

**OCTOBER 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/81576244127>

Webinar ID: 815 7624 4127

Or One tap mobile:

+12532158782,81576244127# US (Tacoma)

+13462487799,81576244127# US (Houston)

Or join by phone:

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

US: +1 253 215 8782 or +1 346 248 7799 or +1 669 444 9171 or +1 669 900 9128 or +1 719 359 4580 or +1 253 205 0468 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 +1 360 209 5623 or +1 386 347 5053 or +1 507 473 4847 or 888 475 4499 (Toll-Free) or 877 853 5257 (Toll-Free)

International numbers available: <https://us02web.zoom.us/j/81576244127>

- I. CALL TO ORDER**
- II. ROLL CALL**
- III. INVOCATION**
- IV. PLEDGE OF ALLEGIANCE**
- V. REVISIONS TO WEDNESDAY, OCTOBER 30, 2024 AGENDA**
- VI. MAYOR'S AGENDA**
- VII. CLERK'S STATEMENT**

(Anyone wishing to speak about a particular item on the Consent Agenda must notify the Mayor when he asks if there are any "set-asides" on the Consent Agenda. Your item will then be discussed and voted on separately. All remaining items on the Consent Agenda are viewed as a single group and voted on with one vote.)
- VIII. PLANNING AND ZONING CONSENT AGENDA**
- IX. PLANNING AND ZONING NON-CONSENT AGENDA**
- X. REGULAR CONSENT AGENDA**
- XI. PUBLIC HEARING AGENDA**
- XII. STANDING COMMITTEES' AGENDA**

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

VI. MAYOR'S AGENDA

1. PRESENTATION: DOTTE PROUD RECOGNITION

Synopsis: Mayor's Dotte Proud Initiative to recognize acts of volunteerism by citizens or businesses within Wyandotte County. The mayor will recognize the following individuals: Barbara Kill, and Leon Brady. Commissioner Lopez will recognize Mike Bergen, Hands to Hearts, and Commissioner Rameriz will recognize Erin Stryka, Rosedale Development Association.

For Information Only

Tracking #: 21487

2. RESOLUTION: SPANISH-LANGUAGE ELECTION MATERIALS

Synopsis: Adoption of a resolution for the Kansas Secretary of State to work collaboratively with the Wyandotte County Election Commissioner to make Spanish-language election materials available to voters starting with elections in 2025.

Tracking #: 21449

3. PROCLAMATION: BREAST CANCER AWARENESS MONTH

Synopsis: A Proclamation proclaiming the month of October 2024, as Breast Cancer Awareness Month, submitted by Tyrone A. Garner, Mayor/CEO.

Tracking #: 21489

4. PROCLAMATION: DOMESTIC VIOLENCE AWARENESS MONTH

Synopsis: A Proclamation proclaiming the month of October 2024, as Domestic Violence Awareness Month, submitted by Tyrone A. Garner, Mayor/CEO.

Tracking #: 21488

5. PROCLAMATION: KANSAS CITY KANSAS FIRE STATION 11 DAY

Synopsis: A Proclamation proclaiming the month of November 2, 2024, as Kansas City Kansas Fire Station 11 Day, submitted by Tyrone A. Garner, Mayor/CEO.

Tracking #: 21492

VII. 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.)

VIII. PLANNING AND ZONING CONSENT AGENDA

A. CHANGE OF ZONE APPLICATIONS

1. COZ2024-014 - SCOTT RAY WITH BUC-EES

Synopsis: Change of Zone from A-G Agriculture District to CP-3 Planned Commercial District to construct a new travel center at 601 Village West Parkway, RECOMMENDED FOR APPROVAL BY A VOTE OF 9 TO 0 to the CP-2 Planned General Business District.

Tracking #: 21470

2. COZ 2024-027 - JASON DANDROY

Synopsis: Change of Zone from R-1(B) Single Family District to CP-O Planned Non-Retail Business District for a legal non-conforming office building at 4116 Strong Avenue, RECOMMENDED FOR APPROVAL BY A VOTE OF 8 TO 0.

Tracking #: 21474

3. COZ204-028 - JIM SULLIVAN WITH SULLIVAN PALMER ARCHITECTS

Synopsis: Change of Zone from CP-1 Planned Limited Business District to CP-2 Planned General Business District for a fueling station and convenience store at 2404 South 51st Street, RECOMMENDED FOR APPROVAL BY A VOTE OF 9 TO 0.

Tracking #: 21475

B. SPECIAL USE PERMIT APPLICATIONS

1. SP2024-040 - CODY FOLTZ

Synopsis: Special Use Permit for a Short-Term Rental at 2100 North 70th Street, RECOMMENDED FOR APPROVAL BY A VOTE OF 9 TO 0 FOR 1 YEAR.

Tracking #: 21476

2. SP2024-054 - BRIEN DARBY WITH CULTIVATE KANSAS CITY, INC.

Synopsis: Renewal of a Special Use Permit (SP2022-052 – expires 2/1/2025) for a community garden and greenhouse at 1810 North 1st Street, RECOMMENDED FOR APPROVAL BY A VOTE OF 8 TO 0 FOR 2 YEARS.

Tracking #: 21455

3. **SP2024-055 - BRIEN DARBY WITH CULTIVATE KANSAS CITY, INC.**
Synopsis: Renewal of a Special Use Permit (SP2022-052 – expires 2/1/2025) for storage containers, coolers, farm market training, and a community garden at 1900 North 1st Street, RECOMMENDED FOR APPROVAL BY A VOTE OF 8 TO 0 FOR 2 YEARS).
Tracking #: 21456
4. **SP2024-059 - PETE DAVIS JR. WITH AUTO PLUG LLC**
Synopsis: Renewal of a Special Use Permit (SP2022-003, expired 7/7/2024) for an auto dealership with light repair and detailing at 1830 Quindaro Boulevard, RECOMMENDED FOR APPROVAL BY A VOTE OF 8 TO 0 FOR 2 YEARS.
Tracking #: 21457
5. **SP2024-062 - AUSTIN THOMPSON WITH ATLAS LAND CONSULTING**
Synopsis: Special Use Permit for a Short-Term Rental at 10000 Hollingsworth Road, RECOMMENDED FOR APPROVAL BY A VOTE OF 9 TO 0 FOR 1 YEAR.
Tracking #: 21478
6. **SP2024-063 - BLAKE LOSTAL WITH COLONIAL CLUB LLC**
Synopsis: Renewal of a Special Use Permit (SP-2022-046 – expired 10/3/2024) for live entertainment at a drinking establishment at 322 North 6th Street, RECOMMENDED FOR APPROVAL BY A VOTE OF 8 TO 0 FOR 5 YEARS.
Tracking #: 21458
7. **SP2024-067 - DANIEL RIOS**
Synopsis: Special Use Permit to keep landscaping equipment at a residence at 1323 South 51st Terrace, RECOMMENDED FOR DENIAL BY A VOTE OF 9 TO 0.
Tracking #: 21481
8. **SP2024-068 - DARCY SWAN WITH YMCA**
Synopsis: Special Use Permit to operate a before and after school daycare at the Piper Creek Elementary School at 4420 North 107th Street, RECOMMENDED FOR APPROVAL BY A VOTE OF 9 TO 0 FOR 2 YEARS.
Tracking #: 21482
9. **SP2024-069 - DARCY SWAN WITH YMCA OF GREATER KC**
Synopsis: Special Use Permit to operate a before and after school daycare at the Piper Early Childhood Center at 4410 North 107th Street, RECOMMENDED FOR APPROVAL BY A VOTE OF 9 TO 0 FOR 2 YEARS.
Tracking #: 21483

10. **SP2024-070 - MEGAN DUMA WITH MD HOMES, LLC**

Synopsis: Renewal of a Special Use Permit (SP-2023-066 – expires 3/14/2025) for a Short-Term Rental at 408 Sandusky Avenue, RECOMMENDED FOR APPROVAL BY A VOTE OF 8 TO 0 FOR 2 YEARS.

Tracking #: 21459

11. **SP2024-071 - MEGAN DUMA WITH MD HOMES LLC**

Synopsis: Renewal of a Special Use Permit (SP-2023-067 – expires 12/14/2024) for a Short-Term Rental at 2706 Espenlaub Lane, RECOMMENDED FOR APPROVAL BY A VOTE OF 8 TO 0 FOR 2 YEARS.

Tracking #: 21460

12. **SP2024-072 - AARON LILLY**

Synopsis: Renewal of a Special Use Permit (SP-2023-046 – expired 10/5/2024) for a Short-Term Rental at 4138 Lloyd Street, RECOMMENDED FOR APPROVAL BY A VOTE OF 8 TO 0 FOR 2 YEARS.

Tracking #: 21461

13. **SP2024-073 - ALISON SCHWARTZ**

Synopsis: Renewal of a Special Use Permit (SP-2023-093 – expires 1/25/2025) for a Short-Term Rental at 625 Northrup Avenue, RECOMMENDED FOR APPROVAL BY A VOTE OF 8 TO 0 FOR 2 YEARS.

Tracking #: 21462

14. **SP2024-075 - BETSY AND RYAN MAXFIELD**

Synopsis: Renewal of a Special Use Permit (SP2023-057 – expires 12/14/2024) for a Short-Term Rental at 4436 Cambridge Street, RECOMMENDED FOR APPROVAL BY A VOTE OF 8 TO 0 FOR 2 YEARS.

Tracking #: 21463

15. **SP2024-076 - ELIZABETH HARDING**

Synopsis: Renewal of a Special Use Permit (SP2023-053 – expired 10/5/2024) for a Short-Term Rental at 2822 West 43rd Avenue, RECOMMENDED FOR APPROVAL BY A VOTE OF 8 TO 0 FOR 2 YEARS.

Tracking #: 21464

16. **SP2024-078 - MADISON BERCIUNAS**

Synopsis: Renewal of a Special Use Permit (SP2023-056 – expired 10/5/2024) for a Short-Term Rental at 4206 Mission Road, RECOMMENDED FOR APPROVAL BY A VOTE OF 8 TO 0 FOR 1 YEAR.

Tracking #: 21465

17. SP2024-079 - LANCE PIERCE

Synopsis: Renewal of a Special Use Permit (SP2024-048 – expired 10/5/2024) for a Short-Term Rental at 3925 Springfield Street, RECOMMENDED FOR APPROVAL BY A VOTE OF 8 TO 0 FOR 2 YEARS.

Tracking #: 21466

18. SP2024-080 - LANCE PIERCE

Synopsis: Renewal of a Special Use Permit (SP2024-049 – expired 10/5/2024) for a Short-Term Rental at 4028 Booth Street, RECOMMENDED FOR APPROVAL BY A VOTE OF 8 TO 0 FOR 2 YEARS.

Tracking #: 21467

19. SP2024-081 - LANCE PIERCE

Synopsis: Renewal of a Special Use Permit (SP2024-049 – expired 10/5/2024) for a Short-Term Rental at 4028 Booth Street, RECOMMENDED FOR APPROVAL BY A VOTE OF 8 TO 0 FOR 2 YEARS.

Tracking #: 21468

20. SP2024-086 - RACHEL MILLS

Synopsis: Special Use Permit for a drinking establishment with live entertainment at 612 North 5th Street, RECOMMENDED FOR APPROVAL BY A VOTE OF 9 TO 0 FOR 2 YEARS.

Tracking #: 21484

C. VACATION APPLICATIONS

1. VAC2024-008 - JOE MCCLAUGHLIN

Synopsis: Vacation of street right-of-way at 1621 North 25th Street, RECOMMENDED FOR APPROVAL BY A VOTE OF 8 TO 0.

Tracking #: 21486

D. MASTER PLAN AMENDMENT APPLICATIONS

1. MPL2024-008 - SCOTT RAY WITH BUC-EE'S

Synopsis: Master Plan Amendment from Planned Entertainment District to Planned Commercial District (Prairie-Delaware-Piper Area Plan) to construct a new travel center at 601 Village West Parkway, RECOMMENDED FOR APPROVAL BY A VOTE OF 9 TO 0.

Tracking #: 21471

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

1. AN ORDINANCE authorizing a Special Use Permit (SP2024-052) for continuation of a Short-Term Rental at 3716 Springfield Street, RECOMMENDED FOR APPROVAL.
Tracking #: 21493
2. AN ORDINANCE authorizing a Special Use Permit (SP2024-053) for continuation of a Short-Term Rental at 4016 Springfield Street, RECOMMENDED FOR APPROVAL.
Tracking #: 21494
3. AN ORDINANCE authorizing a Special Use Permit (SP2024-007) for a Short-Term Rental at 2023 North 85th Street, RECOMMENDED FOR APPROVAL.
Tracking #: 21495
4. AN ORDINANCE rezoning property at 713 Osage Avenue and 813 South Pyle Street (COZ204-019) from R-2(B) Two Family District to CP-2 Planned General Business District, RECOMMENDED FOR APPROVAL.
Tracking #: 21496
5. AN ORDINANCE authorizing a Special Use Permit (SP2024-056) for live entertainment in conjunction with an existing restaurant at 4929 State Avenue, RECOMMENDED FOR APPROVAL.
Tracking #: 21497
6. AN ORDINANCE authorizing a Special Permit (SP2024-058) for continuation of the Temporary Use of Land for a commercial farmstead at 4141 Joyce Drive, RECOMMENDED FOR APPROVAL.
Tracking #: 21498
7. AN ORDINANCE authorizing a Special Use Permit (SP2024-060) for continuation of a Short-Term Rental at 527 Tenny Avenue, RECOMMENDED FOR APPROVAL.
Tracking #: 21499

IX. PLANNING AND ZONING NON-CONSENT AGENDA

A. CHANGE OF ZONE APPLICATIONS

1. COZ2024-022 - ROGER BARRETT

Synopsis: Change of Zone from R-2 Two Family District to TND Traditional Neighborhood Design District to construct a 24-unit apartment development at 4225 Mission Road, RECOMMENDED FOR APPROVAL BY A VOTE OF 6 to 3.

Tracking #: 21472

2. COZ2024-023 - BRIAN HOCHSTEIN

Synopsis: Change of Zone from R-1 Single Family District to MP-2 Planned General Industrial District for outdoor storage at 1930 South 74th Street, RECOMMENDED FOR APPROVAL BY A VOTE OF 8 TO 1.

Tracking #: 21473

B. SPECIAL USE PERMIT APPLICATIONS

1. SP2024-047 - SELENA UMANA WITH THE RED CIRCLE LLC

Synopsis: Special Use Permit for an event space at 6000 Leavenworth Road, RECOMMENDED FOR APPROVAL BY A VOTE OF 8 TO 1 FOR 1 YEAR.

Tracking #: 21477

2. SP2024-064 - WENDY GONZALEZ

Synopsis: Special Use Permit for a car audio installation business at 1315 State Avenue, RECOMMENDED FOR APPROVAL BY A VOTE OF 7 TO 2 FOR 2 YEARS.

Tracking #: 21479

3. SP2024-065 - LAJOYCE CALLOWAY WITH BEAUTIFUL BEGINNINGS EARLY CHILDHOOD

Synopsis: Special Use Permit for a home-based daycare at 3424 North 99th Street, RECOMMENDED FOR APPROVAL BY A VOTE OF 8 TO 1 FOR 2 YEARS.

Tracking #: 21480

4. SP2024-077 - JOHN SILL

Synopsis: Special Use Permit for a Short-Term Rental at 819 Southwest Boulevard, RECOMMENDED FOR APPROVAL BY A VOTE OF 8 TO 1 FOR 1 YEAR.

Tracking #: 21485

TAX STATUS REPORT
BOARD OF COMMISSIONERS AGENDA FOR OCTOBER 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: AMENDING MASTER LEASE AGREEMENT

Synopsis: Approval of a resolution authorizing the Unified Government to add equipment to its Master Equipment Lease Purchase Agreement with Banc of America Corp, submitted by Shelley Kneuvean, Chief Financial Officer.

*On September 30, 2024, the **Economic Development and Finance Standing Committee**, chaired by Commissioner Burroughs, voted unanimously to approve and forward to full commission.*

Tracking #: 21371

2. RESOLUTION: RESTATING AUTHORITY OF THE UNIFIED BOARD OF COMMISSIONERS TO SET OVERALL POLICY

Synopsis: Approval of a resolution restating the authority of the Unified Government Board of Commissioners to set overall policy and clarifying the intent that the determination of meaning, and implementation of such policy may be made by the Board.

This item was previously heard by the Board of Commission on July 18, 2024, and approval of the resolution was denied.

*On September 30, 2024, the **Economic Development and Finance Standing Committee**, chaired by Commissioner Burroughs, voted unanimously to approve and forward to full commission.*

Tracking #: 21281

3. MINUTES

Synopsis: Minutes from the Special Session meeting on September 26 and October 3, 2024, and Planning & Zoning and Regular Session meeting on August 31, 2023.

Tracking #: MINUTES

4. WEEKLY BUSINESS

Synopsis: Weekly business materials dated September 19, 26, and October 3, 2024.

Tracking #: WEEKLY BUSINESS

XI. PUBLIC HEARING AGENDA

XII. STANDING COMMITTEES' AGENDA

XIII. ADMINISTRATOR'S AGENDA

XIV. COMMISSIONERS' AGENDA

XV. LAND BANK BOARD OF TRUSTEES' CONSENT AGENDA

1. LAND BANK OPTIONS

Synopsis: The following **option application(s)** was presented at the 09/30/2024 meeting:

Please visit the new site to review the applications below

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

8 Single Family Homes + Nehemiah Project

2 Multi-Family Units

1 Commercial

Tracking #: 21376

2. LAND BANK PROPERTY TRANSFERS

Synopsis: The following **property transfer application(s)** was presented at the 09/30/24 standing committee meeting:

Please visit the new site to review the applications

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

1 UG transfer into the Land Bank

Tracking #: 21377

XVI. PUBLIC ANNOUNCEMENTS

XVII. ADJOURN



Report to Full Commission

MEETING DATE	PRESENTER	DEPARTMENT
	Irene Caudillo, Chief of Staff icaudillo@wycokck.org x5010	Mayor's Office
AGENDA ITEM #VI.1.		
PRESENTATION: DOTTE PROUD RECOGNITION		
BACKGROUND		
Mayor's Dotte Proud Initiative to recognize acts of volunteerism by citizens or businesses within Wyandotte County. The mayor will recognize the following individuals: Barbara Kill, and Leon Brady. Commissioner Lopez will recognize Mike Bergen, Hands to Hearts, and Commissioner Rameriz will recognize Erin Stryka, Rosedale Development Association. <i>For Information Only</i>		
RECOMMENDATION		
For information only		
BUDGET IMPACTS / FINANCIAL CONSIDERATIONS		
IT/POLICY CONSIDERATIONS		
PROCUREMENT CONSIDERATIONS		
LEGAL CONSIDERATIONS		
ATTACHMENTS		
Mayor's Dotte Proud Recognition 10-30-24, Commissioners Dotte Proud Awardees 10-30-24		

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

Dotte Proud Recognition

October 30, 2024



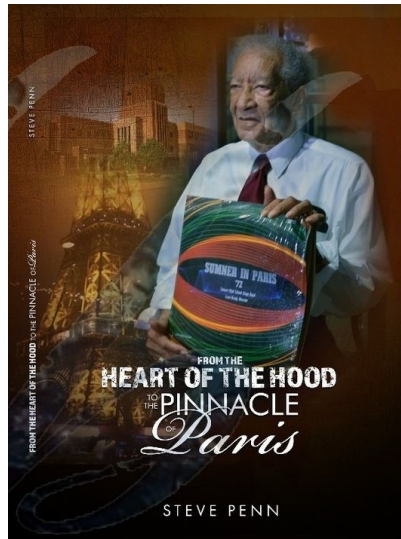
Honoring Barbara Kill





Honoring Leon Brady

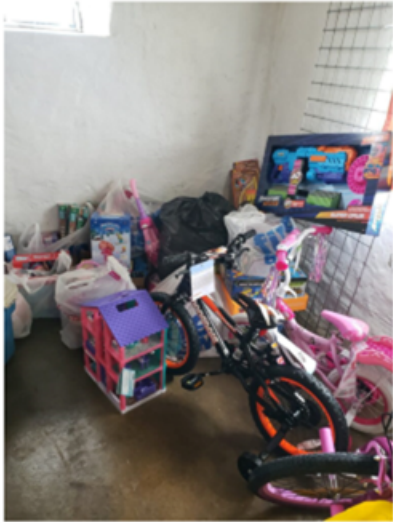




Honoring
Hands to Heart

Mike
Bergen





Honoring Erin Stryka







Report to Full Commission

MEETING DATE	PRESENTER	DEPARTMENT
	Irene Caudillo, Chief of Staff icaudillo@wycokck.org x5010	Mayor's Office
AGENDA ITEM #VI.2.		
RESOLUTION: SPANISH-LANGUAGE ELECTION MATERIALS		
BACKGROUND		
Adoption of a resolution for the Kansas Secretary of State to work collaboratively with the Wyandotte County Election Commissioner to make Spanish-language election materials available to voters starting with elections in 2025.		
RECOMMENDATION		
Approve		
BUDGET IMPACTS / FINANCIAL CONSIDERATIONS		
IT/POLICY CONSIDERATIONS		
PROCUREMENT CONSIDERATIONS		
LEGAL CONSIDERATIONS		
ATTACHMENTS		
Resolution for Spanish-language election materials		

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

RESOLUTION NO. R-____-24

**A RESOLUTION URGING THE KANSAS SECRETARY OF STATE TO WORK
COLLABORATIVELY WITH THE WYANDOTTE COUNTY ELECTION
COMMISSIONER TO MAKE SPANISH-LANGUAGE ELECTION MATERIALS
AVAILABLE TO VOTERS STARTING WITH ELECTIONS IN 2025**

WHEREAS, high levels of voter turnout and participation are critical to the functioning of our democracy;

WHEREAS, voter turnout in Wyandotte County was lower than the statewide average, at 62.69% in the 2020 general election and 38.29% in the 2022 general election;

WHEREAS, voter turnout and voting access are increased by the practice of making election materials available to eligible citizens in languages other than English, a practice called language access;

WHEREAS, Wyandotte County is one of the most diverse communities in America, with more than 51,000 residents, many of them citizens eligible to vote, who speak a primary language other than English;

WHEREAS, the Wyandotte County Election Office currently does not provide language access, such as ballots, sample ballots, voter instructions, material about Wyandotte County elections, or materials about the right of voters to receive language assistance at the polls in any language other than English;

WHEREAS, thousands of Wyandotte County residents and eligible voters have petitioned the Wyandotte County Election Office for expanded language access;

WHEREAS, local and state election officials have the authority to expand language access beyond the minimum standards set by federal law;

WHEREAS, elections in Wyandotte County are administered by the Wyandotte County Election Office and its Election Commissioner; and

WHEREAS, the Wyandotte County Election Commissioner is directly appointed and supervised by the Kansas Secretary of State.

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

Section 1. The Unified Government Board of Commissioners urges the Office of the Secretary of State of Kansas to work collaboratively with the Wyandotte County Election Office to:

- (1) Make Spanish-language ballots, sample ballots, and informational materials available upon request at in-person polling places and through the advance voting process starting with elections held in 2025;
- (2) Make all locally-produced materials and online content about Wyandotte County elections available in Spanish; and
- (3) Make printed and online materials available in English and Spanish that inform voters of their right to receive language assistance at the polls from an individual of their choice.

Section 2. 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 BOARD OF COMMISSIONERS OF THE UNIFIED
GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS
THIS _____ DAY OF _____, 2024.**

Tyrone A. Garner, Mayor/CEO

Attest:

Monica Sparks, Unified Government Clerk

Approved as to Form:

Angela Lawson, Acting Chief Counsel



PROCLAMATION

WHEREAS, breast cancer touches every corner of the United States and hundreds of thousands of Americans will be diagnosed with breast cancer and tens of thousands will die from it; and

WHEREAS, about 1 in 8 women born today in the United States will get breast cancer at some point in their lifetime and approximately 2,000 men are diagnosed with breast cancer each year; and

WHEREAS, we show our support for every individual and every family struggling with breast cancer and we pause to remember those we have lost; and

WHEREAS, Breast Cancer Awareness Month in October is a chance to raise awareness about the importance of early detection of breast cancer by getting a mammogram and encouraging our community, organizations, churches, families, and individuals to get involved; and

WHEREAS, we salute the women and men who dedicate themselves to prevention, detection, and treatment as we observe Breast Cancer Awareness Month.

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

“Breast Cancer Awareness Month”

in Wyandotte County/Kansas City, Kansas,
and call upon all residents to recognize the
importance of Breast Cancer Awareness. 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,** family and relationships are often counted among life's greatest gifts, and tragically, many Kansans' relationships are tarnished by violence fear; and
- WHEREAS,** the crime of domestic violence violates an individual's privacy, dignity, security, and humanity, due to the systematic use of physical, emotional, sexual, psychological, economic, and coercive control and abuse; and
- WHEREAS,** in 2022 the Centers for Disease Control and Prevention reported that 1 in 3 women and 1 in 4 men have experienced severe physical violence by an intimate partner during their lifetime; and
- WHEREAS,** more than 23,000 calls are placed to domestic violence hotlines nationwide every day, and during a 24-hour period in 2022, hotline staff in Kansas received 271 contacts, averaging over 11 contacts per hour; and
- WHEREAS,** in 2021, the Kansas Bureau of Investigation reports that domestic violence homicides comprised over 18% of all homicides in Kansas; and
- WHEREAS,** in 2021, one domestic violence arrest was made by law enforcement every 47 minutes, and 22 seconds in Kansas; and
- WHEREAS,** the DELLA GILL/JOYCE H. WILLIAMS CENTER for Domestic Violence Survivors & their Children, "A Program of Friends of Yates," provides 24/7/365 free and confidential services to victims of domestic violence in Kansas City, Kansas; and served over 1,790 individuals and provided over 14,800 services that included shelter, court advocacy, individual/group counseling, job readiness, meals, child care, substance abuse counseling, community education, domestic violence training, cultural awareness training, during 2022; and
- WHEREAS,** the DELLA GILL/JOYCE H. WILLIAMS CENTER is available at 913-321-0951 or toll-free 855-232-0252; and
- WHEREAS,** this violence is inconsistent with the values of our community and is unacceptable.

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

“Domestic Violence Awareness Month”

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

TYRONE GARNER, MAYOR/CEO



PROCLAMATION

WHEREAS, Kansas City, Kansas Fire Station 11 was born out of concerns of inadequate fire coverage in the western expansion of Kansas City, Kansas, specifically the Kensington Park neighborhood; and

WHEREAS, construction of Kansas City, Kansas Fire Station 11 began in February 1924 with a construction budget of \$21,891; and

WHEREAS, Kansas City, Kansas Fire Station 11 was presented to the City on October 4, 1924; and

WHEREAS, Kansas City, Kansas Fire Station 11 was opened for service on November 1, 1924, with two fire apparatus and 10 firefighters; and

WHEREAS, Kansas City, Kansas Fire Station 11 was renovated to become a single bay fire station in December 1950 to accommodate the increasing size of fire apparatus; and

WHEREAS, Kansas City, Kansas Fire Station 11 is one of the oldest continuously operating fire stations in the United States; and

WHEREAS, Kansas City, Kansas Fire Station 11 has been in continuous operation for 100 years.

NOW, THEREFORE, I, Tyrone Garner, Mayor/CEO of the Unified Government of Wyandotte County/Kansas City, Kansas, do hereby proclaim November 2nd, 2024, as:

“Kansas City Kansas Fire Station 11 Day”

in Wyandotte County/Kansas City, Kansas. In acknowledgment of the Centennial Celebration of Kansas City, Kansas Fire Station 11, I urge all citizens to give special recognition to the Kansas City Kansas Fire Department and its dedicated members, both past and present, for their extraordinary dedication to the citizens of 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



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: Board of Commissioners

From: Planning and Urban Design Staff

Date: October 30, 2024

Re: **Change of Zone Petition COZ2024-014 and Master Plan Amendment MPL2024-008**

GENERAL INFORMATION

Applicant Information:

Scott Ray
Buc-see's, LTD
327 Highway 2004 Road
Lake Jackson, Texas 77566

Subject Property:

601 Village West Parkway
Kansas City, Kansas 66111

Requested Action and Purpose:

Approval of a Change of Zone from A-G Agriculture District to CP-3 Planned Commercial District. and a Master Plan Amendment from Planned Entertainment to Planned Commercial (Prairie Delaware Piper Area Plan) to build a 74,000 square foot, 120 pump Buc-ee's travel center.

Commission Districts:

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



Existing Zoning District(s): A-G Agriculture District

Proposed Zoning District(s): CP-3 Planned Commercial District

	Adjacent Zoning	Adjacent Uses
North	A-G Agriculture and CP-2 Planned General Business Districts	Kansas Speedway and Hollywood Casino
South	None	Interstate 70 Right-of-Way
East	CP-2 Planned General Business District	Chateau Avalon and Interstate 70 Right-of-Way
West	A-G Agriculture District	Kansas Speedway office building

Total Tract Size: 25.80 Acres

Comprehensive Plan Area: Prairie Delaware Piper Area Plan

Comprehensive Plan Designation: The Prairie Delaware Piper Area Plan designates the subject property as Planned Entertainment, which allows for areas that have significant capital investment in infrastructure that entertains visitors.

A Master Plan Amendment has been filed to Planned Commercial District, which allows convenience retail such as full-size grocery stores, pharmacy, and other related retail and service establishments, and major retail uses, including restaurants and hotels, big box enters and stores that serve large populations.

Major Street Plan: The goDotte Countywide Strategic Mobility Plan designates Village West Parkway as a Major Arterial.

Parking Requirement: Section 27-467(e) Uses in this district require paved off-street parking at a ratio of not less than four (4) spaces per 1,000 square feet of floor area in the building. 296 spaces are required. 560 spaces are provided.

Landscaping Requirement: Section 27-467(g) A reasonable amount of landscaping is required on all projects in this district, all to be depicted on a properly prepared plan. Trees are required to be

provided at not less than one (1) per 7,000 square feet of site area.

Section 27-577(a)(5) Landscaping shall exceed the typical code requirements by at least 75 percent. 281 trees are required.

Advertisement:

The Wyandotte Echo – May 16, 2024
Letters to Property Owners – May 17, 2024,
June 4, 2024, June 30, 2024, and August 2, 2024

Public Hearings:

October 14, 2024 and October 30, 2024

Public Support:

None to date.

Public Opposition:

None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Scott Ray with Buc-ee's, LTD, is requesting a Change of Zone from A-G Agriculture District to CP-3 Planned Commercial District, Preliminary Plat to create one (1) commercial lot and Master Plan Amendment from Planned Entertainment to Planned Commercial (Prairie Delaware Piper Area Plan) to build a 74,000 square foot, 120 gas pump Buc-ee's gas station and convenience store at 601 Village West Parkway.

City Ordinance Requirements: Article VIII Sections 27-340 – 27-765, Article VII Sections 27-245 – 27-339, Article VI Section 27-210 through 212, Article XXI Sections 27-502 – 27-709, Article VII Sections 27-245-339, Article XI Section 27-215, Article VIII Sections 27-340 – 27-765, Article VII Sections 27-245 – 27-339, Article VI Section 27-213, and all other applicable standards within Chapter 27.

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 Permit and Cases:

1. 2014 – SIGN 2014-221 – Sign Permit – Pylon sign for “Bullseye” Target logo.
 2. 2014 – SIGN 2014-222 – Sign Permit – Pylon sign for “Bullseye” Target logo.
- COZ2024-014 + MPL2024-008

Previous Planning Actions:

1. There are no previous planning entitlements on the subject property.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The subject property is located within the I-435 West Statistical Neighborhood and Block Group 0447031. The neighborhood consists of the Kansas Speedway racetrack, ancillary parking and Hollywood Casino to the north, wooded, open space and Chateau Avalon hotel to the east, Interstate 70 to the south and a small office building to the west, across Village West Parkway/Speedway Boulevard.

This area, with the Kansas Speedway and Hollywood Casino is the western and southern entrance into the Village West area and commercial corridor along Village West Parkway.

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 will be compatible with the Kansas Speedway and Hollywood Casino, both commercial uses along Village West Parkway.

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

The property is suitable for the uses to which it has been restricted, which lends itself for agricultural related uses, however the Prairie Delaware Area Piper Plan designates this property as Planned Entertainment (and an amendment to Planned Commercial), which requires Change of Zone or Special Use Permit, so removing the restrictions will not detrimentally affect nearby property because the Kansas Speedway and Hollywood Casino are commercial uses, north, across Village West Parkway and relatively undeveloped around the Kansas Speedway along Speedway Boulevard.

4. The length of time the property has remained vacant as zoned and/or the length of time the property has been actively marketed.

The property has been vacant since 2001 as a part of the original Village West redevelopment.

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.

A convenience store/travel center of this scale and size is a use that is not currently found in our city. The debate is to whether or not this use is a necessary convenience is a relative decision based in large part on how frequented this travel is by the general public for food, merchandise and fuel.

Detrimental effects on marketability of vacant or large parcels adjacent to this development proposal is unlikely. Depending on location, a project of this type could actually increase the value of some of those properties which are capable of functioning as a large-scale regional destination, similar to the Kansas Speedway or Hollywood Casino.

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.

Provided they address Public Works comments, this should not be an issue. The Traffic Impact Study (TIS) has been submitted prior to these land entitlement applications for advanced review by the County Traffic Engineer.

Portions of Village West Parkway are proposed to be vacated and will be widened with multiple turn lanes and a roundabout for a continuous flow of traffic rather than traffic signals, which completely stop vehicle traffic.

There is ample parking on site. 296 spaces are required based on the 74,000 square foot building. The applicant intends to provide 560 parking spaces for standard passenger automobiles, EV, accessible, and RV spaces.

The parking provided is almost double than what is needed to comply with the code. The site can be redesigned to reduce the amount of parking provided on site.

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

The proposed use does not conform to the Prairie Delaware Piper Area Plan, which is designated as Planned Entertainment and allows areas that have significant capital investment in infrastructure that entertains visitors.

A Master Plan Amendment has been filed to Planned Commercial District, which allows convenience retail such as full-size grocery stores, pharmacy, and other related retail and service establishments, and major retail uses, including restaurants and hotels, big box enters and stores that serve large populations.

The goDotte Countywide Strategic Mobility Plan identifies this segment of the property as scenic Interstate 70 corridor, thereby requiring extra screening along

the interstate.

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

If the site and stormwater management infrastructure are properly managed and maintained, the proposed use will not cause environmental harm. There is significant landscaping planted around the perimeter of the site that will enhance the environment and buffer from the adjacent interstate.

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

a. *Electric and Water Service*

To be provided by BPU Electric and Water Divisions.

b. *Sanitary Sewer Service*

Sanitary sewer service is being extended by the developer and maintained by the Unified Government.

c. *Storm Water Control*

To be designed to meet City Code.

d. *Police*

Police service is provided by West Patrol, District 227.

e. *Fire*

Fire service is provided by Station #6, located at North 98th Street and State Avenue, which is two (2) miles away from the subject property.

f. *Transit*

There is no public transit provided to or near 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/Edwardsville USD 204.

h. *Streets*

See item #6 above.

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

The proposed use will have a significant economic impact on the community. These impacts include jobs, property and sales taxes, and new destination to compliment Village West, Hollywood Casino and the Kansas Speedway.

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

The project, which requires some revisions, could meet all 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.*

It is difficult to see gain to the public health, safety or welfare from a travel center operation, however, given the future development scenarios in the area, it is not likely to impose hardships on individual landowners.

13. *Whether the preliminary plat is consistent with the comprehensive plan, the major street plan and any other adopted plans.*

While a Master Plan Amendment is required to put the commercial use in its proper land use designation, Planned Commercial is not too dissimilar from Planned Entertainment — in terms that both area plans expect large populations to visit the area.

14. *Whether the preliminary plat is in compliance with the standards and requirements of the zoning ordinance, subdivision regulations and other applicable unified government policies and regulations.*

The preliminary plat complies with the standards and requirements of the zoning ordinance, subdivision regulations and other applicable Unified Government policies and regulations. Right-of-way is being vacated to construct a roundabout and vacate utility easements that are demarcated around the perimeter of the plat.

15. *Whether the subdivision is compatible in lot size, lot-to-structure proportion, building size, and architectural design with existing and proposed development on adjacent properties.*

The parcels around the Kansas Speedway are relatively large tracts of land. Urban Outfitters and Hollywood Casino are 90 and 63 acres, respectively. The total tract size of the parcel in question is 56 acres, but only 25 acres is being platted.

Relative to the size of the property and the proposed building and gas pumps, the lot-to structure is proportional to the surrounding properties that have buildings on them.

16. *Whether the proposed subdivision will cause adverse or negative impacts on the natural or social environment.*

The proposed one (1) lot subdivision will not cause adverse or negative impacts on the natural or social environment. Trees stands to the east are being preserved, thereby enhancing the property, and given the national popularity of the Buc-ee's travel center, this parcel will become a regional destination along the Interstate 70 corridor improving the social environment along Village West Parkway.

17. *Whether the subdivision will not cause an undue burden on the unified government for maintenance of land and/or facilities.*

The subdivision will not cause an undue burden on the Unified Government for maintenance of land or facilities. The Developer is responsible for maintaining the sanitary sewer lift station on the property.

Village West Parkway exists but is being widened and realigned to better accommodate the inflow of from North 110th Street. Increase in lane mile will increase long-term maintenance and repair costs for the Unified Government.

18. *Whether the subdivision does not encourage premature extension of public services, piece-meal or premature development based upon the location of surrounding development and the availability of public facilities and services.*

Given the proximity to Interstate 70 and Village West Parkway, the subdivision may encourage piece-meal development based on the surrounding development pattern and availability of sanitary sewer service. The closest development on the south side of Village West Parkway is one (1) mile east, Chateau Avalon Hotel.

The Kansas Speedway was the first development in the area, constructed in 2001, followed by Hollywood Casino in 2010.

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

The area is a tourist draw due to the Kansas Speedway and Hollywood Casino. These uses tend to attract commercial uses that supplement the Planned Entertainment designation. The Master Plan Amendment to Planned Commercial compliments and supports the Entertainment land use designation.

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

The amendment is consistent with the goals and policies of the Prairie Delaware Piper Area Plan. Planned Commercial allows uses that are large scale big box stores for large populations, while this is not a big box store per se, this is a 74,000 square feet travel center that will be open 24 hours a day, predominately supporting patrons going to or leaving the Hollywood Casino, Kansas Speedway, interstate freeway traffic.

21. *Whether the proposed amendment will result in comprehensive plan or regulatory conflicts.*

The proposed amendment to Planned Commercial will not result in regulatory conflicts as the proposed use is allowed within the amended land use designation.

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

The proposed amendment will allow a change in the development on the subject site without creating adverse impacts on existing and planned surrounding uses because the entertainment uses are inside the Village West Parkway ring with the exception of Urban Outfitters distribution center at the southeast corner of 118th Street and State Avenue.

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

The 25-acre parcel that is being amended from Planned Entertainment to Planned Commercial (Prairie Delaware Piper Area Plan) will benefit the community by allowing a commercial travel center adjacent to two (2) major tourism destinations in the area, the Kansas Speedway and Hollywood Casino as well as the greater Village West Area.

As a result of the construction of Buc-ee's travel center, sidewalks will be constructed along North 110th Street, Speedway Boulevard and Village West Parkway.

NEIGHBORHOOD MEETING INFORMATION

The applicant held a neighborhood meeting in-person at 701 Village West Parkway (Chateau Avalon Hotel) on May 24, 2024. Attached is the list of persons who attended

the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Pedestrian Connectivity
Landscaping and Screening
Tree Preservation
Parking Surplus
Exterior Building Materials

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 9 to 0 to recommend **APPROVAL** of Change of Zone Application **COZ2024-014**, to the **CP-2 Planned General Business District** and Master Plan Amendment **MPL2024-008**, subject to:

1. The following requirements of the Commercial Development Guidelines Overlay District *have not* been met, and from which Applicant is requesting a deviation for approval:
 - a. Section 27-576(e)(2) Exterior building materials shall not include EIFS at the ground level or comprising more than 15 percent of any façade.
 - b. Section 27-575(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 not more than 45 feet through articulation of the façade. This can be achieved through combinations of at least three (3) of the following techniques:
 - i. Divisions or breaks in materials;
 - ii. Building offsets (projections, recesses, niches);
 - iii. Window bays;
 - iv. Separate entrances and entry treatments; or
 - v. Variation in rooflines.
 - c. Section 27-577(d)(1) At least 75 percent of the length of the building foundations facing public streets, the exterior of the development, or common spaces must be planted with ornamental plant material such as ornamental trees, flowering shrubs, perennials, and groundcovers.
2. Consistent with the commercial zoning within the Village West Area, subject to approval, the zoning shall be changed to CP-2 Planned General Business District instead of CP-3 Planned Commercial District. The travel center and ancillary uses are allowed by right in the CP-2 District;
3. Section 27-575(a)(2) states the parking, and circulation should account for pedestrians, bicycles, and vehicles. This circulation pattern, per Section 27-575(d)(8), shall connect in a way that is obvious to users.
Section 27-575(d)(9) states that there shall be a pedestrian circulation from the perimeter of the site to the principal customer entrance to all buildings. Within the site, there shall be pedestrian connections provided to all pedestrian activities, including transit stops, street crossings, open space, building and store entry points, and adjacent pedestrian systems;

4. 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;
5. Section 27-575(f)(1) states there should be a designated walkway or clear pathway to the main entrance of the building so that pedestrians are required to walk through parking lots. Additionally, add a crosswalk from the sidewalk off Village West Parkway roundabout south to the front door of the building;
6. Section 27-575(d)(14) states that sidewalks that are within reasonable proximity to an identified trail system should connect to the trail system and accommodate the uses anticipated on the trail (e.g. pedestrian, bicycle). Village West Parkway is designated as a Major Arterial, which requires a 10-foot sidewalk on the north side of Village West;
7. Gutters and downspouts shall be internalized with the exception of the one (1) gutter and two (2) downspouts behind the trash compactor area. Scuppers shall be recessed in the corners. Overflow drains (lamb's tongues, etc.) shall also be internalized;
8. Per the goDotte Countywide Strategic Mobility Plan, this portion along Interstate 70 is a protected scenic corridor, therefore landscaping along the southern property line is required to be enhanced;
9. Reforest around the east detention basin;
10. The notes on the landscape plan indicate that Section 27-577(d)(1) At least 75 percent of the length of the building foundations facing public streets, the exterior the development, or common spaces must be planted with ornamental plant material such as ornamental trees, flowering shrubs, perennials, and groundcovers. The landscape plan does illustrate landscaping around the foundations of the building;
11. Section 27-577(b)(1) states that new construction must provide at least a 25-foot landscape zone between structures and/or parking lots and all public streets and access easements 40 feet wide or greater;
12. Section 27-577(b)(3)(a) states that one (1) tree with a minimum caliper of two inches (ornamental evergreen trees must be at least six (6) feet tall when planted) provided for every 30 feet of street easement or frontage;
13. Section 27-577(b)(3)(b) states that street trees should be planted no closer than 55 feet and no more than 65 feet apart with groupings or ornamental trees and shrubs placed between them;
14. Section 27-575(e)(4) states that parking must be screened from adjacent streets by walls, shrubs, trees, or other design elements;
15. Section 27-699(a)(6) states that non-industrial and non-structural parking lots that have a double-loaded aisle and more than 20,000 square feet in area shall provide at least one (1) shade tree for each 20 parking spaces on the interior of the parking lot. Interior tree plantings are in addition to other landscaping requirements;
16. Section 27-575(g)(3) All trash receptacles shall be enclosed with a screening wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six (6) feet in height on all sides and designed with the gate facing away from streets or adjacent land uses. All screening materials must be well maintained at all times;

17. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
18. Pole and pylon signs are prohibited in the Sign Ordinance. Apply for a variance from the Board of Zoning Appeals for a monument sign to exceed the overall sign height, sign area and proximity to the primary driveway entrance;
19. All landscaping shall be irrigated;
20. All deciduous and shade trees shall be at least two (2) inch caliper when planted. Evergreens shall be at least six (6) feet in height when planted. Shrubs shall be at least five (5) gallons when planted. Throughout the development, there shall be a variety of deciduous and evergreen trees in addition to native grasses and plants (wildflowers);
21. 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;
22. Regarding BPU transformer screening, the following applies:
 - a. Gate doors are required for all types of screening that are placed in front of the transformers.
 - b. Fence pickets shall be installed two (2) feet off the ground and have adequate clearance to open gate door 180° and have 10 feet of clearance from pad when gate doors open.
 - c. Posts for gate doors must be installed a minimum distance of 10 feet apart in the front.
 - d. For slats fences, customers shall install a minimum of four (4) inch slats and have four (4) inches of space between each slat.
 - e. Customers must take into account the maturity size of the evergreen tree when planting saplings so that the trees can grow outside of the required clearance for evergreen trees, customer shall plant each tree so that there is two (2) feet or more of space from edge to edge between each tree at maturity (e.g., blue arrow juniper grows up to two (2) feet wide, so there shall be four (4) feet of spacing between each tree taking into account the growth of saplings).
 - f. Pad must have a minimum clearance of six (6) feet on each, three (3) feet on the back and five (5) feet on the front allowing for 10 feet on the front when gate doors open;
23. 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;
24. If approved, the applicant must file and maintain a current business occupation tax application with the Business Licensing Division. Their office is located at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102. Their contact information is (913) 573-8780 or businesslicense@wycokck.org;
25. 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;

26. All existing and future driveways must feature curb cuts that are constructed to UG standards;
27. 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;
28. 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;
29. Improvements that include land disturbance activity on greater than one (1) acre of surface area of land or include the construction or alteration of a structure 1,000 square feet or larger shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;
30. A Pre-Construction meeting is required for any improvements to public infrastructure upon the approval and issuance of a Development Review Committee (DRC) permit. Any improvements to, construction or alteration of: sanitary systems, stormwater systems, public or private streets, sidewalks or other public infrastructure will require a pre-construction meeting with the Department of Public Works. The applicant is required to contact the County Engineer at (913) 573-5400 or by info@wycokck.org prior to construction to arrange this meeting;
31. 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,
32. Section 27-211(g)(9)b. Failure to fulfill the conditions within one (1) year of Unified Government Board of Commissioners approval shall necessitate the scheduling of a public hearing with requisite notice before the Unified Government Board of Commissioners. At this public hearing, the Unified Government Board of Commissioners shall consider all of the relevant

factors and either approve, approve with conditions, or deny the rezoning application.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION AND CONDITIONS

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **COZ2024-014** and **MPL2024-008** subject to all comments and the conditions of the City Planning Commission.

ATTACHMENTS

October 14, 2024, City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Applicant Response Letter
Neighborhood Meeting Minutes
Site Plan
Grading Plan
Utility Plan
Off-Site Improvement Plan
Landscape Plan
Building Elevations

PUBLIC HEARING SCHEDULE

Action(s)	City Planning Commission	Unified Government Board of Commissioners
Change of Zone	October 14, 2024 Approval	October 30, 2024

STAFF CONTACT:

Byron Toy, AICP
btoy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petitions **COZ2024-014 and MPL2024-008** 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** Petitions **COZ2024-014 and MPL2024-008**, 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.

October 14, 2024, City Planning Commission Minutes:

Hearing starts at 2:49:50:

CHANGE OF ZONE APPLICATION COZ2024-014 – SCOTT RAY WITH BUC-EES – SYNOPSIS: Change of Zone from A-G Agriculture District to CP-3 Planned Commercial District to construct a new travel center at 601 Village West Parkway.

MASTER PLAN AMENDMENT APPLICATION MPL2024-008 – SCOTT RAY WITH BUC-EES – SYNOPSIS: Master Plan Amendment from Planned Entertainment District to Planned Commercial District (Prairie-Delaware-Piper Area Plan) to construct a new travel center at 601 Village West Parkway.

PLAT APPLICATION PLAT2024-013 – SCOTT RAY WITH BUC-EES– SYNOPSIS: Preliminary Plat for one (1) commercial lot and dedication of new right-of-way to construct a new travel center at 601 Village West Parkway.

Detailed Outline of Requested Action: The applicant, Scott Ray with Buc-ee's, LTD, is requesting a Change of Zone from A-G Agriculture District to CP-3 Planned Commercial District, Preliminary Plat to create one (1) commercial lot and Master Plan Amendment from Planned Entertainment to Planned Commercial (Prairie Delaware Piper Area Plan) to build a 74,000 square foot, 120 gas pump Buc-ee's gas station and convenience store at 601 Village West Parkway.

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

COZ2024-014 + MPL2024-008

October 30, 2024

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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 October 14, 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 for the Change of Zone and Master Plan; 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:

- John Chamberlin, Kimley-Horn and Associates, engineer representing the Applicant

Present in Opposition:

- No one appeared

Staff Recommendation starts at 2:53:39: Planning Director Hand stated that the request is for a Change of Zone, Master Plan Amendment and Preliminary Plat for a 74,000 square foot, 120 gas pump Buc-ee's gas station and convenience store. Staff is recommending CP-2 Planned General Business District in lieu of the original CP-3 Planned Commercial District. The property is in the Prairie-Delaware-Piper area right off the 110th Street exit. 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 the three (3) requested deviations from the Commercial Design Guidelines. Director Hand further stated that a variance will need to be filed for their proposed signage.

Motion starts at 2:55:40:

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

MPL2024-008:

Carson	Chairman
Mohler	Aye
Schwartz	Aye
Straws	Aye
Ward	Aye
Armstrong	Aye
Beth	Aye
Easterwood	Aye
Ernst	Aye
Jones	Aye

COZ2024-014 + MPL2024-008

1. The following requirements of the Commercial Development Guidelines Overlay District *have not* been met, and from which Applicant is requesting a deviation for approval:
 - a. Section 27-576(e)(2) Exterior building materials shall not include EIFS at the ground level or comprising more than 15 percent of any façade.
 - b. Section 27-575(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 not more than 45 feet through articulation of the façade. This can be achieved through combinations of at least three (3) of the following techniques:
 - i. Divisions or breaks in materials;
 - ii. Building offsets (projections, recesses, niches);
 - iii. Window bays;
 - iv. Separate entrances and entry treatments; or
 - v. Variation in rooflines.
 - c. Section 27-577(d)(1) At least 75 percent of the length of the building foundations facing public streets, the exterior of the development, or common spaces must be planted with ornamental plant material such as ornamental trees, flowering shrubs, perennials, and groundcovers.
2. Consistent with the commercial zoning within the Village West Area, subject to approval, the zoning shall be changed to CP-2 Planned General Business District instead of CP-3 Planned Commercial District. The travel center and ancillary uses are allowed by right in the CP-2 District;
3. Section 27-575(a)(2) states the parking, and circulation should account for pedestrians, bicycles, and vehicles. This circulation pattern, per Section 27-575(d)(8), shall connect in a way that is obvious to users.
Section 27-575(d)(9) states that there shall be a pedestrian circulation from the perimeter of the site to the principal customer entrance to all buildings. Within the site, there shall be pedestrian connections provided to all pedestrian activities, including transit stops, street crossings, open space, building and store entry points, and adjacent pedestrian systems;
4. 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;
5. Section 27-575(f)(1) states there should be a designated walkway or clear pathway to the main entrance of the building so that pedestrians are required to walk through parking lots. Additionally, add a crosswalk from the sidewalk off Village West Parkway roundabout south to the front door of the building;
6. Section 27-575(d)(14) states that sidewalks that are within reasonable proximity to an identified trail system should connect to the trail system and accommodate the uses anticipated on the trail (e.g. pedestrian, bicycle). Village West Parkway is designated as a Major Arterial, which requires a 10-foot sidewalk on the north side of Village West;

7. Gutters and downspouts shall be internalized with the exception of the one (1) gutter and two (2) downspouts behind the trash compactor area. Scuppers shall be recessed in the corners. Overflow drains (lamb's tongues, etc.) shall also be internalized;
8. Per the goDotte Countywide Strategic Mobility Plan, this portion along Interstate 70 is a protected scenic corridor, therefore landscaping along the southern property line is required to be enhanced;
9. Reforest around the east detention basin;
10. The notes on the landscape plan indicate that Section 27-577(d)(1) At least 75 percent of the length of the building foundations facing public streets, the exterior the development, or common spaces must be planted with ornamental plant material such as ornamental trees, flowering shrubs, perennials, and groundcovers. The landscape plan does illustrate landscaping around the foundations of the building;
11. Section 57-577(b)(1) states that new construction must provide at least a 25-foot landscape zone between structures and/or parking lots and all public streets and access easements 40 feet wide or greater;
12. Section 27-577(b)(3)(a) states that one (1) tree with a minimum caliper of two inches (ornamental evergreen trees must be at least six (6) feet tall when planted) provided for every 30 feet of street easement or frontage;
13. Section 27-577(b)(3)(b) states that street trees should be planted no closer than 55 feet and no more than 65 feet apart with groupings or ornamental trees and shrubs placed between them;
14. Section 27-575(e)(4) states that parking must be screened from adjacent streets by walls, shrubs, trees, or other design elements;
15. Section 27-699(a)(6) states that non-industrial and non-structural parking lots that have a double-loaded aisle and more than 20,000 square feet in area shall provide at least one (1) shade tree for each 20 parking spaces on the interior of the parking lot. Interior tree plantings are in addition to other landscaping requirements;
16. Section 27-575(g)(3) All trash receptacles shall be enclosed with a screening wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six (6) feet in height on all sides and designed with the gate facing away from streets or adjacent land uses. All screening materials must be well maintained at all times;
17. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
18. Pole and pylon signs are prohibited in the Sign Ordinance. Apply for a variance from the Board of Zoning Appeals for a monument sign to exceed the overall sign height, sign area and proximity to the primary driveway entrance;
19. All landscaping shall be irrigated;
20. All deciduous and shade trees shall be at least two (2) inch caliper when planted. Evergreens shall be at least six (6) feet in height when planted.

- Shrubs shall be at least five (5) gallons when planted. Throughout the development, there shall be a variety of deciduous and evergreen trees in addition to native grasses and plants (wildflowers);
21. 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;
22. Regarding BPU transformer screening, the following applies:
- g. Gate doors are required for all types of screening that are placed in front of the transformers.
 - h. 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.
 - i. Posts for gate doors must be installed a minimum distance of 10 feet apart in the front.
 - j. For slats fences, customers shall install a minimum of four (4) inch slats and have four (4) inches of space between each slat.
 - k. 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).
 - l. 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;
23. 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;
24. If approved, the applicant must file and maintain a current business occupation tax application with the Business Licensing Division. Their office is located at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102. Their contact information is (913) 573-8780 or businesslicense@wycokck.org;
25. 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;
26. All existing and future driveways must feature curb cuts that are constructed to UG standards;
27. 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;

28. 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;
29. Improvements that include land disturbance activity on greater than one (1) acre of surface area of land or include the construction or alteration of a structure 1,000 square feet or larger shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;
30. A Pre-Construction meeting is required for any improvements to public infrastructure upon the approval and issuance of a Development Review Committee (DRC) permit. Any improvements to, construction or alteration of: sanitary systems, stormwater systems, public or private streets, sidewalks or other public infrastructure will require a pre-construction meeting with the Department of Public Works. The applicant is required to contact the County Engineer at (913) 573-5400 or by info@wycokck.org prior to construction to arrange this meeting;
31. 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,
32. Section 27-211(g)(9)b. Failure to fulfill the conditions within one (1) year of Unified Government Board of Commissioners approval shall necessitate the scheduling of a public hearing with requisite notice before the Unified Government Board of Commissioners. At this public hearing, the Unified Government Board of Commissioners shall consider all of the relevant factors and either approve, approve with conditions, or deny the rezoning application.

On motion by Mr. Straws, seconded by Ms. Ernst, the Planning Commission voted as follows to recommend **APPROVAL of Change of Zone Application COZ2024-014 to the CP-2 Planned General Business District:**

Carson	Chairman
Mohler	Aye
Schwartz	Aye
Straws	Aye
Ward	Aye
Armstrong	Aye
Beth	Aye

COZ2024-014 + MPL2024-008

Easterwood	Aye
Ernst	Aye
Jones	Aye
Miller	Not Present

Motion to recommend APPROVAL Passed: 9 to 0
Subject to the above conditions.

On motion by Mr. Straws, seconded by Mr. Ernst, the Planning Commission voted as follows to **APPROVE Preliminary Plan Application PLAT2024-013:**

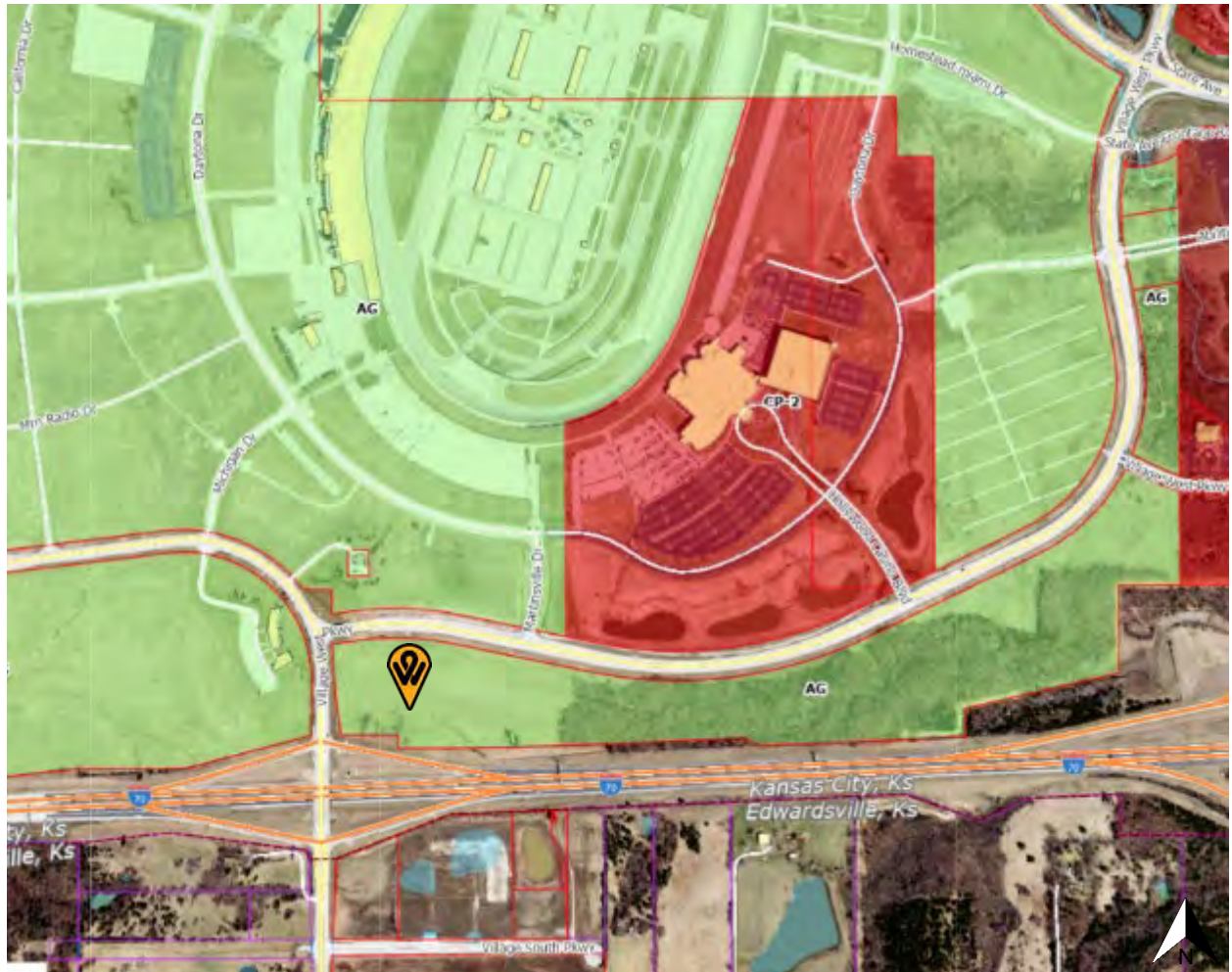
Carson	Chairman
Mohler	Aye
Schwartz	Aye
Straws	Aye
Ward	Aye
Armstrong	Aye
Beth	Aye
Easterwood	Aye
Ernst	Aye
Jones	Aye
Miller	Not Present

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

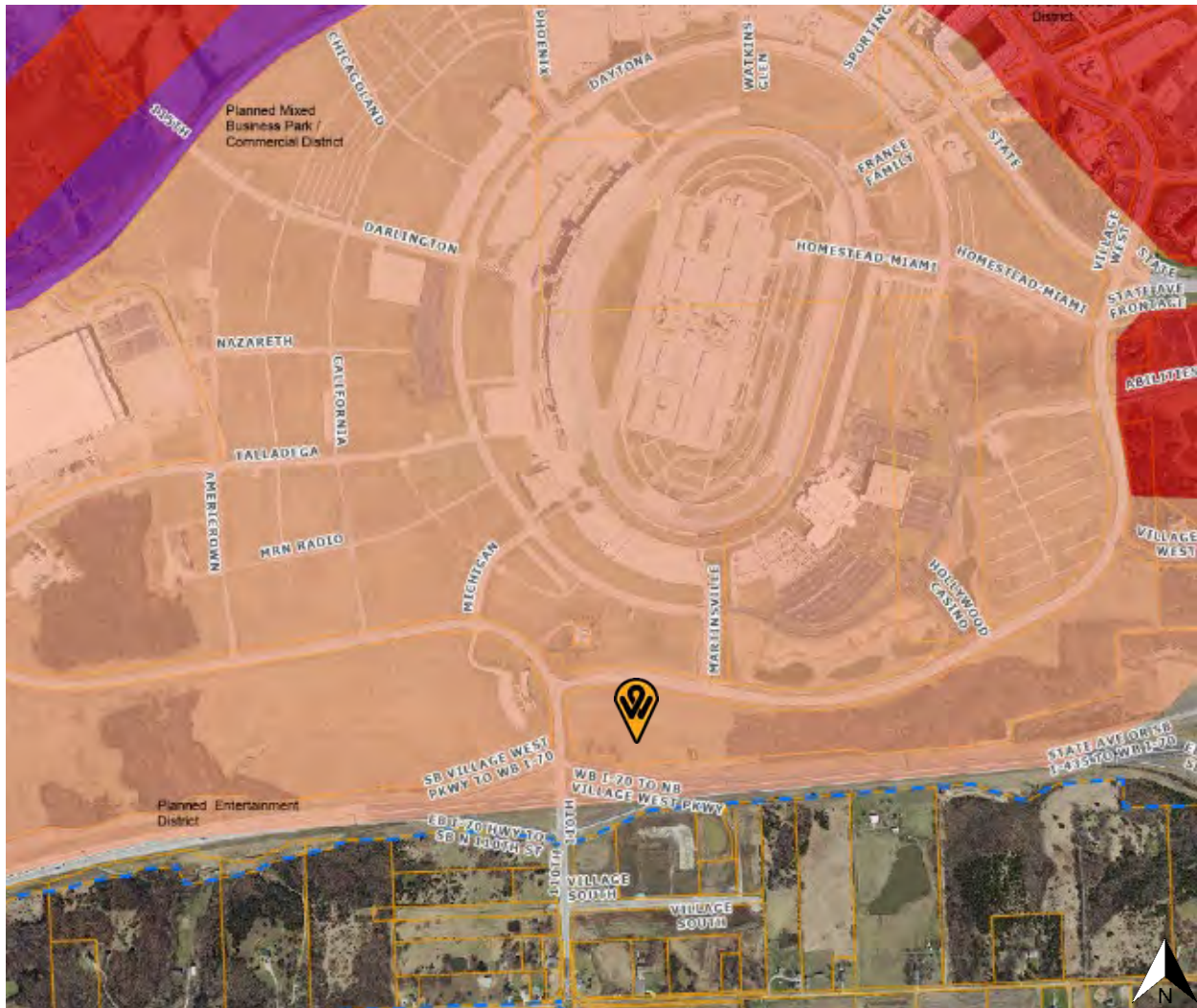
AERIAL IMAGERY



ZONING MAP



LAND USE MAP





September 30th, 2024

Department of Planning + Urban Design
Unified Government of Wyandotte County
Kansas City, KS

**Re: Buc-ee's KCK
Change of Zone Petition (COZ2024-014)
Preliminary Plat Buc-ee's (PLAT2024-013)
Master Plan Amendment (MPL 2024-008)
Comment Response Letter**

Dear Planning and Urban Design Staff,

The purpose of this letter is to provide formal comment responses to the received comments, dated May 17, 2024, for the above-mentioned project. Our responses (**in red**) follow each of the provided comments.

Planning & Urban Design / General:

Comment 1: Consistent with the commercial zoning within the Village West Area, subject to approval, the zoning shall be changed to CP-2 Planned General Business District instead of CP-3 Planned Commercial District. The travel center and ancillary uses are allowed by right in the CP-2 District.

Response: Acknowledged.

Comment 2: Staff understands Buc-ee's is a regional destination, but why is there 560 spaces when only 296 are required? It appears that the impervious footprint can be reduced.

Response: Buc-ee's generous parking requirements are well documented and consistently updated for operational integrity. The high volume of visitors, the longer length of stay, the peak demands, and employee parking requirements adds up to a large number of spaces required.

Resolution: Determined on call that, given the unique nature of the land use, the number of proposed parking spaces is acceptable and no further action is required.

Comment 3: Section 27-575(a)(2) states the parking and circulation should account for pedestrians, bicycles, and vehicles. This circulation pattern, per Section 27-575(d)(8), shall connect in a way that is obvious to users. Section 27-575(d)(9) states that there shall be a pedestrian circulation from the perimeter of the site to the principal customer entrance to all buildings. Within the site, there shall be pedestrian connections provided to all pedestrian activities, including transit stops, street crossings, open space, building and store entry points, and adjacent pedestrian systems.

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Because this is a destination for not only Kansas Citians, but also regionally, there needs to be connection between detention ponds and amenities for drivers, passengers and potential customers (e.g. dog park, walking trails, etc.).

Response: Please refer to the included site plan which includes vehicular and pedestrian circulation patterns consistent with code requirements. As such, pedestrian connectivity meets code, attached site plan shows pedestrian connectivity between Village West Parkway and the front of the store. Site grading and layout does not provide for connection between detention ponds or walking trails.

Resolution: Determined on the call that the connectivity elements shown on the revised site plan materially comply with requirements and no further action is required.

Comment 4: 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.

Response: Please refer to the updated site plan where the eastern canopy was shifted east 5 feet to provide a 5-foot wide crosswalk from the Village West Parkway roundabout to the front door of the building.

Resolution: Determined on the call that the connectivity elements shown on the revised site plan materially comply with Section 27-575(d)(10) and no further action is required.

Comment 5: Section 27-575(f)(1) States there should be a designated walkway or clear pathway to the main entrance of the building so that pedestrians are required to walk through parking lots. Add sidewalk medians in the parking lot islands and crosswalks through the parking lot on the east and west sides of the building to make a clear, defined pathway for pedestrians. Additionally, add a crosswalk from the sidewalk off Village West Parkway roundabout south to the front door of the building.

Response: Accessible parking is currently planned on 3 sides of the building (North, East, and West). The parking on the outer edge of the east and west sides of the site includes island sidewalks to provide pedestrian connectivity throughout the site.

Resolution: Determined on the call that the connectivity elements shown on the revised site plan materially comply with Section 27-575(f)(1) and no further action is required.

Comment 6: Section 27-575(d)(14) states that sidewalks that are within reasonable proximity to an identified trail system should connect to the trail system and accommodate the uses anticipated on the trail (e.g. pedestrian, bicycle).

Response: Please refer to the included site plan where a proposed connection to the Village West Parkway multi-use path is currently shown.

Resolution: Determined on the call that the connectivity elements shown on the revised site plan materially comply with Section 27-575(d)(14) and no further action is required.

Comment 7: The parking spaces adjacent to Village West Parkway, north of the fuel pump canopy can be removed, as there is a surplus of parking on-site, but this will assist in improved site circulation.

Response: Please see Response to Comment 2 above.

Resolution: As agreed on the call, the referenced parking spaces will generally serve as employee parking, be designated as such within the store's operational procedure, and no further action is required.

Comment 8: Section 27-612(6)a.9. No more than one (1) vending machine is permitted per property except as follows:

- a. If the vending machines area is located on a side of the building not facing a road or street then the number of allowed vending machines shall be increased to three (3).
- b. If the vending machines are screened by side walls, decorative fencing, shrubs, and other landscaping approved by the Director of Planning then the number of allowed vending machines shall be increased to three (3).
- c. For every 200 feet that the façade on which the vending machine is located is set back from the nearest road or street right-of-way then the number of allowable vending machines shall be increased by one.

If the landscaping on the north, east and west fully screen the ice chests from public view, incorporating Section 27-577(d)(1), the total number that is illustrated on the site plan can remain.

Response: Per Sec. 27-430 of the Code of Ordinances of Wyandotte County – Unified Government, a vending machine is defined as ‘a machine, stand, or dispenser that distributes, dispenses, or sells a physical product or good directly to a consumer using an automated payment system’. Buc-ee’s Ice Merchandisers are not vending machines.

Resolution: As determined on the call, these Ice Merchandisers are not considered vending machines and therefore not subject to requirements per Sections 27-612(6)a.9 and 27-577(d)(1). No further action is required.

Building Architecture:

Comment 1: The Commercial Design Guidelines allow a maximum of 15 percent EIFS per façade. Stone, brick, veneer, integrally-color textured CMU block and stucco are exterior masonry materials that are permitted. These materials must account for 85 percent of each façade.

Response: The architectural design of the Buc-ee’s building is consistent with all Buc-ee’s Travel Centers completed and/or being constructed to date. This continuity of design is critical to the Buc-ee’s brand and cannot be deviated from. If a Variance will be required to address this issue, please advise.

Resolution: The applicant has demonstrated material conformance with the intent of the Commercial Design Guidelines. This item will be noted as a defined Deviation on the final submittal to P&Z.

Comment 2: Section 27-575(c)(2) In order to break up the monotonous appearance of long facades, a building wall no more than 45 feet in length should be divided into increments of no more than 45 feet through articulation of the façade. This can be achieved through combinations of at least three (3) of the following techniques:

- a. Divisions or breaks in materials;
- b. Building offsets (projections, recesses, niches);
- c. Window bays;
- d. Separate entrances and entry treatment; or
- e. Variation in rooflines.

Faux windows along the east, west and south facades can be used to break up the façade.

Response: Same response as above.

Resolution: The applicant has demonstrated material conformance with the intent of the Commercial Design Guidelines. This item will be noted as a defined Deviation on the final submittal to P&Z.

Comment 3: Gutters and downspouts shall be internalized. Scuppers shall be recessed in the corners. Overflow drains (lamb's tongues, etc.) shall also be internalized.

Response: Architect: All roof drains are internalized. We have one gutter and two downspouts at the compactor area that are not internal, but they are shielded by the gates and stone screen wall. We have 4 overflow drains (lamb's tongue types) that are code required to be visible from the outside.

Resolution: The applicant has demonstrated material conformance with the intent of the Commercial Design Guidelines and Comment 3 will be revised to indicate the exception for the compactor area gutter and downspouts is accepted.

Landscaping and Screening:

Comment 1: Per the goDotte Countywide Strategic Mobility Plan, this portion along Interstate 70 is a protected scenic corridor, therefore landscaping along the southern property line is required to be enhanced.

Response: Several varieties of native shade and evergreen trees have been included along the southern property line while limits of disturbance in this area will have a native lawn seed mix applied to create a naturalistic design to maintain the rural character of I-70 as outlined in the goDotte Countywide Strategic Mobility Plan. The design includes 32 deciduous trees at 2-inch caliper, and 29 evergreen trees installed at 6' min. height.

Resolution: It was determined on the call that the revised Landscape Plan

materially complies with the intent of the goDotte Countywide Strategic Mobility Plan and no further action is required.

Comment 2: Reforest around the east detention basin.

Response: Acknowledged and provided; see revised Landscape Plan. The reforestation design places 1-inch caliper trees at the eastern edge of disturbance at the rate of 1 tree per 5,000 SF of disturbed forest for a total of 23 deciduous trees.

Resolution: It was determined on the call that the revised Landscape Plan materially complies with these requirements and no further action is required.

Comment 3: The notes on the landscape plan indicate that Section 27-577(d)(1) At least 75 percent of the length of the building foundations facing public streets, the exterior the development, or common spaces must be planted with ornamental plant material such as ornamental trees, flowering shrubs, perennials, and groundcovers.

The landscape plan does (not*sic) illustrate landscaping around the foundations of the building.

Response: Buc-ee's structural engineering protocol prohibits "foundation" plantings at the base of the building. Buc-ee's operating and risk management practices prohibit any type of above ground planters, etc, within the perimeter of the building walls to the parking lot. To provide a comparable and more aesthetic alternative to this foundation planting requirement, Buc-ee's has proposed additional landscape islands at the head-in parking areas shown on the attached revised Landscape Plans. If a Variance will be required to address this issue, please advise.

Resolution: It was determined on the call that applicant has addressed the intent of Section 27-577(d)(1) with additional perimeter landscape islands and plantings. This item will be noted as a defined Deviation on the final submittal to P&Z.

Comment 4: Section 27-577(b)(1) states that new construction must provide at least a 25-foot landscape zone between structures and/or parking lots and all public streets and access easements 40 feet wide or greater.

Response: Acknowledged and provided. Landscape zone on site is 125' average on the north side and 80' average on the west side between site parking and parking street. Please see Landscape Plan.

Resolution: It was determined on the call that the revised Landscape Plan materially complies with Section 27-577(b)(1) and no further action is required.

Comment 5: 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.

Response: Acknowledged and provided. Please see Landscape Plan for street trees.

Resolution: It was determined on the call that the revised Landscape Plan materially complies with Section 27-577(b)(3)(a) and no further action is required.

Comment 6: Section 27-577(b)(3)(b) states that street trees should be planted no closer than 55 feet and no more than 65 feet apart with groupings or ornamental trees and shrubs placed between them.

Response: Acknowledged and provided.

Resolution: It was determined on the call that the revised Landscape Plan materially complies with Section 27-577(b)(3)(b) and no further action is required.

Comment 7: Section 27-575(e)(4) states that parking must be screened from adjacent streets by walls, shrubs, trees, or other design elements.

Response: Parking screening provided through street trees, traditional shrub plantings, and evergreen trees.

Resolution: It was determined on the call that the revised Landscape Plan materially complies with Section 27-575(e)(4) and no further action is required.

Comment 8: Section 27-699(a)(6) states that non-industrial and non-structural parking lots that have a double-loaded aisle and more than 20,000 square feet in area shall provide at least one (1) shade tree for each 20 parking spaces on the interior of the parking lot. Interior tree plantings are in addition to other landscaping requirements.

Response: Acknowledged and provided.

Resolution: It was determined on the call that the revised Landscape Plan materially complies with Section 27-699(a)(6) and no further action is required.

Comment 9: Section 27-575(g)(3) All trash receptacles shall be enclosed with a screening wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six (6) feet in height on all sides and designed with the gate facing away from streets or adjacent land uses. All screening materials must be well maintained at all times.

Response: Acknowledged; trash enclosure is shown with appropriate screening shrubs.

Resolution: It was determined on the call that the revised Landscape Plan materially complies with Section 27-575(g)(3) and no further action is required.



Signage:

Comment 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.

Response: Acknowledged.

Resolution: Applicant to seek relief per process to be determined by mutual agreement.

Comment 2: Pole and pylon signs are prohibited in the Sign Ordinance. Revise your signage accordingly.

Response: Acknowledged.

Resolution: Applicant to seek relief per process to be determined by mutual agreement.

Planning Engineering:

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

- 1) None

Response: Acknowledged.

Comment B: Items that are conditions of approval:

- 1) Detailed engineering comments are made by separate technical review of the plans and submitted directly to the applicant. Provide revised plans and responses in accordance with the engineering comments.

Response: Acknowledged. Updated documents included in resubmittal.

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

- 1) None

Response: Acknowledged.

Standard Conditions:

Comment 1: All landscaping shall be irrigated.

Response: Acknowledged and to be provided. Final Development Plan to include Irrigation Design.

Comment 2: All deciduous and shade trees shall be at least two (2) inch calliper when planted. Evergreens shall be at least six (6) feet in height when planted. Shrubs shall be at least five (5) gallons when planted. Throughout the development, there shall be a variety of deciduous and evergreen trees in addition to native grasses and plants (wildflowers).

Response: Acknowledged and provided; see Landscape Plan for plant

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816-652-0350

specifications.

Comment 3: All exterior lighting, whether mounted on a building or within a parking lot must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street.

Response: Acknowledged; site lighting to comply with this requirement.

Comment 4: Regarding BPU transformer screening, the following applies:

- a. Gate doors are required for all types of screening that are placed in front of the transformers.
- b. Fence pickets shall be installed two (2) feet off the ground and have adequate clearance to open gate door 180° and have 10 feet of clearance from pad when gate doors open.
- c. Posts for gate doors must be installed a minimum distance of 10 feet apart in the front.
- d. For slats fences, customers shall install a minimum of four (4) inch slats and have four (4) inches of space between each slat.
- e. Customers must take into account the maturity size of the evergreen tree when planting saplings so that the trees can grow outside of the required clearance for evergreen trees, customer shall plant each tree so that there is two (2) feet or more of space from edge to edge between each tree at maturity (e.g., blue arrow juniper grows up to two (2) feet wide, so there shall be four (4) feet of spacing between each tree taking into account the growth of saplings).
- f. Pad must have a minimum clearance of six (6) feet on each, three (3) feet on the back and five (5) feet on the front allowing for 10 feet on the front when gate doors open.

Response: Acknowledged. Appropriate screening provided.

Comment 5: If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only.

Response: Acknowledged.

Comment 6: If approved, the applicant must file and maintain a current business occupation tax application with the Business Licensing Division. Their office is located at 4953 State Avenue, Kansas City, KS 66102. Their contact information is (913) 573-8780 or businesslicense@wycokck.org.

Response: Acknowledged.

Comment 7: A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly.

Response: Acknowledged.



Comment 8: All existing and future driveways must feature curb cuts that are constructed to UG standards.

Response: Acknowledged.

Comment 9: A Right-of-Way Permit is required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly.

Response: Acknowledged.

Comment 10: Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable.

Response: Acknowledged.

Comment 11: Improvements that include land disturbance activity on greater than one (1) acre of surface area of land or include the construction or alteration of a structure 1,000 square feet or larger shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620.

Response: Acknowledged.

Comment 12: A Pre-Construction meeting is required for any improvements to public infrastructure upon the approval and issuance of a Development Review Committee (DRC) permit. Any improvements to, construction or alteration of: sanitary systems, stormwater systems, public or private streets, sidewalks or other public infrastructure will require a pre-construction meeting with the Department of Public Works. The applicant is required to contact the County Engineer at (913) 573-5400 or by info@wycokck.org prior to construction to arrange this meeting.

Response: Acknowledged.

Please feel free to call or email if there are any questions.

Very Truly Yours,

John Chamberlin, P.E.
KIMLEY-HORN AND ASSOCIATES, INC.

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816-652-0350

Buc-ee's KCK - Neighborhood Meeting (May 23, 2024 @ 6:00 p.m.)
Sign-In Sheet

[illegible]

MEETING MINUTES:

Application Number COZ2024-014/MPL2024-008/PLAT2024-013

Date and Location: Thursday, May 23, 2024, at 6:00 p.m. (601 Village West Parkway, Kansas City, KS 66111)

Meeting called to order at: 6:00 PM

Names of people in attendance:

1. Stan Beard (Buc-ee's, Director of Real Estate)
2. Patrick Warren (Speedway President)
 - o (913) 526 - 9101
3. Steve Beaumont (Chateau Avalon Hotel Owner)
 - o (913) 593-9565
4. John Chamberlin (Kimley-Horn)
5. Nate Collins (Kimley-Horn)
6. Daniel Hoop (Kimley-Horn)

Introductions

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

- Project Overview – John Chamberlin
 - o 74K building layout.
 - o Relocation of Village West Parkway with new roundabout
 - o Improvements to I-70 interchange.
 - o 3 detention ponds for stormwater runoff
 - o 120 fuel pumps (i.e., 60 stations with two pumps each)
- Steve
 - o Retention ponds?
 - John – Ponds on site will be detention and grassed.
 - o Retaining walls?
 - John – Yes, provided explanation of retaining wall locations and reasoning.
 - o Are Lot 1 and site area acreage different? Or does one capture the other?
 - Conversation regarding plat area and ALTA survey
 - Stan will discuss with Buc-ee's partners regarding limits

- John mentioned site is limited to the east by the 10' CMP pipe and resulting channel that runs through the wooded area.
- Building facades
 - Stone and EIFS
- Stan – What are the landscaping requirements? Types of trees?
 - Landscape plan – John and Nate
 - Based on KCK/UG requirements code.
 - Oak trees one of trees currently proposed.
 - 10' multi-use path on northern side of Village West Parkway
 - Serves as ADA/pedestrian access.
 - Crosswalk location is only location due to grading limitations in other parts of the site.
- Construction phasing and maintaining access for Village West Parkway
- Opportunity to explore variances considering KCK/UG comments.
 - Work collaboratively with all parties to develop mutually beneficial solution.
- Discussion of entitlement schedule
 - 2 potential schedules for remaining submittals
 - Buc-ee's to review potential steps moving forward.
 - Kimley-Horn shared entitlement schedule with Buc-ee's.
- Steve asks if there are electrical vehicle chargers on Buc-ee's site.
 - Stan responded yes, both Tesla and Mercedes
 - Discussion regarding collaboration on use of charging stations with hotel

Meeting adjourned at: 6:45 PM

Minutes taken by: Daniel Hoop

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Florida)
) SS:
COUNTY OF Palm Beach)

Comes now Nathan V. Collins, of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition #COZ2024-014, PLAT2024-013, and MPL2024-008.
2. That I conducted a neighborhood meeting on Thursday, May 23, 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.

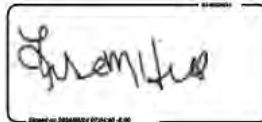
Further affiant saith not.

Nathan V. Collins

Affiant

ACKNOWLEDGED BEFORE ME BY MEANS OF ONLINE NOTARIZATION AND SWORN to before me this 24th day of May, 2024.

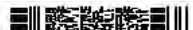
My commission expires:
5/18/2027



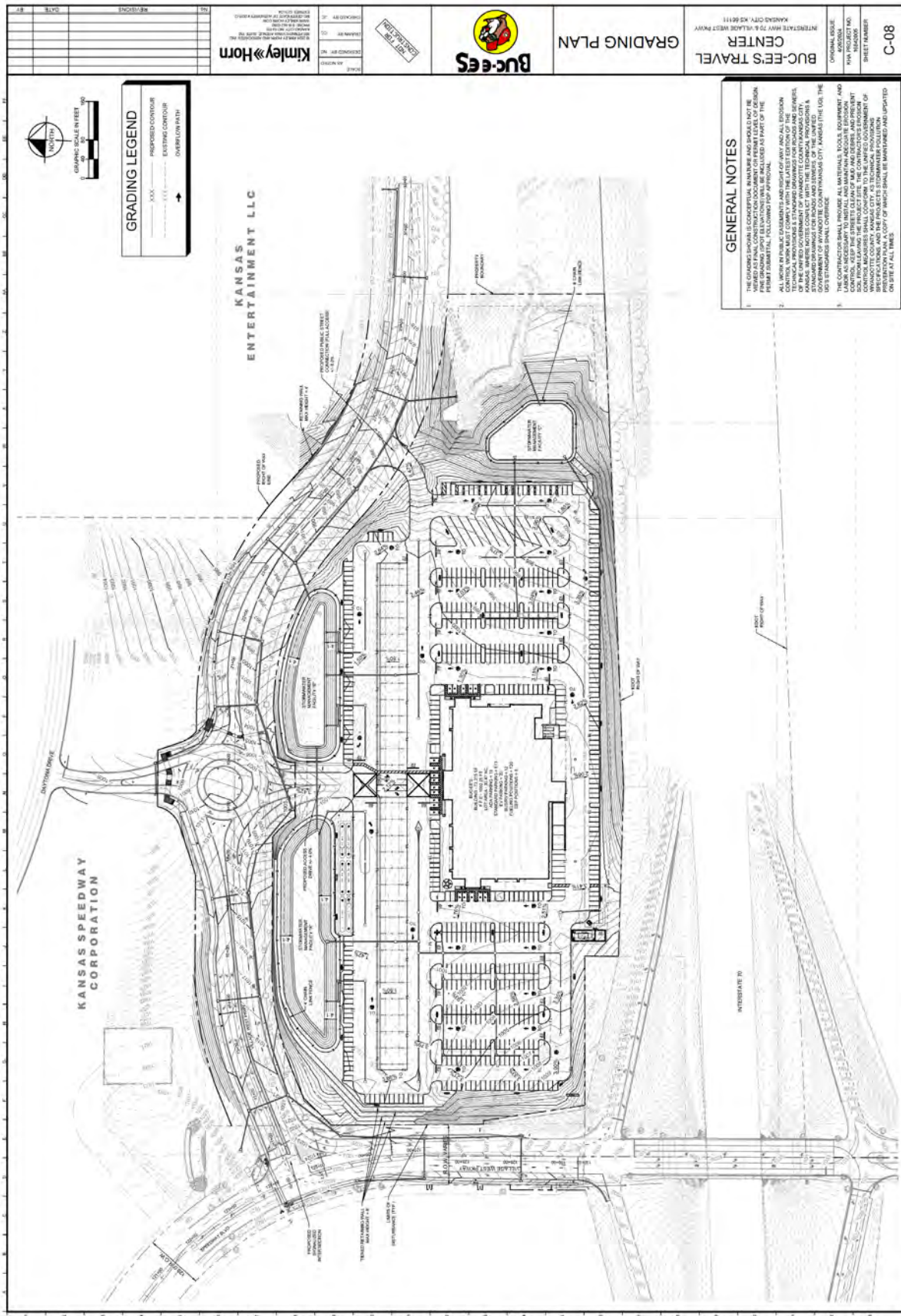
Notary Public

Lisa M. Hill
Commission # HH 363807
Notary Public - State of Florida
My Commission Expires May 18, 2027

Notarial act performed by audio-visual communication







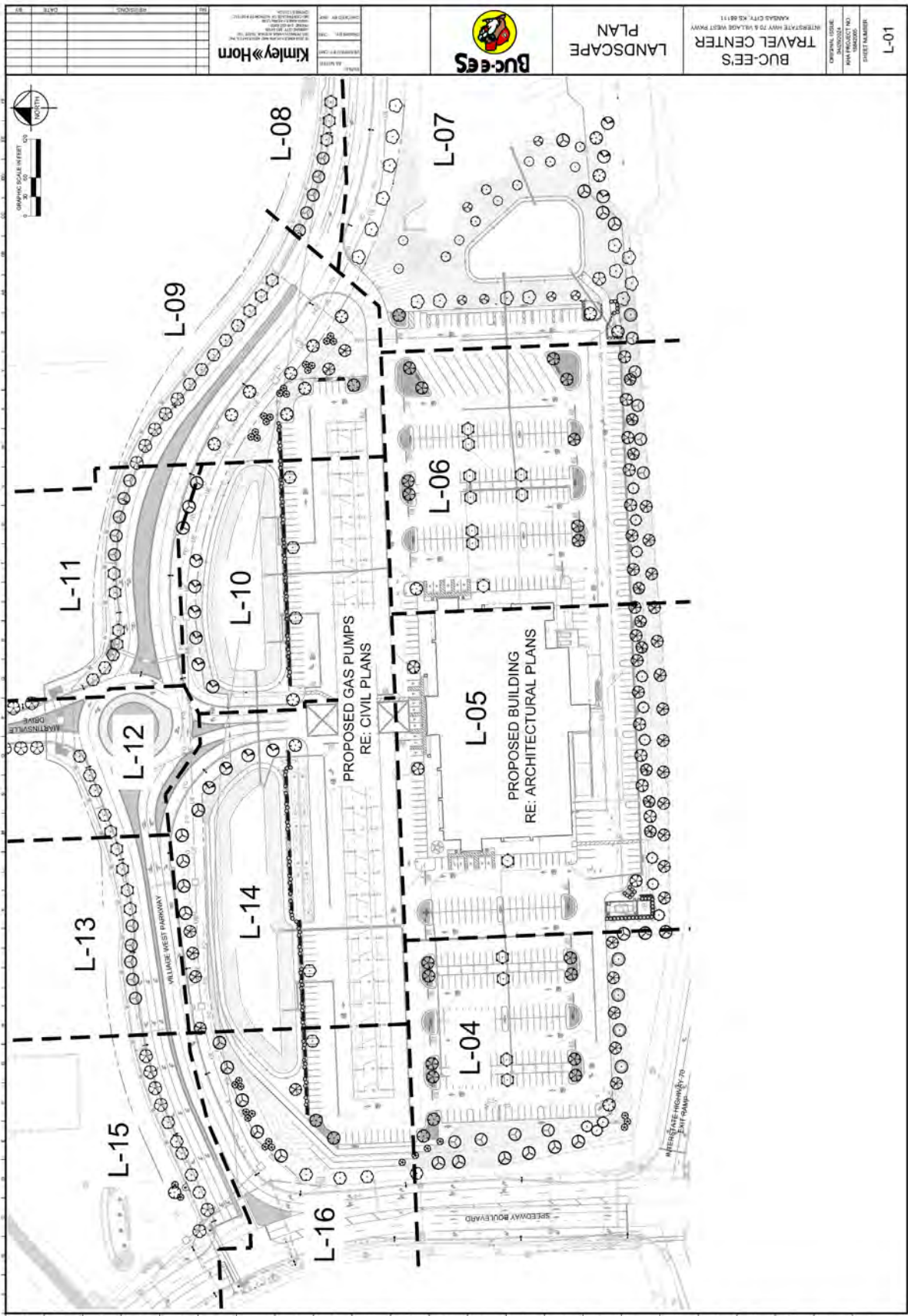
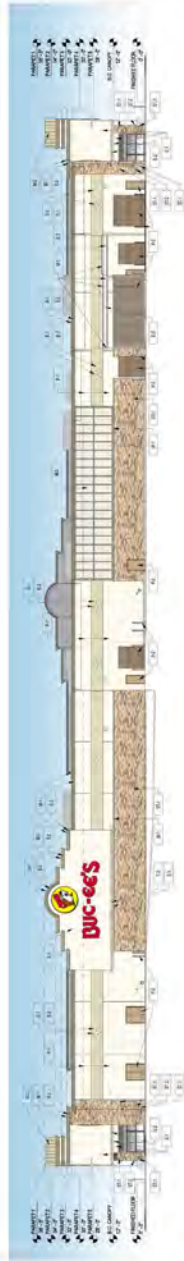


EXHIBIT FINISH SCHEDULE					
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4 RENDERED EXTERIOR ELEVATION - SOUTH



3 EXTERIOR ELEVATION - WEST



2 EXTERIOR ELEVATION - EAST



1	EXTERIOR ELEVATION - NORTH
---	----------------------------

[illegible]



Figure 1. Site Photograph of 601 Village West Parkway looking southwest from Village West Parkway (provided by Planning Staff).



Figure 2. Site Photograph of 601 Village West Parkway looking southwest from Village West Parkway (provided by Planning Staff).



Figure 3. Site Photograph of 601 Village West Parkway looking southwest from Village West Parkway (provided by Planning Staff).



Figure 4. Site Photograph of 601 Village West Parkway looking southeast from Village West Parkway (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: October 30, 2024

Re: Change of Zone Petition COZ2024-027

GENERAL INFORMATION

Applicant Information:

Jason Dandoy
Barden Properties LLC
2105 West 49th Street
Westwood Hills, KS 66205

Subject Property:

4116 Strong Avenue
Kansas City, KS 66106

Requested Action and Purpose:

Approval of a Change of Zone from
R-1(B) Single District to CP-0
Planned Nonretail Business District.

Commission Districts:

Commissioner At-Large, District #2:
Tom Burroughs
District #6 Commissioner:
Philip Lopez

Existing Zoning District(s):

R-1(B) Single Family District

Proposed Zoning District(s):

CP-0 Planned Nonretail Business
District



	Adjacent Zoning	Adjacent Uses
North	R-1(B) Single Family District	Single-family home
South	R-1(B) Single Family District	Single-family homes
East	R-1(B) Single Family District	Single-family home
West	C-1 Limited Business and R-1(B) Single Family Districts	Restaurant and retail store

Total Tract Size: 0.33 Acre

Comprehensive Plan Area: PlanKCK Comprehensive Plan

Comprehensive Plan Designation: The PlanKCK Comprehensive Plan designates this property as Neighborhood Commercial, which allows small-scale commercial and office development. Uses may include commercial retail, professional office and services.

Major Street Plan: The goDotte Countywide Strategic Mobility Plan designates 42nd Street and Strong Avenue as Minor Collectors.

Parking Requirement: Sec. 27-463(e) Uses in this district, except those situated in the area herein described as the central business 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. Six (6) spaces are required. 8 spaces are provided.

Landscaping Requirement: Sec. 27-463(g) Trees are required to be provided at not less than one (1) tree per 7,000 square feet of site area. Screening or buffer plantings are to be provided along all side and rear property lines common to or across an alley from single-family or two-family zoned property.

Advertisement: The Wyandotte Echo – September 19, 2024
Letters to Property Owners – September 20, 2024

Public Hearings: October 14, 2024 and October 30, 2024

Public Support:

One person appeared in support at the October 14, 2024, City Planning Commission meeting.

Public Opposition:

None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Jason Dandoy with Barden Properties LLC, wants to rezone 4116 Strong Avenue from R-1(B) Single Family District to CP-0 Planned Nonretail Business District to continue to operate and legalize a legal, non-conforming dental office.

City Ordinance Requirements: Article VIII Sections 27-340 – 27-765, Article VII Sections 27-245 – 27-339, Article VI Section 27-210 through 212 and all other applicable standards within Chapter 27.

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. 2014 – Sign not properly affixed/mounted. Case closed.
2. 2005 – Business sign laying in the yard. Case closed.

Outstanding or Related Permit and Cases:

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

Previous Planning Actions:

1. There are no previous planning actions on the subject property.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

This area is part of the Argentine Statistical Neighborhood, Census Block Group 0427001. The area along South 42nd Street is at the edge of transition between single-family homes and commercial business, as the boundary between Strong Avenue to Metropolitan Avenue on the west side of South 42nd Street are commercial businesses. The majority of the properties on the east side of the street are zoned R-1(B) Single Family District.

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

The zoning and uses of properties nearby are set out above. The proposed use is an existing dental office that will provide parking for employees and customers. This property is bordered by single-family homes to the north, east and south, across Strong Avenue. Across the street to the west is a restaurant and Dollar Tree retail store.

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

Removal of the restrictions will not detrimentally affect nearby property because the proposed zoning district does not allow intense commercial uses/businesses. General, professional, and medical offices are permitted, which is not a noxious use when abutting residential zoning districts. Additional landscaping, screening and buffering is required to be planted along the north and east property lines to shield the parking lot and driveway from public view.

4. *The length of time the property has remained vacant as zoned and/or the length of time the property has been actively marketed.*

The property is not vacant, but it appears that the dental office's business license has not been obtained for the past four (4) 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 necessary for patients who need dental care in the Argentine area. The site and building are not changing, other than making repairs to the driveway, parking lot and landscape buffering. The Change of Zone to CP-0 Planned Nonretail Business District only allows office uses and will not permanently injure the appropriate use, visual quality or marketability of nearby property because the use has been in existence since 1987.

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

The proposed use will not increase traffic or parking demand in ways that will adversely affect road capacity, safety, or create parking problems because the use of the building and its parking lot has been in existence since at least 1987. Additionally, most dental offices have high-turnover and are appointment-only and have a high-familiarity with patients.

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

The proposed use conforms to the PlanKCK Comprehensive Plan, which designates this property as Neighborhood Commercial. This designation allows small-scale commercial and office development. Uses may include commercial retail, professional office and services.

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

If the site is properly managed and maintained, the proposed use will not cause environmental harm. There will be additional landscaping planted around the perimeter of the site that will enhance buffering of the use and parking lot from the abutting single-family residences.

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

a. Electric and Water Service

To be provided by BPU Electric and Water Divisions.

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 South Patrol, District 331.

e. Fire

Fire service is provided by Station #7, located at North 27th Street and Strong Avenue, which is 0.87 mile from the subject property.

f. Transit

Kansas City ATA provides transit service at the southeast corner of North 42nd Street and Strong Avenue, approximately 65 feet south, across the street, Route #104.

g. Schools

Public Education is provided by New Stanley Elementary School, Argentine Middle School, and Harmon 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. The property owner will generate commercial property tax for the Unified Government due to the dental office rather than residential property tax if the structure was converted to a single-family residence.

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

The proposed use is capable of meeting applicable ordinance requirements.

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

The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the landowners is minimal. If this application is denied, the owner will need a Special Use Permit to be approved in order to use the building as a dental office, convert the building into a single-family residence or wait for one (1) year to re-apply for a Change of Zone to CP-0 Planned Nonretail Business District.

NEIGHBORHOOD MEETING INFORMATION

The applicant held a neighborhood meeting in-person at 4116 Strong Avenue on September 30, 2024. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Landscaping, Screening and Buffering
Driveway and Sidewalk Improvements

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Change of Zone Application COZ2024-027, subject to:

1. Keep mature trees on the property and trim back landscaping near the porte-cochere;
2. Install either a privacy fence or additional trees that provide affective landscape screening along the north and east property lines, which abut single-family homes;
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;
4. Resurface the parking lot and restripe accordingly;
5. Improve the driveway apron along Strong Avenue to comply with the Public Works Department standards;
6. Repair the sidewalk along Strong Avenue simultaneously with the driveway apron;
7. 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. Lighting cannot exceed one (1) footcandle at the property line;
8. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
9. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
10. All existing and future driveways must feature curb cuts that are constructed to UG standards;
11. If approved, the applicant must file and maintain a current business occupation tax application with the Business Licensing Division. Their office is located at 4953 State Avenue, Kansas City, KS 66102. Their contact information is (913) 573-8780 or businesslicense@wycokck.org;
12. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
13. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the

Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,

14. Section 27-211(g)(9)b. Failure to fulfill the conditions within one (1) year of Unified Government Board of Commissioners approval shall necessitate the scheduling of a public hearing with requisite notice before the Unified Government Board of Commissioners. At this public hearing the Unified Government Board of Commissioners shall consider all of the relevant factors and either approve, approve with conditions, or deny the rezoning application.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION AND CONDITIONS

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **COZ2024-027** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

October 14, 2024, City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Applicant Letter
Applicant Response Letter
Neighborhood Meeting Documents
Site Plan
Site Photographs taken by Staff on October 3, 2024

PUBLIC HEARING SCHEDULE

Action(s)	City Planning Commission	Unified Government Board of Commissioners
Change of Zone	October 14, 2024 Approval	October 30, 2024

STAFF CONTACT:

Byron Toy, AICP
btoy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2024-027** as meeting all the requirements of the city code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **COZ2024-027**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

October 14, 2024, City Planning Commission Minutes:

Hearing starts at 1:00:12:

CHANGE OF ZONE APPLICATION COZ2024-027 – JASON DANDROY– SYNOPSIS:

Change of Zone from R-1(B) Single Family District to CP-O Planned Non-Retail Business District for a legal non-conforming office building at 4116 Strong Avenue.

Detailed Outline of Requested Action: The applicant, Jason Dandroy with Barden Properties LLC, wants to rezone 4116 Strong Avenue from R-1(B) Single Family District to CP-O Planned Nonretail Business District to continue to operate and legalize a legal, non-conforming dental office.

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 October 14, 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.

Planner Molloy asked if the Commission had any contact to disclose on this application. Chairman Carson stated that he is recusing himself and turning the meeting over to Vice Chairman Jones, as the Applicant is one of his clients.

Present in Support:

- Jason Dandoy, applicant, Barden Properties, 2105 West 49th Street, Westwood Hills, Kansas
- Stephanie Peugeot Birch, 2100 South 59th Street, Kansas City, Kansas

Present in Opposition:

- No one appeared

Staff Recommendation starts at 1:04:19: Planning Director Hand stated that this Change of Zone is from R-1(B) Single Family District to CP-O Planned Non-Retail Business District. Staff believes this property was included in a downzoning in the 70s, 80s, or 90s. The land use for this property has been commercial for decades. The CP-O zoning is for office, so in the future it could only be a similar type office tenant if this rezoning were to move forward. The property is in the PlanKCK area in the Argentine neighborhood. Staff has received no letters in support nor opposition. There are some older Notices of Violation, which would be addressed by the redevelopment of the property. Staff recommends approval subject to the conditions in the staff report.

Motion starts at 1:06:00:

On motion by Mr. Ernst, seconded by Ms. Armstrong, the Planning Commission voted as follows to recommend **APPROVAL of Change of Zone Application COZ2024-027:**

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

Motion to recommend APPROVAL Passed: 8 to 0

Subject to:

- 1. Keep mature trees on the property and trim back landscaping near the porte-cochere;**
- 2. Install either a privacy fence or additional trees that provide affective landscape screening along the north and east property lines, which abut single-family homes;**

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;
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9. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
10. All existing and future driveways must feature curb cuts that are constructed to UG standards;
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12. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
13. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
14. Section 27-211(g)(9)b. Failure to fulfill the conditions within one (1) year of Unified Government Board of Commissioners approval shall necessitate the scheduling of a public hearing with requisite notice before the Unified Government Board of Commissioners. At this public hearing, the Unified Government Board of Commissioners shall consider all of the relevant factors and either approve, approve with conditions, or deny the rezoning

application.

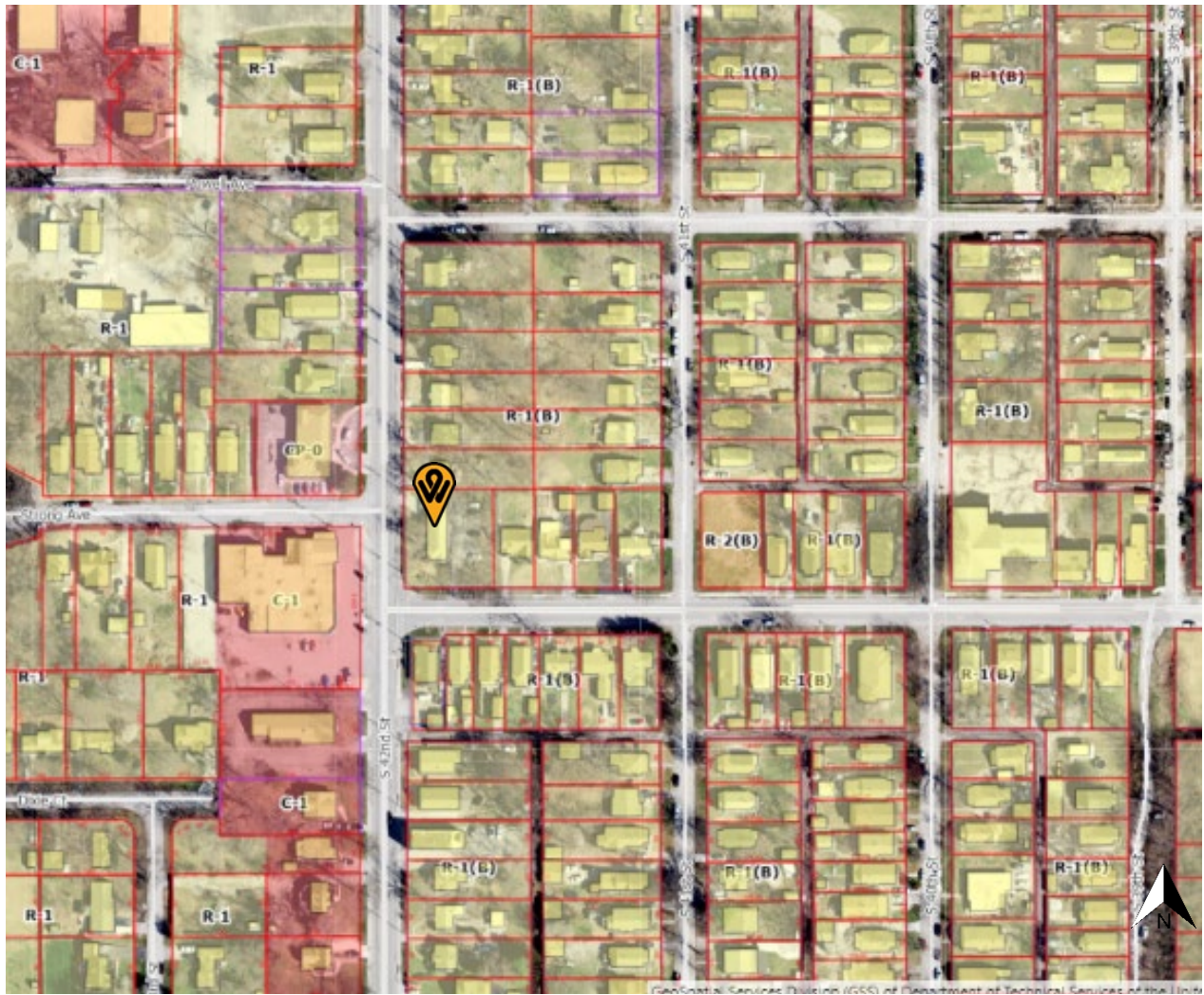
Chairman Carson assumed the chairmanship at 1:07:10.

ATTACHMENTS

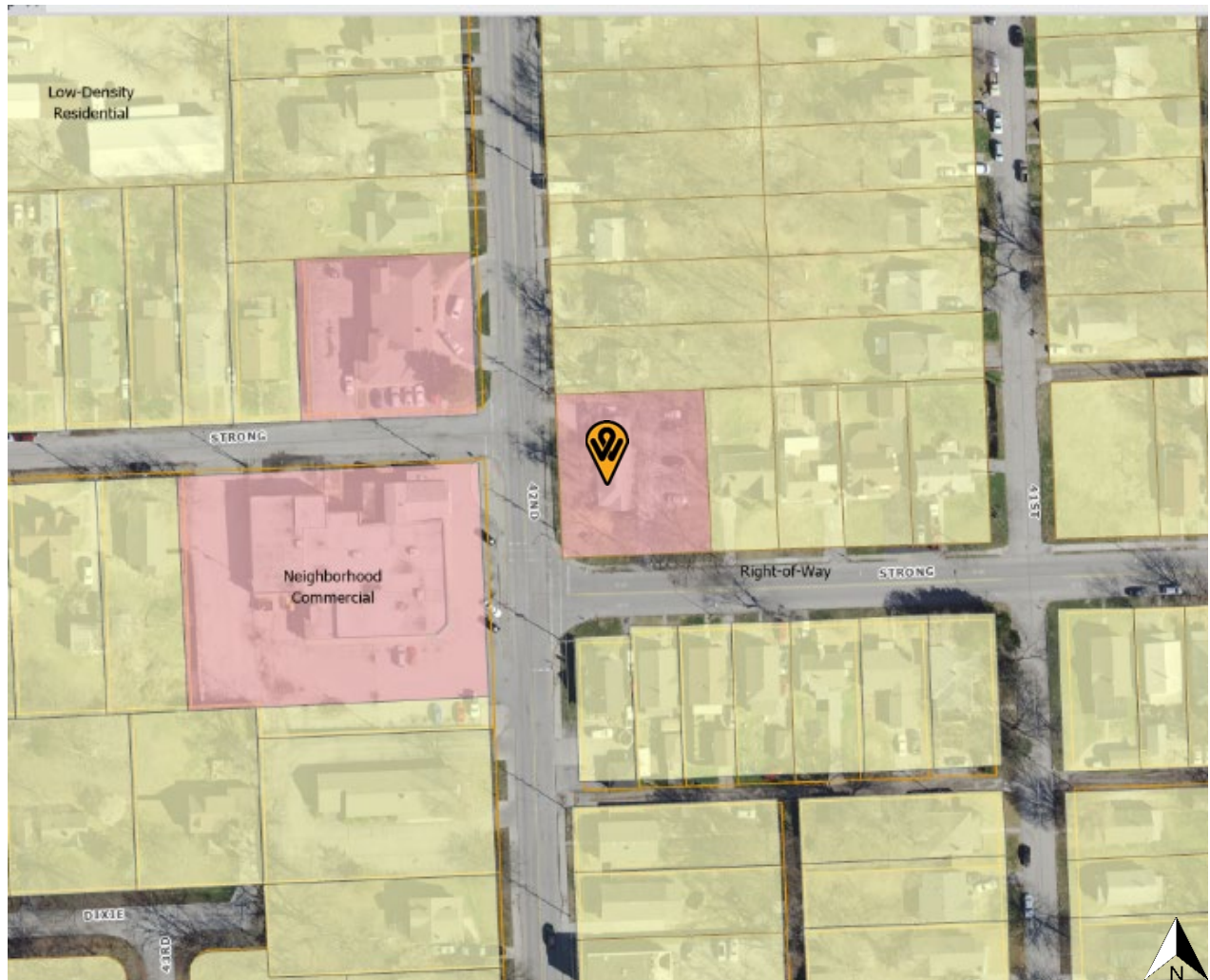
AERIAL IMAGERY



ZONING MAP



LAND USE MAP



ADDITIONAL ATTACHMENTS

4116 Strong Avenue Property Rezoning Memo

August 16, 2024

4116 Strong Ave.
Kansas City, KS 66106

Dear Mr. or Mrs. City Planner,

I am writing to you in support of Barden Properties LLC. Ownership group and their efforts to rezone their commercial property back to a "Commercial & Industrial – C" zoning classification.

The property's physical address is **4116 Strong Ave., Kansas City, Kansas 66106**. The property is located on the corner of Strong Avenue and South 42nd Street, just east of C-1 and CP-0 commercially zoned properties. Please see the last page for additional property information.

The owner's intent is to return the property back to its original zoning [C-1] with no additional modifications to the property. All existing real estate on the property is to remain in-situ and there are no plans for any building additions or property modifications that would negatively impact the existing stormwater conditions. Therefore, there are no plans to submit a revised stormwater report.

In addition to this memo, the applicant is providing an as-built plan of the existing conditions to remain in addition to photographs of the site to support the as-built plan.

Please reach out with any additional information needed to complete the rezoning request. We look forward to working with the U.G. on the betterment and growth of our community, and bringing back a dental practice that has served our friends and families for several decades.

Sincerely,

Josh Erhart, PLA



September 30, 2024

Change of Zone Petition COZ2024-027

City Planning Commission:

We recently acquired the property at 4116 Strong Ave. and are requesting that the property be rezoned back to a Commercial designation. The building has been home to a dental clinic for over 30 years and has provided care to this community. We plan to continue this service in order to benefit residents. If rezoning is not obtained and the building is repurposed, the lifelong patients and new residents who need care will be negatively impacted. We request your support in allowing the change-of-zone.

The current building tenant is Dr. Steve Brotherson, who intends to continue to practice at this location. We plan to make additional upgrades/improvements to the property in the next few years, which will benefit the patients and community. We are open to working with the city to accomplish the items requested in the "Staff Comments and Suggestions" section but ask that we be provided a 36-month window to complete the needed concrete/asphalt items. We would plan to coordinate that work with other improvements to the property.

Items requested and response:

Improve the driveway apron along Strong Avenue to comply with the Public Works Department standards.

- We will replace the existing driveway apron.

Repair the sidewalk along Strong Avenue simultaneously with the driveway apron.

- We will repair the sidewalk along Strong Ave.

Resurface the parking lot and restripe accordingly.

- We will sealcoat and stripe the parking lot.

Keep mature trees on the property and trim back landscaping near the porte-cochere.

- We will keep existing trees. Additional landscaping will be maintained.

Screening or buffer plantings are to be provided along all side and rear property lines common to or across an alley from single-family or two-family zoned property.

- Install additional plantings to add to the existing vegetation screen.

We value the individuals in this community and hope to be able to serve their dental needs for many years to come. Allowing us to complete these improvements over time would ensure a coordinated and beneficial long-term result for the community.

Sincerely,

A handwritten signature in cursive script that reads "Jason Dandoy". The signature is written in a dark ink and is positioned above the printed name.

Jason Dandoy

Meeting Sign-In

Project: 4116 Strong Re-zoning

Date: 9/30/24

Time: 5:00

Place/Room: 4116 Strong Ave.

Print Name	Organization	Phone	Email
1. Jason Dandoy	Owner	913-588-3912	dandoy.business@hotmail.com
2. Deanna Barden	owner	913-588-3912	dandoy.business@hotmail.com
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
13.			
14.			
15.			
16.			
17.			
18.			

Jason Dandoy
Barden Properties, LLC
4116 Strong Ave.
Kansas City, KS 66106

Meeting Minutes:

Application Number: COZ2024-027

Date and Location: 9/30/24; 4116 Strong Ave., Kansas City, KS, 66106

Meeting called to order at: 5:00 p.m.

Names of people in attendance: Jason Dandoy
Deanne Barden

Introductions

Presentation by applicant: Shared historical information about use of property and described future use as staying consistent.

Questions and answers:

None

Meeting adjourned at: 5:30 pm

Minutes taken by: Jason Dandoy

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
COUNTY OF Wyandotte) SS:

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

1. That I am the petitioner for Petition # COZ2024-027.
2. That I conducted a neighborhood meeting on September 30, 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 October, 2024.

My commission expires 18 of April, 2027



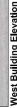


Notary Public



4116 STRONG AVE.
KANSAS CITY, KS

East Building Elevation



SITE PHOTOGRAPHS









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: October 30, 2024

Re: Change of Zone Petition COZ2024-028

GENERAL INFORMATION

Applicant Information:

James Sullivan
Sullivan Palmer Architects
8621 Johnson Drive
Merriam, KS 66202

Subject Property:

2406 South 51st Street
Kansas City, KS 66106

Requested Action and Purpose:

Approval of a Change of Zone from CP-1 Planned Limited Business District to CP-2 Planned General Business District for a building addition, gas canopy and fueling pumps.

Commission Districts:

Commissioner At-Large, District #2:
Tom Burroughs
District #6 Commissioner:
Philip Lopez

Existing Zoning District(s):

CP-1 Planned Limited Business District



Proposed Zoning District(s):

CP-2 Planned General Business District

	Adjacent Zoning	Adjacent Uses
North	R-1 Single Family District	Single-family homes
South	RP-4 Planned Garden Apartment District	Townhomes (future construction)
East	CP-3 Planned Commercial District	Vacant commercial building
West	C-3 Commercial and RP-4 Planned Garden Apartment Districts	Auto mechanic shop and townhomes (future construction)

Total Tract Size:

0.33 Acre

Comprehensive Plan Area:

PlanKCK Comprehensive Plan

Comprehensive 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.

Major Street Plan:

The goDotte Countywide Strategic Mobility Plan designates Gibbs Road as a Minor Collector.

Parking Requirement:

Sec. 27-465(e) Uses in this district, except those situated in the area herein described as the central business 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. 9 parking spaces are required. 17 spaces are provided.

Landscaping Requirement:

Sec. 27-465(g) Trees are required to be provided at not less than one (1) tree per 7,000 square feet of site area. Screening or buffer plantings are to be provided along all side and rear property lines common to or

across an alley from single-family or two-family zoned property.

Advertisement:	<u>The Wyandotte Echo</u> – September 19, 2024 Letters to Property Owners – September 20, 2024
Public Hearings:	October 14, 2024 and October 30, 2024
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Jim Sullivan with Sullivan Palmer Architects, has applied for a Change of Zone to rezone from CP-1 Planned Limited Business District to CP-2 Planned General Business District and a Final Development Plan to build a 450 square foot building addition, gas canopy and fueling pumps to turn an existing convenience store into a gas station on 0.51 acres at 2406 South 51st Street.

City Ordinance Requirements: Article VIII Sections 27-340 – 27-765, Article VII Sections 27-245 – 27-339, Article VI Section 27-210 through 212 and all other applicable standards within Chapter 27.

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. 2014 – Sign not properly affixed/mounted. Case closed.
2. 2005 – Business sign laying in the yard. Case closed.

Outstanding or Related Permit and Cases:

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

Previous Planning Actions:

1. There are no previous planning actions on the subject property.

FACTORS TO BE CONSIDERED

1. *The Character of the Neighborhood.*

This area is part of the Turner Statistical Neighborhood, South Turner Neighborhood Group, Census Block Group 0436002. The area along Gibbs Road is comprised of commercial businesses, an automotive repair shop, vacant bowling alley, and car wash. The majority of the properties on South 51st Street are commercial businesses with the exception of the former KCKFD Station #17, which has been relocated to South 55th Street and Douglas Avenue. Dodson Avenue to the south in the beginning of the Highland Crest single-family neighborhood.

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, a convenience store and additional fueling pumps will provide an opportunity for residents in the area as the closest gas station is at I-635 & Kansas Avenue. This property is bordered by a mechanic shop to the west, the entrance/exit of a townhome development (under construction) to the south, a vacant commercial building to the east, and single-family homes to the north, across Gibbs Road.

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

Removal of the restrictions will not detrimentally affect nearby property because the proposed zoning district is not out of character with the other commercial districts in the vicinity. There is not a significant difference between C-1 and C-2 uses except the increased number of gas pumps that are permitted and the allowance of automotive related uses (car lots, car washes, and mechanic and tire shops). Additional landscaping, screening and buffering is required to be planted along the west and south property lines to shield the parking lot and driveway from residentially zoned property.

4. *The length of time the property has remained vacant as zoned and/or the length of time the property has been actively marketed.*

The property is not vacant. The convenience store has been operating at this location through various operators/owners since 1998.

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 necessary for residents in the vicinity who have to travel a few miles to a gas station. The applicant and property owner are required to

install additional landscaping and screening as well as other site and building improvements to buffer the gas station/convenience store and parking from residentially zoned property, which should not permanently injure the appropriate use, visual 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 will not increase traffic or parking demand in ways that will adversely affect road capacity, safety, or create parking problems, however, Public Work Department and Planning Engineering are reviewing the project to determine if a Traffic Impact Study or Traffic Memorandum is necessary. The applicant is closing one of two curb cuts along South 51st Street and reducing the width of the southern ingress/egress onto South 51st Street.

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

The proposed use conforms to the PlanKCK Comprehensive Plan, which designates this property as Community Commercial. This designation allows 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. 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.

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

If the site is properly managed and maintained, the proposed use will not cause environmental harm from the outset, however, long-term, if the site ever closes, adding a gas tank creates a future brownfield. There will be additional landscaping planted around the perimeter of the site that will enhance buffer the use and parking lot from the abutting future multi-family development.

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

a. *Electric and Water Service*

To be provided by BPU Electric and Water Divisions.

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 South Patrol, District 334.

e. Fire

Fire service is provided by Station #17, located at North 55th Street and Douglas Avenue, which is 0.71 mile from the subject property.

f. Transit

Kansas City ATA does not provide transit service to or near the property.

g. Schools

Public Education is provided by Oak Grove Elementary School, Turner Middle School, and Turner High School, under 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 minimal economic impact on the community. The property owner will generate more commercial property tax and sales/gas tax for the Unified Government with the installation of fueling pumps rather than simply operating a convenience store.

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

With revisions to the site plan and landscape plan, the proposed use is capable of meeting applicable ordinance and other requirements, specifically all of the Commercial Design Guidelines.

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 owner will need to amend the application to have fewer fueling pumps or modify

their application in a manner that complies with the Factors to Be Considered.

NEIGHBORHOOD MEETING INFORMATION

The applicant held a neighborhood meeting in-person at 2406 South 51st Street on September 30, 2024. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Landscaping, Screening and Buffering
Driveway and Sidewalk Improvements
goDotte Countywide Strategic Mobility Plan

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 9 to 0 to recommend **APPROVAL** of Change of Zone Application COZ2024-028, subject to:

1. **Per the goDotte Countywide Strategic Mobility Plan designates the south side of Gibbs Road and the west side of South 51st Street as a priority sidewalk. Install a sidewalk five (5) foot sidewalk along both streets, so the sidewalk cannot connect to the future townhome development property to the south;**
 - a. **Establish a connection along the north property line that links to the existing sidewalk on the north side of Gibbs Road, adjacent to South 51st Street;**
2. **Resurface and restripe the parking lot;**
3. **Adhere to Accessory Uses for vending machines, donation bins and collection facilities per Sec. 27-612(6–8);**
4. **Sec. 27-576(e)(2) Exterior building materials shall not include the following:**
 - a. **EIFS at the ground level or comprising more than 15 percent of any façade.**
 - b. **Metal paneling can only account for 15 percent of any façade;**
5. **Gasoline pump canopies shall have masonry wrapped columns that match the convenience store;**
6. **Enhance landscaping along the south, east and west property lines;**
7. **Per Sec. 27-466(g) The rear property line that abuts the residential zoning district (RP-4 Planned Garden Apartment District) requires a six (6) foot high architectural screening along all side and rear property lines common to or across an alley from residentially zoned property. The privacy fence must have opaque, comprised of wood or metal panel with masonry columns every 32 feet running;**
8. **Sec. 27-575(e)(4) Parking must be screened from adjacent streets by walls, shrubs, trees, or design elements; Per Sec. 27-577(a)(5) Landscaping shall exceed the typical code requirements by at least 75 percent. The site for the proposed development is 0.51 acres, six (6) trees are required based on**

Commercial Design Guidelines and exclusive of the screening requirements for the lots zoned CP-2 Planned General Business District adjacent to residentially zoned properties, street trees and trees planted within parking lot islands;

9. Sec. 27-577(b)(2) Landscape berms and/or continuous rows of shrubs are required to screen parking from adjacent development or public streets. Shrubs used in this area must not exceed a maximum height of 30 inches at maturity;
10. Sec. 27-577(b)(3) In general, formal, stand-alone trees are encouraged to be planted in landscape zones along major streets and medians. These trees should be planted as follows:
 - a. One tree with a minimum caliper of two (2) inches (ornamental), evergreen trees must be at least six (6) feet when planted provided for every 30 feet of street easement or frontage.
 - b. Street trees should be planted no closer than 55 feet and no more than 65 feet apart. Groupings of ornamental trees and shrubs should be placed in between the street trees;
11. Section 27-699(b)(5) states that all outside bins or trash container areas must be completely enclosed by an architectural screen to a height not less than the height of the bin or container. No trash enclosures may be located in required yards adjacent to street right-of-way. In commercially and industrially zoned areas where the trash container will not be visible from off the property due to other screening or topographic conditions and will not be visible from public parking or pedestrian areas on the site, such trash bin screening need not be provided. In industrially zoned areas where the trash container will not be visible from residential property and where such containers are kept directly alongside the building and in a well-kept manner, such screening need not be provided;
12. As denoted on the site plan, the existing obsolete pole sign shall be removed;
13. Remove all accessory signs plastered on the front and sides of the building and window signs that do not comply with the Sign Code.
 - a. 25 percent of the window can be covered by a window sign;
14. Per Sec. 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
15. 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;
16. All new landscaping shall be irrigated;
 17. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
 18. 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. Lighting cannot exceed one (1) footcandle at the property line;
 19. If approved, the applicant must file and maintain a current business occupation tax application with the Business Licensing Division. Their office is located at 4953 State Avenue, Kansas City, KS 66102. Their contact information is (913) 573-8780 or businesslicense@wycokck.org;
 20. 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;
 21. All existing and future driveways must feature curb cuts that are constructed to UG standards;
 22. A Right-of-Way Permit is required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
 23. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
 24. 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. 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 AND CONDITIONS

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **COZ2024-028** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

October 30, 2024, City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Applicant Response Letter
Neighborhood Meeting Documents
Site Plan
Site Paving Plan
Landscape Plan
Building Elevations
Site Photographs taken by Staff on October 8, 2024

PUBLIC HEARING SCHEDULE

Action(s)	City Planning Commission	Unified Government Board of Commissioners
Change of Zone	October 14, 2024 Approval	October 30, 2024

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2024-028** as meeting all the requirements of the city code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to

resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **COZ2024-028**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

October 14, 2024, City Planning Commission Minutes:

Hearing starts at 1:07:15:

CHANGE OF ZONE APPLICATION COZ2024-028 – JIM SULLIVAN WITH SULLIVAN PALMER ARCHITECTS – SYNOPSIS: Change of Zone from CP-1 Planned Limited Business District to CP-2 Planned General Business District for a fueling station and convenience store at 2404 South 51st Street.

PLAN REVIEW APPLICATION PR2024-025 – JIM SULLIVAN WITH SULLIVAN PALMER ARCHITECTS – SYNOPSIS: Final Development Plan for a fueling station and convenience store at 2404 South 51st 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 October 14, 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.

Planned Molloy asked if the Commission had any contact to disclose on this application. No one responded in the affirmative.

Present in Support:

- Mr. Lateef, owner, 2406 South 31st Street, Kansas City, Kansas
- Jim Sullivan, applicant, Sullivan Palmer Architects, 8621 Johnson Drive, Merriam, Kansas

Present in Opposition:

- No one appeared

Staff Recommendation starts at 1:11:23: Planning Director Hand stated that the request is for a Change of Zone from CP-1 Planned Limited Business District to CP-2 Planned General Business District and a Final Development Plan, which allows for gas pumps. The property is currently a convenience store. The property is in the PlanKCK area in the Turner neighborhood. Staff received no letters in support nor in opposition. There are some Notices of Violation, all of which have been closed and addressed by the Applicant or would be addressed by the expansion and renovation of the current property. Staff recommends approval subject to the conditions in the staff report.

Motion starts at 1:12:28:

On motion by Mr. Ernst, seconded by Mrs. Jones, the Planning Commission voted as follows to recommend **APPROVAL of Change of Zone Application COZ2024-028:**

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

Motion to recommend APPROVAL Passed: 9 to 0

Subject to:

1. Per the goDotte Countywide Strategic Mobility Plan designates the south side of Gibbs Road and the west side of South 51st Street as a priority sidewalk. Install a sidewalk five (5) foot sidewalk along both streets, so the sidewalk cannot connect to the future townhome development property to the south;
 - a. Establish a connection along the north property line that links to the existing sidewalk on the north side of Gibbs Road, adjacent to South 51st Street;
2. Resurface and restripe the parking lot;
3. Adhere to Accessory Uses for vending machines, donation bins and collection facilities per Sec. 27-612(6-8);
4. Sec. 27-576(e)(2) Exterior building materials shall not include the following:
 - b. EIFS at the ground level or comprising more than 15 percent of any façade.
 - c. Metal paneling can only account for 15 percent of any façade;
5. Gasoline pump canopies shall have masonry wrapped columns that match

- the convenience store;
6. Enhance landscaping along the south, east and west property lines;
 7. Per Sec. 27-466(g) The rear property line that abuts the residential zoning district (RP-4 Planned Garden Apartment District) requires a six (6) foot high architectural screening along all side and rear property lines common to or across an alley from residentially zoned property. The privacy fence must have opaque, comprised of wood or metal panel with masonry columns every 32 feet running;
 8. Sec. 27-575(e)(4) Parking must be screened from adjacent streets by walls, shrubs, trees, or design elements;
 9. Per Sec. 27-577(a)(5) Landscaping shall exceed the typical code requirements by at least 75 percent. The site for the proposed development is 0.51 acres, six (6) trees are required based on Commercial Design Guidelines and exclusive of the screening requirements for the lots zoned CP-2 Planned General Business District adjacent to residentially zoned properties, street trees and trees planted within parking lot islands;
 10. Sec. 27-577(b)(2) Landscape berms and/or continuous rows of shrubs are required to screen parking from adjacent development or public streets. Shrubs used in this area must not exceed a maximum height of 30 inches at maturity;
 11. Sec. 27-577(b)(3) In general, formal, stand-alone trees are encouraged to be planted in landscape zones along major streets and medians. These trees should be planted as follows:
 - c. One tree with a minimum caliper of two (2) inches (ornamental), evergreen trees must be at least six (6) feet when planted provided for every 30 feet of street easement or frontage.
 - d. Street trees should be planted no closer than 55 feet and no more than 65 feet apart. Groupings of ornamental trees and shrubs should be placed in between the street trees;
 12. Section 27-699(b)(5) states that all outside bins or trash container areas must be completely enclosed by an architectural screen to a height not less than the height of the bin or container. No trash enclosures may be located in required yards adjacent to street right-of-way. In commercially and industrially zoned areas where the trash container will not be visible from off the property due to other screening or topographic conditions and will not be visible from public parking or pedestrian areas on the site, such trash bin screening need not be provided. In industrially zoned areas where the trash container will not be visible from residential property and where such containers are kept directly alongside the building and in a well-kept manner, such screening need not be provided;
 13. As denoted on the site plan, the existing obsolete pole sign shall be removed;
 14. Remove all accessory signs plastered on the front and sides of the building and window signs that do not comply with the Sign Code.
 - b. 25 percent of the window can be covered by a window sign;
 15. Per Sec. 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division

- shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
16. All overstory trees shall be at least two (2) inch caliper when planted. All ornamental trees shall be at least two (2) inch caliper when planted. All evergreens shall be at least six (6) feet when planted. All shrubs shall be five (5) gallons when planted;
 17. All new landscaping shall be irrigated;
 18. 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;
 19. 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. Lighting cannot exceed one (1) footcandle at the property line;
 20. If approved, the applicant must file and maintain a current business occupation tax application with the Business Licensing Division. Their office is located at 4953 State Avenue, Kansas City, KS 66102. Their contact information is (913) 573-8780 or businesslicense@wycokck.org;
 21. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
 22. All existing and future driveways must feature curb cuts that are constructed to UG standards;
 23. A Right-of-Way Permit is required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
 24. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
 25. 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,
 26. 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 Mr. Ernst, seconded by Mrs. Jones, the Planning Commission voted as follows to **APPROVE Plan Review Application PR2024-025:**

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

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

ATTACHMENTS

AERIAL IMAGERY



ZONING MAP



LAND USE MAP





30 September 2024

MR. BYRON TOY, AICP
PLANNING AND URBAN DESIGN
UNIFIED GOVERNMENT
701 N 7TH STREET, KANSAS CITY, KS. 66101

RE: CHANGE IN ZONE PETITION COZ2024-028 AND PR2024-025
2406 S 51ST STREET SERVICE STATION

This letter is in response to your plan review. The responses as follows correspond with your plan review numbers.

APPLICATION REVIEW- STAFF COMMENTS

PLANNING AND URBAN DESIGN COMMENTS:

1. SITE PARKING: The site plan currently has 17 parking spaces, which we hope to maintain unless site mobility becomes an issue.
2. PROPOSED HOURS OF OPERATION: The business owner intends to maintain a 6:00 AM to 12:00 PM hours of operation.
3. SIDEWALKS: The site plan now includes sidewalks along both streets. Refer to Sheet AS-2.
4. RESURFACE AND RESTRIPE PARKING LOT: The site plan now calls out for the existing parking lot to be resurfaced and restriped. Refer to Sheet AS-2
5. UTILITY PLAN: Sheet U-1 shows the location of the existing sanitary sewer, however there will be no revisions to additions to the sanitary or storm water lines.
6. ACCESSORY USES: Note acknowledged.

BUILDING ARCHITECTURE

1. PROVIDE COLORED ELEVATIONS: Colored elevations are attached herewith. See Sheet E of drawing set.

8621 Johnson Drive, Merriam, Kansas 66202
Tel: 913.888.8540 Fax: 913.888.0152

2. GAS CANOPY ELEVATIONS: Gas Canopy Elevations are added to the building colored elevations, sheet E1.
3. GAS CANOPY SUPPORT COLUMNS: The support columns are shown as masonry on the colored elevations and on the Site Plan AS-1.

LANDSCAPING REVIEW:

1. ENHANCE LANDSCAPING ON THE S, E AND WEST PROPERTY LINES: The east property line shows a continuous hedge to screen pumps and parking while adding trees at less than 30' o.c.. The south property line has added a continuous opaque fence, while maintaining previously shown shrubs and trees. The west property line not shows a continuous opaque fence with masonry columns. See Sheet L1

2. OPAQUE FENCE AND POSTS: As noted above, a 6' opaque fence with masonry posts at 32' o.c. is now shown against the residentially shown properties.

3. SCREENED PARKING: The parking areas on the site have been screened from adjacent streets by a continuous hedge along the east property line, by a hedge located west of the north parking and by a continuous 6' opaque fence located along the south property line.

4. LANDSCAPING TREES: 6 trees are shown along the south and west property lines.
5. ROWS OF SHRUBS: As noted above, a continuous row of shrubs is noted north of the building along the west property line and along the east property line.
6. TREE SPACING: So noted.
7. TRASH BINS: A trash enclosure has been shown along the west property line at the south area. The enclosure, which has been detailed, shows a masonry wall with gate at 7' height.

SIGNAGE:

1. POLE SIGN: This pole sign has been noted to be removed on Sheet AS-1.
2. ACCESSORY SIGNS: So noted.
3. SIGN PERMIT: So noted.

STANDARD CONDITIONS:

1. ORDINANCE PUBLICATION FEE: Payment requirement is so noted.
2. OVERSTORY TREES: Tree size so noted and called out on landscape schedule.
3. LANDSCAPE IRRIGATION: The landscape is noted to be irrigated on the Landscape Plan, Sheet L1.
4. SIGN PERMIT: So Noted.
5. EXTERIOR LIGHTING: Lighting requirements so noted.
6. BUSINESS OWNERS LICENSE: License requirement so noted.

8621 Johnson Drive, Merriam, Kansas 66202
Tel: 913.888.8540 Fax: 913.888.0152

-
7. BUILDING PERMIT: Permit so noted.
 8. UG STANDARD CURB CUTS: Curb cut requirement so noted.
 9. RIGHT OF WAY PERMIT: Requirement for permit for work in the Right-of-Way is so noted.
 10. PLANNING ENGINEERING COMMENTS: Compliance with Planning Engineering comments is so noted.
 11. PROJECT ABANDONMENT: This time schedule for abandonment of project is so noted.

Respectfully yours,
Sullivan Palmer Architects, Inc.

Jim Sullivan



8621 Johnson Drive, Merriam, Kansas 66202
Tel: 913.888.8540 Fax: 913.888.0152



SIGN-IN SHEET

Nick Atkins 5125 Harmony Dr 913-731 1195

TERRY BUSING 2422 S 51ST 913 980-1526

Alex Manriquez 8809 NE 116th St 916-605-9702
Alex Manriquez

Cosmo Cuatrecasas 2322 Key LN. 913-498-3650

Manuel Cruz 2531 S 52 St

Brown A Pair 2521 S 52 St 913-405-8245

Rubén González 2531 S 52 St 913-208-2321

Glenn Flores 2531 S 52 St 913 808 8706

Marivel Fernandez 5146 Harmony Dr 91999-8464

Bonnie Luna 2521 S 52nd 913-346-2036

Roberto Cruz 2537 S 52nd St 913 222 9099

Manuel C Briones 2522 So 52nd 913 309-9236

Julio MARINO 5142 Harmony Dr. Kansas City
KS 913 481 2528

Krusty Quick 2437 S 53 Lane 913-226-0553

Dent & Detail 5114 Gibbs Rd Ks - 913-208-8375

Jose M Ramirez 2521 S 51 Terr - 913-636-7816

Nikki Harris 2148 S. 50th St. - 913 396 2848

Mohammed Uddin 8811 W 118th Terr of Ks - 816-914-9017.

Antonio Lopez 4451- Louisa - 913-265 9358

Shahana Chowdhury 9609 W. 51st 816-288-2427

Meeting Minutes

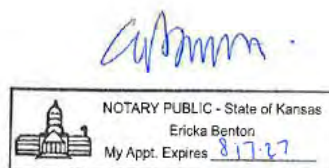
Meeting Date & Time: September 30th 24 at 6.00 pm

Meeting Location: 2406 S. 51st Street, Kansas City, Kansas-66106.



People in attendance:

1. Mis. Teresa Johnson
2. Mr. Ricardo
3. Mr. Nick Atking
4. Mis. Terry Busing
5. Mr. Alex Manriquez
6. Mr. Casey Carter
7. Mr. Manuel Cruz
8. A Paiz
9. Mr. Rusty Cruz
10. Mis Elena Flores
11. Mr. Marivel Fernandez
12. Mr. Bomel Gunna
13. Mr. Roberto Cruz
14. Mr. Manul



15. Mis Julio Marino
16. Mr. Party Quick
17. Dent and Detail
18. Mr. Jose Ramirez
19. Mis Nikki Harris
20. Mohammed Uddin
21. Antonio Lopez
22. Mr. Haris
23. Mis Shahana

Mr. Latif welcome to everybody to attended in the meeting. He also explains why and how they are thinking to improve the store and add a Fuel pumps.

After that Mr. Jim Sullivan displayed all those maps and picture and explain in detailed about the project. Like:

1. How many pumps and their locations
2. Entrance and exit
3. Perkins
4. Building additions and plans to use. Etc.

After that asking those participants about their opinion about the project. The following were discussed in the meeting:

Mr. Casey Carter: It will be very helpful for him; he owns landscaping business and will able to fill up his gas close by.

Mr. Ricardo (RM Tech Auto) and Dent and Detail: After adding the gas pumps hopefully more traffic will be here and will bring more customer for their business.

Mis. Teresa Johnson: Asking for timeline for this project. Mr. Latif explain that, Kansas Department of Health and Environment already issue the permit. Also explained about the city approval process. Hopefully if everything goes smooth by November'24 physical work will be started.

Mr. Manuel Cruz: Asking for store hours after project done. Mr. Latif explain that, tentative plan is some days 6:00 am to 11:00 pm and some days up to midnight. But it's depending on the business. If everything goes expected they may be 24 hours. Participants suggested for 24 hours open. If not possible at list gas pups need to be open for 24 hours.

Mr. Rustey Cruz: Asking about the extension part of the building. Mr. Jim explain again about its construction and it will be use as walking cooler.

After open discussion Mr. Latif invited all participants to joints for snacks and drinks.

Meeting Adjourned at 7:30 pm.

Minutes taken by: Latif Chowdhury.

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
) SS:
COUNTY OF Wyandotte)

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

1. That I am the petitioner for Petition # COZ2024-028
2. That I conducted a neighborhood meeting on _____.
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.

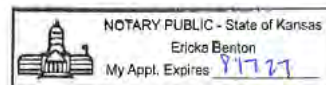
Further affiant saith not.


Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 2 day of October, 2000 2024

My commission expires 17 of August, 2000 2027


Notary Public





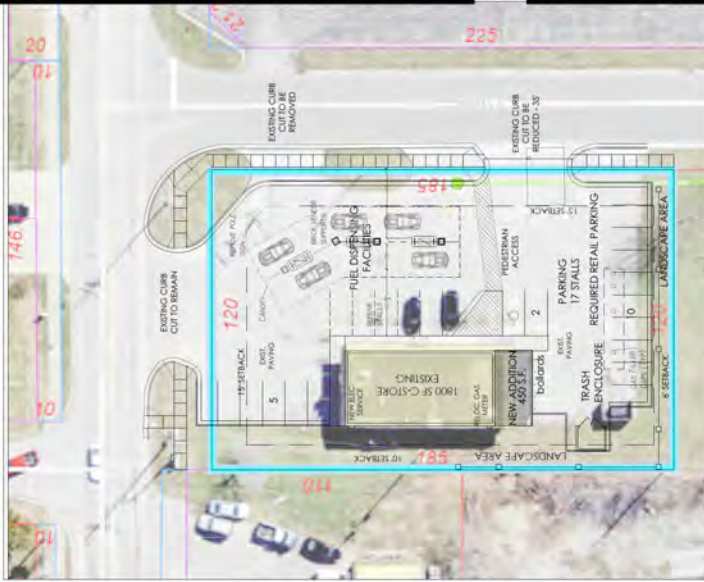
**PRELIMINARY DESIGN
CONVENIENCE STORE RENOVATION**
2406 S. 51st STREET, KANSAS CITY, KANSAS

**SULLIVAN
PALMER
ARCHITECTS**

Date: 8-24-24
Revision:

Drawn by:
Sheet:
AS-1

MWM
AS-1
Site Plan



1 SITE PLAN
AS1 1/8" = 1'-0"

PROJECT INFORMATION:
BUILDING ADDRESS: 2406 S. 51ST STREET, KANSAS CITY, KS.
BUILDING OWNER: M&H MART
2406 S. 51ST STREET, KANSAS CITY, MO

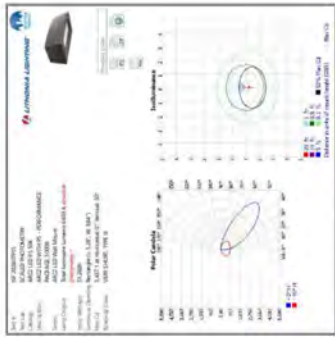
CODE ITEMS:
2018 INTERNATIONAL BUILDING CODE
2018 INTERNATIONAL PLUMBING AND MECHANICAL CODE
2018 NATIONAL ELECTRICAL CODE
2018 INTERNATIONAL FIRE CODE
ANSI A117.1 ACCESSIBILITY

SITE DATA:
EXISTING ZONING: CP-1
LANDSCAPE AREA: 3,017 S.F. (INCH PARKING)
SITE AREA: .51 ACRES
SITE PARKING: 17 STALLS

BUILDING DATA:
EXISTING BUILDING AREA: 1,800 S.F.
NEW BUILDING AREA: 453 S.F.

LEGAL DESCRIPTION:
SEC. 34, T2N-11, R2W-24, S34, T11, S24 ACRES .5
500-C-1-8, BECT 4891.5 OF NW COR NE 1/4 S.
18951 E 120TH N 18951 W 120TH TO POB.

BUILDING USE:
RETAIL SERVICE STATION



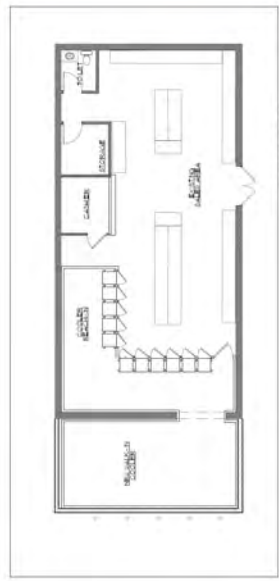
EXTERIOR LIGHTING



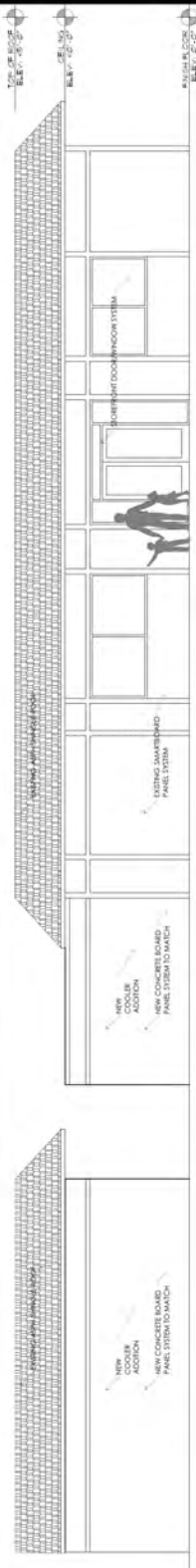
FRONT ELEVATION



SIDE ELEVATION



3 FLOOR PLAN
AS1 1/8" = 1'-0"



2 FRONT ELEVATION
AS1 1/8" = 1'-0"

3 SOUTH ELEVATION
AS1 1/8" = 1'-0"



PRELIMINARY DESIGN
CONVENIENCE STORE RENOVATION
2406 S. 51st STREET, KANSAS CITY, KANSAS



Date: 9-25-24
Revision: _____
Drawn By: _____
Sheet: _____

17



1 LANDSCAPE PLAN
Scale: 1" = 20'

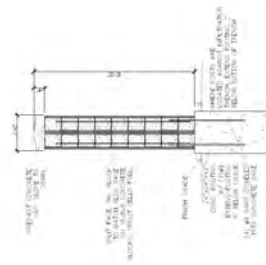
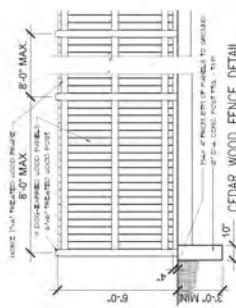
LANDSCAPE SCHEDULE			
KEY	COMPONENT NAME	NOTATION	QUANTITY
1	1" x 6" x 6" PLANTER	1" x 6" x 6" PLANTER	1
2	1" x 6" x 6" PLANTER	1" x 6" x 6" PLANTER	1
3	1" x 6" x 6" PLANTER	1" x 6" x 6" PLANTER	1
4	1" x 6" x 6" PLANTER	1" x 6" x 6" PLANTER	1
5	1" x 6" x 6" PLANTER	1" x 6" x 6" PLANTER	1
6	1" x 6" x 6" PLANTER	1" x 6" x 6" PLANTER	1
7	1" x 6" x 6" PLANTER	1" x 6" x 6" PLANTER	1
8	1" x 6" x 6" PLANTER	1" x 6" x 6" PLANTER	1
9	1" x 6" x 6" PLANTER	1" x 6" x 6" PLANTER	1
10	1" x 6" x 6" PLANTER	1" x 6" x 6" PLANTER	1

LANDSCAPE NOTES:

1. ALL PLANTING SHALL BE DONE BY THE CONTRACTOR.
2. ALL PLANTING SHALL BE DONE BY THE CONTRACTOR.
3. ALL PLANTING SHALL BE DONE BY THE CONTRACTOR.
4. ALL PLANTING SHALL BE DONE BY THE CONTRACTOR.
5. ALL PLANTING SHALL BE DONE BY THE CONTRACTOR.
6. ALL PLANTING SHALL BE DONE BY THE CONTRACTOR.
7. ALL PLANTING SHALL BE DONE BY THE CONTRACTOR.
8. ALL PLANTING SHALL BE DONE BY THE CONTRACTOR.
9. ALL PLANTING SHALL BE DONE BY THE CONTRACTOR.
10. ALL PLANTING SHALL BE DONE BY THE CONTRACTOR.

SITE NOTES:

1. LANDSCAPE SCHEDULE TO THE CONTRACTOR.
2. LANDSCAPE SCHEDULE TO THE CONTRACTOR.
3. LANDSCAPE SCHEDULE TO THE CONTRACTOR.
4. LANDSCAPE SCHEDULE TO THE CONTRACTOR.
5. LANDSCAPE SCHEDULE TO THE CONTRACTOR.
6. LANDSCAPE SCHEDULE TO THE CONTRACTOR.
7. LANDSCAPE SCHEDULE TO THE CONTRACTOR.
8. LANDSCAPE SCHEDULE TO THE CONTRACTOR.
9. LANDSCAPE SCHEDULE TO THE CONTRACTOR.
10. LANDSCAPE SCHEDULE TO THE CONTRACTOR.



BRICK POST DETAIL



EAST ELEVATION

SITE PHOTOGRAPHS









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: October 30, 2024

Re: Special Use Permit Petition SP2024-040

GENERAL INFORMATION

Applicant Information:

Cody Foltz
Owner
4024 Northwest Claymont Drive
Kansas City, MO 64116

Subject Property:

2100 North 70th Street
Kansas City, KS 66109

Requested Action and Purpose:

Approval of a Special Use Permit to operate a short-term rental. This is not the applicant's primary address.

Commission Districts:

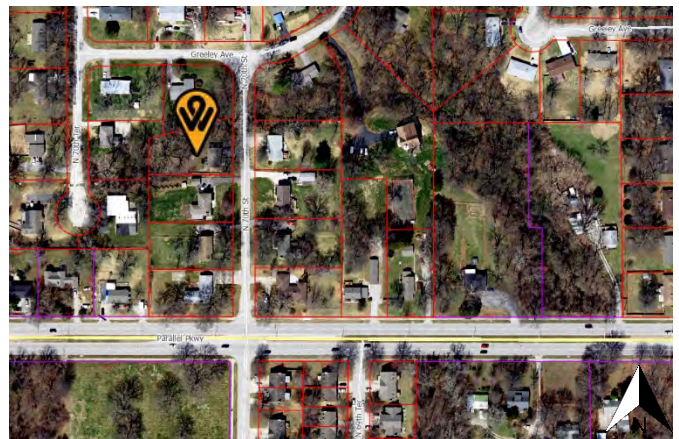
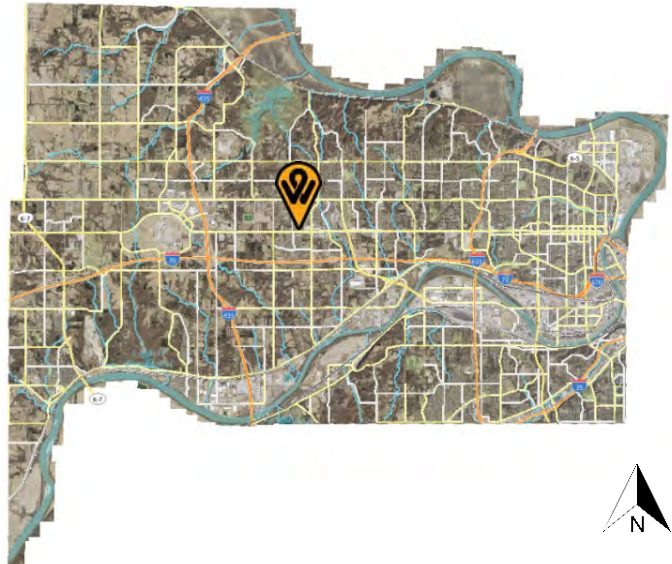
Commissioner At-Large, District #1:
Melissa Bynum
District #8 Commissioner:
Andrew Davis

Existing Zoning District(s):

R-1 Single-Family Residential

Comprehensive Plan Area

PlanKCK Comprehensive Plan



	Adjacent Zoning	Adjacent Uses
North	R-1 Single Family District	Single Family Residence
South	R-1 Single Family District	Single Family Residence
East	R-1 Single Family District	Single Family Residence
West	R-1 Single Family District	Single Family Residence

Total Tract Size: 0.46 Acre

Comprehensive Plan Area: PlanKCK Comprehensive Plan

Comprehensive Plan Designation: The PlanKCK Comprehensive Plan designates the subject property as Low-Density Residential which allows for single-family, detached residential development on standard lot sizes intended to both support infill within and protect established single-family neighborhoods. Development in these areas should provide adequate open space to maintain the neighborhood character.

Major Street Plan: The goDotte Countywide Strategic Mobility Plan designates North 70th Street as a Local/Neighborhood Street.

Parking Requirement: Section 27-454 (e) states “Two off-street parking spaces shall be provided on the premises for each single-family dwelling, at least one of which shall be in a garage or carport”. The subject property provides three (3) parking spaces, one (1) of which is covered.

Landscaping Requirement: Section 27-700 (a) states “one shade tree per dwelling unit is required in the front or corner side yard”. The subject property fulfills this requirement.

Advertisement: The Wyandotte Echo – June 13, 2024
Letters to Property Owners – June 14, 2024, June 30, 2024, August 2, 2024 and September 17, 2024

Public Hearings: October 14, 2024 and October 30, 2024

Public Support: None to date.

Public Opposition:

None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Cody Foltz, is requesting a Special Use Permit to operate a short-term rental at 2100 North 70th Street, Kansas City, Kansas 66109. This is not the owner's primary residence. This would be the first and only permitted short-term rental on the 2100 block of North 70th Street.

City Ordinance Requirements: 27-592 through 27-606, 27-214, and 27-623 and all other applicable standards within Chapter 27.

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 Permit and Cases:

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

Previous Planning Actions:

1. There are no previous planning entitlements on the subject property.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The subject property is located within the Victory Hills Statistical Neighborhood and the Leavenworth Road Association Neighborhood Business Group. The neighborhood consists of primarily single-family residences. The subject property is located to the North of Parallel Parkway, which is a mixed-use commercial corridor.

2. The zoning and uses of properties nearby and the proposed use's expected compatibility with them. In general, commercial and industrial special use permits should not be granted adjacent to residential districts.

The zoning and uses are set out above. The subject property is surrounded by the R-1 Single Family District. Use of the property as a rental, either short or long-term, while commercial in nature, is consistent with other nearby properties in close proximity to Parallel Parkway, which is a commercial corridor. While use as a short-term rental is commercial in nature, the use is occurring in a purpose-built residence, which should not present issues with nearby property. The proposed use is compatible if properly managed.

3. *The suitability of the property for the uses to which it has been restricted. Will the remove of restrictions including those for hours of operation (where applicable), detrimentally affect nearby property?*

Removal of the restrictions that require a Special Use Permit has the potential to create issues such as parking, excessive noise, illumination, vibration, overcrowding of land and undue concentrations of population. The property could be suitable for use as a short-term rental if aforementioned issues are properly managed.

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

The property has been vacant since January 2024.

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

Special Use Permits are not addressed in the PlanKCK Comprehensive Plan. The PlanKCK Comprehensive Plan designates the subject property as Low-Density Residential which allows for single-family, detached residential development on standard lot sizes intended to both support infill within and protect established single-family neighborhoods. Development in these areas should provide adequate open space to maintain the neighborhood character. The proposed use conforms to the PlanKCK Comprehensive Plan designation.

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

The proposed use has the potential to increase vehicular traffic, but should not exceed the capacity of North 70th Street, a Local/Neighborhood 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 making excessive noise, vibration, overcrowding of land, illumination, 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 all potential issues that are related to short-term rentals if it is not managed properly. There have not been any 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 and ostensibly not considered to be a problem for nearby properties.

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, single-family 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, permitted residence in an existing established single-family neighborhood.

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

The relative gain or loss to public health, safety and welfare is 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 with appropriate permits and licenses, their primary residence, or sell the property.

12. *The applicant's ability to maintain the use in an "as proposed" condition.*

The applicant will be required to maintain their short-term rental according to the submitted management plan and conditions of approval as well as limits to number of guests and number of vehicles on the property, as well as all other applicable ordinances set by the Code of Ordinances.

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

The proposed use is not expected to create issues of overcrowding as it operates within an existing structure on the site. Staff recommends a maximum of seven (7) occupants without the obtainment of a Kansas State Lodging License, which is required for lodging establishments with more than seven (7) guests. 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.

NEIGHBORHOOD MEETING INFORMATION

The applicant held a neighborhood meeting in-person at the West Wyandotte Public Library 1737 N. 82nd Street, Kansas City, KS 66112, Conference room B on August 8, 2024. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Noise, Illumination, and Vibration
Home Inspection Report
Overcrowding and Undue Concentrations of Population
Parking

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 9 to 0 to recommend **APPROVAL** of Special Use Permit Application SP2024-040, **for one (1) year**, subject to:

- 1. The applicant must maintain liability insurance;**
- 2. All items listed in the summary of repairs in the home inspection report must be completed;**
- 3. The maximum number of STR renters or guests shall be 7;**
- 4. All parking must be off-street, maximum number of vehicles is three (3). 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 the Business Licensing Division. Their office is located at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, Kansas 66102. Their contact information is (913) 573-8780 or businesslicense@wycokck.org;
 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

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION AND CONDITIONS

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 **SP2024-040** subject to all comments and suggestions outlined in this staff report and the condition of the City Planning Commission.

ATTACHMENTS

October 14, 2024 City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Host Compliance Map
Floor Plan
Home Inspection Report
Neighborhood Meeting Materials
Site Visit Photos, Taken by Staff – Dated June 7, 2024

PUBLIC HEARING SCHEDULE

Action(s)	City Planning Commission	Unified Government Board of Commissioners
Special Use Permit	October 14, 2024 Approval	October 30, 2024

STAFF CONTACT:

Kiley Meierarend
kmeierarend@wycokck.org
913-573-5750

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2024-040** as meeting all the requirements of the city code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **SP2024-040**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

October 14, 2024, City Planning Commission Minutes:

SPECIAL USE PERMIT APPLICATION SP2024-040 – CODY FOLTZ – SYNOPSIS:

Special Use Permit for a Short-Term Rental at 2100 North 70th Street. Detailed Outline of Requested Action: The applicant, Cody Foltz, is requesting a Special Use Permit to operate a short-term rental at 2100 North 70th Street, Kansas City, Kansas 66109. This is not the owner's primary residence. This would be the first and only permitted short-term rental on the 2100 block of North 70th 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 October 14, 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:

- Cody Foltz, applicant, 4024 Northwest Claymont Drive, Kansas City, MO 64116

Present in Opposition:

- No one appeared

Staff Recommendation starts at 1:17:00: Planning Director Hand stated that the request is for a Special Use Permit for a non-owner-occupied Short-Term Rental. The property is in the PlanKCK area in the North Mid-Town neighborhood. Staff received no letters in support nor in opposition. There are no Notices of Violation on the property. Staff recommends approval for one (1) year subject to the conditions in the staff report which includes a maximum of seven (7) people on site and three (3) cars off-street.

