maintained. Through Airbnb I can outline our policy of no parties, they are aware up front that my mom lives in the home. We have a ring doorbell so I can always know who's coming and going. I've found in my many years of handling rentals of my own and for clients that longer term renters do a lot more damage and wear and tear. I also am able to limit the people who stay there to only people who have ratings that are good. Their rating system also makes sure we keep our place in excellent shape. You do not get that on long term rentals. Also, my mom is there the entire time.

Should we not be able to proceed with renting the lower level of the home we will not be able to afford to keep my mom there. If we are forced to sell, my sons will also be very upset. It's not a rental, it is still our home.

Sincerely,

**Nicole Mall**

LETTER OF OPPOSITION

Have it in writing! Gunnar Hand



Department of Planning and  
Urban Design

E R L G REEVES  
AT W

701 North 7th Street, Room 423  
Kansas City, Kansas 66101

Phone: (913) 573-5750  
Fax: (913) 573-5796

Within 200 Feet of Property(B)  
HOWARD, STEVE  
6129 OAK GROVE RD  
KANSAS CITY, KS 66106

I called  
April 4 - 2024 -  
to oppose.

I am oppose to the special  
use permit to operate a short-  
term rental at 6115 Oak Grove.

RE NOTICE TO PETITIONER AND NEARBY PROPERTY OWNERS  
SPECIAL PERMIT PETITION SP2023-122

Steve Howard

A petition for a special permit to use the property described as:

PLANNING LEGAL DESCRIPTION: 9225, S35, T11, R24, ACRES 9.85, W2/3 E3/4 S1/2 SW1/4  
NW1/4 LS S 20FT CONTG 9.85AC M/L, LOCATED AT APPROXIMATELY 6115 Oak Grove  
Road, Kansas City, Kansas.

located at approximately:

6115 OAK GROVE RD  
KANSAS CITY, KS 66106



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ask questions or to be heard in support or opposition. The petitioner should be present to  
explain what is being proposed and answer any questions.

The hearing of this petition is not limited to those receiving copies of this notice. If you know  
of any neighbor, interested person or property owner within 200', who for any reason has  
failed to receive a copy, it would be appreciated if you would inform them of this hearing  
before the City Planning Commission.

Attention: Gunnar Hand

**From:** [meredithcasares32@gmail.com](mailto:meredithcasares32@gmail.com) <[meredithcasares32@gmail.com](mailto:meredithcasares32@gmail.com)>

**Sent:** Monday, April 15, 2024 5:54 PM

**To:** Hand, Gunnar <[gband@wycokck.org](mailto:gband@wycokck.org)>

**Subject:** Special use permit 2023-122 DENIAL

You don't often get email from [meredithcasares32@gmail.com](mailto:meredithcasares32@gmail.com). [Learn why this is important](#)

Good evening,

My name is Meredith Casares, I am the daughter of Frances Howard, who lives at 6113 Oak Grove Rd., the neighboring property of 6115 Oak Grove Rd. I have been to every meeting concerning this proposal and have mentioned that my mom is elderly and lives alone on Social Security. My dad died in 2020. My great uncle originally built and owned the property at 6115 Oak Grove Rd. My parents have lived there for 50 years, where my dad remodeled the house and built the garage. The property will be passed down to myself, followed by my children and so on since it is so sentimental to us. We value the memories we have created there and enjoy the seclusion and comfort it brings us. However, with a short term rental next door, we are robbed of this. My parents worked hard for what they have and my mom should not be stripped of these comforts. She has never had the amount of traffic coming and going in all 50 years she has been there than she has seen within the last 6 months to a year. The guests of the short term rental have used my mom's private driveway because the easement is very narrow and is hard to get through. I worry for her safety when strangers are driving down her private driveway or even the easement that is only feet away from her house.

My parents both lived in Turner their entire lives; they and myself all graduated from Turner High School, my mom worked for the Turner School district for over 30 years. We love living in Wyandotte County and support our local community. Short-term rentals are not good for the community. Businesses should not be run in residential areas and they should not be run up and down another person's driveway. This skirts around zoning laws. They also drive up housing prices so that there are no affordable housing opportunities for young families. We have never had a problem with Mr. Mall and his family. In fact, they have been good neighbors. However, we have to speak up when it comes to this short term rental as it has been and will continue to greatly affect us. We do not feel safe on our private property, as well as having to maintain the extra wear and tear that the extra traffic on my mom's driveway creates. Mr. Mall owns 3 properties: one in Black Swan Lake, one in Shawnee, and the property at 6115. He is using this property as a supplemental income at the expense of my mother and the neighborhood. I ask the Board of Commissioners to deny this special use permit for short term rental on this unique situation with this landlocked property. My mom is directly affected by all the extra traffic from this business. My mom's safety and property are my priority and I ask you all to take her into consideration.

I also wanted to clarify something from the last meeting on April 8th: Commissioner Beth said he drove his truck up the driveway at 6115 and got stuck and had to use 4 wheel drive in order to make it out. While there, he noticed a tree trimming company there and a pile of gravel. My mom is the one that was having maintenance done on the trees along the easement and the gravel was my mom's for upkeep on her private driveway.

Once again, I urge you to please take our family into consideration and vote to deny this permit.

Thank you,  
Meredith Casares









**KANSAS CITY KANSAS FIRE DEPARTMENT  
DIVISION OF FIRE PREVENTION**

**John Droppelmann, Fire Marshal  
Fire Headquarters Building  
815 North 6th Street  
Kansas City, Kansas 66101**



Phone: 913-573-5938  
Fax: 913-551-0490

**DATE:** April 10, 2024  
**SUBJECT:** Fire Code Applicability for Air BNBs

UG Vested Departments,

Several staff members have inquired about Fire Code regulations pertaining to Air BNB properties, specifically the residence located at 6115 Oak Grove Rd. I understand the concerns over the driveway to the residence, which is privately owned single family residential property.

The Fire Code, as adopted by the Unified Government (2018 International Fire Code) is only applicable to commercial structures. Commercial structures as defined by the code that pertain to Residential Occupancy only apply to 3-family units and larger. Duplexes and single-family residential properties are regulated by the International Residential Code-IRC. The IRC regulations and enforcement fall under the UG's Building Inspection Division.

The residence at 6115 Oak Grove Road is a single-family private residence. A single-family residence, or duplex may have any driveway the owner designs/builds which meet the UG's requirements under the IRC. There are hundreds of single-family homes throughout Kansas City, Kansas, that have extremely long driveway (up to ¼ mile long), have security gates inaccessible to public safety departments, home-made light-weight bridges only capable of sustaining loads of a passenger vehicle, obstructed with overgrown vegetation, and many other issues that do not allow for emergency access to the residence by Public Safety. None of these issues are against the law as it pertains to the Fire Code. The only caution I give the owners is that it will delay our response to their home if an emergency arises and they may be assessed with high rates from their insurance carriers from inaccessible driveways for Public Safety.

Any Air BNB located in a single-family home or duplex does not have any restriction/required compliance per the Fire Code. This has been a concern for Fire Prevention professionals for several years as documented case of injuries from fires and illicit activity have occurred. The only residential occupancies with Air BNBs affected by the Fire Code would be those in 3-family or larger town homes and apartments, all of which do not have emergency access issues as they were built under the Fire and Life Safety Code requirements for fire apparatus access roads.

If the UG is wanting to regulate single-family Air BNBs beyond just a Special Use permit, they will need to develop and adopt additional municipal ordinance to address the concerns. The Metro HOA Fire Prevention Group recommends, at minimum, annual life safety inspections of the Air BNBs to provide the short-term renters some amount of safety. These inspections would include making sure egresses are functioning correctly, emergency lighting, interconnected smoke detectors, fire extinguishers and deployable fire escape ladders for the 2<sup>nd</sup> stories and higher are installed at a minimum.

As for the situation at 6115 Oak Grove Road, this is a civil matter between two property owners that will need to be litigated in civil court.

---

Feel free to contact me with any questions or concerns,

John Droppelmann  
Fire Marshal  
Kansas City Kansas Fire Department  
Office: 913-573-5938  
Email: [jdroppelmann@kckfd.org](mailto:jdroppelmann@kckfd.org)





## Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

**To:** Unified Government Board of Commissioners

**From:** Planning and Urban Design Staff

**Date:** April 25, 2024

**Re:** **Change of Zone Petition COZ2023-024 and Master Plan Amendment MPL2023-012**

---

### GENERAL INFORMATION

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**Applicant:**

Chris Elsey

**Status of Applicant:**

The Prime Company  
2021 Vanesta Drive, Suite A  
Manhattan, KS 66503

**Requested Actions:**

To approve a Master Plan Amendment from Low Density Residential to High Density Residential (City-Wide Comprehensive Plan).

Change of Zone from R-1 Single Family District to RP-5 Planned Apartment District.

**Date of Application:**

August 24, 2023

**Purpose:**

To rezone and build 132-unit multi-family apartment complex.

**Property Location:**

5901 and 5945 Parallel Parkway  
Kansas City, KS 66102



|                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|---------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Commission District:</b>     | Commissioner At-Large, District #1: Melissa Bynum<br>District #8 Commissioner: Andrew Davis                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <b>Existing Zoning:</b>         | R-1 Single Family District                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <b>Adjacent Zoning:</b>         | <b>North:</b> R-1 Single Family District<br><b>South:</b> R-1 Single Family District<br><b>East:</b> R-1 Single Family District<br><b>West:</b> R-1 Single Family and CP-2 Planned General Business Districts                                                                                                                                                                                                                                                                                                                                                                                                          |
| <b>Adjacent Uses:</b>           | <b>North:</b> Schlage High School and Kansas City Kansas USD 500 Administration Building<br><b>South:</b> Single-family residences<br><b>East:</b> Undeveloped, wooded land<br><b>West:</b> Gas station, single-family residence and undeveloped land                                                                                                                                                                                                                                                                                                                                                                  |
| <b>Total Tract Size:</b>        | 6.66 Acres                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <b>Master Plan Area:</b>        | City-Wide Comprehensive Plan                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <b>Master Plan Designation:</b> | <p>The City-Wide Comprehensive Plan designates this property as Low Density Residential, which allows single-family detached residences, institutional uses such as elementary and middle schools, small churches (less than 50,000 square feet), libraries, parks, open space, etc.</p> <p>A Master Plan Amendment has been submitted to High Density Residential (City-Wide Master Plan), which allows garden apartments, attached residences including townhomes, duplexes, triplexes, fourplexes, institutional uses such as elementary, middle, and high schools, churches, libraries, parks, and open space.</p> |
| <b>Major Street Plan:</b>       | The Major Street Plan classifies North 59 <sup>th</sup> Street and Parallel Parkway as Class A Thoroughfares.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <b>Required Parking:</b>        | Sec. 27-460(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. 360 parking spaces are required. 360 parking spaces are provided.                                                                                                                                                                                                                                                                                                                         |
| <b>Advertisement:</b>           | <u>The Wyandotte Echo</u> – Change of Zone – September 21, 2023; Master Plan Amendment – September 21, 2023<br>Letters to Property Owners – Change of Zone September 22, 2023, October 2, 2023, November 7, 2023, December                                                                                                                                                                                                                                                                                                                                                                                             |



6, 2023 and January 3, 2024; Master Plan Amendment – September 22, 2023, October 2, 2023, November 7, 2023, December 6, 2023, January 3, 2024 and January 31, 2024

**Public Hearings:** March 11, 2024, April 8, 2024 and April 25, 2024

**Public Support:** One (1) person appeared in support at the April 8, 2024, City Planning Commission meeting.

**Public Opposition:** Two (2) persons appeared in opposition at the April 8, 2024, City Planning Commission meeting.

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## **PROPOSAL**

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*Detailed Outline of Requested Action:* The applicant, Chris Esley, with The Prime Company, seeks to rezone 5901 and 5945 Parallel Parkway from R-1 Single Family District to RP-5 Planned Apartment District to build a 132-unit multi-family apartment development on 6.66 acres.

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

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## **RELATED ENFORCEMENT AND ACTION ITEMS**

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

1. None

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

1. None

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

1. None

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## **FACTORS TO BE CONSIDERED**

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

The character of the neighborhood is comprised of single-family homes to the south and civic spaces - Schlagle High School and Kansas City Kansas USD 500 Administration Building to the north, and a gas station convenience store to the west along Parallel Parkway.

### ***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 south as this area is a small, established single-family subdivision. This property in particular can be a transition between those single-family homes and any future, more intense development along Parallel Parkway. High density development should occur at major intersections along transit corridors, which these parcels are at the intersection of two (2) Class A Thoroughfares and a KCATA transit corridor.

Traditionally, multi-family 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 required landscaping and buffering that is required to be planted along 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 south.

**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 and young business professionals who want to live in the area, but do not want to purchase a single-family detached home, townhome or condo. The proposed use could be a land use buffer between the future, more intense uses along Parallel Parkway to the east and west, and prevent commercial intrusion south along Meadowlark Lane.

**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 192 units will increase traffic along Parallel Parkway and North 59<sup>th</sup> Street. A Traffic Impact Analysis has been submitted and is being reviewed and analyzed by Planning Engineering and Public Works.

These entitlements will not move forward until the traffic study is approved by Public Works.

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

The proposed use does not conform to the Low-Density Residential land use designation within the City-Wide Comprehensive Plan; therefore, a Master Plan Amendment is sought to High Density Residential, which allows garden apartments, attached residences including townhomes, duplexes, triplexes, fourplexes, institutional uses such as elementary, middle, and high schools, churches, libraries, parks, and open space.

**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 Brenner Heights Creek, Parallel Parkway, and other abutting parcels.

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 #224.

**e. Fire**

Fire service is provided by Fire Station #2 located off 62<sup>nd</sup> Street and Minnesota Avenue.

**f. Transit**

Kansas City ATA provides transit service along 59<sup>th</sup> Street & Parallel Parkway, Route #116.

**g. Schools**

Public education is provided by Kansas City Kansas USD 500.

**h. Streets**

North 59<sup>th</sup> Street and Parallel Parkway are Class A Thoroughfares. 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 beneficial economic impact on the community. The multiple housing unit types (between one (1), two (2) and three (3) bedrooms) within the complex will promote a diverse population to make use of the nearby employment, transit and retail centers.

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

Without the necessary architectural and civil drawings, Staff cannot make the determination if 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.

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**PREVIOUS ACTIONS**

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None

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## NEIGHBORHOOD MEETING

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The applicant held a neighborhood meeting in-person at Eisenhower Recreation Center (2901 North 72<sup>nd</sup> Street) on September 20, 2023. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

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## KEY ISSUES

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Transit Enhancement  
Traffic  
City-Wide Master Plan Multi-Family Design Guidelines  
Pedestrian Connectivity  
Fire Access  
Landscaping, Screening and Buffering

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## PLANNING COMMISSION RECOMMENDATION

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The Planning Commission voted 7 to 2 to recommend **APPROVAL** of Change of Zone Application COZ2023-024 and Master Plan Amendment MPL2023-012, subject to:

1. Because this is a planned district and multiple parcels are involved in this development, a Final Development Plan and Final Plat 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. 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. To comply with the Multi-Family Residential Design Guidelines, parking should be internal to the development when fronting along arterials and collectors. Buildings should face Parallel Parkway and Meadowlark Lane and internalize the parking lots;
4. Per the Multi-Family Residential Design Guidelines, pedestrian walkways and sidewalks shall be a minimum of six (6) feet wide;
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. Add sidewalks for enhanced pedestrian connectivity to the rear, ground floor apartment units to the sidewalk network within the development;
7. With the apparent grade change and stairs, show ADA sidewalk access from the western two (2) apartment buildings and the four (4) apartment buildings to the east;
8. Construct a sidewalk connecting the northeast corner of the development to the southwest corner of the Parallel Parkway and Meadowlark Lane intersection of pedestrian and transit connectivity;



- 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);
9. The on-site amenities – clubhouse, pool and picnic area shall be constructed in the first phase of building construction;
  10. Install bike racks at high trafficked nodes (clubhouse and site amenities); Show the transit stop in front of the property on the site plan – southwest corner of Parallel Parkway and Meadowlark Lane intersection. 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](mailto:dbush@wycokck.org).
    - a. The current bus stop south of Parallel Parkway does not have a pickup loop and could easily be removed and redesigned;
  11. Per the City-Wide Comprehensive Plan Multi-Family Residential Design Guidelines, to the maximum extent feasible, garage entries, carports, parking areas, and parking structures shall be internalized in building groupings or oriented away from the arterial or collector street frontage;
  12. Per the City-Wide Comprehensive Plan Multi-Family Residential Design Guidelines, all sides of a multi-family building shall display a similar level of quality and architectural interest. A building's architectural features and treatments shall not be restricted to a single façade.

The rear elevations should have “front” entries, similar to the front elevation;

13. Per the City-Wide Master Plan Multi-Family Residential Design Guidelines, all multi-family buildings including duplexes, triplexes, fourplexes and townhomes, an amount equal to forty percent (40%) of the total net exterior wall area of each building elevation, excluding gables, windows, doors, and related trim, shall be brick or stone. The balance of the next exterior wall may be lap siding (excluding vinyl lap siding) and/or stucco. Provide a table citing the percentage breakdown for each façade for each building type and revise accordingly to ensure that 40 percent of each façade is indeed stone or brick;
14. Emphasis on the change in window patterns on the top floor that is different from all other floors helps break up the façade;
15. Vinyl siding is not a permitted exterior building material per the City-Wide Master Plan Multi-Family Residential Design Guidelines;
16. 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;
17. Sec. 27-460(f) trees are required at not less than one (1) tree per 4,500 square feet of site area;
18. 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;
19. Maintain the ridgelines, existing topography, and vegetation along the perimeter of the property, as these natural features will screen the apartments from the single-family home abutting to the west, behind the apartment building, to the east and south from the existing single-family homes;
  20. Provide a site line section between the multi-family apartments and the single-family homes;
  21. One (1) street tree shall be provided per 30 feet of frontage along a major street. North 59<sup>th</sup> Street and Parallel Parkway shall have street trees planted along the sidewalk;
  22. Landscaping and landscape beds, commons spaces and amenities shall be irrigated;
  23. Parking lot islands shall be curbed and landscaped;
  24. 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;
  25. Lighting cannot exceed one (1) footcandle at the property line;
  26. Interior parking lots lights shall have 90-degree cutoff fixtures;
  27. 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;
  28. All electrical meter banks, typically on the side of the building shall be screened from public view;
  29. The privacy fence abutting the single-family residences shall have masonry columns installed every 32 feet running;
  30. 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;
  31. 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. Fence pickets shall be installed two (2) feet off the ground and have adequate clearance to open gate door 180° and have 10 feet of 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 slats fences, customers shall install a minimum of four (4) inch slats and have four (4) inches of space between each slat.
    - e. Customers must take into account 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 into account the growth of saplings).
- f. Pad must have a minimum clearance of six (6) feet on each, six (6) feet on the back and five (5) feet on the front allowing for 10 feet on the front when gate doors open;
32. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or [signpermits@wycokck.org](mailto:signpermits@wycokck.org) to begin this process;
33. All existing and future driveways must feature curb cuts that are constructed to UG standards;
34. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by [info@wycokck.org](mailto:info@wycokck.org) to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
35. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;
36. A Pre-Construction meeting is required for any improvements to public infrastructure upon the approval and issuance of a Development Review Committee (DRC) Permit. Any improvements to, construction or alteration of: sanitary systems, stormwater systems, public or private streets, sidewalks, or other public infrastructure will require a pre-construction meeting with the Department of Public Works. The applicant is required to contact the County Engineer at (913) 573-5400 or by [info@wycokck.org](mailto:info@wycokck.org) prior to construction to arrange this meeting; and,
37. 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.

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## STAFF COMMENTS AND SUGGESTIONS

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Staff concurs with the recommendation of the City Planning Commission.

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## STAFF RECOMMENDATION

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Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petitions **COZ2023-024** and **MPL2023-012**, subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

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## ATTACHMENTS

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April 8, 2024 City Planning Commission Minutes  
Aerial Map  
Zoning Map  
Land Use Map  
City-Wide Master Plan High Density Residential Designation  
City-Wide Master Plan Multi-Family Residential Design Guidelines  
Multi-Family Residential Amenity Guidelines  
KCKFD Comments  
Applicant Response Letter  
Neighborhood Meeting Documents  
Site Plan  
Grading Plan  
Landscape Plan  
Building Elevations  
Site Photographs taken by Staff on September 12, 2023.

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## REVIEW OF INFORMATION AND SCHEDULE

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| <u>Action</u>  | <u>City Planning Commission</u>                          | <u>Unified Government Board of Commissioners</u> |
|----------------|----------------------------------------------------------|--------------------------------------------------|
| Public Hearing | March 11, 2024                                           | April 25, 2024                                   |
| Rezoning       | Held Over<br>April 8, 2024<br>Approval                   |                                                  |
| Public Hearing |                                                          |                                                  |
| Master Plan    | March 11, 2024<br>Held Over<br>April 8, 2024<br>Approval | April 25, 2024                                   |

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**STAFF CONTACT:**      **Byron Toy, AICP**  
                                 [btoy@wycokck.org](mailto:btoy@wycokck.org)

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## MOTIONS

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### Master Plan Amendment

I move the Unified Government Board of Commissioners **APPROVE** Petition **MPL2023-012** 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 **MPL2023-012** 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.

### Change of Zone Petition

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2023-024** 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 **COZ2023-024** 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.



## **April 8, 2024, City Planning Commission Minutes:**

### **Hearing starts at 41:45:**

**CHANGE OF ZONE APPLICATION COZ2023-024 – CHRIS ELSEY WITH THE PRIME COMPANY - SYNOPSIS:** Change of Zone from R-1 Single Family District to RP-5 Planned Apartment District to construct a 132-unit apartment complex at 5901 and 5945 Parallel Parkway.

**MASTER PLAN AMENDMENT MPL2023-012 – CHRIS ELSEY WITH THE PRIME COMPANY – SYNOPSIS:** Master Plan Amendment from Low-Density Residential (City-Wide Comprehensive Plan) to High-Density Residential (City-Wide Comprehensive Plan) to construct a 132-unit apartment complex at 5901 and 5945 Parallel Parkway.

*Detailed Outline of Requested Action:* The applicant, Chris Esley, with The Prime Company, seeks to rezone 5901 and 5945 Parallel Parkway from R-1 Single Family District to RP-5 Planned Apartment District to build a 132-unit multi-family apartment development on 6.66 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 April 8, 2024;
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:**

- Josh Adrian, representing The Prime Company, 2021 Vanesta Drive, Manhattan, Kansas 66503
- Monica Breede, Senior Director, WYEDC, 727 Armstrong Avenue, Kansas City, Kansas 66101

### **Present in Opposition:**

- Frenchy Hooks, President of Homes Association at Countryside West, 1817 North 62nd Street, Kansas City, Kansas
- Claudine Horton, 1805 North 62nd Street, Kansas City, Kansas

**Staff Recommendation starts at 54:44:** Planning Director Hand stated that the Master Plan request is for a change from low to high-density housing. The Change of Zone is from R-1 Single Family District to RP-5 Planned Apartment District for 132 apartments. The property is in the PlanKCK Area off Parallel Parkway and Meadowlark Lane in the Midtown area. Prior to the meeting Staff received no letters in support nor opposition. There are no Notices of Violation on the property. Staff recommends approval subject to the conditions in the staff report. The applicant will need to submit a final plat and final development plan and follow the Multi-Family Design Guidelines.

**Motion starts at 55:50:**

On motion by Mr. Ward, seconded by Mr. Ernst, the Planning Commission voted as follows to recommend **APPROVAL of Master Plan Amendment MPL2023-012:**

|            |             |
|------------|-------------|
| Carson     | Chairman    |
| Ward       | Aye         |
| Armstrong  | Not Present |
| Beth       | No          |
| Easterwood | No          |
| Ernst      | Aye         |
| Jones      | Aye         |
| Miller     | Aye         |
| Mohler     | Aye         |
| Schwartz   | Aye         |
| Straws     | Aye         |

Motion to recommend **APPROVAL** Passed: 7 to 2

Subject to:

1. **Because this is a planned district and multiple parcels are involved in this development, a Final Development Plan and Final Plat 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. **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. **To comply with the Multi-Family Residential Design Guidelines, parking should be internal to the development when fronting along arterials and collectors. Buildings should face Parallel Parkway and Meadowlark Lane and internalize the parking lots;**
4. **Per the Multi-Family Residential Design Guidelines, pedestrian walkways and sidewalks shall be a minimum of six (6) feet wide;**
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. Add sidewalks for enhanced pedestrian connectivity to the rear, ground floor apartment units to the sidewalk network within the development;
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8. Construct a sidewalk connecting the northeast corner of the development to the southwest corner of the Parallel Parkway and Meadowlark Lane intersection of pedestrian and transit connectivity;  
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);
9. The on-site amenities – clubhouse, pool and picnic area shall be constructed in the first phase of building construction;
10. Install bike racks at high trafficked nodes (clubhouse and site amenities); Show the transit stop in front of the property on the site plan – southwest corner of Parallel Parkway and Meadowlark Lane intersection. 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](mailto:dbush@wycokck.org).
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24. 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;
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26. Interior parking lots lights shall have 90-degree cutoff fixtures;
27. 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;
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29. The privacy fence abutting the single-family residences shall have masonry columns installed every 32 feet running;
30. 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;
31. 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. Fence pickets shall be installed two (2) feet off the ground and have adequate clearance to open gate door 180° and have 10 feet of 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 slats fences, customers shall install a minimum of four (4) inch slats and have four (4) inches of space between each slat.
  - e. Customers must take into account 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 into account the growth of saplings).
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32. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or [signpermits@wycokck.org](mailto:signpermits@wycokck.org) to begin this process;
33. All existing and future driveways must feature curb cuts that are constructed to UG standards;
34. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by [info@wycokck.org](mailto:info@wycokck.org) to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
35. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;
36. A Pre-Construction meeting is required for any improvements to public infrastructure upon the approval and issuance of a Development Review Committee (DRC) Permit. Any improvements to, construction or alteration of: sanitary systems, stormwater systems, public or private streets, sidewalks, or other public infrastructure will require a pre-construction meeting with the Department of Public Works. The applicant is required to contact the County Engineer at (913) 573-5400 or by [info@wycokck.org](mailto:info@wycokck.org) prior to construction to arrange this meeting; and,

**37. 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.**

On motion by Mr. Ward, seconded by Mr. Ernst, the Planning Commission voted as follows to recommend **APPROVAL of Change of Zone Application COZ2023-024:**

|            |             |
|------------|-------------|
| Carson     | Chairman    |
| Ward       | Aye         |
| Armstrong  | Not Present |
| Beth       | No          |
| Easterwood | No          |
| Ernst      | Aye         |
| Jones      | Aye         |
| Miller     | Aye         |
| Mohler     | Aye         |
| Schwartz   | Aye         |
| Straws     | Aye         |

Motion to recommend APPROVAL Passed: 7 to 2  
Subject to the above conditions









Figure 2. Zoning Map of 5901 and 5945 Parallel Parkway (provided by UG Maps).







**High-Density Residential:** These uses are intended to provide for future housing needs through the construction of **attached** owner and renter occupied mid-rise and high-rise residential developments.

- Allowed Uses:
  - Mid-rise and high-rise apartment buildings and/or condominiums
  - Institutional uses such as elementary, middle and high schools, churches, libraries, etc.
  - Parks, plazas, courtyards and open space
- Discouraged Uses:
  - All industrial uses
  - Business parks
  - Single-family detached residences
- Required Infrastructure:
  - Access to gravity sewer.
  - Access to highway or a Class A or B thoroughfare or boulevard.
  - Minimum 8-foot sidewalk/trail.
- Open Space:
  - None; however, rooftop gardens, courtyards, plazas and other "people places" are encouraged.
- Recommended Density:
  - 16 dwelling units per acre and greater
- Green Principles:
  - High densities support mass transit.
  - Incentives should be provided for:
    - Use of National Association of Home Builders (NAHB) Green Standards.
    - Energy Star qualified buildings.
    - Green roofs and landscaped open and common spaces.
    - Bicycle and pedestrian connections to adjacent neighborhoods.
    - Enhanced pedestrian amenities including site furniture, trash receptacles, lighting, etc.
    - Transit oriented development (TOD).
- Cultural Principles:
  - Provides a distinctive housing choice
- Design Guidelines:
  - All developments must meet the minimum guidelines outlined on pages 45-46.
- Amenity Guidelines:
  - All new development projects must meet the minimum amenity guidelines outlined on page 42. Projects less than 50 dwelling units are not subject to these guidelines.

## Multi-Family Residential Design Guidelines

The following design guidelines apply to all new multi-family developments.

- Pedestrian walkways and sidewalks shall be a minimum of six-feet (6') wide.
- All pedestrian walkways shall be designed to provide direct access and connections to and between the following:
  - The primary entrance or entrances to each principal multi-family building;
  - To any sidewalks or walkways on adjacent properties that extend to the boundaries shared with the multi-family development;
  - Any adjacent commercial land uses, including but not limited to retail shopping centers, office buildings, restaurants, or personal service establishments; and
  - Any adjacent public park, greenway, or other public/semi-public use including but not limited to schools, libraries, churches, parks, etc.
- To the maximum extent feasible, garage entries, carports, parking areas, and parking structures shall be internalized in building groupings or oriented away from the arterial or collector street frontage.
- Provide distinctive, quality, consistent, architectural character and style in new multi-family development that avoids monotonous and featureless building massing and design.
- The maximum length of a multi-family residential building shall be 200 feet.
- No more than six (6) townhome units shall be attached in any single row.
- There should be a consistency in architectural style among multiple buildings within a development and surrounding area. Each building should have a definitive and consistent style. Mixing of various architectural styles on the same building or buildings dilutes the character of the area.
- All sides of a multi-family building shall display a similar level of quality and architectural interest. The majority of a building's architectural features and treatments shall not be restricted to a single façade.
- All building entries adjacent to an arterial, collector or local street or private drive with on-street parking shall be pedestrian-scaled. Pedestrian-scaled entries are those that provide an expression of human activity or use in relation to building size. Doors, windows, entrance-ways, and other features such as corners, setbacks, and offsets can be used to create pedestrian scale.
- Fronts of buildings should be articulated through the use of bays, insets, balconies, porches, or stoops related to entrances and windows.
- All multi-family building elevations shall contain windows, except when necessary to assure privacy for adjacent property owners. Windows should be located to maximize the possibility of occupant surveillance of entry-ways, recreation areas, and laundry areas.



## City-Wide Master Plan

UNIFIED GOVERNMENT OF WYANDOTTE COUNTY / KANSAS CITY, KANSAS





- On buildings where sloping roofs are the predominant roof type, each building shall have a variety of roof forms. For instance, a gable or hip configuration should be used with complimentary sheds, dormers, and other minor elements. Other roof forms will be considered on a case-by-case basis. On buildings where flat roofs are the predominant roof type, parapet walls shall vary in height and/or shape at least one every fifty-feet (50') of building wall length.
- Unity of design will be maintained through the use of similar materials and colors throughout all multi-family developments.
- High-quality building materials will be used that are durable, attractive, and have low maintenance requirements.
- For all multi-family buildings including duplexes, triplexes, fourplexes and townhomes, an amount equal to forty percent (40%) of the total net exterior wall area of each building elevation, excluding gables, windows, door, and related trim, shall be brick or stone. The balance of next exterior wall may be lap siding (excluding vinyl lap siding) and/or stucco.
- Exterior building materials **shall not** include the following:
  - Board and batten wood
  - Smooth-faced or gray concrete block
  - Painted concrete block
  - Tilt-up concrete panels
  - Field painted or pre-finished standard corrugated metal siding
  - Standard single or double tee concrete systems
  - Vinyl siding
- The rehabilitation of existing multi-family structures shall require the use of alternate materials subject to approval by the City Planning Commission.
- Predominant roof materials shall be high quality, durable material such as, but not limited to:
  - Wood shake shingles
  - Clay or concrete tiles
  - Composition shingles
  - Asphalt shingles
  - Other materials considered on a case-by-case basis
- Landscaping is required to screen all parking areas and service entries.



## 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**

|                                                                                                                                                                                           |  |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| <b>Small:</b>                                                                                                                                                                             |  |
| 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.                                                                                                 |  |
| <b>Regular:</b>                                                                                                                                                                           |  |
| 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.                                                                                               |  |

# DEVELOPMENT REVIEW COMMITTEE

Unified Government of Wyandotte County/ Kansas City, Kansas



## FIRE DEPARTMENT-FIRE PREVENTION DIVISION

815 North 6<sup>th</sup> St.  
Kansas City, Kansas 66101

(913) 573-5550  
(913) 551-0490 fax

### DEPARTMENTAL REQUIREMENTS AND RECOMMENDATIONS

DRC No. COZ2023-024/ MPL2023-012 Address: 5901 and 5945 Parallel Parkway

Development Name: CHRIS ELSEY Description: 192-unit apartment complex

STAFF ONLY : ☐ A ☐ A/C ☐ F & F ☐ H/C ☐ R/A

#### Ordinance Requirements:

Before this Department can approve the issuance of a building permit for the above-named project, the developer, owner or contractor must address / agree with the following requirements, stipulated by the Unified Government Ordinances, by signing this form.

**\*\*Aerial Truck lane(s) must be 26' min clear width and be located between 15' and 30' to an entire side(long side) of the building per Sec. D105.1, 2018 IFC for structures over 30' tall.**

**\*\*All portions of the ground floor of the building(s) must be within 150' of a code compliant access road per Sec.503.1.1, 2018 IFC**

**\*\*For multi-family residential developments more than 100 units(200 units sprinkled) two separate code compliant access roads must be provided separated by a distance equal to one-half the length of the maximum overall dimension of the property served per Sec. D106, 2018 IFC as amended**

**\*\*Provide a fire truck turning drawing based on the following data:**

|                                 |                                             |
|---------------------------------|---------------------------------------------|
| Length- 48'                     | Inside turn radius- 28 ft                   |
| Wheel base- 272.5 in.           | Wall to wall radius- 52.5 ft                |
| Front overhang- 96 in           | Curb to curb radius- 46 ft                  |
| Rear overhang-133.5 in.         | Minimum clearance(height between axles)-10" |
| Width- 84 in                    | Inside Cramp Angle- 40deg                   |
| Minimum departure angle-7.4 deg | Minimum approach angle-8.8 deg              |
| Max weight-84,000lbs            |                                             |

**NOTE: Items highlighted with (\*) must be addressed prior to departmental approval.**

**Harvey Fields** Digitally signed by Harvey Fields  
Date: 2023.09.06 09:40:21 -05'00'

9/6/2023

Attending DRC Member: \_\_\_\_\_

Date

I, \_\_\_\_\_, as \_\_\_\_\_ of the above referenced project, do hereby certify that I will comply with all of the above ordinance requirement(s), and give consideration to the recommendation(s) above.

Signature and Date

Contact Phone Number and Email Address

Mailing Address, City, State, and Zip Code

The neighborhood meeting can be held by the following:

1. In person; or,
2. Virtual Meeting.

The deadline for the neighborhood meeting is **January 29, 2024 and on January 31, 2024** you are required to send your information to Janet L. Parker, CSC/APC, Executive Assistant, either by email ([jparker@wycokck.org](mailto:jparker@wycokck.org)) or U.S. mail (Department of Urban Planning and Land Use, 701 North 7<sup>th</sup> Street, Suite 423, Kansas City, Kansas 66101):

1. List of people who participated in your in-person, Zoom, Teams or Skype meeting (if you were able to hold one.)
2. List of people who contacted you with questions and comments – please document their names and questions/comments.
3. Signed and notarized affidavit that you held the meeting.

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## **KEY ISSUES**

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Transit Enhancement  
Traffic  
City-Wide Master Plan Multi-Family Design Guidelines  
Pedestrian Connectivity  
Fire Access  
Landscaping, Screening and Buffering

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## **STAFF COMMENTS AND SUGGESTIONS**

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### **Planning and Urban Design Comments:**

#### **General Planning:**

1. As part of this rezoning/preliminary development plan request, the following plans need to be provided for review:
  - a. Preliminary Engineering
    - i. Stormwater Drainage Calculations
      1. Gross detention calculations for 100-year storm;  
**Detention waived**
      2. Stick map with proposed location and routing;  
**Provided**
      3. Indicate the tie in point to the existing system;  
**Provided**
      4. Information on any portion of the system that is not gravity flow;  
**N/A**
    - ii. Street layout with preliminary line and grade over proposed grading  
**Provided**
    - iii. Sewer layout (stick map) with location and routing to the existing system;  
**Provided**
    - iv. Any plans for sewer system other than a gravity system;  
**N/A**
    - v. Water and electric are design by the Board of Public Utilities;
    - vi. Reference the following documents:
      1. TECHNICAL PROVISIONS AND STANDARD DRAWINGS

MINIMUM DESIGN STANDARDS FOR SANITARY  
SEWERS.

- b. Traffic and pedestrian circulation system, including the location and width of all streets, driveways, entrances to parking areas and structures, walkways, and bicycle paths;  
**Provided**
  - c. Preliminary architectural elevations of proposed structures and an initial list of proposed building materials;  
-----
  - d. A conceptual landscape and screening plan that includes basic sizes and quantities; and,  
**Further information to be provided.**
  - e. Preliminary drainage and erosion control information sufficient to meet Unified Government requirements.  
**Provided**
2. Because this is a planned district and multiple parcels are involved in this development, a Final Development Plan and Final Plat is required to be submitted prior to obtaining a building permit. Final architectural and civil drawings are required to be submitted at such time.
3. 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.  
**Design meets this requirement**
4. To comply with the Multi-Family Residential Design Guidelines, parking should be internal to the development when fronting along arterials and collectors. Buildings should face Parallel Parkway and Meadowlark Lane and internalize the parking lots.  
**Design meets this requirement to the extent that it was feasible**
5. Per the Multi-Family Residential Design Guidelines, pedestrian walkways and sidewalks shall be a minimum of six (6) feet wide.  
**Sidewalks/walkways are all 6'+**
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.  
**Provided**
7. Add sidewalks for enhanced pedestrian connectivity to the rear, ground floor apartment units to the sidewalk network within the development.  
**Provided**
8. With the apparent grade change and stairs, show ADA sidewalk access from the western two (2) apartment buildings and the four (4) apartment buildings to the east.  
**Provided**

9. Construct a sidewalk connecting the northeast corner of the development to the southwest corner of the Parallel Parkway and Meadowlark Lane intersection of pedestrian and transit connectivity.  
**Provided**
10. 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).  
-----
11. What on-site amenities will be provided as part of this development? Three (3) amenities, two (2) regular and one (1) small are required.  
**Reduced unit count also reduced the required amenities, however, there are still 3 provided – 1) Clubhouse 2) Pool 3) Picnic Area**
12. Install bike racks at high trafficked nodes (clubhouse and site amenities).  
**Provided**
13. Show the transit stop in front of the property on the site plan – southwest corner of Parallel Parkway and Meadowlark Lane intersection. A bus shelter and bench may be warranted. Further discussion with KCATA is necessary. Contact  
  
**Location provided - further coordination with director of transportation needed**



Deasiray Bush, Director of Transportation at (913) 573-8312 or [dbush@wycokck.org](mailto:dbush@wycokck.org).

- a. The current bus stop south of Parallel Parkway does not have a pickup loop and could easily be removed and redesigned.
14. All existing and future driveways must feature curb cuts that are constructed to UG standards.  
**Provided**
15. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by [info@wycokck.org](mailto:info@wycokck.org) to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly.
16. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620.
17. A Pre-Construction meeting is required for any improvements to public infrastructure upon the approval and issuance of a Development Review Committee (DRC) Permit. Any improvements to, construction or alteration of: sanitary systems, stormwater systems, public or private streets, sidewalks, or other public infrastructure will require a pre-construction meeting with the Department of Public Works. The applicant is required to contact the County Engineer at (913) 573-5400 or by [info@wycokck.org](mailto:info@wycokck.org) prior to construction to arrange this meeting.
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) 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.

#### **Building Architecture:**

1. Provide building elevations and proposed materials for the clubhouse. Due to its proximity to Meadowlark Lane, make the clubhouse appear like a single-family home to match the adjacent neighborhood. Such design helps with the transition from the single-family neighborhood to the south and the multi-family development. **Will be sent upon completion.**
2. Per the City-Wide Comprehensive Plan Multi-Family Residential Design Guidelines, to the maximum extent feasible, garage entries, carports, parking areas, and parking structures shall be internalized in building groupings or oriented away from the arterial or collector street frontage. **Provided**

3. Per the City-Wide Comprehensive Plan Multi-Family Residential Design Guidelines, all sides of a multi-family building shall display a similar level of quality and architectural interest. A building's architectural features and treatments shall not be restricted to a single façade.  
The rear elevations should have "front" entries, similar to the front elevation.  
**Provided**
4. Per the City-Wide Master Plan Multi-Family Residential Design Guidelines, all multi-family buildings including duplexes, triplexes, fourplexes and townhomes, an amount equal to forty percent (40%) of the total net exterior wall area of each building elevation, excluding gables, windows, doors, and related trim, shall be brick or stone. The balance of next exterior wall may be lap siding (excluding vinyl lap siding) and/or stucco. Provide a table citing the percentage breakdown for each façade for each building type and revise accordingly to ensure that 40 percent of each façade is indeed stone or brick.  
**Noted**
5. Emphasis on the change in window patterns on the top floor that is different from all other floors helps break up the façade.  
**Provided**
6. Vinyl siding is not a permitted exterior building material per the City-Wide Master Plan Multi-Family Residential Design Guidelines.  
**Noted**
7. 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.  
**Provided**

#### **Landscaping and Screening:**

1. Sec. 27-460(f) trees are required at not less than one (1) tree per 4,500 square feet of site area.  
**=65 Trees – 65+ provided**
2. 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.  
**Noted, complete conforming landscape plan to be provided. Current plan provides necessary space for all required trees and buffer.**
8. Maintain the ridgelines, existing topography, and vegetation along the perimeter of the property, as these natural features will screen the apartments from the single-family home abutting to the west, behind the apartment building, to the east and south from the existing single-family homes.  
**Provided to the maximum extent feasible**
9. Provide a site line section between the multi-family apartments and the single-family homes.  
**Provided**

- 
10. One (1) street tree shall be provided per 30 feet of frontage along a major street. North 59<sup>th</sup> Street and Parallel Parkway shall have street trees planted along the sidewalk.  
**Provided**
  11. Landscaping and landscape beds, commons spaces and amenities shall be irrigated.  
**Noted. Irrigation plan will be provided at time of final landscape plan.**
  12. Parking lot islands shall be curbed and landscaped.  
**Provided**
  13. 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

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evergreens shall be at least six (6) feet when planted. All shrubs shall be five (5) gallons when planted.

**Noted, plant schedule will reflect.**

14. Lighting cannot exceed one (1) footcandle at the property line.

**Noted.**

15. Interior parking lots lights shall have 90-degree cutoff fixtures.

**Noted.**

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. Rooftop mechanical equipment shall be screened from public view by an architectural screen.

17. All electrical meter banks, typically on the side of the building shall be screened from public view.

18. The privacy fence abutting the single-family residences shall have masonry columns installed every 32 feet running.

**Provided**

19. 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.

**Provided**

20. 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. Fence pickets shall be installed two (2) feet off the ground and have adequate clearance to open gate door 180° and have 10 feet of 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 slats fences, customers shall install a minimum of four (4) inch slats and have four (4) inches of space between each slat.
- e. Customers must take into account 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 into account the growth of saplings).
- f. Pad must have a minimum clearance of six (6) feet on each, six (6) feet on the back and five (5) feet on the front allowing for 10 feet on the front when gate doors open.

#### **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](mailto:signpermits@wycokck.org) to begin this process.



# THE PRIME COMPANY®

## 5901 Parallel Parkway Neighborhood Meeting Minutes

Application # CO22023-024

Date: 9/20/2023

Location: Eisenhower Recreation Center - Multipurpose Room  
2901 N 72nd St, Kansas City, KS 66109

Names of  
People  
in Attendance:

- Josh Adrian
- Edna Ventura
- Victor Victor
- Wilburt Horton
- Claudia Horton
- Frenchye Hooks
- Dennis Wilcox
- Patricia Townsend
- Winnie Ayers
- Jared Baugh
- Chris Bruce
- Theresea Walter
- C Poole
- Dwayne MCFedors
- Dr Valdenia Winn
- Daniel G
- Mark Curry
- Marsha Curry
- Doug Clements

Pages 2-3 Letter of Notification of Meeting  
Pages 4-21 Copy of Presentation  
Pages 22-23 Summary of Discussion  
Pages 24-26 Follow-up Emails from neighborhood meeting





5901 Parallel Parkway  
Meeting Minutes  
9/21/2023

Here is the detailed overview of the recent neighborhood meeting held to discuss the proposed apartment complex project situated at 5901 Parallel Parkway in Kansas City, Kansas. The gathering, spearheaded by Josh Adrian, Vice President of Development for The Prime Company, aimed to foster transparency, address concerns, and solicit community input regarding this significant urban development endeavor.

The meeting commenced with a comprehensive presentation by Mr. Adrian, offering attendees valuable insights into The Prime Company's extensive track record of successful projects nationwide. Through illustrative examples and detailed descriptions, participants gained a comprehensive understanding of the company's ethos and commitment to excellence in urban development.

Central to the presentation was an in-depth overview of the proposed project at 5901 Parallel Parkway. Mr. Adrian provided attendees with a comprehensive breakdown of the project's scope, encompassing crucial elements such as the site plan, unit mix, and architectural renderings. Of particular significance was the delineation of the project as an affordable housing initiative, facilitated through the utilization of the state's Low-Income Housing Tax Credit (LIHTC) program.

Following the presentation, attendees were afforded the opportunity to engage in a meaningful dialogue, voicing their inquiries, concerns, and suggestions regarding the proposed development. During the neighborhood meeting convened to discuss the proposed apartment complex, residents exhibited a commendable level of engagement, particularly concerning the project's affordability aspect. The discourse predominantly centered on inquiries regarding tenant demographics, screening protocols, and the potential acceptance of Section 8 vouchers.

Residents articulated genuine concerns about the prospective composition of the tenant pool, emphasizing the importance of implementing robust screening mechanisms to ensure compatibility with the neighborhood's socio-economic fabric. Their queries underscored a collective commitment to upholding community standards and fostering a harmonious living environment.

Some residents expressed concern about whether the property would allow any non-US Citizens to live at the Apartments. They cited current news stories in other cities of immigrants who are not able to work moving into areas and burdening the city/neighborhood.

Of notable significance was the discussion surrounding the accommodation of Section 8 vouchers, the dialogue showcased apprehension regarding the potential ramifications of non-working individuals residing within the neighborhood. Residents expressed a shared sentiment regarding the need to mitigate perceived risks associated with crime and social disorder, underscoring the paramount importance of upholding community safety and cohesion.

Furthermore, deliberations extended to the practical feasibility of construction on the designated site, characterized by its unique topographical challenges, including slopes and subterranean rock formations. Insights shared by attendees regarding past development endeavors underscored the necessity for meticulous planning and consideration of geological factors.

Integral to the discourse was an exploration of the operational intricacies of the LIHTC program, coupled with an examination of the legislative landscape governing affordable housing initiatives. Attendees exhibited a commendable level of engagement and curiosity, seeking clarity on the programmatic nuances and policy dynamics shaping the proposed project.

In culmination, Josh Adrian of The Prime Company shared a list of questions he had been unable to answer for the residents that he was going to investigate and answer via email in the coming weeks. The meeting was approximately 1.5 hours, and encapsulated an array of perspectives and concerns, mainly focused on who will be living in the neighborhood

**AFFIDAVIT – NEIGHBORHOOD MEETING**

STATE OF KANSAS )  
 ) SS:  
COUNTY OF WYANDOTTE )

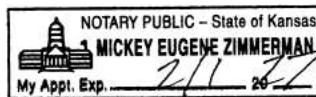
Comes now JOSH ADRIAN, of lawful age, sound mind and open his/her oath states as follows:

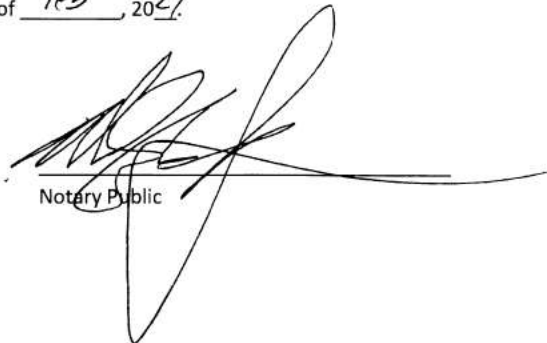
1. That I am the petitioner for Petition # CO22023-024
2. That I conducted a neighborhood meeting on 9/28/2023.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

  
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 27 day of Feb, 2024.  
My commission expires 1st of Feb, 2027.



  
Notary Public





















**Figure 4. Site photograph of 5901 Parallel Parkway looking southeast on Parallel Parkway (provided by Planning Staff).**



**Figure 5. Site photograph of 5901 Parallel Parkway looking south from Parallel Parkway (provided by Planning Staff).**





**Figure 6. Site photograph of 5901 Parallel Parkway looking south from North 59<sup>th</sup> Street (provided by Planning Staff).**



**Figure 7. Site photograph of 5901 Parallel Parkway looking southwest from North 59<sup>th</sup> Street (provided by Planning Staff).**



## Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

**To:** Unified Government Board of Commissioners

**From:** Planning and Urban Design Staff

**Date:** April 25, 2024

**Re:** **Preliminary Plan Review Petition PR2024-003 and  
Master Plan Amendment Petition MPL2024-001**

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### GENERAL INFORMATION

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**Applicant:**

Curtis Petersen

**Status of Applicant:**

Representative  
Polsinelli PC  
900 West 48<sup>th</sup> Place, Suite 900  
Kansas City, MO

**Requested Action:**

Approval of a Preliminary Plan Review and 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 a Preliminary Plan Review to develop a 174-unit apartment building.

**Commission Districts:**

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



|                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                 |
|---------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|
| <b>Existing Zoning:</b>         | RP-5 Planned Apartment District                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                 |
| <b>Adjacent Zoning:</b>         | <b>North:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | R-2 Two-Family District         |
|                                 | <b>South:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | C-3 Commercial District         |
|                                 | <b>East:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | RP-5 Planned Apartment District |
|                                 | <b>West:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | RP-5 Planned Apartment District |
| <b>Adjacent Uses:</b>           | <b>North:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Single-family residence         |
|                                 | <b>South:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Commercial Buildings            |
|                                 | <b>East:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Single-family residence         |
|                                 | <b>West:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Mobile home park                |
| <b>Total Tract Size:</b>        | 8.94 Acres                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                 |
| <b>Master Plan Designation:</b> | <p>The PlanKCK Comprehensive Plan designates the subject property as Medium Density Residential, which allows for garden-style apartments, townhouses, duplexes, and fourplexes.</p> <p>The applicant is seeking a Master Plan Amendment to High-Density Residential, which allows for mid-rise and high-rise apartment buildings.</p>                                                                                                                                                                                                                                                   |                                 |
| <b>Major Street Plan:</b>       | The goDotte County-Wide Mobility Plan designates North 59 <sup>th</sup> Street as a Local Street.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                 |
| <b>Parking Requirement:</b>     | <p>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 64 one (1) bedroom units, 48 two (2) bedroom units and 62 three (3) bedroom units, which requires 316 parking spots. The appellant is proposing to provide 268 parking spots, a violation of 48 parking spaces. The applicant has been granted a variance via BOZA2023-051 for a violation of 58 spaces.</p> |                                 |
| <b>Public Hearings:</b>         | March 11, 2024, April 8, 2024, and April 25, 2024                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                 |
| <b>Letters of Support:</b>      | There was one (1) person present in support at the April 8, 2024, City Planning Commission meeting.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                 |
| <b>Letters of Opposition:</b>   | Staff has received letters in opposition and opposition has appeared at both Planning Commission meetings.                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                 |

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## PROPOSAL

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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 174-unit apartment building at 1300 North 59<sup>th</sup> Street.

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

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## RELATED ENFORCEMENT AND ACTION ITEMS

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### Noise or Disturbance Complaints:

1. There have been 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 – Approved
2. 2023 – PR2023-034 – Preliminary Plan Review – Denied
3. 2023 – MPL2023-017 – Master Plan Amendment - Denied

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## FACTORS TO BE CONSIDERED

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### 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, which has been zoned such since 1984 and H-Apartment District prior to that.

- 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. With that said, there are potential conflicts with the immediate existing residences surrounding the subject property.

**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. The proposed use, however, may have considerable impact on nearby property if it is not managed properly and if adequate public infrastructure improvements to serve this development are not implemented.

**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 174 apartment units of varying unit types (including one-, two-, and three-bedroom units) in close proximity to a major mixed-use and transit corridor. In contrast, however, there is the potential for conflict with the proposed use versus the existing single-family uses on North 59<sup>th</sup> Street.



## **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 an increase in traffic along North 59<sup>th</sup> Street, with counts taken and projected at the intersections of Richmond and Meadowlark as well as 59<sup>th</sup> & 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. Staff as well as nearby property owners have great concern with the potential traffic along North 59<sup>th</sup> Street, especially if North 59<sup>th</sup> Street is not adequately improved. Applicant is currently showing a sidewalk connection via 59<sup>th</sup> Place which ties into State Avenue as well as improvements to 59<sup>th</sup> Street.

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

The PlanKCK 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 proposing 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 and the inclusion of substantial improvements to North 59<sup>th</sup> Street, the proposed use is capable of meeting applicable ordinance requirements.

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**PREVIOUS ACTIONS**

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- Approval of a Variance (BOZA2023-051) from minimum parking requirements in the RP-5 Apartment District in 2023.
- Denial of a Master Plan Amendment (MPL2023-017) from Medium-Density Residential to High-Density Residential in 2024.
- Denial of a Preliminary Development Plan (PR2023-034) to construct a 180-unit apartment complex in 2024.

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**NEIGHBORHOOD MEETING**

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The applicant held a neighborhood meeting on February 21, 2024. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

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## KEY ISSUES

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Building Facades  
Internal Pedestrian Circulation  
Landscaping and Buffering  
Lighting  
Multi-Family Design Guidelines  
Neighborhood Character  
Preservation of Natural Terrain  
Sidewalks  
Trash Enclosures  
Traffic  
Upgrades to North 59<sup>th</sup> Street

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## PLANNING COMMISSION RECOMMENDATION

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The Planning Commission voted 6 to 3 to recommend **APPROVAL** of Master Plan Amendment MPL2024-001 and Plan Review Application PR2024-003, subject to:

1. **Public improvements to the roadway, curb and gutter on North 59<sup>th</sup> Street extend and tie into existing infrastructure at State Avenue;**
2. **A pedestrian pathway shall be installed along North 59<sup>th</sup> Place or North 59<sup>th</sup> Street as a part of the proposed plan;**
3. **A six (6) foot tall fence shall be installed along the entire Southern property line and along the Northern property line not included in the open space easement, to provide additional screening to those abutting properties. The southern fence that abuts the commercially zoned property shall meet the design guidelines for commercial screening;**
4. **An open space easement shall be recorded as to preserve as much of the existing tree stand and existing elevation as possible as noted in the Landscape Plan (Sheet L1);**
5. **The applicant shall provide funding for traffic calming best practices along North 59<sup>th</sup> Street as determined in their subsequent development agreement;**
6. **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;**
7. **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;

8. 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;
9. 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;

10. 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;
  11. Landscaping shall be irrigated;
  12. 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;
13. 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;
  14. Interior parking lots lights shall have 90-degree cutoff fixtures;
  15. All downspouts on the buildings shall be located at corners, where possible, and painted to match the building;
  16. Bike racks should be provided throughout the site to allow for bike storage.
  17. The design layout shall preserve as much of the existing tree stand and existing elevation as possible;
  18. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by [buildinginspection@wycokck.org](mailto:buildinginspection@wycokck.org) to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;

19. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or [signpermits@wycokck.org](mailto:signpermits@wycokck.org) to begin this process;
20. 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;
21. All existing and future driveways must feature curb cuts that are constructed to UG standards;
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. 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;
24. A Right-of-Way Permit is required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by [info@wycokck.org](mailto:info@wycokck.org) to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
25. A Pre-Construction meeting is required for any improvements to public infrastructure upon the approval and issuance of a Development Review Committee (DRC) Permit. Any improvements to, construction or alteration of: sanitary systems, stormwater systems, public or private streets, sidewalks, or other public infrastructure will require a pre-construction meeting with the Department of Public Works. The applicant is required to contact the County Engineer at (913) 573-5400 or by [info@wycokck.org](mailto:info@wycokck.org) prior to construction to arrange this meeting;
26. 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;



27. 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.
- a. 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; and,
28. 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.

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## STAFF COMMENTS AND SUGGESTIONS

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Staff concurs with the recommendation of the City Planning Commission.

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## STAFF RECOMMENDATION

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Staff recommends that the Board of Commissioners concur with the findings contained within the staff report related to *Factors to be Considered* and *Key Issues* and recommends **APPROVAL** of Petitions **PR2024-003** and **MPL2024-001** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

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## ATTACHMENTS

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April 8, 2024 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  
Site Photos, Taken by Staff, Dated February 9, 2024  
Letters in Opposition

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## REVIEW OF INFORMATION AND SCHEDULE

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| <u>Action</u>            | <u>City Planning Commission</u>                          | <u>Unified Government Board of Commissioners</u> |
|--------------------------|----------------------------------------------------------|--------------------------------------------------|
| Public Hearing<br>PR/MPL | March 11, 2024<br>HELD OVER<br>April 8, 2024<br>Approval | April 25, 2024                                   |

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

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## MOTIONS

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### Master Plan Amendment

I move the Unified Government Board of Commissioners **APPROVE** Petition **MPL2024-001** 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 **MPL2024-001**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

**Preliminary Plan Review**

I move the Unified Government Board of Commissioners **APPROVE** Petition **PR2024-003** 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 **PR2024-003**, 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.

**April 8, 2024, City Planning Commission Minutes:**

**Hearing starts at 3:13:30:**

Secretary Parker stated that two (2) people requested a Spanish interpreter, and Jason Faust is present in the Commission Chamber. There was one (1) person on-line and one (1) person in the Commission Chamber that needed the interpreter.

**PLAN REVIEW APPLICATION PR2024-003 – CURTIS PETERSON - SYNOPSIS:**

Preliminary Development Plan to construct a 174-unit garden apartment complex at 1300 North 59<sup>th</sup> Street.

**MASTER PLAN AMENDMENT APPLICATION MPL2024-001 – CURTIS PETERSON -**

**SYNOPSIS:** Master Plan Amendment from Medium-Density Residential to High-Density Residential (PlanKCK Comprehensive Plan) to construct a 174-unit garden apartment complex at 1300 North 59<sup>th</sup> 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 at 174-unit apartment building at 1300 North 59<sup>th</sup> Street.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated April 8, 2024;
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. Letter in opposition from Valerie Webb at 1325 North 59<sup>th</sup> Street.

Recording Secretary Parker stated that these applications were held over from last month's meeting for another neighborhood meeting to be held that complied with the 14-day notification requirement. She further stated that the testimony from last month's meeting is part of the record, and the Commission should hear what is new from the neighborhood meeting.

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 48<sup>th</sup> Place, Suite 900, Kansas City, Missouri, representing Marian Development Group
- Monica Breede, Senior Director, WYEDC, 727 Armstrong Avenue, Kansas City, Kansas 66101

The Planning Commission directed questions to the applicant.

Present in Opposition:

- Gene Holland, 1325 North 59<sup>th</sup> Street, Kansas City, Kansas 66104 (He showed a video from his car driving 59<sup>th</sup> Street)
- Betsy Rivas, 1241 North 59<sup>th</sup> Street, Kansas City, Kansas 66104 (she stated that the interpreter was for her parents so he can stop now.) (No one in the Commission Chamber indicated that they still needed an interpreter.)
- Vicki Owens, 1233 North 59<sup>th</sup> Street, Kansas City, Kansas 66104
- Nick Rodina, 1204 North 59<sup>th</sup> Street, Kansas City, Kansas 66104

Mr. Petersen responded to the questions by those in opposition.

The Planning Commission directed questions to those in opposition, the applicant and Director Hand.

**Staff Recommendation starts at Recording 2 – 10:30:** Planning Director Hand stated that this case was held over for 30 days for a second neighborhood meeting to be re-

noticed and conducted. This plan review is in conjunction with a Master Plan Amendment for medium density housing to high-density residential. The property is in the PlanKCK area in the Midtown neighborhood. Staff received some support and opposition on this application. There are no Notices of Violation currently on this property. Staff recommends approval with conditions, including following the Multi-Family Design Guidelines, the street improvements as noted, sidewalk connection, landscaping and screening enhancements on the north and south property lines. Staff also recommends approval of one (1) deviation. One of the amenities that the applicant is providing is smaller than the standard set out for a large amenity, specifically for the size of the playground. He further stated that he would note in relation to the other conditions of approval, the applicant has made requests to change, Staff agrees with changing Conditions #2 and #15. He would put condition #1 back to the Commission to make that determination, which would require some legal clarification. Director Hand stated that the way he understands the request is that if the condition as amended by the applicant moves forward, if the applicant could not acquire sufficient right-of-way easements, they would not be held to making the roadway improvement and could still proceed with the rest of the project. If it is kept the way that it is and they could not obtain the required easements, it would either nullify the approval, they would have to come back to change that condition of approval before moving forward or it would require the Unified Government to go through the eminent domain process.

Legal Counsel Conway stated that he has some concern with the wording in Condition No. 1 regarding acquiring the easements. He doesn't think that it forces the Unified Government to consider the eminent domain process.

Chairman Carson directed questions to Mr. Peterson concerning the wording being proposed. Mr. Peterson stated that the proposed wording revising Condition #1 can be removed.

The Commission directed questions to Director Hand.

**Motion starts at 19:40:**

On motion by Mr. Straws, seconded by Mrs. Jones, the Planning Commission voted as follows to recommend **APPROVAL of Master Plan Amendment MPL2024-001:**

|            |             |
|------------|-------------|
| Carson     | Chairman    |
| Ward       | Aye         |
| Armstrong  | Not Present |
| Beth       | No          |
| Easterwood | Aye         |
| Ernst      | No          |
| Jones      | Aye         |
| Miller     | Aye         |
| Mohler     | Aye         |
| Schwartz   | No          |
| Straws     | Aye         |



Subject to:

1. Public improvements to the roadway, curb and gutter on North 59<sup>th</sup> Street extend and tie into existing infrastructure at State Avenue;
2. **A pedestrian pathway shall be installed along North 59<sup>th</sup> Place or North 59<sup>th</sup> Street as a part of the proposed plan;**
3. A six (6) foot tall fence shall be installed along the entire Southern property line and along the Northern property line not included in the open space easement, to provide additional screening to those abutting properties. The southern fence that abuts the commercially zoned property shall meet the design guidelines for commercial screening;
4. An open space easement shall be recorded as to preserve as much of the existing tree stand and existing elevation as possible as noted in the Landscape Plan (Sheet L1);
5. The applicant shall provide funding for traffic calming best practices along North 59<sup>th</sup> Street as determined in their subsequent development agreement;
6. 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;
7. 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;
8. 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;
9. 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;**

10. 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;
  11. Landscaping shall be irrigated;
  12. 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;
13. 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;
  14. Interior parking lots lights shall have 90-degree cutoff fixtures;
  15. All downspouts on the buildings shall be located at corners, where possible, and painted to match the building;
  16. Bike racks should be provided throughout the site to allow for bike storage.
  17. The design layout shall preserve as much of the existing tree stand and existing elevation as possible;
  18. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by [buildinginspection@wycokck.org](mailto:buildinginspection@wycokck.org) to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
  19. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or [signpermits@wycokck.org](mailto:signpermits@wycokck.org) to begin this process;
  20. 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;
  21. All existing and future driveways must feature curb cuts that are constructed to UG standards;
  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. 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;
24. A Right-of-Way Permit is required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by [info@wycokck.org](mailto:info@wycokck.org) to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
  25. A Pre-Construction meeting is required for any improvements to public infrastructure upon the approval and issuance of a Development Review Committee (DRC) Permit. Any improvements to, construction or alteration of: sanitary systems, stormwater systems, public or private streets, sidewalks, or other public infrastructure will require a pre-construction meeting with the Department of Public Works. The applicant is required to contact the County Engineer at (913) 573-5400 or by [info@wycokck.org](mailto:info@wycokck.org) prior to construction to arrange this meeting;
  26. 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;
  27. 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.
    - a. 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; and,
  28. 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.

On motion by Mr. Straws, seconded by Mrs. Jones, the Planning Commission voted as follows to recommend **APPROVAL of Plan Review Application**

**PR2024-003:**

|            |             |
|------------|-------------|
| Carson     | Chairman    |
| Ward       | Aye         |
| Armstrong  | Not Present |
| Beth       | No          |
| Easterwood | Aye         |
| Ernst      | No          |
| Jones      | Aye         |
| Miller     | Aye         |
| Mohler     | Aye         |
| Schwartz   | No          |
| Straws     | Aye         |

Motion to recommend APPROVAL Passed: 6 to 3

Subject to the above conditions.



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## ATTACHMENTS

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### AERIAL IMAGERY

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### ZONING MAP

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## LAND USE MAP



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## APPLICANT RESPONSE TO STAFF COMMENTS

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Department of Planning + Urban Design

February 26, 2024

**Re: Multi-Family Development, 1300 N. 59<sup>th</sup> St., KCKS 66102  
Comment Response Letter-MPL2024-001, & PR2024-003**

Dear City Planning Commission,

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: There was significant concern during the previous submittals regarding capacity of the roadway, pedestrian safety, and number of units. How has the applicant demonstrated that they have addressed these issues with their resubmittal.

- a) Regarding the number of units, why was the number reduced by only six (6) units?
- b) Why were different unit types, those more consistent with the immediate neighborhood not considered?

**Response:** The Developer is proposing to improve the approximate 800 feet of N. 59<sup>th</sup> Street that is adjacent to the subject property, by proposing a pavement width with curb and gutter of 23 feet. The Developer is also willing to assist with addressing the neighborhood's existing issue with speeding vehicles on N. 59<sup>th</sup> Street by installing traffic calming measures just north of the subject property. The Developer is also willing to provide a sidewalk along N. 59<sup>th</sup> Place to provide safe pedestrian friendly access to the Ride KC bus stop on State Avenue.

Comment 2: Provide an updated Traffic Impact Study to reflect changes to the proposed plan.

**Response:** See attached traffic study memorandum.

Comment 3: In the interest of maintaining and preserving neighborhood character, the applicant shall place the taller buildings closer to the Southern property line as to allow for a smoother transition to the single-family uses located to the north.

**Response:** The subject property is located within the Coronado Statistical Neighborhood, the Leavenworth Road Association and the Coronado Ridge Neighborhood Group. The neighborhood consists of a diversity of uses, including single-family residences, multi-family residences, commercial uses and institutional uses. With regard to the one single-family home located to the north of the subject property, the Developer has taken care to provide a significant buffer and setback to the northern property line. All buildings proposed present as 3-story buildings to the north.

Comment 4: Per comments from nearby property owners, a fence that is six (6) foot in

9/27/2024 1:11 PM

height shall be installed along the North and Southern property lines. Preferably, this fence shall have masonry columns every 32 feet.

**Response:** The Developer does not believe that such fencing would serve a functional purpose. In the northwest corner of the site, the Developer is proposing to maintain the existing, mature tree stand. In the northeast corner of the site, the Developer is providing four tiers of retaining walls between the building and the northern property line. The southern property line is shared with industrial uses.

**Comment 5:** Are there plans to upgrade North 59th Street? If so, will these upgrades extend down to State Avenue? Staff suggests that any improvements should extend to State Avenue, due to previously mentioned concerns.

**Response:** The Developer is proposing to improve the approximate 800 feet of N. 59<sup>th</sup> Street that is adjacent to the subject property, by proposing a pavement width with curb and gutter of 23 feet.

**Comment 6:** The design layout shall preserve as much of the existing tree stand and existing elevation as possible. Additionally, an open space easement shall be recorded.

**Response:** Acknowledged. See Plan Sheet L1 showing the tree preservation area.

**Comment 7:** Per the Multi-Family Residential Design Guidelines:  
a) Pedestrian walkways and sidewalks shall be a minimum of six-feet (6') wide.

**Response:** Acknowledged.

b) All pedestrian walkways shall be designed to provide direct access and connections to and between the following:

**Response:** Acknowledged.

i) The primary entrance or entrances to each principal multi-family building; and,

**Response:** Acknowledged.

ii) To any sidewalks or walkways on adjacent properties that extend to the boundaries shared with the multi-family development.

**Response:** Not applicable.

**Comment 8:** 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. See Plan Sheet C1 for location of painted parking lot crossings.



## Kimley»Horn

Comment 9: 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.

**Response:** Acknowledged. This equates to 87 trees required and the submitted plans show 87 trees provided on sheet L1-L3.

Comment 10: 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. These trees and shrubs should be concentrated on the 59th Street Frontage.

**Response:** Acknowledged. Landscape plan shows 86 Shade Trees with 22 additional Shade Trees and 180 Shrubs. Significant concentration of shade trees and shrubs along 59th Street is provided. See sheet L1-L3

Comment 11: 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. See Plan Sheet L1-L3 for locations of plantings along eastern frontage.

Comment 12: Landscaping shall be irrigated.

**Response:** Acknowledged.

Comment 13: 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. Provided in lower level of building #1.

Comment 14: 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.

Comment 15: Interior parking lots lights shall have 90-degree cutoff fixtures.

**Response:** Acknowledged.

Comment 16: All trash and recycling receptacles shall be enclosed on all sides with an

9/25/2024 1:11



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.

**Response:** Acknowledged. Trash enclosure screening is provided.

Comment 17: Per the Multi-Family Design Guidelines, all downspouts on the buildings shall be internalized.

**Response:** The multi-family design guidelines do not require that all downspouts on the buildings be internalized. The downspouts will be located at corners, where possible, and will painted to match the building.

Comment 18: Bike racks should be provided throughout the site to allow for bike storage.

**Response:** Acknowledged. Sheet C1 shows at least 1 bike rack proposed for each building.

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](mailto:Tyler.Wysong@Kimley-Horn.com)

9/25/2024



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:

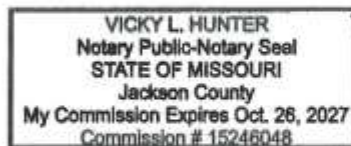
1. That I am the agent for petitioner for Petition #PR2024-003 and MPL2024-001.
2. That I conducted a neighborhood meeting on February 21, 2024.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Planning + Urban Design Department.

Further affiant saith not.

  
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 28<sup>th</sup> day of February, 2024.

My commission expires 26<sup>th</sup> of October, 2027



  
Notary Public

February 21, 2024 Neighborhood Meeting  
Marian Development – KCK Multi-Family Project  
1300 N. 59<sup>th</sup> Street

**Attendance:**

Shelby Miles, Marian Development  
Tyler Skaggs, Marian Development  
Arrin Tieben, Kimley-Horn (Engineer)  
Tyler Wysong (Kimley-Horn (Engineer)  
Curtis Petersen – Polsinelli PC  
Amy Grant – Polsinelli PC  
Vicki Owens - Resident  
Valerie Webb - Resident

The meeting began at approximately 6:15 p.m. The development team introduced themselves and briefly explained that the primary focus of the revised plan is to address concerns related to public infrastructure.

**N. 59<sup>th</sup> Street Improvements**

Mr. Petersen explained that the Developer is proposing to: (a) improve the approximate 800 feet of N. 59<sup>th</sup> Street that is adjacent to the subject property, by constructing an additional pavement, including curb and gutter, for a total street pavement width of 21 feet; (b) assist with addressing the neighborhood's existing issue with speeding vehicles on N. 59<sup>th</sup> Street by installing traffic calming measures just north of the subject property; and (c) willing to provide a sidewalk along N. 59<sup>th</sup> Place to provide safe pedestrian friendly access to the Ride KC bus stop on State Avenue.

Mr. Petersen provided examples of the following options: (i) speed limit flashing notification sign; (ii) sign warning of speed bump/hump ahead with reduced speed limit; (iii) and sign warning of driveway intersection ahead. Mr. Petersen also explained the difference between a speed hump and speed bump.

In general, Ms. Owens and Ms. Webb indicated that they did not believe that the speed limit flashing sign would be effective as people tend to ignore signage. They also indicated that they would visit with the other neighbors in the area, who were unable to attend the meeting, to gauge the interest of having a speed hump or speed bump along N. 59<sup>th</sup> Street.

**STORMWATER**

Ms. Owens expressed concerns that there are existing drainage issues in this area, including water occasionally backing up onto 59<sup>th</sup> Street.

The development team indicated the proposed project will help fix this issue as it will replace the current broken stormwater pipe situated on the Rodina property.

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**Development Plan**

There was a brief discussion about the overall size of the project and why single-family homes would not be feasible for the subject property. Both residents expressed that they still object to the overall size of the proposed project.

The meeting concluded at approximately 7:45 p.m.

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February 9, 2024

**SUBJECT: Neighborhood Meeting**

Marian Group – 1300 N. 59<sup>th</sup> Street

Case Number: PR2024-003 and MPL2024-001

We have filed applications with the Department of Urban Planning and Land Use. The purpose of this:

- Preliminary Plan Review
- Master Plan Amendment

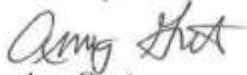
is for a multi-family development at the following address: 1300 N. 59<sup>th</sup> Street, Kansas City, Kansas.

We are having a neighborhood meeting on **Wednesday, February 21, 2024, at 6:00 p.m.** in the Jewell Building, Room #3205/3206, of the Kansas City Kansas Community College at 7250 State Avenue, Kansas City, Kansas. Please note that you will use the main entrance to the building and will then take a right at the first hallway to room #3205/3206.

The purpose of this meeting is to explain the proposal and to answer any questions/concerns you may have. If you are unable to attend the meeting or have any questions, please contact me at [agrant@polsinelli.com](mailto: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](mailto:agrant@polsinelli.com)

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## MEETING SIGN-IN SHEET

Project: Marian Development

|                              |
|------------------------------|
| Meet Date: February 21, 2024 |
|------------------------------|

Facilitator: Curtis Petersen

Place/Room: Kansas City, KS Community College

Application #: Preliminary Plan and Master Plan Amendment PR2024-003 and MPL2024-001

[illegible]

93655236.1



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 #PR2024-003 and MPL2024-001.
2. That I conducted a neighborhood meeting on March 28, 2024.
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 <sup>1<sup>st</sup> day of April</sup> ~~29<sup>th</sup> day of March~~, 2024.

My commission expires <sup>9<sup>th</sup></sup> of <sup>August</sup>, 20<sup>24</sup>.

KIM L. ASHURST  
NOTARY PUBLIC-NOTARY SEAL  
STATE OF MISSOURI  
JACKSON COUNTY  
MY COMMISSION EXPIRES 8-9-2024  
COMMISSION # 12457303

  
Notary Public

March 28, 2024 Neighborhood Meeting  
Marian Development – KCK Multi-Family Project  
1300 N. 59<sup>th</sup> Street

**Attendance:**

Shelby Miles, Marian Development  
Curtis Petersen – Polsinelli PC  
Amy Grant – Polsinelli PC

Residents: Lou Bradwell, Vicki Owens, Betsy Rivas, Gene Holland/Valerie Webb, Stephanie Franco, and Miguel Madrigal.

The meeting began at approximately 6:05 p.m. The development team introduced themselves and briefly explained the reason for needing to hold this additional neighborhood meeting. Curt Petersen indicated that everyone on the call had likely been to prior neighborhood meetings and/or Planning Commission hearings and were familiar with the project so he opened up the floor for discussion.

Question: Is Marian aware of other properties in the area along State Avenue that are for sale? Has Marian Development considered any of these other properties for its project? These other properties have much better public infrastructure to accommodate a project like this.

Response: There is a lot of time and energy put into site selection. Marian Development selected this site approximately eight months ago. We would be happy to review and discuss the list of properties that you are referencing but intend to proceed with the subject property.

Question: What are the estimated costs of the proposed traffic calming measures?

Response: We do not have estimated costs yet but expect to have those by the time the matter is considered by the BOCC. Developers typically work with general contractors to finalize costs after a project receives its plan approvals. If the project is approved, the Developer has agreed to allocate funds to the UG for such costs so that the UG can work with the neighbors to implement the desired traffic calming devices.

Question: What is your plan for wildlife containment/relocation? I am concerned about displacement of animals.

Response: I am not familiar with any City codes or laws that speak to this issue. To the extent any regulations exist we will follow them.

Question: What is your plan for labor/construction jobs? Will contractors/sub-contractors be from out of State?

Response: We have not finalized this yet as it would come after securing plan approvals. The UG does have an LMW program that we will follow as part of the requested Industrial Revenue bonds.

Question: Will the project manager be local?

94300350.1

Response: We have not determined specific staffing yet, but the project will include both local and out of town personnel.

Comments: Traffic Calming will not work unless you put speed humps/bumps every 100 feet or so. It is the width of the road that is the issue. Visibility for southbound vehicles is a concern. My drive lines up with the project's northern entrance and cars coming up over the hill do not have enough time to react to cars leaving the driveway. I agree with wildlife issues, please consider less buildings with more green space.

Question: Has anything changed since the last Planning Commission meeting? Is there anything new being discussed?

Response: Yes, this is the same proposal. We were required to hold the additional neighborhood meeting due to a notice issue not because we had new information to share.

Comments: I am also concerned about speeding along N. 59<sup>th</sup> Street. There have also been accidents for vehicles trying to turn left to head east on State Avenue. I am concerned about a crosswalk that takes people across N. 59<sup>th</sup> Street, this will be a deathtrap. I am still concerned about how stormwater will be handled.

Question: How will the sidewalk along N. 59<sup>th</sup> street terminate on the north end? Will cars somehow confuse the sidewalk with the widened roadway? Why did the Developer object to putting in the sidewalk?

Response: The sidewalk simply ends at the property line to the north. There will also be curb and gutter so cars should not confuse the roadway and the sidewalk. The Developer is being asked to build a sidewalk all the way to State Avenue without sufficient right-of-way. Developer was concerned that it was being asked to do something that was not possible.

Comments: My parents moved to this property for the farm-like feel and do not want to see development across the street. N. 59<sup>th</sup> Street has had issues with shootings and abandoned vehicles.

Question: We have a large lot that might invite crime and abandoned cars. What type of renter are you targeting with this project? How do you plan to handle issues of violence or crime?

Response: This project is targeting people who likely have jobs that involve manual labor, skilled trades, teachers, first responders, etc. The approximate rent range will be \$800 to \$1,600 a month. The Developer does not currently have plans to provide enhanced security measures for the subject property but can easily add those later if it finds the project warrants it.

Comment: I agree with the security concerns.

Question: I understand the Developer is investing money here and needs to have a good return on investment but why can't the Developer provide a smaller amount of units with townhomes.

Response: The proposed density matches the existing zoning of the property. It is very typical to construct a multi-family project as a transition/buffer between single-family homes and commercial or other more intense land uses, like the mobile home park adjacent to the site.

94300350.1

Comments: Please consider other sites that have better roads. Why must you develop here where the neighbors do not want this type of project?

Comments: It seems backwards that the Developer is putting in the residential before the commercial comes. The Plaza in KCMO was built to attract the residential.

Comments: I agree that a housing issue exists, but this site is not appropriate for the proposed size. I understand the Developer liked that the property was already zoned and got a good purchase price but there is a serious lack of understanding that the condition of N. 59<sup>th</sup> Street is not appropriate for this project.

Discussion: There was a brief discussion clarifying the difference between the zoning of the property, needing a preliminary development plan approved, and the change to the Master Plan.

The development team reminded the group that the project will be heard by the Planning Commission again on April 8<sup>th</sup> and the BOCC on April 25<sup>th</sup>, 2024.

The meeting concluded at approximately 7:05 p.m.

94300350.1

March 13, 2024

**SUBJECT: Neighborhood Meeting**

Marian Group – 1300 N. 59<sup>th</sup> Street

Case Number: PR2024-003 and MPL2024-001

We have filed applications with the Department of Urban Planning and Land Use. The purpose of this:

- Preliminary Plan Review
- Master Plan Amendment

is for a multi-family development at the following address: 1300 N. 59<sup>th</sup> Street, Kansas City, Kansas.

We are having a neighborhood meeting on **Thursday, March 28, 2024, at 6:00 p.m.** via Zoom Video Conference:

**To attend via telephone, dial: 1 312 626 6799**

**Meeting ID: 987 9655 3584**

**Passcode: 363826**

The purpose of this meeting is to explain the proposal and to answer any questions/concerns you may have. If you are unable to attend the meeting or have any questions, please contact me at [agrant@polsinelli.com](mailto: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](mailto:agrant@polsinelli.com)

94054756.1



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## LETTERS OF OPPOSITION

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Marian Group – 1300 North 59<sup>th</sup> Street, Kansas City, Kansas  
Case number: PR2024-003 and MPL, 2024-001

The initial proposal was denied by the Full Board of Commissioners, January 11, 2024

Please consider my reasons for opposing the 174-unit apartment at 1300 North 59<sup>th</sup> Street.

The apartment complex adversely impacts the environment, safety, and character of the neighborhood and community.

