

CITY PLANNING COMMISSION

APRIL 10, 2023

MINUTES

The City Planning Commission met in regular session on Monday, April 10, 2023, at 7:49 p.m., (1:49) (via Zoom Webinar and in the Commission Chamber of the Municipal Office Building), with the following members present: Mr. Jeff Carson, Chairman Presiding (Commission Chamber), Mrs. Karen Jones, Vice Chairman (Zoom), Ms. Brandie Armstrong (Zoom), Mr. Duane Beth (Commission Chamber), Mr. James Connelly (Zoom) (left at 10:00 p.m.), Ms. Rose Eilts (Commission Chamber), Mr. Jim Ernst, (Zoom), Mr. Mark Mohler (Zoom), and Mr. Joseph Straws (Zoom). (Absent: Miller and Ward). Mr. Gunnar H. Hand, AICP, Director of Planning + Urban Design, (Commission Chamber), Ms. Janet L. Parker, CSC/APC, Executive Assistant to the Director of Planning + Urban Design (Zoom), Mr. Byron Toy, AICP, Lead Planner (Zoom), and Mr. Jeff Conway, Assistant Counsel (Commission Chamber), were also present.

Chairman Carson called the meeting to order at 7:49 p.m.

Recording Secretary Parker stated that the following applications were held over from last month's meeting for a comprehensive plan for parking and storage to be submitted. As with the Board of Zoning Appeals application, Staff held over these applications as the plan was submitted late for review and it was incomplete.

CHANGE OF ZONE APPLICATION COZ2022-045 – CHAD SCHIMKE - SYNOPSIS:

Change of Zone from A-G Agriculture (WYCO) District to CP-3 Planned Commercial District to construct a self-storage facility at 13700 Marxen Road.

MASTER PLAN AMENDMENT APPLICATION MPL2022-026 – CHAD SCHIMKE -

SYNOPSIS: Master Plan Amendment from Planned Low-Density Residential (Prairie-Delaware-Piper Master Plan) to Planned Mixed Business/Commercial (Prairie-Delaware-Piper Master Plan) at 13700 Marxen Road.

PRELIMINARY PLAT APPLICATION PLAT2023-001 – CHAD SCHIMKE - SYNOPSIS:

Preliminary Plat to separate commercial and agricultural zoning at 13700 Marxen Road.

Recording Secretary Parker read the Planning Commission Statement (1:50): "We would like to welcome those participating to the meeting of the City Planning Commission. The members are participating remotely by Zoom Webinar or in-person in the Commission Chamber. 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 are in-person in the Commission Chamber, when Chairman Carson recognizes you, please state your name before speaking.
3. For those members of the public in attendance via Zoom or telephone, 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. If you are attending in person, please come to the microphone at the front of the room when the application is called, and the Chairman will recognize you when it is your time to speak.

4. 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 27, 2023**. 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 Chairman will ask for a show of hands of those persons in support and in opposition that do not wish to speak.
6. The applicant will then answer questions and make a closing statement.
7. 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.
8. 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 + Urban Design Department at 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. If you are in the Commission Chamber, please come to the microphone, state your name and address and the item you want to remove from the Consent Agenda.

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 on **Thursday, April 27, 2023, at 7:00 p.m.**

I will now read the items on the **Consent Agenda:**

CONSIDERATION OF THE MARCH 13, 2023 PLANNING COMMISSION MINUTES

SPECIAL USE PERMIT APPLICATION SP2022-122 – JIM DONOVAN WITH THE SHOWROOM FLOOR LLC – SYNOPSIS: Renewal of a Special Use Permit (SP2021-009 – expires 5/6/2023) to operate a short-term rental at 1127 Southwest Boulevard. Detailed Outline of Requested Action: The applicant, James Donovan, is seeking a renewal of a Special Use Permit (which expires 03/25/2023) to continue to operate a short-term rental at 1127 Southwest Boulevard.

SPECIAL USE PERMIT APPLICATION SP2023-007 – RYAN DENK WITH MCANANY, VAN CLEAVE AND PHILLIPS, P.A. – SYNOPSIS: Renewal of a Special Use Permit (SP-2020-096 – expired 2/4/2023) for the Temporary Use of Land to allow for semi-truck parking at the American Inn Motel at 7949 Splitlog Avenue. Detailed Outline of Requested Action: The applicant, Ryan Denk, applied for the renewal of a Special Use Permit (expired November 30, 2022) to continue to park tractor trailer trucks at the American Motel at 7949 Splitlog Avenue. The continuation of the use includes parking for 7 tractor trucks and trailers in the southeast corner of the parking lot.

SPECIAL USE PERMIT APPLICATION SP2023-009 – JUDD CLAUSSEN WITH PHELPS ENGINEERING, INC. – SYNOPSIS: Renewal of a Special Use Permit (SP2022-013 – expires 5/5/2023) to continue to remove earthen fill at 1215 Merriam Lane. Detailed Outline of Requested Action: The applicant, Judd Clausen, is requesting a rehearing of a Special Use Permit (SP2022-013, which expires 5/26/2022) to continue to remove earthen fill and grade the subject property at 1215 Merriam Lane. The applicant intends to export earthen fill only. This Special Use Permit initially arose as the result of a joint Building Inspection and Zoning Enforcement action beginning in 2018. The petition is being reheard

as the applicant has changed the scope of the remediation and removal of earthen fill project.

PLAT APPLICATION PLAT2023-009 – SCANNELL PROPERTIES #459, LLC – SYNOPSIS: Final Plat (I-435 Logistics Park, First Plat) for an industrial lot at 9822 Leavenworth Road.

PLAN REVIEW APPLICATION PR2023-005 – SCANNELL PROPERTIES #459, LLC – SYNOPSIS: Final Plan Review for a business park at 9822 Leavenworth Road. .

Detailed Outline of Requested Action: The representative, Seth Reece with Olsson, on behalf of the Applicant, Scannell Properties #459, LLC, seeks to plat one (1) industrial lot and build two (2) 403,000 square foot industrial buildings, one (1) of them in the future on 51.03 acres within I-435 Logistics Park at 9822 Leavenworth Road.

PLAN REVIEW APPLICATION PR2023-010 – EIAD MUSALLET WITH P & P DIVERSIFIED, INC. - SYNOPSIS: Final Plan Review to construct a convenience store and fueling station at 5648 State Avenue.

Detailed Outline of Requested Action: The applicant, Eiad Musallet with P&R Diversified, Inc., seeks to build a 3,500 square foot convenience store, 2,000 square foot retail tenant space, and 1,000 square foot kitchen/restaurant and construct a new gas canopy with 8 fuel pumps on 1.61 acres.

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 10, 2023;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file; and,
6. The notices to property owners.

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

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

Carson	Chairman
Armstrong	Aye
Beth	Aye
Connelly	Aye
Eilts	Aye
Ernst	Aye
Jones	Aye

Miller Not Present
Mohler Aye
Straws Aye
Ward Not Present
Motion to APPROVE Passed: 8 to 0
Subject to:

SP2022-122:

1. The applicant shall reinstall the curbing along the northside of the property and remove the former driveway;
2. Maximum number of guests shall be five (5);
3. All parking must be off-street, maximum number of vehicles is four (4);
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. 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. The applicant has filed and maintained a current business occupation tax application;
12. All existing and future driveways must feature curb cuts that are constructed to UG standards;
13. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
14. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and

- ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
15. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
 16. The Special Use Permit shall be valid for 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;
 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; and,
 18. All conditions of approval herein must be constructed, executed, implemented, or otherwise completed within six (6) months of approval unless otherwise determined by the Director of Planning or their designee.

SP2023-007:

1. Tractor trailer trucks are to be parked only in the 7 designated parking spaces in the southeast corner of the parking lot;
2. All parking lot lighting shall have 90-degree cutoff fixtures on them, as not to exceed one (1) footcandle at the property line;
3. The applicant will need to file and maintain a current business occupation tax application with the Business License Division;
4. No outside storage on site;
5. No inoperable vehicles kept on site;
6. All waste on the site must be cleaned and waste must be managed properly on site;
7. 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;
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. If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;
 10. The applicant has filed and maintained a current business occupation tax application;
 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. 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;
 15. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
 16. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business

- operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
17. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; 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.

SP2023-009:

1. 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;
2. The Subject Property is within a 100-year Special Flood Hazard Area (SFHA). A SFHA is defined as the area that would be inundated by the flood event having a 1 percent chance of being equaled or exceeded in any given year. Before the alteration to or construction of any new structure on the subject property, the applicant shall submit the following required information for review:
 - a. A Survey shall be provided showing the proper lines, setbacks, proposed and existing building elevations, 100-year floodplain and/or floodway shall be designated, the base flood elevation provided, FIRM panel number, and effective date shall be included. The Survey is required to be signed and sealed by and Kansas licensed surveyor or engineer;
3. The hours of operation shall be 7:00 AM to 5:30 PM, Monday through Friday. Contact the neighborhood group and the surrounding residences at least 24 hours in advance of performing work on the weekend;
4. There shall be full compliance with the comments from the Wyandotte County Conservation District contained herein, which include;
 - a. Before any grading is done, the area that is not disturbed needs to be seeded and establish a good stand of grass. This will reduce run off into the borrow area.
 - b. Silt fence, placed on the contour, needs to be placed below the borrow area before any grading is done to protect the drainage way of Turkey Creek.

- c. All erosion control items need to be checked once every week and after any rain event. Any repairs need on the silt fence need to be made immediately.
- d. Four to six inches of good topsoil needs to be top dressed over borrow area.
- e. Immediately after completion of grading, seeding and erosion control blanket needs to be installed or sod needs to be laid down on the disturbed area;
5. Trees to be planted at a ratio not less than one (1) per 7,000 square feet of site area;
6. Only the amount of fill that was brought in during the original dumping shall be removed;
7. Rumble strips and/or other mitigation measures must be installed on the subject property in order to prevent dirt, rubble, and other fill material from being tracked by work trucks onto and damaging the public right-of-way;
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. If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;
10. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
11. 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. 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;
13. Section 27-464(g) requires that trees are required at not less than one (1) per 7,000 square feet of site area. The subject property has 46,174 square feet, requiring seven (7) trees be provided on the site plan;
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. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and
 17. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the 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.