Motion starts at 1:17:35:

On motion by Mrs. Jones, seconded by Ms. Armstrong, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit Application SP2024-040 for one (1) year:**

Carson	Chairman
Mohler	Aye
Schwartz	Aye
Straws	Not Present
Ward	Aye

Armstrong	Aye
Beth	Aye
Easterwood	Aye
Ernst	Aye
Jones	Aye
Miller	Aye

Motion to recommend APPROVAL Passed: 9 to 0

Subject to:

1. The applicant must maintain liability insurance;
2. All items listed in the summary of repairs in the home inspection report must be completed;
3. The maximum number of STR renters or guests shall be 7;
4. All parking must be off-street, maximum number of vehicles is three (3). 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 the Business Licensing Division. Their office is located at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, Kansas 66102. Their contact information is (913) 573-8780 or businesslicense@wycokck.org;
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;

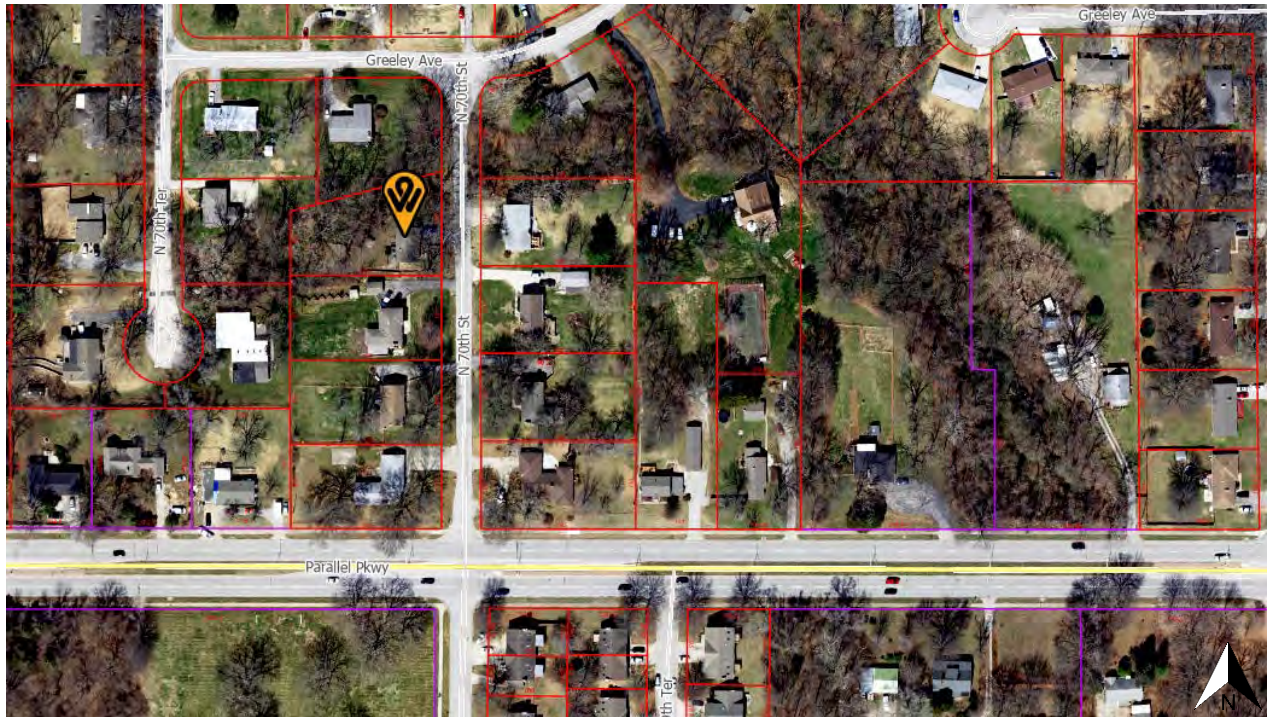
14. All existing and future driveways must feature curb cuts that are constructed to UG standards;
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20. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the 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

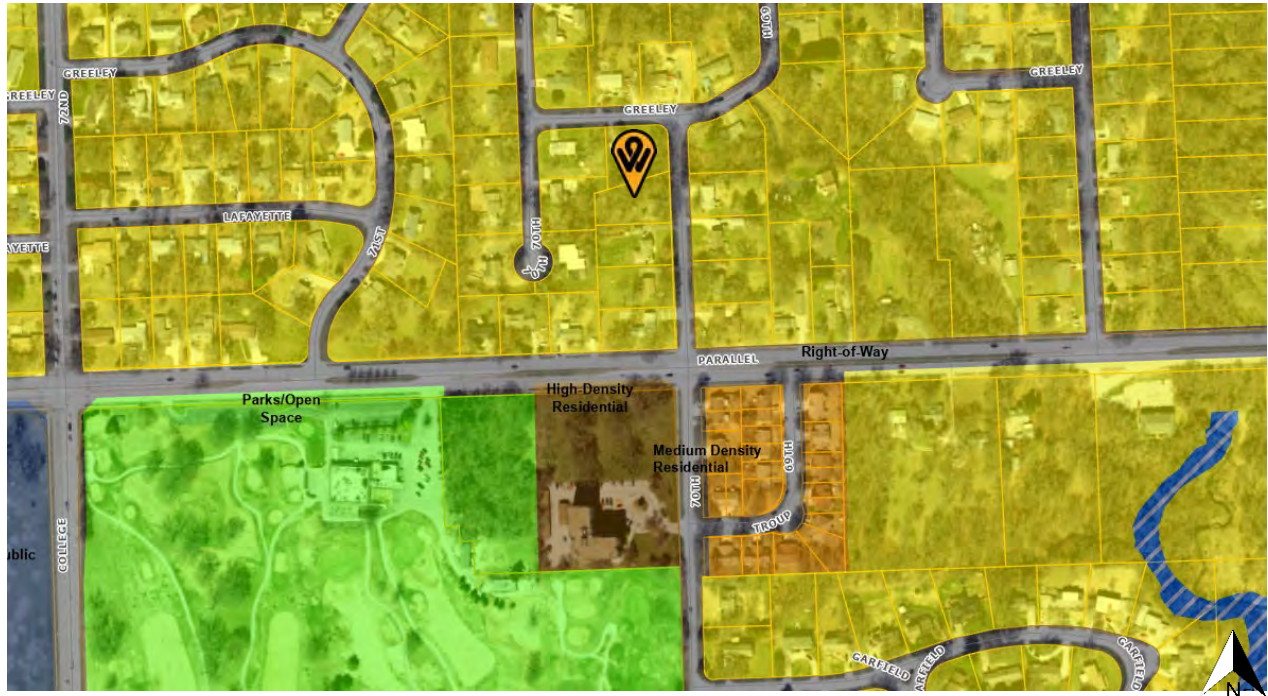
AERIAL IMAGERY



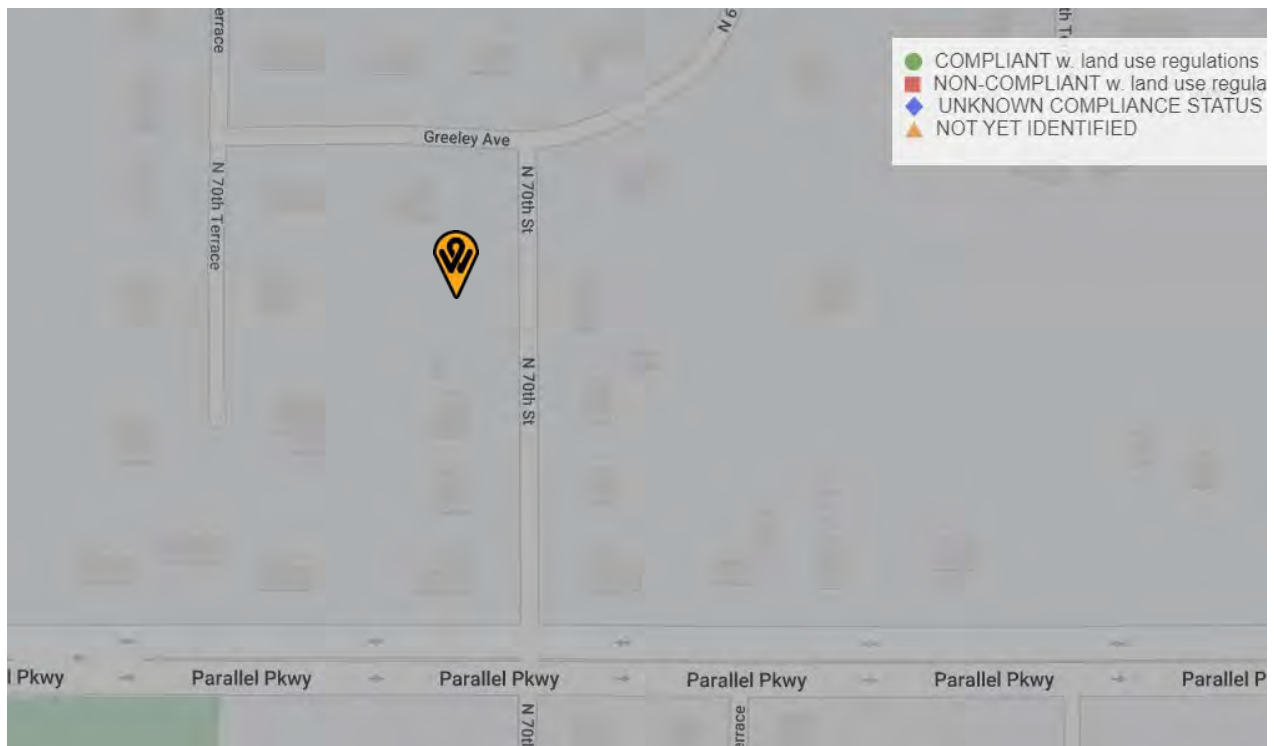
ZONING MAP



LAND USE MAP



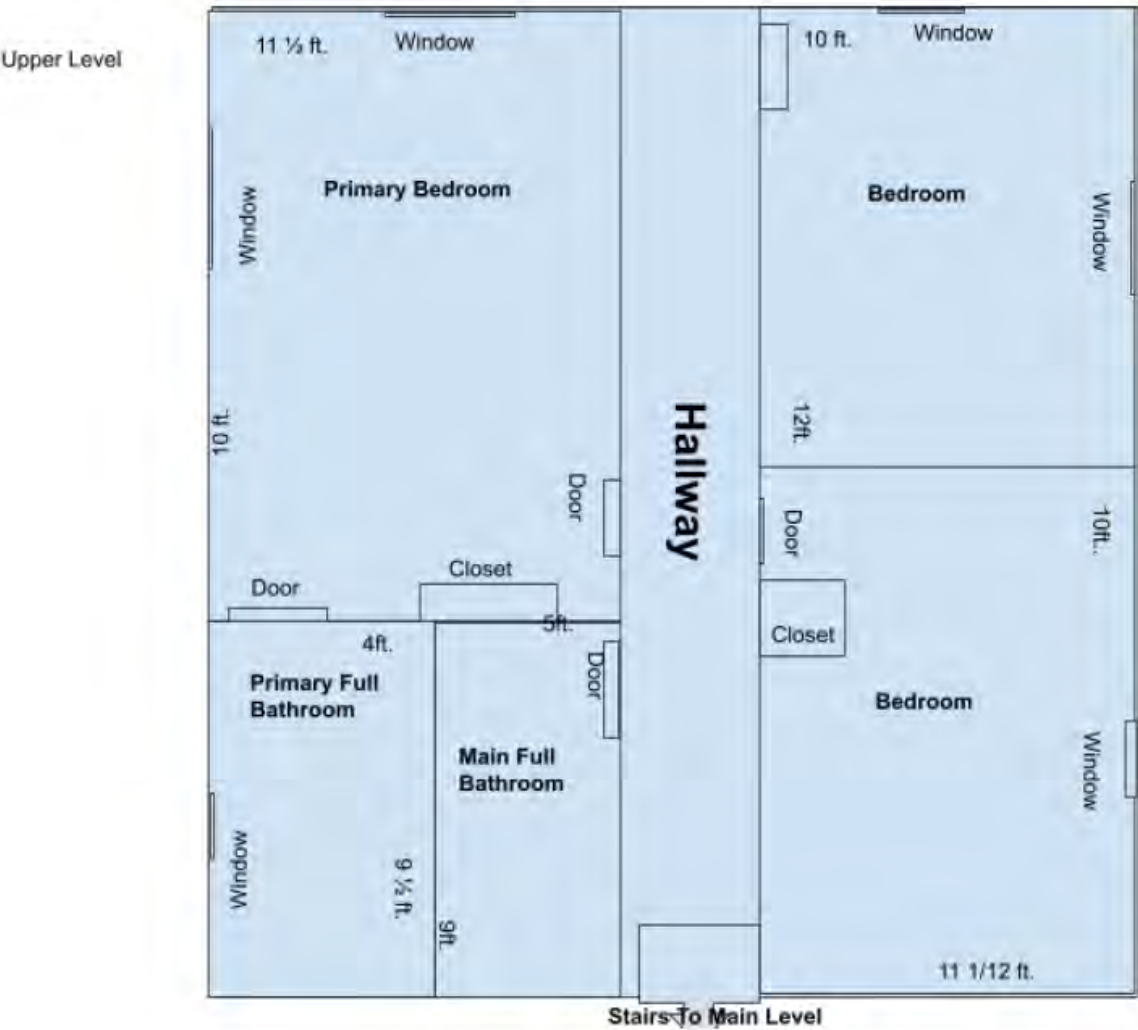
SHORT-TERM RENTAL MAP



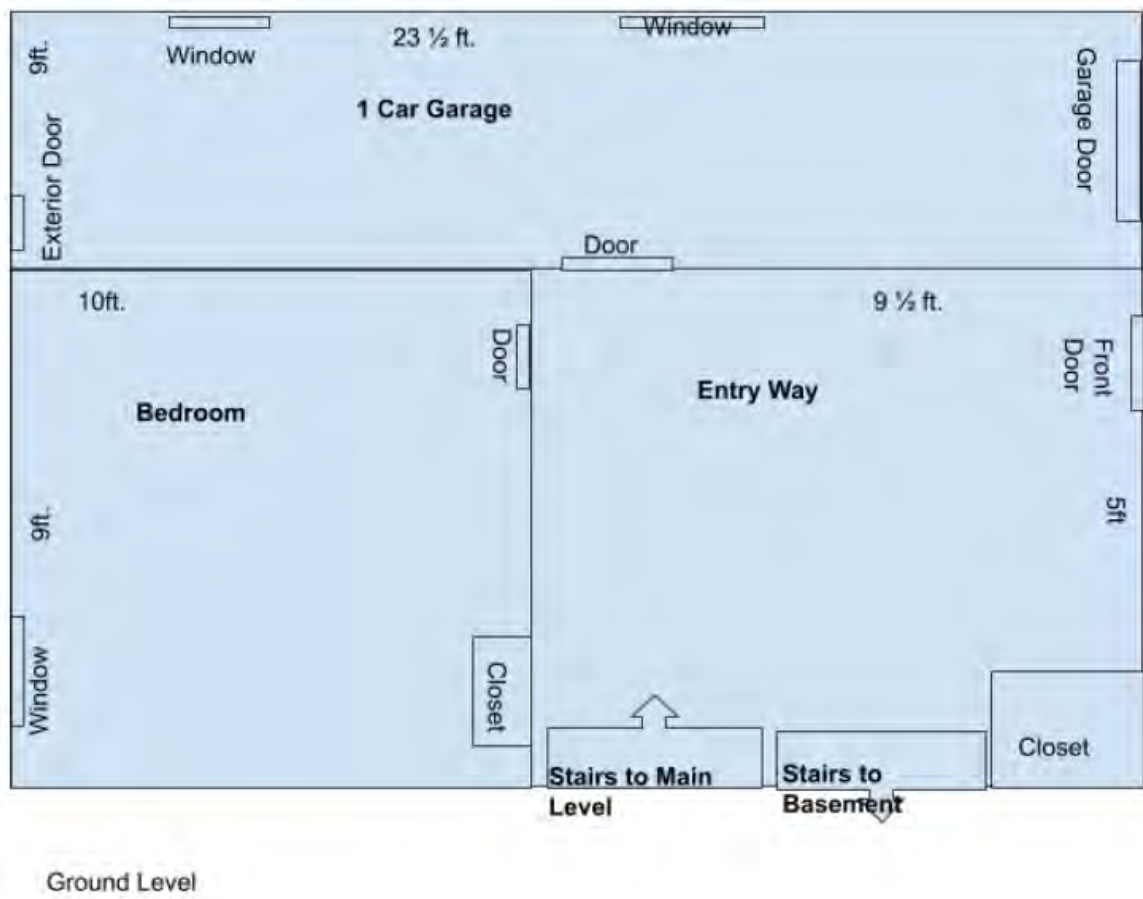
FLOOR PLAN



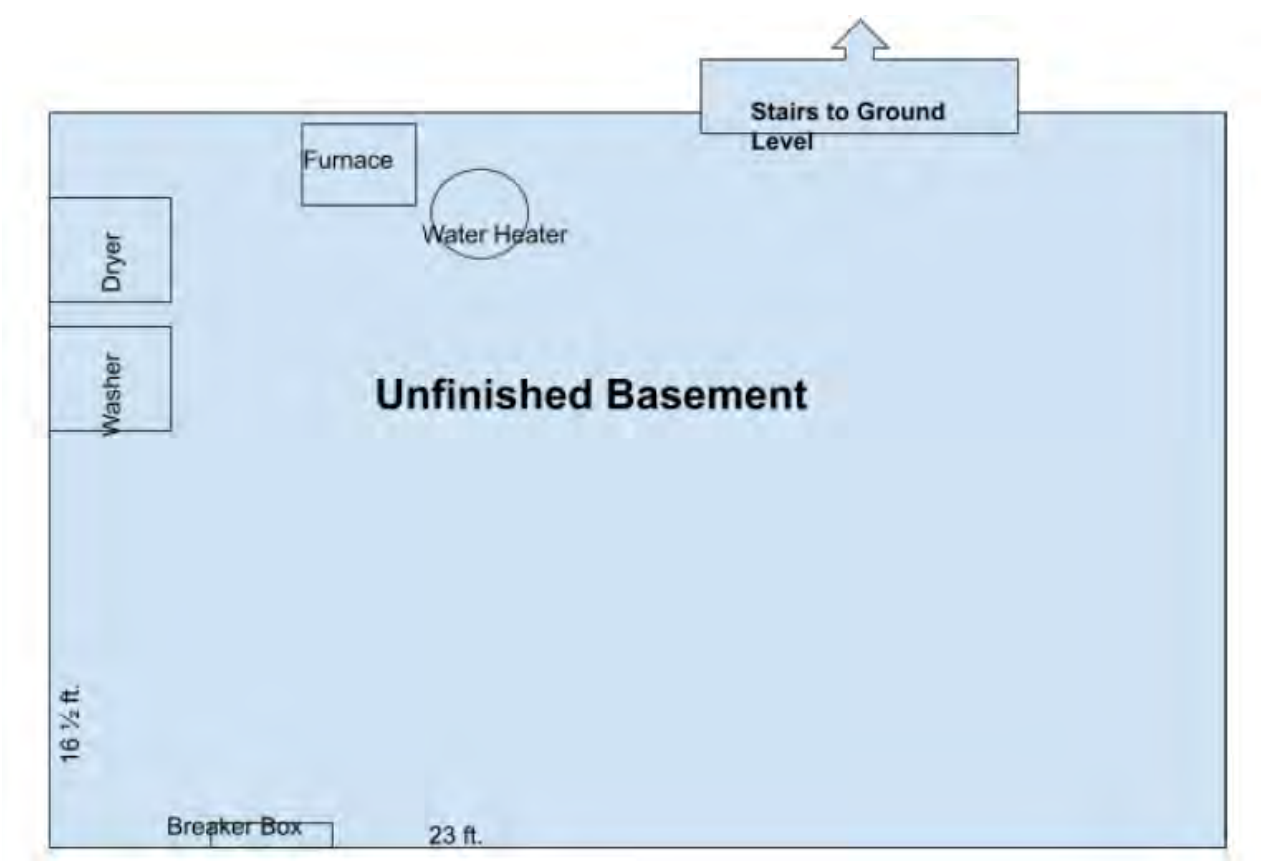
FLOOR PLAN



FLOOR PLAN



FLOOR PLAN



HOME INSPECTION REPORT



300 NE 70th Terrace
Gladstone, MO 64118
Phone: 816-508-7342

▶ **Cody Foltz**

3100 N 70th ST
Phone: 816-808-0781

Dear Cody Foltz

On 10/3/2024 we re-visited the property listed for a final safety and performance inspection after renovation and repair work that was recommended in the original purchase inspection conducted on 11/30/2023, Report 1065.

At this time, all electric and plumbing fixtures have been installed. Stairs and handrails have been repaired. All installed appliances operated and functioned. The previously installed Radon Mitigation Fan functions but is noisy and may be in need of replacement soon. No other safety or performance concerns were found. All remaining work is considered cosmetic in nature.

Thanks again for choosing iLook Home Inspection Co

Steven K Spoon, ACI
iLook Home Inspection Co.

HOME INSPECTION REPORT

SUMMARY

Report No. 1605

2100 North 70th Street, Kansas City, KS November 30, 2023

SUMMARY

ROOFING

EXTERIOR

STRUCTURE

PLUMBING & ELECTRICAL

HEATING

Cooling

INSULATION

PLUMBING

INTERIOR

REFERENCE

This Summary outlines potentially significant issues from a cost or safety standpoint. This section is provided as a courtesy and cannot be considered a substitute for reading the entire report. Please read the complete document.

[Priority Maintenance Items](#)

Roofing

SLOPED ROOFING \ Asphalt shingles

Condition: • [Near end of life expectancy](#)

Roof is nearing the end of its life expectancy. Roof flashings have deteriorated. Water stains noted on ceiling and in attic. Recommend further evaluation and repair or replacement by a qualified, licensed, and insured roofing contractor. A professional may have additional concerns.

Implication(s): Chance of water damage to structure, finishes and contents

Location: Roof

Task: Further evaluation/ Repair or Replace

Exterior

ROOF DRAINAGE \ Gutters

Condition: • [Clogged](#)

Gutters are clogged. Gutter guards have failed. Recommend cleaning and repairing gutter guards.

Implication(s): Chance of water damage to structure, finishes and contents

Location: Exterior

Task: Clean / Repair

Time: Immediate

WALLS \ Vinyl siding

Condition: • [Mechanical Damage](#)

Damage noted on vinyl siding in a few areas. Recommend replacement if damaged areas to protect structure. Photo is representative.

Implication(s): Chance of water damage to structure, finishes and contents

Location: Exterior

Task: Repair

Time: Unknown

DOORS \ Hardware

Condition: • Missing or damaged

Self closer and latch on front storm door are damaged. Recommend repair for proper function.

Implication(s): Increased heating and cooling costs | Poor security

Location: Front Exterior

Task: Repair

Time: Unknown

PORCHES, DECKS, STAIRS, PATIOS AND BALCONIES \ General notes

Condition: • [Wood/soil contact](#)

Providing great home inspections for every client every time

Page 1 of 39

SUMMARY

Report No. 1605

2100 North 70th Street, Kansas City, KS November 30, 2023

SUMMARY

ROOFING

EXTERIOR

STRUCTURE

FOUNDATIONS

HEATING

COOLING

HEVILATION

PLUMBING

INTERIOR

REFERENCE

Deck is in contact with soil. Insect damage noted. Deck has deteriorated beyond repair. Recommend removing and replacing deck.

Implication(s): Rot | Insect damage

Location: Exterior

Task: Demolish

Time: Unknown

LANDSCAPING \ Retaining wall

Condition: • Rot or insect damage

Wood retaining wall has deteriorated and is leaning. Eventual replacement will be necessary.

Implication(s): Weakened structure | Chance of movement

Location: Exterior

Task: Replace

Time: Unknown

Structure

FOUNDATIONS \ Performance opinion

Condition: • Further evaluation required

Foundation is cracked in the SW corner and appears to leak regularly. Exterior grading and failed gutters may be contributing factors. Recommend further evaluation by a structural engineer or dry basement professional.

Implication(s): Chance of structural movement

Task: Further evaluation

Time: Immediate

ROOF FRAMING \ Rafters/trusses

Condition: • Mechanical Damage

One broken roof rafter noted. Recommend repair to protect structure.

Implication(s): Weakened structure | Chance of structural movement

Location: Attic

Task: Repair

Time: Unknown

Electrical

RECOMMENDATIONS \ Overview

Condition: • Working with electricity can be hazardous. It is recommended that all electrical repairs are completed by a qualified, licensed, and insured electrician. A professional electrician may have additional recommendations.

DISTRIBUTION SYSTEM \ Wiring (wires) - installation

Condition: • Open splices

One open splice noted. Recommend that all connections are inside a covered junction box for increased safety.

Implication(s): Electric shock | Fire hazard

Location: Basement

SUMMARY

Report No. 1605

2100 North 70th Street, Kansas City, KS November 30, 2023

SUMMARY

ROOFING

EXTERIOR

STRUCTURE

PLUMBING

HEATING

COOLING

WELDER

PLUMBING

INTERIOR

RECOMMENDATIONS

Task: Repair

Time: Immediate

DISTRIBUTION SYSTEM \ Outlets (receptacles)

Condition: • Inoperative

Outlet under kitchen sink is inoperative at time of inspection. Cause undetermined. Recommend further evaluation and repair or replacement for proper function.

Implication(s): Equipment inoperative

Location: First Floor Kitchen

Task: Further evaluation

Time: Immediate

DISTRIBUTION SYSTEM \ Cover plates

Condition: • Missing

Missing cover plates noted in multiple locations. Recommend installing cover plates for increased safety. Photos are representative.

Implication(s): Electric shock

Task: Provide

Time: Immediate

DISTRIBUTION SYSTEM \ Smoke alarms (detectors)

Condition: • Old smoke alarms if present should not be trusted. Recommend installation of new photoelectric and ionization smoke alarms upon closing for increased safety.

Heating

RECOMMENDATIONS \ Overview

Condition: • Gas furnace operated and functioned as designed. Recommend annual cleaning to extend service life.

FIREPLACE \ General notes

Condition: • Inspect chimney, and sweep, if needed before using

Fireplace not operated. Fireplace appears to have been out of service for some time. Recommend inspection and cleaning by a qualified, licensed, and insured chimney sweep prior to use. Chimney cleaning should be considered a routine maintenance item.

Implication(s): Fire hazard

Location: First Floor Living Room

Task: Service annually

Time: Immediate

SUMMARY

Report No. 1605

2100 North 70th Street, Kansas City, KS November 30, 2023

SUMMARY

ROOFING

EXTERIOR

STRUCTURE

ELECTRICAL

HEATING

COOLING

INSULATION

PLUMBING

INTERIOR

REFERENCE

Cooling & Heat Pump

RECOMMENDATIONS \ Overview

Condition: • Air conditioner operated and functioned as designed. Recommend annual cleaning to extend service life.

AIR CONDITIONING \ Whole house fan

Condition: • Inoperative

Attic fan inoperative. Cause undetermined. Recommend repair or replacement for proper function.

Implication(s): Reduced comfort

Location: Second Floor

Task: Repair or replace

Time: Unknown

Insulation and Ventilation

RECOMMENDATIONS \ Overview

Condition: • No insulation recommendations are offered as a result of this inspection.

Plumbing

SUPPLY PLUMBING \ Water shut off valve

Condition: • Handle on main water shutoff valve is missing. Recommend repair for proper function.

Location: Basement

Task: Repair

Time: Immediate

FIXTURES AND FAUCETS \ Bathtub

Condition: • Caulking loose, missing or deteriorated

Caulk and grout around bathtub is deteriorated or missing. Recommend repair to protect structure.

Implication(s): Chance of water damage to structure, finishes and contents

Location: First Floor Hallway Bathroom

Task: Repair

Time: Immediate

Condition: • Drain stop missing

Drain stop is missing on bathtub. Recommend repair for proper function.

Implication(s): Reduced operability

FIXTURES AND FAUCETS \ Toilet

Condition: • Flush mechanism inoperative

Flush handle on master bath toilet is broken. Recommend repair for proper function.

Implication(s): Equipment failure | Sewage entering the building

Location: First Floor Master Bathroom

Task: Repair

Providing great home inspections for every client every time

Page 4 of 39

SUMMARY

Report No. 1605

2100 North 70th Street, Kansas City, KS November 30, 2023

SUMMARY

ROOFING

EXTERIOR

STRUCTURE

CARPENTRY

HEATING

Cooling

INSULATION

PLUMBING

INTERIOR

REFERENCE

Time: Immediate

Condition: • Running continuously

Toilet in main bathroom failed to shutoff properly after flush. "Jiggling" of handle was necessary for shutoff. Recommend repair for reduced water consumption.

Implication(s): Chance of condensation damage to finishes and/or structure | Increased water consumption

Location: First Floor Hallway Bathroom

Task: Repair

Time: Immediate

Interior

CEILINGS \ General notes

Condition: • Damage

Ceiling damage note in multiple areas. Recommend repair.

Implication(s): Damage or physical injury due to falling materials

Location: Basement First Floor

Task: Repair

Time: Unknown

FLOORS \ General notes

Condition: • Mechanical damage

Floor damage noted in entry way, kitchen, and bathroom. Recommend repair.

Implication(s): Trip or fall hazard

Location: First Floor Kitchen Bathroom Foyer

Task: Repair

Time: Unknown

WINDOWS \ Glass (glazing)

Condition: • Multiple window seals are failing. Recommend replacement. Photos are representative

Location: First Floor

Task: Replace

Time: Unknown

CARPENTRY \ Cabinets

Condition: • Plates missing or loose

Recommend repair of kitchen cabinets for proper function.

Implication(s): Damage or physical injury due to falling materials

Location: First Floor Kitchen

Task: Repair

Time: Unknown

STAIRS \ General notes

Condition: • Mechanical Damage

Stairs to basement present a trip hazard. Recommend repair or replacement for increased safety.

SUMMARY

Report No. 1605

2100 North 70th Street, Kansas City, KS November 30, 2023

SUMMARY

ROOFING

EXTERIOR

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PLUMBING

HEATING

COOLING

INSULATION

PLUMBING

INTERIOR

SEWER/POW

Implication(s): Weakened structure | Chance of structural movement

Location: Basement

Task: Repair or replace

Time: Immediate

STAIRS \ Handrails and guards

Condition: ♦ Missing

Recommend installation of a handrail on interior stairway for increased safety.

Implication(s): Fall hazard

Location: Second Floor

Task: Provide

Time: Immediate

EXHAUST FANS \ Kitchen range exhaust system (range hood)

Condition: ♦ Range hood operated and functioned as designed.

GARAGE \ Vehicle door operators (openers)

Condition: ♦ Inoperative

Garage door opener inoperative at time of inspection. Cause undetermined. Recommend repair or replacement.

Implication(s): System inoperative

Location: First Floor Garage

Task: Repair or replace

Time: Unknown

APPLIANCES \ Refrigerator

Condition: ♦ Refrigerator functioning as designed.

APPLIANCES \ Range

Condition: ♦ Electric range operated and functioned as designed.

APPLIANCES \ Dishwasher

Condition: ♦ Dishwasher operated and functioned as designed. Cleaning performance not evaluated.

This concludes the Summary section.

The remainder of the report describes each of the home's systems and also details any recommendations we have for improvements. Limitations that restricted our inspection are included as well.

The suggested time frames for completing recommendations are based on the limited information available during a pre-purchase home inspection. These may have to be adjusted based on the findings of specialists.

[Home Improvement - ballpark costs](#)

NEIGHBORHOOD MEETING MATERIALS

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Missouri)
) SS:
COUNTY OF Clay)

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

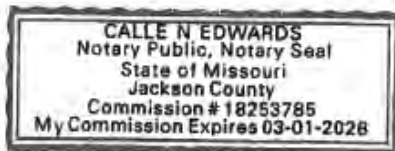
1. That I am the petitioner for Petition # SP2024-040
2. That I conducted a neighborhood meeting on 09/24.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Planning + Urban Design Department.

Further affiant saith not.

[Signature]
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 26th day of September, 2024.
My commission expires 01 of March, 2028.

[Signature]
Notary Public



NEIGHBORHOOD MEETING MATERIALS

Neighborhood Meeting 08/08/2024 Sign in Sheet

Special Use Permit SP2024-040

Name

Date

7015 greeny

Paul J. Jorgensen

8/8/24

Christa George

8/8/24

Robert Nowak

8/8/24

2019 N. 70th

Carma Nowak

8/8/24

Glen W. Jackson

8-8-24

MINUTES FROM MEETING:

Application Number: sp2024-040

Date and Location: 08/08/2024, West Wyandotte Public Library 1737 N. 82nd Street, Kansas City, KS 66112, Conference room B

Meeting called to order at: Names of people in attendance: Tom Flanagan, Christa Geoge, Robert Nowak, Carma Nowak, Glenn Jackson

Introductions: The meeting was given by Cody Foltz (property owner) and Kaylin Williams (property manager).

Presentation by applicant and/or team: After introductions Cody and Kaylin explained the special use permit application was submitted for approval to use the property at 2100 N 70th Street, Kansas City, KS 66109, as a short term rental. Advised attendees that the proposed property was a 4 bedroom, 2 bath single family home with driveway parking. The property intends to host 10 or fewer guests per booking. Pets will not be allowed. Cody and Kaylin shared information with meeting guests detailing how short term rental properties operate. They explained the following: short term rentals are properties used to host guests for stays shorter than 30 days. On average guests book stays at the short term rental for approximately 4 days, however stays will vary between guests. The team operating the short-term rental does not permit stays less than 2 nights. Advised attendees the current methods for booking are through Airbnb.com and VRBO.com, and guest identification confirmation is required by both listing sites. They advised neighbors in attendance for the meeting that the property should not draw negative attention and rules have been established to ensure that negative attention is not drawn. Parties are prohibited, illegal activity is prohibited, and excess noise volume is prohibited. Cody and Kaylin also shared their experience with hosting/managing short term rentals. They advised that they have hosted/managed additional properties with little to no issue with surrounding neighbors. Any issue that has come forward has been met with changes and protocols to prevent future issues of the same nature. They introduced team members not in attendance for the meeting such as cleaners and maintenance. Cody and Kaylin shared contact information

NEIGHBORHOOD MEETING MATERIALS

with attendees so that if they ever had questions, comments or concerns they could contact them directly for resolve.

Questions and answers:

Q(Tom Flanagan): I have lived in the neighborhood for many years, in fact grew up in this very neighborhood. I have invested a lot of time, money and dedication into my home and in turn the neighborhood. How will a short-term rental affect property values?

A(Cody Foltz): You may have noticed that since purchasing the home we have started many renovations. The home is currently the most outdated on the block and maybe in the neighborhood. We have completely remodeled the interior of the home and will be starting to modify the outside to boost the appearance of the home and increase the home's value.

A (Kaylin Williams): The home was purchased with the intent of it being an investment property. As Cody explained, we have begun remodeling the home. We aim to attract guests of decent nature and to do so the home will need to have an inviting appearance and will need to be satisfactory to guests expectations. The short term rental should not take away from the neighborhood, impose a threat to the wellbeing of neighbors or the area surrounding, but rather serve as an enhancement.

Q(Carma Nowak): What about parties at the house, what if guests do not follow the rules for parties and host them regardless?

A(Kaylin Williams): Both sites that we use to book guests explicitly state that parties are prohibited. If a guest/booking raises any suspicion that the property will be used to host a party the site will block the guest from being allowed to book.

A(Cody Foltz): The booking sites also allow hosts to preview what other hosts have said about the guest wanting to book a stay. Hosts are able to publicly review guests so that other hosts can see if the guest followed the rules and maintained the home in a decent manner during their stay. From there we have the discretion to accept or deny the booking.

Comment(Tom Flanagan): For the most part the surrounding neighbors are really good about keeping up with their property, however there are a couple who do not and sometimes that comes with repercussions for everyone. We have had several large trees fall and knock out power lines.

Comment (Cody Foltz): When the home was purchased we did notice that there were a few dead or rotten trees on the property. Tree removal has been scheduled to ensure that they are not a threat to the property or neighbors.

Q (Glenn Jackson): What if people who book a stay are felons?

A (Cody Foltz): Both Airbnb and VRBO do not allow felons to book homes with their sites.

A(Kaylin Williams): As we stated the home should not draw any unusual attention. To someone who does not know the home is a short-term rental, it should appear as a normal single family home. The home should blend in and it should not be noticeable that the home is being used as a short-term rental. While felons specifically are not permitted to book, we do have the right to end a stay early or cancel a booking if a guest causes any issue. We can be contacted at any time if a neighbor is being disrupted by guest activity, and the issue will be resolved.

Q(Tom Flanagan): Because of the geographical layout of the neighborhood and being at the lowest point of the hills, noise tends to carry. Noise that one wouldn't think would be disruptive can be amplified because of the natural structure of the neighborhood. Should we expect that to be worsened with guests staying at the property?

A (Cody Foltz): Quiet hours are from 10pm-7am. It is the expectation that guests would limit noise during that time so as to not disrupt nearby neighbors.

Q(Robert Nowak): The streets in the neighborhood are narrow, would guest parking prevent the flow of traffic?

A(Kaylin Williams): Guests are limited to 4 cars max and all vehicles and street parking is not allowed. All cars belonging to guests must be within the area of the driveway.

A(Cody Foltz): The driveway should fit 4 cars comfortably so there should be no reason that guests park elsewhere. If there is ever an issue with the amount of cars or where they are parked we can see that from the security cameras at the property and guests will be required to move the car either into the driveway or remove it from the property entirely.

Comment (Robert Nowak): In the winter our street is one of the last that is plowed during winter storms. The hill becomes a layer of ice and it is difficult to get cars up the street if the weather conditions are bad. A lot of

NEIGHBORHOOD MEETING MATERIALS

times residents will have to take it upon themselves to do prep and clean up after storms.

Comment (Cody Foltz): That is good information to know. We do have personnel responsible for preparing the driveway for storms and clearing the driveway after storms. I will relay that information so they know that they will also need to treat/clear the street area immediately in front of the house.

Meeting adjourned at: 6:42pm

Minutes taken by: Kaylin Williams

SITE VISIT PHOTOS, TAKEN BY STAFF – DATED JUNE 7, 2024



SITE VISIT PHOTOS, TAKEN BY STAFF – DATED JUNE 7, 2024



SITE VISIT PHOTOS, TAKEN BY STAFF – DATED JUNE 7, 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: October 30, 2024

Re: Special Use Permit Petition SP2024-054

GENERAL INFORMATION

Applicant Information:

Brien Darby
Representative
Cultivate Kansas City
4049 Pennsylvania Avenue, Suite
206
Kansas City, Missouri 64111

Subject Property:

1810 North 1st Street
Kansas City, Kansas 66101

Requested Action and Purpose:

Approval of a Temporary Use of Land
Special Use Permit for gardening and
farming to serve the permanent
structure.

Commission Districts:

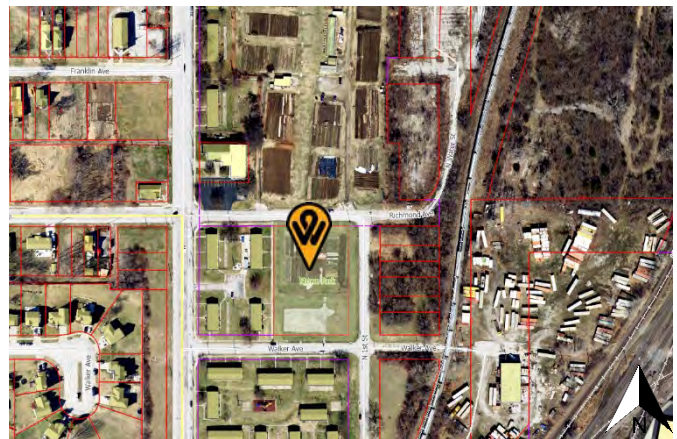
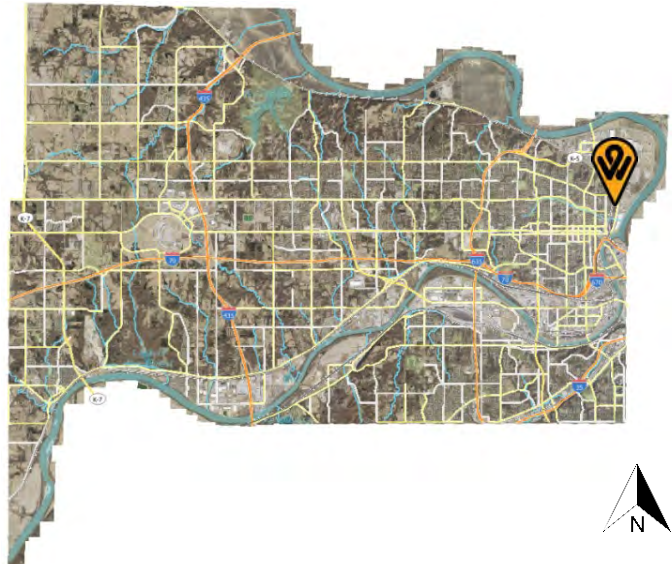
Commissioner At-Large, District #1:
Melissa Bynum
District #1 Commissioner:
Gayle Townsend

Existing Zoning District(s):

RP-5 Apartment District

Plan Area:

Northeast Area Plan



	Adjacent Zoning	Adjacent Uses
North	RP-5 Apartment District	Juniper Gardens Residential Housing and Cultivate KC Gardens
South	RP-5 Apartment District	Apartments
East	RP-5 Apartment District	Vacant Lots
West	RP-5 Apartment District	Apartments

Total Tract Size: 1.21 Acres

Comprehensive Plan Designation: The Northeast Area Plan designates the subject property as Industrial, which allows for manufacturing and shipping and should generally be located apart from residential neighborhoods.

Major Street Plan: The goDotte Mobility Plan designates North 1st Street as a Local/Neighborhood Street.

Parking Requirement: Section 27-460 (d) states “One (1) and one-half (1/2) parking spaces shall be provided for each dwelling unit that has one (1) bedroom or less”. There are no dwelling units located on the subject property; therefore, no parking spaces are required.

Section 27-668 (b) states “Any use not included in the parking requirements found in this article (article VII) shall be assigned a parking requirement by the planning commission”.

Landscaping Requirement: Section 27-460 (f) states “A reasonable amount of landscaping is required on all projects with emphasis on softening the visual impact of parking areas and enhancing the overall appearance. Trees are required at not less than one (1) per 4,500 square feet of site area”. The subject property is approximately 52,707 square feet; therefore 8 trees are required. The subject property does not fulfill this requirement.

Advertisement:	<u>The Wyandotte Echo</u> – August 15, 2024 <u>Letters to Property Owners</u> – August 16, 2024 and September 17, 2024
Public Hearings:	October 14, 2024 and October 30, 2024
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Brien Darby, is requesting a Temporary Use of Land Special Use Permit for gardening and farming to serve the permanent structure at 1810 North 1st Street, Kansas City, Kansas 66101.

City Ordinance Requirements: 27-592 through 27-606 and 27-214 and all other applicable standards within Chapter 27.

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 Permit and Cases:

1. 2023 – DRC23-0013 – Miscellaneous Improvements – Frame greenhouse and anchoring for two (2) shipping/storage containers.
 - a. 2023 – GRD23-0068 – Grading/Excavation
 - b. 2024 – ELE24-0394 – Electrical Permit – Installation of new 200-amp service.

Previous Planning Actions:

1. 2022 – SP2022-053 – Temporary Use of Land – For community garden and greenhouse.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The subject property is located within the Northeast Statistical Neighborhood Group and the Historic Northeast-Midtown Business Group. The neighborhood

consists of lots that vary in size from 0.05 acre at 25' or 50' wide for residential uses and adjacent commercial row-style buildings. Larger lots are generally reserved for parks and churches. The subject property is known as Stowe Park and is adjacent to a large housing development in which half the buildings have been demolished, leaving the land vacant. The adjacent property is currently owned by the Kansas Housing Authority but is being divested by the Authority. Approximately 900 housing Units were originally built with approximately 385 remaining.

2. *The zoning and uses of properties nearby and the proposed use's expected compatibility with them. In general, commercial and industrial Special Use Permits should not be granted adjacent to residential districts.*

The zoning and uses are set out above. The subject property is surrounded by the RP-5 Apartment District. The proposed use, which is agricultural in nature, is compatible with nearby uses if properly managed.

3. *The suitability of the property for the uses to which it has been restricted. Will the removal of restrictions, including those for hours of operation (where applicable), detrimentally affect nearby property?*

The proposed use is suitable for the subject property as the property to the north has operated as an urban farm since 2012 under the same program, the New Roots for Refugees program. The removal of restrictions will not detrimentally affect nearby property as this is an existing use with a similar use nearby.

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

The property is not vacant. The property was a former park and has operated as an urban farm since 2022.

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

Special Use Permits are not addressed in the Northeast Area Plan. The Northeast Area Plan designates the subject property as Industrial, which allows for manufacturing and shipping and should generally be located apart from residential neighborhoods. The proposed use conforms to the Northeast Area Plan designation.

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

The proposed use does not have the potential to increase vehicular traffic and should not exceed the capacity of North 1st Street, a Local/Neighborhood Street, to accommodate it if managed properly. There is currently no available parking

on the subject property, therefore, participants who drive to this location are currently using on-street parking.

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

The proposed use might be reasonably necessary for the convenience and welfare of the public as the proposed use provides an opportunity for program participants to be taught entrepreneurial skills and provides a place to grow produce to be sold at farmers markets. The proposed use will not affect the use, quality, or marketability of nearby property as this is an existing use in the neighborhood.

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

Noise and dust are expected to occur in durations or intensities as to potentially create issues with nearby properties due to the types of equipment used to harvest crops. These are not expected to create problems for nearby property, however if, proper procedures are being followed, hours of operation are during daytime hours, and a Conservation Plan is being followed.

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 cold storage, washstand, and greenhouse.

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, permitted urban farm in an existing, built-out neighborhood.

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

The relative gain to public health, safety and welfare is large as this use occupies a large portion of the neighborhood. Additionally, it provides educational training for participants and food production. If denied, the property owner may not use the property for an urban farm, they would need to find another location to use for gardening or farming practices.

12. *The applicant's ability to maintain the use in an "as proposed" condition.*

The applicant has not maintained the proposed use as originally proposed or according to previous conditions of approval as there is not an active business license on file for the subject property.

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

The proposed use is not expected to result in the overcrowding of land or undue concentrations of population because the property is used mainly by participants of the New Roots program during working hours.

NEIGHBORHOOD MEETING INFORMATION

The applicant held a neighborhood meeting via Zoom on August 20, 2024. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Additional Structures
Conservation Plan
Hours of Operation
Parking Requirements

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Special Use Permit Application SP204-054, **for two (2) years**, subject to:

1. **A Wyandotte County Conservation Plan must be provided before the publication of the associated ordinance;**
2. **The applicable landscaping and parking requirements must be met;**
3. **If approved, occupying businesses must file and maintain a current business occupation tax application with the Business Licensing Division. Their office is located at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, Kansas 66102. Their contact information is (913) 573-8780 or businesslicense@wycokck.org;**
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. **Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning**

and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;

6. 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;
7. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
8. All existing and future driveways must feature curb cuts that are constructed to UG standards;
9. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
10. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
11. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
12. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
13. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the

Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;

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

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION AND CONDITIONS

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 **SP2024-054** subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

October 14, 2024, City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Site Plan
Neighborhood Meeting Materials
Site Visit Photos, Taken by Staff – Dated August 16, 2024

PUBLIC HEARING SCHEDULE

Action(s)	City Planning Commission	Unified Government Board of Commissioners
Special Use Permit	October 14, 2024 Approval	October 30, 2024

STAFF CONTACT:

Kiley Meierarend
kmeierarend@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2024-054** 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 **SP2024-054**, 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.

October 14, 2024, City Planning Commission Minutes:

SPECIAL USE PERMIT APPLICATION SP2024-054 – BRIEN DARBY WITH CULTIVATE KANSAS CITY, INC. – SYNOPSIS: Renewal of a Special Use Permit (SP2022-052 – expires 2/1/2025) for a community garden and greenhouse at 1810 North 1st Street. *Detailed Outline of Requested Action:* The applicant, Brien Darby, is requesting a Temporary Use of Land Special Use Permit for gardening and farming to serve the permanent structure at 1810 North 1st Street, Kansas City, Kansas 66101.

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 Commissioner Schwartz stated that SP2024-063 Brian Lostal is her real estate client, and she recused herself from voting on the items on the Consent Agenda. Planning Commissioner Ernst stated that he has had numerous contacts on SP2024-057 for Brad Willits over the past years.

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 October 14, 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 Commissioner Ernst requested removal of SP2024-057 – Brad Willits with Dynasty Holdings.

Sharon Curtis requested removal of PLAT2024-027 for John Grahovac.

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

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

Motion to APPROVE Passed: 8 to 0

Subject to:

1. **A Wyandotte County Conservation Plan must be provided before the publication of the associated ordinance;**
2. **The applicable landscaping and parking requirements must be met;**
3. **If approved, occupying businesses must file and maintain a current business occupation tax application with the Business Licensing Division. Their office is located at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, Kansas 66102. Their contact information is (913) 573-8780 or businesslicense@wycokck.org;**

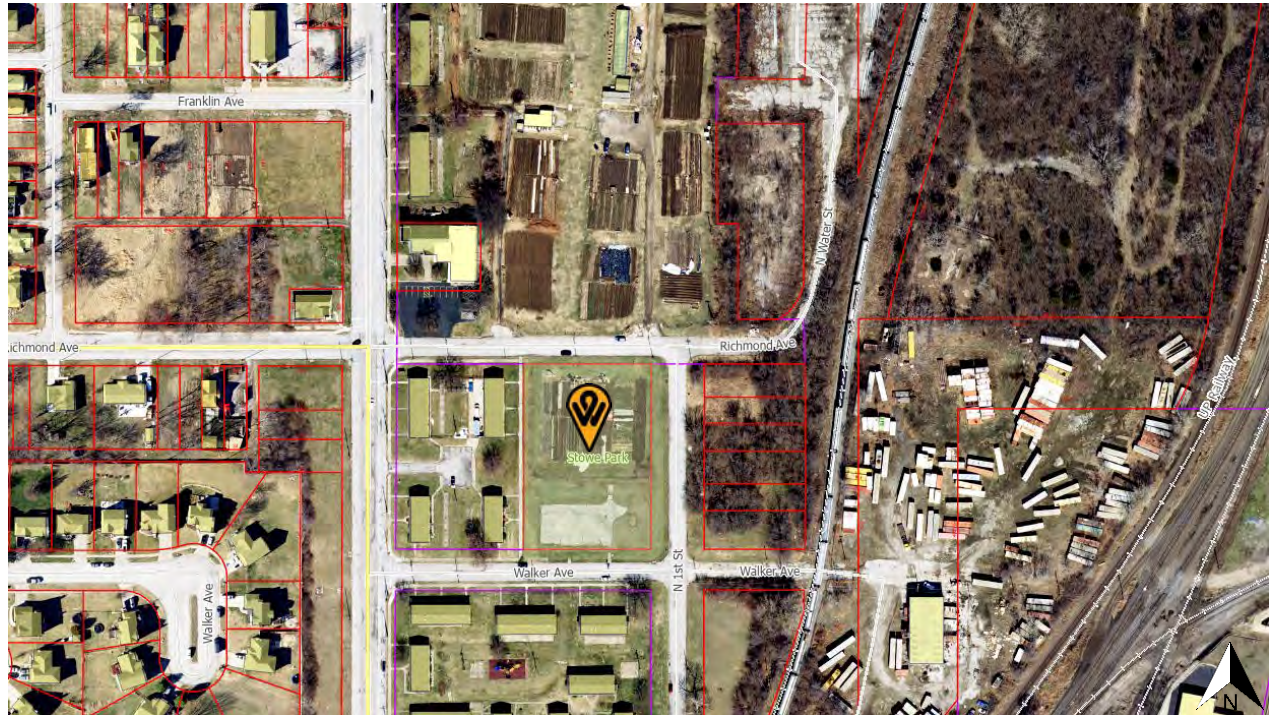
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6. All exterior lighting, whether mounted on a building or within a parking lot must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
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8. All existing and future driveways must feature curb cuts that are constructed to UG standards;
9. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
10. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
11. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
12. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty

of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;

13. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;
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ATTACHMENTS

AERIAL IMAGERY



ZONING MAP



LAND USE MAP



SITE PLAN



NEIGHBORHOOD MEETING MATERIALS

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF MISSOURI)
) SS:
COUNTY OF JACKSON)

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

1. That I am the petitioner for Petition # SP2024-054
2. That I conducted a neighborhood meeting on 08/20/2024
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Planning + Urban Design Department.

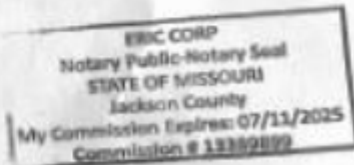
Further affiant saith not.

[Signature]
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 27 day of AUGUST, 2024

My commission expires 10 of Nov, 2025

[Signature]
Notary Public



NEIGHBORHOOD MEETING MATERIALS



4049 Pennsylvania Ave,
Ste 206
Kansas City, MO 64111
www.cultivatekc.org

Neighborhood Meeting Minutes:

Application Number: SP2024-054 (Stowe Farm)

Date: August 20, 2024
6:30 p.m.

Location: Zoom -
<https://us02web.zoom.us/j/87195728511?pwd=DJchXaviahxbaDx6YhJTyDA5WwkYBd.1>
Meeting ID: 871 9572 8511
Passcode: 078841

Meeting was not called to order, as there was no one outside of Cultivate Kansas City employees in attendance.

Names of people in attendance:

- Ben Carpenter, Manager, Juniper Gardens Training Farm
- Linda Siemens, Director of Finance & Administration

Ben Carpenter, Brien Darby, and Linda Siemens were available to answer questions until 7:00 p.m. At that time, the meeting was adjourned.

Minutes taken by: Linda Siemens, Director of Finance & Administration

Cultivate Kansas City is a 501(c)(3) nonprofit organization, therefore in accordance with the regulations of the IRS, your gift is tax-deductible. Our EIN is 20-2365320.







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: October 30, 2024

Re: Special Use Permit Petition SP2024-055

GENERAL INFORMATION

Applicant Information:

Brien Darby
Representative
Cultivate Kansas City
4049 Pennsylvania Avenue, Suite
206
Kansas City, Missouri 64111

Subject Property:

1900 North 1st Street
Kansas City, Kansas 66101

Requested Action and Purpose:

Renewal of a Special Use Permit
(expires December 2024) for a
community garden, storage
containers, coolers, and farm market
training.

Commission Districts:

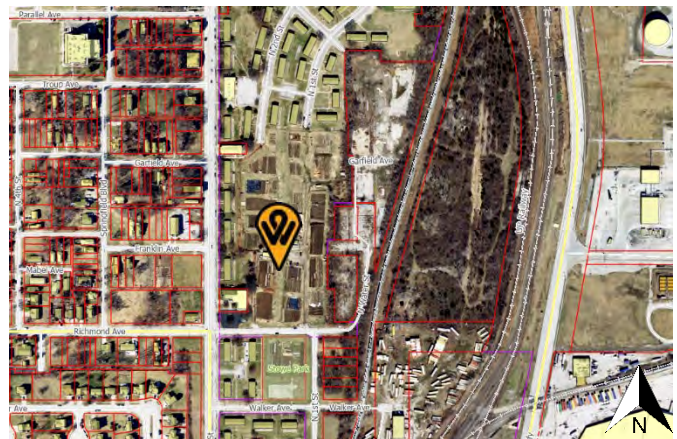
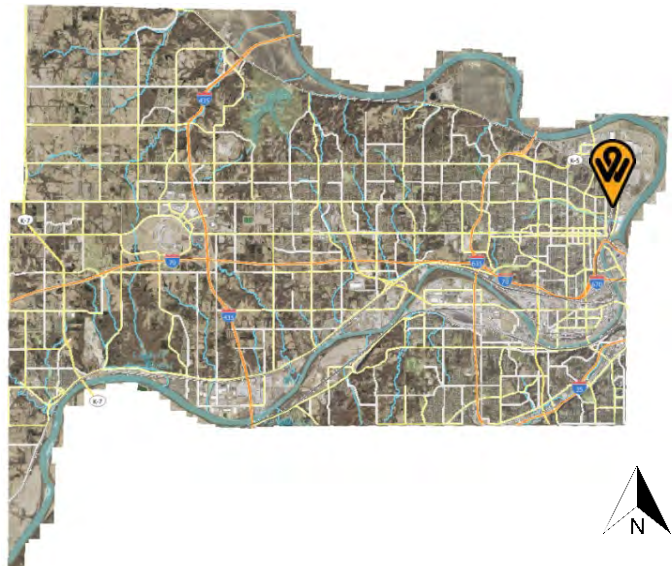
Commissioner At-Large, District #1:
Melissa Bynum
District #1 Commissioner:
Gayle Townsend

Existing Zoning District(s):

RP-5 Planned Apartment District

Plan Area:

Northeast Area Plan



	Adjacent Zoning	Adjacent Uses
North	RP-5 Apartment District	Juniper Gardens residential housing, single-family residences, and vacant lots.
South	RP-5 Apartment District	Cultivate Kansas City Stowe Park gardens and apartment housing
East	M-3 Heavy Industrial	Vacant Land
West	RP-5 Apartment District	Single-family residences and Vacant land

Total Tract Size: 29.6 Acres

Comprehensive Plan Designation: The Northeast Area Plan designates the subject property as Industrial, which allows for manufacturing and shipping and should generally be located apart from residential neighborhoods.

Major Street Plan: The goDotte Mobility Plan designates North 1st Street as a Local/Neighborhood Street.

Parking Requirement: Section 27-460 (d) states “One and one-half (1½) parking spaces shall be provided for each dwelling unit that has one (1) bedroom or less”. There are no dwelling units located on the subject property; therefore, no parking spaces are required.

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Landscaping Requirement: Section 27-460 (f) states “A reasonable amount of landscaping is required on all projects with emphasis on softening the visual impact of parking areas and enhancing the overall appearance. Trees are required at not less than one (1) per 4,500 square feet of site area”. The subject property is approximately 52,707 square feet; therefore eight (8) trees are required. The subject property does not fulfill this requirement.

Advertisement:	<u>The Wyandotte Echo</u> – August 15, 2024 <u>Letters to Property Owners</u> – August 16, 2024 and September 17, 2024
Public Hearings:	October 14, 2024 and October 30, 2024
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Brien Darby with Cultivate Kansas City, is requesting a renewal of a Special Use Permit (expires December 2024) to operate a community garden and farm market training with the addition of one (1) storage container for a total of eight (8) storage containers and a rented mobile office unit at 1900 North 1st Street, Kansas City, Kansas 66101.

City Ordinance Requirements: 27-592 through 27-606 and 27-214 and all other applicable standards within Chapter 27.

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. The subject property has over 1,600 police related cases. These are related to the housing development. The current applicant has no disturbance complaints.

Building, Zoning, or Code Enforcement Complaints:

1. 2024 – ENV24-1566 – Environmental – Loose trash on parcel.

Outstanding or Related Permit and Cases:

1. 2012 – 12380-0070 – Electrical – New Panels for Utility Storage Containers
2. 2012 – 12300-00214 – DRC – Certificate of Occupancy for Utility Storage Containers and A/C Coolers for Produce

Previous Planning Actions:

1. 2012 – SP2012-013 – Special Use Permit for Temporary Use of Land
2. 2014 – SP2014-041 – Special Use Permit for a community garden.
3. 2016 – SP2016-097 – Special Use Permit for a community garden with two (2) storage containers.
4. 2018 – SP2019-002 – Special Use Permit for a community garden with storage containers and a cooler.
5. 2022 – SP2022-052 – Special Use Permit for a community garden, seven (7) storage containers, and coolers.

FACTORS TO BE CONSIDERED

1. *The Character of the Neighborhood.*

The subject property is located within the Northeast Statistical Neighborhood Group and the Historic Northeast-Midtown Business Group. The neighborhood consists of lots that vary in size from 0.05 acre at 25 feet or 50 feet wide for residential uses and adjacent commercial row-style buildings. Larger lots are generally reserved for parks and churches. The subject property is on the same parcel as a large housing development in which half the buildings have been demolished, leaving the land vacant. Approximately 900 housing Units were originally built with approximately 385 remaining.

2. *The zoning and uses of properties nearby and the proposed use's expected compatibility with them. In general, commercial and industrial Special Use Permits should not be granted adjacent to residential districts.*

The zoning and uses are set out above. The subject property is surrounded by the RP-5 Planned Apartment District and the M-3 Heavy Industrial District. The proposed use, which is agricultural in nature, is compatible with nearby uses if properly managed.

3. *The suitability of the property for the uses to which it has been restricted. Will the removal of restrictions, including those for hours of operation (where applicable), detrimentally affect nearby property?*

The proposed use is suitable for the subject property as the property has operated as an urban farm since 2012 under the same program, the New Roots for Refugees program. The removal of restrictions will not detrimentally affect nearby property as this is an existing use with a similar use nearby.

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

The property is not vacant. The apartments received dedication in the 1960s and have remained on the property. Cultivate KC began operating on the property after the demolition of several uninhabitable buildings.

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

Special Use Permits are not addressed in the Northeast Area Plan. The Northeast Area Plan designates the subject property as Industrial, which allows for manufacturing and shipping and should generally be located apart from residential neighborhoods. The proposed use conforms to the Northeast Area Plan designation.

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

The proposed use does not have the potential to increase vehicular traffic and should not exceed the capacity of North 1st Street, a Local/Neighborhood Street, to accommodate it if managed properly. There is currently no available parking on the subject property, therefore, participants who drive to this location are currently using on-street parking.

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

The proposed use might be reasonably necessary for the convenience and welfare of the public as the proposed use provides an opportunity for program participants to be taught entrepreneurial skills and provides a place to grow produce to be sold at farmers markets. The proposed use will not affect the use, quality, or marketability of nearby property as this is an existing use in the neighborhood.

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

Noise and dust are expected to occur in durations or intensities as to potentially create issues with nearby properties due to the types of equipment used to harvest crops. These are not expected to create problems for nearby property, however if, proper procedures are being followed, hours of operation are during daytime hours, and a Conservation Plan is being followed.

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 community garden.

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, permitted community garden with numerous storage containers and covered storage areas on the property in an existing, urban built-out neighborhood. The addition of another storage container will not damage an irreplaceable natural resource.

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

The relative gain to public health, safety and welfare is large as this use occupies a large portion of the neighborhood. Additionally, it provides educational training for participants and food production. If denied, the property owner may not use the property for an urban farm, they would need to find another location to use for gardening or farming practices.

12. *The applicant's ability to maintain the use in an "as proposed" condition.*

The applicant has not maintained the proposed use as originally proposed or according to previous conditions of approval as there is not an active business license on file for the subject property.

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

The proposed use is not expected to result in the overcrowding or land or undue concentrations of population because the property is used mainly by participants of the New Roots program during working hours.

NEIGHBORHOOD MEETING INFORMATION

The applicant held a neighborhood meeting via Zoom on August 20, 2024. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Conservation Plan from the Wyandotte County Conservation District
Future Plans
Hours of Operation
On-site Sales
Parking
Visitors

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Special Use Permit Application SP2024-055, **for two (2) years**, subject to:

- 1. The applicable landscaping and parking requirements must be met;**
- 2. Should additional storage containers be needed beyond 8 or the addition of any other temporary structures, a modification to the Special Use Permit is required;**
- 3. If approved, occupying businesses must file and maintain a current**

business occupation tax application with the Business Licensing Division. Their office is located at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, Kansas 66102. Their contact information is (913) 573-8780 or businesslicense@wycokck.org;

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. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
6. 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;
7. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
8. All existing and future driveways must feature curb cuts that are constructed to UG standards;
9. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
10. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
11. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;

12. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
13. Subject to approval, the Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;
14. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
15. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION AND CONDITIONS

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 **SP2024-055** subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

October 14, 2024 City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Site Plan
Planning Engineering Comments – General Engineering Review
Planning Engineering Comments – Sanitary Sewer Review
Planning Engineering Comments – Applicant Response
Conservation Plan
Neighborhood Meeting Materials
Site Visit Photos, Taken by Staff – Dated August 16, 2024

PUBLIC HEARING SCHEDULE

Action(s)	City Planning Commission	Unified Government Board of Commissioners
Special Use Permit	October 14, 2024 Approval	October 30, 2024

STAFF CONTACT:

Kiley Meierarend
kmeierarend@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2024-055** 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 **SP2024-055**, 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.

October 14, 2024, City Planning Commission Minutes:

SPECIAL USE PERMIT APPLICATION SP2024-055 – BRIEN DARBY WITH CULTIVATE KANSAS CITY, INC. – SYNOPSIS: Renewal of a Special Use Permit (SP2022-052 – expires 2/1/2025) for storage containers, coolers, farm market training, and a community garden at 1900 North 1st Street. Detailed Outline of Requested Action: The applicant, Brien Darby with Cultivate Kansas City, is requesting a renewal of a Special Use Permit (expires December 2024) to operate a community garden and farm market training with the addition of one (1) storage container for a total of eight (8) storage containers and a rented mobile office unit at 1900 North 1st Street, Kansas City, Kansas 66101.

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 Commissioner Schwartz stated that SP2024-063 Brian Lostal is her real estate client, and she recused herself from voting on the items on the Consent Agenda. Planning Commissioner Ernst stated that he has had numerous contacts on SP2024-057 for Brad Willits over the past years.

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 October 14, 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 Commissioner Ernst requested removal of SP2024-057 – Brad Willits with Dynasty Holdings.

Sharon Curtis requested removal of PLAT2024-027 for John Grahovac.

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

Carson	Chairman
Mohler	Aye
Schwartz	Recused herself
Straws	Aye
Ward	Aye

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

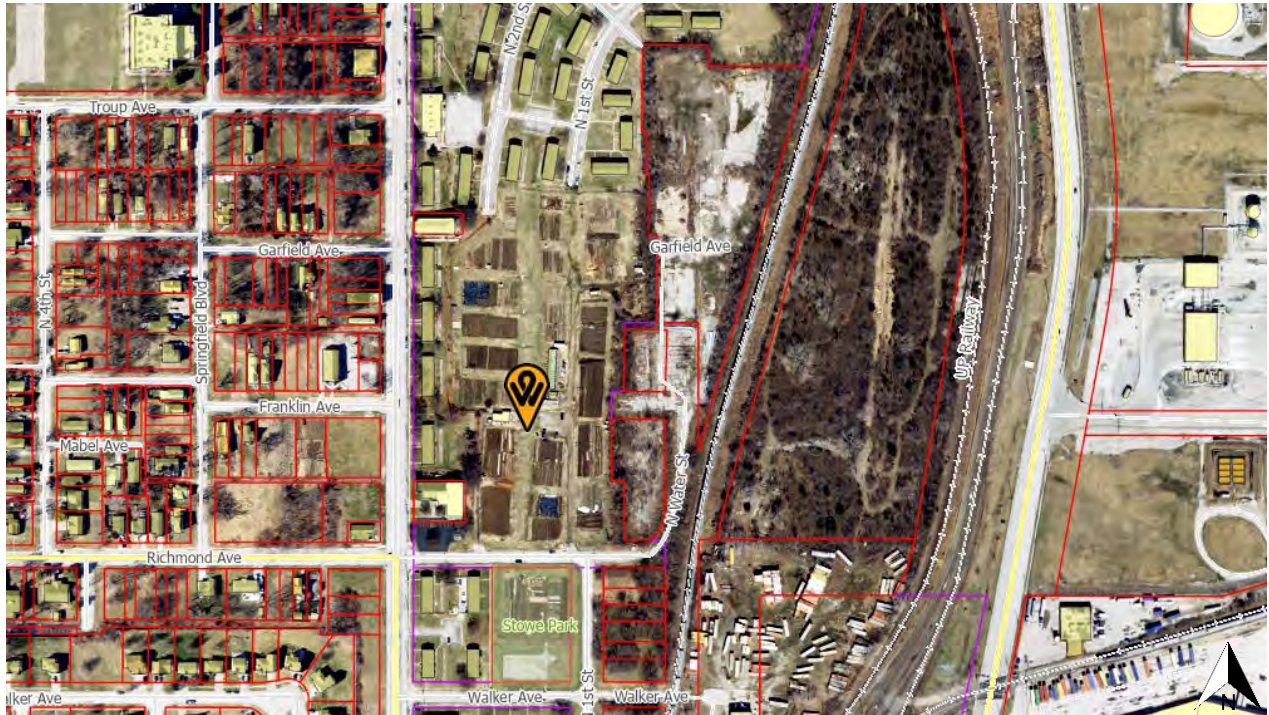
1. The applicable landscaping and parking requirements must be met;
2. Should additional storage containers be needed beyond 8 or the addition of any other temporary structures, a modification to the Special Use Permit is required;
3. If approved, occupying businesses must file and maintain a current business occupation tax application with the Business Licensing Division. Their office is located at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, Kansas 66102. Their contact information is (913) 573-8780 or businesslicense@wycokck.org;
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. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
6. 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;
7. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
8. All existing and future driveways must feature curb cuts that are constructed to UG standards;
9. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
10. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all

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

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

ATTACHMENTS

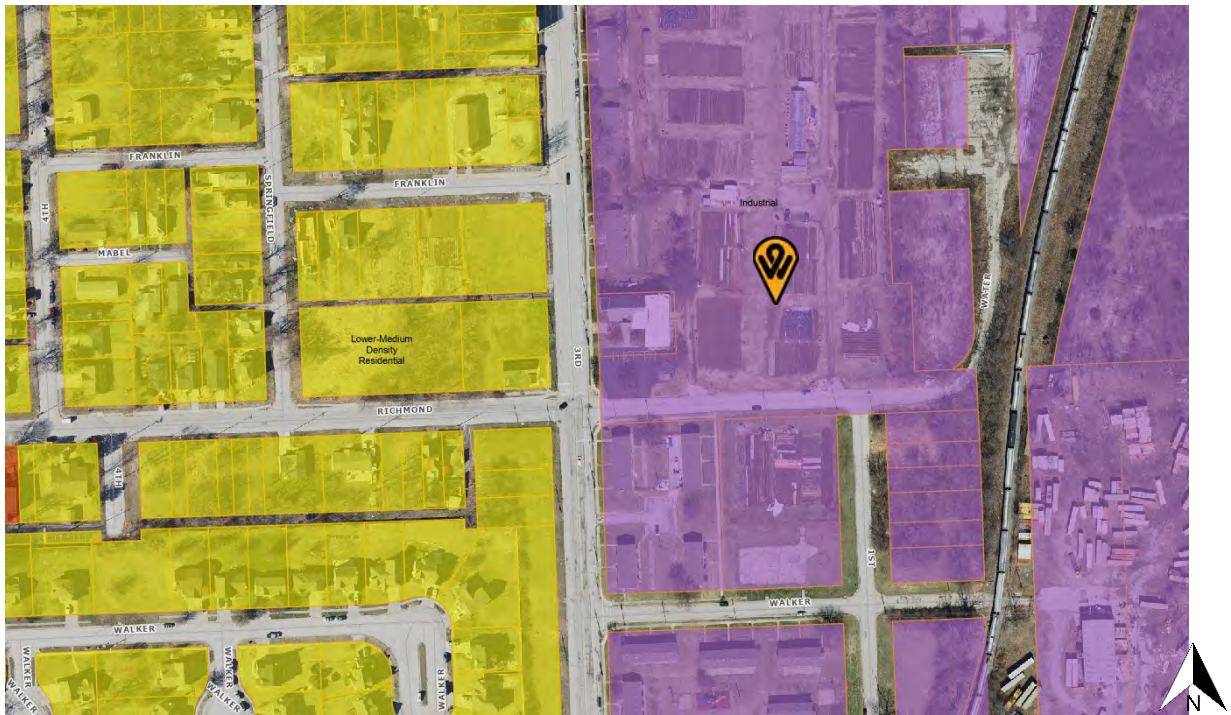
AERIAL IMAGERY



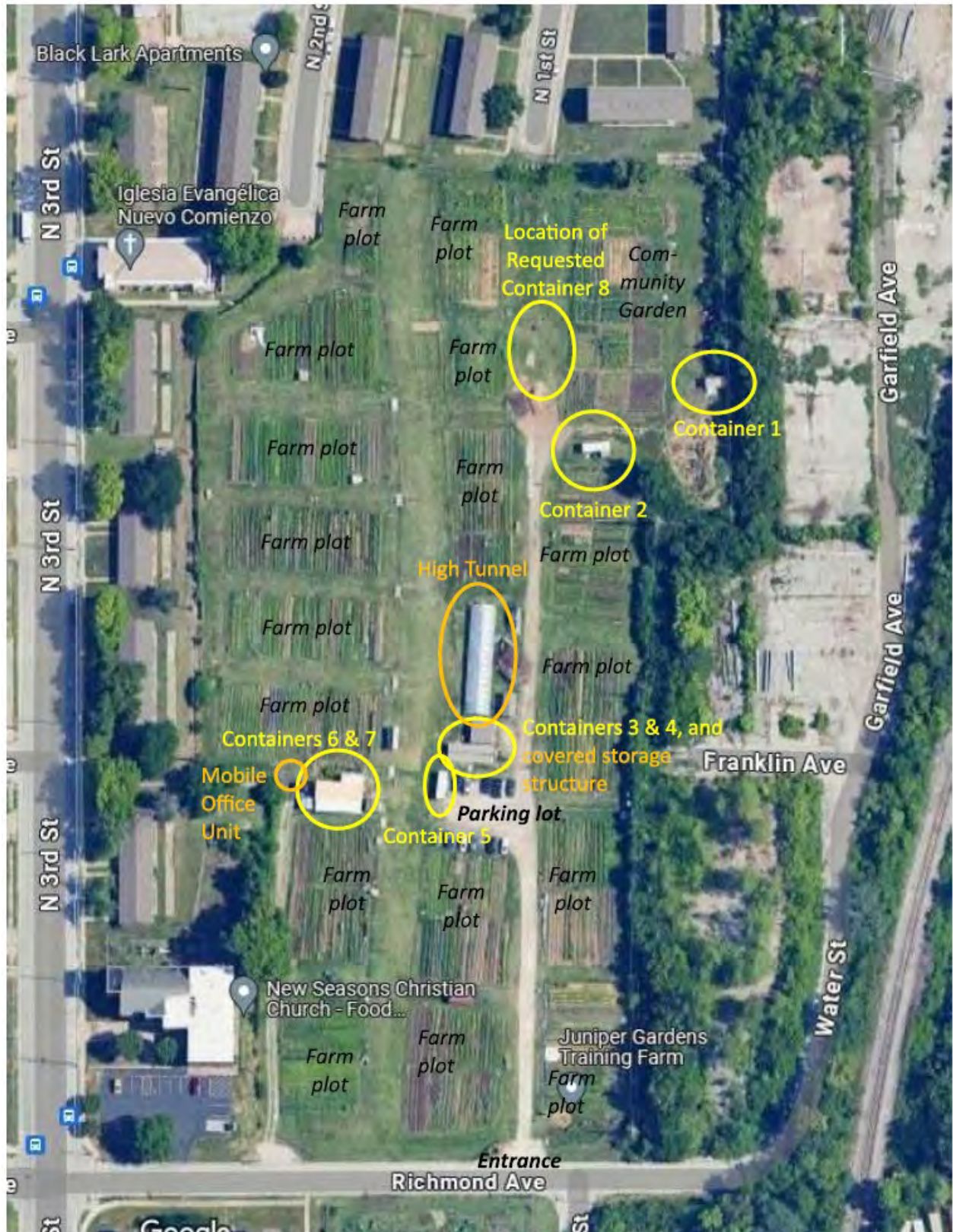
ZONING MAP



LAND USE MAP



SITE PLAN





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

Memorandum

TO: Kiley Meierarend
Planner

FROM: Travis Trumble
Project Engineer

DATE: August 16, 2024

SUBJECT: Brien Darby – (SP2024-055)
1900 N. 1st Street
General Engineering Review No. 1 (of the application received 7/25/2024)

Prior to engineering approval on the above-named project, the construction drawings must be revised to address the following comments from the Engineering Division of the Planning and Urban Design Department. These comments refer to General Engineering design standards and requirements of the Unified Government that were not met in this submittal. Planning comments may require additional resubmittals. **The resubmittal shall include a response letter (PDF) that explains how each of the following comments has been addressed. Attach revision clouded drawings when applicable. Subsequent review of the plans will not proceed until such letter is received by email to EDR@WyCoKCK.org.**

- 1) This special use permit submittal requires site plan drawings. Because of the addition of one container and a rented mobile office unit, the site plan shall include the structure(s) location with all dimensions, right of way widths, existing driveway widths, parking areas, distances from property lines, utilities, etc.
- 2) Please coordinate with Kiley Meierarend, kmeierarend@wycokck.org, for additional Urban Planning and Zoning requirements and comments.
- 3) See Sanitary Sewer review for additional comments.
- 4) Construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition.

Reviewer: Travis Trumble
Travis Trumble, Project Engineer

Digitally signed by Travis Trumble
DN: cn=Travis Trumble, o=Unified Government of
Wyandotte County and KCK, ou=Urban Planning and Land
Use, email=trumble@wycokck.org, c=US
Date: 2024.08.16 18:35:29 -0500



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

Memorandum

TO: Kiley Meierarend
Planner

FROM: Travis Trumble
Project Engineer

DATE: August 16, 2024

SUBJECT: Brien Darby – (SP2024-055)
1900 N. 1st Street
Sanitary Sewer Review No. 1 (of the application received 7/25/2024)

Prior to engineering approval on the above-named project, the construction drawings must be revised to address the following comments from the Engineering Division of the Planning and Urban Design Department. These comments refer to Sanitary Sewer design standards and requirements of the Unified Government that were not met in this submittal. Planning comments may require additional resubmittals. **The resubmittal shall include a response letter (PDF) that explains how each of the following comments has been addressed. Attach revision clouded drawings when applicable. Subsequent review of the plans will not proceed until such letter is received by email to EDR@WyCoKCK.org.**

- 1) Provide more information and/or detail on the utilities service i.e., provide and indicate the size of the private sanitary service line for the rented mobile office unit, as applicable. Is there a holding tank to use as a sanitary service? If so, please coordinate with Wyandotte County Health regarding the holding tank. Further discussion with staff may be required.
- 2) Prior to the permit acquisition, a valid private on-site wastewater permit is required to be obtained from the Wyandotte County Health Department for construction, alteration, extension, or replacement of private on-site wastewater system, as applicable.
- 3) Will the rented mobile office unit structure need a new sanitary connection? If so, the contractor shall obtain a Public Works Sewer permit and coordinate with UG staff for inspection on the proposed sanitary sewer service connection.
- 4) Private sanitary service line shall comply with the applicable uniform plumbing code.
- 5) Construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition.

Reviewer: **Travis Trumble**
Travis Trumble, Project Engineer

Digitally signed by Travis Trumble
DN: cn=Travis Trumble, o=Unified Government of
Wyandotte County and KCK, ou=Urban Planning and
Land Use, email=ttrumble@wycokck.org, c=US
Date: 2024.08.16 18:35:51 -0500



4049 Pennsylvania Ave.
Ste. 206
Kansas City, MO 64111
www.cultivatekc.org

Kiley and Travis,

Included with this letter are site plan drawings for the proposed container and rented mobile office. These drawings include the new structure locations with all dimensions, right of way widths, existing driveway widths, parking areas, distances from property lines, utilities, etc.

Drawing 1 shows an aerial view of Juniper Gardens Training Farm within the former Juniper Gardens Public Housing complex. The entirety of Juniper Gardens Training Farm resides on land now owned by Black Lark LLC. Revisions are clouded for the proposed storage container as well as the rented mobile office unit.

Drawing 2 depicts the same map including municipal utilities.

Drawing 3 depicts dimensions for the rented mobile office unit, showing that it is 8 feet wide by 20 feet long, and 8 feet high. This drawing also indicates that it is located 180 feet from the property line on 3rd Street.

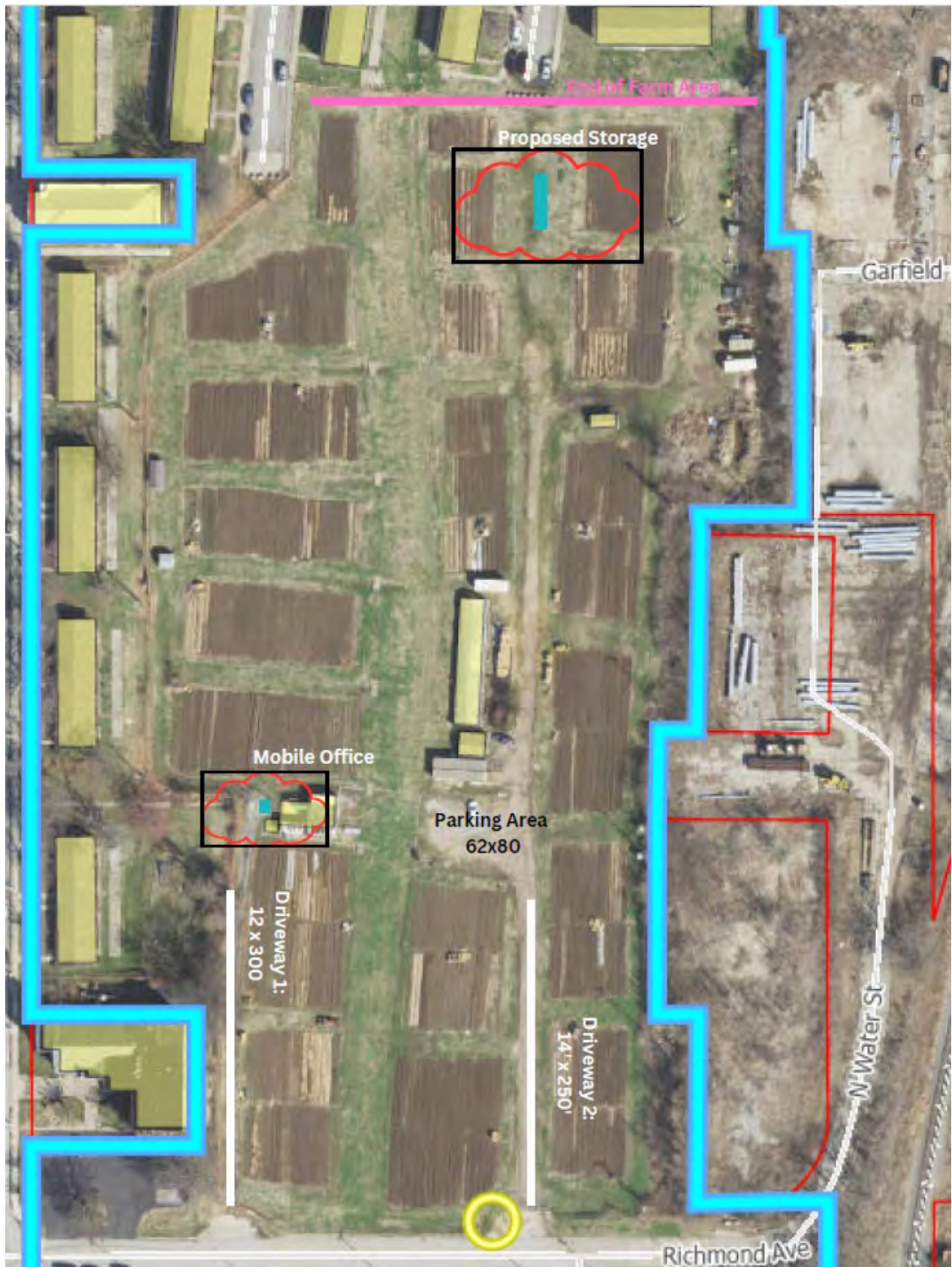
Drawing 4 depicts dimensions for the proposed storage container. The drawing indicates the proposed container would be 8' wide, 40' long, 8' 6" tall. The drawing indicates it would be 67 feet from a fence line within the Black Lark property boundaries separating the farm area from the part of Black Lark's property occupied by residential apartments. However, the container would be 190 feet to the west of the nearest property line. It should be noted, though it is not reflected on these maps, that the proposed container would be painted to match the other structures at Juniper Gardens Training Farm.

Regarding plans for private sanitary service line for the rented mobile office unit as requested in the Sanitary Sewer review, there are none. The rented mobile office has no service or wastewater connections. Onsite sanitary facilities include portable toilets maintained weekly by Cyclone Portable Toilets throughout the growing season. As such, there is no need or plans for constructing new sanitary sewer connections.

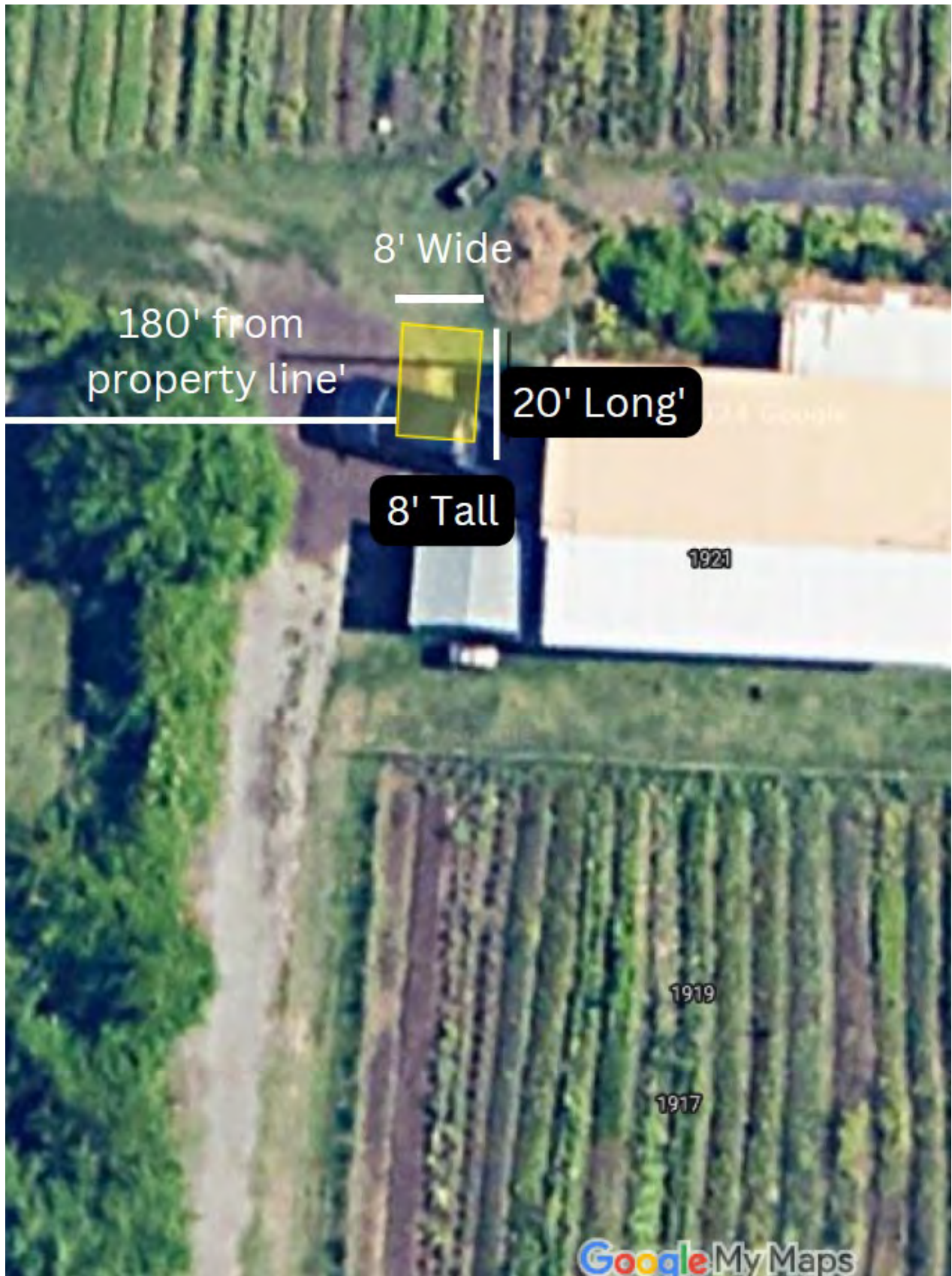
Best,

Ben Carpenter (He/Him)
Juniper Gardens Training Farm Program Manager • Cultivate KC

Cultivate Kansas City is a 501(c)(3) nonprofit organization, therefore in accordance with the regulations of the IRS, your gift is tax-deductible. Our EIN is 20-2365320.









CONSERVATION PLAN



CONSERVATION PLAN

Map Unit Description (Brief, Generated)—Wyandotte County, Kansas

Map Unit Description (Brief, Generated)

The map units delineated on the detailed soil maps in a soil survey represent the soils or miscellaneous areas in the survey area. The map unit descriptions in this report, along with the maps, provide information on the composition of map units and properties of their components.

A map unit delineation on a soil map represents an area dominated by one or more major kinds of soil or miscellaneous areas. A map unit is identified and named according to the taxonomic classification of the dominant soils. Within a taxonomic class there are precisely defined limits for the properties of the soils. On the landscape, however, the soils are natural phenomena, and they have the characteristic variability of all natural phenomena. Thus, the range of some observed properties may extend beyond the limits defined for a taxonomic class. Areas of soils of a single taxonomic class rarely, if ever, can be mapped without including areas of other taxonomic classes. Consequently, every map unit is made up of the soils or miscellaneous areas for which it is named and some minor components that belong to taxonomic classes other than those of the major soils.

The Map Unit Description (Brief, Generated) report displays a generated description of the major soils that occur in a map unit. Descriptions of non-soil (miscellaneous areas) and minor map unit components are not included. This description is generated from the underlying soil attribute data.

Additional information about the map units described in this report is available in other Soil Data Mart reports, which give properties of the soils and the limitations, capabilities, and potentials for many uses. Also, the narratives that accompany the Soil Data Mart reports define some of the properties included in the map unit descriptions.

Report—Map Unit Description (Brief, Generated)

Wyandotte County, Kansas

Map Unit: 7955--Knox silt loam, 7 to 12 percent slopes

Component: Knox (80%)

The Knox component makes up 80 percent of the map unit. Slopes are 7 to 12 percent. This component is on hillslopes on uplands. The parent material consists of fine-silty loess. Depth to a root restrictive layer is greater than 60 inches. The natural drainage class is well drained. Water movement in the most restrictive layer is moderately high. Available water to a depth of 60 inches (or restricted depth) is high. Shrink-swell potential is moderate. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. Organic matter content in the surface horizon is about 2 percent. This component is in the R107XB003MO Deep Loess Exposed Backslope Savanna, Deep Loess Protected Backslope Woodland ecological site. Nonirrigated land capability classification is 3e. This soil does not meet hydric criteria.

Component: Welda (5%)

Generated brief soil descriptions are created for major soil components. The Welda soil is a minor component.

Component: Armster, eroded (5%)

Generated brief soil descriptions are created for major soil components. The Armster, eroded soil is a minor component.

Component: Similar soil (5%)

Generated brief soil descriptions are created for major soil components. The Similar soil soil is a minor component.

Component: Ladoga (5%)



Natural Resources
Conservation Services

Web Soil Survey
National Cooperative Soil Survey

9/3/2024
Page 1 of 2

CONSERVATION PLAN

Map Unit Description (Brief, Generated)—Wyandotte County, Kansas

Generated brief soil descriptions are created for major soil components. The Ladoga soil is a minor component.

Data Source Information

Soil Survey Area: Wyandotte County, Kansas

Survey Area Data: Version 17, Sep 12, 2023

Soil Inventory Report (Tract/Land Unit)

Soils Inventory Report					
Tract	Land Unit	Map Unit Symbol	Map Unit Name	Acres	Percent
898	1	7955	Knox silt loam, 7 to 12 percent slopes	8.0	100%
Total				8.0	100%
Grand Total				8.0	100%

CONSERVATION PLAN

Date: 9/3/2024

Assisted By: Tim McCoy
USDA-NRCS
PAOLA SERVICE CENTER

Assisted By: Tim McCoy
USDA-NRCS
PAOLA SERVICE CENTER



0 188
Feet



NEIGHBORHOOD MEETING MATERIALS

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF MISSOURI)
COUNTY OF JACKSON) SS;

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

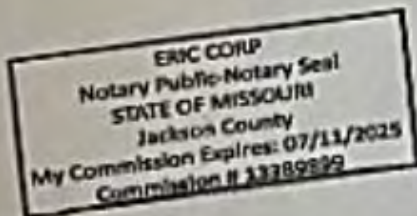
1. That I am the petitioner for Petition # SP2024-055
2. That I conducted a neighborhood meeting on 8/20/2024
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Planning + Urban Design Department.

Further affiant saith not.

[Signature]
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 27 day of AUGUST, 2002

My commission expires 11 of Nov, 2002024



[Signature]
Notary Public

NEIGHBORHOOD MEETING MATERIALS



4049 Pennsylvania Ave,
Ste 206
Kansas City, MO 64111
www.cultivatekc.org

Neighborhood Meeting Minutes:

Application Number: SP2024-055 (Juniper Gardens Training Farm)

Date: August 20, 2024
5:30 p.m.

Location: Zoom -
<https://us02web.zoom.us/j/85817379991?pwd=1mRlaJaWwyihbfarZCVT8uVoLu6JWK.1>
Meeting ID: 858 1737 9991
Passcode: 365979

The meeting was not called to order, as there was no one outside of Cultivate Kansas City employees in attendance.

Names of people in attendance:

- Ben Carpenter, Manager, Juniper Gardens Training Farm
- Brien Darby, Executive Director
- Linda Siemens, Director of Finance & Administration

Ben Carpenter, Brien Darby, and Linda Siemens were available to answer questions until 6:20 p.m. At that time, the meeting was adjourned.

Minutes taken by: Linda Siemens, Director of Finance & Administration

Cultivate Kansas City is a 501(c)(3) nonprofit organization, therefore in accordance with the regulations of the IRS, your gift is tax-deductible. Our EIN is 20-2365320.

SITE VISIT PHOTOS, TAKEN BY STAFF – DATED AUGUST 16, 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: October 30, 2024

Re: Special Use Permit Petition SP2024-059

GENERAL INFORMATION

Applicant Information:

Pete Davis Jr.
Owner
Auto Plug, LLC
1830 Quindaro Boulevard
Kansas City, Kansas 66104

Subject Property:

1830 Quindaro Boulevard
Kansas City, Kansas 66104

Requested Action and Purpose:

Renewal of a Special Use Permit
(expired July 7, 2024) to allow for a
car dealership with automotive repair,
auto detailing, and auto stereo
installation.

Commission Districts:

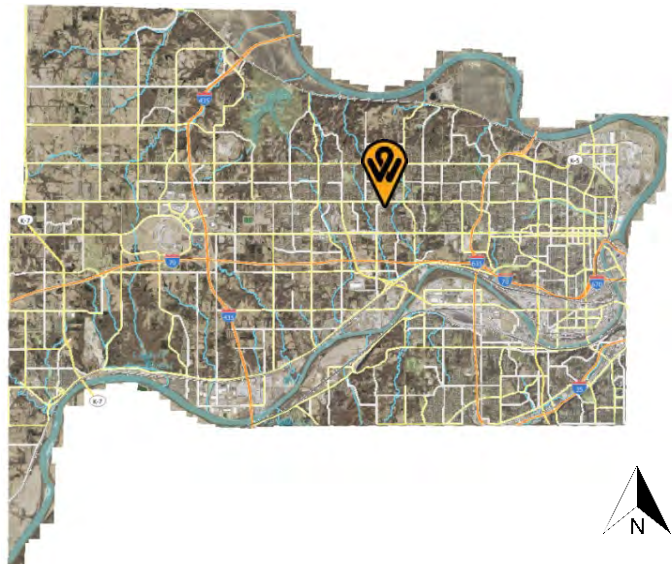
Commissioner At-Large, District #1:
Melissa Bynum
District #1 Commissioner:
Gayle Townsend

Existing Zoning District(s):

C-3 Commercial District

Plan Area:

Northeast Area Plan



	Adjacent Zoning	Adjacent Uses
North	R-2 Two Family District	Single-family Residence
South	C-3 Commercial District	Vacant Lot
East	C-3 Commercial District	Gas Station/Convenience Store
West	C-3 Commercial District	Single-family Residence

Total Tract Size: 0.30 Acre

Comprehensive Plan Designation: The Northeast Area Plan designates the subject property as Neighborhood Mixed-Use, which allows for 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 accommodation for cyclists and transit. Buildings should be built up to the street for form a consistent street frontage.

Major Street Plan: The goDotte Mobility Plan designates Quindaro Boulevard as a Major Collector Street.

Parking Requirement: Sec 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 building is approximately 1,445 square feet, which would require six (6) parking spaces. The subject property currently provides eight (8) marked parking spaces, none of which are reserved for ADA parking.

Landscaping Requirement: Section 27-467(g) states “trees are required at not less than one (1) per 7,000 square feet of site area”. The subject property has 13,194 square feet, requiring two (2) trees be provided on the site plan. The subject property does not currently fulfill this requirement.

Advertisement: The Wyandotte Echo – August 15, 2024
Letters to Property Owners – August 16, 2024 and September 17, 2024

Public Hearings:	October 14, 2024 and October 30, 2024
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Pete Davis Jr., is requesting a renewal of a Special Use Permit (expired July 7, 2024) to operate a car dealership with automotive repair, auto detailing, and auto stereo installation at 1830 Quindaro Boulevard, Kansas City, Kansas 66104.

City Ordinance Requirements: 27-592 through 27-606 and 27-214 and all other applicable standards within Chapter 27.

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. 2020 – 2020-00129998 – Aggravated Robbery
2. 2019 – 2019-00070896 – Suspicious Crowd/Activity

Building, Zoning, or Code Enforcement Complaints:

1. 2021 – ABT21-1255 – Abatement – Tall weeds and grass.

Outstanding or Related Permit and Cases:

1. 2019 – 19300-00931 – DRC – Commercial carport and masonry fence (Incomplete).

Previous Planning Actions:

1. 2019 – 19410-00029 – Variance – Reduced setback for a carport and reduction in the site distance triangle.
2. 2019 – 19402-00078 – SP2019-87 – Special Use Permit – To operate a car dealership with automotive repair.
3. 2019 – 19402-00104 – SP2019-112 – Special Use Permit – To operate a car dealership with automotive repair.
 - a. *Please note, SP-2019-87 and SP-2019-112 were filed by two (2) different and unrelated parties. Both were approved however with different stipulations*

4. 2022 – SP2022-003 – SP2022-003 – Special Use Permit – Renewal to operate a car dealership with automotive repair.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The subject property is located within the Northeast Statistical Neighborhood Group and the Historic Northeast-Midtown Business Group. The neighborhood consists of a diversity of uses, including a commercial strip along Quindaro Boulevard with residences north and south of Quindaro Boulevard. The neighborhood is over 100 years old, featuring traditional street layouts and residential and commercial spaces within close proximity of each other.

2. The zoning and uses of properties nearby and the proposed use's expected compatibility with them. In general, commercial and industrial Special Use Permits should not be granted adjacent to residential districts.

The zoning and uses are set out above. The subject property is surrounded by the C-3 Commercial District and the R-2 Two Family District to the North. The proposed use, which is commercial in nature, is compatible with nearby uses if properly managed and in accordance with the Special Use Permit standards.

3. The suitability of the property for the uses to which it has been restricted. Will the removal of restrictions, including those for hours of operation (where applicable), detrimentally affect nearby property?

The proposed use is suitable for the subject property as this is an existing use along a commercial corridor. The removal of restrictions will not detrimentally affect nearby property if the property is managed properly, and the conditions are adhered to.

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

The property is not vacant. The property has been an active repair shop since 2019, when it was approved for a Special Use Permit (SP-2019-112).

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

Special Use Permits are not addressed in the Northeast Area Plan. The Northeast Area Plan designates the subject property as Neighborhood Mixed-Use, which allows for 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. The proposed use conforms to the Northeast Area Plan designation.

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

The proposed use does not have the potential to increase vehicular traffic, and should not exceed the capacity of Quindaro Boulevard, a Major Collector Street, to accommodate it if managed properly. Customers are specifically seeking out this type of use rather than leisurely stopping by.

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

The proposed use is not reasonably necessary for the convenience and welfare of the public as there are several car dealerships and automotive-related businesses in the area. The proposed use will not affect the use, quality, or marketability of nearby property so long as it is well-maintained and complies with Commercial District Design and Landscape Guidelines, along with maintaining an active Special Use Permit.

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 nearby property.*

Noise, vibration, and dust are expected to occur in durations or intensities as to create issues with nearby properties. These are not expected to create problems for nearby property, however if, all work on serviced automobiles is done inside the building. Illumination is not expected to occur with this type of use as the hours of operation will be from 10:00 a.m. to 6:00 p.m.

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

The proposed use has the potential to pollute the air, land or water as automotive related uses can create environmental concerns such as fluid leakage or the release of gases. However, if properly managed and maintained, the impact should be minimal.

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, permitted commercial property in an existing, 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 to public health, safety and welfare is minimal as this use could pose potential negative impacts to public health if not properly managed. If denied, the property owner may not use the property for automotive sales, repair, or installation, however, they can still use the property for other business types listed in the C-3 Commercial District zoning regulations.

12. *The applicant's ability to maintain the use in an "as proposed" condition.*

The applicant has not maintained the proposed use as originally proposed or according to previous conditions of approval as the landscaping and screening requirements have not been met, along with the removal of the reflective glass from the windows.

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

The proposed use could potentially result in the overcrowding of land due to the storage of vehicles on the property while they are queued to be worked on. If managed properly, however, the storage of vehicles should not be a major concern. Undue concentrations of population are not expected to be a concern.

NEIGHBORHOOD MEETING INFORMATION

The applicant held a neighborhood meeting in-person at 2601 Ridge Avenue, Kansas City, Kansas 66102 on September 18, 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

- Landscaping
- Reflective Glass

ADA Parking Spaces

Architectural Screening

Number of Vehicles Stored on the Property

Screening

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Special Us Permit Application SP2024-059, **for two (2) years**, subject to:

1. Landscaping and screening requirements must be met;
2. The reflective glass covering the windows shall be removed;
3. One (1) ADA parking space must be designated;
4. No more than two (2) cars for sale can be on the property at any time;
5. 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;
6. 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;
7. 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;
8. If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;
9. Section 27-699(b)(5) states that all outside bins or trash container areas must be completely enclosed by an architectural screen to a height not less than the height of the bin or container. No trash enclosures may be located in required yards adjacent to street right-of-way. In commercially and industrially zoned areas where the trash container will not be visible from off the property due to other screening or topographic conditions and will not be visible from public parking or pedestrian areas on the site, such trash bin screening need not be provided. In industrially zoned areas where the trash container will not be visible from residential property and where such containers are kept directly alongside the building and in a well-kept manner, such screening need not be provided;
10. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;

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

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION AND CONDITIONS

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 **SP2024-059** subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

October 14, 2024, City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Site Plan
Landscaping
Planning Engineering Comments
Parking Lines
Neighborhood Meeting Materials
Site Visit Photos, Taken by Staff – Dated August 16, 2024

PUBLIC HEARING SCHEDULE

Action(s)	City Planning Commission	Unified Government Board of Commissioners
Special Use Permit	October 14, 2024 Approval	October 30, 2024

STAFF CONTACT:

Kiley Meierarend
kmeierarend@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2024-059** as meeting all the requirements of the city code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **SP2024-059**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

October 14, 2024, City Planning Commission Minutes:

SPECIAL USE PERMIT APPLICATION SP2024-059 – PETE DAVIS JR. WITH AUTO PLUG LLC – SYNOPSIS: Renewal of a Special Use Permit (SP2022-003, expired 7/7/2024) for an auto dealership with light repair and detailing at 1830 Quindaro Boulevard. Detailed Outline of Requested Action: The applicant, Pete Davis Jr., is requesting a renewal of a Special Use Permit (expired July 7, 2024) to operate a car dealership with automotive repair, auto detailing, and auto stereo installation at 1830 Quindaro Boulevard, Kansas City, Kansas 66104.

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 Commissioner Schwartz stated that SP2024-063 Brian Lostal is her real estate client, and she recused herself from voting on the items on the Consent Agenda. Planning Commissioner Ernst stated that he has had numerous contacts on SP2024-057 for Brad Willits over the past years.

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 October 14, 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 Commissioner Ernst requested removal of SP2024-057 – Brad Willits with Dynasty Holdings.

Sharon Curtis requested removal of PLAT2024-027 for John Grahovac.

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

Carson	Chairman
Mohler	Aye
Schwartz	Recused herself
Straws	Aye
Ward	Aye
Armstrong	Aye

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

1. Landscaping and screening requirements must be met;
2. The reflective glass covering the windows shall be removed;
3. One (1) ADA parking space must be designated;
4. No more than two (2) cars for sale can be on the property at any time;
5. 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;
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7. 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;
8. If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;
9. Section 27-699(b)(5) states that all outside bins or trash container areas must be completely enclosed by an architectural screen to a height not less than the height of the bin or container. No trash enclosures may be located in required yards adjacent to street right-of-way. In commercially and industrially zoned areas where the trash container will not be visible from off the property due to other screening or topographic conditions and will not be visible from public parking or pedestrian areas on the site, such trash bin screening need not be provided. In industrially zoned areas where the trash container will not be visible from residential property and where

- such containers are kept directly alongside the building and in a well-kept manner, such screening need not be provided;
10. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
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 13. All existing and future driveways must feature curb cuts that are constructed to UG standards;
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 15. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
 16. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
 17. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision

within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;

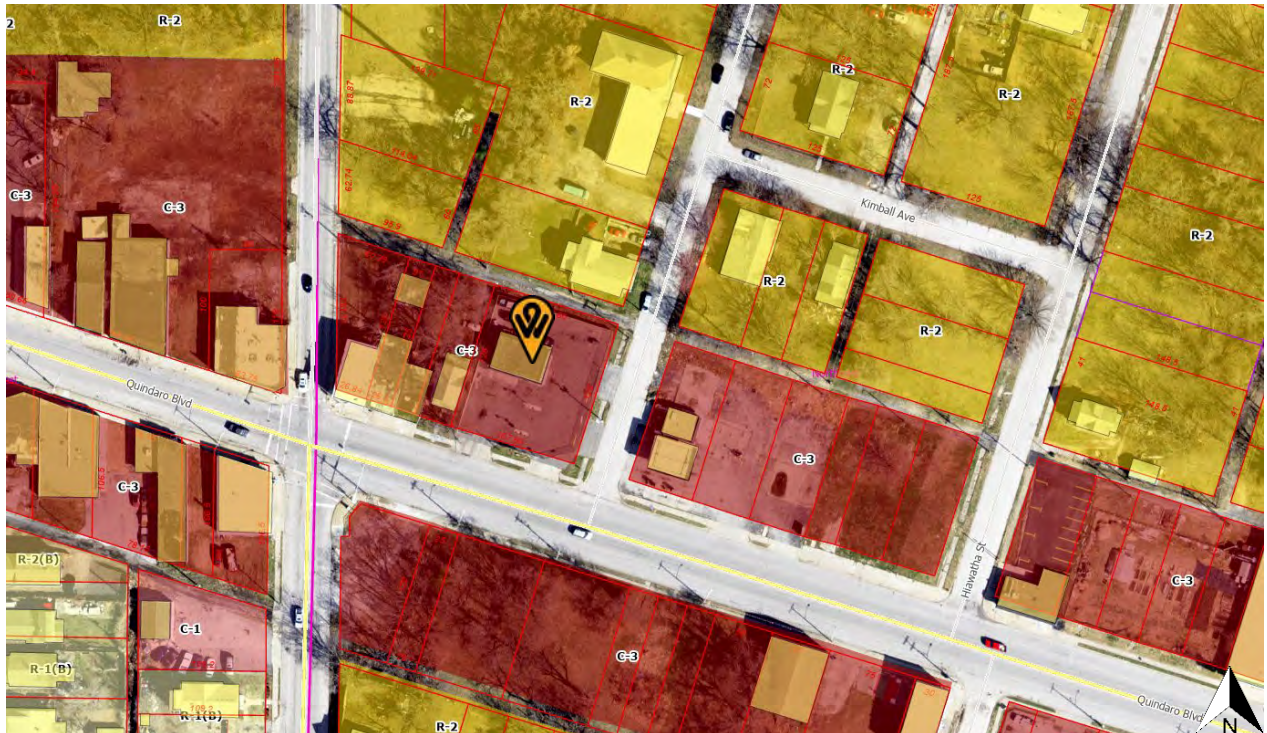
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19. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. 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.

ATTACHMENTS

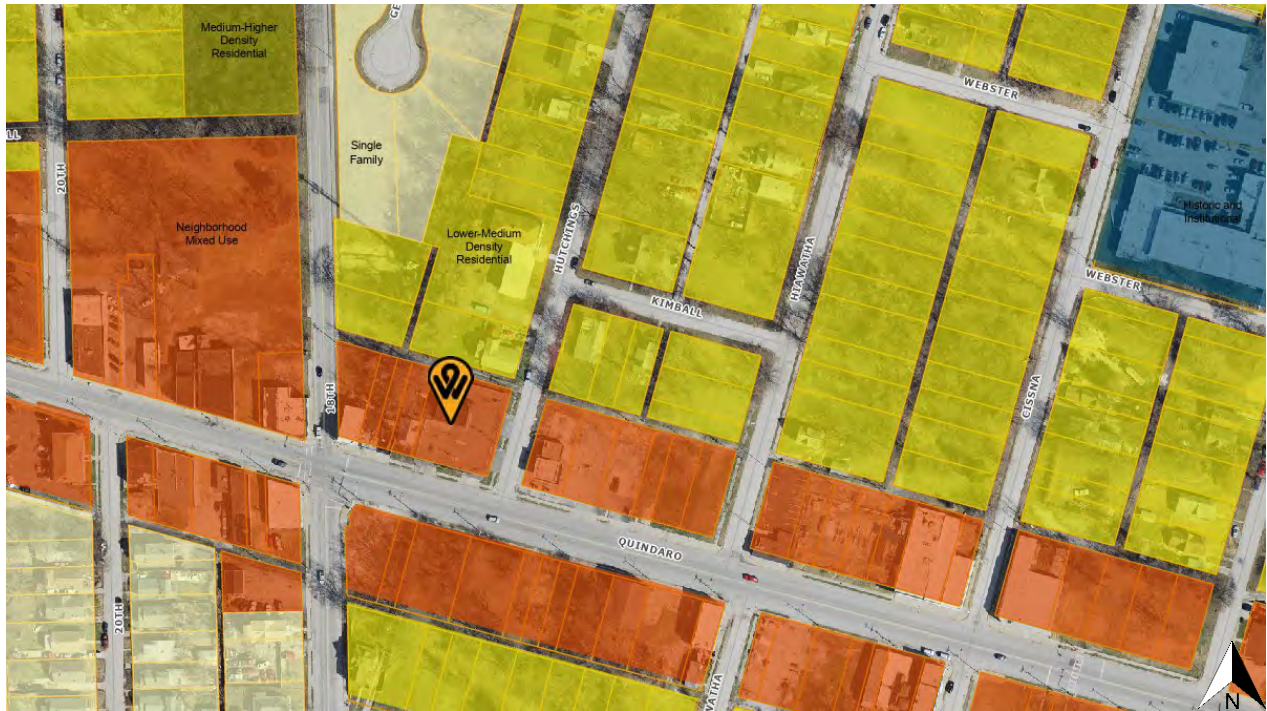
AERIAL IMAGERY



ZONING MAP



LAND USE MAP



LANDSCAPING





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

Memorandum

TO: Kiley Meierarend
Planner

FROM: Travis Trumble
Project Engineer

DATE: August 16, 2024

SUBJECT: Tanisha Henry – (SP2024-059)
1830 Quindaro Boulevard
General Engineering Review No. 1 (of the application received 8/1/2024)

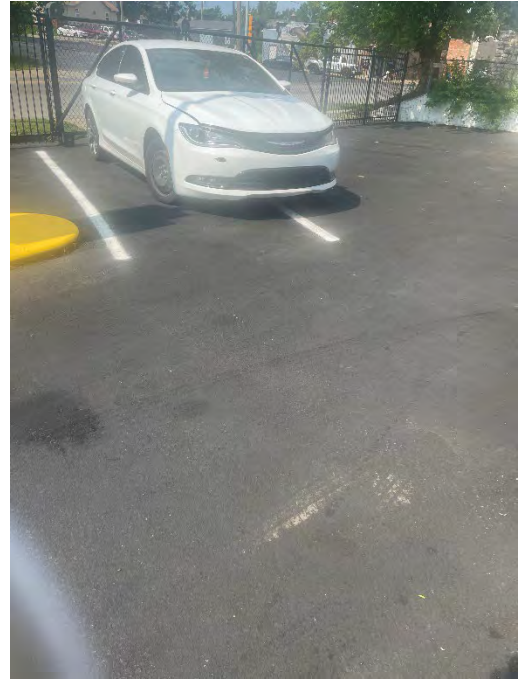
Prior to engineering approval on the above-named project, the construction drawings must be revised to address the following comments from the Engineering Division of the Planning and Urban Design Department. These comments refer to General Engineering design standards and requirements of the Unified Government that were not met in this submittal. Planning comments may require additional resubmittals. The resubmittal shall include a response letter (PDF) that explains how each of the following comments has been addressed. Attach revision clouded drawings when applicable. Subsequent review of the plans will not proceed until such letter is received by email to EDR@WyCoKCK.org.

- 1) Is there a proposed site improvement e.g., maintenance of the sidewalk, mill and overlay of the parking area, parking striping, etc.? If repair work is going to be done, erosion control plans may be required. Also, the sidewalk ADA (Americans with Disabilities Act) compliance shall be met.
- 2) Will there be a trash enclosure? If new trash enclosure shall be proposed on the site, provide details i.e., location, dimensions, etc., as applicable. And explain how will dump truck get in and out of site to pick up the trash.
- 3) Please coordinate with Kiley Meierarend, kmeierarend@wycokck.org, for additional Urban Planning and Zoning requirements and comments.
- 4) Construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition.

Reviewer: Travis Trumble
Travis Trumble, Project Engineer

Digitally signed by Travis Trumble
DN: cn=Travis Trumble, o=Unified Government of
Wyandotte County and KCK, ou=Urban Planning and
Land Use, email=trumble@wycokck.org, c=US
Date: 2024.08.16 18:47:37 -0500

PARKING LINES



NEIGHBORHOOD MEETING MATERIALS

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
COUNTY OF Johnson) SS:

Comes now Tanisha Henry +, of lawful age, sound mind and upon his/her oath states as follows: Pete Davis

1. That I am the petitioner for Petition # SP-2024-059
2. That I conducted a neighborhood meeting on September 18/2024
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Planning + Urban Design Department.

Further affiant saith not.

Tanisha Henry/Auto Aug LLC
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 19 day of September, 2024

My commission expires 14 of July, 2026



Matthew Paxton
Notary Public

Sign-In Sheet

September 18, 2024
@ 6:00 p.m.

1.

2.

3.

4.

5.

4 people showed up and ended meeting
at 6:31 p.m.

NEIGHBORHOOD MEETING MATERIALS

Neighborhood Meeting Minutes

Application Number: SP-2024-059

Date and Location: September 18, 2024
2601 Ridge Ave. Kansas City, KS 66102

Meeting called to order at: 6:00 p.m.

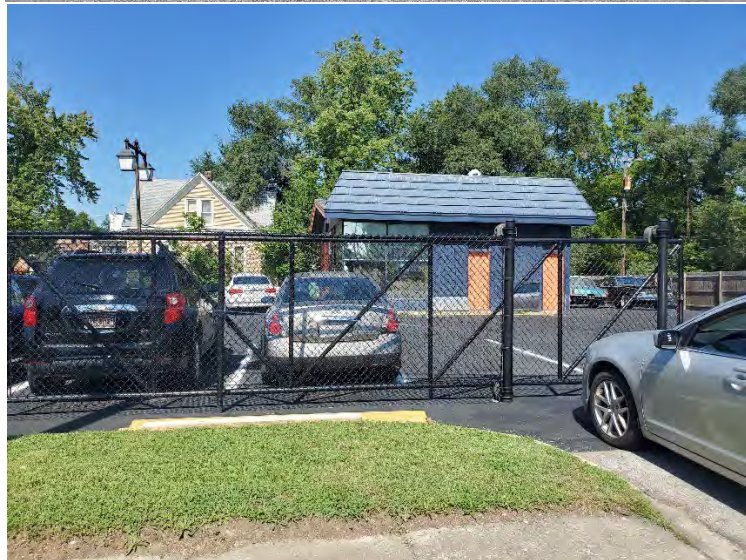
Name of people in attendance:
Pete Davis Jr. (owner)
Tanisha Henry

Introductions: Introductions by Pete Davis and/ Tanisha. Was prepared with a presentation board of the redevelopment of the Auto Plug, LLC and was ready to address any questions or concerns.

Questions and answers: N/A
Nobody Attended

Meeting Adjourned at: 6:31 p.m.

SITE VISIT PHOTOS, TAKEN BY STAFF – DATED AUGUST 16, 2024



SITE VISIT PHOTOS, TAKEN BY STAFF – DATED AUGUST 16, 2024







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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: October 30, 2024

Re: **Special Use Permit Petition SP2024-062**

GENERAL INFORMATION

Applicant Information:

Austin Thompson
Atlas Land Consulting
14500 Parallel Road, Unit R
Basehor, Kansas 66007

Subject Property:

10000 Hollingsworth Road
Kansas City, Kansas 66109

Requested Action and Purpose:

Approval of a Special Use Permit for
a short-term rental.

Commission Districts:

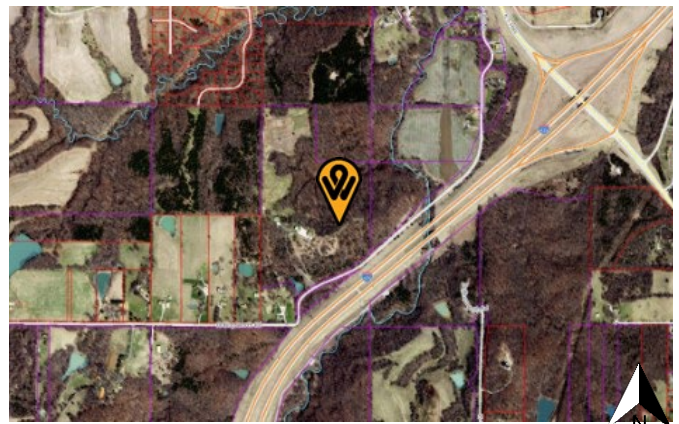
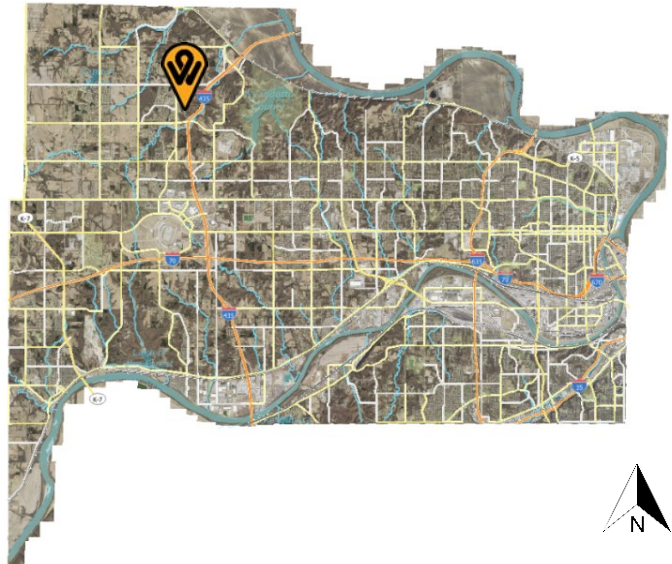
Commissioner At-Large, District #1:
Melissa Bynum
District #5: Mike Kane

Existing Zoning District(s):

A-G Agriculture District

Plan Area:

Prairie Delaware Piper Area Plan



	Adjacent Zoning	Adjacent Uses
North	R-1 Single Family District	Vacant Property
South	A-G Agriculture and R-1 Single Family Districts	Single Family Homestead, Vacant Property, and Interstate 435
East	A-G Agriculture District and Public Right-of-Way	Vacant Property and Interstate 435
West	A-G Agriculture and R-1 Single Family Districts	Single Family Homestead; Vacant property

Total Tract Size: 42.75 Acres

Comprehensive Plan Designation: The Prairie-Delaware-Piper Area Plan designates this property as Planned Low-Density Residential. The Planned Low-Density Residential Land Use District is recommended north of Donahoo Road. These areas are for single-family detached residential units and should appear to be less dense. Development in these areas should include significant areas for open space to maintain the rural character of the area.

Major Street Plan: The goDotte Countywide Mobility Strategy designates Hollingsworth Road as a Minor Collector Street.

Parking Requirement: Section 27-452(e) requires two (2) off-street parking spaces on the premises of each single-family dwelling. County Appraiser records state that there is at least one (1) single-family residence on the subject property. Aerial photos of the subject property demonstrate sufficient paved parking areas for this residence and all other apparent uses within the subject property and the proposed parcels (see “Aerial Map” within the Attachments section of this report).

Landscaping Requirement: Section 27-700(a) states “one shade tree per dwelling unit is required in the front or corner side yard. Aerial photos of the subject property demonstrate sufficient landscaping on the property parcels (see “Aerial Map” within the Attachments section of this report).

Advertisement:	<u>The Wyandotte Echo</u> – September 19, 2024 <u>Letters to Property Owners</u> – September 20, 2024
Public Hearings:	October 14, 2024 and October 30, 2024
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Austin Thompson, is requesting a Special Use Permit to operate a short-term rental at 10000 Hollingsworth Road. This is not the owner’s primary residence. This would be the first and only permitted short-term rental on the 10000 block of Hollingsworth Road.

City Ordinance Requirements: 27-592 through 27-606, 27-214, and 27-623 and all other applicable standards within Chapter 27.

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. The previous property owners have received no noise or disturbance complaints.
2. The current property owner has received no noise or disturbance complaints.

Building or Code Enforcement Complaints:

1. The previous property owners have not received any Building Inspection or Property Maintenance Compliance complaints.
2. The current property owner has not received any Building Inspection or Property Maintenance Compliance complaints.

Outstanding or Related Permits and Cases:

1. The current property owner has been cited for operating a short-term rental without an active Special Use Permit on 07/31/2023 (ZONE2023-082).
2. The current property owner has received the following permits related to development and construction:
 - a. Residential (new single-family build), 04/10/2017 (Permit #17300-00364)
 - b. Residential (accessory structure build – “trophy room”), 04/10/2017 (Permit #17300-00365)
 - c. Residential (accessory structure build – “pole barn”), 04/10/2017 (Permit #17300-00366)
 - d. Driveway (flatwork paving), 04/10/2017 (Permit #17382-00149)
 - e. Residential (plumbing – “trophy room”), 06/13/2017 (Permit #17390-00443)

- f. Residential (electrical), 07/26/2017 (Permit #17380-00907)
- g. Residential (plumbing), 08/04/2017 (Permit #17290-00583)
- h. Residential (mechanical – “trophy room”), 08/09/2017 (Permit #17385-00557)
- i. Residential (electrical – “pole shed”), 10/03/2017 (Permit #17380-01208)
- j. Residential (mechanical), 12/11/2017 (Permit #17385-00838)

Previous Planning Actions:

1. Denial of a Variance (BOZA2024-001) from maximum depth-to-width ratio and minimum street frontage in 2024.
2. Approval of a Preliminary and Final Plat (PLAT2023-038) for two (2) lots in 2024.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The subject property is located within the I-435 West Statistical Neighborhood. The neighborhood consists of large lot residences and agricultural lots.

2. The zoning and uses of properties nearby and the proposed use's expected compatibility with them. In general, commercial and industrial special use permits should not be granted adjacent to residential districts.

The zoning and uses are set out above. The subject property is surrounded by the A-G Agriculture and R-1 Single Family Districts. Use of the property as a rental, either short or long-term, while commercial in nature is consistent with other nearby properties in close proximity. While use as a short-term rental is commercial in nature, it should not present issues with nearby property. The proposed use is compatible if properly managed.

3. The suitability of the property for the uses to which it has been restricted. Will the remove of restrictions including those for hours of operation (where applicable), detrimentally affect nearby property?

Removal of the restrictions that require a Special Use Permit has the potential to create issues such as parking, excessive noise, illumination, vibration, overcrowding of land and undue concentrations of population. The property could be suitable for use as a short-term rental if aforementioned issues are properly managed.

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

The property is not vacant and has been used as a short-term rental, since it's unpermitted conversion into a dwelling in 2022.

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

Special Use Permits are not addressed in the Prairie-Delaware-Piper Area Plan. The Prairie-Delaware-Piper Area Plan designates this property as Planned Low-Density Residential. The Planned Low-Density Residential Land Use District is recommended north of Donahoo Road. These areas are for single-family detached residential units and should appear to be less dense. The proposed use conforms to the area plan.

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

The proposed use has the potential to increase vehicular traffic, but should not exceed the capacity of Hollingsworth Road, a minor collector, to accommodate it if managed properly while it functions as a short-term rental.

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 making excessive noise, vibration, overcrowding of land, illumination, 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 all potential issues that are related to short-term rentals if it is not managed properly. There have not been any complaints to date with the current applicant, aside from the unpermitted conversion of the trophy room. Dust is not typically an issue related to the use of a residential property as a short-term rental and ostensibly not considered to be a problem for nearby properties.

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 structure, soon to be 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, permitted residence in an existing built-out neighborhood.

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

The relative gain or loss to 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 with appropriate permits and licenses, their primary residence, or sell the property.

12. *The applicant's ability to maintain the use in an "as proposed" condition.*

The applicant will be required to maintain their short-term rental according to the submitted management plan and conditions of approval as well as limits to number of guests and number of vehicles on the property, and all other applicable requirements set by the Code of Ordinances.

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

The proposed use is not expected to create issues of overcrowding as it operates within an existing structure on the site. Staff cannot determine the appropriate maximum number of guests at one time or the maximum number of vehicles off-street. A floor plan shall be provided to staff. 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.

NEIGHBORHOOD MEETING INFORMATION

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

KEY ISSUES

Noise, Illumination, and Vibration
Home Inspection Report
Overcrowding and Undue Concentrations of Population
Parking
Operating without a Special Use Permit
Building Permits

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 9 to 0 to recommend **APPROVAL** of Special Use Permit Application SP2024-062 **for one (1) year**, subject to:

1. The following conditions from PLAT2023-038 remain in effect:
 - A cross-access agreement between Lot 1 and Lot 2 must be properly signed, notarized, and filed with the Wyandotte County Register of Deeds in order to legally establish access to both parcels via the existing driveway that accesses the Hollingsworth Road right-of-way via Lot 1;
 - Any building, existing or proposed, in which persons will be residing overnight, even as a short-term rental, must receive a Certificate of Occupancy for habitable space;
 - Two (2) new addresses will have to be assigned to the newly created parcels. Work with the Department of Planning & Urban Design to create these addresses. Contact Byron Toy at btoy@wycokck.org to begin this process;
2. The applicant shall provide proof of a certificate of occupancy for the converted trophy room prior to publication of this petition;
3. Maximum number of guests shall be 7;
4. All parking must be off-street, maximum number of vehicles is three (3). 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 the Business Licensing Division. Their office is located at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102. Their contact information is (913) 573-8780 or businesslicense@wycokck.org;
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

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION AND CONDITIONS

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 **SP2024-062** subject to all comments and suggestions outlined in this staff report and the condition of the City Planning Commission.

ATTACHMENTS

October 14, 2024, City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Host Compliance Map
Home Inspection Report
Site Photos, Taken by Staff, Dated September 2024

PUBLIC HEARING SCHEDULE

Action(s)	City Planning Commission	Unified Government Board of Commissioners
Special Use Permit	October 14, 2024 Approval	October 30, 2024

STAFF CONTACT:

James Molloy
jlmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2024-062** 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 **SP2024-062**, 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.

October 14, 2024 City Planning Commission Minutes:

SPECIAL USE PERMIT APPLICATION SP2024-062 – AUSTIN THOMPSON WITH ATLAS LAND CONSULTING – SYNOPSIS: Special Use Permit for a Short-Term Rental at 10000 Hollingsworth Road. Detailed Outline of Requested Action: The applicant, Austin Thompson, is requesting a Special Use Permit to operate a short-term rental at 10000 Hollingsworth Road. This is not the owner's primary residence. This would be the first and only permitted short-term rental on the 10000 block of Hollingsworth 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 October 14, 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.

Planner Molloy asked if the Commission had any contact to disclose on this application. No one responded in the affirmative.

Present in Support:

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

Present in Opposition:

- No one appeared

Staff Recommendation starts at 1:40:54: Planning Director Hand stated that the request is for a Special Use Permit for a non-owner-occupied Short-Term Rental. The property is in the Prairie-Delaware-Piper Area Plan. Staff received no letters in support nor opposition. There is a Notice of Violation for a Short-Term Rental without a Special Use Permit, which is why this application is before the Commission. The Commission approved a plat earlier this year that divided this dwelling unit from the primary dwelling unit. Staff recommends approval for one (1) year subject to the conditions in the staff report including a maximum of seven (7) people on site and three (3) cars off-street.

Motion starts at 1:41:43:

On motion by Mrs. Jones, seconded by Ms. Schwartz, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit Application SP2024-062 for one (1) year:**

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

Motion to recommend APPROVAL Passed: 9 to 0

Subject to:

- 1. The following conditions from PLAT2023-038 remain in effect:**
 - **A cross-access agreement between Lot 1 and Lot 2 must be properly signed, notarized, and filed with the Wyandotte County Register of Deeds in order to legally establish access to both parcels via the existing driveway that accesses the Hollingsworth Road right-of-way via Lot 1;**

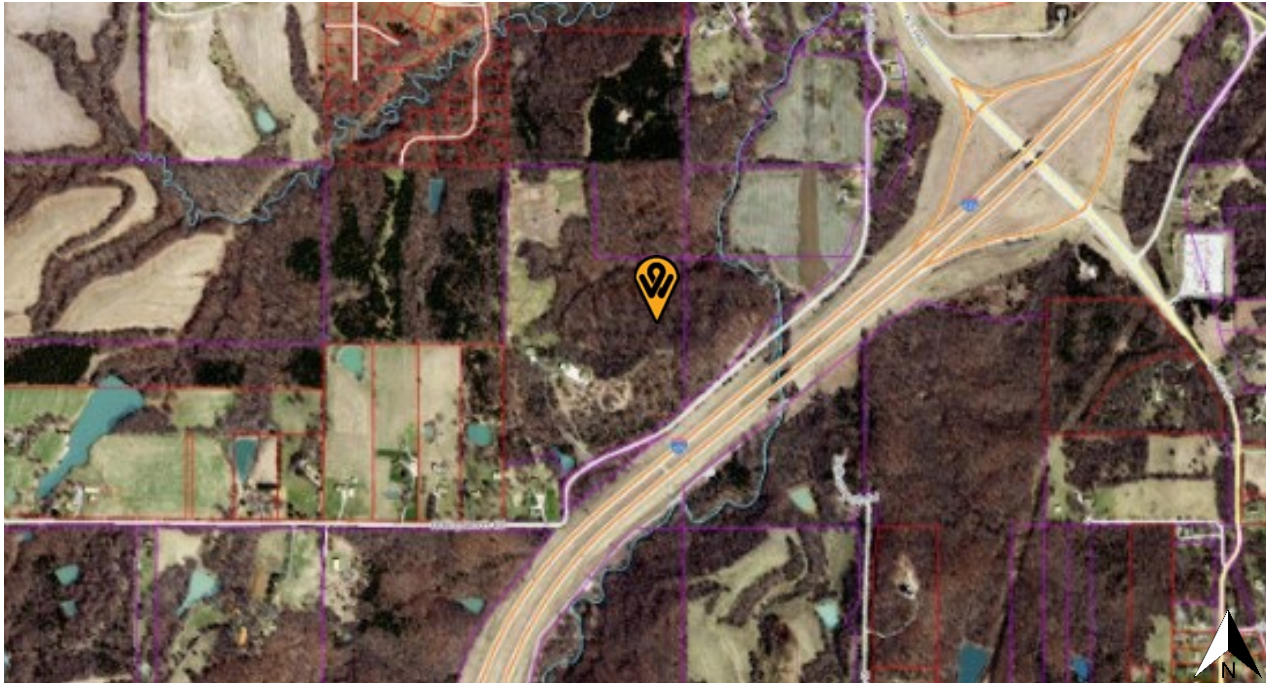
- Any building, existing or proposed, in which persons will be residing overnight, even as a short-term rental, must receive a Certificate of Occupancy for habitable space;
 - Two (2) new addresses will have to be assigned to the newly created parcels. Work with the Department of Planning & Urban Design to create these addresses. Contact Byron Toy at btoy@wycokck.org to begin this process;
2. The applicant shall provide proof of a certificate of occupancy for the converted trophy room prior to publication of this petition;
 3. Maximum number of guests shall be 7;
 4. All parking must be off-street, maximum number of vehicles is three (3). 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 the Business Licensing Division. Their office is located at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102. Their contact information is (913) 573-8780 or businesslicense@wycokck.org;
 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



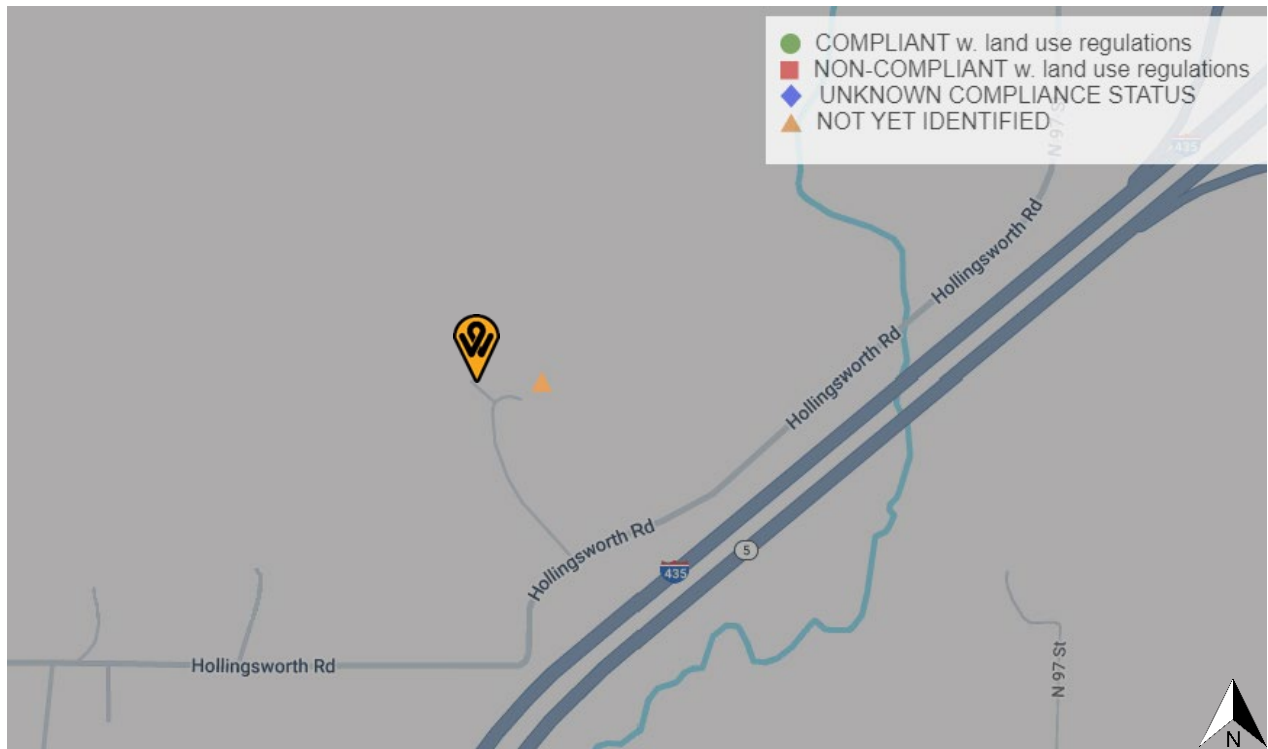
LAND USE MAP



Prairie-Delaware-Piper Area Plan Land Uses

-  Low Density Residential District
-  Planned Suburban Residential District
-  Planned Mixed Residential District
-  Planned Office District
-  Planned Commercial District
-  Public / Semi-Public
-  Planned Open space
-  Planned Entertainment District
-  Planned Mixed Business Park / Commercial District
-  Planned Mixed Business Park / Office District
-  Planned Mixed Entertainment / Commercial District
-  Planned Small Commercial District
-  Future Interchange

SHORT-TERM RENTAL MAP



NEIGHBORHOOD MEETING MATERIALS

Neighborhood Meeting

SP2024-062

Meeting called to order at: 5pm on September 26, 2024

Names of people in attendance:

No attendance.

Meeting adjourned at: 5:30pm on September 26, 2024

Minutes taken by – Austin Thompson with ALC

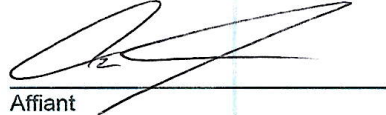
AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
COUNTY OF Johnson) SS:

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

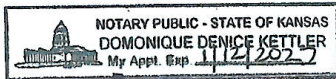
1. That I am the petitioner for Petition # SP2024-062.
2. That I conducted a neighborhood meeting on SEPTEMBER 26, 2024.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Planning + Urban Design Department.

Further affiant saith not.


Affiant

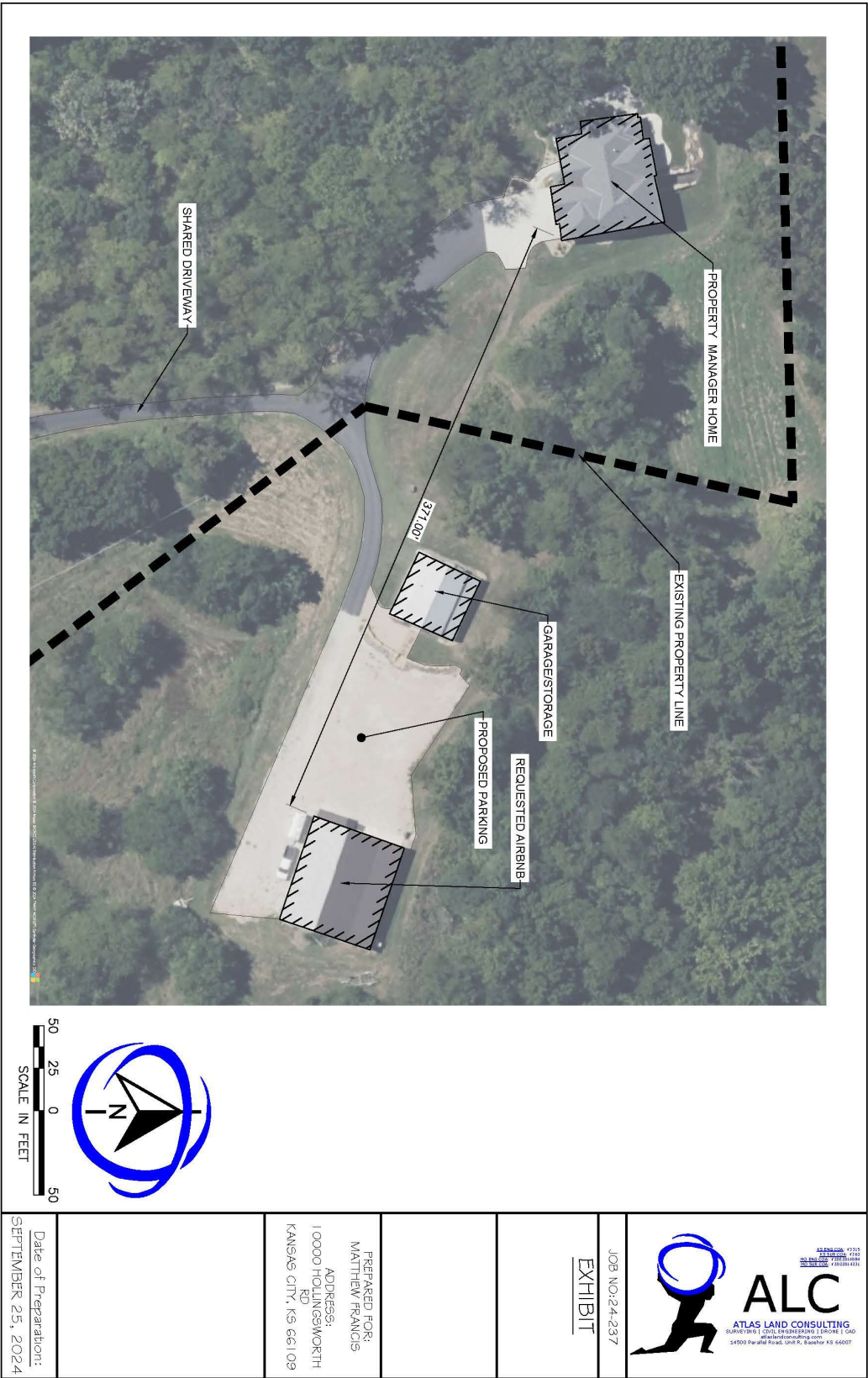
SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 1st day of October, 2024.

My commission expires 12th of January, 2027.

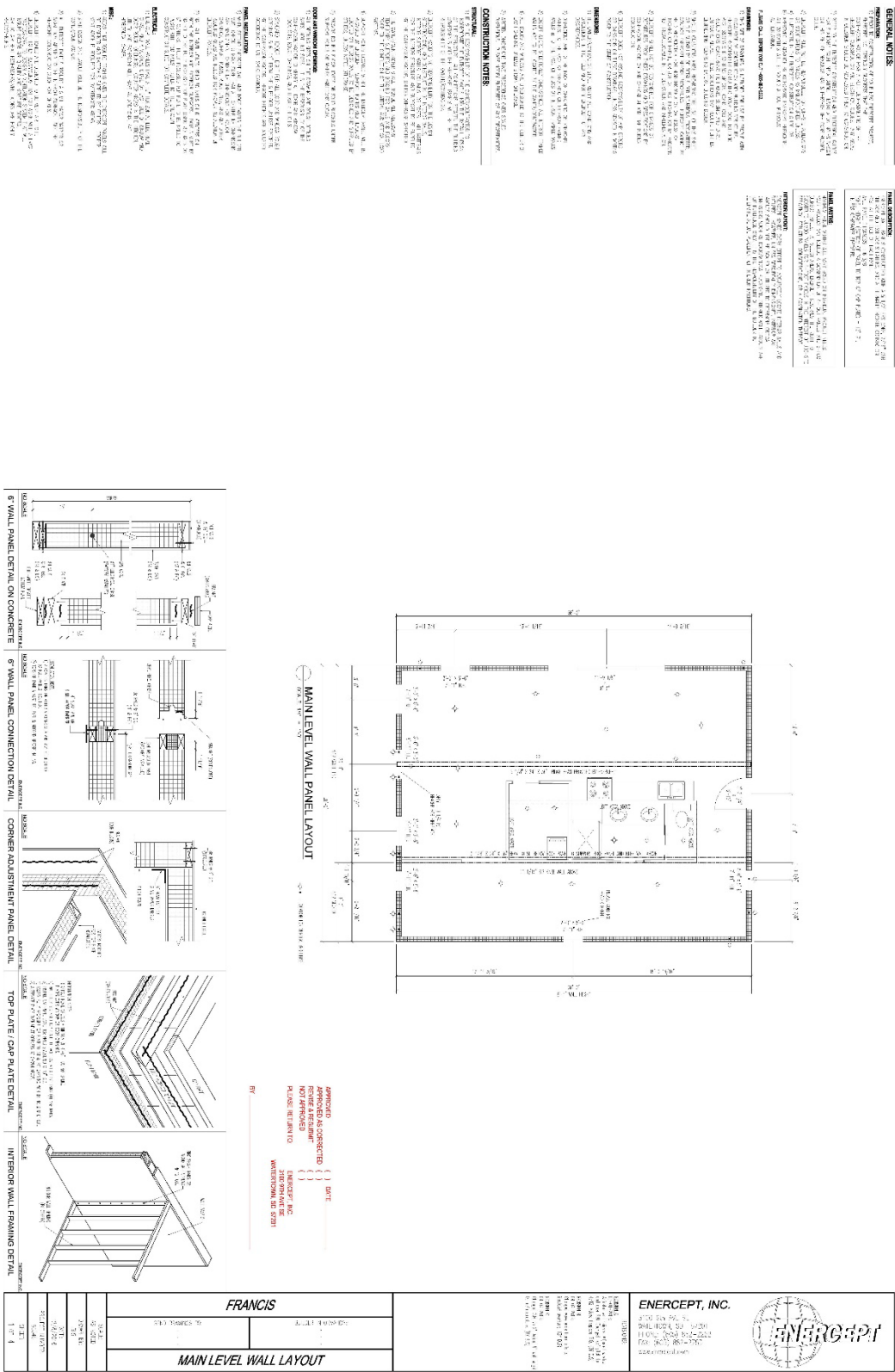



Notary Public

SITE PLAN



FLOOR PLAN



HOME INSPECTION REPORT



INSPECTION REPORT

.Client: Matt Francis **Address:** 10000 Hollingsworth Rd. KC, KS 66109 **Performed:** 8-15-24@ 12:30pm
Weather/Temperature: Sunny/80 **Delivered:** 8-16-24@8:00am **Billed:** Venmo
Inspector: Doug Geyer – All N One Home Inspections **Inspector Phone:** 913-915-7103

.Summary of Concerns – Item(s) that were noted as concerns inside and/ or outside the house.

1. Exterior Patio Cover- There are no joist hangers on the supports under the cover against house. It is recommend to install joist hangers.
2. Fireplace Flue- There is evidence of overheating from the fireplace flue by marks on the siding. It is recommend to move the flue away from the house.
3. Kitchen- The garbage disposer is locked up. It is recommend to repair the disposer.

RATINGS

S Satisfactory
U Unsatisfactory, See Comments
M Minor Deficiency, See Comments
A As Is
B Buyers Information, No Repair Required
N Not Available/Not Applicable

.HVAC

B Heating Systems
Type: Mini Split
Manufacturer: Mitsubishi
Fuel Type: electric
Approximate Age: 2017 unit
Comment: The unit needs to be cleaned and serviced every fall.

N Heating Vent
Type:
Comment:

S Control (Thermostat)
Type: Heating and cooling thermostat

B Air Conditioning System
Type: Mini Split
Manufacturer: Mitsubishi
Approximate Age: 2017 unit
Comment: The unit needs to be cleaned every year.

S Change In Temperature (Evap Coil)
Comment:

N Exposed Duct System
Material: mini split
Distribution:
Comment:

.N Humidifier
Comment:

N Attic Fan (s)

N Back Flow Preventer
 N Water Hammer Arresting Device
 N Other Plumbing Systems
 Comment:
.ELECTRICAL
 S Main Panels
 Type: breakers
 AMP: 200 amps
 Comment:
 S Over Current Protection Device(s)
 Type: Breaker
 Double Taps: zero
 Mismatches: All wires are not compatibly sized
 Comment:
 N Surge Protector
 S Grounding System
 N Sub Panel
 S Service Entrance underground
 Comment:
 S Outlets
 Type: 3 Prong grounded
 S Ground Fault Protection
 Type: circuit breaker in outlets
 S Interior Wiring
 Comment:
 S Exterior Lighting Fixtures
 S Interior Lighting Fixtures
 N Doorbell
 N Intercom
 N Central Vac System
 N Other Electrical Systems
.APPLIANCE
 S Range Oven
 Type: propane
 Manufacturer: GE
 Comment:
 N Wall Oven
 N Cook Top
 Type:
 Manufacturer:
 S Dishwasher
 Manufacturer: May Tag
 Comment:
 M Garbage Disposal
 Manufacturer: Evergrind
 Comment: the disposer is locked up
 S Venting Device
 Type: above the oven in the microwave
 Manufacturer: GE
 S Microwave
 Manufacturer: GE
 Comment:
 N Trash Compactor
 N Instant Hot Water Dispenser
 N Gas Grill
 N Garage Door Opener
 Manufacturer:
 Comment:
 N Garage Door Automatic Reverse Feature
 N Other Appliances
.ROOF
 Style gable
 Observation Method ladder
 # of Layers 1
 Shingle/Covering Type metal

S **Bath Vent Fan (s)**
 Comment

B **Clothes Dryer Vent**
 Gas Hookup: not present in laundry
 Electrical Outlet: 220V electrical outlet present in laundry area. Not tested for operation
 Comment: it is recommend to clean out the dryer vent periodically

B **Washing Machine Drain**
 Comment: present but not tested for proper drainage.

S **Washing Machine Faucets**
 Comment

.PLUMBING

.Exposed Gas Line
 Material (s) black iron pipe and soft copper
 Comment

N **Gas Log**

N **Gas Log Lighter**
 Comment

M **Fireplaces**
 Comment: the flue needs to be moved away from the house.

S **Gas Shut Off(s)**

S **Exposed Drain(s) and Vent Stacks**
 Material(s): plastic
 Sewer: public
 Comment

S **Tub Drain, Waste, and Overflow Trip Lever(s)**

S **Lav Drain Pop Up Assemblies**

N **Tub(s)**
 Material:

S **Shower Pan(s)**
 Material: stone

S **Shower Wall(s)**
 Material: tile

N **Shower Door(s)**
 Material:

S **Main Water Shutoff Valve:** in the furnace room

S **Exposed Entrance Water Supply Line(s)** copper

S **Exposed Water Distribution Line(s)** copper and pex
 Comment

N **Cross Connection(s)**

Static Water Pressure
 PSI: 80psi

N **Pressure Reduction Value**

S **Hot Water Tank**
 Type: gas
 Manufacturer: Noritz
 Approximate Age: 2017 unit
 Capacity: on demand
 Comment

Hot Water Tank Flue: plastic
 Comment

S **Pressure & Temperature Relief Valve**

N **Water Softener**

.N **Water Filtration System**

S **Faucets**

S **Kitchen Sink**
 Material: stainless

S **Bathroom Lav Sink(s)**

S **Toilet(s)**

S **Showerhead(s)**

N **Sump Pump**
 Comment

N **Whirlpool Tub**

N **Hot Tub**
 Comment

Comment:

.ATTIC

Observation Method

Hatch Location

Approx Insulation Depth

Insulation Type

Comment: There is no attic in the house

BASEMENT AREA

Floor Joists

Comment:

Sub Floor

Comment:

Main Beam

Comment:

Foundation Walls

Comment:

Foundation Floor

Comment:

Crawl Space

Comment:

Structure of House

Comment: The house appears to be structurally sound. The house is built on a slab.



No joist hangers.



Dark marks on the siding from the fireplace flue.

Content of the inspection.

The Company shall perform a visual inspection of the subject property and provide the Client with a written inspection report identifying the major deficiencies. This inspection will be of readily accessible areas of the property and is limited to visual observations of apparent condition existing at the time of the inspection only. The inspection covers only the items listed in the report for function and safety, not for code compliance. The Client is encouraged to check the opinions included in the report with a specialist prior to closing. Problems or areas of concern may be more extensive upon investigation by a specialist. The inspection includes items and systems expressly and specifically identified as follows:

Appliances (built-in)	Crawlspace	Fireplace	Interior
Attic	Drainage	Foundation	Materials of Const
Basement	Electrical	Heating	Plumbing
Central A/C	Exterior	Insulation	Roof

Some items are checked by a sample as expressly and specifically identified in the inspection report. Pressure gauges are not used to test air conditioners. Garbage disposals are checked for operation only. Only the dishwasher's ability to fill and drain properly is checked.

The inspection and report will be performed in a manner consistent with the standards of the American Society of Home Inspectors. No destructive testing of any kind will be performed. The inspection and report





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: October 30, 2024

Re: Special Use Permit Petition SP2024-063

GENERAL INFORMATION

Applicant Information:

Blake Lostal
Representative
Colonial Club, LLC
444 Orville Avenue
Kansas City, Kansas 66101

Subject Property:

322 North 6th Street
Kansas City, Kansas 66101

Requested Action and Purpose:

Renewal of a Special Use Permit
(expires December 2024) for live
entertainment at a drinking
establishment.

Commission Districts:

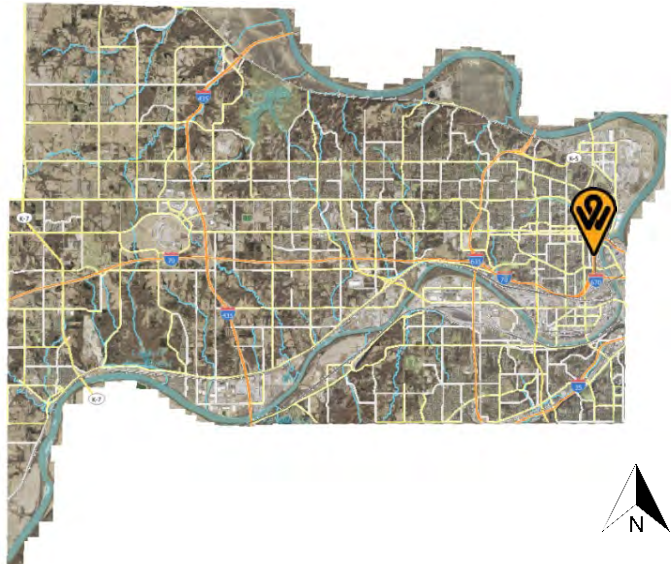
Commissioner At-Large, District #2:
Tom Burroughs
District #2 Commissioner:
William Burns, Jr.

Existing Zoning District(s):

TND Traditional Neighborhood
Design District

Plan Area:

Central Area Plan



	Adjacent Zoning	Adjacent Uses
North	TND Traditional Neighborhood Design District	Funeral Home
South	R-1(B) Single Family District	Single-family residence
East	TND Traditional Neighborhood Design District	Wholesale Lighting Sales Office
West	R-1(B) Single Family District	Single-family residence

Total Tract Size: 0.06 Acre

Comprehensive Plan Designation: The Central Area Plan designates the subject property as Urban Density, which allows for single family homes, attached residences including townhomes, duplexes, triplexes, etc., and institutional uses such as schools, churches, and libraries.

Major Street Plan: The goDotte Mobility Plan designates North 6th Street as Minor Collector Street.

Parking Requirement: Section 27-472(n)(3)c requires two (2) parking spaces per 1,000 square feet of office or retail space. The subject property has approximately 1,260 square feet of commercial space. Although the Zoning Code requires three (3) parking spaces to serve the commercial space, the subject property is a legally non-conforming building that was constructed in 1961 and fills nearly the entirety of the parcel, and therefore no variance from the parking minimum is required.

Landscaping Requirement: Section 27-471 (s)(1)h states “Storefronts less than 60 feet in length: Zero landscape plantings required”. The subject property currently fulfills this standard.

Advertisement: The Wyandotte Echo – September 19, 2024
Letters to Property Owners – September 20, 2024

Public Hearings: October 14, 2024 and October 30, 2024

Public Support: None to date.

Public Opposition: None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Blake Lostal, is requesting a renewal of a Special Use Permit (expires December 2024) for live entertainment at a drinking establishment at 322 North 6th Street, Kansas City, Kansas.

City Ordinance Requirements: 27-592 through 27-606 and 27-214 and all other applicable standards within Chapter 27.

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. There has been one (1) noise or disturbance complaint between 2019 and 2024, for a call involving suspicious crowd activity.

Building, Zoning, or Code Enforcement Complaints:

1. 2018 – 18395-00068 – Stop Work Order – Construction behind building without a permit (closed).
2. 2019 – 19200-01520 – Environment – Trash Bags behind property (closed).
3. 2020 – 20213-00032 – Zoning – Fence over six (6) feet in height (closed).

Outstanding or Related Permit and Cases:

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

Previous Planning Actions:

1. 2022 – SP2022-046 – Special Use Permit for live entertainment and drinking establishment.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The subject property is located within the Riverview Statistical Neighborhood Group, the Strawberry Hill Neighborhood Group, and the Central Area Betterment Association (CABA) Business Group. The neighborhood consists of a mix of single-family residences, some multi-family residences, and small-scale commercial uses.

- 2. *The zoning and uses of properties nearby and the proposed use's expected compatibility with them. In general, commercial and industrial Special Use Permits should not be granted adjacent to residential districts.***

The zoning and uses are set out above. The subject property is surrounded by the TND Traditional Neighborhood Design District and the R-1(B) Single Family District. The proposed use, which is commercial in nature, is compatible with nearby uses if properly managed.

- 3. *The suitability of the property for the uses to which it has been restricted. Will the removal of restrictions, including those for hours of operation (where applicable), detrimentally affect nearby property?***

This property is suitable for use as a small commercial business or mixed-use building. 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 if the drinking establishment is not managed properly.

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

The property is not vacant. The property has operated as a drinking establishment since 2017.

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

Special Use Permits are not addressed in the Central Area Plan. The Central Area Plan designates the subject property as Urban Density, which allows for single family homes, attached residences including townhomes, duplexes, triplexes, etc., and institutional uses such as schools, churches, and libraries. The proposed use conforms to the Central Area Plan designation 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 does not have the potential to increase vehicular traffic and should not exceed the capacity of North 6th Street, a Minor Collector Street, to accommodate it if managed properly.

- 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. Although it could be seen as desirable to have as a neighborhood feature, issues such as noise, illumination, or undue concentrations of people

could be potential issues. The proposed use will not substantially affect the use, quality, or marketability of nearby property if managed properly.

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

Noise, vibration and illumination are expected to occur in durations as to create issues with nearby properties. These issues are not expected to create problems for nearby property, however, if windows and doors are closed during performances, there are no outdoor speakers, and outdoor lighting is affixed with 90-degree cut-offs. Dust is not expected to be an issue with this type of use.

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 drinking establishment.

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, permitted drinking establishment and live entertainment venue.

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 entertainment and gathering with some economic benefit. If denied, the property owner may not use the property as a drinking establishment with live entertainment, however, they can still use the property as a small-scale commercial business or sell the property.

12. *The applicant's ability to maintain the use in an "as proposed" condition.*

The applicant has maintained the proposed use as originally proposed and according to previous conditions of approval.

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

The proposed use could potentially result in both the overcrowding of land and undue concentrations of population. These issues may arise if the applicant does not abide by the posted occupancy limit set by the fire department. If managed properly and in adherence to the outlined conditions, these items should not be a major concern.

NEIGHBORHOOD MEETING INFORMATION

The applicant held a neighborhood meeting in person at 322 North 6th Street, Kansas City, Kansas 66101 on September 26, 2024. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Hours of Operation
Noise and Illumination

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Special Use Permit Application SP2024-063, **for five (5) years**, subject to:

1. All entertainment must cease by at least 1:00AM;
2. Doors and windows must stay closed during any entertainment performance;
3. Must comply with Unified Government Security Ordinance (Chapter 4, Article II Division 1, Sec 4-104,f), including:
 - o Must have at least one (1) security personnel stationed at the door at all times that is able to monitor any required parking area. Additional security guards may be required depending on the building capacity;
 - o Patrons are not allowed to loiter in their vehicles. If so determined, they will be asked to leave;
 - o An I.D. scanner will be used at all times;
 - o At closing time, all security personnel will begin from a designated area to move patrons towards the exit and then to their vehicles;
4. No amplified speakers or entertainment is allowed in outdoor spaces;
5. Any illumination that results from an entertainment event shall not be seen or otherwise impact adjacent residential uses;
6. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
7. All exterior lighting, 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;
8. If approved, occupying businesses must file and maintain a current business occupation tax application with the Business Licensing Division. Their office is located at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, Kansas 66102. Their contact information is (913) 573-8780 or businesslicense@wycokck.org;

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

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

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION AND CONDITIONS

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 **SP2024-063** subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

October 14, 2024, City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Floor Plan
Neighborhood Meeting Materials
Site Visit Photos, Taken by Staff – Dated October 4, 2024

PUBLIC HEARING SCHEDULE

Action(s)	City Planning Commission	Unified Government Board of Commissioners
Special Use Permit	October 14, 2024 Approval	October 30, 2024

STAFF CONTACT:

Kiley Meierarend
kmeierarend@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2024-063** 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 **SP2024-063**, 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.

October 14, 2024, City Planning Commission Minutes:

SPECIAL USE PERMIT APPLICATION SP2024-063 – BLAKE LOSTAL WITH COLONIAL CLUB LLC – SYNOPSIS: Renewal of a Special Use Permit (SP-2022-046 – expired 10/3/2024) for live entertainment at a drinking establishment at 322 North 6th Street. Detailed Outline of Requested Action: The applicant, Blake Lostal, is requesting a renewal of a Special Use Permit (expires December 2024) for live entertainment at a drinking establishment at 322 North 6th Street, Kansas City, Kansas.

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 Commissioner Schwartz stated that SP2024-063 Brian Lostal is her real estate client, and she recused herself from voting on the items on the Consent Agenda. Planning Commissioner Ernst stated that he has had numerous contacts on SP2024-057 for Brad Willits over the past years.

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 October 14, 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 Commissioner Ernst requested removal of SP2024-057 – Brad Willits with Dynasty Holdings.

Sharon Curtis requested removal of PLAT2024-027 for John Grahovac.

