

# CITY PLANNING COMMISSION

APRIL 11, 2022

## MINUTES

The City Planning Commission met in regular session on Monday, April 11, 2022, at 7:32 p.m. (1:31:36), (via Zoom Webinar (and the City Hall Lobby was open) with the following members present: Mr. Jeff Carson, Chairman Presiding, Mr. Duane Beth, Mr. James Ernst, Mr. Jake Miller, Mr. Mark Mohler, Ms. Susannah Pauley, Mr. Joseph Straws III and Mr. Aaron Ward (Absent: Armstrong, Connelly, and Jones). Mr. Gunnar H. Hand, AICP, Director of Planning, Ms. Janet L. Parker, CSC/APC, Executive Assistant, Mr. Byron A. Toy, AICP, Lead Planner, Mr. Patrick Waters, Senior Counsel, and Mr. James Molloy, Planning Intern (located in the City Hall Lobby) were also present.

Chairman Carson called the meeting to order at 7:32 p.m.

Recording Secretary Parker welcomed Mr. Duane Beth to the Planning Commission.

Recording Secretary Parker stated that Staff is requesting that the following items be added to the Consent Agenda this evening as there was a Staff error (PR2022-010) and miscommunication between Staff and the developer on PLAT2022-007 and PR2022-002. Staff reports were sent to the Planning Commission

**PLAN REVIEW APPLICATION PR2022-010 – MICHAEL BEREBOB/HUDSON APARTMENTS LLC - SYNOPSIS:** Final Plan Review for 228-unit complex (Hudson Apartments) at 3600 Rainbow Boulevard.

*Detailed Outline of Requested Action:* The applicant, Michael Berenbom with Hudson Apartments, LLC, is requesting to build a three (3) story apartment complex to build a 228-unit, five (5) story over two (2) story parking garage apartment building on 2.66 redeveloped acres. City Ordinance Requirements: *Article VIII Sections 27-340 – 27-765*

**PLAT2022-007 – DAVID WINGERSON – SYNOPSIS:** Final Plat for one (1) lot at 200 South James Street.

**PR2022-012 – DAVID WINGERSON – SYNOPSIS:** Final Plan Review for a mixed-use residential/commercial development at 200 South James Street.

*Detailed Outline of Requested Action:* The applicant, David Wingeron with Flaherty & Collins, is requesting a Final Plat and a Final Plan Review. The Final Plat is for one (1) lot, which will host a multi-family residential building, parking lots, pedestrian facilities, and green space. The Final Plan Review is for the said proposed multi-family residential building with 224 units and supporting amenities. This development, known as “Yards II”, is in connection with the proposed establishment of the Riverfront Tax Increment Financing (TIF) District.

City Ordinance Requirements: Chapter 27, Article VI, Sections 27-196—208, 27-212, 27-215; Article VII, Sections 27-279—281, 27-286; and Article VIII, Sections 27-471, 27-669—676

The Planning Commission voted unanimously to add these items to the Consent Agenda (Pauley/Miller).

Recording Secretary Parker read the **Planning Commission Statement**: “We would like to welcome those participating to the meeting of the City Planning Commission. Due to COVID-19, the members are participating remotely by Zoom Webinar. Mr. Jeff Carson is serving as chairman this evening.

Please note the following instructions for the meeting:

1. If you are joining by Zoom Video, please make sure you have an appropriate background and plan to stay visible during the meeting.
2. Planning Commission Members - Use the raise your hand feature to speak, after Chairman Carson recognizes you, unmute your microphone and please state your name when you begin to speak. If you need to recuse or if you need a personal break, use the raise your hand feature.
3. For those in attendance, use the “raise your hand” feature when you want to speak on an issue. The Chairman will recognize you when it is your time to speak, unmute your microphone and state your name and address before giving your comments.
4. If you have called in by telephone only or if you are having trouble logging into the Zoom meeting, please email [planninginfo@wycokck.org](mailto:planninginfo@wycokck.org) as Secretary Parker is monitoring that email.
5. Proper meeting decorum is expected of all participating in the meeting and anyone who fails to act properly may be removed from the meeting. The City reserves the right to discontinue a meeting if any improper behavior occurs which prevents the uninterrupted conduct of business.

The Planning Commission is a voluntary body of citizens, which will review each zoning proposal. For all change of zones, special use permits, vacations, and preliminary plan reviews on tonight’s agenda, the Planning Commission makes recommendations to the Unified Government Board of Commissioners, who will then make the final decisions on **Thursday, April 28, 2022**. For final plats and final plan reviews heard tonight, the Planning Commission’s decision is final and there will not be another hearing. The format for this evening’s meeting is as follows:

1. The applicant will make the opening statement explaining the proposal. Please note that the applicant will be given fifteen (15) minutes to present their case. The fifteen (15) minutes includes the applicant, consultants, and other members of the applicant’s team.
2. Members of the Planning Commission will then address any questions they may have to the applicant. Any persons wishing to speak in favor will be called upon and allowed to do so at that time.
3. Then those persons in opposition will be called upon and allowed to make their statements and ask questions. Please note that each member of the public who wishes to speak will be given five (5) minutes to express their opinions. Time may not be shared between speakers.

4. A speaker may request to extend their time and the Planning Commission may by two-thirds (2/3) majority vote extend any speaker's time in five (5) minute increments.
5. The applicant will then answer questions and make a closing statement.
6. The public hearing portion of the meeting will be closed, and the public will only be allowed to address the Commission if a question is directed to them.
7. The Planning Commission will discuss the application and make their recommendation.

If persons in opposition want to formally protest a change of zone or special use permit, a means is available by a legal protest petition which can be obtained along with the necessary instructions, by emailing the Planning and Urban Design Department at [planninginfo@wycokck.org](mailto:planninginfo@wycokck.org) tomorrow morning. Any application receiving a unanimous vote of recommendation by the Planning Commission will appear on the consent agenda of the Unified Government Board of Commissioners. Unless there is a request to remove an item from the consent agenda by the applicant, a member of the Unified Government Commission, or other interested parties, the Planning Commission's recommendation will be adopted. The consent agenda is heard at the beginning of the meeting at 7:00 p.m.

