

UPDATED AGENDA
MAY 30, 2024 UNIFIED GOVERNMENT BOARD OF
COMMISSIONERS MEETING
ORDER OF BUSINESS
MEETING TO CONVENE AT 7:00 PM

Location: Hybrid

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

Please click this URL to join. <https://us02web.zoom.us/j/83892561661>

Or One tap mobile:

+17193594580,83892561661# US

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Or join by phone:

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

US: +1 719 359 4580 or +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 +1 360 209 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 888 475 4499 (Toll-Free) or 877 853 5257 (Toll-Free)

Webinar ID: 838 9256 1661

International numbers available: <https://us02web.zoom.us/j/83892561661>

- I. CALL TO ORDER**
- II. ROLL CALL**
- III. INVOCATION GIVEN BY CHAPLAIN LAMAR MARTIN, JR., MT. SINAI
MISSIONARY BAPTIST CHURCH**
- IV. PLEDGE OF ALLEGIANCE**
- V. REVISIONS TO THURSDAY, MAY 30, 2024 AGENDA UPDATE REMOVING
ITEM #2 AND ADDING ITEM #10 TO THE MAYOR'S AGENDA.**
- VI. CLERK'S STATEMENT**
- VII. PLANNING AND ZONING CONSENT AGENDA**
- VIII. PLANNING AND ZONING NON-CONSENT AGENDA**
- IX. MAYOR'S AGENDA**
- X. REGULAR CONSENT AGENDA**
- XI. PUBLIC HEARING AGENDA**
- XII. STANDING COMMITTEES' AGENDA**
- XIII. ADMINISTRATOR'S AGENDA**

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

VI. CLERK'S STATEMENT

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

VII. MAYOR'S AGENDA

1. **PRESENTATION: WEEK OF KINDNESS CONTRIBUTIONS TO PARK FOUNDATION**

Synopsis: Presentation of funds to the Parks Foundation contributed by UG employees through the purchase of candy grams to recognize and thank their colleagues and team members during the April 2024 Week of Kindness.

For information Only

Tracking #: 21139

2. **PRESENTATION: DOTTE CARD INTRODUCTION (REMOVED PER AGENDA UPDATE)**

Synopsis: Presentation of the Dotte Card, an initiative for the Mayor and Commission to honor the community for their contributions and making our county Dotte Proud.

For Information Only

Tracking #: 21140

3. **PROCLAMATION: J.R. HOODSTAR DAY**

Synopsis: Proclamation proclaiming May 4, 2024, as J.R. Hoodstar Day, submitted by Tyrone A. Garner, Mayor/CEO.

Tracking #: 21162

4. **PROCLAMATION: NATIONAL CORRECTIONAL OFFICERS AND EMPLOYEES WEEK**

Synopsis: Proclamation proclaiming May 5-11, 2024, as National Correctional Officers and Employees Week, submitted by Tyrone A. Garner, Mayor/CEO.

Tracking #: 21155

5. **PROCLAMATION: ALPHA KAPPA ALPHA SORORITY INCORPORATED MU OMEGA CHAPTER DAY**

Synopsis: Proclamation proclaiming May 10, 2024, as Alpha Kappa Alpha Sorority, Incorporated Mu Omega Chapter Day, submitted by Tyrone A. Garner,

Mayor/CEO.

Tracking #: 21156

6. PROCLAMATION: KANSAS CITY KANSAS POLICE DEPARTMENT WEEK

Synopsis: Proclamation proclaiming May 12-18, 2024, as Kansas City Kansas Police Department Week, submitted by Tyrone A. Garner, Mayor/CEO.

Tracking #: 21157

7. PROCLAMATION: SATURNINO FAMILY EDUCATIONAL EQUITY DAY

Synopsis: Proclamation proclaiming May 19, 2024, as Saturnino Family Educational Equity Day, submitted by Tyrone A. Garner, Mayor/CEO.

Tracking #: 21158

8. PROCLAMATION: EMERGENCY MEDICAL SERVICES WEEK

Synopsis: Proclamation proclaiming May 21-27, 2024, as Emergency Medical Services Week, submitted by Tyrone A. Garner, Mayor/CEO.

Tracking #: 21159

9. PROCLAMATION: OLDER AMERICANS MONTH

Synopsis: Proclamation proclaiming the month of May 2024, as Older Americans Month, submitted by Tyrone A. Garner, Mayor/CEO.

Tracking #: 21160

10. RESOLUTION: FIRST AMENDMENT TO THE DOWNTOWN CAMPUS DEVELOPMENT AGREEMENT (ADDED PER AGENDA UPDATE)

Synopsis: Resolution adopting the First Amendment to the Downtown Campus Development Agreement with Lanier United, LLC.

Tracking #: 21163

VIII. PLANNING AND ZONING CONSENT AGENDA

A. CHANGE OF ZONE APPLICATIONS

1. COZ2023-035 - RYAN DENK

Synopsis: Change of Zone from MP-1 Planned Light Industrial and Industrial Park District to MP-3 Planned Heavy Industrial District to construct a lay down yard at 1625 South 86th Street, RECOMMENDED FOR APPROVAL BY A VOTE OF 5 TO 0 TO MP-2 GENERAL INDUSTRIAL DISTRICT.

Tracking #: 21124

2. COZ2024-003 - DANA BLAY WITH DBL ARCHITECTURE

Synopsis: Change of Zone from CP-O Planned Non-Retail Business and C-3 Commercial Districts to CP-3 Planned Commercial District to construct a new C-Store, Retail Shops and Gas Station at 1200 Central Avenue, RECOMMENDED FOR APPROVAL BY A VOTE OF 6 TO 0.

Tracking #: 21126

3. COZ2024-007 - JAKE YOUNG

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

District for agriculture use at 1435 and 1501 South 88th Street, RECOMMENDED FOR APPROVAL BY A VOTE OF 6 TO 0.

Tracking #: 21127

4. **COZ2024-008 - JOSE PEREZ CARDENAS**

Synopsis: Change of Zone from R-1 Single Family District to A-G Agriculture District to keep animals on the property at 4140 North 60th Street, RECOMMENDED FOR APPROVAL BY A VOTE OF 6 TO 0.

Tracking #: 21128

5. **COZ2024-010 - ALICE VANN WITH ALTAR SUPPORT**

Synopsis: Change of Zone from R-1 Single Family District to CP-1 Planned Limited Business District to convert a portion of the building into office and retail uses at 9151 Parallel Parkway, RECOMMENDED FOR APPROVAL BY A VOTE OF 6 TO 0 TO CP-O PLANNED NON-RETAIL BUSINESS DISTRICT.

Tracking #: 21129

6. **COZ2024-011 - CASSANDRA PATRICK WITH SMH CONSULTANTS**

Synopsis: Change of Zone from R-1 Single Family and M-2 General Industrial Districts to MP-2 Planned General Industrial District to expand an industrial warehouse at 1323 South 59th Street, RECOMMENDED FOR APPROVAL BY A VOTE OF 6 TO 0.

Tracking #: 21130

B. SPECIAL USE PERMIT APPLICATIONS

1. **SP2023-117 - RYAN DENK**

Synopsis: Renewal of a Special Use Permit (SP-2019-20) to continue on-site grading and dirt removal at 1625 South 86th Street, RECOMMENDED FOR DENIAL BY A VOTE OF 5 TO 0.

Tracking #: 21125

2. **SP2024-002 - ANDY JARRETT**

Synopsis: Special Use Permit to operate a used automotive dealership and auto repair at 8022 Leavenworth Road, RECOMMENDED FOR DENIAL BY A VOTE OF 6 TO 0.

Tracking #: 21131

3. **SP2024-015 - GEOFFREY KIGENYI**

Synopsis: Renewal of a Special Use Permit (SP2022-064) for a Short-Term Rental at 4410 Rainbow Boulevard, RECOMMENDED FOR APPROVAL BY A VOTE OF 5 TO 0 FOR 2 YEARS.

Tracking #: 21120

4. **SP2024-016 - ALICIA VANN WITH ALTAR SUPPORT**

Synopsis: Special Use Permit for a daycare at 9151 Parallel Parkway, RECOMMENDED FOR APPROVAL BY A VOTE OF 6 TO 0 FOR 2 YEARS.

Tracking #: 21133

5. **SP2024-017 - CHAD WOLFE**

Synopsis: Special Use Permit for stockpiling of excavated materials at 1911 Foxridge Drive, RECOMMENDED FOR APPROVAL BY A VOTE OF 6 TO 0 FOR 2 YEARS.

Tracking #: 21134

6. **SP2024-019 - ARIN J. WOODSON**

Synopsis: Special Use Permit for a Short-Term Rental at 7917 Tauromee Avenue, RECOMMENDED FOR APPROVAL BY A VOTE OF 6 TO 0 FOR 1 YEAR.

Tracking #: 21122

7. **SP2024-020 - AARON MARCH**

Synopsis: Renewal and expansion of a Special Use Permit (SP-2019-072) for extracting material/fill with State approved rubble and recycling and adding the production and stockpiling of sand at 8205 and 8251R Kaw Drive and 2103 South 84th Street, RECOMMENDED FOR APPROVAL BY A VOTE OF 5 TO 0 FOR 10 YEARS)

Tracking #: 21121

8. **SP2024-022 - AARON MARCH**

Synopsis: Renewal and expansion of a Special Use Permit (SP-2019-67) for a sand plant/dredging operation and adding the production and stockpiling of sand at 2400 South 78th Street, RECOMMENDED FOR APPROVAL BY A VOTE OF 5 TO 0 FOR 10 YEARS.

Tracking #: 21123

C. VACATION APPLICATION

1. **VAC2024-002 - GARY CALVERT SR. WITH CALVERT EXPRESS REAL ESTATE**

Synopsis: Vacation of a utility easement to construct a new drive-through bank at 7908 State Avenue, RECOMMENDED FOR APPROVAL BY A VOTE OF 6 TO 0.

Tracking #: 21137

D. PLAN REVIEW APPLICATION

1. **PR2024-005 - WILLIE BRANTLEY JR.**

Synopsis: Preliminary Development Plan to construct a prefabricated commercial building at 1718 North 13th Street, RECOMMENDED FOR APPROVAL BY A VOTE OF 6 TO 0.

Tracking #: 21138

E. MASTER PLAN AMENDMENTS

1. MPL2024-002 - DANA BLAY WITH DBL ARCHITECTURE

Synopsis: Master Plan Amendment from Urban Density (Central Area Plan) to Community Commercial (Central Area Plan) at 16 North 12th Street, in conjunction with COZ2024-003, RECOMMENDED FOR APPROVAL BY A VOTE OF 6 TO 0.

Tracking #: 21147

2. MPL2024-003 - HOUSTON DEFOE WITH BLUE PALM LLC

Synopsis: Master Plan Amendment from General Urban (Central Area Plan) to Mixed Use (Central Area Plan) at 204 Orchard Street, RECOMMENDED FOR APPROVAL BY A VOTE OF 6 TO 0.

Tracking #: 21148

3. MPL2024-005 - ALICIA VANN WITH ALTAR SUPPORT

Synopsis: Master Plan Amendment from Planned Mixed-Residential (Prairie-Delaware-Piper Area Plan) to Planned Small Commercial (Prairie-Delaware-Piper Area Plan) in conjunction with COZ2024-010, RECOMMENDED FOR APPROVAL BY A VOTE OF 6 TO 0.

Tracking #: 21149

4. MPL2024-006 - CASSANDRA PATRICK WITH SMH CONSULTANTS

Synopsis: Master Plan Amendment from Public/Semi-Public and Rural-Density Residential (PlanKCK Comprehensive Plan) to Industrial (PlanKCK Comprehensive Plan) in conjunction with COZ2024-011, RECOMMENDED FOR APPROVAL BY A VOTE OF 6 TO 0.

Tracking #: 21150

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

- 1. AN ORDINANCE** rezoning property at 1198 -1200 North 134th Street, (COZ2024-002), from R Rural Residential District (WYCO) to A-G Agriculture District (City), RECOMMENDED FOR APPROVAL.

Tracking #: 21140

- 2. AN ORDINANCE** rezoning property at 9400 State Avenue, (COZ2024-006), from A-G Agriculture District to CP-2 Planned General Business District, RECOMMENDED FOR APPROVAL.

Tracking #: 21141

- 3. AN ORDINANCE** authorizing a Special Use Permit (SP2024-003) to continue operation of transitional housing for youth at 3535 Wood Avenue, RECOMMENDED FOR APPROVAL.

Tracking #: 21142

4. **AN ORDINANCE** authorizing a Special Use Permit (SP2024-008) for a group dwelling for up to 14 veterans at 1026 Ann Avenue, RECOMMENDED FOR APPROVAL.
Tracking #: 21143
5. **AN ORDINANCE** authorizing a Special Use Permit (SP2024-010) for a Short-Term Rental at 2614 South 27th Street, RECOMMENDED FOR APPROVAL.
Tracking #: 21144
6. **AN ORDINANCE** rezoning property at 804 South 89th Street (COZ2024-005) from A-G Agriculture District to R-1 Single Family District, RECOMMENDED FOR APPROVAL.
Tracking #: 21145
7. **AN ORDINANCE** authorizing a Special Use Permit (SP2024-011) to operate an automotive dealership at 401 Kansas Avenue, RECOMMENDED FOR APPROVAL.
Tracking #: 21146

IX. PLANNING AND ZONING NON-CONSENT AGENDA

A. CHANGE OF ZONE APPLICATIONS

1. **COZ2024-004 - FRED DEL TORO** (NOTE: Applicant has requested that this application be held over to the June Board of Commissioners meeting as he is out of the country).
Synopsis: Change of Zone from R-1 Single Family District to A-G Agriculture District to utilize the property for agricultural purposes, at 3612 Emmons Drive, RECOMMENDED FOR DENIAL BY A VOTE OF 6 TO 4.
Tracking #: 21153

B. SPECIAL USE PERMIT APPLICATIONS

1. **SP2023-122 - ANDREW MALL**
Synopsis: Special Use Permit for a Short-Term Rental at 6115 Oak Grove Road, RECOMMENDED FOR APPROVAL BY A VOTE OF 6 TO 4 FOR 1 YEAR.
Tracking #: 21154
2. **SP2024-013 - MYLES MCMILLON WITH THE AUTOMOTIVE GAME CHANGERS**
Synopsis: Special Use Permit to operate a used automobile sales lot at 7609 Leavenworth Road, RECOMMENDED FOR DENIAL BY A VOTE OF 5 TO 1.
Tracking #: 21132

TAX STATUS REPORT
BOARD OF COMMISSIONERS AGENDA FOR MAY 30, 2024

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

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

X. REGULAR CONSENT AGENDA

1. RESOLUTION: KAW RIVER BRIDGE COOPERATIVE AND DEVELOPMENT AGREEMENT THIRD AMENDMENT

Synopsis: Adoption of a resolution to approve the Third Amendment to the Kaw River Bridge Cooperative and Development Agreement.

*On April 29, 2024, the **Economic Development and Finance Standing Committee**, chaired by Commissioner Burroughs, voted unanimously to approve and forward to full commission.*

Tracking #: 2156

2. RESOLUTION: KAW RIVER BRIDGE COMMUNITY DEVELOPMENT IMPROVEMENT DISTRICT

Synopsis: Adoption of a resolution calling for a public hearing and providing notice on the advisability of creating a community improvement district (CID) known as the Kaw River Bridge Community Improvement District and levying a CID sales tax within the district.

*On April 29, 2024, the **Economic Development and Finance Standing Committee**, chaired by Commissioner Burroughs, voted unanimously to approve and forward to full commission.*

Tracking #: 2158

3. RESOLUTION: ROCK ISLAND BRIDGE IRB AMENDMENT

Synopsis: Amending the Resolution of Intent to issue Industrial Revenue Bonds for the benefit of Flying Truss, LLC for the Rock Island Bridge. The previous resolution of intent was approved June 30, 2022, with the adoption of R-27-22 which specified an amount not to exceed \$13,000,000. This amendment increases the amount to \$17,000,000.

*On April 29, 2024, the **Economic Development and Finance Standing Committee**, chaired by Commissioner Burroughs, voted unanimously to approve and forward to full commission.*

Tracking #: 2143

4. **RESOLUTION/ORDINANCE: ROCK ISLAND BRIDGE COMMON CONSUMPTION AREA**

Synopsis: Approval of an ordinance and adopting a resolution establishing a common consumption area (CCA) within the Rock Island Bridge and authorizing the possession and consumption of alcoholic liquor within the CCA.

*On April 29, 2024, the **Economic Development and Finance Standing Committee**, chaired by Commissioner Burroughs, voted unanimously to approve and forward to full commission.*

Tracking #: 2159

XI. PUBLIC HEARING AGENDA

XII. STANDING COMMITTEES' AGENDA

1. **ORDINANCE: APPROVING CHANGES RELATED TO MOBILE VENDING OPERATIONS**

Synopsis: Approval of an ordinance updating the Code of the Unified Government of Wyandotte County, Kansas City, Kansas, related to mobile vending.

*This item was scheduled to appear before the **Neighborhood & Community Development Standing Committee**, chaired by Commissioner Davis, on May 15, 2024. It was requested voted 4-1 to fast-track this item to the May 30, 2024, full commission meeting.*

Tracking #: 21108

XIII. ADMINISTRATOR'S AGENDA

XIV. COMMISSIONERS' AGENDA

XV. LAND BANK BOARD OF TRUSTEES' CONSENT AGENDA

1. **LAND BANK OPTIONS**

Synopsis: The Land Bank Manager respectfully requests that the Neighborhood and Community Development Committee review the proposed items and forward it to the Land Bank Board of Trustees for final consideration.

Please visit the site to review the applications below.

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

14 Single Family Homes

6 Multi Family Units

1 Commercial

*On April 29, 2024, the **Neighborhood and Community Development Standing Committee**, chaired by Commissioner Davis, voted unanimously to approve and forward to full commission.*

Tracking #: 2153

2. LAND BANK PROPERTY TRANSFERS

Synopsis: The Land Bank Manager respectfully requests that the Neighborhood and Community Development Committee review the proposed items and forward it to the Land Bank Board of Trustees for final consideration.

Please visit the site to review the applications below.

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

1 Transfer from UG to Land Bank

*On April 29, 2024, the **Neighborhood and Community Development Standing Committee**, chaired by Commissioner Davis, voted unanimously to approve and forward to full commission.*

Tracking #: 2154

XVI. PUBLIC ANNOUNCEMENTS

XVII. ADJOURN

**AGENDA UPDATE
UNIFIED GOVERNMENT COMMISSION MEETING
THURSDAY, MAY 30, 2024**

ADDING ITEM

VII. MAYOR'S AGENDA

**Item No. 10 - RESOLUTION: FIRST AMENDMENT TO THE DOWNTOWN
CAMPUS DEVELOPMENT AGREEMENT**

Synopsis: Resolution adopting the First Amendment to the Downtown Campus
Development Agreement with Lanier United, LLC.

Tracking #: 212902

REMOVING ITEM

Item No. 2 – PRESENTATION: DOTTE CARD INTRODUCTION

Synopsis: Presentation of the Dotte Card, an initiative for the Mayor and Commission to
honor the community for their contributions and making our county Dotte Proud.

Tracking #: 21140



Report to Full Commission

MEETING DATE	PRESENTER	DEPARTMENT
	Irene Caudillo, Chief of Staff icaudillo@wycokck.org x5010	Mayor's Office
AGENDA ITEM #VII.1.		
PRESENTATION: WEEK OF KINDNESS CONTRIBUTIONS TO PARK FOUNDATION		
BACKGROUND		
Presentation of funds to the Parks Foundation contributed by UG employees through the purchase of candy grams to recognize and thank their colleagues and team members during the April 2024 Week of Kindness. <i>For information Only</i>		
RECOMMENDATION		
For information only		
BUDGET IMPACTS / FINANCIAL CONSIDERATIONS		
IT/POLICY CONSIDERATIONS		
PROCUREMENT CONSIDERATIONS		
LEGAL CONSIDERATIONS		
ATTACHMENTS		

Approved by Mayor and/or Chair and Administrator to add to agenda.



Report to Full Commission

MEETING DATE	PRESENTER	DEPARTMENT
	Irene Caudillo, Chief of Staff icaudillo@wycokck.org x5010	Mayor's Office
AGENDA ITEM #VII.2.		
PRESENTATION: DOTTE CARD INTRODUCTION (REMOVED PER AGENDA UPDATE)		
BACKGROUND		
Presentation of the Dotte Card, an initiative for the Mayor and Commission to honor the community for their contributions and making our county Dotte Proud. <i>For Information Only</i>		
RECOMMENDATION		
For information only		
BUDGET IMPACTS / FINANCIAL CONSIDERATIONS		
IT/POLICY CONSIDERATIONS		
PROCUREMENT CONSIDERATIONS		
LEGAL CONSIDERATIONS		
ATTACHMENTS		

Approved by Mayor and/or Chair and Administrator to add to agenda.



PROCLAMATION

- WHEREAS,** James Donnelson known as J.R. Hoodstar is a Wyandotte native who grew up in the St Margret's Housings Development, and successfully attended Central Middle School and Wyandotte High School; and
- WHEREAS,** J.R. Hoodstar is known within urban settings for promoting entertainment throughout the Kansas City area, built his name as one of the top tier Host around the KC Metro; and
- WHEREAS,** winning the Kansas City People's Choice award for Best Host in 2023, thereby breaking barriers for Wyandotte entertainment nightlife, influenced the entertainment narrative; and
- WHEREAS,** on May 4th he spearheaded "Hoodstar Boys to Men Workshop" engaging young boys from ages 14-17 with often overlooked critical technical skill mentorship that correlated into a full-fledged summer initiative available to young men in Kanas City Kansas; and
- WHEREAS,** KC media outlets have highlighted this work, which reflects positively on the vision of James Donnelson, and further exemplifies his devotion to the community and his four children, Joshua, Bridan, James, and Julianna as he plans to continue spreading positivity and love for all things positive in Kansas City Kansas.

NOW, THEREFORE, I, Tyrone Garner, Mayor/CEO of the Unified Government of Wyandotte County/Kansas City, Kansas, do hereby proclaim May 4, 2024, as:

“J.R. Hoodstar Day”

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

TYRONE GARNER, MAYOR/CEO



PROCLAMATION

- WHEREAS,** members of law enforcement agencies within the Unified Government of Wyandotte County/Kansas City, Kansas play an essential role and work tirelessly to ensure public safety and uphold justice; and
- WHEREAS,** Wyandotte County Sheriff's Department plays a critical role in maintaining safety within our jails, and community correctional facilities; and
- WHEREAS,** Correctional facilities in our county are run by highly qualified and experienced individuals with a deep understanding of the challenges within the profession and responsible for the custody, care and rehabilitation of offenders every year; and
- WHEREAS,** We commemorate today our brothers and sisters who died in the line of duty we acknowledge the losses experienced by the families, friends, and colleagues of all our fallen officers; and
- WHEREAS,** We ask all citizens to honor the Correctional officers and workers for their service and exceptional performance of duties under the most difficult circumstances; and
- WHEREAS,** National Correctional Officers week was first proclaimed on May 5, 1984 by President Ronald Reagan, we will observe and celebrate May 5 – May 11, 2024 National Correctional Officers and Employees week in partnership with the American Correctional Association.

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:

“National Correctional Officers and Employees Week”

in Wyandotte County/Kansas City, Kansas, and urge all citizens to recognize the importance of National Correctional Officers 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,** the Alpha Kappa Alpha Sorority, Incorporated® the Historic Mu Omega Chapter of Kansas City, Kansas was chartered on May 10, 1924; and
- WHEREAS,** Alpha Kappa Alpha Sorority, Incorporated® Founder Beulah E. Burke along with charter members Frances Kealing Hayden, Carolyn Kealing Dixon, Mae Miller, Gladys Holmes, and Louise Thompson Clark chartered the 12th Graduate Chapter of the Sorority in Kansas City, Kansas; and
- WHEREAS,** Alpha Kappa Alpha Sorority, Incorporated® Founder and Incorporator Ethel Jones Mowbray an Educator and Businesswoman and member who lived and is buried in Woodlawn Cemetery; and
- WHEREAS,** the Historic Mu Omega Chapter has served the Kansas City, Kansas, and Kansas City Metropolitan through the Sorority's motto of "Service to all Mankind"; and
- WHEREAS,** the Historic Mu Omega Chapter has served our communities for 100 years through programs of service in the areas of Education, Leadership, Health, Family, Economic Development, Scholarship, Environment, the Arts and Culture; and
- WHEREAS,** the Historic Mu Omega Chapter has provided scholarships to youth, served the homeless, hosted the AKA Debutante Ball, partnered with the American Cancer Society, the American Red Cross, NAMI, NAACP, SCLC, Urban League, UNCF, sponsored Voter Registration Drives and other organizations that fulfill the needs of Kansas Citizens and their respective communities; and
- WHEREAS,** special activities and events have been planned to celebrate the occasion of this Centennial Anniversary; and
- WHEREAS,** we should join in the expression of our pride and appreciation for the many civic and economic benefits that our community has enjoyed over the past 100 years benefiting the city and its residents.

NOW, THEREFORE, I, Tyrone Garner, Mayor/CEO of the Unified Government of Wyandotte County/Kansas City, Kansas, do hereby proclaim May 10, 2024, as:

"Alpha Kappa Alpha Sorority, Incorporated® Mu Omega Chapter Day"

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

TYRONE GARNER, MAYOR/CEO



PROCLAMATION

WHEREAS, members of law enforcement agencies within the Unified Government of Wyandotte County/Kansas City, Kansas play an essential role in safeguarding the rights and freedoms of citizens; and

WHEREAS, it is important that all citizens know and understand the problems, duties, and responsibilities of the Kansas City, Kansas Police Department, and that members of our law enforcement recognize their duty to serve the people by safeguarding life and property by protecting the innocent against deception and the weak against oppression or intimidation; and

WHEREAS, the Police Department of Kansas City, Kansas has grown to be a modern and data-driven law enforcement agency that provides a vital public service; and

WHEREAS, we commemorate today our brothers and sisters who died in the line of duty we acknowledge the losses experienced by the families, friends, and colleagues of all our fallen officers; and

WHEREAS, we ask all citizens to remember those members of law enforcement, past and present, who, by their faithful and loyal dedication to their communities, have established for themselves an enviable and enduring reputation for preserving the rights and security of all citizens; and

WHEREAS, Police Week is May 12-18, 2024, and will be observed and celebrated.

NOW, THEREFORE, I, Tyrone Garner, Mayor/CEO of the Unified Government of Wyandotte County/Kansas City, Kansas, do hereby proclaim May 12-18, 2024, as:

“Kansas City, Kansas Police Department Week”

in Wyandotte County/Kansas City, Kansas, and urge all citizens to recognize the importance of Kansas City, Kansas Police Department 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,** Saturnino Alvarado, a shoemaker from Michoacan, Mexico, believed his children, Jesse, and Luz, had the right to be educated like any other students living in Argentine, Wyandotte County, Kansas, thus becoming a major figure in the effort to integrate public schools in Kansas City, Kansas; and
- WHEREAS,** the Alvarado family persisted in their efforts to have their children and other Mexican American children attend Argentine High School despite the efforts of a group of white parents to keep them from attending the school through threats of violence; and
- WHEREAS,** after missing a year of school, the students were enrolled for the 1926-1927 school year, and because of the family's efforts children graduated from Argentine High School in 1930; and
- WHEREAS,** Alvarado's family's valiant actions to bring about just treatment for Mexican and Mexican American children in Kansas City, Kansas public schools, paved the way for future generations of students to obtain their educational goals.

NOW, THEREFORE, I, Tyrone Garner, Mayor/CEO of the Unified Government of Wyandotte County/Kansas City, Kansas, do hereby proclaim May 19, 2024, as:

“Saturnino Family Educational Equity Day”

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

TYRONE GARNER, MAYOR/CEO



PROCLAMATION

- WHEREAS,** emergency medical services are a vital bedrock public service; and
- WHEREAS,** the members of emergency medical services teams are ready to provide life-saving care to those in need 24 hours a day, seven days a week; and
- WHEREAS,** access to quality emergency care dramatically improves the survival and recovery rate of those who have experienced sudden illness or injury; and
- WHEREAS,** emergency medical services have grown to fill a gap by providing important, out-of-hospital care, including preventative medicine, follow-up care, and access to telemedicine; and
- WHEREAS,** the emergency medical services system consists of emergency responders, emergency medical technicians, paramedics, emergency medical dispatchers, firefighters, police officers, educators, administrators, pre-hospital nurses, emergency nurses, emergency physicians, trained members of the public, and other out of hospital medical care providers; and
- WHEREAS,** the members of our emergency medical services teams, engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills; and
- WHEREAS,** it is appropriate to recognize the value and the accomplishments of emergency medical services providers by designating Emergency Medical Service Week.
- NOW, THEREFORE,** I, Tyrone Garner, Mayor/CEO of the Unified Government of Wyandotte County/Kansas City, Kansas, do hereby proclaim May 21-27, 2024, as:

“Emergency Medical Services Week”

in Wyandotte County/Kansas City, Kansas, and urge all citizens to recognize the importance of Emergency Medical Services 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



Unified Government of Wyandotte County/Kansas City, Kansas

PROCLAMATION

- WHEREAS,** May is Older Americans Month, a time for us to recognize and honor Wyandotte County/Kansas City Kansas older adults and their immense influence on every facet of American society; and
- WHEREAS,** through their wealth of life experience and wisdom, older adults guide our younger generations and carry forward abundant cultural and historical knowledge; and
- WHEREAS,** older Americans improve our communities through intergenerational relationships, community service, civic engagement, and many other activities; and
- WHEREAS,** communities benefit when people of all ages, abilities, and backgrounds have the opportunity to participate and live independently; and
- WHEREAS,** Wyandotte County/Kansas City Kansas must ensure that older Americans have the resources and support needed to stay involved in their communities — reflecting our commitment to inclusivity and connectedness.

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

“Older Americans Month”

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

TYRONE GARNER, MAYOR/CEO



Report to Full Commission

Tracking ID: 21163

MEETING DATE	PRESENTER	DEPARTMENT
MAY 30 2024	Jeffrey Conway, Assistant Counsel jconway@wycokck.org x5075	Legal
AGENDA ITEM #VII.10.		
RESOLUTION: FIRST AMENDMENT TO THE DOWNTOWN CAMPUS DEVELOPMENT AGREEMENT		
BACKGROUND		
Resolution adopting the First Amendment to the Downtown Campus Development Agreement with Lanier United, LLC.		
RECOMMENDATION		
Approve		
BUDGET IMPACTS / FINANCIAL CONSIDERATIONS		
IT/POLICY CONSIDERATIONS		
PROCUREMENT CONSIDERATIONS		
LEGAL CONSIDERATIONS		
ATTACHMENTS		

Approved by Mayor and/or Chair and Administrator to add to agenda.

Approved - Mayor [Signature]
[Signature] 5/29/2024

RESOLUTION NO. R-____-24

**A RESOLUTION ADOPTING THE FIRST AMENDMENT TO THE DOWNTOWN
CAMPUS DEVELOPMENT AGREEMENT**

WHEREAS, Lanier United, LLC, a Kansas limited liability company ("Developer"), desires to design, develop and construct approximately 90,000 square feet of residential housing, commercial and service-based amenities, and upgraded conference facilities (collectively, the "Project") on approximately 1.56 acres of real property located at 510 and 520 Minnesota Avenue, Kansas City, Kansas (the "Project Site"), which Project Site is owned by the Unified Government of Wyandotte County/Kansas City, Kansas (the "UG"); and

WHEREAS, the Project Site is currently included within the Downtown Hotel Community Improvement District (the "CID") created by the UG by passage of Ordinance No. O-37-13 on June 6, 2013, pursuant to the CID Act (K.S.A. 6a-26 *et seq.*); and

WHEREAS, the UG and Developer previously entered into that certain Downtown Campus Development Agreement dated as of March 26, 2020, as amended by that certain First Amendment to Downtown Campus Development Agreement dated as of July 30, 2020, that certain Second Amendment to Downtown Campus Development Agreement dated as of December 30, 2020, that certain Third Amendment to Downtown Campus Development Agreement dated as of May 13, 2021, and that certain Fourth Amendment to Downtown Campus Development Agreement dated as of July 31, 2021 (collectively, as amended, the "Original Agreement"); and

WHEREAS, in connection with the Original Agreement, the UG created a tax increment financing district (the "Original TIF District") comprising the Project Site and certain other real property, by passage of Ordinance No. O-16-20 on March 26, 2020, and adopted a Redevelopment Project Plan (the "Original Project Plan") for the Original TIF District by passage of Ordinance No. O-46-20 on July 30, 2020, all pursuant to the TIF Act (K.S.A. 12-1770 *et seq.*); and

WHEREAS, Developer thereafter asserted that the Original Project Plan was abandoned because the development projects contemplated thereunder were no longer desired or feasible; and

WHEREAS, on April 27, 2023, the UG and Developer entered into that certain Amended and Restated Downtown Campus Development Agreement (the "Amended and Restated Agreement") to address changes from the Original Agreement and set forth certain additional modifications, including among other things, an extension of the deadline to satisfy conditions and close on transfer of the Project Site by January 22, 2023, but providing that the Amended and Restated Agreement would automatically terminate as of the day after January 22, 2023 if the conditions were not timely satisfied; and

WHEREAS, on October 26, 2023, the UG passed Ordinance No. O-131-23 to remove certain real property from the Original TIF District (as amended, the "TIF District"), terminate the Original Project Plan, and approve the revised Redevelopment Project Plan proposed by Developer for the Project (the "2023 Project Plan"), all pursuant to the TIF Act; and

WHEREAS, the UG determined that Developer did not fully satisfy all conditions under the Amended and Restated Agreement by the January 22, 2024 deadline, and on January 25, 2024, the UG provided notice to Developer confirming the automatic termination of the Amended and Restated Agreement; and

WHEREAS, on April 11, 2024, the Governing Body of the UG passed Resolution No. R-15-24, adopting the new Downtown Campus Development Agreement and authorizing the Mayor to execute, in the name of the UG, the Development Agreement; and

WHEREAS, on May 7, 2024, Developer duly executed the new Downtown Campus Development Agreement; and

WHEREAS, the Board of Commissioners now desire to modify the new Downtown Campus Development Agreement by clarifying the provisions involving developer's pursuit costs and demolition costs.

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 First Amendment to the Downtown Campus Development Agreement in substantially the form attached hereto.

Section 2. The Mayor/CEO or the County Administrator are hereby authorized to execute, in the name of the UG, the First Amendment to the Downtown Campus Development Agreement; 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.

[Balance of page intentionally left blank]

**ADOPTED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED
GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS ON
_____, 2024.**

Tyrone A. Garner, Mayor/CEO

Attest:

Unified Government Interim Clerk

Approved as to form:

Unified Government Interim Chief Counsel

EXHIBIT A

First Amendment to the Downtown Campus Development Agreement

[Attached on following pages.]

**FIRST AMENDMENT TO THE LANIER DOWNTOWN CAMPUS
DEVELOPMENT AGREEMENT**

THIS FIRST AMENDMENT TO THE LANIER DOWNTOWN CAMPUS DEVELOPMENT AGREEMENT (this "Amendment"), is made and entered into this _____ day of _____, 2024 (the "Amendment Effective Date"), by and among the **Unified Government of Wyandotte County/Kansas City, Kansas** (the "UG") and **LANIER UNITED, LLC**, a Kansas limited liability company ("Developer").

RECITALS:

A. Lanier United, LLC, a Kansas limited liability company ("Developer"), desires to design, develop and construct approximately 90,000 square feet of residential housing, commercial and service-based amenities, and upgraded conference facilities (collectively, the "Project") on approximately 1.56 acres of real property located at 510 and 520 Minnesota Avenue, Kansas City, Kansas (the "Project Site"), which Project Site is owned by the Unified Government of Wyandotte County/Kansas City, Kansas (the "UG").

B. The Project Site is currently included within the Downtown Hotel Community Improvement District (the "CID") created by the UG by passage of Ordinance No. O-37-13 on June 6, 2013, pursuant to the CID Act (K.S.A. 6a-26 *et seq.*).

C. The UG and Developer previously entered into that certain Downtown Campus Development Agreement dated as of March 26, 2020, as amended by that certain First Amendment to Downtown Campus Development Agreement dated as of July 30, 2020, that certain Second Amendment to Downtown Campus Development Agreement dated as of December 30, 2020, that certain Third Amendment to Downtown Campus Development Agreement dated as of May 13, 2021, and that certain Fourth Amendment to Downtown Campus Development Agreement dated as of July 31, 2021 (collectively, as amended, the "Original Agreement").

D. In connection with the Original Agreement, the UG created a tax increment financing district (the "Original TIF District") comprising the Project Site and certain other real property, by passage of Ordinance No. O-16-20 on March 26, 2020, and adopted a Redevelopment Project Plan (the "Original Project Plan") for the Original TIF District by passage of Ordinance No. O-46-20 on July 30, 2020, all pursuant to the TIF Act (K.S.A. 12-1770 *et seq.*).

E. Developer thereafter asserted that the Original Project Plan was abandoned because the development projects contemplated thereunder were no longer desired or feasible.

F. On April 27, 2023, the UG and Developer entered into that certain Amended and Restated Downtown Campus Development Agreement (the "Amended and

Restated Agreement") to address changes from the Original Agreement and set forth certain additional modifications, including among other things, an extension of the deadline to satisfy conditions and close on transfer of the Project Site by January 22, 2023, but providing that the Amended and Restated Agreement would automatically terminate as of the day after January 22, 2023 if the conditions were not timely satisfied.

G. On October 26, 2023, the UG passed Ordinance No. O-131-23 to remove certain real property from the Original TIF District (as amended, the "TIF District"), terminate the Original Project Plan, and approve the revised Redevelopment Project Plan proposed by Developer for the Project (the "2023 Project Plan"), all pursuant to the TIF Act.

H. The UG determined that Developer did not fully satisfy all conditions under the Amended and Restated Agreement by the January 22, 2024 deadline, and on January 25, 2024, the UG provided notice to Developer confirming the automatic termination of the Amended and Restated Agreement.

I. On April 11, 2024, the Governing Body of the UG passed Resolution No. R-15-24, adopting the Lanier Downtown Campus Development Agreement and authorizing the Mayor to execute, in the name of the UG, that development agreement.

J. On May 7, 2024, Developer duly executed the Lanier Downtown Campus Development Agreement.

K. The Board of Commissioners now desires to modify the Lanier Downtown Campus Development Agreement by clarifying the provisions involving developer's pursuit costs and demolition costs.

AGREEMENT

NOW, THEREFORE, in consideration of the foregoing and in consideration of the mutual covenants and agreements herein contained, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereby agree as follows:

1. Incorporation of Recitals. The Parties understand and agree that the Recitals set forth above are hereby incorporated as though more fully set forth herein.

2. Amendments of Project to Clarify Pursuit Costs Predevelopment Costs.

(a) Section 4.1 of the Lanier Downtown Campus Development Agreement is amended to read as follows:

4.1 Public Financing: Source of Funds. Reference is hereby made to the Total Project Budget attached hereto as **Exhibit H**, and by this reference made a part hereof. The costs of the Project (the "Project Costs") will be funded in part by public incentives, including the CID Proceeds, TIF Proceeds, IRBs, and the TGT Grant, as well as private

equity and debt. Developer, using private equity and debt (the "Private Funds"), will initially advance all of the costs for the design, development and construction of the Project. The UG also acknowledges that Developer claims he has previously incurred (prior to the Effective Date) certain costs in the amount of Eight Hundred Eighty-Four Thousand Two Hundred Seven Dollars (\$884,207) which costs relate to the Project (the "Developer Pursuit Costs") and for which the UG shall have approved Certificate(s) of Expenditures properly submitted by Developer. The UG, subject to the foregoing, shall utilize CID Proceeds to pay or reimburse the Developer for the Developer Pursuit Costs, but only upon Developer's achieving Substantial Completion (as defined in Annex 1) of the Multi-Family Space, the Commercial Space, and the Reardon Center. Developer, subject to the terms and conditions of this Agreement, shall be reimbursed for certain CID Eligible Expenses (as defined below in Section 4.2) and TIF Eligible Expenses from and to the extent of the CID Proceeds and TIF Proceeds collected during the Term. Developer, subject to the terms and conditions of this Agreement, shall be reimbursed for certain Reardon Center Costs from and to the extent of the TGT Grant.

(b) Section 4.2(d) of the Lanier Downtown Campus Development Agreement is amended to read as follows:

4.2 CID. It is contemplated by the parties that the Reardon Center shall be funded by CID Proceeds. Developer has identified certain Project Costs for the Reardon Center which may be reimbursed with CID Proceeds if and to the extent that such Project Costs are related to demolition and site improvement and hard construction costs, located within the CID, identified on Exhibit H attached hereto, and eligible for payment or reimbursement pursuant to the CID Act (the "CID Eligible Expenses"). In connection with the CID, the parties hereby agree as follows:

(d) Pay-Go CID Financing. The parties hereby agree that the CID Proceeds shall be disbursed by the UG to Developer quarterly from the CID Fund on a pay-as-you-go basis ("Pay-Go CID Financing") to reimburse Developer for the CID Eligible Expenses, if and only to the extent that: (1) there are sufficient CID Proceeds in the CID Fund, (2) Developer has fully satisfied all of the conditions set forth in Section 4.7, (3) Developer has not already been reimbursed for CID Eligible Expenses in an amount equal to the CID Cap (as defined in Section 4.2(d)(ii)), and (4) the Term has not yet expired. The parties further agree as follows:

(i) CID Collection Period. The CID Sales Tax shall be collected within the CID for a period that commenced on October 1, 2013, which is the date that the CID Sales Tax was first imposed within the CID, up to and concluding upon that date which is the earlier of (a) the date that Developer has been reimbursed for all CID Eligible Expenses by Pay-Go CID Financing in an amount equal to the CID Cap, or (b) September 30, 2035 (the "CID Collection Period"). At the end of the CID Collection Period, the parties understand and agree that the CID shall thereafter terminate, the CID Sales Tax shall terminate and no longer be levied or

collected within the CID, and the UG shall promptly take any action required to so terminate the CID and the CID Sales Tax.

(ii) CID Cap. *The CID Proceeds shall be available to Developer for reimbursement of CID Eligible Expenses through Pay-Go CID Financing, and the CID Proceeds available to Developer pursuant to subsections 4.2(b)(ii) through (iv) shall in no event exceed Three Million Three Hundred Thirty-Seven Thousand Dollars (\$3,337,000) (the "CID Cap"). Developer understands and agrees that the Developer's Pursuit Costs and Predevelopment Costs shall be included within, and count against, the CID Cap. The CID Cap shall, for all purposes set forth herein, operate as a cap on the use of CID Proceeds for reimbursement to Developer of any of Developer's CID Eligible Expenses. Once Developer has received an amount equal to the CID Cap in reimbursements of CID Eligible Expenses through Pay-Go CID Financing, the parties understand and agree that Developer's access to the Pay-Go CID Financing shall thereafter terminate.*

(iii) Conditions for Reimbursement. *Developer shall not receive any reimbursements from Pay-Go CID Financing unless and until the conditions precedent set forth in Section 4.7 have been fully satisfied or waived by the UG, upon which satisfaction or waiver Developer shall be reimbursed from Pay-Go CID Financing as provided in this Agreement.*

(c) Section 4.5 of the Lanier Downtown Campus Development Agreement is amended to read as follows:

4.5 50/50 Limitation. *The parties agree that the TGT Grant, along with the CID Proceeds and TIF Proceeds available to Developer for reimbursement of CID Eligible Expenses and TIF Eligible Expenses at any given time shall be limited to an amount which is equal to one half (1/2) of the amount of Project Costs which have been paid by Private Funds. In other words, the TGT Grant, plus the reimbursement of CID Eligible Expenses from Pay-Go CID Financing and the reimbursement of TIF Eligible Expenses from Pay-Go TIF Financing are to be paid, collectively, on a 50/50 basis between Private Funds and TGT Grant, the CID Proceeds and TIF Proceeds available to Developer, and there shall not at any time during the Term be more Project Costs paid with the TGT Grant, CID Proceeds and TIF Proceeds than the amount of Project Costs paid by Private Funds (the "50/50 Limitation"). However, the parties understand and agree that for purposes of this provision, the portion of Private Funds which are spent on legal fees, developer fees, contingency and construction period interest shall not be included in the calculation of Private Funds for purposes of calculating the 50/50 Limitation. By way of illustrative example of the 50/50 Limitation, if at a given point in time, Developer has incurred Project Costs (including any CID Eligible Expenses and TIF Eligible Expenses) equal to \$200 (none of which has been reimbursed with TGT Grant moneys, CID Proceeds and/or TIF Proceeds), then Developer's maximum reimbursement for CID Eligible Expenses and/or TIF Eligible Expenses from Pay-Go*

CID Financing and/or Pay-Go TIF Financing is \$100. However, the parties further understand and agree that if at a given point in time, Developer has incurred \$225 of Project Costs, of which \$125 are CID Eligible Expenses and/or TIF Eligible Expenses and \$100 are not CID Eligible Expenses or TIF Eligible Expenses (and are not land acquisition, legal fees, and/or construction period interest), then: (i) at that particular time, no more than \$100 of CID Eligible Expenses and/or TIF Eligible Expenses may be reimbursed with TGT Grant funds, CID Proceeds and/or TIF Proceeds, but (ii) if Developer later incurs an additional \$25 of Project Costs which are paid with Private Funds, then the remaining \$25 of CID Eligible Expenses and/or TIF Eligible Expenses may be reimbursed with TGT Grant funds, CID Proceeds and/or TIF Proceeds. Payment of Project Costs from Private Funds shall be evidenced to the UG as set forth in Section 4.8 below.

(d) Section 4.7 of the Lanier Downtown Campus Development Agreement is amended to read as follows:

4.7 Conditions Precedent to Reimbursements. Developer hereby understands and agrees that even when CID Proceeds and TIF Proceeds have begun to be collected by the UG, the UG will hold and not disburse to Developer any reimbursements for CID Eligible Expenses from Pay-Go CID Financing and/or any reimbursements for TIF Eligible Expenses from Pay-Go TIF Financing, unless and until the conditions precedent set forth below have been fully satisfied as determined by UG in its sole reasonable discretion:

(a) The UG has approved Certificate(s) of Expenditures for such CID Eligible Expenses and/or TIF Eligible Expenses;

(b) Developer shall have achieved Substantial Completion of the Commercial Space, Multi-Family Space and Reardon Center and

(c) Developer shall be in full compliance with the terms and conditions of this Agreement and shall not be in default hereunder, nor shall there be conditions, actions or omissions of Developer which will, with the passage of time, become occurrences of default hereunder.

3. Amendment of Project to Clarify Demolition Costs.

(a) Section 4.8(b) of the Lanier Downtown Campus Development Agreement is amended by the insertion of a new subsection (viii) to read as follows:

4.8 Certificate(s) of Expenditures for Reimbursement from CID Proceeds, TIF Proceeds, TGT Grant and UG Contribution. The parties hereby agree as follows:

(b) Procedures for Certification of Expenditures. The UG or a representative of the UG shall review the Certificate(s) of Expenditures to be

made in connection with the Project Costs for approval or denial of the same as follows:

(viii) Notwithstanding anything in this Agreement to the contrary, Developer, in paying for its demolition costs, is limited to no more than half the demolition costs being reimbursable with CID Proceeds (as described in Section 4.2(b)(ii) and 4.2(b)(iii) above), TIF Proceeds, the TGT Grant, or the UG Contribution, collectively. The UG and the Developer agree that the Developer will be solely responsible for the other half of all demolition costs for the Project from Private Funds.

4. Miscellaneous. In connection with this Amendment, the Parties hereby agree as follows:

(a) Except as specifically modified by this Amendment, the Agreement shall be and remain in full force and effect in accordance with the terms thereof.

(b) It is the intent of the Parties that the provisions of the Agreement, as modified by this 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 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 Amendment, enforceable and the balance of the Agreement shall not be affected thereby, the balance being construed as severable and independent.

(c) The Parties declare and represent that no promises, inducements or agreements not herein expressed have been made; the Agreement, as modified by this Amendment, contain the entire agreement among the Parties; and the terms hereof are contractual and not mere recitals.

(d) This Amendment shall be binding upon and inure to the benefit of the Parties and their successors and assigns.

(e) This Amendment may be executed in counterparts.

(f) This Amendment shall be governed by, construed and interpreted in accordance with the laws of the State of Kansas.

[The balance of this page is left intentionally blank. Signature pages to follow.]

IN WITNESS WHEREOF, the Parties have duly executed this Amendment pursuant to all requisite authorizations as of the Amendment Effective Date.

UG:

**THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY,
KANSAS**

By: _____

Name: _____

Title: _____

STATE OF KANSAS)

) SS.

COUNTY OF WYANDOTTE)

This instrument was acknowledged before me on _____, 2024 by
_____, representing the Unified Government of Wyandotte
County/Kansas City, Kansas.

Printed Name: _____

Notary Public in and for said State

Commissioned in _____ County

My commission expires

IN WITNESS WHEREOF, the parties hereto have executed these presents as of the
Amendment Effective Date.

DEVELOPER:

LANIER UNITED, LLC

a Kansas limited liability company

By: _____

Name: _____

Title: _____

STATE OF _____)

) SS.

COUNTY OF _____)

This instrument was acknowledged before me on _____, 2024 by
_____ as _____ of LANIER UNITED, LLC, a
Kansas limited liability company..

Printed Name: _____

Notary Public in and for said State

Commissioned in _____ County

My commission expires:



Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: May 30, 2024

Re: **Change of Zone Petition COZ2023-035 and Special Use Petition SP2023-117**

GENERAL INFORMATION

Applicant:

Ryan Denk

Status of Applicant:

Representative of Property Owner
McAnany, Van Cleave & Phillips, P.A
10 East Cambridge Circle Drive,
Suite 300
Kansas City, Kansas 66103

Requested Action:

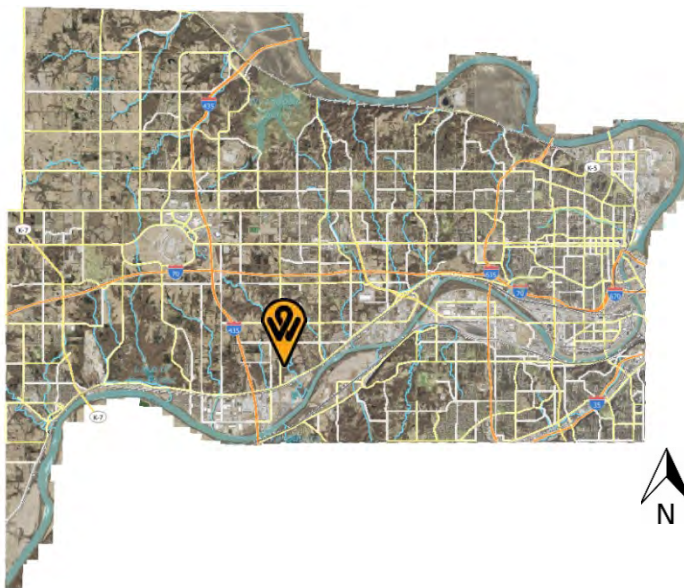
Renewal of a Special Use Permit
(SP-2019-20, which expires
03/28/2024) and Approval of a
Change of Zone

Date of Application:

August 26, 2022

Purpose:

To renew a Special Use Permit (SP-2019-20) to continue to grade and remove earthen fill from the property and approve a Change of Zone from MP-1 to MP-2 to utilize the property as a laydown yard.



Property Location:	1625 South 86 th Street Kansas City, Kansas 66111
Commission Districts:	Commissioner At-Large, District #2: Tom Burroughs District #6 Commissioner: Phillip Lopez
Existing Zoning:	A-G Agriculture and MP-1 Planned Light Industrial Districts
Adjacent Zoning:	North: A-G Agriculture District South: A-G Agriculture and MP-3 Planned Heavy Industrial Districts East: A-G Agriculture and MP-2 Planned General Industrial Districts West: A-G Agriculture and R-1 Single Family Districts
Adjacent Uses:	North: Agricultural Land South: Concrete Processing Plant and Agricultural Land East: Industrial Warehouses and Agricultural Land West: Agricultural Land and Single Family Residences
Total Tract Size:	57.59 Acres (Total) Approximately 25 acres (included in proposal)
Comprehensive Plan Area:	PlanKCK Comprehensive Plan
Comprehensive Plan Designation:	PlanKCK designates the subject property as Industrial, which allows industries featuring industrial processing, manufacturing, heavy truck traffic, excessive noise, potentially noxious uses and outdoor storage.
Major Street Plan:	The goDotte Mobility Plan designates South 86 th Street as a Major Arterial and Ruby Avenue as a Local Street.
Parking Requirement:	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”. It is unclear how many spaces the proposed laydown yard will provide.

Advertisement:	<u>The Wyandotte Echo</u> – January 18, 2024 Letters to Property Owners – January 19, 2024, January 31, 2024 and February 29, 2024
Public Hearings:	April 8, 2024, May 13, 2024, and May 30, 2024
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Ryan Denk, representing West Hills Industrial Park, is requesting a renewal of a Special Use Permit (SP-2019-20) to continue to grade and remove earthen fill on the subject property, as well as a Change of Zone from MP-1 Planned Light Industrial District to MP-2 Planned General Industrial District to operate a laydown yard at 1625 South 86th Street.

City Ordinance Requirements: 27-592 through 27-606

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

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

Building, Zoning, or Code Enforcement Complaints:

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

Outstanding or Related Permits and Cases:

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

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The subject property is located within the Muncie-Stony Point Statistical Neighborhood. The character of the neighborhood is a mixture of agricultural, rural residential and light industrial uses along the north side of K-32 Highway (Kaw Drive) between the Grinter Heights subdivision at South 80th Street on the east and I-435 on the west as well as the heavy industrial uses along 88th and Woodend Avenue industrial area lies to the south, across K-32 Highway and the Union Pacific Railroad main line.

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 property is already industrially zoned; however, operation of a laydown yard requires a Change of Zone to at least MP-2 Planned General Industrial District to accommodate the use. The proposed use as a laydown yard would be compatible with the nearby industrial uses, but incompatible with nearby residential and agricultural uses. Additionally, the proposal to remove a previously established landscape and screening buffer is incompatible with nearby residential and agricultural 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 removal of the restrictions may negatively impact the neighbors. The screening requirements set by previous Special Use Permits, which include fencing and landscaping may offset these impacts, however, the applicant is requesting to remove dirt and portions of the previously established buffer, which will exacerbate issues such as noise, dust and other visual impacts.

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

The site has operated as an earthen removal site over the past 20 years.

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. The use is convenient for the owner as they can further modify the site and utilize it in the future either for their own use or to sell it to another private owner for their use. The expansion of the grading and dirt removal operation and expanding the types of industrial uses on the property may injure adjacent properties with noise and visual impacts, especially if more of the pre-existing buffer is removed.

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 the traffic or parking demand in ways that will adversely affect road capacity, safety, or create parking problems because Ruby Avenue is a relatively low trafficked street with three (3) businesses on them adjacent to Kaw Drive. The property has significant frontage on South 86th Street, however, there are no access points from South 86th Street.

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

Special Use Permits are not addressed in the Comprehensive Plan. PlanKCK designates the subject property as Industrial, which allows industries featuring industrial processing, manufacturing, heavy truck traffic, excessive noise, potentially noxious uses and outdoor storage. Use of the property for continued grading and dirt removal or as a laydown yard would conform to the Comprehensive Plan.

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

The proposed use to continue to remove dirt and grade the property as well as use as a laydown yard have the potential to significantly impact the environment. Altering the slopes and removing additional landscaping may result in increased erosion due to altered stormwater run-off patterns.

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 #221.

e. Fire

Fire service is provided by Station #20, located at 78th & Kansas Avenue.

f. Transit

No transit service is provided to the subject property.

g. Schools

Public Education is provided by Edwardsville Elementary School, Robert E. Clark Middle School and Bonner Springs High School.

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

The economic impact of the proposed use on the community is minimal, however, if approved, the City will receive additional property tax revenue because of the improvements made to the property.

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

If revised, the proposed use is capable of meeting applicable ordinance and other 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 form they are currently proposing. There must be a balance between the adjacent and nearby residential property owners' quality of life is protected and a business that is wanting to relocate.

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

The proposed use of the site for grading will inherently create issues with noise, vibration and dust through the moving of dirt and heavy equipment on site. Illumination may also become an issue if enough of the existing and previously approved buffer is removed.

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

The proposed use for grading and earthen removal may create issues with air quality through dust particles and issues with water run-off, however, if managed properly, this should not be a major issue.

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

The property has been significantly altered in the 20+ years since the initial application to remove dirt and develop the site for industrial uses; Many of the property's natural features have already been significantly altered or removed entirely. The northeast corner of the property, however, has been left undisturbed. This portion of the property includes a creek (Little Turkey Creek). As long as the previously approved or an amended buffer is maintained and no activity occurs within this northeastern quadrant, the proposed use for grading and removal should not destroy or damage what natural resources are left on the property.

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

The proposed use is occurring on a property that is approximately 25 acres; Overcrowding of land or undue concentrations of population are not expected to be issues.

PREVIOUS ACTIONS

- Approval of a Change of Zone (COZ 2602) from A-G to A-G and MP-1 for industrial development in 2000.
- Approval of a Special Use Permit (SP-2000-47) for grading and dirt removal in 2000 for three (3) years.
- Approval of a Special Use Permit (SP-2004-10) for grading and dirt removal in 2004 for 18 months.
- Approval of a Special Use Permit (SP-2007-37) for grading and dirt removal in 2007 for three (3) years.
- Approval of a Special Use Permit (SP-2011-4) for grading and dirt removal in 2011 for three (3) years.
- Approval of a Special Use Permit (SP-2013-52) for grading and dirt removal in 2013 for five (5) years.
- Approval of a Special Use Permit (SP-2019-20) for grading and dirt removal in 2019 for five (5) years.
- Approval of a Special Use Permit (SP-2019-27) for an asphalt plant for a KDOT Mill and Overlay of K-32 in 2019 for three (3) months.
- Approval of a Change of Zone (COZ2021-018) from MP-1 and A-G to MP-3 for a permanent asphalt plant in 2021.
- Approval of a Master Plan Amendment (MPL2021-006) from Business Park to Industrial in the City-Wide Comprehensive Plan (2008) in 2021.
- Approval of a Change of Zone (COZ2021-052) to alter stipulations of Change of Zone COZ2021-018 in 2022.
- Approval of a Final Development Plan (PR2022-051) for a permanent asphalt plant in 2023.

NEIGHBORHOOD MEETING

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.

KEY ISSUES

A-G Agriculture District Zoned Portion of Property
Bettis Asphalt Progress
District to Rezone To
Expansion into Established Buffer
Floodplain
Length of Time for On-Site Grading
Plans for Laydown Yard

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 5 to 0 to recommend **APPROVAL** of Change of Zone Application **COZ2023-035**, subject to:

1. This Change of Zone will include the aforementioned area in the Northeast quadrant in Staff Comments and Suggestions, which will revert from MP-2 Planned General Industrial District to A-G Agriculture District;
2. This Change of Zone does not include the existing areas along the northern and western edge of the property;
3. The applicant shall file for both a Final Development Plan for the future laydown yard as well as a Plat to Plat the subject property.
 - a. When a Plat is filed, the area that is currently zoned A-G Agriculture District along the northern and western portion of the property shall be platted as a separate open space tract;
4. The northeast quadrant of the property shall remain zoned A-G Agriculture District and shall be preserved from any on-site grading, unless a corresponding project is proposed;
5. Additional landscaping in the form of trees and bushes shall be added along the northern and western property lines;
6. 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;
7. The Subject Property is within a 100-year Special Flood Hazard Area (SFHA). A SFHA is defined as the area that would be inundated by the flood event having a 1 percent chance of being equaled or exceeded in any given year. Before the alteration to or construction of any new structure on the subject property, the applicant shall submit the following required information for review:
 - a. A Survey shall be provided showing the property lines, setbacks, proposed and existing building elevations, 100-year floodplain and/or floodway shall be designated, the base flood elevation provided, FIRM panel number, and effective date shall be included. The Survey is required to be signed and sealed by and Kansas licensed surveyor or engineer;

8. The Subject Property, being within the SFHA, shall comply with the following requirements of the floodplain ordinance for all new construction, subdivision proposals, substantial-improvements, prefabricated structures, placement of manufactured homes, and other development:
 - a. Design or adequate anchorage to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
 - b. Construction with materials resistant to flood damage;
 - c. Utilization of methods and practices that minimize flood damages;
 - d. All electrical, heating, ventilation, plumbing, air-conditioning equipment, and other service facilities be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
 - e. New or replacement water supply systems and/or sanitary sewage systems be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and on-site waste disposal systems be located so as to avoid impairment or contamination from them during flooding; and,
 - f. Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, located within special flood hazard areas are required to assure that all proposed are consistent with the need to minimize flood damage.:
 - g. All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage;
 - h. All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage;
 - i. All proposals for development, including proposals for manufactured home parks and subdivisions, of five (5) acres or fifty (50) lots, whichever is lesser, include within such proposals base flood elevation data;
9. The Subject Property, being within the SFHA, shall comply with the following requirements of the floodplain ordinance for Construction Elevation Inspections when the project is approved for construction:
 - a. Certificate of elevation shall be provided when the top of the first floor has been constructed.
 - b. Final certificate of elevation shall be provided when the structure is completed and prior to the request for a final inspection (TCO/CO);
10. The Subject Property, being within the SFHA, shall comply with the following requirements of the floodplain ordinance for the Storage of Materials and Equipment:
 - a. The storage or processing of materials within the special flood hazard area that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal, or plant life is prohibited.
 - b. Storage of other material or equipment may be allowed if not subject to major damage by floods, if firmly anchored to prevent flotation, or if readily removable from the area within the time available after a

flood warning;

- 11. All exterior lighting, whether mounted on a building or within a parking lot must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;**
- 12. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;**
- 13. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;**
- 14. 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. 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;**
- 18. A Pre-Construction meeting is required for any improvements to public infrastructure upon the approval and issuance of a Development Review Committee (DRC) Permit. Any improvements to, construction or alteration of: sanitary systems, stormwater systems, public or private streets, sidewalks, or other public infrastructure will require a pre-construction meeting with the Department of Public Works. The applicant is required to contact the County Engineer at (913) 573-5400 or by info@wycokck.org prior to construction to arrange this meeting;**
- 19. 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;
20. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located; 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.

The Planning Commission voted 5 to 0 to recommend **DENIAL** of Special Use Permit Application **SP2023-117**, for the following reasons:

1. The proposed plan does not meet Factor to be Considered #3. The plan to remove more earthen fill and buffer will impact nearby properties through a change in stormwater patterns, potential hillside erosion, and with visual impacts due to the decreased width of the screening buffer;
2. The proposed plan does not meet Factor to be Considered #5. The plan to remove additional earthen fill will create additional impacts to the visual quality and may affect the use and marketability of nearby agricultural and residential property; and,
3. The proposed plan does not meet Factor to be Considered #8. While the property has already been significantly altered, further alterations will only exacerbate any negative environmental impacts.

STAFF COMMENTS AND SUGGESTIONS

Staff **concurs** with the recommendation of the City Planning Commission.

If the Board of Commissioners moves to **APPROVE** Petition **SP2023-117**, it shall be done so under the following conditions listed below as well as the conditions of **COZ2023-035**:

1. No additional grading shall occur in any area zoned within 200 feet of the northern and western property line(s);
2. The grade shall be brought to a 3:1 slope.
3. The northeast quadrant of the property shall remain zoned A-G Agriculture District and shall be preserved from any on-site grading without a corresponding project;
4. Additional landscaping in the form of trees and bushes shall be added along the northern and western property lines once grading has been completed;
5. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
6. 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;
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; and,
8. 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

May 13, 2024, City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Existing Conditions
Site Plan
Landscape Plan
Grading Plan
Erosion Control Plans
Sections
Neighborhood Meeting Materials
Site Photos, Taken by Staff, Dated January 17, 2024

REVIEW OF INFORMATION AND SCHEDULE

Action	City Planning Commission	Unified Government Board of Commission
Public Hearing	May 13, 2024	May 30, 2024
COZ/SUP	Approval of COZ Denial of SUP April 8, 2024 (Held Over)	

STAFF CONTACT:

James Molloy
jmolloy@wycokck.org

MOTIONS

Change of Zone

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2023-035** 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 **COZ2023-035**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

Special Use Permit

I move the Unified Government Board of Commissioners **DENY** Petition **SP2023-117**, 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 **SP2023-117** 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. _____.

May 13, 2024, City Planning Commission Minutes:

Hearing starts at 1:31:50:

CHANGE OF ZONE APPLICATION COZ2023-035 – RYAN DENK - SYNOPSIS:

Change of Zone from MP-1 Planned Light Industrial and Industrial Park District to MP-3 Planned Heavy Industrial District to construct a lay down yard at 1625 South 88th Street.

SPECIAL USE PERMIT APPLICATION SP2023-117 – STEVE SHORT WITH

WESTHILLS INDUSTRIAL PARK – SYNOPSIS: Renewal of a Special Use Permit (SP-2019-20, expired 3/28/2024) to continue on-site grading and dirt removal at 1625 South 86th Street.

Detailed Outline of Requested Action: The applicant, Ryan Denk, representing West Hills Industrial Park, is requesting a renewal of a Special Use Permit (SP-2019-20) to continue to grade and remove earthen fill on the subject property, as well as a Change of Zone from MP-1 Planned Light Industrial District to MP-2 Planned General Industrial District to operate a laydown yard at 1625 South 86th 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 May 13, 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:

- Ryan Denk, applicant, McAnany, Van Cleave + Phillips, P.A., 10 East Cambridge Circle Drive, Suite 300, Kansas City, Kansas 66103

The Planning Commission directed questions to the Applicant.

Present in Opposition:

- No one appeared

Staff Recommendation starts at 1:47:32: Planner Molloy stated that the requests for a Change of Zone from A-G Agriculture and MP-1 Planned Light Industrial and Industrial Park District to A-G Agriculture and MP-2 Planned General Industrial District for a laydown yard, as well as a Special Use Permit to continue grading. He stated that the property is in the Morris area by the Edwardsville City Limits along Kaw Drive. Staff has received no letters in support nor opposition. There are no Notices of Violation. Staff recommends approval of the Change of Zone application and denial of the Special Use Permit application. Staff would like to address the difference between Mr. Rhodes' property and the property in question. Mr. Rhodes has a much smaller dirt removal operation as it is a "by request" operation for whoever needs dirt. The use in question is for continuous removal of dirt with heavier equipment. Staff is also looking at the use of the property after the dirt removal. Mr. Rhodes wants to develop a small commercial retail operation and this use is strictly industrial so that is partially why there is a difference between the buffers noted by the Applicant's representative in their opening statement. Regarding the buffer on this property, Staff is willing to compromise to 200 feet. Additionally, the Bettis Asphalt site which is directly to the south was approved with a 200-foot buffer. If this application were approved for the 200' buffer, it would be consistent with Bettis Asphalt. He stated that the operation before the Commission has already graded into the pre-existing buffer outside of their defined Special Use Permit boundary for this activity. They are on the Northeast Corner where some grading has been done and it appears it has been graded since the last approval. Staff has conditions of approval in the staff report.

The Commission directed questions to Staff.

Motion starts at 1:55:05:

On motion by Ms. Easterwood, seconded by Mr. Ernst, the Planning Commission voted as follows to recommend **APPROVAL of Change of Zone Application COZ2023-035:**

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

Motion to recommend APPROVAL Passed: 5 to 0

Subject to:

- 1. This Change of Zone will include the aforementioned area in the Northeast quadrant in Staff Comments and Suggestions, which will revert from MP-2 Planned General Industrial District to A-G Agriculture District;**
- 2. This Change of Zone does not include the existing areas along the northern and western edge of the property;**
- 3. The applicant shall file for both a Final Development Plan for the future laydown yard as well as a Plat to Plat the subject property.**
 - a. When a Plat is filed, the area that is currently zoned A-G Agriculture District along the northern and western portion of the property shall be platted as a separate open space tract;**
- 4. The northeast quadrant of the property shall remain zoned A-G Agriculture District and shall be preserved from any on-site grading, unless a corresponding project is proposed;**
- 5. Additional landscaping in the form of trees and bushes shall be added along the northern and western property lines;**
- 6. 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;**
- 7. The Subject Property is within a 100-year Special Flood Hazard Area (SFHA). A SFHA is defined as the area that would be inundated by the flood event having a 1 percent chance of being equaled or exceeded in any given year. Before the alteration to or construction of any new structure on the subject property, the applicant shall submit the following required information for review:**
 - a. A Survey shall be provided showing the property lines, setbacks, proposed and existing building elevations, 100-year floodplain**

and/or floodway shall be designated, the base flood elevation provided, FIRM panel number, and effective date shall be included. The Survey is required to be signed and sealed by and Kansas licensed surveyor or engineer;

8. The Subject Property, being within the SFHA, shall comply with the following requirements of the floodplain ordinance for all new construction, subdivision proposals, substantial-improvements, prefabricated structures, placement of manufactured homes, and other development:
 - a. Design or adequate anchorage to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
 - b. Construction with materials resistant to flood damage;
 - c. Utilization of methods and practices that minimize flood damages;
 - d. All electrical, heating, ventilation, plumbing, air-conditioning equipment, and other service facilities be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
 - e. New or replacement water supply systems and/or sanitary sewage systems be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and on-site waste disposal systems be located so as to avoid impairment or contamination from them during flooding; and,
 - f. Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, located within special flood hazard areas are required to assure that all proposed are consistent with the need to minimize flood damage.:
 - g. All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage;
 - h. All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage;
 - i. All proposals for development, including proposals for manufactured home parks and subdivisions, of five (5) acres or fifty (50) lots, whichever is lesser, include within such proposals base flood elevation data;
9. The Subject Property, being within the SFHA, shall comply with the following requirements of the floodplain ordinance for Construction Elevation Inspections when the project is approved for construction:
 - a. Certificate of elevation shall be provided when the top of the first floor has been constructed.
 - b. Final certificate of elevation shall be provided when the structure is completed and prior to the request for a final inspection (TCO/CO);
10. The Subject Property, being within the SFHA, shall comply with the following requirements of the floodplain ordinance for the Storage of Materials and Equipment:
 - a. The storage or processing of materials within the special flood hazard area that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal, or plant life is

- prohibited.
- b. Storage of other material or equipment may be allowed if not subject to major damage by floods, if firmly anchored to prevent flotation, or if readily removable from the area within the time available after a flood warning;
11. All exterior lighting, whether mounted on a building or within a parking lot must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
 12. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
 13. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
 14. 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. 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;
 18. A Pre-Construction meeting is required for any improvements to public infrastructure upon the approval and issuance of a Development Review Committee (DRC) Permit. Any improvements to, construction or alteration of: sanitary systems, stormwater systems, public or private streets, sidewalks, or other public infrastructure will require a pre-construction

meeting with the Department of Public Works. The applicant is required to contact the County Engineer at (913) 573-5400 or by info@wycokck.org prior to construction to arrange this meeting;

19. 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;
20. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located; 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.

On motion by Ms. Easterwood, seconded by Mr. Ernst, the Planning Commission voted as follows to recommend **DENIAL of Special Use Permit Application**

SP2023-117:

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

Straws Not Present

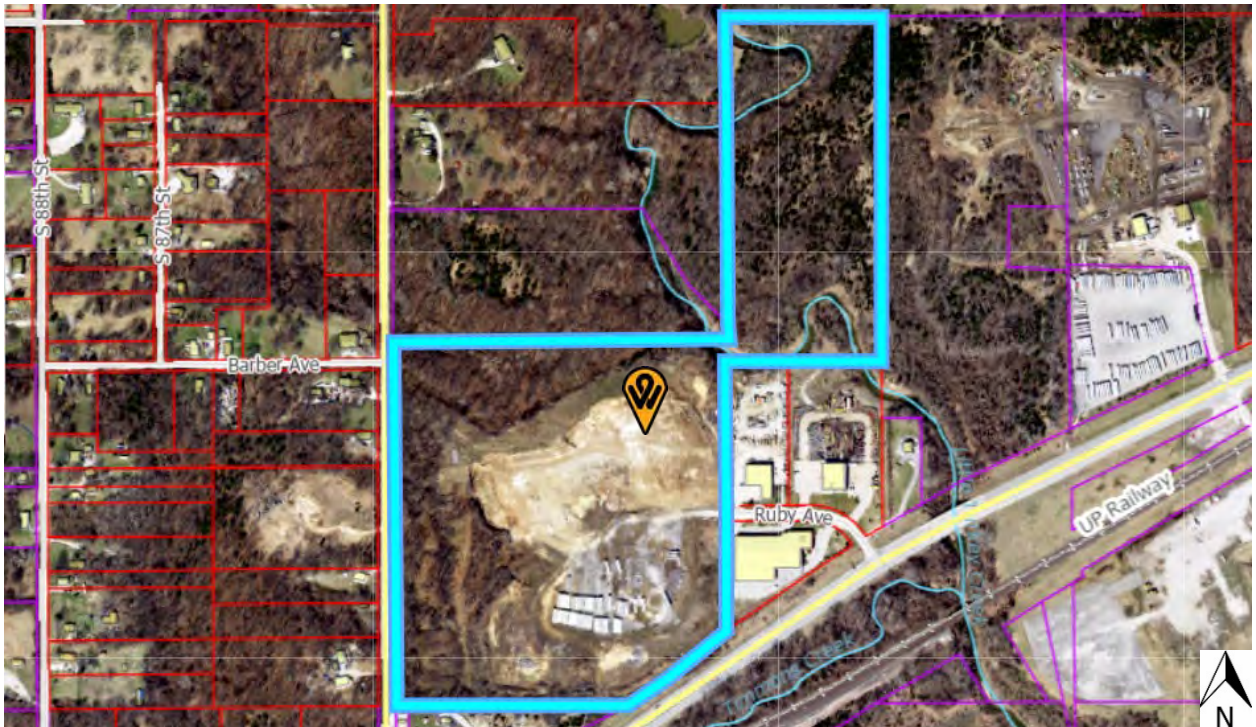
Motion to recommend DENIAL Passed: 5 to 0

For the following reasons:

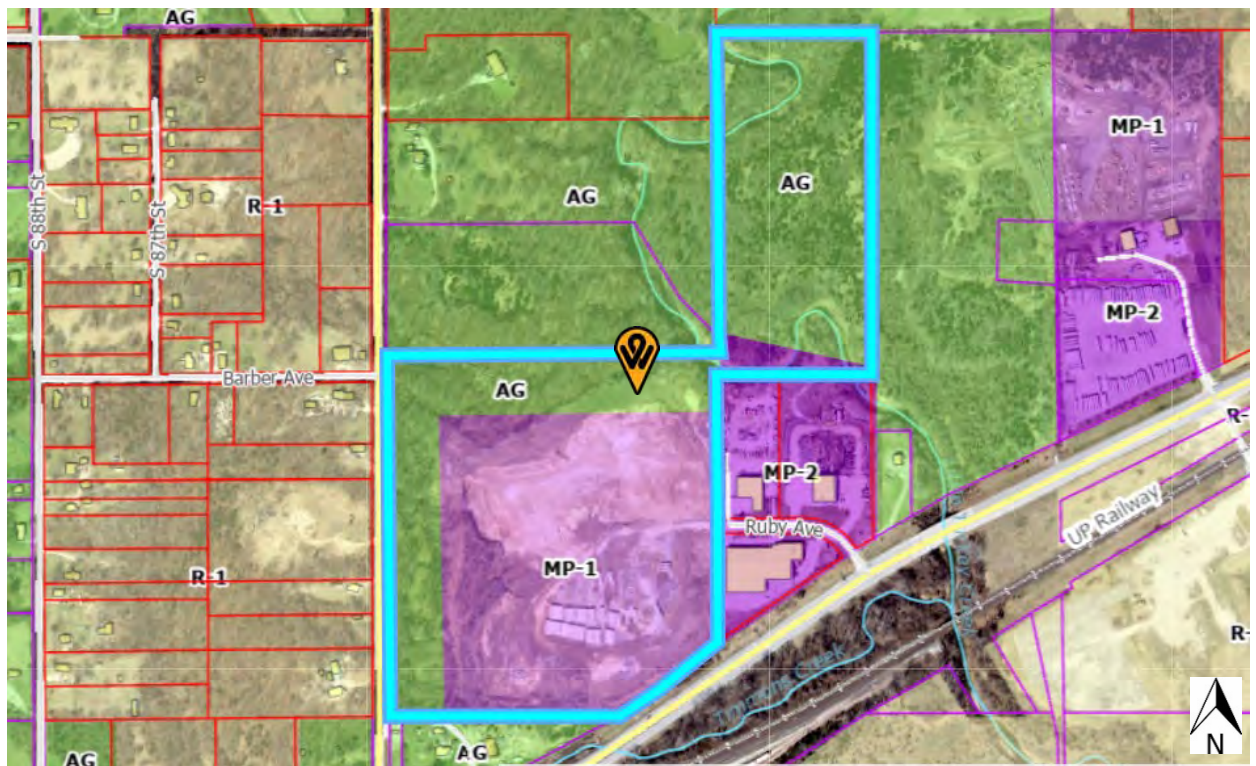
- 1. The proposed plan does not meet Factor to be Considered #3. The plan to remove more earthen fill and buffer will impact nearby properties through a change in stormwater patterns, potential hillside erosion, and with visual impacts due to the decreased width of the screening buffer;**
- 2. The proposed plan does not meet Factor to be Considered #5. The plan to remove additional earthen fill will create additional impacts to the visual quality and may affect the use and marketability of nearby agricultural and residential property; and,**
- 3. The proposed plan does not meet Factor to be Considered #8. While the property has already been significantly altered, further alterations will only exacerbate any negative environmental impacts.**

ATTACHMENTS

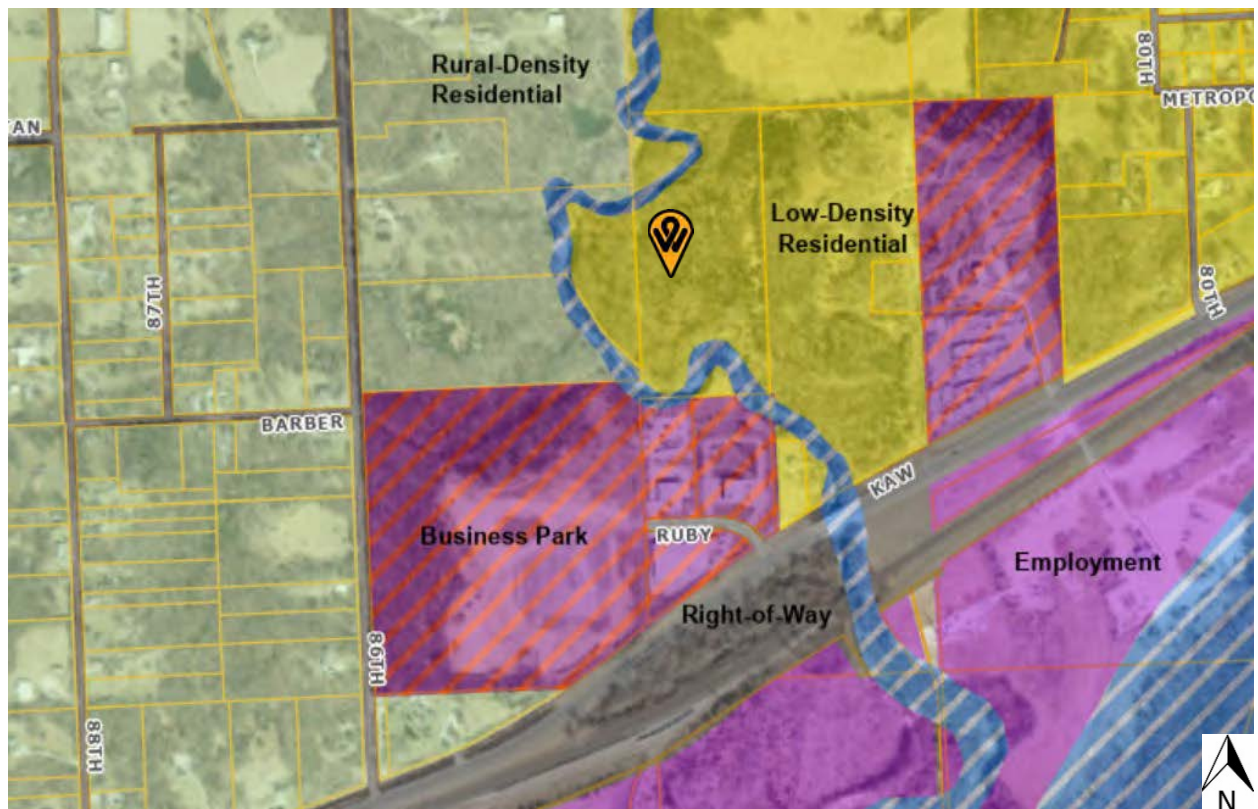
AERIAL IMAGERY



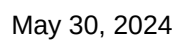
ZONING MAP



LAND USE MAP



COZ2023-035 & SP2023-117



COZ2023-035 & SP2023-117

May 30, 2024

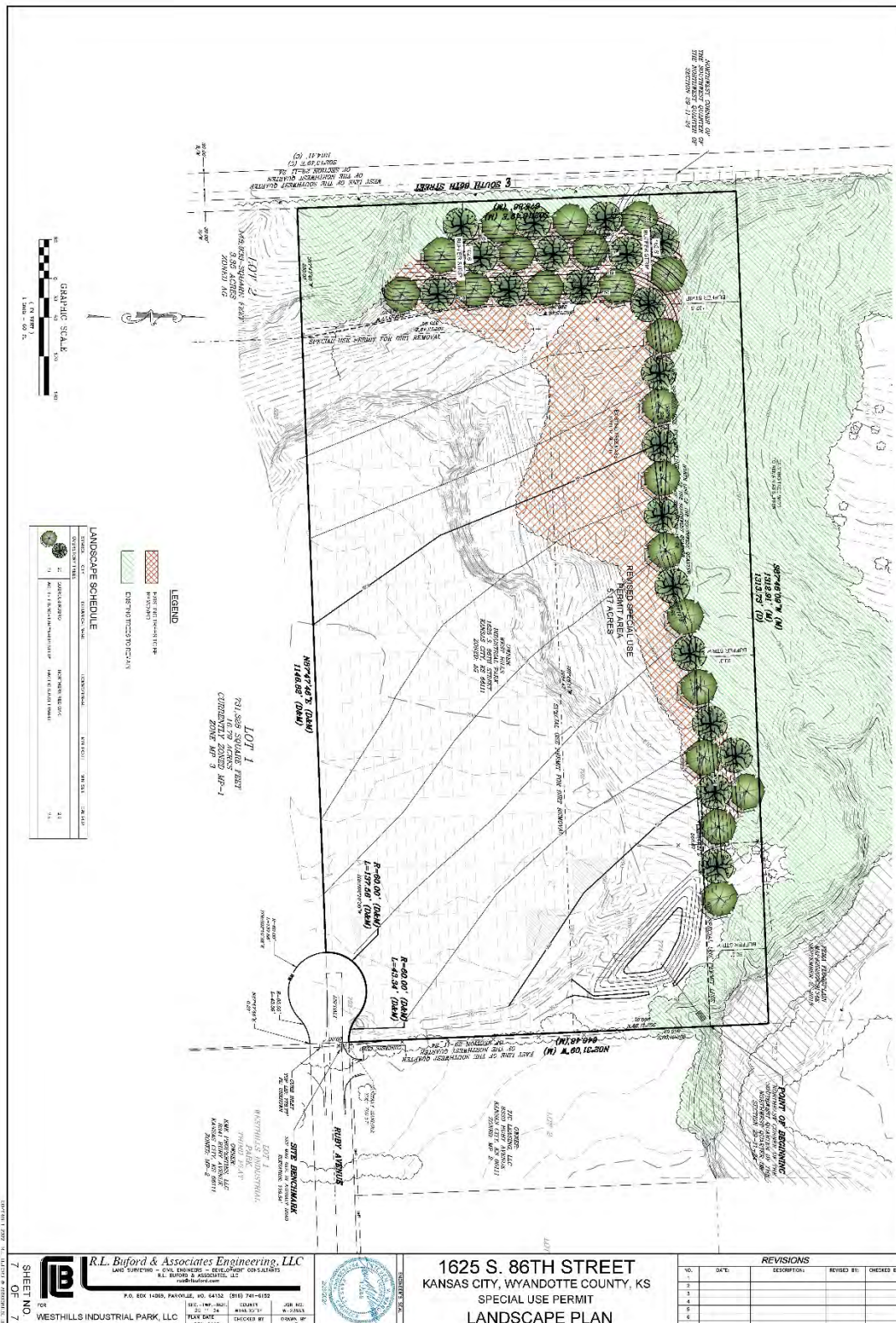
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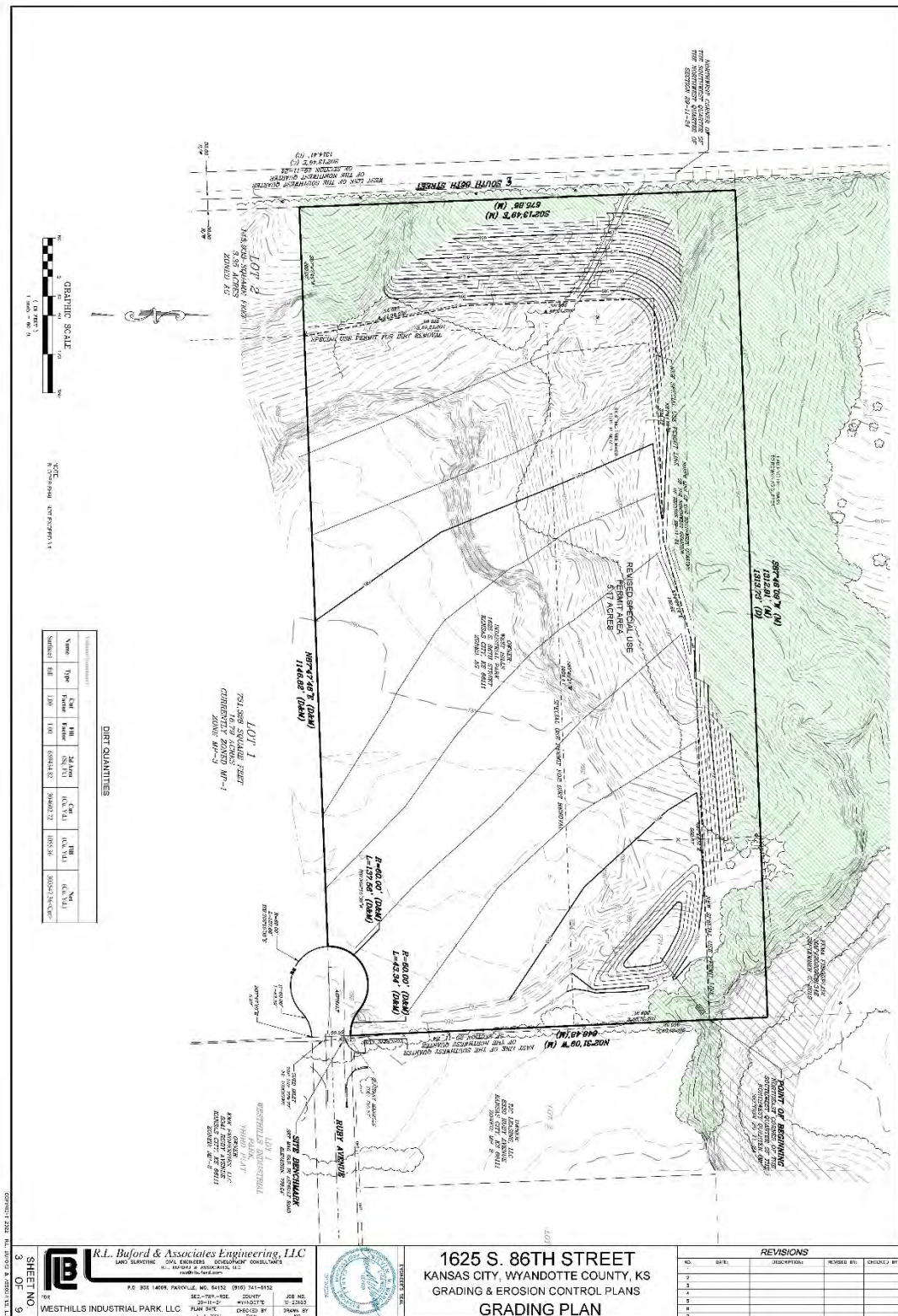


COZ2023-035 & SP2023-117

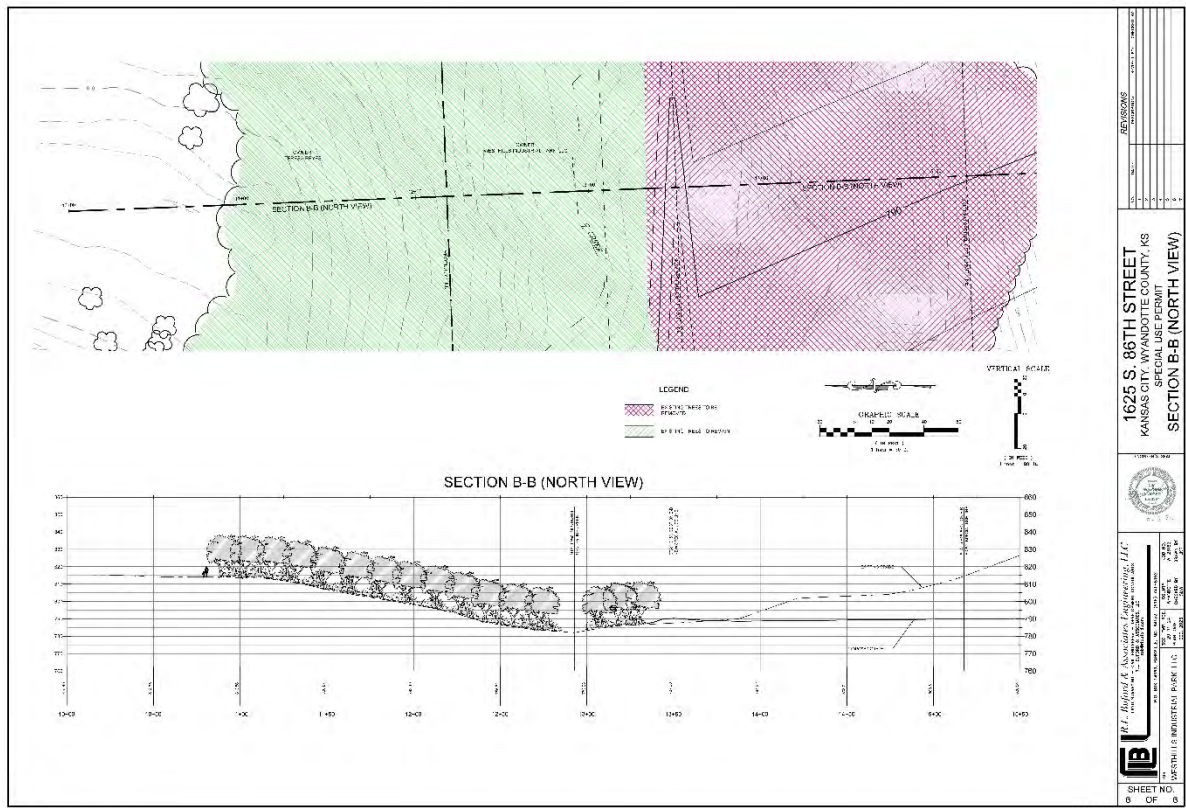
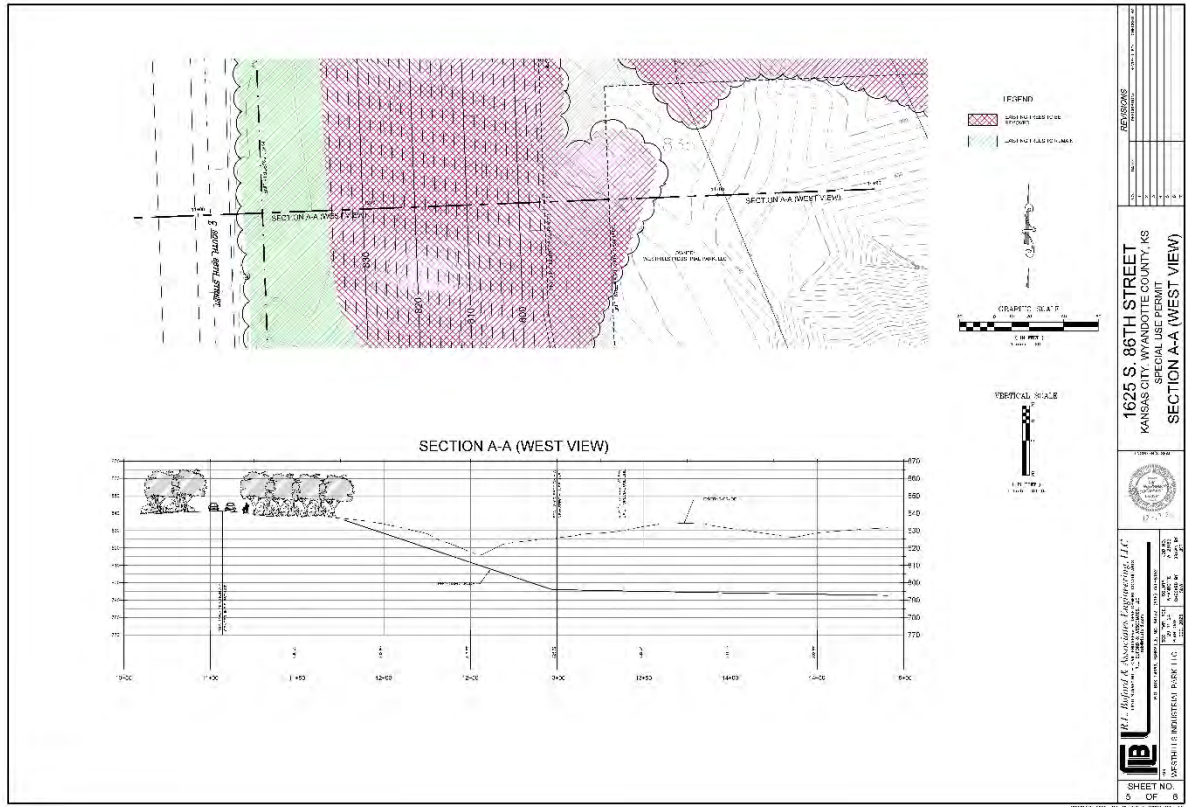
May 30, 2024

25



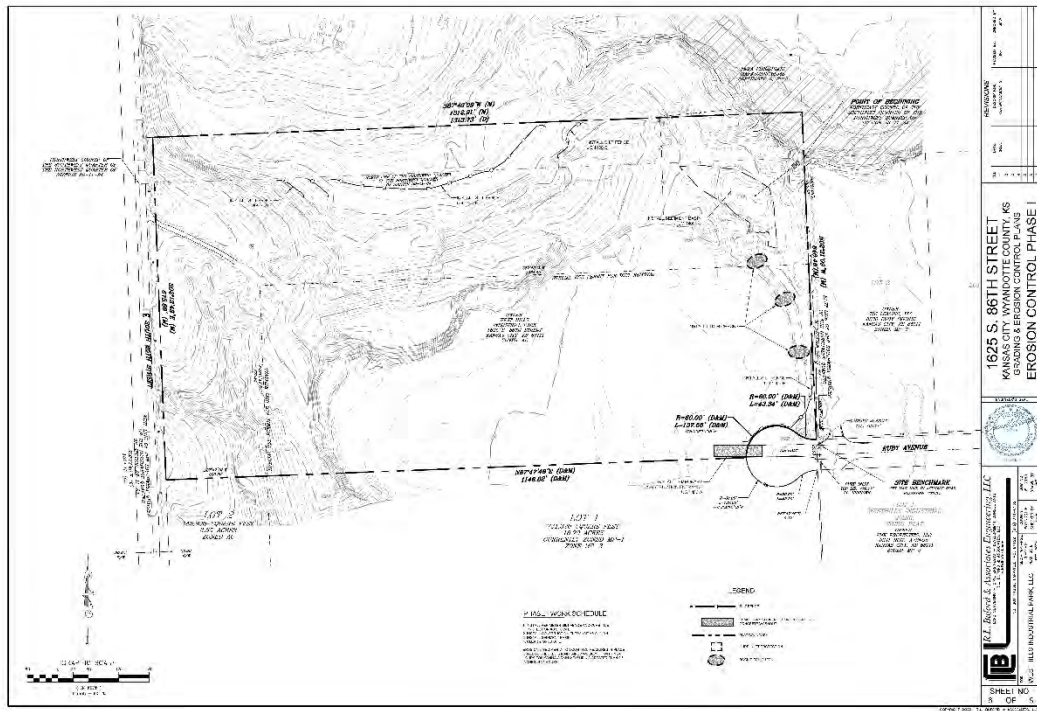


SECTIONS

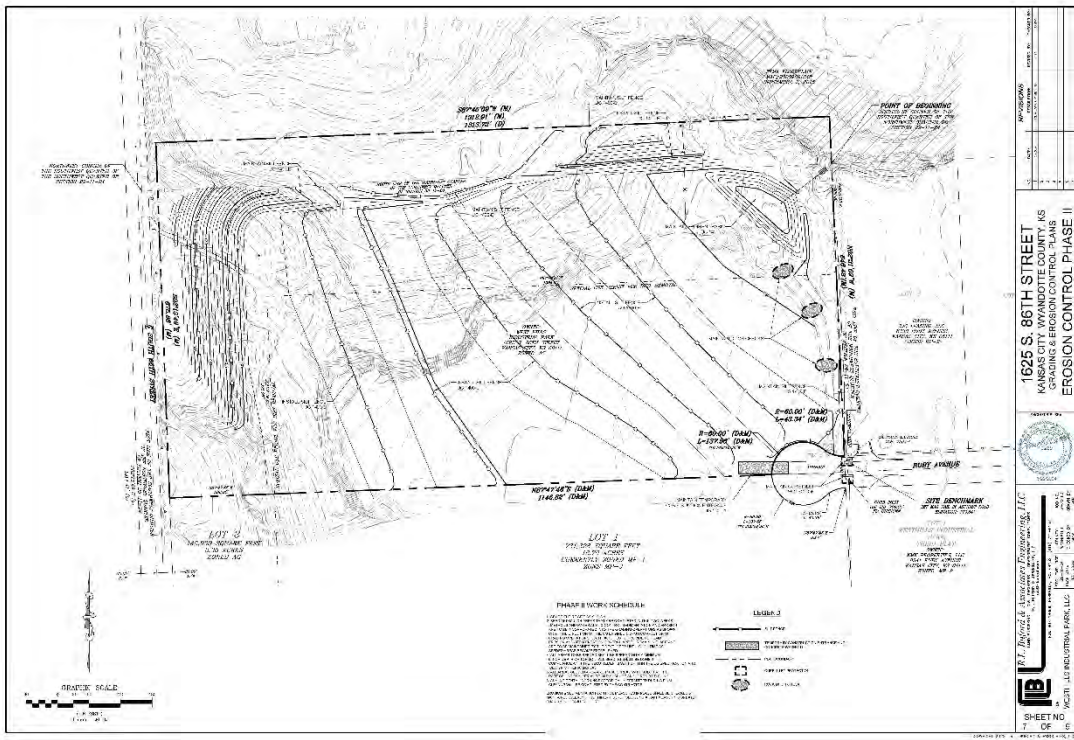


EROSION CONTROL PLANS

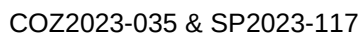
PHASE I



PHASE II



SEDIMENT BASIN DETAILS



29

MINUTES OF NEIGHBORHOOD MEETING

Special Use Petition #SP2023-117 and
Change of Zone Petition COZ2023-035
Meeting Held: January 29, 2024, by videoconference

Meeting called to order at 5:30 p.m.

Attendees:

- Steve Short, Applicant
- Ryan Denk, Counsel for Applicant

The meeting was properly noticed and scheduled for January 29, 2024 at 5:30 p.m. via Teams. No neighbors attended the meeting. As no one else appeared, the neighborhood meeting was adjourned at approximately 5:45 p.m.

Minutes prepared by:

/s/ Ryan B. Denk
Ryan B. Denk

9311529.DOC

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF KANSAS)
) SS:
COUNTY OF WYANDOTTE)

Comes now Steve Short, of lawful age, sound mind and upon his oath states as follows:

1. That I am the Petitioner for Special Use Petition #SP2023-117 and Change of Zone Petition COZ2023-035.
2. That I conducted a neighborhood meeting on January 29, 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 Urban Planning and Land Use Department.

Further affiant saith not.


Affiant – Steve Short

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 19TH day of March, 2024.

My commission expires 04TH of APRIL, 2027.


Notary Public



93J1576.DOC















Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: May 30, 2024

Re: **Change of Zone Petition COZ2024-003 and Master Plan Amendment MPL2024-002**

GENERAL INFORMATION

Applicant:

Dana Blay

Status of Applicant:

Representative
DBL Architecture Inc.
8031 Wenonga Road
Leawood, Kansas 66206

Requested Actions:

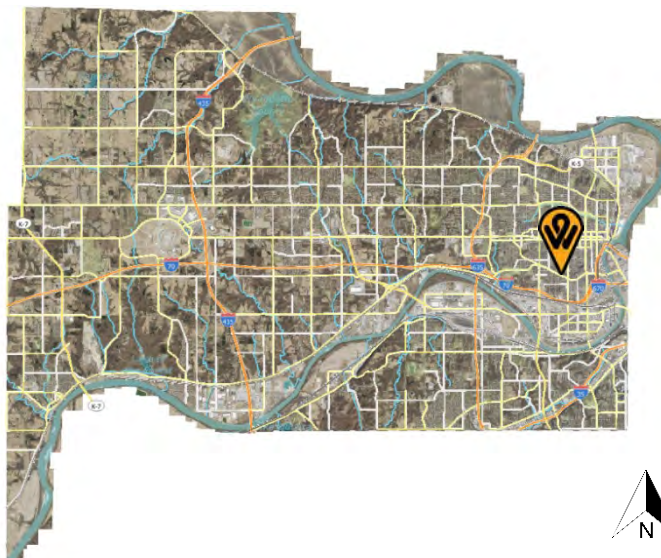
Approval of a Change of Zone and
Master Plan Amendment.

Date of Application:

January 22, 2024

Purpose:

To approve a Change of Zone from CP-0 Planned Non-Retail Business District and C-3 Commercial District to CP-3 Planned Commercial District and a Master Plan Amendment of the Central Area Plan from Urban Density to Community Commercial to construct a new convenience store and fueling station, as well as a second new commercial building on the site.



Property Location:	1200 Central Avenue Kansas City, Kansas 66102
Commission Districts:	Commissioner At-Large, District #2: Tom Burroughs District #2 Commissioner: William (Bill) Burns
Existing Zoning:	CP-0 Planned Non-Retail Business and C-3 Commercial Districts
Adjacent Zoning:	North: CP-0 Planned Non-Retail Business District South: R-1(B) Single Family and C-3 Commercial Districts East: R-1(B) Single Family District West: C-3 Commercial District
Adjacent Uses:	North: Parking Lot South: Commercial Business and Residential Lot East: Bethany Park West: Drive-Through Restaurant
Total Tract Size:	0.92 Acre
Comprehensive Plan Area:	Central Area Plan
Comprehensive Plan Designation:	The Central Area Plan designates the subject properties as both Urban Density and Community Commercial. Urban Density allows a mix of detached and attached residential, while Community Commercial allows medium-sized box stores with small scale accessory commercial uses and small-scale commercial centers. The applicant is seeking a Master Plan Amendment to designate the whole property as community commercial.
Major Street Plan:	The goDotte Mobility Plan designates Central Avenue as a Major Collector and 12 th Street as a Local Street.
Parking Requirement:	Section 27-467(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”.

The property contains 7,630 square feet of commercial space, which requires 31 spaces. The plan provides 31 spaces; however, some spaces are provided in an unsafe manner and must be removed.

Advertisement:

The Wyandotte Echo – February 15, 2024
Letters to Property Owners – February 16, 2024, February 29, 2024 and March 27, 2024

Public Hearings:

May 13, 2024 and May 30, 2024

Public Support:

None to date.

Public Opposition:

None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Dana Blay, is requesting a Change of Zone from CP-0 Planned Non-Retail Business District and C-3 Commercial District to CP-3 Planned Commercial District, a Final Development Plan and a Master Plan Amendment of the Central Area Plan from Urban Density to Community Commercial to construct a new convenience store and fueling station, as well as a new, second commercial building on the site at 1200 Central Avenue.

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

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. There has been an extensive history or noise or disturbance complaints on the subject property, for issues including robbery, shootings, battery, and drugs among other issues. Since 2016, there have been 72 calls for service on the property.

Building, Zoning, or Code Enforcement Complaints:

1. Since 2003, there have been 15 Notices of Violation on the subject property, most of which have been for structural violations or graffiti.

Outstanding or Related Permits and Cases:

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

FACTORS TO BE CONSIDERED

Change of Zone and Final Plan Review:

1. *Neighborhood character.*

The subject property is within the Riverview Statistical Neighborhood, the Cathedral Neighborhood Group and the Central Area Betterment Association (CABA) group. The neighborhood consists of a diversity of uses, including Bethany Park, single family residences, duplexes, fourplexes, garden style apartments and high-rise apartments, as well as churches, mixed-use commercial buildings, larger scale commercial uses and a medical office.

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 for a convenience store and fueling station as well as an additional 3,450 square feet of commercial space, while of a higher intensity, is expected to be compatible with nearby uses, as the site has historically been a commercial use.

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

The property is suitable to be used as a convenience store and fueling station and additional commercial uses, as the property has historically been used as such. The removal of restrictions should not detrimentally affect nearby property as long as the proposed uses are managed properly, and the site is designed in a manner that provides adequate buffering and screening from abutting residential properties and all public improvements made.

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

The property is not vacant and is currently a convenience store and fueling station.

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; A convenience store and fueling station does not change the existing use or bring a more community-oriented use to the site. The additional commercial spaces on the property, however, do provide the opportunity for smaller-scale businesses to open along the Central Avenue mixed-use corridor.

The proposed use will substantially increase the use, visual quality and marketability of nearby properties, as it is proposing to replace an aging commercial property, which will be designed and constructed to current design standards.

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 inherently result in an increase of traffic as it is an expansion of the existing use with additional commercial space. The proposed plan is not expected to increase traffic to the point where it exceeds the capacity of Central Avenue, a Major Arterial or 12th Street, a Local Street. The site plan as proposed may adversely affect the parking demand. The parking spaces located on the east side of the property increases the likelihood of an accident, as they protrude into the driveway entrance.

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

The Central Area Plan designates the subject property as both Urban Density and Community Commercial. Urban Density allows a mix of detached and attached residential, while Community Commercial allows medium-sized box stores with small scale accessory commercial uses and small-scale commercial centers. The proposed use conforms to the Community Commercial designation but not the Urban Density designation, as that is intended for a mix of residential uses. The applicant is seeking a Master Plan Amendment to designate the whole property as Community Commercial, thus removing any potential conflicts.

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

If the owner operates the business in a manner where there are no neighbor complaints or Property Maintenance Compliance citations, this will not be an issue. The applicant will need to install and establish a landscape and screening buffer, particularly in the northwest corner of the property, to properly screen the 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*

The UG provides sanitary sewer service.

c. Storm water control

The UG provides storm water control with an inlet at North 12th Street & Central Avenue.

d. Police

Police service is provided by East Patrol, District #116.

e. Fire

Fire service is provided by Station #9, which is two (2) blocks away.

f. Transit

The KCATA provides transit service along Route #102 – Central Avenue, with a stop at 12th & Central Avenue

g. Schools

Public Education is provided by Whittier Elementary School, Central Middle School and Wyandotte 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.

If the proposal is approved, the Unified Government (UG) will receive additional property and sales tax revenues because of the improvements made to the property. The addition of new tenant spaces also allows for additional businesses, which would provide employment opportunities and other services within the community.

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

There are several revisions required to the plan, including revisions to the site plan to address parking, pedestrian access and remove the required internal pedestrian circulation from encroaching on the alley and public right-of-way. Otherwise, the proposed use is capable of meeting 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 can maintain the current business, and will still have property that is able to be developed, however, not in the form they are currently proposing. There must be a balance between the adjacent and nearby residential property owners' quality of life and an expanded convenience store/gas station, and future tenant storefront.

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.

The current master plan designation for this property is both Urban Density and Community Commercial. The subject properties are split zoned, which is not best planning practice. The Change of Zone and Master Plan Amendment will correct this inconsistency.

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 proposed amendment is consistent with the goals of the Area Plan; Central Avenue is intended to be the primary commercial/mixed-use corridor in the Area Plan. The plan amendment will allow for the property to be fully utilized for a commercial use.

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

See Change of Zone Factor #9.

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

The proposed amendment seeks to correct a conflict with the Central Area Plan and amend a portion of a commercially zoned parcel that was designated for residential uses with Urban Density, rather than commercial uses under Community Commercial, like the remainder of the parcel. The amendment would also correct a conflict between the zoning of the property and the Area Plan, making them consistent with one another.

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.*

It is not uncommon for commercial uses to be located on a Thoroughfare, acting as a buffer for adjacent residential communities.

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

A Master Plan Amendment would allow the properties to be utilized for an improved commercial use, as well as expand the square feet of retail along Central Avenue. This has the potential to bring new businesses and services to the neighborhood, as well as bring new potential for employment.

PREVIOUS ACTIONS

- Approval of a Change of Zone in 2006 as a result of the Bethany Neighborhood Downzoning.
- Variances 2125 and 2138 for setbacks in 2014. Both petitions were withdrawn prior to hearing.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting in-person at 1200 Central Avenue on February 22, 2024. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Accessory Uses
Alleyway
Buffering and Screening
Combination of Parcels
Outdoor Vending and Storage
Site Architecture
Site Design
Street Trees
Wall Mural on 12th Street

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Change of Zone Application **COZ2024-003** and Master Plan Amendment **MPL2024-002**, subject to:

1. The applicant is requesting a Change of Zone for a property zoned CP-3 Commercial District. Therefore, this property is subject to, and must comply with, all applicable regulations under the Commercial Development Guidelines Overlay District (CDGOD). This subsection addresses the applicant's demonstrated compliance with relevant CDGOD regulations for COZ2024-003 and PR2024-004. All listed requirements that are identified as "have not been met" must be granted a deviation by the City Planning Commission upon specific request by the applicant during the City Planning Commission meeting.
 - a. The following requirements of the Commercial Development Guidelines Overlay District have been met:
 - i. Section 27-575(d)(10) states that sidewalks in front of buildings must be designed to accommodate pedestrian activity both for that use and for movement between uses.
 - ii. Section 27-575(f)(1) states that there should be a designated walkway or clear pathway to the main entrance of a building so that pedestrians are not required to walk through parking lots.
 - iii. Section 57-575(d)(3) A sense of entry or arrival shall be created at primary entryways into the development.
 - iv. Section 27-577(b)(3)(a) states that one tree with a minimum caliper of two inches (ornamental evergreen trees must be at least six feet tall when planted) provided for every 30 feet of street easement or frontage.
 - v. Section 27-577(c)(4) states that landscape areas located between commercial districts and residential districts must provide 100 percent sight-obscuring year-round buffer using plant material or a combination of fence, berm and plant material.
 - vi. Section 27-577(a)(5) states that landscaping shall exceed the typical code requirements by at least 75 percent. The CP-3 zoning district requires one (1) tree per 7,000 square feet of site area. The site contains 39,984 square feet of area, which requires six (6) trees. The multiplier is 1.75, which brings the total requirement to 10 trees. The plan provides 18 trees.
 - vii. Section 27-577(d)(1) states that at least 75 percent of the length of building foundations facing public streets, the exterior of the development, or common spaces must be planted with ornamental plant material such as ornamental trees, flowering shrubs, perennials, and groundcovers.
 - viii. Section 27-575(e)(4) states that parking must be screened from adjacent streets by walls, shrubs, trees, or other design

- elements.
- ix. Section 27-577(f)(1) states that all new development landscaping must be irrigated with an automatic system approved by the planning department. Rehabilitation development must either have an irrigation system or a watering plan.
- x. Section 27-577(f)(2) states that plants that die must be replaced no longer than four (4) months from the date of its death.
- b. The following requirements of the Commercial Development Guidelines Overlay District have not been met, and from which Applicant is requesting a deviation for approval: **(NOTE: Planning Commission recommended approval of the deviations.)**
 - i. Section 27-576(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.
 - ii. Section 27-576(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.
 - iii. Section 27-576(f)(3) Buildings should be oriented primarily to the street.
 - iv. Section 27-576(f)(4) Retail shops at street level should have direct access to and from the sidewalk;
- 2. Section 27-573-578 acknowledges the use of the Commercial Design Guidelines and their use in this district as established by Ordinance O-50-06;
- 3. The PlanKCK Comprehensive Plan establishes the uses of the Commercial Design Guidelines by their inclusion in the current land use design;
- 4. The applicant needs to submit either a plat or administratively combine the lots at 1200 Central Avenue (Parcel #103223) and 16 North 12th Street (Parcel #103224). A building permit will not be issued until the applicant does this;
- 5. There shall be no outdoor storage on the site;
- 6. The applicant/business owner shall install a bus stop with a bench and trash receptacle in front of the property. Contact Desiray Bush, Director of Transportation at (913) 573-8312 or dbush@wycokck.org;
- 7. The applicant shall revise the site plan to demonstrate a six (6) foot tall, opaque fence along the western and northern property lines. This fence shall have masonry columns every 32 feet. Provide elevations from the fence;
- 8. The fuel pump canopy columns shall be wrapped in masonry;
- 9. There shall be an entrance to and from the corner tenant space of the new commercial building out to the sidewalk along Central Avenue;
- 10. The applicant shall add bike racks in front of both of the proposed new buildings;
- 11. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing

- structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
12. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
 13. 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 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;
 14. If approved, the applicant must file and maintain a current business occupation tax application with the Business License Division at 4953 State Avenue, Kansas City, KS 66102. Their contact information is (913) 573-8780 or businesslicense@wycokck.org;
 15. Proposed development within this plat will require civil drawings to be submitted, which may result in submitting a revised replat;
 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. All existing and future driveways must feature curb cuts that are constructed to UG standards;
 18. A Right-of-Way Permit is required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
 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 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;
 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. In the event the a plan or section thereof is given final approval and thereafter the landowner shall abandon said plan or a section thereof and shall so notify the unified government in writing, or in the event the landowner shall fail to commence, as evidenced by receipt of building permits and start of construction, the planned development within 18 months after final approval has been granted or in the case of subsequent phases each shall be initiated within 24 months of the issuance of a certificate of occupancy on the entire preceding phase or the plan will be considered abandoned, then in either event such final approval shall terminate and shall be deemed null and void unless such time period is extended by the planning commission upon written application by the landowner. Whenever a final plan or section thereof has been abandoned as provided in this section, no development shall take place on the property until a new development plan has been approved.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners concur with the findings contained within the staff report related to *Factors to be Considered* and *Key Issues* and recommends **APPROVAL** of Petitions **COZ2024-003** and **MPL2024-002**, subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

May 13, 2024, City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Neighborhood Meeting Materials
Site Plan
Floor Plan
Landscape Plan
Elevations
Erosion Control Plan
Storm Water Plan
Grading Plan
Utility Plan
Site Photos, Taken by Staff, Dated February 9, 2024

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Board of Commissioners</u>
Public Hearing	May 13, 2024	May 30, 2024
Rezoning	Approval	
Plan Amendment	May 13, 2024	No Hearing Required
Review	Approved	
Special Use Permit	May 13, 2024	May 30, 2024
	Approval	

STAFF CONTACT: **James Molloy**
 jlmolloy@wycokck.org

MOTIONS

Master Plan Amendment

I move the Unified Government Board of Commissioners **APPROVE** Petition **MPL2024-002** 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 **MPL2024-002**, 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.

Change of Zone

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2024-003** 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 **COZ2024-003**, 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.

May 13, 2024, City Planning Commission Minutes:

Hearing starts at 1:58:55:

MASTER PLAN AMENDMENT MPL2024-002 – DANA BLAY WITH DBL

ARCHITECTURE – SYNOPSIS: Master Plan Amendment from Urban Density (Central Area Plan) to Community Commercial (Central Area Plan) at 1200 Central Avenue.

CHANGE OF ZONE APPLICATION COZ2024-003 – DANA BLAY WITH DBL

ARCHITECTURE – SYNOPSIS: Change of Zone from CP-O Planned Non-Retail Business and C-3 Commercial Districts to CP-3 Planned Commercial District to construct a new C-Store, Retail Shops and Gas Station at 1200 Central Avenue.

PLAN REVIEW APPLICATION PR2024-004 – DANA BLAY WITH DBL

ARCHITECTURE – SYNOPSIS: Final Development Plan to construct a C-Store, Retail Shops and Gas Station at 1200 Central Avenue.

Detailed Outline of Requested Action: The applicant, Dana Blay, is requesting a Change of Zone from CP-0 Planned Non-Retail Business District and C-3 Commercial District to CP-3 Planned Commercial District, a Final Development Plan and a Master Plan Amendment of the Central Area Plan from Urban Density to Community Commercial to construct a new convenience store and fueling station, as well as a new, second commercial building on the site at 1200 Central 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 May 13, 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:

- Dana Blay, applicant, DBL Architecture Inc., 8031 Wenonga Road, Leawood, Kansas 66206

Present in Opposition:

- No one appeared

Staff Recommendation starts at 2:05:08: Planner Molloy stated the request is for a Change of Zone, Master Plan Amendment, and Final Plan Review for a new c-store and a multi-tenant retail building on the site. Staff has received no letters in support nor opposition. There are no Notices of Violation on the property. Applicant is requesting some deviations from the Commercial Design Guidelines. Staff is requiring landscaping around the perimeter, as well as a 6-foot-tall screening fence to provide additional buffering from the residences to the rear and across the alleyway. He further stated that the Applicant will need to combine the two (2) parcels in the future, which can be done administratively or by plat as they are two (2) separate parcels at this time. Staff recommends approval subject to the conditions in the staff report.

Motion starts at 2:06:48:

On motion by Mrs. Jones, seconded by Ms. Easterwood, the Planning Commission voted as follows to recommend **APPROVAL of Master Plan Amendment**

MPL2024-002:

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

Motion to recommend APPROVAL Passed: 6 to 0

Subject to:

1. The applicant is requesting a Change of Zone for a property zoned CP-3 Commercial District. Therefore, this property is subject to, and must comply with, all applicable regulations under the Commercial Development Guidelines Overlay District (CDGOD). This subsection addresses the applicant's demonstrated compliance with relevant CDGOD regulations for COZ2024-003 and PR2024-004. All listed requirements that are identified as "have not been met" must be granted a deviation by the City Planning Commission upon specific request by the applicant during the City

Planning Commission meeting.

a. The following requirements of the Commercial Development Guidelines Overlay District have been met:

- i. Section 27-575(d)(10) states that sidewalks in front of buildings must be designed to accommodate pedestrian activity both for that use and for movement between uses.
- ii. Section 27-575(f)(1) states that there should be a designated walkway or clear pathway to the main entrance of a building so that pedestrians are not required to walk through parking lots.
- iii. Section 27-575(d)(3) A sense of entry or arrival shall be created at primary entryways into the development.
- iv. Section 27-577(b)(3)(a) states that one tree with a minimum caliper of two inches (ornamental evergreen trees must be at least six feet tall when planted) provided for every 30 feet of street easement or frontage.
- v. Section 27-577(c)(4) states that landscape areas located between commercial districts and residential districts must provide 100 percent sight-obscuring year-round buffer using plant material or a combination of fence, berm and plant material.
- vi. Section 27-577(a)(5) states that landscaping shall exceed the typical code requirements by at least 75 percent. The CP-3 zoning district requires one (1) tree per 7,000 square feet of site area. The site contains 39,984 square feet of area, which requires six (6) trees. The multiplier is 1.75, which brings the total requirement to 10 trees. The plan provides 18 trees.
- vii. Section 27-577(d)(1) states that at least 75 percent of the length of building foundations facing public streets, the exterior of the development, or common spaces must be planted with ornamental plant material such as ornamental trees, flowering shrubs, perennials, and groundcovers.
- viii. Section 27-575(e)(4) states that parking must be screened from adjacent streets by walls, shrubs, trees, or other design elements.
- ix. Section 27-577(f)(1) states that all new development landscaping must be irrigated with an automatic system approved by the planning department. Rehabilitation development must either have an irrigation system or a watering plan.
- x. Section 27-577(f)(2) states that plants that die must be replaced no longer than four (4) months from the date of its death.

b. The following requirements of the Commercial Development Guidelines Overlay District have not been met, and from which Applicant is requesting a deviation for approval: (NOTE: Planning Commission recommended approval of the deviations.)

- i. Section 27-576(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.
 - ii. Section 27-576(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.
 - iii. Section 27-576(f)(3) Buildings should be oriented primarily to the street.
 - iv. Section 27-576(f)(4) Retail shops at street level should have direct access to and from the sidewalk;
- 2. Section 27-573-578 acknowledges the use of the Commercial Design Guidelines and their use in this district as established by Ordinance O-50-06;
- 3. The PlanKCK Comprehensive Plan establishes the uses of the Commercial Design Guidelines by their inclusion in the current land use design;
- 4. The applicant needs to submit either a plat or administratively combine the lots at 1200 Central Avenue (Parcel #103223) and 16 North 12th Street (Parcel #103224). A building permit will not be issued until the applicant does this;
- 5. There shall be no outdoor storage on the site;
- 6. The applicant/business owner shall install a bus stop with a bench and trash receptacle in front of the property. Contact Desiray Bush, Director of Transportation at (913) 573-8312 or dbush@wycokck.org;
- 7. The applicant shall revise the site plan to demonstrate a six (6) foot tall, opaque fence along the western and northern property lines. This fence shall have masonry columns every 32 feet. Provide elevations from the fence;
- 8. The fuel pump canopy columns shall be wrapped in masonry;
- 9. There shall be an entrance to and from the corner tenant space of the new commercial building out to the sidewalk along Central Avenue;
- 10. The applicant shall add bike racks in front of both of the proposed new buildings;
- 11. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
- 12. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
- 13. 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 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;
14. If approved, the applicant must file and maintain a current business occupation tax application with the Business License Division at 4953 State Avenue, Kansas City, KS 66102. Their contact information is (913) 573-8780 or businesslicense@wycokck.org;
 15. Proposed development within this plat will require civil drawings to be submitted, which may result in submitting a revised replat;
 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. All existing and future driveways must feature curb cuts that are constructed to UG standards;
 18. A Right-of-Way Permit is required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
 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 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;
 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. In the event the a plan or section thereof is given final approval and thereafter the landowner shall abandon said plan or a section thereof and shall so notify the unified government in writing, or in the event the landowner shall fail to commence, as evidenced by receipt of building permits and start of construction, the planned development within 18 months after final approval has been granted or in the case of subsequent phases each shall be initiated within 24 months of the issuance of a certificate of occupancy on the entire preceding phase or the plan will be considered abandoned, then in either event such final approval shall terminate and shall be deemed null and void unless such time period is extended by the planning commission upon written application by the landowner. Whenever a final plan or section thereof has been abandoned

as provided in this section, no development shall take place on the property until a new development plan has been approved.

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

COZ2024-003:

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

Motion to recommend APPROVAL Passed: 6 to 0

Subject to the above conditions.

On motion by Mrs. Jones, seconded by Ms. Easterwood, the Planning Commission voted as follows to **APPROVE Plan Review Application PR2024-004:**

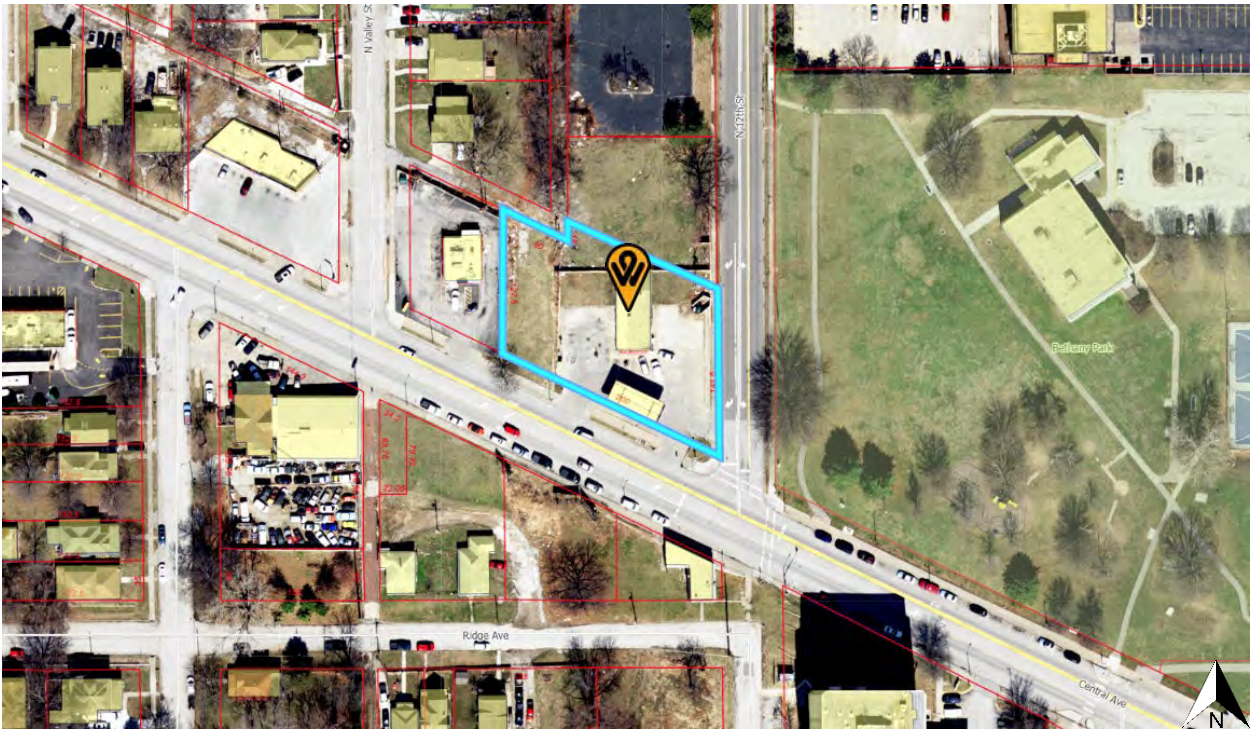
Carson	Chairman
Ward	Aye
Armstrong	Not Present
Beth	Aye
Easterwood	Aye
Ernst	Aye
Jones	Aye
Miller	Aye
Mohler	Not Present
Schwartz	Not Present
Straws	Not Present

Motion to APPROVE Passed: 6 to 0

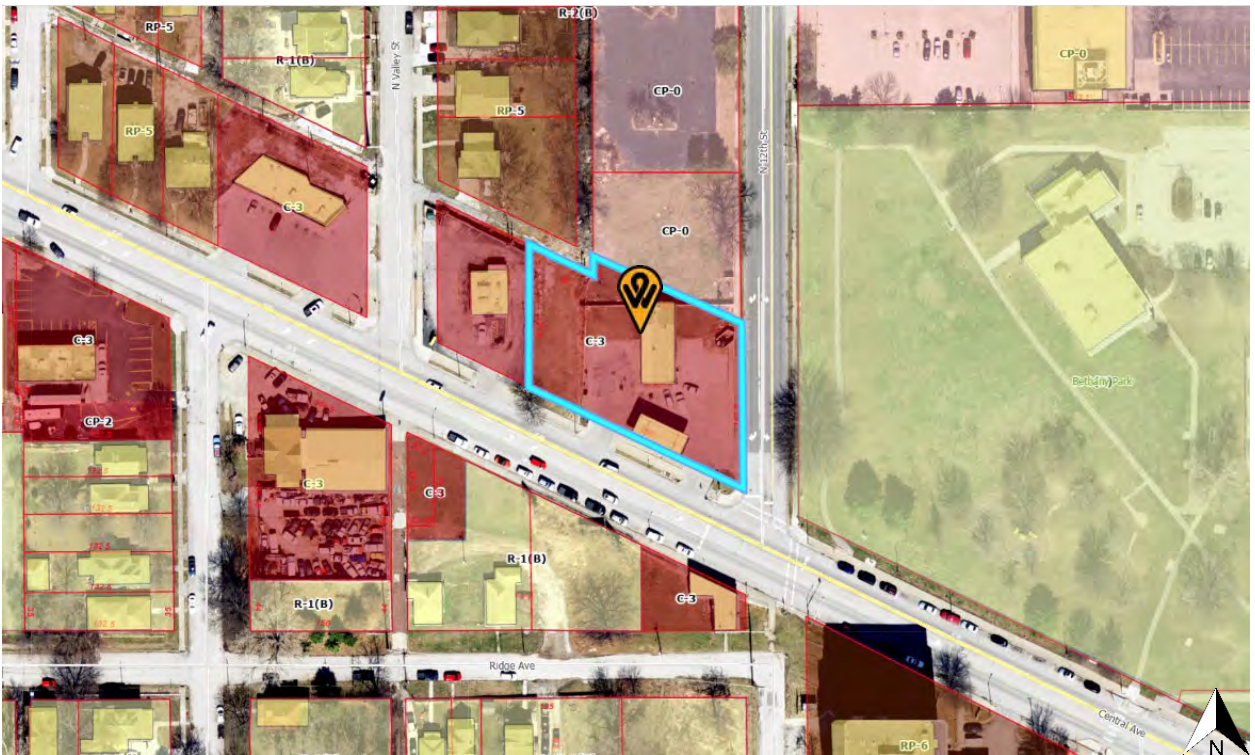
Subject to the above conditions.

ATTACHMENTS

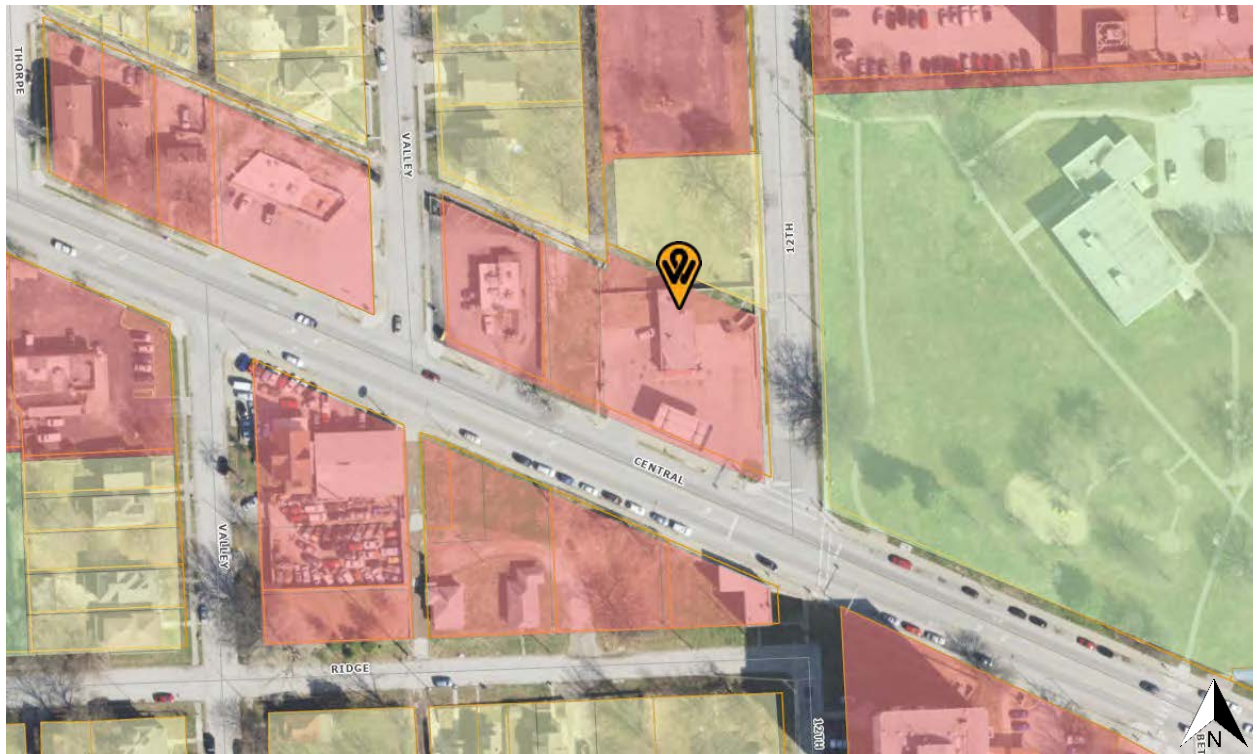
AERIAL IMAGERY



ZONING MAP



LAND USE MAP



NEIGHBORHOOD MEETING
ATTENDANCE
1200 CENTRAL AVENUE, KANSAS CITY, KS

February 22, 2024
5:00 P.M.