PLAT2023-009/PR2023-005:

1. Manufacturing uses are permitted on the property that are restricted to the MP-1 Planned Light Industrial and Industrial Park District use regulations;
2. The height restrictions of MP-1 Planned Light Industrial and Industrial Park District shall apply to the MP-2 Planned General Business Districts lots;
3. Sidewalks shall be installed on both sides of the streets throughout the development. For this phase, sidewalks shall be built to and around Building D. For reference, see the Turner Logistics Center East – Industrial Business Park;
4. Truck traffic on North 99th Street is not permitted. Additional signage shall be posted. Coordination with truck drivers to buildings D1 and D2 is required;
5. The north access off North 99th Street shall remain gated and restricted for emergency vehicles and personnel only. The ingress/egress is not available to the public;
6. While not required, Planning Staff recommends retrofitting solar arrays on the building's rooftops in the future. Solar collectors shall not extend more than three (3) feet above the highest point of the roof;
7. Downspouts shall be internalized;
8. The 250-foot berm along North 99th Street and Building D, and future Buildings C, E, and F shall be preserved during construction to the maximum extent possible.

Cutting into the berm's slope will most definitely affect the visibility of Building D (proposed), and Buildings C, E and F (future) for the residents west of North 99th Street.

Per the applicant's representative, the follows berm height and widths are as follows:

- **Lot 3 Building D:**
Berm Width varies from 77 feet to 270 feet wide.
Berm Height from the centerline grade 99th Street varies from 14 feet to 32 feet high.

This berm during the first phase of construction for Building A was not completed as originally planned and stated. There is a gap in the berm along North 99th Street that must be closed during this phase of development and site construction so that the residents on the west side of North 99th Street are screened from any building within the I-435 Logistics Park as described by the applicant and their representatives in multiple public hearings;

8. Protect existing ridge lines within the development to further assist in screening the development from Leavenworth Road, in addition to preserving existing tree stands and underlying vegetation on site. The berm that wraps the 99th Street and Leavenworth Road intersection shall screen Building D from public view. The berm in between the main entrance and the right-in/right-out is at a height that will allow Buildings E and F to be highly visible for westbound traffic on Leavenworth Road;
9. Sec. 27-469(g) Trees are required at not less than one (1) per 10,000 square feet of site area. Six (6) 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. The architectural screen can either be fencing or landscaping. The fence may be comprised of wood or metal paneling with masonry columns every thirty-two (32) feet on center. No fences shall be on top of berms or seen from street to maintain the wood character;
10. Sec. 27-469(g) Trees are required at not less than one (1) per 10,000 square feet of site area. Six (6) 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. The architectural screen can either be fencing or landscaping. The fence may be comprised of wood or metal paneling with masonry columns every thirty-two (32) feet on center. No fences shall be on top of berms or seen from street to maintain the wood character.

The site for the proposed development (Lot 3) is 50.66 acres, therefore 221 trees are required based on the acreage and exclusive of street tree and parking lot island tree requirement;

11. 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;
12. All landscaping shall be irrigated excluding natives (wildflowers);
13. Landscaping is required to screen all parking areas and service entries. This includes perimeter parking and trash enclosure.

- a. All trash receptacles shall be enclosed with a screening wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six (6) feet in height on all sides and designed with the gate facing away from streets or adjacent land uses. All screening materials must be well maintained at all times;
14. BPU ground mounted transformers shall be screened on all four (4) sides from public view. Architectural screening walls are the preferred method, but landscape screening is an allowable alternative. Screening shall be designed to be solid to the view, and any designs incorporating air circulation shall not be visible. Screening height must be the greater of either six (6) feet tall or the height of the utility being screened. Designs shall show two (2) possible site orientations. Designs will also incorporate all BPU Engineering specifications and largest of all the required dimensions. Refer to attached BPU Engineering documents for details.
15. All new rooftop mechanical equipment (i.e., RTUs, HVAC, vent stacks, etc.) shall be screened from public view by the parapet of the building. Architectural screens such as opaque, textured, or perforated panels do not meet this standard;
16. 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;
17. Sec. 27-699(b)(9) Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged as to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky-reflected glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way;
18. All lighting whether mounted on the building or installed in the parking lot shall have 90-degree cutoff fixtures;
19. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
20. Hours of operation for construction shall be during daylight hours. Exceptions shall be made for small-scale after-hours deliveries and equipment maintenance, interior construction within the enclosed building, and construction worker access to the site. Occasional large-scale construction operations may be required to occur after hours, such as concrete or asphalt placements and site grading operations due to weather conditions and suitable temperatures. Contractor/Developer shall provide 24-hour advance notice to the Unified Government Planning & Urban Design office of any large-scale after-hours operations;
21. No construction heavy truck traffic other than employee parking traffic (i.e., restrict) off North 99th Street;
22. No glare off lights on adjacent houses and towards public rights-of-way;
23. The construction job trailer for this project will be provided interior of the overall site instead of along 99th Street as it was with the Amazon project;

24. If a batch plant is needed with the construction of Building D1 and associated site work, it will be placed in the same location as it was with the Amazon construction so that it is screened from view the adjacent neighbors by the existing berm;
25. Staff has received complaints from adjacent residents about the dust, trash, noise, glare, and hours of construction with the construction of Building A. For the remaining buildings yet to be constructed within the project site, dust/dirt, trash, noise, glare must be minimized to not be intrusive in the single-family residences that border the site to the north, west and south;
26. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
27. All existing and future driveways must feature curb cuts that are constructed to UG standards;
28. 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;
29. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
30. 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;

31. 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,
32. 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.

PR2023-010:

1. The applicant is requesting a Final Plan Review for a property zoned C-3 Commercial District. Therefore, this property is subject to, and must comply with, all applicable regulations under the Commercial Development Guidelines Overlay District (CDGOD). This subsection addresses the applicant's demonstrated compliance with relevant CDGOD regulations for PR2023-010. All listed requirements that are identified as "have not been meet" must be granted a deviation by the City Planning Commission upon specific request by the applicant during the City Planning Commission meeting;
2. The following requirements of the Commercial Development Guidelines Overlay District have been met:
 - a. Sec. 27-576(c)(1) Commercial development should take into account the architectural design of all building elevations, 360 degrees. Quality design should be expressed on all elevations of the building.
 - b. Sec. 27-576(e)(2) Exterior building materials shall not include the following:
 - i. EIFS at the ground level or comprising more than 15 percent of any façade;
 - c. Sec. 27-575(e)(4) Parking must be screened from adjacent streets by walls, shrubs, trees, or design elements;
 - d. Per Sec. 27-277(a)(5) Landscaping shall exceed the typical code requirements by a least 75 percent. The site for the proposed development is 1.61 acres, 18 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;
 - e. 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;
 - f. 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:

- i. 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.
 - ii. 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;
- g. Per Sec. 27-277(a)(5) Landscaping shall exceed the typical code requirements by at least 75 percent. The site for the proposed development is 1.61 acres, 18 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;
- h. 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:
 - i. 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.
 - ii. 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;
- 3. Landscaping is required to screen all parking areas and service entries;
- 4. Keep existing full growth trees along the east property line, which effectively screens a portion of the parking lot and building from the property to the east;
- 5. Landscaping is required to screen all parking areas and service entries. This includes perimeter parking and the trash enclosure;
- 6. 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;
- 7. Regarding BPU transformer screening, the following applies:
 - a. Gate doors are required for all types of screening that are placed in front of the transformers.
 - b. Fences shall be installed two (2) feet off the ground and have adequate clearance to open gate doors at 180° and have 10 feet clearance from pad when gate doors open.
 - c. Posts for gate doors must be installed a minimum distance of 10 feet apart in the front.
 - d. For slat fences, customers shall install a minimum four (4) inch slats and have four (4) inches of space between each slat.
 - e. Customer must take account of the maturity size of the evergreen tree when planting saplings so that the trees can grow outside of the required clearance for evergreen trees, customer shall plant each tree so that there is two (2) feet or more of space from edge to edge between each tree at maturity. (e.g., blue arrow juniper grows up to two (2) feet

wide, so there shall be four (4) feet of spacing between each tree taking account the growth of saplings).

- f. Pad must have a minimum clearance of six (6) feet on each side, six (6) feet on the back and five (5) on the front allowing for 10 feet on the front when gate doors open;
8. 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;
9. All new rooftop mechanical equipment (i.e., RTUs, HVAC, vent stacks, etc.) shall be screened from public view by the parapet of the building;
10. Per recommendation of the Wyandotte County Conservation District, only the construction entrance off Meadowlark shall be used;
11. Per recommendation of the Wyandotte County Conservation District, Topsoil will be needed wherever plants and grass will be grown;
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. Per Business Licensing Division: If approved, occupying businesses must file and maintain a current business occupation tax application with our office located at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, Kansas 66102, (913) 573-8780 or businesslicense@wycokck.org;
14. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
15. All existing and future driveways must feature curb cuts that are constructed to UG standards;
16. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
17. 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;

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;
19. Issuance of a certificate of occupancy for any project or property associated with an entitlement from the City Planning Commission or UG Board of Commissioners, shall not be issued prior to the completion of all landscape elements for the project to the standards and requirements for a Final Certificate of Occupancy and the successful review by departmental inspection. As an alternative to completely meeting all standards and requirements for a Final Certificate of Occupancy, to allow for cases of weather delays, plant seasonality, or shortages of labor or materials, the applicant may request to submit a landscape performance bond or surety. Requests to submit a landscape performance bond or surety for a particular project must receive eligibility approval from the Department of Planning and Urban Design prior to submission. Submissions must meet all requirements of the Bonding Procedure Policy and pass the review process. Bond applications shall only be approved by the Zoning Enforcement Officer, Lead Planner, or Director of Planning + Urban Design. Bond applications shall receive final approval before the applicant may request any inspection or re-inspection of a project or property for a Bonded Final Certificate of Occupancy; 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.

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

Hearing starts at 2:02:10:

CHANGE OF ZONE APPLICATION COZ2022-051 – AUSTIN THOMPSON WITH ATLAS LAND CONSULTING - SYNOPSIS: Change of Zone from R-1 Single Family District to RP-2(B) Planned Two Family District to remodel an existing structure into a duplex at 706 Shawnee Road. *Detailed Outline of Requested Action:* The applicant, Austin Thompson with Atlas Land Consulting, is requesting a Change of Zone from the R-1 Single-Family District to the RP-2(B) Planned Two-Family District for an improved residential property. The subject property is an existing, vacant single-family residence. The applicant's client is proposing to renovate the residence into a two-family residence (duplex). The Change of Zone is being heard simultaneously with BOZA2022-070, a variance from the lot area and frontage minimums required for a new lot adjacent to a designated major street.