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

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

Motion to APPROVE Passed: 8 to 0

Subject to:

- 1. All entertainment must cease by at least 1:00AM;**
- 2. Doors and windows must stay closed during any entertainment performance;**
- 3. Must comply with Unified Government Security Ordinance (Chapter 4, Article II Division 1, Sec 4-104,f), including:**
 - o Must have at least one (1) security personnel stationed at the door at all times that is able to monitor any required parking area. Additional security guards may be required depending on the building capacity;**
 - o Patrons are not allowed to loiter in their vehicles. If so determined, they will be asked to leave;**
 - o An I.D. scanner will be used at all times;**
 - o At closing time, all security personnel will begin from a designated area to move patrons towards the exit and then to their vehicles;**
- 4. No amplified speakers or entertainment is allowed in outdoor spaces;**
- 5. Any illumination that results from an entertainment event shall not be seen or otherwise impact adjacent residential uses;**
- 6. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning**

and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;

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

thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;

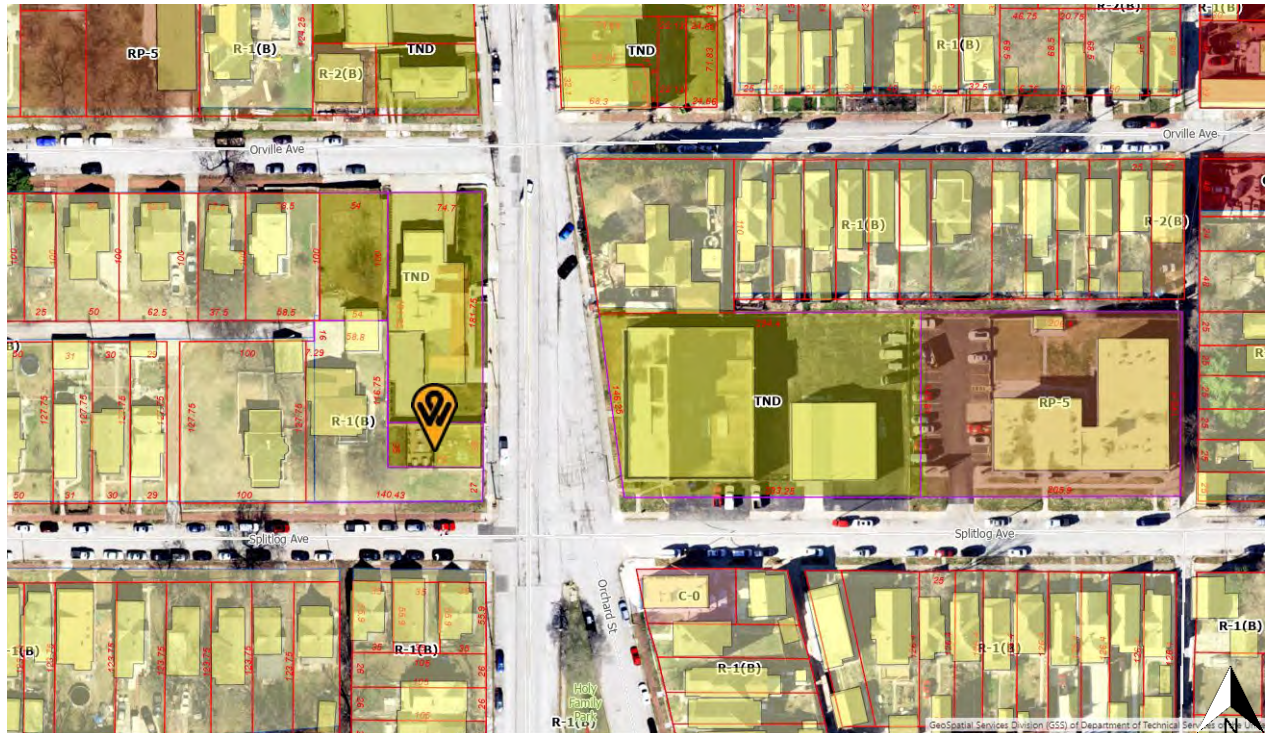
15. The Special Use Permit shall be valid for five (5) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration 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;
16. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
17. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.

ATTACHMENTS

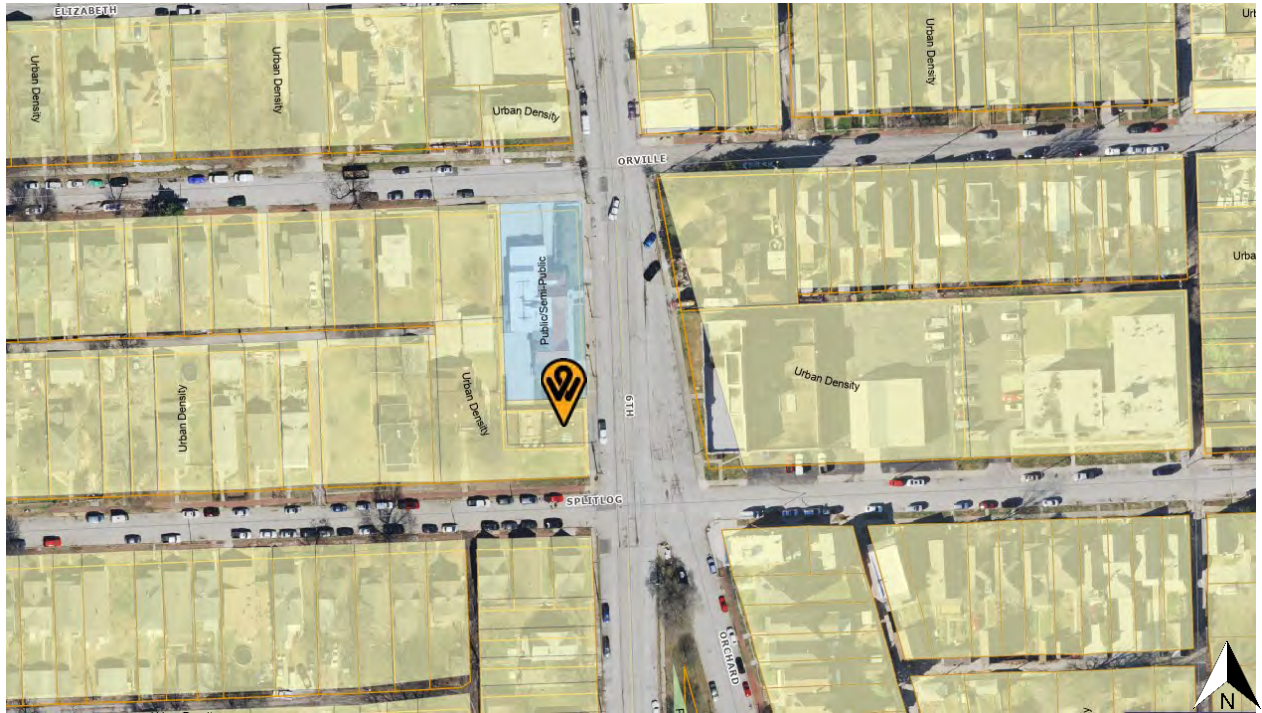
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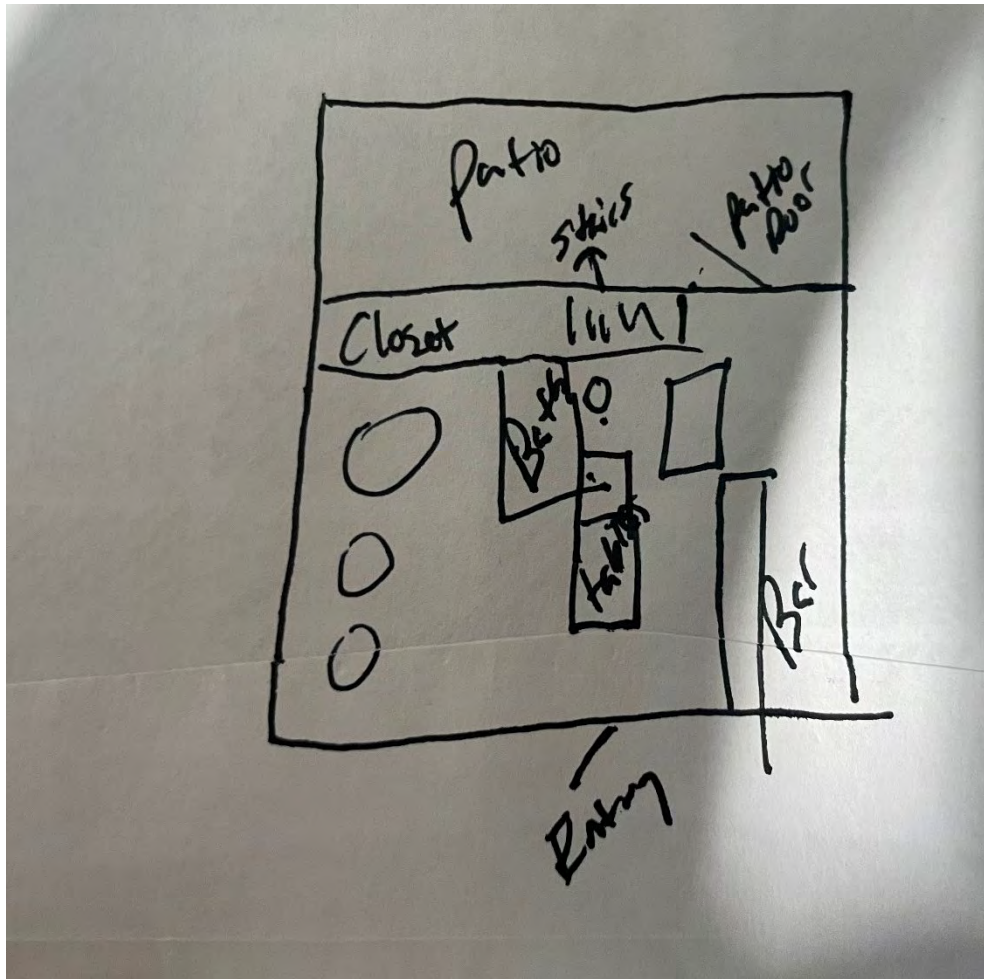
ZONING MAP



LAND USE MAP



FLOOR PLAN



NEIGHBORHOOD MEETING MATERIALS

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Missouri)
COUNTY OF Jackson) SS:

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

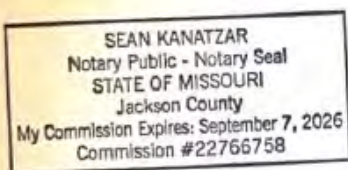
1. That I am the petitioner for Petition # SP2024, 063
2. That I conducted a neighborhood meeting on 9-26-24.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Planning + Urban Design Department.

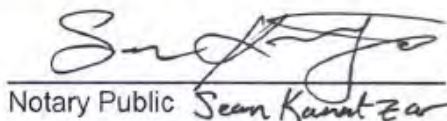
Further affiant saith not.


Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 30th day of September, 2024.

My commission expires 7th of September, 2026




Notary Public Sean Kanatzar

NEIGHBORHOOD MEETING MATERIALS

Application Number-SP2024-063 - 322 North 6th Street

Date and Location: _9-26-2024_____

Meeting called to order at: __4:00PM_____

Names of people in attendance:0

Introductions:N/A

Presentation by applicant and/or team: N/A

Questions and answers (include the following):
No Questions asked.

Meeting adjourned at:4:30pm

Minutes taken by:Blake Lostal__

SITE VISIT PHOTOS, TAKEN BY STAFF – DATED OCTOBER 4, 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: October 30, 2024

Re: Special Use Permit Petition SP2024-067

GENERAL INFORMATION

Applicant Information:

Daniel Rios
Magic Landscaping LLC
1323 South 51st Terrace
Kansas City, Kansas 66106

Subject Property:

1323 South 51st Terrace
Kansas City, Kansas 66106

Requested Action and Purpose:

Approval of a Temporary Use of Land
to keep landscaping equipment and
trailers on the subject property.

Commission Districts:

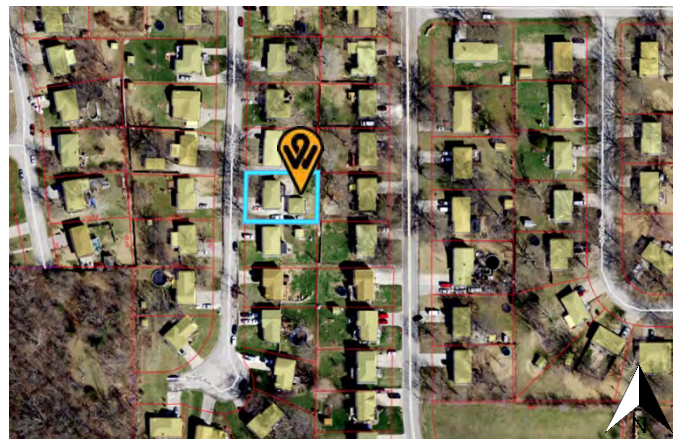
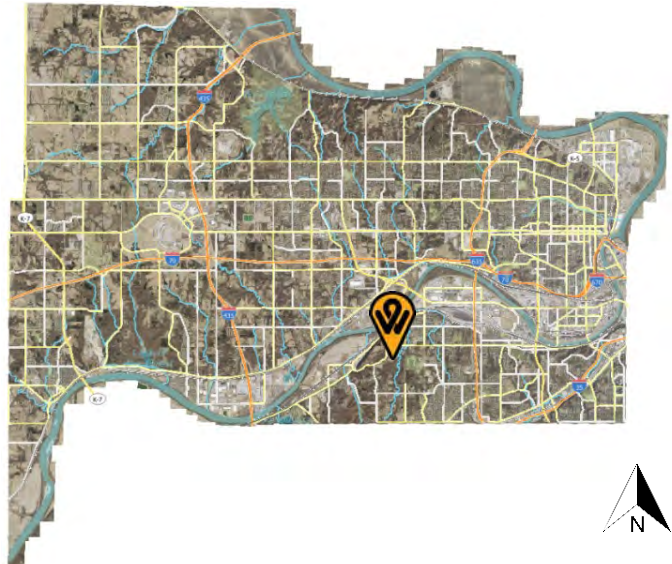
Commissioner At-Large, District #2:
Tom Burroughs
District #6: Phillip Lopez

Existing Zoning District(s):

R-1 Single Family District

Plan Area

PlanKCK Comprehensive Plan



	Adjacent Zoning	Adjacent Uses
North	R-1 Single Family District	Single Family Residence
South	R-1 Single Family District	Single Family Residence
East	R-1 Single Family District	Single Family Residence
West	R-1 Single Family District	Single Family Residence

Total Tract Size: 0.20 Acre

Comprehensive Plan Designation: The PlanKCK Comprehensive Plan designates the subject property as Low Density Residential, which allows for single family homes.

Major Street Plan: The goDotte Mobility Plan designates South 51st Terrace as a Local/Neighborhood Street.

Parking Requirement: Section 27-454(e) states “Two off-street parking spaces shall be provided on the premises for each single-family dwelling, at least one of which shall be in a garage or carport”. There are four (4) parking spaces provided, including two (2) in a garage.

Landscaping Requirement: Section 27-700(a) states “one shade tree per dwelling unit is required in the front or corner side yard. Aerial photos of the subject property demonstrate sufficient landscaping on the property parcels (see “Aerial Map” within the Attachments section of this report).

Advertisement: The Wyandotte Echo – September 19, 2024
Letters to Property Owners – September 20, 2024

Public Hearings: October 14, 2024 and October 30, 2024

Public Support: None to date.

Public Opposition: There were three (3) persons present at the October 14, 2024, City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Daniel Rios, is requesting a Temporary Use of Land Special Use Permit to keep trailers and equipment for a landscape business at 1323 South 51st Terrace.

City Ordinance Requirements: 27-592 through 27-606 and 27-214 and all other applicable standards within Chapter 27.

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 has been two (2) Notices of Violation on the subject property:
 - a. 2022 – ENV21-1675 – Environmental – Cars parked on unimproved surface
 - b. 2021 – ENV21-5438 – Environmental – Cars parked on unimproved surface

Outstanding or Related Permit and Cases:

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

Previous Planning Actions:

1. There are no previous planning entitlements on the subject property.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The subject property is located within the Turner Statistical Neighborhood, the Turner Community Connection (TCC) group, and the SAFE Neighborhood Group. The neighborhood consists almost entirely of single-family residences on small lots, with two (2) groups of duplexes to the north and east.

2. The zoning and uses of properties nearby and the proposed use's expected compatibility with them. In general, commercial and industrial Special Use Permits should not be granted adjacent to residential districts.

The zoning and uses are set out above. The subject property is surrounded by the R-1 Single Family District. The proposed use, which is commercial in nature, is not compatible with nearby uses. The neighborhood consists primarily of single-family residences and zoning, which allows for single-family homes, rather than parking of commercial vehicles.

3. The suitability of the property for the uses to which it has been restricted. Will the removal of restrictions, including those for hours of operation (where applicable), detrimentally affect nearby property?

The proposed use is not suitable for the subject property, as the property is a purpose-built residence, rather than a parking lot/garage for a commercial business. The removal of restrictions will detrimentally affect nearby property, as the presence of a commercial business poses issues such as noise, dust,

vibration, as well as impacts on the visual quality and marketability of nearby property.

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

The property has been used as a residence since 2019, when the property was removed from the unfit properties list.

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

Special Use Permits are not addressed in the City-Wide Comprehensive Plan, which designates the subject property as Low-Density Residential, which allows for single-family homes. The proposed use does not conform to the Comprehensive Plan, with or without a Special Use Permit, as it is an ostensibly commercial use being proposed in the middle of an established single-family neighborhood.

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 increase traffic in the neighborhood, as the proposed use is to park commercial equipment on the property. While the proposed use won't increase traffic to the point it exceeds the capacity of the roadway to accommodate it, the use proposes to regularly bring commercial equipment onto a residential roadway on a regular basis. This may create conflicts with the residential nature of the roadway and neighborhood.

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 or welfare of the public as it only serves the convenience of the property owner. The proposed use may impact the visual quality, use and marketability of adjoining properties, as this is a commercial use being placed within an established, exclusively single-family neighborhood. Additionally, the parking for this use is in the open, rather than a closed garage.

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 vibration are common issues with this type of use, as trailers and landscaping equipment are loud, produce exhaust fumes and at times can create a "rumbling" sensation to nearby structures. This may create conflicts with nearby property owners.

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 would not damage or destroy an irreplaceable natural resource, as it is in an existing built-out residential neighborhood.

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

There would be no gain to the public health, safety, or welfare with the proposed use. If denied, the property owner would have to find an applicable commercial or industrial location to park the truck, rather than parking it at their personal residence.

12. *The applicant's ability to maintain the use in an "as proposed" condition.*

The applicant will be required to maintain the use according to the submitted plans and descriptions of the proposed use. The applicant will also be required to meet all conditions of approval.

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

The proposed use may result in the overcrowding of land, as it proposed to park commercial vehicles and equipment in a driveway designed for passenger vehicles. Undue concentrations of population are not expected to be an issue with the proposed use.

NEIGHBORHOOD MEETING INFORMATION

The applicant held a neighborhood meeting on September 28, 2024. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Alternative Parking Solutions
Amount and Types of Equipment
Site Plan
Temporary Use of Land
Unimproved Parking Spaces
Unpermitted Accessory Structures

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 9 to 0 to recommend **DENIAL** of Special Use Permit Application **SP2024-067** as the property is not in compliance with the code and does not fit the character of the neighborhood.

STAFF COMMENTS AND SUGGESTIONS

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

Planning and Urban Design Comments:

1. Why has the applicant chosen to park equipment at their residence, rather than a commercial location?
2. The applicant understands that if approved, they can only keep this equipment at their residence for two (2) years. After which, they must still find a commercial property to park their equipment.
3. Provide a site plan of the property, showing where trucks and equipment will be parked.
4. How much equipment does the applicant anticipate having on their residential property?
5. The applicant must pave or remove the gravel portions of the driveway.
6. The applicant shall remove the small garage on property, as it is not permitted.

Staff Response: The applicant did not respond to staff questions.

Planning Engineering Comments:

- A. Items that require plan revision or additional documentation before engineering can recommend approval:
 1. None
- B. Items that are conditions of approval:
 1. Detailed engineering comments are made by separate technical review of the plans and submitted directly to the applicant. Provide revised plans and responses in accordance with the engineering comments.
- C. Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
 1. None

STAFF RECOMMENDATION AND CONDITIONS

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 SP2024-067 **subject to all comments and suggestions outlined in this staff report and the reasons listed by the City Planning Commission.**

ATTACHMENTS

October 14, 2024 City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Neighborhood Meeting Materials
Site Photos, Taken by Staff, Dated September 2024

PUBLIC HEARING SCHEDULE

Action(s)	City Planning Commission	Unified Government Board of Commissioners
Special Use Permit	October 14, 2024 Denial	October 30, 2024

STAFF CONTACT:

James Molloy
jmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **DENY** Petition **SP2024-067**, 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 **SP2024-067** 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. _____.

October 14, 2024, City Planning Commission Minutes:

Hearing starts at 2:21:48:

SPECIAL USE PERMIT APPLICATION SP2024-067 – DANIEL RIOS – SYNOPSIS:

Special Use Permit to keep landscaping equipment at a residence at 1323 South 51st Terrace. *Detailed Outline of Requested Action:* The applicant, Daniel Rios, is requesting a Temporary Use of Land Special Use Permit to keep trailers and equipment for a landscape business at 1323 South 51st Terrace.

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 October 14, 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.

Planner Molloy asked if the Commission had any contact to disclose on this application. No one responded in the affirmative.

Present in Support:

- No one appeared

Present in Opposition:

- Donna Abelian, 1426 South 51st Street, Kansas City, Kansas
- Matt Reynolds, 1333 South 51st Terrace, Kansas City, Kansas
- Dominic Soto, 1345 South 51st Terrace, Kansas City, Kansas

Staff Recommendation starts at 2:22:56: Planning Director Hand explained the application since the Applicant was not present prior to those in opposition speaking. This request is for the Temporary Use of Land to keep landscaping equipment and trailers on the property. The property is in the PlanKCK area in the Turner neighborhood. Staff received no letters in support and received letters in opposition. There is a Notice of Violation on the property for parking on an unimproved surface, which is what triggered this Special Use Permit request. Staff recommends denial, but has conditions of approval in the staff report if the Commission moves forward with a recommendation of approval.

Motion starts at 2:31:53:

On motion by Mr. Beth, seconded by Mr. Ward, the Planning Commission voted as follows to recommend **DENIAL of Special Use Permit Application SP2024-067 as the property is not in compliance with the code and does not fit the character of the neighborhood:**

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

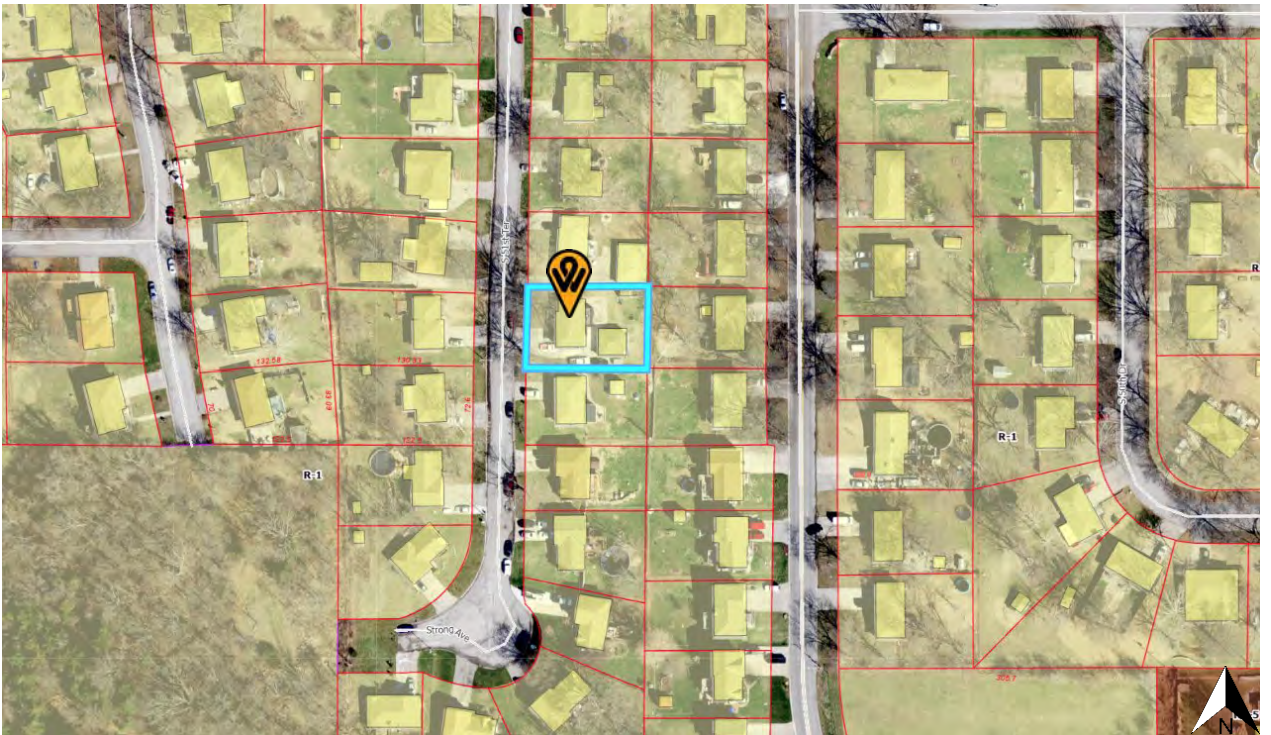
Motion to recommend DENIAL Passed: 9 to 0

ATTACHMENTS

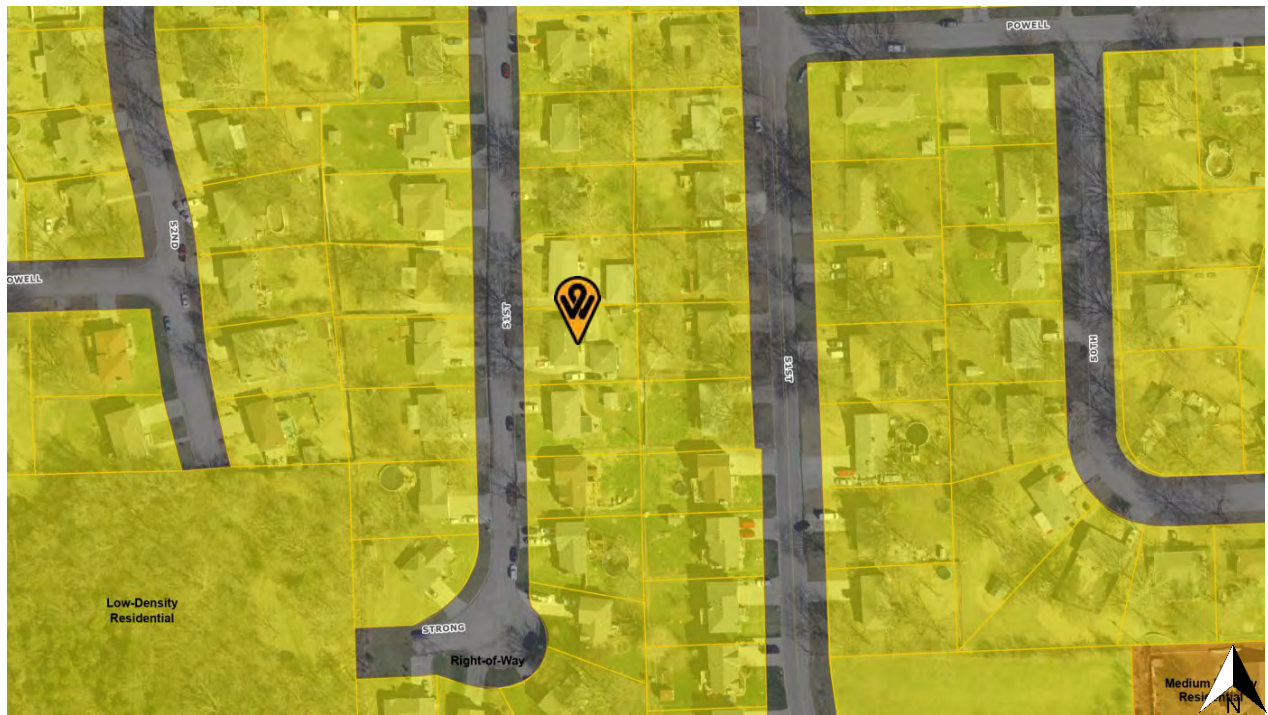
AERIAL IMAGERY



ZONING MAP



LAND USE MAP



NEIGHBORHOOD MEETING MATERIALS

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas City)
) SS:
COUNTY OF Wyandotte) 605-46-3659

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

1. That I am the petitioner for Petition # SP2024-067
2. That I conducted a neighborhood meeting on September 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.

Daniel Rios

Daniel Rios
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before
me this 28 day of September, 2024.

My commission expires _____ of _____, 200_.

Notary Public

DATE: Sep 28, 2024

EVENT: Parking Meeting

LOCATION: 1323 S 51th terrace
Kansas city Mo 64106

No	NAME	ADRESS	
1	Enrique Bonilla	Gibson Conny	1316
2	Enrique Bonilla	1329 S 51 terrace	1329
3	Enrique Bonilla	1319 S 51st terrace	
4	Heba Uaeq	5127 Strong Ave	
5	Graciela Duarte	1322 S 51 terrace	
6			
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20			





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: October 30, 2024

Re: Special Use Permit Petitions SP2024-068 and SP2024-069

GENERAL INFORMATION

Applicant Information:

Darcy Swan
Representative
YMCA of Greater Kansas City
6901 Shawnee Mission Parkway
Overland Park, Kansas 66202

Subject Property:

4410- 4420 North 107th Street
Kansas City, Kansas 66109

Requested Action and Purpose:

Approval of Special Use Permit to
operate before and after school
childcare for school attendees.

Commission Districts:

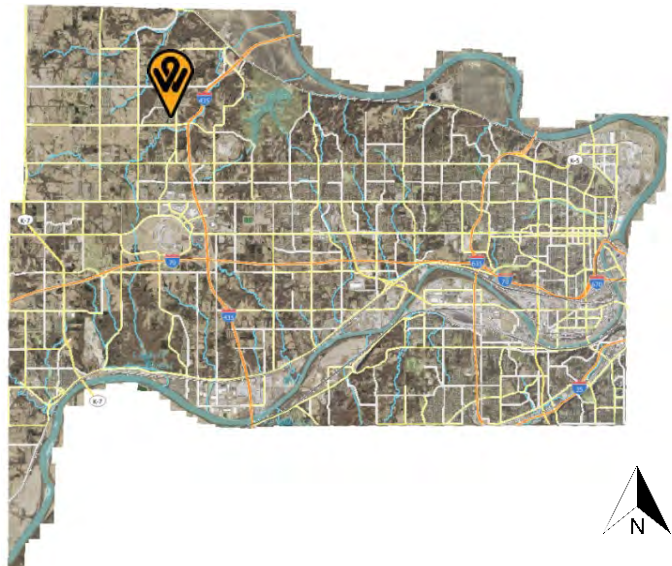
Commissioner At-Large District #1:
Melissa Bynum
District #5 Commissioner:
Mike Kane

Existing Zoning District(s):

AG Agriculture District

Plan Area

Prairie-Delaware-Piper Area Plan



	Adjacent Zoning	Adjacent Uses
North	RP-1 Planned Single Family District	Single-family residences
South	R-1 Single Family District	Single-family residences
East	RP-3 Planned Townhouse District	Townhouses
West	RP-1 Planned Single Family District	Single-family residences

Total Tract Size: 50.2 Acres

Comprehensive Plan Designation: The Prairie-Delaware-Piper Area Plan designates the subject property as Planned Suburban Residential District, which allows for typical single-family detached residential units on what are typically referred to as quarter-acre lots. Generally, these subdivisions will develop with 3-to-4 units per acre.

Major Street Plan: The goDotte Mobility Plan designates North 107th Street as Major Collector Street.

Parking Requirement: Section 27-668 (b) states “Any use not included in the parking requirements found in this article shall be assigned a parking requirement by the planning commission”.

Landscaping Requirement: Section 27-700 (a) states “One (1) tree per 7,000 square feet of site area for uses other than residences”. The subject property has 2,186,712 square feet of site area which requires a total of 312 trees.

Advertisement: The Wyandotte Echo – September 19, 2024
Letters to Property Owners – September 20, 2024

Public Hearings: October 14, 2024 and October 30, 2024

Public Support: None to date.

Public Opposition: None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Darcy Swan with YMCA of Greater Kansas City, is requesting a Special Use Permit to operate a before and after school childcare for school attendees at 4420 and 4410 North 107th Street, Kansas City, Kansas 66109. This program began operation at the beginning of the 2024 school year and is currently operating.

City Ordinance Requirements: 27-592 through 27-606 and 27-214 and all other applicable standards within Chapter 27.

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. There have been ten (10) noise or disturbance complaints between 2017 and 2024 for calls involving noise complaints or suspicious activity.

Building, Zoning, or Code Enforcement Complaints:

1. 4410 North 107th Street
 - a. There are no notices of violation on the subject property
2. 4420 North 107th Street
 - a. 2019 – 19202-00033 – Fire – Fire Damage

Outstanding or Related Permit and Cases:

1. 4410 North 107th Street
 - a. 2023 – DRC23-0084 – Interior and exterior remodel of Piper Early Childhood Center – Incomplete
 - b. 2024 – ELE24-0652 – Electrical Permit – Remodel for specific classrooms per plans in DRC23-0084 – Incomplete
 - c. 2024 – MEC24-0314 – Mechanical Permit – Demolition of ductwork and installation of new exhaust plans – Incomplete
 - d. 2024 – PLM24-0431 – Plumbing Permit – Plumbing work per plans in DRC23-0084 – Incomplete
2. 4420 North 107th Street
 - a. 2024 – SPK24-0016 – Fire Suppression – Relocation of sprinkler heads for new wall and ceilings. – Incomplete

Previous Planning Actions:

1. 4410 North 107th Street
 - a. There are no previous planning entitlements on the subject property.
2. 4420 North 107th Street

- a. 2011 – 11405-00009 – Plan Review – Addition on to Piper Middle School.
- b. 2011 – 11403-00002 – Vacation – Vacation of utility easements in conjunction with PR2011-11.
- c. 2016 – 16402-00008 – Special Use Permit – Use of modular classrooms at Piper Middle School.
- d. 2018 – 18402-00009 – Special Use Permit – Renewed use of modular classrooms at Piper Middle School.
- e. 2020 – 20402-00012 – Special Use Permit – Renewed use of modular classrooms at Piper Middle School.
- f. 2022 – SP2022-034 – Special Use Permit – Renewed use of modular classrooms at Piper Middle School.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The subject property is located within the I-435 Statistical Neighborhood Group. The neighborhood consists of established single-family residences to the north, south, and west. To the east of the subject property is a neighborhood of townhomes. Beyond the established residences, the area consists of large agricultural or residential lots. The subject properties are located between Hollingsworth Road and Donahoo Road with Interstate 435 to the east.

2. The zoning and uses of properties nearby and the proposed use's expected compatibility with them. In general, commercial and industrial Special Use Permits should not be granted adjacent to residential districts.

The zoning and uses are set out above. The subject property is surrounded by the RP-1 Planned Single Family District, the RP-3 Planned Townhouse District, and the R-1 Single Family District. The proposed use, which is commercial in nature, is compatible with nearby uses if properly managed.

3. The suitability of the property for the uses to which it has been restricted. Will the removal of restrictions, including those for hours of operation (where applicable), detrimentally affect nearby property?

The proposed use is suitable for the subject property as the primary function of the building is an elementary school and early childhood center. The removal of restrictions will not detrimentally affect nearby property.

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

The property is not vacant. The property has operated as an elementary school and early childhood center since 2024 and previously operated as a middle school for over twenty years.

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

Special Use Permits are not addressed in the Prairie-Delaware-Piper Area Plan. The Prairie-Delaware-Piper Area Plan designates the subject property as Planned Suburban Residential District, which allows for typical single-family detached residential units on what are typically referred to as quarter-acre lots. Generally, these subdivisions will develop with 3-to-4 units per acre. The proposed use conforms to the Prairie-Delaware-Piper Area Plan designation 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 is for students that are already coming to the Piper Early Childhood Center and the Piper Creek Elementary School. Additionally, those utilizing this program will be dropping off or picking up their student outside of the hours drop off or pick up hours of the elementary school and childcare center. Therefore, the proposed use does not have the potential to increase vehicular traffic, and should not exceed the capacity of North 107th Street, a Major Collector Street, to accommodate it if managed properly.

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 reasonably necessary for the convenience and welfare of the public as it provides a service for before and after school childcare, which is beneficial to many people. The proposed use will not affect the use, quality, or marketability of nearby property as it will occur on an existing and fully operational public-school campus.

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 could potentially be expected to occur in durations or intensities as to create issues with nearby properties. However, these are not expected to create problems for nearby property as they will occur during daytime hours on properties that have operated as a school for over 20 years if managed properly.

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

The proposed use will not pollute the air, land or water as it is an existing, permitted Elementary School and Early Childhood Center.

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, permitted Elementary School and Early Childhood Center in an existing, 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 to public health, safety and welfare is substantial as it provides a necessary service for those attending the early childhood center and elementary school. If denied, the property owner may not use the property for before and after school care, however, they can still use the property for an early childhood center and elementary school.

12. *The applicant's ability to maintain the use in an "as proposed" condition.*

The applicant will be required to maintain the use according to the submitted plans and descriptions of the proposed use. The applicant will also be required to meet all conditions of approval.

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

The proposed use is not expected to result in the overcrowding or land or undue concentrations of population because as the subject properties operate as an early childhood center and elementary school. The participants in the before and after school childcare will already be on the subject properties.

NEIGHBORHOOD MEETING INFORMATION

The applicant held a neighborhood meeting in-person at 4420 North 107th Street, Kansas City, Kansas 66109 on September 30, 2024. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Hours of Operation
Outstanding Building Permits
Traffic Flow

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 9 to 0 to recommend **APPROVAL** of Special Use Permit Application SP2024-068 and SP2024-069 **for two (2) years**, subject to:

1. All outstanding or incomplete building permits must be completed before the publication of the associated ordinance;
2. 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;
3. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
4. All exterior lighting, whether mounted on a building or within a parking lot must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
5. If approved, occupying businesses must file and maintain a current business occupation tax application with the Business Licensing Division. Their office is located at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, Kansas 66102. 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 Temporary Certificate of Occupancy (TCO) shall not be issued unless all life/safety items have been addressed;
8. All existing and future driveways must feature curb cuts that are constructed to UG standards;
9. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
10. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
11. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any

business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;

12. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
13. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;
14. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
15. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION AND CONDITIONS

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 **SP2024-068** and **SP2024-069** subject to all comments and suggestions outlined in this staff report and the condition of the City Planning Commission.

ATTACHMENTS

October 14, 2024 City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Planning Engineering Comments
Traffic Circulation Pattern
Neighborhood Meeting Materials
Site Visit Photos, Taken by Staff – Dated September 21, 2024

PUBLIC HEARING SCHEDULE

Action(s)	City Planning Commission	Unified Government Board of Commissioners
Special Use Permit	October 14, 2024 Approval	October 30, 2024

STAFF CONTACT:

Kiley Meierarend
kmeierarend@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petitions **SP2024-068 and SP2024-069** 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** Petitions **SP2024-068 and SP2024-069**, 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.

October 14, 2024, City Planning Commission Minutes:

SPECIAL USE PERMIT APPLICATION SP2024-068 – DARCY SWAN WITH YMCA OF GREATER KC – SYNOPSIS: Special Use Permit to operate a before and after school daycare at the Piper Creek Elementary School at 4420 North 107th Street.

SPECIAL USE PERMIT APPLICATION SP2024-069 – DARCY SWAN WITH YMCA OF GREATER KC – SYNOPSIS: Special Use Permit to operate a before and after school daycare at the Piper Early Childhood Center at 4410 North 107th Street.

Detailed Outline of Requested Action: The applicant, Darcy Swan with YMCA of Greater Kansas City, is requesting a Special Use Permit to operate a before and after school childcare for school attendees at 4420 and 4410 North 107th Street, Kansas City, Kansas 66109. This program began operation at the beginning of the 2024 school year and is currently operating.

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 October 14, 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.

Planner Molloy asked if the Commission had any contact to disclose on this application. No one responded in the affirmative.

Present in Support:

- Darcy Swan, applicant, Senior Vice President for the Greater Kansas City YMCA, 11700 West 102nd Street, Overland Park, Kansas 66214

Present in Opposition:

- No one appeared

Staff Recommendation starts at 2:35:56: Planning Director Hand stated that these Special Use Permits are for the before and after care provided by the YMCA within the Piper School District. The use previously operated at a different location. This property is in the Prairie-Delaware-Piper Area Plan. Staff received no letters in support nor opposition. There are no Notice of Violation on the property. Staff recommends approval of both applications for two (2) years, subject to the conditions in the staff report. He stated this is technically a retroactive approval as they have been in operation since the beginning of the school year. The reason there are two (2) Special Use Permits

on one (1) parcel is because it is two (2) different buildings with separate addresses and two (2) programs.

Motion starts at 2:36:45:

On motion by Mrs. Jones, seconded by Ms. Armstrong, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit Application SP2024-068 for two (2) years:**

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

Motion to recommend APPROVAL Passed: 9 to 0

Subject to:

1. All outstanding or incomplete building permits must be completed before the publication of the associated ordinance;
2. 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;
3. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
4. All exterior lighting, whether mounted on a building or within a parking lot must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
5. If approved, occupying businesses must file and maintain a current business occupation tax application with the Business Licensing Division. Their office is located at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, Kansas 66102. 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 Temporary Certificate of Occupancy (TCO) shall not be issued unless all life/safety items have been addressed;
8. All existing and future driveways must feature curb cuts that are constructed to UG standards;
9. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
10. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
11. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
12. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
13. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;
14. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of

Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,

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

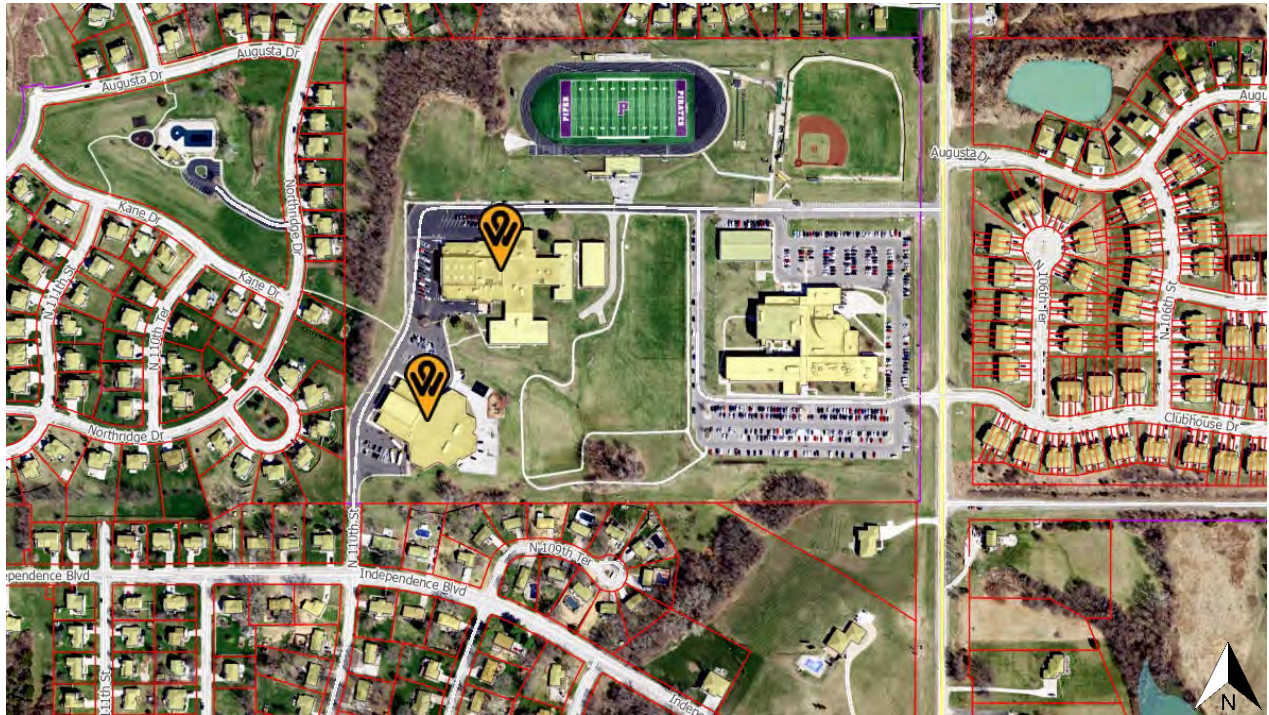
On motion by Mrs. Jones, seconded by Ms. Armstrong, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit Application SP024-069 for two (2) years:**

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

Motion to recommend APPROVAL Passed: 9 to 0
Subject to the above conditions

ATTACHMENTS

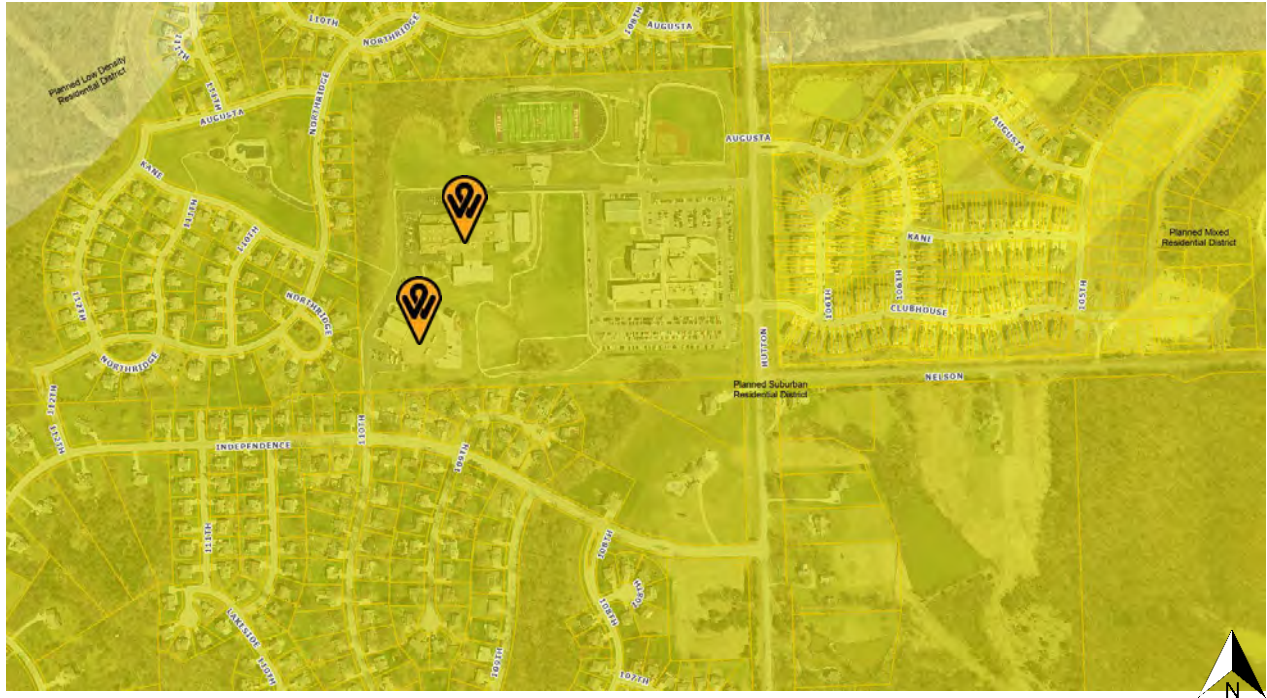
AERIAL IMAGERY



ZONING MAP



LAND USE MAP





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

Memorandum

TO: Kiley Meierarend
Planner

FROM: Travis Trumble
Project Engineer

DATE: September 23, 2024

SUBJECT: Darcy Swan – YMCA of Greater Kansas City – (SP2024-068)
4420 N. 107th Street
General Engineering Review No. 1 (of the plans sealed 3/7/2024, received 8/2/2024)

Prior to engineering approval on the above-named project, the construction drawings must be revised to address the following comments from the Engineering Division of the Planning and Urban Design Department. These comments refer to General Engineering design standards and requirements of the Unified Government that were not met in this submittal. Planning comments may require additional resubmittals. The resubmittal shall include a response letter (PDF) that explains how each of the following comments has been addressed. Attach revision clouded drawings when applicable. Subsequent review of the plans will not proceed until such letter is received by email to EDR@WyCoKCK.org.

- 1) Provide a brief traffic memorandum that shall include all relevant information but not limited to traffic circulation, access management, traffic volumes, AM/PM peak hours traffic, impact of traffic generated on neighboring street network, etc. for the before and after school childcare. Provide a bus and/ or car pick up/ drop off circulation.
- 2) Please coordinate with Kiley Meierarend, kmeierarend@wycokck.org, for additional Urban Planning and Zoning requirements and comments.
- 3) Construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition.

Reviewer: **Travis Trumble**
Travis Trumble, Project Engineer

Digitally signed by Travis Trumble
DN: cn=Travis Trumble, o=Unified Government of
Wyandotte County and KCK, ou=Urban Planning and Land
Use, email=trumble@wycokck.org, c=US
Date: 2024.09.23 13:56:46 -0500

TRAFFIC CIRCULATION PATTERN



NEIGHBORHOOD MEETING MATERIALS

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
COUNTY OF Wyandotte) SS:

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

1. That I am the petitioner for Petition # SP2024-068 + SP2024-069
2. That I conducted a neighborhood meeting on 9-30-2024 @ 6 p.m.
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.

Jordan Patrick
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 1st day of October, 2024

My commission expires 01 of January, 2025

Letia Dehn
Notary Public

NEIGHBORHOOD MEETING MATERIALS

No.	Name	Phone Number	Email	Sign In (Time)	Sign Out (Time)
1	Alicia Wells	913-272-6397	aliciawells@gmail.com	6:00	6:18
2					
3					
4					
5					
6					
7					
8					
9					
10					
11					
12					
13					
14					
15					
16					
17					
18					
19					
20					

NEIGHBORHOOD MEETING MATERIALS

Application Number Sp2024-068 & Sp2024-069

Date and Location: to 9-30-24 ,

Meeting called to order at: 6:05 p.m

Names of people in attendance:

Jordan Elo Ymca
Alicen Wells

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):

1. Who asked question or gave comment

Alicen wells: just want to make sure program will be here. let her know following this process we will have a licenced program.

2. What was the question or comment

3. Who answered the question/comment

4. What was the answer given

Meeting adjourned at: 6:15 p.m.

Minutes taken by: Jordan Elo

SITE VISIT PHOTOS, TAKEN BY STAFF – DATED SEPTEMBER 21, 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: October 30, 2024

Re: Special Use Permit Petitions SP2024-068 and SP2024-069

GENERAL INFORMATION

Applicant Information:

Darcy Swan
Representative
YMCA of Greater Kansas City
6901 Shawnee Mission Parkway
Overland Park, Kansas 66202

Subject Property:

4410- 4420 North 107th Street
Kansas City, Kansas 66109

Requested Action and Purpose:

Approval of Special Use Permit to
operate before and after school
childcare for school attendees.

Commission Districts:

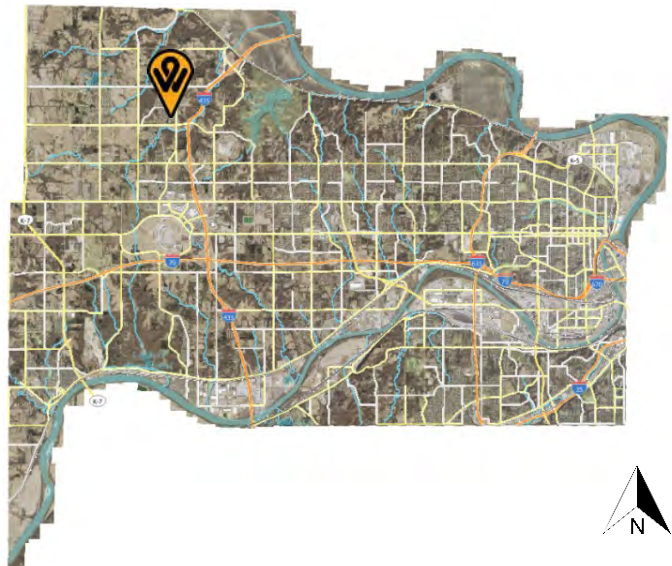
Commissioner At-Large District #1:
Melissa Bynum
District #5 Commissioner:
Mike Kane

Existing Zoning District(s):

AG Agriculture District

Plan Area

Prairie-Delaware-Piper Area Plan



	Adjacent Zoning	Adjacent Uses
North	RP-1 Planned Single Family District	Single-family residences
South	R-1 Single Family District	Single-family residences
East	RP-3 Planned Townhouse District	Townhouses
West	RP-1 Planned Single Family District	Single-family residences

Total Tract Size: 50.2 Acres

Comprehensive Plan Designation: The Prairie-Delaware-Piper Area Plan designates the subject property as Planned Suburban Residential District, which allows for typical single-family detached residential units on what are typically referred to as quarter-acre lots. Generally, these subdivisions will develop with 3-to-4 units per acre.

Major Street Plan: The goDotte Mobility Plan designates North 107th Street as Major Collector Street.

Parking Requirement: Section 27-668 (b) states “Any use not included in the parking requirements found in this article shall be assigned a parking requirement by the planning commission”.

Landscaping Requirement: Section 27-700 (a) states “One (1) tree per 7,000 square feet of site area for uses other than residences”. The subject property has 2,186,712 square feet of site area which requires a total of 312 trees.

Advertisement: The Wyandotte Echo – September 19, 2024
Letters to Property Owners – September 20, 2024

Public Hearings: October 14, 2024 and October 30, 2024

Public Support: None to date.

Public Opposition: None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Darcy Swan with YMCA of Greater Kansas City, is requesting a Special Use Permit to operate a before and after school childcare for school attendees at 4420 and 4410 North 107th Street, Kansas City, Kansas 66109. This program began operation at the beginning of the 2024 school year and is currently operating.

City Ordinance Requirements: 27-592 through 27-606 and 27-214 and all other applicable standards within Chapter 27.

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. There have been ten (10) noise or disturbance complaints between 2017 and 2024 for calls involving noise complaints or suspicious activity.

Building, Zoning, or Code Enforcement Complaints:

1. 4410 North 107th Street
 - a. There are no notices of violation on the subject property
2. 4420 North 107th Street
 - a. 2019 – 19202-00033 – Fire – Fire Damage

Outstanding or Related Permit and Cases:

1. 4410 North 107th Street
 - a. 2023 – DRC23-0084 – Interior and exterior remodel of Piper Early Childhood Center – Incomplete
 - b. 2024 – ELE24-0652 – Electrical Permit – Remodel for specific classrooms per plans in DRC23-0084 – Incomplete
 - c. 2024 – MEC24-0314 – Mechanical Permit – Demolition of ductwork and installation of new exhaust plans – Incomplete
 - d. 2024 – PLM24-0431 – Plumbing Permit – Plumbing work per plans in DRC23-0084 – Incomplete
2. 4420 North 107th Street
 - a. 2024 – SPK24-0016 – Fire Suppression – Relocation of sprinkler heads for new wall and ceilings. – Incomplete

Previous Planning Actions:

1. 4410 North 107th Street
 - a. There are no previous planning entitlements on the subject property.
2. 4420 North 107th Street

- a. 2011 – 11405-00009 – Plan Review – Addition on to Piper Middle School.
- b. 2011 – 11403-00002 – Vacation – Vacation of utility easements in conjunction with PR2011-11.
- c. 2016 – 16402-00008 – Special Use Permit – Use of modular classrooms at Piper Middle School.
- d. 2018 – 18402-00009 – Special Use Permit – Renewed use of modular classrooms at Piper Middle School.
- e. 2020 – 20402-00012 – Special Use Permit – Renewed use of modular classrooms at Piper Middle School.
- f. 2022 – SP2022-034 – Special Use Permit – Renewed use of modular classrooms at Piper Middle School.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The subject property is located within the I-435 Statistical Neighborhood Group. The neighborhood consists of established single-family residences to the north, south, and west. To the east of the subject property is a neighborhood of townhomes. Beyond the established residences, the area consists of large agricultural or residential lots. The subject properties are located between Hollingsworth Road and Donahoo Road with Interstate 435 to the east.

2. The zoning and uses of properties nearby and the proposed use's expected compatibility with them. In general, commercial and industrial Special Use Permits should not be granted adjacent to residential districts.

The zoning and uses are set out above. The subject property is surrounded by the RP-1 Planned Single Family District, the RP-3 Planned Townhouse District, and the R-1 Single Family District. The proposed use, which is commercial in nature, is compatible with nearby uses if properly managed.

3. The suitability of the property for the uses to which it has been restricted. Will the removal of restrictions, including those for hours of operation (where applicable), detrimentally affect nearby property?

The proposed use is suitable for the subject property as the primary function of the building is an elementary school and early childhood center. The removal of restrictions will not detrimentally affect nearby property.

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

The property is not vacant. The property has operated as an elementary school and early childhood center since 2024 and previously operated as a middle school for over twenty years.

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

Special Use Permits are not addressed in the Prairie-Delaware-Piper Area Plan. The Prairie-Delaware-Piper Area Plan designates the subject property as Planned Suburban Residential District, which allows for typical single-family detached residential units on what are typically referred to as quarter-acre lots. Generally, these subdivisions will develop with 3-to-4 units per acre. The proposed use conforms to the Prairie-Delaware-Piper Area Plan designation 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 is for students that are already coming to the Piper Early Childhood Center and the Piper Creek Elementary School. Additionally, those utilizing this program will be dropping off or picking up their student outside of the hours drop off or pick up hours of the elementary school and childcare center. Therefore, the proposed use does not have the potential to increase vehicular traffic, and should not exceed the capacity of North 107th Street, a Major Collector Street, to accommodate it if managed properly.

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 reasonably necessary for the convenience and welfare of the public as it provides a service for before and after school childcare, which is beneficial to many people. The proposed use will not affect the use, quality, or marketability of nearby property as it will occur on an existing and fully operational public-school campus.

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 could potentially be expected to occur in durations or intensities as to create issues with nearby properties. However, these are not expected to create problems for nearby property as they will occur during daytime hours on properties that have operated as a school for over 20 years if managed properly.

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

The proposed use will not pollute the air, land or water as it is an existing, permitted Elementary School and Early Childhood Center.

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, permitted Elementary School and Early Childhood Center in an existing, 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 to public health, safety and welfare is substantial as it provides a necessary service for those attending the early childhood center and elementary school. If denied, the property owner may not use the property for before and after school care, however, they can still use the property for an early childhood center and elementary school.

12. *The applicant's ability to maintain the use in an "as proposed" condition.*

The applicant will be required to maintain the use according to the submitted plans and descriptions of the proposed use. The applicant will also be required to meet all conditions of approval.

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

The proposed use is not expected to result in the overcrowding or land or undue concentrations of population because as the subject properties operate as an early childhood center and elementary school. The participants in the before and after school childcare will already be on the subject properties.

NEIGHBORHOOD MEETING INFORMATION

The applicant held a neighborhood meeting in-person at 4420 North 107th Street, Kansas City, Kansas 66109 on September 30, 2024. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Hours of Operation
Outstanding Building Permits
Traffic Flow

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 9 to 0 to recommend **APPROVAL** of Special Use Permit Application SP2024-068 and SP2024-069 **for two (2) years**, subject to:

1. All outstanding or incomplete building permits must be completed before the publication of the associated ordinance;
2. 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;
3. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
4. All exterior lighting, whether mounted on a building or within a parking lot must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
5. If approved, occupying businesses must file and maintain a current business occupation tax application with the Business Licensing Division. Their office is located at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, Kansas 66102. 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 Temporary Certificate of Occupancy (TCO) shall not be issued unless all life/safety items have been addressed;
8. All existing and future driveways must feature curb cuts that are constructed to UG standards;
9. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
10. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
11. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any

business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;

12. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
13. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;
14. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
15. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION AND CONDITIONS

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 **SP2024-068** and **SP2024-069** subject to all comments and suggestions outlined in this staff report and the condition of the City Planning Commission.

ATTACHMENTS

October 14, 2024 City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Planning Engineering Comments
Traffic Circulation Pattern
Neighborhood Meeting Materials
Site Visit Photos, Taken by Staff – Dated September 21, 2024

PUBLIC HEARING SCHEDULE

Action(s)	City Planning Commission	Unified Government Board of Commissioners
Special Use Permit	October 14, 2024 Approval	October 30, 2024

STAFF CONTACT:

Kiley Meierarend
kmeierarend@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petitions **SP2024-068 and SP2024-069** 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** Petitions **SP2024-068 and SP2024-069**, 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.

October 14, 2024, City Planning Commission Minutes:

SPECIAL USE PERMIT APPLICATION SP2024-068 – DARCY SWAN WITH YMCA OF GREATER KC – SYNOPSIS: Special Use Permit to operate a before and after school daycare at the Piper Creek Elementary School at 4420 North 107th Street.

SPECIAL USE PERMIT APPLICATION SP2024-069 – DARCY SWAN WITH YMCA OF GREATER KC – SYNOPSIS: Special Use Permit to operate a before and after school daycare at the Piper Early Childhood Center at 4410 North 107th Street.

Detailed Outline of Requested Action: The applicant, Darcy Swan with YMCA of Greater Kansas City, is requesting a Special Use Permit to operate a before and after school childcare for school attendees at 4420 and 4410 North 107th Street, Kansas City, Kansas 66109. This program began operation at the beginning of the 2024 school year and is currently operating.

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 October 14, 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.

Planner Molloy asked if the Commission had any contact to disclose on this application. No one responded in the affirmative.

Present in Support:

- Darcy Swan, applicant, Senior Vice President for the Greater Kansas City YMCA, 11700 West 102nd Street, Overland Park, Kansas 66214

Present in Opposition:

- No one appeared

Staff Recommendation starts at 2:35:56: Planning Director Hand stated that these Special Use Permits are for the before and after care provided by the YMCA within the Piper School District. The use previously operated at a different location. This property is in the Prairie-Delaware-Piper Area Plan. Staff received no letters in support nor opposition. There are no Notice of Violation on the property. Staff recommends approval of both applications for two (2) years, subject to the conditions in the staff report. He stated this is technically a retroactive approval as they have been in operation since the beginning of the school year. The reason there are two (2) Special Use Permits

on one (1) parcel is because it is two (2) different buildings with separate addresses and two (2) programs.

Motion starts at 2:36:45:

On motion by Mrs. Jones, seconded by Ms. Armstrong, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit Application SP2024-068 for two (2) years:**

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

Motion to recommend APPROVAL Passed: 9 to 0

Subject to:

1. All outstanding or incomplete building permits must be completed before the publication of the associated ordinance;
2. 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;
3. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
4. All exterior lighting, whether mounted on a building or within a parking lot must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
5. If approved, occupying businesses must file and maintain a current business occupation tax application with the Business Licensing Division. Their office is located at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, Kansas 66102. 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 Temporary Certificate of Occupancy (TCO) shall not be issued unless all life/safety items have been addressed;
8. All existing and future driveways must feature curb cuts that are constructed to UG standards;
9. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
10. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
11. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
12. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
13. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;
14. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of

Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,

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

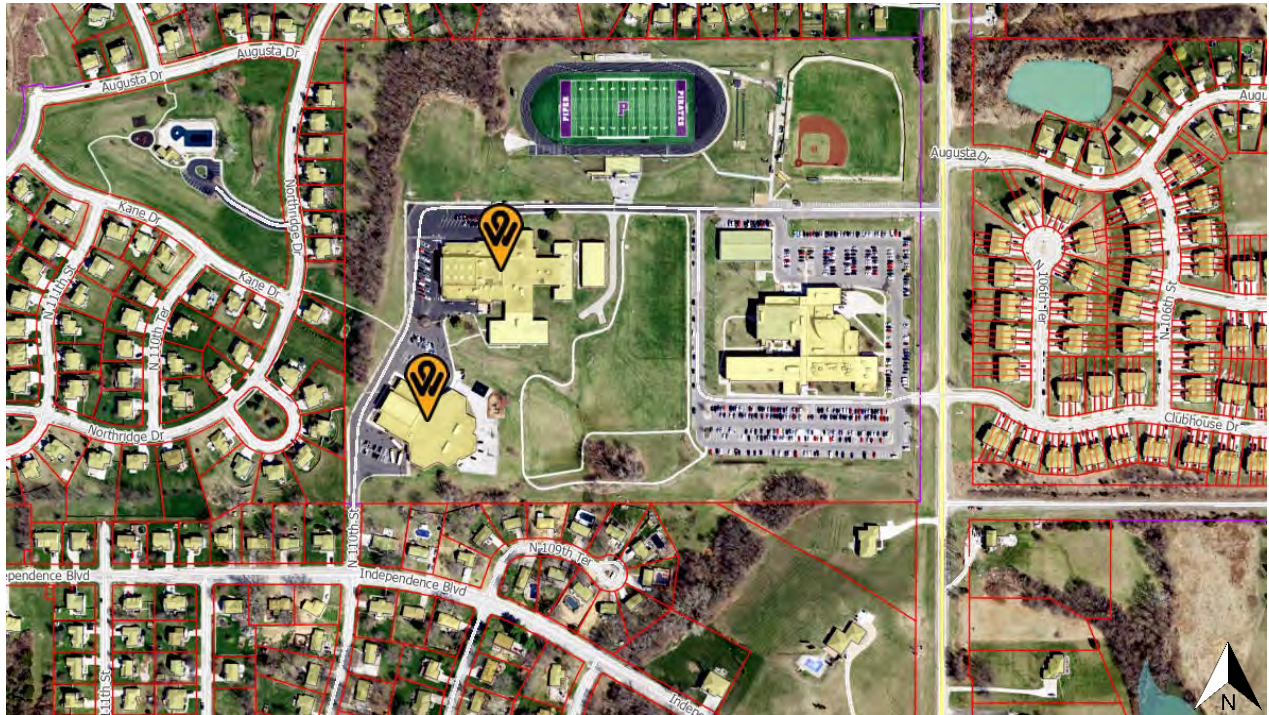
On motion by Mrs. Jones, seconded by Ms. Armstrong, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit Application SP024-069 for two (2) years:**

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

Motion to recommend APPROVAL Passed: 9 to 0
Subject to the above conditions

ATTACHMENTS

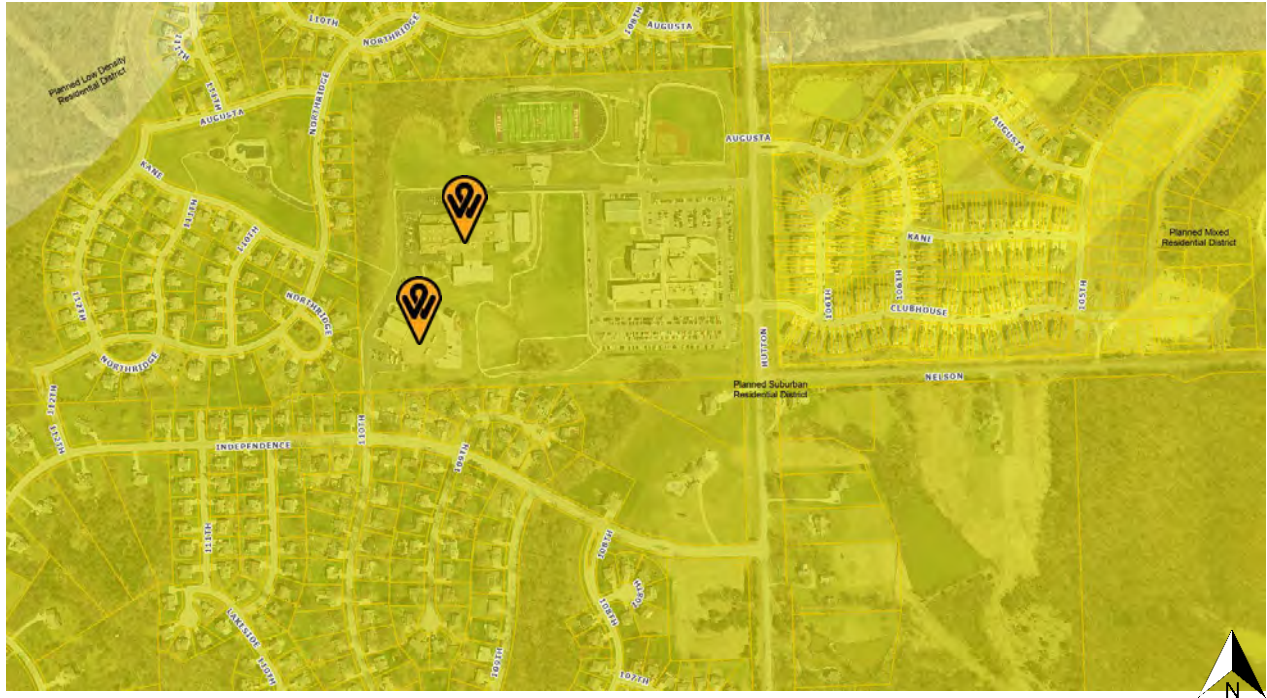
AERIAL IMAGERY



ZONING MAP



LAND USE MAP





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

Memorandum

TO: Kiley Meierarend
Planner

FROM: Travis Trumble
Project Engineer

DATE: September 23, 2024

SUBJECT: Darcy Swan – YMCA of Greater Kansas City – (SP2024-068)
4420 N. 107th Street
General Engineering Review No. 1 (of the plans sealed 3/7/2024, received 8/2/2024)

Prior to engineering approval on the above-named project, the construction drawings must be revised to address the following comments from the Engineering Division of the Planning and Urban Design Department. These comments refer to General Engineering design standards and requirements of the Unified Government that were not met in this submittal. Planning comments may require additional resubmittals. The resubmittal shall include a response letter (PDF) that explains how each of the following comments has been addressed. Attach revision clouded drawings when applicable. Subsequent review of the plans will not proceed until such letter is received by email to EDR@WyCoKCK.org.

- 1) Provide a brief traffic memorandum that shall include all relevant information but not limited to traffic circulation, access management, traffic volumes, AM/PM peak hours traffic, impact of traffic generated on neighboring street network, etc. for the before and after school childcare. Provide a bus and/ or car pick up/ drop off circulation.
- 2) Please coordinate with Kiley Meierarend, kmeierarend@wycokck.org, for additional Urban Planning and Zoning requirements and comments.
- 3) Construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition.

Reviewer: **Travis Trumble**
Travis Trumble, Project Engineer

Digitally signed by Travis Trumble
DN: cn=Travis Trumble, o=Unified Government of
Wyandotte County and KCK, ou=Urban Planning and Land
Use, email=trumble@wycokck.org, c=US
Date: 2024.09.23 13:56:46 -0500

TRAFFIC CIRCULATION PATTERN



NEIGHBORHOOD MEETING MATERIALS

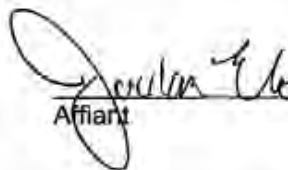
AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
COUNTY OF Wyandotte) SS:

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

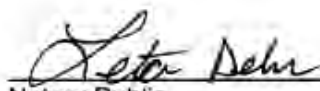
1. That I am the petitioner for Petition # SP2024-068 + SP2024-069
2. That I conducted a neighborhood meeting on 9-30-2024 @ 6 p.m.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Planning + Urban Design Department.

Further affiant saith not.


Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 1st day of October, 2024

My commission expires 01 of January, 2025


Notary Public

NEIGHBORHOOD MEETING MATERIALS

No.	Name	Phone Number	Email	Sign In (Time)	Sign Out (Time)
1	Alicia Wells	913-272-6397	aliciawells@gmail.com	6:00	6:18
2					
3					
4					
5					
6					
7					
8					
9					
10					
11					
12					
13					
14					
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16					
17					
18					
19					
20					

NEIGHBORHOOD MEETING MATERIALS

Application Number Sp2024-068 & Sp2024-069

Date and Location: to 9-30-24 ,

Meeting called to order at: 6:05 p.m

Names of people in attendance:

Jordan Elo Ymca
Alicen Wells

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):

1. Who asked question or gave comment

Alicen wells: just want to make sure program will be here. let her know following this process we will have a licenced program.

2. What was the question or comment

3. Who answered the question/comment

4. What was the answer given

Meeting adjourned at: 6:15 p.m.

Minutes taken by: Jordan Elo

SITE VISIT PHOTOS, TAKEN BY STAFF – DATED SEPTEMBER 21, 2024









Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

701 N 7th Street, Suite 423
Kansas City, Kansas 66101
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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: October 30, 2024

Re: Special Use Permit Petition SP2024-070

GENERAL INFORMATION

Applicant Information:

Megan Duma
Representative
MD Homes, LLC
2526 Holmes Street
Kansas City, Missouri 64108

Subject Property:

408 Sandusky Avenue
Kansas City, Kansas 66101

Requested Action and Purpose:

Renewal of a Special Use Permit
(expires March 14, 2025) to operate
a Short-Term Rental.

Commission Districts:

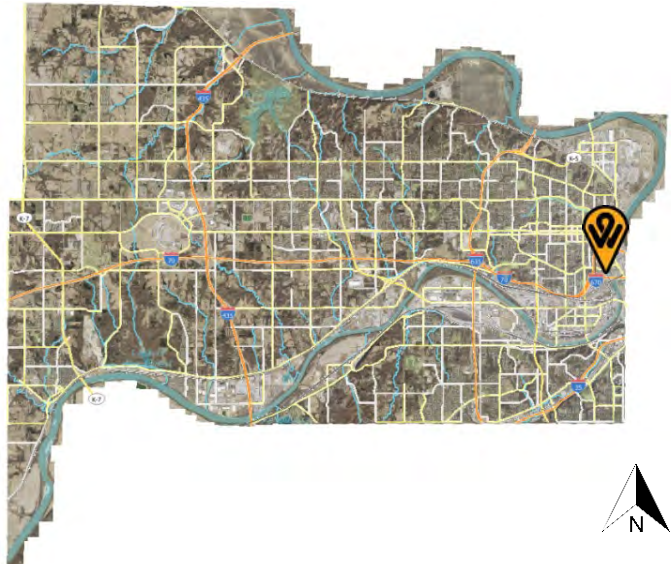
Commissioner At-Large, District #2:
Tom Burroughs
District #2 Commissioner:
William Burns, Jr.

Existing Zoning District(s):

R-1(B) Single Family District

Plan Area:

Central Area Plan



	Adjacent Zoning	Adjacent Uses
North	R-1(B) Single Family District	Single-family Residence
South	R-1(B) Single Family District	Single-family Residence
East	CP-1 Planned Limited Business District	Vacant lot/Commercial Building
West	R-1(B) Single Family District	Single-family Residence

Total Tract Size:	0.08 Acre
Comprehensive Plan Designation:	The Central Area Plan designates the subject property as Urban Density, which allows for a mix of detached and attached residential.
Major Street Plan:	The goDotte Countywide Strategic Mobility Plan designates Sandusky Avenue as Local/Neighborhood Street.
Parking Requirement:	Section 27-455(d) states that two (2) off-street parking spaces shall be provided. The subject property appears to only provide one (1) space off-street. A variance is required if the property is not brought into compliance.
Landscaping Requirement:	Section 27-700 (a) states “one (1) shade tree per dwelling unit is required in the front or corner side yard”. The subject property does not fulfill this requirement
Advertisement:	<u>The Wyandotte Echo</u> – September 19, 2024 <u>Letters to Property Owners</u> – September 20, 2024
Public Hearings:	October 14, 2024 and October 30, 2024
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Megan Duma, is requesting a renewal of a Special Use Permit (expires March 14, 2025) to operate a short-term rental at 408 Sandusky Avenue, Kansas City, Kansas 66101. This is not the owner’s primary residence. This would be the only permitted short-term rental on the 400 block of Sandusky Avenue.

City Ordinance Requirements: 27-592 through 27-606, 27-214, and 27-623 and all other applicable standards within Chapter 27.

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

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

Building, Zoning, or Code Enforcement Complaints:

1. 2023 – ENV23-2063 – Environmental – Weeds in the alley (closed).
2. 2024 – CMP24- Enforcement Complaint – Concern over new driveway (closed).

Outstanding or Related Permit and Cases:

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

Previous Planning Actions:

1. 2019 – 19402-00098 – Special Use Permit – Short-term Rental
2. 2023 – SP2023-066 – Special Use Permit – Short-term Rental

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The subject property is located within the Riverview Statistical Neighborhood, the Strawberry Hill Neighborhood Association, and the Central Area Betterment Association (CABA) groups. The neighborhood consists of primarily single-family residences or duplexes. There are small mixed-use commercial spaces mixed throughout the neighborhood as well.

2. The zoning and uses of properties nearby and the proposed use's expected compatibility with them. In general, commercial and industrial special use permits should not be granted adjacent to residential districts.

The zoning and uses are set out above. The subject property is surrounded by the R-1(B) Single Family District and the CP-1 Planned Limited Business District. Use of the property as a rental, either short or long-term, while commercial in nature, is consistent with other nearby properties in close proximity to the mixed-use corridor along North 5th Street. While use as a short-term rental is commercial in nature, the use is occurring in a purpose-built residence, which should not present issues with nearby property. The proposed use is compatible if properly managed.

- 3. *The suitability of the property for the uses to which it has been restricted. Will the remove of restrictions including those for hours of operation (where applicable), detrimentally affect nearby property?***

Removal of the restrictions that require a Special Use Permit has the potential to create issues such as parking, excessive noise, illumination, vibration, overcrowding of land and undue concentrations of population. The property could be suitable for use as a short-term rental if the aforementioned issues are properly managed.

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

The property is not vacant. The property has been used as a short-term rental since 2018.

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

Special Use Permits are not addressed in the Central Area Plan. The Central Area Plan designates the subject property as Urban Density, which allows for a mix of detached and attached residential. The proposed use conforms to the Central Area Plan designation with the use of 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 Sandusky Avenue, a Local/Neighborhood 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 making excessive noise, vibration, overcrowding of land, illumination, 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 all potential issues that are related to short-term rentals if it is not managed properly. There have not been any 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 and ostensibly not considered to be a problem for nearby properties.

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, permitted residence in an existing built-out neighborhood.

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

The relative gain or loss to 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 with appropriate permits and licenses, their primary residence, or sell the property.

12. *The applicant's ability to maintain the use in an "as proposed" condition.*

The applicant has not maintained the proposed use as originally proposed or according to previous conditions of approval as the adopted parking agreement may no longer be in effect.

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

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

NEIGHBORHOOD MEETING INFORMATION

The applicant held a neighborhood meeting in-person at Breit's Stein and Deli at 412 North 5th Street, Kansas City, KS 66101 on September 26, 2024. Attached is the list of

persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Noise, Illumination, and Vibration
Parking

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Special Use Permit Application SP2024-070, **for two (2) years**, subject to:

1. The applicant must plant one (1) shade tree in the front or side yard to comply with Section 27-700 (a);
2. Maximum number of guests shall be six (6);
3. All parking must be off-street, maximum number of vehicles is two (2). No STR renters or guests may park on-street;
4. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
5. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;
6. Applicant is to maintain liability insurance;
7. The property must remain in proper maintenance and free of hazards, pests, or infestations;
8. The granting of this Special Use Permit does not transfer with a change of ownership of the property;
9. Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and www.hostcompliance.com/tips (website);
10. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
11. If approved, occupying businesses must file and maintain a current business occupation tax application with the Business Licensing Division. Their office is located at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, Kansas 66102. Their contact information is (913) 573-8780 or businesslicense@wycokck.org;
12. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an

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

13. All existing and future driveways must feature curb cuts that are constructed to UG standards;
14. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
15. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
16. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
17. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
18. The Special Use Permit shall be valid for 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.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION AND CONDITIONS

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 **SP2024-070** subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

October 14, 2024, City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Host Compliance Map
Floor Plan
Site Plan
Neighborhood Meeting Materials
Site Visit Photos, Taken by Staff – Dated October 4, 2024

PUBLIC HEARING SCHEDULE

Action(s)	City Planning Commission	Unified Government Board of Commissioners
Special Use Permit	October 14, 2024 Approval	October 30, 2024

STAFF CONTACT:

Kiley Meierarend
kmeierarend@wycokck.org
913-573-5750

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2024-070** 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 **SP2024-070**, 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.

October 14, 2024, City Planning Commission Minutes:

SPECIAL USE PERMIT APPLICATION SP2024-070 – MEGAN DUMA WITH MD HOMES LLC – SYNOPSIS: Renewal of a Special Use Permit (SP-2023-066 – expires 3/14/2025) for a Short-Term Rental at 408 Sandusky Avenue. Detailed Outline of Requested Action: The applicant, Megan Duma, is requesting a renewal of a Special Use Permit (expires March 14, 2025) to operate a short-term rental at 408 Sandusky Avenue, Kansas City, Kansas 66101. This is not the owner's primary residence. This would be the only permitted short-term rental on the 400 block of Sandusky Avenue.

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 Commissioner Schwartz stated that SP2024-063 Brian Lostal is her real estate client, and she recused herself from voting on the items on the Consent Agenda. Planning Commissioner Ernst stated that he has had numerous contacts on SP2024-057 for Brad Willits over the past years.

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 October 14, 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 Commissioner Ernst requested removal of SP2024-057 – Brad Willits with Dynasty Holdings.

Sharon Curtis requested removal of PLAT2024-027 for John Grahovac.

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

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

Motion to APPROVE Passed: 8 to 0

Subject to:

1. The applicant must plant one (1) shade tree in the front or side yard to comply with Section 27-700 (a);
2. Maximum number of guests shall be six (6);
3. All parking must be off-street, maximum number of vehicles is two (2). No STR renters or guests may park on-street;
4. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
5. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager’s contact information within the entrance of the area that is rented;
6. Applicant is to maintain liability insurance;
7. The property must remain in proper maintenance and free of hazards, pests, or infestations;
8. The granting of this Special Use Permit does not transfer with a change of ownership of the property;
9. Must provide a manual/welcome packet that lists all rules, including “No Parties, etc.” This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and

- www.hostcompliance.com/tips (website);
10. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
 11. If approved, occupying businesses must file and maintain a current business occupation tax application with the Business Licensing Division. Their office is located at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, Kansas 66102. Their contact information is (913) 573-8780 or businesslicense@wycokck.org;
 12. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
 13. All existing and future driveways must feature curb cuts that are constructed to UG standards;
 14. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
 15. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
 16. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
 17. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty

of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;

18. The Special Use Permit shall be valid for 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.

ATTACHMENTS

AERIAL IMAGERY



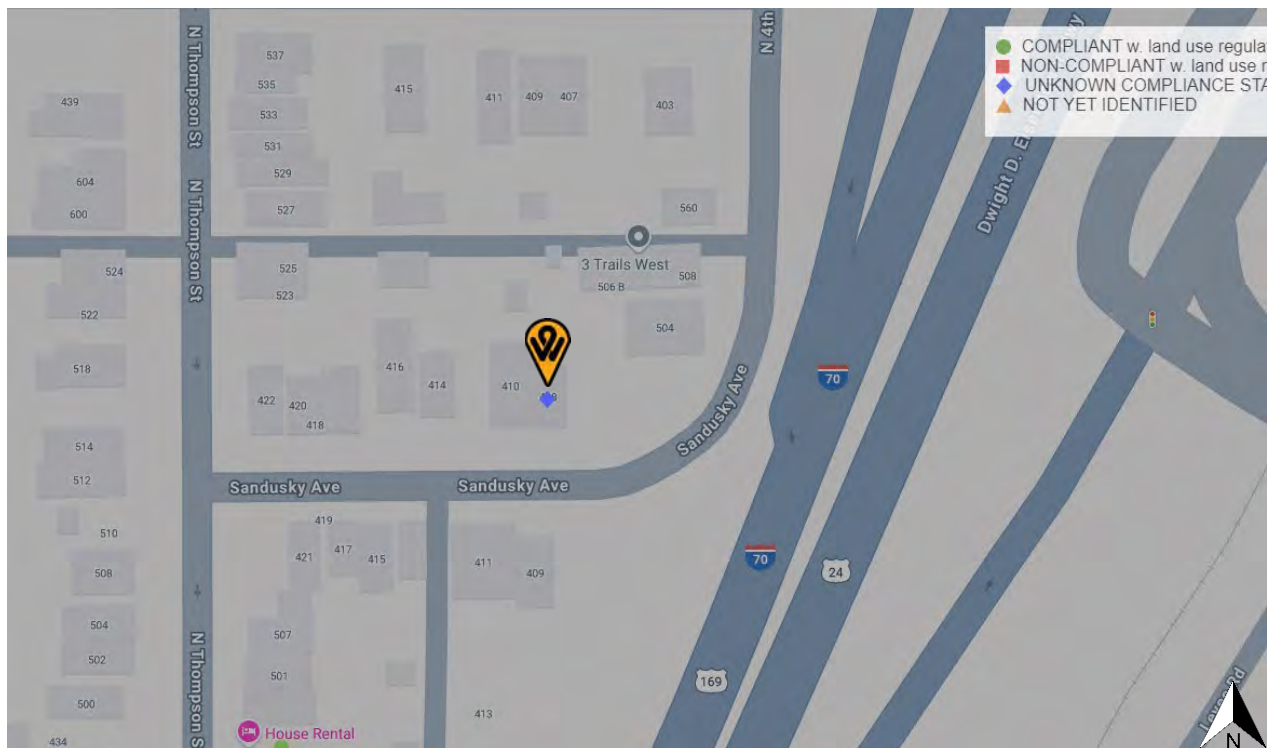
ZONING MAP



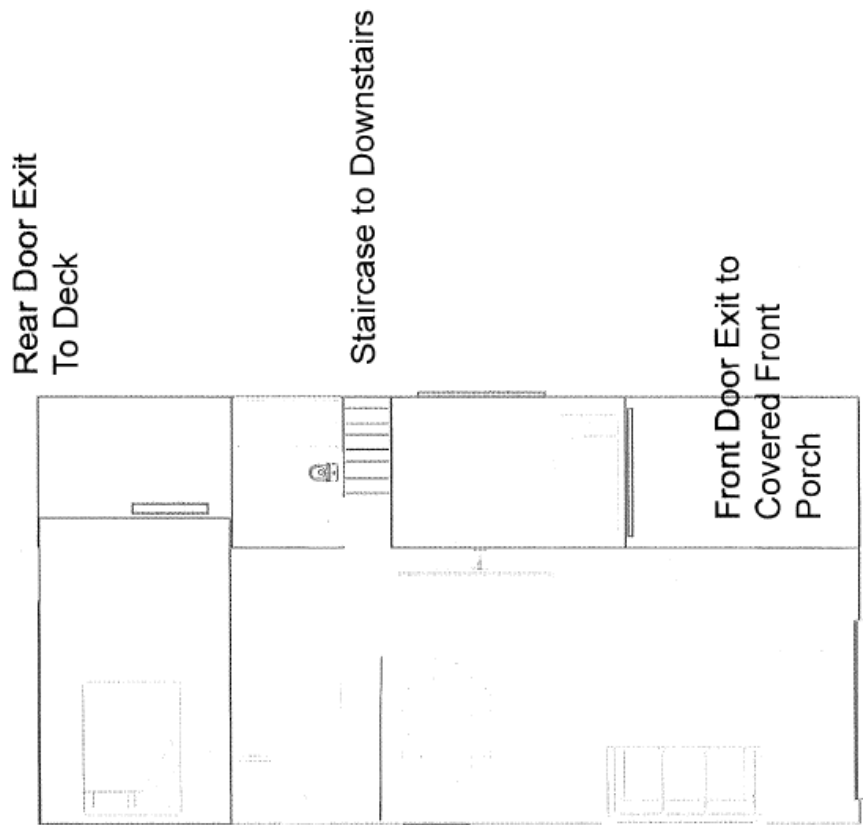
LAND USE MAP



SHORT-TERM RENTAL MAP



FLOOR PLAN



408 Sandusky Ave. Plan With Exits

Upper Floor

FLOOR PLAN



NEIGHBORHOOD MEETING MATERIALS

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Missouri)

) SS:

COUNTY OF Platte)

Comes now Megan Duma, of lawful age, sound mind and upon her oath states as follows:

1. That I am the petitioner for Petition #SP2024-070.
2. That I conducted a neighborhood meeting on September 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.

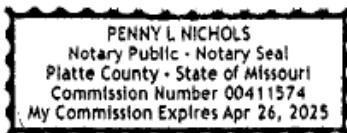
Further affiant saith not.

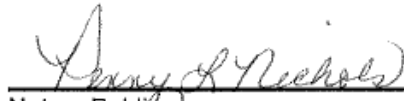


Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 2nd day of October, 2024.

My commission expires 26th of April, 2025





Notary Public

NEIGHBORHOOD MEETING MATERIALS

NEIGHBORHOOD MEETING MINUTES FOR SP2024-070 - 408 Sandusky Ave.

Application Number: SP2024-070

Date and Location: THURSDAY, SEPTEMBER 26, 2024 AT 4:00 P.M. AND BRIETS STEIN AND DELI.

Meeting called to order at: 4:00 p.m.

Names of people in attendance:

Steven Sudekum

Introductions: Informed Mr. Sudekum that I was just renewing my SUP for my STR at 408 Sandusky.

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

There was no formal presentation. Mr. Sudekum and I had a friendly conversation over a beer. The only real mention of the STR was a laugh about a racoon getting into the trash, which he had called me about, and I took care of that day. Mr. Sudekum remains in support of my STR at 408 Sandusky.

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: 5:00 p.m.

Minutes taken by: Megan Duma







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: October 30, 2024

Re: **Special Use Permit Petition SP2024-071**

GENERAL INFORMATION

Applicant Information:

Megan Duma
Representative
MD Homes, LLC
2526 Holmes Street
Kansas City, Missouri 64108

Subject Property:

2706 Espenlaub Lane
Kansas City, Kansas 66106

Requested Action and Purpose:

Renewal of a Special Use Permit
(expires December 14, 2024) to
operate a Short-Term Rental.

Commission Districts:

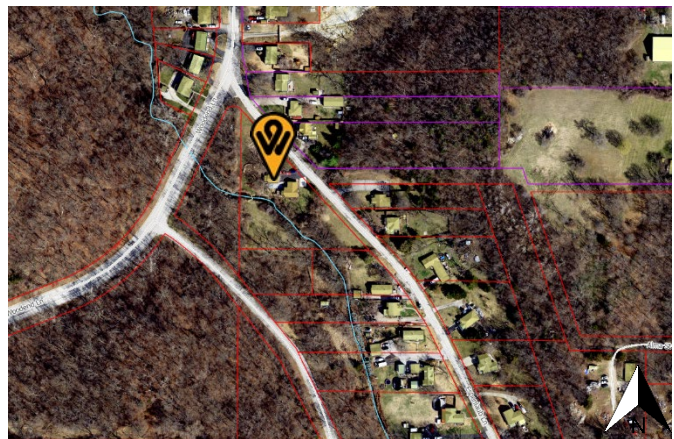
Commissioner At-Large, District #2:
Tom Burroughs
District #6 Commissioner:
Philip Lopez

Existing Zoning District(s):

R-1 Single Family District

Plan Area:

PlanKCK Comprehensive Plan



	Adjacent Zoning	Adjacent Uses
North	R-1 Single Family District	Single-family Residence
South	R-1 Single Family District	Single-family Residence
East	R-1 Single Family District	Single-family Residence
West	RP-5 Planned Apartment District	Single-family Residences and Vacant Land

Total Tract Size: 1.36 Acres

Comprehensive Plan Designation: The PlanKCK Comprehensive Plan designates the subject property as Low Density Residential, which allows for single-family, detached residential development on standard lot sizes intended to both support infill within and protect established single-family neighborhoods.

Major Street Plan: The goDotte Countywide Strategic Mobility Plan designates Espenlaub Lane 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, at least one (1) of which shall be in a garage or carport”. The subject property provides four (4) parking spaces.

Landscaping Requirement: Section 27-700 (a) states “one (1) shade tree per dwelling unit is required in the front or corner side yard”.

Advertisement: The Wyandotte Echo – September 19, 2024
Letters to Property Owners – September 20, 2024

Public Hearings: October 14, 2024 and October 30, 2024

Public Support: None to date.

Public Opposition: None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Megan Duma, is requesting a renewal of a Special Use Permit (expires December 14, 2024) to operate a short-term rental at 2706 Espenlaub Lane. This is not the owner's primary residence. This would be the only permitted short-term rental on the 2700 block of Espenlaub Lane.

City Ordinance Requirements: 27-592 through 27-606, 27-214, and 27-623 and all other applicable standards within Chapter 27.

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

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

Building, Zoning, or Code Enforcement Complaints:

1. 2022 – PMZ22-0023 – Zoning PMC – Suspected landscaping business operating at the subject property, there was no evidence found of a business operating on the property and the case was closed.
2. 2021 – ZONE2021-087 – Zoning – Report of equipment parking (closed).
3. 2023 – ZONE2023-096 – Zoning – Operation of short-term rental without a permit.

Outstanding or Related Permit and Cases:

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

Previous Planning Actions:

1. 2019 – 19402-00097 – Special Use Permit – Operation of a short-term rental.
2. 2021 – SP2021-028 – Special Use Permit – Operation of a short-term rental.
3. 2023 – SP2023-067 – Special Use Permit – Operation of a short-term rental.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The subject property is located within the Argentine Statistical Neighborhood. The neighborhood consists of primarily single-family residences on large-lots as well as a campground directly west. The neighborhood is located one (1) block north of the Merriam Lane mixed-use corridor.

- 2. *The zoning and uses of properties nearby and the proposed use's expected compatibility with them. In general, commercial and industrial special use permits should not be granted adjacent to residential districts.***

The zoning and uses are set out above. The subject property is surrounded by the R-1(B) Single Family District and the RP-5 Planned Apartment District. Use of the property as a rental, either short or long-term, while commercial in nature, is consistent with other nearby properties. While use as a short-term rental is commercial in nature, the use is occurring in a purpose-built residence, which should not present issues with nearby property. The proposed use is compatible if properly managed.

- 3. *The suitability of the property for the uses to which it has been restricted. Will the remove of restrictions including those for hours of operation (where applicable), detrimentally affect nearby property?***

Removal of the restrictions that require a Special Use Permit has the potential to create issues such as parking, excessive noise, illumination, vibration, overcrowding of land and undue concentrations of population. The property could be suitable for use as a short-term rental if the aforementioned issues are properly managed.

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

The property is not vacant. The property is an existing single-family home that has been used as a short-term rental since 2019.

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

Special Use Permits are not addressed in the PlanKCK Comprehensive Plan. The PlanKCK Comprehensive Plan designates the subject property as Low Density Residential, which allows for single-family, detached residential development on standard lot sizes intended to both support infill within and protect established single-family neighborhoods. The proposed use conforms to the PlanKCK Comprehensive designation with the use of 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 Espenlaub Lane, a Local/Neighborhood 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 making excessive noise, vibration, overcrowding of land, illumination, 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 all potential issues that are related to short-term rentals if it is not managed properly. There have not been any substantiated 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 and ostensibly not considered to be a problem for nearby properties.

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, permitted residence in an existing built-out neighborhood.

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

The relative gain or loss to 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 with appropriate permits and licenses, their primary residence, or sell the property.

12. *The applicant's ability to maintain the use in an "as proposed" condition.*

The applicant has maintained the proposed use as originally proposed and according to previous conditions of approval.

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

The proposed use is not expected to 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.

NEIGHBORHOOD MEETING INFORMATION

The applicant held a neighborhood meeting in-person at Briet's Stein and Deli at 412 N 5th St, Kansas City, KS 66101 on September 26, 2024. Additionally, the applicant held a neighborhood meeting via Zoom on September 30, 2024. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Noise, Illumination, and Vibration (Add "Dust" if unimproved driveway)
Home Inspection Report

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Special Use Permit Application SP2024-071, **for two (2) years**, subject to:

1. **The applicant must maintain liability insurance;**
2. **Maximum number of guests shall be 7;**
3. **All parking must be off-street, maximum number of vehicles is three (3). No STR renters or guests may park on-street;**
4. **The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;**
5. **Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;**
6. **Applicant is to maintain liability insurance;**
7. **The property must remain in proper maintenance and free of hazards, pests, or infestations;**
8. **The granting of this Special Use Permit does not transfer with a change of ownership of the property;**
9. **Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host**

Compliance: 913-246-5133 (phone number), and www.hostcompliance.com/tips (website);

- 10. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;**
- 11. If approved, occupying businesses must file and maintain a current business occupation tax application with the Business Licensing Division. Their office is located at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, Kansas 66102. Their contact information is (913) 573-8780 or businesslicense@wycokck.org;**
- 12. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;**
- 13. All existing and future driveways must feature curb cuts that are constructed to UG standards;**
- 14. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;**
- 15. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;**
- 16. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;**
- 17. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision**

within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;

18. The Special Use Permit shall be valid for 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.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION AND CONDITIONS

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 **SP2024-071** subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

October 30, 2024, City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Host Compliance Map
Floor Plan
Neighborhood Meeting Materials
Site Visit Photos, Taken by Staff – Dated October 4, 2024

PUBLIC HEARING SCHEDULE

Action(s)	City Planning Commission	Unified Government Board of Commissioners
Special Use Permit	October 14, 2024 Approval	October 30, 2024

STAFF CONTACT:

Kiley Meierarend
kmeierarend@wycokck.org
913-573-5750

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2024-071** 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 **SP2024-071**, 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.

October 14, 2024, City Planning Commission Minutes:

SPECIAL USE PERMIT APPLICATION SP2024-071 – MEGAN DUMA WITH MD

HOMES LLC – SYNOPSIS: Renewal of a Special Use Permit (SP-2023-067 – expires 12/14/2024) for a Short-Term Rental at 2706 Espenlaub Lane. Detailed Outline of Requested Action: The applicant, Megan Duma, is requesting a renewal of a Special Use Permit (expires December 14, 2024) to operate a short-term rental at 2706 Espenlaub Lane. This is not the owner’s primary residence. This would be the only permitted short-term rental on the 2700 block of Espenlaub Lane.

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 Commissioner Schwartz stated that SP2024-063 Brian Lostal is her real estate client, and she recused herself from voting on the items on the Consent Agenda. Planning Commissioner Ernst stated that he has had numerous contacts on SP2024-057 for Brad Willits over the past years.

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 October 14, 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 Commissioner Ernst requested removal of SP2024-057 – Brad Willits with Dynasty Holdings.

Sharon Curtis requested removal of PLAT2024-027 for John Grahovac.

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

Carson	Chairman
Mohler	Aye
Schwartz	Recused herself
Straws	Aye
Ward	Aye
Armstrong	Aye
Beth	Aye
Easterwood	Aye

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

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

- Quality, Streets, and Retaining Walls, or other requirements as applicable;
15. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
 16. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
 17. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
 18. The Special Use Permit shall be valid for 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.

ATTACHMENTS

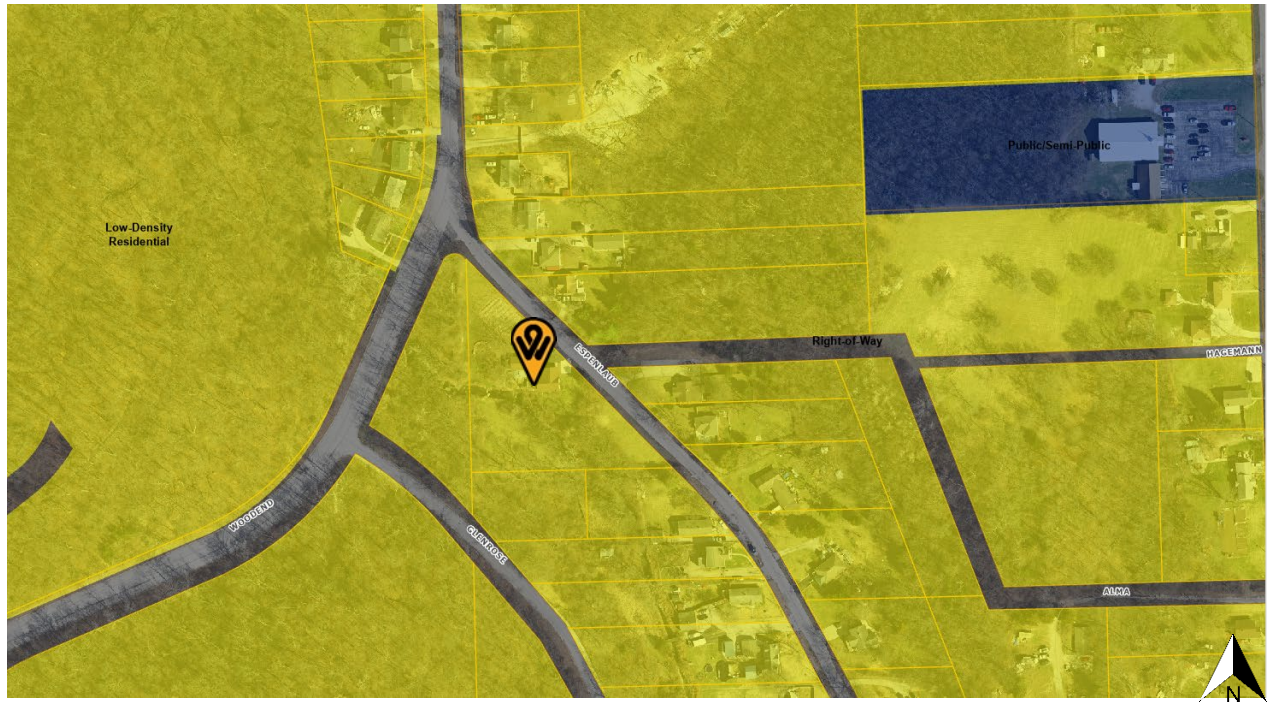
AERIAL IMAGERY



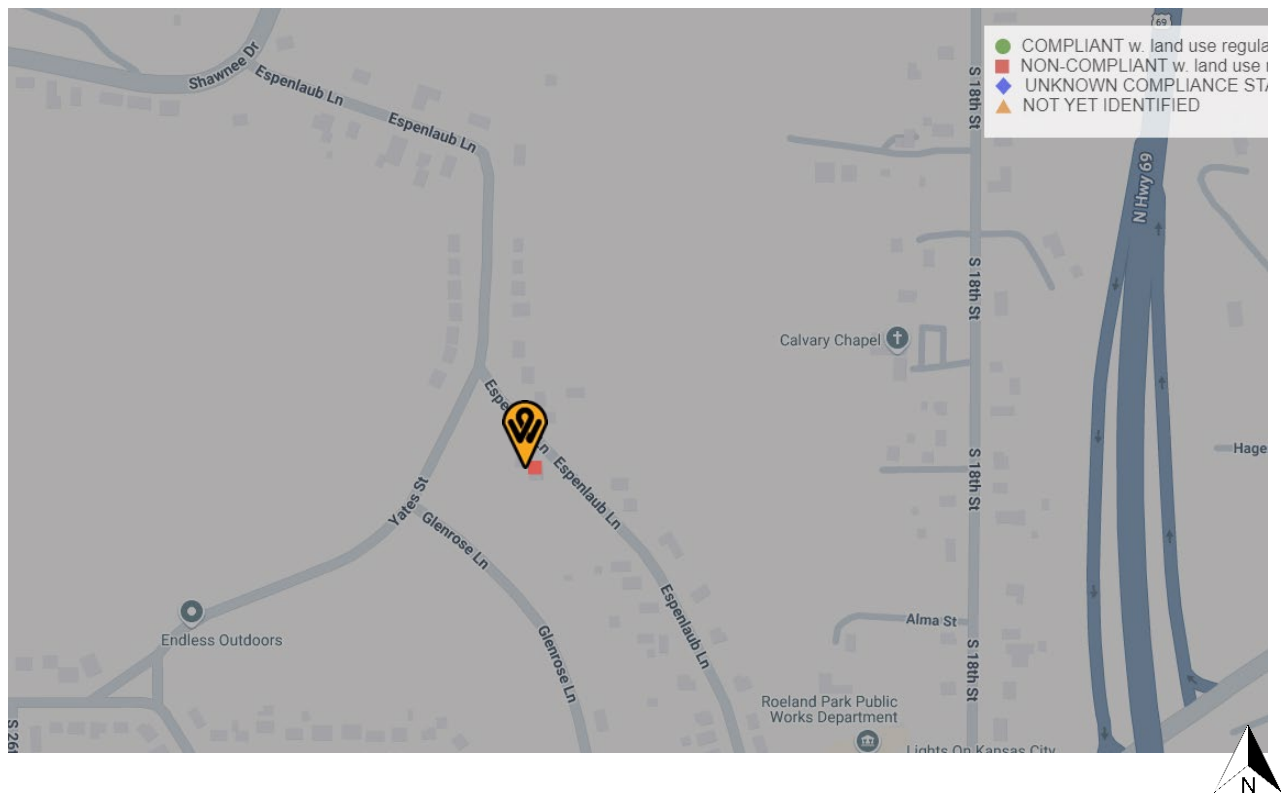
ZONING MAP



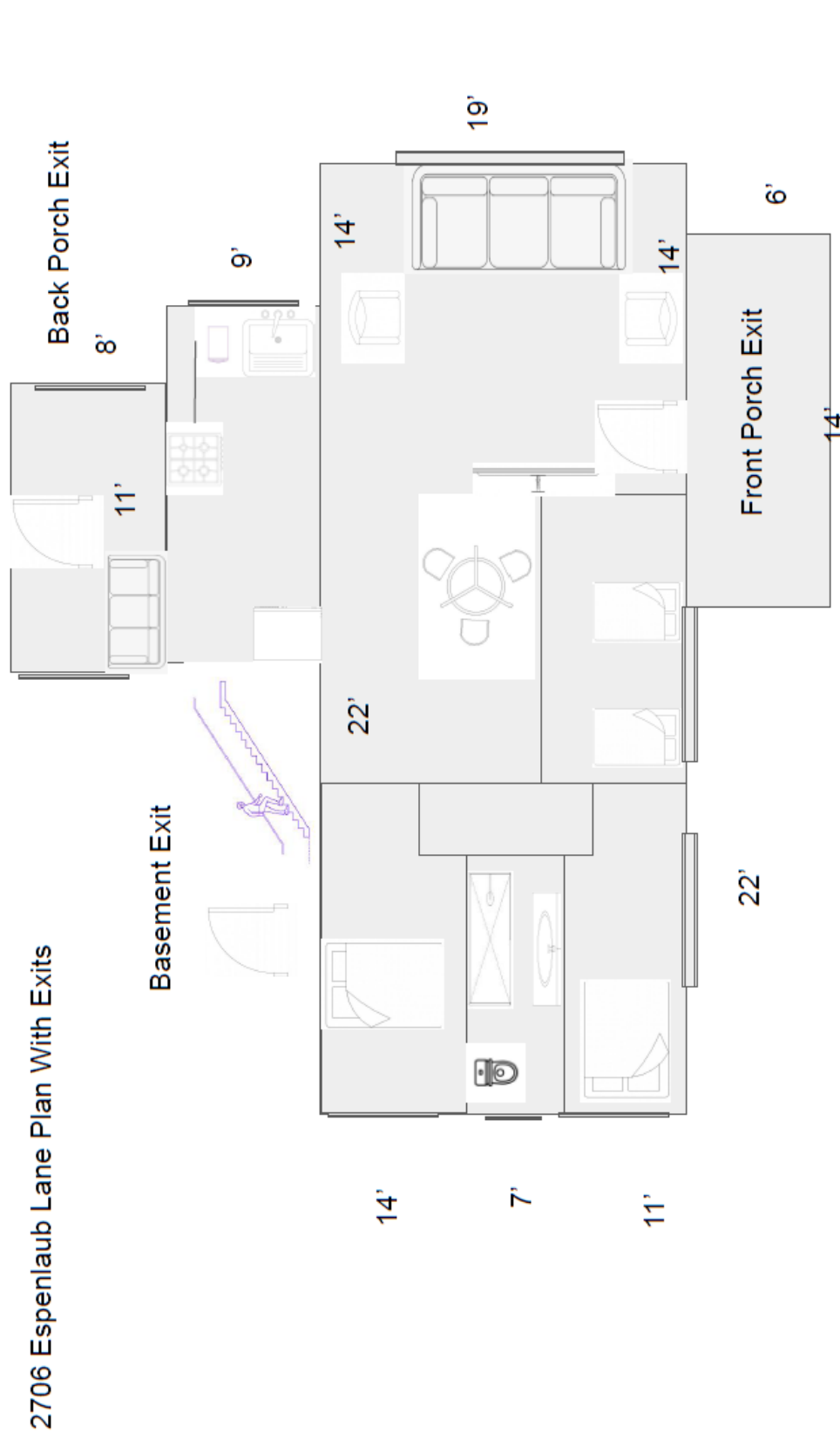
LAND USE MAP



SHORT-TERM RENTAL MAP



FLOOR PLAN



NEIGHBORHOOD MEETING MATERIALS

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Missouri)

) SS:

COUNTY OF Platte)

Comes now Megan Duma, of lawful age, sound mind and upon her oath states as follows:

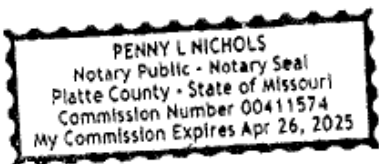
1. That I am the petitioner for Petition #SP2024-071.
2. That I conducted a neighborhood meeting on September 26, 2024 and again on September 30, 2024.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Planning + Urban Design Department.

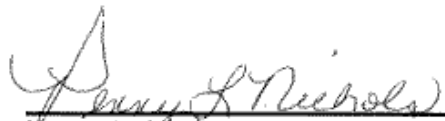
Further affiant saith not.


Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 2nd day of October, 2024.

My commission expires 26th of April, 2025




Notary Public

NEIGHBORHOOD MEETING MATERIALS

NEIGHBORHOOD MEETING MINUTES FOR SP2024-071 - 2706 Espenlaub Lane

Application Number: SP2024-071 - 2706 Espenlaub Lane

Date and Location: THURSDAY, SEPTEMBER 26, 2024 AT 4:00 P.M. AND BRIETS STEIN AND DELI.

AND

SEPTEMBER 30th at 5:00 p.m., 2024 VIA THIS LINK:

<https://us02web.zoom.us/j/82191133339>

Meeting ID: 821 9113 3339

Meeting called to order at: 4:00 p.m. and 5:00 p.m. respectively.

Names of people in attendance: None.

Introductions: N/A

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

Questions and answers (include the following): N/A

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: 5:00 and 5:30 respectively

Minutes taken by: Megan Duma

SITE VISIT PHOTOS, TAKEN BY STAFF – DATED OCTOBER 4, 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: October 30, 2024

Re: Special Use Permit Petition SP2024-072

GENERAL INFORMATION

Applicant Information:

Aaron Lilly
Representative
The Blue Door Property Rentals, LLC
4138 Lloyd Street
Kansas City, Kansas 66103

Subject Property:

4138 Lloyd Street
Kansas City, Kansas 66103

Requested Action and Purpose:

Renewal of a Special Use Permit
(expires October 5, 2024) to operate
a Short-term Rental.

Commission Districts:

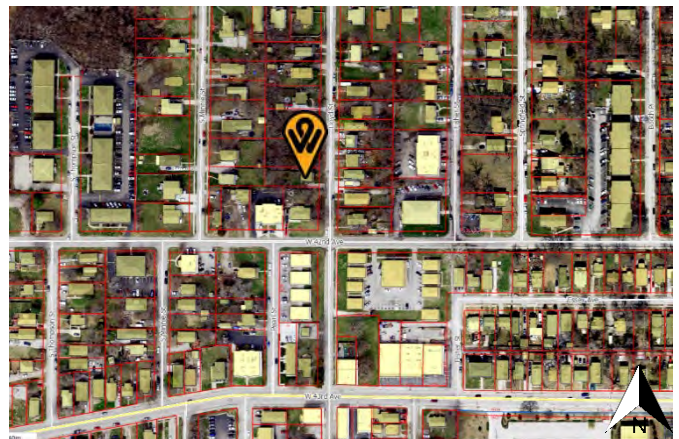
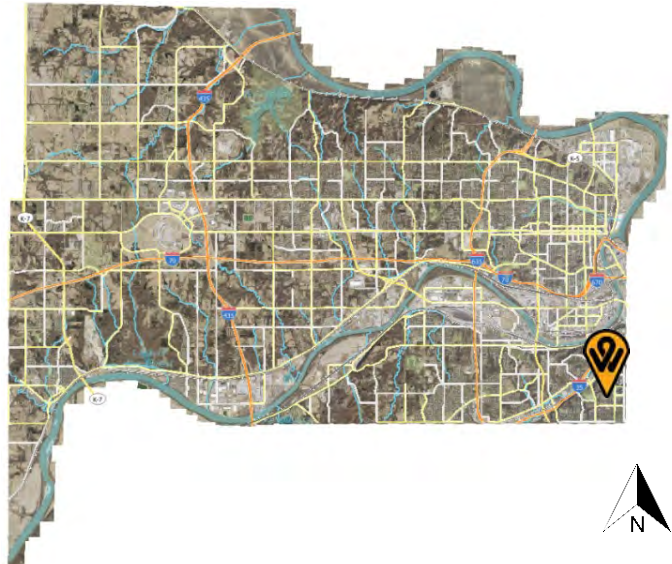
Commissioner At-Large, District #2:
Tom Burroughs
District #3 Commissioner:
Christian Ramirez

Existing Zoning District(s):

R-1(B) Single Family District

Plan Area:

Rosedale Area Plan



	Adjacent Zoning	Adjacent Uses
North	R-1(B) Single Family District	Single-family residence
South	R-1(B) Single Family District and RP-5 Planned Apartment District	Single-family residence and Apartment building
East	R-1(B) Single Family District	Single-family residence
West	R-1(B) Single Family District	Single-family residence

Total Tract Size: 0.16 Acre

Comprehensive Plan Designation: The Rosedale Area Plan designates the subject property as General Urban, which allows for predominantly residential in character with rowhouses, townhomes, and single-family houses. Three (3) 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 Lloyd Street as a Local/Neighborhood Street.

Parking Requirement: Section 27-455(d) states “Two (2) off-street parking spaces shall be provided on the premises for each single-family dwelling”. The property provides two (2) parking spaces.

Landscaping Requirement: Section 27-700 (a) states “One (1) shade tree per dwelling unit is required in the front or corner side yard”. The subject property fulfills this requirement.

Advertisement: The Wyandotte Echo – September 19, 2024
Letters to Property Owners – September 20, 2024

Public Hearings: October 14, 2024 and October 30, 2024

Public Support: None to date.

Public Opposition: None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Aaron Lilly, is requesting a renewal of a Special Use Permit to operate a short-term rental at 4138 Lloyd Street. This is not the owner's primary residence. This would be the only permitted short-term rental on the 4100 block of Lloyd Street. There is one (1) other long-term rental on this block.

City Ordinance Requirements: 27-592 through 27-606, 27-214, and 27-623 and all other applicable standards within Chapter 27.

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. 2021 – CMP21-1969 – Enforcement Complaint – Operating a short-term rental without a permit.
2. 2023 – ZONE2023-052 – Zoning – Operating a short-term rental without a permit.
3. 2023 – ZONE2023-064 – Zoning – Operating a short-term rental without a permit.

Outstanding or Related Permit and Cases:

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

Previous Planning Actions:

1. 2021 – SP2021-065 – Special Use Permit to operate a short-term rental.
2. 2023 – SP2023-046 – Special Use Permit to operate a short-term rental.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The subject property is located within the Rosedale Statistical Neighborhood, the Frank Rushton Neighborhood Group and the Rosedale Development Association (RDA) group. The neighborhood consists of primarily single-family residences, with duplexes, fourplexes, and garden style apartments, as well as public uses such as Rosedale Park.

- 2. *The zoning and uses of properties nearby and the proposed use's expected compatibility with them. In general, commercial and industrial special use permits should not be granted adjacent to residential districts.***

The zoning and uses are set out above. The subject property is surrounded by the R-1(B) Single Family District and the RP-5 Planned Apartment District. Use of the property as a rental, either short or long-term, while commercial in nature, is consistent with other nearby properties as this is in close proximity to a mixed-use corridor. While use as a short-term rental is commercial in nature, the use is occurring in a purpose-built residence, which should not present issues with nearby property. The proposed use is compatible if properly managed.

- 3. *The suitability of the property for the uses to which it has been restricted. Will the remove of restrictions including those for hours of operation (where applicable), detrimentally affect nearby property?***

Removal of the restrictions that require a Special Use Permit has the potential to create issues such as parking, excessive noise, illumination, vibration, overcrowding of land and undue concentrations of population. The property could be suitable for use as a short-term rental if the aforementioned issues are properly managed.

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

The property is not vacant. The property has been used as a short-term rental since 2021.

- 5. *The degree of conformance of the proposed use to the Comprehensive 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 predominantly residential in character with rowhouses, townhomes, and single-family houses. Three (3) story apartment buildings, retail, and office uses are allowed only on neighborhood and mixed-use corridors. The proposed use conforms to the Rosedale Area Plan designation if a Special Use Permit is maintained.

- 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 Lloyd Street, a Local/Neighborhood 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 making excessive noise, vibration, overcrowding of land, illumination, 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 all potential issues that are related to short-term rentals if it is not managed properly. There have not been any 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 and ostensibly not considered to be a problem for nearby properties.

- 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, permitted residence in an existing built-out neighborhood.

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

The relative gain or loss to 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 with appropriate permits and licenses, their primary residence, or sell the property.

- 12. *The applicant's ability to maintain the use in an "as proposed" condition.***

The applicant has maintained the proposed use as originally proposed and according to previous conditions of approval.

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

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

NEIGHBORHOOD MEETING INFORMATION

The applicant held a neighborhood meeting in-person at 4138 Lloyd Street, Kansas City, Kansas 66103 on September 26, 2024. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Noise, Illumination, and Vibration (Add "Dust" if unimproved driveway)
Home Inspection Report
Overcrowding and Undue Concentrations of Population
Parking

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Special Use Permit Application SP2024-072, **for two (2) years**, subject to:

1. **Maximum number of guests shall be six (6);**
2. **All parking must be off-street, maximum number of vehicles is two (2). No STR renters or guests may park on-street;**
3. **The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;**
4. **Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;**
5. **Applicant is to maintain liability insurance;**
6. **The property must remain in proper maintenance and free of hazards, pests, or infestations;**
7. **The granting of this Special Use Permit does not transfer with a change of ownership of the property;**
8. **Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and www.hostcompliance.com/tips/ (website);**
9. **Per Section 27-723(a), no sign (including the structure or sign surface) shall**

be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;

10. If approved, occupying businesses must file and maintain a current business occupation tax application with the Business Licensing Division. Their office is located at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, Kansas 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;
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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 AND CONDITIONS

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 **SP2024-072** subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

October 30, 2024, City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Host Compliance Map
Floor Plan
Site Plan
Neighborhood Meeting Materials
Site Visit Photos, Taken by Staff – Dated October 4, 2024

PUBLIC HEARING SCHEDULE

Action(s)	City Planning Commission	Unified Government Board of Commissioners
Special Use Permit	October 14, 2024 Approval	October 30, 2024

STAFF CONTACT:

Kiley Meierarend
kmeierarend@wycokck.org
913-573-5750

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2024-072** 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 **SP2024-072**, 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.

October 14, 2024, City Planning Commission Minutes:

SPECIAL USE PERMIT APPLICATION SP2024-072 – AARON LILLY – SYNOPSIS:

Renewal of a Special Use Permit (SP-2023-046 – expired 10/5/2024) for a Short-Term Rental at 4138 Lloyd Street. Detailed Outline of Requested Action: The applicant, Aaron Lilly, is requesting a renewal of a Special Use Permit to operate a short-term rental at 4138 Lloyd Street. This is not the owner's primary residence. This would be the only permitted short-term rental on the 4100 block of Lloyd Street. There is one (1) other long-term rental on this block.

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 Commissioner Schwartz stated that SP2024-063 Brian Lostal is her real estate client, and she recused herself from voting on the items on the Consent Agenda. Planning Commissioner Ernst stated that he has had numerous contacts on SP2024-057 for Brad Willits over the past years.

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 October 14, 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 Commissioner Ernst requested removal of SP2024-057 – Brad Willits with Dynasty Holdings.

Sharon Curtis requested removal of PLAT2024-027 for John Grahovac.

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

Carson	Chairman
Mohler	Aye
Schwartz	Recused herself
Straws	Aye
Ward	Aye
Armstrong	Aye
Beth	Aye

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

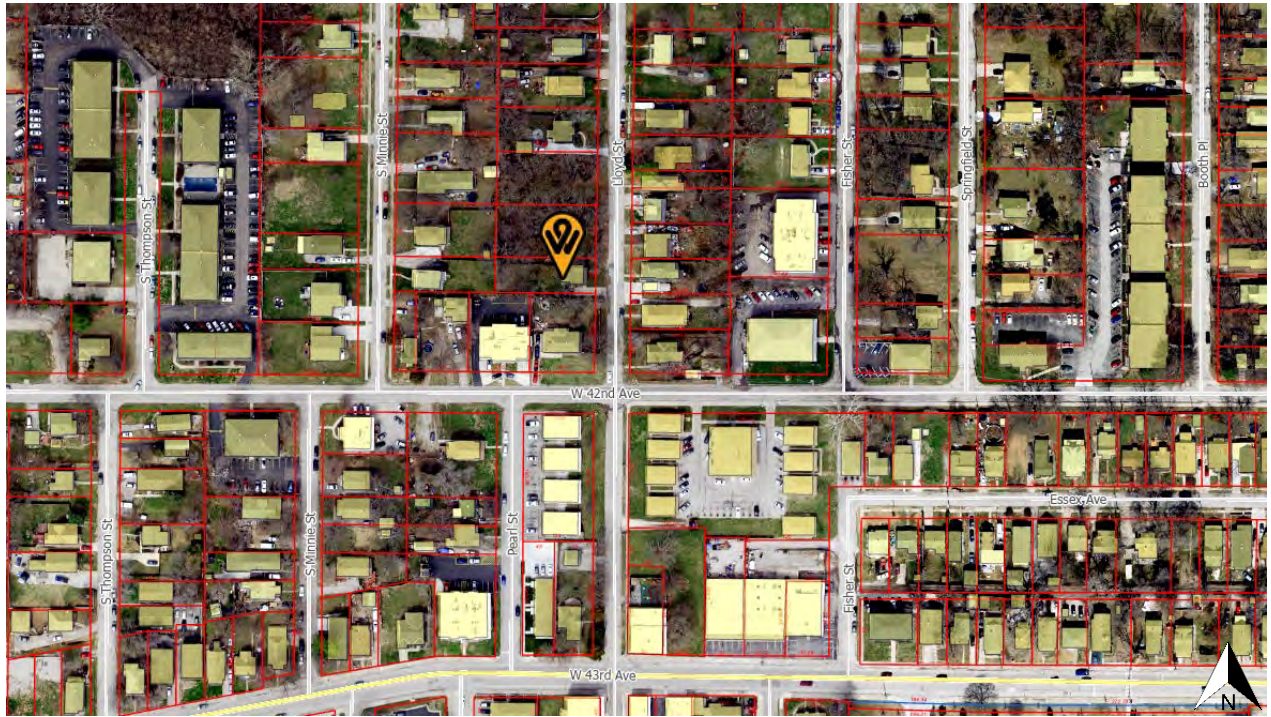
1. Maximum number of guests shall be six (6);
2. All parking must be off-street, maximum number of vehicles is two (2). No STR renters or guests may park on-street;
3. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
4. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;
5. Applicant is to maintain liability insurance;
6. The property must remain in proper maintenance and free of hazards, pests, or infestations;
7. The granting of this Special Use Permit does not transfer with a change of ownership of the property;
8. Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and www.hostcompliance.com/tips/ (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 Licensing Division. Their office is located at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, Kansas 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 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

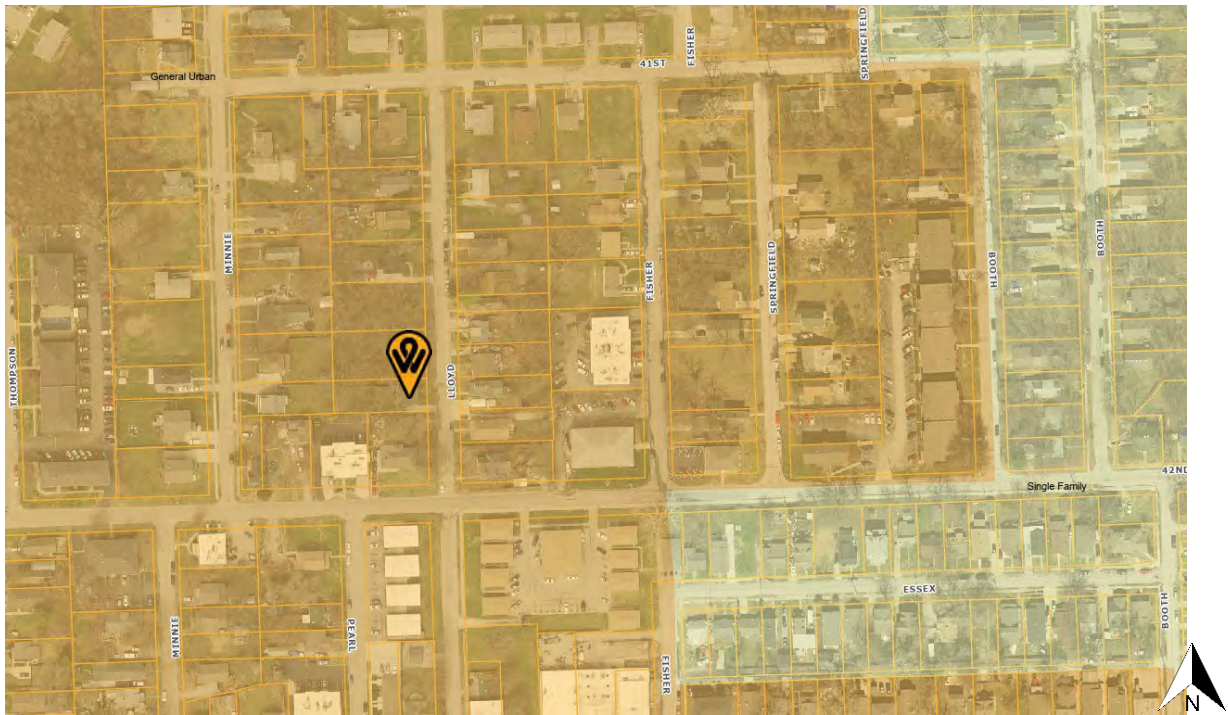
AERIAL IMAGERY



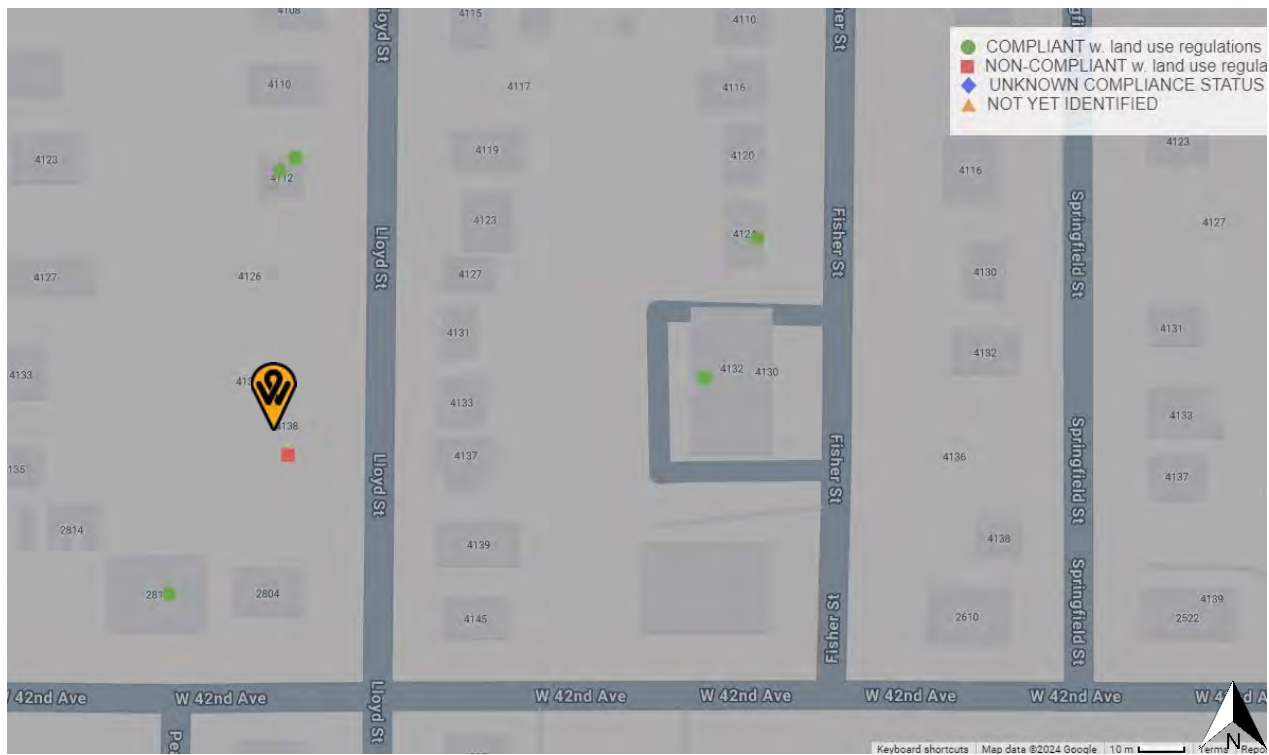
ZONING MAP



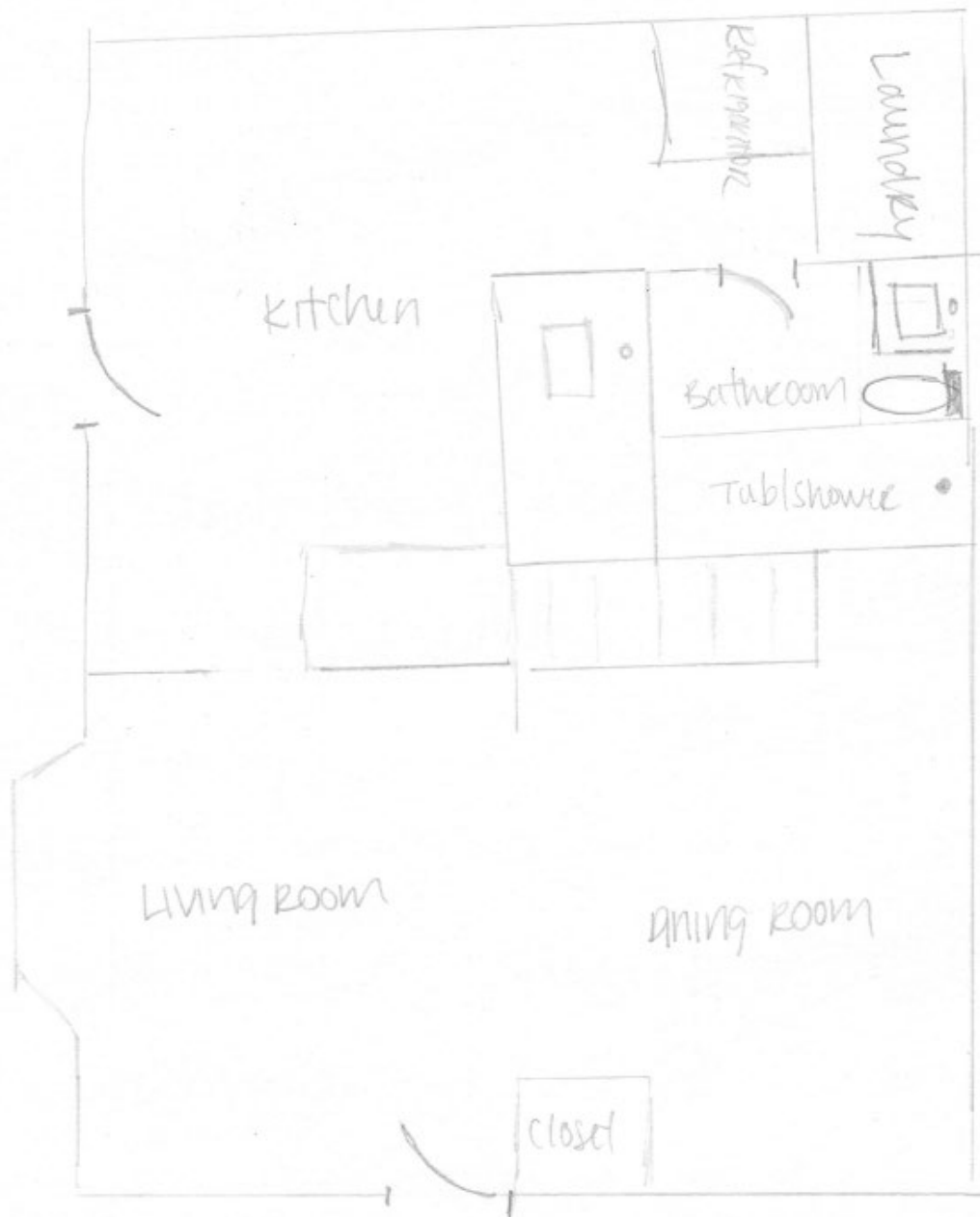
LAND USE MAP



SHORT-TERM RENTAL MAP

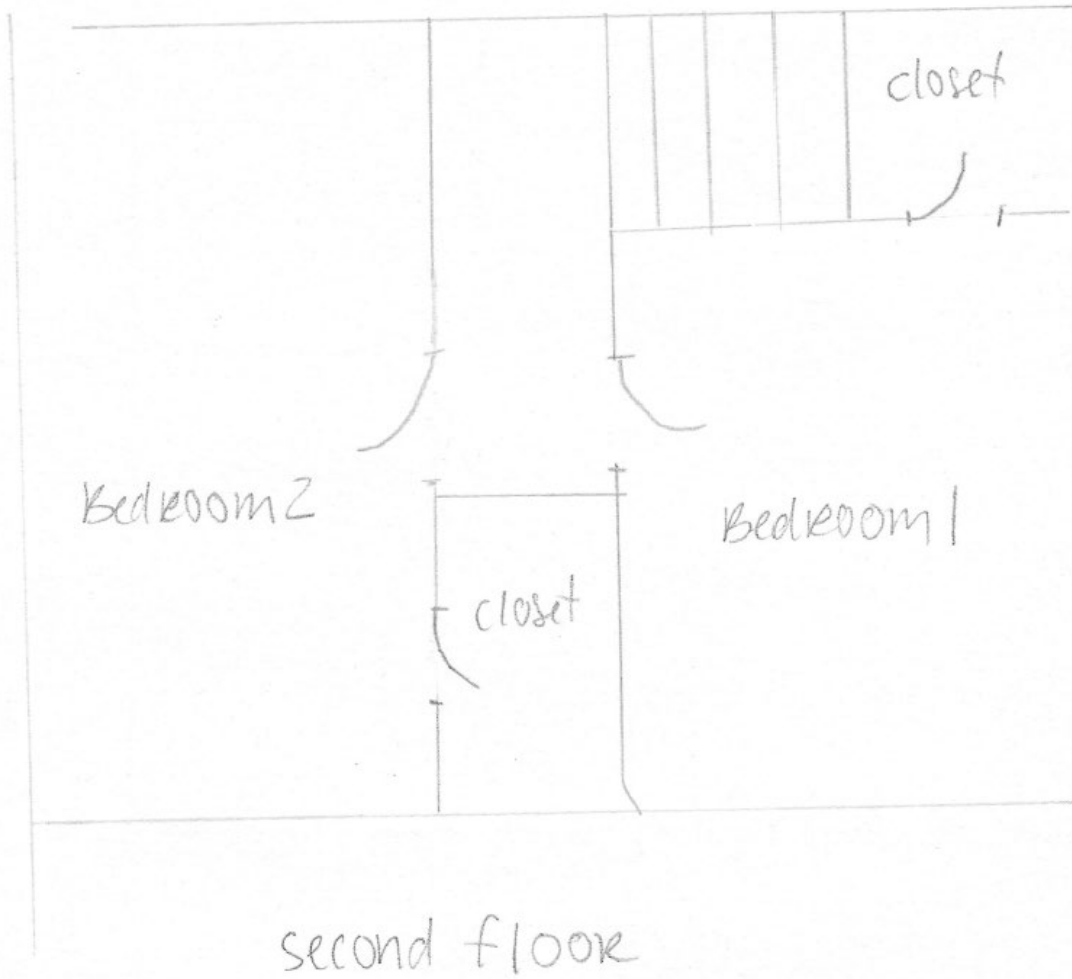


FLOOR PLAN



First Floor

FLOOR PLAN



NEIGHBORHOOD MEETING MATERIALS

Contact Info:

Name: Aaron Lilly

Number: 913-220-7754

MEETING MINUTES:

Application Number: #SP2024-072

Date and Location: 9/26/2024 at 4138 Lloyd St. Kansas City, KS 66103

Meeting called to order at: 5:00pm

Names of people in attendance: 0 people

Introductions:

Presentation by applicant: To discuss the special use permit for the property and that I'm requesting for a renewal to use the property as an AirBnb short term rental.

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: 6:00pm

Minutes taken by: Aaron Lilly

NEIGHBORHOOD MEETING MATERIALS

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF KANSAS)
COUNTY OF JOHNSON) SS:

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

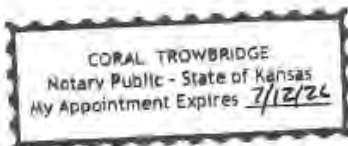
1. That I am the petitioner for Petition # SP2024-072
2. That I conducted a neighborhood meeting on 9/26/24.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.


Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 27 day of SEPT, 2024

My commission expires 12 of JULY, 2026




Notary Public

SITE VISIT PHOTOS, TAKEN BY STAFF – DATED OCTOBER 4, 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: October 30, 2024

Re: Special Use Permit Petition SP2024-073

GENERAL INFORMATION

Applicant Information:

Alison Schwartz
Tenant
625 Northrup Avenue
Kansas City, Kansas 66101

Subject Property:

625 Northrup Avenue
Kansas City, Kansas 66101

Requested Action and Purpose:

Renewal of a Special Use Permit
(expires January 25, 2025) to operate
a short-term rental.

Commission Districts:

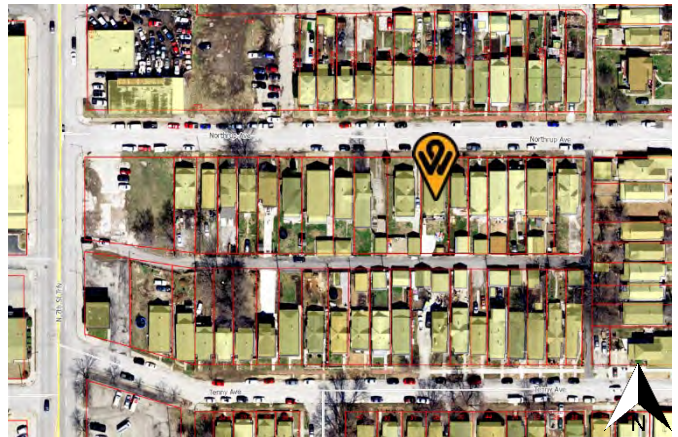
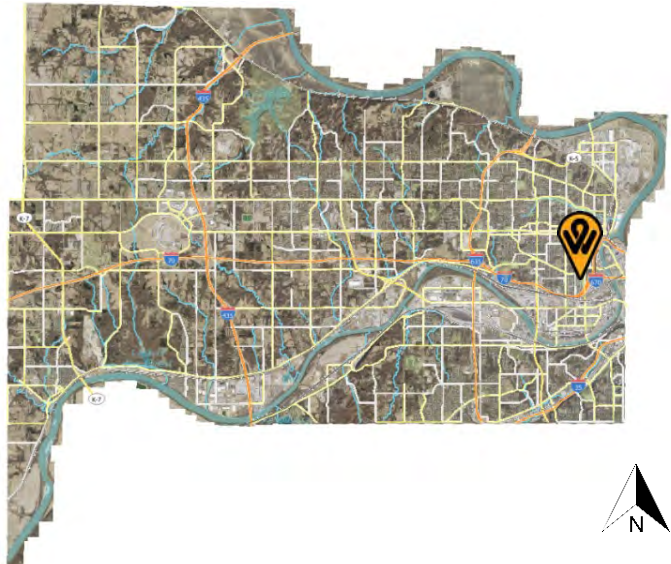
Commissioner At-Large, District #2:
Tom Burroughs
District #2 Commissioner:
William Burns, Jr.

Existing Zoning District(s):

R-1(B) Single Family District

Plan Area:

Central Area Plan



	Adjacent Zoning	Adjacent Uses
North	R-1(B) Single Family District	Single-family residence
South	R-1(B) Single Family District	Single-family residence
East	R-1(B) Single Family District	Single-family residence
West	R-1(B) Single Family District	Single-family residence

Total Tract Size: 0.10 Acre

Comprehensive Plan Designation: The Central Area Plan designates the subject property as Urban Density, which allows for a mix of detached and attached residences.

Major Street Plan: The goDotte Countywide Strategic Mobility Plan designates Northrup Avenue as a Local/Neighborhood Street.

Parking Requirement: Section 27-455 (d) “Two (2) off-street parking spaces shall be provided on the premises for each single-family dwelling”. The subject property provides two (2) parking spaces.

Landscaping Requirement: 27-700 (a) states “One (1) shade tree per dwelling unit is required in the front or corner side yard”. The subject property does not fulfill this requirement.

Advertisement: The Wyandotte Echo – September 19, 2024
Letters to Property Owners – September 20, 2024

Public Hearingd: October 14, 2024 and October 30, 2024

Public Support: None to date.

Public Opposition: None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Alison Schwartz, is requesting a renewal of a Special Use Permit (expires January 25, 2025) to operate a short-term rental at 625 Northrup Avenue, Kansas City, Kansas 66101. This is not the property owner’s primary residence. This would be the only permitted short-term rental on the 600 block of Northrup Avenue.

City Ordinance Requirements: 27-592 through 27-606, 27-214, and 27-623 and all other applicable standards within Chapter 27.

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 Permit and Cases:

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

Previous Planning Actions:

1. 2018 – 18402-00014 – Special Use Permit to operate a short-term rental
2. 2019 – 19402-00025 – Special Use Permit to operate a short-term rental
3. 2023 – SP2023-093 – Special Use Permit to operate a short-term rental

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The subject property is located within the Riverview Statistical Neighborhood, the Strawberry Hill Neighborhood Group, and the Central Area Betterment Association (CABA) Business Group. The neighborhood consists of a mix of single-family residences, as well as duplexes, fourplexes and small-scale commercial uses.

2. The zoning and uses of properties nearby and the proposed use's expected compatibility with them. In general, commercial and industrial special use permits should not be granted adjacent to residential districts.

The zoning and uses are set out above. The subject property is surrounded by the R-1(B) Single Family District. Use of the property as a rental, either short or long-term, while commercial in nature, is consistent with other nearby properties in close proximity to the mixed-use corridor along North 7th Street Trafficway. While use as a short-term rental is commercial in nature, the use is occurring in a purpose-built residence, which should not present issues with nearby property. The proposed use is compatible if properly managed.

3. The suitability of the property for the uses to which it has been restricted. Will the remove of restrictions including those for hours of operation (where applicable), detrimentally affect nearby property?

Removal of the restrictions that require a Special Use Permit has the potential to create issues such as parking, excessive noise, illumination, vibration, overcrowding of land and undue concentrations of population. The property could be suitable for use as a short-term rental if the aforementioned issues are properly managed.

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

The property is not vacant. The property has operated as a short-term rental since 2016 and as a long-term rental since at least 2007.

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

Special Use Permits are not addressed in the Central Area Plan. The Central Area Plan designates the subject property as Urban Density, which allows for a mix of detached and attached residences. The proposed use conforms to the Central Area Plan designation 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 Northrup Avenue, a Local/Neighborhood 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 making excessive noise, vibration, overcrowding of land, illumination, 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 all potential issues that are related to short-term rentals if it is not managed properly. There have not been any 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 and ostensibly not considered to be a problem for nearby properties.

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, permitted residence in an existing built-out neighborhood.

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

The relative gain or loss to 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 with appropriate permits and licenses, their primary residence, or sell the property.

12. *The applicant's ability to maintain the use in an "as proposed" condition.*

The applicant has maintained the proposed use as originally proposed and according to previous conditions of approval.

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

The proposed use is not expected to 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 short-term rental 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.

NEIGHBORHOOD MEETING INFORMATION

The applicant held a neighborhood meeting in-person at Flagship Books at 510 North 6th Street, Kansas City, Kansas 66101 on October 1, 2024. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Brick Sidewalk Maintenance
Landscaping Requirements
Noise, Illumination, and Vibration

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Special Use Permit Application SP2024-073, **for two (2) years**, subject to:

1. The brick sidewalk must be maintained, including the replacement of damaged or missing bricks;
2. Maximum number of guests shall be three (3);
3. All parking must be off-street, maximum number of vehicles is one (1). No STR renters or guests may park on-street;
4. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
5. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;
6. Applicant is to maintain liability insurance;
7. The property must remain in proper maintenance and free of hazards, pests, or infestations;
8. The granting of this Special Use Permit does not transfer with a change of ownership of the property;
9. Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and www.hostcompliance.com/tips/ (website);
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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;

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

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION AND CONDITIONS

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 **SP2024-073** subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

October 14, 2024, City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Host Compliance Map
Site Plan
Floor Plan
Neighborhood Meeting Materials
Site Visit Photos, Taken by Staff – Dated October 4, 2024

PUBLIC HEARING SCHEDULE

Action(s)	City Planning Commission	Unified Government Board of Commissioners
Special Use Permit	October 14, 2024 Approval	October 30, 2024

STAFF CONTACT:

Kiley Meierarend
kmeierarend@wycokck.org
913-573-5750

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2024-073** 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 **SP2024-073**, 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.

October 14, 2024, City Planning Commission Minutes:

SPECIAL USE PERMIT APPLICATION SP2024-073 – ALLISON SCHWARTZ –

SYNOPSIS: Renewal of a Special Use Permit (SP-2023-093 – expires 1/25/2025) for a Short-Term Rental at 625 Northrup Avenue. Detailed Outline of Requested Action: The applicant, Alison Schwartz, is requesting a renewal of a Special Use Permit (expires January 25, 2025) to operate a short-term rental at 625 Northrup Avenue, Kansas City, Kansas 66101. This is not the property owner's primary residence. This would be the only permitted short-term rental on the 600 block of Northrup Avenue.

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 Commissioner Schwartz stated that SP2024-063 Brian Lostal is her real estate client, and she recused herself from voting on the items on the Consent Agenda. Planning Commissioner Ernst stated that he has had numerous contacts on SP2024-057 for Brad Willits over the past years.

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

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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 Commissioner Ernst requested removal of SP2024-057 – Brad Willits with Dynasty Holdings.

Sharon Curtis requested removal of PLAT2024-027 for John Grahovac.

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

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

Motion to APPROVE Passed: 8 to 0

Subject to:

1. The brick sidewalk must be maintained, including the replacement of damaged or missing bricks;
2. Maximum number of guests shall be three (3);
3. All parking must be off-street, maximum number of vehicles is one (1). No STR renters or guests may park on-street;
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9. Must provide a manual/welcome packet that lists all rules, including “No Parties, etc.” This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and www.hostcompliance.com/tips/ (website);

10. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
11. If approved, occupying businesses must file and maintain a current business occupation tax application with the Business Licensing Division. Their office is located at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, Kansas 66102. Their contact information is (913) 573-8780 or businesslicense@wycokck.org;
12. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
13. All existing and future driveways must feature curb cuts that are constructed to UG standards;
14. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
15. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
16. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
17. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive

operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;

18. The Special Use Permit shall be valid for 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.

ATTACHMENTS

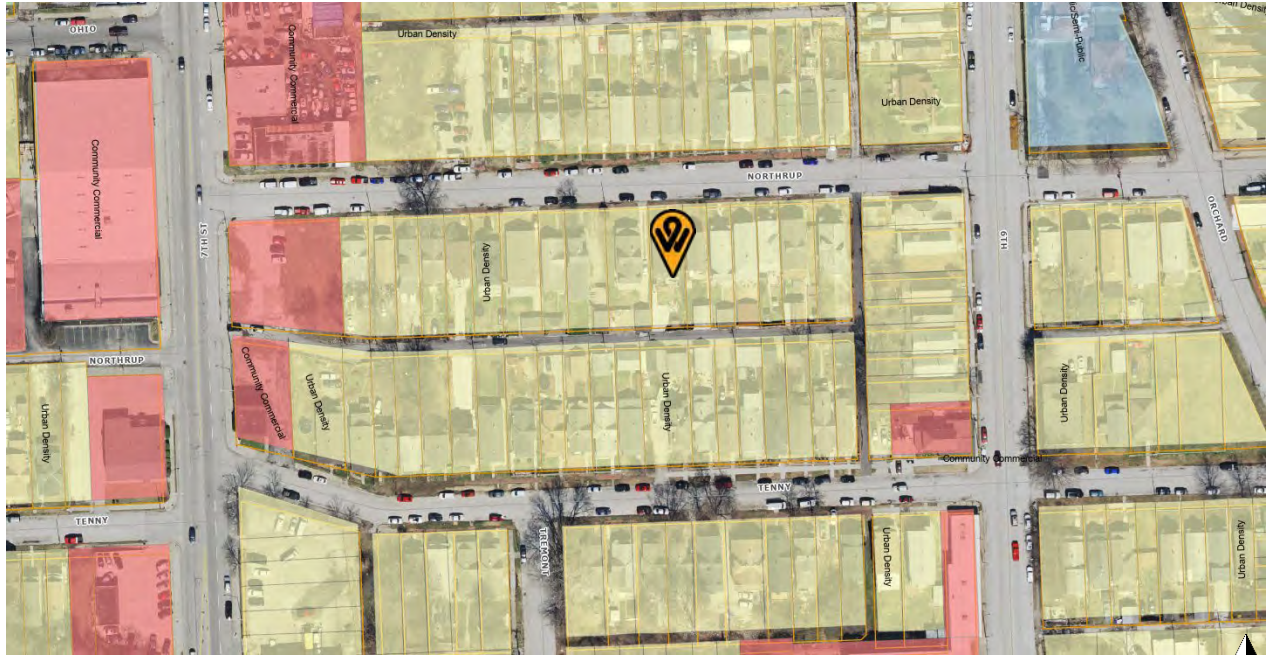
AERIAL IMAGERY



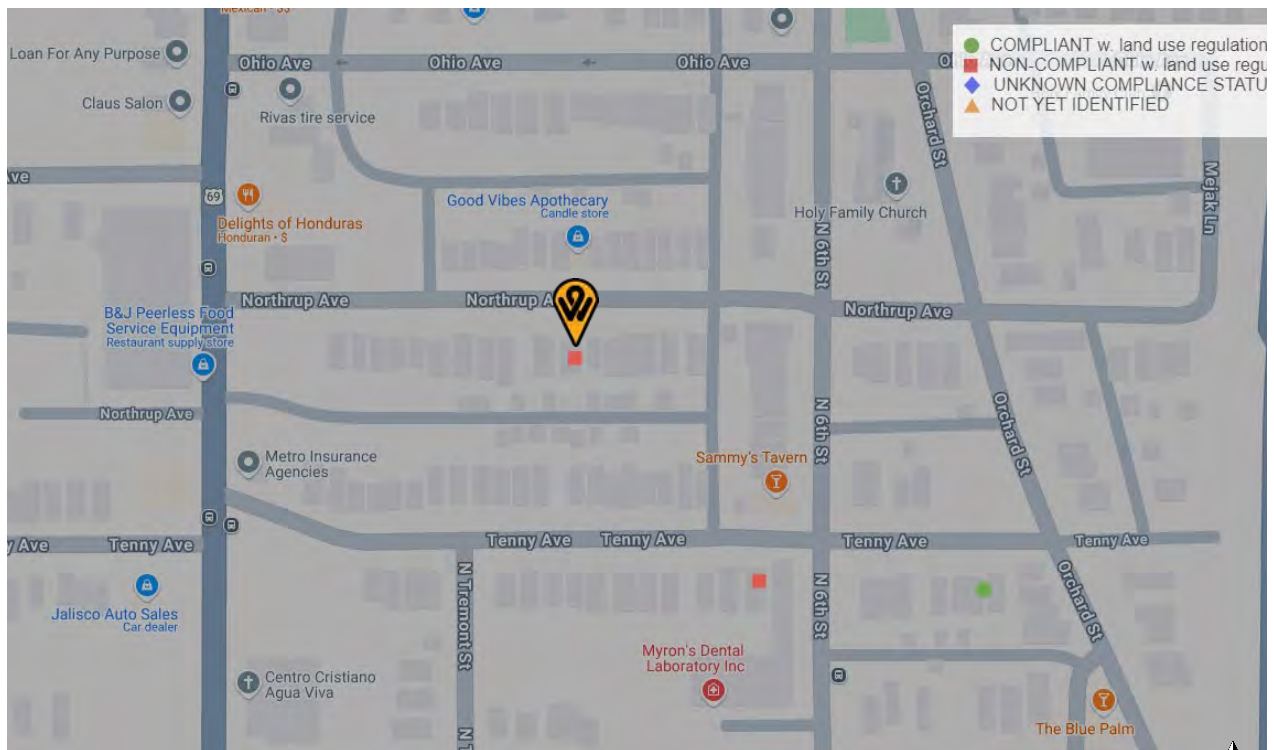
ZONING MAP



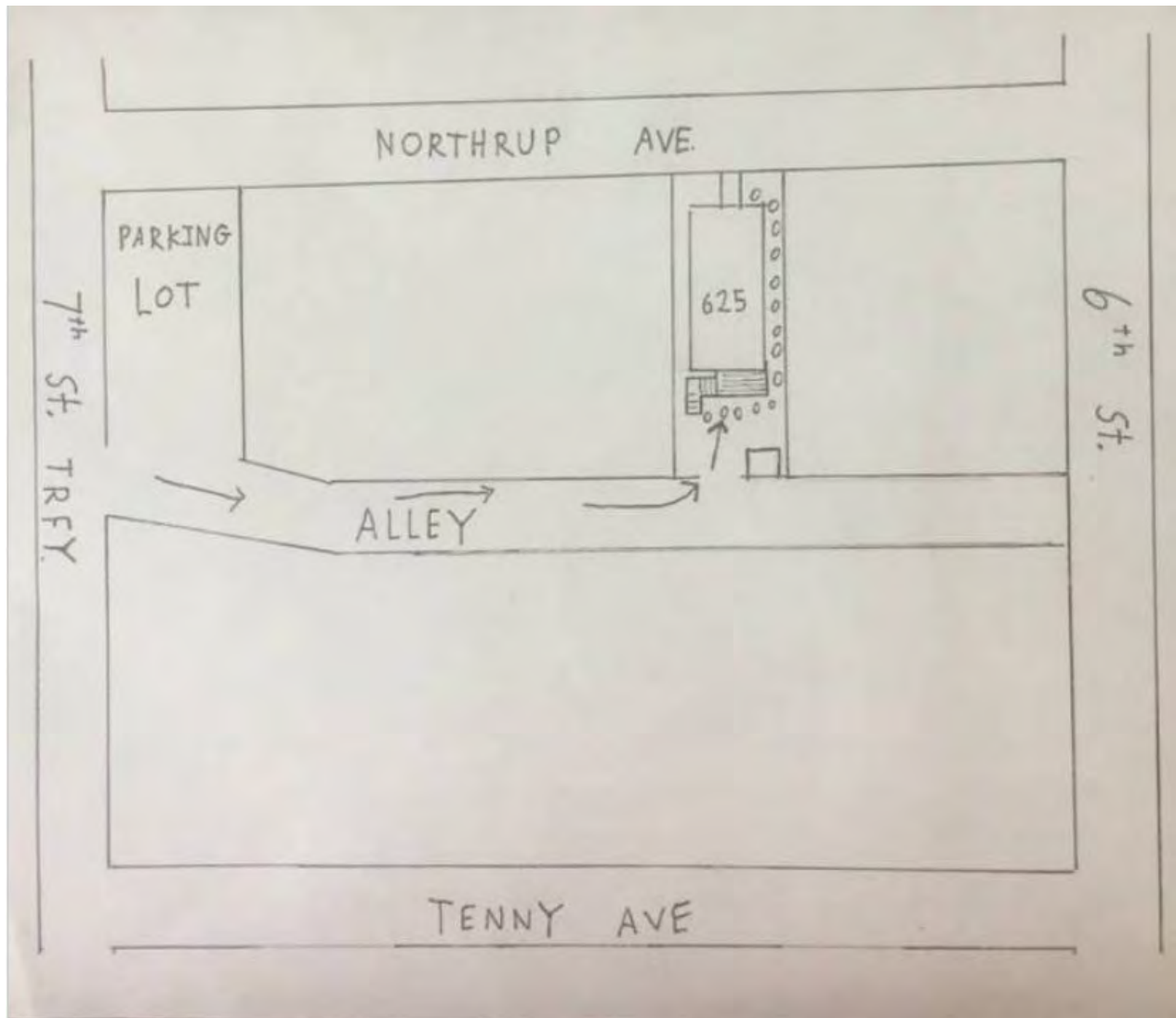
LAND USE MAP



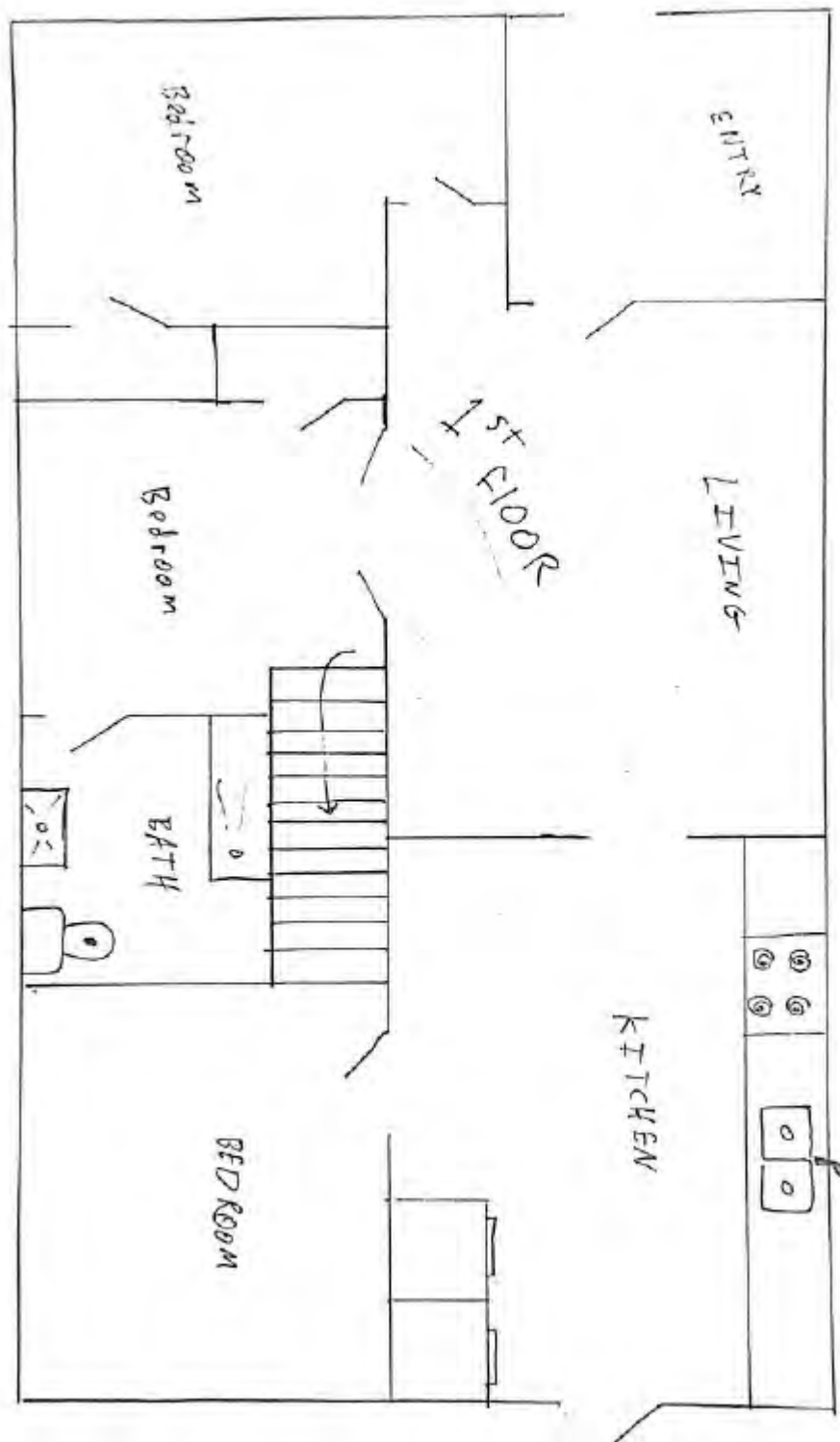
SHORT-TERM RENTAL MAP



SITE PLAN

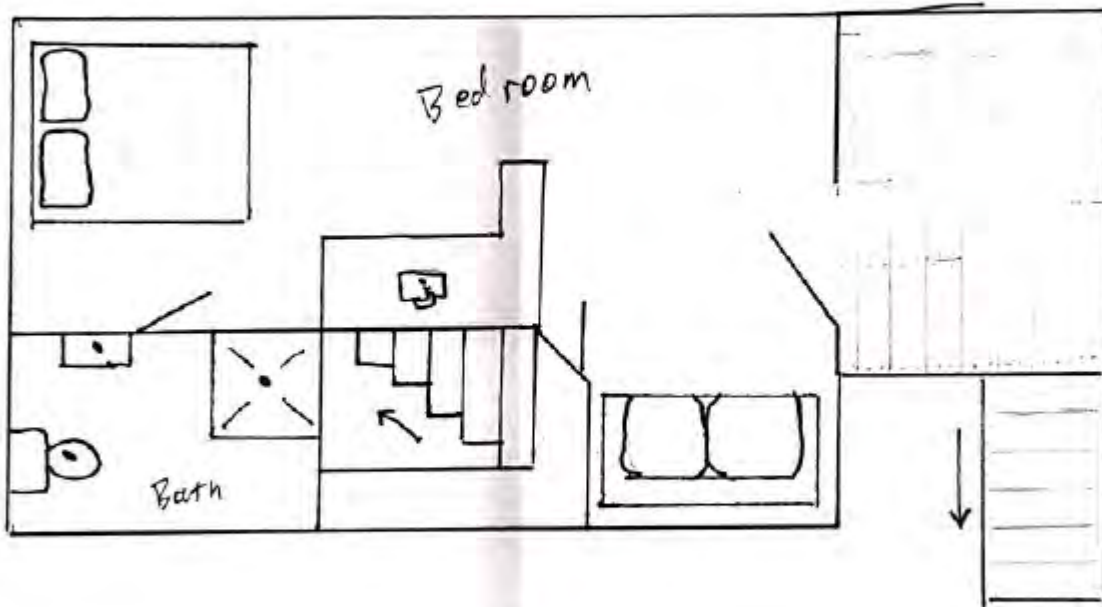


FLOOR PLAN



FLOOR PLAN

2nd floor



NEIGHBORHOOD MEETING MATERIALS

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Missouri)
COUNTY OF Clay) SS:

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

1. That I am the petitioner for Petition # SP2024-073
2. That I conducted a neighborhood meeting on 10/1/2024.
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.