NAME	ADRESS	PHONE NUMBER	EMAIL
Tony Semaan	1520 Central		WriteTony@AOL.com

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
) SS:
COUNTY OF Wyandotte)

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

1. That I am the petitioner for Petition #COZ2024-003,MPL2024, PR2024-004.
2. That I conducted a neighborhood meeting on February 22, 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.

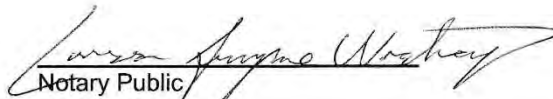


Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 23 day of February, 2024.

My commission expires 12 of July, 2027.

Larissa Wratney
Notary Public - Notary Seal
State of Missouri
Jackson County
My Commission Expires: July 12, 2027
Commission # 23383001



Notary Public

NEIGHBORHOOD MEETING MINUTES

1200 CENTRAL AVENUE, KANSAS CITY, KS

February 22, 2024
5:00 P.M.

Only one person attended the neighborhood meeting. No other contact was received from any neighbor.

The only comments came from Tony Semaan, the only neighbor in attendance. He was happy to see the new development coming to the neighborhood. We looked at the plans and discussed the uses for each building. He thought it was good that we were pushing the building back to the rear of the property. He wished me success and said to contact him at anytime.

I waited until 5:30 to see if anyone else would come but no one else did.

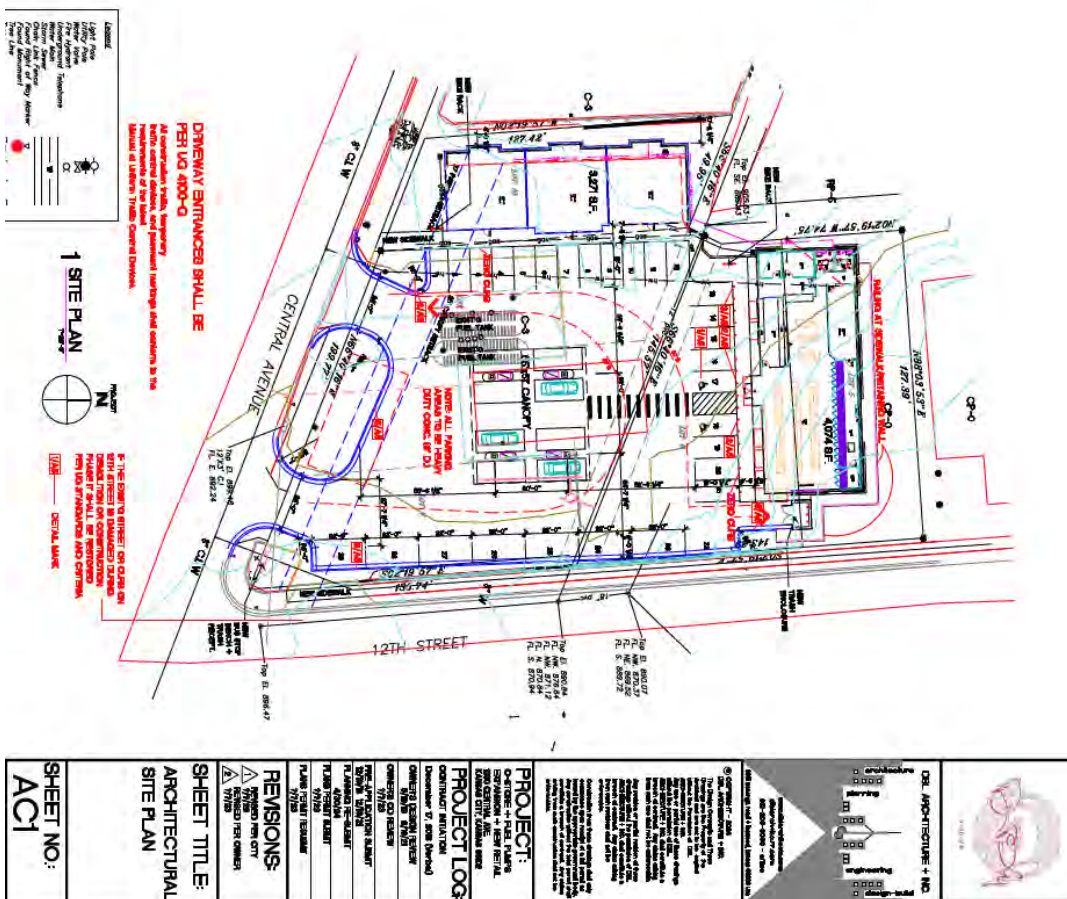
Dana Blay, DBL ARCHITECTURE, INC.

CONVENIENCE STORE + GASOLINE/FUEL SALES
SPECIAL USE PERMIT/ZONING CHANGE SUBMITTAL
PREPARED BY DBL ARCHITECTURE + INC. 4-30-24

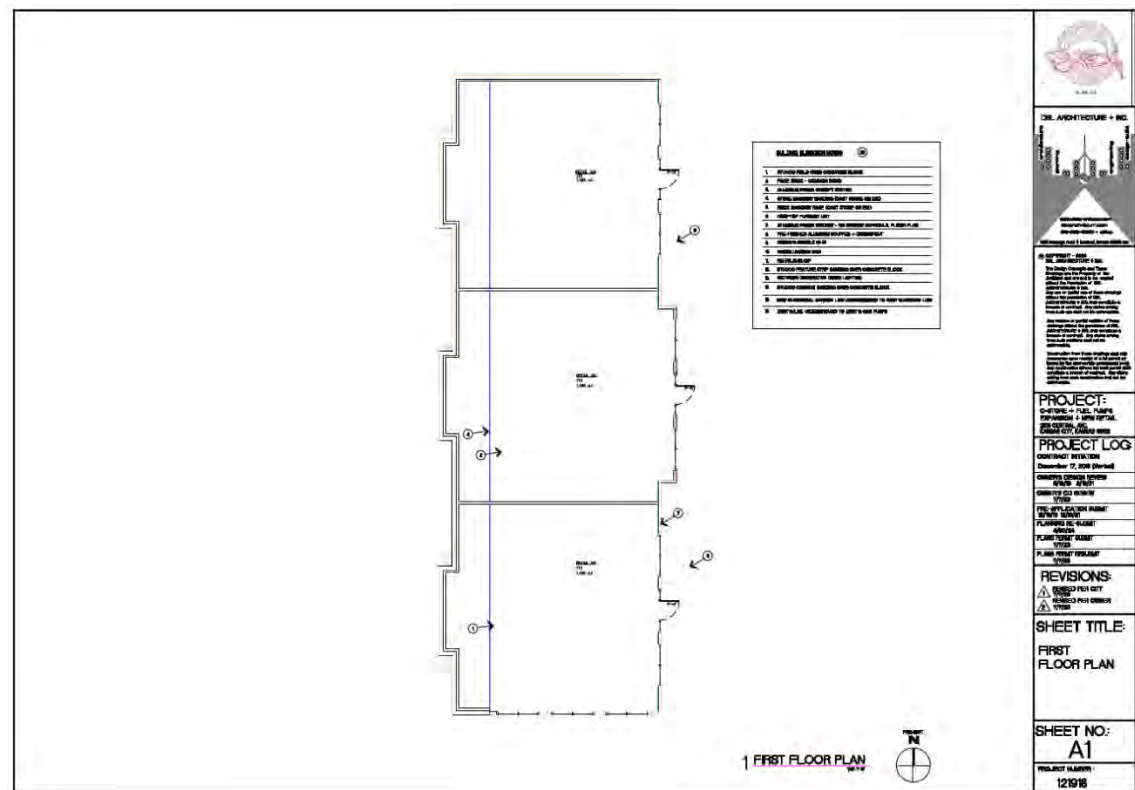
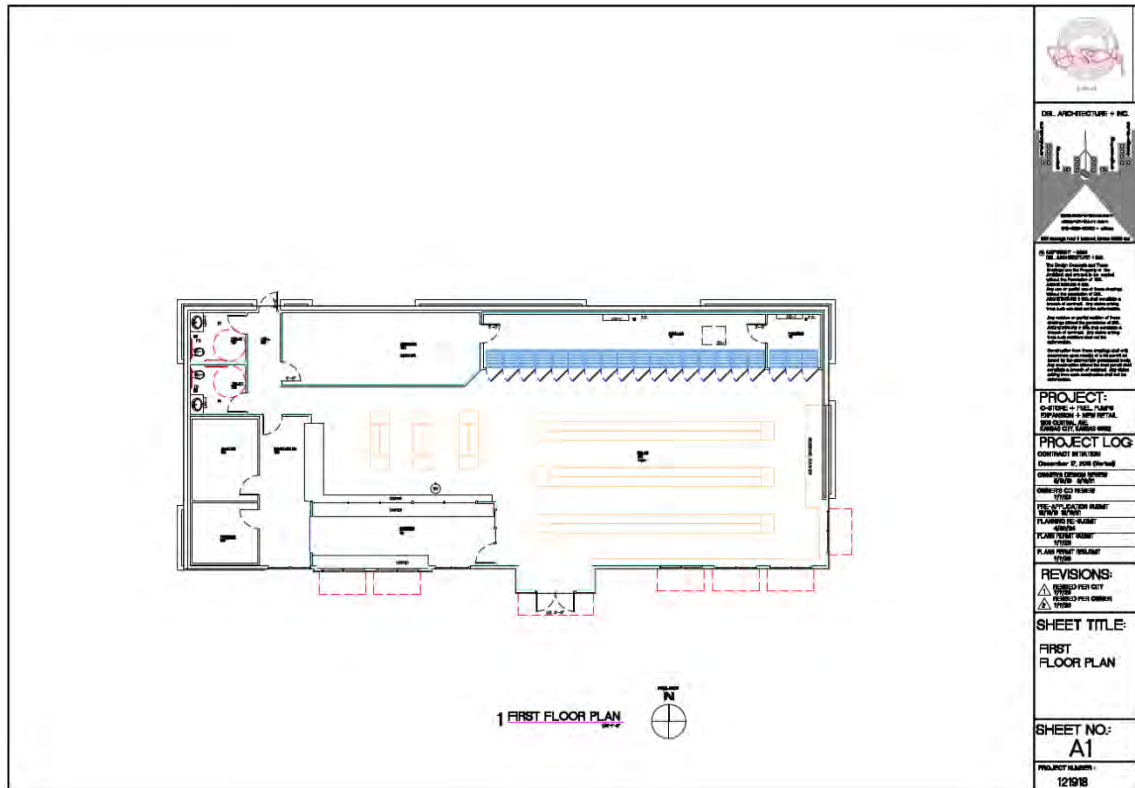
TOTAL DEVELOPMENTS		
EXISTING DENSE RESIDENTIAL	801.15 AC	
EXISTING APPROXIMATELY 11 NEW	572.67 AC DENSE - 160 ADK	
EXISTING APPROXIMATELY 11 NEW	599.87 AC DENSE - 160 ADK	
EXISTING DENSELY DENSE APPROXIMATELY 11 NEW	423.57 AC DENSE + 14.71 TR	
EXISTING APPROXIMATELY 11 NEW	NO WORK	
EXISTING APPROXIMATELY 11 NEW	801.15 AC	

1. PLANNED DEVELOPMENT - 1,000 AC (100% OF 1,000 AC)
 2. PLANNED DEVELOPMENT - 1,000 AC (100% OF 1,000 AC)
 3. PLANNED DEVELOPMENT - 1,000 AC (100% OF 1,000 AC)
 4. PLANNED DEVELOPMENT - 1,000 AC (100% OF 1,000 AC)
 5. PLANNED DEVELOPMENT - 1,000 AC (100% OF 1,000 AC)
 6. PLANNED DEVELOPMENT - 1,000 AC (100% OF 1,000 AC)
 7. PLANNED DEVELOPMENT - 1,000 AC (100% OF 1,000 AC)
 8. PLANNED DEVELOPMENT - 1,000 AC (100% OF 1,000 AC)
 9. PLANNED DEVELOPMENT - 1,000 AC (100% OF 1,000 AC)
 10. PLANNED DEVELOPMENT - 1,000 AC (100% OF 1,000 AC)

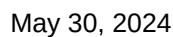
VICINITY MAP



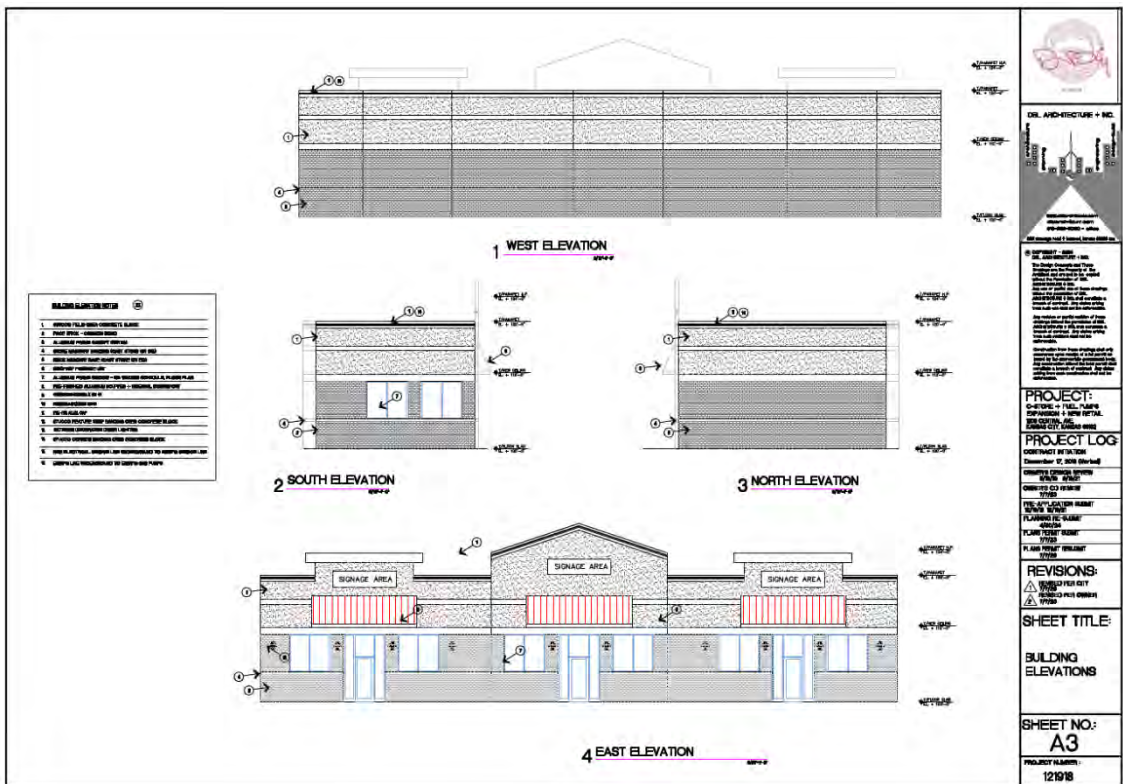
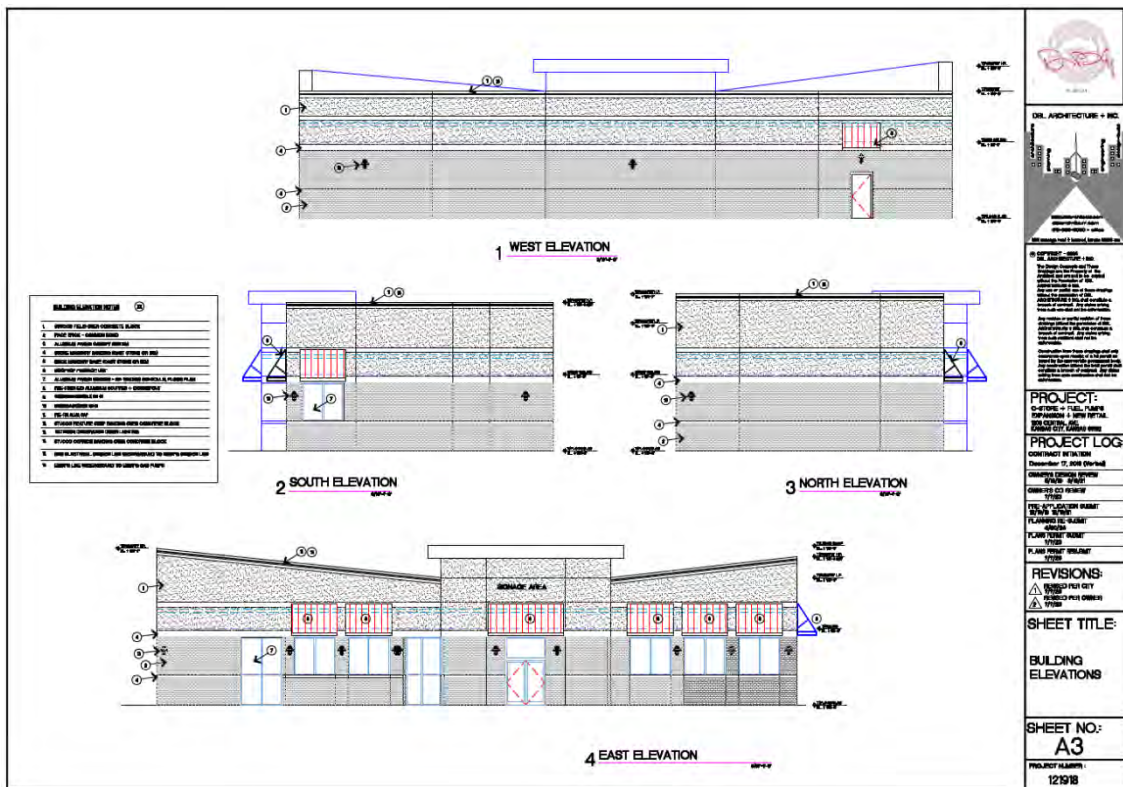
FLOOR PLAN



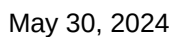
COZ2024-003 and MPL2024-002



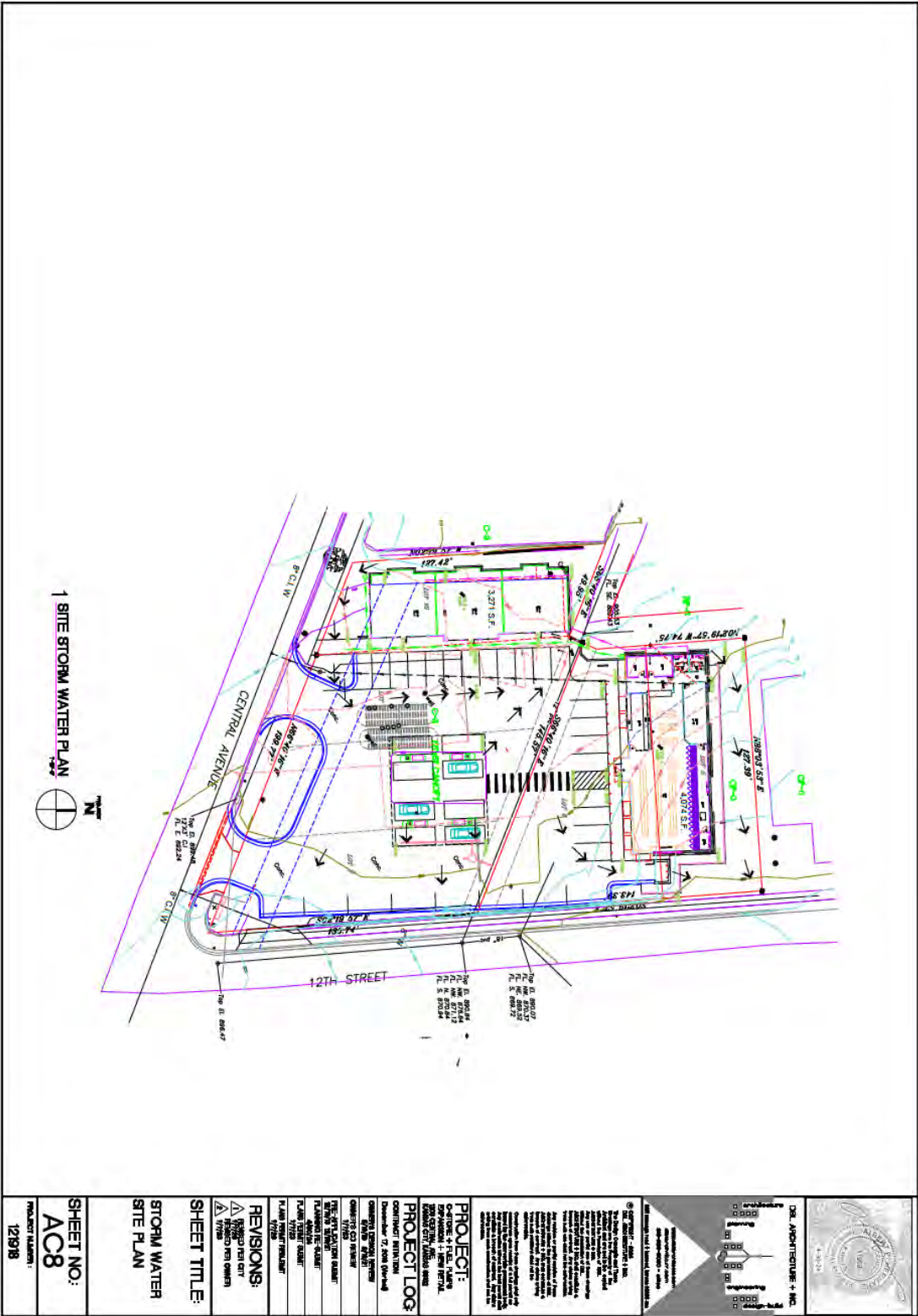
COZ2024-003 and MPL2024-002

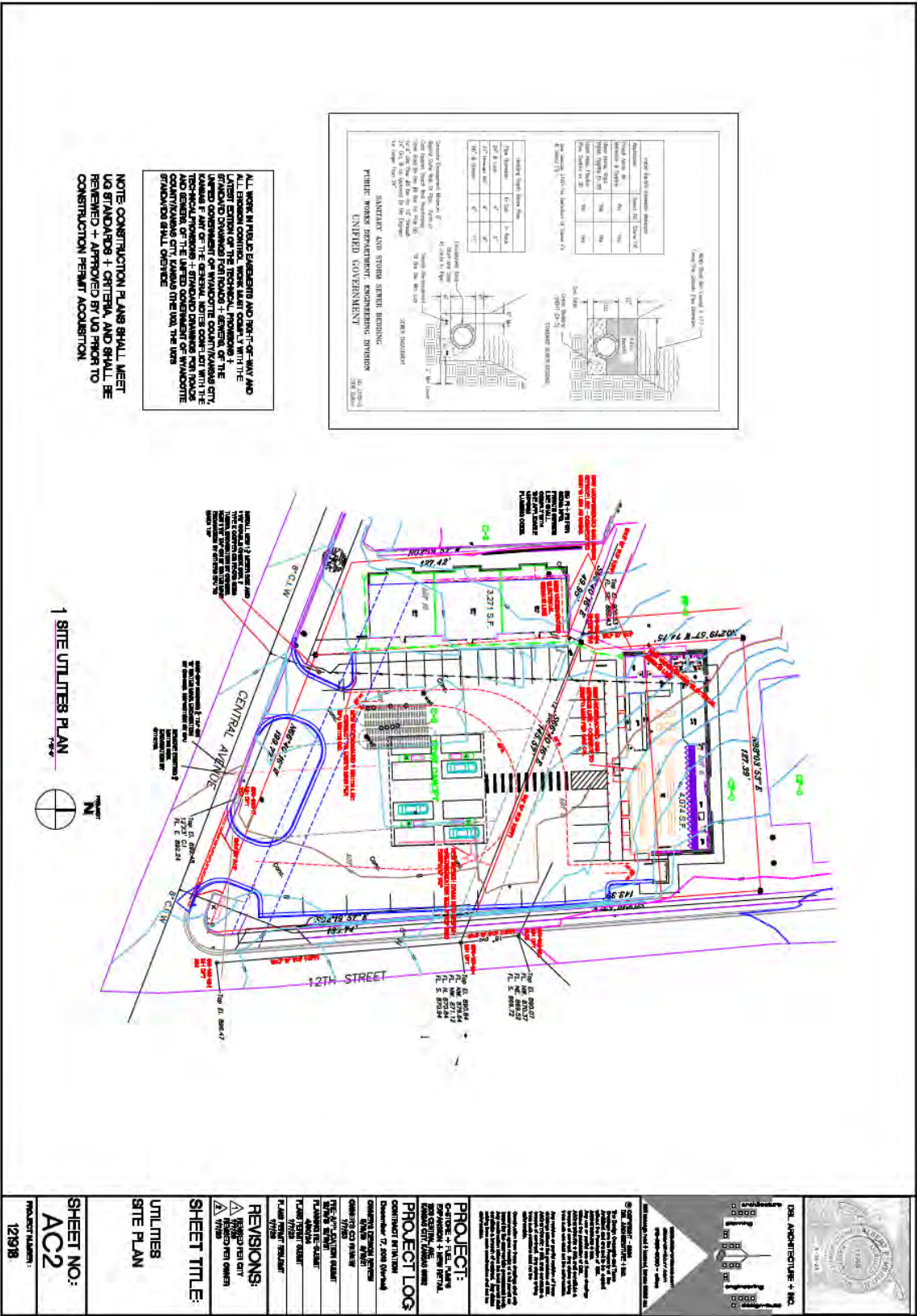


COZ2024-003 and MPL2024-002

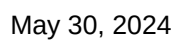


STORM WATER CONTROL





COZ2024-003 and MPL2024-002



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







Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: May 30, 2024

Re: Change of Zone Petition COZ2024-007

GENERAL INFORMATION

Applicant:
Jake Young

Status of Applicant:
Surveyor
J&J Survey
8680 A North Green Hills Drive
Kansas City, Missouri 64154

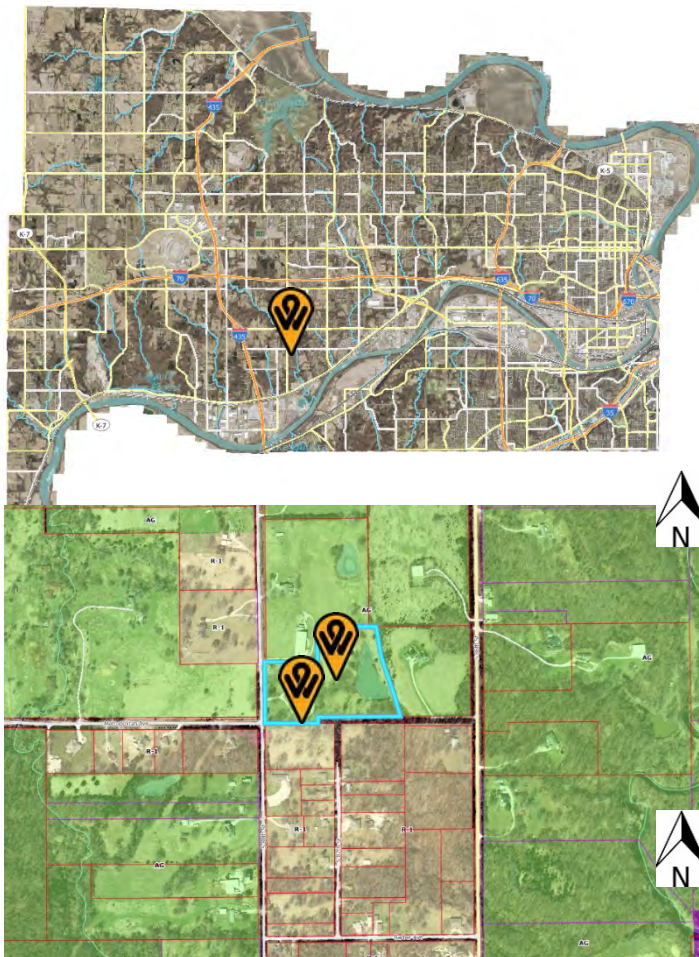
Requested Action:
Approval of a Change of Zone.

Date of Application(s):
February 22, 2024

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

Property Location:
1435 and 1501 South 88th Street
Kansas City, Kansas 66111

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



Existing Zoning:	A-G Agriculture and R-1 Single Family Districts
Adjacent Zoning:	North: A-G Agriculture District South: R-1 Single Family District East: A-G Agriculture District West: A-G Agriculture and R-1 Single Family Districts
Adjacent Uses:	North: Agricultural Lot South: Single Family Residences East: Agricultural Lot West: Agricultural Lot and Single Family Residences
Total Tract Size:	11.01 Acres
Comprehensive Plan Area:	PlanKCK Comprehensive Plan
Comprehensive Plan Designation:	The PlanKCK Comprehensive Plan designates the subject property as Agricultural, which allows for land for the production and cultivation of food stuffs, livestock and other agricultural activities such as apiary, forest products, hay production, etc.
Major Street Plan:	The goDotte Mobility Plan designates South 88 th Street as a Local Street.
Parking Requirements:	Section 27-452(e) states “Two off-street parking spaces shall be provided on the premises for each single-family dwelling”. The property provides the two (2) required parking spaces.
Advertisement:	<u>The Wyandotte Echo</u> – April 18, 2024 Letters to Property Owners – March 15, 2024 and April 19, 2024
Public Hearings:	May 13, 2024 and May 30, 2024
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Outline of Requested Action: The applicant, Jake Young with J&J Survey, is requesting approval of a Preliminary and Final Plat to combine two (2) parcels into one (1) and vacate a portion of right-of-way, as well as a Change of Zone from R-1 Single Family District to A-G Agriculture District at 1435 and 1501 South 88th Street.

City Ordinance Requirements: Article XXI Sections 27-502 – 27-709

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

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

Building, Zoning, or Code Enforcement Complaints:

1. Each property received one (1) notice of violation in 2019 for weeds and overgrowth in the right-of-way.

Outstanding or Related Permits and Cases:

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

FACTORS TO BE CONSIDERED

Change of Zone

1. *Neighborhood character.*

The subject property is within the Muncie-Stony Point Statistical Neighborhood. The neighborhood consists exclusively 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 properties nearby are set out above. The neighborhood consists exclusively of larger-lot single-family residences and agricultural lots. The existing use will remain as a private residence with agricultural uses, which is compatible with nearby uses.

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

The subject property is suitable to be used for a private residence with agricultural uses on it. Removal of restrictions will not detrimentally affect nearby property as many of the properties surrounding are of a similar use.

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

The property is not vacant and is the primary residence of the applicant.

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. It is not expected that any increase in traffic would exceed the capacity of South 88th Street, 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 comprehensive plan if managed properly.

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

The proposed use could harm the environment due to contaminated run-off, however, this is not expected to be an issue so long as animal waste is managed properly.

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*

Sanitary sewer service is not provided by the UG.

c. Storm water control

To be designed to City Standard.

d. Police

Police service provided by West Patrol, District #221.

e. Fire

Fire service provided by Station #20, which is around two (2) miles away from the subject property.

f. Transit

There is no public transit route that reasonably serves the subject property.

g. Schools

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

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.

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. If denied, the applicant would not be able to combine the southern property with the northern property or keep animals on the southern property without a Special Use Permit.

Preliminary and Final Plat

- 1. 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.***

The boundary lines of the plat have been drawn to not only meet safety standards as related to fire, flood, erosion, excessive noise, and other adversity, but also in compliance with the setback and area standards under Section 27-452(d)(3) of the AG Agricultural District. Currently, there are no plans for additional development on the property.

- 2. 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 88th Street, which is designated as a Local Street. There are no new streets being created by this Plat. There is no increase in traffic expected, as the purpose of this Plat is to combine two (2) adjoining properties and vacate a portion of unused right-of-way.

- 3. 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 additional development on the proposed lot. The boundary lines of the plat must be drawn so as to meet the standards of adequate light, open space, air, fire protection, and long-term sustained real estate values. The preliminary and final plat meets these standards and demonstrates compliance with the area standards under Section 27-452 of the AG Agricultural District.

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

This is not applicable as there is no new development proposed with this plat, rather, a combination of two (2) existing parcels and a vacation of a portion of right-of-way.

- 5. 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.***

Combining two (2) lots into one (1) and vacating a portion of the right-of-way in an established agricultural district does not necessitate any amenities.

NEIGHBORHOOD MEETING

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.

KEY ISSUES

Change of Zone
Future Uses
Preliminary Plat

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Change of Zone **COZ2024-007**, subject to:

1. Prior to submitting two (2) mylars to be recorded with the Register of Deeds, please make sure that the name on the Dedication and Acknowledgement is printed and notarized. The Register of Deeds will not accept illegible writing;
 - a. When the mylars are submitted, please submit the following checks:
 - i. \$32.00 per page payable to the Register of Deeds; and,
 - ii. \$7.00 per lot payable to the Unified Treasurer;
2. The driveway apron from the roadway to the property line shall be replaced and brought up to code standard;
3. All future development shall meet UG Zoning Code requirements. No future development may violate the setback requirements or other design requirements;
4. The applicant must submit a Conservation Plan. Work with the Wyandotte County Conservation District to develop a conservation plan for the property. The conservation district can be contacted at wycococonservation@gmail.com or (913) 334-6329. This case will not advance forward without a Conservation Plan;
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 to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
6. All existing and future driveways must feature curb cuts that are constructed to UG standards;
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. 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,
9. 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.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATIONS

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 COZ2024-007**, subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

May 13, 2024, City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Final Plat
GeoSpatial Services Comments
Site Photos, Taken by Staff, Dated March 8, 2024

REVIEW OF INFORMATION AND SCHEDULE

Action
Public Hearing
COZ

Planning Commission
May 13, 2024
Approval

Board of Commissioners
May 30, 2024

STAFF CONTACT: **James Molloy**
 jmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2024-007** 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 **COZ2024-007**, 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.

May 13, 2024, City Planning Commission Minutes:

Hearing starts at 2:09:50 :

CHANGE OF ZONE APPLICATION COZ2024-007 – JAKE YOUNG WITH J&J SURVEY – SYNOPSIS: Change of Zone from R-1 Single Family District to A-G Agriculture District for agriculture use at 1435 and 1501 South 88th Street.

PLAT APPLICATION PLAT2024-008 – JAKE YOUNG WITH J&J SURVEY – SYNOPSIS: Final Plat (Widner Estates) to combine two (2) lots and vacate a portion of right-of-way at 1435 and 1501 South 88th Street.

Outline of Requested Action: The applicant, Jake Young with J&J Survey, is requesting approval of a Preliminary and Final Plat to combine two (2) parcels into one (1) and vacate a portion of right-of-way, as well as a Change of Zone from R-1 Single Family District to A-G Agriculture District at 1435 and 1501 South 88th 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 May 13, 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:

- Jake Young, applicant and surveyor, 8680 A North Green Hills Drive, Kansas City, Missouri 64154

Present in Opposition:

- No one appeared

Staff Recommendation starts at 2:13:49: Planner Molloy stated the request is for a Change of Zone from R-1 Single Family District to A-G Agriculture District and a plat to vacate a portion of right-of-way and combine the two (2) lots. 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, including paving the driveway apron from the roadway to the property line in conformance with Unified Government standards.

Motion starts at 2:14:45:

On motion by Ms. Easterwood, seconded by Mrs. Jones, the Planning Commission voted as follows to recommend **APPROVAL of Change of Zone Application COZ2024-007:**

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

Motion to recommend APPROVAL Passed: 6 to 0

Subject to:

1. Prior to submitting two (2) mylars to be recorded with the Register of Deeds, please make sure that the name on the Dedication and Acknowledgement is printed and notarized. The Register of Deeds will not accept illegible writing;
 - a. When the mylars are submitted, please submit the following checks:
 - i. \$32.00 per page payable to the Register of Deeds; and,
 - ii. \$7.00 per lot payable to the Unified Treasurer;
2. The driveway apron from the roadway to the property line shall be replaced and brought up to code standard;
3. All future development shall meet UG Zoning Code requirements. No future development may violate the setback requirements or other design requirements;
4. The applicant must submit a Conservation Plan. Work with the Wyandotte County Conservation District to develop a conservation plan for the property. The conservation district can be contacted at wyco.conservation@gmail.com or (913) 334-6329. This case will not advance forward without a Conservation Plan;
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 to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
6. All existing and future driveways must feature curb cuts that are constructed to UG standards;
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. 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,
9. 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

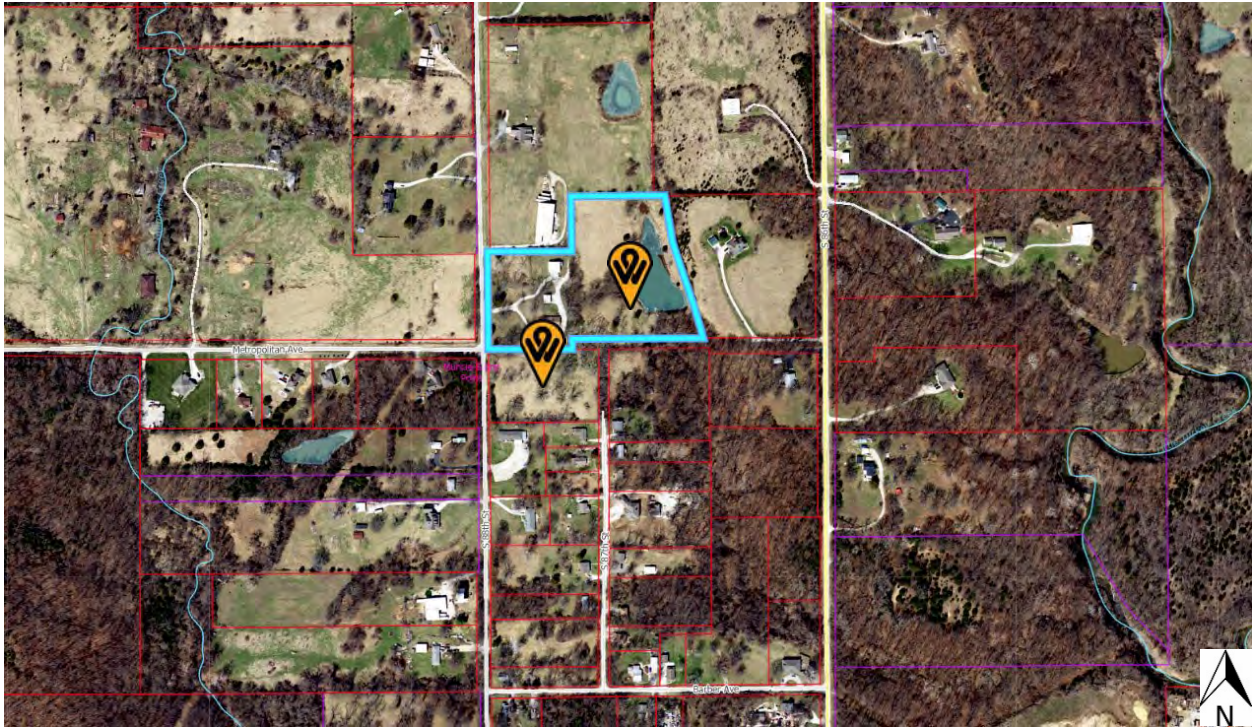
under the new zoning district, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located.

On motion by Ms. Easterwood, seconded by Mrs. Jones, the Planning Commission voted as follows to **APPROVE Plat Application PLAT2024-008:**

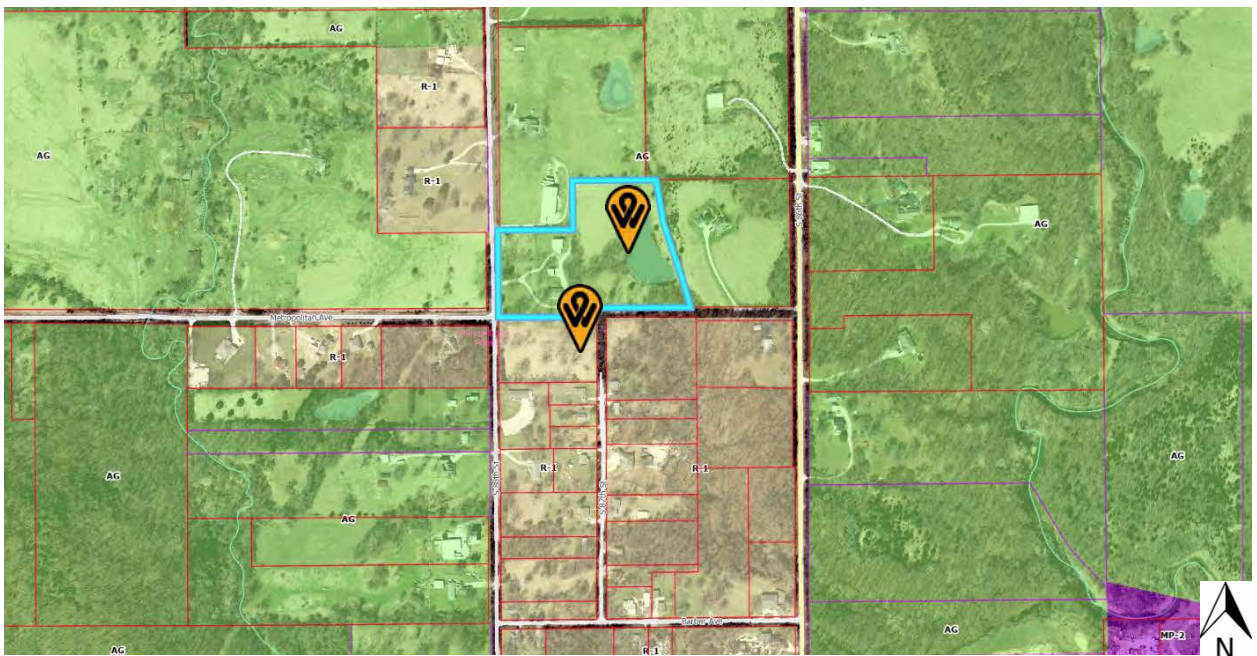
Carson	Chairman
Ward	Aye
Armstrong	Not Present
Beth	Aye
Easterwood	Aye
Ernst	Aye
Jones	Aye
Miller	Aye
Mohler	Not Present
Schwartz	Not Present
Straws	Not Present
Motion to APPROVE Passed: 6 to 0	
Subject to the above conditions.	

ATTACHMENTS

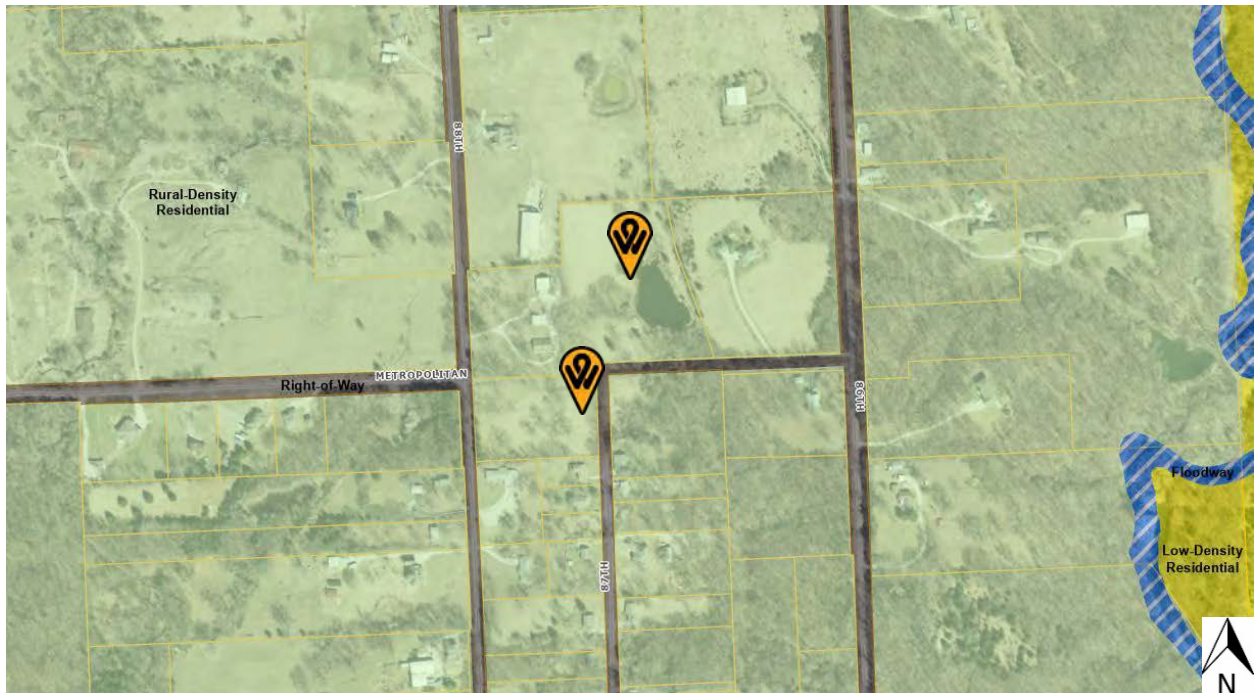
AERIAL IMAGERY

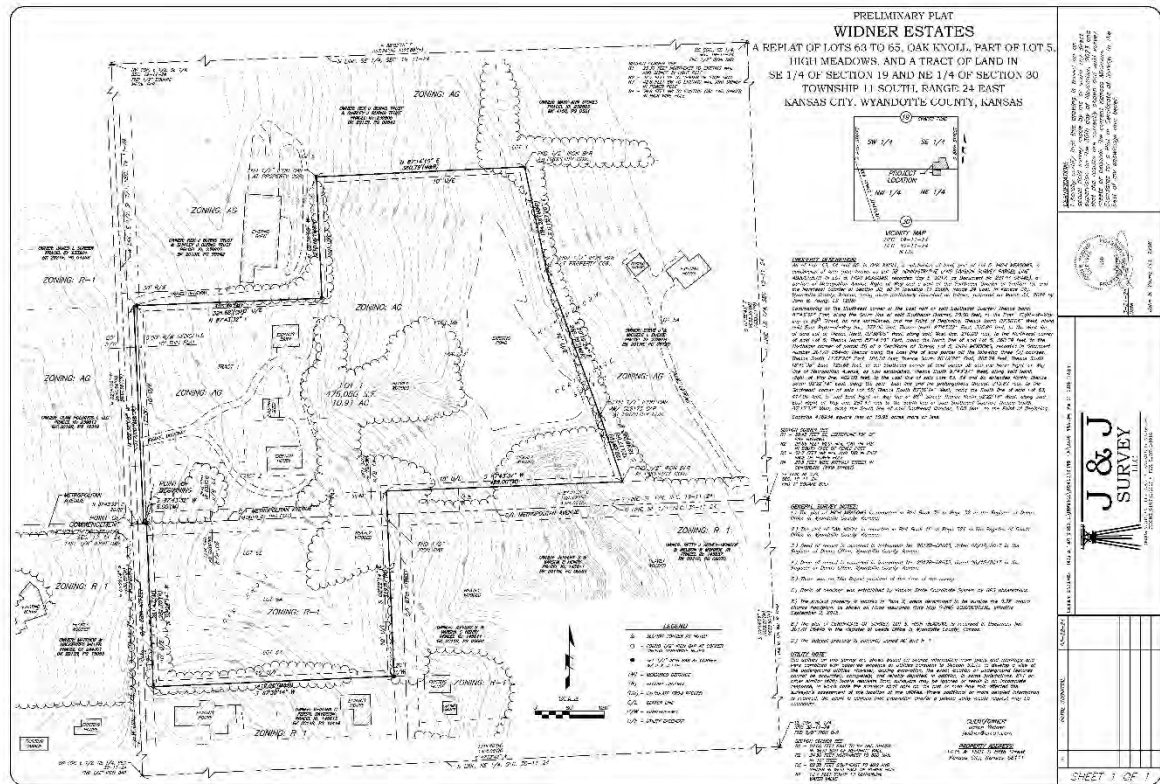


ZONING MAP



LAND USE MAP





GEOSPATIAL SERVICES COMMENTS



GeoSpatial Services Division

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

Phone: (913) 573-2941
Fax: (913) 573-4105

To: Gunnar Hand, Planning and Urban Design
Janet Parker, Planning and Urban Design
From: Robert Ringel, GIS Analyst, Unified Government GSS
Date: March 1, 2024
RE: **WIDNER ESTATES**

We have researched the official county records for the above plat as submitted to
Planning and Urban Design by:
J & J Survey

And we have determined the following:

Takes all of CIC-TAS Parcels:
145654 & 933901

Owner-of-Record:
Jason Widner

Jurat Signature:
Jason Widner

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

1) Title

The subtitle needs to be revised to "A replat of Lots 63 to 65, Oak Knoll, part of Lot 5, High Meadows, and a Tract of land in SE1/4, Section 19..."

2) Legal Description

Remove "A tract of land" from the beginning of the legal description. Correct "High Meadows." Our records show the ROW for the POB is 20'.

3) Right-of-way

Right-of-way for 88th Street looks to be 20' along the unplatted tract. Show dedication to 25'.

4) Vacation

Show the vacated streets of 40' from High Meadows and 20' from Oak Knoll. Label as "vacated by this plat."

1

5) Approvals

Update Register of Deeds signatures to Susan P. Nelson- Register of Deeds, Margaret A. Orendac, Deputy.

NEIGHBORHOOD MEETING MATERIALS

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF)
) SS:
COUNTY OF)

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

1. That I am the petitioner for Petition # COZ2024-007
2. That I conducted a neighborhood meeting on April 26th @ 6:00PM CT
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.

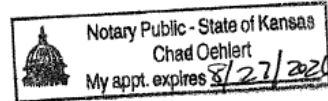
Further affiant saith not.

[Signature]
Affiant

Jason Widner

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 29 day of April, 2024

My commission expires 27 of August, 2026



[Signature]

Notary Public

RESIDENT/ADDRESS
Neighborhood meeting announcement letters mailed 4/12/24

COMMUNICATION

ACTION, LINDSEE
3004 STRONG AVE ,
KANSAS CITY, KS 66061

DAVIDSON-FERSTL, KRISTINA N
1522 S 87TH ST
KANSAS CITY, KS 66111

Rec'd call 4/26 inquiring about rezoning, resident stated no objections

HARRINGTON, DIANE PATRICE
1531 S 87TH ST
KANSAS CITY, KS 66111

Rec'd phone call 4/19/24 inquiring about rezoning, resident stated no objections

HENRY, JEFFERY
15609 PARALLEL RD
BASEHOR, KS 66007

HENRY, VARSHA C
15609 PARALLEL RD
BASEHOR, KS 66007

MAUCK, MICHAEL D
1533 S 87TH ST
KANSAS CITY, KS 66111

MILLER, MACKENSEY
8811 METROPOLITAN AVE
KANSAS CITY, KS 66111

Attended Meeting, No questions or objections after zone change explanation

OLAM HOLDINGS I, LLC
268 BUSH ST , STE 49
SAN FRANCISCO, CA 94104

Meeting held on 4/26 @ 6:00 PM via Teams.

Attendees: MacKensey Miller

James White

Terri White

Topic: Discussed area to be rezoned and described changing from residential to agriculture. Also noted the property @ 1435 S. 88th will be combined with the 1501 S. 88th st property. Displayed drawings/Plats during the meeting to show the areas & locations. Opened for questions & discussions. No comments received, or objections. Remained on call until 6:30 PM. Meeting adjourned.

J. Widner
Jason Widner





Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: May 30, 2024

Re: Change of Zone Petition COZ2024-008

GENERAL INFORMATION

Applicant:

Julia Perez Cadenas

Status of Applicant:

Property Owner
4140 North 60th Street
Kansas City, Kansas 66104

Requested Actions:

Approval of a Change of Zone.

Date of Application:

February 26, 2024

Purpose:

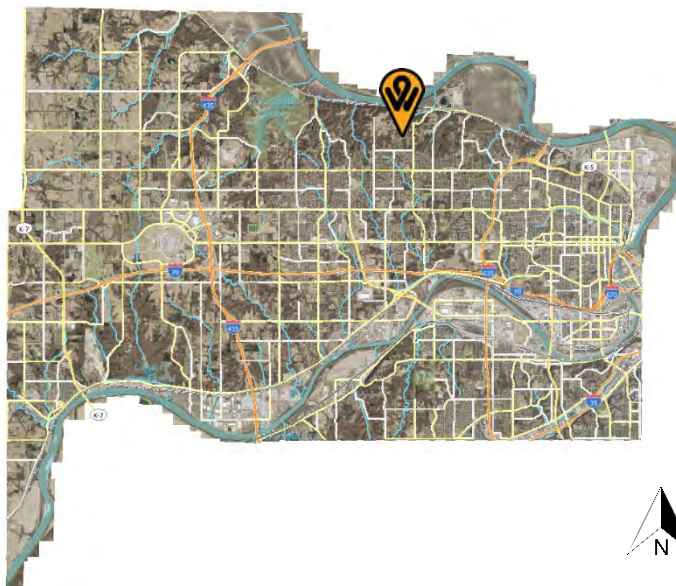
To approve a Change of Zone from R-1 Single-Family District to A-G Agriculture District to keep animals on the property.

Property Location:

4140 North 60th Street
Kansas City, Kansas 66104

Commission Districts:

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



Existing Zoning:	R-1 Single Family District
Adjacent Zoning:	North: R-1 Single Family District South: A-G Agricultural District East: R-1 Single Family District West: A-G Agricultural District
Adjacent Uses:	North: Large lot single-family residence South: Large lot single-family residence East: Single-family residence West: Agricultural lot
Total Tract Size:	4.82 Acres
Comprehensive Plan Area:	PlanKCK Comprehensive Plan
Comprehensive Plan Designation:	The PlanKCK Comprehensive Plan designates the subject property as Agricultural, which allows for land for the production and cultivation of food stuffs, livestock and other agricultural activities such as apiary, forest products, hay production, etc. Residential uses are allowed, but not required.
Major Street Plan:	The goDotte Mobility Plan designates North 60 th Street as a Local/Neighborhood Street.
Parking Requirement:	Section 27-452(e) states “Two (2) off-street parking spaces shall be provided on the premises for each single-family dwelling”. The subject property provides four (4) spaces.
Advertisement:	<u>The Wyandotte Echo</u> – April 18, 2024 Letters to Property Owners – April 19, 2024
Public Hearings:	May 13, 2024 and May 30, 2024
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Julia Perez Cadenas, is requesting a Change of Zone from R-1 Single Family District to A-G Agriculture District to keep one (1) horse on the property at 4140 North 60th Street. This application is in conjunction with variance petition BOZA2024-008, which is a variance from the minimum required acreage for the A-G Agriculture District, which is five (5) acres.

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

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. There have been three (3) calls for police service on the subject property for a runaway.

Building, Zoning, or Code Enforcement Complaints:

1. There are two (2) active Notices of Violation on the subject property for the deteriorated accessory structure and for keeping of animals on an R-1 zoned property without the necessary Special Use Permit or a Change of Zone.

Outstanding or Related Permits and Cases:

1. 2024 – BOZA2024-008 – Variance – Minimum Required Acreage in the A-G Zoning District
2. 2024 – PMZ24-0015 – Planning Violations – Horses and a Cow without the proper zoning
3. 2024 – STR24-0051 – Structural – Deteriorated Accessory Structure

FACTORS TO BE CONSIDERED

1. *Neighborhood character.*

The subject property is within the Nearman Hills Statistical neighborhood, the Leavenworth Road Association Group, and the Field of Dreams Neighborhood Group. The neighborhood consists of primarily large lot single-family residences and agricultural uses down south to Leavenworth Road.

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

The zoning and uses for nearby property are set out above. The applicant is proposing a change of zone from R-1 Single-Family District to A-G Agriculture District to keep horses and a cow. The proposed use is expected to be compatible with nearby uses 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 not suitable for agricultural uses. The property is below the maximum threshold to be zoned Agricultural, which is five (5) acres. The applicant has applied for a variance in conjunction with this Change of Zone. The property is also 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. Even with the removal of the foliage on the property, the property affords limited space for horses and cows to be kept. Realistically, only one (1) horse and one (1) cow can be kept on the property to maintain a healthy environment for the animals and limit the impact on nearby property. The applicant shall work with the Wyandotte County Conservation District to develop a Conservation Plan prior to consideration of this petition.

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

The property is not vacant and is the residence of the applicant.

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. It is not expected that any increase in traffic would exceed the capacity of North 60th Street, 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. There is a creek on the property, which will require additional buffering and other waste management. 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 of the 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 subject property.

c. *Storm water control*

There is no storm water control on the subject property.

d. *Police*

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

e. *Fire*

Fire service is provided by Station #18, which is 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 John F. Kennedy Elementary, Eisenhower Middle School, and Washington 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 not able to meet applicable ordinance requirements for the A-G Agriculture District without a variance, as the property does not meet the five (5) acre minimum to be zoned A-G Agriculture District. The variance, BOZA2024-008, has to be approved in order for this Change of Zone to be heard by the City Planning Commission.

In addition to not meeting the minimum acreage requirement, there is a conflict with site management and the overall health of the animals. 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.

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 not be able to keep animals without a Special Use Permit, nor would they be able to construct additional structure for managing said animals without a different variance.

PREVIOUS ACTIONS

There have been no previous actions on the subject property.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on April 29, 2024. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Conservation Plan
Number of Animals Currently/Proposed
Open Space
Previous Complaints
Stream Buffer
Variance
Waste Management

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Change of Zone Application **COZ2024-008**, subject to:

1. The applicant shall maintain a 25-foot buffer from the creek that runs through their property;
2. All animal waste shall be cleaned in a timely manner as to prevent additional run-off;
3. All trees must be preserved to the best of the applicant's ability. Any trees removed must be replaced elsewhere on the property;
4. The applicant must submit a Conservation Plan. Work with the Wyandotte County Conservation District to develop a conservation plan for the property. The conservation district can be contacted at wycoco.conservations@gmail.com or (913) 334-6329. This Change of Zone will not be published without a Conservation Plan being received;
5. No more than one (1) cow, three (3) horses, and 10 chickens, in addition to domesticated family pets may be kept on the property;
6. All animals must be kept within the subject property and shall not roam unattended within the neighborhood;
7. Lighting shall be installed to have a 90-degree cutoff;
8. This City Planning Commission case is being heard in conjunction with BOZA2024-008. 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 BOZA2024-008 by the Unified Government Board of Zoning Appeals and upon any ordinance publications required by law;
9. 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;
10. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an

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

11. Any property owner or business owner that is required to obtain a Special Use Permit for an entitlement to keep fowl or livestock animals as described in Section 27-593, or any other animal related activity as described in Section 27-593, is required to comply at all times with all the requirements of Chapter 7 and Chapter 27 of the Ordinance. This shall include all ordinance sections that relate to: the care, feeding, and keeping of animals; the proper housing, shelter, and restraint of animals from roaming at large; access to proper veterinary care; the operation and maintenance of land, property, and any building or structure related to animal keeping. The permit holder and the property owner are responsible to register any animal keeping activity with Kansas City, Kansas Animal Services, and to maintain annually that registration, and to arrange and participate in annual property and animal inspections with Kansas City, Kansas Animal Services;
12. If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;
13. All existing and future driveways must feature curb cuts that are constructed to UG standards;
14. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
15. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;
16. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed by right or by Special Use Permit under the new zoning district, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located; and,

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

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners concur with the findings contained within the staff report related to *Factors to be Considered* and *Key Issues* and recommends **APPROVAL** of Petition **COZ2024-008** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

May 13, 2024, City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Site Plan
Neighborhood Meeting Materials
Site Photos, Taken by Staff, Dated April 13, 2024

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>City Planning Commission</u>	<u>Unified Government Board of Commissioners</u>
Public Hearing	May 13, 2024	May 30, 2024
Rezoning	Approval	

STAFF CONTACT: **James Molloy**
 jlmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2024-008** 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 **COZ2024-008**, 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.

May 13, 2024, City Planning Commission Minutes:

Hearing starts at 2:16:54:

CHANGE OF ZONE APPLICATION COZ2024-008 – JOSE PEREZ CARDENAS –

SYNOPSIS: Change of Zone from R-1 Single Family District to A-G Agriculture District to keep animals on the property at 4140 North 60th Street. Detailed Outline of Requested Action: The applicant, Julia Perez Cadenas, is requesting a Change of Zone from R-1 Single Family District to A-G Agriculture District to keep one (1) horse on the property at 4140 North 60th Street. This application is in conjunction with variance petition BOZA2024-008, which is a variance from the minimum required acreage for the A-G Agriculture District, which is five (5) 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 May 13, 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:

- Julia Walton Perez, 4140 North 60th Street, Kansas City, Kansas 66104
- Jose Perez Cardenas, 4140 North 60th Street, Kansas City, Kansas 66104

Present in Opposition:

- No one appeared

Staff Recommendation starts at 2:18:54: Planner Molloy stated that the corresponding variance was approved by the Board of Zoning Appeals earlier this evening. This request is for a Change of Zone from R-1 Single Family District to A-G Agriculture District to allow for agricultural uses, as well as any additional accessory structures. Staff received no letters in support nor opposition. There are some Notices of Violation, including a dilapidated accessory structure and keeping of animals without agricultural zoning or a Special Use Permit. Both of those violations would be addressed through this zoning entitlement. Staff recommends approval subject to the conditions in the staff report, which includes continuing to work with the Conservation District to develop a conservation plan for the property and desired use.

Motion starts at 2:20:01:

On motion by Mr. Ward, seconded by Mrs. Jones, the Planning Commission voted as follows to recommend **APPROVAL of Change of Zone Application COZ2024-008:**

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

Motion to recommend APPROVAL Passed: 6 to 0

Subject to:

1. The applicant shall maintain a 25-foot buffer from the creek that runs through their property;
2. All animal waste shall be cleaned in a timely manner as to prevent additional run-off;
3. All trees must be preserved to the best of the applicant's ability. Any trees removed must be replaced elsewhere on the property;
4. The applicant must submit a Conservation Plan. Work with the Wyandotte County Conservation District to develop a conservation plan for the property. The conservation district can be contacted at wyco.conservation@gmail.com or (913) 334-6329. This Change of Zone will not be published without a Conservation Plan being received;
5. No more than one (1) cow, three (3) horses, and 10 chickens, in addition to domesticated family pets may be kept on the property;
6. All animals must be kept within the subject property and shall not roam unattended within the neighborhood;
7. Lighting shall be installed to have a 90-degree cutoff;
8. This City Planning Commission case is being heard in conjunction with BOZA2024-008. Any approval by the City Planning Commission or Board of

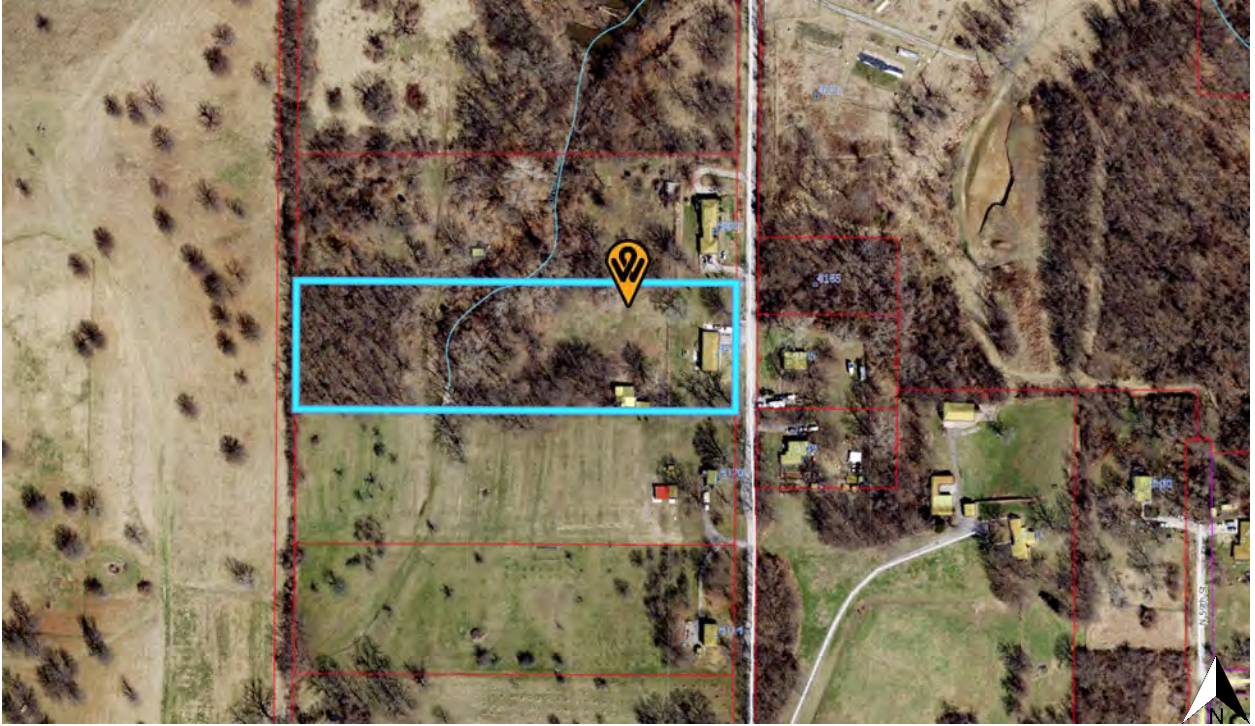
- Commissioners of this case, and the conditions of approval contained herein, are contingent, and shall only go into effect, upon the approval of BOZA2024-008 by the Unified Government Board of Zoning Appeals and upon any ordinance publications required by law;
9. The exterior walls shall be made of 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;
 10. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
 11. Any property owner or business owner that is required to obtain a Special Use Permit for an entitlement to keep fowl or livestock animals as described in Section 27-593, or any other animal related activity as described in Section 27-593, is required to comply at all times with all the requirements of Chapter 7 and Chapter 27 of the Ordinance. This shall include all ordinance sections that relate to: the care, feeding, and keeping of animals; the proper housing, shelter, and restraint of animals from roaming at large; access to proper veterinary care; the operation and maintenance of land, property, and any building or structure related to animal keeping. The permit holder and the property owner are responsible to register any animal keeping activity with Kansas City, Kansas Animal Services, and to maintain annually that registration, and to arrange and participate in annual property and animal inspections with Kansas City, Kansas Animal Services;
 12. If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;
 13. All existing and future driveways must feature curb cuts that are constructed to UG standards;
 14. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
 15. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable

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

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

ATTACHMENTS

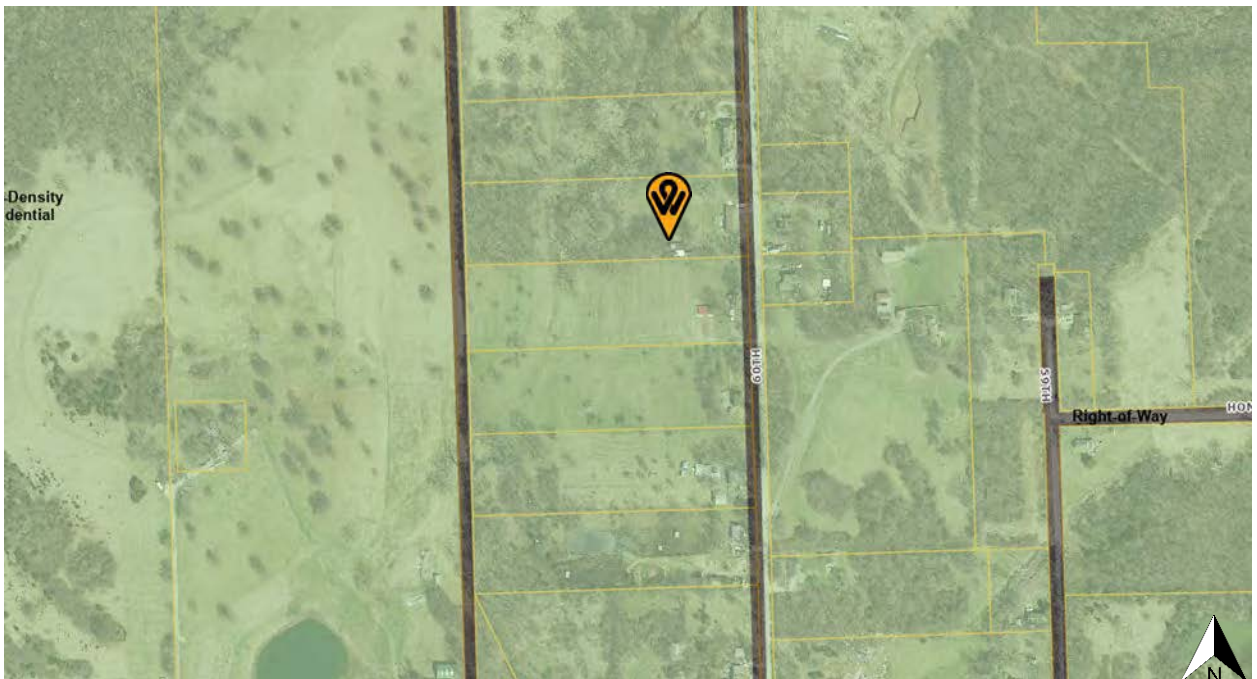
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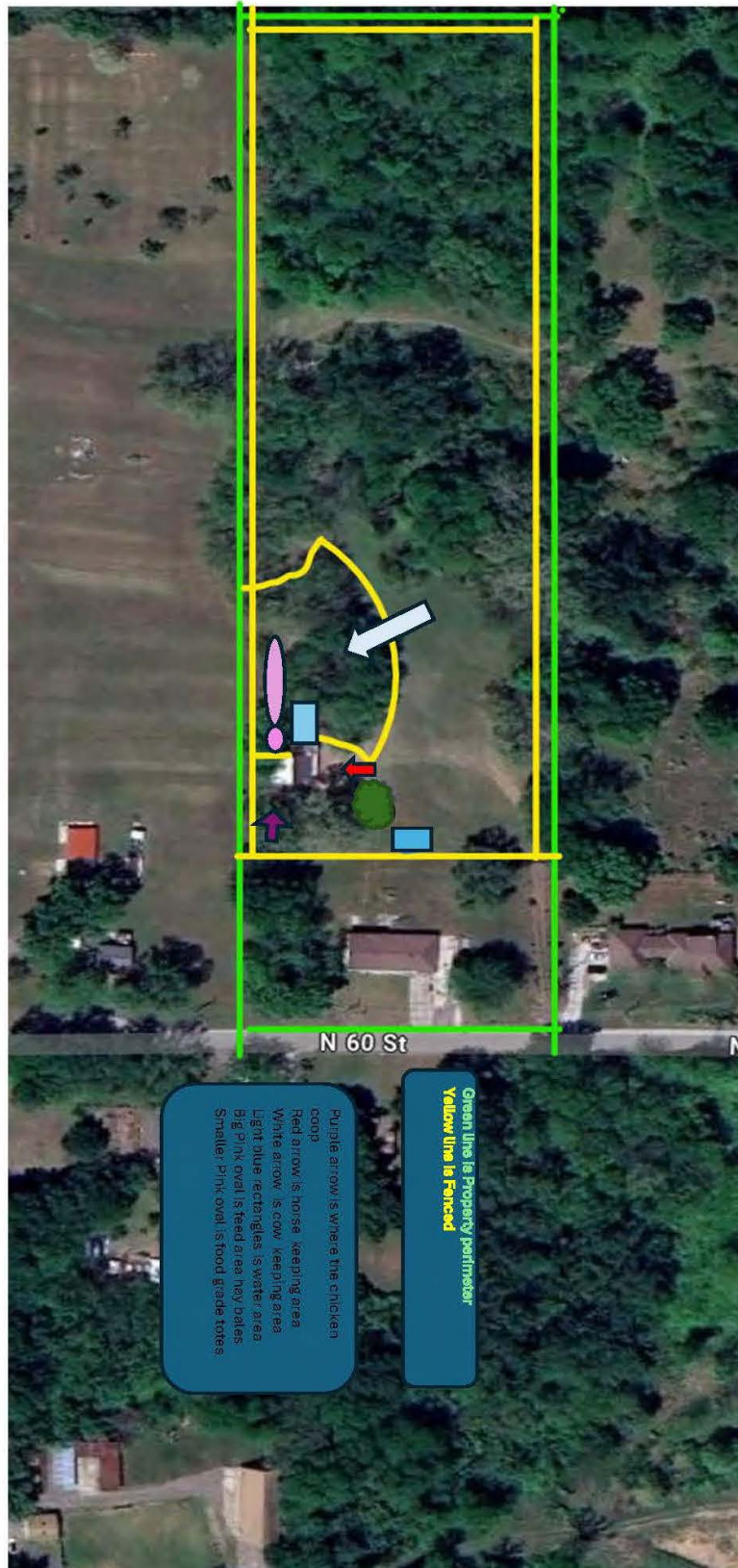
ZONING MAP



LAND USE MAP



SITE PLAN



NEIGHBORHOOD MEETING MATERIALS

Date: 04/13/2024

Jose M. Perez Cardenas
4140 North 60th Street
Kansas City, KS 66104

SUBJECT: Neighborhood Meeting

I have filed an application with the Planning + Urban Design Department # COZ2024-008 / BOZA2024-008. The purpose of this:

(please use all that applies)

- change of zone
- special use permit
- preliminary plan review

is for a Variance and Change of Zone.

at the following address: 4140 North 60th Street Kansas City, KS 66104.

I am having a neighborhood meeting on SATURDAY **APRIL 28, 2024** at **3:00** p.m. at the following address 4140 North 60th Street Kansas City, KS 66104.

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,



Jose M Perez Cardenas
913-209-8615 or Juliaw211@gmail.com

MEETING MINUTES:

Application Number: COZ2024-008
 Date and Location: 04/20/2024 - 4140 N 60TH STREET KCKS 66104
 Meeting called to order at: 3:00PM

Person	Name Print	Sign	Phone Number	Address	Question	
	Resident Solicitor/Attorney	Julie Schmitt	913-209-8615			
	Owner Jose Manuel Perez	Teresa Perez	913-209-8615			
	Document Witness Melissa Walton	Ms Walton	913-689-5731			

MEETING MINUTES

Application Number: COZ2024-008

Date and Location: 04/20/2024 - 4140 N 60TH STREET KCKS 66104

Meeting called to order at: 3:00 pm

ATTENDEES:

Julia Walton-Perez (913-209-8615)

Jose Manuel Perez (913-209-8615)

Yulissa Walton (913-689-5731)

MINUTES:

Nobody outside of residents and documentor arrived to the meeting. Meeting adjourned at 3:30 pm.

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF KANSAS)
) SS:
COUNTY OF WYANDOTTE)

Comes now JOSE M PEREZ CARDENAS of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition # COZ2024-008
2. That I conducted a neighborhood meeting on 4-29-2024.
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.

Jose M Perez Cardenas
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 29th day of April, 2024

My commission expires 19th of September, 2027.

Maria E. Walton
Notary Public


SITE PHOTOS, TAKEN BY STAFF, DATED APRIL 13, 2024





Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: May 30, 2024

Re: **Change of Zone Petition COZ2024-010, SP2024-016 and Master Plan Amendment MPL2024-005**

GENERAL INFORMATION

Applicant:

Alicia Vann

Status of Applicant:

Altar Support, Inc.
9151 Parallel Parkway
Kansas City, KS 66112

Requested Actions:

Master Plan Amendment from Planned Mixed Residential District to Planned Commercial (Prairie Delaware Piper Area Plan).

Change of Zone from R-1 Single Family District to CP-1 Planned Limited Business District (Planning Staff recommends CP-0 Planned Nonretail Business District).

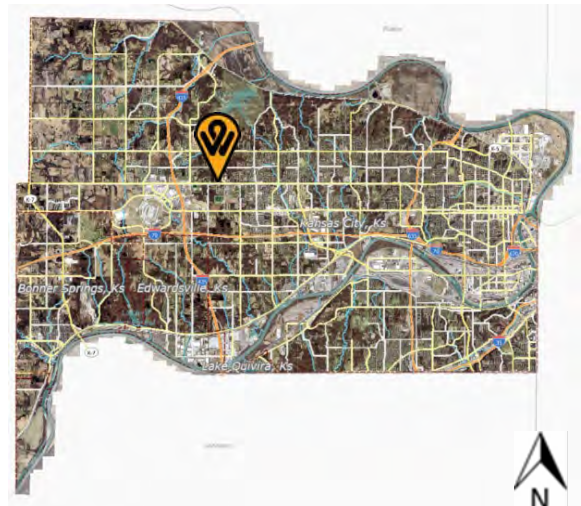
Special Use Permit for the continuation of a child daycare (#SP-2019-119).

Date of Application:

April 1, 2024

Purpose:

To convert a portion of the building into offices and retail uses.



Property Location:	9151 Parallel Parkway, Kansas City, KS 66112		
Commission Districts:	Commissioner At-Large, District #1: Melissa Bynum District #5 Commissioner: Mike Kane		
Existing Zoning:	R-1 Single Family District		
Adjacent Zoning:	North:	A-G Agriculture District	
	South:	R-1 Single Family District	
	East:	A-G Agriculture District	
	West:	CP-0 Planned Nonretail Business District	
Adjacent Uses:	North:	Single-family residence	
	South:	Single-family subdivision	
	East:	Wooded land	
	West:	Medical office building	
Total Tract Size:	1.40 Acres		
Area Plan Area:	Prairie Delaware Piper Area Plan		
Area Plan Designation:	The Prairie Delaware Piper Area Plan designates this property as Planned Mixed Residential District, which allows patio (zero lot line) homes, townhouses, condominiums, garden apartments, housing for seniors, and other multifamily uses. A Master Plan Amendment is being sought to Commercial, specifically, Small Commercial, which allows commercial retail and limited commercial services at major arterials near low-density residential areas of the community. These locations are not intended to provide a complete range of goods and services.		
Major Street Plan:	The goDotte Countywide Strategic Mobility Plan classifies Parallel Parkway as a Major Arterial.		
Required Parking:	Sec. 27-464(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. 41 parking spaces are required. Appellant is providing 22 parking spaces via BOZA 2387.		
Advertisement:	<u>The Wyandotte Echo</u> – Change of Zone – April 18, 2024; Master Plan Amendment – April 18, 2024; Special Use Permit – April 18, 2024 Letters to Property Owners – Change of Zone – April 19, 2024; Master Plan Amendment – April 19, 2024; Special Use Permit – April 19, 2024		

Public Hearings: May 13, 2024 and May 30, 2024

Public Support: None to date.

Public Opposition: None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Alicia Vann with Altar Support, Inc., filed a Change of Zone from R-1 Single Family District to CP-1 Planned Limited Business District, and a Master Plan Amendment from Planned Mixed Residential District to Commercial to convert space within the commercial building for offices and retail uses and a Special Use Permit to continue to operate a child daycare on 1.40 acres at 9151 Parallel Parkway.

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

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. None

Building, Zoning, or Code Enforcement Complaints:

1. 2022 – citations for building materials, debris and trash on the property.
2. 2022 – citation for grass and weeds.

Outstanding or Related Permits and Cases:

1. BOZA 2387 – Variance for a reduction in parking requirements. 41 parking spaces were required for a 10,012 square foot building. 22 parking spaces were approved on September 14, 2020.
2. PR-2020-12 – Final Development Plan for a daycare facility approved on September 14, 2020.
3. SP-2019-119 – Special Use Permit to operate a daycare (expired on January 30, 2023).
4. COZ 2980 – Rezoning from A-G Agriculture District to R-4 Garden Apartment District for 16-unit (withdrawn in 2006).

FACTORS TO BE CONSIDERED

1. Neighborhood character

This property is within the I-435 Statistical Area. The area along Parallel Parkway is a mixed-use corridor. Immediate uses include large lot, agricultural single-family homes, a single-family subdivision, and offices. The property is along a KCATA transit route, Route #116. The nearest stop is approximately 2,150 feet from the daycare facility at North 88th Street and 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 will provide a service to families, professionals and entrepreneurs who need to rent or lease office space and/or retail in the building.

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 as this commercial building is finishing up the Final Certificate of Occupancy process. Rezoning the property allows offices, professional or otherwise, is not dissimilar from allowing the continued presence and operation of a daycare on the premises.

A Change of Occupancy may be required, which requires a building permit from the Building Inspection Division.

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

The property is not vacant. A Temporary Certificate of Occupancy for the building was issued in March 2024.

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 professional offices immediately west of the property and to the east on the east side of Providence Medical Center. That said, if designed, constructed and managed properly, it could benefit the community without negative impacts to adjacent property owners.

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.

As part of the original Final Development Plan, the applicant has worked with Planning and Planning Engineering to develop a site layout that would not have adverse effects on road capacity, safety, or parking availability. A sidewalk was constructed along the private street and Parallel Parkway.

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 Residential District, which allows patio (zero lot line) homes, townhouses, condominiums, garden apartments, housing for seniors, and other multifamily uses.

A Master Plan Amendment is being sought to Commercial, specifically, Small Commercial, which allows commercial retail and limited commercial services at major arterials near low-density residential areas of the community. These locations are not intended to provide a complete range of goods and services.

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 offices are properly managed – no overnight parking on-site, outside storage or trash around the site and/or parking lot is picked up. Trees have been planted along Parallel Parkway and within the parking lot islands.

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 #222.

e. *Fire*

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

f. Transit

Kansas City ATA provides service along Parallel Parkway, approximately one-half (½) mile east at Providence Medical Center, Route #116.

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 capable of meeting applicable ordinance and other 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 Change of Zone application is denied, the applicant can still operate a daycare facility with the Special Use Permit.

PREVIOUS ACTIONS

None

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting via Zoom on April 25, 2024. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Intensity of Zoning
Retail Sales

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Master Plan Amendment **MPL2024-005**, Change of Zone Application **COZ2024-010 to CP-O Planned Non-Retail Business District**, and Special Use Permit Application **SP2024-016 for two (2) years**, subject to:

1. **Planning Staff has reservations about changing the zoning to CP-1 Planned Limited Business District for retail sales when there is no similar zoning in the area. The highest level of commercial zoning along Parallel Parkway is at 86th Street and Parallel Parkway, which is zoned CP-3 Planned Commercial District for a polished decorative concrete company and at 98th Street and Parallel Parkway, which is zoned CP-2 for Freddy's Frozen Custard & Steakburgers and the convenience store/gas station.**

The commercial zoning that is adjacent to this property is zoned CP-0 Planned Nonretail Business District, which is a medical office building and further east at 90th Street and Parallel Parkway for Providence Medical Center. Staff recommends rezoning to CP-0 Planned Nonretail Business District;

2. **A child daycare facility is an allowed-by-right use in CP-0 Planned Nonretail Business District. Subject to approval by the Unified Government Board of Commissioners, Planning Staff will withdraw the Special Use Permit petition because it is not necessary for the proposed zoning district.**

In the event the Change of Zone petition is denied, the Special Use Permit petition will be voted on as a separate motion and decided upon by the Unified Government Board of Commissioners;

3. **The tenant and/or operators must comply with the standards and regulations of the CP-0 Planned Nonretail Business District;**
4. **Business hours shall be from 6:00 AM to 6:00 PM as stated;**
5. **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;**
6. **Any landscaping planted in the future shall be connected to the in-ground irrigation system;**
7. **Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process.**
8. **Per Sec. 27-317 Electrical power, telephone service, and cable television (if**

- applicable) shall be provided by underground wiring for all new wiring provided;
9. If approved, the applicant and operators must file and maintain a current business occupation tax application with this Business Licensing Division. Their office is located at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102. They can be contacted at (913) 573-8780 or businesslicense@wycokck.org;
 10. For reference, a building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
 11. All existing and future driveways must feature curb cuts that are constructed to UG standards;
 12. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
 13. 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.
 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 + 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 this 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 operation must cease until such time as a new Special Use Permit is approved.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petitions **COZ2024-010, SP2024-016 and MPL2024-005** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

May 13, 2024, City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Applicant Response Letter
Neighborhood Meeting Documents
Site Plan
Floor Plan
Building Elevations
Site Photographs taken by the Planning Staff dated April 10, 2024.

REVIEW OF INFORMATION AND SCHEDULE

Action	City Planning Commission	Unified Government of Board of Commissioners
Public Hearing Rezoning	May 13, 2024 Approval	May 30, 2024
Public Hearing Master Plan	May 13, 2024 Approval	May 30, 2024
Public Hearing Special Use	May 13, 2024 Approval	May 30, 2024

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

MOTIONS

Master Plan Amendment

I move the Unified Government Board of Commissioners **APPROVE** Petition **MPL2024-005** 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 **MPL2024-005** 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.

Change of Zone Petition

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2024-010** 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 **COZ2024-010** 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.

Special Use Permit

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2024-016** 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 **SP2024-016** 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.

May 13, 2024, City Planning Commission Minutes:

Hearing starts at 2:21:05:

MASTER PLAN AMENDMENT MPL2024-005 – ALICIA VANN WITH ALTAR SUPPORT – SYNOPSIS: Master Plan Amendment from Planned Mixed-Residential District to Planned Small Commercial District (Prairie-Delaware-Piper Area Plan) at 9151 Parallel Parkway.

CHANGE OF ZONE APPLICATION COZ2024-010 – ALICIA VANN WITH ALTAR SUPPORT – SYNOPSIS: Change of Zone from R-1 Single Family District to CP-1 Planned Limited Business District to convert a portion of the building into office and retail uses at 9151 Parallel Parkway.

SPECIAL USE PERMIT APPLICATION SP2024-016 – ALICIA VANN WITH ALTAR SUPPORT – SYNOPSIS: Special Use Permit for a daycare at 9151 Parallel Parkway.

Detailed Outline of Requested Action: The applicant, Alicia Vann with Altar Support, Inc., filed a Change of Zone from R-1 Single Family District to CP-1 Planned Limited Business District, and a Master Plan Amendment from Planned Mixed Residential District to Commercial to convert space within the commercial building for offices and retail uses and a Special Use Permit to continue to operate a child daycare on 1.40 acres at 9151 Parallel Parkway.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated May 13, 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:

- Alicia Vann, applicant, Altar Support, Inc., 9151 Parallel Parkway, Kansas City, Kansas 66112

Present in Opposition:

➤ No one appeared

Staff Recommendation starts at 2:25:06: Planning Director Hand stated that there are three (3) land entitlements before the Commission: Change of Zone from R-1 Single Family District to CP-1 Planned Limited Business District, Master Plan Amendment from Planned Mixed-Residential to Small Commercial and a Special Use Permit (SUP) for a daycare. He stated that the Commission previously heard the Special Use Permit for the daycare and the applicant is continuing to work to open the business and the existing SUP is close to expiring. At the time of the previous application the daycare has the only proposed use for the property. The zoning remained in place and allowed the daycare use to operate with a Special Use Permit. Since the business/tenant model has changed, the use has become a multi-tenant use. Staff believes that the best approach is to rezone the property to commercial, which allows all of the proposed uses to occur without a Special Use Permit. Staff is requesting that all three (3) entitlements move forward, which is unique. If the Change of Zone and Master Plan Amendment are not approved, the Special Use Permit would allow the applicant to continue the use of the daycare in the building. If the Board of Commissioners approved the Change of Zone and Master Plan Amendment, the Special Use Permit will not be required and will be withdrawn at that time. The property is in the Prairie-Delaware-Piper Area Plan. Staff received no letters in support or opposition. There are some previous violations from when the property was vacant and those were addressed by the redevelopment of the property. Staff recommends approval subject to the conditions in the staff report, including rezoning to CP-O Planned Non-Retail Business District. The applicant has requested CP-1 Planned Limited Business District, and the surrounding zoning is CP-O zoning.

Motion starts at 2:28:45:

On motion by Mrs. Jones, seconded by Ms. Easterwood, the Planning Commission voted as follows to recommend **APPROVAL of Master Plan Amendment**

MPL2024-005:

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

Motion to recommend APPROVAL Passed: 6 to 0

Subject to:

1. Planning Staff has reservations about changing the zoning to CP-1 Planned Limited Business District for retail sales when there is no similar zoning in the area. The highest level of commercial zoning along Parallel Parkway is at 86th Street and Parallel Parkway, which is zoned CP-3 Planned Commercial District for a polished decorative concrete company and at 98th Street and Parallel Parkway, which is zoned CP-2 for Freddy's Frozen Custard & Steakburgers and the convenience store/gas station.

The commercial zoning that is adjacent to this property is zoned CP-0 Planned Nonretail Business District, which is a medical office building and further east at 90th Street and Parallel Parkway for Providence Medical Center. Staff recommends rezoning to CP-0 Planned Nonretail Business District;

2. A child daycare facility is an allowed-by-right use in CP-0 Planned Nonretail Business District. Subject to approval by the Unified Government Board of Commissioners, Planning Staff will withdraw the Special Use Permit petition because it is not necessary for the proposed zoning district.

In the event the Change of Zone petition is denied, the Special Use Permit petition will be voted on as a separate motion and decided upon by the Unified Government Board of Commissioners;

3. The tenant and/or operators must comply with the standards and regulations of the CP-0 Planned Nonretail Business District;
4. Business hours shall be from 6:00 AM to 6:00 PM as stated;
5. 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;
6. Any landscaping planted in the future shall be connected to the in-ground irrigation system;
7. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process.
8. Per Sec. 27-317 Electrical power, telephone service, and cable television (if applicable) shall be provided by underground wiring for all new wiring provided;
9. If approved, the applicant and operators must file and maintain a current business occupation tax application with this Business Licensing Division. Their office is located at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102. They can be contacted at (913) 573-8780 or businesslicense@wycokck.org;
10. For reference, a building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit,

and if so, must take it upon themselves to initiate the building permit process accordingly;

11. All existing and future driveways must feature curb cuts that are constructed to UG standards;
12. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
13. 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.
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 + 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 this 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 operation must cease until such time as a new Special Use Permit is approved.

On motion by Mrs. Jones, seconded by Ms. Easterwood, the Planning Commission voted as follows to recommend **APPROVAL of Change of Zone Application COZ2024-010 to CP-O Planned Non-Retail Business District:**

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

Motion to recommend APPROVAL Passed: 6 to 0
Subject to the above conditions.

On motion by Mrs. Jones, seconded by Ms. Easterwood, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit Application SP2024-016 for two (2) years:**

Carson	Chairman
Ward	Aye
Armstrong	Not Present
Beth	Aye
Easterwood	Aye

Ernst	Aye
Jones	Aye
Miller	Aye
Mohler	Not Present
Schwartz	Not Present
Straws	Not Present

Motion to recommend APPROVAL Passed: 6 to 0
Subject to the above conditions.

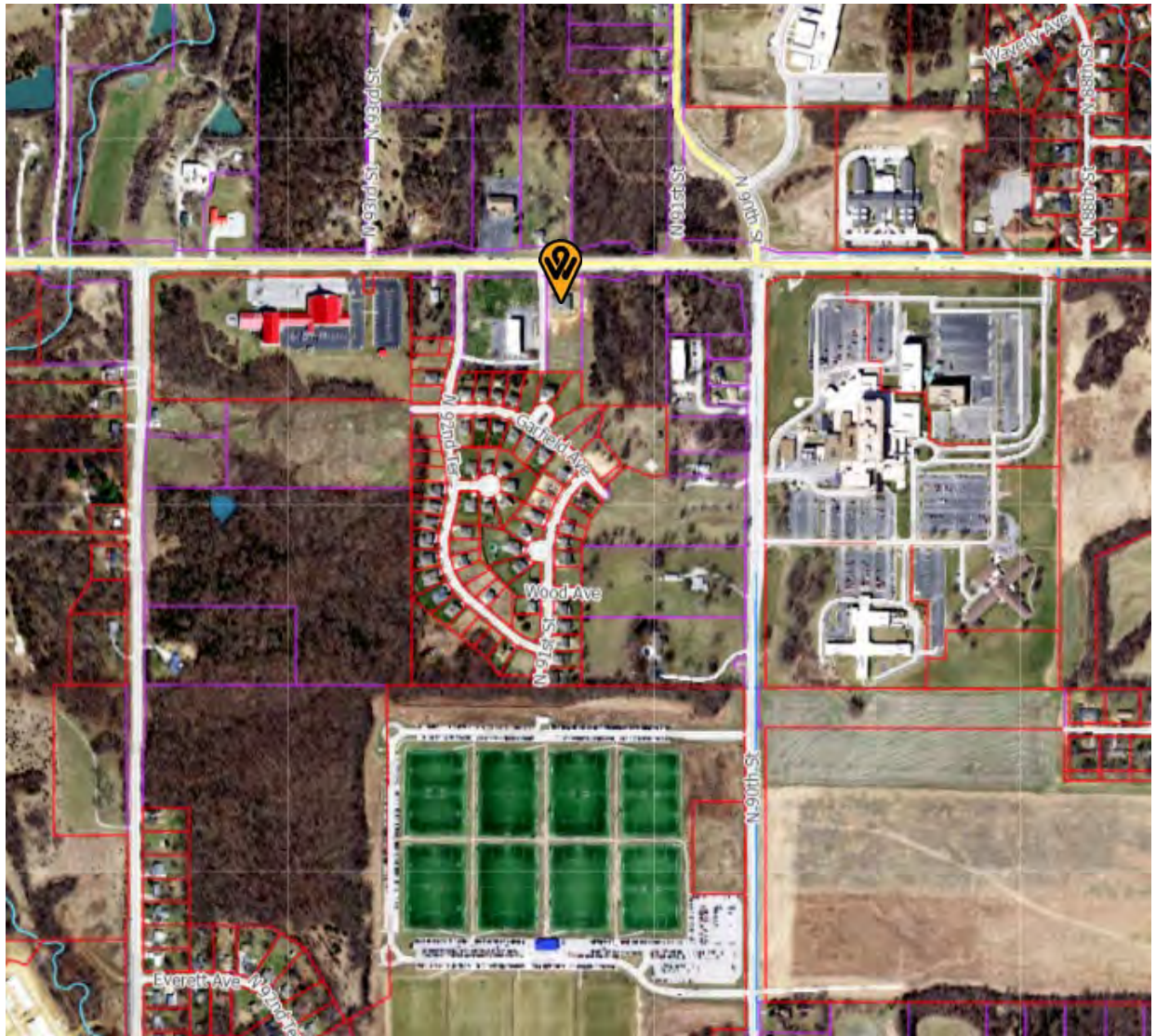
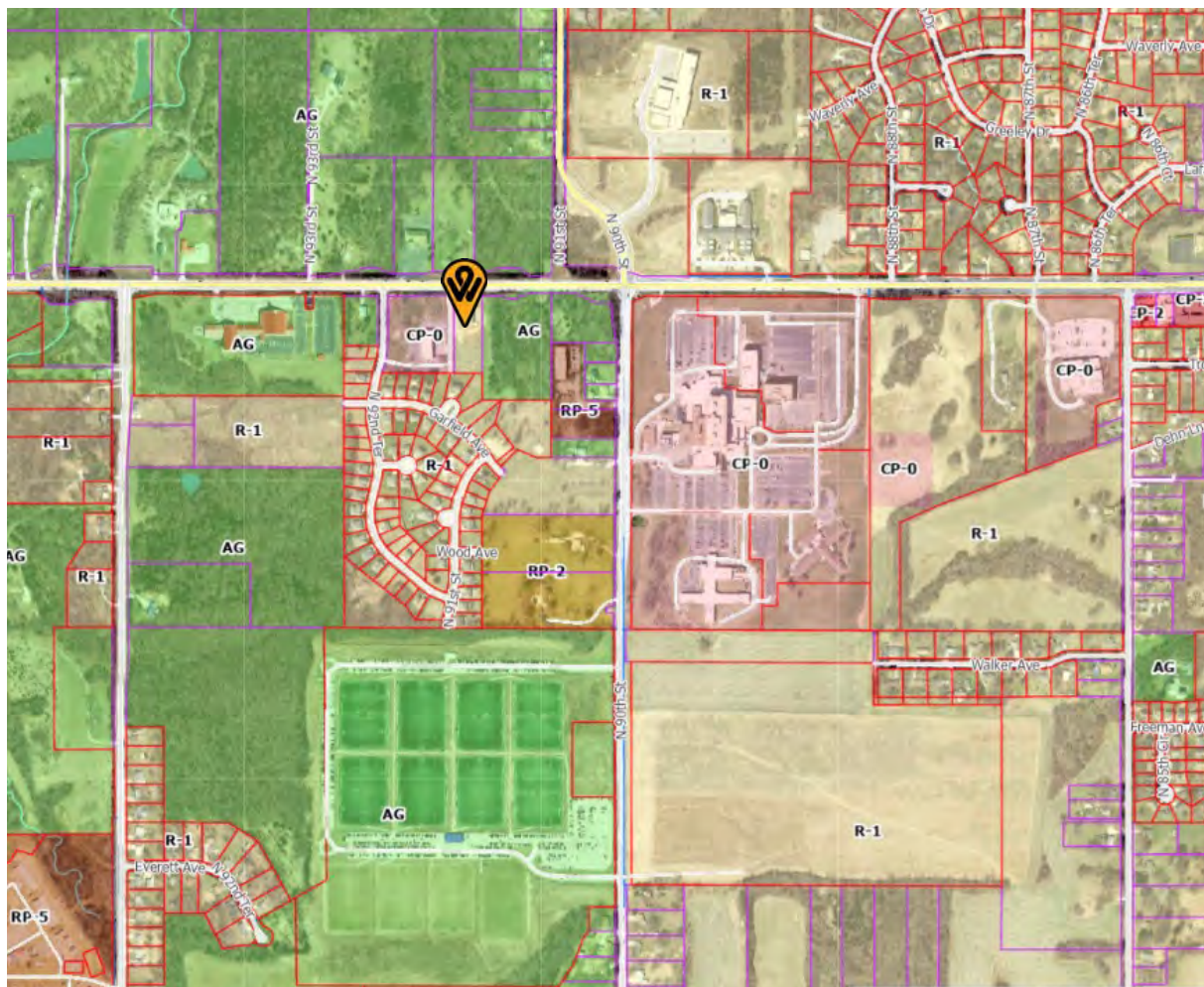


Figure 1. Aerial Map of 9151 Parallel Parkway (provided by UG Maps).



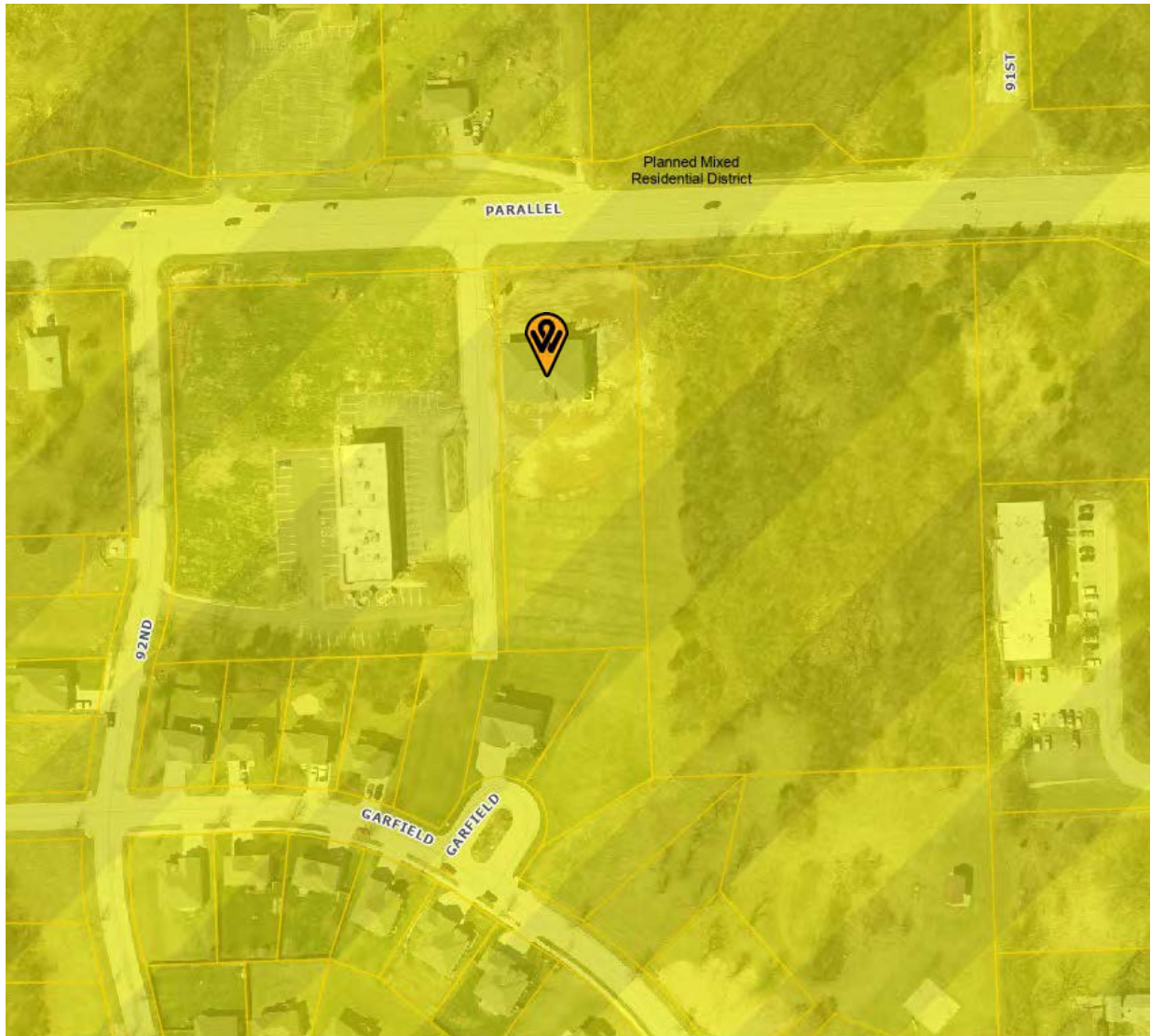


Figure 3. Prairie Delaware Piper Area Plan Land Use Map of 9151 Parallel Parkway (provided by ArcGIS Pro).

General Planning:

1. Planning Staff has reservations of changing the zoning to CP-1 Planned Limited Business District for retail sales when there is no similar zoning in the area. The highest level of commercial zoning along Parallel Parkway is at 86th Street and Parallel Parkway, which is zoned CP-3 Planned Commercial District for a polished decorative concrete company and at 98th Street and Parallel Parkway, which is zoned CP-2 for Freddy's Frozen Custard & Steakburgers and the convenience store/gas station.

The commercial zoning that is adjacent to this property is zoned CP-0 Planned Nonretail Business District, which is a medical office building and further east at 90th Street and Parallel Parkway for Providence Medical Center.

Response:

The retail space will be a small room approximately 140 sq feet. It will be used to cut the consumer's hair who is already receiving services from the center. No additional increase traffic because they have to be at the center to receive additional services.

2. A child daycare facility is an allowed-by-right use in CP-0 Planned Nonretail Business District. Subject to approval by the Unified Government Board of Commissioners, Planning Staff will withdraw the Special Use Permit petition because it is not necessary for the proposed zoning district.

In the event the Change of Zone petition is denied, the Special Use Permit petition will be voted on as a separate motion and decided upon by the Unified Government Board of Commissioners.

Response: In the event that CP-1 is denied. We would like CP-0 zoning.

3. What prospective tenants do you intend to have in the building? Depending on the potential uses of the building, additional parking may be required to be constructed in the existing parking lot.

Response: The only tenant will be Altar Support. We built this building to serve our consumers of all ages. We will not need additional parking. The consumers will utilize various services with in the building. All the consumer are disabled. They rely on buses or staff dropping them off. We would like to provide childcare to younger disabled consumers. We would like to utilize the small office up front to provide them with services (hair cuts, pedicure, make up applications, etc). The small office would only service one consumer at a time.

4. What are the proposed hours of operation for your future tenants?

Response: We will not have tenants. Altar will be open during the hour of 6am-6pm, Monday - Friday

5. 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.

Response: We have our parking lot painted appropriately

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

Response: We contacted the building inspection department for our Sign.

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

Response: They currently meet UG standards

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

Response: They currently meet UG standards

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

Response: Okay we will pay ordinance publication once approved

10. 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.

Response: All conditions will be completed within 18 months
Landscaping and Screening

1. Any landscaping planted in the future shall be connected to the in-ground

irrigation system.

Response: We have an in-ground irrigation system

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

Planning Engineering Comments:

A) Items that require plan revision or additional documentation before engineering can recommend approval:

1) 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.

B) Items that are conditions of approval:

1) None

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

1) None

Date: 4/15/2024

Name ALTAR

Address 9151 PARALLEL PARKWAY

City/State/Zip KANSAS CITY KS 66112

SUBJECT: Neighborhood Meeting

I have filed an application with the Planning + Urban Design Department

#COZ2024-010/MPL2024-005/SP2023-016

The purpose of this:

change of zone

special use permit

is for a __OFFICE SPACE/CHILDCARE

at the following address: __9151 PARALLEL

I am having a neighborhood meeting on __4/23/2024 at

__7 p.m. VIA zoom

Join Zoom Meeting

<https://us02web.zoom.us/j/88103496508?pwd=TTBrOEpWalo5TnQ4YnN2REJWYmJPdz09>

Meeting ID: 913 915 1380

Passcode:

One tap mobile

+13462487799,,913 915 1380#

+16694449171,,913 915 1380#

Dial by your location

* 877 853 5257 US Toll-free

* 888 475 4499 US Toll-free

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,

Name and Contact Information

Alicia Vann thealtarinc@gmail.com

AFFIDAVIT – NEIGHBORHOOD MEETING

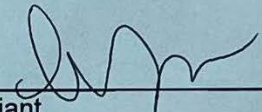
STATE OF Kansas)
) SS:
COUNTY OF Wyandotte)

Comes now Alicia Vann, Altar Support of lawful age, sound mind and upon his/her oath states as follows:

COZ2024-010-SP2024-016-M-PL2024-

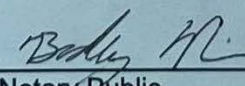
1. That I am the petitioner for Petition # 005.
2. That I conducted a neighborhood meeting on 4/23/24.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Planning + Urban Design Department.

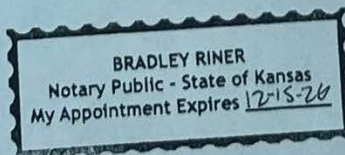
Further affiant saith not.


Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 25th day of April, 2024

My commission expires 15th of December, 2026


Notary Public



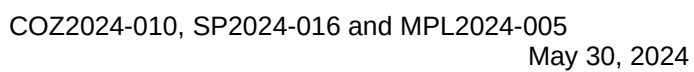




Figure 4. Site Photograph of 9151 Parallel Parkway looking southeast from the private drive (provided by Planning Staff).



Figure 5. Site Photograph of 9151 Parallel Parkway looking north from parking lot (provided by Planning Staff).



Figure 6. Site Photograph of 9151 Parallel Parkway looking northwest from the parking lot (provided by Planning Staff).



Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: May 30, 2024

Re: Change of Zone Petition COZ2024-011 and MPL2024-006

GENERAL INFORMATION

Applicant:
Eugene Kubicki

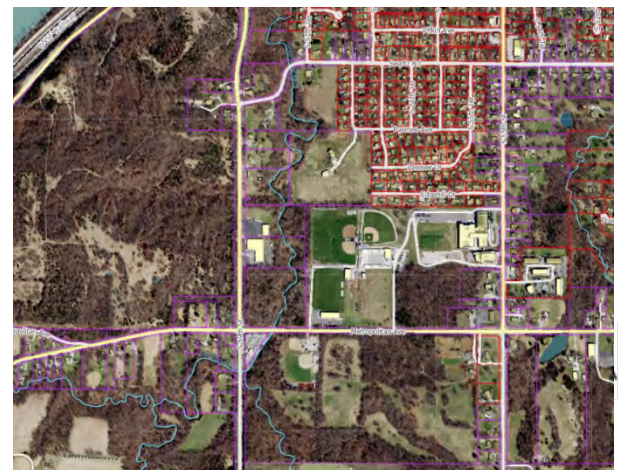
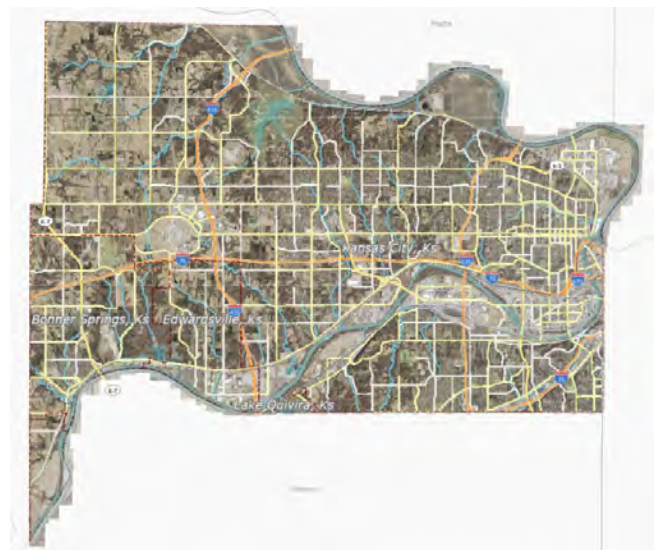
Status of Applicant:
Representative
Cassandra Patrick, P.E. with SMH
Consultants
5201 Johnson Drive, Suite 405
Mission, KS 66205

Requested Actions:
Approval of a Master Plan Amendment
from Rural Residential to Industrial
(PlanKCK Comprehensive Plan).

Change of Zone from R-1 Single Family
and M-2 General Industrial Districts to MP-
2 Planned General Industrial District.

Date of Application:
April 1, 2024

Purpose:
To rezone and amend the PlanKCK
Comprehensive Plan to build 10,164
square foot warehouse addition and
associated parking.



Property Location:	1323 South 59 th Lane and 1413 South 59 th Street, Kansas City, KS 66106
Commission District:	Commissioner At-Large, District #2: Tom Burroughs District #6 Commissioner: Phillip Lopez
Existing Zoning:	R-1 Single Family and M-2 General Industrial Districts
Adjacent Zoning:	North: R-1 Single Family District South: R-1 Single Family District East: R-1 Single Family District West: R-1 Single Family and A-G Agriculture Districts
Adjacent Uses:	North: Church South: Woodend, undeveloped land East: Turner Middle School and athletic fields West: Vacant, wooded, undermined area (Inland mine)
Total Tract Size:	5.28 Acres
Area Plan:	PlanKCK Comprehensive Plan
Area Plan Designation:	The PlanKCK Comprehensive Plan designates this property as Rural Residential, which allows agriculture, ranches, large-lot single-family detached residences, passive parks and open space. A Master Plan Amendment has been submitted to Industrial (PlanKCK Comprehensive Plan), which allows land featuring small, medium and large-scale industrial processing, manufacturing and outdoor storage. These uses are often most intensive uses characteristics or heavy truck traffic, excessive noise, and potentially noxious impacts. As such, industrial uses should be in or abutting existing industrial districts, but not encroach on existing residential or commercial areas that may act buffer such residential uses. These areas should be designed to support multi-modal connectivity with sidewalks and street trees, and include amenities such as enhanced landscaping, lighting, and walking trails on an attractive campus feel.
Major Street Plan:	The goDotte Countywide Strategic Mobility Plan classifies South 59 th Street as a Minor Arterial.
Required Parking:	Sec. 27-469(e) In no case, however, shall less than one (1) 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 square feet and 50,000 square feet. 57 parking spaces are required. 59 parking spaces are provided between both parking lots.

Advertisement: The Wyandotte Echo – Change of Zone – April 18, 2024; Master Plan Amendment – April 18, 2024
Letters to Property Owners – Change of Zone – April 19, 2024; Plat – April 19, 2024; Master Plan Amendment – April 19, 2024

Public Hearings: May 13, 2024 and May 30, 2024

Public Support: None to date.

Public Opposition: None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Eugene Kubicki with Tabco, wants to rezone 1323 South 59th Street and a portion of 1413 South 59th Street from M-2 General Industrial and R-1 Single Family Districts to MP-2 Planned General Industrial District to build 10,164 square foot warehouse expansion and associated parking lot to help improve traffic flow on-site and increase business services and printing operations and a preliminary plat to create one (1) lot and amend the PlanKCK Comprehensive Plan from Rural Residential to Industrial on 5.28 Acres.

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

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. None

Building, Zoning, or Code Enforcement Complaints:

1. None

Outstanding or Related Permits and Cases:

1. 2300-00293 – building permit for an addition (2002).
2. Electrical, Mechanical, Plumbing permits for the building addition in 2002.

FACTORS TO BE CONSIDERED

1. Neighborhood character

The subject property is within the Turner Statistical Neighborhood and is within the Neighbors on Watch Neighborhood Group. The area along South 59th Street is rural in nature, mainly comprised of large acreages of undermined areas, formerly known as the Inland mine encompassing this property to the west, Turner Middle School and ancillary athletic fields to the east, a church to the north, and undeveloped, wooded land to the south.

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

The zoning and uses of properties nearby are set out above. Given the fact that this printing business has been operating since 1963, the proposed use is compatible with the abutting zoning to the north, Cold Start Properties and the former Inland mine to the west. The applicant shall preserve the eastern and southern tree stands to continue buffering from the adjacent residentially zoned areas.

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 applicant intends on maintaining tree stands around the perimeter of the property and the property to the west, across South 59th Street is a 174-acre undermined, wooded parcel of land.

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

A portion of the property, zoned R-1 Single Family District has never been developed. The portion of land that is zoned M-2 General Industrial District and has Tabco, Inc. printing business has been operating on the premises since 1970.

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 those seeking employment by Tabco, Inc. The 10,000 square foot warehouse expansion may

allow the company to hire more employees. The tree stands will be preserved throughout the property and the rezoning on 1413 South 59th Street will only account for 11% of the 8.39-acre parcel. The remaining 7.46 acres will be R-1 Single Family District.

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 addition will increase truck traffic to this area by way of South 59th Street from the south. The Traffic Memorandum is being analyzed by Public Works regarding road capacity, specifically looking at improvements with the additional parking lot and warehouse addition.

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

The proposed use does not conform to the Rural Residential land use designation within the PlanKCK Comprehensive Plan; therefore, a Master Plan Amendment is sought from Rural Residential to Industrial, which allows land featuring small, medium and large-scale industrial processing, manufacturing and outdoor storage. These uses are often the most intensive uses characteristics of heavy truck traffic, excessive noise, and potentially noxious impacts. As such, industrial uses should be in or abutting existing industrial districts, but not encroach on existing residential or commercial areas that may act to buffer such residential uses. These areas should be designed to support multi-modal connectivity with sidewalks and street trees, and include amenities such as enhanced landscaping, lighting, and walking trails on an attractive campus feel.

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

The proposed use can enhance the environment or mitigate the intensity of use through enhanced landscaping throughout the development, internal and along the perimeter of the property and maintaining existing topography and vegetation throughout the development. Maintaining the existing grades in and around the floodplain and keeping all activity out of the floodplain is required.

Additionally, the business conducts all activity inside the building with no outside storage. The business operates in a manner similar to what is found in a business park.

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. The applicant will connect to this service.

c. Storm water control

To be designed to meet City Code.

d. Police

Police service is provided by South Patrol, District #334.

e. Fire

Fire service is provided by Fire Station #16 located off 55th Street and Metropolitan Avenue.

f. Transit

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

g. Schools

Public education is provided by Turner USD 202.

h. Streets

See item #6 above.

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

The proposed use will have a beneficial economic impact on the community with the applicant converting a small portion of undeveloped property and expanding their business.

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 landowner is minimal. If this application is denied, the owner will still have property that is able to be developed, however, not in the commercial/industrial manner that was initially intended.

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. KCKFD will issue comments related to fire access, if applicable.

The construction of the warehouse addition will not impact the flood plain on the east side of the property.

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 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 uses. The Traffic Memorandum associated with the expansion will be reviewed by the Public Works Department to determine if any public improvements are necessary along South 59th Street.

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.

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.

The proposed grading plan intends to keep portions of the property as is, but grading will occur that will remove trees and alter the landscape immediately south of the existing building.

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 proposed use is a warehouse addition for a printing business. Since the original construction of the building in 1970, many area and countywide plans have been adopted, in this case, the goDotte Countywide Strategic Mobility Plan, which designates South 59th Street as a Regional Trail, therefore a 10-foot sidewalk is required to be installed, which will provide a community service as the sidewalks and trails network is being established.

PREVIOUS ACTIONS

None

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting in-person at 1323 South 59th Street on April 29, 2024. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Pedestrian Connectivity – Sidewalk and Trails
Floodplain
Lighting
Platting
Landscaping, Screening and Buffering
Topography
Tree Stands
Traffic

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Master Plan Amendment **MPL2024-006** and Change of Zone Application **COZ2024-011**, subject to:

1. **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. **Per the goDotte Countywide Strategic Mobility Plan, South 59th Street is designated as a priority sidewalk; therefore an 8-foot sidewalk is required on the east side of the street from the north property line of the existing business/parcel to the south property line of the new warehouse expansion. The Site Plan and Final Plat shall show the sidewalk on the west property line.**
 - a. **Upon development of southern lot, Lot 2 or future name thereof, the remainder of the sidewalk on the east side of South 59th Street shall be constructed and connect from the north property line (south of Lot 1) to Metropolitan Avenue;**
4. **It is important to buffer the industrial zoning with the existing tree stand along the east side of the property adjacent to Turner USD 202 athletic fields. Furthermore, Davis Creek, running north-to-south along the eastern portion of the parcel is not located in the regulatory floodway or floodplain**

(Zone AE), however, the creek and tree stand must be protected as open space. Record and maintain a 100-foot easement to preserve the tree stands and stream. Demarcate the easement on the plat.

- a. Upon development of the southern lot, Lot 2 or future name thereof, the 100-foot easement to preserve the tree stands and creek shall be continued from Lot 1 and be platted as open space;
5. 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;
6. Maintain existing trees and topography for the remaining areas associated with the construction of the warehouse and parking lot additions;
7. Add street trees along South 59th Street spaced 40 – 55 feet apart. Maintain a median between the sidewalk and the street. Plant trees in this space.
 - a. Tree species need to be selected that do not have a tall canopy;
8. All overstory trees shall be at least two (2) inch caliper when planted. All ornamental trees shall be at least two (2) inch caliper when planted. All evergreens shall be at least six (6) feet when planted. All shrubs shall be five (5) gallons when planted;
9. All new landscaping shall be irrigated with an in-ground irrigation system, or a detailed watering plan provided to Staff for review;
10. 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;
11. All utility connections, this includes green electrical boxes and free-standing electrical meters, must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building. Rooftop mechanical equipment shall be screened from public view by an architectural screen;
12. All electrical meter banks, typically on the side of the building shall be screened from public view;
13. 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;
14. Regarding BPU transformer screening, the following applies if a transformer is installed:
 - 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, three (3) feet on the back and five (5) feet on the front allowing for 10 feet on the front when gate doors open;
15. If necessary, 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;
16. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
17. 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;
18. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
19. All existing and future driveways must feature curb cuts that are constructed to UG standards. Existing paved areas are in rough shape;
20. A Right-of-Way Permit is Required. The applicant is required to contact the

- Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
21. 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;
 22. A Pre-Construction meeting is required for any improvements to public infrastructure upon the approval and issuance of a Development Review Committee (DRC) Permit. Any improvements to, construction or alteration of: sanitary systems, stormwater systems, public or private streets, sidewalks, or other public infrastructure will require a pre-construction meeting with the Department of Public Works. The applicant is required to contact the County Engineer at (913) 573-5400 or by info@wycokck.org prior to construction to arrange this meeting; and,
 23. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petitions **COZ2024-011** and **MPL2024-006**, subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

May 13, 2024, City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Street Tree Guideline
Applicant Response Letter
Neighborhood Meeting Documents
Preliminary Plat
Site Plan
Grading Plan
Landscape Plan
Lighting Plan
Building Elevations
Site Photographs taken by Staff on April 10, 2024.

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>City Planning Commission</u>	<u>Unified Government Board of Commissioners</u>
Public Hearing	May 13, 2024	May 30, 2024
Rezoning	Approval	
Public Hearing	May 13, 2024	May 30, 2024
Master Plan	Approval	
Public Hearing	May 13, 2024	Not required
Preliminary Plat	Approved	

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

MOTIONS

Master Plan Amendment

I move the Unified Government Board of Commissioners **APPROVE** Petition **MPL2024-006** 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 **MPL2024-006** 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.

Change of Zone Petition

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2024-011** 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 **COZ2024-011** 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.

May 13, 2024, City Planning Commission Minutes:

Hearing starts at 2:33:40:

MASTER PLAN AMENDMENT MPL2024-009 – CASSANDRA PATRICK WITH SMH CONSULTANTS – SYNOPSIS: Master Plan Amendment from Public/Semi Public and Rural-Density Residential to Industrial (PlanKCK Comprehensive Plan) at 1323 South 59th Street.

CHANGE OF ZONE APPLICATION COZ2024-011 – CASSANDRA PATRICK WITH SMH CONSULTANTS – SYNOPSIS: Change of Zone from R-1 Single Family and M-2 General Industrial Districts to MP-2 Planned General Industrial District to expand an industrial warehouse at 1323 South 59th Street.

PLAT APPLICATION PLAT2024-011 – CASSANDRA PATRICK WITH SMH – SYNOPSIS: Preliminary Plat (Tabco Addition) to create two (2) industrial lots at 1323 South 59th Street.

Detailed Outline of Requested Action: The applicant, Eugene Kubicki with Tabco, wants to rezone 1323 South 59th Street and a portion of 1413 South 59th Street from M-2 General Industrial and R-1 Single Family Districts to MP-2 Planned General Industrial District to build 10,164 square foot warehouse expansion and associated parking lot to help improve traffic flow on-site and increase business services and printing operations and a preliminary plat to create one (1) lot and amend the PlanKCK Comprehensive Plan from Rural Residential to Industrial 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 May 13, 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:

- Eugene Kubicki, owner, 1323 South 59th Street, Kansas City, Kansas 66106

Present in Opposition:

- No one appeared

Staff Recommendation starts at 2:36:40: Planning Director Hand stated that the request is for a Change of Zone, Master Plan Amendment and Plat associated with a warehouse expansion. The property is in the PlanKCK Area Plan in the Turner/Muncie neighborhood. The existing use is in the middle of a residential area. 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 including creating a stream buffer for the stream that is in the rear of the property. Director Hand stated that 59th Street is on the goDotte Countywide Strategic Mobility Plan and Sidewalk and Trails Master Plan, so Staff is asking for a sidewalk along the frontage of the new parcel. Applicant owns the parcel to the south that could potentially be developed in the future, and if so, Staff included a condition of approval for an extension of the sidewalk, as well as the stream buffer accordingly.

Motion starts at 2:38:56:

On motion by Mr. Ernst, seconded by Ms. Easterwood, the Planning Commission voted as follows to recommend **APPROVAL of Master Plan Amendment**

MPL2024-006:

Carson

Chairman

Ward	Aye
Armstrong	Not Present
Beth	Aye
Easterwood	Aye
Ernst	Aye
Jones	Aye
Miller	Aye
Mohler	Not Present
Schwartz	Not Present
Straws	Not Present

Motion to recommend APPROVAL Passed: 6 to 0

Subject to:

1. 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. Per the goDotte Countywide Strategic Mobility Plan, South 59th Street is designated as a priority sidewalk; therefore an 8-foot sidewalk is required on the east side of the street from the north property line of the existing business/parcel to the south property line of the new warehouse expansion. The Site Plan and Final Plat shall show the sidewalk on the west property line.
 - a. Upon development of southern lot, Lot 2 or future name thereof, the remainder of the sidewalk on the east side of South 59th Street shall be constructed and connect from the north property line (south of Lot 1) to Metropolitan Avenue;
4. It is important to buffer the industrial zoning with the existing tree stand along the east side of the property adjacent to Turner USD 202 athletic fields. Furthermore, Davis Creek, running north-to-south along the eastern portion of the parcel is not located in the regulatory floodway or floodplain (Zone AE), however, the creek and tree stand must be protected as open space. Record and maintain a 100-foot easement to preserve the tree stands and stream. Demarcate the easement on the plat.
 - a. Upon development of the southern lot, Lot 2 or future name thereof, the 100-foot easement to preserve the tree stands and creek shall be continued from Lot 1 and be platted as open space;
5. 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;
6. Maintain existing trees and topography for the remaining areas associated with the construction of the warehouse and parking lot additions;
7. Add street trees along South 59th Street spaced 40 – 55 feet apart. Maintain a median between the sidewalk and the street. Plant trees in this space.

- a. Tree species need to be selected that do not have a tall canopy;
8. All overstory trees shall be at least two (2) inch caliper when planted. All ornamental trees shall be at least two (2) inch caliper when planted. All evergreens shall be at least six (6) feet when planted. All shrubs shall be five (5) gallons when planted;
9. All new landscaping shall be irrigated with an in-ground irrigation system, or a detailed watering plan provided to Staff for review;
10. 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;
11. All utility connections, this includes green electrical boxes and free-standing electrical meters, must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building. Rooftop mechanical equipment shall be screened from public view by an architectural screen;
12. All electrical meter banks, typically on the side of the building shall be screened from public view;
13. 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;
14. Regarding BPU transformer screening, the following applies if a transformer is installed:
 - 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, three (3) feet on the back and five (5) feet on the front allowing for 10 feet on the front when gate doors open;
15. If necessary, 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;

16. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
17. 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;
18. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
19. All existing and future driveways must feature curb cuts that are constructed to UG standards. Existing paved areas are in rough shape;
20. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
21. 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;

22. A Pre-Construction meeting is required for any improvements to public infrastructure upon the approval and issuance of a Development Review Committee (DRC) Permit. Any improvements to, construction or alteration of: sanitary systems, stormwater systems, public or private streets, sidewalks, or other public infrastructure will require a pre-construction meeting with the Department of Public Works. The applicant is required to contact the County Engineer at (913) 573-5400 or by info@wycokck.org prior to construction to arrange this meeting; and,
23. 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. Ernst, seconded by Ms. Easterwood, the Planning Commission voted as follows to recommend **APPROVAL of Change of Zone Application**

COZ2024-011:

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

Motion to recommend APPROVAL Passed: 6 to 0

Subject to the above conditions.

On motion by Mr. Ernst, seconded by Ms. Easterwood, the Planning Commission voted as follows to **APPROVE Plat Application PLAT2024-011:**

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

Motion to APPROVE Passed: 6 to 0

Subject to the above conditions.



Figure 1. Aerial Photograph of 1323 South 59th Street (provided by UG Maps).

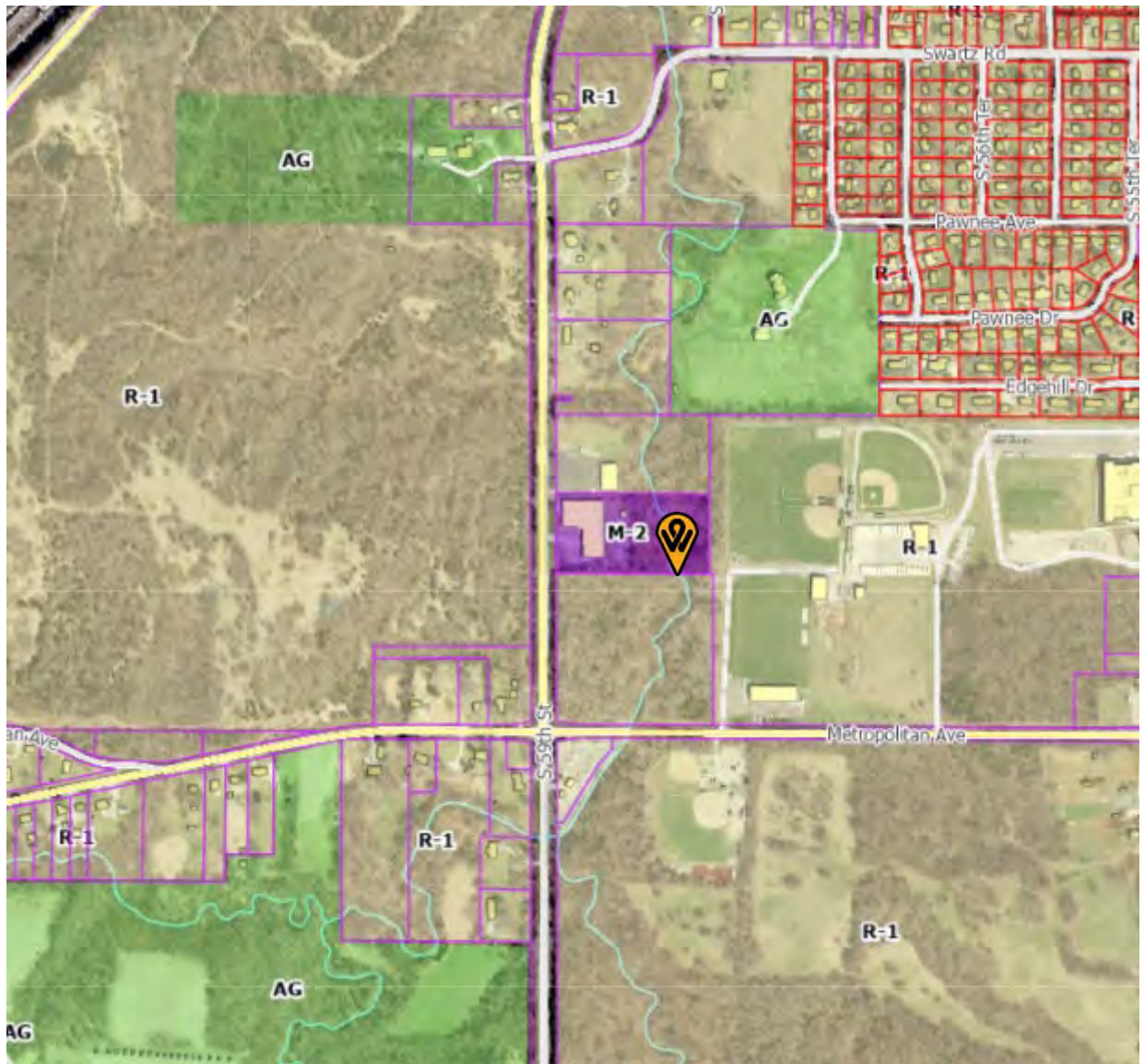


Figure 2. Zoning Map of 1323 South 59th Street (provided by UG Maps).