59th Street, stretching from State Avenue to Parallel, presents a unique rural setting with its 18-foot-wide asphalted road—a width narrower than the typical residential street average of 21-24 feet. Frozen in time since the 1950s, this road has seen minimal upkeep and absolutely no expansion. Notably, when Meadowlark Lane was developed, 59th Street was rerouted to intersect with Meadowlark Lane for access to Parallel Parkway. However, the proposed addition of 174 housing units, coupled with a parking lot capable of accommodating 268 cars, raises valid concerns regarding the surge in pedestrian and vehicular traffic.

The Marian Group's revised proposal includes adding an 800-foot sidewalk on the East side of their property and a sidewalk on the West side of their property that leads to State Avenue. They indicate both sidewalks will be accessible to the surrounding neighborhood. In addition, they plan to install "Traffic Calming" measures to address the safety concerns.

Cars routinely exceed the speed limit; in fact, four cars have landed in the yard of 1315 North 59<sup>th</sup> Street over the years. The proposed revisions may not adequately address this concern or improve overall safety. I do not believe the proposed revisions would reduce the incidences of speeding, nor improve the safety especially with the anticipated increase in pedestrian and vehicle traffic.

The proposed 3-story, 174-unit complex spanning 8.94 acres appears incongruent with the existing character of the neighborhood. Surrounding this development, an estimated 14+ acres are occupied by six single-family homes. Each of these homes boasts wooded areas and substantial green space, contributing to the neighborhood's charm and authenticity.

To align with the shared vision of "maintaining authentic neighborhoods" from PLANKCK, it is imperative to maintain the authentic essence of the neighborhood. This

entails preserving the existing character, including the abundance of green space and the harmonious blend of residential structures with natural surroundings.

Introducing a large-scale housing complex of this magnitude risks disrupting the neighborhood's established character and could potentially compromise the sense of community kinship fostered by PLANKCK. Instead, a more compatible development plan could involve incorporating elements that complement the existing landscape, such as smaller-scale housing units, enhanced green spaces, and architectural designs that blend seamlessly with the surrounding environment.

By prioritizing the preservation of authentic neighborhoods and embracing PLANKCK's vision, we can ensure that future developments contribute positively to the community's identity while honoring the natural beauty and character that residents value.

Over recent years, the landscape has undergone significant transformation with the construction of Meadowlark Valley, the USD Bus Barn, and Schlager Stadium, resulting in the clearance of vast areas of land populated with trees. This development has unfortunately displaced wildlife inhabiting these wooded areas. Additionally, further acres of trees have been cleared from the Southwest corner of Meadow Lark Lane and State Ave. to facilitate the ongoing Levee Project. This continued loss of wooded habitats not only disrupts local ecosystems but also poses challenges for wildlife survival and biodiversity conservation in our community.

While I support the idea of affordable housing in Wyandotte County, including on 59th Street, I have concerns about the scale of the proposed development. The safety of the street, coupled with the potential loss of trees and wildlife habitat, is particularly worrisome given the road's limited capacity to accommodate a complex of this size. It is crucial to find a balance that meets the need for affordable housing while preserving the natural environment and ensuring the safety and well-being of residents and wildlife alike.

To honor the rural character of 59th Street per PLANKCK principles, I propose a reduced number of units for single-story housing units like duplexes or fourplexes with ample green space. Rather than a clubhouse, a collective garden with picnic areas and outdoor spaces would foster community interaction and sustainable living practices. This approach preserves the area's charm while promoting a sense of community and environmental stewardship.

[Buchanan's Crossing](#), located at 706 North 65<sup>th</sup> Street, Kansas City, Kansas was built in 2017 is an example of a complex that would be more in line with the neighborhood of 1300 North 59<sup>th</sup> Street.

If you are not familiar with 59<sup>th</sup> Street, I invite you to take a drive up what I refer to as my "Oasis in the Dotte".

Respectfully, a 30-year taxpayer and resident of 1325 North 59<sup>th</sup> Street, Kansas City, Kansas.

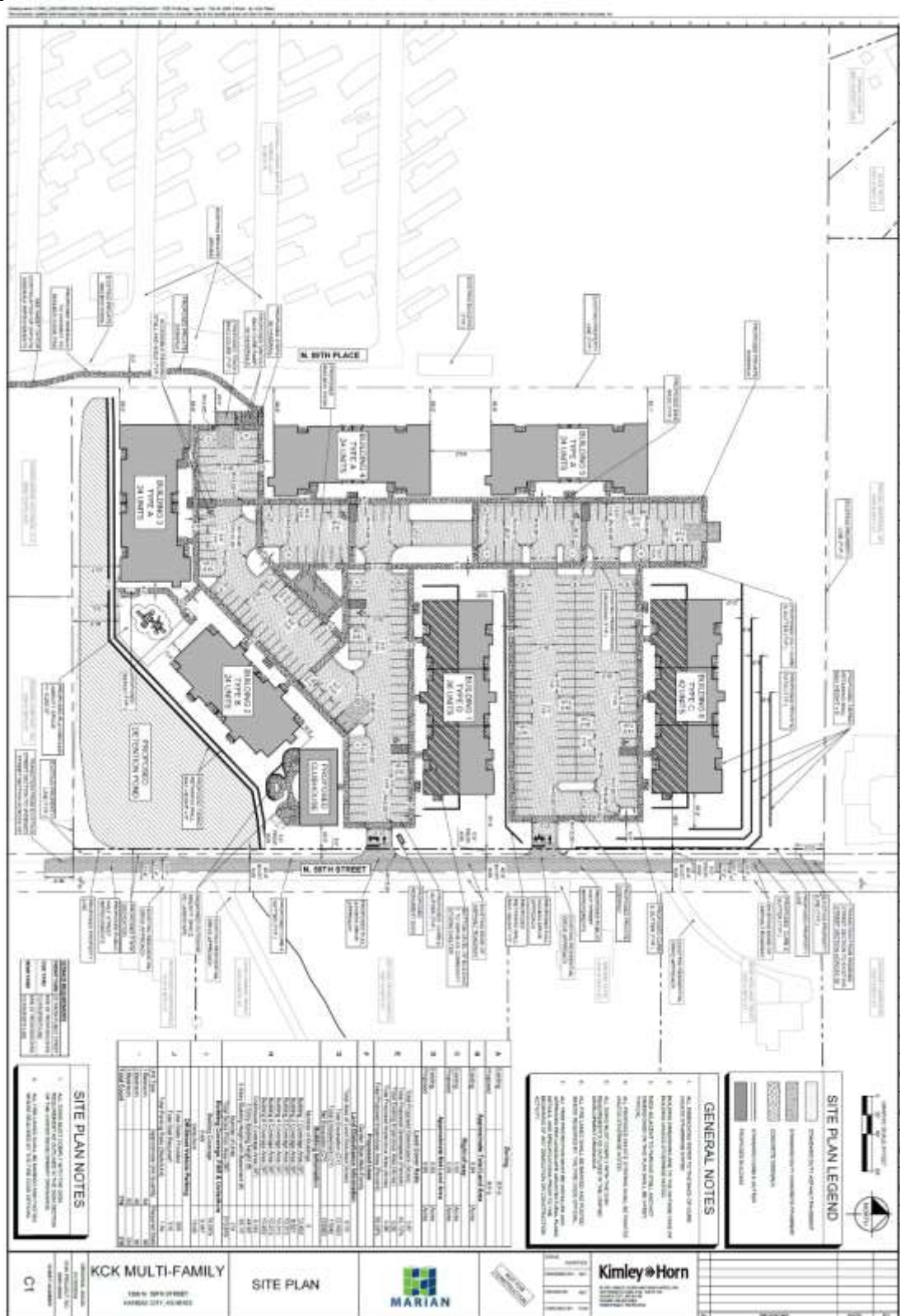
*Valerie Webb*

816-805-6969

Webb.cats.dogs@gmail.com

Note: at this writing I have been unable to determine the impact a complex this size would have on Lindbergh Elementary, Coronado Middle, or Schlagle High School.

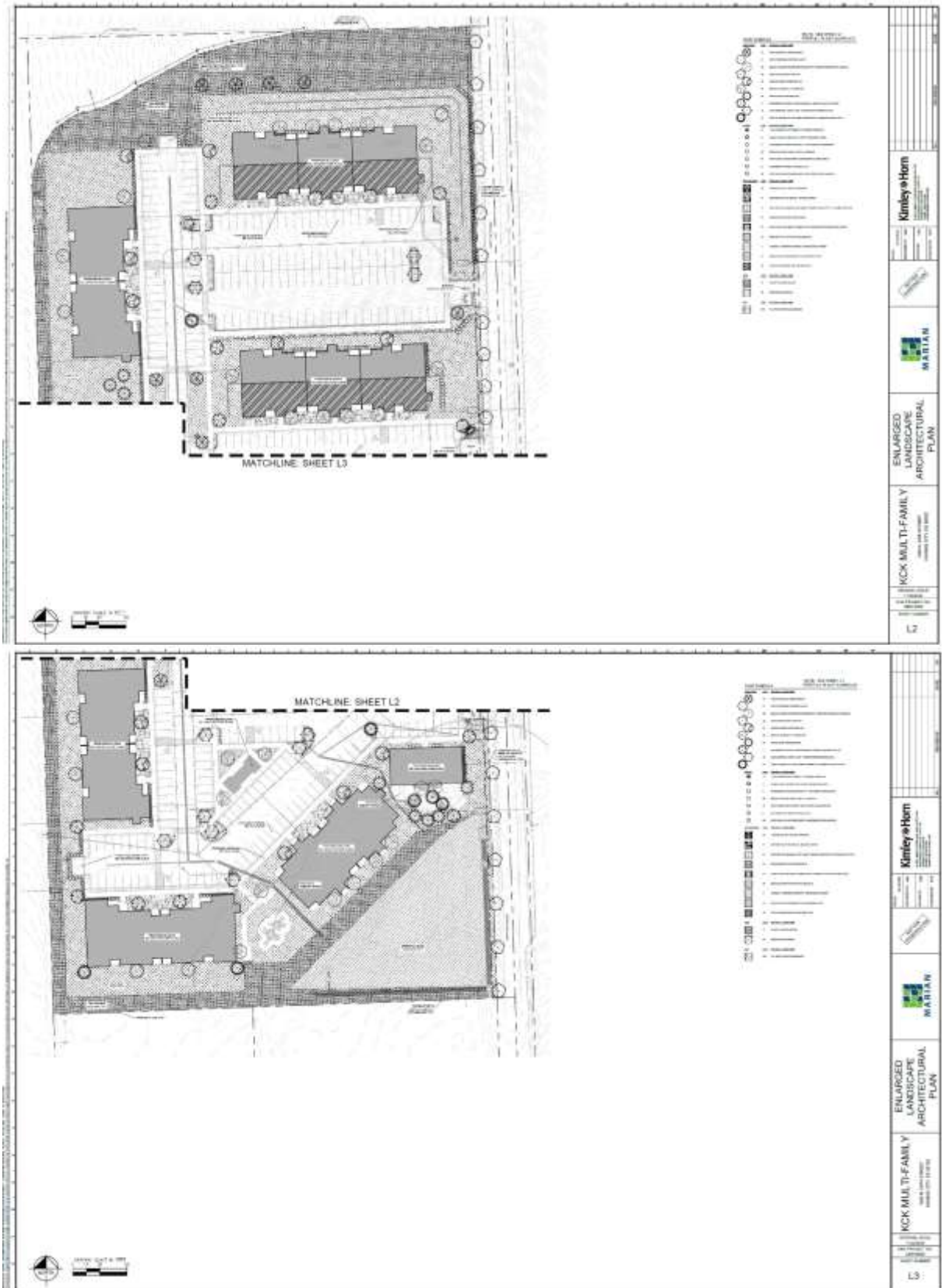
## 38

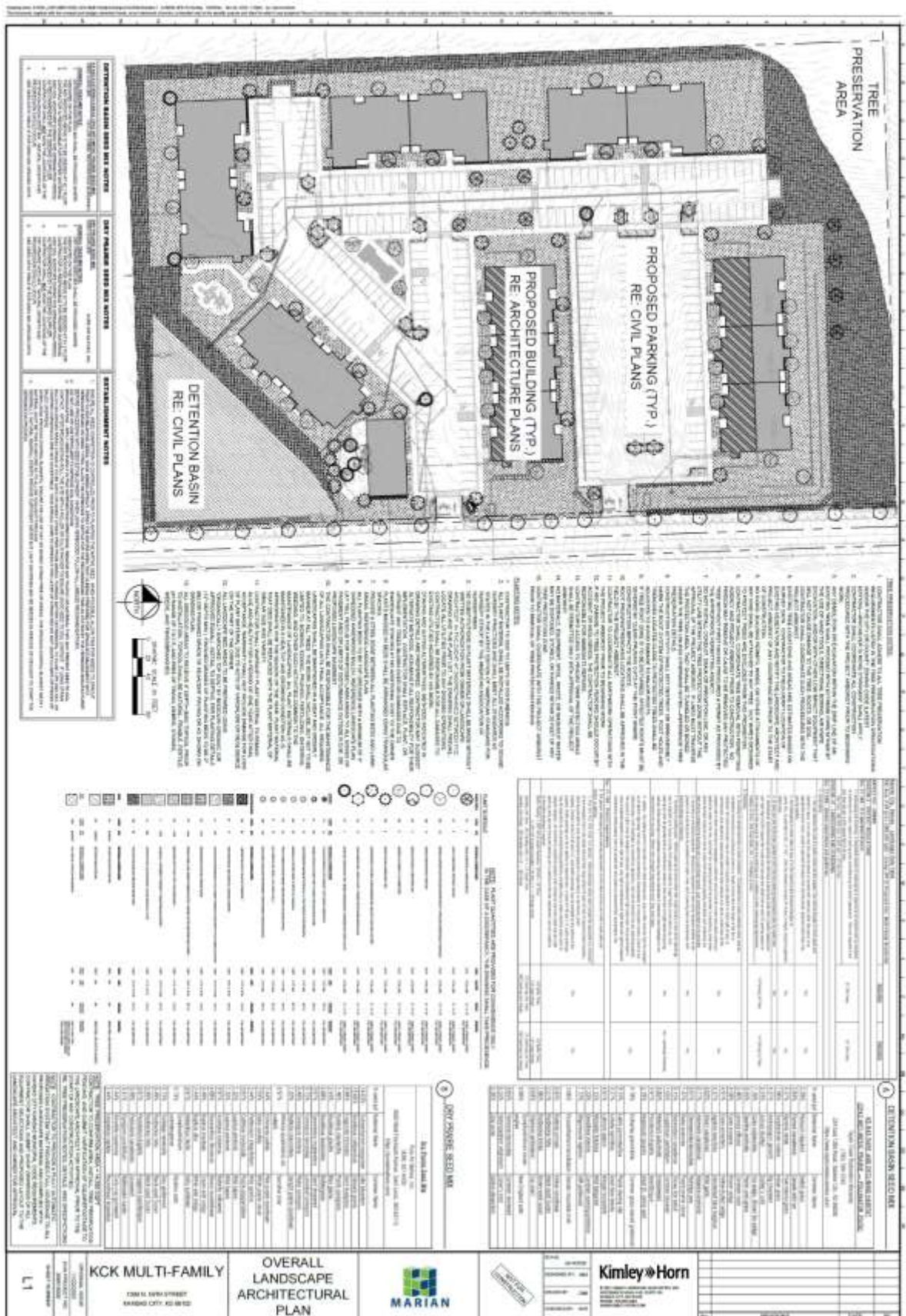




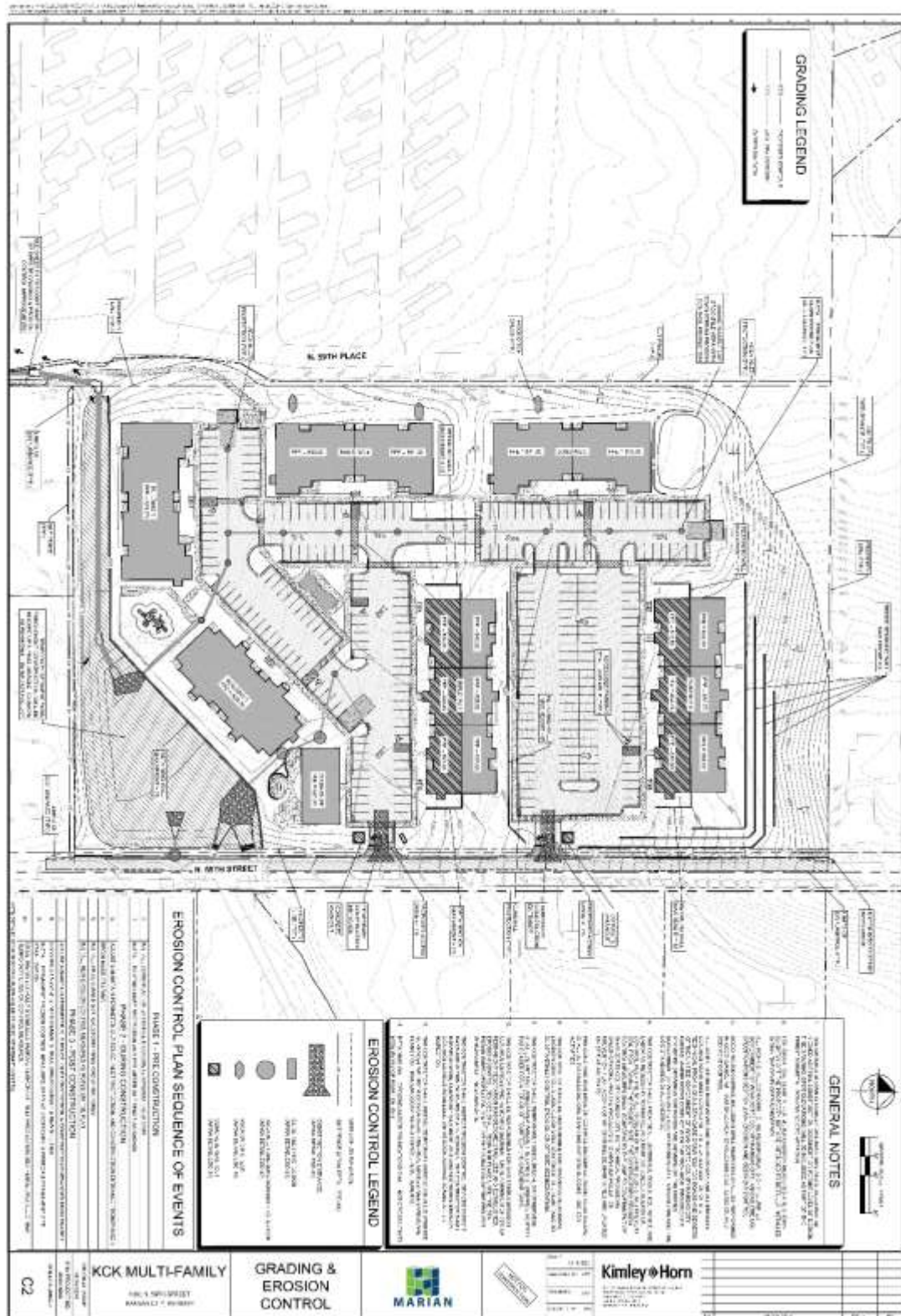


# LANDSCAPE PLAN



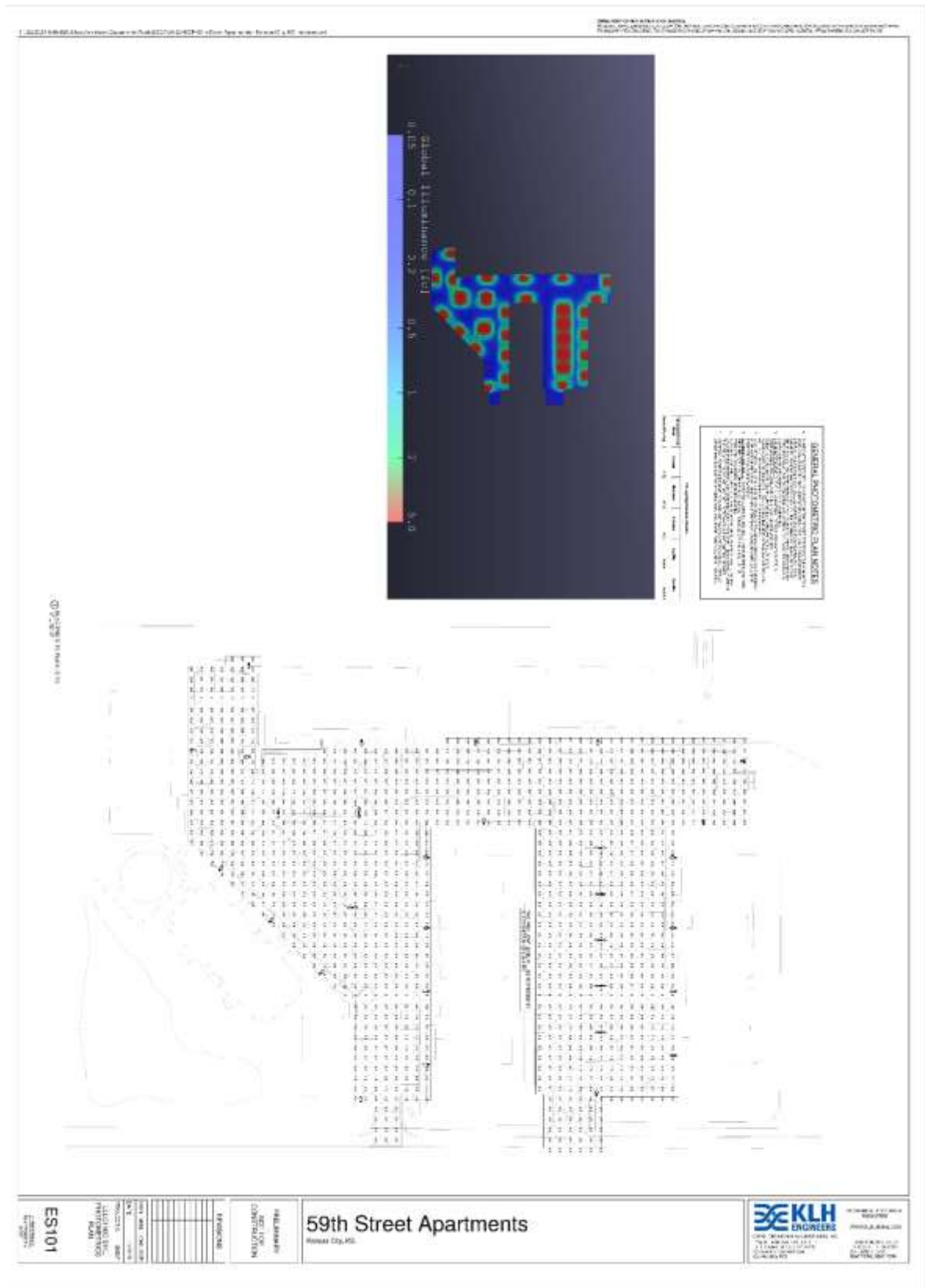






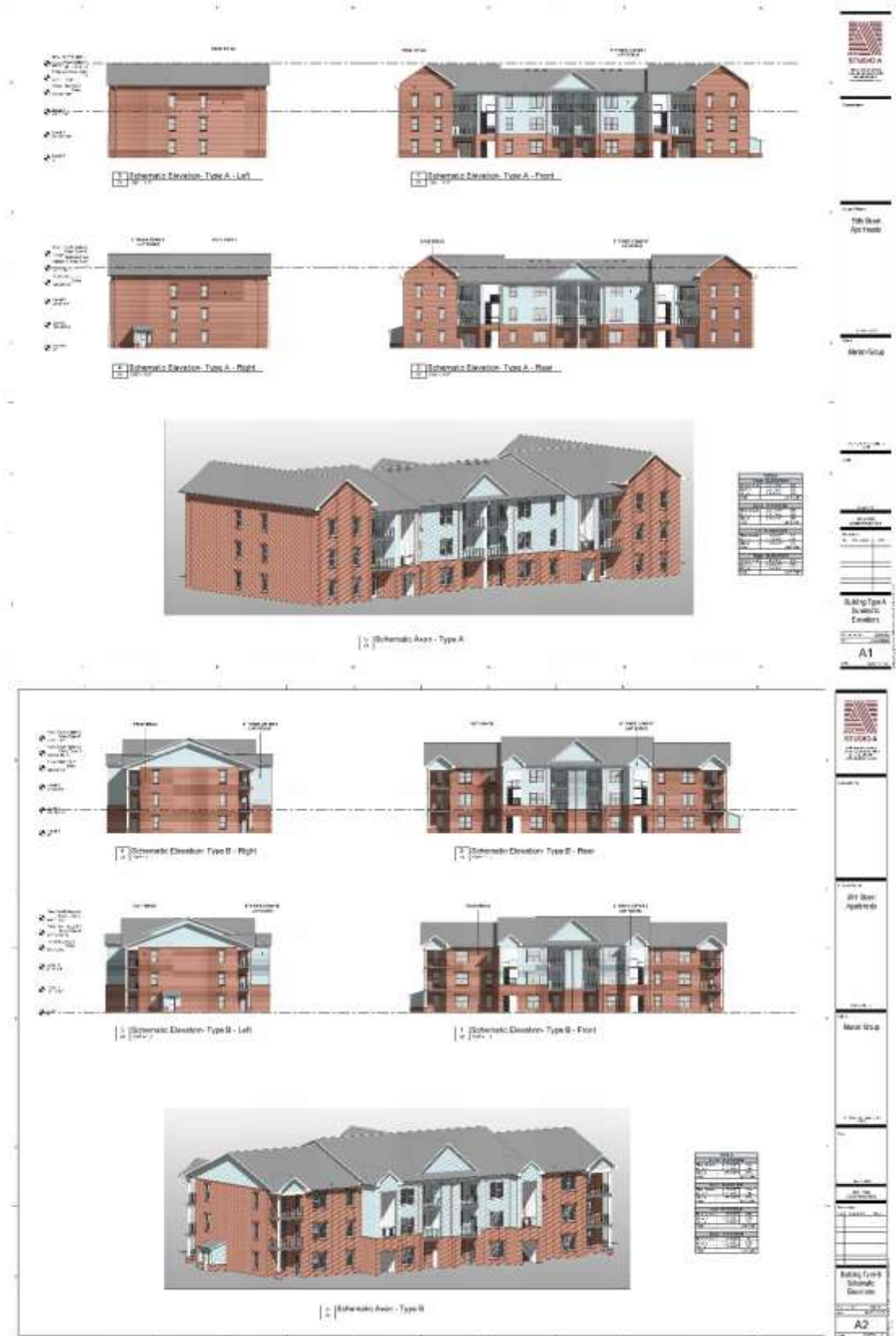


# LIGHTING PLAN





## ELEVATIONS







## BPU TRANSFORMER SCREENING STANDARDS

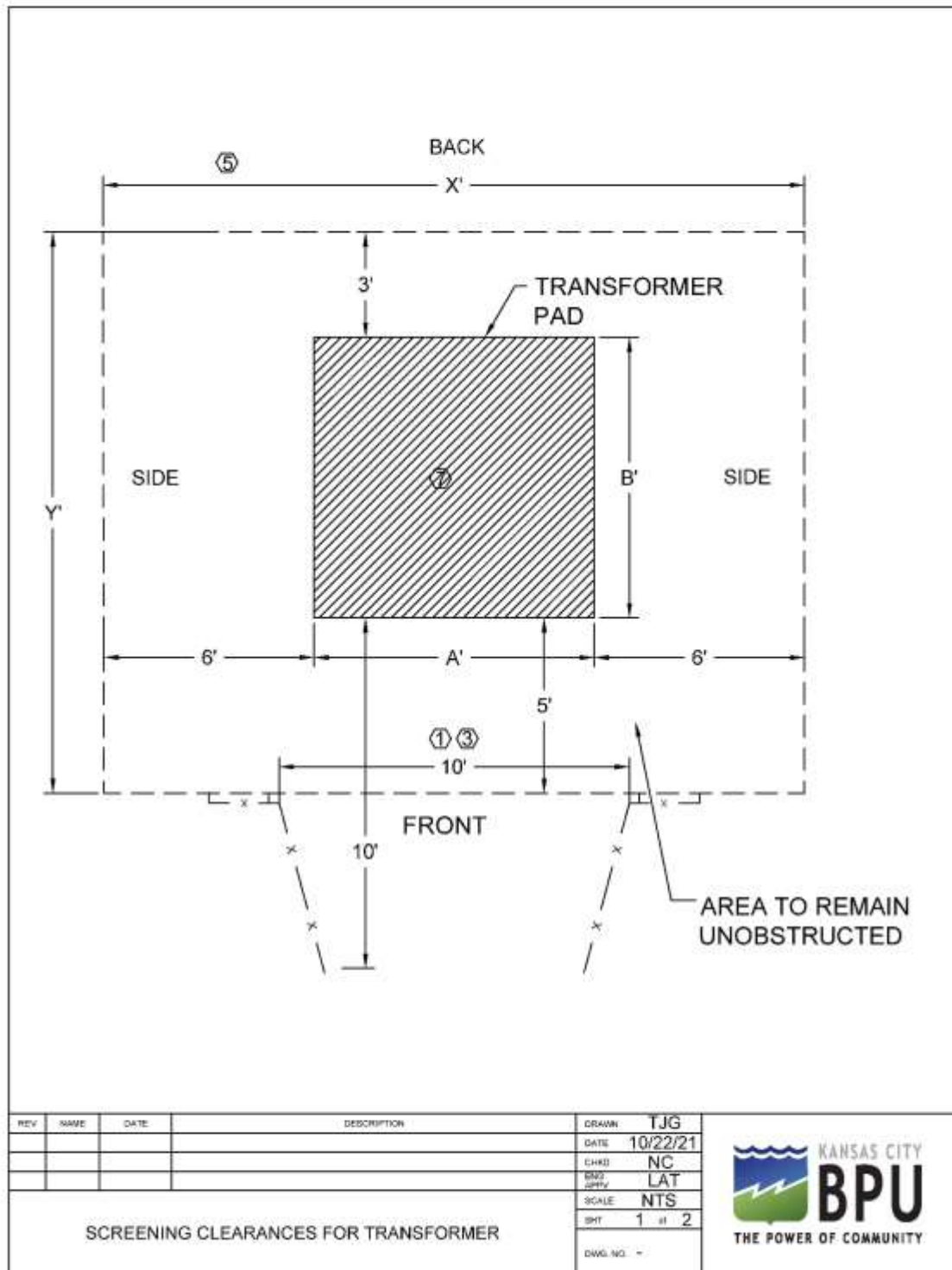




TABLE 1: DIMENSION REQUIREMENTS FOR TRANSFORMER

|                                           | "X"      | "Y"      | "A"     | "B"     |
|-------------------------------------------|----------|----------|---------|---------|
| 3 PHASE<br>75 TO 500KVA<br>TRANSFORMERS   | 18' - 8" | 13' - 6" | 6' - 8" | 5' - 6" |
| 3 PHASE<br>750 TO 2500KVA<br>TRANSFORMERS | 20' - 0" | 16' - 0" | 8' - 0" | 8' - 0" |

\*\*\*FOR SCREENING USING EVERGREEN TREE, SEE NOTES 5 AND 6

**NOTES**

1. GATE DOORS ARE REQUIRED FOR ALL TYPES OF SCREENING THAT ARE PLACED IN FRONT OF THE TRANSFORMERS.
2. FENCES SHALL BE INSTALLED 2' OFF THE GROUND AND HAVE ADEQUATE CLEARANCE TO OPEN GATE DOORS AT 180° AND HAVE 10' CLEARANCE FROM PAD WHEN GATE DOORS OPEN.
3. POSTS FOR GATE DOORS MUST BE INSTALLED A MINIMUM DISTANCE OF 10' APART IN THE FRONT.
4. FOR SLAT FENCES, CUSTOMER SHALL INSTALL A MINIMUM 4" SLATS AND HAVE 4" OF SPACE BETWEEN EACH SLAT.
5. 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
6. FOR EVERGREEN TREES, CUSTOMER SHALL PLANT EACH TREE SO THAT THERE IS 2' OR MORE OF SPACE FROM EDGE TO EDGE BETWEEN EACH TREE AT MATURITY. (E.G. BLUE ARROW JUNIPER GROWS UP TO 2' WIDE, SO THERE SHALL BE 4' OF SPACING BETWEEN EACH TREE TAKING ACCOUNT THE GROWTH OF SAPLINGS)
7. PAD MUST HAVE A MINIMUM CLEARANCE OF 6' ON EACH SIDE, 3' ON THE BACK, AND 5' ON THE FRONT ALLOWING FOR 10' ON THE FRONT WHEN GATE DOORS OPEN.

| REV                                           | NAME | DATE | DESCRIPTION | DRAWN    | TJG      |
|-----------------------------------------------|------|------|-------------|----------|----------|
|                                               |      |      |             | DATE     | 10/22/21 |
|                                               |      |      |             | CHKD     | NC       |
|                                               |      |      |             | ENG      | LAT      |
|                                               |      |      |             | SCALE    | NTS      |
|                                               |      |      |             | SHT      | 2 of 2   |
| SCREENING CLEARANCES FOR TRANSFORMER<br>NOTES |      |      |             | DWG. NO. | -        |







February 26, 2024

Shelby Miles, MPA  
The Marian Group  
1801 Payne Street  
Louisville, Kentucky 40206

***Re: Traffic Impact Study Update  
1300 N. 59th Street TIS***

Dear Mr. Miles:

Kimley-Horn prepared a traffic impact study for the proposed multifamily development located at 1300 N 59th Street in Kansas City, Kansas. The study was prepared for the original plan submitted for the site, dated October 2023.

Since that time, some minor changes have been made to the site plan. Most notably, the number of residential units has decreased from 180 to 174 units. The number of parking stalls has not changed, and the location of the proposed access points to the site has not changed. A sidewalk has been added extending south to State Avenue from the southwest corner of the site. The current site plan is attached to this letter for reference.

The change in the number of units results in a slightly lower daily trip generation for the site of 1,120 trips compared to 1,230 daily trips in the previous study. The trip generation for the AM and PM peak hours was rounded to the nearest 10 trips in the previous traffic study. Therefore, the new slightly lower trip generation is negligible when compared to the previous traffic study. The results of the traffic analysis with the current trip generation would be identical to what is shown in the previous traffic impact study. Based on this information, it is our opinion that the recommendations of the October 2023 traffic impact study for this site are applicable for the current site plan.

We trust that this information serves as the updated traffic analysis for the current site plan. Please let us know if you have any further questions.

Sincerely,  
***Kimley-Horn and Associates, Inc.***

A handwritten signature in black ink, appearing to read "Jeffrey J. Wilke".

Jeffrey J. Wilke, PE, PTOE

kimley-horn.com

805 Pennsylvania Avenue, Suite 150 Kansas City, MO 64105

816-652-0350

## 1.0 INTRODUCTION

This report serves as the traffic analysis for the proposed multifamily residential development located at 1300 N 59<sup>th</sup> Street, north of State Avenue between 59<sup>th</sup> Place and 59<sup>th</sup> 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*, 11<sup>th</sup> 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 & 59<sup>th</sup> Street (Unsignalized)

### 2.2 STREET NETWORK

The existing street network within the study area includes State Avenue, 59<sup>th</sup> 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 59<sup>th</sup> 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 57<sup>th</sup> 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 57<sup>th</sup> Street.

**59<sup>th</sup> Street** is a two-lane north-south roadway that runs along the east frontage of the subject site. Through the study area, 59<sup>th</sup> Street does not provide dedicated turn lanes at intersections and access locations. Curb and gutter and sidewalks are not provided through the study area. 59<sup>th</sup> 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. 59<sup>th</sup> 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/59<sup>th</sup> 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/59<sup>th</sup> 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 59<sup>th</sup> 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/59<sup>th</sup> Place and State Avenue/Meadowlark Lane/59<sup>th</sup> Street. The bus stops at State Avenue/59<sup>th</sup> Place are designated by signs, and the bus stops at State Avenue/Meadowlark Lane/59<sup>th</sup> Street have permanent shelters.

## 2.4 TRAFFIC DATA COLLECTION

Turning Movement Counts (TMCs) were collected Thursday, September 28<sup>th</sup>, 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 59<sup>th</sup> Street. Access A (North) and Access B (South) would be located approximately 1,040 feet and 850 feet north of the State Avenue/59<sup>th</sup> 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 59<sup>th</sup> 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<br>50% In/ 50% out | 0.31X + 22.85<br>24% In/ 76% out | 0.43X + 20.55<br>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%         |
| <b>Total</b>             | <b>100%</b> |

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 59<sup>th</sup> 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 (59<sup>th</sup> 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/59<sup>th</sup> 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 95<sup>th</sup> 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 59<sup>th</sup> 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/59<sup>th</sup> 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 59<sup>th</sup> 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 59<sup>th</sup> 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 <sup>th</sup> Street & Access A | North             | 305                                | 290         | 260                            | 200         |
|                                    | South             | > 500                              | 335         | > 500                          | 200         |
| 59 <sup>th</sup> 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 59<sup>th</sup> 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<br>(sec/veh)           | LOS | 95%<br>Queue | V/C<br>Ratio | Delay<br>(sec/veh) | LOS | 95%<br>Queue | V/C<br>Ratio |
| Meadowlark<br>Lane and<br>Richmond Ave      | Minor-<br>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<br>59 <sup>th</sup> Street | Minor-<br>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<br>(sec/veh)           | LOS | 95%<br>Queue | V/C<br>Ratio | Delay<br>(sec/veh) | LOS | 95%<br>Queue | V/C<br>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 <sup>th</sup> 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 <sup>th</sup> 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 <sup>th</sup> 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 95<sup>th</sup> 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<br>(sec/veh)           | LOS | 95%<br>Queue | V/C<br>Ratio | Delay<br>(sec/veh) | LOS | 95%<br>Queue | V/C<br>Ratio |
| Meadowlark<br>Lane and<br>Richmond Ave      | Minor-<br>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<br>59 <sup>th</sup> Street | Minor-<br>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 <sup>th</sup> Street and<br>Access A     | Minor-<br>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 <sup>th</sup> Street and<br>Access B     | Minor-<br>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 59<sup>th</sup> Street has been prepared by Kimley-Horn. The site is located north of State Avenue between 59<sup>th</sup> Place and 59<sup>th</sup> 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 59<sup>th</sup> 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/59<sup>th</sup> Street intersection was found to be unwarranted based on calculated volume projections for the Existing Plus Development and Future (2043) Build scenarios.















Re: Marian Group – 1300 N. 59<sup>th</sup> Street, Kansas City, Kansas  
Case number: PR2024-003 and MPL, 2024-001

The Full Board of Commissioners unanimously denied Marian Group's first proposal on January 11, 2024, chiefly because it emphasized the necessity for low-income housing vs. affordable housing and presented concerns from staff, neighbors and commissioners alike regarding the street conditions of 59th Street.

The Marian Group has resubmitted a proposal that broadens the spectrum of rental options that will include a percentage of the units for low-income housing and seeks approval for a "High-Density Residential" designation, with minor adjustments to the first proposal.

The minor adjustments do not align with the street's parameters and fall short of adequately addressing concerns raised by both neighbors and commissioners as well as the recommendations of the staff.

I would like to add that the proposal conflicts with various aspects of [PlanKCK](#), a comprehensive plan that was developed to stop *"Decisions made piecemeal across many decades... that is struggling to meet the needs of its residents..."*

[Shared Vision](#), pg. 8

Please consider my stance in opposition to 1300 N. 59<sup>th</sup> Street.

|                                                                                                                     |
|---------------------------------------------------------------------------------------------------------------------|
| A high-density complex negatively affects the environment, safety, and character of the neighborhood and community. |
|---------------------------------------------------------------------------------------------------------------------|

A high-density complex allows for 20 units per acre, while a medium-density complex allows for 4-16 units per acre. The developer has reduced the original number of 180- units to 174 to allow for modifications to the street and to add 2 sidewalks that do not meet the recommendations of the staff, nor decrease the risk to pedestrians and vehicles that will travel the entire length of 59<sup>th</sup> Street.

To uphold the collective vision of "maintaining authentic neighborhoods" as outlined in PLANKCK, it is crucial to safeguard the genuine essence of the neighborhood. This involves preserving its current character, which encompasses the wealth of green spaces and the seamless integration of residential structures with the natural environment.

[PLANKCK, Land Use](#), pg. 101

*Medium-Density Residential Land to provide for future housing needs through the construction of a wide variety of attached residential development intended to promote infill development and investment by allowing for greater densities, while preserving the overall character of existing neighborhoods. Buildings should transition to the adjacent neighborhood contexts using various massing, buffering and/or landscaping techniques. These areas should be designed to support multi-modal connectivity with sidewalks and street trees.*

[PLANKCK, Mobility](#) pg. 142



*Build out and maintain our sidewalks, bikeways, and trails as a comprehensive system to better integrate neighborhoods and communities, creating a more walkable network for all Wyandotte County.*

A medium-density complex including 80 units or less, although not ideal, would be better suited to the location. This area is next to only six single-family homes, spread over approximately 14+ acres of wooded areas and substantial green space.

Neighbors continue to express concerns about the size of the complex and persisting safety hazards along the existing street. The proposed plan, which includes widening the street for only a brief stretch next to the complex and installing minimal sidewalks, does not adequately address these concerns.

One sidewalk requires the neighboring Mobile Home Park to approve the installation of a sidewalk on their private property. We have not seen any binding agreement that assures this will happen.

The developer plans to allocate money for "Traffic Calming" measures (to be determined by the neighbors) with no guarantee of implementation.

The suggested revisions reflect a "piecemeal" approach, reminiscent of trying to fit a puzzle piece from an entirely different puzzle.

An example of housing that blends into an existing neighborhood on a safer street is Davidsons' Landing located at 704 N. 64<sup>th</sup> Terrace.

Davidsons' Landing is a "Workforce Housing" complex with 115 units that opened in 2023. It is strategically located on a street conducive to the scale of the complex. In addition, they partnered with Workforce Development to provide job development and locating childcare for residents.

I respectfully request the denial of Case number PR2024-003 and MPL 2024-001 as 59<sup>th</sup> Street lacks the infrastructure necessary to adequately support a complex of this size.

***Valerie Webb***

1325 N. 59<sup>th</sup> Street  
Kansas City, Kansas

I have included photos that highlight the striking disparity between the two complexes and their surrounding streets.



← **Davidson's Landing**

Note: There are sidewalks on both sides of the street, which exceeds the 18-foot width of 59th Street.



← **1300 N. 59th Street**

An asphalted "country road" that measures 18 feet in width, as opposed to the standard 21-24 feet found on average.





## Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

**To:** Unified Government Board of Commissioners

**From:** Planning and Urban Design Staff

**Date:** April 25, 2024

**Re:** **Preliminary Plan Review Petition PR2024-003 and  
Master Plan Amendment Petition MPL2024-001**

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### GENERAL INFORMATION

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**Applicant:**

Curtis Petersen

**Status of Applicant:**

Representative  
Polsinelli PC  
900 West 48<sup>th</sup> Place, Suite 900  
Kansas City, MO

**Requested Action:**

Approval of a Preliminary Plan Review and 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 a Preliminary Plan Review to develop a 174-unit apartment building.

**Commission Districts:**

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



|                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|---------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Existing Zoning:</b>         | RP-5 Planned Apartment District                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <b>Adjacent Zoning:</b>         | <b>North:</b> R-2 Two-Family District<br><b>South:</b> C-3 Commercial District<br><b>East:</b> RP-5 Planned Apartment District<br><b>West:</b> RP-5 Planned Apartment District                                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>Adjacent Uses:</b>           | <b>North:</b> Single-family residence<br><b>South:</b> Commercial Buildings<br><b>East:</b> Single-family residence<br><b>West:</b> Mobile home park                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <b>Total Tract Size:</b>        | 8.94 Acres                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <b>Master Plan Designation:</b> | <p>The PlanKCK Comprehensive Plan designates the subject property as Medium Density Residential, which allows for garden-style apartments, townhouses, duplexes, and fourplexes.</p> <p>The applicant is seeking a Master Plan Amendment to High-Density Residential, which allows for mid-rise and high-rise apartment buildings.</p>                                                                                                                                                                                                                                            |
| <b>Major Street Plan:</b>       | The goDotte County-Wide Mobility Plan designates North 59 <sup>th</sup> Street as a Local Street.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <b>Parking Requirement:</b>     | 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 64 one (1) bedroom units, 48 two (2) bedroom units and 62 three (3) bedroom units, which requires 316 parking spots. The appellant is proposing to provide 268 parking spots, a violation of 48 parking spaces. The applicant has been granted a variance via BOZA2023-051 for a violation of 58 spaces. |
| <b>Public Hearings:</b>         | March 11, 2024, April 8, 2024, and April 25, 2024                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <b>Letters of Support:</b>      | There was one (1) person present in support at the April 8, 2024, City Planning Commission meeting.                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <b>Letters of Opposition:</b>   | Staff has received letters in opposition and opposition has appeared at both Planning Commission meetings.                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |

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## PROPOSAL

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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 174-unit apartment building at 1300 North 59<sup>th</sup> Street.

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

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## RELATED ENFORCEMENT AND ACTION ITEMS

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### Noise or Disturbance Complaints:

1. There have been 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 – Approved
2. 2023 – PR2023-034 – Preliminary Plan Review – Denied
3. 2023 – MPL2023-017 – Master Plan Amendment - Denied

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## FACTORS TO BE CONSIDERED

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### 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, which has been zoned such since 1984 and H-Apartment District prior to that.

- 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. With that said, there are potential conflicts with the immediate existing residences surrounding the subject property.

**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. The proposed use, however, may have considerable impact on nearby property if it is not managed properly and if adequate public infrastructure improvements to serve this development are not implemented.

**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 174 apartment units of varying unit types (including one-, two-, and three-bedroom units) in close proximity to a major mixed-use and transit corridor. In contrast, however, there is the potential for conflict with the proposed use versus the existing single-family uses on North 59<sup>th</sup> Street.

## **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 an increase in traffic along North 59<sup>th</sup> Street, with counts taken and projected at the intersections of Richmond and Meadowlark as well as 59<sup>th</sup> & 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. Staff as well as nearby property owners have great concern with the potential traffic along North 59<sup>th</sup> Street, especially if North 59<sup>th</sup> Street is not adequately improved. Applicant is currently showing a sidewalk connection via 59<sup>th</sup> Place which ties into State Avenue as well as improvements to 59<sup>th</sup> Street.

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

The PlanKCK 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 proposing 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 and the inclusion of substantial improvements to North 59<sup>th</sup> Street, the proposed use is capable of meeting applicable ordinance requirements.

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**PREVIOUS ACTIONS**

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- Approval of a Variance (BOZA2023-051) from minimum parking requirements in the RP-5 Apartment District in 2023.
- Denial of a Master Plan Amendment (MPL2023-017) from Medium-Density Residential to High-Density Residential in 2024.
- Denial of a Preliminary Development Plan (PR2023-034) to construct a 180-unit apartment complex in 2024.

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**NEIGHBORHOOD MEETING**

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The applicant held a neighborhood meeting on February 21, 2024. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

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## KEY ISSUES

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Building Facades  
Internal Pedestrian Circulation  
Landscaping and Buffering  
Lighting  
Multi-Family Design Guidelines  
Neighborhood Character  
Preservation of Natural Terrain  
Sidewalks  
Trash Enclosures  
Traffic  
Upgrades to North 59<sup>th</sup> Street

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## PLANNING COMMISSION RECOMMENDATION

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The Planning Commission voted 6 to 3 to recommend **APPROVAL** of Master Plan Amendment MPL2024-001 and Plan Review Application PR2024-003, subject to:

1. **Public improvements to the roadway, curb and gutter on North 59<sup>th</sup> Street extend and tie into existing infrastructure at State Avenue;**
2. **A pedestrian pathway shall be installed along North 59<sup>th</sup> Place or North 59<sup>th</sup> Street as a part of the proposed plan;**
3. **A six (6) foot tall fence shall be installed along the entire Southern property line and along the Northern property line not included in the open space easement, to provide additional screening to those abutting properties. The southern fence that abuts the commercially zoned property shall meet the design guidelines for commercial screening;**
4. **An open space easement shall be recorded as to preserve as much of the existing tree stand and existing elevation as possible as noted in the Landscape Plan (Sheet L1);**
5. **The applicant shall provide funding for traffic calming best practices along North 59<sup>th</sup> Street as determined in their subsequent development agreement;**
6. **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;**
7. **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;

8. 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;
9. 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;

10. 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;
  11. Landscaping shall be irrigated;
  12. 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;
13. 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;
  14. Interior parking lots lights shall have 90-degree cutoff fixtures;
  15. All downspouts on the buildings shall be located at corners, where possible, and painted to match the building;
  16. Bike racks should be provided throughout the site to allow for bike storage.
  17. The design layout shall preserve as much of the existing tree stand and existing elevation as possible;
  18. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by [buildinginspection@wycokck.org](mailto:buildinginspection@wycokck.org) to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;

19. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or [signpermits@wycokck.org](mailto:signpermits@wycokck.org) to begin this process;
20. 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;
21. All existing and future driveways must feature curb cuts that are constructed to UG standards;
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. 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;
24. A Right-of-Way Permit is required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by [info@wycokck.org](mailto:info@wycokck.org) to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
25. A Pre-Construction meeting is required for any improvements to public infrastructure upon the approval and issuance of a Development Review Committee (DRC) Permit. Any improvements to, construction or alteration of: sanitary systems, stormwater systems, public or private streets, sidewalks, or other public infrastructure will require a pre-construction meeting with the Department of Public Works. The applicant is required to contact the County Engineer at (913) 573-5400 or by [info@wycokck.org](mailto:info@wycokck.org) prior to construction to arrange this meeting;
26. 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;

27. 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.
- a. 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; and,
28. 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.

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## STAFF COMMENTS AND SUGGESTIONS

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Staff concurs with the recommendation of the City Planning Commission.

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## STAFF RECOMMENDATION

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Staff recommends that the Board of Commissioners concur with the findings contained within the staff report related to *Factors to be Considered* and *Key Issues* and recommends **APPROVAL** of Petitions **PR2024-003** and **MPL2024-001** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.



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## ATTACHMENTS

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April 8, 2024 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  
Site Photos, Taken by Staff, Dated February 9, 2024  
Letters in Opposition

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## REVIEW OF INFORMATION AND SCHEDULE

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| <u>Action</u>            | <u>City Planning Commission</u>                          | <u>Unified Government Board of Commissioners</u> |
|--------------------------|----------------------------------------------------------|--------------------------------------------------|
| Public Hearing<br>PR/MPL | March 11, 2024<br>HELD OVER<br>April 8, 2024<br>Approval | April 25, 2024                                   |

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

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## MOTIONS

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### Master Plan Amendment

I move the Unified Government Board of Commissioners **APPROVE** Petition **MPL2024-001** 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 **MPL2024-001**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

**Preliminary Plan Review**

I move the Unified Government Board of Commissioners **APPROVE** Petition **PR2024-003** 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 **PR2024-003**, 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.

**April 8, 2024, City Planning Commission Minutes:**

**Hearing starts at 3:13:30:**

Secretary Parker stated that two (2) people requested a Spanish interpreter, and Jason Faust is present in the Commission Chamber. There was one (1) person on-line and one (1) person in the Commission Chamber that needed the interpreter.

**PLAN REVIEW APPLICATION PR2024-003 – CURTIS PETERSON - SYNOPSIS:**

Preliminary Development Plan to construct a 174-unit garden apartment complex at 1300 North 59<sup>th</sup> Street.

**MASTER PLAN AMENDMENT APPLICATION MPL2024-001 – CURTIS PETERSON -**

**SYNOPSIS:** Master Plan Amendment from Medium-Density Residential to High-Density Residential (PlanKCK Comprehensive Plan) to construct a 174-unit garden apartment complex at 1300 North 59<sup>th</sup> 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 at 174-unit apartment building at 1300 North 59<sup>th</sup> Street.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated April 8, 2024;
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. Letter in opposition from Valerie Webb at 1325 North 59<sup>th</sup> Street.

Recording Secretary Parker stated that these applications were held over from last month's meeting for another neighborhood meeting to be held that complied with the 14-day notification requirement. She further stated that the testimony from last month's meeting is part of the record, and the Commission should hear what is new from the neighborhood meeting.

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 48<sup>th</sup> Place, Suite 900, Kansas City, Missouri, representing Marian Development Group
- Monica Breede, Senior Director, WYEDC, 727 Armstrong Avenue, Kansas City, Kansas 66101

The Planning Commission directed questions to the applicant.

Present in Opposition:

- Gene Holland, 1325 North 59<sup>th</sup> Street, Kansas City, Kansas 66104 (He showed a video from his car driving 59<sup>th</sup> Street)
- Betsy Rivas, 1241 North 59<sup>th</sup> Street, Kansas City, Kansas 66104 (she stated that the interpreter was for her parents so he can stop now.) (No one in the Commission Chamber indicated that they still needed an interpreter.)
- Vicki Owens, 1233 North 59<sup>th</sup> Street, Kansas City, Kansas 66104
- Nick Rodina, 1204 North 59<sup>th</sup> Street, Kansas City, Kansas 66104

Mr. Petersen responded to the questions by those in opposition.

The Planning Commission directed questions to those in opposition, the applicant and Director Hand.

**Staff Recommendation starts at Recording 2 – 10:30:** Planning Director Hand stated that this case was held over for 30 days for a second neighborhood meeting to be re-

noticed and conducted. This plan review is in conjunction with a Master Plan Amendment for medium density housing to high-density residential. The property is in the PlanKCK area in the Midtown neighborhood. Staff received some support and opposition on this application. There are no Notices of Violation currently on this property. Staff recommends approval with conditions, including following the Multi-Family Design Guidelines, the street improvements as noted, sidewalk connection, landscaping and screening enhancements on the north and south property lines. Staff also recommends approval of one (1) deviation. One of the amenities that the applicant is providing is smaller than the standard set out for a large amenity, specifically for the size of the playground. He further stated that he would note in relation to the other conditions of approval, the applicant has made requests to change, Staff agrees with changing Conditions #2 and #15. He would put condition #1 back to the Commission to make that determination, which would require some legal clarification. Director Hand stated that the way he understands the request is that if the condition as amended by the applicant moves forward, if the applicant could not acquire sufficient right-of-way easements, they would not be held to making the roadway improvement and could still proceed with the rest of the project. If it is kept the way that it is and they could not obtain the required easements, it would either nullify the approval, they would have to come back to change that condition of approval before moving forward or it would require the Unified Government to go through the eminent domain process.

Legal Counsel Conway stated that he has some concern with the wording in Condition No. 1 regarding acquiring the easements. He doesn't think that it forces the Unified Government to consider the eminent domain process.

Chairman Carson directed questions to Mr. Peterson concerning the wording being proposed. Mr. Peterson stated that the proposed wording revising Condition #1 can be removed.

The Commission directed questions to Director Hand.

**Motion starts at 19:40:**

On motion by Mr. Straws, seconded by Mrs. Jones, the Planning Commission voted as follows to recommend **APPROVAL of Master Plan Amendment MPL2024-001:**

|            |             |
|------------|-------------|
| Carson     | Chairman    |
| Ward       | Aye         |
| Armstrong  | Not Present |
| Beth       | No          |
| Easterwood | Aye         |
| Ernst      | No          |
| Jones      | Aye         |
| Miller     | Aye         |
| Mohler     | Aye         |
| Schwartz   | No          |
| Straws     | Aye         |

Subject to:

1. Public improvements to the roadway, curb and gutter on North 59<sup>th</sup> Street extend and tie into existing infrastructure at State Avenue;
2. **A pedestrian pathway shall be installed along North 59<sup>th</sup> Place or North 59<sup>th</sup> Street as a part of the proposed plan;**
3. A six (6) foot tall fence shall be installed along the entire Southern property line and along the Northern property line not included in the open space easement, to provide additional screening to those abutting properties. The southern fence that abuts the commercially zoned property shall meet the design guidelines for commercial screening;
4. An open space easement shall be recorded as to preserve as much of the existing tree stand and existing elevation as possible as noted in the Landscape Plan (Sheet L1);
5. The applicant shall provide funding for traffic calming best practices along North 59<sup>th</sup> Street as determined in their subsequent development agreement;
6. 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;
7. 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;
8. 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;
9. 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;**



10. 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;
  11. Landscaping shall be irrigated;
  12. 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;
13. 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;
  14. Interior parking lots lights shall have 90-degree cutoff fixtures;
  15. All downspouts on the buildings shall be located at corners, where possible, and painted to match the building;
  16. Bike racks should be provided throughout the site to allow for bike storage.
  17. The design layout shall preserve as much of the existing tree stand and existing elevation as possible;
  18. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by [buildinginspection@wycokck.org](mailto:buildinginspection@wycokck.org) to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
  19. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or [signpermits@wycokck.org](mailto:signpermits@wycokck.org) to begin this process;
  20. 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;
  21. All existing and future driveways must feature curb cuts that are constructed to UG standards;
  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. 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;
24. A Right-of-Way Permit is required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by [info@wycokck.org](mailto:info@wycokck.org) to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
  25. A Pre-Construction meeting is required for any improvements to public infrastructure upon the approval and issuance of a Development Review Committee (DRC) Permit. Any improvements to, construction or alteration of: sanitary systems, stormwater systems, public or private streets, sidewalks, or other public infrastructure will require a pre-construction meeting with the Department of Public Works. The applicant is required to contact the County Engineer at (913) 573-5400 or by [info@wycokck.org](mailto:info@wycokck.org) prior to construction to arrange this meeting;
  26. 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;
  27. 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.
    - a. 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; and,
  28. 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.

On motion by Mr. Straws, seconded by Mrs. Jones, the Planning Commission voted as follows to recommend **APPROVAL of Plan Review Application**

**PR2024-003:**

|            |             |
|------------|-------------|
| Carson     | Chairman    |
| Ward       | Aye         |
| Armstrong  | Not Present |
| Beth       | No          |
| Easterwood | Aye         |
| Ernst      | No          |
| Jones      | Aye         |
| Miller     | Aye         |
| Mohler     | Aye         |
| Schwartz   | No          |
| Straws     | Aye         |

Motion to recommend APPROVAL Passed: 6 to 3

Subject to the above conditions.



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## ATTACHMENTS

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### AERIAL IMAGERY

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### ZONING MAP

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## LAND USE MAP





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## APPLICANT RESPONSE TO STAFF COMMENTS

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Department of Planning + Urban Design

February 26, 2024

**Re: Multi-Family Development, 1300 N. 59<sup>th</sup> St., KCKS 66102  
Comment Response Letter-MPL2024-001, & PR2024-003**

Dear City Planning Commission,

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: There was significant concern during the previous submittals regarding capacity of the roadway, pedestrian safety, and number of units. How has the applicant demonstrated that they have addressed these issues with their resubmittal.

- a) Regarding the number of units, why was the number reduced by only six (6) units?
- b) Why were different unit types, those more consistent with the immediate neighborhood not considered?

**Response:** The Developer is proposing to improve the approximate 800 feet of N. 59<sup>th</sup> Street that is adjacent to the subject property, by proposing a pavement width with curb and gutter of 23 feet. The Developer is also willing to assist with addressing the neighborhood's existing issue with speeding vehicles on N. 59<sup>th</sup> Street by installing traffic calming measures just north of the subject property. The Developer is also willing to provide a sidewalk along N. 59<sup>th</sup> Place to provide safe pedestrian friendly access to the Ride KC bus stop on State Avenue.

Comment 2: Provide an updated Traffic Impact Study to reflect changes to the proposed plan.

**Response:** See attached traffic study memorandum.

Comment 3: In the interest of maintaining and preserving neighborhood character, the applicant shall place the taller buildings closer to the Southern property line as to allow for a smoother transition to the single-family uses located to the north.

**Response:** The subject property is located within the Coronado Statistical Neighborhood, the Leavenworth Road Association and the Coronado Ridge Neighborhood Group. The neighborhood consists of a diversity of uses, including single-family residences, multi-family residences, commercial uses and institutional uses. With regard to the one single-family home located to the north of the subject property, the Developer has taken care to provide a significant buffer and setback to the northern property line. All buildings proposed present as 3-story buildings to the north.

Comment 4: Per comments from nearby property owners, a fence that is six (6) foot in

9/27/2024 1:11 PM

height shall be installed along the North and Southern property lines. Preferably, this fence shall have masonry columns every 32 feet.

**Response:** The Developer does not believe that such fencing would serve a functional purpose. In the northwest corner of the site, the Developer is proposing to maintain the existing, mature tree stand. In the northeast corner of the site, the Developer is providing four tiers of retaining walls between the building and the northern property line. The southern property line is shared with industrial uses.

**Comment 5:** Are there plans to upgrade North 59th Street? If so, will these upgrades extend down to State Avenue? Staff suggests that any improvements should extend to State Avenue, due to previously mentioned concerns.

**Response:** The Developer is proposing to improve the approximate 800 feet of N. 59<sup>th</sup> Street that is adjacent to the subject property, by proposing a pavement width with curb and gutter of 23 feet.

**Comment 6:** The design layout shall preserve as much of the existing tree stand and existing elevation as possible. Additionally, an open space easement shall be recorded.

**Response:** Acknowledged. See Plan Sheet L1 showing the tree preservation area.

**Comment 7:** Per the Multi-Family Residential Design Guidelines:  
a) Pedestrian walkways and sidewalks shall be a minimum of six-feet (6') wide.

**Response:** Acknowledged.

b) All pedestrian walkways shall be designed to provide direct access and connections to and between the following:

**Response:** Acknowledged.

i) The primary entrance or entrances to each principal multi-family building; and,

**Response:** Acknowledged.

ii) To any sidewalks or walkways on adjacent properties that extend to the boundaries shared with the multi-family development.

**Response:** Not applicable.

**Comment 8:** 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. See Plan Sheet C1 for location of painted parking lot crossings.

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Comment 9: 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.

**Response:** Acknowledged. This equates to 87 trees required and the submitted plans show 87 trees provided on sheet L1-L3.

Comment 10: 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. These trees and shrubs should be concentrated on the 59th Street Frontage.

**Response:** Acknowledged. Landscape plan shows 86 Shade Trees with 22 additional Shade Trees and 180 Shrubs. Significant concentration of shade trees and shrubs along 59th Street is provided. See sheet L1-L3

Comment 11: 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. See Plan Sheet L1-L3 for locations of plantings along eastern frontage.

Comment 12: Landscaping shall be irrigated.

**Response:** Acknowledged.

Comment 13: 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. Provided in lower level of building #1.

Comment 14: 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.

Comment 15: Interior parking lots lights shall have 90-degree cutoff fixtures.

**Response:** Acknowledged.

Comment 16: All trash and recycling receptacles shall be enclosed on all sides with an

9/25/2024



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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.

**Response:** Acknowledged. Trash enclosure screening is provided.

Comment 17: Per the Multi-Family Design Guidelines, all downspouts on the buildings shall be internalized.

**Response:** The multi-family design guidelines do not require that all downspouts on the buildings be internalized. The downspouts will be located at corners, where possible, and will painted to match the building.

Comment 18: Bike racks should be provided throughout the site to allow for bike storage.

**Response:** Acknowledged. Sheet C1 shows at least 1 bike rack proposed for each building.

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](mailto:Tyler.Wysong@Kimley-Horn.com)

987654321

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:

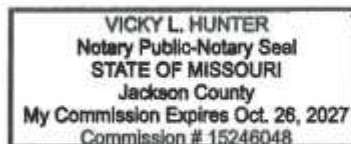
1. That I am the agent for petitioner for Petition #PR2024-003 and MPL2024-001.
2. That I conducted a neighborhood meeting on February 21, 2024.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Planning + Urban Design Department.

Further affiant saith not.

  
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 28<sup>th</sup> day of February, 2024.

My commission expires 26<sup>th</sup> of October, 2027



  
Notary Public



February 21, 2024 Neighborhood Meeting  
Marian Development – KCK Multi-Family Project  
1300 N. 59<sup>th</sup> Street

**Attendance:**

Shelby Miles, Marian Development  
Tyler Skaggs, Marian Development  
Arrin Tieben, Kimley-Horn (Engineer)  
Tyler Wysong (Kimley-Horn (Engineer)  
Curtis Petersen – Polsinelli PC  
Amy Grant – Polsinelli PC  
Vicki Owens - Resident  
Valerie Webb - Resident

The meeting began at approximately 6:15 p.m. The development team introduced themselves and briefly explained that the primary focus of the revised plan is to address concerns related to public infrastructure.

**N. 59<sup>th</sup> Street Improvements**

Mr. Petersen explained that the Developer is proposing to: (a) improve the approximate 800 feet of N. 59<sup>th</sup> Street that is adjacent to the subject property, by constructing an additional pavement, including curb and gutter, for a total street pavement width of 21 feet; (b) assist with addressing the neighborhood's existing issue with speeding vehicles on N. 59<sup>th</sup> Street by installing traffic calming measures just north of the subject property; and (c) willing to provide a sidewalk along N. 59<sup>th</sup> Place to provide safe pedestrian friendly access to the Ride KC bus stop on State Avenue.

Mr. Petersen provided examples of the following options: (i) speed limit flashing notification sign; (ii) sign warning of speed bump/hump ahead with reduced speed limit; (iii) and sign warning of driveway intersection ahead. Mr. Petersen also explained the difference between a speed hump and speed bump.

In general, Ms. Owens and Ms. Webb indicated that they did not believe that the speed limit flashing sign would be effective as people tend to ignore signage. They also indicated that they would visit with the other neighbors in the area, who were unable to attend the meeting, to gauge the interest of having a speed hump or speed bump along N. 59<sup>th</sup> Street.

**STORMWATER**

Ms. Owens expressed concerns that there are existing drainage issues in this area, including water occasionally backing up onto 59<sup>th</sup> Street.

The development team indicated the proposed project will help fix this issue as it will replace the current broken stormwater pipe situated on the Rodina property.

93783519.1

**Development Plan**

There was a brief discussion about the overall size of the project and why single-family homes would not be feasible for the subject property. Both residents expressed that they still object to the overall size of the proposed project.

The meeting concluded at approximately 7:45 p.m.

93783519.1

February 9, 2024

**SUBJECT: Neighborhood Meeting**

Marian Group – 1300 N. 59<sup>th</sup> Street

Case Number: PR2024-003 and MPL2024-001

We have filed applications with the Department of Urban Planning and Land Use. The purpose of this:

- Preliminary Plan Review
- Master Plan Amendment

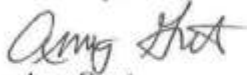
is for a multi-family development at the following address: 1300 N. 59<sup>th</sup> Street, Kansas City, Kansas.

We are having a neighborhood meeting on **Wednesday, February 21, 2024, at 6:00 p.m.** in the Jewell Building, Room #3205/3206, of the Kansas City Kansas Community College at 7250 State Avenue, Kansas City, Kansas. Please note that you will use the main entrance to the building and will then take a right at the first hallway to room #3205/3206.

The purpose of this meeting is to explain the proposal and to answer any questions/concerns you may have. If you are unable to attend the meeting or have any questions, please contact me at [agrant@polsinelli.com](mailto: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](mailto:agrant@polsinelli.com)

93345402.1

## MEETING SIGN-IN SHEET

Project: Marian Development

Meet Date: February 21, 2024

Facilitator: Curtis Petersen

Place/Room: Kansas City, KS Community College

Application #: Preliminary Plan and Master Plan Amendment PR2024-003 and MPL2024-001

[illegible]

93655236.1

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 #PR2024-003 and MPL2024-001.
2. That I conducted a neighborhood meeting on March 28, 2024.
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 <sup>1<sup>st</sup> day of April</sup> ~~29<sup>th</sup> day of March~~, 2024.

My commission expires <sup>9<sup>th</sup></sup> of <sup>August</sup>, 20<sup>24</sup>.

KIM L. ASHURST  
NOTARY PUBLIC-NOTARY SEAL  
STATE OF MISSOURI  
JACKSON COUNTY  
MY COMMISSION EXPIRES 8-9-2024  
COMMISSION # 12457303

  
Notary Public



March 28, 2024 Neighborhood Meeting  
Marian Development – KCK Multi-Family Project  
1300 N. 59<sup>th</sup> Street

**Attendance:**

Shelby Miles, Marian Development  
Curtis Petersen – Polsinelli PC  
Amy Grant – Polsinelli PC

Residents: Lou Bradwell, Vicki Owens, Betsy Rivas, Gene Holland/Valerie Webb, Stephanie Franco, and Miguel Madrigal.

The meeting began at approximately 6:05 p.m. The development team introduced themselves and briefly explained the reason for needing to hold this additional neighborhood meeting. Curt Petersen indicated that everyone on the call had likely been to prior neighborhood meetings and/or Planning Commission hearings and were familiar with the project so he opened up the floor for discussion.

Question: Is Marian aware of other properties in the area along State Avenue that are for sale? Has Marian Development considered any of these other properties for its project? These other properties have much better public infrastructure to accommodate a project like this.

Response: There is a lot of time and energy put into site selection. Marian Development selected this site approximately eight months ago. We would be happy to review and discuss the list of properties that you are referencing but intend to proceed with the subject property.

Question: What are the estimated costs of the proposed traffic calming measures?

Response: We do not have estimated costs yet but expect to have those by the time the matter is considered by the BOCC. Developers typically work with general contractors to finalize costs after a project receives its plan approvals. If the project is approved, the Developer has agreed to allocate funds to the UG for such costs so that the UG can work with the neighbors to implement the desired traffic calming devices.

Question: What is your plan for wildlife containment/relocation? I am concerned about displacement of animals.

Response: I am not familiar with any City codes or laws that speak to this issue. To the extent any regulations exist we will follow them.

Question: What is your plan for labor/construction jobs? Will contractors/sub-contractors be from out of State?

Response: We have not finalized this yet as it would come after securing plan approvals. The UG does have an LMW program that we will follow as part of the requested Industrial Revenue bonds.

Question: Will the project manager be local?

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Response: We have not determined specific staffing yet, but the project will include both local and out of town personnel.

Comments: Traffic Calming will not work unless you put speed humps/bumps every 100 feet or so. It is the width of the road that is the issue. Visibility for southbound vehicles is a concern. My drive lines up with the project's northern entrance and cars coming up over the hill do not have enough time to react to cars leaving the driveway. I agree with wildlife issues, please consider less buildings with more green space.

Question: Has anything changed since the last Planning Commission meeting? Is there anything new being discussed?

Response: Yes, this is the same proposal. We were required to hold the additional neighborhood meeting due to a notice issue not because we had new information to share.

Comments: I am also concerned about speeding along N. 59<sup>th</sup> Street. There have also been accidents for vehicles trying to turn left to head east on State Avenue. I am concerned about a crosswalk that takes people across N. 59<sup>th</sup> Street, this will be a deathtrap. I am still concerned about how stormwater will be handled.

Question: How will the sidewalk along N. 59<sup>th</sup> street terminate on the north end? Will cars somehow confuse the sidewalk with the widened roadway? Why did the Developer object to putting in the sidewalk?

Response: The sidewalk simply ends at the property line to the north. There will also be curb and gutter so cars should not confuse the roadway and the sidewalk. The Developer is being asked to build a sidewalk all the way to State Avenue without sufficient right-of-way. Developer was concerned that it was being asked to do something that was not possible.

Comments: My parents moved to this property for the farm-like feel and do not want to see development across the street. N. 59<sup>th</sup> Street has had issues with shootings and abandoned vehicles.

Question: We have a large lot that might invite crime and abandoned cars. What type of renter are you targeting with this project? How do you plan to handle issues of violence or crime?

Response: This project is targeting people who likely have jobs that involve manual labor, skilled trades, teachers, first responders, etc. The approximate rent range will be \$800 to \$1,600 a month. The Developer does not currently have plans to provide enhanced security measures for the subject property but can easily add those later if it finds the project warrants it.

Comment: I agree with the security concerns.

Question: I understand the Developer is investing money here and needs to have a good return on investment but why can't the Developer provide a smaller amount of units with townhomes.

Response: The proposed density matches the existing zoning of the property. It is very typical to construct a multi-family project as a transition/buffer between single-family homes and commercial or other more intense land uses, like the mobile home park adjacent to the site.

94300350.1

Comments: Please consider other sites that have better roads. Why must you develop here where the neighbors do not want this type of project?

Comments: It seems backwards that the Developer is putting in the residential before the commercial comes. The Plaza in KCMO was built to attract the residential.

Comments: I agree that a housing issue exists, but this site is not appropriate for the proposed size. I understand the Developer liked that the property was already zoned and got a good purchase price but there is a serious lack of understanding that the condition of N. 59<sup>th</sup> Street is not appropriate for this project.

Discussion: There was a brief discussion clarifying the difference between the zoning of the property, needing a preliminary development plan approved, and the change to the Master Plan.

The development team reminded the group that the project will be heard by the Planning Commission again on April 8<sup>th</sup> and the BOCC on April 25<sup>th</sup>, 2024.

The meeting concluded at approximately 7:05 p.m.

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March 13, 2024

**SUBJECT: Neighborhood Meeting**

Marian Group – 1300 N. 59<sup>th</sup> Street

Case Number: PR2024-003 and MPL2024-001

We have filed applications with the Department of Urban Planning and Land Use. The purpose of this:

- Preliminary Plan Review
- Master Plan Amendment

is for a multi-family development at the following address: 1300 N. 59<sup>th</sup> Street, Kansas City, Kansas.

We are having a neighborhood meeting on **Thursday, March 28, 2024, at 6:00 p.m.** via Zoom Video Conference:

**To attend via telephone, dial: 1 312 626 6799**

**Meeting ID: 987 9655 3584**

**Passcode: 363826**

The purpose of this meeting is to explain the proposal and to answer any questions/concerns you may have. If you are unable to attend the meeting or have any questions, please contact me at [agrant@polsinelli.com](mailto: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](mailto:agrant@polsinelli.com)

94054756.1

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## LETTERS OF OPPOSITION

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Marian Group – 1300 North 59<sup>th</sup> Street, Kansas City, Kansas  
Case number: PR2024-003 and MPL, 2024-001

The initial proposal was denied by the Full Board of Commissioners, January 11, 2024

Please consider my reasons for opposing the 174-unit apartment at 1300 North 59<sup>th</sup> Street.

The apartment complex adversely impacts the environment, safety, and character of the neighborhood and community.

59th Street, stretching from State Avenue to Parallel, presents a unique rural setting with its 18-foot-wide asphalted road—a width narrower than the typical residential street average of 21-24 feet. Frozen in time since the 1950s, this road has seen minimal upkeep and absolutely no expansion. Notably, when Meadowlark Lane was developed, 59th Street was rerouted to intersect with Meadowlark Lane for access to Parallel Parkway. However, the proposed addition of 174 housing units, coupled with a parking lot capable of accommodating 268 cars, raises valid concerns regarding the surge in pedestrian and vehicular traffic.

The Marian Group's revised proposal includes adding an 800-foot sidewalk on the East side of their property and a sidewalk on the West side of their property that leads to State Avenue. They indicate both sidewalks will be accessible to the surrounding neighborhood. In addition, they plan to install "Traffic Calming" measures to address the safety concerns.

Cars routinely exceed the speed limit; in fact, four cars have landed in the yard of 1315 North 59<sup>th</sup> Street over the years. The proposed revisions may not adequately address this concern or improve overall safety. I do not believe the proposed revisions would reduce the incidences of speeding, nor improve the safety especially with the anticipated increase in pedestrian and vehicle traffic.

The proposed 3-story, 174-unit complex spanning 8.94 acres appears incongruent with the existing character of the neighborhood. Surrounding this development, an estimated 14+ acres are occupied by six single-family homes. Each of these homes boasts wooded areas and substantial green space, contributing to the neighborhood's charm and authenticity.

To align with the shared vision of "maintaining authentic neighborhoods" from PLANKCK, it is imperative to maintain the authentic essence of the neighborhood. This



entails preserving the existing character, including the abundance of green space and the harmonious blend of residential structures with natural surroundings.

Introducing a large-scale housing complex of this magnitude risks disrupting the neighborhood's established character and could potentially compromise the sense of community kinship fostered by PLANKCK. Instead, a more compatible development plan could involve incorporating elements that complement the existing landscape, such as smaller-scale housing units, enhanced green spaces, and architectural designs that blend seamlessly with the surrounding environment.

By prioritizing the preservation of authentic neighborhoods and embracing PLANKCK's vision, we can ensure that future developments contribute positively to the community's identity while honoring the natural beauty and character that residents value.

Over recent years, the landscape has undergone significant transformation with the construction of Meadowlark Valley, the USD Bus Barn, and Schlager Stadium, resulting in the clearance of vast areas of land populated with trees. This development has unfortunately displaced wildlife inhabiting these wooded areas. Additionally, further acres of trees have been cleared from the Southwest corner of Meadow Lark Lane and State Ave. to facilitate the ongoing Levee Project. This continued loss of wooded habitats not only disrupts local ecosystems but also poses challenges for wildlife survival and biodiversity conservation in our community.

While I support the idea of affordable housing in Wyandotte County, including on 59th Street, I have concerns about the scale of the proposed development. The safety of the street, coupled with the potential loss of trees and wildlife habitat, is particularly worrisome given the road's limited capacity to accommodate a complex of this size. It is crucial to find a balance that meets the need for affordable housing while preserving the natural environment and ensuring the safety and well-being of residents and wildlife alike.

To honor the rural character of 59th Street per PLANKCK principles, I propose a reduced number of units for single-story housing units like duplexes or fourplexes with ample green space. Rather than a clubhouse, a collective garden with picnic areas and outdoor spaces would foster community interaction and sustainable living practices. This approach preserves the area's charm while promoting a sense of community and environmental stewardship.

[Buchanan's Crossing](#), located at 706 North 65<sup>th</sup> Street, Kansas City, Kansas was built in 2017 is an example of a complex that would be more in line with the neighborhood of 1300 North 59<sup>th</sup> Street.

If you are not familiar with 59<sup>th</sup> Street, I invite you to take a drive up what I refer to as my "Oasis in the Dotte".

Respectfully, a 30-year taxpayer and resident of 1325 North 59<sup>th</sup> Street, Kansas City, Kansas.