The Planning Commission will also have a consent agenda as part of their meeting this evening. The Consent Agenda is the first part of the agenda. Items on the Consent Agenda are Final Plats, Final Plans or Special Use Permit Renewals that have received a staff recommendation to approve. Unless there is a request to **REMOVE** an item from the Consent Agenda by the applicant, a member of the staff, a member of the Planning Commission or other interested parties, the staff recommendation on all the items on the Consent Agenda will be adopted by the Planning Commission at one time.

I will read a list of agenda items on the Consent Agenda, and when I have completed the list, the Chairman will ask if there are any requests to remove items. This is your time to use the raise your hand feature, be recognized, and request that an item be removed from the Consent Agenda if you do not agree with the staff's recommendation.

The Planning Commission is required to disclose contacts about any item on the Planning Commission Agenda. Before each item I will ask if any contacts have been made and members of the Commission will be asked to disclose those contacts.

Please note that your opinions will be forwarded to the Governing Body for their consideration in making a final decision. In addition, those who received notices for this hearing will again receive them for the hearing on **Thursday, April 28, 2022, at 7:00 p.m.**

I will now read the items on the **Consent Agenda (at 1:41):**

## **CONSIDERATION OF THE MARCH 14, 2022, CITY PLANNING COMMISSION MINUTES.**

**SPECIAL USE PERMIT APPLICATION SP2022-003 – PETE DAVIS, JR. WITH AUTO PLUG LLC – SYNOPSIS:** Renewal of a Special Use Permit (SP-2019-112 – expired 1/9/2022) for a car dealership and auto repair at 1830 Quindaro Boulevard.

Detailed Outline of Requested Action: The applicant, Pete Davis Jr., is requesting to renew a Special Use Permit to operate a car dealership on the property. Besides the car dealership, the property will also engage in auto detailing, auto repair, and auto stereo installation. This property was approved for two (2) Special Use Permits for this use (SP-2019-87 and SP-2019-112) in 2019, and obtained a variance for sight-distance triangle and building setbacks (BZA-2341) in 2019.

City Ordinance Requirements: 27-592 through 27-606

**SPECIAL USE PERMIT APPLICATION SP2022-019 – JOE HEIDRICK WITH CACTUS BED PROPERTIES, LLC – SYNOPSIS:** Renewal of a Special Use Permit (SP-2020-4 – expired 1/30/2022) for a Short-Term Rental at 4313 Rainbow Boulevard.

Detailed Outline of Requested Action: The Applicant, Joe Heidrick DBA Cactus Bed Properties, is seeking the renewal of the approval to operate a short-term rental at 4313 Rainbow Boulevard. This is their second renewal. The previous permit expired on January 30, 2022. The subject property is on the Rainbow Boulevard commercial corridor. The applicant owns the property next door, which is undergoing improvements and is also being proposed as a new short-term rental.

City Ordinance Requirements: Article VIII Sections 27-340 – 27-765 and Article VII Sections 27-454 – 27-457, Sections 27-592 – 27-606.

**SPECIAL USE PERMIT APPLICATION SP2022-034 – DR. JESSICA DAIN WITH PIPER SCHOOL DISTRICT USD 203 – SYNOPSIS:** Renewal of a Special Use Permit (SP-2020-27 – expires 4/30/2022) to continue to use a modular building with eight (8) classrooms serving 190 students at Piper Middle School at 4420 North 107<sup>th</sup> Street.

Detailed Outline of Requested Action: The applicant, Dr. Jessica Dain with Piper USD 203, is requesting the renewal of a special use permit that allows them to place a temporary structure adjacent to Piper Middle School for the purposes of having classrooms for 8th grade students. This is intended to be a temporary measure until funding and plans can be put in place for a more permanent solution.

City Ordinance Requirements: 27-592 through 27-606

**PR2022-003 – RODNEY RANZENBERGER WITH GBS – SYNOPSIS:** Final Plan Review for Pretech warehouse expansion at 2600 South 88<sup>th</sup> Street.

Detailed Outline of Requested Action: The applicant, Rodney Ranzenberger with GBA, is requesting a Final Plan Review for the expansion of a production facility for precast concrete pipe at 2600 South 88<sup>th</sup> Street. The subject property consists of one (1) building, which will be expanded by 19,104 square feet to create a single building measuring 42,384 square feet. The proposed parking lot demonstrates 10 parking spaces, which is under the parking minimum standards; these parking spaces will be addressed in BOZA2022-018, heard simultaneously.

City Ordinance Requirements: Article VI, Sections 27-196 – 27-209, 27-212

**PLAN REVIEW APPLICATION PR2022-010 – MICHAEL BEREBO/HUDSON APARTMENTS LLC - SYNOPSIS:** Final Plan Review for 228-unit complex (Hudson Apartments) at 3600 Rainbow Boulevard.

Detailed Outline of Requested Action: The applicant, Michael Berenbom with Hudson Apartments, LLC, is requesting to build a three (3) story apartment complex to build a 228-unit, five (5) story over two (2) story parking garage apartment building on 2.66 redeveloped acres. City Ordinance Requirements: *Article VIII Sections 27-340 – 27-765*

**PLAT2022-007 – DAVID WINGERSON – SYNOPSIS:** Final Plat for one (1) lot at 200 South James Street.

**PR2022-012 – DAVID WINGERSON – SYNOPSIS:** Final Plan Review for a mixed-use residential/commercial development at 200 South James Street.

Detailed Outline of Requested Action: The applicant, David Wingerson with Flaherty & Collins, is requesting a Final Plat and a Final Plan Review. The Final Plat is for one (1) lot, which will host a multi-family residential building, parking lots, pedestrian facilities, and green space. The Final Plan Review is for the said proposed multi-family residential building with 224 units and supporting amenities. This development, known as “Yards II”, is in connection with the proposed establishment of the Riverfront Tax Increment Financing (TIF) District.