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

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

3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated April 10, 2023;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

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

Present in Support:

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

Present in Opposition:

- No one appeared

Staff Recommendation starts at 2:03:54: Planning Director Hand stated that this application is being heard in conjunction with Appeal BOZA2022-070, which was approved earlier this evening by the Board of Zoning Appeals. He stated that the request is to change their zoning designation to RP-2(B) Planned Two Family District, which was noted by the applicant. This property is in the City-Wide Comprehensive Plan in the Shawnee Heights area. Staff has received no letters in support nor in opposition. There are some old Notices of Violation as the property has been vacant which will be resolved with this proposed rehabilitation project. Staff recommends approval subject to the conditions in the staff report.

Motion starts at 2:07:17:

On motion by Mrs. Jones, seconded by Ms. Armstrong, the Planning Commission voted as follows to recommend **APPROVAL of Change of Zone COZ2022-051 to RP-2(B) Two Family District:**

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

Motion to recommend APPROVAL Passed: 8 to 0

Subject to:

1. This property is being rezoned to RP-2(B) Planned Two Family District, and all future expansion of the existing structure or other redevelopment of the property will require a final development plan process.
2. If, at a later date, the property owner intends to construct an accessory building that is in violation of the Zoning Code, the said property owner must apply for a separate variance from such violations prior to applying for a building permit;
3. The sidewalk along the frontage of the subject property (along Shawnee Road) must be cleared and repaired, if necessary;
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. This City Planning Commission case is being heard in conjunction with BOZA2022-070. 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 BOZA2022-070 by the Unified Government Board of Zoning Appeals and upon any ordinance publications required by law;
6. All existing and future driveways must feature curb cuts that are constructed to UG standards;
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. Issuance of a certificate of occupancy for any project or property associated with an entitlement from the City Planning Commission or UG Board of Commissioners, shall not be issued prior to the completion of all landscape elements for the project to the standards and requirements for a Final Certificate of Occupancy and the successful review by departmental inspection. As an alternative to completely meeting all standards and requirements for a Final Certificate of Occupancy, to allow for cases of weather delays, plant seasonality, or shortages of labor or materials, the applicant may request to submit a landscape performance bond or surety. Requests to submit a landscape performance bond or surety for a particular project must receive eligibility approval from the Department of Planning and Urban Design prior to submission. Submissions must meet all requirements of the Bonding Procedure Policy and pass the review process. Bond applications shall only be approved by the Zoning Enforcement Officer, Lead Planner, or Director of Planning + Urban Design. Bond applications shall receive final approval before the applicant may request any inspection or re-inspection of a project or property for a Bonded Final Certificate of Occupancy;
9. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of

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

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

Hearing starts at 2:07:40:

MASTER PLAN AMENDMENT MPL2023-001 – DAVID BLOCK WITH BLOCK + COMPANY, INC. – SYNOPSIS: Master Plan Amendment from Regional Commercial (Prairie-Delaware-Piper Area Plan) to Mixed-Use (City-Wide Area Plan) to convert an office building into a mixed-use apartment building at 10200 Abilities Way.

CHANGE OF ZONE APPLICATION COZ2023-001 – DAVID BLOCK WITH BLOCK + COMPANY, INC. - SYNOPSIS: Change of Zone from CP-2 Planned General Business District to CP-3 Planned Commercial District to convert an office building into a mixed-use apartment building at 10200 Abilities Way.

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 10, 2023;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

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

Present in Support:

- Matt Goforth, representing the applicant, 2720 Madison Avenue, Kansas City, Missouri

Present in Opposition:

- Greg Kindle, President, Wyandotte County Economic Development Council

Staff Recommendation starts at 2:14:25: Planning Director Hand stated that this request is for a Master Plan Amendment and Change of Zone. The property is in the Prairie-

Delaware-Piper Area Plan. Prior to tonight Staff had received no letters in support nor opposition. There are no Notices of Violation on the property. Staff recommends approval subject to the conditions in the staff report which includes the Multi-Family Design Guidelines. He stated that the current buildings were built under the Commercial Design Guidelines. There are requested deviations by the Applicant in the staff report related to the Multi-Family Design Guidelines. Staff is in favor of the deviations requested. Any further development on the subject property which does not include the two (2) existing buildings would require a final development plan as the deviation is only for these two (2) towers. There is a redesign proposal for the intersection I-435 and State Avenue that will allow pedestrian pathways and Staff has talked about the pedestrian connectivity from this site to these future planned improvements. Director Hand stated that he would defer to legal counsel as related to Mr. Kindle's request (if this request is approved) that this approval be tied to the sale and just this applicant. Assistant Counsel Jeff Conway stated that it is speculative at this point to other developments that might take place and other variables that are beyond the scope of the Planning Commission. Director Hand stated that the rezoning ordinance could be held until after the sale of the property takes place. Mr. Conway stated that he believes a stipulation such as this could be problematic.

Planning Commissioners directed questions and comments to Staff. The Commission stated that the economic impacts should be considered by the Board of Commissioners.

Motion starts at 2:26:30:

On motion by Mrs. Jones, seconded by Mr. Ernst, the Planning Commission voted as follows to recommend **APPROVAL of Master Plan Amendment MPL2023-001 including the requested deviations from the multi-family guidelines:**

Carson	Chairman
Armstrong	Aye
Beth	No
Connelly	Aye
Eilts	Aye
Ernst	Aye
Jones	Aye
Miller	Not Present
Mohler	Aye
Straws	Aye
Ward	Not Present

Motion to recommend **APPROVAL** Passed: 7 to 1

Subject to:

1. **The following requirements of the office towers conversion to mixed-use within the Mixed-Use Design Guidelines *have not* been met and the Planning Commission has approved the below requested deviations:**
 - a. **Streets within these areas will be designed to be low-speed and bicycle and pedestrian friendly through provisions of wide sidewalks and pedestrian amenities such as street trees, landscaping, benches, trash receptacles, etc.;**
 - b. **A minimum of 75% of the buildings should have a zero (0) foot setback;**
 - c. **On-site parking will be located behind the buildings;**

- d. The frontage of all mixed-use buildings should include pedestrian-oriented elements such as:
 - i. Transparent display windows
 - ii. Outdoor seating for dining areas
 - iii. Public art and pedestrian amenities such as fountains, benches, etc.;
 - e. In multi-tenant, multi-story buildings, at least one, lobby entrance at the ground floor should be provided having direct visibility and access from the street; and,
 - f. 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 to 65% of the sum total of all buildings facades, except single-family houses, which shall have 25% of the sum total of all facades.
2. A Final Development Plan is required for any additional development aside from the occupancy conversion and amenities, as shown conceptually in the out-parcel site layout;
 3. Extend the sidewalk from the edge of the parking lot along the northern drive, closest to State Avenue right-in/right-out and stripe a crosswalk across Village West Parkway and tie into the existing sidewalk on the west side of Village West Parkway at Homestead-Miami Drive;
 4. KDOT will reconstruct the Interstate 435 and State Avenue interchange to a Diverging Diamond Interchange (DDI), therefore build a sidewalk along State Avenue to the northeastern most property line towards I-435 and connect to the future sidewalk/intersection;
 5. Install walking trails within the open space, around Little Turkey Creek (Lot 1C) and through the development as an amenity for residents;
 6. Replace and repair existing curbs, pavement and landscaping;
 7. Rideshare platforms (i.e., Uber, Lyft, etc. should be incorporated into this development as an alternative mode of transportation;
 8. If not already provided, a Knox box shall be provided for KCKFD at the gated ingress/egress;
 9. Record a deed to preserve the creek and open space to the south;
 10. After preliminary conversations with Ryan Hurst, Interim Director, Department of Transportation, micro-transit is being studied within the Village West area in conjunction with employment centers in the area. Show the transit stop in front of the property on the site plan. A bench should be provided, but further discussions with KCATA is necessary to determine if a bus shelter is warranted. Contact Ryan Hurst, Department of Transportation at (913) 573-8312 or rhurst@wycokck.org;
 11. No direct access onto State Avenue from 10200 Abilities Way;
 12. Replace any trees and shrubs that are dead or dying;
 13. Sec. 27-700(b)(9) Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky-reflected glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of

- adjacent property or public right-of-way. Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed one-foot candle as measured from said property line;
14. All lighting on the property, both on the buildings and in parking lots shall have 90-degree cutoff fixtures;
 15. 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;
 16. Per Business Licensing Department: All occupying businesses will need to file and maintain the occupation tax application with our office for their business activity;
 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. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
 19. A Pre-Construction meeting is required for any improvements to public infrastructure upon the approval and issuance of a Development Review Committee (DRC) Permit. Any improvements to, construction or alteration of sanitary systems, stormwater systems, public or private streets, sidewalks, or other public infrastructure will require a pre-construction meeting with the Department of Public Works. The applicant is required to contact the County Engineer at (913) 573-5400 or by info@wycokck.org prior to construction to arrange this meeting;
 20. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
 21. 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,
 22. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

On motion by Mrs. Jones, seconded by Mr. Ernst, the Planning Commission voted as follows to recommend **APPROVAL of Change of Zone Application COZ2023-001:**

Carson	Chairman
Armstrong	Aye
Beth	No
Connelly	Aye
Eilts	Aye
Ernst	Aye
Jones	Aye
Miller	Not Present
Mohler	Aye
Straws	Aye
Ward	Not Present

Motion to recommend **APPROVAL** Passed: 7 to 1

Subject to the above conditions

Hearing starts at 2:30:35:

MASTER PLAN AMENDMENT MPL2023-002 – MICHAEL BOURQUIN – SYNOPSIS:

Master Plan Amendment from Rural Density Residential (City-Wide Area Plan) to Rural Commercial (City-Wide Area Plan) for a fireworks stand at 5910 County Line Road.

CHANGE OF ZONE APPLICATION COZ2023-003 – MICHAEL BOURQUIN -

SYNOPSIS: Change of Zone from R-1 Single Family District to C-1 Limited Business District for a fireworks stand at 5910 County Line Road.

Detailed Outline of Requested Action: The applicant, Michael Bourquin, is requesting a Change of Zone from R-1 Single Family District to C-1 Limited Business District and a Master Plan Amendment from Rural Density Residential to Rural Commercial to operate a lawn and garden retail business at 5910 County Line Road.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated April 10, 2023;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

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

Present in Support:

- Michael Bourquin, applicant

Present in Opposition:

- No one appeared

Staff Recommendation starts at 2:33:00: Planning Director Hand stated that this request is for a Master Plan Amendment and Change of Zone for a non-conforming property that the Applicant wants to bring into compliance. This property is in the City-Wide Comprehensive Plan in the Turner area. The Applicant mentioned the accessory structure that is used for storage of the business, which received approval for a variance. All of the conditions from that Variance application have been carried over to the Change of Zone Application. Staff has received no letters in support nor in opposition. There are no Notices of Violation on this property. Staff recommends approval subject to the conditions in the staff report.