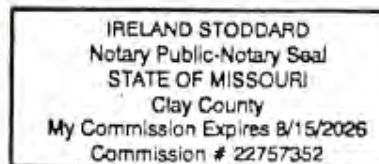
Further affiant saith not.

Alison Schwartz
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 2nd day of October, 200¹⁸ 2024

My commission expires 15th of August, 200¹⁸ 2026

Ireland Stoddard
Notary Public



Application #SP2024-073

Tuesday, Oct. 1, 2024

Meeting called to order at Flagship Books
510 N. 6th St. KCK 66101
at 2:00 pm

People in attendance: Alison Schwartz
Fritz Hutchison
Jessica Zieg
Sean B. (635 Northrup)
Joel (owner at Flagship)

Introductions: Presentation by Alison that they are
applying for a special use permit to
function as an Airbnb.

Questions/Answers: Sean asked Jessica to continue
to be an excellent landlord
by keeping responsible tenants
and continue yard upkeep.
Sean asked how many folks stay
at Airbnb.
Response: Approx. 8 guests/month
Sean asked for Airbnb listing link/photos.
Sean asked how many rooms.
Response: 1 studio + bathroom +
kitchenette
Everyone discussed neighborhood cats/dogs
and increase in property taxes this year.

Meeting adjourned at 2:55 pm.

Minutes taken by Alison Schwartz

SITE VISIT PHOTOS, TAKEN BY STAFF – DATED OCTOBER 4, 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: October 30, 2024

Re: Special Use Permit Petition SP2024-075

GENERAL INFORMATION

Applicant Information:

Betsy and Ryan Maxfield
Owner
Hermosa 711, LLC
1001 West 70th Street
Kansas City, Missouri 64113

Subject Property:

4436 Cambridge Street
Kansas City, Kansas 66103

Requested Action and Purpose:

Renewal of a Special Use Permit
(expires December 14, 2024) to
operate a short-term rental.

Commission Districts:

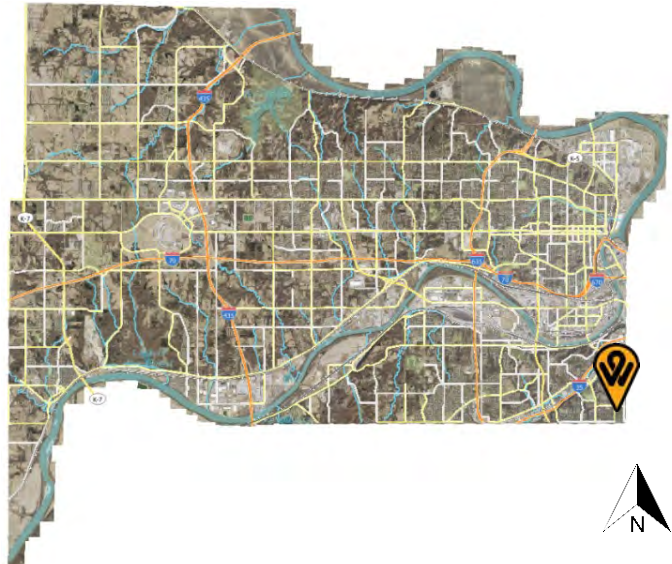
Commissioner At-Large, District #2:
Tom Burroughs
District #3 Commissioner:
Christian Ramirez

Existing Zoning District(s):

R-1(B) Single Family District

Plan Area:

Rosedale Area Plan



	Adjacent Zoning	Adjacent Uses
North	R-1(B) Single Family District	Single-family residence
South	R-1(B) Single Family District	Single-family residence
East	R-1(B) Single Family District	Single-family residence
West	R-1(B) Single Family District	Single-family residence

Total Tract Size: 0.16 Acre

Comprehensive Plan Designation: The Rosedale Area Plan designates the subject property as Single Family, which allows for single family, detached houses. Townhomes and side-by-side rowhouses are appropriate where the property has frontage on a mixed use or neighborhood corridor.

Major Street Plan: The goDotte Countywide Strategic Mobility Plan designates Cambridge Street as a Local/Neighborhood Street.

Parking Requirement: Section 27-455 (d) states “Two (2) off-street parking spaces shall be provided on the premises for each single-family dwelling”. The subject property provides two (2) parking spaces.

Landscaping Requirement: Section 27-700 (a) states “One (1) shade tree per dwelling unit is required in the front or corner side yard”. The subject property fulfills this requirement.

Advertisement: The Wyandotte Echo – September 19, 2024
Letters to Property Owners – September 20, 2024

Public Hearings: October 14, 2024 and October 30, 2024

Public Support: None to date.

Public Opposition: None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicants, Betsy and Ryan Maxfield, are requesting a renewal of a Special Use Permit (expires December 14, 2024) to operate a short-term rental at 4436 Cambridge Street, Kansas City, Kansas 66103. This is not the owner’s primary residence. This would be the first and only permitted short-term rental on the 4400 block of Cambridge Street. There is one (1) other non-permitted short-term

rental on this block that must cease operation if this petition is approved.

City Ordinance Requirements: 27-592 through 27-606, 27-214, and 27-623 and all other applicable standards within Chapter 27.

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 Permit and Cases:

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

Previous Planning Actions:

1. 2023 – SP2023-057 – Special Use Permit to operate a short-term rental

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The subject property is located within the Rosedale Statistical Neighborhood, the Spring Valley Neighborhood Group and the Rosedale Development Association Neighborhood Group. The neighborhood consists of a mix of single-family residences with a mix of duplexes, triplexes, and some fourplexes.

2. The zoning and uses of properties nearby and the proposed use's expected compatibility with them. In general, commercial and industrial special use permits should not be granted adjacent to residential districts.

The zoning and uses are set out above. The subject property is surrounded by the R-1(B) Single Family District. Use of the property as a rental, either short or long-term, while commercial in nature, is consistent with other nearby properties in close proximity to a mix of uses including multi-family and commercial properties. While use as a short-term rental is commercial in nature, the use is occurring in a purpose-built residence, which should not present issues with nearby property. The proposed use is compatible if properly managed.

3. The suitability of the property for the uses to which it has been restricted. Will the remove of restrictions including those for hours of operation (where applicable), detrimentally affect nearby property?

Removal of the restrictions that require a Special Use Permit has the potential to create issues such as parking, excessive noise, illumination, vibration, overcrowding of land and undue concentrations of population. The property could be suitable for use as a short-term rental if the aforementioned issues are properly managed.

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

The property is not vacant. The property has operated as a short-term rental since 2022.

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

Special Use Permits are not addressed in the Rosedale Area Plan. The Rosedale Area Plan designates the subject property as Single Family, which allows for single family, detached houses. Townhomes and side-by-side rowhouses are appropriate where the property has frontage on a mixed use or neighborhood corridor. The proposed use conforms to the Rosedale Area Plan designation 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 Cambridge Street, a Local/Neighborhood 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 excessive noise, illumination, 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 all potential issues that are related to short-term rentals if it is not managed properly. There have not been any 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 and ostensibly not considered to be a problem for nearby properties.

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, permitted residence in an existing built-out neighborhood.

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

The relative gain or loss to 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 with appropriate permits and licenses, their primary residence, or sell the property.

12. *The applicant's ability to maintain the use in an "as proposed" condition.*

The applicant has maintained the proposed use as originally proposed and according to previous conditions of approval.

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

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

NEIGHBORHOOD MEETING INFORMATION

The applicant held a neighborhood meeting via Zoom on September 30, 2024. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Noise, Illumination, and Vibration
Home Inspection Report

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Special Use Permit Application SP2024-075, **for two (2) years**, subject to:

1. Maximum number of guests shall be six (6);
2. All parking must be off-street, maximum number of vehicles is two (2). No STR renters or guests may park on-street;
3. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
4. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;
5. Applicant is to maintain liability insurance;
6. The property must remain in proper maintenance and free of hazards, pests, or infestations;
7. The granting of this Special Use Permit does not transfer with a change of ownership of the property;
8. Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and www.hostcompliance.com/tips (website);
9. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
10. If approved, occupying businesses must file and maintain a current business occupation tax application with the Business Licensing Division. Their office is located at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, Kansas 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 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 AND CONDITIONS

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 **SP2024-075** subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

October 14, 2024, City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Host Compliance Map
Floor Plan
Site Plan
Proof of Repair
Neighborhood Meeting Materials
Site Visit Photos, Taken by Staff – Dated October 4, 2024

PUBLIC HEARING SCHEDULE

Action(s)	City Planning Commission	Unified Government Board of Commissioners
Special Use Permit	October 14, 2024 Approval	October 30, 2024

STAFF CONTACT:

Kiley Meierarend
kmeierarend@wycokck.org
913-573-5750

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2024-075** 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 **SP2024-075**, 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.

October 14, 2024, City Planning Commission Minutes:

SPECIAL USE PERMIT APPLICATION SP2024-075 – BETSY AND RYAN MAXFIELD – SYNOPSIS: Renewal of a Special Use Permit (SP-2023-057 – expires 12/14/2024) for a Short-Term Rental at 4436 Cambridge Street. Detailed Outline of Requested Action: The applicants, Betsy and Ryan Maxfield, are requesting a renewal of a Special Use Permit (expires December 14, 2024) to operate a short-term rental at 4436 Cambridge Street, Kansas City, Kansas 66103. This is not the owner's primary residence. This would be the first and only permitted short-term rental on the 4400 block of Cambridge Street. There is one (1) other non-permitted short-term rental on this block that must cease operation if this petition is approved.

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 Commissioner Schwartz stated that SP2024-063 Brian Lostal is her real estate client, and she recused herself from voting on the items on the Consent Agenda. Planning Commissioner Ernst stated that he has had numerous contacts on SP2024-057 for Brad Willits over the past years.

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 October 14, 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 Commissioner Ernst requested removal of SP2024-057 – Brad Willits with Dynasty Holdings.

Sharon Curtis requested removal of PLAT2024-027 for John Grahovac.

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

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

Motion to APPROVE Passed: 8 to 0

Subject to:

1. Maximum number of guests shall be six (6);
2. All parking must be off-street, maximum number of vehicles is two (2). No STR renters or guests may park on-street;
3. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
4. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager’s contact information within the entrance of the area that is rented;
5. Applicant is to maintain liability insurance;
6. The property must remain in proper maintenance and free of hazards, pests, or infestations;
7. The granting of this Special Use Permit does not transfer with a change of ownership of the property;
8. Must provide a manual/welcome packet that lists all rules, including “No Parties, etc.” This manual must inform guests that the Unified Government

enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and www.hostcompliance.com/tips (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;
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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

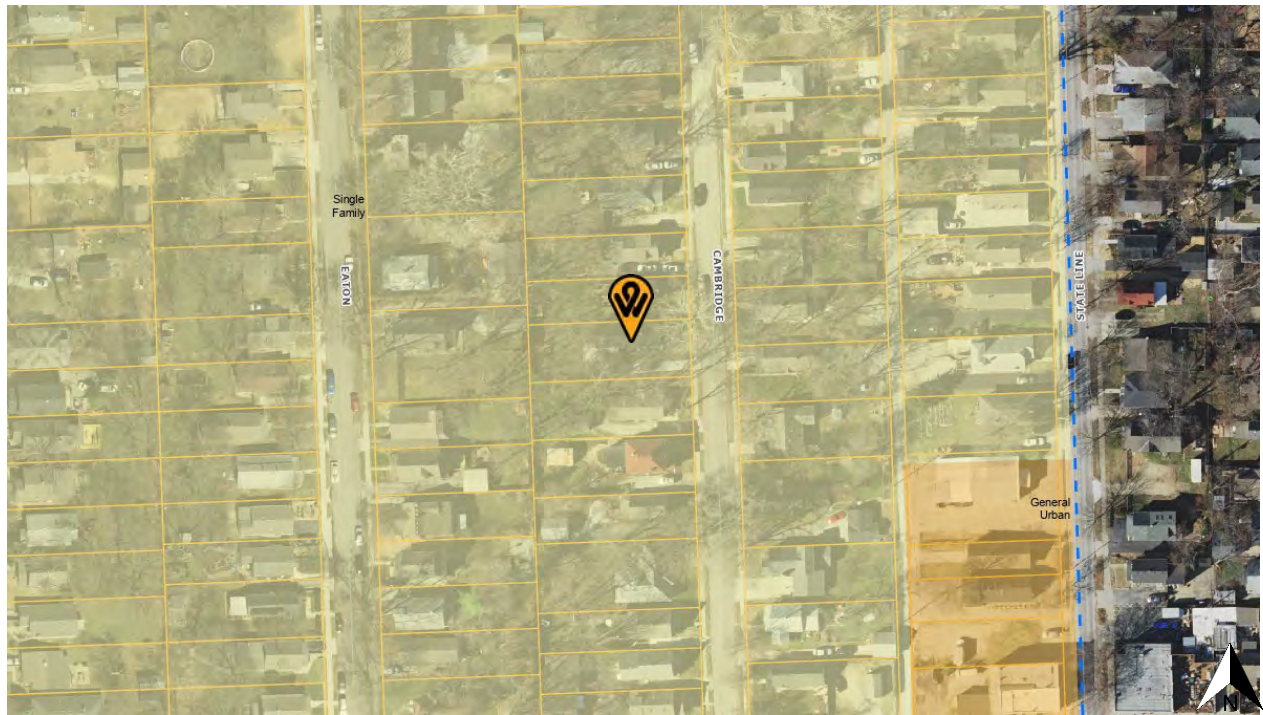
AERIAL IMAGERY



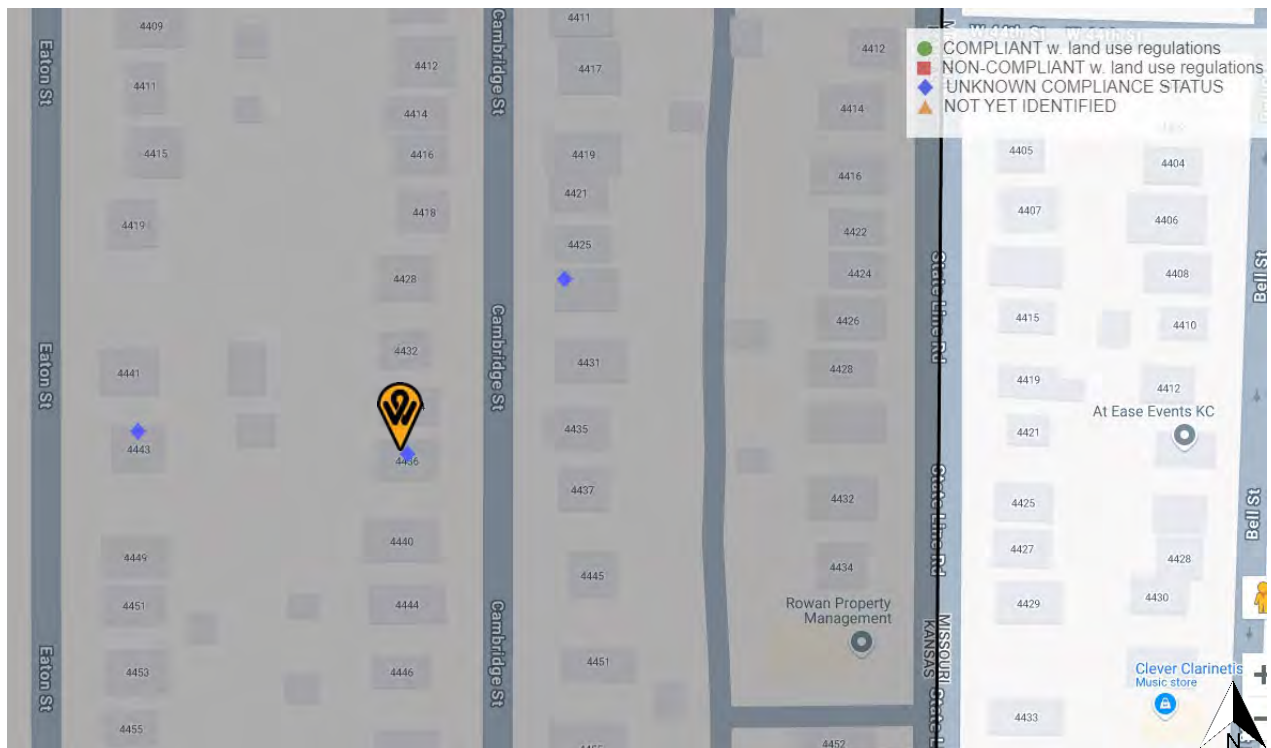
ZONING MAP



LAND USE MAP



SHORT-TERM RENTAL MAP



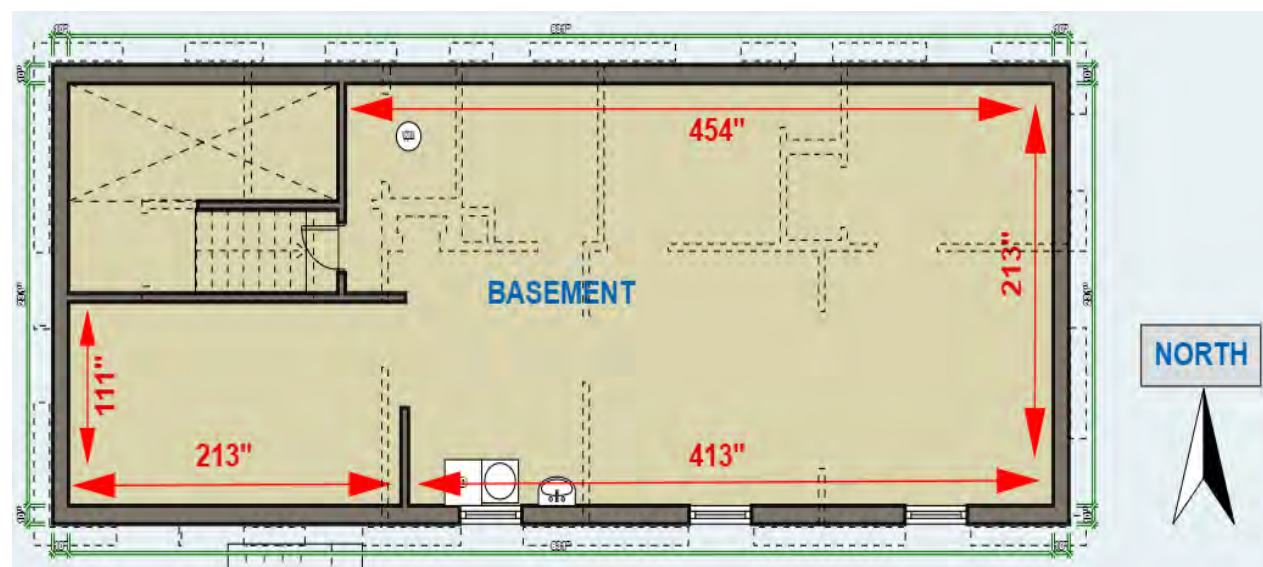
4436 CAMBRIDGE ST. KANSAS CITY, KS 66103

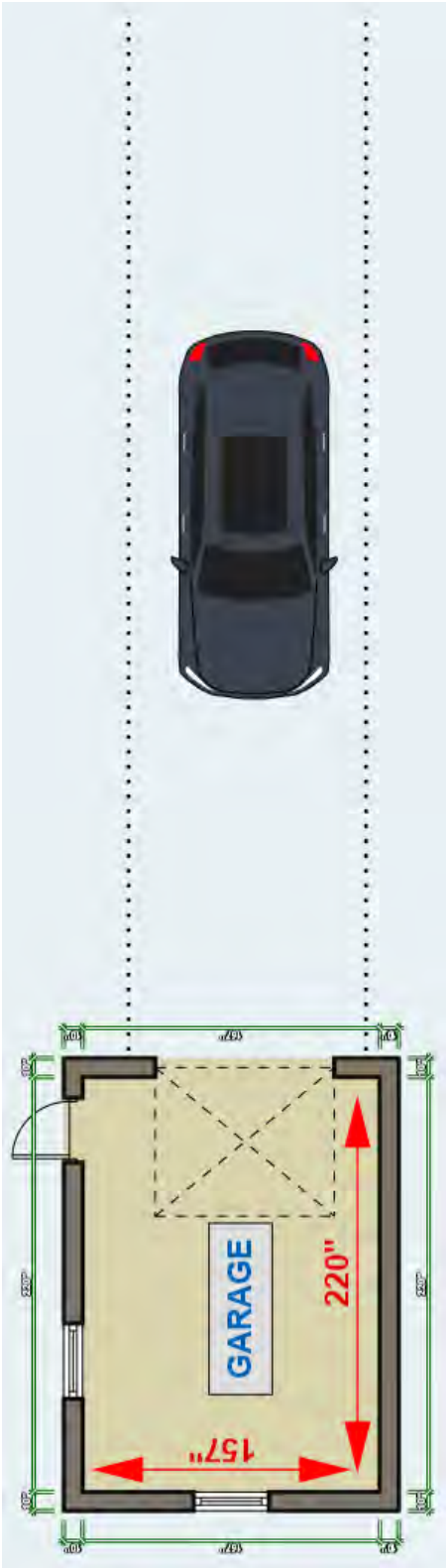
Overall Dimensions:
 Total Width: 33' 0"
 Total Depth: 43' 0"

Room Dimensions (Length x Width):
 Bedroom 3: 255" x 125"
 Bedroom 2: 113" x 99"
 Bedroom 1: 142" x 99"
 Living Room: 158" x 151"
 Dining Room: 147" x 151"
 Kitchen: 125" x 151"
 Bathroom 1 (B.R. 1): 87" x 99"
 Bathroom 2 (B.R. 2): 123" x 76"

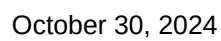
Other Dimensions:
 Staircase (top left): 76" x 125"
 Staircase (bottom left): 171" x 201"
 Hallway/Entry: 125" x 171"

Orientation:
 North Arrow pointing towards the top right.
 Street Name: CAMBRIDGE STREET





SP2024-075

17

NEIGHBORHOOD MEETING MATERIALS

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas }
COUNTY OF Wyandotte } SS:

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

1. That I am the petitioner for Petition # SP-2024-075
2. That I conducted a neighborhood meeting on 9/30/24 @ 5:30 pm
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Planning + Urban Design Department.

Further affiant saith not.

Betsy Maxfield
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 1st day of October, 2024

My commission expires 26th of November 2025

Liza L. LaFollette
Notary Public



NEIGHBORHOOD MEETING MATERIALS

Application Number: Special Use Permit SP2024-075

9/30/2024 – Virtual via Zoom

Meeting called to order at: 5:30pm

Names of people in attendance:

Betsy Maxfield

Ryan Maxfield

Valerie Wells Fenton

Jake Hodson

Darren Gotham

Becky Paulsen

Introductions:

5:40pm-Valerie Wells Fenton arrived

Betsy Maxfield and Ryan Maxfield welcomed Valerie Wells Fenton

- Introductions were made
- Presentation of why the meeting was being held:
 - o Betsy Maxfield and Ryan Maxfield are presenting to renew the short-term rental at the property of 4436 Cambridge St. Kansas City, KS with Wyandotte County

5:45pm-Jake Hodson reached out directly to Betsy Maxfield for Zoom meeting link

-Betsy provided link via text

5:50pm-Betsy Maxfield followed up with a call & email to Jake Hodson to provide Zoom meeting link

6:02pm-Jake Hodson arrived

- Introductions were made
- Presentation of why the meeting was being held:
 - o Betsy Maxfield and Ryan Maxfield are presenting to renew the short-term rental at the property of 4436 Cambridge St. Kansas City, KS with Wyandotte County

6:08pm-Darren Gotham arrived

- Introductions were made

6:29pm-Becky Paulsen arrived

- Introductions were made

Questions and answers (include the following):

5:40pm

Where do we reside as our home?-Valerie Wells Fenton

- 70th St and Valley in Kansas City, MO just 8 minutes away from the rental property-Ryan Maxfield

Do we have children?-Valerie Wells Fenton

- 2 young daughters that you may see from time to time helping us in the yard at the rental property.

6:03pm-

Why is it that you have such difficulty following the rules for the process to apply for a license for short-term rental process this year and last?-Jake Hodson

- We have taken all the correct steps according to Wyandotte County steps and procedures both for the initial registration and now for the renewal. All letters were sent out according to the list provided by Wyandotte County announcing the meeting with a Zoom link to access. The sign was properly placed in the yard as directed by Wyandotte County and we will follow up with meeting notes from this meeting.-Betsy Maxfield

6:09pm-Betsy Maxfield announce the Zoom call may time out, however we would be logging back into the same Zoom meeting link

6:10pm-Zoom Meeting link timed out

6:10pm-Zoom Meeting restarted

6:11pm-Valerie Wells Fenton, Jake Hodson, Darren Gotham arrived back on Zoom Meeting.

What is the shortest amount of time your rental property will be rented for?-Jake Hodson

- The property allows for no less than 2 night stay currently.-Betsy Maxfield

Rosedale Home Association asks that properties be rented no less than 31 days and the association does not like investors coming in taking property that would otherwise allow families to move in.-Jake Hodson

- We are local family that personally manages and works on the property. In addition, we are at the property multiple times a week personally doing yardwork

or checking on the home. We know the immediate neighbors and have exchanged contact information to keep in touch. In the 1 year we have been a licensed short-term rental property we have had 0 complaints or issues reported.-Betsy Maxfield

We in the community do not like short-term rentals under 31 days as it does not hold the integrity of the neighborhood or grow the community; or properties that rent to nurses or medical students. We don't even prefer to have rentals and they should be family owned homes in the neighborhood.-Jake Hodson

- We are a family owned property and have rented to nurses or medical workers for longer than 31 days. The property is listed on Furnished Finders in an effort to provide that opportunity to medical workers or mid-term rentals.-Betsy Maxfield
- In addition, we have found that many of our renters are staying due to a personal procedure or family procedure being done at the nearby KU Medical Center. The property offers all amenities on a single floor and is wheelchair accessible. – Betsy Maxfield

6:19pm

I live right around the corner from the 4436 Cambridge St. and seen the improvements that the Maxfield's have made to the home from when they first bought it as well as how they keep it up. If you look at other homes in the neighborhood that are permanent residents or rentals. I would much prefer home owners like the Maxfields.-Valerie Wells Fenton

- There are other rental properties nearby that most likely should be closed or cracked down on for operating as short-term rentals.-Jake Hodson

To Jake Hodson-What would you recommend be done to better our renewal process?-Ryan Maxfield

- I believe the fees should be increased for you to apply and therefore it would deter people from applying as well as provide additional funds to apply the closure policies in the community.-Jake Hudson

To Jake Hodson-We are taking the correct steps to renew and make sure we follow the rules set forth by the community-Betsy Maxfield

- I understand you are taking the correct steps and the process as people hire me to fill out their applications and make sure they have all the correct forms in place. You could have hired myself to take care of the process for you.-Jake Hudson

6:29pm

To Becky Paulsen-Becky, Do you have any questions?-Jake Hodson

Do you own any other short-term rental properties?-Becky Paulsen

- No, this is the only short-term rental property we own.-Betsy Maxfield

That was the only question I had-Becky Paulsen

6:30pm

Who is your planning coordinator? And when you submit your notes please copy me on the email.-Jake Hodson

- Kiley Meierarend-Betsy Maxfield

When is your CPC date?-Jake Hodson

- Oct 14th

To all-Does anyone else have any questions? Has everyone asked anything of us they would like?-Betsy Maxfield

- All-No

Thank you all for your time and attendance. We appreciate your questions and information.-Betsy Maxfield

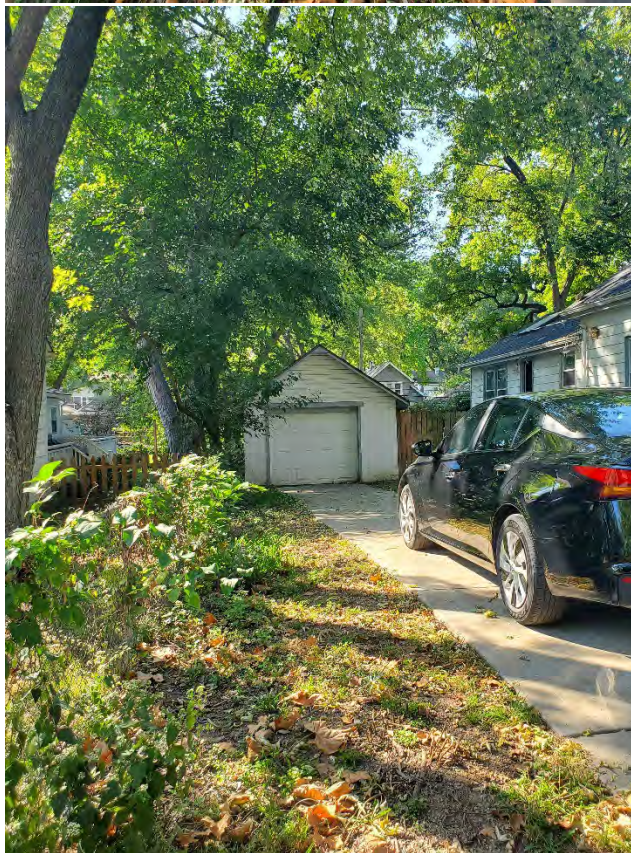
Meeting adjourned at:

6:36PM

Minutes taken by: Ryan Maxfield

7:15PM

Email notification from ZOOM saying that Chris Steineger was in the waiting room; however the meeting had started 2 hours ago and was now over. I will try and reach out to Chris directly and see if there are any questions I can answer -Betsy Maxfield





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: October 30, 2024

Re: Special Use Permit Petition SP2024-076

GENERAL INFORMATION

Applicant Information:

Elizabeth Harding
Owner
ERKC, LLC
8910 Delmar Street
Prairie Village, Kansas 66207

Subject Property:

2822 West 43rd Avenue, Unit B
Kansas City, Kansas 66103

Requested Action and Purpose:

Renewal of Special Use Permit
(expires October 5, 2024) to operate
a short-term rental.

Commission Districts:

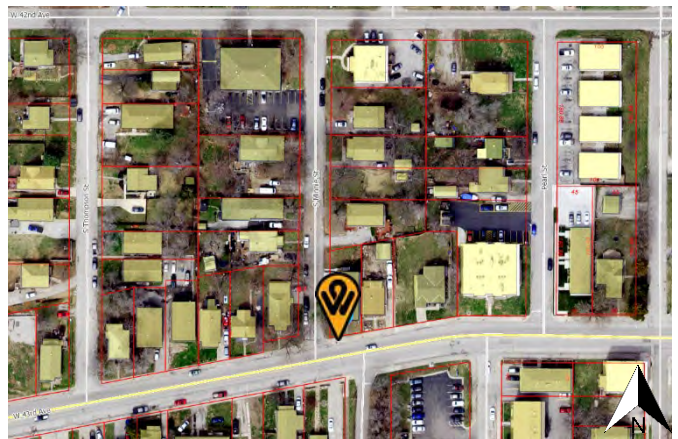
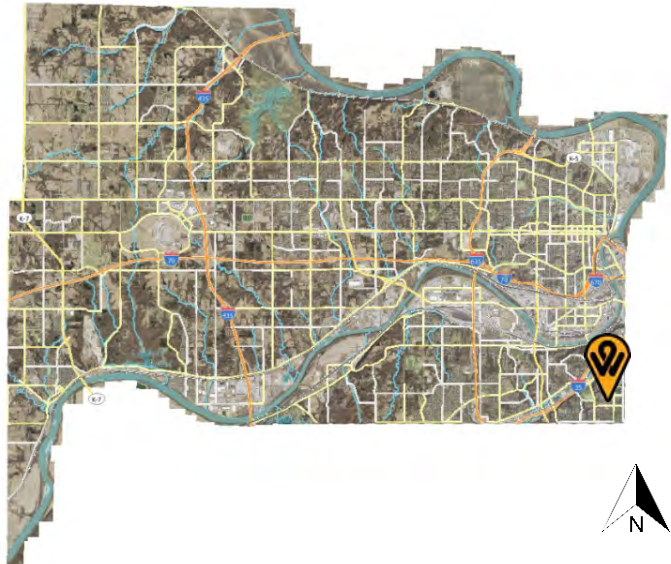
Commissioner At-Large, District #2:
Tom Burroughs
District #3 Commissioner:
Christian Ramirez

Existing Zoning District(s):

R-2(B) Two Family District

Plan Area:

Rosedale Area Plan



	Adjacent Zoning	Adjacent Uses
North	R-1(B) Single Family District	Single-family residence
South	R-1(B) Single Family District	Single-family residence
East	R-1(B) Single Family District	Single-family residence
West	R-1(B) Single Family District	Single-family residence

Total Tract Size: 0.10 Acre

Comprehensive Plan Designation: The Rosedale Area Plan designates the subject property as General Urban, which allows for 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 West 43rd Avenue as a Minor Collector Street.

Parking Requirement: Section 27-457 (d) states “One (1) parking space for each dwelling unit shall be provided on the premises”. The subject property is required to have at least two (2) parking spaces. The property provides two (2) parking spaces, provided that the driveway meets standard dimensions.

Landscaping Requirement: Section 27-700 (a) states “One (1) shade tree per dwelling unit is required in the front or corner side yard”. The subject property fulfills this requirement.

Advertisement: The Wyandotte Echo – September 19, 2024
Letters to Property Owners – September 20, 2024

Public Hearings: October 14, 2024 and October 30, 2024

Public Support: None to date.

Public Opposition: None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Elizabeth Harding, is requesting a renewal of a Special Use Permit (expires October 5, 2024) to operate a short-term rental at 2822 West 43rd Avenue, Kansas City, Kansas 66103. This is not the owner's primary residence. This would be the only permitted short-term rental on the 2800 block of West 43rd Avenue.

City Ordinance Requirements: 27-592 through 27-606, 27-214, and 27-623 and all other applicable standards within Chapter 27.

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 with the current property owner.

Outstanding or Related Permit and Cases:

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

Previous Planning Actions:

1. 2022 – BOZA2022-005 – Variance for existing front yard setback and minimum parking standards.
2. 2022 – COZ2022-002 – Change of Zone from R-1(B) Single Family District to R-2(B) Two Family District.
3. 2023 – SP2023-053 – Special Use Permit to operate a short-term rental.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The subject property is located within the Rosedale Statistical Neighborhood, the Hilltop Neighborhood Group, and the Rosedale Development Association (RDA) group. The neighborhood consists of a mix of townhouses, garden-style apartments, and single-family residences. It is located between Mission Road and Rainbow Boulevard, two mixed-use corridors. Some mixed-use is also located on 43rd Avenue.

- 2. *The zoning and uses of properties nearby and the proposed use's expected compatibility with them. In general, commercial and industrial special use permits should not be granted adjacent to residential districts.***

The zoning and uses are set out above. The subject property is surrounded by the R-1(B) Single Family District. Use of the property as a rental, either short or long-term, while commercial in nature, is consistent with other nearby properties in close proximity to two (2) mixed-use corridors. While use as a short-term rental is commercial in nature, the use is occurring in a purpose-built residence, which should not present issues with nearby property. The proposed use is compatible if properly managed.

- 3. *The suitability of the property for the uses to which it has been restricted. Will the remove of restrictions including those for hours of operation (where applicable), detrimentally affect nearby property?***

Removal of the restrictions that require a Special Use Permit has the potential to create issues such as parking, excessive noise, illumination, vibration, overcrowding of land and undue concentrations of population. The property could be suitable for use as a short-term rental if the aforementioned issues are properly managed.

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

The property is not vacant. The property is a duplex, and one (1) unit has operated as a short-term rental since 2022.

- 5. *The degree of conformance of the proposed use to the Comprehensive 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 rowhouses, townhomes, and single-family houses. Three story apartment buildings, retail, and office uses are allowed only on neighborhood and mixed-use corridors. The proposed use conforms to the Rosedale Area Plan designation 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 West 43rd 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 making excessive noise, vibration, overcrowding of land, illumination, 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 all potential issues that are related to short-term rentals if it is not managed properly. There have not been any 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 and ostensibly not considered to be a problem for nearby properties.

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, permitted residence in an existing built-out neighborhood.

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

The relative gain or loss to 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 with appropriate permits and licenses, their primary residence, or sell the property.

12. *The applicant's ability to maintain the use in an "as proposed" condition.*

The applicant has maintained the proposed use as originally proposed and according to previous conditions of approval.

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

The proposed use is not expected to 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.

NEIGHBORHOOD MEETING INFORMATION

The applicant held a neighborhood meeting via Zoom on September 27, 2024. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Noise, Illumination, and Vibration
Parking

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Special Use Permit Application SP2024-076, **for two (2) years**, subject to:

1. **Only one (1) unit of the duplex may be used as a short-term rental;**
2. **Maximum number of guests shall be three (3);**
3. **All parking must be off-street, maximum number of vehicles is one (1). No STR renters or guests may park on-street;**
4. **The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;**
5. **Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;**
6. **Applicant is to maintain liability insurance;**
7. **The property must remain in proper maintenance and free of hazards, pests, or infestations;**
8. **The granting of this Special Use Permit does not transfer with a change of ownership of the property;**
9. **Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and www.hostcompliance.com/tips (website);**

10. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
11. If approved, occupying businesses must file and maintain a current business occupation tax application with the Business Licensing Division. Their office is located at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66101. Their contact information is (913) 573-8780 or businesslicense@wycokck.org;
12. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
13. All existing and future driveways must feature curb cuts that are constructed to UG standards;
14. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
15. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
16. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
17. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive

operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;

18. The Special Use Permit shall be valid for 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.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION AND CONDITIONS

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 **SP2024-076** subject to all comments and suggestions outlined in this staff report and conditions of the City Planning Commission.

ATTACHMENTS

October 14, 2024, City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Host Compliance Map
Floor Plan
Parking Plan
Neighborhood Meeting Materials
Site Visit Photos, Taken by Staff – Dated October 4, 2024

PUBLIC HEARING SCHEDULE

Action(s)	City Planning Commission	Unified Government Board of Commissioners
Special Use Permit	October 14, 2024 Approval	October 30, 2024

STAFF CONTACT:

Kiley Meierarend
kmeierarend@wycokck.org
913-573-5750

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2024-076** 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 **SP2024-076**, 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.

October 14, 2024, City Planning Commission Minutes:

SPECIAL USE PERMIT APPLICATION SP2024-076 – ELIZABETH HARDING – SYNOPSIS: Renewal of a Special Use Permit (SP-2023-053 – expired 10/5/2024) for a Short-Term Rental at 2822 West 43rd Avenue. Detailed Outline of Requested Action: The applicant, Elizabeth Harding, is requesting a renewal of a Special Use Permit (expires October 5, 2024) to operate a short-term rental at 2822 West 43rd Avenue, Kansas City, Kansas 66103. This is not the owner's primary residence. This would be the only permitted short-term rental on the 2800 block of West 43rd Avenue.

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 Commissioner Schwartz stated that SP2024-063 Brian Lostal is her real estate client, and she recused herself from voting on the items on the Consent Agenda. Planning

Commissioner Ernst stated that he has had numerous contacts on SP2024-057 for Brad Willits over the past years.

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 October 14, 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 Commissioner Ernst requested removal of SP2024-057 – Brad Willits with Dynasty Holdings.

Sharon Curtis requested removal of PLAT2024-027 for John Grahovac.

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

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

Motion to APPROVE Passed: 8 to 0

Subject to:

1. **Only one (1) unit of the duplex may be used as a short-term rental;**
2. **Maximum number of guests shall be three (3);**
3. **All parking must be off-street, maximum number of vehicles is one (1). No STR renters or guests may park on-street;**
4. **The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;**
5. **Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy**

- of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;
6. Applicant is to maintain liability insurance;
 7. The property must remain in proper maintenance and free of hazards, pests, or infestations;
 8. The granting of this Special Use Permit does not transfer with a change of ownership of the property;
 9. Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and www.hostcompliance.com/tips (website);
 10. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
 11. If approved, occupying businesses must file and maintain a current business occupation tax application with the Business Licensing Division. Their office is located at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66101. Their contact information is (913) 573-8780 or businesslicense@wycokck.org;
 12. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
 13. All existing and future driveways must feature curb cuts that are constructed to UG standards;
 14. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
 15. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
 16. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463

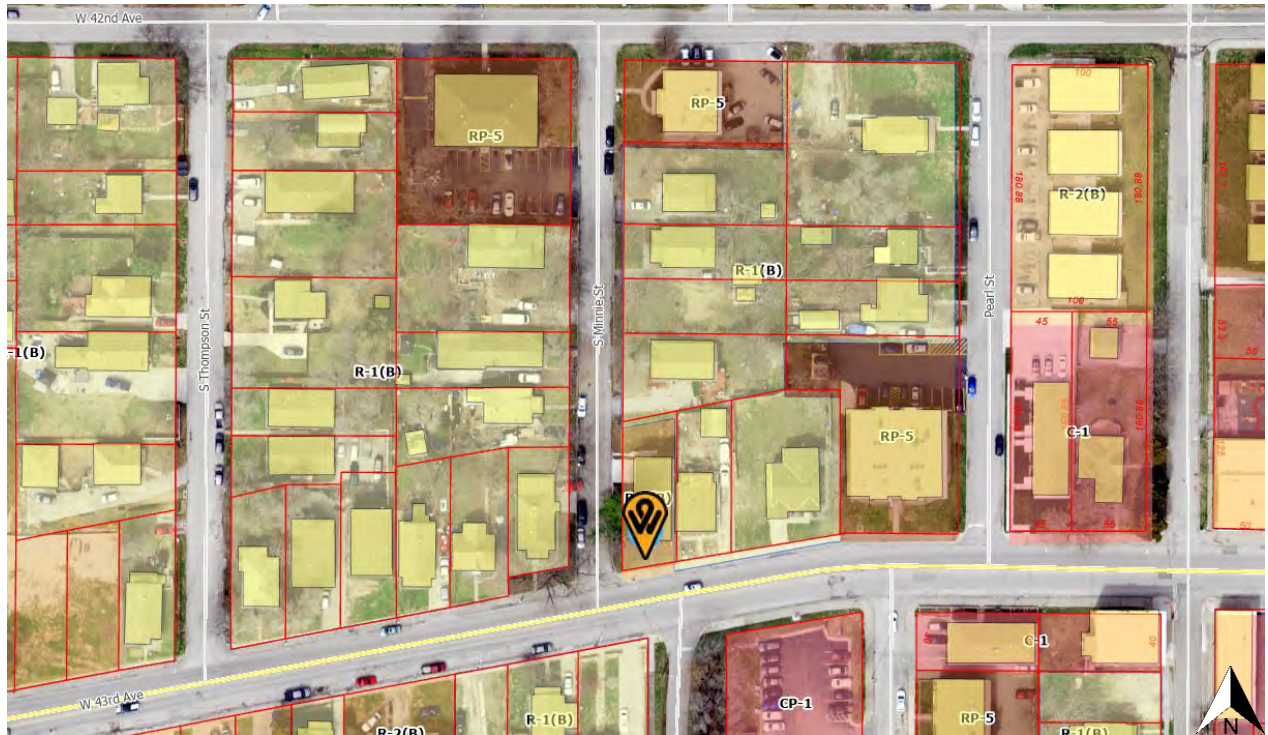
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17. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject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

ATTACHMENTS

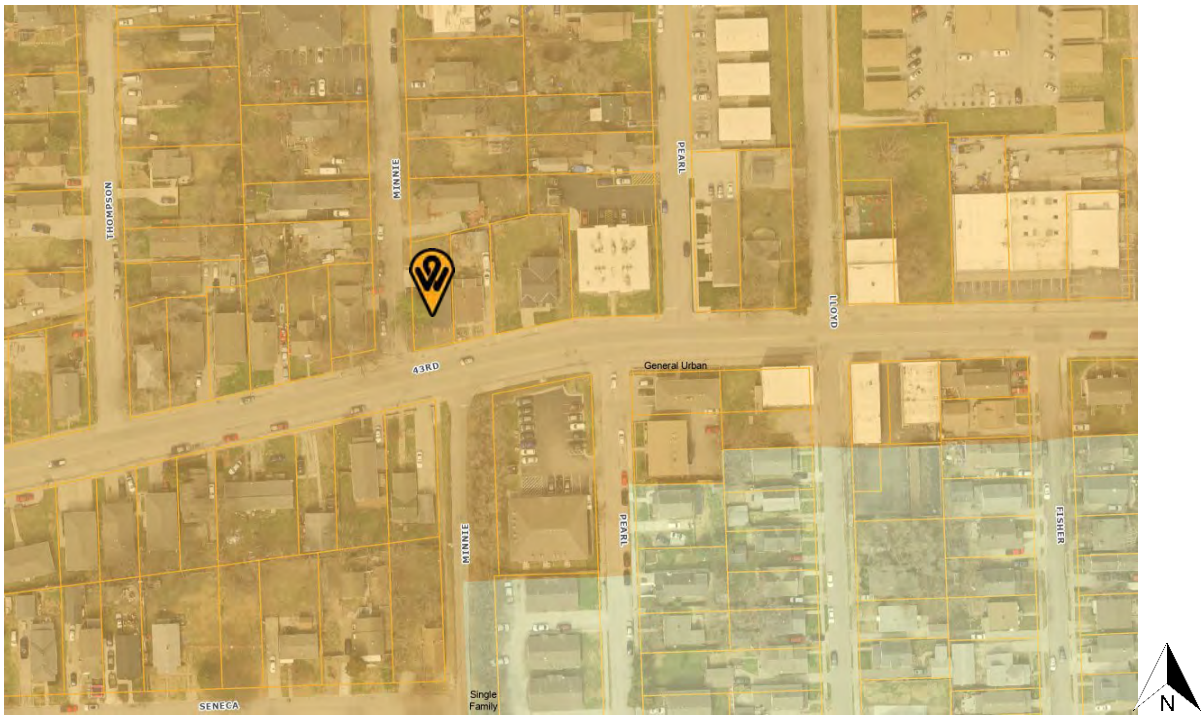
AERIAL IMAGERY



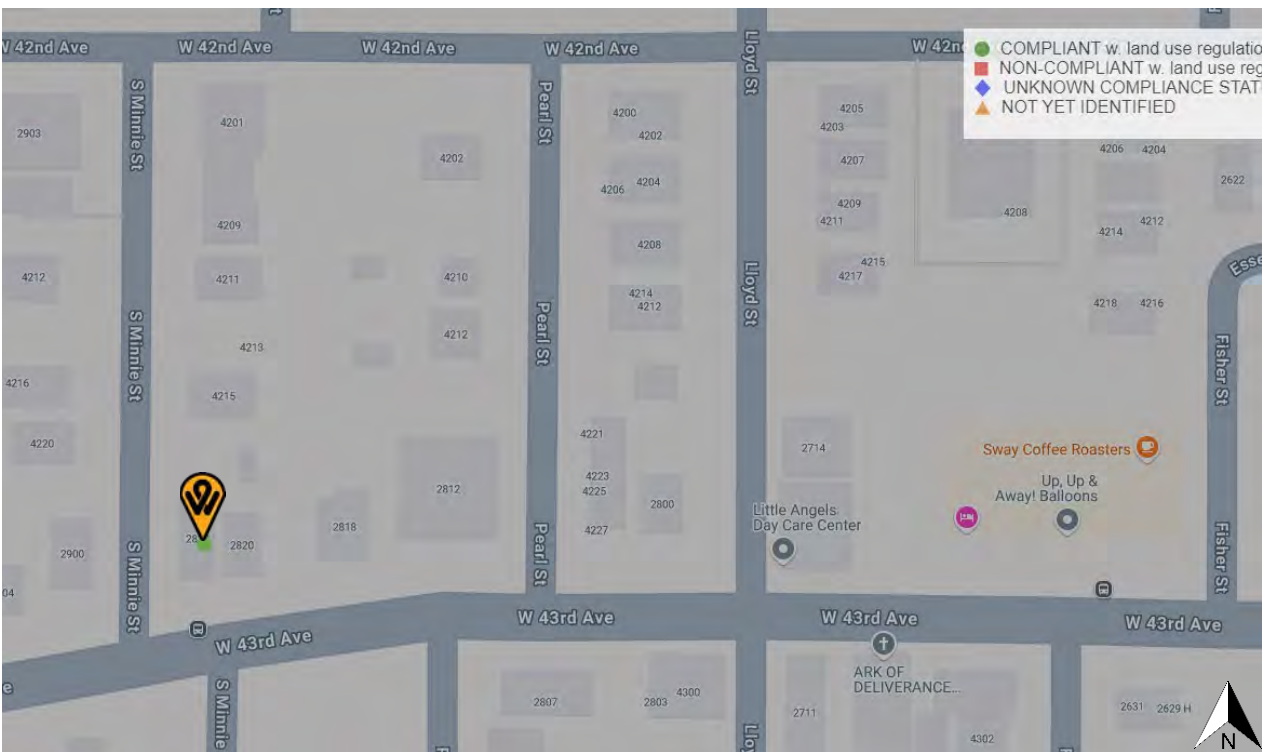
ZONING MAP



LAND USE MAP



SHORT-TERM RENTAL MAP



FLOOR PLAN



Floor Plan & Measurements
2822 W 43rd Ave. Unit B.

Kansas City, KS 64103

NOTES AND DIMENSIONS ARE APPROXIMATE, ACTUAL MAY VARY

PARKING PLAN



NEIGHBORHOOD MEETING MATERIALS

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)

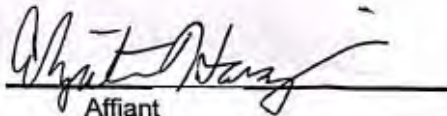
) SS:

COUNTY OF Johnson)

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

1. That I am the petitioner for Petition #SP2024-076
2. That I conducted a neighborhood meeting on 9/27/2024.
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.

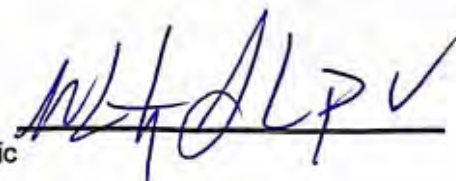
Further affiant saith not.


Affiant

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

My commission expires 26 of April 2026




Notary Public

NEIGHBORHOOD MEETING MATERIALS

Application Number: SP2024-076

Date and Location: 9/27/024 Zoom

Meeting called to order at: 2:30 PM

Names of people in attendance: Elizabeth Harding

There were no participants other than myself in attendance. I have received no questions or communication via phone, email, or postal mail.

Meeting adjourned at: 3:00 PM

Minutes taken by: Elizabeth Harding

SITE VISIT PHOTOS, TAKEN BY STAFF – DATED OCTOBER 4, 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: October 30, 2024

Re: **Special Use Permit Petition SP2024-078**

GENERAL INFORMATION

Applicant Information:

Maddison Berciunas
Representative
9809 Winslow Place
Kansas City, Missouri, 64131

Subject Property:

4206 Mission Road
Kansas City, Kansas 66103

Requested Action and Purpose:

Renewal of a Special Use Permit
(expires October 5, 2024) to operate
a short-term rental.

Commission Districts:

Commissioner At-Large, District #2:
Tom Burroughs
District #3 Commissioner:
Christian Ramirez

Existing Zoning District(s):

R-1(B) Single Family District

Plan Area:

Rosedale Area Plan



	Adjacent Zoning	Adjacent Uses
North	R-1(B) Single Family District	Single-family residence
South	R-1(B) Single Family District	Single-family residence
East	R-1(B) Single Family District	Single-family residence
West	R-1(B) Single Family District	Single-family residence

Total Tract Size: 0.10 Acre

Comprehensive Plan Designation: The Rosedale Area Plan designates the subject property as Single Family, which allows for single family, detached houses. Townhomes and side-by-side rowhouses are appropriate where the property has frontage on a mixed use or neighborhood corridor.

Major Street Plan: The goDotte Countywide Strategic Mobility Plan designates Mission Road as a Major Arterial Street.

Parking Requirement: Section 27-455 (d) states “Two (2) off-street parking spaces shall be provided on the premises for each single-family dwelling”. The property provides two (2) parking spaces, one (1) covered parking space and one (1) uncovered parking space.

Landscaping Requirement: Section 27-700 (a) states “One (1) shade tree per dwelling unit is required in the front or corner side yard”. The subject property does not fulfill this requirement.

Advertisement: The Wyandotte Echo – September 19, 2024
Letters to Property Owners – September 20, 2024

Public Hearings: October 14, 2024 and October 30, 2024

Public Support: None to date.

Public Opposition: None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Madison Berciunas, is requesting a renewal of a Special Use Permit (expires October 5, 2024) to operate a short-term rental at 4206 Mission Road, Kansas City, Kansas 66103. This is not the owner’s primary

residence. This would be the first and only permitted short-term rental on the 4200 block of Mission Road. There is one (1) other non-permitted short-term rental on this block that must cease operation if this petition is approved.

City Ordinance Requirements: 27-592 through 27-606, 27-214, and 27-623 and all other applicable standards within Chapter 27.

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 Permit and Cases:

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

Previous Planning Actions:

1. 2023 – SP2023-056 – Special Use Permit to operate a short-term rental.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The subject property is located within the Rosedale Statistical Neighborhood, the Hilltop Neighborhood Group, and the Rosedale Development Association (RDA) group. The neighborhood consists of a mix of townhouses, garden-style apartments, and single-family residences. It is adjacent to Rosedale Park, as well as the mixed-use corridors of 43rd Avenue and 47th Avenue.

2. The zoning and uses of properties nearby and the proposed use's expected compatibility with them. In general, commercial and industrial special use permits should not be granted adjacent to residential districts.

The zoning and uses are set out above. The subject property is surrounded by the R-1(B) Single Family District. Use of the property as a rental, either short or long-term, while commercial in nature, is consistent with other nearby properties in close proximity a mixed-use corridor. While use as a short-term rental is commercial in nature, the use is occurring in a purpose-built residence, which should not present issues with nearby property. The proposed use is compatible if properly managed.

3. *The suitability of the property for the uses to which it has been restricted. Will the remove of restrictions including those for hours of operation (where applicable), detrimentally affect nearby property?*

Removal of the restrictions that require a Special Use Permit has the potential to create issues such as parking, excessive noise, illumination, vibration, overcrowding of land and undue concentrations of population. The property could be suitable for use as a short-term rental if the aforementioned issues are properly managed.

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

The property is not vacant. The property has been used as a short-term rental since 2023.

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

Special Use Permits are not addressed in the Rosedale Area Plan. The Rosedale Area Plan designates the subject property as Single Family, which allows for single family, detached houses. Townhomes and side-by-side rowhouses are appropriate where the property has frontage on a mixed use or neighborhood corridor. The proposed use conforms the Rosedale Area Plan designation 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 Mission Road, a Major Arterial 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 making excessive noise, vibration, overcrowding of land, illumination, 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 all potential issues that are related to short-term rentals if it is not managed properly. There have not been any 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 and ostensibly not considered to be a problem for nearby properties.

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, permitted residence in an existing built-out neighborhood.

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

The relative gain or loss to 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 with appropriate permits and licenses, their primary residence, or sell the property.

12. *The applicant's ability to maintain the use in an "as proposed" condition.*

The applicant has not maintained the proposed use as originally proposed or according to previous conditions of approval as proof of repair for items listed in the Conditions of Approval from SP2023-056 have not been provided.

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

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

NEIGHBORHOOD MEETING INFORMATION

The applicant held a neighborhood meeting via Google Meet on September 30, 2024. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Noise, Illumination, and Vibration
Home Inspection Report
Parking

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Special Use Permit Application SP2024-078, **for one (1) year**, subject to:

1. **Proof of repair for the driveway must be submitted before the publication of the associated ordinance;**
2. **The applicant must plant one (1) shade tree in accordance with Section 27-700 (a);**
3. **Maximum number of guests shall be six (6);**
4. **All parking must be off-street, maximum number of vehicles is two (2). No STR renters or guests may park on-street;**
5. **The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;**
6. **Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;**
7. **Applicant is to maintain liability insurance;**
8. **The property must remain in proper maintenance and free of hazards, pests, or infestations;**
9. **The granting of this Special Use Permit does not transfer with a change of ownership of the property;**
10. **Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and www.hostcompliance.com/tips (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 the Business Licensing Division. Their office is located at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66101. Their contact information is (913) 573-8780 or businesslicense@wycokck.org;

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

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION AND CONDITIONS

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 **SP2024-078** subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

October 14, 2024, City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Host Compliance Map
Floor Plan
Proof of Repair
Planning Engineering Comments
Applicant Response to Planning Engineering Comments
Neighborhood Meeting Materials
Site Visit Photos, Taken by Staff – Dated October 4, 2024

PUBLIC HEARING SCHEDULE

Action(s)	City Planning Commission	Unified Government Board of Commissioners
Special Use Permit	October 14, 2024 Approval	October 30, 2024

STAFF CONTACT:

Kiley Meierarend
kmeierarend@wycokck.org
913-573-5750

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2024-078** 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 **SP2024-078**, 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.

October 14, 2024, City Planning Commission Minutes:

SPECIAL USE PERMIT APPLICATION SP2024-078 – MADISON BERCIUNAS –

SYNOPSIS: Renewal of a Special Use Permit (SP-2023-056 – expired 10/5/2024) for a Short-Term Rental at 4206 Mission Road. Detailed Outline of Requested Action: The applicant, Madison Berciunas, is requesting a renewal of a Special Use Permit (expires October 5, 2024) to operate a short-term rental at 4206 Mission Road, Kansas City, Kansas 66103. This is not the owner's primary residence. This would be the first and only permitted short-term rental on the 4200 block of Mission Road. There is one (1) other non-permitted short-term rental on this block that must cease operation if this petition is approved.

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 Commissioner Schwartz stated that SP2024-063 Brian Lostal is her real estate client, and she recused herself from voting on the items on the Consent Agenda. Planning Commissioner Ernst stated that he has had numerous contacts on SP2024-057 for Brad Willits over the past years.

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 October 14, 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 Commissioner Ernst requested removal of SP2024-057 – Brad Willits with Dynasty Holdings.

Sharon Curtis requested removal of PLAT2024-027 for John Grahovac.

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

Carson	Chairman
Mohler	Aye
Schwartz	Recused herself
Straws	Aye

Ward	Aye
Armstrong	Aye
Beth	Aye
Easterwood	Aye
Ernst	Aye
Jones	Aye
Miller	Not Present

Motion to APPROVE Passed: 8 to 0

1. Proof of repair for the driveway must be submitted before the publication of the associated ordinance;
2. The applicant must plant one (1) shade tree in accordance with Section 27-700 (a);
3. Maximum number of guests shall be six (6);
4. All parking must be off-street, maximum number of vehicles is two (2). No STR renters or guests may park on-street;
5. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
6. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;
7. Applicant is to maintain liability insurance;
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- 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

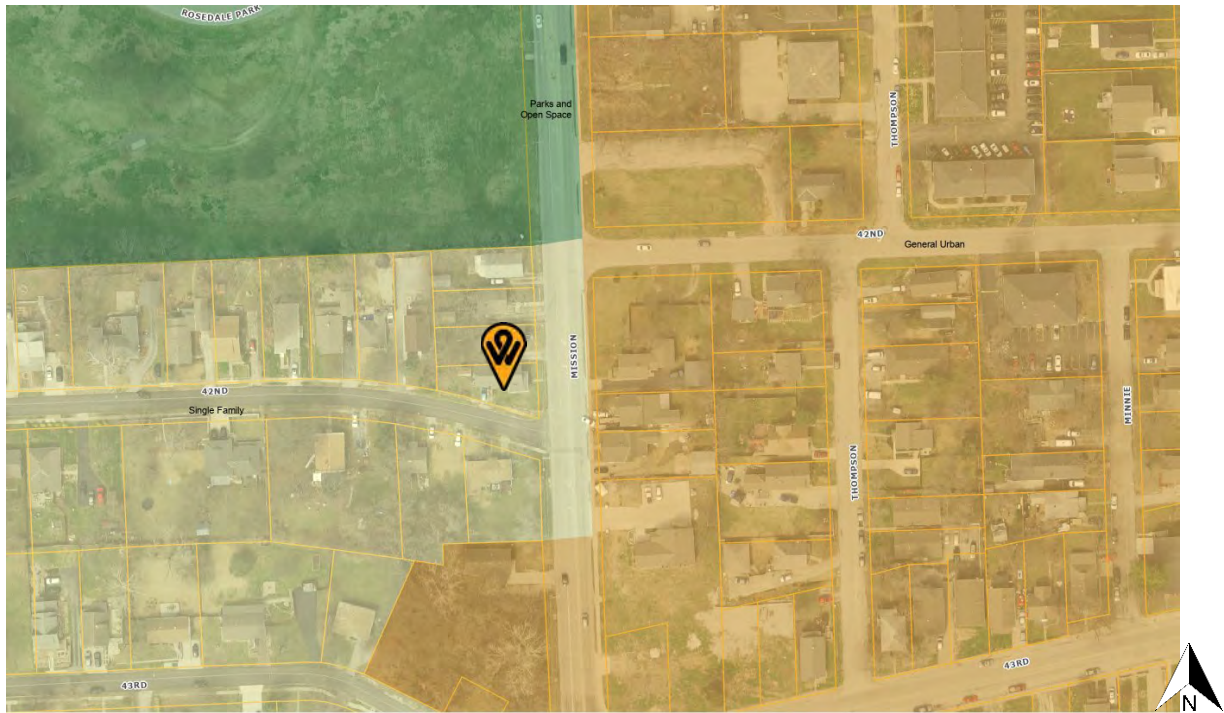
AERIAL IMAGERY



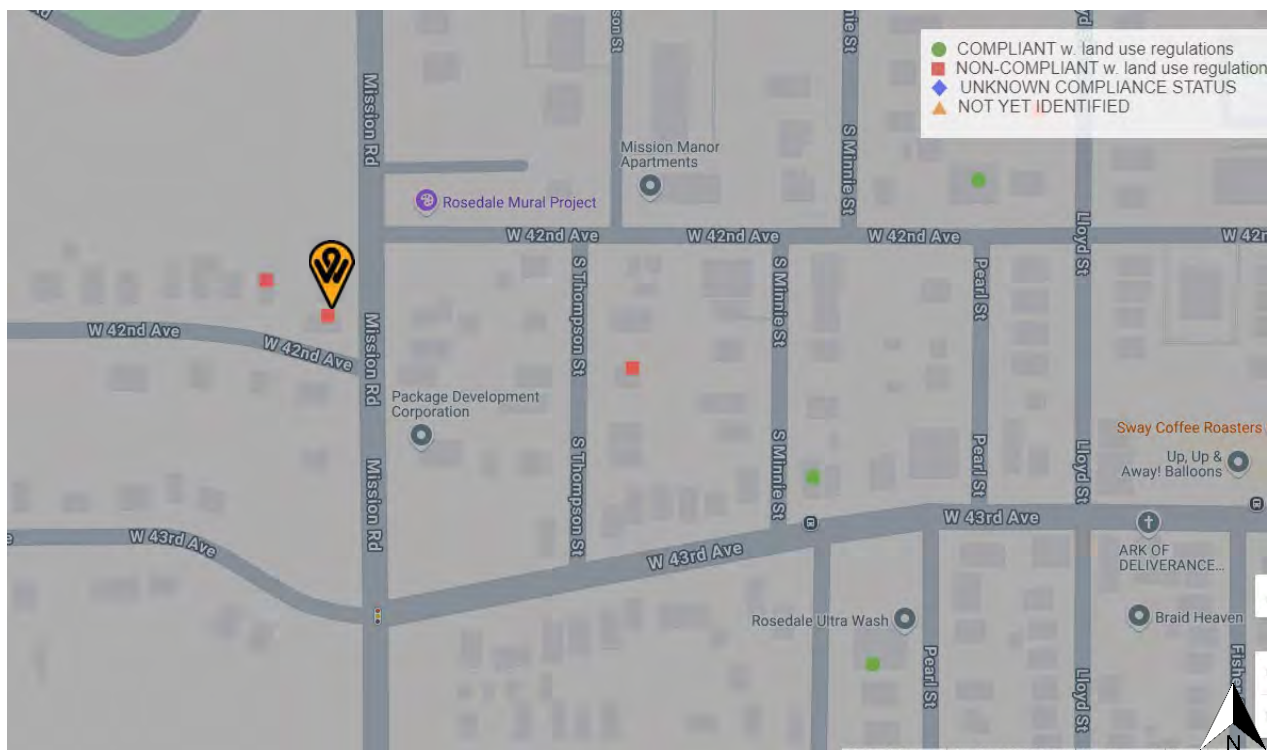
ZONING MAP



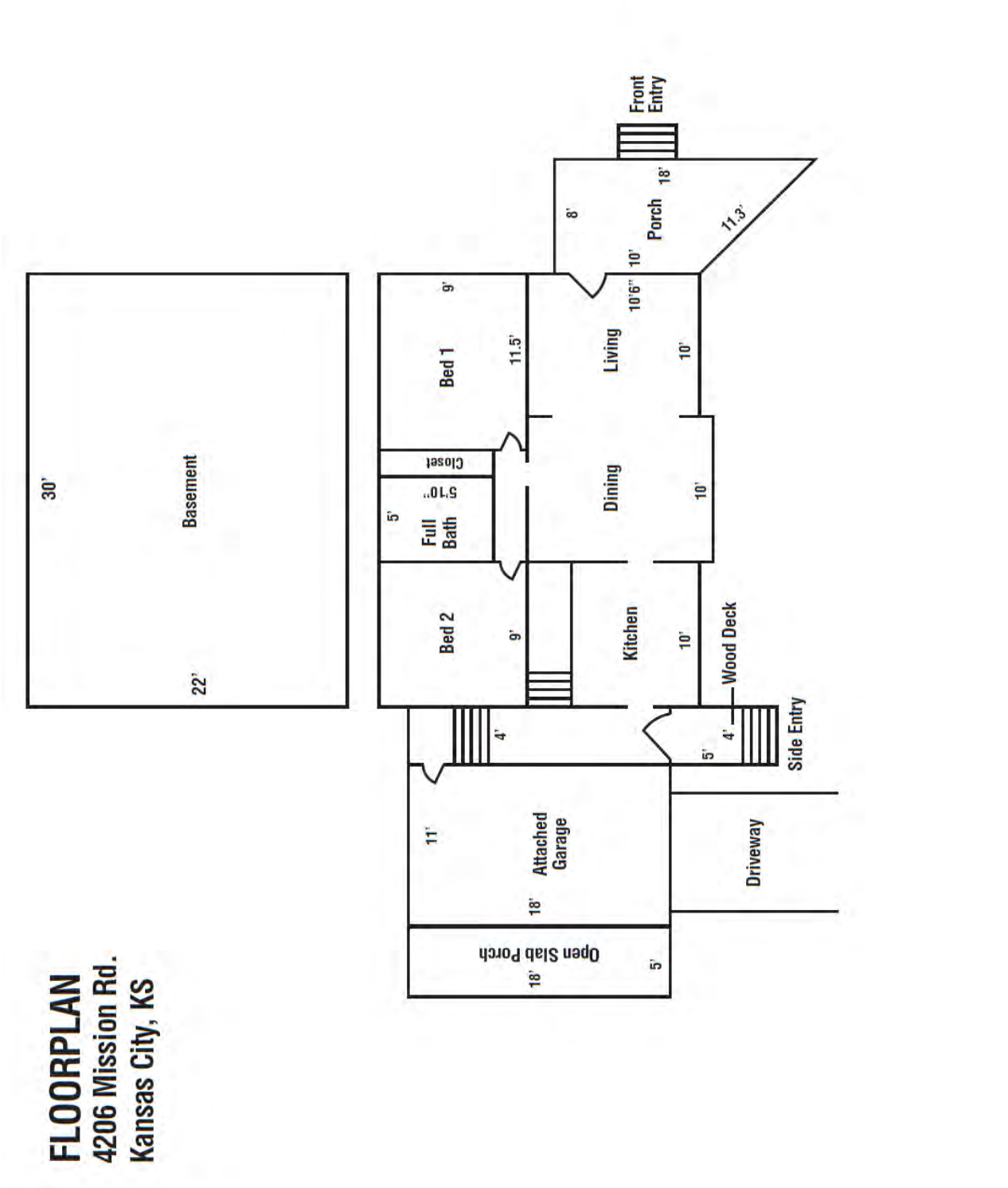
LAND USE MAP



SHORT-TERM RENTAL MAP



FLOOR PLAN



Lefty Bros contracting llc

Invoice No:	1239	Invoice
Date:	08/31/2023	
Terms:	NET 0	
Due Date:	08/31/2023	
Bill To:	maddison Berclunas maddison@standardkc.com 4206 Mission Rd Kansas City, KS, 66103-2755	
		Indp Mo Chris Pearce 816-591-5067 Chris Pearce

1 / 3

PROOF OF REPAIR

Lefty Bros contracting llc - Invoice 1239 - 08/31/2023

Description	Amount
a. Clear debris from the sump pit, cover the sump pit, and ensure that the sump pump is functional (Page 3);	\$3,100.00
b. Repair termite damage in the garage (Page 3);	
d. Remove the poison ivy found within the yard (Page 4);	
e. Install/update hand railings on stairs to the basement, garage, and install additional graspable handrailings at the front and side staircases (Page 4);	
f. Fix metal fascia (Page 4)	
g. Install blocking at open step risers (Page 4);	
h. Cover/remove the exposed insulation batts in the garage stairwell (Page 4);	
i. Restore/replace original wooden windows (Page 4);	
j. Redo the fireplace to meet wood-burning standards or demolish fireplace (Page 4);	
k. Remove mold found in the kitchen sink cabinet (Page 5);	
l. Replace corroded copper water pipe above furnace (Page 5);	
m. Install smoke and carbon monoxide detectors (Page 5);	
n. Remove or secure bare wires in the rear basement ceiling (Page 5);	
o. Update electrical receptacles in the basement, kitchen, and bathroom with GFCI circuit outlets (Page 5);	
p. Rewire circuit breakers appropriately (Page 5);	
SP2023-056 August 14, 2023 7	
q. Secure loose ceiling light at back hallway (Page 5); (We will likely just remove this)	
r. Cover the open wire splice in the south basement ceiling between HVAC duct pipes (Page 5);	
s. Remove or secure Romex wiring in basement stairwell (Page 5);	
t. Cover open electrical wire junction box between furnace equipment and foundation wall (Page 5)	
c. Repair unstable wood railing in side yard.	
I do not recommend trying to install keyed flashing at the chimney noted on page 4. This would require making a 1' depth cut around the perimeter of the chimney most likely causing excessive chipping/breakage of the old bricks/mortar. The existing mastic appears to be working fine as I was able to enter the attic and found no signs of past or, present leakage. We are still waiting on bids for the sidewalk and driveway apron repair.	

Parts Subtotal	\$3,100.00
Subtotal	\$3,100.00
Total	\$3,100.00
PAID	\$3,100.00

Paid

Balance Due	\$0.00
-------------	--------

PLANNING ENGINEERING COMMENTS



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

Memorandum

TO: Kiley Meierarend
Planner

FROM: Travis Trumble
Project Engineer

DATE: September 23, 2024

SUBJECT: Maddison Berciunas – (SP2024-078)
4206 Mission Road
General Engineering Review No. 1 (of the application received 7/26/2024)

Prior to engineering approval on the above-named project, the construction drawings must be revised to address the following comments from the Engineering Division of the Planning and Urban Design Department. These comments refer to General Engineering design standards and requirements of the Unified Government that were not met in this submittal. Planning comments may require additional resubmittals. The resubmittal shall include a response letter (PDF) that explains how each of the following comments has been addressed. Attach revision clouded drawings when applicable. Subsequent review of the plans will not proceed until such letter is received by email to EDR@WyCoKCK.org.

- 1) Is there a proposed site improvement e.g., maintenance and overlay of the driveway area? If repair work of the drive entrance area is going to be done, the site plan shall illustrate these areas and erosion control plans shall be required.
- 2) Regarding the above comment, the driveway entrance within right of way of W. 42nd Avenue shall conform to the Unified Government of Wyandotte County and Kansas City, Kansas Technical Provisions specifications. See UG detail i.e., UG 4100-G.
- 3) If the existing street i.e., on W. 42nd Avenue is damaged during the demolition or construction phase, it shall be restored in accordance with UG standards and criteria.
- 4) Note that permits shall be obtained prior to starting construction, including but not limited to the Unified Government, Public Works Department, right-of-way, hauling, land disturbance permits, etc., as applicable. In this regard, for proposed work i.e., drive entrance area in the ROW, a right of way permit shall be required from UG Public Works prior to construction permit acquisition.
- 5) Please coordinate with Kiley Meierarend, kmeierarend@wycokck.org, for additional Urban Planning and Zoning requirements and comments.
- 6) Construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition.

Reviewer: **Travis Trumble**
Travis Trumble, Project Engineer

Digitally signed by Travis Trumble
DN: cn=Travis Trumble, o=Unified Government of Wyandotte County and KCK
ca=Other Planning and the email=trumble@wycokck.org, c=US
Date: 2024.09.23 15:43:47 -0500

APPLICANT RESPONSE TO PLANNING ENGINEERING COMMENTS

- 1) Is there a proposed site improvement e.g., maintenance and overlay of the driveway area?
If repair work of the drive entrance area is going to be done, the site plan shall illustrate these areas and erosion control plans shall be required.

Yes. Updated site plan attached.

- 2) Regarding the above comment, the driveway entrance within right of way of W. 42nd Avenue shall conform to the Unified Government of Wyandotte County and Kansas City, Kansas Technical Provisions specifications. See UG detail i.e., UG 4100-G.

Contractor Dave White has received approved plans/permit from the city. We are currently waiting on AT&T to locate wires before we can begin work. Scheduled for October 27.

- 3) If the existing street i.e., on W. 42nd Avenue is damaged during the demolition or construction phase, it shall be restored in accordance with UG standards and criteria.

Understood.

- 4) Note that permits shall be obtained prior to starting construction, including but not limited to the Unified Government, Public Works Department, right-of-way, hauling, land disturbance permits, etc., as applicable. In this regard, for proposed work i.e., drive entrance area in the ROW, a right of way permit shall be required from UG Public Works prior to construction permit acquisition.

See answer to question 2 above.

- 5) Please coordinate with Kiley Meierarend, kmeierarend@wycokck.org, for additional Urban Planning and Zoning requirements and comments.

Will do.

- 6) Construction plans shall meet UG standards and criteria, and shall be reviewed.

To my knowledge my contractor Dave White has done this and has received approval.

NEIGHBORHOOD MEETING MATERIALS

SP2024-078

4206 Mission Rd Neighborhood Meeting Minutes

September 30, 2024

No one attended our meeting after waiting 30 minutes.

We did not receive any questions or comments through email or phone.

NEIGHBORHOOD MEETING MATERIALS

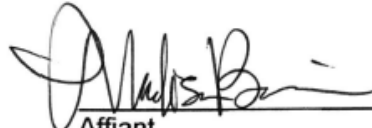
AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Missouri)
) SS:
COUNTY OF Jackson)

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

1. That I am the petitioner for Petition # SP2024-078
2. That I conducted a neighborhood meeting on Sept. 30, 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

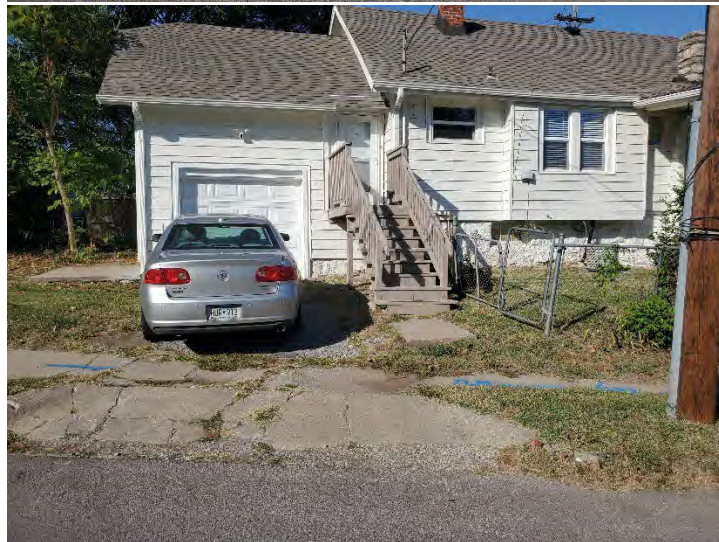
SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 1st day of October, 2024.

My commission expires 21st of May, 2028


Notary Public

Havilah Puderbaugh
Notary Public - Notary Seal
STATE OF MISSOURI
Jackson County
My Commission Expires: May 21, 2028
Commission # 24300161

SITE VISIT PHOTOS, TAKEN BY STAFF – DATED OCTOBER 4, 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: October 30, 2024

Re: Special Use Permit Petition SP2024-079

GENERAL INFORMATION

Applicant Information:

NaShae Wells
Owner
3917 Bell Street
Kansas City, Missouri 64111

Subject Property:

3925 Springfield Street
Kansas City, Kansas 66103

Requested Action and Purpose:

Approval of a Special Use Permit to continue to operate a Short-Term Rental (expired October 5, 2024).

Commission Districts:

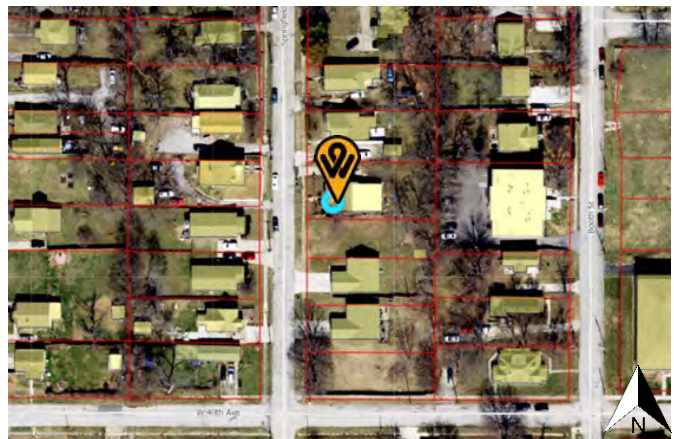
Commissioner At-Large, District #2:
Tom Burroughs
District #3: Christian Ramirez

Existing Zoning District(s):

R-1(B) Single-Family District

Plan Area:

Rosedale Area Plan



	Adjacent Zoning	Adjacent Uses
North	R-1(B) Single Family District	Single-Family Residence
South	R-1(B) Single Family District	Vacant Lot
East	RP-5 Planned Apartment District	Apartment Building
West	R-1(B) Single Family District	Single-Family Residence

Total Tract Size: 0.19 Acre

Comprehensive Plan Designation: The Rosedale Area Plan designates this property as General Urban, which allows for 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 Springfield Street as a Local Street.

Parking Requirement: Section 27-455(d) states “Two (2) off-street parking spaces shall be provided on the premises for each single-family dwelling”. The property provides three (3) parking spaces.

Landscaping Requirement: Section 27-700(a) states “one shade tree per dwelling unit is required in the front or corner side yard. Aerial photos of the subject property demonstrate sufficient landscaping on the property parcels (see “Aerial Map” within the Attachments section of this report).

Advertisement: The Wyandotte Echo – September 19, 2024
Letters to Property Owners – September 20, 2024

Public Hearings: October 14, 2024 and October 30, 2024

Public Support: None to date.

Public Opposition: None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, NeShae Wells, is requesting a Special Use Permit to operate a short-term rental at 3925 Springfield Street. This is not the owner's primary residence. This would be the first and only permitted short-term rental on the 3900 block of Springfield Street.

City Ordinance Requirements: 27-592 through 27-606, 27-214, and 27-623 and all other applicable standards within Chapter 27.

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 building, zoning, or code enforcement complaints on the subject property.

Outstanding or Related Permits and Cases:

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

Previous Planning Actions:

1. Approval of a Special Use Permit (SP2023-048) for a short-term rental for one (1) year in 2023.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The subject property is within the Rosedale Statistical Neighborhood, the Hilltop Neighborhood Group, and the Rosedale Development Association (RDA) group. The neighborhood consists of a mix of townhouses, garden-style apartments, and single-family residences. The neighborhood also includes the mixed-use corridor along Rainbow Boulevard and the KU Medical Center.

2. The zoning and uses of properties nearby and the proposed use's expected compatibility with them. In general, commercial and industrial special use permits should not be granted adjacent to residential districts.

The zoning and uses are set out above. The subject property is surrounded primarily by the R-1(B) Single Family District. Use of the property as a rental, either short or long-term, while commercial in nature, is consistent with other

nearby properties in close proximity. While use as a short-term rental is commercial in nature, the use is occurring in a purpose-built residence, which should not present issues with nearby property. The proposed use is compatible if properly managed.

3. *The suitability of the property for the uses to which it has been restricted. Will the remove of restrictions including those for hours of operation (where applicable), detrimentally affect nearby property?*

Removal of the restrictions that require a Special Use Permit has the potential to create issues such as parking, excessive noise, illumination, vibration, overcrowding of land and undue concentrations of population. The property could be suitable for use as a short-term rental if the aforementioned issues are properly managed.

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

The property has been used as a short-term rental since mid-2022. It was previously used as a long-term rental.

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

Special Use Permits are not addressed in the Rosedale Area Plan. The Rosedale Area Plan designates this property as General Urban, which allows for rowhouses, townhomes, and single-family houses. Three (3) story apartment buildings, retail, and office uses are allowed only on neighborhood and mixed-use corridors. The proposed use conforms to the comprehensive plan if approved with a Special Use Permit.

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

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

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

The proposed use provides a convenience to the public in the form of temporary lodging, however, issues such as noise, vibration, overcrowding of land, and undue concentrations of population could impact nearby properties negatively. If managed properly, however, the use of the property is not expected to

substantially nor permanently injure the appropriate use, visual quality, or marketability of adjoining property.

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

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

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

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

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

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

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

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

12. *The applicant's ability to maintain the use in an "as proposed" condition.*

The applicant has maintained the proposed use as originally proposed and according to previous conditions of approval.

13. *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 as there are three (3) bedrooms. 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.

NEIGHBORHOOD MEETING INFORMATION

The applicant held a neighborhood meeting on September 30, 2024. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Exceeding Maximum Guest Limit
Change in Operation
Previous Conditions of Approval

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Special Use Permit Application SP2024-079, **for two (2) years**, subject to:

1. Maximum number of guests shall be 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 Licensing Division. Their office is located at the Neighborhood Resource Center, 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 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 AND CONDITIONS

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 **SP2024-079** subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

October 14, 2024, Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Host Compliance Map
Neighborhood Meeting Materials
Site Plan
Floor Plan
Site Photos, Taken by Staff, Dated September 26, 2024

PUBLIC HEARING SCHEDULE

Action(s)	City Planning Commission	Unified Government Board of Commissioners
Special Use Permit	October 14, 2024 Approval	October 30, 2024

STAFF CONTACT:

James Molloy

jmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2024-079** as meeting all the requirements of the city code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **SP2024-079**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

October 14, 2024, City Planning Commission Minutes:

SPECIAL USE PERMIT APPLICATION SP2024-079 – LANCE PIERCE WITH KARAT HOME MANAGEMENT – SYNOPSIS: Renewal of a Special Use Permit (SP-2024-048 – expired 10/5/2024) for a Short-Term Rental at 3925 Springfield Street. Detailed Outline of Requested Action: The applicant, NeShae Wells, is requesting a Special Use Permit to operate a short-term rental at 3925 Springfield Street. This is not the owner's primary residence. This would be the first and only permitted short-term rental on the 3900 block of Springfield 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 Commissioner Schwartz stated that SP2024-063 Brian Lostal is her real estate client, and she recused herself from voting on the items on the Consent Agenda. Planning Commissioner Ernst stated that he has had numerous contacts on SP2024-057 for Brad Willits over the past years.

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 October 14, 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 Commissioner Ernst requested removal of SP2024-057 – Brad Willits with Dynasty Holdings.

Sharon Curtis requested removal of PLAT2024-027 for John Grahovac.

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

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

Motion to APPROVE Passed: 8 to 0

Subject to:

1. Maximum number of guests shall be 7;
2. All parking must be off-street, maximum number of vehicles is 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);

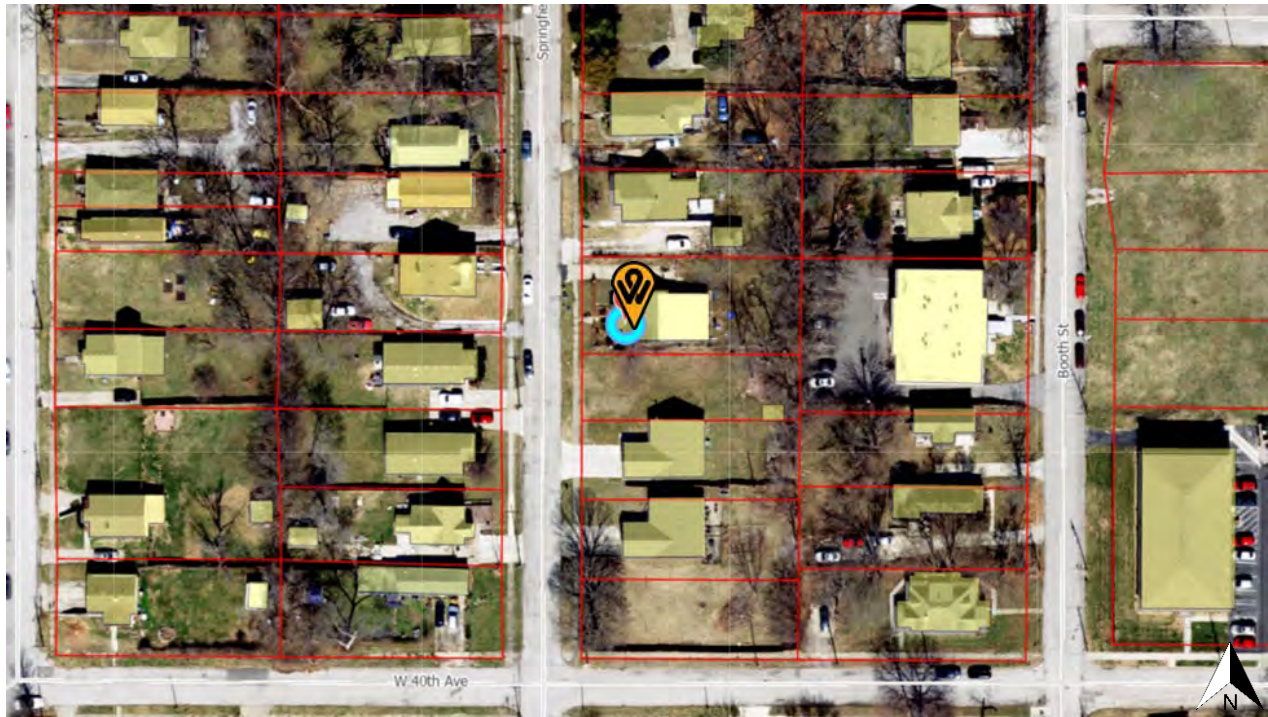
9. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning 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 Licensing Division. Their office is located at the Neighborhood Resource Center, 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;

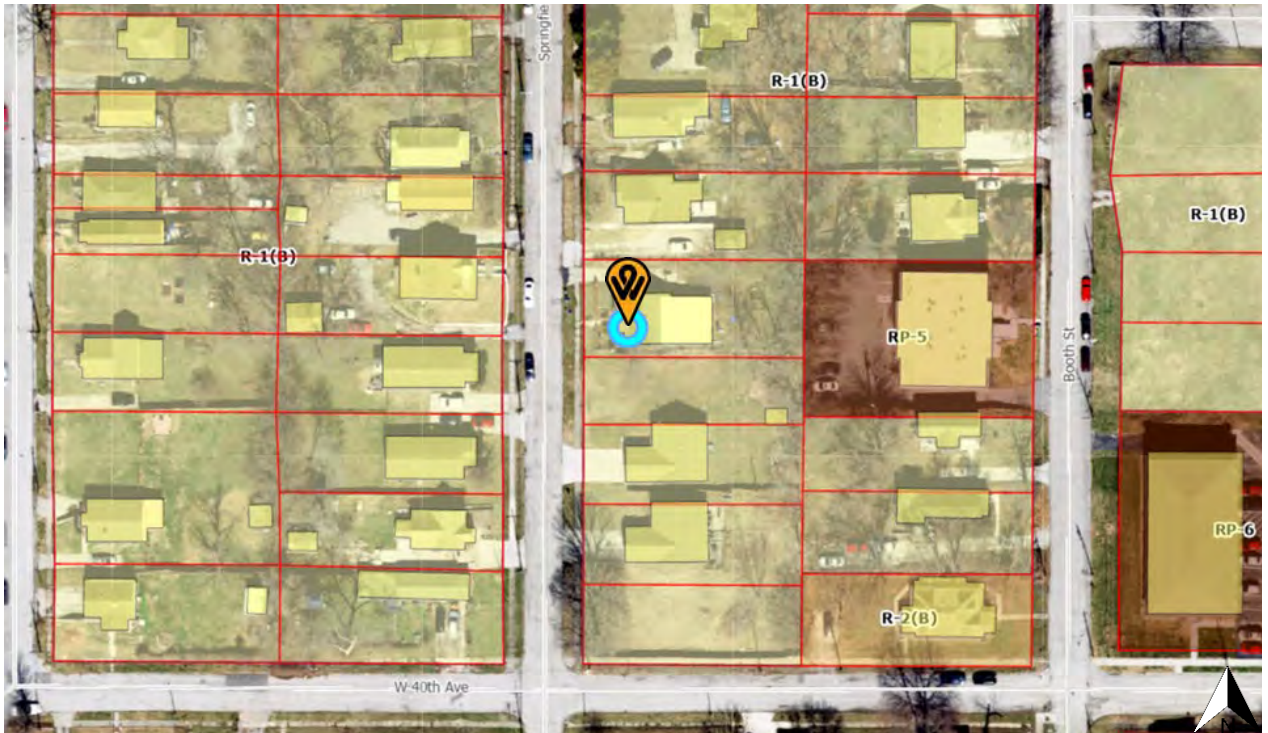
17. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration 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



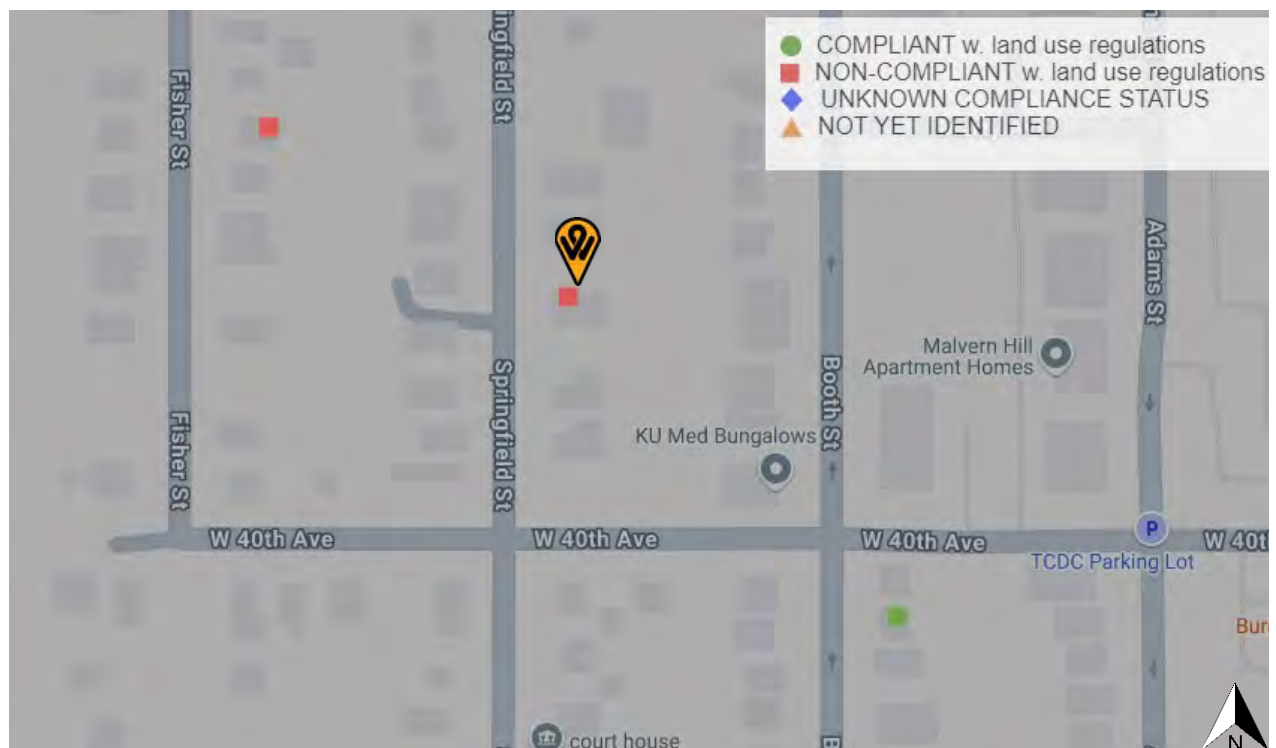
ZONING MAP



LAND USE MAP



SHORT-TERM RENTAL MAP



NEIGHBORHOOD MEETING MATERIALS

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
COUNTY OF Wyandotte) SS:

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

1. That I am the petitioner for Petition # SP 2024-079, SP 2024-080, SP 2024-081
2. That I conducted a neighborhood meeting on 09/30/2024.
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.

Noshae Wells
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 1st day of October, 2024 ~~2004~~ US 2024

My commission expires 11 of 2026, 200.

[Signature]
Notary Public



Application Number(s) SP2024-079, SP2024-080 + SP2024-081

- Date and Location: September 30, 2024 Online Zoom meeting
- Meeting called to order at: 2:00 pm
- Names of people in attendance: None
- Introductions: N/A

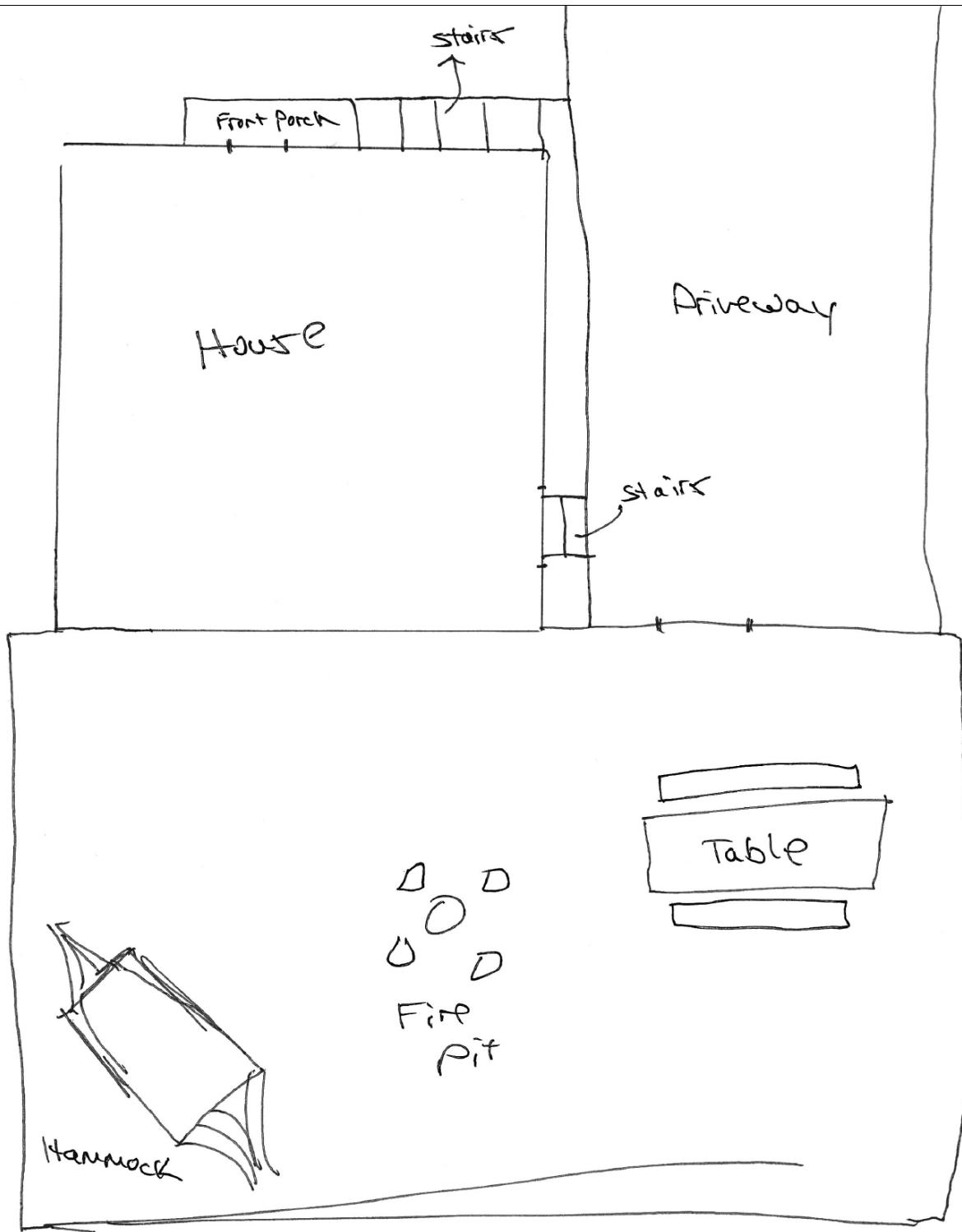
James L. Needham called to ask questions on 09/20/2024.

- He asked what we were applying for and which house.
- We explained that we were applying for a short term rental license for 3925 Springfield St.
- He asked if we were representatives of KU hospital and bought up all of the houses.
- We explained that we are not associated with KU. We do however host patients of KU who have had transplants or need to be near the hospital for monitoring.
- He then proceeded to discuss how he did not like what KU was doing and we eventually ended the call.

Meeting adjourned at: 3:00 pm

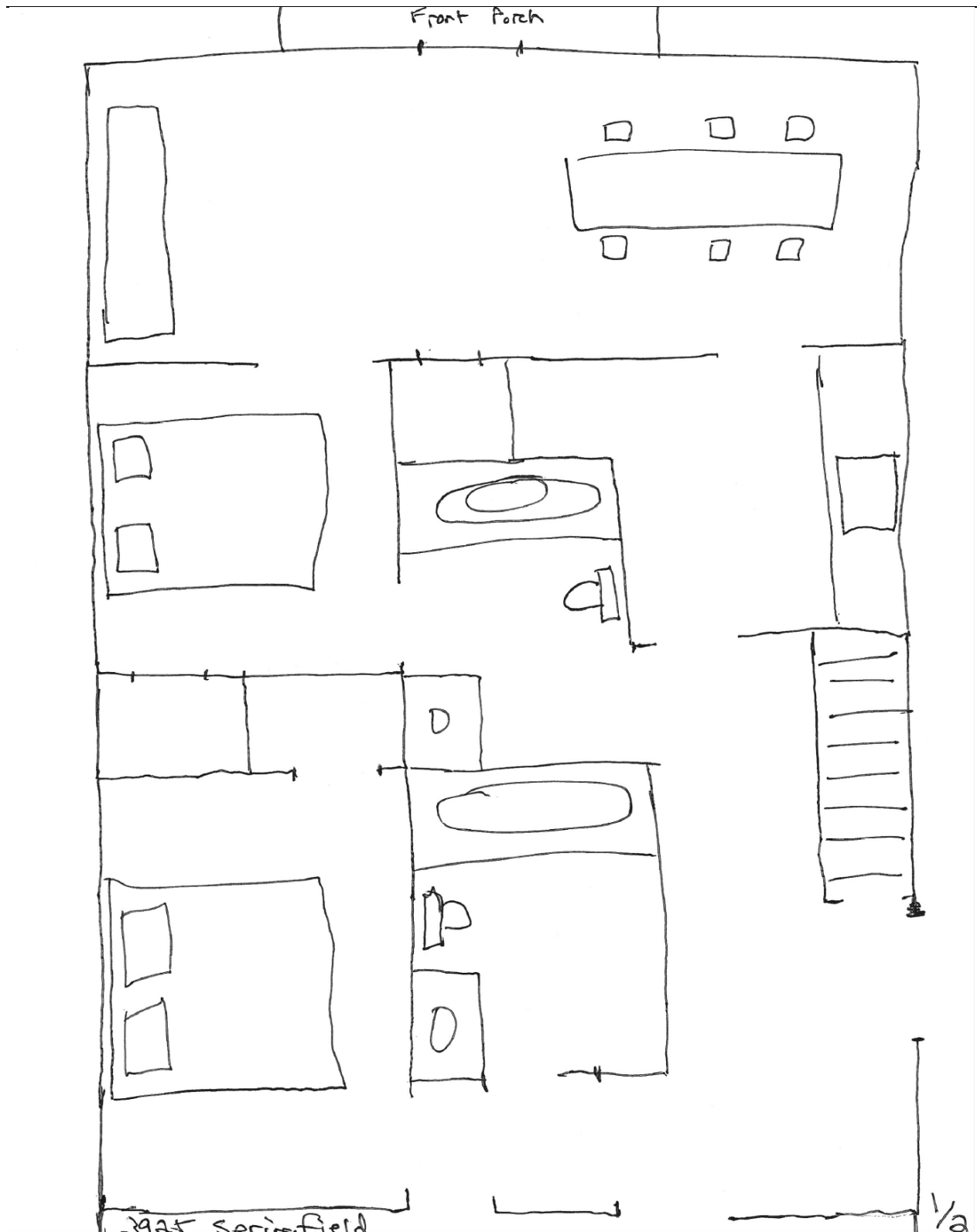
Minutes taken by: Neshae Wells

SITE PLAN

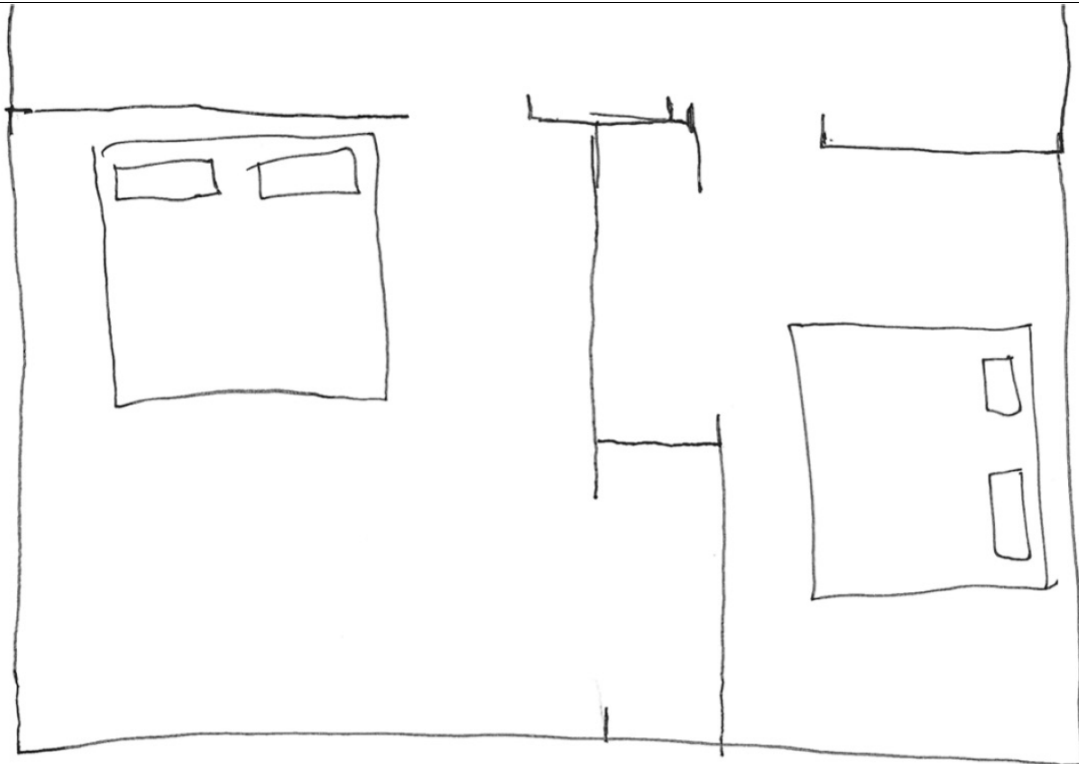


3925 Springfield

FLOOR PLAN



FLOOR PLAN



3925 Springfield Kansas Kansas

2/3

SITE PHOTOS, TAKEN BY STAFF, DATED SEPTEMBER 26, 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: October 30, 2024

Re: Special Use Permit Petition SP2024-080

GENERAL INFORMATION

Applicant Information:

NaShae Wells
Owner
3917 Bell Street
Kansas City, Missouri 64111

Subject Property:

4028 Booth Street
Kansas City, KS 66103

Requested Action and Purpose:

Renewal of a Special Use Permit
(SP2023-049, which expires
10/14/2024) to continue to operate a
Short-Term Rental.

Commission Districts:

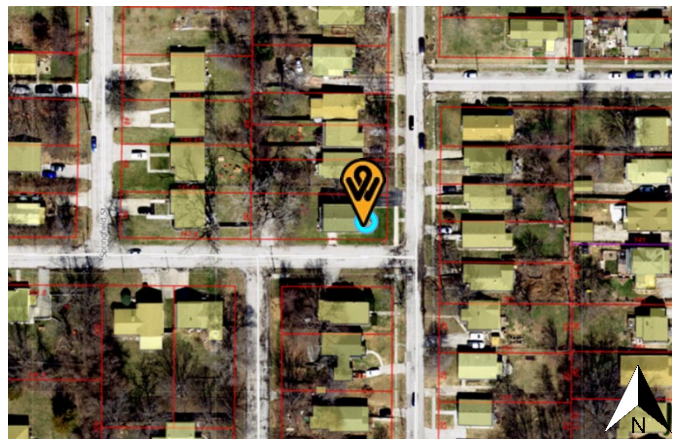
Commissioner At-Large, District #2:
Tom Burroughs
District #3: Christian Ramirez

Existing Zoning District(s):

R-1(B) Single-Family District

Plan Area:

Rosedale Area Plan



	Adjacent Zoning	Adjacent Uses
North	R-1(B) Single Family District	Single-Family Residence
South	R-1(B) Single Family District	Single-Family Residence
East	R-1(B) Single Family District	Single-Family Residence
West	R-2(B) Two Family District	Duplex

Total Tract Size: 0.19 Acres

Comprehensive Plan Designation: The Rosedale Area Plan designates this property as General Urban, which allows for 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 Springfield Street as a Local Street.

Parking Requirement: Section 27-455(d) states “Two (2) off-street parking spaces shall be provided on the premises for each single-family dwelling”. The property provides three (3) parking spaces.

Landscaping Requirement: Section 27-700(a) states “one shade tree per dwelling unit is required in the front or corner side yard. Aerial photos of the subject property demonstrate sufficient landscaping on the property parcels (see “Aerial Map” within the Attachments section of this report).

Advertisement: The Wyandotte Echo – September 19, 2024
Letters to Property Owners – September 20, 2024

Public Hearings: October 14, 2024 and October 30, 2024

Public Support: None to date.

Public Opposition: None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, NeShae Wells, is requesting a Special Use Permit to operate a short-term rental at 4028 Booth Street. This is not the owner's primary residence. This is the only permitted short-term rental on the 4000 block of Booth. There is another unpermitted rental directly north of this rental, which appears to be operated by the applicant.

City Ordinance Requirements: 27-592 through 27-606, 27-214, and 27-623 and all other applicable standards within Chapter 27.

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 building, zoning, or code enforcement complaints on the subject property.

Outstanding or Related Permits and Cases:

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

Previous Planning Actions:

1. Approval of a Special Use Permit (SP2023-049) for a short-term rental for one (1) year in 2023.
2. Approval of a Short-Term Rental Special Use Permit (SP-2020-45) for two (2) years in 2020.
3. Approval of a Short-Term Rental Special Use Permit (SP-2019-4) for one (1) year in 2019.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The subject property is within the Rosedale Statistical Neighborhood, the Hilltop Neighborhood Group, and the Rosedale Development Association (RDA) group. The neighborhood consists of a mix of townhouses, garden-style apartments, and single-family residences. The neighborhood also includes the mixed-use corridor along Rainbow Boulevard and the KU Medical Center.

- 2. *The zoning and uses of properties nearby and the proposed use's expected compatibility with them. In general, commercial and industrial special use permits should not be granted adjacent to residential districts.***

The zoning and uses are set out above. The subject property is surrounded primarily by the R-1(B) Single Family District. Use of the property as a rental, either short or long-term, while commercial in nature, is consistent with other nearby properties in close proximity. While use as a short-term rental is commercial in nature, the use is occurring in a purpose-built residence, which should not present issues with nearby property. The proposed use is compatible if properly managed.

- 3. *The suitability of the property for the uses to which it has been restricted. Will the remove of restrictions including those for hours of operation (where applicable), detrimentally affect nearby property?***

Removal of the restrictions that require a Special Use Permit has the potential to create issues such as parking, excessive noise, illumination, vibration, overcrowding of land and undue concentrations of population. The property could be suitable for use as a short-term rental if the aforementioned issues are properly managed.

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

The property has been used as a short-term rental since 2018.

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

Special Use Permits are not addressed in the Rosedale Area Plan. The Rosedale Area Plan designates this property as single-family, which allows for attached and detached single-family houses. The proposed use conforms to the comprehensive plan if approved with a Special Use Permit.

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

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

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

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

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

Noise and illumination are issues related to short-term rentals. There have not been any noise complaints to date with the current applicant. Vibration and dust 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 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. *The applicant's ability to maintain the use in an "as proposed" condition.*

The applicant has maintained the proposed use as originally proposed and according to previous conditions of approval.

13. *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 as there are three (3) bedrooms. 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.

NEIGHBORHOOD MEETING INFORMATION

The applicant held a neighborhood meeting on September 30, 2024. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Previous Conditions of Approval
Change in Operation
Unpermitted Rental

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Special Use Permit Application SP2024-080, **for two (2) years**, subject to:

1. The applicant shall replace the curbing along West 41st Avenue;
2. Maximum number of guests shall be six (6) per unit;
3. All parking must be off-street, maximum number of vehicles is three (3) between the two (2) units; No STR renters or guests may park on-street;
4. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
5. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;
6. Applicant is to maintain liability insurance;
7. The property must remain in proper maintenance and free of hazards, pests, or infestations;
8. The granting of this Special Use Permit does not transfer with a change of ownership of the property;
9. Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and www.hostcompliance.com/tips (website);
10. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
11. If approved, occupying businesses must file and maintain a current business occupation tax application with the Business Licensing Division.

Their office is located at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102. Their contact information is (913) 573-8780 or businesslicense@wycokck.org;

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

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION AND CONDITIONS

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 **SP2024-080** subject to all comments and suggestions outlined in this staff report and the condition of the City Planning Commission.

ATTACHMENTS

October 14, 2024, City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Host Compliance Map
Neighborhood Meeting Materials
Site Plan
Floor Plan
Site Photos, Taken by Staff, Dated September 26, 2024

PUBLIC HEARING SCHEDULE

Action(s)	City Planning Commission	Unified Government Board of Commissioners
Special Use Permit	October 14, 2024 Approval	October 30, 2024

STAFF CONTACT:

James Molloy

jlmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2024-080** 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 **SP2024-080**, 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.

October 14, 2024, City Planning Commission Minutes:

SPECIAL USE PERMIT APPLICATION SP2024-080 – LANCE PIERCE WITH KARAT HOME MANAGEMENT – SYNOPSIS: Renewal of a Special Use Permit (SP-2024-049 – expired 10/5/2024) for a Short-Term Rental at 4028 Booth Street. Detailed Outline of Requested Action: The applicant, NeShae Wells, is requesting a Special Use Permit to operate a short-term rental at 4028 Booth Street. This is not the owner's primary residence. This is the only permitted short-term rental on the 4000 block of Booth. There is another unpermitted rental directly north of this rental, which appears to be operated by the applicant.

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 Commissioner Schwartz stated that SP2024-063 Brian Lostal is her real estate client, and she recused herself from voting on the items on the Consent Agenda. Planning

Commissioner Ernst stated that he has had numerous contacts on SP2024-057 for Brad Willits over the past years.

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 October 14, 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 Commissioner Ernst requested removal of SP2024-057 – Brad Willits with Dynasty Holdings.

Sharon Curtis requested removal of PLAT2024-027 for John Grahovac.

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

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

Motion to APPROVE Passed: 8 to 0

Subject to:

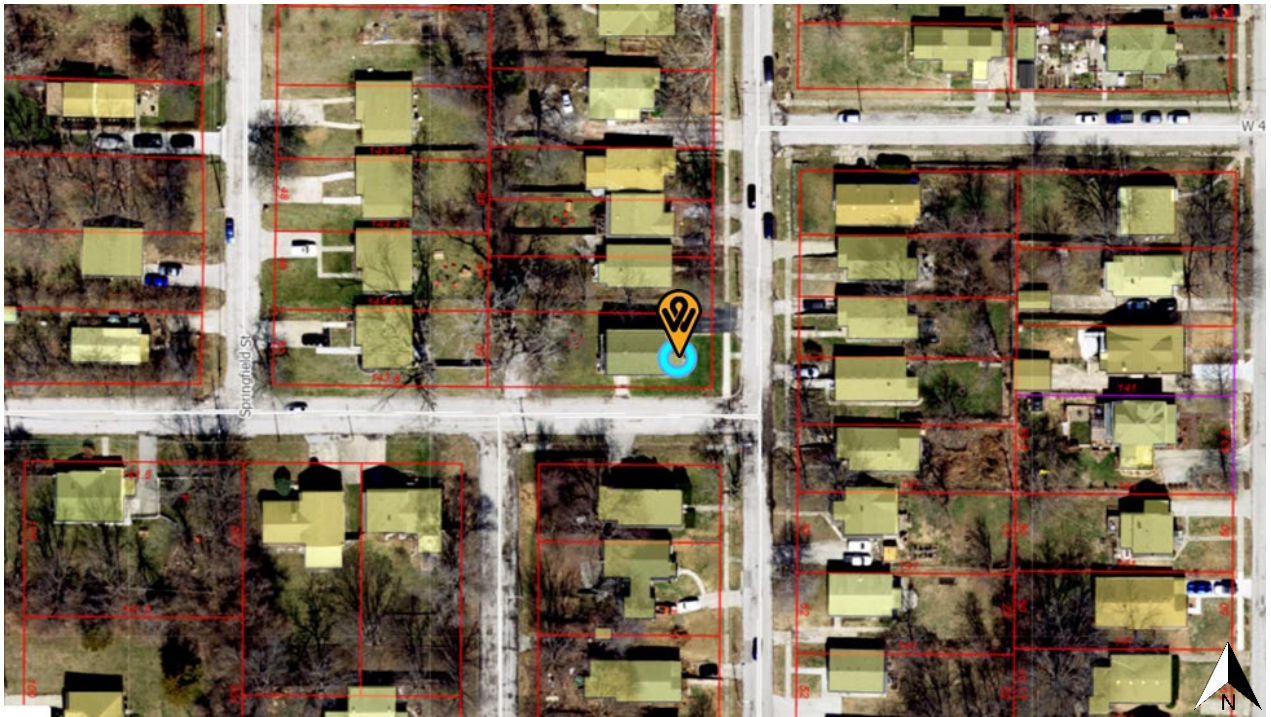
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3. All parking must be off-street, maximum number of vehicles is three (3) between the two (2) units; No STR renters or guests may park on-street;
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5. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy

- of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;
6. Applicant is to maintain liability insurance;
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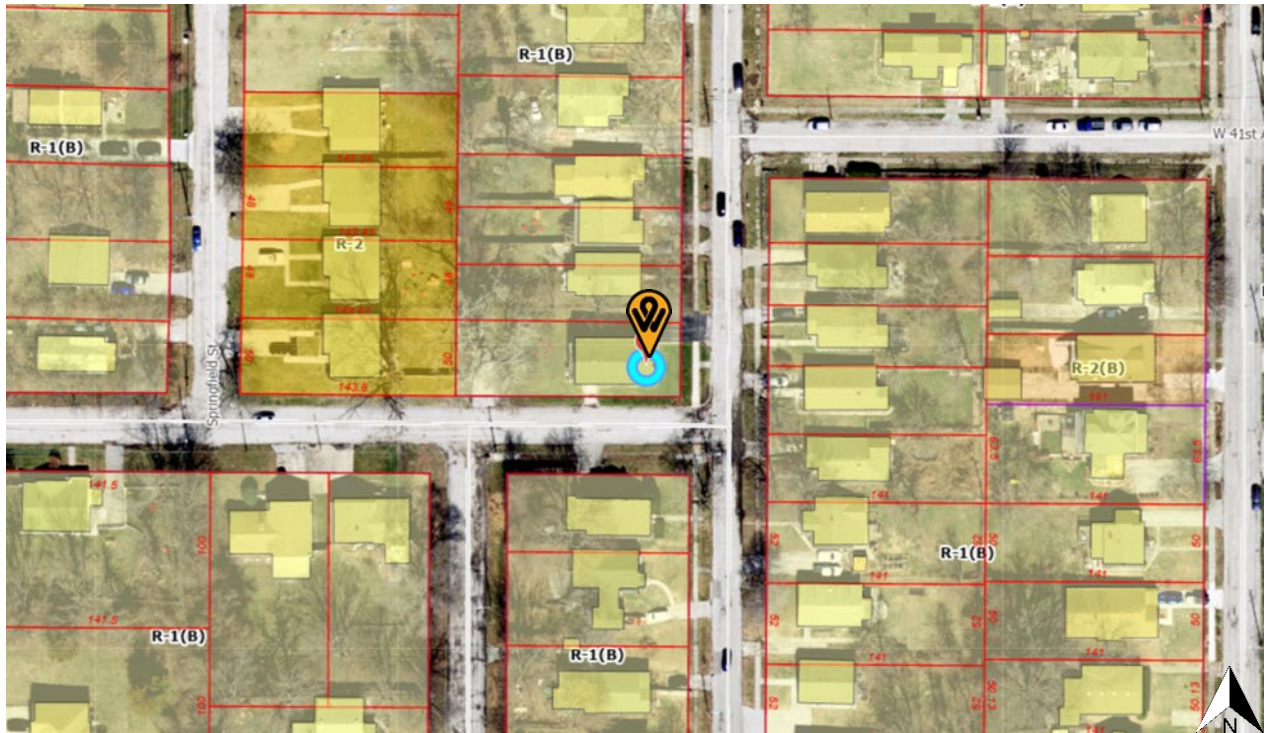
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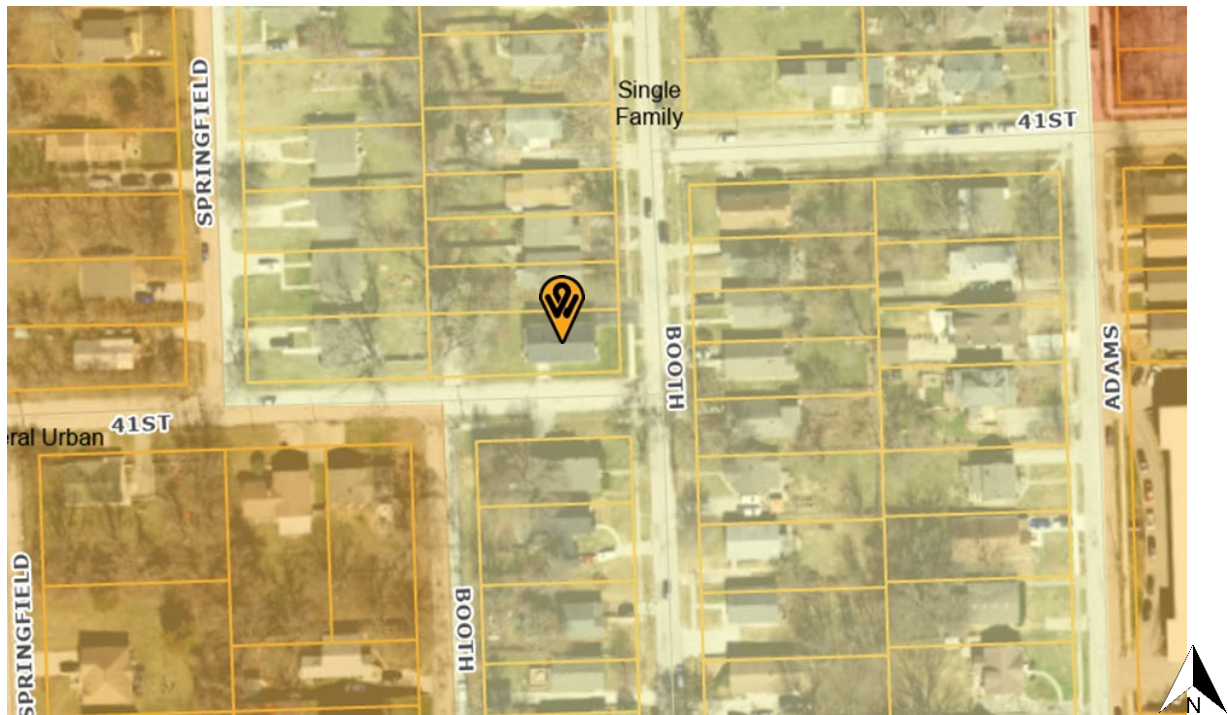
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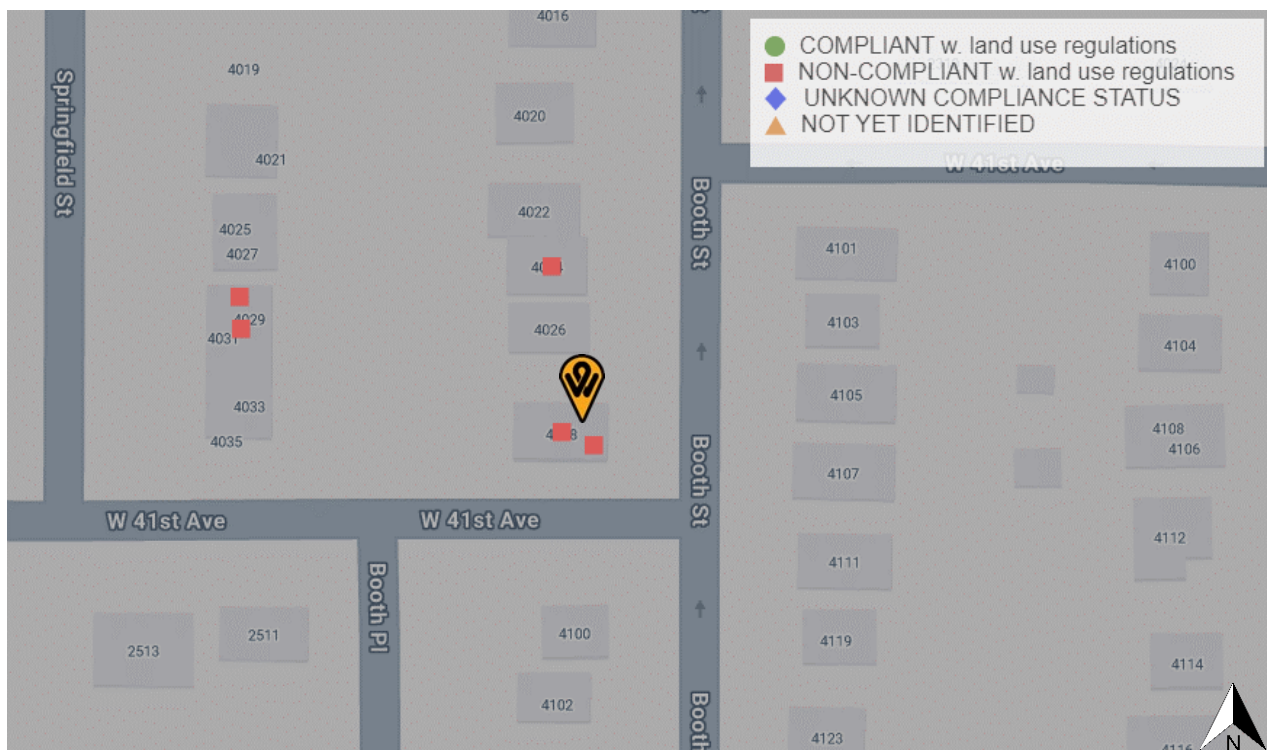
ZONING MAP



LAND USE MAP



SHORT-TERM RENTAL MAP



NEIGHBORHOOD MEETING MATERIALS

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
COUNTY OF Wyandotte) SS:

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

1. That I am the petitioner for Petition # SP 2024-079, SP 2024-080, SP 2024-081
2. That I conducted a neighborhood meeting on 09/30/2024.
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.

Noshae Wells
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 1st day of October, 2024 ~~2004~~ US 2024
My commission expires 11 of 2026, 200.

[Signature]
Notary Public

NOTARY PUBLIC – State of Kansas
LAURA SAMENUS
My Appt. Exp. 11/03/2026

Application Number(s) SP2024-079, SP2024-080 + SP2024-081

- Date and Location: September 30, 2024 Online Zoom meeting
- Meeting called to order at: 2:00 pm
- Names of people in attendance: None
- Introductions: N/A

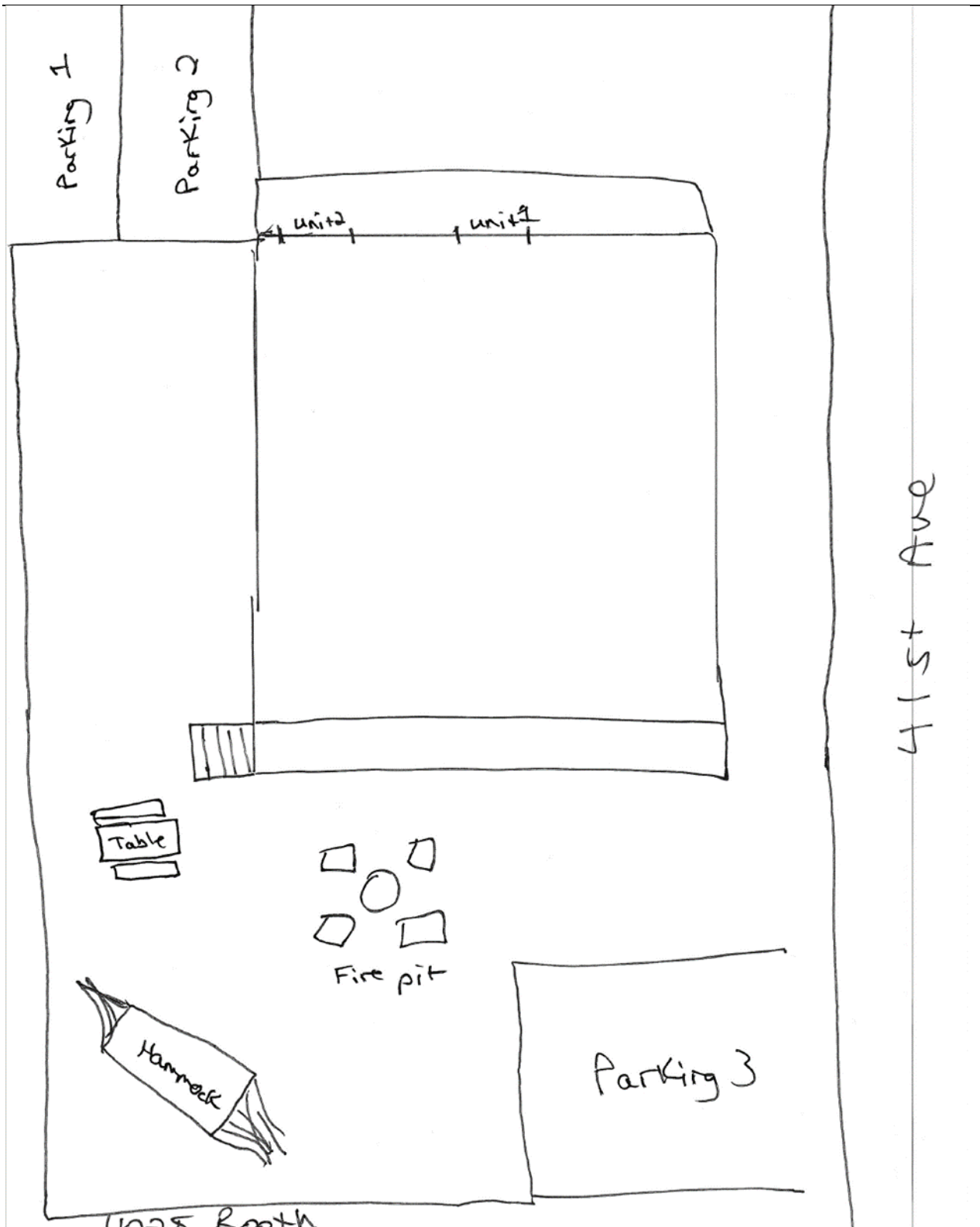
James L Needham called to ask questions on 09/20/2024.

- He asked what we were applying for and which house.
- We explained that we were applying for a short term rental license for 3925 Springfield St.
- He asked if we were representatives of KU hospital and bought up all of the houses.
- We explained that we are not associated with KU. We do however host patients of KU who have had transplants or need to be near the hospital for monitoring.
- He then proceeded to discuss how he did not like what KU was doing and we eventually ended the call.

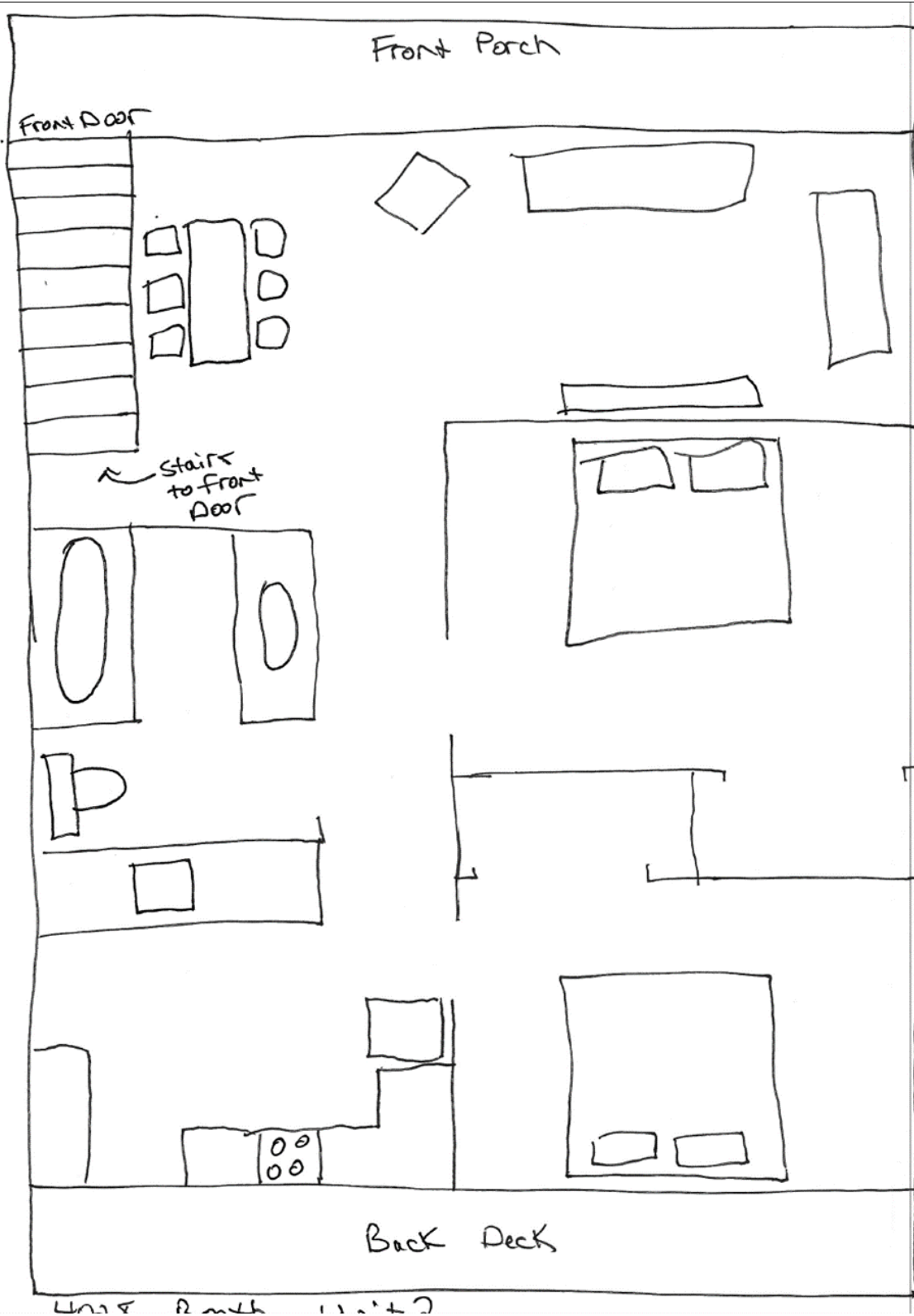
Meeting adjourned at: 3:00 pm

Minutes taken by: Neshae Wells

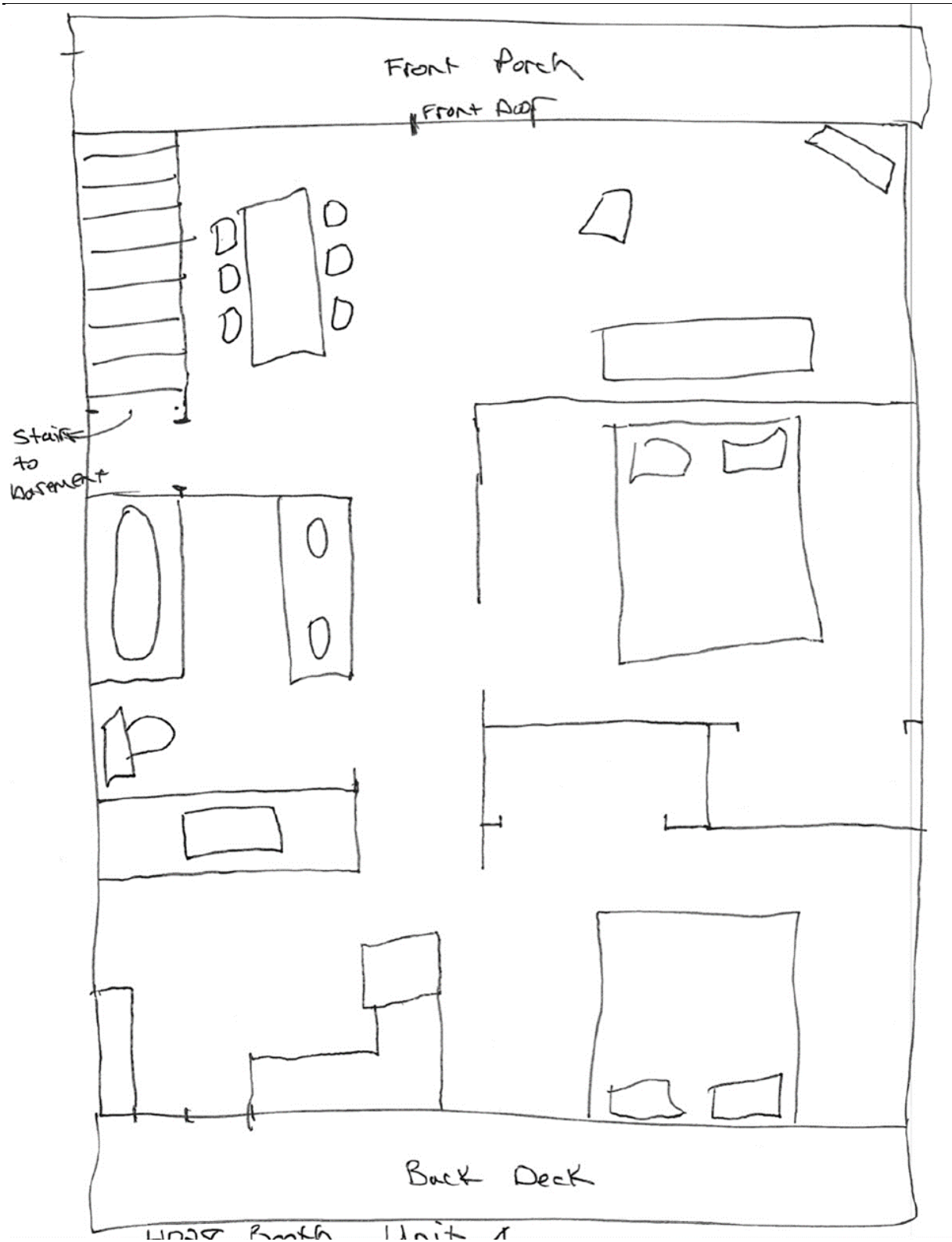
SITE PLAN



FLOOR PLAN



FLOOR PLAN



SITE PHOTOS, TAKEN BY STAFF, DATED SEPTEMBER 26, 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: October 30, 2024

Re: Special Use Permit Petition SP2024-081

GENERAL INFORMATION

Applicant Information:

NaShae Wells
Owner
3917 Bell Street
Kansas City, Missouri 64111

Subject Property:

4456 Springfield Street
Kansas City, Kansas 66103

Requested Action and Purpose:

Renewal of a Special Use Permit
(SP2023-050, which expires
10/14/2024) to continue to operate a
Short-Term Rental.

Commission Districts:

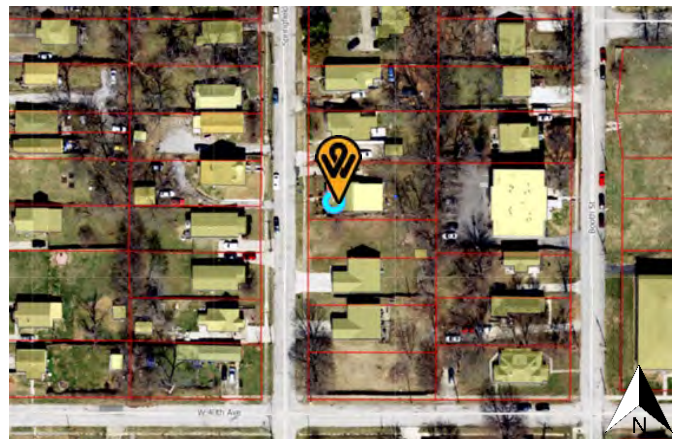
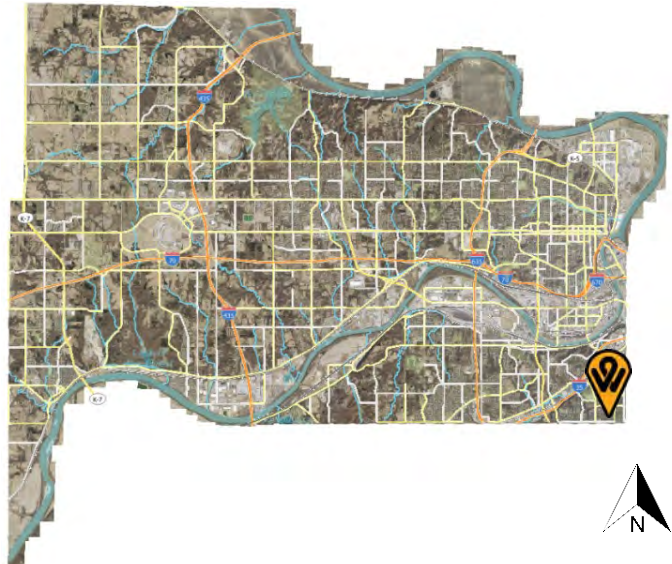
Commissioner At-Large, District #2:
Tom Burroughs
District #3: Christian Ramirez

Existing Zoning District(s):

R-1(B) Single Family District

Plan Area:

Rosedale Area Plan



	Adjacent Zoning	Adjacent Uses
North	R-1(B) Single Family District	Single-Family Residence
South	R-1(B) Single Family District	Single-Family Residence
East	R-1(B) Single Family District	Single-Family Residence
West	R-1(B) Single Family District	Single-Family Residence

Total Tract Size: 0.13 Acre

Comprehensive Plan Designation: The Rosedale Area Plan designates this property as a Single-Family Neighborhood, which allows for rowhouses, townhomes, and single-family houses.

Major Street Plan: The goDotte Countywide Strategic Mobility Plan designates Springfield Street as a Local Street.

Parking Requirement: Section 27-455(d) states “Two (2) off-street parking spaces shall be provided on the premises for each single-family dwelling”. The property provides three (3) parking spaces.

Landscaping Requirement: Section 27-700(a) states “one shade tree per dwelling unit is required in the front or corner side yard. Aerial photos of the subject property demonstrate sufficient landscaping on the property parcels (see “Aerial Map” within the Attachments section of this report).

Advertisement: The Wyandotte Echo – September 19, 2024
Letters to Property Owners – September 20, 2024

Public Hearings: October 14, 2024 and October 30, 2024

Public Support: None to date.

Public Opposition: None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, NeShae Wells, is requesting a Special Use Permit to operate a short-term rental at 4456 Springfield Street. This is not the owner's primary residence. This is the only permitted short-term rental on the 4400 block of Springfield Street. There is one (1) additional unpermitted rental directly adjacent at 4458 Springfield Street.

City Ordinance Requirements: 27-592 through 27-606, 27-214, and 27-623 and all other applicable standards within Chapter 27.

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. 2020 - STR20-0430 – Structural – Damaged gutters & roofing
2. 2020 - ENV20-0099 – Environmental – Discarded appliances

Outstanding or Related Permits and Cases:

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

Previous Planning Actions:

1. Approval of a Special Use Permit (SP2023-050) for a short-term rental for one (1) year in 2023.

FACTORS TO BE CONSIDERED

1. *The Character of the Neighborhood.*

The subject property is within the Rosedale Statistical Neighborhood, the Frank Rushton Neighborhood Group, and the Rosedale Development Association (RDA) group. The neighborhood consists of a mix of townhouses, duplexes and single-family residences.

2. *The zoning and uses of properties nearby and the proposed use's expected compatibility with them. In general, commercial and industrial special use permits should not be granted adjacent to residential districts.*

The zoning and uses are set out above. The subject property is surrounded primarily by the R-1(B) Single Family District. Use of the property as a rental, either short or long-term, while commercial in nature, is consistent with other

nearby properties in close proximity. While use as a short-term rental is commercial in nature, the use is occurring in a purpose-built residence, which should not present issues with nearby property. The proposed use is compatible if properly managed.

3. *The suitability of the property for the uses to which it has been restricted. Will the remove of restrictions including those for hours of operation (where applicable), detrimentally affect nearby property?*

Removal of the restrictions that require a Special Use Permit has the potential to create issues such as parking, excessive noise, illumination, vibration, overcrowding of land and undue concentrations of population. The property could be suitable for use as a short-term rental if the aforementioned issues are properly managed.

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

The property has been used as a short-term rental since 2021.

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

Special Use Permits are not addressed in the Rosedale Area Plan. The Rosedale Area Plan designates this property as a Single-Family District, which allows for rowhouses, townhomes, and single-family houses. The proposed use conforms to the comprehensive plan if approved with a Special Use Permit.

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

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

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

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

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

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

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

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

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

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

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

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

12. *The applicant's ability to maintain the use in an "as proposed" condition.*

The applicant has maintained the proposed use as originally proposed and according to previous conditions of approval.

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

The proposed use will not create issues of overcrowding as it operates within an existing structure on the site. The maximum number of guests at one time is six (6) as there are three (3) bedrooms. 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.

NEIGHBORHOOD MEETING INFORMATION

The applicant held a neighborhood meeting on September 30, 2024. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Change in Operation
Previous Conditions of Approval

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Special Use Permit Application SP2024-081, **for two (2) years**, subject to:

1. **Maximum number of guests shall be six (6);**
2. **All parking must be off-street, maximum number of vehicles is 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 Licensing Division. Their office is located at the Neighborhood Resource Center, 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 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 AND CONDITIONS

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 **SP2024-081** subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

October 14, 2024, City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Host Compliance Map
Neighborhood Meeting Materials
Site Plan
Floor Plan
Site Photos, Taken by Staff, Dated September 26, 2024

PUBLIC HEARING SCHEDULE

Action(s)	City Planning Commission	Unified Government Board of Commissioners
Special Use Permit	October 14, 2024 Approval	October 31, 2024

STAFF CONTACT:

James Molloy

jmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2024-081** 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 **SP2024-081**, 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.

October 14, 2024, City Planning Commission Minutes:

SPECIAL USE PERMIT APPLICATION SP2024-081 – LANCE PIERCE WITH KARAT HOME MANAGEMENT – SYNOPSIS: Renewal of a Special Use Permit (SP-2024-050 – expired 10/5/2024) for a Short-Term Rental at 4456 Springfield Street. Detailed Outline of Requested Action: The applicant, NeShae Wells, is requesting a Special Use Permit to operate a short-term rental at 4456 Springfield Street. This is not the owner's primary residence. This is the only permitted short-term rental on the 4400 block of Springfield Street. There is one (1) additional unpermitted rental directly adjacent at 4458 Springfield 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 Commissioner Schwartz stated that SP2024-063 Brian Lostal is her real estate client, and she recused herself from voting on the items on the Consent Agenda. Planning Commissioner Ernst stated that he has had numerous contacts on SP2024-057 for Brad Willits over the past years.

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 October 14, 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 Commissioner Ernst requested removal of SP2024-057 – Brad Willits with Dynasty Holdings.

Sharon Curtis requested removal of PLAT2024-027 for John Grahovac.

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

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

Motion to APPROVE Passed: 8 to 0

Subject to:

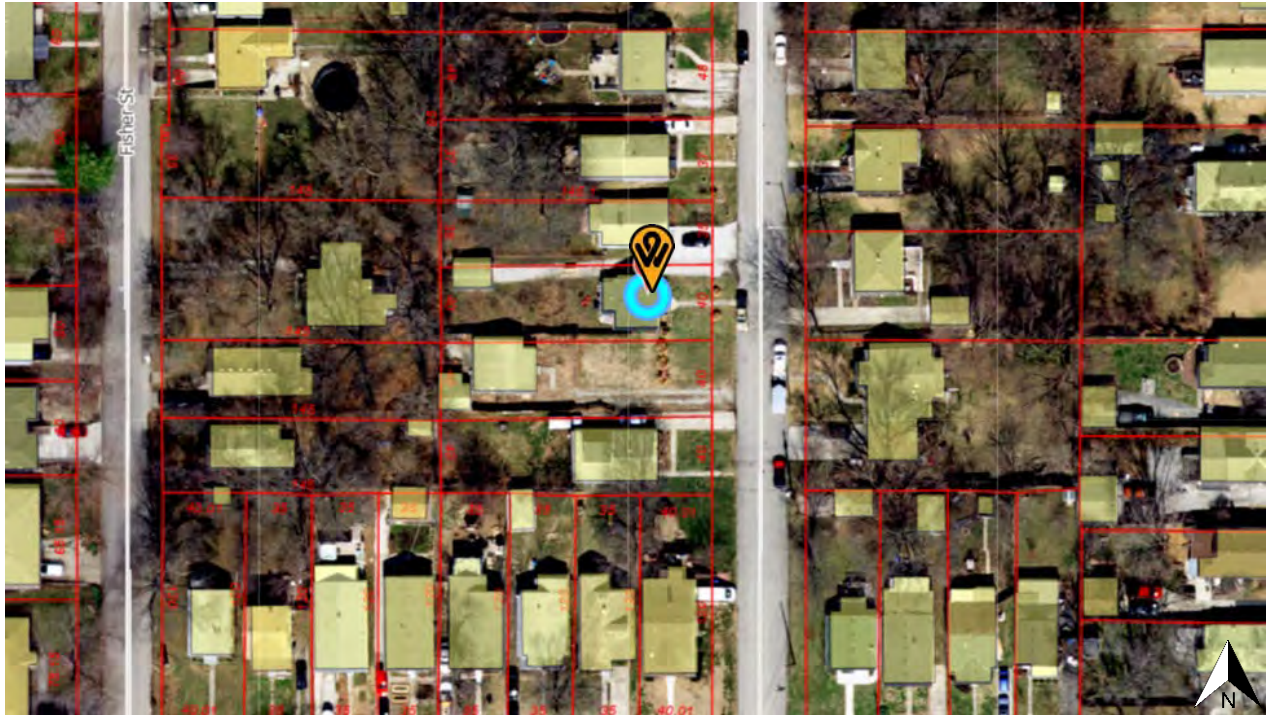
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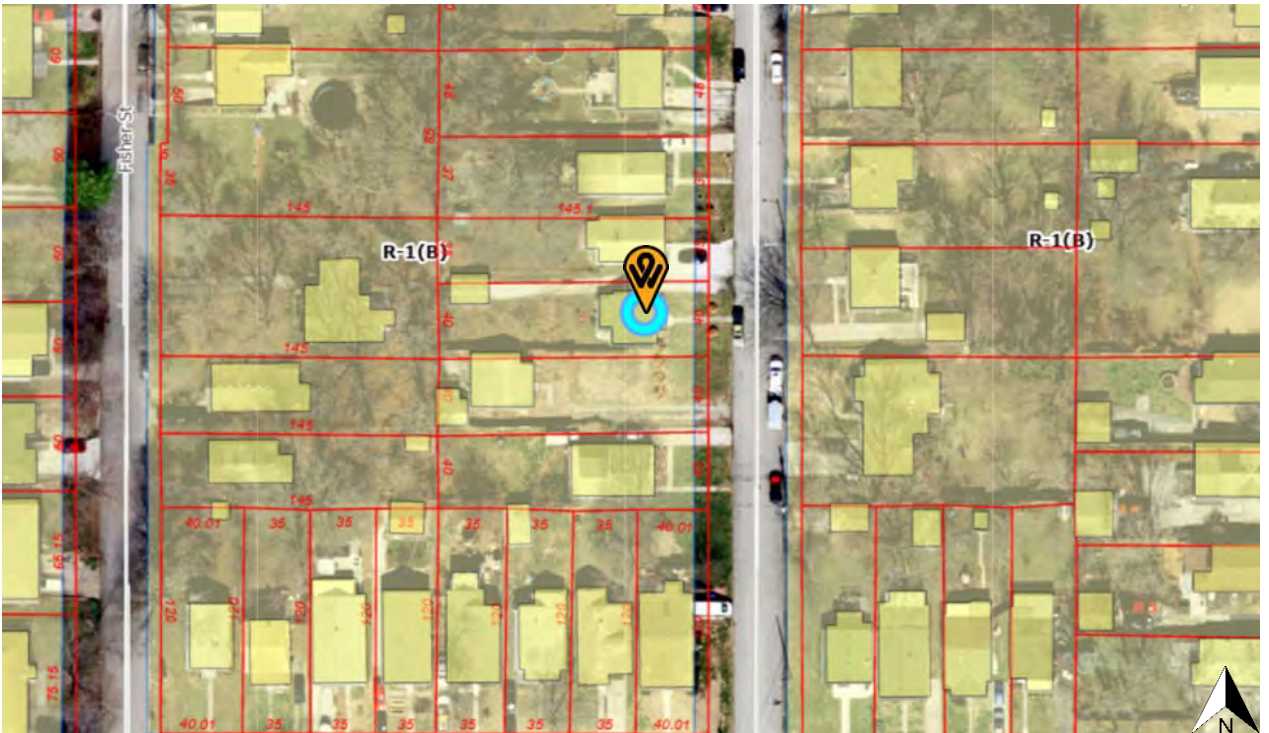
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ATTACHMENTS

AERIAL IMAGERY



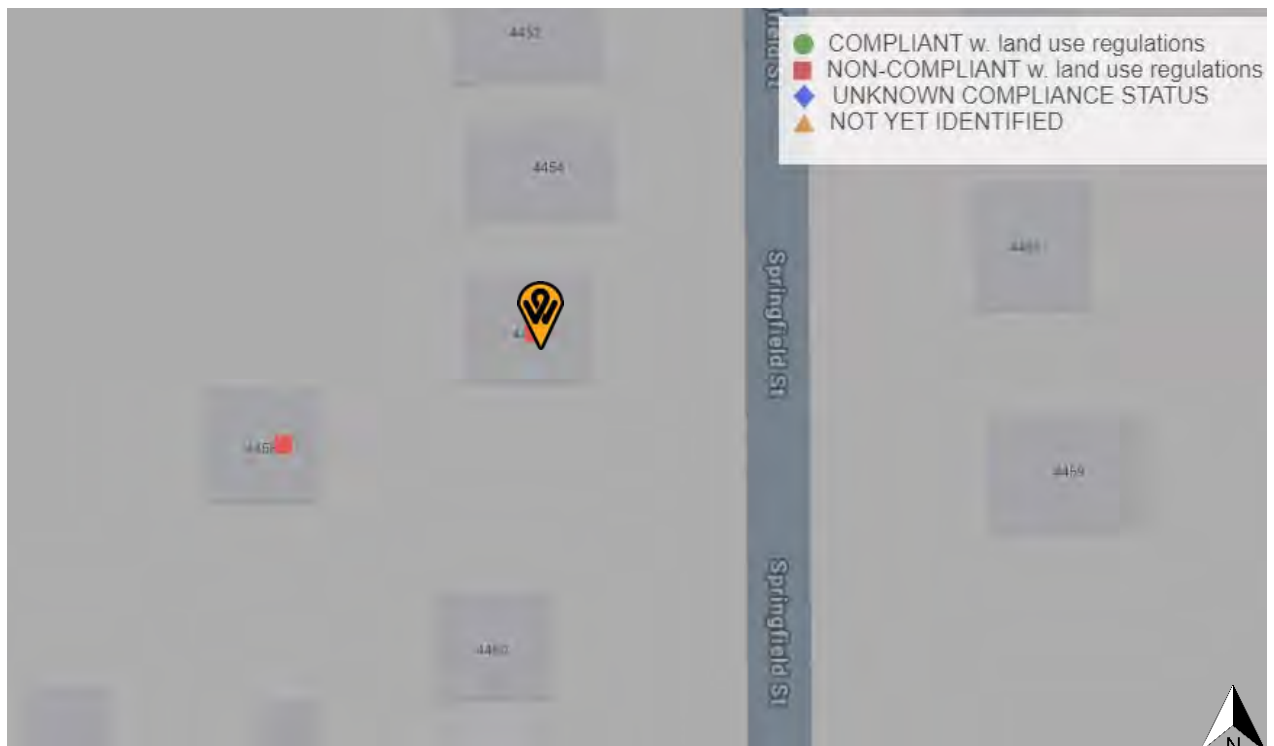
ZONING MAP



LAND USE MAP



SHORT-TERM RENTAL MAP



NEIGHBORHOOD MEETING MATERIALS

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
COUNTY OF Wyandotte) SS:

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Noshae Wells
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 1st day of October, 2024 ~~2004~~ US 2024

My commission expires 11 of 2026, 200.

[Signature]
Notary Public



Application Number(s) SP2024-079, SP2024-080 + SP2024-081

- Date and Location: September 30, 2024 Online Zoom meeting
- Meeting called to order at: 2:00 pm
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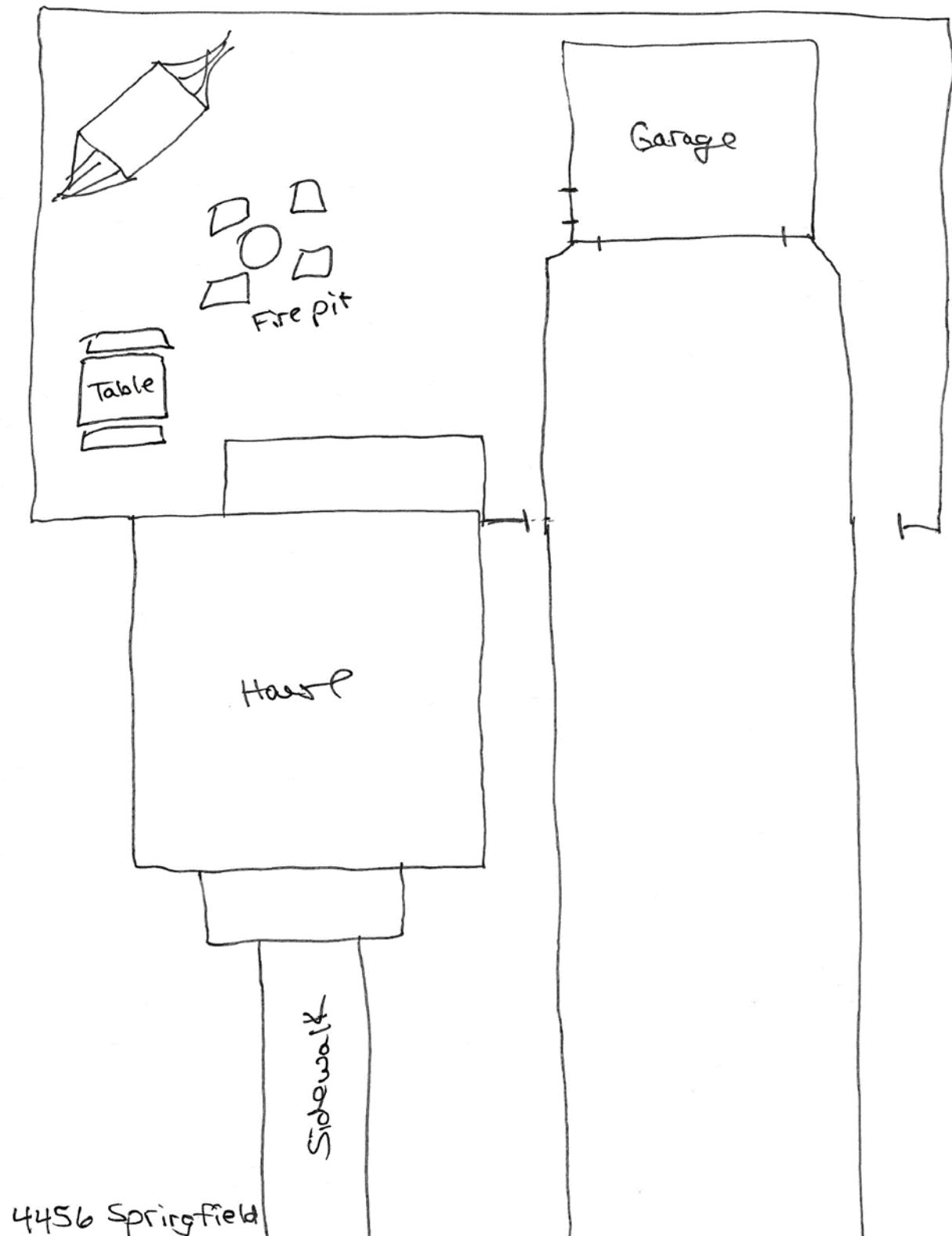
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- We explained that we are not associated with KU. We do however host patients of KU who have had transplants or need to be near the hospital for monitoring.
- He then proceeded to discuss how he did not like what KU was doing and we eventually ended the call.