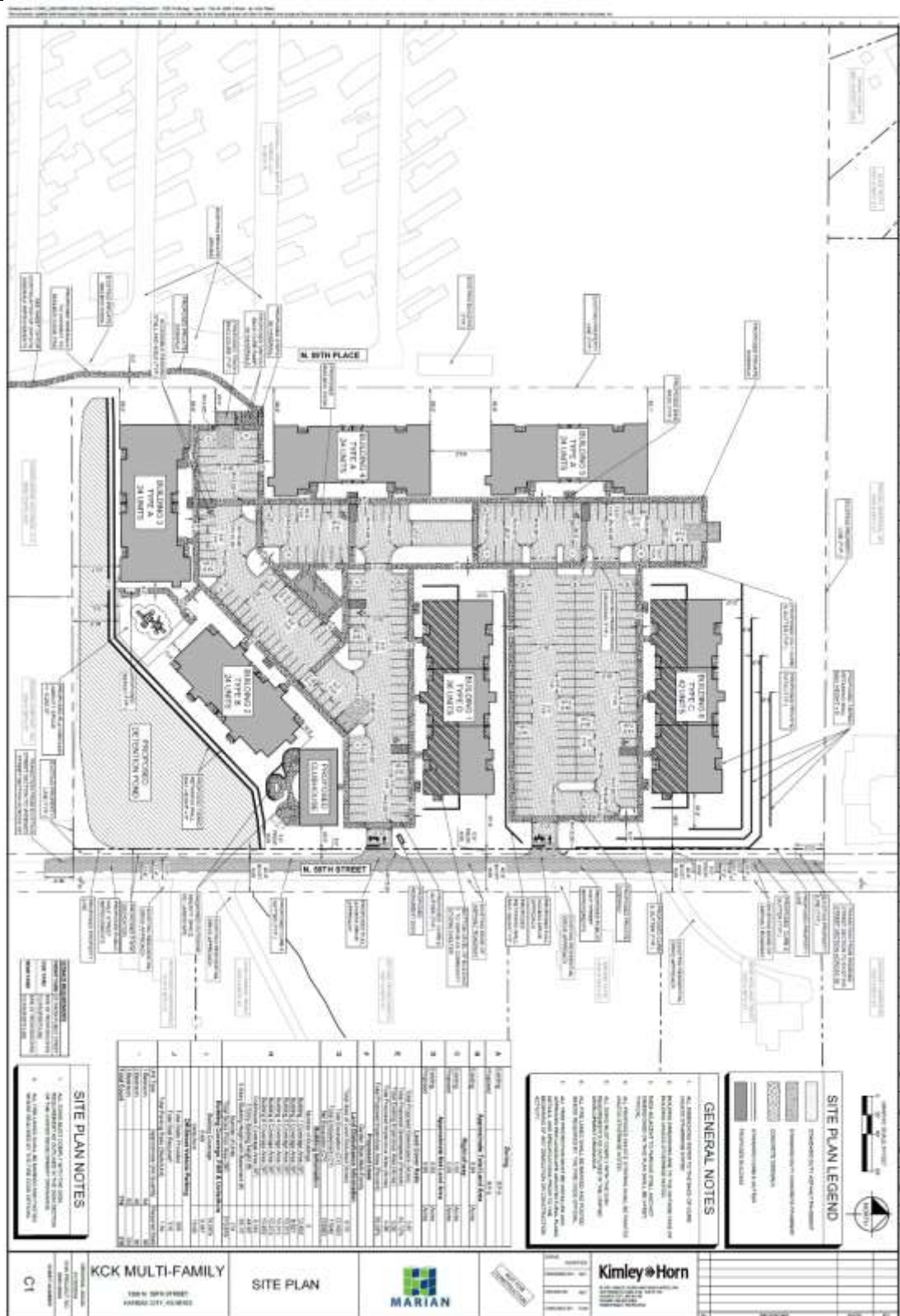
*Valerie Webb*

816-805-6969

Webb.cats.dogs@gmail.com

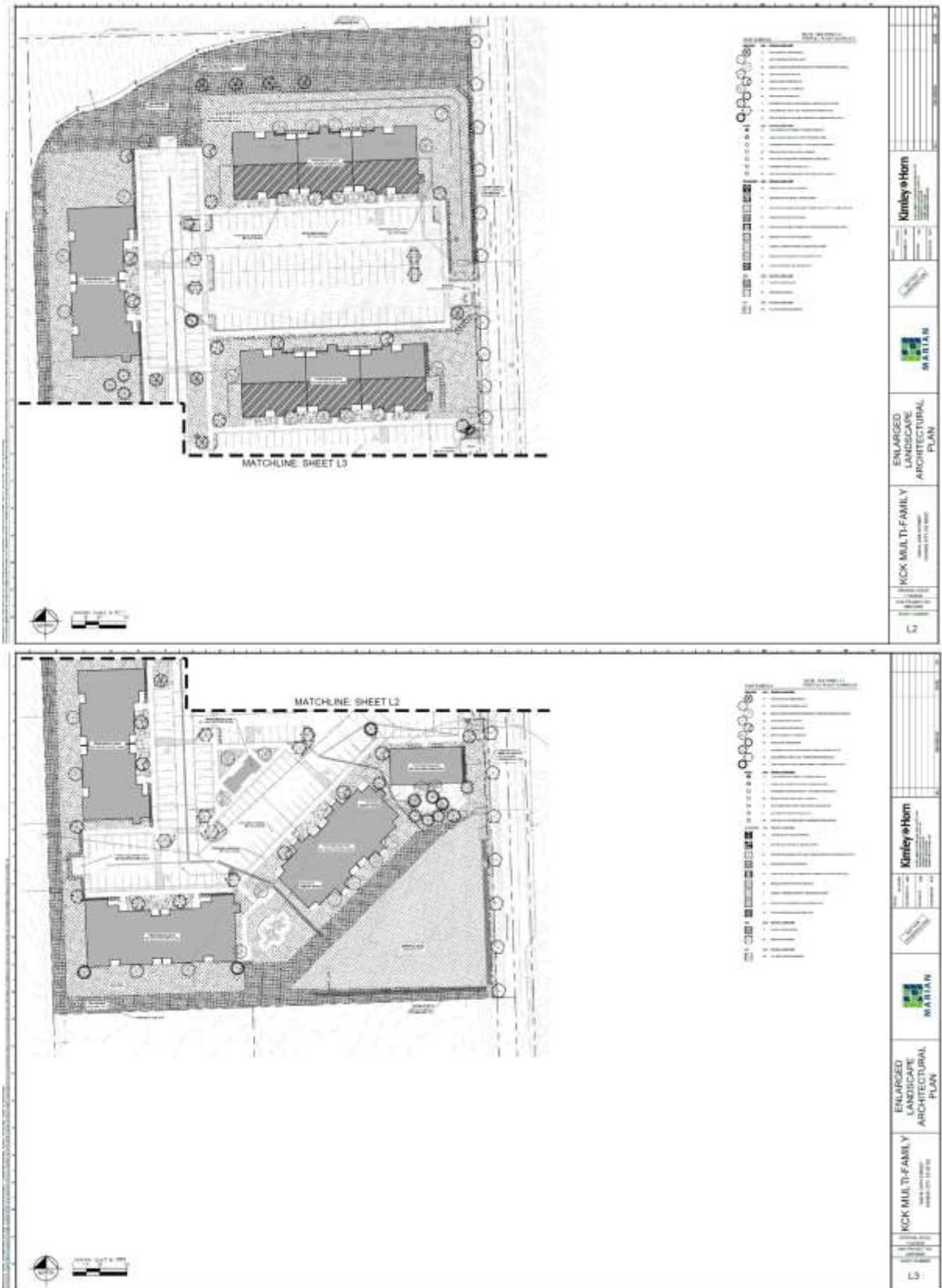
Note: at this writing I have been unable to determine the impact a complex this size would have on Lindbergh Elementary, Coronado Middle, or Schlagle High School.

## 38

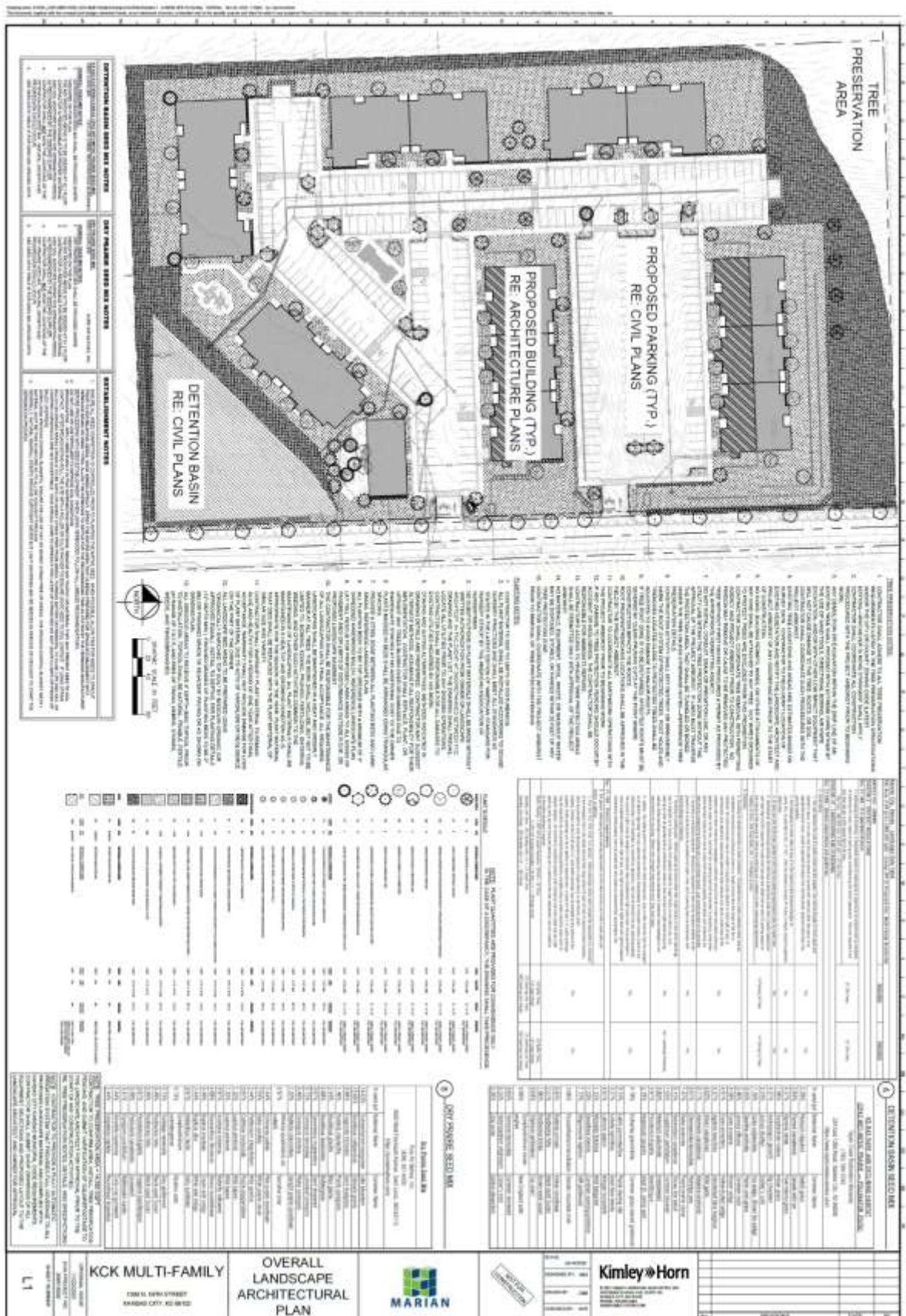


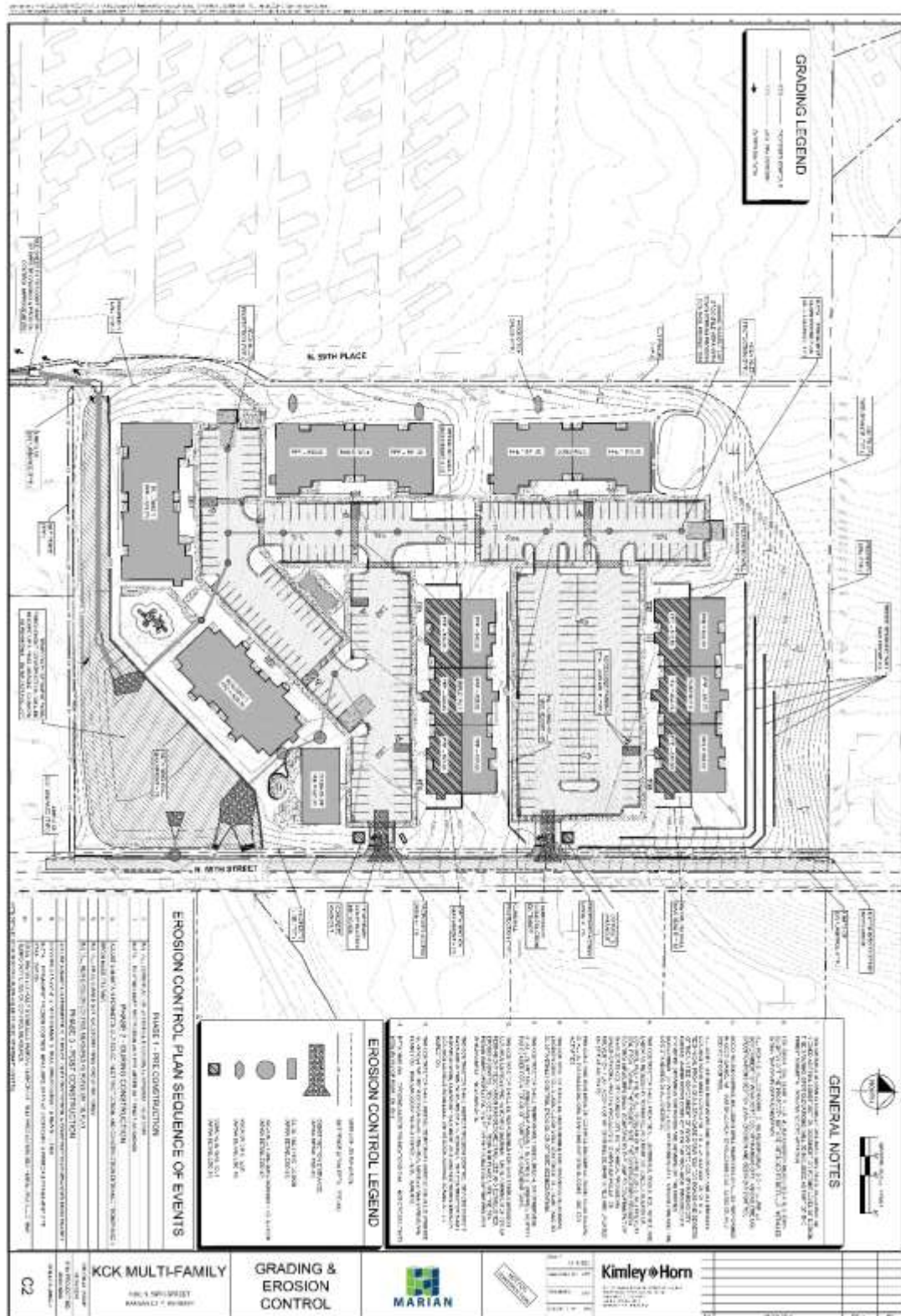


# LANDSCAPE PLAN







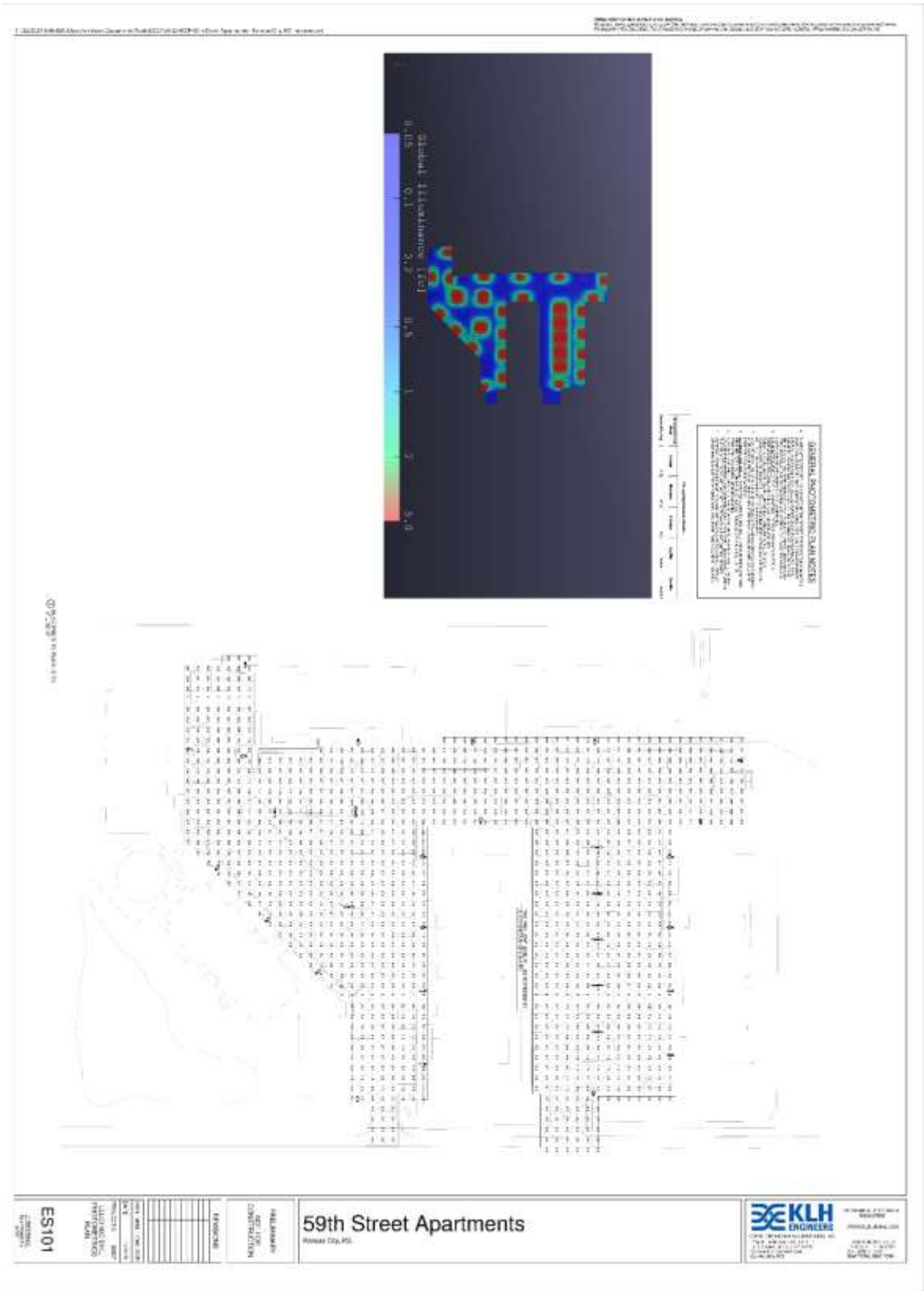




## 43



LIGHTING PLAN



# ELEVATIONS









## BPU TRANSFORMER SCREENING STANDARDS

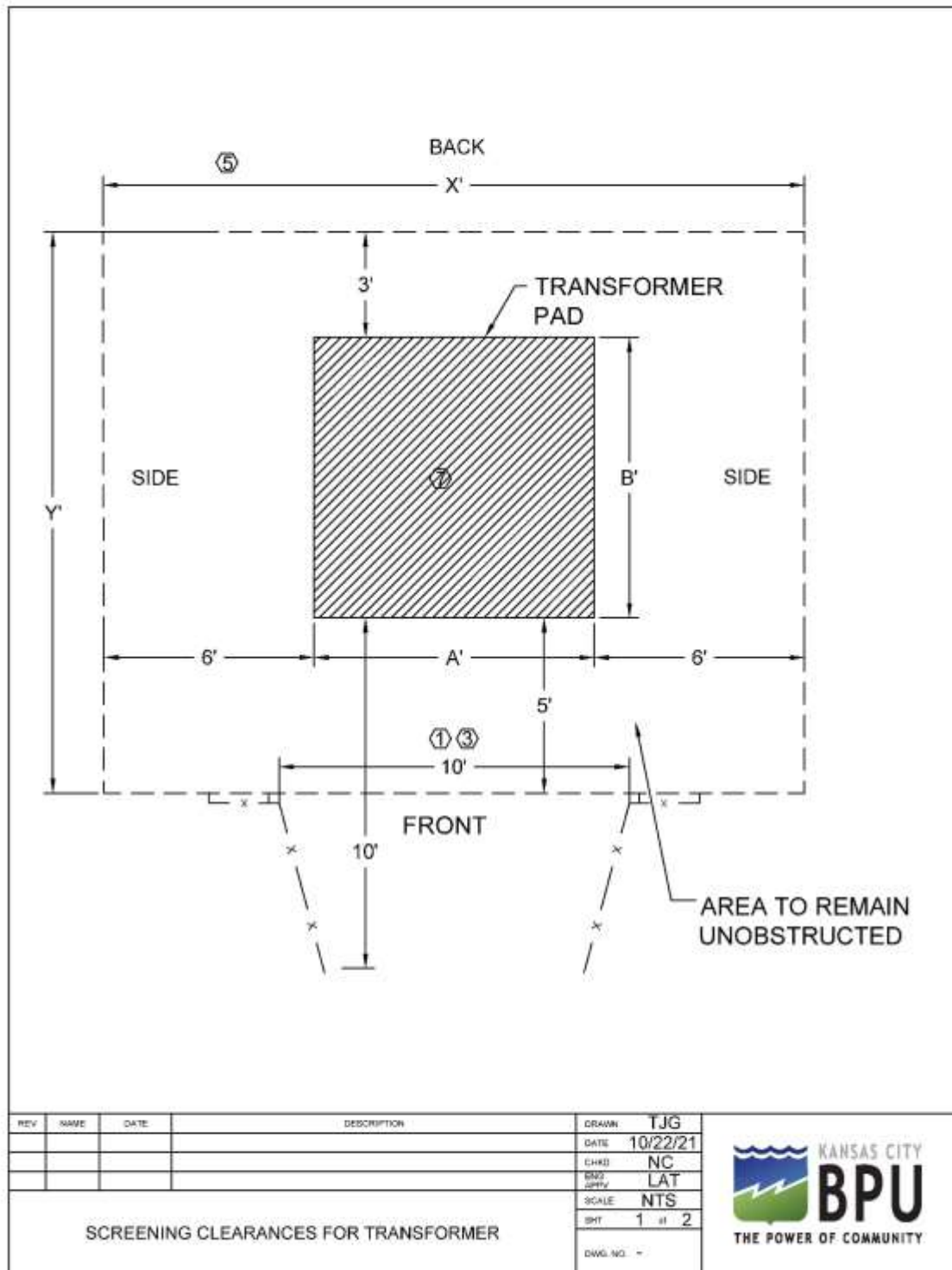


TABLE 1: DIMENSION REQUIREMENTS FOR TRANSFORMER

|                                           | "X"      | "Y"      | "A"     | "B"     |
|-------------------------------------------|----------|----------|---------|---------|
| 3 PHASE<br>75 TO 500KVA<br>TRANSFORMERS   | 18' - 8" | 13' - 6" | 6' - 8" | 5' - 6" |
| 3 PHASE<br>750 TO 2500KVA<br>TRANSFORMERS | 20' - 0" | 16' - 0" | 8' - 0" | 8' - 0" |

\*\*\*FOR SCREENING USING EVERGREEN TREE, SEE NOTES 5 AND 6

**NOTES**

1. GATE DOORS ARE REQUIRED FOR ALL TYPES OF SCREENING THAT ARE PLACED IN FRONT OF THE TRANSFORMERS.
2. FENCES SHALL BE INSTALLED 2' OFF THE GROUND AND HAVE ADEQUATE CLEARANCE TO OPEN GATE DOORS AT 180° AND HAVE 10' CLEARANCE FROM PAD WHEN GATE DOORS OPEN.
3. POSTS FOR GATE DOORS MUST BE INSTALLED A MINIMUM DISTANCE OF 10' APART IN THE FRONT.
4. FOR SLAT FENCES, CUSTOMER SHALL INSTALL A MINIMUM 4" SLATS AND HAVE 4" OF SPACE BETWEEN EACH SLAT.
5. 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
6. FOR EVERGREEN TREES, CUSTOMER SHALL PLANT EACH TREE SO THAT THERE IS 2' OR MORE OF SPACE FROM EDGE TO EDGE BETWEEN EACH TREE AT MATURITY. (E.G. BLUE ARROW JUNIPER GROWS UP TO 2' WIDE, SO THERE SHALL BE 4' OF SPACING BETWEEN EACH TREE TAKING ACCOUNT THE GROWTH OF SAPLINGS)
7. PAD MUST HAVE A MINIMUM CLEARANCE OF 6' ON EACH SIDE, 3' ON THE BACK, AND 5' ON THE FRONT ALLOWING FOR 10' ON THE FRONT WHEN GATE DOORS OPEN.

| REV                                           | NAME | DATE | DESCRIPTION | DRAWN    | TJG      |
|-----------------------------------------------|------|------|-------------|----------|----------|
|                                               |      |      |             | DATE     | 10/22/21 |
|                                               |      |      |             | CHKD     | NC       |
|                                               |      |      |             | ENG      | LAT      |
|                                               |      |      |             | SCALE    | NTS      |
|                                               |      |      |             | SHT      | 2 of 2   |
| SCREENING CLEARANCES FOR TRANSFORMER<br>NOTES |      |      |             | DWG. NO. | -        |





February 26, 2024

Shelby Miles, MPA  
The Marian Group  
1801 Payne Street  
Louisville, Kentucky 40206

**Re: Traffic Impact Study Update  
1300 N. 59th Street TIS**

Dear Mr. Miles:

Kimley-Horn prepared a traffic impact study for the proposed multifamily development located at 1300 N 59th Street in Kansas City, Kansas. The study was prepared for the original plan submitted for the site, dated October 2023.

Since that time, some minor changes have been made to the site plan. Most notably, the number of residential units has decreased from 180 to 174 units. The number of parking stalls has not changed, and the location of the proposed access points to the site has not changed. A sidewalk has been added extending south to State Avenue from the southwest corner of the site. The current site plan is attached to this letter for reference.

The change in the number of units results in a slightly lower daily trip generation for the site of 1,120 trips compared to 1,230 daily trips in the previous study. The trip generation for the AM and PM peak hours was rounded to the nearest 10 trips in the previous traffic study. Therefore, the new slightly lower trip generation is negligible when compared to the previous traffic study. The results of the traffic analysis with the current trip generation would be identical to what is shown in the previous traffic impact study. Based on this information, it is our opinion that the recommendations of the October 2023 traffic impact study for this site are applicable for the current site plan.

We trust that this information serves as the updated traffic analysis for the current site plan. Please let us know if you have any further questions.

Sincerely,  
**Kimley-Horn and Associates, Inc.**

A handwritten signature in black ink, appearing to read "Jeffrey J. Wilke".

Jeffrey J. Wilke, PE, PTOE

kimley-horn.com

805 Pennsylvania Avenue, Suite 150 Kansas City, MO 64105

816-652-0350



## 1.0 INTRODUCTION

This report serves as the traffic analysis for the proposed multifamily residential development located at 1300 N 59<sup>th</sup> Street, north of State Avenue between 59<sup>th</sup> Place and 59<sup>th</sup> 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*, 11<sup>th</sup> 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 & 59<sup>th</sup> Street (Unsignalized)

### 2.2 STREET NETWORK

The existing street network within the study area includes State Avenue, 59<sup>th</sup> 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 59<sup>th</sup> 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 57<sup>th</sup> 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 57<sup>th</sup> Street.

**59<sup>th</sup> Street** is a two-lane north-south roadway that runs along the east frontage of the subject site. Through the study area, 59<sup>th</sup> Street does not provide dedicated turn lanes at intersections and access locations. Curb and gutter and sidewalks are not provided through the study area. 59<sup>th</sup> 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. 59<sup>th</sup> 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/59<sup>th</sup> 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/59<sup>th</sup> 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 59<sup>th</sup> 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/59<sup>th</sup> Place and State Avenue/Meadowlark Lane/59<sup>th</sup> Street. The bus stops at State Avenue/59<sup>th</sup> Place are designated by signs, and the bus stops at State Avenue/Meadowlark Lane/59<sup>th</sup> Street have permanent shelters.

## 2.4 TRAFFIC DATA COLLECTION

Turning Movement Counts (TMCs) were collected Thursday, September 28<sup>th</sup>, 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 59<sup>th</sup> Street. Access A (North) and Access B (South) would be located approximately 1,040 feet and 850 feet north of the State Avenue/59<sup>th</sup> 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 59<sup>th</sup> 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<br>50% In/ 50% out | 0.31X + 22.85<br>24% In/ 76% out | 0.43X + 20.55<br>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%         |
| <b>Total</b>             | <b>100%</b> |

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 59<sup>th</sup> 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 (59<sup>th</sup> 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/59<sup>th</sup> 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 95<sup>th</sup> 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 59<sup>th</sup> 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/59<sup>th</sup> 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 59<sup>th</sup> 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 59<sup>th</sup> 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 <sup>th</sup> Street & Access A | North             | 305                                | 290         | 260                            | 200         |
|                                    | South             | > 500                              | 335         | > 500                          | 200         |
| 59 <sup>th</sup> 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 59<sup>th</sup> 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<br>(sec/veh)           | LOS | 95%<br>Queue | V/C<br>Ratio | Delay<br>(sec/veh) | LOS | 95%<br>Queue | V/C<br>Ratio |
| Meadowlark<br>Lane and<br>Richmond Ave      | Minor-<br>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<br>59 <sup>th</sup> Street | Minor-<br>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<br>(sec/veh)           | LOS | 95%<br>Queue | V/C<br>Ratio | Delay<br>(sec/veh) | LOS | 95%<br>Queue | V/C<br>Ratio |
| Meadowlark<br>Lane and<br>Richmond Ave      | Minor-<br>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<br>59 <sup>th</sup> Street | Minor-<br>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 <sup>th</sup> Street and<br>Access A     | Minor-<br>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 <sup>th</sup> Street and<br>Access B     | Minor-<br>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 95<sup>th</sup> 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<br>(sec/veh)           | LOS | 95%<br>Queue | V/C<br>Ratio | Delay<br>(sec/veh) | LOS | 95%<br>Queue | V/C<br>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 <sup>th</sup> 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 <sup>th</sup> 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 <sup>th</sup> 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 59<sup>th</sup> Street has been prepared by Kimley-Horn. The site is located north of State Avenue between 59<sup>th</sup> Place and 59<sup>th</sup> 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 59<sup>th</sup> 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/59<sup>th</sup> Street intersection was found to be unwarranted based on calculated volume projections for the Existing Plus Development and Future (2043) Build scenarios.













Re: Marian Group – 1300 N. 59<sup>th</sup> Street, Kansas City, Kansas  
Case number: PR2024-003 and MPL, 2024-001

The Full Board of Commissioners unanimously denied Marian Group's first proposal on January 11, 2024, chiefly because it emphasized the necessity for low-income housing vs. affordable housing and presented concerns from staff, neighbors and commissioners alike regarding the street conditions of 59th Street.

The Marian Group has resubmitted a proposal that broadens the spectrum of rental options that will include a percentage of the units for low-income housing and seeks approval for a "High-Density Residential" designation, with minor adjustments to the first proposal.

The minor adjustments do not align with the street's parameters and fall short of adequately addressing concerns raised by both neighbors and commissioners as well as the recommendations of the staff.

I would like to add that the proposal conflicts with various aspects of [PlanKCK](#), a comprehensive plan that was developed to stop *"Decisions made piecemeal across many decades... that is struggling to meet the needs of its residents..."*

[Shared Vision](#), pg. 8

Please consider my stance in opposition to 1300 N. 59<sup>th</sup> Street.

A high-density complex negatively affects the environment, safety, and character of the neighborhood and community.

A high-density complex allows for 20 units per acre, while a medium-density complex allows for 4-16 units per acre. The developer has reduced the original number of 180-units to 174 to allow for modifications to the street and to add 2 sidewalks that do not meet the recommendations of the staff, nor decrease the risk to pedestrians and vehicles that will travel the entire length of 59<sup>th</sup> Street.

To uphold the collective vision of "maintaining authentic neighborhoods" as outlined in PLANKCK, it is crucial to safeguard the genuine essence of the neighborhood. This involves preserving its current character, which encompasses the wealth of green spaces and the seamless integration of residential structures with the natural environment.

[PLANKCK, Land Use](#), pg. 101

*Medium-Density Residential Land to provide for future housing needs through the construction of a wide variety of attached residential development intended to promote infill development and investment by allowing for greater densities, while preserving the overall character of existing neighborhoods. Buildings should transition to the adjacent neighborhood contexts using various massing, buffering and/or landscaping techniques. These areas should be designed to support multi-modal connectivity with sidewalks and street trees.*

[PLANKCK, Mobility](#) pg. 142

*Build out and maintain our sidewalks, bikeways, and trails as a comprehensive system to better integrate neighborhoods and communities, creating a more walkable network for all Wyandotte County.*

A medium-density complex including 80 units or less, although not ideal, would be better suited to the location. This area is next to only six single-family homes, spread over approximately 14+ acres of wooded areas and substantial green space.

Neighbors continue to express concerns about the size of the complex and persisting safety hazards along the existing street. The proposed plan, which includes widening the street for only a brief stretch next to the complex and installing minimal sidewalks, does not adequately address these concerns.

One sidewalk requires the neighboring Mobile Home Park to approve the installation of a sidewalk on their private property. We have not seen any binding agreement that assures this will happen.

The developer plans to allocate money for "Traffic Calming" measures (to be determined by the neighbors) with no guarantee of implementation.

The suggested revisions reflect a "piecemeal" approach, reminiscent of trying to fit a puzzle piece from an entirely different puzzle.

An example of housing that blends into an existing neighborhood on a safer street is Davidsons' Landing located at 704 N. 64<sup>th</sup> Terrace.

Davidsons' Landing is a "Workforce Housing" complex with 115 units that opened in 2023. It is strategically located on a street conducive to the scale of the complex. In addition, they partnered with Workforce Development to provide job development and locating childcare for residents.

I respectfully request the denial of Case number PR2024-003 and MPL 2024-001 as 59<sup>th</sup> Street lacks the infrastructure necessary to adequately support a complex of this size.

***Valerie Webb***

1325 N. 59<sup>th</sup> Street  
Kansas City, Kansas

I have included photos that highlight the striking disparity between the two complexes and their surrounding streets.



← **Davidson's Landing**

Note: There are sidewalks on both sides of the street, which exceeds the 18-foot width of 59th Street.



← **1300 N. 59th Street**

An asphalted "country road" that measures 18 feet in width, as opposed to the standard 21-24 feet found on average.





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

# PROCLAMATION

**WHEREAS,** The Office of the Professional Municipal Clerk, a time-honored and vital part of local government exists throughout the world; and

**WHEREAS,** The Office of the Professional Municipal Clerk is the oldest among public servants; and

**WHEREAS,** The Office of the Professional Municipal Clerk provides the professional link between the citizens, the local governing bodies, and agencies of government at other levels; and

**WHEREAS,** Professional Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all; and

**WHEREAS,** The Professional Municipal Clerk serves as the information center on functions of local government and community; and

**WHEREAS,** Professional Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Professional Municipal Clerk through participation in education programs, seminars, workshops, and the annual meetings of their state, provincial, county, and international professional organizations; and

**WHEREAS,** it is most appropriate that we recognize the accomplishments of the Office of the Professional Municipal Clerk.

**NOW, THEREFORE,** I, Tyrone Garner, Mayor/CEO of the Unified Government of Wyandotte County/Kansas City, Kansas, do hereby proclaim May 5-11, 2024, as:

## “Professional Municipal Clerks Week”



in Wyandotte County/Kansas City, Kansas, and urge all citizens to recognize Professional Municipal Clerks Week. In witness whereof, I have hereunto set my hand and the seal of the Unified Government of Wyandotte County/Kansas City, Kansas.

  
**TYRONE GARNER, MAYOR/CEO**





# *PROCLAMATION*

- WHEREAS,** in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and
- WHEREAS,** this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; and
- WHEREAS,** Arbor Day is now observed throughout the nation and the world; and
- WHEREAS,** trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen, and provide habitats for wildlife; and
- WHEREAS,** trees are a renewable resource giving us paper, wood for our homes, fuel for our fires, and countless other wood products; and
- WHEREAS,** trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community; and
- WHEREAS,** trees, wherever they are planted, are a source of joy and spiritual renewal.

**NOW, THEREFORE,** I, Tyrone Garner, Mayor/CEO of the Unified Government of Wyandotte County/Kansas City, Kansas, do hereby proclaim April 26, 2024, as:

## **“Arbor 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.

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**TYRONE GARNER, MAYOR/CEO**



## Report to Full Commission

| MEETING DATE                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | PRESENTER                                                                                                                                                                         | DEPARTMENT |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <div>Debbie Jonscher, Assistant Finance Director</div> <div>Alyse Villarreal, Fiscal Officer</div> <div>djonscher@wycokck.org,<br/>avillarreal@wycokck.org<br/>x5847, x5273</div> | Finance    |
| AGENDA ITEM #X.1.                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                   |            |
| RESOLUTION: AUTHORIZING AMENDMENT TO 2024 MASTER EQUIPMENT LEASE PURCHASE AGREEMENT                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                   |            |
| BACKGROUND                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                   |            |
| <p>Approval of a resolution authorizing the Unified Government to amend its Master Equipment Lease Purchase Agreement with Banc of America Corp, submitted by Debbie Jonscher, Interim Chief Financial Officer.</p> <p><i>On April 1, 2024, the <b>Economic Development and Finance Standing Committee</b>, chaired by Commissioner Burroughs, voted unanimously to approve and forward to full commission.</i></p>                                                                             |                                                                                                                                                                                   |            |
| RECOMMENDATION                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                   |            |
| <p>Approve</p> <p>4/1/24 EDF/Recommend approving the resolution and forwarding to the May 2nd Full Commission Meeting.</p>                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                   |            |
| BUDGET IMPACTS / FINANCIAL CONSIDERATIONS                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                   |            |
| <p>Lease Finance Equipment items have been approved in the CIP. Departments have the authority to purchase those items within fiscal year 2024. This step ensures Banc of America will allow those items to be financed in a lease finance package in December. Lease finance package proceeds will reimburse the UG for the purchase of the items and a payment schedule will be agreed upon for a specific term- 3, 5, 7, or 10 years depending on the estimated useful life of the item.</p> |                                                                                                                                                                                   |            |
| IT/POLICY CONSIDERATIONS                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                   |            |
| None                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                   |            |
| PROCUREMENT CONSIDERATIONS                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                   |            |
| Equipment items may be purchased as listed in the CIP.                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                   |            |
| LEGAL CONSIDERATIONS                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                   |            |
| These items are intended to be included in a lease finance package which will be closed upon in December 2024.                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                   |            |
| ATTACHMENTS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                   |            |

Resolution authorizing Amendment No. 3 to Master Lease 2021, 2024 Amendment#3, 2024 LF Schedule for amendment

Approved by Mayor and/or Chair and Administrator to add to agenda.

**RESOLUTION NO. R-\_\_-24**

**RESOLUTION AUTHORIZING THE UNIFIED GOVERNMENT OF  
WYANDOTTE COUNTY/KANSAS CITY, KANSAS, TO AMEND ITS MASTER  
EQUIPMENT LEASE PURCHASE AGREEMENT WITH BANC OF AMERICA  
PUBLIC CAPITAL CORP, THE PROCEEDS OF WHICH WILL BE USED TO  
PAY THE COSTS OF ACQUIRING AND INSTALLING CERTAIN EQUIPMENT.**

**WHEREAS**, the Unified Government of Wyandotte County/Kansas City, Kansas (the “Unified Government”) desires to obtain funds to pay the costs of acquiring and installing some or all of the equipment identified on **Annex I** attached hereto (the “Equipment”); and

**WHEREAS**, in order to facilitate the foregoing and to pay the cost thereof, it is necessary and desirable for the Unified Government, to amend its annually renewable Master Equipment Lease Purchase Agreement (the “Lease”) with Banc of America Public Capital Corp (the “Lessor”), dated as of March 11, 2021, to extend the Origination Period (as defined in the Lease).

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

**Section 1. Authorization of Lease Amendment.** The County Administrator of the Unified Government is hereby authorized to execute Amendment Number 3 to the Lease (the “Amendment”), attached in substantially the form of **Exhibit A** hereto, and take all other necessary action to amend the Lease.

**Section 2. Authorization of Lease Transaction.** The Unified Government states its intent to lease pursuant to the Lease and pursuant to separate Schedules of Equipment (the “Schedules”) some or all of the Equipment in a maximum principal amount of \$10,000,000. The Unified Government expects to make capital expenditures after the date of this Resolution in connection with the purchase of the Equipment, and the Unified Government intends to reimburse itself for such expenditures with the proceeds of the Lease.

**Section 3. Authorization and Approval of Unified Government Documents.** The Amendment is hereby approved in substantially the form submitted to and reviewed by the Board of Commissioners on the date hereof, with such changes therein as are approved by the County Administrator, the County Administrator's execution of the Amendment being conclusive evidence of such approval.

The obligation of the Unified Government to pay Rental Payments (as defined in the Lease) under the Lease and any Schedules is subject to annual appropriation and will constitute a current expense of the Unified Government and will not in any way be construed to be an indebtedness or liability of the Unified Government in contravention of any applicable constitutional, charter or statutory limitation or requirement concerning the creation of indebtedness or liability by the Unified Government, nor will anything contained in the Lease or any Schedule constitute a pledge of the general tax revenues, funds or moneys of the Unified Government, and all provisions of the Lease and any Schedule will be construed so as to give effect to such intent.

The County Administrator is hereby authorized and directed to execute and deliver any Schedules on behalf of and as the act and deed of the Unified Government.

**Section 4. Further Authority.** The Unified Government will, and the officials and agents of the Unified Government are hereby authorized and directed to, take such actions, expend such funds and execute such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Resolution and to carry out, comply with and perform the duties of the Unified Government with respect to the Lease, any Schedules and the Equipment.

**Section 5. Effective Date.** This Resolution will take effect and be in full force from and after its passage by the Board of Commissioners.

**ADOPTED** by the Board of Commissioners of the Unified Government of Wyandotte County, Kansas City, Kansas, this 2nd day of May, 2024.

---

Mayor/CEO

**ATTEST:**

---

Unified Government Clerk

**APPROVED AS TO FORM:**

---

Office of Chief Counsel



## ANNEX I

## **EXHIBIT A**

## Exhibit A

# Bank of America

Amendment Number 3  
to Master Equipment Lease Purchase  
Agreement dated as of March 11, 2021

This Amendment Number 3 made this 2nd day of May, 2024 to the Master Equipment Lease Purchase Agreement dated March 11, 2021 ("Agreement") between Banc of America Public Capital Corp ("Lessor") and the Unified Government of Wyandotte County/Kansas City, Kansas ("Lessee")

WITNESSETH :

WHEREAS, Lessor and Lessee are parties to the Agreement; and

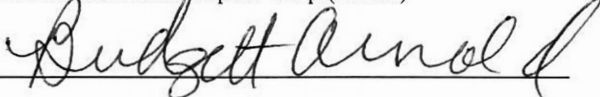
WHEREAS, Lessor and Lessee desire to amend certain provisions of the Agreement;

NOW, THEREFORE, in consideration of the premises and the mutual obligations hereinafter contained, and for other good and valuable consideration, the receipt whereof is hereby acknowledged, the parties hereto agree as follows:

1. Section 1.01 "Origination Period": is amended by deleting the reference to December 31, 2023, and replacing it with December 31, 2024.
2. Except as amended hereby, the Agreement shall remain in full force and effect and is in all respects hereby ratified and affirmed. Capitalized terms not otherwise defined herein shall have the meanings ascribed them in the Agreement.

IN WITNESS WHEREOF, the parties hereunto have caused this instrument to be executed by their duly authorized officers as of the day and year first above written.

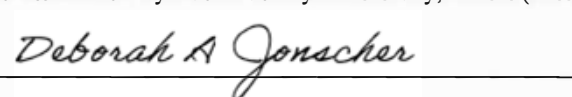
Banc of America Public Capital Corp (Lessor)

By: 

Printed Name: Bridgett Arnold

Title: Authorized Agent

Unified Government of Wyandotte County/Kansas City, Kansas (Lessee)

By: 

Printed Name: Deborah A. Jonscher

Title: Interim Chief Financial Officer

Annex 1 - 2023-2024 Unified Government Lease Financed Equipment Projects

| CMIP Project #                | Item/Project   | Term (yrs) | Rate* | Principal** | Interest*** | Annual Pmt**** | Service, Maintenance |
|-------------------------------|----------------|------------|-------|-------------|-------------|----------------|----------------------|
| 2023 Equipment (not financed) |                |            |       |             |             |                |                      |
| Fire- 212                     | Aerial/Quint   | 10         |       | 1,300,000   | 57,390      | 1,353,324      | 0                    |
|                               | Pumper         | 10         |       | 860,000     | 37,966      | 895,276        | 0                    |
|                               | Pumper         | 10         |       | 800,000     | 35,317      | 1,042,319      | 0                    |
| Public Works- 220             | Salt Spreaders | 7          |       | 262,500     | 11,342      | 305,941        | 0                    |
|                               | Dump Trucks    | 7          |       | 875,000     | 37,805      | 254,951        | 0                    |
| 2024 Equipment                |                |            |       |             |             |                |                      |
| Fire- 212                     | Aerial/Quint   | 10         |       | 1,300,000   | 57,390      | 1,357,390      | 0                    |
|                               | Aerial         | 10         |       | 1,680,000   | 74,166      | 1,717,966      | 0                    |
|                               | Pumper         | 10         |       | 2,000,000   | 88,293      | 2,035,317      | 0                    |
| Transit                       | Cutaway Buses  | 5          |       | 500,000     | 21,773      | 521,773        | 0                    |
| Contingency                   | Other          |            |       | 422,500     |             | 422,500        | 0                    |
|                               |                | Total      | \$    | 10,000,000  |             |                |                      |

\* Interest is estimated, based on a formula agreed to in Master Lease Amendment #2. Estimated rates as of March 4, 2024:  
5 year: 4.35 %  
7 year: 4.32 %  
10 year: 4.41 %

\*\* Principal column is the estimated total purchase price without interest if paid for by cash.  
\*\*\* Interest column is the annual interest amount using estimated rates.  
\*\*\*\* Estimated



## Report to Full Commission

| MEETING DATE                                                                                                                                                                                                                                                                                                                                                                                                | PRESENTER                                                                             | DEPARTMENT |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|------------|
|                                                                                                                                                                                                                                                                                                                                                                                                             | <div>Jeffrey Conway, Assistant Counsel</div> <div>jconway@wycokck.org<br/>x5075</div> | Legal      |
| AGENDA ITEM #X.2.                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                       |            |
| RESOLUTION: ADOPTING THE SECOND AMENDMENT TO THE DEVELOPMENT AGREEMENT FOR VILLAGE WEST APARTMENTS III                                                                                                                                                                                                                                                                                                      |                                                                                       |            |
| BACKGROUND                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                       |            |
| <p>A resolution adopting the Second Amendment to the Development Agreement for Village West Apartments III, to extend the completion date to March 31, 2025, submitted by Jeff Conway, Senior Attorney.</p> <p><i>On April 1, 2024, the <b>Economic Development and Finance Standing Committee</b>, chaired by Commissioner Burroughs, voted unanimously to approve and forward to full commission.</i></p> |                                                                                       |            |
| RECOMMENDATION                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                       |            |
| <p>Approve</p> <p>To adopt the resolution.</p>                                                                                                                                                                                                                                                                                                                                                              |                                                                                       |            |
| BUDGET IMPACTS / FINANCIAL CONSIDERATIONS                                                                                                                                                                                                                                                                                                                                                                   |                                                                                       |            |
| n/a                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                       |            |
| IT/POLICY CONSIDERATIONS                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                       |            |
| n/a                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                       |            |
| PROCUREMENT CONSIDERATIONS                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                       |            |
| n/a                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                       |            |
| LEGAL CONSIDERATIONS                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                       |            |
| n/a                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                       |            |
| ATTACHMENTS                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                       |            |
| Resolution Approving Second Amendment to Village West Apartments III DA, Second Amendment to Village West Apartments III DA (Extend Completion Date), Village West III 4.1.24 EDF Presentation                                                                                                                                                                                                              |                                                                                       |            |

Approved by Mayor and/or Chair and Administrator to add to agenda.



**RESOLUTION NO. R-\_\_\_\_-24**

**RESOLUTION AUTHORIZING THE SECOND AMENDMENT TO DEVELOPMENT AGREEMENT FOR VILLAGE WEST APARTMENTS III.**

**WHEREAS**, the Unified Government of Wyandotte County/Kansas City, Kansas (the "UG") and NP Village West III, LLC, a Delaware limited liability company ("Developer") are parties to that certain Development Agreement for Village West Apartments III dated as of February 27, 2020, as amended by that certain First Amendment to Development Agreement for Village West Apartments III dated as of September 30, 2021, and as assigned to Developer by that certain Assignment and Assumption of Development Agreement for Village West Apartments III dated as of October 5, 2022 (collectively, as amended and assigned, the "Development Agreement"), whereby Developer proposed to design, develop, and construct a luxury apartment complex and related amenities (the "Project") on certain real property generally located north of Delaware Parkway, west of 110<sup>th</sup> Street and south of Parallel Parkway in Kansas City, Wyandotte County, Kansas;

**WHEREAS**, Developer is diligently pursuing completion of the Project but has encountered certain material delays that are beyond Developer's control, specifically with respect to installation of electric service which has significantly impacted construction progress; and

**WHEREAS**, the Governing Body has determined that it is advisable to enter into the Second Amendment to Development Agreement for Village West Apartments III, attached hereto as **Exhibit A** (the "Second Amendment"), to extend the Completion Date for the Project.

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

**Section 1.** The Governing Body hereby approves the Second Amendment in substantially the form attached hereto.

**Section 2.** The Mayor/CEO is hereby authorized to execute in the name of the UG, the Second Amendment, and the County Administrator and other officials and representatives of the UG, including special counsel, are hereby further authorized and directed to take such actions and to execute any other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Resolution.

**Section 3.** This Resolution shall be effective upon adoption by the Governing Body.

*[Remainder of page intentionally left blank; signature page and exhibit follow.]*

**ADOPTED BY THE UNIFIED GOVERNMENT BOARD OF COMMISSIONERS  
ON APRIL 25, 2024.**

---

Tyrone Garner, Mayor/CEO

ATTEST:

---

UG Clerk

(Seal)

**EXHIBIT A**

**Second Amendment**

[Attached.]

**SECOND AMENDMENT TO DEVELOPMENT AGREEMENT  
FOR VILLAGE WEST APARTMENTS III**

THIS SECOND AMENDMENT TO DEVELOPMENT AGREEMENT FOR VILLAGE WEST APARTMENTS III (this "Second Amendment") is made as of April 25, 2024 (the "Amendment Effective Date") by and between the Unified Government of Wyandotte County/Kansas City, Kansas (the "UG") and NP VILLAGE WEST III, LLC, a Delaware limited liability company ("Developer").

**RECITALS**

A. The UG and VILLAGE WEST APARTMENTS III, LLC, a Kansas limited liability company, entered into that certain Development Agreement for Village West Apartments III dated as of February 27, 2020, as amended by that certain First Amendment to Development Agreement for Village West Apartments III dated as of September 30, 2021, and as assigned to Developer by that certain Assignment and Assumption of Development Agreement for Village West Apartments III dated as of October 5, 2022 (as amended and assigned, the "Agreement"), whereby Developer proposed to design, develop, and construct a luxury apartment complex and related amenities (as more particularly described in Section 2.2 of the Agreement, the "Project") on certain real property generally located north of Delaware Parkway, west of 110<sup>th</sup> Street and south of Parallel Parkway in Kansas City, Wyandotte County, Kansas. Capitalized terms used in this Second Amendment but not otherwise defined herein shall have the meanings assigned to them in the Agreement.

B. Pursuant to the terms of the Agreement, Developer agreed to Substantially Complete construction of the Public Infrastructure Improvements (described in Section 2.4 of the Agreement) on or before July 1, 2023, and the Improvements constituting the Project on or before August 1, 2024.

C. Developer is diligently pursuing completion of the Project but has encountered certain material delays that are beyond Developer's control, specifically with respect to installation of electric service. Lack of power has significantly impacted construction progress, and Developer has requested to extend the Completion Date for the Improvements.

D. The UG and Developer, pursuant to Section 10.4 of the Agreement, hereby desire to amend the Agreement as more particularly set forth below.

**AGREEMENT**

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the UG and Developer agree as follows:

1. Modification of Completion Date. The parties agree that Section 6.10 of the Agreement shall be deleted in its entirety and replaced with the following:

6.10 Completion Date. Developer hereby agrees that, subject only to Force Majeure, Developer shall Substantially Complete construction of the Improvements described in Section 2.2 and the Public Infrastructure Improvements described in Section 2.4 on or before March 31, 2025 (the "Completion Date").

2. Modification of Notice Addresses. The following notice addresses for the UG's Chief Counsel and County Administrator have changed and Section 10.11 of the Agreement shall be modified as follows:

Chief Counsel  
The Unified Government of Wyandotte County/Kansas City, Kansas  
701 North 7th Street, Suite 961  
Kansas City, Kansas 66101  
Telephone: (913) 573-5060  
Email: [legaldiv@wycokck.org](mailto:legaldiv@wycokck.org)

David Johnston, County Administrator  
The Unified Government of Wyandotte County/Kansas City, Kansas  
701 North 7th Street, Suite 961  
Kansas City, Kansas 66101  
Telephone: (913) 573-5060  
Email: [djohnston@wycokck.org](mailto:djohnston@wycokck.org)

3. Miscellaneous. In connection with this Second Amendment, the parties further agree as follows:

(a) The Recitals set forth above are true and correct and are hereby incorporated as though more fully set forth herein.

(b) Except as specifically modified by this Second Amendment, the Agreement, as amended, remains in full force and effect in accordance with the terms thereof.

(c) It is the intent of the parties that the provisions of the Agreement, as modified by this Second Amendment, shall be enforced to the fullest extent permitted by applicable law. To the extent that the terms set forth in the Agreement, as modified by this Second Amendment, or any word, phrase, clause or sentence is found to be illegal or unenforceable for any reason, such word, phrase, clause or sentence shall be modified, deleted or interpreted in such a manner as to afford the party for whose benefit it was intended the fullest benefit commensurate with making the Agreement, as modified by this Second Amendment, enforceable and the balance of the Agreement shall not be affected thereby, the balance being construed as severable and independent.

(d) This Second Amendment contains the entire agreement between the parties hereto, and the terms hereof are contractual and not mere recitals. No promises, inducements or agreements not herein expressed have been made.

(e) This Second Amendment shall be binding upon and inure to the benefit of the parties, and their successors and assigns.

(f) This Second Amendment may be executed in counterparts.

(g) All remedies set forth in Article 9 of the Agreement shall be made available for the enforcement of this Second Amendment.

(h) This Second Amendment shall be construed in accordance with the laws of the State of Kansas.

*[Remainder of page intentionally left blank; signature pages follow.]*



IN WITNESS WHEREOF, the parties have caused this Second Amendment to be executed as of the Amendment Effective Date.

UG:

**THE UNIFIED GOVERNMENT OF WYANDOTTE  
COUNTY/KANSAS CITY, KANSAS**

By: \_\_\_\_\_  
Tyrone Garner, Mayor/CEO

STATE OF KANSAS                    )  
                                                  ) SS.  
COUNTY OF WYANDOTTE    )

This record was acknowledged before me on \_\_\_\_\_, 2024, by Tyrone Garner as Mayor/CEO of the Unified Government of Wyandotte County/Kansas City, Kansas.

Printed Name: \_\_\_\_\_  
Notary Public in and for said State  
Commissioned in Wyandotte County

My commission expires:  
\_\_\_\_\_

IN WITNESS WHEREOF, the parties have caused this Second Amendment to be executed as of the Amendment Effective Date.

**DEVELOPER:**

**NP VILLAGE WEST III, LLC,**  
a Delaware limited liability company

By: NPD Management, LLC, a Missouri limited liability company, its Manager

By: \_\_\_\_\_  
Nathaniel Hagedorn, Manager

STATE OF MISSOURI        )  
                                          ) SS.  
COUNTY OF CLAY        )

This record was acknowledged before me on \_\_\_\_\_, 2024, by Nathaniel Hagedorn, as Manager of NPD Management, LLC, a Missouri limited liability company, the Manager of NP Village West III, LLC, a Delaware limited liability company.

Printed Name: \_\_\_\_\_  
Notary Public in and for said State  
Commissioned in \_\_\_\_\_ County

My commission expires:  
\_\_\_\_\_



NorthPoint™  
DEVELOPMENT

## VILLAGE WEST III “ASPIRE” APARTMENTS



# CURRENT PROJECT VISUAL

---





# VILLAGE WEST III “ASPIRE” APARTMENTS

## PUBLIC INFRASTRUCTURE IMPROVEMENTS





# VILLAGE WEST III “ASPIRE” APARTMENTS

## CONSTRUCTION CHALLENGES

---

- **March 2022** - Completed Application sent to BPU for service
- **May 2023** - BPU Anticipated Permanent Power Delivery (14 months from application)
- **March 2024** - Final Transformers Arrive for Permanent Power (24 months from application)
  - The lack of power resulted in the delay of many scopes including framing, interior finishes, and equipment start up

In addition to power, post-COVID material shortages were encountered at the beginning of the project. Several notable include:

- Site utility piping & manholes
- Electrical switchgear
- Roofing membrane



County Administrator's Office  
David W. Johnston, County Administrator

701 North 7<sup>th</sup> St., Suite 945  
Kansas City, Kansas 66101-3064

Phone: (913) 573-5030  
Fax: (913) 573-5540

**NOTICE OF PENDING APPOINTMENT**

DATE: April 18, 2024

BOARD POSITION: Landmarks Commission

INCUMBENT REPLACED: Murrel Bland

ADDRESS: \_\_\_\_\_

TERM EXPIRATION DATE: 12/31/23

APPOINTING COMMISSIONER: Melissa Bynum

**REQUEST FOR APPOINTMENT**

NAME OF NEW APPOINTMENT: Jeff Fendorf

TERM OF OFFICE: 4/25/24 to 12-15-2027

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 7<sup>th</sup> St., Suite 945  
Kansas City, Kansas 66101-3064

Phone: (913) 573-5030  
Fax: (913) 573-5540

**NOTICE OF PENDING APPOINTMENT**

DATE: April 18, 2024

BOARD POSITION: Self-Supported Municipal Industrial District (SSMID)

INCUMBENT REPLACED: VACANT

ADDRESS: \_\_\_\_\_

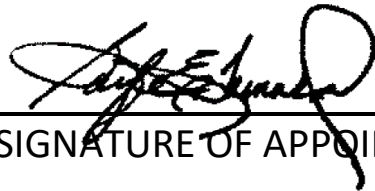
TERM EXPIRATION DATE: 12/31/23

APPOINTING COMMISSIONER: Gayle E. Townsend

**REQUEST FOR APPOINTMENT**

NAME OF NEW APPOINTMENT: Robert Hughes

TERM OF OFFICE: 4/25/24 to 12-15-2025



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.

STATE OF KANSAS                    )  
WYANDOTTE COUNTY            )) SS  
CITY OF KANSAS CITY, KS    )

**PLANNING & ZONING AND  
REGULAR SESSION  
JANUARY 26, 2023**

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in Regular Session Thursday, January 26, 2023, with eleven members present: Bynum, Commissioner At-Large First District; Burroughs, Commissioner At-Large Second District; Townsend, Commissioner First District; McKiernan, Commissioner Second District; Ramirez, Commissioner Third District; Johnson, Commissioner Fourth District; Kane, Commissioner Fifth District; Markley, Commissioner Sixth District; Stites, Commissioner Seventh District; Davis, Commissioner Eighth District; and Garner, Mayor/CEO, presiding. The following officials were also in attendance: Cheryl Harrison-Lee, Interim County Administrator; Misty Brown, Chief Counsel; Gunnar Hand, Director of Planning & Urban Design; Brett Deichler, UG Clerk; and Brittne 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 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. I'll ask the Clerk to present the roll call.

**Roll call:** Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis, Garner.

**Mayor Garner** said tonight, the invocation is going to be given by Chaplain Ken Nettling of Faith Lutheran Church, immediately followed by the Pledge of Allegiance.

**Mayor Garner** said I'll ask the Clerk if there were any revisions to tonight's agenda. **Mr. Deichler** said, Mayor, at your discretion, the order for tonight's agenda items has been reversed. The Regular Agenda items will be heard first followed by the Planning and Zoning Agenda with the Land Bank Board of Trustees convening thereafter. That represents all the modifications to tonight's agenda.

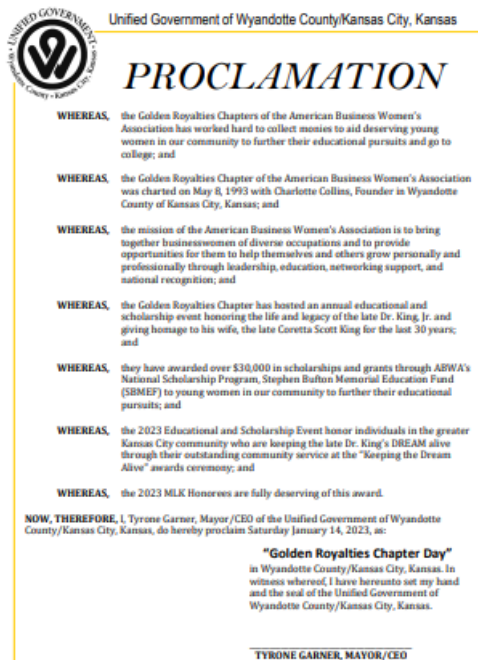
**Mayor Garner** said that takes us to the Mayor's Agenda. I'll ask the Clerk to read several proclamations.

## **MAYOR'S AGENDA**

### **Item No. 1 – 212225...PROCLAMATION: GOLDEN ROYALTIES CHAPTER DAY**

**Synopsis:** Proclamation proclaiming January 14, 2023, as Golden Royalties Chapter Day, submitted by Tyrone A. Garner, Mayor/CEO.

**Brett Deichler, UG Clerk,** read by the following proclamation.



**Action:** The proclamation was read.

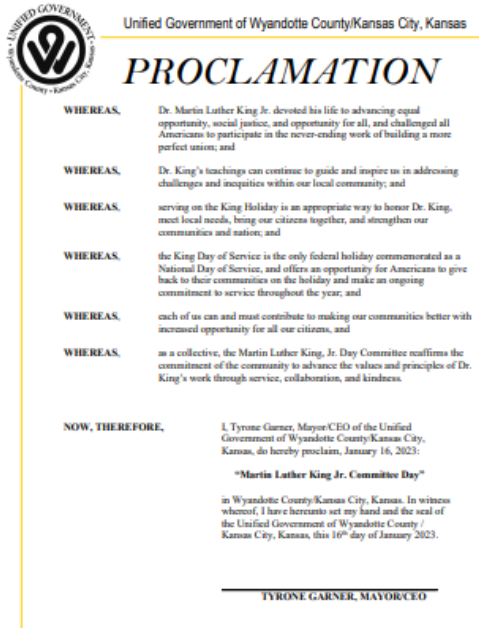
### **Item No. 2 – 212226...PROCLAMATION: MARTIN LUTHER KING JR COMMITTEE DAY**

**January 26, 2023**



**Synopsis:** Proclamation proclaiming January 16, 2023, as Martin Luther King Jr. Committee Day, submitted by Tyrone A. Garner, Mayor/CEO.

**Brett Deichler, UG Clerk,** read by the following proclamation.



**Action:** The proclamation was read.

### Item No. 3 – 212227...PROCLAMATION: SHEN YUN PERFORMING ARTS DAYS

**Synopsis:** Proclamation proclaiming January 27-29, 2023, as Shen Yun Performing Arts Days, submitted by Tyrone A. Garner, Mayor/CEO.

**Brett Deichler, UG Clerk,** read by the following proclamation.



January 26, 2023



**Action: The proclamation was read.**

**Mayor Garner** said before I move on, I'd like to just briefly update the Commission on the status of our administrator's process. On June 9, 2022, I made a commitment to this Commission, our staff, but more importantly the great people that make up Wyandotte County, that this process would be timely, transparent, thorough, and inclusive.

I want to thank Ms. Harrison-Lee's staff, particularly Ms. Porter, for working closely with the consultants and with the committee that is working to help get us to where we need to be in drafting a calendar that was sent out on 11/15/2022 that detailed exactly some of the events that would be going on.

So, as we work on the finalized plan for this Commission, on Tuesday, February 7, 2022, there is a meet and greet workshop. There will be three finalists for county, permanent county administrator. These candidates are going to be advanced by the task force that you all were really a part of as far as appointments.

As communicated previously, this session will be chaired by Commissioner Bynum and has been created to provide each of the commissioners an opportunity to get to know the candidates and their desire to serve the great people of Wyandotte County. To ensure that our community can also be involved, in addition to the public event later that evening, this will be an event that will be livestreamed.

In preparation for that day, commissioners, we ask that you submit three questions that you would like presented to each of the candidates. Those should go to Chief of Staff Edwards, from the Mayor's Office, as well as Commissioner Bynum, who will be chairing that session. All questions will be compiled into a survey document and a link provided for you to rank. Those receiving the most votes will be recommended for your use during your conversations.

Commissioner Bynum will determine the appropriate method for asking selected questions during the workshop that you will have with the candidates. It is important that we are consistent

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with our questioning for all the candidates to ensure an accurate comparison. After receiving the questions, we also plan to work with our Legal team to pre-screen appropriate versus inappropriate questions to give you all some guardrails in that regard. Again, this is a meet and greet workshop, not a candidate interview.

I'm going to ask Vice Chair of the task force, President Johnson, if he'd come forward. He can speak more about the process, the work they've done, and where they're at, at this point.

**Bill Johnson, General Manager, Board of Public Utilities**, said, Mayor, I'll start by saying you took about half of the things I was going to talk about. You've already addressed it, so you've really reduced my time down to only a few things that I'll update you on today.

Yes, we are now working with a second search firm, as you all know. The last time I was here we talked about where we were right after onboarding that new consulting firm and then kind of the schedule and calendar that we had put together. So, I want to fast forward until last week.

On January 17<sup>th</sup> we had met, as a task force, to review all of the candidates. The search firm did the initial screening and provided about 16 candidates to us. We had video questions that were already asked of all of them so will listen to all of those. Then we asked a lot of background questions of the task force that didn't come out on the video. That was our way of trying to get to understand the complete candidate list a little bit more, a little bit more about who they are, what their experience is, what they may bring to Wyandotte County. Then we were also coming into that meeting with the idea of reducing that number down to six candidates, which we did on that night.

Since that time, I think as of yesterday, we got word that one of them had withdrawn their name for consideration, so now we'll be interviewing five candidates on Monday afternoon. As we trim that down to three, we'll be presenting those candidates to the Commission and you'll start your round of interviews, as the Mayor has already outlined.

If there's any questions, again, you've covered most of what I was going to talk to. Thank you for that. If there's any questions, I'll take them at this time.

My hope is to get you three highly qualified candidates to review, and my hope is that a selection will be made from that group. We're on a short timeline. The meet and greet is out there, as already mentioned. We're gonna be working as fast as we can. We've already prepared all the questions. We're already prepared for Monday. I think next week is going to be a busy week for

us, but we'll work our hardest to try to get that list narrowed down a little bit smaller. My hope is you'll appreciate the work that we do.

**Mayor Garner** said thank you, Mr. Johnson. I'd like to just thank the consultant and all those volunteers that are part of this task force, along with Mayor Harrington, who's not here as well, staff, and everybody that's been involved in trying to make this process go as expeditiously as possible. So thank you all for the work and especially the volunteers and really volunteered to step up and help with this process.

**Mr. Johnson** said and, again, thank you for entrusting us with this important task.

**Commissioner Stites** asked, is the intent that we would vote on that person on that Tuesday night, the 7<sup>th</sup>? **Mayor Garner** said no. **Commissioner Stites** asked, when will we be moving a candidate forward to vote on? **Mayor Garner** said they will present three candidates and at that time I'll vet. Then once I make a decision, then a special meeting will be set up to where I'll present that candidate and then you all will have the opportunity to consent to that appointment. **Commissioner Stites** asked, do we know a timeframe on that? **Mayor Garner** said not at this point.

**Commissioner Kane** asked, do we vote on it? **Mayor Garner** said you will get to vote to consent to the appointment, yes, as we've always done per ordinance. What happens is, just for the public, the way our ordinance reads, the mayor appoints which, in my opinion, basically I recommend an individual for the position to the Commission. The Commission takes that recommendation and they ultimately decide whether or not to consent or basically to approve my recommendation to them for the administrator to fill that permanent position. So, that's how that works.

**Mayor Garner** said that takes us to the Regular Consent Agenda.

## **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. I will entertain a motion.

**Action:**        **Commissioner Kane made a motion, seconded by Commissioner Stites, to approve.**

**Mayor Garner** said there's a motion and a second to approve the Consent Agenda. Is there any discussion? Seeing none, roll call.

**Roll call** was taken and there were ten "Ayes," Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis.

### **Item No. 1 – 212186...APPROVAL: DOWNTOWN KCK COMMERCIAL HISTORIC DISTRICT**

**Synopsis:** Approval of the Downtown KCK Commercial Historic District nomination to the National Park Service for consideration, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design. On January 9, 2023, the Neighborhood and Community Development Standing Committee, chaired by Commissioner McKiernan, voted unanimously to approve and forward to full commission.

**Action:**        **Commissioner Kane made a motion, seconded by Commissioner Stites, to approve.** Roll call was taken and there were ten "Ayes," Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis.

### **Item No. 2 – 212197...RESOLUTION: 2023 CASH AND INVESTMENT POLICY**

**Synopsis:** Approval of resolution adopting the Cash and Investment Policy, submitted by Andrea Vinyard, Deputy Treasurer. On January 9, 2023, the Economic Development and Finance Standing Committee, chaired by Commissioner Burroughs, voted unanimously to approve and forward to full commission.



**Action:**       **RESOLUTION NO. R-3-23**, “A resolution adopting the Unified Government’s Cash Management Policy for 2023.” **On motion of Commissioner Kane, seconded by Commissioner Stites, the resolution was adopted.** Roll call was taken and there were ten “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis.

**Item No. 3 – 212152...RESOLUTION:   RESOLUTION: AUTHORIZING THE ACQUISITION AND IMPLEMENTATION OF CERTAIN PUBLIC SAFETY COMMUNICATION EQUIPMENT**

**Synopsis:** A home rule resolution authorizing and implementation of certain public safety communication equipment to serve the county and authorizing the issuance of general obligation bonds to finance the cost of the same, submitted by Debbie Jonscher, Acting Chief Finance Officer. On January 9, 2023, the Economic Development and Finance Standing Committee, chaired by Commissioner Burroughs, voted unanimously to approve and forward to full commission.

**Action:**       **RESOLUTION NO. R-4-23**, “A home rule resolution of the Unified Government of Wyandotte County/Kansas City, Kansas, authorizing the acquisition and implementation of certain public safety communication equipment to serve the county and authorizing the issuance of general obligation bonds to finance the costs of the same.” **Commissioner Kane made a motion, seconded by Commissioner Stites, to adopt the resolution.** Roll call was taken and there were ten “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis.

**Item No. 4 – 212223...PLAT: 55TH’S OSAGE ADDITION**

**Synopsis:** Plat of 55th’s Osage Addition, located at 705 South 55th Street, being developed by First Baptist Church of Turner, submitted by Brent E. Thompson, County Surveyor, and Troy Shaw, County Engineer.

**Action:** Commissioner Kane made a motion, seconded by Commissioner Stites, 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. 5 - MINUTES**

**Synopsis:** Minutes from the Full Commission meeting on May 12, 2022, and the Special Session meeting on November 22, 2022. (Minutes from the Mayoral Workshop on December 15, 2022, submitted for information only.)

**Action:** Commissioner Kane made a motion, seconded by Commissioner Stites, to approve. Roll call was taken and there were ten “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis.

#### **Item No. 6 - WEEKLY BUSINESS MATERIAL**

**Synopsis:** Weekly business material dated December 29, 2022, and January 5, 2023.

**Action:** Commissioner Kane made a motion, seconded by Commissioner Stites, 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**

No items









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In 2022, we boasted \$481M in capital investment with 30 new projects, 19 business retention expansions, and 11 attraction announcements. We have 30 active attraction projects, 35 active business retention projects, and we brought more than 400 jobs to the county.

A few notable announcements include the Homefield & Margaritaville Resort, Urban Outfitters distribution center, KU Therapy Treatment Center, as well as The Helm mixed-use, multi-family facility near the Bottoms. With the introduction of these new projects, we are positioned to continue economic growth throughout the county.

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Our focus on customer service was relevant through 2022. We enhanced our outreach to connect community members to health programs and services. We piloted new initiatives to address health disparities like the Fire Department's partnership with Vibrant Health. We engaged multi-department efforts to address community issues including the work of the Police Department, Legal Department, and Public Health Department in the fight against the opiate crisis.

We also supported new training initiatives and continued to enhance our communications with both internal and external stakeholders.



them a jump-start when they get started. Then, also looking at the employees we have and seeing what other resources we have in terms of continuing service consultants that might be able to come in and kind of help do some of the work that needs to take place during the interim.

**Mayor Garner** asked, any further questions from the Commission? Okay, Thank you, Administrator.

**Action:** For information only.

**Item No. 2 – 212232...RESOLUTION: AMENDING SECTION 203 OF THE UNIFIED GOVERNMENT’S RULES OF PROCEDURE**

**Synopsis:** A resolution amending Section 203 of the Unified Government’s Rules of Procedure as directed by the Commission on January 12, 2023, submitted by Misty Brown, Chief Counsel.

**Mayor Garner** said this was directed by the Commission on January 12, 2023. I can’t say that myself as we were asked to do. Commissioner Bynum and Commissioner Burroughs worked to try and codify what we all agreed would be appropriate as far as meeting each other in the middle of the bridge, at the halfway point, to move this question along in a way that, hopefully, will allow for improved collaboration in our agendas, standing committees, and in our communication. So, I’m going to turn it over to Chief Counsel Misty Brown to make some comments.

**Misty Brown, Chief Counsel**, said so as the Mayor alluded to, during the last meeting, a motion was made asking 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 been passed at a standing committee level can be returned to that standing committee by the Mayor one time, and requesting that the draft language come back to the full Commission at our next full Commission meeting.

So, that was the actual motion that was made and passed last meeting. What you have before you, with that direction, a resolution was prepared amending Section 203 of the Rules of Procedure. It was a dense rule so to make it very clear, it was broken up into three parts. We have

a new Subsection a that adds some clarification regarding recommendations for action and deletes a provision about a staff coordinator since that position does not exist any longer.

We then have a new Subsection b which contains the meat of the amendment stating that item, going into how if an item is forwarded from the standing committee to the full Commission for an action and it's sent back for a particular purpose, the standing committee will look at that particular purpose that's been directed to look at by the Mayor within 60 days. If the matter is passed again, it comes back to the full Commission for review.

Our new Subsection c, again, has some clarification language about recommendations for action by the standing committee. It changed a shall to may be scheduled for action, and then cleans up a little bit of language at the end regarding the Mayor's authority to fully manage an agenda item. It strikes some language regarding emergency and time-sensitive items.

I do want to note that there is a script note error in this and that the last sentence so long as the management of set agenda item does not conflict with paragraph b of this section should, in fact, be underlined because that's new language.

So, based on the motion that was made at the last meeting, this is the resolution bringing forward the amendments for consideration tonight.

**Commissioner Bynum** said I just want to thank you, Commissioner Burroughs, for working through the language. The three of us met to work through the language, and then chief counsel provided in this legal format. We've agreed that the a, b, and c sections breaks it up and just makes it a little bit clearer, frankly, and easy to read.

In Item b, the language that says recommending the action by the mayor, excuse me, may only be returned to the standing committee recommending the action by the mayor one time per item for further consideration, analysis, research, review under public input shall occur within 60 days of the item being sent back. Sixty days. It can be 30. It can be at the next meeting. It's within 60. That was to provide the time, whatever time might be needed, because maybe something needs more than 30 days or just the few weeks that might occur between that action and the next standing committee meeting.

So I just wanted to clarify the 60-day portion of it. It's a wording that says within 60 days. Its intent is to give the time needed for the consideration, research, review, etc., that something might be going back to the standing committee for. Other than that, I think everything's pretty

clear in this language. It is the language that was contained in the motion that was made at the meeting on the 12<sup>th</sup>. Mayor, I would move for approval of the item.

**Action: Commissioner Bynum made a motion to approve.**

**Commissioner Ramirez** said thank you, Commissioner Bynum, Commissioner Burroughs, for working together to find a compromise. I know this has been a very hot button issue. I just have, well, I think it's just a quick statement of my viewpoint, of my stance, on this.

Growing up, it was drilled into the very fiber of who I am, the three traits of honesty, integrity, and community above self. It wasn't just my family, it's every Latino and Latina child who receives this lesson in life. We're taught that these are basic guiding principles that if we lived every day by them, then nothing can stop us from putting others above ourselves. I take these teachings and these principles to heart. These were the very principles I ran my campaign on. You can go back to videos, to Facebook posts. Those are the very principles I ran on.

As the only Latino who serves on this Board, it's not only my duty to represent my district, but it's also my duty to represent the entire Latino, Latina community in this city and county. That is a responsibility I do not take lightly.

It's been said recently that I don't care about my community, that every decision I make is for my own self-interest. My only question to that is, show me. Show me where. Show me where I have gained any political standing. Show me where I've gained any monetary value. Show me where I've gone against the people of this county and city. Show me.

Every time I sit on this deus, the honesty and integrity that was instilled in me by my parents, is being attacked and dragged through the mud. I do not care if I get reelected. I do not care if I am recalled. I do not care if people think I'm doing this to somehow further my political career. Honestly, I do not care what you think or if you like me, but never, never attack or question the very principles that make me a proud Latino. That is something I will never accept or allow. You can continue to threaten to recall to take me out of office and drag my name through the dirt, I don't care. That doesn't bother me, but attacking and questioning my principles stops today.

**Commissioner Ramirez** said with all of that said, I cannot and I will not support the compromise resolution. Wyandotte County and Kansas City will never change for the better if we do not



modernize the rules the UG operates by. My district supported me with the original solution. Some were upset that I took the compromise, so I'm going to support them back by supporting the original resolution. I want the original resolution to come back and for us to vote on it. That's what my district wants, so that's what I'm voting for.

**Action: Commissioner McKiernan seconded Commissioner Bynum's motion to approve.**

**Commissioner Kane** asked, Legal, did you say that they're going to make something, change the wording from shall to maybe? **Ms. Brown** said in this resolution, Commissioner, in the new Subsection c, it originally read an agenda item recommended by a standing committee to the full commission for action shall be presumptively scheduled for action at the next regular meeting. This section has been amended to say, an agenda item recommended for action, that's a new piece, by a standing committee to the full commission for action, the city shall may be presumptively scheduled for action at the next regular meeting.

**Commissioner Kane** asked, does that mean it will or it won't or they don't have to? **Ms. Brown** said, Commissioner, it means that it could be the language before it said shall be presumptively scheduled, which even though they use the word shall, they had the word presumptively in there, which means that it's expected that it would have been at the next meeting but it allowed for the possibility that it wouldn't be. So, now changing the shall to may, I don't think, legally, it makes much difference because of the word presumptively in there.

**Commissioner Kane** said well, I've done some union contracts and we always try to take out the language where it says may versus shall.

**Commissioner Kane** asked, is there any reason why it has to be 60 days? It couldn't be 30 days? **Ms. Brown** said, Commissioner, I put 60 days in as was directed. I think the Mayor, Commissioner Bynum or Burroughs could speak to why 60 days. My understanding was it doesn't have to take 60 days, but to have at least 60 days to get the work done; but they wanted it completed within 60 days before it advanced back.

**Commissioner Kane** said it would have been nice, since we didn't have a special session today, that we sat down as a group and had an executive session to go over this and have all our inputs instead of just three people. We all have an emotion one way or the other. It would have

been nice to be able to share them. We came down here. We get bang, here it is. But getting this and some language changes and stuff like that, it makes it difficult to support this.

**Commissioner Bynum** said just two things real quick. Those, to me, those 60 days within Item b and within Item c, the change from shall to may were compatible. To me, the word change from shall to may in the language in paragraph c was matching the language in b that allowed for the 60-day turnaround.

If we made the language in b 30 days is fine because if it were to come to full commission, as we're requesting, at that level, we could all decide we aren't ready for a decision. As you know, often times the desire to bring something forward to full commission from a standing committee is so that we can talk about it among all of us. So I think that was the intent that we've been driving for the whole time is to allow something to be in front of all of us for just exactly this kind of discussion, Commissioner. So, in my mind, the word change from shall to may in Section c was to match with the 60 days in Section b. If it's the preference that become 30 days, I'm really fine with it because, again, at this level, it can go back.

**Commissioner Stites** said I think over the shall versus the may, it really doesn't matter what word if it's shall or may because the second word after that, that says presumptively makes it to where you still don't know what's going on. Shall or may, right? It's assumed that it may or assumed that it might not. My preference, I would like to see it go back to the 30 days also which would be the next scheduled meeting; that it's say under Section c that it shall be scheduled for action, not presumptively, but it shall.

**Commissioner Townsend** said I'd like to thank fellow Commissioner Bynum and Commissioner Burroughs and Legal staff for working on this; however, as it's written and as I understand it, and what the goal of the standing committee changes move forward on 12/15/22 were, I cannot currently support it as this is currently written.

Serving since 2013 on the Economic Development and Neighborhood Standing Committee, if any of you have participated or seen it, you can be likely there from 5:00 to 10 or 11 as we were with the last meeting.

If there is more information needed by the group of us at that time, it is not uncommon that we've asked to move an item back for clarification. That already gives you another 30 days, so there's already a mechanism in-house to address that. If that subsequent 30 days doesn't work out, then possibly another. So there is a mechanism already.

When we look at the 60 days in Section b, I don't think that's necessary at all from my viewpoint. From the language of c, and it's already been pointed out, shall/may presumptively. It's either shall or it's not. May and presumptively are the same thing. The whole point of this is trying to make sure that something that has gone through standing committee that then comes to this body, in this forum, is acted upon. There is still more time for discourse, so I'm still favoring the language that was presented on 12/15/22.

There should be no commissioner, no mayor, current, past, or whatever, that would hold up any item that the public and representatives should be considering. That's the whole point of this. It's not to embarrass anybody, but as one of the other commissioners said, we need to adopt and change if we see situations where there's a possibility that something that has come from the community, from people who want to improve, from people who want to just have a discussion about whatever the topic is, and we've dealt with some heavy topics over the last, since '13, the last three or four years.

That is what grieves me about this language. The language submitted on 12/15/22 was to promote that. There was no equivocation about it. It was not to embarrass anybody. I think that is still the proper language, so I could not support this language as it currently exists.

I would also think that—I forgot which of my fellow commissioners mentioned taking this back and having a more thorough discussion, but as it currently is, I could not support it.

**Commissioner Davis** said I'm in agreement with Commissioner Townsend on this, but a couple of things which are kind of weird here because I did not know that the agenda would be arranged. We have a lot of people here that are waiting on Planning and Zoning items. They did not come here to sit and watch us argue back and forth about a provision in language they can't even see on screen. I'm not making any judgment as to whether or not that is on purpose, but it is quite, frankly, a disservice. My apologies to you all because you all came for your specific items, many of you, I'm presuming, for Planning and Zoning; not to see us argue. So, I'm sorry that you came to see this. I thought this discussion would have happened after because you're not here to argue with

one another. We're here for you all and your needs to come before our particular discussion regarding this.

**Commissioner Davis** said I am not for the compromise. Quite frankly, I don't know if it's much of a compromise. It has been made very, very clear that there were three commissioners that led this effort. Myself, Commissioner Markley, and Commissioner Ramirez, we were, I think, intentionally left out of the discussion regarding the compromise. How do you compromise with a party that's not there? I don't know how that's possible.

Is it possible for us to get the actual language on the screen? Is that possible for the Clerk's Office, Mr. Deichler? It's just weird talking about this. No one can see what we're talking about. **Mayor Garner** said that's not part of the agenda, so I'm going to deny that. You have a comment or a question?