City Ordinance Requirements: Chapter 27, Article VI, Sections 27-196—208, 27-212, 27-215; Article VII, Sections 27-279—281, 27-286; and Article VIII, Sections 27-471, 27-669—676

**PLAN REVIEW APPLICATION PR2022-013 – ERIC NELSON WITH FAMILY TREE NURSERY – SYNOPSIS:** Final Plan Review for a new warehouse at 13820 Donahoo Road.

Detailed Outline of Requested Action: The applicant, Eric Nelson with Family Tree Nursery, wants to build a 20,000 square foot addition for office and warehousing to continue agricultural plant production and a nursery pond on 18.25 acres at 13820 Donahoo Road.

City Ordinance Requirements: Article VIII Sections 27-340 – 27-765

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

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

1. The City’s currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City’s currently adopted Master Plan for the area in question;
4. The staff report and attachments dated April 11 2022;
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 any member of the Commission, staff or public wished to remove an item from the Consent Agenda. (No one responded in the affirmative.)

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

<b>Carson</b>	<b>Chairman</b>
<b>Armstrong</b>	<b>Not Present</b>
<b>Beth</b>	<b>Aye</b>
<b>Connelly</b>	<b>Not Present</b>
<b>Ernst</b>	<b>Aye</b>
<b>Jones</b>	<b>Not Present</b>
<b>Miller</b>	<b>Aye</b>
<b>Mohler</b>	<b>Aye</b>
<b>Pauley</b>	<b>Aye</b>
<b>Straws</b>	<b>Aye</b>
<b>Ward</b>	<b>Aye</b>

**Motion to APPROVE Passed: 7 to 0**

**Subject to:**

**SP2022-003:**

- 1. Section 27-696(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;**
- 2. The applicant shall build a trash enclosure around the trash receptacle on the north side of their property;**
- 3. The applicant shall remove the reflective glass from the windows, as it is in violation of Sec. 27-576 (h)(2) of the Commercial Design Guidelines, which states that “reflective or mirrored glass for use as windows is prohibited, unless determined otherwise by the director;**
- 4. Section 27-467(g) requires that trees are required at not less than one (1) per 7,000 square feet of site area. The subject property has 12,847 square feet, requiring two (2) trees be provided;**
- 5. Section 27-467(g) requires that a six (6) foot high architectural screening is to be provided along all side and rear property lines common to or across an alley from residentially zoned property. Additional screening or buffering may be required to soften the visual impact of parking or unsightly areas;**
- 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 to begin this process;
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 [buildinginspecton@wycokck.org](mailto:buildinginspecton@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. 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. 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;
  10. All existing and future driveways must feature curb cuts that are constructed to UG standards;
  11. The applicant must maintain a current business occupation tax application;
  12. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and 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;
  13. Shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, as applicable;
  14. Any business or land use in Wyandotte County that is required to provide off-street parking shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-466 through 27-470; 27-592 through 27-616; 27-667 through 27-676]. Inoperable vehicles shall be stored inside an enclosed building. Inoperable vehicles may not be stored outside unless they are completely screened from view in accordance with all applicable ordinances. Outside storage

- shall not include wrecked or salvage vehicles. Any vehicle parked or stored outside must be on an improved surface, located on the same land parcel as the business use, and be parked within a regulation dimension parking stall. Any outside storage may not reduce the availability of all required parking spaces as required by ordinance;
15. ADA compliant parking proximate to the entrance must be installed, including the required graphics and sign placards;
  16. All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
    - a. Sec 27-673(a) Any lights used to illuminate the parking area shall be so arranged, located or screened as to direct light away from any adjoining or abutting residential district;
  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 in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,
  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

**SP2022-019:**

1. If Approved, Applicant shall maintain a business license from the Wyandotte County Business License office;
2. If Approved, Applicant shall post a Lead-Based Paint Notice and Asbestos Notice (if necessary) in the guest book or tenant guide;
3. Applicant shall provide a third-party home inspection report no older than 6 months upon next renewal;
4. Applicant shall provide evidence of repair for any repairs required as a result of the home inspection report;
5. Applicant shall provide a copy of the site plan indicating parking and common areas;
6. Applicant shall provide a floor plan;
7. Applicant shall improve the parking in the rear to ensure no more than 30% of the rear yard is utilized for parking;
8. Parking must be of an improved surface of asphalt or concrete;
9. Maximum number of guests, which has been deemed appropriate for the available accommodations shall be eight (8) adults;
10. Guest parking must be provided off-street. Maximum number of guest vehicles shall be three (3);
11. Parking must take place off-street;



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. Applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
14. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;
15. 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. Include the contact information for Host Compliance: 913-246-5133 [www.hostcompliance.com/tips](http://www.hostcompliance.com/tips);
16. The Special Use Permit shall be valid for one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,
17. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

**SP2022-034:**

1. This temporary classroom will be removed by 2024 as part of the Piper USD 203 Bond that was passed for modifications and programming to the school buildings within the district;
2. 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 [buildinginspecton@wycokck.org](mailto:buildinginspecton@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;
3. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to