Meeting adjourned at: 3:00 pm

Minutes taken by: Neshae Wells

SITE PLAN



FLOOR PLAN



4456 Springfield

SITE PHOTOS, TAKEN BY STAFF, DATED SEPTEMBER 26, 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: October 30, 2024

Re: Special Use Permit Petition SP2024-086

GENERAL INFORMATION

Applicant Information:

Rachel Mills
Owner, Dewey's LLC
612 North 5th Street
Kansas City, Kansas 66101

Subject Property:

612 North 5th Street
Kansas City, Kansas 66101

Requested Action and Purpose:

Approval of a drinking establishment
with live entertainment.

Commission Districts:

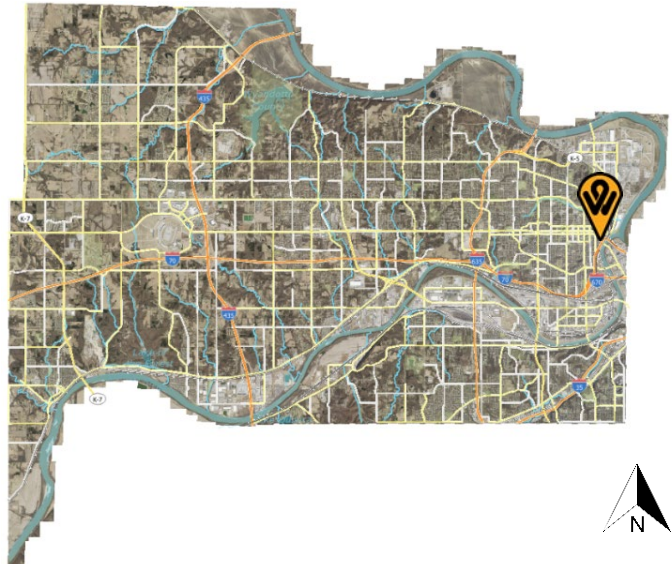
Commission At-Large, District #2:
Tom Burroughs
District #2: William Burns

Existing Zoning District(s):

C-1 Limited Business and
R-1(B) Single Family Districts

Plan Area:

Central Area Plan



	Adjacent Zoning	Adjacent Uses
North	R-1(B) Single Family District	Single Family Residence
South	R-1(B) Single Family District	Single Family Residence
East	M-2 General Industrial District	Commercial
West	RP-5 Planned Apartment District	Single Family Residence

Total Tract Size: 0.14 Acres

Comprehensive Plan Designation: The Central Area Plan designates this property as Urban Density, which allows a mix of detached and attached residential – specifically single-family homes, attached residences including townhomes, duplexes, triplexes, fourplexes, etc., institutional uses such as schools, churches and libraries.

Major Street Plan: The goDotte Mobility Plan designates North 5th Street as a Minor Collector.

Parking Requirement: Sec. 27-668(a)(12) states taverns or private clubs serving alcoholic or cereal malt beverages shall provide one (1) space for each 50 square feet of seating area or assembly area plus one (1) space for each remaining 200 square feet of total floor area. Staff cannot determine how many parking spaces are required. The applicant is providing zero (0) parking spaces.

BOZA 2231 was approved by the Board of Zoning Appeals for zero (0) off-street parking spaces on January 9, 2017.

Landscaping Requirement: Section 27-464(g) states “trees are required at not less than one per 7,000 square feet of site area. Six-foot high architectural or landscape screening is to be provided along all side and rear property lines common to or across an alley from residentially zoned property”.

Advertisement: The Wyandotte Echo – September 19, 2024
Letters to Property Owners – September 20, 2024

Public Hearings: October 14, 2024 and October 30, 2024

Public Support: None to date.

Public Opposition: None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Rachel Mills with Dewey's LLC, seeks to operate a drinking establishment with live entertainment in a former restaurant (Sarah's on the Hill and Free State Pizza) at 612 North 5th Street. The subject property has an active Special Use Permit (SP2023-062) for a drinking establishment.

City Ordinance Requirements: 27-592 through 27-606 and 27-214 and all other applicable standards within Chapter 27.

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. There have been no noise or disturbance complaints since the previous Special Use Permit approval.

Building, Zoning, or Code Enforcement Complaints:

1. There have been no Notices of Violation complaints since the previous Special Use Permit approval.

Outstanding or Related Permits and Cases:

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

Previous Planning Actions:

1. Approval of a Variance (BOZA 2231) in 2017 for zero (0) off-street parking spaces.
2. Approval of a Special Use Permit (SP2023-062) in 2023 for a drinking establishment.

FACTORS TO BE CONSIDERED

1. *The Character of the Neighborhood.*

The subject property is within the Strawberry Hill neighborhood. Lots are generally narrow and urban in character. Commercial buildings along 5th Street are typically on the corner and do not have the requisite parking for their

businesses, therefore, they are legal, non-conforming. The surrounding residential neighborhood has alley access, however, and off-street parking is used for those residents that do not have a detached garage or parking pad in their rear yard.

2. *The zoning and uses of properties nearby and the proposed use's expected compatibility with them. In general, commercial and industrial Special Use Permits should not be granted adjacent to residential districts.*

The zoning and uses of nearby property are set out above. The surrounding properties vary in use from mixed-use buildings, retail businesses, duplexes, and single-family residences. This mixed-use building is between two (2) single-family residences, so allowing a drinking establishment inside a vacant commercial storefront, formerly a restaurant that served alcohol is compatible. The addition of live entertainment, however, may create issues of compatibility, particularly with noise, vibration, and illumination. The applicant will need to take measures to limit or otherwise mitigate the impact of live entertainment on adjacent residences.

3. *The suitability of the property for the uses to which it has been restricted. Will the removal of restrictions, including those for hours of operation (where applicable), detrimentally affect nearby property?*

The property is suitable for a small drinking establishment because it is an urban, mixed-use area. There is a possibility for increased parking demand with the use, although philosophically, the parking code should evaluate alternate modes of transportation to reduce drinking and driving. Noise, illumination, and vibration, as part of live entertainment, however, will create conflicts if not properly addressed.

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

The property has been operating as a drinking establishment since 2024.

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

Special Use Permits are not addressed in the Area Plan. The Central Area Plan designates this property as Urban Density, which allows a mix of detached and attached residential – specifically single-family homes, attached residences including townhomes, duplexes, triplexes, fourplexes, etc., institutional uses such as schools, churches and libraries, so the corner mixed-use building built in 1916 does not comply with the Central Area Plan.

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

The current design of the neighborhood does not provide sufficient parking for multiple mixed-use buildings. There are two (2) off-street parking spaces that are allocated for apartments and some on-street parking spaces along Barnett Avenue and North 5th Street although it is considered insufficient and cannot be counted towards the parking total for the business. A variance (BOZA 2231) was approved by the Board of Zoning Appeals for zero (0) off-street parking spaces. The use may increase the amount of vehicular traffic, especially with the addition of live entertainment, however, it is not expected to create traffic impacts beyond the capacity of North 5th Street or Barnett Avenue.

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, although it could be seen as desirable to have as a neighborhood feature. While the presence of a drinking establishment at this space will not substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining property, live entertainment might, as it introduces noise, illumination, and vibration, in addition to a drinking establishment.

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 expected to occur in durations as to create issues with nearby properties. These issues are not expected to create problems for nearby property, however, if windows and doors are closed during performances, there are no outdoor speakers, and outdoor lighting is affixed with 90-degree cut-offs. Dust is not expected to be an issue with this type of use.

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

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

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

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

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

The proposed use will not have an adverse impact on the points listed above. If the application is denied, the applicant will need to find a new business/use that is allowed by right due to the 2017 variance or continue operating solely as a drinking establishment under the conditions of SP2023-062.

12. *The applicant's ability to maintain the use in an "as proposed" condition.*

The applicant has maintained the proposed use as originally proposed and according to previous conditions of approval.

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

The proposed use would not result in overcrowding as the drinking establishment the Fire Marshal will provide a limit of the number of allowed occupants, which will mitigate undue concentrations of populations.

NEIGHBORHOOD MEETING INFORMATION

A neighborhood meeting was held on September 25, 2024, and there were no attendees except the applicant.

KEY ISSUES

Landscaping
Live Entertainment
Changes in Operation
Previous Conditions of Approval
Updated Security Plan

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Special Use Permit Application SP2024-086 **for two (2) years**, subject to:

- 1. Landscaping shall be provided in the form of small street trees, or bushes, and shrubs along the Barnett Avenue Street frontage;**
- 2. The applicant must maintain the brick sidewalk on Barnett Avenue;**
- 3. The parking lot shall be restriped with paint, not duct tape, as the applicant has demonstrated;**
- 4. All entertainment must cease by at least 1:00AM;**
- 5. Doors and windows must stay closed during any entertainment performance;**
- 6. Must comply with Unified Government Security Ordinance (Chapter 4, Article II Division 1, Sec 4-104,f), including:**

- Must have at least one (1) security personnel stationed at the door at all times that is able to monitor any required parking area. Additional security guards may be required depending on the building capacity;
 - Patrons are not allowed to loiter in their vehicles. If so determined, they will be asked to leave;
 - An I.D. scanner will be used at all times;
 - At closing time, all security personnel will begin from a designated area to move patrons towards the exit and then to their vehicles;
7. No amplified speakers or entertainment is allowed in outdoor spaces; and,
 8. Any illumination that results from an entertainment event shall not be seen or otherwise impact adjacent residential uses;
 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 Licensing Division. Their office is located at the Neighborhood Resource Center, 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 two (2) 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 AND CONDITIONS

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 **SP2024-086** subject to all comments and suggestions outlined in

this staff report and the conditions of the City Planning Commission:

ATTACHMENTS

October 14, 2024 City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Neighborhood Meeting Materials
Floor Plan
Updated Business Plan
Site Photos, Taken by Staff, Dated September 26, 2024

PUBLIC HEARING SCHEDULE

Action(s)	City Planning Commission	Unified Government Board of Commissioners
Special Use Permit	October 14, 2024 Approval	October 30, 2024

STAFF CONTACT:

James Molloy
jmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2024-086** 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 **SP2024-086**, 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.

October 14, 2024, City Planning Commission Minutes:

SPECIAL USE PERMIT APPLICATION SP2024-086 – RACHEL MILLS –

SYNOPSIS: Special Use Permit for a drinking establishment with live entertainment at 612 North 5th Street. *Detailed Outline of Requested Action:* The applicant, Rachel Mills with Dewey's LLC, seeks to operate a drinking establishment with live entertainment in a former restaurant (Sarah's on the Hill and Free State Pizza) at 612 North 5th Street. The subject property has an active Special Use Permit (SP2023-062) for a drinking establishment.

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 October 14, 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.

Planner Molloy asked if the Commission had any contact to disclose on this application. Planning Commissioner Schwartz stated that she worked with the Applicant previously at Jazz restaurant and has known her for quite some time.

Present in Support:

- Rachel Mills, applicant, 503 Barnett Avenue, Kansas City, Kansas 66101

Present in Opposition:

- No one appeared

Staff Recommendation starts at 2:49:33: Planning Director Hand stated that the request is for a Special Use Permit for a drinking establishment with live entertainment. Applicant currently has a Special Use Permit for the drinking establishment. If this application moves forward, it will early renew their current Special Use Permit for the drinking establishment and add the live entertainment. The property is in the Central Area Plan. Staff received no letters in support nor opposition. There are no Notices of Violation. Staff recommends approval for two (2) years subject to the conditions in the staff report.

Motion starts at 2:50:34:

On motion by Mr. Ernst, seconded by Mr. Mohler, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit Application SP2024-086 for two (2) years:**

Carson

Chairman

Mohler	Aye
Schwartz	Aye
Straws	Not Present
Ward	Not Present (left during application)
Armstrong	Aye
Beth	Aye
Easterwood	Aye
Ernst	Aye
Jones	Aye
Miller	Aye

Motion to recommend APPROVAL Passed: 8 to 0

Subject to:

1. Landscaping shall be provided in the form of small street trees, or bushes, and shrubs along the Barnett Avenue Street frontage;
2. The applicant must maintain the brick sidewalk on Barnett Avenue;
3. The parking lot shall be restriped with paint, not duct tape, as the applicant has demonstrated;
4. All entertainment must cease by at least 1:00AM;
5. Doors and windows must stay closed during any entertainment performance;
6. Must comply with Unified Government Security Ordinance (Chapter 4, Article II Division 1, Sec 4-104,f), including:
 - Must have at least one (1) security personnel stationed at the door at all times that is able to monitor any required parking area. Additional security guards may be required depending on the building capacity;
 - Patrons are not allowed to loiter in their vehicles. If so determined, they will be asked to leave;
 - An I.D. scanner will be used at all times;
 - At closing time, all security personnel will begin from a designated area to move patrons towards the exit and then to their vehicles;
7. No amplified speakers or entertainment is allowed in outdoor spaces; and,
8. Any illumination that results from an entertainment event shall not be seen or otherwise impact adjacent residential uses;
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 Licensing Division. Their office is located at the Neighborhood Resource Center, 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;
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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) 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,

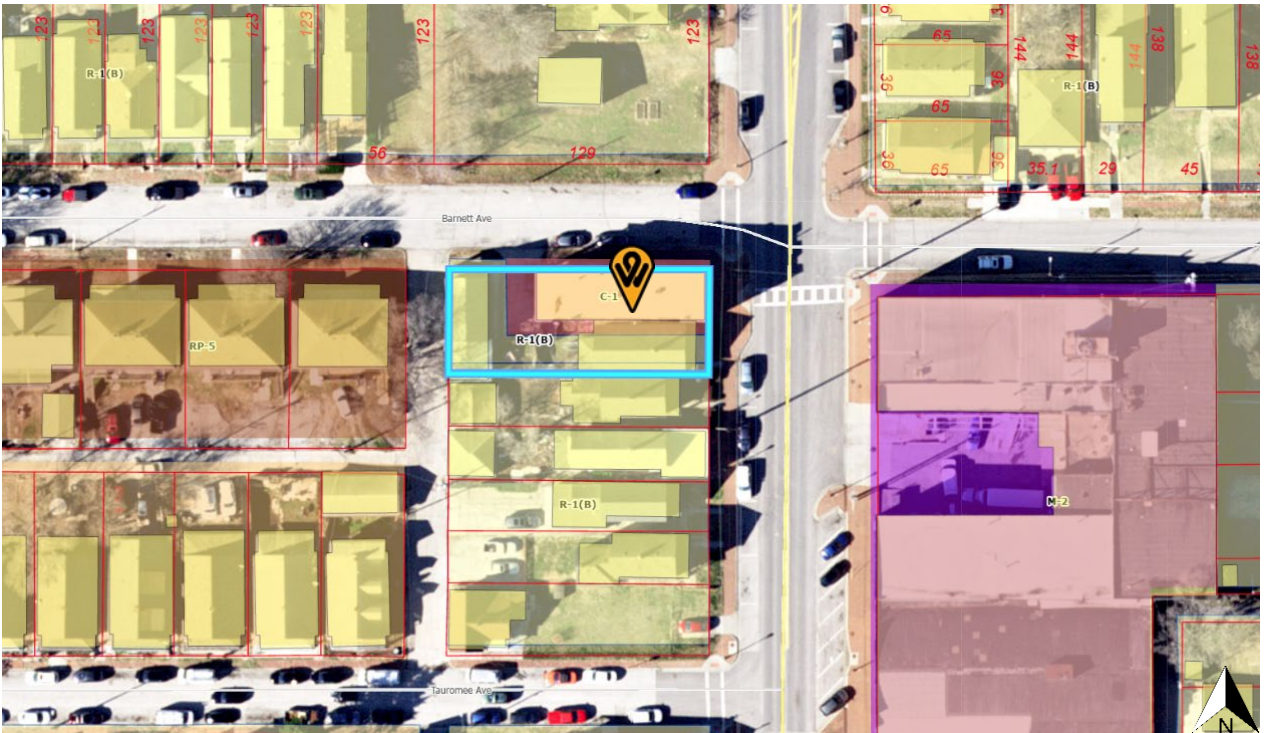
- 19. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the 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

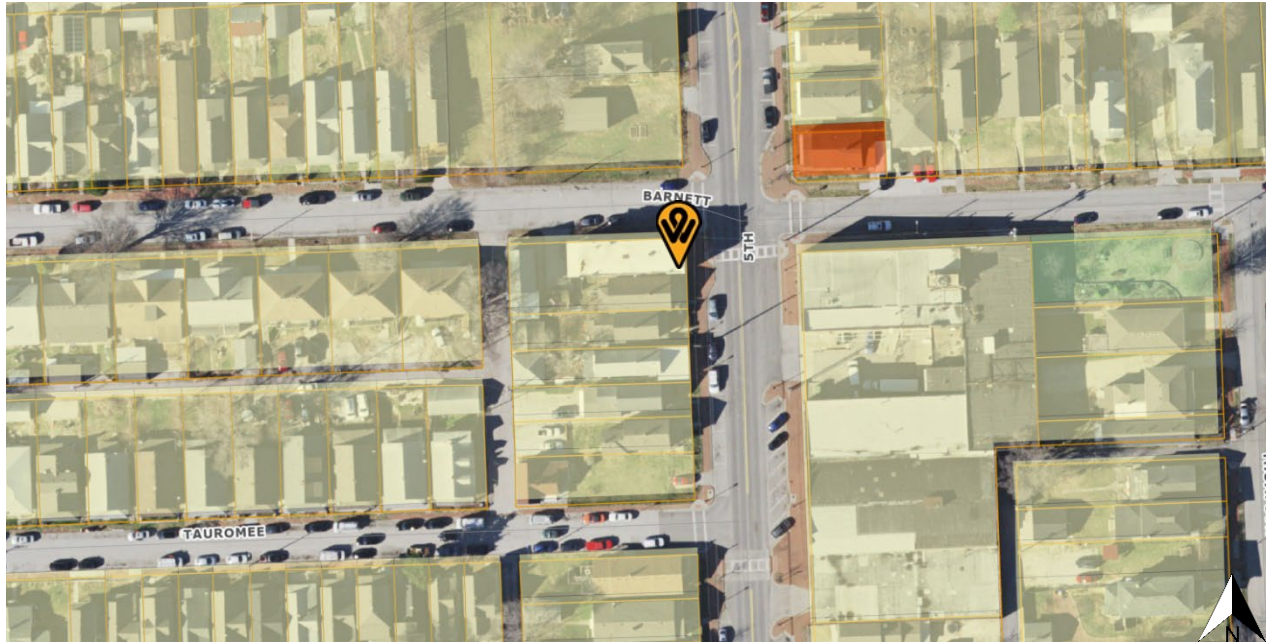
AERIAL IMAGERY



ZONING MAP



LAND USE MAP



NEIGHBORHOOD MEETING MATERIALS

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
COUNTY OF Wyandotte) SS:

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

1. That I am the petitioner for Petition # SP2024-086
2. That I conducted a neighborhood meeting on 9-25-24.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Planning + Urban Design Department.

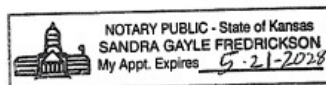
Further affiant saith not.

Rachel Mills
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 26th day of September, 2024

My commission expires 21st of May, ~~2024~~ 2028

Sandra Gayle Fredrickson
Notary Public



Rachel Mills
Deweys LLC
612 N 5TH ST
KANSAS CITY, KS 66101
deweyskc@gmail.com

Application Number: SP2024-086

Date and Location: 9/25/2024 at St Margarets Park, 230 S 7th St, Kansas City, KS 66101

Meeting called to order at: 5:30PM

Names of people in attendance:

Applicant: Rachel Mills

Person in charge of meeting minutes: Teresa Johnson

Myself, and Teresa arrived at the meeting location at 5:20pm. There were no attendees at the meeting. We waited the allotted 30 minutes until 6:00pm and adjourned the meeting.

I have not received any emails or messages in regards to this neighborhood meeting or special use permit application for live entertainment.

Thank you,
Rachel Mills

September 12, 2023

Dewey's
612 N 5th St
Kansas City, Kansas 66101

Neighborhood Meeting:

I have filed an application with the Department of Urban Planning and Land Use # SP-2024-086. The purpose of this special use permit is to add live entertainment to existing special use permit at the following address: 612 N 5th St, Kansas City, Kansas 66101. I am having a neighborhood meeting on 9/25/2024 at 5:30 p.m. at the following address: St Margaret's Park, 230 S 7th St, Kansas City, KS 66101. The purpose of this meeting is to explain the proposal and to answer any questions/concerns you may have. I look forward to seeing you at the neighborhood meeting. If you are unable to attend, please contact me at the email address listed below.

Sincerely,

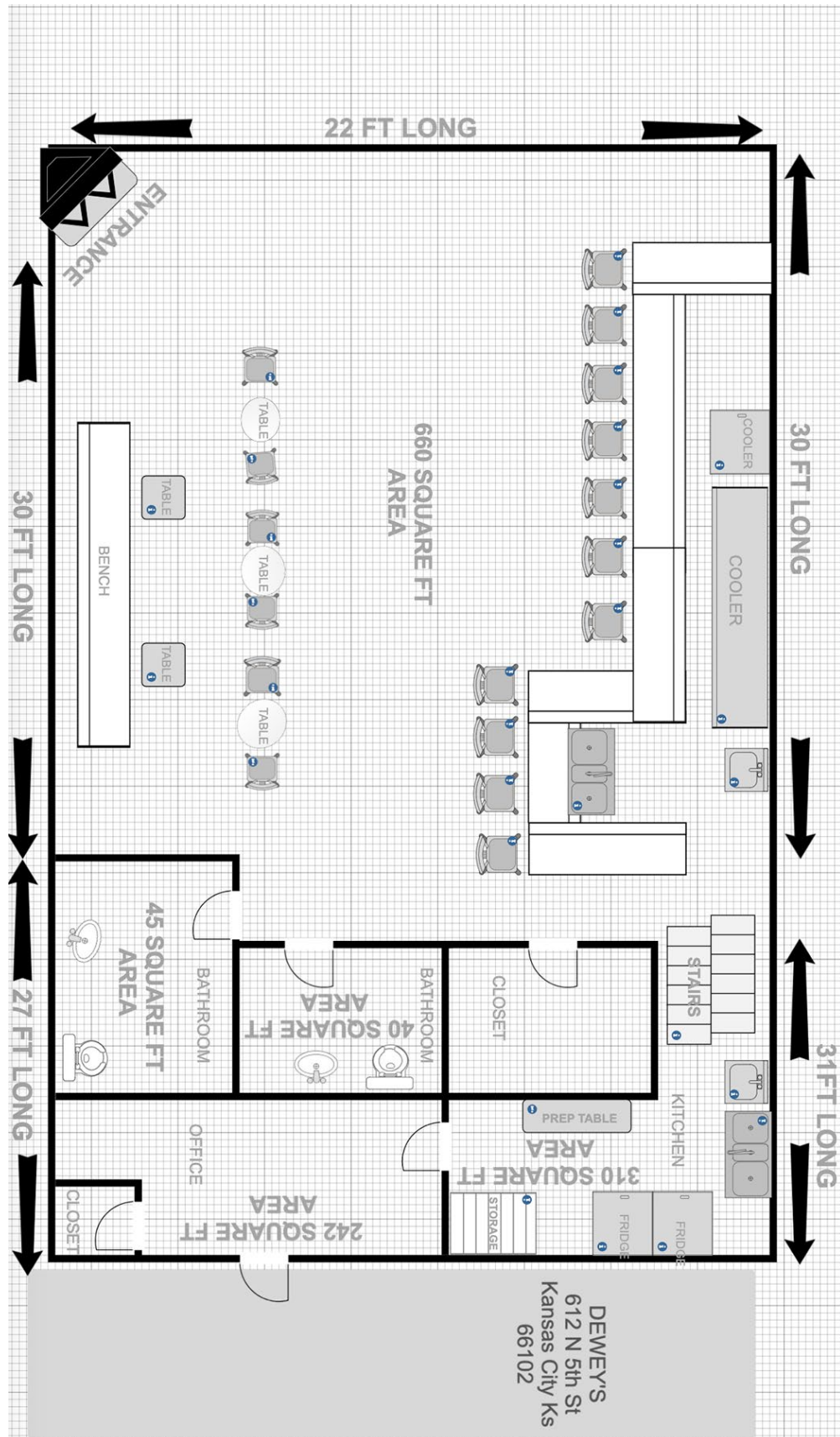
Rachel Mills
deweyskc@gmail.com

Dewey's Live Entertainment Neighborhood
meeting

Sign In Sheet 9.25.24

SP 2024-086

FLOOR PLAN



Deweys Business Plan

1. Executive Summary

Dewey's is a cozy and inviting drinking establishment dedicated to offering a unique and memorable experience for patrons seeking a relaxed and friendly environment. Located in a bustling urban neighborhood, Dewey's will provide a carefully curated selection of craft beers, cocktails, and wines, complemented with a light menu of artisanal snacks and bar food menu items. Our mission is to become a go-to destination for those who appreciate quality beverages and genuine camaraderie.

2. Business Description

Dewey's will be a small-scale drinking establishment with a capacity for approximately 30 to 40 guests. The interior design will embrace a blend of sports, music, movie, and art decor with warm lighting to create an inviting atmosphere. With an emphasis on fostering connections and conversations, Dewey's will cater to a diverse audience seeking a comfortable space to unwind and socialize.

3. Market Analysis

The market for drinking establishments continues to thrive as people seek opportunities for relaxation and socialization. Dewey's will target adults aged 25 to 45, as well as local residents and professionals looking for a casual and welcoming spot to enjoy drinks with friends and colleagues.

4. Marketing Strategy

- **Branding:** Develop a distinctive brand identity that captures the essence of Dewey's – approachable, laid-back, and community-focused.
- **Online Presence:** Establish an informative and visually appealing website and maintain active social media profiles to engage with potential customers and provide updates on specials and events.
- **Local Engagement:** Partner with nearby businesses, such as food trucks or local artists, to offer unique experiences and cross-promotion.

5. Product Offerings

- Beverages: Curate a rotating selection of craft beers, wines, and signature cocktails that showcase both local and international flavors.
- Snacks: Provide a simple but delicious menu of bar bites and shareable plates that complement the drink offerings.

6. Operations and Management

- Staffing: Recruit a team of friendly and knowledgeable bartenders and servers who can enhance the customer experience through exceptional service and personalized recommendations.
- Inventory Management: Implement an efficient inventory tracking system to monitor stock levels, control costs, and ensure consistent availability of beverages and snacks.
- Safety Measures: Prioritize the safety and well-being of patrons and staff by adhering to health and safety guidelines related to alcohol service and COVID-19

7. Conclusion

Dewey's Small Drinking Establishment aspires to become a beloved local hub where friends can gather and strangers can become friends. A friendly space for sports fans, charitable events, and where people of all walks of life can savor quality drinks in a welcoming atmosphere. By offering a distinctive selection of beverages, fostering a sense of community, and delivering exceptional customer service, Dewey's is poised to make its mark on the local social scene and provide a lasting, positive impact on patrons' lives.

SECURITY PLAN

Security Plan for Dewey's

Access Control:

- We have a strict ID check and age verification process to prevent underage drinking.
- Maintain controlled entry points to monitor who enters the establishment.

Surveillance:

- We have security cameras at entrances, exits, bar area, and other critical spots.
- Ensure cameras have good coverage and high-quality recording capabilities.

Staff Training:

- Train staff in conflict resolution to handle disputes calmly and professionally.
- Educate employees on recognizing signs of intoxication and enforcing responsible drinking.

Emergency Procedures:

- Develop clear guidelines for staff to follow in case of emergencies, including medical situations.
- Conduct regular emergency drills to ensure staff is prepared for various scenarios.

Fire Safety:

- Maintain clear fire exits to ensure they are unobstructed at all times.
- Install fire alarms and conduct fire drills periodically.

Alcohol Service:

- Train bartenders to serve drinks responsibly and monitor patron intoxication levels.
- Have a clear policy for cutting off alcohol service to visibly intoxicated customers.

Cash Handling:

- Limit cash on hand through regular deposits and encourage electronic payments.
- Use secure cash handling procedures and train staff on them.

Incident Reporting:

- Establish a procedure for staff to report incidents promptly and accurately.
- Document all incidents and actions taken for further reference.

Lighting and Environment:

- Maintain adequate lighting inside and around the bar to deter criminal activities.
- Keep the environment clean and organized to minimize hazards.

Security Personnel:

- Consider employing security personnel during busy hours and hours with entertainment to ensure order and safety.
- Security staff should be trained in conflict resolution and emergency response.

Regular Maintenance:

- Schedule routine checks for security equipment, such as cameras and alarms, to ensure they are functional.
- Conduct regular safety inspections to address potential hazards.

Customer Awareness:

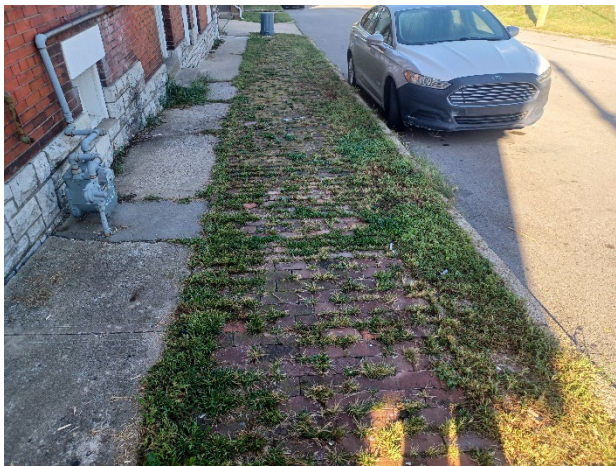
- Display signs promoting responsible drinking and behavior throughout the bar.
- Encourage patrons to report any suspicious activities to staff.

Review and Improvement:

- Regularly review the security plan and make necessary updates based on changing circumstances or lessons learned from incidents.

By implementing these security measures and fostering a culture of safety among both staff and patrons, Dewey's can create a secure and safe environment that promotes enjoyable experiences for everyone.

SITE PHOTOS, TAKEN BY STAFF, DATED SEPTEMBER 26, 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: October 30, 2024

Re: Vacation Petition VAC2024-008

GENERAL INFORMATION

Applicant Information:

Joe McLaughlin
BHC
712 State Avenue
Kansas City, KS 66102

Subject Property:

1621 North 25th Street
Kansas City, Kansas 66102

Requested Action and Purpose:

Approval of a vacation to vacate
right-of-way.

Commission Districts:

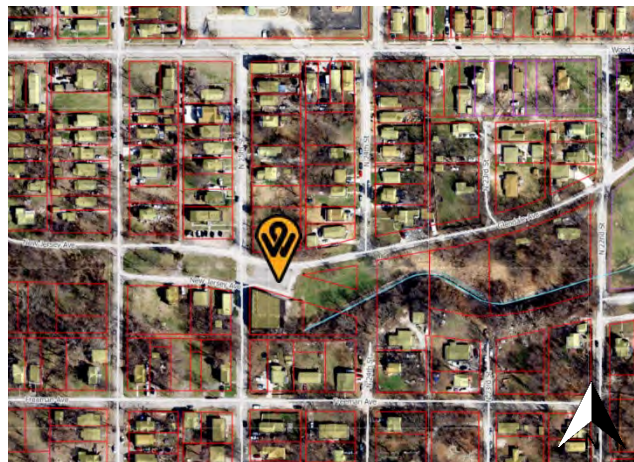
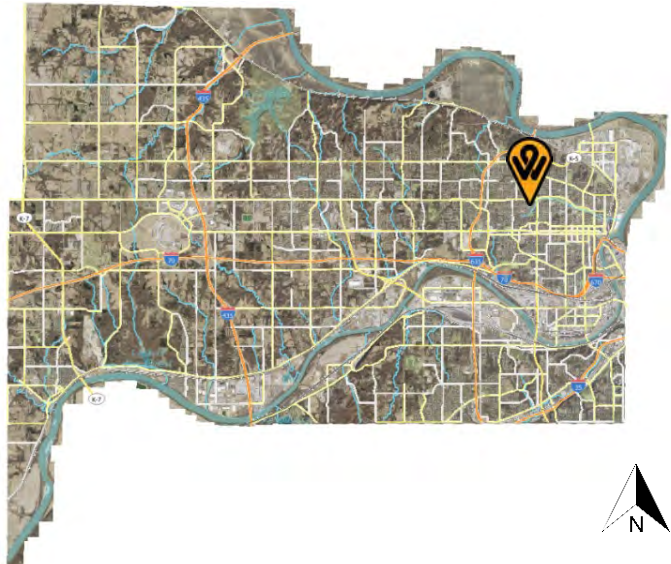
Commissioner At-Large, District #1:
Melissa Bynum
District #4 Commissioner:
Dr. Evelyn Hill

Existing Zoning District(s):

C-1 Limited Business District

Comprehensive Plan Area:

Northeast Area Plan



	Adjacent Zoning	Adjacent Uses
North	C-1 Limited Business District	Vacant land
South	R-1 Single Family District	Single-family home
East	R-1(B) Single Family District	Vacant land and right-of-way
West	C-1 Limited Business District	Single-family home

Total Tract Size: 0.143 Acre

Neighborhood Characteristics: The subject property is located within the Kensington Statistical Neighborhood and Block Group #0416001. The subject property is, however, considered within the Kensington Community and Historic Westheight area. This site is vacant building with single-family homes in the vicinity to the northeast, west and south.

Comprehensive Plan Designation: The Northeast Area Plan designates this property as Neighborhood Mixed Use, which allows single-family homes, townhomes, duplexes, low rise apartments, small commercial retail and office buildings, mixed use buildings and institutional buildings.

Major Street Plan: The goDotte Countywide Strategic Mobility Plan designates North 25th Street and New Jersey Avenue as a Local Street.

Parking Requirement: Section 27-464(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. The proposed vacation of right-of-way does not require any off-street parking because there is no building on site. Note: If this right-of-way is vacated and dedicated to 1621 North 25th Street, the building's square footage needs to be provided to Staff to determine how many parking spaces are required and provided.

Landscaping Requirement: Section 27-464(g) Trees are required to be provided at not less than one (1) per 7,000 square feet of site area. Six-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. One (1) tree is required. One (1) tree is provided.

Advertisement:

The Wyandotte Echo – September 19, 2024
Letters to Property Owners – September 20, 2024

Public Hearings:

October 14, 2024 and October 30, 2024

Public Support:

None to date.

Public Opposition:

None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Joe McLaughlin with BHC, is requesting a Vacation of right-of-way to vacate a portion of New Jersey Avenue (formerly Kansas City Leavenworth Electric Railroad) north of 1621 North 25th Street.

City Ordinance Requirements: K.S.A. 12-504, Article XXI Sections 27-502 – 27-709 to 12-506 and 12-512b. and all other applicable standards within Chapter 27.

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. In 2007, there was a citation to remove junk/debris and trash from the property.
2. Between 2019 – 2022, there have been citations from Property Maintenance Compliance Division for graffiti.

Outstanding or Related Permit and Cases:

1. SP2024-084 – Special Use Permit for an event space (to be heard by the City Planning Commission on December 9, 2024).
2. In 2002, an electrical and mechanical (gas) permits were issued by Building Inspection.
3. In 2019, a plumbing permit was issued by Building Inspection.

Previous Planning Actions:

1. None

FACTORS TO BE CONSIDERED

1. ***No private rights will be injured or endangered by such vacation or exclusion.***

The vacation as proposed by the applicant excludes any adjacent property owners along Glendale Avenue, as the entire New Jersey Avenue boundary between North 25th Street and Glendale Avenue will be vacated to 1621 North 25th Street.

2. ***The public will suffer no loss or inconvenience thereby.***

The public will not suffer any loss or inconvenience thereby from the proposed right-of-way vacation because in the field, most who drive through the area assume the right-of-way, which functions as a parking lot, is associated with the commercial building at 1621 North 25th Street.

3. ***In justice to the petitioner or petitioners, the request of the petitioner ought to be granted.***

The petitioner is requesting the proposed vacation to use the area as a parking lot for 1621 North 25th Street and the proposed, but separate land use entitlement (Special Use Permit) for an event space. The vacation of the proposed area will decrease the need for the Unified Government to maintain this piece of public right-of-way, therefore the request of the petition ought to be granted.

4. ***Vacation will not create utility conflicts.***

To date, the vacation will not create utility conflicts as the combined sanitary sewer is north along Glendale Avenue and the storm sewer is along North 25th Street.

NEIGHBORHOOD MEETING INFORMATION

A neighborhood meeting is not required for a vacation application.

KEY ISSUES

Glendale Avenue Right-of-Way

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Vacation Application VAC2024-008, subject to:

1. A Special Use Permit application (SP2024-084) has been filed for an event space on the associated property, which is related, but not contingent upon approval of this Planning entitlement;
2. As part of this vacation application, the expansive curb cut along Glendale Avenue needs to be reduced to comply with the Public Works standards;
3. While reducing the curb cut along the Glendale right-of-way, plant street trees on the north property line;
4. 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; and,
5. 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 AND CONDITIONS

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 **VAC2024-008** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

October 14, 2024, City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Applicant Response Letter
Vacation Exhibit
Site Plan

PUBLIC HEARING SCHEDULE

Action(s)	City Planning Commission	Unified Government Board of Commissioners
Vacation of Right-of-Way	October 14, 2024 Approval	October 30, 2024

STAFF CONTACT:

Byron Toy, AICP
btoy@wycokck.org
(913) 573-5757

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **VAC2024-008** 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 **VAC2024-008**, 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.

October 14, 2024, City Planning Commission Minutes:

Hearing starts at 2:52:00:

VACATION APPLICATION VAC2024-008 – JOE MCLAUGHLIN - SYNOPSIS:

Vacation of street right-of-way at 1621 North 25th Street. Detailed Outline of Requested Action: The applicant, Joe McLaughlin with BHC, is requesting a Vacation of right-of-way to vacate a portion of New Jersey Avenue (formerly Kansas City Leavenworth Electric Railroad) north of 1621 North 25th 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 October 14, 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.

Planner Molloy asked if the Commission had any contact to disclose on this application. No one responded in the affirmative.

Present in Support:

- Joe McLaughlin, applicant, 712 State Avenue, Kansas City, Kansas 66101

Present in Opposition:

- No one appeared

Staff Recommendation starts at 2:43:28: Planning Director Hand stated that this request is to vacate a portion of New Jersey Avenue. Staff received no letters in support nor opposition. There are Notices of Violation on the property that will be addressed by the proposed development. Staff recommends approval subject to the conditions in the staff report.

Motion starts at 2:55:17:

On motion by Mrs. Jones, seconded by Mr. Miller, the Planning Commission voted as follows to recommend **APPROVAL of Vacation Application VAC2024-008:**

Carson	Chairman
Mohler	Aye
Schwartz	Aye
Straws	Not Present
Ward	Not Present
Armstrong	Aye
Beth	Aye

Easterwood Aye
Ernst Aye
Jones Aye
Miller Aye

Motion to recommend APPROVAL Passed: 8 to 0

Subject to:

- 1. A Special Use Permit application (SP2024-084) has been filed for an event space on the associated property, which is related, but not contingent upon approval of this Planning entitlement;**
- 2. As part of this vacation application, the expansive curb cut along Glendale Avenue needs to be reduced to comply with the Public Works standards;**
- 3. While reducing the curb cut along the Glendale right-of-way, plant street trees on the north property line;**
- 4. 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; and,**
- 5. 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

AERIAL IMAGERY



ZONING MAP



LAND USE MAP



ADDITIONAL ATTACHMENTS



September 30, 2024

Byron Toy
UG Department of Planning + Urban Design
701 N. 7th Street,
Kansas City, KS 66101

btoy@wycokck.org

RE: Response to Comments in Petitions SP2024-084 and VAC2024-008

Dear Mr. Toy

Brungardt Honomichl & Company, P.A. (BHC) is pleased to submit the following responses to the comments your Department made regarding petitions **SP2024-084 and VAC2024-008**

SP2024-084:

Our responses numbering corresponds to the numbering of the comments made.

1. Birthday parties and Wedding receptions.
2. Hours of operation: Weekdays 09:00 am to 05:00 pm.
Weekends 09:00 am to 12:00 am.
3. Monday thru Sunday.
4. Install an opaque gate door on a trash enclosure.
5. 70.
6. NO.
7. Understood.
8. No.
9. No changes will be made to the building
10. There are no apartment on the second floor or within the building. No other uses will occur within any other parts of the building. The event space will be on the second floor.
11. Please see plan attached to this Letter.
12. Please see plan attached to this Letter.
13. Sq ft of building: 8,996
Sq ft of First Floor: 5,600
Sq ft of Second floor : 3,290 Event space total. Seating and back of house 1,315
Sq ft of Third Floor: 323
Sq ft of building: 5,180
14. Security will be provided on an "as needed" basis for only large parties. Security officers will be contacted. Security cameras are in place outside of building in 3 areas. West side of building, East side of building and North side of building.
15. Planned if Vacate is approved.



16. Planned if Vacate is approved.
17. We will comply with installing a privacy fence along the property lines sharing a common property line or across an alley.
18. Understood.

VAC2024-008:

Our responses numbering corresponds to the numbering of the comments made.

1. Please see plan attached to this Letter.
2. Please see plan attached to this Letter.
3. Understood.
4. Understood.

Sincerely,



Dimitrios Sarantopoulos

Sr Project Manager



EXHIBIT

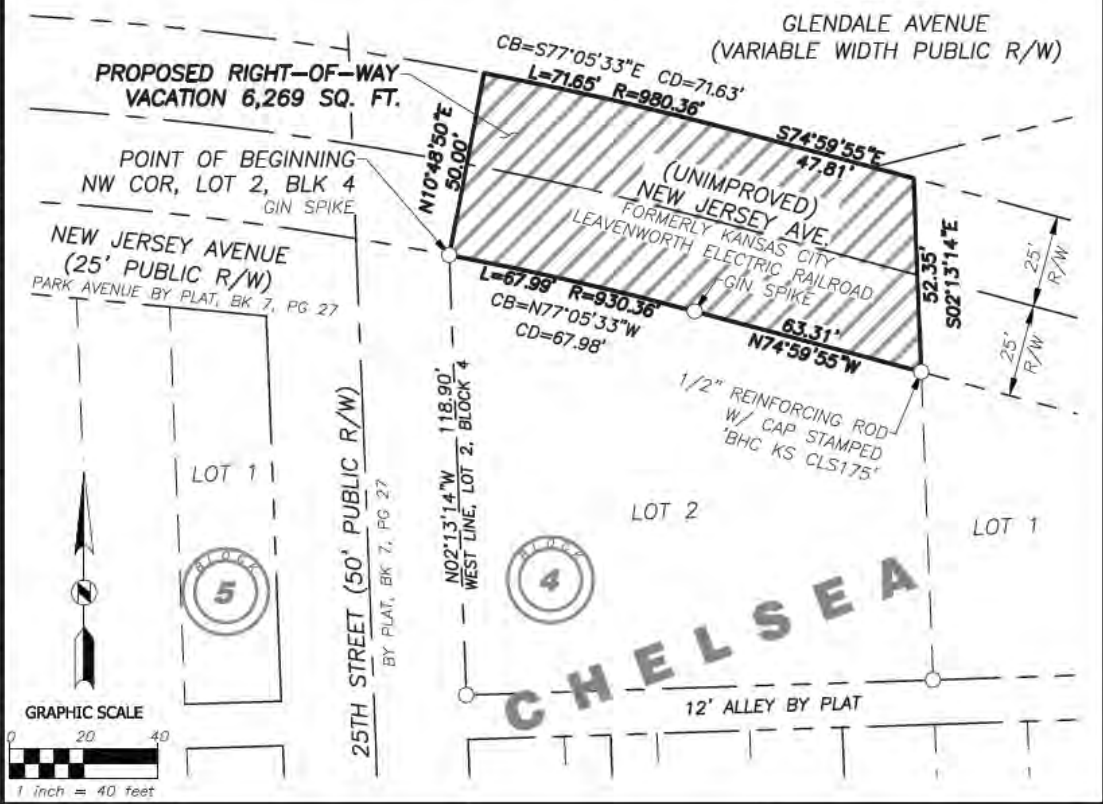
NEW JERSEY AVENUE NORTH OF LOT 2, BLOCK 4, CHELSEA, A SUBDIVISION IN THE CITY OF KANSAS CITY, WYANDOTTE COUNTY, KANSAS

MAP (SEE SHEET 2 FOR DESCRIPTION)

LEGEND

- Found Survey Monument
- R= Radius
- L= Arc Length
- CB Chord Bearing
- CD Chord Distance
- R/W Right-of-Way
- BK. Book
- PG. Page
- SQ. FT. Square Feet

Aug 26, 2024 - 11:15am Plotted by: laura.davis I:\043930\DWG\Survey\043930-VACA.dwg



Sheet: 1 OF 2	Drawn By: LAD Project No: 043930 Field Date: 06-12-2024 Issue Date: 08-23-2024	Project: EXHIBIT NEW JERSEY AVENUE NORTH OF LOT 2, BLOCK 4, CHELSEA, A SUBDIVISION IN THE CITY OF KANSAS CITY, WYANDOTTE CO., KS	Client: MARY AGUIRRE 1621 N 25TH STREET KANSAS CITY, KS 66102	BHC CIVIL ENGINEERING / SURVEYING / UTILITIES 712 State Avenue, Kansas City, KS 66101 Phone: (913) 371-5300
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EXHIBIT

NEW JERSEY AVENUE NORTH OF LOT 2, BLOCK 4, CHELSEA, A SUBDIVISION IN THE CITY OF KANSAS CITY, WYANDOTTE COUNTY, KANSAS

DESCRIPTION (SEE SHEET 1 FOR MAP)

RIGHT-OF-WAY VACATION DESCRIPTION

All of the New Jersey Avenue Right-of-Way lying north of and adjacent to Lot 2, Block 4, CHELSEA, a subdivision of land in the City of Kansas City, Wyandotte County, Kansas, said Tract as described by Joseph H. McLaughlin, LS-1625, with BHC, CLS 175, being more particularly described on August 26, 2024 by metes and bounds as follows:

(Note: For course orientation the bearings in this description are based on the West line of Lot 2, Block 4, CHELSEA, a subdivision of land in the City of Kansas City, Wyandotte County, Kansas, having a bearing of North 02°13'14" West.)

BEGINNING at the Northwest corner of Lot 2, Block 4, CHELSEA, a subdivision of land in the City of Kansas City, Wyandotte County, Kansas, monumented by a gin spike, said point being on the South Right-of-Way line of New Jersey Avenue (formerly Kansas City Leavenworth Electric Railroad);
Thence North 10°48'50" East, 50.00 feet, to the North line of said New Jersey Avenue and the beginning of a non-tangent curve, to the right, having a radius of 980.36 feet;
Thence Southeasterly, on a said curve and said North Right-of-Way line, an arc length of 71.65 feet, said curve having a chord bearing of South 77°05'33" East, and a chord length of 71.63 feet;
Thence South 74°59'55" East, 47.81 feet, on said North Right-of-Way line to the point of intersection with the Northerly extension of the East line of said Lot 2;
Thence South 02°13'14" East, 52.35 feet, on said Northerly extension to the Northeast corner of said Lot 2, said point being on the said South Right-of-Way line;
Thence North 74°59'55" West, 63.31 feet, to the beginning of a tangent curve, to the left, having a radius of 930.36 feet, on said South Right-of-Way line;
Thence Northwesterly, on a said curve and said South Right-of-Way line, an arc length of 67.99 feet, said curve having a chord bearing of North 77°05'33" West, and a chord length of 67.98 feet, to the POINT OF BEGINNING, said Tract containing 6,269 square feet or 0.1439 acres, more or less.

This survey has been reviewed for filing, pursuant to K.S.A. 58-2003, 58-2005 and 58-2011, for content only and is in compliance with those provisions. No other warranties are extended or implied.

L. Allen Greenwood, PLS-654
Deputy County Surveyor

SURVEYOR'S CERTIFICATION

THIS IS TO CERTIFY that on the "Field Date" shown in the title block of this document, this survey was completed by me or under my direct supervision and was executed in accordance with the "KANSAS MINIMUM STANDARDS" for boundary surveys pursuant to KAR 66-12-1.

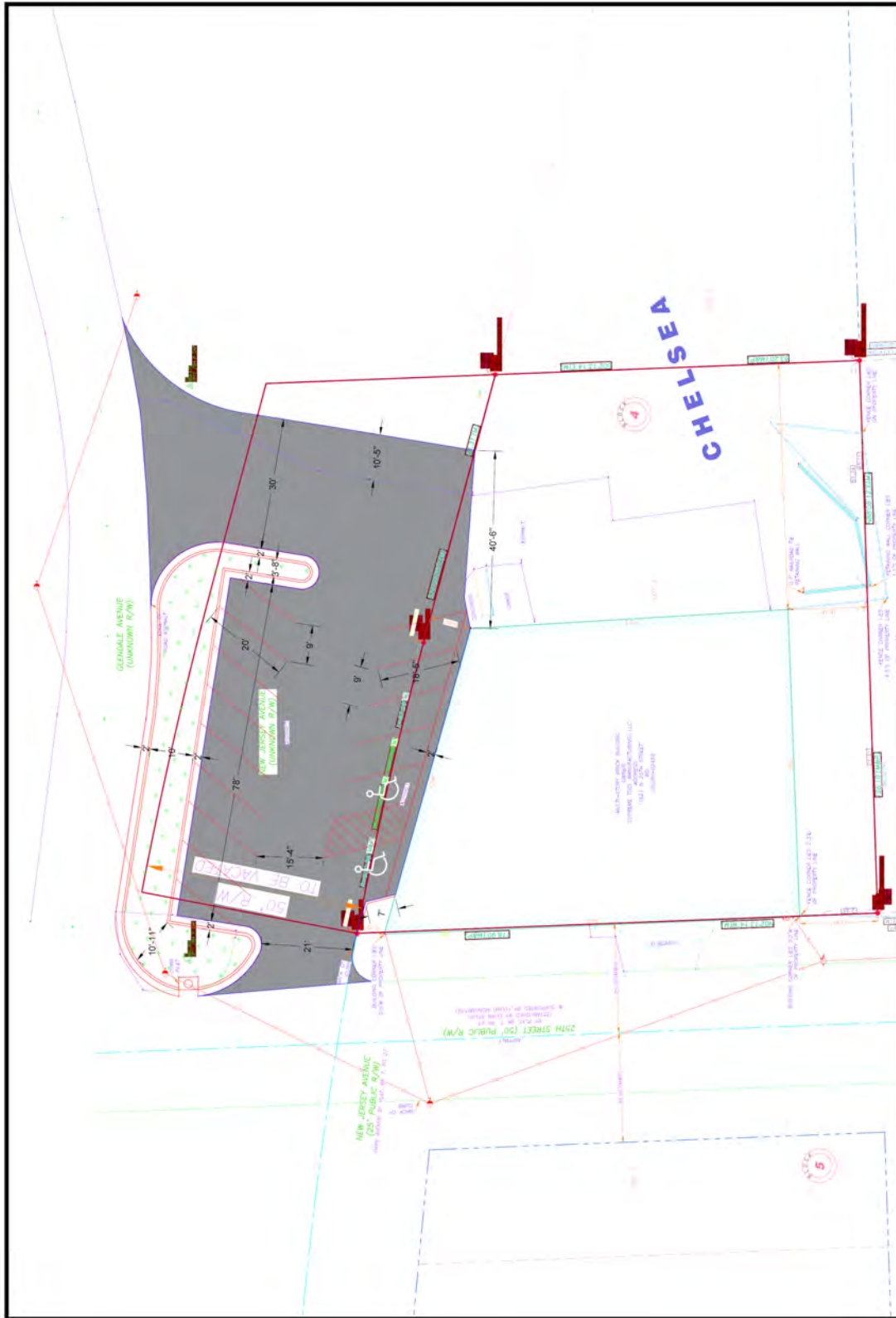
(See Title Block for date, seal and signature)

BHC, KS CLS-175
Joseph H. McLaughlin, LS-1625

Aug 26, 2024 - 1:10pm Plotted by: laura davis I:\043930\DWG\Survey\043930-VACA.dwg

Sheet:	LAD	Project:	Client:
2	Drawn By: 043930	EXHIBIT	MARY AGUIRRE
OF	Project No: 06-12-2024	NEW JERSEY AVENUE NORTH	1621 N 25TH STREET
2	Field Date: 08-23-2024	OF LOT 2, BLOCK 4, CHELSEA,	KANSAS CITY, KS 66102
	Issue Date:	A SUBDIVISION IN THE CITY OF	
		KANSAS CITY, WYANDOTTE CO., KS	
		 BHC CIVIL ENGINEERING / SURVEYING / UTILITIES 712 State Avenue, Kansas City, KS 66101 Phone: (913) 371-5300	

REVISION LOG
CREATED 8/27/2024
REVISED





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: Board of Commissioners

From: Planning and Urban Design Staff

Date: October 30, 2024

Re: **Change of Zone Petition COZ2024-014 and Master Plan Amendment MPL2024-008**

GENERAL INFORMATION

Applicant Information:

Scott Ray
Buc-see's, LTD
327 Highway 2004 Road
Lake Jackson, Texas 77566

Subject Property:

601 Village West Parkway
Kansas City, Kansas 66111

Requested Action and Purpose:

Approval of a Change of Zone from A-G Agriculture District to CP-3 Planned Commercial District. and a Master Plan Amendment from Planned Entertainment to Planned Commercial (Prairie Delaware Piper Area Plan) to build a 74,000 square foot, 120 pump Buc-ee's travel center.

Commission Districts:

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



Existing Zoning District(s): A-G Agriculture District

Proposed Zoning District(s): CP-3 Planned Commercial District

	Adjacent Zoning	Adjacent Uses
North	A-G Agriculture and CP-2 Planned General Business Districts	Kansas Speedway and Hollywood Casino
South	None	Interstate 70 Right-of-Way
East	CP-2 Planned General Business District	Chateau Avalon and Interstate 70 Right-of-Way
West	A-G Agriculture District	Kansas Speedway office building

Total Tract Size: 25.80 Acres

Comprehensive Plan Area: Prairie Delaware Piper Area Plan

Comprehensive Plan Designation: The Prairie Delaware Piper Area Plan designates the subject property as Planned Entertainment, which allows for areas that have significant capital investment in infrastructure that entertains visitors.

A Master Plan Amendment has been filed to Planned Commercial District, which allows convenience retail such as full-size grocery stores, pharmacy, and other related retail and service establishments, and major retail uses, including restaurants and hotels, big box enters and stores that serve large populations.

Major Street Plan: The goDotte Countywide Strategic Mobility Plan designates Village West Parkway as a Major Arterial.

Parking Requirement: Section 27-467(e) Uses in this district require paved off-street parking at a ratio of not less than four (4) spaces per 1,000 square feet of floor area in the building. 296 spaces are required. 560 spaces are provided.

Landscaping Requirement: Section 27-467(g) A reasonable amount of landscaping is required on all projects in this district, all to be depicted on a properly prepared plan. Trees are required to be

provided at not less than one (1) per 7,000 square feet of site area.

Section 27-577(a)(5) Landscaping shall exceed the typical code requirements by at least 75 percent. 281 trees are required.

Advertisement:

The Wyandotte Echo – May 16, 2024
Letters to Property Owners – May 17, 2024,
June 4, 2024, June 30, 2024, and August 2, 2024

Public Hearings:

October 14, 2024 and October 30, 2024

Public Support:

None to date.

Public Opposition:

None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Scott Ray with Buc-ee's, LTD, is requesting a Change of Zone from A-G Agriculture District to CP-3 Planned Commercial District, Preliminary Plat to create one (1) commercial lot and Master Plan Amendment from Planned Entertainment to Planned Commercial (Prairie Delaware Piper Area Plan) to build a 74,000 square foot, 120 gas pump Buc-ee's gas station and convenience store at 601 Village West Parkway.

City Ordinance Requirements: Article VIII Sections 27-340 – 27-765, Article VII Sections 27-245 – 27-339, Article VI Section 27-210 through 212, Article XXI Sections 27-502 – 27-709, Article VII Sections 27-245-339, Article XI Section 27-215, Article VIII Sections 27-340 – 27-765, Article VII Sections 27-245 – 27-339, Article VI Section 27-213, and all other applicable standards within Chapter 27.

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 Permit and Cases:

1. 2014 – SIGN 2014-221 – Sign Permit – Pylon sign for “Bullseye” Target logo.
 2. 2014 – SIGN 2014-222 – Sign Permit – Pylon sign for “Bullseye” Target logo.
- COZ2024-014 + MPL2024-008

Previous Planning Actions:

1. There are no previous planning entitlements on the subject property.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The subject property is located within the I-435 West Statistical Neighborhood and Block Group 0447031. The neighborhood consists of the Kansas Speedway racetrack, ancillary parking and Hollywood Casino to the north, wooded, open space and Chateau Avalon hotel to the east, Interstate 70 to the south and a small office building to the west, across Village West Parkway/Speedway Boulevard.

This area, with the Kansas Speedway and Hollywood Casino is the western and southern entrance into the Village West area and commercial corridor along Village West Parkway.

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 will be compatible with the Kansas Speedway and Hollywood Casino, both commercial uses along Village West Parkway.

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

The property is suitable for the uses to which it has been restricted, which lends itself for agricultural related uses, however the Prairie Delaware Area Piper Plan designates this property as Planned Entertainment (and an amendment to Planned Commercial), which requires Change of Zone or Special Use Permit, so removing the restrictions will not detrimentally affect nearby property because the Kansas Speedway and Hollywood Casino are commercial uses, north, across Village West Parkway and relatively undeveloped around the Kansas Speedway along Speedway Boulevard.

4. The length of time the property has remained vacant as zoned and/or the length of time the property has been actively marketed.

The property has been vacant since 2001 as a part of the original Village West redevelopment.

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.

A convenience store/travel center of this scale and size is a use that is not currently found in our city. The debate is to whether or not this use is a necessary convenience is a relative decision based in large part on how frequented this travel is by the general public for food, merchandise and fuel.

Detrimental effects on marketability of vacant or large parcels adjacent to this development proposal is unlikely. Depending on location, a project of this type could actually increase the value of some of those properties which are capable of functioning as a large-scale regional destination, similar to the Kansas Speedway or Hollywood Casino.

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.*

Provided they address Public Works comments, this should not be an issue. The Traffic Impact Study (TIS) has been submitted prior to these land entitlement applications for advanced review by the County Traffic Engineer.

Portions of Village West Parkway are proposed to be vacated and will be widened with multiple turn lanes and a roundabout for a continuous flow of traffic rather than traffic signals, which completely stop vehicle traffic.

There is ample parking on site. 296 spaces are required based on the 74,000 square foot building. The applicant intends to provide 560 parking spaces for standard passenger automobiles, EV, accessible, and RV spaces.

The parking provided is almost double than what is needed to comply with the code. The site can be redesigned to reduce the amount of parking provided on site.

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

The proposed use does not conform to the Prairie Delaware Piper Area Plan, which is designated as Planned Entertainment and allows areas that have significant capital investment in infrastructure that entertains visitors.

A Master Plan Amendment has been filed to Planned Commercial District, which allows convenience retail such as full-size grocery stores, pharmacy, and other related retail and service establishments, and major retail uses, including restaurants and hotels, big box enters and stores that serve large populations.

The goDotte Countywide Strategic Mobility Plan identifies this segment of the property as scenic Interstate 70 corridor, thereby requiring extra screening along

the interstate.

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

If the site and stormwater management infrastructure are properly managed and maintained, the proposed use will not cause environmental harm. There is significant landscaping planted around the perimeter of the site that will enhance the environment and buffer from the adjacent interstate.

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

a. *Electric and Water Service*

To be provided by BPU Electric and Water Divisions.

b. *Sanitary Sewer Service*

Sanitary sewer service is being extended by the developer and maintained by the Unified Government.

c. *Storm Water Control*

To be designed to meet City Code.

d. *Police*

Police service is provided by West Patrol, District 227.

e. *Fire*

Fire service is provided by Station #6, located at North 98th Street and State Avenue, which is two (2) miles away from the subject property.

f. *Transit*

There is no public transit provided to or near 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/Edwardsville USD 204.

h. *Streets*

See item #6 above.

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

The proposed use will have a significant economic impact on the community. These impacts include jobs, property and sales taxes, and new destination to compliment Village West, Hollywood Casino and the Kansas Speedway.

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

The project, which requires some revisions, could meet all 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.*

It is difficult to see gain to the public health, safety or welfare from a travel center operation, however, given the future development scenarios in the area, it is not likely to impose hardships on individual landowners.

13. *Whether the preliminary plat is consistent with the comprehensive plan, the major street plan and any other adopted plans.*

While a Master Plan Amendment is required to put the commercial use in its proper land use designation, Planned Commercial is not too dissimilar from Planned Entertainment — in terms that both area plans expect large populations to visit the area.

14. *Whether the preliminary plat is in compliance with the standards and requirements of the zoning ordinance, subdivision regulations and other applicable unified government policies and regulations.*

The preliminary plat complies with the standards and requirements of the zoning ordinance, subdivision regulations and other applicable Unified Government policies and regulations. Right-of-way is being vacated to construct a roundabout and vacate utility easements that are demarcated around the perimeter of the plat.

15. *Whether the subdivision is compatible in lot size, lot-to-structure proportion, building size, and architectural design with existing and proposed development on adjacent properties.*

The parcels around the Kansas Speedway are relatively large tracts of land. Urban Outfitters and Hollywood Casino are 90 and 63 acres, respectively. The total tract size of the parcel in question is 56 acres, but only 25 acres is being platted.

Relative to the size of the property and the proposed building and gas pumps, the lot-to structure is proportional to the surrounding properties that have buildings on them.

16. *Whether the proposed subdivision will cause adverse or negative impacts on the natural or social environment.*

The proposed one (1) lot subdivision will not cause adverse or negative impacts on the natural or social environment. Trees stands to the east are being preserved, thereby enhancing the property, and given the national popularity of the Buc-ee's travel center, this parcel will become a regional destination along the Interstate 70 corridor improving the social environment along Village West Parkway.

17. *Whether the subdivision will not cause an undue burden on the unified government for maintenance of land and/or facilities.*

The subdivision will not cause an undue burden on the Unified Government for maintenance of land or facilities. The Developer is responsible for maintaining the sanitary sewer lift station on the property.

Village West Parkway exists but is being widened and realigned to better accommodate the inflow of from North 110th Street. Increase in lane mile will increase long-term maintenance and repair costs for the Unified Government.

18. *Whether the subdivision does not encourage premature extension of public services, piece-meal or premature development based upon the location of surrounding development and the availability of public facilities and services.*

Given the proximity to Interstate 70 and Village West Parkway, the subdivision may encourage piece-meal development based on the surrounding development pattern and availability of sanitary sewer service. The closest development on the south side of Village West Parkway is one (1) mile east, Chateau Avalon Hotel.

The Kansas Speedway was the first development in the area, constructed in 2001, followed by Hollywood Casino in 2010.

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

The area is a tourist draw due to the Kansas Speedway and Hollywood Casino. These uses tend to attract commercial uses that supplement the Planned Entertainment designation. The Master Plan Amendment to Planned Commercial compliments and supports the Entertainment land use designation.

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

The amendment is consistent with the goals and policies of the Prairie Delaware Piper Area Plan. Planned Commercial allows uses that are large scale big box stores for large populations, while this is not a big box store per se, this is a 74,000 square feet travel center that will be open 24 hours a day, predominately supporting patrons going to or leaving the Hollywood Casino, Kansas Speedway, interstate freeway traffic.

21. *Whether the proposed amendment will result in comprehensive plan or regulatory conflicts.*

The proposed amendment to Planned Commercial will not result in regulatory conflicts as the proposed use is allowed within the amended land use designation.

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

The proposed amendment will allow a change in the development on the subject site without creating adverse impacts on existing and planned surrounding uses because the entertainment uses are inside the Village West Parkway ring with the exception of Urban Outfitters distribution center at the southeast corner of 118th Street and State Avenue.

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

The 25-acre parcel that is being amended from Planned Entertainment to Planned Commercial (Prairie Delaware Piper Area Plan) will benefit the community by allowing a commercial travel center adjacent to two (2) major tourism destinations in the area, the Kansas Speedway and Hollywood Casino as well as the greater Village West Area.

As a result of the construction of Buc-ee's travel center, sidewalks will be constructed along North 110th Street, Speedway Boulevard and Village West Parkway.

NEIGHBORHOOD MEETING INFORMATION

The applicant held a neighborhood meeting in-person at 701 Village West Parkway (Chateau Avalon Hotel) on May 24, 2024. Attached is the list of persons who attended

the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Pedestrian Connectivity
Landscaping and Screening
Tree Preservation
Parking Surplus
Exterior Building Materials

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 9 to 0 to recommend **APPROVAL** of Change of Zone Application **COZ2024-014**, to the **CP-2 Planned General Business District** and Master Plan Amendment **MPL2024-008**, subject to:

1. The following requirements of the Commercial Development Guidelines Overlay District *have not* been met, and from which Applicant is requesting a deviation for approval:
 - a. Section 27-576(e)(2) Exterior building materials shall not include EIFS at the ground level or comprising more than 15 percent of any façade.
 - b. Section 27-575(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 not more than 45 feet through articulation of the façade. This can be achieved through combinations of at least three (3) of the following techniques:
 - i. Divisions or breaks in materials;
 - ii. Building offsets (projections, recesses, niches);
 - iii. Window bays;
 - iv. Separate entrances and entry treatments; or
 - v. Variation in rooflines.
 - c. Section 27-577(d)(1) At least 75 percent of the length of the building foundations facing public streets, the exterior of the development, or common spaces must be planted with ornamental plant material such as ornamental trees, flowering shrubs, perennials, and groundcovers.
2. Consistent with the commercial zoning within the Village West Area, subject to approval, the zoning shall be changed to CP-2 Planned General Business District instead of CP-3 Planned Commercial District. The travel center and ancillary uses are allowed by right in the CP-2 District;
3. Section 27-575(a)(2) states the parking, and circulation should account for pedestrians, bicycles, and vehicles. This circulation pattern, per Section 27-575(d)(8), shall connect in a way that is obvious to users.
Section 27-575(d)(9) states that there shall be a pedestrian circulation from the perimeter of the site to the principal customer entrance to all buildings. Within the site, there shall be pedestrian connections provided to all pedestrian activities, including transit stops, street crossings, open space, building and store entry points, and adjacent pedestrian systems;

4. 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;
5. Section 27-575(f)(1) states there should be a designated walkway or clear pathway to the main entrance of the building so that pedestrians are required to walk through parking lots. Additionally, add a crosswalk from the sidewalk off Village West Parkway roundabout south to the front door of the building;
6. Section 27-575(d)(14) states that sidewalks that are within reasonable proximity to an identified trail system should connect to the trail system and accommodate the uses anticipated on the trail (e.g. pedestrian, bicycle). Village West Parkway is designated as a Major Arterial, which requires a 10-foot sidewalk on the north side of Village West;
7. Gutters and downspouts shall be internalized with the exception of the one (1) gutter and two (2) downspouts behind the trash compactor area. Scuppers shall be recessed in the corners. Overflow drains (lamb's tongues, etc.) shall also be internalized;
8. Per the goDotte Countywide Strategic Mobility Plan, this portion along Interstate 70 is a protected scenic corridor, therefore landscaping along the southern property line is required to be enhanced;
9. Reforest around the east detention basin;
10. The notes on the landscape plan indicate that Section 27-577(d)(1) At least 75 percent of the length of the building foundations facing public streets, the exterior the development, or common spaces must be planted with ornamental plant material such as ornamental trees, flowering shrubs, perennials, and groundcovers. The landscape plan does illustrate landscaping around the foundations of the building;
11. Section 27-577(b)(1) states that new construction must provide at least a 25-foot landscape zone between structures and/or parking lots and all public streets and access easements 40 feet wide or greater;
12. Section 27-577(b)(3)(a) states that one (1) tree with a minimum caliper of two inches (ornamental evergreen trees must be at least six (6) feet tall when planted) provided for every 30 feet of street easement or frontage;
13. Section 27-577(b)(3)(b) states that street trees should be planted no closer than 55 feet and no more than 65 feet apart with groupings or ornamental trees and shrubs placed between them;
14. Section 27-575(e)(4) states that parking must be screened from adjacent streets by walls, shrubs, trees, or other design elements;
15. Section 27-699(a)(6) states that non-industrial and non-structural parking lots that have a double-loaded aisle and more than 20,000 square feet in area shall provide at least one (1) shade tree for each 20 parking spaces on the interior of the parking lot. Interior tree plantings are in addition to other landscaping requirements;
16. Section 27-575(g)(3) All trash receptacles shall be enclosed with a screening wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six (6) feet in height on all sides and designed with the gate facing away from streets or adjacent land uses. All screening materials must be well maintained at all times;

17. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
18. Pole and pylon signs are prohibited in the Sign Ordinance. Apply for a variance from the Board of Zoning Appeals for a monument sign to exceed the overall sign height, sign area and proximity to the primary driveway entrance;
19. All landscaping shall be irrigated;
20. All deciduous and shade trees shall be at least two (2) inch caliper when planted. Evergreens shall be at least six (6) feet in height when planted. Shrubs shall be at least five (5) gallons when planted. Throughout the development, there shall be a variety of deciduous and evergreen trees in addition to native grasses and plants (wildflowers);
21. 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;
22. Regarding BPU transformer screening, the following applies:
 - a. Gate doors are required for all types of screening that are placed in front of the transformers.
 - b. Fence pickets shall be installed two (2) feet off the ground and have adequate clearance to open gate door 180° and have 10 feet of clearance from pad when gate doors open.
 - c. Posts for gate doors must be installed a minimum distance of 10 feet apart in the front.
 - d. For slats fences, customers shall install a minimum of four (4) inch slats and have four (4) inches of space between each slat.
 - e. Customers must take into account the maturity size of the evergreen tree when planting saplings so that the trees can grow outside of the required clearance for evergreen trees, customer shall plant each tree so that there is two (2) feet or more of space from edge to edge between each tree at maturity (e.g., blue arrow juniper grows up to two (2) feet wide, so there shall be four (4) feet of spacing between each tree taking into account the growth of saplings).
 - f. Pad must have a minimum clearance of six (6) feet on each, three (3) feet on the back and five (5) feet on the front allowing for 10 feet on the front when gate doors open;
23. 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;
24. If approved, the applicant must file and maintain a current business occupation tax application with the Business Licensing Division. Their office is located at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102. Their contact information is (913) 573-8780 or businesslicense@wycokck.org;
25. 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;

26. All existing and future driveways must feature curb cuts that are constructed to UG standards;
27. 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;
28. 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;
29. Improvements that include land disturbance activity on greater than one (1) acre of surface area of land or include the construction or alteration of a structure 1,000 square feet or larger shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;
30. A Pre-Construction meeting is required for any improvements to public infrastructure upon the approval and issuance of a Development Review Committee (DRC) permit. Any improvements to, construction or alteration of: sanitary systems, stormwater systems, public or private streets, sidewalks or other public infrastructure will require a pre-construction meeting with the Department of Public Works. The applicant is required to contact the County Engineer at (913) 573-5400 or by info@wycokck.org prior to construction to arrange this meeting;
31. 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,
32. Section 27-211(g)(9)b. Failure to fulfill the conditions within one (1) year of Unified Government Board of Commissioners approval shall necessitate the scheduling of a public hearing with requisite notice before the Unified Government Board of Commissioners. At this public hearing, the Unified Government Board of Commissioners shall consider all of the relevant

factors and either approve, approve with conditions, or deny the rezoning application.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION AND CONDITIONS

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **COZ2024-014** and **MPL2024-008** subject to all comments and the conditions of the City Planning Commission.

ATTACHMENTS

October 14, 2024, City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Applicant Response Letter
Neighborhood Meeting Minutes
Site Plan
Grading Plan
Utility Plan
Off-Site Improvement Plan
Landscape Plan
Building Elevations

PUBLIC HEARING SCHEDULE

Action(s)	City Planning Commission	Unified Government Board of Commissioners
Change of Zone	October 14, 2024 Approval	October 30, 2024

STAFF CONTACT:

Byron Toy, AICP
btoy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petitions **COZ2024-014 and MPL2024-008** 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** Petitions **COZ2024-014 and MPL2024-008**, 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.

October 14, 2024, City Planning Commission Minutes:

Hearing starts at 2:49:50:

CHANGE OF ZONE APPLICATION COZ2024-014 – SCOTT RAY WITH BUC-EES – SYNOPSIS: Change of Zone from A-G Agriculture District to CP-3 Planned Commercial District to construct a new travel center at 601 Village West Parkway.

MASTER PLAN AMENDMENT APPLICATION MPL2024-008 – SCOTT RAY WITH BUC-EES – SYNOPSIS: Master Plan Amendment from Planned Entertainment District to Planned Commercial District (Prairie-Delaware-Piper Area Plan) to construct a new travel center at 601 Village West Parkway.

PLAT APPLICATION PLAT2024-013 – SCOTT RAY WITH BUC-EES– SYNOPSIS: Preliminary Plat for one (1) commercial lot and dedication of new right-of-way to construct a new travel center at 601 Village West Parkway.

Detailed Outline of Requested Action: The applicant, Scott Ray with Buc-ee's, LTD, is requesting a Change of Zone from A-G Agriculture District to CP-3 Planned Commercial District, Preliminary Plat to create one (1) commercial lot and Master Plan Amendment from Planned Entertainment to Planned Commercial (Prairie Delaware Piper Area Plan) to build a 74,000 square foot, 120 gas pump Buc-ee's gas station and convenience store at 601 Village West Parkway.

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

COZ2024-014 + MPL2024-008

October 30, 2024

15

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 October 14, 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 for the Change of Zone and Master Plan; 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:

- John Chamberlin, Kimley-Horn and Associates, engineer representing the Applicant

Present in Opposition:

- No one appeared

Staff Recommendation starts at 2:53:39: Planning Director Hand stated that the request is for a Change of Zone, Master Plan Amendment and Preliminary Plat for a 74,000 square foot, 120 gas pump Buc-ee's gas station and convenience store. Staff is recommending CP-2 Planned General Business District in lieu of the original CP-3 Planned Commercial District. The property is in the Prairie-Delaware-Piper area right off the 110th Street exit. 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 the three (3) requested deviations from the Commercial Design Guidelines. Director Hand further stated that a variance will need to be filed for their proposed signage.

Motion starts at 2:55:40:

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

MPL2024-008:

Carson	Chairman
Mohler	Aye
Schwartz	Aye
Straws	Aye
Ward	Aye
Armstrong	Aye
Beth	Aye
Easterwood	Aye
Ernst	Aye
Jones	Aye

COZ2024-014 + MPL2024-008

1. The following requirements of the Commercial Development Guidelines Overlay District *have not* been met, and from which Applicant is requesting a deviation for approval:
 - a. Section 27-576(e)(2) Exterior building materials shall not include EIFS at the ground level or comprising more than 15 percent of any façade.
 - b. Section 27-575(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 not more than 45 feet through articulation of the façade. This can be achieved through combinations of at least three (3) of the following techniques:
 - i. Divisions or breaks in materials;
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 - iii. Window bays;
 - iv. Separate entrances and entry treatments; or
 - v. Variation in rooflines.
 - c. Section 27-577(d)(1) At least 75 percent of the length of the building foundations facing public streets, the exterior of the development, or common spaces must be planted with ornamental plant material such as ornamental trees, flowering shrubs, perennials, and groundcovers.
2. Consistent with the commercial zoning within the Village West Area, subject to approval, the zoning shall be changed to CP-2 Planned General Business District instead of CP-3 Planned Commercial District. The travel center and ancillary uses are allowed by right in the CP-2 District;
3. Section 27-575(a)(2) states the parking, and circulation should account for pedestrians, bicycles, and vehicles. This circulation pattern, per Section 27-575(d)(8), shall connect in a way that is obvious to users.
Section 27-575(d)(9) states that there shall be a pedestrian circulation from the perimeter of the site to the principal customer entrance to all buildings. Within the site, there shall be pedestrian connections provided to all pedestrian activities, including transit stops, street crossings, open space, building and store entry points, and adjacent pedestrian systems;
4. 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;
5. Section 27-575(f)(1) states there should be a designated walkway or clear pathway to the main entrance of the building so that pedestrians are required to walk through parking lots. Additionally, add a crosswalk from the sidewalk off Village West Parkway roundabout south to the front door of the building;
6. Section 27-575(d)(14) states that sidewalks that are within reasonable proximity to an identified trail system should connect to the trail system and accommodate the uses anticipated on the trail (e.g. pedestrian, bicycle). Village West Parkway is designated as a Major Arterial, which requires a 10-foot sidewalk on the north side of Village West;

7. Gutters and downspouts shall be internalized with the exception of the one (1) gutter and two (2) downspouts behind the trash compactor area. Scuppers shall be recessed in the corners. Overflow drains (lamb's tongues, etc.) shall also be internalized;
8. Per the goDotte Countywide Strategic Mobility Plan, this portion along Interstate 70 is a protected scenic corridor, therefore landscaping along the southern property line is required to be enhanced;
9. Reforest around the east detention basin;
10. The notes on the landscape plan indicate that Section 27-577(d)(1) At least 75 percent of the length of the building foundations facing public streets, the exterior the development, or common spaces must be planted with ornamental plant material such as ornamental trees, flowering shrubs, perennials, and groundcovers. The landscape plan does illustrate landscaping around the foundations of the building;
11. Section 57-577(b)(1) states that new construction must provide at least a 25-foot landscape zone between structures and/or parking lots and all public streets and access easements 40 feet wide or greater;
12. Section 27-577(b)(3)(a) states that one (1) tree with a minimum caliper of two inches (ornamental evergreen trees must be at least six (6) feet tall when planted) provided for every 30 feet of street easement or frontage;
13. Section 27-577(b)(3)(b) states that street trees should be planted no closer than 55 feet and no more than 65 feet apart with groupings or ornamental trees and shrubs placed between them;
14. Section 27-575(e)(4) states that parking must be screened from adjacent streets by walls, shrubs, trees, or other design elements;
15. Section 27-699(a)(6) states that non-industrial and non-structural parking lots that have a double-loaded aisle and more than 20,000 square feet in area shall provide at least one (1) shade tree for each 20 parking spaces on the interior of the parking lot. Interior tree plantings are in addition to other landscaping requirements;
16. Section 27-575(g)(3) All trash receptacles shall be enclosed with a screening wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six (6) feet in height on all sides and designed with the gate facing away from streets or adjacent land uses. All screening materials must be well maintained at all times;
17. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
18. Pole and pylon signs are prohibited in the Sign Ordinance. Apply for a variance from the Board of Zoning Appeals for a monument sign to exceed the overall sign height, sign area and proximity to the primary driveway entrance;
19. All landscaping shall be irrigated;
20. All deciduous and shade trees shall be at least two (2) inch caliper when planted. Evergreens shall be at least six (6) feet in height when planted.

- Shrubs shall be at least five (5) gallons when planted. Throughout the development, there shall be a variety of deciduous and evergreen trees in addition to native grasses and plants (wildflowers);
21. 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;
22. Regarding BPU transformer screening, the following applies:
- g. Gate doors are required for all types of screening that are placed in front of the transformers.
 - h. 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.
 - i. Posts for gate doors must be installed a minimum distance of 10 feet apart in the front.
 - j. For slats fences, customers shall install a minimum of four (4) inch slats and have four (4) inches of space between each slat.
 - k. 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).
 - l. 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;
23. 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;
24. If approved, the applicant must file and maintain a current business occupation tax application with the Business Licensing Division. Their office is located at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102. Their contact information is (913) 573-8780 or businesslicense@wycokck.org;
25. 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;
26. All existing and future driveways must feature curb cuts that are constructed to UG standards;
27. 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;

28. 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;
29. Improvements that include land disturbance activity on greater than one (1) acre of surface area of land or include the construction or alteration of a structure 1,000 square feet or larger shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;
30. A Pre-Construction meeting is required for any improvements to public infrastructure upon the approval and issuance of a Development Review Committee (DRC) permit. Any improvements to, construction or alteration of: sanitary systems, stormwater systems, public or private streets, sidewalks or other public infrastructure will require a pre-construction meeting with the Department of Public Works. The applicant is required to contact the County Engineer at (913) 573-5400 or by info@wycokck.org prior to construction to arrange this meeting;
31. 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,
32. Section 27-211(g)(9)b. Failure to fulfill the conditions within one (1) year of Unified Government Board of Commissioners approval shall necessitate the scheduling of a public hearing with requisite notice before the Unified Government Board of Commissioners. At this public hearing, the Unified Government Board of Commissioners shall consider all of the relevant factors and either approve, approve with conditions, or deny the rezoning application.

On motion by Mr. Straws, seconded by Ms. Ernst, the Planning Commission voted as follows to recommend **APPROVAL of Change of Zone Application COZ2024-014 to the CP-2 Planned General Business District:**

Carson	Chairman
Mohler	Aye
Schwartz	Aye
Straws	Aye
Ward	Aye
Armstrong	Aye
Beth	Aye

COZ2024-014 + MPL2024-008

Easterwood	Aye
Ernst	Aye
Jones	Aye
Miller	Not Present

Motion to recommend APPROVAL Passed: 9 to 0
Subject to the above conditions.

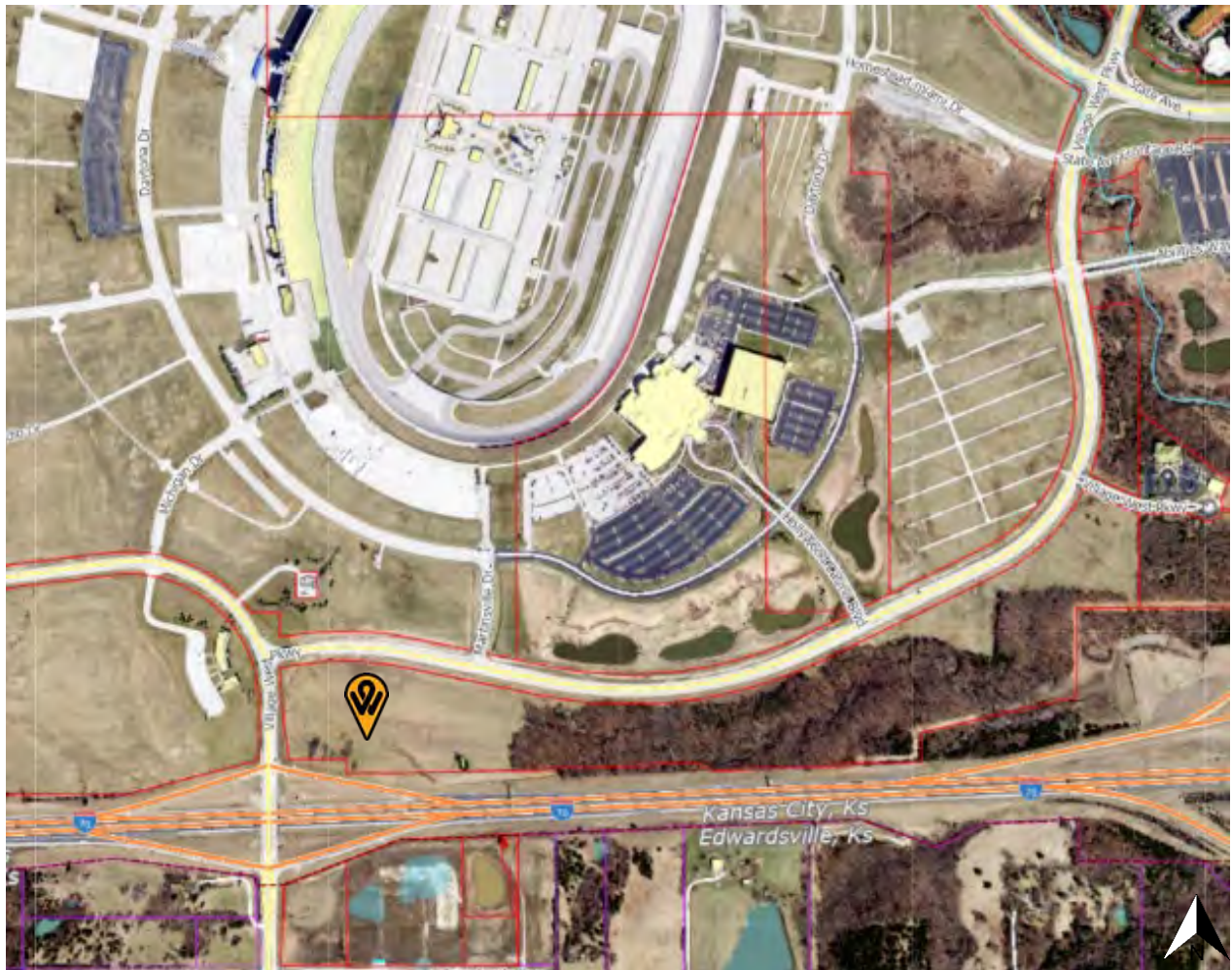
On motion by Mr. Straws, seconded by Mr. Ernst, the Planning Commission voted as follows to **APPROVE Preliminary Plan Application PLAT2024-013:**

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

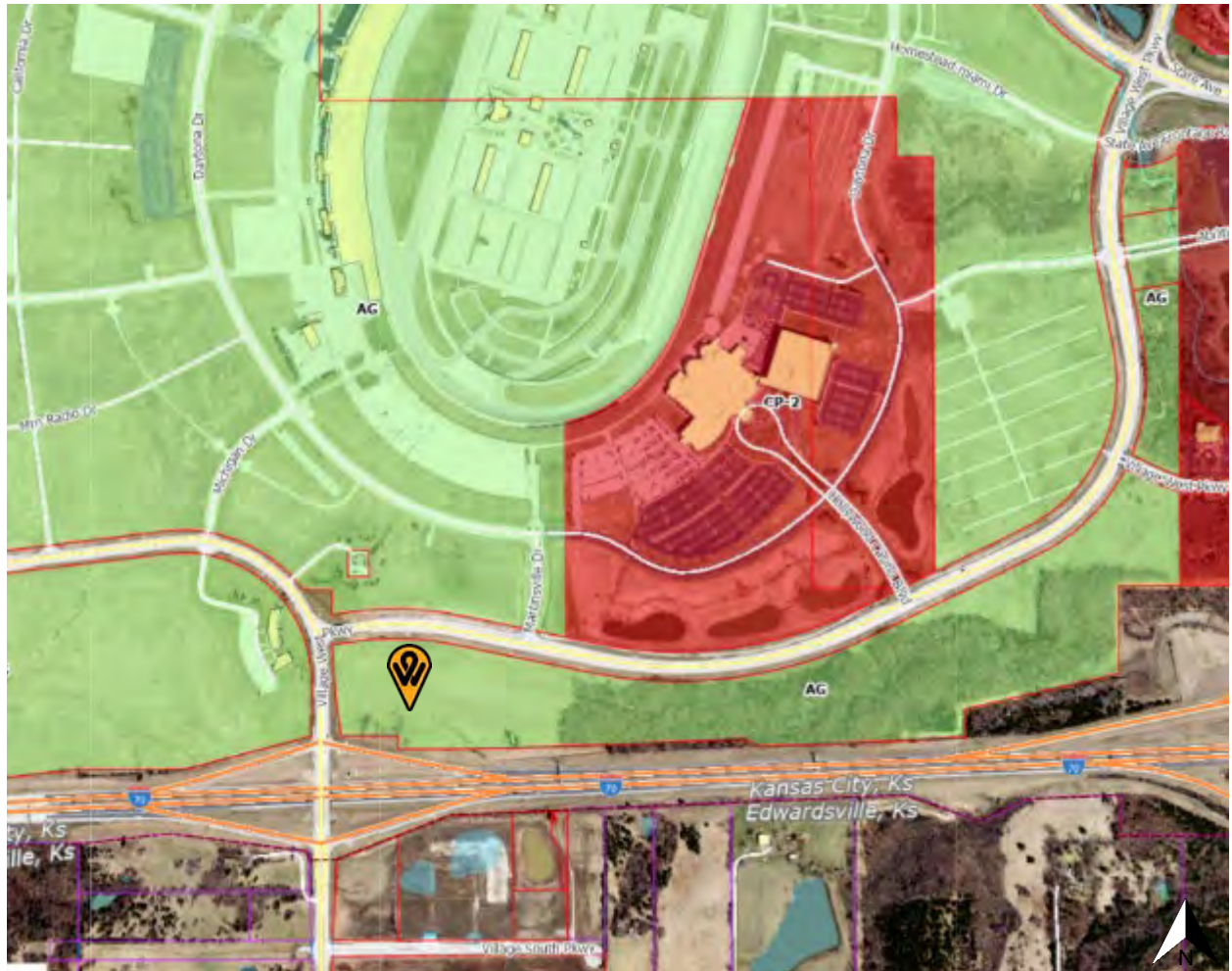
Motion to APPROVE Passed: 9 to 0
Subject to the above conditions.

ATTACHMENTS

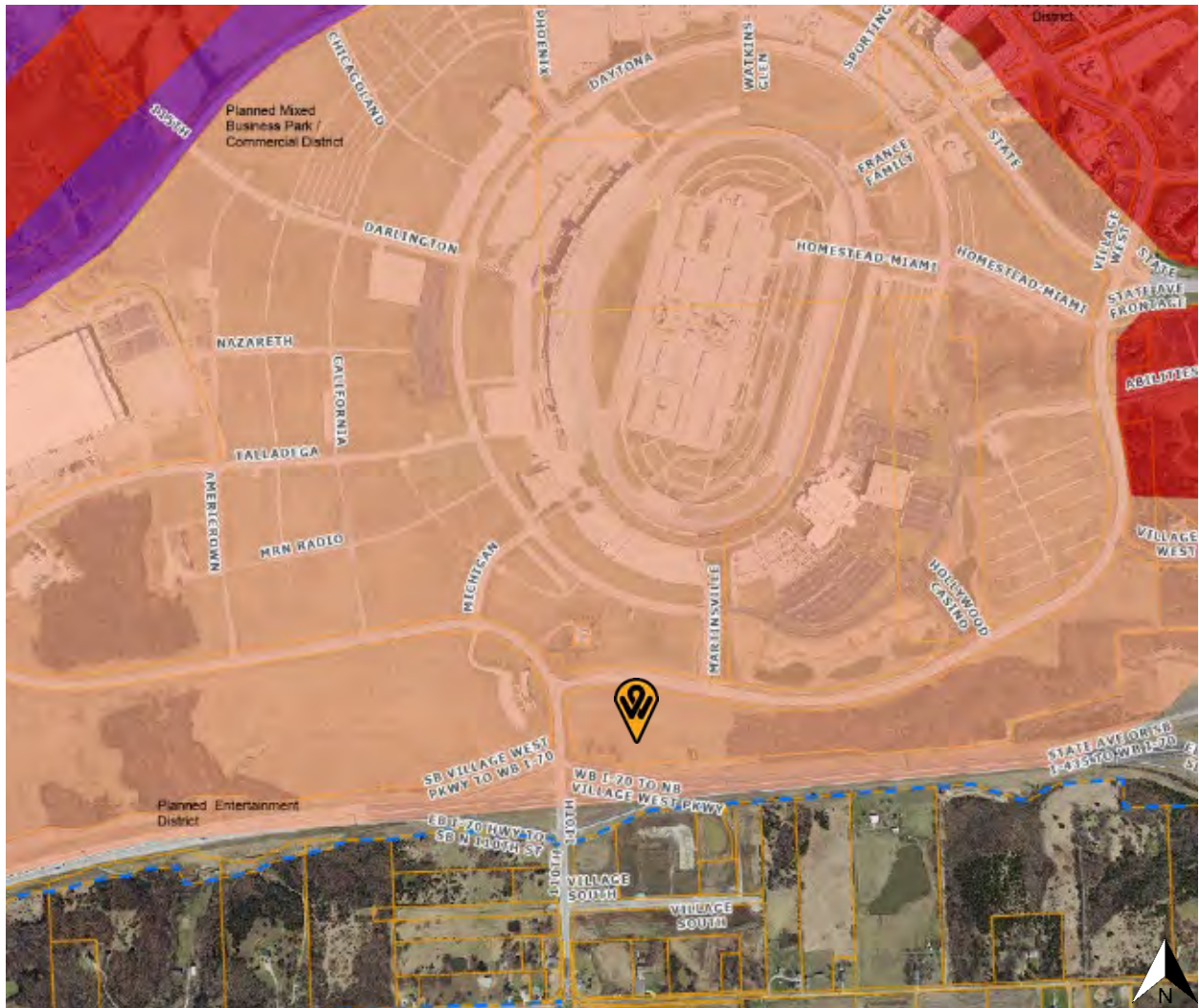
AERIAL IMAGERY



ZONING MAP



LAND USE MAP





September 30th, 2024

Department of Planning + Urban Design
Unified Government of Wyandotte County
Kansas City, KS

**Re: Buc-ee's KCK
Change of Zone Petition (COZ2024-014)
Preliminary Plat Buc-ee's (PLAT2024-013)
Master Plan Amendment (MPL 2024-008)
Comment Response Letter**

Dear Planning and Urban Design Staff,

The purpose of this letter is to provide formal comment responses to the received comments, dated May 17, 2024, for the above-mentioned project. Our responses (**in red**) follow each of the provided comments.

Planning & Urban Design / General:

Comment 1: Consistent with the commercial zoning within the Village West Area, subject to approval, the zoning shall be changed to CP-2 Planned General Business District instead of CP-3 Planned Commercial District. The travel center and ancillary uses are allowed by right in the CP-2 District.

Response: Acknowledged.

Comment 2: Staff understands Buc-ee's is a regional destination, but why is there 560 spaces when only 296 are required? It appears that the impervious footprint can be reduced.

Response: Buc-ee's generous parking requirements are well documented and consistently updated for operational integrity. The high volume of visitors, the longer length of stay, the peak demands, and employee parking requirements adds up to a large number of spaces required.

Resolution: Determined on call that, given the unique nature of the land use, the number of proposed parking spaces is acceptable and no further action is required.

Comment 3: Section 27-575(a)(2) states the parking and circulation should account for pedestrians, bicycles, and vehicles. This circulation pattern, per Section 27-575(d)(8), shall connect in a way that is obvious to users. Section 27-575(d)(9) states that there shall be a pedestrian circulation from the perimeter of the site to the principal customer entrance to all buildings. Within the site, there shall be pedestrian connections provided to all pedestrian activities, including transit stops, street crossings, open space, building and store entry points, and adjacent pedestrian systems.

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Because this is a destination for not only Kansas Citians, but also regionally, there needs to be connection between detention ponds and amenities for drivers, passengers and potential customers (e.g. dog park, walking trails, etc.).

Response: Please refer to the included site plan which includes vehicular and pedestrian circulation patterns consistent with code requirements. As such, pedestrian connectivity meets code, attached site plan shows pedestrian connectivity between Village West Parkway and the front of the store. Site grading and layout does not provide for connection between detention ponds or walking trails.

Resolution: Determined on the call that the connectivity elements shown on the revised site plan materially comply with requirements and no further action is required.

Comment 4: 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.

Response: Please refer to the updated site plan where the eastern canopy was shifted east 5 feet to provide a 5-foot wide crosswalk from the Village West Parkway roundabout to the front door of the building.

Resolution: Determined on the call that the connectivity elements shown on the revised site plan materially comply with Section 27-575(d)(10) and no further action is required.

Comment 5: Section 27-575(f)(1) States there should be a designated walkway or clear pathway to the main entrance of the building so that pedestrians are required to walk through parking lots. Add sidewalk medians in the parking lot islands and crosswalks through the parking lot on the east and west sides of the building to make a clear, defined pathway for pedestrians. Additionally, add a crosswalk from the sidewalk off Village West Parkway roundabout south to the front door of the building.

Response: Accessible parking is currently planned on 3 sides of the building (North, East, and West). The parking on the outer edge of the east and west sides of the site includes island sidewalks to provide pedestrian connectivity throughout the site.

Resolution: Determined on the call that the connectivity elements shown on the revised site plan materially comply with Section 27-575(f)(1) and no further action is required.

Comment 6: Section 27-575(d)(14) states that sidewalks that are within reasonable proximity to an identified trail system should connect to the trail system and accommodate the uses anticipated on the trail (e.g. pedestrian, bicycle).

Response: Please refer to the included site plan where a proposed connection to the Village West Parkway multi-use path is currently shown.

Resolution: Determined on the call that the connectivity elements shown on the revised site plan materially comply with Section 27-575(d)(14) and no further action is required.

Comment 7: The parking spaces adjacent to Village West Parkway, north of the fuel pump canopy can be removed, as there is a surplus of parking on-site, but this will assist in improved site circulation.

Response: Please see Response to Comment 2 above.

Resolution: As agreed on the call, the referenced parking spaces will generally serve as employee parking, be designated as such within the store's operational procedure, and no further action is required.

Comment 8: Section 27-612(6)a.9. No more than one (1) vending machine is permitted per property except as follows:

- a. If the vending machines area is located on a side of the building not facing a road or street then the number of allowed vending machines shall be increased to three (3).
- b. If the vending machines are screened by side walls, decorative fencing, shrubs, and other landscaping approved by the Director of Planning then the number of allowed vending machines shall be increased to three (3).
- c. For every 200 feet that the façade on which the vending machine is located is set back from the nearest road or street right-of-way then the number of allowable vending machines shall be increased by one.

If the landscaping on the north, east and west fully screen the ice chests from public view, incorporating Section 27-577(d)(1), the total number that is illustrated on the site plan can remain.

Response: Per Sec. 27-430 of the Code of Ordinances of Wyandotte County – Unified Government, a vending machine is defined as ‘a machine, stand, or dispenser that distributes, dispenses, or sells a physical product or good directly to a consumer using an automated payment system’. Buc-ee’s Ice Merchandisers are not vending machines.

Resolution: As determined on the call, these Ice Merchandisers are not considered vending machines and therefore not subject to requirements per Sections 27-612(6)a.9 and 27-577(d)(1). No further action is required.

Building Architecture:

Comment 1: The Commercial Design Guidelines allow a maximum of 15 percent EIFS per façade. Stone, brick, veneer, integrally-color textured CMU block and stucco are exterior masonry materials that are permitted. These materials must account for 85 percent of each façade.

Response: The architectural design of the Buc-ee’s building is consistent with all Buc-ee’s Travel Centers completed and/or being constructed to date. This continuity of design is critical to the Buc-ee’s brand and cannot be deviated from. If a Variance will be required to address this issue, please advise.

Resolution: The applicant has demonstrated material conformance with the intent of the Commercial Design Guidelines. This item will be noted as a defined Deviation on the final submittal to P&Z.

Comment 2: Section 27-575(c)(2) In order to break up the monotonous appearance of long facades, a building wall no more than 45 feet in length should be divided into increments of no more than 45 feet through articulation of the façade. This can be achieved through combinations of at least three (3) of the following techniques:

- a. Divisions or breaks in materials;
- b. Building offsets (projections, recesses, niches);
- c. Window bays;
- d. Separate entrances and entry treatment; or
- e. Variation in rooflines.

Faux windows along the east, west and south facades can be used to break up the façade.

Response: Same response as above.

Resolution: The applicant has demonstrated material conformance with the intent of the Commercial Design Guidelines. This item will be noted as a defined Deviation on the final submittal to P&Z.

Comment 3: Gutters and downspouts shall be internalized. Scuppers shall be recessed in the corners. Overflow drains (lamb's tongues, etc.) shall also be internalized.

Response: Architect: All roof drains are internalized. We have one gutter and two downspouts at the compactor area that are not internal, but they are shielded by the gates and stone screen wall. We have 4 overflow drains (lamb's tongue types) that are code required to be visible from the outside.

Resolution: The applicant has demonstrated material conformance with the intent of the Commercial Design Guidelines and Comment 3 will be revised to indicate the exception for the compactor area gutter and downspouts is accepted.

Landscaping and Screening:

Comment 1: Per the goDotte Countywide Strategic Mobility Plan, this portion along Interstate 70 is a protected scenic corridor, therefore landscaping along the southern property line is required to be enhanced.

Response: Several varieties of native shade and evergreen trees have been included along the southern property line while limits of disturbance in this area will have a native lawn seed mix applied to create a naturalistic design to maintain the rural character of I-70 as outlined in the goDotte Countywide Strategic Mobility Plan. The design includes 32 deciduous trees at 2-inch caliper, and 29 evergreen trees installed at 6' min. height.

Resolution: It was determined on the call that the revised Landscape Plan

materially complies with the intent of the goDotte Countywide Strategic Mobility Plan and no further action is required.

Comment 2: Reforest around the east detention basin.

Response: Acknowledged and provided; see revised Landscape Plan. The reforestation design places 1-inch caliper trees at the eastern edge of disturbance at the rate of 1 tree per 5,000 SF of disturbed forest for a total of 23 deciduous trees.

Resolution: It was determined on the call that the revised Landscape Plan materially complies with these requirements and no further action is required.

Comment 3: The notes on the landscape plan indicate that Section 27-577(d)(1) At least 75 percent of the length of the building foundations facing public streets, the exterior the development, or common spaces must be planted with ornamental plant material such as ornamental trees, flowering shrubs, perennials, and groundcovers.

The landscape plan does (not*sic) illustrate landscaping around the foundations of the building.

Response: Buc-ee's structural engineering protocol prohibits "foundation" plantings at the base of the building. Buc-ee's operating and risk management practices prohibit any type of above ground planters, etc, within the perimeter of the building walls to the parking lot. To provide a comparable and more aesthetic alternative to this foundation planting requirement, Buc-ee's has proposed additional landscape islands at the head-in parking areas shown on the attached revised Landscape Plans. If a Variance will be required to address this issue, please advise.

Resolution: It was determined on the call that applicant has addressed the intent of Section 27-577(d)(1) with additional perimeter landscape islands and plantings. This item will be noted as a defined Deviation on the final submittal to P&Z.

Comment 4: Section 27-577(b)(1) states that new construction must provide at least a 25-foot landscape zone between structures and/or parking lots and all public streets and access easements 40 feet wide or greater.

Response: Acknowledged and provided. Landscape zone on site is 125' average on the north side and 80' average on the west side between site parking and parking street. Please see Landscape Plan.

Resolution: It was determined on the call that the revised Landscape Plan materially complies with Section 27-577(b)(1) and no further action is required.

Comment 5: 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.

Response: Acknowledged and provided. Please see Landscape Plan for street trees.

Resolution: It was determined on the call that the revised Landscape Plan materially complies with Section 27-577(b)(3)(a) and no further action is required.

Comment 6: Section 27-577(b)(3)(b) states that street trees should be planted no closer than 55 feet and no more than 65 feet apart with groupings or ornamental trees and shrubs placed between them.

Response: Acknowledged and provided.

Resolution: It was determined on the call that the revised Landscape Plan materially complies with Section 27-577(b)(3)(b) and no further action is required.

Comment 7: Section 27-575(e)(4) states that parking must be screened from adjacent streets by walls, shrubs, trees, or other design elements.

Response: Parking screening provided through street trees, traditional shrub plantings, and evergreen trees.

Resolution: It was determined on the call that the revised Landscape Plan materially complies with Section 27-575(e)(4) and no further action is required.

Comment 8: Section 27-699(a)(6) states that non-industrial and non-structural parking lots that have a double-loaded aisle and more than 20,000 square feet in area shall provide at least one (1) shade tree for each 20 parking spaces on the interior of the parking lot. Interior tree plantings are in addition to other landscaping requirements.

Response: Acknowledged and provided.

Resolution: It was determined on the call that the revised Landscape Plan materially complies with Section 27-699(a)(6) and no further action is required.

Comment 9: Section 27-575(g)(3) All trash receptacles shall be enclosed with a screening wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six (6) feet in height on all sides and designed with the gate facing away from streets or adjacent land uses. All screening materials must be well maintained at all times.

Response: Acknowledged; trash enclosure is shown with appropriate screening shrubs.

Resolution: It was determined on the call that the revised Landscape Plan materially complies with Section 27-575(g)(3) and no further action is required.



Signage:

Comment 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.

Response: Acknowledged.

Resolution: Applicant to seek relief per process to be determined by mutual agreement.

Comment 2: Pole and pylon signs are prohibited in the Sign Ordinance. Revise your signage accordingly.

Response: Acknowledged.

Resolution: Applicant to seek relief per process to be determined by mutual agreement.

Planning Engineering:

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

- 1) None

Response: Acknowledged.

Comment B: Items that are conditions of approval:

- 1) Detailed engineering comments are made by separate technical review of the plans and submitted directly to the applicant. Provide revised plans and responses in accordance with the engineering comments.

Response: Acknowledged. Updated documents included in resubmittal.

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

- 1) None

Response: Acknowledged.

Standard Conditions:

Comment 1: All landscaping shall be irrigated.

Response: Acknowledged and to be provided. Final Development Plan to include Irrigation Design.

Comment 2: All deciduous and shade trees shall be at least two (2) inch caliper when planted. Evergreens shall be at least six (6) feet in height when planted. Shrubs shall be at least five (5) gallons when planted. Throughout the development, there shall be a variety of deciduous and evergreen trees in addition to native grasses and plants (wildflowers).

Response: Acknowledged and provided; see Landscape Plan for plant

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816-652-0350

specifications.

Comment 3: All exterior lighting, whether mounted on a building or within a parking lot must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street.

Response: Acknowledged; site lighting to comply with this requirement.

Comment 4: Regarding BPU transformer screening, the following applies:

- a. Gate doors are required for all types of screening that are placed in front of the transformers.
- b. Fence pickets shall be installed two (2) feet off the ground and have adequate clearance to open gate door 180° and have 10 feet of clearance from pad when gate doors open.
- c. Posts for gate doors must be installed a minimum distance of 10 feet apart in the front.
- d. For slats fences, customers shall install a minimum of four (4) inch slats and have four (4) inches of space between each slat.
- e. Customers must take into account the maturity size of the evergreen tree when planting saplings so that the trees can grow outside of the required clearance for evergreen trees, customer shall plant each tree so that there is two (2) feet or more of space from edge to edge between each tree at maturity (e.g., blue arrow juniper grows up to two (2) feet wide, so there shall be four (4) feet of spacing between each tree taking into account the growth of saplings).
- f. Pad must have a minimum clearance of six (6) feet on each, three (3) feet on the back and five (5) feet on the front allowing for 10 feet on the front when gate doors open.

Response: Acknowledged. Appropriate screening provided.

Comment 5: If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only.

Response: Acknowledged.

Comment 6: If approved, the applicant must file and maintain a current business occupation tax application with the Business Licensing Division. Their office is located at 4953 State Avenue, Kansas City, KS 66102. Their contact information is (913) 573-8780 or businesslicense@wycokck.org.

Response: Acknowledged.

Comment 7: A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly.

Response: Acknowledged.



Comment 8: All existing and future driveways must feature curb cuts that are constructed to UG standards.

Response: Acknowledged.

Comment 9: A Right-of-Way Permit is required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly.

Response: Acknowledged.

Comment 10: Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable.

Response: Acknowledged.

Comment 11: Improvements that include land disturbance activity on greater than one (1) acre of surface area of land or include the construction or alteration of a structure 1,000 square feet or larger shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620.

Response: Acknowledged.

Comment 12: A Pre-Construction meeting is required for any improvements to public infrastructure upon the approval and issuance of a Development Review Committee (DRC) permit. Any improvements to, construction or alteration of: sanitary systems, stormwater systems, public or private streets, sidewalks or other public infrastructure will require a pre-construction meeting with the Department of Public Works. The applicant is required to contact the County Engineer at (913) 573-5400 or by info@wycokck.org prior to construction to arrange this meeting.

Response: Acknowledged.

Please feel free to call or email if there are any questions.

Very Truly Yours,

John Chamberlin, P.E.
KIMLEY-HORN AND ASSOCIATES, INC.

kimley-horn.com

805 Pennsylvania Ave, Suite 150, Kansas City, MO 64105

816-652-0350

Buc-ee's KCK - Neighborhood Meeting (May 23, 2024 @ 6:00 p.m.)
Sign-In Sheet

[illegible]

MEETING MINUTES:

Application Number COZ2024-014/MPL2024-008/PLAT2024-013

Date and Location: Thursday, May 23, 2024, at 6:00 p.m. (601 Village West Parkway, Kansas City, KS 66111)

Meeting called to order at: 6:00 PM

Names of people in attendance:

1. Stan Beard (Buc-ee's, Director of Real Estate)
2. Patrick Warren (Speedway President)
 - o (913) 526 - 9101
3. Steve Beaumont (Chateau Avalon Hotel Owner)
 - o (913) 593-9565
4. John Chamberlin (Kimley-Horn)
5. Nate Collins (Kimley-Horn)
6. Daniel Hoop (Kimley-Horn)

Introductions

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

- Project Overview – John Chamberlin
 - o 74K building layout.
 - o Relocation of Village West Parkway with new roundabout
 - o Improvements to I-70 interchange.
 - o 3 detention ponds for stormwater runoff
 - o 120 fuel pumps (i.e., 60 stations with two pumps each)
- Steve
 - o Retention ponds?
 - John – Ponds on site will be detention and grassed.
 - o Retaining walls?
 - John – Yes, provided explanation of retaining wall locations and reasoning.
 - o Are Lot 1 and site area acreage different? Or does one capture the other?
 - Conversation regarding plat area and ALTA survey
 - Stan will discuss with Buc-ee's partners regarding limits

- John mentioned site is limited to the east by the 10' CMP pipe and resulting channel that runs through the wooded area.
- Building facades
 - Stone and EIFS
- Stan – What are the landscaping requirements? Types of trees?
 - Landscape plan – John and Nate
 - Based on KCK/UG requirements code.
 - Oak trees one of trees currently proposed.
 - 10' multi-use path on northern side of Village West Parkway
 - Serves as ADA/pedestrian access.
 - Crosswalk location is only location due to grading limitations in other parts of the site.
- Construction phasing and maintaining access for Village West Parkway
- Opportunity to explore variances considering KCK/UG comments.
 - Work collaboratively with all parties to develop mutually beneficial solution.
- Discussion of entitlement schedule
 - 2 potential schedules for remaining submittals
 - Buc-ee's to review potential steps moving forward.
 - Kimley-Horn shared entitlement schedule with Buc-ee's.
- Steve asks if there are electrical vehicle chargers on Buc-ee's site.
 - Stan responded yes, both Tesla and Mercedes
 - Discussion regarding collaboration on use of charging stations with hotel

Meeting adjourned at: 6:45 PM

Minutes taken by: Daniel Hoop

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Florida)
) SS:
COUNTY OF Palm Beach)

Comes now Nathan V. Collins, of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition #COZ2024-014, PLAT2024-013, and MPL2024-008.
2. That I conducted a neighborhood meeting on Thursday, May 23, 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.

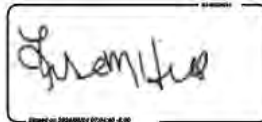
Further affiant saith not.

Nathan V. Collins

Affiant

ACKNOWLEDGED BEFORE ME BY MEANS OF ONLINE NOTARIZATION AND SWORN to before me this 24th day of May, 2024.

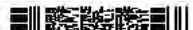
My commission expires:
5/18/2027

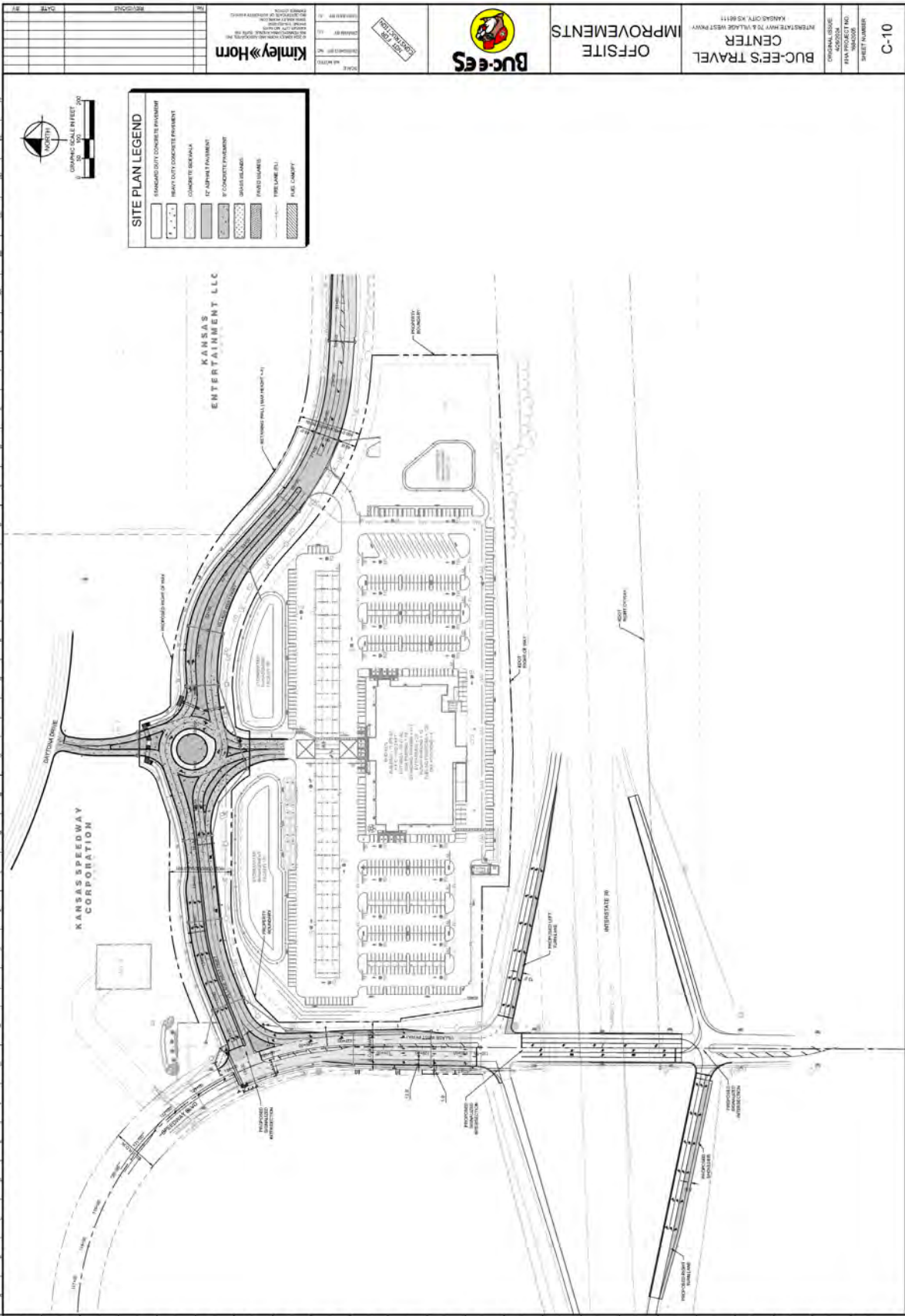


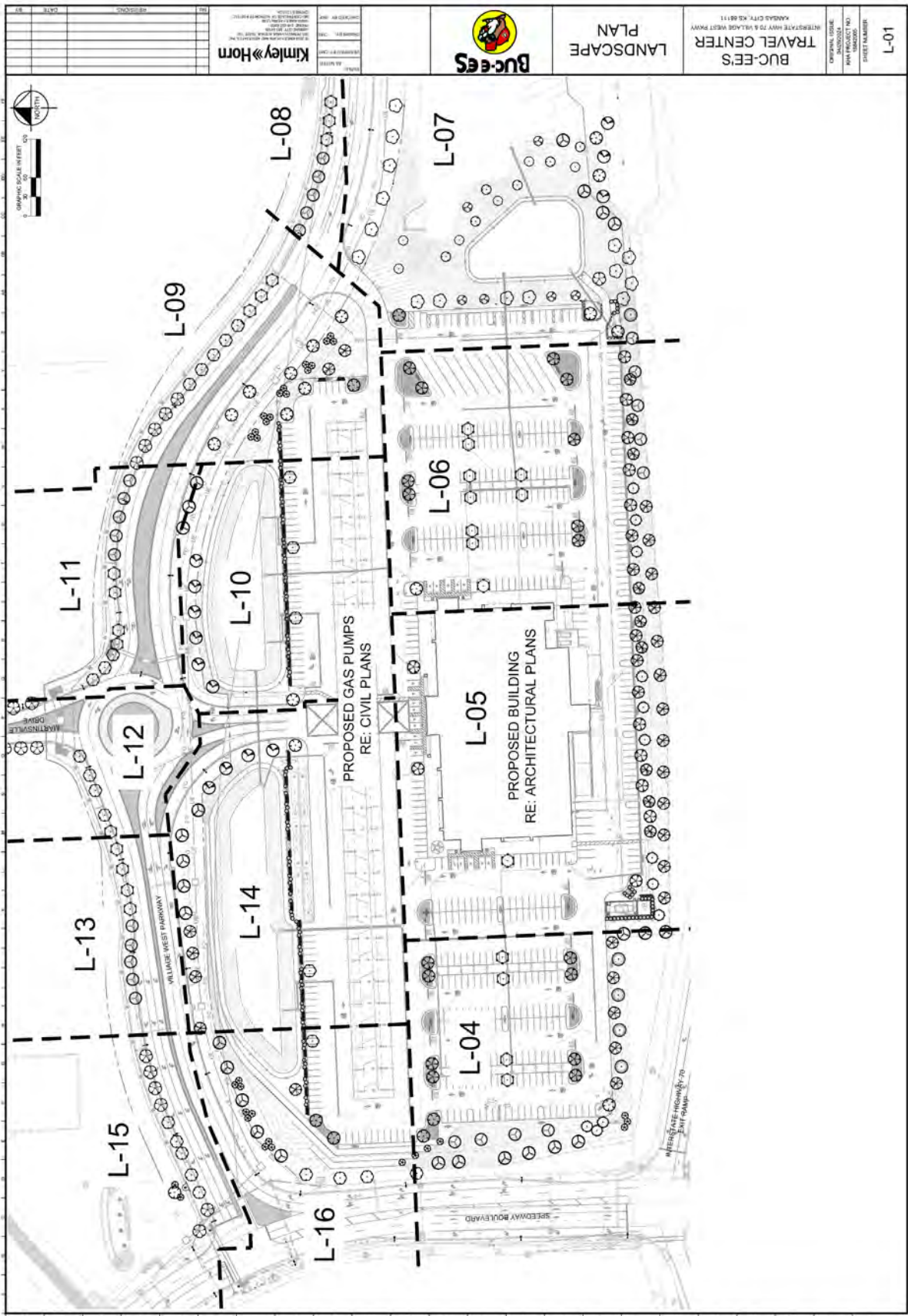
Notary Public

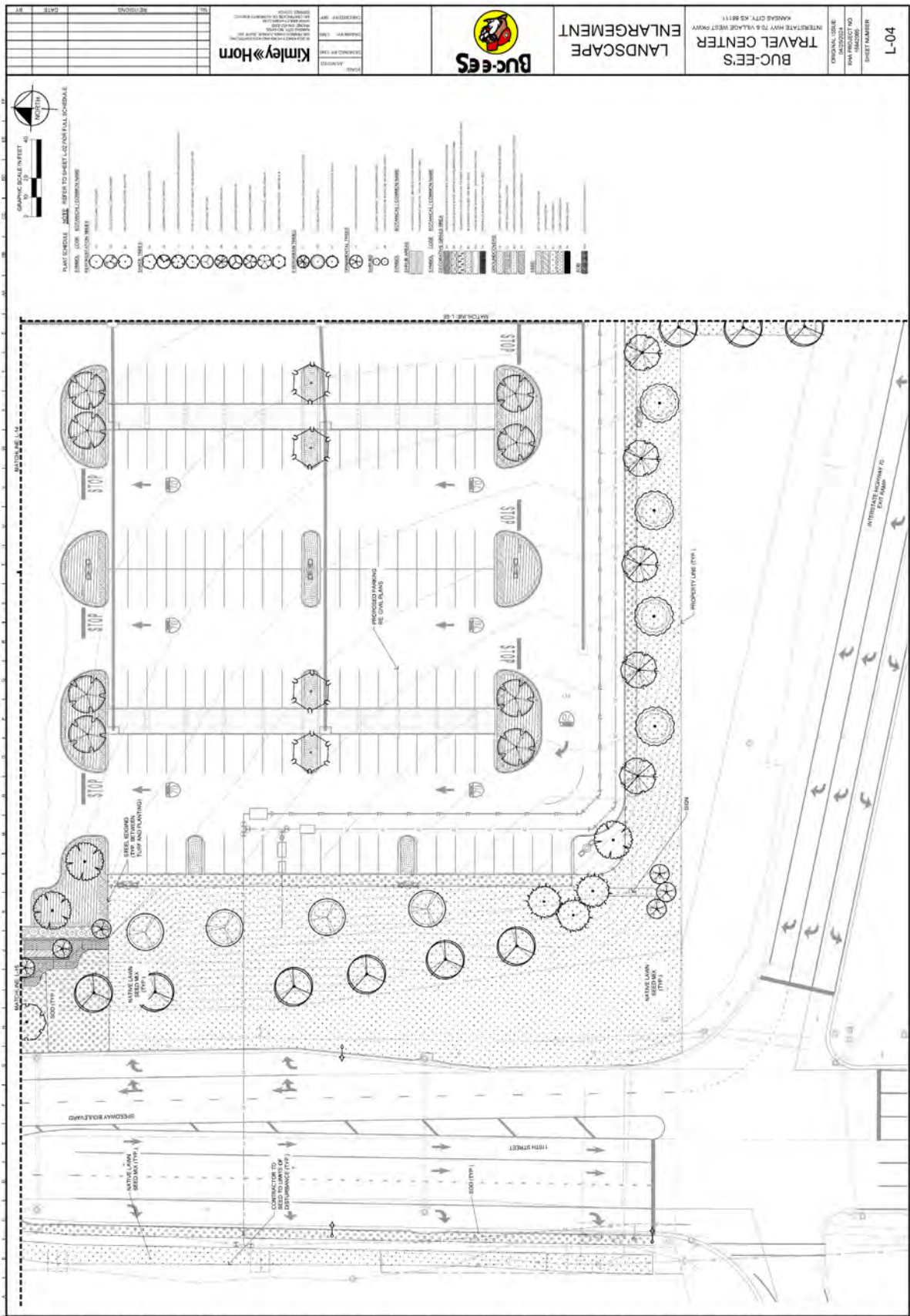
Lisa M. Hill
Commission # HH 363807
Notary Public - State of Florida
My Commission Expires May 18, 2027

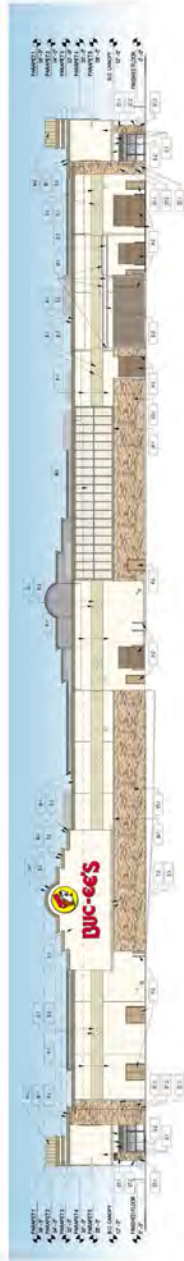
Notarial act performed by audio-visual communication









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4 RENDERED EXTERIOR ELEVATION - SOUTH



3 EXTERIOR ELEVATION - WEST



2 EXTERIOR ELEVATION - EAST



1	EXTERIOR ELEVATION - NORTH
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ISSUED FOR REVIEW	
DATE	
ISSUED FOR INFO	
DATE	
(continued from reverse) Jonathan Dwyer's parents, A. & M. Dwyer, The Builders & Builders, Inc., incorporated in New York City, New York, are the owners of the project and have been duly authorized by them to execute this contract. The undersigned hereby certifies that he is a duly qualified professional engineer or architect, as indicated by his title, and that he is duly licensed to practice in the State of Kansas.	



Figure 1. Site Photograph of 601 Village West Parkway looking southwest from Village West Parkway (provided by Planning Staff).



Figure 2. Site Photograph of 601 Village West Parkway looking southwest from Village West Parkway (provided by Planning Staff).



Figure 3. Site Photograph of 601 Village West Parkway looking southwest from Village West Parkway (provided by Planning Staff).



Figure 4. Site Photograph of 601 Village West Parkway looking southeast from Village West Parkway (provided by Planning Staff).

(Published _____)

SP2024-052

ORDINANCE NO. _____

AN ORDINANCE authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.

BE IT ORDAINED BY THE UNIFIED GOVERNMENT COMMISSION OF WYANDOTTE/COUNTY/KANSAS CITY, KANSAS:

Section 1. Special Use Permit Granted. Pursuant to the regulations set forth in Chapter 27, Sec. 27-214 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, permission is hereby granted to use in the manner set forth in Section 2 hereof, the following described real property as set forth in SP2024-052, commonly known as 3716 Springfield Street, Kansas City, Kansas, legally described as:

Marty's Park, a subdivision of land in Kansas City, Wyandotte County, Kansas, Block 3, Lot 16, located at approximately 3716 Springfield Street, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for continuation of 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 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 Licensing Division. Their office is located 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 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.

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 _____)

SP2024-053

ORDINANCE NO. _____

AN ORDINANCE authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.

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

Section 1. Special Use Permit Granted. Pursuant to the regulations set forth in Chapter 27, Sec. 27-214 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, permission is hereby granted to use in the manner set forth in Section 2 hereof, the following described real property as set forth in SP2024-053, commonly known as 4016 Springfield, Kansas City, Kansas, legally described as:

Cox Addition, an addition of land in Kansas City, Wyandotte County Kansas, Section 34, Township 11, Range 25, Block 2, Lot 21, located at approximately 4016 Springfield Street, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for continuation of 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 six (6);**
2. **All parking must be off-street, maximum number of vehicles is two (2). No STR renters or guests may park on-street;**
3. **The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;**
4. **Applicant must post a copy of the Ordinance granting permission to**

- operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;
5. Applicant is to maintain liability insurance;
 6. The property must remain in proper maintenance and free of hazards, pests, or infestations;
 7. The granting of this Special Use Permit does not transfer with a change of ownership of the property;
 8. Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and www.hostcompliance.com/tips (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 Licensing Division. Their office is located 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 Inspection Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
 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.

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 _____)

SP2024-007

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 SP2024-007, commonly known as 2023 North 85th Street, Kansas City, Kansas, legally described as:

Section 31, Township 10, Range 24, beginning 355.6 feet North and 30 feet East of the Southwest Corner; thence East $\frac{1}{2}$, Southeast $\frac{1}{4}$, North 85 feet; East 298.55 feet, South 06 West 85.56 feet, West 289.93 feet to the point of beginning, containing 0.58 acres, more or less, located at approximately 2023 North 85th 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 six (6);**
- 2. All parking must be off-street, maximum number of vehicles is typically three (3). No STR renters or guests may park on-street;**

3. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
4. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;
5. Applicant is to maintain liability insurance;
6. The property must remain in proper maintenance and free of hazards, pests, or infestations;
7. The granting of this Special Use Permit does not transfer with a change of ownership of the property;
8. Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and www.hostcompliance.com/tips (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.

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 _____)

COZ2024-019

ORDINANCE NO. _____

AN ORDINANCE rezoning property hereinafter described located at approximately 713 Osage Avenue and 813 South Pyle, in Kansas City, Kansas, by changing the same from its present zoning of R-2(B) Two Family 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 May 28, 2024, by the owners of property to have the zoning of said property changed from its present zoning of R-2(B) Two Family 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: A Tract being all of Lots 51 and 52, Block 52, ARMOURDALE, a subdivision recorded April 16, 1883, in Book 1, Page 216, lying and situated in the Northwest Quarter of Section 22, Township 11 South, Range 25 East of the Sixth Principal Meridian, in the city of Kansas City, Wyandotte County, Kansas, said Tract as surveyed by William C. Anderson, LS-1527, with BHC, CLS 175, being more particularly described by metes and bounds as follows: (Note: For course orientation the bearings in this description are based on West line of Block 52, ARMOURDALE, having a bearing of North 03° 42' 51" West, referenced to the Kansas State Plane Coordinate System, North Zone, NAD83.) BEGINNING at the Southwest corner of Lot 51, Block 52, ARMOURDALE; Thence North 03° 42' 51" West, 50.00 feet, on the West line of Block 52, ARMOURDALE, to the Northwest corner Lot 52, Block 52, ARMOURDALE; Thence North 86° 20' 26" East, 129.40 feet, on the North line of said Lot 52, to the Northeast corner thereof; Thence South 03° 42' 51" East, 50.00 feet, on the East line of said Lot 52 and on the

East line of Lot 51, to the Southeast corner of said Lot 51; Thence South 86° 20' 26" West, 129.40 feet, on the South line of said Lot 51, to the POINT OF BEGINNING, said Tract containing 6,470 square feet or 0.1485 acres. Located at approximately 713 Osage Avenue and 813 South Pyle Street, Kansas City, Kansas.

be changed from its present zoning of R-2(B) Two Family 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 _____)

SP2024-056

ORDINANCE NO. _____

AN ORDINANCE authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.

BE IT ORDAINED BY THE UNIFIED GOVERNMENT COMMISSION OF WYANDOTTE/COUNTY/KANSAS CITY, KANSAS:

Section 1. Special Use Permit Granted. Pursuant to the regulations set forth in Chapter 27, Sec. 27-214 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, permission is hereby granted to use in the manner set forth in Section 2 hereof, the following described real property as set forth in SP2024-056, commonly known as 4929 State Avenue, Kansas City, Kansas, legally described as:

S12,T11,R24, BEG 1090.1FT E OF NW COR NE1/4, S04E-98.39FT TO TPOB; E 205FT, S185FT, W 191.91FT, N04W- 185.36FT TO POB CONTG 0.84AC, located at approximately 4929 State Avenue, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for live entertainment in conjunction with an existing restaurant.

Section 3. Conditions and Stipulations. The Special Use permit granted in Section 1 and 2 hereinabove, in addition to full compliance with any general provisions contained in Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, is hereby contingent upon the performance and observation of the following additional and supplementary regulations, stipulations, conditions and restrictions, of which any violation of any hereafter enumerated will be an additional basis for revocation in addition to those factors specified in Section 27-214:

- 1. The applicant must comply with all applicable landscaping and screening requirements:**
 - **Sec. 27-577(b)(3)(a) states that one (1) 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. Six (6) trees shall be maintained along State Avenue;**

- **Sec. 27-577(f)(2) states that plants that die must be replaced no longer than four (4) months from the date of its death;**
- 2. All entertainment must cease by at least 1:00 AM;**
- 3. Doors and windows must stay closed during any entertainment performance;**
- 4. Any illumination that results from an entertainment event shall not be seen or otherwise impact adjacent residential uses;**
- 5. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;**
- 6. If approved, occupying businesses must file and maintain a current business occupation tax application with the Business Licensing Division. Their office is at 4953 State Avenue, Kansas City, KS 66102. Their contact information is (913) 573-8780 or businesslicense@wycokck.org;**
- 7. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;**
- 8. All existing and future driveways must feature curb cuts that are constructed to UG standards;**
- 9. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;**
- 10. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;**
- 11. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the**

- Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
12. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
 13. The Special Use Permit shall be valid for 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;
 14. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
 15. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.

Section 4. Take Effect. This ordinance shall take effect as of the date of its publication as provided by law.

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS ____ DAY OF _____, 2024.

TYRONE GARNER
MAYOR/CEO

Attest:

Unified Government Clerk

APPROVED AS TO FORM:

CHIEF COUNSEL

(Published _____)

SP2024-058

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 SP2024-058, commonly known as 4141 Joyce Drive, Kansas City, Kansas, legally described as:

TRACT 552C BEG 844FT N SE COR SE1/4; N 1010FT, W 804FT, S7E-519.75FT, S33E-319FT, S57E-147.5FT, S70E-455FT TO POB 10AC M/L, LOCATED AT APPROXIMATELY 4141 JOYCE DRIVE, KANSAS CITY, KANSAS.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for continuation of the Temporary Use of Land for a commercial farmstead.

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. **Previous conditions of approval shall remain, including:**
 - **If approved, the drive aprons shall be upgraded to an improved surface with repaired aprons and as required and approved by the UG Building Inspection Division and Public Works;**

- The applicant will need to continuously maintain the agricultural exemption and occupation taxes licenses with the business office;
 - Should any of the orchard or vined plants be used for the purposes of a farm winery, the regulations set forth in Section 4-9 and Section 34-78 shall be followed. A Special Use Permit is required to operate a farm winery per Section 27-593(9);
 - Should any produce or homemade goods be sold, the regulations in Chapter 32 and Chapter 16 shall be followed. Additional requirements by the Department of Agriculture such as a Food Handlers, Food Processors, or other licensing may be required. See Farmers' Market and Similar Food Sales (ks.gov) and MF3138 Foods Sold Direct to Consumers in Kansas (Farmers Markets): Regulations and Food Safety Best Practices (ksu.edu) for more information;
 - If approved and should livestock be introduced to the property or timber stand improvements to be made, the applicant should contact the Conservation District for technical assistance per the comments below to update their Conservation District Plan accordingly;
 - Commercial Activity on the property shall be by appointment only with no open picking by the public;
 - All class participants shall continue to park off-street in the designated parking area;
 - The FSMA Producer Certificate shall be renewed when required;
2. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
 3. If approved, occupying businesses must file and maintain a current business occupation tax application with this office;
 4. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
 5. All existing and future driveways must feature curb cuts that are constructed to UG standards;

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

SP2024-060

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 SP2024-060, commonly known as 527 Tenny Avenue, Kansas City, Kansas, legally described:

Lot 27, Bolles Addition to Riverview, Wyandotte County, Kansas, located at approximately 527 Tenny Avenue, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for continuation of a Short-Term Rental.

Section 3. Conditions and Stipulations. The Special Use permit granted in Section 1 and 2 hereinabove, in addition to full compliance with any general provisions contained in Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, is hereby contingent upon the performance and observation of the following additional and supplementary regulations, stipulations, conditions and restrictions, of which any violation of any hereafter enumerated will be an additional basis for revocation in addition to those factors specified in Section 27-214:

1. **The applicant must submit an updated insurance policy;**
2. **The applicant must maintain the brick sidewalk in front of the subject property;**
3. **Maximum number of guests shall be six (6);**
4. **All parking must be off-street, maximum number of vehicles is two (2). No STR renters or guests may park on-street;**
5. **The applicant must keep a current annual Business License/Occupation**

- Tax Receipt and Kansas State Lodging Tax;**
- 6. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;**
 - 7. Applicant is to maintain liability insurance;**
 - 8. The property must remain in proper maintenance and free of hazards, pests, or infestations;**
 - 9. The granting of this Special Use Permit does not transfer with a change of ownership of the property;**
 - 10. Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and www.hostcompliance.com/tips (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 the Business Licensing Division. Their office is located 4953 State Avenue, Kansas City, KS 66102. Their contact information is (913) 573-8780 or businesslicense@wycokck.org;**
 - 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 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;**
- 20. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,**
- 21. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.**

Section 4. Take Effect. This ordinance shall take effect as of the date of its publication as provided by law.

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS ____ DAY OF _____, 2024.

TYRONE GARNER
MAYOR/CEO

Attest:

Unified Government Clerk

APPROVED AS TO FORM:

CHIEF COUNSEL



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: October 30, 2024

Re: Change of Zone Petition COZ2024-022

GENERAL INFORMATION

Applicant Information:

Roger Barrett
SK Design Group
4600 College Boulevard, Suite 100
Overland Park, Kansas 66211

Subject Property:

4225 Mission Road
Kansas City, Kansas 66103

Requested Action and Purpose:

Approval of a Change of Zone to
construct a 24-unit apartment
building.

Commission Districts:

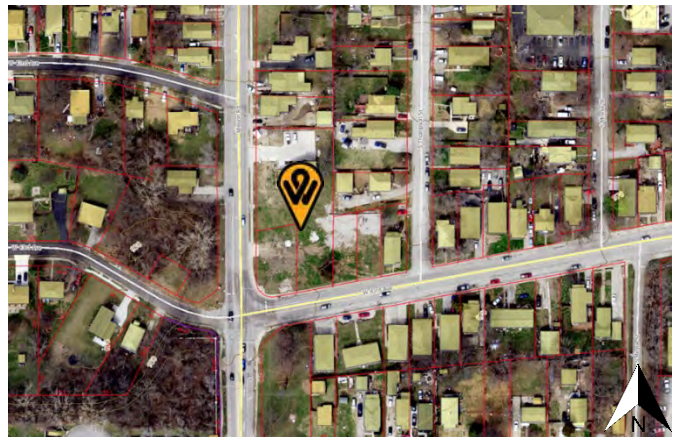
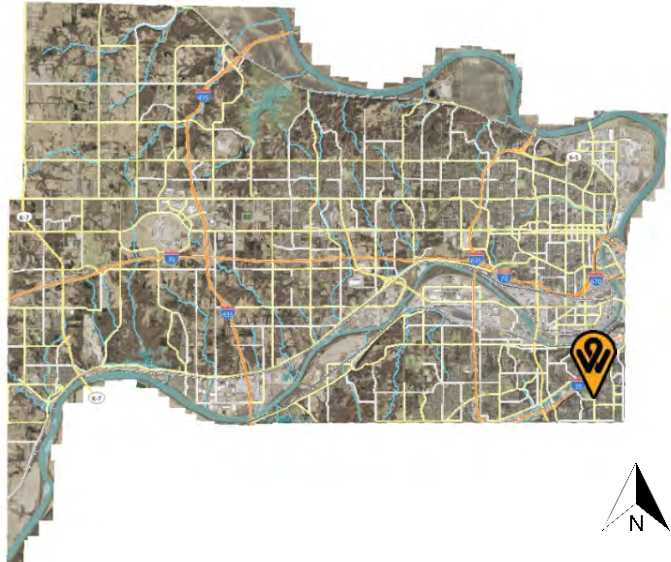
Commissioner At-Large, District #2:
Tom Burroughs
District #3 Commissioner:
Christian Ramirez

Existing Zoning District(s):

R-2(B) Two-Family District

Proposed Zoning District(s):

TND Traditional Neighborhood
Design Transect 4



	Adjacent Zoning	Adjacent Uses
North	R-1(B) Single Family District	Single Family Home
South	R-2(B) Two Family and CP-0 Planned Nonretail Business District	Duplexes and Single-Family Home
East	R-1(B) Single Family District	Single Family Home
West	R-1(B) Single Family District	Single Family Home

Total Tract Size: 0.89 Acres

Comprehensive Plan Area: Rosedale Area Plan

Comprehensive Plan Designation: The Rosedale Area Plan designates this property as General Urban, which allows rowhouses, townhomes, and single-family homes. Three (3) story apartment buildings, retail, and office uses are allowed only on neighborhood and mixed-use corridors, which West 43rd Avenue and Mission Road are.

Major Street Plan: The goDotte Mobility Plan designates Mission Road as a Major Arterial and West 43rd Avenue as a Minor Collector.

Parking Requirement: Section 27-471(n)(3)(a) states “One (1) off-street parking space shall be provided for each dwelling unit”. The property provides 26 spaces, with additional to be determined via a parking agreement with the neighboring property.

Landscaping Requirement: Section 27-471(s) outlines the following standards.

Common Lawn: Six (6) plantings per dwelling unit.

Door Yard: Six (6) landscape plantings required.

Front-Yard: 11 landscape plantings required. At least two of these landscape plantings shall be a shade or ornamental tree. Landscape plantings at approximately 30 inches on center shall be used along street-facing foundation wall.

Street Trees: Trees are required in the public right-of-way along streets, at a minimum of one shade tree every 40 feet.

Buffering: Two (2) of the following options must be provided.

Evergreen trees planted at 30 feet on center, Evergreen shrubs planted at four feet on center, or a six-foot high masonry wall or solid fence.

Advertisement:

The Wyandotte Echo – July 18, 2024
Letters to Property Owners – July 19, 2024 and September 7, 2024

Public Hearings:

August 12, 2024, August 29, 2024, October 14, 2024, and October 30, 2024.

Public Support:

Several individuals spoke in support at the August 12, 2024 Planning Commission hearing and the August 29, 2024 Board of County Commissioners hearing. There were 10 persons present in support at the October 14, 2024, City Planning Commission meeting. Letters in support have been received.

Public Opposition:

Two (2) individuals spoke in opposition at the August 29, 2024 Board of County Commissioners hearing. Four (4) persons appeared in opposition at the October 14, 2024, City Planning Commission meeting. Letters in opposition have been received.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Roger Barrett with SK Design Group, is requesting a Change of Zone from R-2(B) Two-Family District to TND Traditional Neighborhood Design District, Transect T-4, and a Final Development Plan to construct a 24-unit apartment building at 4225 Mission Road.

City Ordinance Requirements: Article VIII Sections 27-340 – 27-765, Article VII Sections 27-245 – 27-339, Article VI Section 27-210 through 212 and all other applicable standards within Chapter 27.

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 have been several notices on the subject properties, most for weeds and trash.
 - a. 2022 – CAC22-1543 – Admin Citation – Environmental Citations
 - b. 2022 – ABT22-1636 – Abatement – 14-day weeds
 - c. 2021 – ABT21-1547 – Abatement – 14-day weeds
 - d. 2020 – 20224-00738 – Abatement – 14-day weeds
 - e. 2019 – 19204-00237 – Environment – Debris and Trash
 - f. 2019 – 19206-00089 – Environment – Debris and Trash

Outstanding or Related Permit and Cases:

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

Previous Planning Actions:

1. Final Plat (Beachwood Holdings, PLAT2021-015) for one (1) lot, withdrawn in 2021.
2. Approval of a Change of Zone (COZ 3204) from R-1(B) to R-2(B) for residential development in 2019.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The subject property is within the Rosedale Statistical Neighborhood, the Rosedale Development Association (RDA) group, and the Hilltop Neighborhood Association. The neighborhood consists of a diversity of residential uses, including single-family residences, duplexes, fourplexes, apartment buildings, and garden style apartments. There are also small-scale commercial uses mixed within. The property is located along Mission Road, which runs North to I-35 and South into Westwood, as well as West 43rd Avenue, which runs east into Kansas City, MO.

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

The zoning and uses of nearby property is set out above. The proposed use is expected to be compatible with nearby zoning and uses, as the neighborhood

consists of several different types of residences. While uses directly adjacent are single-family and duplexes, a block away are two (2) garden style apartment complexes, and three (3) apartment buildings.

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

The property is suitable to be developed as an apartment building, as it is located at a major corner along two (2) thoroughfares and along a transit line. Removal of restrictions is not expected to detrimentally affect nearby property. Landscaping, buffering, and screening will be required to limit any potential visual impacts.

4. *The length of time the property has remained vacant as zoned and/or the length of time the property has been actively marketed.*

The property is currently occupied with a single-family residence, which would be split off into its own parcel. The remaining portion of the property has been vacant since 2003, when the single-family residences were demolished, and 2014, when the commercial structure was demolished.

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

The proposed use is reasonably necessary for the convenience and welfare of the public, as it provides another housing option in an area of town with a diverse range of employment opportunities. The proposed development would particularly serve individuals and young business professionals who want to live in the area, but do not want to, or may not be able to purchase a single-family detached home, townhome or condo. The proposed use is not expected to injure the use, quality, or marketability of nearby property, however, design measures, including expanded buffering and screening will be required to limit any potential impacts.

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

The proposed use will increase the amount of traffic along both Mission Road and West 43rd Avenue. Staff has concerns with additional traffic at this intersection, particularly traffic making left turns off of Mission Road and West 43rd Avenue. The applicant may consider only allowing a right-in, right-out on Mission Road to mitigate impacts.

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

The Rosedale Area Plan designates this property as General Urban, which allows rowhouses, townhomes, and single-family homes. Three (3) story apartment buildings, retail, and office uses are allowed only on neighborhood and mixed-use corridors, which West 43rd Avenue and Mission Road are. The proposed use conforms to the Rosedale Area Plan.

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

The proposed use will result in minimal environmental harm, as this property has previously been developed on. The proposed use can enhance the environment or mitigate the intensity of use through enhanced landscaping throughout the development and along the perimeter of the property.

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

a. *Electric and Water Service*

BPU provides electric and water service.

b. *Sanitary Sewer Service*

UG provides sanitary sewer service.

c. *Storm Water Control*

UG Provides storm water control, with inlets

d. *Police*

Police service is provided by South Patrol, District #332.

e. *Fire*

Fire service is provided by Station #10, which is two (2) miles away from the subject property.

f. Transit

Public Transit is provided by Route 107 – 7th Street / KU Med, with a stop across the street on Mission Road in front of Mission Road Studios at 4320 Mission Road.

g. Schools

Public Education is provided by Frank Rushton Elementary School, Rosedale Middle School, and J.C Harmon High School under Kansas City, Kansas USD 500.

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

The proposed use will have a beneficial economic impact on the community. The multiple housing unit types (between one (1), two (2) and three (3) bedrooms) within the complex will promote a diverse population to make use of the nearby employment, transit and retail centers, which only serves to boost the local economy.

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

With revisions to comply with the Rosedale Design Guidelines and other alterations to the site plan, the proposed use is capable of meeting applicable ordinance requirements.

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

The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the landowners is substantial. Providing another housing option in the area serves the public safety and welfare. If this application is denied, the owners will still have property that is able to be developed, however, not in the intensity they originally sought to redevelop it or keep it as open space.

NEIGHBORHOOD MEETING INFORMATION

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

KEY ISSUES

Amenities
Fire Department Comments
Lighting
Landscaping and Screening
Rosedale Multi-Family Design Guidelines
Site Line Plan
Traffic Study and Circulation

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 3 to recommend **APPROVAL** of Change of Zone Application COZ2024-022, subject to:

1. The intersection of 43rd & Mission must be improved, with painted crosswalks, improved curbing, and painted lanes;
2. The applicant shall work with KCKPD as well as private security to ensure the property is secured;
3. The property must limit the amount of cars to one (1) car per unit and ensure that there are two (2) spaces for visitors and on-site staff;
4. To block headlights or other intrusions through the fence, a 4' tall evergreen hedge shall be planted outside of the fence;
5. Provide a 4' tall wood screening fence around the northern and eastern property lines, with masonry columns every 32 feet;
6. Pedestrian scale lighting spaced every 40' along the property lines abutting public street. Revise the elevations to demonstrate pedestrian scale lighting, which includes 90-degree cutoffs to prevent glare;
7. The applicant shall follow all comments and requirements set forth by KCKFD. This may result in additional changes to the plan;
8. There shall street trees in the public right-of-way, with a tree every 40 feet on center, except within the sight distance triangle;
9. Per Public Works, the entrance on Mission Road shall be a right-in, right-out, with a ribbon curb to prevent left turns off of Mission Road;
10. 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;
11. Lighting cannot exceed one (1) footcandle at the property line;
12. Interior parking lots lights shall have 90-degree cutoff fixtures;
13. 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;
14. All electrical meter banks, typically on the side of the building shall be screened from public view;
15. 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;

16. Regarding BPU transformer screening, the following applies:

- a. Gate doors are required for all types of screening that are placed in front of the transformers.
- b. Fence pickets shall be installed two (2) feet off the ground and have adequate clearance to open gate door 180° and have 10 feet of clearance from pad when gate doors open.
- c. Posts for gate doors must be installed a minimum distance of 10 feet apart in the front.
- d. For slats fences, customers shall install a minimum of four (4) inch slats and have four (4) inches of space between each slat.
- e. Customers must take into account the maturity size of the evergreen tree when planting saplings so that the trees can grow outside of the required clearance for evergreen trees, customer shall plant each tree so that there is two (2) feet or more of space from edge to edge between each tree at maturity (e.g., blue arrow juniper grows up to two (2) feet wide, so there shall be four (4) feet of spacing between each tree taking into account the growth of saplings).
- f. Pad must have a minimum clearance of six (6) feet on each, six (6) feet on the back and five (5) feet on the front allowing for 10 feet on the front when gate doors open;

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

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

19. 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;

20. 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;

21. 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,
22. 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.
23. A parking agreement for a total of 15 parking spaces with the resulting property directly to the north on Mission Road (currently addressed at 4225 Mission Road), which is to be replatted for this proposed project”; and,
24. The following requirements of the Rosedale Area Plan Urban Multi-Family Residential Design Guidelines have not been met, and from which Applicant has been approved a deviation by the City Planning Commission at their hearing on 10/14/2024:
 - i. Within 30’ of the property line abutting the single-family residence, a multi0family building may not exceed a half story roof height greater than adjacent residence’s roof height; and,
 - ii. Within 50’ of the property line abutting a single-family residence, a multi0family building may not exceed one story roof height greater than adjacent residence’s roof height.”

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION AND CONDITIONS

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **COZ2024-022** subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

October 14, 2024, City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Site Plan
Floor Plan
Landscape Plan
Elevations
Site Details
Site Photos, Taken by Staff, Dated July 2024
Letters/Petition in Support

PUBLIC HEARING SCHEDULE

Action(s)	City Planning Commission	Unified Government Board of Commissioners
Change of Zone	August 12, 2024 (Approved) October 14, 2024 Approval	August 29, 2024 (Remanded to CPC) October 30, 2024

STAFF CONTACT:

James Molloy
jlmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2024-022**, 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 **COZ2024-022**, 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.

October 14, 2024, City Planning Commission Minutes:

Hearing starts at 3:07:15:

CHANGE OF ZONE APPLICATION COZ2024-022 – ROGER BARRETT– SYNOPSIS:

Change of Zone from R-2 Two Family District to TND Traditional Neighborhood Design District to construct a 24-unit apartment development at 4225 Mission Road. Detailed Outline of Requested Action: The applicant, Roger Barrett with SK Design Group, is requesting a Change of Zone from R-2(B) Two-Family District to TND Traditional Neighborhood Design District, Transect T-4, and a Final Development Plan to construct a 24-unit apartment building at 4225 Mission 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 October 14, 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. The testimony at the prior Planning Commission and Board of Commissioners hearings; and,
9. The correspondence for and against this application which are part of the record for this case and will be included in the staff report to the Board of Commissioners.

Planner Molloy stated that this application was previously heard by the Planning Commission on August 12, 2024 and moved forward to the Board of Commissioners with a recommendation of approval. The Board of Commissioners returned the application for rehearing on August 29, 2024, for additional neighborhood input, as well as concerns with parking and traffic.

Planner Molloy asked if the Commission had any contact to disclose on this application. Planning Commissioner Easterwood stated that she heard from neighbors in the area.

Present in Support:

- Roger Barrett, applicant, Senior Project Manager, SK Design Group Civil Engineers, 4600 College Boulevard, Overland Park, Kansas
- Megan Painter, Director of Neighborhood Development, Community Housing of Wyandotte County, 1327 Barnett Avenue, Kansas City, Kansas
- Brennan Crawford, Executive Director of Community Housing of Wyandotte County, 1108 North 19th Street, Kansas City, Kansas
- Elliot Arnold, Beachwood Holdings, LLC, 4227 Mission Road, Kansas City, Kansas 66103

- Ian Arnold, Beachwood Holdings, LLC
- Kalka Simmons, 3204 West 43rd Avenue, Kansas City, Kansas 66103
- Erin Stryka, Rosedale Development Association, 1403 Southwest Boulevard, Kansas City, Kansas 66103
- Rachel Russell, 1054 Forest Court, Kansas City, Kansas 66103
- Rachel Hostetler, 4146 Booth Place, Kansas City, Kansas 66103
- Carl Rouse, 2303 South Early Street, Kansas City, Kansas 66103
- Laura Ball, 2832 South 8th Terrace, Kansas City, Kansas 66103
- Ellen Edgar, 3027 South 9th Street, Kansas City, Kansas 66103
- Gayle Bergman, 4520 Francis Street, Kansas City, Kansas 66103

Questions were directed to the application team.

Present in Opposition:

- Monty Harder, 3000 West 43rd Avenue, Kansas City, Kansas 66103
- Melody Harder, 3000 West 43rd Avenue, Kansas City, Kansas 66103
- Becky Bouchey, 4224 South Thompson Street, Kansas City, Kansas
- Fred Postlewait, 3215 West 43rd Avenue, Kansas City, Kansas 66103

Staff Recommendation starts at 23:23: Planning Director Hand stated that the TND zone was originally developed for two (2) reasons. One was for new town planning, typically on a Greenfield lot to develop a whole new community housed in the Traditional Neighborhood Design (TND) principles of use, density, and walkability. He stated a project where it came close was in Piper south of Leavenworth Road on Hutton. It's the undeveloped project behind the fire station. It was supposed to be a whole planned development that had an urban center, multi-family or duplexes, out to the fringes would be single-family and transition into the suburban. The second intent of the code was to be applied in certain occasions where mixed use development. To one of the opponent's points, while this is a proposed multi-family building, TND does allow mixed uses and yes, the use could change in the future. If that change occurred, a change in occupancy occurs, which triggers a review that would address the parking issues noted. The opposition pointed out parking would not be addressed. It would be addressed at the time of said change. In the TND zone specifically, there is a section on district size that says all parcels zoned TND shall meet one of the following criteria and the ones that meet that requirement are located on an interior collector and located within a quarter mile of existing transit stops. This project meets the standard to be a TND District as applied. The benefit of TND, which was selected by the Applicant, is a reduced parking requirement. The TND parking standards are less than a commercial zone. He further stated that the Rosedale Area Plan specifically addresses development at this intersection. One is the land use plan and that plan that identifies 43rd and Mission, as a future neighborhood center and along a neighborhood corridor. Both 43rd and Mission Road are identified as neighborhood corridors within the neighborhood revitalization area, which an ideal location for infill development. He stated that the land use category is General Urban which is an area predominantly residential in character with row houses, townhomes, and single-family houses. Three-story apartment buildings, retail

and office uses are allowed only on neighborhood and mixed-use corridors. The use, density, and intensity of this project is what the plan says should be at this location. This is a mixed-use corridor, and this project adds to that mix of character. He further stated that the zoning in the area is R-1, R-2, and CP just to south, RP-4 for the nearby apartment complex and there are mixed uses, densities, and of density of zoning districts. He stated related to the transition, the Rosedale Area Plan's Design Guidelines address residential infill development. The Design Guidelines are managed by the City Planning Commission and any deviation is the Commission's responsibility. There is a section relating to the transition of height. He stated that this project meets one (1), but not all of the standards. When the Change of Zone was previously approved, it appears the Commission did not address those two (2) heights transition deviations, but could do so with this rehearing, otherwise or this project would require a redesign to meet those design guidelines. This request is for R-2(B) Two Family District to TND Traditional Neighborhood Design District for a 24-unit apartment complex. The property is in the Rosedale Area Plan. Staff has received letters in support and opposition. There are some older Notices of Violation from it being vacant, which would be addressed by the redevelopment. Staff recommends approval subject to the conditions in the staff report, including the deviations from the Rosedale Area Plan Multi-Family Design Guidelines. The Commission already approved the final development plan before the Change of Zone was remanded back by the Board of Commissioners. The conditions of approval also include the improvements to the pedestrian crossings, which would be reviewed with Public Works in a pre-construction meeting. He stated that there is no current condition of approval for the recorded parking agreement for the property to the north. The project as designed meets the parking requirements and does not require a variance. One of the conditions of approval addresses reserving two (2) of those spots for guests of the tenants. If the Commission wanted the parking agreement to be part of this approval, Staff's recommendation would be by motion to require the parking agreement to be part of the approval. He stated that the Applicant is still working through the details of this parking agreement, and it will ultimately need to be signed and filed with the Register of Deeds.

Questions were directed to Director Hand by the Commission.

Motion starts at 37:20:

On motion by Mr. Miller, seconded by Mrs. Jones, the Planning Commission voted as follows to recommend **APPROVAL of Change of Zone Application COZ2024-022:**

Carson	Chairman
Mohler	Aye
Schwartz	Aye
Straws	Not Present (left meeting)
Ward	No
Armstrong	Aye
Beth	No
Easterwood	Aye
Ernst	No

Jones

Aye

Miller

Aye

Motion to recommend APPROVAL Passed: 6 to 3

Subject to:

1. The intersection of 43rd & Mission must be improved, with painted crosswalks, improved curbing, and painted lanes;
2. The applicant shall work with KCKPD as well as private security to ensure the property is secured;
3. The property must limit the amount of cars to one (1) car per unit and ensure that there are two (2) spaces for visitors and on-site staff;
4. To block headlights or other intrusions through the fence, a 4' tall evergreen hedge shall be planted outside of the fence;
5. Provide a 4' tall wood screening fence around the northern and eastern property lines, with masonry columns every 32 feet;
6. Pedestrian scale lighting spaced every 40' along the property lines abutting public street. Revise the elevations to demonstrate pedestrian scale lighting, which includes 90-degree cutoffs to prevent glare;
7. The applicant shall follow all comments and requirements set forth by KCKFD. This may result in additional changes to the plan;
8. There shall street trees in the public right-of-way, with a tree every 40 feet on center, except within the sight distance triangle;
9. Per Public Works, the entrance on Mission Road shall be a right-in, right-out, with a ribbon curb to prevent left turns off of Mission Road;
10. 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;
11. Lighting cannot exceed one (1) footcandle at the property line;
12. Interior parking lots lights shall have 90-degree cutoff fixtures;
13. 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;
14. All electrical meter banks, typically on the side of the building shall be screened from public view;
15. 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;
16. Regarding BPU transformer screening, the following applies:
 - a. Gate doors are required for all types of screening that are placed in front of the transformers.
 - b. Fence pickets shall be installed two (2) feet off the ground and have adequate clearance to open gate door 180° and have 10 feet of

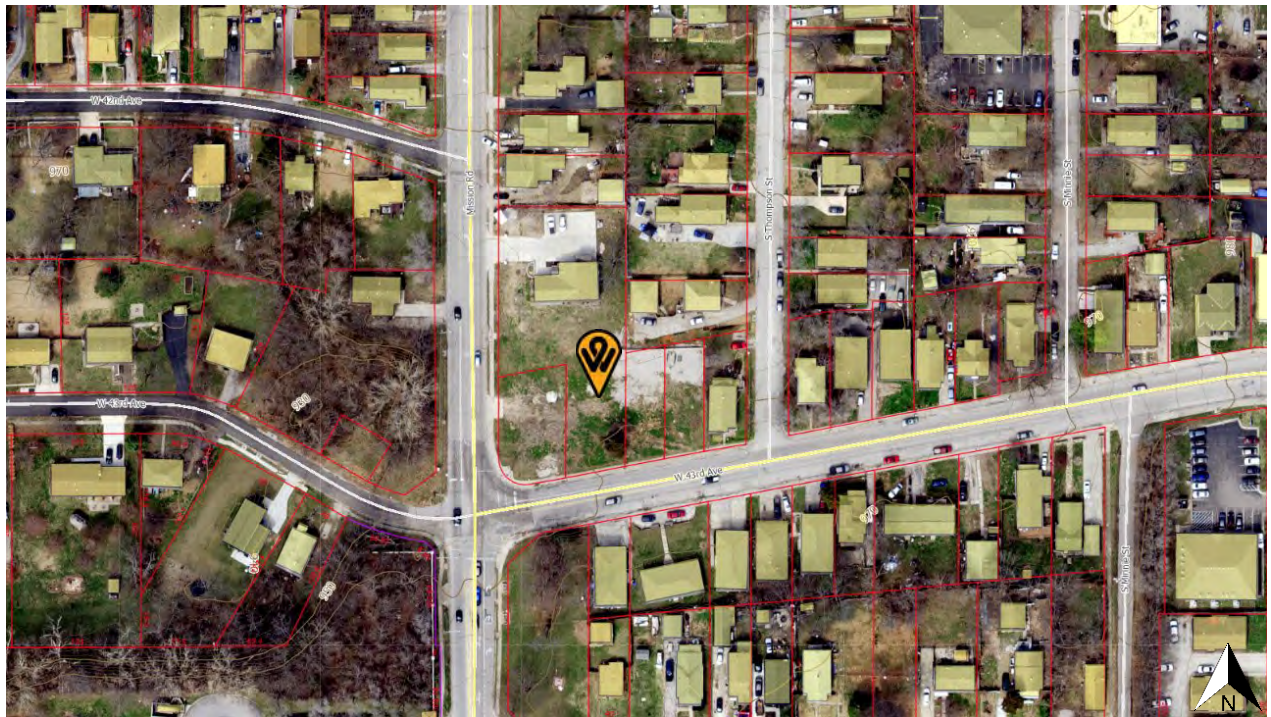
- clearance from pad when gate doors open.
- c. Posts for gate doors must be installed a minimum distance of 10 feet apart in the front.
 - d. For slats fences, customers shall install a minimum of four (4) inch slats and have four (4) inches of space between each slat.
 - e. Customers must take into account the maturity size of the evergreen tree when planting saplings so that the trees can grow outside of the required clearance for evergreen trees, customer shall plant each tree so that there is two (2) feet or more of space from edge to edge between each tree at maturity (e.g., blue arrow juniper grows up to two (2) feet wide, so there shall be four (4) feet of spacing between each tree taking into account the growth of saplings).
 - f. Pad must have a minimum clearance of six (6) feet on each, six (6) feet on the back and five (5) feet on the front allowing for 10 feet on the front when gate doors open;
17. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
18. All existing and future driveways must feature curb cuts that are constructed to UG standards;
19. 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;
20. 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;
21. 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,
22. 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.