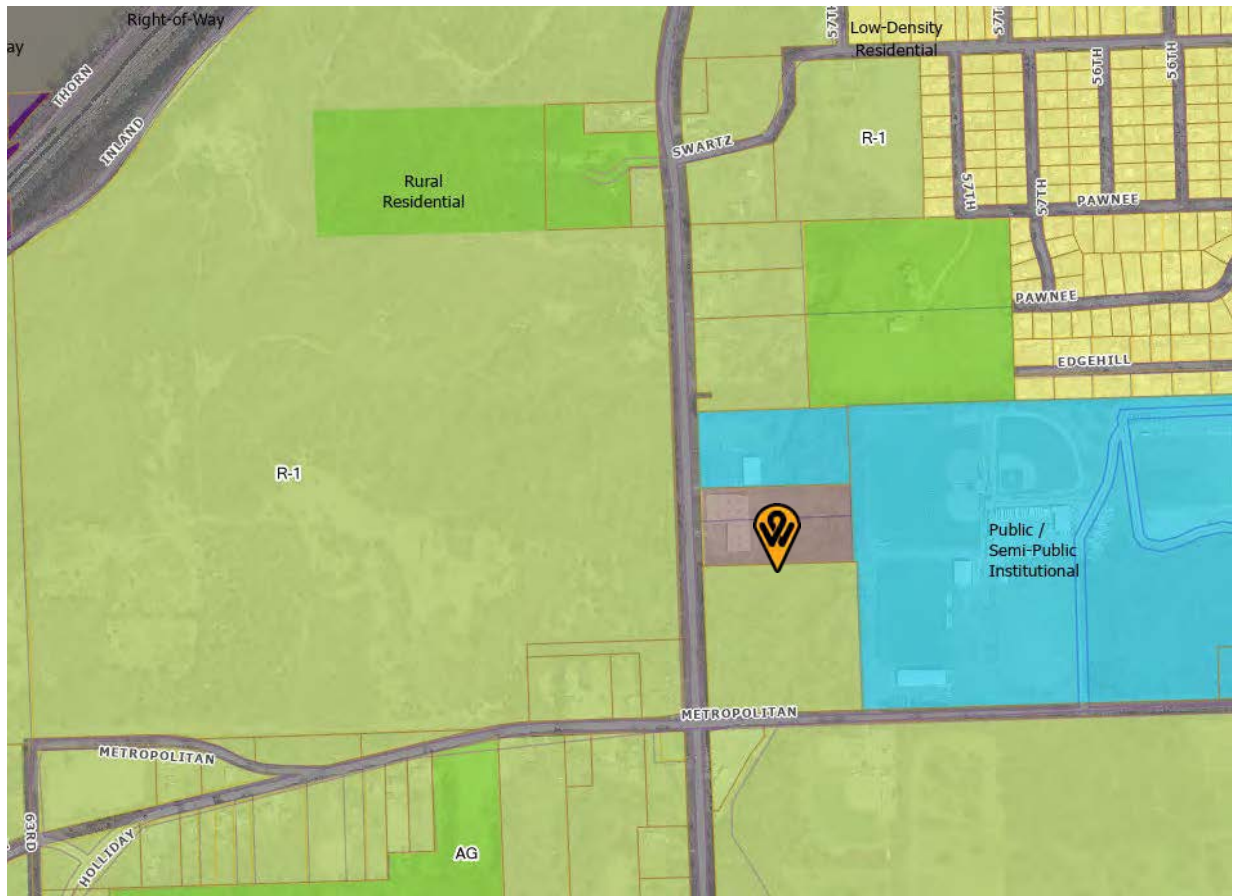
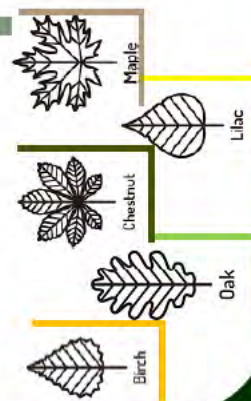


Figure 3. PlanKCK Comprehensive Plan Land Use Designation Map of 1323 South 59th Street (provided by ArcGIS Pro).

Street Tree Planting Restrictions

1. Must locate utilities before digging.
2. Minimum spacing between trees.
15' between small trees
35' between medium trees
50' between large trees
3. Minimum distance from street.
3 1/2' for small trees
4' for medium/large trees
4. Trees cannot block view at intersections and not be in "site distance triangle" as defined in the ordinance.
5. Plant 10' away from fire plugs.
6. No plantings under or 22' from overhead utility wires.
6. Duty to maintain and prune trees.
7. No topping of trees.

For all the specific details check *Unified Government's Ordinance 0-28-08*



Kansas City, Kansas Tree City USA

Kansas City, Kansas has been certified as a Tree City USA Community with the Arbor Day Foundation since 2008.

Benefits of Trees

- Helps to reduce stormwater runoff.
- Absorbs carbon dioxide and stores carbon.
- Reduces heat island effect & helps cool the city.
- Helps reduce energy bills.
- Add value to your home or business.

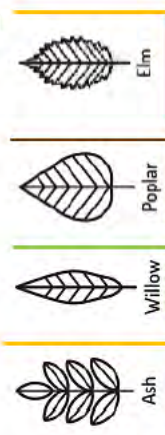
For More Information:

<http://www.wycokck.org/parks>
(Click on Tree Information)

<http://www.kansasforests.org/>

<https://www.arborday.org/>

<https://www.bridgingthegap.org/heartland-tree-alliance/>



Permitted & Prohibited Street Tree Listing For Right-of-Ways in Kansas City, Kansas



Duty to Maintain Street Trees

Owners of property abutting public rights-of-way are responsible for maintaining street trees in a manner which promotes safe and healthy plants and protects the health, safety, and welfare of the public.

In addition, the Unified Government has the right to plant, prune, maintain, or remove street trees. The Board of Public Utilities may also prune or remove street trees which present a hazard to electric power lines or water lines.

Street Tree Species Selection

Trees are a long-term commitment, so it is important that the right species be chosen. The Unified Government has identified trees that are permitted and prohibited to be planted as street trees as follows:

Permitted Street Tree Listing

Small Trees less than 25' at maturity

Amur maple
Paperbark maple
Tatarian maple
Norwegian sunset maple
Serviceberry
Eastern Redbud
Oklaoma Redbud
Crabapple
China Snow tree lilac
Japanese tree lilac
Common chokecherry

Medium Trees between 25' to 40'

European hornbeam
Dogwood
Goldenrain tree
Chinkapin oak
Trident maple
Hedge maple
Shantung maple
American yellowwood
Osage-orange
Emerald Sunshine elm

Large Trees 40' or larger

Miyabei maple
Norway maple
Sugar maple
Caddo sugar maple
River birch single stem
Turkish filbert
Ginkgo
Thornless Honeylocust
Kentucky coffeetree
Sweetgum
Dawn redwood
Black gum
Sawtooth oak
White oak
Swamp white oak
Scarlet oak
Shingle oak
Overcup oak
Bur oak
Willow oak
English oak
Northern red oak
Shumard oak
Bald Cypress
Littleleaf linden
Silver Linden

Prohibited Street Trees

American linden
American elm
Lacebark elm
Prospector elm
Zelkova
Fir
Silver Maple
Mimosa
Northern hackberry
Sugar hackberry
Persimmon
Russian Olive
Green Ash
White Ash
Osage Orange
Mulberry
Spruce
Pine
London Plane Tree
Sycamore
Cottonwood
Bradford pear
Siberian elm
Tree of Heaven
Boxelder
Willow
Edible fruit trees



April 29, 2024

April 19, 2024 Review Comments:

**Planning and Urban Design Comments, General Planning
Planning and Urban Design Staff**

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.

Response: Noted. The required fee will be paid at the appropriate time.

2. 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.

Response: Noted. The required information will be submitted at the appropriate 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.

Response: Comment addressed. No retaining walls proposed as site slopes do not exceed the engineering-acceptable 3H:1V slopes. Confirmed with Byron Toy during Teams meeting on 4/24 at 10:30 am that retaining walls are not necessary as long as slopes do not exceed 3H:1V.

4. Per the goDotte Countywide Strategic Mobility Plan, South 59th Street is designated as a priority sidewalk, therefore a 10-foot sidewalk is required on the east side of the street from the north property line to Metropolitan Avenue. Revise and resubmit the site plan and preliminary plat to show the sidewalk on the west property line.

Response: Comment to be addressed with Final Development Plan. SMH coordinated with Byron Toy for discussion on this comment during Teams meeting on 4/24 at 10:30 am. We propose a new 8' sidewalk only on the re-developed parcel (919507), from the existing north property line of the parcel to the new incorporated, replatted southern property line (approx. 450' total) with no sidewalk being added along parcel 919508. We believe an 8' sidewalk is in line with the "Industrial Zone Local Street" typical section of the Strategic Mobility Plan. We are also proposing this 8' sidewalk to be located 10' off of the property line to avoid the existing electric overhead electric and associated poles. We do not believe parcel 919508 is required to install additional sidewalk extending to Metropolitan Avenue (approx. 500' of additional sidewalk) as

COLORADO SPRINGS
411 South Tejon Street, Suite 1
Colorado Springs, CO 80903
P: 719-465-2145

DODGE CITY
707 3rd Avenue, Suite A
Dodge City, KS 67801
P: 620-255-1952

MANHATTAN - MO
2017 Vanesta Place, Suite 110
Manhattan, KS 66503
P: 785-776-0541

KANSAS CITY
5201 Johnson Dr., Suite 405
Mission, KS 66205
P: 913-444-9615

it is not being developed with this project. This section of sidewalk would be installed with future development associated with that parcel.

5. It is important to buffer the industrial zoning with the existing tree stand along the east side of the property adjacent to Turner USD 202 athletic fields. Furthermore, Davis Creek, running north-to-south along the eastern portion of the parcel is not located in the regulatory floodway or floodplain (Zone AE), however, the creek and tree stand must be protected as open space. Record and maintain a 100-foot easement to preserve the tree stands and stream. Demarcate the easement on the plat.

Response: Comment addressed. A 100' Stream Protection Easement included on Preliminary Plat as requested. Also shown on Preliminary Development Plan sheets.

6. All existing and future driveways must feature curb cuts that are constructed to UG standards. Existing paved areas are in rough shape.

Response: Comment to be addressed with Final Development Plan. All existing entrances are proposed to be replaced and reconstructed with proposed improvements. Coordination with Travis Trumble via email began on 4/24 to request minor modification to UG 4100-G detail for the proposed entrance drives.

7. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly.

Response: Noted. Email coordination with info@wycokck.org regarding a Right-of-Way Permit for this project began on 4/23/2024. The required information will be submitted at the appropriate time.

8. Improvements that include land disturbance activity on greater than one (1) acre of surface area of land or include the construction or alteration of a structure 1,000 square feet or larger shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620.

Response: Noted. Land Disturbance Permit and Grading Permit will be required prior to the start of construction. The required information will be submitted at the appropriate time.

9. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by

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5201 Johnson Dr., Suite 405
Mission, KS 66205
P: 913-444-9615

buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly.

Response: Noted. Building Permit will be required prior to the start of construction. The required information will be submitted at the appropriate time.

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 prior to construction to arrange this meeting.

Response: Noted. Pre-Construction Meeting will be required prior to the start of construction. The required coordination will take place at the appropriate time.

Planning and Urban Design Comments, Building Architecture
Planning and Urban Design Staff

1. 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.

Response: Comment to be addressed with Final Development Plan, as well as Final Construction Documents to be submitted for Building Permit. Downspouts will be painted to architecturally blend with building, and corner downspouts will be recessed.

Planning and Urban Design Comments, Landscaping and Screening
Planning and Urban Design Staff

1. Maintain existing trees and topography for the remaining areas associated with the construction of the warehouse and parking lot additions.

Response: Comment addressed. Note 10 added to Demolition Plan stating, "Contractor shall maintain existing trees and vegetation outside of the grading limits. Contractor shall also maintain existing topography outside of the grading limits."

2. Add street trees along South 59th Street spaced 40 – 55 feet apart. Maintain a median between the sidewalk and the street. Plant trees in this space.
 - a. Tree species need to be selected that do not have a tall canopy.

Response: Comment addressed. Landscape Plan updated with street trees along S 59th Street in between existing street and proposed 8' sidewalk.

3. 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.

Response: Comment addressed. Landscape Plan updated with these requirements listed under the "Plant List" section.

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Colorado Springs, CO 80903
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707 3rd Avenue, Suite A
Dodge City, KS 67801
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MANHATTAN - HO
2017 Vanesta Place, Suite 110
Manhattan, KS 66503
P: 785-776-0541

KANSAS CITY
5201 Johnson Dr., Suite 405
Mission, KS 66205
P: 913-444-9615

4. All new landscaping shall be irrigated with an in-ground irrigation system or a detailed watering plan provided to Staff for review.

Response: Comment to be addressed with Final Development Plan. Irrigation information will be provided for the proposed development.

5. 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.

Response: Comment addressed. Per Sec. 27-699(b)(5), "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 in a well-kept manner, such screening need not be provided." Trash location revised to be adjacent to warehouse/new loading dock areas, see Site Plan. New location is not visible from neighboring residential properties.

6. 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.

Response: Comment to be addressed with Final Development Plan, as well as Final Construction Documents to be submitted for Building Permit. All new mechanical equipment is anticipated to be located on the roof, and will feature architectural screening components per UG standards and code. No new ground or building-mounted mechanical equipment anticipated.

7. All electrical meter banks, typically on the side of the building shall be screened from public view.

Response: Comment addressed. No new building-mounted electrical meter banks anticipated with proposed warehouse expansion.

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.

Response: Comment addressed. All exterior lighting will be full cut-off, 90° downward. No light will be cast onto neighboring property or S 59th Street. Reference Sheets SPE100 and SPE101 for more detail.

9. 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.

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- 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, three (3) feet on the back and five (5) feet on the front allowing for 10 feet on the front when gate doors open.

Refer to attached BPU Engineering documents for details.

Response: Comment addressed. No new BPU transformer proposed or anticipated with this development, therefore, no BPU transformer screening requirements are applicable for this project.

- 10. 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.

Response: Comment addressed. No new ground or building-mounted mechanical equipment anticipated.

- 11. The Department of Planning + Urban Design shall not give approval for any temporary certificate of occupancy (TCO) or final certificate of occupancy (CO) before the completion of all required work. For any project that requires a certificate of occupancy, prior to requesting for any certificate, the applicant, permit holder, and/or property owner shall complete all items required by: Approved Plans, Codes, Ordinances, Zoning District Regulations, Planned District Requirements, Master Plan Requirements, all Design Guideline Requirements, Overlay District Requirements, and Requirements approved by the City Planning Commission and/or the UG Board of Commissioners. It is the collective responsibility of the applicant, permit holder, and property owner to ensure that any and all permits, land entitlements, deviations, or variances are obtained in advance of beginning of any work. Planning Department standards require that all required work be complete prior to requesting a TCO. The only item that is allowed to be incomplete is landscaping, which shall be complete before requesting a CO. A Bonded CO may be allowed in case of adverse weather conditions; however, all requirements must be completed for all items not secured by the bond.

Response: Noted. The required coordination will take place and the required information will be submitted at the appropriate times.

Planning and Urban Design Comments, Signage
Planning and Urban Design Staff

- 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

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 Dodge City, KS 67801
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MANHATTAN - HQ
 2017 Vanesta Place, Suite 110
 Manhattan, KS 66503
 P: 785-776-0541

KANSAS CITY
 5201 Johnson Dr., Suite 405
 Mission, KS 66205
 P: 913-444-9615

permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process.

Response: Noted. The required coordination will take place and the required information will be submitted at the appropriate times.

**Planning and Urban Design Comments, Planning Engineering
Planning and Urban Design Staff**

- A. Items that require plan revision or additional documentation before engineering can recommend approval:
1. None

Response: Noted. No further action required.

- B. Items that are conditions of approval:
1. Detailed engineering comments are made by separate technical review of the plans and submitted directly to the applicant. Provide revised plans and responses in accordance with the engineering comments.

Response: Comment addressed. Travis Trumble provided all engineering-related comments on 4/19/2024. See Engineering Comments sections (starting on the next page) for responses.

- C. Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
1. None

Response: Noted. No further action required.

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Tabco Expansion Neighbourhood Meeting Minutes

Application Number: COZ2024-011, PLAT2024-011 (Tabco Preliminary Plat) and
MPL2024-006

Date: April 29th, 2024

Location: Tabco, Inc, 1323 S. 59th Street, Kansas City, KS 66106

Time: 6:30pm until 7:30pm

Minutes

The meeting was called to order at 6:30pm by John Wilson. Attending were Eugene Kubicki, Cassie Patrick, Jonathan Carlson, and John Wilson.

Eugene Kubicki is the property owner, Cassie Patrick is the project Civil Engineer, Jonathan Carlson is the Project Architect, and John Wilson is the Project Manager. None of the neighbors or other interested parties attended the meeting.

Those present discussed various aspects of the project and walked the property.

One "Other Interested Party" – Commissioner Philip Lopez – contacted John Wilson by phone on April 18th, 2024, after receipt of the Neighborhood Meeting Invitation seeking better understanding of the scope and intent of the Tabco Expansion product. He expressed satisfaction with the explanation and had no issues or concerns at that time.

The meeting was adjourned at 7:35.

These minutes were taken by John Wilson.

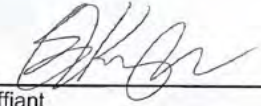
AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF KANSAS)
COUNTY OF WYANDOTTE) SS:

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

1. That I am the petitioner for Petition # CO22024-011/MPL2024-006/PLAT2024-11-1323 SOUTH 59th STREET
2. That I conducted a neighborhood meeting on APRIL 29, 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.

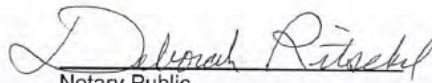
Further affiant saith not.



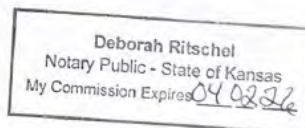
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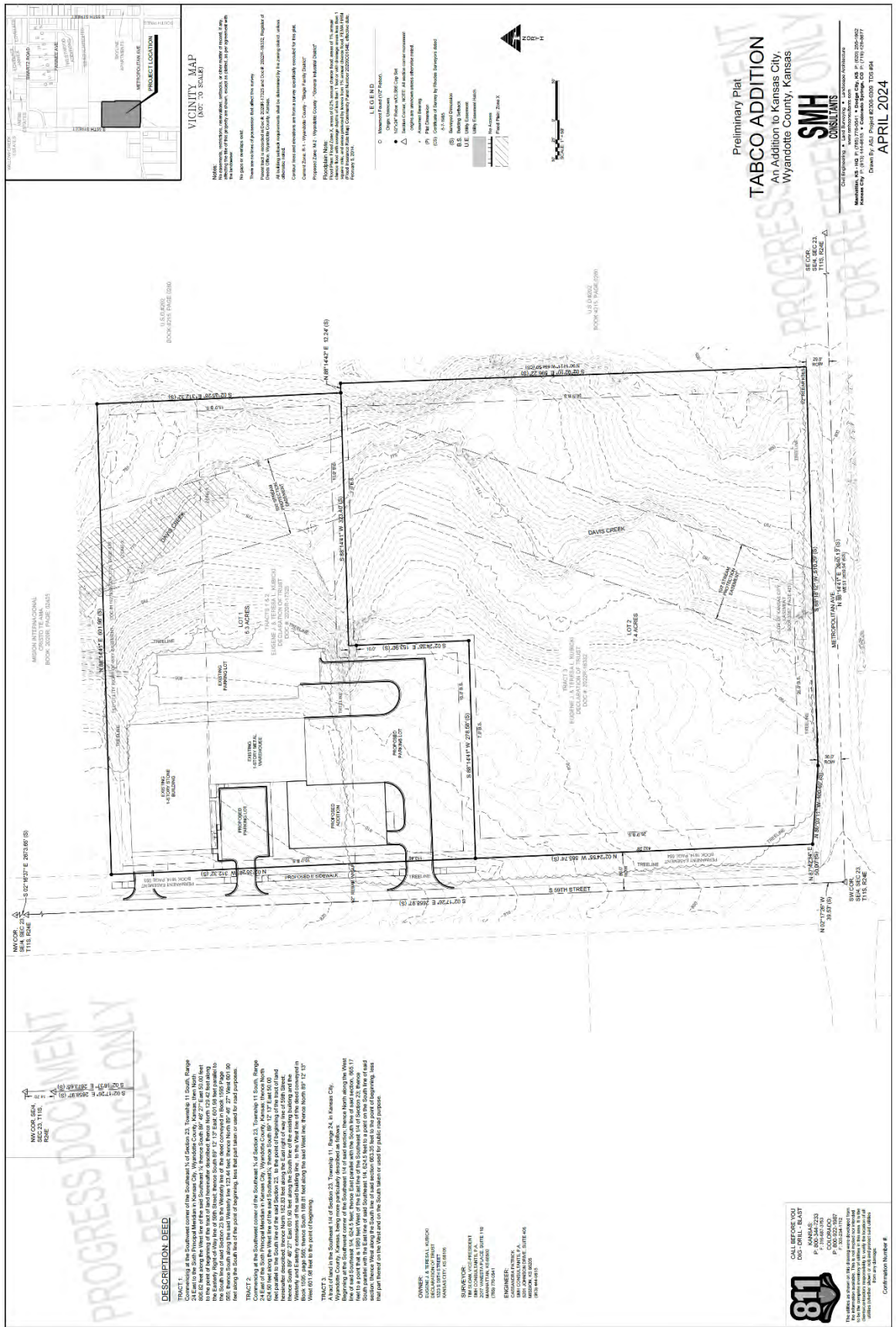
SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 30 day of April, 20024

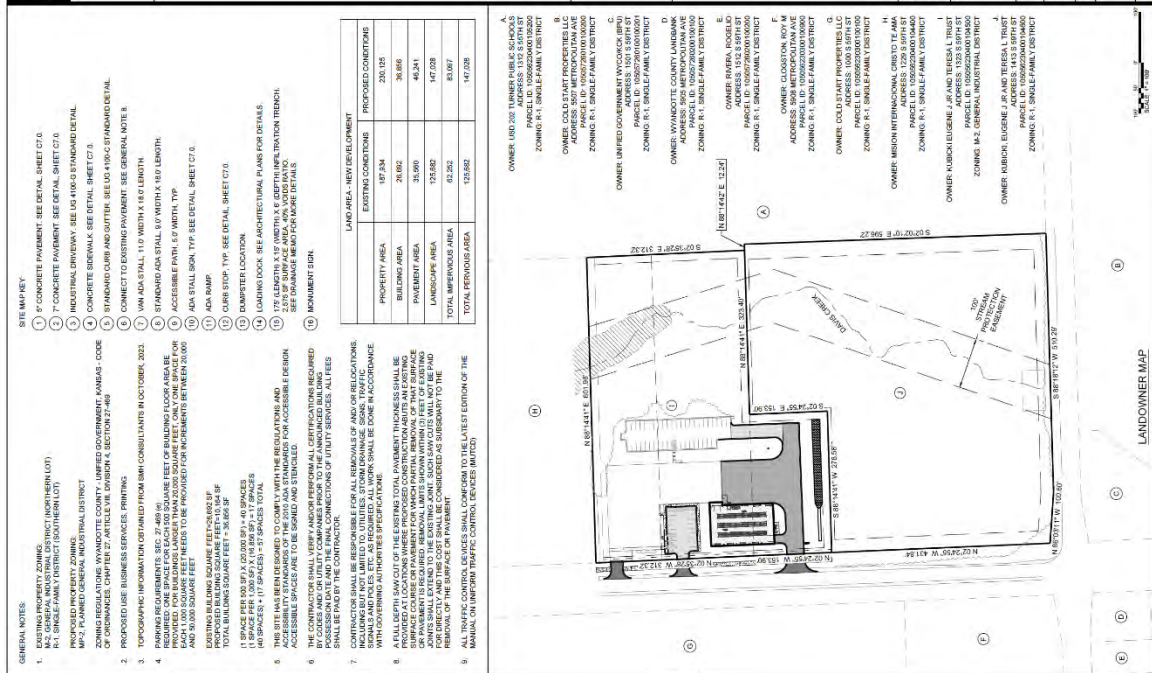
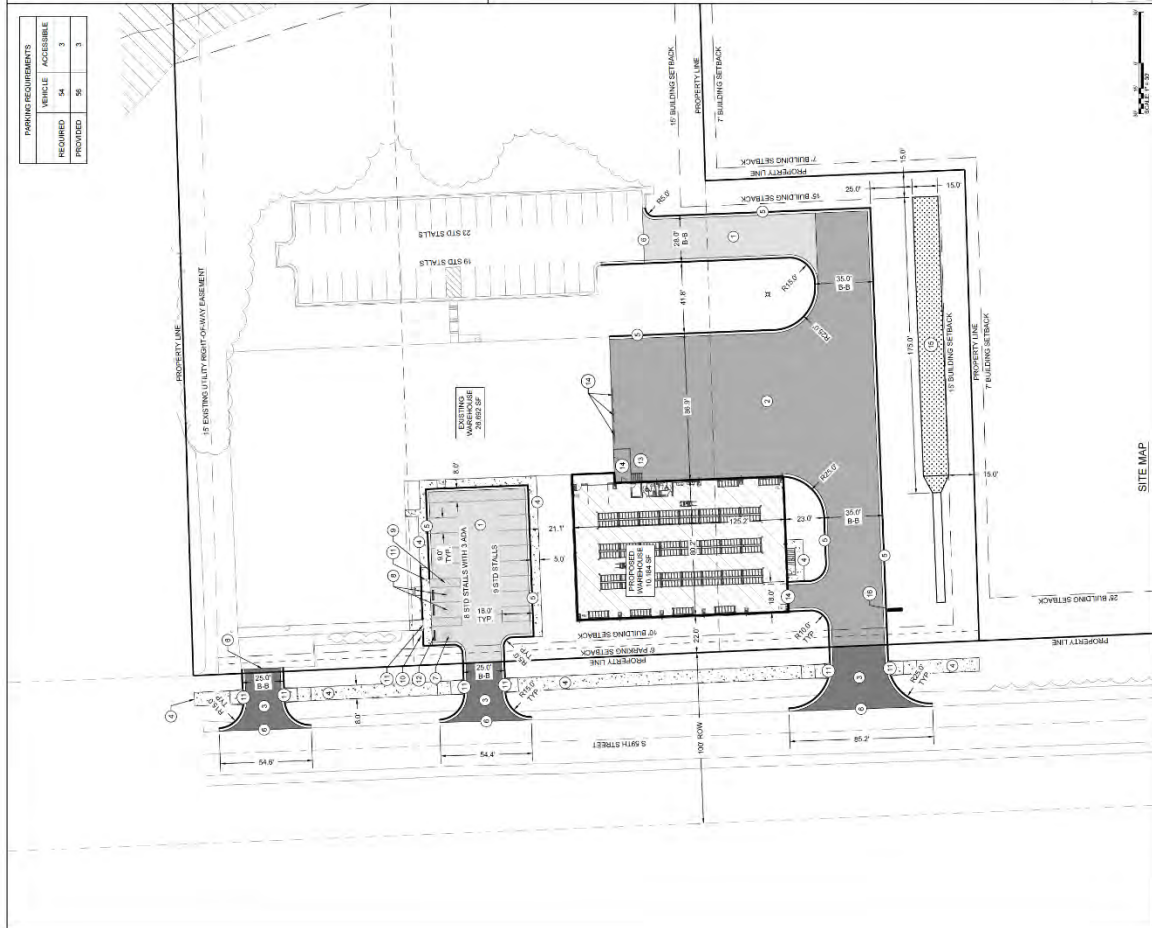
My commission expires 04 of 04, 20024



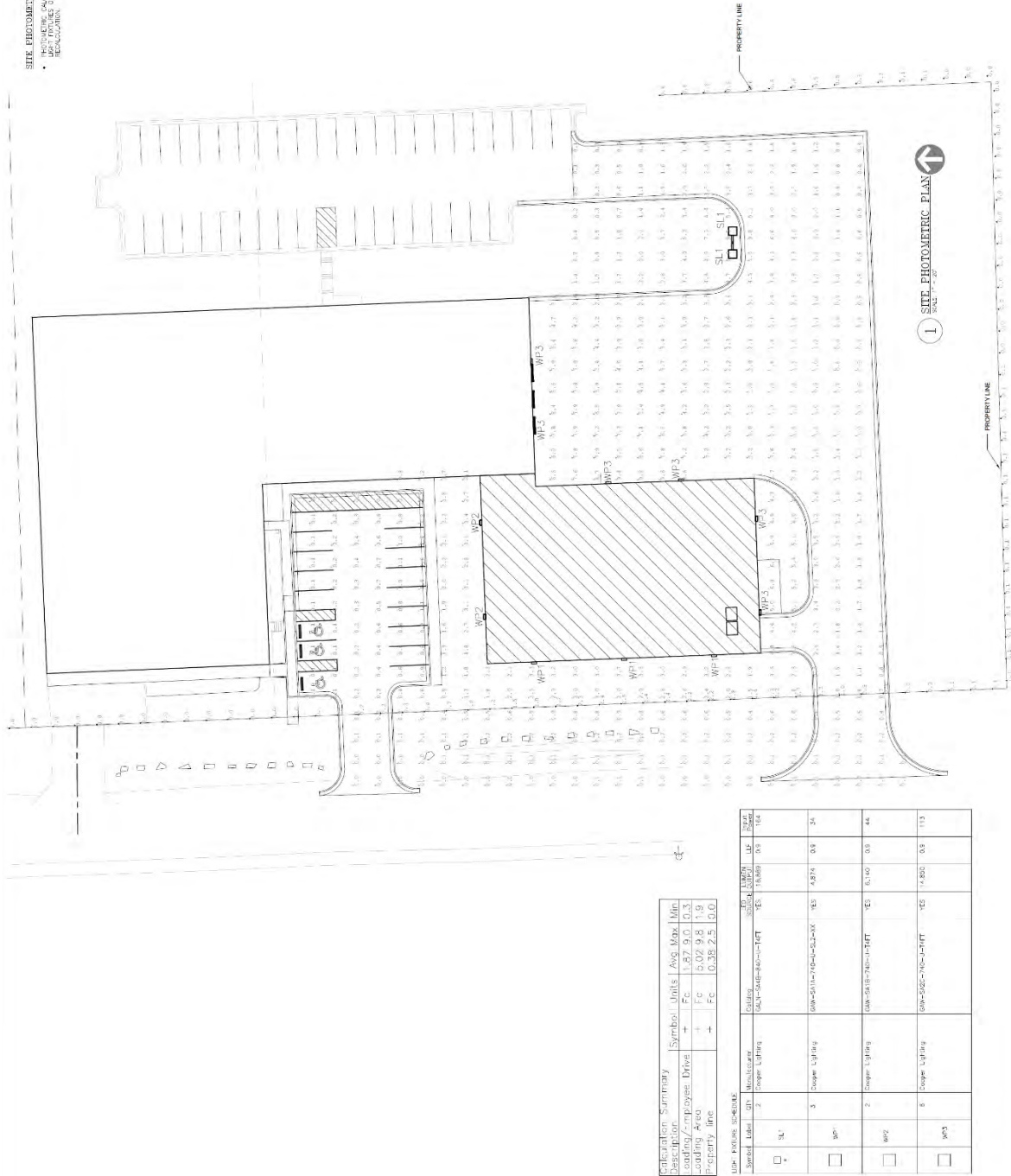
Notary Public

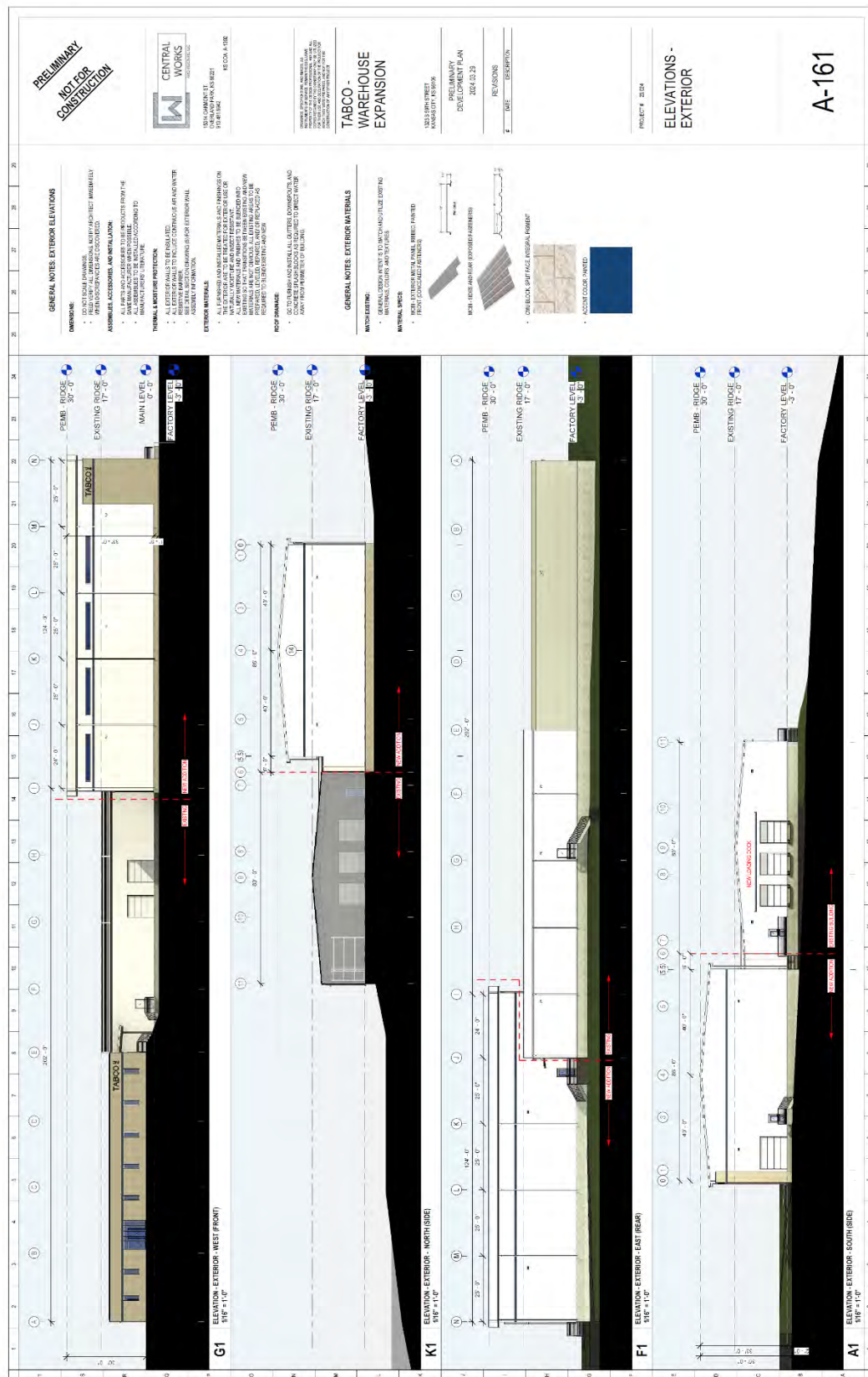


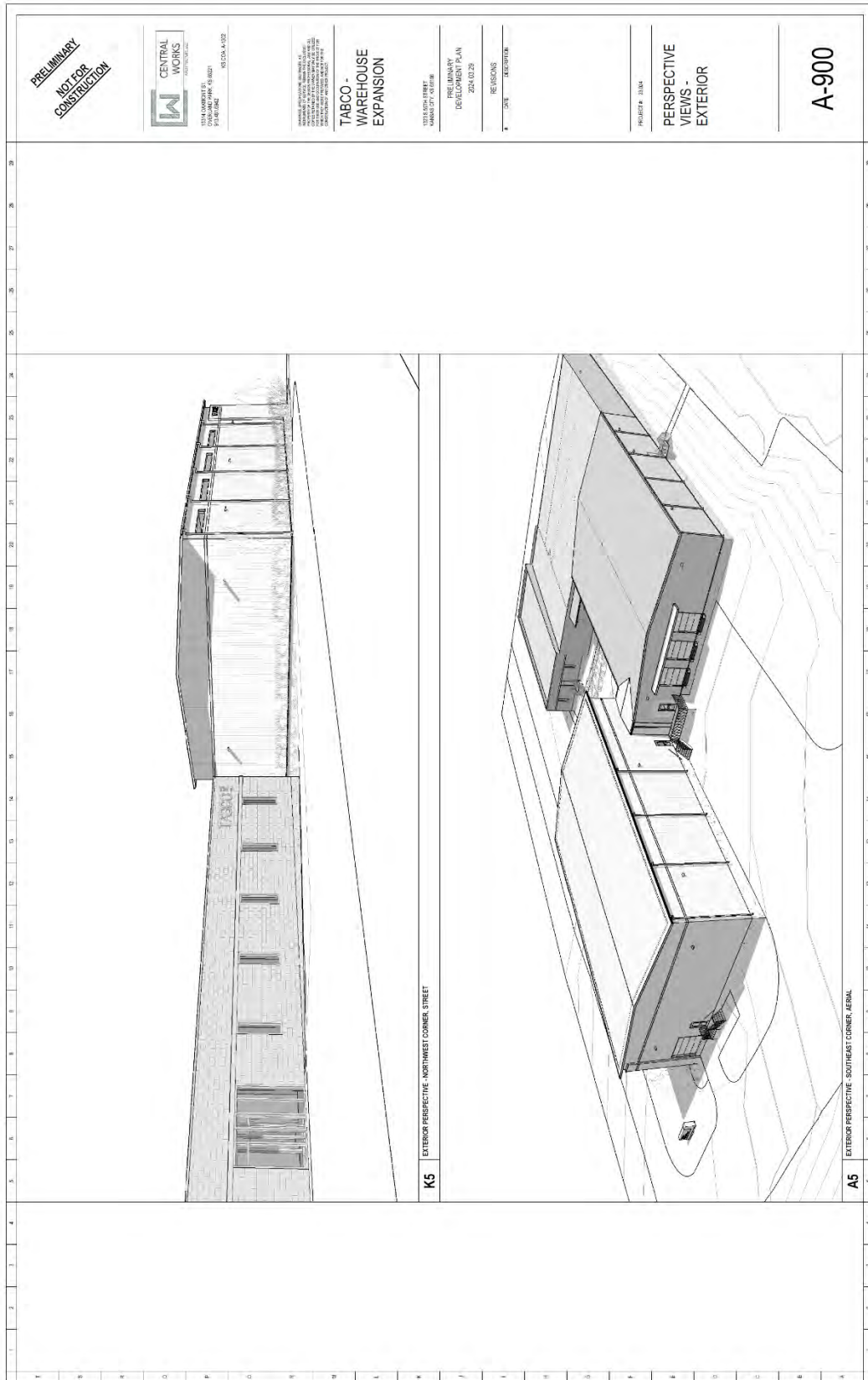




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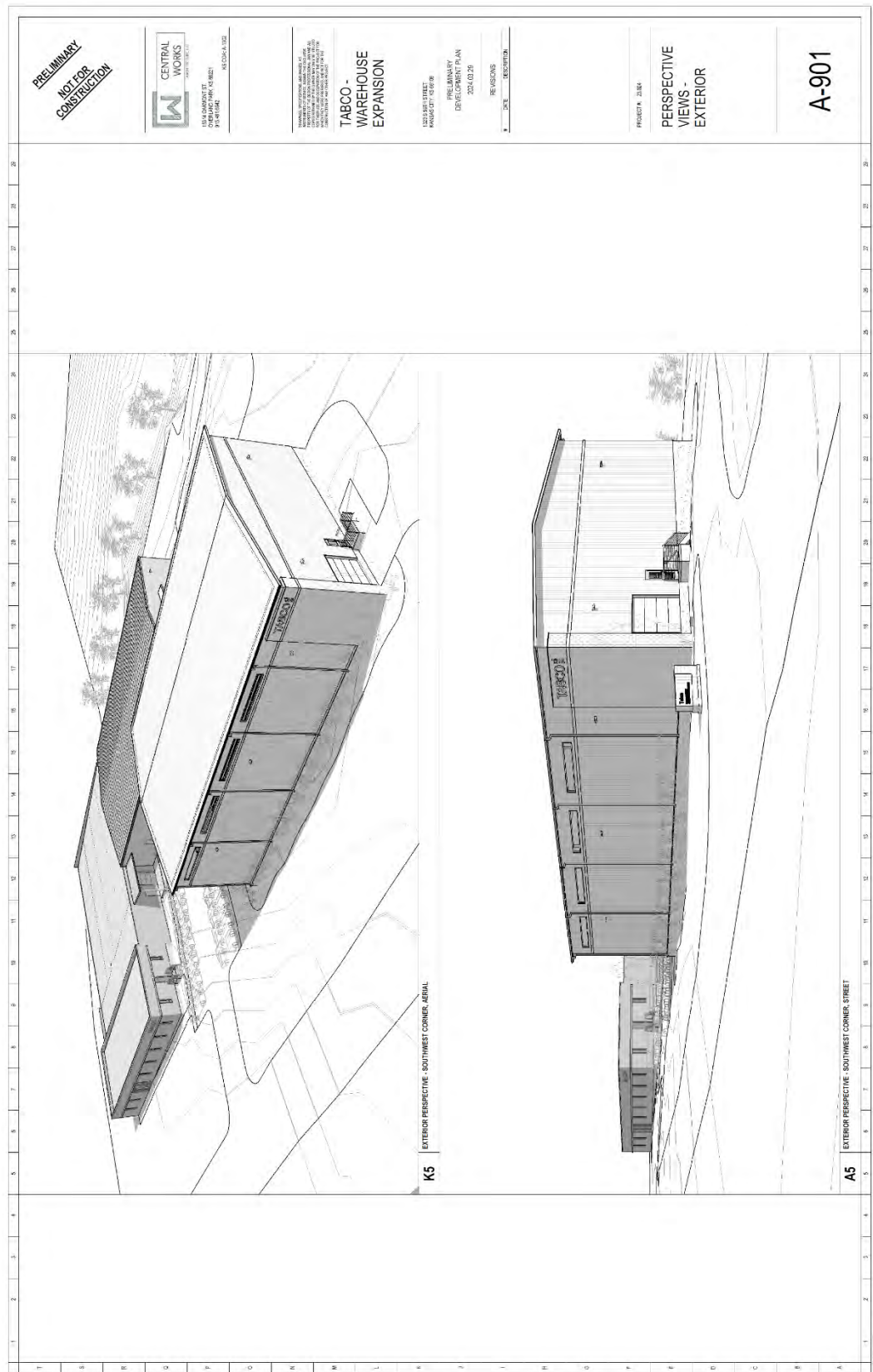




Figure 4. Site photograph looking north from Metropolitan Avenue at 1323 South 59th Street (provided by Planning Staff).



Figure 5. Site Photograph looking southeast from South 59th Street at 1323 South 59th Street (provided by Planning Staff).



Figure 6. Site photograph looking east from South 59th Street at 1323 South 59th Street (provided by Planning Staff).



Figure 7. Site photograph looking east from South 59th Street at 1323 South 59th Street (provided by Planning Staff).



Figure 9. Site photograph looking south from South 59th Street at 1323 South 59th Street (provided by Planning Staff).



Figure 8. Site photograph looking south from South 59th Street at 1323 South 59th Street (provided by Planning Staff).



Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: May 30, 2024

Re: **Change of Zone Petition COZ2023-035 and Special Use Petition SP2023-117**

GENERAL INFORMATION

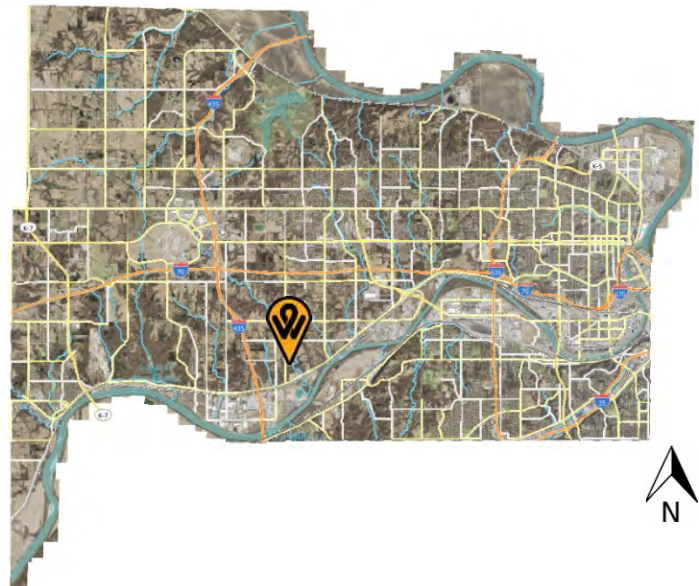
Applicant:
Ryan Denk

Status of Applicant:
Representative of Property Owner
McAnany, Van Cleave & Phillips, P.A
10 East Cambridge Circle Drive,
Suite 300
Kansas City, Kansas 66103

Requested Action:
Renewal of a Special Use Permit
(SP-2019-20, which expires
03/28/2024) and Approval of a
Change of Zone

Date of Application:
August 26, 2022

Purpose:
To renew a Special Use Permit (SP-2019-20) to continue to grade and remove earthen fill from the property and approve a Change of Zone from MP-1 to MP-2 to utilize the property as a laydown yard.



Property Location:	1625 South 86 th Street Kansas City, Kansas 66111
Commission Districts:	Commissioner At-Large, District #2: Tom Burroughs District #6 Commissioner: Phillip Lopez
Existing Zoning:	A-G Agriculture and MP-1 Planned Light Industrial Districts
Adjacent Zoning:	North: A-G Agriculture District South: A-G Agriculture and MP-3 Planned Heavy Industrial Districts East: A-G Agriculture and MP-2 Planned General Industrial Districts West: A-G Agriculture and R-1 Single Family Districts
Adjacent Uses:	North: Agricultural Land South: Concrete Processing Plant and Agricultural Land East: Industrial Warehouses and Agricultural Land West: Agricultural Land and Single Family Residences
Total Tract Size:	57.59 Acres (Total) Approximately 25 acres (included in proposal)
Comprehensive Plan Area:	PlanKCK Comprehensive Plan
Comprehensive Plan Designation:	PlanKCK designates the subject property as Industrial, which allows industries featuring industrial processing, manufacturing, heavy truck traffic, excessive noise, potentially noxious uses and outdoor storage.
Major Street Plan:	The goDotte Mobility Plan designates South 86 th Street as a Major Arterial and Ruby Avenue as a Local Street.
Parking Requirement:	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”. It is unclear how many spaces the proposed laydown yard will provide.

Advertisement:	<u>The Wyandotte Echo</u> – January 18, 2024 Letters to Property Owners – January 19, 2024, January 31, 2024 and February 29, 2024
Public Hearings:	April 8, 2024, May 13, 2024, and May 30, 2024
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Ryan Denk, representing West Hills Industrial Park, is requesting a renewal of a Special Use Permit (SP-2019-20) to continue to grade and remove earthen fill on the subject property, as well as a Change of Zone from MP-1 Planned Light Industrial District to MP-2 Planned General Industrial District to operate a laydown yard at 1625 South 86th Street.

City Ordinance Requirements: 27-592 through 27-606

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

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

Building, Zoning, or Code Enforcement Complaints:

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

Outstanding or Related Permits and Cases:

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

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The subject property is located within the Muncie-Stony Point Statistical Neighborhood. The character of the neighborhood is a mixture of agricultural, rural residential and light industrial uses along the north side of K-32 Highway (Kaw Drive) between the Grinter Heights subdivision at South 80th Street on the east and I-435 on the west as well as the heavy industrial uses along 88th and Woodend Avenue industrial area lies to the south, across K-32 Highway and the Union Pacific Railroad main line.

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 property is already industrially zoned; however, operation of a laydown yard requires a Change of Zone to at least MP-2 Planned General Industrial District to accommodate the use. The proposed use as a laydown yard would be compatible with the nearby industrial uses, but incompatible with nearby residential and agricultural uses. Additionally, the proposal to remove a previously established landscape and screening buffer is incompatible with nearby residential and agricultural 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 removal of the restrictions may negatively impact the neighbors. The screening requirements set by previous Special Use Permits, which include fencing and landscaping may offset these impacts, however, the applicant is requesting to remove dirt and portions of the previously established buffer, which will exacerbate issues such as noise, dust and other visual impacts.

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

The site has operated as an earthen removal site over the past 20 years.

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. The use is convenient for the owner as they can further modify the site and utilize it in the future either for their own use or to sell it to another private owner for their use. The expansion of the grading and dirt removal operation and expanding the types of industrial uses on the property may injure adjacent properties with noise and visual impacts, especially if more of the pre-existing buffer is removed.

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 the traffic or parking demand in ways that will adversely affect road capacity, safety, or create parking problems because Ruby Avenue is a relatively low trafficked street with three (3) businesses on them adjacent to Kaw Drive. The property has significant frontage on South 86th Street, however, there are no access points from South 86th Street.

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

Special Use Permits are not addressed in the Comprehensive Plan. PlanKCK designates the subject property as Industrial, which allows industries featuring industrial processing, manufacturing, heavy truck traffic, excessive noise, potentially noxious uses and outdoor storage. Use of the property for continued grading and dirt removal or as a laydown yard would conform to the Comprehensive Plan.

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

The proposed use to continue to remove dirt and grade the property as well as use as a laydown yard have the potential to significantly impact the environment. Altering the slopes and removing additional landscaping may result in increased erosion due to altered stormwater run-off patterns.

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 #221.

e. *Fire*

Fire service is provided by Station #20, located at 78th & Kansas Avenue.

f. *Transit*

No transit service is provided to the subject property.

g. *Schools*

Public Education is provided by Edwardsville Elementary School, Robert E. Clark Middle School and Bonner Springs High School.

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

The economic impact of the proposed use on the community is minimal, however, if approved, the City will receive additional property tax revenue because of the improvements made to the property.

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

If revised, the proposed use is capable of meeting applicable ordinance and other 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 form they are currently proposing. There must be a balance between the adjacent and nearby residential property owners' quality of life is protected and a business that is wanting to relocate.

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

The proposed use of the site for grading will inherently create issues with noise, vibration and dust through the moving of dirt and heavy equipment on site. Illumination may also become an issue if enough of the existing and previously approved buffer is removed.

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

The proposed use for grading and earthen removal may create issues with air quality through dust particles and issues with water run-off, however, if managed properly, this should not be a major issue.

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

The property has been significantly altered in the 20+ years since the initial application to remove dirt and develop the site for industrial uses; Many of the property's natural features have already been significantly altered or removed entirely. The northeast corner of the property, however, has been left undisturbed. This portion of the property includes a creek (Little Turkey Creek). As long as the previously approved or an amended buffer is maintained and no activity occurs within this northeastern quadrant, the proposed use for grading and removal should not destroy or damage what natural resources are left on the property.

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

The proposed use is occurring on a property that is approximately 25 acres; Overcrowding of land or undue concentrations of population are not expected to be issues.

PREVIOUS ACTIONS

- Approval of a Change of Zone (COZ 2602) from A-G to A-G and MP-1 for industrial development in 2000.
- Approval of a Special Use Permit (SP-2000-47) for grading and dirt removal in 2000 for three (3) years.
- Approval of a Special Use Permit (SP-2004-10) for grading and dirt removal in 2004 for 18 months.
- Approval of a Special Use Permit (SP-2007-37) for grading and dirt removal in 2007 for three (3) years.
- Approval of a Special Use Permit (SP-2011-4) for grading and dirt removal in 2011 for three (3) years.
- Approval of a Special Use Permit (SP-2013-52) for grading and dirt removal in 2013 for five (5) years.
- Approval of a Special Use Permit (SP-2019-20) for grading and dirt removal in 2019 for five (5) years.
- Approval of a Special Use Permit (SP-2019-27) for an asphalt plant for a KDOT Mill and Overlay of K-32 in 2019 for three (3) months.
- Approval of a Change of Zone (COZ2021-018) from MP-1 and A-G to MP-3 for a permanent asphalt plant in 2021.
- Approval of a Master Plan Amendment (MPL2021-006) from Business Park to Industrial in the City-Wide Comprehensive Plan (2008) in 2021.
- Approval of a Change of Zone (COZ2021-052) to alter stipulations of Change of Zone COZ2021-018 in 2022.
- Approval of a Final Development Plan (PR2022-051) for a permanent asphalt plant in 2023.

NEIGHBORHOOD MEETING

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.

KEY ISSUES

A-G Agriculture District Zoned Portion of Property
Bettis Asphalt Progress
District to Rezone To
Expansion into Established Buffer
Floodplain
Length of Time for On-Site Grading
Plans for Laydown Yard

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 5 to 0 to recommend **APPROVAL** of Change of Zone Application **COZ2023-035**, subject to:

1. This Change of Zone will include the aforementioned area in the Northeast quadrant in Staff Comments and Suggestions, which will revert from MP-2 Planned General Industrial District to A-G Agriculture District;
2. This Change of Zone does not include the existing areas along the northern and western edge of the property;
3. The applicant shall file for both a Final Development Plan for the future laydown yard as well as a Plat to Plat the subject property.
 - a. When a Plat is filed, the area that is currently zoned A-G Agriculture District along the northern and western portion of the property shall be platted as a separate open space tract;
4. The northeast quadrant of the property shall remain zoned A-G Agriculture District and shall be preserved from any on-site grading, unless a corresponding project is proposed;
5. Additional landscaping in the form of trees and bushes shall be added along the northern and western property lines;
6. 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;
7. The Subject Property is within a 100-year Special Flood Hazard Area (SFHA). A SFHA is defined as the area that would be inundated by the flood event having a 1 percent chance of being equaled or exceeded in any given year. Before the alteration to or construction of any new structure on the subject property, the applicant shall submit the following required information for review:
 - a. A Survey shall be provided showing the property lines, setbacks, proposed and existing building elevations, 100-year floodplain and/or floodway shall be designated, the base flood elevation provided, FIRM panel number, and effective date shall be included. The Survey is required to be signed and sealed by and Kansas licensed surveyor or engineer;

8. The Subject Property, being within the SFHA, shall comply with the following requirements of the floodplain ordinance for all new construction, subdivision proposals, substantial-improvements, prefabricated structures, placement of manufactured homes, and other development:
 - a. Design or adequate anchorage to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
 - b. Construction with materials resistant to flood damage;
 - c. Utilization of methods and practices that minimize flood damages;
 - d. All electrical, heating, ventilation, plumbing, air-conditioning equipment, and other service facilities be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
 - e. New or replacement water supply systems and/or sanitary sewage systems be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and on-site waste disposal systems be located so as to avoid impairment or contamination from them during flooding; and,
 - f. Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, located within special flood hazard areas are required to assure that all proposed are consistent with the need to minimize flood damage.:
 - g. All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage;
 - h. All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage;
 - i. All proposals for development, including proposals for manufactured home parks and subdivisions, of five (5) acres or fifty (50) lots, whichever is lesser, include within such proposals base flood elevation data;
9. The Subject Property, being within the SFHA, shall comply with the following requirements of the floodplain ordinance for Construction Elevation Inspections when the project is approved for construction:
 - a. Certificate of elevation shall be provided when the top of the first floor has been constructed.
 - b. Final certificate of elevation shall be provided when the structure is completed and prior to the request for a final inspection (TCO/CO);
10. The Subject Property, being within the SFHA, shall comply with the following requirements of the floodplain ordinance for the Storage of Materials and Equipment:
 - a. The storage or processing of materials within the special flood hazard area that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal, or plant life is prohibited.
 - b. Storage of other material or equipment may be allowed if not subject to major damage by floods, if firmly anchored to prevent flotation, or if readily removable from the area within the time available after a

flood warning;

11. All exterior lighting, whether mounted on a building or within a parking lot must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
12. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
13. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
14. 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. 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;
18. A Pre-Construction meeting is required for any improvements to public infrastructure upon the approval and issuance of a Development Review Committee (DRC) Permit. Any improvements to, construction or alteration of: sanitary systems, stormwater systems, public or private streets, sidewalks, or other public infrastructure will require a pre-construction meeting with the Department of Public Works. The applicant is required to contact the County Engineer at (913) 573-5400 or by info@wycokck.org prior to construction to arrange this meeting;
19. 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;
20. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located; 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.

The Planning Commission voted 5 to 0 to recommend **DENIAL** of Special Use Permit Application **SP2023-117**, for the following reasons:

1. The proposed plan does not meet Factor to be Considered #3. The plan to remove more earthen fill and buffer will impact nearby properties through a change in stormwater patterns, potential hillside erosion, and with visual impacts due to the decreased width of the screening buffer;
2. The proposed plan does not meet Factor to be Considered #5. The plan to remove additional earthen fill will create additional impacts to the visual quality and may affect the use and marketability of nearby agricultural and residential property; and,
3. The proposed plan does not meet Factor to be Considered #8. While the property has already been significantly altered, further alterations will only exacerbate any negative environmental impacts.

STAFF COMMENTS AND SUGGESTIONS

Staff **concurs** with the recommendation of the City Planning Commission.

If the Board of Commissioners moves to **APPROVE** Petition **SP2023-117**, it shall be done so under the following conditions listed below as well as the conditions of **COZ2023-035**:

1. No additional grading shall occur in any area zoned within 200 feet of the northern and western property line(s);
2. The grade shall be brought to a 3:1 slope.
3. The northeast quadrant of the property shall remain zoned A-G Agriculture District and shall be preserved from any on-site grading without a corresponding project;
4. Additional landscaping in the form of trees and bushes shall be added along the northern and western property lines once grading has been completed;
5. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
6. 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;
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; and,
8. 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

May 13, 2024, City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Existing Conditions
Site Plan
Landscape Plan
Grading Plan
Erosion Control Plans
Sections
Neighborhood Meeting Materials
Site Photos, Taken by Staff, Dated January 17, 2024

REVIEW OF INFORMATION AND SCHEDULE

Action	City Planning Commission	Unified Government Board of Commission
Public Hearing	May 13, 2024	May 30, 2024
COZ/SUP	Approval of COZ Denial of SUP April 8, 2024 (Held Over)	

STAFF CONTACT:

James Molloy
jmolloy@wycokck.org

MOTIONS

Change of Zone

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2023-035** 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 **COZ2023-035**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

Special Use Permit

I move the Unified Government Board of Commissioners **DENY** Petition **SP2023-117**, 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 **SP2023-117** 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. _____.

May 13, 2024, City Planning Commission Minutes:

Hearing starts at 1:31:50:

CHANGE OF ZONE APPLICATION COZ2023-035 – RYAN DENK - SYNOPSIS:

Change of Zone from MP-1 Planned Light Industrial and Industrial Park District to MP-3 Planned Heavy Industrial District to construct a lay down yard at 1625 South 88th Street.

SPECIAL USE PERMIT APPLICATION SP2023-117 – STEVE SHORT WITH

WESTHILLS INDUSTRIAL PARK – SYNOPSIS: Renewal of a Special Use Permit (SP-2019-20, expired 3/28/2024) to continue on-site grading and dirt removal at 1625 South 86th Street.

Detailed Outline of Requested Action: The applicant, Ryan Denk, representing West Hills Industrial Park, is requesting a renewal of a Special Use Permit (SP-2019-20) to continue to grade and remove earthen fill on the subject property, as well as a Change of Zone from MP-1 Planned Light Industrial District to MP-2 Planned General Industrial District to operate a laydown yard at 1625 South 86th 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 May 13, 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:

- Ryan Denk, applicant, McAnany, Van Cleave + Phillips, P.A., 10 East Cambridge Circle Drive, Suite 300, Kansas City, Kansas 66103

The Planning Commission directed questions to the Applicant.

Present in Opposition:

- No one appeared

Staff Recommendation starts at 1:47:32: Planner Molloy stated that the requests for a Change of Zone from A-G Agriculture and MP-1 Planned Light Industrial and Industrial Park District to A-G Agriculture and MP-2 Planned General Industrial District for a laydown yard, as well as a Special Use Permit to continue grading. He stated that the property is in the Morris area by the Edwardsville City Limits along Kaw Drive. Staff has received no letters in support nor opposition. There are no Notices of Violation. Staff recommends approval of the Change of Zone application and denial of the Special Use Permit application. Staff would like to address the difference between Mr. Rhodes' property and the property in question. Mr. Rhodes has a much smaller dirt removal operation as it is a "by request" operation for whoever needs dirt. The use in question is for continuous removal of dirt with heavier equipment. Staff is also looking at the use of the property after the dirt removal. Mr. Rhodes wants to develop a small commercial retail operation and this use is strictly industrial so that is partially why there is a difference between the buffers noted by the Applicant's representative in their opening statement. Regarding the buffer on this property, Staff is willing to compromise to 200 feet. Additionally, the Bettis Asphalt site which is directly to the south was approved with a 200-foot buffer. If this application were approved for the 200' buffer, it would be consistent with Bettis Asphalt. He stated that the operation before the Commission has already graded into the pre-existing buffer outside of their defined Special Use Permit boundary for this activity. They are on the Northeast Corner where some grading has been done and it appears it has been graded since the last approval. Staff has conditions of approval in the staff report.

The Commission directed questions to Staff.

Motion starts at 1:55:05:

On motion by Ms. Easterwood, seconded by Mr. Ernst, the Planning Commission voted as follows to recommend **APPROVAL of Change of Zone Application COZ2023-035:**

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

Motion to recommend APPROVAL Passed: 5 to 0

Subject to:

- 1. This Change of Zone will include the aforementioned area in the Northeast quadrant in Staff Comments and Suggestions, which will revert from MP-2 Planned General Industrial District to A-G Agriculture District;**
- 2. This Change of Zone does not include the existing areas along the northern and western edge of the property;**
- 3. The applicant shall file for both a Final Development Plan for the future laydown yard as well as a Plat to Plat the subject property.**
 - a. When a Plat is filed, the area that is currently zoned A-G Agriculture District along the northern and western portion of the property shall be platted as a separate open space tract;**
- 4. The northeast quadrant of the property shall remain zoned A-G Agriculture District and shall be preserved from any on-site grading, unless a corresponding project is proposed;**
- 5. Additional landscaping in the form of trees and bushes shall be added along the northern and western property lines;**
- 6. 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;**
- 7. The Subject Property is within a 100-year Special Flood Hazard Area (SFHA). A SFHA is defined as the area that would be inundated by the flood event having a 1 percent chance of being equaled or exceeded in any given year. Before the alteration to or construction of any new structure on the subject property, the applicant shall submit the following required information for review:**
 - a. A Survey shall be provided showing the property lines, setbacks, proposed and existing building elevations, 100-year floodplain**

and/or floodway shall be designated, the base flood elevation provided, FIRM panel number, and effective date shall be included. The Survey is required to be signed and sealed by and Kansas licensed surveyor or engineer;

8. The Subject Property, being within the SFHA, shall comply with the following requirements of the floodplain ordinance for all new construction, subdivision proposals, substantial-improvements, prefabricated structures, placement of manufactured homes, and other development:
 - a. Design or adequate anchorage to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
 - b. Construction with materials resistant to flood damage;
 - c. Utilization of methods and practices that minimize flood damages;
 - d. All electrical, heating, ventilation, plumbing, air-conditioning equipment, and other service facilities be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
 - e. New or replacement water supply systems and/or sanitary sewage systems be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and on-site waste disposal systems be located so as to avoid impairment or contamination from them during flooding; and,
 - f. Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, located within special flood hazard areas are required to assure that all proposed are consistent with the need to minimize flood damage.:
 - g. All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage;
 - h. All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage;
 - i. All proposals for development, including proposals for manufactured home parks and subdivisions, of five (5) acres or fifty (50) lots, whichever is lesser, include within such proposals base flood elevation data;
9. The Subject Property, being within the SFHA, shall comply with the following requirements of the floodplain ordinance for Construction Elevation Inspections when the project is approved for construction:
 - a. Certificate of elevation shall be provided when the top of the first floor has been constructed.
 - b. Final certificate of elevation shall be provided when the structure is completed and prior to the request for a final inspection (TCO/CO);
10. The Subject Property, being within the SFHA, shall comply with the following requirements of the floodplain ordinance for the Storage of Materials and Equipment:
 - a. The storage or processing of materials within the special flood hazard area that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal, or plant life is

- prohibited.
- b. Storage of other material or equipment may be allowed if not subject to major damage by floods, if firmly anchored to prevent flotation, or if readily removable from the area within the time available after a flood warning;
11. All exterior lighting, whether mounted on a building or within a parking lot must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
 12. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
 13. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
 14. 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. 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;
 18. A Pre-Construction meeting is required for any improvements to public infrastructure upon the approval and issuance of a Development Review Committee (DRC) Permit. Any improvements to, construction or alteration of: sanitary systems, stormwater systems, public or private streets, sidewalks, or other public infrastructure will require a pre-construction

meeting with the Department of Public Works. The applicant is required to contact the County Engineer at (913) 573-5400 or by info@wycokck.org prior to construction to arrange this meeting;

19. 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;
20. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located; 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.

On motion by Ms. Easterwood, seconded by Mr. Ernst, the Planning Commission voted as follows to recommend **DENIAL of Special Use Permit Application**

SP2023-117:

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

Straws Not Present

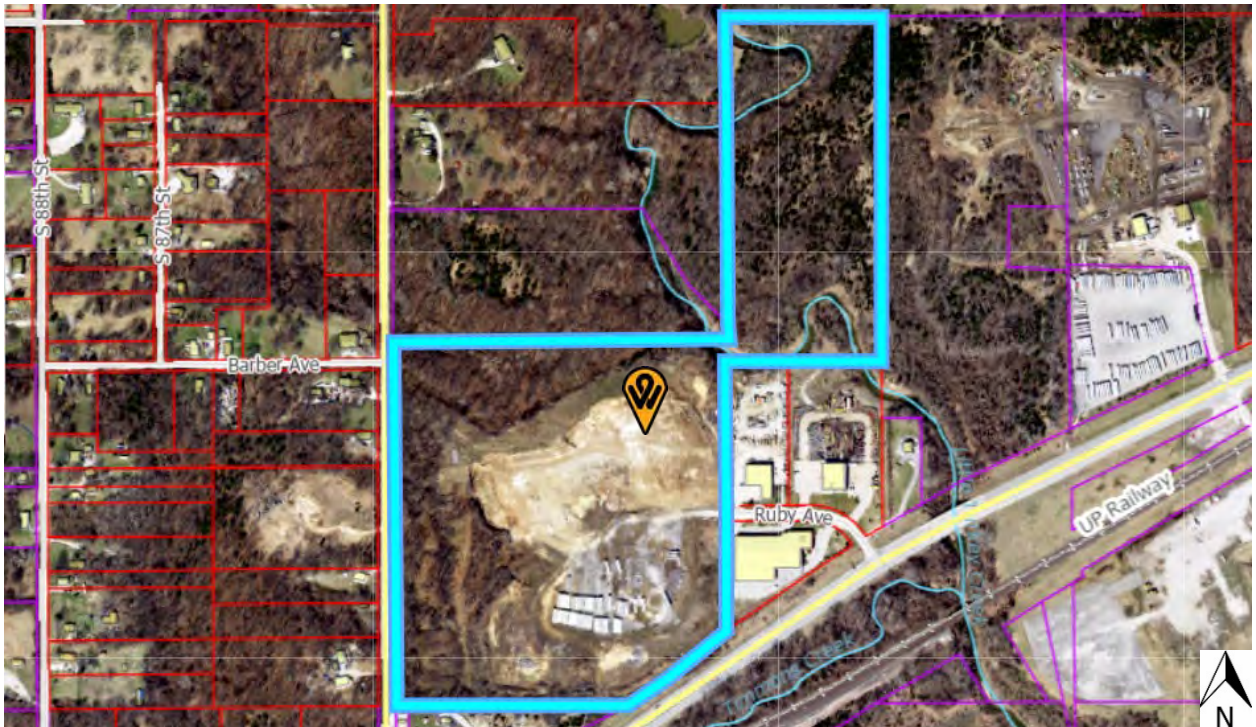
Motion to recommend DENIAL Passed: 5 to 0

For the following reasons:

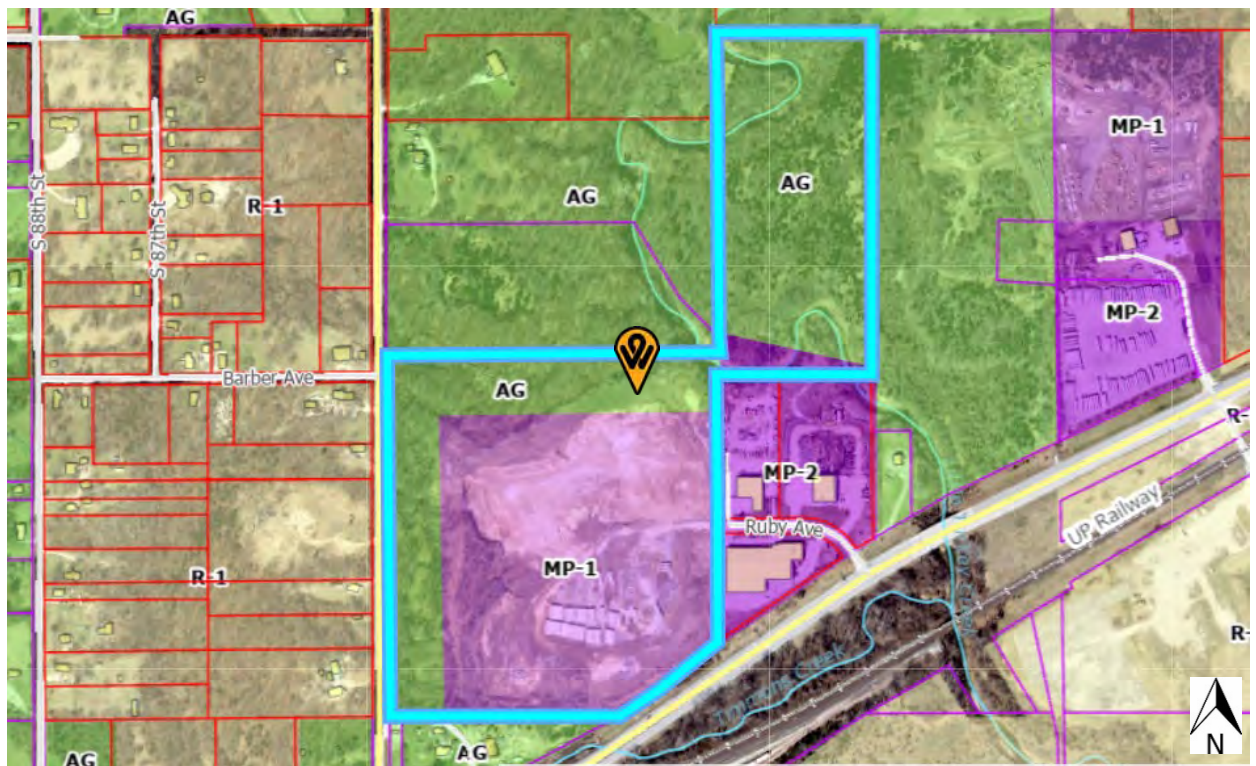
- 1. The proposed plan does not meet Factor to be Considered #3. The plan to remove more earthen fill and buffer will impact nearby properties through a change in stormwater patterns, potential hillside erosion, and with visual impacts due to the decreased width of the screening buffer;**
- 2. The proposed plan does not meet Factor to be Considered #5. The plan to remove additional earthen fill will create additional impacts to the visual quality and may affect the use and marketability of nearby agricultural and residential property; and,**
- 3. The proposed plan does not meet Factor to be Considered #8. While the property has already been significantly altered, further alterations will only exacerbate any negative environmental impacts.**

ATTACHMENTS

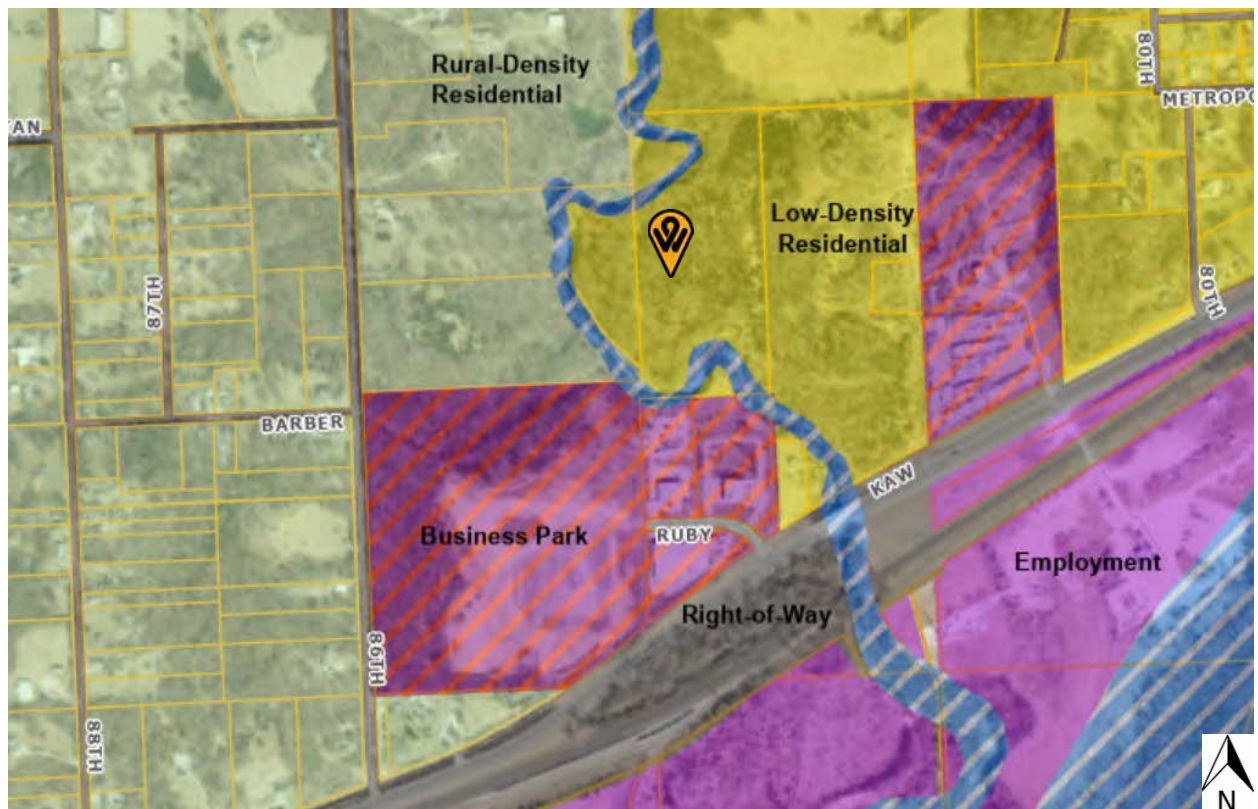
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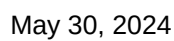
ZONING MAP



LAND USE MAP



COZ2023-035 & SP2023-117



COZ2023-035 & SP2023-117

May 30, 2024

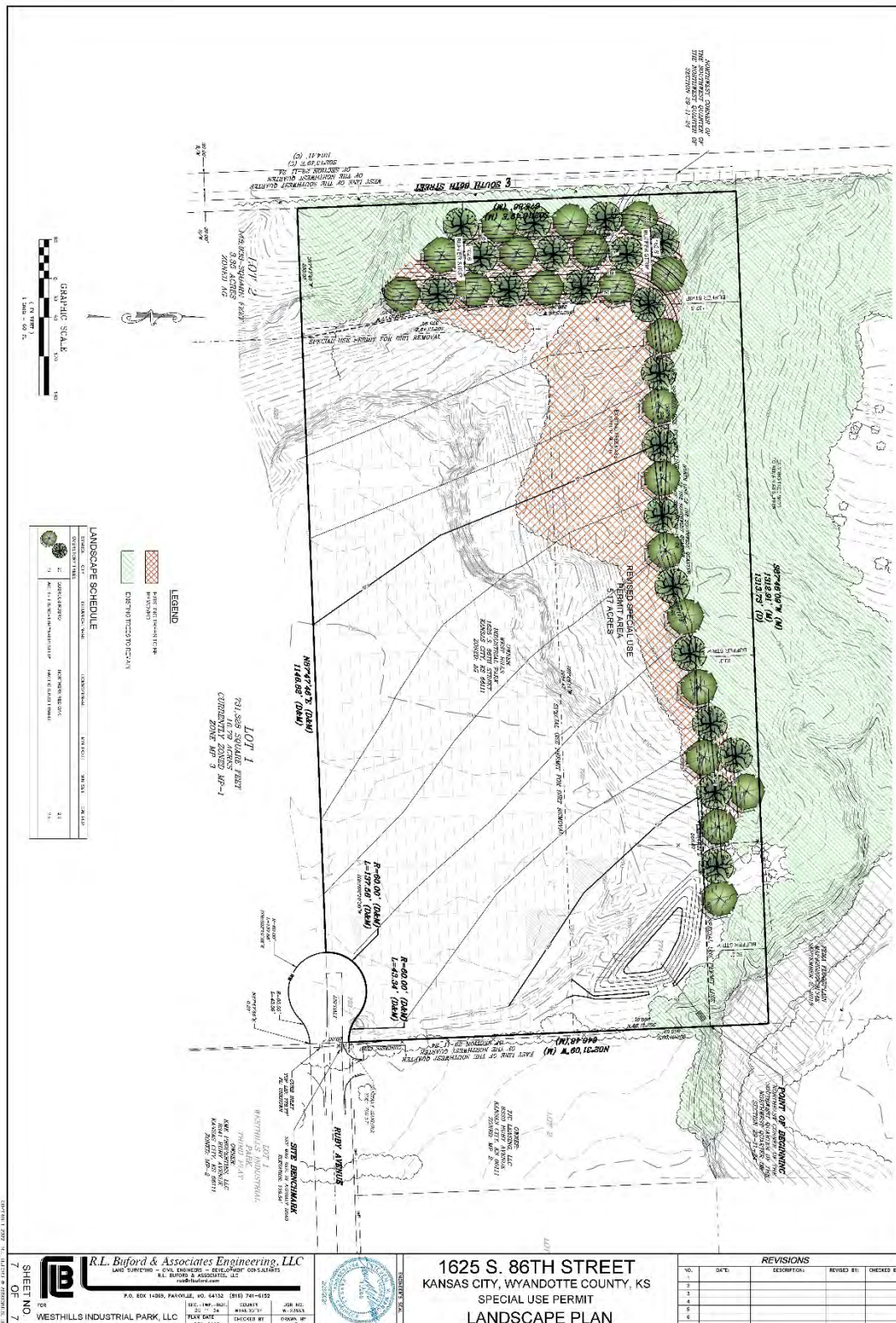
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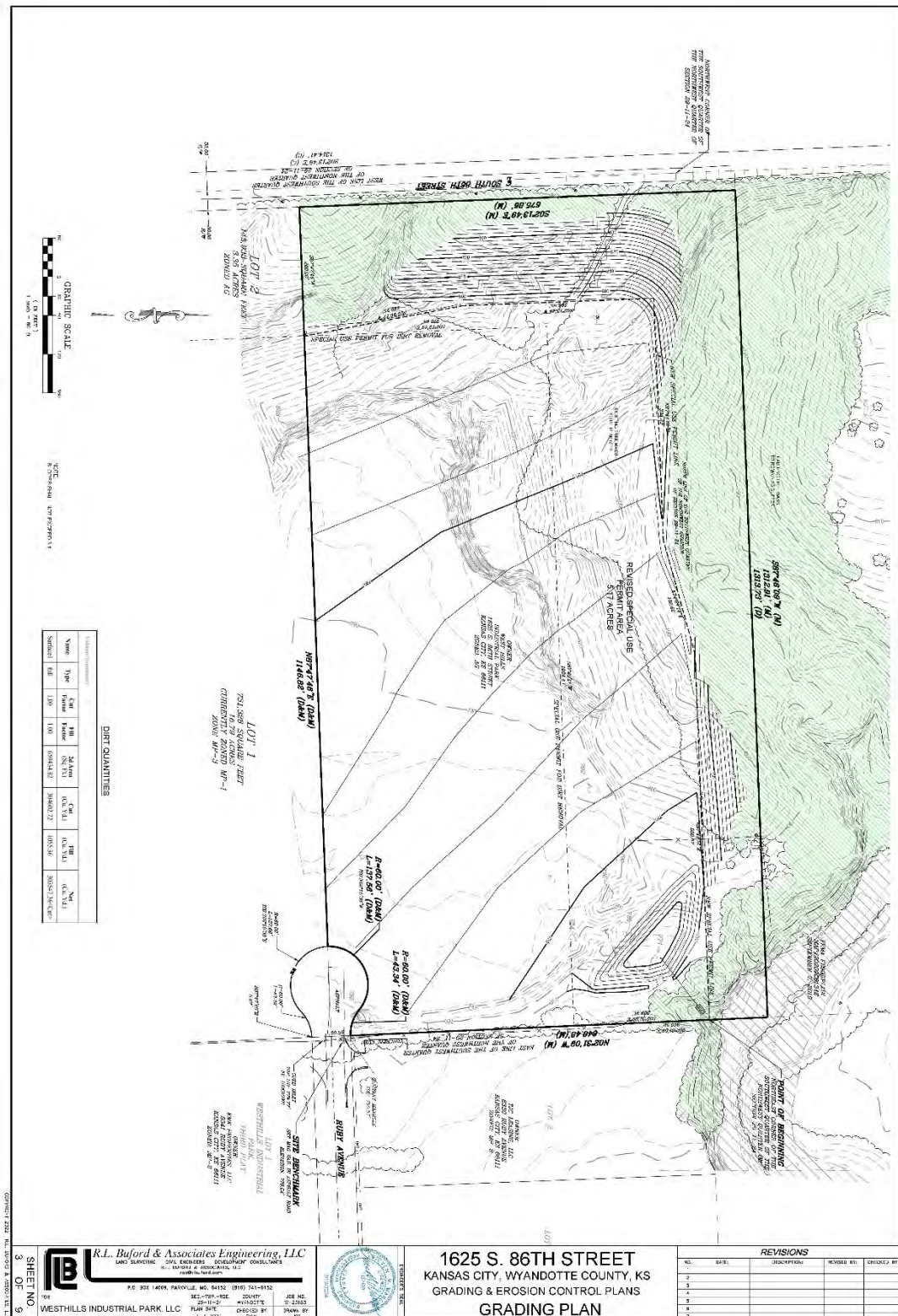
COZ2023-035 & SP2023-117

May 30, 2024

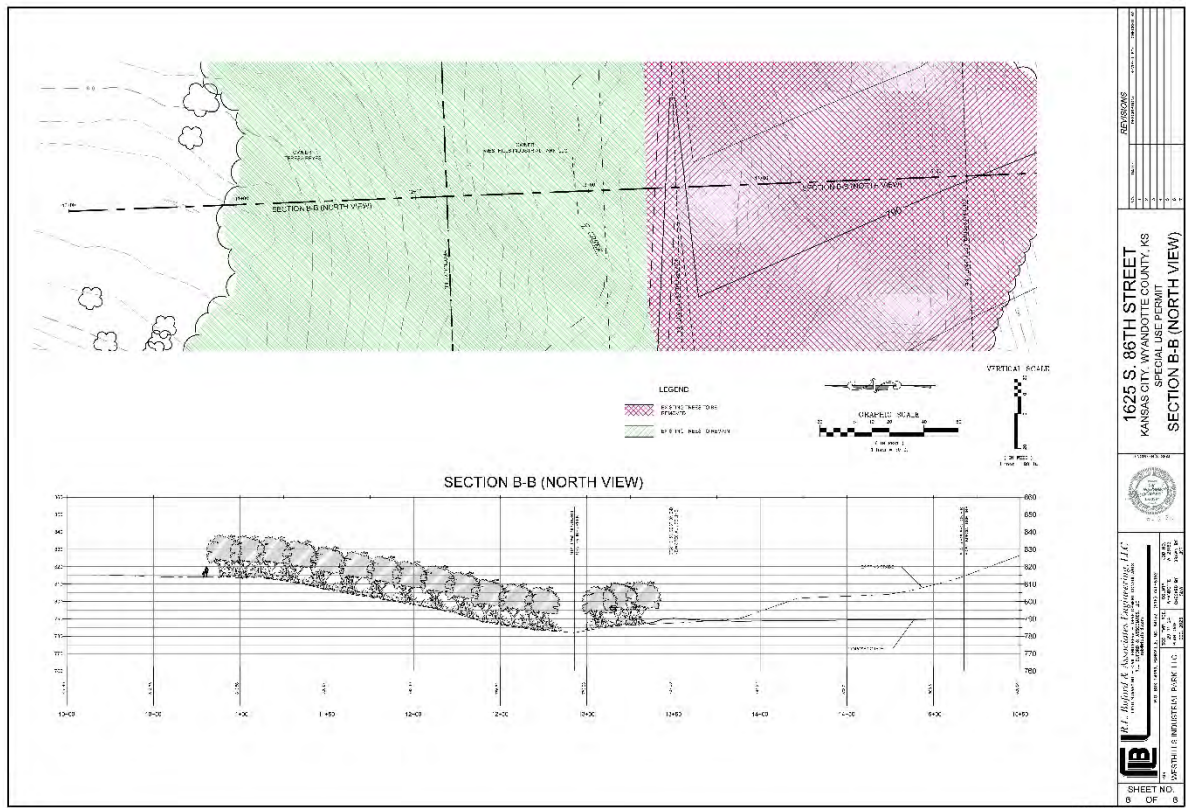
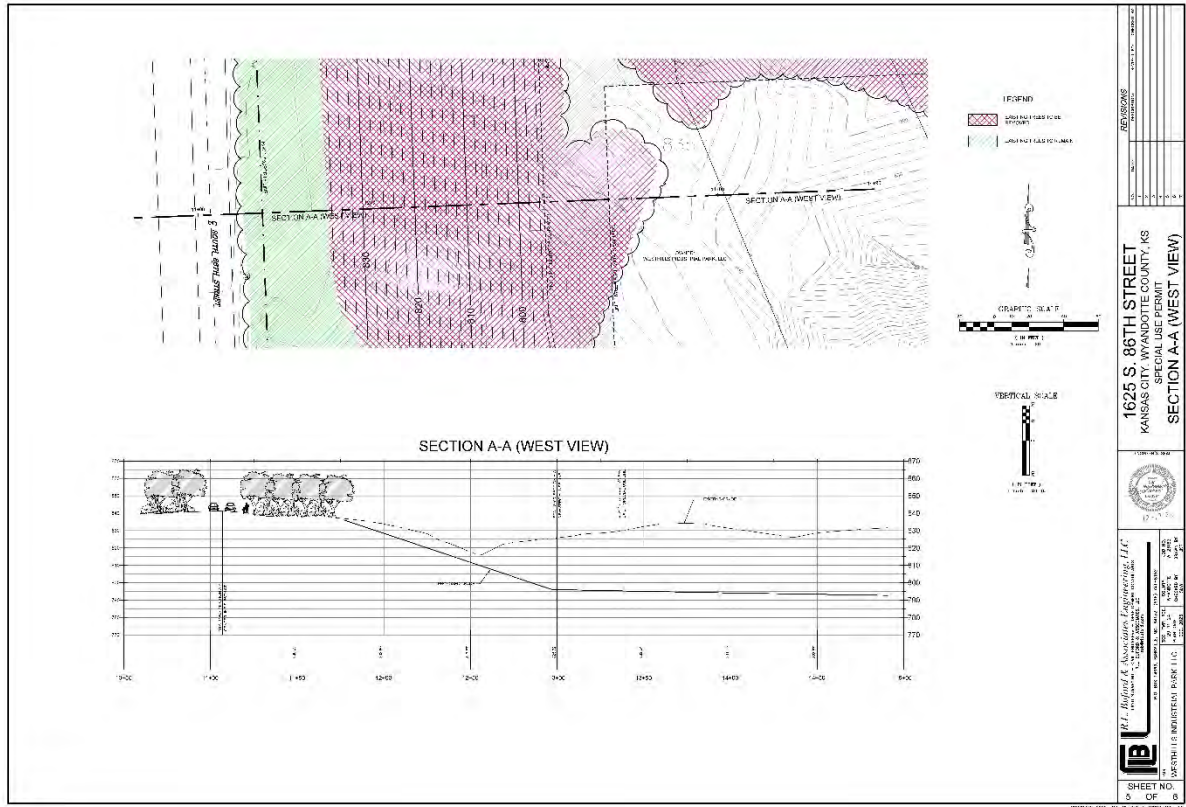
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GRADING PLAN

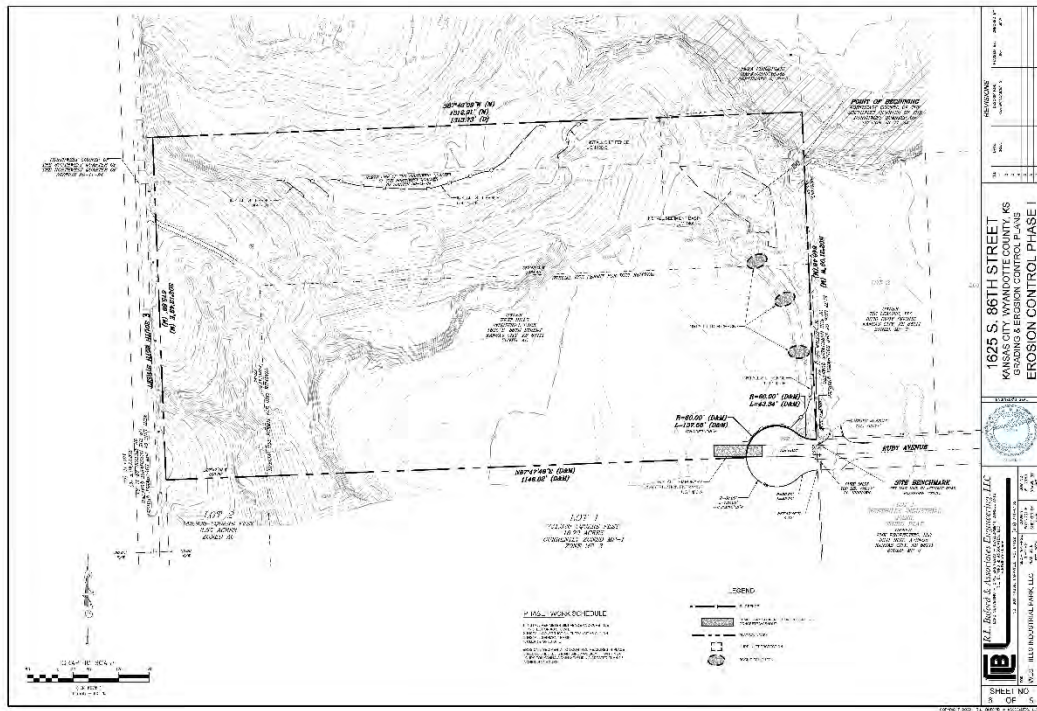


SECTIONS

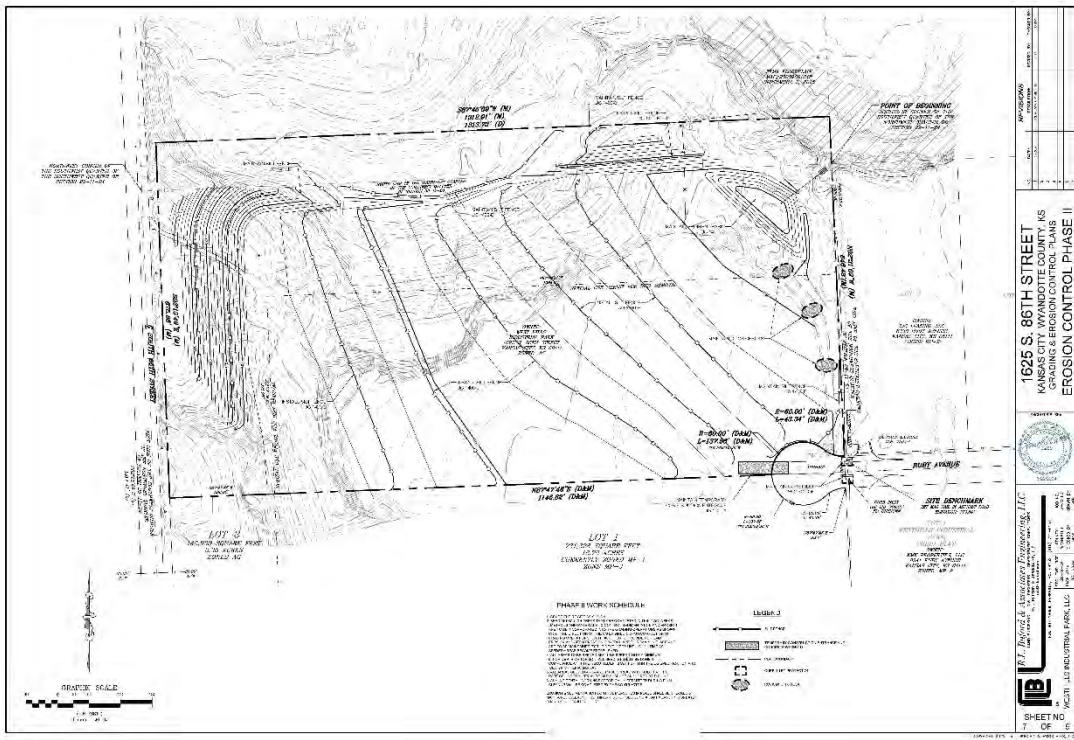


EROSION CONTROL PLANS

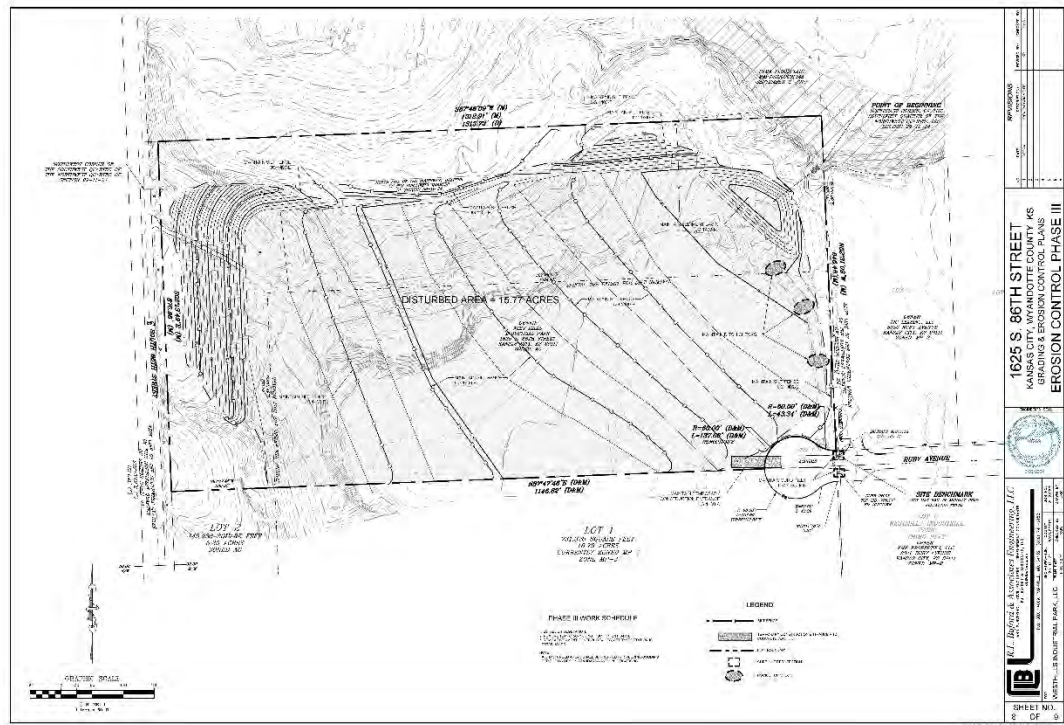
PHASE I



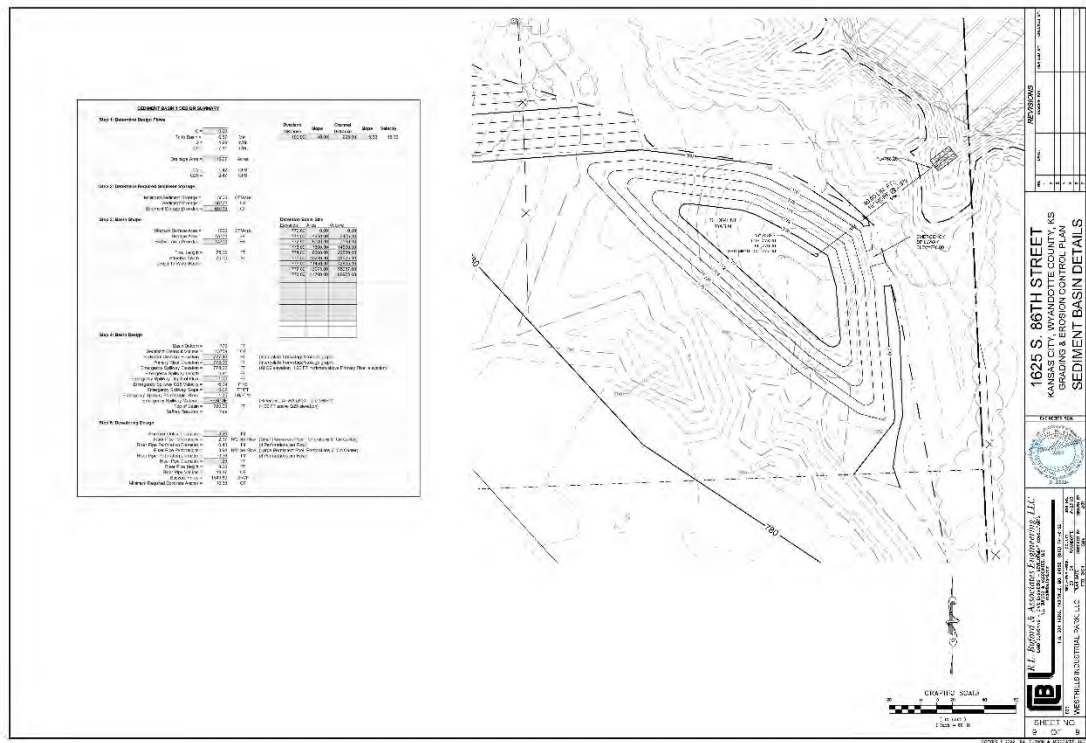
PHASE II



PHASE III



SEDIMENT BASIN DETAILS



MINUTES OF NEIGHBORHOOD MEETING

Special Use Petition #SP2023-117 and
Change of Zone Petition COZ2023-035
Meeting Held: January 29, 2024, by videoconference

Meeting called to order at 5:30 p.m.

Attendees:

- Steve Short, Applicant
- Ryan Denk, Counsel for Applicant

The meeting was properly noticed and scheduled for January 29, 2024 at 5:30 p.m. via Teams. No neighbors attended the meeting. As no one else appeared, the neighborhood meeting was adjourned at approximately 5:45 p.m.

Minutes prepared by:

/s/ Ryan B. Denk
Ryan B. Denk

9311529.DOC

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF KANSAS)
) SS:
COUNTY OF WYANDOTTE)

Comes now Steve Short, of lawful age, sound mind and upon his oath states as follows:

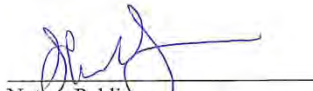
1. That I am the Petitioner for Special Use Petition #SP2023-117 and Change of Zone Petition COZ2023-035.
2. That I conducted a neighborhood meeting on January 29, 2024.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.


Affiant – Steve Short

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 19TH day of March, 2024.

My commission expires 04TH of APRIL, 2027.


Notary Public



93J1576.DOC















Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: May 30, 2024

Re: Special Use Petition SP2024-002

GENERAL INFORMATION

Applicant:
Andy Jarrett

Status of Applicant:
Owner/Operator
Blackline Auto
616 Taylor Drive
Liberty, Missouri 64068

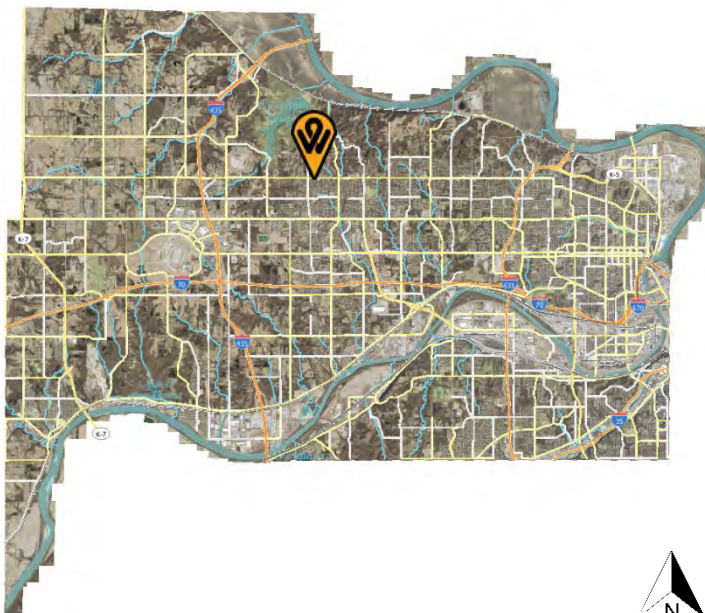
Requested Action:
Approval of a Special Use Permit

Date of Application:
January 25, 2024

Purpose:
To expand the use of the property to operate a used automobile dealership in addition to a light automobile repair shop.

Property Location:
8022 Leavenworth Road

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



Existing Zoning:	CP-2 Planned General Business District
Adjacent Zoning:	North: R-1 Single Family District South: CP-0 Planned Non-Retail Business and C-1 Limited Business Districts East: C-1 Limited Business District West: C-1 Limited Business and R-1 Single Family Districts
Adjacent Uses:	North: Single-family residence South: Commercial office space East: Commercial business West: Commercial business
Total Tract Size:	0.42 Acre
Comprehensive Plan Area:	PlanKCK Comprehensive Plan
Comprehensive Plan Designation:	The PlanKCK Comprehensive Plan designates the subject property as Community Commercial, which allows for medium-scale commercial development to provide goods and services to adjacent districts and neighborhoods. Uses may include medium-sized box stores with small-scale accessory commercial uses and small-scale commercial centers. These areas should be designed to support multi-modal connectivity with sidewalks and street trees.
Major Street Plan:	The goDotte Mobility Plan designates Leavenworth Road as a Minor Arterial.
Parking Requirement:	Section 27-466(e) states “uses in this district require paved off-street parking at a ratio of not less than four spaces per 1,000 square feet of floor area in the building”. The building is approximately 4,600 square feet, requiring 18 spaces. The applicant did not provide a site plan or floor plan so staff cannot determine provided parking.
Advertisement:	<u>The Wyandotte Echo</u> – February 15, 2024 Letters to Property Owners – February 16, 2024, February 26, 2024 and March 27, 2024
Public Hearings:	May 13, 2024 and May 30, 2024

Public Support: None to date.

Public Opposition: None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Andy Jarrett, is requesting a Special Use Permit to expand the automotive uses on the site at 8022 Leavenworth Road to include used automotive sales in addition to the legacy use of the site of light auto-repair.

City Ordinance Requirements: 27-592 through 27-606

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. There have been no noise or disturbance complaints on the subject property within the past five (5) years.

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 or cases on the subject property.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The subject property is located within the Nearman Hills Statistical Neighborhood, the Pomeroy Neighborhood Group and the Leavenworth Road Association (LRA) Group. The neighborhood consists primarily of single-family residences, with small-scale commercial businesses located along the Leavenworth Road mixed use corridor.

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

The zoning and uses nearby are set out above. The proposed use, while compatible with nearby commercial businesses, may not be compatible with residences directly adjacent to and nearby if not managed properly. The applicant must ensure proper buffering and screening on the property, as well as proper site management.

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 more suitable for a used automobile dealership than a repair shop, as the used auto sales are a less intense use, however, as both uses will coexist on the site, there may be additional impacts on nearby property.

During a site visit on February 9, 2024, staff noted that the site was being managed improperly, as there were cars parked on unimproved surfaces, cars without tags parked on the property, cars parked in a “double-stack” alignment, and other non-conforming conditions on the site. As it appears that site management already is an issue with the applicant, staff believes removal of restrictions will detrimentally impact nearby property. Subsequent site visits have shown little to no improvement, with the addition of an additional business, a U-Haul rental hub, being added to the property, creating additional site impacts.

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

The property has been vacant since the end of 2023, when the legacy light auto repair business ceased operation, however, during a site visit on February 9, 2024, it appears that the applicant has already begun operating the business on the site without proper approvals.

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 subject property is designated as Community Commercial, which allows for medium-scale commercial development to provide goods and services to adjacent districts and neighborhoods. Uses may include medium-sized box stores with small-scale accessory commercial uses and small-scale commercial centers. These areas should be designed to support multi-modal connectivity with sidewalks and street trees. The use of the property conforms to the Comprehensive Plan, however, to fully conform to the Plan, the applicant will need to install landscaping as well as a sidewalk and sidewalk connection to the main entrance of the site.

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 of traffic, especially as the applicant is proposing to expand the uses on the property. This expanded use, however, should not exceed the capacity of Leavenworth Road, a minor arterial.

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 convenience and welfare of the public. The proposed use and expansion of uses on the property is solely for the use of the applicant's private business. The proposed use and expansion of uses may impact the use, visual quality and marketability of nearby property, especially if proper buffering and screening is not provided.

During a site visit on February 9, 2024, staff noted that the site was being managed improperly, as there were cars parked on unimproved surfaces, cars without tags parked on the property, cars parked in a "double-stack" alignment, and other non-conforming conditions on the site. As it appears that site management already is an issue with the applicant, staff believes the proposed use will have a significant impact on impact on the visual quality and marketability of nearby property, both commercial and residential. Subsequent site visits have shown little to no improvement, with the addition of an additional business, a U-Haul rental hub, being added to the property, creating additional site impacts.

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, dust and illumination are common issues with the uses on the site. As long as the proposed and existing uses are managed properly, these issues should not be a concern.

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

The proposed use is not expected to pollute air, land or water, as long as it is managed properly, and any spilled fluids are properly cleaned and disposed of. Staff notes, however, that the applicant is parking vehicles on an unimproved surface, which in addition to being prohibited, also introduces the possibility of polluting the land, as there is the potential for oil or other fluids to leak into the ground water table.

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 an established, permitted commercial property.

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 is minimal. If denied, the applicant could still operate the shop for light-repair of automobiles, however, they would not be allowed to operate the business for used automobile sales and would have to find a different property for their Kansas Dealers License.

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

Overcrowding of land is a typical issue with automotive related uses, both used automobile dealerships and auto repair facilities.

During a site visit on February 9, 2024, staff noted that the site was being managed improperly, as there were cars parked on unimproved surfaces, cars without tags parked on the property, cars parked in a “double-stack” alignment, and other non-conforming conditions on the site. As it appears that site management already is an issue with the applicant, staff believe the proposed use will result in, and already is resulting in overcrowding on the property. Undue concentrations of population are not expected to be an issue. Subsequent site visits have shown little to no improvement, with the addition of an additional business, a U-Haul rental hub, being added to the property, creating additional site impacts.

PREVIOUS ACTIONS

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

NEIGHBORHOOD MEETING

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

KEY ISSUES

Building Elements
Driveway Repair
Expansion of Use
Landscaping
Location of License
Scope of Operation
Screening and Buffering
Site Improvements
Trash Enclosure
Unpermitted Storage and Operation
Updated Plan Sets

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **DENIAL** of Special Use Permit Application **SP2024-002**, for the following reasons:

1. The proposed use, which has already begun operating, does not meet Factor #2. While the use as an auto repair shop with sales is not necessarily in conflict with nearby zoning and uses, the manner in which it is currently being conducted creates significant conflicts with nearby residential and lighter commercial uses, with visual impacts and impacts on marketability of nearby property;
2. The proposed use, which has already begun operating, does not meet Factor #3. Site management is already an issue with the applicant, Staff believes removal of restrictions will detrimentally impact nearby property, with impacts on the visual quality for nearby businesses as well as the potential for issues, specifically overcrowding of vehicles and equipment (trailers) on site;
3. The proposed use, which has already begun operating, does not meet Factor #7. The site as it is currently managed creates several impacts on the visual quality and marketability of nearby property, as the overcrowded condition of the property creates an overloaded parking lot and a detracting aesthetic along a Minor Arterial; and,
4. The proposed use, which has already begun operating, does not meet Factor #12. The site is operating in an overcrowded manner, with cars parked in a double-stack alignment and vehicles parked on unimproved surfaces. The property also contains many different uses, including a U-Haul rental hub, further exacerbating this overcrowded condition.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **DENIAL** of Petition **SP2024-002** subject to all comments and suggestions outlined in this staff report and the reasons of the City Planning Commission.

If the Board of Commissioners chooses to **approve** SP2024-002, it shall be done so under the following conditions:

1. Publication and approvals of business licensure will be held until the applicant provides the required site plan, floor plan, and landscaping plan, demonstrating the required improvements listed below. Failure to provide this within 30 days will result in this Special Use Permit not being published, nullifying its approval;

2. The parking lot shall be repaired and/or replaced entirely;
3. Curbing shall be added along the edges of the parking lot to prevent vehicles from encroaching onto the public-right-of-way;
4. All gravel shall be removed from the property and either paved over with an impervious surface or removed and replaced with grass;
5. The U-Haul Rental business shall be shut down and removed from the property. The property does not have enough space for maneuvering and outside storage of vehicles and trailers for this use, and the trucks found on the property currently are impeding the view of traffic coming off of North 80th Terrace;
6. The applicant shall install a sidewalk on the Leavenworth Road frontage. This needs to be demonstrated on the aforementioned site plan. Additionally, a paved pathway and pedestrian crosswalk markings shall be added;
7. The applicant shall construct a six (6) foot tall opaque fence on the northern and western property lines to screen the proposed use from nearby residential properties. This needs to be demonstrated on the aforementioned site plan;
8. The applicant shall install street trees as well as shrubs, bushes, and hedges along the Leavenworth Road and North 80th Terrace frontages. In between those trees, there shall be bushes and shrubs, except for within the site distance triangle. This shall be demonstrated on the aforementioned landscape plan;
9. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
10. If approved, the applicant must file and maintain a current business occupation tax application with the Business License Division located at 4953 State Avenue, Kansas City, KS 66102. Their contact information is (913) 573-8780 or businesslicense@wycokck.org;
11. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
12. 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 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. 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;
15. 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;
16. All existing and future driveways must feature curb cuts that are constructed to UG standards;
17. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable.
18. A Right-of-Way Permit is required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
19. Section 27-699(b)(5) states that all outside bins or trash container areas must be completely enclosed by an architectural screen to a height not less than the height of the bin or container. No trash enclosures may be located in required yards adjacent to street right-of-way. In commercially and industrially zoned areas where the trash container will not be visible from off the property due to other screening or topographic conditions and will not be visible from public parking or pedestrian areas on the site, such trash bin screening need not be provided. In industrially zoned areas where the trash container will not be visible from residential property and where such containers are kept directly alongside the building and in a well-kept manner, such screening need not be provided;
20. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;

- 21. 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;**
- 22. 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;**
- 23. The Special Use Permit shall be valid for six (6) months from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;**
- 24. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,**
- 25. 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

May 13, 2024, City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Site Plan
Landscape Plan
Floor Plan
Business Plan
Neighborhood Meeting Materials
Site Photos, Taken by Staff, Dated February 9, 2024

REVIEW OF INFORMATION AND SCHEDULE

Action	City Planning Commission	Unified Government Board of Commissioners
Public Hearing	May 13, 2024	May 30, 2024
Special Use	Denial	

STAFF CONTACT:

James Molloy
jmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioner **DENY** Petition **SP2024-002**, 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.

OR

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2024-002** 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. _____.

May 13, 2024, City Planning Commission Minutes:

Hearing starts at 2:41:37:

SPECIAL USE PERMIT APPLICATION SP2024-002 – ANDY JARRETT WITH BLACKLINE AUTO - SYNOPSIS: Special Use Permit to operate a used automotive dealership at 8022 Leavenworth Road. Detailed Outline of Requested Action: The applicant, Andy Jarrett, is requesting a Special Use Permit to expand the automotive uses on the site at 8022 Leavenworth Road to include used automotive sales in addition to the legacy use of the site of light auto-repair.

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 May 13, 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:

- Andy Jarrett, applicant, 616 Taylor Drive, Liberty, Missouri

Present in Opposition:

- No one appeared

Staff Recommendation starts at 2:44:30: Planner Molloy stated that the request is for a Special Use Permit for an auto wholesaler. The property is in the Leavenworth Road area in the west midtown area. The property is zoned CP-2 Planned General Business District. Staff has received no letters in support nor opposition. There are no Notices of Violation on the property. Staff is recommending denial of this Special Use Permit for several reasons. This property is overcrowded as there are three (3) uses Staff sees operating on the property. Site management has been an issue between this business and the auto repair business, which does not have a license. There are currently double-parked cars and inoperable vehicles sitting out in the open. Cars are parked on unimproved surfaces and there is also a U-Haul rental operates at this site. If the Commission wants to go a different direction than denial, Staff recommends holding over this application as Staff did not receive the site plan or floor plan until late last night.

Applicant responded to the comments of the Staff.

The Planning Commission directed questions to the Staff.

Motion starts at 2:54:30:

On motion by Mr. Beth, seconded by Mr. Ernst, the Planning Commission voted as follows to recommend **DENIAL of Special Use Permit Application SP2024-002:**

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

Motion to recommend DENIAL Passed: 6 to 0

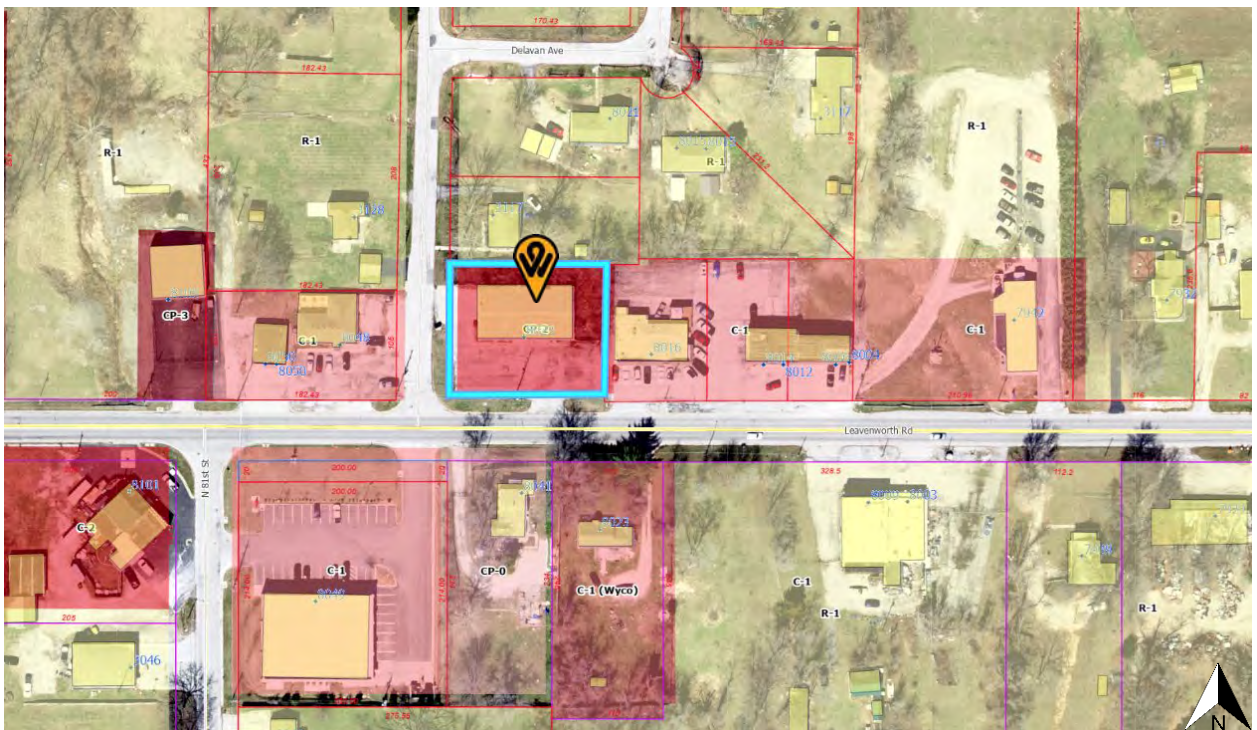
For the following reasons:

1. The proposed use, which has already begun operating, does not meet Factor #2. While the use as an auto repair shop with sales is not necessarily in conflict with nearby zoning and uses, the manner in which it is currently being conducted creates significant conflicts with nearby residential and lighter commercial uses, with visual impacts and impacts on marketability of nearby property;
2. The proposed use, which has already begun operating, does not meet Factor #3. Site management is already an issue with the applicant, Staff believes removal of restrictions will detrimentally impact nearby property, with impacts on the visual quality for nearby businesses as well as the potential for issues, specifically overcrowding of vehicles and equipment (trailers) on site;
3. The proposed use, which has already begun operating, does not meet Factor #7. The site as it is currently managed creates several impacts on the visual quality and marketability of nearby property, as the overcrowded condition of the property creates an overloaded parking lot and a detracting aesthetic along a Minor Arterial; and,
4. The proposed use, which has already begun operating, does not meet Factor #12. The site is operating in an overcrowded manner, with cars parked in a double-stack alignment and vehicles parked on unimproved surfaces. The property also contains many different uses, including a U-Haul rental hub, further exacerbating this overcrowded condition.

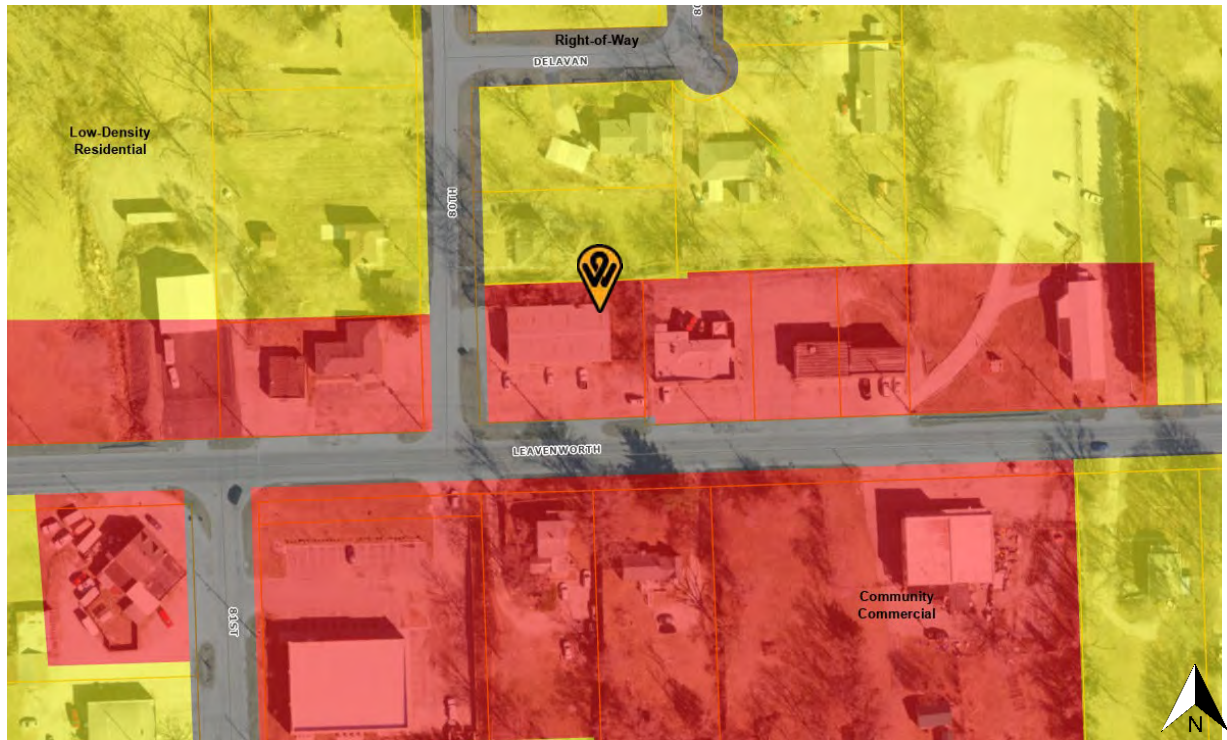
AERIAL IMAGERY



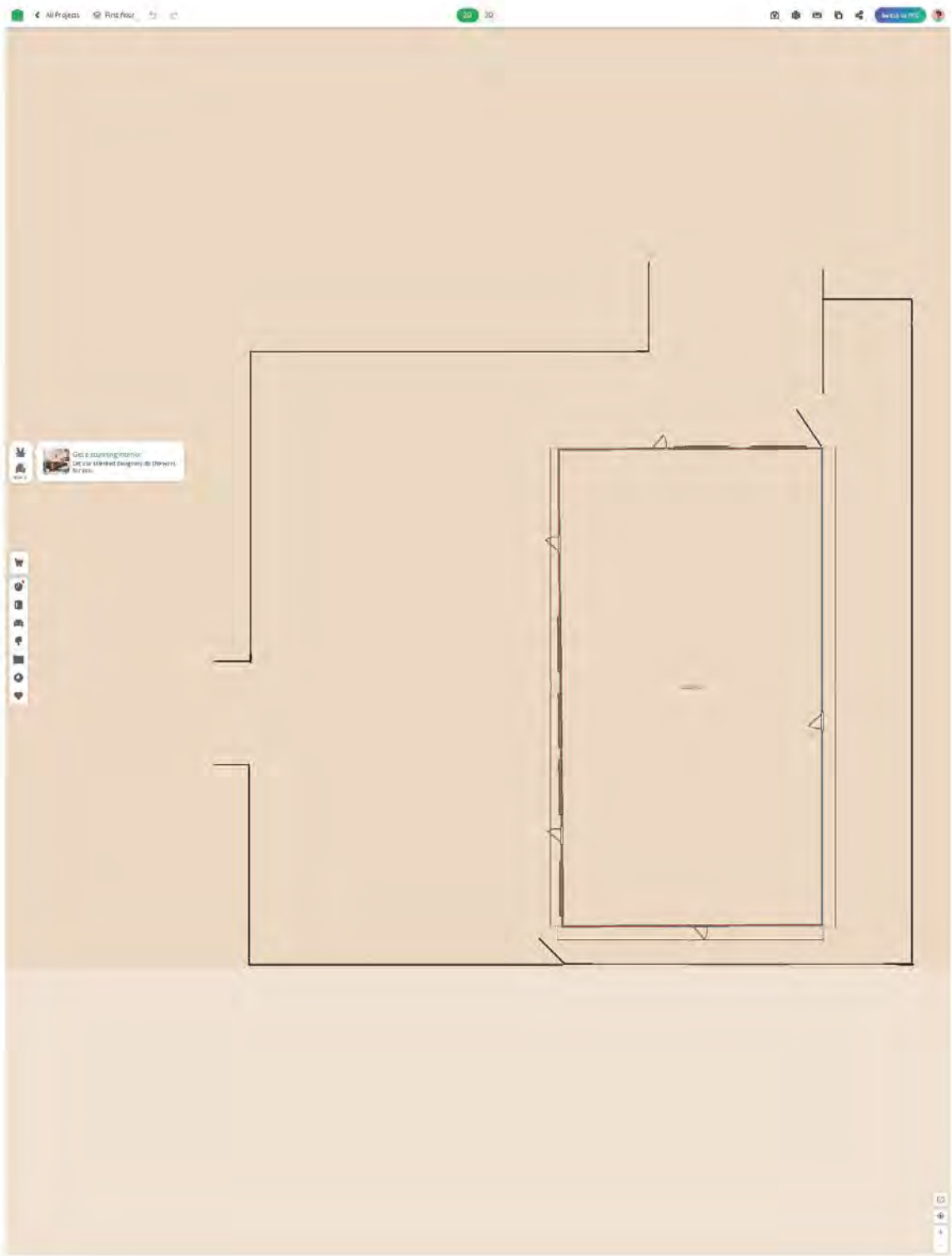
ZONING MAP



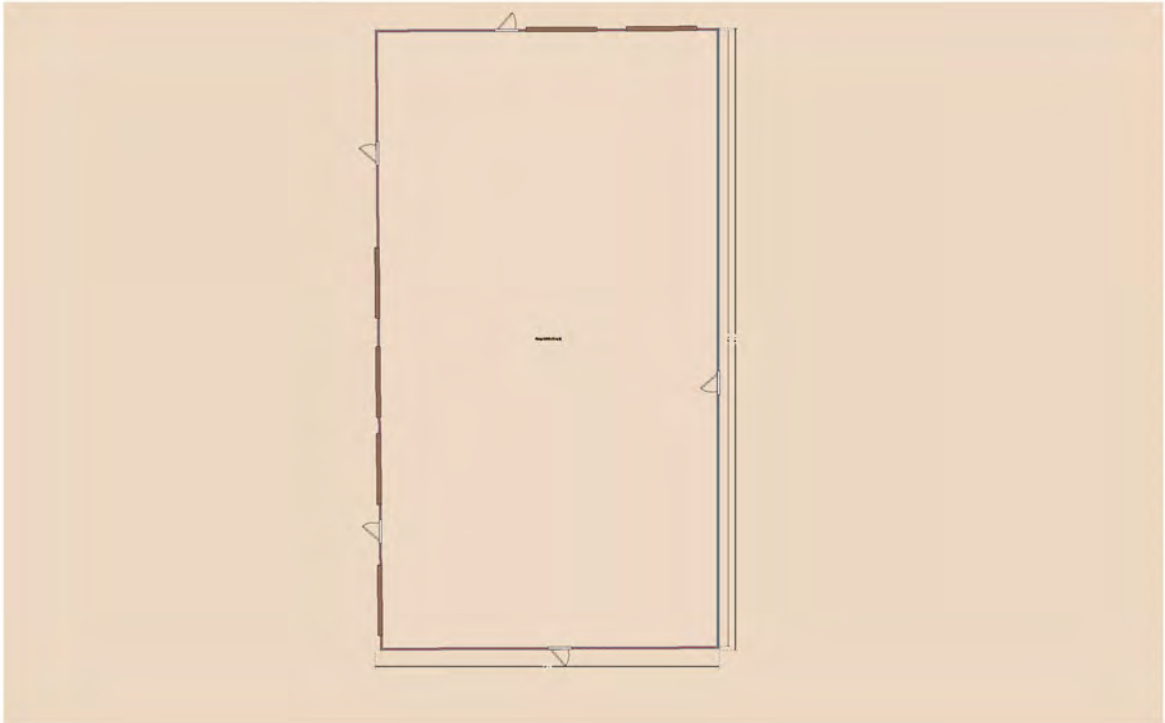
LAND USE MAP



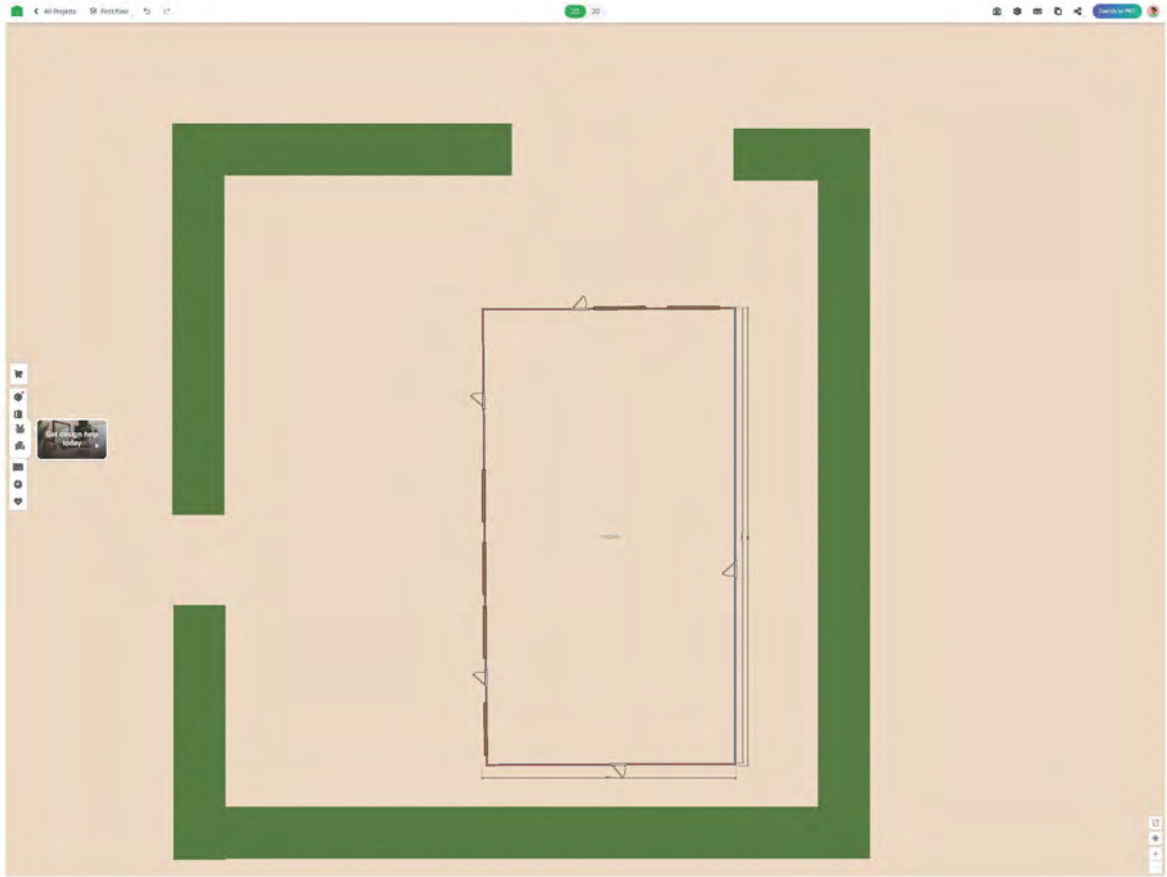
SITE PLAN



FLOOR PLAN



LANDSCAPE PLAN



JRHP Auto Sales, LLC

Db a Blackline Auto

Business Plan

January, 2024

Executive Summary:

Blackline Auto is an automotive wholesale company that will offer affordable used vehicles for retail dealers to purchase in the Kansas City and surrounding areas. The company will be owned and operated by Andy Jarrett, who has 19 years of experience in the automotive industry and Henry Paciorko who has 23 years of industry experience. The wholesale company will be located in a safe and affordable location which maximizes cost efficiency and allows easy transport for vehicles in and out of inventory. It has the singular focus of purchasing quality used vehicles, reconditioning them to a high standard, and selling them to retail dealers.

Company Description:

Blackline Auto will be registered as an LLC and will only employ Andy Jarrett Henry Paciorko at the start. They will acquire quality used vehicles through dealer auctions as well as through his various business contacts at other auto dealerships. Vehicles will be completely reconditioned on site including: major mechanical (engine, transmission, rear axle replacement), brakes, tires, suspension, interior and exterior cosmetic repairs as well as complete auto detailing. Sales will be made with retail dealers through phone and email communication and transport to purchasing dealers will be arranged after sale prices are agreed.

Market Analysis:

The highly competitive used automotive market is expected to remain at its current elevated state and stable over the next 5 years with prices projected to slowly drop and sales to increase slightly. New vehicle inventory is still uncertain which has a predictive effect on used vehicle inventory.

Marketing Strategy:

Blackline Auto's sales will be driven by contacts made in the owners' two decades of experience. They have dealers prepared to purchase their completed inventory as soon as it's available, based on previous experience and good standing relationships. As needs arise, the owners are willing and able to acquire new dealers through regular networking platforms. The company's book of business is expected to grow as new dealers are signed up and taken care of with high quality vehicles and exceptional customer service and communication.