the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved and,

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

**PR2022-003:**

- 1) The Final Plan Review must conform to all plans submitted by the applicant. Relevant plans can be found in the *Attachments* section of this report;
- 2) The proposed expansion of the existing precast concrete pipe manufacturing facility will not increase traffic. As the subject property is in a planned zoning district, any future developments to the site may require a separate plan review;
- 3) Per Section 27-202, plant material used for screening shall provide coverage of at least 50 percent of the required screening area in the first growing season. Total coverage must be accomplished by the third growing season. Deciduous plant material used for screening purposes shall have a twig or branch structure dense enough to provide a solid winter screen. Plant material used for screening purposes may exceed screening height requirements provided such plant material does not adversely affect adjacent properties. Plant selection for screening purposes must conform to the standards and objectives of this article;
- 4) Per Section 27-703, the owner, developer, their agents, and successors shall be responsible for all maintenance. All landscaping must be maintained in a healthy and orderly appearance and must be kept free of debris and dead plant material. Plant material that has died or has been severely damaged must be replaced by the next planting period. Architectural screening shall be maintained in good repair;
- 5) Per Section 27-704, all landscape elements and screening must be in place and in proper condition prior to issuance of a final Certificate of Occupancy. In instances where adverse weather or seasonal restrictions preclude planting, a temporary certificate of occupancy may be issued upon written commitment by the owner, developer or subsequent agents to complete the planting when conditions are appropriate;
- 6) This City Planning Commission case is being heard in conjunction with BOZA2022-018. Any approval by the City Planning Commission or Board of Commissioners of this case, and the conditions of approval contained herein, are contingent, and shall only go into effect, upon the approval of BOZA2022-018 by the Unified Government Board of Zoning Appeals and upon any ordinance publications required by law;
- 7) The applicant has filed and maintained a current business occupation tax application;
- 8) A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing

- structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by [buildinginspecton@wycokck.org](mailto:buildinginspecton@wycokck.org) to confirm if they need a building permit, and if so must take it upon themselves to initiate the building permit process accordingly;
- 9) All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
  - 10) Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design to begin this process;
  - 11) All existing and future driveways must feature curb cuts that are constructed to UG standards;
  - 12) Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable; and,
  - 13) Site improvements that include land disturbance activity on greater than 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—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, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Department, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620.

**PR2022-010:**

1. Sec. 27-461(c)2.e. For parking and other paved areas: Not less than 25 feet from any street line and not less than six (6) feet from any other property line;
2. In addition to establishing greater pedestrian connectivity throughout the development, where there are major parking lot crossings, crosswalks and/or other traffic calming devices shall be painted in the drive aisles, so residents and guests are alert to look for pedestrians;
3. All amenities shall be built during the first phase of the development.
  - a. Enclosed and landscaped courtyard with grill area, fire pit and seating;
  - b. Swimming pool;
  - c. Rooftop patio; and,
  - d. Enclosed bike storage will also be provided on the ground level garage with additional access to a bike area.
- 4) All dwelling units within a new development must be provided with a basement or with a FEMA standard safe room constructed to tornado standards for the protection of the occupants;

- 5) Per the Rosedale Master Plan, all developments must have a primary entrance oriented towards the development's primary public street. These "front door" entrances must be articulated with one of the following options:
- Masonry stoop with cheek walls;
  - Covered or uncovered porch (minimum area of 35 square feet);
  - Projecting or inset portico (minimum area of 18 square feet); or,
  - Patio or yard enclosed by three (3) masonry and decorative iron fence.

At least one (1) decorative light must be placed to the side or above doorways. Doors must have or have the appearance of inset panels, lights, or other architectural detailing. Flat storm doors or patio doors are prohibited for primary street-oriented first floor entrances;

- 6) The proposed garage doors shall match the adjacent exterior building façade color;
- 7) Downspouts shall be internalized;
- 8) An easement over the Tree Preservation Area will be recorded via book and page document at the County prior to building permit issuance. Easement language will be coordinated with Unified Government Staff;
- 9) Because there is University of Kansas Health Systems parking lot to the west and south, albeit heavily wooded along Rainbow Boulevard to the south, staff is amenable for the applicant to not build a fence currently. Vegetation will provide the same benefit and look more attractive;
- 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) All landscaping shall be irrigated;
- 12) All utility connections, this includes green electrical boxes and free-standing electrical meters must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building. Rooftop mechanical equipment shall be screened from public view by an architectural screen;
- 13) All electrical meter banks, typically on the side of the building shall be screened from public view;
- 14) BPU transformer pad shall be completely screened on three (3) sides with 6-foot junipers setback (3) feet from the pad and ten (10) feet from the door opening. Additionally, if the transformer doors open towards the parking lot, the 10-foot setback is established in the parking lot, therefore the gate/enclosure shall be constructed in front of the transformer;
- 15) Mechanical equipment or other utilities whether on the ground or mounted on the building shall be screened from public view. The screening shall either be dense landscaping with a minimum of six-foot (6') evergreens or an architectural wall constructed from the same materials as the main building;
- 16) Satellite dishes shall not be erected on the exterior of patios and decks. Banks need to be provided for satellite dishes on apartment units. They need to be hidden from view from the public streets and the public;
- 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](mailto:signpermits@wycokck.org) to begin this process;

- 18) 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.

**PLAT2022-007:**

- 1) This petition is for a Final Plat. The submitted application and supporting documentation must be consistent with the approved Preliminary Plat, PLAT2020-002;
- 2) 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;
- 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 [buildinginspecton@wycokck.org](mailto:buildinginspecton@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) A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by [info@wycokck.org](mailto:info@wycokck.org) to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
- 5) Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
- 6) 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;
- 7) Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or [signpermits@wycokck.org](mailto:signpermits@wycokck.org) to begin this process; and,

- 8) All final public improvement plans, including the plans for sidewalks and streets, and stormwater and sewer lines, must be reviewed, approved, and signed by the County Engineer. No Final Plat can go before the City Planning Commission without first receiving approval by the County Engineer.