**Commissioner Davis** said wait, wait; hold on. It is on the agenda, sir. Mayor, it is on the agenda. **Mayor Garner** said it's not on the agenda. **Commissioner Davis** asked, what's not on the agenda? **Mayor Garner** said I made my decision. **Commissioner Davis** said that doesn't make sense. Can we get a ruling on this point of order? **Mayor Garner** said no, we can't. We can't. **Commissioner Davis** asked, what? **Mayor Garner** said no. **Commissioner Davis** said point of order. **Mayor Garner** said this is for questions and comments. **Commissioner Davis** said point of order. **Mayor Garner** said okay. The point of order is I control the meeting so no. **Commissioner Davis** said I appeal the decision of the chair. All I'm asking is that the public be made aware and can see what we're talking about. That's it. Just that we be transparent. That is all. **Mayor Garner** said, again, the rules of procedure aren't debatable, but there is a question. Since there is a question, I'm trying to move this process along.

Again, yes, there are people waiting here. I'm not trying to prolong this issue. This issue was voted on unanimously at the last commission meeting with the exact language that you all wanted. I can tell you that Commissioner Bynum and Commissioner Burroughs spent a lot of time with staff coming up with this language that you all said you wanted. That's the work that was done. You asked them to do the work. They did the work. Staff and Legal worked diligently to make sure that the work was done expeditiously to get us to where we're at today.

Some say they don't like the compromise. This is not, in my mind, a real compromise other than the fact it's allowing progress and agenda items to be moved forward just like you all

said you wanted. For those of you who say you want things to go back to 12/15/22, that's fine, but at the end of the day, that argument was predicated on misinformation.

So, no. We don't want to argue about this issue. I'm trying to move this process along. If you want that item to be viewed, I will leave that up to the body of this commission. We have a lot of work to do tonight. What I'm not trying to do is to prolong this debate about language and something that you all voted unanimously to approve and to move forward.

So, I'm going to take a motion. There is a motion but, again, to prevent all this, Clerk, do we have this item to be viewed? **Mr. Deichler** said we do, sir. **Mayor Garner** said put it up for the public. Again, I'm going to accommodate Commissioner Davis's request to cut down on the time that's involved in this. (The resolution was shown on the screen.) Clerk, could you read the a, b, and c articles for the public on the second page. **Mr. Deichler** read the following:

- a. The standing committee chairperson is responsible for recommending action to the full commission concerning standing committee agenda items recommended to the full commission within 30 days of the standing committee's vote to recommend. The recommendation for action, along with any supporting materials, shall be forwarded by the standing committee chairperson to the mayor and administrator, ~~with the assistance of the standing committee's staff coordinator~~ for placement on the full commission standing committees' agenda.
- b. The mayor ultimately determines the final agenda for the full commission meetings; however, items advanced from standing committee to the full commission may only be returned to the standing committee recommending the action by the mayor one time per item for further consideration, analysis, research, review and/or public input which shall occur within 60 days of the item being sent back to the standing committee recommending the action. If the standing committee that recommended the action to the full commission again recommends the action to the full commission, the action shall be placed on an agenda at a full commission meeting pursuant to paragraph (a) of this Section.
- c. Any agenda item recommended for action by a standing committee to the full commission for action shall be ~~presumptively~~ scheduled for action at the next regular meeting of the full commission subsequent to any regular meeting, if any, held during the same week as the meeting of the standing committee recommending the items. Nothing shall prohibit the mayor from exercising the discretion to fully manage an agenda item ~~place emergency or time-sensitive items~~ on any agenda in the interest of the unified government or the public so long as the management of said agenda item does not conflict with paragraph (b) of this Section.

**Commissioner Bynum** said if the Commission is not prepared to adopt this language, that is fine. I believe if it's going to go back somewhere, it belongs at Administration and Human Services, which is where word smithing and such with rules of procedure, ordinances, etc., go. I would be



okay with that, on the 12<sup>th</sup>. It's not a motion yet. Somebody else can make that motion because my motion on the table right now is to adopt this language.

On the 12<sup>th</sup> of January, I brought this language forward. I have the motion written. I can read it to you verbatim. We voted 10 to 0 to advance this language. The goal was, and I think remains, that we are giving one trip by the mayor back to a standing committee. After that, it comes forward. That was what we agreed on as a compromise to the work that we did on 12/15 that the mayor vetoed. That veto stands. So, if we don't adopt this tonight, I will concede that there may be other language in other sections of the rules of procedure that maybe we want to work on.

This language captures the motion that was made, and you all know that we crafted it almost together. We took a recess to make sure we got the language correct. We came back. I placed it in a motion and we voted on it. So, if we don't vote on this tonight, then the compromise that we've achieved at this point is zero. There is no compromise. If there's more work to do, then let's send that work to the proper standing committee. Let's get this work done. This is what we asked for. This is what we delivered.

I would put forward that the reason why the commissioners that worked on it were myself and Burroughs is because I made this motion and Commissioner Burroughs is the other at-large commissioner. We were the two that worked with the Mayor to bring forward the notion that there could even be a compromise. So, it wasn't to deliberately leave any commissioner that had been engaged in the original crafting of the changes in December. That wasn't the intent, at least not on my part, whatsoever.

We tried to work together to bring forward some give and take. We crafted the language. We voted on it and the vote was bring it to the next full commission meeting and that is where we are tonight. If we don't vote on this or we vote it down, then so be it. But if that's the case, there is no compromise.

**Commissioner Burroughs** said I, too, want to thank Misty and the Legal team for their assistance and diligence in drafting the proposed language that was presented here. I know it's difficult. I do know that they went back, listened to the motion a number of times to get the language as

accurate that needed to be. I do, too, want to thank Commissioner Bynum for partnering with us to try to find a remedy to address the concerns raised by our fellow commissioners in reference to the issues of bringing things forward out of a committee.

Mayor, I also want to say thank you for setting an example of initial attempt, an olive branch, in hopes to build trust with the Commission. I will state this. I know that I don't like doing anything on the first time out. I know we've adopted budget amendments that we haven't had a chance to review. I know we took action on the initial issue and those of us, we didn't get a copy until it was brought forward after the meeting was adjourned. This time, the language was given out a couple of days before for review. It is a motion that was made in a public setting and in a transparent way.

It makes no difference to me what you all feel. If we're not going to be able to work together and not trust one another and we can't reach a compromise, I agree, if we're not all at the table; but I don't know that we've all been at the table for a while. This is an attempt.

I represent four commissioners. Commissioner Bynum represents four districts and her at-large district. We were listening to the debate and the discussion and the individual concerns. I've heard from everyone. So, this language was the language that was proposed at the prior meeting. This was the language that was presented this evening. If you all don't want to abide by it, then I'm ready to sit down and visit and take recommendations that you all want to put forward, but this is getting us nowhere. We have a number of items that we need to be working on in this public venue so that people will know that we're here and open for business.

I'm just very concerned that the work that was put in by Legal—and you know the 60 days? I wanted to make comment. There was a comment made earlier this evening by one of our fellow commissioners that said staff; we're losing staff. Well, when we advance something quite rapidly, that puts a lot of pressure on a limited amount of staff to come back with information. So, it was just an attempt to give them the time necessary to let them feel like they've been part of the process. We rely on them, and that information is extremely important that it's accurate and timely.

So, body, if you choose not to take this compromise and vote it down, so be it. We'll take whatever actions necessary and, hopefully, that after we have this discussion, that maybe we can all sit down and have a conversation as to what we believe needs to be done. But most importantly,

it's what the public should see from this Commission as far as leadership. I would hope that we would collectively give that consideration.

**Commissioner Townsend** said I want to make a point of clarification. There's been a lot of talk about what language was approved. I made it clear that what I was voting on, when we were last here, is to seek a compromise, but there was no, I repeat, no specific language put forward. Had there been, I would have made the comments at that time.

So, I would make a substitute motion now that this item be sent to the Administration and Human Services Standing Committee. That gives the public, that gives anyone who wants to participate here an opportunity to review the language. That would be the motion, but it has to be made clear, at least from my point, that there was no language put forward when this was last discussed two weeks ago that we could vote on. The intention was clear, though, to try to see if there was language that could be brought forward at this meeting. So, again, that would be my substitute motion.

**Action:**        **Commissioner Townsend made a substitute motion that this item be sent to the Administration and Human Services Standing Committee.**

**Ms. Brown** said, Commissioner Townsend, I believe I understand your motion, but I want to make it clear. Your substitute motion is that this item be sent back to the next Administration and Human Services meeting for additional review and consideration. Is that correct? **Commissioner Townsend** said that's correct, and not that it necessarily means that it's the same language that would come out, but the same topic go to that for full discussion by the body and the public.

**Action:**        **Commissioner Johnson seconded Commissioner Townsend's motion.**

**Mayor Garner** said just as an item of record. I know that, again, I want to thank everybody that worked so hard on this. I believe the spirit of what you all voted unanimously was captured in what was brought before you today. But make no doubt about it, every last one of the commissioners was given this language before tonight's commission meeting. If you didn't read

it, I don't know what to tell you. You had every opportunity to bring forward questions, concerns, recommendations for it to either myself, one of our colleagues, Commissioner Bynum or Commissioner Burroughs, or questions to our legal advisor like we normally do. That wasn't done, obviously.

Again, I can tell you this mayor, I'm trying to find common ground so we can get the business of Wyandotte County done and work on matters that really matter to the people of Wyandotte County. Somehow, we don't look for reasons to work with the mayor or our community. We look for reasons not to. I can tell you that is the most frustrating part of me being mayor. I keep extending the olive branch, like Commissioner Burroughs indicated, and it's almost like kerosene gets thrown on it and somebody lights a match. It does no good to this community when we should be talking about homelessness, poverty, lowering taxes, BPU PILOT, and the things that people said they want us to get done.

I say that respectfully that a lot of work went into this in good faith, unlike what was done in December three days before Christmas where we all got sideswiped with something that was done behind closed doors, which I still say is a very shady way to do business. To be trusted, you have to show yourself to be trustworthy. I said what I said. I meant what I said. That's why we're here today.

If there were questions, every commissioner here at this table knows how to get a hold of me. I'm about 10 steps across the hallway from where you all go to work. I have a secretary that's there every day, and this mayor is at work every single day. Everyone knows how to get a hold of me. So, if there's questions and concerns, not just with this—I've sent out a new invitation for all of you to meet with me because we have to build the type of collaborations and unity to get the business of Wyandotte County done. This town deserves better than what they've been seeing. I don't know what's causing this. I'm not saying I'm not some of the blame, but what I'm saying is that we have got to come together and find common ground and get past these petty differences and get to work on the things that really matter to people.

Again, I'd like to say for clarity, every one of these commissioners, including myself, had this language before tonight's meeting. There should be no excuse tonight as to where we are prior to tonight's meeting when you voted 10 to 0 to agree to coming and meeting halfway on a compromise. I've given a lot. Unlike any other mayor, I said I'm willing to do this in the best

interest of Wyandotte County. Here we are on this merry-go-round, back to nowhere, which I just think it doesn't do our community any justice or any service.

**Commissioner Davis** said thank you, Mayor, again that we can be transparent and you all can see what we're talking about.

I am in favor of sending this to Administration and Human Services. I have two worries. Number one, Section 202 was completely omitted from the compromise version. That is one of the reasons why I am against this. So, for Commissioner Townsend, if that was your motion to include that Section 202 and 203, was that a part of your motion or your understanding?

**Commissioner Townsend** said my motion was made with the intent to send this entire thing back for a review by the AHS Committee. It may include 202, 203, or any other. I do want to make it clear that we got this homework package, at least I did, the night before last, two nights. What we are doing is the regular process here at the Board of Commissioners meeting to address these issues. So, I want it made clear, from my perspective, that this is not something that is not normally done or out of it. I would call for the question and for the vote.

**Commissioner Davis** said if I can just finish my last comment here. Mayor, I would hope that you would not take it off the agenda for both full commission or for Administration and Human Services. That is your prerogative. That is your right, but we've been wanting to have conversations about what we wanted and have it presented to the public and it was denied. Yes, call for the question.

**Mayor Garner** said there's a motion on the floor by Commissioner Bynum. Is there a second? Okay. Well, Commissioner Bynum, are you going to withdraw your motion? No, there was a substitute. Clerk, can you, for clarity, was there a substitute motion? Who made those?

**Mr. Deichler** said, Mayor, there was. Commissioner Townsend did the substitute first followed by Commissioner Johnson with the substitute second.

**Mayor Garner** said okay. Got a motion and a second. Roll call, please.



**Commissioner Bynum** said, Mayor or Legal, I would like to make a clarifying question before casting my vote, but we've called for the question so I don't know if it's allowed. **Mayor Garner** said, Commissioner, no. The call for the question was made. We have to take the vote.

**Roll call** was taken and there were ten "Ayes," Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis.

### **COMMISSIONERS' AGENDA**

No items

**Mayor Garner** said we need to formally adjourn from our Regular Agenda and go into the Planning and Zoning portion. Is there a motion?

**Action:** **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to adjourn from the Regular Agenda.** Roll call was taken and there were ten "Ayes," Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis.

### **PLANNING AND ZONING CONSENT AGENDA**

**Mayor Garner** said I'll ask the Clerk to read the statement, required by state law, governing the Planning and Zoning portion of our meeting, followed by items on the 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.

A valid protest petition was filed in the Clerk's Office protesting SP2022-113 – Lynne Beaver to operate an event space at 2651 S. 24<sup>th</sup> St. The petition represented 34.76% of the property owners.

**Mr. Deichler** asked, does any member of the Commission wish to disclose any contact with proponents or opponents on any item on the agenda?

**Mayor Garner** asked, Clerk, for clarity, was there an announcement on a valid protest petition? **Mr. Deichler** said there was an announcement, sir. I read that part. Did you want me to read it again for the record? **Mayor Garner** said yes, please.

**Mr. Deichler** said a valid protest petition was filed in the Clerk's Office protesting SP2022-113 – Lynne Beaver to operate an event space at 2651 S. 24<sup>th</sup> St. The petition represented 34.76% of the property owners.

**Mayor Garner** asked, commissioners, disclosures? **Commissioner McKiernan** said I've had communication from opponents of SP2022-089. I've had communication from proponents of SP2022-114. I've had communication from proponents and opponents of COZ2021-048. **Commissioner Bynum** said I've had communication with proponents of SP2022-108; proponents of SP2022-114; proponents and opponents of COZ2021-048; and opponents of SP2022-113. **Commissioner Ramirez** said I've had communications with proponents and opponents of COZ2021-048. **Commissioner Burroughs** said I've had communication with proponents of SP2022-114. I've had discussions of support and opponents in reference to COZ2021-048 and 2022-113. **Commissioner Markley** said I've had contact with proponents and opponents of both Non-Consent Agenda items. **Commissioner Townsend** said I've had contact with proponents of SP2022-114 – Michael Dale with Holiday Sand and Gravel. **Commissioner Kane** said contact with proponents of COZ2021-048. **Commissioner Davis** said I've had conversations with SP2022-114, also all of the Non-Consent Agenda items. **Commissioner Johnson** said I've had communication with opponents of COZ2021-048. **Commissioner Stites** said I've had communication regarding SP2022-114.

**Mr. Deichler** said I will now read the Consent Agenda.

**Commissioner Bynum** said, Mayor, I might be ahead of myself, but I'm making a motion to approve all items on the Consent Agenda. **Mayor Garner** said you're a little ahead of yourself, but that's okay.

**Action:** **Commissioner Bynum made a motion to approve all items on the Consent Agenda.**

**Mayor Garner** asked, do any members of the Commission, County Administrator, or the public wish to set aside any items on the Planning and Zoning Consent Agenda? If an item is not set aside, all items on the Planning and Zoning Consent Agenda will be voted on by one vote to follow the recommendations of the Planning Commission. I'll ask if anyone in attendance would like to set aside an item. Clerk, is there anyone joining us virtually that has their hand raised to set aside an item? **Mr. Deichler** said we have one hand raised.

**Jason Newman, Leawood, KS**, said I would like to remove SP2022-111 from the Consent Agenda.

**Mr. Deichler** said no other hands are raised online.

**Mayor Garner** said there is a motion for the Planning and Zoning Consent Agenda, minus what was requested to be set aside.

**Action:**        **Commissioner Ramirez seconded the motion.**

**Mayor Garner** said there's a motion, excluding the set aside. Clerk, roll call.

**Roll call** was taken and there were ten "Ayes," Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis.

### **CHANGE OF ZONE APPLICATIONS**

#### **Item No. 1 – 212212...CHANGE OF ZONE APPLICATION COZ2022-044 - ANTHONY FICARA**

**Synopsis:** Change of Zone from R-1 Single Family District to A-G Agriculture District for a bee farm/garden at 6822 Berry Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Anthony Ficara, is requesting a Change of Zone from R-1 Single Family District to A-G Agriculture District for the subject property at 6822 Berry Road. The Change of Zone has been requested so that the applicant can construct additional structures for the maintenance of the property, gardening, and beekeeping. The applicant has lived at the

property a number of years and seeks to expand their existing agricultural uses. The Change of Zone has been requested so that the applicant can maintain multiple accessory structures related to the keeping of the property and construct a new barn on the parcel without the need for variances. The parcel had a second single-family residence addressed as 6814 Berry Road until the current applicant demolished it in 2019. This former home site is the new barn's proposed location. This petition will be heard in conjunction with BOZA2022-061 for variances related to minimum lot size and setback requirements. The Planning Commission voted 5 to 0 to recommend approval of Change of Zone Application COZ2022-044, subject to:

1. This City Planning Commission case is being heard in conjunction with BOZA2022-061. 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- 061 by the Unified Government Board of Zoning Appeals and upon any ordinance publications required by law;
2. Should livestock be introduced or timber stand improvements to be made, an updated Conservation District Plan is required;
3. A water source shall be maintained on the property and be provided prior to the introduction of an apiary.
4. The exterior debris and materials shall be removed or properly stored from public view.
5. If approved, any newly constructed buildings or accessory structures must follow the setbacks of the AG Agricultural District.
6. Driveway approaches shall be upgraded to an improved surface, such as asphalt or concrete, per UG standards. The front circle drive shall be all asphalt or concrete.
7. Any business or land use in Wyandotte County that is required to provide offstreet 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.
8. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by [buildinginspection@wycokck.org](mailto:buildinginspection@wycokck.org) to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
9. 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. 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; and,
11. 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 Bynum made a motion, seconded by Commissioner Ramirez, to approve Change of Zone Application COZ2022-044, 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. 2 – 212213...CHANGE OF ZONE APPLICATION COZ2022-048 - AUSTIN THOMPSON WITH ATLAS LAND CONSULTING**

**Synopsis:** Change of Zone from R-1 Single Family District to A-G Agriculture District for agricultural purposes at 6340 Riverview Avenue, submitted by Gunnar H. Hand, Director of Planning and Urban Design. The applicant, Austin Thompson with Atlas Land Consultants, is requesting a Change of Zone from R-1 Single Family District to A-G Agriculture District for the subject property at 6340 Riverview Road. The Change of Zone has been requested so that the applicant can construct structures for the maintenance of the property without the requirement to first build a dwelling or the need for additional variances. The applicant wishes to build a shed to keep landscaping and mowing equipment on the property. This application is being heard in conjunction with BOZA2022-067 for a variance related to lot width to depth ratio. The Planning Commission voted 5 to 0 to recommend approval of Change of Zone Application COZ2022-048, subject to:



1. This This City Planning Commission case is being heard in conjunction with BOZA2022-067. 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 BOZA2022-067 by the Unified Government Board of Zoning Appeals and upon any ordinance publications required by law;
2. Should livestock be introduced, an updated Conservation District Plan is required;
3. A timber stand buffer shall be maintained or planted around the perimeter of the property to provide screening and buffering to adjacent property;
4. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by [buildinginspection@wycokck.org](mailto:buildinginspection@wycokck.org) to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
5. 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;
6. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located; and,
7. 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 Bynum made a motion, seconded by Commissioner Ramirez, to approve Change of Zone Application COZ2022-048, 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 – 212214...CHANGE OF ZONE APPLICATION COZ2022-049 - KORB MAXWELL WITH POLSINELLI**

**Synopsis:** Change of Zone from CP-2 Planned General Business District to A-G Agriculture District for the American Royal development at 11787 American Royal Way, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Korb Maxwell with Polsinelli PC, seeks to rezone 11787 Parallel Parkway from CP-2 Planned General Business District to A-G Agriculture District to build a parking lot for the American Royal complex on 12.02 acres rather than a hotel and associated parking as previously approved in 2020. The Planning Commission voted 5 to 0 to recommend approval of Change of Zone Application COZ2022-049, subject to:

1. The use of the property is not an agriculture use as defined per Sec. 27- 340, therefore is not subject to Sec. 27-675(b)(2). No gravel is permitted for parking within the American Royal building site east of 118th Street. Parking lots shall be an improved surface, asphalt or concrete and comply with UG Standards. However, parking areas in the northwest and southeast portions of the American Royal building site shall be permitted to be gravel for a period not to exceed five (5) years from the issuance of a building permit for the American Royal project;
2. In addition to establishing greater pedestrian connectivity between the proposed parking lot and the development, where there are major parking lot crossings, crosswalks and/or other traffic calming devices shall be painted in the drive aisles, so drivers in vehicles are alert to look for pedestrians;
3. If and when fencing is proposed to be constructed, the fencing around the perimeter of development shall be similar to the fencing around the perimeter of the Kansas Speedway parking lots, which is wrought iron with masonry columns. Both sites are zoned A-G Agriculture District, but are commercial in nature. In the end, the American Royal will be a highquality development and the perimeter fencing along the streets will be one of the first and last parts of the development that visitors will notice upon entering and leaving the site;
4. Lighting cannot exceed one (1) footcandle at the property line;
5. Interior parking lots lights must also be well lit without creating glare to the surrounding neighborhood. Exterior lighting shall have 90-degree cutoffs fixtures;
6. Over the road truck shall not be parked on the property overnight. Livestock trucks and other similar vehicles shall be clustered together and parked close to the building as possible to minimize the view from the public right-of-way;
7. Minimum 8-foot sidewalk/trail is required to be installed around the perimeter of the property of Lot 2;
8. Minimum four (4) foot pedestrian path with landscape buffer and pedestrian lighting is required from parking areas to buildings;
9. Any proposed wind turbines must comply with the wind turbine ordinance;
10. Per Sec. 27-314. Within the boundaries of a subdivision, sidewalks shall be installed by the subdivider on one side of all new local residential streets, and all streets that are segments of the major street system shall have sidewalks on both sides except in industrial areas and except in subdivisions zoned R Rural Residential. Sidewalks shall be not less than four feet wide and

be of Portland cement concrete and shall comply with the specifications of the Unified Government. Sidewalks shall be located in the platted street right-of-way abutting the property line. Walks shall be installed in any pedestrian easements as may be required by the Planning Commission. The Unified Government Board of Commissioners may approve exceptions to these requirements after having made a determination that provision of a sidewalk on one or both sides is unnecessary, not feasible, or that a superior alternative is to be provided. State Avenue is classified as Class A Thoroughfare and 118th Street is classified as a Parkway, so sidewalks shall be installed on both sides of the street;

11. Based on the landscaping requirements in the A-G Agriculture District for the parking lot, one (1) tree per 7,000 square feet of site area, the number of trees are required for Lot 2 is 75 trees. This does not include the requirement for street trees along 118th Street and State Avenue and parking lot islands;
12. Sec. 27-699(a)(6) Non-industrial and non-structure parking lots that have been paved are wider than a double-loaded aisle and more than 20,000 square feet in area shall provide one shade tree for each 20 parking spaces on the interior of the parking lot. Interior tree plantings are in addition to the landscaping requirements;
13. 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;
14. All landscaping shall be irrigated;
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 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;
17. 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;
18. All electrical meter banks, typically on the side of the building shall be screened from public view;
19. 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;
20. For any new building on Lot 2 or parts thereof, 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. 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;
  - b. 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;
  - c. Posts for gate doors must be installed a minimum distance of 10 feet apart in front;

- d. For slat fences, customer shall install a minimum four (4) inch slats and have four (4) inches of space between each slat;
  - e. Customer must take account of the maturity size of the evergreen tree when planting saplings so that the trees can grow outside of the required clearance for evergreen trees, customer shall plant each tree so that there is two (2) feet or more of space from edge to edge between each tree at maturity (e.g., blue arrow juniper grows up to two (2) feet wide, so there shall be four (4) feet of spacing between each tree taking account the growth of saplings);
  - f. Pad must have a minimum clearance of six (6) feet on each side, six (6) feet on the back and five (5) feet on the front allowing for 10 feet on the front when gate doors open; and,
22. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or [signpermits@wycokck.org](mailto:signpermits@wycokck.org) to begin this process;
  23. If special on-site signage as specified in Sec. 27-739 is desired, new Special Use Permit is required;
  24. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by [buildinginspection@wycokck.org](mailto:buildinginspection@wycokck.org) to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
  25. All existing and future driveways must feature curb cuts that are constructed to UG standards;
  26. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by [info@wycokck.org](mailto:info@wycokck.org) to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
  27. 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,
  28. 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 Bynum made a motion, seconded by Commissioner Ramirez, to approve Change of Zone Application COZ2022-049, 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. 4 – 212215 – CHANGE OF ZONE APPLICATION COZ2022-050 - DAVID LOTZ WITH CONTINENTAL CONSULTING ENGINEERS**

**Synopsis:** Change of Zone from RP-3 Planned Townhouse and RP-4 Planned Garden Apartment Districts to RP-5 Planned Apartment District to construct a senior living facility at 2300 North 113<sup>th</sup> Terrace and 2302 North 113th Place, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant and representative, David Lotz with Continental Consulting Engineers, Inc., seeks to rezone 2302 North 113th Place from RP-3 Planned Townhouse and RP-4 Planned Garden Apartment Districts and RP-5 Planned Apartment District to build one (1), three (3) story building totaling 40 units and connect to an existing 120-unit senior living facility totaling 140 units on 6.58 acres. The Planning Commission voted 5 to 0 to recommend approval of Change of Zone Application COZ2022-050, subject to:

1. Because this is a planned district, a Final Development Plan and Final Plat are required to be submitted prior to obtaining a building permit. Final architectural and civil drawings are required to be submitted at such time;
2. 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. 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;
4. Add a raised crosswalk or stamped and colored concrete between the covered pedestrian connection of The Piper Assisted Living and Memory Care facility and the Piper Village Independent Living facility;
5. Walking trail, picnic tables, lawn games, raised gardens areas are amenities to be used by all residents;
6. All dwelling units within a new development must be provided with a basement or with a FEMA standard safe room constructed to tornado standards for the protection of the occupants (FEMA Publication 320 or 361).

For residential uses designed specifically for occupancy by those age 55 and over, the basement, safe room, or community shelter must be within the structure where the particular dwelling unit is located or within 15 feet of the structure in question and accessed under roof;

7. Lighting cannot exceed one (1) footcandle at the property line;
8. Interior parking lots lights shall have 90-degree cutoff fixtures;
9. Sec. 27-699(b)(7) Where a parking lot serves other than single-family or two-family dwellings and is adjacent to or across an alley from property zoned for single-family or two-family use, such parking lot shall be provided an architectural screen at least four (4) feet in height above the paving surface. Buffer plantings or landscape screening may be substituted if protection from headlights is not determined to be necessary.



Hazelwood Assisted Living aka The Piper built a small berm and planted buffer plantings to screen their parking lot from the duplexes to the southeast, but did not install them per the approved plans.

The standard for an architectural screen abutting single-family or two-family uses is a wood privacy or metal panel fence with masonry columns installed every 32 feet running, which shall be constructed along the west property line of the independent living building;

10. 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 2.59 acres, which requires 28 trees, five (5) additional evergreen or shade trees and 40 shrubs for buffering per the zoning district;

11. Street trees shall be planted with the landscaping for the development is installed;
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. 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;
15. All utility connections, this includes green electrical boxes and freestanding electrical meters must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building. Rooftop mechanical equipment shall be screened from public view by an architectural screen;
16. All electrical meter banks, typically on the side of the building shall be screened from public view;
17. 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).
  - 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;

18. 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;
19. 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;
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](mailto:signpermits@wycokck.org) to begin this process;
21. 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;
22. All existing and future driveways must feature curb cuts that are constructed to UG standards;
23. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by [info@wycokck.org](mailto:info@wycokck.org) to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
24. 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,
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.

**Action:** Commissioner Bynum made a motion, seconded by Commissioner Ramirez, to approve Change of Zone Application COZ2022-050, 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 – 212216...SPECIAL USE PERMIT APPLICATION SP2022-089 - ROGELIO FALCON**

**Synopsis:** Special Use Permit for the Temporary Use of Land to keep two (2) storage containers on a residential lot at 444 North 10<sup>th</sup> Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Rogelio Falcon, is requesting a Special Use Permit to keep a storage container to store furniture on the property at 444 North 10th Street. The applicant would like to keep the containers for up to one (1) year to store furniture that they are transporting to family out of town. The Planning Commission voted 5 to 0 to recommend denial of Special Use Permit Application SP2022-089 due to the applicant not holding a neighborhood meeting or responding to questions and request for information from Staff.

**Action:** Commissioner Bynum made a motion, seconded by Commissioner Ramirez, to deny Special Use Permit Application SP2022-089. Roll call was taken and there were ten “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis.

#### **Item No. 2 – 212208...SPECIAL USE PERMIT APPLICATION SP2022-107 - NATALIE MCNUTT**

**Synopsis:** Renewal of a Special Use Permit (SP-2021-77 – expires 3/10/2023) to operate a short-term rental at 3801 Lloyd Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The Applicant, Natalie McNutt, is seeking approval for the operation of a short-term rental at 3801 Lloyd Street. The subject property is a single-family residence on a dead-end street. The Planning Commission voted 5 to 0 to recommend approval of Special Use Permit Application SP2022-107, for two (2) years, subject to:

1. Maximum number of guests shall be seven (7);

2. All parking must be off-street, maximum number of vehicles is two (2);
3. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
4. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;
5. Applicant is to maintain liability insurance;
6. The property must remain in proper maintenance and free of hazards, pests, or infestations;
7. The granting of this Special Use Permit does not transfer with a change of ownership of the property;
8. Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and [www.hostcompliance.com/tips](http://www.hostcompliance.com/tips) (website);
9. If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;
10. If approved, the applicant must file and maintain a current business occupation tax application with this office;
11. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by [buildinginspection@wycokck.org](mailto:buildinginspection@wycokck.org) to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
12. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
13. The 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;
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 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,
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.

**Action:** Commissioner Bynum made a motion, seconded by Commissioner Ramirez, to approve Special Use Permit Application SP2022-107 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. 3 – 212217...SPECIAL USE PERMIT APPLICATION SP2022-108 - ANN MARCHAEL WITH BUSINESS LAW ADVISORS**

**Synopsis:** Special Use Permit for the Temporary Use of Land to keep equipment and materials related to a roofing business at 6541 Donahoo Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Anne Marchael with Business Law Advisors, is representing Shamrock Roofing and Construction. The applicant is requesting to temporarily keep roofing materials and a skid steer at the subject property at 6541 Donahoo. The subject property is a large lot single-family residence with a large garage and garden shed. The Applicant purchased excessive materials during Covid, anticipating a material shortage, and purchased more than their current warehouse could accommodate and has been storing material at



the off-site residential location. The applicant is seeking the Special Use Permit to keep materials at the property until the inventory is reduced and they can move the remaining materials back into their warehouse or they use them on projects. The Planning Commission voted 5 to 0 to recommend approval of Special Use Permit Application SP2022-108, for two (2) years, subject to:

1. 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 as both the property owner and the business owner that they 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;
2. This Special Use Permit cannot be renewed at the end of the two (2) year period. The applicant or property owner shall find a new location for the storage of materials and equipment.
3. The subject property has multiple accessory structures, a garage and garden shed, although only one (1) accessory structure is allowed per zone. Per aerial photos, the garden shed was placed on the property between 2014 and 2016 although no building permits were found. A variance for two (2) accessory structures shall be applied for by the property owner or one of the structures shall be removed. If the smaller garden shed is kept, a building permit is required.
4. Trips shall be limited to two (2) per day – once in the morning at the start of business and once at the end of the business day.
5. The subject property has multiple accessory structures, a garage and garden shed, although only one (1) accessory structure is allowed per zone. Per aerial photos, the garden shed was placed on the property between 2014 and 2016 although no building permits were found. A variance for two (2) accessory structures shall be applied for by the property owner or one of the structures shall be removed. If the smaller garden shed is kept, a building permit is required.
6. The automotive salvage parts near the front of the property shall be removed or located inside the garage
7. No new materials shall be brought to the property. Exposed materials shall have a tarp or other cover to increase screening.
8. The skid steer shall always be kept behind the fence and screened from view.
9. If approved, the applicant must continue to file and maintain a current business occupation tax application.
10. 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;
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 [buildinginspector@wycokck.org](mailto:buildinginspector@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. 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. 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 Bynum made a motion, seconded by Commissioner Ramirez, to approve Special Use Permit Application SP2022-108 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. 4 – 212218...SPECIAL USE PERMIT APPLICATION SP2022-109 - SHERRI BAILEY-SCOTT**

**Synopsis:** Home Occupation Special Use Permit to operate a chiropractic office at 5331 Miami Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Sherri Bailey-Scott, is requesting a Home Occupation Special Use Permit to operate a chiropractic practice at her residence at 5331 Miami Avenue. The Planning Commission voted 5 to 0 to recommend approval of Special Use Permit Application SP2022-109, for two (2) years, subject to:

1. The applicant will see patients four (4) times a week, generally between 9:00 AM – 6:00 PM (Tuesday, Wednesday and Friday), and 10:00 AM – 1:30 PM (Saturday);
2. The driveway apron must be paved with asphalt and brought up to the code standard, set by Section 27-673;
3. The business will be limited to having one (1) client on-site at a time, due to the limited on-site parking provided
4. All parking must be off-street in the driveway;
5. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of

Planning and Urban Design at (913) 573-5750 or [signpermits@wycokck.org](mailto:signpermits@wycokck.org) to begin this process;

6. If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;
7. The applicant must file and maintain a current business occupation tax application;
8. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e. change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by [buildinginspection@wycokck.org](mailto:buildinginspection@wycokck.org) to confirm if they need a building permit, and if so must take it upon themselves to initiate the building permit process accordingly;
9. 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. 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 Bynum made a motion, seconded by Commissioner Ramirez, to approve Special Use Permit Application SP2022-109 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 – 212209...SPECIAL USE PERMIT APPLICATION SP2022-111 - JASON NEWMAN WITH EXCANZE PROPERTIES**

**Synopsis:** Renewal of a Special Use Permit (SP-2020-84 – expired 12/10/2022) for a short-term rental at 4112 Booth Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Jason Newman, is seeking the renewal of Special Use Permit SP-2020-84, to continue the operation of a short-term rental at 4112 Booth Street. The Planning Commission voted 5 to 0 to recommend approval of Special Use Permit Application SP2022-111, for two (2) years, subject to:

1. 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 as both the property owner and the business owner that they 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;
2. All remaining required repairs must be completed within 60 days of approval;
3. Maximum number of guests 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 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 main entrance 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. The owner or owner's agent/operator shall provide a guest book with the following information:
  - a. Information within the dwelling unit to inform and assist renters/guests in the event of a natural disaster, power outage, or emergency including but not limited to tornado, severe weather or storm, or flash flooding. Information should contain appropriate designation for shelter in place, evacuation, or utility contact information;
  - b. A lead-based paint notification for any property built before 1978.
  - c. An asbestos notification for any property built before 1981.
  - d. Information for the guest to report any concerns to Host Compliance at 913-246-5133 (phone number) and [www.hostcompliance.com/tips](http://www.hostcompliance.com/tips) (website);

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; and,
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.

**Mayor Garner** asked, Mr. Hand, could you make some remarks in regard to the set aside?

| Case                                                                                                                                                                      |                   |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|
| SP2022-111                                                                                                                                                                |                   |
| Petitioner                                                                                                                                                                | Address           |
| Jason Newman                                                                                                                                                              | 4112 Booth Street |
| Synopsis                                                                                                                                                                  |                   |
| To continue to operate a short-term rental. This is not the owner's primary residence.                                                                                    |                   |
| <a href="#">Introduction</a> <a href="#">County Context</a> <a href="#">Local Context</a> <a href="#">Exhibits</a> <a href="#">Recommendation</a> <a href="#">Summary</a> |                   |

**Gunnar Hand, Director of Planning and Urban Design**, said this is a short-term rental renewal. It's the applicant's second renewal so it'd be their third approval.







**Mayor Garner** said I'll ask the applicant or representative to present their application.

**Jason Newman** said all I'm asking for is the renewal term to be extended to five years. The reason I'm asking for that is the staff report did recommend a five-year renewal term; however, based on some communication confusion with myself and the staff, I inadvertently, during the Planning Commission hearing, asked to have it removed from the Consent Agenda to formally request a five-year term when I really didn't need to. That Commission actually denied the five-year term and stuck with a two-year term. So, I'm just requesting that the renewal term be extended to five years.

| Public Opposition | Public Support |
|-------------------|----------------|
| None to date.     | None to date.  |

Staff Recommendation

**Approval**

**Mayor Garner** said I'll now open the public hearing and ask the Clerk if he's received any direct notification from the public who wish to express their comments in favor of the item. **Mr. Deichler** said no comments were received. **Mayor Garner** asked, is there anyone present who would like to speak in favor of the item? **Mr. Deichler** said seeing none. **Mayor Garner** asked, Clerk, is there anyone joining us virtually who would like to speak in favor of the item? **Mr. Deichler** said seeing none as well.

**Mayor Garner** asked, Clerk, have you received any direct notification from the public who wish to express their comments in opposition of the item? **Mr. Deichler** said no comments were received. **Mayor Garner** asked, is there anyone present who would like to speak in opposition of this item? **Mr. Deichler** said seeing none as well. **Mayor Garner** asked, Clerk, is there anyone joining us virtually who would like to speak in opposition? **Mr. Deichler** said seeing none.

**Mayor Garner** said I will now close the public hearing. Would the petitioner like to make any closing comments?

**Mr. Newman** said the only comment that I would like to make in addition is I did speak with Janet regarding this and she said that she would recommend to this Board that the five-year term be adopted. I don't know if she's here or not. Sounds like she's not.

**Mayor Garner** asked, can you repeat that one more time? **Mr. Newman** said I just spoke with Janet from staff regarding this issue and based on the confusion with the communication from the staff, Janet told me that she would say that the staff does recommend a five-year term renewal for this. I'm not sure if she's here at the meeting or not, but she did tell me that.

**Mayor Garner** asked, Mr. Hand, can you clarify that? **Mr. Hand** said staff has no problem with the five-year term. It would take eight votes of the Commission to overturn a recommendation of the Planning Commission.

**Commissioner Bynum** said I'm not in favor of a five-year term. We are in the process right now of looking at our short-term rentals. Any changes that we might make to those policies and procedures, I do not know. It may be in this packet and I just don't know it whether this is an

owner-occupied, short-term rental or not. I'm not in favor of extending beyond the two years that's in the packet.

**Commissioner Ramirez** said this is in my district. I just have a couple of questions. It says that there is an active NOV for the porch railing. I don't know. Mr. Newman or even Gunner can answer, is that going to be remedied or is that currently being remedied?

**Mr. Hand** said, again, it is a condition of approval to fix that and they are actively working on it, yes.

**Commissioner Ramirez** asked, what was the Planning Commission's reasoning for denying? I agree with Commissioner Bynum. We're in the middle of redoing our STR laws and ordinances. I think five years is long for what we're trying to do and try to modernize our STR laws. What was the Planning Commission's reasoning?

**Mr. Hand** said, again, I believe there was confusion at the City Planning Commission. I was actually at the standing committee at the time. We were double-booked that night, so I can't speak for it. I did talk to the planner, Mr. Byron Toy, who led that meeting in my stead. At that time, again, I think it was the original because, and per ordinance, you can go from one to two to five year to ten-year renewals. At this point in the approval process, as his third renewal, he was up for five, but when it got pulled by Planning Commission, they changed it to two. It was their understanding that they wanted it to actually be another two-year term, which is their right to recommend. So, originally in the draft staff report, we had recommended five, as per protocol and procedure. During the conversation of that evening, it was the Planning Commission that moved it down to two, at their discretion.

**Commissioner Ramirez** asked, so it is common practice the one, two, five, and ten? **Mr. Hand** said that's correct. **Commissioner Ramirez** said and he is, as I'm seeing, he has had the one and the two. So by policy, by protocol, he should have the five? **Mr. Hand** said that is why the original recommendation from staff was five but, again, the Planning Commission recommended for two based on their direction.

**Commissioner Ramirez** said knowing that, then I don't have a problem with approving the five because that's our current policy. I understand we're redoing our current policy, but it's already been our best practice to do the one, two, five, ten. **Mr. Hand** said correct. **Commissioner**

**Ramirez** said and I understand we're going through our own process, but he's gone through the necessary channels, the proper hoops, and it was just a miscommunication between staff and the applicant, so I don't have a problem with the approval of the five year.

**Commissioner Burroughs** said, Gunnar, since I've been here, it's my understanding that if you're a non-resident, you get a one-year. If they're not a resident of Wyandotte County and they own a home for a rental, it's a two-year if they live within the community and they meet the criteria. How many five years have we granted on the short-term rentals?

**Mr. Hand** said just a slight correction. The protocol is if there's no on-site manager that we start with one to see if it works because not all off-site managers are equal. If there have been no complaints in that first, we then go to the two, five, ten. If you do have an on-site manager, it starts at two then immediately begins the two, five, ten protocol process.

To answer your second question, we only have about, I think, three short-term rentals where there is an on-site manager, which basically means someone's renting out a room in their house or perhaps an accessory dwelling unit in their backyard. We have done very rarely—not any time in my three years have we not allowed the five year to happen if they were on their third renewal like this activist.

**Commissioner Burroughs** said I appreciate that clarification. Somewhere along the line either I misunderstood, and if I did that's on me, that the non-maintenance person or on-site manager—the on-site manager, is that considered a homeowner? I guess it would be. **Mr. Hand** said that is correct. **Commissioner Burroughs** said so it doesn't matter if they live in the community or if they live out of the community and they have a short-term rental in our community. **Mr. Hand** said that's correct. **Commissioner Burroughs** said I appreciate that clarification.

**Mayor Garner** asked, was there a motion? I'll entertain a motion.

**Commissioner Ramirez** said I move to approve but make the change from two to five years.

**Action:** **Commissioner Ramirez made a motion, seconded by Commissioner Markley, to approve Special Use Permit Application SP2022-111 for five years, subject to the stipulations.**



**Mayor Garner** said there's a motion and a second. Any further discussion? Seeing none, roll call.

**Roll call** was taken and there were ten "Ayes," Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis.

**Item No. 6 – 212220...SPECIAL USE PERMIT APPLICATION SP2022-114 - MIKE ODELL WITH HOLIDAY SAND AND GRAVEL**

**Synopsis:** Special Use Permit to operate a sand excavation and sand processing operation at 4403 North 42<sup>nd</sup> Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Mike Odell with Holliday Sand & Gravel, wants to operate a sand dredging, excavation and processing business, and transport sand by barge down the Missouri River on 458 acres at 4403 North 42nd Street. The Planning Commission voted 5 to 0 to recommend approval of Special Use Permit Application SP2022-114, for five (5) years, subject to:

1. No archeological resources have hereunto been discovered. If in the course of work allowed under these environs review archeological resources are discovered, applicants must contact the Planning and Urban Design Staff to arrange specific preservation and mitigation measures. Contact the Planning & Urban Design Department at 913-573-5750 and/or [planninginfo@wycokck.org](mailto:planninginfo@wycokck.org) for assistance. If archeological resources are found refer to the National Park Service National Register Bulletin 36 for more information [https://www.nps.gov/subjects/nationalregister/upload/NR\\_B36-Complete.pdf](https://www.nps.gov/subjects/nationalregister/upload/NR_B36-Complete.pdf);
2. The Subject Property has been identified as being within a floodplain. The Applicant shall review the Floodplain Management Ordinance and obtain the necessary local, State, and Federal floodplain permits before the construction or alteration of any structure the floodplain prior to obtaining a building permit;
3. Continue to coordinate with the US Army Corps of Engineers (USACE) and obtain the necessary permits with the Department of the Army;
4. Existing trees and vegetation along the shoreline shall be preserved with the exception of the area specific to the dock access, loading stockpile and conveyor/access road line;
5. Site restoration and reclamation shall commence immediately following the removal of the barge loading dock/access road;
6. Normal operating hours: Earthmoving for stripping and reclamation – 7:00 AM to 5:00 PM weekdays and dredging, processing and barge loading – 10 to 24 hours per day. Operations would typically be Monday through Friday or Saturday as outlined in our submitted project operation plan.
  - a. Hours of operation for earthmoving for stripping and reclamation shall be during daylight hours. Exceptions shall be made for occasional large-scale earthmoving operations occurring on Saturdays and/or Sundays, due to imminent weather conditions (i.e. flooding) and unusual peak demand. Contractor/Operator shall provide 24-hour advance notice to the

Unified Government Planning & Urban Design office of any large scale after hours and/or weekend operations;

7. Restrooms shall be provided in a manner that is approved by the Building Inspection Department;
8. Dust has the potential to be a problem. The site (disturbed ground) shall be watered daily to minimize dust and all truck wheels shall be wetted prior to leaving the site, exiting onto North 47th Street;
9. Lighting cannot exceed one (1) footcandle at the property line. Exterior lighting shall have 90-degree cutoffs fixtures;
10. 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;
11. All existing and future driveways must feature curb cuts that are constructed to UG standards;
12. A Right-of-Way Permit is required for the driveway extension. The applicant is required to contact the Public Works Department at (913) 573-5311 or by [info@wycokck.org](mailto:info@wycokck.org) to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
13. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;
14. 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. 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;
17. 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; and,

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

**Board of Public Utilities Conditions:**

1. During the term of this permit, Holliday will procure and continuously maintain, at its' sole expense, a location-specific Pollution Legal Liability (PLL) insurance policy which meets the requirements in Exhibit B of the September 1, 2022 letter from BPU General Manager Bill Johnson.
2. Holliday shall adopt all assurances set out in the Project Development Plan and obtain all such other permits as identified therein.
3. Holliday shall provide BPU all final governmental permits and updates of those permits.
4. Holliday shall provide for reasonable future reimbursements for BPU's future outside experts necessary to review project related environmental reports or changes in project conditions.
5. Holliday will timely share its water quality monitoring results with BPU.

**Action:** Commissioner Bynum made a motion, seconded by Commissioner Ramirez, to approve Special Use Permit Application SP2022-114 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. 7 – 212210...SPECIAL USE PERMIT APPLICATION SP2022-115 - NATHANIEL SCHOTANUS WITH RANGE 23 BREWING**

**Synopsis:** Renewal of a Special Use Permit (SP-2020-72 – expires 2/4/2023) to operate a microbrewery at 13400 Donahoo Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicants, Karen and Nathaniel Schotanus, are requesting a Special Use Permit to operate a microbrewery at 13400 Donahoo Road. The microbrewery would brew and serve both beer and non-alcoholic beverages. The Planning Commission voted 5 to 0 to recommend approval of Special Use Permit Application SP2022-115, for two (2) years, subject to:

1. Hours of operation shall be from Thursday and Friday 12:00 PM to 7:00 PM and Saturday 11:00 AM to 4:00 PM;
2. The applicants should work to recycle the brewery waste it can and properly dispose of the waste it cannot recycle. Regardless, the applicants must comply with all local, county, State, and Federal waste disposal regulations;

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](mailto:signpermits@wycokck.org) to begin this process;
4. 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;
5. The applicant has filed and maintained a current business occupation tax application;
6. All existing and future driveways must feature curb cuts that are constructed to UG standards;
7. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by [buildinginspection@wycokck.org](mailto:buildinginspection@wycokck.org) to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
8. 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. 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. All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
11. Section 27-699(b)(5) states that all outside bins or trash container areas must be completely enclosed by an architectural screen to a height not less than the height of the bin or container. No trash enclosures may be located in required yards adjacent to street right-of-way. In commercially and industrially zoned areas where the trash container will not be visible from off the property due to other screening or topographic conditions and will not be visible from public parking or pedestrian areas on the site, such trash bin screening need not be provided. In industrially zoned areas where the trash container will not be visible from residential property and where such containers are kept directly alongside the building and in a well-kept manner, such screening need not be provided;
12. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;

13. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
14. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; 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 Bynum made a motion, seconded by Commissioner Ramirez, to approve Special Use Permit Application SP2022-115 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 APPLICATIONS**

No items

### **PLAN REVIEW APPLICATIONS**

No items

**MISCELLANEOUS - ORDINANCE** (The following ordinance formalize previous Commission approval.)



**Item No. 1 – 212228...AN ORDINANCE** rezoning property at approximately 4229 Douglas Avenue (COZ2022-030), from R-1 Single Family District to R-2 Two Family District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

**Action:**        **ORDINANCE NO. O-8-23**, “An ordinance rezoning property hereinafter described located at approximately 4229 Douglas Avenue, in Kansas City, Kansas, by changing the same from its present zoning of R-1 Single Family District to R-2 Two Family District.” **Commissioner Bynum made a motion, seconded by Commissioner Ramirez, 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 – 212211...CHANGE OF ZONE APPLICATION COZ2021-048 - BLAIR TANNER WITH TANNER & WHITE PROPERTIES**

**Synopsis:** Change of Zone from C-1 Limited Business and R-1 Single Family Districts to RP-6 Planned High Rise Apartment District for a multi-family residential apartment complex and parking garage at 4601 Rainbow Boulevard, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Blair Tanner with Tanner & White Properties, Inc. applied for a Change of Zone from C-1 Limited Business and R-1(B) Single Family Districts to RP-6 Planned High-Rise Apartment District to build a seven (7) story, 149-unit apartment building on 1.89 acres located at 4601 Rainbow Boulevard. The Planning Commission voted 4 to 1 to uphold its previous recommendation of approval of Change of Zone COZ2021-048, subject to:

1. A Final Development Plan is required to complete this entitlement process;
2. Sec. 27-461(c)2.e. For parking and other paved areas: Not less than 25 feet from any street line and not less than six (6) feet from any other property line;
3. Sec. 27-461(c)(3) Lot area shall not be less than 1,500 square feet per dwelling unit; provided however, that an area equal to at least 40 percent of the site area is maintained as nonvehicular open space;
4. Paint an east/west crosswalk along Francis Street, north/south across West 46th Avenue on the west side of Francis Street, and across West 46th Avenue at Rainbow Boulevard;
5. Per the Rosedale Master Plan Urban Multi-Family Design Guidelines, developments greater than 50 units must provide two (2) of the following:

- Enclosed dog yard with seating area and shade trees;
  - Enclosed and landscaped courtyard or patio with one (1) grill or fire pit and seating area;
  - 400 square foot play area with play structure;
  - Resident garden area with water access (must be in active use);
  - Swimming pool;
  - Rooftop patio; or
  - Five (5) square feet or greater balconies for all units. All buildings must provide enclosed and ground level storage for resident bicycles;
6. All dwelling units within a new development must be provided with a basement or with a FEMA standard safe room constructed to tornado standards for the protection of the occupants;
  7. Only decorative lighting can be used on the exterior of the building(s);
  8. Per the Rosedale Master Plan Urban Multi-Family Design Guidelines, developments must provide pedestrian scaled lighting spaced every forty (40) feet along property lines abutting public streets. Interior parking lots must also be well lit without creating glare to the surrounding neighborhood;
  9. This property is an ideal hub for a UG bikeshare e-bike rack. The rack and information kiosk should be publicly accessible, along West 46th Avenue. Provide the necessary specifications. The UG will provide the information kiosks and racks accordingly, and the applicant will be required to install;
  10. Per the Rosedale Master Plan Urban Multi-Family Design Guidelines, the maximum length of a multi-family residential building shall be 200 feet. Façade plains may not span more than 30 feet and must be broken via setbacks or offsets. The applicant must ask for a 212.53-foot deviation of the north façade from the City Planning Commission for a deviation in the Urban Residential Multi-Family Design Guidelines;
  11. Per the Rosedale Master Plan Urban Multi-Family Design Guidelines, screening of multi-family residential developments is required between multi-family and lower density residential uses. Screening between uses must include a five (5) to six (6) foot tall fence preferably with evergreens placed every 30 feet.

The fence must be constructed of wrought-iron or similar looking metal. Engineered wood or vinyl fencing mounted on steel posts is also acceptable;

12. Sec. 27-461(f) A reasonable amount of landscaping is required on all projects with emphasis on softening the visual impact of parking areas and enhancing the overall appearance. Trees are required at not less than one (1) per 4,500 square feet of site area.

Sec. 27-700(b)(1) All multi-family residential projects shall include at least one (1) shade tree per 8 dwelling units and one (1) shrub per dwelling unit in addition to the tree requirement, but not in addition to the buffer plantings, if required.

The site is 1.89 acres, which requires 18 trees, 21 additional shade trees and 167 shrubs per the zoning district;

13. Street trees are to be provided at one (1) tree for every 30 feet of frontage along a major street;
14. All overstory trees shall be at least two (2) inch caliper when planted. All ornamental trees shall be at least two (2) inch caliper when planted. All evergreens shall be at least six (6) feet when planted. All shrubs shall be five (5) gallons when planted;
15. All landscaping shall be irrigated;

16. All utility connections, this includes green electrical boxes and 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 the parapet;
17. All electrical meter banks, typically on the side of the building shall be screened from public view;
18. BPU transformer pad shall be completely screened on three (3) sides with 6-foot junipers setback five (5) feet from the pad and 10 feet from the door opening. Additionally, if the transformer doors open towards the parking lot, the 10-foot setback is established in the parking lot, therefore the gate/enclosure shall be constructed in front of the transformer;
19. Per the Rosedale Master Plan, sidewalks and curbs at the perimeter of the development must be re-built and include a two (2) foot green strip (median) between the sidewalk and curb;
20. Mechanical equipment or other utilities whether on the ground or mounted on the building shall be screened from public view. The screening shall either be dense landscaping with a minimum of six-foot (6') evergreens or an architectural wall constructed from the same materials as the main building;
21. The trash enclosure shall be internalized in the garage;
22. Satellite dishes shall not be erected on the exterior of patios and decks. Banks need to be provided for satellite dishes on apartment units. They need to be hidden from view from the public streets and the public;
23. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or [signpermits@wycokck.org](mailto:signpermits@wycokck.org) to begin this process;
24. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by [buildinginspection@wycokck.org](mailto:buildinginspection@wycokck.org) to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
25. All staging of equipment, storage, and parking during construction shall remain wholly on-site and not spill over into the adjacent neighborhood;
26. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;
27. All existing and future driveways must feature curb cuts that are constructed to UG standards;

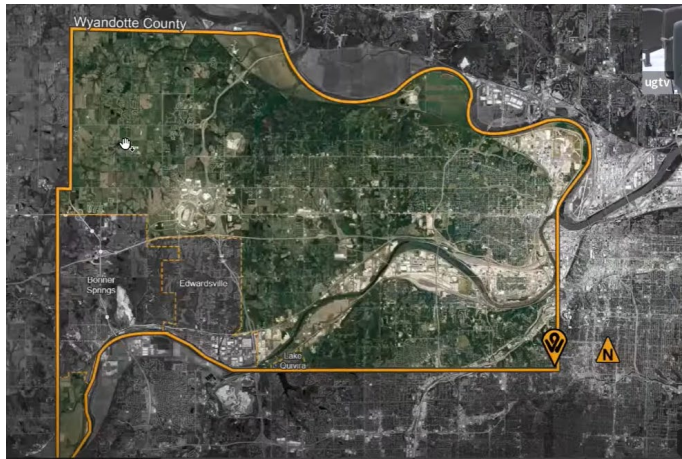
28. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by [info@wycokck.org](mailto:info@wycokck.org) to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
29. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable; and,
30. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

**Mayor Garner** said I'll ask Mr. Hand to make some opening remarks.

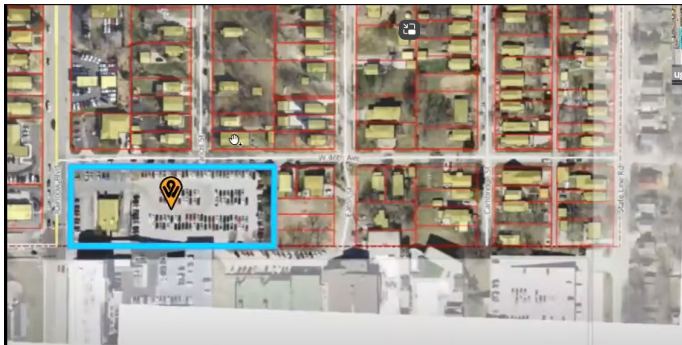
|                                                                                                                                                                                                                                                                   |                        |                                                                                   |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|-----------------------------------------------------------------------------------|
| <b>Case</b>                                                                                                                                                                                                                                                       |                        |  |
| COZ2021-048                                                                                                                                                                                                                                                       |                        |                                                                                   |
| <b>Petitioner</b>                                                                                                                                                                                                                                                 | <b>Address</b>         |                                                                                   |
| Blair Tanner                                                                                                                                                                                                                                                      | 4601 Rainbow Boulevard |                                                                                   |
| <b>Synopsis</b>                                                                                                                                                                                                                                                   |                        |                                                                                   |
| Rezoning from CP-1 Planned Limited Business and R-1(B) Single Family District to RP-6 Planned High-Rise Apartment District to build a 5 – 7 story, 149-unit apartment building. BOZA2022-046 was approved at the January 9, 2023 Board of Zoning Appeals hearing. |                        |                                                                                   |

**Gunnar Hand, Director of Planning and Urban Design**, said this case was hard in conjunction with BOZA 2022-046 for a rear end setback. That was approved by the Board of Zoning Appeals earlier this month. You may recall that at last November's Board of Commissioners Planning and Zoning hearing, this case was before you with the recommendation of approval from the City Planning Commission. At that time, there was a protest petition in question. The applicant asked for additional time to review that protest petition. In that review process, we determined that we inappropriately noticed this agenda item for both the Board of Zoning Appeals and the City Planning Commission case which then allowed us to re-notice and re-hear the case.

It's important to note that the project, in that time period, has not changed. It was re-noticed, re-heard, reapproved by the Board of Zoning Appeals earlier on their variance case. Then re-heard earlier this month for the City Planning Commission agenda before you that's a recommendation that's before you tonight.



This is an apartment complex in the Rosedale Area Master Plan.



We have received both support and opposition. There are no notices of violation on this property.



Staff agrees with the Planning Commission and recommends approval.







At long last, we're back before you for the final decision on our land use application. We're incredibly and extremely excited to be finally here and seeking your approval tonight to coincide with the Planning Commission's recommendation.

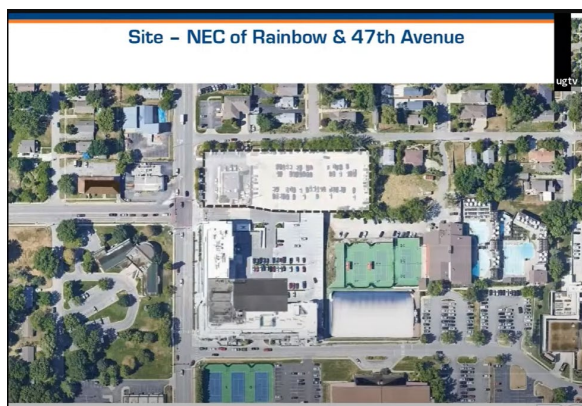


As Gunnar noted, you heard the entirety of our presentation on October 27<sup>th</sup> of last year, and you may have viewed the prior multiple Planning Commission meetings we had as well. Nothing in the project has changed since that October 27<sup>th</sup> meeting, as Gunnar noted. All interested parties had an opportunity, including us, to be heard at that time.

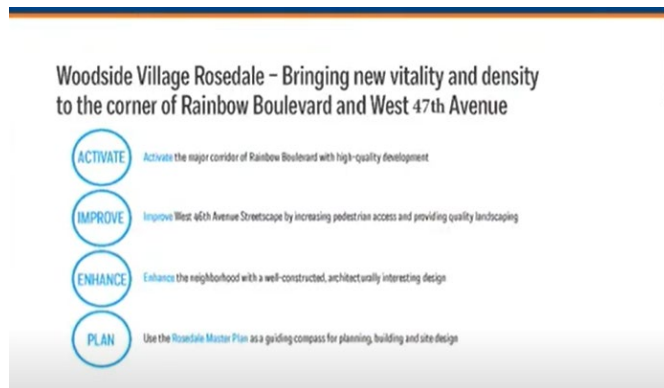
So, in respect to that and respect of your time and respect of the process, I won't go through the entirety of the presentation I did that night. I'm sure you don't want me to do that so I won't. I will ask that if you do have any questions, things I don't raise, new things that come to mind, please ask me by all means. Happy to discuss any aspect of the project.

With that preface, the applicant stands on the recommendation of your Planning Commission and your professional staff for approval of the project. Based upon those recommendations and all the factors in the staff report, which is quite thorough, of course, as you know, I believe that all establishes. I will further articulate why this is unequivocally an appropriate land use for this site under the golden criteria.

Indeed, the project presents an opportunity to transform a long stagnant site. Everybody knows this site has sat vacant for quite a long time, produced no economic value, and has been quite an eyesore to the community. We have the opportunity here tonight, a very exciting opportunity, from our perspective, to transform the site and turn it into its highest and best use that will anchor two major corridors in the Rosedale area, that being Rainbow and 47<sup>th</sup> St. By anchoring that corner, becomes a gateway to the southern and western boundaries coming from the west. We'll show a map here in a second that'll better outlay it. The city and the county can be proud of for many, many years to come with a long-standing owner and operator that will maintain this project at its highest quality.



That end goal leads all the way back to the inception of the project. Here you can see the location I was articulating there at the northeast corner of 47<sup>th</sup> & Rainbow. You can see that's the site as it currently sits today, which is an outmoded, vacant building. In front of the site you can see parking behind it. Directly adjacent to this sister project to the south, Woodside Village North, city of Westwood to the southwest, commercial businesses to the west, a commercial business and dentist office to the north. Then moving east along the site, the Spring Valley neighborhood.



This is just some verbiage that really speaks to what I want to show on the next slide. I can articulate better my points about what I mean when I say that end goal leads all the way back to the inception of the project.



When the developers conceived of the project initially, they began with that Rosedale Master Plan front and center. The master plan has a future land use plan, of course as we all know, that identifies three designations for this site. One is urban mixed use. Urban mixed use calls for and enables multi-family uses of three plus stories, which this project is. It also identifies a designation for this site of mixed-use corridors, at which we are at the conflux and the meeting of two of those mixed-use corridors. The two major ones, in fact, in the area of the 47<sup>th</sup> Ave. corridor and the Rainbow corridor. I quote from the master plan; those mixed-use corridors are intended for higher intensity, commercial, and mixed-use corridors on Rosedale's major arterial roadways.

Thirdly, we are at a designation where you see that big red vibrating dot there. That is a community center and that definition there is above the map, which is identified for the most intense uses. In fact, many more intensive uses than we are proposing here today.

As Gunnar pointed out in one of our prior public discussions, this project meets the definition of all three designations, both the mixed-use corridor, urban mixed use, and the community center identified in the future land use map. So when the developer looked at the site identifying what was appropriate for the site and the highest and best use, those three confluences of designation in the future land use plan showed them exactly the direction they needed to go.

Further, the master plan calls for achieving other macro goals.



This slide does a good job of illustrating those goals. First of all, the master plan calls for activation of Rainbow, bringing street front close to Rainbow, activating Rainbow with a well-designed, thoughtful, intensive uses fronting Rainbow. As you can see on the left, that's Rainbow today. It's clearly not activated. It clearly contains a use that does not meet that goal. We are transforming the site into a use that meets that goal quite squarely.

Secondly, the master plan calls for an emphasis upon creation of pedestrian-friendly environments and increased walkability. As you can see from this slide here, today the sidewalk along Rainbow is quite dangerous. It is flushed with the street there on Rainbow without any buffering. It is not a very inviting or safe, walkable and pedestrian-oriented environment. That will change with this project. With the type of project, the ability to structure, park the project, we can move the project off to the east of Rainbow and south from the current property line on 46<sup>th</sup>. We can—and I'll illustrate 46<sup>th</sup> here in a minute—and by doing so, we can widen the sidewalk.



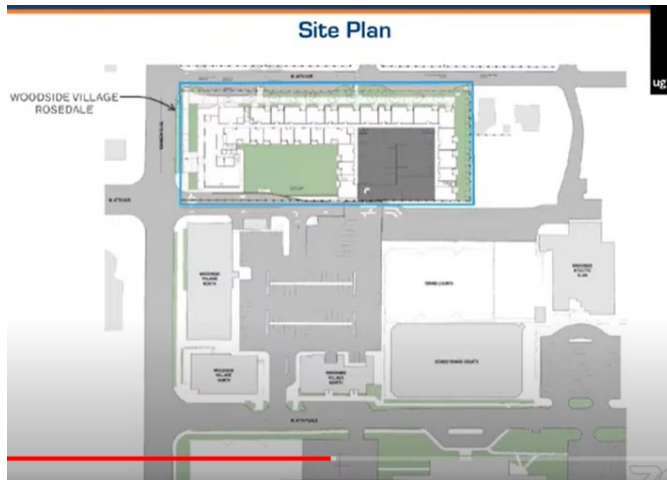
We can add landscape buffering, and we can make this a much safer and more pedestrian-friendly and walkable environment for not only the folks that will live at the project, but for all those in the community who would utilize Rainbow and utilizes pedestrian connectivity.

Thirdly, a macro goal of the master plan speaks to development of more multi-family housing in Rosedale. The reason for that is that in 2016 when the master plan was conceived, there was about 90% single-family housing stock and about 10% other housing in Rosedale. So, the result, it was identified that multi-family housing of all types was needed to diversify that housing stock, and to also create turnover in the single-family housing stock toward ownership. The goal and the theory in the master plan was development of more multi-family housing in Rosedale would allow renters in homes to move into multi-family housing thereby increasing that ownership in single-family housing. We are here offering an opportunity to transform this site and meet that goal as well.



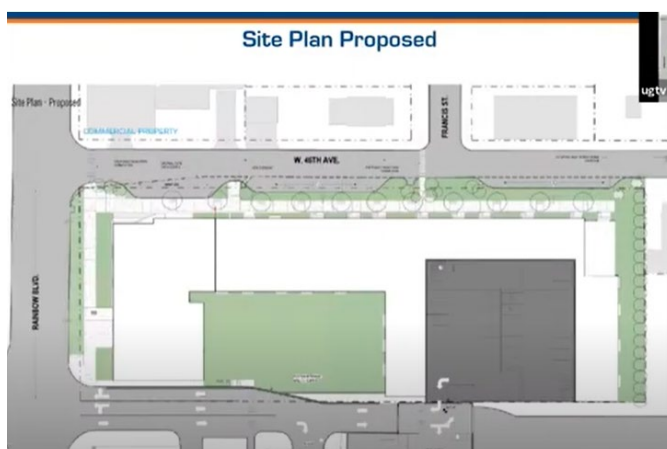
This slide shows all of those things again. All those goals, again, being met along 46<sup>th</sup>. This is 46<sup>th</sup> today. It is quite constricted. There are cars that park on 46<sup>th</sup> today. There's no sidewalks, and it is simply not a walkable environment for those living in the adjacent neighborhood with regard to safety and walkability.

This is a rendering of that same view looking to the west along 46<sup>th</sup>. You can see that condition will dramatically improve and will lead to the ability for all those in the community to use a walkable environment, to walk west along 46<sup>th</sup> to Rainbow, and increase the safety and connectivity of the neighborhood.



Before I move to this, I think to put in perspective the master plan discussion, you may hear some other comments tonight about the master plan, some that will support the case that I just put forward that this project was what the master plan identified and was intended for. Others have a different view. Everybody has their own opinion and reasons for that opinion, but really we do have an independent arbiter, someone that you, as a body, have identified as the independent arbiter. The qualified and trained arbiter of designation of your code and the master plan, and whether applicants are meeting the letter of intent of that document. That's your staff.

I would ask that you look to your staff's conclusion that we have met the letter and the intent of the master plan for this site, as articulated in prior meetings and then articulated in the staff report. They have drawn that conclusion. We stand on that conclusion. They are independent. They are unemotional, if you will, about the analysis, and they've drawn the conclusion that this project fits the master plan, both the letter and intent. Again, we stand on that conclusion.



I'll just quickly now walk through some of the slides and renderings that you've seen about the project previously just as a refresher given that was back in October; and with the passage of several months, I want to highlight a few things about the project just to pull it back into focus.

This is our site plan. 2D aerial sometimes is helpful. Sometimes it's less easy to see some of the specifics, but I think you can see on this plan some important aspects of it. First you can see the extensive sidewalk network that we will be adding along the north and western sides of the project. Again, we're able to do that because that dark grey box there, which is completely wrapped in units and is not visible from any outside angle, is our parking garage so we're able to shrink the building down and wrap it around that parking garage, which will be accessed only from 47<sup>th</sup> St.

Our only ingress/egress is from 47<sup>th</sup> St. You can see that there. That's an existing drive that was put in place several years ago to access the project to the south. In fact, at the time in working with UG staff, was always intended to be the ingress access point for the project that would eventually come on this site that's coming to fruition. As you can see, will be the ingress/egress into our parking garage, which is internal, again, to our project.

You can see the eight parallel parking spots that we have designated on 46<sup>th</sup> St. Those are not on 46<sup>th</sup> St. exactly. They are pulled off of the right-of-way. They're not on public right-of-way whatsoever. In fact, they're on our property, which is an improvement of the condition. Today, they are on the public right-of-way. They constrict the road and create unsafe conditions for drivers and pedestrians. So, we have increased, again, the safety of that condition by moving the parking off the right-of-way and moving it entirely onto the property that will be part of this project.

You can see, also, the internal courtyard. That is the green space there within the project which coincides and fulfills the obligation of the code to have particular green space available to residents of the project.



This is the massing of the project. You can see the density of the project is pushed and up along Rainbow, again, to activate Rainbow. That denser portion of the project is adjacent to the commercial portion across 46<sup>th</sup> only. It is not adjacent to any single family homes. As you go east along the site, if you look, you're going towards the upper left of that rendering there, that's moving east along the site, the project drops down to five stories and then drops down another two stories. The farthest eastern portion of the building and all along that eastern portion, the lower portion of the building, the top story is recessed so that it is not visible or quite a bit less visible from the ground level.

You can see from this photograph, as well, the diversity of materials, the articulation of the façade, both horizontal and vertical, the inset and outset balconies, all of the extensive landscaping, multilayered landscaping which is enhanced above and beyond what would be required. Ultimately, the intent of the project is to be architecturally interesting and aesthetically pleasing, which we believe is accomplished. Again, staff has recommended approval of the design of the project as well.



This is that portion along Rainbow. You can see the activation of Rainbow from our lobby area there with tall glazing, interesting architectural elements, quite a bit of landscaping, and the connectivity of the sidewalk. To the south is the building that is currently constructed. That is our sister facility, which is approximately the same height, called Woodside Village North. It will be in fit and in keeping with the continuity of that street front already along Rainbow to the south of our facility today.



Another view of that particular feature along Rainbow. This one shows an additional portion which is the 47<sup>th</sup> St. ingress/egress between the two buildings which is, as I noted, constructed today. I will say one thing that in this picture, to the right there, which is the south side of this picture, is approximately where our trash enclosure will be, which interestingly is actually in Johnson County. We will not have our trash enclosure in Wyandotte County. That was something in working with the community over the past year that we moved from the northern portion of the project on 46<sup>th</sup> back, tucked around where no one can see it or hear it.





Another view of this sidewalk along Rainbow and the extensive landscaping and pedestrian connectivity.



This is the corner of 46<sup>th</sup> & Rainbow. You can see that we will add a bike share station at this corner. This, again, is in keeping with the theme and goals and intent of the project to create, enhance, and expand multimodal transportation and further connectivity between pedestrians, bikers, cyclists, essentially changing the character of this area from less safe, less walkable, less bikeable, reversing all of those factors and enhancing bikeability, walkability, and connectivity.



This is a slide now as you move down 46<sup>th</sup> where the building has dropped down. The five levels, as you can see from this angle, you can only see four levels and the top level is recessed back and cannot be seen from this vantage point.

This shows, as well, the inset bottom portion, the lowest level of the building, which is townhome style units. They are open, 246. The intent there is, first of all, to give a unique townhome feel to those units, which is aesthetically interesting and creates a neighborhood feel. But not just the feel. We actually want to connect those renters and those residents of the building to the neighborhood itself.

This is not a standalone, set-aside project. It is something meant to be integrated into the community and the people who live here would be part of this community. That architectural feature is something that enables that circulation of people so that they will be directly entering into the neighborhood and be active in this area along our sidewalk, along our pocket park, we'll see here in a second, and interacting with those folks in the community that already live there today.



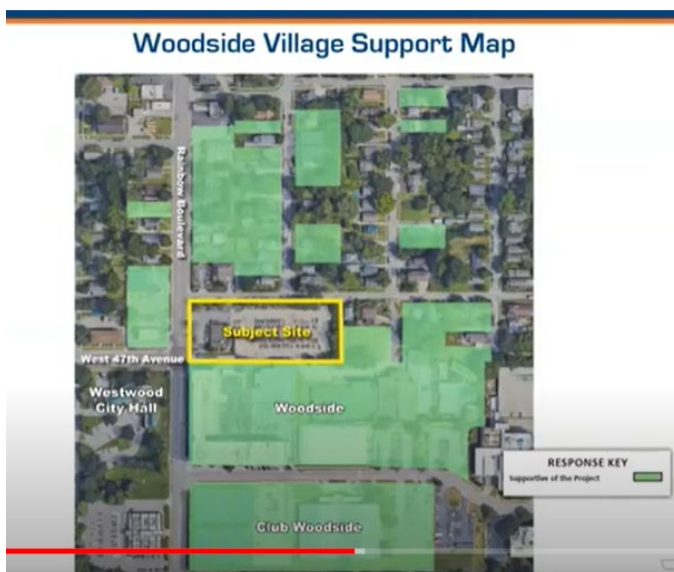
This is that pocket park intended to provide a public use gathering space both for residents or people in the public. It's just additional green space that provides that ability to spend time outside, to not just be held up inside your apartment, not just be homebound, but actually out and moving around and interacting with folks in the community.



You can see here this is that portion of the building along 46<sup>th</sup> and then the portion closer to Rainbow. I think this slide does a good job of showing the parallel parking. It also does a good job of showing the interesting and unique articulation and varying materials along the façade.



Just a closer up view of those townhome style units. Again, a very unique, interesting feel, and a feature that allows that building not to just be one long institutional looking facade, but something that actually has an interplay with the community.



With that, I'll turn it over to Aaron Mesmer, with Block, to make some comments, and then I'll come back and stand for any questions. If you do not have questions at that time, I would appreciate the opportunity to come back and address the body if you have further questions or if there's commentary in the public comment that I can address, I'd appreciate that opportunity after that. Thank you very much for your time again. We're very excited to be back in front of you tonight.

**Aaron Mesmer, Block Real Estate**, said thank you for your time. I know we've been here for a minute and I know we were here before, so I'll be brief. I do want to point out that we have been working with staff and the community stakeholders for more than a year. Through that process, what we think we've come up with is a really exciting project and a first class deal that is going to set the bar here at 47<sup>th</sup> & Rainbow. That process resulted in many concessions that we made, including reducing the unit counts of the building. We took an entire floor off the top of the building, and we moved the footprint of the building to make sure that we had those neighborhood vibes that Bob was talking about along 46<sup>th</sup> and along Rainbow. What I think we've come up with is a plan that not only is going to be spectacular, but it's something that the community has really gotten behind.

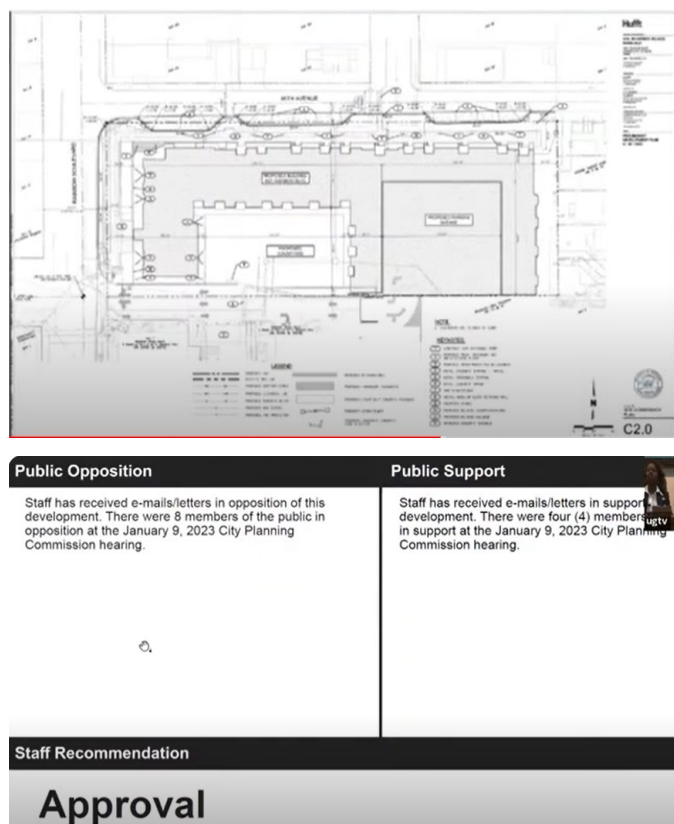
We do projects in many states. We do dozens of projects here. Never before in our history have we had 67 letters of support, which is what we have now. That's three more than we had at Planning Commission a couple of weeks ago. So the support continues to swell on this project. That includes 47 neighbors that are in the immediate area. It includes eight neighbors that are in the Westwood area. It includes eight businesses along Rainbow and four other industry leaders. What I would tell you is your community wants this project. They believe that it's an asset that will fit the master plan here, and that it's going to be a great asset for a long time.

Speaking about the length of our involvement in our duration, one of the things that I think is really important to highlight is that our firm and Blair's firm are very much aligned in that we are long-term holders of real estate. We are operators. We are owners. We're not merchant builders. This is not a speculative venture for us. We come in and build and sell it in a couple of years.

Block Real Estate has been in this community since 1945. In that time, we have yet to sell an apartment community that we have built from the ground up. Blair's family has been involved with the Woodside Club for more than 50 years, stewarding it through a number of different transitions over that time. What I can say is we're here for the long term. This project is going to be great for Kansas City, KS, for the long term.

I really appreciate your time. We appreciate your support. As Bob said, we're certainly happy to stand for any questions. Again, thank you very much.





**Mayor Garner** said I'll now open the public hearing and ask the Clerk if any notifications were received from the public who wish to express their comments in favor of this item. **Mr. Deichler** said no comments were received. **Mayor Garner** asked, is there anyone present in the room who would like to speak in favor of this item? If so, please approach the podium, state your name and address for the record. You will be given up to three minutes to state your comments. The Clerk will keep track of your time.

**Jeannette Cox, 9908 W. 116<sup>th</sup> Pl., Overland Park, KS**, said I am a member of the National Apartment Association and a long time member of the Apartment Association of Kansas City. I'd just like to express my support for this project. Like Aaron said, I know that company well and their developments. I think they've done a great job in planning this project and done some great due diligence to make it a benefit to the community.

**Dan Thompson, 4514 Francis St.**, said I'm basically 250' from the project. I can see the land that's going to be used from my porch. I've owned my house for over 20 years. I chose to move

into it as my permanent residence about seven years ago. I'm raising a family there. I put a substantial amount of money into my own property. The question is why. Well, the big reason is because I saw the direction of the neighborhood. I'm a single dad of a five-year-old. We have chosen this area. We could have moved in many places, but this is home. My son goes to Frank Rushton. We walk the walk.

How did I get involved in this project? Well, in the beginning over a year ago, we were having neighborhood meetings from a base who was involved from ground zero. I was hearing from certain neighbors how they represented the majority of the neighborhood as non-supporters. It was confusing to me because the people I was talking to in the neighborhood were in support of this project. So I took the initiative to walk and talk to at least half of the 150 houses in Spring Valley, and what I found was the overall majority were in favor. In fact, many of the few non-supporters were being so aggressive toward the supporters that really made me feel uncomfortable and some of the neighbors uncomfortable so I got 100% involved. I wanted everybody to have a say in this project.

What you'll see tonight is the other side will come up with facts on the project that aren't true. Things like it's a large structure. They'll show you a drawing of a concrete structure. It doesn't look anything like it. They'll call it a ship. They'll tell you more than two houses are affected by shade. They'll tell you that traffic is going to be so bad, but in reality, none of this is true. You'll also see probably some of their aggressive nature, how they come across, and how they state their opinion. Well, we're here to represent the other side.

I have personally gotten over 40 support letters in the neighborhood. **Mr. Deichler** said you have one minute remaining.

**Mr. Thompson** said I've seen Blair and his team basically make changes. They did this traffic study that basically said there were no issues. A shade study that was pretty minimal. They reduced the height of the structure. They added a pocket park for landscaping. They added 46<sup>th</sup> to be wider. I personally was on there at 4:00 today and almost got ran over walking home from a restaurant. They moved the trash. They put the delivery trucks to the side. They could not put it on Rainbow because KDOT didn't approve that.

We do need more housing diversity in the area. We also need upscale housing as well. So please welcome in 140 new taxpayers on this project that might choose to live other places.

With this project, I think will be the gold standard. I think Spring Valley will only be going straight forward up. As one of you guys said, we should be open for business for this development, so please vote yes.

**Gayle Bergman, 4520 Francis St.,** said I do apologize if this sounds like an episode of *Gilmore Girls*. If you're not familiar, they talk really fast. I have a lot to say so I'm going to talk really fast, and I don't like public speaking.