Operations:

Blackline Auto will operate out of an auto repair shop which has ample outdoor parking space for incoming and outgoing vehicle inventory. At the beginning, the owners will be the only employees. They will purchase inventory through auctions and contacts they've made through many years of buying cars. They will also complete all title work and monthly sales reports to be turned in to the state. They will have all services to vehicles completed by contracted workers and/or companies including transport, mechanical and cosmetic repairs and vehicle detailing. As the business grows, the owners will begin bringing on employees on a full and part time basis.

Financial Plan:

Blackline Auto will generate revenue through the sale of used vehicles to retail dealers. The company will have operating expenses, including location rent, purchase of vehicle inventory, parts & supplies, contractor payments for services, dealer bond, insurance and transportation. The company has buyers already lined up and expects to sell a minimum of 15 vehicles each month of its first year in operation. Average purchase price for vehicle inventory will be \$7500, reconditioning costs including parts will be \$1000 and operating expenses will be \$100/car (\$18,000 annual). Average sale price for vehicles will be \$9600, which will net the company \$1000 profit per vehicle sold, \$15000 per month and \$180,000 profit for the first year of business. The company expects to generate \$1,710,000 in revenue in the first year, with a projected growth rate of 100% for each of the following two years. The company will focus on its various purchasing avenues and techniques to continually increase profitability as growth is achieved.

Conclusion:

Blackline Auto is well positioned to hit the ground running immediately upon startup due to its owners' industry experience, prior recruitment of all key service providers, and securement of dealers to purchase inventory upon completion of reconditioning. The wholesaler is confident they'll be successful in the competitive used automotive industry and look forward to challenges met on every step of the journey.

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas }
COUNTY OF Wyandotte } SS:

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

1. That I am the petitioner for Petition # SP2024-002
2. That I conducted a neighborhood meeting on 2/26/2024.
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 26 day of 02, 2024

My commission expires 25 of July, 2026

TASHA ORTIZ CASTRO
Notary Public - Notary Seal
STATE OF MISSOURI
Clay County
My Commission Expires: July 25, 2026
Commission # 22323677


Notary Public

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





SITE PHOTOS, TAKEN BY STAFF, DATED FEBRUARY 27, 2024



SITE PHOTOS, TAKEN BY STAFF, DATED APRIL 24, 2024





Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: May 30, 2024

Re: Special Use Petition SP2024-015

GENERAL INFORMATION

Applicant:
Geoffrey Kigenyi

Status of Applicant:
Property Owner
4410 Rainbow Boulevard
Kansas City, KS 66103

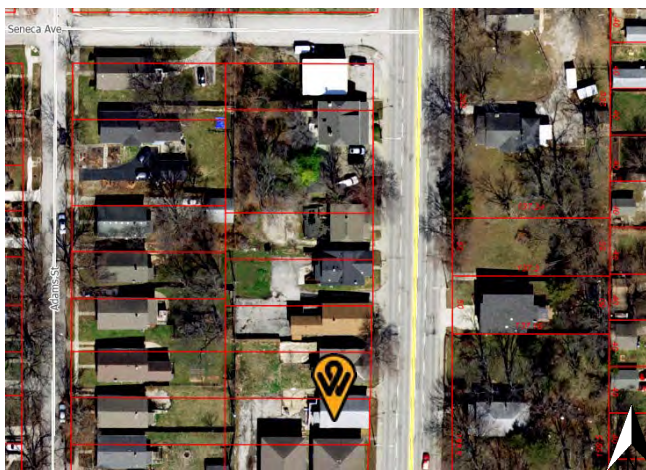
Requested Action:
Renewal of a Short-Term Rental
Special Use Permit.

Date of Application:
March 29, 2024

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

Property Location:
4410 Rainbow Boulevard
Kansas City, Kansas, 66103

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



Existing Zoning:	R-1(B) Single Family District
Adjacent Zoning:	North: R-1(B) Single Family District South: R-1(B) Single Family District East: R-1(B) Single Family District West: R-1(B) Single Family District
Adjacent Uses:	North: Single-family residence South: Single-family residence East: Single-family residence West: Single-family residence
Total Tract Size:	0.117 Acre
Comprehensive Plan Area:	Rosedale Area Plan
Comprehensive Plan Designation:	The Rosedale Area Plan designates this property as General Urban. General Urban use allows for predominantly residential uses such as rowhouses, townhomes, and single-family houses. Three story apartment buildings, retail, and office uses are allowed only on neighborhood and mixed-use corridors.
Major Street Plan:	The goDotte Countywide Strategic Mobility Plan designates Rainbow Boulevard as a Major Arterial Throughfare.
Parking Requirement:	Section 27-455(d) states “Two (2) off-street parking spaces shall be provided on the premises for each single-family dwelling”. The property provides three (3) parking spaces.
Advertisement:	<u>The Wyandotte Echo</u> – April 18, 2024 Letters to Property Owners – April 19, 2024
Public Hearings:	May 13, 2024 and May 25, 2024
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Geoffrey Kigenyi, is requesting a renewal of a Special Use Permit to operate a short-term rental at 4410 Rainbow Boulevard. This is not the owner’s primary residence. This is not the only permitted

short-term rental on the 4300 block of Rainbow Boulevard. There is another permitted short-term rental located at 4403 Rainbow Boulevard.

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

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

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

Building, Zoning, or Code Enforcement Complaints:

1. The subject property has received a few violations for abatement, but they are 10 years or older. The current property owner has received no complaints.

Outstanding or Related Permits and Cases:

1. SP2022-064 – Special Use Permit for operation of a Short-term Rental.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The subject property is located in the Rosedale Statistical neighborhood and within the Frank Rushton neighborhood group. The neighborhood includes a mix of uses and urban in character. This block of Rainbow Boulevard is comprised of all residential houses. The property is located just South of an urban mixed-use district and along a mixed-use corridor.

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

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

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

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

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

The property has operated as a short-term rental since 2022.

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

Special Use Permits are not addressed in the Rosedale Area Plan. The Rosedale Area Plan designates the subject property as General Urban, which allows for residential uses such as rowhouses, townhomes, and single-family houses. The use as a short-term rental conforms to the Area Plan with the continuation of 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 Rainbow Boulevard, a major arterial thoroughfare, to accommodate it if managed properly while it functions as a short-term rental. Guests of short-term rentals tend to travel more throughout the area, as they are typically visitors or tourists.

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

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

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

Noise, 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 typically an issue related to the use of a residential property as a short-term rental in an urbanized area and ostensibly not considered to be a problem for nearby property.

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

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

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

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

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

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

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

The proposed use will not create issues of overcrowding as it operates within an existing structure on the site. The maximum number of guests at one time is seven (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.

PREVIOUS ACTIONS

Approval of a Special Use Permit (SP2022-064) to operate a short-term rental for one (1) year.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting via Zoom on April 29, 2024. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Home Inspection Report
Illumination
Noise
Overcrowding
Parking
Vibration

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 5 to 0 to recommend **APPROVAL** of Special Use Permit Application SP2024-015, 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 STR renters or guests may park on-street;
3. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
4. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;
5. Applicant is to maintain liability insurance;
6. The property must remain in proper maintenance and free of hazards, pests, or infestations;
7. The granting of this Special Use Permit does not transfer with a change of ownership of the property;
8. Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and www.hostcompliance.com/tips (website);
9. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
10. If approved, occupying businesses must file and maintain a current business occupation tax application with this office;
11. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
12. All existing and future driveways must feature curb cuts that are constructed to UG standards;
13. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
14. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively

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

15. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
16. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
17. The Special Use Permit shall be valid for 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.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **SP2024-015** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

May 13, 2024, City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Host Compliance Map– Dated April 10, 2024
Neighborhood Meeting Materials
Site Visit Photos, Taken by Staff– Dated April 11, 2024

REVIEW OF INFORMATION AND SCHEDULE

Action	City Planning Commission	Unified Government Board of Commissioners
Public Hearing	May 13, 2024	May 30, 2024
Special Use	Approval	

STAFF CONTACT:

Kiley Meierarend
kmeierarend@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2024-015** 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 **SP2024-015**, 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.

May 13, 2024 City Planning Commission Minutes:

SPECIAL USE PERMIT APPLICATION SP2024-015 – GEOGREY KIGENYI –

SYNOPSIS: Renewal of a Special Use Permit (SP2022-064, expired 4/6/2024) for a Short-Term Rental at 4410 Rainbow Boulevard. *Detailed Outline of Requested Action:* The applicant, Geoffrey Kigenyi, is requesting a renewal of a Special Use Permit to operate a short-term rental at 4410 Rainbow Boulevard. This is not the owner's primary residence. This is not the only permitted short-term rental on the 4300 block of Rainbow Boulevard. There is another permitted short-term rental located at 4403 Rainbow Boulevard.

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? Planning Director Hand stated Staff would request that PR2024-009 be removed from the Consent Agenda.

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 May 13, 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 Planning Director Hand stated Staff would request that PR2024-009 be removed to make a change to the conditions.

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

Carson	Chairman
Ward	Aye
Armstrong	Not Present
Beth	Aye
Easterwood	Aye

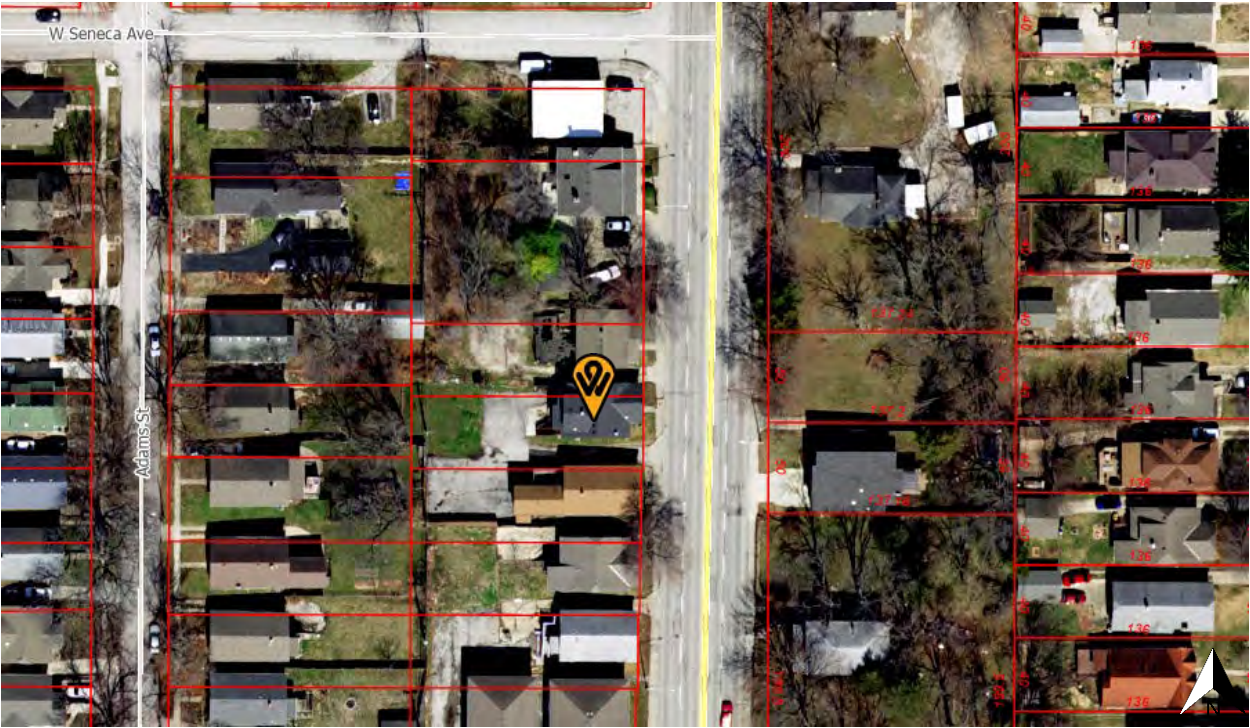
Ernst Aye
Jones Aye
Miller Not Present
Mohler Not Present
Schwartz Not Present
Straws Not Present
Motion to APPROVE Passed: 5 to 0
Subject to:

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

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

ATTACHMENTS

AERIAL IMAGERY



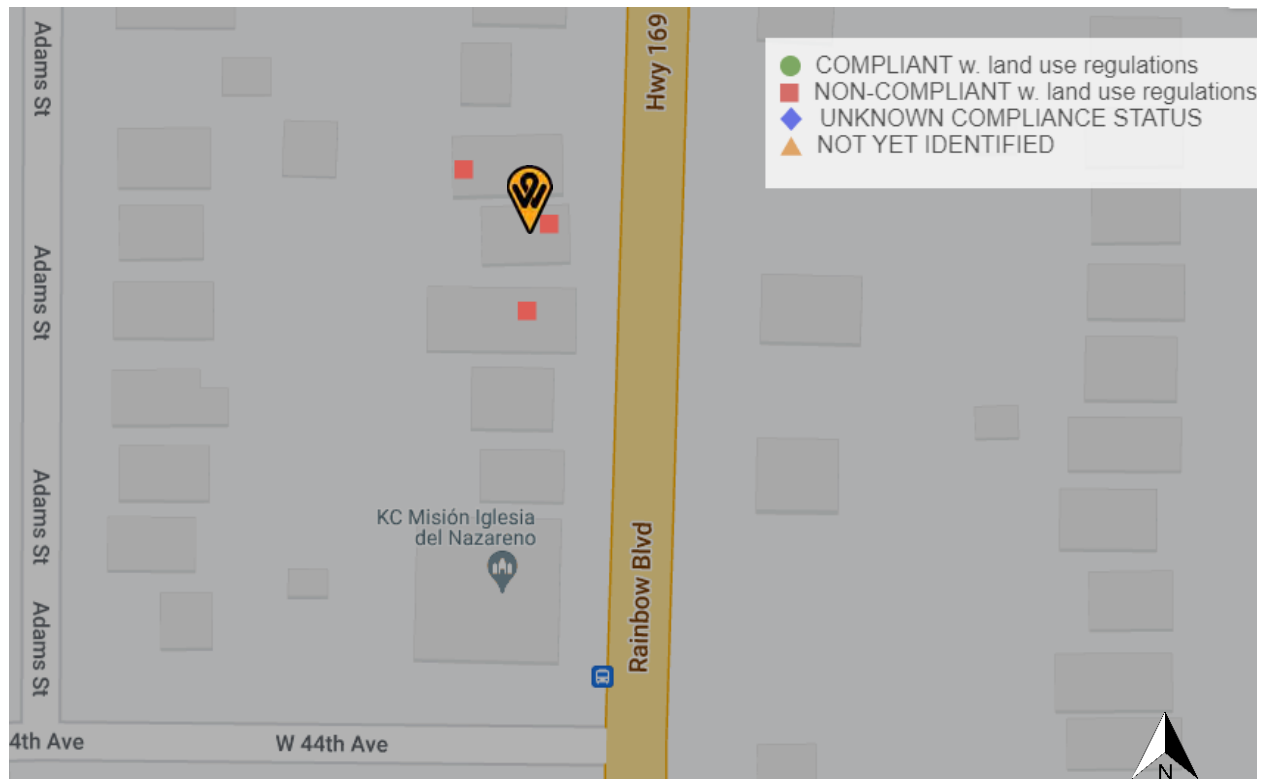
ZONING MAP



LAND USE MAP



HOST COMPLIANCE MAP – APRIL 10, 2024



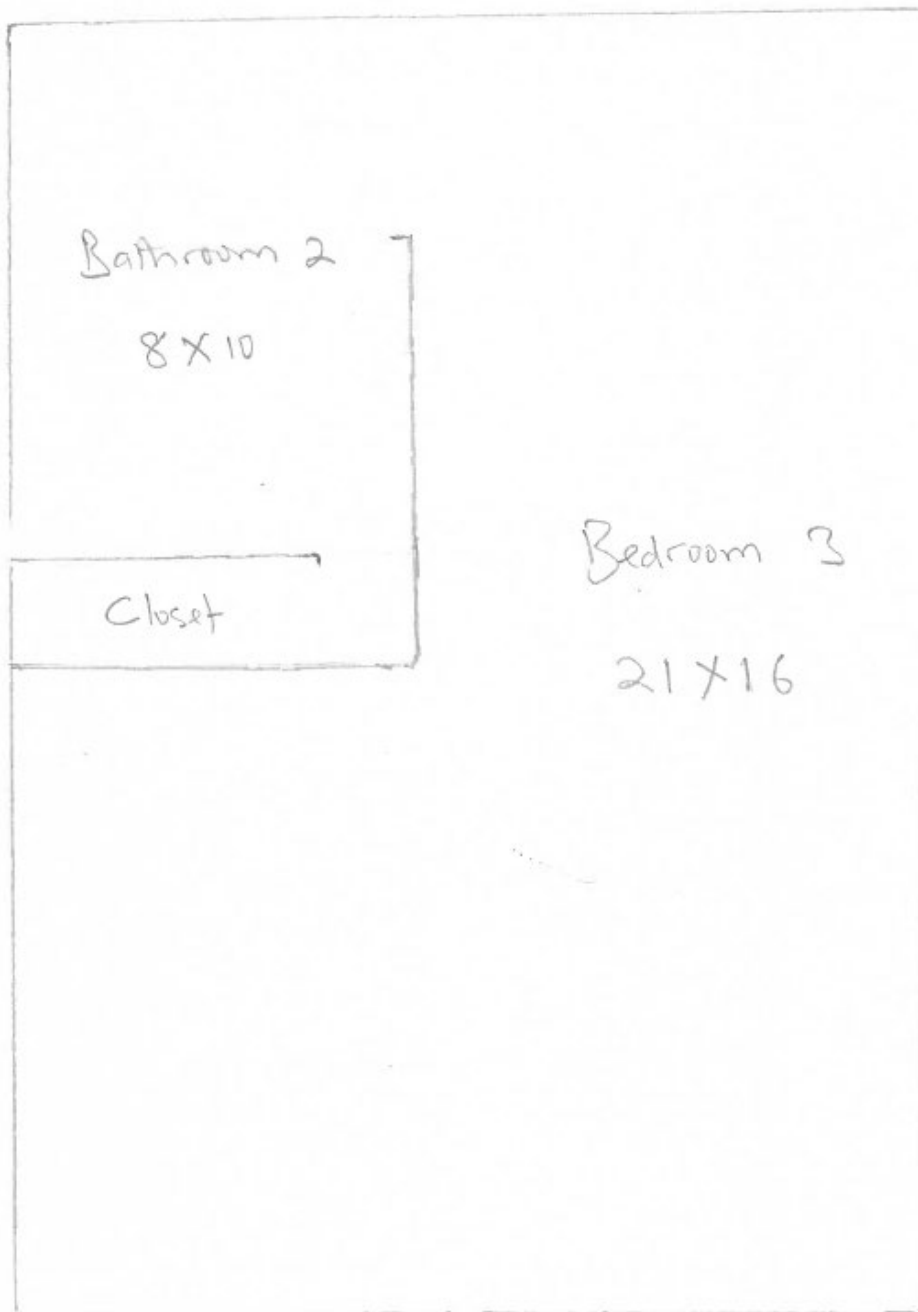
FLOOR PLAN

4410 Rainbow Blvd
First Floor



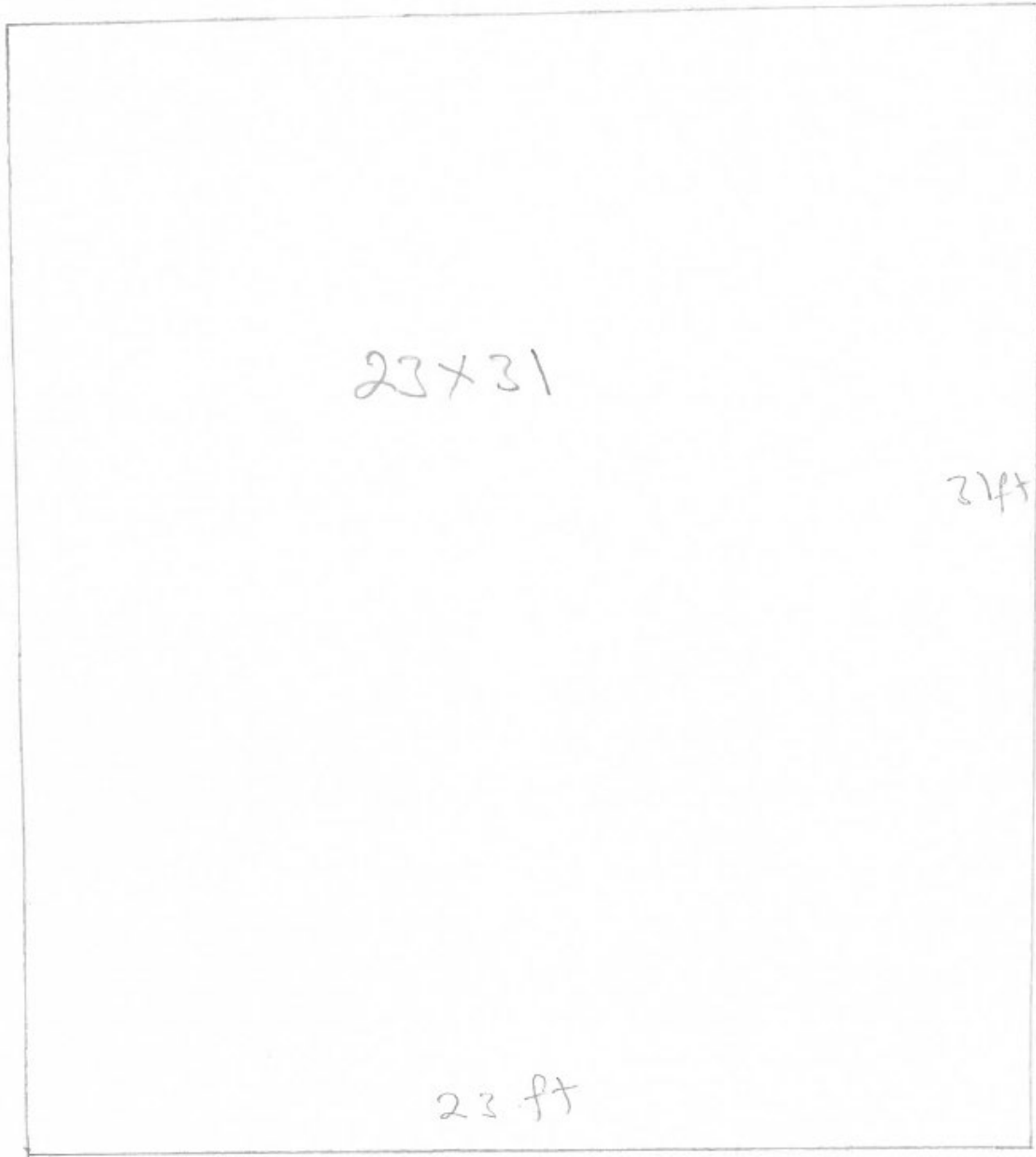
FLOOR PLAN

4410 Rainbow Blvd
Second Floor



FLOOR PLAN

4410 Rainbow Blvd
Basement
unfinished.



MINUTES: 4410 Rainbow Blvd Neighborhood meeting

Application Number **SP2024-015**

Date and Location: **4/29/2024 Virtual Meeting on Zoom**

Meeting called to order at: **6:45pm**

Names of people in attendance:

- Geoffrey Kigenyi
- Justine Kigenyi

Introductions:

We waited on the virtual meeting for 45 minutes but no one else except us showed up for the meeting.

Questions and answers:

- Who asked question or gave comment - **NONE**
- What was the question or comment - **NONE**
- Who answered the question/comment - **NONE**
- What was the answer given - **NONE**

Meeting adjourned at: **7:30pm**

Minutes taken by: **Justine Kigenyi**

SIGN IN SHEET

1. Geofrey Kigenyi
2. Justine Kigenyi
3. _____
4. _____
5. _____
6. _____

NEIGHBORHOOD MEETING MATERIALS

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
) SS:
COUNTY OF Wyandotte)

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

1. That I am the petitioner for Petition # SP2024-015
2. That I conducted a neighborhood meeting on 4/29/2024.
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.

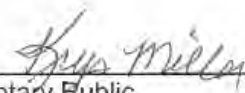


Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 29th day of April, 2024

My commission expires 11th of August, 2025.





Notary Public







Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: May 30, 2024

Re: **Change of Zone Petition COZ2024-010, SP2024-016 and Master Plan Amendment MPL2024-005**

GENERAL INFORMATION

Applicant:

Alicia Vann

Status of Applicant:

Altar Support, Inc.
9151 Parallel Parkway
Kansas City, KS 66112

Requested Actions:

Master Plan Amendment from Planned Mixed Residential District to Planned Commercial (Prairie Delaware Piper Area Plan).

Change of Zone from R-1 Single Family District to CP-1 Planned Limited Business District (Planning Staff recommends CP-0 Planned Nonretail Business District).

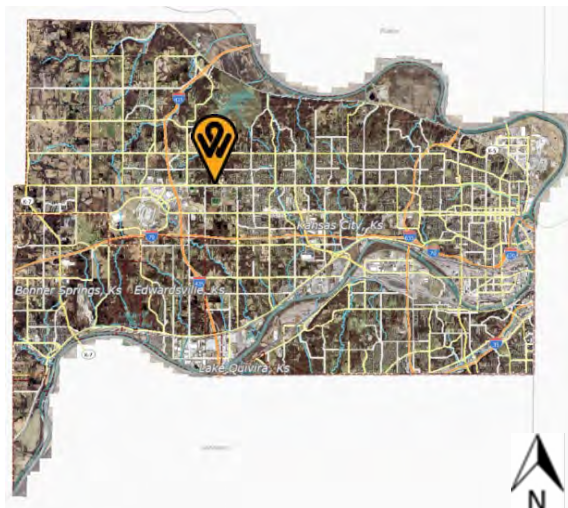
Special Use Permit for the continuation of a child daycare (#SP-2019-119).

Date of Application:

April 1, 2024

Purpose:

To convert a portion of the building into offices and retail uses.



Property Location:	9151 Parallel Parkway, Kansas City, KS 66112		
Commission Districts:	Commissioner At-Large, District #1: Melissa Bynum District #5 Commissioner: Mike Kane		
Existing Zoning:	R-1 Single Family District		
Adjacent Zoning:	North:	A-G Agriculture District	
	South:	R-1 Single Family District	
	East:	A-G Agriculture District	
	West:	CP-0 Planned Nonretail Business District	
Adjacent Uses:	North:	Single-family residence	
	South:	Single-family subdivision	
	East:	Wooded land	
	West:	Medical office building	
Total Tract Size:	1.40 Acres		
Area Plan Area:	Prairie Delaware Piper Area Plan		
Area Plan Designation:	The Prairie Delaware Piper Area Plan designates this property as Planned Mixed Residential District, which allows patio (zero lot line) homes, townhouses, condominiums, garden apartments, housing for seniors, and other multifamily uses. A Master Plan Amendment is being sought to Commercial, specifically, Small Commercial, which allows commercial retail and limited commercial services at major arterials near low-density residential areas of the community. These locations are not intended to provide a complete range of goods and services.		
Major Street Plan:	The goDotte Countywide Strategic Mobility Plan classifies Parallel Parkway as a Major Arterial.		
Required Parking:	Sec. 27-464(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. 41 parking spaces are required. Appellant is providing 22 parking spaces via BOZA 2387.		
Advertisement:	<u>The Wyandotte Echo</u> – Change of Zone – April 18, 2024; Master Plan Amendment – April 18, 2024; Special Use Permit – April 18, 2024 Letters to Property Owners – Change of Zone – April 19, 2024; Master Plan Amendment – April 19, 2024; Special Use Permit – April 19, 2024		

Public Hearings: May 13, 2024 and May 30, 2024

Public Support: None to date.

Public Opposition: None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Alicia Vann with Altar Support, Inc., filed a Change of Zone from R-1 Single Family District to CP-1 Planned Limited Business District, and a Master Plan Amendment from Planned Mixed Residential District to Commercial to convert space within the commercial building for offices and retail uses and a Special Use Permit to continue to operate a child daycare on 1.40 acres at 9151 Parallel Parkway.

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

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. None

Building, Zoning, or Code Enforcement Complaints:

1. 2022 – citations for building materials, debris and trash on the property.
2. 2022 – citation for grass and weeds.

Outstanding or Related Permits and Cases:

1. BOZA 2387 – Variance for a reduction in parking requirements. 41 parking spaces were required for a 10,012 square foot building. 22 parking spaces were approved on September 14, 2020.
2. PR-2020-12 – Final Development Plan for a daycare facility approved on September 14, 2020.
3. SP-2019-119 – Special Use Permit to operate a daycare (expired on January 30, 2023).
4. COZ 2980 – Rezoning from A-G Agriculture District to R-4 Garden Apartment District for 16-unit (withdrawn in 2006).

FACTORS TO BE CONSIDERED

1. Neighborhood character

This property is within the I-435 Statistical Area. The area along Parallel Parkway is a mixed-use corridor. Immediate uses include large lot, agricultural single-family homes, a single-family subdivision, and offices. The property is along a KCATA transit route, Route #116. The nearest stop is approximately 2,150 feet from the daycare facility at North 88th Street and 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 will provide a service to families, professionals and entrepreneurs who need to rent or lease office space and/or retail in the building.

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 as this commercial building is finishing up the Final Certificate of Occupancy process. Rezoning the property allows offices, professional or otherwise, is not dissimilar from allowing the continued presence and operation of a daycare on the premises.

A Change of Occupancy may be required, which requires a building permit from the Building Inspection Division.

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

The property is not vacant. A Temporary Certificate of Occupancy for the building was issued in March 2024.

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 professional offices immediately west of the property and to the east on the east side of Providence Medical Center. That said, if designed, constructed and managed properly, it could benefit the community without negative impacts to adjacent property owners.

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.

As part of the original Final Development Plan, the applicant has worked with Planning and Planning Engineering to develop a site layout that would not have adverse effects on road capacity, safety, or parking availability. A sidewalk was constructed along the private street and Parallel Parkway.

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 Residential District, which allows patio (zero lot line) homes, townhouses, condominiums, garden apartments, housing for seniors, and other multifamily uses.

A Master Plan Amendment is being sought to Commercial, specifically, Small Commercial, which allows commercial retail and limited commercial services at major arterials near low-density residential areas of the community. These locations are not intended to provide a complete range of goods and services.

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 offices are properly managed – no overnight parking on-site, outside storage or trash around the site and/or parking lot is picked up. Trees have been planted along Parallel Parkway and within the parking lot islands.

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 #222.

e. *Fire*

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

f. Transit

Kansas City ATA provides service along Parallel Parkway, approximately one-half (½) mile east at Providence Medical Center, Route #116.

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 capable of meeting applicable ordinance and other 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 Change of Zone application is denied, the applicant can still operate a daycare facility with the Special Use Permit.

PREVIOUS ACTIONS

None

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting via Zoom on April 25, 2024. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Intensity of Zoning
Retail Sales

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Master Plan Amendment **MPL2024-005**, Change of Zone Application **COZ2024-010 to CP-O Planned Non-Retail Business District**, and Special Use Permit Application **SP2024-016 for two (2) years**, subject to:

1. **Planning Staff has reservations about changing the zoning to CP-1 Planned Limited Business District for retail sales when there is no similar zoning in the area. The highest level of commercial zoning along Parallel Parkway is at 86th Street and Parallel Parkway, which is zoned CP-3 Planned Commercial District for a polished decorative concrete company and at 98th Street and Parallel Parkway, which is zoned CP-2 for Freddy's Frozen Custard & Steakburgers and the convenience store/gas station.**

The commercial zoning that is adjacent to this property is zoned CP-0 Planned Nonretail Business District, which is a medical office building and further east at 90th Street and Parallel Parkway for Providence Medical Center. Staff recommends rezoning to CP-0 Planned Nonretail Business District;

2. **A child daycare facility is an allowed-by-right use in CP-0 Planned Nonretail Business District. Subject to approval by the Unified Government Board of Commissioners, Planning Staff will withdraw the Special Use Permit petition because it is not necessary for the proposed zoning district.**

In the event the Change of Zone petition is denied, the Special Use Permit petition will be voted on as a separate motion and decided upon by the Unified Government Board of Commissioners;

3. **The tenant and/or operators must comply with the standards and regulations of the CP-0 Planned Nonretail Business District;**
4. **Business hours shall be from 6:00 AM to 6:00 PM as stated;**
5. **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;**
6. **Any landscaping planted in the future shall be connected to the in-ground irrigation system;**
7. **Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process.**
8. **Per Sec. 27-317 Electrical power, telephone service, and cable television (if**

- applicable) shall be provided by underground wiring for all new wiring provided;
9. If approved, the applicant and operators must file and maintain a current business occupation tax application with this Business Licensing Division. Their office is located at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102. They can be contacted at (913) 573-8780 or businesslicense@wycokck.org;
 10. For reference, a building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
 11. All existing and future driveways must feature curb cuts that are constructed to UG standards;
 12. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
 13. 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.
 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 + 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 this 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 operation must cease until such time as a new Special Use Permit is approved.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petitions **COZ2024-010, SP2024-016 and MPL2024-005** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

May 13, 2024, City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Applicant Response Letter
Neighborhood Meeting Documents
Site Plan
Floor Plan
Building Elevations
Site Photographs taken by the Planning Staff dated April 10, 2024.

REVIEW OF INFORMATION AND SCHEDULE

Action	City Planning Commission	Unified Government of Board of Commissioners
Public Hearing Rezoning	May 13, 2024 Approval	May 30, 2024
Public Hearing Master Plan	May 13, 2024 Approval	May 30, 2024
Public Hearing Special Use	May 13, 2024 Approval	May 30, 2024

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

MOTIONS

Master Plan Amendment

I move the Unified Government Board of Commissioners **APPROVE** Petition **MPL2024-005** 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 **MPL2024-005** 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.

Change of Zone Petition

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2024-010** 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 **COZ2024-010** 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.

Special Use Permit

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2024-016** 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 **SP2024-016** 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.

May 13, 2024, City Planning Commission Minutes:

Hearing starts at 2:21:05:

MASTER PLAN AMENDMENT MPL2024-005 – ALICIA VANN WITH ALTAR SUPPORT – SYNOPSIS: Master Plan Amendment from Planned Mixed-Residential District to Planned Small Commercial District (Prairie-Delaware-Piper Area Plan) at 9151 Parallel Parkway.

CHANGE OF ZONE APPLICATION COZ2024-010 – ALICIA VANN WITH ALTAR SUPPORT – SYNOPSIS: Change of Zone from R-1 Single Family District to CP-1 Planned Limited Business District to convert a portion of the building into office and retail uses at 9151 Parallel Parkway.

SPECIAL USE PERMIT APPLICATION SP2024-016 – ALICIA VANN WITH ALTAR SUPPORT – SYNOPSIS: Special Use Permit for a daycare at 9151 Parallel Parkway.

Detailed Outline of Requested Action: The applicant, Alicia Vann with Altar Support, Inc., filed a Change of Zone from R-1 Single Family District to CP-1 Planned Limited Business District, and a Master Plan Amendment from Planned Mixed Residential District to Commercial to convert space within the commercial building for offices and retail uses and a Special Use Permit to continue to operate a child daycare on 1.40 acres at 9151 Parallel Parkway.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated May 13, 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:

- Alicia Vann, applicant, Altar Support, Inc., 9151 Parallel Parkway, Kansas City, Kansas 66112

Present in Opposition:

➤ No one appeared

Staff Recommendation starts at 2:25:06: Planning Director Hand stated that there are three (3) land entitlements before the Commission: Change of Zone from R-1 Single Family District to CP-1 Planned Limited Business District, Master Plan Amendment from Planned Mixed-Residential to Small Commercial and a Special Use Permit (SUP) for a daycare. He stated that the Commission previously heard the Special Use Permit for the daycare and the applicant is continuing to work to open the business and the existing SUP is close to expiring. At the time of the previous application the daycare has the only proposed use for the property. The zoning remained in place and allowed the daycare use to operate with a Special Use Permit. Since the business/tenant model has changed, the use has become a multi-tenant use. Staff believes that the best approach is to rezone the property to commercial, which allows all of the proposed uses to occur without a Special Use Permit. Staff is requesting that all three (3) entitlements move forward, which is unique. If the Change of Zone and Master Plan Amendment are not approved, the Special Use Permit would allow the applicant to continue the use of the daycare in the building. If the Board of Commissioners approved the Change of Zone and Master Plan Amendment, the Special Use Permit will not be required and will be withdrawn at that time. The property is in the Prairie-Delaware-Piper Area Plan. Staff received no letters in support or opposition. There are some previous violations from when the property was vacant and those were addressed by the redevelopment of the property. Staff recommends approval subject to the conditions in the staff report, including rezoning to CP-O Planned Non-Retail Business District. The applicant has requested CP-1 Planned Limited Business District, and the surrounding zoning is CP-O zoning.

Motion starts at 2:28:45:

On motion by Mrs. Jones, seconded by Ms. Easterwood, the Planning Commission voted as follows to recommend **APPROVAL of Master Plan Amendment**

MPL2024-005:

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

Motion to recommend APPROVAL Passed: 6 to 0

Subject to:

1. Planning Staff has reservations about changing the zoning to CP-1 Planned Limited Business District for retail sales when there is no similar zoning in the area. The highest level of commercial zoning along Parallel Parkway is at 86th Street and Parallel Parkway, which is zoned CP-3 Planned Commercial District for a polished decorative concrete company and at 98th Street and Parallel Parkway, which is zoned CP-2 for Freddy's Frozen Custard & Steakburgers and the convenience store/gas station.

The commercial zoning that is adjacent to this property is zoned CP-0 Planned Nonretail Business District, which is a medical office building and further east at 90th Street and Parallel Parkway for Providence Medical Center. Staff recommends rezoning to CP-0 Planned Nonretail Business District;

2. A child daycare facility is an allowed-by-right use in CP-0 Planned Nonretail Business District. Subject to approval by the Unified Government Board of Commissioners, Planning Staff will withdraw the Special Use Permit petition because it is not necessary for the proposed zoning district.

In the event the Change of Zone petition is denied, the Special Use Permit petition will be voted on as a separate motion and decided upon by the Unified Government Board of Commissioners;

3. The tenant and/or operators must comply with the standards and regulations of the CP-0 Planned Nonretail Business District;
4. Business hours shall be from 6:00 AM to 6:00 PM as stated;
5. 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;
6. Any landscaping planted in the future shall be connected to the in-ground irrigation system;
7. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process.
8. Per Sec. 27-317 Electrical power, telephone service, and cable television (if applicable) shall be provided by underground wiring for all new wiring provided;
9. If approved, the applicant and operators must file and maintain a current business occupation tax application with this Business Licensing Division. Their office is located at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102. They can be contacted at (913) 573-8780 or businesslicense@wycokck.org;
10. For reference, a building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit,

and if so, must take it upon themselves to initiate the building permit process accordingly;

11. All existing and future driveways must feature curb cuts that are constructed to UG standards;
12. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
13. 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.
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 + 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 this 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 operation must cease until such time as a new Special Use Permit is approved.

On motion by Mrs. Jones, seconded by Ms. Easterwood, the Planning Commission voted as follows to recommend **APPROVAL of Change of Zone Application COZ2024-010 to CP-O Planned Non-Retail Business District:**

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

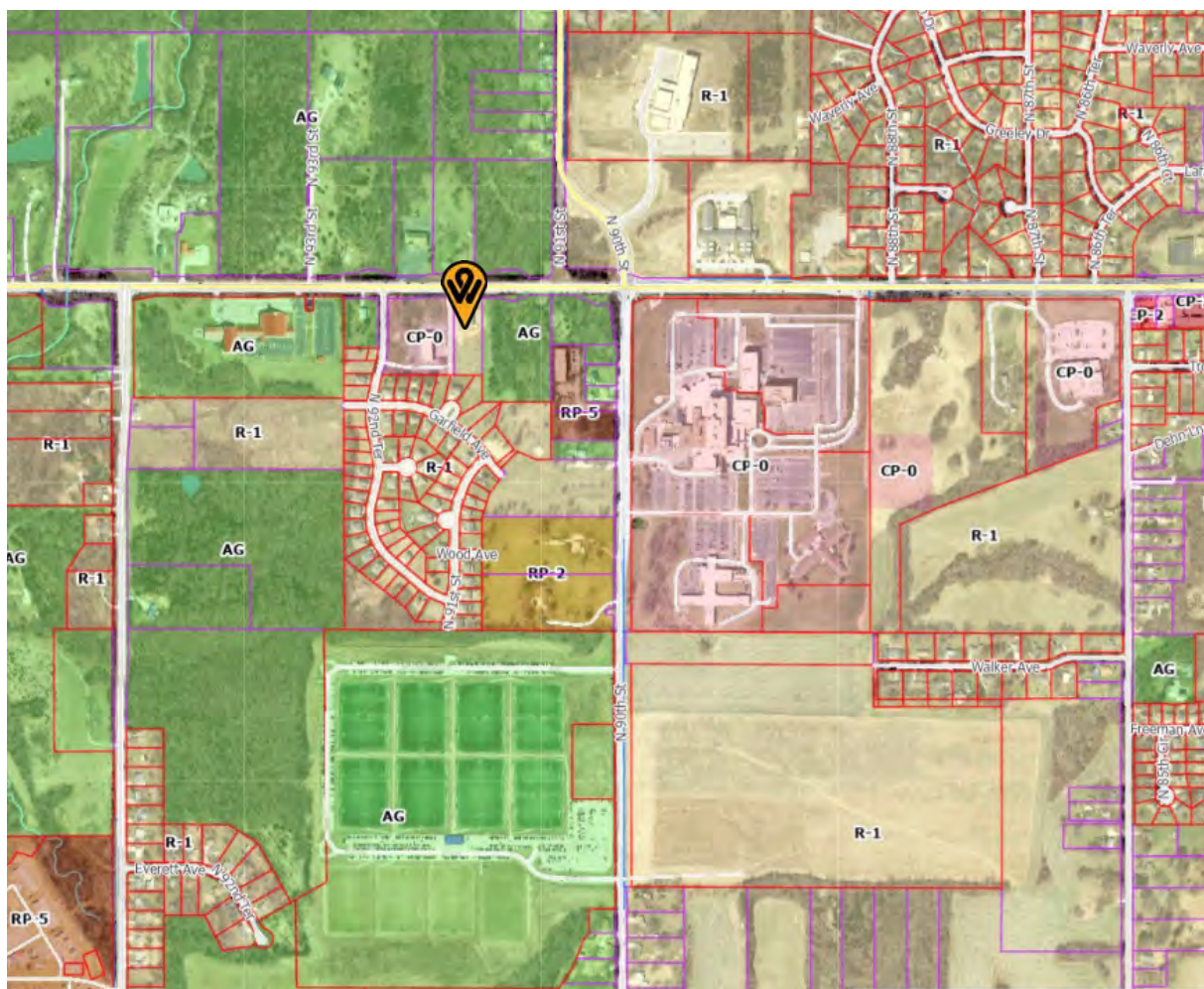
Motion to recommend APPROVAL Passed: 6 to 0
Subject to the above conditions.

On motion by Mrs. Jones, seconded by Ms. Easterwood, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit Application SP2024-016 for two (2) years:**

Carson	Chairman
Ward	Aye
Armstrong	Not Present
Beth	Aye
Easterwood	Aye

Ernst	Aye
Jones	Aye
Miller	Aye
Mohler	Not Present
Schwartz	Not Present
Straws	Not Present

Motion to recommend APPROVAL Passed: 6 to 0
Subject to the above conditions.



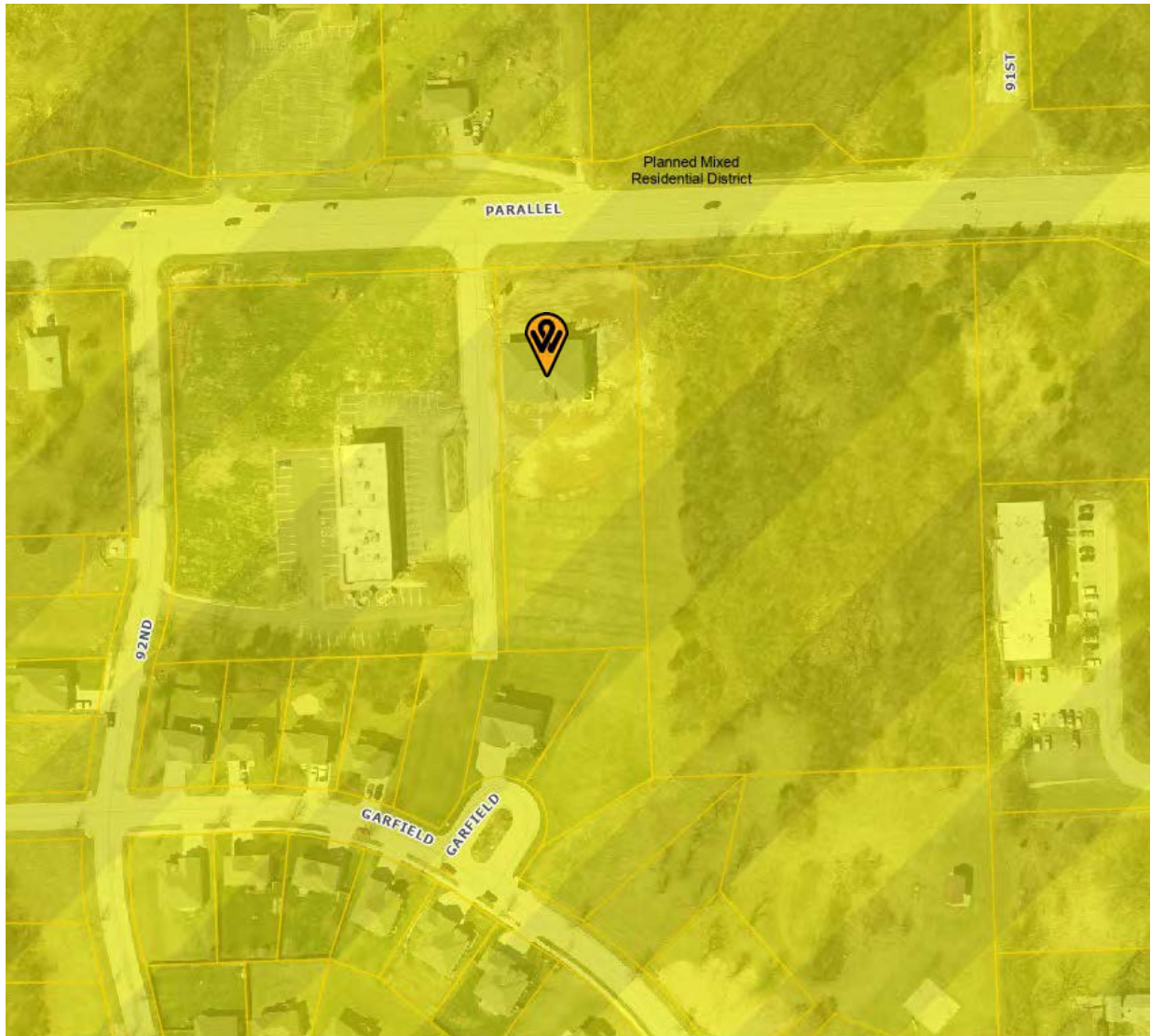


Figure 3. Prairie Delaware Piper Area Plan Land Use Map of 9151 Parallel Parkway (provided by ArcGIS Pro).

General Planning:

1. Planning Staff has reservations of changing the zoning to CP-1 Planned Limited Business District for retail sales when there is no similar zoning in the area. The highest level of commercial zoning along Parallel Parkway is at 86th Street and Parallel Parkway, which is zoned CP-3 Planned Commercial District for a polished decorative concrete company and at 98th Street and Parallel Parkway, which is zoned CP-2 for Freddy's Frozen Custard & Steakburgers and the convenience store/gas station.

The commercial zoning that is adjacent to this property is zoned CP-0 Planned Nonretail Business District, which is a medical office building and further east at 90th Street and Parallel Parkway for Providence Medical Center.

Response:

The retail space will be a small room approximately 140 sq feet. It will be used to cut the consumer's hair who is already receiving services from the center. No additional increase traffic because they have to be at the center to receive additional services.

2. A child daycare facility is an allowed-by-right use in CP-0 Planned Nonretail Business District. Subject to approval by the Unified Government Board of Commissioners, Planning Staff will withdraw the Special Use Permit petition because it is not necessary for the proposed zoning district.

In the event the Change of Zone petition is denied, the Special Use Permit petition will be voted on as a separate motion and decided upon by the Unified Government Board of Commissioners.

Response: In the event that CP-1 is denied. We would like CP-0 zoning.

3. What prospective tenants do you intend to have in the building? Depending on the potential uses of the building, additional parking may be required to be constructed in the existing parking lot.

Response: The only tenant will be Altar Support. We built this building to serve our consumers of all ages. We will not need additional parking. The consumers will utilize various services with in the building. All the consumer are disabled. They rely on buses or staff dropping them off. We would like to provide childcare to younger disabled consumers. We would like to utilize the small office up front to provide them with services (hair cuts, pedicure, make up applications, etc). The small office would only service one consumer at a time.

4. What are the proposed hours of operation for your future tenants?

Response: We will not have tenants. Altar will be open during the hour of 6am-6pm, Monday - Friday

5. 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.

Response: We have our parking lot painted appropriately

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

Response: We contacted the building inspection department for our Sign.

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

Response: They currently meet UG standards

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

Response: They currently meet UG standards

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

Response: Okay we will pay ordinance publication once approved

10. 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.

Response: All conditions will be completed within 18 months
Landscaping and Screening

1. Any landscaping planted in the future shall be connected to the in-ground

irrigation system.

Response: We have an in-ground irrigation system

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

Planning Engineering Comments:

A) Items that require plan revision or additional documentation before engineering can recommend approval:

1) 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.

B) Items that are conditions of approval:

1) None

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

1) None

Date: 4/15/2024

Name ALTAR

Address 9151 PARALLEL PARKWAY

City/State/Zip KANSAS CITY KS 66112

SUBJECT: Neighborhood Meeting

I have filed an application with the Planning + Urban Design Department

#COZ2024-010/MPL2024-005/SP2023-016

. The purpose of this:

change of zone

special use permit

is for a __OFFICE SPACE/CHILDCARE_____

at the following address: __9151 PARALLEL_____.

I am having a neighborhood meeting on __4/23/2024_____ at

__7__p.m. VIA zoom

Join Zoom Meeting

<https://us02web.zoom.us/j/88103496508?pwd=TTBrOEpWalo5TnQ4YnN2REJWYmJPdz09>

Meeting ID: 913 915 1380

Passcode:

One tap mobile

+13462487799,,913 915 1380#

+16694449171,,913 915 1380#,

Dial by your location

* 877 853 5257 US Toll-free

* 888 475 4499 US Toll-free

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,

Name and Contact Information

Alicia Vann thealtarinc@gmail.com

AFFIDAVIT – NEIGHBORHOOD MEETING

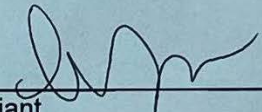
STATE OF Kansas)
) SS:
COUNTY OF Wyandotte)

Comes now Alicia Vann, Altar Support of lawful age, sound mind and upon his/her oath states as follows:

COZ2024-010-SP2024-016-M-PL2024-

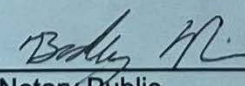
1. That I am the petitioner for Petition # 005.
2. That I conducted a neighborhood meeting on 4/23/24.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Planning + Urban Design Department.

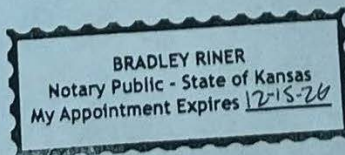
Further affiant saith not.


Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 25th day of April, 2024

My commission expires 15th of December, 2026


Notary Public



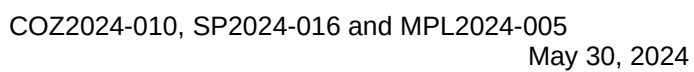




Figure 4. Site Photograph of 9151 Parallel Parkway looking southeast from the private drive (provided by Planning Staff).



Figure 5. Site Photograph of 9151 Parallel Parkway looking north from parking lot (provided by Planning Staff).



Figure 6. Site Photograph of 9151 Parallel Parkway looking northwest from the parking lot (provided by Planning Staff).



Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: May 30, 2024

Re: Special Use Petition SP2024-017

GENERAL INFORMATION

Applicant:
Chad Wolfe

Status of Applicant:
Representative
McCarthy Building Companies
5901 Foxridge Drive
Mission, Kansas 66202

Requested Action:
Approval of a Special Use Permit.

Date of Application:
March 29, 2024

Purpose:
To keep a stockpile of excavated rock material from the Nelson WWTF improvement project, which will then be used as backfill on that same site.

Property Location:
1911 Foxridge Drive
Kansas City, Kansas 66106





Commission Districts:	Commissioner At-Large, District #2: Tom Burroughs District #6 Commissioner: Christian Ramirez	
Existing Zoning:	M-2 General Industrial District	
Adjacent Zoning:	North:	M-2 General Industrial District
	South:	R-1 Single Family District (Mission, Kansas)
	East:	M-2 General Industrial District
	West:	M-2 General Industrial District
Adjacent Uses:	North:	Industrial storage
	South:	Nelson Wastewater Treatment Plant
	East:	Industrial lot
	West:	Industrial lot
Total Tract Size:	3.63 Acres	
Comprehensive Plan Area:	PlanKCK Comprehensive Plan	
Comprehensive Plan Designation:	The PlanKCK Comprehensive Plan designates the subject property as Industrial, which allows land featuring small, medium and large-scale industrial processing, manufacturing and outdoor storage. These uses are often the most intensive uses characteristic of heavy truck traffic, excessive noise, and potentially noxious impacts.	
Major Street Plan:	The goDotte Mobility Plan designates Foxridge Drive as a Local Street.	
Parking Requirement:	Section 27-469 states “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 space for each 1,000 square feet needs to be provided for increments between 20,000 and 50,000 square feet”.

The property provides no parking, however, there is no associated development with the proposal. The property provides ample space for equipment and employee parking.

Advertisement:	<u>The Wyandotte Echo</u> – April 18, 2024 Letters to Property Owners – April 19, 2024
Public Hearings:	May 13, 2024 and May 30, 2024
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Chad Wolfe, is requesting a Temporary Use of Land Special Use Permit to keep excavated rock materials on the property at 1911 Foxridge Drive during improvements to the Nelson Wastewater Treatment Facility project in Mission, Kansas. This is expected to be an 18-month project, with an anticipated completion date of Late 2025, after which, the rock will be removed from the property and used as backfill at the Nelson WWTF property.

City Ordinance Requirements: 27-592 through 27-606

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

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

Building, Zoning, or Code Enforcement Complaints:

1. There have been no notices of violation on the property.

Outstanding or Related Permits and Cases:

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

FACTORS TO BE CONSIDERED

1. *The Character of the Neighborhood.*

The subject property is within the Argentine Statistical Neighborhood. The neighborhood consists primarily of industrial uses and contractors' garages along Foxridge Drive, and the Nelson Wastewater Treatment directly west.

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. Use of the property to store excavated rock material for a project on a neighboring property/project is expected to be compatible with the nearby industrial and public uses. If wind is high enough, the apartments further east on the Roeland Park side of the county line may be impacted, however, with the amount of existing tree stand, this should not be an issue.

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, as this Special Use Permit is temporary in nature. This is an industrially zoned property, surrounded by industrially zoned properties and a public works facility to the south. There are concerns, however, that erosion from the site could impact Foxridge Drive. Proper erosion control measures shall be utilized to limit any impact.

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

The property appears to have been vacant since 2012, last being used for storage.

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 PlanKCK Comprehensive Plan designates the subject property as Industrial, which allows land featuring small, medium and large-scale industrial processing, manufacturing and outdoor storage. These uses are often the most intensive uses characteristic of heavy truck traffic, excessive noise, and potentially noxious impacts. The use is compatible to the Comprehensive Plan with a Special Use Permit.

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

The proposed use will inherently result in an increase in traffic, however, due to the limited access from Foxridge Drive, it is expected that most traffic will access the site from the Johnson County side of the parcel, thus, traffic is not expected to be an issue.

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 in terms of location; however, this project is related to the improvement of public infrastructure, which ostensibly serves a public benefit, however, only to Johnson County residents, not Wyandotte County residents. The proposed use is temporary in nature and will not permanently injure the appropriate use, visual quality or marketability of adjoining property if dust mitigation measures are followed. There are concerns, however, that erosion from the site could impact Foxridge Drive. Proper erosion control measures shall be utilized to limit any impact.

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.*

Dust is a significant concern with these types of operations. Dust mitigation practices must be followed on site. Noise may also be an issue, however, due the industrial nature of most of the surrounding properties, and distance from the nearest residential use, this is not expected to be major issues. Due to grade, however, erosion from the site may be an issue.

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

If mitigation measures are implemented, the proposed use will not pollute the air, land or water.

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

If properly operated and maintained, the proposed use will not damage or destroy an irreplaceable natural resource as the site appears to be an old parking lot and storage site, and thus has already been paved over.

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 health, safety, and welfare is minimal for the keeping of dirt, however, it's relation to the adjacent improvement of public infrastructure does provide tangible benefits for the public health and welfare. This benefit, however, would be for Johnson County residents, rather than Wyandotte County residences. If denied, the project would need to find an alternative site to store

this rock, which may create additional challenges for the project due to the limited space provided on the Nelson WWTF property.

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

As long as the conditions of approval are met, the proposed use should not result in the overcrowding of land or undue concentrations of population. The proposed use will not cause undue concentrations of population as it is industrial in nature. The proposed use may cause overcrowding of land if stockpiles are not managed properly.

PREVIOUS ACTIONS

There have been no previous actions on the subject property.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on April 29, 2024. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Dust
Erosion Control
Future Use and Condition
Land Disturbance Permit

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Special Use Permit Application SP2024-017, **for two (2) years**, subject to:

- 1. The applicant shall file for a Land Disturbance Permit with the Unified Government;**
- 2. The site shall be restored to its previous condition or a better condition once the operation has concluded;**
- 3. 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;**
- 4. 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;

5. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
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 of Board of Commissioners for revocation;
7. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
8. 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;
9. 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;
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 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. Subject to approval, a \$125.00 ordinance publication fee must be submitted

to the Urban Planning and Land Use Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners meeting. The approval will not go into effect until the ordinance is published in the newspaper. The applicant has 30 days to submit their check, or the petition becomes invalid; and,

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

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **SP2024-017** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

May 13, 2024, City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Site Plan
Erosion Control
Staff Photographs

REVIEW OF INFORMATION AND SCHEDULE

Action	City Planning Commission	Unified Government Board of Commissioners
Public Hearing	May 13, 2024	May 30, 2024
Special Use	Approval	

STAFF CONTACT:

James Molloy
jmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2024-017** as meeting all the requirements of the city code and being in the interest of the

public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **SP2024-017**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

May 13, 2024, City Planning Commission Minutes:

Hearing starts at 3:21:42:

SPECIAL USE PERMIT APPLICATION SP2024-017 – CHAD WOLFE - SYNOPSIS:

Special Use Permit for stockpiling of excavated materials at 1911 Foxridge Drive.

Detailed Outline of Requested Action: The applicant, Chad Wolfe, is requesting a Temporary Use of Land Special Use Permit to keep excavated rock materials on the property at 1911 Foxridge Drive during improvements to the Nelson Wastewater Treatment Facility project in Mission, Kansas. This is expected to be an 18-month project, with an anticipated completion date of Late 2025, after which, the rock will be removed from the property and used as backfill at the Nelson WWTF property.

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 May 13, 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:

- Chad Wolfe, applicant, McCarthy Building Companies, 5901 Foxridge Drive, Mission, Kansas 66202
- Joanne Hanson, property owner

Present in Opposition:

➤ No one appeared

Staff Recommendation starts at 3:27:05: Planner Molloy stated that the request is for a Special Use Permit to stockpile the materials for the construction of the abutting wastewater treatment plant, which will then be used as backfill on the same site. The property is located on the County Line just off Lamar Avenue. 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 3:28:23:

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

SP2024-017 for two (2) years:

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

Motion to recommend APPROVAL Passed: 6 to 0

Subject to:

1. The applicant shall file for a Land Disturbance Permit with the Unified Government;
2. The site shall be restored to its previous condition or a better condition once the operation has concluded;
3. 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;
4. 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;

5. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
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 of Board of Commissioners for revocation;
7. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
8. 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;
9. 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;
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 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. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Urban Planning and Land Use Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners meeting. The approval will not go into effect until the ordinance is published in the newspaper. The applicant has 30 days to submit their check, or the petition becomes invalid; and,

12. 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



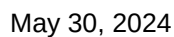
ZONING MAP



LAND USE MAP

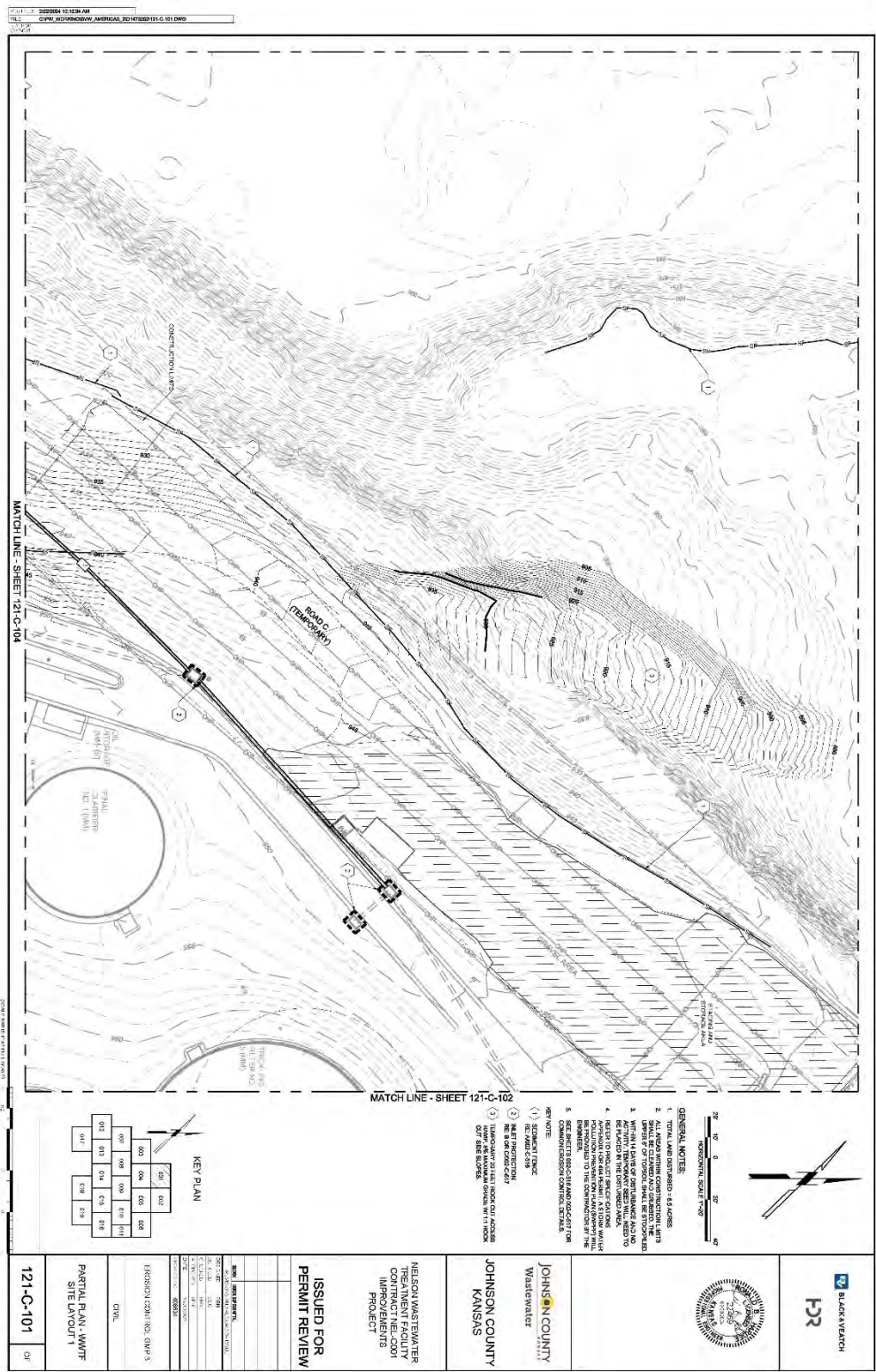


SP2024-017

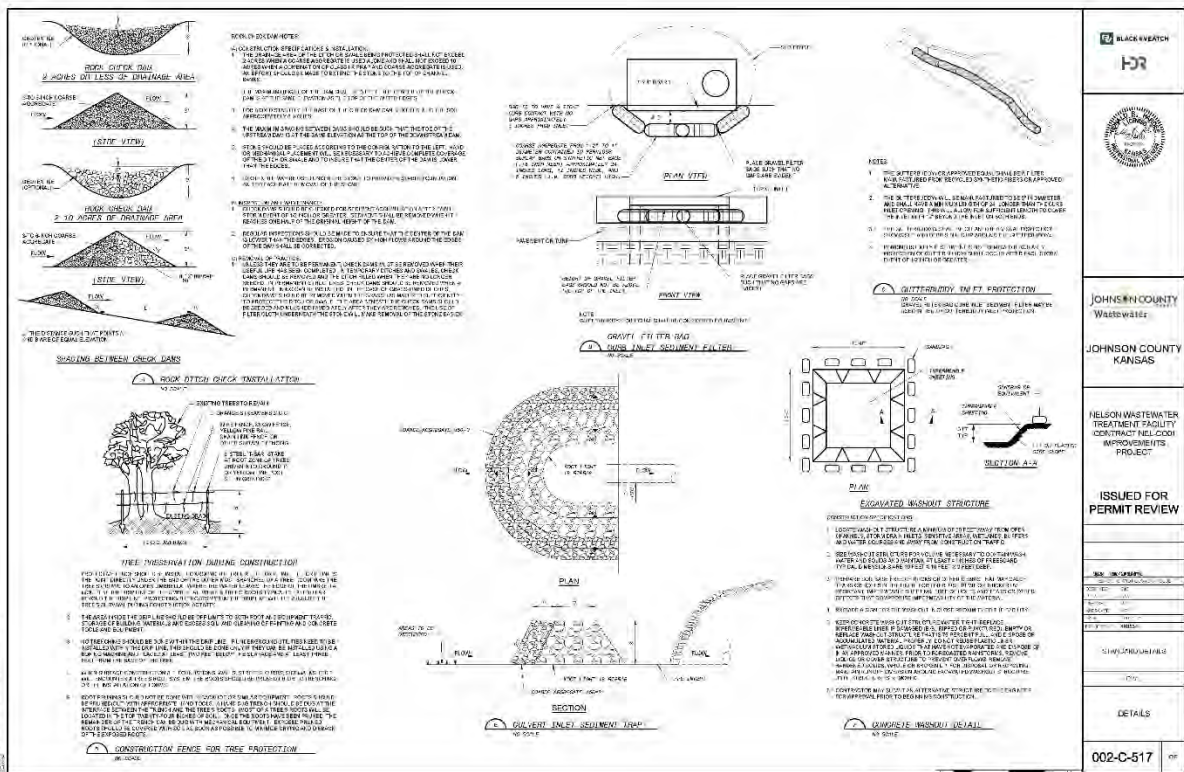




PARTIAL SITE PLAN



18



NEIGHBORHOOD MEETING MATERIALS

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
COUNTY OF Johnson) SS:

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

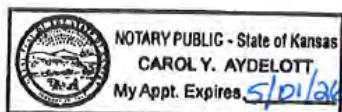
1. That I am the petitioner for Petition # SP2024-017
2. That I conducted a neighborhood meeting on April 29, 2024.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Planning + Urban Design Department.

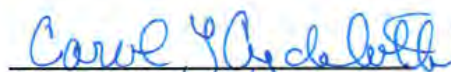
Further affiant saith not.


Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 30 day of April, 2024

My commission expires 01 of May, 2026




Notary Public



April 12, 2024

«Name»
«title»
«address»
«CityStZip»

SUBJECT: Neighborhood Meeting

An application for a special use permit has been filed with the Unified Government of Wyandotte County and Kansas City, Kansas, Planning + Urban Design Department (#SP2024-017). The purpose of this special use permit is for rock crushing material processing related to construction of the Nelson Wastewater Treatment Facility improvements at the following address: 1911 Foxridge Drive. You are receiving this notice as you have property close to the address.

We are having a neighborhood meeting on April 29, 2024, at 5:00 p.m. virtually via Zoom at the following link:

<https://bit.ly/McCarthy-NelsonWWTF>
Meeting ID: 815 4912 3233
Passcode: 345261



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

I look forward to seeing you at the neighborhood meeting. If you have questions, and are unable to attend, please contact me at 562-457-8246 or email at CWolfe@McCarthy.com.

Sincerely,

A handwritten signature in black ink, appearing to read "Chad Wolfe", written over a horizontal line.

Chad Wolfe
Project Director, Nelson Wastewater Treatment Facility
McCarthy Building Companies

McCarthy Building Companies | 5901 Foxridge Drive | Mission, KS 66202
JCWNelson.com

MINUTES:

Application Number SP2024-017

Date and Location: 4/29/2024 5:00pm

Meeting called to order at: Online Meeting (Zoom Workplace)

Names of people in attendance:

1. Chad Wolfe (McCarthy)
2. Hannah Metcalf (McCarthy)
3. Cale George (McCarthy)
4. Page Burks (Black & Veatch)
5. Ron Hardee (HDR)
6. Brandon Coleman (HDR)
7. Ann Hertzog (Shockey Consulting)
8. John Keller (Black & Veatch)
9. Patrick Denning (Johnson County Wastewater)

Introductions:

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

Hannah Metcalf provided explanation of Special Use Permit for 1911 Foxridge Drive.

Project Overview – Building New Nelson WWTF. Project has been under construction for a little over a year. A large portion of project excavation is upcoming over the next year. The 1911 Foxridge Drive address will be utilized to store and process rock material. A ramp will be built from the Nelson plant to access the property so public ROW's will not be utilized as a primary path of travel. Rock Processing is expected to complete around Q4 of 2025. Noise will be similar in sound (equivalent) to the decibel level of the adjacent I35 highway. Equipment utilized includes a rock crusher, excavator and water truck which will be utilized to control dust. McCarthy does not anticipate ever needing to work any weekends for rock processing. McCarthy stated that they will leave the property in a better condition than found. McCarthy has already cleared all trash / debris from the property and will level the land with rock / aggregate prior to leaving.

Questions and answers: No questions were asked following the presentation.

Meeting adjourned at: 5:30pm

Minutes taken by: Cale George



SITE PHOTOS, TAKEN BY STAFF, DATED APRIL 13, 2024





Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: May 30, 2024

Re: Special Use Petition SP2024-019

GENERAL INFORMATION

Applicant:
Arin Woodson

Status of Applicant:
Property Owner
8323 Tauromee Avenue
Kansas City, Kansas 66112

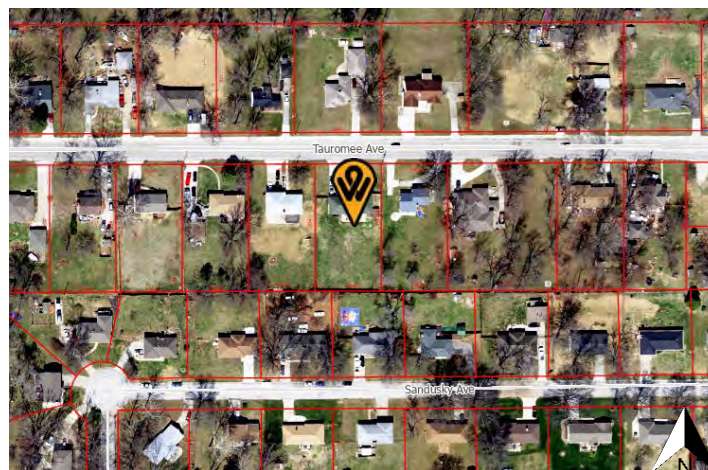
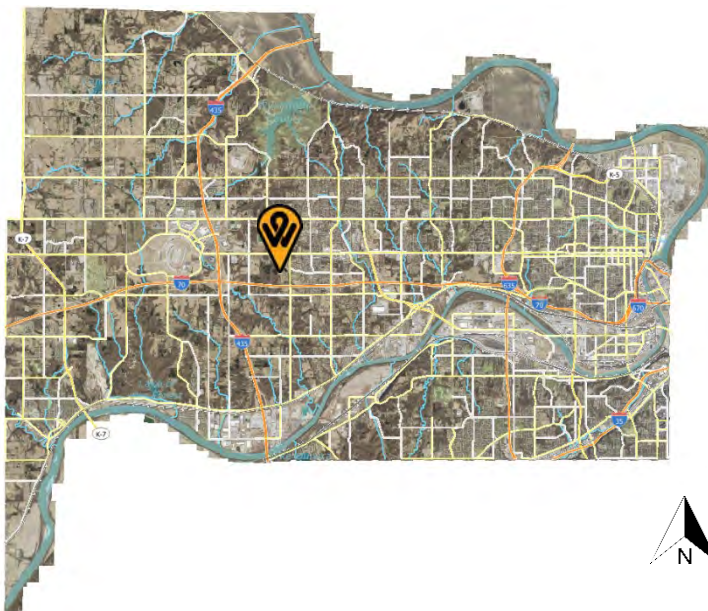
Requested Action:
Approval of a Short-Term Rental
Special Use Permit.

Date of Application:
March 20, 2024

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

Property Location:
7917 Tauromee Avenue
Kansas City, Kansas 66112

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



Existing Zoning:	R-1 Single Family District
Adjacent Zoning:	North: R-1 Single Family District South: R-1 Single Family District East: R-1 Single Family District West: R-1 Single Family District
Adjacent Uses:	North: Single-family home South: Single-family home East: Single-family home West: Single-family home
Total Tract Size:	0.49 Acre
Comprehensive Plan Area:	PlanKCK Comprehensive Plan
Comprehensive Plan Designation:	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.
Major Street Plan:	The goDotte Countywide Strategic Mobility Plan designates South 27 th Street as a Minor Collector Street.
Parking Requirement:	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 four (4) parking spaces, two (2) of which are in the garage.
Advertisement:	<u>The Wyandotte Echo</u> – April 18, 2024 Letters to Property Owners – April 19, 2024
Public Hearings:	May 13, 2024 and May 30, 2024
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Arin Woodson, is requesting a Special Use Permit to operate a short-term rental at 7917 Tauromee Avenue, Kansas

City, Kansas. This is not the owner's primary residence. This would be the first and only permitted short-term rental on the 7800- 7900 block of North 78th Street.

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

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

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

Building, Zoning, or Code Enforcement Complaints:

1. ENV22-1221– Fallen Tree
2. ENV23-2987– Trash out on curb
3. NOV 16201-00027– Multiple violations, railing missing on back porch and wooden fence in need of repair.
4. QRT23-0218– Trash violation, Abatement requested, case dismissed.

Outstanding or Related Permits and Cases:

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

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The subject property is located in the Victory Hill Statistical Neighborhood area and is in the Stony Point/Hunters Glen neighborhood group. The neighborhood is comprised of single-family residences. Stony Point North Elementary School is located 0.5 mile to the West of the subject property. This neighborhood is located to the South of State Avenue, which is a mixed-use, commercial corridor.

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

The zoning and uses are set out above. The subject property is surrounded primarily by the R-1 Single Family District. Use as a rental, either short or long-term, is consistent with other nearby properties in 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 property has remained vacant since 2023.

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 designates the subject property as Low-Density Residential, which allows for allows single-family detached homes and townhomes or side-by-side rowhouses at intersections or the end of street blocks. The use as a short-term rental conforms to the Comprehensive Plan with the approval of 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 Tauromee Avenue, a minor collector 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, illumination, and vibration 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 typically an issue related to the use of a residential property as a short-term rental in an urbanized area 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.

PREVIOUS ACTIONS

There have been no previous Planning Entitlements on the subject property.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting in-person at 7917 Tauromee Avenue Kansas City, Kansas 66112 on April 24, 2024. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Home Inspection Report
Illumination
Noise
Overcrowding
Parking
Vibration

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Special Use Permit Application SP2024-019, **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 STR renters or guests may park on-street;
3. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
4. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;
5. Applicant is to maintain liability insurance;
6. The property must remain in proper maintenance and free of hazards, pests, or infestations;
7. The granting of this Special Use Permit does not transfer with a change of ownership of the property;
8. Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and www.hostcompliance.com/tips (website);
9. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
10. If approved, occupying businesses must file and maintain a current business occupation tax application with the Business License Division at 4953 State Avenue, Kansas City, KS 66102. Their contact information is (913) 573-8780 or businesslicense@wycokck.org;
11. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
12. All existing and future driveways must feature curb cuts that are constructed to UG standards;
13. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
14. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The

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

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

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **SP2024-019** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

May 13, 2024, City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Host Compliance Map – Dated April 10, 2024
Floor Plan
Home Inspection Report
Neighborhood Meeting Materials
Site Visit Photos, Taken by Staff – Dated April 10, 2024

REVIEW OF INFORMATION AND SCHEDULE

Action	City Planning Commission	Unified Government Board of Commissioners
Public Hearing	May 13, 2024	May 30, 2024
Special Use	Approval	

STAFF CONTACT:

Kiley Meierarend
kmeierarend@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2024-019** as meeting all the requirements of the city code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **SP2024-019**, 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.

May 13, 2024, City Planning Commission Minutes:

Hearing starts at 3:29:27:

SPECIAL USE PERMIT APPLICATION SP2024-019 – ARIN WOODSON -

SYNOPSIS: Special Use Permit for a Short-Term Rental at 7917 Tauromee 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 May 13, 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:

- Arin Woodson, applicant, 7917 Tauromee Avenue, Kansas City, Kansas 66112

Present in Opposition:

- No one appeared.

Staff Recommendation starts at 3:31:30: Planning Director Hand stated that the request is for a Short-Term Rental. The property is in the PlanKCK area within the mid-town neighborhood. Staff received no letters in support nor opposition. There are some older Notices of Violation that have been rectified not related to this case. Staff recommends approval for one (1) year subject to the conditions in the staff report.

Motion starts at 3:32:05:

On motion by Mr. Ward, seconded by Mrs. Jones, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit Application SP2024-019 for one (1) year:**

Carson	Chairman
Ward	Aye

Armstrong	Not Present
Beth	Aye
Easterwood	Aye
Ernst	Aye
Jones	Aye
Miller	Aye
Mohler	Not Present
Schwartz	Not Present
Straws	Not Present

Motion to recommend APPROVAL Passed: 6 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 STR renters or guests may park on-street;
3. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
4. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;
5. Applicant is to maintain liability insurance;
6. The property must remain in proper maintenance and free of hazards, pests, or infestations;
7. The granting of this Special Use Permit does not transfer with a change of ownership of the property;
8. Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and www.hostcompliance.com/tips (website);
9. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
10. If approved, occupying businesses must file and maintain a current business occupation tax application with the Business License Division at 4953 State Avenue, Kansas City, KS 66102. Their contact information is (913) 573-8780 or businesslicense@wycokck.org;
11. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;

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

determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.

ATTACHMENTS

AERIAL IMAGERY



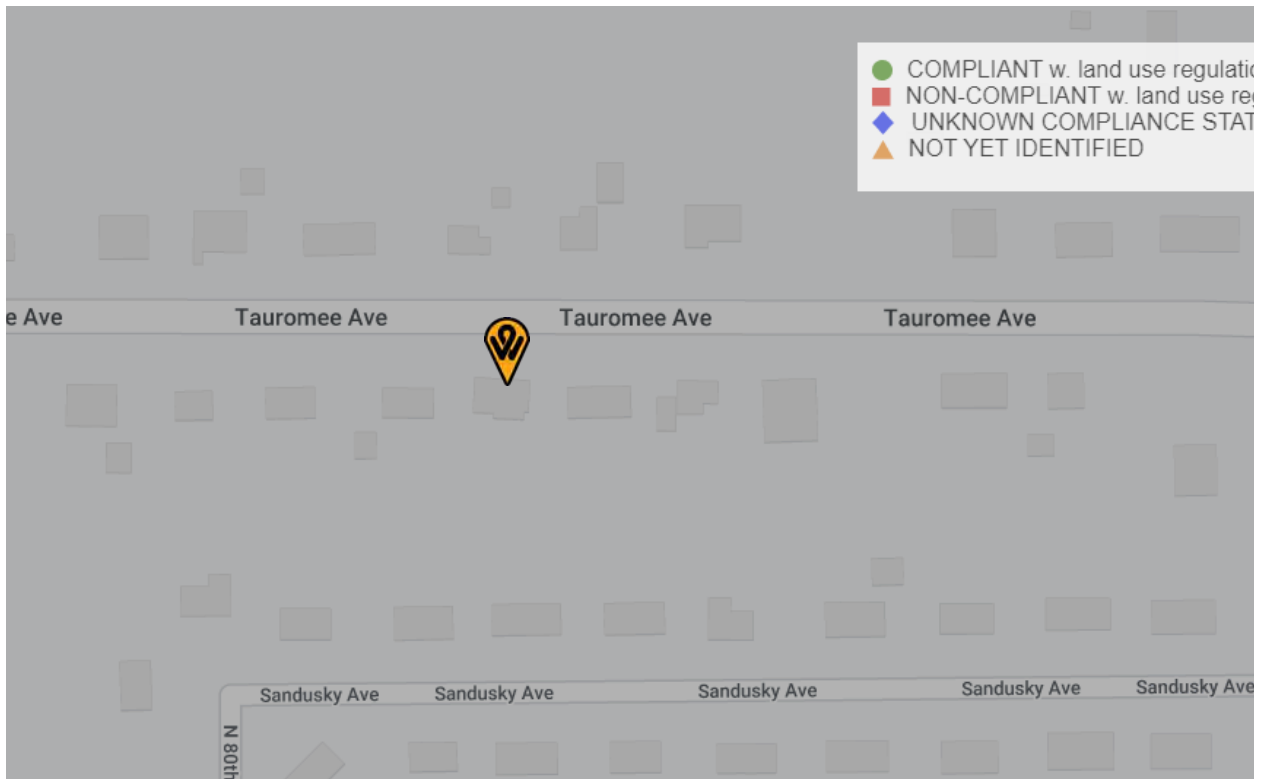
ZONING MAP



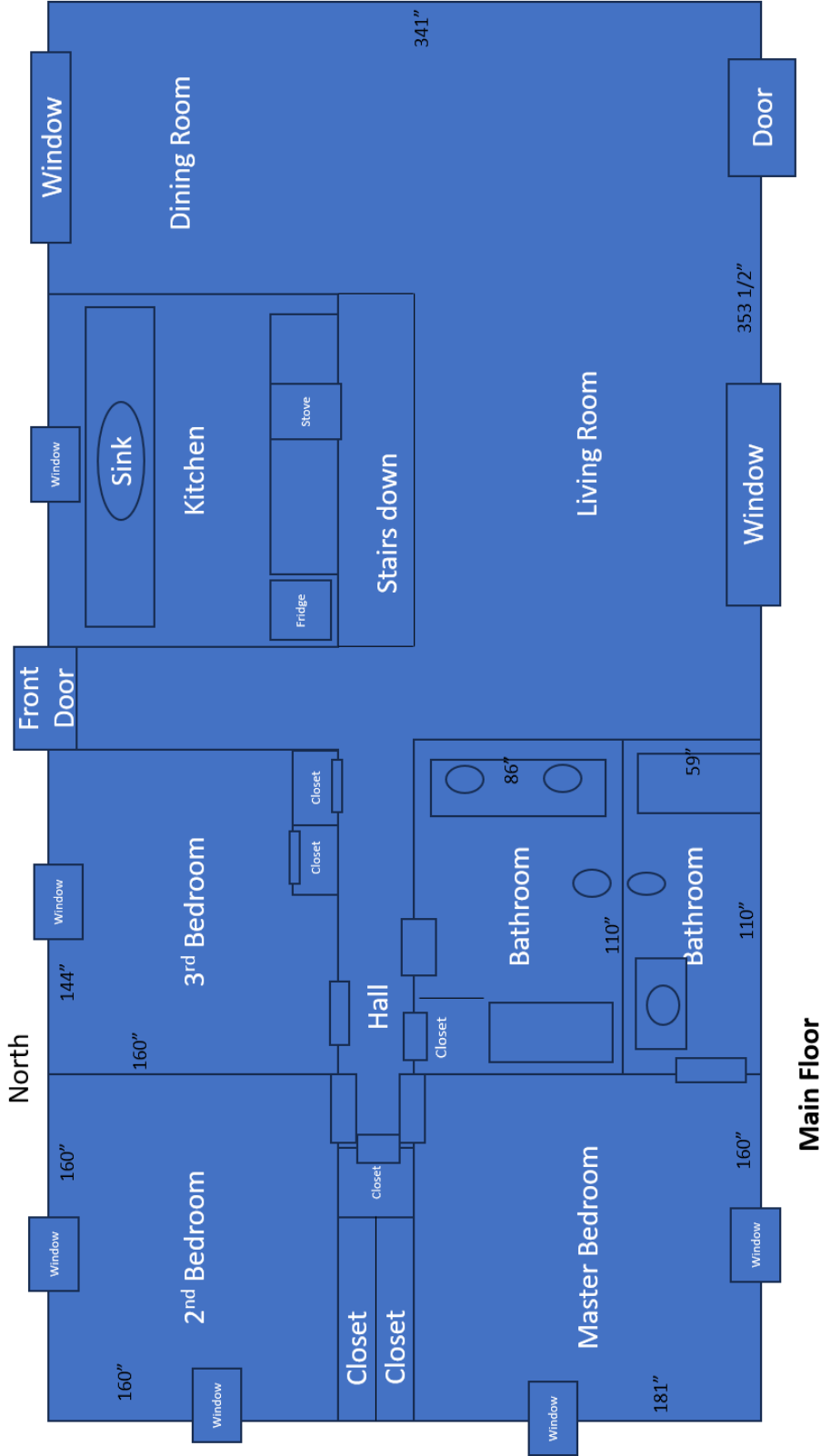
LAND USE MAP



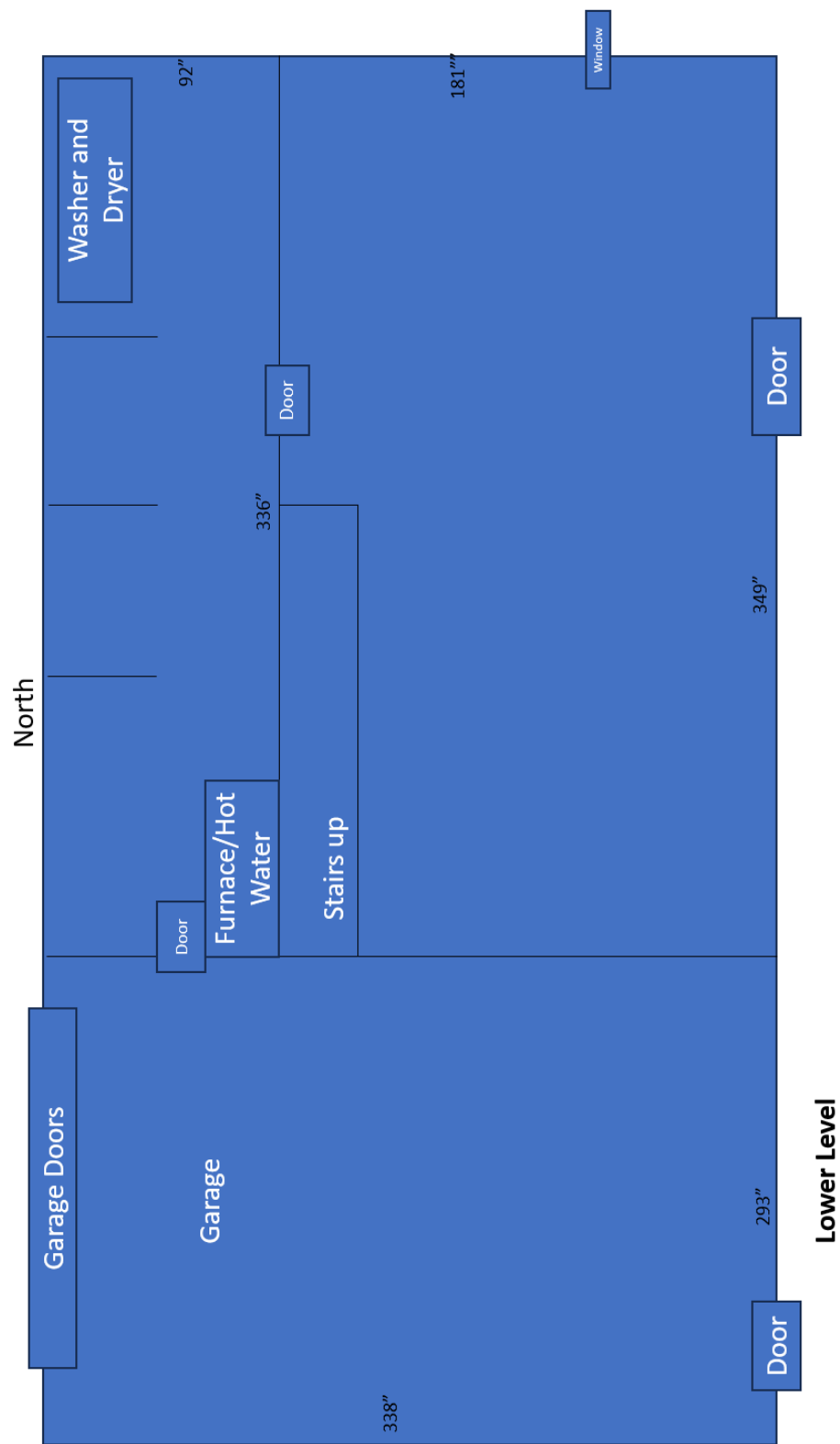
HOST COMPLIANCE MAP – DATED APRIL 10, 2024



FLOOR PLAN



FLOOR PLAN



HOME INSPECTION REPORT

7917 Tauromee Ave

Arin Woodson



Recommendations

3.3.1 Roof Drainage Systems

DOWNSPOUT - DRAIN NEAR STRUCTURE

One or more downspouts drain too close to the structure foundation. This can result in excessive moisture in the soil at the foundation, which can lead to foundation/structural movement. Recommend a qualified contractor adjust downspout extensions to drain at least 6 feet from the foundation.

[Here is a helpful DIY link](#) and video on draining water flow away from your structure.

Recommendation

Contact a qualified gutter contractor



3.3.2 Roof Drainage Systems

GUTTER - DEBRIS

Debris has accumulated in the gutters. Recommend cleaning to facilitate water flow.

Recommendation

Contact a handyman or DIY project



HOME INSPECTION REPORT

7917 Tauromee Ave

Arin Woodson

4.5.2 Garage Door

DOOR PANEL DAMAGE

The overhead garage door panel is damaged and may need repair/replacement. Recommend a garage door contractor evaluate.

Recommendation

Contact a qualified garage door contractor.



4.5.3 Garage Door

STRETCHED SPRING

The overhead garage door spring is stretched and showing signs of age and fatigue. Due to the weakened condition of the spring and the potential for injury when the spring fails, we recommend replacement of the stretched spring at this time.

Recommendation

Contact a qualified garage door contractor.



4.6.1 Garage Door Opener

AUTO-REVERSE ADJUSTMENT/REPAIR

The garage door opener did not automatically reverse under resistance to closing. ***There is a serious risk of injury, particularly to children, under this condition.*** The opener is in need of adjustment repairs at this time.

Recommendation

Contact a qualified garage door contractor.

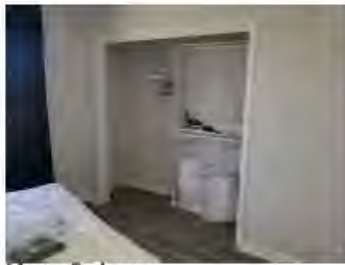
⚠ Safety Hazard



HOME INSPECTION REPORT

7917 Taumoe Ave

Arin Woodson



Master Bedroom



Northwest Bedroom

5.3.1 Windows (Interior)

WINDOWS- MISSING SCREENS

Some window(s) are missing screens. Improvements can be made on a discretionary basis.

Recommendation

Contact a handyman or DIY project

5.5.1 Walls

MOLD/MILDEW

 Safety Hazard

Signs of sporadic mold-like growth was observed on the walls in the basement. It is impossible to determine the type or potential toxicity of this material without proper testing and lab analysis. Recommend airborne testing prior to closing.

Recommendation

Contact a qualified mold inspection professional.



Basement (Behind Water Heater)

5.5.2 Walls

WATER STAIN/DAMAGE

There was a water stain/damage visible at the time of inspection. This staining/damage appears to have been from a prior leak condition. No active moisture was present at the time of inspection; however we do recommend monitoring this area.

Recommendation

Recommend monitoring.



Basement

5.5.3 Walls

TYPICAL WALL FINISH FLAWS

Typical flaws were noted. These are considered for the most part cosmetic (separation in the tape or seams, cracks, prior patching, nail pops, etc). Improvements can be made at the next interior refinish process, or on a discretionary basis.

Metro Property Inspection

Page 27 of 56

Recommendations

7.2.1 Service Entrance Conductors

SERVICE LINE TREE CONTACT

Metro Property Inspection

Page 32 of 56

7917 Tauromee Ave

Arin Woodson

The service line is in contact with trees. This is dangerous as wind could cause the trees to damage this power line. The electric utility should be engaged regarding this condition at this time.

Recommendation

Contact a qualified electrical contractor.



7.3.1 Main & Subpanels, Service & Grounding, Main Overcurrent Device

DOUBLE TAPPED CIRCUITS

Circuits within the distribution panel that are doubled up (referred to as double taps) should be separated. Each circuit should be served by a separate fuse or breaker. Recommend licensed Electrician further evaluate.

Recommendation

Contact a qualified electrical contractor.



HOME INSPECTION REPORT

7917 Tauromee Ave

Arin Woodson

Recommendation

Contact a qualified electrical contractor.



7.3.4 Main & Subpanels, Service & Grounding, Main Overcurrent Device

DOUBLE LUGGED NEUTRAL

Multiple neutral wires were noted on the same setscrew.
Recommend electrician evaluate for repair.

Recommendation

Contact a qualified electrical contractor.



7.6.1 GFCI & AFCI

GFCI DAMAGED/INOPERATIVE

 Safety Hazard

A Ground Fault Circuit Interrupter (GFCI) outlet is inoperative. This circuit should be repaired. There may be power present but the safety feature does not operate (trip or reset) properly.

Notes: This defective GFCI receptacle, could be causing other outlets not to trip. See no GFCI protection section

Recommendation

Contact a qualified electrical contractor.



Basement



Basement

HOME INSPECTION REPORT

7917 Tauromee Ave

Arin Woodson

7.6.2 GFCI & AFCI

NO GFCI PROTECTION INSTALLED

 Safety Hazard

No GFCI protection present in standard locations. Recommend licensed electrician upgrade by installing ground fault receptacles in all necessary locations.

Depending on the age and location of the property this observation may not be a requirement, however we still recommend the improved the safety of these devices.

Recommendation

Contact a qualified electrical contractor.



Exterior (Deck)



Kitchen (Throughout)



Garage (Throughout)

7.7.1 Smoke Detectors

SMOKE DETECTORS INSUFFICIENT

 Safety Hazard

The installation of smoke detectors inside and outside sleeping areas and on each floor of the home including the garage and utility room/basement and kitchen areas is recommended. Depending on the age and location of the home this may not be a local requirement however it remains a safety improvement recommendation for all homes.

Recommendation

Contact a qualified electrical contractor.

HOME INSPECTION REPORT

7917 Tauromee Ave

Arin Woodson

9.4.1 Distribution Systems

 **Safety Hazard**

GARAGE DUCTWORK

There are active HVAC ducts present in the garage. This is a potential safety issue as automobile gasses (including CO) may enter the ductwork and the living spaces of the home. This duct should be sealed (or a proper damper system added) or removed.

Recommendation

Contact a qualified HVAC professional.



9.5.1 Vents, Flues & Chimneys

CONDENSATION LEAK IN FLUE

The utility flue is showing signs of moisture leakage. This is typically the result of condensation buildup. If this condition persists, it may be necessary to insulate the flue. This condition should be monitored going forward. Annual maintenance of the furnace is critical as condensation could damage the internal components of the unit.

Recommendation

Recommend monitoring.



NEIGHBORHOOD MEETING MATERIALS

4/10/2024

Arin Woodson
7917 Tauromee Ave
Kansas City KS, 66112

SUBJECT: Neighborhood Meeting

I have filed an application with the Planning + Urban Design Department #SP2024-019. The purpose of this special use permit is for a short term rental at the following address: 7917 Tauromee Ave, Kansas City, KS 66112.

I am having a neighborhood meeting on April 24th at 6 p.m. at the following address: 7917 Tauromee 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 phone number/email listed below.

Sincerely,

Arin Woodson
913-707-1639
Arin.woodson@yahoo.com

Neighborhood Meeting Sign in Sheet

Arin Woodson

Damian Zimmerli

Quincy Zimmerli

Mariah Chavez

Collin Jasper

Bobby Melcher

Meeting Minutes

Neighborhood meeting held on 4/24/2024 at 7917 Tauromee Ave, Kansas City KS 66112
Application# - SP2024-019

Meeting called to order at 6:00pm

Names of people in attendance:

Arin Woodson - owner

Robert Melcher - owner

Mariah Chavez – daughter of owner

Collin Jasper – son in law of owner

Damian Zimmerli – neighbor next door to the West of the property

Quinci Zimmerli - neighbor next door to the West of the property

Introductions were made by myself and Robert Melcher as the owners/operators of the proposed short term rental property. We introduced our family as well. The attendees introduced themselves. I gave my presentation of our plan to use the property as a short term rental home. I explained the process, procedures and my direct plans to manage the property and the renters. I informed attendees that there would be no parties allowed, no pets allowed and noise ordinance information will be provided to all guests. I also ensured they had my direct contact information and let them know they could call, text or email any time with any issues or concerns. I informed them I live down the street a few blocks and could be at the property very quickly.

Damian Zimmerli asked how many anticipated guests we would have. I replied, stating there was no way to be sure, but we were anticipating 4 a month eventually, assuming most families would be staying on the weekends. Damian and Quinci Zimmerli stated they really didn't have any concerns they just want to make sure their child is safe. Damien did mention that the light on the side of the house was a little bright and shines into his living room at night if it's on. I did inform him I would have my electrician look into it to see if we could blacken/darken the glass on the side of the lantern/fixture that faces his property to eliminate some of the brightness.

Damian and Quinci Zimmerli walked through the property to

NEIGHBORHOOD MEETING MATERIALS

check it out and then proceeded to leave. No other invited guests attended. I stayed around until 6:45 in case anyone showed up late.

Meeting adjourned at 6:45

Meeting minutes taken by Mariah Chavez

NEIGHBORHOOD MEETING MATERIALS

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
) SS:
COUNTY OF Wyandotte

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

1. That I am the petitioner for Petition # SP2024-019
2. That I conducted a neighborhood meeting on April 24th 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.

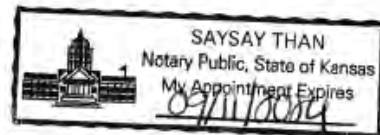
Further affiant saith not.

Arin Woodson
Affiant

Arin Woodson

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 25th day of April, 20024

My commission expires 09 of 11th, 20024



[Signature]
Notary Public

SITE VISIT PHOTOS, TAKEN BY STAFF – DATED APRIL 11, 2024







Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: May 30, 2024

Re: Petitions SP2024-020 and SP2024-022

GENERAL INFORMATION

Applicant:

Kaw Valley Companies, Inc.

Status of Applicant:

Representative
Aaron March with Rouse Frets White Goss
4510 Belleview, Suite 300
Kansas City, MO 64111

Requested Action:

Approval of a Special Use Permit.

Date of Application:

April 1, 2024

Purpose:

To operate a sand dredging pit, sand processing and future restoration along the Kansas River.

Property Location:

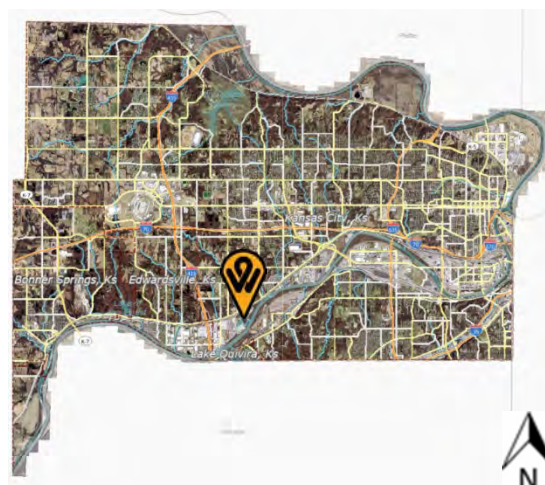
8205 and 8251 R Kaw Drive, 2103 South 84th Street, and 2400 South 78th Street

Commission Districts:

Commissioner At-Large, District #2: Tom Burroughs
District #6 Commissioner: Phillip Lopez

Existing Zoning:

R-1 Single Family District



Adjacent Zoning:	North: R-1 Single Family and MP-2 Planned General Industrial Districts South: A-G Agriculture District East: R-1 Single Family District West: MP-3 Planned Heavy Industrial District
Adjacent Uses:	North: Wooded parcels and industrial businesses (across Kaw Drive) South: Undeveloped, wooded parcel East: Water District No. of Johnson County West: Copart (storage of vehicles for auction)
Total Tract Size:	67.72 Acres
Comprehensive Plan Area:	PlanKCK Comprehensive Plan
Area Plan Designation:	The PlanKCK Comprehensive Plan designates this property as Industrial, which allows land featuring small, medium and large-scale industrial processing, manufacturing and outdoor storage. These uses are often most intensive uses characteristics or heavy truck traffic, excessive noise, and potentially noxious impacts. As such, industrial uses should be in or abutting existing industrial districts, but not encroach on existing residential or commercial areas that may act buffer such residential uses. These areas should be designed to support multi-modal connectivity with sidewalks and street trees, and include amenities such as enhanced landscaping, lighting, and walking trails on an attractive campus feel.
Major Street Plan:	The Major Street Plan classifies Gibbs Road and South 78 th Street as Local Streets.
Required Parking:	Sec. 27-454(d) Two (2) off-street parking spaces shall be provided on the premises for each single-family dwelling. Sec. 27-688(b) Any use not included in the parking requirements found in this article shall be assigned a parking requirement by the Planning Commission. The applicant is providing one (1) parking space for a service technician on the paved driveway within the access easement.
Advertisement:	<u>The Wyandotte Echo</u> – April 18, 2024 Letters to Property Owner – April 19, 2024

Public Hearings:	May 13, 2024 and May 30, 2024
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Aaron March with Rouse Frets White Goss, on behalf of Kaw Valley Companies, Inc., wants to continue and expand a sand dredging operation, excavation and processing business along the Kansas River on 67.72 acres at 8205 and 8205 R Kaw Drive, 2103 South 84th Street and 2400 South 78th Street.

City Ordinance Requirements: 27-592 through 27-606

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. None

Building, Zoning, or Code Enforcement Complaints:

1. None

Outstanding or Related Permits and Cases:

1. Special Use Permit (SP-2019-72) for fill operation of approved rubble at 8205 and 8205R Gibbs Road, and 2103 South 84th Street – approved for 10 years.
2. Special Use Permit (SP-2019-67) for sand production at 2400 South 78th Street – approved for 10 years.
3. Special Use Permit (SP-2008-30) for fill operation and sand production plan at 8205 and 8205R Gibbs Road, and 2103 South 84th Street and 2400 South 78th Street – approved for 10 years.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

This area is within the Muncie-Stony Point Statistical Area and is an industrial area consisting of established operations, undeveloped land and parking lots on the north side of the Kansas River and the Morris Statistical Area on the south side of the Kansas River comprised of a water treatment plant operation and undeveloped land.

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.

For 8205 and 8205 R Kaw Drive and 2103 South 84th Street, the properties nearby also seem to be engaged in mining or extraction operations. A fill operation is just the "cleanup" from a mining operation. While the juxtaposition of land zoned R-1 next to land zoned MP-3 is seemingly incompatible, the similar uses of the properties make them compatible neighbors. Precautions and preventative measures will need to be taken to ensure dust and runoff do not pollute the nearby Kansas River or are tracked into a public right-of-way.

For 2400 South 78th Street, nearby properties are undeveloped or consist of large bodies of water. Undeveloped land is compatible with a sand production operation. Precautions and preventative measures will need to be taken to ensure dust and runoff do not pollute any of the nearby bodies of water or are tracked into a public right-of-way.

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

For 8205 and 8205 R Kaw Drive and 2103 South 84th Street, removal of restrictions will actually benefit the neighboring properties, and a Special Use Permit for a fill operation will address large depressions in the ground and make the property in question more visually appealing and safe.

For 2400 South 78th Street, there is very little activity in the nearby properties. Therefore, the proposed activity will have little effect on the nearby properties. While operations are ongoing, mitigation measures are required, and full restoration of land and waterways is to be completed once operation ceases.

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

The properties are not vacant, as there is an ongoing Special Use Permit occurring on both parcels of land to conduct the sand dredging operation.

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

Special Use Permits are not specifically addressed in the PlanKCK Comprehensive Plan. This will permanently change the landscape of the area upon completion of the sand dredging operation.

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.*

For 8205 and 8205 R Kaw Drive and 2103 South 84th Street, it is possible that a fill operation would cause increased traffic on Gibbs Road and on collector roads

used to access the site. However, the Special Use Permit renewal and expansion is only for the fill operation—once the operation is completed there will be no need for material to be transported to the site, and traffic will likely drop back to pre-operation levels. However, there is no indication that Gibbs Road is close to exceeding the level of traffic that it was designed for, and the area is heavy industrial, so this sort of traffic has been anticipated and is to be expected.

For 2400 South 78th Street, this is a request for the renewal of a Special Use Permit. Staff will rely on several metrics, including the applicant's testimony, complaints filed against the address in question, and neighbor feedback in order to determine if and the extent to which the current permit has affected vehicular traffic.

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.

For 8205 and 8205 R Kaw Drive and 2103 South 84th Street, a fill operation is reasonably necessary to return the property back to its natural state. If all proper fill protocols, law, ordinances, and planning and engineering staff comments are followed, then there should be little chance of substantial or permanent injury to adjoining properties.

For 2400 South 78th Street, while sand production is not reasonably necessary for the convenience and welfare of the public, it is within the land use anticipated by the PlanKCK Comprehensive Plan. Staff will determine whether sand production under the previous Special Use Permit caused any substantial or permanent injury to the appropriate use, visual quality, or marketability of adjoining properties.

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

Noise, vibration, dust and illumination are all potential effects of this type of use. Mitigation measures such as rumble strips, truck washing in and out of the site, and keeping public rights-of-way clear is required.

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

For 8205 and 8205 R Kaw Drive and 2103 South 84th Street, the proximity of the property to the Kansas River is cause for some concern, but proper runoff prevention measures should mitigate this issue. Industry-standard precautions and preventative measures must be taken or remain in place in order to prevent rubble, recycled material, or other fill material from entering the river.

For 2400 South 78th Street, Sand production near a river, especially a river as vital as the Kansas River, must be undertaken with regard for the nearby bodies of water. Industry-standard precautions and preventative measures must be

taken or remain in place in order to prevent sand or sand production by-product from entering the river.

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

The natural composition of this property will be permanently changed by this use. Since these operations began, the site can never be restored to its original condition. Staff requires that fill operations are obligated to be graded back to finished grade.

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

There is some public gain from this operation due to concrete production. Any hardship from denial seems to be the sole loss of a potential revenue source and potential impact to the construction material supply for the property owner.

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

For 8205 and 8205 R Kaw Drive and 2103 South 84th Street, Staff will determine if the previous Special Use Permit caused overcrowding or undue concentrations of population. However, it appears that a permit for a fill operation has not caused anything of the sort.

For 2400 South 78th Street, Staff will determine if the previous Special Use Permit caused overcrowding or undue concentrations of population. However, it appears that a permit for sand production has not caused anything of the sort.

PREVIOUS ACTIONS

- Special Use Permit (SP-2019-72) for fill operation of approved rubble at 8205 and 8205R Gibbs Road, and 2103 South 84th Street – approved for 10 years.
- Special Use Permit (SP-2019-67) for sand production at 2400 South 78th Street – approved for 10 years.
- Special Use Permit (SP-2008-30) for fill operation and sand production plan at 8205 and 8205R Gibbs Road, and 2103 South 84th Street and 2400 South 78th Street – approved for 10 years.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting via Zoom on April 25, 2024. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Construction/site preparation traffic
Work in the regulatory floodway and floodplain
Landscaping/Screening/Buffering
Visual Impacts
Dust, Noise, and Vibration

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 5 to 0 to recommend **APPROVAL** of Special Use Permit Applications SP2024-020 and SP2024-022, **for ten (10) years**, subject to:

1. It shall be noted that the operator, Kaw Valley Companies obtained two (2) Special Use Permits for their respective properties in 2008 (SP-2008-30) and 2019 (SP-2019-67 and SP-2019-72). Since 2019, the excavation and fill operation on the north side of the Kansas River (Kaw Drive and Gibbs Road) has expanded beyond the boundary, violating their 2008 and 2019 approvals as indicated by the orange boundary on page 15 in the Attachments (Figure 4).

These Special Use Permits are tied together to keep them on the same approval timeline, but will be voted upon separately;

2. 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 and Urban Design Department at 913-573-5750 and/or 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/NRB36-Complete.pdf>;
3. 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;
4. The Subject Property is within a 100-year Special Flood Hazard Area (SFHA). A SFHA is defined as the area that would be inundated by the flood event having a one (1) percent chance of being equaled or exceeded in any given year. Before the alteration to or construction of any new structure on the subject property, the applicant shall submit the following required information for review:
 - a. A Survey shall be provided showing the property lines, setbacks, proposed and existing building elevations, 100-year floodplain and/or floodway shall be designated, the base flood elevation provided, FIRM panel number, and effective date shall be included.

- The Survey is required to be signed and sealed by and Kansas licensed surveyor or engineer;
5. Maintain the existing tree stand along the Kansas River;
 6. Maintain a 60-foot buffer on either side of Little Turkey Creek for stream preservation;
 7. Upon completion of operations of both sites, the sites will be reclaimed to green space;
 8. Hours of operation shall be from 7:00 AM to 3:00 PM, Monday through Friday;
 9. Employees shall park their personal vehicles on site;
 10. Keep ingress/egress at public right-of-way clear of any tracking or debris with rumble strips, hosing down trucks entering and leaving the property;
 11. Will restrooms be provided for construction works, as work trucks will be parked in the vicinity;
 12. Dust has the potential to be a problem. The site (ground) shall be watered daily to minimize dust and all truck wheels shall be wetted prior to leaving the site, exiting onto South 78th Street;
 13. Lighting cannot exceed one (1) footcandle at the property line. Exterior lighting shall have 90-degree cutoffs fixtures;
 14. All existing and future driveways must feature curb cuts that are constructed to UG standards;
 15. 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 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. 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;
 17. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
 18. 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;
 19. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
 20. Subject to approval, the Special Use Permit shall be valid for 10 years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be

- considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,
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.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petitions **SP2024-020** and **SP2024-022** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

May 13, 2024, City Planning Commission Meeting
Aerial Map
Zoning Map
Land Use Map
Aerial Photograph Explanation of Land Use Entitlements
Applicant Response Letter
Neighborhood Meeting Documents
Site Plan
Grading Plan
Site Photographs Provided by Staff on April 10, 2024

REVIEW OF INFORMATION AND SCHEDULE

Action	City Planning Commission	Unified Government Board of Commissioners
Public Hearing	May 13, 2024	May 30, 2024
Special Use	Approval	

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

MOTIONS

SP2024-020:

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2024-020** 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 **SP2024-020** 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.

SP2024-022:

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2024-022** as meeting all the requirements of the city code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **SP2024-022** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

May 13, 2024, City Planning Commission Minutes:

SPECIAL USE PERMIT APPLICATION SP2024-020 – AARON MARCH – SYNOPSIS:

Renewal and expansion of a Special Use Permit (SP-2019-072 – expires 6/27/2029) for extracting material/fill with State approved rubble and recycling and adding the production and stockpiling of sand at 8205 and 8251R Kaw Drive and 2103 South 84th Street.

SPECIAL USE PERMIT APPLICATION SP2024-022 – AARON MARCH – SYNOPSIS:

Renewal and expansion of a Special Use Permit (SP-2019-067 – expires 6/27/2029) for a sand plant/dredging operation and adding the production and stockpiling of sand at 2400 South 78th Street.

Detailed Outline of Requested Action: The applicant, Aaron March with Rouse Frets White Goss, on behalf of Kaw Valley Companies, Inc., wants to continue and expand a sand dredging operation, excavation and processing business along the Kansas River on 67.72 acres at 8205 and 8205 R Kaw Drive, 2103 South 84th Street and 2400 South 78th 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? Planning Director Hand stated Staff would request that PR2024-009 be removed from the Consent Agenda.

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 May 13, 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 Planning Director Hand stated Staff would request that PR2024-009 be removed to make a change to the conditions.

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

Carson	Chairman
Ward	Aye
Armstrong	Not Present
Beth	Aye

Easterwood Aye
Ernst Aye
Jones Aye
Miller Not Present
Mohler Not Present
Schwartz Not Present
Straws Not Present
Motion to APPROVE Passed: 5 to 0
Subject to:

1. It shall be noted that the operator, Kaw Valley Companies obtained two (2) Special Use Permits for their respective properties in 2008 (SP-2008-30) and 2019 (SP-2019-67 and SP-2019-72). Since 2019, the excavation and fill operation on the north side of the Kansas River (Kaw Drive and Gibbs Road) has expanded beyond the boundary, violating their 2008 and 2019 approvals as indicated by the orange boundary on page 15 in the Attachments (Figure 4).

These Special Use Permits are tied together to keep them on the same approval timeline, but will be voted upon separately;

2. 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 and Urban Design Department at 913-573-5750 and/or 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/NRB36-Complete.pdf>;
3. 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;
4. The Subject Property is within a 100-year Special Flood Hazard Area (SFHA). A SFHA is defined as the area that would be inundated by the flood event having a one (1) percent chance of being equaled or exceeded in any given year. Before the alteration to or construction of any new structure on the subject property, the applicant shall submit the following required information for review:
 - a. A Survey shall be provided showing the property lines, setbacks, proposed and existing building elevations, 100-year floodplain and/or floodway shall be designated, the base flood elevation provided, FIRM panel number, and effective date shall be included. The Survey is required to be signed and sealed by and Kansas licensed surveyor or engineer;
5. Maintain the existing tree stand along the Kansas River;
6. Maintain a 60-foot buffer on either side of Little Turkey Creek for stream

- preservation;
7. Upon completion of operations of both sites, the sites will be reclaimed to green space;
 8. Hours of operation shall be from 7:00 AM to 3:00 PM, Monday through Friday;
 9. Employees shall park their personal vehicles on site;
 10. Keep ingress/egress at public right-of-way clear of any tracking or debris with rumble strips, hosing down trucks entering and leaving the property;
 11. Will restrooms be provided for construction works, as work trucks will be parked in the vicinity;
 12. Dust has the potential to be a problem. The site (ground) shall be watered daily to minimize dust and all truck wheels shall be wetted prior to leaving the site, exiting onto South 78th Street;
 13. Lighting cannot exceed one (1) footcandle at the property line. Exterior lighting shall have 90-degree cutoffs fixtures;
 14. All existing and future driveways must feature curb cuts that are constructed to UG standards;
 15. 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 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. 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;
 17. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
 18. 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;
 19. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
 20. Subject to approval, the Special Use Permit shall be valid for 10 years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,
 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.

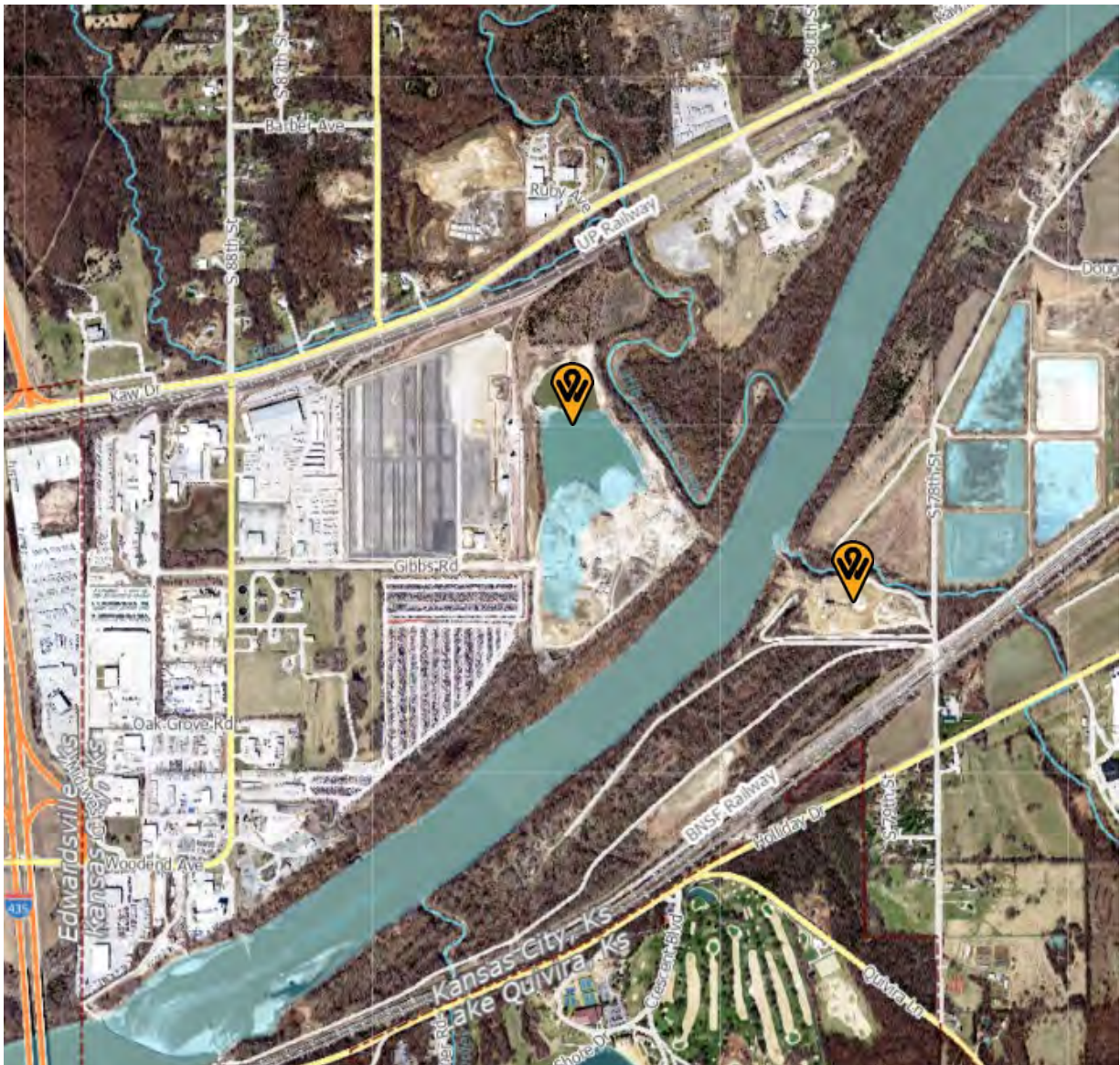


Figure 1. Aerial photograph of 8205 and 8251R Kaw Drive, 2103 South 84th Street and 2400 South 78th Street (provided by UG Maps).

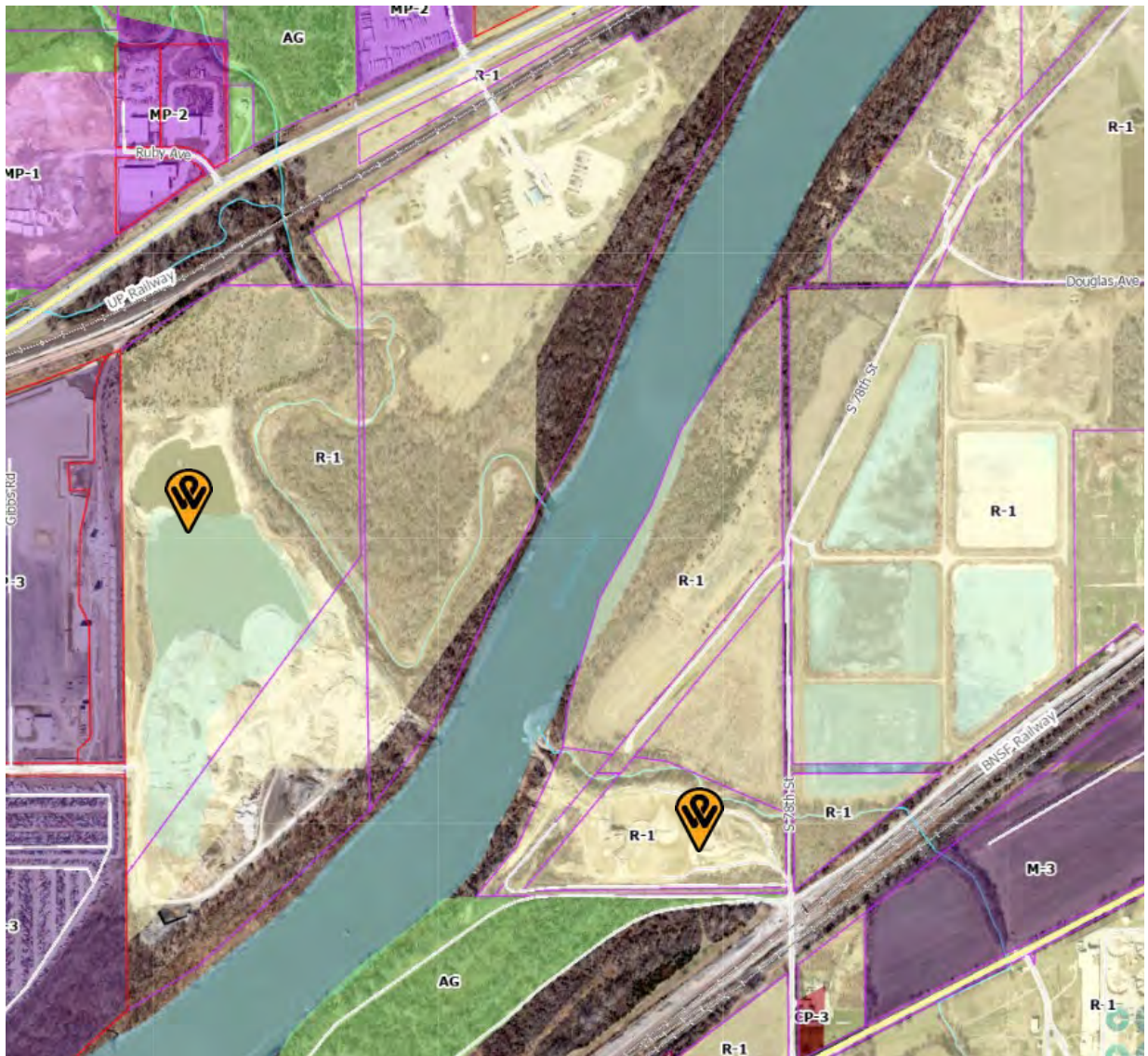


Figure 2. Zoning Map of 8205 and 8251R Kaw Drive, 2103 South 84th Street and 2400 South 78th Street (provided by UG Maps).

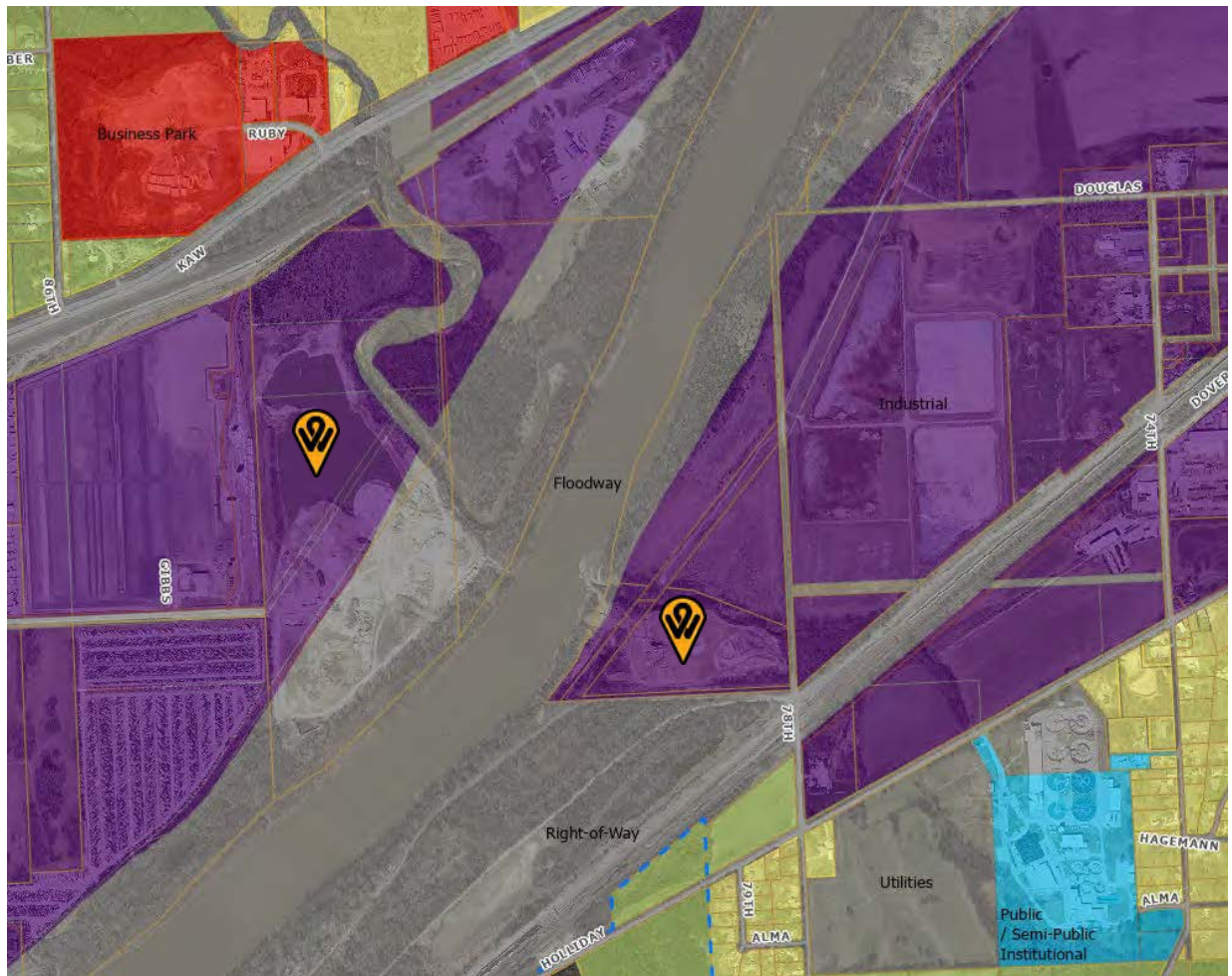


Figure 3. City-Wide Master Plan Land Use Map of 8205 and 8251R Kaw Drive, 2103 South 84th Street and 2400 South 78th Street (provided by ArcGIS Pro).

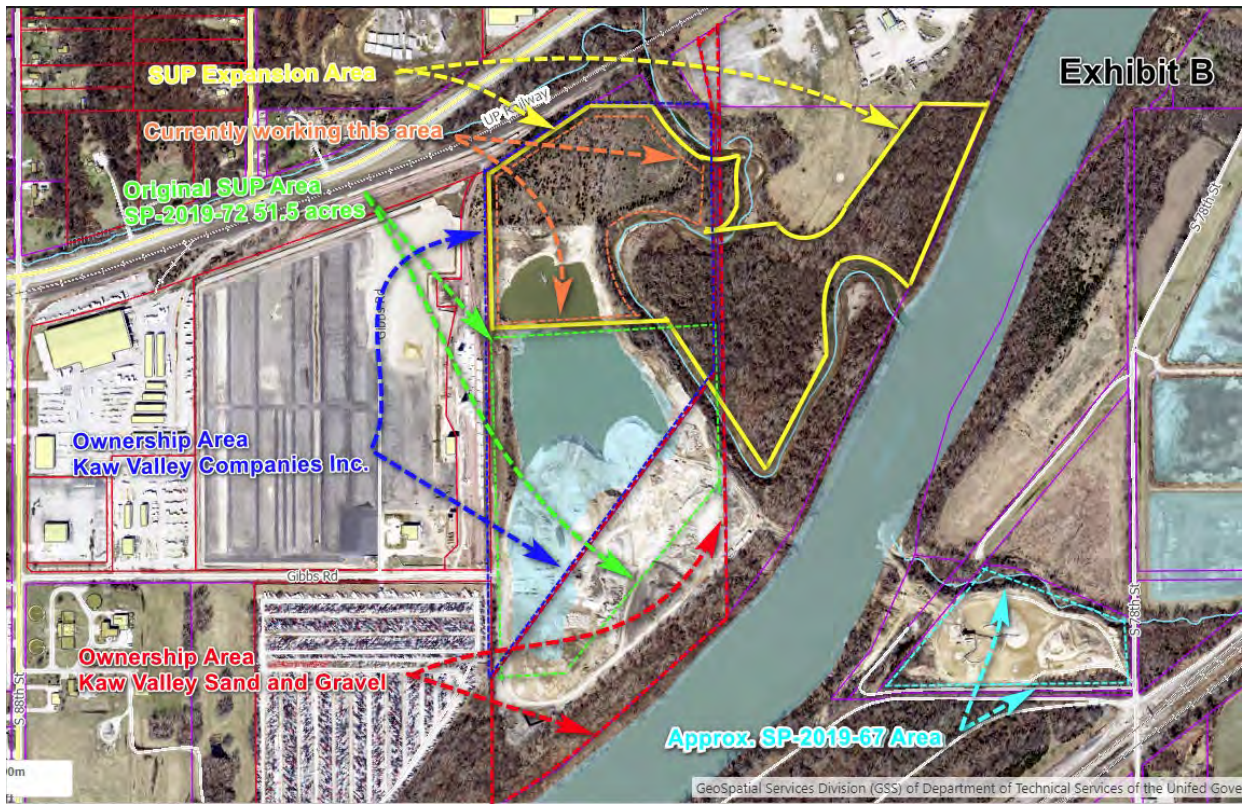


Figure 4. Aerial Photograph depicting ownership and project boundaries (provided by the Applicant).

April 29, 2024

VIA ELECTRONIC MAIL

Mr. Byron Toy (btoy@wycokck.org)
Mr. Travis Trumble (ttrumble@wycokck.org)
Unified Government
Department of Planning + Urban Design
701 N. 7th Street, Suite 423
Kansas City, KS 66101

Re: Kaw Valley Companies, Inc.
Case Nos.: SP2024-020 and SP2024-022

Gentlemen:

In response to Staff's comments and conditions, Applicant provides the following:

PLANNING AND URBAN DESIGN COMMENTS

1. It shall be noted that the operator, Kaw Valley Companies obtained two (2) Special Use Permits for their respective properties in 2008 (SP-2008-30) and 2019 (SP-2019-67 and SP-2019-72). Since 2019, the excavation and fill operation on the north side of the Kansas River (Kaw Drive and Gibbs Road) has expanded beyond the boundary, violating their 2008 and 2019 approvals as indicated by the orange boundary on page 15 of the Attachments (Figure 4).