The Planning Commission addressed questions to the Staff regarding the fireworks stand and Director Hand stated that it will continue to operate as a retail site with the period allowed for fireworks stands (which is approximately six (6) days and July 4th.

Motion starts at 2:35:55:

On motion by Mrs. Jones, seconded by Ms. Armstrong, the Planning Commission voted as follows to recommend **APPROVAL of MPL2023-002:**

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

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

Subject to:

- 1. The applicant must provide proof that the proposed site improvements are in progress within six (6) months of approval, otherwise, the Change of Zone ordinance will not be published. The applicant will have to re-apply for the Change of Zone;**
- 2. The continuation use for on-site commercial storage from the existing accessory building to the proposed accessory building may occur so long as no additional uses are added. The proposed accessory building may only be used for storage related to the gardening store on the subject property. Any expansion of the uses will require successfully obtaining a Special Use Permit;**
- 3. The design and exterior materials of the proposed accessory building must match the design and exterior material of the primary building;**
- 4. The existing driveway is covered in gravel. The gravel must be removed, and the driveway must be paved. In order to pave the driveway, the applicant must obtain a right-of-way permit from the Public Works Department for the portion of the driveway and the driveway apron that is within the public right-of-way.**

- The driveway must be paved with concrete and subject to Unified Government standards;
5. All vehicles must be parked on a paved surface;
 6. The exterior walls shall be made of either horizontal clapboard, wood, or plywood siding, stone, artificial stone, brick, artificial brick, and textured finishes such as stucco. Fiberglass, plastic, and preformed, corrugated, or ribbed metals are not allowed. Metals can be used provided they have a factory applied and painted finish closely matching the color of the primary structure. Standard concrete masonry units are also not allowed, unless the walls of the building are painted the exact color of the primary structure;
 7. ADA compliant parking proximate to the entrance must be installed, including the required graphics and sign placards;
 8. 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;
 9. The exterior walls shall be made of either horizontal clapboard, wood, or plywood siding, stone, artificial stone, brick, artificial brick, and textured finishes such as stucco. Fiberglass, plastic, and preformed, corrugated, or ribbed metals are not allowed. Metals can be used provided they have a factory applied and painted finish closely matching the color of the primary structure. Standard concrete masonry units are also not allowed unless the walls of the building are painted the exact color of the primary structure;
 10. 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;
 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, 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. The applicant has filed and maintained a current business occupation tax application and entertainment licenses;
 14. Lighting shall be installed to have a 90-degree cutoff;

15. 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;
16. 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;
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. 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. 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,
21. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

On motion by Mrs. Jones, seconded by Ms. Armstrong, the Planning Commission voted as follows to recommend **APPROVAL of Change of Zone Application COZ2023-003:**

Carson	Chairman
Armstrong	Aye
Beth	Aye
Connelly	Aye
Eilts	Aye

Ernst **Aye**
Jones **Aye**
Miller **Not Present**
Mohler **Aye**
Straws **Aye**
Ward **Not Present**

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

Subject to the above conditions.

Hearing starts at 2:37:44:

CHANGE OF ZONE APPLICATION COZ2023-004 – PAULA WESTERFIELD-WALLACE

SYNOPSIS: Change of Zone from R1 Residential (WYCO) District to R-1 Single Family District for a residence and dog kennel at 12200 Donahoo Road. Detailed Outline of Requested Action: The applicant, Paula Westerfield-Wallace, is requesting a Change of Zone from R-1 Single Family District (WyCo) to R-1 Single Family District to keep a dog kennel with six (6) dogs on 1.28 acres at 12200 Donahoo Road. This Change of Zone is to remove the requirement of a 200-foot setback for the dog kennel.

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 10, 2023;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

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

Present in Support:

- Paula Westerfield-Wallace, applicant, 12200 Donahoo Road, Kansas City, Kansas 66109
- Mavis Hutchins, 12141 Donahoo Road, Kansas City, Kansas 66109
- Jamie Cochrane, 12220 Donahoo Road, Kansas City, Kansas 66109

Present in Opposition:

- James Woods, 12240 Donahoo Road, Kansas City, Kansas 66109

Staff Recommendation starts at 2:44:55: Planning Director Hand stated that this Change of Zone Application is a condition of approval from a previously approved Special Use Permit. He further stated that there was also a standard under the old county zoning that any structure with animals has to be 200 feet from any property line, which is not possible on this property. Staff and the Applicant worked through the issues and the setback Variance was denied, but the Special Use Permit was approved with a condition that the Applicant apply for the Change of Zone to R-1 Single Family District. The Applicant has acquired a conservation plan through the Wyandotte County Conservation District that

addresses animal waste among other things. Staff has added a condition of approval for landscaping/screening around the kennel. Staff has also requested that the Applicant resolve and close the existing building permit that is still open for the kennel. Staff recommends approval subject to the conditions in the staff report.

Motion starts at 2:46:45:

On motion by Mr. Straws, seconded by Ms. Armstrong, the Planning Commission voted as follows to recommend **APPROVAL of Change of Zone COZ2023-004:**

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

Motion to recommend APPROVAL Passed: 8 to 0

Subject to:

- 1. The applicant shall provide landscape screening along the eastern and western property line in the form of shrubs or hedges, to screen the rear yard from neighboring properties;**
- 2. The applicant will have to remove the shed in the rear yard as part of the Change of Zone;**
- 3. The applicant shall retroactively pull a building permit for the kennel and provide proof to staff prior to approval of the Change of Zone;**
- 4. The applicant shall ensure that animal waste is regularly cleared;**
- 5. Per recommendation from the Wyandotte County Conservation District, the applicant shall get a yearly soil test on the property;**
- 6. Per recommendation from the Wyandotte County Conservation District, the applicant should water their property more often to dilute any animal waste;**
- 7. Per Section 27-609(2)a., the exterior walls of accessory structures shall be made of either horizontal clapboard, wood, or plywood siding, stone, artificial stone, brick, artificial brick, and textured finishes such as stucco. Fiberglass, plastic, and preformed, corrugated, or ribbed metals are not allowed. Metals can be used provided they have a factory applied and painted finish closely matching the color of the primary structure. Standard concrete masonry units are also not allowed unless the walls of the building are painted the exact color of the primary structure;**
- 8. A retroactive building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org**

- to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
9. All existing and future driveways must feature curb cuts that are constructed to UG standards;
 10. 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;
 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; and,
 13. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Hearing starts at 2:47:48:

MASTER PLAN AMENDMENT MPL2023-005 – AUSTIN THOMPSON WITH ATLAS LAND CONSULTING – SYNOPSIS: Master Plan Amendment from Low-Density Residential (City-Wide Area Plan) to Medium-Density Residential (City-Wide Area Plan) at 1013 Metropolitan Avenue, 1605 South Baltimore and 1003 Ruby Avenue.

CHANGE OF ZONE APPLICATION COZ2023-007 – AUSTIN THOMPSON WITH ATLAS LAND CONSULTING - SYNOPSIS: Change of Zone from R-1 Single Family District to R-M Mobile Home Park District for the Eden Village Mobile Home Park, at 1013 Metropolitan Avenue, 1605 South Baltimore and 1003 Ruby Avenue.

PLAT2023-011 – AUSTIN THOMPSON WITH ATLAS LAND CONSULTING - SYNOPSIS: Preliminary and Final Plat (Eden Village) for 23 dwelling units on two (2) lots at 1013 Metropolitan Avenue, 1605 South Baltimore and 1003 Ruby Avenue.

PR2023-011 – AUSTIN THOMPSON WITH ATLAS LAND CONSULTING - SYNOPSIS:

Preliminary and Final Plan Review to construct a mobile home park at 1013 Metropolitan Avenue, 1605 South Baltimore and 1003 Ruby Avenue.

Detailed Outline of Requested Action: The applicant, Austin Thompson with Atlas Land Consulting, wants to rezone from R-1(B) Single Family District to RP-M Planned Mobile Home Park District, Preliminary and Final Plat two (2) residential lots, Final Development Plan to build a mobile home park, and amend the City-Wide Comprehensive Plan from Low Density Residential to Medium Density Residential to build a 23-unit mobile home park, in a single-family, cottage-like style on 2.61 acres.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated April 10, 2023;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo for the Master Plan Amendment and Change of Zone; and,
7. The Notices to property owners.

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

Present in Support:

- Austin Thompson, applicant, Atlas Land Consulting, 14500 Parallel Road, Unit R, Basehor, Kansas 66007
- Katrina Gerber, Three Dog Night Charities

Present in Opposition:

- No one appeared

Staff Recommendation starts at 2:51:13: Planning Director Hand stated that these applications are being heard in conjunction with Appeal BOZA2023-010 which was partially approved and partially denied earlier this evening by the Board of Zoning Appeals. He stated that the project was discussed in detail at the Board of Zoning Appeals meeting. This property is in the City-Wide Comprehensive Plan in the Argentine area. Staff recommends approval subject to the conditions in the staff report with the elimination of Condition 10 and amendment of Condition 5 from 10 feet to 5 feet to match the conditions of the Appeal.

Motion starts at 2:53:06:

On motion by Mrs. Jones, seconded by Mr. Ernst, the Planning Commission voted as follows to recommend **APPROVAL of Master Plan Amendment MPL2023-005:**

Carson	Chairman
Armstrong	Aye
Beth	Aye

Connelly	Aye
Eilts	Aye
Ernst	Aye
Jones	Aye
Miller	Not Present
Mohler	Aye
Straws	Aye
Ward	Not Present

Motion to recommend APPROVAL Passed: 8 to 0

Subject to:

- 1. Add crosswalks across Ruby Avenue to delineate a clear and noticeable pedestrian path between both parcels;**
- 2. Utility easements shall be provided along each side of the lot to form a continuous utility easement. All easements shall be at least 10 feet wide. The required ten-foot width may be provided through five-foot easements on either side of lot or parcel lines when lines do not form, in whole or in part, the outside boundaries of the plat;**
- 3. Utility easements shall connect with easements established in adjoining properties;**
- 4. Per Sec. 27-317 Electrical power, telephone service, and cable television (if applicable) shall be provided by underground wiring for all new wiring provided;**
- 5. Per the goDotte Mobility Plan, Metropolitan Avenue is a designated as a Regional Trail, which requires a 10 foot sidewalk. As a 10 foot sidewalk is infeasible, a 5 foot wide sidewalk along Metropolitan Avenue is acceptable;**
- 6. Sidewalks and pedestrian paths shall be ADA complaint;**
- 7. All mobile homes shall have skirting around the perimeter of the trailers;**
- 8. Community storm shelter shall comply with Building Inspection Division requirements and ADA requirements;**
- 9. Maintain existing tree stands, as existing trees provide an enhanced buffer between the edge of the parcels around the perimeter bordering Metropolitan Avenue, South 10th Street and Baltimore Street;**
- 10. All deciduous and shade trees shall be at least two (2) inch caliper when planted. Evergreens shall be at least six (6) feet in height when planted. Shrubs shall be at least five (5) gallons when planted. Throughout the development, there may be a variety of native grasses and plants (wildflowers);**
- 11. All landscaping shall be irrigated;**
- 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. BPU ground mounted transformers shall be screened on all four (4) sides from public view. Architectural screening walls are the preferred method, but**

landscape screening is an allowable alternative. Screening shall be designed to be solid to the view, and any designs incorporating air circulation shall not be visible. Screening height must be the greater of either six (6) feet tall or the height of the utility being screened. Designs shall show two (2) possible site orientations. Designs will also incorporate all BPU Engineering specifications and largest of all the required dimensions. Refer to attached BPU Engineering documents for details;