23. A parking agreement for a total of 15 parking spaces with the resulting property directly to the north on Mission Road (currently addressed at 4225 Mission Road), which is to be replatted for this proposed project”; and,
24. The following requirements of the Rosedale Area Plan Urban Multi-Family Residential Design Guidelines have not been met, and from which Applicant has been approved a deviation by the City Planning Commission at their hearing on 10/14/2024:
 - iii. Within 30’ of the property line abutting the single-family residence, a multi0family building may not exceed a half story roof height greater than adjacent residence’s roof height; and,
 - iv. Within 50’ of the property line abutting a single-family residence, a multi0family building may not exceed one story roof height greater than adjacent residence’s roof height.”

ATTACHMENTS

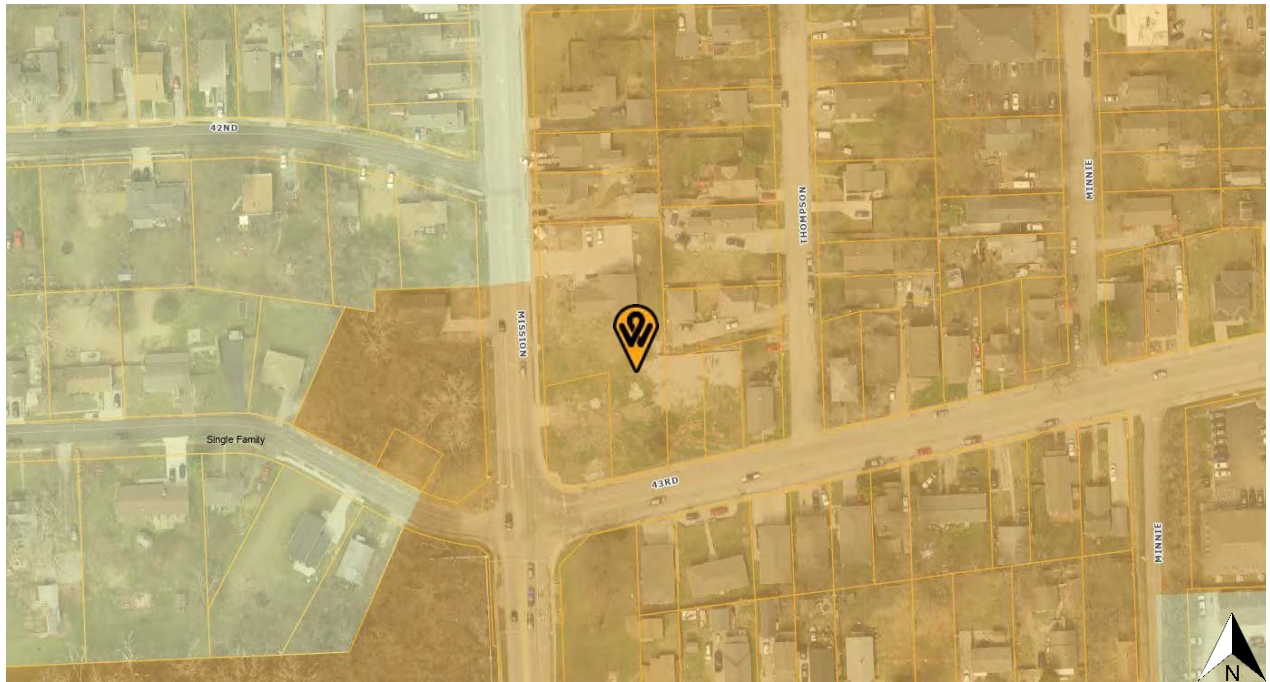
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ZONING MAP



LAND USE MAP



NEIGHBORHOOD MEETING MATERIALS

Variance: BOZA2024-020
Change of Zone: COZ2024-022
Final Development Plan: PR2024-017

Mission 43 Apartments Neighborhood Mtg.

Date: 7-29-24

Place: Virtual *File Transmitted Separately via WeTransfer*

<https://we.tl/t-qJBKUEX2DC>

Time 5:40pm -7:10 pm

In attendance

Participated in Virtual Meeting

Roger Barrett, SK Design Group – Leader/Civil Engineering

Ian Arnold, Owner

Tarold Davis, Owner/Development Rep

Brennan Crawford, Community Housing of Wyandotte Co., CHWC, Developer

Megan Painter, Community Housing of Wyandotte Co., CHWC, Developer

Erin Styka, Rosedale

Paul Stark, SWD Architects, Project Architect

Brian Czerw, SWD Architects, Project Architect

Mike McGrew, Landworks Studio, Project Landscape Architect

Melody Harder, Neighbor

Monty Harder, Neighbor

Oriel, Neighbor

Garrett, Neighbor

Becky Bouchey, Neighbor

Ruth Kunakhovich, Neighbor

Lizz, Neighbor

Max, Neighbor

Melody Harder
3000 W. 43rd

From: Megan Painter <mpainter@chwckck.org>
Sent: Monday, July 22, 2024 10:48 AM
To: Melody Harder <melody1016@hotmail.com>
Cc: Paul Stark <pstark@swdarchitects.com>; Roger Barrett <rbarrett@skdg.com>
Subject: Re: Development at 43rd and Mission
Melody,

See response below:

Has there been a study of the water shed and flow from the property during rainstorms that will occur . To prevent it coming onto the existing nearby residential properties? Does new storm drainage send to 43rd or onto Mission Rd.

Yes. This is one of our civil engineer's primary tasks. All storm water is to be handled on-site and you should not notice any difference during a hard rain. The slope of the site naturally goes down to Mission Road and we will be tying into a large stormwater pipe that's already there. I've seen a little bit of the conversations between public works engineers and our team's engineers, and they are getting down to details such as the size of rock below our parking lot to ensure that rainwater is properly handled during a surge. The unified government is also requiring a few things that will clean the water as it enters the storm drain.

Thank you.

Megan Painter

Director of Neighborhood Development Community Housing of Wyandotte County 913-205-6463

www.chwckck.org

"Rebuilding our Neighborhoods"

From: Melody Harder <melody1016@hotmail.com>

Sent: Friday, July 19, 2024 5:33 PM

To: Megan Painter <mpainter@chwckck.org>

Subject: Re: Development at 43rd and Mission

Has there been a study of the water shed and flow from the property during rainstorms that will occur . To prevent it coming onto the existing nearby residential properties? Does new storm drainage send to 43rd or onto Mission Rd. Thank you.

From Melody Harder

On Jul 19, 2024, at 3:43 PM, Megan Painter <mpainter@chwckck.org> wrote:

Hello Melody,

Thank you for responding to our letter about the proposed development at 43rd and Mission. First, I want to assure you that all your comments and questions will be included in the record of neighborhood resident comments that will be submitted to the Unified Government.

Here are responses to your comments/questions:

What is the plan for sound barrier, divider between existing buildings and planned driveway and structure?

There will be 5 foot privacy fence around the entire parking lot. On the east side of the lot a small retaining wall will also be needed and the fence will be on top of or behind the retaining wall. Sound barriers are typically only used for subdivisions next to highways. We do not anticipate that sound will be an issue for this development. If a future resident is disturbing the right of "quiet enjoyment" by neighbors, this is a breach in their lease and cause for eviction.

Why does this need to be expanded to 24 units. We are not aware of any previous comments about how many units were proposed. It is already very difficult to make development costs work for what most financiers consider to be a "small" 24-unit development. Having less units is not financially feasible.

Concerns about increased noise and crime. We are also very concerned about this and cannot afford to have a property marred by crime. We will have an excellent property manager, which is key to the health of a project. Other municipalities have "crime free multi-family housing" training programs that partner property managers with community policing. We are currently exploring this program and, if it's a good fit, we will have our staff trained before leasing begins.

This street is already insanely busy having an exit via 43rd would be extremely difficult and dangerous. I've had my own issues safely navigating areas around this intersection. This week we've had several discussions with traffic engineers, fire department, and public works on the safest solution for getting vehicles on and off the property. Traffic engineers state that the number of vehicles going on and off the property during peak hours is negligible, however we are working through solutions to reduce the chances of collision. We will keep you posted on what arises as the best solution/what the city decides.

I would oppose this large scale change. Noted and Recorded. Have a good weekend,

Megan Painter

Director of Neighborhood Development Community Housing of Wyandotte County 913-205-6463

www.chwckck.org

"Rebuilding our Neighborhoods"

Becky Bouchey
4224 Thompson

From: Megan Painter <mpainter@chwckck.org>
Sent: Sunday, July 28, 2024 9:44 PM
To: becky bouchey; Roger Barrett
Subject: Re: Rezoning NE 43rd and Mission lot

Becky,

Thank you for reaching out. We will add your email to the records for the neighborhood meeting that must be sent to the Unified Government.

You may also submit your concerns directly to the UG on or before the August 12th meeting when this project will be presented before the Board of Zoning Appeals. I believe you will get a second letter from the city on how to either submit your comments beforehand or attend via zoom, or in person. You can always email urban planning directly at jparker@wycokck.org. There is a point in the review where they ask if any letters of disapproval were received, and shortly after they open the microphone to people online and in the room.

A few responses to your concerns,

1. All of the traffic around 43rd and Mission is of great concern. We've been going back and forth with traffic engineers at the city, and they've decided that there will only be right turns in and out of the site so that no one is turning across traffic.
2. I will forward your issues to the landowner about the area around the retaining wall. Our civil engineer team has assured us they have designed the site so that all drainage would not/ would

no longer affect neighboring properties. I will have to defer to the engineer on what exactly the plan is around that back retaining wall. I do know that a tall fence will be required to screen the parking lot from all surrounding properties and erosion control must be adequately handled.

3. I can only remember fountains that are on the Missouri side, but we could use some on the Kansas side too!

Thank you,

Megan Painter

Director of Neighborhood Development Community Housing of Wyandotte County 913-205-6463

www.chwckck.org

"Rebuilding our Neighborhoods"

From: becky bouchey <electricolive@live.com>

Sent: Saturday, July 27, 2024 12:03 PM

To: Megan Painter <mpainter@chwckck.org>

Subject: Rezoning NE 43rd and Mission lot

My name is Becky Bouchey and my property (4224 Thompson st.) runs along the back side of the NE corner lot of 43rd and Mission rd.

I got a letter with your email as the person I am to contact with questions about the petition to rezone corner lot for apt. bldg. Are you who I talk to about my disapproval? Do I save that for city meetings? I have many concerns.

My great grandparents built the home on the corner of 43rd and Thompson. My mother-in-law built the home I currently own. 5 generations of the family I married into have been here since 1948.

This proposal has an alleyway bumped up against both properties with the street running parallel to my long driveway. (With in a few feet of) I see a dumpster wanting to go where all 3 lots meet. Right next to my garden.

The Intersection is already terribly congested. And now we want to add 2 more intersections within a few car lengths of the main intersection? There is no street parking along these sections of 43rd or mission... My street will turn into an overflow parking lot, with these 2 family built properties being a 'shortcut' to the complex. Not to mention how hard it is to pull out of my driveway when street has cars lined up it. Since the current owner has built a retaining wall that runs parallel to my property, he put French drains in re-directing ALL water to go to the storm drains just beyond my driveway (on his property) The change of drainage has created damage to my property via erosion. My driveway has sunk several inches and is no longer attached to my garage building.

When he first bought the property he came in and bulldozed the overgrowth and trees lining the storm drain area, however he also bulldozed the edge of our retaining wall (it was hiding under vegetation) knocking it down, contributing to the sinking of my driveway. We had edging stones marking our property line along the driveway that were also dug up and destroyed. These types of confrontations are my kryptonite and I kept quiet.

He has stopped caring for the strip of land between his retaining wall and my property line, leaving it for us to mow weekly.

I cannot keep quiet about this new zoning initiative, it is a terrible location to build on.

My dream is for the city to expand the intersection and build a big beautiful roundabout with a glorious fountain and landscaping in the middle. This Intersection has more visitors than locals passing through. It is the 'start' of Westport Road to many travelers. We are the city of fountains and I'd love for this

intersection to become a warm welcoming new landmark in my much loved community of Rosedale.

Thank you for taking the time to read my thoughts and concerns. Sincerely,
Becky Bouchey 4224 Thompson st.

913-229-5053

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
) SS:
COUNTY OF Johnson)

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

1. That I am the petitioner for Petition #BOZA2024-020
2. That I conducted a neighborhood meeting on July 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

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 30th day of July, 2023.

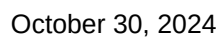
My commission expires June 28, 2025.

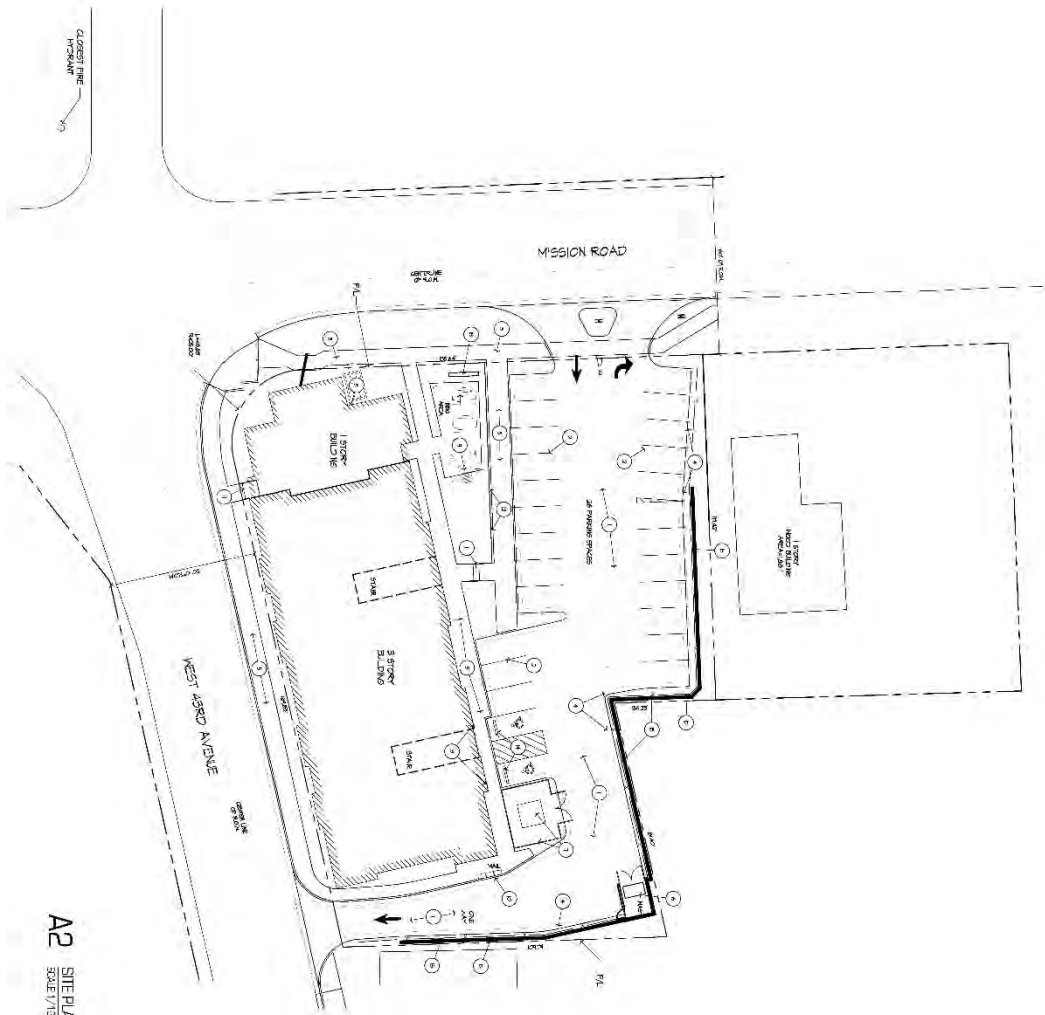


Notary Public



COZ2024-022





A2 SITE PLAN
SCALE 1/16" = 1'-0"



PRELIMINARY PROJECT INFORMATION (PROPOSED)
OWNER: THE CITY OF KANSAS, KANSAS DEPARTMENT OF PUBLIC WORKS
PROJECT: 1277 MISSION ROAD, KANSAS CITY, MO 64103
DATE: 10/23/2024
DRAWN BY: J. S. WARD
CHECKED BY: J. S. WARD
DESIGNED BY: J. S. WARD
SCALE: 1/16" = 1'-0"
SHEET: 1 OF 1
PROJECT NO.: 2024-001
SHEET NO.: 101
SHEET TITLE: SITE PLAN
SHEET SCALE: 1/16" = 1'-0"

KEY PLAN NOTES
1. ALL DIMENSIONS ARE IN FEET AND INCHES.
2. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
3. ALL DIMENSIONS ARE TO CENTERLINE UNLESS NOTED OTHERWISE.
4. ALL DIMENSIONS ARE TO EXTERIOR FACE UNLESS NOTED OTHERWISE.
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GENERAL NOTES
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PROJECT NO.: 2024-001
SP1.1B
SHEET NO.: 101
SHEET TITLE: SITE PLAN
SHEET SCALE: 1/16" = 1'-0"

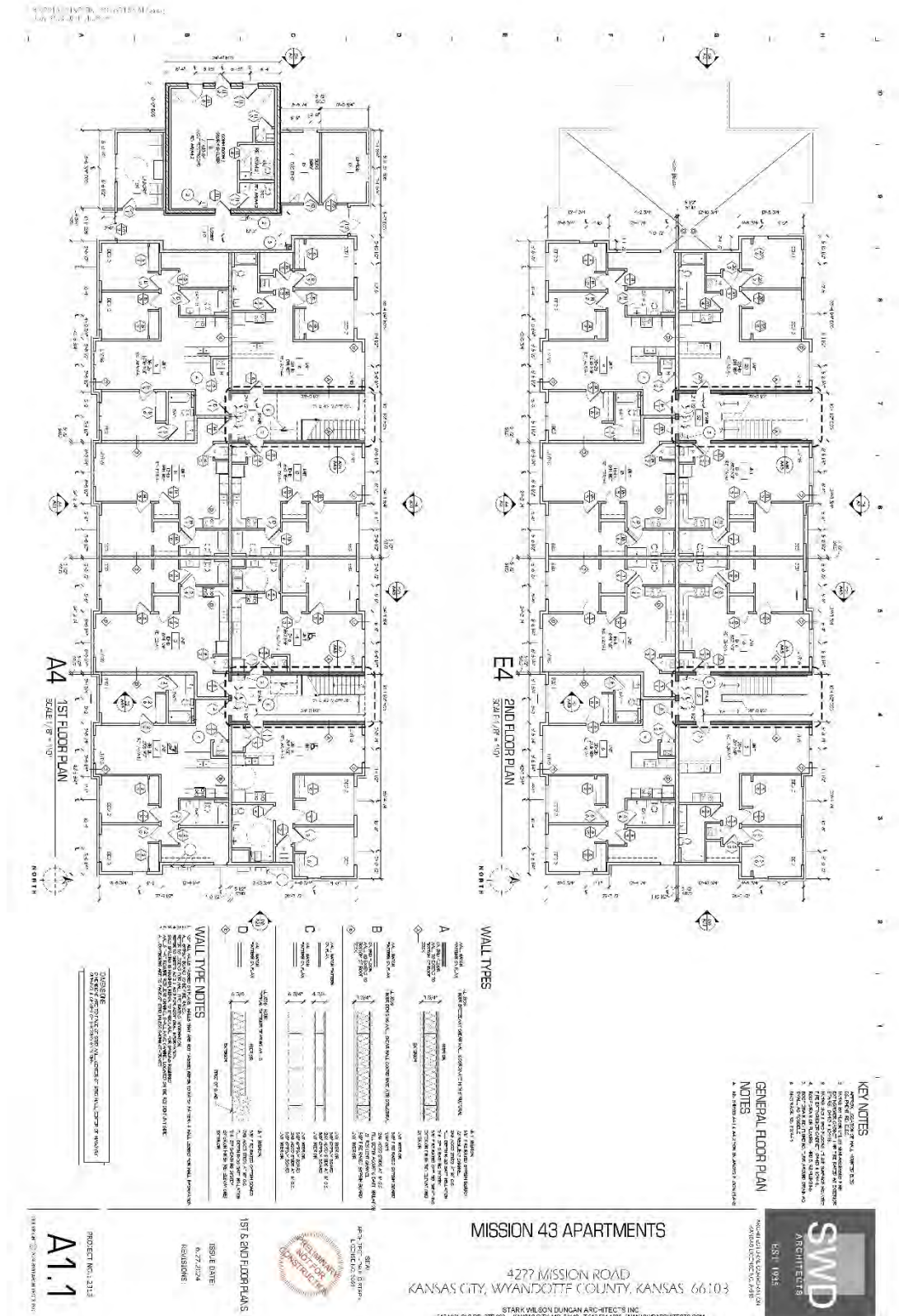


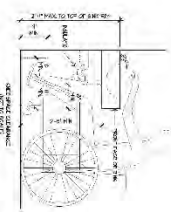
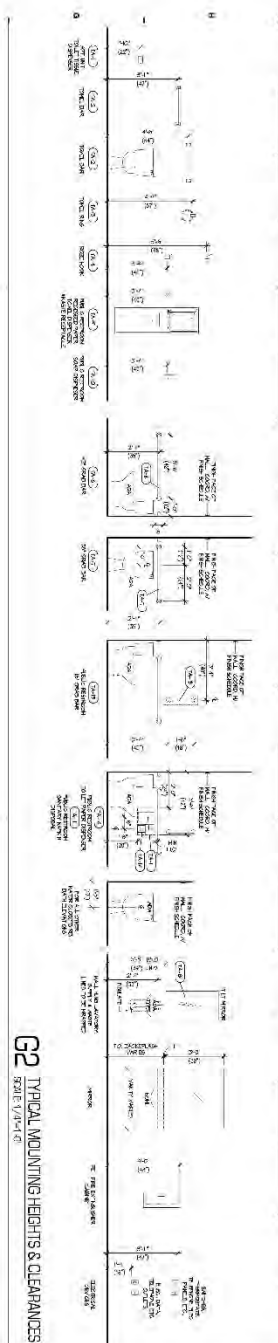
SITE PLAN
ISSUE DATE: 7/29/2024
REVISIONS:

MISSION 43 APARTMENTS
1277 MISSION ROAD
KANSAS CITY, WYANDOTTE COUNTY, KANSAS 66103
ST. WARD ARCHITECTS, INC. 1277 MISSION ROAD, KANSAS CITY, MO 64103
210 NICHOLS RD, STE 202 - KANSAS CITY, MO 64103 - P: 816.581.8881 - WWW.SWARCHITECTS.COM

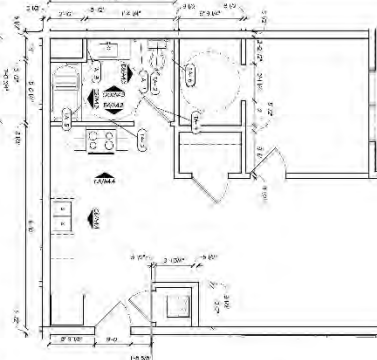
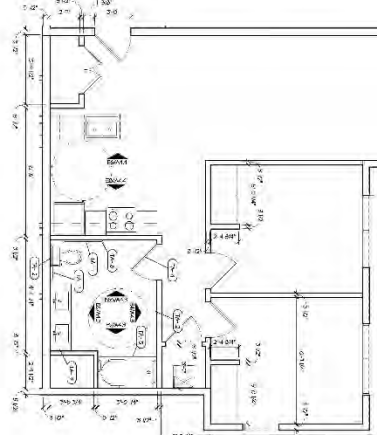
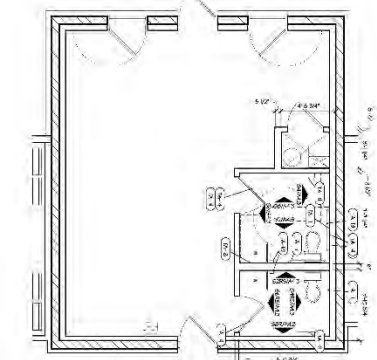


FLOOR PLAN





E10 NOT USED **E8 NOT USED** **E6 NOT USED** **E4 NOT USED** **E2 KNEE & TOE CLEARANCES**



GENERAL NOTES

1. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
2. FINISHES ARE TO BE AS SHOWN ON THE FINISH SCHEDULE.
3. ALL WORK IS TO BE IN ACCORDANCE WITH THE 2018 INTERNATIONAL BUILDING CODE (IBC) AND 2018 INTERNATIONAL PLUMBING CODE (IPC).
4. ALL WORK IS TO BE IN ACCORDANCE WITH THE 2018 INTERNATIONAL ELECTRICAL CODE (IEC).
5. ALL WORK IS TO BE IN ACCORDANCE WITH THE 2018 INTERNATIONAL MECHANICAL CODE (IMC).
6. ALL WORK IS TO BE IN ACCORDANCE WITH THE 2018 INTERNATIONAL FIRE AND SAFETY CODE (IFSC).
7. ALL WORK IS TO BE IN ACCORDANCE WITH THE 2018 INTERNATIONAL SCHEDULING CODE (ISC).
8. ALL WORK IS TO BE IN ACCORDANCE WITH THE 2018 INTERNATIONAL CONSTRUCTION CODE (ICC).
9. ALL WORK IS TO BE IN ACCORDANCE WITH THE 2018 INTERNATIONAL ACCESSIBILITY STANDARDS (IAS).
10. ALL WORK IS TO BE IN ACCORDANCE WITH THE 2018 INTERNATIONAL WHEELCHAIR ACCESSIBILITY STANDARDS (IWAS).

TOILET ACCESSORIES

Legend:

- 1. TOILET
- 2. VASITY
- 3. SHOWER
- 4. SEATING
- 5. ENTRY
- 6. TOILET ACCESSORIES
- 7. VASITY ACCESSORIES
- 8. SHOWER ACCESSORIES
- 9. SEATING ACCESSORIES
- 10. ENTRY ACCESSORIES

ENLARGED PLANS

REVISIONS

DATE: 06.27.2024

A4.2

MISSION 43 APARTMENTS

4277 MISSION ROAD
KANSAS CITY, WYANDOTT COUNTY, KANSAS 66103

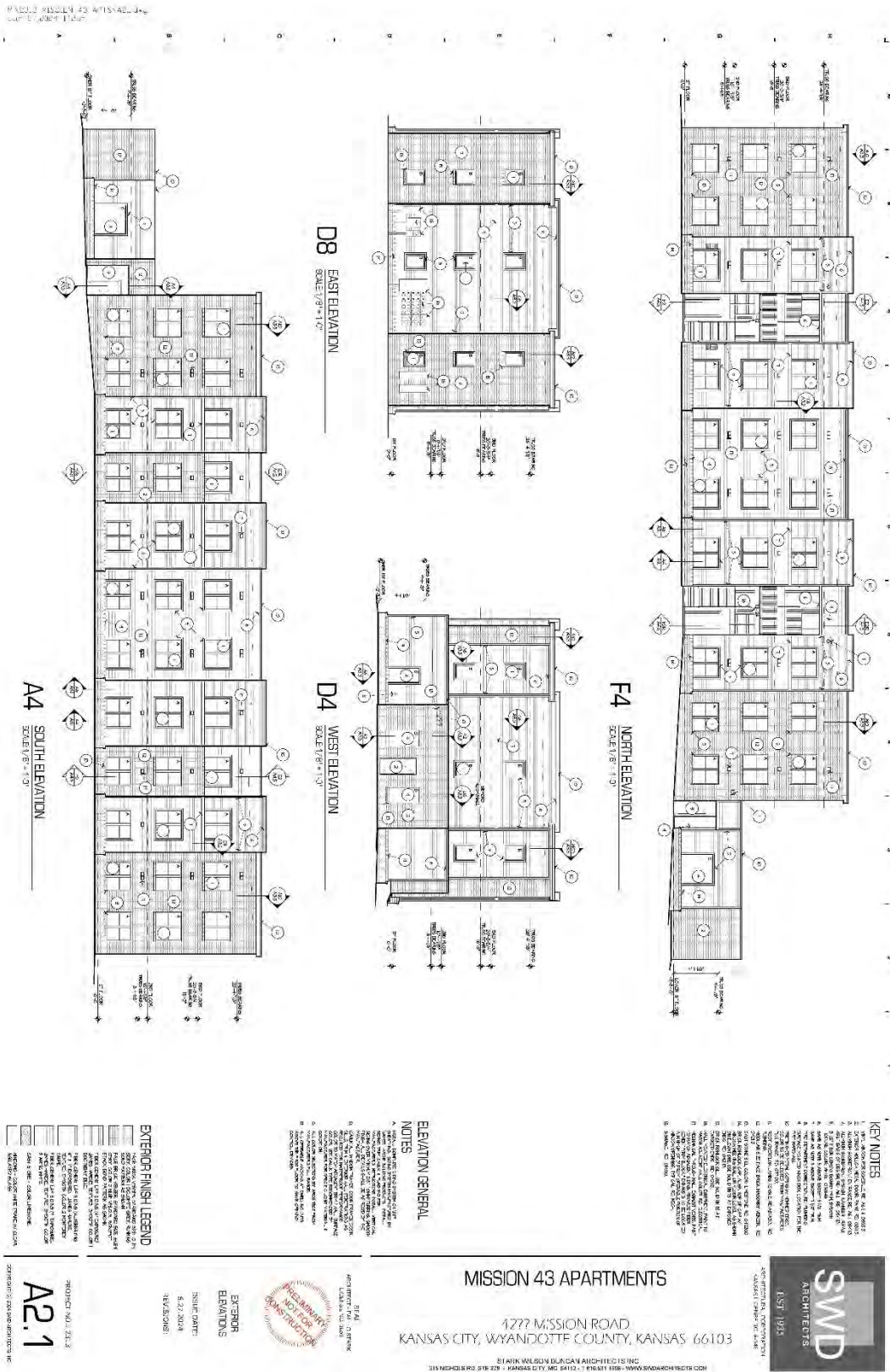
STARR WELDON DUNCAN ARCHITECTS, INC.
319 NICHOLS RD. STE 225 • KANSAS CITY, MO 64112 • 816.631.6669 • WWW.SWDARCHITECTS.COM



31

31

ELEVATIONS

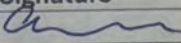
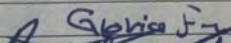
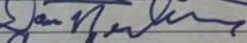
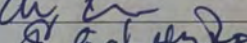
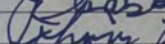
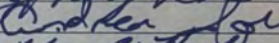
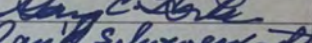
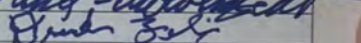


SITE PHOTOS, TAKEN BY STAFF, DATED JULY 2024



PETITION TO THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY KS
IN SUPPORT OF DEVELOPING AFFORDABLE HOUSING IN ROSEDALE
 Date: September 28, 2024

On behalf of Community Housing of Wyandotte County (CHWC), we, the undersigned, petition the City Council of Wyandotte County, KS to address the issue of LACK OF AFFORDABLE HOUSING in Rosedale, KS by voting yes to approve the Traditional Neighborhood Design (TND) Zoning for the Mission 43 development. The development will bring 24 mixed income housing units to an area in need of new affordable housing stock.

	Name	Address	Signature
1	Anthony free	4417 Strong ave KCK 66106	
2	Gloria Franco	309 P. 1477 K. K. 66107	
3	Buller, Del		
4	Sean Schmitt		
5	Daniel Canales	1523 29th AVE S 66102	
6	Shary Tyus	4006 Springfield st 66103	
7	Dan Hughes	3026 So 63rd	
8	Amber Leav		
9	Elizabeth Rose	4313 Booth KCI	
10	Johnny Davis	4127 S Thompson ST.	
11	Andria Johnson	9272 Minnesota Ave.	
12	Kay C. Bortz	4418 Booth K.C. K.	
13	David Schowenicht	4449 Fisher KCH	
14	David Bortz	4452 Bunker	
15			
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	Name	Address	Signature
1	Abdi Hersi	320 South 4th St	
2	Carlos Marcado	1044 Forest Ct	
3	Kevin Stephens	4415 Mission Rd	
4	Monica White	1152 Countyline Rd	
5	Thuy Nguyen	1821 S Gay St	
6	Dora M. Mullan	1855 So Cox St	
7	Jimmy Peters	3170 Woodview Ridge	
8	Kassandra Cruz	1218 W 18th St	
9	Jan Brooks	2133 S. 8th St	
10	Roy Martin	1607 Central 1616	
11	Johnny Reed	912 Woodard Ave	
12	Robert Clary	4319 Francis St	
13	Stephen Zimmer	4131 Adams St.	
14	Danae Yulech	2102 Chester Ct 66106	
15	Edgar J. Perdomo	4602 State Ln 66103	
16	Mukhtar Ali Zada	1016 Forest Court, KC, KS	
17	Nisa G.	1914 W. Lawrence Ct. KS	
18	Damatha M.	4017 S Thompson St	
19	Carol Slinker	2927 S. 9th St KC KS 66103	
20	Darius Evans	1036 Forest Ct	
21	Miguel Villa	1618 Lake Ave	
22	Rebecca Esparza	52 S 18th St - KCKS 66102	
23	SUSIE GARCIA	234 N Mill St - KCKS 66101	
24	John Brown	207 N THORPE ST	
25	Tara Staus	207 N Thorpe St	
26	Stacy Thomas	714 S Cox St	
27	JUDY K. TOLER	21 S. 25th	
28	C. J. Boyas	4027 Metro	
29	Sherrice Kratz	11038 Kaw dr. colwindsville KS	
30	Jullo Rodriguez	4916 Wiley rd	
31	Natasha Robles	2533 S. 18th St KCK	
32	Phyllis Thomas	3365 Woodbine Trl KCK.	
33	I. K.	1210 Anthony Trl	

ROSEDALE
CAMPUS

10

10

To: Kansas City's Planning and Urban Design Department

701 North 7th Street, Suite 423, Kansas City, KS 66101

planninginfo@wycokck.org

Re: Mission 43 Rezoning Request

Dear City Council and Planning Commission,

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Alexander Orellana

Name

2421 S Mill St Kansas City

Neighborhood or Organization

To: Kansas City's Planning and Urban Design Department

701 North 7th Street, Suite 423, Kansas City, KS 66101

planninginfo@wycokck.org

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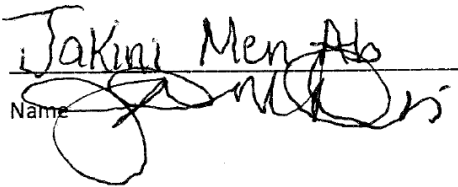
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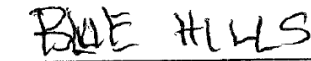
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Elizabeth Cruz

Name

3115 S 7th Terrace KSKS 6610

Neighborhood or Organization

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planninginfo@wycokck.org

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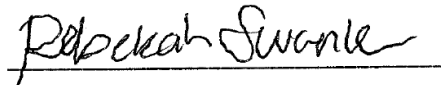
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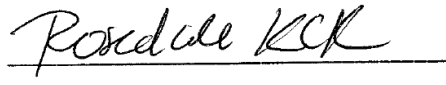
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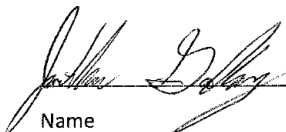
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Claudia Aguilera Nalin

Name

Rosedale

Neighborhood or Organization

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Emily Hane, E.Hane

Name

Missiondale (Rosedale)

Neighborhood or Organization

3121 W. 44th Terrace, KCK 66103

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Ariana Bowers

Name

Rosedale

Neighborhood or Organization

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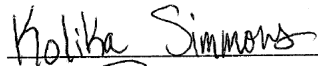
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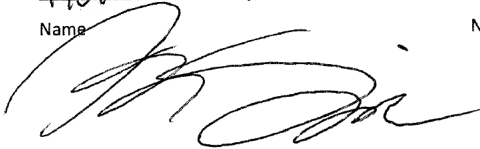
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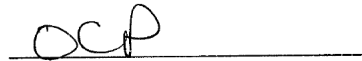
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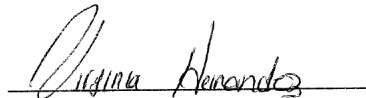
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Name

1148 Country Lane Rd Apt 14
Neighborhood or Organization Kansas City KS 66105

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planninginfo@wycokck.org

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Maribel Agama Villanueva
Name

1104 County Line Apt 24-
Neighborhood or Organization Kansas 66103

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701 North 7th Street, Suite 423, Kansas City, KS 66101

planninginfo@wycokck.org

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Joseph Frogge

Name

Jim Furr
Neighborhood or Organization
Spring Valley (Rosedale)

u

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Name

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Re: Mission 43 Rezoning Request

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I am writing to strongly endorse the Mission 43 project and the rezoning of land at the Northeast corner of 43rd and Mission Road in Rosedale, Kansas City, Kansas, to Traditional Neighborhood Design (TND). This flexible zoning standard is crucial for the project's advancement, aiming to significantly enhance the community's infrastructure, aesthetics, and overall livability.

This project is designed to provide better housing options at a price that people can afford, for people that already live and work in the Rosedale Neighborhood, including entry-level teachers and teacher's aides, bookkeepers, baristas, childcare workers, security guards, cooks and delivery drivers.

The adoption of TND zoning will attract further investment and development in Rosedale and will facilitate the transformation of underutilized land into vibrant, functional spaces that serve the diverse needs of our residents.

This project will boost the local economy and contribute to creating a thriving, dynamic neighborhood.

I urge you to support this rezoning application, which is pivotal for the future growth and prosperity of Rosedale. I am confident that with your support, we can achieve a meaningful and positive impact on our community.

Chris Overfelt
Name

3121 W 44th Ter
KCK 66103
Neighborhood or Organization

To: Kansas City's Planning and Urban Design Department
701 North 7th Street, Suite 423, Kansas City, KS 66101
planninginfo@wycokck.org

Re: Mission 43 Rezoning Request

Dear City Council and Planning Commission,

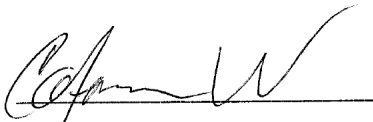
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Name

4021 S Minnies
Neighborhood or Organization ST
KCRS 06/03

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planninginfo@wycokck.org

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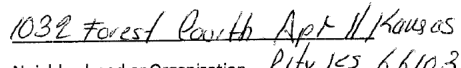
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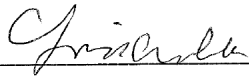
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Name

4027 S mini street
Neighborhood or Organization
KCS 66103

To: Kansas City's Planning and Urban Design Department

701 North 7th Street, Suite 423, Kansas City, KS 66101

planninginfo@wycokck.org

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Lisa Larios
Name

Rosedale
Neighborhood or Organization

To: Kansas City's Planning and Urban Design Department
701 North 7th Street, Suite 423, Kansas City, KS 66101
planninginfo@wycokck.org

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Ebony Kimmins
Name

4404 Booth Street Kansas City KS 66103
Neighborhood or Organization

From: K. S. <kolikalove@gmail.com>
Sent: Friday, October 11, 2024 10:10 AM
To: PlanningInfo <Planninginfo@wycokck.org>
Subject: Re: Mission 43 - Great project!

Last night I went to the Fall festival that was thrown at 43rd and Mission here in Kansas City that was in favor of the mixed income housing project. I can't tell you how thrilled I was to hear about the project, and apparently the first round of local counselors give it a unanimous thumbs up, but it was vetoed at the state level. Word on the street is that people are vehemently against it, and I'm here to tell you that this is vastly untrue.

The thing about angry old bigots is that they have a lot of time on their hands, and that they are the very very loud majority in this neighborhood. I live very close to one of those loud old bigots I can only assume the reason that he's so involved in politics is because we as the collective neighborhood have ostracized him for being so insufferable. Everyone I have spoken to personally has been thrilled about the idea of a small apartment complex going up in that weird eyesore of a lot.

I also want to tell you that I recently came back from Seattle and I saw first hand what it is like to have a city where there is absolutely no affordable housing. The homeless popula there was not necessarily aggressive, but I saw at least twice an entire human [REDACTED] on the sidewalk.

I know it's not the most PC or polite thing to talk about, but I don't know how else to drive home the point that there was an entire shit. I don't think we want that in Kansas City. In fact, I know we don't want that in Kansas City, especially Rosedale.

Affordable housing is how we grow and increasing density is how we make a more diverse and affordable neighborhood. Affordable housing is actually why I came to this neighborhood in the first place, and I am a proud resident of Rosedale because of it. Affordable housing is who we - Rosedale - are.

It is imperative that we move the commissioners of Kansas City and Rosedale to approve this project. I assure you that everyone that is going to be alive and paying taxes for the next 20 years is going to be happy with this. We want to make Kansas City a real City, and you make real cities by giving dense and affordable housing.

Warm regards,

Kolika Simmons



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: October 30, 2024

Re: Change of Zone Petition COZ2024-023

GENERAL INFORMATION

Applicant Information:

Brian Hochstein
MKEC Engineering Inc
11827 West 112th Street, Suite 200
Overland Park, Kansas 66210

Subject Property:

1930 South 74th Street
Kansas City, Kansas 66106

Requested Action and Purpose:

Approval of Change of Zone from R-1
Single Family District to MP-2
Planned General Industrial District
and a Final Plan Review for a storage
lot.

Commission Districts:

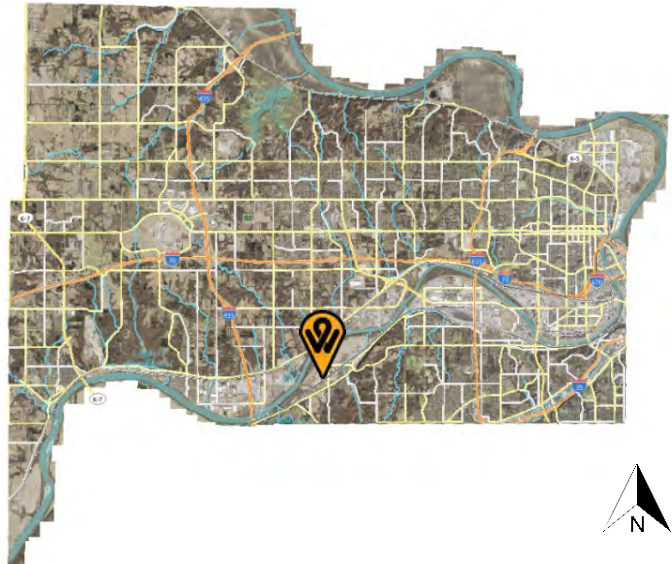
Commissioner At-Large, District #2:
Tom Burroughs
District #6 Commissioner:
Phillip Lopez

Existing Zoning District(s):

R-1 Single Family District

Proposed Zoning District(s):

MP-2 Planned General Industrial
District



	Adjacent Zoning	Adjacent Uses
North	MP-2 Planned General Industrial District and R-1 Single Family District	Industrial Businesses
South	M-3 Heavy Industrial District	Railway Buildings
East	MP-2 Planned General Industrial District and R-1 Single Family District	Animal Feed Store
West	R-1 Single Family District	Johnson County Water District No. 1

Total Tract Size: 21.84 Acres

Comprehensive Plan Area: PlanKCK Comprehensive Plan

Comprehensive Plan Designation: The PlanKCK Comprehensive Plan designates the subject property as Industrial, which allows 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 South 74th Street as a Local Street.

Parking Requirement: Section 27-469(e) states that “In no case, however, shall no less than one space for each 500 square feet of building area be provided.

Landscaping Requirement: Section 27-469(g) states “Trees are required to be provided at not less than one (1) per 10,000 square feet of site area. Six-foot high architectural screening in combination with a buffer area is to be provided alongside and rear property lines common to or across an alley from residentially zoned property”.

There are 21.84 acres of land, which requires 95 trees to be provided on site. There was no landscape plan provided, so staff cannot determine if the requirement has been met.

Advertisement:	<u>The Wyandotte Echo</u> – July 18, 2024 <u>Letters to Property Owners</u> – July 19, 2024 and September 7, 2024
Public Hearings:	August 12, 2024, August 29, 2024, October 14, 2024, and October 30, 2024.
Public Support:	None to date.
Public Opposition:	Two (2) people appeared at the October 14, 2024, City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Brian Hochstein with MKEC Engineering Inc, is requesting a Change of Zone from R-1 Single Family District to MP-2 Planned General Industrial District and a Final Plan Review for a new laydown and storage yard at 1930 South 74th Street.

City Ordinance Requirements: Article VIII Sections 27-340 – 27-765, Article VII Sections 27-245 – 27-339, Article VI Section 27-210 through 212 and all other applicable standards within Chapter 27.

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 have been notices of violation on the subject property, including an active notice for tall grass and weeds.
 - a. 2024 – ABT24-1270 – Abatement – Tall Grass and Weeds
 - b. 2021 – BSR21-0047 – Stop Work Order – Grading without a Permit

Outstanding or Related Permit and Cases:

1. Aside from the aforementioned Abatement Notice, there are no additional related permits or cases on the subject property.

Previous Planning Actions:

1. Approval of a Special Use Permit (SP2021-057) for two (2) years in 2021 for grading and site preparation.

FACTORS TO BE CONSIDERED

1. *The Character of the Neighborhood.*

The subject property is within the Morris Statistical Neighborhood and is not within a Neighborhood Group. The neighborhood features industrial properties, although the zoning districts of such properties are not all industrially zoned; some neighboring parcels are zoned R-1 Single Family District.

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

The subject property is zoned R-1 Single Family District, which does not allow for many uses that are compatible with the surrounding industrial uses, save for a railroad lead right-of-way. This change of zone to an industrial district, however, will be compatible with other nearby properties.

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

The property is in the AE Floodplain Zone, which prohibits outdoor storage. The applicant will need to provide a Letter of Map Amendment from FEMA to demonstrate that the property has been risen out of the floodplain. Additionally, the proposed plan will need to be revised to provide paved drive aisles on site.

4. *The length of time the property has remained vacant as zoned and/or the length of time the property has been actively marketed.*

The property is currently undeveloped, however, and appears to be used for the proposed use without the proper permits.

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

The proposed use is not reasonably necessary for the convenience and welfare of the public as it is a private use for a private business. The use, with upgraded screening and an updated plan, is not expected to damage 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 would increase the amount of traffic, as it is a storage lot for trailers and potentially other equipment. It is not expected, however, that the proposed use will exceed the capacity of South 74th 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 Industrial, which allows 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 proposed use conforms to the Comprehensive Plan.

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

The proposed use has the potential to harm the environment, as the use currently exists within the floodplain zone AE, which prohibits outdoor storage. The applicant is also expanding the amount of impervious surface, which may exacerbate any potential issues. With revisions, as well as a letter of map amendment, however, the use's impact may be limited.

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

a. *Electric and Water Service*

BPU provides electric and water service.

b. *Sanitary Sewer Service*

There is no sanitary sewer service to the subject property.

c. *Storm Water Control*

There is no storm water control on the subject property.

d. *Police*

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

e. *Fire*

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

f. Transit

There is no public transit service to the subject property.

g. Schools

Public Education is provided by Oak Grove Elementary School, Turner Middle School, and Turner High School, under Turner USD 202.

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

The economic impact of the proposed use is minimal, as it serves as storage for a pre-existing business.

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

The proposed use currently is not capable of meeting applicable ordinance requirements. The proposed site plan needs to be revised to show paved drive aisles. Additionally, civil plans and landscape plans needs to be provided as well as a Letter of Map Amendment from FEMA.

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

The relative gain to public health, safety, and welfare is minimal. If denied, the applicant would not be able to utilize the property for the proposed use or any industrial use.

NEIGHBORHOOD MEETING INFORMATION

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

KEY ISSUES

Civil Plan
Landscape Plan
Letter of Map Amendment from FEMA
Sidewalk
Site Paving
Site Plan

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 1 to recommend **APPROVAL** of Change of Zone Application COZ2024-023, subject to:

1. Drive aisles must be paved with asphalt or concrete;
2. The areas around the cul-de-sac on property may not be used for storage, unless millings are placed around the cul-de-sac;
3. No storage shall occur in areas not raised out of the floodplain;
4. The fencing shall be upgraded to floodplain compliant standards;
5. A sidewalk shall be provided along the South 74th Street frontage. This may be delayed until adjoining sidewalks are constructed;
6. Landscaping shall be provided along the eastern and western property lines, in addition to whereas shown on the landscape plan. A revised landscape plan shall be provided prior to publication of the ordinance;
7. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
8. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
9. 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;
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. Their office is located at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102. Their contact information is (913) 573-8780 or businesslicense@wycokck.org;
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. 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;

15. A Right-of-Way Permit is required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
16. Section 27-699(b)(5) states that all outside bins or trash container areas must be completely enclosed by an architectural screen to a height not less than the height of the bin or container. No trash enclosures may be located in required yards adjacent to street right-of-way. In commercially and industrially zoned areas where the trash container will not be visible from off the property due to other screening or topographic conditions and will not be visible from public parking or pedestrian areas on the site, such trash bin screening need not be provided. In industrially zoned areas where the trash container will not be visible from residential property and where such containers are kept directly alongside the building and in a well-kept manner, such screening need not be provided;
17. 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,
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.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION AND CONDITIONS

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **COZ2024-023** subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

October 14, 2024, City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Neighborhood Meeting Materials
Site Plan
Landscape Plan
Site Photos, Taken by Staff, Dated July 2024

PUBLIC HEARING SCHEDULE

Action(s)	City Planning Commission	Unified Government Board of Commissioners
Change of Zone	August 12, 2024 (Approved) October 14, 2024 Approval	August 29, 2024 (Remanded to CPC) October 30, 2024

STAFF CONTACT:

James Molloy
jmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2024-023** as meeting all the requirements of the city code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **COZ2024-023**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

October 14, 2024, City Planning Commission Minutes:

Hearing starts at 40:00:

CHANGE OF ZONE APPLICATION COZ2024-023 – BRIAN HOCHSTEIN–

SYNOPSIS: Change of Zone from R-1 Single Family District to MP-2 Planned General Industrial District for outdoor storage at 1930 South 74th Street. Detailed Outline of Requested Action: The applicant, Brian Hochstein with MKEC Engineering Inc., is requesting a Change of Zone from R-1 Single Family District to MP-2 Planned General Industrial District and a Final Plan Review for a new laydown and storage yard at 1930 South 74th 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 October 14, 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.

Planner Molloy asked if the Commission had any contact to disclose on this application. No one responded in the affirmative.

Present in Support:

- Brian Hochstein, applicant, MKEC Engineering Inc., 11827 West 112th Street, Suite 200, Overland Park, Kansas 66210

Questions were directed to the Applicant and Staff.

Present in Opposition:

- Sheila Bunnell, 7028 Berry Road, Kansas City, Kansas 66106
- Karen Schibi, 3101 South 54th Street, Kansas City, Kansas

Staff Recommendation starts at 55:51: Planning Director Hand stated that this case was heard in conjunction with Plan Review PR2024-018 before it was remanded, which was ultimately approved by the City Planning Commission. The request is to change the zoning from R-1 Single Family District to MP-2 Planned General Industrial District. He

stated with the planned zoning, any other project that was proposed in the future would be required to file a preliminary and final plan review. The property is in the PlanKCK area in the Turner/Morris neighborhood. Staff received no letters in support and there has been opposition. There were Notices of Violation on this site related to the trailers parked inside the fence and that is what triggered this Change of Zone Application. The last person that spoke in opposition mentioned another address and Code Enforcement is checking into that situation. This parcel has been industrial for decades. This area has never had an Area Plan and has fallen under the Comprehensive Plan. Most of the industrial zoning in this area is between the railroad tracks and Holliday Drive. Most of the rezoning that has occurred matches the land use that already exists approximate to Holliday. He stated in response to one of the land use designation questions from the opposition, outside storage requires an industrial zoning designation. Staff recommends approved, subject to the conditions in the staff report.

Motion starts at 59:05:

On motion by Ms. Easterwood, seconded by Mrs. Jones, the Planning Commission voted as follows to recommend **APPROVAL of Change of Zone Application COZ2024-023:**

Carson	Chairman
Mohler	Aye
Schwartz	Aye
Straws	Not Present
Ward	Aye
Armstrong	Aye
Beth	Aye
Easterwood	Aye
Ernst	No
Jones	Aye
Miller	Aye

Motion to recommend APPROVAL Passed: 8 to 1

Subject to:

- 1. Drive aisles must be paved with asphalt or concrete;**
- 2. The areas around the cul-de-sac on property may not be used for storage, unless millings are placed around the cul-de-sac;**
- 3. No storage shall occur in areas not raised out of the floodplain;**
- 4. The fencing shall be upgraded to floodplain compliant standards;**
- 5. A sidewalk shall be provided along the South 74th Street frontage. This may be delayed until adjoining sidewalks are constructed;**
- 6. Landscaping shall be provided along the eastern and western property lines, in addition to whereas shown on the landscape plan. A revised landscape plan shall be provided prior to publication of the ordinance;**
- 7. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building**

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

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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. Their office is located at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102. Their contact information is (913) 573-8780 or businesslicense@wycokck.org;
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. 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;
15. A Right-of-Way Permit is required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
16. Section 27-699(b)(5) states that all outside bins or trash container areas must be completely enclosed by an architectural screen to a height not less than the height of the bin or container. No trash enclosures may be located in required yards adjacent to street right-of-way. In commercially and industrially zoned areas where the trash container will not be visible from

off the property due to other screening or topographic conditions and will not be visible from public parking or pedestrian areas on the site, such trash bin screening need not be provided. In industrially zoned areas where the trash container will not be visible from residential property and where such containers are kept directly alongside the building and in a well-kept manner, such screening need not be provided;

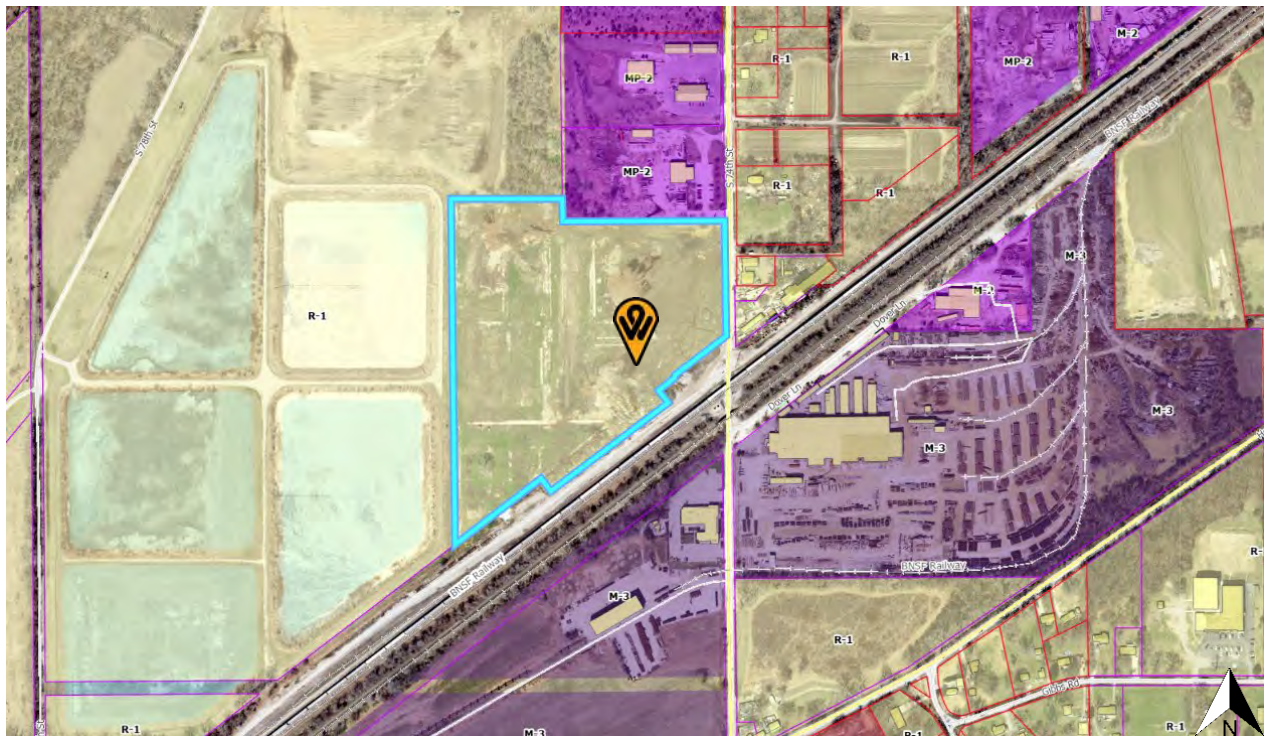
17. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty 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,
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.

ATTACHMENTS

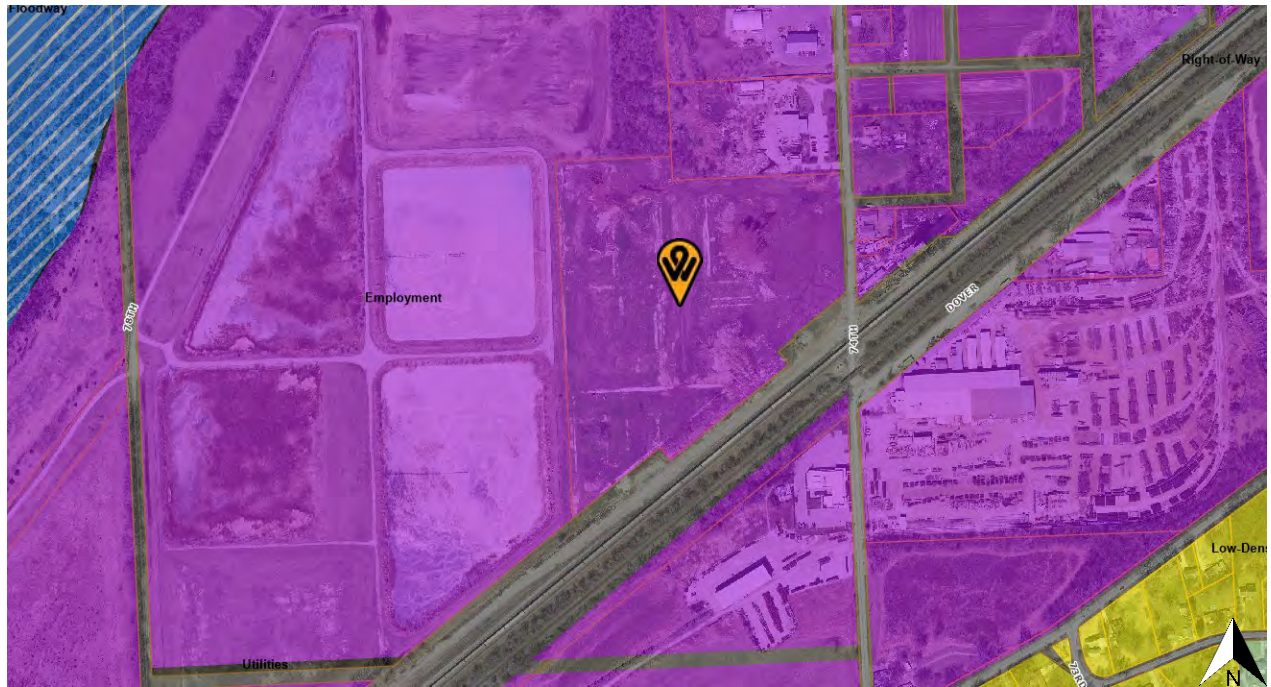
AERIAL IMAGERY



ZONING MAP



LAND USE MAP



NEIGHBORHOOD MEETING MATERIALS

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
COUNTY OF Johnson) SS:

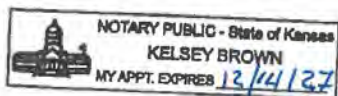
Comes now Brian J. Hochstein, of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition # CO2024-023, PR2024-018.
2. That I conducted a neighborhood meeting on 07/29/2024.
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.

Brian J. Hochstein
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 31 day of July, 2002 2024
My commission expires Dec of 14, 2002 2027



K. Brown
Notary Public

Application Number: COZ2024-023, PR2024-018

Date and Location: Held Virtually at 7:00pm on Monday July 29th, 2024.

Meeting called to order at: Session opened at 6:58pm, order at 7:01pm.

Names of people in attendance: No registrants, no attendees.

Introduction: Brian Hochstein, MKEC Engineering, Inc.

MKEC noted that there were no registrants or attendees. We created a video recording of the session noting what would have been discussed with neighbors. We noted the time at approximately 7:10pm, 7:20pm and 7:30pm to give any late attendees an opportunity to join. No one joined. The virtual meeting was closed at 7:30pm.

Questions and answers (include the following):

- No Questions
- No Answers

Meeting adjourned at: 7:30 pm

Minutes taken by: Brian Hochstein, MKEC Engineering, Inc.



Date: July 11, 2024

Property Neighbor

SUBJECT: Neighborhood Meeting

An application has been filed with the Unified Government Planning + Urban Design Department, Case #COZ2024-023. The purpose of this is for the change of Zone from R-1 Single Family District to MP-2 Planned General Industrial District for outdoor storage.

The property address is: 1930 S 74th Street, Kansas City, KS 66106

A virtual neighborhood meeting will be held on **Monday, July 29th at 7p.m.** through GoToMeeting. Residents will need to register for the meeting prior to the meeting through the following link:

https://www.mkec.com/1930_S_74th_Street

From there you will be provided with an invitation to participate in the virtual meeting.

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,

A handwritten signature in black ink, appearing to read "B. Hochstein".

Brian Hochstein, PLA

MKEC Engineering, Inc
913-317-9390
bhochstein@mkec.com

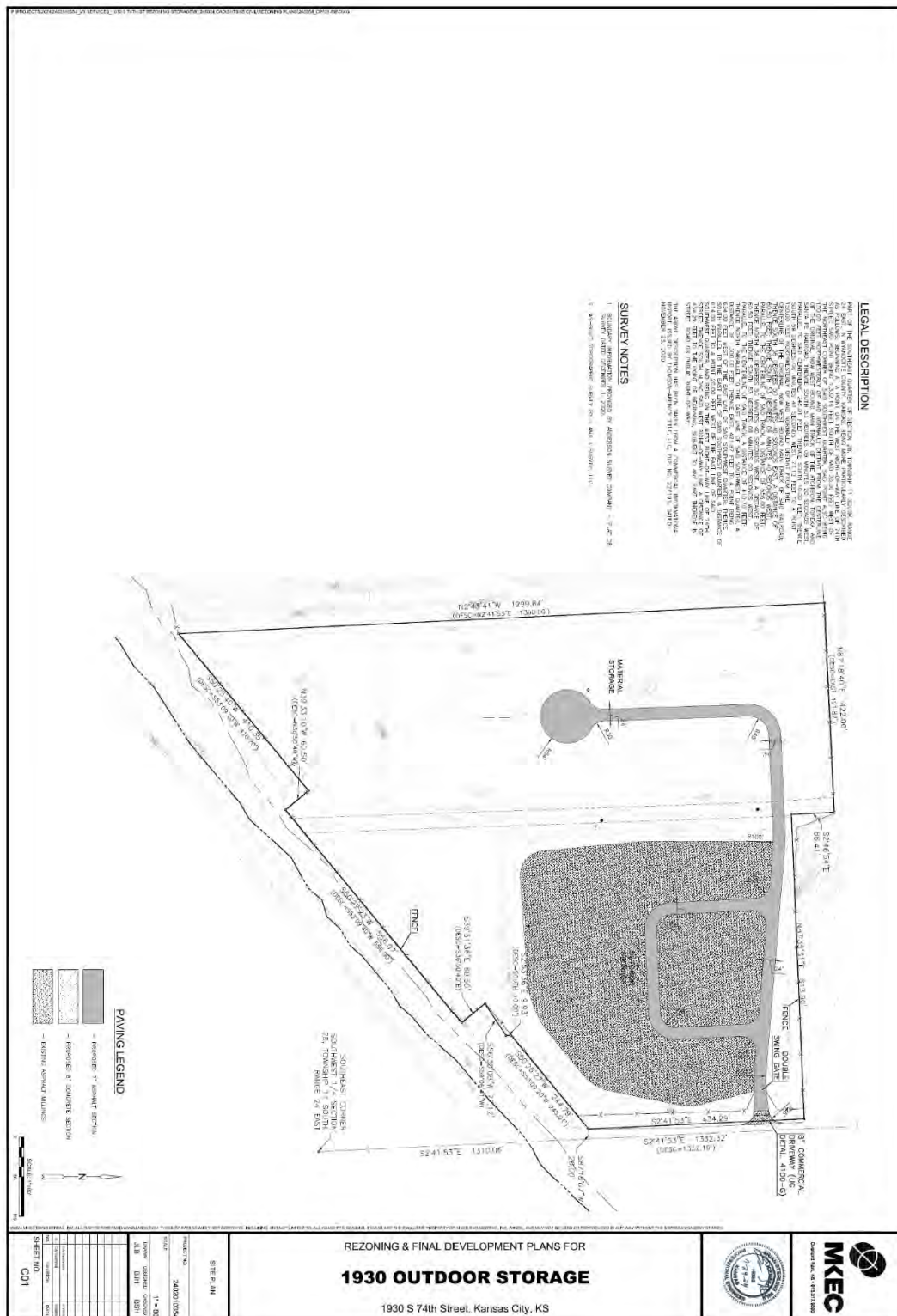
11827 W. 112th St., Ste. 200 • Overland Park, KS 66210 • T 913.317.9390 • F 913.317.9385 • MKEC.COM



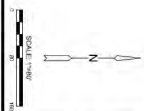
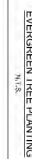
CO2024-023

October 30, 2024

19



CO2024-023

[illegible][illegible]

SHEET NO.	L01
DATE	
DRAWN BY	
CHECKED BY	
DESIGNED BY	
PROJECT NO.	ZM221000-04
TITLE	LANDSCAPE PLAN
SCALE	1" = 80'
NORTH ARROW	BSEH

REZONING & FINAL DEVELOPMENT PLANS FOR
1930 OUTDOOR STORAGE
 1930 S 74th Street, Kansas City, KS



MKEC
Engineering Inc.
1214 N. 1st St., Suite 200
Kansas City, MO 64108

LETTER OF MAP REVISIONS

Page 1 of 3	Date: November 28, 2023	Case No.: 24-07-0047A	LOMR-F
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Federal Emergency Management Agency

Washington, D.C. 20472

LETTER OF MAP REVISION BASED ON FILL DETERMINATION DOCUMENT (REMOVAL)

COMMUNITY AND MAP PANEL INFORMATION		LEGAL PROPERTY DESCRIPTION
COMMUNITY	CITY OF KANSAS CITY, WYANDOTTE COUNTY, KANSAS	A portion of Section 28, Township 11 South, Range 24 East, as described in the Statutory Warranty Deed recorded as Document No. 2022R-08062, in the Office of the Register of Deeds, Wyandotte County, Kansas The portion of property is more particularly described by the following metes and bounds:
	COMMUNITY NO.: 200363	
AFFECTED MAP PANEL	NUMBER: 20209C0134E; 20209C0145E	
	DATE: 9/2/2015; 9/2/2015	
FLOODING SOURCE: KANSAS RIVER		APPROXIMATE LATITUDE & LONGITUDE OF PROPERTY: 39.062387, -94.754100 SOURCE OF LAT & LONG: LOMA LOGIC DATUM: NAD 83

DETERMINATION

LOT	BLOCK/ SECTION	SUBDIVISION	STREET	OUTCOME WHAT IS REMOVED FROM THE SFHA	FLOOD ZONE	1% ANNUAL CHANCE FLOOD ELEVATION (NAVD 88)	LOWEST ADJACENT GRADE ELEVATION (NAVD 88)	LOWEST LOT ELEVATION (NAVD 88)
--	--	--	1930 South 74th Street	Portion of Property (Tract 1)	X (shaded)	--	--	766.2 feet

Special Flood Hazard Area (SFHA) - The SFHA is an area that would be inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood).

ADDITIONAL CONSIDERATIONS (Please refer to the appropriate section on Attachment 1 for the additional considerations listed below.)

LEGAL PROPERTY DESCRIPTION DETERMINATION TABLE (CONTINUED) FILL RECOMMENDATION	PORTIONS REMAIN IN THE SFHA STATE LOCAL CONSIDERATIONS
--	---

This document provides the Federal Emergency Management Agency's determination regarding a request for a Letter of Map Revision based on Fill for the property described above. Using the information submitted and the effective National Flood Insurance Program (NFIP) map, we have determined that the described portion(s) of the property(ies) is/are not located in the SFHA, an area inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood). This document revises the effective NFIP map to remove the subject property from the SFHA located on the effective NFIP map; therefore, the Federal mandatory flood insurance requirement does not apply. However, the lender has the option to continue the flood insurance requirement to protect its financial risk on the loan.

This determination is based on the flood data presently available. The enclosed documents provide additional information regarding this determination. If you have any questions about this document, please contact the FEMA Mapping and Insurance eXchange (FMIX) toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, LOMC Clearinghouse, 3601 Eisenhower Avenue, Suite 500, Alexandria, VA 22304-6426.



Patrick "Rick" F. Sacibit, P.E., Branch Chief
Engineering Services Branch
Federal Insurance and Mitigation Administration



Federal Emergency Management Agency

Washington, D.C. 20472

LETTER OF MAP REVISION BASED ON FILL DETERMINATION DOCUMENT (REMOVAL)

ATTACHMENT 1 (ADDITIONAL CONSIDERATIONS)

LEGAL PROPERTY DESCRIPTION (CONTINUED)

TRACT 1:

COMMENCING AT THE NORTHEAST CORNER OF SAID SOUTHEAST 1/4; THENCE SOUTH 2°-41'-53" EAST ALONG THE EAST LINE OF SAID SOUTHEAST 1/4, A DISTANCE OF 921.73 FEET; THENCE SOUTH 87°-35'-31" WEST, A DISTANCE OF 20.00 FEET TO A POINT ON THE WEST RIGHT OF WAYLINE OF SOUTH 74TH STREET, AS NOW ESTABLISHED AND THE POINT OF BEGINNING OF THE TRACT OF LAND TO BE HEREIN DESCRIBED; THENCE SOUTH 2°-41'-53" EAST ALONG SAID WESTRIGHT OF WAY LINE, A DISTANCE OF 78.44 FEET; THENCE SOUTH 49°-30'-25" WEST, A DISTANCE OF 36.45 FEET; THENCE SOUTH 1°-30'-24" EAST, A DISTANCE OF 268.09 FEET; THENCE SOUTH 28°-39'-22" WEST, A DISTANCE OF 88.36 FEET; THENCE SOUTH 52°-01'-03" WEST, A DISTANCE OF 194.94 FEET; THENCE SOUTH 89°-23'-16" WEST, A DISTANCE OF 236.20 FEET; THENCE NORTH 27°-38'-16" WEST, A DISTANCE OF 19.17 FEET; THENCE NORTH 81°-42'-07" WEST, A DISTANCE OF 81.19 FEET; THENCE NORTH 33°-48'-29" WEST, A DISTANCE OF 29.62 FEET; THENCE NORTH 1°-48'-33" WEST, A DISTANCE OF 118.66 FEET; THENCE NORTH 5°-57'-28" EAST, A DISTANCE OF 75.54 FEET; THENCE NORTH 2°-34'-49" WEST, A DISTANCE OF 58.76 FEET; THENCE NORTH 12°-23'-34" EAST, A DISTANCE OF 47.38 FEET; THENCE NORTH 0°-06'-18" WEST, A DISTANCE OF 141.16 FEET; THENCE NORTH 63°-30'-22" EAST, A DISTANCE OF 16.69 FEET; THENCE NORTH 3°-00'-42" EAST, A DISTANCE OF 8.87 FEET; THENCE NORTH 80°-06'-09" WEST, A DISTANCE OF 60.47 FEET; THENCE NORTH 13°-43'-26" WEST, A DISTANCE OF 31.52 FEET; THENCE NORTH 49°-45'-13" EAST, A DISTANCE OF 12.19 FEET; THENCE SOUTH 79°-54'-05" EAST, A DISTANCE OF 39.35 FEET; THENCE NORTH 83°-18'-42" EAST, A DISTANCE OF 257.04 FEET; THENCE NORTH 87°-35'-31" EAST, A DISTANCE OF 281.23 FEET; THENCE SOUTH 50°-09'-55" WEST, A DISTANCE OF 12.45 FEET; THENCE SOUTH 53°-23'-01" EAST, A DISTANCE OF 25.47 FEET TO THE POINT OF BEGINNING

Tract 2:

COMMENCING AT THE NORTHEAST CORNER OF SAID SOUTHEAST 1/4; THENCE SOUTH 2°-41'-53" EAST ALONG THE EAST LINE OF SAID SOUTHEAST 1/4, A DISTANCE OF 898.13 FEET; THENCE SOUTH 87°-35'-31" WEST, A DISTANCE OF 20.00 FEET TO THE WEST RIGHT OF WAY LINE OF SOUTH 74TH STREET, AS NOW ESTABLISHED; THENCE CONTINUING SOUTH 87°-35'-31" WEST, A DISTANCE OF 613.90 FEET TO THE POINT OF BEGINNING OF THE TRACT OF LAND TO BE HEREIN DESCRIBED; THENCE SOUTH 40°-49'-00" WEST, A DISTANCE OF 21.18 FEET; THENCE SOUTH 17°-32'-25" WEST, A DISTANCE OF 72.68 FEET; THENCE SOUTH 0°-16'-33" EAST, A DISTANCE OF 88.29 FEET; THENCE SOUTH 7°-41'-11" WEST, A DISTANCE OF 120.40 FEET; THENCE SOUTH 0°-26'-17" WEST, A DISTANCE OF 88.45 FEET; THENCE SOUTH 1°-13'-02" EAST, A DISTANCE OF 185.32 FEET; THENCE SOUTH 0°-00'-02" EAST, A DISTANCE OF 221.02 FEET; THENCE SOUTH 45°-07'-03" WEST, A DISTANCE OF 30.81 FEET; THENCE SOUTH 83°-54'-18" WEST, A DISTANCE OF 112.50 FEET; THENCE NORTH 87°-24'-57" WEST, A DISTANCE OF 96.49 FEET; THENCE SOUTH 82°-46'-39" WEST, A DISTANCE OF 35.16 FEET; THENCE NORTH 4°-09'-29" EAST, A DISTANCE OF 19.26 FEET; THENCE NORTH 39°-51'-15" WEST, A DISTANCE OF 20.22 FEET; THENCE NORTH 2°-24'-25" WEST, A DISTANCE OF 152.36 FEET; THENCE NORTH 7°-25'-38" WEST, A DISTANCE OF 153.21 FEET; THENCE NORTH 5°-44'-08" WEST, A DISTANCE OF 73.28 FEET; THENCE NORTH 50°-05'-55" EAST, A DISTANCE OF 18.83 FEET; THENCE NORTH 0°-00'-56" EAST, A DISTANCE OF 62.64 FEET; THENCE NORTH 0°-29'-05" WEST, A DISTANCE OF 51.63 FEET; THENCE NORTH 15°-07'-10" WEST, A DISTANCE OF 29.64 FEET; THENCE NORTH 89°-50'-08" WEST, A DISTANCE OF 14.22 FEET; THENCE NORTH 9°-55'-02" WEST, A DISTANCE OF 79.70 FEET; THENCE NORTH 3°-49'-08" WEST, A DISTANCE OF 54.33 FEET; THENCE NORTH 6°-06'-46" WEST, A DISTANCE OF 92.93 FEET; THENCE NORTH 7°-51'-23" WEST, A DISTANCE OF 73.84 FEET; THENCE NORTH 48°-35'-05"

This attachment provides additional information regarding this request. If you have any questions about this attachment, please contact the FEMA Mapping and Insurance eXchange (FMIX) toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, LOMC Clearinghouse, 3601 Eisenhower Avenue, Suite 500, Alexandria, VA 22304-6426.

Patrick "Rick" F. Sacbibit, P.E., Branch Chief
Engineering Services Branch
Federal Insurance and Mitigation Administration



Federal Emergency Management Agency

Washington, D.C. 20472

LETTER OF MAP REVISION BASED ON FILL DETERMINATION DOCUMENT (REMOVAL)

ATTACHMENT 1 (ADDITIONAL CONSIDERATIONS)

EAST, A DISTANCE OF 26.54 FEET; THENCE NORTH 85°-17'-16" EAST, A DISTANCE OF 206.69 FEET; THENCE NORTH 87°-18'-40" EAST, A DISTANCE OF 44.06 FEET; THENCE SOUTH 84°-51'-16" EAST, A DISTANCE OF 77.28 FEET; THENCE SOUTH 33°-07'-40" EAST, A DISTANCE OF 60.22 FEET; THENCE SOUTH 78°-01'-50" EAST, A DISTANCE OF 23.33 FEET; THENCE SOUTH 2°-46'-54" EAST, A DISTANCE OF 18.06 FEET TO THE POINT OF BEGINNING

DETERMINATION TABLE (CONTINUED)

LOT	BLOCK/ SECTION	SUBDIVISION	STREET	OUTCOME WHAT IS REMOVED FROM THE SFHA	FLOOD ZONE	1% ANNUAL CHANCE FLOOD ELEVATION (NAVD 88)	LOWEST ADJACENT GRADE ELEVATION (NAVD 88)	LOWEST LOT ELEVATION (NAVD 88)
--	--	--	1930 South 74th Street	Portion of Property (Tract 2)	X (shaded)	--	--	766.2 feet

FILL RECOMMENDATION (This Additional Consideration applies to the preceding 2 Properties.)

The minimum NFIP criteria for removal of the subject area based on fill have been met for this request and the community in which the property is located has certified that the area and any subsequent structure(s) built on the filled area are reasonably safe from flooding. FEMA's Technical Bulletin 10-01 provides guidance for the construction of buildings on land elevated above the base flood elevation through the placement of fill. A copy of Technical Bulletin 10-01 can be obtained by calling the FEMA Mapping and Insurance eXchange toll free at (877) 336-2627 (877-FEMA MAP) or from our web site at <https://www.fema.gov/emergency-managers/risk-management/building-science/national-flood-insurance-technical-bulletins>. Although the minimum NFIP standards no longer apply to this area, some communities may have floodplain management regulations that are more restrictive and may continue to enforce some or all of their requirements in areas outside the Special Flood Hazard Area.

PORTIONS OF THE PROPERTY REMAIN IN THE SFHA (This Additional Consideration applies to the preceding 2 Properties.)

Portions of this property, but not the subject of the Determination/Comment document, may remain in the Special Flood Hazard Area. Therefore, any future construction or substantial improvement on the property remains subject to Federal, State/Commonwealth, and local regulations for floodplain management.

STATE AND LOCAL CONSIDERATIONS (This Additional Consideration applies to all properties in the LOMR-F DETERMINATION DOCUMENT (REMOVAL))

Please note that this document does not override or supersede any State or local procedural or substantive provisions which may apply to floodplain management requirements associated with amendments to State or local floodplain zoning ordinances, maps, or State or local procedures adopted under the National Flood Insurance Program.

This attachment provides additional information regarding this request. If you have any questions about this attachment, please contact the FEMA Mapping and Insurance eXchange (FMIX) toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, LOMC Clearinghouse, 3601 Eisenhower Avenue, Suite 500, Alexandria, VA 22304-6426.

Patrick "Rick" F. Sacbibit, P.E., Branch Chief
Engineering Services Branch
Federal Insurance and Mitigation Administration

SITE PHOTOS, TAKEN BY STAFF, DATED JULY 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: October 30, 2024

Re: Special Use Permit Petition SP2024-047

GENERAL INFORMATION

Applicant Information:

Selena Umana
Representative
The Red Circle, LLC
6000 Leavenworth Road, Suite M
Kansas City, Kansas 66104

Subject Property:

6000 Leavenworth Road
Kansas City, Kansas 66104

Requested Action and Purpose:

Approval of a Special Use Permit to
operate an event center with live
entertainment.

Commission Districts:

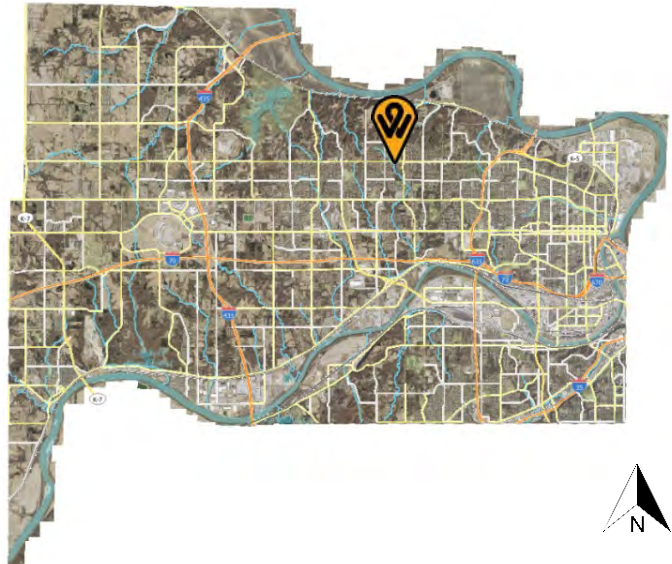
Commissioner At-Large, District #1:
Melissa Bynum
District #8 Commissioner:
Andrew Davis

Existing Zoning District(s):

CP-1 Planned Limited Business
District

Plan Area:

PlanKCK Comprehensive Plan



	Adjacent Zoning	Adjacent Uses
North	CP-1 Planned Limited Business District	Single-Family Homes
South	CP-1 Planned Limited Business District	Strip Center
East	CP-1 Planned Limited Business District	Vacant Commercial Lot
West	CP-1 Planned Limited Business District	Apartments

Total Tract Size: 1.14 Acres

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.

Major Street Plan: The goDotte Mobility Plan designates Leavenworth Road as a Minor Arterial.

Parking Requirement: Sec 27-464(e) states “uses in this district require paved off-street parking spaces at a ratio of not less than four spaces per 1,000 square feet of floor area in the building”.

The structure is 9,512 square feet, which requires 38 spaces. The property only provides 10 parking spaces, a deficit of 28 spaces. A variance or parking agreement is required.

Landscaping Requirement: Section 27-464(g) states “Trees are required at not less than one per 7,000 square feet of site area. Six-foot high architectural or landscape screening is to be provided along all side and rear property lines common to or across an alley from residentially zoned property”.

The property is 1.14 acres, which requires 8 trees to be planted. There are currently no trees provided on the site. 8 trees shall be planted on-site.

Advertisement:	<u>The Wyandotte Echo</u> – July 18, 2024 <u>Letters to Property Owners</u> – July 19, 2024 and September 7, 2024
Public Hearing:	August 12, 2024, August 29, 2024, and October 14, 2024
Public Support:	None to date.
Public Opposition:	No one appeared at the October 14, 2024, City Planning Commission Meeting. We received letters from the Leavenworth Road Association + members in opposition (attached).

PROPOSAL

Detailed Outline of Requested Action: The applicant, Selena Umana with The Red Circle LLC, is requesting a Special Use Permit for an event space with live entertainment at 6000 Leavenworth Road.

City Ordinance Requirements: 27-592 through 27-606 and 27-214 and all other applicable standards within Chapter 27.

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 have been seven (7) Notices of Violation on the property between 2006 and 2024.
 - a. 2022 – ABT22-1457 – Abatement – Weeds and Trash
 - b. 2020 – 20225-02230 – Abatement – Weeds and Junk
 - c. 2020 – 20200-00503 – Environment – Overflowing Dumpster
 - d. 2019 – 19225-02948 – Abatement – Grass and Weeds
 - e. 2017 – 17395-00251 – Stop Work Order – Unpermitted Construction
 - f. 2014 – 14201-00086 – Structural – Pot Holes
 - g. 2010 – 10200-02005 – Environment – Pot Holes
 - h. 2006 – 06220-00965 – Graffiti

Outstanding or Related Permit and Cases:

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

Previous Planning Actions:

1. There are no previous planning entitlements on the subject property.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The subject property is located within the Bethel-Welborn Statistical Neighborhood, The Field of Dreams Neighborhood Group, and the Leavenworth Road Association. The neighborhood consists of a mix of smaller-scale commercial uses, drive-through commercial uses, as well as a mix single-family residences and multi-family. The property is located along the Leavenworth Road corridor a mixed-use corridor, which spans from Western Wyandotte County to Northeast KCK.

2. The zoning and uses of properties nearby and the proposed use's expected compatibility with them. In general, commercial and industrial Special Use Permits should not be granted adjacent to residential districts.

The zoning and uses are set out above. The subject property is surrounded by the CP-1 Planned Limited Business District as well as the R-1 Single-Family and RP-5 Planned Apartment District. While the use is directly surrounded by small-scale commercial businesses, there are also single-family residences within earshot of this proposed use, which may create conflicts if not properly addressed.

3. The suitability of the property for the uses to which it has been restricted. Will the removal of restrictions, including those for hours of operation (where applicable), detrimentally affect nearby property?

The proposed use is suitable for the subject property, however, if not managed properly, issues such as noise and illumination may impact nearby residences. The removal of restrictions will not detrimentally affect nearby property as long as all conditions of approval are adhered to.

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

The property has been vacant for roughly three (3) years.

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

Special Use Permits are not addressed in the PlanKCK Comprehensive Plan. 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. The proposed use conforms 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 increase vehicular traffic, as the property, which used to be a bank, is being converted into an event space, which will see a greater number of vehicles at once, rather than spread throughout a day. It is not expected that this amount will exceed the capacity of Leavenworth Road, a minor arterial. The parking lot currently does not accommodate the amount of parking that will be required as part of the event space use. The applicant will have to either obtain a parking agreement or a variance from the Board of Zoning Appeals.

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 but does provide a gathering space for groups. As long as the proposed use abides by the conditions of approval, and takes steps to mitigate the issues, such as noise and illumination, the use is not expected to impact the use, quality, and marketability of nearby 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 expected to occur in durations as to create issues with nearby properties. These are not expected to major issues for nearby property, however, as long as windows and doors are closed during performances, there are no outdoor speakers, and outdoor lighting is affixed with 90-degree cut-offs. Dust is not expected to be an issue with this type of use.

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 commercial building.

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, permitted commercial structure in an existing, built-out neighborhood.

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

The relative gain to public health, safety and welfare is minimal. If denied, the property owner may not use the property for an event space, however, they can still use the property for a variety of commercial purposes.

12. *The applicant's ability to maintain the use in an "as proposed" condition.*

The applicant will be required to maintain the use according to the submitted plans and descriptions of the proposed use. The applicant will also be required to meet all conditions of approval.

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

The proposed use could potentially result in both the overcrowding of land and undue concentrations of population. These issues may arise due to the nature of event spaces, which often attract larger groups of individuals and vehicles. If managed properly, these items should not be a major concern.

NEIGHBORHOOD MEETING INFORMATION

The applicant held a neighborhood meeting on July 23, 2024. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Landscaping
Illumination
Noise/Vibration
Occupancy Conversation
Parking
Hours of Operation
Pedestrian Access
Safety and Security
Occupancy Levels
Trash and Waste

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 1 to recommend **APPROVAL** of Special Use Permit Application SP2024-047, **for one (1) year**, subject to:

1. Per the Landscape Plan, 8 trees must be planted on site. In addition to the landscape plan, a combination of shrubs, bushes, and hedges along the entirety of the edge of the property;
2. The parking lot and driveway apron must be repaved, as it is in an advanced state of repair;
3. Additional parking must be provided on the subject property in addition to the provided parking plan;
4. Alcohol must not be provided on the subject property until the event space has proper licensure. Any 3rd party vendors must also have proper licensure;
5. At least one (1) member of Red Circle Staff must be on-site during all events throughout the duration of the event. There shall be no point during an event where the venue is left unattended to a 3rd party;
6. All alterations to the building must receive a building permit prior to commencement of work. Failure to do so will result in a stop work order and potential revocation of this permit;
7. A waste receptacle must be provided on-site. Additionally, an opaque enclosure shall be provided, with masonry columns. The enclosure must be at least the height of the receptacle;
8. All 3rd party vendors must be licensed in Wyandotte County;
9. The provided security plan must be maintained throughout the duration of this Special Use Permit;
10. The provided parking plan must be maintained throughout the duration of this Special Use Permit;
11. All entertainment must cease by at least 12:00AM on Friday and Saturday and no later than 6:00pm on Weekdays and Sunday;
12. Doors and windows must stay closed during any entertainment performance;
13. Any illumination that results from an entertainment event shall not be seen or otherwise impact adjacent residential uses;
14. 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;
15. If approved, occupying businesses must file and maintain a current business occupation tax application with the Business Licensing Division. Their office is located at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102. Their contact information is (913) 573-8780 or businesslicense@wycokck.org;
16. 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;
17. 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;
 18. All existing and future driveways must feature curb cuts that are constructed to UG standards;
 19. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
 20. 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 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.
 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 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;

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.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION AND CONDITIONS

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 **SP2024-047** subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

Aerial Imagery
Zoning Map
Land Use Map
Neighborhood Meeting Materials
Site Plan
Floor Plan
Landscape Plan
Business Plan
Parking Agreement
Security Agreement
Site Photos, Taken by Staff, Dated, July 2024
Letters in Opposition from LRA + Members

PUBLIC HEARING SCHEDULE

Action(s)	City Planning Commission	Unified Government Board of Commissioners
Special Use Permit	August 12, 2024 (Approved) October 14, 2024 Approval	August 29, 2024 (Remanded) October 30, 2024

STAFF CONTACT:

James Molloy

jlmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2024-047** as meeting all the requirements of the city code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **SP2024-047**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

October 14, 2024, City Planning Commission Minutes:

Hearing starts at 1:18:37:

SPECIAL USE PERMIT APPLICATION SP2024-047 – SELENA UMANA WITH THE RED CIRCLE LLC – SYNOPSIS: Special Use Permit for an event space at 6000 Leavenworth Road. Detailed Outline of Requested Action: The applicant, Selena Umana with The Red Circle LLC, is requesting a Special Use Permit for an event space with live entertainment at 6000 Leavenworth 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 October 14, 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. The prior testimony at the City Planning Commission and Board of Commissioners meetings; and,
9. The communication from Lou Braswell with LRA in opposition.

Planner Molloy stated that the Planning Commission recommended approval of this application at the August meeting, and the Board of Commissioners referred it back to the Planning Commission at the August 29, 2024, meeting for rehearing regarding noise and operation of the event space and the conditions of Staff.

Planner Molloy asked if the Commission had any contact to disclose on this application. Commissioner Beth said he had contact with the Leavenworth Road Association and citizens in opposition.

Present in Support:

- Selena Umana, applicant, 21288 West 112th Terrace, Olathe, Kansas

Questions were directed to the Applicant.

Present in Opposition:

- No one appeared

Staff Recommendation starts at 1:30:16: Planning Director Hand stated that this is a Special Use Permit for an event space with live entertainment. The property is in the PlanKCK area in North Midtown neighborhood just off Leavenworth Road. Staff received no letters in support and letters in opposition. There is a history of Notices of Violation

with previous owners, so Staff looks forward to new ownership and better management. Staff recommends approval for one (1) year subject to the amended conditions of approval.

Motion starts at 1:31:15:

On motion by Mrs. Jones, seconded by Ms. Easterwood, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit Application SP2024-047 for one (1) year:**

Carson	Chairman
Mohler	Aye
Schwartz	Aye
Straws	Not Present
Ward	Aye
Armstrong	Aye
Beth	No
Easterwood	Aye
Ernst	Aye
Jones	Aye
Miller	Aye

Motion to recommend APPROVAL Passed: 8 to 1

Subject to:

1. Per the Landscape Plan, 8 trees must be planted on site. In addition to the landscape plan, a combination of shrubs, bushes, and hedges along the entirety of the edge of the property;
2. The parking lot and driveway apron must be repaved, as it is in an advanced state of repair;
3. Additional parking must be provided on the subject property in addition to the provided parking plan;
4. Alcohol must not be provided on the subject property until the event space has proper licensure. Any 3rd party vendors must also have proper licensure;
5. At least one (1) member of Red Circle Staff must be on-site during all events throughout the duration of the event. There shall be no point during an event where the venue is left unattended to a 3rd party;
6. All alterations to the building must receive a building permit prior to commencement of work. Failure to do so will result in a stop work order and potential revocation of this permit;
7. A waste receptacle must be provided on-site. Additionally, an opaque enclosure shall be provided, with masonry columns. The enclosure must be at least the height of the receptacle;
8. All 3rd party vendors must be licensed in Wyandotte County;
9. The provided security plan must be maintained throughout the duration of this Special Use Permit;
10. The provided parking plan must be maintained throughout the duration of this Special Use Permit;
11. All entertainment must cease by at least 12:00AM on Friday and Saturday

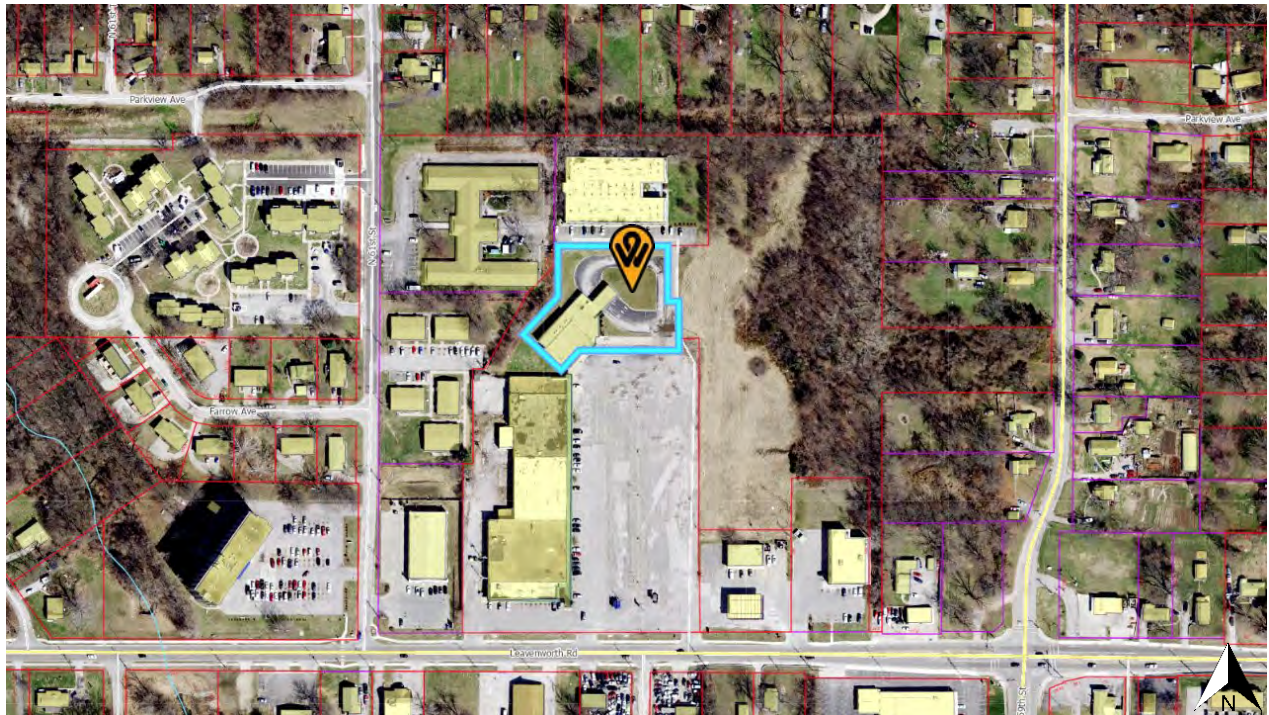
- and no later than 6:00pm on Weekdays and Sunday;
12. Doors and windows must stay closed during any entertainment performance;
 13. Any illumination that results from an entertainment event shall not be seen or otherwise impact adjacent residential uses;
 14. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
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 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 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.

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 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;
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

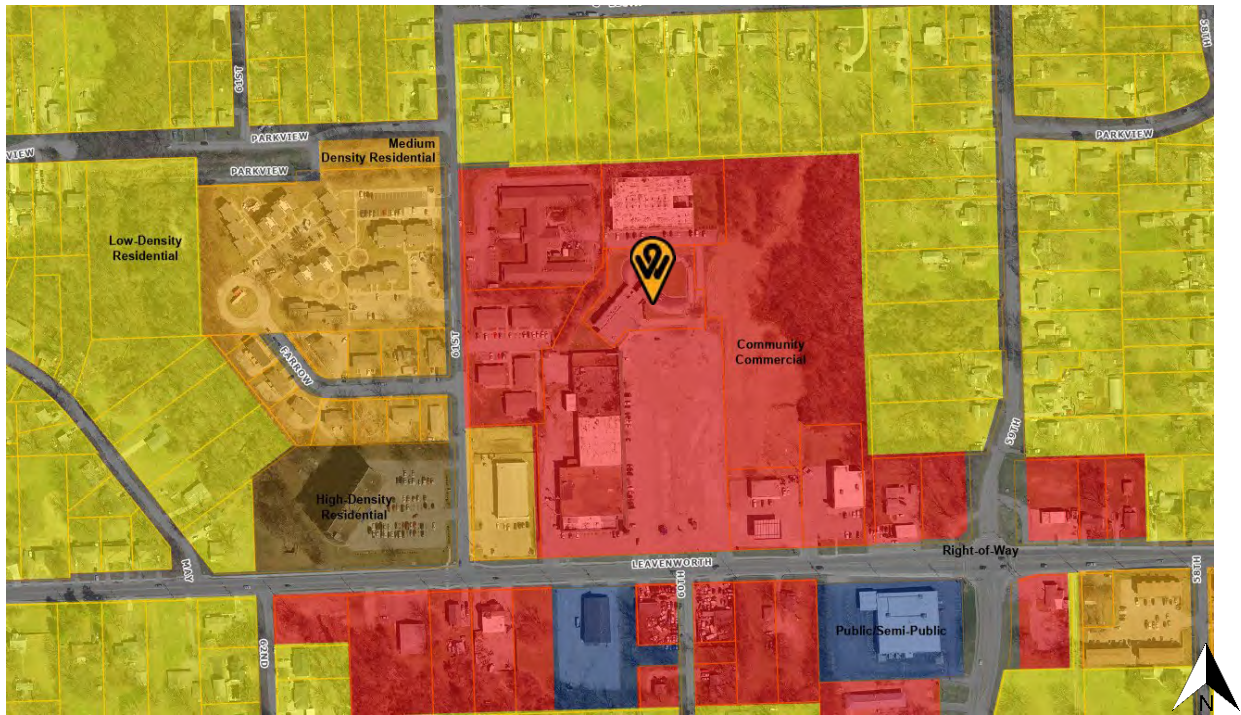
AERIAL IMAGERY



ZONING MAP



LAND USE MAP



SAMPLE MINUTES:

Application Number SP2024-47

Date and Location: 7/23/24 - 6000 Leavenworth Rd, STE M, Kansas City, KS 66104

Meeting called to order at: 6:30pm

Names of people in attendance: 1

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): Attached

- 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: 7:18pm

Minutes taken by: Selena Umada with a
Microsoft teams recording and transcription

Date: July 8, 2024

Selena Umana

6000 Leavenworth Rd, STE M
Kansas City, KS 66104

SUBJECT: Neighborhood Meeting

I have filed an application with the Planning + Urban Design Department **#SP2024-047**. The purpose of this special use permit is for an **event space** at the following address:

6000 Leavenworth Rd, STE M, Kansas City, KS 66104.

I am having a neighborhood meeting on **July 23rd at 6:30 p.m.** at the following address **6000 Leavenworth Rd, STE M, Kansas City, KS 66104.**

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

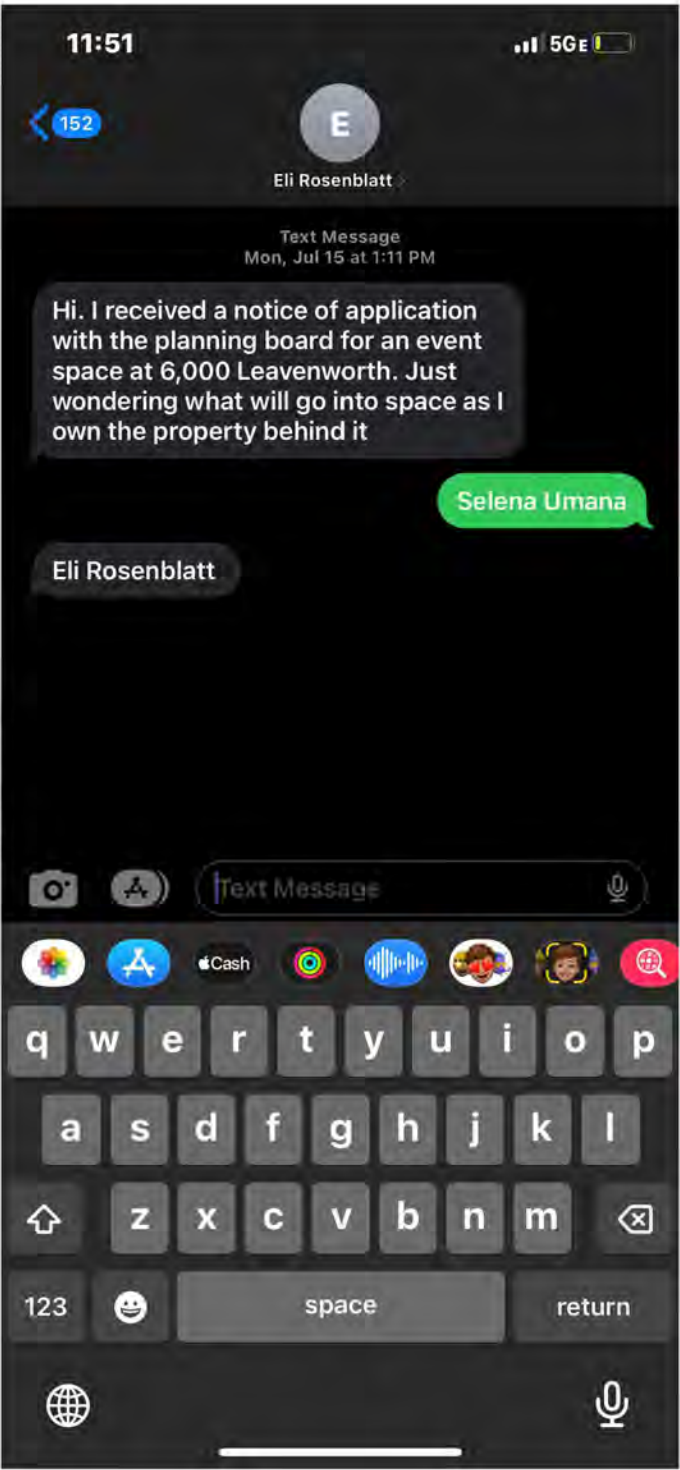
I look forward to seeing you at the neighborhood meeting. If you are unable to attend and would like to discuss any concerns or need further information, please **send a text message to 913-749-2632** to schedule a call or email me at selena@sightinv.com.

Sincerely,

Selena Umana

Contact Information: 913-749-2632, selena@sightinv.com

I called him after I received the text. He had some concerns regarding the event center being close to his residential properties however I told him we won't be a disturbance and we could meet up in person to discuss further and he agreed.



Neighborhood Meeting 7/23/24 - 6000 Leavenworth Rd. STE M

From Lisa Lee <iamlistedhere@yahoo.com>
To Selena Umana <selenasightinv.com>
Monday, July 22 2024 at 11:41 PM CDT ✕

Dear Selena:

Thank you for the letter you sent on July 8, 2024.

In your letter there was limited information disclosed about the 'Proposal'.

Please provide detailed information including description(s), charts, graphs all documentation that has been, will be requested or required notification by any and all Local, City and State Agencies & Departments including their response.

Thank you in advance.

Respectfully,
Lisa Tauber, Landlord
Advance Auto Parts
5934 Leavenworth Road
Kansas City, KS 66104

The best form of communication:

Email: iamlistedhere@yahoo.com

From Selena Umana <selenasightinv.com>
To Lisa Lee <iamlistedhere@yahoo.com>
Monday, July 22 2024 at 11:44 PM CDT ✕

Hi Lisa,

Thank you for your email. I apologize for the limited information in my previous letter. The reason for this is that I have a meeting tomorrow at 6:30 PM at 6000 Leavenworth Rd, ste M. I would like to invite you to attend the meeting if possible.

6000 Leavenworth Rd (SP2024-047)

From **Davis, Andrew** <adavis@wycokck.org>
To **Selena Umana** <selena@sightinv.com>
Monday, July 22 2024 at 12:28 PM CDT ✕

Hi Selena, I received your mail letter about the neighborhood meeting you're having tomorrow. I have no questions at the moment. Please do let me know if you have any or if there are concerns that arise out of your neighborhood meeting that I should be aware of.

Me Create folder under Red circle under WYCO application called neighborhood me... JUL 22

From **Selena Umana** <selena@sightinv.com>
To **Davis, Andrew** <adavis@wycokck.org>
Monday, July 22 2024 at 4:00 PM CDT ✕

Hi Andrew,

Thank you for reaching out! I just reviewed the staff draft report and it highlighted some potential concerns that might be raised by the community. It's been helpful to have this insight as I prepare for tomorrow's discussion.

Should any significant issues or needs for intervention arise during the meeting, I will be sure to communicate them to you promptly.

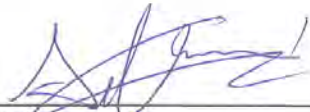
AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
COUNTY OF Wyandotte) SS:

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

1. That I am the petitioner for Petition # SP2024-47
2. That I conducted a neighborhood meeting on 6000 Leavenworth Rd STE M at 6:30pm
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 23rd day of July, 2004

My commission expires 15th of August, 2004.



Notary Public

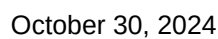


The Red Circle

WYCO Neighborhood Meeting Sign-In Sheet

No	Name	Street Address	Phone Number	Email Address
1	Lorena Mosser	5765 Sewell Ave 66104	913-5862677	
2				
3				
4				
5				
6				
7				
8				
9				
10				
11				
12				
13				
14				

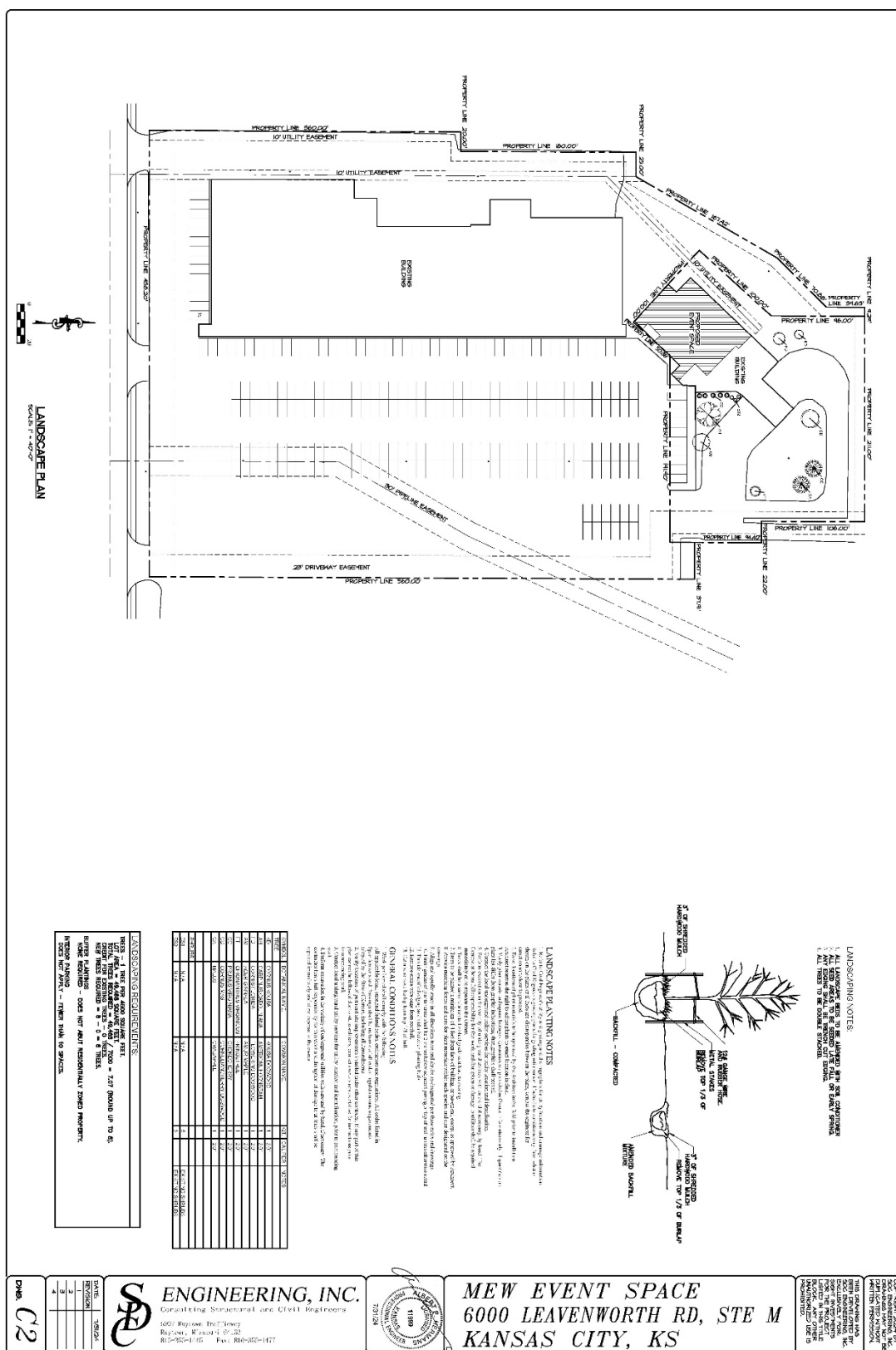
SP2024-047



SP2024-047

October 30, 2024

26



Introduction

The Red Circle, strategically located at 6000 Leavenworth Rd, STE M, Kansas City, KS 66104, is an ideally positioned event center to serve the dynamic Hispanic community of Wyandotte County, offering a spacious venue designed to host family-oriented events including Quinceanera's, Sweet 16s, religious ceremonies such as communions and confirmations, as well as baby showers and gender reveals. This community, with its rich cultural traditions and substantial population of people of Hispanic descent, finds a dedicated partner in The Red Circle, which seeks to provide a deeply culturally resonant space for celebrations that mark significant life milestones.

Understanding the importance of these events, The Red Circle not only offers a venue but also acts as a cultural bridge, supporting the preservation and continuation of Hispanic, as well as other cultural traditions through memorable celebrations. The facility, encompassing more than 3,500 square feet with elegant design features and modern amenities, can accommodate between 200 to 250 guests, pending official capacity verification from the fire marshal.

The Red Circle's prime location is not just strategic for its accessibility but also beneficial due to its proximity to key community amenities, including an ice kiosk, Dollar Tree, liquor store, and gas station, making it highly convenient for event attendees. The venue's location and design cater specifically to the needs of large gatherings, which are typical for Hispanic family celebrations, making it an invaluable resource in an area where such accommodating spaces are scarce.

The Red Circle's commitment to excellence and community engagement makes it a cornerstone for family and cultural life in Wyandotte County, aiming to fill a critical void in accessible, suitable event space located by essential conveniences, allowing families to celebrate their significant events with passion and pride.

Catering and Event Setup Facilities

The Red Circle allows clients to personalize their events by bringing in external caterers, which is ideal for those who prefer to use family recipes and traditional foods, making each event uniquely personal. To support these needs, The Red Circle provides a catering area specifically designed for food display, accommodating various catering setups to ensure that the presentation and accessibility of food are handled professionally and efficiently. Additionally, we are enhancing our facilities by adding a new triple sink with a grease trap to improve sanitation and operational efficiency in food preparation.

While specific decorations and musical entertainment must be sourced externally, The Red Circle maintains a list of preferred vendors known for their excellent service and reliability. This list is regularly updated every six months based on ongoing evaluation and client feedback,

ensuring that we recommend only those who uphold the highest standards of quality and customer satisfaction. New vendors are added to the list when they demonstrate exceptional service or receive positive feedback from our clients.

Although The Red Circle does not have formal affiliations with any vendors, our team provides substantial support by recommending trusted partners we have worked with previously. This approach helps ensure that our clients have access to established businesses for decoration and entertainment options that align with their event's aesthetic and functional needs. By offering these recommendations, The Red Circle enables clients to efficiently coordinate their own event details, giving them the freedom to tailor the celebration to their specific preferences.

The Red Circle's commitment to creating a seamless and enjoyable event experience extends beyond our tailored recommendations. Our hands-off approach empowers clients, providing them the tools to select ideal vendors without our direct involvement in coordination. Our guidance is designed to be a valuable resource, enabling the planning of significant and memorable events at our venue with greater independence.

Venue Facilities and Event Management

The venue includes a kitchen equipped with essential amenities such as prep areas, a blender, a fridge, and a large cooler, facilitating on-site food preparation. We will enhance our kitchen facilities by adding a new triple sink with a grease trap and two drinking fountains to support a wide range of catering needs, from simple appetizers to complex banquet-style meals. The kitchen is designed to allow caterers to work efficiently and display all types of food with ease during large-scale events, featuring modern appliances and ample space. Additionally, the venue will offer two gender-specific restrooms, each accommodating handicap access, with three toilets in the women's restroom and two toilets plus two urinals in the men's restroom. For events such as quinceañeras, which traditionally involve outfit changes, we will provide two fitting rooms, one for each gender, and two coat closets for guest convenience during the winter.

Event setup is flexible and tailored to meet the specific requirements of each celebration. For instance, a quinceañera typically commences setup at 10 AM for an event beginning at 6 PM. Clients can request earlier access for more elaborate preparations, and The Red Circle accommodates these needs based on venue availability. The hours of operation depend on the type of event. For example, quinceañeras often start early due to dance routines and other preparations, baptisms typically begin around noon, and wedding receptions usually take place in the evening. However, regardless of the event type, the venue will not exceed a closing time of 1 AM.

Although events generally conclude at midnight, clients have the option to extend the duration until 1 AM for an additional fee, contingent upon local city and county regulations. Extending event hours involves a straightforward fee structure, which is communicated clearly to clients during the planning stages. The Red Circle assists clients in understanding and adhering to local

regulations such as noise ordinances and safety codes, ensuring that all events proceed without any issues.

The Red Circle also offers support services during event setup, including assistance with access to necessary facilities and areas for audio-visual setups, and general event coordination. Our team is available to help clients, DJs, and other event professionals ensure they have everything they need for their setups, from accessing power outlets to arranging furniture or equipment in designated areas. This support ensures that all logistical aspects of the event are handled efficiently, allowing clients to focus on their guests and the celebration.

Operational Policies

The Red Circle maintains a strict policy of hosting no more than one event per day to ensure that each event receives dedicated attention and resources, thus avoiding overloading the facility. Additionally, we do not foresee The Red Circle being used for anything other than an event space, reinforcing our commitment to providing a specialized and focused venue for celebrations and gatherings. Bookings are subject to availability, with a minimum advance notice of four weeks required to arrange necessary security—one officer per 100 attendees—as per venue policy.

Clients looking to secure a date, especially during the high-demand seasons of spring and summer, are encouraged to book as early as possible due to tighter availability. At the time of booking, clients must provide essential information including a deposit, name, contact number, email address, and some form of identification. The deposit is non-refundable in case of cancellation. For rescheduling, clients must notify The Red Circle at least 30 days in advance, and the new date is subject to availability.

In the event of unexpected closures due to unforeseen circumstances such as extreme weather conditions, power outages, or other emergencies beyond our control, The Red Circle aims to accommodate clients by offering a credit towards the balance of their next event. This policy ensures that disruptions are handled with client interests in mind, providing peace of mind and flexibility in rescheduling events. Additionally, clients interested in extending their event hours beyond the standard closing time (12am) must address this request at least one week before the event. Associated costs for extending event hours range from \$100 to \$300, depending on the season's demand, reflecting the increased operational costs during peak times.

Communication with clients is managed through a VOIP system, which is monitored for quality assurance, and a comprehensive CRM system that tracks each stage of event planning and execution. This ensures that all client interactions are recorded and that every detail of the event planning process is meticulously overseen. After the event, the CRM system facilitates the process by sending a text message to clients, inviting them to provide feedback. This feedback is crucial for continual improvement and helps The Red Circle enhance its service quality.

The operational staff at The Red Circle, consisting of 1-2 dedicated members depending on the type of event and if the guest count is nearing capacity, plays a crucial role in ensuring each event proceeds without any hitches. These staff members are specifically tasked with responding to any immediate needs that might arise during an event, such as addressing facility-related issues in the bathrooms or with the lighting. They also ensure that the property remains intact and secure throughout the event's duration, providing peace of mind for both the clients and the venue management. At the end of the event, these staff members will be responsible for securing the space and ensuring all trash is properly disposed of via a dumpster maintained at Sunset Plaza, which is cleaned out weekly. This ensures a tidy and well-managed environment for every event held at The Red Circle.

The Red Circle upholds strict cleaning protocols to maintain the venue's high standards. All clients are required to ensure that food is disposed of properly and that the venue is returned to its original state, albeit understandably less clean, post-event. Adhering to these conditions is crucial for the return of the client's deposit. The operational staff is available to assist clients in understanding these requirements by providing clear guidelines and checklists, which help streamline the post-event cleanup process. This support ensures that the venue is quickly ready for the next event and helps clients fulfill their cleanup obligations efficiently.

Client Relations and Security

The venue employs a dedicated leasing manager responsible for overseeing event bookings and teardowns. This individual is pivotal in managing the CRM system that records all customer interactions and leads, ensuring quality assurance and efficient follow-up on inquiries. Upon initial contact, potential clients are provided with a rate sheet that reflects seasonal pricing variations and are required to secure their booking with a deposit within one week.

Security is a paramount concern; thus, clients must arrange for one security officer per 100 attendees. This arrangement needs to be finalized two weeks in advance to avoid event cancellation. Clients may either source their security personnel or authorize The Red Circle to coordinate with local law enforcement to provide the necessary security at the client's expense. The Red Circle also enhances security with HD cameras that provide 24/7 video surveillance around the property, capable of focusing on specific time stamps, ensuring a safe environment for all guests without requiring guest lists beforehand. While the footage is automatically held for 72 hours, to maximize safety, we download the security tapes for each event and store them on a hard drive. This footage is kept for two years before being discarded, ensuring that any incidents can be reviewed even after the initial 72-hour period.

PARKING AGREEMENT

PARKING AGREEMENT

This Parking Agreement ("Agreement") is made and entered into on this 27 day of July, 2024, by and between Sight Investments, LLC, a Kansas Limited Liability Company with its principal office located at 6000 Leavenworth Rd, STE N, Kansas City, KS 66104 ("Owner"), and The Red Circle, LLC AKA Red Circle a business located at 6000 Leavenworth Rd, STE M, Kansas City, KS 66104 ("User").

RECITALS

WHEREAS, Sight Investments, LLC is the owner of the parking lot located at 6000 Leavenworth Rd, Kansas City, KS 66104;

WHEREAS, Red Circle operates an event space at 6000 Leavenworth Rd, STE M, Kansas City, KS 66104, and requires additional parking spaces for its clients and guests;

WHEREAS, Sight Investments, LLC agrees to provide additional parking spaces to Red Circle on the terms and conditions set forth in this Agreement;

NOW, THEREFORE, in consideration of the mutual covenants and promises herein contained, the parties hereto agree as follows:

1. Grant of Parking Rights

Sight Investments, LLC hereby grants Red Circle the right to use 38 additional parking spaces, or as needed, located at 6000 Leavenworth Rd, Kansas City, KS 66104.

2. Term

The term of this Agreement shall commence on the date first above written and shall continue indefinitely unless terminated by either party with one hundred twenty (120) days written notice.

3. Consideration

The parties acknowledge that this Agreement is entered into for the mutual benefit of both parties and no monetary consideration shall be exchanged unless otherwise agreed upon in writing.

4. Use of Parking Spaces

Red Circle shall have the non-exclusive right to use the designated parking spaces for its clients and guests during events.

The parking spaces shall be used in a manner that does not interfere with the normal operation of other tenants or businesses within the property.

5. Maintenance and Repairs

Sight Investments, LLC shall be responsible for the maintenance and repair of the parking lot, ensuring that it remains in a safe and usable condition.

6. Insurance and Liability

Red Circle shall maintain general liability insurance covering its use of the parking spaces and shall provide proof of such insurance to Sight Investments, LLC upon request.

7. Termination

Either party may terminate this Agreement by providing one hundred twenty (120) days written notice to the other party.

8. Miscellaneous

This Agreement constitutes the entire agreement between the parties regarding the subject matter hereof and supersedes all prior agreements and understandings.

Any amendments or modifications to this Agreement must be in writing and signed by both parties.

This Agreement shall be governed by and construed in accordance with the laws of the State of Kansas.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

Sight Investments, LLC

By:  _____
Name: Nelson Umana _____
Title: President _____

The Red Circle, LLC

By:  _____
Name: Selena Umana _____
Title: President _____

TENTATIVE SECURITY AGREEMENT



Red Circle

Please accept this quote for security services to be performed at 6000 Leavenworth Rd.

We know this project requires careful planning and consideration to ensure the best fit is found for Red Circle in ensuring the employees and anyone else feels safe and comfortable to be within the property.

At SK Security, we have extensive experience working with a mix of guests, employees, and anyone in between. We want to ensure that Red Circle keeps unwanted activity and crime away from the property at all times.

We're committed to the success of your project. Personalized service and one-on-one attention is our philosophy. It is an honor to be considered for Red Circle security solution.

I look forward to reviewing this quote with you.

All the best,

SK Security

Project Fees



Service Type	Hourly Rate Per Guard	Hours Provided	Days Serviced
Unarmed Security	\$ 88.75 - \$100 /hr per guard	TBD	TBD

An emergency fee of 2.5x the rate above is included on any services provided with less than a two week (14 day) notice before start of services.



Project Summary

This quote provides an outline and estimate of costs for your new security solution. Your services includes:

- Properly commissioned SK Security Officers.
- A marked patrol car on property.
- A professionally written daily activity report to include what took place on the property.
- A professionally written incident report as needed for any instances that occur.
- Post orders and procedures specifically designed to the property.
- Access to SK Security's 24/7 dispatch console. Residents, employees, and guests will be able to contact dispatch for as needed assistance from SK Security officers.
- Backup officers available at all times.

SITE PHOTOS, TAKEN BY STAFF, DATED JULY 2024



LRA Opposition

From: Lou Braswell (lrakck@sbcglobal.net)

To: lrakck@sbcglobal.net

Date: Wednesday, September 4, 2024 at 10:13 AM CDT

Please find attached Leavenworth Road Assn. documentation in OPPOSITION to the proposed Event Center at 6000 Leavenworth Rd.

Of our 11 member board, we have 10 opposed and 1 that did not vote.

Our reasoning::

Not a good fit

She continues with untruths in her answers

Note: at the 12 P&Z commission meeting she stated Leav. Rd. Assn. was in support of her project. She had not contacted LRA at any time. The 1st time she called was Aug. 30th. We did talk, I asked why she claimed LRA's support, her answer was "I never said that". Untruth!

I asked about security, her answer was she would have security at MOST events. Will it be licensed security? Answer was avoided completely; So I am thinking more like "bar bouncer" type security.

She states yes there will be alcohol, but only in the building. She also mentions food trucks but no one will go out with their drinks. Never the less food trucks brings loud music.

Still not a good fit, plus so many untruths will lead to possible broken guidelines.

She continues to use "we" but never answered who "we" are other than herself. Is there someone else that possibly would not pass any of the alcohol licensing?

Please pass this LRA opposition to the P&Z commissioners,

Louetta (Lou) Braswell
LRA Director

Together WE Can, Together WE Will

Re: [EXT]Re: Another RUSH request

From: Herman Lloyd (hlloyd@kckcc.edu)

To: flavender.fl@gmail.com; Irakck@sbcglobal.net

Cc: xquzme@att.net; jlbrownlee1721@gmail.com; jag3638@msn.com; jcantwell41@gmail.com; terrimurray99@gmail.com; mikerodina@gmail.com; bmurray880@gmail.com; dkaster54@icloud.com; cindi@varsitysportskck.com

Date: Tuesday, September 3, 2024 at 02:56 PM CDT

I oppose.

Herman Lloyd

From: Frank Lavender <flavender.fl@gmail.com>

Sent: Saturday, August 31, 2024 2:11 PM

To: Lou Braswell <Irakck@sbcglobal.net>

Cc: Louetta Braswell <xquzme@att.net>; Jeff Brownlee <jlbrownlee1721@gmail.com>; JOHN ZAWACKI <jag3638@msn.com>; John Cantwell <jcantwell41@gmail.com>; Terri Murray <terrimumray99@gmail.com>; Mike Rodina <mikerodina@gmail.com>; Bill Murray <bmurray880@gmail.com>; Herman Lloyd <hlloyd@kckcc.edu>; Dixie Kaster <dkaster54@icloud.com>; Jim Woods <cindi@varsitysportskck.com>

Subject: [EXT]Re: Another RUSH request

You don't often get email from flavender.fl@gmail.com. [Learn why this is important](#)

CAUTION: This email originated outside KCKCC. Do not click links or open attachments unless you know the content is safe. Please forward all suspicious emails to support@kckcc.edu.

I oppose, FrankLavender

On Sat, Aug 31, 2024, 12:27 PM Lou Braswell <Irakck@sbcglobal.net> wrote:

Please read & respond!

We have a proposal for a "Event center" to go in the former bank building at 6000 Lv. Rd.. It was before the Planning and Zoning August 12. Then it was before the Commissioners August 29. The Commissioners sent it back to P&Z. The person presenting the project at the P&Z meeting said she had the approval of Leavenworth Road Association (which definitely was an untruth, since the 1st and only time I have talked to her was today, August 31). She has not been able to answer questions presented to her or each time they get a different answer. Yes she plans to have alcohol at the events, yes some of the events will have security (but WILL NOT clarify IF it is licensed security) She would like to have food trucks, but no alcohol will ever be outside the building, yeah right. What I am saying is.....she is trying to say what sounds good at the time, but her hesitate answers changes accordingly. We have not been able to get names or partners who she is dealing with and from her vague answers and untruths I feel it is not her project alone, if at all. She has

implied it will be an event center with lots of music by the attendees. The Commissioners drilled her on trying to get answers, asked her why she has not contacted LRA and sent it back to P&Z.

This being the reason for this QUICK RESPONSE REQUEST, it goes back to P&Z on September 9. I would like for Board members to respond with their OPPOSE or SUPPORT vote by Sept. 5th so I can notify P&Z commission, the UG Commissioners and Selena Omana of LRA status on this project.

My vote will be to OPPOSE it, due to the type of facility and lack of accurate information and her claim that LRA was 100% supportive.

**PLEASE REPLY QUICKLY WITH YOUR VOTE OF
OPPOSE PROJECT or SUPPORT PROJECT by E-MAIL
OR TEXT BY THURSDAY SEPT. 5**

I know it is a holiday weekend but we need to act fast.

Lou

Herman Lloyd

From: hllloyd@kckcc.edu

To: Frank Lavender, Lou Braswell

Cc: Louetta Braswell, Jeff Brownlee, JOHN ZAWACKI, John Cantwell, Terri Murray and 4 more...

Herman Lloyd

> Show original message

Reply. Reply All or Forward

9:31

100%



John >

Very good, very inspiring

Real sorry I missed it. I could
just hardly stand up.

I bet, you probably over
done yourself this week.

Tue, Aug 20 at 5:11 PM

Don't forget tonight's
special called board 

Saturday 1:07 PM

Read your email and VOTE
before the 5th. Good luck
with your surgery!!!

Saturday 2:45 PM

I am in opposition to this.



Thanks



Text Message



Find messages, documents, photos or people

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↶ ↷

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Move

Delete

Spam

...

Lou Braswell

Please read & respond: we have a proposal for a "event center" to go in the former bank building at 6400 W. KO. It was before the planning and zoning August 12.

Michael Rodina

From: mikerodina@gmail.com

To: Lou Braswell

Oppose!

Mike Rodina

913.237.2649

Show original message

Lou Braswell

Thank you!! Sent from my iPhone On Aug 30, 2024, at 12:42 PM, Michae Rodina <mikerodina@gmail.com>, wrote: Oppose! Mike Rodina 913.237.2649 On Sat, Aug 31, 2

Frank Lavender

From: flavender.f@gmail.com

To: Lou Braswell

Cc: Louetta Braswell, Jeff Brownlee, JOHN ZAWACKI, John Cantwell, Terri Murray and 5 more...

I oppose, Frank Lavender

Show original message

Jeff Brownlee

From: jbrownlee1721@gmail.com

To: Frank Lavender

Cc: Lou Braswell, Louetta Braswell, JOHN ZAWACKI, John Cantwell, Terri Murray and 5 more...

Due to the evasive answers and false claims of LRA support I oppose the proposed event center

X

From: Dixie Kaster (dkaster54@icloud.com)

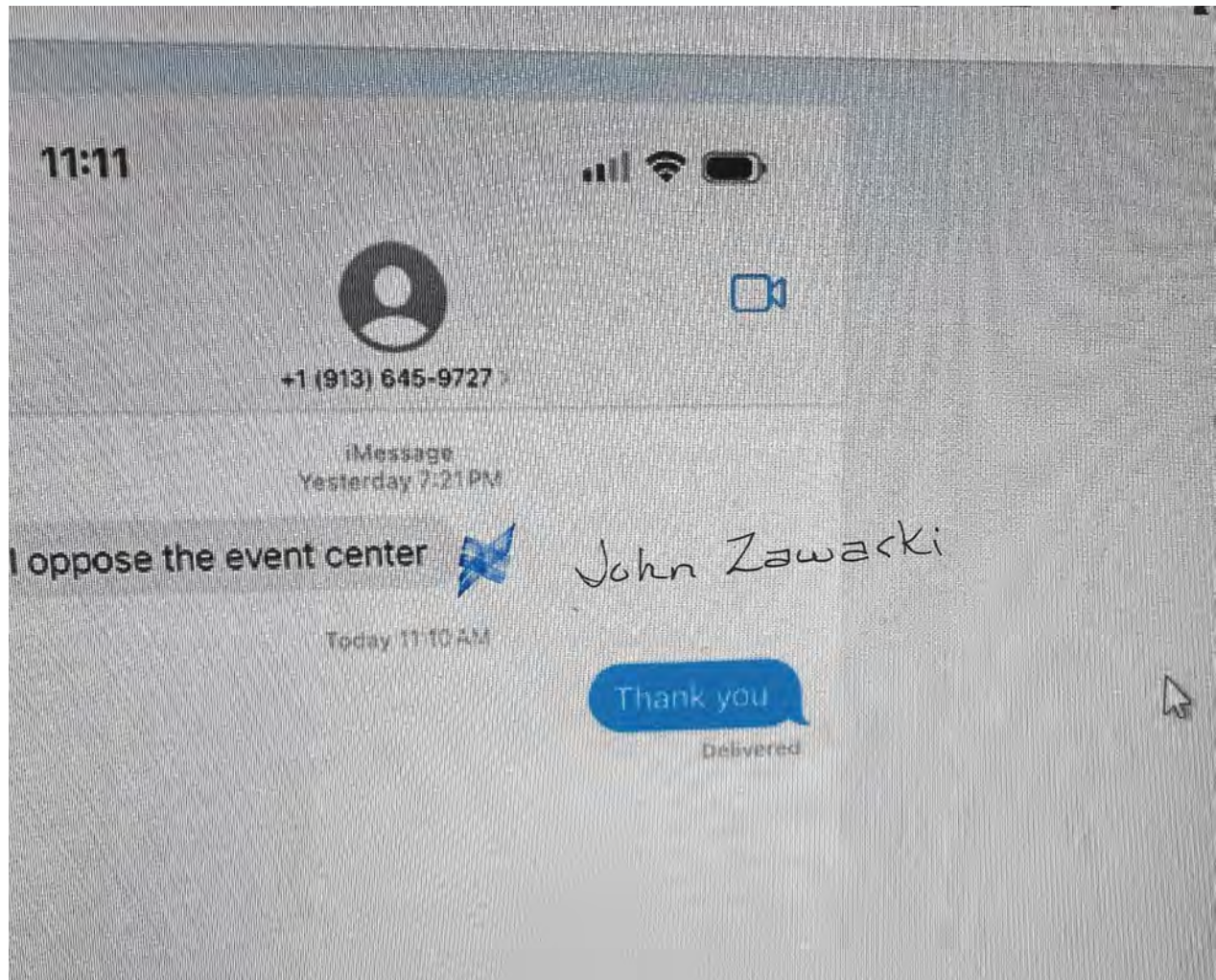
To: lrakck@sbcglobal.net; lrakck@sbcglobal.net

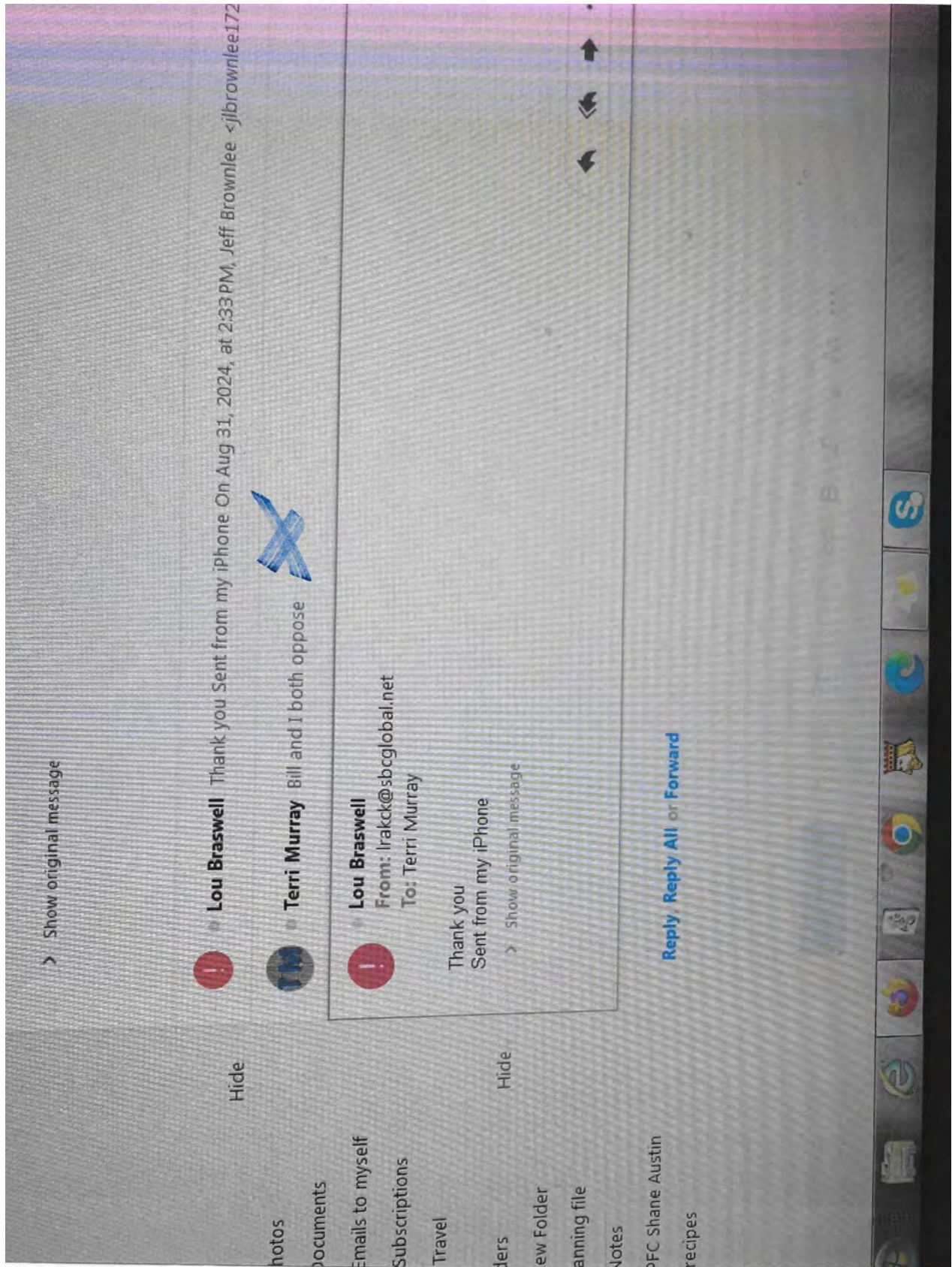
Date: Saturday, August 31, 2024 at 05:00 PM CDT



I oppose this project

Sent from my iPhone









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: October 30, 2024

Re: Special Use Permit Petition SP2024-064

GENERAL INFORMATION

Applicant Information:

Ublester Gonzalez
Owner, Elite Audio
1315 State Avenue
Kansas City, Kansas 66102

Subject Property:

1315 State Avenue
Kansas City, Kansas 66102

Requested Action and Purpose:

Approval of a Special Use Permit for
a car audio installation shop.

Commission Districts:

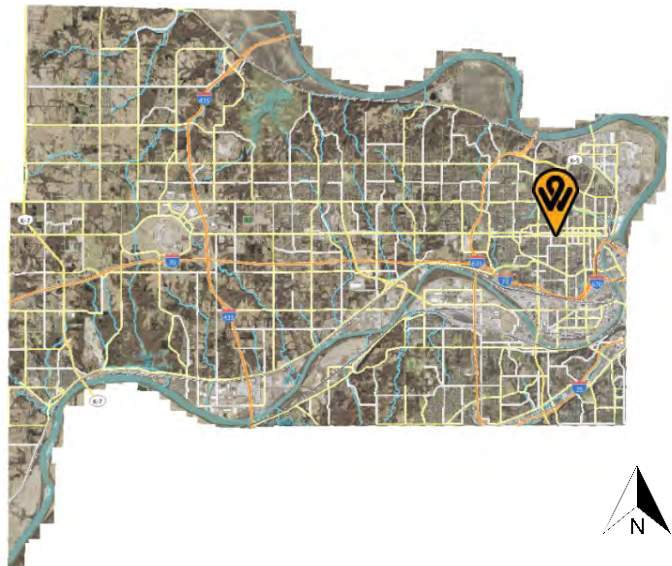
At-Large District #2:
Tom Burroughs
District #2 Commissioner:
William (Bill) Burns

Existing Zoning District(s):

C-3 Commercial Districts

Plan Area:

Downtown Area Plan



	Adjacent Zoning	Adjacent Uses
North	C-3 Commercial District	Restaurant
South	C-3 Commercial District	Commercial Business
East	C-3 Commercial District	Commercial Business
West	C-3 Commercial District	Car Repair Shop

Total Tract Size: 0.16 Acre

Comprehensive Plan Designation: The Downtown Area Plan designates this property as Urban Residential. This allows for higher density residential, typically attached units such as townhomes or stacked flats.

Major Street Plan: The goDotte Mobility Plan designates State Avenue as a Major Arterial.

Parking Requirement: Uses in this district require paved off-street parking at a ratio of not less than four (4) spaces per 1,000 square feet of floor area in the building. One (1) per every 25 spaces must be ADA accessible. One (1) out of every six (6) ADA spaces must be van accessible. The approximate size of the building is 1,205 square feet. Based on this assessment, four (4) spaces are required. The property provides six (6) spaces.

Landscaping Requirement: Section 27-467(g) states “Trees are required to be provided at not less than one per 7,000 square feet of site area”. There is 7,085 square feet of site area, which requires one (1) tree. Three (3) trees are provided.

Advertisement: The Wyandotte Echo – September 19, 2024
Letters to Property Owners – September 20, 2024

Public Hearings: October 14, 2024 and October 30, 2024

Public Support: None to date.

Public Opposition: One (1) person appeared in opposition at the October 14, 2024, City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Ublester Gonzalez, is requesting a Special Use Permit to operate a car audio installation business at 1315 State Avenue. The applicant previously had a Special Use Permit (SP2020-100), however, that permit expired on March 11, 2023. The applicant's previous renewal attempt was denied by the Board of County Commissioners on September 28, 2023.

City Ordinance Requirements: 27-592 through 27-606 and 27-214 and all other applicable standards within Chapter 27.

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. There are several calls for police service on the property, however, no calls appear to be routed to the subject address or business.

Building, Zoning, or Code Enforcement Complaints:

1. There are several Notices of Violation on the subject property, however, all but one (1) are related to the other business(es) on the subject property.
 - a. ZONE2022-052 – Zoning Citation – Unpermitted Feather Signs

Outstanding or Related Permits and Cases:

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

Previous Planning Actions:

1. Approval of a Special Use Permit (SP2020-100) for two (2) years in 2021 for a car audio installation business.
2. Denial of a Special Use Permit (SP2023-044) in 2024 for a car audio installation business.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

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

- 2. *The zoning and uses of properties nearby and the proposed use's expected compatibility with them. In general, commercial and industrial Special Use Permits should not be granted adjacent to residential districts.***

The zoning and uses are laid out above. The proposed use is expected to be compatible as the property is near several other higher intensity commercial businesses. The use, however, is discouraged as part of the Downtown Area Plan, in favor of mixed-use, pedestrian development.

- 3. *The suitability of the property for the uses to which it has been restricted. Will the removal of restrictions, including those for hours of operation (where applicable), detrimentally affect nearby property?***

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

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

The property has been in operation with the proposed use since 2021. The proposed use has not been permitted since 2023.

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

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

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

The proposed use is not expected to increase traffic above existing levels, nor does the traffic generated exceed the capacity of State Avenue, a Major 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 provides the convenience of a car audio installation shop, but is not reasonably necessary for the welfare of the public. It may substantially or permanently injure the appropriate use, visual quality, or marketability of

adjoining property if noise is not kept at a reasonable level and if waste materials are not disposed of properly.

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

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

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

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

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

The proposed use is not expected to damage or destroy an irreplaceable natural resource as it is an existing building in a built-out neighborhood.

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

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

12. *The applicant's ability to maintain the use in an "as proposed" condition.*

The applicant has maintained the proposed use as originally proposed and according to previous conditions of approval, despite the business being on hold for a year.

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

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

NEIGHBORHOOD MEETING INFORMATION

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

KEY ISSUES

Illumination
Noise
Parking
Vibration
Calls for Police Service
Code Enforcement Citation

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 2 to recommend **APPROVAL** of Special Use Permit Application SP2024-064, **for two (2) years**, subject to:

1. Vehicles shall not be parked on the right of way of State Avenue in front of the property. Vehicles shall not park on State Avenue at any time;
2. In order to comply with the district's performance standards, auto installation or servicing is not allowed outside or in public view. All work shall be performed totally within an enclosed building;
3. Compliance with the following Commercial Design Guidelines Standards:
 - o The streets trees on site must be trimmed;
 - o Main entrance shall be enhanced by architectural details. Such details may include recessed or slightly protruding entrances, building material variations, color variations, or artistic elements and other special treatments;
 - o Awnings or canopies are encouraged on facades to provide weather protection and shade to pedestrians, and to add visual appeal;
4. Construct an enclosure for the dumpster that is six (6) feet tall with masonry columns;
5. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
6. If approved, occupying businesses must file and maintain a current business occupation tax application with the Business Licensing Division. Their office is located at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102. Their contact information is (913) 573-8780 or businesslicense@wycokck.org;
7. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing

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

8. All existing and future driveways must feature curb cuts that are constructed to UG standards;
9. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
10. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
11. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
12. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
13. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;
14. Subject to approval, a \$125.00 ordinance publication fee must be submitted

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

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

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION AND CONDITIONS

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 **SP2024-064** subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

October 14, 2024, City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Site Plan
Site Photos, Taken by Staff, Dated September 2024

PUBLIC HEARING SCHEDULE

Action(s)	City Planning Commission	Unified Government Board of Commissioners
Special Use Permit	October 14, 2024 Approval	October 30, 2024

STAFF CONTACT:

James Molloy
jmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2024-064** 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 **SP2024-064**, 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.

October 14, 2024, City Planning Commission Minutes:

Hearing starts at 1:42:53:

SPECIAL USE PERMIT APPLICATION SP2024-064 – WENDY GONZALEZ – SYNOPSIS: Special Use Permit for a car audio installation business at 1315 State Avenue. *Detailed Outline of Requested Action:* The applicant, Ublester Gonzalez, is requesting a Special Use Permit to operate a car audio installation business at 1315 State Avenue. The applicant previously had a Special Use Permit (SP2020-100), however, that permit expired on March 11, 2023. The applicant's previous renewal attempt was denied by the Board of County Commissioners on September 28, 2023.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated October 14, 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.

Planner Molloy asked if the Commission had any contact to disclose on this application. No one responded in the affirmative.

Present in Support:

- Ublester Gonzalez, representing his wife, Wendy Gonzalez, 1876 Armstrong Avenue, Kansas City, Kansas

Questions were directed to Mr. Gonzalez.

Present in Opposition:

- Jerry Vest, 1313 State Avenue, Kansas City, Kansas

Mr. Gonzalez responded to the issues of Mr. Vest.

Staff Recommendation starts at 1:52:17: Planning Director Hand stated that the request is for a Special Use Permit for a car audio installation operation. A prior application was denied over a year ago, which is why the Applicant is now back to request another Special Use Permit. The property is in the Downtown Area Plan. Staff received no letters in support and no opposition until this evening. There is a history of Notices of Violation associated with this property, but this property is tied to numerous other businesses that have caused these infractions. When Staff reviewed all the violations, they did not see any directly related to this use. There were numerous related to the adjacent uses on this same parcel primarily the surface parking lot behind this building and the vacated alleyway, both of which are not associated with that business. Staff recommends approval subject to the conditions in the staff report for two (2) years.

Questions were directed to Director Hand.

Motion starts at 1:57:00:

On motion by Ms. Schwartz, seconded by Ms. Armstrong, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit Application SP2024-064 for two (2) years:**

Carson	Chairman
Mohler	Aye
Schwartz	Aye
Straws	Not Present
Ward	Aye
Armstrong	Aye
Beth	No
Easterwood	Aye
Ernst	No
Jones	Aye
Miller	Aye

Motion to recommend APPROVAL Passed: 7 to 2

Subject to:

1. Vehicles shall not be parked on the right of way of State Avenue in front of

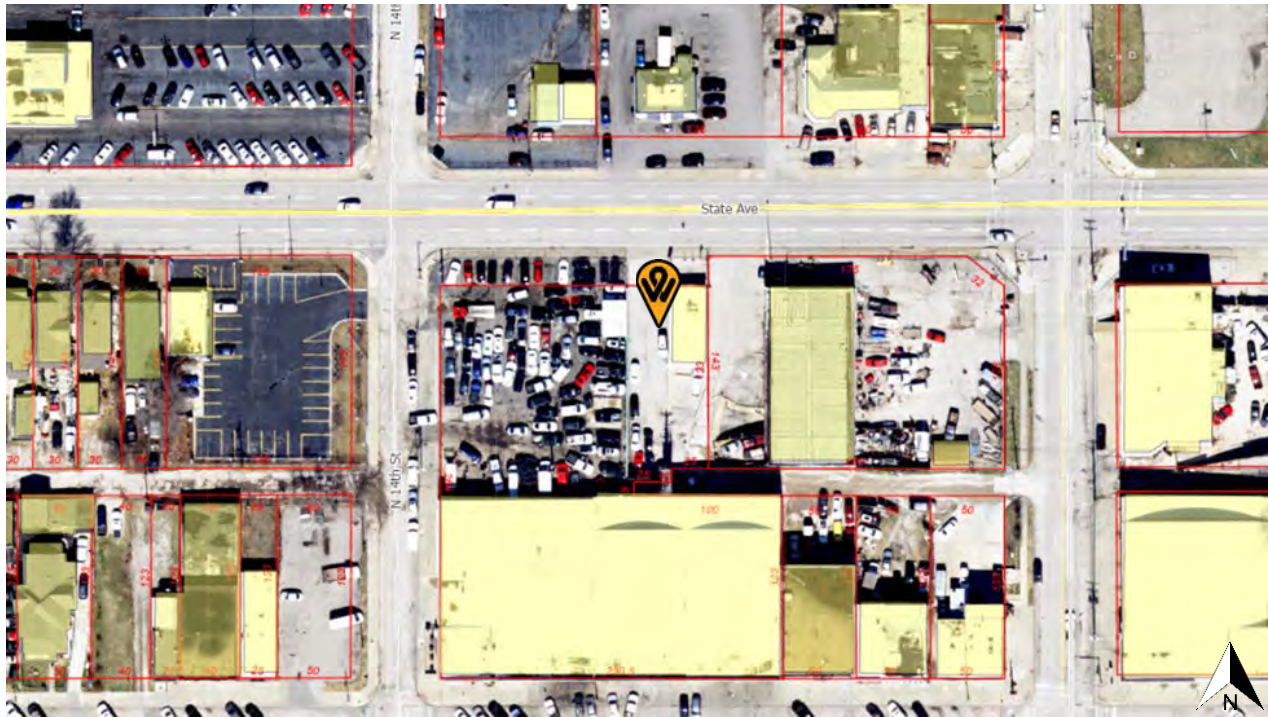
- the property. Vehicles shall not park on State Avenue at any time;
2. In order to comply with the district's performance standards, auto installation or servicing is not allowed outside or in public view. All work shall be performed totally within an enclosed building;
 3. Compliance with the following Commercial Design Guidelines Standards:
 - o The streets trees on site must be trimmed;
 - o Main entrance shall be enhanced by architectural details. Such details may include recessed or slightly protruding entrances, building material variations, color variations, or artistic elements and other special treatments;
 - o Awnings or canopies are encouraged on facades to provide weather protection and shade to pedestrians, and to add visual appeal;
 4. Construct an enclosure for the dumpster that is six (6) feet tall with masonry columns;
 5. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
 6. If approved, occupying businesses must file and maintain a current business occupation tax application with the Business Licensing Division. Their office is located at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102. Their contact information is (913) 573-8780 or businesslicense@wycokck.org;
 7. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
 8. All existing and future driveways must feature curb cuts that are constructed to UG standards;
 9. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
 10. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
 11. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle

storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;

12. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
13. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;
14. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
15. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.

ATTACHMENTS

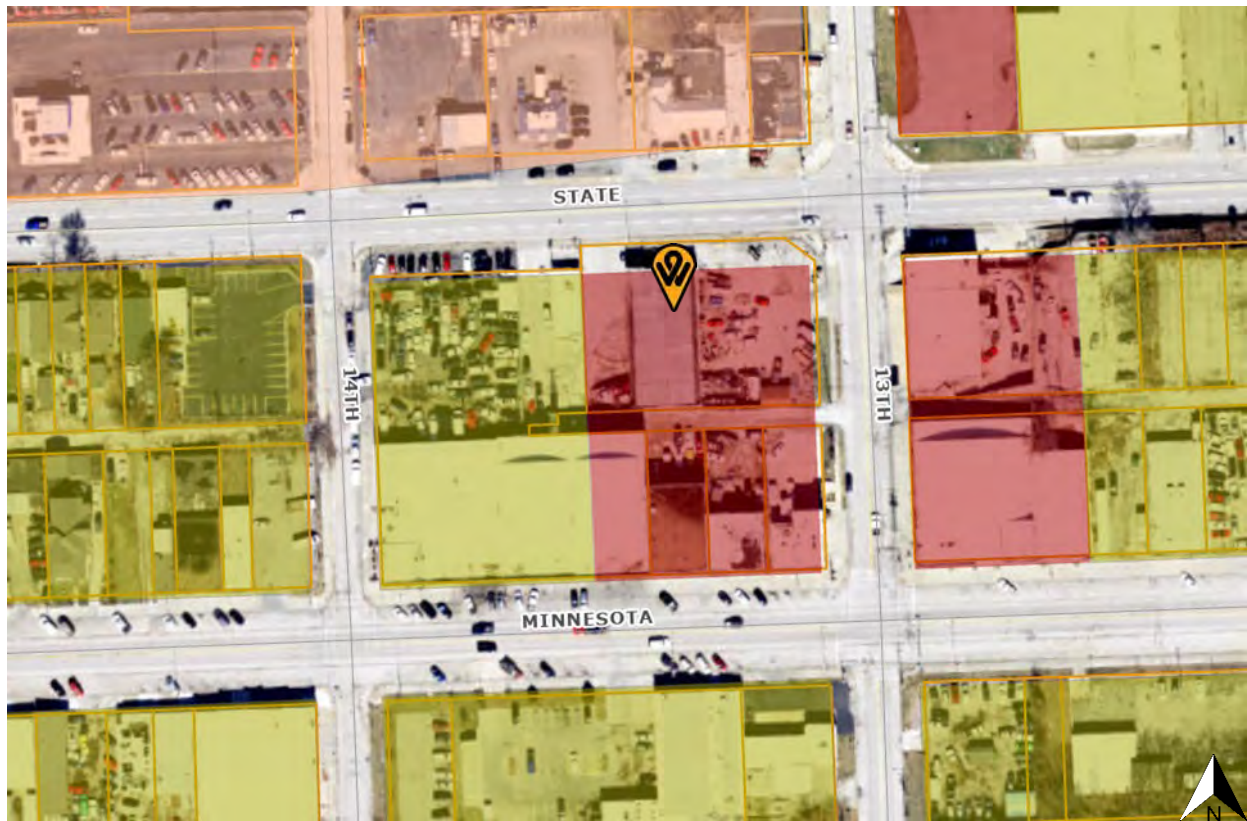
AERIAL IMAGERY



ZONING MAP



LAND USE MAP



NEIGHBORHOOD MEETING MATERIALS

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
COUNTY OF Wyandotte,) ss:

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

1. That I am the petitioner for Petition # SP2024-64
2. That I conducted a neighborhood meeting on 09-26-24.
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 Urban Planning and Land Use Department.

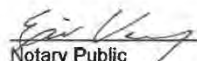
Further affiant saith not.



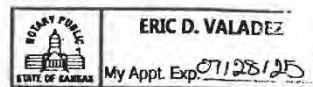
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 27 day of September 2024

My commission expires 28 of July, 2025.



Notary Public



09/27/24

meeting report

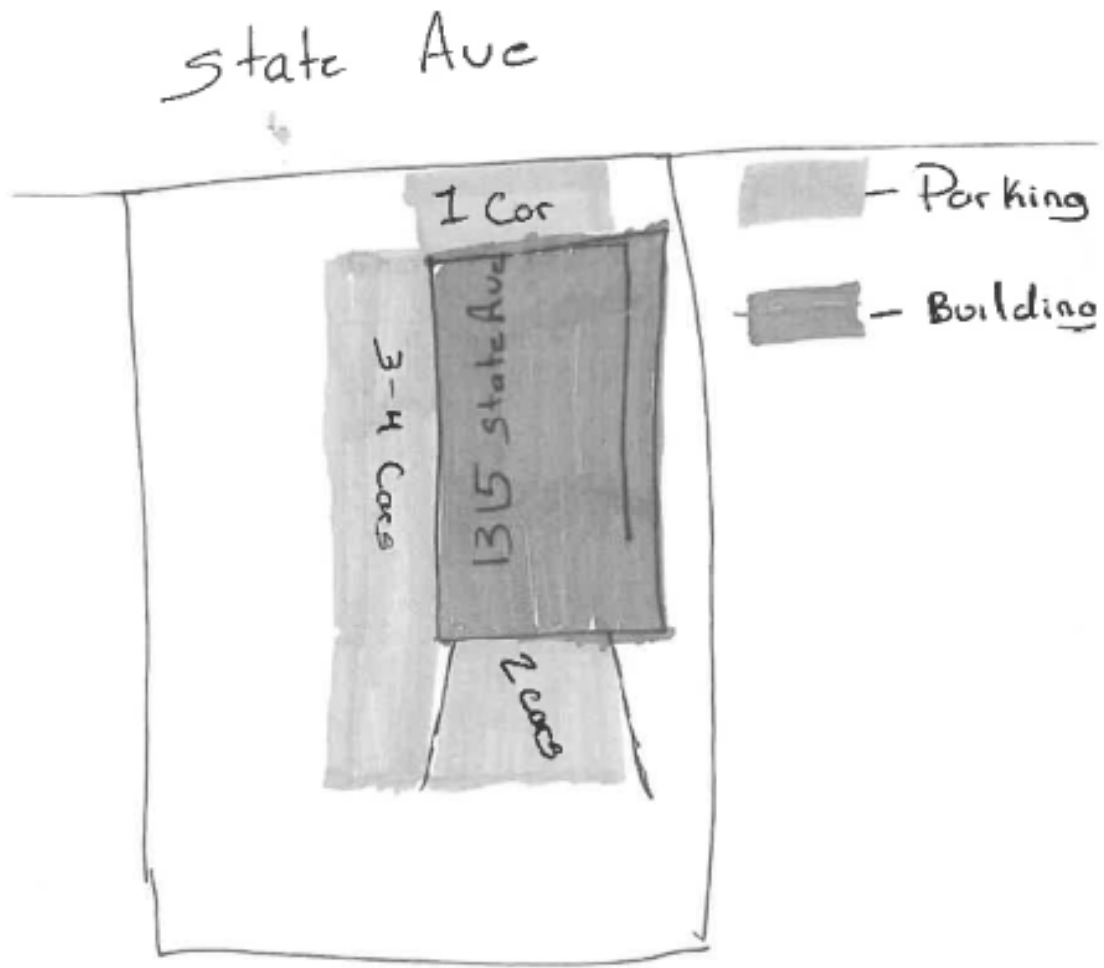
we had our neighborhood meeting on 09\26\24 from 5-6 only two persons attended

Mark shapiro 1300 state ave he said hes agree with as on reopenning our business and he wiil atend the zoom meeting next month to talk on aur favor he was here for about 10 min

Dales Auto Body 1310 state ave he said he also agree on reopening aur bussines and to call hem if we need anything from hem tha can help as on this prosses he was here for about 5 min

SITE PLAN

Diagram of Parking:



SITE PHOTOS, TAKEN BY STAFF, DATED SEPTEMBER 26, 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: October 30, 2024

Re: Special Use Permit Petition SP2024-065

GENERAL INFORMATION

Applicant Information:

LaJoyce Calloway
Beautiful Beginnings Early Childhood
Center
3424 North 99th Street
Kansas City, Kansas 66109

Subject Property:

3424 North 99th Street
Kansas City, Kansas 66109

Requested Action and Purpose:

Approval of a Special Use Permit for
a daycare center.