These Special Use Permits are tied together to keep them on the same approval timeline, but will be voted upon separately.

Applicant's Response: As a point of clarification, the expansion of the operation beyond the boundary on the north side of the Kansas River occurred sometime in mid 2022. As more easily seen on the map below, this area is within the expansion area proposed under this application.

{34489 / 72452; 1019304. }

Attorneys at Law || 4510 Belleview Avenue, Suite 300 || Kansas City, MO 64111 || rousepc.com



2. 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 and Urban Design Department at 913-573-5750 and/or 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/NRB36-Complete.pdf>.

Applicant's Response: Acknowledged.

3. 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.

Applicant's Response: Acknowledged.

{34489 / 72452; 1019304. }

4. The Subject Property is within a 100-year Special Flood Hazard Area (SFHA). A SFHA is defined as the area that would be inundated by the flood event having a 1 percent chance of being equaled or exceeded in any given year. Before the alteration to or construction of any new structure on the subject property, the applicant shall submit the following required information for review:

a. A Survey shall be provided showing the property lines, setbacks, proposed and existing building elevations, 100-year floodplain and/or floodway shall be designated, the base flood elevation provided, FIRM panel number, and effective date shall be included. The Survey is required to be signed and sealed by and Kansas licensed surveyor or engineer.

Applicant's Response: Acknowledged.

5. Maintain the existing tree stand along the Kansas River.

Applicant's Response: Acknowledged.

6. Maintain a 60-foot buffer on either side of Little Turkey Creek for stream preservation.

Applicant's Response: Acknowledged.

7. What is the site remediation – post completion?

Applicant's Response: The site will be reclaimed to greenspace post completion.

8. What are the proposed hours of operation?

Applicant's Response: 7:00 a.m. to 3:00 p.m., Monday through Friday.

9. How many employees are on the property (both sites) at any given time?

Applicant's Response: 3-4 employees.

{34489 / 72452; 1019304. }

10. Where do employees park their personal vehicles?

Applicant's Response: On site.

11. Keep ingress/egress at public right-of-way clear of any tracking or debris with rumble strips, hosing down trucks entering and leaving the property.

Applicant's Response: In wet conditions, rumble strips are utilized as necessary. Additionally, as needed, we will continue to bring street sweepers in to pick up tracking and debris and general "housekeeping."

12. Will restrooms be provided for construction works, as work trucks will be parked in the vicinity?

Applicant's Response: "Porta Johns" are available onsite, maintained by a third party.

13. Dust has the potential to be a problem. The site (ground) shall be watered daily to minimize dust and all truck wheels shall be wetted prior to leaving the site, exiting onto South 78th Street.

Applicant's Response: We excavate a wet material, unlike a typical stone quarry. As needed in dry conditions, we utilize a water truck for dust mitigation.

14. Lighting cannot exceed one (1) footcandle at the property line. Exterior lighting shall have 90-degree cutoffs fixtures.

Applicant's Response: Acknowledged.

15. 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.

Applicant's Response: This comment is duplicative of comment number 3.

{34489 / 72452; 1019304. }

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

Applicant's Response: No improvements are proposed as the existing driveways will continue to be utilized in their current conditions.

17. 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 to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly.

Applicant's Response: Acknowledged. No driveway extensions are proposed.

18. 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.

Applicant's Response: Acknowledged.

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

Applicant's Response: Acknowledged.

20. 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.

Applicant's Response: Acknowledged.

{34489 / 72452; 1019304. }

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

Applicant's Response: Acknowledged.

22. Subject to approval, the Special Use Permit shall be valid for 10 years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved.

Applicant's Response: Acknowledged.

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

Applicant's Response: Acknowledged.

24. Previous Conditions of Approval – SP2019-72:

- a. Applicant and sand production operation must follow all applicable local, State, and Federal regulations regarding the fill operation, rubble, recyclable material, and by-product disposal.
- b. Kaw Valley should ensure it continues to file and maintain a current occupation tax application with the County for the sale of sand and rock materials.
- c. Provide a plan to keep mud or dirt from tracking onto public streets.

Applicant's Response: Acknowledged.

{34489 / 72452; 1019304. }

25. Previous Conditions of Approval – SP2019-67:

- a. 5. Applicant and sand production operation must follow all applicable local, State, and Federal regulations regarding the fill operation, rubble, recyclable material, and by-product disposal.
- b. Kaw Valley should ensure it continues to file and maintain a current occupation tax application with the County for the sale of sand and rock materials.
- c. Provide a plan to keep mud or dirt from tracking onto public streets.
- d. Provide current photographs from the sand operation site, including the sand plant building(s) and evidence of runoff prevention/mitigation techniques.

Applicant's Response: a-c are duplicative of comment 24 a-c. d is acknowledged – picture attached.

Planning Engineering Comments:

- A) Items that require plan revision or additional documentation before engineering can recommend approval:
- 1) None

Applicant's Response: N/A

- B) Items that are conditions of approval:
- 1) Detailed engineering comments are made by separate technical review of the plans and submitted directly to the applicant. Provide revised plans and responses in accordance with the engineering comments.

Applicant's Response: Acknowledged.

- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
- 1) None

Applicant's Response: N/A

Kaw Valley Companies, Inc.
SP2024-020, SP2024-022
NEIGHBORHOOD MEETING
April 25, 2024

SIGN-IN SHEET	
NAME	CONTACT INFORMATION
No attendees	No attendees

Neighborhood Meeting Minutes

- **Project Case#:** SP2024-020, SP2024-022
- **Meeting Date:** April 25, 2024
- **Meeting Location:** Via Zoom (online)
- **Meeting Start Time:** 5 p.m.
- **Meeting End Time:** 5:15 p.m.
- **Presenter (if any):** None.
- **Neighborhood Attendees:** None. No one attempted to join at any point after the meeting was closed.
- **Questions/Answers:** None.

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF KANSAS)
) SS:
COUNTY OF JOHNSON)

Comes now Audrey Manito, of lawful age, sound mind and upon her oath states as follows:

1. I represent Kaw Valley Companies, Inc., the applicant for SP2024-020 and SP2024-022.
2. I conducted a neighborhood meeting on April 25, 2024 for SP2024-020 and SP2024-022.
3. Attached are the minutes/summary of the meeting and a copy of the notices 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 26th day of April, 2024.

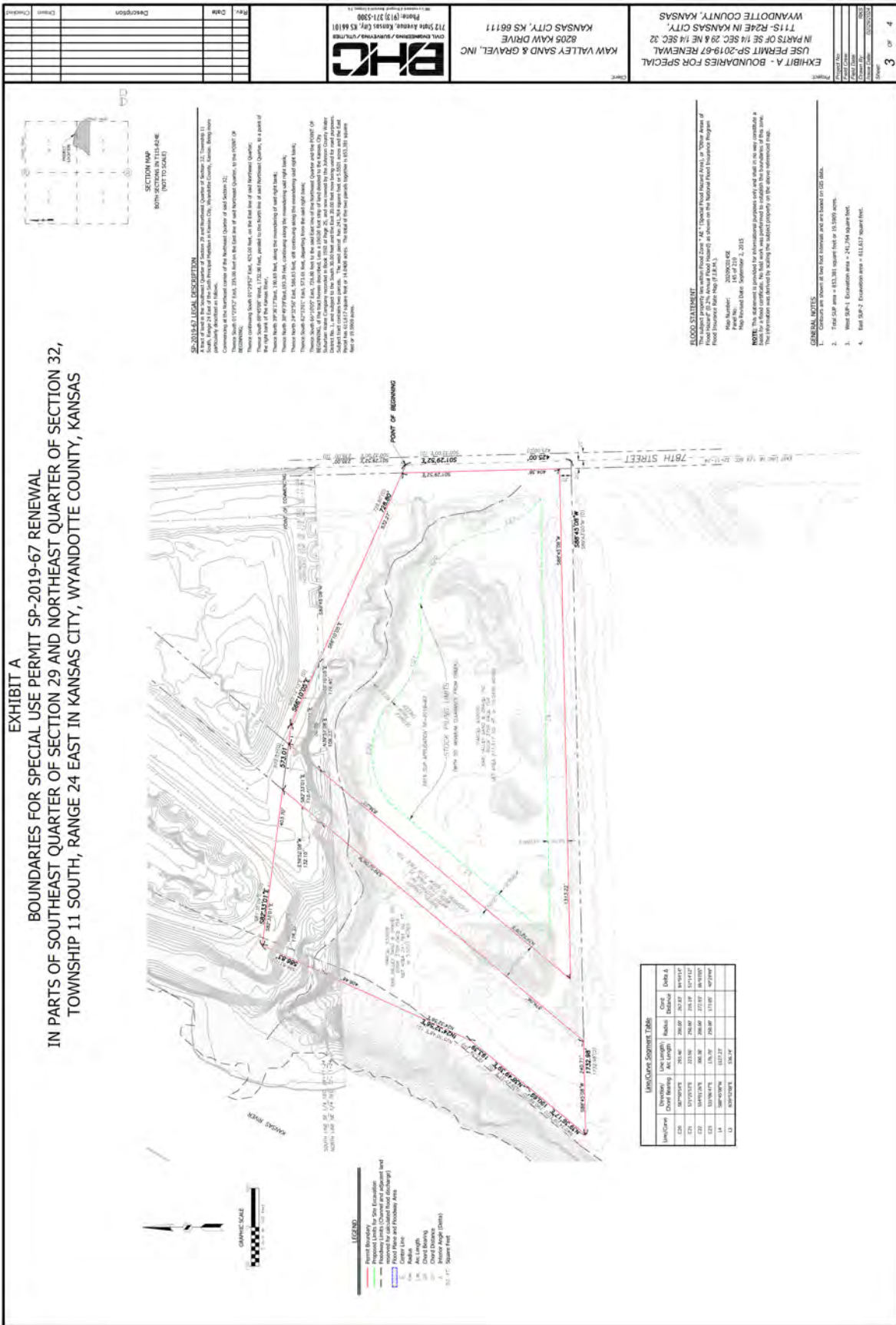
My commission expires 12th of January 2024.⁸



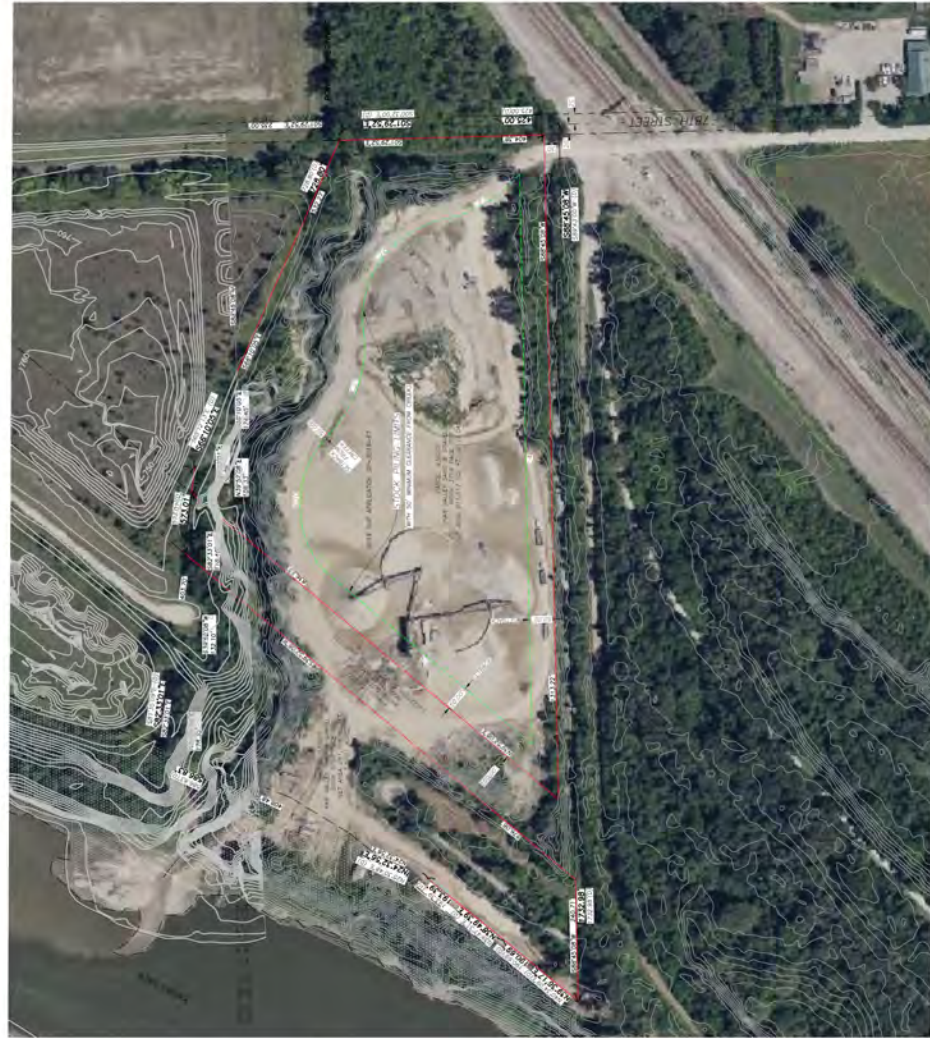


Notary Public

BOUNDARIES FOR SPECIAL USE PERMIT SP-2019-67 RENEWAL
EXHIBIT A
IN PARTS OF SOUTHEAST QUARTER OF SECTION 29 AND NORTHEAST QUARTER OF SECTION 32,
TOWNSHIP 11 SOUTH, RANGE 24 EAST IN KANSAS CITY, WYANDOTTE COUNTY, KANSAS



BOUNDARIES FOR SPECIAL USE PERMIT SP-2019-67 RENEWAL
EXHIBIT A
IN PARTS OF SOUTHEAST QUARTER OF SECTION 29 AND NORTHEAST QUARTER OF SECTION 32,
TOWNSHIP 11 SOUTH, RANGE 24 EAST IN KANSAS CITY, WYANDOTTE COUNTY, KANSAS



- LEGEND**
- Permit Boundary
 - Proposed Limits for Site Excavation
 - Proposed Limits for Channel and adjacent land reserved for calculated flood discharge
 - Flood Plane and Floodway Area
 - Center Line
 - Radius
 - Ac Length
 - Chord Bearing
 - Chord Distance
 - Interior Angle (Delta)

[illegible]

Project No.	
Sheet	4 OF 4
Date	08/26/2019
Drawn By	JLH
Checked By	
Project Name	EXHIBIT A - BOUNDARIES FOR SPECIAL USE PERMIT SP-2019-67 RENEWAL IN PARTS OF SEC. 29 & NE 1/4 SEC. 32 T1S-15R-2E IN KANSAS CITY, WYANDOTTE COUNTY, KANSAS
Cadent	KAW VALLEY SAND & GRAVEL, INC. 8205 KAW DRIVE KANSAS CITY, KS 66111
Phone	(913) 271-5300
Fax	(913) 271-5300
Email	info@kvw.com
Description	ONE LINER / BOUNDARY / SUBDIVISION / LOT / TRACT
DWG	
Notes	



Figure 5. Site photograph of 8205 and 8251R Kaw Drive, and 2103 South 84th Street looking east from Gibbs Road (provided by Planning Staff).



Figure 6. Site photograph of 8205 and 8251R Kaw Drive, and 2103 South 84th Street looking south from Gibbs Road (provided by Planning Staff).



Figure 7. Site photograph of 8205 and 8251R Kaw Drive, and 2103 South 84th Street looking northeast from Gibbs Road (provided by Planning Staff).



Figure 7. Site photograph of 2400 South 78th Street looking west (provided by Planning Staff).



Figure 8. Site photograph of 2400 South 78th Street looking northwest (provided by Planning Staff).



Figure 9. Site photograph of 2400 South 78th Street looking west (provided by Planning Staff).



Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: May 30, 2024

Re: Petitions SP2024-020 and SP2024-022

GENERAL INFORMATION

Applicant:

Kaw Valley Companies, Inc.

Status of Applicant:

Representative
Aaron March with Rouse Frets White Goss
4510 Belleview, Suite 300
Kansas City, MO 64111

Requested Action:

Approval of a Special Use Permit.

Date of Application:

April 1, 2024

Purpose:

To operate a sand dredging pit, sand processing and future restoration along the Kansas River.

Property Location:

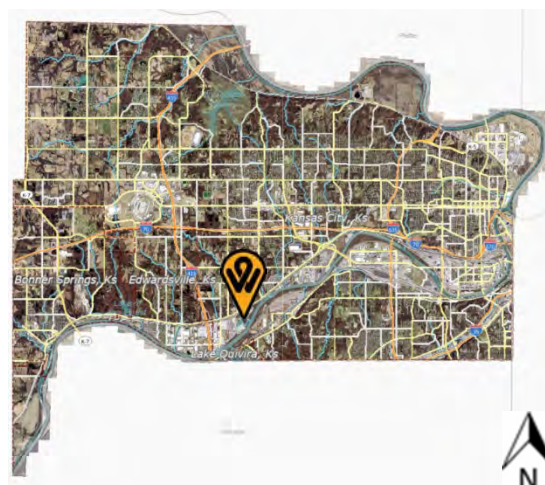
8205 and 8251 R Kaw Drive, 2103 South 84th Street, and 2400 South 78th Street

Commission Districts:

Commissioner At-Large, District #2: Tom Burroughs
District #6 Commissioner: Phillip Lopez

Existing Zoning:

R-1 Single Family District



Adjacent Zoning:	North: R-1 Single Family and MP-2 Planned General Industrial Districts South: A-G Agriculture District East: R-1 Single Family District West: MP-3 Planned Heavy Industrial District
Adjacent Uses:	North: Wooded parcels and industrial businesses (across Kaw Drive) South: Undeveloped, wooded parcel East: Water District No. of Johnson County West: Copart (storage of vehicles for auction)
Total Tract Size:	67.72 Acres
Comprehensive Plan Area:	PlanKCK Comprehensive Plan
Area Plan Designation:	The PlanKCK Comprehensive Plan designates this property as Industrial, which allows land featuring small, medium and large-scale industrial processing, manufacturing and outdoor storage. These uses are often most intensive uses characteristics or heavy truck traffic, excessive noise, and potentially noxious impacts. As such, industrial uses should be in or abutting existing industrial districts, but not encroach on existing residential or commercial areas that may act buffer such residential uses. These areas should be designed to support multi-modal connectivity with sidewalks and street trees, and include amenities such as enhanced landscaping, lighting, and walking trails on an attractive campus feel.
Major Street Plan:	The Major Street Plan classifies Gibbs Road and South 78 th Street as Local Streets.
Required Parking:	Sec. 27-454(d) Two (2) off-street parking spaces shall be provided on the premises for each single-family dwelling. Sec. 27-688(b) Any use not included in the parking requirements found in this article shall be assigned a parking requirement by the Planning Commission. The applicant is providing one (1) parking space for a service technician on the paved driveway within the access easement.
Advertisement:	<u>The Wyandotte Echo</u> – April 18, 2024 Letters to Property Owner – April 19, 2024

Public Hearings:	May 13, 2024 and May 30, 2024
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Aaron March with Rouse Frets White Goss, on behalf of Kaw Valley Companies, Inc., wants to continue and expand a sand dredging operation, excavation and processing business along the Kansas River on 67.72 acres at 8205 and 8205 R Kaw Drive, 2103 South 84th Street and 2400 South 78th Street.

City Ordinance Requirements: 27-592 through 27-606

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. None

Building, Zoning, or Code Enforcement Complaints:

1. None

Outstanding or Related Permits and Cases:

1. Special Use Permit (SP-2019-72) for fill operation of approved rubble at 8205 and 8205R Gibbs Road, and 2103 South 84th Street – approved for 10 years.
2. Special Use Permit (SP-2019-67) for sand production at 2400 South 78th Street – approved for 10 years.
3. Special Use Permit (SP-2008-30) for fill operation and sand production plan at 8205 and 8205R Gibbs Road, and 2103 South 84th Street and 2400 South 78th Street – approved for 10 years.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

This area is within the Muncie-Stony Point Statistical Area and is an industrial area consisting of established operations, undeveloped land and parking lots on the north side of the Kansas River and the Morris Statistical Area on the south side of the Kansas River comprised of a water treatment plant operation and undeveloped land.

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.

For 8205 and 8205 R Kaw Drive and 2103 South 84th Street, the properties nearby also seem to be engaged in mining or extraction operations. A fill operation is just the "cleanup" from a mining operation. While the juxtaposition of land zoned R-1 next to land zoned MP-3 is seemingly incompatible, the similar uses of the properties make them compatible neighbors. Precautions and preventative measures will need to be taken to ensure dust and runoff do not pollute the nearby Kansas River or are tracked into a public right-of-way.

For 2400 South 78th Street, nearby properties are undeveloped or consist of large bodies of water. Undeveloped land is compatible with a sand production operation. Precautions and preventative measures will need to be taken to ensure dust and runoff do not pollute any of the nearby bodies of water or are tracked into a public right-of-way.

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

For 8205 and 8205 R Kaw Drive and 2103 South 84th Street, removal of restrictions will actually benefit the neighboring properties, and a Special Use Permit for a fill operation will address large depressions in the ground and make the property in question more visually appealing and safe.

For 2400 South 78th Street, there is very little activity in the nearby properties. Therefore, the proposed activity will have little effect on the nearby properties. While operations are ongoing, mitigation measures are required, and full restoration of land and waterways is to be completed once operation ceases.

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

The properties are not vacant, as there is an ongoing Special Use Permit occurring on both parcels of land to conduct the sand dredging operation.

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

Special Use Permits are not specifically addressed in the PlanKCK Comprehensive Plan. This will permanently change the landscape of the area upon completion of the sand dredging operation.

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.*

For 8205 and 8205 R Kaw Drive and 2103 South 84th Street, it is possible that a fill operation would cause increased traffic on Gibbs Road and on collector roads

used to access the site. However, the Special Use Permit renewal and expansion is only for the fill operation—once the operation is completed there will be no need for material to be transported to the site, and traffic will likely drop back to pre-operation levels. However, there is no indication that Gibbs Road is close to exceeding the level of traffic that it was designed for, and the area is heavy industrial, so this sort of traffic has been anticipated and is to be expected.

For 2400 South 78th Street, this is a request for the renewal of a Special Use Permit. Staff will rely on several metrics, including the applicant's testimony, complaints filed against the address in question, and neighbor feedback in order to determine if and the extent to which the current permit has affected vehicular traffic.

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.

For 8205 and 8205 R Kaw Drive and 2103 South 84th Street, a fill operation is reasonably necessary to return the property back to its natural state. If all proper fill protocols, law, ordinances, and planning and engineering staff comments are followed, then there should be little chance of substantial or permanent injury to adjoining properties.

For 2400 South 78th Street, while sand production is not reasonably necessary for the convenience and welfare of the public, it is within the land use anticipated by the PlanKCK Comprehensive Plan. Staff will determine whether sand production under the previous Special Use Permit caused any substantial or permanent injury to the appropriate use, visual quality, or marketability of adjoining properties.

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

Noise, vibration, dust and illumination are all potential effects of this type of use. Mitigation measures such as rumble strips, truck washing in and out of the site, and keeping public rights-of-way clear is required.

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

For 8205 and 8205 R Kaw Drive and 2103 South 84th Street, the proximity of the property to the Kansas River is cause for some concern, but proper runoff prevention measures should mitigate this issue. Industry-standard precautions and preventative measures must be taken or remain in place in order to prevent rubble, recycled material, or other fill material from entering the river.

For 2400 South 78th Street, Sand production near a river, especially a river as vital as the Kansas River, must be undertaken with regard for the nearby bodies of water. Industry-standard precautions and preventative measures must be

taken or remain in place in order to prevent sand or sand production by-product from entering the river.

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

The natural composition of this property will be permanently changed by this use. Since these operations began, the site can never be restored to its original condition. Staff requires that fill operations are obligated to be graded back to finished grade.

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

There is some public gain from this operation due to concrete production. Any hardship from denial seems to be the sole loss of a potential revenue source and potential impact to the construction material supply for the property owner.

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

For 8205 and 8205 R Kaw Drive and 2103 South 84th Street, Staff will determine if the previous Special Use Permit caused overcrowding or undue concentrations of population. However, it appears that a permit for a fill operation has not caused anything of the sort.

For 2400 South 78th Street, Staff will determine if the previous Special Use Permit caused overcrowding or undue concentrations of population. However, it appears that a permit for sand production has not caused anything of the sort.

PREVIOUS ACTIONS

- Special Use Permit (SP-2019-72) for fill operation of approved rubble at 8205 and 8205R Gibbs Road, and 2103 South 84th Street – approved for 10 years.
- Special Use Permit (SP-2019-67) for sand production at 2400 South 78th Street – approved for 10 years.
- Special Use Permit (SP-2008-30) for fill operation and sand production plan at 8205 and 8205R Gibbs Road, and 2103 South 84th Street and 2400 South 78th Street – approved for 10 years.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting via Zoom on April 25, 2024. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Construction/site preparation traffic
Work in the regulatory floodway and floodplain
Landscaping/Screening/Buffering
Visual Impacts
Dust, Noise, and Vibration

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 5 to 0 to recommend **APPROVAL** of Special Use Permit Applications SP2024-020 and SP2024-022, **for ten (10) years**, subject to:

1. It shall be noted that the operator, Kaw Valley Companies obtained two (2) Special Use Permits for their respective properties in 2008 (SP-2008-30) and 2019 (SP-2019-67 and SP-2019-72). Since 2019, the excavation and fill operation on the north side of the Kansas River (Kaw Drive and Gibbs Road) has expanded beyond the boundary, violating their 2008 and 2019 approvals as indicated by the orange boundary on page 15 in the Attachments (Figure 4).

These Special Use Permits are tied together to keep them on the same approval timeline, but will be voted upon separately;

2. 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 and Urban Design Department at 913-573-5750 and/or 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/NRB36-Complete.pdf>;
3. 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;
4. The Subject Property is within a 100-year Special Flood Hazard Area (SFHA). A SFHA is defined as the area that would be inundated by the flood event having a one (1) percent chance of being equaled or exceeded in any given year. Before the alteration to or construction of any new structure on the subject property, the applicant shall submit the following required information for review:
 - a. A Survey shall be provided showing the property lines, setbacks, proposed and existing building elevations, 100-year floodplain and/or floodway shall be designated, the base flood elevation provided, FIRM panel number, and effective date shall be included.

- The Survey is required to be signed and sealed by and Kansas licensed surveyor or engineer;
5. Maintain the existing tree stand along the Kansas River;
 6. Maintain a 60-foot buffer on either side of Little Turkey Creek for stream preservation;
 7. Upon completion of operations of both sites, the sites will be reclaimed to green space;
 8. Hours of operation shall be from 7:00 AM to 3:00 PM, Monday through Friday;
 9. Employees shall park their personal vehicles on site;
 10. Keep ingress/egress at public right-of-way clear of any tracking or debris with rumble strips, hosing down trucks entering and leaving the property;
 11. Will restrooms be provided for construction works, as work trucks will be parked in the vicinity;
 12. Dust has the potential to be a problem. The site (ground) shall be watered daily to minimize dust and all truck wheels shall be wetted prior to leaving the site, exiting onto South 78th Street;
 13. Lighting cannot exceed one (1) footcandle at the property line. Exterior lighting shall have 90-degree cutoffs fixtures;
 14. All existing and future driveways must feature curb cuts that are constructed to UG standards;
 15. 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 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. 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;
 17. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
 18. 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;
 19. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
 20. Subject to approval, the Special Use Permit shall be valid for 10 years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be

- considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,
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.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petitions **SP2024-020** and **SP2024-022** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

May 13, 2024, City Planning Commission Meeting
Aerial Map
Zoning Map
Land Use Map
Aerial Photograph Explanation of Land Use Entitlements
Applicant Response Letter
Neighborhood Meeting Documents
Site Plan
Grading Plan
Site Photographs Provided by Staff on April 10, 2024

REVIEW OF INFORMATION AND SCHEDULE

Action	City Planning Commission	Unified Government Board of Commissioners
Public Hearing	May 13, 2024	May 30, 2024
Special Use	Approval	

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

MOTIONS

SP2024-020:

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2024-020** 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 **SP2024-020** 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.

SP2024-022:

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2024-022** as meeting all the requirements of the city code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **SP2024-022** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

May 13, 2024, City Planning Commission Minutes:

SPECIAL USE PERMIT APPLICATION SP2024-020 – AARON MARCH – SYNOPSIS:

Renewal and expansion of a Special Use Permit (SP-2019-072 – expires 6/27/2029) for extracting material/fill with State approved rubble and recycling and adding the production and stockpiling of sand at 8205 and 8251R Kaw Drive and 2103 South 84th Street.

SPECIAL USE PERMIT APPLICATION SP2024-022 – AARON MARCH – SYNOPSIS:

Renewal and expansion of a Special Use Permit (SP-2019-067 – expires 6/27/2029) for a sand plant/dredging operation and adding the production and stockpiling of sand at 2400 South 78th Street.

Detailed Outline of Requested Action: The applicant, Aaron March with Rouse Frets White Goss, on behalf of Kaw Valley Companies, Inc., wants to continue and expand a sand dredging operation, excavation and processing business along the Kansas River on 67.72 acres at 8205 and 8205 R Kaw Drive, 2103 South 84th Street and 2400 South 78th 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? Planning Director Hand stated Staff would request that PR2024-009 be removed from the Consent Agenda.

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 May 13, 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 Planning Director Hand stated Staff would request that PR2024-009 be removed to make a change to the conditions.

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

Carson	Chairman
Ward	Aye
Armstrong	Not Present
Beth	Aye

Easterwood Aye
Ernst Aye
Jones Aye
Miller Not Present
Mohler Not Present
Schwartz Not Present
Straws Not Present
Motion to APPROVE Passed: 5 to 0
Subject to:

1. It shall be noted that the operator, Kaw Valley Companies obtained two (2) Special Use Permits for their respective properties in 2008 (SP-2008-30) and 2019 (SP-2019-67 and SP-2019-72). Since 2019, the excavation and fill operation on the north side of the Kansas River (Kaw Drive and Gibbs Road) has expanded beyond the boundary, violating their 2008 and 2019 approvals as indicated by the orange boundary on page 15 in the Attachments (Figure 4).

These Special Use Permits are tied together to keep them on the same approval timeline, but will be voted upon separately;

2. 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 and Urban Design Department at 913-573-5750 and/or 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/NRB36-Complete.pdf>;
3. 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;
4. The Subject Property is within a 100-year Special Flood Hazard Area (SFHA). A SFHA is defined as the area that would be inundated by the flood event having a one (1) percent chance of being equaled or exceeded in any given year. Before the alteration to or construction of any new structure on the subject property, the applicant shall submit the following required information for review:
 - a. A Survey shall be provided showing the property lines, setbacks, proposed and existing building elevations, 100-year floodplain and/or floodway shall be designated, the base flood elevation provided, FIRM panel number, and effective date shall be included. The Survey is required to be signed and sealed by and Kansas licensed surveyor or engineer;
5. Maintain the existing tree stand along the Kansas River;
6. Maintain a 60-foot buffer on either side of Little Turkey Creek for stream

- preservation;
7. Upon completion of operations of both sites, the sites will be reclaimed to green space;
 8. Hours of operation shall be from 7:00 AM to 3:00 PM, Monday through Friday;
 9. Employees shall park their personal vehicles on site;
 10. Keep ingress/egress at public right-of-way clear of any tracking or debris with rumble strips, hosing down trucks entering and leaving the property;
 11. Will restrooms be provided for construction works, as work trucks will be parked in the vicinity;
 12. Dust has the potential to be a problem. The site (ground) shall be watered daily to minimize dust and all truck wheels shall be wetted prior to leaving the site, exiting onto South 78th Street;
 13. Lighting cannot exceed one (1) footcandle at the property line. Exterior lighting shall have 90-degree cutoffs fixtures;
 14. All existing and future driveways must feature curb cuts that are constructed to UG standards;
 15. 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 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. 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;
 17. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
 18. 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;
 19. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
 20. Subject to approval, the Special Use Permit shall be valid for 10 years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,
 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.

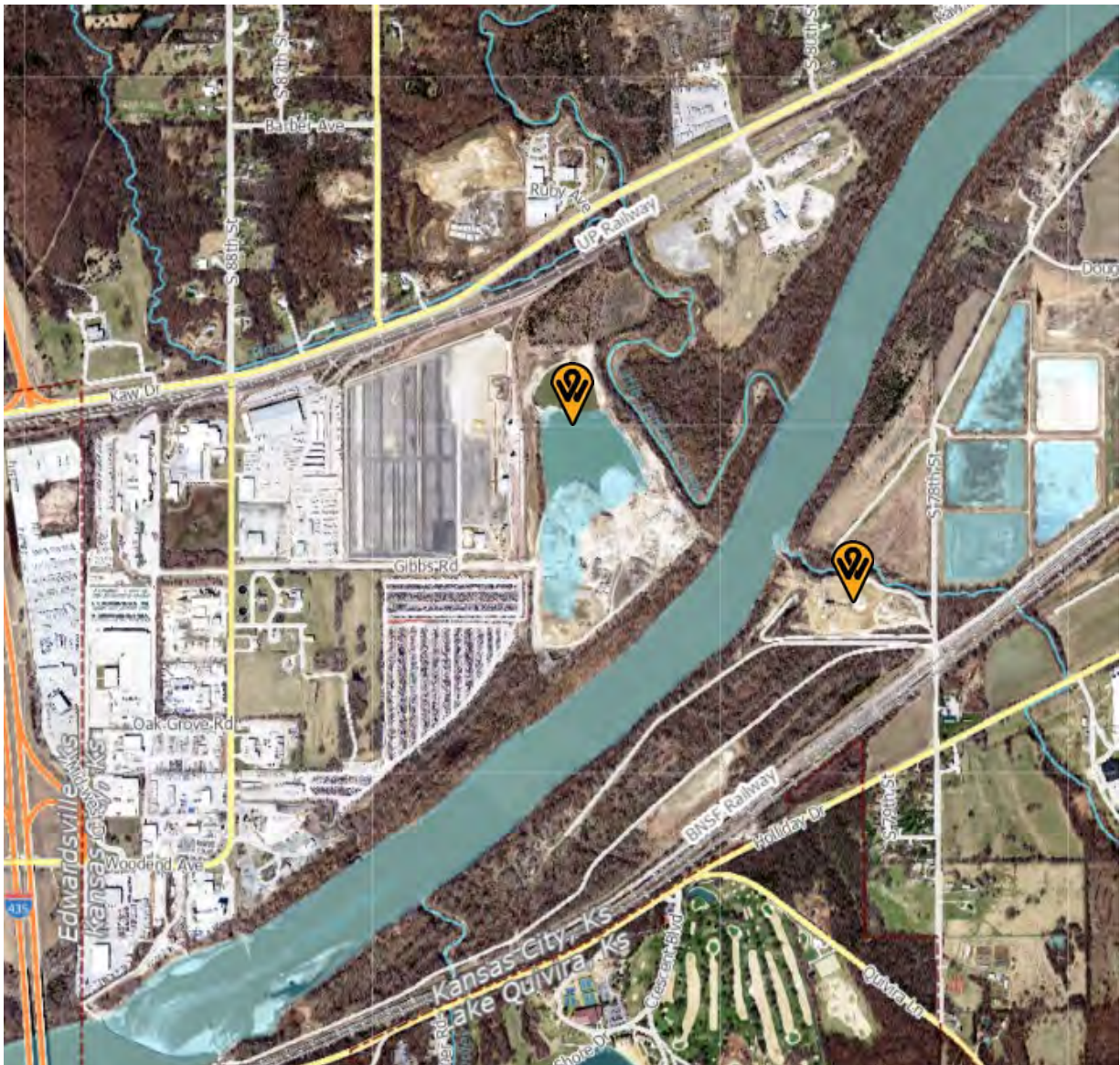


Figure 1. Aerial photograph of 8205 and 8251R Kaw Drive, 2103 South 84th Street and 2400 South 78th Street (provided by UG Maps).

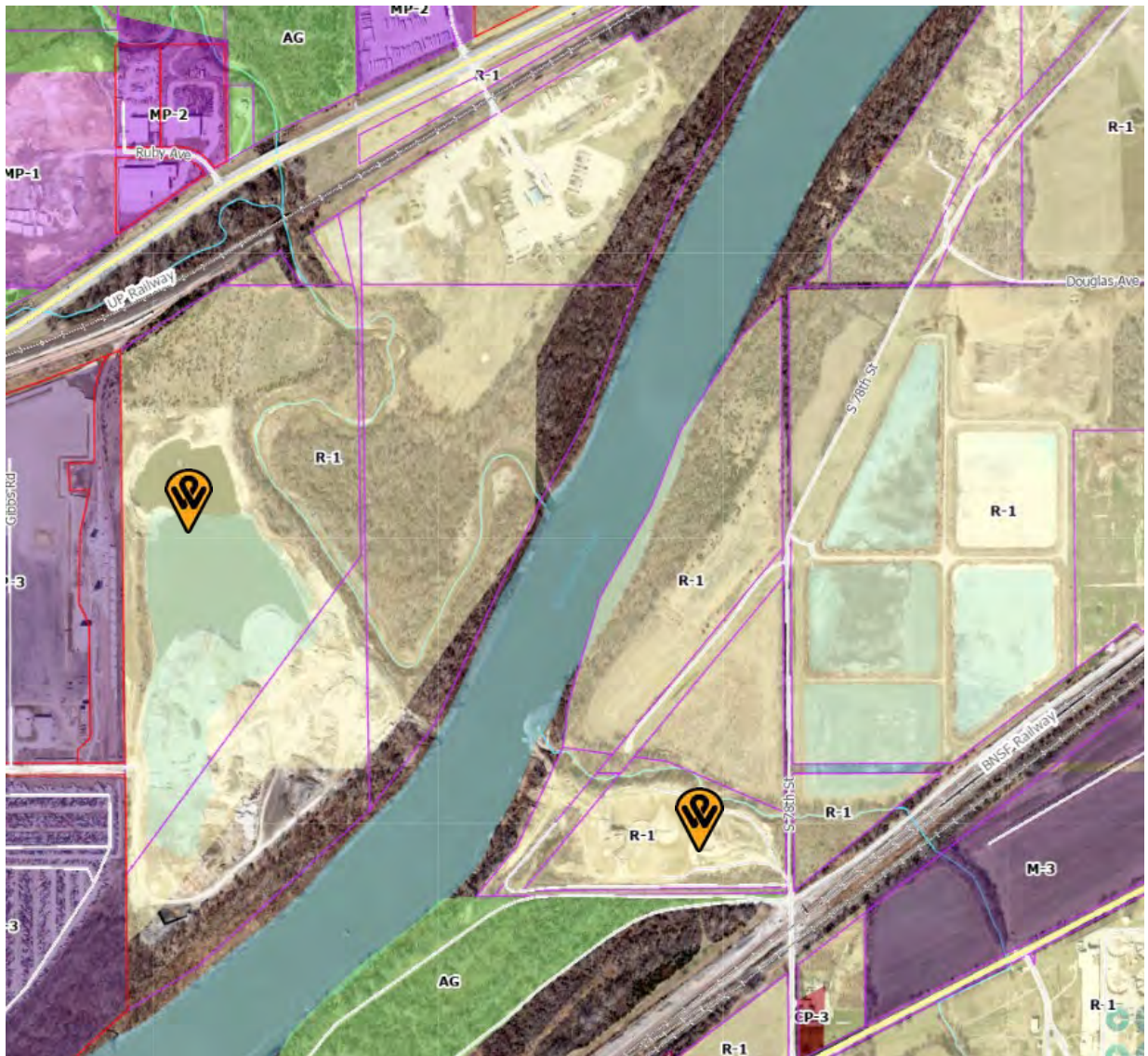


Figure 2. Zoning Map of 8205 and 8251R Kaw Drive, 2103 South 84th Street and 2400 South 78th Street (provided by UG Maps).

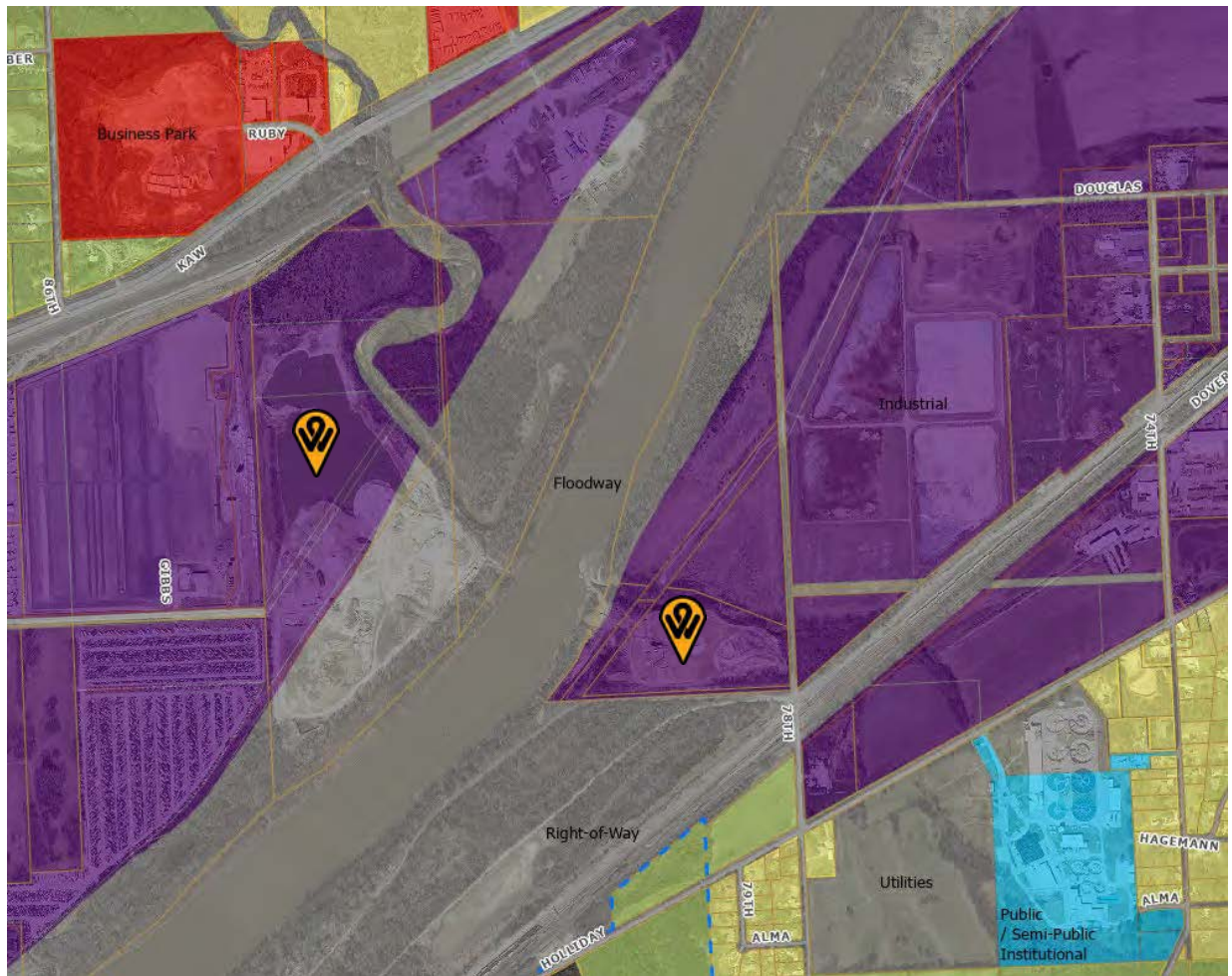


Figure 3. City-Wide Master Plan Land Use Map of 8205 and 8251R Kaw Drive, 2103 South 84th Street and 2400 South 78th Street (provided by ArcGIS Pro).

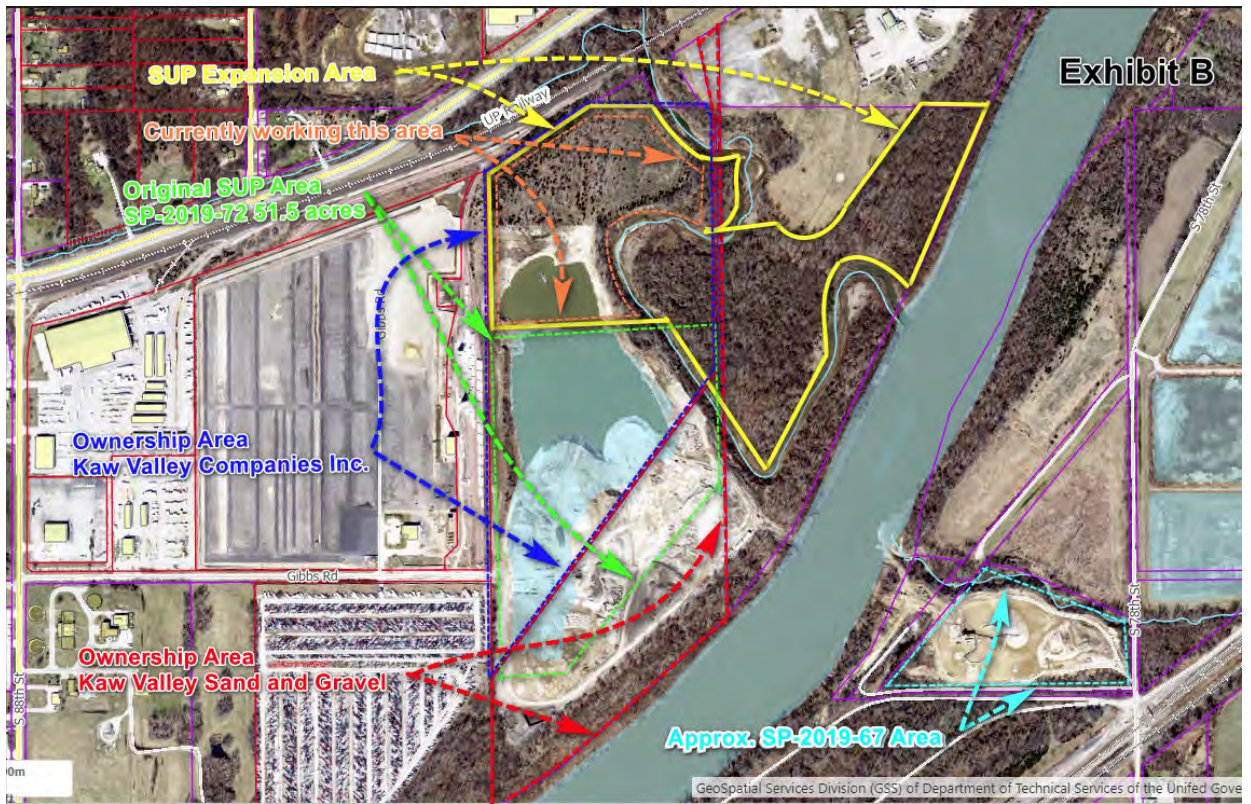


Figure 4. Aerial Photograph depicting ownership and project boundaries (provided by the Applicant).

April 29, 2024

VIA ELECTRONIC MAIL

Mr. Byron Toy (btoy@wycokck.org)
Mr. Travis Trumble (ttrumble@wycokck.org)
Unified Government
Department of Planning + Urban Design
701 N. 7th Street, Suite 423
Kansas City, KS 66101

Re: Kaw Valley Companies, Inc.
Case Nos.: SP2024-020 and SP2024-022

Gentlemen:

In response to Staff's comments and conditions, Applicant provides the following:

PLANNING AND URBAN DESIGN COMMENTS

1. It shall be noted that the operator, Kaw Valley Companies obtained two (2) Special Use Permits for their respective properties in 2008 (SP-2008-30) and 2019 (SP-2019-67 and SP-2019-72). Since 2019, the excavation and fill operation on the north side of the Kansas River (Kaw Drive and Gibbs Road) has expanded beyond the boundary, violating their 2008 and 2019 approvals as indicated by the orange boundary on page 15 of the Attachments (Figure 4).

These Special Use Permits are tied together to keep them on the same approval timeline, but will be voted upon separately.

Applicant's Response: As a point of clarification, the expansion of the operation beyond the boundary on the north side of the Kansas River occurred sometime in mid 2022. As more easily seen on the map below, this area is within the expansion area proposed under this application.

{34489 / 72452; 1019304. }

Attorneys at Law || 4510 Belleview Avenue, Suite 300 || Kansas City, MO 64111 || rousepc.com



2. 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 and Urban Design Department at 913-573-5750 and/or 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/NRB36-Complete.pdf>.

Applicant's Response: Acknowledged.

3. 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.

Applicant's Response: Acknowledged.

{34489 / 72452; 1019304. }

4. The Subject Property is within a 100-year Special Flood Hazard Area (SFHA). A SFHA is defined as the area that would be inundated by the flood event having a 1 percent chance of being equaled or exceeded in any given year. Before the alteration to or construction of any new structure on the subject property, the applicant shall submit the following required information for review:

a. A Survey shall be provided showing the property lines, setbacks, proposed and existing building elevations, 100-year floodplain and/or floodway shall be designated, the base flood elevation provided, FIRM panel number, and effective date shall be included. The Survey is required to be signed and sealed by and Kansas licensed surveyor or engineer.

Applicant's Response: Acknowledged.

5. Maintain the existing tree stand along the Kansas River.

Applicant's Response: Acknowledged.

6. Maintain a 60-foot buffer on either side of Little Turkey Creek for stream preservation.

Applicant's Response: Acknowledged.

7. What is the site remediation – post completion?

Applicant's Response: The site will be reclaimed to greenspace post completion.

8. What are the proposed hours of operation?

Applicant's Response: 7:00 a.m. to 3:00 p.m., Monday through Friday.

9. How many employees are on the property (both sites) at any given time?

Applicant's Response: 3-4 employees.

{34489 / 72452; 1019304. }

10. Where do employees park their personal vehicles?

Applicant's Response: On site.

11. Keep ingress/egress at public right-of-way clear of any tracking or debris with rumble strips, hosing down trucks entering and leaving the property.

Applicant's Response: In wet conditions, rumble strips are utilized as necessary. Additionally, as needed, we will continue to bring street sweepers in to pick up tracking and debris and general "housekeeping."

12. Will restrooms be provided for construction works, as work trucks will be parked in the vicinity?

Applicant's Response: "Porta Johns" are available onsite, maintained by a third party.

13. Dust has the potential to be a problem. The site (ground) shall be watered daily to minimize dust and all truck wheels shall be wetted prior to leaving the site, exiting onto South 78th Street.

Applicant's Response: We excavate a wet material, unlike a typical stone quarry. As needed in dry conditions, we utilize a water truck for dust mitigation.

14. Lighting cannot exceed one (1) footcandle at the property line. Exterior lighting shall have 90-degree cutoffs fixtures.

Applicant's Response: Acknowledged.

15. 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.

Applicant's Response: This comment is duplicative of comment number 3.

{34489 / 72452; 1019304. }

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

Applicant's Response: No improvements are proposed as the existing driveways will continue to be utilized in their current conditions.

17. 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 to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly.

Applicant's Response: Acknowledged. No driveway extensions are proposed.

18. 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.

Applicant's Response: Acknowledged.

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

Applicant's Response: Acknowledged.

20. 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.

Applicant's Response: Acknowledged.

{34489 / 72452; 1019304. }

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

Applicant's Response: Acknowledged.

22. Subject to approval, the Special Use Permit shall be valid for 10 years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved.

Applicant's Response: Acknowledged.

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

Applicant's Response: Acknowledged.

24. Previous Conditions of Approval – SP2019-72:

- a. Applicant and sand production operation must follow all applicable local, State, and Federal regulations regarding the fill operation, rubble, recyclable material, and by-product disposal.
- b. Kaw Valley should ensure it continues to file and maintain a current occupation tax application with the County for the sale of sand and rock materials.
- c. Provide a plan to keep mud or dirt from tracking onto public streets.

Applicant's Response: Acknowledged.

{34489 / 72452; 1019304. }

25. Previous Conditions of Approval – SP2019-67:

- a. 5. Applicant and sand production operation must follow all applicable local, State, and Federal regulations regarding the fill operation, rubble, recyclable material, and by-product disposal.
- b. Kaw Valley should ensure it continues to file and maintain a current occupation tax application with the County for the sale of sand and rock materials.
- c. Provide a plan to keep mud or dirt from tracking onto public streets.
- d. Provide current photographs from the sand operation site, including the sand plant building(s) and evidence of runoff prevention/mitigation techniques.

Applicant's Response: a-c are duplicative of comment 24 a-c. d is acknowledged – picture attached.

Planning Engineering Comments:

- A) Items that require plan revision or additional documentation before engineering can recommend approval:
- 1) None

Applicant's Response: N/A

- B) Items that are conditions of approval:
- 1) Detailed engineering comments are made by separate technical review of the plans and submitted directly to the applicant. Provide revised plans and responses in accordance with the engineering comments.

Applicant's Response: Acknowledged.

- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
- 1) None

Applicant's Response: N/A

Kaw Valley Companies, Inc.
SP2024-020, SP2024-022
NEIGHBORHOOD MEETING
April 25, 2024

SIGN-IN SHEET	
NAME	CONTACT INFORMATION
No attendees	No attendees

Neighborhood Meeting Minutes

- **Project Case#:** SP2024-020, SP2024-022
- **Meeting Date:** April 25, 2024
- **Meeting Location:** Via Zoom (online)
- **Meeting Start Time:** 5 p.m.
- **Meeting End Time:** 5:15 p.m.
- **Presenter (if any):** None.
- **Neighborhood Attendees:** None. No one attempted to join at any point after the meeting was closed.
- **Questions/Answers:** None.

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF KANSAS)
) SS:
COUNTY OF JOHNSON)

Comes now Audrey Manito, of lawful age, sound mind and upon her oath states as follows:

1. I represent Kaw Valley Companies, Inc., the applicant for SP2024-020 and SP2024-022.
2. I conducted a neighborhood meeting on April 25, 2024 for SP2024-020 and SP2024-022.
3. Attached are the minutes/summary of the meeting and a copy of the notices mailed to the property owners on the list provided by the Planning + Urban Design Department.

Further affiant saith not.

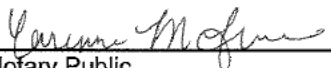


Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 26th day of April, 2024.

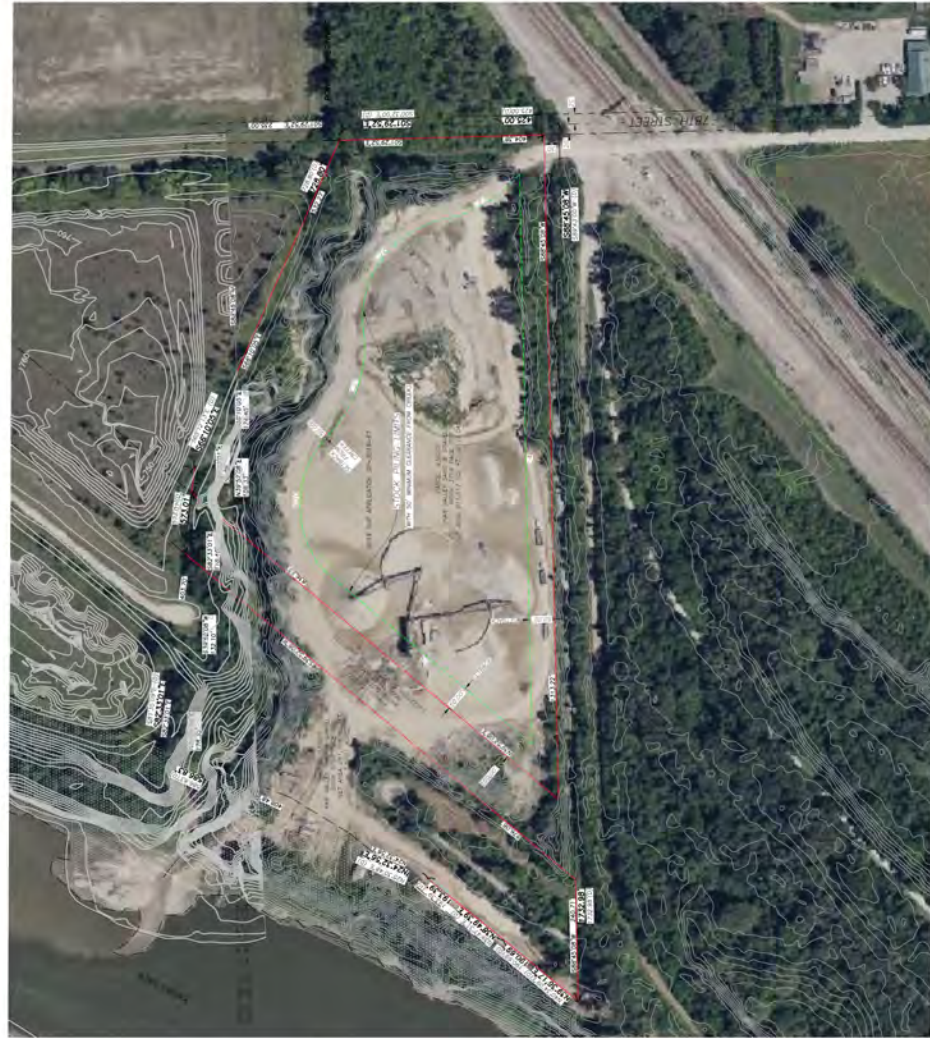
My commission expires 12th of January 2024.⁸





Notary Public

BOUNDARIES FOR SPECIAL USE PERMIT SP-2019-67 RENEWAL
EXHIBIT A
IN PARTS OF SOUTHEAST QUARTER OF SECTION 29 AND NORTHEAST QUARTER OF SECTION 32,
TOWNSHIP 11 SOUTH, RANGE 24 EAST IN KANSAS CITY, WYANDOTTE COUNTY, KANSAS



- LEGEND**
- Permit Boundary
 - Proposed Limits for Site Excavation
 - Proposed Limits for Channel and adjacent land reserved for calculated flood discharge
 - Flood Plane and Floodway Area
 - Center Line
 - Radius
 - Ac Length
 - Chord Bearing
 - Chord Distance
 - Interior Angle (Delta)

[illegible]

Project No.	1715-RZM IN KANSAS CITY,	 BHC ONE LINCOLN BLVD / SUITE 200 / KANSAS CITY, MO 64101 Phone: (816) 231-5500	8205 KAW DRIVE KANSAS CITY, KS 66111	1715-RZM IN KANSAS CITY, IN PARTS OF SEC. 29 & NE 1/4 SEC. 32 USE PERMIT SP-2019-67 RENEWAL EXHIBIT A - BOUNDARIES FOR SPECIAL	WYANDOTTE COUNTY, KANSAS
Project Name					
Client Name					
Survey Date					
Sheet No.	4 of 4				



Figure 5. Site photograph of 8205 and 8251R Kaw Drive, and 2103 South 84th Street looking east from Gibbs Road (provided by Planning Staff).



Figure 6. Site photograph of 8205 and 8251R Kaw Drive, and 2103 South 84th Street looking south from Gibbs Road (provided by Planning Staff).



Figure 7. Site photograph of 8205 and 8251R Kaw Drive, and 2103 South 84th Street looking northeast from Gibbs Road (provided by Planning Staff).



Figure 7. Site photograph of 2400 South 78th Street looking west (provided by Planning Staff).



Figure 8. Site photograph of 2400 South 78th Street looking northwest (provided by Planning Staff).



Figure 9. Site photograph of 2400 South 78th Street looking west (provided by Planning Staff).



Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: May 30, 2024

Re: Vacation Petition VAC2024-002

GENERAL INFORMATION

Applicant:

Gary Calvert

Status of Applicant:

Calvert's Express Real Estate Co., LLC
13801 East US Highway 40
Independence, MO 64055

Requested Action:

To approve a utility easement vacation.

Date of Application:

April 1, 2024

Purpose:

To vacate a utility easement to build a bank branch and drive-through lanes.

Property Location:

7908 State Avenue
Kansas City, KS 66112

Commission District:

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

Existing Zoning:

CP-1 Planned Limited Business District



Adjacent Zoning:	North: CP-1 Planned Limited Business District South: C-1 Limited Business District East: CP-2 Planned General Business District West: CP-1 Planned Limited Business District
Adjacent Uses:	North: Restaurant (Subway) South: Commercial strip center (across from State Avenue) East: Medical office building West: Restaurant (To the Hoop Bar & Grill)
Neighborhood Characteristics:	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 Major Arterial.
Total Tract Size:	0.53 Acre
Area Plan Area:	PlanKCK Comprehensive Plan
Area Plan Designation:	The PlanKCK Comprehensive Plan, designates this property 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.
Major Street Plan:	The goDotte Countywide Strategic Mobility Plan classifies State Avenue as a Class A Thoroughfare.
Parking Requirement:	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.
Advertisement:	<u>Wyandotte Echo</u> – April 18, 2024 Letters to Property Owners – April 19, 2024
Public Hearings:	May 13, 2024 and May 30, 2024

Public Support: None to date.

Public Opposition: None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, David Lutz with Arvest Bank, has applied to vacate a utility easement in order 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 XXI Sections 27-502 – 27-709 and K.S.A. 12-504 to 12-506 and 12-512b.

RELATED ENFORCEMENT AND ACTION ITEMS

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).
3. PR2024-006 – Preliminary Development Plan for Arvest bank (recommended for approval by the City Planning Commission on April 8, 2024).

FACTORS TO BE CONSIDERED

1. ***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 is of such character that it can be used safely without danger to health, or peril from fire, flood, erosion, excessive noise or other adversity because the easement is being vacated and new utilities will be installed in new easements that are not underneath the proposed building.

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

a. *Water service*

Water service is provided by BPU.

b. *Sanitary sewer service*

Sanitary sewer service is provided by the UG.

c. *Storm water control*

To be designed to meet City Code.

d. *Police*

Police service provided by West Patrol, District #225.

e. *Fire*

Fire service provided by Station #19, located at 80th and Minnesota Avenue.

f. *Transit*

Kansas City ATA provides transit service at the intersection of 78th and State Avenue, Route #101.

g. *Schools*

Public education is provided by Kansas City Kansas USD 500.

3. *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 are already constructed 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 probably future land and building uses. A sidewalk will be added along North 79th Street to connect to State Avenue.

4. *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.*

This vacation will not increase the size of the parcel, or change the proposed building orientation and thereby its ability to afford adequate light, open space, or air to facilitate fire protection, and to provide long-term sustained real estate values.

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

Development patterns exist with commercial businesses encompassing the property along State Avenue and 79th Street. The development will need to be enhanced along the south and east property lines to add vegetation that does not currently exist on the property.

6. ***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.***

Sidewalks will be constructed as part of the development and connect to State Avenue from North 79th Street, and directly to the bank's front door.

7. ***Vacation will not create utility conflicts.***

Public Works Department and Planning Engineering do not anticipate any utility conflicts.

KEY ISSUES

None

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Vacation Application **VAC2024-002**, subject to:

1. **A Right-of-Way Permit is required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;**
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, 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;**
3. **A Pre-Construction meeting is required for any improvements to public infrastructure upon the approval and issuance of a Development Review**

Committee (DRC) Permit. Any improvements to, construction or alteration of: sanitary systems, stormwater systems, public or private streets, sidewalks, or other public infrastructure will require a pre-construction meeting with the Department of Public Works. The applicant is required to contact the County Engineer at (913) 573-5400 or by info@wycokck.org prior to construction to arrange this meeting; and,

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

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Vacation Petition **VAC2024-002** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

May 13, 2024, City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Applicant Response Letter
Vacation Exhibit
Site Photographs taken by Planning Staff on March 14, 2024

REVIEW OF INFORMATION AND SCHEDULE

Action	City Planning Commission	Unified Government Board of Commissioners
Public Hearing	May 13, 2024	May 30, 2024
Vacation	Approval	

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **VAC2024-002**, 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 **VAC2024-002**, as they are 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.

May 13, 2024, City Planning Commission Minutes:

Hearing starts at 3:33:01:

VACATION APPLICATION VAC2024-002 – GARY CALVERT SR. WITH CALVERT EXPRESS REAL ESTATE - SYNOPSIS: Vacation of a utility easement to construct a new drive-through bank at 7908 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 May 13, 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:

- Gary Calvert, applicant, Calvert's Express Real Estate Company, 13801 East US Highway 40, Independence, Missouri 64055

Present in Opposition:

➤ No one appeared.

Staff Recommendation starts at 3:35:50: Planning Director Hand stated that the request is for vacation of a utility easement in a previously approved development plan for a new Arvest bank building. The property is in the PlanKCK area in the mid-town neighborhood near 78th and State Avenue. Staff received no letters in support nor opposition. There are some older Notices of Violation that would be addressed through the redevelopment of this property. Staff recommends approval subject to the conditions in the staff report.

Motion starts at 3:36:30:

On motion by Mr. Ernst, seconded by Mrs. Jones, the Planning Commission voted as follows to recommend **APPROVAL of Vacation Application VAC2024-002:**

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

Motion to recommend APPROVAL Passed: 6 to 0

Subject to:

1. A Right-of-Way Permit is required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
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, 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;
3. A Pre-Construction meeting is required for any improvements to public infrastructure upon the approval and issuance of a Development Review Committee (DRC) Permit. Any improvements to, construction or alteration of: sanitary systems, stormwater systems, public or private streets, sidewalks, or other public infrastructure will require a pre-construction meeting with the Department of Public Works. The applicant is required to contact the County Engineer at (913) 573-5400 or by info@wycokck.org

- prior to construction to arrange this meeting; and,
4. 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.

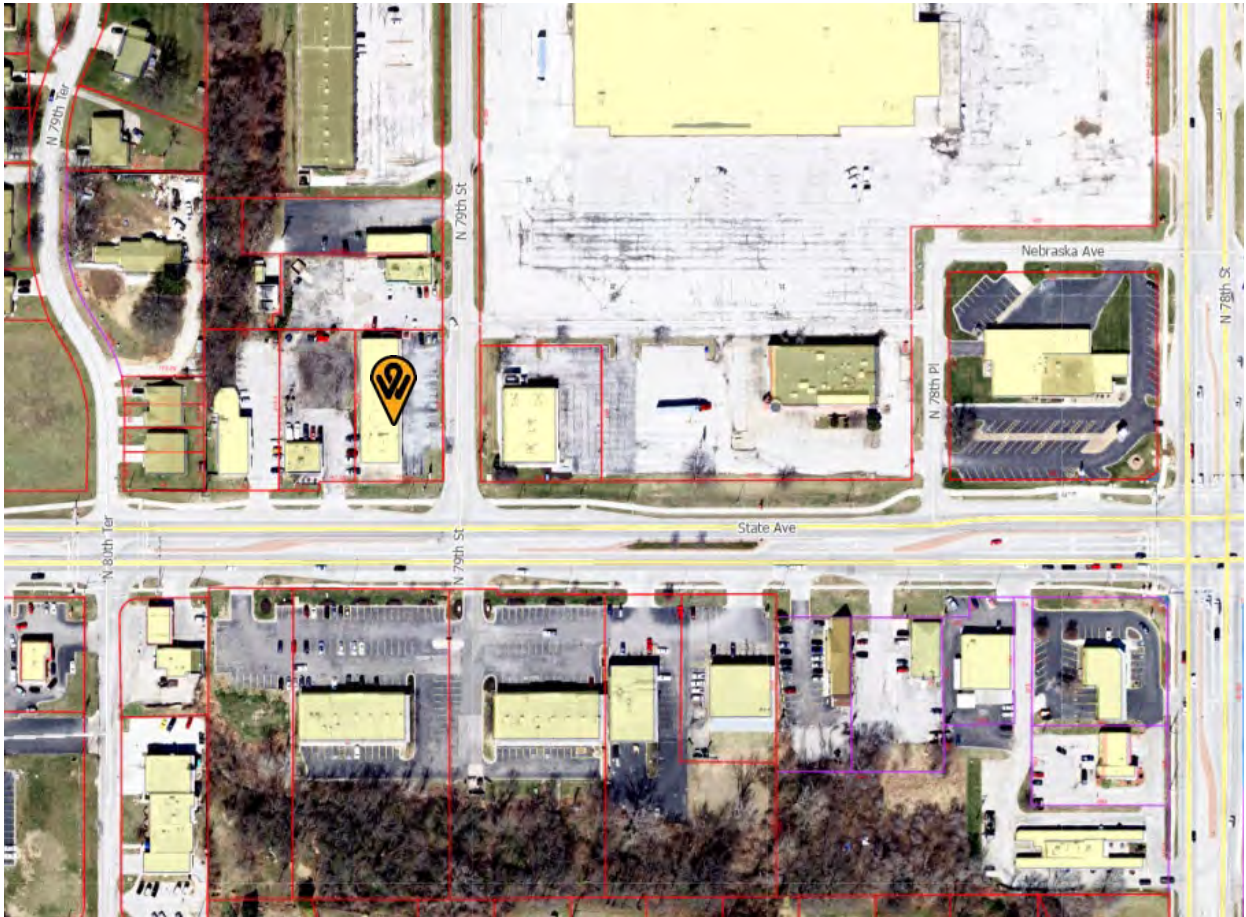


Figure 1. Aerial Photograph 7908 State Avenue (provided by UG Maps).

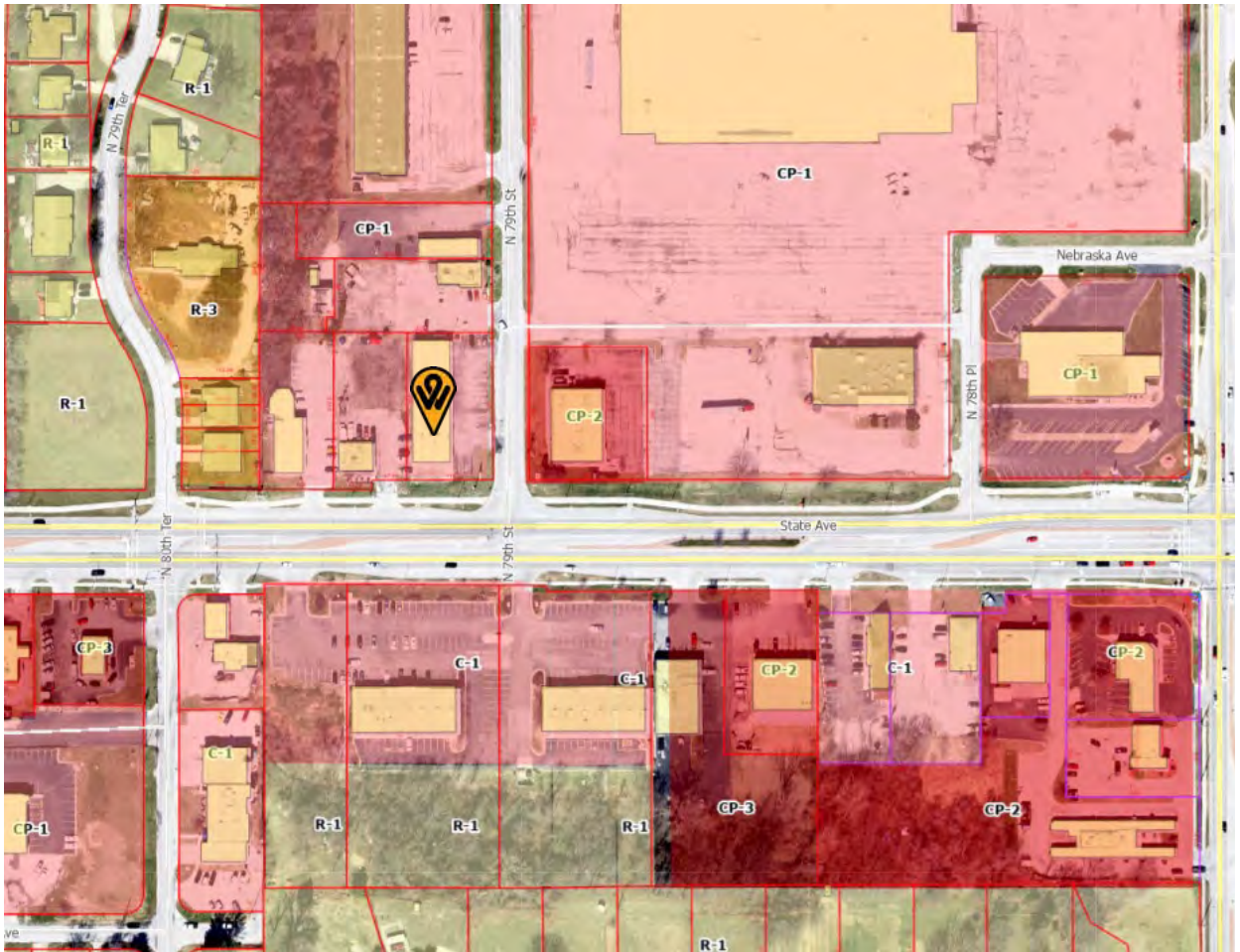


Figure 2. Zoning Map of 7908 State Avenue (provided by UG Maps).



Figure 3. PlanKCK Comprehensive Plan Land Use Designation Map of 7908 State Avenue (provided by ArcMap).



13801 E US Hwy 40, Independence, MO 64055
Telephone (913) 631-9995 Fax (913) 631-9909

April 30, 2024

Byron Toy, AICP
Department of Planning + Urban Development
Unified Government of Wyandotte County, Kansas City, Kansas

Re: Comment Response Vacation 2024-002 Draft

I apologize that I was unable to respond to the comments sooner. Please accept this response and we hope you are able to keep us on the current schedule. Below are my responses to the comments on pages 5-6.

Planning and Urban Design Comments #1: I am happy to pay the \$125 ordinance publication fee and will have a check delivered by the end of the week.

Planning and Urban Design Comment #2: I am asking for a complete vacation of a sewer easement on the property. This easement has never been utilized by the city or county. As you are aware, Arvest Bank intends to purchase the property and build a bank. It is likely they will not proceed with the transaction and build on the property if this easement is not removed. The wording of comment 2 is concerning as it seems to imply that you could come back and construct a public utility on the vacated tract. Please ensure this easement vacation is permanent.

Planning and Urban Design Comment #3: We contacted Andy Roddy at the Public Works Department on 04/30/24 and he stated no Right-Of-Way Permit is required.

Planning and Urban Design Comment #4: To the best of my knowledge, Arvest Bank had already had pre-construction meetings and have received approval on their construction plans and approval by the city council.

Planning Engineering Comment #B: To the best of my knowledge, Arvest Bank has addressed all previous engineering comments and their construction plans have been approved by planning and city council.

Both Arvest Bank and I are eager to move forward with the sale of the property so they can begin construction on their new location as soon as possible. Please let me know if there is any other information you need to facilitate this easement vacation and we will do our best to accommodate as quickly as possible.

Respectfully,

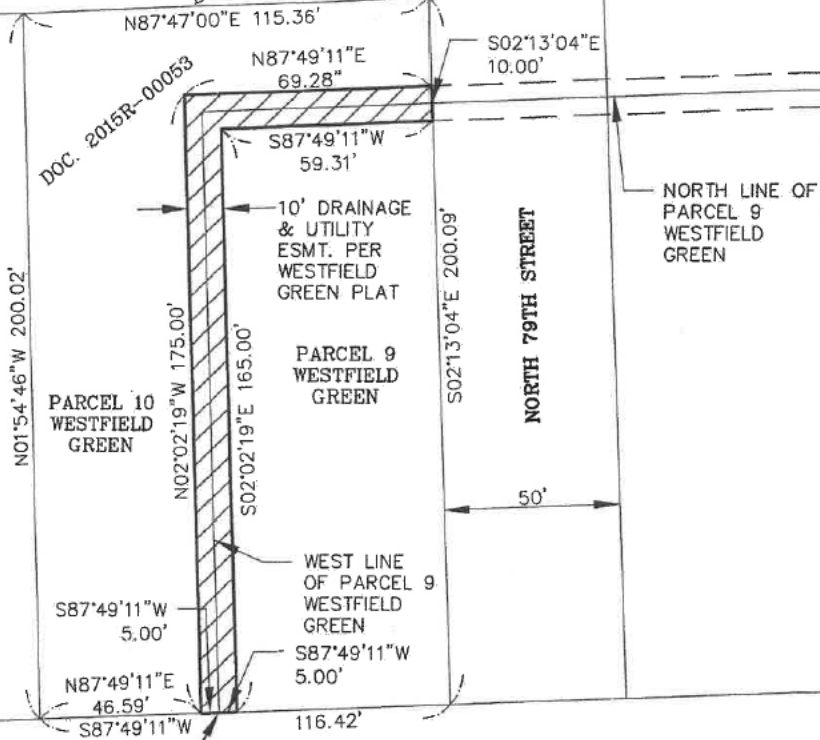
Gary Calvert
President and CEO
Calvert's Express Real Estate Co., LLC

EXHIBIT "B"
SHEET 1 OF 1

PARCEL 10
WESTFIELD GREEN

RUCCHI INC.
BOOK 5714, PAGE 192

DOC. 2015R-00053



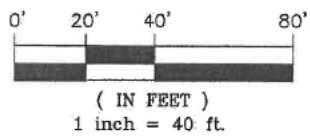
LEGEND



AREA OF EXISTING
DRAINAGE & UTILITY
EASEMENT TO BE
VACATED CONSISTING
OF APPROXIMATELY
2,343 SQUARE FEET



GRAPHIC SCALE



UTILITY EASEMENT VACATION
CALVERT'S EXPRESS
7908 STATE AVENUE
KANSAS CITY, KANSAS

DRAWN BY:
AMS
DATE:
1-22-24

MINNEY
SURVEYING

15547 WEST 81ST STREET
LENEXA, KS 66219
(913) 766-5141
www.minneysurvey.com

EXHIBIT "A"
LEGAL DESCRIPTION
DRAINAGE & UTILITY EASEMENT VACATION
CALVERT'S EXPRESS

A portion of Parcel 9 and Parcel 10 of Westfield Green, a subdivision in the City of Kansas City, situated in the Southeast quarter of Section 5, Township 11 South, Range 24 East, in the City of Kansas City, Wyandotte County, Kansas, described as follows:

BEGINNING at the Southwest corner of said Parcel 9, said point lying on the existing North right-of-way line of State Avenue;

Thence, along the South line of said Parcel 10, and along the South right-of-way line of State Avenue, South 87°49'11" West, 5.00 feet to a point on the West line of the Drainage & Utility Easement dedicated on said Westfield Green plat;

Thence, along the West line of said Drainage & Utility Easement, North 02°02'19" West, 175.00 feet to an angle point in said Drainage & Utility Easement;

Thence, along the North line of said Drainage & Utility Easement, North 87°49'11" East, 69.28 feet to a point on the East line of the property described in Document No. 2015R-00053, said point lying on the existing West right-of-way line of North 79th Street;

Thence, along the East line of said property described in Document No. 2015R-00053, and along the West right-of-way line of North 79th Street, South 02°13'04" East, 10.00 feet to a point on the South line of said Drainage & Utility Easement;

Thence, along the South line of said Drainage & Utility Easement, South 87°49'11" West, 59.31 feet to an angle point in said Drainage & Utility Easement;

Thence, along the East line of said Drainage & Utility Easement, South 02°02'19" East, 165.00 feet to a point on the South line of said Parcel 9, said point lying on the North right-of-way line of State Avenue;

Thence, along the South line of said Parcel 9, and along the North right-of-way line of State Avenue, South 87°49'11" West, 5.00 feet to the **POINT OF BEGINNING**, Prepared by Anne M. Smoke, Kansas PS 1650, on January 23, 2024.

Contains 2,343 square feet, more or less.

1 of 1





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 98th Street (provided by Planning Staff).



Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: May 30, 2024

Re: Petition PR2024-005

GENERAL INFORMATION

Applicant:

Willie Brantley

Status of Applicant:

Property Owner
1718 North 13th Street
Kansas City, Kansas 66102

Requested Action:

Approval of a Preliminary Plan Review.

Date of Application:

January 26, 2024

Purpose:

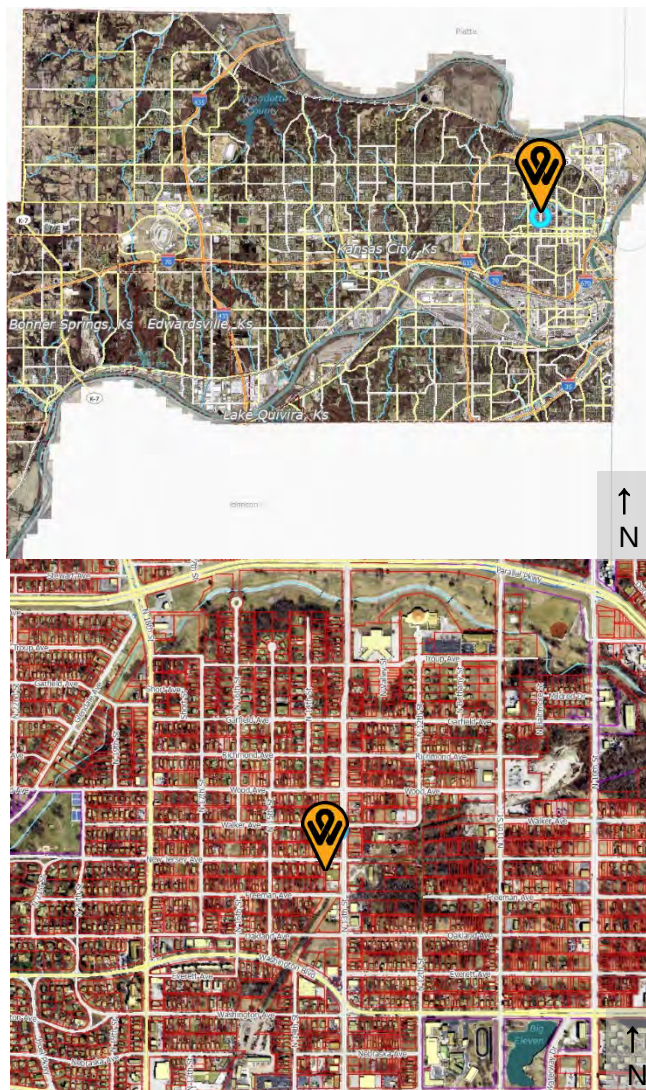
Approval of a Preliminary Plan Review
for development of a commercial
building at a vacant property.

Property Location:

1718 North 13th Street
Kansas City Kansas 66102

Commission Districts:

Commissioner At-Large, District #1:
Melissa Bynum
District #4 Commissioner: Dr. Evelyn Hill



Existing Zoning:	C-3 Commercial District
Adjacent Zoning:	North: C-3 Commercial District South: C-3 Commercial District East: C-3 Commercial District West: R-2 Two Family District
Adjacent Uses:	North: Single-family residence South: Single-family residence East: Single-family residence; Vacant lot West: Vacant lot
Total Tract Size:	0.14 Acre
Comprehensive Plan Area:	The subject property is within the Northeast Area Plan.
Comprehensive Plan Designation:	The Northeast Area Plan designates this property as Neighborhood Mixed Use. The Neighborhood Mixed Use land use designation is generally designated along corridors that include a mix of single-family houses, townhomes, duplexes, low-rise apartment buildings (two (2) to four (4) stories), small commercial and office buildings, mixed-use buildings (apartments/office above retail/office uses), and institutional buildings. These areas should be walkable with wide sidewalks, landscape buffer areas, street trees and accommodate for cyclists and transit. Buildings should be built up to the street to form a consistent street frontage.
Major Street Plan:	The GoDotte Countywide Mobility Strategy designates North 13th Street as a Minor Collector Street. The GoDotte Countywide Mobility Strategy designates Walker Avenue as a Local/Neighborhood Street.
Required Parking:	Per Section 27-467(e), paved off-street parking spaces are required at a ratio of not less than four (4) spaces per 1,000 square feet of floor area in the building. The building is a total of 1,560 square feet, which requires six (6) parking spaces. The proposed site plan demonstrates five (5) parking spaces, which does not comply with Section 27-467(e); a variance from the parking minimum has been requested simultaneous to PR2024-005 via BOZA2023-055.

Advertisement:	<u>The Wyandotte Echo</u> – February 15, 2024 Letters to Property Owners – February 16, 2024
Public Hearings:	May 13, 2024 and May 30, 2024
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Willie Brantley, Inc., is requesting a Preliminary Plan Review for a new development of a commercial building site. The submitted site plan demonstrates the need for several variances, which has been applied for simultaneously via BOZA2023-055.

City Ordinance Requirements: Article VI, Sections 27-196 – 27-209, and -212; Article VIII, Sections 27-467, 27-573 – 27-578, 27-667 – 27-676, and 27-696 – 27-704

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

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

Building or Code Enforcement Complaints:

1. The current property owner has received the following code enforcement citations:
 - a. Environmental (“junk and trash behind the building”), 01/18/2001 (Case #01200-00000-00137)
 - b. Environmental, 01/25/2008 (Case #08200-00383)
 - c. Graffiti, 01/05/2012 (Case #12220-00038)
 - d. Other Multiple Violations (“tall grass/weeds”), 05/25/2017 (Case #17200-01410)
 - e. 14-Day Abatement – Weeds (“all grass/weeds/vegetation on property including around foundation”), 06/03/2019 (Case #19225-01905)
 - f. Vacant Property, 06/07/2023 (Case #VPC23-0250)

Outstanding or Related Permits and Cases:

1. The current property owner has no outstanding permits or cases.
2. The current property owner has the following related permits:
 - a. Private Demolition, 12/28/2023 (Permit #PDEMO23-0038)

FACTORS TO BE CONSIDERED

1. The character of the neighborhood.

The subject property is within the Northeast Statistical Neighborhood and is not within a neighborhood group but is across the North 13th Street right-of-way from the Struggler's Hill-Roots Neighborhood Group. The neighborhood is located in the northeast area of Wyandotte County, to the north of Downtown Kansas City. The streets are arranged in a traditional grid layout. Most lots are narrow, ranging in lot widths from 25 to 50 feet. While the majority of the occupied properties feature single-family homes, there is a variety of zoning districts within the neighborhood, including blocks of high-density zoning districts (often vacant or used as single-family residences) commercial districts and uses along major throughfares and intersections, and small swaths of industrial properties.

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 building is intended for general commercial use. Applicant has stated that the property owner proposed the submitted building layout and design in order to accommodate a wide range of potential tenants and uses. As the use of the building is unknown—other than any on-site use must be allowed within the C-3 Commercial District—Staff cannot make a determination as to whether the proposed use would increase the traffic or parking demand in ways that would adversely affect road capacity, safety, or create parking problems.

3. The degree of conformance of the proposed use to the Comprehensive Plan.

The Northeast Area Plan (NEAP) designates this property as Neighborhood Mixed Use. The Neighborhood Mixed Use land use designation is “generally designated along corridors that include a mix of single[-]family houses, apartment buildings, small commercial buildings, and mixed[-]use buildings” (Northeast Area Plan (NEAP), page 80). At one (1) story and 1,560 square feet of floor space, the proposed building meets the generally accepted parameters of a ‘small commercial building’.

The land designated Neighborhood Mixed Use land is also required to be “walkable with wide sidewalks, landscape buffer areas, street trees and accommodate for cyclists and transit” (NEAP, page 80; see “Northeast Area Plan: Neighborhood Mixed Use” within the *Attachments* section of this report). The submitted site plan demonstrates landscape buffered areas along the east (front), north (corner side yard, and south (interior side yard) property lines. This landscaping consists of 30-inch-high screening shrubbery with 16 six (6)-foot evergreen shrubs mixed in. There are also 2 (two) street trees demonstrated, one (1) within the North 13th Street right-of-way and the other within the Walker Avenue right-of-way. There is a bike rack provided on the south side of the

proposed parking lot. While the site plan shows a five (5)-foot-wide sidewalk along North 13th Street, no sidewalk is shown along Walker Avenue, despite the fact that there are indications that a sidewalk previously ran along the south side of Walker Avenue and are currently existing further west.

Lastly, in the Neighborhood Mixed Use land use designation, buildings “should be built up to the street to form a consistent street frontage” (NEAP, page 80). The site plan places the proposed building 58 feet from the front property line in a parcel that is 120 feet in total length. Not only could the building be constructed 25 feet from the front property line under the C-3 District regulations, but Section 27-638(a) exempts new construction from district setback regulations so long as the front of the building is the average setback of all other buildings on the same block and within 100 feet of the subject property. As such, the subject building can be moved more than 28 feet closer to the street.

Therefore, while the proposed use, amenities, and landscaping conform to the Northeast Area Plan, the proposed location for the building does not. Not only is the 58-foot setback counter to the characteristics of the Neighborhood Mixed Use land use designation but is more than double the setback required for any C-3 District property throughout Kansas City.

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

a. *Water service*

Water lines currently serve the property.

b. *Sanitary sewer service*

The subject property is served by a sanitary sewer line running under the alley to the west of the subject property.

c. *Storm water control*

The subject property is served by a storm water line in the Walker Avenue right-of-way and the North 13th Street right-of-way, to the north and east of the subject property, respectively.

d. *Police*

Police service is provided by East Patrol, District #113.

e. *Fire*

Fire service is provided by Fire Station #1 (KCK Fire Department Headquarters) and Fire Station #11, both of which are located

approximately one and one-half (1.5) miles from the subject property, to the southeast and southwest, respectively.

f. Transit

The subject property is served by KCATA #118 (18th Street), with bus stops at the several intersections along North 18th Street, the closest of which is at Wood Avenue (0.4 mile away). The subject property is also served by KCATA #101 (State Avenue), with bus stops at the several intersections along Minnesota Avenue, the closest of which is at North 13th Street (0.5 mile away).

g. Schools

Public education is provided by Douglass Elementary School, Northwest Middle School, and Wyandotte High School are provided by Kansas City USD #500.

5. The capability of the proposed use to meet applicable ordinance and other requirements.

The submitted site plan (see “Overall Preliminary Site Plan for 1718 North 13th Street” within the *Attachments* section of this report) demonstrates three (3) violations of setback and parking districts. The Applicant has submitted a Board of Zoning Appeals application, BOZA2023-055, to request variances from these violations. The site plan also demonstrates non-compliance with several requirements within Sections 27-573—27-578, known as the Commercial Development Guidelines Overlay District (CDGOD). (See “Planning and Urban Design Comments: Commercial Development Guidelines Overlay District” within the *Staff Comments and Suggestions* section of this report for a full list of the requirements that PR2024-005 has met, failed to meet, and unclear if met.) The failure of revised site plans to satisfy all relevant subsections of the CDGOD requires the City Planning Commission to specifically grant deviations to such subsections.

PREVIOUS ACTIONS

- BOZA2023-055, a simultaneous variance from several district requirements related to new commercial development

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting at 1937 North 32nd Street at 4:30PM on February 26, 2024. The list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant can be found under “Neighborhood Meeting Materials Submitted by Applicant” within the *Attachments* section of this report.

KEY ISSUES

Block Walls
Commercial Development Guidelines Overlay District
Landscaping and Screening
Lighting and Glare
Parking
Pedestrian Connection
Site Plan
Setbacks
Street Trees
Variances Required

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Plan Review Application **PR2024-005**, subject to:

1. This City Planning Commission case is being heard in conjunction with **BOZA2023-055**. Any approval by the City Planning Commission or Board of Commissioners of this case, and the conditions of approval contained herein, are contingent, and shall only go into effect, upon the approval of **BOZA2023-055** by the Unified Government Board of Zoning Appeals and upon any ordinance publications required by law;
2. The following requirements of the Commercial Development Guidelines Overlay District *have not* been met: **(NOTE: The Planning Commission approved the request deviations.)**
 - a. Per Section 27-575(d)(2), curb-cuts should be minimized and concentrated at mid-block. See the comment on 27-575(d)(1). A second driveway on Walker Avenue is redundant.
 - b. Per Section 27-576(c)(1), commercial development should take into account the architectural design of all building elevations, 360 degrees. Quality design should be expressed on all elevations of a building;
 - c. Per Section 27-576(c)(2), in order to break up the monotonous appearance of long facades, a building wall no more than 45 feet in length should be divided into increments of no more than 45 feet through articulation of the facade. This can be achieved through combinations of at least three of the following techniques: divisions or breaks in materials; building offsets (projections, recesses, niches); window bays; separate entrances and entry treatment; or variation in rooflines;
 - d. Per Section 27-576(e)(1), building materials must be durable, economically maintained, and of a quality that will retain its appearance over time, including but not limited to: natural or synthetic stone, brick, stucco, integrally colored, textured, or glazed concrete masonry units, high quality prestressed concrete systems, cementitious siding (hardy board), or glass. The director may approve

- other high-quality materials. (a) Building design should avoid large expanses of highly reflective surfaces and mirror glass exterior walls. (b) Highly tinted glass or glass tinted in unnatural colors should be avoided;
- e. Per Section 27-576(e)(2), exterior building materials shall not include the following: split shakes, rough sawn, or board and batten wood; vinyl siding; smooth-faced grey concrete block, painted or stained concrete block, tilt-up concrete panels; field painted or prefinished corrugated metal siding; standard single-tee or double-tee concrete systems; or EIFS at the ground level or comprising more than 15 percent of any façade. The majority (over 15%) of the building's façade is listed as structural metal panels, which is classified as an EIFS;
 - f. Per Section 27-576(e)(4), all building facades shall be at least 50 percent masonry. Cementitious siding may be used to meet 50 percent of the total masonry requirement. Calculations of the percentage that each material makes up of the building façade as not been provided, but it is clear that it is less than 50% is masonry;
3. Per Section 27-467(g), trees are required at not less than one (1) per 7,000 square feet of site area. The subject property measures 6,420 square feet, requiring one (1) tree be provided on the site plan, in addition to any trees required by other landscaping or screening conditions;
 4. Section 27-467(g) requires that a six (6) foot high architectural screening is to be provided along all side and rear property lines common to or across an alley from residentially zoned property. Additional screening or buffering may be required to soften the visual impact of parking or unsightly areas;
 5. Section 27-699(a)(4) states that at least one-half of the trees planted to fulfill the tree planting requirements shall be shade trees;
 6. Section 27-702(1)(a-d) states that shade trees shall be at least two (2) inch caliper when planted as measured 12 inches above the ground. All ornamental deciduous trees shall be at least two (2) inch caliper when planted as measured 12 inches above the ground. All evergreens shall be 5 to 6 feet in height when planted as measured 12 inches above the ground. Ornamental deciduous trees shall be 6 to 8 feet when planted as measured 12 inches above the ground;
 7. Section 27-699(b)(5) states that all outside bins or trash container areas must be completely enclosed by an architectural screen to a height not less than the height of the bin or container. No trash enclosures may be located in required yards adjacent to street right-of-way. In commercially and industrially zoned areas where the trash container will not be visible from off the property due to other screening or topographic conditions and will not be visible from public parking or pedestrian areas on the site, such trash bin screening need not be provided. In industrially zoned areas where the trash container will not be visible from residential property and where such containers are kept directly alongside the building and in a well-kept manner, such screening need not be provided;
 8. As per the Planning Director's interpretation of the Commercial Design

Guidelines, the following architectural standards have been identified as being good design practices and shall be included in the design plans:

- a. Gutters and downspouts shall be internalized. Scuppers shall be recessed in the corners. Overflow drains (lamb's tongues, etc.) shall also be internalized;
 - b. Lighting shall be installed to have a 90-degree cutoff; and,
 - c. In addition to wrought iron fencing, masonry columns shall be installed every 32 feet or closer and at each prominent entry or gate.
9. All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
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;
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 to begin this process;
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. If approved, the applicant must file and maintain a current business occupation tax application with the Business Licensing Division. Their location is 4953 State Avenue, Kansas City, KS 66102. Their contact information is (913) 573-8780 or businesslicense@wycokck.org.
14. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
15. All existing and future driveways must feature curb cuts that are constructed to UG standards;
16. A Right-of-Way Permit is required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
17. 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;
18. Any business or land use in Wyandotte County that is required to provide off-street parking shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and at all times be compliant with all applicable local ordinances (27-466 through 27-470; 27-592 through 27-616; 27-667 through 27-676). Inoperable vehicles shall be stored inside an enclosed building. Inoperable vehicles may not be stored outside unless they are completely screened from view in accordance with all applicable ordinances. Outside storage shall not include wrecked or salvage vehicles. Any vehicle parked or stored outside must be on an improved surface, located on the same land parcel as the business use, and be parked within a regulation dimension parking stall. Any outside storage may not reduce the availability of all required parking spaces as required by ordinance;
 19. A Pre-Construction meeting is required for any improvements to public infrastructure upon the approval and issuance of a Development Review Committee (DRC) Permit. Any improvements to, construction or alteration of: sanitary systems, stormwater systems, public or private streets, sidewalks, or other public infrastructure will require a pre-construction meeting with the Department of Public Works. The applicant is required to contact the County Engineer at (913) 573-5400 or by info@wycokck.org prior to construction to arrange this meeting;
 20. 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, Comprehensive Plan Requirements, all Design Guideline Requirements, Overlay District Requirements, and Requirements approved by the City Planning Commission and/or the UG Board of Commissioners. It is the collective responsibility of the applicant, permit holder, and property owner to ensure that any and all permits, land entitlements, deviations, or variances are obtained in advance of beginning of any work. Planning Department standards require that all required work be complete prior to requesting a TCO. The only item that is allowed to be incomplete is landscaping, which shall be complete before requesting a CO. A bonded CO may be allowed in case of adverse weather conditions; however, all requirements must be completed for all items not secured by the bond; and,
 21. In the event the a plan or section thereof is given final approval and thereafter the landowner shall abandon said plan or a section thereof and shall so notify the unified government in writing, or in the event the

landowner shall fail to commence, as evidenced by receipt of building permits and start of construction, the planned development within 18 months after final approval has been granted or in the case of subsequent phases each shall be initiated within 24 months of the issuance of a certificate of occupancy on the entire preceding phase or the plan will be considered abandoned, then in either event such final approval shall terminate and shall be deemed null and void unless such time period is extended by the planning commission upon written application by the landowner. Whenever a final plan or section thereof has been abandoned as provided in this section, no development shall take place on the property until a new development plan has been approved.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **PR2024-005** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

May 13, 2024, City Planning Commission Minutes
Aerial Map
Zoning Map
Northeast Area Plan Land Use Map
Neighborhood Meeting Materials Submitted by Applicant
Site Plan
Grading Plan
Landscape Plan
Building and Site Renderings for 1718 North 13th Street
Northeast Area Plan: Neighborhood Mixed Use
Map of 1718 North 13th Street Demonstrating Compliance with Section 27-638(a)
Staff Site Visit Photos, Dated January 13, 2024

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>City Planning Commission</u>	<u>Board of Commissioners</u>
Public Hearing		
Preliminary Plan Review	May 13, 2024	May 30, 2024
	Approval	

STAFF CONTACT: Michael Farley, AICP
mfarley@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **PR2024-005**, 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 **PR2024-005** as it is not in compliance with the City Code and as it will not promote the public health, safety, and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

May 13, 2024, City Planning Commission Minutes:

Hearing starts at 3:47:20:

PLAN REVIEW APPLICATION PR2024-005 – WILLIE BRANTLEY JR. - SYNOPSIS: Preliminary Development Plan to construct a prefabricated commercial building at 1718 North 13th Street. *Detailed Outline of Requested Action:* The applicant, Willie Brantley, Inc., is requesting a Preliminary Plan Review for a new development of a commercial building site. The submitted site plan demonstrates the need for several variances, which has been applied for simultaneously via BOZA2023-055.

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 May 13, 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 Notices to property owners; and,
7. The testimony at the Board of Zoning Appeals earlier this evening.

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

Present in Support:

- Willie Brantley, Jr., applicant, 1718 North 13th Street, Kansas City, KS 66104

- Waylon Arndt, architect

Present in Opposition:

- No one appeared

Staff Recommendation starts at 3:50:35: Planning Director Hand stated that this case is being heard in conjunction with variance BOZA2023-055 for setbacks and parking, which was approved earlier this evening by the Board of Zoning Appeals. This request is a preliminary plan for a spec commercial building. The property is in the Northeast Area Plan. Staff received no letters in support nor opposition. There are some Notices of Violation on the property from when it was vacant, which would be addressed by the proposed project. Staff recommends approval subject to the conditions in the staff report, which includes requests for deviations from the Commercial Design Guidelines. With the variances approved by the Board of Zoning Appeals and approvals by the City Planning Commission and potentially the Board of Commissioners, all the parameters would be set for what Mr. Brantley needs for a final development plan. Staff has been working closely with the Applicant to come to this agreement. Staff recommends approval subject to the conditions in the staff report.

Motion starts at 3:53:16:

On motion by Ms. Easterwood, seconded by Mr. Ward, the Planning Commission voted as follows to recommend **APPROVAL of Plan Review Application**

PR2024-005:

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

Motion to recommend APPROVAL Passed: 6 to 0

Subject to:

- 1. This City Planning Commission case is being heard in conjunction with BOZA2023-055. Any approval by the City Planning Commission or Board of Commissioners of this case, and the conditions of approval contained herein, are contingent, and shall only go into effect, upon the approval of BOZA2023-055 by the Unified Government Board of Zoning Appeals and upon any ordinance publications required by law;**
- 2. The following requirements of the Commercial Development Guidelines Overlay District have not been met: (NOTE: The Planning Commission**

approved the request deviations.)

- a. Per Section 27-575(d)(2), curb-cuts should be minimized and concentrated at mid-block. See the comment on 27-575(d)(1). A second driveway on Walker Avenue is redundant.
 - b. Per Section 27-576(c)(1), commercial development should take into account the architectural design of all building elevations, 360 degrees. Quality design should be expressed on all elevations of a building;
 - c. Per Section 27-576(c)(2), in order to break up the monotonous appearance of long facades, a building wall no more than 45 feet in length should be divided into increments of no more than 45 feet through articulation of the facade. This can be achieved through combinations of at least three of the following techniques: divisions or breaks in materials; building offsets (projections, recesses, niches); window bays; separate entrances and entry treatment; or variation in rooflines;
 - d. Per Section 27-576(e)(1), building materials must be durable, economically maintained, and of a quality that will retain its appearance over time, including but not limited to: natural or synthetic stone, brick, stucco, integrally colored, textured, or glazed concrete masonry units, high quality prestressed concrete systems, cementitious siding (hardy board), or glass. The director may approve other high-quality materials. (a) Building design should avoid large expanses of highly reflective surfaces and mirror glass exterior walls. (b) Highly tinted glass or glass tinted in unnatural colors should be avoided;
 - e. Per Section 27-576(e)(2), exterior building materials shall not include the following: split shakes, rough sawn, or board and batten wood; vinyl siding; smooth-faced grey concrete block, painted or stained concrete block, tilt-up concrete panels; field painted or prefinished corrugated metal siding; standard single-tee or double-tee concrete systems; or EIFS at the ground level or comprising more than 15 percent of any façade. The majority (over 15%) of the building's façade is listed as structural metal panels, which is classified as an EIFS;
 - f. Per Section 27-576(e)(4), all building facades shall be at least 50 percent masonry. Cementitious siding may be used to meet 50 percent of the total masonry requirement. Calculations of the percentage that each material makes up of the building façade as not been provided, but it is clear that it is less than 50% is masonry;
3. Per Section 27-467(g), trees are required at not less than one (1) per 7,000 square feet of site area. The subject property measures 6,420 square feet, requiring one (1) tree be provided on the site plan, in addition to any trees required by other landscaping or screening conditions;
 4. Section 27-467(g) requires that a six (6) foot high architectural screening is to be provided along all side and rear property lines common to or across an alley from residentially zoned property. Additional screening or buffering may be required to soften the visual impact of parking or

- unsightly areas;
5. Section 27-699(a)(4) states that at least one-half of the trees planted to fulfill the tree planting requirements shall be shade trees;
 6. Section 27-702(1)(a-d) states that shade trees shall be at least two (2) inch caliper when planted as measured 12 inches above the ground. All ornamental deciduous trees shall be at least two (2) inch caliper when planted as measured 12 inches above the ground. All evergreens shall be 5 to 6 feet in height when planted as measured 12 inches above the ground. Ornamental deciduous trees shall be 6 to 8 feet when planted as measured 12 inches above the ground;
 7. Section 27-699(b)(5) states that all outside bins or trash container areas must be completely enclosed by an architectural screen to a height not less than the height of the bin or container. No trash enclosures may be located in required yards adjacent to street right-of-way. In commercially and industrially zoned areas where the trash container will not be visible from off the property due to other screening or topographic conditions and will not be visible from public parking or pedestrian areas on the site, such trash bin screening need not be provided. In industrially zoned areas where the trash container will not be visible from residential property and where such containers are kept directly alongside the building and in a well-kept manner, such screening need not be provided;
 8. As per the Planning Director's interpretation of the Commercial Design Guidelines, the following architectural standards have been identified as being good design practices and shall be included in the design plans:
 - a. Gutters and downspouts shall be internalized. Scuppers shall be recessed in the corners. Overflow drains (lamb's tongues, etc.) shall also be internalized;
 - b. Lighting shall be installed to have a 90-degree cutoff; and,
 - c. In addition to wrought iron fencing, masonry columns shall be installed every 32 feet or closer and at each prominent entry or gate.
 9. All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
 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;
 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 to begin this process;
 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. If approved, the applicant must file and maintain a current business occupation tax application with the Business Licensing Division. Their location is 4953 State Avenue, Kansas City, KS 66102. Their contact

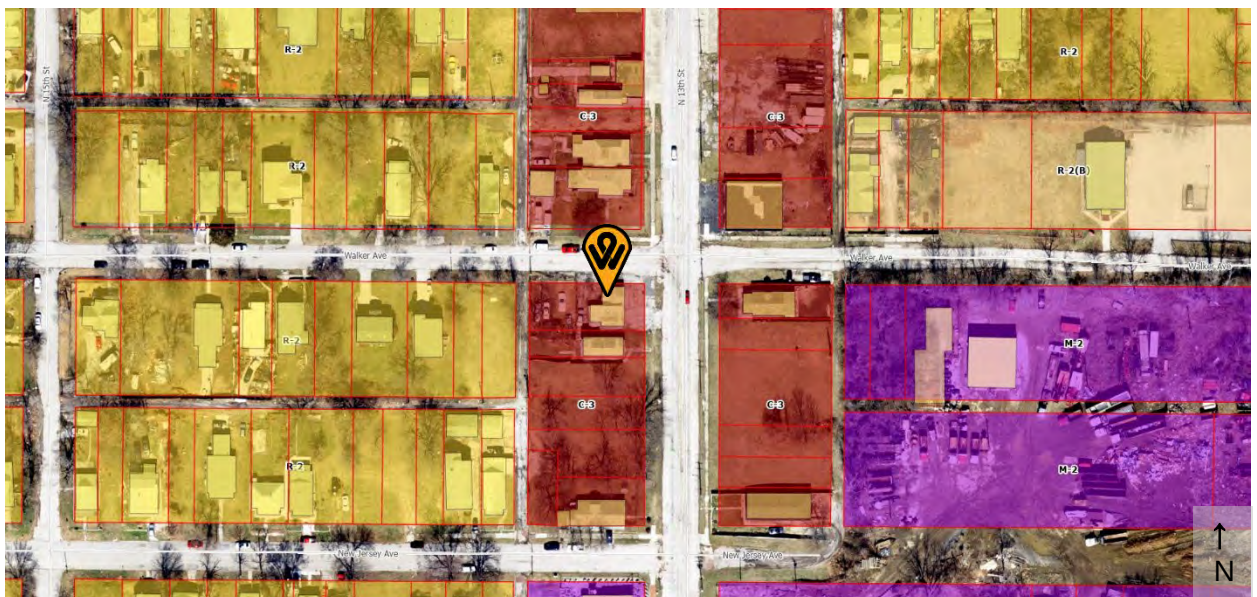
- information is (913) 573-8780 or businesslicense@wycokck.org.
14. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
 15. All existing and future driveways must feature curb cuts that are constructed to UG standards;
 16. A Right-of-Way Permit is required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
 17. 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;
 18. Any business or land use in Wyandotte County that is required to provide off-street parking shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and at all times be compliant with all applicable local ordinances (27-466 through 27-470; 27-592 through 27-616; 27-667 through 27-676). Inoperable vehicles shall be stored inside an enclosed building. Inoperable vehicles may not be stored outside unless they are completely screened from view in accordance with all applicable ordinances. Outside storage shall not include wrecked or salvage vehicles. Any vehicle parked or stored outside must be on an improved surface, located on the same land parcel as the business use, and be parked within a regulation dimension parking stall. Any outside storage may not reduce the availability of all required parking spaces as required by ordinance;
 19. A Pre-Construction meeting is required for any improvements to public infrastructure upon the approval and issuance of a Development Review Committee (DRC) Permit. Any improvements to, construction or alteration of: sanitary systems, stormwater systems, public or private streets, sidewalks, or other public infrastructure will require a pre-construction meeting with the Department of Public Works. The applicant is required to contact the County Engineer at (913) 573-5400 or by info@wycokck.org

- prior to construction to arrange this meeting;
- 20.** 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, Comprehensive Plan Requirements, all Design Guideline Requirements, Overlay District Requirements, and Requirements approved by the City Planning Commission and/or the UG Board of Commissioners. It is the collective responsibility of the applicant, permit holder, and property owner to ensure that any and all permits, land entitlements, deviations, or variances are obtained in advance of beginning of any work. Planning Department standards require that all required work be complete prior to requesting a TCO. The only item that is allowed to be incomplete is landscaping, which shall be complete before requesting a CO. A bonded CO may be allowed in case of adverse weather conditions; however, all requirements must be completed for all items not secured by the bond; and,
- 21.** In the event the a plan or section thereof is given final approval and thereafter the landowner shall abandon said plan or a section thereof and shall so notify the unified government in writing, or in the event the landowner shall fail to commence, as evidenced by receipt of building permits and start of construction, the planned development within 18 months after final approval has been granted or in the case of subsequent phases each shall be initiated within 24 months of the issuance of a certificate of occupancy on the entire preceding phase or the plan will be considered abandoned, then in either event such final approval shall terminate and shall be deemed null and void unless such time period is extended by the planning commission upon written application by the landowner. Whenever a final plan or section thereof has been abandoned as provided in this section, no development shall take place on the property until a new development plan has been approved.

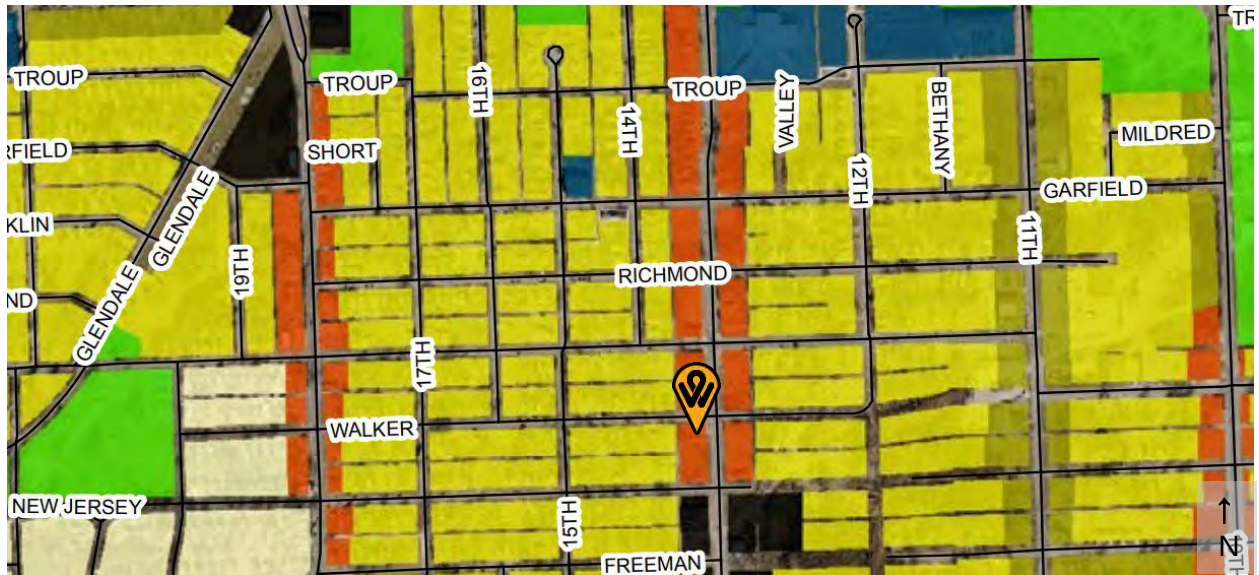
AERIAL MAP



ZONING MAP



COMPREHENSIVE PLAN LAND USE MAP



Northeast Area Plan Land Uses

- Neighborhood Mixed Use
- Gateway/Neighborhood Commercial Hub
- Commercial
- Highway Commercial
- Business Park/Light Industrial
- Industrial
- Historic and Institutional
- Medium-Higher Density Residential
- Lower-Medium Density Residential
- Single Family
- Parks and Open Space

NEIGHBORHOOD MEETING MATERIALS SUBMITTED BY APPLICANT

January 15, 2024

Willie E. Brantley Jr.
1718 N. 13th Street
Kansas City, KS 66102

SUBJECT: Neighborhood Meeting

I have filed an application with the Planning + Urban Design Department #BOZA2023-055 and PR2024-005. The purpose of this is for building setback and parking variances, as well as a Preliminary Plan Review at the following address: 1718 N. 13th Street, Kansas City, KS 66102.

I am having a neighborhood meeting on February 26, 2024 at 4p.m. at the following address: 1937 N. 32nd Street, Kansas City, KS 66104.

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,

Willie E. Brantley Jr.
816-801-9516
brantleywillie@icloud.com

Meeting Sign-In Sheet

Project Name and Address

Brantley Building 1718 N. 13th Street, Kansas City, KS 66102

Brantley Building 1718 N. 13th Street, Kansas City, KS 66102

Name	Address	Phone	Email

Minutes

Application Number PR2024-005

Date and Location February 26,2024 1937 N 32nd St. Kansas City
Kansas 66104.

Meeting called to order at: 4:00 pm

Name of people in attendance: 0.

Introduction: N/A

Presentation by applicant and / or team Willie E Brantley Jr. Waylon
Arndt, A'leca R Brantley
(**No Attendance**)

Meeting adjourned at : 4:15 pm.

Minutes taken by: A'leca R Brantley

NEIGHBORHOOD MEETING MATERIALS SUBMITTED BY APPLICANT, CONT.

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
) SS:
COUNTY OF Wyandotte)

Comes now Willie E Brantley Jr of lawful age, sound mind and upon his/her oath states as follows:

That I am the petitioner for Petition # PR2024-005

That I conducted a neighborhood meeting on February 26, 2024

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.

Willie E Brantley Jr

Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 28th day of February, 2004.

My commission expires 18th of April, 2006.

Giovana Hernandez
Notary Public





KEYSTONE KC
1550 DICK ROAD
GRANDVIEW, MO
816-287-1696

SITE PLAN 1718 N 13TH ST KANSAS CITY, KANSAS

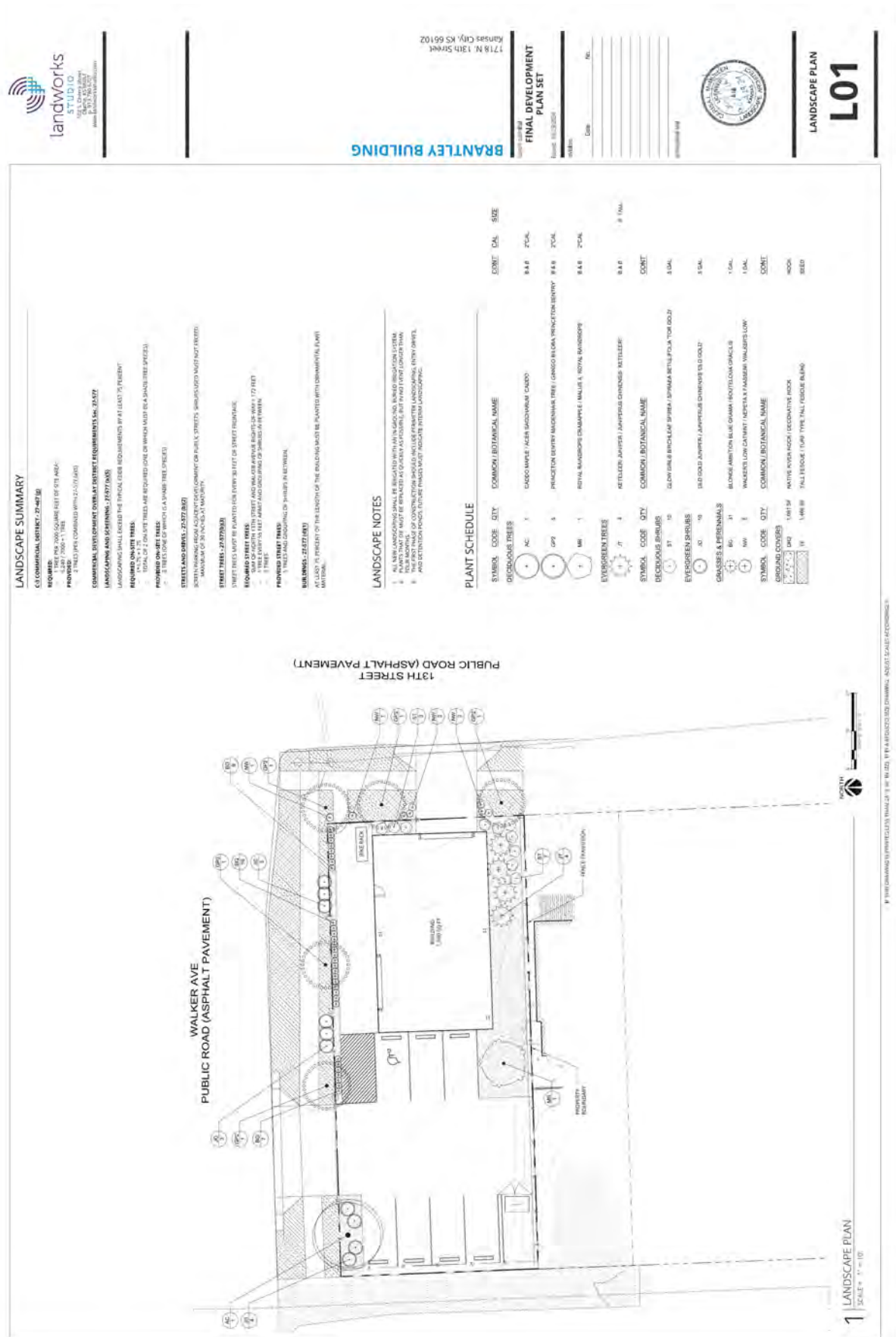


REVISION LOG
BB 4/28/2024

DRAWING TITLE
PAVEMENT
PLAN
SHEET NO.

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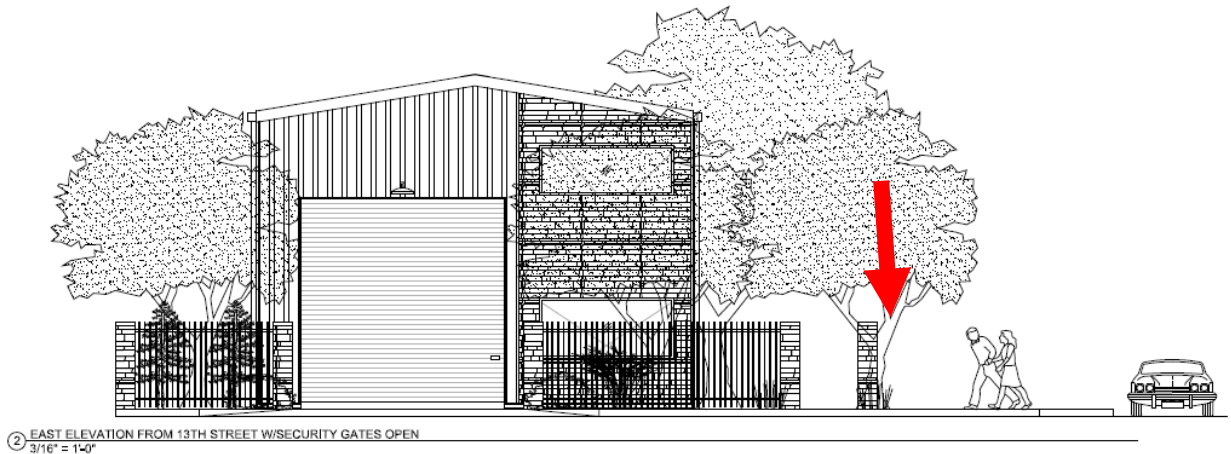


1 NORTH ELEVATION FROM 13TH STREET, INSECURITY GATES OPEN
 2 EAST ELEVATION FROM 13TH STREET, INSECURITY GATES OPEN
 3 WEST ELEVATION FROM ALLEY

1/8" = 1'-0"

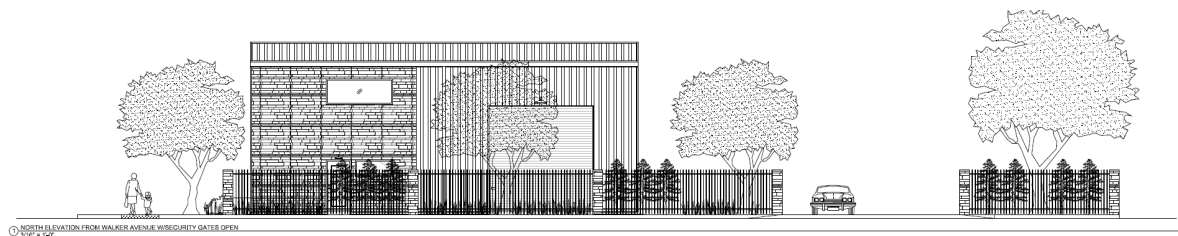
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BUILDING AND SITE RENDERINGS FOR 1718 NORTH 13TH STREET, CONT.



Above: View of the proposed commercial building from the front yard along North 13th Street. The building is set off from the street corner. The corner of the parcel is noted by the red arrow.

Below: The view of the subject property from the north, along Walker Avenue, demonstrates the proportional setback from the street relative to the size of the propose building and the relative size of the parcel. The building has been moved closer to North 13th Street, in compliance with both the CDGOD and the Northeast Area Plan.



NORTHEAST AREA PLAN: NEIGHBORHOOD MIXED USE

Land Use Map

The proposed future land use plan allows the Fairfax Industrial District to expand into areas north of K-5 and east of 3rd Street with a combination of light industrial and business park uses. Existing industrial uses along Jersey Creek and within neighborhood areas should be phased out over time due to incompatibility with surrounding residential neighborhoods. Jersey Creek should be redeveloped as an amenity with trails and park space for public use.

This approach limits the risk of future industrial land uses negatively impacting residential land values and resident quality of life, increases near-term development opportunities and encourages new employment opportunities in the community.

Land Use Districts

In order to ensure that future development more closely aligns the character of individual parts of the Northeast Area, a series of land use districts have been created. This section describes the various districts that make up the future land use plan.



NEIGHBORHOOD MIXED USE

The Neighborhood Mixed Use district is generally designated along corridors that include a mix of single family houses, apartment buildings, small commercial buildings, and mixed use buildings. These areas should be walkable with wide sidewalks, landscape buffer areas, street trees and accommodates for cyclists and transit. Buildings should be built up to the street for form a consistent street frontage.

80

NEIGHBORHOOD MIXED USE

The Neighborhood Mixed Use district is generally designated along corridors that include a mix of single family houses, apartment buildings, small commercial buildings, and mixed use buildings. These areas should be walkable with wide sidewalks, landscape buffer areas, street trees and accommodates for cyclists and transit. Buildings should be built up to the street for form a consistent street frontage.

Allowed Building Types

- Single Family Houses
- Townhomes
- Duplexes
- Low Rise Apartments (2-4 stories)
- Small Commercial Retail and Office Buildings
- Mixed Use Buildings (apartments/office above retail/office)
- Institutional Buildings



GATEWAY / NEIGHBORHOOD COMMERCIAL HUB

The Gateway / Neighborhood Commercial Hub is a commercial district of medium intensity commercial use that serve the surrounding neighborhoods and could include commercial uses that serve the wider community and region. These hubs are usually centered around a major intersection. These areas should be walkable with wide sidewalks, landscape buffer areas, street trees and accommodates for cyclists and transit. Buildings should be built up to the street to form a consistent street frontage with special consideration and prominence given to major block corners.

Allowed Building Types

- Low Rise Apartments (2-4 stories)
- Small and Medium Commercial Retail and Office Buildings
- Mixed Use Buildings (apartments/office above retail/office)
- Institutional Buildings



COMMERCIAL

The Commercial district includes shopping centers and major commercial buildings that serve the wider community and region. Development in these districts must follow the commercial design guidelines.

Allowed Building Types

- Small, medium, and large commercial buildings
- Shopping centers
- Institutional buildings



HIGHWAY COMMERCIAL

The Highway Commercial district includes commercial uses that serve highway users, such as gas stations and convenience stores. Development in these districts must follow the commercial design guidelines.

Allowed Building Types

- Small, medium, and large commercial buildings
- Gas stations and convenience stores

NORTHEAST AREA MASTER PLAN | KANSAS CITY, KANSAS

MAP OF 1718 NORTH 13TH STREET DEMONSTRATING COMPLIANCE WITH SECTION 27-638(A)



STAFF SITE VISIT PHOTOS, DATED JANUARY 13, 2024





Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: May 30, 2024

Re: Change of Zone Petition COZ2024-003 and Master Plan Amendment MPL2024-002

GENERAL INFORMATION

Applicant:

Dana Blay

Status of Applicant:

Representative
DBL Architecture Inc.
8031 Wenonga Road
Leawood, Kansas 66206

Requested Actions:

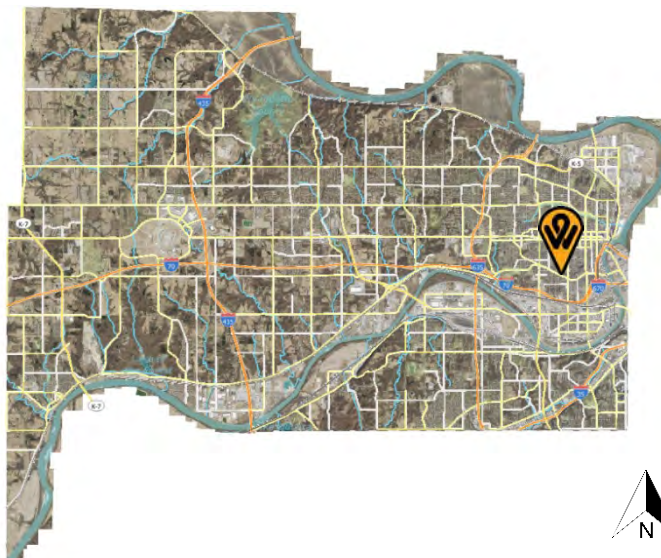
Approval of a Change of Zone and
Master Plan Amendment.

Date of Application:

January 22, 2024

Purpose:

To approve a Change of Zone from CP-0 Planned Non-Retail Business District and C-3 Commercial District to CP-3 Planned Commercial District and a Master Plan Amendment of the Central Area Plan from Urban Density to Community Commercial to construct a new convenience store and fueling station, as well as a second new commercial building on the site.



Property Location:	1200 Central Avenue Kansas City, Kansas 66102
Commission Districts:	Commissioner At-Large, District #2: Tom Burroughs District #2 Commissioner: William (Bill) Burns
Existing Zoning:	CP-0 Planned Non-Retail Business and C-3 Commercial Districts
Adjacent Zoning:	North: CP-0 Planned Non-Retail Business District South: R-1(B) Single Family and C-3 Commercial Districts East: R-1(B) Single Family District West: C-3 Commercial District
Adjacent Uses:	North: Parking Lot South: Commercial Business and Residential Lot East: Bethany Park West: Drive-Through Restaurant
Total Tract Size:	0.92 Acre
Comprehensive Plan Area:	Central Area Plan
Comprehensive Plan Designation:	The Central Area Plan designates the subject properties as both Urban Density and Community Commercial. Urban Density allows a mix of detached and attached residential, while Community Commercial allows medium-sized box stores with small scale accessory commercial uses and small-scale commercial centers. The applicant is seeking a Master Plan Amendment to designate the whole property as community commercial.
Major Street Plan:	The goDotte Mobility Plan designates Central Avenue as a Major Collector and 12 th Street as a Local Street.
Parking Requirement:	Section 27-467(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”.

The property contains 7,630 square feet of commercial space, which requires 31 spaces. The plan provides 31 spaces; however, some spaces are provided in an unsafe manner and must be removed.

Advertisement:	<u>The Wyandotte Echo</u> – February 15, 2024 Letters to Property Owners – February 16, 2024, February 29, 2024 and March 27, 2024
Public Hearings:	May 13, 2024 and May 30, 2024
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Dana Blay, is requesting a Change of Zone from CP-0 Planned Non-Retail Business District and C-3 Commercial District to CP-3 Planned Commercial District, a Final Development Plan and a Master Plan Amendment of the Central Area Plan from Urban Density to Community Commercial to construct a new convenience store and fueling station, as well as a new, second commercial building on the site at 1200 Central Avenue.

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

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. There has been an extensive history or noise or disturbance complaints on the subject property, for issues including robbery, shootings, battery, and drugs among other issues. Since 2016, there have been 72 calls for service on the property.

Building, Zoning, or Code Enforcement Complaints:

1. Since 2003, there have been 15 Notices of Violation on the subject property, most of which have been for structural violations or graffiti.

Outstanding or Related Permits and Cases:

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

FACTORS TO BE CONSIDERED

Change of Zone and Final Plan Review:

1. *Neighborhood character.*

The subject property is within the Riverview Statistical Neighborhood, the Cathedral Neighborhood Group and the Central Area Betterment Association (CABA) group. The neighborhood consists of a diversity of uses, including Bethany Park, single family residences, duplexes, fourplexes, garden style apartments and high-rise apartments, as well as churches, mixed-use commercial buildings, larger scale commercial uses and a medical office.

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 for a convenience store and fueling station as well as an additional 3,450 square feet of commercial space, while of a higher intensity, is expected to be compatible with nearby uses, as the site has historically been a commercial use.

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

The property is suitable to be used as a convenience store and fueling station and additional commercial uses, as the property has historically been used as such. The removal of restrictions should not detrimentally affect nearby property as long as the proposed uses are managed properly, and the site is designed in a manner that provides adequate buffering and screening from abutting residential properties and all public improvements made.

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

The property is not vacant and is currently a convenience store and fueling station.

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; A convenience store and fueling station does not change the existing use or bring a more community-oriented use to the site. The additional commercial spaces on the property, however, do provide the opportunity for smaller-scale businesses to open along the Central Avenue mixed-use corridor.

The proposed use will substantially increase the use, visual quality and marketability of nearby properties, as it is proposing to replace an aging commercial property, which will be designed and constructed to current design standards.

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 inherently result in an increase of traffic as it is an expansion of the existing use with additional commercial space. The proposed plan is not expected to increase traffic to the point where it exceeds the capacity of Central Avenue, a Major Arterial or 12th Street, a Local Street. The site plan as proposed may adversely affect the parking demand. The parking spaces located on the east side of the property increases the likelihood of an accident, as they protrude into the driveway entrance.

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

The Central Area Plan designates the subject property as both Urban Density and Community Commercial. Urban Density allows a mix of detached and attached residential, while Community Commercial allows medium-sized box stores with small scale accessory commercial uses and small-scale commercial centers. The proposed use conforms to the Community Commercial designation but not the Urban Density designation, as that is intended for a mix of residential uses. The applicant is seeking a Master Plan Amendment to designate the whole property as Community Commercial, thus removing any potential conflicts.