14. Mechanical equipment or other utility hardware whether on the ground or on a building shall be screened from public view. Such screening shall be harmonious with building design and materials;
15. Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky-reflected glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed one-foot candle as measured from said property line. All lighting on the property, both on the buildings and in parking lots shall have 90-degree cutoff fixtures;
16. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
17. Per Business Licensing Department: All occupying business will need to file and maintain the occupation tax application with our office for their business activity located at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8780 or businesslicense@wycokck.org;
18. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
19. 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;
20. All existing and future driveways must feature curb cuts that are constructed to UG standards;
21. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
22. A Pre-Construction meeting is required for any improvements to public infrastructure upon the approval and issuance of a Development Review Committee (DRC) Permit. Any improvements to, construction or alteration of

sanitary systems, stormwater systems, public or private streets, sidewalks, or other public infrastructure will require a pre-construction meeting with the Department of Public Works. The applicant is required to contact the County Engineer at (913) 573-5400 or by info@wycokck.org prior to construction to arrange this meeting;

23. 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;
24. 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; and,
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.

On motion by Mrs. Jones, seconded by Mr. Ernst, the Planning Commission voted as follows to recommend **APPROVAL of Change of Zone COZ2023-007:**

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

Motion to recommend APPROVAL Passed: 8 to 0
Subject to the above conditions.

On motion by Mrs. Jones, seconded by Mr. Beth, the Planning Commission voted as follows to **APPROVE Plat Application PLAT2023-011:**

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

Straws **Aye**
Ward **Not Present**
Motion to APPROVE Passed: 8 to 0
Subject to the above conditions.

On motion by Mrs. Jones, seconded by Mr. Beth, the Planning Commission voted as follows to recommend **APPROVAL of Plan Review Application PR2023-011:**

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

Motion to recommend APPROVAL Passed: 8 to 0
Subject to the above conditions.

Hearing starts at 2:58:21:

SPECIAL USE PERMIT APPLICATION SP2023-106– JOSHUA BROWN WITH TWISTED AUDIO CREATIONS - SYNOPSIS: Special Use Permit to operate a car audio installation business at an existing car shop at 5235 State Avenue. Detailed Outline of Requested Action: The applicant, Joshua Brown, is requesting a Special Use Permit to operate a car audio installation business at 5235 State Avenue. The shop has been in operation without proper permitting and has lost any legal non-conforming status it once had, which necessitates the requirement for a 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 April 10, 2023;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

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

Present in Support:

- Joshua Brown, applicant, Twisted Audio Creations, 5235 State Avenue, Kansas City, Kansas 66102

Present in Opposition:

- No one appeared

Staff Recommendation starts at 3:01:37: Planning Director Hand stated that this application is for car audio installation which requires a Special Use Permit. This property is in the City-Wide Comprehensive Plan in the Mid-Town area. Staff has received no letters in support nor in opposition. There are some older Notices of Violation which, have since been rectified. The original request was for audio installation and live events and the Applicant has removed the live events request. The Applicant could still have up to four (4) live events per year as of right. They will, however, have to comply with the noise ordinance. Staff recommends approval for one (1) year subject to the conditions in the staff report.

Motion starts at 3:03:01:

On motion by Mr. Ernst, seconded by Ms. Armstrong, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit Application SP2022-106 for one (1) year:**

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

Motion to recommend APPROVAL Passed: 8 to 0

Subject to:

- 1. All installation shall occur inside the enclosed building. No installation or testing of equipment shall occur outside of the enclosed building including, but not limited to the parking lot;**
- 2. The applicant shall plant street trees as well as ornamental trees, shrubs, and hedges along the frontage of State Avenue;**
- 3. The applicant shall create a painted walkway and sidewalk connection from the edge of the property to the front door;**
- 4. The parking lot shall be patched, repaired, or repaved if needed, and new parking space markings shall be provided;**
- 5. The property owner shall seek a right-of-way agreement for the signage and parking within the public right-of-way;**
- 6. All waste receptacles on the property shall be enclosed in a trash enclosure;**
- 7. Section 27-573-578 acknowledges the use of the Commercial Design Guidelines and their use in this district as established by Ordinance O-50-06;**
- 8. 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;

9. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
10. If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;
11. If approved, the applicant must file and maintain a current business occupation tax application with this office;
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. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
15. 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;
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 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;
18. Any business or land use in Wyandotte County that is required to provide off-street parking shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and 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;

19. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
20. The Special Use Permit 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.

Hearing starts at 3:04:04:

SPECIAL USE PERMIT APPLICATION SP2022-121 – NADIA GRIFFITT WITH LATIN QUARTERS, INC. - SYNOPSIS: Renewal of a Special Use Permit (SP2021-029 – expired 11/4/2022) for a restaurant and drinking establishment with live entertainment at 508 Kansas Avenue. Detailed Outline of Requested Action: The applicant, Nadia Griffitt, is requesting the renewal of a Special Use Permit (SP2021-029) to continue to operate a drinking establishment with live entertainment at 508 Kansas Avenue

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated April 10, 2023;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,

7. The Notices to property owners.

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

Present in Support:

- Israel Mendez, representing the applicant, Latin Quarters, 508 Kansas Avenue, Kansas City, Kansas 66105

Planning Commissioner Connelly questioned the applicant regarding expiration of the Special Use Permit. Mr. Mendez stated this is the first time that he has renewed the Special Use Permit on his own. Commissioner Jones stated that there is a discrepancy in the expiration date between the agenda and staff report. Recording Secretary Parker stated that the application was approved on September 30, 2022; however, Special Use Permits are not official until published in the newspaper which was November 4, 2021 and expired on November 4, 2022.

Present in Opposition:

- No one appeared

Staff Recommendation starts at 3:09: Planning Director Hand stated that this is a request for a drinking establishment with live entertainment. Staff has received no letters in support nor in opposition. There have been a couple of police calls to the property but nothing critical as it relates to this use. Staff recommends approval for six (6) months, as this is a new applicant and considering past issues meeting all previous conditions of approval, subject to the conditions in the staff report. Director Hand stated that Staff allows an Applicant to continue to operate in the interim if and while they have filed an application for renewal of their Special Use Permit.

Motion starts at 3:13:20:

On motion by Mr. Ernst, seconded by Mrs. Jones, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit Application SP2022-121 for six (6) months:**

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

Motion to recommend APPROVAL Passed: 8 to 0

1. **Live entertainment shall be limited to Fridays and Saturdays, as well as occasionally on holidays as scheduled between 9pm and 1am.**
2. **The noise level shall be kept under 85 decibels per the M-3 Heavy Industrial District performance standard Sec. 27-470(d)(1)c.**
3. **Attendance is limited to 289, the legal occupancy of the building.**
4. **Respond and resolve any issues brought to the attention of the operator by residents and/or neighborhood groups.**
5. **If issues arise with adjacent property owners and are brought to staff's attention during the term, this Special Use Permit can be submitted to the Unified Government Board of Commissioners for revocation; Total public area has been established by the applicant as 4,200 square feet—2,600 square feet on the first floor and 1,600 square feet on the second floor.**
6. **The applicant shall not host any adult oriented entertainment.**
7. **The proposed parking plan submitted by the applicant demonstrates 32 parking spaces, two (2) of which are ADA-compliant. The parking lot must be striped, any potholes or cracks in the pavement must be repaired, ADA-compliant parking proximate to the entrance must be installed, per the submitted parking plan. Tents seen on the property are not allowed to be placed on required parking; and,**
8. **Must comply with the previously provided Landscape Plan which indicates trees and landscaping along South 5th Street on the East and Kansas Avenue on the western edges of the property.**
9. **All entertainment must cease by at least 1:00 AM**
10. **Doors and windows must stay closed during any entertainment performance;**
11. **Must comply with Unified Government Security Ordinance (Chapter 4, Article II Division 1, Sec 4-104,f), including:**
 - a. **Must have at least one (1) security personnel stationed at the door at all times that is able to monitor any required parking area. Additional security guards may be required depending on the building capacity;**
 - b. **Patrons are not allowed to loiter in their vehicles. If so determined, they will be asked to leave;**
 - c. **An I.D. scanner will be used at all times;**
 - d. **At closing time, all security personnel will begin from a designated area to move patrons towards the exit and then to their vehicles.**
12. **No amplified speakers or entertainment is allowed in outdoor spaces; and,**
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, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only.**
16. **The applicant has filed and maintained a current business occupation tax application.**
17. **All existing and future driveways must feature curb cuts that are constructed to UG standards;**

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.
19. 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.
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. The Special Use Permit shall be valid for six (6) months from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,
23. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Hearing starts at 3:14:31:

SPECIAL USE PERMIT APPLICATION SP2023-002 – MIKE UTT WITH NEW CINGULAR WIRELESS PCS, LLC - SYNOPSIS: Special Use Permit to install a monopole cell antenna to optimize cellular coverage in the immediate area at 1964 North 63rd Drive. *Detailed Outline of Requested Action:* The applicant, Mike Utt, is requesting a Special Use Permit to install and operate a 115-foot-tall stealth monopole telecommunications tower with support equipment within a 1,350 square foot enclosure for AT&T at 1963 North 63rd Street. The tower will be located in the rear of the property.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated April 10, 2023;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

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

Present in Support:

- Steve Ward, representing the applicant

Present in Opposition:

- No one appeared

Staff Recommendation starts at 3:16:57: Planning Director Hand stated that the request is for a Special Use Permit for a wireless communications facility. The property is in the City-Wide Comprehensive Plan in the downtown area. Staff has received no letters in support nor in opposition. There are no Notices of Violation on this property. There was a recently approved Special Use Permit at this strip mall and the tower would be behind the building in the furthest corner of the parcel. He stated that the change in height described by the Applicant to now 115 feet is still within the allowable height range of the zoning code. Staff recommends approval subject to the conditions in the staff report.