Commission Districts:

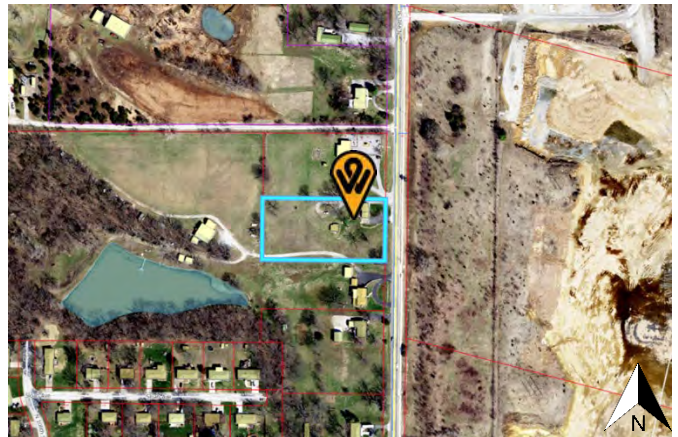
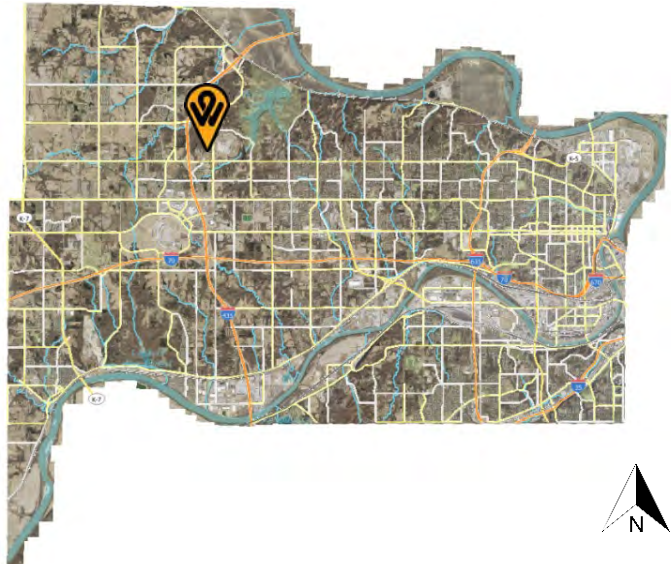
Commissioner At-Large, District #1:
Melissa Bynum
District #5: Mike Kane

Existing Zoning District(s):

A-G Agriculture District

Plan Area:

Prairie Delaware Piper Area Plan



	Adjacent Zoning	Adjacent Uses
North	A-G Agriculture District	Daycare Facility
South	A-G Agriculture District	Single Family District
East	MP-2 Planned General Industrial District	Industrial Warehouse
West	A-G Agriculture District	Single Family District

Total Tract Size: 1.71 Acres

Comprehensive Plan Designation: The Prairie-Delaware-Piper Area Plan designates the subject property as Planned Mixed Residential District, which allow patio (zero lot line) homes, townhouses, condominiums, garden apartments, housing for seniors, and other multifamily uses. Public oriented uses such as schools, libraries, community recreation facilities (both indoor and outdoor) and places for worship may also be planned within a mixed residential development.

Major Street Plan: The goDotte Mobility Plan designates North 99th Street.

Parking Requirement: Section 27-452(e) states “Two off-street parking spaces shall be provided on the premises for each single-family dwelling”.

Section 27-668(b) states “Any use not included in the parking requirements found in this article shall be assigned a parking requirement by the planning commission”. There are only four (4) spaces provided on property.

Landscaping Requirement: Section 27-700(a) states “one shade tree per dwelling unit is required in the front or corner side yard. Aerial photos of the subject property demonstrate sufficient landscaping on the property parcels (see “Aerial Map” within the Attachments section of this report).

Advertisement: The Wyandotte Echo – September 19, 2024
Letters to Property Owners – September 20, 2024

Public Hearings: October 14, 2024 and October 30, 2024

Public Support:

There were three (3) persons in support at the October 14, 2024, meeting.

Public Opposition:

There were two (2) persons in opposition at the October 14, 2024, meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant, LaJoyce Calloway, is requesting a Special Use Permit to operate a children's daycare at 3424 North 99th Street. This is a secondary facility to the already permitted facility directly north.

City Ordinance Requirements: 27-592 through 27-606 and 27-214 and all other applicable standards within Chapter 27.

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 Permit and Cases:

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

Previous Planning Actions:

1. There are no previous planning entitlements on the subject property.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The subject property is located within the I-435 Statistical Neighborhood and the Leavenworth Road Association (LRA) group. The neighborhood consists of single-family residences and the I-435 Logistics Park warehouse complex. The property is north of Leavenworth Road, which runs west to Leavenworth County and east to Quindaro.

2. The zoning and uses of properties nearby and the proposed use's expected compatibility with them. In general, commercial and industrial Special Use Permits should not be granted adjacent to residential districts.

The subject property is within the I-435 West Statistical Neighborhood and the Leavenworth Road Association (LRA) group. The area is dominated by the former Woodlands facility, now I-435 Logistics Park to the east. Other prominent features include large lot residences to the north and south, an established single-family neighborhood to the west and Wyandotte County Lake Park to the east. The applicant's existing daycare facility is also located directly north of the subject property.

3. *The suitability of the property for the uses to which it has been restricted. Will the removal of restrictions, including those for hours of operation (where applicable), detrimentally affect nearby property?*

The proposed use may be reasonably suitable for the subject property with the proper modifications per local and state ordinance. The removal of restrictions is not expected to detrimentally affect nearby property.

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

The property is not vacant and has been used as a residence since construction in 1946.

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

Special Use Permits are not addressed in the Prairie-Delaware-Piper Area Plan. The Prairie-Delaware-Piper Area Plan designates the subject property as Planned Mixed Residential District, which allow patio (zero lot line) homes, townhouses, condominiums, garden apartments, housing for seniors, and other multifamily uses. Public oriented uses such as schools, libraries, community recreation facilities (both indoor and outdoor) and places for worship may also be planned within a mixed residential development. The proposed use conforms to the Area Plan designation with a Special Use Permit.

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

The proposed use has the potential to increase vehicular traffic, as it is a new business in an existing residence, however, it should exceed the capacity of North 99th Street, a Local Street, to accommodate it if managed properly. There are concerns, however, with on-site circulation, as it appears that the only egress/ingress onto the site is a driveway, rather than a purpose-built parking lot. The applicant shall submit a site plan showing improvements and circulation on the 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 is reasonably necessary for the convenience and welfare of the public as it provides additional childcare options for the public. It is unlikely that the use will substantially or permanently injure the use, quality, or marketability of nearby property, especially since nearby properties consist of another daycare and various industrial warehouses.

- 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 primary concerns with daycares, especially if the daycare facility operates earlier or later in the day. If managed properly, however, these issues should not create problems for nearby properties. Dust and vibration are not expected to be issues on the subject 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 structure. Any construction to the residence must be done in a manner that does not pollute air, land or water.

- 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, permitted residence, in an existing, 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 to public health, safety and welfare may be significant, as the use provides another childcare option for the community. If denied, the property owner may not use the property for a daycare, however, they can still use the building as a residence.

- 12. *The applicant's ability to maintain the use in an "as proposed" condition.***

The applicant will be required to maintain the use according to the submitted plans and descriptions of the proposed use. The applicant will also be required to meet all conditions of approval.

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

The proposed use could potentially result in both the overcrowding of land and undue concentrations of population. These issues may arise if occupancy limits are not properly established and adhered too, and if site management is not maintained. If managed properly, however, these items should not be a major concern.

NEIGHBORHOOD MEETING INFORMATION

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

KEY ISSUES

Site Plan
Floor Plan
Change of Occupancy
Amount of Children
Hours of Operation
On-Site Management

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 1 to recommend **APPROVAL** of Special Use Permit Application SP2024-065, **for two (2) years**, subject to:

1. The applicant is required to obtain a Change of Occupancy from the Building Inspection Division;
2. The applicant shall perform all required Local and State inspections as required. The applicant also, shall perform any upgrades required from other agencies;
3. The hours of operation shall be Monday-Friday 7:00 AM to 5:00 PM;
4. There shall be no more than 12 children on site. KCKFD and the Kansas State Fire Marshall will set the occupancy limit for the property, which may reduce the amount allowed;
5. The south driveway shall be marked with parking spots;
6. The north driveway shall be repaved, rather than having gravel;
7. The applicant shall ensure that children and activities occurring on property are setback from neighboring property lines;
8. A cross access agreement must be maintained with the property owner to the south/west, as their driveway crosses onto the subject property;
9. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;

10. All exterior lighting, whether mounted on a building or within a parking lot must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
11. 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;
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 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;
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

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION AND CONDITIONS

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 **SP2024-065** subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

October 14, 2024, City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Site Photos, Taken by Staff, Dated September 2024

PUBLIC HEARING SCHEDULE

Action(s)	City Planning Commission	Unified Government Board of Commissioners
Special Use Permit	October 14, 2024 Approval	October 30, 2024

STAFF CONTACT:

James Molloy

jlmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2024-065** 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 **SP2024-065**, 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.

October 14, 2024, City Planning Commission Minutes:

Hearing starts at 1:58:41:

SPECIAL USE PERMIT APPLICATION SP2024-065 – LAJOYCE CALLOWAY WITH BEAUTIFUL BEGINNINGS EARLY CHILDHOOD – SYNOPSIS: Special Use Permit for a home-based daycare at 3424 North 99th Street. Detailed Outline of Requested Action: The applicant, LaJoyce Calloway, is requesting a Special Use Permit to operate a children's daycare at 3424 North 99th Street. This is a secondary facility to the already permitted facility directly north.

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 October 14, 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.

Planner Molloy asked if the Commission had any contact to disclose on this application. No one responded in the affirmative.

Present in Support:

- LaJoyce Calloway, applicant, Beautiful Beginnings, 3440 North 99th Street, Kansas City, Kansas
- Monte Richardson, 3405 North 129th Street, Kansas City, Kansas 66109
- Janice Hampton, 12506 Parkview Avenue, Kansas City, Kansas
- Christy Kelsey, 10533 Kane Drive, Kansas City, Kansas

Present in Opposition/Questions:

- Taylor Aycock, 3510 North 99th Street, Kansas City, Kansas
- Gary Vestal, 3414 North 99th Street, Kansas City, Kansas

Questions were directed to the Applicant.

Staff Recommendation starts at 2:12:00: Planning Director Hand stated that Special Use Permits apply to the parcel and are specific to the use. For a children's daycare and/or nursery facilities, the following uses may be permitted under Special Use Permit in any zoning district except as specifically limited in the zoning code. He further stated that such limitations are silent for children's daycare and nursery facilities. With an approved Special Use Permit, a child's daycare can be located anywhere in the city. Regarding public comment, Special Use Permits are not indefinite, unless they are adopted as indefinite and that is rare. Director Hand stated that this Special Use Permit is recommended for two (2) years. At renewal, it can be approved for five (5) years and

then 10 years as per ordinance. During renewal any issues or expansions can be addressed through the public hearing process. Director Hand stated that this Special Use Permit is for an expansion of an existing daycare on a parcel directly abutting this property to the north. The property is in the Prairie-Delaware-Piper Area Plan. Staff had not received any letters in support nor opposition prior to this evening. There are no Notices of Violation on this property. Staff recommends approval for two (2) years subject to the conditions in the staff report including a parking plan. He stated that Mr. Aycock's point about the expansion of the commercial business onto this residential property is a valid question as to the character of the neighborhood and one to be considered in the decision-making that Staff also considered. There is CP-2 zoning further down the street and the Woodland Industrial Park across the street.

Questions were directed to Director Hand.

Motion starts at 2:20:13:

On motion by Mrs. Jones, seconded by Ms. Armstrong, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit Application SP2024-065 for two (2) years:**

Carson	Chairman
Mohler	Aye
Schwartz	Aye
Straws	Not Present
Ward	No
Armstrong	Aye
Beth	Aye
Easterwood	Aye
Ernst	Aye
Jones	Aye
Miller	Aye

Motion to recommend APPROVAL Passed: 8 to 1
Subject:

- 1. The applicant is required to obtain a Change of Occupancy from the Building Inspection Division;**
- 2. The applicant shall perform all required Local and State inspections as required. The applicant also, shall perform any upgrades required from other agencies;**
- 3. The hours of operation shall be Monday-Friday 7:00 AM to 5:00 PM;**
- 4. There shall be no more than 12 children on site. KCKFD and the Kansas State Fire Marshall will set the occupancy limit for the property, which may reduce the amount allowed;**
- 5. The south driveway shall be marked with parking spots;**
- 6. The north driveway shall be repaved, rather than having gravel;**
- 7. The applicant shall ensure that children and activities occurring on property are setback from neighboring property lines;**
- 8. A cross-access agreement must be maintained with the property owner to**

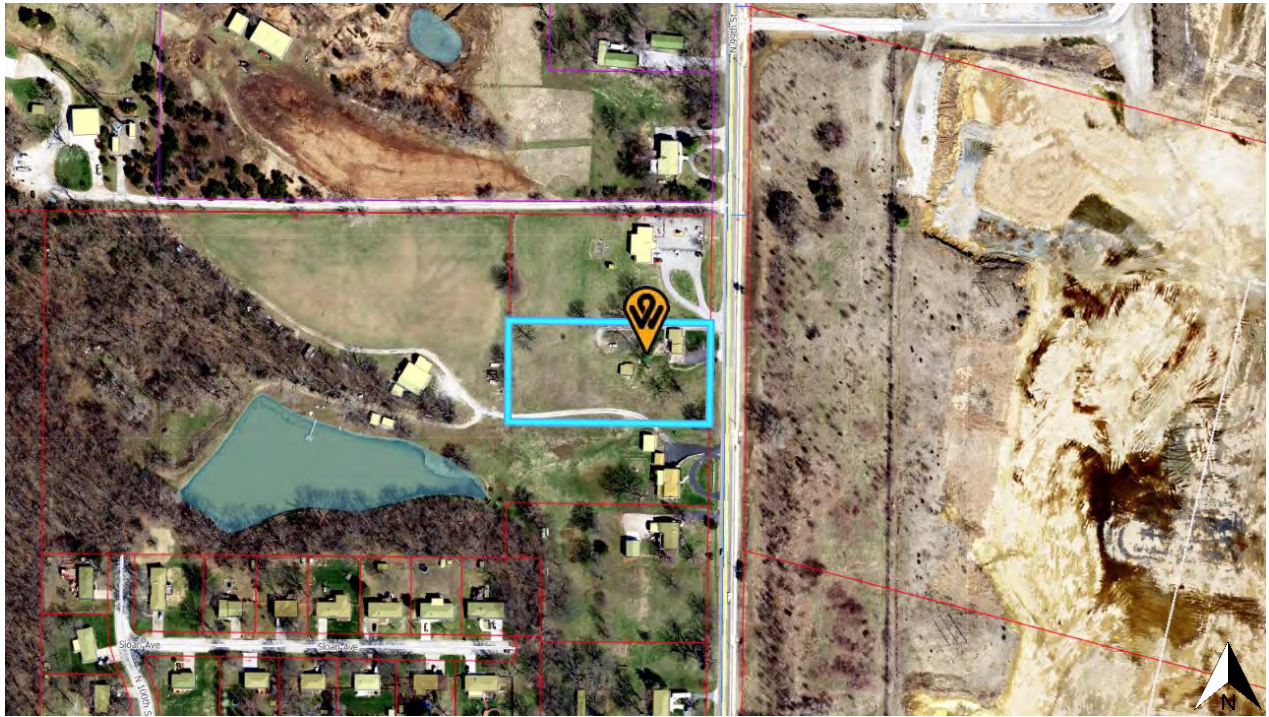
- the south/west, as their driveway crosses onto the subject property;
9. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
 10. All exterior lighting, whether mounted on a building or within a parking lot must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
 11. 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;
 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;

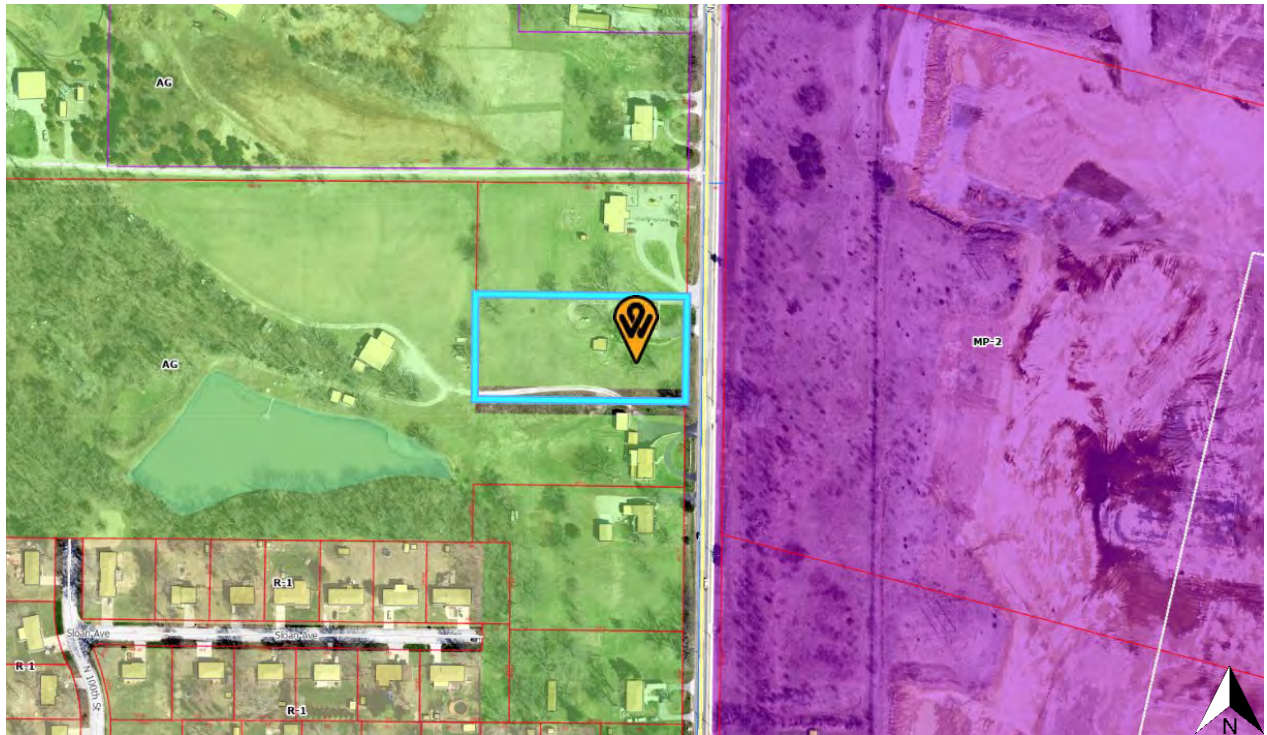
19. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration 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;
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



NEIGHBORHOOD MEETING MATERIALS

NEIGHBOR HOOD MEETING -SP 2024-05

Date: 09/25/2024

LOCATION: KCK PUBLIC LIBRARY 1737 N. 82nd Street Kansas City, KS 66109 Conference Room A

Meeting Called to Order at: 2:00 pm

Those in attendance (Sign In Sheet Attached)

1. LaJoyce Calloway
2. William Calloway
3. Gary Vestal
4. Bev Vestal
5. Verlinda McCarthy
6. Marsha Tribble
7. John Tribble
8. Gloria Pickens
9. Taylor Aycock
10. Mandy Aycock

INFORMATION/MATERIALS offered to attendees for review included:

1. Kansas Department of Health and Environment -Kansas Laws and Regulations for Licensing Family Child Care Homes.
2. Family Child Care Home Capacity Understanding Chart K.A.R.28-4-114
3. Copy of Letter date 9/11/2024 mailed to person listed on the mailing listed provided by the Department of Planning -Urban Design
4. Sign In Sheet

Introduction: LaJoyce Calloway introduced herself and spouse William Calloway, Thank you everyone for coming out. Explained the purpose of the meeting is to address questions or concerns regarding the application of a Special Use Permit to operate as a License Family Home Childcare at the address of 3424 N. 99th Street KCK.

Stated that the hours of operation: Monday-Friday 7:30 am-5:00 pm offering educational/childcare services.

Open for questions or comments:

Question-Taylor Aycock-What is the difference between a Family Day Care & Day Care Home

Answer by :LaJoyce Calloway the definitions and wording or determine by the KDHE (Kansas Department of Health and Service) as of 08/02/2024 there was an update of the status and regulations. Effective 08/02/2024. KDHE is responsible for the definition, Item

1 and 2 were offered for review (Taylor Aycock refused to review the material) I explained again that

lots of recent changes have occurred effective 08/02/2024 which allows Family Child Care Home more flexibility with capacity and staffing.

Question-Taylor Aycock- Why are you required to have a special use permit?

Answer by :LaJoyce Calloway, first to be in compliance with the local (UG) and State (KDHE) Governments. Second childcare is needed and nest if you're not living in the home to be in compliance with the lUnified Government we are required to file an application for a Special Use Permit.

Comment-Taylor Aycock-Kansas law says that you have to live their to be a Home Day Care

Reply-LaJoyce Calloway-no where does Kansas State law says you have to live at the address to be license for a Family Home Child a copy of Item #1 for your review. It is optional for an owner to live on the premises which is why we've filed for a special use permit.

Question-Verlinda McCarthy-How many of them will you have 22 ?

Comment-LaJoyce Calloway, please clarify them

Answer-Verlinda McCarthy-kids

Reply-LaJoyce Calloway, Thank you for the clarification offer item # 2 (Capacity Chart) explaining that a Family Child Care Home has the flexibility to care/have up to 12 children on the premises at one time.

Comment-John Tribble- does the school(referring to the adjuancent property at 3440 N.99th Street) still have rattlesnakes some shot a rattle snake in the hallway.

Reply-LaJoyce Calloway-we have offered services at the 3440 N. 99th address since 2007 and no signs of rattle snakes. Please keep in mind that the purpose of the meeting is regarding the property located at 3424 N. 99th ..next question.

Question-Gary Vestal-whats up with the fencing am I going to have to put a fence around my pond?

Reply-LaJoyce Calloway-to be in compliance with KDHE a fence just this week was installed, a fence is required for all childcare centers and family home child care programs. I do not belive the UG or KDHE has any intentions of requesting you or any of the other property owners to put up a fence..next question.

Question-Taylor Aycock-what about traffic you have a driveway?

Reply-LaJoyce Calloway-actually the property has two 2 driveways allowing acces to the property, a drive way on the south side and a second driveway on the north

side which allows vehicles to circle just as we do at the current location. A percentage of the families we serve have more than one child therefore we're project maybe 6/7 additional vehicles will access the property for arrivals and departures.

Comment-not sure who said it several people were speaking-Aycock there is a lot of traffic on the side street leading to your businesses located out back sometimes 25-30 cars and trucks throughout the day and you're not worried about traffic..what kind of businesses are you running back there?

Question-Taylor Aycock-How many people received letters and where did the list come from?

Reply-LaJoyce Calloway-the letters were address to individuals from the list provided by the Department of Planning & Urban Design future questions regarding the list should be directed to Planning & Urban Design..

Question-Gary Vestal-if they get loose and drown in my pond who is responsible for their death?

Question-LaJoyce Calloway-Please Clarify "they"are being referred to as they

Reply-Gary Vestal-they kids

Answer-LaJoyce Calloway-first I believe that it is important to be respectful we've been neighbors serving children/families at the 3440 address for over 17 years without incident. Students are supervised at all times. Someone drowning in your pond will not be on our watch. Children that live in the neighborhood that play outside unsupervised can wander into your pond. People walking the trail on 99th street can wander onto your pond.

Comment-Gary Vestal start point his finger at LaJoyce Calloway yelling from across the room that he has pictures of the children outside in the back lot....several people taking.

Reply-LaJoyce Calloway-so you have a problem with children, running, playing having fun on property that does not belong to you...so why are we here let's discuss the real reason that we're here because we've filed special use permits in the past and the last time you showed up Gary was 2007...next question

Question-Verlinda McCarthy-why did you put a sign in the yard saying daycare if its not a care?

Reply-LaJoyce Calloway -as I stated before the wording/definitions has recently updated effected 08/02/2024. It takes takes for local updates to take place. I did not make the sign it was prepared by the Planning and Zoning, I picked it up and placed it in the yard as per instructions.

Comment-Gary Vestal

Comments- Gary you are welcome to stay back after the meeting and the two of us can chat. Does anyone have additional questions or concerns, if you this concludes the meeting.

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF KANSAS)
) SS:
COUNTY OF WYANDOTTE _____)

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

1. That I am the petitioner for Petition # SP2024-065.
2. That I conducted a neighborhood meeting on 09/25/2024 @2:00PM KCK Public Library _____.
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.

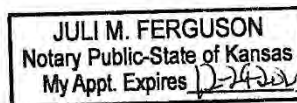
Further affiant saith not.


Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 25 day of September, 2024.

My commission expires 29 of December, 2025


Notary Public



Sign In Sheet

Neighborhood Meeting -Special Use Permit (SP2024-065)

Date: 09/25/2024 Time: 2:00 pm

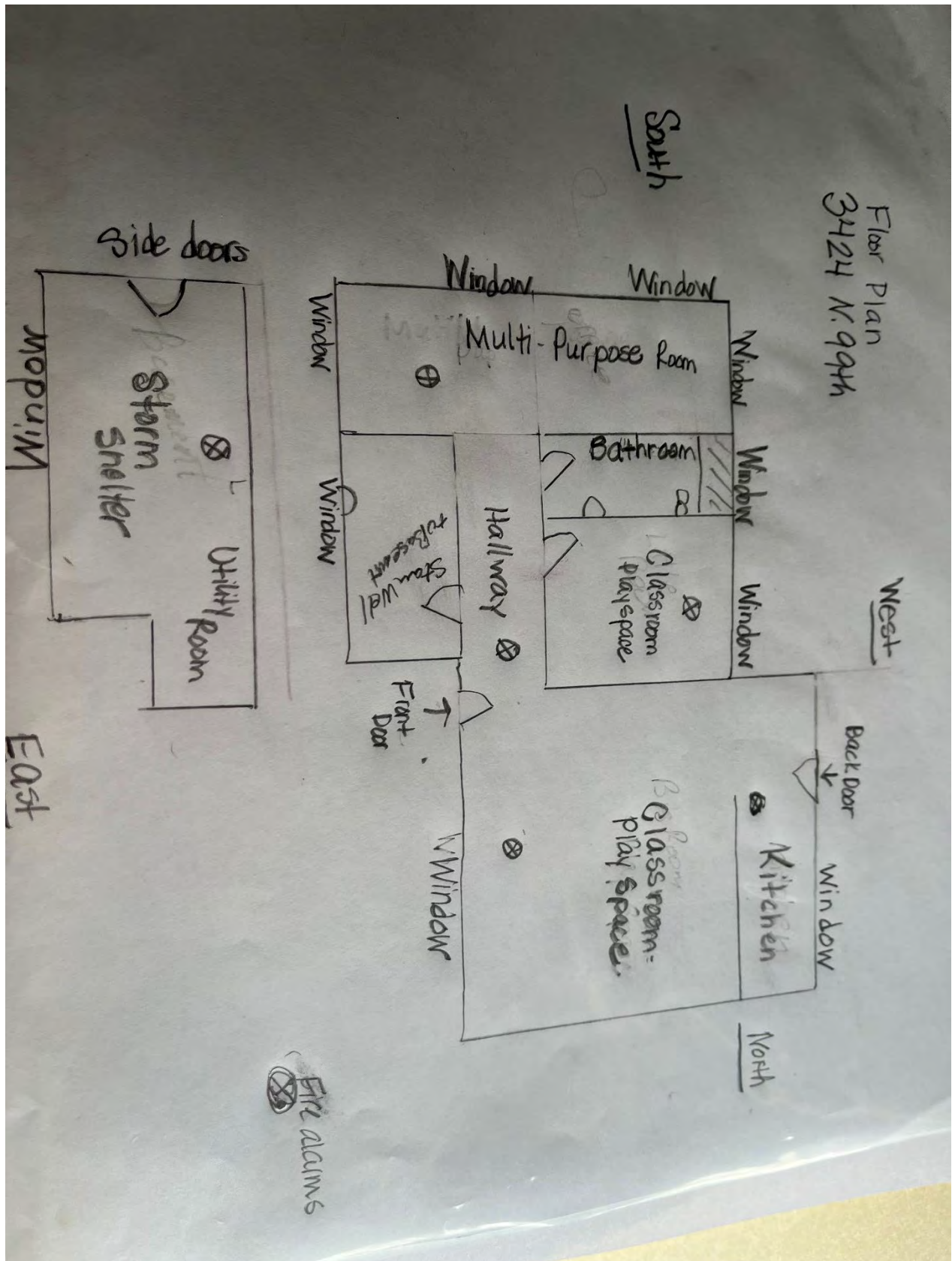
Location: West Wyandotte Library 1737 N. 82nd Street Kansas City, KS 66112 Conference Room A

Petitioner: Beautiful Beginnings Family Childcare/LaJoyce Calloway

Address: 3424 N. 99th Street KCK

1. LaJoyce Calloway
2. William Calloway
3. Gary VESTAL
4. BEV VESTAL
5. Velinda McCarthy
6. Marsha Tribble
7. John Tribble
8. Gloria Pickens
9. Taylor Ascock
10. Mandy Ascock

FLOOR PLAN



SITE PHOTOS, TAKEN BY STAFF, DATED SEPTEMBER 26, 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: October 30, 2024

Re: Special Use Permit Petition SP2024-077

GENERAL INFORMATION

Applicant Information:

John Sil and Audrey Sil
Property Owners
8915 East Windwood Street
Wichita, Kansas 67226

Subject Property:

819 Southwest Boulevard
Kansas City, Kansas 66103

Requested Action and Purpose:

Approval of a Special Use Permit for
a short-term rental.

Commission Districts:

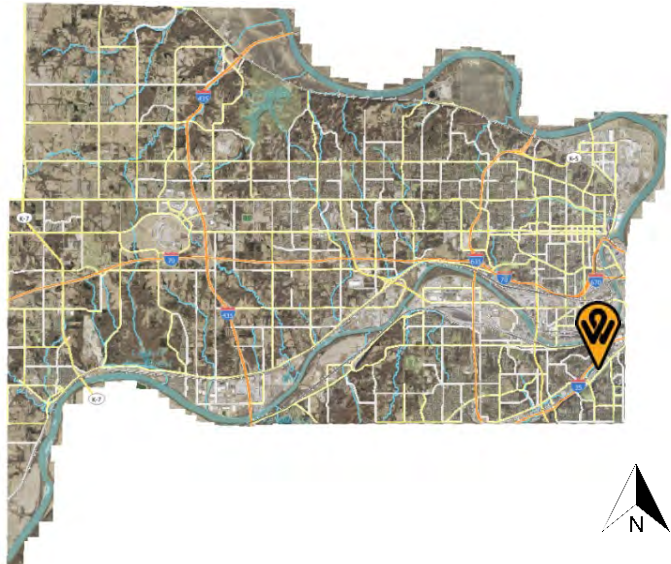
At-Large District #2: Tom Burroughs
District #3: Christian Ramirez

Existing Zoning District(s):

R-2(B) Two Family District

Plan Area:

Rosedale Area Plan



	Adjacent Zoning	Adjacent Uses
North	R-2(B) Two Family District	Duplex and Single-Family Residence
South	M-2 General Industrial District	Vacant Warehouse and Restaurant Equipment Supply Store
East	R-1(B) Single Family District and R-2(B) Two Family District	Duplex and Single-Family Residence
West	M-2 General Industrial District	Hardware Store and Sheetmetal Distributor (former Frank Rushton Bakery)

Total Tract Size: 0.17 Acres

Comprehensive Plan Designation: The Rosedale Area Plan classifies the subject property as Urban Mixed Use. The Urban Mixed Use land use designation allows for townhomes, small apartment buildings up to three (3) stories, multi-family apartments, institutional uses, and neighborhood convenience commercial uses.

Major Street Plan: The goDotte Countywide Strategic Mobility Plan designates Southwest Boulevard as a Major Collector.

Parking Requirement: Section 27-457(d) states “one (1) parking space for each dwelling unit shall be provided on the premises”. The subject property has three (3) off-street parking spaces, meeting this requirement.

Landscaping Requirement: Section 27-700(a) states “one shade tree per dwelling unit is required in the front or corner side yard. Aerial photos of the subject property demonstrate sufficient landscaping on the property parcels (see “Aerial Map” within the Attachments section of this report).

Advertisement: The Wyandotte Echo – September 19, 2024
Letters to Property Owners – September 20, 2024

Public Hearings: October 14, 2024 and October 30, 2024

Public Support: None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, John Sil, is requesting a Special Use Permit to operate a short-term rental at 819 Southwest Boulevard. This is not the owner's primary residence. This would be the first and only permitted short-term rental on the 800 block of Southwest Boulevard. While this property has had previous Special Use Permits for a short-term rental, the property has changed ownership, thus necessitating a new Special Use Permit.

City Ordinance Requirements: 27-592 through 27-606, 27-214, and 27-623 and all other applicable standards within Chapter 27.

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. There have been no noise or disturbance complaints on the subject property since the prior approval in 2022.

Building, Zoning, or Code Enforcement Complaints:

1. There have been two (2) Notices of Violation on the property since the previous approval:
 - a. 2024 – ENV24-2202 – Environmental – Open Case
 - b. 2022 – STR22-0551 – Structural – Broken Windows

Outstanding or Related Permit and Cases:

1. There is an active Notice of Violation for environmental violations:
 - a. 2024 – ENV24-2202 - Environmental

Previous Planning Actions:

1. Approval of a Special Use Permit (SP2022-078) for a short-term rental for five (5) years in 2022.
2. Approval of a Special Use Permit (SP-2020-55) for a short-term rental for two (2) years in 2020.
3. Approval of a Special Use Permit (SP-2019-75) for a short-term rental for two (2) years in 2019.
4. Approval of a Change of Zone (COZ 3160) from M-2 to R-2(B) in 2018.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The subject property is located within the Rosedale Statistical Neighborhood, the Rosedale Development Association (RDA) and the Hilltop Neighborhood Group. The neighborhood consists of primarily a mix of single-family residences

and duplexes, as well as a variety of industrial uses. The property is located along the Southwest Boulevard mixed used corridor, which runs west into Merriam, Kansas, and east into Downtown KCMO.

2. *The zoning and uses of properties nearby and the proposed use's expected compatibility with them. In general, commercial and industrial special use permits should not be granted adjacent to residential districts.*

The zoning and uses are set out above. The subject property is surrounded by the R-1(B), R-2(B) and M-2 zoning districts. Use of the property as a rental, either short or long-term, while commercial in nature, is consistent with other nearby properties in close proximity. While use as a short-term rental is commercial in nature, the use is occurring in a purpose-built residence, which should not present issues with nearby property. The proposed use is compatible if properly managed.

3. *The suitability of the property for the uses to which it has been restricted. Will the remove of restrictions including those for hours of operation (where applicable), detrimentally affect nearby property?*

Removal of the restrictions that require a Special Use Permit has the potential to create issues such as parking, excessive noise, illumination, vibration, overcrowding of land and undue concentrations of population. The property could be suitable for use as a short-term rental if the aforementioned issues are properly managed.

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

The property is not vacant and has been used as a short-term rental since 2019.

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

Special Use Permits are not addressed in the Rosedale Area Plan. The Rosedale Area Plan classifies the subject property as Urban Mixed Use. The Urban Mixed Use land use designation allows for townhomes, small apartment buildings up to three (3) stories, multi-family apartments, institutional uses, and neighborhood convenience commercial uses. The proposed use conforms to the area designation with a Special Use Permit.

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

The proposed use has the potential to increase vehicular traffic, but should not exceed the capacity of Southwest Boulevard, a Major Collector, 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 making excessive noise, vibration, overcrowding of land, illumination, 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 all potential issues that are related to short-term rentals if it is not managed properly. There have not been any 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 and ostensibly not considered to be a problem for nearby properties.

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, permitted residence in an existing built-out neighborhood.

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

The relative gain or loss to 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 with appropriate permits and licenses, their primary residence, or sell the property.

12. *The applicant's ability to maintain the use in an "as proposed" condition.*

The applicant will be required to maintain their short-term rental according to the submitted management plan and conditions of approval as well as limits to

number of guests and number of vehicles on the property, as well as all other applicable ordinances set by the Code of Ordinances.

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

The proposed use is not expected to 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.

NEIGHBORHOOD MEETING INFORMATION

The applicant held a neighborhood meeting on September 30, 2024. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Noise, Illumination, and Vibration (Add "Dust" if unimproved driveway)
Home Inspection Report
Overcrowding and Undue Concentrations of Population
Parking

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 1 to recommend **APPROVAL** of Special Use Permit Application SP2024-077, **for one (1) year**, subject to:

1. **All repairs identified above must occur prior to publication of the ordinance for SP2024-077. Failure to provide proof of repair will result in the ordinance not being published, nullifying any approval.**
2. **Maximum number of guests shall be no more than seven (7) in the upstairs between the units on the ground floor.**
3. **All parking must be off-street, maximum number of vehicles is three (3). No STR renters or guests may park on-street.**
4. **The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;**
5. **Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;**
6. **Applicant is to maintain liability insurance.**
7. **The property must remain in proper maintenance and free of hazards, pests, or infestations.**

8. The granting of this Special Use Permit does not transfer with a change of ownership of the property.
9. Must provide a manual/welcome packet that lists all rules, including “No Parties, etc.” This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and www.hostcompliance.com/tips (website).
10. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process.
11. If approved, occupying businesses must file and maintain a current business occupation tax application with this office.
12. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly.
13. All existing and future driveways must feature curb cuts that are constructed to UG standards.
14. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable.
15. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
16. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit.

17. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
18. The Special Use Permit shall be valid for one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and
19. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.
20. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION AND CONDITIONS

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 **SP2024-077** subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

October 14, 2024 City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Host Compliance Map
Home Inspection Report
Floor Plan
Site Photos, Taken by Staff, Dated September 2024

PUBLIC HEARING SCHEDULE

Action(s)	City Planning Commission	Unified Government Board of Commissioners
Special Use Permit	October 14, 2024 Approval	October 31, 2024

STAFF CONTACT:

James Molloy
jmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2024-077** 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 **SP2024-077**, 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.

October 14, 2024, City Planning Commission Minutes:

Hearing starts at 2:39:17:

SPECIAL USE PERMIT APPLICATION SP2024-077 – JOHN SIL – SYNOPSIS:

Special Use Permit for a Short-Term Rental at 819 Southwest Boulevard. Detailed Outline of Requested Action: The applicant, John Sil, is requesting a Special Use Permit to operate a short-term rental at 819 Southwest Boulevard. This is not the owner's primary residence. This would be the first and only permitted short-term rental on the 800 block of Southwest Boulevard. While this property has had previous Special Use Permits for a short-term rental, the property has changed ownership, thus necessitating a new Special Use Permit.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated October 14, 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.

Planner Molloy asked if the Commission had any contact to disclose on this application. No one responded in the affirmative.

Present in Support:

- John Sil, applicant, 8915 East Winwood Street, Wichita, Kansas

Present in Opposition:

- No one appeared

Staff Recommendation starts at 2:43:14: Planning Director Hand stated that this request is for a non-owner-occupied Short-Term Rental Special Use Permit. It was previously approved for a Short-Term Rental, and there was a change in ownership, so a new land entitlement is required. The property is in the Rosedale Area Plan. Staff received no letters in support nor opposition. All Notices of Violation have been addressed. Staff recommends approval for one (1) year with conditions in including a maximum of seven (7) people for each of the two (2) units for a total of 14 people and three (3) total off-street parking spaces. Applicant has discussed expansion and any expansion over seven (7) people per unit changes the definition as per the state and may require a State-certified inspection.

Motion starts at 2:45:54:

On motion by Mrs. Jones, seconded by Mr. Miller, the Planning Commission voted as follows to recommend **APPROVAL** of Special Use Permit Application SP2024-077, for one (1) year:

Carson	Chairman
Mohler	Aye
Schwartz	Aye
Straws	Not Present
Ward	Aye
Armstrong	Aye
Beth	Aye
Easterwood	Aye
Ernst	No
Jones	Aye
Miller	Aye

Motion to recommend APPROVAL Passed: 8 to 1

Subject to:

1. All repairs identified above must occur prior to publication of the ordinance for SP2024-077. Failure to provide proof of repair will result in the ordinance not being published, nullifying any approval.
2. Maximum number of guests shall be no more than seven (7) in the upstairs between the units on the ground floor.
3. All parking must be off-street, maximum number of vehicles is three (3). No STR renters or guests may park on-street.
4. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
5. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;
6. Applicant is to maintain liability insurance.
7. The property must remain in proper maintenance and free of hazards, pests, or infestations.
8. The granting of this Special Use Permit does not transfer with a change of ownership of the property.
9. Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and www.hostcompliance.com/tips (website).
10. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process.

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

application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and

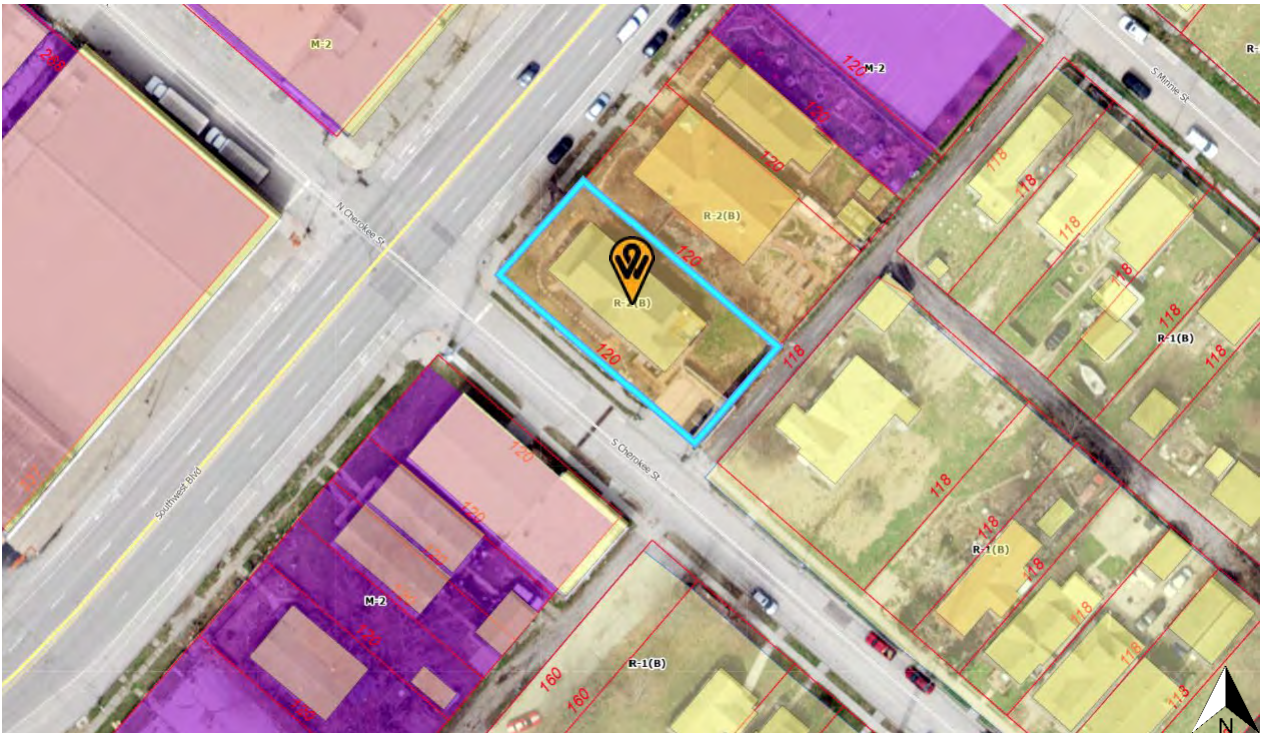
19. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition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

ATTACHMENTS

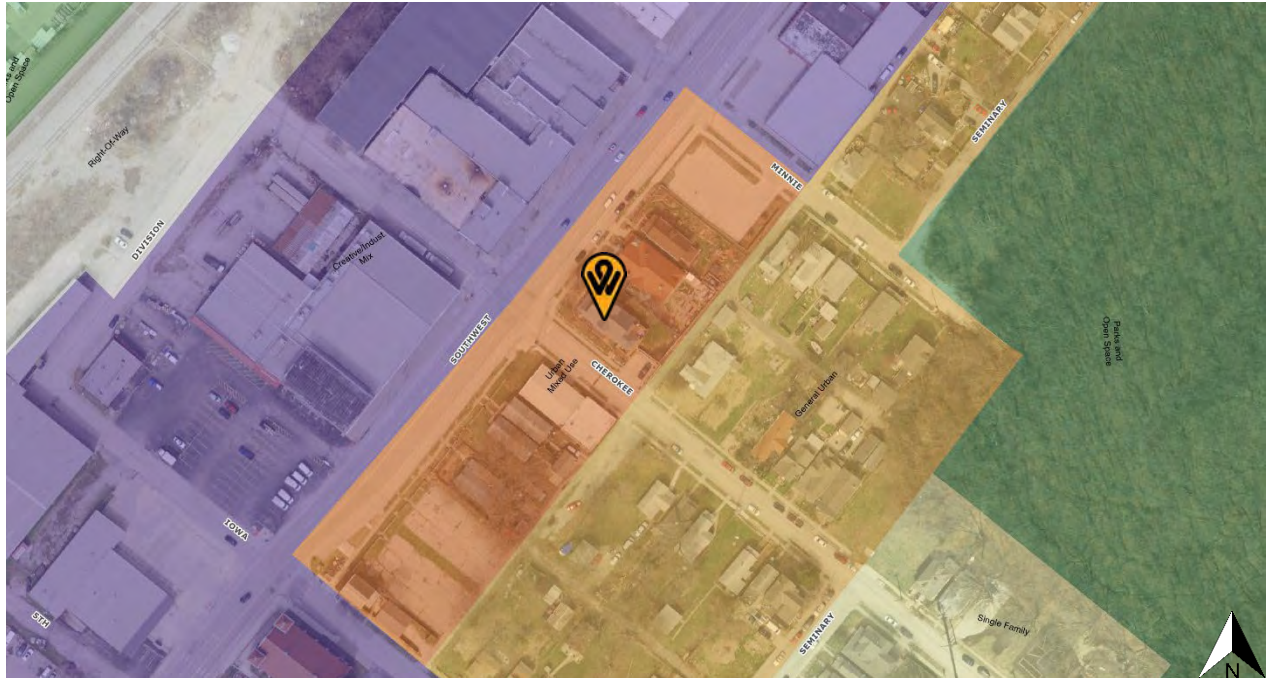
AERIAL IMAGERY



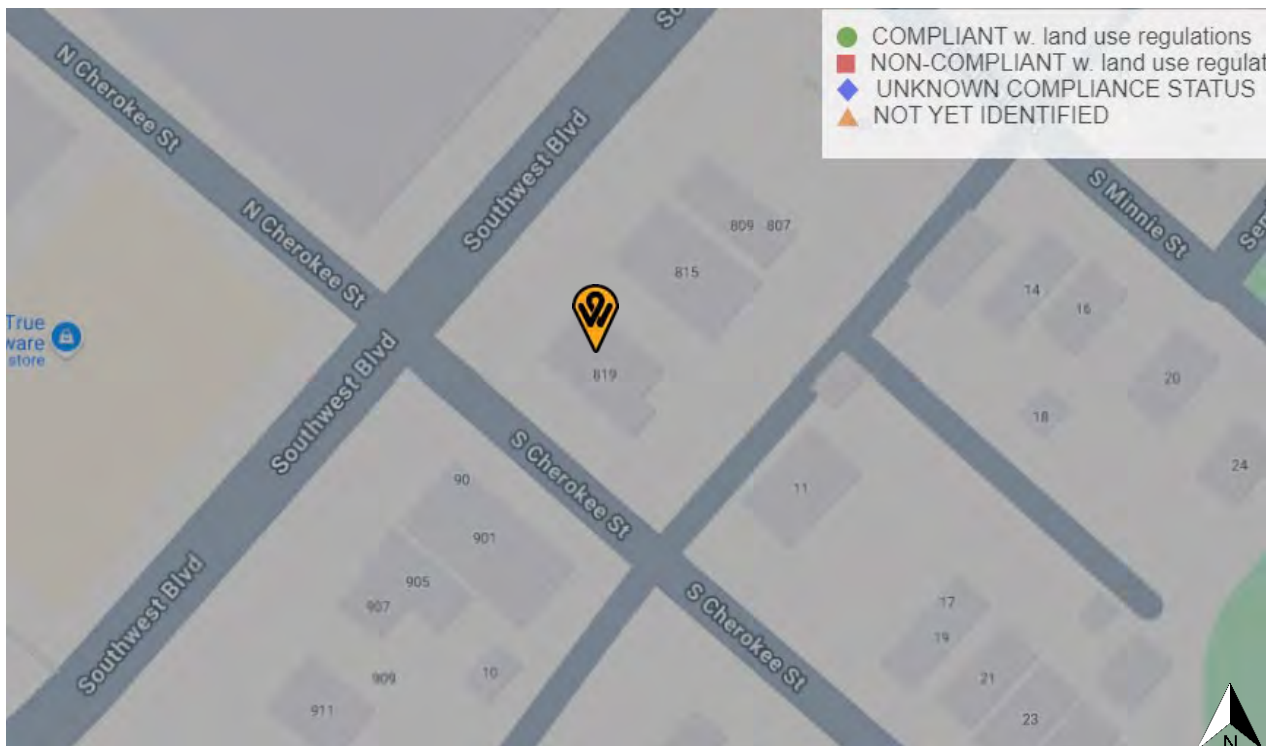
ZONING MAP



LAND USE MAP



SHORT-TERM RENTAL MAP



NEIGHBORHOOD MEETING MATERIALS

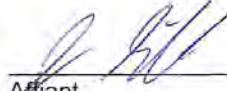
AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF KANSAS)
) SS:
COUNTY OF SEDGWICK)

Comes now John Robert Sill, of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition #SP2024-077.
2. That I conducted a neighborhood meeting on September 28, 2024 @ 3 PM.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Planning + Urban Design Department.

Further affiant saith not.



Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 1st day of Oct, 2024.

My commission expires 9th of Jan, 2027.





Notary Public

MINUTES:

Application Number SP2024-077

Date and Location: September 28, 2024 @ 3 PM, 819 Southwest Blvd, KCK

Meeting called to order at: 3 PM

Names of people in attendance: Mike Coons, Christine Sciolaro

Introductions:

Property manager greeted guests, introduced self and family/property management background; Goals and vision for property was provided, plans to improve and address neighbor concerns (if any); Opened floor to questions from attendees; Performed a walk around of property and lot

Questions and answers (include the following):

- Christine asked about willingness to remove dying tree in front of house – I said I would get a quote and likely do it, seeking to leave wood for Mike to use;
- Mike asked about landscaping plans – I explained plans to hire lawn crew and would keep them away from his property line

Meeting adjourned at: 4:30 PM

Minutes taken by: _Sill

Date: September 13, 2024

SUBJECT: Neighborhood Meeting

I have filed an application with the Planning + Urban Design Department #SP2024-077. The purpose of this:

➤ special use permit

is for a short-term rental application

at the following address: 819 Southwest Boulevard, Kansas City, KS.

I am having a neighborhood meeting on Saturday, September 28, 2024 at 3:00 p.m. at the following address 819 Southwest Boulevard, Kansas City, KS.

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

I look forward to seeing you at the neighborhood meeting. If you are unable to attend, please contact me at the email listed below with any questions/comments you might have ahead of the meeting.

Sincerely,

John Sill
chensationalproperties@gmail.com

HOME INSPECTION REPORT

819 Southwest Blvd

Chensational Properties LLC

2.4.3 Exterior Windows

STORM WINDOW - MISSING

One or more of the exterior storm windows were noted as missing.

2.6.1 Eaves, Soffits & Fascia

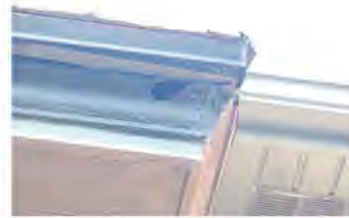
FASCIA/SOFFIT - ROT/DECAY

One or more sections of the fascia/Soffit are rotted. Recommend qualified siding company evaluate & repair.

Note that sufficiently damaged soffits and or fascia can become an entry point for a pests into the attic or living Spaces of the home.

Recommendation

Contact a qualified roofing professional.



2.6.2 Eaves, Soffits & Fascia

FASCIA/SOFFIT OPENING

There is opening, gap or hole in fascia/soffit which should be repaired. This can allow water intrusion and rodent infestation as well as deterioration of the surrounding material.

Recommendation

Contact a qualified siding specialist.



2.7.1 Porches

PORCH POST ROT

One or more of the supporting posts for the porch covering shows signs of rot and/or deterioration. Recommend repairs. In some cases the rot is only in the trim pieces, not the actual supporting posts.

Recommendation

Contact a qualified professional.



2.8.1 Decks

DECK - STAIN/SEALING RECOMMENDED

The deck is showing signs of weathering and/or water/moisture damage. We recommend water sealant/weatherproofing be applied to help preserve the decking materials.

[Here is a helpful article](#) on staining & sealing your deck. During this process any rotten boards should be replaced.

Recommendation

Recommended DIY Project

Inadequate clearance between siding materials and the ground was noted. We recommend a minimum clearance between bottom of siding materials and the ground of about 4" to 6". Siding that is closer to or in contact with the ground cover creates conditions conducive to termite activity and moisture damage.

Recommendation

Contact a qualified siding specialist.



2.3.2 Siding, Flashing & Trim

SIDING- WOOD ROT

Wood rot was noted at the exterior in the siding/trim. This condition is present on nearly all structures where the exterior siding or trim materials are made of wood. We recommend evaluation and repair cost be completed by a wood rot repair specialist. Where available it may be advantageous to replace the wood products with PVC or other hardboard materials to help prevent future decay.

This observation is made to inform you that the conditions exists on the structure at this time. It is not an exact or exhaustive list of every location where this condition is present or may develop in the future. Locating and determining the extent of the condition and the cost to correct the condition is for a wood rot repair specialist and is beyond the scope of this inspection.

Recommendation

Contact a qualified siding specialist.



2.3.3 Siding, Flashing & Trim

BRICK - CRACKING, REPOINT NEEDED

Joints in the masonry have deteriorated and should be repointed. (Repointing is the restoration of the mortar joints in the masonry). All cracked and/or damage brick should also be repaired at this time.

Recommendation

Contact a qualified professional.



2.3.4 Siding, Flashing & Trim

SIDING/TRIM- PAINT(STAIN)/CAULK

Some areas of the siding/trim are showing evidence of wear and are in need of routine paint and caulk maintenance. This maintenance is necessary to help protect the siding materials from moisture and future rot or decay. Some minor wood rot repair should be anticipated as part of this routine maintenance.

Recommendation

Contact a qualified painting contractor.



2.3.5 Siding, Flashing & Trim

REMOVE NEST - BEE/BIRD/ANIMAL

The nests should be removed as bees/birds/animals can do significant damage to the home and can be a safety hazard to small children or those with allergies.

Recommendation

Contact a qualified pest control specialist.



2.4.1 Exterior Windows

GLAZING PUTTY REPAIRS

Loose or damaged/missing glazing putty/bead should be repaired at this time. These repairs should be combined with routine paint and caulk maintenance of the windows.

Recommendation

Contact a qualified window repair/installation contractor.



2.4.2 Exterior Windows

STORM WINDOW REPAIRS NEEDED

The storm windows require routine repair and maintenance/adjustment in various locations around the home. This can typically be accomplished by a homeowner or handy person. Improvements can be made on a discretionary basis.

Recommendation

Recommended DIY Project

Due to the height of the roof (20 feet or greater from the ground) and or the pitch a "walk on" roof inspection could not be performed. Every effort is made to evaluate the condition of the roofing system from the visible portions of the ground and from the portions visible in the attic space below the roof however these conditions significantly limit our ability to assess the condition of the roof coverings/materials. Wet/damp/dew/snow covered shingles can mask pronounced wear and or damage. We recommend having a roofing contractor evaluate the roofing system prior to the end of the inspection period in your contract accordingly.

General

ROOF MATERIALS

We do not do "walk on" roof covering inspections on a roof constructed with wood shake/shingle, terra cotta, cement, plastic, steel or that is a brand new installation. These roofs cannot be walked upon due to insurance regulations prohibiting walking access due to the potential of damaging the roofing system. Recommend further evaluation by licensed roofer.

Coverings

ROOF HEIGHT/PITCH

Due to the height of the roof (20 feet or greater from the ground) and or the pitch a "walk on" roof inspection could not be performed. Every effort is made to evaluate the condition of the roofing system from the visible portions of the ground and from the portions visible in the attic space below the roof however these conditions significantly limit our ability to assess the condition of the roof coverings/materials. Wet/damp/dew/snow covered shingles can mask pronounced wear and or damage. We recommend having a roofing contractor evaluate the roofing system prior to the end of the inspection period in your contract accordingly.

Coverings

SPECIAL MATERIALS

We do not do "walk on" roof covering inspections on roof constructed with wood shake, terra cotta, cement, plastic or steel. These roofs cannot be walked upon due to insurance regulations prohibiting walking access due to the potential of damaging the roofing system. Recommend further evaluation by licensed roofer.

Recommendations

3.2.1 Coverings

ROOF - SHINGLES DAMAGED/MISSING

Shingles appear to be damaged/missing from area(s) of the roof. Recommend qualified roofing contractor evaluate and repair.

Recommendation

Contact a qualified roofing professional.



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 - INSUFFICIENT SLOPE

Gutters are improperly sloped in areas, which can lead to improper drainage around the foundation. This can result in excessive moisture in the soil at the foundation, which can lead to foundation/structural movement and/or leakage. Recommend qualified gutter contractor repair the slope to ensure proper drainage at this time.

Recommendation

Contact a qualified gutter contractor



One or more lights are not operating. New light bulb possibly needed. If new bulb doesn't work circuit could be in need of repairs.

Recommendation

Contact a qualified electrical contractor.



2nd Floor Stairs

6.5.2 Lighting Fixtures, Switches & Receptacles

RECEPTACLE UPWARD FACING

Upward facing (floor mounted) receptacles are required to have a cover in place when not in use. These covers are to help prevent debris or fluids from entering the receptacle and creating a short. Improvements are recommended at this time.

Recommendation

Contact a qualified electrical contractor.



1st Floor East Bedroom

6.5.3 Lighting Fixtures, Switches & Receptacles

LIGHT FIXTURE LOOSE

The light fixture was loose. Recommend repairs.

Recommendation

Contact a qualified professional.



3rd Floor

6.6.1 GFCI & AFCI

NO GFCI PROTECTION INSTALLED

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.





1st Floor Bath



1st Floor Bath

Previous repairs have been made to the foundation. Recommend consulting with current owner to obtain all work completed and warranty information.

Recommendation

Contact a qualified professional.



10.2.3 Foundation

FORM BOARDS STILL IN PLACE

The form boards for the concrete pour are still in place. Recommend removal of these boards to prevent potential future termite activity.

Recommendation

Contact a qualified professional.



10.4.1 Floor Structure

ADDITIONAL COLUMN FOOTING

There are supplemental supports (lally columns) installed in the basement/crawl space of the home. These additional supports are not installed over proper footings/piers and may cause some cracking in the floor below the new columns. These supplemental supports can provide support to sagging floors or for use below specific furniture/appliances to prevent floor sags. This area should be monitored going forward.

Recommendation

Contact a qualified professional.



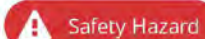
10.4.2 Floor Structure

MOLD/MILDEW

Observed signs of mildew/mold in one or more areas in the flooring structure. Recommend identifying source or moisture intrusion and sending samples to a lab for testing.

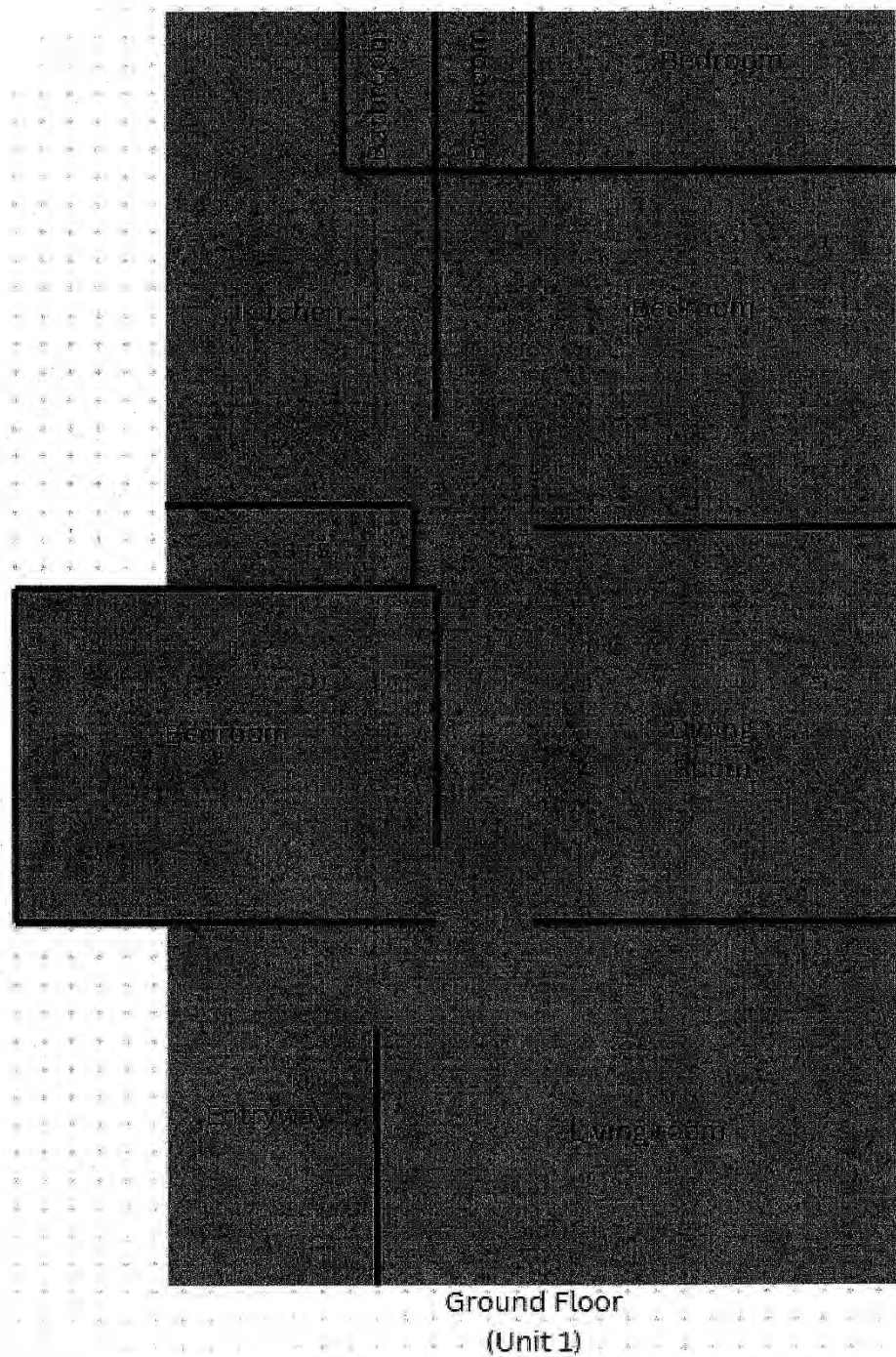
Recommendation

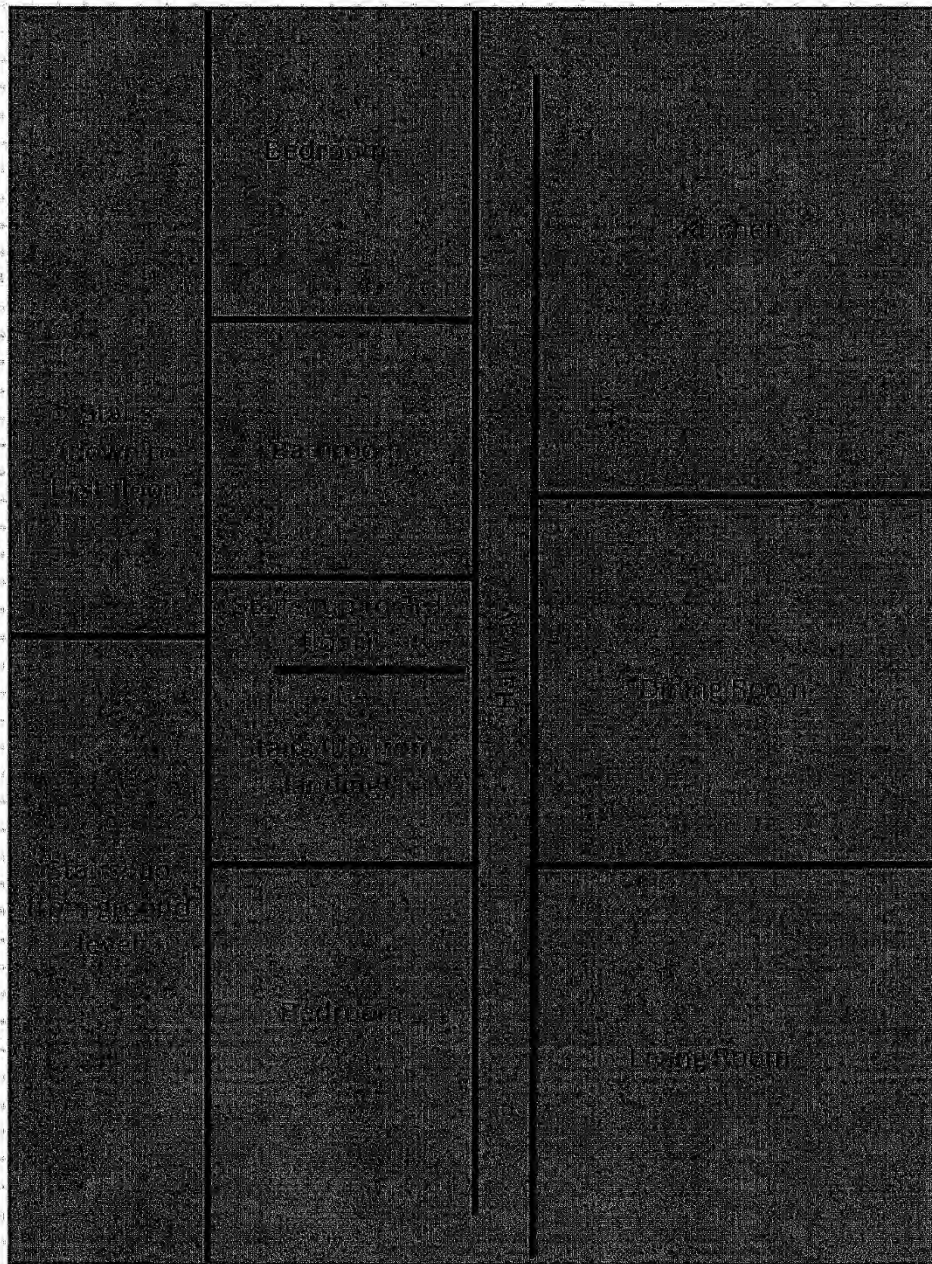
Contact a qualified mold inspection professional.



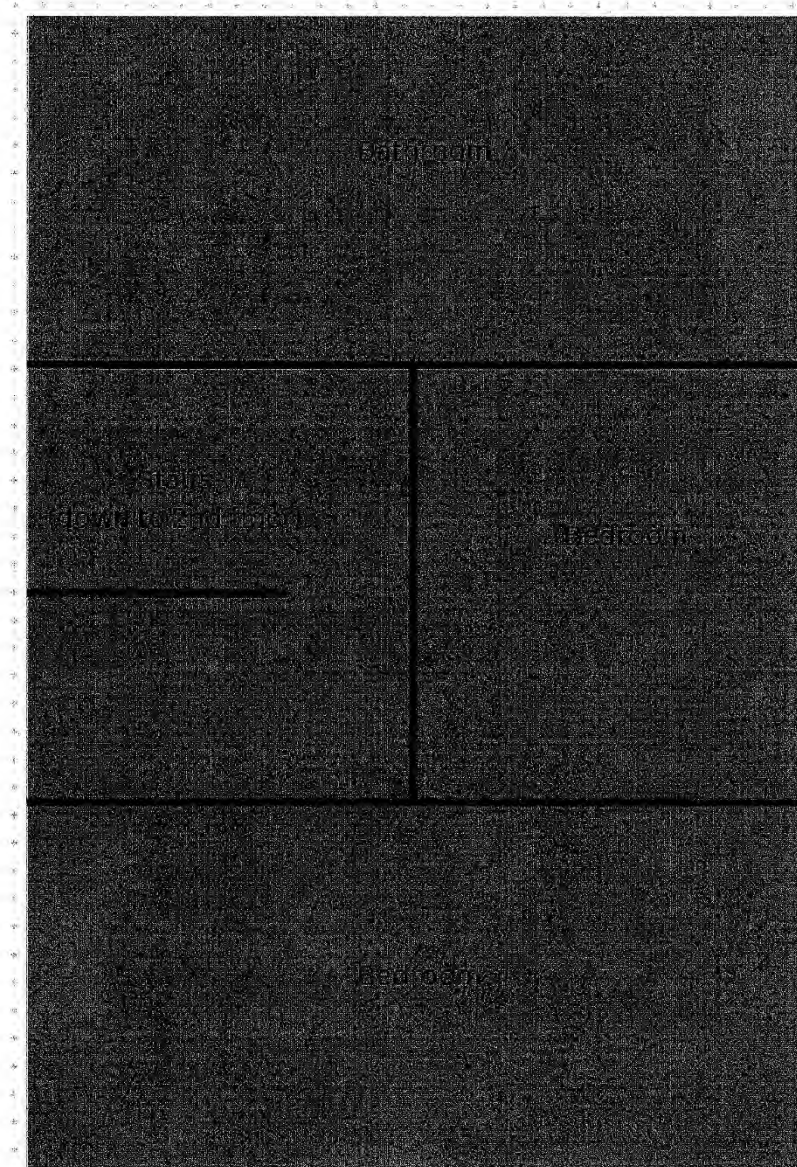


FLOOR PLAN





Second Floor
(Unit 2)



Third Floor
(Entry from
Unit 2)

SITE PHOTOS, TAKEN BY STAFF, DATED SEPTEMBER 26, 2024





Report to

Tracking ID: 21371

MEETING DATE	PRESENTER	DEPARTMENT
SEP 30 2024	Debbie Jonscher, Assistant Finance Director Alyse Villarreal, Fiscal Officer Shelley Kneuvean, Chief Financial Officer djonscher@wycokck.org, avillarreal@wycokck.org, skneuvean@wycokck.org x5847, x5273, x5849	Finance
AGENDA ITEM #		
RESOLUTION: AMENDING MASTER LEASE AGREEMENT		
BACKGROUND		
Approval of a resolution authorizing the Unified Government to add equipment to its Master Equipment Lease Purchase Agreement with Banc of America Corp, submitted by Shelley Kneuvean, Chief Financial Officer.		
RECOMMENDATION		
Approve		
BUDGET IMPACTS / FINANCIAL CONSIDERATIONS		
IT/POLICY CONSIDERATIONS		
PROCUREMENT CONSIDERATIONS		
LEGAL CONSIDERATIONS		
R-17-24 authorized amendment number 3 to Master Equipment Lease Purchase Agreement with Bank of America dated as of March 11, 2021. Finance is requesting to amend the annex which details the list of equipment that may be financed in 2024 to add additional equipment approved in the Capital Equipment Improvement Program which was not included on the annex that was approved with R-17-24 on May 2, 2024.		
ATTACHMENTS		
Resolution authorizing additional Equipment under Master Lease 2021, 2024 LF Schedule for amendment		

Approved: [Signature]

As H

RESOLUTION NO. R-__-24

**RESOLUTION AUTHORIZING THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS, TO ADD EQUIPMENT TO
ITS MASTER EQUIPMENT LEASE PURCHASE AGREEMENT WITH BANC OF
AMERICA PUBLIC CAPITAL CORP.**

WHEREAS, the Unified Government of Wyandotte County/Kansas City, Kansas (the “Unified Government”) desires to obtain funds to pay the costs of acquiring and installing some or all of the equipment identified on **Annex I** attached hereto (the “Equipment”); and

WHEREAS, the Unified Government previously approved the acquisition and installation of a portion of the Equipment, and now desires to approve the acquisition and installation of certain mowing equipment identified on **Annex I** attached hereto (the “Additional Equipment”); and

WHEREAS, the Unified Government previously approved the acquisition of the Additional Equipment in its 2025-2029 Capital Maintenance and Improvement Program; and

WHEREAS, in order to facilitate the foregoing and to pay the cost thereof, it is necessary and desirable for the Unified Government to approve the lease of the Additional Equipment under its annually renewable Master Equipment Lease Purchase Agreement (together with all amendments, the “Lease”) with Banc of America Public Capital Corp (the “Lessor”), dated as of March 11, 2021.

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

Section 1. Authorization of Lease Transaction. The Unified Government states its intent to lease pursuant to the Lease and pursuant to separate Schedules of Equipment (the “Schedules”) some or all of the Additional Equipment in a maximum principal amount of \$426,800. The Unified Government expects to make capital expenditures after the date of this Resolution in connection with the purchase of the Additional Equipment, and the Unified Government intends to reimburse itself for such expenditures with the proceeds of the Lease.

Section 2. Authorization and Approval of Unified Government Documents. The obligation of the Unified Government to pay Rental Payments (as defined in the Lease) under the Lease and any Schedules is subject to annual appropriation and will constitute a current expense of the Unified Government and will not in any way be construed to be an indebtedness or liability of the Unified Government in contravention of any applicable constitutional, charter or statutory limitation or requirement concerning the creation of indebtedness or liability by the Unified Government, nor will anything contained in the Lease or any Schedule constitute a pledge of the general tax revenues, funds or moneys of the Unified Government, and all provisions of the Lease and any Schedule will be construed so as to give effect to such intent.

The County Administrator is hereby authorized and directed to execute and deliver any Schedules on behalf of and as the act and deed of the Unified Government.

Section 3. Further Authority. The Unified Government will, and the officials and agents of the Unified Government are hereby authorized and directed to, take such actions, expend such funds and execute such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Resolution and to carry out, comply with and perform the duties of the Unified Government with respect to the Lease, any Schedules and the Equipment.

Section 4. Effective Date. This Resolution will take effect and be in full force from and after its passage by the Board of Commissioners.

ADOPTED by the Board of Commissioners of the Unified Government of Wyandotte County, Kansas City, Kansas, this 31st day of October, 2024.

Mayor/CEO

ATTEST:

Unified Government Clerk

APPROVED AS TO FORM:

Office of Chief Counsel

ANNEX I

Annex 1 - 2023-2024 Unified Government Lease Financed Equipment Projects

CMIP Project #	Item/Project	Term (yrs)	Rate*	Principal**	Interest***	Annual Pmt****	Service, Maintenance
2023 Equipment (not financed)							
Fire- 212	Aerial/Quint	10		1,298,600	48,178	1,353,324	0
	Pumper	10		857,500	31,813	895,276	0
	Pumper	10		753,900	27,969	1,042,319	0
Public Works- 220	Salt Spreaders	7		262,500	9,365	305,941	0
	Dump Trucks	7		875,000	31,218	254,951	0
2024 Equipment							
Fire- 212	Aerials	10		2,373,300	88,049	2,421,478	0
	Pumpers	10		1,947,700	72,259	1,975,669	0
Public Works	Mowing Equipment	7		426,800	15,227	436,165	0
Transit	Cutaway Buses	5		500,000	17,687	517,687	0
			Total	\$	9,295,300		

* Interest is estimated, based on a formula agreed to in Master Lease Amendment #2. Estimated rates as of September 11, 2024:

5 year: 3.54 %

7 year: 3.57 %

10 year: 3.71 %

** Principal column is the estimated total purchase price without interest if paid for by cash.

*** Interest column is the annual interest amount using estimated rates.

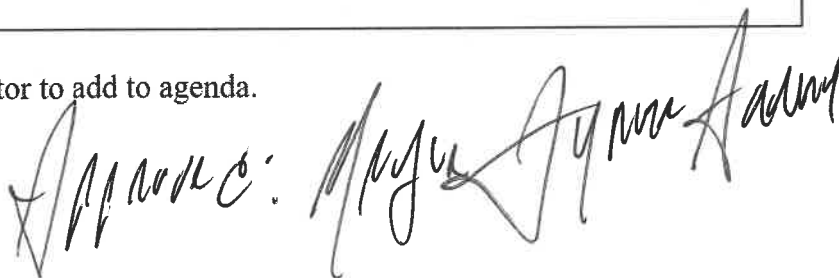
**** Estimated



Report to Economic Development & Finance

MEETING DATE	PRESENTER	DEPARTMENT
	Ana Marin, Executive Assistant amarin@wyckock.org x5010	Mayor's Office
AGENDA ITEM #IV.5.		
RESOLUTION: RESTATING AUTHORITY OF THE UNIFIED BOARD OF COMMISSIONERS TO SET OVERALL POLICY		
BACKGROUND		
Approval of a resolution restating the authority of the Unified Government Board of Commissioners to set overall policy and clarifying the intent that the determination of meaning, and implementation of such policy may be made by the Board. <i>This item was previously heard by the Board of Commission on July 18, 2024, and approval of the resolution was denied.</i>		
RECOMMENDATION		
Approve		
BUDGET IMPACTS / FINANCIAL CONSIDERATIONS		
IT/POLICY CONSIDERATIONS		
PROCUREMENT CONSIDERATIONS		
LEGAL CONSIDERATIONS		
ATTACHMENTS		
Authority of board of commissioners		

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

Approved: 

RESOLUTION NO. _____

A RESOLUTION RESTATING THE AUTHORITY OF THE UNIFIED GOVERNMENT BOARD OF COMMISSIONERS TO SET OVERALL POLICY AND CLARIFYING THE INTENT THAT THE DETERMINATION OF MEANING AND IMPLEMENTATION OF SUCH POLICY MAY BE MADE BY THE BOARD

WHEREAS, the Unified Government Board of Commissioners, under section 2-56 of the Code of Ordinances, possesses the power to adopt codes, ordinances, and resolutions, and to adopt such codes and rules and regulations as may be necessary; and

WHEREAS, the Unified Government Board of Commissioners, pursuant to section 402 of Appendix C of the Code of Ordinances, acts as a policy-making body only, while the County Administrator acts as the administrative head of the Unified Government.

BE IT RESOLVED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS:

Section 1. To the extent permitted by law, and when brought forward by the Mayor/CEO, the Unified Government Board of Commissioners reserves the right to review and revise overall Unified Government policy with respect to directing the implementation and interpretation of Unified Government policies, resolutions, and ordinances duly adopted by the board. Further, subject to applicable federal, state, and local law, any final determination with respect to the meaning and implementation of such policies, resolutions, and ordinances may be made by the Board of Commissioners.

Section 2. This Resolution shall take effect and be in full force immediately upon its adoption.

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

**ADOPTED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED
GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS THIS ____
DAY OF _____ 20__.**

Tyrone Garner, Mayor/CEO

Attest:

Unified Government Clerk

Approved as to Form:

Chief Counsel

STATE OF KANSAS)
WYANDOTTE COUNTY)) SS
CITY OF KANSAS CITY, KS)

SPECIAL MEETING, THURSDAY, SEPTEMBER 26, 2024

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in Special Meeting, Thursday, September 26, 2024, with ten members present: Bynum, Commissioner At-Large First District; Burroughs, Commissioner At-Large Second District; Burns, Commissioner Second District; Ramirez, Commissioner Third District (arrived at 5:40 p.m.); Hill, Commissioner Fourth District; Kane, Commissioner Fifth District; Lopez, Commissioner Sixth District; Stites, Commissioner Seventh District; Davis, Commissioner Eighth District; and Garner, Mayor/CEO; presiding. Townsend, Commissioner First District; was absent. The following officials were also in attendance: Bridgette Cobbins and Alan Howze, Assistant County Administrators; Angela Lawson, Interim Chief Counsel; Dennis Rubin, Chief of Fire Department; J.J. Simma, President of IAFF Local 64; and Monica L. Sparks, Unified Government Clerk.

Mayor Garner said before I call the meeting to order I want to announce that we have individuals attending remotely as well as on-site. All participants joining by phone, please mute your phones at this time and this is specifically done to avoid any background noise. During the meeting, please make sure you announce yourself by name and title every time you speak so the public that is participating knows exactly who is speaking and please be sure to speak directly into the microphone so the public can hear your comments and an accurate record can be made of this meeting. This is critical given the number of remote participants and is also current guidance from the Kansas Attorney General's Office.

Mayor Garner called the meeting to order.

NOTICE OF SPECIAL MEETING of the Unified Government of Wyandotte County/Kansas City, Kansas, to be conducted in a hybrid format on Thursday, September 26, 2024, at 5:00 p.m. for a presentation regarding the Kansas City, Kansas Fire Department Master Plan in the fifth floor conference room of the Municipal Office Building. Roll call was taken and there were nine "Ayes," Bynum, Burroughs, Burns, Hill, Kane, Lopez, Stites, Davis, Garner.

CONSENT TO MEETING of the governing body of Wyandotte County/Kansas City, Kansas, accepting service of the foregoing notice, waiving all and any irregularities in such service and in such notice, and consent and agree that we, the governing body, shall meet at the time and place therein specified and for the purpose therein stated.

Mayor Garner said tonight's Special Session is a scheduled presentation from the Kansas City, Kansas Fire Department related to a master plan that they've come up with in collaboration with the fire union to my understanding. We're glad to have both the Chief of the Fire Department, Mr. Rubin, here as well as the Chief Lodge Steward of Local 64. I'll just call him J.J., that's what everybody knows him as, glad to have him here, as well as command staff and numerous members of the fire union attending. We're glad to have you all here and anxious to hear the presentation.

In absence of our Administrator who is on business related matters, I'm going to turn this over to our Acting Administrator, Alan Howze, and he'll take the meeting from there.

Alan Howze, Acting County Administrator, said I'm actually going to turn it over and hand it to my colleague, Bridgette Cobbins, Assistant County Administrator, who's been kind of shepherding this effort for the creation of the master plan, which is an outgrowth of contractual requirements between IAFF and the Unified Government.

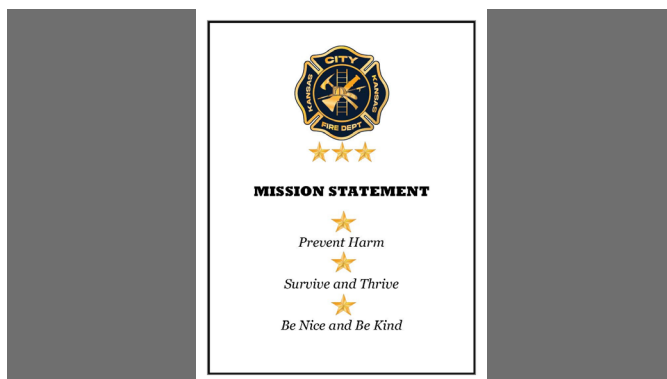
Bridgette Cobbins, Assistant County Administrator, said tonight we will have the master plan that's being presented by the Fire Department and IAFF 64 and J.J. as you had mentioned. We've been going over this for probably about 2.5 years trying to get to a consensus that we can present to the Commission. It will be a two-part part of this presentation. Tonight we will do an overview and then we'll follow up at our next one for the part two and with that, I'll turn it over to J.J. and then we'll follow it over with Chief Rubin.

J.J. Simma, President of the International Association of Firefighters Local 64, said before we get started I want to thank and recognize a number of our members and executive board who are here and have spent a considerable amount of time as well in this effort to bring forth a plan for the Fire Department looking towards the future. I'd like to give the Chief the opportunity to introduce himself as well.

Chief Dennis Rubin, Fire Department, said Mayor and commissioners, thank you as well as our Assistant Administrators. What an honor it is to be here and thank you for allowing us the time. We've estimated that both the International Association of Firefighters along with Fire Administration has put well over 2,000 person hours into putting this presentation together tonight and as we continue to forge ahead to finish the plan. Behind me and, of course, uniforms will be the staff that has worked so diligently whether it was to conduct research or to prepare slides for that matter, so we truly thank our team. If we can, we'd like to have the slides come up now.



Mr. Simma said, again, thank you for the opportunity to appear before you here this evening to deliver, as was stated, the first of two reports relating to the development of a master plan for the Kansas City, Kansas Fire Department. This evening's presentation will be a report primarily on station locations and conditions, age and condition of apparatus, current staffing levels and consideration of National Safety Standards.



Chief Ruben said with that, we'll start with our Mission Statement. Ever so briefly, it is to prevent harm in our community, to survive and thrive. That's both the community as well as our firefighters and to be nice and be kind. We have changed that significantly from several paragraphs

where, again, not many people knew, understood or could defend, if you will, our Mission Statement to ten simple words. We feel that each and every one of those words are very, very powerful.

SECTION 1 - PREFACE AND PROJECT INTRODUCTION

Mr. Simma said thank you Chief. I will open with brief discussion on the Memorandum of Agreement between parties and the purpose and goals of the project.

INTRODUCTION TO THE MOA AND MASTER PLAN

MEMORANDUM OF AGREEMENT OVERVIEW

- A LANDMARK AGREEMENT BETWEEN THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, AND INTERNATIONAL ASSOCIATION OF FIREFIGHTERS LOCAL NO. 64, SET TO REDEFINE FIRE/EMS SERVICES STARTING JULY 1, 2022
- **EFFECTIVE FROM JULY 1, 2022:** AIM TO DEVELOP A COMPREHENSIVE MASTER PLAN FOR FIRE/EMS SERVICE DELIVERY
- AUTHORITY DERIVED FROM MOA ARTICLE 35, EMPHASIZING THE COLLABORATIVE EFFORT FOR THIS CRITICAL MISSION

Chief Ruben said with that said, this is a living document. As we prepare this program for you we'll be meeting quarterly and most importantly at the end of each year, as you'll see later, the year that we just completed will fall off of the report for you and then the new tenth year will be in its place, so it will be ever changing. Our hope is that the year that we're starting will be well defined, well supported, we'll have the appropriate finances that are necessary to move forward and we know the next year out will probably be fuzzy. Then, as you move further down the chart, we know no one has a crystal ball, but again, it's going to be a very, very good planning document for us to move forward with. We feel very good about it.

Mr. Simma said as you see, the union and Unified Government are parties to a Memorandum of Agreement, which became effective July 1, 2022. Article 35 of the agreement relates to staffing requirements of the Fire Department. It establishes the need for evaluation of service and the development of master plan. The agreement establishes criteria to guide the project and provides for a collaborative effort between the parties. Per the agreement, upon completion of the master plan the master plan shall be presented to the Commission for consideration and approval.

PURPOSE, GOALS, AND STRATEGIC PLANNING

STRATEGIC PLANNING AND COMMITTEE GOALS

- FORM A STRATEGIC PARTNERSHIP WITH IAFF LOCAL 64 AND FIRE ADMINISTRATION TO DEVELOP THE MASTER PLAN
- INTRODUCTION TO THE COMMITTEE'S PURPOSE: TO UNDERTAKE A COMPREHENSIVE ANALYSIS FOR FIRE/EMS SERVICES TO DEVELOP A TEN YEAR PLAN
- KEY FACTORS FOR PLAN DEVELOPMENT CONSIDERATION ARE STATION LOCATIONS, STAFFING, RESPONSE TIMES, COMMUNITY AND FIRE FIGHTER SAFETY ACCORDING TO NATIONAL FIRE PROTECTION ASSOCIATION STANDARD 1710
- THE STRATEGIC PLANNING COMMITTEE, A JOINT UNION-MANAGEMENT INITIATIVE, IS TASKED WITH DEVELOPING RECOMMENDATIONS TO OPTIMIZE FIRE/EMS SERVICE DELIVERY. THIS INCLUDES EXAMINING VARIOUS REPORTS AND DATA TO INFORM THEIR DECISIONS

Pursuant to the agreement the department and the union were tasked with forming a Strategic Planning Committee, which would undertake a comprehensive Fire and EMS Service analysis. Factors to be considered include, but are not limited to, station locations, manpower and apparatus, response times, public and firefighter safety and minimum staffing requirements relating to the Memorandum of Agreement and NFPA 1710 Standards. To assist us, the last bullet, with our work the committee has taken into consideration current conditions of station and apparatus, past studies and reports. Establish National Safety Standards and Fire Service Industry Science. Additionally, Local 64 requested a GIS analysis with respect to response times and service coverage from our international offices.

STAFFING REQUIREMENTS

ANALYSIS OF MINIMUM STAFFING AND SAFETY STANDARDS

MINIMUM STAFFING REQUIREMENTS FROM MEMORANDUM OF AGREEMENT (P. 54-55):

- AT LEAST 73 SUPPRESSION PERSONNEL PER SHIFT
- THREE SAFETY OFFICERS ON DUTY AT ALL TIMES
- STAFFING LEVELS FOR PUMPERS, AND LADDER TRUCKS
- MINIMUM NUMBER OF COMPANIES

STRATEGIC ANALYSIS TO BE DETERMINED ARE:

- STATION LOCATIONS
- DEPLOYMENT STRATEGIES
- REACH AND MAINTAIN REQUIREMENT IN NFPA 1710 STANDARDS FOR FIRE AND EMERGENCY SERVICES

The Memorandum of Agreement establishes current minimum staffing requirements for the Fire Department as it relates to personnel on shift, apparatus staffing levels, and minimum number of companies to be in service. Findings of the committee will bring forth recommendations on current and future station locations and deployment of resources as well as goals to achieve NFPA Standards, 1710 Standards for staffing levels.

SECTION 2 – FIRE/EMS STATION LOCATIONS AND CONDITIONS

Chief Rubin said with that said, we're going to discuss and take a look at the fire station locations, conditions and where they're situated today. Before we move to the next slide, I need to point out no one in this room probably has direct and immediate responsibility for the conditions of the fire stations. It's our estimate that some fire stations probably haven't been touched in over 30 to 40 years. I don't believe anybody on the Commission has served that long, I certainly know no one on our staff or the local staff. I also want to point out, I know issue of the other agencies within the government such as Buildings and Maintenance, John Kelley and his group has been incredible along with all of Public Works as we've needed them. So, again, I think what you're going to see is a long-term collection of failure to act to maintain an appropriate fire station facility.

FIRE/EMS STATION LOCATIONS AND CONDITIONS

- KCKFD PROTECTS 128 SQUARE MILES, SERVING OVER 153,345 RESIDENTS PLUS DAILY INFLUX OF WORKERS/VISITORS
- WE HAVE ONE OF AMERICA'S LARGEST RAIL HUBS WITHIN OUR BORDERS, AND BURIED UNDERNEATH OUR SOIL ARE MILES OF PETROLEUM AND NATURAL GAS PIPELINES
- KCKFD HAS BEEN DESIGNED TO BE AN ALL HAZARDS DEPARTMENT CAPABLE OF HANDLING EVERY TYPE OF INCIDENT

With that, a little background, as you probably well know, we take care of 128 square miles. That represents 153,345 people that we have to look after. Also, there's a fairly huge influx of work. According to some of the documents that I've got in my hands somewhere around 45 to as many as 60% of folks come in to work, our working force. I wasn't able to get a number, but I know it's significant. We have one of America's largest railway hubs. I'm not sure if this is accurate, but I'm told it's the second largest only that to Chicago. Underneath our soil are many, many miles of petroleum natural gas pipelines. I want to point that out in that typically a week we'll bring two or three gas leaks and perhaps once a month we'll have to evacuate an area, a street, or even a neighborhood because of a major gas pipeline break. As the infrastructure continues to fail, you know that's going to generate more need for service.

We are a designated hazardous materials response team. With that responsibility, there are only three others in the state of Kansas and, again, we find ourselves always when we alert to protect the community.

FIRE/EMS STATION LOCATIONS AND CONDITIONS

ENHANCING EFFICIENCY THROUGH STRATEGIC CONSOLIDATION

- MERGER OF FIRE STATION 16 AND 17 INTO A SINGLE NEW FACILITY, THEREBY SAVING MORE THAN \$12 MILLION IN CONSTRUCTION COSTS
- CONSOLIDATION ENHANCES THE GREATER TURNER COMMUNITY WITH UPDATED FACILITIES AND APPARATUS
- THE NEW HOME OF MEDIC 17, TRUCK 17, PUMPER 16, READY RESERVE 16, BRUSH TRUCK 16, BATTALION CHIEF 2, AND SAFETY OFFICER 2

With that said, we've merged Station 16 and 17, thanks to this Commission for the funding, the insight, the background and the support to do it. We feel pretty strongly that perhaps it has saved as much as \$12M in new construction, one station instead of two and also about \$120K per station of maintenance cost per year that did not have to be paid, so thank you and congratulations to this Commission for that. It better protects the entire Turner area. It is now the home for Medic 17, Truck 17 Pumper 16, Ready Reserve 16, Ready Reserve Fire Truck in our system means that it's a fire truck completely ready to go without the staffing. If a truck breaks down, it's ready. If we have a large fire, say for instance, like Spanish Gardens, it's ready to be staffed with off-duty firefighters from our labor group to immediately go to a call. Again, it's so important and that's a

brand new function that we've been able to bring online. Brush Truck 16 lives there along with Battalion 2 and the Safety Officer in that battalion.

FIRE/EMS STATION LOCATIONS AND CONDITIONS

STRATEGIC GOALS FOR OPTIMIZING STATION LOCATIONS

- MEET NFPA STANDARD 1710; INSURANCE SERVICES OFFICE (ISO); AND NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY (NIST) FOR STATION LOCATION AND RESPONSE TIMES
- FOUR MINUTE RESPONSE TIME GOAL FOR ARRIVAL OF THE FIRST UNIT
- DECEMBER 11, 2023, REORGANIZATION FROM 19 TO 18 STATIONS TO IMPROVE EFFICIENCY AND SAVE COSTS
- SPECIFIC FOCUS ON ENSURING A SAFE, CLEAN, AND COMFORTABLE WORKPLACE FOR FIRE/EMS PERSONNEL

As we talk about the staffing standards, just a little bit later, we're going to base the staffing standards as well as the response standards on National Fire Protection Association 1710. I know sometimes it seems like those standards are burdensome, but I must point out that all of the NFPA Standards, as we will continue to refer to them throughout the evening, are minimum standards. It's not the highest watermark, it's not the middle of the road, it's the minimum expectation that a Fire Department, or in our case, a government should operate. The Insurance Services points out along with our National Institute of Standards and Technology the fire station locations and response times.

When NFPA Standards were developed essentially by consensus group, the National Institute of Standards and Technology, Federal Government Agency, that employs two fire service scientists, they have documented the need for the staffing and for the fire stations, so where NFPA thinks it's a great idea, NIST tells us it's a must. It has provided that science and as we move forward with the plan we hope to be able to bring those documents forward sometime in the early year next year.

As we reorganized we went from 19 stations to 18. That occurred on December 11th and, of course, the focus is, and will always be, on having a safe, clean, and comfortable workplace for our employees. The fire stations are the backbone, if you will, of what we do for the business.

FIRE/EMS STATION LOCATIONS AND CONDITIONS

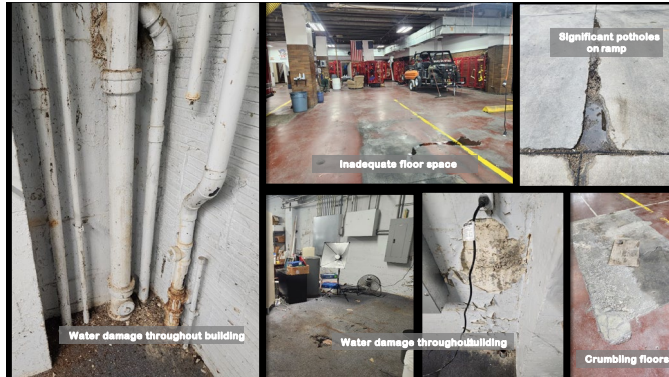
OPTIMIZING RESPONSE TIMES

- DEFINED TURNOUT TIME DURING THE DAY IS 80 SECONDS. THE NIGHT TURNOUT TIME IS 120 SECONDS FOR EMERGENCIES
- MAINTAIN A FOUR MINUTE TRAVEL TIME FOR FIRST RESPONDERS TO ANY EMERGENCY
- DETAILED RESPONSE TIME GOALS FOR SUBSEQUENT ARRIVING UNITS

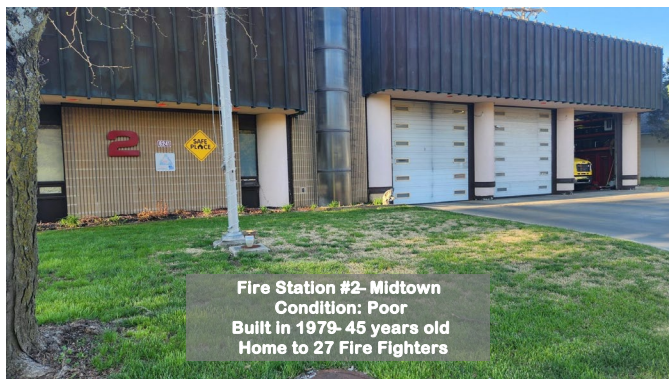
We're going to talk about response times this evening. The desired response times is for us to be underway in 80 seconds, 80 seconds a fire truck should be responding to a home, to an automobile accident or to a facility in our community. That's the daytime measure. As firefighters are allowed to go to sleep at 10 o'clock in the evening, that moves up to 120 seconds, but as you can see, to begin a government service within two minutes response, that's quite frankly spectacular. We're trying our hardest to maintain a four-minute travel time meaning that we're going to meet our goals of arriving somewhere close to the six minute window to be able to start fire operation services.



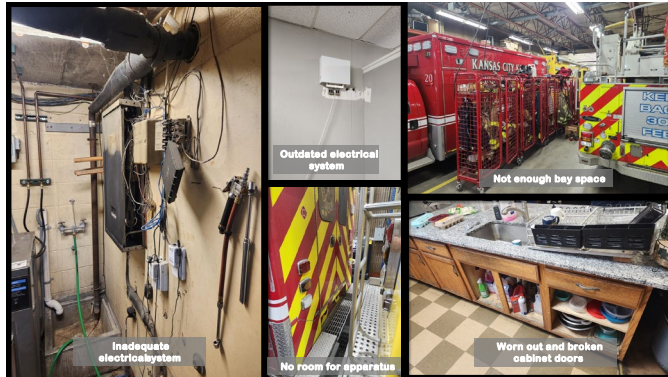
To take you on a tour, I hope this is a familiar building to all. This building was built in 1930. It's currently 94 years old and you may know it as Strawberry Hill or Fire Headquarters. The building has been incredible. It serves us well, but it's really in need of quite a lot of maintenance and upgrades. If not, this amazing treasure, if you will, will fail. It's home to 39 firefighters and perhaps there's a dozen folks that work in administration, so that building we truly get our money's worth.



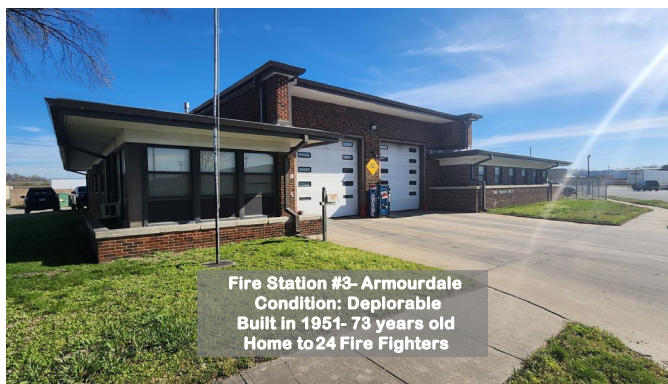
Taking you on a tour of the interior of the building, you can see some of the problems. We have water damage, broken pipes, headquarters floor space is not quite enough. This is actually a seven bay fire station, six you can count from the outside, one interior and every single bay in that fire house is full. There's significant potholes throughout the ramp area. There's not adequate office space, there's water damage throughout as well as crumbling floors. None of our buildings, with the exception of the two newest, would ever pass a plumbing current standard as well as an electrical code standard and, of course, a fire prevention inspection would be out of the question quite frankly.



We're moving along to Station 2, which is Midtown. The condition there is poor. With that said, it was built in 1979, 45 years old, and it's home to 27 of our firefighters, our brave and hardworking members.

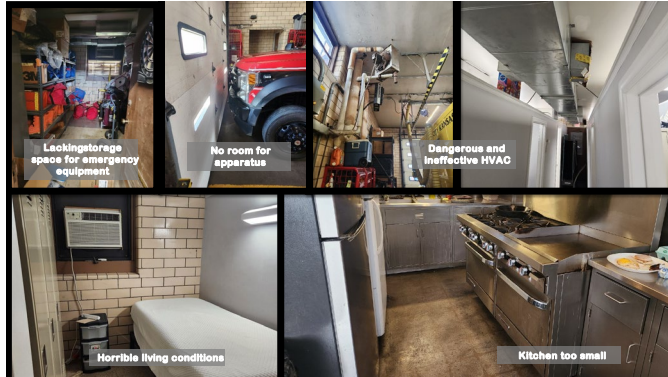


Taking a look at the inside of Station 2, there's wiring problems. It's just honestly quite a mess and the electrical system is inadequate. The outlets, we have problems associated with those. There's not enough apparatus space. The National Fire Protection Association points out that when a fire station opens it should have at least 50% more of the space than what you're currently occupying knowing that fire trucks have only gotten longer, taller and wider in history and that trend has never changed. We had a chance to meet with the Lawrence Fire Chief. They're in the process of purchasing Kansas first two electronic fire trucks, and for the record, they will be 18 inches longer than our current fire apparatus. I don't believe any of our stations would be able to house those units. You can see the tight floor space in the bottom center and, of course, the kitchen area is completely inadequate for the service. You have to remember as we go to the next slide...



firefighters are there 24 hours a day, 7 days a week, 365 days a year. This gets at least three times, if not more wear or use, than a typical office space. A fire station has got to be a hotel, it's got to provide a place to train, it's got to provide a restaurant, a place for the apparatus to stay, a place to do maintenance, so it is the picture, if you will, of a multi-purpose use building. Again, I think we've gotten just about every square dollar in return of the buildings that we've built in the past.

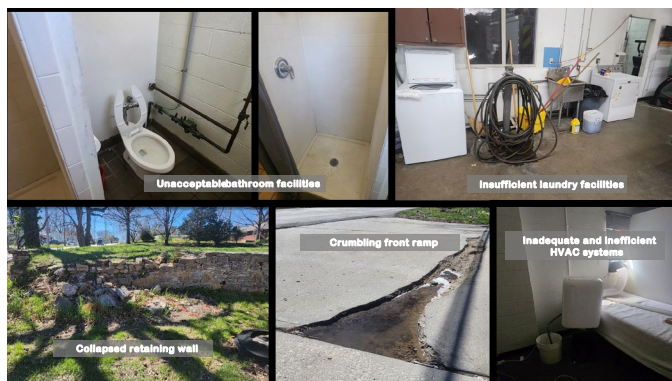
Armourdale was in a deplorable condition. It was built in 1951. It's 73 years old and home to 24 of our firefighters.



With that said, a quick peek on the inside. As you can see we lack storage area. Fire stations requires storage for so many reasons. We'll be talking about turnout and personal equipment here shortly. There's no room for the apparatus. There's probably about four to five inches between the door and the front of that ambulance. There's problems associated with the HVAC. Many of the stations still operate with window air-conditioners as you see in the next picture below, that's inefficient and ineffective. There's not enough room for a firefighter to be in that facility to be able to do study, to have private time and to hardly open their lockers. If you'll look at the kitchen, when the door is open to the refrigerator, the oven cannot be accessed. When the over is open, of course, the refrigerator doors cannot be opened and I don't know how a firefighter fits into that picture. It's a very, very, very tight quarters and, again, I know that most of the stations were designed—were built by the volunteer members who would eventually be incorporated into our great community.



This is the remnants of that. Again, nobody's fault, but we now have to take a look to the future and figure out what the strategy is to resolve these issues. We're looking at Bethel Station 4. Once again deplorable condition. It's 67 years old. It was built in 1957 and it's home to 16 firefighters.



I know that each of you know that's all three shifts added together, but again, there's somebody in that building representing us 24 hours a day, 365. The toilet facilities are just horrendous. I'm going to pause at this point and say as I was asked to consider to come here, and again, and I will continue to thank Ms. Bridgette as well as David for the opportunity, but I shared with them that my goal was to visit each fire station, to spend two or three nights at each to meet the shifts, look for an apartment later. As I visited the fire stations during my house hunting tour and other things, I don't think I could use the facilities. I knew I had to get an apartment if I was moving here because I couldn't do what the firefighters do and that is to sleep in the poor quarters, to use the toilet facilities that are so inadequate, but they do it with a smile and I appreciate that each and every day, but we've got to figure out some way for relief.

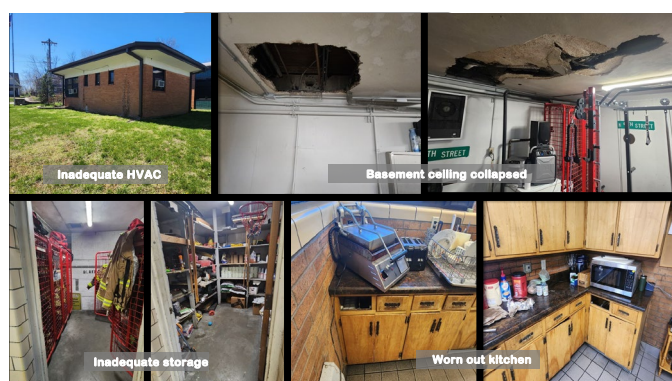
The laundry facilities are simply ineffective. After we go to a fire we ask the firefighters—National Standards demands the firefighters to wash their equipment, to wash their uniforms. Carcinogens are in the air whenever any items burn. Quite frankly, that's again a statement of science. We expect them to clean up, but in most of our fire stations we use residential grade machines instead of commercial. That causes a lot of problems in terms of maintenance upkeep and most importantly whether it's functioning or not. There's a retaining wall in front of the station that has failed as you can see in the bottom picture. With that the next expectation as the water is encouraged into the apparatus area where it shouldn't be, we'll see floods in the apparatus bay and, of course, it will continue to erode the foundation. There's crumbling ramps in front of the buildings, which is the case with most and you can see a portable air-conditioner in the bottom

right. That air-conditioner is connected to a hose. That hose empties into a bucket. A typical 24-hour shift, that bucket has got to be emptied three times because you know that an air-conditioning system is taking the humidity out of the air.

I also have to point out when I came to that same visit and toured the fire station, Station 2 Midtown did not have a functioning air-conditioning system. What I did without probably the proper authority I will tell you, is we purchased two portable air-conditioning units while I was in town, we placed them in Midtown. That air-conditioning unit is one of those two. In other words, we have to continue to keep on the move, portable air-conditioning systems to maintain our facility at some reasonable level.



Station 5 is Quindaro. Again 1960—or 1955, 69 years old for 24 firefighters. You again can probably begin...

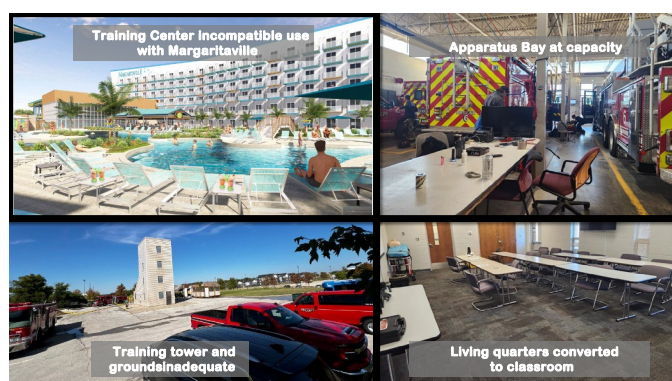


to see exactly the inadequate HV and ineffective. There's holes in the roof assembly and clearly that indicates that the roof is leaking. The problem with the holes, first of all, it violates the Fire Code. We would never allow that in a business and secondly, we're positive that mold continues to grow. We try to stay on top of it, do sampling to ensure that it's not black mold that will harm

our members, but without almost sampling daily, that's just about impossible. The lower left picture, you can see our turnout gear. Turnout gear in the stations that we built recently are in a negative pressure room. If you visited Station 16, we've urged you to try to open the door. It's very difficult at first, so what happens is all the carcinogens that the firefighters have picked up at incidents, whether they're automobile fires or whether they're fires in homes or apartments loaded with carcinogens and all that negative content goes out the roof immediately above the turnout gear. We have time to be able to properly wash it, get it back into service and it does remove some of those carcinogens, but not all. There's not enough storage area and you can see the kitchen is without a doubt worn out.



Station 6, one of the newer fire stations is in Legends/Village West. Poor condition, 23 years its been around, it's home to 21 firefighters.



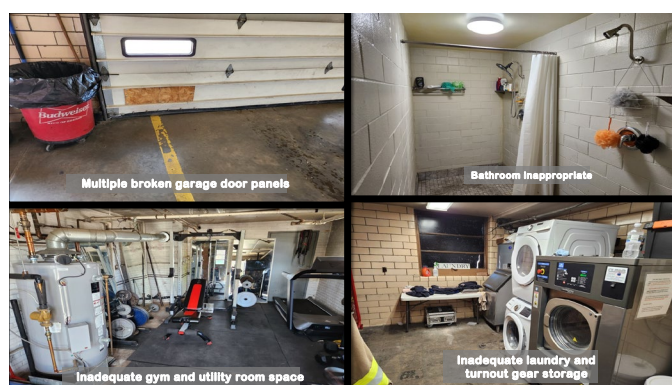
You're probably wondering why we have a picture of Margaritaville and boy are we excited for that facility for so many reasons, but our fire training center, the picture right below is probably about 100 or 150 yards from one to the other. As this building goes operational and we have fire training, required fire training by the state and by National Standards, and there's a huge cloud of

smoke that we'll send out during a wedding party or swimming pool party, it's incompatible. The use between the two will not work and we have to begin addressing that. I think we're going to work hard to figure out a way to get the training center separated and put it in an area, perhaps close to the interstate or far out west, where it won't be bothering anybody including livestock.

The apparatus bay is absolutely full, as you can see in the upper right picture, not much room left there and what we had to do to this station is to cut it up so that there's two classrooms. The life's blood of maintaining a Fire Department is and will always be our people. With our people if we don't have enough, it spikes the overtime, which is a headache for all. Firefighters don't want to work it meaning they hate to be forced overtime, administrative doesn't want it because of the cost. What's my point, we've got to have a proper training facility so that we can produce qualified, capable firefighters as responsible by the law and our current facility is very difficult to get that accomplished.



Argentine Station 7, again, deplorable condition, built in 1951 so it's 73 years old, 39 firefighters are aboard and again you can take a quick tour of the station.



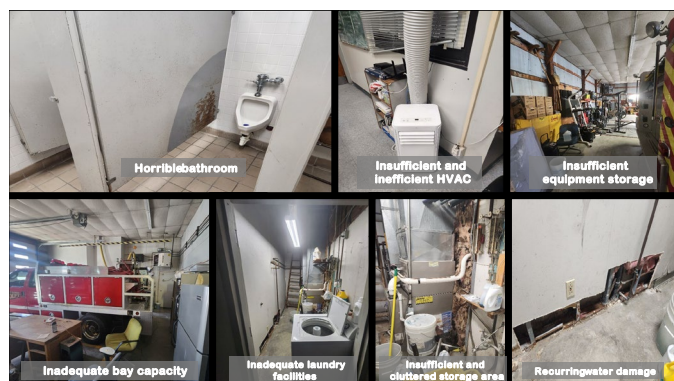
September 26, 2024

On this slide the doors have multiple problems between broken glass and panels. Panels have been patched together with plywood. Of course, that's a major problem in the wintertime with the cold. It's not air-conditioned, so that's not an issue unfortunately. The newer stations, the apparatus bays are air-conditioned, which is a wonderful thing, but again, we would hope when we modernize, that will occur. This is kind of hard to figure out, but this would be another station that I can't imagine a person would look forward to taking a shower. You start into the shower bay, you see the gooseneck shower head and then you have to go through the current curtain rather to get to the second shower. I don't know who set that up, but if you're in the outside shower, the person on the inside shower is going to pass you and vice versa. So again, very, very limited for the number of people who work there.

You can see that the storage area and the weight room, our gymnasium, are completely inadequate. Firefighters have got to stay in great shape. It is a very demanding job and we know if they don't, it's going to be problems associated with cardiac, which runs up a huge bill and of course staying in shape will help reduce the cancer risks. If you take a look at the laundry, there's one brand new nice looking machine. That's an extraction washer that's designed for turnout gear. It actually helps pull those carcinogens away, flushes them down the system. Next to it, however, is our washer and dryer, residential style, small and stacked which we use for the uniforms, which are just as important that we don't allow our members to put the same dirty uniform that's full of blood or other bodily fluids, indoor smoke and other components. Remember, we're going to see about 110 emergency responses each and every day in this community.



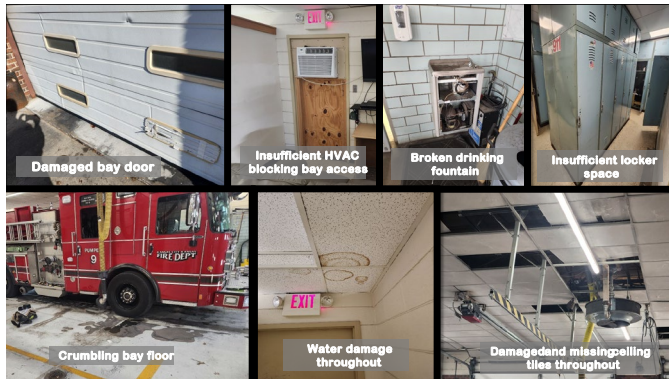
Station 8 would be west Piper. Again deplorable. This building at one time served as City Hall for the Piper community. It was built in 1979. It is a Butler Building or an aluminum clad building, if you will, 45 years old with 15 firefighters.



I would be—I am very nervous if a wind storm came along, probably if it was sustained winds at 60 or 70 miles an hour, I do believe that building would fall apart. We asked the shift commander to make sure that the members are moved out of that building to different facilities which lessens our protection when it is extremely high winds. It is an unsafe building to operate out of. The bathrooms, I think the pictures speak for themselves. Once again you can see another one of those portable air-conditioning units because it's simply inefficient. Storage as well as adequate bay capacity, we don't have that there. Inadequate laundry as well as other insufficient and cluttered storage areas and some of the wall has been removed. That was removed because of water damage, but it wasn't replaced, and the reason why is, we have to go back in and continue to work to resolve the water damage problems. This station and, one that we're going to see a little bit later on, has constant related drain problems. We bring in outside agencies to clear the drain and what they tell us is the entire plumbing system has got to be completely overhauled and replaced. Just merely using Rotor-Rooter to clean out the drains will not be the long-term answer.



Fire Station 9, Central Avenue/Bethany Park, one of our busiest. Again, the condition is deplorable. This building was built in 1967 and is 57 years old, home to 25 firefighters.



What's not going to be shown here is this building has a basement, which again, is not in a very good condition. Again, all of the water that starts at the ceiling comes through the bay and in the living quarters, break makes up the ceiling tiles which again is a fire code violation and that water makes it into the basement. If you look at the second picture from the right, you will see an exit sign. That exit sign is required by law and to my chagrin that exit sign is blocked by that panel. The reason why that plywood panel is there is so they can have HVAC access because there's not a functioning internal HVAC system. It's done with the window units.

The water fountains, I think that picture speaks volumes, completely disassembled, but once again you can see the other appliances right next to it, all out of repair. Locker space is horrible and there's not a separation for men and women. The fire bay floor inside where the fire truck parks, it's crumbling. The water damage is extensive and every one of those tiles would be written up as a fire code violation if it was any other building but ours.



When we take a look at Station 10, Rosedale, again poor condition. It's 29 years old, it's home to 30 of our firefighters.



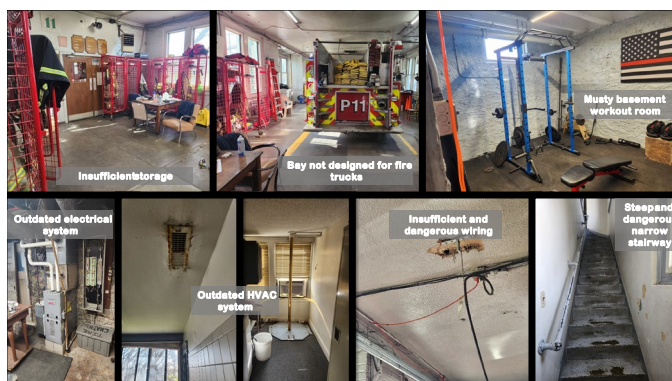
We have an inadequate working space. There's mold throughout the building and particularly in the showers and I promise part of the daily routine—and I get out to stations enough to verify this, our firefighters clean those stations to the best of their ability like it's our own, but there's not much left to clean quite frankly. There are windows broken out throughout the building which causes problems with the air-conditioning and heating that need to be repaired, without the money. There's cracked and deteriorating concrete throughout, inadequate laundry as well as a substandard kitchen. This again is a station where the drains have been clogged four times in the past six months. Outside contractors have come in and they've been very, very clear to tell us that it has to be replaced. It's not a question of getting one single clog out of the way, there's incursions into the pipes, there's breaks into the pipe that goes out into the street, that's got to be resolved.

The front ramp and the back ramp of this building requires \$150K of work immediately just to fix the apron, the place where the fire truck comes out, where the fire truck's got to be cleaned at and what we use for training and drills.



Heading to Station 11. This is old person of the system built in 1924, so it's 100 years old. In fact, November 2nd to be exact, we're going to have a dedication and a ceremony to celebrate that. It's home to 15 firefighters. To drive home my point about fire trucks, two fire trucks in 1924 fit

comfortably in that building, barely can fit one today. Fire trucks in that era were about the size of that SUV you see on the right-hand side of the building and were definitely not much bigger than a pickup truck.

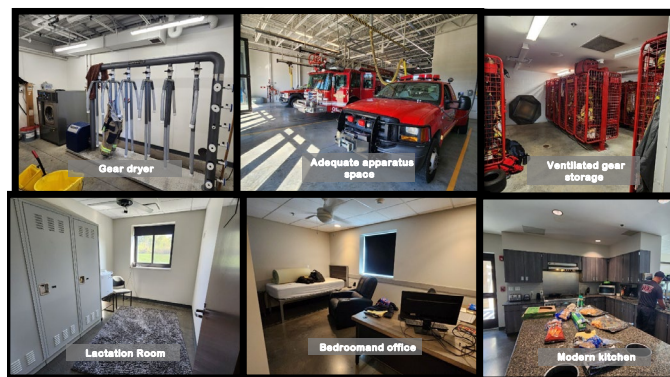


When we go inside you'll get a sense of what I'm describing. It's extremely tight quarters. We don't have the appropriate fitness, so it's kind of hard to say give me an hour or an hour and a half of fitness every day, please record it and do it religiously when they have equipment that doesn't work, there's not enough space, and worse than that it's either too cold when it's in the winter or too hot when it's in the summer. The turnout gear room, again deplorable. I hate to use that word but it's true meaning that they have to work, eat and be around that turnout gear that we know is a carcinogen. When you take a look at the bottom the electrical system is outdated. I'm pretty sure if I could get into the attic, and maybe only a few people may know this term, but I suspect this building is Knob-and-Tube and hasn't been changed since. If you haven't seen that, it's a historic relic and not many buildings in America claim to have that, but I do believe that's what's holding this building together in terms of the electrical system.

HVAC, once again you see the window units. There's insufficient wiring and damage and the staircase, if you've not walked up and down that staircase, you really need to. It's very narrow and you're saying all right, come on. Well, it's also curved and bent in every which way. Over those 100 years, I'm certain that this building has settled many, many times and it's difficult. I can see a person being injured coming down those stairs.



It's not all gloom and doom. There's Piper East. Piper East is the one on Hutton Road. We've been in business there for five years. It's a nice station. It's home to 24 of our firefighters and it gives some idea inside of the building of what we should be striving for.



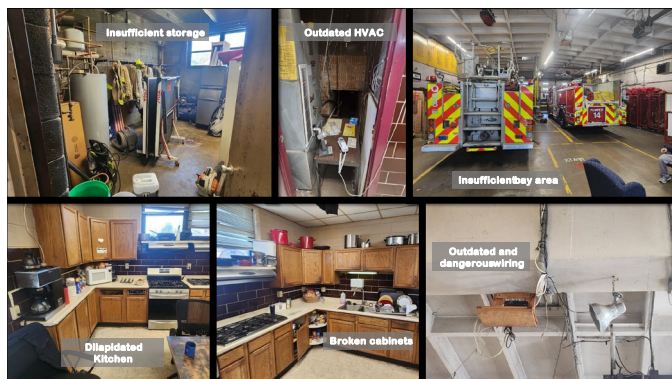
The first picture on the inside of the building is where we dry our turnout gear. If those look like steel skeletons of a human, well they are. The turnout gear can go over each one of those. In the wintertime it is miserable to put on a wet coat when it's in the minus degree or even below freezing and that immediately, and that's probably a wrong term to use, but quickly rather, is able to dry the turnout gear, the gloves, the helmets as well as the boots. We do have adequate space there although that building is full of fire trucks at this point. No growth in other words. It seems like every time I head to work, like 110th & Delaware, there's a brand new apartment project sign at least has gone up and the lot's being cleared, so we're going to continue to grow. I'm thankful for that. I know the new blood into the community means a lot to everyone in this room, but honestly it's going to put more requirements for us to have ambulances, ladder trucks, pumper, etc. You're taking a look at a modern turnout gear room. You can tell right away by it being clean and again when you go to open that door, it should pull some resistance because that's a negative pressure room. Downstairs we have—or the next slide down rather, we have a lactation room. Some people

were really questioning me about that. Well, that's not my rule, that's not my request, that's a federal law. We only have two buildings that meet that law that have lactation rooms. Some of our members may need that, our female members that are nursing, but we've also opened it up to all female members in the UG. If there's a police officer for instance or a Public Works member that may need to use that facility, they will be welcomed with open arms.

The next slide if you will shows the bedroom and office facility, which is reasonable. Our expectation is a person can do some work in that room. This happens to be an officer's room I believe. They've got a place to have a little bit of comfort, but also you see the workstation there, which again is really important when a person is asked to do individual study. Most all of our emergency medical required courses are done electronically. They've got to log into the computer, they've got to have a quiet place and I tell you, it's an 80% pass to get through those courses. I struggle with it simply by not having enough time to study the material correctly, so I can imagine firefighters in other stations that don't have this capability of a quiet room to do their work. It's got to be difficult.



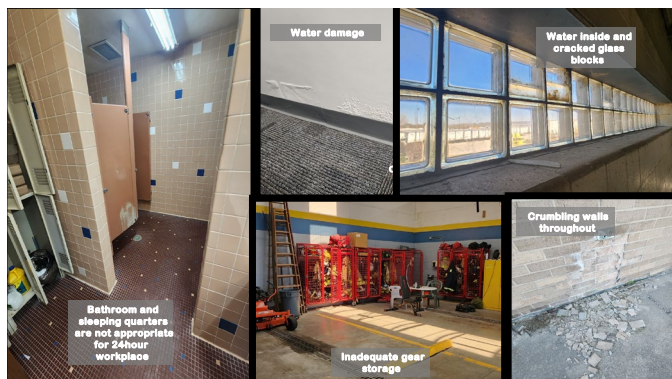
Station 14 is Klamm Park, deplorable condition, built in 1956, 68 years old. It's home to 30 of our firefighters.



I would have to say just about every aspect of this station is outdated and insufficient whether it's storage, HVAC, base space. This station is so small and compact some of the sitting room area, that's where the firefighters have a chance to relax or to have a discussion or to talk about today's planning happens right out with the apparatus, which is not good for anyone. The kitchen is so dilapidated, even though at some point we would like to consider this building for being rebuilt or at least remodeled, we're doing a facelift on those cabinets now. They're literally falling down and the two pictures you see probably don't do enough justice. There's outdated and dangerous wiring throughout and it represents a fire hazard if you will. Again, it could never pass a Standard Fire Prevention inspection.



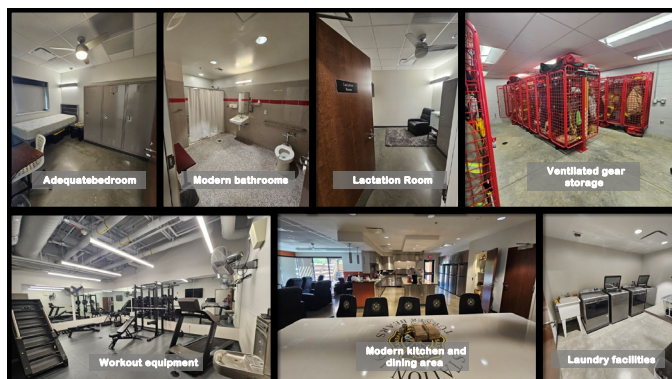
Fairfax, the condition is poor. Built in '87, 37 years with us, 19 firefighters live there as well as fire investigations, our Community Paramedicine Program, and the EMS Office and storage. I know this was a controversial building and at first I didn't fully understand. Haven't had a chance to be in that area to respond to Manna Pro, to respond to a subterranean pumping station that burned up. This facility protects probably the most dangerous area in our community, if not, the most dangerous area.



I know we always talk about the automobile facility, which is huge and important, but the other areas there, it's amazing the hazards that are in that place. I understand they don't run often, but I'm telling you the potential there is simply off the scale, not to mention trains that go through as well as planes that fly above. Male and female employees work in the same environment, not a very appropriate place. Water damage throughout. Those glass windows, the glass breaks, they were beautiful I'm sure when they were installed many years ago. Most are cracked or broken. Almost all have signs of deterioration and they're beginning to fail. They need maintenance, they need to be replaced. Crumbling walls are throughout the building.



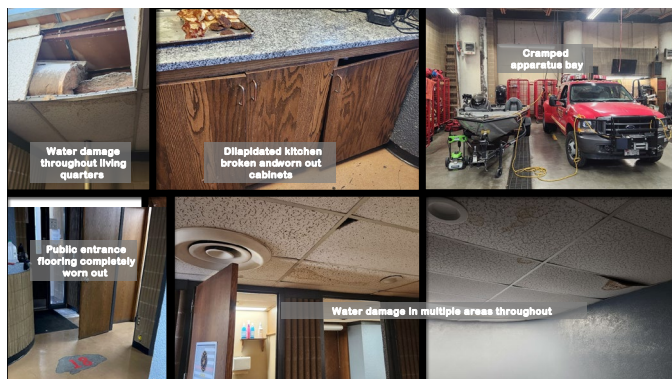
We'll move to Station 16 and give you what our vision of what a fire station would be. I know a lot of hands went into building this place. I know a tremendous amount of support happened from this Commission. Thank you our County Administrator, our Assistant Administrator's. Wow, it was just a true effort.



Forty-five folks work in this station and once again you can take a quick look at what an adequate bedroom looks like, modern bathrooms. There's the lactation room. Again, a well-vented and properly maintained storage of turnout gear. The fitness room, when I see that I'm thinking I want to go there and workout. It's great, it's amazing, it has all the appropriate equipment that's necessary for our firefighters to stay in their physical shape. Again, one the job, heart attack, one firefighter that gets placed off for a year, year and a half that we have to pay overtime for, plus their salary pays for something like that time and time again. There's a kitchen area where everybody can sit together. Absolutely another important feature and then we can see the laundry facilities. All of those are commercial machines and we truly thank you for that.



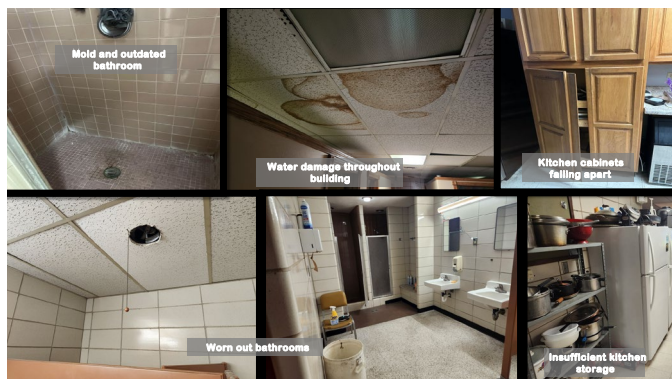
Welborn comes up next, poor condition built in 1978, it's 46 years old and home to 24 of our members.



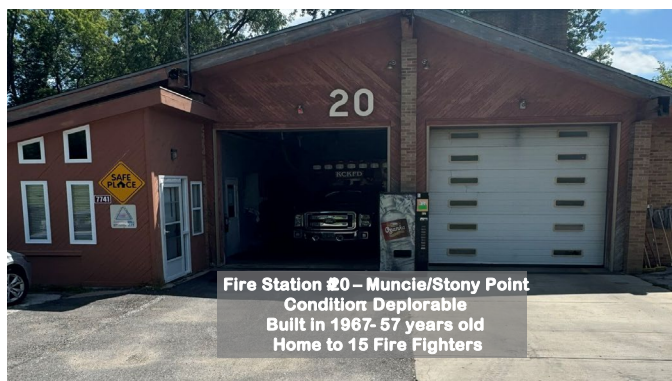
Water damage throughout the building, dilapidated kitchen, broke down and worn out cabinets. There's not enough space to put all the equipment in. You're taking a look at one of our hard bottom boats. We operate with four of those. You can see the pickup truck next to it that carries it. The public entranceway, the floor is completely gone so much so they tell me that the firefighters chipped that space out. You can see if it looks a little bit like an arrowhead, they did that trying to make it look presentable, which again, I wish we could do better for them. There's water damage throughout and clearly when the tiles fall, we know that the roof is leaking. When the roof leaks, we know that there's going to be mold.



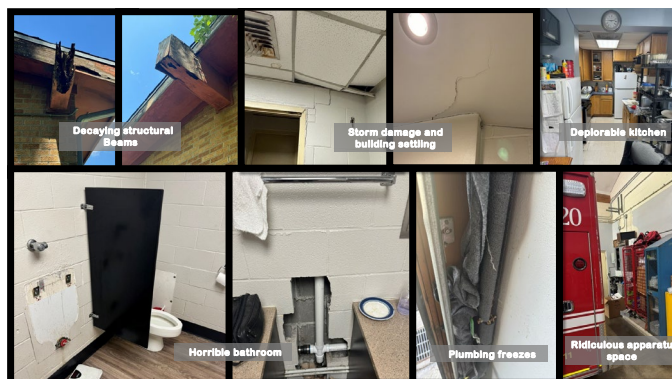
Station 19, Victory Hills. Again, you're probably aware, this would be—I'm going to call Police Precinct West. Police Officers are probably going to growl. I'm not sure we have precincts, but where I come from that's what it would be called. To give you some idea, 1972, 52 years old, and 24 firefighters work there.



You'll see the same repetitive behaviors. We have mold, outdated bathroom, we have water damage throughout. The kitchen cabinets are literally falling apart, bathrooms are not functional, and then an insufficient kitchen.



We'll get to the last of the collection, Muncie/Stony Point. Deplorable, built in 1967, 57 years ago, 15 firefighters work there.



Again, this is one of the stations that was handed over as annexation occurred by volunteers. The decaying structural beams amazing. A top these beams are the components that hold up the roof.

The trusses assemblies, once these fail, will fail, and that roof line will collapse. One thing that a firefighter always worries about is the overhead, will that area fall while they're inside fighting fire. If this building were to ever catch on fire, I assure you that would be the first thing to go based on the fact the structural beams—I think when the termites stop holding hands, it'll collapse. Just teasing, but as you can see, the damage is remarkable. Storm damage, we have water throughout the building, roof is failing, kitchen is deplorable. That bathroom, again, just a horrible setting. Another building that the wall has been removed to access the pipe to keep the drains open and working and it hasn't been replaced only because the firefighters or an outside contractor will be back in that building often, have to access that exact area instead of repairing it and then have to break the wall again. It stays that way.

The plumbing freezes. We had two or three events last winter, since I've been with you, where we've had to work on getting the ice out of the fire station. It just is not a very healthy place for our members to work. Spacing is absolutely, positively ridiculous.

We'll take questions as we go. I'm sure you're probably well aware of that and we certainly have planned some time at the end for questions also.

Commissioner Hill said thank you for this presentation. I just have one quick question. On Station 16, do you have separate quarters for men and women? It's your new facility. **Chief Ruben** said yes ma'am. Each person has a separate room. They have their lockers and bedroom. They can close and lock the door. The toilet facilities are one person use, much like you have at your home. They can go into that bathroom, lock the door, have a sink, a stool and a shower. Well designed, well prepared and well planned. Again, we're so thankful for that.

Commissioner Kane said wow, Station 15, the former Chief, Deputy Chief, and the Administrator were damn glad to close that facility and it's the most volatile area in all of Wyandotte County. I worked down there for 35 years. I'm glad you brought that up. It is the lack of leadership then, the lack of the skills that the Administrator had and was a vindictive situation that they were in. They didn't necessarily like the Fire Department and did everything they could to jam them and they did and I'm damn glad you brought that up because people have to realize you're right, there's not that many runs down there, but they're dangerous. **Chief Rubin** said I couldn't agree more. I think you spoke perfectly and, again, I know that when we have a call there, I try not to butt in to

too many calls. I went on a vehicle struck by a train today, again, I felt compelled, but that is an area when a call comes out, I usually start that way knowing the volume and level of danger to our people and if some of those commodities were to be released, this community would see a disaster of epic proportion.

Commissioner Kane said for the general public, the former Chief said that there was a piece of equipment on the fire trucks that told them where the trains are at. That's pretty damn—**Chief Rubin** said it's not too crazy. We have an application where we can begin trying to track the trains, but I guess what I would question upon is, so okay, now that we've tracked the train, we've got a lot of work to do. Trains are—again, I felt compelled, thank goodness the train was not harmed. I believe we're going to end up with a fatality from that call, but a van was crushed (inaudible). **Commissioner Kane** said and we're damn lucky that General Motors didn't catch on fire while that was closed. **Chief Rubin** said we are in a position to protect it now I promise and rightfully and justifiably so. Again, I feel like I could be a fire service expert in any courtroom in America and I assure you that fire station is needed.

Chief Rubin said when we move into staffing, of course again, that's the life's blood. I would love to tell you that all the Administrators with the wonderful uniforms and the great stripes—sorry. **Mayor Garner** said Commissioner Stites.

Commissioner Stites said I think we can all agree that it was totally stupid for 15 to ever close and then to have the resistance that we had for that station that it took for us to get that thing back open for all the reasons named. So, one of the questions that I've have, and obviously, you've done a great job at depicting deplorable. **Chief Rubin** said yes sir. **Commissioner Stites** said what have we done—you know this is my first go around as a commissioner, I'm three years in, what have we done for all of the years. Is there not a maintenance budget. Is there any kind of a budget—has there not been money allocated for repairs or to get things done and how have we got to this position that we're in right now? **Chief Rubin** said I think you've characterized it. There wasn't the appropriate dollars set aside to perform maintenance. We receive approximately about \$200K. With that \$200K, it's got to maintain—and you saw the collection of buildings that are in, quite frankly, between deplorable and poor. We have two that are acceptable and we always run out of money at the end. We try to save our money as best we can because when you go and

if you get a chance to visit Klamm Park, do. We had to put, that we weren't expecting, about \$15K in there because the cabinet doors are literally falling off. So, this has been kicking the can down. I'm not much on blame. I'm very, very, very focused on repair, moving forward, presenting to you along with our Local, along with the support of the International Association of Firefighters, what we think is going to be a palatable plan. We feel like once we have that together, not ready for prime time yet, we'll work with the County Administrator's to determine what the funding sources might look like and how we'll get there, but we're just not ready to provide that part of the presentation yet. This is to give you an update as to where we've come from, where we're at, and where our head is focused. **Commissioner Stites** said I'll have some follow-up questions when we get to the end.

Mr. Simma said I'll just comment as well. We believe the amount of information we're bringing forth to the Chief's point, we needed to break this up into two parts. This is everything that we've done to this point. The plan is coming. We'll bring further detailed proposals and ideas forth to you all to consider as to how we can try to rectify it as we move forward. We felt like it was going to need to be done in two parts just due to the size and the amount of information we had to bring forth.

Mayor Garner said just to follow up with the commissioner, to President Simma and Chief Rubin and to all our firefighters, EMS workers, as your Mayor I just want to apologize to you all for the conditions that you all have had to work in. I don't know how we got here and I worked here for 32 years. I'm shocked and I've been in several fire stations and I was surprised. I don't know what the budget looks like over these years to get us to this point. I've asked from day one as Mayor where's all our money going and nobody has been able to tell me that with confidence to say how we've been managing and spending our money here at the Unified Government for all these years for everything to be crumbling in this community. Our bridges, our streets, our roads, trash blown up and down the street, our infrastructure, our employees are working in deplorable conditions. I don't know how we got here.

I just left from Minneapolis, St. Paul and I was just overwhelmed with how well managed, how well run, and how well planned and thought out those communities are. As the Mayor and CEO I'm supposed to be the visionary. I'm going to do my best to sell this community and

champion everything great and wonderful about Wyandotte County, but this isn't it. This is not it. To have a safe, a great community, you've got to have a safe community and that starts with really supporting our police and our firemen and making sure that they have not just the resources, but the environment they need to operate safely.

Again, I apologize, but I also want to thank you because I can tell you before I became Mayor I wouldn't have seen this right here. The cooperation and collaboration between the rank and file with the leadership of Mr. Simma and our Fire Chief is unprecedented. I don't see this in other communities, so I want to applaud you all for identifying these problems. Number one, I always say find it as unpleasant as it may be and get it out there because that's how you fix it because you've got to face it and then you work for solutions to fix these problems and that's good management. What I'm seeing right now is not just good management, but good leadership and so I applaud you all on what you're doing because that's what needs to happen. I know people get on me all the time that say oh the Mayor is mean to employees. No I'm not, we've got great employees, but we need to call out people that need to be called out, when they need to be called out when they fail, not just this Unified Government, but this community. I don't mind taking the darts, the arrows, and the slings or whatever comes with that, but you've got to call a spade a spade and call it like it is because that's how you fix it. You can't brush it under the rug and you can't ignore it because if you all aren't safe, if your conditions are bad, morale is bad, I want you to go out and feel good about giving services to our residents in this community and not just police and fire, but every employee in this Unified Government. I always say it starts with leadership. It starts with leadership and what I'm seeing here tonight is great leadership.

I'll even go a step further, I just want to thank you all for your service, all our firemen, all our police officers, all our EMS workers, all our Unified Government employees because you're not the only ones working in deplorable conditions. This is just a microcosm of a broader problem and, again, I don't know where all the money's going over all these years. You know when you talk about \$470M, I don't know how we got here especially when our Administrator says 44% of it goes to, you know, to debt. I don't know how we got here, but we've got to do better.

So, thank you all for having the courage to show, not just us, but this community on the things that we need to get fixed. One of the things that's going to come as a result of this, and I want the community to be aware, off the recommendation of both Commissioner Burroughs At-Large and Commissioner Bynum who two years in a row—this Commission is going to be working

overtime probably Wednesdays starting next month to look at our budget on ways we can do better on budgeting and really allocating our resources and giving clear direction to the leadership here that's not elected.

One thing I'd like for you all to consider, for the public to consider, and for this Unified Government to consider and I brought it up when I first became Mayor and I made the mistake of trying to have a bright idea to give solutions and I got beat down by this Commission of the past, but that's okay, I'm going to look past that because it's about how we look forward. But trying to find good solutions to these problems and I know taxes—nobody likes taxes, it's a bad word around here. This Commission took the unprecedented steps to go revenue neutral this year and a lot of people appreciate that and hopefully they'll realize that moving forward. When you look at all the needs we have, failing bridges, infrastructure, the needs of our employees, how do we better serve this community, you've got to have the money to be able to get it done. So, I'm going to go back to what I said back in 2022, and I'm going to go right back there, is that maybe property taxes isn't the answer, but I challenge everyone to think about a sales tax initiative to address the most pressing issues that is impacting our community. Why is that, well, property taxes some say is regressive, sales taxes, but so is property taxes. People actually lose their homes and become homeless. At least sales taxes when you talk about taxes is another option that we maybe can consider where other people that shop here and come from outside of here can actually have a stake in improving the quality of life of those people that want to actually live here and employees that are forced to work here because they have no choice, but they do a good job doing that.

I want to throw that out there, but I just want to say thank you all for your leadership and thank you for collaborating. I know that was my call to action from day one. I can tell you in support of this Commission I have never seen, I've said it before, and I say it everywhere I go, you have probably the most public safety and employee friendly Commission that I've ever seen in the 32 years that I've worked here. This Commission truly supports our employees and I want you all to know that and I don't want that to go unnoticed or unheard.

When Commissioner Kane talked about Station 15, I know he fought for that. He was down there with me and so was Commissioner Bynum, I believe Commissioner Burroughs and some of the other commissioners, Commissioner Stites and some of the other commissioners and this Commission made it a point because, exactly what you said Chief, we recognized that station was too vital. When I hear about General Motors having concerns and they may or may not see

Wyandotte County as an option for the future, when you have other big corporations there that may or may not see Wyandotte County as an option for the future, just because of a fire station being closed, I really applaud this Commission for saying let's get it done and they delivered not for the Unified Government, but for our community. I believe that you have a Commission that's going to keep doing that, so I just wanted to put that out there.

Again, I apologize. I know the opportunity for us to get better is there. We will get better. We're going to get better treating our employees the way they deserve to be treated, the rank and file, but thank you for identifying those things. Thank you all for your service.

Commissioner Kane said, Mayor, thank you for going down there and getting it open pretty damn quick, but what is there, 100 and some businesses down there and they all signed something that said this is unsafe. They all talked to everybody and an example of what's going on, it took five years to build Station 12 because they said the dirt had to settle. Of course, you know, I worked for a construction group, I take them out there and they say they're full of it, but one of the things I talked about a long time ago and I worked on joint programs for the UAW at General Motors in safety, I had a salary counterpart. We would do exactly what you guys are doing. We would come and present together and then tell our bosses, what you guys are doing, this is what we want. This is where we need to go and I am going to point out even the Mayor at the time wanted it closed. They wouldn't even settle their contract for five years, sorry six years, and if they could have went on strike, they would have went on strike. That's why in my mind it's important to have joint programs so we can all stand here and trust me, because you guys know how I am, we would go in the furthest room away from everyone else, nobody could hear the cussing and screaming and we would walk out and we'd all say the same thing and I think that's the direction you all are going and I wish some of the other partners would do the same thing.

SECTION 3 – OPERATIONAL STAFFING

Chief Rubin said moving along to the staffing section.

CHALLENGES IN MODERN FIREFIGHTING

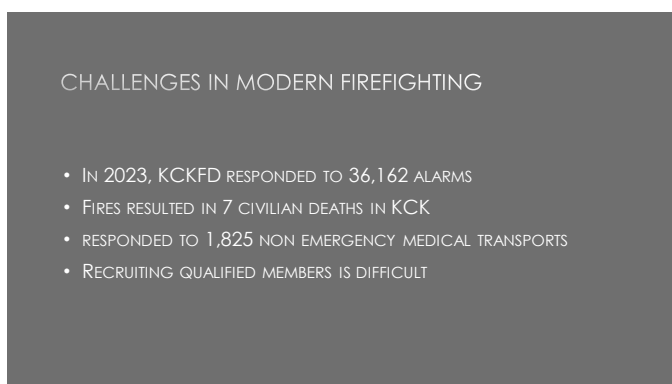
- FIREFIGHTING IS A DANGEROUS PROFESSION
- 2022: 96 FIRE FIGHTER LINE OF DUTY DEATHS*
- 2023: 89 FIRE FIGHTER LINE OF DUTY DEATHS*
- 80,000 SERIOUS FIRE FIGHTER INJURIES ANNUALLY IN THE U.S.
- THE FIRE AND EMERGENCY MEDICAL PROFESSION DEMANDS HIGH LEVELS OF PERSONAL INTEGRITY, TRAINING, EDUCATION, EXPERIENCE, AND COMMITMENT
- KCKFD MEMBERS FACE OVER 36,000 EMERGENCY INCIDENTS EACH YEAR, GROWING BY APPROXIMATELY 1,000 CALLS ANNUALLY

*National Fallen Firefighters Foundation (NFFF)

We have some challenges not because of the finance or money, but we are about the most dangerous labor profession. We teeter back and forth between us, the Police Department, and underground mine workers. In 2022, according to the National Fallen Firefighter Foundation, that tracks these records and provides a significant sum of money to people who die in the line of duty, so the government has a pretty big, vested interest in it, 96 firefighters died in the line of duty in 2022, 89 firefighters died in the line of duty in 2023, over 80,000 serious injuries. Now, when a firefighter has a small cut or nick, I assure this Commission they may or may not report it, but it will never make it to this level. These are all serious injuries and as you can see this is a profession that requires folks to put their life on the line literally regularly. Fire Emergency Services has a high level of demand. We expect personal integrity, high level of training, education, experience, and commitment and we go through a very detailed process to hire the next firefighters before you can become a firefighter in our community. I would say it's probably easier, and I mean this, to get into Harvard University. Of course you have to be one-dimensional, you have to have great grades. For us you have to be smart, for us you have to pass background checks, you have to be physically fit, you have to pass a psychological examination, and then you go before a group of

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your peers to decide whether you're going to fit into our organization. We face over 36,000 emergencies per year and what's interesting and in some ways it's a good notion, in other ways I wish we could curtail it, but we move up about 1,000 calls a year everywhere—every year. Somewhere between 3 to 5% and as I'm always reminded, three things cause us to respond to calls. Those reasons why we go to calls men, women and children. The more folks we have in our community, the more apartment projects and housing subdivisions, the more cars on the road, etc. puts us in a position to be very concerned about the fact we're going to continue to increase in our call loads.



In 2023 we had 36,162 calls that ended in seven civilian fire deaths I'm sad to say. The good news is it wasn't any more than that but, of course, our goal is to get that to zero, 1,825 non-emergency transports were responded to. What that means is about six non-emergency transports occur each day and if you'll go back to the previous report provided by the Center for Public Safety Management/International City Managers Association, they recommend either we change how we do that business or perhaps, and we will probably most likely recommend, it's time for us to get out of that business. It's a profit loss, a significant one as well as it takes about an ambulance to— or about half of an ambulance to an ambulance out of business each day. We know a typical day we'll probably be in a situation where there's not enough ambulances in this community and we'll speak about that later.

We have a difficult time recruiting our members. We figure it's somewhere between 10 to 15 persons, each person, to make one new recruit. In other words, that's the washout rate, whether it's the physical ability test, whether it's the psychological or other background, it's hard for us to maintain those standards.

STAFFING STANDARDS AND CHALLENGES

- NFPA STANDARD 1710 RECOMMENDS MINIMUM STAFFING OF 4 FIRE FIGHTERS ON EACH PUMPER, LADDER TRUCK, AND HEAVY RESCUE. FURTHERMORE, HAZARDOUS MATERIALS UNITS ARE RECOMMENDED BY NFPA TO BE STAFFED BY 6 FIRE FIGHTERS
- CURRENT KCKFD STAFFING IS 3 FIRE FIGHTERS ON PUMPERS, 4 FIRE FIGHTERS ON LADDER TRUCKS AND RESCUES
- 1 LADDER TRUCK, 2 AMBULANCES, AND 2 HAZARDOUS MATERIALS UNITS ARE CROSS-STAFFED AT THE EXPENSE OF PLACING OTHER COMPANIES OUT OF SERVICE
- DISCREPANCIES BETWEEN CURRENT STAFFING AND LEVELS RECOMMENDED IN NFPA STANDARD 1710 HIGHLIGHT THE NEED FOR INCREASED STAFFING

This next slide discusses the fact that the National Fire Protection Association once again said that there should be four firefighters on a pumper. There should be four firefighters on a ladder truck and heavy rescue and where we talk about the Fairfax area, hazardous materials units are recommended to be staffed by six. Our current staffing is three on a pumper, not great. Certainly for now, we can work with that, but we do have four on a ladder truck and on the rescue, which does meet the National Minimum Standard. One ladder truck, two ambulances, and both of our hazardous materials units are cross-staffed. What that means is whichever call comes out first, if the call that comes out first in Midtown, for instance, State Avenue Station 2 and it's for Hazmat, the members take the Hazmat. If it's for the Quint company, they take that ladder truck. The discrepancies between the current staffing level and NFPA, that will be highlighted in increasing our staffing, if you will, overtime and we'll get to that in the next report in the early part of '25.

NIST FLASHOVER VIDEO



If we can have this video, what it describes is how fast a modern day building goes to flashover. (Video was shown.) **Chief Rubin** said speaking is one of the fire scientists. Again, I need to mention that is a federal agency. Dan Madrzykowski was a scientist, not the narrator, but the voice that was giving benchmarks and we know fires burn a lot hotter and a lot quicker than they have in days gone by, which puts our people at absolutely great risk. The idea for us to have the proper

people at the proper place at the proper time to take the steps that are necessary should prevent again what's called flashover.

OPERATIONAL STAFFING

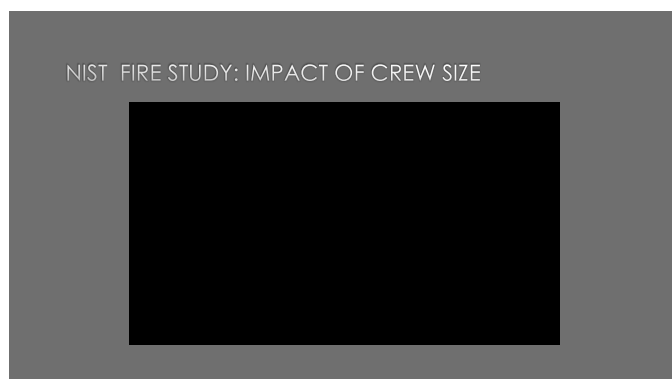
ENHANCING EFFICIENCY THROUGH IMPROVED STAFFING

- THE NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY'S (NIST) FIREGROUND FIELD EXPERIMENTS STUDY SHOWS SIGNIFICANT EFFICIENCY GAINS WITH 4 PERSON CREWS. TASKS ARE COMPLETED 25% FASTER, LEADING TO QUICKER FIRE EXTINGUISHMENT AND RESCUE
- 4 PERSON CREWS COMPLETED TASKS 7 MINUTES FASTER THAN 2 PERSON CREWS
- EFFICIENT STAFFING NOT ONLY SAVES LIVES BUT ALSO IMPROVES OVERALL CUSTOMER SERVICE

The fireground experiments were done throughout the nation. It started in Chicago, moved to New York City. Charlotte, North Carolina was another major community and they took a look at what it takes to put a proper fire out properly and, again, it was done with science, scientific measurements. Things like thermocouples and, of course, time was also a very important element.

The reason why firefighting crews need to be at four persons, if possible, and again being the National Minimum Standard, is there are so many things that have to happen simultaneously. A pumper company needs to have a supply of water, needs to move a hose line into place, needs to attack the fire, take care of things like fire extension, the truck company at the same time needs to begin performing search and rescue, we've got to get folks to the attic area, prevent fire from extending, and I could go on. I know this is not a fire class, but I want to say that when the chips are down and the worst conditions exist, having the proper staffing at the proper place, at the proper time, doing the proper things will end up having less fatalities, less damage and, of course, less firefighter injuries and even fatalities.

We don't have to go back any further than yesterday where we buried one of Kansas City, Missouri's brave individuals and that occurred in a training setting. Efficient staffing not only saves lives, but it improves the overall customer service.



The next video clip, very short, will describe the impact of crew size put together by the National Institute of Standards and Technology. (Video was shown.) **Chief Rubin** said with that, I think you get the idea the numbers that NFPA put together are validated by scientific measure which makes me very pleased.

KCKFD 2022 RESPONSE REPORT CARD

Response District	Emergency calls when apparatus was first on scene for 2022.	Percentage of responses that were 240 sec or less travel time. Meeting goal	Percentage of responses that were over 240 seconds travel time. Failing to meet Goal
Battalion 1			
Pumper 1	1953	96.0% (1874)	4.0% (79)
Pumper 5	1317	90.4% (1190)	9.6% (127)
Pumper 9	1804	93.6% (1688)	6.4% (116)
Pumper 11	2056	91.3% (1877)	8.7% (179)
Pumper 14	1465	91.0% (1333)	9.0% (132)
Pumper 15	57	86.0% (49)	14.0% (8)
Pumper 18	2146	90.6% (1944)	9.4% (362)
Total Battalion 1	10798	92.2% (9955)	9.3% (1003)

You're looking at what's described as a report card, where to be able to respond to have the appropriate amount of people at the right place, at the right time to do our jobs 90% of the time. The reason why it's not at 100%, quite frankly, when one fire truck goes out on a call about 100-110 times a day, there would have to be a second and in some cases a third fire truck. No community could possibly afford that. We break this down by central downtown district and most of the stations get pretty close. When we begin moving a little further out, this is actually 2022 and we're going to move to 2023 next.

KCKFD 2023 RESPONSE REPORT CARD

Response District	Emergency calls when apparatus was first on scene for 2023.	Percentage of responses that were 240 sec or less travel time. Meeting goal	Percentage of responses that were over 240 seconds travel time. Failing to meet Goal
Battalion 1			
Pumper 1	2193	96.1% (2108)	3.9% (85)
Pumper 5	1207	91.5% (1104)	8.5% (103)
Pumper 9	1995	94.1% (1877)	5.9% (118)
Pumper 11	2107	90.6% (1908)	9.4% (199)
Pumper 14	1643	89.0% (1463)	11.0% (180)
Pumper 15	269	85.1% (229)	14.9% (40)
Pumper 18	1641	86.3% (1417)	13.7% (224)
Total Battalion 1	11055	91.4% (10106)	8.6% (949)

KCKFD 2022 RESPONSE REPORT CARD

Response District	Emergency calls when apparatus was first on scene for 2022.	Percentage of responses that were 240 sec or less travel time. Meeting goal	Percentage of responses that were over 240 seconds travel time. Failing to meet Goal
Battalion 2			
Pumper 3	543	86.0% (467)	14.0% (76)
Pumper 7	1281	80.2% (1028)	19.8% (253)
Pumper 10	908	71.6% (650)	28.4% (258)
Pumper 16	585	79.1% (463)	20.9% (122)
Pumper 17	754	75.9% (572)	24.1% (182)
Pumper 20	837	68.6% (574)	31.4% (263)
Total Battalion 2	4908	76.5% (3754)	23.5% 1154

You can see that the—you moved up too many.

KCKFD 2023 RESPONSE REPORT CARD

Response District	Emergency calls when apparatus was first on scene for 2023.	Percentage of responses that were 240 sec or less travel time. Meeting goal	Percentage of responses that were over 240 seconds travel time. Failing to meet Goal
Battalion 2			
Pumper 3	638	84.6% (540)	15.4% (98)
Pumper 7	1328	81.3% (1079)	18.7% (249)
Pumper 10	979	69.4% (679)	30.6% (300)
Pumper 16	626	74.4% (466)	25.6% (160)
Pumper 17/ Truck 17	720	67.6% (487)	32.4% (233)
Pumper 20	847	69.4% (588)	30.6% (259)
Total Battalion 2	5138	74.7% (3839)	25.3% (1299)

There really isn't much change between '22 and '23.

KCKFD 2023 RESPONSE REPORT CARD			
Response District	Emergency calls when apparatus was first on scene for 2023.	Percentage of responses that were 240 sec or less travel time. Meeting goal	Percentage of responses that were over 240 seconds travel time. Failing to meet Goal
Battalion 1			
Pumper 1	2193	96.1% (2108)	3.9% (85)
Pumper 5	1207	91.5% (1104)	8.5% (103)
Pumper 9	1995	94.1% (1877)	5.9% (118)
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Pumper 14	1643	89.0% (1463)	11.0% (180)
Pumper 15	269	85.1% (229)	14.9% (40)
Pumper 18	1641	86.3% (1417)	13.7% (224)
Total Battalion 1	11055	91.4% (10106)	8.6% (949)

When you begin moving throughout the community and you head to the north side of town...

KCKFD 2022 RESPONSE REPORT CARD			
Response District	Emergency calls when apparatus was first on scene for 2022.	Percentage of responses that were 240 sec or less travel time. Meeting goal	Percentage of responses that were over 240 seconds travel time. Failing to meet Goal
Battalion 2			
Pumper 3	543	86.0% (467)	14.0% (76)
Pumper 7	1281	80.2% (1028)	19.8% (253)
Pumper 10	908	71.6% (650)	28.4% (258)
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Pumper 17	754	75.9% (572)	24.1% (182)
Pumper 20	837	68.6% (574)	31.4% (263)
Total Battalion 2	4908	76.5% (3754)	23.5% 1154

which is Battalion 2, the numbers get worse.

KCKFD 2023 RESPONSE REPORT CARD			
Response District	Emergency calls when apparatus was first on scene for 2023.	Percentage of responses that were 240 sec or less travel time. Meeting goal	Percentage of responses that were over 240 seconds travel time. Failing to meet Goal
Battalion 2			
Pumper 3	638	84.6% (540)	15.4% (98)
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Pumper 10	979	69.4% (679)	30.6% (300)
Pumper 16	626	74.4% (466)	25.6% (160)
Pumper 17/ Truck 17	720	67.6% (487)	32.4% (233)
Pumper 20	847	69.4% (588)	30.6% (259)
Total Battalion 2	5138	74.7% (3839)	25.3% (1299)

Then, when you go out west where there's a lot of open space...

KCKFD 2022 RESPONSE REPORT CARD			
Response District	Emergency calls when apparatus was first on scene for 2022.	Percentage of responses that were 240 sec or less travel time. Meeting goal	Percentage of responses that were over 240 seconds travel time. Falling to meet Goal
Battalion 3			
Quint 2	1453	79.8% (1159)	20.2% (294)
Pumper 4	990	79.9% (791)	20.1% (199)
Tower 6/Rescue 6	599	85.6% (513)	14.4% (86)
Pumper 8	540	51.3% (277)	48.7% (263)
Quint 12	867	77.4% (671)	22.6% (196)
Pumper 19	2000	88.2% (1764)	11.8% (236)
Total Battalion 3	5898	79.6% (4696)	20.4% (1202)

yet again, both years reflect the fact that we're missing the targets.