**PR2022-012:**

- 1) This petition is for a Final Plan Review. The submitted application and supporting documentation must be consistent with the approved Preliminary Plan Review contained within COZ-0007, and may not deviate from said Preliminary Plan Review other than allowed by Section 27-212(g);
- 2) The Final Plan Review must conform to all plans submitted by the applicant. Relevant plans can be found in the *Attachments* section of this report;
- 3) Create hashmarks to connect ADA spaces southwest to ADA spaces in south parking lot;
- 4) Per the Mixed-Use Design Guidelines, on-site parking will be located behind the buildings. As the current site plan shows the majority of on-site parking located to the side of the primary building façade, such a deviation may only be allowed by the City Planning Commission;
- 5) Per the Mixed-Use Design Guidelines, a minimum of 75% of all buildings should have a zero (0)-foot setback. As the current site plan does not demonstrate this for reasons stated in the applicant's response, such a deviation may only be allowed by the City Planning Commission; and,
- 6) Per the Mixed-Use Design Guidelines, high-quality masonry building materials approved for this district are stone, brick, cast stone and stucco. Synthetic stone, such as pre-manufactured fiberglass, cultured stone, or glass-fiber reinforced concrete is permitted, provided that it is identical in appearance and of equal or greater durability to natural stone. These masonry materials shall be required on 65% of the sum total of all building façades, except single-family houses, which shall have 25% of the sum total of all façades. As the current site plan demonstrates a different mix of materials for reasons stated in the applicant's response, such a deviation may only be allowed by the City Planning Commission;
- 7) All final public improvement plans, including sidewalks, streets, and storm sewers must be signed by the County Engineer before PLAT2022-007 and PR2022-012 can proceed;
- 8) The zero-lot line required by the Mixed-Use Design Guidelines have not been met. The applicant must request to the City Planning Commission a deviation from this requirement due to the unique circumstances outlined in the Applicant Response to "Mixed-Use Design Guidelines, City-Wide Master Plan" Comment #2e in the *Staff Comments and Suggestions* section of this report;
- 9) All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
- 10) 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 [buildinginspecton@wycokck.org](mailto:buildinginspecton@wycokck.org) to confirm if they need a building permit,

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

- 11) A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by [info@wycokck.org](mailto:info@wycokck.org) to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
- 12) Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
- 13) Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;
- 14) Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or [signpermits@wycokck.org](mailto:signpermits@wycokck.org) to begin this process; and,
- 15) All final public improvement plans, including the plans for sidewalks and streets, and stormwater and sewer lines, must be reviewed, approved, and signed by the County Engineer. No Final Plat can go before the City Planning Commission without first receiving approval by the County Engineer.

**PR2022-013:**

1. All parking spaces must have wheel stops installed in front of each parking space because curbs are not proposed both in this proposed expansion, and at the existing facility;
2. Install Junipers in front of the privacy fence facing towards the existing single-family home and extend the privacy fence further south so headlights will shine south towards the Donahoo and not the single-family residence;
3. Ensure the landscaping along the east parking lot, in front of the existing production greenhouse is established and in good health;
4. Since plans have been submitted to the Development Review Committee, if there are additional comments that are issued by various departments, the building permit set (construction drawings) shall be revised;
5. All utilities servicing the building shall be underground;
6. All lighting whether mounted on the building or installed in the parking lot shall have 90-degree cutoff fixtures;
7. Install a five (5) foot sidewalk east, across the parking lot in front of the fourteen (14) head-in parking spaces to facilitate pedestrian access rather than having to walk through the parking lot;

8. Light poles erected adjacent to the private street shall have 90-degree cutoff fixtures;
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 [buildinginspecton@wycokck.org](mailto:buildinginspecton@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. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable; and,
11. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620.

Recording Secretary Parker stated that the Special Use Permit applications will be heard by the Unified Government Board of Commissioners on April 28, 2022 at 7:00 p.m.

Recording Secretary Parker stated that the Consent Agenda is now complete, and the Commission will consider the Non-Consent Agenda.

**Hearing starts at 1:46:15:**

**CHANGE OF ZONE APPLICATION COZ2022-012 – MATT TOMASIC WITH POLICE ATHLETIC LEAGUE – SYNOPSIS:** Change of Zone from R-1(B) Single Family District to RP-5 Planned Apartment District to construct a pickleball court at 800 North 5<sup>th</sup> Street.

*Detailed Outline of Requested Action:* The applicant, Matt Tomasic, is proposing to rezone the property from its current split zoning of RP-5 Planned Apartment District and R-1(B) Single-Family District to RP-5 Planned Apartment District, construct a pickleball court and new parking lot with nine (9) spaces and bring all accessory structures into compliance at the Police Athletic League at 800 North 5<sup>th</sup> Street.

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

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

1. The City's currently adopted zoning and subdivision regulations;



2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated April 11, 2022;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notices 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:**

- Matt Tomasic, applicant
- Adam Wiechman, architect, 2416 East Pershing, Kansas City, Missouri
- Jeff Fendorf

**Present in Opposition:**

- No one appeared

**Staff Recommendation starts at 1:49:16:** Planning Director Hand stated that the Change of Zone request is from R-1(B) Single Family District and RP-5 Planned Apartment District to RP-5 Planned Apartment District. The property has split zoning with the former St. Mary's church, which now houses the Police Athletic League, currently zoned RP-5, and the associated gardens to its rear (west) currently zoned R-1(B). The pickleball court will be located at the northeast corner of the property. The property is located in the Central Area Master Plan. Staff received one (1) letter in support from the Downtown Shareholders and no letters in opposition. There are old Notices of Violations on this property, but none relate to this proposed use and site improvements. He stated the rezoning to RP-5 Planned Apartment District will bring the existing accessory structures into compliance. Staff recommends approval subject to the conditions in the Staff report.