Motion starts at 3:18:25:

On motion by Mrs. Jones, seconded by Ms. Armstrong, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit Application SP2023-002 for ten (10) years:**

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

Motion to recommend APPROVAL Passed: 8 to 0

Subject to:

1. The telecommunication tower shall be modified to be more stealth (internalized) than previously designed. Any additions or colocations to the tower must also be stealth;
2. All monopoles shall be stealth in addition to the proposed “tree” designed stealth screening;
3. Sec. 27-593(a)(30)k.5.(a)2.viii.A. Wireless communication facility compounds shall be screened with a minimum of ten (10) foot walls, from grade. These walls must be composed of either (a) solid masonry (b) wooden fencing set on steel rails with a maximum one-quarter ($\frac{1}{4}$) inch gap between wood slats and masonry columns with a minimum width of two (2) feet and a maximum separation of 32 feet per column. If the applicant does not meet this standard, a deviation from the Board of Zoning Appeals is required;
4. Sec. 27-593(a)(30)k.5.(a)2.viii.B. The applicant must submit a landscaping plan in accordance with Section 27-699 of this chapter. Further, an applicant must provide the Planning Department with a watering plan/schedule for the first 12 months subsequent to the issuance of a certificate of occupancy for the wireless communication facility to ensure the landscaping will survive;
5. Sec. 27-593(a)(30)k.5.(a)2.viii.C. All compound entry gates must be constructed of wood slats on steel rails;
6. Sec. 27-593(a)(30)k.5.(a)2.xix. All visible buildings or structures and equipment accessory to a communication tower shall be designed to blend in with the surrounding environment through the use of color, camouflage, and architecture;
7. Sec. 27-699(a)(5) The perimeter of all towers including tower compounds shall be landscaped with the equivalent of one (1) row of large shrubs planted on 15-foot centers and one (1) row of evergreen trees planted on 15-foot centers;
8. BPU ground mounted transformers shall be screened on all four (4) sides from public view. Architectural screening walls are the preferred method, but landscape screening is an allowable alternative. Screening shall be designed to be solid to the view, and any designs incorporating air circulation shall not be visible. Screening height must be the greater of either six (6) feet tall or the height of the utility being screened. Designs shall show two (2) possible site orientations. Designs will also incorporate all BPU Engineering specifications and largest of all the required dimensions. Refer to attached BPU Engineering documents for details;
9. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
10. If approved, the applicant must file and maintain a current business occupation tax application with this office;
11. All existing and future driveways must feature curb cuts that are constructed to UG standards;
12. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
13. 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;

- 14. 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;**
- 15. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;**
- 16. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;**
- 17. The 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, Requirements approved by the City Planning Commission and/or the UG Board of Commissioners. It is the collective responsibility of the applicant, permit holder, and property owner to ensure that any and all permits, land entitlements, deviations, or variances are obtained in advance of beginning of any work. Planning Department standards require that all required work be complete prior to requesting a TCO. The only item that is allowed to be incomplete is landscaping, which shall be complete before requesting a CO. A Bonded CO may be allowed in case of adverse weather conditions; however, all requirements must be completed for all items not secured by the bond;**
- 18. The Special Use Permit shall be valid for ten (10) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration**

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

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.

Application Starts at 3:19:25;

SPECIAL USE PERMIT APPLICATION SP2023-005 – CHRISTOPHER CIESIEL WITH THE CAMPGROUND LLC - SYNOPSIS: Special Use Permit to operate a drinking establishment with live entertainment at 1639 Southwest Boulevard. *Detailed Outline of Requested Action:* The applicant, Christopher Ciesiel with The Campground LLC, seeks to operate a drinking establishment within an existing, vacant commercial addition that shares an interior wall with an existing coffee shop (Foxtrot Studio + Café) that will be opened up so customers/patrons can walk freely, and be served and allow patronage between both tenant spaces at 1639 Southwest Boulevard.

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 10, 2023;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo;
7. The Notices to property owners; and,
8. The testimony at the Board of Zoning Appeals meeting earlier this evening.

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

Present in Support:

- Christopher Ciesiel, applicant, The Campground LLC d/b/a Sagebrush, 4137 Kenwood Avenue, Kansas City, Missouri 64110

Present in Opposition:

- No one appeared

Staff Recommendation starts at 3:22:03: Planning Director Hand stated that this case was heard in conjunction with Appeal BOZA2023-007, which was approved earlier this evening by the Board of Zoning Appeals. This property is in the City-Wide Comprehensive Plan in the Rosedale neighborhood. Staff has received no letters in support nor in opposition. There are some Notices of Violation due to the building being vacant that will

be resolved with this rehabilitation project. Staff recommends approval for two (2) years subject to the conditions in the staff report.

Motion starts at 3:22:44:

On motion by Mrs. Jones, seconded by Mr. Ernst the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit Application SP2023-005 for two (2) years:**

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

Motion to recommend APPROVAL Passed: 8 to 0

Subject to:

- 1. This Special Use Permit petition is being heard in conjunction with BOZA2023-007, which is a reduction in on-premises, off-street parking;**
- 2. Proposed hours of operation for Sagebrush will be:**
 - Sunday and Monday: Closed;**
 - Tuesday through Saturday: 4:00 PM to 10:00 PM;**
- 3. Sidewalks shall remain clean and clear of trash and debris;**
- 4. Alcohol can only be provided by licensed vendors;**
- 5. No amplified speakers are allowed in outdoor spaces;**
- 6. Rideshare will be available for customer transportation;**
- 7. Per Sec. 27-317 Electrical power, telephone service, and cable television (if applicable) shall be provided by underground wiring for all new wiring provided;**
- 8. Obtain a Right-of-Way permit via Public Works and plant two (2) street trees along the sidewalk adjacent to the west side of the building;**
- 9. Resurface and strip the parking lot in the rear of the property;**
- 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, the applicant must file and maintain a current business occupation tax application with the Business Licensing Division. The 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. 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. 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. Rebuild concrete apron and pave parking in the rear (asphalt, concrete or pervious pavers);**
- 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. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;**
- 17. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;**
- 18. The Special Use Permit shall be valid for 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,

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

Hearing starts at 3:23:55:

SPECIAL USE PERMIT APPLICATION SP2023-006 – ADAM REYNOLDS - SYNOPSIS:

Special Use Permit for a short-term rental at 4443 Eaton Street. Detailed Outline of Requested Action: The applicant, Adam Reynolds, is requesting a Special Use Permit to operate a short-term rental at 4443 Eaton Street. This is not the owner's primary residence.

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 10, 2023;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

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

Present in Support:

- Adam Reynolds, applicant, 4990 Thille Street, Ventura, CA 93003

Present in Opposition:

- Cori Stites submitted a letter in opposition and Recording Secretary Parker read it into the record.

Chairman Carson directed questions to the applicant regarding the statement by Ms. Stites that they had been operating a short-term rental without a Special Use Permit.

Staff Recommendation starts at 3:30:41: Planning Director Hand stated that the request is for a Special Use Permit for a short-term rental. Before tonight Staff had received no letters in support nor in opposition prior to posting the staff report. Staff recommends approval for one (1) year subject to the conditions in the staff report.

Commissioner Eilts addressed questions to the Staff and the Applicant regarding how long the Applicant has owned the property and how many short-term rentals are in the area.

Motion starts at 3:33:17:

On motion by Mrs. Jones, seconded by Mr., Ernst, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit Application SP2023-006 for one (1) year:**

Carson	Chairman
Armstrong	Aye
Beth	Aye
Connelly	Aye
Eilts	No
Ernst	Aye
Jones	Aye
Miller	Not Present
Mohler	Aye
Straws	No
Ward	Not Present

Motion to recommend APPROVAL Passed: 6 to 2

Subject to:

- 1. Proof of all repairs or estimates to conduct repairs shall be provided to staff prior to approval of the ordinance;**
- 2. The applicant shall repair and/or repave the sidewalk in front of the property;**
- 3. The applicant shall repair and/or repave the walkway to the front door.**
- 4. The applicant shall repave the driveway;**
- 5. The debris in front of the residence shall be cleaned up and the applicant shall ensure no further debris is left in the future;**
- 6. The applicant shall have a certified structural engineer shall perform a structural inspection to determine if structural repairs identified in the report need to be repaired immediately;**
- 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 as both the property owner and the business owner that they are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval; Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;**
- 8. Maximum number of guests shall be 7;**
- 9. All parking must be off-street, maximum number of vehicles is three (3);**
- 10. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;**
- 11. Applicant must maintain liability insurance;**
- 12. Applicant must maintain the property's physical condition through the duration of the permit;**
- 13. All reservations shall be a minimum stay of 24 hours;**
- 14. No meals shall be prepared in the dwelling by the owner or owner's agent;**

- 15. 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;**
- 16. The owner or owner's agent/operator shall provide a guest book with the following information:**
 - a. Information within the dwelling unit to inform and assist renters/guests in the event of a natural disaster, power outage, or emergency including but not limited to tornado, severe weather or storm, or flash flooding. Information should contain appropriate designation for shelter in place, evacuation, or utility contact information;**
 - b. A lead-based paint notification for any property built before 1978.**
 - c. An asbestos notification for any property built before 1981.**
 - d. Information for the guest to report any concerns to Host Compliance at 913-246-5133 (phone number) and www.hostcompliance.com/tips (website);**
- 17. The property must remain in proper maintenance and free of hazards, pests, or infestations;**
- 18. The granting of this Special Use Permit does not transfer with a change of ownership of the property;**
- 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. 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 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, 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;
22. 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,
 23. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Hearing starts at 3:34:27:

SPECIAL USE PERMIT APPLICATION SP2023-010 – DANIEL CASTILLO WITH OVER UNDER - SYNOPSIS: Special Use Permit to operate a drinking establishment with sports watch parties at 401 North 6th Street. Detailed Outline of Requested Action: The named Applicant, Daniel Castillo with Under Over, is requesting a Special Use Permit to operate a drinking establishment with live entertainment (sports watch parties). The subject property, a mixed-use building with a commercial storefront addressed as 401 North 6th Street and a second-story, two (2)-bedroom dwelling unit addressed as 401 H North 6th Street, is within the TND Traditional Design Neighborhood District, Transect Zone T-4.

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 10, 2023;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

Recording Secretary Parker asked if the Commission had any contact to disclose on this application. Planning Commissioner Eilts stated that the Applicant told her he had filed this application.