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

If the owner operates the business in a manner where there are no neighbor complaints or Property Maintenance Compliance citations, this will not be an issue. The applicant will need to install and establish a landscape and screening buffer, particularly in the northwest corner of the property, to properly screen the 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*

The UG provides sanitary sewer service.

c. Storm water control

The UG provides storm water control with an inlet at North 12th Street & Central Avenue.

d. Police

Police service is provided by East Patrol, District #116.

e. Fire

Fire service is provided by Station #9, which is two (2) blocks away.

f. Transit

The KCATA provides transit service along Route #102 – Central Avenue, with a stop at 12th & Central Avenue

g. Schools

Public Education is provided by Whittier Elementary School, Central Middle School and Wyandotte 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.

If the proposal is approved, the Unified Government (UG) will receive additional property and sales tax revenues because of the improvements made to the property. The addition of new tenant spaces also allows for additional businesses, which would provide employment opportunities and other services within the community.

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

There are several revisions required to the plan, including revisions to the site plan to address parking, pedestrian access and remove the required internal pedestrian circulation from encroaching on the alley and public right-of-way. Otherwise, the proposed use is capable of meeting 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 can maintain the current business, and will still have property that is able to be developed, however, not in the form they are currently proposing. There must be a balance between the adjacent and nearby residential property owners' quality of life and an expanded convenience store/gas station, and future tenant storefront.

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.

The current master plan designation for this property is both Urban Density and Community Commercial. The subject properties are split zoned, which is not best planning practice. The Change of Zone and Master Plan Amendment will correct this inconsistency.

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 proposed amendment is consistent with the goals of the Area Plan; Central Avenue is intended to be the primary commercial/mixed-use corridor in the Area Plan. The plan amendment will allow for the property to be fully utilized for a commercial use.

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

See Change of Zone Factor #9.

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

The proposed amendment seeks to correct a conflict with the Central Area Plan and amend a portion of a commercially zoned parcel that was designated for residential uses with Urban Density, rather than commercial uses under Community Commercial, like the remainder of the parcel. The amendment would also correct a conflict between the zoning of the property and the Area Plan, making them consistent with one another.

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.*

It is not uncommon for commercial uses to be located on a Thoroughfare, acting as a buffer for adjacent residential communities.

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

A Master Plan Amendment would allow the properties to be utilized for an improved commercial use, as well as expand the square feet of retail along Central Avenue. This has the potential to bring new businesses and services to the neighborhood, as well as bring new potential for employment.

PREVIOUS ACTIONS

- Approval of a Change of Zone in 2006 as a result of the Bethany Neighborhood Downzoning.
- Variances 2125 and 2138 for setbacks in 2014. Both petitions were withdrawn prior to hearing.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting in-person at 1200 Central Avenue on February 22, 2024. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Accessory Uses
Alleyway
Buffering and Screening
Combination of Parcels
Outdoor Vending and Storage
Site Architecture
Site Design
Street Trees
Wall Mural on 12th Street

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Change of Zone Application **COZ2024-003** and Master Plan Amendment **MPL2024-002**, subject to:

1. The applicant is requesting a Change of Zone for a property zoned CP-3 Commercial District. Therefore, this property is subject to, and must comply with, all applicable regulations under the Commercial Development Guidelines Overlay District (CDGOD). This subsection addresses the applicant's demonstrated compliance with relevant CDGOD regulations for COZ2024-003 and PR2024-004. All listed requirements that are identified as "have not been met" must be granted a deviation by the City Planning Commission upon specific request by the applicant during the City Planning Commission meeting.
 - a. The following requirements of the Commercial Development Guidelines Overlay District have been met:
 - i. Section 27-575(d)(10) states that sidewalks in front of buildings must be designed to accommodate pedestrian activity both for that use and for movement between uses.
 - ii. Section 27-575(f)(1) states that there should be a designated walkway or clear pathway to the main entrance of a building so that pedestrians are not required to walk through parking lots.
 - iii. Section 27-575(d)(3) A sense of entry or arrival shall be created at primary entryways into the development.
 - iv. Section 27-577(b)(3)(a) states that one tree with a minimum caliper of two inches (ornamental evergreen trees must be at least six feet tall when planted) provided for every 30 feet of street easement or frontage.
 - v. Section 27-577(c)(4) states that landscape areas located between commercial districts and residential districts must provide 100 percent sight-obscuring year-round buffer using plant material or a combination of fence, berm and plant material.
 - vi. Section 27-577(a)(5) states that landscaping shall exceed the typical code requirements by at least 75 percent. The CP-3 zoning district requires one (1) tree per 7,000 square feet of site area. The site contains 39,984 square feet of area, which requires six (6) trees. The multiplier is 1.75, which brings the total requirement to 10 trees. The plan provides 18 trees.
 - vii. Section 27-577(d)(1) states that at least 75 percent of the length of building foundations facing public streets, the exterior of the development, or common spaces must be planted with ornamental plant material such as ornamental trees, flowering shrubs, perennials, and groundcovers.
 - viii. Section 27-575(e)(4) states that parking must be screened from adjacent streets by walls, shrubs, trees, or other design

elements.

- ix. Section 27-577(f)(1) states that all new development landscaping must be irrigated with an automatic system approved by the planning department. Rehabilitation development must either have an irrigation system or a watering plan.
- x. Section 27-577(f)(2) states that plants that die must be replaced no longer than four (4) months from the date of its death.
- b. The following requirements of the Commercial Development Guidelines Overlay District have not been met, and from which Applicant is requesting a deviation for approval: **(NOTE: Planning Commission recommended approval of the deviations.)**
 - i. Section 27-576(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.
 - ii. Section 27-576(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.
 - iii. Section 27-576(f)(3) Buildings should be oriented primarily to the street.
 - iv. Section 27-576(f)(4) Retail shops at street level should have direct access to and from the sidewalk;
- 2. Section 27-573-578 acknowledges the use of the Commercial Design Guidelines and their use in this district as established by Ordinance O-50-06;
- 3. The PlanKCK Comprehensive Plan establishes the uses of the Commercial Design Guidelines by their inclusion in the current land use design;
- 4. The applicant needs to submit either a plat or administratively combine the lots at 1200 Central Avenue (Parcel #103223) and 16 North 12th Street (Parcel #103224). A building permit will not be issued until the applicant does this;
- 5. There shall be no outdoor storage on the site;
- 6. The applicant/business owner shall install a bus stop with a bench and trash receptacle in front of the property. Contact Desiray Bush, Director of Transportation at (913) 573-8312 or dbush@wycokck.org;
- 7. The applicant shall revise the site plan to demonstrate a six (6) foot tall, opaque fence along the western and northern property lines. This fence shall have masonry columns every 32 feet. Provide elevations from the fence;
- 8. The fuel pump canopy columns shall be wrapped in masonry;
- 9. There shall be an entrance to and from the corner tenant space of the new commercial building out to the sidewalk along Central Avenue;
- 10. The applicant shall add bike racks in front of both of the proposed new buildings;
- 11. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing

- structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
12. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
 13. 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 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;
 14. If approved, the applicant must file and maintain a current business occupation tax application with the Business License Division at 4953 State Avenue, Kansas City, KS 66102. Their contact information is (913) 573-8780 or businesslicense@wycokck.org;
 15. Proposed development within this plat will require civil drawings to be submitted, which may result in submitting a revised replat;
 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. All existing and future driveways must feature curb cuts that are constructed to UG standards;
 18. A Right-of-Way Permit is required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
 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 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;
 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. In the event the a plan or section thereof is given final approval and thereafter the landowner shall abandon said plan or a section thereof and shall so notify the unified government in writing, or in the event the landowner shall fail to commence, as evidenced by receipt of building permits and start of construction, the planned development within 18 months after final approval has been granted or in the case of subsequent phases each shall be initiated within 24 months of the issuance of a certificate of occupancy on the entire preceding phase or the plan will be considered abandoned, then in either event such final approval shall terminate and shall be deemed null and void unless such time period is extended by the planning commission upon written application by the landowner. Whenever a final plan or section thereof has been abandoned as provided in this section, no development shall take place on the property until a new development plan has been approved.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners concur with the findings contained within the staff report related to *Factors to be Considered* and *Key Issues* and recommends **APPROVAL** of Petitions **COZ2024-003 and MPL2024-002**, subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

May 13, 2024, City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Neighborhood Meeting Materials
Site Plan
Floor Plan
Landscape Plan
Elevations
Erosion Control Plan
Storm Water Plan
Grading Plan
Utility Plan
Site Photos, Taken by Staff, Dated February 9, 2024

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Board of Commissioners</u>
Public Hearing	May 13, 2024	May 30, 2024
Rezoning	Approval	
Plan Amendment	May 13, 2024	No Hearing Required
Review	Approved	
Special Use Permit	May 13, 2024	May 30, 2024
	Approval	

STAFF CONTACT: **James Molloy**
 jlmolloy@wycokck.org

MOTIONS

Master Plan Amendment

I move the Unified Government Board of Commissioners **APPROVE** Petition **MPL2024-002** 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 **MPL2024-002**, 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.

Change of Zone

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2024-003** 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 **COZ2024-003**, 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.

May 13, 2024, City Planning Commission Minutes:

Hearing starts at 1:58:55:

MASTER PLAN AMENDMENT MPL2024-002 – DANA BLAY WITH DBL

ARCHITECTURE – SYNOPSIS: Master Plan Amendment from Urban Density (Central Area Plan) to Community Commercial (Central Area Plan) at 1200 Central Avenue.

CHANGE OF ZONE APPLICATION COZ2024-003 – DANA BLAY WITH DBL

ARCHITECTURE – SYNOPSIS: Change of Zone from CP-O Planned Non-Retail Business and C-3 Commercial Districts to CP-3 Planned Commercial District to construct a new C-Store, Retail Shops and Gas Station at 1200 Central Avenue.

PLAN REVIEW APPLICATION PR2024-004 – DANA BLAY WITH DBL

ARCHITECTURE – SYNOPSIS: Final Development Plan to construct a C-Store, Retail Shops and Gas Station at 1200 Central Avenue.

Detailed Outline of Requested Action: The applicant, Dana Blay, is requesting a Change of Zone from CP-0 Planned Non-Retail Business District and C-3 Commercial District to CP-3 Planned Commercial District, a Final Development Plan and a Master Plan Amendment of the Central Area Plan from Urban Density to Community Commercial to construct a new convenience store and fueling station, as well as a new, second commercial building on the site at 1200 Central 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 May 13, 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:

- Dana Blay, applicant, DBL Architecture Inc., 8031 Wenonga Road, Leawood, Kansas 66206

Present in Opposition:

- No one appeared

Staff Recommendation starts at 2:05:08: Planner Molloy stated the request is for a Change of Zone, Master Plan Amendment, and Final Plan Review for a new c-store and a multi-tenant retail building on the site. Staff has received no letters in support nor opposition. There are no Notices of Violation on the property. Applicant is requesting some deviations from the Commercial Design Guidelines. Staff is requiring landscaping around the perimeter, as well as a 6-foot-tall screening fence to provide additional buffering from the residences to the rear and across the alleyway. He further stated that the Applicant will need to combine the two (2) parcels in the future, which can be done administratively or by plat as they are two (2) separate parcels at this time. Staff recommends approval subject to the conditions in the staff report.

Motion starts at 2:06:48:

On motion by Mrs. Jones, seconded by Ms. Easterwood, the Planning Commission voted as follows to recommend **APPROVAL of Master Plan Amendment**

MPL2024-002:

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

Motion to recommend APPROVAL Passed: 6 to 0

Subject to:

1. The applicant is requesting a Change of Zone for a property zoned CP-3 Commercial District. Therefore, this property is subject to, and must comply with, all applicable regulations under the Commercial Development Guidelines Overlay District (CDGOD). This subsection addresses the applicant's demonstrated compliance with relevant CDGOD regulations for COZ2024-003 and PR2024-004. All listed requirements that are identified as "have not been met" must be granted a deviation by the City Planning Commission upon specific request by the applicant during the City

Planning Commission meeting.

a. The following requirements of the Commercial Development Guidelines Overlay District have been met:

- i. Section 27-575(d)(10) states that sidewalks in front of buildings must be designed to accommodate pedestrian activity both for that use and for movement between uses.
- ii. Section 27-575(f)(1) states that there should be a designated walkway or clear pathway to the main entrance of a building so that pedestrians are not required to walk through parking lots.
- iii. Section 27-575(d)(3) A sense of entry or arrival shall be created at primary entryways into the development.
- iv. Section 27-577(b)(3)(a) states that one tree with a minimum caliper of two inches (ornamental evergreen trees must be at least six feet tall when planted) provided for every 30 feet of street easement or frontage.
- v. Section 27-577(c)(4) states that landscape areas located between commercial districts and residential districts must provide 100 percent sight-obscuring year-round buffer using plant material or a combination of fence, berm and plant material.
- vi. Section 27-577(a)(5) states that landscaping shall exceed the typical code requirements by at least 75 percent. The CP-3 zoning district requires one (1) tree per 7,000 square feet of site area. The site contains 39,984 square feet of area, which requires six (6) trees. The multiplier is 1.75, which brings the total requirement to 10 trees. The plan provides 18 trees.
- vii. Section 27-577(d)(1) states that at least 75 percent of the length of building foundations facing public streets, the exterior of the development, or common spaces must be planted with ornamental plant material such as ornamental trees, flowering shrubs, perennials, and groundcovers.
- viii. Section 27-575(e)(4) states that parking must be screened from adjacent streets by walls, shrubs, trees, or other design elements.
- ix. Section 27-577(f)(1) states that all new development landscaping must be irrigated with an automatic system approved by the planning department. Rehabilitation development must either have an irrigation system or a watering plan.
- x. Section 27-577(f)(2) states that plants that die must be replaced no longer than four (4) months from the date of its death.

b. The following requirements of the Commercial Development Guidelines Overlay District have not been met, and from which Applicant is requesting a deviation for approval: (NOTE: Planning Commission recommended approval of the deviations.)

- i. Section 27-576(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.
 - ii. Section 27-576(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.
 - iii. Section 27-576(f)(3) Buildings should be oriented primarily to the street.
 - iv. Section 27-576(f)(4) Retail shops at street level should have direct access to and from the sidewalk;
- 2. Section 27-573-578 acknowledges the use of the Commercial Design Guidelines and their use in this district as established by Ordinance O-50-06;
- 3. The PlanKCK Comprehensive Plan establishes the uses of the Commercial Design Guidelines by their inclusion in the current land use design;
- 4. The applicant needs to submit either a plat or administratively combine the lots at 1200 Central Avenue (Parcel #103223) and 16 North 12th Street (Parcel #103224). A building permit will not be issued until the applicant does this;
- 5. There shall be no outdoor storage on the site;
- 6. The applicant/business owner shall install a bus stop with a bench and trash receptacle in front of the property. Contact Desiray Bush, Director of Transportation at (913) 573-8312 or dbush@wycokck.org;
- 7. The applicant shall revise the site plan to demonstrate a six (6) foot tall, opaque fence along the western and northern property lines. This fence shall have masonry columns every 32 feet. Provide elevations from the fence;
- 8. The fuel pump canopy columns shall be wrapped in masonry;
- 9. There shall be an entrance to and from the corner tenant space of the new commercial building out to the sidewalk along Central Avenue;
- 10. The applicant shall add bike racks in front of both of the proposed new buildings;
- 11. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
- 12. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
- 13. 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 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;
14. If approved, the applicant must file and maintain a current business occupation tax application with the Business License Division at 4953 State Avenue, Kansas City, KS 66102. Their contact information is (913) 573-8780 or businesslicense@wycokck.org;
 15. Proposed development within this plat will require civil drawings to be submitted, which may result in submitting a revised replat;
 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. All existing and future driveways must feature curb cuts that are constructed to UG standards;
 18. A Right-of-Way Permit is required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
 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 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;
 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. In the event the a plan or section thereof is given final approval and thereafter the landowner shall abandon said plan or a section thereof and shall so notify the unified government in writing, or in the event the landowner shall fail to commence, as evidenced by receipt of building permits and start of construction, the planned development within 18 months after final approval has been granted or in the case of subsequent phases each shall be initiated within 24 months of the issuance of a certificate of occupancy on the entire preceding phase or the plan will be considered abandoned, then in either event such final approval shall terminate and shall be deemed null and void unless such time period is extended by the planning commission upon written application by the landowner. Whenever a final plan or section thereof has been abandoned

as provided in this section, no development shall take place on the property until a new development plan has been approved.

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

COZ2024-003:

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

Motion to recommend APPROVAL Passed: 6 to 0

Subject to the above conditions.

On motion by Mrs. Jones, seconded by Ms. Easterwood, the Planning Commission voted as follows to **APPROVE Plan Review Application PR2024-004:**

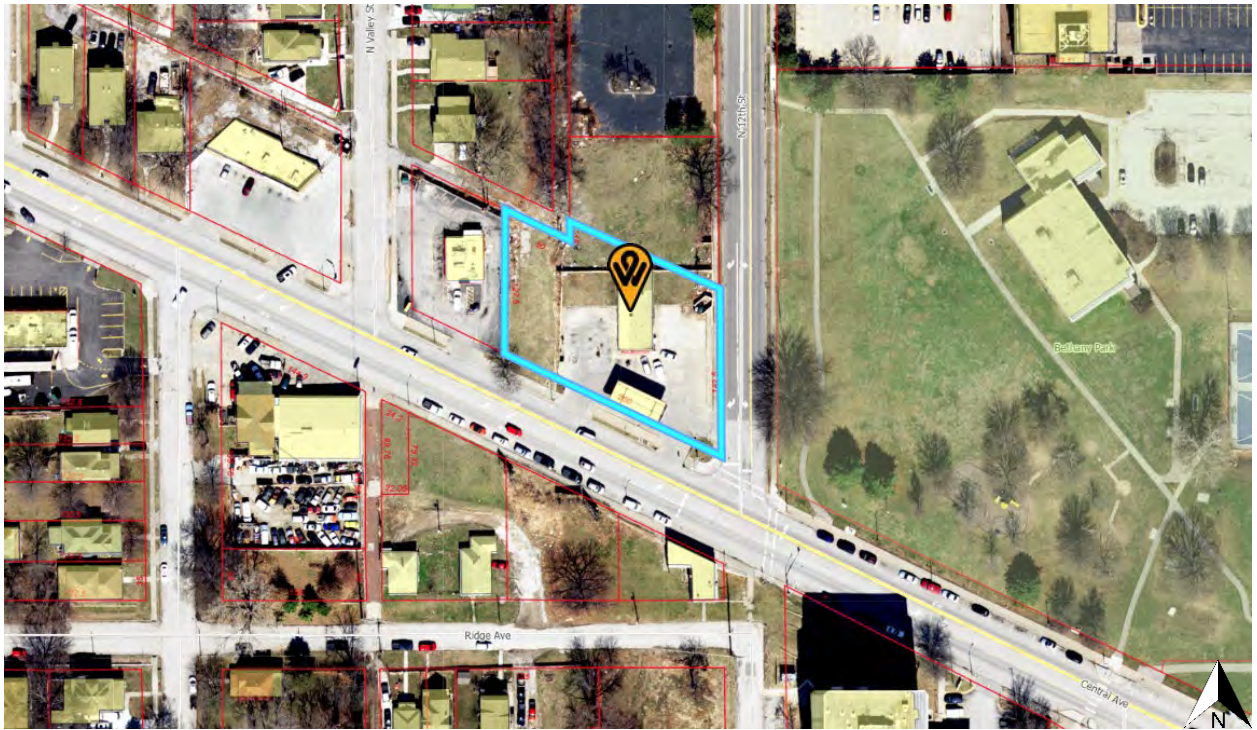
Carson	Chairman
Ward	Aye
Armstrong	Not Present
Beth	Aye
Easterwood	Aye
Ernst	Aye
Jones	Aye
Miller	Aye
Mohler	Not Present
Schwartz	Not Present
Straws	Not Present

Motion to APPROVE Passed: 6 to 0

Subject to the above conditions.

ATTACHMENTS

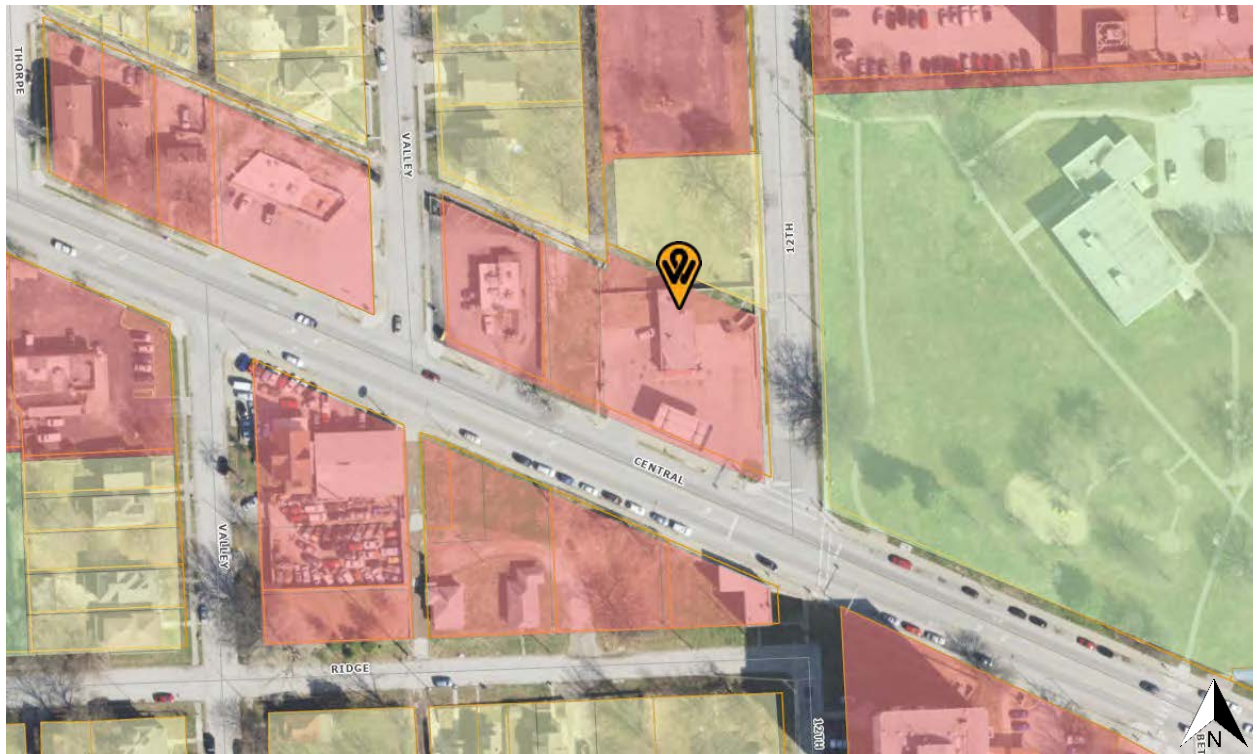
AERIAL IMAGERY



ZONING MAP



LAND USE MAP



NEIGHBORHOOD MEETING
ATTENDANCE
1200 CENTRAL AVENUE, KANSAS CITY, KS

February 22, 2024
5:00 P.M.

NAME	ADRESS	PHONE NUMBER	EMAIL
Tony Semaan	1520 Central		WriteTony@AOL.com

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
) SS:
COUNTY OF Wyandotte)

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

1. That I am the petitioner for Petition #COZ2024-003,MPL2024, PR2024-004.
2. That I conducted a neighborhood meeting on February 22, 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.

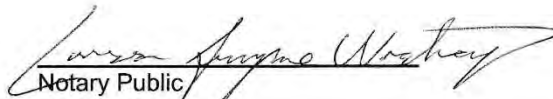


Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 23 day of February, 2024.

My commission expires 12 of July, 2027.

Larissa Wratney
Notary Public - Notary Seal
State of Missouri
Jackson County
My Commission Expires: July 12, 2027
Commission # 23383001



Notary Public

NEIGHBORHOOD MEETING MINUTES

1200 CENTRAL AVENUE, KANSAS CITY, KS

February 22, 2024
5:00 P.M.

Only one person attended the neighborhood meeting. No other contact was received from any neighbor.

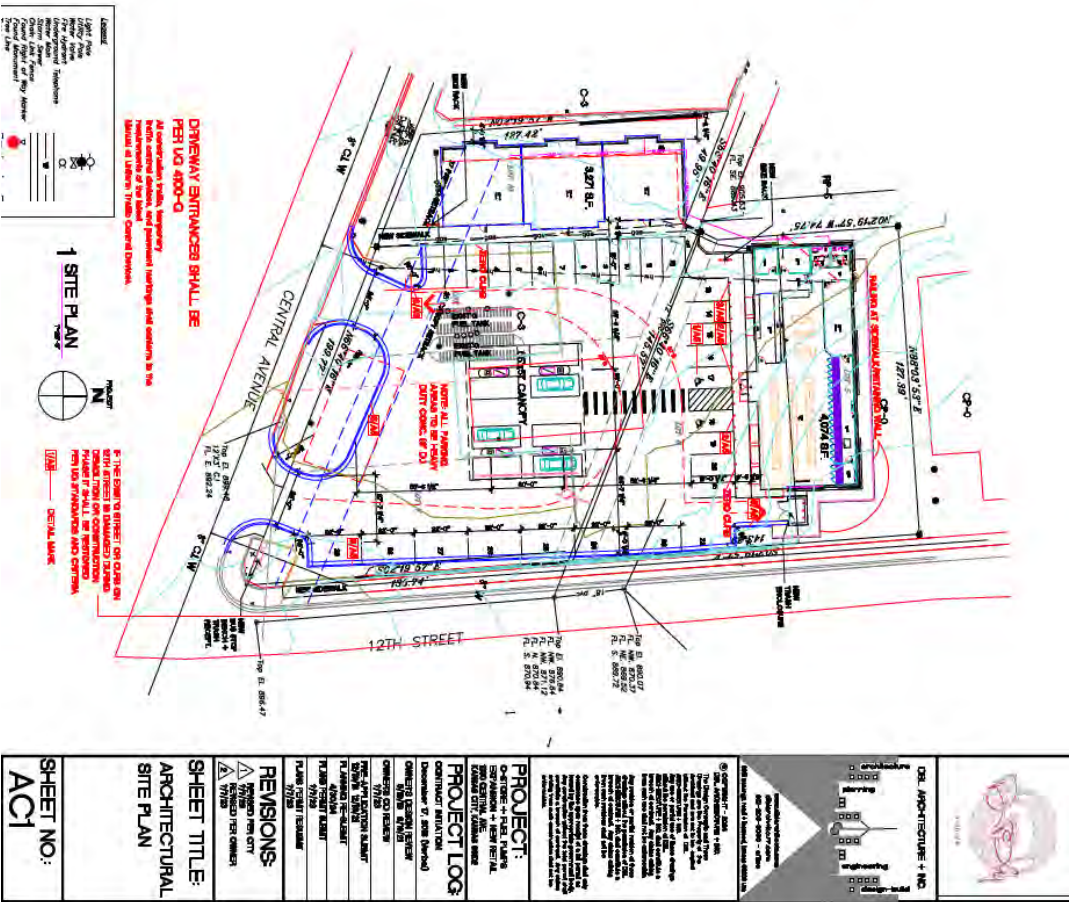
The only comments came from Tony Semaan, the only neighbor in attendance. He was happy to see the new development coming to the neighborhood. We looked at the plans and discussed the uses for each building. He thought it was good that we were pushing the building back to the rear of the property. He wished me success and said to contact him at anytime.

I waited until 5:30 to see if anyone else would come but no one else did.

Dana Blay, DBL ARCHITECTURE, INC.

CONVENIENCE STORE + GASOLINE/FUEL SALES
SPECIAL USE PERMIT/ZONING CHANGE SUBMITTAL
PREPARED BY DBL ARCHITECTURE + INC. 4-30-24

A. EXISTING ZONING - CP-O LOT 6 + 8) (CHANGE TO CP-O) AND CP-3 LOTS 7, 8 + 10) (CHANGE TO CP-3)	
B. EXISTING LAND AREA - 10.00 ACRES	
LOT 6 - 4,070 SF (0.09 AC)	
LOT 7 - 7,830 SF (0.18 AC)	
LOT 8 - 24,000 SF (0.55 AC)	
TOTAL - 41,900 SF (0.96 AC)	
C. PROPOSED AREA OF BUILDING #1 - 4,070 SF	
BUILDING #2 - 3,270 SF	
PARKING SPACES - 27 SPACES	
D. TOTAL LOT AREA - 10.00 ACRES	
E. TOTAL LOT AREA - 10.00 ACRES	
F. TOTAL LOT AREA - 10.00 ACRES	
G. TOTAL LOT AREA - 10.00 ACRES	
H. TOTAL LOT AREA - 10.00 ACRES	
I. TOTAL LOT AREA - 10.00 ACRES	
J. TOTAL LOT AREA - 10.00 ACRES	
K. TOTAL LOT AREA - 10.00 ACRES	
L. TOTAL LOT AREA - 10.00 ACRES	
M. TOTAL LOT AREA - 10.00 ACRES	
N. TOTAL LOT AREA - 10.00 ACRES	
O. TOTAL LOT AREA - 10.00 ACRES	
P. TOTAL LOT AREA - 10.00 ACRES	
Q. TOTAL LOT AREA - 10.00 ACRES	
R. TOTAL LOT AREA - 10.00 ACRES	
S. TOTAL LOT AREA - 10.00 ACRES	
T. TOTAL LOT AREA - 10.00 ACRES	
U. TOTAL LOT AREA - 10.00 ACRES	
V. TOTAL LOT AREA - 10.00 ACRES	
W. TOTAL LOT AREA - 10.00 ACRES	
X. TOTAL LOT AREA - 10.00 ACRES	
Y. TOTAL LOT AREA - 10.00 ACRES	
Z. TOTAL LOT AREA - 10.00 ACRES	



DBL ARCHITECTURE + INC.

4-30-24

PROJECT:

CONVENIENCE STORE + GASOLINE/FUEL SALES

SPECIAL USE PERMIT/ZONING CHANGE SUBMITTAL

PREPARED BY DBL ARCHITECTURE + INC.

PROJECT LOG:

DATE: 4-30-24

BY: DBL ARCHITECTURE + INC.

REVISIONS:

1. 4-30-24: INITIAL DESIGN

2. 4-30-24: REVISIONS

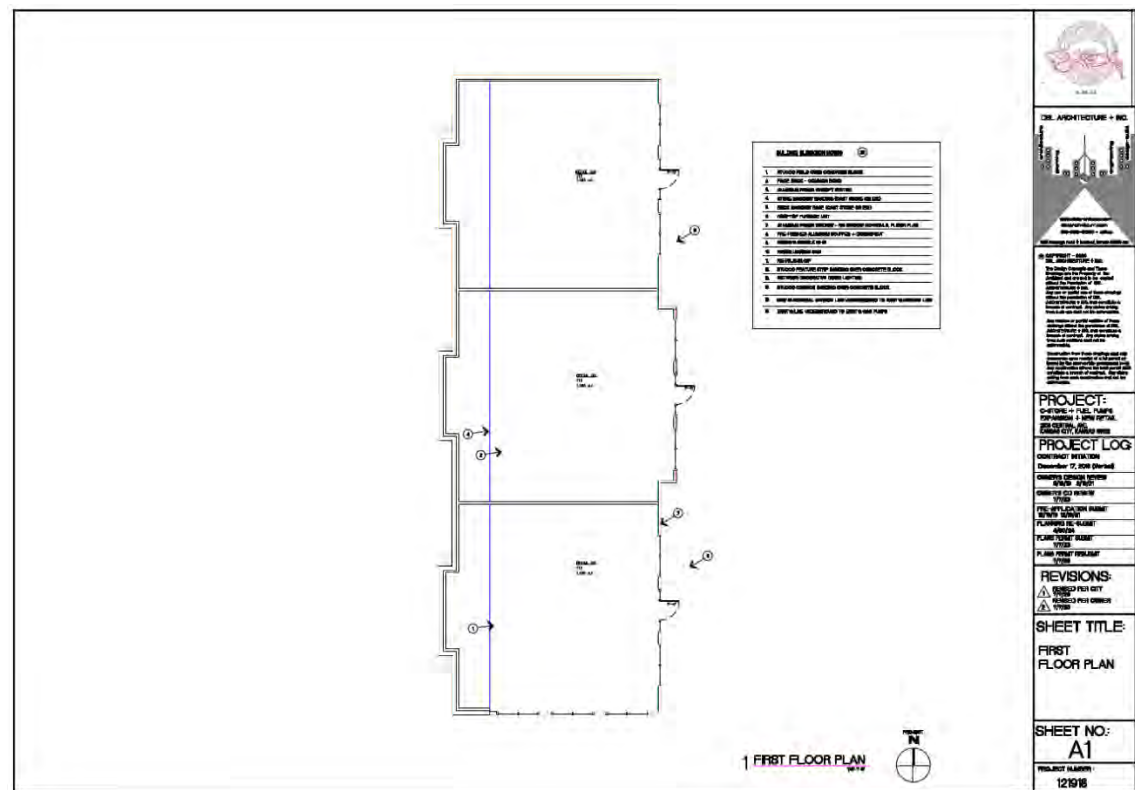
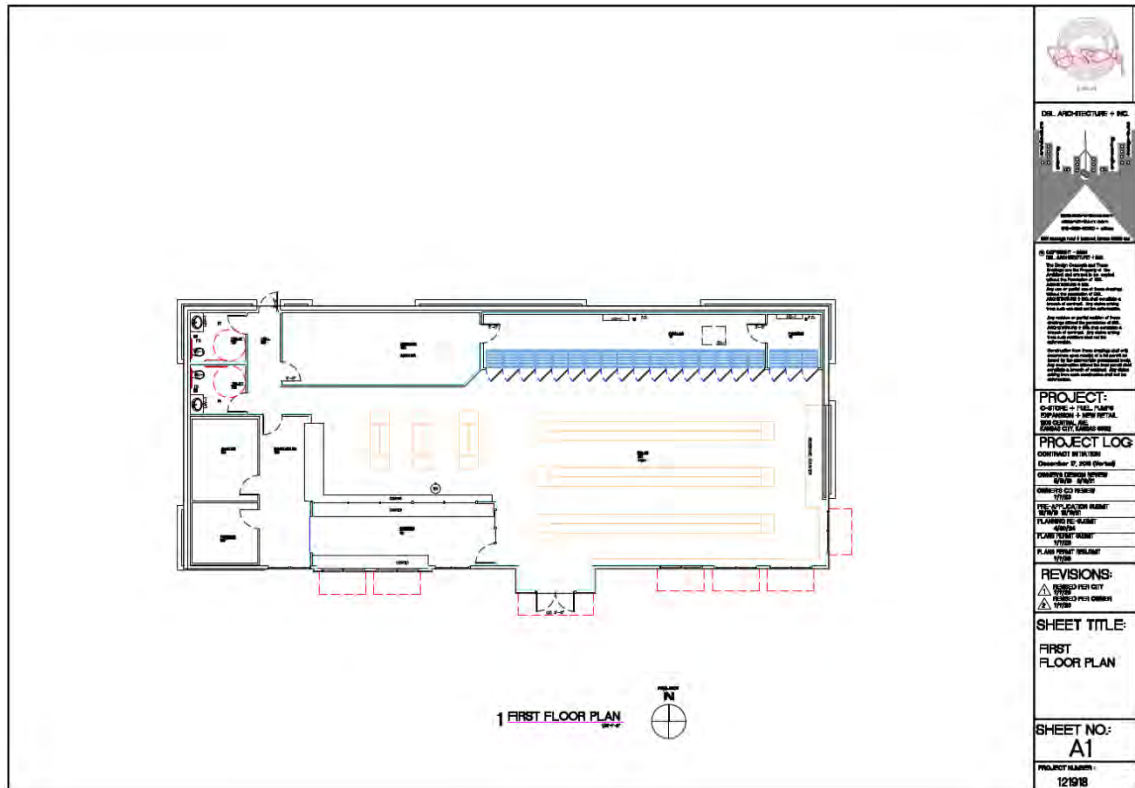
SHEET TITLE:

ARCHITECTURAL SITE PLAN

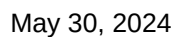
SHEET NO.:

AC1

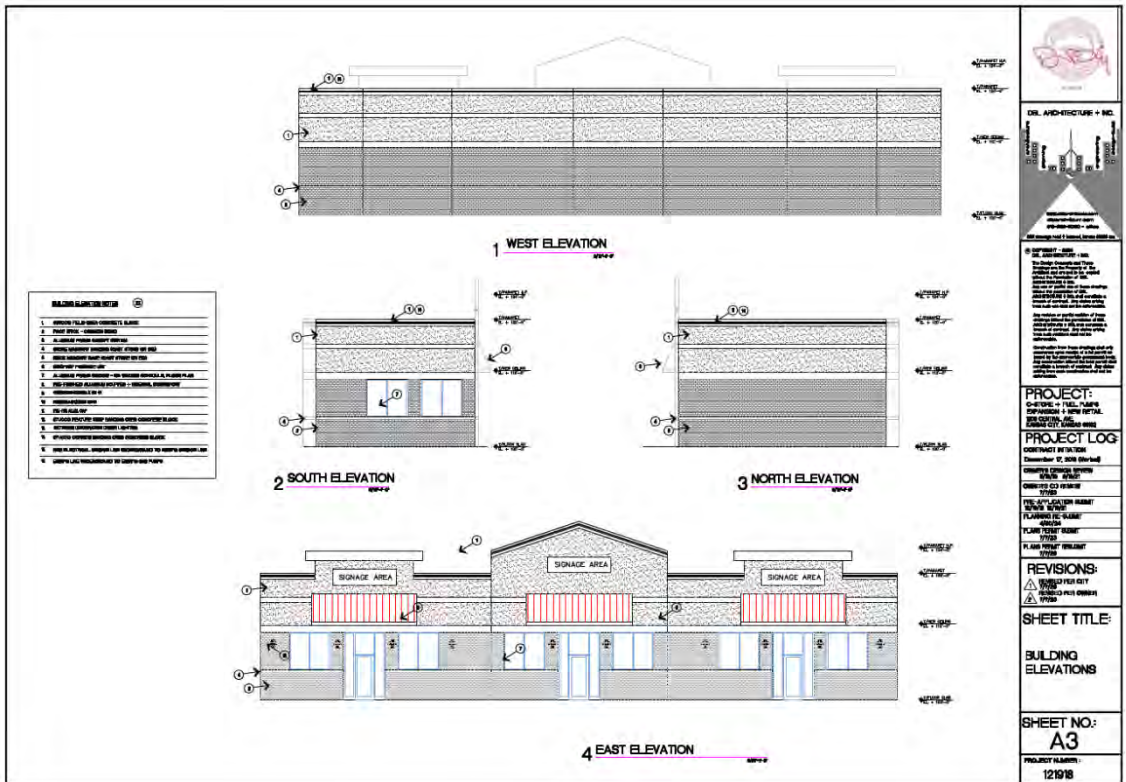
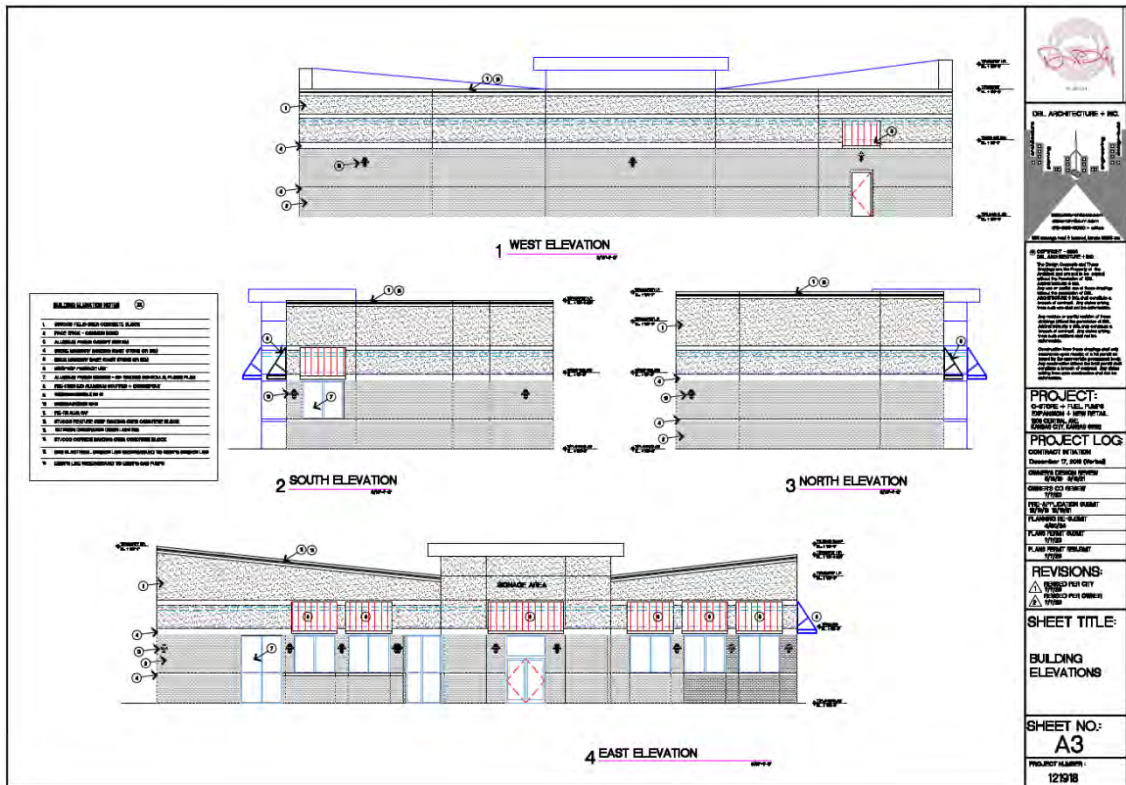
FLOOR PLAN



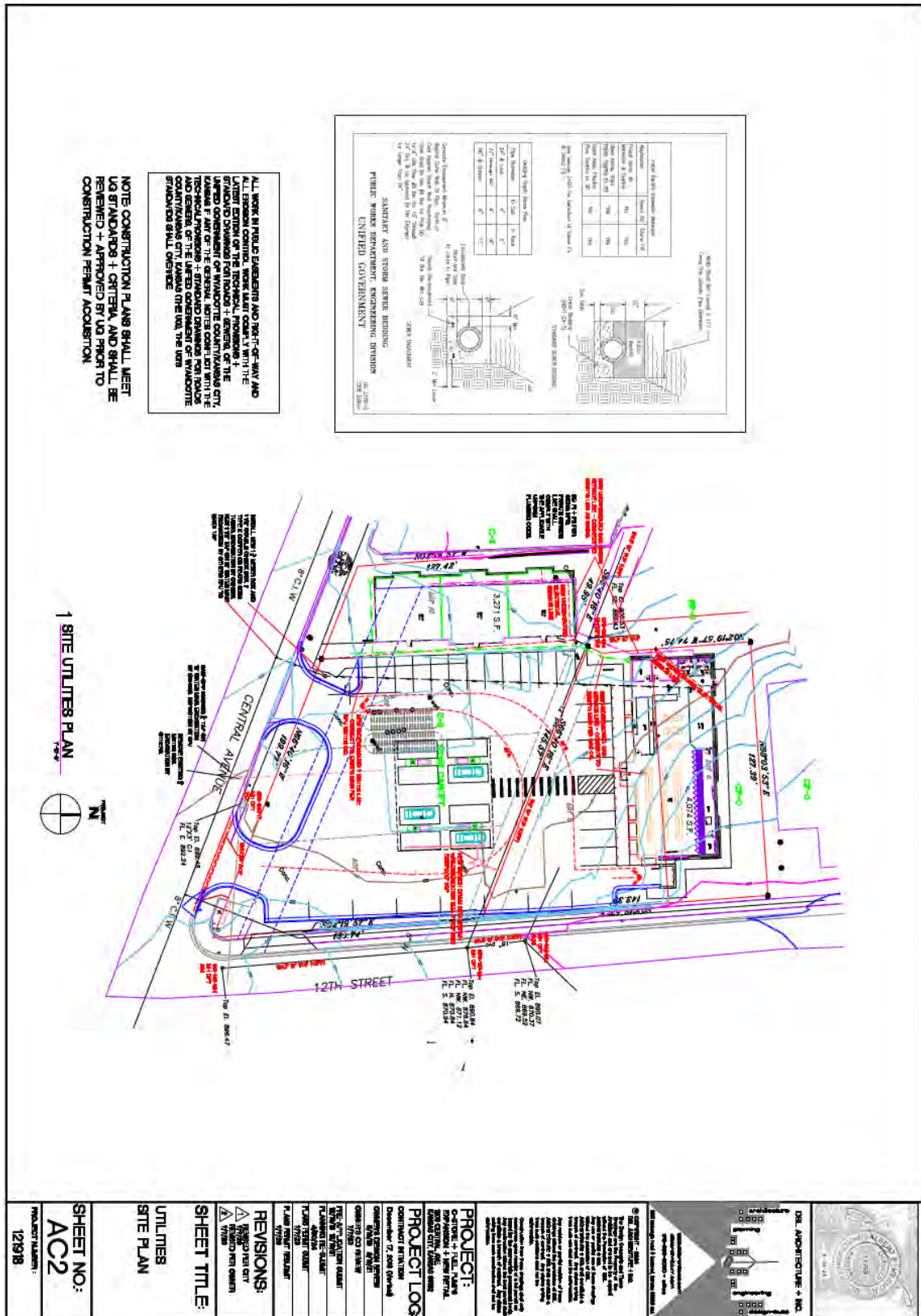
COZ2024-003 and MPL2024-002



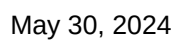
ELEVATIONS







COZ2024-003 and MPL2024-002



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







Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: May 30, 2024

Re: Master Plan Amendment Petition MPL2024-003

GENERAL INFORMATION

Applicant:
Houston DeFoe

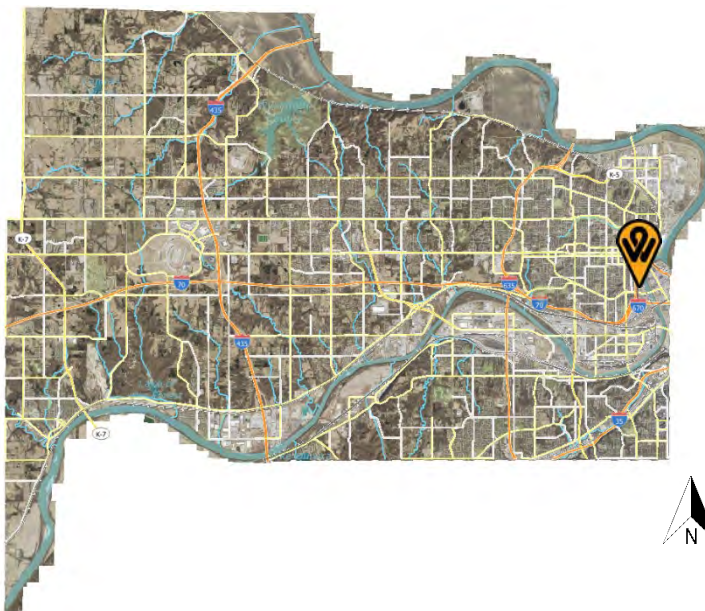
Status of Applicant:
Owner
Blue Palm LLC
204 Orchard Street
Kansas City, Kansas 66101

Requested Action:
Approval of a Master Plan
Amendment.

Date of Application:
March 27, 2024

Purpose:
To approve a Master Plan
Amendment from General Urban to
Mixed-Use in the Central Area
Plan.

Property Location:
204 Orchard Street
Kansas City, Kansas 66101



Commission Districts:	Commissioner At-Large District #2: Tom Burroughs District #2 Commissioner: William (Bill) Burns	
Existing Zoning:	C-1 Limited Business District	
Adjacent Zoning:	North: R-1(B) Single Family District and R-2(B) Two Family District South: R-1(B) Single Family District East: R-1(B) Single Family District West: R-1(B) Single Family District	
Adjacent Uses:	North: Single Family and Two Family Homes South: Single Family Homes East: Single Family Home and Interstate 70 West: Single Family Homes	
Total Tract Size:	0.06 Acre	
Comprehensive Plan Area:	Central Area Plan	
Comprehensive Plan Designation:	The Central Area Plan designates this area as Urban Density. This allows for a mix of detached and attached residential such as single-family homes, town homes, duplexes, triplexes, fourplexes, etc., and institutional uses such as schools, churches, and libraries. The applicant is seeking an amendment to Mixed-Use, which allows for integrating complimentary land uses such as retail, offices, small businesses and mixed-use residential.	
Major Street Plan:	The goDotte Countywide Strategic Mobility Plan designates Orchard Street and North Hallock Street as Local Streets.	
Parking Requirement:	Section 27-464 states that uses in this district require 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 required parking spaces is 44; 38 spaces are for the bar and patio area, four (4) are for the storage spaces/bathrooms/etc. There are two (2) parking spaces for the residence	

upstairs. BOZA #2228 was granted on December 12, 2016, which allowed for zero (0) off-street parking spaces for the drinking establishment.

Advertisement:	<u>The Wyandotte Echo</u> – April 18, 2024 Letters to Property Owners – April 19, 2024
Public Hearings:	May 13, 2024 and May 30, 2024
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Houston DeFoe, is requesting a Master Plan Amendment from General Urban to Mixed-Use within the Central Area Plan at 204 Orchard Street for a neighborhood-serving mixed-use residential over commercial building.

City Ordinance Requirements: 27-592 through 27-606

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. There were two (2) calls for police service during the term of the previous business.
 - a. 2022 – 07/13/2022 – Burglary and Criminal Damage
 - b. 2021 – 06/06/2021 – Unlawful use of Weapons

Building, Zoning, or Code Enforcement Complaints:

1. There has been a history of citations on the subject property:
 - a. 2019 – 19217-00001 – Zoning – Operating without Special Use Permit
 - b. 2015 – 15200-03617 – Environment – Junk and Trash
 - c. 2015 – 15200-01174 – Environment – Grass and Weeds
 - d. 2015 – 15505-00019 – Environment – Trash
 - e. 2014 – 14200-01994 – Environment – Grass and Weeds

Outstanding or Related Permits and Cases:

1. 2016 – BZA 2228 – Variance – Zero Off-Street Parking Spaces
2. 2023 – SP2023-119 – Special Use Permit – Short-term rental
3. 2023 – SP2023-120 – Special Use Permit – Drinking establishment

FACTORS TO BE CONSIDERED

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

There have been no events subsequent to the area plan adoption. The building has remained unchanged since 2020, when the Central Area Plan was adopted. The building, however, was constructed as a mixed-use building in 1930 and has been used as such since initial construction.

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

The change from general urban to mixed-use is consistent with the goals of the Central Area Plan. The land use plan seeks to maintain the overall character of the urban neighborhood with mixed-use and other commercial uses at major corners. This building has existed for 96 years and establishes a commercial presence at this major intersection of local streets.

- 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.***

- a. *Water service***

BPU provides water service.

- b. *Sanitary sewer service***

The UG provides sanitary sewer service.

- c. *Storm water control***

The UG provides storm water control.

- d. *Police***

Police service is provided by East Patrol, District #111.

- e. *Fire***

Fire service is provided by Fire Headquarters, Station #1, located at North 6th Street and Armstrong Avenue.

f. Transit

Transit service is provided by KCATA along route #102-Central Avenue, which stops three (2) blocks away at 6th & Riverview.

g. Schools

Public Education is provided by Grant Elementary School, Rosedale Middle School and JC Harmon High School, under Kansas City, Kansas USD.

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

The proposed amendment would eliminate a regulatory conflict as the property has been mixed-use since its construction in 1930. The current zoning of the property is C-1 limited business district, which allows mixed-use buildings. An amendment to the Area plan would allow for the property to continue to be utilized as a mixed-use building and would conform to the existing zoning 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 plan amendment would not result in a change in development of the site, and instead, would match the historic and existing use of the site. The site has been used as a mixed-use building since its construction in 1930.

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

The proposed use will not have a major impact as the use of the property will not change, however, if the existing structure on the property is destroyed, it would allow for a new neighborhood serving mixed-use building to be reconstructed.

PREVIOUS ACTIONS

- Approval of a Special Use Permit (SP-2016-100) for two (2) years in 2016 to operate a drinking establishment.
- Approval of a Parking Variance (BOZA 2228) to allow zero (0) off-street parking spaces in 2016.
- Approval of a Special Use Permit (SP-2019-21) for two (2) years in 2019 to operate a drinking establishment.
- Approval of a Special Use Permit (SP2023-119) for one (1) year in 2024 to operate a short-term rental.

- Approval of a Special Use Permit (SP2023-120) for two (2) years in 2024 to operate a drinking establishment.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting via Zoom on April 29, 2024. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Compliance with Previous Conditions of Approval

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Master Plan Amendment Application **MPL2024-003**, subject to:

Standard Conditions:

1. 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;
2. All existing and future driveways must feature curb cuts that are constructed to UG standards;
3. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
4. 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. If approved, the applicant must file and maintain a current business occupation tax application with the Business Licensing Division. Their office is located at 4953 State Avenue, Kansas City, KS 66101. Their contact information is (913) 573-8780 or businesslicense@wycokck.org;
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 to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
7. A Right-of-Way Permit is required. The applicant is required to contact the

- Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly; and,
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.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **MPL2024-003** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

May 13, 2024, City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Host Compliance Map – January 17, 2024
Floor Plan
Neighborhood Meeting Materials
Site Photos, Taken by Staff, Dated January 12, 2024

REVIEW OF INFORMATION AND SCHEDULE

Action	City Planning Commission	Unified Government Board of Commissioners
Public Hearing	May 13, 2024	May 30, 2024
Special Use	Approval	

STAFF CONTACT:

Kiley Meierarend
kmeierarend@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **MPL2024-003** 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 **MPL2024-003**, 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.

May 13, 2024, City Planning Commission Minutes:

Hearing starts at 3:54:50:

MASTER PLAN AMENDMENT APPLICATION MPL2024-003 – HOUSTON DEFOE WITH BLUE PALM LLC - SYNOPSIS: Master Plan Amendment from General Urban to Mixed-Use (Central Area Plan) at 204 Orchard Street. Detailed Outline of Requested Action: The applicant, Houston DeFoe, is requesting a Master Plan Amendment from General Urban to Mixed-Use within the Central Area Plan at 204 Orchard Street for a neighborhood-serving mixed-use residential over commercial building.

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 May 13, 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; 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:

- Houston Defoe, applicant, 1700 Northeast 68th Terrace, Gladstone, Missouri 64118

Present in Opposition:

- No one appeared.

Staff Recommendation starts at 3:57:18: Planning Director Hand stated that as the Applicant mentioned, he had previously been approved for two (2) Special Use Permits. One is for a bar at this location on the ground floor and the other is for a Short-Term

Rental on the top floor of the building, both of which included a condition that a Master Plan Amendment submitted from General Urban to the Mixed-Use land designation. Staff recommends approval subject to the conditions in the staff report.

Motion starts at 3:58:06:

On motion by Mr. Ward, seconded by Mr. Ernst, the Planning Commission voted as follows to recommend **APPROVAL of Master Plan Amendment MPL2024-003:**

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

Motion to recommend APPROVAL Passed: 6 to 0

Subject to:

Standard Conditions:

- 1. 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;**
- 2. All existing and future driveways must feature curb cuts that are constructed to UG standards;**
- 3. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;**
- 4. 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. If approved, the applicant must file and maintain a current business occupation tax application with the Business Licensing Division. Their office is located at 4953 State Avenue, Kansas City, KS 66101. Their contact information is (913) 573-8780 or businesslicense@wycokck.org;**
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- buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
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 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.

ATTACHMENTS

AERIAL IMAGERY



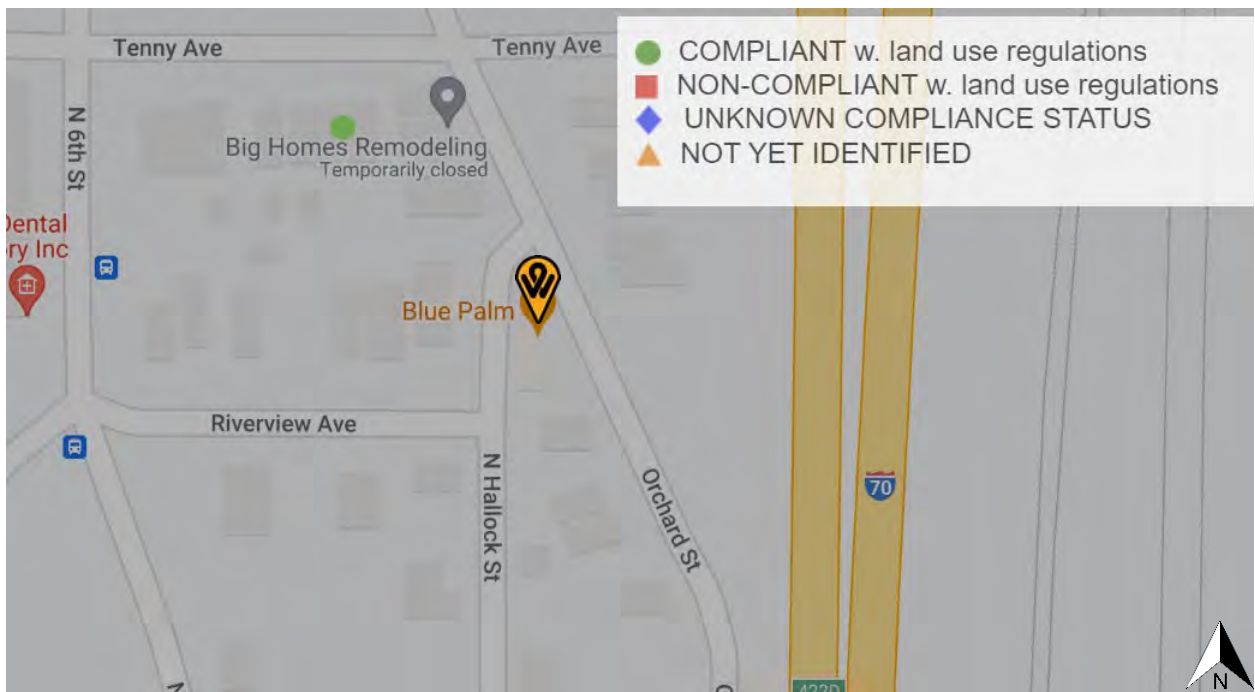
ZONING MAP



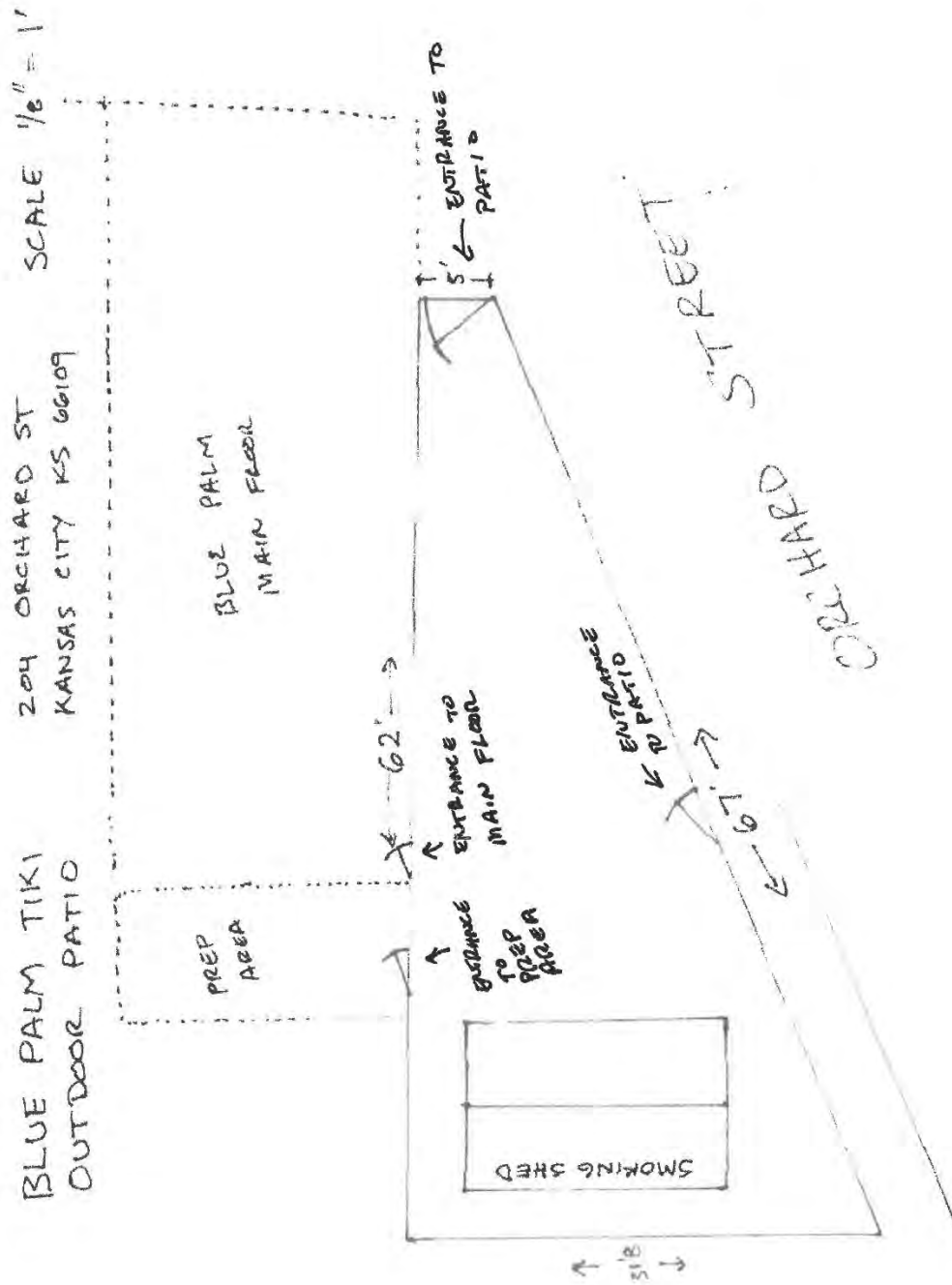
LAND USE MAP



HOST COMPLIANCE MAP – JANUARY 17, 2024



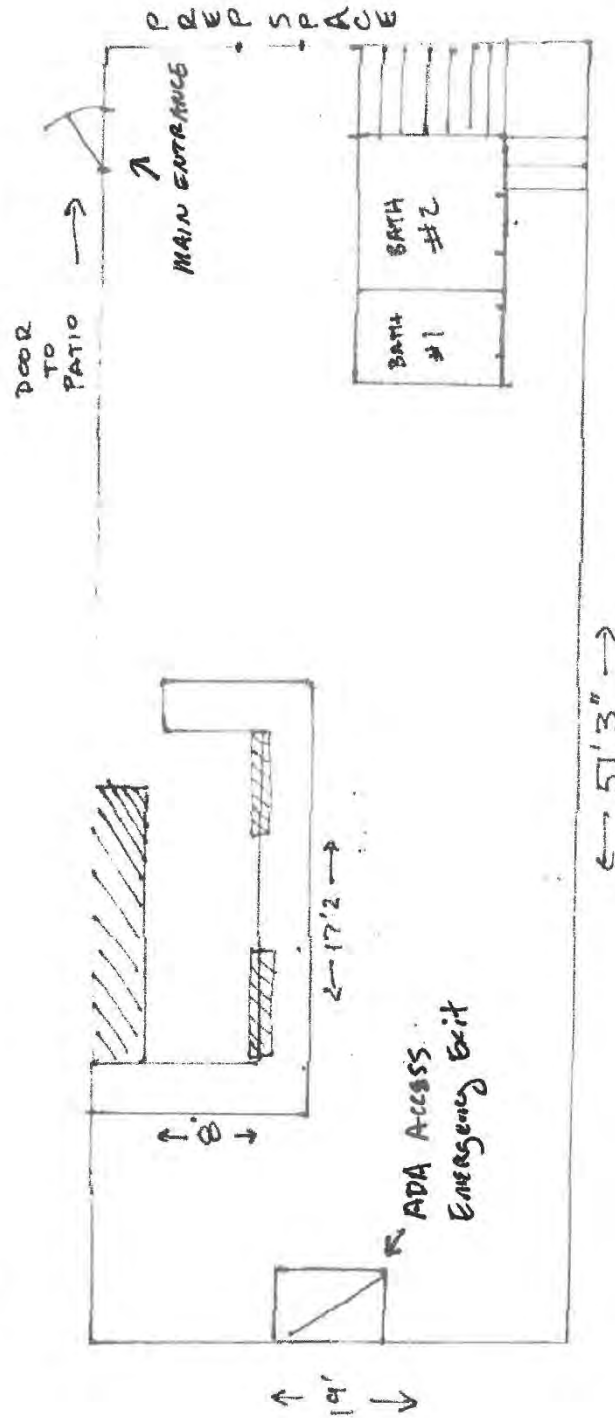
FLOOR PLAN

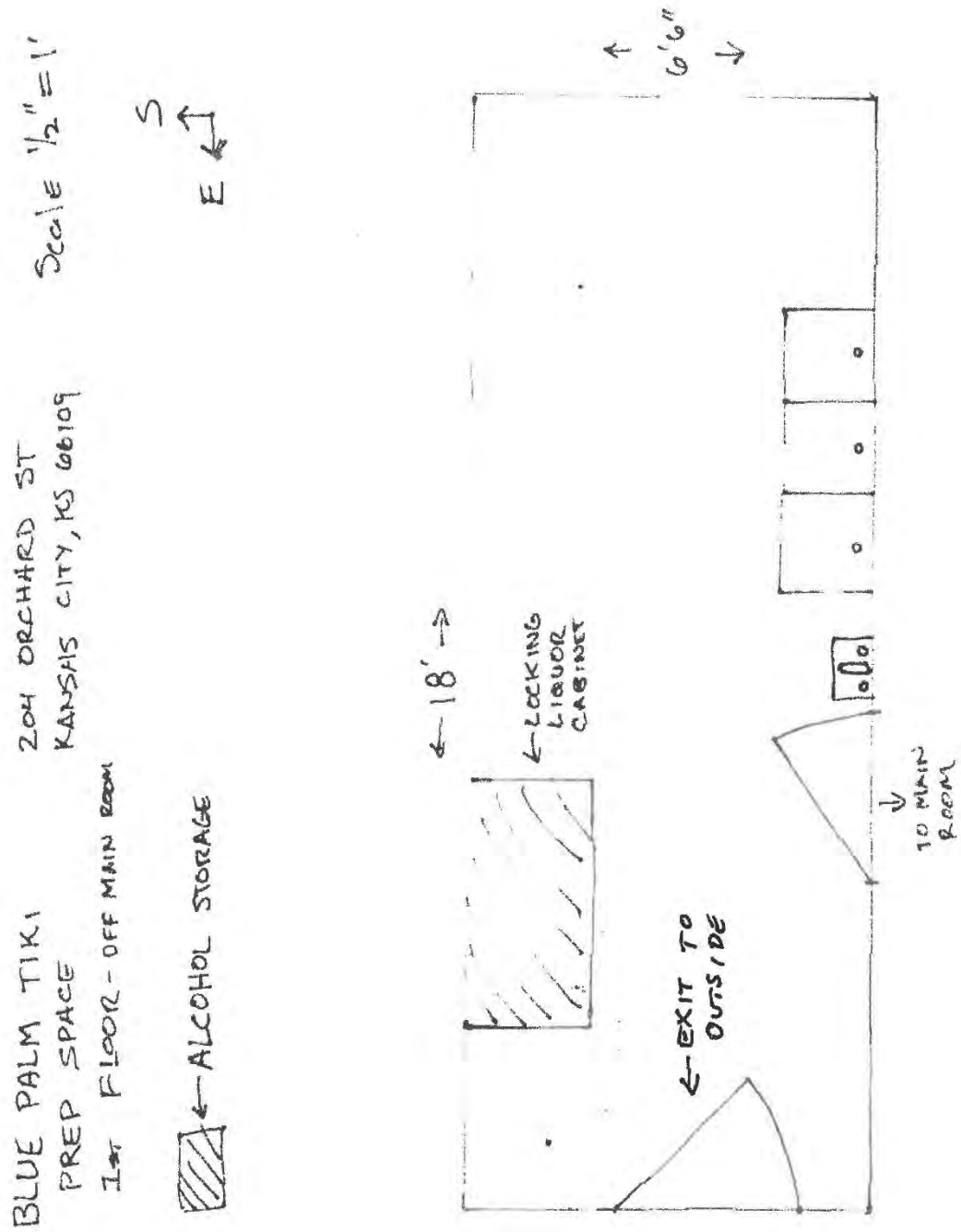


BLUE PALM TIKI 204 ORCHARD ST
 FIRST FLOOR KANSAS CITY KS 66109

E
 N ↗
 Scale 3/16" = 1'

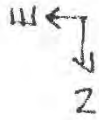
← ALCOHOL STORAGE

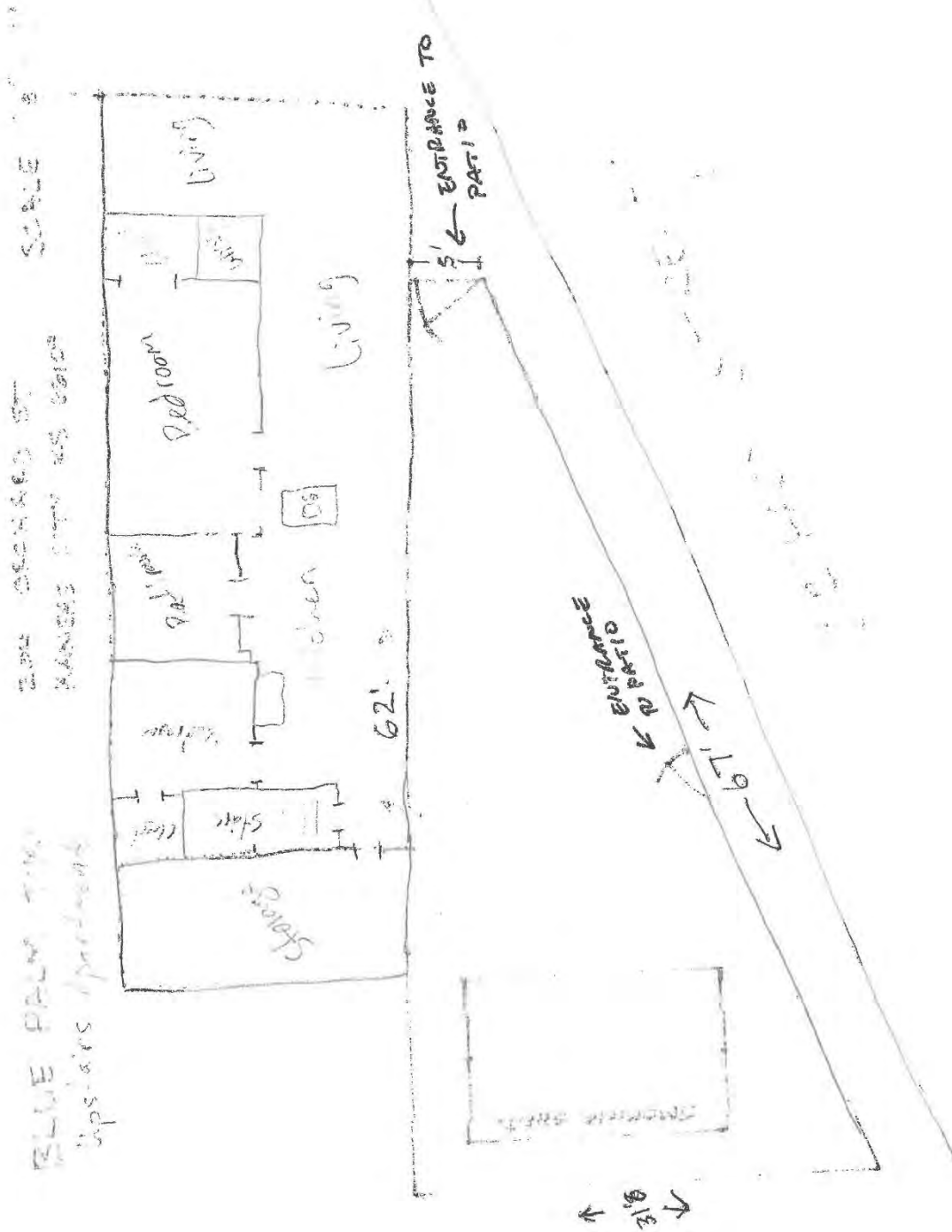




BLUE PALM TIKI
BASEMENT
204 ORCHARD ST
KANSAS CITY KS 64109

← ALCOHOL STORAGE





NEIGHBORHOOD MEETING MATERIALS

Date of Meeting: 6-29-24

Meeting Start Time: 5:59pm

Attendees: Houston DeFoe, Raquel Danner, Dan Doty. No other attendees joined the zoom.

Conversation was just about the last of our checklist items before opening since no one jumped on.

End Time: 6:31pm

NEIGHBORHOOD MEETING MATERIALS

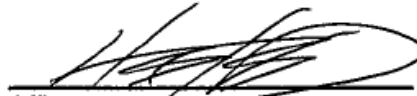
AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Missouri)
COUNTY OF Platte) SS:

Comes now Houston T. DeFoe (Blue Palm LLC), of lawful age, sound mind and upon his/her oath states as follows:

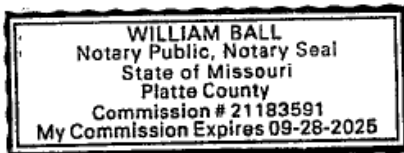
1. That I am the petitioner for Petition #MPL2024-003.
2. That I conducted a neighborhood meeting on April 29th, 2024.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Planning + Urban Design Department.

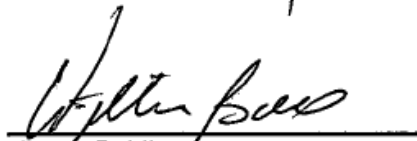
Further affiant saith not.


Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 1 day of May, 2024.

My commission expires 09 of 28, 2024.




Notary Public











Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: May 30, 2024

Re: **Change of Zone Petition COZ2024-010, SP2024-016 and Master Plan Amendment MPL2024-005**

GENERAL INFORMATION

Applicant:

Alicia Vann

Status of Applicant:

Altar Support, Inc.
9151 Parallel Parkway
Kansas City, KS 66112

Requested Actions:

Master Plan Amendment from Planned Mixed Residential District to Planned Commercial (Prairie Delaware Piper Area Plan).

Change of Zone from R-1 Single Family District to CP-1 Planned Limited Business District (Planning Staff recommends CP-0 Planned Nonretail Business District).

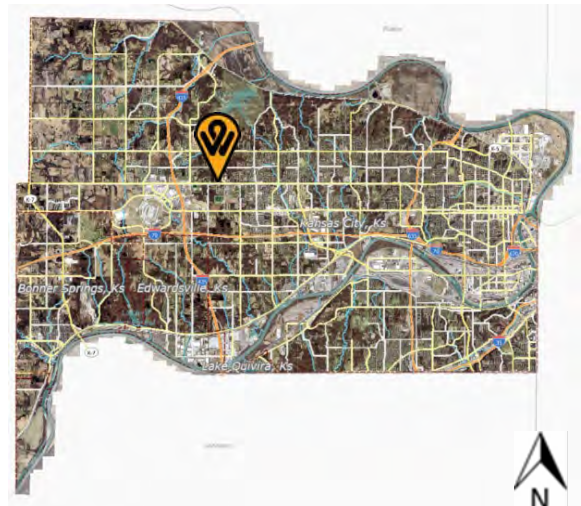
Special Use Permit for the continuation of a child daycare (#SP-2019-119).

Date of Application:

April 1, 2024

Purpose:

To convert a portion of the building into offices and retail uses.



Property Location:	9151 Parallel Parkway, Kansas City, KS 66112		
Commission Districts:	Commissioner At-Large, District #1: Melissa Bynum District #5 Commissioner: Mike Kane		
Existing Zoning:	R-1 Single Family District		
Adjacent Zoning:	North:	A-G Agriculture District	
	South:	R-1 Single Family District	
	East:	A-G Agriculture District	
	West:	CP-0 Planned Nonretail Business District	
Adjacent Uses:	North:	Single-family residence	
	South:	Single-family subdivision	
	East:	Wooded land	
	West:	Medical office building	
Total Tract Size:	1.40 Acres		
Area Plan Area:	Prairie Delaware Piper Area Plan		
Area Plan Designation:	The Prairie Delaware Piper Area Plan designates this property as Planned Mixed Residential District, which allows patio (zero lot line) homes, townhouses, condominiums, garden apartments, housing for seniors, and other multifamily uses. A Master Plan Amendment is being sought to Commercial, specifically, Small Commercial, which allows commercial retail and limited commercial services at major arterials near low-density residential areas of the community. These locations are not intended to provide a complete range of goods and services.		
Major Street Plan:	The goDotte Countywide Strategic Mobility Plan classifies Parallel Parkway as a Major Arterial.		
Required Parking:	Sec. 27-464(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. 41 parking spaces are required. Appellant is providing 22 parking spaces via BOZA 2387.		
Advertisement:	<u>The Wyandotte Echo</u> – Change of Zone – April 18, 2024; Master Plan Amendment – April 18, 2024; Special Use Permit – April 18, 2024 Letters to Property Owners – Change of Zone – April 19, 2024; Master Plan Amendment – April 19, 2024; Special Use Permit – April 19, 2024		

Public Hearings: May 13, 2024 and May 30, 2024

Public Support: None to date.

Public Opposition: None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Alicia Vann with Altar Support, Inc., filed a Change of Zone from R-1 Single Family District to CP-1 Planned Limited Business District, and a Master Plan Amendment from Planned Mixed Residential District to Commercial to convert space within the commercial building for offices and retail uses and a Special Use Permit to continue to operate a child daycare on 1.40 acres at 9151 Parallel Parkway.

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

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. None

Building, Zoning, or Code Enforcement Complaints:

1. 2022 – citations for building materials, debris and trash on the property.
2. 2022 – citation for grass and weeds.

Outstanding or Related Permits and Cases:

1. BOZA 2387 – Variance for a reduction in parking requirements. 41 parking spaces were required for a 10,012 square foot building. 22 parking spaces were approved on September 14, 2020.
2. PR-2020-12 – Final Development Plan for a daycare facility approved on September 14, 2020.
3. SP-2019-119 – Special Use Permit to operate a daycare (expired on January 30, 2023).
4. COZ 2980 – Rezoning from A-G Agriculture District to R-4 Garden Apartment District for 16-unit (withdrawn in 2006).

FACTORS TO BE CONSIDERED

1. Neighborhood character

This property is within the I-435 Statistical Area. The area along Parallel Parkway is a mixed-use corridor. Immediate uses include large lot, agricultural single-family homes, a single-family subdivision, and offices. The property is along a KCATA transit route, Route #116. The nearest stop is approximately 2,150 feet from the daycare facility at North 88th Street and 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 will provide a service to families, professionals and entrepreneurs who need to rent or lease office space and/or retail in the building.

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 as this commercial building is finishing up the Final Certificate of Occupancy process. Rezoning the property allows offices, professional or otherwise, is not dissimilar from allowing the continued presence and operation of a daycare on the premises.

A Change of Occupancy may be required, which requires a building permit from the Building Inspection Division.

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

The property is not vacant. A Temporary Certificate of Occupancy for the building was issued in March 2024.

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 professional offices immediately west of the property and to the east on the east side of Providence Medical Center. That said, if designed, constructed and managed properly, it could benefit the community without negative impacts to adjacent property owners.

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.

As part of the original Final Development Plan, the applicant has worked with Planning and Planning Engineering to develop a site layout that would not have adverse effects on road capacity, safety, or parking availability. A sidewalk was constructed along the private street and Parallel Parkway.

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 Residential District, which allows patio (zero lot line) homes, townhouses, condominiums, garden apartments, housing for seniors, and other multifamily uses.

A Master Plan Amendment is being sought to Commercial, specifically, Small Commercial, which allows commercial retail and limited commercial services at major arterials near low-density residential areas of the community. These locations are not intended to provide a complete range of goods and services.

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 offices are properly managed – no overnight parking on-site, outside storage or trash around the site and/or parking lot is picked up. Trees have been planted along Parallel Parkway and within the parking lot islands.

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 #222.

e. *Fire*

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

f. Transit

Kansas City ATA provides service along Parallel Parkway, approximately one-half (½) mile east at Providence Medical Center, Route #116.

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 capable of meeting applicable ordinance and other 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 Change of Zone application is denied, the applicant can still operate a daycare facility with the Special Use Permit.

PREVIOUS ACTIONS

None

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting via Zoom on April 25, 2024. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Intensity of Zoning
Retail Sales

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Master Plan Amendment **MPL2024-005**, Change of Zone Application **COZ2024-010 to CP-O Planned Non-Retail Business District**, and Special Use Permit Application **SP2024-016 for two (2) years**, subject to:

1. **Planning Staff has reservations about changing the zoning to CP-1 Planned Limited Business District for retail sales when there is no similar zoning in the area. The highest level of commercial zoning along Parallel Parkway is at 86th Street and Parallel Parkway, which is zoned CP-3 Planned Commercial District for a polished decorative concrete company and at 98th Street and Parallel Parkway, which is zoned CP-2 for Freddy's Frozen Custard & Steakburgers and the convenience store/gas station.**

The commercial zoning that is adjacent to this property is zoned CP-0 Planned Nonretail Business District, which is a medical office building and further east at 90th Street and Parallel Parkway for Providence Medical Center. Staff recommends rezoning to CP-0 Planned Nonretail Business District;

2. **A child daycare facility is an allowed-by-right use in CP-0 Planned Nonretail Business District. Subject to approval by the Unified Government Board of Commissioners, Planning Staff will withdraw the Special Use Permit petition because it is not necessary for the proposed zoning district.**

In the event the Change of Zone petition is denied, the Special Use Permit petition will be voted on as a separate motion and decided upon by the Unified Government Board of Commissioners;

3. **The tenant and/or operators must comply with the standards and regulations of the CP-0 Planned Nonretail Business District;**
4. **Business hours shall be from 6:00 AM to 6:00 PM as stated;**
5. **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;**
6. **Any landscaping planted in the future shall be connected to the in-ground irrigation system;**
7. **Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process.**
8. **Per Sec. 27-317 Electrical power, telephone service, and cable television (if**

- applicable) shall be provided by underground wiring for all new wiring provided;
9. If approved, the applicant and operators must file and maintain a current business occupation tax application with this Business Licensing Division. Their office is located at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102. They can be contacted at (913) 573-8780 or businesslicense@wycokck.org;
 10. For reference, a building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
 11. All existing and future driveways must feature curb cuts that are constructed to UG standards;
 12. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
 13. 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.
 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 + 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 this 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 operation must cease until such time as a new Special Use Permit is approved.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petitions **COZ2024-010, SP2024-016 and MPL2024-005** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

May 13, 2024, City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Applicant Response Letter
Neighborhood Meeting Documents
Site Plan
Floor Plan
Building Elevations
Site Photographs taken by the Planning Staff dated April 10, 2024.

REVIEW OF INFORMATION AND SCHEDULE

Action	City Planning Commission	Unified Government of Board of Commissioners
Public Hearing Rezoning	May 13, 2024 Approval	May 30, 2024
Public Hearing Master Plan	May 13, 2024 Approval	May 30, 2024
Public Hearing Special Use	May 13, 2024 Approval	May 30, 2024

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

MOTIONS

Master Plan Amendment

I move the Unified Government Board of Commissioners **APPROVE** Petition **MPL2024-005** 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 **MPL2024-005** 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.

Change of Zone Petition

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2024-010** 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 **COZ2024-010** 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.

Special Use Permit

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2024-016** 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 **SP2024-016** 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.

May 13, 2024, City Planning Commission Minutes:

Hearing starts at 2:21:05:

MASTER PLAN AMENDMENT MPL2024-005 – ALICIA VANN WITH ALTAR SUPPORT – SYNOPSIS: Master Plan Amendment from Planned Mixed-Residential District to Planned Small Commercial District (Prairie-Delaware-Piper Area Plan) at 9151 Parallel Parkway.

CHANGE OF ZONE APPLICATION COZ2024-010 – ALICIA VANN WITH ALTAR SUPPORT – SYNOPSIS: Change of Zone from R-1 Single Family District to CP-1 Planned Limited Business District to convert a portion of the building into office and retail uses at 9151 Parallel Parkway.

SPECIAL USE PERMIT APPLICATION SP2024-016 – ALICIA VANN WITH ALTAR SUPPORT – SYNOPSIS: Special Use Permit for a daycare at 9151 Parallel Parkway.

Detailed Outline of Requested Action: The applicant, Alicia Vann with Altar Support, Inc., filed a Change of Zone from R-1 Single Family District to CP-1 Planned Limited Business District, and a Master Plan Amendment from Planned Mixed Residential District to Commercial to convert space within the commercial building for offices and retail uses and a Special Use Permit to continue to operate a child daycare on 1.40 acres at 9151 Parallel Parkway.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated May 13, 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:

- Alicia Vann, applicant, Altar Support, Inc., 9151 Parallel Parkway, Kansas City, Kansas 66112

Present in Opposition:

➤ No one appeared

Staff Recommendation starts at 2:25:06: Planning Director Hand stated that there are three (3) land entitlements before the Commission: Change of Zone from R-1 Single Family District to CP-1 Planned Limited Business District, Master Plan Amendment from Planned Mixed-Residential to Small Commercial and a Special Use Permit (SUP) for a daycare. He stated that the Commission previously heard the Special Use Permit for the daycare and the applicant is continuing to work to open the business and the existing SUP is close to expiring. At the time of the previous application the daycare has the only proposed use for the property. The zoning remained in place and allowed the daycare use to operate with a Special Use Permit. Since the business/tenant model has changed, the use has become a multi-tenant use. Staff believes that the best approach is to rezone the property to commercial, which allows all of the proposed uses to occur without a Special Use Permit. Staff is requesting that all three (3) entitlements move forward, which is unique. If the Change of Zone and Master Plan Amendment are not approved, the Special Use Permit would allow the applicant to continue the use of the daycare in the building. If the Board of Commissioners approved the Change of Zone and Master Plan Amendment, the Special Use Permit will not be required and will be withdrawn at that time. The property is in the Prairie-Delaware-Piper Area Plan. Staff received no letters in support or opposition. There are some previous violations from when the property was vacant and those were addressed by the redevelopment of the property. Staff recommends approval subject to the conditions in the staff report, including rezoning to CP-O Planned Non-Retail Business District. The applicant has requested CP-1 Planned Limited Business District, and the surrounding zoning is CP-O zoning.

Motion starts at 2:28:45:

On motion by Mrs. Jones, seconded by Ms. Easterwood, the Planning Commission voted as follows to recommend **APPROVAL of Master Plan Amendment**

MPL2024-005:

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

Motion to recommend APPROVAL Passed: 6 to 0

Subject to:

1. Planning Staff has reservations about changing the zoning to CP-1 Planned Limited Business District for retail sales when there is no similar zoning in the area. The highest level of commercial zoning along Parallel Parkway is at 86th Street and Parallel Parkway, which is zoned CP-3 Planned Commercial District for a polished decorative concrete company and at 98th Street and Parallel Parkway, which is zoned CP-2 for Freddy's Frozen Custard & Steakburgers and the convenience store/gas station.

The commercial zoning that is adjacent to this property is zoned CP-0 Planned Nonretail Business District, which is a medical office building and further east at 90th Street and Parallel Parkway for Providence Medical Center. Staff recommends rezoning to CP-0 Planned Nonretail Business District;

2. A child daycare facility is an allowed-by-right use in CP-0 Planned Nonretail Business District. Subject to approval by the Unified Government Board of Commissioners, Planning Staff will withdraw the Special Use Permit petition because it is not necessary for the proposed zoning district.

In the event the Change of Zone petition is denied, the Special Use Permit petition will be voted on as a separate motion and decided upon by the Unified Government Board of Commissioners;

3. The tenant and/or operators must comply with the standards and regulations of the CP-0 Planned Nonretail Business District;
4. Business hours shall be from 6:00 AM to 6:00 PM as stated;
5. 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;
6. Any landscaping planted in the future shall be connected to the in-ground irrigation system;
7. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process.
8. Per Sec. 27-317 Electrical power, telephone service, and cable television (if applicable) shall be provided by underground wiring for all new wiring provided;
9. If approved, the applicant and operators must file and maintain a current business occupation tax application with this Business Licensing Division. Their office is located at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102. They can be contacted at (913) 573-8780 or businesslicense@wycokck.org;
10. For reference, a building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit,

and if so, must take it upon themselves to initiate the building permit process accordingly;

11. All existing and future driveways must feature curb cuts that are constructed to UG standards;
12. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
13. 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.
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 + 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 this 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 operation must cease until such time as a new Special Use Permit is approved.

On motion by Mrs. Jones, seconded by Ms. Easterwood, the Planning Commission voted as follows to recommend **APPROVAL of Change of Zone Application COZ2024-010 to CP-O Planned Non-Retail Business District:**

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

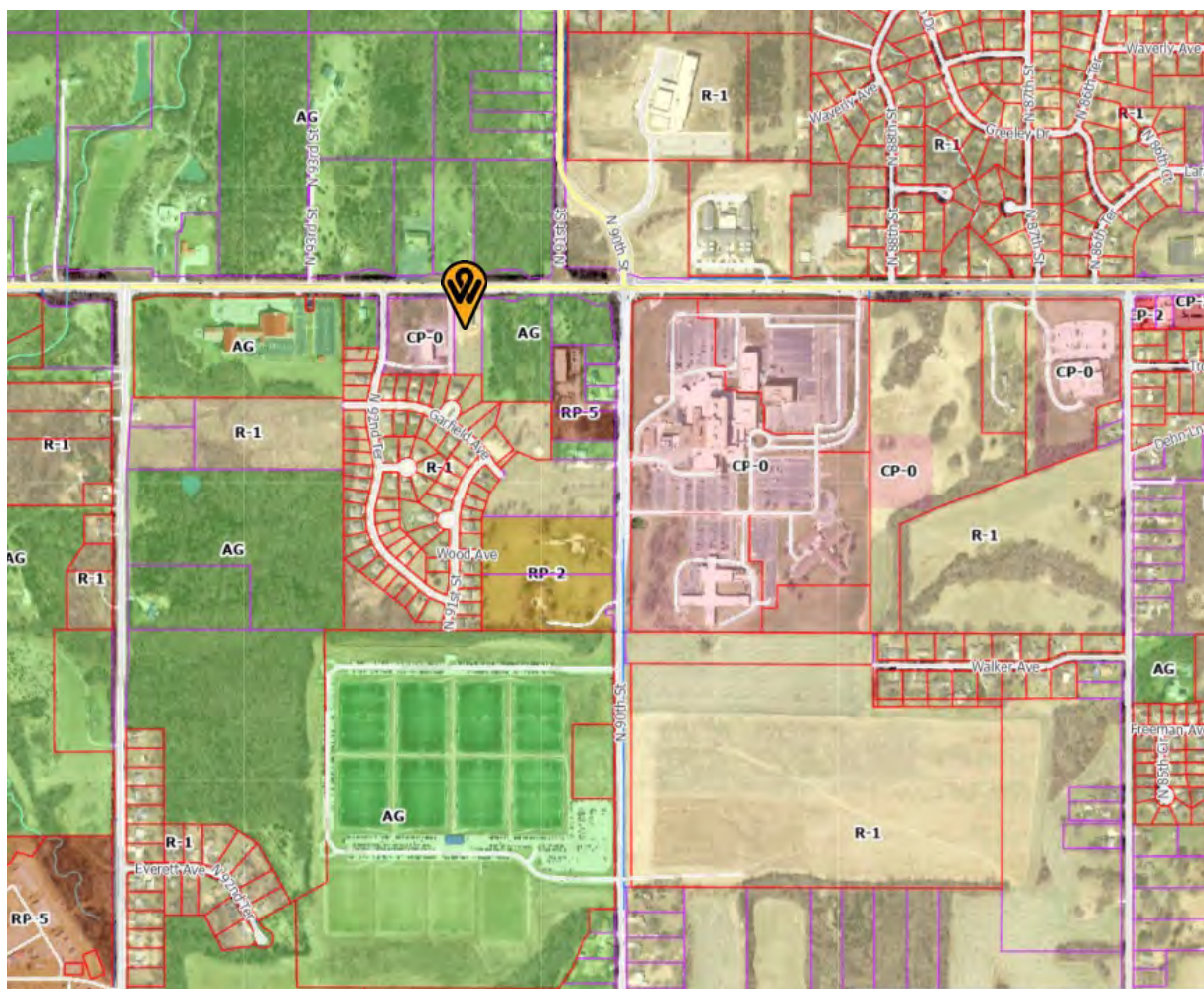
Motion to recommend APPROVAL Passed: 6 to 0
Subject to the above conditions.

On motion by Mrs. Jones, seconded by Ms. Easterwood, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit Application SP2024-016 for two (2) years:**

Carson	Chairman
Ward	Aye
Armstrong	Not Present
Beth	Aye
Easterwood	Aye

Ernst	Aye
Jones	Aye
Miller	Aye
Mohler	Not Present
Schwartz	Not Present
Straws	Not Present

Motion to recommend APPROVAL Passed: 6 to 0
Subject to the above conditions.



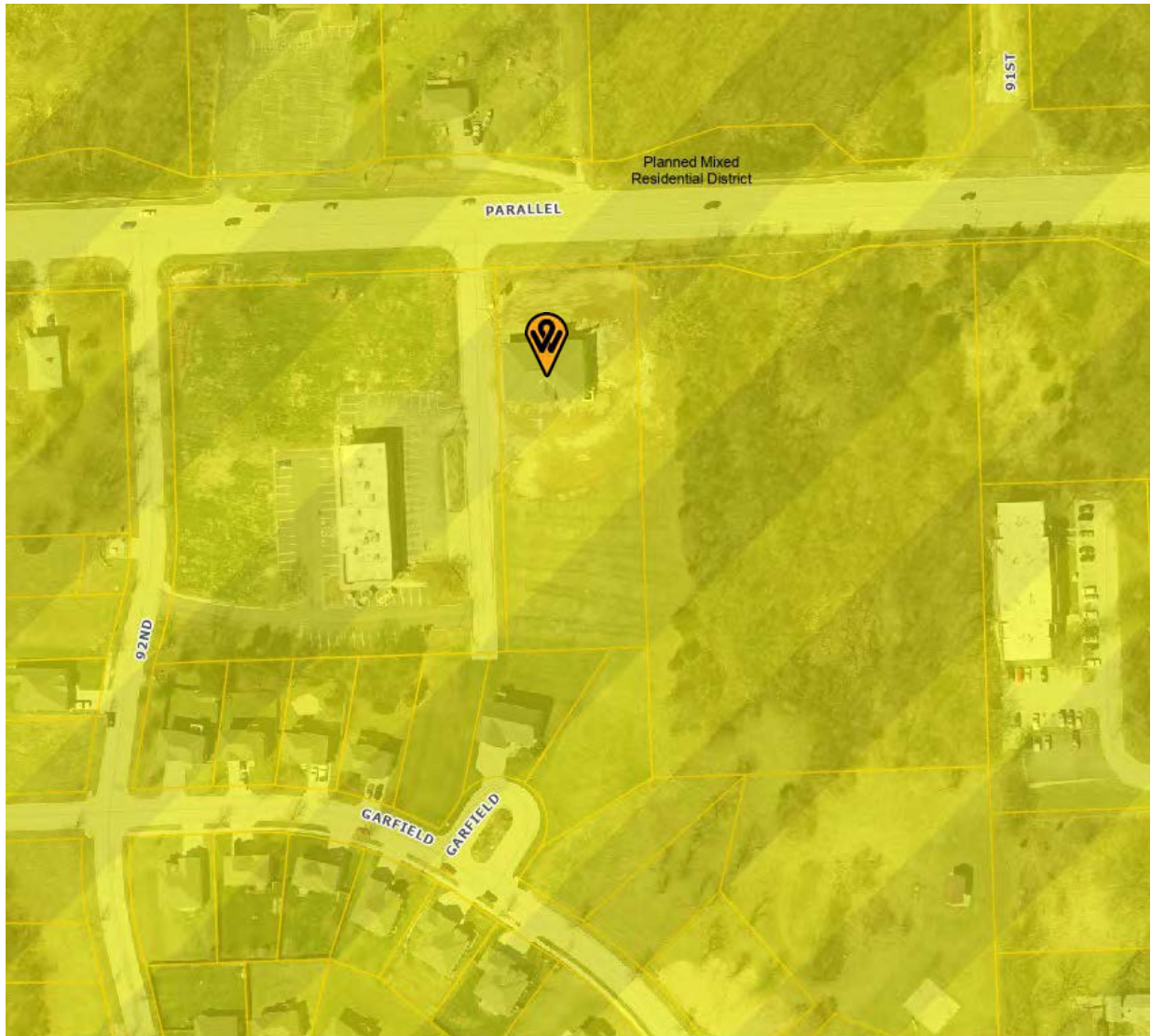


Figure 3. Prairie Delaware Piper Area Plan Land Use Map of 9151 Parallel Parkway (provided by ArcGIS Pro).

General Planning:

1. Planning Staff has reservations of changing the zoning to CP-1 Planned Limited Business District for retail sales when there is no similar zoning in the area. The highest level of commercial zoning along Parallel Parkway is at 86th Street and Parallel Parkway, which is zoned CP-3 Planned Commercial District for a polished decorative concrete company and at 98th Street and Parallel Parkway, which is zoned CP-2 for Freddy's Frozen Custard & Steakburgers and the convenience store/gas station.

The commercial zoning that is adjacent to this property is zoned CP-0 Planned Nonretail Business District, which is a medical office building and further east at 90th Street and Parallel Parkway for Providence Medical Center.

Response:

The retail space will be a small room approximately 140 sq feet. It will be used to cut the consumer's hair who is already receiving services from the center. No additional increase traffic because they have to be at the center to receive additional services.

2. A child daycare facility is an allowed-by-right use in CP-0 Planned Nonretail Business District. Subject to approval by the Unified Government Board of Commissioners, Planning Staff will withdraw the Special Use Permit petition because it is not necessary for the proposed zoning district.

In the event the Change of Zone petition is denied, the Special Use Permit petition will be voted on as a separate motion and decided upon by the Unified Government Board of Commissioners.

Response: In the event that CP-1 is denied. We would like CP-0 zoning.

3. What prospective tenants do you intend to have in the building? Depending on the potential uses of the building, additional parking may be required to be constructed in the existing parking lot.

Response: The only tenant will be Altar Support. We built this building to serve our consumers of all ages. We will not need additional parking. The consumers will utilize various services with in the building. All the consumer are disabled. They rely on buses or staff dropping them off. We would like to provide childcare to younger disabled consumers. We would like to utilize the small office up front to provide them with services (hair cuts, pedicure, make up applications, etc). The small office would only service one consumer at a time.

4. What are the proposed hours of operation for your future tenants?

Response: We will not have tenants. Altar will be open during the hour of 6am-6pm, Monday - Friday

5. 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.

Response: We have our parking lot painted appropriately

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

Response: We contacted the building inspection department for our Sign.

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

Response: They currently meet UG standards

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

Response: They currently meet UG standards

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

Response: Okay we will pay ordinance publication once approved

10. 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.

Response: All conditions will be completed within 18 months
Landscaping and Screening

1. Any landscaping planted in the future shall be connected to the in-ground

irrigation system.

Response: We have an in-ground irrigation system

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

Planning Engineering Comments:

A) Items that require plan revision or additional documentation before engineering can recommend approval:

1) 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.

B) Items that are conditions of approval:

1) None

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

1) None

Date: 4/15/2024

Name ALTAR

Address 9151 PARALLEL PARKWAY

City/State/Zip KANSAS CITY KS 66112

SUBJECT: Neighborhood Meeting

I have filed an application with the Planning + Urban Design Department

#COZ2024-010/MPL2024-005/SP2023-016

. The purpose of this:

change of zone

special use permit

is for a __OFFICE SPACE/CHILDCARE

at the following address: __9151 PARALLEL

I am having a neighborhood meeting on __4/23/2024 at

__7 p.m. VIA zoom

Join Zoom Meeting

<https://us02web.zoom.us/j/88103496508?pwd=TTBrOEpWalo5TnQ4YnN2REJWYmJPdz09>

Meeting ID: 913 915 1380

Passcode:

One tap mobile

+13462487799,,913 915 1380#

+16694449171,,913 915 1380#

Dial by your location

* 877 853 5257 US Toll-free

* 888 475 4499 US Toll-free

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,

Name and Contact Information

Alicia Vann thealtarinc@gmail.com

AFFIDAVIT – NEIGHBORHOOD MEETING

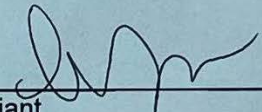
STATE OF Kansas)
) SS:
COUNTY OF Wyandotte)

Comes now Alicia Vann, Altar Support of lawful age, sound mind and upon his/her oath states as follows:

COZ2024-010_ SP2024-016 - M-PL2024-

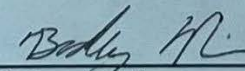
1. That I am the petitioner for Petition # 005.
2. That I conducted a neighborhood meeting on 4/23/24.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Planning + Urban Design Department.

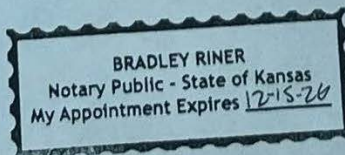
Further affiant saith not.


Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 25th day of April, 2024

My commission expires 15th of December, 2026


Notary Public



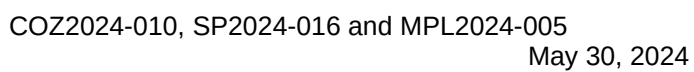




Figure 4. Site Photograph of 9151 Parallel Parkway looking southeast from the private drive (provided by Planning Staff).



Figure 5. Site Photograph of 9151 Parallel Parkway looking north from parking lot (provided by Planning Staff).



Figure 6. Site Photograph of 9151 Parallel Parkway looking northwest from the parking lot (provided by Planning Staff).



Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: May 30, 2024

Re: Change of Zone Petition COZ2024-011 and MPL2024-006

GENERAL INFORMATION

Applicant:
Eugene Kubicki

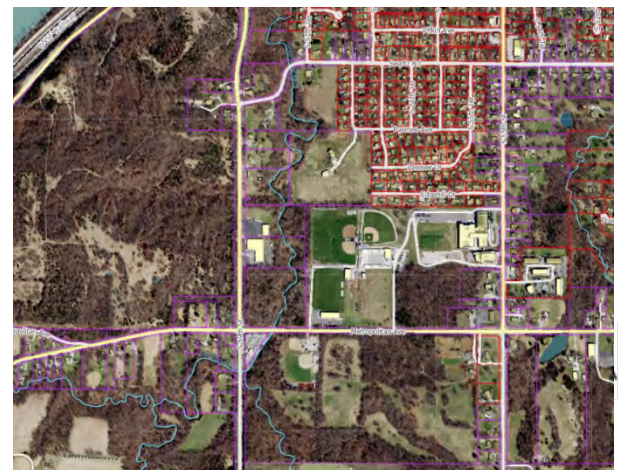
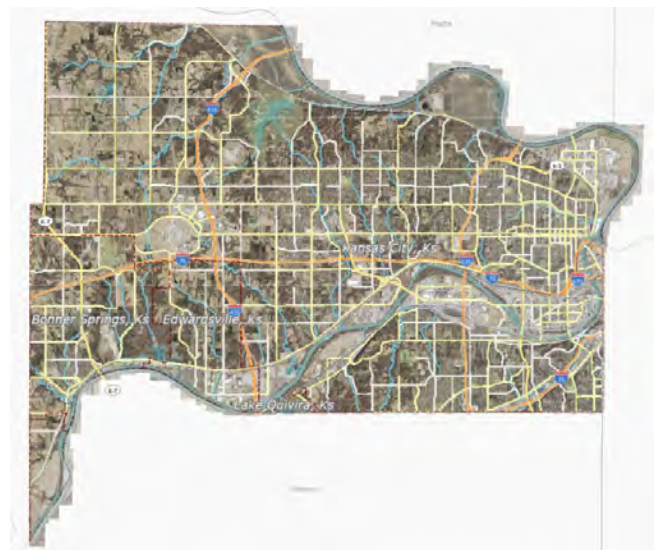
Status of Applicant:
Representative
Cassandra Patrick, P.E. with SMH
Consultants
5201 Johnson Drive, Suite 405
Mission, KS 66205

Requested Actions:
Approval of a Master Plan Amendment
from Rural Residential to Industrial
(PlanKCK Comprehensive Plan).

Change of Zone from R-1 Single Family
and M-2 General Industrial Districts to MP-
2 Planned General Industrial District.

Date of Application:
April 1, 2024

Purpose:
To rezone and amend the PlanKCK
Comprehensive Plan to build 10,164
square foot warehouse addition and
associated parking.



Property Location:	1323 South 59 th Lane and 1413 South 59 th Street, Kansas City, KS 66106
Commission District:	Commissioner At-Large, District #2: Tom Burroughs District #6 Commissioner: Phillip Lopez
Existing Zoning:	R-1 Single Family and M-2 General Industrial Districts
Adjacent Zoning:	North: R-1 Single Family District South: R-1 Single Family District East: R-1 Single Family District West: R-1 Single Family and A-G Agriculture Districts
Adjacent Uses:	North: Church South: Woodend, undeveloped land East: Turner Middle School and athletic fields West: Vacant, wooded, undermined area (Inland mine)
Total Tract Size:	5.28 Acres
Area Plan:	PlanKCK Comprehensive Plan
Area Plan Designation:	The PlanKCK Comprehensive Plan designates this property as Rural Residential, which allows agriculture, ranches, large-lot single-family detached residences, passive parks and open space. A Master Plan Amendment has been submitted to Industrial (PlanKCK Comprehensive Plan), which allows land featuring small, medium and large-scale industrial processing, manufacturing and outdoor storage. These uses are often most intensive uses characteristics or heavy truck traffic, excessive noise, and potentially noxious impacts. As such, industrial uses should be in or abutting existing industrial districts, but not encroach on existing residential or commercial areas that may act buffer such residential uses. These areas should be designed to support multi-modal connectivity with sidewalks and street trees, and include amenities such as enhanced landscaping, lighting, and walking trails on an attractive campus feel.
Major Street Plan:	The goDotte Countywide Strategic Mobility Plan classifies South 59 th Street as a Minor Arterial.
Required Parking:	Sec. 27-469(e) In no case, however, shall less than one (1) 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 square feet and 50,000 square feet. 57 parking spaces are required. 59 parking spaces are provided between both parking lots.

Advertisement: The Wyandotte Echo – Change of Zone – April 18, 2024; Master Plan Amendment – April 18, 2024
Letters to Property Owners – Change of Zone – April 19, 2024; Plat – April 19, 2024; Master Plan Amendment – April 19, 2024

Public Hearings: May 13, 2024 and May 30, 2024

Public Support: None to date.

Public Opposition: None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Eugene Kubicki with Tabco, wants to rezone 1323 South 59th Street and a portion of 1413 South 59th Street from M-2 General Industrial and R-1 Single Family Districts to MP-2 Planned General Industrial District to build 10,164 square foot warehouse expansion and associated parking lot to help improve traffic flow on-site and increase business services and printing operations and a preliminary plat to create one (1) lot and amend the PlanKCK Comprehensive Plan from Rural Residential to Industrial on 5.28 Acres.

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

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. None

Building, Zoning, or Code Enforcement Complaints:

1. None

Outstanding or Related Permits and Cases:

1. 2300-00293 – building permit for an addition (2002).
2. Electrical, Mechanical, Plumbing permits for the building addition in 2002.

FACTORS TO BE CONSIDERED

1. Neighborhood character

The subject property is within the Turner Statistical Neighborhood and is within the Neighbors on Watch Neighborhood Group. The area along South 59th Street is rural in nature, mainly comprised of large acreages of undermined areas, formerly known as the Inland mine encompassing this property to the west, Turner Middle School and ancillary athletic fields to the east, a church to the north, and undeveloped, wooded land to the south.

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

The zoning and uses of properties nearby are set out above. Given the fact that this printing business has been operating since 1963, the proposed use is compatible with the abutting zoning to the north, Cold Start Properties and the former Inland mine to the west. The applicant shall preserve the eastern and southern tree stands to continue buffering from the adjacent residentially zoned areas.

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 applicant intends on maintaining tree stands around the perimeter of the property and the property to the west, across South 59th Street is a 174-acre undermined, wooded parcel of land.

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

A portion of the property, zoned R-1 Single Family District has never been developed. The portion of land that is zoned M-2 General Industrial District and has Tabco, Inc. printing business has been operating on the premises since 1970.

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 those seeking employment by Tabco, Inc. The 10,000 square foot warehouse expansion may

allow the company to hire more employees. The tree stands will be preserved throughout the property and the rezoning on 1413 South 59th Street will only account for 11% of the 8.39-acre parcel. The remaining 7.46 acres will be R-1 Single Family District.

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 addition will increase truck traffic to this area by way of South 59th Street from the south. The Traffic Memorandum is being analyzed by Public Works regarding road capacity, specifically looking at improvements with the additional parking lot and warehouse addition.

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

The proposed use does not conform to the Rural Residential land use designation within the PlanKCK Comprehensive Plan; therefore, a Master Plan Amendment is sought from Rural Residential to Industrial, which allows land featuring small, medium and large-scale industrial processing, manufacturing and outdoor storage. These uses are often the most intensive uses characteristics of heavy truck traffic, excessive noise, and potentially noxious impacts. As such, industrial uses should be in or abutting existing industrial districts, but not encroach on existing residential or commercial areas that may act to buffer such residential uses. These areas should be designed to support multi-modal connectivity with sidewalks and street trees, and include amenities such as enhanced landscaping, lighting, and walking trails on an attractive campus feel.

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

The proposed use can enhance the environment or mitigate the intensity of use through enhanced landscaping throughout the development, internal and along the perimeter of the property and maintaining existing topography and vegetation throughout the development. Maintaining the existing grades in and around the floodplain and keeping all activity out of the floodplain is required.

Additionally, the business conducts all activity inside the building with no outside storage. The business operates in a manner similar to what is found in a business park.

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. The applicant will connect to this service.

c. Storm water control

To be designed to meet City Code.

d. Police

Police service is provided by South Patrol, District #334.

e. Fire

Fire service is provided by Fire Station #16 located off 55th Street and Metropolitan Avenue.

f. Transit

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

g. Schools

Public education is provided by Turner USD 202.

h. Streets

See item #6 above.

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

The proposed use will have a beneficial economic impact on the community with the applicant converting a small portion of undeveloped property and expanding their business.

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 landowner is minimal. If this application is denied, the owner will still have property that is able to be developed, however, not in the commercial/industrial manner that was initially intended.

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. KCKFD will issue comments related to fire access, if applicable.

The construction of the warehouse addition will not impact the flood plain on the east side of the property.

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 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 uses. The Traffic Memorandum associated with the expansion will be reviewed by the Public Works Department to determine if any public improvements are necessary along South 59th Street.

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.

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.

The proposed grading plan intends to keep portions of the property as is, but grading will occur that will remove trees and alter the landscape immediately south of the existing building.

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 proposed use is a warehouse addition for a printing business. Since the original construction of the building in 1970, many area and countywide plans have been adopted, in this case, the goDotte Countywide Strategic Mobility Plan, which designates South 59th Street as a Regional Trail, therefore a 10-foot sidewalk is required to be installed, which will provide a community service as the sidewalks and trails network is being established.

PREVIOUS ACTIONS

None

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting in-person at 1323 South 59th Street on April 29, 2024. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Pedestrian Connectivity – Sidewalk and Trails
Floodplain
Lighting
Platting
Landscaping, Screening and Buffering
Topography
Tree Stands
Traffic

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Master Plan Amendment **MPL2024-006** and Change of Zone Application **COZ2024-011**, subject to:

1. **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. **Per the goDotte Countywide Strategic Mobility Plan, South 59th Street is designated as a priority sidewalk; therefore an 8-foot sidewalk is required on the east side of the street from the north property line of the existing business/parcel to the south property line of the new warehouse expansion. The Site Plan and Final Plat shall show the sidewalk on the west property line.**
 - a. **Upon development of southern lot, Lot 2 or future name thereof, the remainder of the sidewalk on the east side of South 59th Street shall be constructed and connect from the north property line (south of Lot 1) to Metropolitan Avenue;**
4. **It is important to buffer the industrial zoning with the existing tree stand along the east side of the property adjacent to Turner USD 202 athletic fields. Furthermore, Davis Creek, running north-to-south along the eastern portion of the parcel is not located in the regulatory floodway or floodplain**

(Zone AE), however, the creek and tree stand must be protected as open space. Record and maintain a 100-foot easement to preserve the tree stands and stream. Demarcate the easement on the plat.

- a. Upon development of the southern lot, Lot 2 or future name thereof, the 100-foot easement to preserve the tree stands and creek shall be continued from Lot 1 and be platted as open space;
5. 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;
6. Maintain existing trees and topography for the remaining areas associated with the construction of the warehouse and parking lot additions;
7. Add street trees along South 59th Street spaced 40 – 55 feet apart. Maintain a median between the sidewalk and the street. Plant trees in this space.
 - a. Tree species need to be selected that do not have a tall canopy;
8. All overstory trees shall be at least two (2) inch caliper when planted. All ornamental trees shall be at least two (2) inch caliper when planted. All evergreens shall be at least six (6) feet when planted. All shrubs shall be five (5) gallons when planted;
9. All new landscaping shall be irrigated with an in-ground irrigation system, or a detailed watering plan provided to Staff for review;
10. 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;
11. All utility connections, this includes green electrical boxes and free-standing electrical meters, must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building. Rooftop mechanical equipment shall be screened from public view by an architectural screen;
12. All electrical meter banks, typically on the side of the building shall be screened from public view;
13. 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;
14. Regarding BPU transformer screening, the following applies if a transformer is installed:
 - 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, three (3) feet on the back and five (5) feet on the front allowing for 10 feet on the front when gate doors open;
15. If necessary, 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;
16. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
17. 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;
18. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
19. All existing and future driveways must feature curb cuts that are constructed to UG standards. Existing paved areas are in rough shape;
20. A Right-of-Way Permit is Required. The applicant is required to contact the

- Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
21. 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;
 22. A Pre-Construction meeting is required for any improvements to public infrastructure upon the approval and issuance of a Development Review Committee (DRC) Permit. Any improvements to, construction or alteration of: sanitary systems, stormwater systems, public or private streets, sidewalks, or other public infrastructure will require a pre-construction meeting with the Department of Public Works. The applicant is required to contact the County Engineer at (913) 573-5400 or by info@wycokck.org prior to construction to arrange this meeting; and,
 23. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petitions **COZ2024-011** and **MPL2024-006**, subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

May 13, 2024, City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Street Tree Guideline
Applicant Response Letter
Neighborhood Meeting Documents
Preliminary Plat
Site Plan
Grading Plan
Landscape Plan
Lighting Plan
Building Elevations
Site Photographs taken by Staff on April 10, 2024.

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>City Planning Commission</u>	<u>Unified Government Board of Commissioners</u>
Public Hearing	May 13, 2024	May 30, 2024
Rezoning	Approval	
Public Hearing	May 13, 2024	May 30, 2024
Master Plan	Approval	
Public Hearing	May 13, 2024	Not required
Preliminary Plat	Approved	

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

MOTIONS

Master Plan Amendment

I move the Unified Government Board of Commissioners **APPROVE** Petition **MPL2024-006** 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 **MPL2024-006** 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.

Change of Zone Petition

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2024-011** 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 **COZ2024-011** 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.

May 13, 2024, City Planning Commission Minutes:

Hearing starts at 2:33:40:

MASTER PLAN AMENDMENT MPL2024-009 – CASSANDRA PATRICK WITH SMH CONSULTANTS – SYNOPSIS: Master Plan Amendment from Public/Semi Public and Rural-Density Residential to Industrial (PlanKCK Comprehensive Plan) at 1323 South 59th Street.

CHANGE OF ZONE APPLICATION COZ2024-011 – CASSANDRA PATRICK WITH SMH CONSULTANTS – SYNOPSIS: Change of Zone from R-1 Single Family and M-2 General Industrial Districts to MP-2 Planned General Industrial District to expand an industrial warehouse at 1323 South 59th Street.

PLAT APPLICATION PLAT2024-011 – CASSANDRA PATRICK WITH SMH – SYNOPSIS: Preliminary Plat (Tabco Addition) to create two (2) industrial lots at 1323 South 59th Street.

Detailed Outline of Requested Action: The applicant, Eugene Kubicki with Tabco, wants to rezone 1323 South 59th Street and a portion of 1413 South 59th Street from M-2 General Industrial and R-1 Single Family Districts to MP-2 Planned General Industrial District to build 10,164 square foot warehouse expansion and associated parking lot to help improve traffic flow on-site and increase business services and printing operations and a preliminary plat to create one (1) lot and amend the PlanKCK Comprehensive Plan from Rural Residential to Industrial 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 May 13, 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:

- Eugene Kubicki, owner, 1323 South 59th Street, Kansas City, Kansas 66106

Present in Opposition:

- No one appeared

Staff Recommendation starts at 2:36:40: Planning Director Hand stated that the request is for a Change of Zone, Master Plan Amendment and Plat associated with a warehouse expansion. The property is in the PlanKCK Area Plan in the Turner/Muncie neighborhood. The existing use is in the middle of a residential area. 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 including creating a stream buffer for the stream that is in the rear of the property. Director Hand stated that 59th Street is on the goDotte Countywide Strategic Mobility Plan and Sidewalk and Trails Master Plan, so Staff is asking for a sidewalk along the frontage of the new parcel. Applicant owns the parcel to the south that could potentially be developed in the future, and if so, Staff included a condition of approval for an extension of the sidewalk, as well as the stream buffer accordingly.

Motion starts at 2:38:56:

On motion by Mr. Ernst, seconded by Ms. Easterwood, the Planning Commission voted as follows to recommend **APPROVAL of Master Plan Amendment**

MPL2024-006:

Carson

Chairman

Ward	Aye
Armstrong	Not Present
Beth	Aye
Easterwood	Aye
Ernst	Aye
Jones	Aye
Miller	Aye
Mohler	Not Present
Schwartz	Not Present
Straws	Not Present

Motion to recommend APPROVAL Passed: 6 to 0

Subject to:

1. 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. Per the goDotte Countywide Strategic Mobility Plan, South 59th Street is designated as a priority sidewalk; therefore an 8-foot sidewalk is required on the east side of the street from the north property line of the existing business/parcel to the south property line of the new warehouse expansion. The Site Plan and Final Plat shall show the sidewalk on the west property line.
 - a. Upon development of southern lot, Lot 2 or future name thereof, the remainder of the sidewalk on the east side of South 59th Street shall be constructed and connect from the north property line (south of Lot 1) to Metropolitan Avenue;
4. It is important to buffer the industrial zoning with the existing tree stand along the east side of the property adjacent to Turner USD 202 athletic fields. Furthermore, Davis Creek, running north-to-south along the eastern portion of the parcel is not located in the regulatory floodway or floodplain (Zone AE), however, the creek and tree stand must be protected as open space. Record and maintain a 100-foot easement to preserve the tree stands and stream. Demarcate the easement on the plat.
 - a. Upon development of the southern lot, Lot 2 or future name thereof, the 100-foot easement to preserve the tree stands and creek shall be continued from Lot 1 and be platted as open space;
5. 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;
6. Maintain existing trees and topography for the remaining areas associated with the construction of the warehouse and parking lot additions;
7. Add street trees along South 59th Street spaced 40 – 55 feet apart. Maintain a median between the sidewalk and the street. Plant trees in this space.

- a. Tree species need to be selected that do not have a tall canopy;
8. All overstory trees shall be at least two (2) inch caliper when planted. All ornamental trees shall be at least two (2) inch caliper when planted. All evergreens shall be at least six (6) feet when planted. All shrubs shall be five (5) gallons when planted;
9. All new landscaping shall be irrigated with an in-ground irrigation system, or a detailed watering plan provided to Staff for review;
10. 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;
11. All utility connections, this includes green electrical boxes and free-standing electrical meters, must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building. Rooftop mechanical equipment shall be screened from public view by an architectural screen;
12. All electrical meter banks, typically on the side of the building shall be screened from public view;
13. 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;
14. Regarding BPU transformer screening, the following applies if a transformer is installed:
 - 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, three (3) feet on the back and five (5) feet on the front allowing for 10 feet on the front when gate doors open;
15. If necessary, 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;

16. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
17. 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;
18. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
19. All existing and future driveways must feature curb cuts that are constructed to UG standards. Existing paved areas are in rough shape;
20. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
21. 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;

22. A Pre-Construction meeting is required for any improvements to public infrastructure upon the approval and issuance of a Development Review Committee (DRC) Permit. Any improvements to, construction or alteration of: sanitary systems, stormwater systems, public or private streets, sidewalks, or other public infrastructure will require a pre-construction meeting with the Department of Public Works. The applicant is required to contact the County Engineer at (913) 573-5400 or by info@wycokck.org prior to construction to arrange this meeting; and,
23. 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. Ernst, seconded by Ms. Easterwood, the Planning Commission voted as follows to recommend **APPROVAL of Change of Zone Application**

COZ2024-011:

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

Motion to recommend APPROVAL Passed: 6 to 0

Subject to the above conditions.

On motion by Mr. Ernst, seconded by Ms. Easterwood, the Planning Commission voted as follows to **APPROVE Plat Application PLAT2024-011:**

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

Motion to APPROVE Passed: 6 to 0

Subject to the above conditions.



Figure 1. Aerial Photograph of 1323 South 59th Street (provided by UG Maps).

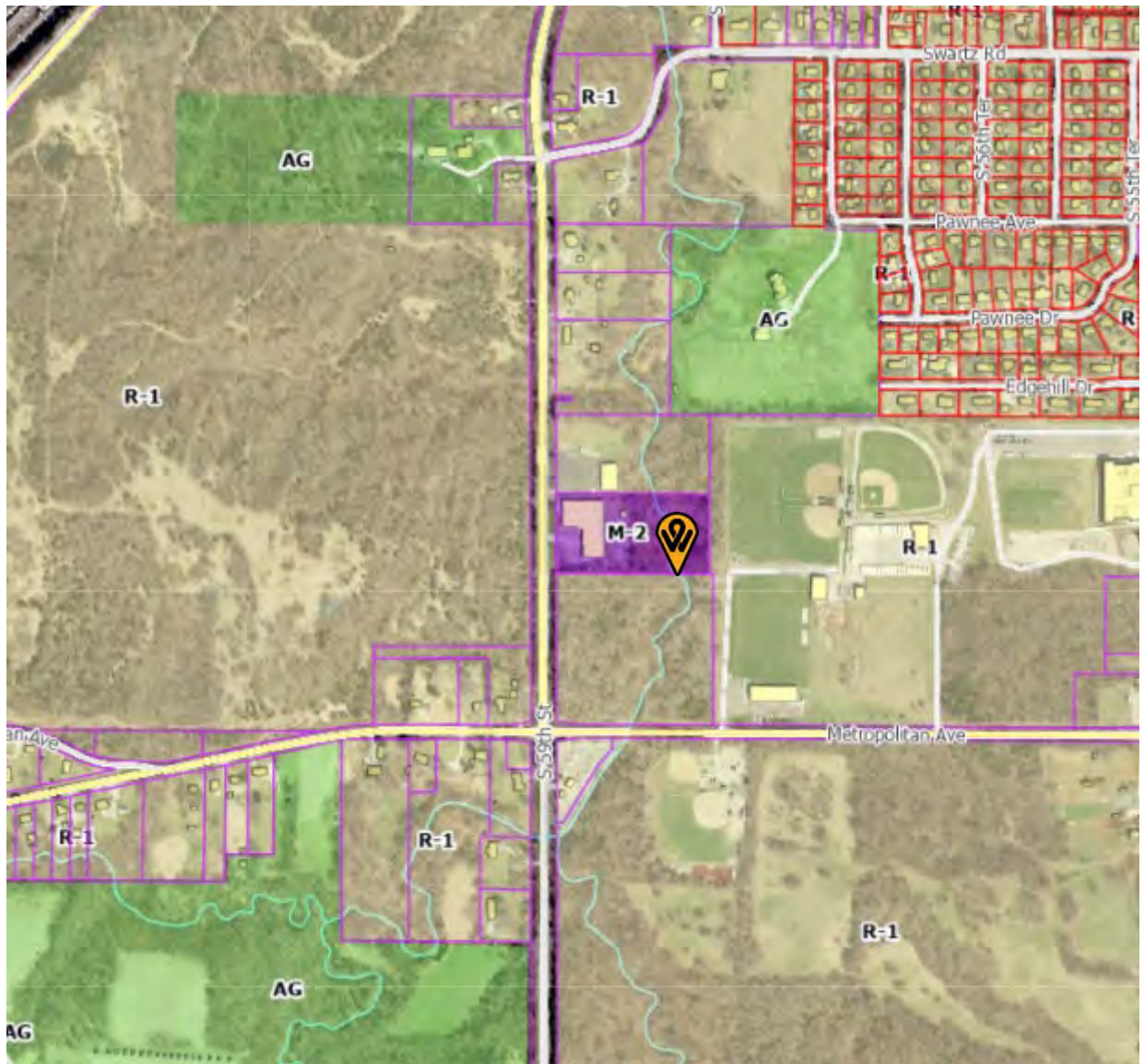


Figure 2. Zoning Map of 1323 South 59th Street (provided by UG Maps).

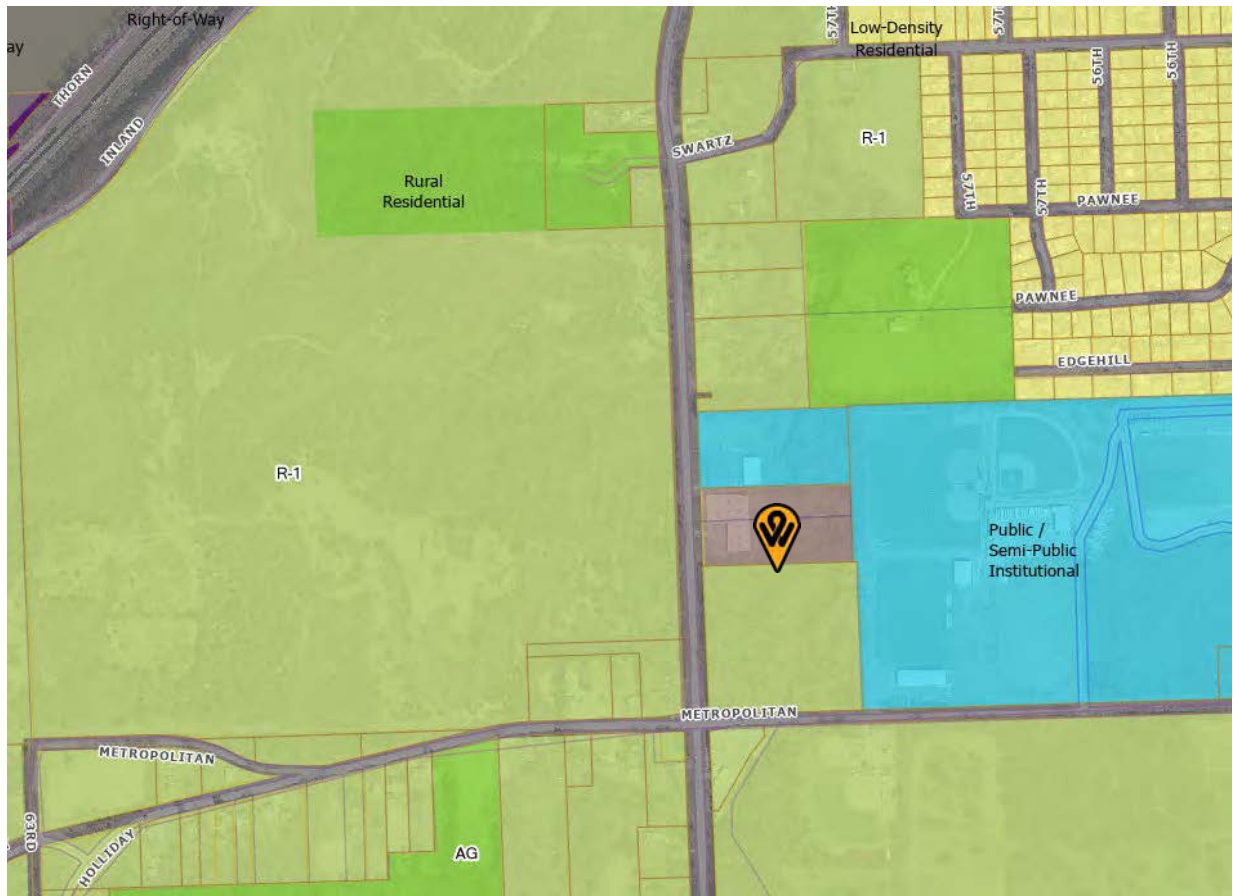
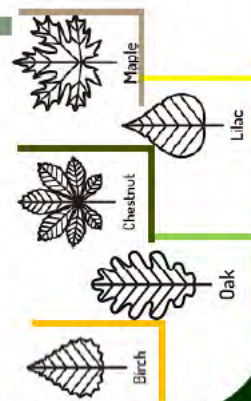


Figure 3. PlanKCK Comprehensive Plan Land Use Designation Map of 1323 South 59th Street (provided by ArcGIS Pro).

Street Tree Planting Restrictions

1. Must locate utilities before digging.
2. Minimum spacing between trees.
15' between small trees
35' between medium trees
50' between large trees
3. Minimum distance from street.
3 1/2' for small trees
4' for medium/large trees
4. Trees cannot block view at intersections and not be in "site distance triangle" as defined in the ordinance.
5. Plant 10' away from fire plugs.
6. No plantings under or 22' from overhead utility wires.
6. Duty to maintain and prune trees.
7. No topping of trees.

For all the specific details check *Unified Government's Ordinance 0-28-08*



Kansas City, Kansas Tree City USA

Kansas City, Kansas has been certified as a Tree City USA Community with the Arbor Day Foundation since 2008.

Benefits of Trees

- Helps to reduce stormwater runoff.
- Absorbs carbon dioxide and stores carbon.
- Reduces heat island effect & helps cool the city.
- Helps reduce energy bills.
- Add value to your home or business.

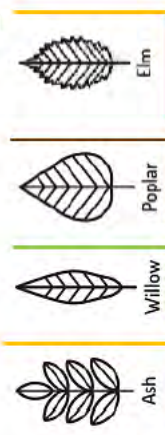
For More Information:

<http://www.wycokck.org/parks>
(Click on Tree Information)

<http://www.kansasforests.org/>

<https://www.arborday.org/>

<https://www.bridgingthegap.org/heartland-tree-alliance/>



Permitted & Prohibited Street Tree Listing For Right-of-Ways in Kansas City, Kansas



Duty to Maintain Street Trees

Owners of property abutting public rights-of-way are responsible for maintaining street trees in a manner which promotes safe and healthy plants and protects the health, safety, and welfare of the public.

In addition, the Unified Government has the right to plant, prune, maintain, or remove street trees. The Board of Public Utilities may also prune or remove street trees which present a hazard to electric power lines or water lines.