**Motion and Vote starts at 1:51:13:**

On motion by Mr. Mohler, seconded by Mr. Miller, the Planning Commission voted as follows to **recommend APPROVAL of Change of Zone Application COZ2022-012:**

<b>Carson</b>	<b>Chairman</b>
<b>Armstrong</b>	<b>Not Present</b>
<b>Beth</b>	<b>Aye</b>
<b>Connelly</b>	<b>Not Present</b>
<b>Ernst</b>	<b>Aye</b>
<b>Jones</b>	<b>Not Present</b>
<b>Miller</b>	<b>Aye</b>
<b>Mohler</b>	<b>Aye</b>
<b>Pauley</b>	<b>Aye</b>
<b>Straws</b>	<b>Aye</b>
<b>Ward</b>	<b>Aye</b>

**Motion to recommend APPROVAL Passed: 7 to 0**

**Subject to:**

- 1. The proposed retaining wall material shall match that of the retaining wall on the south side of the property along Ann Avenue;**
- 2. The applicant must ensure that the brick sidewalk shall not be damaged through the construction process;**
- 3. The subject property is an identified Historic Landmark. A Certificate of Appropriateness is required prior to any demolition, alteration, construction, repair, change of occupancy, or change in use of the subject property. Please contact the Department of Planning and Urban Design at (913) 573-5750 or email [planninginfo@wycokck.org](mailto:planninginfo@wycokck.org) to begin that process;**
- 4. 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;**
- 5. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or [signpermits@wycokck.org](mailto:signpermits@wycokck.org) to begin this process;**
- 6. 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 [buildinginspecton@wycokck.org](mailto:buildinginspecton@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. All existing and future driveways must feature curb cuts that are constructed to UG standards;**
- 8. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;**
- 9. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land**

**Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;**

- 10. Section 27-696(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. 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,**
- 12. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.**

**Hearing starts at 1:52:14:**

**SPECIAL USE PERMIT APPLICATION SP2021-069 – PRABHJOT SINGH PADDA WITH UNITED TRUCK REPAIR - SYNOPSIS:** Special Use Permit to operate an inspection/light maintenance facility for United Truck Repair (SP-2019-82 expired 9/28/2021) at 451 South 14<sup>th</sup> Street.

Detailed Outline of Requested Action: The applicant, Prabhjot Singh Padda, Business owner of United Truck Repair, is requesting to renew a Special Use Permit to continue operation of a Light Repair Business on semi-trucks and Repair Shop Parking.

*City Ordinance Requirements: 27-464 through 27-470 and 27-592 through 27-606*

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated April 11, 2022;
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 the 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:**

- Wil Anderson, BHC Rhodes, representing the applicant, 712 State Avenue, Kansas City, Kansas 66101 requested a 30-day hold over.

**Present in Opposition:**

- No one appeared

**Staff Recommendation starts at 1:54:37:** Planning Director Hand stated that this application has been in the system for several months. Staff is prepared to recommend denial as the requested information has not been submitted. He further stated that Staff has worked extensively with the applicant to bring this application forward to this meeting as agreed to by Staff and the applicant. Director Hand stated that Staff does not oppose the 30-day hold over request so long as it is the final hold-over for this case, which was originally applied for in September 2021.

**Motion and Vote starts at 1:55:30:**

On motion by Mr. Miller, seconded by Mr. Ernst, the Planning Commission voted as follows to **HOLD OVER Special Use Permit SP2021-069 until the May 9, 2022 meeting:**

<b>Carson</b>	<b>Chairman</b>
<b>Armstrong</b>	<b>Not Present</b>
<b>Beth</b>	<b>Aye</b>
<b>Connelly</b>	<b>Not Present</b>
<b>Ernst</b>	<b>Aye</b>
<b>Jones</b>	<b>Not Present</b>
<b>Miller</b>	<b>Aye</b>
<b>Mohler</b>	<b>Aye</b>
<b>Pauley</b>	<b>Aye</b>
<b>Straws</b>	<b>Aye</b>
<b>Ward</b>	<b>Aye</b>

**Motion to HOLD OVER Passed: 7 to 0**

**Hearing starts at 1:56:15 and the applicant was not present. The application was moved to the end of the agenda and recalled at 2:08:35. The applicant was not present.**

**SPECIAL USE PERMIT APPLICATION SP2022-029 – TINA ALONGE WITH 913 LLC - SYNOPSIS:** Special Use Permit for alcohol sales and live music inside/outside the building at 6102 State Avenue.

*Detailed Outline of Requested Action:* The Applicant, Tina Alonge, is requesting a Special Use Permit for Live Entertainment at a Drinking Establishment, The 913, located

at 6102 State Avenue. This location had previously been the Red Eye Bar, which had operated 30 years until its closure in 2021.

*City Ordinance Requirements: 27-592 through 27-606*

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated April 11, 2022;
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 the 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:**

- No one appeared

**Present in Opposition:**

- No one appeared

**Staff Recommendation starts at 2:09:14:** Planning Director Hand stated the property recently changed ownership and the Special Use Permit is for both indoor and outdoor live entertainment. The drinking establishment does not require a Special Use Permit as there was not a two-year lapse in the use. Staff stated that there is live entertainment taking place inside the building and Staff included both uses in the notice. He stated that there is a large portion of right-of-way in front of the building and a mapped stream that runs behind the building. This property is in the floodway/floodplain and Staff has included conditions of approval related to the floodplain area. Director Hand stated that there were a large number of complaints, over a long period of time, from the previous ownership. Staff has added the Standard Conditions of Approval regarding security measures. He further stated that the applicant has requested a 1:30 a.m. closing time. The C-1 District allows entertainment until 1:30 a.m. if the proposal is not within 100 feet of any residence. Staff has concluded that this property meets that requirement. Staff recommends approval for two (2) years.

The Planning Commission discussed the 1:30 a.m. live entertainment closing time with Staff. The Commission expressed concern about noise outside.

**Motion and Vote starts at 2:16:22:**

On motion by Mr. Straws, seconded by Mr. Mohler, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit SP2022-029 for two (2)**

**years:**

**Carson**

**Chairman**

**Armstrong**

**Not Present**

<b>Beth</b>	<b>Aye</b>
<b>Connelly</b>	<b>Not Present</b>
<b>Ernst</b>	<b>Aye</b>
<b>Jones</b>	<b>Not Present</b>
<b>Miller</b>	<b>Aye</b>
<b>Mohler</b>	<b>Aye</b>
<b>Pauley</b>	<b>Aye</b>
<b>Straws</b>	<b>Aye</b>
<b>Ward</b>	<b>Aye</b>

**Motion to recommend APPROVAL Passed: 7 to 0**  
**Subject to:**

1. The applicant shall pave over the unimproved surface on the east side of the property before they can continue to utilize that space as overflow parking, as parking on unimproved surfaces is prohibited per the Code of Ordinances Section 27-675(a);
2. The applicant shall restripe their parking lot and existing parking spaces, as well as add a marking on the pavement for their ADA compliant spaces;
3. The applicant shall not propose any construction or hold any event in the Zone AE floodplain in the rear of the property;
4. All live entertainment must cease by 1:30 a.m. indoors and 12:00 Midnight outside.