I own my home with my boyfriend and our dog. We are four houses down from the development. I support this project, and I want to see my neighborhood grow and not to be artificially stunted. I put a lot of money and work in my home since I bought it in 2019, moving from KCMO since I became a UG employee and needed to move to Wyandotte County. We added solar panels in 2021, and we have also converted our entire front yard into native plants. All of this and my home is still going to be less efficient than any new multi-family housing. This is mostly because of how the land is used. It simply is more efficient use of land to build multi-family than single-family housing. I say this as someone who owns a single-family house.

We don't have a lot of vacant lots in Spring Valley. Our small, most southeastern corner of Wyandotte County. Dense, multi-family housing is what we need to let our community grow, to get more neighbors, to see more dogs on walks, and to further diversify our tax base so that we can maintain and improve community services like parks, transit, and schools which should all be five-star in Wyandotte County.

I love my house, I really do, and I will live in it for a very long time. But being small-minded and short-sighted and selfish is not going to benefit our neighborhood. I want more neighbors so we can further justify a streetcar going down Rainbow. There are currently two transportation studies that are including KU Med as routes. It is silly to think we shouldn't develop dense, multi-family housing along Rainbow. This is the periphery of our neighborhood, and there is already an apartment complex right next door, as has already been stated.

Housing should be warmly welcomed and is a much better use than what could be built here. A lot of bad uses could happen on this site because it is already zoned commercial, and none of us would get to argue about it because it's already legally allowed to happen.

I would strongly encourage you, as policymakers, to rethink our zoning codes in the county. Much of our county should be upzoned with denser, taller buildings allowed to be built out right... **Mr. Deichler** said you have one minute remaining.

**Ms. Bergman** said ...especially in already urban areas where a lot of people want to live and work. I don't want to be here reading a speech I prepared on a Thursday night for hours just so some housing can be built on an ugly parking lot. Most of the area is neutral to positive about this development because most people know the truth. It actually won't affect them very much, certainly not as negatively as they think.

I bike and walk a lot. I'm excited for the improvements. It's easy to see examples of tall apartments next to single-family homes. That's not abnormal. That's just how cities grow. We shouldn't be afraid of renters. It's okay to rent. You don't have to own your home to be a contributing member of the county. People will choose to live here because of our close proximity to KU Med, parks, and restaurants. They are more on the expensive side, but rent is not the only expense people have when paying for their housing. I have unexpected maintenance I have to pay for and that's not accounted monthly. There's people who will pay to rent so they don't have unexpected maintenance and they don't want to be tied somewhere.. **Mr. Deichler** said your time has expired.

**Gerald Greer, 4503 Francis St.,** said I'm here today in support of the Woodside Village Rosedale development project. I believe the development plan will be an inviting opportunity for people looking to move into our area. Blair and his team have welcomed the neighborhood's feedback since the beginning, and they've made significant changes to the plan in support of mitigating those concerns for our community. While I do believe that everyone in our community deserves an opportunity to voice their opinion about the growth of our neighborhood, it seems that several of those voicing opposition do not live anywhere near the development location as we do that have spoken so far.

I encourage each of you to approve the Woodside project, and I look forward to having new neighbors move into the development who will spend their money locally and appreciate the Spring Valley Rosedale neighborhood as much as I do.

**Kevin Sadler, 4509 Francis St.,** said I'm going to speak on behalf of my brother as well. He lives at 4507 Francis St. We own 4523 Francis St. as well. I think Blair and his group have done an awesome job with the design, with listening to the community, with really tweaking their design to come back and so will not negatively impact our neighborhood in any way. Really, it's just about safety. It's about aesthetics. It's about bringing other businesses to our community as well. Going down from 46<sup>th</sup> to 45<sup>th</sup> St. on Rainbow, right now you have a dental office, a dilapidated car dealership, a dilapidated dry cleaner, a dilapidated nursery, and a dilapidated thrift store. I feel like this is just the beginning. If we build this, this can all transition in the right direction.

I'm going to leave you with a quick story here. In 1952, my grandpa, my great grandpa built Jerry's house, who just spoke, with their bare hands. Three years ago, I came in and tore down his childhood neighbor's house and built a house for my family. We moved from Prairie Village. He wasn't mad that I tore down that house. He was happy that I moved my family to this neighborhood. I think that's how you've got to look at this project. They're taking a dilapidated parking lot, building a new building. We should be happy and thankful that they're spending their money to build such a beautiful building and bringing new people to our community.

I just say let's vote yes and let's pass this thing forward.

**Mike King, 5507 Crestwood, KCMO,** said last time when I spoke on behalf of this, it was suggested by those who were in opposition that I shouldn't have an opinion about this because I live on the other side of the state line. That really bothered me and I thought about why is this bothering me so much. Then I realized that in the last 48 years, I don't think there's been anybody that has spent more time on this geography, on this land, in this exact place.

I'm the President and CEO of Youthfront and we owned that property. We wanted to continue to be in that place. So after we sold to Blair Tanner & Associates, we moved across the street, bought an old, dilapidated building and invested in it and now have a \$2.5M what we think is a jewel sitting there in Wyandotte County. So we love, I love this piece of land. Now, every day I sit in my office and I look out and I see that parking lot. I can't wait, that's why I'm so emotional, I can't wait until this is a place for human flourishing for community, for people to build community with each other.

Before we sold to Blair, I said Blair, what is driving you to want to do this project so badly. He said someday, I would like for my son—since that time I've gotten to know his son, just a small



tike. I won't give you a lot of information about him, but he said I want my son and any other kids I have, someday, to bring their kids and their grandkids maybe, to show them this property to say that our grandfather believed in this place and wanted to build something that was beautiful, that added (inaudible) to...**Mr. Deichler** said one minute remaining.

**Mr. King** said ...and to community. I believe he's followed through with that. I believe he'll be connected to this for a long, long, long time to make sure that it continues to be a place of human flourishing. So let's do this. I think you will also be proud to show your kids and your grandkids that you voted yes for this because it is the whole corridor, that whole area has become another crown jewel of Wyandotte County so let's do this thing.

**Mr. Deichler** said, Mayor, we have one hand online. We actually have several more popping up here.

**Amanda Brisso, 4522 Francis St.**, said there's just two houses between me and the proposed development. I just want to say like everyone else has said, I think it's going to be a great benefit to our community. I'm really appreciative of the effort and care that Blair and his team have put into the development. With all of the changes that they've made, I'm fully on board and support this project. I look forward to hopefully not walking through a gross parking lot anymore.

**Jason Sadler, 4507 Francis St.**, said I really wish I could be there in person to show my support but I'm unfortunately out of the country. I can see this project from my front porch. I can't really think of a better project that I'd like to see there. Sure something could go in like Chick-fil-A or something that meets the zoning requirements. That's just gonna actually destroy the character of the neighborhood. It's not like they're putting up a parking lot for an apartment complex with a fence around it. They're really building an apartment complex that is trying to engage the community and make the area more walkable, which I think most everybody is striving for.

I walk by that piece of property multiple times a week with my family to go to the shops and restaurants at Woodside, the restaurants down 47<sup>th</sup> St., and almost daily to the park. I just can't wait to see such a beautiful project hopefully go in.

I just ask on behalf of me and my family that you vote yes.

**Tophers Philgreen** said I own Tophers Enterprises, LLC. I own the house at 4512 Rainbow Blvd. It's just three houses down from this development actually. I've also been in this area most of my life. It's been a lot of time here. I've invested in property here because I believe in Wyandotte County. I especially believe in this corridor that goes from 47<sup>th</sup> all the way down to the river and is just the gateway to Wyandotte County and just how this is going to greatly improve this area.

I also want to speak to you, also, as a fellow planning commission member. I've been before bodies in Wyandotte County probably six times now. I actually sit where I live on the Miami County Planning Commission, so I've been in your seat. I've been in a seat where you have developers that want to come in and do something that's going to improve the community, but a few people don't like it. I just know that one of our mottos is, what does it do for the whole community. Does it help the whole community?

As I look at Wyandotte County and as somebody whose first house was just a few blocks from here when I got married, and when I think of your role sitting where you are when you think about the whole community, all of Wyandotte County, the gateway, what this does for this whole area, just the responsibility you have to take in everything like it's good for everybody. I just want to say having been on your side of the table and also watching how Blair and his team have operated, I don't think I've ever in my life seen a group of developers who have bent and changed and acquiesced and gone back and spent literally thousands and thousands of dollars to redesign and re-architect to make the community happy, to fulfill the wishes of Planning and the commissioners.

I'm just telling you, these guys, I think, are pretty committed to this area and in doing this thing right. They've already proved it on the other side of the county line. I think they'll prove it here. I think that for all of Wyandotte County, this is a really good thing. **Mr. Deichler** said one minute remaining.

**Mr. Philgreen** said if I were on your side of the table, I'd get this thing done. It's going to be great for Wyandotte County, for this corridor, for the people who live there, for the people who invest there, for the people who visit there. So, I just want to give my full support to this project.

**Micah King, 2821 S. 8<sup>th</sup> Terr.,** said I'm a Rosedale resident. I'm also the Executive Director of Argentine Betterment Corporation. I just wanted to speak in support of this project. As all of you

commissioners, most of you know me. Part of my job in Argentine is to bring businesses in and help ease the transition in getting businesses set up.

In my time at ABC, we've had a number of times where we've had businesses where they've had many hoops to jump through, and it gets to the point where they just kind of give up. That's what is remarkable about this development. Blair and his people have adapted and changed on the recommendations of the Unified Government as well as the residents. I've never seen anything like this. Most of the time they just pack up and move and say I'm going to Johnson County or I'm going here. That is a true testament of how much they believe in this project.

I'm super excited about it. My family goes to the restaurants currently that are on that property, and so we're super excited about it there also.

I will speak to the residents in Argentine. A lot of times we get complaints about tax dollars and tax revenue. This is a chance to build our tax revenue. I used to live on the Plaza and I know that a lot of people are looking for luxury homes. They may not be affordable to everyone, but they are affordable to people in our community. I've got Board members that are on KU that said doctors are looking, interns are looking for places to live within the area. This is a chance for Wyandotte County to get some extra tax revenue that possibly they would jump over to Jackson County or Johnson County.

So, this is our opportunity. I know we talk about it all the time like we need to lower our taxes. The more people we have in this area, of course you guys know, the better our chances of taxes going down. So this is a great opportunity...**Mr. Deichler** said one minute remaining.

**Mr. King** said ...not to mention the project. It's stellar. It's awesome. I'm super excited about it. Everyone on my street that I've talked to about it, they're all in support of it. It's a funny situation. We've actually had people in the community coming around that have actually been very pushy about us going and now supporting this project. They've actually changed some of the people's minds that were on the fence about this. That's how aggressive some of these people are unfortunately.

So, super excited about the project. Everybody that I've talked to has nothing but great things to say about it. As you commissioners know, we've already approved something very similar to this and they've had less hoops to jump through. This group has really shown that they're in it for the community and want to work with us and want this area. So, I definitely hope you guys vote yes on this project. Very excited about it.

**Brian Moore, 4522 Francis St.,** said I can see the location about 100 feet or 100 yards away from my house itself. I'm 100% in favor of this happening. We've been focusing on this for the last few months or so. I know a lot of people throughout the neighborhood, almost everyone that I've spoken to, the majority have said that they're in favor of this as well.

From most of the comments that I've heard tonight, I mean I agree with a lot of these things that have been talked about. One of the things that I haven't heard yet from a safety perspective, there have been sometimes where I've woken up at night and I've heard a lot of cars that have either been drifting or doing a lot of donuts within the parking lot. That's been a frustrating part as well because it just brings a lot of undesired attention to the area. It brings the cops over, which wastes their time as well. It's just an open space which allows people to come by and just causes some disruption to the environment as well. So for one of those issues, I would appreciate this being built to get rid of that parking lot and allow more space for growth and help for our neighborhood. I'm 100% in favor and I appreciate it.

**Amber Turner, 4521 Eaton St.,** said I'm calling in support of the project. I've owned my home for nine years. It's just around the corner from the development site. I frequently walk on 46<sup>th</sup> Ave. & Rainbow and I will certainly appreciate the sidewalk, pocket park, and the separation from traffic.

The developers have made many of the changes requested by the neighborhood while designing a viable project. I really hope you will give it your approval.

**Mr. Deichler** said no other hands are raised at this time, Mayor.

**Mayor Garner** asked, Clerk, are there any notifications received from the public who wish to express their comments in opposition of the item? **Mr. Deichler** said we received none. **Mayor Garner** asked, is there anyone present in the room who would like to speak in opposition to this item? If so, please come to the podium, state your name and address for the record. You'll be given up to three minutes to state your comments.

**Erin Stryka** said I'm here representing Rosedale Development Association at 1403 SW Blvd. I want to start off by saying there's a lot of good in this proposal. You've heard a lot about it tonight.

I won't rehash all of that, but I do want to acknowledge the developers worked really hard to incorporate feedback from the community. Everybody that I've talked to in opposition, I don't believe a single person has said to me I don't want this project at all. What people have said continually is there's this one thing; there's a couple of things that are holding me back. So, I want to talk about why RDA is still in opposition tonight.

The overarching housing goal of the Rosedale Master Plan holds a couple of really important ideas for neighborhood development intensification. The first sentence of that housing goal says to protect single-family neighborhoods with strong home ownership while increasing housing options and density with quality, well-designed apartments on major streets and corridors. So, two really important ideas: intention, protect single-family neighborhoods, increase housing options and density on corridors.

Clearly, this is a really well-designed project. Clearly, it brings density. It brings more housing options. The place where I think it falls short is not protecting single-family neighborhoods part. The tool there is a master plan uses to keep both of those things intensification is height transition strategies, one of the tools I should say. So, while I think the density of this project is good and I think the housing options, we'll talk about that in a second, is mostly good, I don't think it has yet done a good enough job transitioning from the one and two story single-family homes to the five-story and seven-story density that's being brought. **Mr. Deichler** said one minute remaining.

**Ms. Stryka** said a big part of that is a function of the site. As Mr. Johnson discussed, it's on Rainbow, which is a community center and a corridor, and meets that very high density. A big part of it is it's in a single-family neighborhood adjacent to one and two-story single-family homes. So the thing that's holding us back is it is too sharp of a height transition still.

Finally, I remain deeply concerned about the impact of the high rent cost on everybody else's rent in the neighborhood. I just had a neighbor and again today knowing that their landlord is raising their rent at the end of their lease. There are apartments in Rosedale, but they can't afford that. I remain deeply concerned that this project may exacerbate this.

So, all of that to say I think there's a lot of good in this project. I think it's almost there, but there's just a couple of things that I would really like to see worked out before it moves forward.



**Joe Hohendorf, 4314 Eaton St.**, Spring Valley neighborhood, said I walk through the neighborhood every day and my walk includes 46<sup>th</sup> St. The pictures that you were shown about the development, were all pictures that display the development looking to the west from the edge of the development showing a very nice strip of sidewalk that they will put in. That's great, but the rest of 46<sup>th</sup> St., which is a thoroughfare between Rainbow and State Line, is a quiet neighborhood street that is quite narrow, as the lawyer from Polsinelli pointed out. Any increase in that traffic is going to be a safety issue for pedestrians who use 46<sup>th</sup> St. for their walks.

There are no sidewalks on the north side of 46<sup>th</sup> St. from Rainbow to State Line. There are only two small sections of sidewalks in front of two houses, half a block, on the south side of 46<sup>th</sup> St. from Rainbow to State Line. As previous speakers pointed out, there are cars that park along there which causes a bottleneck. It causes the traffic to be choked into one lane.

I walk it at all hours of the day. I don't typically walk down there at night, but there's always a couple of cars that pass me when I walk through there.

On the diagram that they showed...**Mr. Deichler** said you have one minute.

**Mr. Hohendorf** said ...their design, there's parallel parking there for eight cars. That could conceivably increase drive-through traffic by 16 trips a day; minimum 16 trips out and back. That's eight more. That doesn't count traffic that may be the result of that development. People who are unable to make a left turn onto Rainbow to go south, take a right turn and immediately a right turn on 46<sup>th</sup> St.

So, what I want to ask briefly is that there be consideration to traffic calming on 46<sup>th</sup> St. and sidewalks on both sides from Rainbow to State Line. I understand the developer is not responsible for that, but it's going to be a safety issue if traffic increases as a result.

Also, the Rosedale Master Plan, as Erin pointed out...**Mr. Deichler** said your time has expired.

**Fannie Hill, 4310 Parallel**, said I'm all for growth and development, but every time you think it would decrease our taxes. It seems like the more growth and development we have, the higher our taxes go. I'm from the Northeast area; you would consider as the poorest part of town where people are really struggling. I think I talked to Ms. Townsend and Commissioner Davis. I said most of our people in our area, their head is under water. My chin is on water and you're pushing with the taxes considering the fact that our taxes went up. We're really struggling with the taxes

here in Wyandotte County. I talked to a reporter. He said I make good money. My taxes are \$7,500. BPU is too high. He said I make good money, but this is my last year here. I love the county but because of the taxes. I mean, my taxes are crushing me.

I talked to the two commissioners about the increase. I said we're developing and we're giving tax incentives, tax dollars, but yet you say we need them and at the same time you increase them. I'm not understanding that. I'd love to sit down with the commissioners. I really would love to come to your office and sit with you and have you two explain this to me how we can continue developing and get the taxes down. I mean, you say developers are not paying much taxes and getting all kinds of tax benefits. I said I feel like I'm paying them. They're getting tax benefits and mine goes up. You said I'm not paying them. So, I'm asking for you all to sit down with the community and explain to us.

**Robert Ewing, 2617 N. 45<sup>th</sup> Terr.,** said I'm here just to piggyback and just co-sign what Ms. Hill just said. I want to sit down with the commissioners as well about the taxes, the outrageous taxes. My house is paid for. I've been here 30 years, and I'm just having a difficult time paying the taxes so I paid half.

I'm also wanting to co-sign with what the mayor stated earlier about the issues that he's passionate about. I think you need to get on his side because the PILOT with BPU, whatever it's called, that's outrageous. The taxes are outrageous. I want answers. We elected you. I voted for you. Whoever voted for, I expect some answers. I want some reliable answers.

I'm an outspoken person. I'm not really concerned about anybody being upset about it because we want some answers and we want them now. This is ridiculous. I'm not trying to make friends and I'm not trying to make enemies, but this is ridiculous, outrageously ridiculous. How can a poor person like me afford to pay the kind of money they're asking for where I live at? They're asking for approximately \$4,000. I'm struggling paying my bill for BPU.

I believe in affordable housing and I believe incentives that they're providing these businesses, but what do the citizens get for this? Like Ms. Hill stated earlier, I don't remember verbatim what she said earlier, but this is simply ridiculous. We voted for you and I want answers. I'm just straightforward. It might sound rude and I don't really care, but I want some answers.

I'm in full support of the mayor, and I wish the commissioners would do the same. We need to get on board with the mayor. I don't know what is going on in its entirety, but what I'm

hearing is not good. I'm not proud of it. I want some support for the mayor; more support for the mayor. I want answers as to why we're not supporting the mayor like we should. So, when can I meet with the commissioners to get some answers? When? **Mr. Deichler** said one minute remaining.

**Mr. Ewing** asked, is there a time when I can meet with the commissioners and get clarification on what's going on? **Mr. Deichler** said it's not up to me. **Mr. Ewing** asked, does that matter who's mad, who's upset? When can I meet as a citizen, a taxpayer? Can I set an appointment to meet with the commissioners? **Mayor Garner** said you can get with our office and we can help facilitate.

**Chris Steineger, 4529 Francis St.**, said speaking against this project, my position has been the same the entire time with a year or so we've been discussing this. I think the project is too large and will create too much traffic. Those have been the same concerns I've been espousing for about a year or more on this project.

In comparison to the apartment project you guys did approve at 5<sup>th</sup> & Central or 3<sup>rd</sup> & Central, that building at 3<sup>rd</sup> & Central is 139 apartments and it sits at the bottom of a hill. This project is 149 units and it sits at the top of a hill. It has much more of a looming over the neighborhood feel than the project at 5<sup>th</sup> & Central, which you did approve. Furthermore, the project at 5<sup>th</sup> & Central, they have to do a lot of dirt excavation to make that site usable. That's a difference than the project here where it's a flat, open site that's already owned by the developer. It's a parking lot. It's flat. It's ideal for development.

This brings me to—I could go on, but our time here is short. I sent this to you all in an email. I sent it to your legal counsel as well; K.S.A. 12-759(e)(1)(A)(B))C). This was brought to my attention only a few weeks ago. This applies to the planning commission, but ultimately follows through to you guys at some point somehow. This state statute sets aside how a planning commission can differ from what the existing plan allows for.

We do have the Rosedale Master Plan, and that's been adopted by the city. These guys are asking for a variance. So, the Kansas statutes specifies when a planning commission can deviate. I would submit that the Planning Commission made a mistake. You have this. I clipped this and copied it and sent, I think, to most or all commissioners did receive it. I did send it to Misty and

Patrick earlier today. It says if they request a variance, and I can't read the whole thing, but...**Mr. Deichler** said one minute remaining.

**Mr. Steineger** said ...they have to show the building site. There's something wrong with the building site; therefore, they need a variance to be able to build the building. I would say there's nothing wrong with this site. It's quite flat. At 5<sup>th</sup> or 3<sup>rd</sup> & Central, they have to dig out the entire hillside to make that site work. They're digging on a hillside. They're digging out five stories worth of dirt.

Furthermore, I would say that there's no economic hardship here either. That's also allowed under statute if there's economic hardship. Well, there's no hardship. Right next door to this proposal is the existing 91-unit building. It's 91 units. It's been in operation three or four years. It's fully leased and they made that one work. Ninety-one units existing, working, cash flowing, leased. Next door on the vacant lot, they want to build 149 units. So, my point is, they really don't need a building this big to make a cash flow. They have a 91-unit building and a cash flows wonderfully. If you had a 91 unit, if they'd only proposed a 91-unit building...**Mr. Deichler** said your time has expired.

**Mr. Steineger** said ...there, we wouldn't be here. There would have been no opposition and they would have broken ground a long time ago.

**Gil Pintar, 4178 Cambridge**, said I'm here in opposition. I'm not going to read my letter or summarize it or anything. You all have it in your packet. I am going to point out that the thing is the neighborhood did go through some expense to have a massing study done. In those five illustrations in your packet show the bulk, not the architecture, but the bulk and size of this proposal, to scale, from views within the neighborhood that's accurate.

I would like to point out that the master plan process is kind of a sacred tool. I was born at the KU Med Center so I bleed Rosedale. I live two blocks away from where I was born. I love Rosedale. I was part of a coalition of folks that worked on the Rosedale Master Plan.



That's the Rosedale Master Plan, but if you can bring up the zoning map in the staff packet, the zoning map of the area.

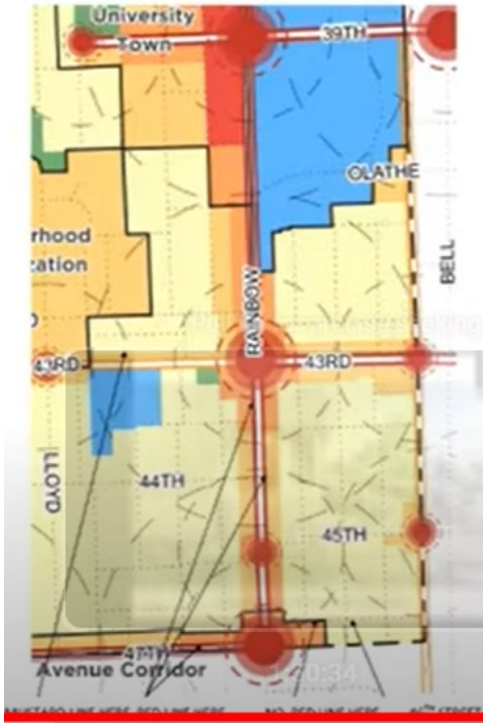


We worked on the master plan. While I can agree with 99% of what was said here tonight in terms of the benefits, we'd love to see development. That's what the master plan was all about, but it's the how do you do that process. We went through the process with the master plan. I want to point out something that hasn't been pointed out is that the-I can't point, but the vacant restaurant that's red there, that's the commercial frontage on Rainbow. **Mr. Deichler** said you have one minute remaining.

**Mr. Pinter** said I'd like to ask for an extension when it's due; when it's time. The rest of the block, as you can see, is red and it has that same line. The parking lot, that was called the parking lot, is zoned R-1. Now, I don't know how the land was transferred or anything or what, but the neighborhood has had to live with that R-1 parking lot. You can't have a parking lot and



lease it to KU Med or whomever without a special use permit. I know that. What I'm saying is, the master plan—if we can go to another slide. I am going to ask for an extension because I do have these visuals. If we can go to the next one.



This actually shows... **Mr. Deichler** said your time has expired.

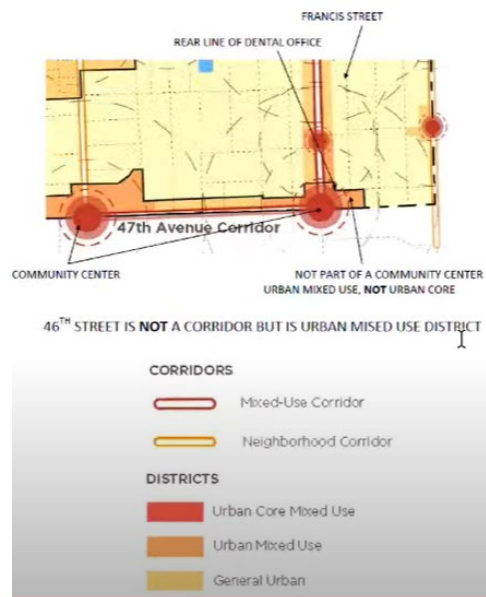
**Mr. Pintar** asked, can I request an extension?

**Action:** Commissioner Bynum moved for an extension of time for **Mr. Pintar** for three minutes.

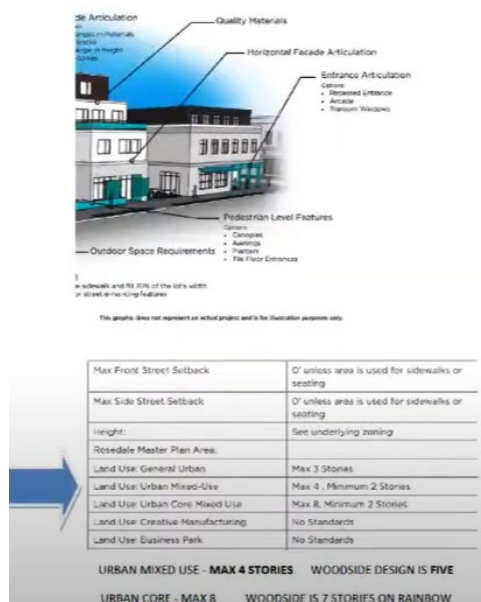
**Mr. Pintar** said this is a photograph of the master plan. It shows that the Rainbow corridor, those red lines, are part of the Rainbow frontage. 46<sup>th</sup> St. does not have a red line on it; it does not. It is not a corridor. It's not a commercial corridor. It's an alley, if you will, into the neighborhood. The density changes from the master plan to a—if we go to the next slide.



That talks about the corridors because 46<sup>th</sup> St. is not a corridor.



This is good. This actually shows that R-1 piece is actually an urban mixed use area versus an urban core or a node area. So, there are different requirements. If you go to the next slide,



it actually has a table that shows you that the urban mixed use table says a maximum of four stories; minimum two. What you have before you is five stories. The point I'm making here is that everyone's talking about compliance with the master plan. Well, it complies. It's slightly taller than our current building. All the smoke screen stuff is in support of their density. What we've been saying for over a year... **Mr. Deichler** said one minute remaining.

**Mr. Pintar** said ...is that it's just like Chris said, it's too tall. It's too dense. We'd love to see the property developed, but we've had to live with that parking lot for years, years. I can go back to aerials and show you that parking lot with trees on it. The thing is, it's never been zoned commercial. Even though the master plan shows it as mixed use, it's not urban core; it is not. It goes against the intention of the master plan.

I submit to you one last item that the folks in support of this project that spoke were never at a workshop meeting for over a year that we met on the master plan. So, those folks who bought buildings, bought houses in the area were not part of our master plan process. They don't have ownership... **Mr. Deichler** said your time has expired.

**Mr. Pintar** said ...of it. Please deny this. I do have one more slide. Can I show it, Mayor? **Mayor Garner** said in the interest of time, sir, and out of respect for other people, we gave you one extension, so we'll end it there.

**Kelly White, Kansas City, KS**, said on the level of engagement from community members regarding this application is admirable. It means we are paying attention to what we envision

future development should be through the master planning process. I'm sure every development application will have those in support and those in opposition. What should be emphasized, though, is that those in opposition are not always old curmudgeons that are resistant to change because that is not the case here. We all know there will be development, but what may be perceived as resistance is really that we are tasked with articulating to the developer, the voting boards, and staff our legitimate concerns in a system that we know little to nothing about, yet we are the most impacted.

The approval process, as we all now know, can be complex which is why the developer hires attorneys and other professionals to get their plans passed. Staff is educated in planning and zoning and have available to them legal counsel from the city. The neighborhood, however, has few options for resources, and time and money are the most restrictive. There is no one constructing letters for us or sitting next to us in a meeting providing guidance on what to say. We must navigate through a system where all parties are involved are more knowledgeable from the get-go. The community is at a disadvantage.

Our experience in this process was that we, the neighborhood, not staff, were requesting modifications from the developer to improve on the impact of our neighborhood from the parking lot access to the various studies that not only were not completed, they were never requested, yet staff still recommended approval on the very first plan. In fact, they were often an obstacle for us when we were requesting documents from them.

Staff has also given the opinion this development meets the intent and spirit of the master plan when people that were truly present and involved, as Gil just said, in forming the master plan and the current master plan committee disagree.

In an effort to make you believe there is an overwhelming amount of support for this, they have time and again said they have 63 letters of support, which are in your packet, but there is a discrepancy in their stated number. The actual number of people in favor of it due to the fact that several of the letters they're counting... **Mr. Deichler** said one minute remaining.

**Ms. White** said ...as part of their 63 were signed by the same person. The actual number of documented supporters are 41 people and 11 people signing on behalf of a business, not all of which are even nearby.

Now I'm sure you saw in your packet there are four sheets that contain a total of 96 signatures of area residents that do not support this. In a last effort of community collaboration,

development encouragement, and compromise, we suggest the applicant refile for a TND T-5 compliant project, as was done at 39<sup>th</sup> & Rainbow, and strongly ask the Commission to deny this request for RP-6 zoning to send an advocating message to the community.

**Mr. Deichler** said, Mayor, we do have one hand raised online if we need to go to that first. **Mayor Garner** said yes, please.

**Valorie Wells Fenton, 4430 State Line Rd.,** said I've been here 17 years. I am a Board member of the RDA. My husband works for BPU and we're very happy to be in Rosedale. We moved here from KCMO and my husband from Topeka. This is our choice and we're staying.

We want this corner developed. We just don't want it to be developed with this building that we've already outlined is not in keeping with the Rosedale Master Plan. One thing I would like to mention. Mr. Blair Tanner frequently said, in all of the neighborhood meetings, that he simply cannot afford to build less than five stories on 46<sup>th</sup> Ave. and seven stories on Rainbow at an average rental of \$2,400 a month. If that is still true, then that means this design is not the right design for that corner. Put it on your other property. He originally had Woodside Village II, I believe it was called, was going to be over on 47<sup>th</sup> by Woodside Racquet Club. This corner needs a smaller building, a more reasonably priced building.

Just for a point of reference, I looked at rents directly across the street from KU Med on the corner of State Line and 39<sup>th</sup> St. above what we all know is Panera, 39 West it's called. Those apartments, one bedroom apartments currently are renting for \$1,777 a month; two bedrooms are \$1,977 a month. That's where KU Med personnel are living. So, I don't know who are these KU people who go to school for 8 to 12 years with extraordinary loans are going to get \$2,400 a month for rent down here at Rainbow & 46<sup>th</sup> Ave. **Mr. Deichler** said you have one minute remaining.

**Ms. Wells Fenton** said that's all I wanted to say. It's a lot of money for a too big of building and a small lot, but it's got to be done so just do it again. Blair, find something better. Make it work and we'll all work with you.

**Pat Lawson, 207 S. Tremont,** said I'm here in support of those opposing. We fought the battle on Central Ave., 505 Central, and our reasons are much the same; the size, the scale, the density, lack of coordination with the master plan. I'd just like to reiterate that.



I like the picture that showed right where the building was four stories. I thought that, to me, that looked more in scale and it looked good. We were hoping for something like that too, but six or seven stories, it just doesn't look good. I think we're going to have a big hulking thing even though it is at the bottom of a hill, it's still going to be a very, very big thing. That's it.

**Mr. Deichler** said no other hands are raised online.

**Mayor Garner** said I will now close the public hearing. Would the petitioner like to make some closing comments?

**Mr. Johnson** said there's some legal points I just wanted to address. There was discussion about us asking for a variance. There's not a variance in front of you tonight, so those comments are actually not on point. The law that was referenced is not in front of you. There's no variance in front of you this evening.

With regard to the master plan, the section that was shown concerning urban mixed use, that actually dealt with commercial buildings so there is no four-story restriction. That was an incorrect section. It does not apply in the case of a residential building like this.

In the discussion about the master plan stating that or the current zoning, that the portion along Rainbow is commercial and that's a pad site, I would say two things about that. First of all, the master plan does, as everyone here recognized tonight, both opponents and supporters, designate the site for rezoning. It designates the site to go to urban mixed use. It does not say commercial along Rainbow and R-1 moving to the east.

The master plan anticipated, at the time, it would be rezoned to a more intensive use, that urban mixed use category. Even if the master plan intent of urban mixed use was not followed, I would proffer that a pad site along Rainbow, which I think one of the supporter folks that spoke tonight stated essentially exactly what could fit on that site, which would be a small restaurant or something, a fast food type thing would not be a better use and that a rezoning is inevitable here if we want a higher and better use for this site.

Again, in keeping with the master plan, all the things I articulated earlier, which I won't reiterate, all I can say is again, staff, as the independent arbiter, has decided and concluded that we are in compliance with it.

I do appreciate Ms. Stryka's comments about the project, the aspects she spoke to that there are things that we are in agreement with. The two things that she spoke to, I do want to address. The height transition. I think it's important to note that there is a height transition component to the master plan, but we're not asking for a deviation to it because we don't need one. We are in compliance with the height transition guidelines within the master plan, so no deviation. There is nothing to ask for different than the master plan is my point here. We are in compliance with that exact requirement and guideline in the master plan, so I would argue that quite technically and in agreement with staff, we comply with that letter and spirit of the master plan.

Secondly, with regard to affordable housing. Again, the master plan speaks to diversity of housing uses of all types and price points. Certainly, having affordable housing in the community, many of which—there is affordable housing in the community. We need more. I absolutely agree with that, but exclusionary zoning, restricting projects because one person may have a different opinion about what a rent number should be or several numbers thrown around, none of which are really quite on point. But regardless, yes, this will be a higher rent product.

If you restrict rent, if you restrict a project because of rents that someone thinks is high, you restrict supply. Very, very straightforward point. If you restrict supply overall, prices go up. Supply and demand. If there is less supply and there's demand, which there certainly is as we all know, the prices will be higher overall. So, at the affordable housing components in Rosedale will be higher priced. Adding more housing is a good thing if you have affordable housing as a goal.

A gentleman spoke to the desire for sidewalks along 46<sup>th</sup>. We would agree. As he stated, we don't control that. We certainly would support sidewalks all the way along 46<sup>th</sup>. Us being the pioneer, the first one building a sidewalk on 46<sup>th</sup>, we would think that would be a catalyst for more sidewalk to be developed along that street. We hope it happens.

We've had discussions with staff about traffic calming measures. We have no problem with that. We would support that, but again, that's not in our purview. That's something for the city to decide and not something that would be a negative associated with our application or project.

With regard to traffic on 46<sup>th</sup>, I think it's been discussed at nauseam, that 5% of the trips are distributed along 46<sup>th</sup>. It's absolutely negligible. There's not a traffic impact here. That traffic study has been accepted by staff. It has been reviewed and issued an acceptance letter as well by KDOT. It is a fully vetted study. There is not a traffic problem on 46<sup>th</sup>.

With regard to the letters, not a substance point, but I do want to say just because of out of respect for the folks who did speak in support tonight, there is not one person signing multiple letters. That's really quite off base and quite insulting. We do have as many letters as Mr. Mesmer spoke to and are in your packets that are legitimate, accurate letters. I don't think that's fair to those folks here. So, I do want to reiterate that point.

In closing on this, again, we have the opportunity to redevelop a site that is sitting there stagnant that zone today will not produce the highest and best use for the site as identified by the master plan. This is an urban mixed use site. It needs development. It needs activation at your gateway. This is a phenomenal project, one that we're very excited about and clearly a lot of folks are here as well. We hope that you support us tonight and we bring this level of investment, excitement, and special project to your community. Thank you for your time, and we look forward to working with you going forward.

**Commissioner Ramirez** said I'm going to be open and honest. I'm still in the same position as I was before. I see both sides. I'm going to ask my colleagues to give me a moment before anyone makes any motions to ask questions, talk to developers, talk to the community so that I can still contemplate this. If we did roll call now, I would just be sitting here because I don't know. I couldn't tell you what would make me go either way. I can't. There's no one thing that would make me sway either way. So, I'm just gonna sit here for a moment, think more because out of all the projects we've had to vote for, this is the hardest one for me. It's a good project, but it also will have an impact on the community. I want to make sure it has a good impact. Colleagues, would you give me that moment before any motions are made?

**Commissioner Stites** asked, Mayor, could we have counsel, if possible, to address the K.S.A. 12-759(e)(1)(A)(B)(C) and (2)? I think that's something that needs verification. **Mayor Garner** asked, what's that in regard to, Commissioner? **Commissioner Stites** said one of the folks that stepped up and said that we were—you're reading it right now. I could explain it, but we're out of compliance, basically.

**Misty Brown, Chief Counsel**, said I'm happy to address it. Senator Steineger was gracious enough to send an email both to Patrick Waters and myself today citing his concerns, which I do appreciate. A response from Mr. Waters was sent back noting that the statute in

question pertained to the Board of Zoning Appeals and that any sort of unhappiness with the BOZA would need to be taken up in District Court. But until that happens, they are considered final.

I think after hearing some of the comments tonight, I would note that yes, a variance is not in front of us tonight. This is a change of zone. I'd also note that I think some of the questions are really about a deviation or variance from the master plan, not so much the traditional variance that we're looking at with the BOZA. Mr. Gunnar Hand might be able to better explain changes to the master plan.

**Mr. Hand** said the Planning Commission granted a single deviation from the master plan as the arbiter of all design guidelines within this and all other master plans. It was related to the length of the building, which cites a 200'. So, it was obviously longer than 200' on the 46<sup>th</sup> Ave. axis that essentially would require multiple buildings on the site. Again, the Planning Commission granted that deviation.

**Commissioner Stites** asked, what tax incentives are you all asking for on this project? I don't remember seeing any. **Mr. Johnson** said we have not asked for tax incentives. **Commissioner Stites** said so you guys will be paying full taxes, I understand. **Mr. Johnson** said that is still in consideration, but it's certainly not in front of us tonight. We don't have an application or know what an application would be at this point. We want to get through the land use process to consider whether we'll request that, but that's not ripe or in front of you this evening.

**Commissioner Stites** said my last question is regarding landscape. We have projects that are brought before us, get built, and then down the road the landscape outside—and there's a couple of photos that show maybe even in the right-of-way that has some trees and some landscape. Who will be, if this is approved, who would be maintaining those? What kind of a contract do you have, maintenance wise on that or would you?

**Mr. Johnson** said so first point of clarification. All of that landscape is on our property. Today, the property line is right there where the curb line is. It goes right there to the edge of the right-of-way. We're actually going to move that parallel parking onto our property so there will be the pocket park that will be kind of on the property line, but then the parking is all on our property.



The property line is that dash line, Commissioner. All of the landscaping is on our property. The owner and operator of the facility will do the maintenance, as they do for all of their other developments. Again, you've got Block Real Estate that owns 4,000 or so units in the community.

**Mr. Mesmer** said, Commissioner, if you would, you can go on our website and look at [blockmultifamilygroup.com](http://blockmultifamilygroup.com). If you look at The Royale at CityPlace, The Apex at CityPlace, 44 Washington, our landscaping is at the top end of anything that you'll see in the community. I advocate for spending less actually. I would like to do perennials and my boss does annuals or seasonal flowers because that's his reputation on the line. For him, he said if I want to be a class B developer, I'll let you know. So from that standpoint, I think that landscaping is absolutely our responsibility, and you'll find it to be first class.

**Commissioner Townsend** said this is hypothetical but it goes to some of the concerns expressed by people and how much the rents would be. What would be the plan if you're allowed to move forward, the rents are as you said, they were \$1,700. Obviously, everybody has different levels that they could afford for housing. So, I'm thinking the market will sort that out. We need all levels of housing, however, has the developer ever been in a situation where they started at income level A and had to reduce it because the market didn't support it? I guess the concern would be that you set the levels for income at a certain level and then you don't get what you hoped in terms of people coming in to rent at that level. What would be the plan B for that?

**Mr. Mesmer** said what you'll find in the market, Class A properties, brand new properties will always fill up. It's not a question of occupancy. They will always fill up. It's a question of what rate they're going to achieve and how quickly you fill up. So, that's really what we see in the market.

We certainly prognosticate what we believe the rents would be. We use market comparables. We look at what the other properties in the community are running for. Typically what you're going to see in a new property, especially one with a high amenity set and high finishes, is you're going to take what those top two or three communities are going to be and you're going to be right in that range. You may be a bit above if you think you're a bit better, but ultimately, you're going to meet the market because like you said, the market will sort it out.

**Commissioner Townsend** asked, have you ever run into a situation with any of your properties, not necessarily here in this locale but others, where you had to adjust or adjust downward your initial rental prices?

**Mr. Mesmer** said we actually adjust our rents daily. What we have is Yardie, a property management software that most professional organizations will use. What they do is they calibrate your rent based on the competitive set, and then they also calibrate your rent on how many units you might have coming available. So, we try to, for example, prevent rollover of units in November or December so you may put an incentive out there to do a 15-month lease that would put your expiration in April.

You'll also look at units that, let's say you have one unit that's not very good in terms of its view. Maybe it's not as good so what you don't want is that unit sitting there for 60 days while all of your other units are renting. So, you may take that unit, and it may be the same floor plan. It might be the one bedroom that you have 40 of, but that particular one bedroom maybe it faces the Johnson County side where the trash is that Bob talked about, right? So, you're going to maybe let that one go for a little bit less than the one that looks out at the amenity space or has that walkout. We actually found that the premium for that walkout unit that goes right out on 46<sup>th</sup> is going to be there.

So, we actually price not only our units say today, but we will price different premiums for different components within the community, even on the same unit plan. So, it's very dynamic pricing. It's meant to meet the market and to minimize your downtime because really for us, it's less about getting that last dollar and holding out for that a month or two months and more about finding the right person to be in that unit, to be in our community, and turn that unit relatively quickly.



**Mr. Hand** said, Commissioner, I would just quickly add that there are many ways to reach affordability in a project. One of those is the diversity of unit types. This proposal includes studio, one, two, and three bedroom. The other way to do it would be something that staff would recommend moving forward. It was noted earlier that this does not include a development agreement as we've recommended on other projects. If a development agreement were to move forward, that would be another mechanism for this Board to ask for a goal in the master plan, which is a mixed income community.

**Commissioner Kane** asked, you guys had multiple meetings with both sides, correct? **Mr. Johnson** said yes. **Commissioner Kane** asked, and how tall were you going to make it? **Mr. Johnson** said it was going to be six floors over on that—well, it actually started at the 7<sup>th</sup> floor portion, extended about halfway down the east side. We first pushed that over where it was only adjacent to the dentist's office, not adjacent to any single family. Then that left a six-story portion in our second iteration.

In our second community meeting—we had three full, open community meetings—the second one we presented was six stories along that portion across from a single family. When further dialogue happened, we pulled back again and dropped it another story. So it went from—and pulled it back farther, that top story's recessed. So it's a multi-step answer. It was seven stories across from some single family and six, it was seven, and six across from single family. We dropped it to six only and we dropped it to five. That's the current iteration.

**Commissioner Kane** said so you've had at least three community meetings where you adjusted to what they had suggested. **Mr. Johnson** said correct. **Commissioner Kane** asked, is it 46<sup>th</sup> St. the one that they're talking about? **Mr. Johnson** said that's right.

**Commissioner Kane** said I just recently had some speed bumps put out on Independence Blvd. There's no reason why we couldn't put some of them out there. They're not that expensive and they work quite well. **Mr. Johnson** said we're okay with any measures the city would say. **Commissioner Kane** said that's not your responsibility, it's ours, and I know that.

**Action:** **Commissioner Kane made a motion, seconded by Commissioner Markley, to approve Change of Zone Application COZ2021-048, subject to the stipulations.**

**Commissioner Bynum** said I have been experiencing a little bit of difficulty with the master plan part of this conversation. I want you to know I really like the project. The trouble I'm having is the varying notions of compliance with the master plan or suggestions that it does not. It looks like No. 7 in the staff report is maybe where I'm getting stuck in addition to just the notion that, for example, I have a great deal of respect for the Rosedale Development Association. I received a letter signed by them and some other community leaders that I really respect and admire, so it gave me some pause to just be looking at this again.

But No. 7 appears to be maybe where I'm struggling because it says conforms to Rosedale Master Plan, which is urban mixed use, which allows townhomes, small apartment buildings of one to three stories, multi-family apartments taller than three stories, etc. But then it says you seek a deviation in the Rosedale Master Plan, urban residential multi-family design guidelines. So the deviation, Mr. Hand, is in the design guideline section?

**Mr. Hand** said that is correct. There are design guidelines specifically within the Rosedale Area Master Plan. There are also design guidelines for all multi-family projects as a part of the City-Wide Master Plan. The deviation requested by the applicant of the Planning Commission, as I noted earlier, was just for the 200' length. That is the only deviation they required, and that was granted by the City Planning Commission.

**Commissioner Bynum** said, Gunnar, you would say, as I think your staff report says, that it's in compliance. **Mr. Hand** said that is correct. **Commissioner Bynum** said it complies with the Rosedale Master Plan. **Mr. Hand** said yes.

**Commissioner Bynum** said I'm just going to make a quick comment. All the years I've worked at the grassroots level and at the community level and then at the elected level, I was hoping that my work was to warrant creating a community that not just my kids, who are adults now, could go off, obtain their education, and want to come back to. That lots of our communities' kids would go get their education, wherever they chose, and want to come back. We need our young people contributing to this community and helping build this community. I'm so happy and fortunate that both of my children have done that.

What I don't think I factored in along the way was the notion that the world changed while I was raising my kids and sending them off for their education. It changed in a way that I wasn't

maybe prepped for, and that is that maybe not everybody wants to pursue the American dream of a 30-year mortgage with a house payment that you wonder if you'll ever pay off ever.

My children are living in Wyandotte County apartments as young professional people. So, I have to concede and understand that this is fulfilling a part of what I've been trying to work for the whole time I've been working right here in my community in Wyandotte County, which is a place where young people can come back to and live and be happy to live at, like my kids are. So, it's just a comment because I know we have a motion and I think possibly a second.

**Mr. Johnson** said may I address the deviation, just a couple of points on that. **Commissioner Bynum** said fine by me. **Mr. Johnson** said absolutely, that is exactly what we're trying to do here. Create an exciting place that really so far as of yet, it's not existing in Wyandotte County. This would be something new and exciting.

Gunnar, can you put back up one of the renderings along 46<sup>th</sup> at street level. I'll start talking just to get quickly moving here.



So, deviations. You can see the features of the building. Gunnar's talked about this in prior meetings, but I think it's worth reiterating with regard to the deviation. The deviation is meant to address two things. This is a deviation. This is that 200' guideline present in many communities around the metro. I can tell you that all Class A buildings with wrapped structured parking like this, which is absolutely necessary for any building on this site, all of them across the metro are longer than 200'; all of them, including the Hudson where this deviation was granted to the Rosedale Master Plan design guidelines. It's something you've already considered and understood prior to this project and is acceptable for this reason.

That guideline exists for two purposes. One, prevent institutional looking facades. That's the phrase that's used in the design community that we have heard numerous times before. Also, for greenfield projects where there's multiple buildings, which is not what we're talking about here. You don't want three, four, or five buildings and all of them are a thousand feet long, right? So, that's not something that's even in play.

This building exceeds 200'. The way that you address being longer than 200' to avoid that institutional looking façade is to have articulation of your building insets, outsets, different materials. You can see that here. Different coloration schemes. Different balcony inset/outsets. The townhome style units in the base. Frankly, you could stand at any different vantage point and the building will look different wherever you're looking at it. Because of that, and I don't want to put words in Gunner's mouth but it's already been said and it's in the staff report, that is why staff concluded that we're in compliance with the master plan.

I appreciate you raising that and giving me the opportunity to speak to it. I didn't articulate that well this time. I did at the last meeting so I didn't want to keep beating the same drums, but I appreciate you bringing that back up and giving me the opportunity to address it again.

**Commissioner Davis** said I know RDA is here. Erin, if you don't mind, I do have a question for you. I agree with Commissioner Bynum with somebody who professionally works with neighborhoods, both sides and throughout the KC metro area. I think it's hard. I'm reading you all's letter that you sent us. Heard your words and then we just had that great conversation about the changes. Can you just explain to me how you all's issue with the height is impacting your decision to be against this. Then, giving all that information and the fact that our staff is saying that it's in compliance, if that makes sense, that's where I'm having a hard time understanding.

**Ms. Stryka** said let me just start by saying 99.99% of the time I'm going to agree with what your staff says. They're almost always right and they may be this time. The place where our Board and where I am disagreeing with that is a couple of things. One, the master plan has height transition guidelines by feet from the adjacent building. That's why that Lego block is cut out of the end. In my opinion, cutting that block out doesn't really make for the sort of gradual transition that was envisioned and aimed for by the height transition guideline.

There's also, I think, an interpretation issue where staff is saying that adjacent building is the one on the same side of the street as the project. In my opinion, the houses across the street

from the project, also deserve that more gradual transition. So what they've done is they've pulled the building back far enough so that they're meeting all of the technical height transition requirements. So, when he's saying that there's no variance needed other than the 200', that's absolutely correct.

I'm not sure that when the master plan was written, we envisioned this exact site where there's one and two-story houses directly across the street from that urban mixed use. I think you can see that in the way that parcel is zoned, the way Mr. Pintar showed. It's one parcel but it has two different zonings on it because it's, in effect, in neighborhood experience, two different sites. Does that make sense? **Commissioner Davis** said yeah. **Ms. Stryka** said thank you for letting me clarify that.

**Commissioner Burroughs** asked, Gunnar, how old is the Rosedale Master Plan? **Mr. Hand** said it was adopted in 2016. By best practices planning standards, it's within the 10-year timeline of a solid plan.

**Commissioner Burroughs** asked, since the Rosedale Master Plan was implemented, how much growth has occurred at 39<sup>th</sup> & Rainbow, all around that corridor that wasn't included in the master plan? **Mr. Hand** said the master plan did include 39<sup>th</sup> & Rainbow. Two years after the master plan was adopted, there was a Mid-America Regional Council sustainable places plan for the University District, specifically at 39<sup>th</sup> & Rainbow, that further defined and it essentially acts as an appendices to this master plan.

**Commissioner Burroughs** said that corridor was identified through the Kansas State Legislature as a bioscience corridor to be a medical health corridor. There was a need for housing back years ago in reference to high-end or higher end housing density for just what we talked about; the life science, the scientists, the doctors, the lab techs, the technicians that were working at the hospital and that we were losing them to Missouri and to our friends to the south.

I was just kind of curious how old this was because the dynamics have changed considerably along Rainbow since the growth and expansion and the NCI designation of KU Hospital, which we all take great pride in. I think there's a need for density along that corridor. I would really hope that through all this discussion—and I want to commend those that have given this time and energy. This is an issue that I like to see the community come together and work. The partners that brought this forward have worked hard with the community. I know that no

matter where we go, you're going to have support and you're going to have opposition on these projects. But I just want to say thank you for your stick intuitedness, allowing the community an opportunity to have input.

I want to thank those that are here expressing your opposition and your commitment to the community, but this will not kill our community. It is mixed use. You're now going to get a higher-end rent.

**Commissioner Burroughs** asked, what is the rent on the present building next to the one you're wanting to build? **Mr. Tanner** said it's the same rents that we were talking about here, so the average two-bedroom rent is about \$2,400. **Commissioner Bynum** said and it's full. It's been full since you built it? **Mr. Tanner** said that's right.

**Commissioner Townsend** said I'm just calling for the question. I think there's been a motion and a second. **Mayor Garner** said there is a motion and a second. That ends our discussion. There was a motion and a second to approve. Roll call.

**Roll call** was taken and there were ten "Ayes," Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis. (Prior to Commissioner Ramirez's vote, he asked the Mayor that after the vote, to allow him to explain his vote.)

**Commissioner Ramirez** said I voted for it because to me, I feel that the biggest issue was there is two different interpretations of what the master plan says, what the community is saying, what staff is saying. I couldn't feel comfortable denying a project because there's differing interpretations of a master plan. I hear and I'm listening, but that's my basis that I wanted to tell the community. I couldn't just decide whose interpretation was more true and whose was not. I just did not feel that it warranted me to vote against the project when there's just different interpretations. It's not because I don't care for the community, and I don't want the community to go downhill or anything. It was just I had no basis to go against with differing interpretations.

(Mayor Garner left the meeting at 10:18 p.m. Commissioner Bynum assumed the role as Mayor Pro Tem.)



## **SPECIAL USE PERMIT APPLICATION**

### **Item No. 1 – 212219...SPECIAL USE PERMIT APPLICATION SP2022-113 - LYNNE BEAVER**

**Synopsis:** Special Use Permit to operate an event space at 2651 South 34<sup>th</sup> Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Lynne Beaver, is requesting a Special Use Permit to operate an agriculturally oriented event space at 2951 South 34th Street. The Planning Commission voted 4 to 2 to recommend approval of Special Use Permit Application SP2022-113, for one (1) year, subject to:

1. All entertainment must cease by at least 1:00AM;
2. No amplified speakers are allowed in outdoor spaces, except for times specifically designated for entertainment;
3. Any illumination that results from an entertainment event shall not be seen or otherwise impact adjacent residential uses;
4. All trash and debris from any event shall be picked up the day/night of the event and disposed of properly;
5. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or [signpermits@wycokck.org](mailto:signpermits@wycokck.org) to begin this process;
6. The applicant shall file a Final Development Plan within 60 days of approval of the Special Use Permit, otherwise this petition is null and void;
7. The proposed parking lot must be paved according to Section 27-675(a);
8. The two (2) shipping containers on the property shall be removed or must receive a Special Use Permit;
9. The applicant must maintain all existing trees, as well as add trees as demonstrated in their site concept;
10. If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;
11. If approved, the applicant must file and maintain a current business occupation tax application with this office;
12. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by [buildinginspection@wycokck.org](mailto:buildinginspection@wycokck.org) to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
13. All existing and future driveways must feature curb cuts that are constructed to UG standards;
14. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;

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

22. No fireworks shall be shot off or displayed unless it is in compliance with the fireworks ordinance.
23. This permit could be brought before the Board of Commissioners if there are violations of any of the conditions of approval for revocation.

**Mayor Pro Tem Bynum** said as previously stated, we did receive a valid protest petition on the item that represented 34.76% of landowners. I'll ask Legal to provide the Commission's options in light of the valid protest petition.

**Misty Brown, Chief Counsel**, said in light of the valid protest petition, if the Commission wished to go ahead and approve the project, it would require nine votes. I do not believe this one has been sent back so that is also an option that could occur. Mr. Hand, please correct me if I'm wrong.

**Mr. Hand** said that's correct.

**Mayor Pro Tem Bynum** said I'll ask staff to make some opening remarks.

| Case                                            |                                    |
|-------------------------------------------------|------------------------------------|
| SP2022-113                                      |                                    |
| Petitioner                                      | Address                            |
| Lynne Beaver                                    | 2951 South 34 <sup>th</sup> Street |
| Synopsis                                        |                                    |
| A Special Use Permit to operate an event space. |                                    |

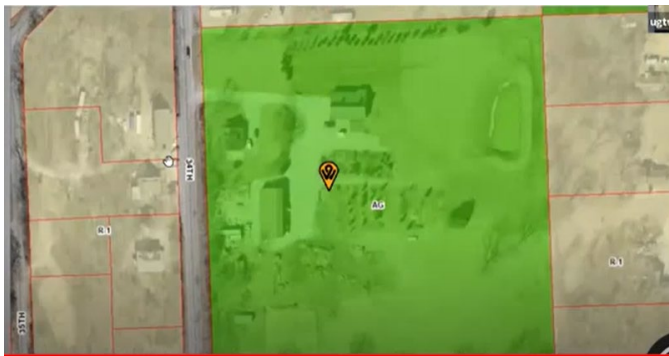
**Gunnar Hand, Director of Planning and Urban Design**, said this is a special use permit for an event space on an existing farmstead.



This is in the City-Wide Master Plan right there kind of where Turner meets Rosedale, meets Shawnee Heights. I think it's probably best described as Shawnee Heights.



Staff received no letters of support. There was opposition at the City Planning Commission, which is represented in the protest petition as well.



We've received no notices of violation.



Staff agrees with the Planning Commission and recommends approval for one year with certain conditions. Those conditions, among others, include that the events end at 1 AM.



There is significant redevelopment of the project that's being proposed. A final development plan will be required, which only has to go through the City Planning Commission, that they remove the shipping containers as you can see in the picture right here.



That they maintain the existing tree stance on really all sides of the property to serve as additional screening and buffering.



The City Planning Commission also added an additional condition of approval. It was the right as it relates to the use of fireworks in compliance with ordinance of the Unified Government.

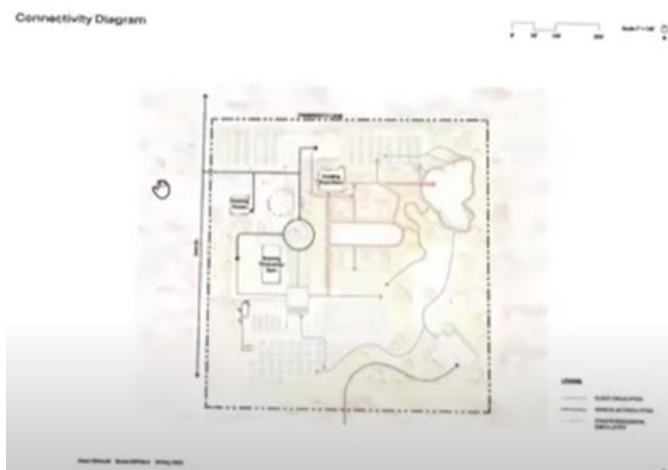




**Mayor Pro Tem Bynum** said I'll ask the applicant to present your application.



**Tom Stibal, 509 Armstrong**, said I'm a substitute for Bill Hutton tonight, who had to be out of town. What we wanted to do is ask you to move this matter to March 2<sup>nd</sup>.



**January 26, 2023**





| Public Opposition                                                                                                                                                                | Public Support       |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|
| <p>Staff has received one (1) phone call in opposition. Seven (7) members of the public attended the January 9, 2023 City Planning Commission hearing to express opposition.</p> | <p>None to date.</p> |
| Staff Recommendation                                                                                                                                                             |                      |
| <p><b>Approval</b></p>                                                                                                                                                           |                      |

At the Planning Commission meeting, there was a bunch of consideration about noise and issues of sound and bothering the neighbors. Our client has agreed to hire an architectural and engineering firm to do a sound study so that we could make a determination and provide you with some objective information about what the real issues there would be if this moved forward.

We did contact Mr. Marlinton and Mr. Harmon, who were the two representatives who spoke most at the neighborhood meeting, and told them that this is our intention tonight. I know that they are here, but we did tell them that was our intention and that was what we would ask. We would appreciate it if you would agree to move this over for a month to the next meeting on March 2<sup>nd</sup>.

The architectural firm has been solicited. They have indicated that they can complete the study in the month of February, and this information would be available to us all at that time.

**Mayor Pro Tem Bynum** asked, Chief Counsel, is that a motion that can be made to table for the duration until the next Planning and Zoning? What would be the next Planning and Zoning full

commission meeting? Would it be March 2<sup>nd</sup>? **Mr. Hand** said that's correct. **Mayor Pro Tem Bynum** said so I'm asking legal counsel if that is acceptable as a motion to table.

**Ms. Brown** said yes, Commissioner. It would be acceptable to consider tabling the item and then to the extent that a public hearing would be opened up. It would be simply based on whether or not the item should be tabled to the next meeting.

**Commissioner Burroughs** said I would make that motion to table this until 3/2 and allow the proprietor an opportunity to come back with additional information. Hopefully, they can find an answer to this resolution.

**Action:** **Commissioner Burroughs made a motion, seconded by Commissioner Davis, to table Special Use Permit Application SP2022-113 until March 2, 2023.**

**Mayor Pro Tem Bynum** said there's a motion and a second.

**Commissioner Ramirez** said I have a question. Should this be a holdover or a table? **Mayor Pro Tem Bynum** said that's the question I was asking.

**Ms. Brown** said I think it's just a matter of semantics. You can hold it over to the next meeting or you can table it, which essentially does the same thing. I would say, though, we still need to open the public hearing simply for the purpose if there's any opposition, be it for or against, holding it over or tabling it to the next meeting.

**Mayor Pro Tem Bynum** said we do have a motion and a second to hold it, however, you believe we should go ahead and open the public hearing with the limited purpose of what? **Ms. Brown** said discussing whether or not there's proponents for tabling it or holding it over or opponents to it. So the discussion should be limited to I'm against or I'm for holding over this item.

**Mayor Pro Tem Bynum** said I'll start with the Clerk then. Is there anyone online that wants to? **Mr. Deichler** said we're seeing none. **Mayor Pro Tem Bynum** asked, anyone present that wants to speak in favor of holding it over? **Mr. Deichler** said we do have; well, the hand just went away.

**Mayor Pro Tem Bynum** asked, anyone virtual that appears to want to speak against holding over the item? **Mr. Deichler** said we do have the same hand back up, so we do not know if it's for or against.

**Micah King** said I just wanted to clarify. Is this speaking for or against the project or is this just to table it, just for clarification? **Mayor Pro Tem Bynum** said to speak for or against tabling it or holding it over only. **Mr. King** said then I am good to go right now.

**Mayor Pro Tem Bynum** asked, anyone present who wants to speak against holding over the item?

**Brad Harmon, 3303 Forest Ave.,** said this SUP was tried nine years ago on this. The same concerns were raised then about the noise level. They've had nine years and they're back petitioning again. If they have made no attempt to contact the community to try and work with the community, I just don't feel that another month, when they've had nine years, is going to solve anything.

**Mayor Pro Tem Bynum** asked, any other persons present to speak against? **Mr. Deichler** said seeing none.

**Mayor Pro Tem Bynum** asked, would you like to make any closing comments, Mr. Stibal? **Mr. Stibal** said the only thing that I would say is that this is an opportunity to have some objective information to provide both to the Board and to our client to see if there is an issue that she can do something to mitigate this matter.

**Mayor Pro Tem Bynum** asked, any other comments or questions from our commissioners? We have a motion and a second to table to the March 2<sup>nd</sup> meeting. 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** said I believe, if I am not mistaken, that concludes the Planning and Zoning portion of our regular meeting. Is that correct, Mr. Hand, Clerk? **Mr. Deichler** said you are correct. **Mayor Pro Tem Bynum** said we haven't missed any items.

**Mayor Pro Tem Bynum** said I will entertain a motion to adjourn as the Board of Commissioners and call us back to order as the Land Bank Board of Trustees.

**Action:**        **Commissioner Markley made a motion, seconded by Commissioner McKiernan, to so move.**

**Mayor Pro Tem Bynum** said there's a motion and a second to adjourn as the Board of Commissioners. Roll call, please.

**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**

**Mayor Pro Tem Bynum** said we're now acting in our capacity as the Land Bank Board of Trustees. Does any member of the Commission or the County Administrator wish to set aside any item on our Land Bank Consent Agenda?

**Action:**        **Commissioner Davis made a motion, seconded by Commissioner McKiernan, to approve.**

**Mayor Pro Tem Bynum** said I have a motion and a second. Any discussion? Roll call, please, on the motion.

**Roll call** was taken and there were ten "Ayes," Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis.

#### **Item No. 1 – 212230...LAND BANK OPTION APPLICATIONS**

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

Please visit the new site to review the applications below.

<https://experience.arcgis.com/experience/b63e9cb3cca44be59f458765dbeddc8/>

**A. Single Family Homes – 8 Homes**

1. Tyler Conway – 1 home  
2750 Glenrose Ln. – 194012
2. Jose Hernandez Garcia – 1 home  
1104 S. 39th St. – 170559
3. Jamie Shipley – 1 home  
8317 Riverview Ave.
4. Uraya Sanders – 1 home  
59 N. Tremont St. – 120913
5. Ken Hinds – 1 home  
1859 S. Tremont St. – 157950
6. Ken Hinds – 1 home  
2021 S. 10th Terr. – 126212
7. The Village Initiative – 2 homes  
2263 Quindaro Blvd. – 163312  
2261 Quindaro Blvd. – 163311  
2918 N. 27th St. – 116560  
2914 N. 27th St. – 116561  
2912 N. 27th St. – 116562

**C. Commercial – 1**

1. RA Engineering Corp – Office Building  
816 N. 9th St. – 080611

**Action:** Commissioner Davis made a motion, seconded by Commissioner McKiernan, to approve. Roll call was taken and there were ten “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis.

**Item No. 2 – 212231...LAND BANK PROPERTY TRANSFERS**

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

Please visit the new site to review the applications below.

<https://experience.arcgis.com/experience/b63e9cb3cca44be59f458765dbeddc8/>

**PT - Property Transfers**

1. Iganacio Hernandez – Yard Extension  
647 Metropolitan Ave. – 154777

2. Delmar Sauder – Yard Extension  
3208 N. 42nd Terr. - 914032
3. Unified Government –Transfer to UG  
281 Central Ave. – 902800
4. Carmen Villarreal – Donation  
917 Shawnee Ave. - 072946

**Action:**        **Commissioner Davis made a motion, seconded by Commissioner McKiernan, to approve.** Roll call was taken and there were ten “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis.

### **ADJOURN**

**Mayor Pro Tem Bynum** said with no other business, I would entertain a motion to adjourn.

**Action:**        **Commissioner Davis made a motion, seconded by Commissioner Ramirez, to adjourn.** Roll call was taken and there were ten “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis.

**Mayor Pro Tem Bynum** said we are adjourned.

**MAYOR PRO TEM BYNUM  
ADJOURNED THE MEETING AT 10:31 P.M.  
January 26, 2023**

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Brett A. Deichler, PMP|CPM  
Unified Government Clerk

cg

**January 26, 2023**



STATE OF KANSAS                    )  
WYANDOTTE COUNTY            )) SS  
CITY OF KANSAS CITY, KS )

SPECIAL MEETING, THURSDAY, MARCH 21, 2024

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in Special Meeting, Thursday, March 21, 2024, with ten members present: Bynum, Commissioner At-Large First District; Townsend, Commissioner First District; Burns, Commissioner Second District; Ramirez, Commissioner Third District; Hill, Commissioner Fourth District; Kane, Commissioner Fifth District; Lopez, Commissioner Sixth District; Stites, Commissioner Seventh District; Davis, Commissioner Eighth District; and Burroughs, Commissioner At-Large Second District and Mayor Pro Tem; presiding. Garner, Mayor/CEO; was absent. The following officials were also in attendance: David Johnston, County Administrator; Alan Howze, Assistant County Administrator; Angela Lawson, Interim Chief Counsel; Reginald Lindsey, Budget Director; Debbie Jonscher, Interim Chief Financial Officer; Michael Peterson, Assistant Budget Manager; Mike Grimm, Research Manager; and Monica Sparks, Interim Unified Government Clerk.

**Mayor Pro Tem Burroughs** said before I call the meeting to order I want to announce that we do have individuals attending remotely as well as on-site. All participants joining by phone, should please mute your phones when not speaking to avoid background noise. During the meeting, make sure you announce yourself by name and title every time you speak so the public that is participating knows exactly who is speaking. This is critical given the number of remote participants and is also current guidance from the Kansas Attorney General's Office. I would also like to remind, especially here on the 5<sup>th</sup> floor, that you please be sure to speak loudly and clearly into the microphone to ensure that your comments are being captured by the Clerk for an accurate record of the meeting.

**Mayor Pro Tem Burroughs** called the meeting to order at 5:02 p.m.

**ROLL CALL:** Ramirez, Hill, Kane, Lopez, Stites, Davis, Bynum, Townsend, Burns, Burroughs.

**NOTICE OF SPECIAL MEETING** of the Unified Government of Wyandotte County/Kansas City, Kansas, to be conducted in a hybrid format on Thursday, March 21, 2024, at 5:00 p.m. in the

fifth floor conference room of the Municipal Office Building for a Budget Workshop regarding Revenue Neutral.

**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 Burroughs** said tonight we're starting a series of Budget Workshops. This session we will be discussing the Revenue Neutral process. I'll ask David Johnston, County Administrator, if he has any opening remarks.

**David Johnston, County Administrator**, said just a few. As you know every year we have to do a budget process to establish the next fiscal year, so fiscal year '25. This time around—I know this is the first step of many that we will be working with you as our commissioner policymakers and, again, we welcome our Budget Director and his staff to help make sense out of a complicated situation and what we have to do here. I'm going to pass it off to Reginald Lindsey and he'll take it from there.

**Reginald Lindsey, Budget Director**, said I want to knowledge staff that is here with me tonight. Michael Peterson, Assistant Budget Manager; Mike Grimm, Research Manager; and Debbie Jonscher, Interim Chief Financial Officer. What we plan to do tonight is talk about timelines with going revenue neutral and timeline of not going revenue neutral. We would like to define revenue neutral and then we're going to provide forecast of what going revenue neutral looks like and what possibly not going revenue neutral looks like and then we're going to look at property taxes in different taxing jurisdictions, which in Kansas, which includes those in Wyandotte County.

As we go through this what we would like to have you all do is help us define and get kind of maybe a consensus from you all if you would like to follow a revenue neutral calendar or not follow a revenue neutral calendar, which means if we're not going revenue neutral or if we're going to go revenue neutral, so that's what we'd like to help get you all thinking about tonight. If we're not able to make a decision tonight, we do have a Budget Workshop set up on April 4<sup>th</sup> for

about 45 minutes before Police Awards where we can maybe get a final decision from you all if we go revenue neutral.

**Mayor Pro Tem Burroughs** said before we go any further, if we can pull the microphones closer so that we can hear to make sure that we have it be a matter of record.

## 2024 Commission Priorities



**Mr. Lindsey** said the first slide here is our 2024 Commission Priorities and these are the priorities that we're going to be using to build the 2025 Proposed Budget. We've got four priorities here; Uphold Fiscal Sustainability, Foster Economic Development, Focus on Service & Communication, and Improve Infrastructure. Tonight we will be more so concentrating on upholding a physical sustainability which in the long run impacts all the other three, so with physical stability what we're aiming to do is get a better understanding of our revenue and our sources and our costs here at the Unified Government and adapt to changes such as possibly shrinking revenue and how we'll adapt service levels to that.

Also, one of the things we have going on is we're overextended in debt and then we're relying on our reserves to balance a budget, so those are some things that we're trying to step away from as we build budgets going into the future. Debbie Jonscher, our Interim CFO, is going to cover the revenue neutral timeline.

## Not Exceeding RNR Budget Timeline

- **June 15th:** Assessed property valuation estimates distributed from County Clerks (will include the Revenue Neutral Rate)
- **By August 4th:** Publish Notice of Budget Hearing in newspaper
- **By August 15th:** Hold budget hearing at least 10 days after published Notice of Budget Hearing
- **August 15th – 25th:** Governing body formally adopts budget
- **August 25th:** Governing body electronically submits budget to County Clerk



wyoskok.org/budget 4

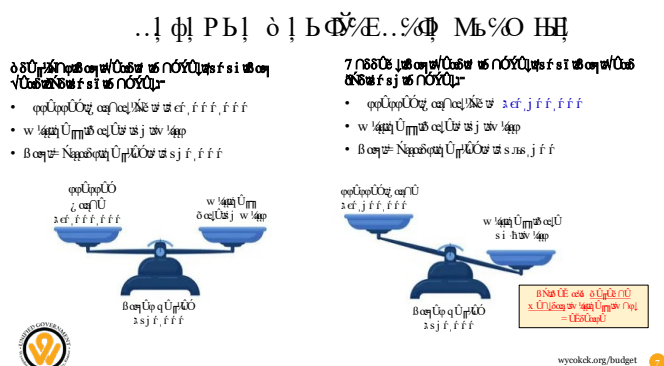
**Debbie Jonscher, Interim CFO,** said the next two slides are going to cover the budget timeline that we have because they are different depending on whether you exceed or do not exceed revenue neutral. I just wanted to note in case anyone wasn't familiar with what revenue neutral was, we're going to have a few more slides going into a lot of detail, but the revenue neutral rate is the rate that generates the same amount of property taxes that you received in the prior year using the current assessed value. So, that's what we're looking at with the increase in assessed value, what is the rate that we want to set for the mill levy.

I'll just talk about the timelines here. So, if we opt not to exceed revenue neutral, our budget timelines would be the same budget that we had prior to ever having revenue neutral established, the timeline that we used to follow. The Clerk's Office will certify the property valuations on June 15<sup>th</sup> and then I'm going to skip down to the very bottom. If you do not exceed revenue neutral, you have to have your budget approved and submitted to the Clerk by August 25<sup>th</sup>. That's the last date you can submit. So, we kind of backed into the rest of the calendar, by August 4<sup>th</sup> we would publish a Notice of Budget Hearing. That has to be done 10 days prior to holding the budget hearing, so then by August 15<sup>th</sup> we could hold the budget hearing for the revenue neutral—or for the budget hearing and then between August 15<sup>th</sup> and the 25<sup>th</sup> we would formally adopt the budget. Recommendation would probably not to be adopt the budget on the 25<sup>th</sup> because that's the same day we have to give it to the Clerk, so we need to make it if there were any final adjustments, we'd want to have a little bit of time to make those.



**Mike Grimm, Research Manager**, said I'm going to spend some time going over revenue neutral rates and definitions and examples. As we can see by State Statute, revenue neutral means the tax rate for the current tax year that would generate the same property tax as levied for the prior tax year or last tax year using the same—or the current year's assessed valuation and we'll get into all that, but bottom line, as Debbie mentioned, the revenues in the past year have to equal the revenues in the current year.

Examples of when assessed value may be added to a current year's total assessed value, it could be new structures coming onto the tax rolls, improvements, remodeling, existing structures—remodeling of existing structures. You could have expiring IRBs or TIF's for example and then we do look at economic development projects as a whole. If we go revenue neutral, we would realize that revenue coming onto the tax roll to help pay for services for the government. So, in summary, total assessed valuation is defined as total taxable value and is put for the calculation of revenue neutral rate.



We are going to look at an example of revenue neutral rate. If we look at the previous—or the last tax year and the Budget 2023 tax year, if we assume, just an example, we have \$10M in assessed value, the mill rate was 25 mills. That ultimately would generate \$250K in taxes levied, so just to illustrate that on the scale, you kind of see the assessed value and the mills kind of equal there and that would generate to the \$250K in taxes levied. If we look to the current tax year, which would be the '24 tax year, the '25 Budget, if we assumed, and it has, values have increased, we have \$10.5M in assessed value. If we keep that mill levy the same, we would now be generating \$262,500. If we look at that scale on the bottom, we see with that increased assessed valuation we would have to cut the mills to 23.8 to get the same tax levy, so we look at the bottom—I mean



taxes levied in the current year, you know, the '24 tax year '25 Budget, you all are going to be working on has to equal the previous tax year.

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wycock.org/budget

We're going to continue with an example of revenue neutral, little more detail, little more in the scope of what we'd be looking at here at the Unified Government. If we look at the County Mill Levy Funds, in the first column we see the prior tax year or the last tax year, that would show us that 2023 taxes levied so we see that \$73.4M and we assumed those other lines that are blank, the value that might be added is already in that number, but we get to those revenues by way of a mill rate of 37.313. As we look to the current tax year we see that with the increased valuation we're assuming a 13% increase in this example. We now have taxes levied at \$82.9M, so about \$9.5M more. Then we see we are adding about \$1.7M in new construction improvements, any economic development projects that might be coming online and on the tax rolls, any expiring abatements and so we add all those up, we're up to \$84.6M.

Now, that's getting there with the same mill levy rate as we had in the last tax year and that's kind of the not going revenue neutral column. If we look at going revenue neutral in that far right-hand column, I'll just cut to the bottom. You see the taxes levied, the 73.4 are the same as in column one, the total taxes levied, but to get there we had to cut mills to 32.374, but what we're missing out on is if you look at the rows above that, we're actually decreasing our tax base. So you see the existing taxes are now down about \$72M and the other line items are down also.

In summary, on the bottom bullets if we go revenue neutral, we're still factoring in any new improvements, economic development projects coming online, expiring abatements, but we just don't realize those taxes for the services for the government to operate. That last bullet, just to reiterate, that additional taxes, revenues generated from economic development wouldn't be



**Mr. Lindsey** said it's definitely fine if you all ask questions. **Mayor Pro Tem Burroughs** asked, do you mind if we stop and ask for questions. I don't want to interrupt people when you're doing such a good job.

**Commissioner Ramirez** asked, can that be explained again because I got lost in what your question was Commissioner Bynum. I tried to follow along, but I think I got lost somewhere and I don't exactly know where. **Mayor Pro Tem Burroughs** asked Mr. Grimm, would you explain it again, if you don't mind.

**Mr. Grimm** said Michael Peterson wants to try it. We'll say it a different way and see if that works.

**Michael Peterson, Assistant Budget Manager**, said I'm going to try to just say it a different way. So, basically, if we have new improvements, if we have new construction, if we have economic development agreements that are dropping off, typically those would increase our tax revenue. If we go revenue neutral, we collect the same amount of money on our end, but what that does is it lowers taxes for everybody else. So, instead of us capturing the additional revenue, it would reduce the taxes for everybody that was already part of the tax base.

**Commissioner Bynum** said right because there's more people in the swimming pool. There's more people in the pool, so if you have more stuff to tax, everybody gets to pay a little bit less. Is that fair? **Mr. Peterson** said I think that sounds right. **Commissioner Ramirez** said okay, I think I get it now.

**Ms. Jonscher** said here we're just showing the breakout of the new and expiring abatements that are coming on, but ultimately, yeah if you lower the mill levy, it lowers it for everyone, but we're showing the reduction on the existing, but it's really going to lower it for everyone.

**Commissioner Davis** said just to clarify, we're talking about the rate, the mill levy, we are not talking about the appraised value. There can still be an increase in the valuation even if we were to lower the rate. I just want to kind of provide that clarity.

**Monica Sparks, Interim Unified Government Clerk,** said I think maybe this will help from the Clerk's perspective. We get values certified to us in March from the Appraiser. Those are estimated. By the time we actually get to the process of setting the levies we have the final values and those could change based on exactly what you're talking about, exemptions that have been allowed from the State, tax appeals that have come through, so those values may change a little bit and then that's what we use, those final values, to set the mill rate when we do that. So, that's why you may see a difference.

**Mayor Pro Tem Burroughs** said would it be fair to say that most of those new improvements and remodels that come on are usually at a little higher appraised value than some of the existing properties that have the value already on them because the new values haven't been protested yet and/or are newer models and are sometimes bigger and/or more modern amenities which is a higher appraisal? **Mr. Grimm** said yeah, I think that's a fair general statement. I'm not wearing the Appraiser's hat, but I think we—**Mr. Lindsey** said we think that might be more of a Matt question. Matt can probably answer that question better than us. **Mayor Pro Tem Burroughs** said please continue.

**Mr. Grimm** said we were on the City slide. Again, similar example, numbers are a little bit different. This is the City of Kansas City, Kansas mill levy, so we see \$67M. In the prior tax year mill levy rate 38.459, we add increased value and new items coming on like we discussed and we're up to 77.7 mills—5M and that's at the same mill rate. If we went revenue neutral you can see again in that last column, the revenues 67.1 match what they were in the prior year, but we have to lower the mill levy rate to get there.

**Commissioner Stites** said it's a statement. I've got two texts now that people can't hear at home at all and one of them says they have their TV turned up to 85 and can't hear, so I don't know if that is us or if that is with the system, but they can't hear at home. **Mayor Pro Tem Burroughs** said we'll take just a minute to make sure that we've got enough volume on the other end. It's hard to hear over here in this corner because I have a vent fan that runs constantly and hums, so it's harder to hear over here over that noise. Again, I just want to remind everybody when you speak, pull the microphone up closer. Those of us that are hearing challenged find it difficult

anyway, but to ensure that we can get an accurate record. It's important that we're able to hear. Please continue.

**Mr. Grimm** said I think we're done with these slides. They're just estimates, they're examples, just to give you the scale and scope. Revenue neutral on the City side, you would be cutting about \$10M. I think it's \$11-\$12M on the County side, so just an example.

**Mayor Pro Tem Burroughs** said if I may, with these examples, in those two examples one on the County and one on the City in the piece you just shared with us, down from 37 to 32 mills that would be a 4.93 mill levy possible reduction and for the City it'd be a 5.152 mill reduction. **Mr. Grimm** said correct. **Mayor Pro Tem Burroughs** said so it would be a total of right around, close to 10 mills. **Mr. Grimm** said yeah, we're right there.