Present in Support:

- Daniel Castillo, applicant, Over/Under, 401 North 6th Street, Kansas City, Kansas 66101

Present in Opposition:

- No one appeared

Staff Recommendation starts at 3:37:01: Planning Director Hand stated that as the Applicant mentioned, this is a new concept for an existing bar. The change in ownership is what has necessitated a new Special Use Permit. He stated that Staff applied the conditions from the prior Special Use Permit to this application. This property is located in the Central Area Plan. Staff has received no letters in support nor in opposition. There are some old Notices of Violation, which pre-dated the prior operation due to the property being vacant. Staff recommends approval for two (2) years subject to the conditions in the staff report.

Motion starts at 3:38:00:

On motion by Mr. Ernst, seconded by Mrs. Jones, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit Application SP2023-010 for two (2) years:**

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

Motion to recommend APPROVAL Passed: 8 to 0

Subject to:

- 1. A comprehensive waste plan between neighboring tenants is enacted by the landlord;**
- 2. Sidewalks must remain clean and clear of trash and debris;**
- 3. Construction plans should include soundproofing and consideration for the upstairs resident and adjoining neighbors;**
- 4. If food is to be served, appropriate food handling licensing shall be obtained;**
- 5. Hours of operation are as follows:**
 - a. Monday-Thursday, 5:00 PM to 12:00 AM, and**
 - b. Friday-Sunday 11:00 AM to 12:00 AM;**
- 6. In the case of sports-watching parties, the hours of operation may commence earlier than posted, but shall not exceed the posted closing time;**
- 7. The building capacity shall not exceed 64 persons;**
- 8. Per Section 27-214(f)(7), in cases in which special use permit applications are conditionally approved by the unified government board of commissioners, the permit shall not take effect until the conditions are fulfilled. Such conditional approval shall expire after one year if the conditions are not met, unless otherwise specified in the approval;**
- 9. All entertainment must cease by at least 12:00 AM;**
- 10. Doors and windows must stay closed during any entertainment performance;**
- 11. Must comply with Unified Government Security Ordinance (Chapter 4, Article II Division 1, Section 4-104,f), including:**

- a. Must have at least one (1) security personnel stationed at the door at all times that is able to monitor any required parking area. Additional security guards may be required depending on the building capacity;
 - b. Patrons are not allowed to loiter in their vehicles. If so determined, they will be asked to leave;
 - c. An I.D. scanner will be used at all times; and,
 - d. At closing time, all security personnel will begin from a designated area to move patrons towards the exit and then to their vehicles.
12. No amplified speakers or entertainment is allowed in outdoor spaces;
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. The applicant has filed and maintained a current business occupation tax application and entertainment licenses;
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. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
18. The Special Use Permit shall be valid for 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. All conditions of approval herein must be constructed, executed, implemented, or otherwise completed within six (6) months of approval unless otherwise determined by the Director of Planning or their designee.

Hearing starts at 3:39:02:

VACATION APPLICATION VAC2022-003 – LUKE KUSH - SYNOPSIS: Vacation of right-of-way easements at 1327 State Avenue. *Detailed Outline of Requested Action:* Property Owner-Applicant, Raymond Kush with Luke Kush Corporation, is requesting to vacate an area of public right-of-way. The area proposed to be vacated by Property Owner-Applicant is a portion of the State Avenue public right-of-way, in between Property Owner-Applicant's parcel to the south and the southern State Avenue sidewalk to the north. The vacation is being requested in order to maintain the existing parking lot and fence line of Property Owner-Applicant's property, and will create a northern parcel boundary for the subject property that is level with that of the adjacent parcel along State Avenue.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated April 10, 2023;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notices to property owners;
7. The publication in The ECHO; and,
8. The testimony at the Board of Zoning Appeals meeting earlier this evening.

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

Present in Support:

- Tracy Kush, applicant, Luke Kush Corporation, 1401 Minnesota Avenue, Kansas City, Kansas 66102

Present in Opposition:

- No one appeared

Staff Recommendation starts at 3:42:00: Planning Director Hand stated this case is being heard in conjunction with Appeal BOZA2023-065, which was approved by the Board of Zoning Appeals earlier this evening. Director Hand showed the Commission the area to be vacated. He stated that the County Engineer has reviewed the application and does not anticipate any road widening along this segment of State Avenue in the future. This property is in the Downtown Area Plan. Staff received no letters in support nor in opposition. As stated at the Board of Zoning Appeals hearing, there are numerous Notices of Violation on this property. He further stated that he will speak with Mrs. Kush tomorrow about the Staff's expectations for the landscaping and screening. Staff recommends approval subject to the conditions in the staff report.

Motion starts at 3:43:25:

On motion by Mrs. Jones, seconded by Mr. Ernst, the Planning Commission voted as follows to recommend **APPROVAL of Vacation Application VAC2022-003:**

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

Motion to recommend APPROVAL Passed: 8 to 0

Subject to:

- 1. A revised parking plan must be submitted that demonstrates the following:**
 - a. Three (3) ADA-compliant parking spaces;**
 - b. A fence line that does not enter the defined sight-distance triangle at the southeast corner of the State Avenue-North 14th Street intersection;**
 - c. The text on the parking plan must include the address of the tenant to which the parking spaces are designated; and,**
 - d. Each set of parking spaces that are designated to a distinct tenant must be striped in different colors so to visibly distinguish to which tenant each parking space or set of parking spaces belong. Colors should include green, orange, pink, and either white or yellow, but must not include red striping (pre-designated for fire lanes) or blue (pre-designated for ADA-compliant spaces and access aisles);**
- 2. To maintain pedestrian safety on State Avenue, wheel stops must be installed at the head of each parking space. The location of these wheel stops must be demonstrated in the revised parking site plan;**
- 3. Per Section 27-467(c)(6), “[a]ny outside storage or keeping of parts, equipment, inoperable vehicles or residual materials which is necessary, normally related and accessory to the principal use of the premises shall be screened from view from off the premises. Such outside storage shall be limited to areas directly adjacent to the main building, not including more than 20 percent of the area of the main building and not in a required yard.” Unless Property Owner-Applicant will install fencing that fully screens the parking lot and is architecturally or aesthetically consistent with the subject property, inoperable vehicles are prohibited from being parked outside on the subject the property. Therefore, if Property Owner-Applicant constructed a wrought-iron fence with vegetative screening, the following conditions shall apply: inoperable vehicles, vehicles to be serviced, vehicles being serviced, or serviced vehicles waiting to be picked up shall not be parked within the public right-of-way; all inoperable vehicles or vehicles being serviced must be parked inside the primary building on site; the only vehicles which may be parked within the parking lot of the subject property are the operable vehicles of customers or employees; and, no vehicles shall be parked within the North 14th Street right-of-way;**

4. At least 30 on-site parking spaces must be provided and striped, as required by the conditions of approval for appeals BZA-2065 and BZA-2068;
5. Applicant must cure all outstanding violations on the subject property, regardless of the address assigned to the administrative citations. The administrative citation case must be closed before the variance can go into effect and the right-of-way vacation recorded with the Register of Deeds;
6. Compliance with the submitted parking plan, which includes the following requirements: all parking spaces must be clearly marked and the total number of parking spaces must be provided; the number of parking spaces designated for each tenant must be provided, and the location of the designated parking for each tenant clearly marked and distinguishable from the designated parking of the other tenants; fencing not encroaching within the sight-distance triangle; and, compliance with all conditions of approval of BZA-2065 and BZA-2068, as contained within the respective staff reports for BZA-2065 and BZA-2068, and reflected within this staff report;
7. Architectural screening in the form of a wrought-iron fence is required. Submit a revised site plan to include a 6-foot opaque fence with masonry columns every 32 feet on center. The fence must run along the northern and western boundaries of the subject property, along the State Avenue and North 14th Street rights-of-way, respectively;
8. The wrought-iron fencing must not be installed within the sight distance triangle, as defined by Section 27-637(b) (“the short leg of which shall be 15 feet and the long leg of which shall be 140 feet measured along the curblin e or edge of pavement”). This will result in the northwest-most existing parking space being left outside of the fence line. This area within the sight-distance triangle should be landscaped with low-lying vegetation in order to keep the area free of visual impediments;
9. Compliance with the design principles of the Downtown Area Plan, with particular emphasis on the design principles of corner lots and surface parking in the West End District;
10. Compliance with all conditions of approval of previous entitlements associated with the subject property, including BZA-2065, A-2012-9, and BZA-2068;
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 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;
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. All businesses on site must file and maintain a current business occupation tax application with this office;

15. All existing and future driveways must feature curb cuts that are constructed to UG standards;
16. A Right-of-Way Permit is required for any use of the right-of-way while erecting fencing along the subject property's boundary. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
17. 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;
18. 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 an area of 53,133 square feet, requiring eight (8) trees be provided on the site plan;
19. Section 27-699(a)(4) states that at least one-half of the trees planted to fulfill the tree planting requirements shall be shade trees;
20. Section 27-699(a)(6) states that non-industrial and non-structural parking lots that have a paved area wider than a double-loaded aisle and more than 20,000 square feet in area shall provide one shade tree for each 20 parking spaces on the interior of the parking lot. Interior tree plantings are in addition to other landscaping requirements. The subject property has a parking lot with an area of approximately 26,000 square feet (including the area to be vacated);
21. Section 27-702(1)(a-d) states that shade trees shall be at least two (2) inch caliper when planted as measured 12 inches above the ground. All ornamental deciduous trees shall be at least two (2) inch caliper when planted as measured 12 inches above the ground. All evergreens shall be 5 to 6 feet in height when planted as measured 12 inches above the ground. Ornamental deciduous trees shall be 6 to 8 feet when planted as measured 12 inches above the ground;
22. This City Planning Commission case is being heard in conjunction with BOZA2022-065. 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 BOZA2022-065 by the Unified Government Board of Zoning Appeals and upon any ordinance publications required by law;
23. 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,
24. All conditions of approval herein must be constructed, executed, implemented, or otherwise completed within six (6) months of approval unless otherwise determined by the Director of Planning or their designee.

Hearing starts at 3:44:30:

PLAT APPLICATION PLAT2023-006 – AUSTIN THOMPSON WITH ATLAS LAND

CONSULTING - SYNOPSIS: Preliminary and Final Plat (The Estates of Hollingsworth Meadow) to split the lot at 12602 Hollingsworth Road. *Detailed Outline of Requested Action:* Applicant, Austin Thompson with Atlas Land Consulting, is requesting a Preliminary and Final Plat for the subdivision of one (1) single-family residential parcel into two (2) residentially zoned parcels. Both created lots are intended to be future subdivided in the future to establish separate but connected residential subdivisions

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 10, 2023;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file; and,
6. The Notices to property owners.