As a C-1 zone, per code Section 27-464 (c)(9) “Retail businesses with parking areas or other outside customer-oriented areas within 100 feet of any residence shall restrict hours of operation to between 6:00 a.m. and 1:00 a.m. of the following day”. Planning and Urban Design staff have determined that this use is beyond the 100-foot threshold, and thus may remain open until 1:30 AM;

5. Doors and windows must stay closed during any entertainment or performance;
6. Must comply with Unified Government Security Ordinance (Chapter 4, Article II Division 1, Sec 4-104,f), including:
  - a. Must have at least one (1) professional security personnel stationed at the door at all times that is able to monitor any required parking area. Additional professional security guards may be required depending on the building capacity;
  - b. Patrons are not allowed to loiter in their vehicles. If so determined, they will be asked to leave;
  - c. An I.D. scanner will be used at all times;
  - d. At closing time, all security personnel will begin from a designated area to move patrons towards the exit and then to their vehicles;
7. The Subject Property has been identified as being within a floodplain. The Applicant shall review the Floodplain Management Ordinance and obtain the necessary local, State, and Federal floodplain permits before the construction or alteration of any structure the floodplain prior to obtaining a building permit;

8. The Subject Property, being within the SFHA, shall comply with the following requirements of the floodplain ordinance for the Storage of Materials and Equipment:
  - a. The storage or processing of materials within the special flood hazard area that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal, or plant life is prohibited;
  - b. Storage of other material or equipment may be allowed if not subject to major damage by floods, if firmly anchored to prevent flotation, or if readily removable from the area within the time available after a flood warning;
9. No amplified speakers are allowed in outdoor spaces, except for times specifically designated for entertainment;
10. Any illumination that results from an entertainment event shall not be seen or otherwise impact adjacent residential uses;
11. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or [signpermits@wycokck.org](mailto:signpermits@wycokck.org) to begin this process;
12. If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;
13. If approved, the applicant must file and maintain a current business occupation tax application and entertainment license;
14. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by [buildinginspecton@wycokck.org](mailto:buildinginspecton@wycokck.org) to confirm if they need a building permit, and if so must take it upon themselves to initiate the building permit process accordingly;
15. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
16. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;

- 17. A Right-of-Way Permit is Required. The applicant is required to contact Andrew Roddy with the Public Works Department at (913) 573-5310 or by email at [aroddy@wycokck.org](mailto:aroddy@wycokck.org) to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;**
- 18. Section 27-696(b)(5) states that all outside bins or trash container areas must be completely enclosed by an architectural screen to a height not less than the height of the bin or container. No trash enclosures may be located in required yards adjacent to street right-of-way. In commercially and industrially zoned areas where the trash container will not be visible from off the property due to other screening or topographic conditions and will not be visible from public parking or pedestrian areas on the site, such trash bin screening need not be provided. In industrially zoned areas where the trash container will not be visible from residential property and where such containers are kept directly alongside the building and in a well-kept manner, such screening need not be provided;**
- 19. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;**
- 20. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;**
- 21. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,**
- 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.**

**Hearing starts at 1:57:40:**

**SPECIAL USE PERMIT APPLICATION SP2022-036 – MANUEL GONZALEZ-FARIS WITH MANOLO AUTO SALES – SYNOPSIS:** Special Use Permit for an automotive dealership with light repair at 401 Kansas Avenue.

*Detailed Outline of Requested Action:* The Applicant, Manuel Gonzales Farinas with Manolo Auto Sales, is requesting a Special Use Permit for the operation of an automotive sales facility at 401 Kansas Avenue. The subject property is on a corner parcel and has a total of 1,750 square feet and associated parking. This property is four (4) blocks from the Kansas River and Armourdale Gateway. The Applicant has an existing auto dealership at another location.

*City Ordinance Requirements: 27-592 through 27-606*

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated April 11, 2022;
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 the 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:**

- Maria Leal, representing her uncle, the applicant

**Present in Opposition:**

- No one appeared

**Staff Recommendation starts at 2:00:00:** Planning Director Hand stated that the request is for an auto dealership located in the Armourdale area. There are multiple violations on this property, but can be resolved with this proposed project. He stated that the brick has been painted and the paint needs to be removed to comply with the Commercial Design Guidelines and the Special Use Standards specific to this use. Staff has included conditions of approval for enhanced landscaping and new sidewalk to be installed on 4<sup>th</sup> Street. The barb wire on the fence, when reconstructed, should be internalized as per the requirements of the Zoning Code. Staff recommends approval for two (2) years.

**Motion and Vote starts at 2:02:20:**

On motion by Mr. Miller, seconded by Mr. Mohler, the Planning Commission voted as follows to recommend **APPROVAL** of **Special Use Permit SP2022-036 for two (2) years:**

<b>Carson</b>	<b>Chairman</b>
<b>Armstrong</b>	<b>Not Present</b>
<b>Beth</b>	<b>Aye</b>
<b>Connelly</b>	<b>Not Present</b>
<b>Ernst</b>	<b>Aye</b>
<b>Jones</b>	<b>Not Present</b>
<b>Miller</b>	<b>Aye</b>
<b>Mohler</b>	<b>Aye</b>
<b>Pauley</b>	<b>Aye</b>
<b>Straws</b>	<b>Aye</b>
<b>Ward</b>	<b>Aye</b>