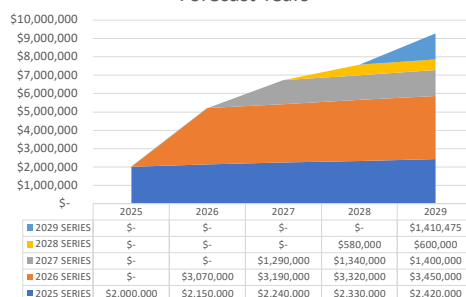
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Property Tax Growth Factors in Future  
Forecast Years



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This chart looks at—kind of focuses more on the IRB Industrial Revenue Bonds coming on the tax rolls, economic development, and the potential impact if we go revenue neutral and we don't capture some of these new revenues coming on. So, for example, and this is just looking at the Kansas City, Kansas Wyandotte County Tax Levy Funds again. For example, in 2025 we see that about \$2M is due approximately to come online and we did look at some detail. That represents a couple of IRB's with their last tax payments—or PILOT payments in '24, so the JE Dunn down on Kaw Drive and I think the GM paint shop, their 10 years is up, so that's a couple examples of abated projects that would be coming online.

In terms of economic development in 2025, the 39<sup>th</sup> & Rainbow development across from KU Med for the first 12 years they were getting part of a TIF. They were getting 100% of their

real property back to them. We're starting to stairstep that down. I think this year they're going to get 80, we get 20, and after another eight, nine, ten years we'll be getting 100% of that. You can see the impact of that through the years, so after five years or in 2029 that's 9.5M, but it's accumulative, so potentially you could add all those up to over 30M. I'm not suggesting we're going to go revenue neutral for that many years, but it just shows you the impact that if we don't add this value to the tax rolls and don't go revenue neutral, we are capturing, I'll say, you know significant dollars coming back on for services.

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Just a quick lead into some other tables, just to show you the Tax Levy Funds. I guess as a reminder on the City side we have two, the General Fund and Bond & Interest, and all those listed on the right, and nine on the County side and these are the Mill Levy Funds that are funded through and associated programs and services through property taxes.

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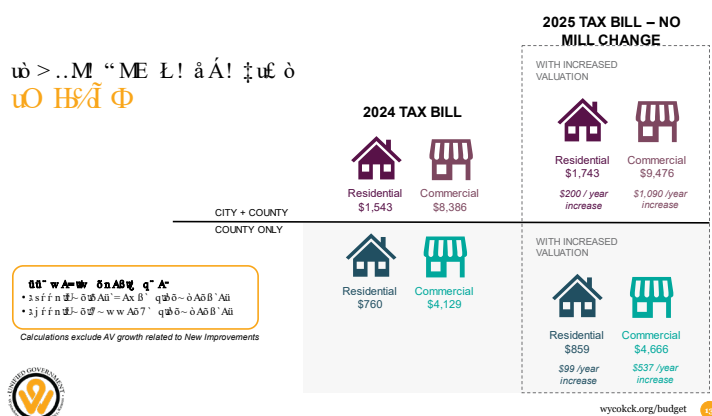
| Tax Levy Fund              | Property Taxes Levied in 2023 | 2023 Mill Rate | Estimated Property Taxes Levied in 2024 | Additional Revenue | Revenue Neutral Mill Impact |
|----------------------------|-------------------------------|----------------|-----------------------------------------|--------------------|-----------------------------|
| City General Fund          | \$37,392,840                  | 21.421         | \$42,253,909                            | \$4,861,069        | -2.46                       |
| City Bond & Interest       | \$29,741,432                  | 17.038         | \$33,607,818                            | \$3,866,386        | -1.96                       |
| City Funds Totals          | \$67,134,272                  | 28.460         | \$75,861,727                            | \$8,727,455        | -4.42                       |
| County General Fund        | \$55,420,076                  | 28.180         | \$62,624,686                            | \$7,204,610        | -3.24                       |
| County Bond & Interest     | \$4,364,346                   | 2.219          | \$4,931,711                             | \$567,365          | -0.26                       |
| Consolidated Parks Fund    | \$3,248,187                   | 1.652          | \$3,670,451                             | \$422,264          | -0.19                       |
| Health                     | \$3,091,735                   | 1.572          | \$3,493,661                             | \$401,926          | -0.18                       |
| Aging                      | \$2,035,765                   | 1.035          | \$2,300,414                             | \$264,649          | -0.12                       |
| Elections                  | \$1,730,999                   | 0.880          | \$1,956,029                             | \$225,030          | -0.10                       |
| Mental Health              | \$842,591                     | 0.428          | \$952,128                               | \$109,537          | -0.05                       |
| Developmental Disability   | \$682,995                     | 0.347          | \$771,784                               | \$88,789           | -0.04                       |
| County Infrastructure Fund | \$1,965,865                   | 1.000          | \$2,221,427                             | \$255,562          | -0.11                       |
| County Funds Totals        | \$73,382,559                  | 37.313         | \$82,922,292                            | \$9,539,733        | -4.29                       |
| Total                      | \$140,516,831                 | 75.773         | \$158,784,019                           | \$18,267,188       | -8.72                       |

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On this table we're showing line item detail for the mill levy funds. The two, City on top and then the County below. What we're showing are the property taxes levied in 2023 so we're kind of looking at that last year, previous year, and if we add all those up in the column you see that bottom \$140.5M, those were the taxes levied and then we got there with the 75.773 mills. If we assume that increased valuation of 13%, we're now up to \$158.8M in taxes levied so we've gained \$18.3M.

If we go revenue neutral, we're back to trying to get to that \$140.5M and we have to cut 8.7 mills and that equates to about a 12% mill reduction.



We'll build on that in a little bit, but just to give you an example of a potential impact for a median residential property of a single family home \$200,000 and commercial property \$500,000, so we're looking just at the UG mill levy rate. The City and County above that dark line, so in 2024 that residential property would have a tax bill, just for the UG taxes, \$1,543. That would be similar to going revenue neutral. If we don't go revenue neutral on the right up top, you see that residential property is now paying a UG tax bill of \$1,743 or \$200 more. For the commercial we're going a little over \$8,000 to a little over \$9,000 where that tax bills about \$1,000 higher and we did split out the bottom just the County portion of the mill levy to show that impact, so that residential property \$760 to \$859 so about \$100 a year on the County side. On the commercial side about \$537 higher not going revenue neutral.

**Commissioner Bynum** said stopping on this page just to make sure I'm getting the example correct, we're saying that a home valued at \$200,000 in 2024 just the City mill levy and the County mill levy is \$1,500, so no school district, no library, no college, just ours. **Mr. Grimm** said correct. **Commissioner Bynum** said okay, we're saying in 2025 you're saying with increased valuation,

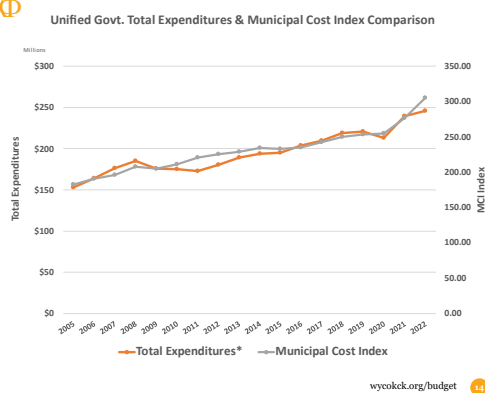
but are you still figuring the tax dollar amount due based on the current mill levy rate. What mill levy rate are we using to calculate a \$200 a year increase? **Mr. Grimm** said I knew somebody was going to ask, I can pull the detail, but in this example it was a little different, we just wanted to keep the value of the home the same. In this example, kind of behind the scenes, we're just playing with the mill levy. Does that make sense? So, we're trying to get the mill levy back to what it was for a \$200,000 home. So, in this example, hopefully not confusing, but a little different, we just wanted to keep that value the same in this example.

**Mayor Pro Tem Burroughs** said if I may Mike, I think I follow what Commissioner Bynum is asking. I would have looked at it a different way. What percentage were you increasing the 2025 mill rate on, but her question was what mill rate are you using to come up with that. I think we're almost asking the same thing. If you're asking if the 2024 is with revenue neutral, because I think that's what our example is here this evening—**Mr. Grimm** said right—**Mayor Pro Tem Burroughs** said it is revenue neutral, then the increase in value is set on a percentage for next year, but it's also based on the revenue neutral rate of 2024. Would that be an accurate statement? **Mr. Grimm** said I think so. **Mr. Lindsey** said no, it would be the current mill rate. **Commissioner Bynum** said right and I'm sorry I'm getting lost because the reason my tax bill would go up \$200 is because my valuation went up because I left the mill levy the same. So, the \$200,000 house next year is more than \$200,000 and I just want to make sure I'm tracking with the example. Okay, I'll leave it.

**Commissioner Lopez** said I was kind of doing the math a little bit and it looked like your mill rate on this each mill was like \$1,966,687 per mill. Is that right? **Mr. Grimm** said I'd have to dig that—**Mr. Lindsey** said that is—for the County it is like \$1.9M and then for the City is like \$1.7M. **Commissioner Lopez** said is that what we're trying to answer that everybody's looking for like which each mill was per mill. **Mayor Pro Tem Burroughs** asked, Commissioner, could you speak up? **Commissioner Lopez** said I just want to make sure that when I was doing the math that's what I was coming up with, was each mill was at \$1.9M. **Someone** was inaudible. **Commissioner Lopez** said yeah.

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**Mr. Grimm** said this chart looks at the cost of operating the government. Just like at home, our costs have gone up, same with the government. Cost of goods and services have increased, so this Municipal Cost Index, the organization American City & County for nearly 50 years has developed this index. It's just an example of a benchmark that exists to help elected officials track the cost of services for governments to operate.

On the chart on the gray line, that's the Municipal Cost Index and we did put our total expenditures on there in that correlation, that trend line is pretty good. What we've done is looked at that Municipal Cost Index and in the past five years it's increased 5%.

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| Tax Levy Fund              | Property Taxes Levied in 2023 | 2023 Mill Rate | Property Tax Municipal Cost Index 5% Benchmark | Additional Revenue | Municipal Cost Index Mill Impact |
|----------------------------|-------------------------------|----------------|------------------------------------------------|--------------------|----------------------------------|
| City General Fund          | \$37,392,840                  | 21.421         | \$39,262,482                                   | \$1,869,642        | -1.517                           |
| City Bond & Interest       | \$29,741,432                  | 17.038         | \$31,228,504                                   | \$1,487,072        | -1.206                           |
| City Funds Totals          | \$67,134,272                  | 38.460         | \$70,490,986                                   | \$3,356,714        | -2.723                           |
| County General Fund        | \$55,420,076                  | 28.180         | \$58,191,080                                   | \$2,771,004        | -1.995                           |
| County Bond & Interest     | \$4,364,346                   | 2.219          | \$4,582,563                                    | \$218,217          | -0.157                           |
| Consolidated Parks Fund    | \$3,248,187                   | 1.652          | \$3,410,596                                    | \$162,409          | -0.117                           |
| Health                     | \$3,091,735                   | 1.572          | \$3,246,322                                    | \$154,587          | -0.111                           |
| Aging                      | \$2,035,765                   | 1.035          | \$2,137,553                                    | \$101,788          | -0.073                           |
| Elections                  | \$1,730,999                   | 0.880          | \$1,817,549                                    | \$86,550           | -0.062                           |
| Mental Health              | \$842,591                     | 0.428          | \$884,721                                      | \$42,130           | -0.030                           |
| Developmental Disability   | \$682,995                     | 0.347          | \$717,145                                      | \$34,150           | -0.025                           |
| County Infrastructure Fund | \$1,965,865                   | 1.000          | \$2,064,158                                    | \$98,293           | -0.071                           |
| County Funds Totals        | \$73,382,559                  | 37.313         | \$77,051,687                                   | \$3,669,128        | -2.642                           |
| Total                      | \$140,516,831                 | 75.773         | \$147,542,673                                  | \$7,025,842        | -5.364                           |

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So on the next slide what we did on this one are the first two columns are the same as what you saw on the prior slide that looks like this, so \$140.5M in taxes levied with that '23 rate, but as opposed to cutting 8 mills, 8.7 mills to go revenue neutral, what if we just cut 5.4 mills and that would create taxes levied of \$148M, \$147.5M for an additional \$7. So this is just one example of

something that's not revenue neutral that the Commission could think about and discuss just to increase revenues just to really keep those services at a status quo.

**Commissioner Ramirez** said I want to thank Reggie earlier for helping me through this because this was I believe, and I asked him, I believe this is the first time we've used or seen this Municipal Cost Index in the budget. Using this, as Reggie said earlier, as a tool, if we use this tool instead of revenue neutral, please correct me if I'm wrong, we're at the same time able to capture some additional revenue while also being able to cut the mill levy. Is that correct or am I completely wrong and off? **Mr. Lindsey** said that is correct and also I will add the 5% is what we need to increase to do the same level of service in 2025, so that would be not adding anything new. It would just be keeping things status quo is what we forecast right now. **Commissioner Ramirez** said so it's kind of the same thing, but in a more responsible way you could say. The expenses go up 5%, does that mean we're only taking 5% more of revenue to—**Mr. Lindsey** said yes, that is—that's exactly—we would only be raising the mill levy to adjust to 5% more revenue because that's what we need as a government because of our expenses going up each year because of inflation, commitments we've already made. **Commissioner Ramirez** said okay.

**Alan Howze, Assistant County Commissioner**, said I might just add Commissioner, I guess one other way to think about it is revenue neutral is a binary choice. Either you stay revenue neutral or you don't. If you don't go revenue neutral—I mean the Commission has wide latitude to set the mill rate. I mean you can leave it the same, you can cut it one, you can cut it five. So the revenue neutral is the only thing that's really binary in your decision and the rest of it as the budget process unfolds is fully within the control of the Commission in terms of what you choose to set the mill rate at based on whatever infrastructure or based on salaries, but whatever you choose to make investments in or to spend money on. I don't know if that helps.

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| City General Fund              | 2024 Budget    | 2025 Forecast  | 2026 Forecast  | 2027 Forecast  | 2028 Forecast  | 2029 Forecast  |
|--------------------------------|----------------|----------------|----------------|----------------|----------------|----------------|
| TOTAL REVENUES                 | \$ 169,110,982 | \$ 173,689,284 | \$ 180,860,769 | \$ 187,586,812 | \$ 194,649,168 | \$ 201,443,099 |
| TOTAL EXPENSES                 | \$ 170,593,501 | \$ 177,684,106 | \$ 185,077,218 | \$ 192,785,952 | \$ 200,823,999 | \$ 209,205,651 |
| Net Change in Fund Balance     | \$ (1,482,519) | \$ (3,994,822) | \$ (4,216,449) | \$ (5,199,139) | \$ (6,174,831) | \$ (7,762,553) |
| Cash Basis Ending Fund Balance | \$ 26,734,011  | \$ 22,739,189  | \$ 18,522,740  | \$ 13,323,601  | \$ 7,148,770   | \$ (613,783)   |
| ACFR Ending Fund Balance       | \$ 41,581,750  | \$ 37,586,928  | \$ 33,370,479  | \$ 28,171,340  | \$ 21,996,509  | \$ 14,233,956  |
| Reserve % of Expenditures      | 24.37%         | 21.15%         | 18.03%         | 14.61%         | 10.95%         | 6.80%          |
| Fund Balance 17% Target        | \$29,000,895   | \$30,206,298   | \$31,463,127   | \$32,773,612   | \$34,140,080   | \$35,564,961   |

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| City General Fund              | 2024 Budget    | 2025 Forecast  | 2026 Forecast  | 2027 Forecast  | 2028 Forecast  | 2029 Forecast  |
|--------------------------------|----------------|----------------|----------------|----------------|----------------|----------------|
| TOTAL REVENUES                 | \$ 169,110,982 | \$ 178,258,784 | \$ 185,772,981 | \$ 192,695,513 | \$ 199,962,217 | \$ 206,968,670 |
| TOTAL EXPENSES                 | \$ 170,593,501 | \$ 177,684,106 | \$ 185,077,218 | \$ 192,785,952 | \$ 200,823,999 | \$ 209,205,652 |
| Net Change in Fund Balance     | \$ (1,482,519) | \$ 574,678     | \$ 695,763     | \$ (90,438)    | \$ (861,782)   | \$ (2,236,983) |
| Cash Basis Ending Fund Balance | \$ 26,734,011  | \$ 27,308,689  | \$ 28,004,453  | \$ 27,914,014  | \$ 27,052,232  | \$ 24,815,250  |
| ACFR Ending Fund Balance       | \$ 41,581,750  | \$ 42,156,428  | \$ 42,852,192  | \$ 42,761,753  | \$ 41,899,971  | \$ 39,662,989  |
| Reserve % of Expenditures      | 24.37%         | 23.73%         | 23.15%         | 22.18%         | 20.86%         | 18.96%         |
| Fund Balance 17% Target        | \$29,000,895   | \$30,206,298   | \$31,463,127   | \$32,773,612   | \$34,140,080   | \$35,564,961   |

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Mr. Lindsey said current slide. What we have is a view of a revenue neutral rate financial statement and then we also have a financial statement where we look at full valuation. With the City General Fund looking at the revenue neutral rate, some of the assumptions that are built into both of these financial statements we're looking at property tax possibly going up for the full valuation estimate 13% and then in 2025 property tax going up 7% and then each year after that going up 2% and we're looking at sales tax going up about 3% in 2025 and then from each year after that going up 2% and we're looking at our Personnel cost going up about 3% and then Operating cost going up 3.5%.

In the first model with the revenue neutral rate estimate, I mentioned property tax going up 13%, but in this particular model it's going to stay flat, but we have other revenues that do go up so when you do see the revenues go up, that's because we have other revenues such as sales tax and charges for services that let the revenue go up.

Looking at financial statement, we see total revenues and total expenses. In our 2025 Budget we're about \$3.4M unstructurally balanced there. One of the things that we want to step away from is not balancing our budget on our fund balance, so we want to eliminate outer years of dipping into our fund balance. We see each year going out until 2029 we're dipping in fund balance if you go revenue neutral.

Also, when we drop down to the cash basis ending fund balance, we can see we do have a fund balance, but each year it tends to dwindle down with the revenue neutral rate estimate, so we start in 2025 with almost \$23M, but by the time we get to 2029 going revenue neutral just for 2025, we end up with a negative fund balance of \$613,000.

**Commissioner Kane** said if we went out to—revenue neutral went all the way out to 2029, we'd be in the hole by \$613,000 because we'd have to dig into our reserve. **Mr. Lindsey** said at that point right there we wouldn't even have a—we wouldn't even be able to dig into our reserve. We would have to cut expenses. We wouldn't even be able to—**Commissioner Kane** said and that's what I'm saying that there would be no fund balance, we'd be in the hole and we would be in trouble.

I just want to add something, a couple things on here, has fuel went down, concrete, asphalt, no pay raises, overall expenses and has insurance went down because these are all things we have to add up as we're going through this stuff and to my knowledge none of that has went down. In fact, it's went up a lot. I think that's something we need to think about as we're going through here that things aren't staying the same; milk, bread, gas, beer are all going up. None of it is going down, so I think that we need to keep that in mind as we're going through the budget.

**Commissioner Stites** said I just have a quick question. I want to make sure I'm clear on. If the mill—the example, if we were revenue neutral, is that if we went revenue neutral every one of those years? **Mr. Lindsey** said no—**Commissioner Stites** said that's if you meant revenue neutral just this one year you would end up with your forecast at that number? **Mr. Lindsey** said yeah, just this one year.

**Commissioner Davis** said following up on what Commissioner Stites said, so the revenue neutral mill levy would be what 32.7. **Mr. Lindsey** said yes. **Commissioner Davis** said so that would be 32.7 mill levy applied each year on our revenues, correct? **Mr. Lindsey** said yes. **Commissioner Davis** said I just wanted to make sure I understood that. **Mr. Lindsey** said subsequent years. I mean we would have the choice to go revenue neutral. **Commissioner Davis** said gotcha, but for this example, for this estimate you're saying we are applying a 32.7 mill levy every year. **Mr. Lindsey** said yes. **Ms. Jonscher** said because that number compounds. Even though you reduce it one time, that reduction continues to go every year unless the mill levy goes back up.

**Mr. Lindsey** said also pointing out with the revenue neutral rate estimates, in our fund balance policy we like to keep like a 17% fund balance, so looking at the Reserve Expenditure Fund



balance we can see in 2025 we are above that 17%, 2026 we are above that 17%, but each year after that it starts to dwindle, so starting in 2027 each year it starts to go down. So, in 2027, you have almost a 15% fund balance and then you drop to almost a 11% fund balance in 28 and then 2029 we drop to a 7% fund balance.

Moving on to the next financial model we have like a full valuation estimate and we're using this full valuation estimate to give you a glimpse of what not going revenue neutral looks like. We haven't cut any mills or anything from here, but going into the future there's a possibility to cut mills, but we want to show you what full valuation looks like. Looking at the net change in fund balance, we can see in 2025 things look pretty positive. We were not dipping into fund balance. We almost have a \$600,000 net change and more revenues coming in and then in 2026 we almost have \$700,000 more revenues coming in than expenditures. In 2027 we do run into some issues where we are spending into fund balance and, basically, what's going on there is even though we are looking at full valuation, our expenses are going up faster than the revenues that we're bringing in across the board. As we get down and look into the cash basis fund balance, we can see that it's pretty healthy and we can look at the reserve percentages where we would like to keep like a 17% fund balance and we can see each year out to 2020—each year in this model we were able to keep that fund balance at 17%.

Next we're going to look at the County General Fund unless there are some questions. **Mayor Pro Tem Burroughs** said, Reggie, we have a number of questions.

**Commissioner Ramirez** said more of a statement really than question. I mean at the beginning of this presentation our first priority is uphold fiscal sustainability. Looking at these two charts and possibly the next two, I don't see how revenue neutral is maintaining and upholding fiscal sustainability by 2029. We are in layman's term broke whereas in full valuation by '26 we can take some correct—or this year and '26 and '27 we can take corrective measures as a body, as staff, to make some tough decisions to cut here and there, to make some tough decisions as we said we would and as we should every year moving forward. Remember, our first priority uphold fiscal sustainability and looking at those two charts there's only one that upholds that priority.

**Mr. Johnston** said I guess I would like for you to—those who were on the Commission last year, go back to the example of these models in your mind’s eye and we saw that 2026 was the year where the color red became prominent on this. I do want to remind you that when we got to the end of the budget process, the recommended budget was to go full valuation and why we did that is we said we can push back some of our fiscal challenges out. The fact that you see in 2026 black in full valuation, it achieved that. You’re not getting more nervous until we get to 2027 and all that. In last year’s model, 2026 in both the County and the City, in all the models whether it’s neutral, whether it’s full valuation, it sounded the alarm that we had to take and the Commission last year decided to buy time by accepting the full valuation. We did get considerable criticism from our public because that meant their tax bills went up, but it provided us time to do some things and we’ll talk about toward the end of this presentation some of the things we’re doing in house.

Commissioner Ramirez is correct, I think we are facing where we’re going to have to make some tough choices on programs that we traditionally fund 100% for outside of government, how we fund ourselves inside a government and that only comes with close dialogue with you folks. Like this is just the first salvo of information. As we progress over the next few months we will have those discussions and get further direction from you from those discussions, but my point was last year we were facing some dire information that we had to act on. You recommended go full valuation and we said it would push it out and buy us time and this is evidence of that, so just FYI.

**Mayor Pro Tem Burroughs** said but we’re still mandated by state statute to have this discussion.

**Mr. Johnston** said exactly. **Mayor Pro Tem Burroughs** said and that’s why we have to have it as we had to have it last year which in turns forces us to look at our projections moving forward as to either cut our expenses or increase our revenues. That’s the option that the legislator has put in our laps on the local end.

**Commissioner Burns** said, Reggie, am I correct in assuming that Public Safety is about 69% of our budget? **Mr. Lindsey** said yes, that is correct. **Commissioner Burns** said then the balance of that we would have to find cuts, right? **Mr. Lindsey** said to balance our budget, yes, we definitely would have to cut some service levels. **Commissioner Burns** said of the 31%. **Mr.**

**Lindsey** said we would—I mean, hopefully, we would be looking at the whole budget. **Commissioner Burns** said it makes it very difficult. **Mr. Lindsey** said yes and actually if you like the 31%—I mean depending on if we were going revenue neutral, the 31% that would be left outside of Public Safety, we probably wouldn't even be able to come up with enough cuts from those. I mean something would have to come from Public Safety I'm sorry to say.

**Mayor Pro Tem Burroughs** said, Reggie, just for clarification, you did say Public Safety is 69% of the budget. **Mr. Lindsey** said it's somewhere around the 69 to 72% or so, somewhere around there. It may not be exactly 69%, but it's in that neighborhood. **Mayor Pro Tem Burroughs** said do we know what percentage all personnel costs are? **Mr. Lindsey** said it's around about 73% also.

**Commissioner Lopez** said would like all of our tax abatements that we give out, could that have put this in this spot? **Mr. Lindsey** said it definitely contributes. I can't say that's the whole reason, but it definitely contributes to it.

Also, one of the things I've been talking about is fund balance that we—we have a fund balance policy where we have a 17% fund balance, so one of the things Debbie Jonscher and I were discussing, because she meets with our rating agencies and I'll let her talk about some of the guidance they gave her when she met with the credit rating agencies this past. **Ms. Jonscher** said I was just going to make the comment, because it's probably more pertinent to this fund, you know we have the fund balance policy that says our minimum is 17%, but you know our goal is 25%. If you recall during the presentation I did a couple weeks ago on the bond when we had the bond sales, that one of the things that the credit ratings cited in their report was reasons—things that could contribute to an upgrade would be fund balance in excess of 30% or a downgrade could be the fund balance going down below 20% and staying below. So, if you look at where we are, even on full valuation we're kind of hovering around that 20 to 22%, so we are within target there, but if you look at revenue neutral, we are well below that target.

**Commissioner Stites** said I guess I didn't have a question. I know, Christian, you were probably in front of me, sorry, but then why would we have a policy that said if you're saying that a possible downgrade would be if we're below 20%, but we have a fund balance target of 17%? **Ms.**

**Jonscher** said that was when the policy was approved, that was the minimum because that was kind of an industry standard. Best practices that the GFOA didn't want fund balance going below 17, so we set that as the minimum with the goal to be up closer to 25% which is also a best practice recommendation. The 30% came directly from the credit rating agency when they reviewed our debt profile.

**Mr. Johnston** said I guess to follow up on that, we've always followed the GASB standards and that's where the 17% comes from. It's in essence a two-month reserve and that was set well before COVID and I think as we experience things, we get new awarenesses to pay attention to, and that's what Debbie is saying, is that the market saw a lot of cities—public agencies suffered due to COVID because of reduced revenue and got them precarious in the financial market and, therefore, they're saying almost like what Matt May told us in Emergency Management training is emergencies will happen, you have to be prepared. Therefore, they're saying we learned a lot during COVID, it's better for municipalities, local governments, to have a higher than 17% range because you never know when you'll have an emergency like the Great Recession that we had at the end of the first decade of this year. Then came the two to three year chaos that COVID did and so they're saying learn from that and have a goal which means shoot for having higher reserves than you normally have.

So, if you want better rates in bonding, have a higher level close to 30 plus percent, otherwise you're going to be status quo in the 20s. That's not bad. They're just saying if you want to reduce borrowing costs, the market says have higher rates, but also, you're going to get downgraded if you're lower as standard. That's what the market tells us to do and we are bringing that to you tonight just to say that's just another layer for us to think about when it comes to our budgeting. We then have to make decisions at this level that then have to be explained to department heads that they may have to adjust their service level, their quality of services, we then have to talk to another level called our citizens. Why are we reducing services, why are we increasing services and it's just to show you that budgeting is not like your checkbook anymore. It is far more complicated and we have to pay attention to many different things that go into crafting an annual budget.

**Commissioner Ramirez** said this comes from Commissioner Lopez's question, I think I finally understand what you were talking about Commissioner Bynum, it's going to affect everybody. He brought about tax abatements so that means developments that are going to finally be coming onto the roll. If we go revenue neutral, they will also lower—their tax will be lowered as well. I want the community to really realize that because the community is—again, a lot of our community members are against tax abatement and economic incentives and to encourage they think developments and projects aren't paying their fair share of taxes. If we go revenue neutral, they will once again not pay their fair share of taxes because they will be affected by the revenue neutral rate as well when their projects start coming onto the tax rolls. Just wanted to put that out there.

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| County General Fund            | 2024 Budget    | 2025 Forecast  | 2026 Forecast | 2027 Forecast | 2028 Forecast | 2029 Forecast  |
|--------------------------------|----------------|----------------|---------------|---------------|---------------|----------------|
| TOTAL REVENUES                 | \$ 81,975,030  | \$ 84,096,271  | \$ 89,949,616 | \$ 93,757,832 | \$ 97,837,702 | \$ 101,358,815 |
| TOTAL EXPENSES                 | \$ 84,008,832  | \$ 87,376,597  | \$ 90,883,532 | \$ 94,535,530 | \$ 98,338,734 | \$ 102,299,555 |
| Net Change in Fund Balance     | \$ (2,033,802) | \$ (3,280,326) | \$ (933,917)  | \$ (777,677)  | \$ (501,032)  | \$ (940,740)   |
| Cash Basis Ending Fund Balance | \$ 5,603,305   | \$ 2,322,979   | \$ 1,389,062  | \$ 611,385    | \$ 110,333    | \$ (830,387)   |
| ACFR Ending Fund Balance       | \$ 8,734,831   | \$ 5,454,505   | \$ 4,520,588  | \$ 3,742,911  | \$ 3,241,879  | \$ 2,301,139   |
| Reserve % of Expenditures      | 10.40%         | 6.24%          | 4.97%         | 3.90%         | 3.30%         | 2.25%          |
| Fund Balance 17% Target        | \$14,281,501   | \$14,854,021   | \$15,430,201  | \$16,071,040  | \$16,717,585  | \$17,390,924   |

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| County General Fund            | 2024 Budget    | 2025 Forecast | 2026 Forecast | 2027 Forecast  | 2028 Forecast  | 2029 Forecast  |
|--------------------------------|----------------|---------------|---------------|----------------|----------------|----------------|
| TOTAL REVENUES                 | \$ 81,975,030  | \$ 90,868,604 | \$ 97,229,874 | \$ 101,329,321 | \$ 105,712,029 | \$ 109,548,115 |
| TOTAL EXPENSES                 | \$ 84,008,832  | \$ 87,376,597 | \$ 90,883,532 | \$ 94,535,530  | \$ 98,338,734  | \$ 102,299,555 |
| Net Change in Fund Balance     | \$ (2,033,802) | \$ 3,492,007  | \$ 6,346,341  | \$ 6,793,791   | \$ 7,373,295   | \$ 7,248,560   |
| Cash Basis Ending Fund Balance | \$ 5,603,305   | \$ 9,095,312  | \$ 15,441,654 | \$ 22,235,445  | \$ 29,608,741  | \$ 36,857,301  |
| ACFR Ending Fund Balance       | \$ 8,734,831   | \$ 12,226,838 | \$ 18,573,180 | \$ 25,366,971  | \$ 32,740,267  | \$ 39,988,827  |
| Reserve % of Expenditures      | 10.40%         | 13.99%        | 20.44%        | 26.83%         | 33.29%         | 39.09%         |
| Fund Balance 17% Target        | \$14,281,501   | \$14,854,021  | \$15,430,201  | \$16,071,040   | \$16,717,585   | \$17,390,924   |

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**Mr. Lindsey** said the current slide, we're looking at the County General Fund. The prior slide was the City General Fund, so what we're looking at here again is the same as the prior slide. Top is revenue neutral rate estimate and the bottom financials are a full valuation estimate. Here again we have similar assumptions where we're looking at Personnel expenses going up 3%, Operating expenses going up about 3.5% each year and then in the revenue neutral model we're looking at property tax staying the same in 2025 and then each year after that. So, in 2026 it would go up like 7% and then each year after that 4%. Then in sales tax, we're looking at going up 3% each year and then we're looking at our PILOT going up like 3% each year.

So, looking at the revenue neutral rate estimate financials, we can kind of see where looking at total expenses and revenues in 2025 we do have a \$3.2M where we're dipping into fund balance, so we have \$3.2M more expenses coming in than revenues we have coming in. As we look going into the outyears, I mean we can basically see each and every year we're spending in the fund balance. As we look into the reserves that we just kind of talked about, we can see 2025

we're down below 7% for a fund balance and then each year after that moving out we're definitely like—fund balance is going down each year. One key thing that sticks out in 2029 is we spend into the red and we wouldn't even be able to approve a budget in 2029 because we would have spent all our fund balance.

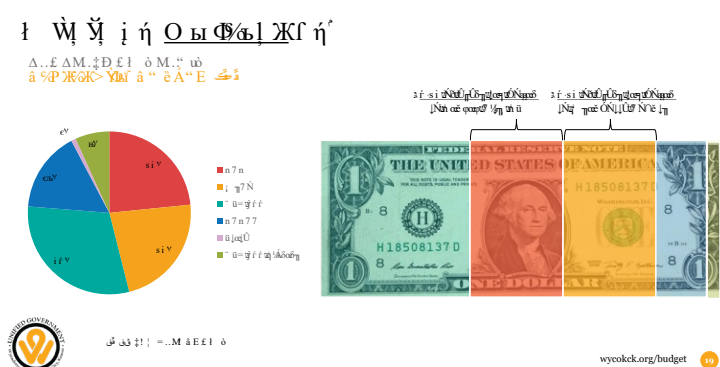
Moving into the full valuation estimate and by no means are we saying that we're going to go full valuation or anything like that, we just want to use this as an example, but one of the things with full valuation is we are recognizing property taxes going up 13% in 2025 and then in 2026 they go up like 7% and then each year after that we're looking at going up 4%. So, we can see in 2025 we do have—revenues do exceed the expenditures coming in about almost \$3.5M and we can see when we get out to 2029 we have a \$7.2M where we still have \$7.2M of more revenue coming in than expenditures and we end up having a fund balance of like \$36M which is like 40%. Starting in 2025 we are spending a little bit more money, so we do have like a 14% fund balance, but each year after that it starts to rise steadily with one full valuation.

**Commissioner Stites** said, Reggie, when we approved the budget last year or when the budget was approved last year, what were we predicting that the valuation would increase this year because you're saying next year you're predicting a 7%, so what did we predict? **Mr. Lindsey** said 6% last year. **Commissioner Stites** said so we predicted 6 and it went up 13. **Mr. Lindsey** said yes. **Commissioner Stites** said so it more than doubled in valuation. **Mr. Lindsey** said yes. **Commissioner Stites** said so what makes us think that next year, 2026, valuations are going to be 7? **Mr. Lindsey** said in some cities, because of commercial real estate, valuation is going down a lot. I mean you have some cities that have office buildings in their downtown areas where the valuation has gone down like 50%. **Commissioner Stites** said valuations last year went up how much? **Mr. Lindsey** said 15%. **Commissioner Stites** said last year they went up 15 and this year went up 13, so nearly 30% in two years. I mean 28%, right, and then in two years we're projecting a 7% for the following year. **Mr. Lindsey** said yeah. Also, I'll add, there are some things going on at the state level and one of the reasons we're using the 4% is because they're working on a bill in Topeka now where we may not be able to go over 4% in the future.

**Mayor Pro Tem Burroughs** said I would just state that even though we chose to not go revenue neutral last year and took up the percentages that were just discussed, we're still deficit spending



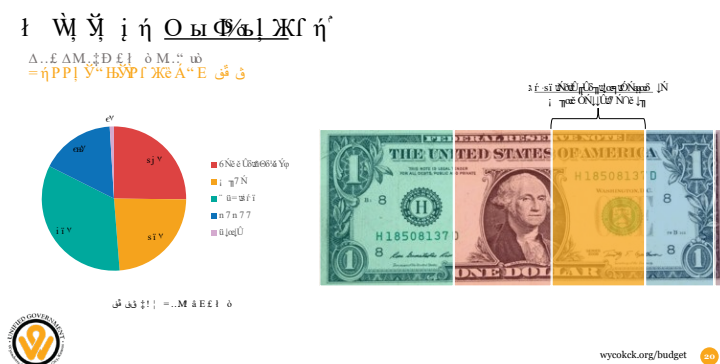
and that's concerning. I think it's important that we're starting this budget process early because we've all—most of us have committed to doing a deep dive and I really appreciate the thoroughness of the discussion this evening. It's enlightening.



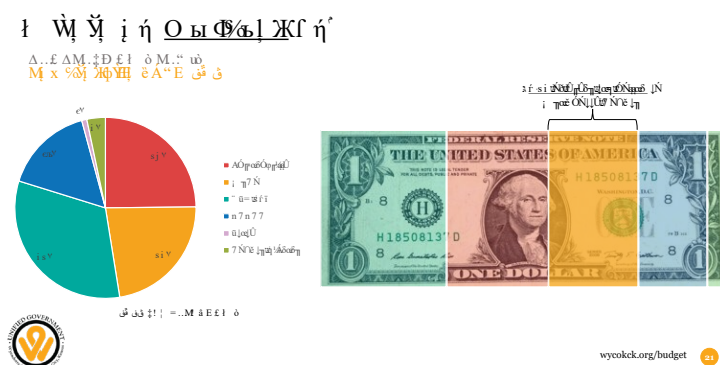
**Mr. Lindsey** said I'm going to turn it over to Debbie Jonscher. She is going to talk about where do our taxes go.

**Ms. Jonscher** said these next several slides, what we're doing is breaking down the property tax dollar for the different school districts and showing how much, depending on which school district you live in, there may be a different portion that the City and County gets for every dollar. This first slide here is USD 500 and so what we've done is broken out—I will just note on each of the slides each school district—the different taxing entities will be the City, the County, the Community College, the State, a school district, and a library, so that will be the same; however, the City, when we get to the Bonner Springs School District, the city will change.

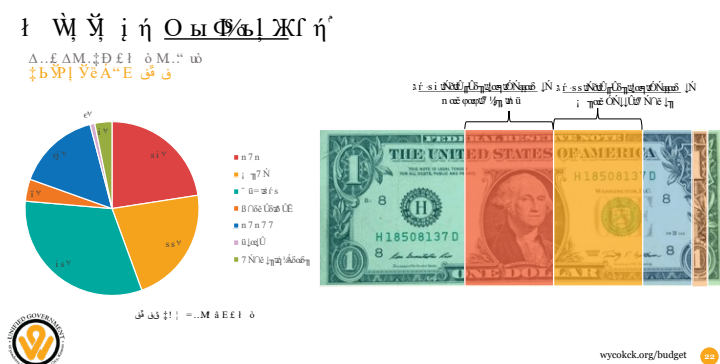
The first one is District 500, so you will see the amount of tax dollars for the City is .23 cents of every dollar goes to the City and .23 cents of every dollar goes to the County and then the other 54% of that dollar goes to the other taxing entities and we've kind of broken that out on the pie chart based on the percentage of how much goes to each district if you live within USD 500.



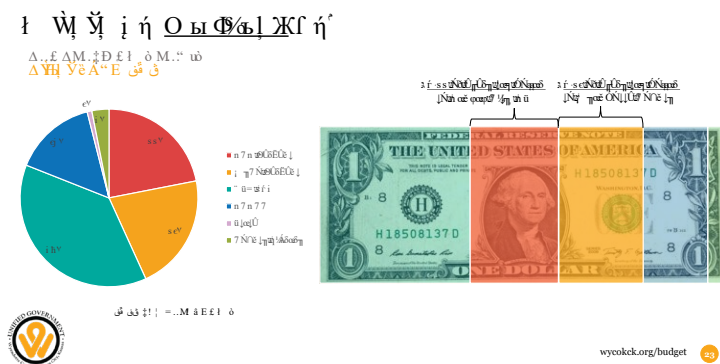
The next slide shows Bonner Springs USD 204. You will see on here we've got the same information. The breakdown of each taxing entity within the Bonner Springs School District. For the City if you live in Bonner Springs, the City would get .25 cents of every tax dollar and the County would get .24 cents of every tax dollar and then the other—that's 49% and then .51 cents of every dollar would go to all the other taxing districts.



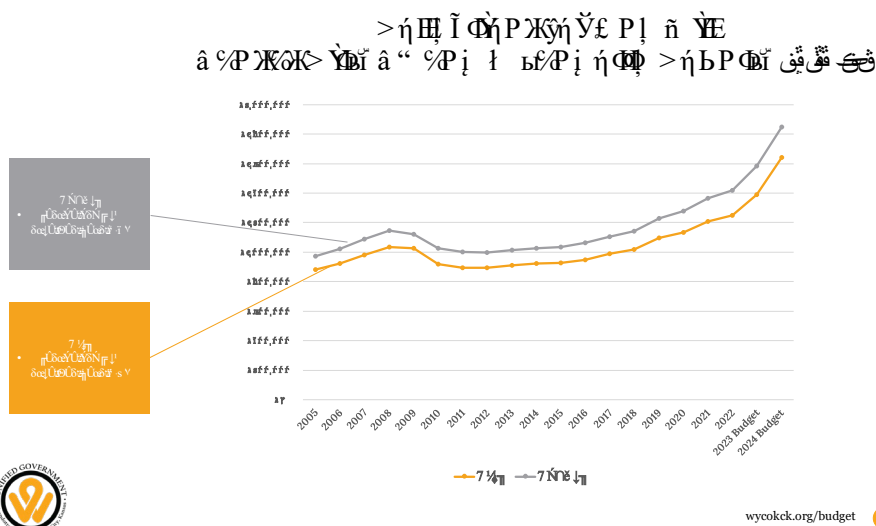
The next one is Edwardsville which is also School District 204. It also is—the city of Edwardsville gets .25 cents of every dollar and the County gets .23 cents, so for the City and the County it's .48 cents of every dollar and then .52 cents goes to all the other taxing entities. This is all based on the 2024 taxes.



When we get to Turner, there is one difference here. Turner also has a levy for their Turner Recreation Commission, so that is the one difference from all of the other districts. In Turner .23 cents goes to the City and .22 cents goes to the County, so .45 cents of every dollar goes to the city and to the Unified Government and then the other .55 cents goes to all the other taxing entities.



The last one is Piper USD 203. For them a total of .43 cents of every tax dollar goes to the City and the County and .22 cents is to the City and .21 cents is to the County. The other .57 cents would be distributed to all the other taxing entities.



I'll turn this over to Michael Peterson.

**Mr. Peterson** said on this slide what we're trying to illustrate is just the history of how much value a mill brings in for the City and the County. The top line is Wyandotte County. There's a difference between the amount that we levy and the amount that we actually collect, so the difference there is going to be dependent on delinquency rate as well as any type of tax appeal or anything that we have to pay back in any given year, so the last three years or so we've had to deal with Hollywood Casino payments we've had to pay back due to a tax settlement there, so that did drop off. So, basically, what we're showing here is we've taken out the mill rate so this is entirely the value of one mill, so over time over the past—since 2005 our average growth for our mill rates is about 3.4%. I didn't go back and recalculate the bottom one. The bottom one is a little bit off. It's basically 3.4% for both.

Commissioner Stites, when you were asking about our projection, so actually our projection is higher than what our average has been of growth in the past, so on the other hand, as you pointed out, the last five years we've had about an average of 9.7% growth in our property tax rate. We don't anticipate that continuing into the future and we would anticipate returning back down towards prior levels and I know if people have paid attention to the news, people have talked about drops in the property market or some sort of downturn in the property market. That would—I mean potentially even get us back to 2008-2009, hopefully not, but I mean we definitely don't want to see that. That's why we try to be more on the conservative side in the outyears.

This is just kind of illustrating that, so right now we're projecting about \$1.6M on the County side for a mill in 2024 and \$1.4M on the City side for a mill and actual collections and then that'll go up to a little bit over \$1.6M and \$1.8M in 2025 with 13% assuming—actually no, this is based on—sorry, this is based on our current budget. Another thing that we can point out is the City Ad Valorem is part of the County Ad Valorem, so just something to keep in mind when we're talking about the County taxes, about 90% of the County taxes come from Kansas City, Kansas, so about 90% on average of the value in the County resides within Kansas City, Kansas and that's the difference between those two lines.

## Ad Valorem History 2018-2023

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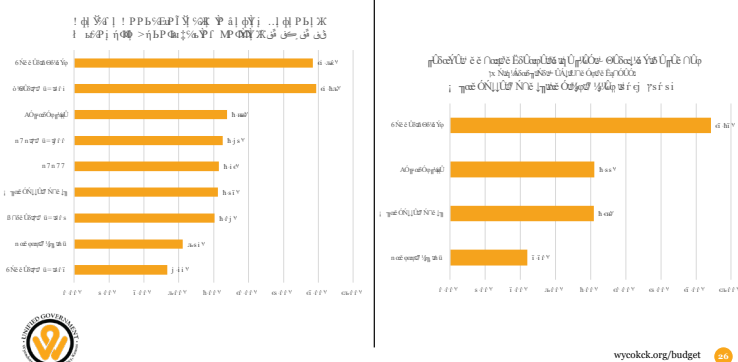
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We did go and compare ourselves to the other taxing entities in the community in Wyandotte County. What we can see here is that Kansas City, Kansas is the first column on the left. We have the Wyandotte County cities and counties and then Wyandotte County is the far right, so on average as far as the percentage change in levied revenues, so that's how much revenues we're collecting from 2015 to now. For Kansas City, Kansas we've had the smallest growth outside of Bonner USD 204 and our revenues that we've—additional revenues that we've collected in Wyandotte County is kind of in line with what we see kind of in the mid-range of collections.

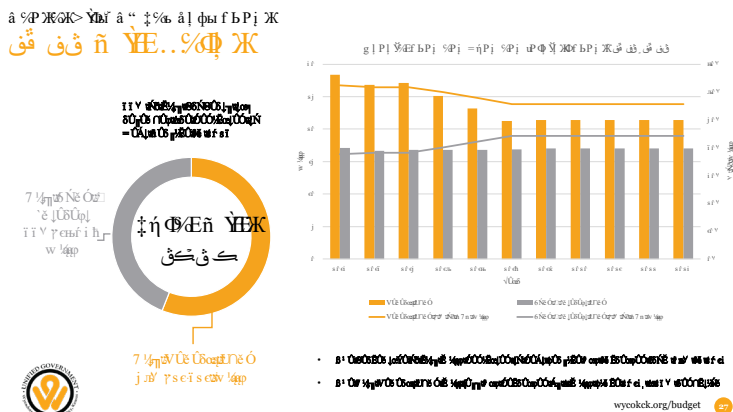
## Ad Valorem History 2015-2023



As far as what our average annual increase in revenues has been, here we can compare ourselves again with just the average amount that we've increased in levied revenues. Wyandotte County and Kansas City, Kansas are towards the bottom of the left chart. This is the total amount for all levies, so this would include all the different Tax Levy Funds and the Bond & Interest Funds, so on average since 2015 we've increased the Wyandotte County Levy about—or revenue about 8.24% a year and that is right in line with most other entities within the County. Kansas City, Kansas is one of the lowest with about 6.23% overall growth. We did go ahead and take out the Bonner Springs Library Levy as well as the Bond & Interest Levy's just to compare our Operating Funds and that's on the right side.

On the Operating side Kansas City, Kansas and Wyandotte County are at the bottom with Wyandotte County kind of matching Edwardsville for about 8% growth overtime in our Operating Funds and then Kansas City, Kansas revenue has only increased about 4.4% on average since 2015. That is substantially lower than all the other taxing entities, about 3.8% lower than the County.





To illustrate that, one of the things we've looked at and one of the reasons for that is in the past few years we have reduced mills from the City side of the budget. We've reduced about 7 mills from the City side of the budget and this is just something that we wanted to point out when we're talking about revenue neutral too. When we're trying to reduce budgets and reduce revenues, so we're statutorily obligated to cover our Debt Service, so the Debt Service Fund currently makes up about 44% which is City Bond & Interest Fund of our City Mill Levy, so we have to levy—the main source of funding for our Debt Service payments is property taxes. If we drop our revenues, there's a significant lag time between changes in our debt and when we can actually impact that levy, so the main levy that we can touch is the City General Fund. What we can see here is since 2013 we've reduced the mills in the City General Fund by 23% and that shifted the percentage of revenue that's going to our Bond & Interest Fund from 37% to 44% today. Even though we haven't made as drastic of a change in the City overall, we've had a very substantial change in the City mill rate, which is kind of one of the contributors to why the City General Fund is in the shape it's in today I guess.

**Commissioner Ramirez** said to simplify kind of what you said Michael, since we've reduced the mills we've had to in turn that means the mills for the Debt Service increases, is that correct? **Mr. Peterson** said the mills in the Debt Service Fund have stayed constant. **Commissioner Ramirez** said but the amount of what (inaudible) for—**Mr. Peterson** said the percentage, the distribution, the Debt Service Fund is getting a greater percentage of property taxes than what it had in the past. **Commissioner Ramirez** said that's what I meant to say.

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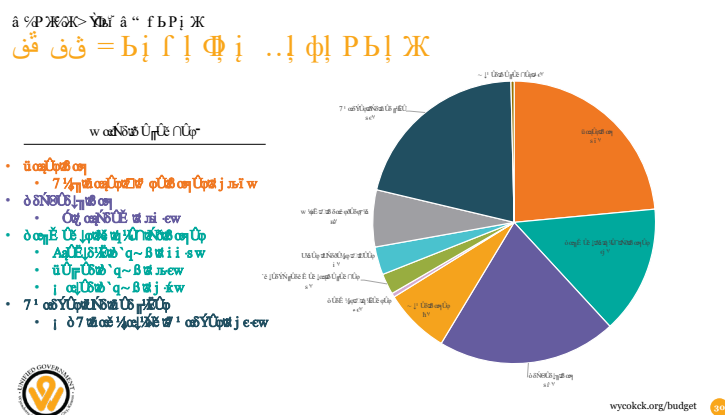
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**Mr. Lindsey** said the next information we're going to go through, we're going to talk about revenue sources and we have been talking about property taxes, but we're going to look at the different revenue sources on the City side and the County side with us being a Unified Government. City funds include and revenue comes to different City funds based on the reason for having that fund. For instance, we have a City General Fund and then also we have the City Bond & Interest Fund. One of the things to keep in mind is we can't move money between these funds, so like City Bond & Interest we can't take any money and spend on any Operating items out of the City Bond & Interest Fund. Then, when you move into Special Revenue Funds like our Special Alcohol Fund and our Dedicated Sales Tax, they all have certain purposes for their spending.

Some of the things that we spend money on in the City General Fund we couldn't spend money on in the Special Alcohol Fund or the Dedicated Sales Tax or the Special Parks & Recreation Fund. We also have our Enterprise Funds that are on the City side and these are funds—they're more so run like a business and they provide a service that they're paid for. So, for instance, like our Emergency Medical Services, which is our EMS, ambulances, they provide a service to the community and the community helps pay for those and then we have our Public Levee where most of the funding there comes from leases at the Public Levee and then we have our Sewer System where charges for service are paid to our Sewer System from the community. We also have Stormwater Enterprise Fund and Sunflower Hills, which all bring in their own revenue. Also, with the Special Revenue Funds some of those are from special taxes, so that's how they get their revenue.

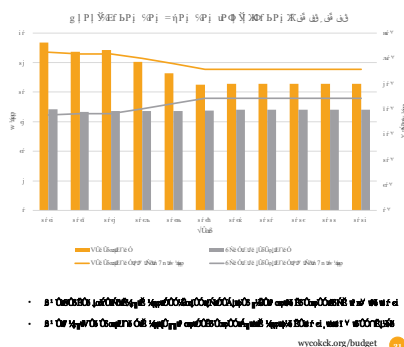
**Commissioner Hill** said thank you staff for the information. It's like a foreign language to me, but I'm trying to catch on. Just help me to understand, you said you can't take funds out of one to put it somewhere else, so under the Special Revenue Funds once we get those funds, where does it go? **Mr. Lindsey** said, for instance, like the Special Street & Highway Fund, that is from taxes on what we sell for fuel and basically we use that money to improve our streets and buy equipment to work on our streets and right now there are some employees that are being paid from there that we would like to move out of there. So, those are some of the things that are being paid from there. When I say we can't take things, just anything, from the City General Fund and put into some of these Special Revenue Funds, we couldn't take—like we work in Budget and Finance, we couldn't take our salaries and pay from there or we couldn't take Police salaries or Fire salaries and pay from those funds. They have a distinct purpose for why we use those funds and so we can't just do any—spend any kind of money out of those funds. It has to be for distinct purposes.

**Commissioner Hill** said so what you're saying is these have designated spaces that those funds go into. **Mr. Lindsey** said yes.



So kind of look at the different revenue sources. On the City side, just all the different revenues coming in, they're about \$320M that come in out of a total of \$460M of revenues that come in for the whole Unified Government. We see Sales Tax is about 24% of that, Property Tax is about 20% of that and then our PILOT is about 15% of that and then Charges for Services is about \$51M and most of that comes from Water Pollution.

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This slide is pretty similar to the slide that Michael just covered a few slides back and we just kind of wanted to bring it out again since we had talked about the different revenue sources coming on the City side. Once again, as Michael pointed out, we can see total mills are about 38.46 and, again, as Michael pointed out, the City Bond & Interest is 44% of those mills and if we were to go revenue neutral, one thing to know about here, it would be hard. We already have cost in the Debt Service that we have to pay, so if we were to go revenue neutral, most of the mill cut would come from the City General Fund. Any mills that we cut right now probably would be coming from the City General Fund when you're looking at property tax mills on the City side just because we're already at capacity on our debt and need all the money over there for it until we get it shifted around.

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| Kansas 1st Class Cities | Population | Land Area | 2022      |                | 2023      |                | 2022 to 2023 Change |               |                |                    |
|-------------------------|------------|-----------|-----------|----------------|-----------|----------------|---------------------|---------------|----------------|--------------------|
|                         |            |           | Mill Rate | Value per Mill | Mill Rate | Value Per Mill | Mill Change         | Mill Change % | Levied Revenue | Tangible Valuation |
| Overland Park           | 197,726    | 75.37     | 14.57     | 5,499,967      | 14.53     | 5,102,115      | -0.05               | -0.3%         | 10.6%          | 10.9%              |
| Prairie Village         | 22,947     | 6.20      | 18.31     | 552,760        | 18.33     | 639,791        | 0.02                | 0.1%          | 15.7%          | 15.7%              |
| Olathe                  | 145,616    | 59.66     | 24.01     | 2,424,775      | 23.04     | 2,752,622      | -0.98               | -4.1%         | 8.9%           | 13.5%              |
| Shawnee                 | 69,198     | 41.85     | 24.05     | 1,194,655      | 23.05     | 1,332,502      | -1.00               | -4.2%         | 6.9%           | 11.5%              |
| Leawood                 | 33,713     | 15.06     | 24.08     | 1,183,486      | 23.51     | 1,323,627      | -0.57               | -2.4%         | 9.2%           | 11.8%              |
| Leawenworth             | 37,081     | 24.04     | 28.33     | 278,320        | 25.35     | 310,949        | -2.98               | -10.5%        | 0.0%           | 1.1%               |
| Lenexa                  | 58,617     | 34.10     | 28.12     | 1,583,036      | 27.47     | 1,715,722      | -0.65               | -2.3%         | 5.9%           | 8.4%               |
| Salina                  | 46,231     | 25.11     | 30.35     | 503,880        | 29.62     | 531,448        | -0.73               | -2.4%         | 2.9%           | 5.5%               |
| Wichita                 | 396,192    | 159.29    | 29.37     | 3,468,529      | 30.52     | 4,761,561      | 1.15                | 3.9%          | 13.3%          | 9.0%               |
| Lawrence                | 95,794     | 33.56     | 33.21     | 1,320,418      | 33.21     | 1,477,719      | 0.00                | 0.0%          | 8.1%           | 8.1%               |
| Topeka                  | 125,449    | 60.17     | 38.96     | 1,337,569      | 36.95     | 1,458,664      | -2.01               | -5.2%         | 3.4%           | 9.1%               |
| Dodge City              | 27,422     | 14.44     | 43.45     | 187,499        | 38.23     | 209,771        | -5.22               | -12.0%        | -1.6%          | 11.9%              |
| Kansas City             | 153,345    | 124.81    | 38.48     | 1,552,250      | 38.46     | 1,779,779      | -0.02               | 0.0%          | 14.6%          | 14.7%              |
| Garden City             | 51,338     | 28.33     | 38.46     | 274,737        | 38.46     | 306,779        | 0.01                | 0.3%          | 12.0%          | 11.7%              |
| Hutchinson              | 29,699     | 22.69     | 41.56     | 341,155        | 40.33     | 362,465        | -1.22               | -2.9%         | 3.1%           | 6.2%               |
| Fort Scott              | 7,615      | 5.55      | 45.24     | 49,851         | 44.21     | 51,633         | -1.03               | -2.3%         | 1.2%           | 3.6%               |
| Emporia                 | 23,941     | 11.83     | 44.43     | 201,472        | 44.60     | 225,666        | 0.18                | 0.4%          | 12.5%          | 12.0%              |
| Derby                   | 25,939     | 9.55      | 46.98     | 286,135        | 46.07     | 318,679        | -0.91               | -1.9%         | 9.2%           | 11.4%              |
| Atchison                | 10,730     | 7.82      | 54.37     | 88,438         | 48.55     | 95,059         | -5.83               | -10.7%        | 0.0%           | 7.5%               |
| Manhattan               | 52,829     | 18.76     | 52.15     | 650,961        | 48.93     | 717,241        | -3.23               | -6.2%         | 3.4%           | 10.2%              |
| Junction City           | 22,624     | 12.15     | 48.31     | 197,555        | 49.24     | 214,024        | 0.93                | 1.9%          | 10.4%          | 8.3%               |
| Pittsburg               | 20,658     | 12.80     | 50.90     | 148,210        | 50.89     | 162,428        | -0.01               | 0.0%          | 9.6%           | 9.6%               |
| Coffeyville             | 8,690      | 7.43      | 52.79     | 51,594         | 52.88     | 56,230         | 0.09                | 0.2%          | 9.2%           | 9.0%               |
| Liberal                 | 19,274     | 11.61     | 55.64     | 126,923        | 53.08     | 132,976        | -2.56               | -4.6%         | 0.0%           | 4.8%               |
| Parsons                 | 9,382      | 10.61     | 58.11     | 57,077         | 59.68     | 57,280         | 1.57                | 2.7%          | 3.1%           | 0.4%               |
| Newton                  | 18,392     | 12.60     | 70.38     | 143,011        | 72.36     | 154,123        | 1.98                | 2.8%          | 10.8%          | 7.8%               |
|                         | AVERAGE    |           | 39.79     | 911,702        | 38.91     | 1,007,336      | -0.88               | -2.3%         | 6.9%           | 9.4%               |

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**Mr. Peterson** said talking about property taxes specifically, we wanted to give you an update on what we've seen across the first class cities from 2023 to 2024. Just to explain this table, the first column is the first class cities that exist within the state of Kansas. There's 26 first class cities, so population, we track the population of each city, the land area, so this table is organized by the 2023 mill rate, so basically, the city at the top has the lowest mill rate, the city at the bottom has the highest mill rate as of 2023. You can see Kansas City, Kansas and the lightly green shaded row, right in the middle, so we're right about the middle so the average mill rate for 2023 is about 38.9 mills and we're at about 38.46 is our mill rate for 2023. We also dropped the value per mill so the amount of revenue that you collect is the revenue—the value for a mill times the mill rate and then you factor in delinquency after that, so basically, the formula for tax revenue is the value of a mill times the mill rate. We're tracking both of those things together, so if you look at the mill change, out of the first class cities, eight cities over the last year have held their mill rate relatively constant with very, very, very minor changes. Four cities increased their mills and 14 dropped their mills, so we would be one of the eight that held their mill rate constant.

On average, cities have dropped about .9 mills. On average, cities have reduced their mills by about 2.3% on average. They've increased their revenues by about 7%, so you can see on here we increased our revenues generated by 14.6%. That is one of the highest increases besides Prairie Village, but we can kind of go through where we sit as a result of that in the next few slides and then I will just point out, again, outside of Prairie Village, I guess we could definitely see this as a positive thing. We had one of the highest tangible valuation increases over the last year out of all the first class cities, so the average tangible valuation increase across first class cities last year in the state of Kansas was 9.4% and our valuation increased by 14.7, so it's a positive thing. Our community is definitely experiencing growth and that's about 5% above the average growth across first class cities.

**Commissioner Bynum** said on this chart the very top line is Overland Park and the land area 75.37. Is that miles? **Mr. Peterson** said that's square miles. **Commissioner Bynum** said square miles and we're bigger than that? **Mr. Peterson** said yes. **Commissioner Bynum** said I had no idea, but what's frustrating is certainly their population I imagine is larger, but one mill in Overland Park generates \$5.1M compared to one mill in Kansas City, Kansas generating \$1.7M and if you look at Lenexa, they have a land area of 34 square miles generating \$1.7M per mill similar to us.

It's a very interesting chart. Thank you for including it. I wish we were at the top, but the middle is better than the bottom. **Mr. Peterson** said and we would not treat ourselves as comparable to Johnson County cities. We don't do that when we compare ourselves to other communities, but we will show an example of the difference that brings because we frequently are compared to Johnson County.

**Mayor Pro Tem Burroughs** said it's a challenge when you're living next to the most prosperous county in the state. It is a difficult challenge for us.

**Commissioner Ramirez** said kind of piggybacking off Commissioner Bynum because I remember this exact conversation happening last year when we were going through this, Overland Park, all of these Johnson County cities, their mill levy is lower, but generates more money because they have a higher assessed valuation. The way for us to get there is housing, housing, housing. We grow our population and develop. As Commissioner Bynum said, I would love for us to be there, to get there, where we can lower the mill levy but still generate enough revenue to provide services, but we just have to find that perfect equation, that perfect balance for us to get there.

**Mr. Johnston** said I think the other thing that we need to understand is, as Michael said at the end of his presentation, regardless whether or not we like being compared to Johnson County, we are because of our proximity compared to Johnson County. We all drive through Johnson County. Johnson County, in essence, is a new community and their infrastructures are new, they have new businesses cropping up because of the more affluent population that lives down there. We don't have that presence. What we have is older infrastructure. We talk about how the economic times of the 70s and 80s shifted a lot of our economy southward to Johnson County and now we're left to try to make sure that we're still vibrant and it is a struggle, but I think we're doing a pretty good job to stay in the middle of our first class cities. It is work, but I do want to—I've really just been here a year now, to commend the dedication of our staff to be good public stewards of our resources. Yeah, it is unfair that our citizens and the other region citizens compare us to Johnson County when we are a totally different community than they are, but we're still doing well.

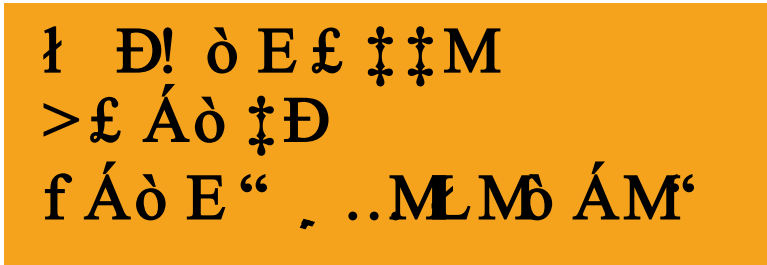












Mr. Lindsey said now we're going to look at the County side of the books and look at revenues that come in there and look at different statistics related to the mill rate over on the County side.

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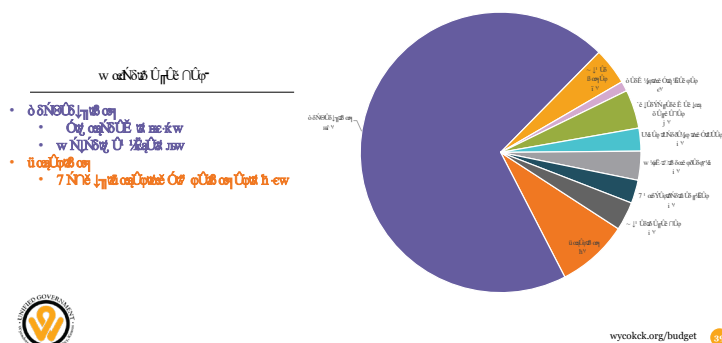
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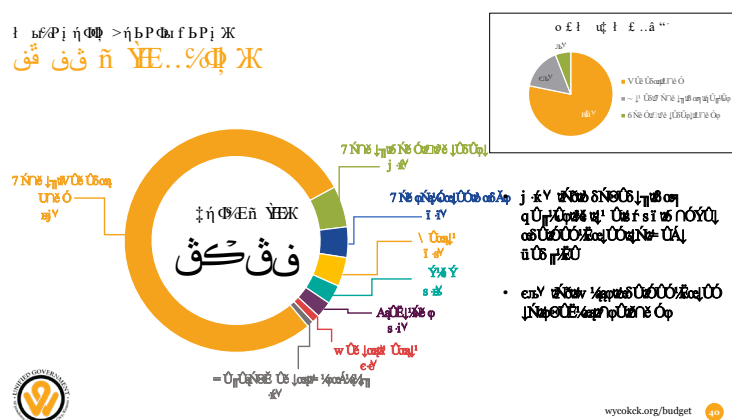
Some of the revenue sources on the County side include the County General Fund, the Parks & Recreation Fund, and then we have other tax levies. I don't know if you all recognize over on the City side we had two tax levies which were the City General Fund and the City Bond & Interest Fund where over on the County side we have about eight different tax levy funds that include the County General Fund, Parks & Rec, Aging, Elections, Developmental Disability, Health Department, Mental Health, and the County Bond & Interest Fund. We do have some Special Revenue Funds over on the County side also and some of them come from different fees. We have Technology fees for the Register of Deeds and then also the Clerk's Tech Fund and then the Treasurer Tech Fund and the County Jail Commissary.



**Commissioner Burns** said I should know this better than anyone, but would you refresh my memory as why under the Special Revenue is the Court Trustee in there because that's an Enterprise Fund that generates their own being. **Mr. Lindsey** said just as far as like in our General ledger, we don't have it classified as an Enterprise Fund and I think it's because of the nature of the fees that it collects, but we don't have it as an Enterprise Fund, but you're right, it definitely is self-supporting. **Commissioner Burns** said but why is it under the Special Revenue area? **Mr. Lindsey** said that's something I would have to look into. **Ms. Jonscher** said isn't the revenue—it could be because the revenues—I mean the revenue is restricted. The money that comes in is restricted to a certain purpose. **Commissioner Burns** said right, but why is it in the City/County budget? **Mr. Lindsey** said it is, so when you—it is on the County side of the budget. We have multiple funds over there and that's why it is considered one of the County funds and it's part of the County structure, but we can't—the money has its own purpose. Like we do not move money



out of it to move any place else or move money from any other fund into it. **Commissioner Burns** said that's my question. I'm wondering why is it listed then. **Mr. Lindsey** said because it is a fund that we do manage on the County side, so that's why we have it listed. **Commissioner Burns** said the management of it. **Mr. Lindsey** said yes, we do manage the revenues that they do bring in. It does run through our general ledger and everything. We build a budget and we have to report the amounts to the state, so it is one of our certified funds that we have to report to the state each year.



This next slide is a breakout of the mill levy for the County funds. So, basically, here we see the total mills of 37.32. The County General Fund is 75% of that. The next largest piece is the County Bond & Interest Fund, which is almost 6% and 5.9% of the Property Tax Levy in the 2024 Budget are dedicated to Debt Service and 16% of the bills are dedicated to Special Use Funds.



establish the CIFI Fund which has a dedicated mill. Now we've shifted mills to increase our commitment to Parks & Rec and also one of the biggest contributors to cost increases on the County side is the initiative to do pay parity with the Sheriff's Department—from Sheriff to Police Department, so those are some of the contributors to the 15% increase that we levied in 2024.

**Commissioner Bynum** said I thought a city of the first class was a city with population of 100,000 or more, but that must not be it. What are you using as the definition of a first class city? **Mr. Grimm** said I have to review that. I looked at that a while back. I think we see like Fort Scott is on there. Oh counties, counties and I think it's with the cities too, but it's based on a population when they would have applied to the state to become a first class county or city and that opens up different ways you can maybe issue debt and different tools you have, but if you drop below that population, you can stay in that first class, second class city designation.

**Mr. Peterson** said I'm not sure off the top of my head what the requirements are, but clearly you don't have to have 100,000 population because some of the cities on the list have list than 10,000 in population. **Someone** was inaudible. **Mr. Peterson** said I think there's cities on here that have 7,000 population. **Commissioner Bynum** said yeah, I just was curious. **Mr. Peterson** said we pulled our information from the League of Kansas Municipalities and they have a list of first class cities that they provide. **Commissioner Bynum** said we should go look at the League of Kansas Municipalities and see what their definition is.

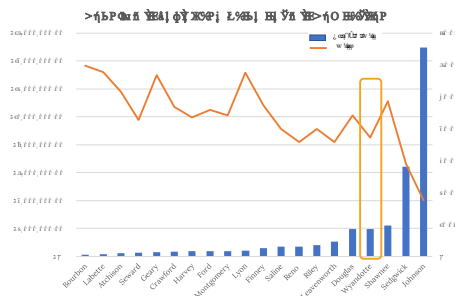
**Mayor Pro Tem Burroughs** said it's a city that has a population of 15,000 or more and second class cities are 2,000 to 15,000.

**Commissioner Ramirez** said I doubt this will give any information to us, just as a clarification, as a reminder with Johnson County, you know, with us we allocate mills for our Parks, they have their own Park District which they have their own mill levy on top of what Johnson County is. So, it's even still here on the chart, their one county mill still generates a lot more than ours do and so we have work to do. Commissioner Davis said it perfectly, we can compare, but we need to be realistic of what our community is—who our community is. We need to make sure we adapt. Whatever measures we do is adaptable to our community and what's best for them.

Mr. Peterson said I will say that when you specifically call that out, so the mills that are on these tables are the mills that are specifically being levied by these counties for their county use, so in Wyandotte County this would include our Parks levy. In Johnson County this does not include the Special Parks District.

1.  $\frac{\text{Mills}}{\text{Population}} > \frac{\text{Mills}}{\text{Population}}$   
 2.  $\frac{\Delta \text{Mills}}{\Delta \text{Population}} > \frac{\Delta \text{Mills}}{\Delta \text{Population}}$

- $\frac{\text{Mills}}{\text{Population}}$  is a measure of the tax burden on the population. It is calculated by dividing the total mills levied by the total population.
- $\frac{\Delta \text{Mills}}{\Delta \text{Population}}$  is a measure of the change in the tax burden over time. It is calculated by dividing the change in total mills levied by the change in total population.
- The chart shows that Wyandotte County has a higher tax burden than most other counties, and that its tax burden is increasing more rapidly than most other counties.
- This is due to a number of factors, including the fact that Wyandotte County has a higher population density than most other counties, and that it has a higher percentage of its population living in urban areas.



... $\frac{\Delta \text{Mills}}{\Delta \text{Population}} > \frac{\Delta \text{Mills}}{\Delta \text{Population}}$  ...  
 1.  $\frac{\Delta \text{Mills}}{\Delta \text{Population}} > \frac{\Delta \text{Mills}}{\Delta \text{Population}}$  ...  
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Again, this just shows the relationship between the value of a mill and the amount of mills that are levied. Wyandotte County is towards the right of the chart, again, in the orange box.

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| $\frac{\text{Mills}}{\text{Population}}$     | $\frac{\Delta \text{Mills}}{\Delta \text{Population}}$     | $\frac{\text{Mills}}{\text{Population}}$     | $\frac{\Delta \text{Mills}}{\Delta \text{Population}}$      |
|----------------------------------------------|------------------------------------------------------------|----------------------------------------------|-------------------------------------------------------------|
| 1. $\frac{\text{Mills}}{\text{Population}}$  | 2. $\frac{\Delta \text{Mills}}{\Delta \text{Population}}$  | 3. $\frac{\text{Mills}}{\text{Population}}$  | 4. $\frac{\Delta \text{Mills}}{\Delta \text{Population}}$   |
| 5. $\frac{\text{Mills}}{\text{Population}}$  | 6. $\frac{\Delta \text{Mills}}{\Delta \text{Population}}$  | 7. $\frac{\text{Mills}}{\text{Population}}$  | 8. $\frac{\Delta \text{Mills}}{\Delta \text{Population}}$   |
| 9. $\frac{\text{Mills}}{\text{Population}}$  | 10. $\frac{\Delta \text{Mills}}{\Delta \text{Population}}$ | 11. $\frac{\text{Mills}}{\text{Population}}$ | 12. $\frac{\Delta \text{Mills}}{\Delta \text{Population}}$  |
| 13. $\frac{\text{Mills}}{\text{Population}}$ | 14. $\frac{\Delta \text{Mills}}{\Delta \text{Population}}$ | 15. $\frac{\text{Mills}}{\text{Population}}$ | 16. $\frac{\Delta \text{Mills}}{\Delta \text{Population}}$  |
| 17. $\frac{\text{Mills}}{\text{Population}}$ | 18. $\frac{\Delta \text{Mills}}{\Delta \text{Population}}$ | 19. $\frac{\text{Mills}}{\text{Population}}$ | 20. $\frac{\Delta \text{Mills}}{\Delta \text{Population}}$  |
| 21. $\frac{\text{Mills}}{\text{Population}}$ | 22. $\frac{\Delta \text{Mills}}{\Delta \text{Population}}$ | 23. $\frac{\text{Mills}}{\text{Population}}$ | 24. $\frac{\Delta \text{Mills}}{\Delta \text{Population}}$  |
| 25. $\frac{\text{Mills}}{\text{Population}}$ | 26. $\frac{\Delta \text{Mills}}{\Delta \text{Population}}$ | 27. $\frac{\text{Mills}}{\text{Population}}$ | 28. $\frac{\Delta \text{Mills}}{\Delta \text{Population}}$  |
| 29. $\frac{\text{Mills}}{\text{Population}}$ | 30. $\frac{\Delta \text{Mills}}{\Delta \text{Population}}$ | 31. $\frac{\text{Mills}}{\text{Population}}$ | 32. $\frac{\Delta \text{Mills}}{\Delta \text{Population}}$  |
| 33. $\frac{\text{Mills}}{\text{Population}}$ | 34. $\frac{\Delta \text{Mills}}{\Delta \text{Population}}$ | 35. $\frac{\text{Mills}}{\text{Population}}$ | 36. $\frac{\Delta \text{Mills}}{\Delta \text{Population}}$  |
| 37. $\frac{\text{Mills}}{\text{Population}}$ | 38. $\frac{\Delta \text{Mills}}{\Delta \text{Population}}$ | 39. $\frac{\text{Mills}}{\text{Population}}$ | 40. $\frac{\Delta \text{Mills}}{\Delta \text{Population}}$  |
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| 69. $\frac{\text{Mills}}{\text{Population}}$ | 70. $\frac{\Delta \text{Mills}}{\Delta \text{Population}}$ | 71. $\frac{\text{Mills}}{\text{Population}}$ | 72. $\frac{\Delta \text{Mills}}{\Delta \text{Population}}$  |
| 73. $\frac{\text{Mills}}{\text{Population}}$ | 74. $\frac{\Delta \text{Mills}}{\Delta \text{Population}}$ | 75. $\frac{\text{Mills}}{\text{Population}}$ | 76. $\frac{\Delta \text{Mills}}{\Delta \text{Population}}$  |
| 77. $\frac{\text{Mills}}{\text{Population}}$ | 78. $\frac{\Delta \text{Mills}}{\Delta \text{Population}}$ | 79. $\frac{\text{Mills}}{\text{Population}}$ | 80. $\frac{\Delta \text{Mills}}{\Delta \text{Population}}$  |
| 81. $\frac{\text{Mills}}{\text{Population}}$ | 82. $\frac{\Delta \text{Mills}}{\Delta \text{Population}}$ | 83. $\frac{\text{Mills}}{\text{Population}}$ | 84. $\frac{\Delta \text{Mills}}{\Delta \text{Population}}$  |
| 85. $\frac{\text{Mills}}{\text{Population}}$ | 86. $\frac{\Delta \text{Mills}}{\Delta \text{Population}}$ | 87. $\frac{\text{Mills}}{\text{Population}}$ | 88. $\frac{\Delta \text{Mills}}{\Delta \text{Population}}$  |
| 89. $\frac{\text{Mills}}{\text{Population}}$ | 90. $\frac{\Delta \text{Mills}}{\Delta \text{Population}}$ | 91. $\frac{\text{Mills}}{\text{Population}}$ | 92. $\frac{\Delta \text{Mills}}{\Delta \text{Population}}$  |
| 93. $\frac{\text{Mills}}{\text{Population}}$ | 94. $\frac{\Delta \text{Mills}}{\Delta \text{Population}}$ | 95. $\frac{\text{Mills}}{\text{Population}}$ | 96. $\frac{\Delta \text{Mills}}{\Delta \text{Population}}$  |
| 97. $\frac{\text{Mills}}{\text{Population}}$ | 98. $\frac{\Delta \text{Mills}}{\Delta \text{Population}}$ | 99. $\frac{\text{Mills}}{\text{Population}}$ | 100. $\frac{\Delta \text{Mills}}{\Delta \text{Population}}$ |

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wycokk.org/budget

We pulled the counties that have the highest populations out of the lists that we compared and so from here it's actually a different story than the City, so us being a more urban county with a substantial part of Wyandotte County being Kansas City, Kansas we actually have one of the higher population densities so we have substantially higher population for our land area which means that our tax per capita is actually on the lower end on the County side for the amount of revenue that we're generating, so our County taxes are comparatively low. We don't have to—in



Where we're at as far as our County tax comparisons, so being a more urban county we do have more services that are demanded of the County as far as—at least we have the ability to support a higher level of services than a rural county would be able to support with our tax levy, so we do have one of the highest amount of taxes that we generate for our land area. Again, we're second to Johnson County and we're over twice as much as any of the other counties on this list as far as the amount of revenue we're generating per square mile and what that means per person is we're generating one of the lowest amounts of revenue per person. We're levying one of the lowest amounts of revenue per person out of the counties that we compare ourselves to, to support those services since we have more value per square mile than other counties do.

| 2025 Budget Toolbox                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                   |                                                                                                                             |                                                                                                                                                                                       |                                                                                                                                                     |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------|
| Deep Dive - City                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Deep Dive - County                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Strategically Allocate Resources                                                                                                                                                                                                  | Debt Reform                                                                                                                 | Personnel                                                                                                                                                                             | Unification Adaptations & Opportunities                                                                                                             |
| <b>Citeworks</b><br>Police<br>-Revenue Generation<br>-Personnel Management<br>-Fleet Management<br>-Technological Efficiency<br>-Manage Portfolio<br>-SAFER Grant Utilization<br><br>Fire<br>-Revenue Generation<br>-EMS Efficiency<br>-Personnel Management<br>-Fleet Management<br>-Manage Portfolio<br>-SAFER Grant Utilization<br><br>Parks & Recreation<br>-Examine Service Levels<br>-Facilities<br><br>Public Works<br>-Vehicle Replacement Program<br>-Fleet Maintenance<br>-Project Management<br><br>Buildings<br>-Facilities<br>-Build Government Wide Long Range Facility Plan<br><br>Transit<br>-Examine Grant Portfolio<br>-Examine Routes<br><br>Capital Projects<br>Criminal Justice Collaboration | <b>Citeworks</b><br>Sheriff Department<br>-Revenue Generation<br>-Personnel Management<br>-Fleet Management<br>-Manage Portfolio<br><br>Aging<br><br>Health Department<br><br>Parks & Recreation<br>-Examine Service Levels<br>-Facilities<br><br>Public Works<br>-Vehicle Replacement Program<br>-Fleet Maintenance<br>-Project Management<br><br>Buildings<br>-Examine Portfolio of Assets &<br>-Build Government Wide Long Range Facility Plan<br><br>Transit<br>-Examine Grant Portfolio<br>-Examine Routes<br><br>Capital Projects<br>Criminal Justice Collaboration | Priority Based Budgeting<br><br>Evaluate Open Purchase Orders From Prior Years<br><br>Examine Resolutions/Ordinances<br><br><br><br>Examine Mandates<br><br>Examine Service Levels<br><br><br><br>Shift mill levies between funds | Reassess use of Debt<br><br>Free Up Personnel Expenses in Special Use Funds<br><br>Do not budget for debt until year needed | Deep Dive into Departments' Personnel Inventory<br><br>Right size Human Capital for service level needs<br><br>Early Retirement Incentive Program<br><br><br>Reduce Overtime Spending | Criminal Justice Collaboration<br><br>Technology<br>Administrative and Internal Support<br><br>Fleet Management/Maintenance<br>Economic Development |



Mr. Lindsey said as we talked about going revenue neutral or realizing full valuation or if we do something in between, any route we go we probably would have to adjust our budget. Some of the things that we are doing, we have this 2025 Budget Toolbox that we're using. We've talked about doing the deep dives, which we're currently doing. This is like a six-pillar structure where we're doing deep dives. We're also going to be strategically allocating our resources throughout this 2025 budget season and every budget season after this and then one of the things that we're definitely going to be doing is looking at reforming the way we use debt and then also really digging into our Personnel and then also we've talked about Unification that came up after we finished the budget last year, so one of the things we want to look at is Unification Adaptations & Opportunities that are there in Unification.