Recording Secretary Parker asked if the Commission had any contact to disclose on this application. Chairman Carson stated that he was contacted by neighbors in opposition.

Present in Support:

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

Present in Opposition:

- Gary Wietharn, 5030 North 130th Street, Kansas City, Kansas
- There were four (4) people in opposition that did not speak

Staff Recommendation starts at 3:50:48: Planning Director Hand stated that this application was held over from last month's meeting. As the appeal was denied by the Board of Zoning Appeals for the 3:1 lot to depth ratio, the plat has been revised and resubmitted. The Applicant does not need a variance with the revised plat. The property is in the Prairie-Delaware-Piper Area Plan. There was one (1) person present last month in support and there have been numerous people in opposition at both meetings. Staff recommends approval subject to the conditions in the staff report. Considering the testimony last month and this month, Staff would be amenable to an additional condition of approval for this case that states that this property is part of the original Change of Zone and would be part of the original trigger for the amenities to be built. This plat is only for one (1) parcel to be split into two (2) lots.

The Planning Commission discussed the condition of the original trigger for the amenities and future consideration of additional lots.

Motion starts at 3:56:30:

On motion by Mrs. Jones, seconded by Ms. Armstrong, the Planning Commission

voted as follows to **APPROVE Plat Application PLAT2023-006:**

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

Motion to APPROVE Passed: 8 to 0

Subject to:

- 1. A separate Preliminary and Final Plat for Lot 1 of the Estates of Hollingsworth Meadow Plat demonstrating proposed residential lots, streets, and amenities must be filed before further development, including the issuance of building permits, shall proceed;**
- 2. A separate Preliminary and Final Plat for Lot 2 of the Estates of Hollingsworth Meadow Plat demonstrating proposed residential lots, streets, and amenities must be filed before further development, including the issuance of building permits, shall proceed;**
- 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. 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;**
- 5. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;**
- 6. 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;

7. 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, Requirements approved by the City Planning Commission and/or the UG Board of Commissioners. It is the collective responsibility of the applicant, permit holder, and property owner to ensure that any and all permits, land entitlements, deviations, or variances are obtained in advance of beginning of any work. Planning Department standards require that all required work be complete prior to requesting a TCO. The only item that is allowed to be incomplete is landscaping, which shall be complete before requesting a CO. A Bonded CO may be allowed in case of adverse weather conditions; however, all requirements must be completed for all items not secured by the bond; and,
8. All conditions of approval herein must be constructed, executed, implemented, or otherwise completed within six (6) months of approval unless otherwise determined by the Director of Planning or their designee.
9. All properties created by this plat are subject to the conditions of approval of the underlying Change of Zone #2841 and all of its conditions of approval, including the building permit trigger or subdivision amenities being built.

Hearing starts at 3:59:10:

PLAT APPLICATION PLAT2023-007 – AUSTIN THOMPSON WITH ATLAS LAND CONSULTING - SYNOPSIS: Final Plat (Villas of Piper Valley) to add restrictions at 11465 Webster Avenue.

PLAN REVIEW APPLICATION PR2023-037 – DARYL RAKOSKI - SYNOPSIS: Preliminary and Final Plan Review to construct 62 single-family homes at 11465 Webster Avenue.

Detailed Outline of Requested Action: The applicant, Daryl Rakoski with Premium Buildings LLC, has applied for a Preliminary and Final Development Plan to add an additional floor plan (previously three (3) and reduce two (2) floor plan square footages below the 1,600 square foot Prairie Delaware Piper Master Plan Area 1 Single Family Detached Residential Unit Size requirement for Villas of Piper Valley, Phase 1 located at 11465 Webster Avenue). A Final Plat has been filed to amend the subdivision to make the development age resticted. The Capri floor plan is proposed to be 1,418 square feet, a deviation of 182 square feet and the Palazzo floor plan is proposed to be 1,519, a deviation of 81 square feet.

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 10, 2023;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file; and,
6. The Notices to property owners.

Recording Secretary Parker asked if the Commission had any contact to disclose on this application. Chairman Carson stated that he was contacted by two (2) realtors that have clients who have purchased, or are going to purchase, homes in this subdivision.

Present in Support:

- Austin Thompson, applicant, Atlas Land Consulting, 14500 Parallel Road, Unit R, Basehor, Kansas 66007
- Jason Rakoski, 9023 Barstow Street, Lenexa, Kansas

Chairman Carson directed questions to Mr. Rakoski.

Present in Opposition:

- No one appeared

Staff Recommendation starts at 4:04:54: Planning Director Hand stated that these applications were held over from last month to provide additional information to Staff. The update to Staff was that they were not going to build more than 20% of the proposed smaller homes. They also clarified that two (2) of their model homes could be adjusted to be options for different smaller square feet models, if need be. The property is in the Prairie-Delaware-Piper Area Plan. Staff has received no letters in support nor in violation. Staff recommends approval subject to the conditions in the staff report. If the Commission wishes, there can be a condition in the motion addressing the minimum square footage as stated by the Applicant or add the 20% condition of the homes below 1600 square feet.

The Planning Commission directed questions and comments to Staff regarding the people that already purchased the land and are building or have built their homes at the current 1600 square footage, 55 and older age restriction that would allow a minimum of 1250 square feet without a basement and 1400 square feet with a basement, and the comments from GeoSpatial Services. Director Hand stated that regarding the plat, it can only move forward if all the existing property owners sign the plat.

Chairman Carson allowed the Applicant to respond. He also directed questions to the Applicant regarding holding the neighborhood meeting on Halloween night. Mr. Rakoski stated that no one attended the meeting, and no one reached out to him.

Commissioner Connelly left the meeting at 10:00 p.m.

Motion starts at 4:24:10:

On motion by Mrs. Jones, seconded by Ms. Armstrong, the Planning Commission voted as follows to **APPROVE PLAT2023-007 and no more than 20% of all properties in this subdivision can be built at the lower square feet threshold**

(between 1250 and 1600 square feet):

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

Motion to APPROVE Passed: 7 to 0

Subject to:

- 1. Age restricted, single-family detached housing for seniors is allowed within Area 1 with a minimum of 1,250 square feet in a unit with a basement, or 1,400 square feet in a unit without a basement. No more than 20% (4 of 24 total lots in Phase 1 of this subdivision) of all properties in this subdivision can be built at the lower square feet threshold;**
- 2. For Phase 2, the future plat requires the same Covenants, Conditions and Restrictions (CCRs) placed upon that phase as Phase 1;**
- 3. Sec. 27-699(b)(9) Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged as to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky-reflected glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way;**
- 4. All lighting whether mounted on the building or installed in the parking lot shall have 90-degree cutoff fixtures;**
- 5. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;**
- 6. All existing and future driveways must feature curb cuts that are constructed to UG standards;**
- 7. 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. 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;

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; and,
10. 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.

On motion by Mrs. Jones, seconded by Ms. Armstrong, the Planning Commission voted as follows to recommend **APPROVAL of Plan Review Application PR2022-037:**

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

Motion to recommend APPROVAL Passed: 7 to 0
Subject to the above conditions.

Hearing starts at 4:28:10:

PLAT APPLICATION PLAT2023-010 – AUSTIN THOMPSON WITH ATLAS LAND

CONSULTING - SYNOPSIS: Preliminary and Final Plat (Mossberg Addition) to consolidate multiple lots, parcels and vacation of the alleyway at 236 and 238 North 7th Street Trafficway and 730 Northrup Avenue. *Detailed Outline of Requested Action:* The Applicant, Austin Thompson with Atlas Land Consultants, is seeking approval for a plat that includes the vacation of three (3) Right-of-Way areas between the subject properties and the addition of an adjacent parcel at 236 & 238 North 7th Street Trafficway. The subject property is a restaurant equipment supply store and storage warehouse that is bisected by an alleyway and a side parking lot. An additional parcel that lies on the main parcel's interior is being absorbed by the applicant as an agreement through the Land Bank. The plat has been requested so that the applicant's client may fully enclose the two (2) parcels of their property and prevent the public from passing through the rear portion of the property.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated April 10, 2023;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file; and,
6. The Notices to property owners.

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

Present in Support:

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

Present in Opposition:

- No one appeared

Staff Recommendation starts at 4:30:30: Planning Director Hand stated that this application is to consolidate two (2) parcels into one (1) parcel and vacate some right-of-way for a single business complex. The property is in the Central Area Plan. Staff has received no letters in support nor opposition. There are older Notices of Violation not related to this case. Staff recommends approval subject to the conditions in the staff report.

Motion starts at 4:31:13:

On motion by Mrs. Jones, seconded by Mr. Ernst, the Planning Commission voted as follows to **APPROVE Plat Application PLAT2023-010:**

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

Motion to APPROVE Passed: 7 to 0

Subject to:

- 1. Subject to approval, the following plat recording fees are due upon filing the mylars with the Department of Planning + Urban Design:
 - a. \$32.00 per page payable to the Register of Deeds.**
 - b. \$7.00 per lot payable to the Unified Treasurer;****
- 2. The applicant shall keep all materials, vehicles, or other equipment from protruding beyond the boundaries of the vacated or platted portion of the street or alleyway;**
- 3. Any fencing must be designed to allow for fire department access and utility access;**
- 4. A Right of Way Permit is Required. Please contact the Public Works Department at (913) 573-5311 to begin this process;**

5. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by 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;
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. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
8. The 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,
9. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Hearing starts at 4:32:20:

CONSIDERATION OF SHORT-TERM RENTAL ORDINANCE

Staff:

- Gunnar Hand, AICP, Director Planning + Urban Design
- Michael Farley, Ordinance Studies Specialist

Mr. Farley presented the revised ordinance to the Commission. The Commission members directed questions and comments to Staff regarding the proposed ordinance.

On motion by Mr. Ernst, seconded by Mrs. Jones, the Planning Commission voted as follows to recommend **APPROVAL of the Short-Term Rental Ordinance:**

Carson	Chairman
Armstrong	Aye
Beth	No

Connelly	Not Present
Eilts	Aye
Ernst	Aye
Jones	Aye
Miller	Not Present
Mohler	Aye
Straws	Aye
Ward	Not Present

Motion to recommend APPROVAL Passed: 6 to 1

Subject to adding the following:

- 1. Add a management plan to the list of requested submission materials for both Administrative Review and Special Use Permits;**
- 2. All actively owner occupied administrative Short-Term Rentals are required to be present (i.e., on-site managers) during any STR rental; and,**
- 3. An annual report is to be developed and presented, including any potential amendments to the City Planning Commission in April 2024.**

There being no further business, the meeting adjourned at 11:23 p.m.