Street Tree Species Selection

Trees are a long-term commitment, so it is important that the right species be chosen. The Unified Government has identified trees that are permitted and prohibited to be planted as street trees as follows:

Permitted Street Tree Listing

Small Trees less than 25' at maturity

Amur maple
Paperbark maple
Tatarian maple
Norwegian sunset maple
Serviceberry
Eastern Redbud
Oklaoma Redbud
Crabapple
China Snow tree lilac
Japanese tree lilac
Common chokecherry

Medium Trees between 25' to 40'

European hornbeam
Dogwood
Goldenrain tree
Chinkapin oak
Trident maple
Hedge maple
Shantung maple
American yellowwood
Osage-orange
Emerald Sunshine elm

Large Trees 40' or larger

Miyabei maple
Norway maple
Sugar maple
Caddo sugar maple
River birch single stem
Turkish filbert
Ginkgo
Thornless Honeylocust
Kentucky coffeetree
Sweetgum
Dawn redwood
Black gum
Sawtooth oak
White oak
Swamp white oak
Scarlet oak
Shingle oak
Overcup oak
Bur oak
Willow oak
English oak
Northern red oak
Shumard oak
Bald Cypress
Littleleaf linden
Silver Linden

Prohibited Street Trees

American linden
American elm
Lacebark elm
Prospector elm
Zelkova
Fir
Silver Maple
Mimosa
Northern hackberry
Sugar hackberry
Persimmon
Russian Olive
Green Ash
White Ash
Osage Orange
Mulberry
Spruce
Pine
London Plane Tree
Sycamore
Cottonwood
Bradford pear
Siberian elm
Tree of Heaven
Boxelder
Willow
Edible fruit trees



April 29, 2024

April 19, 2024 Review Comments:

**Planning and Urban Design Comments, General Planning
Planning and Urban Design Staff**

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.

Response: Noted. The required fee will be paid at the appropriate time.

2. 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.

Response: Noted. The required information will be submitted at the appropriate 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.

Response: Comment addressed. No retaining walls proposed as site slopes do not exceed the engineering-acceptable 3H:1V slopes. Confirmed with Byron Toy during Teams meeting on 4/24 at 10:30 am that retaining walls are not necessary as long as slopes do not exceed 3H:1V.

4. Per the goDotte Countywide Strategic Mobility Plan, South 59th Street is designated as a priority sidewalk, therefore a 10-foot sidewalk is required on the east side of the street from the north property line to Metropolitan Avenue. Revise and resubmit the site plan and preliminary plat to show the sidewalk on the west property line.

Response: Comment to be addressed with Final Development Plan. SMH coordinated with Byron Toy for discussion on this comment during Teams meeting on 4/24 at 10:30 am. We propose a new 8' sidewalk only on the re-developed parcel (919507), from the existing north property line of the parcel to the new incorporated, replatted southern property line (approx. 450' total) with no sidewalk being added along parcel 919508. We believe an 8' sidewalk is in line with the "Industrial Zone Local Street" typical section of the Strategic Mobility Plan. We are also proposing this 8' sidewalk to be located 10' off of the property line to avoid the existing electric overhead electric and associated poles. We do not believe parcel 919508 is required to install additional sidewalk extending to Metropolitan Avenue (approx. 500' of additional sidewalk) as

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it is not being developed with this project. This section of sidewalk would be installed with future development associated with that parcel.

5. It is important to buffer the industrial zoning with the existing tree stand along the east side of the property adjacent to Turner USD 202 athletic fields. Furthermore, Davis Creek, running north-to-south along the eastern portion of the parcel is not located in the regulatory floodway or floodplain (Zone AE), however, the creek and tree stand must be protected as open space. Record and maintain a 100-foot easement to preserve the tree stands and stream. Demarcate the easement on the plat.

Response: Comment addressed. A 100' Stream Protection Easement included on Preliminary Plat as requested. Also shown on Preliminary Development Plan sheets.

6. All existing and future driveways must feature curb cuts that are constructed to UG standards. Existing paved areas are in rough shape.

Response: Comment to be addressed with Final Development Plan. All existing entrances are proposed to be replaced and reconstructed with proposed improvements. Coordination with Travis Trumble via email began on 4/24 to request minor modification to UG 4100-G detail for the proposed entrance drives.

7. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly.

Response: Noted. Email coordination with info@wycokck.org regarding a Right-of-Way Permit for this project began on 4/23/2024. The required information will be submitted at the appropriate time.

8. Improvements that include land disturbance activity on greater than one (1) acre of surface area of land or include the construction or alteration of a structure 1,000 square feet or larger shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620.

Response: Noted. Land Disturbance Permit and Grading Permit will be required prior to the start of construction. The required information will be submitted at the appropriate time.

9. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by

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buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly.

Response: Noted. Building Permit will be required prior to the start of construction. The required information will be submitted at the appropriate time.

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 prior to construction to arrange this meeting.

Response: Noted. Pre-Construction Meeting will be required prior to the start of construction. The required coordination will take place at the appropriate time.

Planning and Urban Design Comments, Building Architecture
Planning and Urban Design Staff

1. 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.

Response: Comment to be addressed with Final Development Plan, as well as Final Construction Documents to be submitted for Building Permit. Downspouts will be painted to architecturally blend with building, and corner downspouts will be recessed.

Planning and Urban Design Comments, Landscaping and Screening
Planning and Urban Design Staff

1. Maintain existing trees and topography for the remaining areas associated with the construction of the warehouse and parking lot additions.

Response: Comment addressed. Note 10 added to Demolition Plan stating, "Contractor shall maintain existing trees and vegetation outside of the grading limits. Contractor shall also maintain existing topography outside of the grading limits."

2. Add street trees along South 59th Street spaced 40 – 55 feet apart. Maintain a median between the sidewalk and the street. Plant trees in this space.
 - a. Tree species need to be selected that do not have a tall canopy.

Response: Comment addressed. Landscape Plan updated with street trees along S 59th Street in between existing street and proposed 8' sidewalk.

3. 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.

Response: Comment addressed. Landscape Plan updated with these requirements listed under the "Plant List" section.

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4. All new landscaping shall be irrigated with an in-ground irrigation system or a detailed watering plan provided to Staff for review.

Response: Comment to be addressed with Final Development Plan. Irrigation information will be provided for the proposed development.

5. 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.

Response: Comment addressed. Per Sec. 27-699(b)(5), "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 in a well-kept manner, such screening need not be provided." Trash location revised to be adjacent to warehouse/new loading dock areas, see Site Plan. New location is not visible from neighboring residential properties.

6. 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.

Response: Comment to be addressed with Final Development Plan, as well as Final Construction Documents to be submitted for Building Permit. All new mechanical equipment is anticipated to be located on the roof, and will feature architectural screening components per UG standards and code. No new ground or building-mounted mechanical equipment anticipated.

7. All electrical meter banks, typically on the side of the building shall be screened from public view.

Response: Comment addressed. No new building-mounted electrical meter banks anticipated with proposed warehouse expansion.

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.

Response: Comment addressed. All exterior lighting will be full cut-off, 90° downward. No light will be cast onto neighboring property or S 59th Street. Reference Sheets SPE100 and SPE101 for more detail.

9. 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.

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- 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, three (3) feet on the back and five (5) feet on the front allowing for 10 feet on the front when gate doors open.

Refer to attached BPU Engineering documents for details.

Response: Comment addressed. No new BPU transformer proposed or anticipated with this development, therefore, no BPU transformer screening requirements are applicable for this project.

- 10. 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.

Response: Comment addressed. No new ground or building-mounted mechanical equipment anticipated.

- 11. The Department of Planning + Urban Design shall not give approval for any temporary certificate of occupancy (TCO) or final certificate of occupancy (CO) before the completion of all required work. For any project that requires a certificate of occupancy, prior to requesting for any certificate, the applicant, permit holder, and/or property owner shall complete all items required by: Approved Plans, Codes, Ordinances, Zoning District Regulations, Planned District Requirements, Master Plan Requirements, all Design Guideline Requirements, Overlay District Requirements, and Requirements approved by the City Planning Commission and/or the UG Board of Commissioners. It is the collective responsibility of the applicant, permit holder, and property owner to ensure that any and all permits, land entitlements, deviations, or variances are obtained in advance of beginning of any work. Planning Department standards require that all required work be complete prior to requesting a TCO. The only item that is allowed to be incomplete is landscaping, which shall be complete before requesting a CO. A Bonded CO may be allowed in case of adverse weather conditions; however, all requirements must be completed for all items not secured by the bond.

Response: Noted. The required coordination will take place and the required information will be submitted at the appropriate times.

Planning and Urban Design Comments, Signage
Planning and Urban Design Staff

- 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

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permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process.

Response: Noted. The required coordination will take place and the required information will be submitted at the appropriate times.

**Planning and Urban Design Comments, Planning Engineering
Planning and Urban Design Staff**

- A. Items that require plan revision or additional documentation before engineering can recommend approval:
1. None

Response: Noted. No further action required.

- B. Items that are conditions of approval:
1. Detailed engineering comments are made by separate technical review of the plans and submitted directly to the applicant. Provide revised plans and responses in accordance with the engineering comments.

Response: Comment addressed. Travis Trumble provided all engineering-related comments on 4/19/2024. See Engineering Comments sections (starting on the next page) for responses.

- C. Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
1. None

Response: Noted. No further action required.

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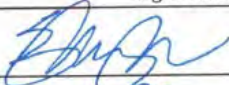
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Tabco Expansion Neighborhood meeting - April 29th COZ2024-011_Plat2024-011_MPL2024-006

Attendees

Print Name	Sign Name
EUBENE KUBICKI	
CASSIE PATRICK	
JONATHAN CARLSON	
JOHN WILSON	

Tabco Expansion Neighbourhood Meeting Minutes

Application Number: COZ2024-011, PLAT2024-011 (Tabco Preliminary Plat) and
MPL2024-006

Date: April 29th, 2024

Location: Tabco, Inc, 1323 S. 59th Street, Kansas City, KS 66106

Time: 6:30pm until 7:30pm

Minutes

The meeting was called to order at 6:30pm by John Wilson. Attending were Eugene Kubicki, Cassie Patrick, Jonathan Carlson, and John Wilson.

Eugene Kubicki is the property owner, Cassie Patrick is the project Civil Engineer, Jonathan Carlson is the Project Architect, and John Wilson is the Project Manager. None of the neighbors or other interested parties attended the meeting.

Those present discussed various aspects of the project and walked the property.

One "Other Interested Party" – Commissioner Philip Lopez – contacted John Wilson by phone on April 18th, 2024, after receipt of the Neighborhood Meeting Invitation seeking better understanding of the scope and intent of the Tabco Expansion product. He expressed satisfaction with the explanation and had no issues or concerns at that time.

The meeting was adjourned at 7:35.

These minutes were taken by John Wilson.

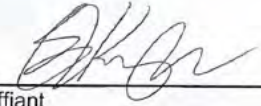
AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF KANSAS)
COUNTY OF WYANDOTTE) SS:

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

1. That I am the petitioner for Petition # CO22024-011/MPL2024-006/PLAT2024-11-1323 SOUTH 59th STREET
2. That I conducted a neighborhood meeting on APRIL 29, 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.

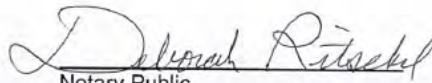
Further affiant saith not.



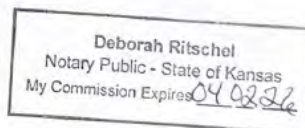
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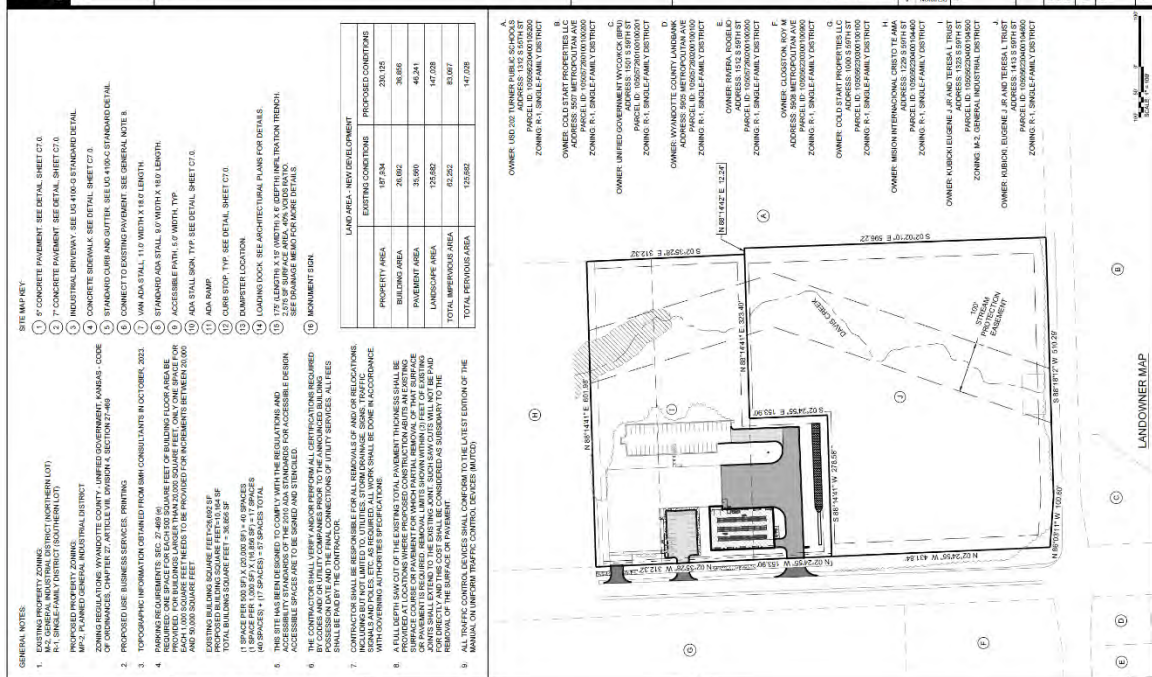
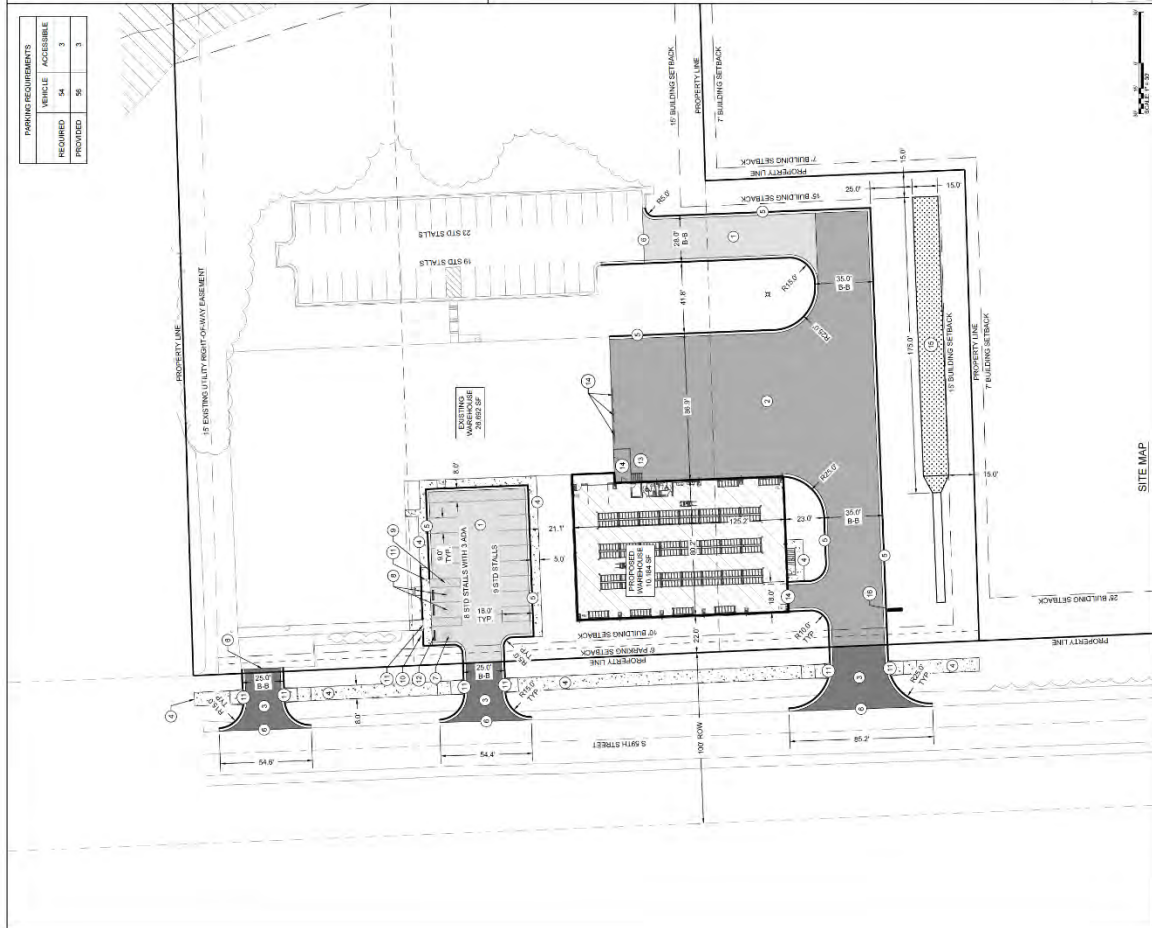
SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 30 day of April, 20024

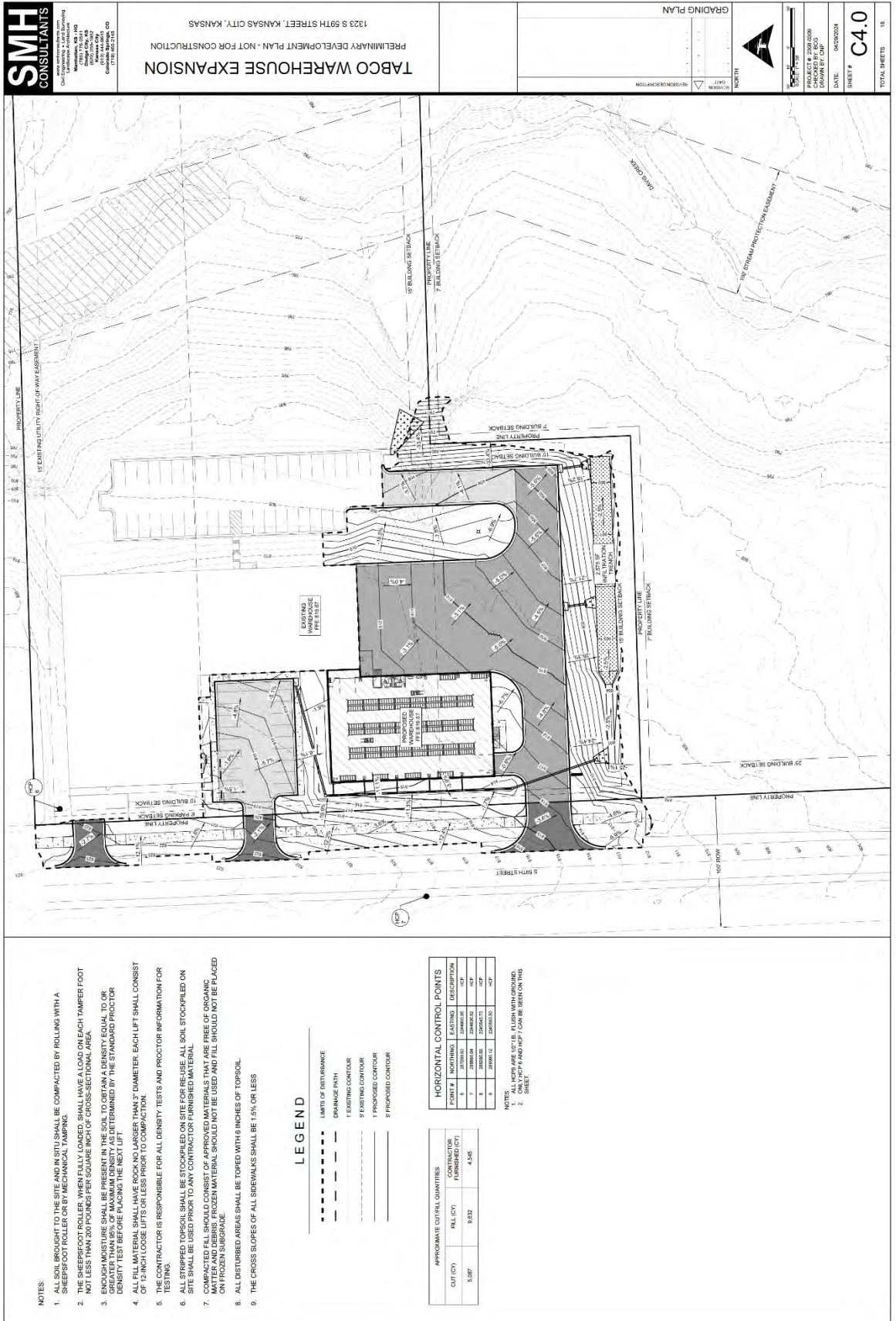
My commission expires 04 of 04, 20024



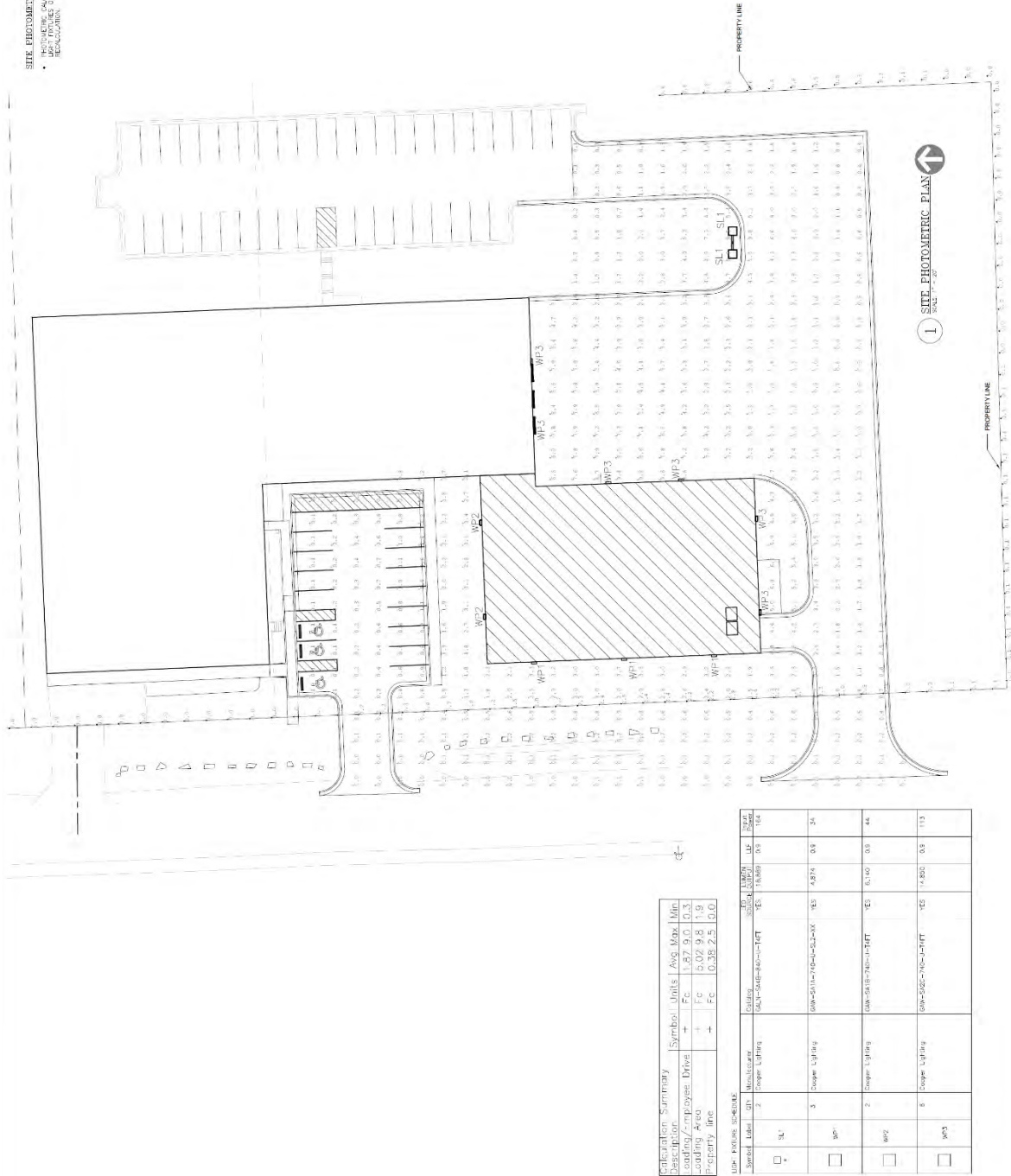
Notary Public

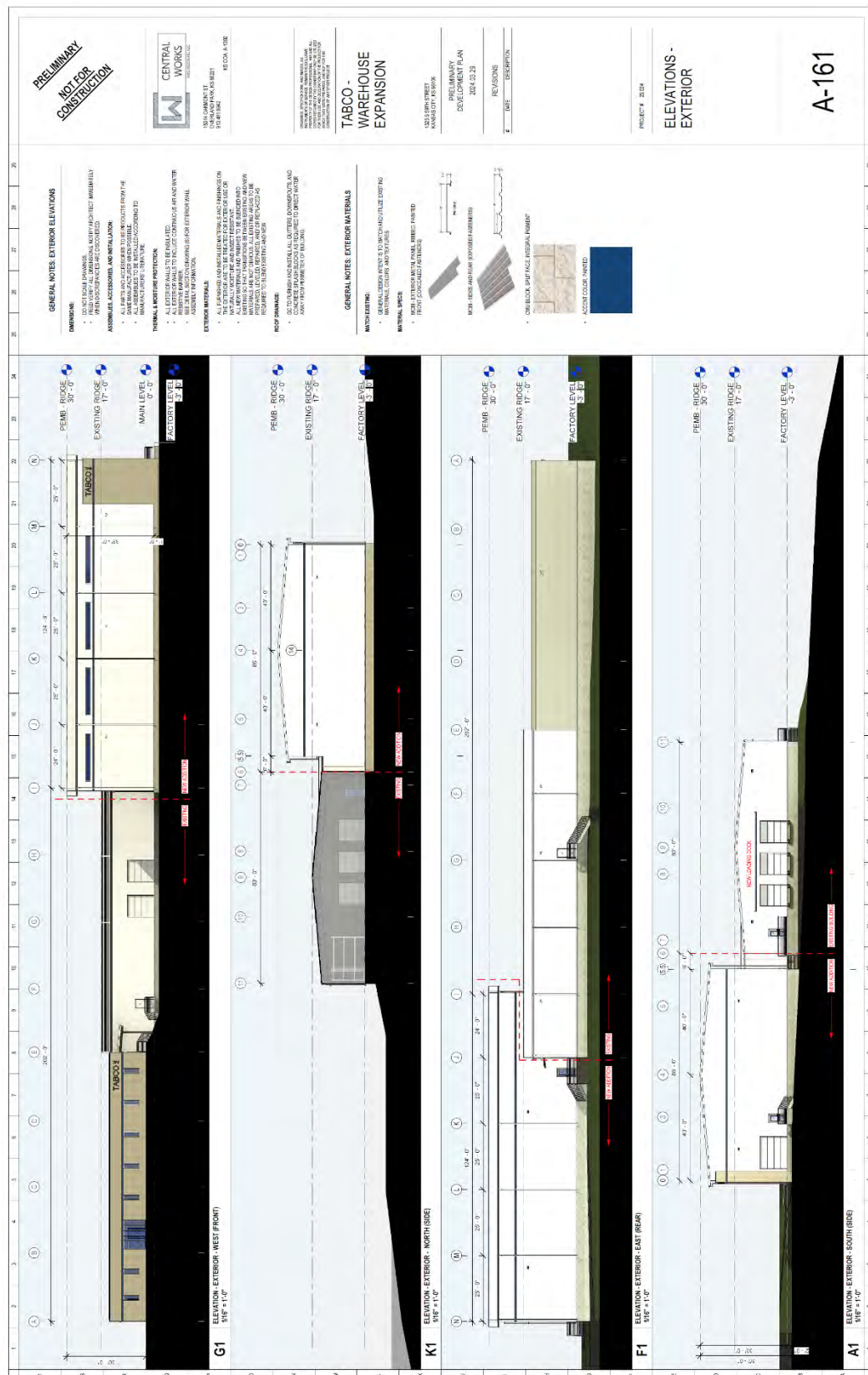




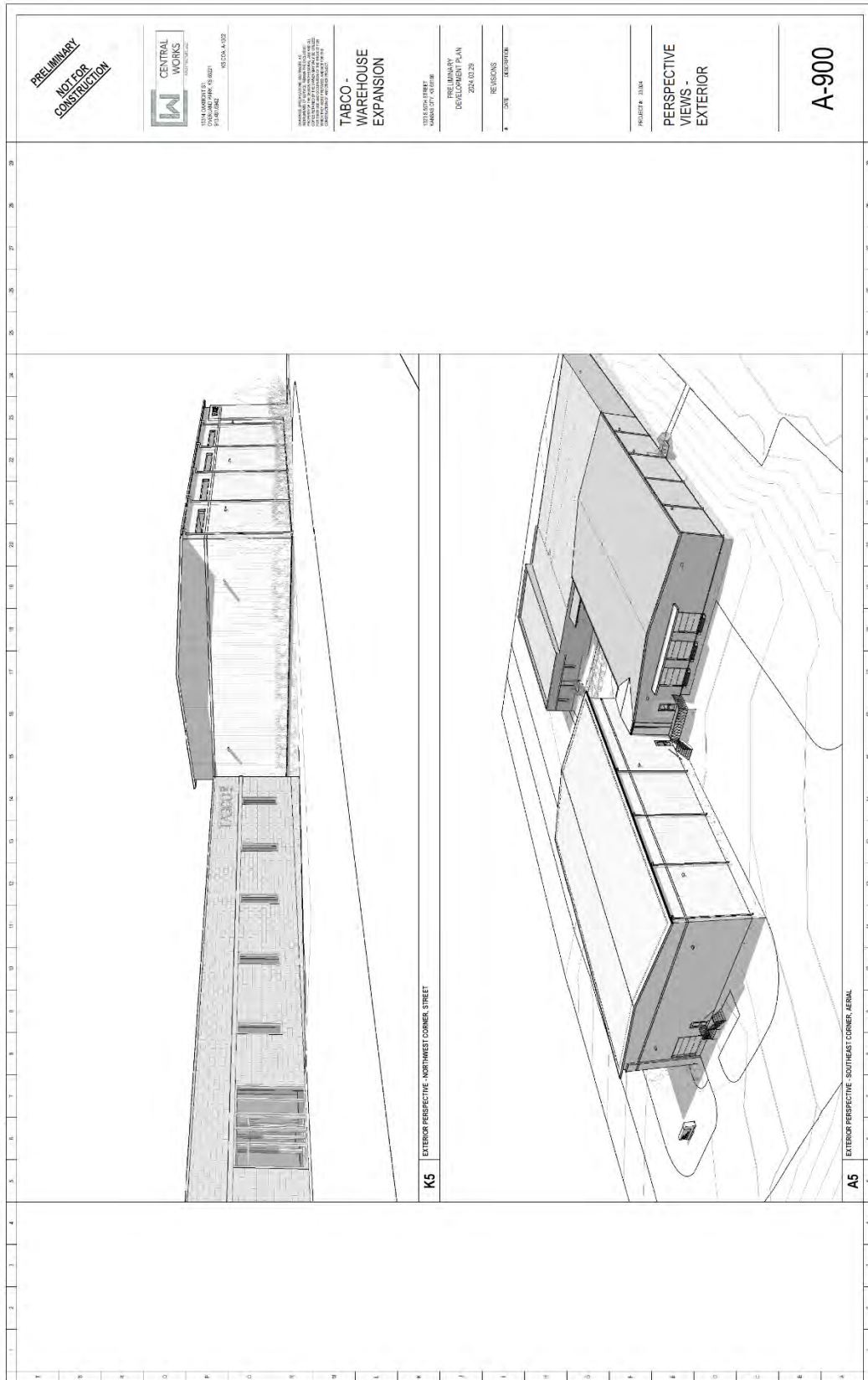


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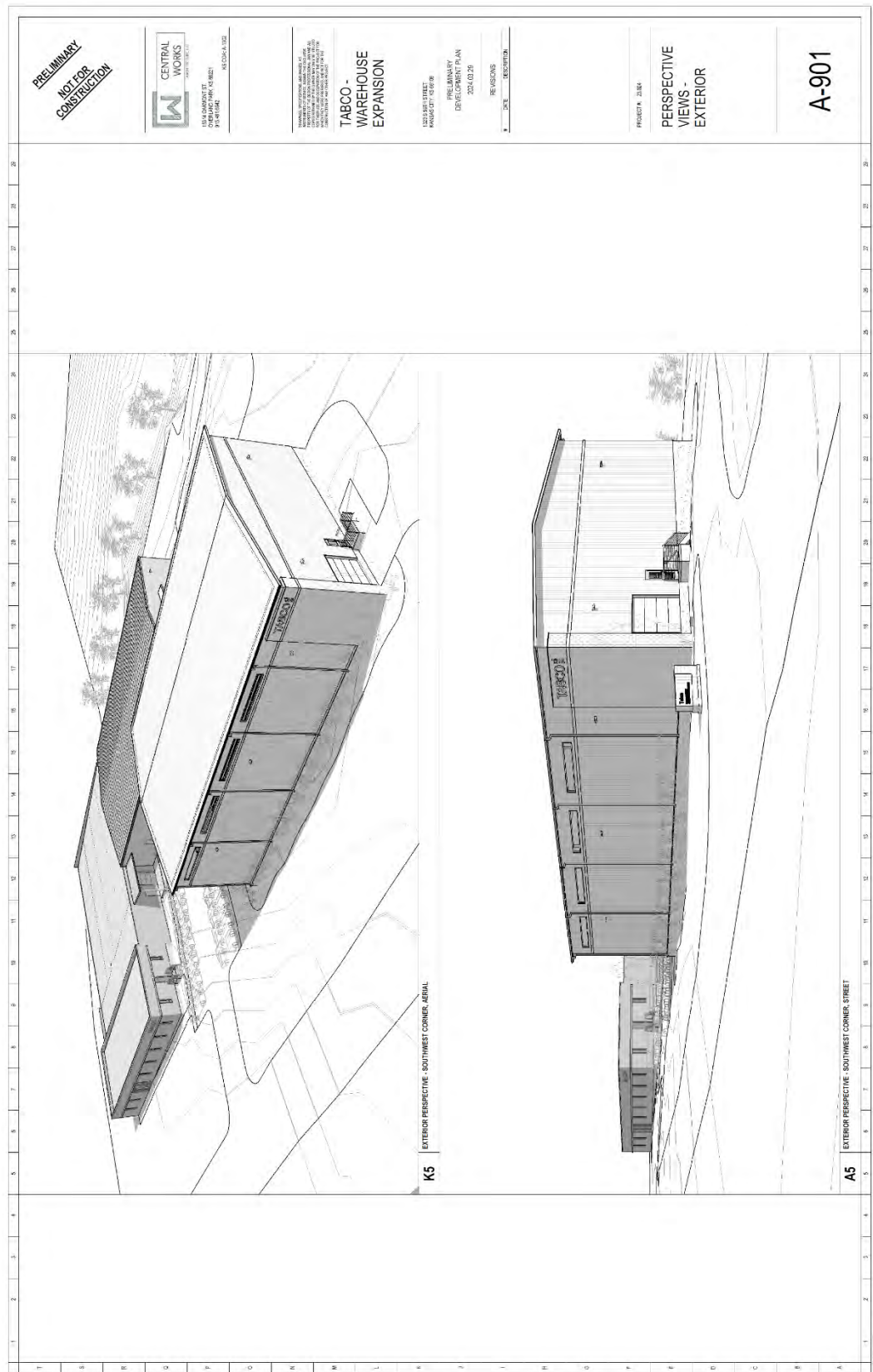




Figure 4. Site photograph looking north from Metropolitan Avenue at 1323 South 59th Street (provided by Planning Staff).



Figure 5. Site Photograph looking southeast from South 59th Street at 1323 South 59th Street (provided by Planning Staff).



Figure 6. Site photograph looking east from South 59th Street at 1323 South 59th Street (provided by Planning Staff).



Figure 7. Site photograph looking east from South 59th Street at 1323 South 59th Street (provided by Planning Staff).



Figure 9. Site photograph looking south from South 59th Street at 1323 South 59th Street (provided by Planning Staff).



Figure 8. Site photograph looking south from South 59th Street at 1323 South 59th Street (provided by Planning Staff).

(First published _____)

COZ2024-002

ORDINANCE NO. _____

AN ORDINANCE rezoning property hereinafter described located at approximately 1198 – 1200 North 134th Street, in Kansas City, Kansas, by changing the same from its present zoning of R Rural Residential District (WYCO) to A-G Agriculture District (City).

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

Section 1. It is hereby found and determined that a petition was filed on February 23, 2024, by the owners of property to have the zoning of said property changed from its present zoning of R Rural Residential District (WYCO) to A-G Agriculture District (City).

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

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

A TRACT OF LAND IN THE SOUTHEAST QUARTER OF SECTION 06, TOWNSHIP 11 SOUTH, RANGE 23 EAST IN THE 6TH/ P.M., IN THE CITY OF KANSAS CITY, WYANDOTTE COUNTY, KANSAS, DESCRIBED BY ANDREA N. WEISHAUBT ON JANUARY 16TH/, 2024; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER; THENCE NORTH 01°32'53" WEST, ALONG THE EAST LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 253.26 FEET; THENCE SOUTH 87°42'10" WEST, A DISTANCE OF 20.00 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF NORTH 134TH/ STREET AS IT NOW EXISTS ALSO KNOWN TO BE THE POINT OF BEGINNING OF HEREIN DESCRIBED TRACT; THENCE SOUTH 01°32'53" EAST, ALONG SAID WEST RIGHT OF WAY LINE, A

DISTANCE OF 9.05 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF STATE AVENUE AS IT NOW EXISTS; THENCE SOUTH 47°35'48" WEST, CONTINUING ALONG SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 51.05 FEET; THENCE SOUTH 36°20'25" WEST, CONTINUING ALONG SAID NORTH LINE, A DISTANCE OF 79.36 FEET; THENCE SOUTH 78°25'55" WEST, CONTINUING ALONG SAID NORTH LINE, A DISTANCE OF 265.84 FEET; THENCE NORTH 53°07'49" WEST, CONTINUING ALONG SAID NORTH LINE, A DISTANCE OF 183.29 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF K-7 AS IT NOW EXISTS; THENCE NORTH 10°41'13" WEST, ALONG SAID EAST LINE, A DISTANCE OF 376.40 FEET; THENCE NORTH 87°42'13" EAST, A DISTANCE OF 552.57 FEET TO A POINT ON SAID WEST RIGHT OF WAY LINE OF NORTH 134TH/ STREET; THENCE SOUTH 01°32'53" EAST, ALONG SAID WEST LINE, A DISTANCE OF 341.40 FEET TO THE POINT OF BEGINNING. CONTAINING 229,473.95 SQFT OR 5.27 ACRES MORE OR LESS,

be changed from its present zoning of R Rural Residential District (WYCO) to A-G Agriculture District (City), as defined by the Zoning Ordinances of Kansas City, Kansas.

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

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

PASSED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS THIS _____ DAY OF _____, 2024.

UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY,
KANSAS

BY: _____
TYRONE GARNER
MAYOR/CHIEF EXECUTIVE OFFICER

ATTEST:

UNIFIED GOVERNMENT CLERK

APPROVED AS TO FORM:

CHIEF COUNSEL

(First published _____)

COZ2024-006

ORDINANCE NO. _____

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

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

Section 1. It is hereby found and determined that a petition was filed on February 26, 2024, by the owners of property to have the zoning of said property changed from its present zoning of A-G Agriculture District to CP-2 Planned General Business District.

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

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

All that part of Lot 3, Homefield Margaritaville, First Plat, a platted subdivision in Section 1, Township 11 South, Range 23 East, in Kansas City, Wyandotte County, Kansas, more particularly described by Chris R. Sprague, Kansas PS-1632 of Olsson, LS-144, on September 20, 2023, as follows: BEGINNING at the Southwest corner of said Lot 3, said point also being the point of intersection of the Easterly right-of-way line of N. 98th Street, and the Northerly right-of-way line of State Avenue as shown on said Homefield Margaritaville, First Plat; thence North 02 degrees 19 minutes 17 seconds West, on said Easterly right-of-way line, a distance of 65.73 feet to a point of curvature; thence Northwesterly, continuing on said Easterly right-of-way line, on a curve to the left having a radius of 575.00 feet, through a central angle of 40 degrees 41 minutes 57 seconds, an arc

distance of 408.44 feet to a point on the Westerly prolongation of the South line of said Lot 3; thence North 87 degrees 42 minutes 57 seconds East, departing said Easterly right-of-way line and on said Westerly prolongation, a distance of 305.64 feet to a point on said South line of said Lot 3; thence South 02 degrees 21 minutes 28 seconds East, on said South line, a distance of 474.75 feet to a point on said Northerly right-of-way line of said State Avenue; thence South 87 degrees 40 minutes 43 seconds West, on said Northerly right-of-way line, a distance of 105.00 feet to a point; thence North 02 degrees 21 minutes 28 seconds West, continuing on said Northerly right-of-way line, a distance of 34.23 feet to a point; thence South 87 degrees 42 minutes 57 seconds West, continuing on said Northerly right-of-way line, a distance of 61.85 feet to the POINT OF BEGINNING, containing 93,478 square feet, or 2.1459 acres, more or less. Located at approximately 9400 State Avenue, Kansas City, Kansas,

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

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

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

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

PASSED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS THIS _____
DAY OF _____, 2024.

UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY,
KANSAS

BY: _____
TYRONE GARNER
MAYOR/CHIEF EXECUTIVE OFFICER

ATTEST:

UNIFIED GOVERNMENT CLERK

APPROVED AS TO FORM:

CHIEF COUNSEL

(Published _____)

SP2024-003

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 SP2024-003, commonly known as 3535 Wood Avenue, Kansas City, Kansas, legally described as:

Lots 58, 59, and 60, WEST RIDGE, a subdivision in Kansas City, Wyandotte County, Kansas according to the recorded plat thereof, located at approximately 3535 Wood Avenue, Kansas City, Kansas

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit to continue operation of transitional housing for youth.

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. **Outside guests are not permitted to randomly visit the property without prior authorization by Avenue of Life. The residents of Avenue of Life are allowed visitors that are cleared by the resident's case manager;**
2. **The building shall be staffed by Avenue of Life 24 hours a day, seven (7)**

- days a week;
3. **Maximum number of guests shall not exceed thirty (30) at any point. The average total number of guests range between six (6) and eight (8);**
 4. **Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;**
 5. **All exterior lighting 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;**
 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 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. **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;**
 9. **The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;**
 10. **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,

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; and,
12. 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 _____)

SP2024-008

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 SP2024-008, commonly known as 1026 Ann Avenue, Kansas City, Kansas, legally described as:

LOTS 48, 49, 50, AND THE WEST 20 FEET OF LOT 51, WYANDOTTE CITY, A SUBDIVISION IN KANSAS CITY, WYANDOTTE COUNTY, KANSAS., located at approximately 1026 Ann Avenue, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for a group dwelling for up to 14 veterans.

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 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 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;
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 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.

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 _____)

SP2024-010

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 SP2024-010, commonly known as 2614 South 27th Street, Kansas City, Kansas, legally described as:

WYANDOTTE GARDENS ANNEX, S32, T11, R25, ACRES 0.230000, L132,
located at approximately 2614 South 27th Street, Kansas City, Kansas.

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

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

1. **Maximum number of guests shall be seven (7);**
2. **All parking must be off-street, maximum number of vehicles is three (3). No 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 (website);**
9. **Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;**
10. **If approved, occupying businesses must file and maintain a current business occupation tax application with this office;**
11. **A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;**
12. **All existing and future driveways must feature curb cuts that are constructed to UG standards;**
13. **Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;**
14. **The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;**
15. **Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and**

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

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

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS ____ DAY OF _____, 2024.

TYRONE GARNER
MAYOR/CEO

Attest:

Unified Government Clerk

APPROVED AS TO FORM:

CHIEF COUNSEL

(First published _____)

COZ2023-005

ORDINANCE NO. _____

AN ORDINANCE rezoning property hereinafter described located at approximately 804 South 89th Street, in Kansas City, Kansas, by changing the same from its present zoning of A-G Agriculture District to R-1 Single Family District.

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

Section 1. It is hereby found and determined that a petition was filed on February 22, 2024, by the owners of property to have the zoning of said property changed from its present zoning of A-G Agriculture District to R-1 Single Family District.

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

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

A TRACT OF LAND IN THE NORTHEAST QUARTER OF SECTION 19, TOWNSHIP 11 SOUTH, RANGE 24 EAST OF THE 6TH P.M., IN THE CITY OF KANSAS CITY, WYANDOTTE COUNTY, KANSAS, PREPARED BY ANDREA N. WEISHAUBT PLS 1730, DATED JANUARY 17TH, 2023; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID NORTHEAST QUARTER; THENCE NORTH 88°02'32" EAST, ALONG THE SOUTH LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 828.96 FEET; THENCE NORTH 02°24'01" WEST, A DISTANCE OF 1317.92 FEET; THENCE SOUTH 68°25'06" WEST, A DISTANCE OF 21.18 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF SOUTH 89TH STREET AS IT EXISTS, ALSO KNOWN TO BE THE POINT OF BEGINNING OF HEREIN

DESCRIBED TRACT; THENCE SOUTH 68°25'06" WEST, ALONG THE PROLONGATION OF THE NORTH LINE OF LOT 1, MOON VALLEY, A SUBDIVISION OF LAND IN THE CITY OF KANSAS CITY, WYANDOTTE COUNTY, KANSAS; THENCE SOUTH 73°08'13" WEST, CONTINUING ALONG SAID NORTH LINE, A DISTANCE OF 360.99 FEET TO THE NORTHWEST CORNER OF SAID LOT 1; THENCE SOUTH 01°36'32" EAST, ALONG THE WEST LINE OF SAID LOT 1, AND THE WEST LINE OF LOTS 2 & 3 SAID MOON VALLEY, A DISTANCE OF 214.45 FEET TO A POINT ON THE WEST LINE OF SAID LOT 3; THENCE NORTH 56°49'07" WEST, A DISTANCE OF 178.36 FEET; THENCE NORTH 02°20'20" WEST, A DISTANCE OF 817.27 FEET TO A POINT ON THE SOUTH LINE OF LOT 3, WILLIAMS FARM, A SUBDIVISION OF LAND IN THE CITY OF KANSAS CITY, WYANDOTTE COUNTY, KANSAS; THENCE NORTH 88°14'00" EAST, ALONG THE SOUTH LINE OF SAID LOT 3, A DISTANCE OF 642.57 FEET TO THE SOUTHEAST CORNER OF SAID LOT 3, ALSO KNOWN AS A POINT ON THE WEST RIGHT OF WAY LINE OF SAID S 89TH STREET; THENCE SOUTH 02°24'01" EAST, ALONG SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 558.63 FEET TO THE POINT OF BEGINNING. CONTAINING 443,293.27 SQUARE FEET MORE OR LESS OR 10.18 ACRES, located at approximately 804 South 89th Street, Kansas City, Kansas,

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

Section 3. The Planning and Urban Design Department of Kansas City, Kansas, is hereby ordered and directed to cause such designation to be made on the official District Map of said City in its custody and to show the property herein described to be now zoned for R-1 Single Family District. Said District Map, previously incorporated by reference by Section 27-408 of the Code of Ordinances of Kansas City, Kansas, is hereby reincorporated as part of the Zoning Ordinance as amended.

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

PASSED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS THIS _____
DAY OF _____, 2024.

UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY,
KANSAS

BY: _____
TYRONE GARNER
MAYOR/CHIEF EXECUTIVE OFFICER

ATTEST:

UNIFIED GOVERNMENT CLERK

APPROVED AS TO FORM:

CHIEF COUNSEL

(Published _____)

SP2024-011

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 SP2024-011, commonly known as 401 Kansas Avenue, Kansas City, Kansas, legally described as:

LOTS 7, 8 AND 9, BLOCK 7, ARMOURDALE, NOW IN A PART OF KANSAS CITY, WYANDOTTE COUNTY, KANSAS. Located at approximately 401 Kansas Avenue.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit to operate an automotive dealership.

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

1. **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 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 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.

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

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS ____ DAY OF _____, 2024.

TYRONE GARNER
MAYOR/CEO

Attest:

Unified Government Clerk

APPROVED AS TO FORM:

CHIEF COUNSEL



Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: May 30, 2024

Re: Change of Zone Petition COZ2024-004

GENERAL INFORMATION

Applicant:

Fred Del Toro

Status of Applicant:

Property Owner
76 South 18th Street
Kansas City, Kansas 66102

Requested Actions:

Approval of a Change of Zone.

Date of Application:

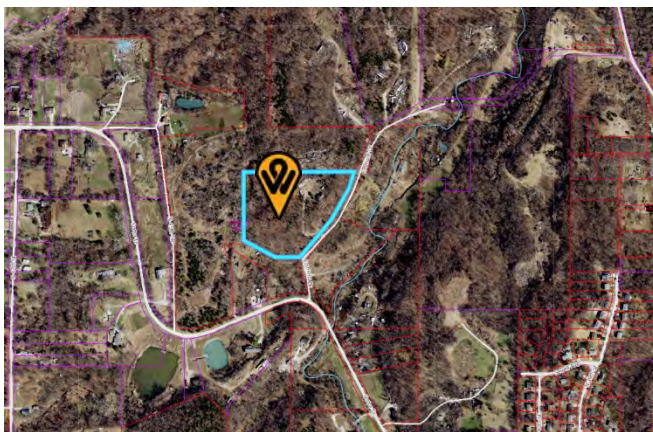
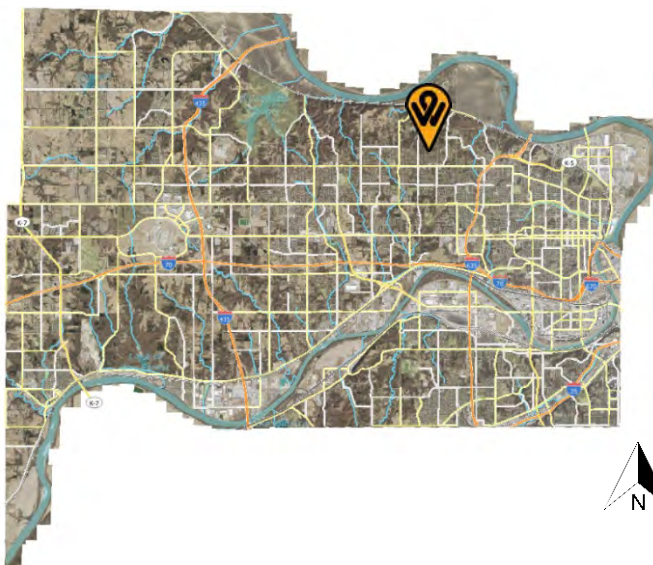
February 20, 2024

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



Commission Districts:	Commissioner At-Large, District #1: Melissa Bynum District #1 Commissioner: Gayle Townsend
Existing Zoning:	R-1(B) Single-Family District
Adjacent Zoning:	North: R-1(B) Single Family District South: R-1(B) Single Family District East: R-1(B) Single Family District West: R-1(B) Single Family District
Adjacent Uses:	North: Vacant property South: Vacant property East: Single-family residence West: Vacant property
Total Tract Size:	7.09 Acres
Comprehensive Plan Designation:	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.
Major Street Plan:	The goDotte Mobility Plan designates Emmons Drive as a Local Street.
Parking Requirement:	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.
Advertisement:	<u>The Wyandotte Echo</u> – March 14, 2024 Letters to Property Owners – March 15, 2024
Public Hearings:	April 8, 2024, April 25, 2024, and May 30, 2024
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

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

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.

FACTORS TO BE CONSIDERED

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

There have been no previous Planning Entitlements on the subject property.

NEIGHBORHOOD MEETING

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.

KEY ISSUES

Conservation Plan
Maintenance of Property
Notices of Violation
Number of Animals
Property Access and Driveway
Unpermitted Structures
Waste Management Plan

PLANNING COMMISSION RECOMMENDATION

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.

STAFF COMMENTS AND SUGGESTIONS

NOTE: This application was held over from the April 25, 2024, Board of Commissioners meeting. Applicant has requested that the application be continued until the June 27, 2024, Board of Commissioners meeting as he is out of the country.

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners concur with the findings contained within the staff report related to *Factors to be Considered* and *Key Issues* and recommends **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.

ATTACHMENTS

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

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Board of Commissioners</u>
Public Hearing	April 8, 2024	April 25, 2024
Rezoning	Denial	Held Over May 30, 2024

STAFF CONTACT: **James Molloy**
 jlmolloy@wycokck.org

MOTIONS

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 18th 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

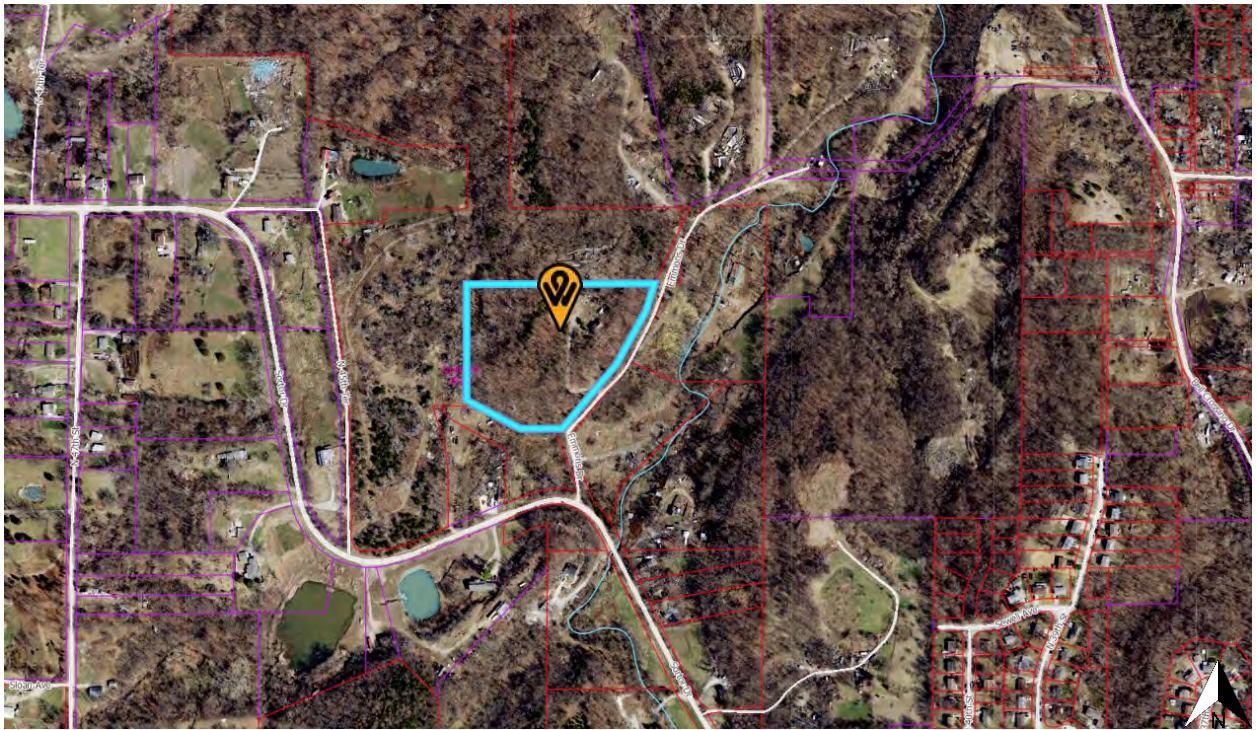
For the following reasons:

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.

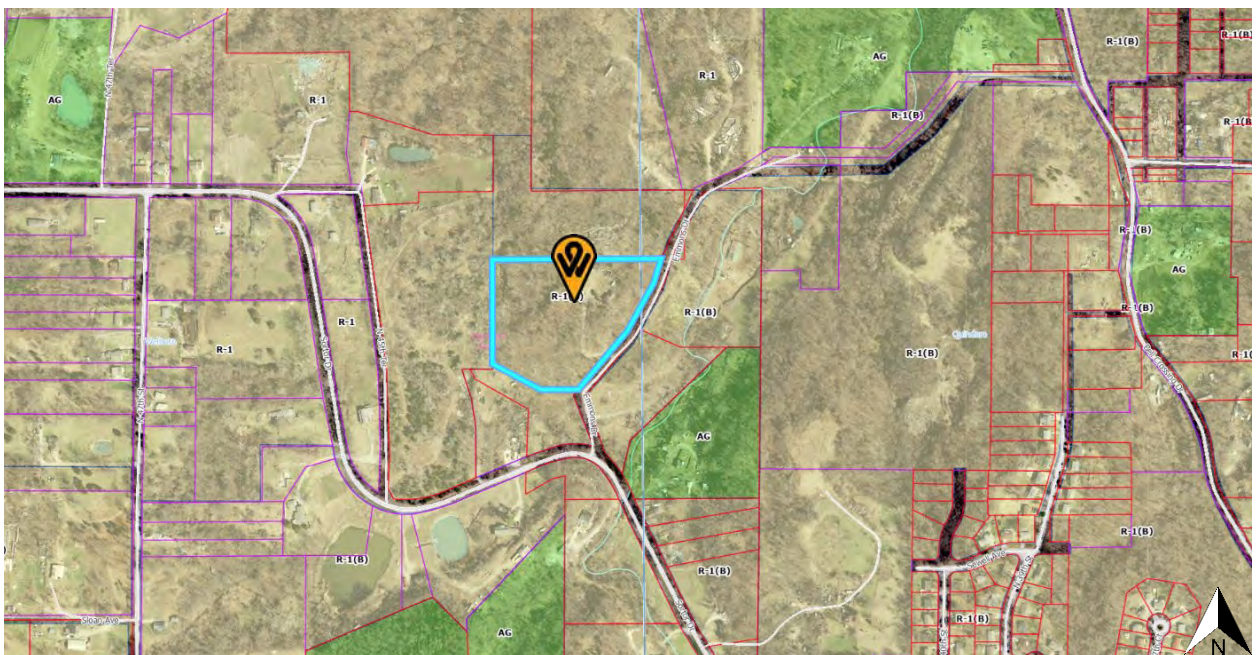
Either scenario creates environmental harm as well as potential harm to the animals on the property.

ATTACHMENTS

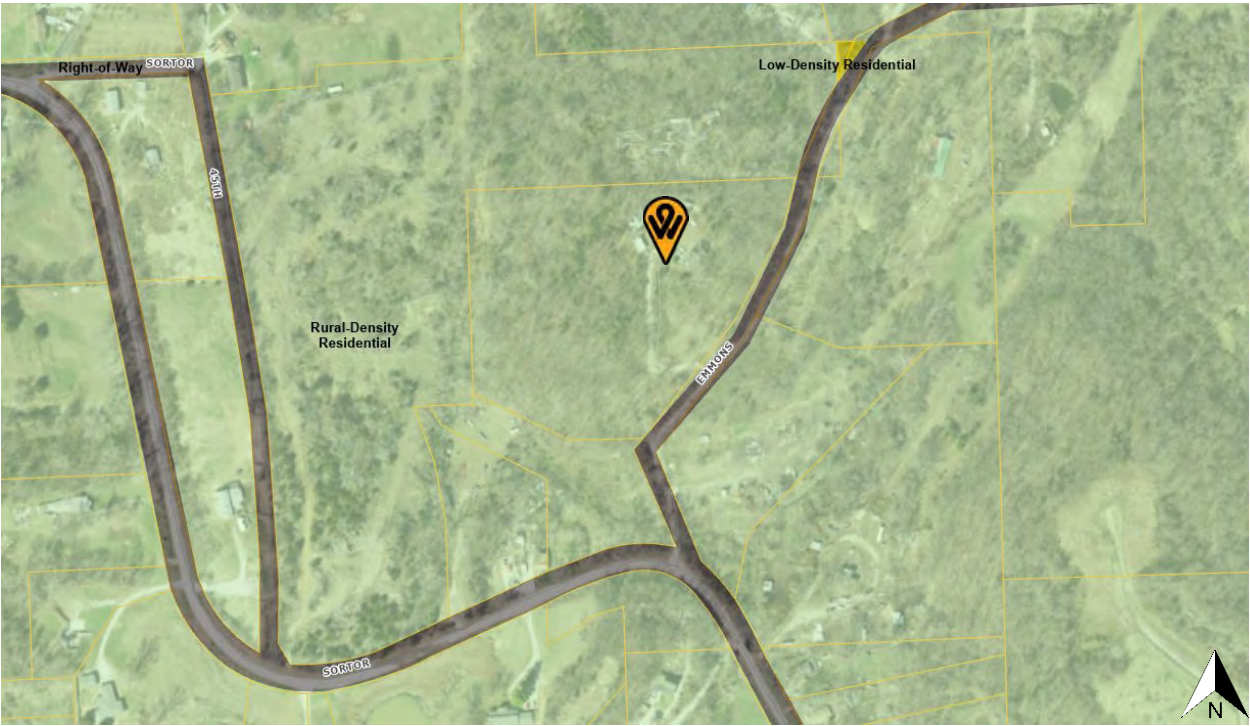
AERIAL IMAGERY



ZONING MAP



LAND USE MAP



SITE PLAN



NEIGHBORHOOD MEETING MATERIALS

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
COUNTY OF Wyandotte) SS.

Comes now Fred Del Toro, 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.

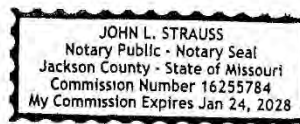
Further affiant saith not


Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 27th day of MARCH, 2024.

My commission expires 24th 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	Signature
[First, Last Name]	[First, Last Name]
Keon	Keon
James	James
Robert Crist	Robert Crist
Kim Hunter	Kim Hunter
Tom Kinsen	Tom Kinsen
Whit	Whit
SABY	SABY
Anderson	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 18th 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

SITE PHOTOS, PROVIDED BY APPLICANT, DATED MARCH 1, 2024



SITE PHOTOS, TAKEN BY STAFF, DATED MARCH 14, 2024









Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: May 30, 2024

Re: Special Use Petition SP2023-122

GENERAL INFORMATION

Applicant:
Andrew Mall

Status of Applicant:
Property Owner
4776 Black Swan Drive
Shawnee, Kansas 66216

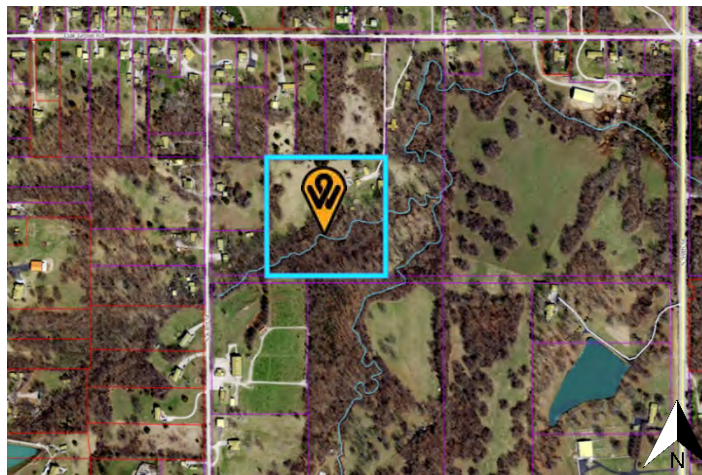
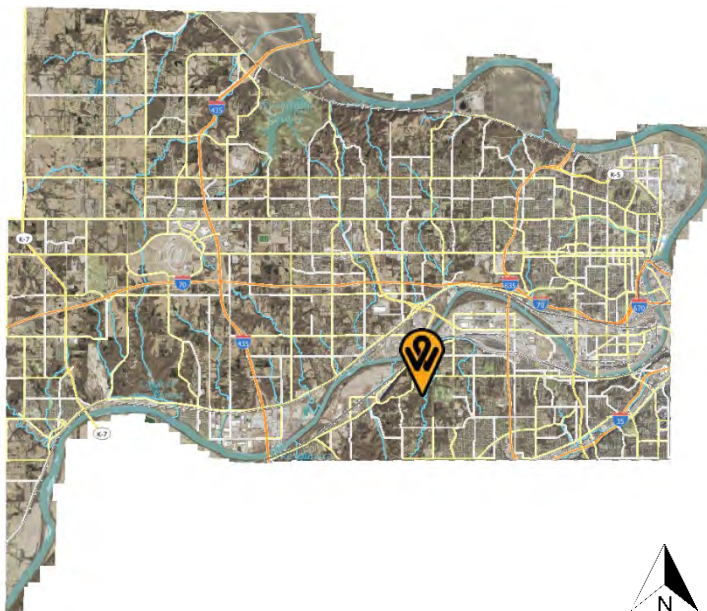
Requested Action:
Approval of a Short-Term Rental
Special Use Permit.

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



Existing Zoning:	R-1 Single Family District
Adjacent Zoning:	North: R-1 Single Family District South: R-1 Single Family District East: R-1 Single Family District West: R-1 Single Family District
Adjacent Uses:	North: Single-family residence South: Single-family residence East: Single-family residence West: Single-family residence
Total Tract Size:	9.85 Acres
Area Plan:	PlanKCK Comprehensive Plan
Area Plan Designation:	The PlanKCK Comprehensive Plan designates the subject property as Rural-Density Residential, which allows for agriculture, ranches and large lot residential development.
Major Street Plan:	The goDotte Countywide Strategic Mobility Plan designates Oak Grove Road as a Local/Neighborhood Street.
Parking Requirement:	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.
Advertisement:	<u>The Wyandotte Echo</u> – January 18, 2024 Letters to Property Owners – January 19, 2024 and March 13, 2024
Public Hearings:	March 12, 2024, April 8, 2024, April 25, 2024, and May 30, 2024
Public Support:	None to date.
Public Opposition:	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.

PROPOSAL

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

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.

FACTORS TO BE CONSIDERED

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.

PREVIOUS ACTIONS

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

NEIGHBORHOOD MEETING

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.

KEY ISSUES

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

PLANNING COMMISSION RECOMMENDATION

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 (website);
11. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of

- Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
12. If approved, occupying businesses must file and maintain a current business occupation tax application with this office;
 13. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
 14. All existing and future driveways must feature curb cuts that are constructed to UG standards;
 15. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
 16. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
 17. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
 18. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
 19. The Special Use Permit shall be valid for one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any

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

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

STAFF COMMENTS AND SUGGESTIONS

NOTE: This application was held over from the April 25, 2024, Board of Commissioners meeting.

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 1st 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

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.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **DENIAL** of Petition **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.**

ATTACHMENTS

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

REVIEW OF INFORMATION AND SCHEDULE

Action	City Planning Commission	Unified Government Board of Commissioners
Public Hearing	April 8, 2024	April 25, 2024
Special Use	Approval	Held Over May 30, 2024

STAFF CONTACT:

Kiley Meierarend
kmeierarend@wycokck.org

MOTIONS

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 76th 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:

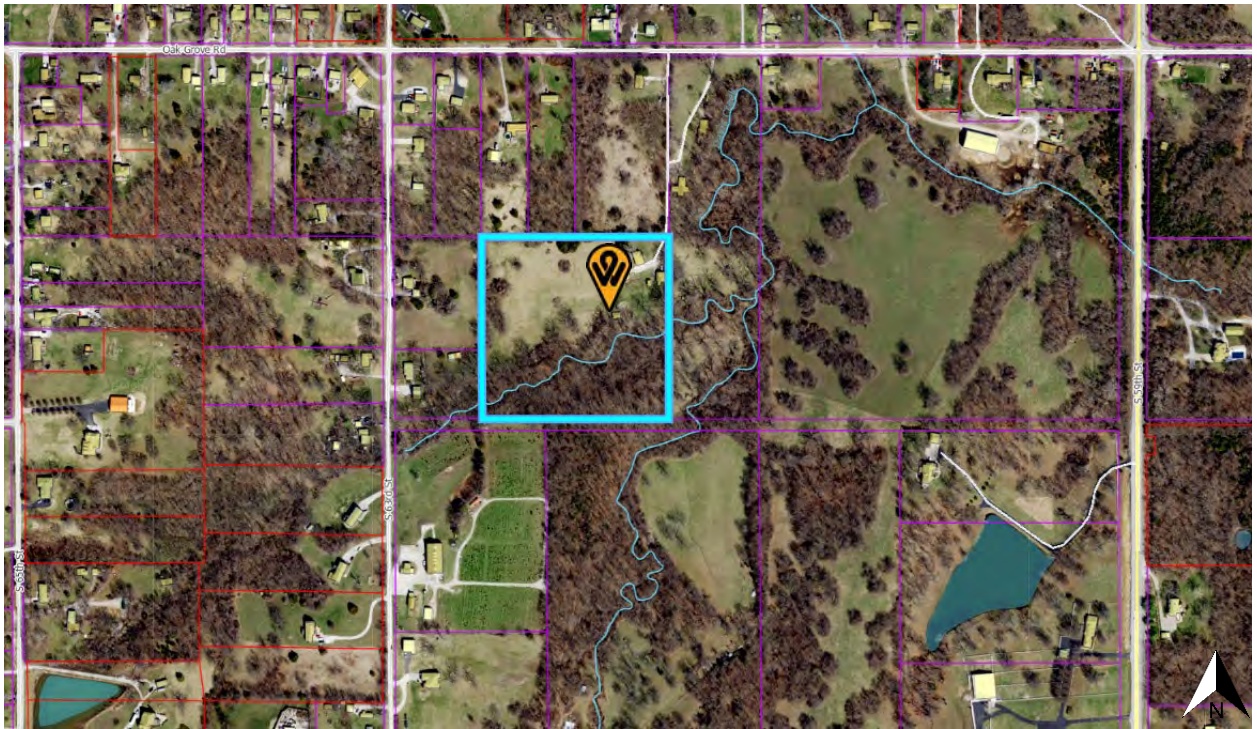
1. Prior to publication of this Special Use Permit, the applicant shall provide a copy of the existing cross-access easement/agreement to staff. If one does not currently exist, one should be produced and filed with the Register of Deeds (with a copy provided to Planning + Urban Design Staff). Should 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 (website);
11. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
12. If approved, occupying businesses must file and maintain a current business occupation tax application with this office;
13. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
14. All existing and future driveways must feature curb cuts that are constructed to UG standards;
15. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
16. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
17. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any

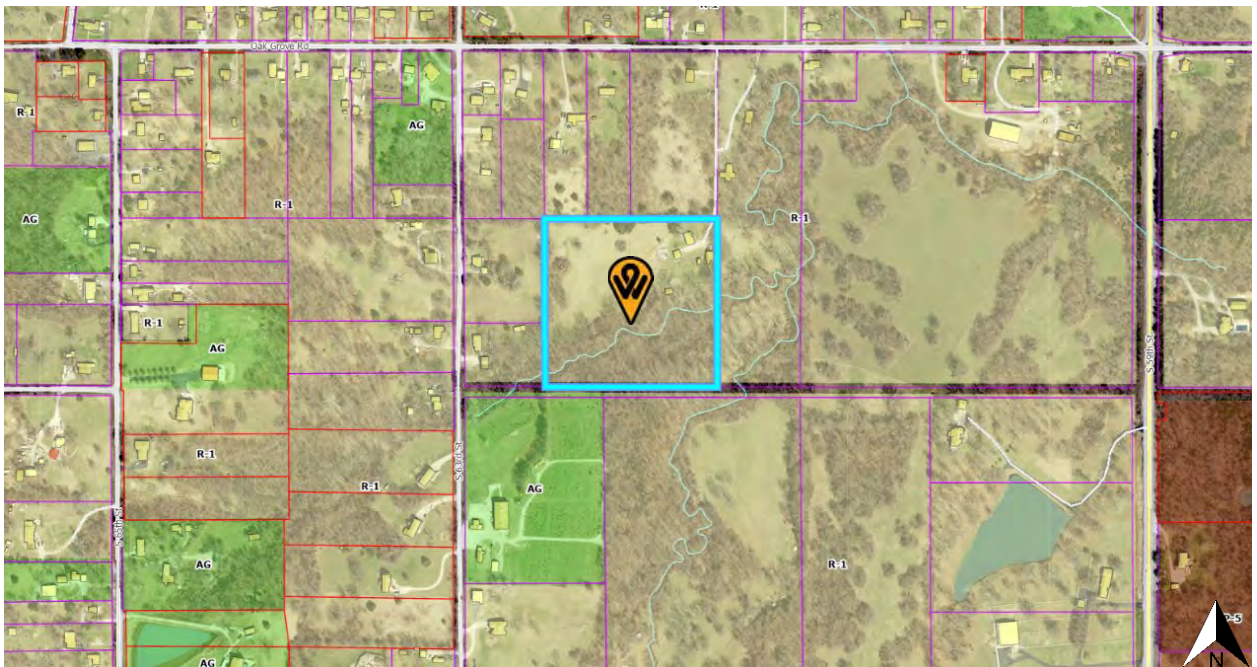
- business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons,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

ATTACHMENTS

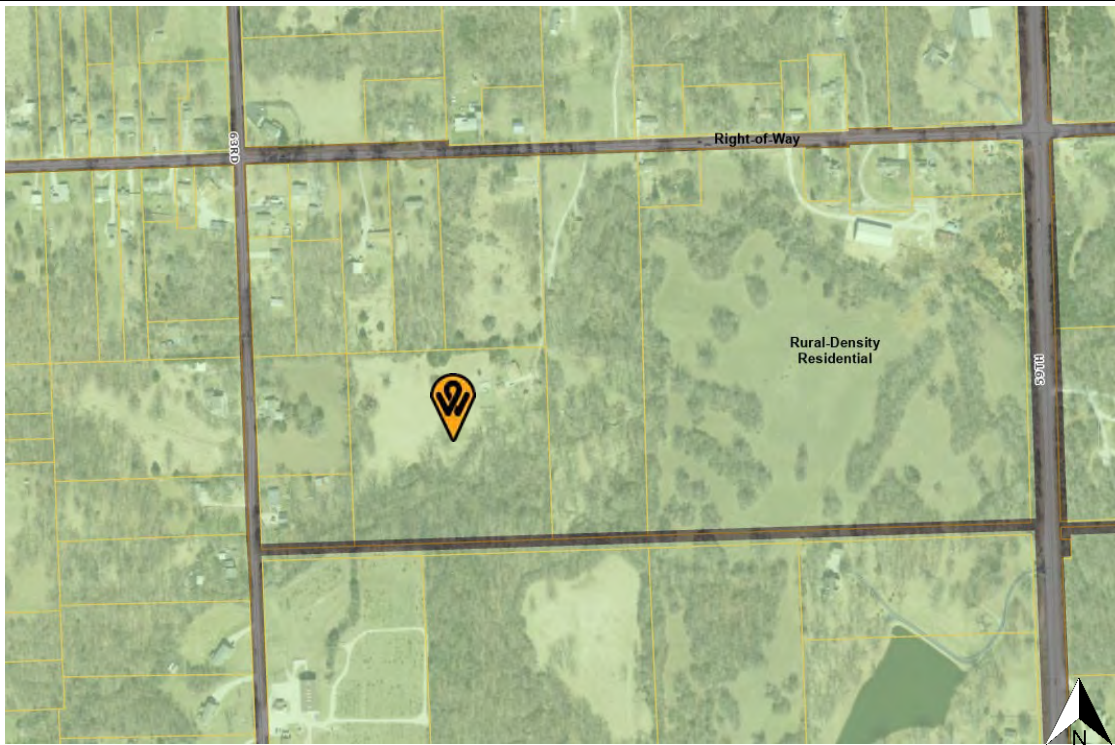
AERIAL IMAGERY



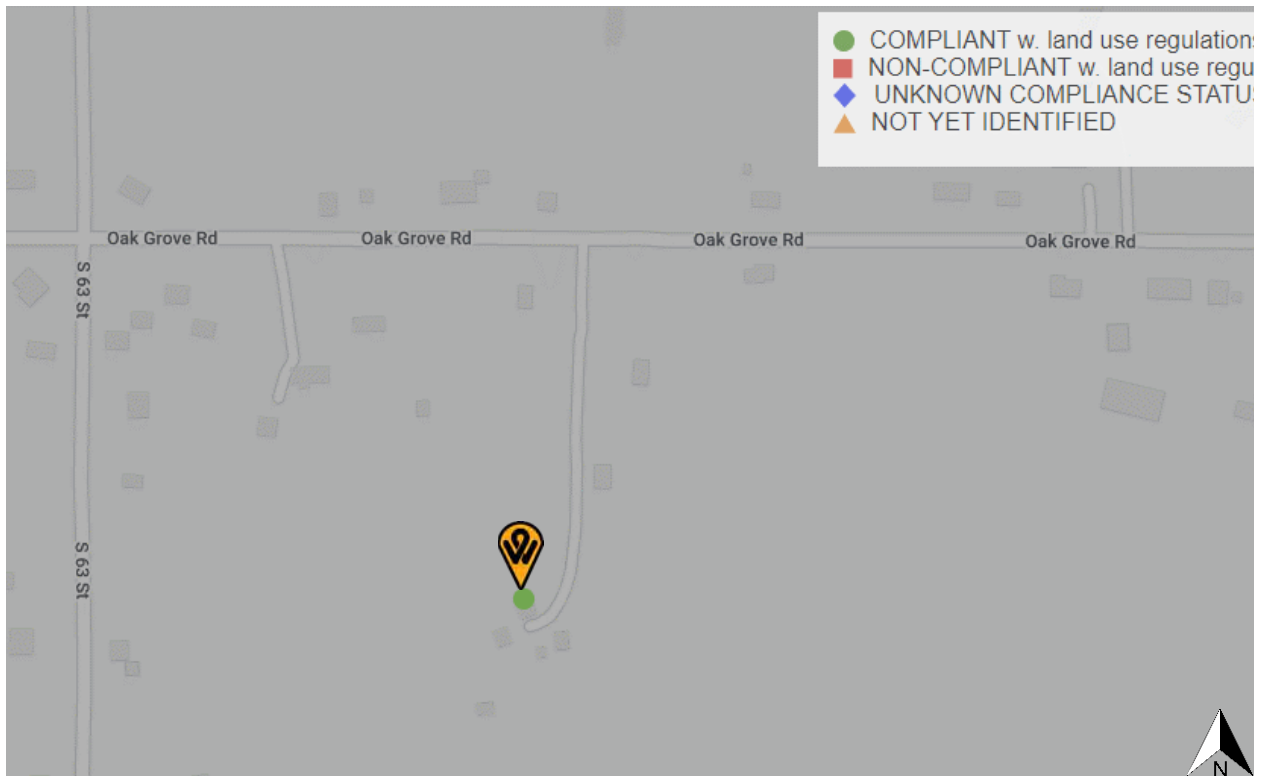
ZONING MAP



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:

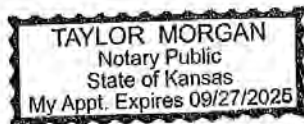
1. That I am the petitioner for Petition # SP2023-122
2. That I conducted a neighborhood meeting on 1/28/2024.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Planning + Urban Design Department.

Further affiant saith not.

Andrew Mall
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 31st day of January, 2024.

My commission expires 27 of September, 2025.



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

238-1662
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 CLEANUP ALL DEADWOOD 1" INCH
DIAMETER & LARGER & TRIM 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 & CLEANUP 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 RD BARN STRIP OFF LOW BRUSH UP TO 20' ABOVE
GROUND LEVEL & GO UP INTO IT & CLEANUP 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

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 DROOPERS

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

Cut tree as close to ground level as possible and haul away debris. BACK TO THE END OF THE DRIVE CUT BACK

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 CHIPS
LARGER BEHIND SHED BARN

400.00

<https://mail.google.com/mail/u/0/?ui=cc&as/cc&as/thk/4f8290/4f8290.com/EI4f8290CnD=DIAle7dcm\4h17hsk/aOmVhnnK?source=4f8290.com&as/DnId=0>

4/8/24, 5:31 PM

Fwd: Estimate 1059 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 cleanup -weed eat and cleanup along the edges down the entire drive -trim overhanging trees	1	450.00	450.00
12/11/2020	Cleanup	Trim bushes -trim discussed bushes down as small as possible -tear out bushes along the north side of the house, the holly growing next to the burning bush and one bush in the back yard along the house.	1	400.00	400.00
12/11/2020	Cleanup	Cut down grass and weeds in discussed beds 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 Mall
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

JPG
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

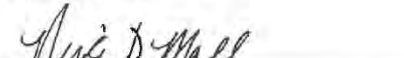

Nicole D. Mall

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 JOHNSON) ss

BE IT REMEMBERED, that on this 18th 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 JOHNSON) ss

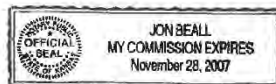
BE IT REMEMBERED, that on this 25th day of January, 2007, before me the undersigned, a Notary Public in and for the County and State aforesaid, personally appeared

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.

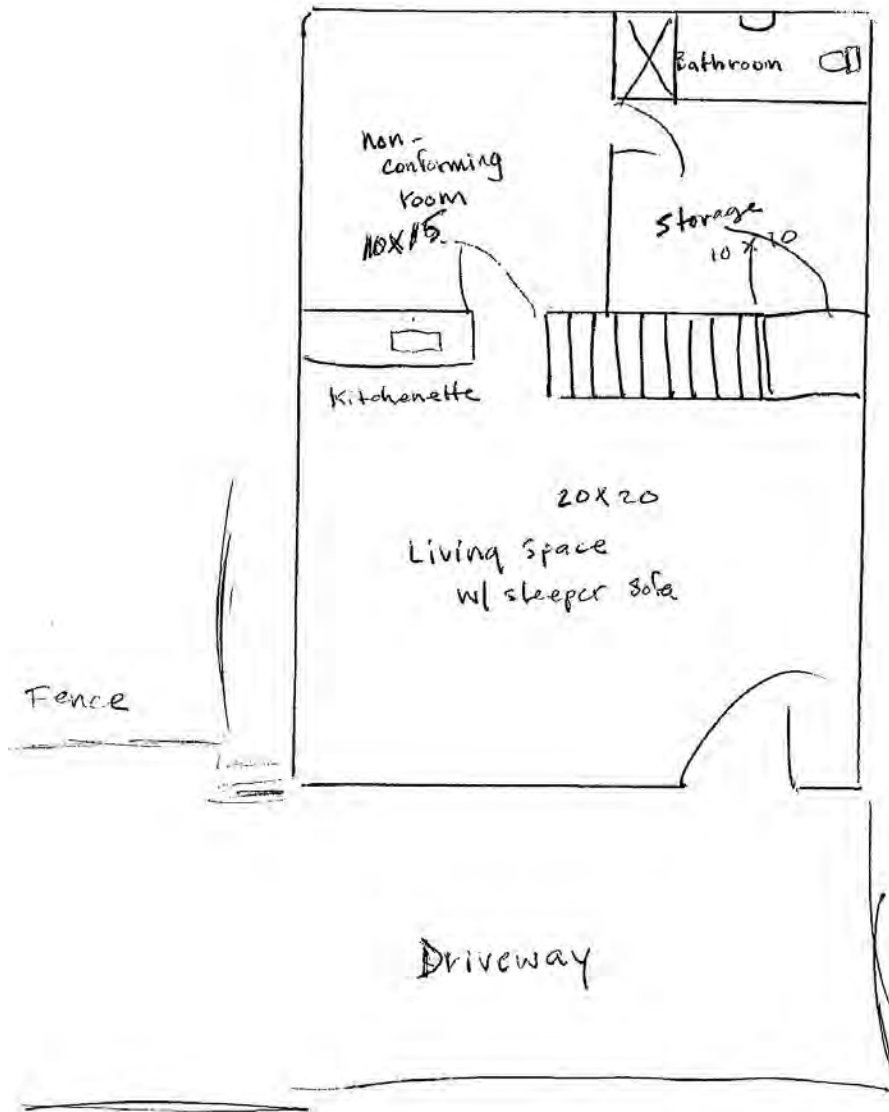
IN WITNESS WHEREOF, I have hereunto set my hand and Notarial Seal on the day and year last above written.

My Commission Expires:



Jon Beall
Notary Public
Type Name JON BEALL

FLOOR PLAN



Homestead Inspection Co.

2 of 21
09/22/2023 12:53 PM

Prepared for: Nicole Mall
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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09/22/2023 12:53 PM

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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09/22/2023 12:53 PM

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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09/22/2023 12:53 PM

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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09/22/2023 12:53 PM

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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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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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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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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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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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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Prepared for: Nicole Mall
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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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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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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Prepared for: Nicole Mall
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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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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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

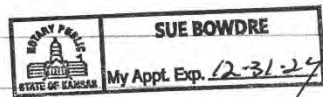
Concerning special permit petition
SP 2023-122

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**

E RIGG 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

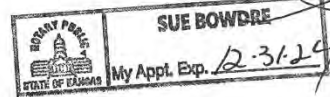
A petition for a special permit to use the property described as:

4-4-24
State of Kansas
County of Waukegan

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



has been filed by:

ANDREW C. MALL

Such a change would permit the property for:

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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 <meredithcasares32@gmail.com>

Sent: Monday, April 15, 2024 5:54 PM

To: Hand, Gunnar <ghand@wycokck.org>

Subject: Special use permit 2023-122 DENIAL

You don't often get email from 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 2nd 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

22 Bakery Manager - Mary Beth Casares

From: Meredith Casares <mercas35@hotmail.com>
Sent: Thursday, April 25, 2024 8:19 AM
To: 22 Bakery Manager - Mary Beth Casares
Subject: Fwd: Letter of Communication
Attachments: Letter for Merideth Casarez.pdf

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Sent from my iPhone

Begin forwarded message:

From: "Droppelmann, John" <jdroppelmann@kckfd.org>
Date: April 24, 2024 at 3:22:45 PM CDT
To: mercas35@hotmail.com
Subject: Letter of Communication

Mrs. Casares,

Attached is the letter you requested documenting our conversation on March 4, 2024.

Respectfully,

John Droppelmann

John Droppelmann
Fire Marshal/Deputy Chief
Kansas City Kansas Fire Department
815 N. 6th Street
Kansas City, KS. 66101
Office: 913-573-5938
Fax: 913-551-0490



Dennis Rubin
Fire Chief

**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

TO: Planning & Zoning Non-Consent Agenda Members
FROM: John Droppelmann, Deputy Chief/Fire Marshal
DATE: April 24, 2024
SUBJECT: 6115 Oak Grove Road Air BnB application (SP2023-122 – Andrew Mall)

Dear Members,

On March 4, 2024, I spoke with Mrs. Merideth Casares who Mother lives at 6113 Oak Grove road. She expressed to me her concern about a proposed Air BnB that was applying for a special use permit for the house located at 6115 Oak Grove Road. Her primary concern was the proximity of the shared access road to the structure at 6115 Oak Grove Road; that it was located very close to the house her Mother resides in. She suggested that this shared access road would not allow a firetruck to access the proposed Air BnB because of its length and composition. Mrs. Casares was hoping to use the Fire Code for justification in the board denying the special use application for a short-term rental license.

I explained to Mrs. Casares the International Fire Code (IFC) that the Unified Government has adopted does not apply to 1 and 2 family dwellings. The Fire and Life Safety Codes only apply to commercial structures including residential units comprised of 3-family dwellings and larger. I also informed her that these 1 and 2 family structures did not require 'fire apparatus access roads' as they are regulated by the International Residential Code which is enforced by the Building Inspections department. I explained that I receive several inquiries a year about driveways to 1 and 2 family homes; that it is up to the homeowner's insurance carrier to determine the risk of their driveway composition in assessing premiums.

After making sure she understood the Fire Department's lack of oversight for her situation, I informed her that, like similar inquiries in the past, her situation was a civil issue and would most likely be required to be litigated in civil court.

Respectfully,

John Droppelmann
Fire Marshal
Kansas City Kansas Fire Department
Phone: 913-573-5938
Email: jdroppelmann@kckfd.org



Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: May 30, 2024

Re: Special Use Permit Petition SP2024-013

GENERAL INFORMATION

Applicant:
Myles McMillon

Status of Applicant:
Automotive Game Changers
7609 Leavenworth Road
Kansas City, KS 66109

Requested Action:
Approval of a Special Use Permit.

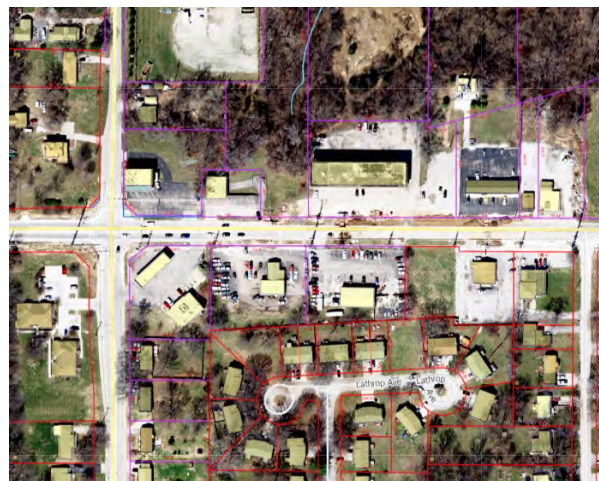
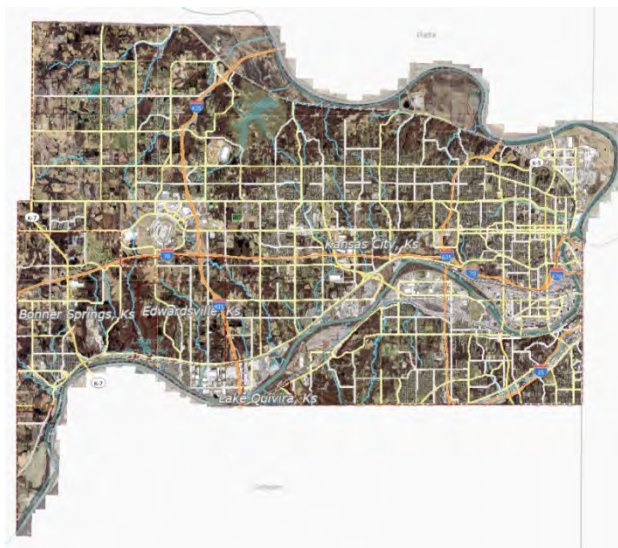
Date of Application:
February 26, 2024

Purpose:
To operate a used automotive dealership including minor repairs.

Property Location:
7609 Leavenworth Road
Kansas City, KS 66109

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

Existing Zoning:
C-3 Commercial District



Adjacent Zoning:	North: C-3 Commercial District South: R-2 Two Family District East: C-1 Limited Business District West: C-1 Limited Business District
Adjacent Uses:	North: Commercial businesses South: Duplexes East: Restaurant (Pizza Stop) West: Automotive sales and repair business (Doc's Auto Sales & Doug's Auto Repair)
Total Tract Size:	0.77 Acre
Area Plan Area:	PlanKCK Comprehensive Plan
Area Plan Designation:	The PlanKCK Comprehensive Plan designates this property as Community Commercial, which allows medium-sized box stores with small-scale accessory commercial uses and small-scale commercial centers. While automobile-oriented commercial is allowed, buildings should be built up to the street to form a consistent street frontage with special consideration and prominence given to major block corners and transition to abutting residential uses. These areas should be designed to support multi-modal connectivity with sidewalks and street trees.
Major Street Plan:	The goDotte Countywide Strategic Mobility Plan classifies Leavenworth Road as a Class B Thoroughfare.
Required Parking:	Sec. 27-467(e) uses in this district require paved off-street parking at a ratio of not less than four (4) spaces per 1,000 square feet of floor area in the building. 11 spaces are required based on the 2,800 interior square feet. Based on aerial photography, there are more than 11 spaces in the parking lot, however, without a site plan, Staff cannot determine how many spaces are actually provided.
Advertisement:	<u>The Wyandotte Echo</u> – March 14, 2024 Letters to Property Owner – March 15, 2024 and April 13, 2024
Public Hearings:	May 13, 2024 and May 30, 2024
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Myles McMillon, with Automotive Game Changers, has applied for a Special Use Permit to operate a used automotive dealership at 7609 Leavenworth Road. This property was operated as a used automotive dealership from 2000 to 2019. In 2019, a business license was issued by the Business Licensing Division for an automotive repair shop.

City Ordinance Requirements: 27-592 through 27-606

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. None

Building, Zoning, or Code Enforcement Complaints:

1. 2024 – Mattresses and tires stacked on the property (over six (6) feet in height).
2. 2021 – Lack of maintenance of the fence in the rear of the property.
3. 2020 – Damaged fence in the rear of the property.
4. 2009 – Stop Work Order – building occupied without a TCO or CO.
5. 2004 – Inoperable vehicles (dismantled cars), tires, trash and fence needs repaired.
6. 2002 - The property was cited for illegal, non-permitted inflatable signs.

Outstanding or Related Permits and Cases:

1. None

FACTORS TO BE CONSIDERED

1. *The Character of the Neighborhood.*

This property is within the Victory Hills Statistical Area. The character of the neighborhood is comprised of commercial businesses along these two (2) blocks of Leavenworth Road. On the edge of this area are single-family homes to the west, duplexes to the south and commercial businesses to the north and east.

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

The zoning and its uses are set out above. The proposed use is compatible with the surrounding commercial uses along the corridor as there are two (2) used automotive dealerships and repair shops to the west towards North 77th Street and northeast, across Leavenworth Road.

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 the uses, provided the site and outside storage are properly maintained, which has a history of not complying. Removing the restrictions will not detrimentally affect nearby property as this block of Leavenworth Road is commercial in nature.

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

This property has had various businesses and uses in the past; see the detailed outline of requested action in the proposal section for more information.

The business license expired in 2020, therefore there should not be any automotive related business currently operating at this property, however, based on Google Street View and aerial photography, there is clear evidence that an auto repair shop is operating without the necessary licenses and permits.

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

The PlanKCK Comprehensive Plan designates this property as Community Commercial, which allows medium-sized box stores with small-scale accessory commercial uses and small-scale commercial centers. While automobile-oriented commercial is allowed, buildings should be built up to the street to form a consistent street frontage with special consideration and prominence given to major block corners and transition to abutting residential uses. These areas should be designed to support multi-modal connectivity with sidewalks and street trees.

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 would not likely result in increasing the amount of vehicular traffic to the point where it exceeds the capacity of the street network to accommodate it as the site has previously operated as a used automotive dealership.

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. There is already an abundance of used car dealerships in the immediate vicinity and across the city. The proposed use could negatively affect the visual quality and marketability of adjoining property if not properly maintained, which again, has a long history for lack of compliance.

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, dust or illumination that would normally be associated with the proposed use is not likely to be a problem for nearby property. If automobiles are being serviced on-site, this could create an issue for nearby residential properties. Repair is not allowed and is not requested per this request for a Special Use Permit.

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

The proposed use will not create substantial air, land, or water pollution provided that all cars kept on site are in good repair and are not leaking fluids.

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 an existing building in a mostly built-out suburban area.

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

There is no gain to the public health, safety, or welfare that would result from the approval of this application. The individual landowner would not be able to operate a used car dealership if the application is denied but could use the property for various other commercial uses allowed in a CP-2 Planned General Business District.

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

The proposed use would not result in overcrowding of the land or cause undue concentrations of population as it is a commercial use. The parcel is very small and providing the required parking improvements and off-street parking could cause overcrowding of the land.

PREVIOUS ACTIONS

None

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting via Zoom on March 22, 2024. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Compliance with the Commercial Design Guidelines
Parking
Screening from residential uses

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 5 to 1 to recommend **DENIAL** of Special Use Permit Application SP2024-013, **due to the applicant being unresponsive.**

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **DENIAL** of Petition **SP2024-013** subject to all comments and suggestions outlined in this staff report, and the reasons listed by the City Planning Commission.

ATTACHMENTS

May 13, 2024, City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Applicant Response Letter
Neighborhood Meeting Minutes
Site Plan
Site Photograph provided by the Applicant dated February 2024.
Site Photographs taken by Staff dated March 14, 2024.

REVIEW OF INFORMATION AND SCHEDULE

Action	City Planning Commission	Unified Government Board of Commissioners
Public Hearing	May 13, 2024	May 30, 2024
Special Use	Denial	

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

MOTIONS

I move the Unified Government Board of Commissioners **DENY** Petition **SP2024-013**, 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 **SP2024-013** 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. _____.

May 13, 2024, City Planning Commission Minutes:

Hearing starts at 2:55:45:

SPECIAL USE PERMIT APPLICATION SP2024-013 – MYLES MCMILLON WITH THE AUTOMOTIVE GAME CHANGERS - SYNOPSIS: Special Use Permit to operate a used automotive sales lot at 7609 Leavenworth Road. Detailed Outline of Requested Action: The applicant, Myles McMillon, with Automotive Game Changers, has applied for a Special Use Permit to operate a used automotive dealership at 7609 Leavenworth Road. This property was operated as a used automotive dealership from 2000 to 2019. In 2019, a business license was issued by the Business Licensing Division for an automotive repair shop.

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 May 13, 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).

Recording Secretary Parker stated that this application was held over from last month's meeting as the applicant was not present.

Present in Support:

- No one appeared

Present in Opposition:

- No one appeared

Staff Recommendation starts at 2:57:22: Planning Director Hand stated that the request is for a Special Use Permit for an auto dealer and repair. This was a previous legal non-conforming auto repair shop. It did not renew the business within the two (2) years allowed by code to maintain a business license for a specific use without a Special Use Permit. As a result, it triggered the need for a Special Use Permit. The property is in the PlankCK Plan area in the Leavenworth Road neighborhood. Staff received no letters in support nor opposition. There is a history of Notices of Violation on this property related to this type of use being requested when it was non-conforming. Staff recommends approval for two (2) years subject to the conditions in the staff report.

Motion starts at 3:00:11:

On motion by Mr. Ward, seconded by Mr. Ernst, the Planning Commission voted as follows to recommend **DENIAL of Special Use Permit Application SP2024-013 due to the applicant being unresponsive:**

Carson	Chairman
Ward	Aye
Armstrong	Not Present
Beth	Aye
Easterwood	Aye
Ernst	Aye
Jones	Aye
Miller	No
Mohler	Not Present
Schwartz	Not Present
Straws	Not Present

Motion to recommend DENIAL Passed: 5 to 1

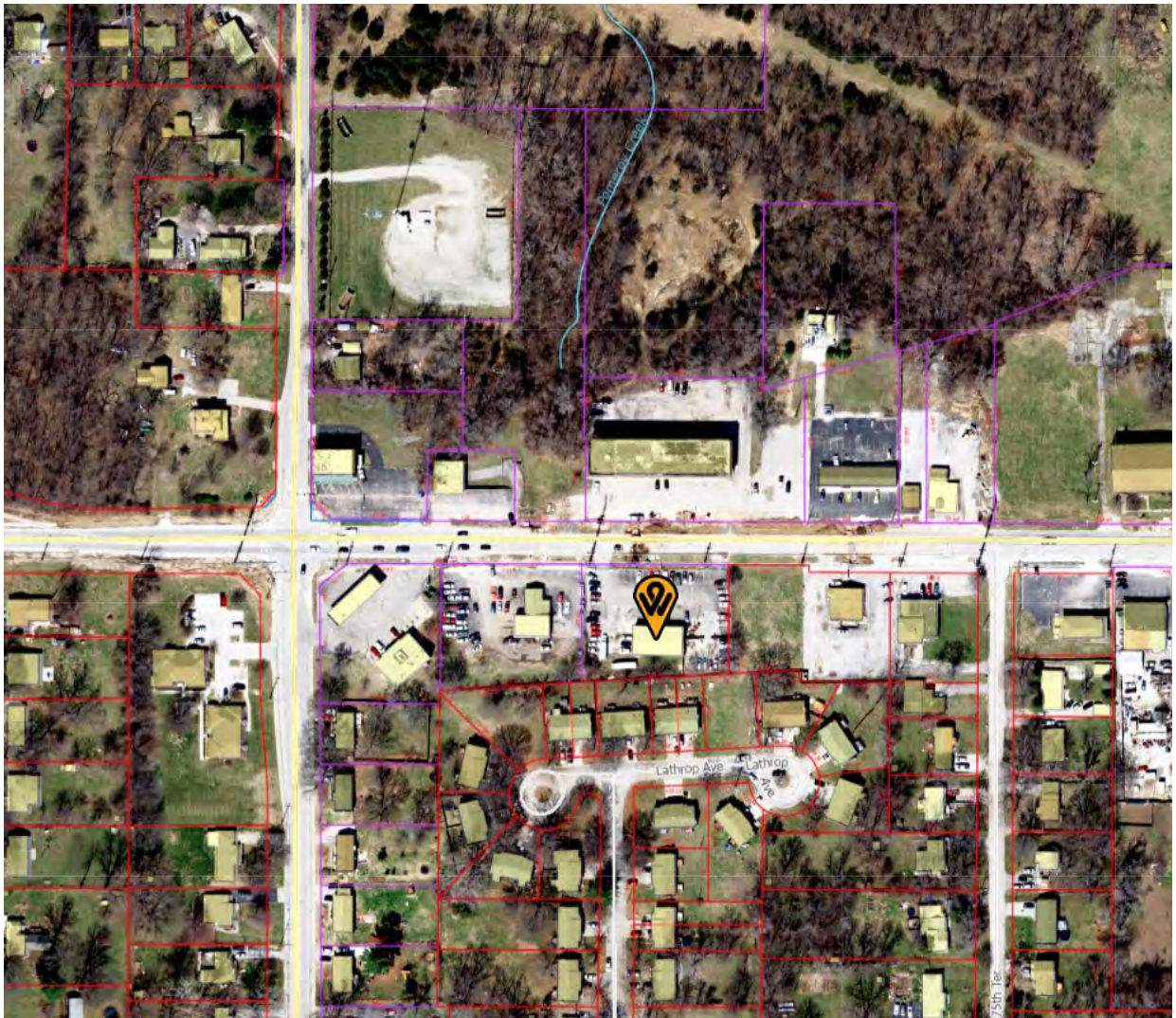


Figure 1. Aerial Map of 7609 Leavenworth Road (provided by UG Maps).



Figure 2. Zoning Map of 7609 Leavenworth Road (provided by UG Maps).

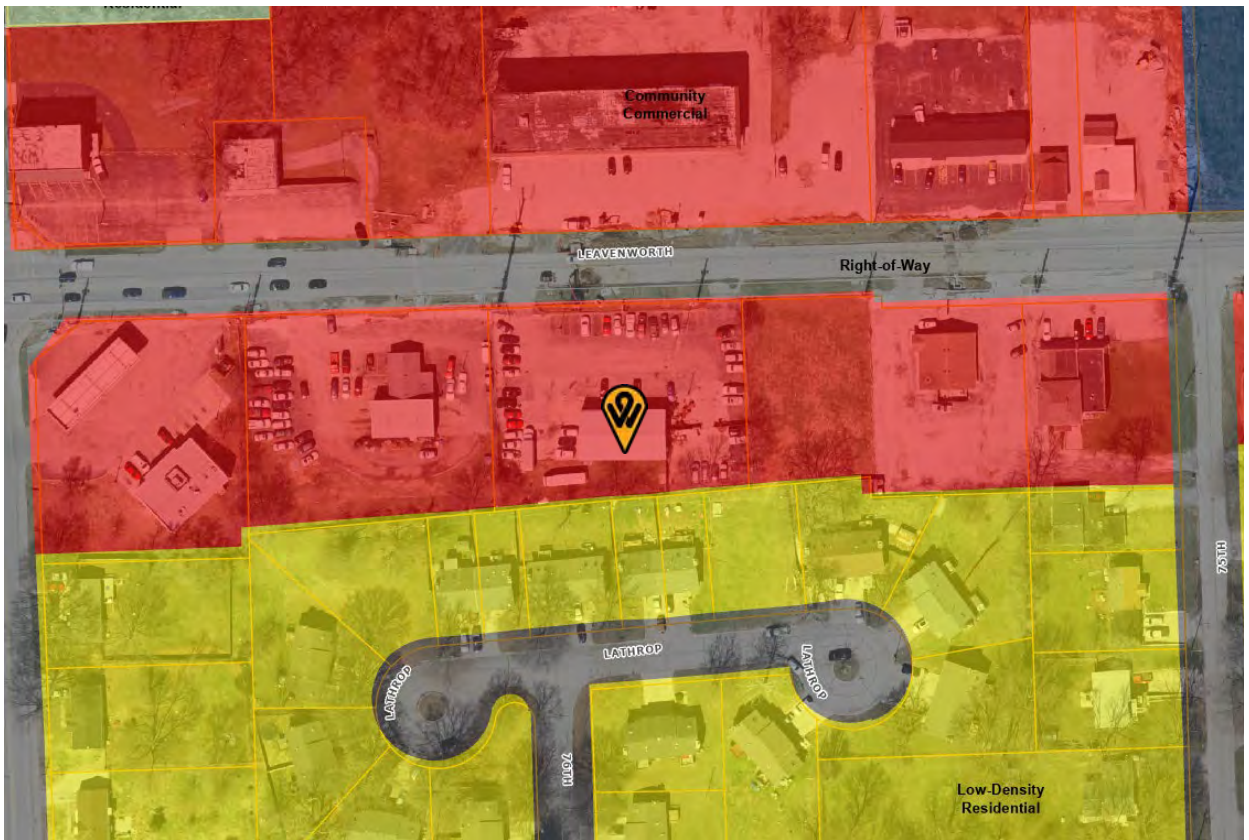


Figure 3. PlanKCK Comprehensive Plan Land Use Map for 7609 Leavenworth Road (provided by ArcMap).

STAFF COMMENTS AND SUGGESTIONS

Planning and Urban Design Comments:

1. There is not an active business license for an automotive repair business. Provide licensure for said business that has been operating in the building since 2023.
 - At the present time we are awaiting zoning to approve. And at that time we will be able to apply for dealer license, we are not opening a repair shop, we are opening a used car dealership at said location, the shop is used customer vehicles that needs repair.
2. Provide a dimensioned site plan depicting the building, customer parking and parking for vehicles that are for sale.
 - The revised site plan is Attached to email.
3. Per the Commercial Design Guidelines, the building shall have a four (4) foot wainscot wrap around the perimeter of the building. The wainscotting can be real or synthetic brick, stone or another masonry material.
 - This has been acknowledged by property owner aa ahh is in discussions with the manufacturer and builder to have this installed.
4. Will the overhead door on the north side of the building be used to store vehicles inside the building, which would open onto the parking lot for customer parking?
 - The overhead doors are there to pull cars into the garage to repair customer's cars.
5. Restripe the parking lot that clearly demarcates the customer parking from used automotive inventory. All vehicles on the property must be in a legal, striped parking stall.
 - This is acknowledged and will be completed.
6. Install a pedestrian path from the sidewalk on Leavenworth Road to the front door and the sidewalk at the northwest corner of the building.
 - This has been addressed with the property owner, and the property owner will address this with his building developer to have this installed.
7. Because there are no curbs, install wheel stops in front of each parking stall that is around the perimeter of the fence.
 - This has been addressed with the property owner, and the property owner will address this with his building developer to have this installed.
8. All light fixtures shall have 90-degree cutoff fixtures on them. This includes the wall pack lights on the façade, but also the light poles in the parking lot.
 - Acknowledged – these are things that we have already addressed with the property owner. And this will be completed.
9. How is trash being disposed of and cleanliness maintained?
 - Once approved for zoning and we move forward to moving completely into the building, I will use a company called for a 2 yard dumpster from Budget Dumpster rental.
10. To mitigate noise and screen the property from the duplexes in the rear, install two (2) inch caliper shade trees or six (6) foot tall junipers (evergreens) adjacent to the fence line behind the overflow parking in the southeast corner of the site.
 - This has been brought to the property owner's attention.

11. Maintain the fence along the rear property line, as this has been an ongoing issue with Property Maintenance Compliance Division in 2021 through 2024.
 - This has been brought to the property owners' attention and will be addressed.
12. Remove the monument sign along Leavenworth Road and obtain sign permits for signage on site.
 - As the new business that will be moving into the property, we would like to keep the monument for new business sign display.
13. Remove junk from the property and the RV from the grass.

This has been brought to the property owner's attention, and he will address the issue.
14. No inoperable vehicle allowed on site. Remove immediately from the property.
 - This has been brought to the property owner's attention, and he will address the issue.
15. Operable vehicles that are in a state of disrepair (to be repaired) must be screened from public view because a solid enclosure.
 - Acknowledged
16. If the property is sold, the associated Special Use Permit cannot be transferred.
 - Acknowledged
17. Per the Business License Division:
 - a. If approved, the applicant must file and maintain a current business occupation tax application with the Business Licensing Division. Their office is at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102. Their contact information is (913) 573-8780 or buseinsslicense@wycokck.org.
 - Acknowledged
18. 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.
 - Acknowledged
19. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit.
 - Acknowledged

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

- This is acknowledged, But to be clear in a previous phone conversation with Byron Toy (lead planner) Stated that we have up to a year to have these items completed.

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

- Acknowledged

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

- Acknowledged

22. Substantive action towards the completion of all conditions of approved 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.

SAMPLE MINUTES:

Application Number SP2024-013

Date and Location: _03/22/2024_____

Meeting called to order at: _03/22/2024 at 1:00 p.m. Via ZOOM

MEMBER ID: 81223795735

ACCESS CODE: Ra3LMs

Names of people in attendance:

Myles McMillon

Barry Idahosa

Clifton Frencher

Introductions:

Good morning, I am holding this meeting, because we are working towards obtaining our special use permit for our used car dealership at 7609 Leavenworth Road. Therefore the state of Kansas requires several things to complete in order for us to obtain the permit. With that said, would anyone that joined this meeting have any questions?

Questions and answers (include the following):

➤ No commits

Meeting adjourned at: 1:30 pm cst

Minutes taken by: Myles McMillon_____

AFFIDAVIT - NEIGHBORHOOD MEETING

STATE OF Missouri)
COUNTY OF Jackson) SS:

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

1. That I am the petitioner for Petition # SP2024-013
2. That I conducted a neighborhood meeting on 3-22-24
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.

[Signature]
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 25th day of March, 2024

My commission expires 01/30 of 2027, 202.



[Signature]
Notary Public

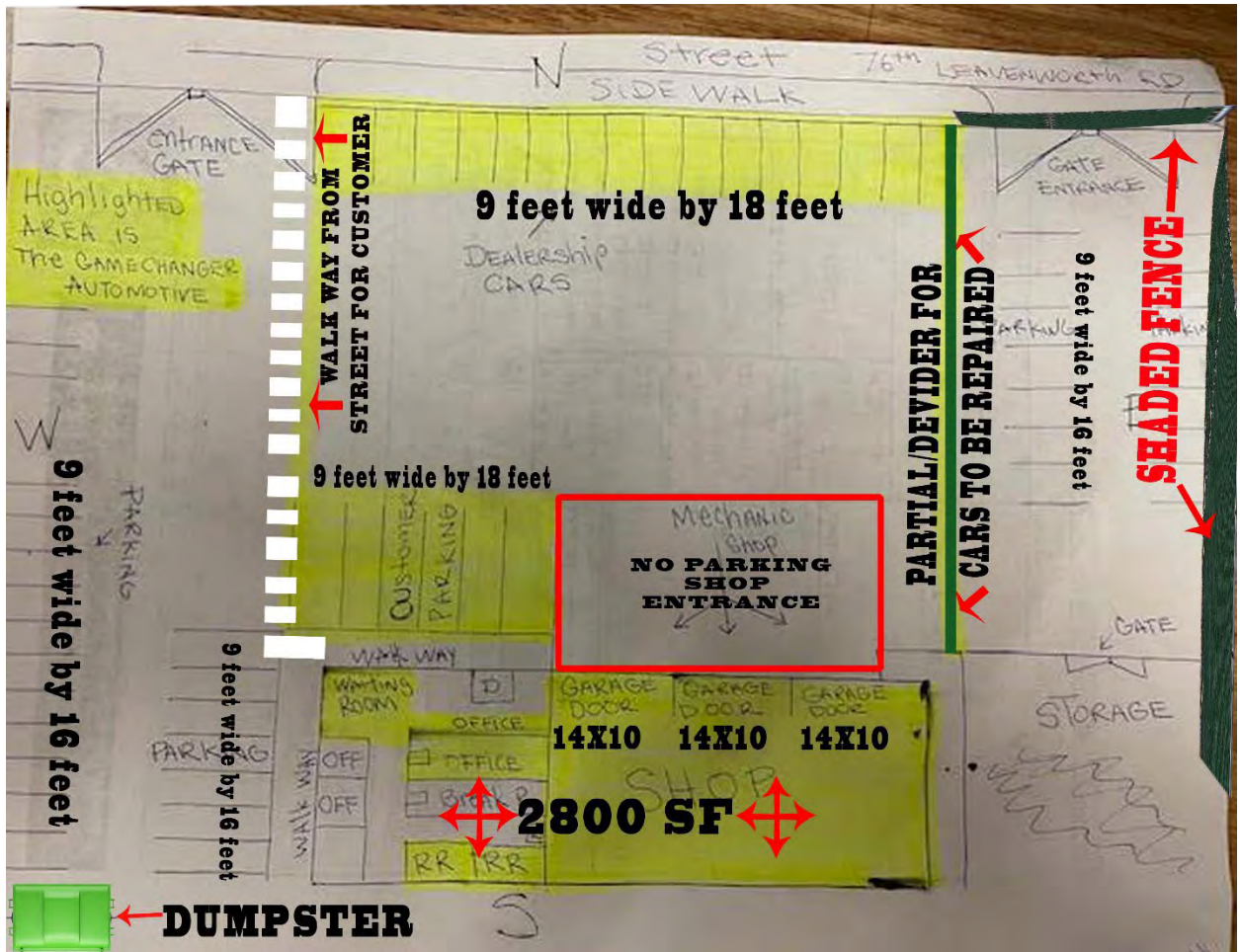


Figure 4. Site Photograph of 7609 Leavenworth Road looking southeast from Leavenworth Road (provided by Planning Staff).



Figure 5. Site Photograph of 7609 Leavenworth Road looking south from Leavenworth Road (provided by Planning Staff).



Figure 6. Site Photograph of 7609 Leavenworth Road looking southwest from Leavenworth Road (provided by Planning Staff).



Figure 7. Site Photograph of 7609 Leavenworth Road looking south from Leavenworth Road (provided by Planning Staff).



Report to

MEETING DATE	PRESENTER	DEPARTMENT
	Jeffrey Conway, Assistant Counsel jconway@wycokck.org x5075	Legal
AGENDA ITEM #		
RESOLUTION: Adoption of a resolution to adopt the Third Amendment to the Kaw River Bridge Cooperative and Development Agreement, submitted by Jeff Conway, Senior Counsel.		
BACKGROUND		
n/a		
RECOMMENDATION		
Approve To adopt the resolution.		
BUDGET IMPACTS / FINANCIAL CONSIDERATIONS		
n/a		
IT/POLICY CONSIDERATIONS		
n/a		
PROCUREMENT CONSIDERATIONS		
n/a		
LEGAL CONSIDERATIONS		
To adopt the resolution.		
ATTACHMENTS		
Resolution Approving Third Amendment to Kaw Bridge Development Agreement, Third Amendment to Kaw Bridge DA, Flying Truss Presentation (4-29-24 ED&F)		

Approved by Mayor and/or Chair and Administrator to add to agenda.

Handwritten signatures and dates:
 [Signature] 4/15/2024
 [Signature] 4/15/2024

RESOLUTION NO. R-____-24

**A RESOLUTION ADOPTING THE THIRD AMENDMENT TO KAW RIVER BRIDGE
COOPERATIVE AND DEVELOPMENT AGREEMENT.**

WHEREAS, the Unified Government of Wyandotte County/Kansas City, Kansas (the "UG") and Flying Truss, LLC, a Missouri limited liability company ("Developer"), entered into that certain Kaw River Bridge Cooperative and Development Agreement dated as of June 7, 2021, as amended by that certain First Amendment to Kaw River Bridge Cooperative and Development Agreement dated as of October 27, 2021, and that certain Second Amendment to Kaw River Bridge Cooperative and Development Agreement dated as of December 15, 2022 (collectively, as amended, the "Agreement"), whereby Developer proposed to rehabilitate the Rock Island Bridge by adding certain amenities including, but not limited to, public trails, commercial restaurants, retail, event spaces, and areas for non-profit corporations (as more particularly described in the Agreement, the "Project");

WHEREAS, the Agreement contemplates that certain Project costs will be funded in part by public incentives, including, among other things, the UG Contribution in the amount of \$2,000,000 (subject to modification as set forth in the Agreement);

WHEREAS, the UG and Developer agreed that the UG Contribution (plus Interest, as defined in the Agreement) would be reimbursed in full from Pay-Go CID Financing and Pay-Go TIF Financing (as these terms are defined in the Agreement), and Developer would only be able to access CID Proceeds to reimburse eligible Project costs after the UG Contribution (plus Interest) has been reimbursed in full;

WHEREAS, Developer has incurred certain unanticipated costs in connection with necessary repairs and strengthening improvements for the Bridge (the "Bridge-Strengthening Costs"), and Developer has requested the UG to prioritize reimbursement to Developer for such Bridge-Strengthening Costs from Pay-Go CID Financing and Pay-Go TIF Financing, before the UG reimburses itself for the UG Contribution (plus Interest); and

WHEREAS, the Governing Body has determined that it is advisable to enter into the Third Amendment to Kaw River Bridge Cooperative and Development Agreement, attached hereto as **Exhibit A** (the "Third Amendment"), with Developer.

**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 Third Amendment in substantially the form attached hereto.

Section 2. The Mayor is hereby authorized to execute in the name of the UG, the Third 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 _____, 2024.**

Tyrone Garner, Mayor/CEO

ATTEST:

Unified Government Clerk

(Seal)

EXHIBIT A

Third Amendment

[Attached on following pages.]

**THIRD AMENDMENT TO KAW RIVER BRIDGE COOPERATIVE AND DEVELOPMENT
AGREEMENT**

THIS THIRD AMENDMENT TO KAW RIVER BRIDGE COOPERATIVE AND DEVELOPMENT AGREEMENT (this "Third Amendment") is made and entered into as of _____, 2024 (the "Effective Date") by and between the UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS (the "UG") and FLYING TRUSS, LLC, a Kansas limited liability company ("Developer", and collectively with the UG, the "Parties").

RECITALS:

A. The Parties entered into that certain Kaw River Bridge Cooperative and Development Agreement dated as of June 7, 2021, as amended by that certain First Amendment to Kaw River Bridge Cooperative and Development Agreement dated as of October 27, 2021 and that certain Second Amendment to Kaw River Bridge Cooperative and Development Agreement dated as of December 15, 2022 (collectively, as amended, the "Development Agreement"), whereby Developer proposed to rehabilitate the Rock Island Bridge by adding certain amenities including, but not limited to, public trails, commercial restaurants and retail, event spaces and areas for non-profit corporations, all as set forth in the Development Agreement. Capitalized terms used in this Third Amendment but not otherwise defined herein shall have the meanings assigned to them in the Development Agreement.

B. The Development Agreement contemplates that the Project Costs will be funded in part by public incentives, including: (1) the UG Contribution in the amount of \$2,000,000; and (2) IRB financing for the limited purpose of providing an exemption on sales taxes for construction materials, labor, equipment and furnishings.

C. The Parties agreed that the UG Contribution, plus Interest, would be reimbursed in full to the UG from: (1) Pay-Go CID Financing with the CID Proceeds collected from the CID Sales Tax to be imposed within a CID that encompasses all of the Project Site; and (2) Pay-Go TIF Financing with the TIF Proceeds collected from Incremental Sales Tax and Incremental Real Property Tax within Project Area 4 (encompassing the Project Site) of the TIF District.

D. The Parties further agreed that Developer would have no access to the TIF Proceeds, but Developer may utilize any CID Proceeds that remain—*after* the UG has been fully reimbursed for the UG Contribution, plus Interest—to reimburse CID Eligible Expenses.

E. Developer has incurred certain unanticipated costs in the amount of \$485,820 in connection with necessary repairs and strengthening improvements for the Bridge (the "Bridge-Strengthening Costs"). Developer has requested the UG to prioritize reimbursement to Developer for the Bridge-Strengthening Costs from Pay-Go CID Financing and Pay-Go TIF Financing, *before* the UG reimburses itself for the UG Contribution, plus Interest.

F. The Parties recognize and agree that reimbursement of the Bridge-Strengthening Costs to Developer ahead of the UG Contribution (plus Interest) will benefit the Project, and the Parties desire to enter into this Third Amendment to provide for such reimbursement subject to the terms and conditions set forth herein.

AGREEMENT

NOW, THEREFORE, in consideration of the foregoing recitals and the mutual covenants and agreements herein contained, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereby agree as follows:

1. **Incorporation of Recitals.** The Parties understand and agree that the Recitals set forth above are hereby incorporated by reference as though more fully set forth herein.

2. **Amendment of Development Agreement.**

(a) **Modification of Section 4.3 (CID).** Notwithstanding anything set forth in Section 4.3 of the Development Agreement which is seemingly to the contrary, the Parties understand and agree that the CID Proceeds shall be disbursed first to reimburse Developer for the Bridge-Strengthening Costs, if and to the extent that (i) the Bridge-Strengthening Costs constitute CID Eligible Expenses; and (ii) the UG approves the Bridge-Strengthening Costs pursuant to Section 4.6 of the Development Agreement. Further, until such time as the Bridge-Strengthening Costs have been fully reimbursed to Developer, Developer shall not be required to pay to UG any shortfalls between the reimbursement to UG as set forth in the Amortization Schedule and CID Proceeds.

(b) **Modification of Section 4.4 (TIF District).** Notwithstanding anything set forth in Section 4.4 of the Development Agreement which is seemingly to the contrary, the Parties understand and agree that the TIF Proceeds shall be disbursed first to reimburse Developer for the Bridge-Strengthening Costs, if and to the extent that (i) the Bridge-Strengthening Costs constitute TIF Eligible Expenses; and (ii) the UG approves the Bridge-Strengthening Costs pursuant to Section 4.6 of the Development Agreement. The Parties further acknowledge and agree that Developer shall have no access to the TIF Proceeds to reimburse any Project Costs other than the Bridge-Strengthening Costs, and to that end, the third sentence of Section 4.4(a)(iv) shall be replaced with the following:

"Developer hereby acknowledges and agrees that, except for reimbursement of the Bridge-Strengthening Costs, Developer will otherwise have no access to the TIF Proceeds."

(c) **Modification of Exhibits.** The following exhibits to the Development Agreement shall be deleted in their entirety and replaced with the corresponding exhibits with the label "(Amended – 2024)" added to each as attached hereto:

(i) Exhibit H – Total Project Budget; and

(ii) Exhibit I – Amortization Schedule. The Parties acknowledge and agree that, after the Bridge-Strengthening Costs are fully reimbursed to Developer, the UG will review the Amortization Schedule and determine, in the UG's sole discretion, whether it will be necessary to further amend the Amortization Schedule. Any such amended Amortization Schedule shall be attached to the Development Agreement and fully incorporated therein.

3. **Miscellaneous.** In connection with this Third Amendment, the Parties hereby agree as follows:

A. Except as specifically modified by this Third Amendment, the Development Agreement shall be and remain in full force and effect in accordance with the terms thereof.

B. It is the intent of the Parties that the provisions of the Development Agreement, as modified by this Third Amendment, shall be enforced to the fullest extent permitted by applicable law. To the extent that the terms set forth in the Development Agreement, as modified by this Third 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 Development Agreement, as modified by this Third Amendment, enforceable and the balance of the Development Agreement shall not be affected thereby, the balance being construed as severable and independent.

C. The Parties declare and represent that no promises, inducements or agreements not herein expressed have been made; the Development Agreement, as modified by this Third Amendment, contain the entire agreement between the Parties; and the terms hereof are contractual and not mere recitals.

D. This Third Amendment shall be binding upon and inure to the benefit of the Parties, and their successors and permitted assigns.

E. This Third Amendment may be executed in counterparts.

F. This Third Amendment shall be construed in accordance with the laws of the State of Kansas.

[Remainder of page intentionally left blank; signature pages and exhibits follow.]

IN WITNESS WHEREOF, the Parties have executed these presents as of the day and year first above written.

DEVELOPER:

FLYING TRUSS, LLC, a Kansas limited liability company

By: _____
Michael Zeller, Manager

STATE OF _____)
) SS.
COUNTY OF _____)

This instrument was acknowledged before me on _____, 2024 by Michael Zeller, as Manager of Flying Truss, LLC, a Missouri limited liability company.