Just to kind of dive into some of these pillars, on the City side with the deep dives, one of the things we're doing we're bringing in an organization City Works. I don't know if someone from the County Administrator's Office wants to touch on City Works.

**Alan Howze, Assistant County Administrator**, said City Works is a non-profit organization that works with cities across the country. They're funded in part by the Kauffman Foundation and they're really focused on promoting entrepreneurship by reviewing and helping cities reduce the barriers to starting businesses. This small business formation review, how many steps does it take to open a restaurant, to set up a barber shop, those sorts of things, what are the costs associated with that and then having a data set to compare that to other cities around the country, how many steps again, how much is the cost. One of the things we've also asked them to look at is around our development processes as well to get additional assistance in reviewing that. One of the areas we'll be looking at is administrative processes and how are those aligned to the ordinances that are on the books, and hopefully, they are in alignment. In areas where they're not, they will be aligned as well as a review of those ordinances and those ordinances that may be in place that are barriers or inhibitors to business formation. As well, considering recommendations around things like reciprocity, so if a business has operations in Johnson County, is there reciprocity for Wyandotte County. A good example of that is contractor licensing. Johnson County has reciprocity with Miami County, we don't have reciprocity with Johnson County, so if you're a contractor, you're going to set up—you're going to get your license in both places. That's just sort of an example of the things that make it that much harder to do business and so having this review and working with them on an ongoing basis. It's not a kind of a one and done but an ongoing basis to help us get better at creating greater opportunities for entrepreneurs across the community.

**Mr. Lindsey** said also as part of the deep dive on the City, we'll definitely be digging into the Police Department, Fire Department, Parks & Rec, Public Works, Buildings, Transit and then we'll also be looking at our Capital Projects, and the Criminal Justice Collaboration, which is made up of multiple departments that include District Courts, District Attorney, Sheriff's Department, Police Department, Municipal Courts, and Community Corrections. As part of the deep dive on the County side the Sheriff Department, we'll be digging into Aging, Health Department, Parks & Rec, Public Works, Buildings and Transit, which all provide services to both the City and the

County. Then, strategically allocating our resources, we will be restarting priority based budgeting. We'll be working with a company that we worked with before, ResourceX. What we will be doing here is prioritizing our programs and we already have some of the programs prioritized. We'll be working with departments and we'll also be working with you as a Commission when we get these priorities set, so some of the things we plan to do over the next two to five years with priority based budgeting is we plan to bring priorities to you as far as like programs and service levels to help us make decisions on what is a priority. So, we'll bring those to Standing Committees for the next two to five years, but we also will bring some back during this budget process, but it'll definitely be a process that we'll be working for multiple years.

Some of the other things we're doing as far as allocating our resources, we're looking at open PO's or purchase orders from prior years. We'll be looking through all of our resolutions and ordinances and state mandates and then we'll examine our service levels and then we'll look to like shift with us—one of the things that we have done as far as when we have cut mills, we always usually just cut mills from the City or the County. We haven't cut mills from some of our other levy funds like the City Bond & Interest Fund or the County Bond & Interest Fund or the Aging Fund. We haven't cut from those, so those are some funds we either want to look to if we're going to be cutting mills. If you all decide as a Commission to look at cutting mills from some of those funds also and then—I did say Aging, but not single out Aging, but just using that as a Property Tax Levy Fund. Also, there may be some room to shift some mills from some of the funds so that we don't have to cut funds.

Then as far as the next pillar, Debt Reform, we're definitely going to be accessing our use of debt across the organization. We're definitely going to be also freeing up personnel in some of our funds so that we can—for instance, like our Special Street & Highway Fund, we're looking to move all the people out of it so that we can pay for strictly all projects out there and that way we won't have to issue as much debt on the City side. Then we're looking to—as far as like what our debt—so one of the practices we've gotten into is we budgeted debt projects in certain years and we know we weren't going to use them until a couple years out. We're definitely going to be looking to get away from that.

Also, with Personnel, as we move into the next pillar in our budget toolbox, we're going to be doing deep dives into all city departments looking at their personnel and then based on some of the things that comes out of City Works and ResourceX we'll be looking to right size our

organization to the amount of people we really need based on the service level that we want to provide. One thing we will be looking at and have already started actively looking at is an early retirement program to take effect in the 2025 Budget and then we're looking to reduce overtime just across the organization.

Moving into the last pillar, Unification Adaptations & Opportunities. I brought up the Criminal Justice Collaboration a little bit earlier and basically what this is, is kind of a system that helps us move individuals through our Criminal Justice Center. There's possibly things that we can do there to make it run more efficiently and it definitely has run efficiently over the years, so before we unified some of those departments didn't talk, but after we unified there was a lot of collaboration that went on with those departments. Now we want to look to see if there's more collaboration that could still go on.

Then, technology, definitely part of the Unification. Computers weren't what they were now when the Unified Government combined, so we want to look at the way technology is being used and we think it's being used well, but want to just see if there's more efficiencies that could be found.

Fleet Management and Maintenance, before we unified we probably had about six or eight different Fleet garages and now we've unified into one big garage, but we definitely do have more specialty vehicles and apparatus that we have and we want to make sure that we're still working efficiently. One of the things that has been created in the past years, which Michael Peterson worked really hard on, is we have a Fleet Internal Service Fund now where departments pay into a Fleet Fund to make sure that their vehicles get purchased sufficiently and then also that their maintenance is sufficient. That is something that we still want to build upon and maybe look to do with other departments that provide services throughout the whole Unified Government. For instance, we may be looking at a IT Service Fund, so IT will charge different departments and we always will be upgraded with IT. Those we just wanted to kind of let you all know some of things that we are definitely doing right now and will be doing for the next few years to kind of dig into this budget and just make sure we're offering the service levels and also making sure that property taxes are fair within the community. Are there any questions or anything about any of those?

**Commissioner Ramirez** said, staff or Mr. Administrator, do you want direction tonight or are we just listening to presentation? **Mr. Johnston** said that's entirely up to you. You know you've

been here for two hours now and you've absorbed a lot of information. Maybe you want to take time and come back for that—what was that time, Reggie, we were talking about? **Mr. Lindsey** said April 4<sup>th</sup> we will have another Budget Work Session before the Police Award Ceremony, so there would be time. **Mr. Johnston** said that's probably what I would do and then if you have any questions between this recommendation between now and then, feel free to call and talk with Reggie and his team to provide any answers that you're looking for.

I'm just going to echo, I think we're at a crossroads here. We learned a lot during the last budget season and the concerted effort is to kind of steer the ship to a different direction and if you've ever known ship steering, you can't just do it on a dime. It takes time to get that new course charted and I think it starts tonight on how we do that. Our staff made a commitment, there's going to be many discussions involving you. I mean this is setting a major policy document every year and policymaking is your job, but we have to give you good information to make the best most informed decisions and that's our job. So, we're here to be a partner in making our community the best it can be with the resources that we have and sometimes we have to deal with change, sometimes we have to change working relationships and that's just the name of the game. Fiscal stewardship has to—you've stated it, one of our four major priorities we take it seriously and as they said early in the presentation as we become good public stewardship it involves the other three priorities and our general operations of the services we provide our citizens, so that's all I have. That's my recommendation. Take your time, absorb it, ask questions between now and the 4<sup>th</sup> and then be ready for a quick session on the 4<sup>th</sup>.

**Commissioner Bynum** said Ms. Jonscher, Mr. Grimm, Mr. Peterson, and Mr. Lindsey, I just want to say thank you because I can only imagine the time that you spent preparing this for us tonight and it's really valuable information and it's very much appreciated and I think it's a great way to kick off these conversations. There's a lot here to think about and be aware of, so I just really appreciate the work you have done.

**Commissioner Kane** said, Mr. Administrator, I appreciate you starting early. We talked about this last year, but this is what we wanted. We want to be able to talk about this. You're right, we shouldn't make a decision tonight. We should look at it, suck it in, get as much knowledge as we have and, obviously, call the folks that have the answers, but I would like when the next time we

come up here, in the last 12 years how many times have we lowered the mill levy? I think it will surprise you. **Mayor Pro Tem Burroughs** said we didn't hear you up here Mike. **Commissioner Kane** said I would like to know in the last 12 years how many times and how much we've lowered the mill levy. Actually for staff, if you could get it, since I've been here that would be even better and that's 2005. **Mr. Johnston** said you guys will get that information to all the commissioners.

**Commissioner Davis** said thank you all staff. This was really, really good information. I will say it's difficult for me to make a decision regarding this because we're just having a conversation about revenue, not necessarily about expenses. We've not talked about the potholes and deferred maintenance and the need to build fire stations and the conditions of our community centers and the other kind of service things that we hear from our community all the time and their needs. So, I don't want to add more homework, but if we can just get even a birds-eye view of what are the needs, what are the projects, what are the costs, that will be really helpful because for every cause, there's an effect. If we lower revenue, that means there's less money to pave roads, there's less money to open a bridge, there's less money to build new fire stations, there's less money to help with code enforcement and things of that nature.

The other thing I'll add is because we are making this decision in August, if we can have some sort of refresher or primer, August is quite some time away and I don't know about you all, but I will probably forget some of these things and this amazing information and so as we get closer to that vote on revenue neutral I think it will be really important just to refresh the community on what information has been presented so that we can get the information presented closer to a vote.

**Commissioner Hill** said I would just like to say thank you to the staff also. I said earlier it was like a foreign language to me, but you have helped me at least almost get to English, so I appreciate that. What I'm hearing tonight, and I'm not sure the right way to say this, but is a lot of what the constituents are saying is that every year the taxes go up and we don't listen to the constituents. As I look at this, for instance, I have heard over the years we pay more taxes than anybody in the metro area and then when I look at this I see that we are challenged and that some of the other areas have more income per capita, so that potentially is part of the reason for how they pay taxes versus how we pay taxes. I'm very much in awe of all the detailed work that has gone into this

and I'm hoping to be able to understand a lot better some of the questions that the other commissioners asked and some of their comments. I circled it so it kind of helped me to understand what questions to even ask. I'm not quite six months in yet, but I'm learning under the pressure of a fire hose, so I appreciate this and I'm looking forward to more conversations and understanding it even more. How do we get the word out to our constituents that may garner a better understanding from them so that it doesn't look like again we're just doing the total opposite of what they are looking for, they being our constituents. I appreciate this information and looking forward to learning more.

**Commissioner Stites** said one of the things I was wanting to ask, whenever you asked about getting the mill rate over since—whatever that timeframe was, if it goes back to '05 or whenever it was that you said, is that on the City and County or just the City, so City and County and what I would like to know to add onto that, not to put more work, but I'd also like to know what the mill increased during that time organically. I mean there was a reduction, I mean there was also an increase, so I'd like to have those same numbers. I mean the mill levy went up, we have reduced a number, if it went up organically by a 100 since '05, then we've reduced how much of that 100 is what I would like to know. That's one thing that I'd like to know and then I think I do appreciate the presentation and I think that we have opportunities here to try to do those deep dives and find out how we can reduce our spending.

I'm going to go back and kind of quote and you guys will remember or some of you guys will remember, previous Commissioner McKiernan, we're not going to save this budget with paperclips and pickup trucks and he said that many times. That's not going to get us there. We've got to make wholesale changes that's going to get our budget back in line to where people can afford to stay here.

Commissioner Hill, I totally appreciate what you're saying as far as our constituents being informed and letting them know. We're not just—we are listening to you, but at the end of the day here's what their saying, you can listen, but at the end of the day the amount of money that's going out of my pocket is more than is coming in and I can't afford to live here any longer because of all the costs and the raises that are increasing in everything. Just like Commissioner Kane said bread, I mean it's everywhere, bread, milk, beer, car, insurance, whatever; but there's folks that are being forced out of—I've talked to several this week. One gentleman called me and



he is in my district, an older guy, and he said I don't know what to do anymore. I'm making decisions now based on what I am paying—and it's not just the Unified Government. You know what was it, we're 46% of that dollar, there are a lot of other taxing entities and with that being said, I would like to say I've asked since I've been here now for three years that we have a collaborative meeting with all taxing jurisdictions, you know, so we can continue to have that conversation about what are they doing in their budget cycle and I'd like to continue those. But the gentleman that I spoke to he said I'm making decisions whether I buy my gas, not have medication or pay my taxes and I can't sustain it any longer. I don't know what to do and I know each and every one of us take it very serious and you guys are all hearing the same kind of calls that they can't afford it any longer. I'm just hoping that we really do take those deep dives and find out how we can relieve taxes—the burden on the constituents.

**Commissioner Kane** said well this should be no surprise, Alan and I and Angel have been working with the Piper School District to get some events out there. Pickleball Courts and stuff like that in conjunction with the school district, so sometime during this budget Alan and Angel will give a presentation on what we done, what the expectations are, right Alan, and thank you in advance. Here's the deal, this is serious. We have nothing. We can't ride a bike to anywhere we're at out there. There's no parks west of 435 and then what I'd like you to do is look at your own district and see how many parks you all have, you'll be surprised. I'm going to pursue this to the hilt. I've asked for it for 19 years and I'm hoping that this Commission will listen.

**Mr. Johnston** said I just would like to address the interesting comments from Commissioner Hill. During the last budget process I witnessed the community engagement effort that goes parallel to our budget process and it's called GoDotte and our Strategic Communications Department runs that and holds town meetings into the neighborhoods. One of the interesting things of those meetings is we bring in a simulator and say okay, here's our budget, what are you going to do to balance it. So some similar tough choices that you are going to be asked to look at, they're going to be asked to look at and address and talk about the tradeoffs and that's one interesting element to get them familiar with the complexity of our budgets, but also I think the last couple of years we had a couple great ideas that came from the citizens to implement into the budget process and

some of the work that our departments do. So, there is a corresponding parallel community engagement process during our budget process as well.

**Mayor Pro Tem Burroughs** said Mr. Lindsey, Mr. Peterson, Mr. Grimm, Ms. Jonscher, thank you so very much for the presentation this evening. It was thorough, it's one that very few of us had an opportunity to fully get into to the extent that we did this evening. Kudos to you and the work that you put forward to prepare us going into this budget cycle. With that, that's the end of the agenda. That's all I have on the agenda this evening.

**Commissioner Kane made a motion, seconded by Commissioner Ramirez, to adjourn.** Roll call was taken and there were nine "Ayes," Ramirez, Hill, Kane, Lopez, Stites, Davis, Bynum, Townsend, Burns.

**MAYOR PRO TEM BURROUGHS AJOURNED  
THE MEETING AT 7:22 p.m.**

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Monica L. Sparks  
Interim Unified Government Clerk

dt

March 21, 2024



# Unified Government Clerk's Office

Monica L. Sparks  
Interim Unified Government Clerk

701 North 7th Street, Suite 323  
Kansas City, Kansas 66101-3070

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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:** February 1, 2024

**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 January 26, 2024 – February 1, 2024

### 1. COMMUNICATION:

- Republic Services 2023 Annual Compliance Report for the Forest View Landfill, SUP No. 2002-42.

**Action:** Received and filed.

### 2. BIDS:

- Monica Sparks, Interim UG Clerk, listing bids received on January 31, 2024, for project #B39765 – Demolition of Commercial Structures at 2101 & 2103 South Mill Street, for the Neighborhood Resource Center dept.

**Action:** Received and filed. Copy previously forwarded to County Administrator, Neighborhood Resource Center, and Legislative Auditor.

### 3. CLAIM FOR DAMAGES:

- Lonnie Jackson, Kansas City, KS, alleging damage to personal property due to a pothole located between 51<sup>st</sup> Parallel and 55<sup>th</sup> Parallel heading westbound on 1/25/2024.
- Rickie Martin, Kansas City, KS, disputing wastewater services with BPU, on 1/22/2024.
- Margie Alcanter, 236 N 8<sup>th</sup> St., Kansas City, KS, alleging damage to personal property due to a Landbank property tree falling on wires and pulling them off the home, on 1/9/2024.
- David Lunn, Kansas City, KS, alleging damage to mailbox due to snowplow truck, on 1/9/2024.
- Marshall Alcanter, 238 N 8<sup>th</sup> St., Kansas City, KS, alleging damage to personal property due to a Landbank property tree falling on wires and pulling them off the home, on 1/9/2024

**Action:** Received and filed. Copies previously forwarded to Legal.

### 4. SUMMONS:

Isaias Perez vs. Unified Government of WyCo/KCK, Case No. 23CV-02465-JAR-ADM.

**Action:** Received and filed. Copy previously forward to Legal.

### 5. TRAVEL REQUESTS:

- Elisha Caldwell and Terrie Garrison, Health Department, travel to Wichita, KS, from 3/4/2024 through 3/7/2024, to attend the 2024 KS Governor Public Health Conference, Employee Training & Travel.
- Trenton Foglesong, Public Works, travel to Portland, OR, from 2/13/2024 through 2/16/2024, to attend the Utility Management Conference (WEF), Employee Training & Travel.

- Khou Herr, Health Department, travel to Minneapolis, MN, from 4/23/2024 through 4/27/2024, to attend the 2024 National Service Training Agenda, AmeriCorps Kansas (PHA).
- Ernestine Holmes, Willie Mae Williams and Ashley Lause, Health Department, travel to Chicago, IL, from 4/6/2024 through 4/10/2024, to attend the NWA 2024 Education and Training Conference, WIC
- Alyssa Marcy, Urban Planning, travel to Washington D.C, from 4/18/2024 through 4/22/2024, to attend the National Bike Summit, Employee Training & Travel.
- Lori Peaches, Solid Waste/Public Works, travel to Junction City, from 3/18/2024 through 3/21/2024, to attend the Household Hazardous Waste Training, Employee Training & Travel.
- Byron Toy, Urban Planning, travel to Minneapolis, MN, from 4/12/2024 through 4/16/2024, to attend the 2024 APA National Conference, Employee Training & Travel.

**Action:** Approved by Administrator's Office and received and filed.

#### **6. CERTIFICATE OF INSURANCE/LIABILITY INSURANCE:**

- My Burger KC LLC
- Urban Tree Specialist LLC

**Action:** Referred to License.

#### **7. BUSINESS BONDS:**

- Electrical Bonds:
  - Kendrek Electric Inc
  - Prestige Electric LLC
  - The Solar Guys
  - Turners Electric LLC
- Plumber's Bonds:
  - First Plumbing Corp
- Mechanical/HVAC Bonds:
  - Bernhard MMC LLC
  - Dragonfly Mechanical
- Sign Hanger's Bond:
  - Oklahoma Visual Graphics LLC

**Action:** Referred to License.

## 8. CONTINUATION CERTIFICATES:

- Electrical Bonds:
  - Lynch Electrical Inc

**Action:** Referred to License.

## 9. CANCELLATION NOTICE OF INSURANCE/BOND:

- Plumber Bonds:
  - Bright Side Plumbing LLC
  - David Bolek
  - Monarch Plumbing LLC
  - Pickles Plumbing LLC
  - PMI Services LLC
  - Pinnacle Plumbing Company LLC
  - Selby Excavating LLC
- Electrical Bonds:
  - Turners Electric LLC
  - Global Rock Enterprise LLC dba GRE Electric
  - Lynch Electrical Inc
  - Phaze One Electric LLC
  - Ric Ginn Electric
  - Superior Electric Services
- Mechanical/HVAC Bonds:
  - Thomas Comfort Systems LLC
  - Hoffman Heating and Cooling LLC
  - Jim's Appliance, Heating & Cooling
- Sing Hanger Bonds:
  - JEJ Signage LLC
- Hauler Bonds:
  - Solid Ground Septic services

**Action:** Referred to License.

## 10. SURETY RIDER:

- Reflection Energy LLC
- Solid Ground Septic Services

**Action:** Referred to License.



#### **11. APPLICATIONS FOR DRINK EST./PUBLIC VENUE:**

- Rosedale Barbeque Inc, Heather Tuttle, d/b/a Rosedale Bar-B-Q, 600 Southwest Blvd, Kansas City KS 66103.

**Action:** Referred to License.

#### **12. APPLICATION FOR PRECIOUS METAL DEALERS:**

- American Collateral Lenders Inc., Lisa Aguliar, d/b/a Sol's Jewelry and Pawn, 721 State Ave, Kansas City KS 66101.

**Action:** Referred to License.

#### **13. APPLICATION FOR PAWN:**

- American Collateral Lenders Inc., Lisa Aguliar, d/b/a Sol's Jewelry and Pawn, 721 State Ave, Kansas City KS 66101.

**Action:** Referred to License.

#### **14. APPLICATION FOR MASSAGE THERAPIST LICENSE 2024-2025:**

- Jada Brooks, Chateau Avalon, 701 Village West Pkwy, Kansas City KS 66111.

**Action:** Referred to License.

#### **15. PRIVATE SECURITY BUSINESS:**

- Crowd Systems, Inc., D/B/A Crowd Systems Inc., 4050 Pennsylvania Ave., Ste 111, Kansas City, MO 64111.
- NPB Companies Inc., D/B/A NPB Companies Inc., PO Box 171425, 77 S 7<sup>th</sup> Street, Kansas City, KS 66101.

**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  
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## Memorandum

**To:** David Johnston  
County Administrator

**From:** Monica L. Sparks  
Interim UG Clerk

**Date:** February 22, 2024

**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 February 16, 2024 – February 22, 2024**

### **1. PUBLIC NOTICE:**

- Alandon Tow Service, 6224 Kansas Ave., Kansas City, KS 66111, held a public auto auction on February 6, 2024, at Alandon Tow Service.

**Action:** Received and filed.

### **2. CLAIM FOR DAMAGES:**

- Bailey Belobrajdic-Buff, Platte City, MO, alleging damage to personal property due to a pothole located eastbound State Avenue and 110<sup>th</sup> Street, on 1/30/2024.

**Action:** Received and filed. Copies previously forwarded to Legal.

### **3. TRAVEL REQUESTS:**

- Tiffany Butler, Public Works, travel to Hood River, OR, from 4/2/2024 through 4/5/2024, to attend the 2024 FOG Forum, Employee Training & Travel.
- John Droppelmann, KCKFD, travel to Broken Arrow, OK, from 2/12/2024 through 2/15/2024, to attend Broken Arrow, OK, Assessment Center, paid for by Broken Arrow Fire Department.
- John Grosko, KCKPD, travel to Irving, TX, from 2/13/2024 through 2/17/2024, to attend ATV Instructor Conference, Employee Training & Travel.
- Adriana Hernandez and Melanie Livengood, District Attorney's Office, travel to San Diego, CA, from 3/31/2024 through 4/4/2024, to attend the International Conference on Sexual Assault, Domestic Violence, and the Cycle of Justice Conference, Employee Training & Travel.
- Alan Korosec, KCKFD, travel to Las Vegas, NV, from 3/18/2024 through 3/22/2024, to attend the Xi / abc360 Conference, Employee Training & Travel.
- Jessica Kraus, KCKFD, travel to Nashville, TN, from 3/19/2024 through 3/22/2024, to attend the Mobile Integrated Health Summit, Employee Training & Travel.
- Melanie Livengood, District Attorney's Office, travel to Dallas, TX, from 5/19/2024 through 5/23/2024, to attend the Conference on Crimes Against Women, Employee Training & Travel.
- Karl Oakman, KCKPD, travel to Grapevine, TX, from 4/11/2024 through 4/14/2024, to attend the 2024 IACP Policy Council Midyear Meeting, Employee Training & Travel.
- Marco Tapia, District Attorney's Office, travel to Las Vegas, NV, from 4/22/2024 through 4/25/2024, to attend the Laserfiche Empower 2024, Employee

**Action:** Approved by Administrator's Office and received and filed.

### **4. CERTIFICATE OF INSURANCE/LIABILITY INSURANCE:**

- Churchis Ice Cream
- Crowd Systems Inc.

- Highlands Sips + Events
- Inner Parish Security Corp.
- Metro Public Safety & Investigations
- North KC Bureau of Investigation
- NPB Companies Inc.
- Ryan Lawn & Tree Inc.
- Securiguard Inc & Vendtech-SGI

**Action:** Referred to License.

## **5. BUSINESS BONDS:**

- Electrical Bonds:
  - ECE, LLC
  - M & E Electric
  - Hensley Electric Company
  - Bickimer Electric LLC
  - Master Electric LLC
  - Electrical Freedom LLC
  - Pro Touch Electric Inc
  - Ace Electrical Contractors
  - 8Bit Electric LLC
  - Spark KC Electric LLC
- Plumber's Bonds:
  - Griffin Plumbing Services
  - KC Jetting LLC
  - Morgan Miller Plumbing
  - Deer Creek Plumbing Inc
  - Climate Control Heating & Cooling
  - Connelly Plumbing Solutions LLC
  - True Blue Plumbing LLC
  - Southwind MVP Services
  - DU All Services LLC
- Mechanical/HVAC Bonds:
  - SGI
  - ALTA Refrigeration
  - Climate Control Heating & Cooling
  - All Climate Refrigeration
  - Complete Heating Cooling and Refrigeration LLC
  - KDSM Inc
  - Watson Mechanical Inc
- Cesspool Bond:
  - A-1 Sewer and Septic

**Action:** Referred to License.

## 6. CONTINUATION CERTIFICATES:

- Plumbers Bonds:
  - Jim Glover Plumbing
  - DGO Plumbing Co
  - Unique Building & Home
  - Climate Control Heating & Cooling
  - Wheatland Contracting LLC
  - Andy's Pipe Dream
  - Waterford Design-Build Inc
- Mechanical/HVAC Bonds:
  - Environmental Temperature Control
  - Climate Control Heating & Cooling
  - Pro Metals LLC
  - Martin Mechanical Inc
  - American Boiler & Mech
- Electrical Bonds:
  - Consolidated Services LLC
  - Ace Electrical Contractors
  - Kasa Electric LLC
  - Unique Building & Home

**Action:** Referred to License.

## 7. CANCELLATION NOTICE OF INSURANCE/BOND:

- Electrical Bonds:
  - Harrisonville Electric
  - Three Diamond Electric LLC
  - AB Electrical Inc
  - Danielsan Electric LLC
  - SunSmart Technology
- Mechanical/HVAC Bonds:
  - 1<sup>st</sup> Priority Heating and Cooling Construction
  - Her Heating and Cooling
- Plumbers Bonds:
  - Fazel Plumbing LLC
  - Cantrell Plumbing LLC
  - Cates Service Company
  - Selby Excavating LLC

- Cesspool Bonds:
  - A-1 Sewer and Septic
- License & Permit Bonds:
  - Madden Rentals LLC

**Action:** Referred to License.

## **8. SURETY RIDER:**

- MadCity Home Improvement LLC
- Swyft Property Care LLC

**Action:** Referred to License.

## **9. REINSTATEMENT NOTICE:**

- P&L Mechanical LLC
- All About Comfort Heating & Co (x2)
- Advanced Energy Inc

**Action:** Referred to License.

## **10. APPLICATION FOR CATERER/DRINK EST/HOTEL:**

- R.I. Heritage Inn of KC, LLC., Thomas R. Rehorn III, d/b/a Residence Inn Kansas City at the Legends, 1875 Village West Pkwy, Kansas City, KS 66111.

**Action:** Referred to License.

## **11. PRIVATE SECURITY BUSINESS:**

Andy Frain Services, Inc., d/b/a Andy Frain Services, Inc., 761 Shoreline Dr., Aurora, IL 60504.

**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:** February 29, 2024

**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 February 23, 2024 – February 29, 2024**

### **1. CLAIM FOR DAMAGES:**

- Mark Stuempel, Kansas City, KS, alleging damage to his mailbox due to a snow plow hitting the mailbox on 2/24/2024.
- Roy Samuel, Kansas City, KS, alleging damage to his personal vehicle due to pothole located around 4846 State Ave, causing a flat tire and repair, on 1/30/2024.
- Sylvia Watson, Kansas City, KS, alleging damage to personal property due to tree falling on her fence, on 1/13/2024.
- Timothy Sims, Kansas City, KS, alleging damage to personal vehicle due to pothole located North 59<sup>th</sup> Street, causing flat tires and repairs, on 1/30/2024.
- Tokrecia Harrison, Kansas City, KS, alleging injury due to falling into an uncovered manhole, located at her residence on 12/24/2022.
- Patricia Monrenegro, Kansas City, KS, alleging injury due to sidewalk conditions behind 7<sup>th</sup> Street Casino located at 7<sup>th</sup> and Ann Ave., on 4/4/2023.

**Action:** Received and filed. Copies previously forwarded to Legal.

### **2. SUMMONS:**

- Brandon Eastenwood vs. Unified Government of WyCo/KCK, Case No. 2023CV-000247.
- Austin Smith vs. Unified Government of WyCo/KCK, Case No. WY-2024CV-000046.

**Action:** Received and filed. Copy previously forward to Legal.

### **3. TRAVEL REQUESTS:**

- Jennifer Allen-Caudle and Hannah Lang, Health Department, travel to Chicago, IL, from 5/15/2024 through 5/18/2024, to attend the 2024 PLIDA, paid for by Center for Fatality Review & Prevention Building Capacity.
- Jakob Blackman, KCKPD, travel to Great Falls, MT, from 3/26/2024 through 3/29/2024, to attend Arrest Operations/Interviews, Employee Training & Travel.
- Tiffany Butler, Public Works, travel to Melbourne, FL, from 4/29/2024 to 5/3/2024, to attend the FIPA Spring Event 2024, Employee Training & Travel.
- Brandon Cole, KCKFD, travel to Fort Smith, AK, from 2/9/2024 to 2/11/2024, to attend the Incident Command for High Rise Operations, Employee Training & Travel.
- Terrie Garrison, Health Department, travel to Oakland, CA, from 4/13/2024 to 4/16/2024, to attend the AMCHP Partnering with Purpose Conference, Employee Training & Travel.
- Elizabeth Groenweghe and Maria O'Sullivan, Health Department, travel to Baltimore, MD, from 4/15/2024 to 4/19/2024, to attend the National Tuberculosis Conference, Employee Training & Travel.
- Tonda Hill, District Attorney's Office, travel to Dallas, TX, from 5/19/2024 to 5/23/2024, to attend the Conference on Crimes Against Women, Employee Training & Travel.
- Mark Heath, KCKFD, travel to Tuscon, AZ, from 5/12/2024 to 5/15/2024, to attend the EMS Summit, Employee Training & Travel.

- Mark Heath, KCKFD, travel to Indianapolis, IN, from 4/15/2024 to 4/20/2024, to attend the EMS Innovation Summit, Employee Training & Travel.
- Towan Smith, KCKFD, travel to Bloomington, MN, from 2/27/2024 to 2/29/2024, to attend LODD Funeral in Minnesota, Employee Training & Travel.
- Heron Santana and George Sims, KCKPD, travel to Scottsdale, AZ, from 3/5/2024 to 3/7/2024, to attend the CEO Leadership Technology Summit, Employee Training & Travel.
- Brandy Wells, District Attorney's Office, travel to Baltimore, MD, from 4/3/2024 to 4/7/2024, to attend the National Forum for Black Public Administrator's, employee Training & Travel.

**Action:** Approved by Administrator's Office and received and filed.

#### **4. APPLICATION FOR LIQ. TEMP. LIC:**

- USG Global Source LLC, Jose Lainez, Event name: Huracanes del Norte, Memorial Hall 600 N 7<sup>th</sup> Street, Kansas City, KS 66101. The temporary permit is for 3/2/2024 from 6:00 PM to 12:00 AM.
- Synergy Entertainment LLC, Zak Cummings, Event name: Synergy FC 11, Memorial Hall 600 N 7<sup>th</sup> Street, Kansas City, KS 66101. The temporary permit is for 3/1/2024 from 5:00 PM to 2:00 AM.

**Action:** Referred to License.

#### **5. APPLICATION FOR PRECIOUS METAL DEALERS:**

- Sean Boyd, d/b/a Little Joe's Pawn & Gun, 5101 Leavenworth Rd, Kansas City, KS 66104.

**Action:** Referred to License.

#### **6. APPLICATION FOR PAWN:**

- Sean Boyd, d/b/a Little Joe's Pawn & Gun, 5101 Leavenworth Rd, Kansas City, KS 66104.

**Action:** Referred to License.

#### **7. PRIVATE SECURITY BUSINESS:**

QuikTrip Corporation, d/b/a QuikTrip Corporation, 4705 S 129<sup>th</sup> East Ave., Tulsa, OK 74134.

**Action:** Referred to License.



## Report to Public Works & Safety

| MEETING DATE                                                                                                                                                                                                                                                                                   | PRESENTER                                                                      | DEPARTMENT            |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------|-----------------------|
|                                                                                                                                                                                                                                                                                                | <div>Phillip Lockman, Director</div> <div>plockman@wycokck.org<br/>x8099</div> | Community Corrections |
| AGENDA ITEM #IV.1.                                                                                                                                                                                                                                                                             |                                                                                |                       |
| APPROVAL: FY25 ADULT COMMUNITY CORRECTIONS KANSAS DEPARTMENT OF CORRECTIONS GRANT                                                                                                                                                                                                              |                                                                                |                       |
| BACKGROUND                                                                                                                                                                                                                                                                                     |                                                                                |                       |
| This is the 44th year Wyandotte County has submitted a grant request to the Kansas Department of Corrections. This is not a competitive grant in that we will be awarded the grant, but the amount of dollars will be determined by the legislative appropriation and apportioned by the KDOC. |                                                                                |                       |
| RECOMMENDATION                                                                                                                                                                                                                                                                                 |                                                                                |                       |
| Fast Track<br>Approve                                                                                                                                                                                                                                                                          |                                                                                |                       |
| Approve and fast-track to April 25 commission meeting.                                                                                                                                                                                                                                         |                                                                                |                       |
| BUDGET IMPACTS / FINANCIAL CONSIDERATIONS                                                                                                                                                                                                                                                      |                                                                                |                       |
| No local funds or match required.                                                                                                                                                                                                                                                              |                                                                                |                       |
| IT/POLICY CONSIDERATIONS                                                                                                                                                                                                                                                                       |                                                                                |                       |
| None.                                                                                                                                                                                                                                                                                          |                                                                                |                       |
| PROCUREMENT CONSIDERATIONS                                                                                                                                                                                                                                                                     |                                                                                |                       |
| None.                                                                                                                                                                                                                                                                                          |                                                                                |                       |
| LEGAL CONSIDERATIONS                                                                                                                                                                                                                                                                           |                                                                                |                       |
| None.                                                                                                                                                                                                                                                                                          |                                                                                |                       |
| ATTACHMENTS                                                                                                                                                                                                                                                                                    |                                                                                |                       |
| FY 25 ADULT COMP PLAN                                                                                                                                                                                                                                                                          |                                                                                |                       |

Approved by Mayor and/or Chair and Administrator to add to agenda.

 4/16/2024  
 4/16/2024



**29th Judicial District Community Corrections**

Prepared by Unified Gov Wyco/KCK  
for Kansas Department of Corrections FY2025 Adult Comprehensive Plan Grant - Updated

**Primary Contact: Phillip Lockman**

## Opportunity Details

### Opportunity Information

Title

FY2025 Adult Comprehensive Plan Grant - Updated

Description

Pursuant to KSA 75-5291 and KSA 75-52,112, the Kansas Department of Corrections is seeking applications for funding the development, implementation, operation, and improvement of community correctional services that address the criminogenic and behavioral health needs of adult felony offenders. Funding obtained under this award will serve to support local community corrections agencies in increasing public safety, reducing the risk of probationers on community corrections supervision, and increasing the percentage of probationers successfully completing community corrections supervision.

Awarding Agency Name

Kansas Department of Corrections

Opportunity

Posted Date

1/29/2024

Public Link

<https://www.gotomygrants.com/Public/Opportunities/Details/a62b5220-f93f-4820-a186-090a87b73423>

### Funding Information

Funding

Sources

State

Funding Source Description

Funds for this opportunity are appropriated by the Kansas State Legislature and distributed by the Kansas Department of Corrections.

Funding Restrictions

These funds may not be co-mingled with funds from other state or federal agencies or local funds. Refer to the KDOC Financial Rules, Guidelines and Reporting Instructions for other funding restrictions.

### Award Information

Award Period

Ends 06/30/2025

### Submission Information

Submission Window

01/29/2024 11:30 AM - 05/01/2024 5:00 PM

Submission

Timeline Type

One Time

Submission Timeline Additional Information

No applications will be accepted after the Submission Close Date.

Other Submission Requirements

To facilitate the review process, it is imperative that all funding requests submitted are complete, accurate and include the required signatory approvals. The Board of County Commissioners or Governing Authority for the applicant/administrative county must review and approve the application prior to submission to KDOC. Incomplete applications will not be considered for funding unless or until all deficiencies have been corrected to KDOC's satisfaction.

### Question Submission Information

Question Submission Additional Information

For questions or assistance with the requirements of this funding opportunity, the Community Corrections Program Director



should contact their assigned KDOC Regional Contact. Attachments

### Eligibility Information

Eligible Applicants

- County

Governments

Additional Eligibility

Information

Any county or group of cooperating counties operating a community correctional services program is eligible to apply for Community Corrections Act funding. However, pursuant to KSA 75-5296, no county or group of cooperating counties shall be qualified to receive grant funding unless and until the comprehensive plan for such county or group of cooperating counties is approved by the secretary of corrections. Additionally, in order to remain eligible for Community Corrections Act funding, a county or group of cooperating counties shall substantially comply with the operating standards established by the secretary of corrections.

### Award Administration Information

State Award Notices

Award notifications will be made on or before July 1, 2024.

Awards will be based on the criteria specified in KSA 75-52,111 and 75-52,112 and will be awarded to the Board of County Commissioners or Governing Authority for the applicant county. If the applicant is a group of cooperating counties, then funding will be awarded to the administrative county identified in the group of cooperating counties' Inter-local Agreement.

Reporting

Award recipients will be required to complete and submit quarterly financial and outcome reports in accordance with the following timelines: Q1 (Jul-Aug-Sep) Due on/before: 10/30/2024

Q2 (Oct-Nov-Dec) Due

on/before: 01/30/2025 Q3

(Jan-Feb-Mar) Due

on/before: 04/30/2025 Q4

(Apr-May-Jun) Due on/before:  
07/30/2025



**Project Information**

**Application Information**

Application

Name

29th Judicial District Community Corrections

Award

Requested

\$1,628,713.35

Total Award

Budget

\$1,628,713.35

**Primary Contact Information**

Name

Phillip Lockman

Email Address

plockman@wycokc  
k.org

Address

812 N 7th St, 3rd  
Floor Kansas  
City, Kansas  
66101

Phone

Number

(913)  
573-8099

**Project Description**

**Agency Profile - Adult**

**Agency Leadership**

Director

Name

Phillip

Lockman

Director

Address Line

1 812 N 7th

St

Director

Address Line

2 3rd Floor

Director

City

Kansas

City

Director

State

Kansa

s

Director Zip

Code

66101

Director Phone

Number

913-573-

8099

Director Email

Address

plockman@wycok

ck.org

Does agency leadership include an Executive/Administrative Director? This question is not intended to capture information regarding the County Administrator but rather a secondary level of leadership within the agency.

☐ Y

☒ es

N

o

Which governing authority has direct oversight of the community corrections agency, to include hiring/firing of staff?

☒ Board of County

☐ Commissioners (BOCC)

Governing Board

For multi-county agencies, please provide contact information for the host/administrative county BOCC Chairperson. BOCC Chairperson Name

Mayor/CEO Tyrone Garner

BOCC Chairperson

Address Line 1 701 N

7th St

BOCC Chairperson Address Line 2

BOCC  
Chairperson  
City Kansas  
City

BOCC  
Chairperson  
State Kansas

BOCC Chairperson  
Zip Code 66101

BOCC Chairperson  
Phone Number 913-  
573-5080

BOCC Chairperson Email  
Address tgarner@wycokck.org

**Agency Locations**

Main Office

Main Office  
Address Line 1  
812 N 7th St

Main Office  
Address Line 2  
3rd Floor

Main  
Office  
City  
Kansas  
City

Main Office  
State  
Kansas

Main Office  
Zip Code  
66101

Does your agency operate any satellite offices?

☐ Y  
☒ es  
N  
o

Does your agency operate a residential center?

☐ Y  
☒ es  
N  
o

**Agency Personnel**

Does your agency have more  
than 25 employees? ☒ Yes

☐ No

Utilize FY25 Personnel More than 25 employees to provide employee specific information. This form should include all employees (adult and juvenile) whose wages are paid, (solely or in part) from state grant funds.  
**FY25 Personnel More than 25**

**employees-updated.xlsx** Attach a copy of

FY25 Personnel More than 25 employees

here. **Organizational Chart**

Attach a copy of your agency's organizational chart. The chart should contain staff names, titles and if duties are split, the % of time spent on each set of duties.

Example Organizational Chart

**FY25 Example Organizational Chart.pdf**

**Governing/Corrections Advisory Board**

Governing/Corrections Advisory Board

Chairperson Name **Teresa Burton**

Governing/Corrections Advisory

Board Chairperson Title **Site**

**Director**

Governing/Corrections Advisory Board

Chairperson Address Line 1 **8535**

**Bluejacket St**

Governing/Corrections Advisory Board Chairperson Address Line 2

Governing/Corrections Advisory

Board Chairperson City **Lenexa**

Governing/Corrections Advisory Board

Chairperson State **Kansas**

Governing/Corrections Advisory Board

Chairperson Zip Code **66214**

Governing/Corrections Advisory Board

Chairperson Email Address

**teresab@workforcepartnership.com**

Governing/Corrections Advisory Board

Chairperson Phone Number **913-577-**

**5900**

Utilize FY25 CAB Members to provide a current list of your agency's

Governing/Corrections Advisory Board members. **FY25 CAB**

**Members.xlsx**

Attach a completed copy of FY25

CAB Members here. **FY25 Form-**

**CAB\_MEMBERS (8).xlsx**

Is this a joint board with the Juvenile Corrections Advisory Board?

☐ Y

☒ es

☐ N

☐ o

**Host/Administrative County**

Does your agency operate as a single or multi-county entity?

[illegible]

Page 1 of 1





- ☒ Single  
☐ Multi-County

Name of the  
Host/Administrative  
County Unified Government  
of Wyandotte County

Host/Administrative County Financial  
Officer Contact Information  
Host/Administrative County Financial  
Officer Name  
Lacey Russell

Host/Administrative County Financial  
Officer Address Line 1 701 N 7th St

Host/Administrative County Financial  
Officer Address Line 2 Suite 308

Host/Administrative County  
Financial Officer City Kansas  
City

Host/Administrative County  
Financial Officer State Kansas

Host/Administrative County Financial  
Officer Zip Code 66101

Host/Administrative County Financial  
Officer Phone Number 913-573-  
5861

Host/Administrative County Financial  
Officer Email Address  
larussell@wycokck.org

**Non-KDOC Funding Information**

Pursuant to KSA 75-52, 103, does your agency receive assistance from the county or counties within your judicial district?

- ☒ Yes  
☐ No

Instructions for documenting county assistance.

- Single county agencies: Include the following items when detailing what assistance is provided to the agency: Type of Assistance (Allocation or In-Kind)
- Assistance amount, expressed in whole dollars
  - Description/purpose of assistance
  - If contribution has been confirmed by the county or it is a pending request.

Multi-county agencies: In addition to the four bullet points above, include the name of the county. Example of documenting county assistance: Allocation - \$20,000 - Rent - Confirmed

Document the county assistance your agency receives. UG-

WYCOKCK Pays for:  
1-BH Coordinator and 1 BH ISO, supplies and services.  
1- Drug Court Coordinator and 2 DC ISO's, supplies and services. 1- Cognitive Education Coordinator.  
1- Administrator of Programs. Over Cognitive Ed, Specialty Courts and UA program. 1- ISO UA lab coordinator.  
1- ISO for DUI caseload.

In addition, the UGWYCOKCK pays for our phone service including long distance, internet access, utilities, IT support, office space, and office cleaning.

Has or will your agency request funding from other sources (e.g., federal grants, private foundations grants, etc.) for FY24?

☐ Yes  
☒ No  
☐ N  
☐ O

### Programmatic Changes

Has the agency experienced significant changes, either positive or negative, which have directly impacted your program for FY24 (e.g., new, or discontinued program services, staff turnover, policy, or procedure changes, new or discontinued community services, etc.)?

- ☒ Yes  
☐ No  
☐ N/A

Describe the changes which impacted your program in FY24.

In April of 2024, KDOC concluded an agency review. Policies were updated to reflect 100% compliance with KDOC standards. Staff participated in core correctional evidence-based practices training to include a 2-day, off-site, Motivational Interviewing training, and four in-house trainings in Aligning Correctional Practice and Evidence Based Practices, Modeling Prosocial Attitudes and Behaviors, responding to Antisocial Attitudes, and Understanding the 14 traits of Alliance.

In FY 24, this agency was fully staffed up to September of 2023, but had a total of 3 vacated positions and one ISO on military leave in March of 2024. The Adult Division administrator and line supervisors have had to maintain the caseloads of vacated supervision officers which has impacted staff development in the use of EPICS, Carey Guides, and case auditing. This is on top of the 135 interstate compact probationers monitored by line supervisors as well.

This agency courtesy supervises 132 probationers from other jurisdictions throughout the state. These cases add on average an additional 12 probationers to an ISO's caseload. This is compared to 86 probationers from Wyandotte County transferred to other jurisdictions. This agency supervises 35% more courtesy cases than are transferred out to other jurisdictions.

Were steps taken to address the changes in FY24?

- ☒ Yes  
☐ No  
☐ N/A

Describe the steps taken to address the changes in FY24.

In February of 2024, a request to KDOC to suspend in-coming courtesy cases received by this agency was approved from 02/28/2024 to 04/01/2024. This helped mediate the impact of staff receiving new intake cases on top of receiving additional courtesy cases for supervision.

Job positions were advertised on indeed to quickly recruit and hire qualified ISOs.

## Agency Outcomes

### Data and Definitions

Utilize the attached FY23 Adult CC Case Closure Data to answer case closure questions below. FY23 Adult CC Case Closure Data.xlsx

### Definitions

- **Overall successful completion rate includes those cases closed with a termination reason of Successful, Unsuccessful, Death and Not Sentenced to Community Corrections.**
  - This equals the Overall Success Rate column on the attached FY23 case closure document.
- **Successful case closures includes only those cases closed with a Successful termination reason.**
  - This equals the Success Rate column on the attached FY23 case closure document.
- **Unsuccessful case closures includes only those cases closed with an Unsuccessful termination reason.**
  - This equals the Unsuccessful Rate column on the attached FY23 case closure document.
- **Overall Revocation Rate includes those cases closed with a termination reason of Revoked-New Felony, Revoked-New Misdemeanor and Revoked-Condition Violator.**
  - This equals the Revocation Rate column on the attached FY23 case closure document.
- **Contracted cognitive behavioral programming is defined as programming delivered to probationers by a community-based provider through formal agreement (contract or MOU) with the community supervision agency.**

What was your agency's overall successful completion rate in FY23? Response should be expressed as a percentage. The rate must be entered in decimal format (e.g., 75% is entered as .75). **81.40%**

Describe your overall successful completion rate for FY23.

- ☒ Achieved 75% or higher
- ☐ Did not meet 75% but achieved a 3% or higher increase from the previous year's overall success rate
- ☐ Did not meet 75% or achieve a 3% increase from the previous year's overall success rate

What was your agency's successful case closures rate in FY23? Response should be expressed as a percentage. The rate must be entered in decimal format (e.g., 75% is entered as .75). **40.40%**

What was your agency's unsuccessful case closures rate in FY23? Response should be expressed as a percentage. The rate must be entered in decimal format (e.g., 75% is entered as .75). **41.00%**

Which case closure rate was higher, successful or unsuccessful?

- ☐ Successful Case Closure Rate
- ☒ Unsuccessful Case Closure Rate

What were the most prominent drivers of unsuccessful case closures in FY23?

In FY 23 this agency had 137 cases unsuccessfully closed which is a decrease by 22% from FY 2022. This agency deems a case unsuccessful when a case is discharged and not all conditions of supervision are satisfied. Unsuccessful case closures are driven by cases closed by the court. For example, a probationer appears before the court to address technical violations and a quick dip is requested but there is an agreement between the defense and state that the probationer reached the maximum benefit of services, and the case is ordered closed.

Will you seek to reduce the number of unsuccessful closures in FY25 and if so, describe how. Response should consider the prominent drivers you identified in the previous question.

This agency will seek to reduce the number of unsuccessful closures by focusing on the identified FY 25 target population and work effectively and efficiently via evidence-based practices to identify risk/need to target criminogenic risk factors of probationers.

What was your agency's overall revocation rate for FY23? Response should be expressed as a percentage. The rate must be entered in decimal format (e.g., 75% is entered as .75). **18.60%**

Did the agency offer in-house or contracted GROUP cognitive behavioral programming in FY23? This question does not address INDIVIDUAL CBI programming.

- ☒ Yes
- ☐ No

N  
O

Utilize FY25 CBI Group Programming Outcomes to report cognitive behavioral GROUP program outcomes for FY23. **FY25 CBI Group Programming Outcomes.xlsx**

Attach a completed of FY25 CBI Group Programming Outcomes here. **FY25 CBI Group Programming Outcomes.xlsx**

To date, how many of the individuals who successfully completed cognitive behavioral GROUP programming remain on supervision? 1

To date, how many of the individuals who successfully completed cognitive behavioral GROUP programming successfully terminated probation? 7

To date, how many of the individuals who successfully completed cognitive behavioral GROUP programming have had their probation revoked?

## Group CBI Program Outcomes – FY2023

### Instructions:

Table I-Closed CBI Groups: use this table to report outcomes for closed CBI groups which **completed** a cycle in FY2023.

Table II- Open CBI Groups: use this table to report outcomes for open CBI groups that **began** a cycle during FY2023.

Program Name: list the name of the cognitive behavioral curriculum/program that was offered.

Provider: list your agency name if the program is facilitated by staff within your agency or the name of the provider if you have contracted with an outside source.

% Successful: use this column to report the number of successful completions during the FY2023 cycle (# Successful / Total Admissions = %).

**Table I - Closed CBI Groups**

| Program Name                          | Provider                                  | Total Admissions | Number Successful | Number Unsuccessful | % Successful |
|---------------------------------------|-------------------------------------------|------------------|-------------------|---------------------|--------------|
| Male Moral Reconation Therapy (MRT)   | WYCO TRACK Facilitator Aaker              | 72               | 7                 | 35                  | 9.7%         |
| Female Moral Reconation Therapy (MRT) | WYCO TRACK Facilitator Aaker              | 13               | 4                 | 10                  | 30.8%        |
| Anger Management                      | WYCO TRACK Facilitator Williamson         | 13               | 8                 | 2                   | 61.5%        |
| Back on T.R.A.C.K                     | WYCO TRACK Facilitator Aaker / Williamson | 7                | 7                 | 0                   | 100.0%       |
|                                       |                                           |                  |                   |                     | #DIV/0!      |
|                                       |                                           |                  |                   |                     | #DIV/0!      |
|                                       |                                           |                  |                   |                     | #DIV/0!      |
|                                       |                                           |                  |                   |                     | #DIV/0!      |
|                                       |                                           |                  |                   |                     | #DIV/0!      |
|                                       |                                           |                  |                   |                     | #DIV/0!      |
|                                       |                                           |                  |                   |                     | #DIV/0!      |
|                                       |                                           |                  |                   |                     | #DIV/0!      |
|                                       |                                           |                  |                   |                     | #DIV/0!      |
|                                       |                                           |                  |                   |                     | #DIV/0!      |
|                                       |                                           |                  |                   |                     | #DIV/0!      |
|                                       |                                           |                  |                   |                     | #DIV/0!      |
|                                       |                                           |                  |                   |                     | #DIV/0!      |



### Table II: Open CBI Groups

[illegible]

## Agency Plan

### Organizational Needs

This section is available to applicants who desire to address critical needs that impact the entire agency. Examples might include plans to relocate office space, a need for additional space to deliver more on-site services or an agency-wide training initiative that would provide a means for staff/caseload specialization.

Does your agency have any organizational needs, excluding staffing levels or wages, that need to be addressed in FY25?

- ☐ Y  
☒ es  
☐ N  
☐ o

### Supervision

Utilize this section to describe how the agency will address it's target population and any gaps or barriers that have been identified for FY25. Describe your agency's target population for FY25. The response must include why the target population was selected.

Research suggests low-risk probationers are most likely to succeed with little or no supervision. Conversely, it is suggested that high-risk probationers are most likely to reoffend. Therefore, resources available should be focused on the moderate to high risk probationers.

In FY 25, this agency's target population will be probationers scoring moderate to high-risk in the sub-scales of companions. Per the FY 2023 risk/needs assessment data, companions were the highest subscale of this agency's revoked population and will be targeted based on this agency's immediate criminogenic need. This will be addressed by the supervision officer referring the probationer to our in-house TRACK program, utilizing Carey Guides, and creating a case plan goal to support addressing this criminogenic need.

An identified gap for this agency in FY 24 is quality assurance and effective use of EPICS-II and Carey Guide tools in case management. In FY 25, this agency will attempt to implement a consistent methodology for evaluating quality assurance practices. We will seek to determine other similar departments with a current plan in place as well as research and/or seek out training in order to establish an effective mechanism to be used by this department.

Does your plan include referrals to community-based services?

- ☒ Y  
☐ es  
☐ N  
☐ o

Which of the following risk/need areas can be addressed through referrals to

- ☒ community-based services? (Check all that apply) **Education**  
☒ Employment  
☒ Family/Marital  
☒ Companions  
☒ Alcohol/Drug  
Problems  
Procriminal  
Attitude/Orientation  
Antisocial Pattern

For each risk/need area that can be addressed through community-based referrals, describe the target population including risk level.

In FY 25 this agency will utilize the LSCMI / WRNA assessments to identify moderate to high risk probationers in the sub-scales listed above and make a referral to the community-based or in-house providers.

- Education – Workforce, KCK Community College, Avenue to Life
- Employment – Workforce, Connections to success, In-house employment specialist
- Family/Marital – Wyandot Center
- Companions – In-house TRACK program
- Alcohol/Drug Problems – In-house drug court, Mirror inc, HRADAC, Chautauqua
- Pro-criminal Attitude/ Orientation – In house TRACK program
- Antisocial Pattern – Wyandot Center, in-house Behavioral Health Court

Does your plan include referrals to programs facilitated in-house or by contracted providers? If a contracted provider is utilized, a formal agreement (MOU or Contract) must exist between the entities.

- ☒ Y  
☐ es  
☐ N  
☐ o

Utilize FY25 Programming to provide

program details. FY25  
Programming.xlsx

Attach a completed copy of FY25  
Programming here. FY25  
Programming.xlsx

Are you proposing any new programs for FY25?

- ☒ Yes  
☐ No

Does your plan include individual CBI programming (e.g., EPICS tools, Carey Guides, etc.) ?  
☒ (Work done one-on-one during office contacts) Yes  
☐ No

Does your plan include utilization of a behavior response grid?

- ☒ Yes  
☐ No

Attach a copy of the agency's  
behavior response grid here. 1-111  
Incentives . Sanctions 2022.doc

Does your plan include staff trainings, excluding those required by KDOC?

- ☒ Yes  
☐ No

Provide details regarding any confirmed or proposed staff trainings for FY24.

| Training                                    | Training Provider | Staff Positions being Trained | Target Training Date | Purpose of Training                        | Training Status (Proposed/Confirmed) |
|---------------------------------------------|-------------------|-------------------------------|----------------------|--------------------------------------------|--------------------------------------|
| Assessing Professional Alliance Skills      | Ryan Lockamy      | ISO                           | 1st quarter of FY 25 | Building Professional Alliances/EBP        | Confirmed                            |
| Interpreting and Sharing Assessment Results | Ryan Lockamy      | ISO                           | 2nd quarter of FY 25 | Effective Case Planning and Management/EBP | Confirmed                            |
| Identifying the Driver                      | Ryan Lockamy      | ISO                           | 3rd quarter of FY 25 | Effective Case Planning and Management/EBP | Confirmed                            |
| Identifying Skill Deficits                  | Ryan Lockamy      | ISO                           | 4th quarter of FY 25 | Effective Case Planning and Management/EBP | Confirmed                            |

Does your agency plan to utilize any assessments or screeners beyond those required by KDOC?



## SECITON 1A – GENERAL ADMINISTRATION

|                                                                                                                                                                                   |                                                                            |                               |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|-------------------------------|
| <br><b>DEPARTMENT OF<br/>COMMUNITY<br/>CORRECTIONS</b><br><br><b>POLICY AND PROCEDURE MANUAL</b> | <b>SECTION NUMBER:</b><br>1-111                                            | <b>PAGE NUMBER:</b><br>1 of 4 |
|                                                                                                                                                                                   | <b>DATE ISSUED:</b> February 1, 2023<br><b>EFFECTIVE:</b> February 1, 2023 |                               |
|                                                                                                                                                                                   | <b>SUBJECT:</b><br><br>INCENTIVES / SANCTIONS                              |                               |

### **POLICY:**

It is the policy of the Unified Government Department of Community Corrections to establish a range of sanctions and incentives to be applied swiftly with graduated consequences to promote positive behavioral change.

### **DEFINITIONS:**

**Incentive:** Encouragements for positive behavior provided to the supervised individual for prosocial attitudes/behaviors.

### **DISCUSSION:**

Incentives and sanctions should be individualized, match the client's behavior, and be used in a graduated manner.

A minimum of a 4:1 ratio of positive and negative consequences/corrections shall be used and documented.

Rewards can be verbal, and/or tangible, and efforts should be clear that reward structures are individualized to some extent. Rewards should also be administered immediately after the behavior is exhibited and/or the skill is learned, and/or the accomplishment achieved.

A graduated structure should be in place as well, meaning immediate rewards for "small" positive behaviors/learning/improvement, and larger rewards for graduated success like phase advancement, or program completion.

Consequences/corrections should be constructive and effective/proportionate. They can be verbal, as well as restrictive, such as privileges being taken away or some other meaningful consequence. It should be clear consequences/corrections are individualized to some extent. Consequences/corrections should also be administered immediately after the behavior is exhibited and/or the issue at hand is recognized.

### **PROCEDURE:**

The response of sanctions and incentives shall be individualized and correlate with the behavior of the probationer.

#### I. GRADUATED INCENTIVES:

#### SECITON 1A – GENERAL ADMINISTRATION

1. The incentives grid shall be applied for probationers who are actively working toward or have successfully completed goals developed in supervision planning.
2. Incentives shall be individualized and applied to motivate positive behavior change and foster probationer compliance.

#### II. PROGRESSIVE SANCTIONS:

1. The risk-based sanctions grid shall be applied for any violation of conditions of probation and will be used to support the supervision plan, address violations, and apply positive reinforcement.
2. The sanctions grid shall identify appropriate range of sanctions based on frequency and severity of violations.
3. Each officer shall document the application of all sanctions and incentives within the services/referrals section of the Athena database.
4. When an ISO has determined a conditional violation has occurred, the ISO shall consult the sanctions grid.
  - a. ISOs shall use discretion when determining the response to all violations.
    - i. If a client has had only one violation, the officer shall consider all responses under the first violation for the violation.
    - ii. If a client has had violations in multiple areas of his/her supervision, the officer shall consider possible sanctions for each violation as well as the number of times each violation has occurred.
    - iii. The ISO shall not use jail sanctions for the first response to any violation UNLESS the Court has ordered or required such.
      1. The only exception for jail sanction on 1<sup>st</sup> violation is for a positive drug or alcohol specimen as described in the Sanction Grid.
        - a. A supervisor must approve any jail sanction per HB2170.

#### **References:**

KDOC Field Services Standard: 1A-ADM-121.

Revised: Under Review



## SECITON 1A – GENERAL ADMINISTRATION

### Missed Office Visit:

| Violation                                                                                             | Sanction                                              | Intervention                                            |
|-------------------------------------------------------------------------------------------------------|-------------------------------------------------------|---------------------------------------------------------|
| 1 <sup>st</sup>                                                                                       | Verbal Warning                                        | Time Commitment Plan<br>Set Standard Reporting Schedule |
| 2 <sup>nd</sup>                                                                                       | Written Warning<br>Increase reporting up to 30 Days   | EPICS Tools<br>Carey Guides                             |
| 3 <sup>rd</sup>                                                                                       | Daily reporting for 1 week<br>Meeting with Supervisor | TRACK Referral<br>Contact Community Support             |
| 4 <sup>th</sup>                                                                                       | Tier I Sanction                                       |                                                         |
| <i>Incentives: Verbal praise, Bus Pass(s), Reduced Reporting, OV exchange for phone/video contact</i> |                                                       |                                                         |

### Missed U/A's:

| Violation                                                            | Sanction                                        | Intervention                                                                          |
|----------------------------------------------------------------------|-------------------------------------------------|---------------------------------------------------------------------------------------|
| 1 <sup>st</sup>                                                      | Verbal Warning                                  | Review Drug Line Instructions                                                         |
| 2 <sup>nd</sup>                                                      | Written Warning<br>Increase color up to 30 days | U/A Color Code Worksheet<br>Instant U/A at Office Visit<br>EPICS Tools / Carry Guides |
| 3 <sup>rd</sup>                                                      | Meeting with Supervisor                         | TRACK Referral<br>Contact Community Support                                           |
| 4 <sup>th</sup>                                                      | Tier I sanction                                 |                                                                                       |
| <i>Incentives: Verbal Praise, Color Reduction, Gift Certificates</i> |                                                 |                                                                                       |

### Positive Drug Screen:

| Violation                                                            | Sanction                     | Intervention                                                |
|----------------------------------------------------------------------|------------------------------|-------------------------------------------------------------|
| 1 <sup>st</sup>                                                      | Verbal/Written Warning       | EPICS Tools / Carey Guides<br>Seeking Safety Referral       |
| 2 <sup>nd</sup>                                                      | Increase color up to 30 days | Substance Abuse Evaluation<br>Contact Community Support     |
| 3 <sup>rd</sup>                                                      | Tier I Sanction              | Track Referral<br>LSMI / WRNA update<br>Drug Court Referral |
| <i>Incentives: Verbal Praise, Color Reduction, Gift Certificates</i> |                              |                                                             |

### Community Service:

| Violation                       | Sanction                | Intervention               |
|---------------------------------|-------------------------|----------------------------|
| 1 <sup>st</sup>                 | Verbal Warning          | Discuss Barriers           |
| 2 <sup>nd</sup>                 | Written Warning         | Time Commitment Form       |
| 3 <sup>rd</sup>                 | Meeting with Supervisor | EPICS Tools / Carey Guides |
| 4 <sup>th</sup>                 | Tier I Sanction         |                            |
| <i>Incentive: Verbal Praise</i> |                         |                            |

### Information Verification:

| Violation                                                                              | Sanction            | Intervention               |
|----------------------------------------------------------------------------------------|---------------------|----------------------------|
| 1 <sup>st</sup>                                                                        | Verbal Warning      | EPICS Tools / Carry Guides |
| 2 <sup>nd</sup>                                                                        | Written Warning     | Contact Community Support  |
| 3 <sup>rd</sup>                                                                        | Increased Reporting | Track Referral             |
| 4 <sup>th</sup>                                                                        | Tier I Sanction     |                            |
| <i>Incentives: Verbal Praise, Reduce Reporting, Early Discharge, Gift Certificates</i> |                     |                            |

### Failure to Pay Cost:

| Violation                                                                              | Sanction            | Intervention               |
|----------------------------------------------------------------------------------------|---------------------|----------------------------|
| 1 <sup>st</sup>                                                                        | Verbal Warning      | Review Payment Agreement   |
| 2 <sup>nd</sup>                                                                        | Written Warning     | Develop a Budget           |
| 3 <sup>rd</sup>                                                                        | Increased Reporting | EPICS Tools / Carry Guides |
| 4 <sup>th</sup>                                                                        | Tier I Sanction     |                            |
| <i>Incentives: Verbal praise, Early Discharge, Reduce Reporting, Gift Certificates</i> |                     |                            |

## SECITON 1A – GENERAL ADMINISTRATION

| <b>Failure to Attend Evaluation / Treatment:</b>                                                                          |                                |                                                                   |
|---------------------------------------------------------------------------------------------------------------------------|--------------------------------|-------------------------------------------------------------------|
| <b>Violation</b>                                                                                                          | <b>Sanction</b>                | <b>Intervention</b>                                               |
| <b>1<sup>st</sup></b>                                                                                                     | <b>Verbal Warning</b>          | <b>Discuss Barriers</b>                                           |
| <b>2<sup>nd</sup></b>                                                                                                     | <b>Increase Reporting</b>      | <b>EPICS Tools / Carry Guides<br/>TRACK Referral</b>              |
| <b>3<sup>rd</sup></b>                                                                                                     | <b>Meeting with Supervisor</b> | <b>Meet with Treatment Provider<br/>Contact Community Support</b> |
| <b>4<sup>th</sup></b>                                                                                                     | <b>Tier I sanction</b>         |                                                                   |
| <b><i>Incentives: Verbal Praise, Certificate of Completion, Reduced Reporting, Early Discharge, Gift Certificates</i></b> |                                |                                                                   |

| <b>Employment</b>                                                                             |                                       |                                         |
|-----------------------------------------------------------------------------------------------|---------------------------------------|-----------------------------------------|
| <b>Violation</b>                                                                              | <b>Sanction</b>                       | <b>Intervention</b>                     |
| <b>1<sup>st</sup></b>                                                                         | <b>Verbal Warning</b>                 | <b>EPICS / Carrey Guides</b>            |
| <b>2<sup>nd</sup></b>                                                                         | <b>Daily Job Search Documentation</b> | <b>Contact Community Support</b>        |
| <b>3<sup>rd</sup></b>                                                                         | <b>Meeting With Supervisor</b>        | <b>Referral to Employment Providers</b> |
| <b>4<sup>th</sup></b>                                                                         | <b>Tier I Sanction</b>                |                                         |
| <b><i>Incentives: Verbal Praise, Reduce Reporting, Early Discharge, Gift Certificates</i></b> |                                       |                                         |

**\*Any action taken with the court must be approved by a supervisor.**

☐ Y  
☒ es  
N  
o

Does the agency plan to utilize any methods/strategies that have not already been identified?

☐ Y  
☒ es  
N  
o

## Behavioral Health Services

### Behavioral Health Services Funding - Purpose and Allowable Use of Funds

The Kansas Department of Corrections anticipates the state legislature will allocate \$3,000,000.00 to develop or enhance behavioral health services statewide in Fiscal Year 2025. Any community corrections agency is eligible to apply for this funding however, utilization of these funds is limited to the attached list of eligible positions and services.

Review BH Eligible Positions and Services for a list of positions and services which may be applied for under behavioral health services funding. [BH Eligible Positions and Services.pdf](#)

Did your agency receive behavioral health funding in FY24?

- ☐ Y
- ☐ es
- ☐ N
- ☐ o

Is your agency applying for behavioral health services funding in FY25?

- ☐ Y
- ☐ es
- ☐ N
- ☐ o

### Monitoring and Evaluation

Who will be responsible for monitoring and evaluating the implementation, operation, and effectiveness of the agency's FY25 plan?

The Adult Division Administrator with the Unified Government/KCK Department of Community Corrections shall submit reports to KDOC on a quarterly basis describing progress made in reaching the stated goals and objectives. The primary source of information shall be the Athena database system and/or independently gathered information.

How often will evaluations of the implementation, operation, and effectiveness of the agency's FY25 plan occur?

On a quarterly basis, the Community Corrections advisory Board shall be provided with an opportunity to review the quarterly report submitted to KDOC which will address progress towards accomplishing the identified goals and objectives. At that time, the board will also be made aware of any barriers to success.

How will the outcome of these evaluations be documented and distributed to stakeholders?

Outcome reviews will be documented in writing via format provided on the KDOC Quarterly Report which specifically addresses the following: Goals/Objectives, target dates, agency progress, discussion/current activities, challenges, and modifications.

If corrective action is required as a result of those evaluations, please describe the process for ensuring that is it addressed/responded to.

Corrective action request will be reviewed by this agency's director and placed on the next scheduled advisory board meeting agenda. The advisory board will be informed of the corrective action needed, an analysis and impact of the change, and the plan to implement the change. Changes will be reviewed on a quarterly basis and reported to KDOC in the quarterly report and shared with this agency's advisor board.

**Goals and Objectives**

Utilize FY25 Adult Agency Case Plan to create the goals, objectives and action steps necessary to implement and evaluate the agency's FY25 plan. FY25 Adult Agency Case Plan.xlsx

Attach a completed copy of FY25 Adult  
Agency Case Plan here. FY25 Adult  
Agency Case Plan Final .xlsx



|                                                                                                           |                                                                                                                                                            |                 |  |                     |            |
|-----------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|--|---------------------|------------|
| Agency                                                                                                    | 29th JD Community Corrections                                                                                                                              |                 |  |                     |            |
| Principle #4                                                                                              | Skill train with directed practice (use cognitive behavioral treatment methods).                                                                           |                 |  |                     |            |
| Goal #1                                                                                                   | Developing and sustaining staff skills that emphasizes cognitive behavioral strategies and is delivered by well trained staff.                             |                 |  |                     |            |
|                                                                                                           |                                                                                                                                                            | Barriers        |  | Supportive Entities |            |
| Scheduling Conflicts (Court hearings, training, scheduled time off)                                       |                                                                                                                                                            | ISO             |  |                     |            |
|                                                                                                           |                                                                                                                                                            | ISO II          |  |                     |            |
|                                                                                                           |                                                                                                                                                            | ISO III         |  |                     |            |
|                                                                                                           |                                                                                                                                                            |                 |  |                     |            |
|                                                                                                           |                                                                                                                                                            |                 |  |                     |            |
|                                                                                                           |                                                                                                                                                            | Action Steps    |  | Person Responsible  | Due Date   |
| Send memo to staff regarding the training topic four weeks prior to each training session.                |                                                                                                                                                            | ISO III         |  |                     | 6/30/2025  |
| Send research brief and pre-session activity two weeks prior to each training session.                    |                                                                                                                                                            | ISO III         |  |                     | 6/30/2025  |
| Train staff in the topic of Assessing Professional Alliance Skills                                        |                                                                                                                                                            | ISO III         |  |                     | 9/30/2024  |
| Train staff in the topic of Interpreting and Sharing Assessment Results                                   |                                                                                                                                                            | ISO III         |  |                     | 12/31/2024 |
| Train staff in the topic of Identifying the Driver                                                        |                                                                                                                                                            | ISO III         |  |                     | 3/31/2025  |
| Principle #3                                                                                              | Target interventions.                                                                                                                                      |                 |  |                     |            |
| Goal #2                                                                                                   | In FY 25, all probationers moderate to High in the subscales of companions and Asti-social cognition will be referred to MRT within 45 days of sentencing. |                 |  |                     |            |
|                                                                                                           |                                                                                                                                                            | Barriers        |  | Supportive Entities |            |
| Probationers absconding before engaging in services                                                       |                                                                                                                                                            | ISO I           |  |                     |            |
| Conflict with probationers work schedule and MRT scheduled time.                                          |                                                                                                                                                            | ISO II          |  |                     |            |
| Sex Offenders not eligible to participate in MRT.                                                         |                                                                                                                                                            | ISO III         |  |                     |            |
|                                                                                                           |                                                                                                                                                            | MRT Facilitator |  |                     |            |
|                                                                                                           |                                                                                                                                                            |                 |  |                     |            |
|                                                                                                           |                                                                                                                                                            | Action Steps    |  | Person Responsible  | Due Date   |
| Review initial LSCMI and WRNA assessments to identify probationers moderate to high in the companions and |                                                                                                                                                            | ISO I           |  |                     | quarterly  |
| Review initial LSCMI and WRNA assessments with the probationer                                            |                                                                                                                                                            | ISO I           |  |                     | quarterly  |
| Refer probationers to MRT                                                                                 |                                                                                                                                                            | ISO I           |  |                     | quarterly  |
| Complete quarterly audits on each ISO                                                                     |                                                                                                                                                            | ISO II          |  |                     | quarterly  |
| Measure outcomes and provide feedback                                                                     |                                                                                                                                                            | ISO III         |  |                     | quarterly  |

[illegible]

**Funding Considerations**

Complete FY25 Adult Funding Considerations to provide the statutorily required funding considerations for your agency. FY25 Adult Funding Considerations.xlsx

Attach a copy of the completed FY25 Adult Funding Considerations here.

**Agency Fees**

**Current Fiscal Year Fees**

Does your agency currently assess client fees?

- ☐ Y  
☒ es  
☐ N  
☐ o

**Fiscal Year 2025 Fees**

Did your agency assess fees in FY24?

- ☐ Y  
☒ es  
☐ N  
☐ o

Will your agency assess fees in FY25?

- ☐ Y  
☒ es  
☐ N  
☐ o

## Budget Instructions

FAILURE TO ADHERE TO ALL BUDGET INSTRUCTIONS WILL RESULT IN APPLICATIONS BEING RETURNED FOR CORRECTIVE ACTION. THIS MAY DELAY FINAL AWARD DECISIONS, NOTIFICATIONS AND PAYMENTS.

### General Information

FY25 Planning Allocations-Adult  
Spreadsheet FY25 Adult  
Planning Allocations.xlsx

**Agencies may only budget for FY25 expenditures that  
a/re state funded. Budgeting for pre-paid future year  
expenditures is not allowed.**

If budgeting for equipment or vehicles, the following figures outline the maximum amount KDOC will grant for the purchase of the specified item. If purchase price exceeds these cost caps, the difference between the cost cap and the purchase price must be paid from a non-KDOC funding source.

- Desktop Computer (CPU Replacement): \$1200.00 (costs for programs (e.g. MS365) and/or accessories (mouse, keyboard, etc.) are not included in this cost cap) Laptop Computer: \$1,500.00
- Monitor (22" flat panel):
- \$250.00 Minivan or
- SUV: \$50,081.00
- Vehicle (mid-size car):
- \$29,640.00 Vehicle
- (compact car):
- \$26,350.00

## NEED TO UPDATE THE COST CAPS

### Budget Categories and

#### Line Items Budget

#### Categories:

- Categories are pre-defined in Amplifund.
- No additional categories may be created by the applicant.

#### Budget Line Items:

- Applicants will enter line items, including the line item descriptor into the budget template in Amplifund.
- Applicants are required to utilize the pre-defined line item descriptors provided in the document attached below (FY25 Adult Budget Category and Line Item Descriptors).
- If additional line item descriptors are needed, agencies may create those when entering their budget. These will be reviewed upon receipt of the application and if questions arise, the applicant will be contacted for clarification.
- Applicant must provide comments regarding how cost was determined in the "Narrative" box for each line item entered.

The attached document provides the Budget Categories, Line Item Descriptors and Glossary. Please review it prior to creating your budget. FY25 Adult Budget Category and Line Item Descriptors.xlsx

### Unallowable Costs

Applicants may not budget for the following costs with state grant funds.

- Entertainment Costs: Costs of entertainment including amusement, diversion, and social activities and any costs directly associated with such costs (i.e. tickets to shows or sporting events, meals, lodging, rentals, transportation, and gratuities).
- Independent Audit Costs: KDOC will not pay for the cost of independent audit work. These costs are the responsibility of the local entity.
- Lobbying: Grantee may not use KDOC funds for any activities aimed at influencing decisions regarding grants, contracts, cooperative agreements, etc. Late Fees/Interest Charges: Grantee cannot use KDOC funds to pay late fees, interest charges, or finance charges.

- **Food Purchases:** Food purchases are unallowable for employees unless approved by county policy.
- **Salary and Wage Costs:** Grantee may not fund bonuses or other financial incentives outside of a position's normal salary costs with KDOC grant funds. Grantees must demonstrate salaries for all positions are consistent with similar county-funded positions.
- **State general funds shall not be used in the purchasing of firearms/weapons, accessories or related trainings for employees or contract staff.**

#### Payout Funds

Payout Funds Line Item(s):

**Costs should only be budgeted for these line items if local policy allows for existence of such a fund. If you wish to budget this as a line item in FY25, you must submit documentation of local policy, approval of the BOCC or Governing Authority and rationale for determining the amount budgeted.**

Is your agency budgeting for payout funds?

☐ Yes  
☐ No

Upload required documentation of payout fund policy, approval and rationale here.

#### Supplanting

The use of KDOC funds to replace non-KDOC funds appropriated for the same purpose is prohibited. The use of KDOC funds to offset a reduction in non-KDOC funding is acceptable; however, the grantee will be required to supply documentation demonstrating the reduction in non-KDOC funds occurred for reasons other than the receipt, or expected receipt, of KDOC funds. Potential supplanting will be the subject of application review, as well as pre-award review, post-award monitoring, and audit.

#### Sign Here

The individual responsible for creating the budget is the individual who should enter their name below.

By entering my name below, I declare that I have reviewed the budget instructions provided by KDOC and have adhered to these instructions as I developed my budget as part of the application process.



**Signatory Approval**

Utilize FY25 Adult Signature Page to obtain the required grant application signatory approvals. FY25 Adult Signature Page.pdf

Attach the signed copy of FY25 Adult Signature Page here. Be sure to attach all pages of the form, including the additional signature BOCC signature pages if they are applicable for your agency.

## Budget

### Proposed Budget Summary

#### Expense Budget

|                   |                               | Grant Funded          | Total Budgeted        |
|-------------------|-------------------------------|-----------------------|-----------------------|
| Travel            |                               |                       |                       |
|                   | <b>Subtotal</b>               | <b>\$0.00</b>         | <b>\$0.00</b>         |
| Equipment         |                               |                       |                       |
|                   | <b>Subtotal</b>               | <b>\$0.00</b>         | <b>\$0.00</b>         |
| Supplies          |                               |                       |                       |
|                   | <b>Subtotal</b>               | <b>\$0.00</b>         | <b>\$0.00</b>         |
| Agency Operations |                               |                       |                       |
|                   | <b>Subtotal</b>               | <b>\$0.00</b>         | <b>\$0.00</b>         |
| Client Services   |                               |                       |                       |
|                   | <b>Subtotal</b>               | <b>\$0.00</b>         | <b>\$0.00</b>         |
| Communications    |                               |                       |                       |
|                   | <b>Subtotal</b>               | <b>\$0.00</b>         | <b>\$0.00</b>         |
| Contractual       |                               |                       |                       |
|                   | <b>Subtotal</b>               | <b>\$0.00</b>         | <b>\$0.00</b>         |
| Salary & Benefits |                               |                       |                       |
|                   | <b>Subtotal</b>               | <b>\$0.00</b>         | <b>\$0.00</b>         |
| Training          |                               |                       |                       |
|                   | <b>Subtotal</b>               | <b>\$0.00</b>         | <b>\$0.00</b>         |
|                   | <b>Subtotal</b>               | <b>\$0.00</b>         | <b>\$0.00</b>         |
|                   | <b>Total Proposed Cost</b>    | <b>\$0.00</b>         | <b>\$0.00</b>         |
| Revenue Budget    |                               |                       |                       |
| Grant Funding     |                               | Grant Funded          | Total Budgeted        |
|                   | Award Requested               | \$1,628,713.35        | \$1,628,713.35        |
|                   | <b>Subtotal</b>               | <b>\$1,628,713.35</b> | <b>\$1,628,713.35</b> |
|                   | <b>Total Proposed Revenue</b> | <b>\$1,628,713.35</b> | <b>\$1,628,713.35</b> |

#### Proposed Budget Detail

#### Proposed Budget Narrative

##### Travel

##### Equipment

##### Supplies

##### Agency Operations

##### Client Services

##### Communications

##### Contractual

##### Salary & Benefits

##### Training



## Report to Public Works & Safety

| MEETING DATE                                                                                                                                                                                                                                                                                   | PRESENTER                                                                      | DEPARTMENT            |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------|-----------------------|
|                                                                                                                                                                                                                                                                                                | <div>Phillip Lockman, Director</div> <div>plockman@wycokck.org<br/>x8099</div> | Community Corrections |
| AGENDA ITEM #IV.2.                                                                                                                                                                                                                                                                             |                                                                                |                       |
| APPROVAL: FY25 JUVENILE COMMUNITY CORRECTIONS KANSAS DEPARTMENT OF CORRECTIONS GRANT                                                                                                                                                                                                           |                                                                                |                       |
| BACKGROUND                                                                                                                                                                                                                                                                                     |                                                                                |                       |
| This is the 27th year Wyandotte County has submitted a grant request to the Kansas Department of Corrections. This is not a competitive grant in that we will be awarded the grant, but the amount of dollars will be determined by the legislative appropriation and apportioned by the KDOC. |                                                                                |                       |
| RECOMMENDATION                                                                                                                                                                                                                                                                                 |                                                                                |                       |
| Approve<br>Fast Track                                                                                                                                                                                                                                                                          |                                                                                |                       |
| Approve and fast-track to April 25 commission meeting.                                                                                                                                                                                                                                         |                                                                                |                       |
| BUDGET IMPACTS / FINANCIAL CONSIDERATIONS                                                                                                                                                                                                                                                      |                                                                                |                       |
| None. No match or local funds required.                                                                                                                                                                                                                                                        |                                                                                |                       |
| IT/POLICY CONSIDERATIONS                                                                                                                                                                                                                                                                       |                                                                                |                       |
| None.                                                                                                                                                                                                                                                                                          |                                                                                |                       |
| PROCUREMENT CONSIDERATIONS                                                                                                                                                                                                                                                                     |                                                                                |                       |
| None.                                                                                                                                                                                                                                                                                          |                                                                                |                       |
| LEGAL CONSIDERATIONS                                                                                                                                                                                                                                                                           |                                                                                |                       |
| None.                                                                                                                                                                                                                                                                                          |                                                                                |                       |
| ATTACHMENTS                                                                                                                                                                                                                                                                                    |                                                                                |                       |
| FY2025 Juvenile Comprehensive Plan                                                                                                                                                                                                                                                             |                                                                                |                       |

Approved by Mayor and/or Chair and Administrator to add to agenda.