KCKFD 2023 RESPONSE REPORT CARD			
Response District	Emergency calls when apparatus was first on scene for 2023.	Percentage of responses that were 240 sec or less travel time. Meeting goal	Percentage of responses that were over 240 seconds travel time. Falling to meet Goal
Battalion 3			
Quint 2	1382	76.3% (1054)	23.7% (328)
Pumper 4	1017	80.7% (821)	19.3% (196)
Tower 6/Rescue 6	665	82.0% (545)	18.0% (120)
Pumper 8	480	45.4% (218)	54.6% (262)
Quint 12	874	72.8% (636)	27.2% (238)
Pumper 19	1926	83.9% (1615)	16.1% (311)
Total Battalion 3	6344	77.1% (4889)	22.9% (1455)

There are a few that you might want to pay attention in your report that less than 50% of the time we're meeting that target. So again, it just gives you some scientific measurement of how your Fire Department is doing.

Mr. Simma said I wanted to emphasize and speak to these slides and reference to the videos and minimum staffing as well. When we discuss NFPA Standards, the things you hear us talk about are specifically minimums. When we look at 90%, that is to meet the bar. 90% sounds good, it's being compliant with the standard; however, that is the minimum to be just that. When you look at our numbers in our—especially in our Battalion 2 and Battalion 3 where we're in the 70s and 80s, some in the 40s, and those red numbers, those are the areas where we don't make the benchmarks to be compliant. That's where we need to find a progress.

SECTION 4 – KCKFD EMERGENCY MEDICAL SERVICES

Chief Rubin said, of course, with that said we're going to move right into the Emergency Medical Services section. I think we have some pretty good news to report there.

KCKFD EMERGENCY MEDICAL SERVICES

HISTORY OF KCKFD EMERGENCY MEDICAL SERVICES

- KCKFD WAS ONE OF THE FIRST ADVANCED LIFE SUPPORT AMBULANCE SERVICES IN THE NATION IN 1974
- INITIALLY PARTNERED WITH BASIC LIFE SUPPORT RESPONDERS AND PRIVATE AMBULANCE COMPANIES
- KCKFD EXITED AMBULANCE TRANSPORT SERVICE IN 1995
- KCKFD ASSUMED RESPONSIBILITY FOR ALL EMERGENCY MEDICAL SERVICES IN 2004

The background and history is at one time we had the entire community of Emergency Medical Services under our purview, but for whatever reason we exited the Emergency Medical Services, which represents about 70% of our responses in 1995. However, in 2004 we reassumed it and...

KCKFD EMERGENCY MEDICAL SERVICES

KCKFD EMS BY THE NUMBERS IN 2023

- OUT OF 36,162 INCIDENTS, 26,196 WERE EMS RESPONSES, ACCOUNTING FOR 72% OF THE TOTAL
- KCKFD PROVIDED 17,571 PATIENT TRANSPORTS TO DEFINITIVE CARE FACILITIES
- EMERGENCY MEDICAL SERVICES ARE CRITICAL FOR OUR COMMUNITY'S HEALTH AND WELLNESS

I would say somewhere on the order of about 80 to 85% of American communities are protected by fire-based EMS. That's how our system is described and with that said, there's 80 to 85% of

communities are in highly densely areas like Kansas City, Kansas metro, so they are closer, about 90% of all people are protected by. Without a doubt firebase EMS historically has represented the very best in-patient care. You can get some semblance of how many folks that we treat, 26,196 times we went on calls. Of that 17,571 were transported to definitive care. Definitive care, of course, means a hospital. We have provided a critical connection for a lot of our community including the folks that are disenfranchised and unhoused to be able to get services.

KCKFD EMERGENCY MEDICAL SERVICES

EMS BILLING AND REVENUE

- EMS OPERATIONS GENERATED APPROXIMATELY \$4.3 MILLION IN REVENUE IN 2022.
- REVENUE GENERATED FOR 2023 WAS \$5.9 MILLION
- BILLING CHALLENGES PERSIST WITH UNINSURED PATIENTS
- A LACK OF COLLECTION SERVICES PROHIBITS OUR ABILITY TO OBTAIN COST NEUTRAL SERVICE DELIVERY

When we look at our billing, again, some good news. In '22 we collected \$4.3M, in '23 we're at \$5.9M. Of course, '24 the numbers aren't in yet, but that's encouraging. We did increase the billing rate. However, the last comment says we do billing, but we do not do collections. In other words, soft billing after three or so billings go out, it's forgiven. I can't explain why. I wasn't here when it got started, but our recommendation will be to find a collection agency and to go after that money that is rightfully ours. I'd love to tell you that we break even with our Emergency Medical Care & Service, but that just doesn't happen.

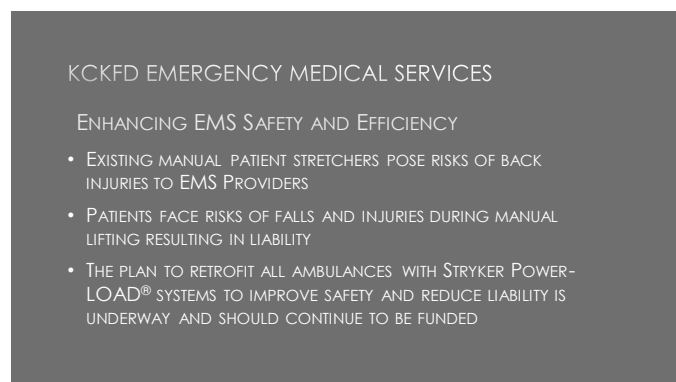
KCKFD EMERGENCY MEDICAL SERVICES

CHALLENGES IN AMBULANCE AVAILABILITY

- AVERAGE AMBULANCE TRANSPORT CYCLE TIME OF 50 TO 90 MINUTES WHICH LIMITS AMBULANCE AVAILABILITY
- REDUCED AMBULANCE AVAILABILITY IMPACTS EMERGENCY RESPONSE DURING CRITICAL TIMES
- KCKFD OFTEN EXPERIENCES NO OR LIMITED AMBULANCE AVAILABILITY

Some of the challenges, our ambulance transports cycle time. Cycle time is from the time the bell rings until that ambulance can take the next call and it ranges between 50 to 90 minutes. The

further away the hospital, the more involved the patient care is, the more cleanup that has to be done between calls pushes it out further. In a typical day three to four times, which I mentioned, we will experience two ambulances available citywide out of eleven, one ambulance available citywide out of eleven, or zero ambulances. When we get to those numbers, we have to rely on our neighbors. We expect Edwardsville or Bonner Springs to help us, but I would daresay typically when we're busy, they're busy. We have to rely on Kansas City, Missouri more times than not to come in and help us. Two problems with that, the response time to physically have an ambulance there, we will have a paramedic delivered by the pumper, thank goodness—or a ladder truck, but they're going to be waiting there for quite a while. That billing I just mentioned, that's money that leaves our community. That will be billed by whatever ambulance takes the person to definitive care.



Next, some of the enhancements. We have a collection of ambulances that need to be upgraded. Most of the ambulances do not have what's called the Power Lift System. Essentially the firefighters have to manually lift the stretcher up. The problems there is back and back injuries. The patient may or may not be secure. I think we're dealing to settle one patient that fell from the litter, time back, but bottom line is this Stryker Power System, which only are represented by a few of our ambulances, that needs to move throughout the system. I don't have to tell you it's a pretty big expense, somewhere about \$65,000 a copy, but again, one firefighter back injury would probably pay for ten of those devices. One patient dropped while trying to get a heavier person, for instance, up into an ambulance would probably buy 50 of those.

KCKFD EMERGENCY MEDICAL SERVICES

COMMUNITY PARAMEDICINE PROGRAM

- COMMUNITY PARAMEDICINE PROVIDES IN-HOME MEDICAL CARE REDUCING HOSPITAL VISITS
- FOCUSES ON NON-EMERGENCY CARE FOR THE UNHOUSED, ELDERLY, OR THOSE WITH LIMITED MOBILITY
- THIS PROGRAM DECREASES EMERGENCY CALLS AND REDUCES EMERGENCY MEDICAL SERVICES STRAIN
- INEVITABLY THIS PROGRAM MUST BE EXPANDED

The last section of EMS we're going to talk about our Community Paramedicine Program. Essentially we have one person that goes out and works very hard to reduce our medical workload. They do in-care services and it's a whole host of services. We started off a contract with one of the medical facilities. That has since ceased. We fund it entirely, but this is one of those programs where we know we're going to recommend that it will be expanded.

SECTION 5 – APPARATUS REPLACEMENT PLAN

The last section that we're going to share with you this evening besides doing a summary, is that we should have the appropriate vehicles.

APPARATUS REPLACEMENT PLAN

- THE PRIMARY GOAL OF THE EMERGENCY VEHICLE FLEET IS TO ENSURE EFFECTIVE, EFFICIENT, AND SAFE RESPONSES
- THIS MASTER PLAN IS A "LIVING DOCUMENT" THAT MUST ADAPT TO THE EVER EVOLVING COMMUNITY NEEDS AND NFPA MINIMUM STANDARDS

It wasn't very long ago that I had to appear before this Commission, the County Administrator, and the Assistants to talk about having five fire stations without fire trucks. I've never experienced that, quite frankly, and again it's been a long time that I've been working in the system, but we got it fixed. Thanks for your help.

APPARATUS REPLACEMENT PLAN

FRONT-LINE EMERGENCY RESPONSE FLEET

- **AMBULANCES:** ELEVEN FRONT-LINE AMBULANCES , MODEL YEARS FROM 2014 - 2022, HANDLE THE MAJORITY OF OVER 36,000 CALLS EACH YEAR
- **PUMPERS:** FIFTEEN FRONT-LINE PUMPERS, RANGING FROM 2006 - 2024, EQUIPPED TO PUMP 1,500 GALLONS OF WATER PER MINUTE, SERVE AS THE BACKBONE OF FIREFIGHTING EFFORTS
- **LADDER TRUCKS:** SEVEN LADDER TRUCKS WITH REACHES FROM 75 TO 107 FEET, ESSENTIAL FOR RESCUE MISSIONS AND HIGH-RISE OPERATIONS , VARYING IN MODEL YEARS FROM 2011 - 2024

We need 11 ambulances that are frontline. Again, right now, our ambulances range from 2014 to 2022. It may sound like great but when you begin looking at the mileage you'll get a better picture. We're in a condition today that we probably haven't been in, in maybe as much as 20-25 years where a fire fleet is reasonable. We have 15 frontline, 150-gallon per minute pumpers, and then we have 7 ladder trucks that are frontline.

APPARATUS REPLACEMENT PLAN

SPECIALIZED FLEET VEHICLES AND SUPPORT UNITS

- **RESCUE UNITS:** TWO RESCUE COMPANIES, VITAL FOR MANY EMERGENCIES SUCH AS VEHICLE EXTRICATION, EXTINGUISHING ROOFS ON FIRE, VENTILATING SMOKE AND GASES, AND RESOLVING BUILDING AND TRENCH COLLAPSES. OUR FLEET VARIES IN MODEL YEARS FROM 2020 AND 2024
- **HAZARDOUS MATERIAL UNITS:** PROTECTORS OF THE ENVIRONMENT (AIR, WATER, AND SOIL) FROM CHEMICAL SPILLS AND OTHER MANMADE HAZARDS. BOTH SPECIALIZED UNITS ARE MODEL YEAR 2024
- **BRUSH TRUCKS:** FIVE BRUSH TRUCKS, CRUCIAL FOR COMBATING WILDLAND FIRES IN RURAL AND OFF-ROAD AREAS. THESE VEHICLES' MODEL YEARS RANGE FROM 2003 TO 2006

There are a couple of rescue units and, again, without a doubt, one's a 2020, the other one is a 2024. We just received two hazardous materials units that are replacing two ancient ones and outdated. We have a brush fire collection of brush fire trucks that range from '03 to '06.

APPARATUS REPLACEMENT PLAN

APPARATUS REPLACEMENT CRITERIA

- **SERVICE LIFE:** FRONT-LINE APPARATUS SERVE FOR APPROXIMATELY 10 - 15 YEARS BASED ON THEIR TYPE OF SERVICE. RESERVE STATUS STARTS AT 11 - 20 YEARS
- **VEHICLE CONDITION:** MILEAGE, ENGINE HOURS, VEHICLE AGE, WEAR, AND MAINTENANCE COSTS ARE USED TO DETERMINE DATE OF SURPLUS STATUS
- **OPERATIONAL EFFICIENCY:** ENSURE VEHICLES MEET CURRENT OPERATIONAL AND EFFICIENCY STANDARDS
- **SAFETY COMPLIANCE:** CONTINUOUSLY CHECK ADHERENCE TO NFPA MINIMUM STANDARDS

Service Life replacement for pumpers should be between 10 to 15 years. At 15 it can go into reserve status and we're going to keep them a little longer than recommended because some of the oldest reserves are going to move to our Training Division. What we do when they're completed used up, we sell them and we get just pennies back. It's a situation where our Fire Department, which I think is for the better, when we turn in a vehicle it really is worn out. It has really given as much service as it can and in some cases the age and mileage is just astronomical. The safety considerations as well as environmental are always a concern.

APPARATUS REPLACEMENT PLAN

FLEET REPLACEMENT TIMELINE

- **ANNUAL TARGETS:** REPLACE 1.5 PUMPERS AND 3 - 4 AMBULANCES EACH YEAR
- **SPECIALIZED UNITS:** REPLACE ONE LADDER TRUCK OR HEAVY RESCUE ANNUALLY
- **LONG-TERM REVIEW:** CONTINUOUSLY EVALUATE FLEET NEEDS FOR FUTURE PLANNING
- **BUDGET PLANNING:** ALLOCATE FUTURE BUDGETS FOR SYSTEMATIC VEHICLE REPLACEMENT

This next one speaks to the target. We're hoping to be able to replace 1.5 pumpers per year. If you're saying, Chief, how are you going to do that, 1 one year, 2 the next, 1 one year, 2 the next. You get the idea. We need somewhere between 3 to 4 ambulances every year. When we get to the mileage it'll make a little more sense. We simply wear those ambulances out. An ambulance probably could gain somewhere between, I don't know, five or six thousand a month. You can begin looking at what it's going to look annually and when you see the results here in a while, remember they're just constantly on the road in this community.

APPARATUS REPLACEMENT PLAN

LONG-TERM REPLACEMENT STRATEGY

- CONTINUOUS REVIEW AND ASSESSMENT OF FLEET TO ENSURE READINESS
- BUDGET PLANNING INCORPORATES SYSTEMATIC REPLACEMENT OF VEHICLES
- GOAL TO MAINTAIN OPERATIONAL AND SAFETY COMPLIANCE

We'll continue to do a long-term review, and again, we will try to work our hardest to make sure we have a functional and operational goal.

10 Year Ambulance Replacement Cycle						
	Year	Unit ID	Location	Mileage	Engine Hours	Status
1	2014	8968	Reserve	180,480	20,470	Active
		7794	Reserve	175,419	25,173	Active
2	2015	8912	Reserve	151,894	20,362	Out
		406	05 - Mount	202,670	11,462	Completed
3	2016	8792	Reserve	135,414	13,208	Wrecked
		8715	4 - Bethel	147,176	2,539	Active
4	2017	2068	17 - Turner	134,792	6,001	Active
		9057	Reserve	8,766	852	Active
5	2018	8276	Reserve	151,500	1,726	Active
		8057	12 - Piper	213,450	49,814	Active
6	2020	881	19 - Victory Hills	177,275	7,531	Active
		8032	10 - Welton	146,420	7,421	Active
7	2022	2064	9 - Central	105,795	6,583	Active
		7005	7 - Argonne	85,114	5,721	Active
8	2023	8767	5 - Calhoun	62,286	1,445	Repair
		8432	2 - Midtown	104,777	4,604	Active
9	2024	8296	3 - Amundson	89,694	2,730	Active
						In Production
10	2025					In Production
11	2026					2 new/1 remount to be delivered Fall 2025
12	2027					2 new/2 remount to be delivered Spring of 2026
13	2028					2 new/1 remount to be delivered in 2027
14	2029					2 new/1 remount to be delivered in 2028
15	2030					2 new/1 remount to be delivered in 2029
16	2031					3 new/1 remount to be delivered in 2030
17	2032					3 new/1 remount to be delivered in 2031
18	2033					3 new/1 remount to be delivered in 2032
19	2034					3 new/1 remount to be delivered in 2033
20	2035					3 new/1 remount to be delivered in 2034
21	2036					3 new/1 remount to be delivered in 2035

I wanted to get to the next couple of slides and you can certainly digest this, but if you take a look at some of the mileage of the ambulances, there's one with 195,000, 147,000, 134,000, 177,000, 145,000 and I could certainly go on. In the middle of the summer we asked for permission to buy two used ambulances. The reason why we asked is because we found and learned that two were available, very little mileage, for the price of essentially one. We were granted that and that was just simply a stop gap measure. We need to have at least two ambulances new and one ambulance remounted each year to continue. When we put three to four as we look forward and more ambulances are needed, we're going to have to expand the fleet. The mileage is just almost intolerable and, again, it's only going to continue to go up.

10 Year Pump Replacement Cycle							
	Year	Unit ID	Location	Mileage	Engine Hours	Status	Disposition
1	2001	Reserve Pump 4		198,091	17,360	Reserve	To Reserve 2021/Not in 2026
2	2001	Reserve Pump 3		198,090	17,841	Reserve	To Training 2001/Not in 2026
3	2002	Reserve Pump 4		69,017	7,572	Reserve	To Training 2002/Not in 2026
4	2002	Reserve Pump 3		218,197	2,433	Reserve	To Training 2002/Not in 2026
5	2003	Reserve Pump 2		70,811	7,712	Reserve	To Training 2003/Not in 2026
6	2003	Pump 5	Chickadee	63,518	6,734	Active	To Reserve 2025
7	2003	Pump 11	Kennelburg Road	67,494	13,080	Active	To Reserve 2025
8	2003	Pump 4	Armstrong	164,906	5,624	Active	To Reserve 2026
9	2006	Pump 10	Broadview	61,670	5,593	Active	To Reserve 2026
10	2006	Pump 15	Fall-Rise	48,805	4,732	Active	To Reserve 2027
11	2007	Pump 1	Wettersburg Hill	46,677	5,445	Active	To Reserve 2028
12	2007	Pump 9	Bethany Park	65,513	5,790	Active	To Reserve 2028
13	2020	Pump 18	Wellborn	58,975	5,444	Active	To Reserve 2028
14	2020	Pump 10	Kelly Ranch	54,191	4,271	Active	To Reserve 2028
15	2021	Pump 7	Argentine	32,001	6,130	Active	To Reserve 2030
16	2021	Pump 20	Mane	26,420	2,299	Active	To Reserve 2031
17	2021	Pump 4	Bethel	13,618	780	Active	To Reserve 2032
18	2021	Pump 8	Piper	5,740	610	Active	To Reserve 2032
19	2021	Pump 16	Turner	10,441	725	Active	To Reserve 2033
20	2021	Pump 14	Klaxon Park	5,768	414	Active	To Reserve 2034
21	2022						To be delivered Winter 2024
22	2024						To be delivered Winter 2026
23	2026						To be delivered 2028
24	2028						To be delivered 2030
25	2030						To be delivered 2031
26	2032						To be delivered 2032
27	2033						To be delivered 2033
28	2034						To be delivered 2034
29	2035						To be delivered 2035
30	2036						To be delivered 2036

Life to 10 years of service and/or 10,000 miles
Life to 15 years of service or 160,000 to 190,000 miles

Pumpers, we're in a little bit better shape. When you see green, that's pretty good. When you see yellow, that's caution and when we get to the red numbers, pumpers are a little different. They don't take the wear and tear. The heavy weight, they carry an average of two tons of water approximately 12 tons of weight total. Brakes don't last as long as they would with an ambulance although we wear those out pretty quickly because of the mileage. These vehicles are replaced in an earlier cycle as you can take a look at the report. I'm trying to move ahead as quick as I can to save some time for questions for the Commission.

18 Year Specialized Apparatus Replacement Cycle						
	Year	UID ID	Location	Mileage	Engine Hours	Status
1	2008	Revere 000002	Phoenix	164,479	16,058	Active
2	2008	Revere Truck 1	Phoenix	49,872	3,182	Active
3	2008	Revere Truck 1	Phoenix	155,255	17,894	Not in Use
4	2008	Truck 6	Village West	77,244	7,091	Active
5	2008	Quint 2	Middletown	43,408	4,153	Active
6	2008	Truck 10	Westside	35,489	3,859	Active
7	2008	Quint 14	Payson	45,709	4,869	Active
8	2008	Truck 16	Elmwood Park	22,861	2,640	Active
9	2008	Truck 7	Argentine	87,208	2,208	Active
10	2008	Truck 17	Turner	3,300	393	Active
11	2008		Ladder Truck			To be Delivered in 2025
12	2008		Ladder Truck			To be Delivered in 2026
13	2008		Ladder Truck			To be Delivered in 2027
14	2008		Ladder Truck			To be Delivered in 2028
15	2008		Ladder Truck			To be Delivered in 2029
16	2008		Ladder Truck			To be Delivered in 2030
17	2008		Ladder Truck			To be Delivered in 2031
18	2008		Ladder Truck			To be Delivered in 2032
19	2008		Ladder Truck			To be Delivered in 2033
20	2008		Ladder Truck			To be Delivered in 2034
21	2008		Ladder Truck			To be Delivered in 2035

The next is specialized apparatus. Ladder trucks, heavy rescues and, again, green is good. I don't think we've probably had this many vehicles in appropriate condition ever and we're in a position where we have most of the frontline vehicles in green. Yellow would be reserves and, of course, red would be something we're either going to get rid of or move it to Training.

10 Year HazMat Replacement Cycle						
	Year	Unit ID	Location	Mileage	Engine Hours	Disposition
1	2005	Reserve HazMat 1		24,536	2,327	Reserve To become Air Unit
2	2006	Reserve HazMat 2		26,549	2,511	Reserve To become Command Unit
3	2023	HazMat 3	Armourdale	0	0	Active
4	2024	HazMat 2	Midtown	0	0	Active

New to 10 years of service
11 to 15 years of service
16 years of service or older

We have to have reserve vehicles for essentially every two frontline. There needs to be one reserve and what we work so hard is that they're now ready reserves and I described that earlier. Hazmat is on the next page...

10 Year Rescue Unit Replacement Plan						
	Year	Unit ID	Location	Mileage	Engine Hours	Disposition
1	2003	Reserve Rescue 1		44,147	3,139	Reserve To Training in 2031
2	2018	Rescue Support	Strawberry Hill	42,942	3,240	Active
3	2020	Rescue 1	Strawberry Hill	19,543	1,527	Active To Reserve in 2031
4	2024	Rescue 6	Village West	1,779	106	Active To Reserve in 2036
5	2029					To be delivered 2031
6	2034					To be delivered 2036

New to 10 years of service
11 to 15 years of service
16 years of service or older

as well as the rescue units...

10 Year Brush Truck Replacement Cycle						
	Year	Unit ID	Location	Mileage	Status	Disposition
1	2003	Brush 18	Welborn	26,854	Active	To Reserve 2030
2	2003	Brush 9	Central Ave	19,553	Active	To Reserve 2031
3	2005	Brush 8	Piper	39,761	Active	To Reserve 2033
4	2006	Brush 16	Turner	9,664	Active	To Reserve 2034
5	2006	Brush 12	Piper	14,155	Active	To Reserve 2035
6	2029					To Be Delivered 2030
7	2030					To Be Delivered 2031
8	2032					To Be Delivered 2033
9	2033					To Be Delivered 2034
10	2034					To Be Delivered 2035

New to 10 years of service
11 to 15 years of service
16 years of service and older

and the brush trucks. Brush trucks again are a weak spot. They take care of wildland fires. When we don't have a huge wildland fire season, we don't need them. When there is one, when it's dry

in the spring and in the fall primarily, they get excessive use. I see that the mileage is low, but when you look at the model year, you can imagine the problems.

10 Year Boat Replacement Plan				
	Year	Unit ID	Location	Status
1	2006	Inflatable		Reserve
2	2008	Boat 1	Strawberry Hill	Active
3	2011	Inflatable		Reserve
4	2014	Boat 6	Village West	Active
5	2017	Inflatable 6	Village West	Active
6	2021	Inflatable 1	Strawberry Hill	Active
7	2023	Boat 18	Welborn	Active
8	2023	Boat 21	Strawberry Hill	Active

New to 10 years of service
11 to 15 years of service
16 years of service and older

That takes us to the boats. With the waterways that we have from the lake to the Kaw River to the Missouri River it's important for us to have and maintain.

SECTION 6 – SUMMARY

When we go to the summary, we would just like to share with you that I think you'll continue to find the labor and management will conduct and work hard to have quarterly meetings once the plan is ready to go.

MASTER PLAN SUMMARY

- LABOR - MANAGEMENT QUARTERLY MASTER PLAN PROGRESS MEETINGS WILL BE HELD
- ANNUAL PLAN EVALUATION TO IDENTIFY OUR SUCCESSES, BARRIERS, AND OPPORTUNITIES
- ONE ADDITIONAL YEAR WILL BE ADDED TO THE MASTER PLAN IN THE JANUARY QUARTERLY MEETING

Quarterly meetings we'll take a look at our successes, our barriers and our opportunities and we'll be reporting back to this Commission, when asked of course, and also annually. At the end of the year we'll drop one year, that's what the living document speaks to and we'll add the next year.

IN CONCLUSION

PATH FORWARD:

1. NEXT MEETING SCHEDULED WITH BOARD OF COMMISSIONERS IN THE FIRST QUARTER OF 2025
2. MASTER PLAN APPROVAL BY UG COMMISSION
3. MASTER PLAN FUNDING BY CHIEF FINANCIAL OFFICER AND BUDGET DEPARTMENT
4. IMPLEMENT KCKFD MASTER PLAN
5. ANNUAL REVIEW AND MASTER PLAN UPDATES

In conclusion, we're hoping to get back a visit sometime in the first quarter of 2025. That'll give us time to finish out the plan. We're hoping for approval by the Commission as well as the Chief Financial Officer helping us and the Budget Officer figuring out how we can get to the funding mechanism. Again, we'll start to implement the plan at that point.

SPECIAL THANK YOU TO:

- UG BOARD OF COMMISSIONERS
- MAYOR / CEO TYRONE GARNER AND STAFF
- UG EXECUTIVE STAFF MEMBERS
- IAFF LOCAL 64 LEADERSHIP
- FIRE ADMINISTRATION STAFF

I would like to share a special thanks. First of all, to this board. Mayor, we appreciate the apology; however, not necessary. We understand the reality and how this came along and how it came about. Clearly this board has demonstrated, as you often say, the support that you have for both our Police Department and Fire Department in the likes of Station 16 and Station 12 and we thank you. Thank you particularly, Mayor, and your staff. Anytime we've asked for assistance, information, your staff members have always come to our aid. The executives that are here, Mr. Johnston as well as Ms. Cobbins and Mr. Howze, has been extraordinary. The leadership of the Local has been amazing to work with. I'm very impressed each and every day. I think we've come to agreement somewhere between 90 to 95% of exactly what he wants, I want and what I want, he wants. There is a gap. There is a chasm, we're not giving away the candy store. They don't have round heels, but we can't do our job without them.

When you say, Mayor, that most communities don't have this relationship, I don't understand it. I've never worked in an environment like that. I've been the Fire Chief in the city of Atlanta, I've been the Fire Chief in Washington D.C. I don't want to get too boastful, but I assure you the relationships with our Local was equally the same. We can't do the job without him, end of story. So, again, we cannot thank you and your staff enough.

Then finally, the fire administrative people, whether it's running a slide projector or putting together the comments or doing research or another crazy idea that the Chief has that got to go into the plan, doing the research, we'll never be able to thank them enough. With that, Mayor, that closes our comments unless there's a closing comment from Mr. President and then we'll take whatever questions we have time for.

Mr. Simma said I'll echo the Chief's comments. Thank you all again for the opportunity to come here tonight. For our executive board members who worked hard on this as well as the Chief's

staff. It is a work in progress. We're still working. We look forward to coming back to you in a few months with some detailed plans and recommendations as to how we can move this thing forward in the future.



Commissioner Burns said thank you Chief and J.J. Are you aware of any federal grant money out there to be brought in to help alleviate our funding problem? **Chief Rubin** said yes. We are currently enjoying a \$5M staffing grant. That grant kicked off in March of 2023. We have applied for a \$200K training grant that we're holding our breath and hope that we get access to that money next month. We'll continue to file for the three types of federal grants that are out there. Fire Act Grant takes care of things like training. SAFER Grant is Safe Staffing for Community, that's the \$5M grant and then there's a Fire Prevention Grant that we're also going to go after, but yes sir, that is a consideration and, in fact, we've cashed in on it. **Commissioner Burns** said are you aware of any funding to repair our stations? **Chief Rubin** said no sir. Fire station during the Obama inauguration, sorry during Obama administration had shovel-ready projects. That money has all dried up. The three federal pots, I'm pretty sure that I'm correct on that, staffing, equipment and training and fire prevention. **Commissioner Burns** said thank you both for all you do.

Commissioner Ramirez said just overall, Chief, thank you for the new vision and I am sure President Simma would agree and rank and file, a breath of fresh air to our Fire Department. I did like how you said it's going to be give and take between Labor and Administration of what the master plan is going to look like. That's government, it's compromise and finding that sweet spot where everyone is okay to be at.

I do thank you. First you were Interim and then I'm happy that our Administrator asked you to be our full-time Chief. Thank you for all you've done. You've been very respectful. You're

respected our rank and file and our administration and you respect our community, so I thank you for that. I thank you J.J. for all that you do and for labor and making sure that all our firefighters have what they need and fighting for them, so I thank you.

Commissioner Kane said well we've got to thank Bridgette for bringing him in. One of the things, Commissioner Burns, is we asked Bach for the SAFER Grant and then we were supposed to have a phone call with him and because Station 12 was supposed to be manned with that SAFER Grant. Then Bach decided, him and the Chief, that they were going to go ahead and rob 15s with people and put them out at 12s. We were supposed to talk to the lady at 4:00 and it was supposed to be a three-way call and when I called Doug he said she didn't know what the hell she was talking about. This is FEMA. These are the people that give the money and there was a fight for a long time that finally ended when the old boy left. But, this is what we're supposed to do. We're supposed to work together, we're supposed—and you can yell and cuss and get madder than hell and at the end of the day you got to figure it out and you guys are figuring it out. That's how bad things were and like the fire stations, they've been neglected since (inaudible). I'm just glad we got some sort of push now to either repair, replace or tear down in a lot of cases. Thanks for what you guys do.

Commissioner Stites said I'll start off by saying thank you for the presentation and bringing these things to light. If you haven't been in those, you don't know what they look like and I'm going to reiterate what the Mayor said. You know what, I apologize because I wouldn't want to work in those conditions. With that being said, as a retired police officer, unfortunately I believe the Police Department could come here and put on this very same presentation with the conditions they're living in where they're at and I'm just piggybacking on what you've presented. The reason I'm saying that is, as you guys move through with your thoughts on physical structures—you know I worked out of West Patrol for many, many years and that was a combination police station and fire station. I think that's what Number 20 on the fire—**Chief Rubin** said Number 19—**Commissioner Stites** said maybe there's an opportunity for us to do some combination as we look at building new structures. I don't know if these other ones are in any condition to repair. I think they really just need to be replaced. That's what it looks like to me anyway and maybe there's an opportunity for us to combine and I don't know if that's outdated, we don't do that anymore or there's good reasons or bad reasons to it. I'm just saying it always has seemed to me that if you

can have one air-conditioner versus two air-conditioners, it makes sense. If you have one septic tank or one sewer or one parking lot, it just seems to make a little more sense, so I don't know if that's a—**Chief Rubin** said I think we would be open to it sir. I think it's a great idea. If President Simma would allow, we'll meet with the Chief of Police and their local president as we continue to flush out the plan and see where there would be opportunities to have joint facilities. I think the one out west is an example. Quite frankly, I'm very familiar with things like that where the police and fire have shared facilities. Again, we would be open to that of course.

Commissioner Stites said yeah and I appreciate that and if there is anything on my end, coming from that Police Department world, I'd be glad to assist on that in any way I can.

Commissioner Bynum said I really appreciate the presentation and all the thoroughness and the data that you presented. It's really important for us to hear all of that information and it makes your stomach turn a bit to see the visual representation and, of course, we'll all be thinking about that for many budgets to come and also considering the Mayor's suggestion of a potential sales tax. It's making me think of—the prior Mayor had asked Public Works to make subcommittees with the commissioners to study our infrastructure and come up with a master plan for infrastructure because, of course, the needs there are also astronomical and so we did that. We worked directly with the team from Public Works and created a master plan that was adopted by the Commission.

Then, last week Commissioner Ramirez had asked in light of our budget situation to sit down and revisit that. So last week we met with the Administrator, the CFO, and the Interim Department Head and Commissioner Ramirez and I to kind of look at where we are with that and where can we go given our budget situation. Our CFO immediately said where's your funding plan, which we didn't have and so I'm thinking a new way now about not only do we need a master plan or a strategic plan in that case, but we need a funding plan. So, I'm curious in all of the hours of prep to bring this forward, have you yet met with our CFO to begin those really critical conversations because looking at it this way feels almost impossible to dig our way out of this kind of situation even after you showed us the pictures of the buildings. Then we talked about ambulances and people and pumpers adding dollars with every slide. The funding plan is going to be really important and I'm appreciative of the Mayor bringing a potential sales tax and I think we need to look at everything. But I'm just curious, have those conversations started because I

think they're going to be critical finding our way out of this and it's obviously going to have to be a multi-year process that does it. So, it's a big, long question.

Chief Rubin said yes ma'am. We're looking at a plan that would be well underway in 10 years and probably wouldn't be finished for 20, perhaps even 25. Dr. Kneuvean has met with us on a couple of occasions to start giving us some broad parameters so that myself and President and his staff can help refine that to make sure that it can be developed in such a way, reasonable bites. We prefer user fees to taxes for obvious reasons. We feel like there are several areas that perhaps would be low-hanging fruit for us to provide some of the funding stream that we're going to need, so we're hoping that we can be self-contained when the plan is finally produced, reviewed and approved by the Local as well as the Fire Administration to get it to you in the first quarter of next year, but that is absolutely in the plan.

Commissioner Burroughs said I just want to state how refreshing it is on behalf of the department and the union to be sitting here collectively in front of this body in unison. It's something that the community has an opportunity to witness that hasn't been the case in the past for whatever the differences that we've heard this evening and some of the issues that arose. I've had the privilege of coming down and having dinner with many of the firefighters at a lot of the stations and I agree the conditions are at the very least challenging, but at the most are deplorable. I can share with you that if any of the commissioners and their individual spouses had to come down to spend one or two days in those conditions, they would be at the table pretty quickly wanting to address it. So, my apologies along with the Mayor, that you've had to live in an environment and I mean live in an environment because that's what you do that is not conducive to the respect that you deserve as Public Safety employees.

I'm very proud of the fact that we haven't seen the issues in the press that we've seen in the past. The relationship building is refreshing. The community risk that we both take as administration and bargaining unit when press hits, that is not flattering to either entity. It's a disrespect to this community and it's refreshing to see you both sitting at the table looking for a way to resolve the issues that we face. These issues aren't new. For whatever reason some of them have been kicked down the road. I believe you have commissioners here that don't want to kick the can, refuse to kick the can, and want to address these issues and we stand ready to partner

with you as you two have partnered with one another. I'm very grateful to see the leadership that I see here this evening, thank you.

Chief Rubin said I think we would be more than willing to make accommodations for commissioners to spend the night or your spouses, just say when, anytime, we say.

Commissioner Lopez said I just want to say thank you. I love that we're all Dotties here. It just proves, you know, our firefighters, you guys are real badassess, I love it. I agree with Commissioner Bynum—before we do anything, we need this 2023 audit. We need to see the actual numbers before we really start digging in deep because otherwise we're just running blind here. I'm thinking the audit was supposed to be done by now, but once that's done, then we can really, really dig deep and figure out where we're at. I do want to say, I really appreciate you guys. I know—I've done some numbers here. It looks like, according to your report, 454 firefighters altogether. (inaudible) one hundred, 53,345 residents, that's a ratio of 1 to 338, that's a huge responsibility and I love you guys for it.

Commissioner Hill said I'm just going to say this real briefly, thank you again to the Fire Department. We appreciate your work. I personally have called because I've seen people in despair and you call came readily into the community to help them, but I had no idea of the deplorable conditions that you all have had to work in. I frankly don't understand how we're breaking our own code with the electricity and the plumbing and the ceilings being in disrepair and mold. I just had no idea, so thank you for this. This was a great education for me.

Commissioner Davis said I'll be brief. Thank you all so much President Simma. Thank you Chief and to both of your teams. I know this has been—just to get to this point has been a lot of work, a lot of patients, quite frankly, a lot of compromising coming to a consensus. So, as professionals, I think it speaks volumes to both of you and your leadership teams to get our community to this point. I don't want to echo too much of what has been said, but in my mind revenue neutral keeps coming up and I just couldn't help it in part because, as Mayor Garner alluded to, and said it's not just the Fire Department. We had the same conversation with Public Works, we've had the same conversation with our Police Department, we had the same conversation with Parks & Rec. It's across the board and it's not to minimize anything that's been

presented, it's to say that as a community we're going to have to figure out what investment we are willing to make. I think that we have the opportunity to maybe not solve every issue, but to do better year by year by year so that the maintenance and the repairs are better and perhaps there are some other cost-saving measures as Commissioner Stites has eloquently stated.

With the budget process I think one of the things that we need to hear and see are a multiple of folks that are impacted by our decisions participating in that. Quite frankly, I was surprised by the lack of, at least from my end, communication or participation in the budget process from some of our unions and folks that are definitely going to be and are currently impacted by our decisions in the future. I think I would love to hear and see more of this as we get closer to that decision because when we get downstairs we hear a lot from residents that are talking from their end of expenses, which is very legitimate and very fair, and I hear that. On the other side, our services and so finding that balance is going to be key, but we can't do it if everybody's not at the table as we are making that decision. I'm very excited that this was not the whole plan because I'm like wait a minute, so like does this just kind of leave us on the hook, not necessarily, provide some recommendations or solutions, so I'm excited for the Part Two of this.

If I could make a recommendation, perhaps we look at what other cities of similar size and similar economic challenges have gone through and how they have helped provide greater investment and better repair for their Fire Departments because we're not the only ones dealing with this. Perhaps there are some strategies that we can implement that we haven't thought of, some maintenance tactics that we haven't thought of so that we can get there.

I've been to a few of our fire stations, at least the two that are in my district, both 2 and 19 and just visiting those, I can tell you it is not luxurious at all. They are truly—to see that every day sociologically and then go and provide the service for our community, quite frankly, is one of the hardest jobs. So, sincerely thank you all and I want us to continue to do better and for us to provide realistic solutions so that you all feel confident that you can lead the folks in your department and they valued by us.

Chief Rubin said we appreciate that and I feel like I must say our firefighters, again, will go to 110 calls and they'll do it respectfully, they'll do it quickly, they'll give their 100%. I don't care what the facilities are, if they got worse, I don't know how that would happen. I have full and complete faith that our firefighters will always march on. Whatever this community needs comes first.

Mayor Garner said I'll just close it with, again, what you've seen here tonight from this Commission is an unwavering support. We really appreciate the presentation. I just have to keep saying it. When you go from no communication to collaboration, just professionalism that you all have shown as leaders speaks volumes because relationships are key to finding real solutions to problems. I know you're not going to agree on everything, but what I'm saying is you're agreeing on most things and I'm anxious to see the recommendations. Chief, thank you, you are already thinking about the financing options and that's great. I just threw one out there but, you know, obviously you're ten steps ahead of me, so great to hear that as well.

Mr. President, thank you. I know you all have been through a lot. Going six years without a contract, I can tell you that I gave a call to action to our Interim Administrator, she went to work and, again, I'm just going to repeat it. I know I mentioned earlier, you call a spade a spade because I've been in management and executive leadership for a long time and I've ran across people that I wouldn't let lead a boy scout troop to hand out bottle water, you know what I'm saying, and I've seen some educated idiots in my lifetime and it doesn't mean nothing. But then you call those people out and you help them get better, do you follow me, but you have to recognize that. I know some other boards that I've been on I've tried to tell my colleagues let's throw away these rubber stamps, you know what I'm saying, and really help the leadership become what we need them to be and be successful in all that we want them to do.

I say that to say that when I was a Deputy Chief a lot of people thought I was a decisionmaker. I was a facilitator and I can say that I just want to give Bridgette Cobbins a lot of credit because when that call to action went out to Interim Harrison-Lee, Bridgette stepped right in and worked right with you all. I've sat in those meetings with her and said I'm going to do whatever I need to do to make things right and she did that and her leadership really helped what you all are seeing here today and so I've got to give credit to Bridgette Cobbins on her leadership and what she did in this process because she gets overlooked a lot, but she's often that background person getting it done in ways that you can't even begin to see.

Then, our Legal team, there were a lot of issues that the union had with Legal and Legal said okay, we're going in a different direction and they stepped up and you got your contract and so really it wasn't so much of anything I did Commissioner Kane. I know you said that earlier, but it wasn't so much of me other than just saying here's the direction, here's the vision, let's get it done and staff got it done in cooperation, so it's really good to see this.

Chief, I know you said you—I’m just talking about from my personal experience, I haven’t seen this level of collaboration and cooperation at this level of professionalism with the union and the Chief sitting around the table finding solutions and working out problems and agreeing on it. I’m not saying it doesn’t happen and that was communication channels in it. I just, in my career, and I can only speak for myself, I’ve never seen this right here. I applaud you all because this is what leadership and this is what public service is all about, throwing away all of the differences and saying we’re professionals. We aren’t going to agree, but we’re going to find what we can agree on, we’re going to get things done for the people that we’re here to serve, so thank you for your leadership. We’re glad to have you. Thank you Mr. Simma as well and I’m anxious to hear these recommendations.

I’m going to close this out because we’ve got to get to the next commission meeting, but thank you all again. Any other questions, comments for our Commission?

Action: Commissioner Burroughs made a motion, seconded by Commissioner Stites, to **adjourn**. Roll call was taken and there were nine “Ayes,” Bynum, Burroughs, Burns, Ramirez, Hill, Kane, Lopez, Stites, Davis.

MAYOR GARNER AJOURNED

THE MEETING AT 6:49 p.m.

Monica L. Sparks
Unified Government Clerk

dt

September 26, 2024

STATE OF KANSAS)
WYANDOTTE COUNTY)) SS
CITY OF KANSAS CITY, KS)

SPECIAL MEETING, THURSDAY, OCTOBER 3, 2024

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in Special Meeting, Thursday, October 3, 2024, with eight members present: Bynum, Commissioner At-Large First District; Burroughs, Commissioner At-Large Second District; Burns, Commissioner Second District; Hill, Commissioner Fourth District; Kane, Commissioner Fifth District; Lopez, Commissioner Sixth District; Stites, Commissioner Seventh District; and Mayor Garner, Mayor/CEO, presiding. Townsend, Commissioner First District; Ramirez, Commissioner Third District; and Davis, Commissioner Eighth District; were absent. The following officials were also in attendance: Alan Howze, Acting County Administrator; Angela Lawson, Acting Chief Counsel; Casey Meyer, Assistant Counsel; Rodney Lucas, Executive Assistant to County Administrator; and Monica L. Sparks, Unified Government Clerk.

Mayor Garner called the meeting to order at 5:00 p.m.

SECOND AMENDED NOTICE OF SPECIAL MEETING of the Unified Government of Wyandotte County/Kansas City, Kansas, to be conducted in person on Thursday, October 3, 2024, at 5:00 p.m. in the fifth floor conference room of the Municipal Office Building for purposes of going into Executive Session for consultation with counsel on matters that would be deemed privileged in an attorney-client relationship such as litigation or claims against the city, immediately followed by an Executive Session relating to employer-employee relations and negotiations. The Executive Session portion of the meeting is closed to the public under the Kansas Open Meetings Act.

CONSENT TO MEETING of the governing body of Wyandotte County/Kansas City, Kansas, accepting service of the foregoing notice, waiving all and any irregularities in such service and in such notice, and consent and agree that we, the governing body, shall meet at the time and place therein specified and for the purpose therein stated.

ROLL CALL: Burroughs, Burns, Hill, Kane, Lopez, Stites, Bynum, Garner.

Mayor Garner said we have two different matters on tonight's Special Meeting. The original Executive Session, at least in part, has been cancelled. At this time, I'm going to ask our Commission to go into Executive Session on another Executive Session matter for consultation with counsel on matters that would be deemed privileged as it relates to attorney-client relationships such as litigation or claims against the Unified Government of Wyandotte County/Kansas City, Kansas. Do we have a motion for Executive Session?

Commissioner Burroughs made a motion, seconded by Commissioner Bynum, to go into Executive Session until 5:25 p.m. to consult with our attorneys and to discuss confidential matters related to pending claims and litigation as permitted under the Kansas Open Meetings Act; and that Alan Howze, Acting County Administrator; Angela Lawson, Acting Chief Counsel; Casey Meyer, Senior Counsel; and Beth Evers Guerra, Outside Counsel; be present to participate in the discussion and that we reconvene in open session at 5:25 p.m. in the fifth floor conference room. Roll call was taken and there were seven "Ayes," Burroughs, Burns, Hill, Kane, Lopez, Stites, Bynum.

Present for the Executive Session: Bynum, Commissioner At-Large First District; Burroughs, Commissioner At-Large Second District; Burns, Commissioner Second District; Hill, Commissioner Fourth District; Kane, Commissioner Fifth District; Lopez, Commissioner Sixth District; Stites, Commissioner Seventh District; and Garner, Mayor/CEO; presiding. **Staff present:** Alan Howze, Acting County Administrator; Angela Lawson, Acting Chief Counsel; Casey Meyer, Senior Counsel. **Others present:** Beth Evers Guerra, Outside Counsel.

Mayor Garner reconvened back into Special Meeting at 5:25 p.m.

Mayor Garner said do we have a motion to go into Executive Session to discuss matters related to Employer-Employee Relations.

Commissioner Bynum made a motion, seconded by Commissioner Burroughs, to go into Executive Session until 6:00 p.m. in the fifth floor conference room to consult with our attorneys and to discuss confidential matters related to labor negotiations as permitted under

the Kansas Open Meetings Act; and that Alan Howze, Acting County Administrator; Angela Lawson, Casey Meyer, Ryan Denk, Outside Counsel, John Droppelmann, Shakeva Christian, Shelley Kneuvean, Rodney Lucas, and Reginald Lindsey participate in the discussion and that we reconvene in open session at 6:00 p.m. in the fifth floor conference room. Roll call was taken and there were seven “Ayes,” Burroughs, Burns, Hill, Kane, Lopez, Stites, Bynum.

Present for the Executive Session: Bynum, Commissioner At-Large First District; Burroughs, Commissioner At-Large Second District; Burns, Commissioner Second District; Hill, Commissioner Fourth District; Kane, Commissioner Fifth District; Lopez, Commissioner Sixth District; Stites, Commissioner Seventh District; and Garner, Mayor/CEO; presiding. **Staff present:** Alan Howze, Acting County Administrator; Angela Lawson, Acting Chief Counsel; Casey Meyer, Assistant Counsel; John Droppelmann, Deputy Chief/Fire Marshall; Shakeva Christian, Manager in Human Resources; Shelley Kneuvean, Chief Financial Officer; Rodney Lucas, Executive Assistant to County Administrator; and Reginald Lindsey, Budget Director. **Others present:** Ryan Denk, Outside Counsel.

Mayor Garner reconvened into Special Session at 6:00 p.m.

Commissioner Burroughs made a motion, seconded by Commissioner Lopez, to adjourn. Roll call was taken and there were seven “Ayes,” Burroughs, Burns, Hill, Kane, Lopez, Stites, Bynum.

**MAYOR GARNER AJOURNED
THE MEETING AT 6:05 p.m.**

Monica L. Sparks
Unified Government Clerk

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October 3, 2024

STATE OF KANSAS)
WYANDOTTE COUNTY)) SS
CITY OF KANSAS CITY, KS)

PLANNING & ZONING AND
REGULAR SESSION
AUGUST 31, 2023

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in Regular Session Thursday, August 31, 2023, with seven members present: Bynum, Commissioner At-Large First District; Burroughs, Commissioner At-Large Second District; Townsend, Commissioner First District; McKiernan, Commissioner Second District; Johnson, Commissioner Fourth District; Markley, Commissioner Sixth District; and Garner, Mayor/CEO, presiding. Ramirez, Commissioner Third District; Kane, Commissioner Fifth District; Stites, Commissioner Seventh District; and Davis, Commissioner Eighth District; were absent. The following officials were also in attendance: David Johnston, County Administrator; Angela Lawson, Interim Chief Counsel; Gunnar Hand, Director of Planning and Urban Design; Alyssa Marcy, Long Range Planner; Wendy Green, Senior Counsel; Monica Sparks, Deputy UG Clerk; and Brittnie MacDonald, UG Clerk's Office.

Mayor Garner said before I call this meeting to order, I want to announce that some commissioners, staff, and the public are attending remotely via Zoom, by phone, or on-site. All participants joining by phone should, please, mute their phones when not speaking to avoid background noise.

During the meeting, please make sure that you announce yourself by name and title every time you speak so the public that is observing knows exactly who is speaking. This is critical given the number of remote participants and is current guidance from the Kansas Attorney General's Office.

Mayor Garner said I will now call this meeting to order. Clerk, roll call.

Roll call: Markley, Bynum, Burroughs, Townsend, McKiernan, Johnson, Garner. **Ms. Sparks** said we have an absence memo for Stites, Davis, Ramirez, and Kane.

Mayor Garner said tonight, we're going to have an invocation given by Commissioner Harold Johnson, Pastor of Faith Deliverance Church of God in Christ, immediately followed by the Pledge of Allegiance.

Mayor Garner asked, Clerk, are there any revisions tonight for this agenda? **Ms. Sparks** said there are no revisions.

PLANNING AND ZONING AGENDA

Mayor Garner asked, Clerk, could you please read the statement?

Monica Sparks, Deputy UG Clerk, read the statement, required by state law.

Ms. Sparks asked, does any member of the Commission wish to disclose any contact with proponents or opponents on any item on the agenda? (No disclosures were made.)

PLANNING AND ZONING CONSENT AGENDA

Mayor Garner asked, do any members of the Commission, the County Administrator, or the public wish to set aside any item on the Planning and Zoning Consent Agenda? If an item is not set aside, all items on the Planning and Zoning Consent Agenda will be voted on by one vote to follow the recommendation of the Planning Commission.

I'll now ask if anyone in attendance would like to set aside an item? Seeing none. Clerk, is there anyone joining us virtually who'd like to...sorry. The Clerk advised the items need to be read.

Ms. Sparks read the items on the Planning and Zoning Consent Agenda.

Mayor Garner asked, do any members of the Commission, the County Administrator, or the public wish to set aside any item on the Planning and Zoning Consent Agenda? If an item is not set aside, all items on the Planning and Zoning Consent Agenda will be voted on by one vote to follow the recommendation of the Planning Commission.

I'll ask if anyone in attendance would like to set aside an item. Seeing none. Clerk, anyone joining us virtually who'd like to set aside an item? **Ms. Sparks** said there are no hands raised.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve all items on the Planning and Zoning Consent Agenda, as submitted. Roll call was taken and there were six “Ayes,” Markley, Bynum, Burroughs, Townsend, McKiernan, Johnson.

SPECIAL USE PERMIT APPLICATIONS

Item No. 1 – 212661...SPECIAL USE PERMIT APPLICATION SP2023-034 - JAMES M. VIENS

Synopsis: Special Use Permit to keep 20 chickens at 9350 Nelson Lane, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, James Viens, is requesting a Special Use Permit to keep 20 chickens on a residential property. A Special Use Permit is required for more than six (6) chickens on a residential property. The applicant has requested 20 chickens (hens) to be kept on property. This Special Use Permit is being requested as a renewal of SP2021-036. The Planning Commission voted 10 to 0 to recommend approval of SP2023-034, for five (5) years, subject to:

1. Per Section 27-593(a)(10)a. Fowl must be kept no closer than 25 feet to the nearest portion of any building occupied by or in any way used by human beings, other than the dwelling occupied by the owner or keeper of the animals or fowl, or closer than ten feet to the property line of the lot;
2. No eggs or chickens may be commercially sold, whether on site or off site;
3. No more than 20 female chickens (hens) may be kept on the property. No male chickens (rooster) may be kept on the property;
4. The color and material of the proposed accessory structure must match the color and material of the primary residence, unless the materials of the primary residence are materials not allowed on an accessory structure under Section 27-609(2)(a)-(b).
 - i. Exterior wall materials are limited to customary residential finish materials, which include horizontal clapboard siding of all materials; wood and plywood siding; stone and brick, both actual and artificial; and textured finishes such as stucco and stucco board which visually cover the underlying material regardless of the underlying material.
 - ii. Specifically excluded materials are preformed, corrugated or ribbed metal, fiberglass or plastic sheets or panels, unless the metal has a factory-applied finish that closely matches the color of the primary structure.
 - iii. Standard concrete masonry units are excluded unless the walls of the building are painted the exact color of the primary structure.
 - iv. The exterior roofing materials for roofs sloped more than two in 12 shall be shingles or tiles and not metal, fiberglass or plastic sheets, unless the metal roof has a factory-applied finish that closely matches the roof color of the primary structure or closely matches the color of the primary structure itself if the roof and walls of the accessory structure are to be the same color;

5. If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for zoning approval only;
6. Any property owner or business owner that is required to obtain a Special Use Permit for an entitlement to keep fowl or livestock animals as described in Section 27-593, or any other animal related activity as described in Section 27-593, is required to comply at all times with all the requirements of Chapter 7 and Chapter 27 of the Ordinance. This shall include all ordinance sections that relate to the care, feeding, and keeping of animals; the proper housing, shelter, and restraint of animals from roaming at large; access to proper veterinary care; the operation and maintenance of land, property, and any building or structure related to animal keeping. The permit holder and the property owner are responsible to register any animal keeping activity with Kansas City, Kansas Animal Services, and to maintain annually that registration, and to arrange and participate in annual property and animal inspections with Kansas City, Kansas Animal Services;
7. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
8. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
9. The Special Use Permit shall be valid for five (5) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;
10. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation

of this permit. The property may also be subject to enforcement actions and administrative citations; and,

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

Action: Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve Special Use Permit Application SP2023-034 for five years, subject to the stipulations. Roll call was taken and there were six “Ayes,” Markley, Bynum, Burroughs, Townsend, McKiernan, Johnson.

Item No. 2 – 212662...SPECIAL USE PERMIT APPLICATION SP2023-043 - FARIS FARASSATI WITH KC OUTLOOK ROSEDALE, LLC

Synopsis: Special Use Permit to operate a children's daycare at 2605 West 39th Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Faris Farassati, is requesting the renewal of a Special Use Permit (SP-2020-76) for the purpose of the continued operation of a day care center at 2605 West 39th Avenue. The applicant lapsed on their previous application, which expired on December 10, 2022. The Planning Commission voted 10 to 0 to recommend approval of Special Use Permit Application SP2023-043, for two (2) years, subject to:

1. The following previous conditions of approval shall remain in effect:
 - a. Sidewalks are required to be installed. Please install a new 5-footwide sidewalk on the north/west side of the property along 39th Avenue/Lake Avenue to the western edge of the property.
 - b. Replace broken sidewalks on the east side of the property and install an ADA ramp at the corner of Springfield and 39th Avenue.
 - c. Landscaping is required and must be maintained. Please install street trees every 30 feet along Springfield and 39th/Lake Avenue.
 - d. Install a trash enclosure.
 - e. Repaint the building;
2. The applicant and their General Contractor shall complete and close out their DRC Building Permit, DRC21-0019 and any other active Building Permits;
3. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to

- confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
4. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
 5. All exterior lighting, whether mounted on a building or within a parking lot must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
 6. If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;
 7. If approved, the applicant must file and maintain a current business occupation tax application with this office;
 8. All existing and future driveways must feature curb cuts that are constructed to UG standards;
 9. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
 10. Section 27-699(b)(5) states that all outside bins or trash container areas must be completely enclosed by an architectural screen to a height not less than the height of the bin or container. No trash enclosures may be located in required yards adjacent to street right-of-way. In commercially and industrially zoned areas where the trash container will not be visible from off the property due to other screening or topographic conditions and will not be visible from public parking or pedestrian areas on the site, such trash bin screening need not be provided. In industrially zoned areas where the trash container will not be visible from residential property and where such containers are kept directly alongside the building and in a well-kept manner, such screening need not be provided;
 11. The Department of Planning + Urban Design shall not give approval for any temporary certificate of occupancy (TCO) or final certificate of occupancy (CO) before the completion of all required work. For any project that requires a certificate of occupancy, prior to requesting for any certificate, the applicant, permit holder, and/or property owner shall complete all items required by: Approved Plans, Codes, Ordinances, Zoning District Regulations, Planned District Requirements, Master Plan Requirements, all Design Guideline Requirements, Overlay District Requirements, and Requirements approved by the City Planning Commission and/or the UG Board of Commissioners. It is the collective responsibility of the applicant, permit holder, and property owner to ensure that any and all permits, land entitlements, deviations, or variances are obtained in advance of beginning of any work. Planning Department standards require that all required work be complete prior to requesting a TCO. The only item that is allowed to be incomplete is landscaping, which shall be complete before requesting a CO. A Bonded CO may be allowed in case of adverse weather conditions; however, all requirements must be completed for all items not secured by the bond;
 12. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to

meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;

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

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve Special Use Permit Application SP2023-043 for two years, subject to the stipulations.** Roll call was taken and there were six “Ayes,” Markley, Bynum, Burroughs, Townsend, McKiernan, Johnson.

Item No. 3 – 212663...SPECIAL USE PERMIT APPLICATION SP2023-051 - RUBEN ROSALES

Synopsis: Special Use Permit to operate a Short-Term Rental at 2924 Eaton Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Ruben Rosales, is requesting a Short-Term Rental Special Use Permit to operate a short-term rental at 2924 Eaton Street. This is the owner's primary residence; however, they would not be on-site while the property is rented out. This would be the first and only permitted short-term rental on the 2900 block of Eaton Street. There is one other unpermitted short-term rental on the block at 2904 Eaton Street. The Planning Commission voted 10 to 0 to recommend approval of Special Use Permit Application SP2023-051, for one (1) year, subject to:

1. The following items must be addressed prior to publication of SP2023-051:
 - o There is a slight leak on the shut off valve to the furnace.
 - o Replace the stair railings that have more than a 4" space between balusters.
2. Any additional repairs not addressed prior to approval of SP2023-051 outlined within the provided home inspection report shall be performed prior to renewal of this Special Use Permit.
3. All existing and future driveways must be upgraded to an improved surface (concrete, asphalt or permeable pavers) and feature curb cuts constructed to UG standards (concrete).
4. The landscaping outside must be maintained.
5. Maximum number of guests is seven (7).
6. All parking must be off-street, maximum number of vehicles is three (3). No STR renters or guests may park on-street.
7. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
8. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;
9. Applicant is to maintain liability insurance.
10. The property must remain in proper maintenance and free of hazards, pests, or infestations.
11. The granting of this Special Use Permit does not transfer with a change of ownership of the property.
12. Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and www.hostcompliance.com/tips (website).
13. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process.
14. If approved, occupying businesses must file and maintain a current business occupation tax application with this office.

15. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly.
16. All existing and future driveways must feature curb cuts that are constructed to UG standards.
17. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable.
18. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
19. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit.
20. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
21. The Special Use Permit shall be valid for one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and
22. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.
23. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or

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

Action: Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve Special Use Permit Application SP2023-051 for one year, subject to the stipulations. Roll call was taken and there were six “Ayes,” Markley, Bynum, Burroughs, Townsend, McKiernan, Johnson.

Item No. 4 – 212664...SPECIAL USE PERMIT APPLICATION SP2023-053 - ELIZABETH HARDING

Synopsis: Special Use Permit to operate a Short-Term Rental at 2822 West 43rd Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The Applicant, Elizabeth Harding, is requesting a Short-Term Rental Special Use Permit to operate a short-term rental at 2822 W. 43rd Avenue. This is not the owner’s primary residence. This would be the first and only permitted short-term rental on the 2800 block of 43rd Avenue. The Planning Commission voted 10 to 0 to recommend approval of Special Use Permit Application SP2023-053, for one (1) year, subject to:

1. Only one (1) unit of the duplex may be used as a short-term rental.
2. Any additional repairs not addressed prior to approval of SP2023-053 outlined within the provided home inspection report shall be performed prior to renewal of this Special Use Permit.
3. Maximum number of guests is three (3)
4. All parking must be off-street, maximum number of vehicles is one (1). No STR renters or guests may park on-street.
5. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax.
6. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager’s contact information within the entrance of the area that is rented.
7. Applicant is to maintain liability insurance.
8. The property must remain in proper maintenance and free of hazards, pests, or infestations.
9. The granting of this Special Use Permit does not transfer with a change of ownership of the property.
10. Must provide a manual/welcome packet that lists all rules, including “No Parties, etc.” This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and www.hostcompliance.com/tips (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; and
20. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days

following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

21. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. All conditions of approval herein must be constructed, executed, implemented, or otherwise completed within 18 months of approval unless otherwise determined by the Director of Planning or their designee.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve Special Use Permit Application SP2023-053 for one year, subject to the stipulations. Roll call was taken and there were six “Ayes,” Markley, Bynum, Burroughs, Townsend, McKiernan, Johnson.

Item No. 5 – 212665...SPECIAL USE PERMIT APPLICATION SP2023-056 - CALEB AND MADISON BERCIUNAS

Synopsis: Special Use Permit to operate a Short-Term Rental at 4206 Mission Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicants, Caleb and Madison Berciunas, are requesting a Short-Term Rental Special Use Permit to operate a short-term rental at 4206 Mission Road. This is not the owner’s primary residence. This would be the first and only permitted short-term rental on the 4200 block of Mission Road. The Planning Commission voted 10 to 0 to recommend approval of Special Use Permit Application SP2023-056, for one (1) year, subject to:

1. The following repairs must be complete prior to the publication of this short-term rental with proof of repairs shown to Staff.
 - o Clear debris from the sump pit, cover the sump pit, and ensure that the sump pump is functional;
 - o Remove the poison ivy found within the yard;
 - o Remove mold found in the kitchen sink cabinet;
 - o Install smoke and carbon monoxide detectors;
 - o Remove or secure bare wires in the rear basement ceiling;
 - o Update electrical receptacles in the basement, kitchen, and bathroom with GFCI circuit outlets.
 - o Cover the open wire splice in the south basement ceiling between HVAC duct pipes;
 - o Remove or secure Romex wiring in basement stairwell;
 - o Cover open electrical wire junction box between furnace equipment and foundation wall.
2. Any additional repairs not addressed prior to approval of SP2023-056 outlined within the provided home inspection report shall be performed prior to renewal of this Special Use Permit.
3. Maximum number of guests allowed is six (6).

4. All parking must be off-street, maximum number of vehicles is two (2). No STR renters or guests may park on-street.
5. Applicant shall ensure that guest vehicles do not impede the sidewalk.
6. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax.
7. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented.
8. Applicant is to maintain liability insurance.
9. The property must remain in proper maintenance and free of hazards, pests, or infestations.
10. The granting of this Special Use Permit does not transfer with a change of ownership of the property.
11. Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and www.hostcompliance.com/tips (website).
12. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process.
13. If approved, occupying businesses must file and maintain a current business occupation tax application with this office.
14. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly.
15. All existing and future driveways must feature curb cuts that are constructed to UG standards.
16. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable.
17. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
18. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning

Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit.

19. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
20. The Special Use Permit shall be valid for one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and
21. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.
22. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. All conditions of approval herein must be constructed, executed, implemented, or otherwise completed within 18 months of approval unless otherwise determined by the Director of Planning or their designee.

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve Special Use Permit Application SP2023-056 for one year, subject to the stipulations.** Roll call was taken and there were six “Ayes,” Markley, Bynum, Burroughs, Townsend, McKiernan, Johnson.

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

Item No. 1 – 212641...AN ORDINANCE rezoning property at 9400 State Avenue (COZ2022-039), from A-G Agriculture and C-O Nonretail Business Districts to CP-2 Planned General Business District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-90-23,** “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 and C-O Nonretail Business Districts to CP-2 Planned General Business District.” **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve the ordinance.** Roll call was taken and there were six “Ayes,” Markley, Bynum, Burroughs, Townsend, McKiernan, Johnson.

Item No. 2 – 212643...AN ORDINANCE authorizing a Special Use Permit at 9400 State Avenue (SP2022-097) for an event center at the Margaritaville Resort Hotel, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-91-23**, “An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, for an event center at the Margaritaville Resort Hotel at 9400 State Avenue Kansas City, Kansas.” **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve the ordinance.** Roll call was taken and there were six “Ayes,” Markley, Bynum, Burroughs, Townsend, McKiernan, Johnson.

Item No. 3 - 212644...AN ORDINANCE rezoning property at 6340 Riverview Avenue, (COZ2022-048) from R-1 Single Family District to A-G Agriculture District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-92-23**, “An ordinance rezoning property hereinafter described located at approximately 6340 Riverview Avenue, in Kansas City, Kansas, by changing the same from its present zoning of R-1 Single Family District to A-G Agriculture District.” **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve the ordinance.** Roll call was taken and there were six “Ayes,” Markley, Bynum, Burroughs, Townsend, McKiernan, Johnson.

Item No. 4 – 212645...AN ORDINANCE rezoning property at 2508 North 12th Street and 1208 Cleveland Avenue, (COZ2023-011) from R-2 Two Family District to RP-5 Planned Apartment District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-93-23**, “An ordinance. rezoning property hereinafter described located at approximately 2508 North 12th Street and 1208 Cleveland Avenue, in Kansas City, Kansas, by changing the same from its present zoning of R-2 Two Family District to RP-5 Planned Apartment District.” **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve the ordinance.** Roll call was taken and there were six “Ayes,” Markley, Bynum, Burroughs, Townsend, McKiernan, Johnson.

Item No. 5 – 212646...AN ORDINANCE rezoning property at 3542 North 51st Street, from R-1 Single Family District to A-G Agriculture District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-94-23**, “An ordinance rezoning property hereinafter described located at approximately 3542 North 51st Street, in Kansas City, Kansas, by changing the same from its present zoning of R-1 Single Family District to A-G Agriculture District.” **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve the ordinance.** Roll call was taken and there were six “Ayes,” Markley, Bynum, Burroughs, Townsend, McKiernan, Johnson.

Item No. 6 – 212648...AN ORDINANCE authorizing a Special Use Permit at 527 Tenny Avenue, (SP2023-016) for a Short-Term Rental, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-95-23**, “An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, for a Short-Term Rental at 527 Tenny Avenue, Kansas City, Kansas.” **Commissioner McKiernan**

made a motion, seconded by Commissioner Johnson, to approve the ordinance. Roll call was taken and there were six “Ayes,” Markley, Bynum, Burroughs, Townsend, McKiernan, Johnson.

Item No. 7 – 212649...AN ORDINANCE authorizing a Special Use Permit at 4610 Lloyd Street (SP2023-027) for a Short-Term Rental, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-96-23**, “An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, for a Short-Term Rental at 4610 Lloyd Street, Kansas City, Kansas.” **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve the ordinance.** Roll call was taken and there were six “Ayes,” Markley, Bynum, Burroughs, Townsend, McKiernan, Johnson.

Item No. 8 – 212650...AN ORDINANCE authorizing a Special Use Permit at 2716 North 119th Street, (SP2023-028) for a Short-Term Rental, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-97-23**, “An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, for a Short-Term Rental at 2716 North 119th Street, Kansas City, Kansas.” **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve the ordinance.** Roll call was taken and there were six “Ayes,” Markley, Bynum, Burroughs, Townsend, McKiernan, Johnson.

Item No. 9 – 212653...AN ORDINANCE authorizing a Special Use Permit at 1010 Merriam Lane, (SP2023-029) for a used car dealership, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-98-23**, “An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, for a used car dealership at 1010 Merriam Lane, Kansas City, Kansas” **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve the ordinance.** Roll call was taken and there were six “Ayes,” Markley, Bynum, Burroughs, Townsend, McKiernan, Johnson.

Item No. 10 – 212656...AN ORDINANCE authorizing a Special Use Permit at 1945 West Lawrence Court, (SP2023-032) for a Short-Term Rental, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-99-23**, “An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, for a Short-Term Rental at 1945 West Lawrence Court, Kansas City, Kansas.” **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve the ordinance.** Roll call was taken and there were six “Ayes,” Markley, Bynum, Burroughs, Townsend, McKiernan, Johnson.

Item No. 11 – 212657...AN ORDINANCE authorizing a Special Use Permit at 3716 Springfield Street, (SP2023-035) for a Short-Term Rental, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-100-23**, “An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, for a Short-Term Rental at 3716 Springfield Street, Kansas City, Kansas.” **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve the ordinance.** Roll call was taken and there were six “Ayes,” Markley, Bynum, Burroughs, Townsend, McKiernan, Johnson.

PLANNING AND ZONING NON-CONSENT AGENDA

SPECIAL USE PERMIT APPLICATIONS

Item No. 1 – 212667...SPECIAL USE PERMIT APPLICATION SP2023-046 - AARON LILLY

Synopsis: Special Use Permit to operate a Short-Term Rental at 4138 Lloyd Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The Applicants, Christine and Aaron Lilly, are requesting a Special Use Permit to operate a short-term rental at 4138 Lloyd Street. This is not the owner's primary residence. This would be the first and only permitted short-term rental on the 4100 block of Lloyd Street. There is one (1) other unpermitted short-term rental on the block. This property was previously permitted as a Short-Term Rental under SP2021-065, however, the owner of the property has changed since the previous approval. The Planning Commission voted 9 to 1 to recommend approval of Special Use Permit Application SP2023-046, for one (1) year, subject to:

1. Any additional repairs not addressed prior to approval of SP2023-046 outlined within the provided home inspection report shall be performed prior to renewal of this Special Use Permit;
2. Maximum number of guests shall be six (6);
3. All parking must be off-street, maximum number of vehicles is two (2). No STR renters or guests may park on-street;
4. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
5. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;
6. Applicant is to maintain liability insurance;
7. The property must remain in proper maintenance and free of hazards, pests, or infestations;
8. The granting of this Special Use Permit does not transfer with a change of ownership of the property;
9. Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and www.hostcompliance.com/tips (website);
10. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
11. If approved, occupying businesses must file and maintain a current business occupation tax application with this office;
12. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use

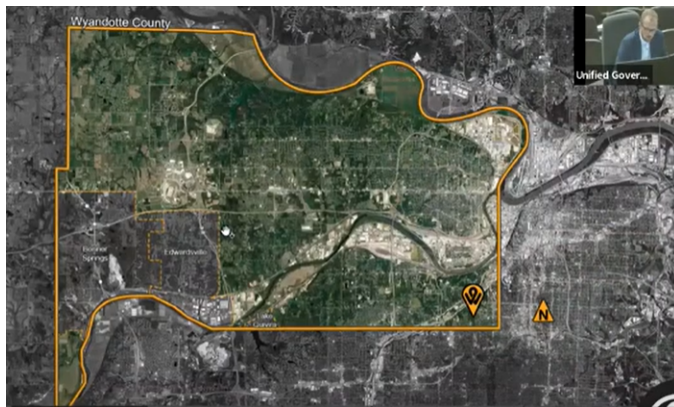
of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process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

13. All existing and future driveways must feature curb cuts that are constructed to UG standards;
14. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
15. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
16. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
17. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
18. The Special Use Permit shall be valid for one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;
19. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper;
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

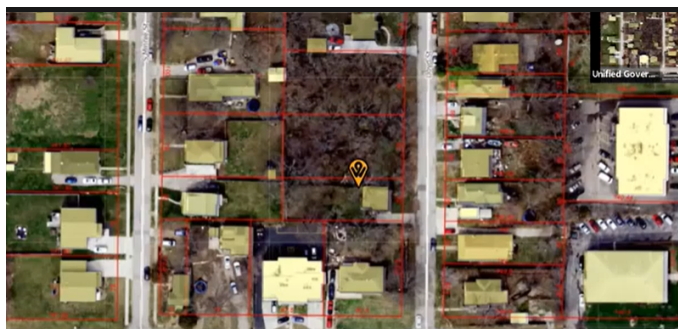
conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.

Case	
SP2023-046	
Petitioner	Address
Aaron & Christine Lilly	4138 Lloyd Street
Synopsis	
A Short-Term Rental Special Use Permit to operate a short-term rental. This is not the owner's primary residence. This would be the first and only permitted short-term rental on the 4100 block of Lloyd Street. If approved, there is one (1) unpermitted short-term rental that must cease operation.	

Gunnar Hand, Director of Planning and Urban Design, said this is a special use permit for a short-term rental. This is as a result of a change in ownership.



This is in the Rosedale Area Plan.

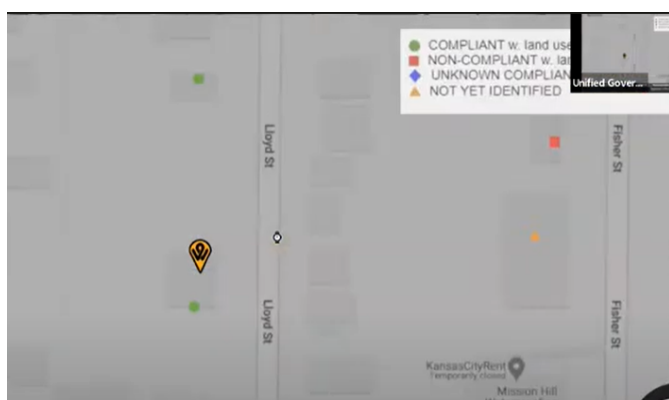


Staff received no letters of support; no letters in opposition.

August 31, 2023



There is a notice of violation on this property but it relates to operating a short-term rental without a special use permit, which is why they are here tonight.



Staff agrees with Planning Commission and recommends approval for one year, with conditions.





Public Opposition	Public Support
None to date.	None to date.

Staff Recommendation

Approval

Mayor Garner said if the applicant is present, you're more than welcome to present your application.

Aaron Lilly, 4138 Lloyd Street, said the request is for a special use permit to operate as a short-term rental.

Mayor Garner said I will now open the public hearing. Clerk, have you received any notifications from the public who wish to express their comments in favor of the item? **Ms. Sparks** said no comments were received. **Mayor Garner** asked, is there anyone present in the audience who would like to speak in favor of the item? Seeing none. Clerk, is there anyone joining us virtually? **Ms. Sparks** said no hands are raised.

Mayor Garner asked, Clerk, is there anyone that has sent you notification who wish to express comments in opposition of the item? **Ms. Sparks** said no comments were received. **Mayor Garner** asked, is there anyone present who would like to speak in opposition? Seeing

none. Clerk, is there anyone joining us virtually who'd like to speak in opposition? **Ms. Sparks** said no hands are raised.

Mayor Garner said the public hearing is closed. Would the petitioner like to make any closing comments? (No response.)

Commissioner McKiernan asked, Mr. Hand, during the time that this property was operating without a permit, were there any neighbor complaints about this property? **Mr. Hand** said none. **Commissioner McKiernan** asked, were there any calls for service at this address for the police? **Mr. Hand** said none. **Commissioner McKiernan** asked, were there any code violations documented by the NRC other than the one you previously mentioned? **Mr. Hand** said no. **Commissioner McKiernan** asked, did anyone submit a letter of opposition to the Planning Commission regarding this property? **Mr. Hand** said no and nobody was in...**Commissioner McKiernan** said and no one testified in opposition at the Planning Commission meeting. Given the answers to those questions, I find no reason to overturn the Planning Commission's decision and I move to uphold the approval of the Planning Commission.

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Burroughs, to approve Special Use Permit Application SP2023-046 for one year, subject to the stipulations.** Roll call was taken and there were six "Ayes," Markley, Bynum, Burroughs, Townsend, McKiernan, Johnson.

Item No. 2 – 212668...SPECIAL USE PERMIT APPLICATION SP2023-048 - LANCE PIERCE WITH KARAT VACATION HOME MANAGEMENT

Synopsis: Special Use Permit to operate a Short-Term Rental at 3925 Springfield Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Lance Pierce, is requesting a Short-Term Rental Special Use Permit to operate a short-term rental at 3925 Springfield Street. This is not the owner's primary residence. This would be the first and only permitted short-term rental on the 3900 block of Springfield. The property has operated as an unpermitted short-term rental since August 2022. The Planning Commission voted 8 to 2 to recommend approval of Special Use Permit Application SP2023-048, for one (1) year, subject to:

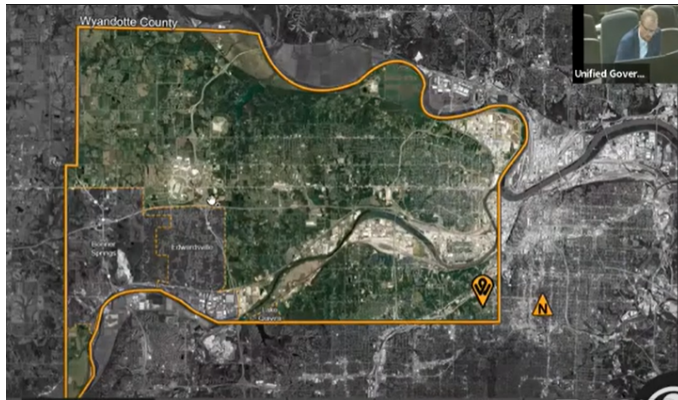
1. The driveway apron and sidewalk shall be repaired or replaced. The applicant has six (6) months to begin pulling permits and one (1) year to complete the work;
2. Exterior handrails shall be installed;
3. Any additional repairs not addressed prior to approval of SP2023-048 outlined within the provided home inspection report shall be performed prior to renewal of this Special Use Permit;
4. Maximum number of guests shall be seven (7);
5. All parking must be off-street, maximum number of vehicles is two (2). No STR renters or guests may park on-street;
6. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
7. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;
8. Applicant is to maintain liability insurance;
9. The property must remain in proper maintenance and free of hazards, pests, or infestations;
10. The granting of this Special Use Permit does not transfer with a change of ownership of the property;
11. Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and www.hostcompliance.com/tips (website);
12. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
13. If approved, occupying businesses must file and maintain a current business occupation tax application with this office;
14. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
15. All existing and future driveways must feature curb cuts that are constructed to UG standards;
16. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
17. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
18. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private

property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;

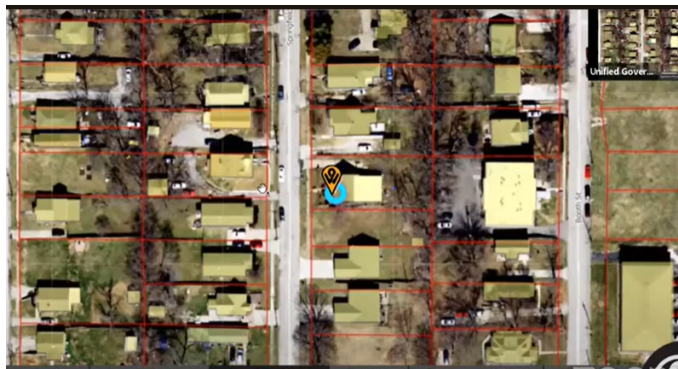
19. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
20. The Special Use Permit shall be valid for one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;
21. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
22. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.

Case	
SP2023-048	
Petitioner	Address
Lance Pierce & NeShae Wells	3925 Springfield Street
Synopsis	
A Short-Term Rental Special Use Permit to operate a short-term rental. This is not the owner's primary residence. This would be the first and only permitted short-term rental on the 3925 block of Springfield Street.	

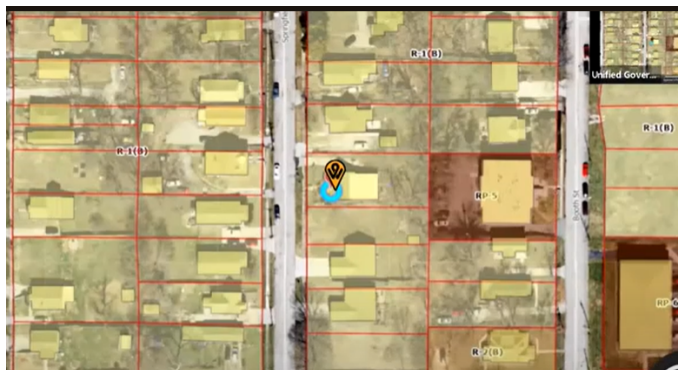
Gunnar Hand, Director of Planning and Urban Design, said this is another special use permit for a short-term rental. This property is non-owner occupied.



This is also in the Rosedale area.

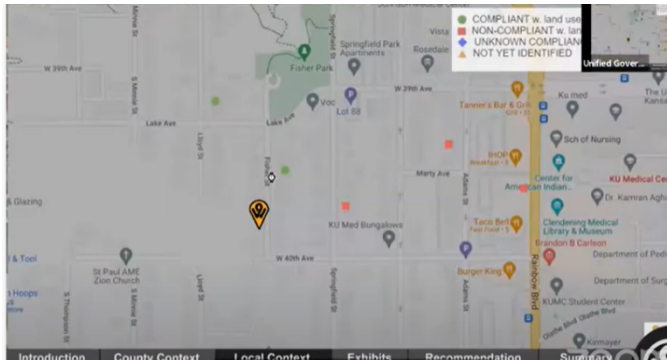


Staff received no letters of support; no letters in opposition.



There are no notices of violation. This would be the first and only short-term rental on this block of Springfield. Staff agrees with Planning Commission and recommends approval for one year, with conditions.

August 31, 2023



Public Opposition	Public Support
None to date.	None to date.



Staff Recommendation
Approval

Mayor Garner said I'll ask the applicant or representative to present the application.

Lance Pierce, 3917 Bell Street, KCMO, said we're applying for a short-term rental license.

Mayor Garner said I will now open the public hearing. Clerk, were any notifications received from the public who wish to express their comments in favor of the item? **Ms. Sparks** said no comments were received. **Mayor Garner** asked, is there anyone present in the audience who would like to speak in favor of the item? Seeing none. Clerk, is there anyone joining us virtually who would like to speak in favor of the item? **Ms. Sparks** said no hands are raised.

Mayor Garner asked, Clerk, have you received any notifications from the public who wish to express their comments in opposition to the item? **Ms. Sparks** said no comments were received. **Mayor Garner** asked, is there anyone in the audience who would like to speak in opposition of this item? Seeing none. Clerk, is there anyone joining us virtually who'd like to speak in opposition? **Ms. Sparks** said no hands are raised.

Mayor Garner said I will close the public hearing. Petitioner, would you like to make some closing comments? **Mr. Pierce** said no, I have no closing comments.

Commissioner McKiernan said, Mr. Hand, I think you know what questions I'm going to ask here. During the time that this property was operating without a permit, were there any neighbor complaints about this property? **Mr. Hand** said none. **Commissioner McKiernan** asked, were there any police calls for service at this address? **Mr. Hand** said none. **Commissioner McKiernan** asked, were there any code violations documented by the NRC? **Mr. Hand** said no. **Commissioner McKiernan** said and no one submitted a letter of opposition to the Planning

Commission and no one appeared to testify against, in opposition at the Planning Commission meeting. Is that correct? **Mr. Hand** said that's correct. **Commissioner McKiernan** said given the answers to those questions, I find no reason to overturn the Planning Commission's decision and I move to uphold the approval by the Planning Commission.

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve Special Use Permit Application SP2023-048 for one year, subject to the stipulations.** Roll call was taken and there were six "Ayes," Markley, Bynum, Burroughs, Townsend, McKiernan, Johnson.

Item No. 3 – 212669...SPECIAL USE PERMIT APPLICATION SP2023-049 - LANCE PIERCE WITH KARAT VACATION HOME MANAGEMENT

Synopsis: Special Use Permit to operate a Short-Term Rental at 4028 Booth Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The Applicant, Lance Pierce, is requesting a Short-Term Rental Special Use Permit to operate a short-term rental at 4028 Booth Street. This is not the owner's primary residence. This would be the first and only permitted short-term rental on the 4000 block of Booth. The property was previously permitted as a short-term rental; however, the permit has lapsed. The Planning Commission voted 8 to 2 to recommend approval of Special Use Permit Application SP2023-049, for one (1) year, subject to:

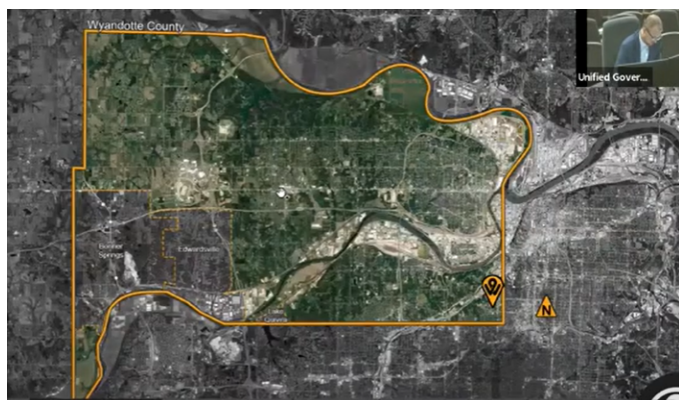
1. Only one (1) unit in the duplex may be rented as a short-term rental.
2. The applicant shall install a retaining wall in the rear yard where the former garage once stood. The applicant has six (6) months to begin pulling permits and one (1) year to complete the work;
3. The applicant shall replace the curbing along 41st Avenue. The applicant has six (6) months to begin pulling permits and one (1) year to complete the work;
4. Any additional repairs not addressed prior to approval of SP2023-049 outlined within the provided home inspection report shall be performed prior to renewal of this Special Use Permit;
5. Maximum number of guests is seven (7);
6. All parking must be off-street, maximum number of vehicles is three (3). No STR renters or guests may park on-street;
7. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
8. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;
9. Applicant is to maintain liability insurance;
10. The property must remain in proper maintenance and free of hazards, pests, or infestations;

11. The granting of this Special Use Permit does not transfer with a change of ownership of the property;
12. Must provide a manual/welcome packet that lists all rules, including “No Parties, etc.” This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and www.hostcompliance.com/tips (website).
13. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
14. If approved, occupying businesses must file and maintain a current business occupation tax application with this office;
15. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
16. All existing and future driveways must feature curb cuts that are constructed to UG standards;
17. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
18. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
19. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
20. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;

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

Case	
SP2023-049	
Petitioner	Address
Lance Pierce & NeShae Wells	4028 Booth Street
Synopsis	
A Short-Term Rental Special Use Permit to operate a short-term rental. This is not the owner's primary residence. This would be the first and only permitted short-term rental on the 4000 block of Booth Street. If approved, there is one (1) other non-permitted short-term rental on the block that would be required to cease operation.	

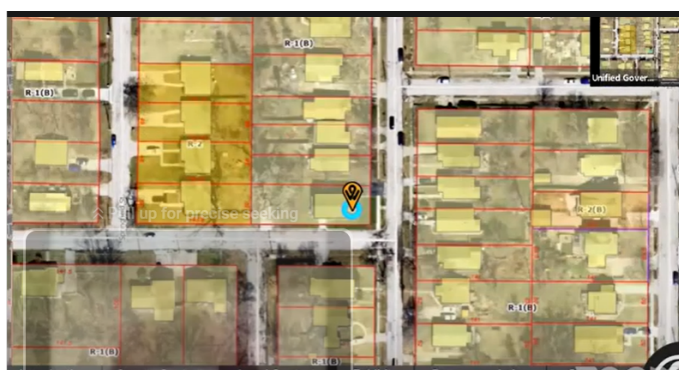
Gunnar Hand, Director of Planning and Urban Design, said this is another special use permit for a short-term rental. It is also non-owner occupied.



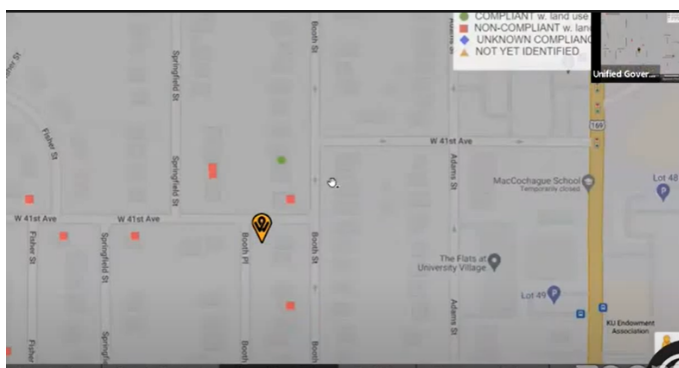
This is also in the Rosedale Area Plan.



Staff has received no letters in support; no letters in opposition.



There are some older notices of violation which were addressed through the rehab of this property in regard to this project.



Staff agrees with Planning Commission and recommends approval for one year, with conditions. I would note there is one unpermitted short-term rental also on this block that will require enforcement action if the Board of Commissioners move forward with approval for this site.

August 31, 2023



Public Opposition	Public Support
None to date.	None to date.
Staff Recommendation Approval	

Mayor Garner said I'll ask the applicant or representative to present their application.

Lance Pierce, 3917 Bell Street, KCMO, said we are seeking a short-term rental license on this property.

Mayor Garner said I will now open the public hearing. Clerk, have you received any notification from the public who wish to express their comments in favor of the item? **Ms. Sparks** said no comments were received. **Mayor Garner** asked, is there anyone present in the audience who

would like to speak in favor of the item? Seeing none. Clerk, is there anyone joining us virtually who would like to speak in favor of the item? **Ms. Sparks** said no hands are raised.

Mayor Garner asked, Clerk, have you received any notifications from anyone who would like to express comments in opposition? **Ms. Sparks** said no comments were received. **Mayor Garner** asked, is there anyone in the audience who would like to speak in opposition of this item? **Ms. Sparks** said we do have a hand raised.

Louise Lynch, resident of Kansas City, KS, 3rd District, said I do have some questions and concerns as I hear all of these short-term rentals being approved. I'd like to know, listening to all these short-term rentals, why the Pierce group is going for a short term as opposed to a regular rental being we have such a shortage of housing problem in the KCK area. I hear all these short terms being approved and now two on one block. Most of the time these are going to be higher rentals because they're short term with less ability to enforce other compliances, rules, and regulations. Why are we doing so many of these? I'd like to know why the group is not going for a long term to try and help out the housing shortage in this area. I'd like the commissioners to be accountable for doing so many of these as opposed to trying to help the housing situation for those residents that live here for a long term.

Mayor Garner asked, Clerk, is there anyone else joining us virtually? **Ms. Sparks** said no other hands are raised.

Mayor Garner said I will now close the public hearing. Petitioner, would you like to make some closing comments?

Mr. Pierce asked, would you like me to respond to that or was that for the commissioners? We're following the rules that have been passed by the City Council of Kansas City, KS, and then seeking in accordance with those laws that were passed to operate a short-term rental in this property.

Commissioner McKiernan asked, Mr. Hand, during the time that this property was operating without a permit, were there any neighbor complaints received about this property? **Mr. Hand** said no. **Commissioner McKiernan** asked, were there any police calls for service documented at

this address? **Mr. Hand** said no. **Commissioner McKiernan** asked, do I understand you to say that any code violations that may have been or are currently noted for this address have either been addressed or are being addressed currently? **Mr. Hand** said not in this particular case, but there is one later on. **Commissioner McKiernan** asked, did anyone submit a letter of opposition to the Planning Commission for this application? **Mr. Hand** said no. **Commissioner McKiernan** asked, did anyone testify in opposition at the Planning Commission meeting for this application? **Mr. Hand** said no. **Commissioner McKiernan** said based on those answers, I find no reason to overturn the Planning Commission's decision, and I move to uphold the approval by the Planning Commission.

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve Special Use Permit Application SP2023-049 for one year, subject to the stipulations.** Roll call was taken and there were six "Ayes," Markley, Bynum, Burroughs, Townsend, McKiernan, Johnson.

Item No. 4 – 212670...SPECIAL USE PERMIT APPLICATION SP2023-050 - LANCE PIERCE WITH KARAT VACATION HOME MANAGEMENT

Synopsis: Special Use Permit to operate a Short-Term Rental at 4456 Springfield Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The Applicant, Lance Pierce, is requesting a Short-Term Rental Special Use Permit to operate a short-term rental at 4456 Springfield. This is not the owner's primary residence. This would be the first and only permitted short-term rental on the 4400 block of Springfield. The property is currently being used as a short-term rental without a permit. The Planning Commission voted 8 to 2 to recommend approval of Special Use Permit Application SP2023-050, for one (1) year, subject to:

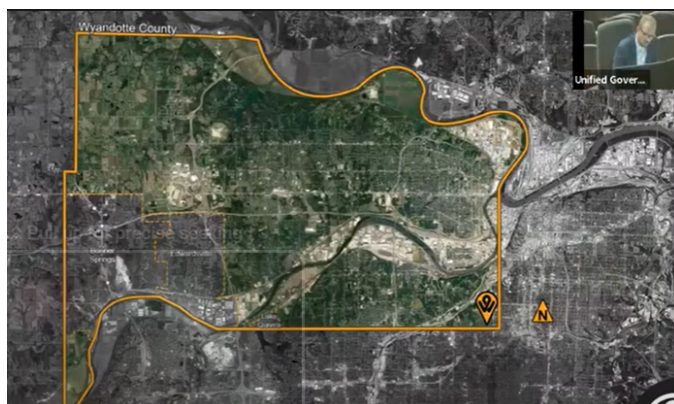
1. Any additional repairs not addressed prior to approval of SP2023-050 outlined within the provided home inspection report shall be performed prior to renewal of this Special Use Permit.
2. Maximum number of guests is six (6).
3. All parking must be off-street, maximum number of vehicles is two (2).
4. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax.
5. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;
6. Applicant is to maintain liability insurance.

7. The property must remain in proper maintenance and free of hazards, pests, or infestations.
8. The granting of this Special Use Permit does not transfer with a change of ownership of the property.
9. Must provide a manual/welcome packet that lists all rules, including “No Parties, etc.” This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and www.hostcompliance.com/tips (website).
10. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process.
11. If approved, occupying businesses must file and maintain a current business occupation tax application with this office.
12. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly.
13. All existing and future driveways must feature curb cuts that are constructed to UG standards.
14. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable.
15. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations.
16. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit.
17. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located.

18. The Special Use Permit shall be valid for one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;
19. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper;
20. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit; and,
21. All existing and future driveways must be upgraded to an improved surface (concrete, asphalt or permeable pavers) and feature curb cuts constructed to UG standards (concrete).

Case	
SP2023-050	
Petitioner	Address
Lance Pierce & NeShae Wells	4456 Springfield Street
Synopsis	
A Short-Term Rental Special Use Permit to operate a short-term rental. This is not the owner's primary residence. This would be the first and only permitted short-term rental on the 4400 block of Springfield Street. If approved, there is one (1) other non-permitted short-term rental on the block that would be required to cease operation.	

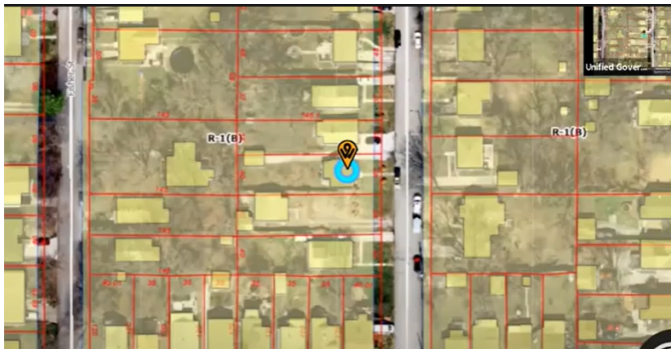
Gunnar Hand, Director of Planning and Urban Design, said we have another special use permit for a short-term rental, also non-owner occupied.



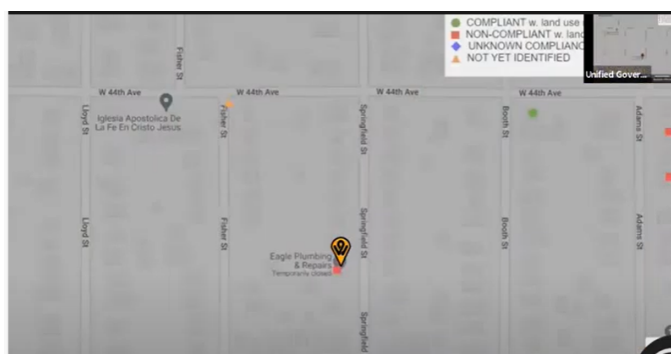
Also in the Rosedale Area Plan.



Staff has received no letters in support; no letters in opposition.



There are some older notices of violation related to this property, but all have been addressed or rectified to date. Staff agrees with the Planning Commission's recommendation of one year, with conditions.



August 31, 2023



Public Opposition	Public Support
None to date.	None to date.

Unified Gover...

Staff Recommendation

Approval

Mayor Garner said I'll ask the applicant or representative to present the application request.

Lance Pierce, 3917 Bell Street, KCMO, said we are seeking a short-term rental application at this property.

Mayor Garner said I'll now open the public hearing and ask the Clerk if any notifications were received from the public who wish to express their comments in favor of the item? **Ms. Sparks**

said no comments were received. **Mayor Garner** asked, is there anyone present who would like to speak in favor of the item? Seeing none. Clerk, is there anyone joining us virtually who would like to speak in favor of the item? **Ms. Sparks** said no hands are raised.

Mayor Garner asked, Clerk, have you received any notifications from anyone expressing their comments in opposition of the item? **Ms. Sparks** said no comments were received. **Mayor Garner** asked, is there anyone present who would like to speak in opposition of the item? Seeing none. Clerk, is there anyone joining us virtually who would like to speak in opposition? **Ms. Sparks** said no hands are raised.

Mayor Garner said I will close the public hearing. Would the petitioner like to make any closing comments or remarks? **Mr. Pierce** said no remarks are needed.

Commissioner McKiernan asked, Mr. Hand, during the time that this property was operating without a permit, were there any neighbor complaints received about this property? **Mr. Hand** said no. **Commissioner McKiernan** asked, were there any calls for service for this property address? **Mr. Hand** said no. **Commissioner McKiernan** asked, do I understand that all previous code violations have now been addressed? **Mr. Hand** said that is correct. **Commissioner McKiernan** asked, did anyone submit a letter of opposition to the Planning Commission? **Mr. Hand** said no. **Commissioner McKiernan** asked, did anyone testify in opposition at the Planning Commission meeting? **Mr. Hand** said no. **Commissioner McKiernan** said given the answers to those questions, I find no reason to overturn the Planning Commission's decision. I move to uphold the approval of the Planning Commission.

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve Special Use Permit Application SP2023-050 for one year, subject to the stipulations.** Roll call was taken and there were six "Ayes," Markley, Bynum, Burroughs, Townsend, McKiernan, Johnson.

Item No. 5 – 212671...SPECIAL USE PERMIT APPLICATION SP2023-052 - ANDREW BESELICA

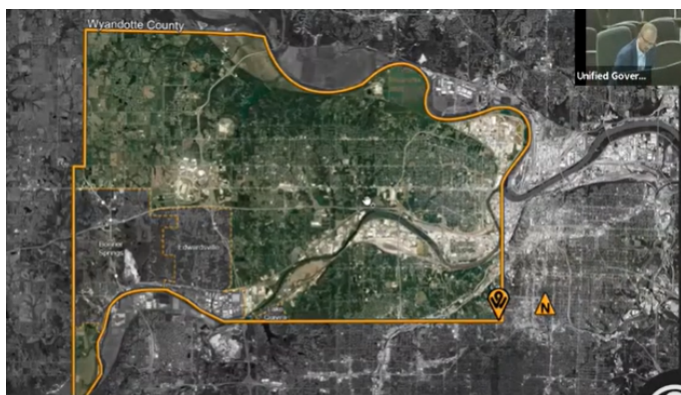
Synopsis: Special Use Permit to operate a Short-Term Rental at 2504 West 47th Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The Applicant, Andrew Beselica, is requesting a Short-Term Rental Special Use Permit to operate a short-term rental at 2504 W. 47th Avenue. This is not the owner's primary residence. This would be the first and only permitted short-term rental on the 2500 block of 47th Avenue. The Planning Commission voted 9 to 1 to recommend approval of Special Use Permit Application SP2023-052, for one (1) year, subject to:

1. Any additional repairs not addressed prior to approval of SP2023-052 outlined within the provided home inspection report shall be performed prior to renewal of this Special Use Permit.
2. Maximum number of guests shall be seven (7).
3. All parking must be off-street, maximum number of vehicles is three (3). No STR renters or guests may park on-street.
4. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax.
5. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented.
6. Applicant is to maintain liability insurance.
7. The property must remain in proper maintenance and free of hazards, pests, or infestations.
8. The granting of this Special Use Permit does not transfer with a change of ownership of the property.
9. Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and www.hostcompliance.com/tips (website).
10. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process.
11. If approved, occupying businesses must file and maintain a current business occupation tax application with this office.
12. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly.
13. All existing and future driveways must feature curb cuts that are constructed to UG standards.
14. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable.

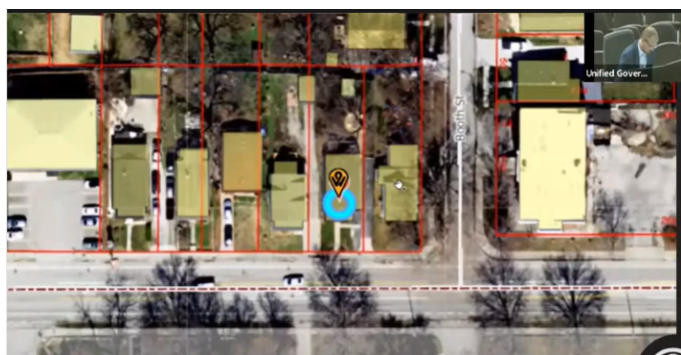
15. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances,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

Case	
SP2023-052	
Petitioner	Address
Andrew Beselica	2504 West 47 th Avenue
Synopsis	
A Short-Term Rental Special Use Permit to operate a short-term rental. This is not the owner's primary residence. This would be the first and only permitted short-term rental on the 2500 block of West 47 th Avenue.	

Gunnar Hand, Director of Planning and Urban Design, said this is another special use permit for a short-term rental. It's also non-owner occupied.



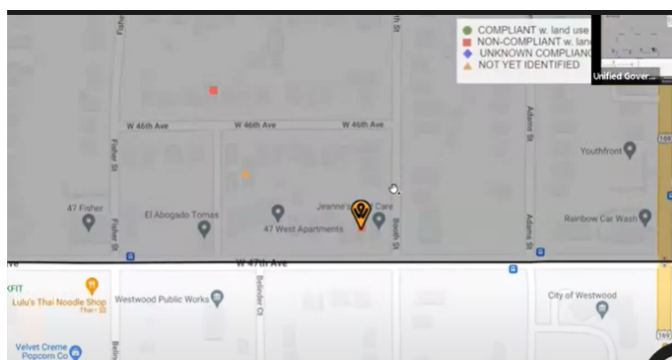
It is also in the Rosedale Area Plan.



Staff has received no letters in support; no letters in opposition. There was one member of the public in attendance at the Planning Commission hearing earlier this month that did speak in opposition to this case. Although, it was more in general to special use permits for short-term rentals.



There are no notices of violation on this property. Staff agrees with the Planning Commission's recommendation for approval for one year, with conditions.



Mayor Garner asked, Clerk, have you received any notifications from anyone who would like to express their comments in opposition to the item? **Ms. Sparks** said no comments were received. **Mayor Garner** asked, is there anyone who would like to speak, that is present, in opposition to this item? Seeing none. Clerk, is there anyone joining us virtually who would like to speak in opposition? **Ms. Sparks** said no hands are raised.

Mayor Garner said I'll close the public hearing. Petitioner, would you like to make some closing comments. **Andrew Beselica**, Applicant, said no closing comments. Thank you.

Commissioner McKiernan said, Mr. Hand, during the time that this property was operating without a permit, were there any neighbor complaints received about this property? **Mr. Hand** said none. **Commissioner McKiernan** asked, were there any police calls for service documented at this address? **Mr. Hand** said none. **Commissioner McKiernan** asked, do I understand that all previous code violations have now been addressed? **Mr. Hand** said correct. **Commissioner McKiernan** said you said no one submitted a letter of opposition to the Planning Commission and no one testified in opposition at the Planning Commission. **Mr. Hand** said there was one...**Commissioner McKiernan** said I'm sorry. There was one member who testified at the Planning Commission. I would just note that there was no one testifying in opposition tonight. Based on the answers to these questions, I find no reason to overturn the Planning Commission's decision. I move to uphold the approval by the Planning Commission.

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve Special Use Permit Application SP2023-052 for one year, subject to the stipulations.** Roll call was taken and there were six "Ayes," Markley, Bynum, Burroughs, Townsend, McKiernan, Johnson.

Item No. 6 – 212672...SPECIAL USE PERMIT APPLICATION SP2023-054 - ASHLEY SIVILS

Synopsis: Special Use Permit to operate a Short-Term Rental at 719 Lyon Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Ashley Sivils, is requesting a Short-Term Rental Special Use Permit to operate a short-term rental at 719 Lyon Avenue. This is not the owner's primary residence. This would be the first and only permitted short-term rental on the 700 block of Lyon Avenue, though the owner had already been operating a Short-Term Rental without a permit at this address for over two (2) years. The Planning Commission voted 9 to 1 to recommend approval of Special Use Permit Application SP2023-054, for one (1) year, subject to:

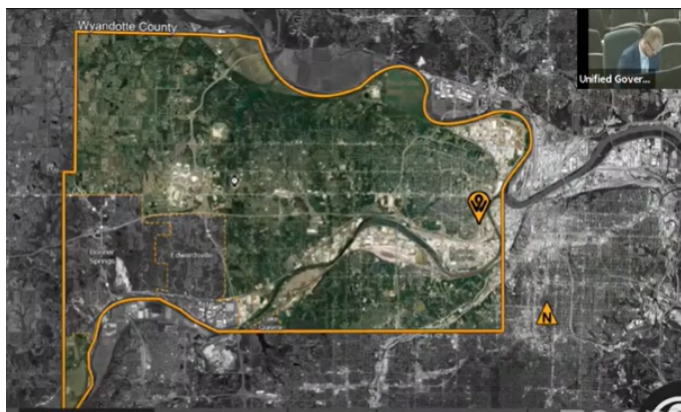
1. The applicant shall repair the following items prior to publication of their ordinance. Proof of replacement must be sent to staff.
 - o The trees and limbs must be removed from the power line.
 - o Smoke detectors and carbon monoxide detectors must be installed.
 - o The steps with more than 4" gap must be repaired.
2. Any additional repairs not addressed prior to approval of SP2023-054 outlined within the provided home inspection report shall be performed prior to renewal of this Special Use Permit.
3. The applicant shall repair and replace the driveway apron into the alleyway.
4. The applicant shall be required to clear brush from driveway apron.
5. Maximum number of guests shall be seven (7).
6. All parking must be off-street, maximum number of vehicles is two (2). No STR renters or guests may park on-street.
7. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax.
8. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented.
9. Applicant is to maintain liability insurance.
10. The property must remain in proper maintenance and free of hazards, pests, or infestations.
11. The granting of this Special Use Permit does not transfer with a change of ownership of the property.
12. Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and www.hostcompliance.com/tips (website).
13. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process.
14. If approved, occupying businesses must file and maintain a current business occupation tax application with this office.
15. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly.
16. All existing and future driveways must feature curb cuts that are constructed to UG standards.
17. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable.
18. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to

meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;

19. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit.
20. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
21. The Special Use Permit shall be valid for one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and
22. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper. 23. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. All conditions of approval herein must be constructed, executed, implemented, or otherwise completed within 18 months of approval unless otherwise determined by the Director of Planning or their designee.

Case		
SP2023-054		
Petitioner	Address	
Ashley Sivils	719 Lyon Avenue	
Synopsis		
A Short-Term Rental Special Use Permit to operate a short-term rental. This is not the owner's primary residence. This would be the first and only permitted short-term rental on the 700 block of Lyon Avenue.		

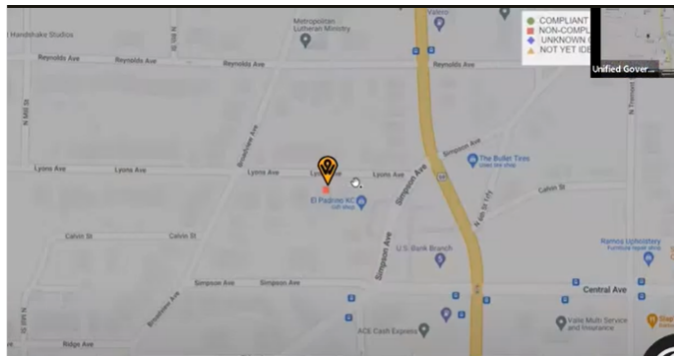
Gunnar Hand, Director of Planning and Urban Design, said this is a special use permit for a short-term rental. It is also non-owner occupied.



This one is in the Central Area Plan.



Staff received no letters in support. No letters in opposition. There are quite a few notices of violation as it relates to this property over the last couple of years, mostly in regard to maintenance and things like trash. Then older ones as it relates to boarded windows, again, which would go to prior to the property being rehabbed. The trash complaints are as soon as 2022 to 2023. We anticipate questions from the commissioners. Staff does, however, agree with the Planning Commission's recommendation of approval for one year, with conditions.





Public Opposition	Public Support
None to date.	None to date.

Staff Recommendation

Approval

Mayor Garner said I'll ask the applicant or representative to present the application request.

Ashley Sivils, 425 Washington Street, Apt. 207, KCMO, said I am asking for a special use permit for a short-term rental.

Mayor Garner said I will now open the public hearing. Clerk, have you received any notifications from the public who wish to express their comments in favor of the item? **Ms. Sparks** said no comments were received. **Mayor Garner** asked, is there anyone present who would like to speak in favor of the item? Seeing none. Clerk, is there anyone joining us virtually who would like to speak in favor of the item? **Ms. Sparks** said no hands are raised.

Mayor Garner asked, Clerk, have you received any notifications from the public who wish to express opposition to the item? **Ms. Sparks** said no comments were received. **Mayor Garner** asked, is there anyone present who would like to speak in opposition to the item? Seeing none. Clerk, is there anyone joining us virtually who would like to speak in opposition to this item? **Ms. Sparks** said no hands are raised.

Mayor Garner said I will now close the public hearing. Would the petitioner like to make some closing comments? **Ms. Sivils** said no, thank you.

Commissioner McKiernan asked, Mr. Hand, during the time that this property was operating without a permit, were there any neighborhood complaints about this property? **Mr. Hand** said none. **Commissioner McKiernan** asked, were there any police calls for service at this address? **Mr. Hand** said none.

Commissioner McKiernan said regarding the code violations, Ms. Sivils, I'll ask you, when you acquired this property, was it vacant and unimproved? **Ms. Sivils** said no. I bought it after it was rehabbed. **Commissioner McKiernan** said you bought it after it was rehabbed. What date was that? **Ms. Sivils** said in 2021.

Commissioner McKiernan asked, Mr. Hand, how many code violations have we had since 2021 on this property? **Mr. Hand** said two, one in 2022 and one in 2023, both for trash not collected.

Commissioner McKiernan asked, Ms. Sivils, do you have procedures in place to ensure that your guests do not leave trash that violate code at this address? **Ms. Sivils** said yes, I do. **Commissioner McKiernan** asked, will you be responsible for clearing said trash if said trash is ever found again at this address? **Ms. Sivils** said yes, I will. **Commissioner McKiernan** said yes, you will.

Were there any code violations other than these two documented, Mr. Hand? **Mr. Hand** said no. All 2020 and before when it was an abandoned house. **Commissioner McKiernan** said and no one submitted a letter in opposition to the Planning Commission? **Mr. Hand** said no. **Commissioner McKiernan** said and no one testified in opposition at the Planning Commission meeting. **Mr. Hand** said correct.

Commissioner McKiernan said, Ms. Sivils, I cannot emphasize to you how important it is that short-term rental operators and guests be good neighbors to all around them. I can look at your property. It is in my district. It looks spectacular. We want to make sure that it continues to look spectacular and be an asset to the neighborhood so that this special use permit can be renewed and not revoked.

Commissioner McKiernan said all that being said, I find no basis...

Mayor Garner said I have a point of order before you do that. I have a question. Mr. Hand, there were conditions. What were those conditions?

Mr. Hand said standard conditions for all short-term rentals as well as that they would have a maximum of seven guests at any given time, two cars off-street, and that they would help us clear some of the alleyway at this location. At this location, there is an alleyway that goes down the middle of the block, but because there's commercial uses on Simpson Avenue, it's an L alleyway. It probably was a T alleyway at some point. You can only get to this property and the off-street parking because there is no driveway off Lyon Avenue from Broadview Avenue, so we asked her to help us with the alleyway.

We also have an open case with cops that we have opened. The abutting property to the east is effectively using that L alleyway as their driveway, and there's an inoperable vehicle as well as an RV being stored right there, so we're trying to clear the alleyway so that there is now two points of access for all houses on that street, both sides of that street.

Commissioner McKiernan said I move to uphold the approval by the Planning Commission.

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve Special Use Permit Application SP2023-054 for one year, subject to the stipulations.** Roll call was taken and there were six "Ayes," Markley, Bynum, Burroughs, Townsend, McKiernan, Johnson.

PLAN REVIEW APPLICATION

Item No. 1 – 212666...PLAN REVIEW APPLICATION PR2023-014 - CODY BUSICK WITH VINEYARD CHURCH OF PIPER

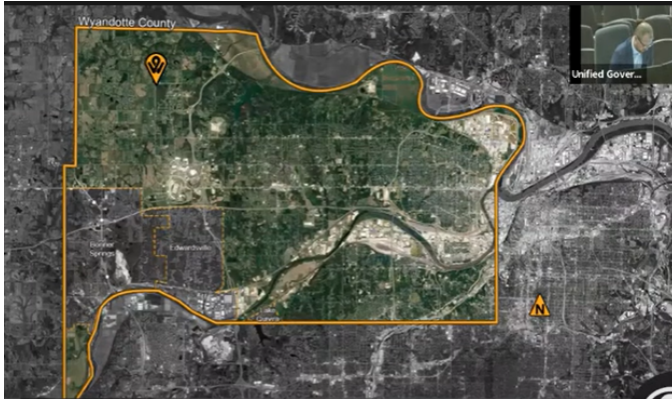
Synopsis: Preliminary Development Plan to expand an existing church at 10601 Hutton Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Cody Busick with Vineyard Church of Piper, is requesting approval of a Preliminary Development Plan to expand the Vineyard Church of Piper at 10601 Hutton Road with a 7,508 square foot addition, as well as expansion of the parking lot. The Planning Commission voted 10 to 0 to recommend approval of Plan Review Application PR2023-014, subject to:

1. Because this petition is a Preliminary Development Plan, the applicant shall submit a Final Development Plan for approval, which includes final architectural and civil plans;
2. Per the goDotte County-Wide Mobility Plan, the applicant shall construct a sidewalk in the front of the property;
3. Wheel stops are required for parking spaces where there is no curbing;
4. The sign structures shall be removed as instructed originally;
5. All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
6. Section 27-699(b)(5) states that all outside bins or trash container areas must be completely enclosed by an architectural screen to a height not less than the height of the bin or container. No trash enclosures may be located in required yards adjacent to street right-of-way. In commercially and industrially zoned areas where the trash container will not be visible from off the property due to other screening or topographic conditions and will not be visible from public parking or pedestrian areas on the site, such trash bin screening need not be provided. In industrially zoned areas where the trash container will not be visible from residential property and where such containers are kept directly alongside the building and in a well-kept manner, such screening need not be provided;
7. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
8. All existing and future driveways must feature curb cuts that are constructed to UG standards;
9. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620; and,
10. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable.

Case	
PR2023-014	
Petitioner	Address
Jacob Hudson	10601 Hutton Road
Synopsis	
To approve a Preliminary Development Plan for a 7,508 square foot expansion of the Vineyard Church of Piper as well as expansion of the parking lot.	

Gunnar Hand, Director of Planning and Urban Design, said this is a preliminary development plan for the expansion of a church and expansion of their existing parking lot.

August 31, 2023



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



Staff's received no letters in support; no letters in opposition. There are no notices of violation.



Staff does agree with the Planning Commission's recommendation of approval;

August 31, 2023



however, at the Planning Commission hearing, the applicant had asked for us to amend condition No. 2 and condition No. 8. Both of those changes required counsel with the County Engineer, which we have done since the Planning Commission. We've come to an agreement with both the applicant, County Engineer, and staff on amendments to condition No. 2 and condition No. 8; however, if we were to make a motion tonight to approve with those changed conditions, we would need eight votes and there are only seven of you total here.

I've spoken with the applicant, who is not here tonight, and he is open to a holdover for 30 days.





Mayor Garner said seeing as we don't have a quorum necessary to codify a vote, I believe a motion may be in order to hold it over.

Action: Commissioner Markley made a motion, seconded by Commissioner McKiernan, to hold Plan Review Application PR2023-014 for 30 days. Roll call was taken and there were six "Ayes," Markley, Bynum, Burroughs, Townsend, McKiernan, Johnson.

MISCELLANEOUS

Item No. 1 – 212683...PRESENTATION: PLAN KCK STRATEGIES

Synopsis: Update regarding Plan KCK strategies provided by Gunner H. Hand, AICP, Director of Planning and Urban Design.



August 31, 2023

Alyssa Marcy, Long Range Planner, said I am here to give you the second PlanKCK update. This, specifically, is going to cover the economic development strategic plan process so far.



I'm going to take you through the three steps that we have gone through so far. This first started off with how to develop a vision for community prosperity in KCK. It's been important for us to figure out what that means to our community, what that looks like, and how economic development is a tool to achieve that vision.



It started with the Vision Summit, which occurred in May. We invited community members, we invited business owners, developers, and UG staff as well.

STRONG DESIRE FOR LOCAL NEIGHBOURHOOD REGENERATION

Creating the 15-minute City concept

The image displays three maps of the PlanCK Vision Summit area, illustrating different future scenarios for the 15-minute city concept. Each map includes a 'DEVELOPMENT TRAJECTORY' arrow and a '15-Minute City' label.

- Least Desirable Future:** This map shows a trajectory starting from the 'Market Forces' area and moving towards the 'Community' area. The trajectory is marked by a series of red dots, indicating a path of development that is less desirable.
- Expected Future:** This map shows a trajectory starting from the 'Market Forces' area and moving towards the 'Community' area. The trajectory is marked by a series of green dots, indicating a path of development that is expected.
- Preferred Future:** This map shows a trajectory starting from the 'Market Forces' area and moving towards the 'Community' area. The trajectory is marked by a series of blue dots, indicating a path of development that is preferred.

The maps are overlaid on a grid with 'Expanding' and 'Contracting' labels on the left and right sides, respectively. The top of each map is labeled 'Intentional Investment'.

But then you look at the preferred future and what you see is that our community would actually like something that's focusing more on concentrated development, on infill, on revitalizing our downtown and our main streets, on something that's a little bit more intentional. So, this is showing you what we expect to happen is very different than what the community would prefer to happen. I think the other interesting point too is that this shows that the community has an appetite for change.



From here, now that we had a better idea of what kind of preferred future the community wanted, our consultants held focus groups and they also circulated a bilingual small business survey.



This is where things start to get a little bit more specific. The focus groups were six different categories. Some of these categories are more subject topics. For example, how do we grow and support our small businesses. That's one focus area. Another is industrial development, understanding that we have continued industry here and that's a huge part of our economy. Then there's some more geographically tied focus areas. For example, the Legends area and the Quindaro townsite. I think that's pretty evident from what we heard at the special session too that there is a lot of interest in building up the Quindaro area.



Our last event that was really heavily focused on economic development so far was the community prosperity roundtable that was held about two weeks ago.



This was to try to tie-in this desire that the community has for economic development that increases equity, that increases access to opportunity, and that really benefits everyone. During this event, we reviewed the preliminary county-wide market analysis, and that will be available at the end of September for you to read in full. We also asked attendees to prioritize different actions as related to those six focus areas that I just mentioned.

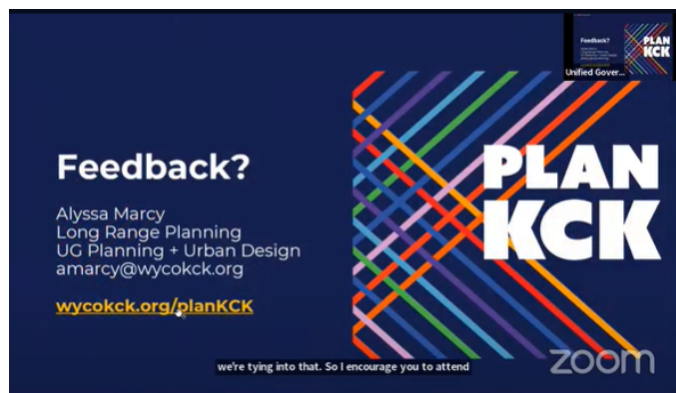


August 31, 2023

Just some overall highlights from that roundtable is there is overwhelming desire to support our small businesses. There's also a desire to rebuild our downtown KCK, but also the Legends area, but how to connect those two places so that you can have access to that downtown easily and that you have access to the west more easily. There's also a lot of interest in developing the riverfront, especially how we have all of these exciting projects coming soon like the Rock Island Bridge. KCMO's doing development. How do we really leverage that area. Then, again, the Quindaro townsite came up. What is the role, generally, of cultural heritage and economic development at KCK.



Lastly, we will have an opportunity to not only get more feedback about the economic development strategic plan, but all of the aspects of PlanKCK on October 28th, which is our Neighborhood Summit. There's also going to be a lot of other events that we're tying into that, so I encourage you to attend that as well.



I'll take any feedback, comments, questions, ideas.

Commissioner Bynum said I just wanted to say thanks for all of the planning work that you and the team have done. I've attended quite a number of the sessions that you've held and appreciate the approach and the engagement of the community. It seems to be pretty vibrant, and I certainly will look forward to October 28th. Do I understand that once that takes place, then we'll be looking to bring forward sort of a final product, if you will?

Ms. Marcy said yeah. So, October 28th is sort of our big opportunity to give your final feedback on what we have, and then from there, that's where we need to really draft the document and hopefully present that to you later in the year.

Commissioner Bynum said thank you. I just really appreciate all that you've done for it because I know that you have a ton of other work to do and you're doing this along with it. It's impressive.

Commissioner Johnson said thank you for the presentation, Ms. Marcy. Actually, Commissioner Bynum stole my question so I'll think of a new question on the fly. What do you envision the final plan to look like in terms of its content and then also how it's executed?

Ms. Marcy said we have, I think, it's about ten different chapters, like subject matter chapters. I can get those to you as well. It's truly comprehensive in what it covers. We hope to have that by the end of the year if it's adopted and everyone then goes as planned. Are you asking more so about the physical deliverable?

Commissioner Johnson said the thing that we continue to have conversation has been, I think it's important for our constituents to hear, is that this is not something that is going to just sit on a shelf. It is something that's going to live, breathe, be amended, be changed, grow, etc. That's kind of along the lines of what I was asking the question for.

Ms. Marcy said we have worked really hard, I think, over the last year to make sure that these are living documents and that we do have continuous conversations with community members about all of the very actionable steps that we've listed in these. I think with this particular document, we haven't formally decided what format it'll be in. We're hoping to have something that's also more interactive and publicly facing so that we can also show progress as it happens so people can see it and kind of live with it and play with it. It's a little more tangible. I don't know if Director Hand has anything to add to that.

Mr. Hand said I would just say that all of our long-range planning processes, we try to start implementation on day one. The act of planning is aligning our resources to optimize the outcome, so we are already pursuing things that we've been hearing. We are already integrating the things that the Unified Government and other stakeholders are doing. We are bringing them. I think the process itself acts as a platform to bring those voices together so they can then collaborate, engage at, and work together moving forward.

I think what we're going to try to do, as Ms. Marcy noted, is we like to actually—we're pretty proud of the fact that we don't let the old adage live, that plans sit on shelves and collect dust. We are actively implementing them. We have measures that we track on a quarterly basis to make sure we're maintaining progress.

I think the most important thing to understand here is this community has never had a long-term comprehensive plan like this. They have never had a visionary document like this. It's a really interesting opportunity to have these conversations. I think it's a reason why we've had so engagement. I don't think that, at least in the records that we've reviewed in past planning documents, I don't think we've ever had the type of engagement, the different methodologies of engagement, or the intensity of those to be engaged like we have through this process. We are very hardened that we're growing every day in the process and, thereby, we hope that allows not only staff but our constituents to hold us, and you, accountable to its implementation.

Commissioner Johnson said thank you. I think you know—I see Mr. Kindle has his hand up. I'll ask him to come up and be ready to speak to this, if you don't mind, Kindle.

The question I was going to ask you, we talked about this, I think, last year that we have so many plans right now. Will this be integrated with all of the other plans as it relates to economic development strategies?

Mr. Hand said so globally, this represents sort of the umbrella document where we provide sort of the global direction. Those north stars, the big picture of what we, as a collective community, is trying to move forward. We get into the detail of the area plans and so a big part of this plan is going to define what area plans we should do next because there is an order. There are a lot of areas that do not have area plans. This is really the first move to restructure how we do long-range planning in the community.

To your point, though, I think that we mentioned this last month in our update. With some serendipity, there were a lot of plans in place moving forward that we're all having the same conversation about our collective future, so we've merged them all together into one PlanKCK effort. It's been a lot of work, but I think that it's starting to materialize.

I think what's really important to understand here is we've been hearing a lot of stuff. We've been collecting a lot of data. We've started to synthesize that data. So, what you see here is some of the insights of what we've been hearing and what our consultants and experts and staff see as opportunities. We haven't written anything. The plan is not set. There is no future. We really need you guys to help direct if you see gaps, opportunities, things we're missing, or specific initiatives that you think are important that may be overlooked and thus far. So, that's kind of really what these monthly updates are trying to do to make sure that we're building into that approval process later this fall and winter.

To your specific question, we've never had an economic development strategy. It will be integrated as a part of a larger vision. I think that is a nuance, perhaps, if you're not an esoteric planner like myself, but it's really important to understand that it's not its own thing on an island. It is its own deliverable in collaboration with all the other things that are required for economic development, be it land use, transportation, and that.

One quick thing I just wanted to add is there's some big ideas, right? There's some new ideas, I think, that are emerging, but one of the consistencies we hear through PlanKCK is very similar to one of the things we heard when we were doing the goDotte county-wide mobility strategy. If you remember, there were some big, crazy ideas in goDotte. There was also one of the core strategies—get back to the basics, right? Road, curb, median with trees, sidewalks. Very similar, a lot of the feedback from staff, as well as our constituents, is they just want us to do basic services better.

Commissioner Johnson said right. I agree.

Commissioner Johnson said I'm not going to belabor the time. I will ask one last question. With regards to the small business portion that I saw on the screen, Sharon Reed has put together the small business kind of platform, I suppose. Is that being discussed within the concept of solutions for small business? **Ms. Marcy** asked, are you talking about the new platform? **Commissioner Johnson** said yes. **Ms. Marcy** said yes.

Commissioner Johnson asked, Mayor, with your approval, can we ask Mr. Kindle to come have words?

Greg Kindle, President of the Wyandotte Economic Development Council, resident of KCK, said thank you for just a couple of minutes. I haven't been participating in these conversations on a monthly update. In some ways I feel like maybe I should have been. I did not want to get to the end of this entire process and not at least give you some thoughts at this stage of the process.

Number one, I appreciate the team that you all have assigned to work on this and the time that it's taken to do this. I commend them a great deal. I don't want to take any of the comments that I may make here to be a personal affront to them because they've done a lot of hard work.

My concern, and this is not going to be surprising to the Board members—the Mayor sits on our Board as does Commissioner Burroughs—I brought this to the attention of our investors and our Board members at our last Board meeting. To say that my team and I largely have participated in every single PlanKCK focus group. Some of them at 8 a.m. on a Monday morning followed by a 9 a.m. on a Monday morning. Unusual times to have planning focused meetings all online. Usually the folks who participate in these kinds of things do tend to be more activist oriented. There is a very particular reason that they want to participate and those very specific subjects that were highlighted during those focus groups. I get that.

The part that concerns me probably the most about how this has been put together is that the foursquare that you saw in there is the same foursquare that has been presented at every single focus group, which largely puts a 15-minute city. The branded piece of it sounds pretty cool already right out of the gate up in the right-hand corner, and all the rest are not. In fact, the one area that is being demonized is the sprawling into the future, which is apparently where everything that we have been doing for the last 10 or 15 years is now located. That's where the market is. So, if we have intentional marking up in the right-hand corner, and that is completely opposite of where the market is, my only comment to you all, as you all look at a final plan down the line, and the same thing I have said to Future IQ and to your team...**Ms. Sparks** said you have one minute remaining.

Mr. Kindle said is that you cannot have intentional investment. You cannot have economic development in this community without the market. You have to have product. You have to have the availability of incentives, and dollars to move that forward. If you leave the

market behind, intentional investment means public money. To my last knowledge, we were struggling a little bit with additional public money.

As we move through this process, my one caution is, do not frighten off the market that has been providing economic development and investment in this community, to the tune of about \$6B over the last 10 years, by developing a plan that is not marketable. There can be some great ideas and it can be a great North Star, but I just want to be cautionary that we also have to be pragmatic that if you want development to continue in this community, in all parts of the community and across all different sectors, there has to be a balance. Finding a way to come more to that middle area is going to be important. I just encourage you all to be thoughtful that we don't want to alienate the very folks who've been investing in this community for some time for a North Star that may not have investors today. I just want to put that caution out there.

I've been critical of Future IQ, frankly, that we have not been engaged really at all. We participated like every other resident and only until tomorrow, are we actually being invited to participate in some conversations with them. That's been frustrating to me that we've not been invited to participate at all as a team with Future IQ. I just want to put that out there that we've been treated no differently than any other resident. Maybe that's the way it was designed; but we thought that as a partner to the Unified Government, we would have been invited a long time ago to participate. Just wanted to put that out there. Thank you all very, very much.

Mayor Garner said thank you. I appreciate the comments from staff and stakeholders.

Action: **For information only.**

Mayor Garner said that ends the Planning and Zoning portion of the meeting. We will now move to the regular portion of our agenda.

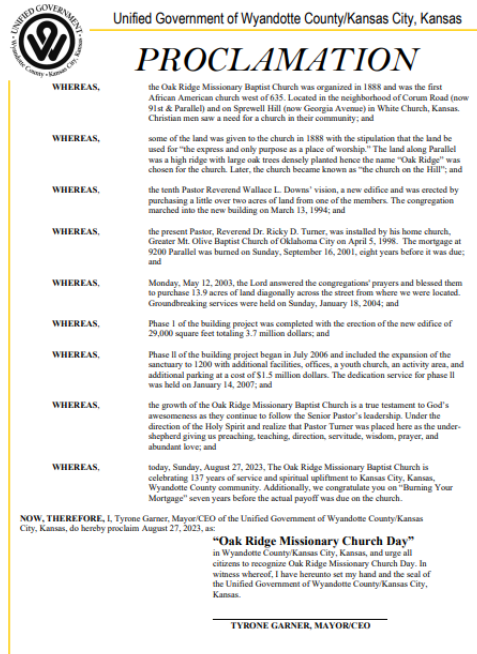
MAYOR'S AGENDA

Mayor Garner said, Clerk, there are three items there. If you could just briefly describe those, I think that will suffice.

Item No. 1 – 212679...PROCLAMATION: OAK RIDGE MISSIONARY CHURCH DAY

Synopsis: Proclamation proclaiming August 27, 2023, as Oak Ridge Missionary Church Day, submitted by Tyrone A. Garner, Mayor/CEO.

Monica Sparks, Deputy UG Clerk, read a summary of the following proclamation.

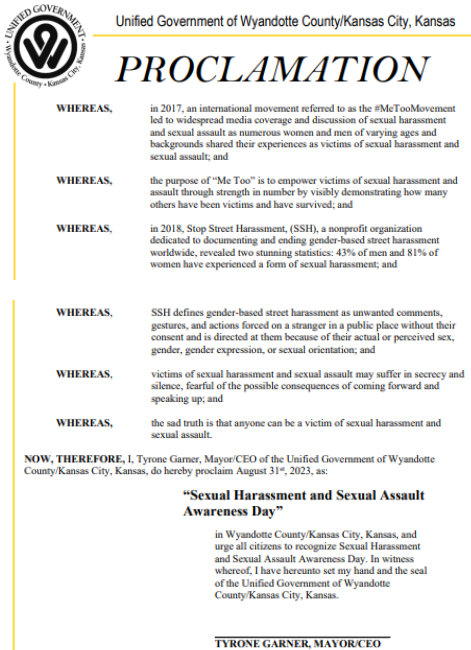


Action: Proclamation was read.

Item No. 2 – 212677...PROCLAMATION: SEXUAL HARASSMENT AND SEXUAL ASSAULT AWARENESS DAY

Synopsis: Proclamation proclaiming August 31, 2023, as Sexual Harassment and Sexual Assault Awareness Day, submitted by Tyrone A. Garner, Mayor/CEO.

Monica Sparks, Deputy UG Clerk, read a summary of the following proclamation.

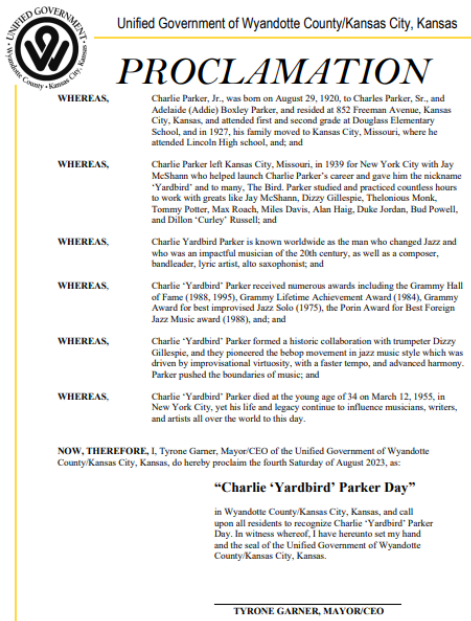


Action: Proclamation was read.

Item No. 3 – 212678...PROCLAMATION: CHARLIE 'YARDBIRD' PARKER DAY

Synopsis: Proclamation proclaiming the fourth Saturday of August 2023, as Charlie 'Yardbird' Parker Day, submitted by Tyrone A. Garner, Mayor/CEO.

Monica Sparks, Deputy UG Clerk, read a summary of the following proclamation.



Action: Proclamation was read.

REGULAR CONSENT AGENDA

Mayor Garner asked, do any members of the Commission or County Administrator wish to set aside any item on the Regular Consent Agenda? If an item is not set aside, all items on the Regular Consent Agenda will be voted on by one vote.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve all items as submitted. Roll call was taken and there were six "Ayes," Markley, Bynum, Burroughs, Townsend, McKiernan, Johnson.

Item No. 1 – 212680...PLAT: MOSBURG ADDITION

Synopsis: Plat of Mosburg Addition, located at 7th and Northrup Avenue, and being developed by Bill and Nancy Mosburg, submitted by Brent Thompson, County Surveyor, and Troy Shaw, County Engineer.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve and authorize the Mayor to sign said plat. Roll call was taken and there were six "Ayes," Markley, Bynum, Burroughs, Townsend, McKiernan, Johnson.

August 31, 2023

Item No. 2 – 212681...PLAT: AMERICAN ROYAL SECOND PLAT

Synopsis: Plat of American Royal Second Plat, located at 118th and State Avenue, and being developed by the American Royal Association, submitted by Brent Thompson, County Surveyor, and Troy Shaw, County Engineer.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve and authorize the Mayor to sign said plat. Roll call was taken and there were six “Ayes,” Markley, Bynum, Burroughs, Townsend, McKiernan, Johnson.

Item No. 3 – MINUTES

Synopsis: Minutes from the Special Session meeting on August 10, 2023.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve. Roll call was taken and there were six “Ayes,” Markley, Bynum, Burroughs, Townsend, McKiernan, Johnson.

Item No. 4 – WEEKLY BUSINESS MATERIAL

Synopsis: Weekly business material dated July 27 and August 3, 2023.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve. Roll call was taken and there were six “Ayes,” Markley, Bynum, Burroughs, Townsend, McKiernan, Johnson.

PUBLIC HEARING AGENDA

No items

STANDING COMMITTEES' AGENDA

No items

ADMINISTRATOR'S AGENDA

Item No. 1 – 212676...RESOLUTION: TRANSFER OWNERSHIP OF JUNIPER GARDENS

Synopsis: A resolution to transfer title of Juniper Gardens to the Kansas City, Kansas Housing Authority to clear the title for its sale, submitted by Wendy Green, Senior Counsel, Legal Department.

Wendy Green, Senior Counsel, said what we are here tonight for is the resolution in front of you, which would just authorize our County Administrator to sign a deed transferring title to the properties located off 1926 North 1st Street, 1803 North 3rd Street, and 101 Walker Avenue, which we all know as Juniper Gardens, to the ownership of the Kansas City, Kansas Housing Authority that's been operating those properties since the early 1960s. This is so that they can, in turn, then sell the properties themselves. Through the title search that they were doing in the sale process, they realized that the city still had ownership of the property, at least the title was in their name. I think it could be argued that they've had constructive ownership for quite a while and have been maintaining these properties.

David Johnston, County Administrator, said once this was brought to our attention, we were like well, we own subdivisions. As we looked into it, after it was brought to our attention by the Housing Authority, our attorney, Ms. Green, really articulated kind of a brief Cliff note history of these properties. Well before the Unified Government was formed, through the merger, Kansas City, KS, the city acquired property for special purposes. In this case, to provide housing to our low income. At that time we had an entity, the Housing Authority, that provided that service which appears to have been a practice in the '60s. We'd acquire the property. They would build on the property, manage it, and provide services to their residents. We have a number of these properties still. You'll be hearing more and more about requests for transfers to make it neater.

In the discussion with the Executive Director and the Board Chair, which you'll have an opportunity to hear in just a minute, I'll tell you, it was an eye-opener of the services that they provide their clients. I think it's the expectation of the types of services that most of you have talked to me, expect in dealing with low-income residents. It's actually helping them improve their lives. Get skills to be able to gain an income that opens more doors for them. Provides better health care and other amenities into their life.

As we're talking also, though, I'm impressed with our Housing Authority because they're also thinking outside the box. I think you'll hear today, one of the options that they're investigating is creating a community development corporation which uses public funds that they've identified to leverage private investment to continue their mission of providing affordable housing to our impoverished population. It was that discussion and kind of a strong encouragement, which you'll hear them, that in exchange for this property, you will move toward those types of models. We don't have them existing in very active ways in our community, but I've seen them in other cities. They do a wonderful job leveraging the private financial community to provide important public needs, services into our community, via housing development.

So, to keep me from continuing to talk, if I could invite our friends from the Housing Authority to talk about this proposal that'd be great. Also, they have agreed—I know it's been a desire of the Commission to get the two Boards together, our Commission and their Board, and really have a discussion of what they actually do. I think we see towers. We see neighborhoods at the end and that's probably about the experience a lot of us have, but they're doing some really interesting work.

Andrea Tapia, Executive Director for the Kansas City, Kansas Housing Authority, said I reside in Kansas City, KS. I want to thank the commissioners for this opportunity; the Mayor for this opportunity, and the County Administrator as well. We work hard at the housing agency to ensure that we provide affordable housing for those in need, but we also understand that housing isn't the end-all. We understand that once you house individuals, there are other needs that are needed. We do reach out to other organizations to help fill those gaps. We do rely on the Unified Government to help with that as well.

We do provide different services at the Housing Authority. We do have a Family Self-Sufficiency Program as well as the ROSS Program and other programs that we provide individuals who receive program subsidy through our agency. I would love to sit down with the commissioners and go over those services because sometimes I think that individuals think that the Housing Authority all we do is housing only, but we know that there are other needs for the people that we serve.

We are asking right now for the commissioners to allow the transfer of land to the Housing Authority so that we can move forward with the sale of Juniper Gardens. We have spoken to the

Unified Government before about this process when this came up as an issue for the Housing Authority and we did ask for support from the Unified Government.

I would like to read a letter that was submitted to the Housing Authority on August 11, 2020, from the Unified Government and it comes from Mr. David Alvey, the Mayor and CEO. It says:

Dear Mr. Scott. In response to your request for support for the disposition of Juniper Gardens, I would like to pledge the full support of the Unified Government. I am aware of the efforts made by the Housing Authority in the past to revitalize Juniper Gardens with numerous attempts that included funding from both Hope VI applications and several Choice Neighborhood grant applications. Many of these were supported by the Unified Government and a few were in partnership with the Unified Government.

Juniper Gardens, as the oldest and largest public housing development in the state of Kansas, has a long history making this decision a hard one. We understand that due to the age of the property and lack of services available to the residents, it is no longer a desirable site for housing. We must support the Housing Authority's decision to dispose of this property and to assist the residents in relocation and look forward to the ability to revitalize this area in a new way to enhance the economic viability of northeast Kansas City, KS.

The Unified Government pledges its support of the disposition of Juniper Gardens and looks forward to discussing ways we can assist in this endeavor. We are asking that the Unified Government uphold this support for the Kansas City, Kansas Housing Authority.

Commissioner Townsend said good evening, Ms. Tapia. Good to see you. Thank you, Counselor Green and Mr. Matt. The only question I have right now is, and I do recall the letter, the period of time for Mayor Alvey coming before the Board. With regard to the three addresses, what is the status of occupancy with those and relocation of any tenants?

Ms. Tapia said currently, we have 34 households that are still at Juniper Gardens. Many of them have housing choice vouchers so that they can seek out housing outside of the property, and that is by choice for the tenants. They have chosen. They had a choice. They can transfer onto property or receive a housing choice voucher. Some have chosen to move off properties. Some have chosen to port to other areas.

I'm sorry. What was the second question? **Commissioner Townsend** said I think you encompassed it. **Ms. Tapia** said there are 34 still in residency there.

Commissioner Townsend asked, is there some type of deadline by which those residents have to make a decision, and the action we take tonight will not preempt any time they may have been given? **Ms. Tapia** said no. We are allowing them the time that they need to relocate. We do have a relocation consultant that's been working with the residents to help them find housing. Also, their security deposits are paid. Their moving expenses are covered. We are doing everything that we can to ensure that we're not creating a burden for those who are relocating.

Commissioner Townsend asked, are they restricted in those vouchers only to Wyandotte County? **Ms. Tapia** said they are not. **Commissioner Townsend** said thank you for the work that you do.

Action: **RESOLUTION NO. R-55-23** "A resolution authorizing the Unified Government to transfer real estate to the Kansas City, Kansas Housing Authority located at 1926 N. 1st Street, 1803 N. 3rd Street, and 101 Walker Avenue, all in Kansas City, Kansas; said property has been operating as the Juniper Gardens Apartment Complex." **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to adopt the resolution as submitted.** Roll call was taken and there were six "Ayes," Markley, Bynum, Burroughs, Townsend, McKiernan, Johnson.

COMMISSIONERS' AGENDA

No items

Mayor Garner said that concludes the portion of our Regular meeting and I adjourn us in that capacity.

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Burroughs, to adjourn as the Board of Commissioners and reconvene as the Land Bank Board of Trustees.** Roll call was taken and there were six "Ayes," Markley, Bynum, Burroughs, Townsend, McKiernan, Johnson.

LAND BANK BOARD OF TRUSTEES' CONSENT AGENDA

Mayor Garner asked, do any members of the Commission or the County Administrator wish to set aside any item on the Land Bank Consent Agenda?

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve all items as submitted.** Roll call was taken and there were six “Ayes,” Markley, Bynum, Burroughs, Townsend, McKiernan, Johnson.

LAND BANK BOARD OF TRUSTEES' CONSENT AGENDA

Item No. 1 – 212628...LAND BANK OPTION APPLICATIONS

Synopsis: Request consideration of the following Land Bank option applications, submitted by Jud Knapp, Land Bank Manager.

Please visit the site to review the applications below.

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

Single Family Homes – 9 Homes

1. Jamie Shipley – 1 home
1600 S. 86th St. – 145656
2. Victor Hugo Martinez – 1 home
3719 Powell Ave. – 170902
3. Kale Caldwell – 1 home
1640 S. 14th St. – 143161
4. JM Framing – 1 home
3131 N. 70th Ter. – 034905
5. William Brantley Development, LLC – 1 home
517 Elizabeth Ave. – 119134
6. William Brantley Development, LLC – 1 home
624 Orville Ave. – 118453
7. William Brantley Development, LLC – 1 home
752 Sandusky Ave. – 081470
507 N. 8th St. - 081470
8. William Brantley Development, LLC – 1 home
645 Sandusky Ave. - 198815
9. Miguel Cortes – 1 home
2935 N. 77th St. - 928517

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve as submitted.** Roll call was taken and there were six “Ayes,” Markley, Bynum, Burroughs, Townsend, McKiernan, Johnson.

Item No. 2 – 212629...LAND BANK PROPERTY TRANSFERS

Synopsis: Request consideration of the following Land Bank transfers, submitted by Jud Knapp, Land Bank Manager.

Please visit the site to review the applications below.

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

PT – Property Transfers

1. Luis Cabrera – Yard Extension
1729 S. 15th St.
2. Unified Government – Storm Water Project
1060 Minnesota Ave. – 080412
1059 State Ave. – 080409

Action: Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve as submitted. Roll call was taken and there were six “Ayes,” Markley, Bynum, Burroughs, Townsend, McKiernan, Johnson.

PUBLIC ANNOUNCEMENTS

No items

ADJOURN

Action: Commissioner Johnson made a motion, seconded by Commissioner McKiernan, to adjourn. Roll call was taken and there were six “Ayes,” Markley, Bynum, Burroughs, Townsend, McKiernan, Johnson.

MAYOR GARNER

ADJOURNED THE MEETING AT 8:55 P.M.

August 31, 2023

Monica L. Sparks
Deputy Unified Government Clerk

cg

August 31, 2023



Unified Government Clerk's Office

Monica L. Sparks
Unified Government Clerk

701 North 7th Street, Suite 323
Kansas City, Kansas 66101-3070

Phone: 913-573-5260
Fax: 913-573-5299
<http://www.wycokck.org>

Memorandum

To: David Johnston
County Administrator

From: Monica L. Sparks
UG Clerk

Date: September 19, 2024

Re: Weekly Business Material

Attached is a listing of weekly business items presented to the Unified Government of Wyandotte County/Kansas City, Kansas, for informational purposes.

In addition to the listing of the items, we have indicated the action taken by the Unified Government Clerk.

Attachments

BM

Weekly Business Material for September 13, 2024 – September 19, 2024

1. REPORT:

- Financial report for the Self-Supporting Municipal District/Downtown Improvement District (SSMID) for the month of August 2024.

Action: Received and filed.

2. CLAIM FOR DAMAGES:

- Tamika White, Kansas City, KS, alleging personal injury on 11/25/2023.
- Norma Anderson, Kansas City, KS, alleging personal injury on 05/09/2024.

Action: Received and filed. Copies previously forwarded to Legal.

3. NOTICE OF CLAIM:

Gianlucas Pantoja, by and through his attorney Tom Dickerson, Jeff Rowe and Kahlie Hoffman of Dickerson Oxton LLC, and Gary Kessler of Kessler Law Offices, P.A.

Action: Received and filed. Copies previously forwarded to Legal.

4. TRAVEL REQUESTS:

- Robert Allen, Terence Dunn, Brandon Farrell, and Mya Hurley, KCKFD, travel to Colorado Springs, CO, from 9/16/2024 through 9/22/2024, to attend Colorado Springs Firefighter Memorial, no cost.
- Chris Blake and Chad Shore, KCKPD, travel to Johnston, IA, from 9/22/2024 through 9/27/2024, to attend Advance Swat training, Employee Training & Travel.
- Maribeth Buckley, KCKFD, travel to Emmitsburg, MD, from 11/9/2024 through 11/15/2024, to attend Youth Firesetting Prevention & Intervention, Employee Training & Travel.
- Deasiray Bush, Transportation, travel to San Francisco, CA, from 4/9/2025 through 4/13/2025, to attend FORUM 2025, Employee Training & Travel.
- Jeff Conway, Legal, travel to New Orleans, LA, from 10/21/2024 through 10/24/2024, to attend NADO Annual Training, NADO and Employee Training & Travel.
- Brandon Cole, Raymond Elmer, Ryan Heim, Eric Heim, and Brett McCoy, KCKFD, travel to Ephrata, PA, from 9/16/2024 through 9/19/2024, to attend Pre-Construction Conference, no cost.
- Sherri Courtney, Legal, travel to Las Vegas, NV, from 10/22/2024 through 10/26/2024, to attend Collective Bargaining for Public Safety Employees, Employee Training & Travel.

- Shenee Davis-Kross, KCKPD, travel to Quantico, VA, from 9/26/2024 through 12/14/2024, to attend FBI National Academy, FBI National Academy and Employee Training & Travel.
- Linda Ramirez, Aging, travel to Topeka, KS, from 10/8/2024 through 10/10/2024, to attend Silver Haired Legislature Annual Conference, Employee Training & Travel.
- Chad Womble, KCKFD, travel to various locations throughout Kansas City Metro Area, from 9/11/2024 through 6/11/2025, to attend Leadership 2000 Program, Employee Training & Travel.
- Chad Womble, KCKFD, travel to Manhattan, KS, from 10/30/2024 through 11/1/2024, to attend Kansas State Association of Fire Chiefs 2024 Conference, Employee Training & Travel.
- Matthew Zayas, Parks & Recreation, travel to Salina, KS, from 9/13/2024 through 9/13/2024, to attend KAC Budgeting & Finance workshop, Employee Training & Travel.

Action: Approved by Administrator's Office and received and filed.

5. BUSINESS BONDS:

- Electrical Bonds:
 - Potts Electric LLC
- Plumber's Bonds:
 - Corum Plumbing LLC
 - JAE Services LLC
- Mechanical/HVAC Bonds:
 - Gunn Heating and Cooling
 - JF Denney Inc

Action: Referred to License.

6. CONTINUATION CERTIFICATES:

- Plumber Bonds:
 - JF Denny Inc
- Electrical Bonds:
 - J Warren Company Inc

Action: Referred to License.

7. CANCELLATION NOTICE OF INSURANCE/BOND:

- Electrical Bonds:
 - Arizona Solar Solutions Inc., DBA Suntria
 - Helio Solar Power LLC

Action: Referred to License.

8. APPLICATION FOR DRINKING EST./PUBLIC VENUE:

- Rare Hospitality of Kansas Inc, Paula Jo Penegar, d/b/a Longhorn Steakhouse of Speedway, 1708 Village West Pkwy, Kansas City, KS 66111.
- KC Smashers LLC, Desiree C. Ross, d/b/a The Dotte Spot Bar & Grill, 8123 Parallel Pkwy, Kansas City, KS 66112.
- GM Restaurants of Kansas Inc., Mary Ann Young, d/b/a Olive Garden Italian Restaurant #1795, 10670 Parallel Pwky, Kansas City, KS 66109.

Action: Referred to License.



Unified Government Clerk's Office

Monica L. Sparks
Unified Government Clerk

701 North 7th Street, Suite 323
Kansas City, Kansas 66101-3070

Phone: 913-573-5260
Fax: 913-573-5299
<http://www.wycokck.org>

Memorandum

To: David Johnston
County Administrator

From: Monica L. Sparks
UG Clerk

Date: September 26, 2024

Re: Weekly Business Material

Attached is a listing of weekly business items presented to the Unified Government of Wyandotte County/Kansas City, Kansas, for informational purposes.

In addition to the listing of the items, we have indicated the action taken by the Unified Government Clerk.

Attachments

RM

1. CLAIM FOR DAMAGES:

- Meridith Burton, Independence, MO, alleging personal injury on 9/13/2024.
- Alojwon Collier, Kansas City, KS, alleging personal injury on 8/27/2024.
- Aaron McGee, Kansas City, KS, alleging personal injury on 8/21/2024.
- Norma Orton, Kansas City, KS, alleging damage to personal property on 9/16/2024.
- Alexander Watkins and Ryan Watkins, Manhattan, KS, alleging damage to personal automobile on 8/6/2024.

Action: Received and filed. Copies previously forwarded to Legal.

2. TRAVEL REQUESTS:

- Alan Howze, Chief Administrative Office, travel to Atlanta, GA, from 10/7/2024 through 10/11/2024, to attend the National Recreation and Parks Conference, paid by Employee Training and Travel.
- Bailey Joonas, Fire Department, travel to Colorado Springs, CO, from 9/19/2024 through 9/22/2024, to attend the Fallen Fire Fighter Memorial, no cost.
- Matthew Miller, Fire Department, travel to Fayetteville, AR, from 10/15/2024 through 10/17/2024, to attend the Tyler KAMOUG User Group Meeting, paid by Employee Training and Travel.

Action: Approved by Administrator's Office and received and filed.



Unified Government Clerk's Office

Monica L. Sparks
Unified Government Clerk

701 North 7th Street, Suite 323
Kansas City, Kansas 66101-3070

Phone: 913-573-5260
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<http://www.wycokck.org>

Memorandum

To: David Johnston
County Administrator

From: Monica L. Sparks
UG Clerk

Date: October 3, 2024

Re: Weekly Business Material

Attached is a listing of weekly business items presented to the Unified Government of Wyandotte County/Kansas City, Kansas, for informational purposes.

In addition to the listing of the items, we have indicated the action taken by the Unified Government Clerk.

Attachments

BM

Weekly Business Material for September 27, 2024 – October 3, 2024

1. CLAIM FOR DAMAGES:

- Eduardo Campos, Overland Park, KS, alleging property damage to vehicle on 3/31/2023.

Action: Received and filed. Copies previously forwarded to Legal.

2. NOTICE OF CLAIM:

- John Barnes, by and through his attorney John G. O'Connor, Robb, Taylor & O'Connor.

Action: Received and filed. Copies previously forwarded to Legal.

3. TRAVEL REQUESTS:

- Jeff Irwin and Lily Szewc, KCKPD, travel to Sandy Hook, KY, from 9/23/2024 through 9/25/2024, to conduct cold case interviews, Employee Training & Travel.
- Scarlet Mitchell, KCKPD, travel to Horseshoe Bay, TX, from 12/2/2024 through 12/6/2024, to attend Cold Case and Missing Persons Conference, Employee Training & Travel.
- Daniel Soptic, Sheriff's Office, travel to Las Vegas, NV, from 12/7/2024 through 12/11/2024, to attend Recruiting, Hiring, Background Investigations and Retention Conference, Employee Training & Travel.
- Nicholas Novak, Parks & Recreation, travel to Manhattan, KS, from 10/7/2024 through 10/11/2024, to attend Kansas Arborist Training Conference, Employee Training & Travel.

Action: Approved by Administrator's Office and received and filed.



Report to Full Commission

MEETING DATE	PRESENTER	DEPARTMENT
	Jud Knapp, Acting Land Bank Manager jknapp@wycokck.org x5472	Land Bank Approvals
AGENDA ITEM #XV.1.		
LAND BANK OPTIONS		
BACKGROUND		
The following option application(s) was presented at the 09/30/2024 meeting: Please visit the new site to review the applications below https://gisapp.wycokck.org/Landbank.html 8 Single Family Homes + Nehemiah Project 2 Multi-Family Units 1 Commercial		
RECOMMENDATION		
Approve		
BUDGET IMPACTS / FINANCIAL CONSIDERATIONS		
IT/POLICY CONSIDERATIONS		
PROCUREMENT CONSIDERATIONS		
LEGAL CONSIDERATIONS		
ATTACHMENTS		
FC Memo Land Bank Options 10.30.24		

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



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: October 23, 2024
SUBJECT: Option applications for consideration

The following **option application(s)** was presented at the 09/30/2024 meeting:

Please visit the new site to review the applications below

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

A. Single Family Homes – 8 Homes + Nehemiah Project

7. Junior Miguel Paz Morales – 1 home
 - i. 3431 Barnett Ave – 059421
8. Pillar KC LLC – 1 home
 - i. 1517 N 55th St – 918005
9. Fran Sutton, FMJ Properties – 1 home
 - i. 3501 Lust Dr – 079409
10. Juan Gilt / Patricia Carreon – 2 homes
 - i. 17 S 13th ST – 103245
 - ii. 1241 Ridge Ave – 067000
11. Jared Storhaug – 1 home
 - i. 841 N 84th St – 009406
12. Mohamed Huubse – 1 home
 - i. 1852 S Early St – 155050
13. Jorge Gutierrez – 1 home
 - i. 1122 Lafayette Ave – 157002

15. Nehemiah Project - ???
 - i. 3090 N 18TH ST - 162402
 - ii. 3084 N 18TH ST - 162403
 - iii. 3056 N 18TH ST - 162407
 - iv. 3054 N 18TH ST - 162408
 - v. 3042 N 18TH ST - 162410
 - vi. 3058 N 18TH ST - 162506
 - vii. 2936 N 18TH ST - 162600
 - viii. 3061 N 20TH ST - 162416

- ix. 3063 N 20TH ST - 162417
- x. 3069 N 20TH ST - 162418
- xi. 3075 N 20TH ST – 162419
- xii. 3035 N 20th St – 162604
- xiii. 3019 N 20th St - 162602
- xiv. 2836 HIAWATHA ST - 158759
- xv. 1818 YECKER AVE - 115779
- xvi. 1828 YECKER AVE - 158753
- xvii. 1826 YECKER AVE - 158754
- xviii. 1816 YECKER AVE - 158756
- xix. 1810 YECKER AVE - 158757
- xx. 1806 YECKER AVE - 158758
- xxi. 1800 YECKER AVE - 158760
- xxii. 1811 YECKER AVE - 158764
- xxiii. 1821 YECKER AVE - 158766
- xxiv. 1823 YECKER AVE - 158767
- xxv. 1825 YECKER AVE - 158769
- xxvi. 1829 YECKER AVE - 158770
- xxvii. 1831 YECKER AVE - 158771

B. Multi Family – 2 units

- 1. Don White – 2 Units
 - i. 1007 N 33rd St – 194334

C. Commercial

- 1. RA Engineering Corp
 - i. 5320 State Ave - 406501



Report to Full Commission

MEETING DATE	PRESENTER	DEPARTMENT
	Jud Knapp, Acting Land Bank Manager jknapp@wycokck.org x5472	Land Bank Approvals
AGENDA ITEM #XV.2.		
LAND BANK PROPERTY TRANSFERS		
BACKGROUND		
The following property transfer application(s) was presented at the 09/30/24 standing committee meeting: Please visit the new site to review the applications below https://gisapp.wycokck.org/Landbank.html 1 UG transfer into the Land Bank		
RECOMMENDATION		
Approve		
BUDGET IMPACTS / FINANCIAL CONSIDERATIONS		
IT/POLICY CONSIDERATIONS		
PROCUREMENT CONSIDERATIONS		
LEGAL CONSIDERATIONS		
ATTACHMENTS		
FC Memo Land Bank Property Transfers 10.30.24		

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



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: October 23, 2024
SUBJECT: Property Transfers applications for consideration

The following **property transfers application(s)** was presented at the 09/30/24 standing committee meeting:

Please visit the new site to review the applications below
<https://gisapp.wycokck.org/Landbank.html>

PT – Property Transfers

1. Nehemiah Project
 - i. 1815 Yecker Ave – 158765
 1. Transfer of an UG owned property into the Land Bank for the Nehemiah Project.