**Motion to recommend APPROVAL Passed: 7 to 0**

**Subject to:**

- 1. Applicant shall make the following site improvements:**
  - a. The brickwork must be reverted to original condition free of paint.**
  - b. The sidewalk and landscaping must be installed per UG standards, including a minimum of one (1) tree.**
  - c. Sidewalk completion requires a Right of Way Permit from the Public Works Department.**
  - d. The mailbox and building numbers shall be properly installed.**
  - e. Remove any debris from the rear of the building**
  - f. Exterior Lighting shall be updated for downward facing lights per the Commercial Design Guidelines.**
  - g. The front and side fence shall be removed and replaced with a wrought-iron style fence with masonry columns per the Commercial Design Guidelines. The front fence should be moved six (6) feet from the front sidewalk to provide a six (6) foot landscape buffer.**
  - h. Barbed wire shall be modified to project inward at the rear of the property.**
- 2. 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;**
- 3. 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.
4. Any business or land use in Wyandotte County that is required to provide off-street parking shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-466 through 27-470; 27-592 through 27-616; 27-667 through 27-676]. Inoperable vehicles shall be stored inside an enclosed building. Inoperable vehicles may not be stored outside unless they are completely screened from view in accordance with all applicable ordinances. Outside storage shall not include wrecked or salvage vehicles. Any vehicle parked or stored outside must be on an improved surface, located on the same land parcel as the business use, and be parked within a regulation dimension parking stall. Any outside storage may not reduce the availability of all required parking spaces as required by ordinance.
  5. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or [signpermits@wycokck.org](mailto:signpermits@wycokck.org) to begin this process.
  6. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by [info@wycokck.org](mailto:info@wycokck.org) to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly.
  7. The applicant is requesting a Special Use Permit for a property zoned M-2 General Industrial District. Therefore, this property is subject to, and must comply with, all applicable regulations under the Commercial Development Guidelines Overlay District (CDGOD). This subsection addresses the applicant's demonstrated compliance with relevant CDGOD regulations for SP2022-036. All listed requirements that are identified as "have not been met" or "unclear if met" must be revised to be made compliant.
  8. The following requirements of the Commercial Development Guidelines Overlay District have not been met:
    - a. The brickwork must be reverted to original condition free of paint.
    - b. The sidewalk and landscaping must be installed per UG standards, including a minimum of one (1) tree.
    - c. Sidewalk completion requires a Right of Way Permit from the Public Works Department.
    - d. The mailbox and building numbers shall be properly installed.
    - e. Remove any debris from the rear of the building
    - f. Exterior Lighting shall be updated for downward facing lights per the Commercial Design Guidelines.
  9. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463

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

**Hearing starts at 2:03:20:**

**VACATION APPLICATION VAC2021-012 – CHRIS MCNUTT – SYNOPSIS:** Vacation of right-of-way at 3801 Lloyd Street.

*Detailed Outline of Requested Action:* The Applicant, Chris McNutt, is seeking approval for the vacation of the Right-of-Way at 3801 Lloyd Street. The subject property is a single-family residence on a dead-end street. The Vacation has been requested to allocate the driveway and side yard that is part of the adjacent parcel to the subject property. The adjacent property is being operated as a public utility substation.

*City Ordinance Requirements:* Article VIII Sections 27-340 – 27-765 and Article VII Sections 27-454 – 27-457, Sections 27-592 – 27-606.



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

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

4. The staff report and attachments dated April 11, 2022;
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 the 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:**

- No one appeared

**Present in Opposition:**

- No one appeared

**Staff Recommendation starts at 2:04:40:** Planning Director Hand stated that this vacation request is in the Rosedale Area Master Plan adjacent to Fisher Park and the BPU Substation directly to the north of the subject property. There is a platted roadway that goes all the way from Minnie Street through Fisher Park. Staff, along with the County Engineer, believes that road will and should never be built based on topography and the public open space. Director Hand stated that this property received a Special Use Permit for a short-term rental a few months ago. Although the applications are not related, Staff is requesting the applicant redo their driveway as the driveway is not perpendicular to the street, which is a Unified Government standard. Staff has discussed the driveway extensively with the applicant. In order to build the driveway to UG standards, the street and curb will need to be expanded accordingly to the north. Staff has one (1) condition of approval they would like to add. He showed on the map the area the Fire Department has requested a future cul-de-sac. If the Planning Commission recommends approval of this application, Staff would request a condition be added that when funds are available in the future for the cul-de-sac, the applicant will work with the Unified Government to provide the required access and any necessary easements.

**Motion and Vote starts at 2:07:35:**

On motion by Mr. Ernst, seconded by Mr. Straws, the Planning Commission voted as follows to recommend **APPROVAL of Vacation Application VAC2021-012:**

<b>Carson</b>	<b>Chairman</b>
<b>Armstrong</b>	<b>Not Present</b>
<b>Beth</b>	<b>Aye</b>
<b>Connelly</b>	<b>Not Present</b>
<b>Ernst</b>	<b>Aye</b>
<b>Jones</b>	<b>Not Present</b>
<b>Miller</b>	<b>Aye</b>
<b>Mohler</b>	<b>Aye</b>
<b>Pauley</b>	<b>Aye</b>
<b>Straws</b>	<b>Aye</b>
<b>Ward</b>	<b>Aye</b>

**Motion to recommend APPROVAL Passed: 7 to 0**

**Subject to:**

- 1. A driveway must be constructed to UG Standards as part of the Vacation Approval;**
- 2. A Right of Way Permit is Required. Please contact the Public Works Department at (913) 573-5311 to begin this process;**
- 3. 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;**
- 4. When funds are available in the future for the construction of a cul-de-sac at the end of Lloyd Street, the applicant and/or future landowner will provide the necessary access and any related easements accordingly; 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.**

**MISCELLANEOUS:**

Director Hand stated that the Commission Chamber will be open for the public/Commission at the May meeting. The Commission members can attend the meeting virtually or in-person.

Director Hand asked the Commission is they would be agreeable to a training since the Commission is fully appointed. The Commission was agreeable to the training.

There being no further business, the meeting adjourned at 8:28 p.m.