Printed Name: _____
Notary Public in and for said State
Commissioned in _____ County

My commission expires

EXHIBIT H (AMENDED – 2024)

TOTAL PROJECT BUDGET

Removal and Disposal of ties. Tracks stored at West Side	\$ 115,500.00
Address Deferred Maintenance in TranSystem Report	\$ 95,000.00
New Steel and Steel Deck Pan Deck. 2 Floors. Galvanized (260 Tons) - Bottom Deck Weathering Steel	\$ 2,529,910.00
Structure for Roofs	\$ 534,660.00
Rebar and Concrete	\$ 605,650.00
Two Stair Cases Installed	\$ 167,500.00
Fencing: Gates at both ends and wrap of bridge. Fencing around two Staircases on Bridge	\$ 83,500.00
Bring Sewage and Gas - Furnish and Install on Bridge - Permits and Hook up by others.	\$ 118,500.00
Bring Water - Furnish and Install on Bridge - Permits and Hook up by others	\$ 96,500.00
Staging and coordinated with Lane Construction, Includes Ramp Design, Installation and 408 Permit	\$ 352,000.00
Localized Led Paint Abatement at locations required	\$ 12,500.00
Stiffening Truss	\$ 232,500.00
Performance Bond	\$ 22,180.00
Roof Lifeline System	\$ 28,758.00
Additional Steel Repairs	\$ 5,889.10
Handrail	\$ 1,189,135.25
Plumbing, Gas & Fire Protection	\$ 2,438,217.68
Electrical	\$ 2,149,748.63
Galvanized EMT	(\$ 30,240.00)
Aluminum Wiring	(\$ 47,520.00)
Carpentry, Doors Drywall, Bars, IPE Railing	\$ 656,348.40
Canopy Extension	\$ 83,812.89
PR02 and PR03	\$ 104,572.66
Elevator	\$ 163,200.14
East Truss Bump Out PR04	\$ 54,949.97
HVAC United	\$ 339,832.58
Handrail Modification	(\$ 20,000.00)
ADA lift	\$ 52,589.84
Roofs and Insulation & Polycarbonate	\$ 1,439,359.04
Generator Expedite Fees	\$ 34,500.00
Stud Framing & Glass Mat Sheet	\$ 327,294.38
Specialties	\$ 92,428.97
Bathroom & Kitchen	\$ 493,380.47
Main Level & Event Lighting	\$ 323,770.51
Drop Curtains Panels and Door	\$ 121,687.30
Signage	\$ 46,772.95
Flashing, Plumbing and Electrical Upgrades	\$ 367,240.07
Security Fencing	\$ 129,605.93
Additional Electrical Panels	\$ 328,694.77

TOTAL CONSTRUCTION

\$ 15,839,929.53

LOAN AMORTIZATION SCHEDULE

Revised March 2024

LOAN SUMMARY

Loan Start Date	10/6/2021	Increased Loan Date #1	5/11/2023	Increased Loan Date #2	7/1/2023
Initial Loan Amount	\$ 75,000.00	Increased to Principal #1	\$ 1,925,000.00	Increased to Principal #2	\$ 471,678.80
Interest Through 5/11/2023	\$ 2,512.49	Interest Through 7/1/2023	\$ 8,088.91	Interest Through 12/31/2027	\$ 73,929.14

PAYMENT TERMS

Annual Interest Rate	2%	Number of Payments	240	Beginning Balance	\$ 2,702,884.54	Total Interest Paid	\$ 809,947.53
First Payment Date	1/1/2028	Final Payment Date	12/1/2047	Scheduled Payment	\$ 13,673.44	Total Paid	\$ 3,281,603.58

Payment No.	Payment Date	Beginning Balance	Scheduled Payment	Total Payment	Principal	Interest	Ending Balance	Cumulative Interest
0	10/6/2021	\$ 75,000.00	\$ -	\$ -	\$ -	\$ 98.36	\$ 75,098.36	\$ 98.36
0	11/1/2021	\$ 75,098.36	\$ -	\$ -	\$ -	\$ 125.16	\$ 75,223.52	\$ 223.52
0	12/1/2021	\$ 75,223.52	\$ -	\$ -	\$ -	\$ 125.37	\$ 75,348.90	\$ 348.90
0	1/1/2022	\$ 75,348.90	\$ -	\$ -	\$ -	\$ 125.58	\$ 75,474.48	\$ 474.48
0	2/1/2022	\$ 75,474.48	\$ -	\$ -	\$ -	\$ 125.79	\$ 75,600.27	\$ 600.27
0	3/1/2022	\$ 75,600.27	\$ -	\$ -	\$ -	\$ 126.00	\$ 75,726.27	\$ 726.27
0	4/1/2022	\$ 75,726.27	\$ -	\$ -	\$ -	\$ 126.21	\$ 75,852.48	\$ 852.48
0	5/1/2022	\$ 75,852.48	\$ -	\$ -	\$ -	\$ 126.42	\$ 75,978.90	\$ 978.90
0	6/1/2022	\$ 75,978.90	\$ -	\$ -	\$ -	\$ 126.63	\$ 76,105.53	\$ 1,105.53
0	7/1/2022	\$ 76,105.53	\$ -	\$ -	\$ -	\$ 126.84	\$ 76,232.38	\$ 1,232.38
0	8/1/2022	\$ 76,232.38	\$ -	\$ -	\$ -	\$ 127.05	\$ 76,359.43	\$ 1,359.43
0	9/1/2022	\$ 76,359.43	\$ -	\$ -	\$ -	\$ 127.27	\$ 76,486.69	\$ 1,486.69
0	10/1/2022	\$ 76,486.69	\$ -	\$ -	\$ -	\$ 127.48	\$ 76,614.17	\$ 1,614.17
0	11/1/2022	\$ 76,614.17	\$ -	\$ -	\$ -	\$ 127.69	\$ 76,741.86	\$ 1,741.86
0	12/1/2022	\$ 76,741.86	\$ -	\$ -	\$ -	\$ 127.90	\$ 76,869.77	\$ 1,869.77
0	1/1/2023	\$ 76,869.77	\$ -	\$ -	\$ -	\$ 128.12	\$ 76,997.88	\$ 1,997.88
0	2/1/2023	\$ 76,997.88	\$ -	\$ -	\$ -	\$ 128.33	\$ 77,126.21	\$ 2,126.21
0	3/1/2023	\$ 77,126.21	\$ -	\$ -	\$ -	\$ 128.54	\$ 77,254.76	\$ 2,254.76
0	4/1/2023	\$ 77,254.76	\$ -	\$ -	\$ -	\$ 128.76	\$ 77,383.51	\$ 2,383.51
0	5/1/2023	\$ 77,383.51	\$ -	\$ -	\$ -	\$ 128.97	\$ 77,512.49	\$ 2,512.49
0	5/11/2023	\$ 77,512.49	\$ -	\$ -	\$ -	\$ 46.59	\$ 77,559.08	\$ 2,559.08
0	5/31/2023	\$ 2,002,559.08	\$ -	\$ -	\$ -	\$ 2,188.59	\$ 2,004,747.67	\$ 4,747.67
0	6/1/2023	\$ 2,004,747.67	\$ -	\$ -	\$ -	\$ 3,341.25	\$ 2,008,088.91	\$ 8,088.91
0	7/1/2023	\$ 2,008,088.91	\$ -	\$ -	\$ -	\$ 3,346.81	\$ 2,011,435.73	\$ 11,435.73
0	8/1/2023	\$ 2,011,435.73	\$ -	\$ -	\$ -	\$ 3,352.39	\$ 2,014,788.12	\$ 14,788.12
0	9/1/2023	\$ 2,014,788.12	\$ -	\$ -	\$ -	\$ 3,357.98	\$ 2,018,146.10	\$ 18,146.10
0	10/1/2023	\$ 2,018,146.10	\$ -	\$ -	\$ -	\$ 3,363.58	\$ 2,021,509.68	\$ 21,509.68
0	11/1/2023	\$ 2,021,509.68	\$ -	\$ -	\$ -	\$ 3,369.18	\$ 2,024,878.86	\$ 24,878.86
0	12/1/2023	\$ 2,024,878.86	\$ -	\$ -	\$ -	\$ 3,374.80	\$ 2,028,253.66	\$ 28,253.66
0	1/1/2024	\$ 2,028,253.66	\$ -	\$ -	\$ -	\$ 3,380.42	\$ 2,031,634.08	\$ 31,634.08
0	2/1/2024	\$ 2,031,634.08	\$ -	\$ -	\$ -	\$ 3,386.06	\$ 2,035,020.14	\$ 35,020.14
0	3/1/2024	\$ 2,035,020.14	\$ -	\$ -	\$ -	\$ 3,391.70	\$ 2,038,411.84	\$ 38,411.84

EXHIBIT I (AMENDED – 2024) **AMORTIZATION SCHEDULE**

Payment No.	Payment Date	Beginning Balance	Scheduled Payment	Total Payment	Principal	Interest	Ending Balance	Cumulative Interest
0	4/1/2024	\$ 2,038,411.84	\$ -	\$ -	\$ -	\$ 3,397.35	\$ 2,041,809.19	\$ 41,809.19
0	5/1/2024	\$ 2,041,809.19	\$ -	\$ -	\$ -	\$ 3,403.02	\$ 2,045,212.21	\$ 45,212.21
0	6/1/2024	\$ 2,045,212.21	\$ -	\$ -	\$ -	\$ 3,408.69	\$ 2,048,620.89	\$ 48,620.89
0	7/1/2024	\$ 2,520,299.69	\$ -	\$ -	\$ -	\$ 4,200.50	\$ 2,524,500.19	\$ 52,821.39
0	8/1/2024	\$ 2,524,500.19	\$ -	\$ -	\$ -	\$ 4,207.50	\$ 2,528,707.69	\$ 57,028.89
0	9/1/2024	\$ 2,528,707.69	\$ -	\$ -	\$ -	\$ 4,214.51	\$ 2,532,922.21	\$ 61,243.41
0	10/1/2024	\$ 2,532,922.21	\$ -	\$ -	\$ -	\$ 4,221.54	\$ 2,537,143.74	\$ 65,464.94
0	11/1/2024	\$ 2,537,143.74	\$ -	\$ -	\$ -	\$ 4,228.57	\$ 2,541,372.32	\$ 69,693.52
0	12/1/2024	\$ 2,541,372.32	\$ -	\$ -	\$ -	\$ 4,235.62	\$ 2,545,607.94	\$ 73,929.14
0	1/1/2025	\$ 2,545,607.94	\$ -	\$ -	\$ -	\$ 4,242.68	\$ 2,549,850.62	\$ 78,171.82
0	2/1/2025	\$ 2,549,850.62	\$ -	\$ -	\$ -	\$ 4,249.75	\$ 2,554,100.37	\$ 82,421.57
0	3/1/2025	\$ 2,554,100.37	\$ -	\$ -	\$ -	\$ 4,256.83	\$ 2,558,357.20	\$ 86,678.40
0	4/1/2025	\$ 2,558,357.20	\$ -	\$ -	\$ -	\$ 4,263.93	\$ 2,562,621.13	\$ 90,942.33
0	5/1/2025	\$ 2,562,621.13	\$ -	\$ -	\$ -	\$ 4,271.04	\$ 2,566,892.17	\$ 95,213.37
0	6/1/2025	\$ 2,566,892.17	\$ -	\$ -	\$ -	\$ 4,278.15	\$ 2,571,170.32	\$ 99,491.52
0	7/1/2025	\$ 2,571,170.32	\$ -	\$ -	\$ -	\$ 4,285.28	\$ 2,575,455.60	\$ 103,776.80
0	8/1/2025	\$ 2,575,455.60	\$ -	\$ -	\$ -	\$ 4,292.43	\$ 2,579,748.03	\$ 108,069.23
0	9/1/2025	\$ 2,579,748.03	\$ -	\$ -	\$ -	\$ 4,299.58	\$ 2,584,047.61	\$ 112,368.81
0	10/1/2025	\$ 2,584,047.61	\$ -	\$ -	\$ -	\$ 4,306.75	\$ 2,588,354.36	\$ 116,675.56
0	11/1/2025	\$ 2,588,354.36	\$ -	\$ -	\$ -	\$ 4,313.92	\$ 2,592,668.28	\$ 120,989.48
0	12/1/2025	\$ 2,592,668.28	\$ -	\$ -	\$ -	\$ 4,321.11	\$ 2,596,989.39	\$ 125,310.59
0	1/1/2026	\$ 2,596,989.39	\$ -	\$ -	\$ -	\$ 4,328.32	\$ 2,601,317.71	\$ 129,638.91
0	2/1/2026	\$ 2,601,317.71	\$ -	\$ -	\$ -	\$ 4,335.53	\$ 2,605,653.24	\$ 133,974.44
0	3/1/2026	\$ 2,605,653.24	\$ -	\$ -	\$ -	\$ 4,342.76	\$ 2,609,995.99	\$ 138,317.19
0	4/1/2026	\$ 2,609,995.99	\$ -	\$ -	\$ -	\$ 4,349.99	\$ 2,614,345.99	\$ 142,667.19
0	5/1/2026	\$ 2,614,345.99	\$ -	\$ -	\$ -	\$ 4,357.24	\$ 2,618,703.23	\$ 147,024.43
0	6/1/2026	\$ 2,618,703.23	\$ -	\$ -	\$ -	\$ 4,364.51	\$ 2,623,067.74	\$ 151,388.94
0	7/1/2026	\$ 2,623,067.74	\$ -	\$ -	\$ -	\$ 4,371.78	\$ 2,627,439.52	\$ 155,760.72
0	8/1/2026	\$ 2,627,439.52	\$ -	\$ -	\$ -	\$ 4,379.07	\$ 2,631,818.58	\$ 160,139.78
0	9/1/2026	\$ 2,631,818.58	\$ -	\$ -	\$ -	\$ 4,386.36	\$ 2,636,204.95	\$ 164,526.15
0	10/1/2026	\$ 2,636,204.95	\$ -	\$ -	\$ -	\$ 4,393.67	\$ 2,640,598.62	\$ 168,919.82
0	11/1/2026	\$ 2,640,598.62	\$ -	\$ -	\$ -	\$ 4,401.00	\$ 2,644,999.62	\$ 173,320.82
0	12/1/2026	\$ 2,644,999.62	\$ -	\$ -	\$ -	\$ 4,408.33	\$ 2,649,407.95	\$ 177,729.15
0	1/1/2027	\$ 2,649,407.95	\$ -	\$ -	\$ -	\$ 4,415.68	\$ 2,653,823.63	\$ 182,144.83
0	2/1/2027	\$ 2,653,823.63	\$ -	\$ -	\$ -	\$ 4,423.04	\$ 2,658,246.67	\$ 186,567.87
0	3/1/2027	\$ 2,658,246.67	\$ -	\$ -	\$ -	\$ 4,430.41	\$ 2,662,677.08	\$ 190,998.28
0	4/1/2027	\$ 2,662,677.08	\$ -	\$ -	\$ -	\$ 4,437.80	\$ 2,667,114.88	\$ 195,436.08
0	5/1/2027	\$ 2,667,114.88	\$ -	\$ -	\$ -	\$ 4,445.19	\$ 2,671,560.07	\$ 199,881.27
0	6/1/2027	\$ 2,671,560.07	\$ -	\$ -	\$ -	\$ 4,452.60	\$ 2,676,012.67	\$ 204,333.87
0	7/1/2027	\$ 2,676,012.67	\$ -	\$ -	\$ -	\$ 4,460.02	\$ 2,680,472.69	\$ 208,793.89
0	8/1/2027	\$ 2,680,472.69	\$ -	\$ -	\$ -	\$ 4,467.45	\$ 2,684,940.14	\$ 213,261.34
0	9/1/2027	\$ 2,684,940.14	\$ -	\$ -	\$ -	\$ 4,474.90	\$ 2,689,415.04	\$ 217,736.24
0	10/1/2027	\$ 2,689,415.04	\$ -	\$ -	\$ -	\$ 4,482.36	\$ 2,693,897.40	\$ 222,218.60
0	11/1/2027	\$ 2,693,897.40	\$ -	\$ -	\$ -	\$ 4,489.83	\$ 2,698,387.23	\$ 226,708.43
0	12/1/2027	\$ 2,698,387.23	\$ -	\$ -	\$ -	\$ 4,497.31	\$ 2,702,884.54	\$ 231,205.74
1	1/1/2028	\$ 2,702,884.54	\$ 13,673.44	\$ 13,673.44	\$ 9,168.63	\$ 4,504.81	\$ 2,693,715.91	\$ 235,710.55
2	2/1/2028	\$ 2,693,715.91	\$ 13,673.44	\$ 13,673.44	\$ 9,183.91	\$ 4,489.53	\$ 2,684,532.00	\$ 240,200.08

Payment No.	Payment Date	Beginning Balance	Scheduled Payment	Total Payment	Principal	Interest	Ending Balance	Cumulative Interest
3	3/1/2028	\$ 2,684,532.00	\$ 13,673.44	\$ 13,673.44	\$ 13,673.44	\$ 9,199.22	\$ 2,675,332.78	\$ 244,674.30
4	4/1/2028	\$ 2,675,332.78	\$ 13,673.44	\$ 13,673.44	\$ 13,673.44	\$ 9,214.55	\$ 2,666,118.23	\$ 249,133.19
5	5/1/2028	\$ 2,666,118.23	\$ 13,673.44	\$ 13,673.44	\$ 13,673.44	\$ 9,229.91	\$ 2,656,888.32	\$ 253,576.72
6	6/1/2028	\$ 2,656,888.32	\$ 13,673.44	\$ 13,673.44	\$ 13,673.44	\$ 9,245.29	\$ 2,647,643.02	\$ 258,004.86
7	7/1/2028	\$ 2,647,643.02	\$ 13,673.44	\$ 13,673.44	\$ 13,673.44	\$ 9,260.70	\$ 2,638,382.32	\$ 262,417.60
8	8/1/2028	\$ 2,638,382.32	\$ 13,673.44	\$ 13,673.44	\$ 13,673.44	\$ 9,276.14	\$ 2,629,106.19	\$ 266,814.91
9	9/1/2028	\$ 2,629,106.19	\$ 13,673.44	\$ 13,673.44	\$ 13,673.44	\$ 9,291.60	\$ 2,619,814.59	\$ 271,196.75
10	10/1/2028	\$ 2,619,814.59	\$ 13,673.44	\$ 13,673.44	\$ 13,673.44	\$ 9,307.08	\$ 2,610,507.51	\$ 275,563.11
11	11/1/2028	\$ 2,610,507.51	\$ 13,673.44	\$ 13,673.44	\$ 13,673.44	\$ 9,322.59	\$ 2,601,184.91	\$ 279,913.95
12	12/1/2028	\$ 2,601,184.91	\$ 13,673.44	\$ 13,673.44	\$ 13,673.44	\$ 9,338.13	\$ 2,591,846.78	\$ 284,249.26
13	1/1/2029	\$ 2,591,846.78	\$ 13,673.44	\$ 13,673.44	\$ 13,673.44	\$ 9,353.70	\$ 2,582,493.09	\$ 288,569.01
14	2/1/2029	\$ 2,582,493.09	\$ 13,673.44	\$ 13,673.44	\$ 13,673.44	\$ 9,369.28	\$ 2,573,123.80	\$ 292,873.16
15	3/1/2029	\$ 2,573,123.80	\$ 13,673.44	\$ 13,673.44	\$ 13,673.44	\$ 9,384.90	\$ 2,563,738.90	\$ 297,161.70
16	4/1/2029	\$ 2,563,738.90	\$ 13,673.44	\$ 13,673.44	\$ 13,673.44	\$ 9,400.54	\$ 2,554,338.36	\$ 301,434.60
17	5/1/2029	\$ 2,554,338.36	\$ 13,673.44	\$ 13,673.44	\$ 13,673.44	\$ 9,416.21	\$ 2,544,922.15	\$ 305,691.83
18	6/1/2029	\$ 2,544,922.15	\$ 13,673.44	\$ 13,673.44	\$ 13,673.44	\$ 9,431.90	\$ 2,535,490.25	\$ 309,933.37
19	7/1/2029	\$ 2,535,490.25	\$ 13,673.44	\$ 13,673.44	\$ 13,673.44	\$ 9,447.62	\$ 2,526,042.62	\$ 314,159.18
20	8/1/2029	\$ 2,526,042.62	\$ 13,673.44	\$ 13,673.44	\$ 13,673.44	\$ 9,463.37	\$ 2,516,579.25	\$ 318,369.25
21	9/1/2029	\$ 2,516,579.25	\$ 13,673.44	\$ 13,673.44	\$ 13,673.44	\$ 9,479.14	\$ 2,507,100.11	\$ 322,563.55
22	10/1/2029	\$ 2,507,100.11	\$ 13,673.44	\$ 13,673.44	\$ 13,673.44	\$ 9,494.94	\$ 2,497,605.17	\$ 326,742.05
23	11/1/2029	\$ 2,497,605.17	\$ 13,673.44	\$ 13,673.44	\$ 13,673.44	\$ 9,510.76	\$ 2,488,094.41	\$ 330,904.73
24	12/1/2029	\$ 2,488,094.41	\$ 13,673.44	\$ 13,673.44	\$ 13,673.44	\$ 9,526.62	\$ 2,478,567.79	\$ 335,051.55
25	1/1/2030	\$ 2,478,567.79	\$ 13,673.44	\$ 13,673.44	\$ 13,673.44	\$ 9,542.49	\$ 2,469,025.30	\$ 339,182.50
26	2/1/2030	\$ 2,469,025.30	\$ 13,673.44	\$ 13,673.44	\$ 13,673.44	\$ 9,558.40	\$ 2,459,466.90	\$ 343,297.54
27	3/1/2030	\$ 2,459,466.90	\$ 13,673.44	\$ 13,673.44	\$ 13,673.44	\$ 9,574.33	\$ 2,449,892.57	\$ 347,396.65
28	4/1/2030	\$ 2,449,892.57	\$ 13,673.44	\$ 13,673.44	\$ 13,673.44	\$ 9,590.29	\$ 2,440,302.29	\$ 351,479.81
29	5/1/2030	\$ 2,440,302.29	\$ 13,673.44	\$ 13,673.44	\$ 13,673.44	\$ 9,606.27	\$ 2,430,696.02	\$ 355,546.98
30	6/1/2030	\$ 2,430,696.02	\$ 13,673.44	\$ 13,673.44	\$ 13,673.44	\$ 9,622.28	\$ 2,421,073.74	\$ 359,598.14
31	7/1/2030	\$ 2,421,073.74	\$ 13,673.44	\$ 13,673.44	\$ 13,673.44	\$ 9,638.32	\$ 2,411,435.42	\$ 363,633.26
32	8/1/2030	\$ 2,411,435.42	\$ 13,673.44	\$ 13,673.44	\$ 13,673.44	\$ 9,654.38	\$ 2,401,781.04	\$ 367,652.32
33	9/1/2030	\$ 2,401,781.04	\$ 13,673.44	\$ 13,673.44	\$ 13,673.44	\$ 9,670.47	\$ 2,392,110.57	\$ 371,655.29
34	10/1/2030	\$ 2,392,110.57	\$ 13,673.44	\$ 13,673.44	\$ 13,673.44	\$ 9,686.59	\$ 2,382,423.98	\$ 375,642.14
35	11/1/2030	\$ 2,382,423.98	\$ 13,673.44	\$ 13,673.44	\$ 13,673.44	\$ 9,702.73	\$ 2,372,721.25	\$ 379,612.85
36	12/1/2030	\$ 2,372,721.25	\$ 13,673.44	\$ 13,673.44	\$ 13,673.44	\$ 9,718.90	\$ 2,363,002.34	\$ 383,567.38
37	1/1/2031	\$ 2,363,002.34	\$ 13,673.44	\$ 13,673.44	\$ 13,673.44	\$ 9,735.10	\$ 2,353,267.24	\$ 387,505.72
38	2/1/2031	\$ 2,353,267.24	\$ 13,673.44	\$ 13,673.44	\$ 13,673.44	\$ 9,751.33	\$ 2,343,515.91	\$ 391,427.83
39	3/1/2031	\$ 2,343,515.91	\$ 13,673.44	\$ 13,673.44	\$ 13,673.44	\$ 9,767.58	\$ 2,333,748.33	\$ 395,333.69
40	4/1/2031	\$ 2,333,748.33	\$ 13,673.44	\$ 13,673.44	\$ 13,673.44	\$ 9,783.86	\$ 2,323,964.47	\$ 399,223.27
41	5/1/2031	\$ 2,323,964.47	\$ 13,673.44	\$ 13,673.44	\$ 13,673.44	\$ 9,800.17	\$ 2,314,164.30	\$ 403,096.54
42	6/1/2031	\$ 2,314,164.30	\$ 13,673.44	\$ 13,673.44	\$ 13,673.44	\$ 9,816.50	\$ 2,304,347.80	\$ 406,953.48
43	7/1/2031	\$ 2,304,347.80	\$ 13,673.44	\$ 13,673.44	\$ 13,673.44	\$ 9,832.86	\$ 2,294,514.94	\$ 410,794.06
44	8/1/2031	\$ 2,294,514.94	\$ 13,673.44	\$ 13,673.44	\$ 13,673.44	\$ 9,849.25	\$ 2,284,665.70	\$ 414,618.26
45	9/1/2031	\$ 2,284,665.70	\$ 13,673.44	\$ 13,673.44	\$ 13,673.44	\$ 9,865.66	\$ 2,274,800.03	\$ 418,426.03
46	10/1/2031	\$ 2,274,800.03	\$ 13,673.44	\$ 13,673.44	\$ 13,673.44	\$ 9,882.11	\$ 2,264,917.93	\$ 422,217.37
47	11/1/2031	\$ 2,264,917.93	\$ 13,673.44	\$ 13,673.44	\$ 13,673.44	\$ 9,898.58	\$ 2,255,019.35	\$ 425,992.23
48	12/1/2031	\$ 2,255,019.35	\$ 13,673.44	\$ 13,673.44	\$ 13,673.44	\$ 9,915.07	\$ 2,245,104.27	\$ 429,750.59
49	1/1/2032	\$ 2,245,104.27	\$ 13,673.44	\$ 13,673.44	\$ 13,673.44	\$ 9,931.60	\$ 2,235,172.67	\$ 433,492.43

Payment No.	Payment Date	Beginning Balance	Scheduled Payment	Total Payment	Principal	Interest	Ending Balance	Cumulative Interest
50	2/1/2032	\$ 2,235,172.67	\$ 13,673.44	\$ 13,673.44	\$ 9,948.15	\$ 3,725.29	\$ 2,225,224.52	\$ 437,217.72
51	3/1/2032	\$ 2,225,224.52	\$ 13,673.44	\$ 13,673.44	\$ 9,964.73	\$ 3,708.71	\$ 2,215,259.79	\$ 440,926.43
52	4/1/2032	\$ 2,215,259.79	\$ 13,673.44	\$ 13,673.44	\$ 9,981.34	\$ 3,692.10	\$ 2,205,278.45	\$ 444,618.53
53	5/1/2032	\$ 2,205,278.45	\$ 13,673.44	\$ 13,673.44	\$ 9,997.98	\$ 3,675.46	\$ 2,195,280.47	\$ 448,293.99
54	6/1/2032	\$ 2,195,280.47	\$ 13,673.44	\$ 13,673.44	\$ 10,014.64	\$ 3,658.80	\$ 2,185,265.83	\$ 451,952.79
55	7/1/2032	\$ 2,185,265.83	\$ 13,673.44	\$ 13,673.44	\$ 10,031.33	\$ 3,642.11	\$ 2,175,234.50	\$ 455,594.90
56	8/1/2032	\$ 2,175,234.50	\$ 13,673.44	\$ 13,673.44	\$ 10,048.05	\$ 3,625.39	\$ 2,165,186.46	\$ 459,220.30
57	9/1/2032	\$ 2,165,186.46	\$ 13,673.44	\$ 13,673.44	\$ 10,064.80	\$ 3,608.64	\$ 2,155,121.66	\$ 462,828.94
58	10/1/2032	\$ 2,155,121.66	\$ 13,673.44	\$ 13,673.44	\$ 10,081.57	\$ 3,591.87	\$ 2,145,040.09	\$ 466,470.81
59	11/1/2032	\$ 2,145,040.09	\$ 13,673.44	\$ 13,673.44	\$ 10,098.37	\$ 3,575.07	\$ 2,134,941.72	\$ 469,995.88
60	12/1/2032	\$ 2,134,941.72	\$ 13,673.44	\$ 13,673.44	\$ 10,115.20	\$ 3,558.24	\$ 2,124,826.51	\$ 473,554.11
61	1/1/2033	\$ 2,124,826.51	\$ 13,673.44	\$ 13,673.44	\$ 10,132.06	\$ 3,541.38	\$ 2,114,694.45	\$ 477,095.49
62	2/1/2033	\$ 2,114,694.45	\$ 13,673.44	\$ 13,673.44	\$ 10,148.95	\$ 3,524.49	\$ 2,104,545.50	\$ 480,619.98
63	3/1/2033	\$ 2,104,545.50	\$ 13,673.44	\$ 13,673.44	\$ 10,165.86	\$ 3,507.58	\$ 2,094,379.64	\$ 484,127.56
64	4/1/2033	\$ 2,094,379.64	\$ 13,673.44	\$ 13,673.44	\$ 10,182.81	\$ 3,490.63	\$ 2,084,196.83	\$ 487,618.19
65	5/1/2033	\$ 2,084,196.83	\$ 13,673.44	\$ 13,673.44	\$ 10,199.78	\$ 3,473.66	\$ 2,073,997.05	\$ 491,091.85
66	6/1/2033	\$ 2,073,997.05	\$ 13,673.44	\$ 13,673.44	\$ 10,216.78	\$ 3,456.66	\$ 2,063,780.27	\$ 494,548.51
67	7/1/2033	\$ 2,063,780.27	\$ 13,673.44	\$ 13,673.44	\$ 10,233.81	\$ 3,439.63	\$ 2,053,546.47	\$ 497,988.15
68	8/1/2033	\$ 2,053,546.47	\$ 13,673.44	\$ 13,673.44	\$ 10,250.86	\$ 3,422.58	\$ 2,043,295.60	\$ 501,410.72
69	9/1/2033	\$ 2,043,295.60	\$ 13,673.44	\$ 13,673.44	\$ 10,267.95	\$ 3,405.49	\$ 2,033,027.66	\$ 504,816.22
70	10/1/2033	\$ 2,033,027.66	\$ 13,673.44	\$ 13,673.44	\$ 10,285.06	\$ 3,388.38	\$ 2,022,742.60	\$ 508,204.60
71	11/1/2033	\$ 2,022,742.60	\$ 13,673.44	\$ 13,673.44	\$ 10,302.20	\$ 3,371.24	\$ 2,012,440.39	\$ 511,575.83
72	12/1/2033	\$ 2,012,440.39	\$ 13,673.44	\$ 13,673.44	\$ 10,319.37	\$ 3,354.07	\$ 2,002,121.02	\$ 514,929.90
73	1/1/2034	\$ 2,002,121.02	\$ 13,673.44	\$ 13,673.44	\$ 10,336.57	\$ 3,336.87	\$ 1,991,784.45	\$ 518,266.77
74	2/1/2034	\$ 1,991,784.45	\$ 13,673.44	\$ 13,673.44	\$ 10,353.80	\$ 3,319.64	\$ 1,981,430.65	\$ 521,586.41
75	3/1/2034	\$ 1,981,430.65	\$ 13,673.44	\$ 13,673.44	\$ 10,371.06	\$ 3,302.38	\$ 1,971,059.59	\$ 524,888.79
76	4/1/2034	\$ 1,971,059.59	\$ 13,673.44	\$ 13,673.44	\$ 10,388.34	\$ 3,285.10	\$ 1,960,671.25	\$ 528,173.89
77	5/1/2034	\$ 1,960,671.25	\$ 13,673.44	\$ 13,673.44	\$ 10,405.65	\$ 3,267.79	\$ 1,950,265.60	\$ 531,441.68
78	6/1/2034	\$ 1,950,265.60	\$ 13,673.44	\$ 13,673.44	\$ 10,423.00	\$ 3,250.44	\$ 1,939,842.60	\$ 534,692.12
79	7/1/2034	\$ 1,939,842.60	\$ 13,673.44	\$ 13,673.44	\$ 10,440.37	\$ 3,233.07	\$ 1,929,402.23	\$ 537,925.19
80	8/1/2034	\$ 1,929,402.23	\$ 13,673.44	\$ 13,673.44	\$ 10,457.77	\$ 3,215.67	\$ 1,918,944.46	\$ 541,140.86
81	9/1/2034	\$ 1,918,944.46	\$ 13,673.44	\$ 13,673.44	\$ 10,475.20	\$ 3,198.24	\$ 1,908,469.26	\$ 544,339.10
82	10/1/2034	\$ 1,908,469.26	\$ 13,673.44	\$ 13,673.44	\$ 10,492.66	\$ 3,180.78	\$ 1,897,976.61	\$ 547,519.89
83	11/1/2034	\$ 1,897,976.61	\$ 13,673.44	\$ 13,673.44	\$ 10,510.15	\$ 3,163.29	\$ 1,887,466.46	\$ 550,683.18
84	12/1/2034	\$ 1,887,466.46	\$ 13,673.44	\$ 13,673.44	\$ 10,527.66	\$ 3,145.78	\$ 1,876,938.80	\$ 553,828.96
85	1/1/2035	\$ 1,876,938.80	\$ 13,673.44	\$ 13,673.44	\$ 10,545.21	\$ 3,128.23	\$ 1,866,393.59	\$ 556,957.19
86	2/1/2035	\$ 1,866,393.59	\$ 13,673.44	\$ 13,673.44	\$ 10,562.78	\$ 3,110.66	\$ 1,855,830.80	\$ 560,067.84
87	3/1/2035	\$ 1,855,830.80	\$ 13,673.44	\$ 13,673.44	\$ 10,580.39	\$ 3,093.05	\$ 1,845,250.42	\$ 563,160.90
88	4/1/2035	\$ 1,845,250.42	\$ 13,673.44	\$ 13,673.44	\$ 10,598.02	\$ 3,075.42	\$ 1,834,652.39	\$ 566,236.31
89	5/1/2035	\$ 1,834,652.39	\$ 13,673.44	\$ 13,673.44	\$ 10,615.69	\$ 3,057.75	\$ 1,824,036.71	\$ 569,294.07
90	6/1/2035	\$ 1,824,036.71	\$ 13,673.44	\$ 13,673.44	\$ 10,633.38	\$ 3,040.06	\$ 1,813,403.33	\$ 572,334.13
91	7/1/2035	\$ 1,813,403.33	\$ 13,673.44	\$ 13,673.44	\$ 10,651.10	\$ 3,022.34	\$ 1,802,752.23	\$ 575,356.47
92	8/1/2035	\$ 1,802,752.23	\$ 13,673.44	\$ 13,673.44	\$ 10,668.85	\$ 3,004.59	\$ 1,792,083.37	\$ 578,361.05
93	9/1/2035	\$ 1,792,083.37	\$ 13,673.44	\$ 13,673.44	\$ 10,686.63	\$ 2,986.81	\$ 1,781,396.74	\$ 581,347.86
94	10/1/2035	\$ 1,781,396.74	\$ 13,673.44	\$ 13,673.44	\$ 10,704.45	\$ 2,968.99	\$ 1,770,692.29	\$ 584,316.85
95	11/1/2035	\$ 1,770,692.29	\$ 13,673.44	\$ 13,673.44	\$ 10,722.29	\$ 2,951.15	\$ 1,759,970.01	\$ 587,268.01
96	12/1/2035	\$ 1,759,970.01	\$ 13,673.44	\$ 13,673.44	\$ 10,740.16	\$ 2,933.28	\$ 1,749,229.85	\$ 590,201.29

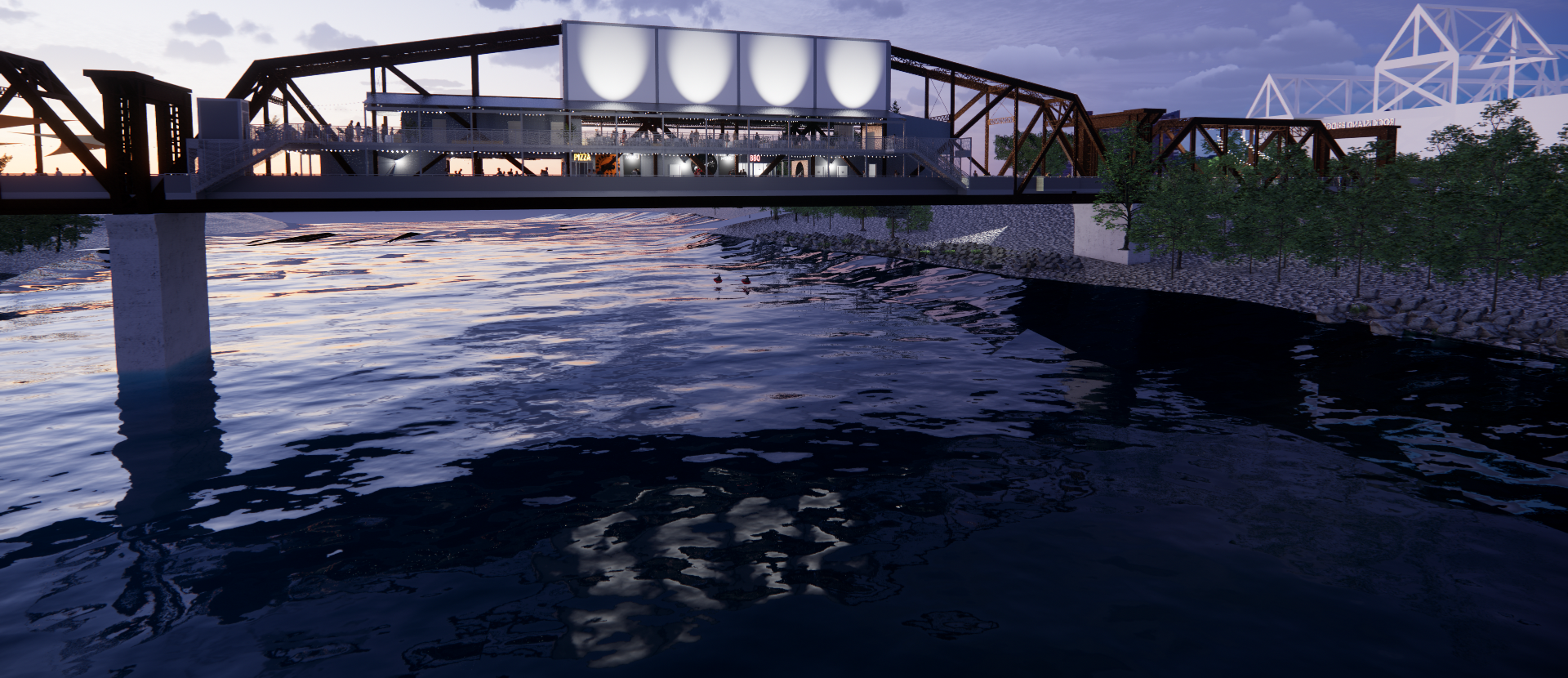
Payment No.	Payment Date	Beginning Balance	Scheduled Payment	Total Payment	Principal	Interest	Ending Balance	Cumulative Interest
97	1/1/2036	\$ 1,749,229.85	\$ 13,673.44	\$ 13,673.44	\$	\$ 2,915.38	\$ 1,738,471.79	\$ 593,116.67
98	2/1/2036	\$ 1,738,471.79	\$ 13,673.44	\$ 13,673.44	\$	\$ 2,897.45	\$ 1,727,695.81	\$ 596,014.13
99	3/1/2036	\$ 1,727,695.81	\$ 13,673.44	\$ 13,673.44	\$	\$ 2,879.49	\$ 1,716,901.86	\$ 598,893.62
100	4/1/2036	\$ 1,716,901.86	\$ 13,673.44	\$ 13,673.44	\$	\$ 2,861.50	\$ 1,706,089.92	\$ 601,755.12
101	5/1/2036	\$ 1,706,089.92	\$ 13,673.44	\$ 13,673.44	\$	\$ 2,843.48	\$ 1,695,259.97	\$ 604,598.61
102	6/1/2036	\$ 1,695,259.97	\$ 13,673.44	\$ 13,673.44	\$	\$ 2,825.43	\$ 1,684,411.96	\$ 607,424.04
103	7/1/2036	\$ 1,684,411.96	\$ 13,673.44	\$ 13,673.44	\$	\$ 2,807.35	\$ 1,673,545.87	\$ 610,231.39
104	8/1/2036	\$ 1,673,545.87	\$ 13,673.44	\$ 13,673.44	\$	\$ 2,789.24	\$ 1,662,661.68	\$ 613,020.64
105	9/1/2036	\$ 1,662,661.68	\$ 13,673.44	\$ 13,673.44	\$	\$ 2,771.10	\$ 1,651,799.34	\$ 615,791.74
106	10/1/2036	\$ 1,651,799.34	\$ 13,673.44	\$ 13,673.44	\$	\$ 2,752.93	\$ 1,640,838.83	\$ 618,544.67
107	11/1/2036	\$ 1,640,838.83	\$ 13,673.44	\$ 13,673.44	\$	\$ 2,734.73	\$ 1,629,900.12	\$ 621,279.40
108	12/1/2036	\$ 1,629,900.12	\$ 13,673.44	\$ 13,673.44	\$	\$ 2,716.50	\$ 1,618,943.18	\$ 623,995.90
109	1/1/2037	\$ 1,618,943.18	\$ 13,673.44	\$ 13,673.44	\$	\$ 2,698.24	\$ 1,607,967.98	\$ 626,694.14
110	2/1/2037	\$ 1,607,967.98	\$ 13,673.44	\$ 13,673.44	\$	\$ 2,679.95	\$ 1,596,974.49	\$ 629,374.09
111	3/1/2037	\$ 1,596,974.49	\$ 13,673.44	\$ 13,673.44	\$	\$ 2,661.62	\$ 1,585,962.67	\$ 632,035.71
112	4/1/2037	\$ 1,585,962.67	\$ 13,673.44	\$ 13,673.44	\$	\$ 2,643.27	\$ 1,574,932.50	\$ 634,678.98
113	5/1/2037	\$ 1,574,932.50	\$ 13,673.44	\$ 13,673.44	\$	\$ 2,626.47	\$ 1,563,883.95	\$ 637,303.87
114	6/1/2037	\$ 1,563,883.95	\$ 13,673.44	\$ 13,673.44	\$	\$ 2,606.47	\$ 1,552,816.98	\$ 639,910.34
115	7/1/2037	\$ 1,552,816.98	\$ 13,673.44	\$ 13,673.44	\$	\$ 2,588.03	\$ 1,541,731.57	\$ 642,498.37
116	8/1/2037	\$ 1,541,731.57	\$ 13,673.44	\$ 13,673.44	\$	\$ 2,569.55	\$ 1,530,627.69	\$ 645,067.93
117	9/1/2037	\$ 1,530,627.69	\$ 13,673.44	\$ 13,673.44	\$	\$ 2,551.05	\$ 1,519,505.29	\$ 647,618.97
118	10/1/2037	\$ 1,519,505.29	\$ 13,673.44	\$ 13,673.44	\$	\$ 2,532.51	\$ 1,508,364.36	\$ 650,151.48
119	11/1/2037	\$ 1,508,364.36	\$ 13,673.44	\$ 13,673.44	\$	\$ 2,513.94	\$ 1,497,204.86	\$ 652,665.42
120	12/1/2037	\$ 1,497,204.86	\$ 13,673.44	\$ 13,673.44	\$	\$ 2,495.34	\$ 1,486,026.76	\$ 655,160.76
121	1/1/2038	\$ 1,486,026.76	\$ 13,673.44	\$ 13,673.44	\$	\$ 2,476.71	\$ 1,474,830.03	\$ 657,637.47
122	2/1/2038	\$ 1,474,830.03	\$ 13,673.44	\$ 13,673.44	\$	\$ 2,458.05	\$ 1,463,614.64	\$ 660,095.52
123	3/1/2038	\$ 1,463,614.64	\$ 13,673.44	\$ 13,673.44	\$	\$ 2,439.36	\$ 1,452,380.56	\$ 662,534.88
124	4/1/2038	\$ 1,452,380.56	\$ 13,673.44	\$ 13,673.44	\$	\$ 2,420.63	\$ 1,441,127.76	\$ 664,955.52
125	5/1/2038	\$ 1,441,127.76	\$ 13,673.44	\$ 13,673.44	\$	\$ 2,401.88	\$ 1,429,856.20	\$ 667,357.40
126	6/1/2038	\$ 1,429,856.20	\$ 13,673.44	\$ 13,673.44	\$	\$ 2,383.09	\$ 1,418,565.85	\$ 669,740.49
127	7/1/2038	\$ 1,418,565.85	\$ 13,673.44	\$ 13,673.44	\$	\$ 2,364.28	\$ 1,407,256.69	\$ 672,104.77
128	8/1/2038	\$ 1,407,256.69	\$ 13,673.44	\$ 13,673.44	\$	\$ 2,345.43	\$ 1,395,928.67	\$ 674,450.19
129	9/1/2038	\$ 1,395,928.67	\$ 13,673.44	\$ 13,673.44	\$	\$ 2,326.55	\$ 1,384,581.78	\$ 676,776.74
130	10/1/2038	\$ 1,384,581.78	\$ 13,673.44	\$ 13,673.44	\$	\$ 2,307.64	\$ 1,373,215.98	\$ 679,084.38
131	11/1/2038	\$ 1,373,215.98	\$ 13,673.44	\$ 13,673.44	\$	\$ 2,288.69	\$ 1,361,831.23	\$ 681,373.07
132	12/1/2038	\$ 1,361,831.23	\$ 13,673.44	\$ 13,673.44	\$	\$ 2,269.72	\$ 1,350,427.51	\$ 683,642.79
133	1/1/2039	\$ 1,350,427.51	\$ 13,673.44	\$ 13,673.44	\$	\$ 2,250.71	\$ 1,339,004.78	\$ 685,893.50
134	2/1/2039	\$ 1,339,004.78	\$ 13,673.44	\$ 13,673.44	\$	\$ 2,231.67	\$ 1,327,563.02	\$ 688,125.18
135	3/1/2039	\$ 1,327,563.02	\$ 13,673.44	\$ 13,673.44	\$	\$ 2,212.61	\$ 1,316,102.18	\$ 690,337.78
136	4/1/2039	\$ 1,316,102.18	\$ 13,673.44	\$ 13,673.44	\$	\$ 2,193.50	\$ 1,304,622.25	\$ 692,531.29
137	5/1/2039	\$ 1,304,622.25	\$ 13,673.44	\$ 13,673.44	\$	\$ 2,174.37	\$ 1,293,123.18	\$ 694,705.66
138	6/1/2039	\$ 1,293,123.18	\$ 13,673.44	\$ 13,673.44	\$	\$ 2,155.21	\$ 1,281,604.94	\$ 696,860.86
139	7/1/2039	\$ 1,281,604.94	\$ 13,673.44	\$ 13,673.44	\$	\$ 2,136.01	\$ 1,270,067.51	\$ 698,996.87
140	8/1/2039	\$ 1,270,067.51	\$ 13,673.44	\$ 13,673.44	\$	\$ 2,116.78	\$ 1,258,510.85	\$ 701,113.65
141	9/1/2039	\$ 1,258,510.85	\$ 13,673.44	\$ 13,673.44	\$	\$ 2,097.52	\$ 1,246,934.93	\$ 703,211.17
142	10/1/2039	\$ 1,246,934.93	\$ 13,673.44	\$ 13,673.44	\$	\$ 2,078.22	\$ 1,235,339.71	\$ 705,289.39
143	11/1/2039	\$ 1,235,339.71	\$ 13,673.44	\$ 13,673.44	\$	\$ 2,058.90	\$ 1,223,725.17	\$ 707,348.29

Payment No.	Payment Date	Beginning Balance	Scheduled Payment	Total Payment	Principal	Interest	Ending Balance	Cumulative Interest
144	12/1/2039	\$ 1,223,725.17	\$ 13,673.44	\$ 13,673.44	\$ 11,633.90	\$ 2,039.54	\$ 1,212,091.27	\$ 709,387.83
145	1/1/2040	\$ 1,212,091.27	\$ 13,673.44	\$ 13,673.44	\$ 11,653.29	\$ 2,020.15	\$ 1,200,437.98	\$ 711,407.98
146	2/1/2040	\$ 1,200,437.98	\$ 13,673.44	\$ 13,673.44	\$ 11,672.71	\$ 2,000.73	\$ 1,188,765.27	\$ 713,408.71
147	3/1/2040	\$ 1,188,765.27	\$ 13,673.44	\$ 13,673.44	\$ 11,692.16	\$ 1,981.28	\$ 1,177,073.11	\$ 715,389.99
148	4/1/2040	\$ 1,177,073.11	\$ 13,673.44	\$ 13,673.44	\$ 11,711.65	\$ 1,961.79	\$ 1,165,361.46	\$ 717,351.78
149	5/1/2040	\$ 1,165,361.46	\$ 13,673.44	\$ 13,673.44	\$ 11,731.17	\$ 1,942.27	\$ 1,153,630.29	\$ 719,294.05
150	6/1/2040	\$ 1,153,630.29	\$ 13,673.44	\$ 13,673.44	\$ 11,750.72	\$ 1,922.72	\$ 1,141,879.57	\$ 721,216.77
151	7/1/2040	\$ 1,141,879.57	\$ 13,673.44	\$ 13,673.44	\$ 11,770.31	\$ 1,903.13	\$ 1,130,109.26	\$ 723,119.90
152	8/1/2040	\$ 1,130,109.26	\$ 13,673.44	\$ 13,673.44	\$ 11,789.92	\$ 1,883.52	\$ 1,118,319.33	\$ 725,003.41
153	9/1/2040	\$ 1,118,319.33	\$ 13,673.44	\$ 13,673.44	\$ 11,809.57	\$ 1,863.87	\$ 1,106,509.76	\$ 726,867.28
154	10/1/2040	\$ 1,106,509.76	\$ 13,673.44	\$ 13,673.44	\$ 11,829.26	\$ 1,844.18	\$ 1,094,680.50	\$ 728,711.46
155	11/1/2040	\$ 1,094,680.50	\$ 13,673.44	\$ 13,673.44	\$ 11,848.97	\$ 1,824.47	\$ 1,082,831.53	\$ 730,535.93
156	12/1/2040	\$ 1,082,831.53	\$ 13,673.44	\$ 13,673.44	\$ 11,868.72	\$ 1,804.72	\$ 1,070,962.81	\$ 732,340.65
157	1/1/2041	\$ 1,070,962.81	\$ 13,673.44	\$ 13,673.44	\$ 11,888.50	\$ 1,784.94	\$ 1,059,074.31	\$ 734,125.59
158	2/1/2041	\$ 1,059,074.31	\$ 13,673.44	\$ 13,673.44	\$ 11,908.32	\$ 1,765.12	\$ 1,047,165.99	\$ 735,890.71
159	3/1/2041	\$ 1,047,165.99	\$ 13,673.44	\$ 13,673.44	\$ 11,928.16	\$ 1,745.28	\$ 1,035,237.83	\$ 737,635.99
160	4/1/2041	\$ 1,035,237.83	\$ 13,673.44	\$ 13,673.44	\$ 11,948.04	\$ 1,725.40	\$ 1,023,289.78	\$ 739,361.38
161	5/1/2041	\$ 1,023,289.78	\$ 13,673.44	\$ 13,673.44	\$ 11,967.96	\$ 1,705.48	\$ 1,011,321.83	\$ 741,066.87
162	6/1/2041	\$ 1,011,321.83	\$ 13,673.44	\$ 13,673.44	\$ 11,987.90	\$ 1,685.54	\$ 999,333.92	\$ 742,752.40
163	7/1/2041	\$ 999,333.92	\$ 13,673.44	\$ 13,673.44	\$ 12,007.88	\$ 1,665.56	\$ 987,326.04	\$ 744,417.96
164	8/1/2041	\$ 987,326.04	\$ 13,673.44	\$ 13,673.44	\$ 12,027.90	\$ 1,645.54	\$ 975,298.14	\$ 746,063.50
165	9/1/2041	\$ 975,298.14	\$ 13,673.44	\$ 13,673.44	\$ 12,047.94	\$ 1,625.50	\$ 963,250.20	\$ 747,689.00
166	10/1/2041	\$ 963,250.20	\$ 13,673.44	\$ 13,673.44	\$ 12,068.02	\$ 1,605.42	\$ 951,182.18	\$ 749,294.42
167	11/1/2041	\$ 951,182.18	\$ 13,673.44	\$ 13,673.44	\$ 12,088.14	\$ 1,585.30	\$ 939,094.04	\$ 750,879.72
168	12/1/2041	\$ 939,094.04	\$ 13,673.44	\$ 13,673.44	\$ 12,108.28	\$ 1,565.16	\$ 926,985.76	\$ 752,444.88
169	1/1/2042	\$ 926,985.76	\$ 13,673.44	\$ 13,673.44	\$ 12,128.46	\$ 1,544.98	\$ 914,857.29	\$ 753,989.85
170	2/1/2042	\$ 914,857.29	\$ 13,673.44	\$ 13,673.44	\$ 12,148.68	\$ 1,524.76	\$ 902,708.62	\$ 755,514.62
171	3/1/2042	\$ 902,708.62	\$ 13,673.44	\$ 13,673.44	\$ 12,168.93	\$ 1,504.51	\$ 890,539.69	\$ 757,019.13
172	4/1/2042	\$ 890,539.69	\$ 13,673.44	\$ 13,673.44	\$ 12,189.21	\$ 1,484.23	\$ 878,350.48	\$ 758,503.36
173	5/1/2042	\$ 878,350.48	\$ 13,673.44	\$ 13,673.44	\$ 12,209.52	\$ 1,463.92	\$ 866,140.96	\$ 759,967.28
174	6/1/2042	\$ 866,140.96	\$ 13,673.44	\$ 13,673.44	\$ 12,229.87	\$ 1,443.57	\$ 853,911.09	\$ 761,410.85
175	7/1/2042	\$ 853,911.09	\$ 13,673.44	\$ 13,673.44	\$ 12,250.25	\$ 1,423.19	\$ 841,660.83	\$ 762,834.03
176	8/1/2042	\$ 841,660.83	\$ 13,673.44	\$ 13,673.44	\$ 12,270.67	\$ 1,402.77	\$ 829,390.16	\$ 764,236.80
177	9/1/2042	\$ 829,390.16	\$ 13,673.44	\$ 13,673.44	\$ 12,291.12	\$ 1,382.32	\$ 817,099.04	\$ 765,619.12
178	10/1/2042	\$ 817,099.04	\$ 13,673.44	\$ 13,673.44	\$ 12,311.61	\$ 1,361.83	\$ 804,787.43	\$ 766,980.95
179	11/1/2042	\$ 804,787.43	\$ 13,673.44	\$ 13,673.44	\$ 12,332.13	\$ 1,341.31	\$ 792,455.30	\$ 768,322.26
180	12/1/2042	\$ 792,455.30	\$ 13,673.44	\$ 13,673.44	\$ 12,352.68	\$ 1,320.76	\$ 780,102.62	\$ 769,643.02
181	1/1/2043	\$ 780,102.62	\$ 13,673.44	\$ 13,673.44	\$ 12,373.27	\$ 1,300.17	\$ 767,729.35	\$ 770,943.19
182	2/1/2043	\$ 767,729.35	\$ 13,673.44	\$ 13,673.44	\$ 12,393.89	\$ 1,279.55	\$ 755,335.46	\$ 772,222.74
183	3/1/2043	\$ 755,335.46	\$ 13,673.44	\$ 13,673.44	\$ 12,414.55	\$ 1,258.89	\$ 742,920.91	\$ 773,481.63
184	4/1/2043	\$ 742,920.91	\$ 13,673.44	\$ 13,673.44	\$ 12,435.24	\$ 1,238.20	\$ 730,485.68	\$ 774,719.84
185	5/1/2043	\$ 730,485.68	\$ 13,673.44	\$ 13,673.44	\$ 12,455.96	\$ 1,217.48	\$ 718,029.71	\$ 775,937.31
186	6/1/2043	\$ 718,029.71	\$ 13,673.44	\$ 13,673.44	\$ 12,476.72	\$ 1,196.72	\$ 705,552.99	\$ 777,134.03
187	7/1/2043	\$ 705,552.99	\$ 13,673.44	\$ 13,673.44	\$ 12,497.52	\$ 1,175.92	\$ 693,055.47	\$ 778,309.95
188	8/1/2043	\$ 693,055.47	\$ 13,673.44	\$ 13,673.44	\$ 12,518.35	\$ 1,155.09	\$ 680,537.12	\$ 779,465.04
189	9/1/2043	\$ 680,537.12	\$ 13,673.44	\$ 13,673.44	\$ 12,539.21	\$ 1,134.23	\$ 667,997.91	\$ 780,599.27
190	10/1/2043	\$ 667,997.91	\$ 13,673.44	\$ 13,673.44	\$ 12,560.11	\$ 1,113.33	\$ 655,437.80	\$ 781,712.60

Payment No.	Payment Date	Beginning Balance	Scheduled Payment	Total Payment	Principal	Interest	Ending Balance	Cumulative Interest
191	11/1/2043	\$ 655,437.80	\$ 13,673.44	\$ 13,673.44	\$ 13,673.44	\$ 1,092.40	\$ 642,856.76	\$ 782,805.00
192	12/1/2043	\$ 642,856.76	\$ 13,673.44	\$ 13,673.44	\$ 13,673.44	\$ 1,071.43	\$ 630,254.74	\$ 783,876.42
193	1/1/2044	\$ 630,254.74	\$ 13,673.44	\$ 13,673.44	\$ 13,673.44	\$ 1,050.42	\$ 617,631.73	\$ 784,926.85
194	2/1/2044	\$ 617,631.73	\$ 13,673.44	\$ 13,673.44	\$ 13,673.44	\$ 1,029.39	\$ 604,987.67	\$ 785,956.23
195	3/1/2044	\$ 604,987.67	\$ 13,673.44	\$ 13,673.44	\$ 13,673.44	\$ 1,008.31	\$ 592,322.55	\$ 786,964.55
196	4/1/2044	\$ 592,322.55	\$ 13,673.44	\$ 13,673.44	\$ 13,673.44	\$ 987.20	\$ 579,636.31	\$ 787,951.75
197	5/1/2044	\$ 579,636.31	\$ 13,673.44	\$ 13,673.44	\$ 13,673.44	\$ 966.06	\$ 566,928.93	\$ 788,917.81
198	6/1/2044	\$ 566,928.93	\$ 13,673.44	\$ 13,673.44	\$ 13,673.44	\$ 944.88	\$ 554,200.37	\$ 789,862.69
199	7/1/2044	\$ 554,200.37	\$ 13,673.44	\$ 13,673.44	\$ 13,673.44	\$ 923.67	\$ 541,450.60	\$ 790,786.36
200	8/1/2044	\$ 541,450.60	\$ 13,673.44	\$ 13,673.44	\$ 13,673.44	\$ 902.42	\$ 528,679.58	\$ 791,688.78
201	9/1/2044	\$ 528,679.58	\$ 13,673.44	\$ 13,673.44	\$ 13,673.44	\$ 881.13	\$ 515,887.27	\$ 792,569.91
202	10/1/2044	\$ 515,887.27	\$ 13,673.44	\$ 13,673.44	\$ 13,673.44	\$ 859.81	\$ 503,073.64	\$ 793,429.72
203	11/1/2044	\$ 503,073.64	\$ 13,673.44	\$ 13,673.44	\$ 13,673.44	\$ 838.46	\$ 490,238.66	\$ 794,268.18
204	12/1/2044	\$ 490,238.66	\$ 13,673.44	\$ 13,673.44	\$ 13,673.44	\$ 817.06	\$ 477,382.28	\$ 795,085.24
205	1/1/2045	\$ 477,382.28	\$ 13,673.44	\$ 13,673.44	\$ 13,673.44	\$ 795.64	\$ 464,504.48	\$ 795,880.88
206	2/1/2045	\$ 464,504.48	\$ 13,673.44	\$ 13,673.44	\$ 13,673.44	\$ 774.17	\$ 451,605.22	\$ 796,655.06
207	3/1/2045	\$ 451,605.22	\$ 13,673.44	\$ 13,673.44	\$ 13,673.44	\$ 752.68	\$ 438,684.45	\$ 797,407.73
208	4/1/2045	\$ 438,684.45	\$ 13,673.44	\$ 13,673.44	\$ 13,673.44	\$ 731.14	\$ 425,742.15	\$ 798,138.87
209	5/1/2045	\$ 425,742.15	\$ 13,673.44	\$ 13,673.44	\$ 13,673.44	\$ 709.57	\$ 412,778.28	\$ 798,848.44
210	6/1/2045	\$ 412,778.28	\$ 13,673.44	\$ 13,673.44	\$ 13,673.44	\$ 687.96	\$ 399,792.81	\$ 799,536.41
211	7/1/2045	\$ 399,792.81	\$ 13,673.44	\$ 13,673.44	\$ 13,673.44	\$ 666.32	\$ 386,785.69	\$ 800,202.73
212	8/1/2045	\$ 386,785.69	\$ 13,673.44	\$ 13,673.44	\$ 13,673.44	\$ 644.64	\$ 373,756.89	\$ 800,847.37
213	9/1/2045	\$ 373,756.89	\$ 13,673.44	\$ 13,673.44	\$ 13,673.44	\$ 622.93	\$ 360,706.38	\$ 801,470.30
214	10/1/2045	\$ 360,706.38	\$ 13,673.44	\$ 13,673.44	\$ 13,673.44	\$ 601.18	\$ 347,634.12	\$ 802,071.48
215	11/1/2045	\$ 347,634.12	\$ 13,673.44	\$ 13,673.44	\$ 13,673.44	\$ 579.39	\$ 334,540.07	\$ 802,650.87
216	12/1/2045	\$ 334,540.07	\$ 13,673.44	\$ 13,673.44	\$ 13,673.44	\$ 557.57	\$ 321,424.19	\$ 803,208.43
217	1/1/2046	\$ 321,424.19	\$ 13,673.44	\$ 13,673.44	\$ 13,673.44	\$ 535.71	\$ 308,286.46	\$ 803,744.14
218	2/1/2046	\$ 308,286.46	\$ 13,673.44	\$ 13,673.44	\$ 13,673.44	\$ 513.81	\$ 295,126.83	\$ 804,257.95
219	3/1/2046	\$ 295,126.83	\$ 13,673.44	\$ 13,673.44	\$ 13,673.44	\$ 491.88	\$ 281,945.27	\$ 804,749.83
220	4/1/2046	\$ 281,945.27	\$ 13,673.44	\$ 13,673.44	\$ 13,673.44	\$ 469.91	\$ 268,741.74	\$ 805,219.74
221	5/1/2046	\$ 268,741.74	\$ 13,673.44	\$ 13,673.44	\$ 13,673.44	\$ 447.90	\$ 255,516.20	\$ 805,667.64
222	6/1/2046	\$ 255,516.20	\$ 13,673.44	\$ 13,673.44	\$ 13,673.44	\$ 425.86	\$ 242,268.62	\$ 806,093.50
223	7/1/2046	\$ 242,268.62	\$ 13,673.44	\$ 13,673.44	\$ 13,673.44	\$ 403.78	\$ 228,998.96	\$ 806,497.28
224	8/1/2046	\$ 228,998.96	\$ 13,673.44	\$ 13,673.44	\$ 13,673.44	\$ 381.66	\$ 215,707.19	\$ 806,878.95
225	9/1/2046	\$ 215,707.19	\$ 13,673.44	\$ 13,673.44	\$ 13,673.44	\$ 359.51	\$ 202,393.26	\$ 807,238.46
226	10/1/2046	\$ 202,393.26	\$ 13,673.44	\$ 13,673.44	\$ 13,673.44	\$ 337.32	\$ 189,057.14	\$ 807,575.78
227	11/1/2046	\$ 189,057.14	\$ 13,673.44	\$ 13,673.44	\$ 13,673.44	\$ 315.10	\$ 175,698.80	\$ 807,890.88
228	12/1/2046	\$ 175,698.80	\$ 13,673.44	\$ 13,673.44	\$ 13,673.44	\$ 292.83	\$ 162,318.19	\$ 808,183.71
229	1/1/2047	\$ 162,318.19	\$ 13,673.44	\$ 13,673.44	\$ 13,673.44	\$ 270.53	\$ 148,915.28	\$ 808,454.24
230	2/1/2047	\$ 148,915.28	\$ 13,673.44	\$ 13,673.44	\$ 13,673.44	\$ 248.19	\$ 135,490.03	\$ 808,702.43
231	3/1/2047	\$ 135,490.03	\$ 13,673.44	\$ 13,673.44	\$ 13,673.44	\$ 225.82	\$ 122,042.41	\$ 808,928.25
232	4/1/2047	\$ 122,042.41	\$ 13,673.44	\$ 13,673.44	\$ 13,673.44	\$ 203.40	\$ 108,572.37	\$ 809,131.65
233	5/1/2047	\$ 108,572.37	\$ 13,673.44	\$ 13,673.44	\$ 13,673.44	\$ 180.95	\$ 95,079.88	\$ 809,312.60
234	6/1/2047	\$ 95,079.88	\$ 13,673.44	\$ 13,673.44	\$ 13,673.44	\$ 158.47	\$ 81,564.91	\$ 809,471.07
235	7/1/2047	\$ 81,564.91	\$ 13,673.44	\$ 13,673.44	\$ 13,673.44	\$ 135.94	\$ 68,027.41	\$ 809,607.01
236	8/1/2047	\$ 68,027.41	\$ 13,673.44	\$ 13,673.44	\$ 13,673.44	\$ 113.38	\$ 54,467.35	\$ 809,720.39
237	9/1/2047	\$ 54,467.35	\$ 13,673.44	\$ 13,673.44	\$ 13,673.44	\$ 90.78	\$ 40,884.69	\$ 809,811.17

Payment No.	Payment Date	Beginning Balance	Scheduled Payment	Total Payment	Principal	Interest	Ending Balance	Cumulative Interest
238	10/1/2047	\$ 40,884.69	\$ 13,673.44	\$ 13,673.44	\$ 13,605.30	\$ 68.14	\$ 27,279.39	\$ 809,879.31
239	11/1/2047	\$ 27,279.39	\$ 13,673.44	\$ 13,673.44	\$ 13,627.97	\$ 45.47	\$ 13,651.42	\$ 809,924.78
240	12/1/2047	\$ 13,651.42	\$ 13,651.42	\$ 13,651.42	\$ 13,628.66	\$ 22.75	\$ -	\$ 809,947.53

Rock Island Bridge





KCK RIVERFRONT - OVERALL RENDERING (LOOKING SOUTH)







Summary

- UG owns the bridge
- Public/Private/Philanthropic Partnership
- Flying Truss pays rent to the UG and secures and maintains the crossing for trailhead services
- Costs have escalated from ~\$11M build to \$15M
- *Flying Truss has NOT asked the UG for any additional funding beyond the \$2M CID*
- Funding gap is being met by state grants, philanthropy and the sale of equity (private capital)

Bridge Strengthening

Transsystems Engineering Co. prescribed an additional \$485,820 of strengthening

Flying Truss paid this amount to keep the project moving (UG was between County Administrators)

Flying Truss has acquired for the UG

**\$1,573,000 in State Grants for the UG portions of the
project**

The Ask

- **Increase IRB sales tax exemption to \$17M to accommodate elevated construction costs.**
- **Reimburse Flying Truss for unbudgeted bridge-strengthening costs by placing FT first in the CID payments (and holding UG payments)**
- **Approve the CID**
- **Establish a Common Consumption Area as the entire bridge**



gouldevans



Report to

MEETING DATE	PRESENTER	DEPARTMENT
	Jeffrey Conway, Assistant Counsel jconway@wycokck.org x5075	Legal
AGENDA ITEM #		
PUBLIC HEARING/RESOLUTION: Adoption of a resolution calling for a public hearing and providing notice on the advisability of creating a community improvement district (CID) known as the Kaw River Bridge Community Improvement District and levying a CID sales tax within the district, submitted by Jeff Conway, Senior Counsel.		
BACKGROUND		
n/a		
RECOMMENDATION		
Approve To adopt the resolution		
BUDGET IMPACTS / FINANCIAL CONSIDERATIONS		
n/a		
IT/POLICY CONSIDERATIONS		
n/a		
PROCUREMENT CONSIDERATIONS		
n/a		
LEGAL CONSIDERATIONS		
To adopt the resolution.		
ATTACHMENTS		
CID Public Hearing Resolution - Bridge, Kaw Bridge CID Petition		

Approved by Mayor and/or Chair and Administrator to add to agenda.

QWJ 4/15/2024

TJB 4/15/2024

RESOLUTION NO. R-____-24

RESOLUTION CALLING AND PROVIDING FOR THE GIVING OF NOTICE OF A PUBLIC HEARING ON THE ADVISABILITY OF CREATING A COMMUNITY IMPROVEMENT DISTRICT IN THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS TO BE KNOWN AS THE KAW RIVER BRIDGE COMMUNITY IMPROVEMENT DISTRICT AND REGARDING THE UNIFIED GOVERNMENT'S INTENT TO LEVY A COMMUNITY IMPROVEMENT DISTRICT SALES TAX WITHIN SUCH DISTRICT.

WHEREAS, K.S.A. 12-6a26 *et seq.* (the "Act") authorizes the governing body of any city or county to create community improvement districts to finance projects within such defined area of the city or county and to levy a community improvement district sales tax upon property within the district; and

WHEREAS, a petition dated _____, 2024 (the "Petition") was filed with the Clerk of the Unified Government of Wyandotte County/Kansas City, Kansas (the "UG") proposing the creation of the Kaw River Bridge Community Improvement District (the "CID") under the Act, and the imposition of a 2.0% sales tax (the "CID Sales Tax") in order to pay the costs of projects as described herein and in the Petition (collectively, the "Projects"); and

WHEREAS, the Petition was signed by the required number of owners of record, whether resident or not, as required by the Act; and

WHEREAS, the UG intends to consider creation of the CID and levying the CID Sales Tax as requested in the Petition; and

WHEREAS, the UG's Board of Commissioners (the "Governing Body") hereby finds and determines it to be necessary to direct and order a public hearing on the advisability of creating the CID, approving the Projects, and levying the CID Sales Tax pursuant to the authority of the Act, and further to provide for the giving of notice of such hearing in the manner required by the Act.

NOW, THEREFORE, BE IT RESOLVED BY THE UNIFIED GOVERNMENT BOARD OF COMMISSIONERS, AS FOLLOWS:

SECTION 1. Petition. The Governing Body hereby finds and determines that the Petition meets the requirements of the Act.

SECTION 2. Public Hearing. It is hereby authorized, ordered, and directed that the Governing Body shall hold a public hearing, in accordance with the provisions of the Act, on the advisability of creating the CID, approving the Projects set forth in Petition, and whether to levy the CID Sales Tax, such public hearing to be held on **June 27, 2024 at 7:00 p.m.**, or as soon thereafter as the matter can be heard, in the Commission Chambers, at the lobby level of the Municipal Office Building, 701 North 7th Street, Kansas City, Kansas, under the authority of the Act.

SECTION 3. Proposed Projects. The general nature of the Projects is as follows:

The redevelopment of the historic Rock Island Railroad Bridge (the "Bridge"), located on both sides of and over the Kansas (Kaw) River. The general nature of the Projects is to promote economic development within the CID, all of which shall be

accomplished by providing community improvement district financing in accordance with the Petition, the Act, and the UG's policy, to finance the demolition, construction, design, maintenance, and procurement of certain improvements, costs, and services within the CID, including but not limited to: property acquisition, infrastructure and site work related items, streets, sidewalks, parking improvements, buildings, facilities, tenant improvements, landscaping, stream corridor improvements, utilities, signage, lighting, art, other cultural amenities, soft costs of the project (including interest), and the UG's administrative costs in establishing and administering the CID, and any other items permitted to be financed within the CID under the Act. Without limiting the generality of the foregoing, the Projects may include the design, development and construction and of an innovative trail, public gathering space and commercial facilities on the Bridge, consisting of a variety of components and unique offerings, including: (a) a public pathway across the Bridge to connect the West Bottoms area of Kansas City, Missouri to existing levee trails along the west side of the Kansas River and associated amenities; (b) multi-purpose commercial space located on the Bridge consisting of an open-air coffee roastery/shop and bar, one or more restaurants, and retail; (c) unique common spaces for public gathering and viewing, events and entertainment; and (d) an outdoor food hall, including commercial kitchens for local chefs to serve visitors.

SECTION 4. Estimated Cost. The estimated total costs of the Projects are \$14,989,212.55.

SECTION 5. Method of Financing; No CID Bonds. It is proposed that the Projects be financed through a combination of private equity, private debt, certain grant moneys received from the State of Kansas, and available funds of the UG in an amount not to exceed \$2,471,678.80 (plus interest and subject to modification by the UG), and pay-as-you-go CID financing (including the CID Sales Tax), as defined in the Act and that certain Kaw River Bridge Cooperative and Development Agreement dated as of June 7, 2021 (together with any and all amendments thereto, the "Agreement") between the UG and Flying Truss, LLC, a Missouri limited liability company ("Developer"). The UG is not obligated to issue bonds or other obligations in connection with the Projects.

SECTION 6. Proposed CID Sales Tax. It is proposed that the Projects be financed in part through the levying of a 2.0% CID Sales Tax as authorized by the Act, with such CID Sales Tax to commence on October 1, 2024, or such other date as shall be approved by ordinance of the Governing Body, and to continue for a maximum term of 22 years.

SECTION 7. Map and Legal Description of Proposed CID. The legal description of the property to be contained in the proposed CID is set forth on Exhibit A attached hereto and incorporated by reference herein. A map generally outlining the boundaries of the proposed CID is attached as Exhibit B hereto, and incorporated by reference herein.

SECTION 8. Notice of Hearing. The UG Clerk is hereby authorized, ordered and directed to give notice of the public hearing by publication of this Resolution in the official newspaper at least once each week for two (2) consecutive weeks. The second publication shall be at least seven (7) days prior to the date of the hearing. The UG Clerk is hereby further ordered and directed to mail a copy of this Resolution, via certified mail, to all property owners within the proposed CID at least 10 days prior to the date of the hearing.

SECTION 9. Effective Date. This Resolution shall be effective upon adoption by the Governing Body.

[Remainder of page intentionally left blank; signature page and exhibits follow.]

ADOPTED BY THE UNIFIED GOVERNMENT BOARD OF COMMISSIONERS ON MAY 30, 2024.

(SEAL)

Tyrone Garner, Mayor/CEO

ATTEST:

Unified Government Clerk

Approved as to Form:

Unified Government Legal Department

EXHIBIT A

LEGAL DESCRIPTION OF PROPOSED KAW RIVER BRIDGE COMMUNITY IMPROVEMENT DISTRICT

The following property located in Kansas City, Wyandotte County, Kansas:

Tract A (Bridge Parcel)

Lot 1, Final Plat of Rock Island Bridge on Kaw, Part of Fractional Section 14, Township 11 South, Range 25 East, a subdivision in Kansas City, Wyandotte County, Kansas.

Tract B (West Property)

Parcel 1

A parcel of land being a part of Lot 1A, "RIVER PARK", a subdivision of land in Kansas City, Wyandotte County, Kansas as recorded in Plat Book 39 at Page 3. Said parcel being the same as transferred by a Quit Claim Deed from St. Louis Southwestern Railway Company to the City of Kansas City, Missouri as recorded in Book 3320 at Page 402 at the Register of Deeds Office in Wyandotte County, Kansas. Said parcel being more particularly described by Steven C Shafer, PLS 852, with BHC, CLS 175, by metes and bounds as follows:

(Note: For course orientation the bearings in this description are based on Grid North Kansas State Plane Coordinate System North Zone, the State Line between Kansas and Missouri in the Northwest Quarter of Section 7, Township 49 North, Range 33 West of the 5th Principal Meridian having a bearing of South 1°56'53" East.)

Beginning at the Northeast corner of said Lot 1A, said point being on the Westerly U.S. Harbor Line of the Kaw River;

Thence Southerly along said Westerly U.S. Harbor Line and Easterly line of said Lot 1A, on a curve concave to the Southwest having a radius of 1,176.08 feet, an arc distance of 20.00 feet, said curve having a chord bearing of South 11°11'17" East, 20.00 feet;

Thence Westerly parallel with and 20.00 feet Southerly of the North Line of said Lot 1A, on a curve concave to the North having a radius of 486.34 feet, an arc distance of 50.08 feet, to a point 50.00 feet Westerly as measured at right angles to the Westerly U.S. Harbor Line, said curve having a chord bearing of South 81°59'21" West, 50.06 feet;

Thence Northerly parallel with and 50.00 feet Westerly of said Westerly U.S. Harbor Line, on a curve concave to the Southwest having a radius 1,126.08 feet, an arc distance of 20.13 feet, said curve having a chord bearing North 11°19'57" West, 20.13 feet, to a point on the North line of said Lot 1A;

Thence Easterly on said North line of Lot 1A, on a curve concave to the North having a radius of 466.34 feet, an arc distance of 50.14 feet, said curve having a chord bearing North 82°07'45" East, 50.12 feet, to the Point of Beginning;

Said parcel containing 1,002 square feet or 0.0230 acres more or less. Subject to all easements and restrictions of record.

Parcel 2

Lot 1A, River Park, a subdivision of land in Kansas City, Wyandotte County, Kansas.

Tract C (East Property)

A tract of land in Fractional Section 14, Township 11 South, Range 25 East of the 6th Principal Meridian in Kansas City, Wyandotte County, Kansas. Said tract being the same as transferred by a Quit Claim Deed from the Stockyards Preservation Company to the City of Kansas City, Missouri as recorded in Book 3324 at Page 102 at the Register of Deeds Office in Wyandotte County, Kansas. Said parcel being more particularly described by Steven C Shafer, PLS 852, with BHC, CLS 175, by metes and bounds as follows:

(Note: For course orientation the bearings in this description are based on Grid North Kansas State Plane Coordinate System North Zone, the State Line between Kansas and Missouri in the Northwest Quarter of Section 7, Township 49 North, Range 33 West of the 5th Principal Meridian having a bearing of South 1°56'53" East.)

Commencing at the Northwest corner of Fractional Section 7, Township 49 North, Range 33 West, of the 5th Principal Meridian, monumented by a reinforcing bar and disk on the State Line between Kansas and Missouri;

Thence South 01°56'53" East, 854.18 feet, on said State Line, to a point on the North Right of Way line of the Chicago, Rock Island and Pacific Railroad and the Point of Beginning of said tract;

Thence South 01°56'53" East, 30.02 feet, on said State Line, to a point on the South Right of Way line of said railroad and the South line of said Quit Claim Deed in Book 3324 at Page 102;

Thence North 89°41'27" West, 94.12 feet, on the South Right of Way line of said railroad, to a point the Easterly U.S Harbor Line for the Kaw River and the Easterly line of the description of Tract A;

Thence Northerly on said U.S. Harbor Line, on a curve concave to the West, having a radius of 1910.08 feet, an arc distance of 30.49 feet, said curve having a chord bearing North 09°55'42" West, 30.49 feet;

Thence South 89°41'27" East, 98.36 feet, on the North Right of Way line of said railroad and said Quit Claim Deed, to the Point of Beginning;

Said tract containing 2,887 square feet or 0.0663 acres more or less. Subject to all easements and restrictions of record.

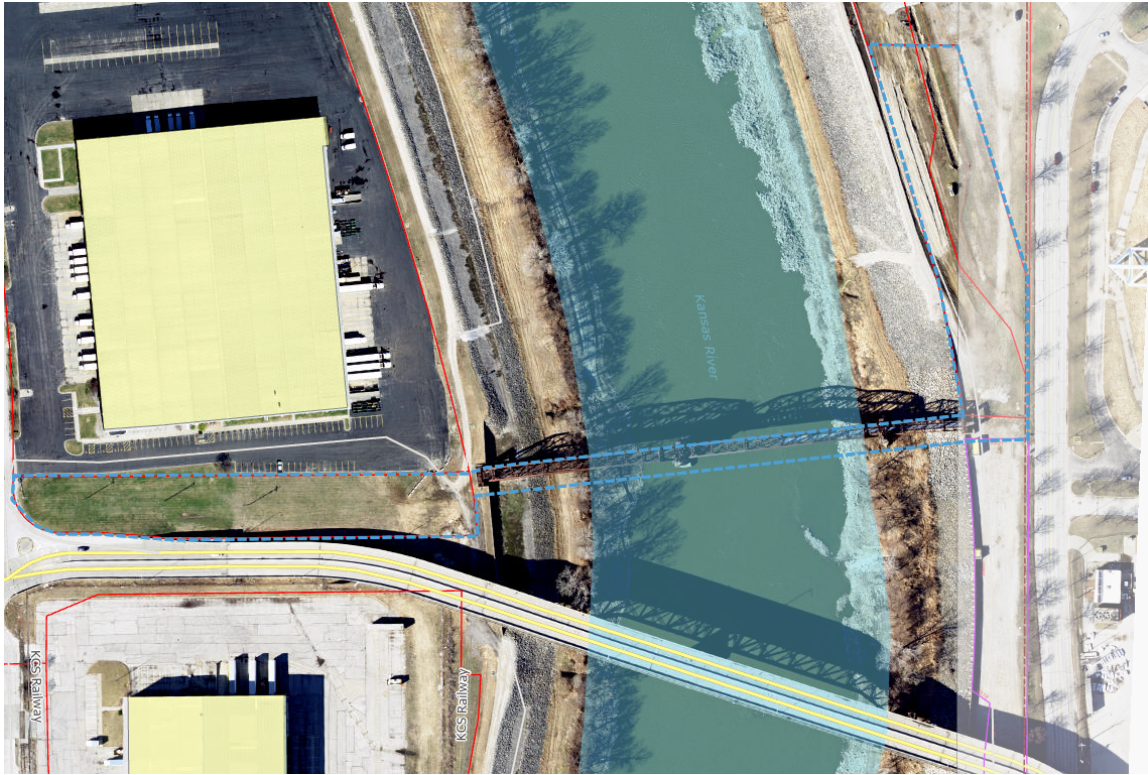
Tract D (Levee Park)

Tract B, The Helm, a subdivision of a portion of Lot 1 of Fractional Section 14, Township 11 South, Range 25 East of the Sixth Principal Meridian in Kansas City, Wyandotte County, Kansas, according to the recorded plat thereof.

Subject to easements, covenants, restrictions and reservations of record, if any.

EXHIBIT B

MAP OF PROPOSED KAW RIVER BRIDGE COMMUNITY IMPROVEMENT DISTRICT*



*Light blue dashed line delineates CID.

**PETITION FOR THE CREATION OF A COMMUNITY IMPROVEMENT DISTRICT
(KAW RIVER BRIDGE)**

TO: Board of Commissioners, Unified Government of Wyandotte County/Kansas City, Kansas

The undersigned (the "**Petitioner**"), being the owner of record, of the following:

- (1) Not less than 55% of the land area contained within the proposed community improvement district described herein; and
- (2) Not less than 55% by assessed value of the land area contained within the proposed community improvement district,

hereby petitions the Unified Government of Wyandotte County/Kansas City, Kansas (the "**UG**") to create the Kaw River Bridge Community Improvement District (the "**CID**") and authorize the proposed project described herein (the "**CID Project**"), all in the manner provided by K.S.A. 12-6a26 *et seq.* (the "**Act**"). In furtherance of such request, the Petitioner states as follows:

1. GENERAL NATURE OF PROPOSED CID PROJECT

The proposed CID Project consists of redevelopment of the historic Rock Island Railroad Bridge (the "**Bridge**"), located on both sides of and over the Kansas (Kaw) River, and the general nature of the proposed CID Project is to promote economic development within the CID, all of which shall be accomplished by providing community improvement district financing in accordance with this Petition, the Act, and the UG's policy to finance the demolition, construction, design, maintenance, and procurement of certain improvements, costs, and services within the CID, including but not limited to: property acquisition, infrastructure and site work related items, streets, sidewalks, parking improvements, buildings, facilities, tenant improvements, landscaping, stream corridor improvements, utilities, signage, lighting, art, other cultural amenities, soft costs of the project (including interest), and the UG's administrative costs in establishing and administering the CID, and any other items permitted to be financed within the CID under the Act. Without limiting the generality of the foregoing, the CID Project may include the design, development and construction and of an innovative trail, public gathering space and commercial facilities on the Bridge, consisting of a variety of components and unique offerings, including: (a) a public pathway across the Bridge to connect the West Bottoms area of Kansas City, Missouri to existing levee trails along the west side of the Kansas River and associated amenities; (b) multi-purpose commercial space located on the Bridge consisting of an open-air coffee roastery/shop and bar, one or more restaurants, and retail; (c) unique common spaces for public gathering and viewing, events and entertainment; and (d) an outdoor food hall, including commercial kitchens for local chefs to serve visitors.

2. ESTIMATED COST

The total estimated cost of the CID Project is approximately \$14,989,212.55.

3. PROPOSED METHOD OF FINANCING

The proposed method of financing is through pay-as-you-go financing. The CID Project will be financed by a combination of private equity, private debt, certain grant moneys received from the State of Kansas, and available funds of the UG in an amount not to exceed \$2,471,678.80 (plus interest and subject to modification by the UG), all as set forth in that certain Kaw River Bridge Cooperative and Development Agreement dated as of June 7, 2021 (together with any and all amendments thereto, the "**Agreement**") between the UG and Flying Truss, LLC, a Missouri limited liability company ("**Developer**").

4. PROPOSED METHOD AND AMOUNT OF ASSESSMENT

Petitioner does not propose that the CID Project be financed through the levying of assessments.

5. PROPOSED AMOUNT OF SALES TAX

Petitioner proposes that the CID Project be financed through the levying of a CID sales tax (the "**CID Sales Tax**") at the rate of 2%, as authorized by the Act. The CID Sales Tax shall commence on October 1, 2024, or such other date as the UG and Developer may mutually agree in writing. The CID Sales Tax shall expire upon the date that is the earlier of: (A) the date on which the estimated costs of the proposed CID Project (plus interest as set forth in Agreement and as referenced in Section 3 above) are paid, or (B) 22 years from the date that collection of the CID Sales Tax commences.

6. MAP AND LEGAL DESCRIPTION OF THE PROPOSED CID

A map of the CID is attached hereto at EXHIBIT A.

The legal description of the CID is attached hereto at EXHIBIT B.

7. NOTICE TO PETITION SIGNER

Petitioner hereby acknowledges that signatures may not be withdrawn from this Petition by the signer hereof after the Governing Body of the UG commences consideration of this Petition, or later than seven (7) days after the filing hereof with the UG Clerk, whichever occurs first.

8. PETITION BINDING ON FUTURE OWNERS

Petitioner hereby acknowledges that if this Petition is not properly withdrawn as permitted by the Act, any future owners of the property within the CID shall be bound by this Petition.

9. ACKNOWLEDGMENTS

Petitioner acknowledges that:

- (A) the UG's approval of this Petition or of the CID Project set forth in this Petition and creation of a CID by the UG as proposed in this Petition does not eliminate independent requirements by the Petitioner or Developer to comply with all applicable zoning, planning, permit and other laws relating to the development of property;
- (B) the UG is relying on the estimated costs of the CID Project set forth in this Petition without independent investigation as to the accuracy of such estimates;
- (C) the implementation of the CID Project and the receipt of the CID Sales Tax proposed by this Petition is limited and conditioned by the terms of the Agreement between the UG and Developer, or any successor or assignee approved by the UG or otherwise permitted under the Agreement.

[Remainder of page intentionally left blank. Signature page and exhibits follow.]

ACKNOWLEDGMENT AND ACCEPTANCE OF DEVELOPER

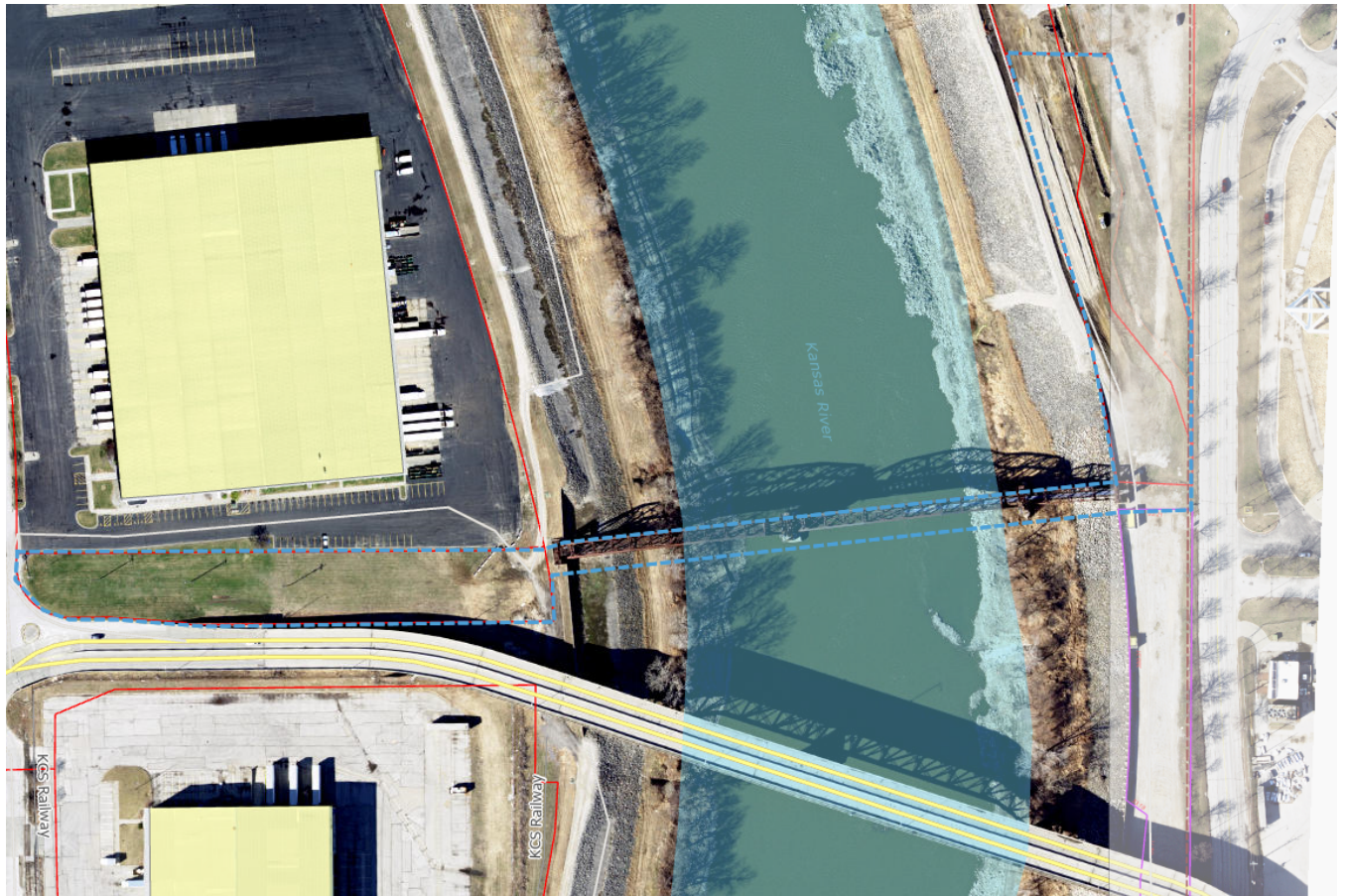
Flying Truss, LLC, a Missouri limited liability company ("**Developer**"), hereby acknowledges that it has reviewed and accepted the form of the foregoing Petition for the Creation of a Community Improvement District (Kaw River Bridge).

DEVELOPER:

FLYING TRUSS, LLC, a Missouri limited liability company

By: _____
Michael Zeller, Manager

EXHIBIT A
MAP OF CID*



*Light blue dashed line delineates CID.

EXHIBIT B

LEGAL DESCRIPTION OF CID

Tract A (Bridge Parcel)

Lot 1, Final Plat of Rock Island Bridge on Kaw, Part of Fractional Section 14, Township 11 South, Range 25 East, a subdivision in Kansas City, Wyandotte County, Kansas.

Tract B (West Property)

Parcel 1

A parcel of land being a part of Lot 1A, "RIVER PARK", a subdivision of land in Kansas City, Wyandotte County, Kansas as recorded in Plat Book 39 at Page 3. Said parcel being the same as transferred by a Quit Claim Deed from St. Louis Southwestern Railway Company to the City of Kansas City, Missouri as recorded in Book 3320 at Page 402 at the Register of Deeds Office in Wyandotte County, Kansas. Said parcel being more particularly described by Steven C Shafer, PLS 852, with BHC, CLS 175, by metes and bounds as follows:

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Thence Southerly along said Westerly U.S. Harbor Line and Easterly line of said Lot 1A, on a curve concave to the Southwest having a radius of 1,176.08 feet, an arc distance of 20.00 feet, said curve having a chord bearing of South 11°11'17" East, 20.00 feet;

Thence Westerly parallel with and 20.00 feet Southerly of the North Line of said Lot 1A, on a curve concave to the North having a radius of 486.34 feet, an arc distance of 50.08 feet, to a point 50.00 feet Westerly as measured at right angles to the Westerly U.S. Harbor Line, said curve having a chord bearing of South 81°59'21" West, 50.06 feet;

Thence Northerly parallel with and 50.00 feet Westerly of said Westerly U.S. Harbor Line, on a curve concave to the Southwest having a radius 1,126.08 feet, an arc distance of 20.13 feet, said curve having a chord bearing North 11°19'57" West, 20.13 feet, to a point on the North line of said Lot 1A;

Thence Easterly on said North line of Lot 1A, on a curve concave to the North having a radius of 466.34 feet, an arc distance of 50.14 feet, said curve having a chord bearing North 82°07'45" East, 50.12 feet, to the Point of Beginning;

Said parcel containing 1,002 square feet or 0.0230 acres more or less. Subject to all easements and restrictions of record.

Parcel 2

Lot 1A, River Park, a subdivision of land in Kansas City, Wyandotte County, Kansas.

Tract C (East Property)

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at Page 102 at the Register of Deeds Office in Wyandotte County, Kansas. Said parcel being more particularly described by Steven C Shafer, PLS 852, with BHC, CLS 175, by metes and bounds as follows:

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Commencing at the Northwest corner of Fractional Section 7, Township 49 North, Range 33 West, of the 5th Principal Meridian, monumented by a reinforcing bar and disk on the State Line between Kansas and Missouri;

Thence South 01°56'53" East, 854.18 feet, on said State Line, to a point on the North Right of Way line of the Chicago, Rock Island and Pacific Railroad and the Point of Beginning of said tract;

Thence South 01°56'53" East, 30.02 feet, on said State Line, to a point on the South Right of Way line of said railroad and the South line of said Quit Claim Deed in Book 3324 at Page 102;

Thence North 89°41'27" West, 94.12 feet, on the South Right of Way line of said railroad, to a point the Easterly U.S Harbor Line for the Kaw River and the Easterly line of the description of Tract A;

Thence Northerly on said U.S. Harbor Line, on a curve concave to the West, having a radius of 1910.08 feet, an arc distance of 30.49 feet, said curve having a chord bearing North 09°55'42" West, 30.49 feet;

Thence South 89°41'27" East, 98.36 feet, on the North Right of Way line of said railroad and said Quit Claim Deed, to the Point of Beginning;

Said tract containing 2,887 square feet or 0.0663 acres more or less. Subject to all easements and restrictions of record.

Tract D (Levee Park)

Tract B, The Helm, a subdivision of a portion of Lot 1 of Fractional Section 14, Township 11 South, Range 25 East of the Sixth Principal Meridian in Kansas City, Wyandotte County, Kansas, according to the recorded plat thereof.

Subject to easements, covenants, restrictions and reservations of record, if any.



Report to

MEETING DATE	PRESENTER	DEPARTMENT
	Jeffrey Conway, Assistant Counsel jconway@wycokck.org x5075	Finance
AGENDA ITEM #		
RESOLUTION: ROCK ISLAND BRIDGE IRB AMENDMENT		
BACKGROUND		
Amending the Resolution of Intent to issue Industrial Revenue Bonds for the benefit of Flying Truss, LLC for the Rock Island Bridge. The previous resolution of intent was approved June 30, 2022 with the adoption of R-27-22 which specified an amount not to exceed \$13,000,000. This amendment increases the amount to \$17,000,000.		
RECOMMENDATION		
Approve April 29th ED/F + May 30 Full Commission Approve the resolution		
BUDGET IMPACTS / FINANCIAL CONSIDERATIONS		
None		
IT/POLICY CONSIDERATIONS		
None		
PROCUREMENT CONSIDERATIONS		
None		
LEGAL CONSIDERATIONS		
None		
ATTACHMENTS		
Amended Resolution of Intent - Flying Truss (UG), R-27-22		

Approved by Mayor and/or Chair and Administrator to add to agenda.

DOJ 4/16/2024
RB 4/16/2024

RESOLUTION NO. R-___-24

**RESOLUTION AMENDING RESOLUTION NO. R-27-22 PREVIOUSLY
ADOPTED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS, DETERMINING ITS
INTENT TO ISSUE INDUSTRIAL REVENUE BONDS TO FINANCE THE COSTS
OF ACQUIRING, CONSTRUCTING, IMPROVING AND EQUIPPING A MULTI-
PURPOSE COMMERCIAL PROJECT FOR THE BENEFIT OF FLYING TRUSS,
LLC, AND ITS SUCCESSORS AND ASSIGNS (SALES EXEMPTION ONLY)**

WHEREAS, the Unified Government of Wyandotte County/Kansas City, Kansas (the “Unified Government”), desires to promote, stimulate and develop the general welfare and economic prosperity of the Unified Government and its inhabitants and thereby to further promote, stimulate and develop the general welfare and economic prosperity of the State of Kansas; and

WHEREAS, the Unified Government is authorized and empowered under the provisions of K.S.A. 12-1740 to 12-1749d, inclusive (the “Act”), to issue industrial revenue bonds to pay the cost of certain facilities (as defined in the Act) for the purposes set forth in the Act, and to lease such facilities to private persons, firms or corporations; and

WHEREAS, the Unified Government adopted Resolution No. R-27-22 on June 30, 2022 (the “Original Resolution of Intent”) determining the intent of the governing body to issue its industrial revenue bonds (the “Bonds”) in the aggregate amount not to exceed \$13,000,000, to finance the costs of acquiring, constructing, and equipping a multi-purpose commercial project generally located at the Rock Island Railroad Bridge (the “Project”) for the benefit of Flying Truss, LLC, a Missouri limited liability company (the “Company”); and

WHEREAS, the governing body, at the request of the Company, desires to amend the Original Resolution of Intent to increase the aggregate amount of the Bonds.

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

Section 1. Intent to Increase the Authorized Amount of Bonds. The governing body of the Unified Government hereby determines and declares the intent of the Unified Government to acquire, construct and equip the Project out of the proceeds of the Bonds of the Unified Government in the principal amount of not to exceed \$17,000,000, to be issued pursuant to the Act. All references to the authorized amount of Bonds in the Original Resolution of Intent are hereby amended to refer to \$17,000,000.

Section 2. Effectiveness of Original Resolution of Intent. Except as amended herein, all other provisions of the Original Resolution of Intent are hereby ratified and shall remain in full force and effect.

Section 3. Further Action. Counsel to the Unified Government and Gilmore & Bell, P.C., Bond Counsel for the Unified Government, together with the officers and employees of the Unified Government, are hereby authorized to work with the purchaser of the Bonds, the Company, their respective counsel and others, to prepare for submission to and final action by the Unified Government all documents necessary to effect the authorization, issuance and sale of the Bonds and other actions contemplated hereunder.

Section 4. Effective Date. This Resolution shall take effect and be in full force immediately after its adoption by the governing body of the Unified Government.

ADOPTED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS ON MAY 30, 2024.

By: _____
Tyrone Garner
Mayor/CEO of the Unified
Government of Wyandotte County/
Kansas City, Kansas

[SEAL]

ATTEST:

By: _____
Monica Sparks
Interim Unified Government Clerk

Approved as to Form:

By: _____
Office of Chief Counsel

Amended Resolution of Intent
Flying Truss, LLC

RESOLUTION NO. R-27-22

RESOLUTION DETERMINING THE INTENT OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, TO ISSUE ITS INDUSTRIAL REVENUE BONDS IN THE AMOUNT OF NOT TO EXCEED \$13,000,000 TO FINANCE THE COSTS OF ACQUIRING, CONSTRUCTING, IMPROVING AND EQUIPPING A MULTI-PURPOSE COMMERCIAL PROJECT FOR THE BENEFIT OF FLYING TRUSS, LLC, AND ITS SUCCESSORS AND ASSIGNS (SALES EXEMPTION ONLY)

WHEREAS, the Unified Government of Wyandotte County/Kansas City, Kansas (the “Unified Government”), desires to promote, stimulate and develop the general welfare and economic prosperity of the Unified Government and its inhabitants and thereby to further promote, stimulate and develop the general welfare and economic prosperity of the State of Kansas; and

WHEREAS, the Unified Government is authorized and empowered under the provisions of K.S.A. 12-1740 to 12-1749d, inclusive (the “Act”), to issue industrial revenue bonds to pay the cost of certain facilities (as defined in the Act) for the purposes set forth in the Act, and to lease such facilities to private persons, firms or corporations; and

WHEREAS, Flying Truss, LLC, a Missouri limited liability company (the “Company”), has submitted to the Unified Government an Application for the Issuance of Industrial Revenue Bonds (the “Application”) requesting that the Unified Government finance the cost of acquiring, constructing and equipping a multi-purpose commercial project generally located at the Rock Island Railroad Bridge, as more fully described in the Application (collectively, the “Project”) through the issuance of its industrial revenue bonds in one or more series in the amount of not to exceed \$13,000,000 (the “Bonds”), and to lease the Project to the Company, or its successors and assigns, in accordance with the Act; and

WHEREAS, it is hereby found and determined to be advisable and, in the interest, and for the welfare of the Unified Government and its inhabitants that the Unified Government finance the costs of the Project by the issuance of the Bonds under the Act in a principal amount of not to exceed \$13,000,000, said Bonds to be payable solely out of rentals, revenues and receipts derived from the lease of the Project by the Unified Government to the Company.

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

Section 1. Approval of Project. The governing body of the Unified Government hereby finds and determines that the acquiring, constructing, improving and equipping of the Project will promote the general welfare and economic prosperity of the Unified Government, and the issuance of the Bonds to pay the costs of the Project will be in furtherance of the public purposes set forth in the Act. The Project shall be generally located at the Rock Island Railroad Bridge located in the corporate boundaries of the Unified Government, as further described in the Application.

Section 2. Intent to Issue Bonds. The governing body of the Unified Government hereby determines and declares the intent of the Unified Government to acquire, construct and equip the Project out of the proceeds of the Bonds of the Unified Government in the principal amount of not to exceed \$13,000,000, to be issued pursuant to the Act.

Section 3. Provision for the Bonds. Subject to the conditions of this Resolution, the Unified Government expresses its intent to (i) issue the Bonds to pay the costs of acquiring, constructing, improving and equipping the Project, with such maturities, interest rates, redemption terms and other provisions as may be determined by ordinance of the Unified Government; (ii) provide for the lease (with an option to purchase) of the Project to the Company; and (iii) to effect the foregoing, adopt such resolutions and ordinances and authorize the execution and delivery of such instruments and the taking of such action as may be necessary or advisable for the authorization and issuance of the Bonds by the Unified Government and take or cause to be taken such other action as may be required to implement the aforesaid.

Section 4. Conditions to Issuance. The issuance of the Bonds and the execution and delivery of any documents related to the Bonds are subject to: (i) obtaining any necessary governmental approvals; (ii) agreement by the Unified Government, the Company and the purchaser of the Bonds upon (a) mutually acceptable terms for the Bonds and for the sale and delivery thereof, and (b) mutually acceptable terms and conditions of any documents related to the issuance of the Bonds and the Project; (iii) the Company's compliance with the Unified Government's policy relating to the issuance of industrial revenue bonds; (iv) the passage and publication of an Ordinance authorizing the issuance of the Bonds; and (v) Company's payment of all of the costs of issuance related to the issuance of the Bonds.

Section 5. Sale of the Bonds. The sale of the Bonds shall be the sole responsibility of the Company; provided, however, arrangements for the sale of the Bonds shall be acceptable to the Unified Government.

Section 6. Limited Obligations of the Unified Government. The Bonds and the interest thereon shall be special, limited obligations of the Unified Government payable solely out of the amounts derived by the Unified Government under a Lease Agreement with respect to the Bonds and as provided herein and are secured by a transfer, pledge and assignment of and a grant of a security interest in the trust estate to the trustee for the Bonds and in favor of the owners of the Bonds, all as provided in the Indenture. The Bonds shall not constitute a general obligation of the Unified Government, the State or of any other political subdivision thereof within the meaning of any State constitutional provision or statutory limitation and shall not constitute a pledge of the full faith and credit of the Unified Government, the State or of any other political subdivision thereof and shall not be payable in any manner by taxation, but shall be payable solely from the funds provided for as provided in the Indenture. The issuance of the Bonds shall not, directly, indirectly or contingently, obligate the Unified Government, the State or any other political subdivision thereof to levy any form of taxation therefor or to make any appropriation for their payment.

Section 7. Authorization to Proceed. The Company is hereby authorized to proceed with the acquiring, constructing and equipping of the Project, including the necessary planning and engineering for the Project and entering into of contracts and purchase orders in connection therewith, and to advance such funds as may be necessary to accomplish such purposes, and, to the extent permitted by law and upon compliance with the other requirements of this Resolution, the Unified Government will reimburse the Company for all expenditures paid or incurred therefor out of the proceeds of the Bonds.

Section 8. No Reliance on Resolution. Kansas law provides that the Unified Government may only issue the Bonds by passage of an Ordinance and compliance with other state law requirements. The Unified Government has not yet passed an Ordinance for the Bonds. This Resolution only evidences the intent of the current governing body to issue the Bonds for the Project. The Company should not construe the adoption of this Resolution as a promise or guarantee that the Ordinance for the Bonds will be passed or that the Project will be approved.

Section 9. Termination of Resolution. This Resolution shall terminate three (3) years from the date of the adoption of this Resolution unless (i) the Bonds have been issued for the Project or (ii) a building permit

has been issued by the Unified Government for the Project. The Unified Government, upon the written request of the Company, may extend this time period.

Section 10. Benefit of Resolution. This Resolution will inure to the benefit of the Unified Government and the Company. The Unified Government may, at the prior written request of the Company, assign all or a portion of the Company's interest in this Resolution to another entity, and such assignee will be entitled to the benefits of the portion of this Resolution assigned and the proceedings related hereto.

Section 11. Further Action. Counsel to the Unified Government and Gilmore & Bell, P.C., Bond Counsel for the Unified Government, together with the officers and employees of the Unified Government, are hereby authorized to work with the purchaser of the Bonds, the Company, their respective counsel and others, to prepare for submission to and final action by the Unified Government all documents necessary to effect the authorization, issuance and sale of the bonds and other actions contemplated hereunder.

Section 12. Effective Date. This Resolution shall take effect and be in full force immediately after its adoption by the governing body of the Unified Government.

[Remainder of page intentionally blank.]

ADOPTED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS ON JUNE 30, 2022.

By: 
Mayor/CEO of the Unified
Government of Wyandotte County/
Kansas City, Kansas

[SEAL]

ATTEST:

By: 
Unified Government Clerk (Acting)

Approved as to Form:

By: 
Chief Counsel



RESOLUTION ACTION NO. /

Staff Request for Commission Action

Tracking No. 211712

Full Commission Meeting Date: 6/30

Committee: Economic Development & Finance

Date of Standing Committee Action: 6/6

(If none, please explain):

Publication Required: No

<u>Date:</u> 06/22/2022	<u>Contact Name:</u> Katherine Carttar	<u>Contact Phone:</u> x5176	<u>Contact Email:</u> kcarttar@wycokck.org	<u>Department/Division:</u> Economic Development
<u>Item Description:</u> Resolution of Intent to Issue Industrial Revenue Bonds in the amount not to exceed \$13,000,000 to finance the costs of acquiring, constructing, improving and equipping a multi-purpose commercial project for the benefit of Flying Truss, LLC. The benefit of the bonds would be to provide the project with sales tax exemption on construction materials only.				
<u>Action Requested:</u> Approval and move to FC 6/30				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u> Resolution of Intent (UG - Flying Truss)				



Report to

MEETING DATE	PRESENTER	DEPARTMENT
	Jeffrey Conway, Assistant Counsel jconway@wycokck.org x5075	Legal
AGENDA ITEM #		
ORDINANCE: Approval of an ordinance and adopting a resolution establishing a common consumption area (CCA) within the Rock Island Bridge and authorizing the possession and consumption of alcoholic liquor within the CCA, submitted by Jeff Conway, Senior Counsel.		
BACKGROUND		
n/a		
RECOMMENDATION		
Approve		
To approve the ordinance and adopt the resolution.		
BUDGET IMPACTS / FINANCIAL CONSIDERATIONS		
na		
IT/POLICY CONSIDERATIONS		
n/a		
PROCUREMENT CONSIDERATIONS		
n/a		
LEGAL CONSIDERATIONS		
To approve the ordinance and adopt the resolution.		
ATTACHMENTS		
CCA resolution for Rock Island Bridge 4-29-24 (final)		

Approved by Mayor and/or Chair and Administrator to add to agenda.

Handwritten signatures and dates:
 DW 4/15/2024
 TB 4/15/2024

(Published _____)

ORDINANCE NO. _____
RESOLUTION NO. _____

AN ORDINANCE AND RESOLUTION ESTABLISHING A COMMON CONSUMPTION AREA TO BE LOCATED WITHIN THE ROCK ISLAND BRIDGE AND AUTHORIZING THE POSSESSION AND CONSUMPTION OF ALCOHOLIC LIQUOR WITHIN ITS BOUNDARIES.

WHEREAS, in 2017, the Kansas Legislature passed K.S.A. 41-2659, allowing cities to establish a common consumption area and to authorize the possession and consumption of alcoholic liquor within such common consumption area; and

WHEREAS, the Unified Government of Wyandotte County/Kansas City, Kansas (“Unified Government”) is the owner of certain land and other facilities commonly known as the Rock Island Bridge which is, or will be, home to a variety of uses including event spaces, restaurant spaces, bar spaces, common areas open to the public, connections to trails, and other public and private amenities (collectively, the “Rock Island Bridge”); and

WHEREAS, the Rock Island Bridge is intended to be a public gathering place for special events, civic events, and patrons, and the Unified Government desires to establish a common consumption area, as further defined herein, to allow the possession and consumption of alcoholic beverages within the Rock Island Bridge, subject to certain rules and regulations.

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

Section 1 (Establishment and Boundaries): In accordance with K.S.A. 41-2659, and amendments thereto, the Board of Commissioners of the Unified Government hereby establishes the Rock Island Bridge common consumption area (the “Rock Island Bridge CCA”) consisting of certain indoor and outdoor areas located within the Rock Island Bridge as designated on the map attached hereto as Exhibit A and incorporated herein by reference, excluding any and all areas which are currently or otherwise become subject to a license issued pursuant to the Kansas liquor control act (K.S.A. 41-101 *et seq.*), the Kansas club and drinking establishment act (K.S.A. 41-2601 *et seq.*), or the Kansas cereal malt beverage act (K.S.A. 41-2701 *et seq.*), as amended (together, the “Acts”). The boundaries of the Rock Island Bridge CCA shall be clearly marked using a physical barrier or any apparent lines of demarcation. There are no public streets or roadways lying within the Rock Island Bridge CCA.

Section 2 (Authorization and Permit): The Board of Commissioners hereby authorizes the possession and consumption of alcoholic liquor and cereal malt beverages in the Rock Island Bridge CCA; provided, however, that a common consumption area permit (“Permit”) for the Rock Island Bridge CCA is issued to the Unified Government or other qualified party by the State of Kansas, Director of the Division of Alcoholic Beverage Control (“Director” or “ABC”) in accordance with K.S.A. 41-2659, and amendments

thereto. If and to the extent that the Permit is issued to or required to be held by a party other than the Unified Government (as owner of the subject property), such permittee shall notify the Clerk of the Unified Government of the issuance of such Permit and such Permit must be maintained by an onsite manager or supervisor of the Rock Island Bridge and made available upon request by an authorized law enforcement officer, State official, or Unified Government official. Such permittee shall notify the Clerk of the Unified Government of any change, deletion, or addition of approval within ten (10) business days after any such change to the Permit. The permittee shall post at all times a copy of documentation received from the Director or ABC approving such Permit.

Section 3 (Participating Licensees): Licensees participating in the Rock Island Bridge CCA must be properly licensed to sell alcoholic liquor and/or cereal malt beverages adjacent to or within the boundaries of the Rock Island Bridge CCA by the Director or ABC. Such licensees shall notify the Clerk of the Unified Government of such approval and licensure and shall post at all times a copy of documentation received from the Director or ABC approving such licensee's participation. Such licensees shall notify the Clerk of the Unified Government of any change, deletion, or addition of approval within ten (10) business days after any such change to its license.

Section 4 (Hours): The possession and consumption of alcoholic liquor or cereal malt beverages within the Rock Island Bridge CCA is only permitted between the hours of 6:00 AM and 2:00 AM of the following day, Sunday through Saturday, or such other hours as may be permitted under the Acts.

Section 5 (Containers): All alcoholic liquor removed from a licensed premises authorized to participate in the Rock Island Bridge CCA shall be served in a container that displays the licensee's trade name or logo or other identifying mark that is unique to the licensee.

Section 6 (Outside Alcohol; Removal): The possession or consumption of alcoholic liquor or cereal malt beverages purchased outside of the Rock Island Bridge CCA shall not be permitted inside the boundaries of the Rock Island Bridge CCA. No open container of alcoholic liquor or cereal malt beverages, purchased within the Rock Island Bridge CCA, shall be removed from the boundaries of the Rock Island Bridge CCA.

Section 7 (Conduct and Security): Inappropriate conduct shall not be permitted within the boundaries of the Rock Island Bridge CCA and any person engaging in such inappropriate conduct shall be subject to removal from the Rock Island Bridge CCA. Inappropriate conduct may include, but is not limited to, fighting, use of profanity or indecent language, harassment, destruction of property, lewd or lascivious acts, or committing any violation of law or Unified Government Code. Each operator, tenant, subtenant, and licensee operating within or adjacent to or participating in the Rock Island Bridge CCA will work with the Kansas City, Kansas Police Department to avoid any safety concerns.

Section 8 (Compliance with Applicable Law): All holders of the Permit and all licensees approved by the ABC to participate in the Rock Island Bridge CCA shall at all times comply with any and all federal, state and Unified Government laws or regulations pertaining to the purchase and sale of alcoholic liquor and cereal malt beverages. Licensees shall not allow the consumption of alcoholic liquor or cereal malt beverages by minors.

Section 9 (Further Actions): The Board of Commissioners hereby authorizes the County Administrator or his or her designee to take all reasonably necessary actions, including, but not limited to, the execution of all documents and instruments, to obtain a Permit for the Rock Island Bridge CCA on behalf of the Unified Government or, if and to the extent that the Permit is to be issued to or required to be held by a party other than the Unified Government (as owner of the subject property), then to such permittee.

The Clerk of the Unified Government shall provide a copy of this Ordinance and Resolution to the Director, ABC, and to Flying Truss, LLC, as operator of the Rock Island Bridge.

Section 10 (Effectiveness): This Ordinance and Resolution shall become effective upon passage and publication in the official Unified Government newspaper as provided by law.

**ADOPTED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT
OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS ____ DAY OF _____,
2024.**

Tyrone A. Garner
Mayor/CEO

ATTEST:

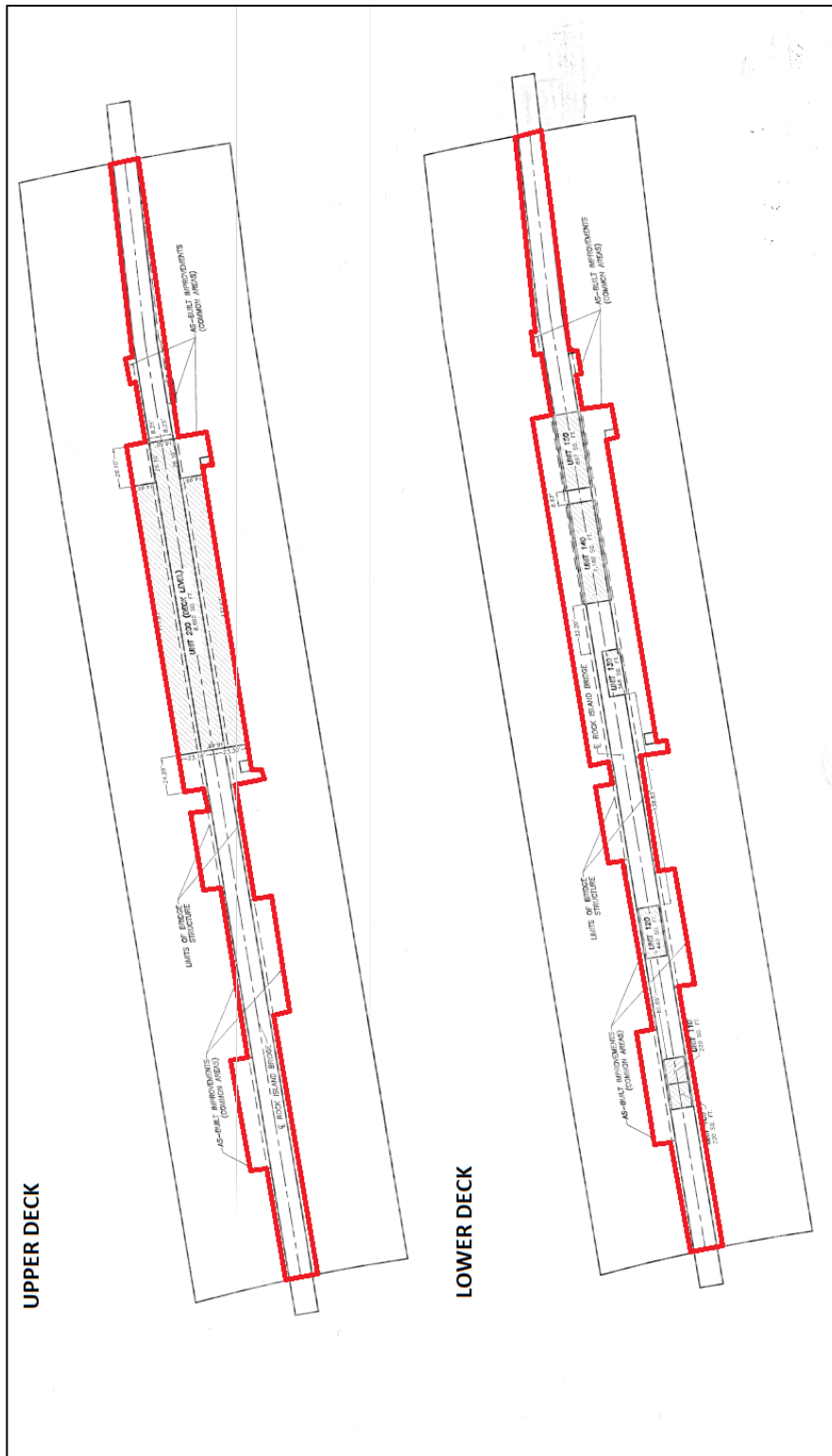
Unified Government Clerk

APPROVED AS TO FORM:

Unified Government Chief Counsel

EXHIBIT A

[Rock Island Bridge Common Consumption Area]





Report to Neighborhood & Community Development

MEETING DATE	PRESENTER	DEPARTMENT
	SueZanne Bishop, Assistant Counsel zbishop@wycokck.org x5076	Land Bank Approvals
AGENDA ITEM #III.1.		
ORDINANCE: APPROVING CHANGES RELATED TO MOBILE VENDING OPERATIONS		
BACKGROUND		
Approval of an ordinance updating the Code of the Unified Government of Wyandotte County, Kansas City, Kansas, related to mobile vending, submitted by SueZanne Bishop, Senior Counsel.		
RECOMMENDATION		
Approve		
BUDGET IMPACTS / FINANCIAL CONSIDERATIONS		
5.15.24		
IT/POLICY CONSIDERATIONS		
PROCUREMENT CONSIDERATIONS		
LEGAL CONSIDERATIONS		
ATTACHMENTS		
Mobile vending PUBLIC RIGHT OF WAY 5 9 24 (FINAL), Mobile Vending Presentation 5 15 24		

Approved by Mayor and/or Chair and Administrator to add to agenda.

5/63/2024
add more discussion!

(Summary Published _____)

ORDINANCE NO. _____

AN ORDINANCE SETTING THE PERMISSIBLE TIME AND PLACE FOR MOBILE VENDING VEHICLES AND FOR THEIR OPERATION WITHIN THE PUBLIC RIGHT-OF-WAY, AND CREATING A NEW PENALTY FOR UNLAWFUL DUMPING OF GARBAGE

WHEREAS, regulating mobile vending within the public right-of-way is a goal of the Department of Planning and Urban Design;

WHEREAS, the Streets for People Ordinances were passed in 2020, which regulated mobile vending;

WHEREAS, after hearing concerns from the public and from business owners regarding mobile vending, updates to the current ordinances are needed;

WHEREAS, the amendment will prevent mobile vending within 100 feet of a standalone food establishment; and

WHEREAS, changes in hours of operations for public right-of-way mobile vending will help business owners and residents living near the operations of mobile vendors;

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

Section 1. That original Section 32-188 of the Code of the Unified Government of Wyandotte County/Kansas City, Kansas, be and the same is hereby amended to read as follows:

Sec. 32-188. – Mobile Vending – Public Right-of-Way

This section is for mobile vending within the public right-of-way. For mobile vending on private property, see section 27-620.

(a) Administrative review.

- (1) Any persons or entity operating a mobile vendor vehicle or prepared food vending vehicle must conduct such operation under a valid and current business license. The business license can be reviewed for revocation at any time during the year if complaints of non-compliance are submitted.
- (2) Mobile vendors must display either a temporary sign (as defined by section 27-729(b)(1)) or signage attached to the vehicle indicating proof of business license, fire department inspection and approval and contact information for appeals/complaints.
- (3) Mobile vendor vehicles or prepared food vending vehicles may operate 8:00 a.m. until 11:00 p.m. —~~7:00 p.m.~~ Sunday through Thursday and 8:00 a.m. until 12:00 midnight —~~8:00 p.m.~~ Friday and Saturday.

(b) Allowed areas.

- (1) Mobile vending is allowed adjacent to any non-residential zoning district upon obtaining a business license or non-profit status as addressed in subsection (a)(1).

- (2) If a street is designated by the major street plan a local or neighborhood street, or is otherwise unidentified, and one or more ~~residential~~ residentially zoned properties abut said street, then the mobile vending vehicle is prohibited from parking, operating, or otherwise vending at that location. A mobile vending vehicle or prepared food vending vehicle may only park and operate on said street if the vehicle operator is invited for a block party. The mobile vending vehicle may only stay for the duration of the block party.
- (3) Mobile vendors selling prepared food shall not park their mobile vending vehicles in the public right-of-way within 100 feet of the lot boundary line of a parcel containing a brick-and-mortar food-establishment. This parking restriction shall not apply to a food establishment owner parking a mobile vending vehicle in the public right-of-way within 100 feet of the main entrance of their own food establishment.
- (3)(4) All mobile vending vehicles and prepared food vending vehicles must comply with the following standards:
- a. The vehicle may only park on improved, paved surfaces.
 - b. The vehicle is not parked in a designated ADA parking space or in an access aisle.
 - c. The vehicle is not parked in a no-parking zone.
 - d. No mobile vendor vehicle is allowed to take up space or interfere with the operations within a visibly designated loading/unloading zone.
 - e. There is sufficient stacking area for pedestrians to queue on a sidewalk or on site.
 - f. Any portion of right-of-way where the speed limit is greater than 40 miles per hour.
 - g. Mobile vending vehicles may ~~not~~ park in any one site for no more than: ~~four~~ eight hours; except that a mobile vending vehicle shall not be stored in a public right-of-way overnight where the mobile vending vehicle is operating.
 - h. Mobile vending vehicles shall not park in a fire lane.
 - i. Mobile vending vehicles shall not park in an electrical charging station unless it is an electrical vehicle actively charging.
 - j. Mobile vending vehicles shall not operate electronic devices to amplify music or sound.
 - k. Mobile vending vehicles shall not operate lights or signs with a rotating beam or flashing beacon, and no lighting or signage shall be directed toward any residentially zoned area or traffic in the right-of-way.
- (4)(5) Mobile vending activity includes the use of the mobile vendor vehicles or prepared food vending vehicles, areas for queueing, vending, and eating, signage, and trash and recycling receptacles. All mobile market activity must comply with the following:
- a. A mobile vending vehicle that uses a parking space served by a parking meter is exempt from paying for said meter while occupying the parking space, and the time limit on parking meters when used in the manner described in this subsection is waived. This waiver of a time limit does

not allow a mobile vending vehicle to operate outside of the hours of operation in this subsection.

- b. No mobile vending or vending vehicle shall be located within 15 feet of a fire hydrant or bus stop, or a greater distance if required by state law;
- c. No mobile vending or mobile vehicle shall be located within 20 feet of an intersection or street corner;
- d. All sidewalks or pedestrian ways must be kept clear and unencumbered so that the sidewalk or pedestrian walkway remains ADA-compliant.
- e. Vehicular and personal access to all ADA-compliant parking spaces and access aisles must remain clear and unencumbered.
- f. All fire lanes must remain clear and unencumbered.
- g. No sightlines or sight distance triangles at street corners and intersections may be obstructed as per code;
- h. No mobile market vending or vending vehicle is allowed to take up space or interfere with the operations within a visibly designated loading/unloading zone;
- i. All areas designated for or reasonably designated for queuing in order to order, purchase, or receive a product from a mobile vendor or vending vehicle must be located at least five feet from passing automobile traffic.
- j. Proper trash and recycling receptacles must be made available and utilized. The operator is responsible for removing the trash and recycling associated with the operation of the mobile vendor vehicle or prepared food vending vehicle. Any and all signage, temporary or other structures, and other elements of the mobile vending must be removed at the end of each mobile vending event.

(c) Temporary structures.

- (1) No permanent structure or improvement shall be installed.
- (2) No temporary structure may be secured in any manner that damages the right-of-way. Weights are encouraged to be used to secure temporary structures.
- (3) No mobile vendor vehicle or prepared food vending vehicle, structure, or related infrastructure is allowed to take up space or interfere with the operations within a visibly designated loading/unloading zone or fire lane.

(d) Signage.

- (1) Signs otherwise compliant with the sign code in regard to size, material, and presentation can be safely attached to temporary structures.
 - a. All signs allowed under this subsection may not be used outside of the hours of operation or used in a manner that violates any other ordinance.
 - b. Signs cannot be attached to public infrastructure.
- (2) Sandwich boards are allowed in connection with the mobile vendor vehicle or prepared food vending vehicle.

- a. Sandwich boards must be placed within five feet of the mobile vendor vehicle or prepared food vending vehicle and do not interfere with the flow of pedestrian or automobile traffic.
- b. Sandwich boards are otherwise subject to all other sign code regulations.

Section 2. That original Section 31-16 of the Code of the Unified Government of Wyandotte County/Kansas City, Kansas, be and the same is hereby amended to read as follows:

Sec. 31-16. - Penalties.

(a) Except as otherwise provided in subsection (c) of this section, any ~~Any~~ person who shall violate any of the provisions of this chapter, shall be deemed guilty of a misdemeanor and shall be sentenced, upon conviction, to a fine of not less than \$500.00 or more than \$2,500.00, to imprisonment for a term of not exceeding six months, or both. Each day that a violation of this chapter shall continue shall constitute a separate offense. The prosecution of any violation as a public offense pursuant to this ~~section~~ subsection (a) may be in addition to, or as an alternative to, any other remedy or course of action available to the unified government.

(b) In addition to the penalties provided for in subsection (a) of this section, the costs incurred pursuant to section 31-4(e) shall be assessed against the responsible party.

(c) Any person who shall violate Sec. 31-12 through the unlawful dumping of garbage, as defined in Sec. 31-1, shall be deemed guilty of a misdemeanor and shall be sentenced, upon conviction, to a fine of not less than \$1,000.00 or more than \$2,500.00, to imprisonment for a term of not exceeding twelve months, or both. Each day that a violation of this chapter shall continue shall constitute a separate offense. The prosecution of any violation as a public offense pursuant to this section may be in addition to, or as an alternative to, any other remedy or course of action available to the unified government.

Section 3. That said original sections 32-188 and 31-16 be and the same are hereby repealed.

Section 4. If any provision of this Ordinance or the application thereof to any persons or circumstances is held invalid, such invalidity shall not affect other provisions or application of the Ordinance which can be given effect without the invalid provisions or application and to this end the provisions of this Ordinance are declared to be severable.

Section 5. This ordinance shall take effect and be in full force from and after its passage, approval, and a summary published in the official Unified Government newspaper.

**PASSED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY KANSAS
THIS ____ DAY OF _____, 2024.**

APPROVED:

Tyrone A. Garner
Mayor/CEO

Attest:

Unified Government Clerk

Approved as to form:

Chief Counsel

Mobile Vending Ordinances

PUBLIC RIGHT-OF-WAY MOBILE VENDING AND ILLEGAL DUMPING PROPOSED UPDATES



Community and Business Concerns

Resident Concerns

- Recent enforcement actions began after complaints by residents in neighborhoods with high concentrations of mobile vending.
- Resident concerns included:
 - Trash;
 - Noise;
 - Distance from mobile vending to homes and residences.

Mobile Vendor Concerns

- Mobile vendors have expressed concerns regarding operating hours in the current ordinances.

Food Establishment Concerns

- Brick and Mortar food establishments have brought concerns regarding mobile vendors parking close to their businesses.



Current Ordinances

- **PUBLIC RIGHT-OF-WAY**
Chapter 32

- Mobile Vending on public right-of-way contained in Sec. 32-188.
- Hours of operation:
 - 8:00 a.m. – 7:00 p.m. Sunday through Thursday;
 - 8:00 a.m. – 8:00 p.m. Friday and Saturday.
- A mobile vending vehicle can park at one site for four hours.

- **PUBLIC RIGHT-OF-WAY**
Chapter 32

- Mobile vending not allowed on residential streets (except for block parties).
- Mobile Vendors are required to provide trash and recycling receptacles.



PROPOSED UPDATES

- The proposed ordinance was written with blanks to fill in, so that the Neighborhood and Community Standing Committee would have the ability to consider and select times regarding:
 - 1) Operating hours for mobile vendors, and
 - 2) The length of time a mobile vending vehicle can park at one site.
- This form of ordinance draft was chosen to allow the Standing Committee the ability to consider input from multiple stakeholders.

Proposed Updates

Hours of Operation

- Sec. 32-188(a)(3), options suggested by various stakeholders:
 - Option 1: 8:00 a.m. until 2:00 a.m.
 - Option 2: 8:00 a.m. until midnight.
 - Option 3: 8:00 a.m. until 11:00 p.m.
 - Option 4: 8:00 a.m. until 10:00 p.m.
 - Option 5: 8:00 a.m. until a time Standing Committee determines.

Length of Time Parked

- Sec. 32-188(b)(4)(g)
- A mobile vending vehicle can park at one site for:
 - Option 1: Eight hours
 - Option 2: No time limit on parking at any one site.
 - Option 3: A period of time as determined by Standing Committee.
- A mobile vending vehicle shall not be stored on a public right-of-way overnight where the mobile vending vehicle is operating.



Proposed updates continued

- Sec 32-188(b)(3)
 - A mobile vendor cannot operate 100 feet from the front door of a food establishment on the public right-of-way.
 - A food establishment owner could park a mobile vending vehicle within 100 feet of their own food establishment.
- Sec 32-188(a)(2)
 - Display of signage showing fire inspection and approval required.



Proposed updates continued

- Sec. 32-188(b)(4)(h)
 - A mobile vending vehicle shall not park in a fire lane.
- Sec. 32-188(b)(4)(i)
 - Mobile vending vehicles shall not park in an electrical charging station unless it is an electrical vehicle actively charging.
- Sec. 32-188(b)(4)(j)
 - Mobile vending vehicles shall not operate electronic devices to amplify music or sound.
- Sec. 32-188(b)(4)(k)
 - Mobile vending vehicles shall not operate lights or signs with a rotating beam or flashing beacon. The lights, or light source for any sign, shall not be directed toward any residentially zoned area.



Illegal Dumping of Food Waste and Cooking Oil

- **Current Ordinance:**

- Sec. 31-12. Unlawful Dumping and Sec. 31-16. Penalties.
- \$500 minimum fine with maximum \$2,500 fine for illegal dumping of food waste or cooking oil

- **Proposed update:**

- Sec. 31-16(c) Penalties.
 - Revised with an addition making illegal dumping of “garbage,” which includes cooking waste as defined in Sec. 31-1, a minimum fine of \$1,000 with a maximum fine of \$2,500. This also would raise the maximum jail penalty from six months to 12 months. This brings a violation from a Class B misdemeanor to a Class A misdemeanor.





Report to

MEETING DATE	PRESENTER	DEPARTMENT
	Jud Knapp, Acting Land Bank Manager jknapp@wycokck.org x5472	Land Bank Approvals
AGENDA ITEM #		
LAND BANK OPTIONS		
BACKGROUND		
The Land Bank Manager respectfully requests that the Neighborhood and Community Development Committee review the proposed items and forward it to the Land Bank Board of Trustees for final consideration, submitted by Jud Knapp, Land Bank Manager. Please visit the site to review the applications below. https://gisapp.wycokck.org/Landbank.html 14 Single Family Homes 6 Multi Family Units 1 Commercial		
RECOMMENDATION		
Approve		
BUDGET IMPACTS / FINANCIAL CONSIDERATIONS		
IT/POLICY CONSIDERATIONS		
PROCUREMENT CONSIDERATIONS		
LEGAL CONSIDERATIONS		
ATTACHMENTS		
NCD Memo Land Bank Options 04.29.24		

Approved by Mayor and/or Chair and Administrator to add to agenda.

[Signature] 4/16/2024
[Signature] 4/16/2024



Wyandotte County Land Bank
Economic Development Department
Jud Knapp, Manager

701 North 7th St., 4th Floor
Kansas City, Kansas 66101

Phone: (913) 573-5472
Fax: (913) 573-5745
Email: jknapp@wycokck.org

M E M O R A N D U M

TO: Neighborhood & Community Development Standing Committee

FROM: Jud Knapp, Land Bank Manager

DATE: April 10, 2024

SUBJECT: Option applications for consideration

The following **option application(s)** are being presented at the 04/29/2024 meeting:

Please visit the new site to review the applications below

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

A. Single Family Homes – 14 Homes

1. RA Engineering Corp – 1 home
 - i. 1322 N 8th ST – 081987
2. RA Engineering Corp – 1 home
 - i. 2527 N Hallock St – 292430
3. Cookie Francene Sutton – 1 home
 - i. 3601 Locust Ave – 079642
4. Francene Sutton, FMJ Properties, LLC - 2 homes
 - i. 3613 Lust Dr – 079417
5. Ryan Barr – 1 home
 - i. 1856 S St. Paul St – 154937
6. Ryan Barr – 1 home
 - i. 2252 S Ferree St – 126619
7. Conard Miller, Jr – 1 home
 - i. 709 Garfield Ave – 095200
8. Kachet M Peterkin – 1 home
 - i. 1114 S 39th St – 170561
9. David Wennerstrom – 1 home
 - i. 1900 N 62nd Pl – 207504
10. Melissa Black – 1 home
 - i. 4743 Parkview Ave – 916927
 - ii. 4739 Parkview Ave – 916926
 - iii. 4735 Parkview Ave – 916925
 - iv. 4729 Parkview Ave – 916924
11. Jeree Dickens – 1 home
 - i. 2062 N Thompson St – 109729

12. Hope Meador – 1 home
 - i. 3109 S 34th St – 150301
13. Luis Rocha – 1 home
 - i. 715 N 12th St – 080830

B. Multi Family – 6 units

1. RA Engineering Corp – 2 Units
 - i. 528 Center St – 154848
 - ii. 526 Center St – 154849
 - iii. 524 Center St – 154850
 - iv. 528 Center St – 154851
 - v. 1525 S 7th St Appr – 154847
 - vi. 1526 S 7th St Appr – 154846
 - vii. 1528 S 7th St Appr – 154845
2. Michael Portsche – 2 units
 - i. 2308 S 8th ST – 137284
3. Sanaz Mohammadrabie – 2 units
 - i. 946 Shawnee Ave – 073025
 - ii. 948 Shawnee Ave – 073097

C. Commercial – 2

1. Carlos Bravo
 - i. 2202 Quindaro Blvd - 162107

Tracking ID: 2154



Report to

MEETING DATE	PRESENTER	DEPARTMENT
	Jud Knapp, Acting Land Bank Manager jknapp@wycokck.org x5472	Land Bank Approvals
AGENDA ITEM #		
LAND BANK PROPERTY TRANSFERS		
BACKGROUND		
The Land Bank Manager respectfully requests that the Neighborhood and Community Development Committee review the proposed items and forward it to the Land Bank Board of Trustees for final consideration, submitted by Jud Knapp, Land Bank Manager. Please visit the site to review the applications below. https://gisapp.wycokck.org/Landbank.html 1 Transfer from UG to Land Bank		
RECOMMENDATION		
Approve		
BUDGET IMPACTS / FINANCIAL CONSIDERATIONS		
IT/POLICY CONSIDERATIONS		
PROCUREMENT CONSIDERATIONS		
LEGAL CONSIDERATIONS		
ATTACHMENTS		
NCD Memo Land Bank Property Transfers 04.29.24		

Approved by Mayor and/or Chair and Administrator to add to agenda.

4/16/2024



Wyandotte County Land Bank
Economic Development Department
Jud Knapp, Manager

701 North 7th St., 4th Floor
Kansas City, Kansas 66101

Phone: (913) 573-5472
Fax: (913) 573-5745
Email: jknapp@wycokck.org

M E M O R A N D U M

TO: Full Commission
FROM: Jud Knapp, Land Bank Manager
DATE: April 10, 2024
SUBJECT: Property Transfers applications for consideration

The following **property transfers application(s)** will be presented at the 03/04/24 standing committee meeting:

Please visit the new site to review the applications below
<https://gisapp.wycokck.org/Landbank.html>

PT – Property Transfers

1. UG to Land Bank - 1
 - i. 819 Troup Ave – 095102
 - ii. This request is for Wall-Ties & Forms INC to add to their approved multi family project.