*Handwritten signatures and dates:*  
 [Signature] 4/16/2024  
 [Signature] 4/16/2024



## **29th Judicial District Juvenile Services**

Prepared by Unified Gov Wyco/KCK  
for Kansas Department of Corrections FY2025 Juvenile Comprehensive Plan Grant - Updated

**Primary Contact: Phillip Lockman**

## Opportunity Details

### Opportunity Information

Title

FY2025 Juvenile Comprehensive Plan Grant - Updated

Description

Pursuant to KSA 75-7038, the Kansas Department of Corrections is seeking applications for funding the development, implementation, operation, and improvement of juvenile community correctional services. Funding under this award will serve to support local community corrections agencies and service providers in promoting public safety, holding juveniles accountable for their behavior, and improving their ability to live more productively and responsibly in their community.

Awarding Agency Name

Kansas Department of Corrections

Agency Contact Name

Agency Contact Phone

Agency Contact Email

Fund Activity Categories

Subjects

Opportunity Posted Date

1/30/2024

Funding Opportunity Number

J-FY2025-CP

Public Link

<https://www.gotomygrants.com/Public/Opportunities/Details/43d71774-0bb8-48bf-9088-e308f8e00bd2>

Is Published

Yes

### Funding Information

Funding Sources

State

Funding Source Description

Funds for this opportunity are appropriated by the Kansas State Legislature and distributed by the Kansas Department of Corrections.

Funding Restrictions

These funds may not be co-mingled with funds from other state or federal agencies or local funds. Refer to the KDOC Financial Rules, Guidelines and Reporting Instructions for other funding restrictions.

### Award Information

Award Period

Ends 06/30/2025

## Submission Information

### Submission Window

01/30/2024 8:00 AM - 05/01/2024 5:00 PM

### Submission Timeline Additional Information

No applications will be accepted after the Submission Close Date.

### Other Submission Requirements

To facilitate the review process, it is imperative that all funding requests submitted are complete, accurate and include the required signatory approvals. The Board of County Commissioners or Governing Authority for the applicant/administrative county must review and approve the application prior to submission to KDOC. Incomplete applications will not be considered for funding unless or until all deficiencies have been corrected to KDOC's satisfaction.

## Question Submission Information

### Question Submission Additional Information

For questions or assistance with the requirements of this funding opportunity, the Community Corrections Program Director should contact their KDOC Regional Contact.

## Eligibility Information

### Eligible Applicants

- County Governments

### Additional Eligibility Information

Any county or group of cooperating counties operating a community correctional services program is eligible to apply for Community Corrections Act funding. However, pursuant to KSA 75-7043, no county or group of cooperating counties shall be qualified to receive grant funding unless and until the comprehensive plan for such county or group of cooperating counties is approved by the secretary of corrections. Additionally, in order to remain eligible for Juvenile Justice Act funding, a county or group of cooperating counties shall substantially comply with the operating standards established by the secretary of corrections.

## Award Administration Information

### State Award Notices

Award notifications will be made to the Board of County Commissioners of the applicant/administrative county or the Governing Authority Chairperson on or before July 1, 2024.

Awards will be based on the criteria specified in KSA 75-7053 and will be awarded to the Board of County Commissioners or Governing Authority for the applicant county. If the applicant is a group of cooperating counties then funding will be awarded to the administrative county identified in the group of cooperating counties' Inter-local Agreement.

### Reporting

Award recipients will be required to complete and submit quarterly financial and outcome reports in accordance with the following timelines:

- Q1 (Jul-Aug-Sep) Due on/before: 10/31/2024
- Q2 (Oct-Nov-Dec) Due on/before: 01/31/2025
- Q3 (Jan-Feb-Mar) Due on/before: 04/30/2025
- Q4 (Apr-May-Jun) Due on/before: 07/31/2025



## Project Information

### Application Information

Application Name  
29th Judicial District Juvenile Services

Award Requested  
\$2,506,227.84

Total Award Budget  
\$2,506,227.84

### Primary Contact Information

Name  
Phillip Lockman

Email Address  
plockman@wycokck.org

Address  
812 North 7th Street, Third Floor  
Kansas City, Kansas 66109

Phone Number  
(913) 573-8099

## Project Description

### Agency Profile - Juvenile

#### Agency Leadership

Administrative Contact Name

Phillip Lockman

Administrative Contact Address Line 1

812 North 7th Street

Administrative Contact Address Line 2

Third Floor

Administrative Contact City

Kansas City

Administrative Contact State

Kansas

Administrative Contact Zip Code

66101

Administrative Contact Phone Number

913-573-8099

Administrative Contact Email Address

plockman@wycokck.org

Does agency leadership include an Executive/Administrative Director? This question is not intended to capture information regarding the County Administrator but rather a secondary level of leadership within the agency.

☐ Yes

☒ No

Which governing authority has direct oversight of the community corrections agency, to include hiring/firing of staff?

☒ Board of County Commissioners (BOCC)

☐ Governing Board

For multi-county agencies, please provide contact information for the host/administrative county BOCC Chairperson.

BOCC Chairperson Name

Tyrone Garner CEO/Mayor

BOCC Chairperson Address Line 1

701 North 7th Street

BOCC Chairperson Address Line 2

BOCC Chairperson City

Kansas City

BOCC Chairperson State

Kansas

BOCC Chairperson Zip Code

66101

BOCC Chairperson Phone Number

913-573-5080

BOCC Chairperson Email Address

tagamer@wycokck.org

### Agency Locations

Main Office

Main Office Address Line 1

738 Ann Avenue

Main Office Address Line 2

Suite 120

Main Office City

Kansas City

Main Office State

Kansas

Main Office Zip Code

66101

Does your agency operate any satellite offices?

☐ Yes

☒ No

### Agency Personnel

Does your agency have more than 25 employees?

☒ Yes

☐ No

Utilize FY25 Personnel More than 25 employees to provide employee specific information. This form should include all employees (adult and juvenile) whose wages are paid, (solely or in part) from state grant funds.

FY25 Personnel More than 25 employees.xlsx

Attach a copy of FY25 Personnel More than 25 employees here.

### Organizational Chart

Attach a copy of your agency's organizational chart.

29th JD FY2025 JIAC ORG CHART.docx, 29th JD FY2025 JUVENILE SERVICES ORG CHART.docx

Example Organizational Chart

FY25 Example Organizational Chart.pdf

### Governing/Corrections Advisory Board

Is this a joint board with the Adult Corrections Advisory Board?

☐ Yes

☒ No

Governing/Corrections Advisory Board Chairperson Name

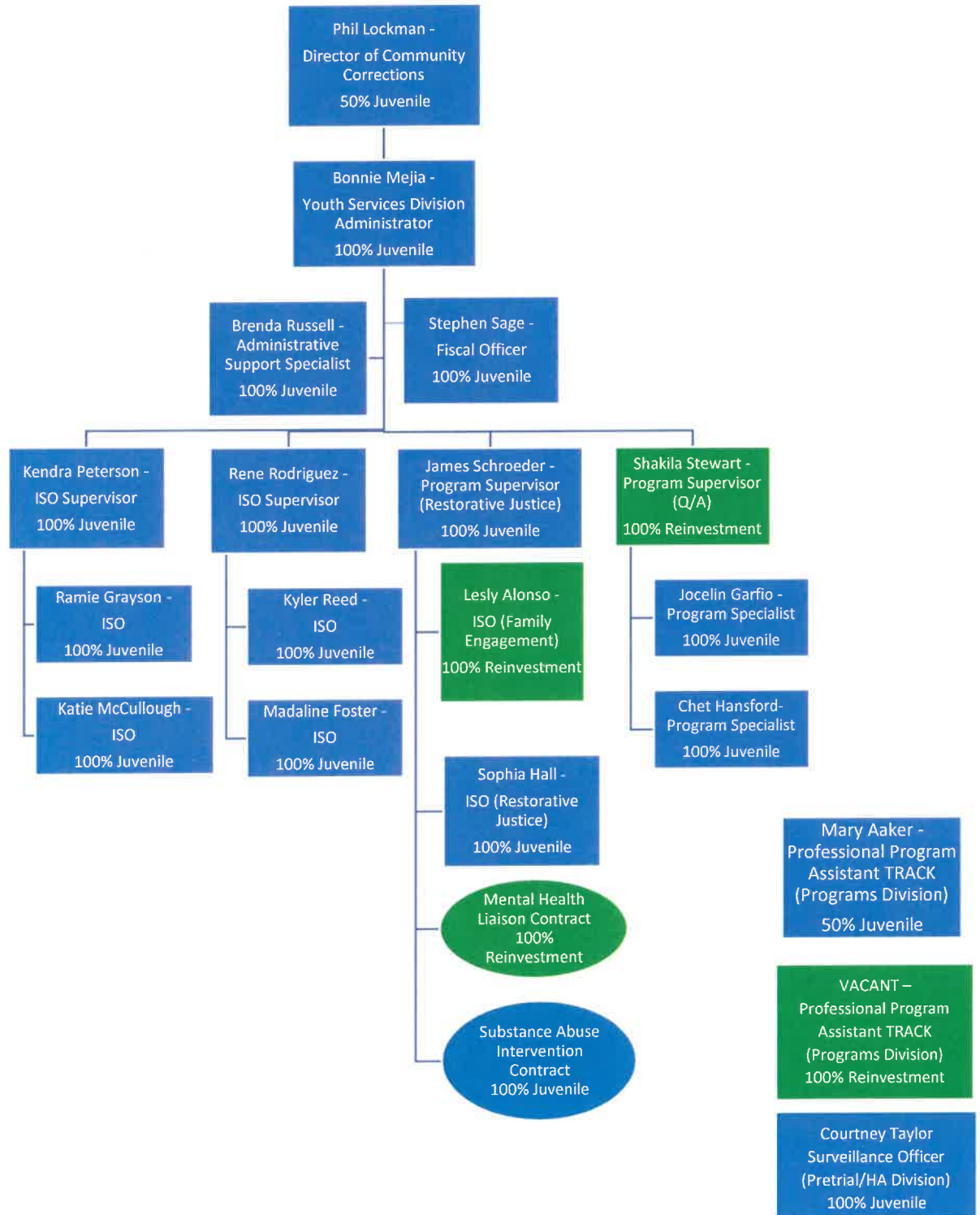
Hon. Delia M. York

Governing/Corrections Advisory Board Chairperson Title

Wyandotte County District Judge

Governing/Corrections Advisory Board Chairperson Address Line 1

## 29<sup>th</sup> Judicial District – Juvenile Services Division Funding



Blue boxes: Funded by JISP/CM Comprehensive Grant

Blue oval: Contracted service through JISP/CM Comprehensive Grant

Green Boxes: Funded by Reinvestment Grant

Green Oval: Contracted service through Reinvestment Grant

  
**Daniel W. Scott**  
Sheriff  
Courthouse

  
**Ernest H. Lockridge**  
Chief Deputy ADC & Operatio...  
Courthouse

  
**Andrew J. Carter**  
Sheriff Lt Colonel  
Courthouse

  
**John J. Russell**  
Sheriff Major  
Courthouse

  
**Mary M. Pollock**  
JIAC Manager  
Courthouse

  
**Elizabeth Escamilla, MS**  
Senior Intake Worker  
Courthouse

0% Juvenile

0% Juvenile

0% Juvenile

0% Juvenile

100% Juvenile

100% Juvenile

  
**Angela A. Gathers-Rae**  
Juvenile Intake Assessment ...  
Courthouse

  
**Juliana Lopez**  
Juvenile Intake Assessment ...  
Juvenile Justice Center

  
**Shannon Marie Meyer**  
Juvenile Intake Assessment ...  
Juvenile Justice Center

  
**Tyler Reed**  
Juvenile Intake Assessment ...  
Courthouse

  
**P5148 Juvenile Intake -**

  
**P5148 Juvenile Intake -**

  
**P5250 Juvenile Intake -**

**Show Less**

ALL STAFF  
ARE 100%  
JUVENILE  
GRANT

738 Ann Avenue

Governing/Corrections Advisory Board Chairperson Address Line 2

Governing/Corrections Advisory Board Chairperson City  
Kansas City

Governing/Corrections Advisory Board Chairperson State  
Kansas

Governing/Corrections Advisory Board Chairperson Zip Code  
66101

Governing/Corrections Advisory Board Chairperson Email Address  
delia.york@kscourts.org

Governing/Corrections Advisory Board Chairperson Phone Number  
913-573-4185

Utilize FY25 CAB Members to provide a current list of your agency's Governing/Corrections Advisory Board members.  
FY25 CAB Members.xlsx

Attach a completed copy of FY25 CAB Members here.  
FY25 JCAB Members.xlsx

#### Host/Administrative County

Does your agency operate as a single or multi-county entity?

- ☒ Single  
☐ Multi-County

Name of the Host/Administrative County  
Wyandotte County

Host/Administrative County Financial Officer Contact Information

Host/Administrative County Financial Officer Name  
Pamela Kahao

Host/Administrative County Financial Officer Address Line 1  
701 North 7th Street

Host/Administrative County Financial Officer Address Line 2  
Suite 308

Host/Administrative County Financial Officer City  
Kansas City

Host/Administrative County Financial Officer State  
Kansas

Host/Administrative County Financial Officer Zip Code  
66101

Host/Administrative County Financial Officer Phone Number  
913-573-5253

Host/Administrative County Financial Officer Email Address  
pkahao@wycokck.org



## Governing/Corrections Advisory Board

**Instructions:**

In the Ethnicity column, enter the most accurate, (e.g., Hispanic (H), Non-Hispanic (N)).

In the Race column, enter the most accurate, (e.g., American Indian or Alaskan Native (I), Asian or Pacific Islander (A), Black (B), White (W)).

|         |                                          |
|---------|------------------------------------------|
| Agency: | 29th Judicial District Juvenile Services |
|---------|------------------------------------------|

|                   |                  | Appointed By | Representing | Gender | Ethnicity | Race |
|-------------------|------------------|--------------|--------------|--------|-----------|------|
| Chairperson Name: | Judge Delia York | Chief Judge  | Judiciary    | F      | H         | W    |

## Membership List

[illegible]

### Non-KDOC Funding Information

Pursuant to KSA 75-7049, does your agency receive assistance from the county or counties within your judicial district?

- ☒ Yes  
☐ No

Instructions for documenting county assistance.

**Single county agencies:** Include the following items when detailing what assistance is provided to the agency:

- Type of Assistance (Allocation or In-Kind)
- Assistance amount, expressed in whole dollars
- Description/purpose of assistance
- If contribution has been confirmed by the county or it is a pending request.

**Multi-county agencies:** In addition to the four bullet points above, include the name of the county.

**Example of documenting county assistance: Allocation - \$20,000 - Rent - Confirmed**

Document the county assistance your agency receives.

UG WYCO/KCK pays \$175,000.00 for:

- 1 – Cognitive Education Supervisor
- 1 – ISO UA Coordinator

In addition, the UG WYCO/KCK pays for our land line phone service, internet access, utilities, IT support, office space, and office cleaning. When we moved into the new juvenile building, they also paid for our original furniture.

Has or will your agency request funding from other sources (e.g., federal grants, private foundations grants, etc.) for FY24?

- ☐ Yes  
☒ No

## Programmatic Changes

Has the agency experienced significant changes, either positive or negative, which have directly impacted your program for FY24 (e.g., new, or discontinued program services, staff turnover, policy, or procedure changes, new or discontinued community services, etc.)?

- ☒ Yes  
☐ No

Describe the changes which impacted your program in FY24.

In April of 2024, KDOC concluded an agency review for the 29th JD. Policies were updated to reflect 100% compliance with KDOC standards. Staff participated in evidence-based practices trainings to include a 2-day, off-site, Motivational Interviewing training, EPICS/GR Training, and YLS. All current staff are up to date with EPICS/GR and YLS. In addition, staff participated in a Restorative Justice training by the Center for Conflict Resolution.

In FY2023, this agency was fully staffed, with the exception of the two contracted Mental Health and Substance Use provider positions. In November of 2023, we did not renew the contract for one substance use provider due to staffing constraints within their agency. We started a 6-month temporary contract with another substance use agency in November of 2023 and are currently going through the RFP (Request for Proposal) process to contract with a full-time provider in FY25. With 45% of our unsuccessful closures scoring high in substance use and barriers such as transportation and waitlists, there is a high need in the 29th JD to have a therapist on-site full-time providing services.

Were steps taken to address the changes in FY24?

- ☒ Yes  
☐ No

Describe the steps taken to address the changes in FY24.

In FY2024, a Request for Proposal was initiated to contract with an agency to provide full-time substance use services on site for the remainder of FY24 and FY25. The contract for the full-time position will start May of 2024. In addition, the current full-time on-site therapist for mental health services is due to start in April of 2024.

## Agency Outcomes

### Juvenile Intake and Assessment System (JIAS)

What entity is responsible for operating JIAS in the applicant's judicial district? For this questions, Sub-Contracted Agency is defined as a private entity that is paid, through a contractual agreement, to provide Intake Services.

- ☒ Community Supervision Agency
- ☐ Sub-Contracted Agency
- ☐ Both

How many intakes were conducted in FY23?

739

How many youth who completed an intake in FY23 were referred for services?

251

Is law enforcement in the agency's judicial district utilizing the Notice to Appear (NTA) process pursuant to KSA 38-2330?

- ☒ Yes
- ☐ No

If your agency serves a multi-county district, are all counties utilizing the NTA process?

- ☐ Yes
- ☒ No

List the names of counties not utilizing the NTA process.

Our agency does not service a multi-county district.

Provide a brief description of how the NTA process is working.

The NTA process for 29th JD continues to improve. Most officers are sending the paperwork needed in an appropriate manner. We have a few bumps with officers/agencies who do not follow the established protocol, but we work through it. We finally have every law enforcement agency onboard and using the NTA process.

### Intermediate Intervention Program (IIP)

Pursuant to KSA 38-2346, what entity is responsible for operating IIP in the agency's judicial district?

- ☐ Juvenile Intake and Assessment (JIAS)
- ☐ Community Supervision Agency
- ☐ Court Services
- ☒ Judicial District does not meet the statutory requirements of KSA 38-2346

Describe why the Judicial District does not meet the statutory requirements of KSA 38-2346.

We currently have no IIP services, only regular Diversion in the 29th Judicial District. Community Corrections, the Wyandotte County District Court, and the District Attorney's Office have not come to an agreement on the provision of IIP services.

Has a copy of the district's signed IIP agreement been submitted to KDOC?

- ☐ Yes
- ☒ No

Attach a copy of the signed IIP agreement here.

FY25 Juvenile IIP Data.xlsx

If your agency serves a multi-county district, are all counties participating in the IIP program?

- ☐ Yes
- ☒ No

List the counties that are not participating in the IIP program.

We currently have no IIP services, only regular Diversion in the 29th Judicial District. Wyandotte County District Court and the District Attorney's Office have not come to an agreement on the provision of IIP services.

What was the agency's rate for successful IIP completions in FY23? Response should be expressed as a percentage.

The rate must be entered in decimal format (e.g., 75% is entered as .75).

0.00%

Did the rate for successful IIP completions meet the agency's target goal for FY23?

- ☐ Yes  
☒ No

Describe any gaps or barriers that contributed to the agency not achieving its FY23 successful IIP completion target goal.

We currently have no IIP services, only regular Diversion in the 29th Judicial District. Wyandotte County District Court and the District Attorney's Office have not come to an agreement on the provision of IIP services.

Does the agency plan to address these gaps or barriers in FY25?

- ☐ Yes  
☒ No

Provide a brief explanation why the agency will not be addressing these gaps or barriers in FY25.

We currently have no IIP services, only regular Diversion in the 29th Judicial District. Wyandotte County District Court and the District Attorney's Office have not come to an agreement on the provision of IIP services.

Utilize FY25 Juvenile IIP Data to provide a breakdown of IIP cases by gender, race and ethnicity, if data is available.

FY25 Juvenile IIP Data.xlsx

Attach a completed copy of FY25 Juvenile IIP Data here.

FY25 Juvenile IIP Data.xlsx

Of those youth whose IIP was extended, how many went to MDT?

Of those youth whose IIP was extended, how many were extended for evidence-based program completion?

Of those youth whose IIP was extended, how many were extended due to not satisfactorily completing their IIP?

Describe the successes/accomplishments of the IIP program to date.

We currently have no IIP services, only regular Diversion in the 29th Judicial District. Wyandotte County District Court and the District Attorney's Office have not come to an agreement on the provision of IIP services.

Describe any challenges facing the IIP program that will be addressed in FY25.

We currently have no IIP services, only regular Diversion in the 29th Judicial District. Wyandotte County District Court and the District Attorney's Office have not come to an agreement on the provision of IIP services.

### Juvenile Intensive Supervised Probation (JISP) and Case Management (CM)

KDOC was unable to obtain complete data regarding successful and unsuccessful probation completions for FY23. If applicant agency tracked this information locally, please complete the applicable questions in this section. If not, please skip to the questions regarding CBI Outcomes for FY23.

What was your agency's rate for successful probation completions in FY23? Response should be expressed as a percentage. The rate must be entered in decimal format (e.g., 75% is entered as .75).

43.00%

Did the rate for successful probation completions meet the agency's target goal for FY23?

- ☐ Yes  
☒ No

Describe any gaps or barriers that contributed to the agency not achieving its FY23 successful probation completion target goal.

Of the (31) unsuccessful closures in FY23, a total of 6 youth increased their overall YLS risk score. 68% of unsuccessful youth did not complete required program hours and 97% did not complete court orders. At closure, unsuccessful youth scored highest in Leisure/ Recreation (68%), Peers (58%), and Substance Use (45%).

Like the previous year, our unsuccessful youth continue to score highest in Leisure/Recreation and Peers. Youth scoring high in these two domains show us the importance of youth participating in mentor programs with pro-social

peers and pro-social activities. JCAB Grant monies have allowed us to contract with mentor programs in the community that allow youth to choose which program most aligns with their interests. Getting youth to participate in programs and meet program hour requirements set by KDOC standard provides its challenges and will be addressed in this jurisdiction's agency plan for FY25. Lastly, 35% of unsuccessful closures were due to unpaid court costs and fees.

Does the agency plan to address these gaps or barriers in FY25?

- ☒ Yes  
☐ No

The plan to address these gaps or barriers should be discussed in the Agency Plan section of the grant application.

Of the successful probation completions in FY23, how many discharged early due to earned discharge credit?

12

How many youth completing probation during FY23 met program hours in accordance with their YLS risk level per Standard CSS-04-103?

10

Did your agency offer in-house or contracted cognitive behavioral GROUP programming during FY23? This question does not address INDIVIDUAL CBI programming.

- ☒ Yes  
☐ No

Utilize FY25 CBI Group Programming Outcomes to report cognitive behavioral GROUP program outcomes for FY23. CBI programming that is completed in a one-on-one manner should not be included in this form.

FY25 CBI Group Programming Outcomes.xlsx

Attach a completed copy of FY25 CBI Group Programming Outcomes here.

FY25 CBI Group Programming Outcomes.xlsx

How many youth who successfully completed a cognitive behavioral GROUP program are still on probation?

1

How many youth who successfully completed a cognitive behavioral GROUP program terminated probation successfully?

7

How many of the youth who successfully completed a cognitive behavioral GROUP program have had probation revoked?

1



## Group CBI Program Outcomes – FY2023

**Instructions:**

**Table I-Closed CBI Groups:** use this table to report outcomes for closed CBI groups which **completed** a cycle in FY2023.

**Table II- Open CBI Groups:** use this table to report outcomes for open CBI groups that **began** a cycle during FY2023.

**Program Name:** list the name of the cognitive behavioral curriculum/program that was offered.

**Provider:** list your agency name if the program is facilitated by staff within your agency or the name of the provider if you have contracted with an outside source.

**% Successful:** use this column to report the number of successful completions during the FY2023 cycle (# Successful / Total Admissions = %).

**Table I - Closed CBI Groups**

| Program Name | Provider                       | Total Admissions | Number Successful | Number Unsuccessful | % Successful |
|--------------|--------------------------------|------------------|-------------------|---------------------|--------------|
| T.R.A.C.K    | UG Community Corrections Dept. | 28               | 13                | 12                  | 46.4%        |
|              |                                |                  |                   |                     | #DIV/0!      |
|              |                                |                  |                   |                     | #DIV/0!      |
|              |                                |                  |                   |                     | #DIV/0!      |
|              |                                |                  |                   |                     | #DIV/0!      |
|              |                                |                  |                   |                     | #DIV/0!      |
|              |                                |                  |                   |                     | #DIV/0!      |
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|              |                                |                  |                   |                     | #DIV/0!      |
|              |                                |                  |                   |                     | #DIV/0!      |
|              |                                |                  |                   |                     | #DIV/0!      |
|              |                                |                  |                   |                     | #DIV/0!      |

**Table II: Open CBI Groups**

| Program Name | Provider                       | Total Admissions | Number Successful | Number Unsuccessful | Number Who Continue Participating |
|--------------|--------------------------------|------------------|-------------------|---------------------|-----------------------------------|
| T.R.A.C.K    | UG Community Corrections Dept. | 28               | 13                | 12                  | 13                                |
|              |                                |                  |                   |                     |                                   |
|              |                                |                  |                   |                     |                                   |
|              |                                |                  |                   |                     |                                   |
|              |                                |                  |                   |                     |                                   |
|              |                                |                  |                   |                     |                                   |
|              |                                |                  |                   |                     |                                   |
|              |                                |                  |                   |                     |                                   |
|              |                                |                  |                   |                     |                                   |
|              |                                |                  |                   |                     |                                   |
|              |                                |                  |                   |                     |                                   |

## Agency Plan

### Organizational Needs

This section is available to applicants who desire to address critical needs that impact the entire agency. Examples might include plans to relocate office space, a need for additional space to deliver more on-site services or an agency-wide training initiative that would provide a means for staff/caseload specialization.

Does your agency have any organizational needs, excluding staffing levels or wages, that need to be addressed in FY25?

- ☐ Yes  
☒ No

### Supervision

Utilize this section to describe how the agency will address its target population and any gaps or barriers that have been identified for FY25.

Does your plan include referrals to community-based services?

- ☒ Yes  
☐ No

Which of the following risk/need areas can be addressed through referrals to community-based services? (Check all that apply)

- ☒ Attitudes/Orientation  
☒ Education/Employment  
☒ Family Circumstance/Parenting  
☒ Peer Relations  
☒ Personality/Behavior  
☒ Substance Abuse

For each risk/need area that can be addressed through community-based referrals, describe the target population including risk level.

FY23 risk level data for UNSUCCESSFUL closures showed youth's highest domains at the following at closure: Leisure/Recreation (68%), Peers (58%), Substance Use (45%), and Priors (29%). Community-based programs that address the risk/needs of youth include:

1. Attitudes/Orientation - Family Functional Therapy (any moderate to high-risk youth aged 11-18); PACES (any youth); A Connecting Pointe (any youth).
2. Education/Employment - Workforce GED/YouthBuild (low-income local youth who have dropped out of school); KCKCC GED (any youth); Connections to Success/Project START (any youth - program is JCAB grant funded).
3. Family Circumstances/Parenting - Family Functional Therapy (any moderate to high-risk youth aged 11-18); PACES (any youth); A Connecting Pointe (any youth); Heartland 180 for Parent Project (parents of children with destructive adolescent behavior) and Strengthening Families 10-14 (parents and youth aged 10-14).
4. Peer Relations - Wyandotte County Parks & Recreation (any youth); Big Brothers Big Sisters (any youth); Youth Advocate Program (any adjudicated youth 11-18 and moderate to high YLS); Youth for Christ (any youth); Jegna Klub/Connecting the Dottes (any youth - program is JCAB grant funded); Lowriding 2 Success Bike Club (any youth - program is JCAB grant funded).
5. Personality/Behavior - Family Functional Therapy (any moderate to high-risk youth aged 11-18); PACES (any youth); A Connecting Pointe (any youth).
6. Substance Abuse - A Connecting Pointe (any youth); RADAC (any youth); Mirror Inc. (any youth 16 or 17 years of age); Adolescent Center for Treatment (any youth); Clinical Associates (any youth); Kansas University Addiction Clinic (youth needing medication management); PACES (youth needing medication management).

Does your plan include referrals to programs facilitated in-house or by contracted providers? If a contracted provider is utilized, a formal agreement (MOU or Contract) must exist between the entities.

- ☒ Yes  
☐ No

Utilize FY25 Programming to provide program details.

FY25 Programming.xlsx

Attach a completed copy of FY25 Programming here

| Program Name                              | In-House or Contracted Provider | Contracted Provider Name                                       | Program Category                    | Primary Risk/Need Addressed                                | Target Population Including Risk Level                   | Program/Group Composition | Program/Group Schedule | Projected Number of Clients to be Served | Client Fee | Does CC Agency Assist with Fee | Fidelity Measures                                                                                   |
|-------------------------------------------|---------------------------------|----------------------------------------------------------------|-------------------------------------|------------------------------------------------------------|----------------------------------------------------------|---------------------------|------------------------|------------------------------------------|------------|--------------------------------|-----------------------------------------------------------------------------------------------------|
| Crossroads (Anger Management)             | In-House                        | 29th Community Corrections Juvenile Division                   | Cognitive Behavioral                | Attitudes and Orientation/ Personality and Behavior/ Peers | Any Justice Involved Youth                               | 1+                        | 2 Days/ 2+ Weeks       | 20                                       | N/A        | N/A                            | Using the required facilitator and student guides. Must attend all sessions for program completion. |
| Crossroads (Delinquent Behavior)          | In-House                        | 29th Community Corrections Juvenile Division                   | Cognitive Behavioral                | Attitudes and Orientation/ Personality and Behavior/ Peers | Any Justice Involved Youth                               | 1+                        | 2 Days/ 2+ Weeks       | 20                                       | N/A        | N/A                            | Using the required facilitator and student guides. Must attend all sessions for program completion. |
| Crossroads (Gang Activity)                | In-House                        | 29th Community Corrections Juvenile Division                   | Cognitive Behavioral                | Attitudes and Orientation/ Personality and Behavior/ Peers | Any Justice Involved Youth                               | 1+                        | 2 Days/ 2+ Weeks       | 20                                       | N/A        | N/A                            | Using the required facilitator and student guides. Must attend all sessions for program completion. |
| Interactive Journaling (What Got Me Here) | In-House                        | 29th Community Corrections Juvenile Division                   | Cognitive                           | Attitudes and Orientation/ Personality and Behavior        | Any Justice Involved Youth                               | 1+                        | 2 Days/ 3 Weeks        | 20                                       | N/A        | N/A                            | Using the required facilitator and student guides. Must attend all sessions for program completion. |
| Interactive Journaling (Victim Awareness) | In-House                        | 29th Community Corrections Juvenile Division                   | Cognitive                           | Attitudes and Orientation/ Personality and Behavior        | Any Justice Involved Youth                               | 1+                        | 2 Days/ 3 Weeks        | 20                                       | N/A        | N/A                            | Using the required facilitator and student guides. Must attend all sessions for program completion. |
| Parent Project                            | In-House                        | 29th Community Corrections Juvenile Division and Heartland 180 | Life Skills                         | Family Relations                                           | Parents of Children with Destructive Adolescent Behavior | 2+                        | 1 Day/ 10 Weeks        | 20                                       | N/A        | N/A                            | Using the required facilitator and student guides. Must complete all 10 weeks.                      |
| Youth Employment Services                 | In-House                        | 29th Community Corrections Juvenile Division                   | Life Skills                         | Employment                                                 | Any Justice Involved Youth                               | 1+                        | 5 Days                 | 20                                       | N/A        | N/A                            | Using the required facilitator and student guides. Must complete all 10 weeks.                      |
| Functional Family Therapy                 | Contracted Provider             | Cornerstones of Care                                           | Evidence Based Cognitive Behavioral | Family Relations                                           | Any Adjudicated Youth 11-18 with Moderate to High YLS    | 1+                        | 1 Day/ 12-14 Weeks     | 10                                       | N/A        | N/A                            | Using the required facilitator and student guides. Must complete all 7 weeks.                       |
| Strengthening Families (10-14)            | Contracted Provider             | Heartland 180                                                  | Evidence Based Cognitive Behavioral | Family Relations                                           | Parents and Youth aged 10-14                             | 3+                        | 1 Day/ 7 Weeks         | 20                                       | N/A        | N/A                            | Using the required facilitator and student guides. Must complete all 7 weeks.                       |
| Youth Advocate Program                    | Contracted Provider             | KDOC Contract w/ YAP                                           | Life Skills                         | Attitudes and Orientation/ Personality and Behavior/ Peers | Any Adjudicated Youth 11-18 with Moderate to High YLS    | 1+                        | 1+ Day/ 1+ Weeks       | 20                                       | N/A        | N/A                            | Using the required facilitator and student guides. Must attend all sessions for program completion. |
| TRACK                                     | In-House                        | 29th Community Corrections Juvenile Division                   | Cognitive                           | Attitudes and Orientation/ Personality and Behavior        | Any Justice Involved Youth                               | 1+                        | 2 Days/ 7 Weeks        | 50                                       | N/A        | N/A                            | Using the required facilitator and student guides. Must attend all sessions for program completion. |



Attach a completed copy of FY25 programming here.

FY25 Programming.xlsx

Does your plan include individual CBI programming (e.g., EPICS tools, Carey Guides, etc.)? (Work done one-on-one during office contacts)

- ☒ Yes  
☐ No

Does your plan include staff trainings excluding those required by KDOC?

- ☒ Yes  
☐ No

Provide details regarding any confirmed or proposed staff trainings for FY243.

| Training                                                             | Training Provider                                                                          | Staff Positions being Trained | Target Training Date | Purpose of Training                                                                                               |
|----------------------------------------------------------------------|--------------------------------------------------------------------------------------------|-------------------------------|----------------------|-------------------------------------------------------------------------------------------------------------------|
| C.I.T. (Crisis Intervention Training)                                | Kansas City Kansas Police Department                                                       | All Staff                     | 06/30/2025           | To educate staff how to properly handle mental health crisis and on de-escalation techniques.                     |
| How Being Trauma-Informed Improves Criminal Justice System Responses | Substance Abuse and Mental Health Services Administration (SAMHSA GAINS - Jamie VanHouten) | All Staff                     | 06/30/2025           | To educate staff to become trauma-informed and learn how it relates to mental health and substance use disorders. |
| Gang Training                                                        | Kansas City Kansas Police Department                                                       | All Staff                     | 06/30/2025           | To educate staff on new trends of street language and groups in our community.                                    |
| Substance/Drug Training                                              | UG of WyCo/KCK Health Department                                                           | All Staff                     | 06/30/2025           | To educate staff on warning signs of substance use and trends in the community.                                   |

Does your agency plan to utilize any assessments or screeners beyond those required by KDOC?

- ☐ Yes  
☒ No

Does the agency plan to utilize any methods/strategies that have not already been identified?

- ☐ Yes  
☒ No

### **Racial/Ethnic Disparities (R/ED) (formerly Disproportionate Minority Contact)**

Describe any efforts made to identify and reduce racial, ethnic, geographic, and other biases that may exist within the following programs.

Juvenile Intake and Assessment System (JIAS). If applicant agency does not operate JIAS, please answer N/A for this question.

The JIAC staff receive training on DEI yearly. With respect to communication, half of staff are bi-lingual (Spanish), which provides families with accurate information in their language. We also have access to the Language Line to assist with translation of other languages.

We keep a variety of food on hand that cater to a few cultures we have in Wyandotte County. We aren't in a position to reduce biases, as our youth come direct from law enforcement, but we treat each youth as an individual, not part of a group or culture, but as a human being.

Immediate Intervention Program (IIP). If applicant agency does not operate the IIP program, please answer N/A for this question.

N/A

Juvenile Intensive Supervised Probation (JISP) and Case Management (CM)

The JISP/CM staff receive training on Diversity, Equity, and Inclusion (DEI) annually. The JISP division strives to have staff that are representative of the community in which we serve. In FY23, 52% of new admits identified as White/Hispanic; 29% identified as Black/Non-Hispanic; 16% identified as White/Non-Hispanic; and 3% identified as Asian/Non-Hispanic. We have a diverse staff of Black, White, and Hispanic personnel. One supervisor is bi-lingual (Spanish/English), and two additional line staff are bi-lingual (Spanish/English). One of our bi-lingual staff perform Family Engagement tasks and has regular communication with our Spanish speaking families. She assists youth and their families from point of initial detention through the court process and advocates for appropriate release with a plan and services. Locally, we gather data on admissions, discharges, and revocations from JISP and Conditional Release according to race and ethnicity in addition to other categories such as age, offense, risk level, and YLS domains to allow for the possibility of race and ethnicity analysis that could reveal disparities. We also work with multiple diverse mentors in the community. Lastly, the Juvenile Administrator is the Wyandotte County JDAI Coordinator and works with the JDAI State Coordinator to reassess initiatives in Wyandotte County and across the state of Kansas.



## Delinquency Prevention Programs

Did your agency receive delinquency prevention funding in FY24?

- ☒ Yes  
☐ No

Enter the amount of funding received in FY24.

\$120,125.00

Is your agency requesting delinquency prevention program funding for FY25?

- ☒ Yes  
☐ No

What is the total amount of funding being requested for delinquency prevention programs in FY25?

\$120,125.00

Utilize FY25 Juvenile Delinquency Prevention to provide details for each program for which funding is being requested. A separate form must be completed and uploaded for each program that funding is being requested for.

**FY25 Juvenile Delinquency Prevention Program Request.xlsx**

Attach funding request 1 here.

**FY25 Juvenile Delinquency Prevention Program Request.xlsx**

Attach funding request 2 here.

Attach funding request 3 here.

Attach funding request 4 here.

Attach funding request 5 here.

Attach funding request 6 here.

If funding is being requested for any additional programs, combine those requests into a single PDF document and upload it here.

| Delinquency Prevention Program Summary                                                                                                                                                   |                                                                                |                                |                                      |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------|--------------------------------|--------------------------------------|
| Program Name:                                                                                                                                                                            | Heartland 180, Inc.                                                            |                                |                                      |
| Program Number:                                                                                                                                                                          |                                                                                |                                |                                      |
| <div> <div>Is this program subcontracted to another agency/organization?</div> <div> <input checked="" type="checkbox"/> Yes           <input type="checkbox"/> No         </div> </div> |                                                                                |                                |                                      |
| If Yes, please provide the following information:                                                                                                                                        |                                                                                |                                |                                      |
| Agency/Organization Name:                                                                                                                                                                | Heartland 180, Inc.                                                            |                                |                                      |
| Address 1:                                                                                                                                                                               | 2100 N. 13th Street                                                            |                                |                                      |
| Address 2:                                                                                                                                                                               |                                                                                |                                |                                      |
| City/State/Zip                                                                                                                                                                           | Kansas City Kansas 66104                                                       |                                |                                      |
| Name of Contact Person:                                                                                                                                                                  | Maximilian R. Mendoza                                                          |                                |                                      |
| Contact Person Phone:                                                                                                                                                                    | 913-521-3311 ext. 1001                                                         |                                |                                      |
| Contact Person Email:                                                                                                                                                                    | <a href="mailto:Max.Mendoza@Heartland180.org">Max.Mendoza@Heartland180.org</a> |                                |                                      |
|                                                                                                                                                                                          |                                                                                |                                |                                      |
|                                                                                                                                                                                          | Program Type                                                                   | Number of Youth Served in FY23 | Number of Youth to be Served in FY25 |
|                                                                                                                                                                                          | Secondary Prevention                                                           | 72                             | 100                                  |
|                                                                                                                                                                                          |                                                                                |                                |                                      |
|                                                                                                                                                                                          | <b>TOTAL</b>                                                                   | <b>72</b>                      | <b>100</b>                           |
| <b>What is the programs intended purpose?</b>                                                                                                                                            |                                                                                |                                |                                      |
| <input checked="" type="checkbox"/> Antisocial behavior (e.g., reduced criminal activity, reduced violence, improved behavior, etc.)                                                     |                                                                                |                                |                                      |
| <input type="checkbox"/> Family Relationship (e.g. improved family functioning, reduced out of home placements, reduced incidents of family violence, etc.)                              |                                                                                |                                |                                      |
| <input type="checkbox"/> School Attendance (e.g., improved academic performance or attendance, reduced disciplinary actions/expulsions, etc.)                                            |                                                                                |                                |                                      |
| <input type="checkbox"/> Substance Abuse (e.g., reduced use of substances, education on risk of substance abuse, programming/treatment, etc.)                                            |                                                                                |                                |                                      |
| <b>Geographic area to be served:</b>                                                                                                                                                     |                                                                                |                                |                                      |
| Wyandotte County, KS                                                                                                                                                                     |                                                                                |                                |                                      |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                            |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Target Population:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                            |
| Demographics                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | The target population includes youth between the ages of 11 to 17 within Wyandotte County.                                                                                                                                                                                                                                 |
| Eligibility Criteria                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Youth who are identified by Court Services, Community Corrections, school districts, service providers, and families of youth who are at risk of involvement with the juvenile justice system; struggling academically; struggling behaviorally; struggling socially; and/or who are truant or at risk of becoming truant. |
| Referral Source(s)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Court Services, Community Corrections, school districts, service providers, WyCo District Attorneys Office, and families of youth.                                                                                                                                                                                         |
| <b>Services Provided:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                            |
| <p>The services provided will be evidence-based programming to prevent at-risk youth from entering into the justice system or further penetrating the justice system. This is achieved by focusing on character, life skills, and personal enrichment education utilizing common curriculum components including self-awareness, self-development, critical thinking, decision-making, social responsibility, limited case management, and youth and family engagement. Both in-school and after-school services are being provide with the in-school cohorts being provided in Wyandotte county's largest school district USD 500. We also have the ability to refer youth and families to the Strengthening Families (10-14) Program and Parent Project which is provided as a collaborative between Heartland 180 and Community Corrections-Juvenile Division. Lastly, Heartland 180 is a member of Impact KCK, which allows access to wrap around services for youth and families in Wyandotte County.</p> |                                                                                                                                                                                                                                                                                                                            |
| <b>Is there a cost or fee associated with the program?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                            |
| If Yes, please explain:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                            |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                            |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Best Practices:</b></p> <p>It is a best practice to have an array of correctional services. Currently, the 29th Judicial District has one prevention program, which is Early Judicial Intervention Diversion. There is currently no intermediate sanction between community supervision. An afternoon/evening reporting program, like the 180 Degrees program will fill this gap and could successfully serve a portion of youth who would otherwise be detained.</p> <p>Heartland 180 facilitates the 180 Degrees (evidence-based) Program which utilizes “Social Emotional Learning” (SEL) as a model. The core of SEL focuses on developing a youth’s capacity to manage, understand, and express the social and emotional aspects of their lives in positive ways that foster learning and successful management of life’s most important tasks. The five focal competencies taught and reinforced in successful SEL programming are: Self-awareness, Social awareness, Self-management, Relationship skills, and Responsible decision-making. Research demonstrates SEL has positive effects on academic performance, benefits physical health and wellbeing, improves citizenship, which is demanded by employers, is essential for lifelong success, and reduces the risk of maladjustment, failed relationships, interpersonal violence, substance abuse, and unhappiness.</p> | <p><b>Completion Criteria:</b></p> <ul style="list-style-type: none"> <li>• A minimum of completion of 24 curriculum hours</li> <li>• 80% completion of program workbook</li> </ul> <p>As the program is a full semester long, in any given quarter participants are expected to have completed a minimum of 24 program hours per quarter and have approximately 80% of the program workbook completed.</p> <p>Program success is measured by students before and after academic performance (GPA’s), attendance, documented disciplinary incidents; students, teachers, parents, and facilitator surveys measuring rate of progress in character development, core values and life skills. Data is collected concerning student grades, attendance, disciplinary reports, demographics, perceptions, assessments, and school processes. On-site visitations at schools, other community sites and facilitator evaluations are regularly performed by management personnel.</p> | <p><b>Who is responsible for annual evaluations of the program and program operations?</b></p> <p>Heartland 180’s Board and Programs committee along with Wyandotte county’s JCAB. Data will be gathered from school districts through Student Services and sent to Heartland 180 to be maintained on a data base through the national program called Citrix. This Data will be collected by the Program Coordinator and a designated staff member three times through the course of programming. We also capture and retain demographic and personal information from our applications and from continued dialog with the adult caregivers and school staff. Heartland 180 collects student demographics, GPAs, Core grades (Math, Science, Social Studies, and Language), Absences, Disciplinary incidents, Daily attendance in 180 classes, Life Skills Development Surveys (student, facilitator, teachers, parents), Facilitator rating of daily classes, and time allocated to each chapter in the 180 Student Handbook. This data is accumulated and reported back to the JACB as well.</p> |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Describe the process utilized for monitoring and evaluating the program.</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Evaluation of programming has been done on a quarterly bases by the Heartland 180 board and the Board's program committee along with inviting representatives from the juvenile court, court services and community corrections. The Board meets to review outcomes and progress of programing. In FY21 the Heartland 180 Board was restructured, and a new executive board was elected to include a representative from USD 500 as Vice President of the board and three sub committees of the board which are the operations, finance/fundraising, and a programs committee. The programs committee will meet bi-monthly to discuss program implementation issues, recruitment/referrals, and outcomes. A semi-annual report will be prepared for JCAB to discuss the progress and evolution of the program. |
| <b>Measurable Outcome Statement (goal) that will allow for the evaluation of program effectiveness.</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| A reduction by 20% of documented disciplinary incidents.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <b>What data will be measured to determine if the program has reached or is making progress towards it's Measurable Outcome Statement (goal)?</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| School disciplinary records will be collected as data point to measure outcome goal.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <b>Target date for when measured change (program effectiveness) is expected to be determined. This date should be within the grant award period (state fiscal year 2025)?</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 25-Jul                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <b>What is the baseline?</b> <i>A baseline is a data reference from a previous achievement that the outcome is built upon. The baseline should be a concise measurement of the data, from the most recent complete fiscal year of data (ex. FY21), that measures the same thing the stated outcome proposes to measure in FY25.</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Disciplinary incident recorded of the six students who remain active in the 180° program of the first semester of programming at Washington H.S. revealed a total of two documented disciplinary incidents before the training compared to one after the completion of the program. This represents a decrease of 50% of documented disciplinary incidences at the end of the first semester. A combine absence records for six the same students who remain active in the 180° program in the first semester revealed a total of 39 absences before the training compared to a total of three after completing the first semester of programming. First semester showed a 92.3% decrease in the rate of absences overall at the end of the first semester.                                                    |

**Please describe any efforts within the program to address racial, ethnic, geographic and other biases that may exist with the program.**

"Within our programming is a curriculum specifically designed for African America boys called Growing into Manhood. It is the same Social Emotional Learning (SEL) curriculum that is used in the current programming, but culturally competent to African American male youth. Historically, client population has been majority youth of color with FY20 second semester class being 100% African American. With providing SEL and CBT programming would provide the youth with appropriate skills for better decision making which would reduce delinquent behavior that could lead to system involvement."



## Monitoring and Evaluation

Who will be responsible for monitoring and evaluating the implementation, operation, and effectiveness of the agency's FY25 plan?

The Juvenile Administrator with the Unified Government of WyCo/KCK - Department of Community Corrections shall submit reports to KDOC on a quarterly basis describing the progress made in reaching the stated goals and objectives. The primary source of information shall be the Athena database system and independently gathered data. The JIAC Administrator will report updates for JIAC's portion of the agency plan to the Juvenile Division Administrator to report back out to KDOC.

How often will evaluations of the implementation, operation, and effectiveness of the agency's FY25 plan occur?

On a quarterly basis, the Juvenile Corrections Advisory Board (JCAB) shall be provided with an opportunity to review the quarterly report submitted to KDOC which will address progress towards accomplishing the identified goals and objectives. At that time, the JCAB will also be made aware of any barriers to success.

How will the outcome of these evaluations be documented and distributed to stakeholders?

Outcome reviews will be documented in writing via the format provided on the KDOC quarterly report which specifically addresses the following: Goals/Objectives, Barriers, Supportive Entities, Target Dates, Action Steps, Agency Progress, Challenges, and Modifications.

If corrective action is required as a result of those evaluations, please describe the process for ensuring that it is addressed/responded to.

Corrective action requests will be reviewed by the agency Director and placed on the next Juvenile Corrections Advisory Board (JCAB) meeting agenda. The advisory board will be informed of the corrective action needed, an analysis and impact of change, and the plan to implement the change. Changes will be reviewed on a quarterly basis and reported to KDOC in the quarterly report and shared with the JCAB.

## Goals and Objectives

### Form Modifications

**The FY25 Agency Caseplan form has space for five (5) goals. If you wish to include more goals, please email a copy of the form to your program consultant and advise how many additional goal fields you will need. They will be able to add the fields and return the form to you for completion and submission with the application.**

Utilize FY25 Agency Case Plan to create the goals, objectives and action steps necessary to implement and evaluate the agency's plan.

Juvenile FY25 Agency Case Plan.xlsx

Attach a completed copy of FY25 Agency Case Plan here.

Juvenile FY25 Agency Case Plan.xlsx

|                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                  |                                                                   |            |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------|------------|
| Agency                                                                                                                                                                                                                                                                              | 29th Judicial District Juvenile Services                                                                                                                                                                                         |                                                                   |            |
| Principle #1                                                                                                                                                                                                                                                                        | Skill train with directed practice (use cognitive behavioral treatment methods).                                                                                                                                                 |                                                                   |            |
| Goal #1                                                                                                                                                                                                                                                                             | During FY25, Wyandotte County Juvenile Services Division will continue to provide Thinking Rationally and Committing to Knowledge (T.R.A.C.K.) to allow clients an opportunity to develop and enhance stronger cognitive skills. |                                                                   |            |
| Barriers                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                  | Supportive Entities                                               |            |
| 1. Staff Turnover                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                  | 1. ISOs                                                           |            |
| 2. Group Attendance                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                  | 2. ISO IIs                                                        |            |
|                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                  | 3. Division 15 Court                                              |            |
|                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                  | 4. Cognitive Program Supervisor                                   |            |
| Action Steps                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                  | Person Responsible                                                | Due Date   |
| 1. Cognitive Program Supervisor will meet with staff at the July monthly team meeting to discuss what clients qualify for the program and what the schedule will be for T.R.A.C.K. in FY25.                                                                                         |                                                                                                                                                                                                                                  | Program Supervisor                                                | 7/31/2024  |
| 2. For the purposes of beginning the change process early, the Cognitive Program Specialist will develop a schedule to conduct Moral Reconation Therapy (MRT) group with youth who are in the juvenile detention center (JDC).                                                      |                                                                                                                                                                                                                                  | Cognitive Program Specialist/Program Supervisor/JDC Administrator | 12/31/2024 |
| 3. Cognitive Program Specialist will attend court hearings and staffings for juveniles on a daily/weekly basis to determine who may need to attend the program. Cognitive Program Specialist will also participate in school and office visits with ISOs when needed.               |                                                                                                                                                                                                                                  | Cognitive Program Specialist                                      | Daily      |
| 4. Cognitive Program Specialist will attend monthly team meetings to review referrals that have already been received so that they may become aware of any changes in the youth's life or so that ISOs can receive an update on how their supervised youth is doing in the program. |                                                                                                                                                                                                                                  | Cognitive Program Specialist/ISOs                                 | Monthly    |
| 5. Cognitive Program Specialist will send a weekly update email to ISOs and ISO IIs detailing program participation, absences, updates, etc.                                                                                                                                        |                                                                                                                                                                                                                                  | Cognitive Program Specialist                                      | Weekly     |
| 6. Upon completion of each group, the Cognitive Program Specialist will provide documentation to the ISOs verifying completion of the group.                                                                                                                                        |                                                                                                                                                                                                                                  | Cognitive Program Specialist                                      | Monthly    |
| Principle #2                                                                                                                                                                                                                                                                        | Assess actuarial risk/needs.                                                                                                                                                                                                     |                                                                   |            |
| Goal #2                                                                                                                                                                                                                                                                             | During FY25, Wyandotte County Juvenile Services Division will focus supervision resources on youth who are high risk in YLS/CMI domains.                                                                                         |                                                                   |            |
| Barriers                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                  | Supportive Entities                                               |            |
| 1. Shorter Probation Term Lengths                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                  | 1. ISOs                                                           |            |
| 2. Long Wait Lists for In-Patient Beds                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                  | 2. ISO IIs                                                        |            |
|                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                  | 3. Administrator                                                  |            |
| Action Steps                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                  | Person Responsible                                                | Due Date   |
| 1. ISO IIs will ensure that ISOs have equitable caseloads at under 20 clients per caseload.                                                                                                                                                                                         |                                                                                                                                                                                                                                  | ISO IIs                                                           | Monthly    |
| 2. Within the first 30 days of supervision of a new client, ISOs will provide a list of resources and inform youth and their parents/guardians of what resources are available for the needs that they have.                                                                        |                                                                                                                                                                                                                                  | ISOs                                                              | Ongoing    |
| 3. Every 6-months youth will be reassessed in YLS/CMI to ensure they are being supervised per their risks and needs.                                                                                                                                                                |                                                                                                                                                                                                                                  | ISOs                                                              | Ongoing    |
| 4. Quality Assurance Program Supervisor will ensure ISOs are following fidelity in EPICS and MI by sitting in on office visits between clients and ISOs. QA Program Supervisor will share results with ISOs and their supervisors.                                                  |                                                                                                                                                                                                                                  | Quality Assurance Program Supervisor/ISOs                         | Quarterly  |
| 5. ISO IIs will continue to meet with ISOs monthly to discuss each youth's progress and ensure that ISO is documenting youth's progress into KDOC Case Management Database.                                                                                                         |                                                                                                                                                                                                                                  | ISO IIs/ISOs                                                      | Monthly    |
| Principle #3                                                                                                                                                                                                                                                                        | Target interventions.                                                                                                                                                                                                            |                                                                   |            |
| Goal #3                                                                                                                                                                                                                                                                             | During FY25, Wyandotte County Juvenile Services Division will increase the percentage of youth who are completing program hours by increasing referrals to programs and in-house services.                                       |                                                                   |            |
| Barriers                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                  | Supportive Entities                                               |            |
| 1. Staffing                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                  | 1. ISOs                                                           |            |
| 2. Scheduling of Programs                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                  | 2. ISO IIs                                                        |            |
| 3. Shorter Probation Term Lengths to Complete Programming                                                                                                                                                                                                                           |                                                                                                                                                                                                                                  | 3. Contracted Providers                                           |            |
| 4. Program Attendance                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                  | 4. Program Facilitators                                           |            |
| Action Steps                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                  | Person Responsible                                                | Due Date   |
| 1. Within 30 days, ISOs will provide an individualized caseplan and update juvenile's progress throughout their time on supervision.                                                                                                                                                |                                                                                                                                                                                                                                  | ISOs                                                              | Ongoing    |
| 2. Within one week of Intake Specialist receiving the notification of a new client, the Intake Specialist will make a referral to recommended or court-ordered programming.                                                                                                         |                                                                                                                                                                                                                                  | Intake Specialist                                                 | Ongoing    |
| 3. ISOs will provide monthly program hour updates, document progress, and meet with clients to discuss progress towards program hours.                                                                                                                                              |                                                                                                                                                                                                                                  | ISOs                                                              | Ongoing    |
| 4. ISO IIs will continue to complete monthly compliance lists and "verbals" to monitor completion towards program hours and completion of court orders.                                                                                                                             |                                                                                                                                                                                                                                  | ISO IIs                                                           | Monthly    |
| 5. The Program Supervisor for Community Corrections will host an "annual programs update" where all program providers will come and discuss updates to their program and their referral process. This will allow staff to hear from each program that our agency works with.        |                                                                                                                                                                                                                                  | Program Supervisor                                                | 12/31/2024 |

# JIAC

|                                                                    |                                                                                                                            |                                       |           |          |
|--------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------|---------------------------------------|-----------|----------|
| Agency                                                             | 29th Judicial District Juvenile Services                                                                                   |                                       |           |          |
|                                                                    |                                                                                                                            |                                       |           |          |
| Principle #1                                                       | Engage ongoing support in natural communities.                                                                             |                                       |           |          |
|                                                                    |                                                                                                                            |                                       |           |          |
| Goal #1                                                            | Conduct a minimum of 8 Roll Call Trainings (2 Quarterly) for Law Enforcement Agencies in Wyandotte County by June 30, 2025 |                                       |           |          |
| Barriers                                                           |                                                                                                                            | Supportive Entities                   |           |          |
| Scheduling                                                         |                                                                                                                            | Police Dept and JIAC                  |           |          |
| Limited amount of time to present                                  |                                                                                                                            | Agency                                |           |          |
| Uninterested parties                                               |                                                                                                                            | Command @ Agencies                    |           |          |
|                                                                    |                                                                                                                            |                                       |           |          |
| Action Steps                                                       |                                                                                                                            | Person Responsible                    | Due Date  | Progress |
| Create short presentation outline                                  |                                                                                                                            | Sr Int Spec and Director              | 8/15/2024 |          |
| Contact appropriate person at each agency to schedule w/roll calls |                                                                                                                            | Director                              | 8/15/2024 |          |
| Create presentation calendar                                       |                                                                                                                            | Senior Intake Spec                    | 8/15/2024 |          |
| Ensure we have ample brochures for each roll call.                 |                                                                                                                            | Staff                                 | varies    |          |
| Present at various roll calls at various agencies                  |                                                                                                                            | Director, Sr Int Spec, possibly staff | 9/1/2024  |          |
|                                                                    |                                                                                                                            |                                       |           |          |
| Principle #2                                                       | Measure relevant processes/practices.                                                                                      |                                       |           |          |
|                                                                    |                                                                                                                            |                                       |           |          |
| Goal #2                                                            | Follow up with 50% of parent/guardian of each referable youth processed and released from JIAC.                            |                                       |           |          |
| Barriers                                                           |                                                                                                                            | Supportive Entities                   |           |          |
| Unable to make contact with parent/guardian                        |                                                                                                                            | Intake Specialists                    |           |          |
| Youth no longer lives with parent/guardian                         |                                                                                                                            | Intake Specialists                    |           |          |
|                                                                    |                                                                                                                            |                                       |           |          |
|                                                                    |                                                                                                                            |                                       |           |          |
| Action Steps                                                       |                                                                                                                            | Person Responsible                    | Due Date  |          |
| Create a Follow Document to record information                     |                                                                                                                            | Elizabeth and Shannon                 | 8/1/2024  |          |
| Train staff on processes for completing a Follow Up call           |                                                                                                                            | Elizabeth and Shannon                 | 9/1/2024  |          |
| Complete Follow up calls w/parent/guardian to check on youth       |                                                                                                                            | Intake Specialists                    | 9/15/2024 |          |
| Provide more referrals to parents/guardian as needed               |                                                                                                                            | Intake Specialists                    | 9/15/2024 |          |
|                                                                    |                                                                                                                            |                                       |           |          |
| Principle #3                                                       |                                                                                                                            |                                       |           |          |
|                                                                    |                                                                                                                            |                                       |           |          |
| Goal #3                                                            |                                                                                                                            |                                       |           |          |
| Barriers                                                           |                                                                                                                            | Supportive Entities                   |           |          |
|                                                                    |                                                                                                                            |                                       |           |          |
|                                                                    |                                                                                                                            |                                       |           |          |
|                                                                    |                                                                                                                            |                                       |           |          |
|                                                                    |                                                                                                                            |                                       |           |          |
| Action Steps                                                       |                                                                                                                            | Person Responsible                    | Due Date  |          |
|                                                                    |                                                                                                                            |                                       |           |          |
|                                                                    |                                                                                                                            |                                       |           |          |
|                                                                    |                                                                                                                            |                                       |           |          |
|                                                                    |                                                                                                                            |                                       |           |          |
|                                                                    |                                                                                                                            |                                       |           |          |
| Goal #4                                                            |                                                                                                                            |                                       |           |          |
| Barriers                                                           |                                                                                                                            | Supportive Entities                   |           |          |
|                                                                    |                                                                                                                            |                                       |           |          |
|                                                                    |                                                                                                                            |                                       |           |          |
|                                                                    |                                                                                                                            |                                       |           |          |
|                                                                    |                                                                                                                            |                                       |           |          |
|                                                                    |                                                                                                                            |                                       |           |          |
|                                                                    |                                                                                                                            |                                       |           |          |
| Action Steps                                                       |                                                                                                                            | Person Responsible                    | Due Date  |          |
|                                                                    |                                                                                                                            |                                       |           |          |
|                                                                    |                                                                                                                            |                                       |           |          |
|                                                                    |                                                                                                                            |                                       |           |          |
|                                                                    |                                                                                                                            |                                       |           |          |
|                                                                    |                                                                                                                            |                                       |           |          |
| Goal #5                                                            |                                                                                                                            |                                       |           |          |
| Barriers                                                           |                                                                                                                            | Supportive Entities                   |           |          |
|                                                                    |                                                                                                                            |                                       |           |          |
|                                                                    |                                                                                                                            |                                       |           |          |
|                                                                    |                                                                                                                            |                                       |           |          |
|                                                                    |                                                                                                                            |                                       |           |          |
|                                                                    |                                                                                                                            |                                       |           |          |
|                                                                    |                                                                                                                            |                                       |           |          |
| Action Steps                                                       |                                                                                                                            | Person Responsible                    | Due Date  |          |
|                                                                    |                                                                                                                            |                                       |           |          |
|                                                                    |                                                                                                                            |                                       |           |          |
|                                                                    |                                                                                                                            |                                       |           |          |
|                                                                    |                                                                                                                            |                                       |           |          |

## **Funding Considerations**

Complete FY25 Juvenile Funding Considerations to provide the statutorily required funding considerations for your agency.  
FY25 Juvenile Funding Considerations.xlsx

Attach a completed copy of FY25 Juvenile Funding Considerations here.

## Agency Fees

### Current Fiscal Year Fees

Does your agency currently assess client fees?

- ☐ Yes  
☒ No

### Fiscal Year 2025 Fees

Did your agency assess fees in FY24?

- ☐ Yes  
☒ No

Will your agency assess fees in FY25?

- ☐ Yes  
☒ No



## Budget Instructions

FAILURE TO ADHERE TO ALL BUDGET INSTRUCTIONS WILL RESULT IN APPLICATIONS BEING RETURNED FOR CORRECTIVE ACTION. THIS MAY DELAY FINAL AWARD DECISIONS, NOTIFICATIONS AND PAYMENTS.

### General Information

FY25 Planning Allocations-Juvenile Spreadsheet  
FY25 Juvenile Planning Allocations.xlsx

**Agencies may only budget for FY25 expenditures that are state funded.**

**Budgeting for pre-paid future year expenditures is not allowed.**

If budgeting for equipment or vehicles, the following figures outline the maximum amount KDOC will grant for the purchase of the specified item. If purchase price exceeds these cost caps, the difference between the cost cap and the purchase price must be paid from a non-KDOC funding source.

- **Desktop Computer (CPU Replacement): \$1200.00** (costs for programs (e.g. MS365) and/or accessories (mouse, keyboard, etc.) are not included in this cost cap)
- **Laptop Computer: \$1,500.00**
- **Monitor (22" flat panel): \$250.00**
- **Minivan or SUV: \$50,081.00**
- **Vehicle (mid-size car): \$29,640.00**
- **Vehicle (compact car): \$26,350.00**

### Required Minimum Budget Allocation

- A minimum budget amount of \$500.00 is required of each Administrative County to assist Court Services in the implementation of client incentives, which is one element of Graduated Responses enacted by Senate Bill 367. This is current practice in some JISP and CM programs and is encouraged of all programs.

This item should be budgeted under Category: Client Incentives using the Line-Item Descriptor: Client Incentives - Court Services

### Budget Categories and Line Items

#### Budget Categories:

- **Categories are pre-defined in Amplifund.**
- **No additional categories may be created by the applicant.**

#### Budget Line Items:

- **Applicants will enter line items, including the line-item descriptor into the budget template in Amplifund.**
- **Applicants are required to utilize the pre-defined line-item descriptors provided in the document attached below (FY25 Juvenile Budget Category and Line-Item Descriptors).**
- **If additional line-item descriptors are needed, agencies may create those when entering their budget. These will be reviewed upon receipt of the application and if questions arise, the applicant will be contacted for clarification.**
- **Applicant must provide comments regarding how cost was determined in the "Narrative" box for each line item entered.**

The attached document provides the Budget Categories, Line Item Descriptors and Glossary. Please review it prior to creating your budget.

FY25 Juvenile Budget Category and Line Item Descriptors.xlsx

### Unallowable Costs

Applicants may not budget for the following costs with state grant funds.

- **Entertainment Costs:** Costs of entertainment including amusement, diversion, and social activities and any costs directly associated with such costs (i.e. tickets to shows or sporting events, meals, lodging, rentals, transportation, and gratuities).
- **Independent Audit Costs:** KDOC will not pay for the cost of independent audit work. These costs are the responsibility of the local entity.
- **Lobbying:** Grantee may not use KDOC funds for any activities aimed at influencing decisions regarding grants, contracts, cooperative agreements, etc.
- **Late Fees/Interest Charges:** Grantee cannot use KDOC funds to pay late fees, interest charges, or finance charges.
- **Food Purchases:** Food purchases are unallowable for employees unless approved by county policy.
- **Salary and Wage Costs:** Grantee may not fund bonuses or other financial incentives outside of a position's normal salary costs with KDOC grant funds. Grantees must demonstrate salaries for all positions are consistent with similar county-funded positions.
- **State general funds shall not be used in the purchasing of firearms/weapons, accessories or related trainings for employees or contract staff.**

#### Payout Funds

Payout Funds Line Item(s):

**Costs should only be budgeted for these line items if local policy allows for existence of such a fund. If you wish to budget this as a line item in FY24, you must submit documentation of local policy, approval of the BOCC or Governing Authority and rationale for determining the amount budgeted.**

Is your agency budgeting for payout funds?

- ☐ Yes  
☐ No

#### Supplanting

The use of KDOC funds to replace non-KDOC funds appropriated for the same purpose is prohibited. The use of KDOC funds to offset a reduction in non-KDOC funding is acceptable; however, the grantee will be required to supply documentation demonstrating the reduction in non-KDOC funds occurred for reasons other than the receipt, or expected receipt, of KDOC funds. Potential supplanting will be the subject of application review, as well as pre-award review, post-award monitoring, and audit.

#### Sign Here

The individual responsible for creating the budget is the individual who should enter their name below.

By entering my name below, I declare that I have reviewed the budget instructions provided by KDOC and have adhered to these instructions as I developed my budget as part of the application process.

## **Signatory Approval**

Utilize FY25 Juvenile Signature Page to obtain the required grant application signatory approvals.

**FY25 Juvenile Signature Page.pdf**

Attach the signed copy of FY25 Juvenile Signature Page here. Be sure to attach all pages of the form, including the additional signature BOCC signature pages if they are applicable for your agency.

## FY2025 Juvenile Comprehensive Plan Grant Signatory Approval Form

Community Corrections Agency 29th Judicial District Juvenile Services



My signature below certifies that I did assist in the development, completion, and review of the agency's Comprehensive Plan grant application (Plan). I further certify that:

1. The Plan, including all forms and attachments, complies with the directions provided by the Kansas Department of Corrections (KDOC).
2. The Plan, including all forms and attachments, complies with applicable Kansas Statutes (KSA), Kansas Administrative Regulations (KAR), KDOC Juvenile Services Operating Standards and the KDOC Financial Rules, Guidelines and Reporting Instructions manual.
3. The Agency is willing to actively plan for implementing the consistent set of statewide policies to help guide the supervision and revocation process of probationers on juvenile community corrections supervision.
4. The Agency will provide timely, complete, and accurate data to the KDOC regarding agency operations and outcomes to include any reports required per Kansas Statutes (KSA), Kansas Administrative Regulations (KAR), KDOC Juvenile Services Operating Standards, the KDOC Financial Rules, Guidelines and Reporting Instructions manual or special requests from the KDOC.

Furthermore, my signature below certifies that acceptance of state grant funds awarded by the KDOC for the grant period July 1, 2024 through June 30, 2025 indicates that as the "Grantee" I acknowledge and agree to comply with all the conditions outlined below:

1. Expend grant funds for the development, implementation, operation, and improvement of juvenile community correctional services pursuant to K.S.A. 75-7022, *et seq.*, and amendments thereto, KSA 38-2302, *et seq.*, and amendments thereto, KSA 38-1008 *et seq.*, and amendments thereto, as submitted in the Plan and approved by the Secretary of Corrections.
2. Assume the authority and responsibility of funds received through the KDOC and ensure compliance with all applicable Federal and State laws, Regulations, KDOC Juvenile Services Operating Standards, policies and procedures, and the KDOC Financial Rules, Guidelines and Reporting Instructions manual. **Any and all costs associated with non-compliance under this section shall be the responsibility of the Grantee (i.e., Host/Administrative County).**
3. Obtain advance approval in writing by the Deputy Secretary of KDOC Juvenile and Adult Community Based Services for all out of state travel and training. All requests for approval of out of state travel and training will be submitted at least two weeks prior to scheduling or obligation of grant funds. **Any and all costs associated with non-compliance under this section shall be the responsibility of the Grantee (i.e., Host/Administrative County).**
4. Acknowledge this grant may be terminated by either party upon a minimum of ninety (90) days written notice to the other party. Upon termination, the unexpended balance of funding distributed to Grantee shall be returned to KDOC within thirty (30) days.
5. Acknowledge that if, in the judgment of the Secretary of the Department of Corrections, sufficient funds are not appropriated to fully continue the terms of this agreement, KDOC may reduce the amount of the grant award.
6. Follow all applicable state and federal laws related to confidentiality of information in regard to juvenile offenders. This provision is not intended to hinder the sharing of information where necessary to effect delivery of services when undertaken in compliance with applicable laws.
7. Neither assume nor accept any liability for the actions or failures to act, either professionally or otherwise, of KDOC, its employees and/or its contractual agents.
8. Not consider employees or agents of the Grantee as agents or employees of KDOC. Grantee accepts full responsibility for payment of unemployment insurance, workers compensation and social security, as well as all income tax deductions and any other taxes or payroll deductions required by law for its employees engaged in work authorized by this Grant.
9. Not hold KDOC and the State of Kansas, and their employees, officials, or agents, liable for any damages or costs arising from the cancellation, voiding, denial or withholding of funds to Grantee.

**FY2025 Juvenile Comprehensive Plan  
Grant Signatory Approval Form**

10. Submit problems or issues regarding the terms of this grant in writing to the Deputy Secretary of Juvenile and Adult Community Based Services for final review and resolution.
11. If any provision of this grant violates any statute or rule of law of the State of Kansas, it is considered modified to conform to that statute or rule of law.
12. Provide each child under its responsibility for placement and care with the protections found in Section 471 of Title IV-E of the Social Security Act and Kansas' Title IV-E Plan and perform candidate for foster care determinations in accordance with Section 471(a)(15) of the Social Security Act. In connection with the performance of services under this Agreement, GRANTEE also agrees to comply with the provisions of the Civil Rights Act of 1964, as amended (78 Stat. 252), Section 504 of the Rehabilitation Act of 1973, Public Law 93-112, as amended, the Regulations of the U. S. Department of Health and Human Services issued pursuant to these Acts, the provisions of Executive Order 11246, Equal Employment Opportunity, dated September 24, 1965, the provisions of the Americans with Disabilities Act of 1990, Public Law 101-336 and the Health Insurance Portability & Accountability Act of 1996; in that compliance shall include, but is not limited to, disclosing only that information that is authorized by law, authorized by the juvenile offender or his parent or legal guardian, setting a time limit on the authorization and disclosure, taking safeguards to prevent use or disclosure of the records, keeping an accounting of all requests for records and documenting its efforts to either protect or release relevant records; there shall be no discrimination against any employee who is employed in the performance of this Agreement, or against any applicant for such employment, because of age, color, national origin, ancestry, race, religion, creed, disability, sex or marital status. This provision shall include, but not be limited to the following: employment, promotion, demotion, or transfer; recruitment or advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training including apprenticeship. Grantee agrees that no qualified handicapped person shall, on the basis of handicap, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity of the Grantee. grantee further agrees to insert similar provisions in all sub-contracts for services allowed and authorized under this Agreement under any program or activity.

**Agency Director**

|               |  |
|---------------|--|
| Printed Name: |  |
| Title:        |  |
| Signature:    |  |
| Date:         |  |

**Governing/Corrections Advisory Board Chairperson**

|               |  |
|---------------|--|
| Printed Name: |  |
| Title:        |  |
| Signature:    |  |
| Date:         |  |

**Board of County Commission Chairperson (Host/Administrative County)\***

|               |  |
|---------------|--|
| Printed Name: |  |
| Title:        |  |
| Signature:    |  |
| Date:         |  |

FY2025 Juvenile Comprehensive Plan  
Grant Signatory Approval Form

Host/Administrative County Financial Officer

|               |  |
|---------------|--|
| Printed Name: |  |
| Title:        |  |
| Signature:    |  |
| Date:         |  |

**\*Multi-county agencies** shall obtain the signature of the County Commission Chairperson of EACH county, unless either of the following is true:

- ✓ The counties have entered into an **Inter-local Agreement** that specifically states that the host/administrative county commission chairperson can sign for all counties. If so, only the signature of the host county commission chairperson is necessary.
- ✓ The counties have entered into an Inter-local Agreement that bestows the counties' governing authority onto the community corrections advisory board. If so, no county commission chairperson signature is required.

**Please use the following page if additional County Commission Chairperson signatures are required for your agency.**



**FY2025 Juvenile Comprehensive Plan  
Grant Signatory Approval Form**

**Board of County Commission Chairperson**

|               |  |
|---------------|--|
| Printed Name: |  |
| Title:        |  |
| Signature:    |  |
| Date:         |  |
| County:       |  |

**Board of County Commission Chairperson**

|               |  |
|---------------|--|
| Printed Name: |  |
| Title:        |  |
| Signature:    |  |
| Date:         |  |
| County:       |  |

**Board of County Commission Chairperson**

|               |  |
|---------------|--|
| Printed Name: |  |
| Title:        |  |
| Signature:    |  |
| Date:         |  |
| County:       |  |

**Board of County Commission Chairperson**

|               |  |
|---------------|--|
| Printed Name: |  |
| Title:        |  |
| Signature:    |  |
| Date:         |  |
| County:       |  |

**Board of County Commission Chairperson**

|               |  |
|---------------|--|
| Printed Name: |  |
| Title:        |  |
| Signature:    |  |
| Date:         |  |
| County:       |  |

## Budget

### Proposed Budget Summary

#### Expense Budget

|                               | Grant Funded  | Total Budgeted |
|-------------------------------|---------------|----------------|
| <b>Travel</b>                 |               |                |
| Subtotal                      | \$0.00        | \$0.00         |
| <b>Equipment</b>              |               |                |
| Subtotal                      | \$0.00        | \$0.00         |
| <b>Supplies</b>               |               |                |
| Subtotal                      | \$0.00        | \$0.00         |
| <b>Agency Operations</b>      |               |                |
| Subtotal                      | \$0.00        | \$0.00         |
| <b>Client Services</b>        |               |                |
| Subtotal                      | \$0.00        | \$0.00         |
| <b>Communications</b>         |               |                |
| Subtotal                      | \$0.00        | \$0.00         |
| <b>Contractual</b>            |               |                |
| Subtotal                      | \$0.00        | \$0.00         |
| <b>Salary &amp; Benefits</b>  |               |                |
| Subtotal                      | \$0.00        | \$0.00         |
| <b>Training</b>               |               |                |
| Subtotal                      | \$0.00        | \$0.00         |
| <b>Delinquency Prevention</b> |               |                |
| Subtotal                      | \$0.00        | \$0.00         |
| <b>Total Proposed Cost</b>    | <b>\$0.00</b> | <b>\$0.00</b>  |

#### Revenue Budget

|                               | Grant Funded          | Total Budgeted        |
|-------------------------------|-----------------------|-----------------------|
| <b>Grant Funding</b>          |                       |                       |
| Award Requested               | \$2,506,227.84        | \$2,506,227.84        |
| Subtotal                      | \$2,506,227.84        | \$2,506,227.84        |
| <b>Total Proposed Revenue</b> | <b>\$2,506,227.84</b> | <b>\$2,506,227.84</b> |

## Proposed Budget Detail

## Proposed Budget Narrative

### Travel

### Equipment

### Supplies

### Agency Operations

### Client Services

### Communications

### Contractual

### Salary & Benefits

### Training

### Delinquency Prevention



# Staff Request for Commission Action

Tracking No. 2188

**Full Commission Meeting Date:**

**Committee:** Full Commission

Date of Standing Committee Action:

(If none, please explain):

**Publication Required:** No

|                            |                                                  |                                       |                                                                     |                                         |
|----------------------------|--------------------------------------------------|---------------------------------------|---------------------------------------------------------------------|-----------------------------------------|
| <u>Date:</u><br>04/18/2024 | <u>Contact Name:</u><br>Lisa Rangel, Diana Segui | <u>Contact Phone:</u><br>x5141, x5095 | <u>Contact Email:</u><br>lrangel@wycokck.org,<br>dsegui@wycokck.org | <u>Department/Division:</u><br>UG Clerk |
|----------------------------|--------------------------------------------------|---------------------------------------|---------------------------------------------------------------------|-----------------------------------------|

Item Description:

The Nominating Committee of the REACH Healthcare Foundation's Board of Directors, respectfully request the **reappointment** of Mr. Octavio Estrella to the Board of Directors for a 3-year term effective June 1, 2024, and concluding May 31, 2027. Mr. Estrella has been vetted by the Nominating Committee, and brings significant expertise and skills needed by the Board to fulfill its mission. Mr. Estrella is a resident of Kansas City, Kansas, and is Assistant Director of Student Services for the Kansas City, Kansas Public Schools. His work focuses on developing partnerships with community agencies to increase access to trauma-sensitive behavioral health services for students and their parents. His background and experience in education, combined with his familiarity with many of REACH's grantee partners in Wyandotte County, is critical to support our community grantmaking goals of strengthening the healthcare safety net and ensuring equitable access to affordable and high-quality healthcare in our region.

Action Requested:

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

Bio-Octavio Estrella



## OCTAVIO ESTRELLA

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### MEMBER

Octavio Estrella is Assistant Director of Student Services for the Kansas City, Kansas Public Schools. His work focuses on developing partnerships with community agencies to increase access to trauma-sensitive behavioral health services for students and their parents. Estrella previously served children and families within community-based health centers, including the Huckleberry Teen Health Clinic and the Tibrucio Vasquez Health Center in California. He holds a Doctor of Philosophy in Education, a Master of Arts in Social Research Methods in Education, and a Bachelor of Arts in Ethnic Studies and Sociology from the University of California. Estrella resides in Wyandotte County, KS.



## Report to Full Commission

| MEETING DATE                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | PRESENTER                                                                              | DEPARTMENT          |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|---------------------|
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <div>Jud Knapp, Acting Land Bank Manager</div> <div>jknapp@wycokck.org<br/>x5472</div> | Land Bank Approvals |
| AGENDA ITEM #XV.1.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                        |                     |
| LAND BANK OPTIONS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                        |                     |
| BACKGROUND                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                        |                     |
| <p>The following <b>option application(s)</b> was presented at the 04/01/2024 Neighborhood and Community Development Standing Committee, submitted by Jud Knapp, Land Bank Manager.</p> <p>Please visit the site to review the applications below.</p> <p><a href="https://gisapp.wycokck.org/Landbank.html">https://gisapp.wycokck.org/Landbank.html</a></p> <p>8 Single Family Homes</p> <p><i>On April 1, 2024, the <b>Neighborhood and Community Development Standing Committee</b>, chaired by Commissioner Davis, voted unanimously to approve and forward to the Land Bank Board of Trustees.</i></p> |                                                                                        |                     |
| RECOMMENDATION                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                        |                     |
| Approve                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                        |                     |
| BUDGET IMPACTS / FINANCIAL CONSIDERATIONS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                        |                     |
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| IT/POLICY CONSIDERATIONS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                        |                     |
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| PROCUREMENT CONSIDERATIONS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                        |                     |
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| LEGAL CONSIDERATIONS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                        |                     |
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| ATTACHMENTS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                        |                     |
| NCD Memo Land Bank Options 04.01.24 (2)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                        |                     |

Approved by Mayor and/or Chair and Administrator to add to agenda.





**Wyandotte County Land Bank**  
Economic Development Department  
Jud Knapp, Manager

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## **M E M O R A N D U M**

**TO:** Neighborhood & Community Development Standing Committee

**FROM:** Jud Knapp, Land Bank Manager

**DATE:** April 19, 2024

**SUBJECT:** Option applications for consideration

The following **option application(s)** are being presented at the 04/01/2024 meeting:

Please visit the new site to review the applications below

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

**A. Single Family Homes – 8 Homes**

1. J-Bloc, LLC – 2 homes
  - i. 631 N 62<sup>nd</sup> St – 014338
  - ii. 622 N 62<sup>nd</sup> St – 014348
2. Nathaniel Dagley – 1 home
  - i. 710 N 78<sup>th</sup> ST – 930817
3. Kelsey Miles – 1 home
  - i. 1220 N 50<sup>th</sup> ST – 047521
4. Brian E. Rodriguez – 1 home
  - i. 3904 Douglas Ave – 912216
5. Miguel Cortes – 1 home
  - i. 1737 S 49<sup>th</sup> St – 915817
6. Arturo Ayala – 1 home
  - i. 3560 N 56<sup>th</sup> Ter – 920621
7. Melissa Zarda – 1 home
  - i. 1702 Stinson Ave – 126705